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**(2010) 04 KAR CK 0215**  
**In the Karnataka High Court**  
**Case No : Writ Petition No. 9122 of 2010**

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| T.V. Srinivasan and Another   | Vs | APPELLANT  |
| State of Karnataka and Others |    | RESPONDENT |

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**Date of Decision :** 13-04-2010

**Acts Referred:**

**Citation :** (2010) 4 KarLJ 395

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

**Bench :** Single Bench

**Advocate :** D.R. Anandeeswara, for the Appellant; R. Devdas, A.G.A. and K.N. Phanindra, for the Respondent

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## Judgement

A.S. Bopanna, J.—Notice to respondent 4 is dispensed with since respondents 1 to 3 are served.

The petitioners are calling in question the notification dated 18-1-2010. By the said notification, the reservation of seats and rotation thereto in respect of Muddenahalli Grama Panchayat has been made.

2. The grievance of the petitioner is in respect of Teriyur-2 constituency. The contention of the petitioner is that the reservation to the said constituency is being repeated in the present elections. It is pointed out that in the elections for the year 2005, one seat was reserved for Scheduled Caste, one for BCM-A and the other for BCM-A woman. In the present election, one seat is reserved for Scheduled Caste, one for Scheduled Caste (woman) and the other for BCM-A. Hence the reservation for Scheduled Caste BCM-A has been repeated in the last election as well as this election.

3. It is contended by the learned Counsel for the petitioner that as far as the guidelines dated 18-11-2009 the Election Commission has indicated that while rotating the seats there should not be repetition. Therefore, the petitioner contends that the notification is not sustainable.

4. Learned Government Advocate and the learned Standing Counsel for the Election Commission would point out that while reserving the seats and effecting the rotation, the total number of seats in the Grama Panchayat and also reservation made to different categories would have to be kept in view. In this regard it is pointed out that in the Grama Panchayat there are 20 seats of which 7 are reserved for Scheduled Caste, 3 for Scheduled Tribe, 6 for BCM-A, one for BCM-B and 3 for general. It is therefore contended that when there are large number of seats reserved for Scheduled Caste and BCM-A as compared to the other categories, there is bound to be repetition while rotating the seat more particularly when there are lesser number of seats in some of the constituencies as compared to the other. Hence the notification is sought to be justified.

5. In the light of what has been contended, with regard to the total number of seats and the reservation in respect of each of the category, there is no serious dispute. The only question for consideration is as to whether the grievance put forth by the petitioner with regard to the repetition could be accepted in the facts evolving in the instant case. It is not in dispute that in the elections of the year 2005, one seat was reserved for Scheduled Caste, one each for BCM-A and BCM-A (woman) while in the instant notification, 1 seat for Scheduled Caste, 1 for Scheduled Caste Woman and the other for BCM-A. Insofar as the BCM-A and Scheduled Caste, no doubt there is repetition. However, while considering as to whether the same has been erroneously done or there is no other option, it is to be noticed that there are 7 seats reserved for Scheduled Caste and 6 seats for BCM-A. As against the same, 1 seat is reserved for BCM-B, 3 seats for Scheduled Tribe and the remaining seats are for general. Insofar as the seats in each of the Constituencies, it is seen that in one of the constituencies there is only one seat while in two of the constituencies there are three seats. Therefore in respect of the constituency which has only one seat, in any event, the same seat cannot be assigned every year taking into consideration the fact that there are 7 seats reserved for Scheduled Caste. Therefore, while assigning a different category to the said seat there would be one additional Scheduled Caste seat which may have to be assigned to any one of the constituencies. Similarly insofar as BCM-A also, the same difficulty would arise.

6. From the perusal of the notification, insofar as the constituency in Vengalammanahalli where there is only one seat, the same has been shifted from election to election. In respect of any one of the constituencies, there is bound to be repetition at one point in time. Therefore that itself cannot be considered as patent error to come to the conclusion that the notification is not justified. In that view, I see no merit in this petition so as to call for interference.

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