

(2021) 01 SHI CK 0056
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 6184 Of 2020

Rattan Chand Verma

APPELLANT

Vs

State Of H.P. And Others

RESPONDENT

Date of Decision : 04-01-2021

Acts Referred:

Himachal Pradesh Panchayati Raj (Election) Rules, 1994 — Rule 87
Himachal Pradesh Panchayati Raj Act, 1994 — Section 125

Citation : (2021) 01 SHI CK 0056

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

Bench : Division Bench

Advocate : Neel Kamal Sharma, 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 Bhambla,

Development Block Gopalpur, District Mandi, for Women in the ensuing 2020-21 elections to Panchayati Raj Institutions in the respondents-State.

2. The petitioner prays that the post of Pradhan, Gram Panchayat Bhambla is required to be kept Unreserved. The only basis for this contention is that

the Gram Panchayat in question was reserved for Women belonging to Scheduled Caste Category in 2010 elections and in 2015 elections, it was

reserved for Women belonging to Other Backward Classes (OBC). Therefore, in the ensuing 2020-21 elections, the post in question cannot be again

reserved for Women. This, according to learned counsel, amounts to denial of equal opportunity of fair representation to the members of other categories.

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 kept Unreserved 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, for Women belonging

to OBC Category in 2015 elections and now in the ensuing 2020-21 elections to Panchayati Raj Institutions, the seat has been kept for Women. 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.