

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) NO. 154 of 2018****With****R/WRIT PETITION (PIL) NO. 10 of 2017****With****R/WRIT PETITION (PIL) NO. 83 of 2017****With****R/WRIT PETITION (PIL) NO. 109 of 2017**=====

UMIYA PARIVAAR VISNAGAR & ANR.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR.VISHAL J DAVE(6515) for the Applicant(s) No. 1,2

NIPUN SINGHVI(9653) for the Applicant(s) No. 1,2

MR GH VIRK GOVERNMENT PLEADER for the Opponent(s) No. 1,2

MR ANAND L SHARMA(1714) for the Opponent(s) No. 3

=====***CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL******and******HONOURABLE MR. JUSTICE PRANAV TRIVEDI*****Date : 20/09/2024****ORAL ORDER*****(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)***

In the affidavit dated 19.09.2024 filed on behalf of the State respondent, there is an insistence that the State Backward Class Commission, in the opinion of the State has to be one-man Commission, whereas, the constitution of National Commission for Backward Classes under Article 338B of the Constitution of India is a body of persons comprising of Chairperson, Vice-Chairperson and three other Members whose condition of service and tenure is to be provided as per the Rules. It is submitted by the learned counsel for

the petitioners that the body created by the State as one-man Commission for Backward Class is continuing since the year 1993 is without any proper constitution of the Commission as per the constitutional mandate.

2. The learned counsel for the petitioners prays and is granted two weeks time to file his response to the stand of the State in the affidavit filed by the Chief Secretary, Government of Gujarat. The instances of other States constituting the Backward Class Commission shall also be brought on record along with the said affidavit.

Put up this matter on **04.10.2024**.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

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