

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

CWP No. 12814 of 2015 (O&M)

Date of decision: 29.07.2015

Jai Chand and another

...Petitioners

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN**

Present: Mr. Sandeep Sharma, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.

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**Jitendra Chauhan, J. (Oral)**

By way of the instant writ petition, under Articles 226/227 of the Constitution of India, the petitioners seek quashing of the impugned order reserving the gram panchayat Bhilpura and Darwa in Tehsil Chhachroli, District Yamuna Nagar.

The learned counsel for the petitioners contends that in the Gram Panchayat elections of village Kanewala conducted in the year 2005, the villages Bhilpura and Darwa were part of the Gram Panchayat, village Kanewala, the post of Sarpanch was reserved for Scheduled Caste category. Now in pursuance of the order dated 13.03.2015 (Annexure P-3), passed by the Director, Development and Panchayat Department, Haryana, the Gram Panchayats of Bhilpura and Darwa were bifurcated and acquired separate identities. The sole contention of learned counsel for the petitioners is that being part of

village Kanewala, the villages of the petitioners had a woman Scheduled Caste Sarpanch, therefore, it cannot be repeatedly reserved.

On the other hand, the learned State counsel submits that village Kanewala was headed by the Sarpanch from the general category in 2010 elections. The Gram Panchayats of Bhilpura and Darwa had acquired separate and distinct identities only on 13.03.2015 and it has never been reserved. He further states that keeping in view the parameters i.e. Population, the posts of Sarpanch of villages Bhilpura and Darwa have been reserved for Scheduled Caste candidate.

Heard.

It is to be noticed that the village Bhilpura and Darwa acquired separate identities on 13.03.2015 for the first time after bifurcation from the Gram Panchayat, village Kanewala. This is the first elections of Gram Panchayats of both the villages. In view of the fact that the learned counsel for the petitioners has failed to cite any circumstances that the parameters for reservation drawn and circulated by the respondents are not based on empirical data, therefore, the prayer made by the learned counsel for the petitioners that the village cannot be reserved, is ill-conceived and must failed.

Dismissed.

29.07.2015

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**(JITENDRA CHAUHAN)**  
**JUDGE**