IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA
CWP No.5637 of 2026
Decided on 09th September 2026

Rakesh Chouhan

…Petitioner

Vs.

State of Himachal Pradesh and others

…Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Hon'ble Mr. Justice Yogesh Jaswal, Judge

[1]Whether approved for reporting? Yes

For the petitioner	**:**	**Mr. Ashwani K. Sharma, Advocate.**
For the respondents	**:**	**Mr. Pushpinder Jaswal, Additional Advocate General, for respondents No.1 to 4.**
	:	**Mr. Kunal Thakur, Advocate, vice Mr. Ajay Chauhan, Advocate, for respondent No.5.**
	:	**Mr. Neeraj Sharma, Advocate, for respondent No.6.**

Ajay Mohan Goel, Judge *(Oral)*

By way of this writ petition, the petitioner has prayed for the following reliefs:-

> *"i. That the impugned act of the respondent authorities of altering/fabricating with the population census of 2011 taken as base for preparing reservation roster for local body Elections of NP Shahpur to be held in 2026 be declared illegal and hence, be quashed and set aside.*
> *ii. Further the reservation roster prepared by the respondent authorities on the basis of fabricated/manipulated population census of 2011 for NP Shahpur to be commenced in the year 2026 be also declared illegal and hence, be quashed and set aside.*

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iii. Writ of mandamus be issued by directing the respondent authorities to prepare the fresh reservation roster for NP Shahpur strictly in accordance with actual census of 2011."

2. The gist of the grievance of the petitioner is that, for the purpose of holding elections for Nagar Panchayat/Municipal Council, Shahpur, as it then was in the year 2021, the census of the year 2011 was relied upon.

3. According to the petitioner, in terms of the 2011 census, as the population of Scheduled Caste was maximum in Ward No. 2, i.e., Hara Ward, the same should have been reserved for Scheduled Caste when elections were held for Nagar Panchayat Shahpur in the year 2020-21. However, erroneously Ward No. 3, Jhular was reserved for Scheduled Caste category. Now, when the process stood initiated again for holding elections, at the time of filing of the writ petition, for the now Municipal Council, Shahpur, despite the fact that Hara should have been reserved for the Scheduled Caste category in the year 2021, Hara ward is being reserved for Scheduled Caste (Women), which act of the respondents, according to the petitioner, is bad in law.

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4. Mr. Ashwani Sharma, learned counsel for the petitioner submitted that the petitioner belongs to the unreserved category and as a result of the reservation of his ward, i.e., Ward No. 2 (Hara), he has been denied the opportunity to contest the election. He submits that on this count, the present petition deserves to be allowed, in terms of the prayer made in the writ petition.

5. On the other hand, learned Additional Advocate General referred to the reply filed on behalf of the respondents and submitted that the present writ petition is completely misconceived. He submitted that the elections of Nagar Panchayat, Shahpur in the year 2020 were conducted on the basis of the Census of the year 2011 by taking the base year to be 2010 and the elections of Municipal Council, Shahpur held in the year 2026 were also on the basis of the Census of 2011, but the base year was 2025. He submitted that the reservation of the Wards was strictly done as per the population of the categories of various castes and thus, the contention of the petitioner that the respondents have wrongly applied the

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Census of 2011 or there is some wrong doing in the reservation of the Wards is completely incorrect. He argued that reservation roster has been correctly applied.

6. In rebuttal, Mr. Ashwani Sharma, learned counsel for the petitioner has reiterated that the reservation of the Wards has been done in a totally illegal manner and as the petitioner has been denied his right to contest election, he has the locus to maintain this writ petition.

7. We have heard learned counsel for the parties and we have also carefully gone through the averments made in the pleadings as also the documents appended therewith.

8. It is not in dispute that in the year 2020, when the elections were held for Nagar Panchayat, Shahpur, the same was on the basis of the 2011 census. It is also a matter of record that for the purpose of the said elections, the Wards of Nagar Panchayat Shahpur, as it then was, were reserved as under:-

Ward No. 1 :	Siholpuri (General Women)
Ward No. 2 :	Hara (General Women)
Ward No. 3 :	Jhular (Scheduled Caste Men)
Ward No. 4 :	Shahpur (Scheduled Tribe Men)

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Ward No. 5 :	Chandroon (General Women)
Ward No. 6 :	Gorda (General Women)
Ward No. 7 :	Manjhair (General)

9. The petitioner, at the relevant time, did not agitate the reservation of the Wards for the categories mentioned hereinabove in the mode and manner in which they were reserved and elections were held for Nagar Panchayat, Shahpur.

10. It is now, when the elections were due again in the year 2026, that the petitioner approached this Court by way of this writ petition in the month of April 2026, raising the issues flagged therein.

11. A perusal Annexure R-3/6 and Annexure R-3/7, appended with the reply of respondent No.3 demonstrate that the reservation roster of Nagar Panchayat, Shahpur in first term for the elections held in the year 2020 was determined as per Annexure R-3/7 and elections were held in the year 2026 in terms of Annexure R-3/6. This is so mentioned in Para-8 of the reply filed by respondent No. 3.

12. A perusal of Annexure R-3/6 demonstrates that therein the total Scheduled Caste population of village Hara is

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mentioned as 25.63% and that of village Jhular is mentioned as 21.42%. Now, these two Wards have the maximum population of Scheduled Caste amongst all the seven Wards.

13. Similarly, a perusal of Annexure R-3/7 demonstrates that in terms thereof, the Scheduled Caste population of Hara therein was mentioned as 15.23% and that of Jhular was mentioned as 21.42%. In terms of Annexure R-3/7 also, at the relevant time, these two Wards were having the maximum number of Scheduled Caste population.

14. In terms of Annexure R-3/6 and R-3/7, on both the occasion, the reservation of the Ward for Scheduled Caste category has been done of the Ward, which is reflected to be having maximum number of Scheduled Caste population.

15. The genesis of determining whether these figures are correct or not is not the subject matter of dispute before us, because, these figures stand spelled out in the reply and no rejoinder thereto has been filed by the petitioner and we have no reason to disbelieve what has been submitted on behalf of the State, because, *per se*, there is no allegation of any mala fide against anyone to convince us that this has been purposely

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done to subvert the right of the petitioner.

16. The above demonstrates that both in the elections of 2020 as also 2026, the reservation of the Ward for Scheduled Caste category, may be for a lady candidate or otherwise, was based on the percentage of the said category in the Ward concerned. Either way, as the petitioner happens to be a candidate belonging to General category, he could not have contested the election from the said Ward.

17. Therefore, we are of the considered view that no relief as prayed for in this writ petition can be granted to the petitioner.

18. The petitioner has not been able to substantiate, as has been alleged in the writ petition, that the authorities have fabricated the population census of 2011 or that even the reservation roster stands prepared on the basis of fabricated/ manipulated population census of 2011.

19. In light of the fact that both Hara Ward as well as Jhular Ward were having the maximum population of Scheduled Caste residents and as in the year 2020, Jhular Ward was reserved for Scheduled Caste category,

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the reservation of Hara Ward in the 2026 election for the said category cannot be interfered with by holding the same to be bad in law.

20. In light of the above observations and more so the fact that now elections have already been held for Municipal Council, Shahpur, we do not see any reason to intervene or interfere with the results in the mode and manner the petitioner wishes the Court to do so, therefore, the petition is being dismissed. No order as to costs.

21. However, before parting with the judgment, we may observe that in light of the fact that the determination of roster is also determinative of the fact as to who is included and who is excluded from contesting the election, as has been suggested by the learned counsel for the petitioner, the respondents are called upon to ensure that there is sufficient transparency in the matter, so that the mode and manner in which the Wards are determined for the purpose of reservation can be easily ascertained by one and all, so that the same leaves no room for any speculation etc. How this can be ensured is for the respondents to determine.

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22. With these observations, the petition stands disposed of, so also pending miscellaneous application, if any.

(Ajay Mohan Goel)
Judge

(Yogesh Jaswal)
Judge

September 09, 2026
(Vinod)

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