

ITEM NO.301

COURT NO.3

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 278/2022

SURESH MAHAJAN

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH & ANR.

Respondent(s)

([ONLY I.A NO. 74527/2022 IS LISTED AGAINST THIS MATTER]
IA No. 74527/2022 - MODIFICATION OF COURT ORDER)

Date : 18-05-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s)

Mr. Gautam Awasthi, AOR
Mr. Ayush Choudhary, Adv.
Mr. Devanshu Yadav, Adv.
Mr. Sameer Pandey, Adv.

For Respondent(s)

Mr. Tushar Mehta, S.G.
Mr. K.M. Natraj, ASG
Mr. Maninder Singh, Sr. Adv.
Mr. Nikhil Jain, AORMr. Tushar Mehta, S.G.
Mr. K.M. Natraj, ASG
Mr. Prashant Singh, A.G.
Mr. Saurabh Mishra, AAG
Mr. Bharat Singh, AAG
Mr. D.S. Parmar, AAG
Ms. Mrinal Gopal Elker, AOR
Mr. Harmeet Reprah, Adv.Mr. Siddharth Seth, Adv.
Mr. Karthik Seth, Adv.
M/S. Chambers Of Kartik Seth, AOR

Mr. Nikhil Jain, AOR

Mr. Varun Thakur, Adv.
Mr. Shashank R., Adv.
Mr. Brajesh Pandey, Adv.

Mr. Anilendra Pandey, AOR

Ms. Vibha Datta Makhija, Sr. Adv.

Mr. Shantanu Krishna, AOR

Mr. Shashank Shukla, Adv.

Mr. Shivam Pundhir, Adv.

Mr. Karan Mangain, Adv.

Mr. Shashank Ratnoo, Adv. (For Intervenor)

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

I.A NO. 74527/2022

We have heard learned counsel for the parties, including learned counsel for the intervenor.

This application is for modification of direction given in the interim order dated 10.05.2022, on the assertion that certain crucial facts including the subsequent events before the date of stated order were not brought to the notice of this Court.

It is urged that the delimitation exercise in the State of Madhya Pradesh had already been completed and so notified before 10.05.2022. In other words, it was not an on-going exercise of delimitation as such.

Further, the report of the dedicated Commission had been revised in light of the observations made by this Court. The Second (Revised) Report came to be submitted by the Commission incorporating all the requisite issues,

also giving break-up of reservation for Other Backward Classes category to be provided local body wise. This report has been submitted to the State Government on 12.05.2022.

According to the applicant(s), the report is a comprehensive report reckoning all the factors as required to be adhered to for complying with the triple test predicated in the decision of this Court in *Vikas Kishanrao Gawali Vs. State of Maharashtra* reported in (2021) 6 SCC 73.

To reassure ourselves, we have gone through the reports submitted by the dedicated Commission concerning the determination of proportion of reservation to be provided for Other Backward Classes local body wise across the State of Madhya Pradesh.

The Second Report has focused on the proportion of local body wise reservation, to be provisioned for Other Backward Classes while keeping in mind the maximum reservation limit of 50 per cent as enunciated by this Court in *Vikas Kishanrao Gawali (Supra)*.

We may not be understood to have expressed final opinion either way on the validity and correctness of stated Reports. As and when challenge is set up to these

Reports that may have to be considered on its own merits and in accordance with law.

For the time being, we permit the Madhya Pradesh State Election Commission to notify the election programme for the respective local bodies keeping in mind the delimitation notifications already issued by the State Government as on this date, i.e., till today; and also the Reports submitted by the dedicated Commission, referred to above.

The State Election Commission shall ensure that the election programme is issued in respect of local bodies where elections are overdue without any loss of time keeping in mind the feasibility of conducting elections owing to impending monsoon and as observed in the case (SLP(C) No. 19756 of 2021) of State of Maharashtra yesterday i.e., 17.05.2022.

Despite issuing such election programme, it would be open to the Madhya Pradesh State Election Commission to modulate the schedule if and when occasion arises.

We also permit the State of Madhya Pradesh to notify the reservation pattern local body wise as delineated in the Reports of the dedicated Commission, to be adhered to by the State Election Commission. That be done within one

week from today. The State Election Commission shall issue election programme in respect of concerned local bodies thereafter within one week. The directions given in order dated 10.05.2022 stand modified to the above extent. We reiterate that steps taken by all concerned will be subject to the outcome of this petition as already noted in the earlier order.

This application is disposed of accordingly.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)