

JYOTI
RAJESH
MANE

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JYOTI RAJESH MANE
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12576 OF 2025

Narendra Subhash Pelmahale
Age 42 years, Occupation - Agriculture
Residing at - Village Pade
Taluka Dindori District Nashik ...Petitioner

VS

1. The State of Maharashtra
(to be served through AGP
Bombay High Court)
2. The Collector Nashik,
District Nashik
3. The Sub-Divisional Officer, Dindori
District Nashik
4. The Tahashildar, Dindhori
District Nashik
5. The District Election Officer,
Nashik
6. The State Election Commission,
Vidhan Bhavan Mumbai ...Respondents

WITH
WRIT PETITION NO. 8030 OF 2026

1. BHARAT JAYWANT PATIL,
Age - 41 years, Occupation - Agriculture,
Residing at - Thane Bhiwandi Road,
Kalher Bhiwandi, Near Balmitra
Vyayam School, Kalher, Thane - 421302.
2. DEVENDRA HARISHCHANDRA PATIL,
Age: 43 years, Occupation - Agriculture,
Residing at - House No. 651, Thane Bhiwandi
Road, Kalher Bhiwandi, Near Balmitra
Vyayam School, Kalher, Thane - 421302.

3. DAYANAND BALIRAM BHANDARI,
Age - 58 years, Occupation - Agriculture,
Residing at - House No. 413/4, Thane Bhiwandi
Road, Kalher Bhiwandi, Near Balmitra
Vyayam School, Kalher, Thane - 421302. ...Petitioner

VS

1. THE STATE OF MAHARASHTRA.
Through its Department of Rural Development,
Bandhakam Bhavan, 25, Marzban Path, Fort, Mumbai 400 001.
2. THE PRINCIPAL SECRETARY,
Rural Development Department,
Government of Maharashtra,
Bandhakam Bhavan, 25, Marzban Path, Fort, Mumbai 400 001.
3. THE STATE ELECTION COMMISSION,
Through its Secretary, New Administrative Building,
Madam Kama Road, Hutatma Rajguru Chowk, Mumbai.
4. THE DISTRICT COLLECTOR,
Tembi Naka, Thane.
5. THE TAHASILDAR, BHIWANDI,
Old Jakat Naka, Agra Road,
Taluka - Bhiwandi, District - Thane. ...Respondents

Appearance in WP/12576/25

Mr. Rameshwar Gite a/w. Mr. Ajay Jaybhay, for Petitioner .

Shri. O.A.Chandurkar Addl.G.P. a/w. Smt. M.P. Thakur AGP, for Respondent-State.

Mr. Sachindra Shetye a/w. Mr.Irfan Shaikh, a/w. Dhanashri Mondkar a/w. Vrushali Shivgan a/w. Akshay Pansare for Respondent No.6-State Election Commission.

Appearance in WP/8030/2026

Ms. N.S.Bobde, for the Petitioner.

Mr. Abhijit K. Naik, AGP for Respondent-State.

**CORAM: G. S. KULKARNI &
AARTI SATHE, JJ.**

DATE: 14 JULY 2026

Oral Judgment (Per: Aarti Sathe, J)

1. These petitions, filed under Article 226 of the Constitution of India, seek substantially similar reliefs and involve a common question of law and fact. They are, therefore, being conveniently disposed of by this common judgment and order.
2. The principal challenge in the present petitions is to the action of the respective Sub-Divisional Officers ("SDOs") in reserving the office of Sarpanch of the concerned Gram Panchayats for Women for the election term 2025–2030. According to the Petitioners, such reservation is contrary to the applicable statutory provisions, and the office of the Sarpanch of Gram Panchayat ought to have been reserved for the Open (General) Category. The substantive reliefs prayed for in both the Writ Petitions are reproduced below:

Writ Petition No.12576 of 2025

- a) This Hon'ble Court be pleased to issue the writ of mandamus or any other writ in nature of mandamus thereby be pleased to quash and set aside the minutes of the meeting/order dated 30/07/2025 passed by the Ld. Sub-Divisional Officer, Dindori be further pleased to restore the earlier decision of the meeting/order dated 21/04/2025 passed by the Ld. Tahashildar, Dindori and further be pleased to apply reservation as General Category of Village Pade, Taluka Dindori District Nashik.
- b) Pending the hearing and final disposal of the present Writ Petition this Hon'ble court by way of appropriate writ of mandamus or any other writ in nature of mandamus be pleased to direct the respondents and apply the reservation to Village Pade, Taluka Dindori District Nashik as that of General Category.

Writ Petition No. 8030 of 2026

- A. The Hon'ble High Court may kindly be pleased to issue appropriate writ, order or direction in the nature of writ and call for the records and proceedings relating to the reservation meeting conducted on 14/05/2026 ("Exhibit -A");

B. And, after examining the legality, validity and propriety thereof, declare that the alteration of reservation effected pursuant to the meeting dated 14/05/2026, insofar as it relates to the office of Sarpanch of Gram Panchayat, Kalher, is illegal, arbitrary, contrary to the applicable Government Notifications/Resolutions and violative of the principles governing reservation and rotation of the office of Sarpanch and be pleased to quash and set aside the decision/resolution of Respondent No. 5 whereby the office of Sarpanch of Gram Panchayat, Kalher has been reserved for the Women category for the term 2025-2030.

C. The Hon'ble High Court may kindly be pleased to issue appropriate writ. order or direction in the nature of writ and direct the Respondents to restore and give effect to the reservation draw conducted on 15/07/2025 whereby the office of Sarpanch of Gram Panchayat, Kalher was reserved for the category of Backward Class of Citizens.

D. Pending hearing until final disposal of the Writ Petition, this Hon'ble High Court may kindly be pleased to stay the operation, implementation and effect of the decision/resolution dated 14/05/2026 reserving the office of Sarpanch of Gram Panchayat. Kalher for the Women category.

E. Pending hearing until final disposal of the Writ Petition. this Hon'ble High Court may kindly be pleased to restrain the Respondents from taking any further steps or proceeding with the election process for the office of Sarpanch of Gram Panchayat, Kalher on the basis of the impugned reservation for the Women category.

3. Briefly the facts in Writ Petition No. 12576 of 2025 which is considered as the lead petition are as follows: -

(i) The Petitioner is a citizen of India and a permanent resident of Village Mouje Pade, Taluka Dindori, District Nashik. The Rural Development Department of the Government of Maharashtra issued a Notification dated 5th March 2025 for determination of reservation of the office of Sarpanch in various Gram Panchayats for the period from 5th March 2025 to 4th March 2030. Pursuant thereto, a meeting was convened by the Tahsildar, Dindori, on 21st April 2025 for determining the reservation of the office of Sarpanch in respect of 17 Gram Panchayats situated in the non-scheduled area of Taluka Dindori. In the said meeting, the reservation was duly finalized and, as per the reservation list, the office of Sarpanch of Village

Mouje Pade was reserved for the Open (General) Category for the term 2025–2030. This was on account of the fact that for the immediately preceding term, i.e., 2020–2025, the office of Sarpanch of the said Gram Panchayat had been reserved for the women i.e. the Scheduled Tribe (Woman) category.

(ii) Subsequently, pursuant to the Government Notification dated 13th June 2025 and the order of the Collector dated 17th July 2025, another meeting was convened on 28th July 2025 under the chairmanship of the Tahsildar, Dindori, at the office of the SDO, Dindori. In the said meeting also, it was confirmed that the office of Sarpanch of Village Mouje Pade continued to remain reserved for the Open (General) Category.

(iii) However, quite peculiarly on 30th July 2025, the SDO, Dindori, conducted a draw of lots for reservation of the office of Sarpanch of Gram Panchayat for Women and included Village Mouje Pade in the said draw, thereby reserving the office of Sarpanch of the said Gram Panchayat for the Women category. According to the Petitioner, the inclusion of Village Mouje Pade in the draw of lots and the consequent reservation of the office of Sarpanch of Gram Panchayat for Women is contrary to the applicable statutory provisions and is therefore unsustainable in law.

(iv) The Petitioner thereafter submitted a representation contending that, in view of the proviso to Rule 2A(4) of the Maharashtra Village Panchayats (Sarpanch and Upa-Sarpanch) Election Rules, 1964 (hereinafter referred to as "**the said Rules**"), reservation of the office of Sarpanch of Gram Panchayat is required to be made by rotation. It was asserted that, since the office had already been reserved for the Scheduled Tribe (Woman) category during the immediately preceding term i.e.

2020-2025, the office of the Sarpanch of Gram Panchayat ought to have continued as reserved for the Open (General) Category for the term 2025–2030 and could not have been again subjected to reservation for Women.

(v) The SDO, however, oblivious of the mandate as prescribed by the provisos to Rule 2A (4) of the said Rules as well as the relevant provisions of the Maharashtra Village Panchayats Act, 1958 (hereinafter referred to as "**the Act**"), proceeded to conduct a draw of lots for reservation of the office of Sarpanch of Gram Panchayat for Women. According to the Petitioners, the said exercise is in clear contravention of the aforesaid Rules as well as the provisions of the Act.

vi) It is in the aforesaid factual backdrop that the Petitioners have instituted the present Writ Petitions.

4. We have heard Mr. Rameshwar Gite, learned counsel appearing along with Mr. Ajay Jaybhay for the Petitioner in Writ Petition No. 12576 of 2025; Ms. N.S. Bobade, learned counsel for the Petitioner in Writ Petition No. 8030 of 2026; Mr. O.A. Chandurkar, learned Additional Government Pleader, appearing along with Ms. M.P. Thakur, learned Assistant Government Pleader, for the State in Writ Petition No. 12576 of 2025; Mr. Sachindra Shetye, learned counsel, appearing along with Mr. Irfan Shaikh, Ms. Dhanashri Mondkar, Ms. Vrushali Shivgan and Mr. Akshay Pansare for Respondent No. 6 – State Election Commission in Writ Petition No. 12576 of 2025; and Mr. Abhijit Naik, learned Assistant Government Pleader, for the State in Writ Petition No. 8030 of 2026.

5. The primary contention of Mr. Rameshwar Gite, learned counsel appearing for the Petitioner, is founded upon the second provisos to Rule 2A (4) of the said Rules. According to the learned counsel, the said proviso mandates that reservation of the office of Sarpanch of Gram Panchayat shall be effected by rotation. It is his contention that where the office of Sarpanch of a Gram Panchayat has been reserved for a particular category, including the Women category, for one election term, the reservation for the succeeding term must necessarily be determined in accordance with the statutory principle of rotation. Consequently, if the office of Sarpanch of Gram Panchayat had already been reserved for the Women category during the immediately preceding term, it could not have again been reserved for Women for the subsequent term and ought to have remained in the Open (General) Category.

6. It was further submitted that the action of the SDO in conducting the draw of lots for reservation of the office of Sarpanch of Gram Panchayat for Women, in disregard of the mandate contained in the second provisos to Rule 2A (4) of the said Rules, is contrary to the statutory scheme. According to the learned counsel for the Petitioner, any action taken in violation of the said Rule is liable to be declared illegal, being contrary to the express provisions of the Rules, and would consequently vitiate the reservation process.

7. It would be imperative to note, Rule 2A, and in particular sub-rule (4) thereof, which is reproduced below:

“2A. Reservation of seats for the election of Sarpanch

(1) The State Government shall, by notification in the Official Gazette, specify the number of offices of Sarpanchas in the Village Panchayats

than the Village Panchayats comprising entirely the Scheduled Areas,] in the State to be reserved for the Scheduled Castes, the Scheduled Tribes, the category of Backward Class of citizens and women (including the women belonging to the Scheduled Castes, the Scheduled Tribes and the category of Backward Class of citizens);

(2) The State Government shall, by notification in the Official Gazette, allot the offices of Sarpanch to be reserved for the Scheduled Castes, the Scheduled Tribes, the category of Backward Class of citizens and women as specified under sub-rule (1), to Districts as follows: -

(a) The offices to be reserved for the Scheduled Castes and Scheduled Tribes in each District shall be allotted in such manner that such reservation shall bear, as nearly as may be, the same proportion to the total number of offices of Sarpanchas in the District as the population of the Scheduled Castes and Scheduled Tribes in that District bears to the total population of that District;

(b) The offices to be reserved for the category of Backward Class of citizens in each District shall, as far as practicable, be allotted in proportion of twenty-seven per cent. of the total number of offices of Sarpanchas in that District;

(c) The offices to be reserved for the women (including the women belonging to the Scheduled Castes, the Scheduled Tribes and the category of Backward Class of citizens) in each District shall, as far as practicable, be allotted in proportion of [one-half] of the total number of offices of Sarpanchas in that District;

(3)(a) the Collector shall, by order, distribute and notify the offices of Sarpanchas to be reserved for the Scheduled Castes and Scheduled Tribes allotted under sub-rule (2), among the Tahsils, having regard to the proportion of the population of such castes and Tribes in the Tahsil, to the total population of that Tahsil;

(b) The Collector shall, by order, distribute and notify the offices of Sarpanchas to be reserved for the category of Backward Class of citizens allotted under sub-rule (2), among the Tahsils, in proportion of twenty-seven per cent. of the total offices of the Sarpanchas in that Tahsil.

(4) The Collector shall allot the offices of Sarpanchas in the District to be reserved for women (including the women belonging to the Scheduled Castes, the Scheduled Tribes and the category of Backward Class of citizens) by drawing lots according to the instructions given by the State Government from time to time:

Provided that, the lots in respect of the women belonging to the Scheduled Castes, the Scheduled Tribes and the category of Backward Class of citizens shall be drawn only among the offices of Sarpanchas reserved for such Castes, Tribes or as the case may be, for the category of backward class of citizen:

Provided further that, while rotating such offices in the subsequent elections the Panchayats where such offices were already reserved in earlier elections for women (including the women belonging to the Scheduled Castes, the Scheduled Tribes and the category of Backward Class of citizens) shall be excluded until in all such Panchayats reservation of offices is given, by rotation."

(4A) Notwithstanding anything contained in these rules, if the office of the Sarpanch is reserved for the Scheduled Castes, or the Scheduled Tribes or, as the case may be, the category of Backward Class of citizens (including Vimukta Jatis and Nomadic Tribes), and no elected member belonging to such Castes, Tribes, as the case may be, the category of backward class of citizen is available, then such office for the same tenure shall be allotted by draw of lots to any of the categories for which the office of the Sarpanch may be reserved under section 30 of the Act:

Provided that, in case where there is one elected member belonging to a particular category for which such office has been reserved and has, filed the nomination form, then such office shall be declared for such member and if there are one or more elected members of such category and none of them have field the nomination form, then such office for the same tenure shall be allotted by draw of lots to any of the categories for which the office of the Sarpanch may be reserved under section 30 of the Act:

Provided further that, in a case where the office of the Sarpanch is reserved for women belonging to Scheduled Castes or the Scheduled Tribes or, as the case may be, the category of Backward Class of citizens (including Vimukta Jatis and Nomadic Tribes), and no elected women member belonging to such Castes or Tribes or, as the case may be, the category of backward class of citizens, is available then the office of the Sarpanch, for the same tenure, shall be treated as (i) if originally reserved for women belonging to the Scheduled Caste, then for the Scheduled Castes, (ii) if originally reserved for women belonging to the Scheduled Tribes, then for the Scheduled Tribes and (iii) if originally reserved for women belonging to the Backward Class of citizens, then for the Backward Class of citizens.]

(5) The Tahsildar, by order, shall reserve the offices of Sarpanchas for the persons belonging to the Scheduled Castes and the Scheduled Tribes, in a descending order, beginning with the Panchayat where the "[percentage of population] of such Castes or Tribes is the highest among the Panchayats in the Tahsil:

Provided that, the offices of the Sarpanchas to be reserved shall be rotated in the subsequent elections, to the Panchayats in the Tahsil where no such offices have been reserved for the Scheduled Castes or Scheduled Tribes, until in all the Panchayats reservation of offices for such Castes and Tribes is given by Rotation.

(6) The Tahsildar, by order, shall reserve the offices of the Sarpanchas for persons belonging to the category of Backward Class of citizens by drawing lots, according to the instructions given by the State Government from time to time among the Panchayats in the Tahsil:

Provided that while drawing lots the Panchayats where the offices of Sarpanchas are reserved for the Scheduled Castes and the Scheduled Tribes in the Tahsil shall be excluded:

Provided further that, the offices of Sarpanchas to be reserved shall be rotated in the subsequent elections to the Panchayats in the Tahsil in which no such offices have been reserved for such category until in all such Panchayats in the Tahsil reservation of offices for such category is given by rotation.]
(emphasis supplied)

8. Mr. Gite has further submitted that, in consonance with the mandate of Rule 2A(4) of the said Rules, the Tahsildar, in the meetings held for determination of reservation, rightly reserved the office of Sarpanch of Village Mouje Pade for the Open (General) Category for the term 2025–2030. According to him, the subsequent action of the SDO in including the said Gram Panchayat in the draw of lots for reservation of the office of Sarpanch of Gram Panchayat for Women is contrary to the statutory scheme and is arbitrary and illegal. He, therefore, submitted that the impugned action, being prejudicial to the rights of the Petitioner, deserves to be quashed and set aside.

9. Ms. N.S. Bobade, learned counsel appearing for the Petitioner in Writ Petition No. 8030 of 2026, adopted the submissions advanced by Mr. Rameshwar Gite, learned counsel for the Petitioner in Writ Petition No. 12576 of 2025, and submitted that the same would equally apply to the facts and circumstances of Writ Petition No. 8030 of 2026.

10. *Per contra*, Mr. O.A. Chandurkar, learned Addl GP, vehemently opposed the reliefs sought in the present petitions. He submitted that the reservation to the office of Sarpanch of Village Mouje Pade for Open (General) Category was itself erroneous and contrary to the statutory scheme. According to the learned Addl. GP, a proper interpretation of the provisos to Rule 2A (4) of the said Rules, would indicate that the reservation earlier determined in favour of the Open (General) Category could not have been sustained.

11. It was further submitted that the proviso to Rule 2A (4) confers upon the Collector the authority to determine reservation for the Women category by

draw of lots wherever such exercise becomes necessary. He therefore contended that the Petitioners' interpretation of the aforesaid proviso, namely, that since the office of Sarpanch of Gram Panchayat had been reserved for the Women category during the immediately preceding term, i.e., 2020–2025, the office was necessarily required to be reserved for the Open (General) Category for the succeeding term, i.e., 2025–2030, is misconceived and contrary to the statutory provisions. The learned Addl. GP further invited our attention to Section 30(4)(c) of the Act and submitted that acceptance of the interpretation canvassed by the Petitioners would defeat the legislative mandate of ensuring fifty per cent reservation for Women. According to him, such an interpretation would be inconsistent with the scheme and object of the Act and the Rules.

12. In support of his submissions, the learned Addl.GP placed reliance upon the decision of the Supreme Court in **Sanjay Ramdas Patil v. Sanjay and Others**¹ to contend that determination of reservation by draw of lots is a recognised and legally permissible methodology. He submitted that the action of the SDO in conducting the draw of lots for reservation of the office of Sarpanch of Gram Panchayat for Women is, therefore, in consonance with the statutory scheme.

13. The learned Addl. GP also submitted that the Gram Panchayats in question form part of a group of villages for the purpose of determination of reservation and that, having regard to the provisions of the Act and the Rules, the draw of lots was the appropriate and legally prescribed method for determining reservation of the office of Sarpanch of Gram Panchayat amongst the constituent Gram Panchayats.

¹ (2021) 10 Supreme Court Cases 306

ANALYSIS

14. We have heard learned counsels on behalf of the parties and perused the papers with their assistance.

15. At the very outset we may note that, the Gram Panchayat Elections are elections which form the core of the democratic process hence the representation/formation of the Panchayats has to be undertaken in accordance with the provisions of the Rules and Acts governing the elections in the Gram Panchayats.

16. In the facts of the present case, we are of the opinion that any election is a creature of the statute under which it is governed. Thus, having due regard to the fact that the process of reservation of the office of Sarpanch of Gram Panchayat is governed by the provisions of the Act and the said Rules, particularly proviso to Rule 2A (4) thereof, we examine the rival contentions from the said perspective.

17. A plain reading of the provisos to Rule 2A(4) leaves no manner of doubt as to the legislative intent. The first proviso expressly stipulates that the draw of lots in respect of Women belonging to the Scheduled Castes, Scheduled Tribes and the Backward Class of Citizens shall be conducted only amongst those offices of Sarpanch which are already reserved for the respective Scheduled Castes, Scheduled Tribes or the Backward Class of Citizens, as the case may be. Further, the second proviso to the above Rule provides that while rotating such offices in the subsequent elections of the Panchayats, where the said offices were earlier reserved for elections for women (including the women belonging to the Scheduled Caste/Scheduled Tribe and the category of backward class of citizens) shall be

excluded in all such Panchayat reservations of offices by rotation. Therefore, the lots could be drawn only in respect of offices of Sarpanchas reserved for the backward class of citizens and the same principle could not be applied for all offices of Sarpanchas of Gram Panchayats as sought to be contended by learned Addl. GP on behalf of the Respondent State. Once this being the case, the principle of rotation as envisaged in proviso to Rule 2A (4) had to be applied for the office of the other Sarpanchas belonging to other Gram Panchayats, which mandates that once for the earlier period the post of Sarpanch is reserved under the women category, for the subsequent period such post had to necessarily filled in by a candidate from the Open (General) category.

18. Thus, the statutory mandate contained in Rule 2A (4) of the said Rules has not been adhered to by the concerned SDOs' in the present case. The office of Sarpanch of Gram Panchayat, which had already been reserved for the Women category during the immediately preceding term, has once again been reserved for the Women category. This would be in clear disregard of the principle of rotation as per the second proviso to Rule 2A (4). The impugned action, therefore, cannot be sustained.

19. We are also unable to accept the reliance placed by the learned Addl. GP upon the decision of the Supreme Court in **Sanjay Ramdas Patil (supra)**. The said decision arose in an entirely different fact pattern. The issue before the Supreme Court pertained to reservation of the office of Mayor, which had been earmarked for the Backward Class of Citizens for a term of two and a half years commencing from June 2021. The grievance was to the effect that the office, since the year

2003, been reserved only for the Backward Class of Citizens and not for the Scheduled Castes. The Supreme Court was not called upon to interpret the provisions of Rule 2A (4) of the said Rules or the scheme governing reservation of the office of Sarpanch of Gram Panchayat under the Act. The facts of the said case has no relevance to the facts of the present case and hence would not assist learned Addl. GP to advance his case further. Also, we are of the view that drawing of lots which is to be considered in regard to all such seats which are at par, does not change the substantive law, which mandates that rotation for the post of Sarpanch of Gram Panchayat is something which needs to be followed in the Election process of Gram Panchayats.

20. We are further not in agreement with the reliance placed by learned Addl. G.P. on the provisions of Section 30(4)(c) of the Act to contend that if the post of the Sarpanch of Gram Panchayat is not reserved for the women category for the election term from 2025 to 2030 and instead kept for Open (General) Category, the same will defeat the legislative intent to keep 50% reservation for women, inasmuch as the said section only mandates/specifies as to in what manner the reservation for the post of the Sarpanch of Gram Panchayat has to be made. The said section has to be read holistically. Also the proviso to Rule 2A (4) of the Act which categorically provides for rotation to the post of the Sarpanch of Gram Panchayat, cannot be overlooked. Hence by adherence to the requirement of the Rule does not in any way dilute the 50% reservation for women but only prescribes the manner in which the post of the Sarpanch of Gram Panchayat has to be filled in for every successive term. The interpretation thus sought to be placed by learned

Addl. GP on the provisions of Section 30(4)(c) of the Act hence cannot be accepted.

21. In view of the aforesaid discussion, we are satisfied that the impugned actions of the respective SDOs are contrary to the provisions of the Act and the Rules and, therefore, deserves to be interfered in the present proceedings. Accordingly, we pass the following order:

ORDER

- i) The minutes of the meeting/order dated 30th July 2025 passed by the Sub-Divisional Officer in Writ Petition No. 12576 of 2025 are quashed and set aside. The minutes of the meeting dated 14 May 2026 impugned in Writ Petition No. 8030 of 2026 are also quashed and set aside.
- ii) The Collector, Nashik, shall undertake a fresh exercise for determination of reservation of the office of Sarpanch in respect of Gram Panchayat Mouje Pade in Writ Petition No. 12576 of 2025 and Gram Panchayat Kalher in Writ Petition No. 8030 of 2026, strictly in accordance with the provisions of the Maharashtra Village Panchayats Act, 1958 and the Maharashtra Village Panchayats (Sarpanch and Upa-Sarpanch) Election Rules, 1964 and particularly the provisions of Rule 2A(4) read with the provisos. The Collector shall complete the said exercise and issue appropriate consequential directions by treating the office of Sarpanch in the respective Gram Panchayats as falling in the Open (General) Category, if otherwise permissible in law, within a period of six weeks from the date on which this judgment is uploaded.
- iii) Both the Writ Petitions are accordingly allowed and disposed of in the aforesaid terms. No costs.

(AARTI SATHE, J.)

(G. S. KULKARNI, J.)