
(2021) 01 SHI CK 0021
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 6349 Of 2020

Kamal Dutt	Vs	APPELLANT
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 0021

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 Thaina Basotri,

Development Block Rajgarh, District Sirmour as reserved for Scheduled Caste (Open) Category.

2. Learned counsel for the petitioner submits that the Gram Panchayat in question has never been reserved for Women belonging to General

Category. This, according to learned counsel, amounts to denial of equal opportunity of fair representation to the concerned category. Accordingly, he

has prayed that Gram Panchayat Thaina Basotri is required to be kept reserved for Women belonging to General Category in the ensuing Panchayati

Raj Institutions elections 2020-21.

3. No cogent and legal argument 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 Women belonging to Un-reserved 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 Women belonging to Scheduled Caste Category in

2010 elections, Unreserved in 2015 elections and now in the ensuing 2020-21 elections to Panchayati Raj Institutions, the seat has been kept reserved

for Scheduled Caste (Open) Category. In absence of any cogent 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.