

## IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present:

THE HONOURABLE MR.JUSTICE N.NAGARESH

Tuesday, the 23<sup>rd</sup> day of March 2021/2nd Chaithra, 1943I.A.No.1/2021 in W.P.(C)/26345/2020 (P)PETITIONER/PETITIONER

NAIR SERVICE SOCIETY,  
REPRESENTED BY ITS GENERAL SECRETARY,  
G. SUKUMARAN NAIR, N.S.S. HEAD OFFICE, PERUNNA, CHANGANASSERY  
P.O., KOTTAYAM - 686 101.

RESPONDENTS/RESPONDENTS

1. THE STATE OF KERALA,  
REPRESENTED BY CHIEF SECRETARY,  
GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM  
695 001
2. KERALA PUBLIC SERVICE COMMISSION,  
REPRESENTED BY ITS SECRETARY, OFFICE OF KERALA PUBLIC SERVICE  
COMMISSION, PATTOM P.O. THIRUVANANTHAPURAM  
- 695 004.  
ADDL.R3.CHIEF ELECTORAL OFFICER,  
VIKAS BHAVAN, LEGISLATURE COMPLEX,  
VIKAS BHAVAN P.O., THIRUVANANTHAPURAM-695 033.

The Additional Respondent No.3 is impleaded as per the order dated 19.03.2021 in IA 3/2021 in IA 1/2021 in WP(C)No.26345/2020.

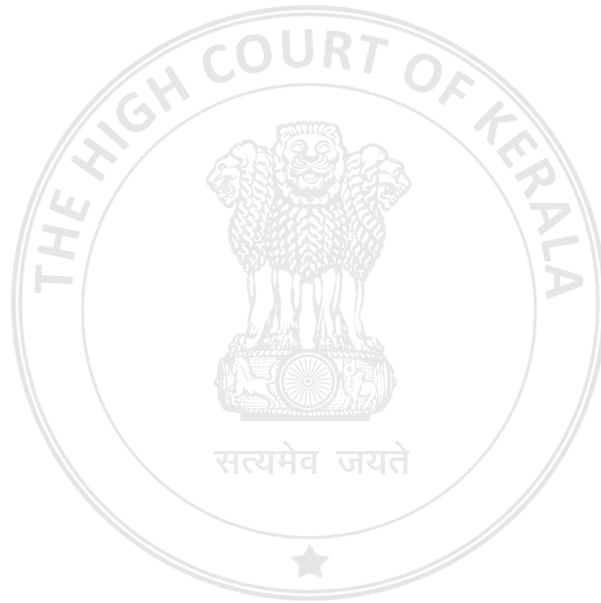
Application praying that in the circumstances stated in the affidavit filed therewith the High Court be pleased to direct the 1st respondent to notify the list of non-reserved communities eligible for reservation for economically weaker sections as enlisted in Exhibit P18 report within such time fixed by this Hon'ble Court not more than 10 days.

This application again coming on for orders upon perusing the application and the affidavit filed in support thereof, and this court's order dated 18.02.2021 and upon hearing the arguments of M/S.R.T.PRADEEP, M.BINDUDAS, K.C.HARISH, P.SATHEESH KUMAR & V.VIJULAL, Advocates for the petitioner in IA/WP(C) and the GOVERNMENT PLEADER for R1 in IA/WP(C) and of Sri.P.C.SASIDHARAN, STANDING COUNSEL for R2 in IA/WP(C) the court passed the following:

[P.T.O.]

PtK/24.03.21.

For information purpose only



**N. NAGARESH, J.**

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**I.A. No.1 of 2021**  
**in**  
**WP(C) No. 26345 of 2020**  
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Dated this the 23<sup>rd</sup> day of March, 2021

**ORDER**

This is an application seeking to direct the 1<sup>st</sup> respondent to notify the list of non-reserved communities eligible for reservation for Economically Weaker Section as enlisted in Ext.P18 report within a time frame.

2. In view of 103<sup>rd</sup> Amendment of the Constitution, Articles 15(6) and 16(6) were inserted, contemplating 10% reservation for Economically Weaker Sections (EWS) for admission to Educational Institutions and for Public Employment.

3. From the pleadings, it is evident that the Government of Kerala constituted Kerala State Commission for Forward Communities as per notification dated 21.01.2016 for making recommendations after conducting study on non-reserved communities. The

Commission is obliged to prepare list of non-reserved communities in State of Kerala.

4. The Commission has accordingly prepared a report. The Government of Kerala accepted the said report by G.O.(MS) No.87/2020/GA (Coordination) D dated 04.05.2020. However the Government has not yet notified the list of forward communities. The delay in publication of the list would naturally cause prejudice to the communities which are included in the list.

5. The learned Government Pleader submitted that the Government has received the report and the list. The letter dated 05.03.2021 of the Principal Secretary to Government produced along with the memo filed by the Government Pleader would disclose that final approval of the list of non-reserved communities eligible for reservation for Economically Weaker Section is expected immediately after Model Code of Conduct in connection with election to State Legislative Assembly.

6. What is to be published is a list of communities eligible for the benefit under the reservation of EWS. The Commission concerned, has in discharge of its statutory obligation, submitted a report along with a list of eligible communities. That was accepted by the Government of Kerala, before the commencement of the period of the Model Code of Conduct. In the circumstances, this Court is of the considered opinion that non publication of the list is likely to affect the persons who will be eligible under reservations for EWS. This process being in discharge of statutory obligations, the Model Code of Conduct need not restrain the Government from publishing the same.

In the circumstances, the 1<sup>st</sup> respondent is directed to notify the list of non-reserved communities eligible for reservation for Economically Weaker Section within a period of one month.

Sd/-  
**N. NAGARESH**  
**JUDGE**

ncd

EXHIBIT P18 - TRUE COPY OF REPORT OF KERALA STATE COMMISSION FOR ECONOMICALLY WEAKER SECTIONS.

For information purpose only

