

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 19342 of 2018
Date of Decision : 31.10.2018

Manjinder Singh and another

...Petitioners

Versus

The State of Punjab and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE RAKESH KUMAR JAIN*
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Vivek Singla, Advocate for the petitioners.

Mr. Suvir Sheokand, Additional Advocate General, Punjab.

Rakesh Kumar Jain, J.(Oral)

The petitioners have challenged the Schedule (Annexure P-3) by which the Wards have been reserved for the General, SC and BC Categories.

Learned counsel for the petitioners has contended that the Ward No. 4 has been wrongly reserved for the Backward Class because there are only four persons belonging to the Backward Class Category in the Village, whereas as per Section 11(4) of the Punjab Panchayati Raj Act, 1994 (for short 'the Act'), one office of the Panch for the Backward Class in the Gram Panchayat has to be reserved where the population of the Backward Class in the Gram Sabha area is more than 20% of the total population of that Gram Sabha Area.

After notice, the respondents have filed their reply in which it is averred that there are total 178 houses in Village Gigganwal, Block Bhogpur, Tehsil and District Jalandhar, out of which 119 houses belong to

the members of Saini Community and the Saini Community has been declared as a Backward Class by the Punjab Government its vide Notification No. 3/01/2010-RC-2/133-143 dated 12.09.2016. It is, thus, submitted that the Electoral Roll (Annexure P-1) relied upon by the petitioners cannot be taken into consideration because it is of the period prior to the issuance of Notification dated 12.09.2016 (Annexure R-1) by which Saini Community has been declared to be a Backward Class in the State of Punjab.

We have gone through the Schedule (Annexure P-3), challenged in this petition and are of the considered view that the State of Punjab has already declared the Saini Community as Backward Class by way of Notification dated 12.09.2016 (Annexure R-1). Since no counter affidavit has been filed by the petitioners indicating that the houses of Saini Community in the Gram Sabha area are less than 119 in number, therefore, the contention of learned counsel for the petitioners that there are only four persons of the Backward Class Community living in the Village has no force.

Thus, the present petition is found without any merit and the same is hereby dismissed with no order as to costs.

(RAKESH KUMAR JAIN)
JUDGE

October 31, 2018
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(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned? *Yes/No*
Whether reportable? *Yes/No*