

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

CWP No. 16899 of 2015

DATE OF DECISION : 17.08.2015

Abbasi Foundation

.... PETITIONER

Versus

State of Haryana and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Satish Chaudhary, Advocate,
for the petitioner.

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SATISH KUMAR MITTAL, J. (Oral)

The petitioner foundation, a registered Society, which is working for the welfare and development of the Backward Class community in the State of Haryana, has filed this petition seeking direction to the respondents to make provision for reservation of seat of Sarpanch of Gram Panchayat and Chairperson of Panchayat Samiti for Backward Class community.

After hearing learned counsel for the petitioner, we do not find any ground to issue any such direction, because under Section 243-D of the Constitution of India, there is no provision for reservation of seats in Gram Panchayats and Panchayat Samitis for Backward Class community. The reservation has been provided only for Scheduled Castes and Scheduled

Tribes.

Learned counsel for the petitioner referred to sub article (6) of Article 243-D of the Constitution of India, which provides that “Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.”

Undisputedly, in exercise of the said power, the State Government has made reservation for Backward Class community only for the seats of Panches and no such reservation has been made in the Haryana Panchayati Raj Act, 1994, for the seats of Sarpanch of Gram Panchayat or Chairperson of Panchayat Samiti. Since no such provision exists in the said Act, which provides reservation of seat of Sarpanch of Gram Panchayat and Chairperson of Panchayat Samiti, no such direction can be issued to the State. In our opinion, issuance of such a direction will amount to a direction to the Legislation, which is not permissible.

Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

August 17, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE