

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

107/2

Civil Writ Petition No.512 of 2021
Date of Decision: January 25th, 2021

Ramesh Chand

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Sunil Garg, Advocate
for the petitioner.

Mr. S.P.S. Tinna, Additional Advocate General, Punjab.

(PROCEEDINGS THROUGH V.C.)

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court with a grievance that there is violation of the provisions of Article 243 (C) of the Constitution of India, which provides for rotation of reserved seats when read in the context of Section 8 of the Punjab Municipal Act, 1911, which is a para materia to the said provisions of the Constitution.

2. It is asserted by the counsel for the petitioner that the seats of the Scheduled Caste category have to be rotated to different constituencies in the municipality. He submits that as per the election, which was held on 25.02.2015, the wards which were reserved for the Scheduled Caste category, were 6, 12, 20 and for Scheduled Caste Women, 1 and 16, this year as well the wards, which have been reserved for the Scheduled Caste, are 6, 12, 20 and for Scheduled Caste Women 1 and 16. He, therefore, asserts that the principle of rotation has not been followed by the respondents and thus the same cannot sustain.

3. Counsel for the State, in response to the said contention, asserts that because of 50% reservation, as has been provided for with the amendment in the

Punjab Municipal Act, 1911, now 50% seats have to be reserved for the women category. As per the decision taken and notified, 'odd' number wards have been kept for the women category and 'even' number are generally kept for the open category. Since there are 21 wards, 10 wards have to be reserved for the women category. As per the population of the Scheduled Caste category, 5 wards have to be reserved for the Scheduled Caste category, out of which 2 wards fall to the share of the women category and accordingly all wards with odd number have been reserved for the women category and accordingly 3, 5, 7, 9, 11, 13, 15 and 19 have been reserved for women (open category) and wards 1 and 16 have been reserved for the Scheduled Caste Women. Because of the population of the Scheduled Caste category, 5 wards have to be assigned for the Scheduled Caste and, therefore, the remaining 3 wards have been kept for Scheduled Caste open i.e. male and female can contest the said election. His further contention is that this being the first election after the amendment, which is being conducted after increasing the strength of the women to 50%, the rotation of wards would be applicable from the next election, if any. In the light of the above, he asserts that the writ petition cannot survive.

4. Having considered the submissions made by the counsel for the parties, we agree with the submissions, which have been put forth by the counsel for the State, as recorded above and, therefore, dismiss the present writ petition finding no merit therein.

(AUGUSTINE GEORGE MASHI)
JUDGE

January 25th, 2021
Puneet

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No