

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(s). 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)

Date : 08-03-2021 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)

CA3123/20

Mr. Arvind P. Datar, Sr. Adv.
Mr. Pradeep Sancheti, Sr. Adv.
Mr. Gopal Sankaranarayanan, Sr. Adv.
Ms. Pooja Dhar, AOR
Mr. Surutanjaya Bhardwaj, Adv.
Mr. Rahul Unnikrishnan, Adv.
Ms. Pallavi Bali, Adv.
Mr. Prathamesh Kamat, Adv.
Mr. Arjun A.P. Apoorva, Adv.

CA3125/20

Mr. Shyam Divan, Sr. Adv.
Mr. Siddharth Bhatnagar, Sr. Adv.
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.
Mr. Utsav Trivedi, Adv.
Mr. Anurag Mankar, Adv.
Mr. Vinayak Bhandari, Adv.
Mr. Ashish Choudhary, Adv.
Mr. Aditya Sidhra, Adv.

Ms. Bharti Tyagi, AOR

3123/20

Dr. Gunratan Sadavarte, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Pawan Kumar Shukla, Adv.
Mr. Kamal Kumar Pandey, Adv.
Mr. Raj Singh Rana, AOR

CA3127/20

Mr. Govind Jee, Adv.
Mr. Krishna Kumar Singh, AOR

CA3130/20

Mr. R.F. Totala, Adv.
Mr. Ashutosh Dubey, AOR
Ms. Rajshri Dudey, Adv.
Mr. Rahul Totala, Adv.
Mr. Abhishek Chauhan, Adv.
Mr. Samrudhi Bendbhar, Adv.

CA3133/2020

Mr. Sanjay V. Kharde, Adv.

	Mr. Satyajeet S. Kharde, Adv. Mr. Prashant Shantaram Chaudhari, Adv. Ms. Sheetal Patil, Adv. Mr. Kailas Bajirao Autade, AOR
SC15991/2019	Mr. S.B. Talekar, Adv. Mr. Vipin Nair, AOR Mr. P.B. Suresh, Adv. Mr. Karthik Jayashankar, Adv. Mr. Sughosh Subramanyam, Adv. Ms. Pradyna Talekar, Adv. Ms. Madhavi Ayyappan, Adv. Mr. Anshumaan Bahadur, Adv.
WP504/2020 & 915/2020	Mr. Shyam Divan, Sr. Adv. Mr. Sidharth Bhatnagar, Sr. Adv. Mr. Amit Anand Tiwari, Adv. Mr. Vivek Singh, AOR Mr. Rahul Arya, Adv. Ms. Mary Mitzy, Adv. Mr. K.K. Singh, Adv.
WC938/20	Mr. Amol B. Karande, AOR Mr. Dilip B. Rode, Adv. 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
3129/20	Mr. B.H. Marpalle, Sr. Adv. Mr. Siddhartha Chowdhury, AOR
3131/20	Mr. Hrishikesh S. Chitaley, Adv. Mr. Ashwin Deshpande, Adv. Mr. Vijay Kari Singh, Adv. Mr. Samir Malik, AOR
3134/20	Mr. Arvind Datar, Sr. Adv. Mr. Hrishikesh S. Chitaley, Adv. Mr. Ashwin Deshpande, Adv. Mr. Vijay Kari Singh, Adv. Mr. Samir Malik, AOR
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.

For Respondent(s) Mr. K. K. Venugopal, Attorney General
Mr. N. Venketaraman, ASG
Ms. Shraddha Deshmukh, Adv.
Mr. Chinmayee Chandra, Adv.
Mr. Amrish Kumar, AOR

State of Maharashtra Mr. Mukul Rohatgi, Sr. Adv.
Mr. Shekhar Naphade, Sr. Adv.
Mr. P.S. Patwalia, Sr. Adv.
Mr. V.A. Thorat, Sr. Adv.
Mr. Rahul Chitnis, Adv.
Mr. Sachin Patil, AOR
Mr. Akshay Shinde, Adv.
Mr. Vaibhav Sugdare, Adv.
Mr. Aaditya A. Pande, Adv.
Mr. Geo Joseph, Adv.

CA3123, 3133, 3134
3131, 3130/20 &
WP 504/20 Mr. Kapil Sibal, Sr. Adv.
Mr. Sudhanshu S. Choudhari, AOR
Mr. Mahesh P. Shinde, Adv.
Mr. Anil Golegaonkar, Adv.
Mr. Rajesh Tekale, Adv.
Mr. Ashish Gaikwad, Adv.
Mr. Madhur Golegaonkar, Adv.
Ms. Rucha Pande, Adv.
Ms. Bhavana Khichi, Adv.
Mr. Bhagwan Gavali, Adv.

Dr. A.M. Singhvi, Sr. Adv.
Mr. Sandeep Sudhakar Deshmukh, AOR

Mr. Arvind P. Datar, Sr. Adv.
Mr. Pradeep Sancheti, Sr. Adv.
Mr. Gopal Sankaranarayanan, Sr. Adv.
Ms. Pooja Dhar, AOR
Mr. Surutanjaya Bhardwaj, Adv.
Mr. Rahul Unnikrishnan, Adv.
Ms. Pallavi Bali, Adv.
Mr. Prathamesh Kamat, Adv.
Mr. Arjun A.P. Apoorva, Adv.

IA66805/20
IA68321/20 Mr. Dilip Annasaheb Taur, AOR
Mr. Rajesh Tekale, Adv.
Mr. Ashish Gaikwad, Adv.
Mr. Ramesh Dube Patil, Adv.

Wakf Board Mr. Abdulrahiman Tamboli, Adv.
Mr. Rahul Joshi, AOR

Maharashtra State Public Service Commission	Mr. Tapesb Kumar Singh, AOR Mr. Aditya Pratap Singh, Adv. Ms. Bhaswati Singh, Adv.
3123/20	Mr. Nishant Sharma, Adv. Mr. Rakesh K. Sharma, AOR Mr. Nishant Ramakantrao Katneshwarkar, AOR Mr. Shriram P. Pingle, AOR Ms. Anzu. K. Varkey, AOR
3123	Mr. Shivaji M. Jadhav, AOR Mr. Brij Kishor Sah, Adv. Ms. Qurratulain, Adv. Ms. Astha Deep, Adv. Mr. Aditya S. Jadhav, Adv. Ms. Qurratulain, Adv. Mr. Nicholas Choudhury, Adv. Ms. Joyshree Barman, Adv. Mr. Rajat Joseph, AOR
IA97751/20	Mr. Ravi Bharuka, AOR
IA110498/19	Mr. B.H. Marlapalle, Sr. Adv. Mr. Ajit Pravin Wagh, AOR Ms. Prabhleen Kaur, Adv. Ms. Astha Prasad, Adv. Ms. Ishita Farsaiya, Adv. Mr. Apoorv Shukla, Adv. Mr. Manu T. Ramachandran, AOR
IA81051/20	Mr. Suhaskumar Kadam, Adv. Ms. Manju Jetley, AOR
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
IA127645	Mr. Ranjit Kumar, Sr. Adv. Dr. Vipin Gupta, Adv. Mr. Pranav P. Patil, Adv.
I.A. 7495	Mr. V.K. Biju, AOR

Mr. Amlendu Kumar Akhilesh Kumar Jha, Adv.
Mr. Shaji George, Adv.
Mr. Abhay Pratap Singh, Adv.
Ms. Rubina Jawed, Adv.
Ms. Vijay Laxmi, Adv.

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.
Mr. Ravi Prakash Jadhav, Adv.
Akshata Jadav, Adv.
Ms. Swati Vaibhav, AOR

I.A.61006&63058&
60972/20 Mr. Prashant Shrikant Kenjale, AOR

Mr. Farrukh Rasheed, AOR

I.A. 34722&34729/21 Mr. V. Giri, Sr. Adv.
Mr. A. Karthik, AOR
Mr. Arsh Khan, Adv.
Ms. Smrithi Suresh, Adv.
Ms. Sreepriya K., Adv.

I.A. 122030/20 Mr. Ravindra Keshavrao Adsure, Adv.
Mr. Sideswar N. Biradar, Adv.
Mr. Yash Prashant Sonawane, Adv.
Mr. Yogesh Ramesh Joshi, Adv.

Kerala Mr. Jishnu M.L., Adv.
Ms. Priyanka Prakash, Adv.
Ms. Beena Prakash, Adv.
Mr. G. Prakash, Adv.

Dr. Rajesh Pandey, Adv.
Ms. Aswathi M.K., AOR

UPON hearing the counsel the Court made the following

O R D E R

Heard Mr. Mukul Rohatgi, learned senior counsel for the State of Maharashtra, Mr. Kapil Sibal, Dr. Abhishek Manu Singhvi and Mr. P.S. Patwalia, learned senior counsel for the respondents and Mr. Arvind Datar, Mr. Shyam Divan, Mr. Gopal Sankarnarayanan, learned

senior counsel for the appellants / petitioners.

We have also heard Mr. K.K. Venugopal, the learned Attorney General.

Mr. Mukul Rohatgi, learned senior counsel submits that the principal question which has arisen for consideration before this Constitution Bench is interpretation of 102nd Constitutional Amendment. He further submits that the interpretation of Article 342A is going to affect the legislative competence of the State since the submission which was pressed by the writ petitioners in the High Court was that after the amendment made in 102nd Constitutional Amendment by inserting Article 342A, the State legislature has no competence to legislate with regard to reservation of economically and socially backward communities. He submits that constitutional powers under Articles 15 and 16 cannot be taken away from the legislative competence of the State. Mr. Mukul Rohatgi, learned senior counsel submits that this is a case where all the States have to be issued notice and given opportunity to defend their legislative competence and to have their say on 102nd Constitutional Amendment.

Mr. K.K. Venugopal, the learned Attorney General submits that in view of the issues which have arisen, the State might be affected with the interpretation, which this Court may take in the present Constitution Bench and he also endorse the submission of the respondents for issuing notice to the States.

Mr. Arvind Datar, learned senior counsel for the appellants submits that the respondents in the earlier hearing have not pressed that the States should be issued notice. If this request

have been made earlier, the States would have been issued notice and heard without adjourning the matters, which have already been fixed for hearing from today onwards. It is further submitted that this Court in the midst of hearing may consider issuing notice on the interpretation of 102nd Constitutional Amendment. The States may be issued notice and heard at that stage.

We have considered submissions of learned counsel for the parties. We are of the view that in view of the issues of seminal importance which have arisen before this Constitution Bench i.e. pertaining to interpretation of 102nd Constitutional Amendment, the States have to be given opportunity to have their say. We, thus, issue notice to all the States as requested in I.A. No. 5512/2021. The notice may be served on the standing counsel appearing for different States and be also sent by e-mail to the Chief Secretary of the States by tomorrow.

Since no pleadings are required from the States in the matters before us, other States are not required to file any pleadings, however, the States are at liberty to file their brief notes of submissions, on which they may rely during the course of hearing. We further make it clear that we will hear the States who come before us after hearing Mr. Mukul Rohatgi, learned senior counsel and other counsel appearing for the State of Maharashtra.

We, thus, adjourn the hearing today and the hearing will recommence with effect from 15th March, 2021. As per the new calendar fixed with effect from 15th March, 2021 to 17th March, 2021, we will hear Mr. Arvind Datar, Mr. Shyam Divan, Mr. Gopal Sankarnarayan, learned senior counsel and other counsel appearing for the

appellants / petitioners. On 18th March, 2021, 19th March, 2021 and 22nd March, 2021, Mr. Mukul Rohatgi, learned senior counsel for the State of Maharashtra and other counsel for respondents will be heard. We will hear Mr. K.K. Venugopal, the learned Attorney General on 23rd March, 2021 and thereafter other States, who wish to make their submissions and other private respondents and intervenors on 24th March, 2021. On 25th March, 2021, we will hear the appellants / petitioners in rejoinder.

We also indicate the broad issues which this Constitution Bench proposes to consider. We are indicating these broad issues so that all concerned including States may be able to formulate their submissions and include in their brief notes. The questions which we propose to consider are:-

1. Whether judgment in case of *Indra Sawhney v. Union of India* [1992 Suppl. (3) SCC 217] needs to be referred to larger bench or require re-look by the larger bench in the light of subsequent Constitutional Amendments, judgments and changed social dynamics of the society etc.?
2. Whether Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments in the public services and posts under the State) for Socially and Educationally Backward Classes (SEBC) Act, 2018 as amended in 2019 granting 12% and 13% reservation for Maratha community in addition to 50% social reservation is covered by exceptional circumstances as contemplated by Constitution Bench in *Indra Sawhney's* case?
3. Whether the State Government on the strength of Maharashtra State Backward Commission Report chaired by M.C. Gaikwad has made

out a case of existence of extraordinary situation and exceptional circumstances in the State to fall within the exception carved out in the judgment of Indra Sawhney?

4. Whether the Constitution One Hundred and Second Amendment deprives the State Legislature of its power to enact a legislation determining the socially and economically backward classes and conferring the benefits on the said community under its enabling power?

5. Whether, States power to legislate in relation to "any backward class" under Articles 15(4) and 16(4) is anyway abridged by Article 342(A) read with Article 366(26c) of the Constitution of India?

6. Whether, Article 342A of the Constitution abrogates States power to legislate or classify in respect of "any backward class of citizens" and thereby affects the federal policy / structure of the Constitution of India?

We make it clear that no request for adjournment on behalf of any party shall be entertained on the next day of hearing.

(MEENAKSHI KOHLI)
ASTT. REGISTRAR-cum-PS

(RENU KAPOOR)
BRANCH OFFICER