

Court No. - 1

Case :- P.I.L. CIVIL No. - 6929 of 2021

Petitioner :- Ajay Kumar

Respondent :- State Of U.P. Thru. Addl.Chief Secy. Panchayat Raj,Lko.&Ors.

Counsel for Petitioner :- Mohd.Altaf Mansoor,Nitin Kapoor,Tanay Chaudhary

Counsel for Respondent :- C.S.C.,Anurag Kumar Singh

Hon'ble Ritu Raj Awasthi,J.

Hon'ble Manish Mathur,J.

The writ petition is being heard today as mention regarding urgency being made since reservation for seats in the forthcoming Panchayat Elections are to be finalized by 17.3.2021.

Heard Mr. Mohd. Altaf Mansoor, learned counsel for petitioner, learned Standing Counsel appearing on behalf of opposite parties 1 and 2 and Mr. Anurag Singh, learned counsel for opposite party no.3.

Petition has been filed against Government Order dated 11.2.2021 with regard to reservations to be provided in the forthcoming Panchayat elections.

Learned counsel for petitioner submits that provisions for reservations in the aforesaid elections are to be determined as per the Uttar Pradesh Panchayat Raj (Reservation and Allotment of Seats and Offices) Rules, 1994 [hereinafter referred to as Rules of 1994] with Rule 4 providing allotment of seats for reservation on rotational basis. It has been submitted that pursuant to amendment in Article 243D of Constitution of India, the aforesaid rules were notified and for the purposes of allotment of seats as per reservation under Rule 4 of Rules of 1994, the base year was taken as 1995. It is submitted that subsequent elections in 1995, 2000, 2005 and 2010 were held in accordance with the aforesaid Rules of 1994.

Learned counsel has thereafter drawn attention to Government Order dated 16.09.2015 in which it has been indicated that due to substantial demographic changes in the Districts of the State in the Gram Panchayat and Khetra Panchayat territories in view of the census of 2001 and 2011, it is no longer conducive to have 1995 as the base year for purposes of applying reservation as per Rule 4 of Rules of 1994. As such, the base year in view of the changed demographic situation was required to be taken as 2015.

Learned counsel submits that ignoring the Government Order dated 16.09.2015, the opposite parties are proceeding to reserve the seats in terms of Rule 4 of Rules of 1994 by taking 1995 as the base year instead of 2015. It is further submitted that Government Order dated 16.09.2015 is still in existence and the previous elections held in the year 2015 were also in accordance with the aforesaid Government Order. Learned counsel further submits that even otherwise in view of the changed demographic situation as noticed by the State Government itself in Government Order dated 16.09.2015, it does not stand to reason that the base year for purposes of reserving seats in terms of Rule 4 of Rules of 1994 should be taken as 1995.

In view of the aforesaid submissions, learned counsel for opposite parties are granted a day's time to seek instructions with regard to aforesaid submissions.

List/Put up this case on **15.03.2021** as a fresh case.

Considering the aforesaid submissions, it is provided that till the next date of listing, the opposite parties shall not finalize the reservations to be provided in terms of Rule 4 of Rules of 1994.

Order Date :- 12.3.2021

kvg/-