

CWP-2320-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(PROCEEDINGS THROUGH V.C.)

CWP-2320-2021

Date of Decision: 05.03.2021

Mamman

...Petitioner

Versus

State of Haryana & others

...Respondents

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

Present: Mr. Mazlish Khan, Advocate,
for the petitioner.

Mr. Aman Bahri, Addl. A.G., Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the order dated 17.07.2020 (Annexure P-4) passed by the Deputy Commissioner, District Nuh-cum-District Election Officer (P) at Nuh, District Nuh Mewat – respondent No.3.

It is asserted by the petitioner that while exercising the powers under Section 5 of the Haryana Panchayati Raj Election Rules, 1994, the Deputy Commissioner, District Nuh-cum-District Election Officer (P) at Nuh, District Nuh Mewat – respondent No.3 has reserved the seat of Ward No.8 for women candidates belonging to the scheduled

castes in the coming general elections of the Zila Parishad, which is in violation of the statutory provisions of Section 120 of the Haryana Panchayati Raj Act, 1994, which provides for rotation of the seat for members. Reference has also been made and reliance placed upon Article 243 (D) of the Constitution of India. Further reliance has been placed upon the Division Bench judgment of this Court in **Pawan Kumar & others Vs. State of Haryana & others** 2011, AIR (Punjab) 102, where this Court had proceeded to hold the same and also directed that in the subsequent election, the process of rotation relatable to the reservation had to be followed. Petitioner, at the very outset, had filed a representation dated 24.08.2020 (Annexure P-7) to the Deputy Commissioner, District Nuh, but no response thereto has been received. He further points out that the petitioner would file a detailed supplementary representation to the Deputy Commissioner, District Nuh-cum-District Election Officer (P) at Nuh, District Nuh Mewat – respondent No.3 within a period of one week from today, which may be directed to be considered and decided within some specified time.

Without going into merit of the case or commenting thereon, this writ petition is disposed of with direction to the Deputy Commissioner, District Nuh-cum-District Election Officer (P) at Nuh, District Nuh Mewat – respondent No.3 to consider and decide the representation of the petitioner dated 24.08.2020 (Annexure P-7) and in case the petitioner submits a supplementary representation within a

CWP-2320-2021

period of one week from today, the same be also decided by passing a speaking order within a period of four weeks from the date of submission of such representation. Decision so taken on the representation/ supplementary representation of the petitioner be conveyed to him forthwith.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

05.03.2021
Harish

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