

Padam Singh Vs State Of H.P. And Others

Court: High Court Of Himachal Pradesh

Date of Decision: Jan. 4, 2021

Acts Referred: Himachal Pradesh Panchayati Raj (Elections) Rules, 1994 " Rule 87
Himachal Pradesh Panchayati Raj Act, 1994 " Section 125

Hon'ble Judges: Tarlok Singh Chauhan, J; Jyotsna Rewal Dua, J

Bench: Division Bench

Advocate: G.R. Palsra, Ashok Sharma, Vinod Thakur, Vikas Rathore, Shiv Pal Manhans,. Seema Sharma, Bhupinder Thakur, Yudhvir Singh Thakur, Ajeet Singh Saklani

Final Decision: Dismissed

Judgement

Jyotsna Rewal Dua, J

1. The grievance in this writ petition is to the notification dated 14.12.2020 issued by the respondents under Section 125 of the H.P. Panchayati Raj

Act, 1994 read with Rule 87 of the H.P. Panchayati Raj (Election) Rules, to the extent it keeps the post of Pradhan, Gram Panchayat Mahadev,

Development Block Sundernagar, District Mandi, reserved for Scheduled Caste Category in the ensuing 2020-21 elections to Panchayati Raj

Institutions in the respondents-State.

2. The petitioner prays that Gram Panchayat Mahadev is required to be reserved for General Category. The only basis for this contention is that the

Gram Panchayat in question was reserved for Scheduled Caste (Male) in 2010 elections and in 2015 elections, it was reserved for Women. Therefore,

in the ensuing 2020-21 elections, the post in question cannot be again reserved for Scheduled Caste Category (Open). This, according to learned

counsel, amounts to denial of equal opportunity of fair representation to the Male members of General Category.

No argument, legal or otherwise, in support of the above contention has been advanced by learned counsel for the petitioner, save and except that the

Gram Panchayat in question had never been kept for General Category in previous two elections held in 2010 and 2015. Whereas, learned Advocate

General submitted that by applying and rotating the election reservation roster in accordance with the provisions of relevant Statute and Rules framed

thereunder, the Gram Panchayat in question was reserved for Scheduled Caste Category in 2010 elections, for Women in 2015 elections and now in

the ensuing 2020- 21 elections to Panchayati Raj Institutions, the seat has been kept for Scheduled Caste Category (Open) . In absence of any cogent

and legal rebuttal to the submissions made on behalf of the respondents-State, we find no merit in the instant writ petition and the same is accordingly

dismissed alongwith pending miscellaneous application(s), if any.