

ITEM NO.101

COURT NO.1

SECTION X

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

WRIT PETITION(C) No.61 of 2002

M. NAGARAJ & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for clarification/modification of court's order;  
amendment of the petition; impleadment; clarification; vacating  
stay; permission to file additional documents; seeking directions;  
bring on record subsequent events and office report etc.)

W.P(C) NO. 62 of 2002

(With appln.(s) for vacating stay)

W.P(C) NO. 81 of 2002

(With appln.(s) for exemption from filing O.T.)

WITH W.P(C) NO. 111 of 2002

(With office report)

W.P(C) NO. 134 of 2002

CONMT.PET.(C) NO. 122 of 2003 in W.P.(C) No.61 of 2002

(With office report)

Civil Appeal NO. 12501-12503 of 1996

(With office report)

CONMT.PET.(C) NO. 127 of 2003 in W.P.(C) No.61 of 2002

(With office report)

W.P(C) NO. 131 of 2007

(With office report)

W.P(C) NO. 135 of 2002

(With office report)

W.P(C) NO. 141 of 1997

W.P(C) NO. 153 of 2003

(With appln.(s) for stay and office report)

SLP(C) NO. 19689 of 1996

(With office report)

W.P(C) NO. 2 of 2003

(With office report)

W.P(C) NO. 206 of 2002

(With appln(s) for ex-parte stay and directions)

W.P(C) NO. 226 of 2002

(With office report)

W.P(C) NO. 227 of 2002

(With office report)

W.P(C) NO. 234 of 2002

(With appln.(s) for intervention and amendment of the petition and  
with office report)

CONMT.PET.(C) NO. 234 of 2007 in W.P.(C) No.234 of 2002

(With office report)

W.P(C) NO. 250 of 2002

(With appln(s) for direction and office report)

W.P(C) NO. 255 of 2002

(With office report)

CONMT.PET.(C) NO. 255 of 2007 in W.P.(C) No.413 of 1997

(With office report)

W.P(C) NO. 266 of 2002

(With office report)

W.P(C) NO. 269 of 2002  
(With office report)  
W.P(C) NO. 279 of 2002  
(With office report)  
W.P(C) NO. 286 of 2004  
(With office report)  
W.P(C) NO. 294 of 2002  
(With appln.(s) for direction)  
W.P(C) NO. 295 of 2002  
(With application for direction)  
W.P(C) NO. 298 of 2002  
(With office report)  
W.P(C) NO. 299 of 2002  
(With office report)  
W.P(C) NO. 313 of 2003  
(With appln.(s) for exemption from filing O.T. And with office report)  
W.P(C) NO. 319 of 2002  
(With appln(s) for ex-parte stay)  
W.P(C) NO. 320 of 2002  
(With appln.(s) for ex-parte stay)  
W.P(C) NO. 322 of 2002  
(With appln.(s) for ex-parte stay)  
W.P(C) NO. 323 of 2002  
(With appln.(s) for direction and office report)  
W.P(C) NO. 338 of 2002  
(With office report)  
W.P(C) NO. 340 of 2002  
(With appln.(s) for vacating stay)  
W.P(C) NO. 375 of 2002  
(With appln(s) for ex-parte stay and office report)  
W.P(C) NO. 381 of 2003  
(With appln.(s) for stay and office report)  
W.P(C) NO. 386 of 2002  
(With appln.(s) for ex-parte stay)  
W.P(C) NO. 387 of 2002  
(With appln.(s) for ex-parte stay)

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W.P(C) NO. 413 of 1997  
(With appln.(s) for stay and amendment of the petition and modification/ clarification and with office report)  
W.P(C) NO. 423 of 2002  
(With appln.(s) for directions)  
W.P(C) NO. 440 of 2002,  
W.P(C) NO. 453 of 2002  
(With appln.(s) for ex-parte stay and prayer for interim relief and office report)  
W.P(C) NO. 460 of 2002  
(With appln.(s) for ex-parte stay and with prayer for interim relief and office report)  
W.P(C) NO. 460 of 2003  
(With office report)  
W.P(C) NO. 469 of 2003  
(With appln(s) for directions and with office report)  
W.P(C) NO. 472 of 2002  
(With appln. For ex-parte stay)  
W.P(C) NO. 482 of 2002  
(With appln. For ex-parte stay)  
W.P(C) NO. 483 of 2002  
(With appln. For ex-parte stay)  
W.P(C) NO. 484 of 2002  
(With appln. For ex-parte stay)  
W.P(C) NO. 485 of 2002  
(With appln. For stay and office report)  
SLP(C) NO. 4915-4919 of 2003  
(With office report)  
CONMT.PET.(C) NO. 505 of 2002 IN W.P(C) No.61 of 2002  
(With APPLN.(S) FOR EXEMPTION FROM FILING O.T.)

W.P(C) NO. 515 of 2004  
(With office report)  
W.P(C) NO. 519 of 2004  
(With appln. For interim relief and office report)  
W.P(C) NO. 527 of 2002  
(With office report)  
W.P(C) NO. 529 of 1997  
(With office report)  
W.P(C) NO. 550 of 2002  
(With appln. For stay and office report)  
CONMT.PET.(C) NO. 553 of 2002 in W.P(C) 266 OF 2002  
(With office report)  
W.P(C) NO. 562 of 2004  
(With appln.(s) for ex-parte stay and office report)  
W.P(C) NO. 563 of 2003  
(With office report)  
CONMT.PET.(C) NO. 570 of 2002 in W.P(C) No.255 of 2002  
(With office report)  
W.P(C) NO. 640 of 2002  
(With appln.(s) for directions and vacating interim order and stay  
and permission to submit addl.documents and permission and amendment

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of the petition)  
SLP(C) NO. 754 of 1997  
(With appln.(s) for directions)  
CONMT.PET.(C) NO. 85 of 2003 in W.P.(C) No.255 of 2002  
(With office report)  
W.P(C) NO. 88 of 1997  
(With office report)  
CONMT.PET. © NO.404 OF 2004 IN W.P(C) NO.255 OF 2002

Date: 11/03/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE R.M. LODHA  
HON'BLE DR. JUSTICE B.S. CHAUHAN

For Petitioner(s)/  
Respondent

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M/S. Lawyer'S Knit & Co ,Adv

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Mr. B. Krishna Prasad,Adv.  
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Ms. Kiran Suri,Adv.  
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Mr. P. Parmeswaran,Adv.  
Mr. Pradeep Misra,Adv.  
Ms. Sushma Suri,adv.  
Mr. S.N. Bhat,Adv.  
Mr. Tara Chandra Sharma,Adv.  
Ms. Neelam Sharma,Adv.  
Ms. Pankhuri Shrivastava,Adv.

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UPON hearing counsel the Court made the following  
O R D E R

WRIT PETITION(CIVIL) NO. 81 of 2002

WITH

W.P(C) NO. 111 of 2002,W.P(C) NO. 131 of 2007,W.P(C) NO. 141  
of 1997,W.P(C) NO. 153 of 2003, W.P(C) NO. 2 of 2003,W.P(C)  
NO. 206 of 2002, W.P(C) NO. 250 of 2002, CONMT.PET.(C) NO.  
255 of 2007 in W.P.(C) No.413 of 1997, W.P(C) NO. 269 of  
2002, W.P(C) NO. 279 of 2002, W.P(C) NO. 286 of 2004, W.P(C)  
NO. 295 of 2002, W.P(C) NO. 313 of 2003, W.P(C) NO. 322 of  
2002, W.P(C) NO. 323 of 2002, W.P(C) NO. 375 of 2002,  
W.P(C) NO. 381 of 2003, W.P(C) NO. 413 of 1997, W.P(C) NO.  
423 of 2002, W.P(C) NO. 440 of 2002, W.P(C) NO. 453 of 2002,  
W.P(C) NO. 460 of 2002, W.P(C) NO. 460 of 2003, W.P(C) NO.  
469 of 2003, W.P(C) NO. 472 of 2002, W.P(C) NO. 484 of 2002,  
W.P(C) NO. 515 of 2004,W.P(C) NO. 519 of 2004, W.P(C) NO.  
527 of 2002, W.P(C) NO. 529 of 1997, W.P(C) NO. 550 of 2002,  
W.P(C) NO. 562 of 2004, W.P(C) NO. 563 of 2003, W.P(C) NO.  
640 of 2002, W.P(C) NO. 88 of 1997.

The writ petitions and contempt petitions are

disposed of in terms of the signed order.

W.P.(C) No.234 of 2002 with CONMT.PET.(C) NO. 234 of 2007 in W.P.(C) No.234 of 2002

Learned counsel for the petitioner seeks leave to withdraw this petition with liberty to approach the High Court.

Writ Petition is dismissed as withdrawn.

In view of the dismissal of the writ petition,  
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contempt petition is dismissed.

W.P.(C) No.340 of 2002

Learned counsel for the petitioner seeks leave to withdraw this petition with liberty to approach the High Court.

Writ Petition is dismissed as withdrawn.

The following matters of Karnataka alongwith  
SLP(C) No.15753 of 2004(MM), SLP(C) No.14518 of  
2004(MM) and SLP(C) No.4915-4919 of 2003 to be listed  
on Tuesday I.e. 16.03.2010:

1. W.P.(C) No.61 of 2002
2. Contempt Petition(C) No.122/2003 in W.P(C)NO.61 of 2002
3. Contempt Petition(C)No.127/2003 in W.P(C)NO.61 of 2002
4. Contempt Petition(C) No.505/2002 in W.P(C)No.61 of 2002

5. W.P.(C) No.62 of 2002
6. W.P.(C) No.134 of 2002
7. W.P.(C) No.135 of 2002
8. W.P.(C) No.226 of 2002
9. W.P.(C) No.227 of 2002
- 10.W.P.(C) No.255 of 2002
- 11.Contempt Petition(C)No.570/2002 in WP(C)No.255 of 2002
- 12.Contempt Petition(C)No.85/2003 in W.P(C) No.255 of 2002
- 13.Contempt Petition(C)No.404/2004 in W.P(C)No.255 of 2002
- 14.W.P.(C) No.266 of 2002
- 15.Contempt Petition(C)No.553/2002 in W.P(C)No.266 of 2002
- 16.W.P.(C) No.299 of 2002

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- 17.W.P.(C) No.294 of 2002
- 18.W.P.(C) No.298 of 2002
- 19.W.P.(C) No.319 of 2002
- 20.W.P.(C) No.386 of 2002
- 21.W.P.(C) No.387 of 2002

22.W.P.(C) No.320 of 2002  
23.W.P.(C) No.338 of 2002  
24.W.P.(C) No.482 of 2002  
25.W.P.(C) No.483 of 2002  
26.W.P.(C) No.485 of 2002  
27.C.A.Nos.12501-12503 of 1996  
28.S.L.P.(C) No.754 of 1997  
29.S.L.P.(C) No.19689 of 1996

(O.P. Sharma)  
Court Master

(Veera Verma)  
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION(CIVIL) NO. 81 of 2002

GENERAL CATEGORIES WELFARE FED. & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

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WITH

W.P(C) NO. 111 of 2002,W.P(C) NO. 131 of 2007,W.P(C) NO. 141  
of 1997,W.P(C) NO. 153 of 2003,W.P(C) NO. 2 of 2003,W.P(C)  
NO. 206 of 2002, W.P(C) NO. 250 of 2002, CONMT.PET.(C) NO.  
255 of 2007 in W.P.(C) No.413 of 1997, W.P(C) NO. 269 of  
2002, W.P(C) NO. 279 of 2002, W.P(C) NO. 286 of 2004, W.P(C)  
NO. 295 of 2002, W.P(C) NO. 313 of 2003, W.P(C) NO. 322 of  
2002, W.P(C) NO. 323 of 2002, W.P(C) NO. 375 of 2002,  
W.P(C) NO. 381 of 2003, W.P(C) NO. 413 of 1997, W.P(C) NO.  
423 of 2002, W.P(C) NO. 440 of 2002, W.P(C) NO. 453 of 2002,  
W.P(C) NO. 460 of 2002, W.P(C) NO. 460 of 2003, W.P(C) NO.  
469 of 2003, W.P(C) NO. 472 of 2002, W.P(C) NO. 484 of 2002,  
W.P(C) NO. 515 of 2004, W.P(C) NO. 519 of 2004, W.P(C) NO.  
527 of 2002, W.P(C) NO. 529 of 1997, W.P(C) NO. 550 of 2002,  
W.P(C) NO. 562 of 2004, W.P(C) NO. 563 of 2003, W.P(C) NO.  
640 of 2002, W.P(C) NO. 88 of 1997.

O R D E R

The Constitution of India was amended by the

Seventy-seventh Amendment Act, 1995, Eighty-fifth

Amendment Act, 2001 and Eighty-first Amendment Act,

2000. By these Acts Article 16(4), (4-A) and 16(4-B)

were amended. Thus Seventy-seventh Amendment Act,

1995 and Eighty-fifth Amendment Act, 2001 came into

effect w.e.f. 17.6.1995 and Eighty-first Amendment

Act, 2000 came into effect on 9.6.2000. Subsequent  
to these amendments of the Constitution various State  
Government issued orders/notifications to implement  
the provisions of the Constitution. These

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notifications/orders were challenged in various writ  
petitions and special leave petitions before this  
Court. In these proceedings the constitutional  
amendments were also challenged. By the decision of  
the Constitution Bench of this Court in M. Nagaraj  
and others vs. Union of India and others reported in  
(2006) 8 SCC 212, the constitutional validity of  
Article 16(4), (4-A) and (4-B) was upheld. In the  
judgment it was directed that various individual writ  
petitions would be considered by appropriate Bench in  
accordance with the law laid down in this decision.  
As various state orders and notifications have been  
challenged in these writ petitions, we feel that it  
would be better if these writ petitions be considered  
by the respective High Courts. The validity of the  
same be decided in view of the final decision of the  
Constitution Bench of this court in M. Nagaraj and  
others vs. Union of India and other(supra).

Therefore, we permit the petitioners in these  
writ petitions to withdraw these writ petitions with  
liberty to move the High Court and in the event of  
writ petitions are filed before the High Court the  
same may be considered by the High Court in the light  
of the observations made by this Court in M. Nagaraj  
and others vs. Union of India and other(supra). The

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petitioners would be at liberty to seek appropriate  
interim relief in the High Court.

The writ petitions as well as contempt  
petitions are disposed of accordingly.

W.P.(C) No.234 of 2002 with CONMT.PET.(C) NO. 234 of 2007 in W.P.(C) No.234 of 2002

Learned counsel for the petitioner seeks leave to withdraw this petition with liberty to approach the High Court.

Writ Petition is dismissed as withdrawn.

In view of the dismissal of the writ petition, contempt petition is also dismissed.

W.P.(C) No.340 of 2002

Learned counsel for the petitioner seeks leave to withdraw this petition with liberty to approach the High Court.

Writ Petition is dismissed as withdrawn.

.....CJI.  
(K.G. BALAKRISHNAN)

.....J.  
(R.M. LODHA)

NEW DELHI

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.....J.

MARCH 11, 2010

(B.S. CHAUHAN)