

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(1) CWP No. 12439 of 2015 (O&M)
Date of decision: 17.07.2015

Mahabir

...Petitioner

Versus

State of Haryana and others

...Respondents

(2) CWP No. 12444 of 2015 (O&M)
Date of decision: 17.07.2015

Vinod Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Vikram Singh, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Jitendra Chauhan, J. (Oral)

The aforementioned writ petitions are being decided by way of this common order, as the identical issues have been involved in the matter. However, the facts are being derived from CWP No. 12439 of 2015.

By way of the instant writ petitions, under Articles 226/227 of the Constitution of India, the petitioner seeks quashing of

the order dated 29.04.2015 (Annexure P-7), passed by respondent No.4 and further issuance of writ in the nature of mandamus for implementing the memo dated 23.04.2015 (Annexure P-3), issued by respondent No.2.

The brief facts of the case are that the respondent No.2 issued memo dated 23.04.2015, whereby clarification regarding reservation of seats of Sarpanches was issued and it was clarified that the number of offices of Sarpanches shall be rotated to different gram panchayat's first having the highest percentage population of such castes and so on.

It is contended by learned counsel for the petitioner that as per Annexure P-4, the petitioner's village is listed at serial No. 26. He further refers to Annexure P-1, the decision rendered in CWP No. 3403 of 2010 and the memo dated 23.04.2015 (Annexure P-3) to state that the reservation for the post of Sarpanch has to be rotated among all the villages starting with the village having highest percentage of scheduled caste in the first election. He further states that as per the rotation policy, the village of the petitioner comes for General category but the Department has wrongly reserved the same. For the redressal of his grievance, the petitioner had also moved a representation before respondent No.4, however, the respondents told the petitioner that they had already taken the decision on 29.04.2015.

On the other hand, the learned State counsel refers to the report of respondent No.4 and states that the reservation for the post of Sarpanch was done as per Rules and provisions contained in Section 9(4) of Haryana Panchayati Raj Act, 1994 (for short 'the Act') and as per Govt., instructions dated 07.05.2015. The respondent No.4 after considering the facts and provisions contained in Section 9(4) of the Act, decided the representation of the petitioner, vide order dated 13.07.2015 (Annexure R-1). Therefore, the present petition deserves to be dismissed.

I have heard the learned counsel for the parties and have gone through the record.

Perusal of the record would reveal that the reservation for the post of Sarpanch has been carried as per Rules and provisions contained in Section 9(4) of the Act and as per Govt., instructions dated 07.05.2015. The Department after adopting the proper procedure and after considering the entire facts and rules had decided the representation of the petitioner. There is nothing on record to show that the authorities had not taken care of the rotation policy.

Keeping in view the above facts and circumstances of the case, the present petitions are hereby dismissed.

17.07.2015

sumit.k

(JITENDRA CHAUHAN)
JUDGE