

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

CWP No.26484 of 2015
Date of Decision: 19.12.2015

Julfikar Ali

. . . .Petitioner

Versus

State of Haryana and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.P.K. Chug, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has challenged the notification/order No.5032 dated 20.10.2015, vide which the post of Sarpanch of Gram Panchayat, Village Mandi Khera has been reserved for Scheduled Caste candidate, on the ground that it is against the provisions of Section 9(4) of the Haryana Panchayati Raj Act, 1994 (for short 'the Act').

In brief, it is averred that the office of Sarpanch of Gram Panchayat, Mandi Khera, Block & Tehsil Nagina, District Mewat, has been reserved for Scheduled Caste category though in the earlier elections also it was reserved for the Scheduled Caste category. The petitioner had earlier also filed CWP No.14079 of 2015 against the reservation for the post of Sarpanch for Scheduled Caste category alleging that it was previously also reserved for the Scheduled Caste candidate and cannot be reserved in this election on the basis of

principle of rotation. The said writ petition was disposed of by the Division Bench on 30.9.2015 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. The order passed by the Division Bench on 30.9.2015 was challenged by the petitioner by way of SLP No.30569 of 2015 which was dismissed as withdrawn on 29.10.2015. Pursuant to the order passed on 30.9.2015, the Deputy Commissioner-cum-District Election Officer (P), Mewat has passed a detailed order on 20.10.2015 giving reasons for including the name of Gram Panchayat of Village Mandi Khera again for the purpose of reservation of post of Sarpanch for the Schedule Caste candidate. The petitioner had filed CWP No.24002 of 2015 to challenge the validity of the order dated 20.10.2015 but the said writ petition was withdrawn on 3.12.2015 with liberty to file it again with better particulars. Hence, the present petition has been filed.

Learned counsel for the petitioner has argued that the reservation for the post of Sarpanch of Gram Panchayat Mandi Khera for the Scheduled Caste candidate is illegal as it has to be rotated.

I have heard learned counsel for the petitioner and also examined the available record from which I have found that the Deputy Commissioner-cum-District Election Officer (P), Mewat has taken into account all the aspects of the matter while taking decision to include the office of Sarpanch of Gram Panchayat, Mandi Khera in the Scheduled Caste category.

In view of the above, I do not find any error in the impugned order dated 20.10.2015 and hence, the present petition is hereby dismissed. No costs.

19.12.2015

Vivek

(RAKESH KUMAR JAIN)
JUDGE