

2023 LiveLaw (SC) 854

**IN THE SUPREME COURT OF INDIA
SANJIV KHANNA; J., S.V.N. BHATTI; J.**

Writ Petition (Civil) No. 1100/2022; 03-10-2023

MD IMRAN AHMAD & ORS. *versus* UNION OF INDIA & ORS.

Reservation - Temporary Posts - Government has informed that reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes will be given in temporary appointments which are to last for 45 days or more. Instructions have been issued to all Ministries and Departments to strictly implement this reservation in temporary posts. Aggrieved parties may seek legal remedies in cases of violation of the Office Memorandum.

For Petitioner(s) Mr. Sanjay Hegde, Sr. Adv. Mr. Ayush Negi, AOR Mr. Kartik Venu, Adv. Ms. Vishakha Upadhyay, Adv. Mr. Shikhar Chanda, Adv.

For Respondent(s) Mr. K.M. Nataraj, A.S.G. (N/P) Mr. Akshay Amritanshu, Adv. Mr. Shailesh Madiyal, Adv. Mr. Bhuvan Kapoor, Adv. Mr. Apoorv Kurup, Adv. Mr. Arvind Kumar Sharma, AOR

ORDER

Learned counsel for the respondents has drawn our attention to Office Memorandum no. 41034/4/2022-Estt. (RES-I) dated 21.11.2022 issued by the Department of Personnel and Training, Ministry of Personnel, Public Grievances & Pensions, Government of India, the relevant portion of which reads as under -

“The undersigned is directed to say that vide OM No. 27/4/67(II)-Estt. (SCT) dated 24.09.1968, reservation for Scheduled Castes and Scheduled Tribes has been provided in all temporary appointments, except the appointments which are to last for less than 45 days. Vide OM No. 36036/3/2018-Estt (Res.) dated 15.5.2018, it has been reiterated that in respect of appointments to Central Government posts and services, there shall be reservation for Scheduled Caste/ Scheduled Tribe/ Other Backward Class candidates in temporary appointments which are to last for 45 days or more.

2. The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes has, however, observed that the instructions contained in the aforesaid OMs are not followed in letter and spirit and has directed that these instructions may be recirculated to all Government Departments.

3. In view of the above, all the Ministries/Departments are requested to ensure that reservation for Scheduled Castes/Scheduled Tribes/Other Backward Classes shall be made in all temporary appointments which are to last for 45 days or more. These instructions should be conveyed to all concerned for strict compliance.”

In view of this Office Memorandum, we are not required to proceed further with the matter and pass any order, except observing that in case there is violation of this Office Memorandum, it will be open to the petitioners or an aggrieved party to take recourse to appropriate remedy in accordance with law.

We also record the statement of the learned counsel appearing for the respondents that a mechanism is in place to deal with cases of failure to follow or abide by the Office Memorandum dated 21.11.2022.

Recording the aforesaid, the writ petition is disposed of.