

ITEM NO.14+19

COURT NO.3

Revised  
SECTION IXS U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 19756/2021

(Arising out of impugned final judgment and order dated 22-10-2021  
in WP No. 11744/2021 passed by the High Court Of Judicature At  
Bombay At Aurangabad)

RAHUL RAMESH WAGH

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA &amp; ORS.

Respondent(s)

(IA No. 161602/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 23878/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 68407/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 92695/2022 - CLARIFICATION/DIRECTION, IA No. 156051/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 23879/2022 - EXEMPTION FROM FILING O.T., IA No. 156052/2021 - EXEMPTION FROM FILING O.T., IA No. 19520/2022 - EXEMPTION FROM FILING O.T., IA No. 73438/2022 - EXEMPTION FROM FILING O.T., IA No. 28258/2022 - INTERVENTION APPLICATION, IA No. 7458/2022 - INTERVENTION APPLICATION, IA No. 6134/2022 - INTERVENTION APPLICATION, IA No. 419/2022 - INTERVENTION/IMPLEADMENT, IA No. 68401/2022 - INTERVENTION/IMPLEADMENT, IA No. 8129/2022 - MODIFICATION OF COURT ORDER, IA No. 19518/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 156048/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 156049/2021 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS, IA No. 422/2022 - RECALLING THE COURTS ORDER)

WITH

T.C. (C) No. 26/2022 (XVI-A)

W.P. (C) No. 184/2022 (X)

(FOR ADMISSION and IA No.39000/2022-EX-PARTE STAY)

W.P. (C) No. 250/2022 (X)

(IA No. 68626/2022 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 60953/2022 - EXEMPTION FROM FILING O.T., IA No. 69028/2022 - INTERVENTION APPLICATION, IA No. 68623/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

W.P. (C) No. 238/2022 (X)

(IA No. 69013/2022 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 49985/2022 - EXEMPTION FROM FILING AFFIDAVIT, IA No. 60983/2022 - EXEMPTION FROM FILING O.T., IA No. 49974/2022 - GRANT OF INTERIM RELIEF, IA No. 92911/2022 - INTERVENTION APPLICATION, IA No.

92907/2022 - INTERVENTION APPLICATION, IA No. 93235/2022 - INTERVENTION APPLICATION, IA No. 69012/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

W.P. (C) No. 207/2022 (X)

(IA No. 49736/2022 - APPLICATION FOR PERMISSION, IA No. 60972/2022 - EXEMPTION FROM FILING O.T., IA No. 69654/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 43322/2022 - STAY APPLICATION)

MA 323/2022 in SLP(C) No. 20160/2021 (IX)

(FOR CLARIFICATION/DIRECTION ON IA 18311/2022, FOR EXEMPTION FROM FILING O.T. ON IA 18313/2022, IA No. 18311/2022, CLARIFICATION/DIRECTION, IA No. 18313/2022 - EXEMPTION FROM FILING O.T.)

W.P. (C) No. 141/2022 (X)

IA No. 31332/2022 - INTERVENTION/IMPLEADMENT  
IA No. 30425/2022 - STAY APPLICATION)

T.C. (C) No. 25/2022 (XVI-A)

T.C. (C) No. 31/2022 (XVI-A)

T.C. (C) No. 30/2022 (XVI-A)

W.P. (C) No. 1316/2021 (X)

(IA No. 28202/2022 - AMENDMENT OF THE PETITION, IA No. 44522/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 44523/2022 - EXEMPTION FROM FILING O.T., IA No. 157427/2021 - EXEMPTION FROM FILING O.T., IA No. 44897/2022 - EXEMPTION FROM FILING O.T., IA No. 44895/2022 - INTERVENTION APPLICATION, IA No. 1261/2022 - INTERVENTION APPLICATION, IA No. 157430/2021 - STAY APPLICATION)

T.C. (C) No. 29/2022 (XVI-A)

T.C. (C) No. 28/2022 (XVI-A)

T.C. (C) No. 27/2022 (XVI-A)

W.P. (C) No. 278/2022 (X)

IA No. 77916/2022 - APPROPRIATE ORDERS/DIRECTIONS  
IA No. 74532/2022 - EXEMPTION FROM FILING O.T.  
IA No. 77992/2022 - INTERVENTION APPLICATION  
IA No. 76964/2022 - INTERVENTION APPLICATION  
IA No. 74862/2022 - INTERVENTION APPLICATION  
IA No. 77911/2022 - INTERVENTION/IMPLEADMENT  
IA No. 75226/2022 - INTERVENTION/IMPLEADMENT)

W.P. (C) No. 533 of 2022

Diary No(s). 21539/2022 (X)

W.P. (C) No. 365/2022 (X)  
(FOR ADMISSION and I.R. and IA No.73560/2022-STAY APPLICATION)

W.P. (C) No. 309/2022 (X)  
(FOR ADMISSION and IA No.65095/2022-STAY APPLICATION)

Date : 20-07-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s)

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By Courts Motion, AOR

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Mr. D.P. Palodkar, Adv.

Mr. Shashibhushan P. Adgaonkar, AOR  
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For Respondent(s)

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Mr. Ranbir Singh Yadav, AOR

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Mr. Pranav Saigal, Adv.  
Mr. Ajay Sabarwal, Adv.  
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Mr. Himanshu, Adv.  
Ms. A. Yadav, Adv.

Mr. Siddharth B., Sr. Adv.  
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Ms. P. Kar, Adv.  
Mr. Nadeem Afroz, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

I.A. No. 92695 of 2022 in SLP(C) No. 19756 of 2021 and I.A. No. 93235 of 2022 in WP (C) No. 238 of 2022

This order disposes of two interlocutory applications namely, I.A. No. 92695 of 2022 filed by the State of Maharashtra and I.A. No. 93235 of 2022 filed by the intervenor.

It is prayed by the State of Maharashtra that since the Dedicated Commission for Reservation for Backward Class of Citizens in Local Bodies of Maharashtra has submitted its report on 07.07.2022, after complying with the necessary enquiries for arriving at the proportion for providing reservation for Other Backward Class category local body-wise, the Election Commission be permitted to proceed with the election process of the remaining local bodies on that basis.

Learned counsel appearing for the Election Commission has pointed out that as of today, election programme in respect of 367 local bodies has already commenced and the same will be continued and taken to its logical end, in due course.

As regards the remaining local bodies, referred to in the chart filed with the status report, we direct the Election Commission and all the State authorities to ensure that the election process in respect of each of these local bodies is immediately commenced in accord with the recommendation made by the Dedicated Commission; and is taken forward on the basis of the directions given by this Court vide order dated 04.05.2022, including the following:

"...Accordingly, the election programme of such local bodies must proceed and the State Election Commission is obliged to notify the election programme within two weeks from today in respect of such local bodies including to continue with the process from the stage as on 10.3.2022, on the basis of the delimitation done prior to coming into force

of the Amendment Act(s) w.e.f. 11.03.2022...."

We restate that position and express sanguine hope that the concerned authorities and, in particular, the Election Commission would complete the election process in respect of the remaining local bodies in accordance with law in right earnest keeping in mind the spirit of the mandate of the Constitution of India in that regard.

Learned counsel appearing for the opposite parties have no objection for issuing the above directions but have prayed for liberty to challenge the correctness of the stated report before appropriate forum on the grounds as may be permissible in law. We have no difficulty in giving liberty to the parties to do so.

Mr. Vinay Navare, learned senior counsel appearing for the intervenor was at pains to persuade us to reconsider the direction given on 04.05.2022 reproduced above. He submits that the Election Commission and the State authorities are not taking necessary measures to ensure that the areas affected by delimitation done prior to coming into force of the Amendment Act would get representation in the concerned local bodies.

This apprehension is premature. No specific case is brought before us to demonstrate that any particular area or local body would be denied representation in the concerned local body.

The relief claimed in the application by the intervenor, to say the least, is to direct stalling of the election programme until the entire delimitation process as per the Amendment Act is completed. We decline to accept this submission. We say so because the order(s) passed on the earlier occasion by this Court, have dealt with all aspects and yet issued direction to the Election Commission and State authorities as referred to earlier.

Accordingly, intervenor application stands rejected.

Needless to observe that if the intervenor has filed any writ petition before the High Court, the same would abide by the directions given by this Court in passing interim directions, if required, only in-furtherance of order(s) of this Court and not inconsistent therewith in any manner.

Even if the petitioners before the High Court have any grievance, that can be dealt with appropriately, as and when occasion arises. But, we once again reiterate that in no case, election process in respect of local bodies where it is already overdue can brook any further delay. The Election Commission must act with promptitude and report compliance to this Court.

I.A. No. 92695 of 2022 filed by the State of Maharashtra and I.A. No.93235 of 2022 filed by the intervenor are disposed of in the above terms.

W.P. (C) No. 533 of 2022

List this matter on 26.07.2022

Liberty is granted to serve the advance copy of petition(s) on the Standing Counsel for the respondents, including Central Agency.

Diary No. 21539 of 2022

List this matter along with W.P.(C) No. 533 of 2022 on 26.07.2022.

(DEEPAK SINGH)  
COURT MASTER (SH)

(VIDYA NEGI)  
ASSISTANT REGISTRAR