

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)

[TO BE TAKEN UP FOR HEARING IMMEDIATELY AFTER FRESH MATTERS.]

IA No. 52056/2024 - CLARIFICATION/DIRECTION

IA No. 202751/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 205487/2023 - EXEMPTION FROM FILING O.T.

IA No. 202753/2023 - EXEMPTION FROM FILING O.T.

IA No. 56230/2024 - EXEMPTION FROM FILING O.T.

IA No. 52057/2024 - EXEMPTION FROM FILING O.T.

IA No. 206610/2024 - EXEMPTION FROM FILING O.T.

IA No. 115572/2024 - INTERVENTION APPLICATION

IA No. 25177/2024 - INTERVENTION APPLICATION

IA No. 110108/2024 - INTERVENTION/IMPLEADMENT

IA No. 191312/2024 - MODIFICATION OF COURT ORDER

IA No. 205485/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 206609/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 208151/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 206608/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

WITH

SLP(C) No. 9446/2020 (IX)

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

IA No. 206283/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 206286/2023 - EXEMPTION FROM FILING O.T.

Diary No(s). 34354/2024 (IX)

FOR ADMISSION and I.R. and IA No.175915/2024-CONDONATION OF DELAY IN FILING and IA No.175916/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.175917/2024-EXEMPTION FROM FILING O.T.

CONMT.PET.(C) No. 201/2025 in SLP(C) No. 22109/2023 (IX)

FOR ADMISSION

IA No. 56029/2025 - EXEMPTION FROM FILING O.T.

Date : 06-10-2025 These matters were called on for hearing today.

**CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE K. VINOD CHANDRAN**

For Petitioner(s) :

Mr. P.S. Patwalia, Sr. Adv.
Mr. Shreeyash Uday Lalit, Adv.
Mr. Himanshu Vats, Adv.
Mr. Angad Pahel, Adv.
Mr. Lavam Tyagi, Adv.
Ms. Ishita Khurana, Adv.
Mr. Aviral Kumar Mishra, Adv.
Mr. Ishaan George, AOR

Mr. Uday Dube, Sr. Adv.
Mr. Prashant Shrikant Kenjale, AOR
Mr. B Dhananjay, Adv.
Ms. Damini Vishwakarma, Adv.

Mr. Yashodeep P Deshmukh, Adv.
Mr. A. Venayagam Balan, AOR
Mr. Vaidehi Pradeep, Adv.
Mr. Rahul Thakare, Adv.
Mrs. Santhanalakshmi, Adv.
Mr. N Narasimha Murthy, Adv.
Mr. Vaidehi Deshmukh, Adv.

Ms. Sonali Suryawanshi, Adv.
Ms. Pradnya Bheke, Adv.
Mr. Dikshant Mandhan, Adv.
Mr. Shankey Agrawal, AOR

Mr. Sachin Jaysing Patil, Adv.
Mr. Geo Joseph, Adv.
Mr. Risvi Muhammed, Adv.
Mr. Sachin Patil, AOR

For Respondent(s) :

Mr. Shekhar Naphade, Sr. Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Siddharth Dharmadhikari, Adv.
Mr. Shrirang B. Varma, Adv.
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Mr. Adarsh Dubey, Adv.
Ms. Chitransha Singh Sikarwar, Adv.

Mr. Prakash Ranjan Nayak, AOR

Mr. Kailas Bajirao Autade, AOR
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Mr. Sachin Jaysing Patil, Adv.
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Mr. Sachin Patil, AOR

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

Mr. Pratik R. Bombarde, AOR
Ms. Jitendra Kumar, Adv.
Mr. Devendra Singh, Adv.
Mr. Surya Pratap Deva, Adv.
Mr. Ashish Bansal, Adv.
Mr. Abhishek Kumar, Adv.
Ms. Kirti Anand, Adv.

Mr. Pratik R. Bombarde, AOR
Ms. Jitendra Kumar, Adv.
Mr. Devendra Singh, Adv.
Mr. Surya Pratap Deva, Adv.
Mr. Ashish Bansal, Adv.
Mr. Abhishek Kumar, Adv.
Ms. Kirti Anand, Adv.

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

1. This batch of matters requires detailed consideration. The issue involved is whether the reservation can exceed 50% or not.
2. However, the immediate concern of the State Government is that in view of the order passed by this Court on 13th October, 2023 the entire process of recruitment of teachers in Zila Parishad Schools in tribal areas has come to a standstill and they are not able to fill vacancies from reserved category even to the extent of 50%.
3. We find that pending the consideration of the issue involved there should be no impediment if the respondent-State or the concerned Zila Parishad Schools are permitted to fill in 50% of the posts from the reserved category candidates.
4. We, therefore, clarify that the respondent-State/Zila Parishad

would be entitled to fill in 50% of the total strength available from the reserved category.

5. Needless to state that if the respondent-State/Zila Parishad Schools desire to fill in remaining posts from the open category candidate, the order dated 13th October, 2023 would also not come in the way of the State doing so.

I.A. No. 52056/2024

1. This is an application on behalf of the teachers who have been selected in the selection process held in 2023.

2. It is submitted by the counsel for the applicant(s) that even if the total selected candidates are appointed to the post of teachers, the reservation in favour of Scheduled Tribes would not exceed 33%.

3. This position is accepted by the learned Senior Counsel for State Government.

4. If that be so and if the total reservation does not exceed 50% there should be no impediment in making regular appointment of the applicant(s), if they have been appointed through a proper selection process.

5. The application is, therefore, allowed in the aforesaid terms.

(NARENDRA PRASAD)
DEPUTY REGISTRAR

(ANJU KAPOOR)
ASSISTANT REGISTRAR