

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11880 OF 2025**

Dnyanoba Bhiva Kamble

.. Petitioner

Vs.

The State of Maharashtra & Ors.

.. Respondents

WITH

**WP/11477/2025, WP/11878/2025, WP/12303/2025,
WP/12368/2025, WP/12369/2025, WP/12216/2025,
WP/11930/2025, WP/12935/2025, WPST/33340/2025,
WP/13371/2025, IAST/33915/2025, WP/13458/2025,
IAST/37766/2025, WP/13458/2025, WP/13515/2025,
WPST/33740/2025, WP/13518/2025, WPST/33895/2025,
WPST/34566/2025, WP/14728/2025, WP/14753/2025,
WP/14767/2025, WP/14809/2025, WP/14828/2025,
WP/14820/2025, WP/14821/2025, WP/14842/2025,
WP/14851/2025, WP/14848/2025, WP/14886/2025,
WP/14875/2025, WP/14854/2025, WP/14859/2025,
WP/14855/2025, WP/14874/2025, WP/14878/2025,
WP/14881/2025, WP/14892/2025, WP/14981/2025,
WP/14966/2025, WP/14967/2025, WP/15003/2025,
WP/15006/2025, WP/15015/2025, WP/15013/2025,
WP/15017/2025, WP/15018/2025, WP/15026/2025,
WP/15122/2025, WP/15121/2025, WP/15124/2025,
WP/15123/2025, IAST/36348/2025, WP/15125/2025,
WP/15127/2025, WP/14420/2025, WP/15741/2025,
WP/15786/2025, WP/15776/2025, WP/15742/2025,
WP/15743/2025, WP/15744/2025, WP/15745/2025,
WP/15751/2025, WP/15763/2025, WP/15761/2025,
WP/15765/2025, WP/15778/2025, WP/15780/2025,
WP/15783/2025, WP/15782/2025, WP/15807/2025,
WP/15798/2025, WP/15797/2025, WP/15808/2025,
IA/13412/2025, WP/15806/2025, WP/15809/2025,
WP/15539/2025, WP/15544/2025, WP/15617/2025,
WP/15412/2025, WPST/15299/2025, WP/16172/2025,
WP/16174/2025, WP/16179/2025**

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

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

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

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

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

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

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

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

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

Mr. Niranjan Jadhav a/w. Mr. Ronak Mistry, Adv for the Petitioner in WP/15765/2025.

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

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

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

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

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

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

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

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

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

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

Sr. Adv. Smt Neeta P. Karnik a/w. Shirang Katneshwarkar, Anthony Floriyen Foss, Sandeep Gupta, Vivek Chauhan, Kallis Alphanso, Ms. Harshada Kshirsagar i/b. Mrs. Jovila Gonsalves, Adv for Petitioners in WP/11477/2025, WP/12216/2025, WPSt./33740/2025.

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

Mr. Mahesh I. Dhattrak, Adv for Respondent No.2-Municipal Council Gondia in WP/15782/2025, for Respondent No.5-Municipal Council Gondia in WP/15780/2025, for Respondent No.2-Chief Officer Wani Nagar Parishad in WP/15798/2025 & for Respondent No.5 in WP/15018/2025.

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

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

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

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

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, Adv for Respondent No.5-Municipal Council Wadi in WP/15018/2025.

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

Mr.Pradip Patil Adv a/w Mr.Harshwardhan Karande for Respondent No. 7 & 8 in WP/11477/2025.

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

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

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

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

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

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

Mr. Chaitanya Chavan a/w. Rahul Singh, Varsha Sawant, Pranali Raut, Mr.Neil Patel & Ms.Varsha Sawant i/b. Legal Catalyst, Adv

for Petitioner in WP/13515/2025.
Mr. Rohan Mirpury, Adv for Applicant in IAST/33915/2025 in WP/13371/2025.
Mr. S. R. Ganbavale, Adv for Respondent No.3 PCMC in WP/13371/2025.
Mr. Sandeep Koregave, Adv for Petitioner in WP/14966/2025, WP/14967/2025, WP/14892/2025.
Dr. Uday Warunjikar a/w. Sumit Kate i/b. Sonali Chavan, Adv for Petitioner in WP/13371/2025.
Mr. D. P. Paladkar a/w. Nikhil Adkine, Shubham Khoche, Avinash Badmare, Adv for Petitioner in WPST/34566/2025.
Dr. Uday Warunjikar a/w. Sandeep Koregave, Adv & Mr.Amol Sawant for Petitioner in WP/13007/2025.
Mr. Varad Partani a/w. Shantanu Kolhe, Adv i/b Mr.Nitin Gaware Patil for Petitioner in WP/13458/2025.
Mr. Vijay P. Agale a/w. Mehboob Shaikh, Adv for Petitioner in WP/14981/2025.
Mr. Ratan Adhe i/b. Dutta Madake, Adv for the Petitioner in WP/14728/2025.
Mr. Ratan Adhe i/b. Vishal A. Bagul Patil, Adv for Petitioner in WP/15026/2025.
Mr. S. S. Patwardhan i/b. Mrinal Shelar, Adv, Mr.A.V.Hardas, Mr.Aaroh Kulkarni & Mr.Anurag Patwardhan for Petitioners in WP/12935/2025.
Mr. Anurag Mankar a/w. Raj Tavsalkar, Adv for Petitioner in WP/15003/2025.
Mr. Shrishailya S. Deshmukh, Adv for Petitioner in WP/11930/2025.
Mr. Ajinkya Gaikwad, Adv for Petitioner in WP/15412/2025.
Mr. Bharatkumar Nukte a/w. Prashant Dhanvi, Adv for Petitioner in WP/15539/2025, WP/15544/2025, WPst/35458/2025.
Mr.Harnish Gadhia a/w Mr.Aniket Sawal, Mr.Mayur Gadhia for the Petitioner-thr.VC in WP/15809/2025.
Mr.Rashid Khan a/w Mr.Anirudh Rote & Mr.Saurav More for the Petitioner in WP/15299/2025.
Mr.Subodh Shah-thr VC a/w Mr.Nikhil Adkine for the Petitioner in WP/14848/2025.
Mr.Vinayak Dahihande for the Petitioner in WP/14809/2025 Reservation matter.
Mr.D.P.Palodkar -thr VC /w Mr.Shubham Khoche, Mr.Aniesh Jadhav, Mr.Nikhil Adkine, Mr.Avinash Bailmare for the Petitioner in WP Nos.14828/2025, 14881/2025 & WPST/34566/2025.
Mr.Pradeep Salgar -thr.VC a/w Mr.Ritesh Thobde & Ms.Zubi Ansari

for the Petitioner in WP/15808/2025.

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

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

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 in Sr.No.905.

Mrs. Neha S. Bhide, G.P. a/w. Mr. O. A. Chandurkar, Addl G.P., Mrs. Tanu Bhatia AGP for Respondent-State in Sr.No.917.

Mrs. Neha S. Bhide, G.P. a/w. Mr. O. A. Chandurkar, Addl G.P., Mrs. G. R. Raghuwanshi, AGP for Respondent-State in Sr.No.503 & 506.

Mrs. Neha S. Bhide, G.P. a/w. Mr. O. A. Chandurkar, Addl G.P., Mrs. Pooja Patil, AGP for Respondent-State in Sr.No.504.

Mrs. Neha S. Bhide, G.P. a/w. Mr. O. A. Chandurkar, Addl G.P., Mr. V.G.Badgujar, AGP for Respondent-State in Sr.No.505.

Mr.P.S.Dani, Sr.Adv i/b Mr.Sarang S.Aradhya & Ms.Gauri Velankar for the Respondent No.4 in WP/15299/2025.

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

DATE : 28th NOVEMBER 2025.

P.C. :

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 2nd December 2025. To be listed High on Board.

8. However, in view of a specific ground raised as recorded in the order dated 7th 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.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]