

(2021) 01 SHI CK 0280
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 6234 Of 2020

Geeta Singh

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 01-01-2021

Acts Referred:

Himachal Pradesh Panchayati Raj Act, 1994 — Section 125

Citation : (2021) 01 SHI CK 0280

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

Bench : Division Bench

Advocate : Naresh Kumar Tomar, 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. Petitioner has prayed for quashing of notification dated 16.12.2020 issued by the respondents-State in exercise of powers conferred under Section

125 of H.P. Panchayati Raj Act, 1994 and H.P. Panchayati Raj (Election) Rules, to the extent the same reflects Gram Panchayat Bani Bakholi,

Development Block Pachhad, District Sirmour as â??Unreservedâ??.

2. Learned counsel for the petitioner submits that the Gram Panchayat in question has never been reserved for Male members belonging to Scheduled

Caste community. This, according to learned counsel, amounts to denial of equal opportunity of representation to the concerned category. Accordingly,

he has prayed that Gram Panchayat Bani Bakholi is required to be kept reserved for Scheduled Caste (Male) Category in the ensuing 2020-21

elections to Panchayati Raj Institutions.

3. 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 reserved for Scheduled Caste (Male) 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 kept for Women in 2010 elections, for Women belonging to

Scheduled Caste Category in 2015 elections and now in the ensuing 2020-21 elections to Panchayati Raj Institutions, the seat has been kept open

(Unreserved). 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.