

**THE HIGH COURT OF HIMACHAL PRADESH
AT SHIMLA**

**CWP No.5514 of 2026
Decided on: 29.04.2026**

Rajesh Kumar & othersPetitioners

Versus

The State of Himachal Pradesh & others ...Respondents

Coram

Hon'ble Mr. Justice Vivek Singh Thakur, Judge

Hon'ble Mr. Justice Ranjan Sharma, Judge

Whether approved for reporting?

For the petitioners: Mr. Subhash Sharma, Sr. Advocate
with Mr. Prantap Sharma, Advocate

For the respondents : Mr.Anup Rattan, Advocate General
with Ms.Swati Draik, Deputy
Advocate General and Mr. Shalabh
Thakur, Assistant Advocate General
for respondents No.1 & 3.

Mr. Surinder Sharma, Advocate,
for respondent No.2.

Mr. Naveen K. Bhardwaj, Advocate
for respondent No.4.

Vivek Singh Thakur, Judge (oral)

This petition has been preferred against allotment of Beasa Moar Ward in Municipal Council, Kullu, to Women General Category on the ground that such allotment is in violation of Rule 10 of Himachal Pradesh Municipal Election Rules, 2015, especially Sub Rule (6)

and (7) thereof, which reads as under:-

“6. The wards reserved for Scheduled Castes, Scheduled Tribes and women belonging to Scheduled Castes and Scheduled Tribes on the basis of percentage of population shall be changed in the immediate next election and at the time of such next elections, the ward/wards, having next highest percentage of population shall be reserved for Scheduled Castes, Scheduled Tribes and women belonging to Scheduled Castes and Scheduled Tribes and the ward earlier reserved shall be kept open to the general category and so on for subsequent elections.

Explanation:- General category for the purpose of these rules shall mean men or women or both belonging to this category.”

7. The reservation of seats for women shall be made by draw of lots after excluding the seats which have been reserved for Scheduled Castes and Scheduled Tribes candidates including women belonging to Scheduled Castes and Scheduled Tribes, as the case may be.”

2. Grievance of the petitioner is that previously in the year 2020, seat was allotted to SC (Women) and now it should have been allotted to General Category, instead of reserving it for Women.

3. The petitioner has placed on record Annexure P-2 (Colly.), information received from the Senior Executive Officer, Municipal Council, Kullu, H.P., which includes Performa-I, wherein, reservation allotment of seat to different categories has been mentioned, which indicates that in previous elections and for ensuing elections seat in Beasa Moar Ward was and has been allotted as under:-

Sr. No.	Ward No.	Name of Ward	Reserved for in 1995	Reserved for in 2000	Reserved for in 2005	Reserved for in 2010	Reserved for in 2015	Reserved for in 2020	Proposal for reservation SC/ST/OBC/Women for 2026
1.									
2.									
3.	3	Beasa Moar	General	SC	General	Women	Women	SC (Women)	Women

4. From the aforesaid table, it is apparent that Beasa Moar Ward, in 1995 was reserved for General, thereafter in 2000 for SC, in 2005 for General, in 2010 for Women General, in 2015 for Women General and in 2020 SC (Women) and now it has been allotted to Women General.

5. As per Explanation to aforesaid Rule 10(6), '*General Category for the purpose of these rules shall mean men or women or both belonging to this category,*' meaning thereby that, in case, General Category seat is allotted to men or women or either of them, then it will be considered as seat allotted to General Category.

6. As per aforesaid Rule 10(7), '*the reservation of seats for women shall be made by draw of lots after excluding the seats which have been reserved for Scheduled Castes and Scheduled Tribes candidates including women belonging to Scheduled Castes and Scheduled Tribes, as the case may be.*'

7. Accordingly, in view of Explanation to Rule 10(6), in the year 2020, seat was reserved for SC women

now it has been allotted to women which is available for General Category, i.e. for for all women, and therefore, it is unreserved seat, may be called as seat available to General Category and thus, there is no repetition of reservation roster with respect to Beasa Moar Ward.

8. Therefore, the mandate of this reservation roster is not in conflict with Rule 10 of H.P. Municipal Election Rules, 2015.

9. In view of above, we don't find any merit in the petition. Accordingly, the petition is dismissed along with pending miscellaneous application(s), if any.

(Vivek Singh Thakur)
Judge

(Ranjan Sharma)
Judge

April 29, 2026 (meera)