

Reportable

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

Review Petition (C) No. 1632 of 2019

In

Writ Petition (C) No. 764 of 2018

B K Pavitra and Ors.

...Petitioners/Applicants

Versus

Union of India and Ors.

...Respondents

With

Review Petition (C) No. 1633 of 2019

In

Writ Petition (C) No. 769 of 2018

And with

Review Petition (C) No. 1651 of 2019

In

Writ Petition (C) No. 850 of 2018

ORDER

1 These proceedings have been initiated for a review of the judgment of this Court in **B K Pavitra & Ors. v Union of India & Ors.**¹ This Court, by its judgment dated 10 May 2019, upheld the constitutional validity of the Karnataka Extension of Consequential Seniority to Government Servants Promoted on the Basis of Reservations (to the Posts in the Civil Services of the State) Act 2018². The conclusion which was arrived at by the Court is extracted below:

“144. For the above reasons, we have come to the conclusion that the challenge to the constitutional validity of the Reservation Act 2018 is lacking in substance. Following the decision in **B K Pavitra I**, the State government duly carried out the exercise of collating and analysing data on the compelling factors adverted to by the Constitution Bench in **Nagaraj**. The Reservation Act 2018 has cured the deficiency which was noticed by **B K Pavitra I** in respect of the Reservation Act 2002. The Reservation Act 2018 does not amount to a usurpation of judicial power by the state legislature. It is **Nagaraj** and **Jarnail** compliant. The Reservation Act 2018 is a valid exercise of the enabling power conferred by Article 16 (4A) of the Constitution.”

2 It has been urged in the Review Petitions that this Court did not consider the binding principles laid down by a Constitution Bench of this Court in **Nagaraj v Union of India**³ and **Jarnail Singh v Lachhmi Narain Gupta**⁴ and that, in any case, the matter should have been referred to a Bench of a higher strength. It has also been urged, *inter alia*, that there is an error apparent in the findings of this Court on the retrospective application of the Reservation Act 2018 and the inapplicability of the ‘creamy layer’ concept to consequential seniority.

3 We have gone through the contents of the Review Petitions. Every ground urged

1 (2019) 16 SCC 129

2 “Reservation Act 2018”

3 (2006) 8 SCC 212

4 2018 (10) SCC 396

in the review petitions has been addressed on merits in the judgment under review. Consistent with the parameters that guide the exercise of the review jurisdiction, we do not find any error apparent on the record to justify interference. The Review Petitions are therefore dismissed.

.....J.
[Uday Umesh Lalit]

.....J.
[Dr Dhananjaya Y Chandrachud]

New Delhi;
July 30, 2020.

ITEM NO.1001

SECTION X

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

R.P.(C) No. 1632/2019 in W.P.(C) No. 764/2018

B.K. PAVITHRA & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 93776/2019 - ORAL HEARING)

WITH

R.P.(C) No. 1633/2019 in W.P.(C) No. 769/2018 (X)
(IA No. 93780/2019 - ORAL HEARING)

R.P.(C) No. 1651/2019 in W.P.(C) No. 850/2018 (X)
(IA No. 93850/2019 - ORAL HEARING)

Date : 30-07-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

By Circulation

UPON perusing papers the Court made the following
O R D E R

Applications for Oral hearing are rejected.

The Review Petitions are dismissed in terms of the
signed order.

Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(PRADEEP KUMAR)
BRANCH OFFICER

(REPORTABLE SIGNED ORDER IS PLACED ON THE FILE)