

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

CWP No. 23766 of 2022

Date of decision: October 17,2022.

Satish Kumar

..... **Petitioner**

Vs

State of Haryana and others

.....**Respondents**

CORAM HON'BLE JUSTICE MS. RITU BAHRI

HON'BLE JUSTICE MS. NIDHI GUPTA

Present:- Mr. Sanjeev Kumar, Advocate for the petitioner.

Mr. Ankur Mittal, Additional Advocate General with
Mr. Saurabh Mago, AAG Haryana for respondents.

Nidhi Gupta,J.

Prayer in the present petition is for setting aside/quashing the order dated 20.09.2022 (Annexure P-3) vide which 4 posts for the office of Sarpanch have been reserved for Backward Class (A) in the petitioner's village Dhani Mirdad, in Block Barwala, District Hissar. Petitioner has challenged the above said order *inter alia* on the ground that as per relevant provisions of the Haryana Panchayati Raj Act, 1994 and The Haryana Panchayati Raj Election Rules, 1994, only 3 seats could have been reserved for Backward Class (A); and also, on the ground that the petitioner's Gram Panchayat namely Dhani Mirdad has 100% Scheduled

Caste population, and a Backward class population of less than 2%, and as such the same could not be reserved.

Ld. Counsel for the respondent State has informed us that reservation for the seat of Sarpanch of Backward Class (A) is governed by Section 9 sub-clause (7) of the Haryana Panchayat Raj Act, 1994, which is reproduced as follows:

“(7) Eight percent of the total number of offices of Sarpanch in a block and rounded off to the next higher integer in case the decimal value is 0.5 or more shall be reserved for backward classes (A) and shall be allotted by draw of lots among the highest three times the 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 under Sub Section (5) and also by rotation in the subsequent elections.”

Perusal of Order at Annexure P-1, which provides information regarding Gram Panchayats in Block Barwala, shows that Block Barwala has total 44 Gram Panchayats/ seats/offices of Sarpanch. As per the above referred provision, 8% of the **total** number of offices of Sarpanch in a block have to be reserved for Backward Class (A) and rounded off to the next higher integer in case the decimal value is 0.5 or more. Eight percent of 44 comes to 3.52 and accordingly after rounding off to next higher integer, 4 seats have rightly been reserved for Backward Class (A) in Block Barwala.

As regards *which particular* 4 Gram Panchayats of the total 44 should be reserved for Backward Class (A), the abovesaid provision further stipulates that these 4 seats shall be determined /allotted by draw of lots amongst highest three times the number of Gram Panchayats proposed for reservation for Backward Class (A), which are having the largest percentage of population of BC(A), after excluding those Gram Panchayats which have already been reserved for the post of Sarpanch (Scheduled Caste).

Applying the above said provision to the present case, Annexure P-1 further reveals that out of total 44 seats in the Block, 12 have been reserved for SC. Of the remaining 32 seats, 3 times 4 i.e. 12 seats/Gram Panchayats, having largest population of BC(A), had to be put in for draw of lots; after which whichever Gram panchayats were drawn, would be reserved.

For the purpose of determining BC(A) population for reservation u/s 9(7), data/ information is taken from the Family Information Data Repository established under the Haryana Parivar Pehchan Patra Act, 2021. As per information received under PPP, the 12 Gram Panchayats having highest BC(A) population in the Block Barwala are, Dhani Khan Bahadur (83.26% of BC (A) Population as per PPP data), Bahbalpur (59.96% of BC (A) Population as per PPP data), Bugana (44.84 % of BC (A) Population as per PPP data), **Dhani Mirdad (21.97% of BC (A) Population as per PPP data)**, Panihari (21.96% of BC (A) Population as per PPP data), Sotha (20.64% of BC (A) Population as per PPP data), Panghal (18.84% of BC (A) Population as per PPP data), Sarsod (18.01% of BC (A) Population as per PPP data), Hasangarh

(17.44% of BC (A) Population as per PPP data), Khedar (17.35% of BC (A) Population as per PPP data), Isharheri (17.31% of BC (A) Population as per PPP data) and Bhani Badshahpur (14.95% of BC (A) Population as per PPP data). Accordingly, above said 12 Gram Panchayats were put in draw of lots and 4 Gram Panchayats i.e. Bugana, Dhani Mirdad, Isharheri and Panghal were selected by way of draw of lots for the seats to be reserved for BC (A).

In view of the above information supplied by the learned counsel for the State, we find no ground to interfere. The writ petition is accordingly dismissed.

(Nidhi Gupta)
Judge

(Ritu Bahri)
Judge

October 17,2022.
Joshi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No