

In the High Court of Punjab and Haryana at Chandigarh

CWP No. 31676 of 2018 (O&M)

Date of Decision: 17.1.2019

Jaswant Singh

.....Petitioners

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI
HON'BLE MR. JUSTICE HARNARESH SINGH GILL**

Present: Mr. J.S.Sandhu, Advocate
for the petitioner.

Mr. H.S.Sullar, DAG, Punjab.

A.B. CHAUDHARI, J (ORAL)

Heard learned counsel for the rival parties.

This Court had issued notice of motion to ascertain the exact population of general category from the State government. The factual aspect has been elaborated by State of Punjab in para 5 of its reply, in response to the writ petition.

The contents of para 5, on merits, of the reply read as under:

“It is further submitted that the petitioner has wrongly alleged in his petition that total population of general category in village Dhanaura is 90%. The survey of the population was conducted in village Dhanaura Block Nabha District Patiala in the year 2011. Copy of the same is attached herewith as

Annexure R-1. According to survey total population of village is 341 out of which total 26 (i.e. 7.62%) relates to Schedule Caste category and total 90 (i.e. 26.39%) belongs to Backward Classes. Thus total population of Schedule Caste category and Backward Classes come to 34% (116) and total population of general category comes to 66%. Thus the petitioner has mis-stated the facts in his petition that total population of general category comes to 90% in the village Dhanaura, which is in fact only 66%”.

Learned counsel for the petitioner has submitted that the population of backward class and that of schedule caste cannot be counted along with the population of general category. In that case, according to him, the population of the general category would be obviously above 90%, as per the data furnished above. In support of his submissions, learned counsel for the petitioner relied on Section 12 (3) of the Punjab Panchayati Raj Act and submits that Sub Section 3 of Section 12 prohibits the reservation for backward classes for the post of Sarpanch.

We have considered the submissions made by counsel for the petitioner. In our opinion, there should be clear 90% population of general category only and the population of general category indicated by the government in its reply is 66%.

Learned counsel for the petitioner has made an attempt to submit that since the general category is not defined anywhere, the backward class population should be added in the general category population. We do not agree. The requirement is that the population of general category should be 90%, and it is 66% only.

We are, therefore, satisfied that there is no merit in the petition.

CWP No. 31676 of 2018 is dismissed.

Interim order is vacated. Results be declared forthwith.

(A.B. CHAUDHARI)
JUDGE

(HARNARESH SINGH GILL)
JUDGE

January 17, 2019

Gurpreet

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No