

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.11344 of 2015

Date of Decision:-28.05.2015

Raghbir Singh & Anr.

.....Petitioners.

Versus

State of Haryana & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Vinod Bhardwaj, Advocate for the Petitioners.

JASWANT SINGH, J.(ORAL)

Prayer in the present petition is for quashing the impugned notification dated 5.5.2015 (P-2) qua village Patti Dogar Silla Khera, District Kaithal, vide which no post of SC Panch has been reserved in the newly constituted Gram Panchayat and further, prayer has been made for directing the respondent authority to reserve posts of SC Panch/Panches in village Patti Dogar Silla Khera, District Kaithal.

Learned Counsel for the petitioner has argued that as per Section 9 of the Haryana Panchayati Raj Act, 1994 a seat is required to be reserved for the post of SC Panch which should be in proportion to the population of the Area and the said requirement is mandatory in nature and not directory. However, in the present case there are total of 547 voters in village Patti Dogar Silla Khera, District Kaithal out of which 57 are SC Votes and nearly 30 votes out of the remaining votes that are to be finalized, belong to SC Category and thus, near about 82 to 90 votes would be of SC

Category. Therefore, prayer has been made for quashing the impugned notification dated 5.5.2015 (**P-2**) and reserve a post of SC Panch.

After hearing learned Counsel for the petitioners and perusing the paper book, this Court is of the considered view that the present petition is devoid of any merit and the same deserves to be dismissed.

In the present case, it is evident from the impugned notification that there 7 seats in total, out of which three seats have been reserved for ladies (including ladies belonging to Scheduled Caste), one seat has been reserved for Backward Class and three seats are unreserved. The Government, while issuing a notification providing for reservation takes into consideration the factum of number of voters as well as the caste-wise bifurcation of the votes and horizontal reservation for Women. In the present case, at present there are 547 votes out of which only 57 votes belong to SC category and by reserving three posts for Women candidates, which also including ladies belonging to SC category, this Court does not find any fault in the said notification because, the SC category at present would be well represented by the ladies belonging to the SC category and as and when their seems to be a rise in the voters belonging to SC Category, the government can always reserve another post for the SC category candidate.

In view of the above, I find that there is no fault in the impugned notification, which is hereby upheld and consequently, the present petition is hereby dismissed.

(JASWANT SINGH)
JUDGE

May 28, 2015
Vinay