RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 24868/2026
CNR: RJHC011033502026 | URN: CW / 43013U / 2026

Rajasthan High Court
सत्यमेव जयते
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1. Jog Raj S/o Shri Binja Ram, Aged About 41 Years, R/o Koshloo, Po - Koslu, Panyla Kalan, Balotra, Rajasthan.
2. Suresh Kumar S/o Shri Narsinga Ram, Aged About 24 Years, R/o Meghwalon Ki Dhani, Kharia Khurd, Panyla Kalan, Balotra, Rajasthan.
3. Bhera Ram S/o Shri Puna Ram, Aged About 32 Years, R/o Meghwalon Ki Dhani, Kharia Khurd, Panyla Kalan, Balotra, Rajasthan.

----Petitioners

Versus

1. State Of Rajasthan, Through The Principal Secretary, Rural Development And Panchayati Raj Department, Government Of Rajasthan, Government Secretariat, Jaipur, Rajasthan.
2. State Election Commission, Rajasthan, Through The State Election Commissioner, 2Nd Floor, Development Block, Government Secretariat, Jaipur, Rajasthan.
3. The District Collector-Cum-District Election Officer, (Panchayat), Balotra, District Balotra, Rajasthan.
4. The Additional District Collector-Cum-Election Officer, (Panchayat), Balotra, District Balotra, Rajasthan.
5. The Sub-Divisional Officer-Cum-Election Officer, (Panchayat), Sindhari, District Balotra, Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Ram Dev Potaliya.
For Respondent(s)	:	Mr. Monal Chugh, for Mr. Rajesh Panwar, Sr. Adv. / AAG.

HON'BLE DR. JUSTICE NUPUR BHATI

Order

18/11/2026

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1. The present writ petition has been filed by the petitioners with the following prayers:

> "I. issue a writ, order or direction, quashing the impugned reservation determination/allotment document (Annexure-13) to the extent it relates to Gram Panchayat Koshlu, Panchayat Samiti Payla Kalan, District Balotra, whereby the post of Sarpanch of the said Gram Panchayat has been shown as "GEN" (General) and has not been reserved for the Scheduled Caste category;
> II. issue a writ, order or direction, directing the respondents to reserve the post of Sarpanch of Gram Panchayat Koshlu, Panchayat Samiti Payla Kalan, District Balotra, for the Scheduled Caste category in accordance with the corrected and verified Scheduled Caste population of 286, the applicable reservation cycle/roster, and the directions issued by the State Government;
> III. issue a writ, order or direction, directing the respondents to re-determine the reservation process for the post of Sarpanch of Gram Panchayat Koshlu and to make consequential corrections in the impugned reservation list and all related records, in accordance with law;
> IV. pass any other appropriate writ, order or direction which this Hon'ble Court may deem just, fit and proper in the facts and circumstances of the present case;
> V. award costs of the writ petition in favour of the petitioners."

2. Learned counsel representing the respondent-State, at the outset, submits that the controversy involved in the present writ petition is squarely covered by the judgment dated 02.11.2026 passed by the Hon'ble Division Bench of this Court at the Jaipur Bench in ***DBSAW No.1227/2026 : State of Rajasthan & Ors. v. Mahendra Singh*** (along with the other connected appeals), arising out of the order dated 01.10.2026 passed by the learned Single Judge in ***SBCWP No.19786/2026 : Ravindra Singh v. State of Rajasthan & Ors.*** (along with other connected writ petitions). He further submits that by the aforesaid order, the writ petitions were allowed by the learned Single Judge with a direction to undertake a fresh reservation exercise and being aggrieved by the said directions, the respondents preferred special appeals, which came to be allowed by the Hon'ble Division Bench. He

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submits that the Hon'ble Division Bench, while setting aside the direction for undertaking a fresh reservation exercise, held that reopening the reservation arrangements during the subsistence of the notified election programme would be inconsistent with the principle of electoral continuity embodied in Article 243-O of the Constitution of India.

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3. The relevant paragraphs of the judgment in the case of Mahendra Singh (supra) are reproduced hereinbelow:

> "24. In view of the foregoing discussion, this Court finds that the learned Single Judge, while directing a fresh reservation exercise, did not accord due weight to the constitutional limitations governing judicial interference in electoral matters; nevertheless, the impugned order has been passed on 01.10.2026 and the election programme dated 03.10.2026 had been published subsequent to it, however, as on date the same remains in operation. The impugned judgment, to the extent that it directs a fresh reservation exercise, now during the subsistence of the notified electoral programme, cannot be sustained.
> 25. Accordingly, and in view of the subsequent development i.e. passing of the order dated 03.10.2026, the special appeals are **allowed**, in terms of the prayers made. The judgment and order dated 01.10.2026 passed by the learned Single Judge will not cause prejudice to the election process in question, as after passing of the said order, subsequent developments have taken place. The reservation lottery shall not be reopened pursuant to the directions contained in the impugned judgment/order during the subsistence of the election programme, in question.
> 26. It is clarified that this Court has not adjudicated upon the correctness of the reservation allocation on its substantive merits, and the observations made herein are confined to the question of judicial interference in view of the notified electoral programme. No opinion is expressed on any issue that may arise for consideration before the competent forum in proceedings maintainable under the applicable law.
> 27. Pending applications, if any, shall stand disposed."

4. Learned counsel for the respondent-State, therefore, submits that, in view of the aforesaid judgment, the present writ petition also deserves to be dismissed. He also submits that on account of the fact that the elections for the post of Sarpanch / Ward Member of 4th / last phase have already been concluded on 16.11.2026,

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the relief sought by the petitioner cannot be granted at this stage and therefore the writ petition has been rendered infructuous.

5. Learned counsel for the petitioners is unable to refute the submissions advanced by learned counsel appearing for the respondent-State.

6. Having considered the submissions made on behalf of the parties, taking into consideration the judgment in the case of Mahendra Singh (supra) and also taking into consideration the fact that the elections for the post of Sarpanch / Ward Members have already been concluded, no relief at this stage can be granted.

7. Further, as observed by the Hon'ble Division Bench in the case of Mahendra Singh (supra), this Court also clarifies that this Court has not adjudicated upon the correctness of the reservation allocation on its substantive merits, and the observations made herein are confined to the question of judicial interference in view of the notified electoral programme. No opinion is expressed on any issue that may arise for consideration before the competent forum in proceedings maintainable under the applicable law.

8. Consequently, the present writ petition is dismissed in the same terms, as any interference at this stage, resulting in reopening of the reservation arrangements during the subsistence of the notified election programme, would be inconsistent with the principle of electoral continuity embodied in Article 243-O of the Constitution of India.

9. Stay application as well as all other pending applications, if any, also stand dismissed.

(DR.NUPUR BHATI),J

Crt_10 (1838)
D-A/59
Sumit Sharma

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