

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

CWP-23165-2022

Date of decision:- 10.10.2022

Kamal Singh

....Petitioner

vs.

State of Haryana and ors.

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Ankur Mittal, Addl.A.G, Haryana with
Mr. Saurabh Mago, AAG, Haryana

Ritu Bahri, J. (Oral)

In the instant petition, challenge is to order dated 21.09.2022
(P-2) qua village Dhani Garan, Block Barwala, District Hisar (P-2).

A bare perusal of impugned order dated 21.09.2022 shows that there are total 44 Gram Panchayats in Block and 12 seats are to be reserved for Scheduled Caste population and the Gram Panchayat having population of less than 10 per cent are not required to be considered for reservation of SC Sarpanch. In para No. 2, with respect to village Dhani Garan at Sr. No. 14, the total population has been shown as 2483 and the population of Scheduled Caste is 678 i.e 27.31 per cent and it has been reserved once for SC category. In the chart from Sr. No. 1 to 39, there is no village which has higher population than Village Dhani Garan, has been left out. The reservation has rightly been done after following the due process of law,

which reads as under:-

(4) The offices of the Sarpanches in the Gram Panchayat in a block shall be reserved for the Scheduled Castes and Women :

Provided that the number of offices of Sarpanches reserved for the Scheduled Castes in the Block shall bear, as may be, the same proportion to the total number of such offices in the Block as the population of the Scheduled Castes in the State bears to the total population of the State :

Provided further that not less than one-third of the total number of offices of Sarpanches in the block shall be reserved for women including one-third offices of women Sarpanches from Scheduled Castes :

Provided further that the number of offices of Sarpanches reserved under this sub-section shall be rotated to different Gram Panchayats first having the largest maximum population of Scheduled Castes and secondly having the second largest maximum population of such classes and so on”

Thus, keeping in view the fact that the village of the petitioner has been reserved only once, it has rightly been reserved now for SC category, as the village is having more than 10 per cent population i.e 27.31%.

No merits. Dismissed.

(RITU BAHRI)
JUDGE

10.10.2022
G Arora

(NIDHI GUPTA)
JUDGE