

ITEM NO.31

COURT NO.3

SECTION IX

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

Petition(s) for Special Leave to Appeal (C) No(s).19756/2021

[Arising out of impugned final judgment and order dated 22-10-2021 in WP No. 11744/2021 passed by the High Court of Judicature at Bombay at Aurangabad]

RAHUL RAMESH WAGH

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA & ORS.

Respondent(s)

IA No. 145211/2022 - AMENDMENT OF APPEAL/PETITION/I.A.
 IA No. 145208/2022 - AMENDMENT OF APPEAL/PETITION/I.A.
 IA No. 161602/2021 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 23878/2022 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 114988/2022 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 243223/2023 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 68407/2022 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 243215/2023 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 111081/2022 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 107960/2022 - CLARIFICATION/DIRECTION
 IA No. 156051/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
 IA No. 107961/2022 - EXEMPTION FROM FILING O.T.
 IA No. 156052/2021 - EXEMPTION FROM FILING O.T.
 IA No. 19520/2022 - EXEMPTION FROM FILING O.T.
 IA No. 73438/2022 - EXEMPTION FROM FILING O.T.
 IA No. 243218/2023 - EXEMPTION FROM FILING O.T.
 IA No. 107967/2022 - EXEMPTION FROM FILING O.T.
 IA No. 23879/2022 - EXEMPTION FROM FILING O.T.
 IA No. 134970/2022 - INTERVENTION APPLICATION
 IA No. 114696/2022 - INTERVENTION APPLICATION
 IA No. 243221/2023 - INTERVENTION APPLICATION
 IA No. 112860/2022 - INTERVENTION APPLICATION
 IA No. 7458/2022 - INTERVENTION APPLICATION
 IA No. 111099/2022 - INTERVENTION APPLICATION
 IA No. 6134/2022 - INTERVENTION APPLICATION
 IA No. 243209/2023 - INTERVENTION APPLICATION
 IA No. 28258/2022 - INTERVENTION APPLICATION
 IA No. 107957/2022 - INTERVENTION/IMPLEADMENT
 IA No. 68401/2022 - INTERVENTION/IMPLEADMENT
 IA No. 419/2022 - INTERVENTION/IMPLEADMENT
 IA No. 8129/2022 - MODIFICATION OF COURT ORDER
 IA No. 19518/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
 IA No. 156048/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 156049/2021 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS

IA No. 422/2022 - RECALLING THE COURTS ORDER

IA No. 107965/2022 - RECALLING THE COURTS ORDER WITH

W.P.(C) No. 1316/2021 (X)

FOR ADMISSION

IA No. 28202/2022 - AMENDMENT OF THE PETITION

IA No. 44522/2022 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 157427/2021 - EXEMPTION FROM FILING O.T.

IA No. 44897/2022 - EXEMPTION FROM FILING O.T.

IA No. 44523/2022 - EXEMPTION FROM FILING O.T.

IA No. 1261/2022 - INTERVENTION APPLICATION

IA No. 44895/2022 - INTERVENTION APPLICATION

IA No. 157430/2021 - STAY APPLICATION

T.C.(C) No. 25/2022 (III)

T.C.(C) No. 26/2022 (III)

T.C.(C) No. 29/2022 (III)

T.C.(C) No. 28/2022 (III)

T.C.(C) No. 27/2022 (III)

T.C.(C) No. 30/2022 (III)

T.C.(C) No. 31/2022 (III)

MA 323/2022 in SLP(C) No. 20160/2021 (IX)

FOR CLARIFICATION/DIRECTION ON IA 18311/2022

FOR EXEMPTION FROM FILING O.T. ON IA 18313/2022

IA No. 18311/2022 - CLARIFICATION/DIRECTION

IA No. 18313/2022 - EXEMPTION FROM FILING O.T.

W.P.(C) No. 141/2022 (X)

IA No. 31332/2022 - INTERVENTION/IMPLEADMENT

IA No. 30425/2022 - STAY APPLICATION

W.P.(C) No. 184/2022 (X)

FOR EX-PARTE STAY ON IA 39000/2022

IA No. 39000/2022 - EX-PARTE STAY

W.P.(C) No. 238/2022 (X)

FOR GRANT OF INTERIM RELIEF ON IA 49974/2022

FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 49985/2022

FOR EXEMPTION FROM FILING O.T. ON IA 60983/2022

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 69012/2022

FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 69013/2022

FOR INTERVENTION APPLICATION ON IA 92907/2022

FOR INTERVENTION APPLICATION ON IA 92911/2022

FOR INTERVENTION APPLICATION ON IA 93235/2022

IA No. 69013/2022 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 49985/2022 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 60983/2022 - EXEMPTION FROM FILING O.T.

IA No. 49974/2022 - GRANT OF INTERIM RELIEF

IA No. 92911/2022 - INTERVENTION APPLICATION

IA No. 92907/2022 - INTERVENTION APPLICATION

IA No. 69012/2022 - PERMISSION TO FILE ADDITIONAL

DOCUMENTS/FACTS/ANNEXURES

W.P.(C) No. 207/2022 (X)

FOR STAY APPLICATION ON IA 43322/2022
 FOR APPLICATION FOR PERMISSION ON IA 49736/2022
 FOR EXEMPTION FROM FILING O.T. ON IA 60972/2022
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 69654/2022
 IA No. 49736/2022 - APPLICATION FOR PERMISSION
 IA No. 60972/2022 - EXEMPTION FROM FILING O.T.
 IA No. 69654/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
 IA No. 43322/2022 - STAY APPLICATION
W.P.(C) No. 250/2022 (X)
 FOR EXEMPTION FROM FILING O.T. ON IA 60953/2022
 FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 68623/2022
 FOR EXEMPTION FROM FILING AFFIDAVIT ON IA 68626/2022
 FOR INTERVENTION APPLICATION ON IA 69028/2022
 FOR PERMISSION TO FILE AMENDED WRIT PETITION ON IA 169072/2022
 IA No. 68626/2022 - EXEMPTION FROM FILING AFFIDAVIT
 IA No. 60953/2022 - EXEMPTION FROM FILING O.T.
 IA No. 69028/2022 - INTERVENTION APPLICATION
 IA No. 68623/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
 IA No. 169072/2022 - PERMISSION TO FILE AMENDED WRIT PETITION
W.P.(C) No. 278/2022 (X)
 FOR EXEMPTION FROM FILING O.T. ON IA 74532/2022
 FOR INTERVENTION APPLICATION ON IA 74862/2022
 FOR impleading party ON IA 75226/2022
 FOR INTERVENTION/IMPLEADMENT ON IA 75226/2022
 FOR INTERVENTION APPLICATION ON IA 76964/2022
 FOR impleading party ON IA 77911/2022
 FOR INTERVENTION/IMPLEADMENT ON IA 77911/2022
 FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 77916/2022
 FOR INTERVENTION APPLICATION ON IA 77992/2022
 FOR INTERVENTION APPLICATION ON IA 126486/2022
 FOR MODIFICATION OF COURT ORDER ON IA 127056/2022
 IA No. 77916/2022 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 74532/2022 - EXEMPTION FROM FILING O.T.
 IA No. 76964/2022 - INTERVENTION APPLICATION
 IA No. 74862/2022 - INTERVENTION APPLICATION
 IA No. 126486/2022 - INTERVENTION APPLICATION
 IA No. 77992/2022 - INTERVENTION APPLICATION
 IA No. 77911/2022 - INTERVENTION/IMPLEADMENT
 IA No. 75226/2022 - INTERVENTION/IMPLEADMENT
 IA No. 127056/2022 - MODIFICATION OF COURT ORDER
W.P.(C) No. 365/2022 (X)
 FOR STAY APPLICATION ON IA 73560/2022
 FOR PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS ON IA 169363/2022
 IA No. 169363/2022 - PERMISSION TO PLACE ADDITIONAL FACTS AND GROUNDS
 IA No. 73560/2022 - STAY APPLICATION
W.P.(C) No. 309/2022 (X)
 FOR STAY APPLICATION ON IA 65095/2022

IA No. 65095/2022 - STAY APPLICATION

W.P.(C) No. 650/2022 (X)

IA No. 137163/2022 - AMENDMENT IN CAUSE TITLE

IA No. 126199/2022 - EXEMPTION FROM FILING O.T.

IA No. 117238/2022 - EXEMPTION FROM FILING O.T.

IA No. 126193/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

W.P.(C) No. 896/2022 (X)

FOR ADMISSION.

W.P.(C) No. 1001/2022 (PIL-W)

Diary No(s). 46401/2024 (PIL-W)

FOR CONDONATION OF DELAY IN REFILING/CURING THE DEFECTS ON IA 271029/2024

IA No. 271029/2024 - CONDONATION OF DELAY IN REFILING/CURING THE DEFECTS

W.P.(C) No. 33/2025 (X)

FOR ADMISSION

IA No. 14916/2025 - EXEMPTION FROM FILING O.T.

W.P.(C) No. 29/2025 (PIL-W)

FOR ADMISSION

W.P.(C) No. 187/2025 (X)

FOR ADMISSION

IA No. 56262/2025 - EXEMPTION FROM FILING O.T.

Date : 06-05-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

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Mr. Rahul Joshi, AOR

By Courts Motion

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Mr. Apoorv Sharma, Adv.
Mr. Rishi Didwania, Adv.

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Mr. Shashibhushan P. Adgaonkar, AOR
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For Respondent(s) Mr. Tushar Mehta, Solicitor General
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Mr. Bharat Bagla, Adv.

Mr. Sourav Singh, Adv.
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Mr. Shubham Janghu, Adv.
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Mr. Vaibhav Yeshwant Kulkarni, AOR
Ms. Palak Joshi, Adv.
Ms. Amruta Kulkarni, Adv.

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

1. The core issue that falls for consideration in this batch of Special Leave Petition(s)/Writ Petitions/Transferred Cases revolves around the reservation for Other Backward Classes (hereinafter referred to as 'OBCs') in the State of Maharashtra for the purpose of elections to the local bodies.

2. There have been reservations provided to different OBC communities through legislative enactment(s), on the basis of which the elections were earlier held from time to time. On 11.03.2022, the State of Maharashtra, constituted a dedicated 7-member Commission under the chairmanship of Mr. Jayant Kumar Banthia, IAS (Retd.), former Chief Secretary of Maharashtra (hereinafter referred to as 'the Banthia Commission'). The Banthia Commission was tasked with collecting empirical data on the OBCs, to help inform their reservation in local body elections. It subsequently submitted its Report on 07.07.2022 and its recommendations form the subject of challenge in these appeals. Besides that Report, various issues like: (i) setting up of a Dedicated Commission to conduct

enquiry into the nature and implications of political backwardness for the composition of local bodies in the State; (ii) number of reserved seats in each local body on the basis of recommendations of the aforesaid Commission; and (iii) whether such reservations can exceed the aggregate of 50% etc., have arisen for consideration in these proceedings.

3. Learned Senior Counsel/counsel for the parties are *ad-idem* that consequent to the pendency of these proceedings, elections to the local bodies have not been held for the last several years.

4. We have considered their submissions in this regard. It seems to us that the constitutional mandate of democracy at the grass-root level and its enforcement through periodical elections of the local bodies ought to be respected and ensured. Since the elected bodies have a fixed term, no irreversible loss will be caused to those who are seeking appropriate amendment(s) in the existing laws for inclusion or exclusion of certain OBC communities. All those issues will, of course, be considered in due course of time. In the *interregnum*, we see no reason as to why the elections of the local bodies not be held in the State of Maharashtra because of the pendency of these proceedings.

5. Consequently, subject to the outcome of these proceedings and without prejudice to the issues raised on behalf of the rival parties, we deem it appropriate to issue the following directions to the State of Maharashtra/ State Election Commission:

(i) The elections to the local bodies shall be notified by the State Election Commission within four

weeks;

(ii) The reservation shall be provided to the OBC communities as per the law as it existed in the State of Maharashtra prior to the 2022 Report of the Banthia Commission;

(iii) An endeavour shall be made to conclude the elections within a period of four months. However, the State Election Commission shall be at liberty to seek extension of time in appropriate cases; and

(iv) The Elections shall be held subject to the outcome of these proceedings.

6. Post these matters for hearing on 16.09.2025.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR