
(2020) 03 RAJ CK 0101
In the Rajasthan High Court
Case No : Civil Writ Petition No.2313 Of 2020

Rajendra Singh And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 02-03-2020

Acts Referred:

Citation : (2020) 03 RAJ CK 0101

Hon'ble Judges : Ashok Kumar Gaur, J

Bench : Single Bench

Advocate : Ripu Daman Singh Naruka, Sheetal Mirdha, r.Prateek Singh, Nikhil Simlote, R.B. Mathur

Final Decision : Dismissed

Judgement

Learned counsel for the petitioners argued that the impugned order dated 29.01.2020 is in respect of forming the Dantaramgarh Panchayat Samiti having total 30 seats and the fresh draw of lottery of Panchayat Samiti Dantaramgarh may be declared bad.

Learned counsel for the petitioners submitted that initially the notification dated 21.12.2019 (Annex-2) was issued wherein there were 36 posts of Sarpanch in Panchayat Samiti Dantaramgarh and later on by impugned action, number of Gram Panchayats, have been reduced from 36 to 30.

Learned counsel further submitted that in view of change of allotment of Gram Panchayat, the number of post of Sarpanch has already been reshuffled and reduced.

Learned counsel submitted that initially there was 8 seats for SC, 8 seats for OBC, 1 seat for ST and 19 for General and after revised list and drawing of lottery, 7 seats for SC, 6 seats for OBC, 1 for ST, 16 for General, have been earmarked and as such, it has resulted into the violation of legal rights of the petitioners.

Learned Additional Advocate General Ms. Sheetal Mirdha appearing for the respondent-State submitted that the controversy involved in the present case is squarely covered by the order dated 26.02.2020 passed by the Principal Seat of this Court at Jodhpur in the case of Virender Singh vs. State of Rajasthan & Others S.B. Civil Writ Petition No.1693/2020 and other connected matters.

Learned counsel submitted that the order issued by the State Government and Election Commission while redrawing the lottery have been upheld and as such, this Court need not to interfere in the present matter.

I have heard the learned counsel for the parties and perused the material available on record.

This Court finds that initially notification was issued in respect of Panchayat Samiti Dantaramgarh, there was total 36 Panchayat Samitis and later on by impugned order dated 29.01.2020, the State Government has reduced the number of Gram Panchayats from 36 to 30 in Panchayat Samiti Dantaramgarh and accordingly the seats have also been proportionately re-allotted to different category i.e. SC, ST, OBC and General.

This Court finds that all the subsequent developments like issuance of order dated 29.01.2020 and redrawing the lottery has resulted because of subsequent developments which have taken place due to order passed by the Division Bench of this Court and subsequently stay order passed by the Supreme Court. The Principal Seat of this Court at Jodhpur in the case of Virender Singh (supra) has looked into all the aspects and has finally upheld the decision of the State Government of exercising its power to redrawing the lottery.

This Court does not find any substance and in view of order passed in the case of Virender Singh (supra), the present writ petition stands dismissed accordingly.