

jvs

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

**WRIT PETITION NO. 11878 OF 2025**

Vikram Kashinathrao Khutwad .. Petitioner  
Versus  
The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 11930 OF 2025**

Sanjay Pundlik Tungar .. Petitioner  
Versus  
The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 14420 OF 2025**

Sachin Vinayak Gharat .. Petitioner  
Versus  
The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 13518 OF 2025**

Jitendra Awhad C/o Satish Awhad .. Petitioner  
Versus  
Municipal Commissioner & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 14820 OF 2025**

Dilip S/o Shashikumar Naik .. Petitioner  
Versus  
The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 14821 OF 2025**

Dilip S/o Shashikumar Naik .. Petitioner  
Versus  
The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 14842 OF 2025**

|                                 |                |
|---------------------------------|----------------|
| Shaikh Afroz Noroddin           | .. Petitioner  |
| Versus                          |                |
| The State of Maharashtra & Ors. | .. Respondents |

**WITH  
WRIT PETITION NO. 14851 OF 2025**

|                                 |                |
|---------------------------------|----------------|
| Gautam S/o Amrutrao Rohinkar    | .. Petitioner  |
| Versus                          |                |
| The State of Maharashtra & Ors. | .. Respondents |

**WITH  
WRIT PETITION NO. 14886 OF 2025**

|                                 |                |
|---------------------------------|----------------|
| Santosh S/o Kisanrao Kolhe      | .. Petitioner  |
| Versus                          |                |
| The State of Maharashtra & Ors. | .. Respondents |

**WITH  
WRIT PETITION NO. 14875 OF 2025**

|                                    |                |
|------------------------------------|----------------|
| Hari and Haribhau S/o Ganpat Thote | .. Petitioner  |
| Versus                             |                |
| The State of Maharashtra & Ors.    | .. Respondents |

**WITH  
WRIT PETITION NO. 14854 OF 2025**

|                                 |                |
|---------------------------------|----------------|
| Muzaffar Papabhai Shaikh        | .. Petitioner  |
| Versus                          |                |
| The State of Maharashtra & Ors. | .. Respondents |

**WITH  
WRIT PETITION NO. 14859 OF 2025**

|                                   |                |
|-----------------------------------|----------------|
| Annasaheb S/o Reoji Patil Davkhar | .. Petitioner  |
| Versus                            |                |
| The State of Maharashtra & Ors.   | .. Respondents |

**WITH**

**WRIT PETITION NO. 14855 OF 2025**

|                                 |                |
|---------------------------------|----------------|
| Shaikh Afsar Nawaboddin         | .. Petitioner  |
| Versus                          |                |
| The State of Maharashtra & Ors. | .. Respondents |

**WITH  
WRIT PETITION NO. 14874 OF 2025**

|                                 |                |
|---------------------------------|----------------|
| Saiprasad Suryakantrao Jatalwar | .. Petitioner  |
| Versus                          |                |
| The State of Maharashtra & Ors. | .. Respondents |

**WITH  
WRIT PETITION NO. 14878 OF 2025**

|                                 |                |
|---------------------------------|----------------|
| Sanjay Vaijnathrao Jagatkar     | .. Petitioner  |
| Versus                          |                |
| The State of Maharashtra & Ors. | .. Respondents |

**WITH  
WRIT PETITION NO. 15412 OF 2025**

|                                 |                |
|---------------------------------|----------------|
| Kiran Shankar Bhoir             | .. Petitioner  |
| Versus                          |                |
| The State of Maharashtra & Ors. | .. Respondents |

**WITH  
WRIT PETITION NO. 15003 OF 2025**

|                                 |                |
|---------------------------------|----------------|
| Sathishchandra Rothe Patil      | .. Petitioner  |
| Versus                          |                |
| The State of Maharashtra & Ors. | .. Respondents |

**WITH  
WRIT PETITION NO. 15006 OF 2025**

|                                 |                |
|---------------------------------|----------------|
| Rahul S/o Ramkrushna            | .. Petitioner  |
| Versus                          |                |
| The State of Maharashtra & Ors. | .. Respondents |

**WITH  
WRIT PETITION NO. 15015 OF 2025**

Syed Farooq Syed Karim .. Petitioner  
Versus  
The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 15013 OF 2025**

Vandana W/o Rajesh Wankhade .. Petitioner  
Versus  
The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 15122 OF 2025**

Sidharthkumar S/o Digambarrao .. Petitioner  
Surywanshi  
Versus  
The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 15127 OF 2025**

Hemant S/o Balasaheb Jadhav .. Petitioner  
Versus  
The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 15744 OF 2025**

Anwarlal Shaikh .. Petitioner  
Versus  
The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 15778 OF 2025**

Duneshwar S/o Suryabhan Pethe .. Petitioner  
Versus  
The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 15780 OF 2025**

Shakil Hamid Mansuri .. Petitioner

Versus  
The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 15783 OF 2025**

Anil S/o Sukhdeo Pimple .. Petitioner  
Versus  
The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 15782 OF 2025**

Vishal Agrawal .. Petitioner  
Versus  
The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 15798 OF 2025**

Gram Panchayat Chikhalgaon & Ors. .. Petitioners  
Versus  
The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 15797 OF 2025**

Vidyadhar Shankar Bazare .. Petitioner  
Versus  
The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 15808 OF 2025**

Amol Rajaram Deshingkar .. Petitioner  
Versus  
The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 11880 OF 2025**

Dnyanoba Bhiva Kamble .. Petitioner  
Versus  
The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 15121 OF 2025**

|                                 |                |
|---------------------------------|----------------|
| Sidharthkumar Suryanwanshi      | .. Petitioner  |
| Versus                          |                |
| The State of Maharashtra & Ors. | .. Respondents |

**WITH  
WRIT PETITION NO. 12935 OF 2025**

|                                 |                |
|---------------------------------|----------------|
| Bhausahab Sukdeo Gaikwad & Anr. | .. Petitioners |
| Versus                          |                |
| The State of Maharashtra & Ors. | .. Respondents |

**WITH  
WRIT PETITION (ST) NO. 34566 OF 2025**

|                                 |                |
|---------------------------------|----------------|
| Ankush Markand Ahire            | .. Petitioner  |
| Versus                          |                |
| The State of Maharashtra & Ors. | .. Respondents |

**WITH  
WRIT PETITION NO. 15299 OF 2025**

|                                 |                |
|---------------------------------|----------------|
| Siddharth Sonaji Ingle          | .. Petitioner  |
| Versus                          |                |
| The State of Maharashtra & Ors. | .. Respondents |

**WITH  
WRIT PETITION NO. 14728 OF 2025**

|                                 |                |
|---------------------------------|----------------|
| Sachin Jalindar Sawant          | .. Petitioner  |
| Versus                          |                |
| The State of Maharashtra & Ors. | .. Respondents |

**WITH  
WRIT PETITION NO. 14753 OF 2025**

|                                 |                |
|---------------------------------|----------------|
| Kailas Devidas Pagare           | .. Petitioner  |
| Versus                          |                |
| The State of Maharashtra & Ors. | .. Respondents |

**WITH**

**WRIT PETITION NO. 14767 OF 2025**

|                                 |                |
|---------------------------------|----------------|
| Anita W/o Sajjanrao Salunke     | .. Petitioner  |
| Versus                          |                |
| The State of Maharashtra & Ors. | .. Respondents |

**WITH  
WRIT PETITION NO. 14809 OF 2025**

|                                 |                |
|---------------------------------|----------------|
| Vishnudas Appasaheb Jagtap      | .. Petitioner  |
| Versus                          |                |
| The State of Maharashtra & Ors. | .. Respondents |

**WITH  
WRIT PETITION NO. 14828 OF 2025**

|                                 |                |
|---------------------------------|----------------|
| Nilesh Popat Satpute            | .. Petitioner  |
| Versus                          |                |
| The State of Maharashtra & Ors. | .. Respondents |

**WITH  
WRIT PETITION NO. 14848 OF 2025**

|                                 |                |
|---------------------------------|----------------|
| Dipankar Satish Bachhav         | .. Petitioner  |
| Versus                          |                |
| The State of Maharashtra & Ors. | .. Respondents |

**WITH  
WRIT PETITION NO. 14881 OF 2025**

|                                 |                |
|---------------------------------|----------------|
| Nilesh Popat Satpute            | .. Petitioner  |
| Versus                          |                |
| The State of Maharashtra & Ors. | .. Respondents |

**WITH  
WRIT PETITION NO. 14892 OF 2025**

|                                 |                |
|---------------------------------|----------------|
| Vishal Hanmant Aglave           | .. Petitioner  |
| Versus                          |                |
| The State of Maharashtra & Ors. | .. Respondents |

**WITH  
WRIT PETITION NO. 14981 OF 2025**

Sagar Vasantrya Shitole .. Petitioner  
Versus  
The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 14966 OF 2025**

Vikas Shivaji Dinde & Ors. .. Petitioners  
Versus  
The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 14967 OF 2025**

Sagar Bajrang Kamble .. Petitioner  
Versus  
The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 15017 OF 2025**

Nishant Satish Bayas .. Petitioner  
Versus  
The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 15018 OF 2025**

Dinesh Tarachand Bansod .. Petitioner  
Versus  
The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 15026 OF 2025**

Vasantrya S/o Namdev Jagtap .. Petitioner  
Versus  
The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 15125 OF 2025**

Sahebrao S/o Kishanrao Shirsat .. Petitioner  
Versus

The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 15741 OF 2025**

Govind S/o Abhanrao Mutkule .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 15743 OF 2025**

Ravikant S/o Raojirao Deshmukh .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 15745 OF 2025**

Mohammad Ziya S/o Mohammad Usman  
Qureshi .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 15807 OF 2025**

Madan Suryabhanji Jiddewar .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

**WITH  
WRIT PETITION NO. 16174 OF 2025**

Kalidas Devidas Pagar .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

...

(Appearances vide-Appendix-I)

...

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

**Reserved on : 9<sup>th</sup> December 2025.  
Pronounced on : 13<sup>th</sup> February 2026**

**JUDGMENT**

**Per Shree Chandrashekhar, CJ :**

|                     |                     |                     |
|---------------------|---------------------|---------------------|
| WP No.11878 of 2025 | WP No.11930 of 2025 | WP No.14420 of 2025 |
| WP No.13518 of 2025 | WP No.14820 of 2025 | WP No.14821 of 2025 |
| WP No.14842 of 2025 | WP No.14851 of 2025 | WP No.14886 of 2025 |
| WP No.14875 of 2025 | WP No.14854 of 2025 | WP No.14859 of 2025 |
| WP No.14855 of 2025 | WP No.14874 of 2025 | WP No.14878 of 2025 |
| WP No.15412 of 2025 | WP No.15003 of 2025 | WP No.15006 of 2025 |
| WP No.15015 of 2025 | WP No.15013 of 2025 | WP No.15122 of 2025 |
| WP No.15127 of 2025 | WP No.15744 of 2025 | WP No.15778 of 2025 |
| WP No.15780 of 2025 | WP No.15783 of 2025 | WP No.15782 of 2025 |
| WP No.15798 of 2025 | WP No.15797 of 2025 | WP No.15808 of 2025 |

**In re: Delimitation:**

In this batch of writ petitions, the orders passed by the respondent-authority for the ward formation, ward formulation notifications etc. have been challenged primarily on the ground that the objections raised by the petitioners were decided ignoring the applicable guidelines or the objections have not been decided at all.

2. The writ petitions which according to the learned counsels for the petitioners required the reply-affidavit from the respondents on factual aspects have been segregated and listed on a different date.

3. The orders passed by this Court on different dates in the present proceedings may give some indication as to how the individual voters continued to file writ petitions even after the final hearing had started. The orders dated 7<sup>th</sup> November 2025, 27<sup>th</sup> November 2025 and 28<sup>th</sup> November 2025 record the broad outline of

the submissions made on behalf of the rival parties. These orders are reproduced herein-below:

**Order dated 7<sup>th</sup> November 2025:**

*“Along with Writ Petition Nos. 14981 of 2025 and 13371 of 2025, the following matters are taken on production Board:*

| <b>PRODUCTION BOARD.</b> |                        |
|--------------------------|------------------------|
| <b>Sr. No.</b>           | <b>Petition Number</b> |
| 501                      | WP/11930/2025          |
| 502                      | WP/12303/2025          |
| 503                      | WP/12368/2025          |
| 504                      | WP/12369/2025          |
| 505                      | WP/12935/2025          |
| 506                      | WP/13458/2025          |
| 509                      | WP/15121/2025          |
| 510                      | WP/15122/2025          |
| 511                      | WP/15123/2025          |
| 512                      | WP/15125/2025          |
| 513                      | WP/15127/2025          |

2. Let certified copies of the paper-books in all these matters be supplied to the Registry by the learned counsels for the petitioners in these petitions.

3. In this batch of writ petitions, different issues pertaining to delimitation exercise, caste category, validity of rules etc are raised. Mrs. Neha S. Bhide, the learned Government Pleader has prepared a category-wise chart of the writ petitions which were listed on previous dates.

4. The learned counsels for the petitioners shall provide true translated copies of the Rules, circulars etc. if needed for adjudication in these matters.

5. Mr. Anil Anturkar, the learned senior counsel appearing for the petitioner in Writ Petition No. 13518 of 2025 referred to an order dated 4th May 2022 passed by the Hon'ble Supreme Court vide Special Leave to Appeal (C) No. 19756 of 2021 titled "Rahul Ramesh Wagh v. The State of Maharashtra & Ors." and made submissions with reference to the observations of the Hon'ble Supreme Court as to delimitation exercise conducted by the State Election Commission prior to coming into force of the Amendment Act on 11<sup>th</sup> March 2022. The other learned counsels appearing for the petitioners in other writ petitions have adopted arguments made by Mr. Anil Anturkar, the learned senior counsel.

6. The submission made at the Bar is that the Hon'ble Supreme Court did

not pass any order modifying the effective date as to taking into consideration delimitation exercise carried by the Election Commission. In Writ Petition No.12216 of 2025, it is contended that the State government shall have no powers to extend the Amendment Act to the Schedule areas. On the other hand, Mrs. Neha S. Bhide, the learned Government Pleader has opposed these writ petitions referring to the orders dated 6<sup>th</sup> May 2025 and 16<sup>th</sup> September 2025 passed by the Hon'ble Supreme Court in Special Leave to Appeal (C) No.19756 of 2021 titled "Rahul Ramesh Wagh u. The State of Maharashtra & Ors." and submitted that the elections for the local bodies in the State of Maharashtra have to be conducted and completed before 31<sup>st</sup> January 2026. While fixing such deadline, the Hon'ble Supreme Court issued certain directions to the State Election Commission relating to preparation for conducting elections and conclusion of the elections on/or before the deadline so fixed. She further submitted that there can be an issue regarding maintainability of the writ petitions in view of the notification for elections.

7. Having regard to the rival submissions made on behalf of the rival parties, the prayers for interim relief are refused. However, we are inclined to grant short time for filing reply affidavits by the contesting respondents. Let reply affidavits be filed on/or before 24<sup>th</sup> November 2025. Permission to file rejoinder affidavits is granted within a period of next three days on/or before 27<sup>th</sup> November 2025.

8. Post these matters on 27th November 2025 under the heading "For final disposal".

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."

...

**Order dated 27<sup>th</sup> November 2025:**

"It was on 3<sup>rd</sup> 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 4<sup>th</sup> 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 4<sup>th</sup> 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 7<sup>th</sup> 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 7<sup>th</sup> 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 7<sup>th</sup> 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 adverting 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 25<sup>th</sup> 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 19<sup>th</sup> 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 28<sup>th</sup> November, 2025 high on board. Part heard.

...

**Order dated 28<sup>th</sup> November 2025:**

"Dr. Uday Warunjikar, the learned counsel appearing for the petitioner in Writ Petition Nos.13371 of 2025 and 13007 of 2025 referred to various provisions under Rotation of Reservation Rules and the constitutional provisions relating to self-government and submits that Rule XII of the Rotation of Reservation Rules has to be read harmoniously with the other provisions under the said Rules. The learned counsel further submits that taking into account the object behind the rotation of seats, Rule XII should be read in such a manner as not to frustrate the legislative intention. Rather it should be construed in furtherance of the object behind rotation of seats. He refers to the decisions in "Commissioner of Income Tax v. Hindustan Bulk Carriers" (2003) 3 SCC 57 and "Sultana Begum v. Prem Chand Jain" (1997) 1 SCC 373 to support this submission. This is also a submission made at the Bar that the order dated 16th September 2025 passed in Special Leave to Appeal (Civil) No.19756 of 2021 shall not constitute res-judicata to entertain the writ petitions filed in the High Court challenging the validity of Rule XII of the Rotation of Reservation Rules. The learned counsel states that the rotation of seats in the State of Maharashtra as to the categories of Backward Class citizen and women completed its full cycle but the rotation of Scheduled Castes and Scheduled Tribes seats is still midway and if Rule XII is given its literal construction that would be contrary to the Constitutional mandate.

2. Dr. Uday Warunjikar, the learned counsel has referred to a chart at page no.49 in Writ Petition No.13007 of 2025.

3. The learned counsel for the petitioners in Writ Petition Nos.14848 of 2025, 14966 of 2025, 14967 of 2025, 15808 of 2025, 15745 of 2025, 15782 of 2025 have also laid a stress on enforcement and implementation of Rule IV of the Rotation of Reservation Rules and not to permit the respondent-authorities to take this election as the first election.

4. The learned counsels for the other petitioners in this category of writ petitions have adopted the arguments advanced by Mr. D. P. Palodkar and Dr. Uday Warunjikar, the learned counsels.

**At 04: 30 p.m.**

5. Mrs. Neha S. Bhide, the learned State Counsel takes us to the stand taken by respondent-State of Maharashtra in its short reply affidavit and sets up a ground of non-maintainability of these writ petitions on the ground that a similar writ petition was dismissed by Division Bench of this Court at Nagpur Bench and a Special Leave Petition filed against the said order has been dismissed by the Hon'ble Supreme Court. Mrs. Neha S. Bhide, the learned State Counsel submits that in view of the significant

*changes in the territorial/physical limits of the rural areas under the districts and blocks, there was a need for a fresh delimitation exercise and, in consequence thereof, there were changes in the number of councilors in the Zilla Panchayats and the Panchayat Samities. It is further submitted that under proviso to sub-rule (3) of section 274 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, there was a provision which grants permission to the State Government to dispense with the condition of prior publication.*

*6. Mr. Sachindra B. Shetye, the learned counsel for the State Election Commission submits that being a constitutional body, the State Election Commission is bound by the mandate under Article 243K of the Constitution of India. The learned counsel further submitted that the elections to the local bodies are governed by the Statutes enacted by the Maharashtra State legislature and the State Election Commission is bound to conduct the said elections as per the existing laws and the rules.*

*7. For hearing the writ petitions challenging the delimitation, exercise directly or indirectly, post these matters on 2<sup>nd</sup> December 2025. To be listed High on Board.*

*8. However, in view of a specific ground raised as recorded in the order dated 7<sup>th</sup> November 2025, a short reply may be filed by the State-respondent as regards the recent amendments carried out in the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961."*

4. In Writ Petition Nos. 14851 of 2025, 15122 of 2025 and 15744 of 2025, the petitioners are seeking a direction to the State-respondents not to finalize the ward formulation till the time their objections are decided. In Writ Petition No. 14784 of 2025, the petitioner has alleged that the delimitation exercise was carried out in such a manner that it has resulted in grossly unequal population distribution among the wards. In Writ Petition No. 14785 of 2025, the objections raised by the petitioners have been rejected by a reasoned order. In Writ Petition No. 15006 of 2025, Block No. 6100 was removed from Ward No. 13 and included in Ward No. 5. According to this petitioner, clause 5.5.3(b) of the guidelines which puts restrictions on the division of Scheduled Caste and Scheduled Tribe settlement was violated and the population of Scheduled Caste has changed in each ward. In Writ Petition No. 14402 of 2025, the final

ward formulation Notification dated 3<sup>rd</sup> October 2025 has been challenged on the ground that the objections raised by the petitioner to the division of Kolshet area into two wards, namely, Ward No. 2 and Ward No. 8 were not considered. In Writ Petition No. 15780 of 2025, the petitioner raised objections to the alteration of boundaries of Ward No.11. He was afforded an opportunity of hearing on 4<sup>th</sup> September 2025 and the objections raised by him were rejected by the order dated 26<sup>th</sup> September 2025.

5. We would refer in detail the pleadings in Writ Petition No.14842 of 2025 which has narrated some factual background facts. In this writ petition, the Final Notification dated 26<sup>th</sup> September 2025 in respect of ward formation and reservation in Paithan Municipal Council in the district of Chhatrapati Sambhajnagar have been challenged. The petitioner has pleaded that the State of Maharashtra issued an order on 10<sup>th</sup> June 2025 prescribing a methodology for ward formation. On 18<sup>th</sup> August 2025, the Divisional Commissioner published the draft ward formation and invited objections and suggestions. The petitioner's grievance pertained to Ward No.11 with respect to which he raised his objection on 31<sup>st</sup> August 2025 to the effect that the maximum population for the said ward had exceeded and the same could have been cured by shifting the Block No.6102 having population of 440 to the adjacent Ward No.12. According to the petitioner, the final draft formation indicated that Ward Nos.1, 3, 8 and 11 were reserved for Scheduled Caste category but that was contrary to the draft ward formation wherein Ward Nos.1, 3, 8 and 9 were shown as reserved for Scheduled Caste category. The petitioner has pleaded that by not maintaining the population percentage and shifting of Enumeration Blocks, the respondents have contravened the Constitutional mandate under Article 243 of the Constitution of

India. The petitioner has further pleaded that the Final Notification dated 26<sup>th</sup> September 2025 has been issued in breach of the order dated 10<sup>th</sup> June 2025 and, in particular, clauses 5.3 and 5.4.

6. On the other hand, the Chief Officer of the Municipal Council, Paithan in the district of Chhatrapati Sambhajinagar, has taken specific objection to the maintainability of this writ petition *inter-alia* on the grounds that (i) there is a statutory remedy under section 21 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 to challenge any election through an Election Petition; (ii) Articles 243-O and 243-ZG of the Constitution of India put limits on the powers and a specific bar on interference by the Courts in electoral matters and (iii) the writ petition involves a disputed question of fact which cannot be adjudicated in the writ proceeding. It is stated that the Paithan Municipal Council has been divided into 12 wards following the methodology provided under the order dated 10<sup>th</sup> June 2025 from the Department of Urban Development. The total population of Paithan Municipal Council is 41,536 as per the census of the year 2011. There shall be 11 dual-member wards and one triple-member ward which is Ward No.12 and the Municipal Council shall consist of 25 ward members and one president. The decision for formation of 11 dual-member wards has been arrived at by dividing the average population of 41,536 by 25 and the figure so obtained is multiplied by 2. Ward No.12 has been created as a triple-member ward by adopting the same methodology applying the multiplier of 3. It is stated that the statutory limits for creation of dual-member ward ranges between minimum 2,991 to maximum 3,655. The statutory limits for triple-member wards are minimum 4,486 to maximum 5,482. The administrative decision are transparent, documented and reviewed by the authorized officer. The

delimitation exercise has been conducted in a transparent manner and as per the timeline indicated in the order dated 16<sup>th</sup> September 2025 passed by the Hon'ble Supreme Court. A final notification was issued on 26<sup>th</sup> September 2025 and it was published on 29<sup>th</sup> September 2025. The final notification was prepared in a non-partisan and fair manner as per the available data and the entire electoral process was governed by the Geographical Contiguity under clauses 5.5.1 and 5.5.2 and the Community Interest clause 5.5.3. The Geographical Contiguity has been followed in the process of delimitation by utilizing clear and recognizable natural boundaries such as roads, rivers, nallas and city survey numbers to safeguard the community interest. The focus was to minimize the division of settlements to consolidate the social amenities and areas related to community benefits within a single ward. The Geographical Contiguity and Community Interest factors are non-population based criterion aimed at promoting citizen convenience and optimization of public resources. In the process of ward formation, clause 5.5.4 which provides that the Enumeration Block should not be split, was followed save and except under unavoidable circumstances where the marginal deviation of  $\pm 10\%$  population ratio was permitted. In the ward formation exercise in the Paithan Municipal Council, the Chief Officer has endorsed that there was no split of the Enumeration Block. The entire exercise of delimitation has been documented and presented in a tabular form as under :-

| <b><i>Ward Type</i></b>              | <b><i>Total Seats</i></b> | <b><i>Average Population</i></b> | <b><i>Maximum Limit (+10%)</i></b> | <b><i>Minimum Limit (-10%)</i></b> | <b><i>Statutory Basis</i></b>                        |
|--------------------------------------|---------------------------|----------------------------------|------------------------------------|------------------------------------|------------------------------------------------------|
| <i>Dual-member ward (Wards 1-11)</i> | 22                        | 3323                             | 3655                               | 2991                               | URBAN DEVELOPMENT DEPARTMENT Order MCO-2025/Pr.Kr.24 |

|                                            |          |             |             |             |                                                                                                                    |
|--------------------------------------------|----------|-------------|-------------|-------------|--------------------------------------------------------------------------------------------------------------------|
|                                            |          |             |             |             | <i>2/Na Vi-14,<br/>Cl.5.4,<br/>Schedule I</i>                                                                      |
| <i>Three-member<br/>ward (Ward<br/>12)</i> | <i>3</i> | <i>4984</i> | <i>5482</i> | <i>4486</i> | <i>URBAN<br/>DEVELOPMENT<br/>DEPARTMENT<br/>Order MCO-<br/>2025/Pr.Kr.24<br/>2/NaVi-14,<br/>Cl.5.4, Schedule I</i> |

7. The allegation regarding removal of the Enumeration Block No.2700 from Ward No.9 and inclusion of the same in Ward No.8 has been specifically denied and justified on the basis of the delimitation rules under clause 5.5.3. It is stated that the population of the Enumeration Block No.2700 is 128 out of which 122 voters belong to the Scheduled Castes category. The objection filed by Mr. Ajit Ramesh Pagare was that if this block is included in Ward No.8 then it would consolidate the population of the Scheduled Castes and make it easier for them to avail the benefits under the Dalit Vasti Sudhar Yojana scheme. The decision of the Chief Officer is based on clause 5.5.3 and guided on the premise of collocating a high-concentration population of the Scheduled Castes to serve the community interest and ensure access to development funds. The decision of the Chief Officer has been approved by the authorized officer. It is further stated that the shift of Enumeration Block No.2700 had a minor impact on the total population of Ward No.9 which dropped from 3,086 to 2,958. Thus, the marginal deviation which is approximately 1.1% below the minimum limit was necessitated for prioritizing the Community Interest under clause 5.5.3 and to maintain the Enumeration Block integrity under clause 5.5.4. As regards shifting of Enumeration Block No.5301 with population of 611, it is stated that it was necessary for connecting the population breach in Ward No.11. The objection dated 31<sup>st</sup> August 2015 did not indicate anything about Enumeration Block

No.6102 and it was completely vague. Ward No.11 had population of 3,657 which marginally exceeded the statutory maximum limit of 3,655 for dual-member ward. Therefore, the objection no.6 which claimed transfer of Enumeration Block No.5301 to Ward No.12 which had population of 611, was accepted and moved from Ward No.11. By doing so, the final population of Ward No.11 became 3,046 and thus came within the statutory limit of 3,655. The shifting of Enumeration Block No.5301 has been approved by the authorized officer and Ward No.11 and Enumeration Block No.5301 were moved to Ward No.12. According to the respondents, this decision has, in fact, corrected the imbalance in Ward No.12 which gave population above the statutory limit of 5,482 for triple-member ward. It was necessary to maintain the guidelines under clause 5.5.4 not to split Enumeration Block No.5301 and the entire population of Enumeration Block No.5301 was therefore kept intact and shifted to Ward No.12. It is stated that this trade-off which resulted in the breach of Secondary Population Ratio rule is permissible under the guidelines and favored by the mandatory EB Integrity rule. It is stated that the entire decision making process has been documented and formally certified vide "Appendix 6".

8. In the common reply filed in all the writ petitions on behalf of the respondent nos. 3 to 6, the respondent-authorities have taken the following stand:

*"10. It would be relevant to note that some of the divisions in Vidarbha Region where the ward formation was completed, witnessed a challenge to the same in multiple Petitions before this Hon'ble Court. This Hon'ble Court vide judgments dated 22<sup>nd</sup> August, 2025 held that process adopted by the State and its officers towards ward formation to be just and proper and in accordance with law. The Petitions were accordingly dismissed. Copies of judgment delivered in Writ Petition no.4627/25 and 4667/25 are annexed hereto and collectively marked as **Exhibit R-5**. Perusal of the judgments would show that this Hon'ble Court had put great emphasis on the fact over the*

years, naturally as also eventually there happens physical changes in the areas and boundaries of the villages. This factual aspect of expansion and depletion of villages area affecting placement of population, necessitates ward formation for every election. In other words change in physical status of boundaries and area of the concerned villages is considered to be a major factor for undertaking formation of fresh wards or delimitation of wards by this Hon'ble Court.

11. I say that there have been substantial changes to the territorial limits/physical boundaries of the rural area of the districts and blocks for the purposes of the 1961 Act. Illustratively in view of the changes to the territorial limits of various municipalities, certain areas which formerly were part of a rural area of district have been included within the territorial limits of municipalities, thereby depleting the population. Such changes in the physical boundaries/ territorial limits have also changed the number of electoral divisions for Zilla Parishads and electoral colleges for Panchayat Samitis. I crave leave to refer to and rely upon the details of such districts in which there has been a change of territorial limits on account of certain areas having been included within the territorial limits of various municipalities, when necessary.

12. The contention of the Petitioner that the 2025 Rules, in particular Rule 12 thereof, violates the mandate of Article 243D of the Constitution is misconceived. The 2025 Rules provide for the rotation of reserved seats across constituencies. By the 2025 Rules the State Government having maintained the policy of rotation in its discretion has, in light of the aforesaid, decided to make the rotation applicable for future elections after the coming into force of such rules. Merely because 1996 Rules were in operation would not preclude the State Government to come out with fresh set of Rules when it is still maintained the policy of rotation. The State Government was equipped with sufficient data which indicated that subsequent to the previous elections in 2017-2019, there were various changes as detailed above and reconstitution of wards became necessary. It is because of such reconstitution of wards, changes to the number of electoral division and electoral colleges that the State found it appropriate to provide new Rules to prescribe the manner and rotation of reservation of seats for Scheduled Caste and Scheduled Tribe, Backward Class of citizen and Women in electoral divisions and electoral colleges. Such mode is acceptable mode in law.

13. The challenge to the 2025 Rules on the ground that such rules were notified without satisfying the requirement of prior publication as contemplated under sub-section (3) of section 274 of the 1961 Act is misplaced. The proviso to sub-section (3) of Section 274 of the 1961 Act entitles the State to dispense with the condition of prior publication, if in its subjective satisfaction, circumstances exist which render it necessary. I say that the preamble of the Notification dated 20<sup>th</sup> August 2025 notifying the 2025 Rules itself indicates that the State was satisfied about existence of circumstance which rendered it necessary to take immediate action for the purposes of conduct of elections

*under the 1961 Act and dispense with condition of previous publication. Being so satisfied, the State taking recourse of the proviso appended to Sub section 3 of Section 274 of the 1961 Act, chose to dispense with requirement of previous publication. As indicated above, the State was under the directives of the Hon'ble Supreme Court obligated to conduct and conclude elections within a period of 4 months and also in light of the aforesaid changes, that State had reasons to take recourse to Proviso. The subjective satisfaction of the State is based on objective material and cannot be interfered with. It is, therefore, submitted that power to dispense with previous publication has been rightly resorted by the State and there is no reason to set aside the 2025 Rules on such ground.*

*14. The challenge to the 2025 Rules on the ground that it has been notified without complying with sub-section (4) of Section 274 of the 1961 Act is equally misplaced and premature. Sub-Section (4) of Section 274 of the 1971 Act contemplates the laying of rules made thereunder before each House of the State Legislature as soon as may be after they are made. Such laying of Rules is not required before publication. I say that the 2025 Rules will be duly laid before each House of the State Legislature as required under Section 274 of the 1961 Act in the forthcoming legislative session."*

9. Ms. Neeta Karnik, the learned senior counsel for the petitioner in Writ Petition No. 11878 of 2025, Mr. Shrishailya S. Deshmukh, the learned counsel for the petitioner in Writ Petition No. 11930 of 2025 and Mr. Rashid Khan, the learned counsel for the petitioner in Writ Petition No. 15299 of 2025 made their submissions on behalf of the respective petitioners. The learned counsel for the parties in other writ petitions in which a challenge has been laid directly or indirectly to the delimitation exercise have made similar arguments. The submissions made by the learned counsels for the petitioners are that the delimitation exercise has been carried out ignoring the government guidelines and (ii) the ward formation Notifications are arbitrary and illegal.

10. Mr. Anil Anturkar, the learned senior counsel for the petitioner in Writ Petition No. 13518 of 2025 referred to the order dated 4<sup>th</sup> May 2022 in Special Leave to Appeal (C) No. 19756 of 2021 and submitted that the delimitation exercise conducted by the State Election

Commission in the year 2017 shall be the basis for formulation of wards and the effective date indicated in the order dated 4<sup>th</sup> May 2022 has not been modified by the Hon'ble Supreme Court in the subsequent orders passed by it. Mr. Chaitanya Chavan, the learned counsel for the petitioner in Writ Petition No. 13515 of 2025 and Mr. Shraddhanand Bhutada, the learned counsel for the petitioner in Writ Petition No. 15778 of 2025 adopted the arguments advanced by Mr. Anil Anturkar, the learned senior counsel.

11. Mrs. Neha S. Bhide, the learned Government Pleader contended that these writ petitions are not maintainable on a mere allegation of violation of some executive instructions. There is a bar in law to entertain a writ petition in exercise of the powers under Article 226 of the Constitution of India if interference by the Court is likely to obstruct the processes of the election. It is submitted that the State Government has taken steps in the right earnest to complete the election processes before 31<sup>st</sup> January 2026 as directed by the Hon'ble Supreme Court in "*Rahul Ramesh Wagh*". Mrs. Neha S. Bhide, the learned Government Pleader and Mr. O. A. Chandurkar, the learned Additional Government Pleader submitted that a fresh delimitation exercise has been undertaken in view of significant changes in the territorial and physical limits of the rural areas and the municipalities. Therefore, there is bound to be a change in the number of members in Panchayat Samitis and Zilla Parishads. The learned counsels appearing for the respondents were in unison in their opposition to these writ petitions challenging ward formation, Final Notification etc. being merely a pretext to derail the ongoing election processes.

12. The Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (in short "MZPPS Act") was enacted for establishment of the Zilla

Parishads and Panchayat Samitis in rural areas and to assign them local government functions and also to entrust them the execution of certain work and development schemes of the five-year plans. The Preamble to the MZPPS Act further recites that the object behind the enactment of the said Act is to decentralize the powers and functions under certain enactments and to promote the development of democratic institutions. The participation by the people in the plans of the government and in the local and governmental affairs is a purpose behind enactment of the MZPPS Act.

13. The statutory regime under the MZPPS Act now has backing under the Constitution (73<sup>rd</sup> Amendment) Act, 1992 which relates to the Panchayats and came into force with effect from 24<sup>th</sup> April 1993. Part IX deals with the constitution and composition of the Panchayats, duration of the Panchayats, reservation of seats in the Panchayats and elections of the Panchayats. This is the scheme under Part IX for local self- government that the Panchayats at the village, intermediate and district levels shall be constituted in every State in accordance with the provisions of Part IX subject to a rider that the Panchayats at the intermediate level may not be constituted in a State which has a population not exceeding twenty lakhs. The duration of every Panchayat has been fixed for five years under Article 243-E. Clause (3)(b) in Article 243-E provides that an election to constitute a Panchayat shall be completed before the expiration of a period of six months from the date of its dissolution. The continuance and enforcement of any provision of any law relating to Panchayats in force in a State even though inconsistent with the provisions of Part IX and which continued to be in force by virtue of Article 243-N shall continue to be in force until amended or repealed by a competent Legislature or other competent authority or until the expiration of one

year from such commencement, whichever was earlier.

14. The constitution of the Municipality is also conceived in a similar manner under Article 243-Q. The constitution of a Nagar Panchayat for a transitional area, a Municipal Council for a smaller urban area and a Municipal Corporation for a larger urban area is contemplated under Article 243-Q to be in accordance with the provisions of Part IX A. The proviso to clause (1) to Article 243-Q carves out an exception to the aforementioned general provisions to the extent that the size of the area, the provisions for municipal services or proposed to be provided by an industrial establishment in that area and such other factors as the Governor may deem fit, may be the factors for not constituting the Municipality under clause (1) to Article 243-Q.

15. Section 12 of the MZPPS Act provides that every district shall be divided into electoral divisions for the purpose of election of Councillors and there shall be a separate election for each electoral division. Such an exercise shall be undertaken by the State government or an officer authorized by it with the approval of the State Election Commission. First proviso to sub-section (1) puts a condition that while creating the electoral divisions to the effect that the ratio between the population of each electoral division and the total number of Councillors to be elected for the Zilla Parishad shall, so far as practicable, be the same throughout the Zilla Parishad area. Second proviso mandates that not less than two electoral divisions shall be allotted to each Panchayat Samiti while carving out the electoral divisions. Clause (a) of sub-section (2) of section 12 of the MZPPS Act provides for reservation in the seats to be filled up by election in a Zilla Parishad for the persons belonging to the Scheduled Castes, Scheduled Tribes, Backward Class of citizens and women as

may be determined by the State Election Commission in the prescribed manner. Clause (b) of sub-section (2) of section 12 lays down as under :-

*“(b) the seats to be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in a Zilla Parishad shall bear, as nearly as may be, the same proportion to the total number of seats to be filled in by direct election in that Zilla Parishad as the population of the Scheduled Castes or as the case may be, the Scheduled Tribes, in that Zilla Parishad area bears to the total population of that area and such seats shall be allotted by rotation to different electoral division in a Zilla Parishad:”*

16. Third proviso further mandates that in a Zilla Parishad comprising entirely the Scheduled Areas, the seats to be reserved for the Scheduled Tribes shall not be less than one half of the total number of seats in the Zilla Parishad. Section 12 of the MZPPS Act reads as under :-

*“12. Division of District into electoral divisions*

*(1) The State Government or an officer authorized by it, with the approval of the State Election Commission shall, for the purpose of election of Councillors divide every District] into electoral divisions the territorial extent of any such division not being out side the limits of the same Block each returning one Councillor, and there shall be a separate election for each electoral division :*

*Provided that, such electoral division shall be divided in such a manner that the ratio between the population of each electoral division and the total number of Councillors to be elected for the Zilla Parishad shall, so far as practicable, be the same through out the Zilla Parishad area:*

*Provided further that, while distributing such electoral divisions among the Panchayat Samitis, not less than two electoral divisions shall be allotted to each Panchayat Samiti.*

*(2)(a) In the seats to be filled in by election in a Zilla Parishad there shall be seats reserved for persons belonging to the Scheduled Castes, Scheduled Tribes, Backward Class of citizens and women, as may be determined by the State Election Commission in the prescribed manner;*

*(b) the seats to be reserved for the persons belonging to the Scheduled Castes and the Scheduled Tribes in a Zilla Parishad shall bear, as nearly as may be, the same proportion to the total number of seats to be filled in by direct election in that Zilla Parishad as the population of the*

*Scheduled Castes or as the case may be the Scheduled Tribes in that Zilla Parishad area bears to the total population of that area and such seats shall be allotted by rotation to different electoral division in a Zilla Parishad:*

*Provided that, in a Zilla Parishad comprising entirely the Scheduled Areas, the seats to be reserved for the Scheduled Tribes shall not be less than one half of the total number of seats in the Zilla Parishad:*

*Provided further that, the reservation for the Scheduled Tribes in a Zilla Parishad falling only partially in the Scheduled Areas shall be in accordance with the provision of clause (b);*

*Provided also that one-half of the total number of seats so reserved shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes;*

*(c) the seats to be reserved for persons belonging to the category of Backward Class of citizens shall be 27 per cent. of the total number of seats to be filled in by election in a Zilla Parishad and such seats shall be allotted by rotation to different electoral divisions in a Zilla Parishad :*

*Provided that, in a Zilla Parishad comprising entirely the Scheduled Areas, the seats to be reserved for the persons belonging to the Backward Class of citizens shall be the seats remaining, if any, after reservation of the seats for the Scheduled Tribes and the Scheduled Castes :*

*Provided further that, the reservation for the persons belonging to the Backward Class of citizens in a Zilla Parishad falling only partially in the Scheduled Areas shall be as per the provisions of this clause:*

*Provided also that, one-half of the total number of seats so reserved shall be reserved for women belonging to the category of Backward Class of citizens;*

*(d) one-half (including the number of seats reserved for women belonging to the Scheduled Castes, Scheduled Tribes and the category of Backward Class of citizens) of the total number of seats to be filled in by direct election in a Zilla Parishad shall be reserved for women and such seats shall be allotted by rotation to different electoral divisions in a Zilla Parishad.*

*(3) The reservation of seats (other than the reservation for women) under sub-section (2) shall cease to have effect on the expiration of the period, specified in article 334 of the Constitution of India.”*

17. The three steps involved in any election to the local body comprise of (i) ward formation and reservation; (ii) finalization of electoral rolls and (iii) actual election process which comprises of nomination, publication of valid nomination, allotment of election symbols, polling and declaration of results. Section 13 of the MZPPS

Act deals with the electoral roll of the Maharashtra Legislative Assembly prepared under the provisions of the Representation of the People Act, 1950 (in short “RP Act”) and in force on such day as the State Election Commission may by general or special order notify in this behalf. Section 13 of the MZPPS Act reads as under :-

*“13. List of Voters*

*(1) The electoral roll of the Maharashtra Legislative Assembly excluding the last part thereof as is referred to in sub-rule (2) of rule 5 of the Registration of Electors Rules, 1960 made under the Representation of the People Act, 1950 prepared under the provisions of the Representation of the People Act, 1950, and in force such day as the State Election Commission may by general or special order notify in this behalf for such part of the constituency of the Assembly as is included in an electoral division, shall be the list of voters, for such electoral division.*

*(1A) Notwithstanding anything in this Act, or in any other law for the time being in force, in respect of a presiding authority who by reason of his office is provided with residential accommodation or house-rent in lieu thereof by or under the provisions of this Act and who ceases to be ordinarily resident during his term of office in any electoral divisions in the District by reason of his absence therefrom in connection with his duties as such authority, but is ordinarily resident in any place outside the District of the Zilla Parishad in respect of which he is such authority and in consequence whereof his name is not in the list of voters for any electoral division in the District, then, in such case, the State Election Commission shall amend the list of voters so as to enable such presiding authority to be registered in the electoral division which but for holding such office he would have been ordinarily resident. The manner in which the list of voters shall be amended for the purposes aforesaid and all matters supplementary, consequential and incidental thereto shall be as are provided by rules made in this behalf.*

*(2) The office designated by the State Election Commissioner in this behalf shall maintain a list of voters for each electoral division.”*

18. The aforementioned statutory provisions provide a complete regime for the preparation of electoral rolls and ward formation, delimitation etc. In “*Association of Democratic Reforms & Ors.*”<sup>1</sup>, the Hon’ble Supreme Court observed that the expression “conduct of election” is of wide amplitude and shall include powers to make all

<sup>1</sup> Union of India v. Association of Democratic Reforms & Ors.: (2001) 10 SCC 211.

necessary provisions for conducting free and fair elections. The conduct of all elections to the Panchayat is vested in a State Election Commission under Article 243-K. The State Election Commission has been vested with a power of superintendence, to issue direction and control of the preparation of electoral rolls for elections in the Panchayats. Section 9A of the MZPPS Act provides that the superintendence, direction and control of the preparation of the electoral rolls for and the conduct of all elections to the Zilla Parishads and Panchayat Samitis shall vest in the State Election Commission. The powers of the Election Commission are delineated in “*A.C. Jose*”<sup>2</sup> emphasizing that the Election Commission is free to pass any orders in respect of the conduct of elections subject to express statutory provisions and the rules made thereunder.

19. This is an accepted position that the demographic change in a Panchayat area shall change the caste composition and population in the constituencies in a Panchayat or Municipal area. Clause (2) of Article 243-C provides that the Panchayat area shall be divided into territorial constituencies and all seats in a Panchayat shall be filled by persons chosen by direct election. It is necessary to keep in mind that the seats allotted to a Panchayat shall have similar ratio of population in each constituency throughout the Panchayat area as far as practicable. Therefore, there is a need for delimitation of a Panchayat area. Sub-section (3) to section 23 of the RP Act puts a complete embargo to any amendment, transposition or of deletion of an entry of a constituency after the last date for making nomination for an election in a particular constituency is over. If the election is not held on the basis of an electoral roll which is in force on the last date of making nominations, then the postponement of an election shall be

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<sup>2</sup> A. C. Jose v. Sivan Pillai & Ors.: (1984) 2 SCC 656.

the easiest thing just by filing any complaint or objection, omnibus or otherwise. In *“Lakshmi Charan Sen & Ors.”*<sup>3</sup>, the Hon’ble Supreme Court observed that the elections cannot be postponed for the reason that certain claims and objections have remained to be disposed of. In *“Mohinder Singh Gill”*<sup>4</sup>, the Hon’ble Supreme Court observed that the words “superintendence, direction and control” as well as “conduct of all elections” are in the broadest terms and the directions issued by the Election Commission can operate in the areas left unoccupied by the legislation. In *“Mohinder Singh Gill”*, the Hon’ble Supreme Court observed as under:

*“26. The heart of the matter is contained in the conclusions summarised by the Court thus:*

*(1) Having regard to the important functions which the legislatures have to perform in democratic countries, it has always been recognised to be a matter of first importance that elections should be concluded as early as possible according to time schedule and all controversial matters and all disputes arising out of elections should be postponed till after the elections are over, so that the election proceedings may not be unduly retarded or protracted.*

*(2) In conformity with this principle, the scheme of the election law in this country as well as in England is that no significance should be attached to anything which does not affect the ‘election’; and, if any irregularities are committed while it is in progress and they belong to the category or class which, under the law by which elections are governed, would have the effect of vitiating the ‘election’ and enable the person affected to call it in question, they should be brought up before a special tribunal by means of an election petition and not be made the subject of a dispute before any court while the election is in progress.”*

*After elaborately setting out the history in England and in India of election legislation vis-a-vis dispute-resolution, Fazl Ali, J. stated:*

*“If the language used in Article 329(b) is considered against this historical background, it should not be difficult to see why the framers of the Constitution framed that provision in its present form and chose the language which had been consistently used in certain earlier legislative provisions and which had stood the test of time.”*

*Likewise the Court discussed the connotation of the expression “election” in Article 329 and observed:*

<sup>3</sup> *Laxmi Charan Sen & Ors. v. A.K.M. Hassan Uzzaman & Ors:* (1985) 4 SCC 689.

<sup>4</sup> *Mohinder Singh Gill & Anr. v. Chief Election Commissioner, New Delhi & Ors.:* (1978) 1 SCC 405.

*“That word has by long usage in connection with the process of selection or proper representatives in domestic institutions, acquired both a wide and a narrow meaning. In the narrow sense, it is used to mean the final selection of a candidate which may embrace the result of the poll when there is polling or a particular candidate being returned unopposed when there is no poll. In the wide sense, the word is used to connote the entire process culminating in a candidate being declared elected .... it seems to me that the word ‘election’ has been used in Part XV of the Constitution in the wide sense, that is to say, to connote the entire procedure to be gone through to return a candidate to the legislature ..... That the word “election” bears this wide meaning whenever we talk of elections in a democratic country, is borne out by the fact that in most of the books on the subject and in several cases dealing with the matter, one of the questions mooted is, when the election begins?”*

*The rainbow of operations, covered by the compendious expression “election”, thus commences from the initial notification and culminates in the declaration of the return of a candidate. The paramount policy of the Constitution-framers in declaring that no election shall be called in question except the way it is provided for in Article 329(b) and the Representation of the People Act, 1951, compels us to read, as Fazl Ali, J. did in Ponnuswami the Constitution and the Act together as an integral scheme. The reason for postponement of election litigation to the post-election stage is that elections shall not unduly be protracted or obstructed. The speed and promptitude in getting due representation for the electors in the legislative bodies is the real reason suggested in the course of judgment.”*

20. The State-respondents have contended that the physical changes in the areas and boundaries of the villages on account of delimitation of village area necessitated ward formation for every election. In *“Pradhan Sangh Kshettra Samiti”*<sup>5</sup>, the Hon’ble Supreme Court held that it is for the government to decide in what manner the Panchayat areas and constituencies in each Panchayat area shall be delimited and it is not for the Court to dictate the manner in which the same would be done. Even if no elections are contemplated in immediate future, the revision of electoral roll continues. It is a continuous process which is undertaken for each constituency as per sub-section (1) of section 21 of the RP Act and it is prepared in the prescribed manner by reference to the qualifying date. Proviso to sub-section (2) says that if the electoral roll is not revised as aforesaid, its

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<sup>5</sup> State of U.P. v. Pradhan Sangh Kshettra Samiti & Ors.: 1995 Supp.(2) SCC 305.

validity and continued operation is not affected. Sub-section (3) to section 21 of the RP Act which confers upon the Election Commission the power to direct special revision of the electoral roll lays down under its proviso that until completion of the special revision, the electoral roll for the time being in force shall be continued to be in force.

21. The writ petitions in this batch are without a factual foundation. There are vague suggestions and allegations against the respondent-authority of acting contrary to law. There is hardly any scope for the writ Court to exercise the jurisdiction under Article 226 of the Constitution of India to intervene and correct the electoral rolls. There is an express bar imposed by Article 243-O of the Constitution of India to question the delimitation of wards in a Court of law. It is provided thereunder that (i) the validity of any law relating to the delimitation of constituencies or (ii) the allotment of seats to such constituencies made or purporting to be made under Article 243-K shall not be called in question in any Court. Sub-clause (b) of Article 243-K puts a further bar to call in question the election to any Panchayat except by an election petition presented to such authority and in such manner as is provided for by or under any law made by the Legislature of a State. There is a safeguard, such as a remedy by way of an appeal provided to a person aggrieved by inclusion, deletion or correction in his name in the electoral roll which checks the abuse or misuse of power. The learned counsel for the respondents rightly contended that every election may be indefinitely delayed if the Court intervenes in the matter and issues directions to the authorities who are acting as per the statutory provisions and constitutional mandate.

22. For the foregoing reasons, these writ petitions are dismissed.

**In re: Reservation Rules:**

|                          |                     |                     |
|--------------------------|---------------------|---------------------|
| WP No.11880 of 2025      | WP No.15121 of 2025 | WP No.12935 of 2025 |
| WP (ST) No.34566 of 2025 | WP No.15299 of 2025 | WP No.14728 of 2025 |
| WP No.14753 of 2025      | WP No.14767 of 2025 | WP No.14809 of 2025 |
| WP No.14828 of 2025      | WP No.14848 of 2025 | WP No.14881 of 2025 |
| WP No.14892 of 2025      | WP No.14981 of 2025 | WP No.14966 of 2025 |
| WP No.14967 of 2025      | WP No.15017 of 2025 | WP No.15018 of 2025 |
| WP No.15026 of 2025      | WP No.15125 of 2025 | WP No.15741 of 2025 |
| WP No.15743 of 2025      | WP No.15745 of 2025 | WP No.15807 of 2025 |
| WP No.16174 of 2025      |                     |                     |

23. In these writ petitions, a challenge has been laid to Rule XII of the Maharashtra Zilla Parishads and Panchayat Samitis (Manner and Rotation of Reservation of Seats) Rules, 2025 (in short, Rotation of Reservation Rules, 2025).

24. Rule XII of the Rotation of Reservation Rules, 2025 is extracted below:

*"XII. First election for rotation:- For the purposes of rotation of seats under these rules, the general election held after commencement of these rules shall be considered as the first election."*

25. The petitioner in Writ Petition No. 11880 of 2025 is a farmer by occupation and resident of Kasar-Amboli within Taluka Mulshi in the district of Pune. He states that he is an eligible voter for the forthcoming Zilla Parishad and Panchayat Samitis Elections of 2025. He seeks to challenge the Rotation of Reservation Rules, 2025 and, in particular, Rule XII thereof on the ground that the Rotation of Reservation Rules are inconsistent with Part-IX of the Constitution of India and the provisions of the MZPPS Act. The learned counsel for the petitioner contended that the introduction of Rule XII of the Rotation of Reservation Rules, 2025 to declare the forthcoming elections as the first election has arbitrarily disrupted the ongoing

cycle. It is submitted that Article 243-A of the Constitution of India which pertains to Gram Sabha ensures continuity and stability of tenure and proper functioning of the Zilla Parishads and Panchayat Samitis. Emphasizing the importance of representation in reserved seats, it is contended that the constitutional provisions must prevail over the statutory rules in case of any repugnancy. The learned counsel for the petitioner submitted that the whole object is to prevent favoritism and ensure periodic opportunity to under-represented groups across all the electoral wards and divisions but the purpose is frustrated by the introduction of Rule XII of the Rotation of Reservation Rules, 2025 which will perpetuate inequalities and hinder social justice.

26. The petitioner in Writ Petition No.11880 of 2025 has made the following prayers:-

*“a. Declare the Maharashtra Zilla Parishads and Panchayat Samitis (Manner and Rotation of Reservation of Seats) Rules, 2025, particularly Rule XII thereof, as ultra vires the Constitution of India, specifically Articles 243D, 243E, and 243K, and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, to the extent that they designate the forthcoming general election as the "first election" for the purpose of rotation of reserved seats, and consequently strike down the said Rule as unconstitutional and void.*

*b. Issue a writ of mandamus or any other appropriate writ, order, or direction, directing Respondent No. 1 (State of Maharashtra) and Respondent No. 2 (State Election Commission) to ensure that the reservation and rotation of seats for the forthcoming 2025 elections to the Zilla Parishad, Pune, and associated Panchayat Samitis are conducted in accordance with the constitutional mandate under Article 243D and the statutory provisions of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, maintaining continuity with the rotation cycle established since the 1996 elections.*

*c. Issue a writ of certiorari or any other appropriate writ, order, or direction, quashing the impugned Maharashtra Zilla Parishads and Panchayat Samitis (Manner and Rotation of Reservation of Seats) Rules, 2025, to the extent they are inconsistent with the constitutional and statutory framework, particularly with respect to the arbitrary resetting of the rotation cycle.*

*d. Direct Respondents to implement the reservation and rotation of seats for the 2025 elections based on the population figures of the National Census of 2011 and in consonance with the established rotational cycle*

*as per the Maharashtra Zilla Parishads and Panchayat Samitis (Manner and Rotation of Reservation of Seats) Rules, 1996, ensuring equitable representation for Scheduled Castes, Scheduled Tribes, women, and other reserved categories across all electoral divisions.*

*e. Grant an interim stay on the operation and implementation of the impugned Rules, particularly Rule XII, pending the final disposal of this Petition, to prevent irreparable harm to the democratic process and the rights of the Petitioners and other stakeholders in the forthcoming 2025 elections.*

*f. Pass any other and further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice, equity, and good conscience."*

## **WRIT PETITION NO.14828 OF 2025**

27. The petitioners in this writ petition belong to the Scheduled Caste and Scheduled Tribe. They say that they intend to contest the forthcoming Zilla Parishad elections. According to them, reservation of seats was provided in several constituencies as per the Rules of 1996 in the previous elections held in the years 2002, 2007, 2012 and 2017. The petitioners say that grave injustice would be caused to them and other similarly situated eligible voters of their communities if the forthcoming elections in 2025 are treated as the first election and thereby some of the constituencies which were covered under the previous rotation system will be reserved again. The petitioners refer to order passed by this Court in "*Prashant Bansilal Bamb*"<sup>6</sup> to fortify their stand that the rules of rotation should be followed scrupulously. According to the petitioners, in the previous four elections several electoral divisions in Chhatrapati Sambhajinagar such as Sillegaon and Turkabad were never reserved for the Scheduled Castes or Scheduled Tribes. The petitioners refer to the decision in "*K. Krishnamurthy (Dr.) & Ors.*"<sup>7</sup> wherein the Hon'ble Supreme Court held that the rule of rotation is a mandatory safeguard. It ensures equality of opportunity in political representation and prevents the same

<sup>6</sup> Prashant Bansilal Bamb v. State of Maharashtra: 2007 SCC OnLine Bom 112.

<sup>7</sup> K. Krishnamurthy (Dr.) & Ors. v. Union of India & Anr: (2010) 7 SCC 202.

constituencies from being reserved in perpetuity. In this writ petition, the petitioners have made the following prayers:-

*"A. The Hon'ble High Court may be pleased to issue appropriate writ, order or direction in the nature of writ and thereby quashing and setting aside Rule 12 of the Maharashtra Zilla Parishad and Panchayat Samitis (Manner and Rotation of Reservation of Seats) Rules, 2025, as being unconstitutional, ultra vires and arbitrary (Annexure 'A').*

*B. The Hon'ble High Court may be pleased to issue appropriate writ, order or direction in the nature of writ and thereby declare that the General Election of 2025 to the Zilla Parishads in the State of Maharashtra shall be treated as in continuation of the rotation cycle commenced under the 1996 Rules, and not as the "first election."*

*C. The Hon'ble High Court may be pleased to issue appropriate writ, order or direction in the nature of writ and thereby direct the respondents to apply the principle of rotation strictly in accordance with Article 243-D of the Constitution of India and Section 42 of the Act of 1961, and to conduct the elections on the basis of the settled policy of rotation.*

*D. Pending the hearing and till final disposal of this Writ Petition, this Hon'ble High Court may be pleased to stay the execution, operation, implementation and effect of Rule 12 of the 2025 Rules and direct the respondents to provide reservation on the basis of the policy of rotation, and thereafter to declare and proceed with the further election process.*

*E. Any other suitable and equitable relief may kindly be granted in favour of the petitioners."*

#### **WRIT PETITION NO.14892 OF 2025**

28. The petitioner is a resident of Azad Nagar, Tardal, Taluka Hatkanangle in the district of Kolhapur. He does not belong to any reserved category and is aggrieved by Rule XII of the Rotation of Reservation Rules, 2025 apprehending that in the forthcoming elections for the Zilla Parishads and Panchayat Samitis, Hatkanangle taluka may be reserved for the Scheduled Castes category. According to the petitioner, the Zilla Parishad wards in Hatkanangle taluka were earmarked for the Scheduled Castes in the earlier elections and in the forthcoming elections a candidate from open category may not again get a chance if forthcoming election is considered as the first election for the purposes of Rotation of Reservation Rules, 2025. The petitioner states that the rotation of reservation for seats should start from 2002.

29. Dr. Uday Warunjikar, the learned counsel for the petitioner submitted that Rule XII which provides that the forthcoming elections shall be the first election is contrary to the object and scheme under the rules for reservation. The purpose of rotation of seats for reservation is to provide equal and periodic opportunities to every electoral ward and division across categories of reservation. The Rotation of Reservation Rules, 2025 which superseded the Rotation of Reservation Rules, 1996 are similar in intent and structure but the introduction of Rule XII thereunder has changed the entire statutory regime. The learned counsel challenged the validity of Rule XII of the Rotation of Reservation Rules, 2025 on the ground that the said Rule has no force of law inasmuch as the Rules were not published in the Official Gazette and the Government of Maharashtra has failed to disclose sufficient reason for making previous publication of the Rules as a special situation. Moreover, the Rules have been published without following the procedure under section 274 of the MZPPS Act. Dr. Uday Warunjikar, the learned counsel for the petitioners in Writ Petition Nos. 13371 of 2025 and 13007 of 2025 referred to the decision in *“Hindustan Bulk Carriers”*<sup>8</sup> and *“Sultana Begum”*<sup>9</sup>. He submitted that the order dated 16<sup>th</sup> September 2025 passed in Special Leave to Appeal (C) No. 19756 of 2021 shall not constitute *res judicata* to entertain the present batch of writ petitions challenging the validity of Rule XII of the Rotation of Reservation Rules, 2025.

30. Mr. D. P. Palodkar, the learned counsel for the petitioners in Writ Petition Nos. 14828 of 2025, 14881 of 2025 and Writ Petition (St.) No. 34566 of 2025 submitted that Rule IV of the Rotation of Reservation Rules, 2025 was introduced to effectuate the mandate under Article 243-D of the Constitution of India, which envisages

<sup>8</sup> Commissioner of Income Tax v. Hindustan Bulk Carriers: (2003) 3 SCC 57.

<sup>9</sup> Sultana Begum v. Prem Chand Jain: (1997) 1 SCC 373.

rotation of seats for reservation of Scheduled Caste, Scheduled Tribe, Other Backward Class and women. He relied on the decision in *“Sanjay Ramdas Patil”*<sup>10</sup> and endeavored to demonstrate that a particular electoral division may again be reserved for any particular class or category and the reservation for electoral division or divisions in descending order as per the population may again go backward. The learned counsel for the petitioners in all the writ petitions submitted that a careful reading of the orders dated 16<sup>th</sup> September 2025 and 17<sup>th</sup> October 2025 shall disclose that the Special Leave Petition was disposed of keeping the doors open for remedial measures for the aggrieved parties.

31. The guidelines for conduct of local body elections in the State of Maharashtra were published by the State Election Commission vide Government Resolution dated 12<sup>th</sup> June 2025. Soon thereafter, the Rotation of Reservation Rules, 2025 were published on 22<sup>nd</sup> August 2025. Writ Petition No. 5062 of 2025 filed at Nagpur Bench challenging Rule XII of the Rotation of Reservation Rules, 2025 was dismissed on 19<sup>th</sup> September 2025. On 13<sup>th</sup> October 2025, the State Election Commission declared the reservation in electoral divisions/wards. The petitioner in Writ Petition No. 14892 of 2025 approached the Hon’ble Supreme Court in Writ Petition (C) No. 166 of 2025 challenging Rule XII of the Rotation of Reservation Rules, 2025 which was dismissed on 17<sup>th</sup> October 2025. It is stated that the elections in the past for the Zilla Parishads and Panchayat Samitis were conducted pursuant to the Notification dated 30<sup>th</sup> October 1996 and the rotation of reserved seats was followed in the electoral divisions as per the Rotation of Reservation Rules of 1996. It is stated that the rotation of reserved seats as per Rule IV of the Rules of 1996

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<sup>10</sup> Sanjay Ramdas Patil v. Sanjay & Ors.: (2021) 10 SCC 306.

was applied in the elections conducted in the 2007, 2012 and 2017. Later on, the State Election Commission declared the reserved seats in the electoral division but, according to the petitioners, the mandate under Rule IV has not been followed. Vishal Hanmant Aglave, who is the petitioner in Writ Petition No.14892 of 2025 approached the Hon'ble Supreme Court in Writ Petition (C) No.1006 of 2025 and the said writ petition has been disposed of by the Hon'ble Supreme by an order dated 17<sup>th</sup> October 2025.

32. The common ground taken by the State-respondent is that a similar challenge made to Rule XII of the Rotation of Reservation Rules, 2025 in Writ Petition No. 10237 of 2025 at Aurangabad Bench and Writ Petition No. 5062 of 2025 at Nagpur Bench has failed and those orders have attained finality after the Special Leave Petition was dismissed on 16<sup>th</sup> September 2025. Writ Petition No.5062 of 2025 was dismissed on the ground that the writ petition was based on hypothetical situation and no material was produced by the petitioners before the Court to sustain the challenge laid to Rule XII of the Rotation of Reservation Rules, 2025. In the said order, this Court referred to the decision in "*Kishorchandra Chhaganlal Rathod*"<sup>11</sup>. The State-respondent have set up a plea of *res-judicata* on the ground that Writ Petition No.5061 of 2025 with connected matters was dismissed by the High Court of Bombay, Nagpur Bench and the said order has been upheld by the Hon'ble Supreme Court in Special Leave to Appeal (C) No(s).27739 of 2025. The challenge laid to Rule XII in Special Leave to Appeal (C) No(s).27739 of 2025 came to be disposed of in the following terms :-

#### ORDER

“1. We have heard learned senior counsel for the petitioner as well as Mr. Tushar Mehta, learned Solicitor General of India, representing the

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<sup>11</sup> Kishorchandra Chhaganlal Rathod v. Union of India & Ors.: 2024 SCC OnLine 1879.

*State of Maharashtra.*

2. *As of now, it seems to us that Rule XII of the Maharashtra Zilla Parishads and Panchayat Samitis (Manner and Rotation of Reservation of Seats) Rules, 2025, which is under challenge, does not warrant any interference, so long as the competent Authority provides the prescribed reservation following the mandate contained in Rule 4 of the Madhya Pradesh Municipalities (Reservation of Wards for Scheduled Castes, Scheduled Tribes, Other Backward Classes and Women) Rules, 1994. However, in the event of any anomaly that might emerge as a result of the ensuing elections, the appropriate remedial steps may be taken. The petitioner or other aggrieved persons will be at liberty to approach the appropriate forum for appropriate remedial measures.*

3. *The Special Leave Petition is dismissed with liberty aforesaid.*

4. *All pending applications, if any, also stand disposed of.”*

33. According to the State-respondent, the petitioners were attempting to indirectly interfere with the elections for the Panchayats and Municipalities. They have no vested right to contest the forthcoming elections on a reserved seat. The purported loss of opportunity to them does not provide a ground to maintain the writ petition. The rules have been framed in exercise of powers under clause (ii) and clause (xiii) of sub-section (2) and proviso to sub-rule (3) of section 274 of the MZPPS Act. It was on account of the significant change in the territorial and physical limits of the rural areas and the changes in the number of electoral divisions and electoral colleges that the rules were framed by the State government, pursuant to the delimitation exercise. It is stated that there has been a considerable delay in holding elections for the local bodies in the State of Maharashtra and such delays were primarily on account of multiple pending challenges to the statutory amendments to the local body laws and there is a direction by the Hon'ble Supreme Court to the State Election Commission and the State Government to conclude the elections for the local bodies within a time-frame. The respondents have also questioned the motive behind filing of the writ

petitions and state that the petitioners with oblique motive are seeking interference of this Court in the electoral matters to stall the election processes which is impermissible in law. It is submitted that the petitioners have no *locus-standi* to maintain a challenge to Rule XII of the Rotation of Reservation Rules, 2025 on the ground of a purported loss of opportunity. Rule XIV of the Rotation of Reservation Rules, 2025 has been introduced to give proper opportunity to the weaker sections of the society to avail the benefit of reservation in all constituencies in the State.

34. The Rotation of Reservation Rules, 2025 have been framed by the State government in exercise of the powers under clauses (ii) and (xiii) of sub-section (2) and proviso to sub-section (3) of section 274 of the MZPPS Act. Section 274 under Chapter XVII of the MZPPS Act is the rule making power of the State government for the purpose of carrying into effect the provisions of this Act. Proviso to sub-section (3) of section 274 of the MZPPS Act gives liberty to the State government to dispense with the requirement of previous publication of the Rules. It provides that if the State government is satisfied that the circumstances exist which render it necessary to take immediate action, it may dispense with the requirement of previous publication of the Rules to be made for the purposes of conduct of election under this Act. We do not find any malafide in enacting the Rotation of Reservation Rules, 2025. The Rotation of Reservation Rules, 1996 were framed in supersession of the Maharashtra Zilla Parishads Scheduled Castes and Scheduled Tribes (Manner of Reservation of Seats) Rules, 1985, the Maharashtra Panchayat Samitis Scheduled Castes and Scheduled Tribes (Manner of Reservation of Seats) Rules, 1985 and the Maharashtra Zilla Parishads and Panchayat Samitis (Manner of Rotation of Reservation of Seats for Women) Rules, 1990.

The present rules have been framed and published in supersession of the Maharashtra Zilla Parishads and Panchayat Samitis (Manner and Rotation of Reservation of Seats) Rules, 1996. These rules provide for rotation of reservation of seats for the Scheduled Castes, Scheduled Tribes, Backward class of citizens and women in electoral divisions of the Zilla Parishads and Panchayat Samitis in the State of Maharashtra.

35. The Rotation of Reservation Rules, 2025 provide under Rule III that the number of seats to be reserved for the persons belonging to the Scheduled Castes, Scheduled Tribes, Backward Class of citizens and women as provided under Section 12(2) of the MZPPS Act shall be determined by the State Election Commission out of the total number of seats to be filled in by election for every general election to a Zilla Parishad. Under Rule IV, the manner of allotment and rotation of seats reserved for the Scheduled Castes and Scheduled Tribes has been laid down. It provides for the allotment of the seats reserved for the persons belonging to the Scheduled Castes and Scheduled Tribes to the electoral divisions in the descending order. The number of total seats for the Scheduled Castes and Scheduled Tribes as determined under Rule 3 shall be allotted to the electoral divisions in a manner that the electoral division having highest population of such castes or, as the case may be, tribes shall be reserved first. Rule IV contemplates situation where the population of the Scheduled Castes or, as the case may be, Scheduled Tribes is equal in different electoral divisions. This also visualizes a situation where the population of both the Scheduled Castes and Scheduled Tribes is equal in a particular electoral division then in such eventualities, first proviso to Rule IV provides that the allotment of seats in respect of such electoral divisions or electoral division shall be by drawing of lots.

36. Second proviso to Rule IV deals with a peculiar situation where the population of the Scheduled Castes or, as the case may be, the Scheduled Tribes in an electoral division is such that both the categories are entitled to have that electoral division reserved for each of them. Second proviso is intended to resolve this situation by providing that the electoral division where this peculiar situation arises shall be reserved for such caste category which has the highest population. A seat shall be reserved for the remaining caste category (the second category) in the electoral division where it has the next highest population in the descending order. Sub Rule (2) to Rule IV provides that the seats reserved for the persons belonging to Scheduled Castes and Scheduled Tribes shall be rotated in the subsequent general elections to the electoral divisions in which no seat was reserved in the previous general elections for such castes or, as the case may be, tribes, until such reservation is given, by rotation to different electoral divisions in a district.

37. The Rules III and IV read as under :-

*“III. State Election Commission to determine the number of seats to be reserved for the Scheduled Castes, Scheduled Tribes, Backward Class of Citizens and Women:- For every general election to a Zilla Parishad, the State Election Commission shall determine, out of the total number of seats to be filled in by election, the number of seats to be reserved for persons belonging to the Scheduled Castes, Scheduled Tribes, Backward Class of Citizens and Women as provided in sub-section (2) of section 12 of the Act.*

*Explanation. - While determining the number of seats, the fraction of one-half or more of a seat shall be counted as one and the fraction of less than one-half shall be ignored.*

*IV. Manner of allotment and rotation of seats reserved for the Scheduled Castes and Scheduled Tribes:- (1) The number of seats reserved for persons belonging to the Scheduled Castes and Scheduled Tribes under rule 3 shall be allotted to the electoral divisions in the descending order beginning with the electoral division where population of such Castes or, as the case may be, Tribes is the highest:*

*Provided that, where in different electoral divisions the population*

*of Scheduled Castes, or as the case may be, Scheduled Tribes is equal, or in an electoral division where the population of both the Scheduled Castes and Scheduled Tribes is equal, then the allotment of seats in respect of such electoral divisions or electoral division shall be by drawing of lots:*

*Provided further that, where the population of the Scheduled Castes or, as the case may be, the Scheduled Tribes in an electoral division is such that both the Scheduled Castes and Scheduled Tribes are entitled to have that electoral division reserved for each of them, then such electoral division shall be reserved for such category of them having higher population, and in the process for the other remaining category the electoral division in which it has the next highest population in the descending order, the seat shall be reserved.*

*(2) Notwithstanding anything contained in 'sub-rule (1) seats reserved for persons belonging to Scheduled Castes and Scheduled Tribes shall be rotated in the subsequent general elections to the electoral divisions in which no seats have, in the previous general elections been reserved for such Castes or, as the case may be, Tribes, until such reservation is given, by rotation to different electoral divisions in a district."*

38. The whole thrust of the argument made by the learned counsels for the petitioners was that the seats reserved under Rule III must be allotted to the electoral division with next highest population in the subsequent general elections and no seat can be allotted to the electoral division which had availed of the benefit of reservation in the previous general elections. The submission is that the allotment of seats for the reserved category to the electoral division must be made in descending order of population by rotation to different electoral divisions in a district and the rotation of seats cannot be stopped midway till it completes full circle. Reliance has been placed on the decision in "*Kalabai Pramod Raut*"<sup>12</sup> wherein the Division Bench of this Court observed that there would be increase in the number of seats because of the increase in the population and reservation is likely to overlap resulting in repetition of reservation in respect of some posts. However, while doing so, the authorities should apply

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<sup>12</sup> *Kalabai Pramod Raut v. Selection Committee, Anganwadi Sewika and Helper, Lakhandur & Ors.*: (2007) SCC OnLine Bom 403.

their mind and ensure that the rule regarding rotation of reservation is followed both in letter and spirit. This Court further observed that it is found inevitable that on account of increase in the population and increase in the number of electoral divisions, reservation is likely to be repeated in respect of some electoral divisions and the respondents ought to exercise proper care to see as far as possible the reservation is not repeated.

39. In “*Sanjay Ramdas Patil*” the office of the Mayor, Dhule Municipal Corporation for the term commencing from June 2021 was reserved for the Backward Class category. In that case, the decision of the High Court that the post of Mayor in Dhule Municipal Corporation was required to be reserved for Scheduled Castes. The Bombay High Court referred to a decision of Karnataka High Court in “*M. Abdul Azeez*<sup>13</sup>” which held that the principle of rotation shall be violated where a seat earmarked for a reservation category is allotted for a second time before completion of the cycle of rotation. The Hon’ble Supreme Court did not approve the decision of the Bombay High Court and held that interpretation of the Rules by the High Court would make the Rules unworkable. The Hon’ble Supreme Court further held that the Rules are mechanism for giving effect to the constitutional mandate providing reservation for Scheduled Castes and Scheduled Tribes in proportion to their population. The Hon’ble Supreme Court observed that it is the duty of the Court to construe the statute as a whole and that one provision of the Act has to be construed with reference to the other provisions so as to make a consistent enactment of a whole statute. Undoubtedly, rules have been framed to give effect to the constitutional mandate. The Hon’ble Supreme Court repelled the contention that until reservation is provided for each category by rotation, the same reservation cannot

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<sup>13</sup> M. Abdul Azeez v. State of Karnataka : 2014 SCC OnLine Kar 537

be provided to a category for which it was already reserved.

40. The Constitution of India makes a classification of the Scheduled Castes and Scheduled Tribes in different provisions and gives a mandate to the State to accord special treatment to them. A rule in favor of the underrepresented community provides the equality of opportunity. The obligation of the government under the Constitution is a measure of affirmative action to promote equality. Rousseau once said; “It is precisely because of force of circumstances tends to destroy equality with force of legislation must always tend to maintain it”. The concept of equality of opportunity percolates to the governance of local self-government and provides an opportunity to Scheduled Castes and Scheduled Tribes to get their share of representation in Zilla Parishads and Panchayat Samities. The Constitution of India has played a great role in transforming the hierarchical society into a modern egalitarian democracy. The provisions of the Constitution can be understood by adopting a pragmatic approach and in the context of the society as a whole. Section 58 of the MZPPS Act contains a provision for reservation of seats for the persons belonging to the Scheduled Castes, Scheduled Tribes, Backward Class of citizen and women. There are similar stipulations under different proviso in section 58 as regards the number of seats to be reserved for particular caste or category.

41. There was a time when right to contest an election was considered neither a fundamental right nor a common law right. It is now a settled law that the right to contest election is a constitutional right. By the Constitution (73<sup>rd</sup> Amendment) Act, 1992, Part IX was introduced in the Constitution to provide a framework for the Panchayats so as to ensure participation of the people in the democratic processes at the grass root level. Article 243-D provides

that in every Panchayat there shall be reservation in seats for the Scheduled Castes and Scheduled Tribes and the number of seats so reserved for the Scheduled Castes or the Scheduled Tribes shall be in the same proportion to the total number of seats to be filled by direct election as the population of the Scheduled Castes is in that Panchayat area. It further provides that such seats may be allotted by rotation to different constituencies in a Panchayat. In so far the mandate for reservation of seats for Scheduled Castes and Scheduled Tribes and the number of seats so reserved for them is concerned, Article 243-D employs the expression “shall”. However, for allotment of seats by rotation to different constituencies, Article 243-D says that such seats “may be” allotted by rotation to different constituencies in a Panchayat. Quite apparently, the object behind Article 243-D of the Constitution of India is to provide reservation for the Scheduled Castes and Scheduled Tribes and the women in Panchayat elections. The reservation of seats for the Scheduled Castes, Scheduled Tribes, Backward Class of Citizens and the women in the Zilla Parishads and Panchayat Samitis is in consonance with the provisions under Article 243-D and Article 243-K of the Constitution and the provisions of the MZPPS Act. The use of the expression “may be” contemplates a situation where the reservation and allotment of seats for the Scheduled Castes and Scheduled Tribes, Backward Class of Citizens and the women in the elections for Zilla Parishads or Panchayat Samitis may overlap even while following the rotation system to different constituencies. Sub Rule (2) to Rule IV which starts with a *non-obstante* clause provides that the reservation of seats for the persons belonging to the Scheduled Castes and Scheduled Tribes shall be made to the electoral divisions in which no seat was reserved in the previous general elections until such reservation is given, by

rotation to different electoral divisions in a district. However, first proviso to sub-section (1) which provides for allotment of seats by drawing of lots may bring in a situation where the same electoral division gets the allotment of reserved seats in the subsequent general election. Under Rule V, the allotment of seats reserved for Backward Class of Citizens is made by drawing of lots but under sub Rule (2) it is clarified that the allotment of reserved seat in the subsequent general elections shall be made by drawing of lots and by excluding electoral divisions where the seats were reserved for Backward Class of Citizens in the previous general elections. There is no such provision made in Rule IV of the Rotation of Reservation Rules, 2025. Besides these nitty-gritties, what is necessary to keep in mind while examining the Constitutional validity of Rule XII is whether the mandate under Article 243-D of the Constitution of India has been followed or violated.

42. Dr. Uday Warunjikar, the learned counsel further submitted that while harmonizing the provisions under Rules IV and XII, it must be kept in mind that Rule IV cannot be rendered a dead letter or lumber. Dr. Uday Warunjikar, the learned counsel contended that the provisions of one section of a statute cannot be used to defeat the other provisions unless the Court, in spite of its efforts, finds it impossible to effect reconciliation between them.

43. The essence of rule of harmonious construction is that the two conflicting provisions in a statute should be so interpreted to give effect to both of them even where it seems difficult to reconcile both the provisions. The Latin maxim *ut res magis valeat quam pereat* envisages that a liberal construction should be put upon written instruments so as to uphold them and carry into effect the intention of the parties has been the governing principle to make a statute

workable and to secure the object thereunder unless it is found unattainable. In *“Sanjay Ramdas Patil”*, the Hon’ble Supreme Court held that in a situation where there appears to be conflicting provisions in a statute, it is the duty of the Court to first make endeavors to harmonize both provisions. However, the Court may strike down a provision provided it finds that the other provision in the statute is wholly inconsistent with and both the provisions are so irreconcilable that there is no other option for the Court but to strike down the provision which is in conflict with the object behind the statute. In *“Salmon”*<sup>14</sup>, it was observed that the Courts should reject that construction which defeats the plain intention of the Legislature even though there may be some inexactitude in the language. Lord Davey in *“Canada Sugar Refining Co. Ltd.”*<sup>15</sup> observed that every clause of a statute should be construed with reference to the context and other clauses of the statute so, as far as possible, to make a consistent enactment of the whole statute or series of statutes relating to the subject matter. In *“Sultana Begum”*, the Hon’ble Supreme Court observed that it is the duty of the Courts to avoid the head-on clash between two sections of the statute and to construe the provisions which appear to be in conflict with each other in such a manner as to harmonize them.

44. There is no provision for reservation of seats ward-wise. All members of the Scheduled Castes and Scheduled Tribes are regarded as belonging to one class. The Constitution provides for reservation of seats for the Scheduled Castes and Scheduled Tribes. Such a provision identifies the intended beneficiaries who in the present case are the Scheduled Castes and Scheduled Tribes. These traditionally marginalized groups are provided a foothold in the local self-

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<sup>14</sup> *Salmon v. Duncombe*: (1886) 11 AC 627.

<sup>15</sup> *Canada Sugar Refining Co. Ltd. v. R*: [1978] A.C. 735.

government and it is in this context that rule IV has to be understood. The emphasis in the different provisions under the Constitution is on providing equality of opportunity and participation in the democratic processes. In *“Prashant Bansilal Bamb”*, the Division Bench of this Court held that the policy of rotation is not in conflict with the constitutional mandate. This Court held that the State Election Commission shall in exercise of its powers conferred by Article 243-K of the Constitution of India take effective and meaningful steps in implementing the spirit of constitutional and legal provisions regarding the rotation policy for reservation of seats in the Panchayat elections. In our opinion, the reservation of seats for Scheduled Castes and Scheduled Tribes in every election for the Zilla Parishads and Panchayat Samitis is to the benefit of the entire community and not to benefit an individual. The Rotation of Reservation Rules, 2025 is a piece of subordinate legislation. There is no challenge to these Rules on the ground of competence of the State Legislature to frame the rules. There is also no challenge to these Rules on the ground that the Rules confer unguided, uncanalized or unchallenged powers on the State Election Commission to decide the seats to be reserved for the Scheduled Castes, Scheduled Tribes, Backward Class of citizens and women in the electoral divisions in the Zilla Parishads and Electoral Colleges of the Panchayat Samitis.

45. In the aforementioned background, it is established with an ample measure that the challenge made by the petitioners to Rule XII of the Rotation of Reservation Rules, 2025 has no foundation in law. Holding of elections for the Zilla Parishads, Panchayat Samitis etc. is necessary for effectuating the objective of self-governance. The individual’s right to franchise and right to contest the elections are not unfettered rights and are regulated under the statutory provisions.

46. For the aforesaid reasons, we do not find any substance in these writ petitions which are therefore dismissed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

**APPENDIX-I**

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

Mr. Hrishikesh Chitaley a/w Mr. Hitesh B. Sangle, Advocates for the Petitioner in WP/15782/2025 (Through V.C.).

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

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

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

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

Mr. Nikhil Sakhardande, Sr. Adv. a/w Ms. Shubhra Swami & Mr. Priyansh R. Jain i/b. Mr. Shraddhanand Bhutada, Advocates for Petitioner in WP/15778/2025.

Mr. Tauseef Sayyed (Through V.C.), Advocate for the Petitioner in WP/14855/2025.

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

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

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

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

Smt. Neeta Karnik, Senior Advocate a/w. Ms. Jagruti Nimbalkar, Advocates for Petitioner in WP/11878/2025.

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

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

Mr. Mahesh I. Dhatrak, (Through V.C.) Advocate 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 & for Respondent No.5 in WP/15018/2025.

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

Mr. A. Y. Sakhare, Senior Advocate a/w Ms. Chaitrali Deshmukh, Advocates for Respondent No. 2 & 3 in WP/14420/2025.

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. Mahesh I. Dhattrak, Advocate for Respondent No.5-Municipal Council Wadi in WP/15018/2025.

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

Mr. Sachindra B. Shetye a/w. Akshay Pansare, Mr.Nipun Sawane, Adv for Respondent - State Election Commission - in all connected matters.

Mr. Sandeep Koregave, Advocate (Through V.C.) for Petitioner in WP/14966/2025, WP/14967/2025, WP/14892/2025.

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

Mr. Uday Warunjikar a/w. Mr. Sandeep Kovaradregave & Mr. Amol Sawant, Advocates for Petitioner in WP/13007/2025.

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

Mr. Ratan Adhe i/b. Mr. Dutta Madake, Advocates for the Petitioner in WP/14728/2025.

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

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

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

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

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

Mr. Rashid Khan a/w Mr. Saurav More, Advocates for the Petitioner in WP/15299/2025.

Mr. Subodh Shah (Through V.C.) a/w Mr. Nikhil Adkine, Advocates for the Petitioner in WP/14848/2025.

Mr. Vinayak Dahihande, Advocate for the Petitioner in WP/14809/2025.

Mr. Devdatta P. Palodkar (Through V.C.) a/w Mr. Shubham B. Choudhari, Mr. Nikhil Adkine, Mr. Avinash Bailmare, Advocates for the Petitioner in WP Nos. 14828/2025, 14881/2025 & WPST/34566/2025.

Mr. Pradeep Salgar (Through V.C.) a/w Mr. Ritesh Thobde & Ms. Zubi Ansari, Advocates for the Petitioner in WP/15808/2025.

Mr. Anil Y. Sakhare, Senior Advocate a/w Mr. Jagdish G. Aradwad (Reddy), Advocate for Respondent No.1 - TMC in WP/13518/2025.

Mr. P. S. Dani, Senior Advocate i/b Mr. Sarang S. Aradhya & Ms. Gauri Velankar, Advocates for the Respondent No.4 – Panvel Municipal Corporation in WP/15299/2025.