

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 18483 of 2016 (O&M)
Date of decision: 13.3.2018

Mahesh Kumar Sharma

.. Petitioner

v.

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE B. S. WALIA

Present: Mr. Arihant Jain, Advocate for the petitioner.

Mr. Suveer Sheokand, Additional Advocate General, Punjab.

...

Rajesh Bindal J.

The petitioner has approached this court seeking quashing of the notification and letter both dated 5.3.2015 issued by the Secretary to Government of Punjab, Department of Local Government regarding reservation of post of President of Municipal Council, Lehragaga for woman.

Learned counsel for the petitioner, while relying upon the judgments of this Court in CWP No. 4152 of 2015—Manjit Singh Sethi v. State of Punjab and others, decided on 20.4.2015 and State of Punjab and others v. Manjit Singh Sethi, 2015(3) RCR (Civil) 951, submitted that the aforesaid notification has been quashed by this court, hence, the writ petition deserves to be allowed.

On the other hand, learned counsel for the respondents relied upon a Division Bench judgment of this Court in CWP No. 14959 of 2016—Paramjit Singh and others v. State of Punjab and others, decided on 19.9.2017 to submit that after considering the Division Bench judgment of

this Court in Manjit Singh Sethi's case (supra), as referred to by the

petitioner, this court made out a distinction between Municipal Corporations and Municipal Committees and opined that there is no illegality in the action of the State, hence, the writ petition deserves to be dismissed.

After hearing learned counsel for the parties and considering the fact that a Division Bench of this Court in Paramjit Singh and others' case (supra), while considering the issue with reference to Municipal Council, Kaurthala, where challenge was to the same letter, after considering the earlier judgment of this Court in Manjit Singh Sethi's case (supra), upheld the action of the State finding that in terms of the provisions of the Determination of the Number of Elected Members and Reservation of Offices of Presidents of Municipalities Rules, 1994, no case is made out as in Manjit Singh Sethi's case (supra), the issue was with reference to election of Mayor in a Municipal Corporation, which is governed under different Act.

As identical issue has been gone into by this Court in Paramjit Singh and others' case (supra), the present petition is disposed of in the same terms.

(Rajesh Bindal)
Judge

(B. S. Walia)
Judge

13.3.2018
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No