

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

Civil Appeal No 2047 of 2023

(Arising out of SLP(C) No 128 of 2023)

State of Uttar Pradesh

.... Appellant(s)

Versus

Vaibhav Pandey and Anr

....Respondent(s)

WITH

Civil Appeal No 2048 of 2023

(Arising out of SLP(C) No 208 of 2023)

Civil Appeal No 2049 of 2023

(Arising out of SLP(C) No 6297 of 2023)

(D No 203 of 2023)

Civil Appeal No 2051 of 2023

(Arising out of SLP(C) No 6300 of 2023)

(D No 419 of 2023)

Civil Appeal No 2050 of 2023

(Arising out of SLP(C) No 6299 of 2023)

(D No 607 of 2023)

O R D E R

1 Permission to file the Special Leave Petitions granted.

2 Leave granted.

3 By its order dated 4 January 2023, this Court noted that in view of the decision of the Constitution Bench in **Dr K Krishna Murthy v Union of India**¹ and of the

1 (2010) 7 SCC 202

three-judge Bench in **Vikas Kishanrao Gawali v State of Maharashtra**², the Government of Uttar Pradesh issued a notification dated 28 December 2022 constituting the Uttar Pradesh State Local Bodies Dedicated Backward Classes Commission³. The terms of reference of the Commission were as follows:

“3.1 To conduct the contemporaneous rigorous empirical inquiry into nature and implications of the backwardness qua local bodies in the State of Uttar Pradesh.

3.2 On the basis of available records, reports, surveys, and other data the Commission, ascertain the proportion of population of backward class of citizens in the total population, local body wise in order to study in light of instructions given by Hon’ble Supreme Court and Hon’ble High Court and to submit the report and recommendations to the Government.”

4 This Court was apprised of the fact that though the tenure of the Commission was six months, it would complete the exercise on or before 31 March 2023.

5 Mr Tushar Mehta, Solicitor General, submits that the Commission has submitted its report on 9 March 2023. The Solicitor General has stated that the notification for setting in motion the election process for local bodies in the State of Uttar Pradesh shall be issued within two days.

6 We permit the State of Uttar Pradesh to do so.

7 The direction in the judgment of the High Court to the State of Uttar Pradesh to hold elections to local bodies in Uttar Pradesh without reserving seats for backward classes of citizens is set aside and shall stand substituted by the present order of this Court.

8 The appeals are accordingly allowed in the above terms and shall stand disposed of.

2 (2021) 6 SCC 73

3 “Commission”

9 Pending applications, including the applications for intervention/impleadment, stand disposed of.

.....CJI.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Pamidighantam Sri Narasimha]

.....J.
[J B Pardiwala]

New Delhi;
March 27, 2023
-S-

ITEM NO.53

COURT NO.1

SECTION XI

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).128/2023

(Arising out of impugned final judgment and order dated 27-12-2022 in PIL No. 878/2022 passed by the High Court of Judicature at Allahabad, Lucknow Bench)

STATE OF UTTAR PRADESH

Petitioner(s)

VERSUS

VAIBHAV PANDEY & ANR.

Respondent(s)

(WITH IA No. 1582/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 4457/2023 - EXEMPTION FROM FILING O.T., IA No. 1585/2023 - EXEMPTION FROM FILING O.T., IA No. 32454/2023 - EXEMPTION FROM FILING O.T., IA No. 4454/2023 - INTERVENTION/IMPLEADMENT, IA No. 23525/2023 - INTERVENTION/IMPLEADMENT, IA No. 23531/2023 - MODIFICATION, IA No. 1578/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(C) No. 208/2023 (XI)

(WITH IA No. 1962/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 1959/2023 - EXEMPTION FROM FILING O.T.)

Diary No(s). 203/2023 (XI)

(WITH IA No. 2158/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 2157/2023 - PERMISSION TO FILE SLP)

Diary No(s). 419/2023 (XI)

(WITH IA No. 2188/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 2186/2023 - PERMISSION TO FILE SLP)

Diary No(s). 607/2023 (XI)

(WITH IA No. 14076/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 14078/2023 - EXEMPTION FROM FILING O.T., IA No. 14073/2023 - PERMISSION TO FILE SLP)

Date : 27-03-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s)

Mr. Tushar Mehta, Solicitor General
 Mr. Ajay Misra, Advocate General/Sr. Adv.
 Mr. Sharan Dev Singh Thakur, A.A.G.
 Ms. Ruchira Goel, AOR
 Mr. Shantanu Singh, Adv.
 Mr. Ravi Sehgal, Adv.
 Mr. Siddharth Thakur, Adv.
 Ms. Keerti Jaya, Adv.
 Mr. Adit Jayeshbhai Shah, Adv.
 Mr. Satwik Misra, Adv.

Mr. Adarsh Upadhyay, AOR
 Mr. Aman, Adv.
 Ms. Pallavi Kumari, Adv.

Mr. Pradeep Kumar Yadav, Adv.
 Mr. Vishal Thakre, Adv.
 Mr. Sunil Kumar Singh, Adv.
 Mr. Aryan P Nanda, Adv.
 Mr. Sunil Kumar Srivastava, Adv.
 Mr. Ashwani Garg, Adv.
 Mr. Sanjeev Malhotra, AOR

Mr. G. Mohan Gopal, Adv.
 Mr. Rajan Raj, Adv.
 Ms. Mohini Priya, AOR

Mr. Arunabh Choudhary, Sr. Adv.
 Mr. M.S. Vishnu Sankar, Adv.
 M/S. Lawfic, AOR

For Respondent(s)

Mr. Ravi Prakash Mehrotra, Sr. Adv.
 Mr. Rahul Yadav, Adv.
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 Mr. Apoorv Srivastava, Adv.
 Mr. Rashid N Azam, Adv.
 Mr. Ronny Abraham, Adv.
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 Mr. Ronny Abraham, Adv.
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 Mr. Danish Saifi, Adv.

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Mr. Anjani Kumar Mishra, AOR
 Mr. Harbhajan Singh Sidhu, Adv.

Mrs. Hardeep Kaur Mishra, Adv.
Dr. P. N. Mishra, Adv.
Mr. Mr. S. V. Sharma, Adv.
Mr. Praveen Mishra, Adv.
Mr. S.V. Sharma, Adv.
Mr. Krishan Kumar Sharma, Adv.
Mr. S. V. Sharma, Adv.
Dr. Arun Kumar Jha, Adv.

Ms. Qurratulain, AOR

Mr. Aviral Kashyap, AOR
Mr. Rajesh Kumar, Adv.
Mr. Priyam Kaushik, Adv.
Ms. Vimal Sinha, Adv.
Ms. Aashi Arora, Adv.

Mr. U.K. Uniyal, Adv.
Mr. Abhishek Garg, Adv.
Mr. Dinesh Kumar Garg, AOR
Mr. Dhananjay Garg, Adv.
Mr. R.p. Bansal, Adv.
Mr. Ishaan Tiwari, Adv.

Mr. Ketan Paul, AOR

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

- 1 Permission to file the Special Leave Petitions granted.
- 2 Leave granted.
- 3 The appeals are allowed in terms of the signed order..
- 4 Pending applications, including the applications for intervention/impleadment, stand disposed of.

**(SANJAY KUMAR-I)
DEPUTY REGISTRAR**

(Signed order is placed on the file)

**(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR**