



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 5524 OF 2025

Ashok S/o Uttamrao Kohar,
Aged about 70 years,
Occupation: Retired,
R/o. Chohogaon, Post Lohgad,
Tah. Barshitakli, District – Akola.

....PETITIONER

....VERSUS....

1. State of Maharashtra, Through its
Secretary, Department of Rural
Development, Mantralaya,
Mumbai-400032.

2. The Maharashtra State Election
Commission, 1st Floor, New
Administrative Building, Hutatma
Rajguru Chowk, Madam Cama
Road, Mumbai-400032 through its
Commissioner.

3. The Collector, Akola,
District Akola.

4. The Tahsildar/Returning Officer,
Barshitakli, Tq. Barshitakli,
District - Akola.

5. Gram Panchayat Chohogaon, Tah.
Barshitakli, District – Akola,
Through its Secretary.

....RESPONDENTS

Shri R.D.Karode, Advocate for petitioner.
Shri D.V.Chawan, Government Pleader and Sr. Advocate a/b.
Shri H.D.Marathe, AGP for respondent(s)/State.

CORAM : **ANIL S. KILOR AND**
RAJNISH R. VYAS, JJ.

DATE : **30/09/2025**

ORAL JUDGMENT (PER: RAJNISH R. VYAS, J.)

Heard finally by consent of learned counsels appearing for both the parties at the stage of admission.

2. According to learned counsel for the petitioner, in the year 1995 to 2000 and 2000 to 2005, the post of Sarpanch of respondent no. 5 - Gram Panchayat, Chohogaon was reserved for various categories and for the year 2020 to 2025, it was reserved for Other Backward Category. The elections were postponed because of incorrect formation of ward in the year 2023. Accordingly to him, on 17/01/2025, the respondent no. 3 - Collector, Akola issued communication to all the Tahsildars stating that though the post of Sarpanch for 20 Gram Panchayats was already reserved earlier but for correction in reservation, the persons who have objections

should remain present. According to him, again vide communication dated 25/04/2025, the respondent no. 3 - Collector directed the respondent no. 4 - Tahsildar to take steps for reservation for the post of Sarpanch.

3. It is the contention of learned counsel for the petitioner that the meeting dated 09/07/2025 was called by respondent no. 3 - Collector and reservation which was given for Backward Category for respondent no. 5 - Gram Panchayat was cancelled and given to General Category without assigning any reason. He, therefore, contends that the respondent(s) ought to have followed the rotation system in the matter, but by cancelling reservation, the respondents have acted contrary to the Maharashtra Village Panchayats (Sarpanch and Upa-Sarpanch) Elections Rules, 1964 (for short, 'Rules of 1964').

4. In order to decide the controversy, it is necessary to mention here that, the Civil Writ Petition No. 4671/2023 was decided by this Court on 10/10/2023, in which, the notifications were challenged prescribing reservation for the

offices of Sarpanch on the ground that it exceeds 50% in the District of Nagpur. This Court while deciding the aforesaid Writ Petition directed that the Rural Development Department shall undertake necessary steps to issue a fresh notification under Rule 2A(2) of the Maharashtra Village Panchayats (Sarpanch and Upa-Sarpanch) Elections Rules, 1964 so as to comply with the statutory requirements of Section 30(4) of the Maharashtra Village Panchayats Act, 1959 (for short, 'Act of 1959'). It was further directed that the Collector, Nagpur shall take further steps as required by Rule 2A(3) and (4) of the Rules of 1964 so as to ensure that the reservation in the offices of Sarpanch in the District, Nagpur does not exceed 50% in terms of Section 30(4)(b) of the Act of 1959. In order to give effect to the aforesaid judgment, the reservation of seats were consequently changed with view to maintain ratio of reservation. Not only this, recently, the State Government has taken steps for delimitation and the said issue has been decided by this Court in Writ Petition No. 5061/2025 decided on 19/09/2025 observing as under:-

“24. At this stage, it submitted that though delimitation is challenged on the ground of arbitrariness, nothing has been produced to prove the same except the argument that it would not complete the earlier rotation. The point to be noted is that the exercise which has been conducted by the State Government has not either abrogated the principle of rotation or deprived any reserved category. No one can claim any right as regard reservation of any seat. Further, nothing is brought on record to show that there is any violation as regards the reservation of policy. We are conscious of the fact that the last census has been conducted but it can also not be ignored that since then there is change in percentage of population”.

5. In the aforesaid background, no fault can be found in the notification impugned as the change of reservation is not only due to process of de-limitation done by the State Government but also with a view to maintain the percentage of ratio in the light of Act of 1959. Thus, the petition is devoid of any substance and deserves to be dismissed. Accordingly, the petition stands **dismissed**. No costs.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)