

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPC No. 4637 of 2019**

Vikky Patel S/o Laxminarayan Patel Aged About 28 Years R/o Village
Gejamuda, Block, Tahsil And District Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Mantralaya, New Raipur, Chhattisgarh
2. The Collector District Raigarh, Chhattisgarh
3. The Sub Divisional Officer (Revenue) Raigarh, District Raigarh, Chhattisgarh
4. The Chief Executive Officer Janpad Panchayat Raigarh, District Raigarh, Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Sharmila Singhai, Advocate
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For State	:	Mr. Jitendra Pali, Dy. AG
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Hon'ble Shri Justice P. Sam Koshy**Order on Board****20/12/2019**

1. The challenge in the present writ petition is to the notification dated 24.11.2019 whereby the Gram Panchayat, Gejamuda was reserved for Scheduled Tribe (open) Category.
2. According to the petitioner the previous two elections that were held in the year 2010-2015 & 2015-2020 the said Gram Panchayat was reserved for the Scheduled Tribe (open) category and this year again it has gone to the ST category, therefore, there is violation of Sub Section 4 of Section 17 of the Panchayat Raj Adhiniyam, 1993.
3. State counsel, Mr. Jitendra Pali, Dy. AG submits that in the light of the delimitation of the wards in the Panchayat and also in the light of the

amendment that has been brought to the Chhattisgarh Panchayat Raj Adhiniyam vide notification dated 03.09.2019, the there was a need for having the entire rotation system of reservation done a fresh or else State would have faced various complications in the light of the previous reservations.

4. What also has to be seen at this juncture is that the State Government has issued a circular also dated 26.10.2019 whereby it has been specifically decided by the State Authorities that rotation system has to be done a fresh starting from 2019-2020 keeping in view the delimitation of the wards as also the amendment to the Panchayat Raj Adhiniyam and also the fact that there has been delimitation of the Wards and Panchayats, there was a necessity for applying rotation system a fresh.
5. This Court is of the firm view that there is sufficient force in the submission of the learned State Counsel to justify the action on the part of the respondents. It is not a case where the authorities have applied the said rotation system without there being any basis or without any strong reasons. The writ petition thus being devoid of merits stands rejected.

Sd/-
(P. Sam Koshy)
Judge