

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

CWP No. 23741 of 2022

Date of decision: October 17, 2022.

Yashpal Sehrawat

..... **Petitioner**

Vs

State of Haryana and others

.....**Respondents**

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

Present:- Mr. Rajesh Goyal, 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 21.9.2022 (Annexure P-1) vide which the seat of Sarpanch of Village Karhans in Block Samalakha, District Panipat has been reserved for Scheduled Caste (Woman). Petitioner has challenged this order dated 21.9.2022 *inter alia* on the ground that the said village Karhans has also earlier been reserved for Scheduled Caste (Woman); that there are other villages that have more Scheduled Caste population than that of the petitioner's village Karhans, yet the same has been reserved for Scheduled Caste (Woman) without following proper procedure or rotation as stipulated in the relevant Act and Rules; and it has been alleged that there are two more villages in the Block that have never been reserved for Scheduled Caste (Woman).

In response, Id. Counsel for the State informed us that reservation of seat of Sarpanch in Village Karhans, Block Samalakha, District Panipat has been done as per Section 9 of the Haryana Panchayati Raj (Second Amendment) Act, 2020 notified on dated 07.12.2020, read with amended Rules 5 and 6 of the Haryana Panchayati Raj Election Rules, 1994 amended vide notification dated 08.04.2021.

Ld. Counsel then took us through the impugned order dated 21.9.2022, specifically at page 23 of the paper book, a perusal of which reveals that petitioner's Village Karhans shown at Sr. No.16 of the table is shown to have been reserved only once before, and has a population of 6438 of which Scheduled Caste population is 1343 and thus percentage of Scheduled Caste population in the said Village is 20.86%.

A further perusal of this order shows that there are five other villages which have a higher percentage of Scheduled Caste population than 20.86%. However, all of the said 5 villages have already been reserved twice before, accordingly the same could not be reserved now. There is no other village in the Block which has a Scheduled Caste population higher than 20.86%, and has either not been reserved or has been reserved just once. It was contended that as such, the petitioner's assertion to the contrary is factually incorrect, and there was no error in the impugned action in reserving the seat of Sarpanch in the petitioner's village, the same being as per the relevant Act and Rules.

It is further clarified that since Village Karhans appears at sequential number 6 accordingly as per rules it has been reserved for Scheduled Caste (Woman), being even number.

It is further brought to our notice that elections have been declared in District Panipat vide notification dated 07.10.2022 issued by the State Election Commission Haryana in exercise of powers vested in it under clause (1) of Article 243-K of the Constitution of India, and even the process of submission of nomination papers has commenced from 14.10.2022, and as such remedy of the petitioner lies before the Election Commission.

In view of the aforesaid facts and position, we find no merit in this petition and the same is accordingly dismissed.

(Nidhi Gupta)
Judge

(Ritu Bahri)
Judge

October 17,2022.
Joshi

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