

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14079 of 2015

Date of Decision:- 30.09.2015.

Julfikar Ali

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Sarfraj Hussain, Advocate for the petitioner.

Mr. B.R. Mahajan, Advocate General, Haryana.

Ms. Kirti Singh, DAG, Haryana.

Mr. Anil Mehta, DAG, Haryana.

SURYA KANT, J. (ORAL)

CM No.12960-CWP of 2015

Application is allowed as prayed for subject to all just exceptions.

Relevant extract of list of Gram Panchayats of Block Nagina along with Annexures P-2 and P-4 are taken on record.

CWP No.14079 of 2015

1.) The petitioner has questioned the Government decision whereby the post of Sarpanch of Gram Panchayat of Village Mandi

Khera, Block Nagina, District Mewat has been reserved for Scheduled Caste category. The precise plea is that in the previous elections held in May, 2010 also, the said post was reserved for Scheduled Caste, hence, it could not be again reserved in violation of the principle of 'rotation' which is well embedded in Section 9 of the Haryana Panchayati Raj Act, 1994 (in short 'Act').

2.) The respondents have taken the plea that the population of Scheduled Caste in State of Haryana is 20.17% and in view of Section 9 (1) & (4) of the Act, in Block Nagina, 11 out of 54 posts of Sarpanches of Gram Panchayats in Block Nagina are required to be reserved for Scheduled Caste category. They have further averred that in Block Nagina, there are only 21 Gram Panchayats where one or more post of Panches is also reserved for Scheduled Castes. Since these 21 Gram Panchayats only are to be rotated for reserving the post of Sarpanch, there was no option with the Authorities except to include village Mandi Khera which has the highest population of Scheduled Castes.

3.) The petitioner has today filed an affidavit claiming that in fact there are 23 Gram Panchayats in Block Nagina where a post of Panch is reserved for Scheduled Castes. According to him, the respondents have overlooked the Gram Panchayats of Ghaghas and Hasanpur Nuh where also one post of Panch is reserved for Scheduled Caste and if these two Gram Panchayats are also included, there would be 23 Gram Panchayats amongst whom 11

posts of Sarpanches reserved for Scheduled Caste are to be rotated.

4.) As the above stated plea taken by the petitioner is a pure question of fact, we dispose of this writ petition with a direction to the State Government and the Deputy Commissioner, Mewat to ascertain the correct facts and take the consequential follow up action within one week and well before the elections are held.

5.) A copy of this order be given to learned State counsel dasti during the course of the day.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

September 30, 2015.

sandeep sethi