

S 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 & ORS.

Respondent(s)

(IA No. 145211/2022 - AMENDMENT OF APPEAL/PETITION/I.A., IA No.145208/2022 - AMENDMENT OF APPEAL/PETITION/I.A., IA No.68407/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 243215/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 111081/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 161602/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 23878/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 114988/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 243223/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 107960/2022 - CLARIFICATION/DIRECTION, IA No. 156051/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 73438/2022 - EXEMPTION FROM FILING O.T., IA No.243218/2023 - EXEMPTION FROM FILING O.T., IA No. 107967/2022 - EXEMPTION FROM FILING O.T., IA No. 23879/2022 - EXEMPTION FROM FILING O.T., IA No. 107961/2022 - 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. 112860/2022 - INTERVENTION APPLICATION, IA No. 7458/2022 - INTERVENTION APPLICATION, IA No.111099/2022 - INTERVENTION APPLICATION, IA No. 6134/2022 - INTERVENTION APPLICATION, IA No. 243209/2023 - INTERVENTION APPLICATION, IA No. 28258/2022 - INTERVENTION APPLICATION, IA No.134970/2022 - INTERVENTION APPLICATION, IA No. 114696/2022 - INTERVENTION APPLICATION, IA No. 243221/2023 - INTERVENTION APPLICATION, IA No. 68401/2022 - INTERVENTION/IMPLEADMENT, IA No. 419/2022 - INTERVENTION/IMPLEADMENT, IA No. 107957/2022 - INTERVENTION/IMPLEADMENT, IA No. 8129/2022 - MODIFICATION OF COURT ORDER, IA No. 156048/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 19518/2022 - 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, IA No. 107965/2022 - RECALLING THE COURTS ORDER)

Signature Not Verified
Digital Signature
ARJUN KISHORE
Date: 2025.09.19
16:41:19 IST
Reason:

WP.(C) No. 1316/2021 (X)

IA No. 28202/2022 - AMENDMENT OF THE PETITION

IA No. 44522/2022 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 157427/2021 - EXEMPTION FROM FILING O.T.
IA No. 44897/2022 - EXEMPTION FROM FILING O.T.
IA No. 44523/2022 - 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.25/2022 (III)
T.C.(C) No.26/2022 (III)
T.C.(C) No.29/2022 (III)
T.C.(C) No.28/2022 (III)
T.C.(C) No.27/2022 (III)
T.C.(C) No.30/2022 (III)
T.C.(C) No.31/2022 (III)

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

W.P.(C) No. 184/2022 (X)
IA No. 39000/2022 - EX-PARTE STAY

W.P.(C) No. 238/2022 (X)
IA No. 49985/2022 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 69013/2022 - 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. 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

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
IA No. 169072/2022 - PERMISSION TO FILE AMENDED WRIT PETITION

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. 74862/2022 - INTERVENTION APPLICATION
IA No. 126486/2022 - INTERVENTION APPLICATION
IA No. 77992/2022 - INTERVENTION APPLICATION
IA No. 76964/2022 - INTERVENTION APPLICATION
IA No. 77911/2022 - INTERVENTION/IMPLEADMENT
IA No. 75226/2022 - INTERVENTION/IMPLEADMENT
IA No. 127056/2022 - MODIFICATION OF COURT ORDER

W.P.(C) No. 365/2022 (X)
IA No. 169363/2022 - PERMISSION TO PLACE ADDITIONAL FACTS AND
GROUNDS, IA No. 73560/2022 - STAY APPLICATION

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

W.P.(C) No. 650/2022 (X)
IA No. 137163/2022 - AMENDMENT IN CAUSE TITLE
IA No. 117238/2022 - EXEMPTION FROM FILING O.T.
IA No. 126199/2022 - EXEMPTION FROM FILING O.T.
IA No. 126193/2022 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

W.P.(C) No.896/2022 (X)

W.P.(C) No.1001/2022 (PIL-W)

Diary No(s).46401/2024 (PIL-W)
(IA No. 271029/2024 - CONDONATION OF DELAY IN REFILING/CURING THE
DEFECTS)

W.P.(C) No.33/2025 (X)
IA No. 14916/2025 - EXEMPTION FROM FILING O.T.

W.P.(C) No.29/2025 (PIL-W)

W.P.(C) No. 187/2025 (X)
IA No. 56262/2025 - EXEMPTION FROM FILING O.T.

W.P.(C) No.471/2025 (PIL-W)
IA No. 116388/2025 - EXEMPTION FROM FILING O.T.
IA No. 116387/2025 - STAY APPLICATION

Date : 16-09-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

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Mr. Kamal Kumar Pandey, Adv.
Mr. Sk Warish Ali, Adv.
Mr. Vijay Kumar Pandey, Adv.
Mr. Raj Singh Rana, AOR

Ms. Lakshmi Ramamurthy, AOR

Mr. Shirish K. Deshpande, AOR
Mr. Govind Karwa, Adv.
Ms. Rucha Pravin Mandlik, Adv.
Mr. Mohit Goutam, Adv.
Mr. Raghav Arora, Adv.
Mr. Abhishek Kulkarni, Adv.
Mr. Sagar Wakale, Adv.

Mr. Ayush Choudhary, Adv.
Mr. Kartik Yadav, Adv.
Mr. Gautam Awasthi, AOR

Mr. Amol B. Karande, AOR
Mr. Shashank Singh, Adv.
Ms. Drishti Narbar, Adv.
Mr. B Lakshmi Pallesh, Adv.

Mr. Devdatt Palodkar, Adv.
Mr. Shashibhushan P. Adgaonkar, AOR
Mr. Sharian Mukherji, Adv.
Mr. Anoop Raj, Adv.
Mr. Chirag Zanwar, Adv.

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Mr. Vatsalya Vigya, AOR
Ms. Gautami Yadav, Adv.
Ms. Pranjal Chapalgaonkar, Adv.
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Mr. Siddharth Dharmadhikari, Adv.
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Mr. Bharat Bagla, Adv.
Mr. Shrirang B. Varma, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Mr. Adarsh Dubey, Adv.
Ms. Chitransha Singh Sikarwar, Adv.

Mr. Kartik Seth, Adv.
Mr. Raghav Sharma, Adv.
Mr. K.m. Abish, Adv.
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Mr. Yogesh Yadav, Adv.
Ms. Nandini Tripathy, Adv.
Ms. Latika Rao, Adv.
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Ms. Mehaak Jaggi, AOR
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Mr. Vivek Kushwaha, Adv.
Mr. Vishal Yadav, Adv.

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Mr. Pawan Kumar Shukla, Adv.
Mr. Amit Bhardwaj, Adv.
Mr. Piyush Sardana, Adv.
Mr. Amit Kumar Pandey, Adv.
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UPON hearing the counsel the Court made the following
O R D E R

1. The controversy in the instant case pertains to the conducting of the local body elections in the State of Maharashtra. Previously, the elections could not be held on account of the dispute *re:* validity of reservation for Other Backward Class categories, as noted in our order dated 06.05.2025.
2. The subject-matter of challenge in the instant proceedings *inter alia*, thus, is the validity of the reservation recommended by the Banthia Commission for OBCs in local bodies. It is in this backdrop, that on 06.05.2025, this Court passed a reasoned order with the following directions:

"5. Consequently, subject to the outcome of these proceedings and without prejudice to the issues raised on behalf of the rival parties, we deem it appropriate to issue the following directions to the State of Maharashtra/ State Election Commission:

(i) The elections to the local bodies shall be notified by the State Election Commission within four 10 weeks;

(ii) The reservation shall be provided to the OBC communities as per the law as it existed in the State of Maharashtra prior to the 2022 Report of the Banthia Commission;

(iii) An endeavour shall be made to conclude the elections within a period of four months. However, the State Election Commission shall be at liberty to seek extension of time in appropriate cases; and

(iv) The Elections shall be held subject to the outcome of these proceedings."

3. It may be seen from paragraph 5(iii) of the above reproduced order, the elections were expected to be concluded within a period of four months, namely, by 06.09.2025. However, we are informed by learned counsel for the parties that the elections are yet to be notified. On a query, learned State counsel as well as learned counsel for the State Election Commission jointly state that:

(i) The delimitation exercise for Zila Parishads and Panchayat Samitis has been completed;

(ii) The delimitation exercise for the Municipalities and other local bodies is still going on; and

4. The State Election Commission has consequently filed an application seeking extension of time, *inter alia*, on the grounds that:

(a) Sufficient EVMs are not available;

(b) Due to School Education Board Examinations, the school

premises will not be available for setting-up polling booths;
and

(c) The Commission has not been able to requisition sufficient number of officers to perform the duties of Returning Officers and the other assisting staff.

5. We have heard learned counsel for the parties at a considerable length in this regard. At the very outset, we are constrained to observe that the State Election Commission has failed to take the desired action to ensure the compliance of our order dated 06.05.2025 and to conduct elections within the prescribed time schedule. We would once again remind all the concerned authorities that properly functioning local bodies are the very soul of a constitutional democracy.

6. That being said, and as a one-time concession with a view to ensure that there is no further impediment in conducting the elections, we deem it appropriate to issue the following directions:

(i) The pending delimitation exercise(s), in all circumstances, shall be completed by 31.10.2025. No further extension shall be granted in this regard, and it is clarified at the cost of repetition that pending delimitation exercises shall not be a ground to defer the elections any longer;

(ii) Since the School Board Examinations will take place in the month of March, 2026 - which is quite far away from the timeline we had imposed for conduct of local body elections, we reject this plea of the State Election Commission for postponement of the elections.

(iii) The Chief Secretary, State of Maharashtra is directed to immediately deploy the requisite staff for performing the election duties as may be directed by the State Election Commission.

(iv) To that end, the State Election Commissioner is directed to submit the details of the staff that may be required by it to the Chief Secretary within two weeks. The Chief Secretary will provide the requisite staff within four weeks thereafter. The details of the officers/officials, who will be deployed for election duties, shall be furnished to the State Election Commission within four weeks.

(v) As regard to the EVMs, we direct the State Election Commissioner to make necessary arrangements and file a compliance affidavit regarding availability of the requisite EVMs by 30.11.2025.

7. The elections of all the local bodies, including the Zila Parishads, Panchayat Samitis and the Municipalities shall be conducted by 31.01.2026. It is made clear that no further extension shall be granted to the State or the State Election Commission.

8. In case the State Election Commission requires any other logistic support on the intervention of this Court, an appropriate application be filed in that regard promptly, and in any case by or before 31.10.2025. No such prayer shall be entertained thereafter.

9. At this juncture, we are informed that various writ petitions have been filed before different Benches of the High Court of Judicature at Bombay questioning the delimitation exercise or reservation of wards etc. The State of Maharashtra/State Election Commission may seek clubbing of all these petitions before one

Bench and such a prayer may be sympathetically considered by the Hon'ble Chief Justice of the High Court of Judicature at Bombay.

10. Post the matters for compliance on 03.02.2026 (NMD).

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR