



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 19981/2026

CNR: RJHC020958872026 | URN: CW / 41699U / 2026

1. Satish Kumar Sharma S/o Shri Omprakash, Aged About 64 Years, R/o Village Manchi, Post Gunta, Tehsil Bansur, District Kotputli Behror (Rajasthan) 301402.
2. Malaram Gurjar S/o Shri Hari Ram Gurjar, Aged About 32 Years, R/o Village Manchi, Post Gunta, Tehsil Bansur, District Kotputli Behror (Rajasthan) 301402.
3. Ravi Kumar Sharma S/o Shri Satish Kumar Sharma, Aged About 43 Years, R/o Village Manchi, Post Gunta, Tehsil Bansur, District Kotputli Behror (Rajasthan) 301402.
4. Anil Kumar Sharma S/o Shri Amichand Sharma, Aged About 36 Years, R/o Village Manchi, Post Gunta, Tehsil Bansur, District Kotputli Behror (Rajasthan) 301402.
5. Sahil Sharma S/o Shri Mukesh Sharma, Aged About 25 Years, R/o Village Manchi, Post Gunta, Tehsil Bansur, District Kotputli Behror (Rajasthan) 301402.
6. Bhagirath Gurjar S/o Shri Bhoura Ram, Aged About 52 Years, R/o Village Manchi, Post Gunta, Tehsil Bansur, District Kotputli Behror (Rajasthan) 301402.

-----Petitioners

Versus

1. State of Rajasthan, through The Principal Secretary, Department of Rural Development and Panchayati Raj, Government Secretariat, Jaipur.
2. State Election Commission, Rajasthan, through its Secretary, Government Secretariat, Jaipur.
3. The District Collector and District Election Officer (Panchayat), District Kotputli Behror (Rajasthan).
4. The Sub Divisional Officer and Authorised Officer, Panchayat Samiti Bansur, District Kotputli Behror (Rajasthan).

-----Respondents

For Petitioners : Mr. Punit Singhvi Advocate with Mr. Pankaj Yadav Advocate, Mr. Ajay S. Rathore Advocate, Mr. Ishan Verma



Advocate, Mr. Naman Dadhich
Advocate and Ms. Shraddha Mehta
Advocate.

For Respondents : Mr. Kapil Prakash Mathur Additional
Advocate General with Mr. Ashutosh
Udawat Advocate and Mr. Prateek
Saxena Advocate.



HON'BLE MR. JUSTICE ANAND SHARMA

Judgment

REPORTABLE

01/10/2026

1. The petitioners have filed this writ petition to challenge legality, validity and propriety of order dated 24.09.2026 issued by the Sub-Divisional Officer, Bansur, whereby while exercising powers under the Rajasthan Panchayati Raj (Election) Rules, 1994, the office of Sarpanch, Gram Panchayat Manchi, has been reserved for OBC (Woman).

2. Principal grievance raised by the petitioners is that in the preceding Panchayati Raj elections of 2020, the same office was reserved for SC (Woman) and, therefore, its reservation again for a woman in 2026 violates the constitutional and statutory requirement of rotation under Article 243D of the Constitution of India and as well as provisions of the Rajasthan Panchayati Raj Act, 1994 (hereinafter to be referred as 'the Act of 1994') and the Rajasthan Panchayati Raj (Election) Rules, 1994 (hereinafter to be referred as 'the Rules of 1994').

3. It is stated by the petitioners that the impugned reservation was made through a lottery without disclosure of the roster, eligible pool or proceedings and without excluding Gram



Panchayats which had already been reserved for women in 2020. The petitioners further alleged violation of Articles 243D of the Constitution of India and pleaded lack of transparency and failure to consider their representation. It has also been stated that the lottery cannot override the mandatory rule of rotation and since the election process has not yet commenced, the challenge to the reservation order is maintainable under Article 226 of the Constitution of India.

4. In view of above, the petitioners accordingly prayed for quashing of the reservation of seat at Gram Panchayat Manchi for OBC (Woman), and a declaration has also been sought to the effect that the aforesaid seat ought to be kept unreserved in general elections of Panchayati Raj Institutions, 2026 in view of the previous reservation of SC (Woman) category, or alternatively a fresh, transparent lottery should have been drawn strictly in accordance with the rule of rotation.

5. Shri Punit Singhvi, learned counsel for the petitioners submits that the impugned order dated 24.09.2026, whereby the office of Sarpanch of Gram Panchayat Manchi has been reserved for OBC (Woman), is contrary to the constitutional and statutory mandate of rotation. It is pointed out that in the preceding election of 2020, the very same office was reserved for SC (Woman) and, therefore, its reservation again for a woman in 2026 defeats the object of rotation contemplated under Article 243D(4) of the Constitution of India.

6. It is submitted that Section 15 read with Section 16 of the Act of 1994 and the Rules of 1994, particularly Rule 7 and Rule



9, have to be construed in consonance with Article 243D of the Constitution of India. A lottery is only a mode of allotment from a legally constituted pool and cannot override the requirement of rotation. Since seat of office of Sarpanch of Gram Panchayat Manchi had already been reserved for a woman in 2020, it ought to have been excluded from the women's pool for 2026, particularly when several other Gram Panchayats had not been so reserved in the preceding election.

7. Learned counsel for the petitioners further submits that the respondents have not disclosed the roster, category-wise pool, calculation sheet or proceedings of the lottery and, therefore, it cannot be ascertained whether the principle of rotation was actually followed. He submits that the petitioners have not challenged reservation as such, but are aggrieved by its repeated application to the same Gram Panchayat to reserve it for woman candidate consecutively. Learned Counsel emphasised that such action is apparently arbitrary and violative of Article 243D of the Constitution of India, Section 15 of the Act of 1994 and Rule 7 of the Rules of 1994. Learned Counsel accordingly prayed for quashing of the impugned reservation and further prayed for drawing a fresh lottery after preparing the pool in accordance with the prescribed rotational scheme. Learned Counsel for the petitioners relied upon judgment of Bombay High Court in **Narendra Subhash Pelmahale vs. The State of Maharashtra & others, (Writ Petition No. 12576/2025 decided on 14.07.2026).**



8. Shri Rajendra Prasad, learned Advocate General appearing for the respondent-State of Rajasthan, while opposing the writ petition, would submit that the petitioners have combined and merged reservation of seats with reservation of the office of Sarpanch. Section 15 of the Act of 1994 and Rule 7 of the Rules of 1994 principally operate in relation to seats/wards, whereas reservation of Sarpanch offices is specifically governed by Section 16 of the Act of 1994 and Rule 9 of the Rules of 1994. Rule 9 of the Rules of 1994 prescribes the manner of allocation of reserved offices and, in respect of women, specifically contemplates allotment by draw of lots.

9. Learned Advocate General further submitted that reservation for women is horizontal in nature, which operates across the vertical categories of SC, ST, OBC and General. Consequently, the requirement of rotation, insofar as women's reservation is concerned, cannot be understood to mean that a Gram Panchayat which had an SC-Woman Sarpanch in the previous term becomes automatically ineligible for an OBC-Woman reservation in the succeeding term. Any rotation applicable to women's reservation has to operate within the respective vertical category/pool in accordance with the statutory scheme and the mere fact that Gram Panchayat Manchi was reserved for SC (Woman) in 2020 does not prohibit its reservation for OBC (Woman) in 2026.

10. Learned Advocate General submitted that Article 243D(4) of the Constitution of India leaves the manner of allotment and rotation to the State Legislature and the Rules



framed thereunder. Rule 7(13) of the Rules of 1994, relied upon by the petitioners, cannot be mechanically extended to Sarpanch offices when Rule 9 of the Rules of 1994 separately governs such offices. The petitioners have also not produced the complete roster or reservation record of all 45 Gram Panchayats to establish that the statutory procedure or prescribed rotation was violated. It is accordingly submitted that the lottery was conducted by the competent authority in accordance with the Rules of 1994 and there is no demonstrated illegality or mala fides and the petitioners have no vested right to have the office of Sarpanch kept in the unreserved category. The writ petition, therefore, deserves to be dismissed.

11. Heard rival contentions advanced by learned counsel for the parties and perused the record.

12. Since the controversy revolves around following provisions of Constitution of India, the Act of 1994 and the Rules of 1994, hence, the same are being reproduced hereunder:

"243D. Reservation of seats.—(1) Seats shall be reserved for—

- (a) the Scheduled Castes; and
- (b) the Scheduled Tribes,

in every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

(2) Not less than one-third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.

(3) Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Panchayat shall



be reserved for women and such seats may be allotted by rotation to different constituencies in a Panchayat.

(4) The offices of the Chairpersons in the Panchayats at the village or any other level shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the Legislature of a State may, by law, provide:

Provided that the number of offices of Chairpersons reserved for the Scheduled Castes and the Scheduled Tribes in the Panchayats at each level in any State shall bear, as nearly as may be, the same proportion to the total number of such offices in the Panchayats at each level as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State bears to the total population of the State:

Provided further that not less than one-third of the total number of offices of Chairpersons in the Panchayats at each level shall be reserved for women:

Provided also that the number of offices reserved under this clause shall be allotted by rotation to different Panchayats at each level.

(5) The reservation of seats under clauses (1) and (2) and the reservation of offices of Chairpersons (other than the reservation for women) under clause (4) shall cease to have effect on the expiration of the period specified in article 334.

(6) Nothing in this Part shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.

15. Reservation of seats⁻¹[(1) Seats to be filled by direct election in a Panchayati Raj Institution shall be reserved for-

- (a) the Scheduled Castes;
- (b) the Scheduled Tribes; and
- (c) the Backward Classes,

as also for women in accordance with the provisions contained in the succeeding sub-sections.

(2) The number of seats reserved for the Scheduled Castes and the Scheduled Tribes, shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in Panchayati Raj Institution as the population of such Castes or, as the case may be, such Tribes in that Panchayati Raj Institution area bears to the total population of the area.

(3) Such percentage, not exceeding ²[twenty one], of seats in a Panchayati Raj Institution at each level shall be reserved for Backward Classes as the percentage of the combined rural population of Scheduled Castes and Scheduled Tribes in the concerned district in relation to the total rural population of the district falls short of fifty.

Provided that at least one seat shall be reserved in each Panchayati Raj Institution at each level for Backward





Classes where the combined rural population of Scheduled Castes and Scheduled Tribes in the concerned district does not exceed seventy percent of the total rural population of the district.

(4) Seats reserved in accordance with the provisions contained in the preceding sub-sections may be allotted by rotation to different wards or, as the case may be, different constituencies in the concerned Panchayati Raj Institution;]

¹[(5)] Not less than one² [half] of the total number of seats reserved under ³[Sub-secs. (2) and (3)] shall be reserved for women belonging to the Scheduled Castes, the Scheduled Tribes or, as the case may be, the Backward Classes.

⁴[(6)] Not less than one² [half] (including the number of seats reserved for women belonging to the Scheduled Castes, the scheduled Tribes and the Backward Classes) of the total number of seats to be filled by direct election in every Panchayati Raj Institution shall be reserved for women and such seats may be allotted by rotation to different wards or, as the case may be, constituencies in the concerned Panchayati Raj Institution in such manner as may be prescribed.]

16. ⁴[Reservation of the offices of Chairpersons- (1) The offices of the Sarpanchas, the Pradhans and the Pramukhs shall be reserved for-(a) the Scheduled Castes; (b) the Scheduled Tribes; and (c) the Backward Classes,

as also for women in accordance with the provisions contained in the succeeding sub-sections.

(2) The number of each of such offices reserved for the Scheduled Castes and the Scheduled Tribes shall bear, as nearly as may be, the same proportion to the total number of each of such offices in the State as the population of such Castes, or as the case may be, such Tribes in the State bears to the total population of the State.

(3) Such percentage, not exceeding ⁵[twenty one] of offices of Sarpanch or Pradhan in a Panchayat Samiti or Pramukh in Zila Parishad, as the case may be, shall be reserved for Backward Classes, as the percentage of the combined population of Scheduled Castes and Scheduled Tribes in the Panchayat Samiti or Zila Parishad area in relation to the population of such Panchayat Samiti or Zila Parishad area, as the case may be, falls short of fifty:

Provided that at least one office of Sarpanch or Pradhan in a Panchayat Samiti or Zila Parishad shall be reserved for Backward Classes where the combined population of Scheduled Castes and Scheduled Tribes in the Panchayat Samiti or Zila Parishad area, as the case may be, does not exceed seventy percent of the total population of the Panchayat Samiti or Zila Parishad area.

(4) ¹[Twenty one] percent of the total number of offices of Pramukh in the State shall be reserved for the Backward Classes.





(5) Not less than one ²[half] of the total number of offices of Sarpanchas, Pradhans and Pramukhs in the State shall be reserved for women.

(6) Offices reserved under this section shall be allotted by rotation to different Panchayats, Panchayat Samitis and Zila Parishads in the State in such manner as may be prescribed.

Explanation.- If a fraction forms part of the number of seats computed under Sec. 15 or offices computed under this section, the number of seats or offices, as the case may be, shall be increased to the next higher number in case the fraction consists of half or more of a seat or office and the fraction shall be ignored in case it consists of less than half of a seat or office.]”

Rule 7. Procedure for reservation. (1) The Officer authorised by Government shall for the purpose of reservation of seats for persons belonging to Scheduled Castes under Sec. 15 of the Act, first identify the wards or constituencies which consist of population of the Scheduled Castes and such wards or constituencies shall be serially arranged in the descending order of percentage of population of Scheduled Castes excluding the wards and constituencies where such percentage is less than five, and shall be assigned serial numbers as SC 1, SC 2 and so on.

(2) The serial number so assigned shall be known as special serial numbers for Scheduled Castes.

(3) The Officer authorised by the Government shall first allocate the number of seats reserved for SCs (including one-third of such seats reserved for women belonging to the Scheduled Castes) serially to the wards bearing special numbers for Scheduled Castes.

(4) The Officer authorised by the Government shall for the purpose of reservation of seats for persons belonging to Scheduled Tribes under Sec. 15 of the Act, after the seats having been determined and allocated under the aforesaid section for SCs. proceed to identify the wards and constituencies which consist of population of Scheduled Tribes and such wards and constituencies shall be serially arranged in the descending order of percentage of population of Scheduled Tribes excluding the wards and constituencies where such percentage is less than five, and shall be assigned serial number of ST 1, ST 2 and so on.

(5) The serial number so assigned shall be known as special serial numbers for Scheduled Tribes.

(6) The Officer authorised by the Government shall, after having allocated the seats reserved for the Scheduled Castes under Sub-rule (3), allocate the seats reserved for Scheduled Tribes (including one-third of such seats reserved for women belonging to Scheduled Tribes) serially to the wards bearing special serial numbers for Scheduled Tribes.

(7) The Officer authorised by the Government shall for the purpose of reservation of seats for persons belonging to Backward Classes under Sec 15 of the act, after having determined and allocated seats reserved for the persons





belonging to the Scheduled Castes and the Scheduled Tribes (including one-third of the seats reserved for women belonging to such Castes and Tribes), proceed further to allocate such number of seats in the Panchayati Raj Institutions as are required to be reserved for persons belonging to Backward Classes (including one-third of such seats reserved for women belonging to Backward Classes) out of remaining seats by lot.

(8) (a) The number of seats reserved for women belonging to the Scheduled Castes or the Scheduled Tribes or, as the case may be, the Backward Classes respectively shall be derived by dividing the seats to be reserved for the SCs or STs or as the case may be BCs by three.

(b) If only one seat each is reserved for SC, ST or BC in any Panchayati Raj Institution, one seat out of the three as determined by draw of lots shall be reserved for women.

(9) The remaining number of seats reserved for women shall be determined by dividing the total number of seats by three and number so determined shall be reduced by the aggregate of the number of the seats derived for women belonging to the SCs, STs and BCs under sub-rule (8).

(10) The seats so reserved for women under Rule 6 shall be allocated by lot.

(11) Wherever seats are to be reserved by draw of lots, the Officer authorised by the Government shall fix place, date and time for the purpose of drawing lots and inform the members of the Legislative Assembly of the constituencies or part of the constituency falling in the district. The lots shall be drawn in accordance with the procedures laid down by the Government in the presence of such members of Legislative Assembly who may choose to be present at the appointed time.

(12) In every succeeding general election of the Panchayati Raj Institutions, the list of wards or constituencies bearing special serial number for Scheduled Castes or, as the case may be, Scheduled Tribes shall-

(i) continue to be operated serially from special serial number following the special serial number where the allocation of seats reserved for the SCs or, as the case may be, the STs has ended in the preceding election.

(ii) be operated till it is exhausted, and

(iii) be re-operated from the beginning after it is exhausted.

(13) Wards and constituencies reserved for Backward Classes and Women by draw of lots in the first general election shall be excluded while drawing lots for such reservation in succeeding election till the cycle is completed."

13. After meticulously examining the aforesaid provisions, this Court finds that the constitutional validity and interpretation





of the reservation scheme under the Act of 1994 and the Rules of 1994 have to be examined in the backdrop of Article 243D of the Constitution of India. Article 243D of the Constitution of India provides for reservation of seats for SCs and STs broadly in proportion to their population, reservation for women within such reserved categories, reservation of not less than one-third of the total directly elected seats for women and rotation of reserved seats. In respect of Chairpersons, reservation for SCs, STs and women is to be made in the manner prescribed by the State Legislature, with rotation among different Panchayats. Article 243D(6) of the Constitution of India also permits the State Legislature to provide reservation for Backward Classes.

14. A bare analysis of the above would make it clear that the constitutional scheme carves out a clear distinction between category-wise reservation and women's reservation. Reservation for SCs, STs and Backward Classes is category-based or vertical, whereas reservation for women operates across those categories, and is horizontal in its nature and application. A seat reserved for a SC woman remains a SC-reserved seat, additionally earmarked for a woman; similarly, a ST-woman or Backward Class-woman seat remains within the respective category. Women's reservation, therefore, cannot be treated as an independent compartment displacing the underlying category-wise reservation.

15. Quite significantly, Section 15 of the Act of 1994 carries the constitutional mandate further by providing reservation of not less than one-half of the seats reserved for SCs, STs and Backward Classes for women belonging to those categories and



not less than one-half of the total directly elected seats for women, including SC/ST/Backward Class women. Thus, State of Rajasthan has prescribed a higher level of women's representation than the constitutional minimum.

16. It is noteworthy that Rule 7 of the Rules of 1994 provides the mechanism for giving effect to this scheme. The eligible wards for SC and ST reservation are identified and arranged according to the prescribed population criteria and assigned serial numbers by arranging the same on the basis of decreasing population of that particular category, whereafter the requisite seats, including women seats, are allocated in the prescribed sequence. Backward Class seats are thereafter identified from the remaining seats in accordance with the Rules. The process consequently involves first determining the applicable category-wise reservation and then accommodating the requisite women component within those categories and within the overall women quota.

17. This Court finds that undeniably rotation is an integral part of this scheme. It is intended to distribute the benefit of reservation among different constituencies over successive electoral cycles and to prevent its permanent attachment to particular constituencies. Rotation, therefore, does not necessarily involve a fresh and wholly independent exercise at every election; the previous allocation and the stage reached in the prescribed cycle are relevant in determining the succeeding allocation.

18. The same principle applies to women's reservation, while maintaining its horizontal character. The women component



within SC reservation has to operate within the SC seats, similarly, within ST reservation within the ST seats, and within Backward Class reservation within the Backward Class seats. The remaining women seats required to satisfy the overall statutory quota are to be identified from the other eligible seats in accordance with the prescribed procedure. Consequently, the category-wise and women reservations have to be harmoniously worked out so that both requirements are simultaneously satisfied.

19. Accordingly, the validity of any particular reservation or rotation exercise cannot be tested merely by examining whether the prescribed percentage has been mathematically achieved or not. While examining a particular reservation notification, the material enquiry is whether the authorities have correctly determined the category-wise reservation; thereafter, whether they have accommodated the women component within the respective categories and the overall women quota or not and thereafter, whether that authorities applied the prescribed rotational mechanism without arbitrarily repeating or excluding any constituency contrary to the applicable cycle or not. The mere fact that a particular Ward or Panchayat was reserved for women in an earlier election does not, by itself, render its reservation in a subsequent election impermissible. The legality depends upon the category-wise sequence, the horizontal women component and the rotational cycle prescribed by the Act of 1994 and the Rules of 1994, read consistently with Article 243D of the Constitution of India.



20. So far as the judgment of the Bombay High Court in **Narendra Subhash Pelmahale (supra)**, as relied upon by the petitioners, this Court finds that as the said decision was rendered in the context of the specific provisions of Section 30(4)(c) of the Maharashtra Village Panchayats Act, 1958 and Rule 2A(4) of the Maharashtra Village Panchayats (Sarpanch and Upa-Sarpanch) Election Rules, 1964, the said decision, therefore, cannot be mechanically applied to the statutory scheme operating in Rajasthan, where Section 15 of the Act of 1994 and Rule 7 of the Rules of 1994 have to be construed harmoniously with Article 243D of the Constitution of India, particularly the distinction between category-wise reservation and the horizontal reservation for women. The above judgment does not lay down a general proposition, rather its conclusion is based upon the particular rotational mechanism prescribed by the Rules prevalent in the State of Maharashtra.

21. On the basis of aforesaid analysis and discussion, this Court finds that the impugned order dated 24.09.2026 has been issued strictly in consonance with the Constitutional scheme as also statutory frame and does not violate the rotational scheme prescribed under the law. Hence, no jurisdictional infirmity or illegality has been committed by the respondents in reserving office of Sarpanch, Gram Panchayat Manchi for OBC (Woman) notwithstanding that in the preceding Panchayati Raj elections of 2020 also, the same office was reserved for SC (Woman) and hence, no interference in the impugned order is warranted.



22. Consequently, the writ petition filed by the petitioners is hereby dismissed.

23. Pending applications, if any, stand disposed of.

(ANAND SHARMA),J

255/MANOJ NARWANI

