

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CWP-25506-2022****Decided on:10.11.2022****Balvir****....Petitioner****V/s.****State of Haryana and others****.....Respondents****CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE MANISHA BATRA****Present:** Mr. B.S.Mittal, Advocate for the petitioner.Mr. Ankur Mittal, Addl.A.G., Haryana with
Mr. Saurabh Mago, A.A.G., Haryana.**********Ritu Bahri, J. (Oral)**

The grievance of the petitioner is that vide impugned order dated 19.10.2022 (Annexure P-4), the village at Sr. No. 18 i.e. Farwain Kalan has the population of Scheduled Caste as 38.76% and the said village has been reserved for SC category whereas the village at Sr. No. 19 i.e. Farwain Khurd has the population of Scheduled Caste as 42.52%. Still, the village Farwain Kalan has been reserved for SC category and his village i.e. Farwain Khurd has been ignored for SC reservation inspite of the fact that his village has the highest SC population.

Learned counsel for the State has correctly clarified that the village Farwain Khurd has been reserved twice for Scheduled Caste category. Thereafter, as the per the amended Section 9(v) read with Rule 6(vi) of the Haryana Panchayati Raj Act, 1994, the Gram Panchayat which was not earlier reserved or reserved least time as per the population percentage, have to be given benefit of reservation. Since village Farwain Khurd has already been reserved twice for SC category, it cannot be

considered for SC reservation even it has the highest SC population as per the amended Section 9(v) read with Rule 6(vi) of the Haryana Panchayati Raj Act, 1994 as the benefit of reservation has to be given to those villages who have never been reserved or were reserved least.

In the present case, the reservation of village Farwain Kalan under SC category has been done correctly since it has earlier been reserved once and the village Farwain Khurd has earlier been reserved twice under SC category.

Writ petition is dismissed.

(RITU BAHRI)
JUDGE

(MANISHA BATRA)
JUDGE

10.11.2022

Divyanshi

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No