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ಪತ್ರಿಕೆಯ ಹೆಸರು : NAME OF THE NEWS PAPER: Times of India ದಿನಾಂಕ : DATE 11/9/2020

# Don't breach 50% quota ceiling on grounds of backwardness: SC

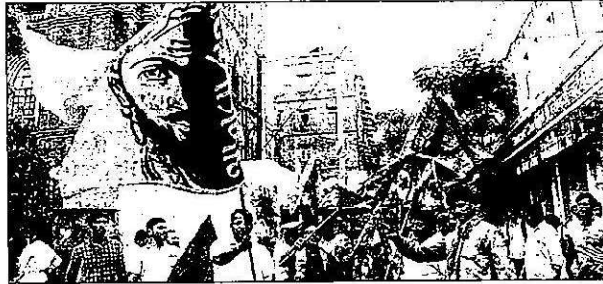
TO 11/9/20

## 'Relaxation Of Quota Rule Possible In Extraordinary Situations'

Amit Anand Choudhary and Swati Deshpande | TNN

New Delhi/Mumbai: The Supreme Court has said social, educational and economic backwardness or inadequate representation of a community in public services cannot be a ground to grant them reservation in breach of the 50 per cent ceiling fixed by the court. The court expressed a prima facie opinion that "Maharashtra has not shown any extraordinary situation for providing reservations to Marathas in excess of 50 per cent."

A bench of Justices L Nageswara Rao, Hemant Gupta and SRavindra Bhat, while staying operation of the Maharashtra law to grant reservation to Marathas, said relaxation of the "strict rule of 50 per cent can be made in certain extraordinary situations" and the state government prima facie failed to make out a case to justify its decision for Maratha quota which led to more than



The state government had framed the law in 2018 granting 16% quota for Marathas in government jobs and admission in educational institutions

50% reservation overall.

"The factors termed as extraordinary and exceptional, justifying reservations in excess of 50 per cent are those required for the purpose of providing reservations. The social, educational and economic backwardness of a community, existence of quantifiable data relating to inadequacy of representation of the community in public services and deprivation of the benefits flowing from reservations to the community

are not exceptional circumstances for providing reservations in excess of 50 per cent," the bench said.

"We are of the prima facie opinion that the High Court committed an error in treating the above factors as circumstances which are extraordinary, warranting relaxation of the strict rule of 50 per cent," the bench said, disagreeing with the HC order which had upheld the validity of the Socially and Educationally Backward Classes (SEBC)

Act under which reservation for Maratha community was granted in jobs and educational institutions. Justifying its decision to stay operation of the state law, the bench said implementation of law during pendency of case would cause "irreparable loss" to candidates belonging to the open category as it would be difficult to cancel admissions made in educational institutions and appointments made to public posts at later stage if the law is declared invalid and unconstitutional. Referring to the SC judgement in the Indra Sawhney case, the bench said it was categorically held that reservations should not exceed 50% and it could be done only in exceptional cases.

"Maratha community which comprises of 30 per cent of the population in the State of Maharashtra cannot be compared to marginalized sections of the society living in far-flung and remote areas," court said.