

ITEM NO.17

COURT NO.1

SECTION IX

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

Petition(s) for Special Leave to Appeal (C) No(s). 22109/2023

(Arising out of impugned final judgment and order dated 27-09-2023 in WP No. 3854/2023 passed by the High Court Of Judicature At Bombay)

SAMAJIK VIKAS PRABODHINI

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.202751/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.202753/2023-EXEMPTION FROM FILING O.T.)

WITH

SLP(C) No. 22534/2023 (IX)

(IA No.206283/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.206286/2023-EXEMPTION FROM FILING O.T.)

Date : 13-10-2023 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
 HON'BLE MR. JUSTICE J.B. PARDIWALA
 HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Mr. Yashodeep P Deshmukh, Adv.
 Mr. A. Venayagam Balan, AOR
 Mr. Rahul Thakare, Adv.
 Mr. Vaidehi Pradeep, Adv.
 Mr. Gaurav Pal, Adv.
 Mr. Kiritkumar Govindlal Sheth, Adv.
 Mr. Ashray Behura, Adv.

Mr. P.S.Patwalia, Sr. Adv.
 Mr. Shreeyash Uday Lalit, Adv.
 Mr. Abhinav Aggarwal, Adv.

Mr. Krishnagopal Abgay, Adv.
 Ms. Runjhun Garg, Adv.
 Mr. Himanshu Vats, Adv.
 Mr. Ishaan George, AOR

For Respondent(s) Dr. Birendra Saraf, Adv.Gen.
 Mr. Siddharth Dharmadhikari, Adv.
 Mr. Aaditya Aniruddha Pande, AOR
 Mr. Sourav Singh, Adv.
 Mr. Aditya Krishna, Adv.

**UPON hearing the counsel the Court made the following
 O R D E R**

- 1 We have heard Mr P S Patwalia, senior counsel appearing on behalf of the petitioners and Dr Birendra Saraf, Advocate General for the State of Maharashtra.
- 2 Mr P S Patwalia, senior counsel submitted that :
 - (i) The Division Bench of the High Court of Judicature at Bombay was incorrect in relegating the petitioner to pursue the remedy before the State Administrative Tribunal when the petitioner would not have locus to do so on a plain reading of the State Administrative Tribunals Act; and
 - (ii) In any event, the provides hundred per cent reservation which is contrary to the settled position of law as laid down by the decisions of the Constitution Bench of this Court.
- 3 Issue notice.

- 4 The respondents would be at liberty to file their response within a period of three weeks.
- 5 List on November 10, 2023 for hearing and final disposal. Counsel shall file soft copies of a common compilation in terms of the circular dated 22 August 2023 at least a week before the next date of listing.
- 6 A statement was made before the High Court that the process of filling up vacancies in pursuance of the impugned notification has been initiated but is not likely to be concluded. The same statement, this Court is apprised, would continue till the next date of hearing.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR