

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal No. 3123/2020

JAISHRI LAXMANRAO PATIL

Appellant(s)

VERSUS

THE CHIEF MINISTER AND ORS.

Respondent(s)

[ FOR DIRECTIONS ]

[ IA No. 79207/2020 - APPLICATION FOR EXEMPTION FROM FILING ORIGINAL VAKALATNAMA/OTHER DOCUMENT and IA No. 68321/2020 - APPLICATION FOR PERMISSION and IA No. 128266/2020 - APPLICATION FOR PERMISSION and IA No. 151882/2019 - APPLICATION FOR PERMISSION and IA No. 65618/2020 - APPLICATION FOR PERMISSION and IA No. 78196/2020 - APPLICATION FOR PERMISSION and IA No. 35586/2020 - APPLICATION FOR PERMISSION and IA No. 99834/2019 - APPLICATION FOR PERMISSION and IA No. 108075/2020 - APPLICATION FOR PERMISSION and IA No. 35576/2020 - APPLICATION FOR PERMISSION and IA No. 66805/2020 - APPLICATION FOR PERMISSION and IA No. 68423/2020 - APPLICATION FOR PERMISSION and IA No. 103632/2020 - APPLICATION FOR VACATION OF INTERIM ORDER and IA No. 94699/2020 - APPLICATION FOR VACATION OF INTERIM ORDER and IA No. 103624/2020 - APPLICATION FOR VACATION OF INTERIM ORDER and IA No. 90830/2020 - APPLICATION FOR VACATION OF INTERIM ORDER and IA No. 122033/2020 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 79203/2020 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 128263/2020 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 5465/2021 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 129073/2020 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 7125/2021 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 128272/2020 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 66706/2020 - CLARIFICATION/DIRECTION and IA No. 65889/2020 - CLARIFICATION/DIRECTION and IA No. 67966/2020 - CLARIFICATION/DIRECTION and IA No. 37321/2020 - CLARIFICATION/DIRECTION and IA No. 98197/2020 - CLARIFICATION/DIRECTION and IA No. 62631/2020 - EARLY HEARING APPLICATION and IA No. 94740/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 66512/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 5514/2021 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 61937/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 78200/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 128265/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 66440/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 94703/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 108517/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 5468/2021 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 65593/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 66996/2020 - EXEMPTION

FROM FILING AFFIDAVIT and IA No. 70722/2020 - EXEMPTION FROM FILING  
 AFFIDAVIT and IA No. 61885/2020 - EXEMPTION FROM FILING AFFIDAVIT  
 and IA No. 127762/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No.  
 66435/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 81052/2020  
 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 128275/2020 -  
 EXEMPTION FROM FILING AFFIDAVIT and IA No. 108067/2020 - EXEMPTION  
 FROM FILING AFFIDAVIT and IA No. 98899/2019 - EXEMPTION FROM FILING  
 C/C OF THE IMPUGNED JUDGMENT and IA No. 11933/2020 - EXEMPTION FROM  
 FILING O.T. and IA No. 94704/2020 - EXEMPTION FROM FILING O.T. and  
 IA No. 108515/2020 - EXEMPTION FROM FILING O.T. and IA No.  
 7128/2021 - EXEMPTION FROM FILING O.T. and IA No. 7123/2021 -  
 EXEMPTION FROM FILING O.T. and IA No. 122036/2020 - EXEMPTION FROM  
 FILING O.T. and IA No. 68323/2020 - EXEMPTION FROM PAYING COURT FEE  
 and IA No. 103633/2020 - EXEMPTION FROM PAYING COURT FEE and IA No.  
 65623/2020 - EXEMPTION FROM PAYING COURT FEE and IA No. 67234/2020  
 - EXEMPTION FROM PAYING COURT FEE and IA No. 103627/2020 -  
 EXEMPTION FROM PAYING COURT FEE and IA No. 66808/2020 - EXEMPTION  
 FROM PAYING COURT FEE and IA No. 68427/2020 - EXEMPTION FROM PAYING  
 COURT FEE and IA No. 65892/2020 - EXEMPTION FROM PAYING COURT FEE  
 and IA No. 128271/2020 - INTERVENTION APPLICATION and IA No.  
 62629/2020 - INTERVENTION APPLICATION and IA No. 7495/2021 -  
 INTERVENTION APPLICATION and IA No. 61936/2020 - INTERVENTION  
 APPLICATION and IA No. 7143/2021 - INTERVENTION APPLICATION and IA  
 No. 61919/2020 - INTERVENTION APPLICATION and IA No. 128262/2020 -  
 INTERVENTION APPLICATION and IA No. 110498/2019 - INTERVENTION  
 APPLICATION and IA No. 70720/2020 - INTERVENTION APPLICATION and  
 IA No. 65250/2020 - INTERVENTION APPLICATION and IA No. 127645/2020  
 - INTERVENTION APPLICATION and IA No. 81051/2020 - INTERVENTION  
 APPLICATION and IA No. 97751/2020 - INTERVENTION APPLICATION and  
 IA No. 7117/2021 - INTERVENTION/IMPLEADMENT and IA No. 60218/2020 -  
 INTERVENTION/IMPLEADMENT and IA No. 122030/2020 -  
 INTERVENTION/IMPLEADMENT and IA No. 151884/2019 -  
 INTERVENTION/IMPLEADMENT and IA No. 39129/2020 -  
 INTERVENTION/IMPLEADMENT and IA No. 108519/2020 -  
 INTERVENTION/IMPLEADMENT and IA No. 5512/2021 -  
 INTERVENTION/IMPLEADMENT and IA No. 111119/2019 -  
 INTERVENTION/IMPLEADMENT and IA No. 35588/2020 -  
 INTERVENTION/IMPLEADMENT and IA No. 66438/2020 -  
 INTERVENTION/IMPLEADMENT and IA No. 65590/2020 -  
 INTERVENTION/IMPLEADMENT and IA No. 35578/2020 -  
 INTERVENTION/IMPLEADMENT and IA No. 61884/2020 -  
 INTERVENTION/IMPLEADMENT and IA No. 98193/2020 -  
 INTERVENTION/IMPLEADMENT and IA No. 61006/2020 -  
 INTERVENTION/IMPLEADMENT and IA No. 63058/2020 -  
 INTERVENTION/IMPLEADMENT and IA No. 66433/2020 -  
 INTERVENTION/IMPLEADMENT and IA No. 29854/2020 -  
 INTERVENTION/IMPLEADMENT and IA No. 60972/2020 -  
 INTERVENTION/IMPLEADMENT and IA No. 94738/2020 - PERMISSION TO FILE  
 ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No. 66510/2020 -  
 PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No.  
 66994/2020 - PERMISSION TO FILE ADDITIONAL  
 DOCUMENTS/FACTS/ANNEXURES and IA No. 7121/2021 - PERMISSION TO FILE  
 ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No. 108065/2020 -

VACATING STAY and IA No. 108512/2020 - VACATING STAY)

WITH

C.A. No. 3124/2020 (III)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 98599/2019 and FOR impleading party ON IA 99217/2019 and FOR INTERVENTION/IMPLEADMENT ON IA 99217/2019 and FOR impleading party ON IA 111446/2019 and FOR INTERVENTION/IMPLEADMENT ON IA 111446/2019 and FOR INTERVENTION APPLICATION ON IA 37048/2020 and FOR EXEMPTION FROM FILING O.T. ON IA 37050/2020 FOR STAY APPLICATION ON IA 48381/2020 and FOR INTERVENTION APPLICATION ON IA 58698/2020 and IA No. 98599/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 37050/2020 - EXEMPTION FROM FILING O.T. and IA No. 58698/2020 - INTERVENTION APPLICATION and IA No. 37048/2020 - INTERVENTION APPLICATION and IA No. 111446/2019 - INTERVENTION/IMPLEADMENT and IA No. 99217/2019 - INTERVENTION/IMPLEADMENT and IA No. 48381/2020 - STAY APPLICATION)

C.A. No. 3127/2020 (III)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 99400/2019 and FOR CLARIFICATION/DIRECTION ON IA 107227/2019 and FOR EXEMPTION FROM FILING O.T. ON IA 107229/2019 and IA No. 107227/2019 - CLARIFICATION/DIRECTION and IA No. 99400/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 107229/2019 - EXEMPTION FROM FILING O.T.)

C.A. No. 3133/2020 (III)

( IA No.42647/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.42641/2020-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No.42645/2020-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

C.A. No. 3126/2020 (III)

(FOR EXEMPTION FROM FILING O.T. ON IA 100340/2019 and FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 100341/2019 and FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 128668/2020 and FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 6869/2021 and FOR EXEMPTION FROM FILING O.T. ON IA 6877/2021 and IA No. 128668/2020 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 100341/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 6877/2021 - EXEMPTION FROM FILING O.T. and IA No. 100340/2019 - EXEMPTION FROM FILING O.T. and IA No. 6869/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 3125/2020 (III)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 100156/2019 and FOR STAY APPLICATION ON IA 107537/2019 and FOR impleading party ON IA 41147/2020 and FOR INTERVENTION/IMPLEADMENT ON IA 41147/2020 and FOR INTERVENTION APPLICATION ON IA 62212/2020 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 62214/2020 and IA No. 62214/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 100156/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 62212/2020 - INTERVENTION APPLICATION and IA No. 41147/2020 -

**INTERVENTION/IMPLEADMENT and IA No. 107537/2019 - STAY APPLICATION)**

**C.A. No. 3128/2020 (III)  
(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 103845/2019 and IA No. 103845/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

**C.A. No. 3134/2020 (III)  
(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 109279/2019 and IA No. 109279/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)**

**C.A. No. 3131/2020 (III)  
(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 111562/2019 )**

**C.A. No. 3130/2020 (III)  
(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 114023/2019)**

**C.A. No. 3129/2020 (III)  
(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 117306/2019)**

**C.A. No. 3132/2020 (III)  
(IA No. 13828/2020 - AMENDMENT OF APPEAL / PETITION / I.A. and IA No. 177442/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 177443/2019 - EXEMPTION FROM FILING O.T. and IA No. 177445/2019 - PERMISSION TO FILE LENGTHY LIST OF DATES)**

**W.P.(C) No. 915/2020 (X)  
(FOR IA No.73605/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.73604/2020-CLARIFICATION/DIRECTION )**

**W.P.(C) No. 504/2020 (X)  
(FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 50581/2020  
FOR INTERVENTION APPLICATION ON IA 59939/2020  
FOR INTERVENTION APPLICATION ON IA 60825/2020  
FOR impleading party ON IA 61446/2020  
FOR INTERVENTION/IMPLEADMENT ON IA 61446/2020 and IA No. 50581/2020  
- APPROPRIATE ORDERS/DIRECTIONS and IA No. 60825/2020 -  
INTERVENTION APPLICATION and IA No. 59939/2020 - INTERVENTION  
APPLICATION and IA No. 61446/2020 - INTERVENTION/IMPLEADMENT)**

**W.P.(C) No. 914/2020 (X)**

**W.P.(C) No. 938/2020 (X)**

**WITH  
Writ Petition(s)(Civil) No(s). 16/2021  
(FOR FOR APPLICATION FOR PERMISSION ON IA 18857/2021)**

**Writ Petition(s)(Civil) No(s). 9/2021**

Date : 18-03-2021 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ASHOK BHUSHAN  
HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE S. ABDUL NAZEER  
HON'BLE MR. JUSTICE HEMANT GUPTA  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Appellant(s)

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Mr. Gopal Sankaranarayanan, Sr. Adv.  
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Mr. Surutanjaya Bhardwaj, Adv.  
Mr. Rahul Unnikrishnan, Adv.  
Ms. Pallavi Bali, Adv.  
Mr. Prathamesh Kamat, Adv.  
Mr. Arjun A.P. Apoorva, Adv.

CA 3125/20 Mr. Shyam Divan, Sr. Adv.  
WP(C)No. 915/2020 Mr. Siddharth Bhatnagar, Sr. Adv.  
WP(C)No. 504/2020 Mr. Amit Anand Tiwari, Adv.  
Mr. Premalal Krishnan, Adv.  
Mr. Rahul Arya, Adv.  
Mr. Vivek Singh, AOR  
Mr. S. Mahesh Sahasranaman, Adv.  
Mr. Pratap Shanker, Adv.  
Ms. Mary Mitzy, Adv.  
Mr. K.K. Singh, Adv.  
Mr. Sagar Saxena, Adv.  
Ms. Devyani Gupta, Adv.  
Mr. Utsav Trivedi, Adv.  
Mr. Anurag Mankar, Adv.  
Mr. Vinayak Bhandari, Adv.  
Mr. Ashish Choudhary, Adv.  
Mr. Aditya Sidhra, Adv.  
Mr. Nadeem Afroz, Adv.

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Mr. Abhishek Chauhan, Adv.  
Ms. Ravleen Chhabra, Adv.  
Mr. V.S. Rawat, Adv.  
Mr. Samrudhi Bendbhar, Adv.

3129/20 Mr. B.H. Marlapalle, Sr. Adv.  
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Ms. Bharti Tyagi, AOR

3123/20 Dr. Gunratan Sadavarte, Adv.  
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Mr. Makrand Pratap Singh, Adv.  
Mr. Pawan Kumar Shukla, Adv.  
Mr. Kamal Kumar Pandey, Adv.  
Mr. Raj Singh Rana, AOR

SC15991/2019 Mr. S.B. Talekar, Adv.  
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Mr. Sughosh Subramanyam, Adv.  
Ms. Pradyna Talekar, Adv.  
Ms. Madhavi Ayyappan, Adv.  
Mr. Anshumaan Bahadur, Adv.

3131/20 Mr. R.K. Deshpande, Adv.  
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Mr. Ashwin Deshpande, Adv.  
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Mr. Samir Malik, AOR

CA3127/20 Mr. Govind Jee, Adv.  
Mr. Krishna Kumar Singh, AOR

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Ms. Sheetal Patil, Adv.

WP504/2020  
& 915/2020 Mr. Shyam Divan, Sr. Adv.  
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Mr. Amit Anand Tiwari, Adv.  
Mr. Vivek Singh, AOR  
Mr. Rahul Arya, Adv.  
Mr. S. MAHESH Sahasranaman, Adv.  
Ms. Mary Mitzy, Adv.  
Mr. K.K. Singh, Adv.  
Mr. Sagar Saxena, Adv.  
Ms. Devyani Gupta, Adv.

WC938/20 Mr. Amol B. Karande, AOR  
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Mr. Mahesh B. Karande, Adv.  
Mr. Pritam C. Rajput, Adv.

3132/20 Mr. Dilip Annasaheb Taur, AOR  
Mr. Rajesh Tekale, Adv.  
Mr. Ashish Gaikwad, Adv.

	Mr. Ramesh Dube Patil, Adv.
	Mr. Rishi Kumar Singh Gautam, AOR
3134/20	Mr. Arvind Datar, Sr. Adv. Mr. Hrishikesh S. Chitale, Adv. Mr. Ashwin Deshpande, Adv. Mr. Vijay Kari Singh, Adv. Mr. Samir Malik, AOR
70720/20	Mr. Sanjay Kharde, Adv. Mr. Vishal Kadam, Adv. Mr. Satyajeet Kharde, Adv. Mr. Samrat Shinde, Adv.
WP16/21	Mr. Preetesh Kapur, Sr. Adv. Mr. Amit Pai, AOR Ms. Pankhuri Bhardwaj, Adv. Mr. Rahat Bansal, Adv. Mr. Saurabh Agrawal, Adv. Ms. Komal Mundhra, Adv. Ms. Bhavana Duhoon, Adv. Ms. Ranu Purohit, Adv.
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3123	Mr. Shivaji M. Jadhav, AOR

	Ms. Qurratulain, Adv. Mr. Brij Kishor Sah, Adv. Mr. Nicholas Choudhury, Adv. Mr. Aditya S. Jadhav, Adv. Ms. Joyshree Barman, Adv.
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IA70720/20	Mr. Sanjay V. Kharde, Adv. Mr. Satyajeet S. Kharde, Adv. Mr. Samrat Krishnarao Shinde, AOR
CA3123/20	Mr. Amol Nirmalkumar Suryawanshi, AOR
IA127645 & 129073/20	Mr. Mareesh Pravir Sahay, AOR
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I.A. 7143/2021	Mr. Shreyas Gacche, Adv. Mr. Anerao Pandit, Adv. Mr. T.R.B. Sivakumar, Adv.
I.A. 61936& 61919/20	Mr. Yadav Narender Singh, AOR
I.A.61884&16096	Mr. Rajsaheb Patil, Adv.

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I.A.61006&63058&  
60972/20

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Mr. Farrukh Rasheed, AOR

I.A. 34722&34729/21

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36805,36811,36813

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98193&98197

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WP 16/2021  
R2

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Kerala	Mr. Jaideep Gupta, Sr. Adv. Mr. Jishnu M.L., Adv. Ms. Priyanka Prakash, Adv. Ms. Beena Prakash, Adv. Ms. Anandita Mitra, Adv. Mr. Supratik Sarkar, Adv. Mr. G. Prakash, Adv.
Karnataka	Mr. Prabhuling Navadgi, Adv. Gen. Mr. Shubhranshu Padhi, Adv. Mr. Ashish Yadav, Adv. Mr. Rakshit Jain, Adv. Mr. Vishal Banshal, Adv.
Manipur	Mr. Pukhrambam Ramesh Kumar, Adv. Ms. Anupama Ngangom, Adv. Mr. Karun Sharma, Adv.
Mizoram	Mr. Siddhesh Kotwal, Adv. Ms. Bansuri Swaraj, Adv. Mr. Divyansh Tiwari, Adv. Ms. Ana Upadhyay, Adv. Ms. Manya Hasija, Adv. Mr. Nirnimesh Dube, AOR
Nagaland	Mr. K.N. Balgopal, Sr. Adv.(A.G.) Mrs. K. Enatoli Sema, Adv. Mr. Amit Kumar Singh, Adv. Mr. Nitya Nambair, Adv. Mr. Vitso Rio, Adv.
Punjab	Mr. Karan Bharihoke, Adv. Ms. Neha Sahai Bharihoke, Adv. Mr. Siddhant Sharma, Adv.
Rajasthan	Dr. Manish Singhvi, Sr. Adv. Mr. D.K. Devesh, Adv. Mr. Apurve S., Adv.
Sikkim	Mr. Vivek Kolhi, AG Mr. Sameer Abhyankar, AOR Mr. Nalin Talwar, Adv. Mr. Amish Tandon, Adv. Mr. Ayush Beotra, Adv. Mr. Varun Tandon, Adv. Mr. Dipin, Tamang, Adv. Mr. Uddhav Khanna, Adv. Ms. Shafali Jain, Adv.
Tamil Nadu	Mr. Mukul Rohatgi, Sr. Adv. Mr. Shekhar Naphade, Sr. Adv. Mr. Vijay Narayan, Sr. Adv. Mr. Jayanth Muth Raj, Sr. Adv.

	Mr. M. Yogesh Kanna, AOR Mr. Raja Rajeshwaran S., Adv. Ms. Lakshmi Iyer, Adv. Mr. Aditya Chadha, Adv. Ms. Uma Prasuna Bachu, Adv.
Telangana	Mr. P. Venkat Reddy, Adv. Mr. Prashant Tyagi, Adv. Mr. P. Srinivas Reddy, Adv. M/s. Venkat Palwai Law Associates
Tripura	Mr. Shuvodeep Roy, Adv. Mr. Rahul Raj Mishra, Adv.
Uttarakhand	Mr. Vinay Arora, DAG Mr. Apoorv Singhal, Adv. Mr. Aashish Prasad, Adv.
W.B.	Mr. Suhaan Mukerji, Adv. Mrs. Liz Mathew, Adv. Mr. Vishal Prasad, Adv. Mr. Nikhil Parikshith, Adv. Mr. Abhishek Manchanda, Adv. Mr. Sayandeep Pahari, Adv. for M/s PLR Chambers & Co.
Meghalaya	Mr. Amit Kumar, A.G. Mr. Avijit Mani Tripathi, Adv. Mr. Shaurya Sahay, Adv.
<u>U.Ts.</u>	
A&N	Mr. K.V. Jagdishvaran, Adv. Mrs. G. Indira, AOR
Puducherry	Mr. V.G. Pragasam, Adv. Mr. S. Prabhu Ramasubramanian, Adv.

UPON hearing the counsel the Court made the following

**O R D E R**

Submissions of counsel appearing for the petitioners / appellants have been concluded. The learned Attorney General has completed his submissions. Mr. Tushar Mehta, the learned Solicitor General for the Union of India submits that he shall address his submissions after Mr. Mukul Rohatgi and Mr. Kapil Sibal, learned senior counsel complete their submissions. Mr. Kapil Sibal,

learned senior counsel has informed that Mr. Mukul Rohatgi, learned senior counsel has communicated to him that he shall begin his arguments tomorrow (19.03.2021) itself. Let Mr. Mukul Rohatgi, learned senior counsel starts his submissions tomorrow.

List the matters tomorrow (19.03.2021) as part heard.

Writ Petition No. 16 of 2021

We have heard Mr. Preetesh Kapur, learned senior counsel for the petitioner.

This writ petition has been filed under Article 32 of the Constitution of India by the petitioners praying for the following reliefs:

"A. Issue appropriate writ, order, direction in the nature of Writ of Declaration declaring the Chhattisgarh Lok Seva (Anusuchit Jatiyon, Anusuchit Jan Jatoyon, Aur Anya Pichhade Vargon Ke Liye Aarakshan) (Sansodhan) Adhiniyam, 2011 as unconstitutional and void as it violates doctrine of basic structure; and

B. Issue appropriate writ, Order, direction in the nature of Writ of Declaration declaring the Chhattisgarh Lok Seva (Anusuchit Jatiyon, Anusuchit Jan Jatoyon, Aur Anya Pichhade Vargon Ke Liye Aarakshan) (Sansodhan) Adhiniyam, 2011 as unconstitutional and ultra vires to the competence

of the State Legislature for exceeding the limits fixed for reservation under the decision of the Supreme Court in *Indra Sawhney v. Union of India*; 1992 (Supp.) 3 SCC 217 as confirmed in *M. Nagaraj v Union of India*; (2006) 8 SCC 212 and *Ashok Kumar Thakur v. Union of India*; (2008) 6 SCC 1;

C. Issue appropriate writ, order, direction in the nature of Writ of Declaration declaring the Chhattisgarh Lok Seva (Anusuchit Jatiyon, Anusuchit Jan Jatoyon, Aur Anya Pichhade Vargon Ke Liye Aarakshan) (Sansodhan) Adhiniyam, 2011 as unconstitutional and *ultra-vires* to the competence of the State Legislature to identify and classify backward classes after enactment of the Constitution 102<sup>nd</sup> Amendment Act."

A counter affidavit on behalf of the State of Chhattisgarh and a short affidavit on behalf of the Union of India have already been filed. In the affidavit filed by the State of Chhattisgarh, it has been stated that the population of Scheduled Tribes in Chhattisgarh is 31.76% out of the total population of the State. In paragraph 2, specific details regarding population and other facts pertaining to the State of Chhattisgarh, which is State created under the M.P. State Re-organization Act, 2000 has been given. The *vires* of the Amendment Act, 2011 has been challenged before us, where by Section 2 of the Amendment Act, 2011, the percentage of

vacancies arising in recruitment order in Class I, II, III and IV posts were made.

The issues which have been raised in the writ petition relate to the State of Chhattisgarh where details of the population indicate that the population of Scheduled Tribes is substantial and there are several issues of fact which need to be examined and considered before pronouncing on the vires of the Amendment Act, 2011. In the State of Chhattisgarh, there are some areas which are scheduled areas within the meaning of the Constitution. More so, the Amendment Act, 2011 is being sought to be challenged by the writ petition under Article 32 after about a decade.

We are of the view that the present is not a case to be entertained under Article 32 of the Constitution and heard alongwith the cases which are posted before this Bench. We are of the view that ends of justice be served in giving liberty to the petitioners to challenge the statutory provisions before the High Court in an appropriate writ petition.

Subject to the liberty granted to the petitioners as above, the writ petition is dismissed.

Pending application, if any, stands disposed of.

W.P. (C ) No. 9 of 2021

Heard Ms. Jaikriti S. Jadeja, learned counsel for the petitioner and Mr. Arun Bhardwaj, learned counsel appearing for the State of Haryana.

This writ petition has been filed under Article 32 of the

Constitution of India praying that Haryana Backward Classes (Reservation in Services and Admission in Educational Institutions) Act, 2016 be declared as unconstitutional and void. The aforesaid enactment was challenged before the High Court in Writ Petition No. 9931 of 2016 titled *Murari Lal Gupta v. State of Haryana & Ors.* with a bunch of other writ petitions.

The High Court *vide* judgment dated 01.09.2017 disposed of the writ petitions upholding the 2016 enactment. Civil Appeal No. 2261/2018 @ SLP (C) D. No. 884 of 2018 titled *Satvir Singh Saini & Anr. vs. The State of Haryana & Ors.* was filed questioning the judgment dated 01.09.2017 in which this Court passed the following order:

"Delay condoned.  
Leave granted.  
Issue notice on the prayer for interim relief returnable in four weeks.  
Dasti, in addition, is permitted."

We are of the view that the issues which are sought to be raised in the writ petition are already engaging the attention of this Court in the above civil appeal.

Learned counsel raised submissions on 102<sup>nd</sup> Constitutional Amendment 2018 also. We are of the view that any further questions of law and submissions can always be raised in the pending appeal with the leave of the Court.

We, thus, are of the view that this writ petition be de-tagged and listed alongwith Civil Appeal No. 2261 of 2018 before an appropriate Bench.

By this writ petition, the writ petitioner has prayed that 102<sup>nd</sup> Constitutional Amendment 2018 published in the Gazette of India dated 11.08.2018 be declared as unconstitutional. This writ petition was tagged with Civil Appeal No. 3123/2020.

Issue notice.

The Union of India is already represented in other matters, which are before this Bench.

Learned counsel for the petitioner is permitted to serve a copy of the writ petition in the office of the learned Solicitor General.

We have already issued notice to the learned Attorney General in the main matter (Civil Appeal No. 3123/2020 etc.). Let formal notice be also issued to the learned Attorney General in view of the fact that the validity of the 102<sup>nd</sup> Constitutional Amendment is challenged in this writ petition.

(MEENAKSHI KOHLI)  
ASTT. REGISTRAR-cum-PS

(NEELAM GULATI)  
AR-cum-PS

(RENU KAPOOR)  
BRANCH OFFICER