

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

CWP-23298-2022

Date of decision:- 11.10.2022

Wasim Ahmed

....Petitioner

vs.

State of Haryana and ors.

...Respondents

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

Present: Mr. G.N. Malik, Advocate
for the petitioner.

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

Ritu Bahri, J.

Petitioner is seeking quashing of order dated 28.09.2022 (P-3) passed by respondent No. 3 to the extent by which the seat of Sarpanch of the Gram Panchayat Village Ransika-respondent No. 6 reserved for a Sarpanch belonging to Backward class, which is against instructions/guidelines dated 21.09.2022 (P-2).

At the very outset, reference at this stage can be made to point No. 6 & 7 of instructions/guidelines dated 21.09.2022 (P-2) at page No. 50 of the paper book, which reads as under:-

“6 Besides the above notifications/orders determining the number of wards of each GP/PS/ZP being sent herewith, the details of Gram Panchayats reserved for Scheduled Castes are also being sent separately. As the provision under sub-section (7) of section 9 of the Haryana

Panchayati Raj Act, 1994 provides that 8% of the total number of offices of Sarpanch in a block shall be reserved for Backward Classes (A) and shall be allotted by draw of lots among the highest three times number of Gram Panchayats proposed for reservation for Backward Classes (A) which are having the largest percentage of population of Backward Classes (A) after excluding those Gram Panchayats where the post of Sarpanch is already reserved for Scheduled Castes and also by rotation in the subsequent election. Rule 6(5) of the Haryana Panchayati Raj Election Rules, 1995 provides that draw of lots for Sarpanches in Gram Panchayats to be reserved for Backward Classes (A) shall be made by the concerned Sub-Divisional Officer (Civil)

7. For the purpose of reservation of seats of members for Backward Classes (A) in Zila Parishads and seats of Sarpanches for Backward Classes (A), three times number of wards in Zila Parishad and three times number of Gram Panchayats in a block having largest percentage population of Backward Classes (A) after excluding those wards/Gram Panchayats reserved for Scheduled Castes shall be taken for draw of lots. For this purpose the population of Backward Classes (A) in the said area shall be such as may be drawn from the Family Information Data Repository establish under the provisions of the Haryana Parivar Pehchan Act 2021 as on 24.08.2022. The detail of total population and Backward Classes (A) population as on 24.08.2022 of your district provided by Citizen Resources Information Department is attached herewith.”

A bare perusal of above notification/guidelines dated 21.09.2022 shows that the BCA wards are being reserved as per Family Information Data Repository establish under the provisions of Haryana Parivar Pehchan Act 2021 as on 24.08.2022. In the block, there are 76 Gram Panchayat and 08 per cent of the total comes to 06 Gram Panchayatss and three times of the reserved posts i.e 18 gram panchayats are to be included in the draw. Thus, the above 18 Gram Panchayats have been included after draw of lots. 06 Gram Panchayats have been reserved for BCA after draw of lots and Ranskit has been at Sr. No. 1 having population in PPP of 3523 with 875 of BCA population in PPP (24.84 percent).

Learned State counsel has further clarified that for the purpose of BCA seats the provisions of Haryana Parivar Pehchan Act 2021 as on 24.08.2022 are to be applied and reservation has thus rightly been done by following due process of law.

In view of the above, there is no infirmity in the impugned order and the reservation has rightly been done.

The petition stands dismissed.

(RITU BAHRI)
JUDGE

11.10.2022

G Arora

(NIDHI GUPTA)
JUDGE

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