

(2010) 04 KAR CK 0101
In the Karnataka High Court
Case No : Writ Petition No's. 7585-86 of 2010

D.H. Neelakanta and D.R. Ravindra

APPELLANT

Vs

The State of Karnataka

RESPONDENT

Date of Decision : 08-04-2010

Acts Referred:

Citation : (2010) 04 KAR CK 0101

Hon'ble Judges : A.S. Bopanna, J

Bench : Single Bench

Advocate : Girish B. Baladare, for the Appellant; R. Devdas, Additional Government Advocate for Respondents 1 and 3 and K.N. Phanindra, for the Respondent

Judgement

A.S. Bopanna, J.—The petitioners are assailing the Notification dated 18.1.2010. The grievance of the petitioners is with regard to the reservation made to the Doddamagaravalli-I and II Constituencies of Chikmagalur.

2. The contention of the petitioners is that while notifying the reserved vacancy, there is repetition, of the seat, more particularly, it is contended that insofar as Doddamagaravalli-I, in the last election one seat was assigned to Schedule Caste while in the present election two seats have been assigned to Schedule Caste, of which one is for Schedule Caste - Woman. Therefore, in this regard, there is repetition. It is further contended that even in respect of Doddamagaravalli-II, the reservation made in the earlier election is for BCMA Woman while in the present election it has been repeated for BCMA - Woman. It is therefore contended that the rotation has not been properly applied and as such, the said seats would have to be shifted to the other Constituencies so that there is rotation of the reserved seats and other categories would represent the said constituencies. Hence, it is contended that the Notification is not sustainable.

3. The learned Government Advocate while attempting to justify the Notification would point out that out of the total ten seats in the Grama Panchayath, four seats each have been assigned to Doddamagaravalli-I and III while two seats

have been assigned to Doddamagaravalli-II. Out of the total seats, three seats have been assigned to Schedule Caste, one seat to Schedule Tribe, two seats to BCMA, one to BCMB and three seats to General. Therefore, keeping the variation in number with regard to the reservation made to each categories while rotating, there is likelihood of repetition in more than one Constituencies which cannot be avoided. In this regard, it is pointed out that as far as possible, the rotation has been effected as compared to the reservation which has been made in the election during the year 2005. It is further pointed, out that when one seat each has been assigned for the General Category in all the three Constituencies, the petitioners, in any event, cannot have grievance since irrespective of the categories to which the petitioners belong, they would have an opportunity to contest.

4. In the light of what has been contended, insofar as the manner of reservation of seats and also allocation of seats to different categories, the position of law is clear and in any event, there is no dispute with regard to that aspect of the matter. However, in order to appreciate as to whether the contention of the learned Counsel for the petitioners that there is no proper rotation, a perusal of the notification would no doubt indicate that insofar as Doddamagaravalli -I, in the present election, two seats have been reserved to Schedule Caste. One among the same is reserved to Schedule Caste -Woman. In the elections for the year 2005, only one seat had been reserved to the Schedule Caste which was for General. Therefore, only the said seat is to be considered as a repetition. When this aspect is kept in view, though it could have been an error that in the earlier election, two seats had been reserved for General to Doddamagaravalli-I, one seat has been shifted from the said constituency to Doddamagaravalli-II. Therefore, all the three constituencies of Doddamagaravalli have been assigned one seat of General and the seat assigned to Doddamagaravalli-III is that for General-Woman, if this aspect is kept in view when the General seat is assigned to Doddamagaravalli-I and II and when the petitioners claim that they are the residents of Doddamagaravalli-I and II, their right to contest in any way has not been defeated Further, even though it is the contention of the learned Counsel for the petitioners that the seats assigned for Schedule Tribe and the BCMB also should have been shifted, so that there would not have been repetition of Schedule Caste in Doddamagaravalli-I, the said contention cannot be accepted for the reason that there are three seats for Schedule Caste and three seats for General and also two seats for BCMA and when the category of Schedule Tribe and BCMB has a lone seat while rotating the same either one of the constituencies is likely to get repeated seats. Therefore, keeping these aspects in view, if the manner of rotation as made by the respondents while assigning the seats in the present election is considered, the same cannot be said as if the rotation has been thrown to the winds. In any case, there is no glaring irregularity so as to call for interference.

Accordingly, the petition being devoid of merits stands disposed of. No order as to costs.