

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11880 OF 2025

Dnyanoba Bhiva Kamble

.. Petitioner

Vs.

The State of Maharashtra & Ors.

.. Respondents

WITH

**WP/11477/2025, WP/11878/2025, WP/12303/2025,
WP/12368/2025, WP/12369/2025, WP/12216/2025,
WP/11930/2025, WP/12935/2025, WPST/33340/2025,
WP/13371/2025, IAST/33915/2025, WP/13458/2025,
IAST/37766/2025, WP/13458/2025, WP/13515/2025,
WPST/33740/2025, WP/13518/2025, WPST/33895/2025,
WPST/34566/2025, WP/14728/2025, WP/14753/2025,
WP/14767/2025, WP/14809/2025, WP/14828/2025,
WP/14820/2025, WP/14821/2025, WP/14842/2025,
WP/14851/2025, WP/14848/2025, WP/14886/2025,
WP/14875/2025, WP/14854/2025, WP/14859/2025,
WP/14855/2025, WP/14874/2025, WP/14878/2025,
WP/14881/2025, WP/14892/2025, WP/14981/2025,
WP/14966/2025, WP/14967/2025, WP/15003/2025,
WP/15006/2025, WP/15015/2025, WP/15013/2025,
WP/15017/2025, WP/15018/2025, WP/15026/2025,
WP/15122/2025, WP/15121/2025, WP/15124/2025,
WP/15123/2025, IAST/36348/2025, WP/15125/2025,
WP/15127/2025, WP/14420/2025, WP/15741/2025,
WP/15786/2025, WP/15776/2025, WP/15742/2025,
WP/15743/2025, WP/15744/2025, WP/15745/2025,
WP/15751/2025, WP/15763/2025, WP/15761/2025,
WP/15765/2025, WP/15778/2025, WP/15780/2025,
WP/15783/2025, WP/15782/2025, WP/15807/2025,
WP/15798/2025, WP/15797/2025, WP/15808/2025,
IA/13412/2025, WP/15806/2025, WP/15809/2025,
WP/15539/2025, WP/15544/2025, WP/15617/2025,
WP/15412/2025**

Mr. D. P. Palodkar a/w. Nikhil Adkine, Shubham Khoche, Avinash Badmare, Adv for Petitioner in WPST/34566/2025.

Mr. D. P. Palodkar, Adv for petitioner in WP/14828/2025.

Mr. Shrishailya S. Deshmukh, Adv for Petitioner in WP/11930/2025.

Mr. Mahesh I. Dhatrak, Adv for Respondent No.5 Municipal Council Wadi in WP/15018/2025.

Mr. S. M. Vaishnav, Adv for Respondent No.4 in WP/15015/2025.

Mr. Abhijeet A. Joshi i/b. Sharad Natu, Adv for Petitioner in WP/14820/2025, WP/14821/2025.

Mr. Pritam Aherkar h/f. Pradip Patil, Adv for Respondent No. 7 & 8 in WP/11477/2025.

Mr. S. R. Ganbavale, Adv for Respondent No.3 PCMC in WP/13371/2025.

Smt. Swati Sagvekar, Adv for Respondent Vasai Virar City Municipal Corporation in WP/11477/2025, WP/12216/2025, WPST/33340/2025, WPST/33895/2025, WPST/33740/2025.

Mr. Ratan L. Adhe i/b. Datta Madake, Adv for Petitioner in WP/14728/2025.

Mr. Ratan L. Adhe i/b. Vishal A. Bagul Patil, Adv for Petitioner in WP/15026/2025.

Mr. Harshwardhan Karande i/b. Pradip Patil, Adv for Respondent No. 7 & 8 in WP/11477/2025.

Mr. Sachindra B. Shetye a/w. Akshay Pansare, Suraj Chakor, Adv for Respondent State Election Commission in WP/14828/2023 & in all connected matters.

Sr. Adv. Smt. Neeta Karnik a/w. Jagruti Nimbalkar, Adv for Petitioner in WP/11878/2025.

Smt. Jagruti Nimbalkar, Adv for Petitioner in WP/11880/2025.

Mr. S.B. Gastgor, Adv for Petitioner in WP/15127/2025.

Mr. Dinesh D. Tiwari a/w. P. Gaikwad, Anish Sharma, Parveen Bora, Shashi Kala Chauhan, Kanushka Sharma, Anthony Parel i/b. Dinesh Tiwari & Ass. for Petitioners in WP/12303/2025, WP/12368/2025, WP/12369/2025.

Sr. Adv. Smt Neeta P. Karnik a/w. Shrirang Katneshwarkar, Anthony Floriyen Foss, Sandeep Gupta, Vivek Chauhan, Kallis Alphanso, Ms. Harshada Kshirsagar i/b. Mrs. Jovila Gonsalves, Adv

for Petitioners in WP/11477/2025, WP/12216/2025, WPSt./33740/2025.

Mr. Jimmy Gonsalves i/b. Mrs. Jovila Gaonsalves, Adv for Petitioner in WPSt./33895/2025, WPSt./33340/2025

Sr. Adv. Mr. Anil Anturkar a/w. Kashish Chelani, Harshvardhan Suryavanshi, Chaitanya Chavan, Rahul Singh, Neil Patel, Atharva Date, Pranali Raut, Varsha Sawant i/b. Legal Catalyst, Adv for Petitioner in WP/13518/2025.

Mr. Chaitanya Chavan a/w. Rahul Singh, Varsha Sawant, Pranali Raut i/b. Legal Catalyst, Adv for Petitioner in WP/13515/2025.

Mr. Rohan Mirpury, Adv for Applicant in IAST/33915/2025 in WP/13371/2025.

Mr. S. R. Ganbavale, Adv for Respondent No.3 PCMC in WP/13371/2025.

Mr. Sandeep Koregave, Adv for Petitioner in WP/14996/2025, WP/14967/2025, WP/14892/2025.

Mr. Uday Warunjikar a/w. Sumit Kate i/b. Sonali Chavan, Adv for Petitioner in WP/13371/2025.

Mr. Uday Warunjikar a/w. Sandeep Koregave, Adv for in WP/13007/2025

Mr. Varad Partani a/w. Shantanu Kolhe, Adv for Petitioner in WP/13458/2025.

Mr. Vijay P. Agale a/w. Mehboob Shaikh, Adv for Petitioner in WP/14981/2025.

Mr. Rajdeep Khadapkar, Adv for Respondent No.3 in WP/13458/2025.

Mr. Shrishailya S. Deshmukh, Adv for Petitioner in WP/11930/2025.

Mr. Jagdish G. Aradwad (Reddy), Adv for Respondent No.1 TMC in WP/13518/2025.

Mr. Ratan Adhe i/b. Dutta Madake, Adv in WP/14728/2025.

Mr. Ratan Adhe i/b. Vishal A. Bagul Patil, Adv in WP/15026/2025.

Mr. S. S. Patwardhan i/b. Mrinal Shelar, Adv for Petitioners in WP/12935/2025.

Mr. Anurag Mankar a/w. Raj Tavsalkar, Adv for Petitioner in WP/15003/2025.

Mrs. Neha S. Bhide, G.P. a/w. Mr. O. A. Chandurkar, Addl G.P., Mr. V. G. Badgular, AGP, Mrs. G. R. Raghuwanshi, AGP, Mrs. Pooja Patil, AGP for Respondent-State.

Mr. Hitesh B. Sangle a/w. Mr. Hrishikesh Chitaley, Adv for Petitioner in WP/15782/2025.

Mr. Hrishikesh Chitaley a/w. Niranjana Jadhav, Pradeep Salgat, Vedant Pandey, Tejas Deshpande, Ms. Sheetal Salunke, Mr. Anurag Mankar, Abhijit Joshi, Shriya Awale, Harizakhan Pathan, Nimisha Dighe, Ashwin Deshpande, Adv for Petitioner (Through V.C.) in WP/15782/2025.

Mr. Mahesh I. Dhatri, Adv for Respondent No.2 Municipal Council Gondia in WP/15782/2025, for Respondent No.5 Municipal Council Gondia in WP/15780/2025, for Respondent No.2 Chief Officer Wani Nagar Parishad in WP/15798/2025.

Mr. Rakesh R. Bhatkar a/w. Mohan Deokule, Adv for Respondent No.4 Ratnagiri Nagar Parishad in WP/15806/2025 a/w. IA/13412/2025.

Mr. Nitin Vyawahare a/w. Vedant Vyawahare, Adv for Petitioner in WP/15798/2025.

Mr. Harshad Sathe a/w. Shyamsundar Patil, Pravin Nikam, Adv for in WP/14420/2025.

Mr. Swapnil Patil, Adv for Applicant in IA/13412/2025 & for Respondent No.2 in WP/15806/2025.

Mr. Gopal L. Dalvi i/b. Akshay Malviya, Karan Bhosale, Adv for Petitioner in WP/15776/2025, WP/15786/2025.

Mr. Gopal L. Dalvi i/b. Akshay Malviya, Akshay Patil, Adv for Petitioner in WP/15786/2025.

Sr.Adv. Mr. Ravi Kadam a/w. Saurabh Pakale, Adv for Respondent No. 1 & 2 in WP/15776/2025, WP/15786/2025.

Mr. Asim Sarode a/w. Shriya Awale, Vikrant Khare, Adv for Petitioner in WP/15797/2025.

Mr. Chaitrali Deshmukh, Adv for Respondent No. 2 & 3 in WP/14420/2025

Mr. Chaitrali Deshmukh, Adv for Respondent No.1 in WP/13515/2025.

Mr. Nitin Vyawahare a/w. Vedant Vyawahare, Adv for Petitioners in WP/15798/2025.

Mr. Ratan Adhe i/b. Sheetal Salunke, Adv for Petitioner in WP/15742/2025.

Mr. S. S. Patwardhan a/w. Ajay Raje Nimbalkar, Adv for Petitioner in WP/15806/2025.

Mr. Niranjana Jadhav a/w. Raj Tavsalkar, Adv for WP/15765/2025.

Mr. Shubhra Swami a/w. Priyansh R. Jain i/b. Shraddhanand Bhutada, Adv for Petitioner in WP/15778/2025.

Mrs. Neha S. Bhide, G.P. a/w. Mr. O. A. Chandurkar, Addl G.P., Mr. V. G. Badgujar, AGP, Mrs. G. R. Raghuwanshi, AGP, Mrs. Pooja Patil, AGP for Respondent-State.

Mr. Bharatkumar Nukte a/w. Prashant Dhanvi, Adv for Petitioner in WP/15539/2025, WP/15544/2025, WP/35458/2025.

Mrs. Neha S. Bhide, G.P. a/w. Mr. O. A. Chandurkar, Addl G.P., Mrs. G. R. Raghuwanshi, AGP, for Respondent-State. In Sr. No.5

Mrs. Neha S. Bhide, G.P. a/w. Mr. O. A. Chandurkar, Addl G.P., Mrs. Pooja Patil, AGP for Respondent-State in SR. No.6

Mrs. Neha S. Bhide, G.P. a/w. Mr. O. A. Chandurkar, Addl G.P., Mr. V. G. Badgujar, AGP for Respondent-State. In Sr. No.7

Mr. Ajinkya Gaikwad, Adv for Petitioner in WP/15412/2025.

Mrs. Neha S. Bhide, G.P. a/w. Mr. O. A. Chandurkar, Addl G.P., Mrs. G. R. Raghuwanshi, AGP, for Respondent-State.

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**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 27th NOVEMBER 2025.

P.C. :

It was on 3rd November 2025 that a few writ petitions were taken on board upon a mentioning by the learned counsels for the petitioners. After noticing the directions issued by the Hon'ble Supreme Court on 16th September 2025 in Special Leave to Appeal (C) No.19756 of 2021 titled "*Rahul Ramesh Wagh vs. The State of Maharashtra & Ors.*", hearing of the writ petitions was deferred for 4th November 2025.

2. On that day, a few writ petitions filed at the Benches of Bombay High Court at Nagpur and Aurangabad were mentioned and transferred at the request made by the learned counsels for the parties. As it would appear at a glance on the order dated 4th November 2025, the learned counsels for the petitioners were directed to supply certified copies of the paper-books of those writ petitions as records could not have been summoned within 24 hours.

3. On 7th November 2025, a bunch of writ petitions was again taken on Production Board and a similar direction was issued to the learned counsels appearing for the petitioners to supply certified copies of the paper-books to the Registry.

4. We heard the learned counsels appearing for the parties and their submissions are recorded in the order dated 7th November 2025. The respondents were granted an opportunity to file reply-affidavit and the prayer for interim relief was refused. In paragraph 9 of the order dated 7th November 2025, following directions were issued by this Court:-

“9. In view of the order passed by the Hon’ble Supreme Court in Special Leave to Appeal No.(C) No.19756 of 2021, we are not required to indicate that parties shall complete the pleadings and produce necessary documents on record. The learned counsels for the petitioners shall prepare short “notes” of legal issues involved in this batch of writ petitions category-wise. They shall also prepare convenience compilation containing the relevant Acts, Rules, Circulars etc. We would further indicate that this order passed by this Court having taken cognizance of the writ petitions, inasmuch as, a direction has been issued to the respondents to file their reply affidavits shall not be construed as if the Election Commission or the State government shall not proceed with issuance of notice etc. and the preparation for conducting elections of all local bodies within the stipulated time. However, all actions taken by the respondents shall be subject to outcome of these writ petitions.”

5. Today as many as 22 fresh matters are listed at serial no.903 on the supplementary Board. Those matters were taken up in the morning session and the learned counsels appearing for the petitioners were requested to give brief details about their matters as to in which category the writ petitions would fall. Mrs. Neha Bhide, the learned State counsel informs the Court that only few of the learned counsels have supplied such details but she has prepared a chart broadly indicating the category under which those writ petitions would fall. We have also 51 main matters at serial No.1 on the main Board alongwith the matters at item nos.5, 6, 7 and 66.

6. At this stage, Mrs. Pranita Ambekar, Sheristedar of this Court has tendered a note which indicates that there is a request for transfer of two writ petitions from Nagpur Bench of Bombay High Court and one each from the Benches of the Bombay High Court at Aurangabad and Circuit Bench at Kolhapur.

7. We are recording the previous proceedings for the reason that the parties had information about the forthcoming elections several months before the notification for elections but the writ petitions are being filed even as on today on one pretext or the other. In such a situation, it is impracticable to issue direction to the respondent-Authorities to file their counter affidavits advertng to the factual aspects of the matter.

8. Mr. D.P. Palodkar, the learned counsel for the petitioners begins his arguments in Writ Petition No.14828 of 2025 referring to an order passed by the Hon'ble Supreme Court in Special Leave Petition (C) No.27739 of 2025 which was dismissed on 25th September 2025 with liberty to the petitioners who had approached the High Court of Judicature at Bombay, Nagpur Bench

in Writ Petition No.5062 of 2025, that in the event any anomaly emerges as a result of the ensuing elections, the petitioners may take appropriate remedial steps by approaching the appropriate forum for appropriate relief.

9. By an order dated 19th September 2025, Writ Petition No.5062 of 2025 came to be dismissed observing that Rule XII has been introduced in the Maharashtra Zilla Parishads and Panchayat Samitis (Manner and Rotation of Reservation of Seats) Rules, 2025 to give effect to the reservation policy. In that order, this Court referred to the decision of the Hon'ble Supreme Court in "*Kishorchandra Chhaganlal Rathod vs. Union of India and Others*" 2024 SCC OnLine SC 1879 and held that no material was produced by the petitioners before the Court and the writ petition was based on hypothetical situation.

10. Mr. Palodkar refers to Rule IV of the Reservation of Seats Rules, 2025 and submits that it was with a view to effectuate the mandate under Article 243-D of the Constitution of India that Rule IV was introduced which envisages rotation of seats for reservation to Scheduled Castes, Scheduled Tribes, Other Backward Castes and women. The learned counsel endeavours to demonstrate that the operation of Rule XII has created anomalous situation inasmuch as reservation for electoral division or divisions in descending order as per the population of the Scheduled Castes, Scheduled Tribes, Backward class of citizens and women may again go backward and a particular electoral division may again be reserved for any particular class or category. The learned counsel for the petitioner has referred to the decision in "*Sanjay Ramdas Patil*" v. *Sanjay and Others*, (2021) 10 SCC 306.

11. The submissions made on behalf of the petitioners are controverted and opposed by the learned counsel for the respondents.

12. For further arguments on behalf of the State-respondent and the State Election Commission, post the matter tomorrow, that is, on 28th November, 2025 high on Board. Part heard.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]