

IN THE SUPREME COURT OF INDIA
Civil Original Jurisdiction

In the Matter of:

Chebrolu Leela Prasad

..... Petitioner

Versus

State of Andhra Pradesh

..... Respondents

C.A. No. 3609 of 2002

WRITTEN SUBMISSION - 2

BY RAJEEV DHAVAN

A. SUPER CLASSIFICATION

1. Super classification is a phrase used by Justice V.R. Krishna Iyer in the State of Kerala v. N.M. Thomas, (1976) 2 SCC 310 at pr.128

B. TRICKLE DOWN: DISCONTENTS AND SOLUTIONS

2. The learned judges are right in their critique of the trickle down approach.
The remedy lies in following what is inelegantly called the 'bottoms up' approach.
3. This latter approach can be addressed at least three further ways:

- (i) **empower** the Gram Sabha's and Panchayats so that ensure welfare measures come to them.

An example of this is The Provisions of the Panchayats (Extension to the Scheduled Areas) Act of 1996 (PESA) (see Annexure)

- (ii) **Give information** under the Right of Information Act, 2005

[This is how under the aegis of Aruna Roy in Rajasthan put up notices to show entitlements and Arvind

Kejriwal in Delhi motivating villagers to demand what was allocated for the village.]

[Both got Magasaya nominations and Awards.]

(iii) **Improve and ensure implementation**

[Abhijit V. Banerjee and Esther Duflo got the Nobel Prize.]

[The most accessible account by them (i.e. Abhijit V. Banerjee and Esther Duflo: Good Economics in Hard Times (New Delhi, Juggernaut, 2019).

C. IMPORTANCE TO THE OTHER STATES

4. One hundred percent (100%) reservation through Schedule Vth para 1 was also made in Rajasthan, when the court modified its order and observed in Naresh Nama v State (Panchayat Raj Department), High Court of Rajasthan at Jaipur Bench D.B. Hon'ble Justice Ajay Rastogi Hon'ble Justice Dinesh Chandra Somani; In ***Civil Writ Petition No.13234 of 2016 order dated 12/04/2017***

“Consequently, we dispose of the application filed at the instance of the respondent and clarify that the State govt. may proceed in holding selection pursuant to the respective advertisement dt.6.7.2016 keeping in view the mandate of notification dt.4.7.2016 which is impugned in the instant proceedings but the selection shall remain subject to the final decision of the writ petition. At the same time, the three writ petitioners who have approached this court are at liberty to participate in the selection process for the vacancies reserved for TSP area in reference to notification dt.4.7.2016 but the result of their participation be kept in sealed cover and shall not be declared without prior permission of the court.

The parties will be at liberty to file application after outcome of the matter pending before the Apex Court of

which reference has been made and if the petitioners are finally selected, non availability of vacancy in the TSP area may not come in their way to non-suit their claim."

[Order Attached]

We are informed that such reservations also exist in other states

D. A PLEA

5. We further pray *The appeal to be dismissed?*
- (i) that, in any case, those already appointed **should not be reverted**
 - (ii) In any event, directions may be passed for future **not to invalidate** future appointments but direct the State to **maintain oversight** in this Telangana and A. P. matter.