

405-A

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-17101-1998 (O&M)

Date of decision: April 26, 2022

Chamar Biradri Maha Sabha, Haryana

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Mr. R.D. Sharma, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 1998, *inter alia*, for issuance of a writ in the nature of Certiorari/Mandamus or such other appropriate writ, direction or order declaring the action of respondents as illegal, malafide, arbitrary, irrational and violative of Articles 14 and 16 and 338(9) of the Constitution of India and for quashing the impugned Circular letter (Annexure P-1), whereby State Government has made sub-classification of Scheduled Castes i.e. Block 'A' and Block 'B' by dividing and putting 5 castes in Block 'A' and 36 castes in Block 'B', without any rationale and logic. The petitioner is a registered society and is espousing the cause of entire community of Block 'B', which is socially and economically disadvantaged persons on account of their poverty and total ignorance.

Petition was admitted on 06.11.1998.

When called out for hearing, there is no representation on behalf of the petitioner. It seems that by sheer effluxion of time and pendency of the writ petition for more than 23 years before this Court, either it has been

rendered infructuous or even otherwise the petitioner seems to have lost interest in pursuing the same.

In any case, it appears that even on merits, claim of the petitioner is not admissible in view of the following stand taken in Para-4 of the reply, which is reproduced herein for ready reference:

“4. That in reply to para 4 of the writ petition it is submitted that the State Government had considered the Census report of 1991 and other relevant facts before issuing the instructions. The Scheduled Castes in Haryana consists of 37 castes. According to Census report of 1981, the total population of Scheduled Castes in Haryana was 2446720 out of which 1297339 belonged to “Chamar” Caste including “Jatia Chamar”, “Rahgar”, “Raigar”, “Ramdasia” or “Ravidasia” and 1149381 belonged to other 36 castes. According to the Census Report of 1991 Chamars including Jatia Chamars, Rahgar, Raigar, Ramdasia or Ravidasia were 53% and 36 castes were 47% of the total population of Scheduled Castes in Haryana.

After reviewing the existing policy of reservation for Scheduled Castes in direct recruitment to Government services the State Government decided to create two Blocks of the Scheduled Castes in Haryana i.e. ‘A’ and ‘B’. This measure was aimed at ensuring a more equitable distribution of benefits of reservation among the Scheduled Castes of all categories. Thus the instructions have been issued in the larger interest of the Scheduled Castes as a whole and are not contrary to the doctrine of equality.”

The above said stand of the respondents remains uncontroverted as neither replication nor any affidavit has been filed by the petitioner.

No grounds are made out to interfere. Dismissed.

(ARUN MONGA)
JUDGE

April 26, 2022
vandana

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No