

(Part-Heard)

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

RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO. 265 OF 2006

ASHOKA KUMAR THAKUR

Petitioner(s)

VERSUS

UNION OF INDIA & ORS

Respondent(s)

(With application for impleadment, directions and intervention and amendment of pleading in writ petition and office report)

WITH

W.P.(C) No.269/2006

(With application for ex-parte stay and intervention and impleadment and office report)

W.P.(C) No.598/2006

(With application for intervention and office report)

W.P.(C) Nos.29/2007, 35/2007

(With application for stay and office report)

(For final disposal)

W.P.(C) No.231/2007 - (For prel. hearing)

(With application for interim relief and office report)

W.P.(C) No.53/2007

(With application for stay and impleadment and impleadment and office report)

Date: 09/05/2007 These Petitions were called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s) Petitioner-In-Person

In WP 265/06

In WP 269/2006
Mr. Vivek K. Tankha, Adv.
Ms. Pooja Dhar, Adv.
Mr. Rohan Thawani, Adv.
Mr. Joseph Pookkatt, Adv.
Mr. Prashant Kumar, Adv.

In WP 231/07
Mr. P.P. Rao, Sr. Adv.
Mr. M.L. Lahoty, Adv.
Mr. D.S. Chadha, Adv.
Mr. Abhishek Gupta, Adv.
Mr. Anshuman Ashok, Adv.
Mr. Purushottam Tripathi, Adv.
Mr. Abhishek Kumar, Adv.
Mr. Subramonium Prasad, Adv.

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For Petitioner Mr. P.P. Rao, Sr. Adv.

In WP 29/07
Mr. M.L. Lahoty, Adv.
Mr. Paban K. Sharma, Adv.
Ms Poonam Lahoty, Adv.
Mr. Himanshu Shekhar, Adv.
Ms. Mahalakshmi Pavani, Adv.

In WP 35/07

Mr. F.S. Nariman, Sr.Adv.
Mr. Mukul Rohtagi, Sr.Adv.
Mrs. Shashi M. Kapila,Adv.
Mr. Gopal Shankarnarayanan,Adv.
Ms. Shilpi Kaushik,Adv.
Ms. Indu Malhotra,Adv.

For Applicant

Mr. Harish N. Salve, Sr.Adv.
Mr. Sushil Kumar Jain,Adv.
Mr. Puneet Jain,Adv.
Mr. H.D. Thanvi, Adv.
Mr. Sarad Singhania,Adv.
Ms. Christi Jain, Adv.
Mr. Abhishek Gupta, Adv.

For Petitioner in

In WP(C)598/06

Mr. K.K. Venugopal, Sr.Adv.
Ms. Kiran Suri, Adv.
Mr. S.J.Amith, Adv.
Mr. Sushil Kumar Jain, Adv.

In IA No.8

Mr. M.M. Mittal,
Applicant-in-person

In IA 17

Mr. Ravindra Shrivastava, Sr.Adv.
Mr. A. Mariarputham,Adv.

IA 2 & 3

Mr. Ravindra Shrivastava, Sr.Adv.
Mr. Rameshwar Prasad,Adv.
Mr. CBN Babu,Adv.
Mr. Vinesh Solshe,Adv.
Mr. Arjun Garg,Adv.
Mr. M. Mamman,Adv.
Mr. Rajul Shrivastava,Adv.
Mr. C.G. Solshe,Adv.

IA 3 in WP 269/06

Mr. V.K. Biju,Adv.

Mr. D.K. Garg,Adv.

Ms. Mahalakshmi Pawani,Adv.

Mr. G. Balaji,Adv.

Mr. Subramonium Prasad,Adv.

For Respondent(s)

Mr. G.E. Vahanvati, Solicitor General

Ms. Sushma Suri,Adv.

Mr. Gopal Subramaniam, A.S.G.

Mr. Ankit Singhal,Adv.

Mr. Nikhil Nayyar,Adv.

Mr. Kailash Vasdev, Sr.Adv.

Mr. Rituraj Biswas,Adv.

Mr. E.C. Vidyasagar,Adv.

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Mr. Anil Srivastav,Adv.

Mr. Rituraj Biswas,Adv.

Dr. Kailash Chand,Adv.

Mr. K. Parasaran, Sr.Adv.

Mr. R. Shunmugasundaram, Sr.Adv.

Mr. S. Vallinayagam,Adv.

Mr. S. Prabhu Ramasubramanian,Adv.

Mr. V.G. Pragasam,Adv.

I.A.No.7 in

Mr. V. Kanakaraj, Sr.Adv.

WP 265/06

Mr. V.G.Pragasam, Adv.

Mr. S. Vallinayagam, Adv.

Mr. S. Prabu Ramasubramanian, Adv.

Mr. S. Wasim A. Qadri,Adv.

Mr. D.S. Mahra,Adv.

Mr. K.N. Madhusodhanan,Adv.

Mr. R. Sathish,Adv.

Mr. Janaranjan Das,Adv.

Mr. Swetaketu Mishra,Adv.

Mr. Rakesh Dwivedi, Sr.Adv.

Ms. Vimla Sinha,Adv.

Mr. Anukul Raj,Adv.

Mr. Gopal Singh,Adv.

Mr. Gopal Singh,Adv.

Mr. Rituraj Biswas,Adv.

Mr. G. Prakash,Adv.

Mr. Dharmendra Kumar Sinha,Adv.

Ms. Indra Jaisingh, Sr.Adv.

Mr. Manoj Saxena,Adv.

Mr. Rajnish Kr. Singh,Adv.

Mr. Rahul Shukla,Adv.

Mr. T.V. George,Adv.

WP(C)269/06

Mr. T.V. George, Adv.

For State of Haryana

Mr. Ansuman Kaushik,Adv.

for M/s. Corporate Law Group

Mr. S.S. Shinde, Adv.

Mr. V.N. Raghupathy, Adv.

Mr. Manjit Singh, Adv.

Mr. Harikesh Singh, Adv.

Mr. T.V. George, Adv.

Mr. Ranjan Mukherjee, Adv.

Mr. S.C. Ghosh, Adv.

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Ms. Suparna Srivastava, Adv.

Ms. Pooja Matlani, Adv.

Mr. Rajesh Srivastava, Adv.

Mr. Atul Jha, Adv.

Mr. D.K. Sinha, Adv.

Mr. Aruneshwar Gupta, Adv.

Mr. Naveen Kumar Singh, Adv.

Mr. Mukul Sood, Adv.

Mr. Shashwat Gupta, Adv.

Mr. A. Subba Rao, Adv.

For State of Pb. Mr. Ajay Pal, Adv.

Ms. Preeti Singh, Adv.

Ms. Sukhda, Adv.

IN IA 22/07

Prof. Ravivarma Kumar, Sr. Adv.

In WP 265/06

Mr. S.K. Swamy, Adv.

(For applicant)

Mr. Vikas Rojipura, Adv.

Mr. Balu, Adv.

Mr. E.C. Vidyasagar, Adv.

cases for hearing by a larger bench considering the important questions and issues involved. Reference was made by learned Solicitor General to Article 145 (3) of the Constitution of India, 1950 (in short 'the Constitution') and Order 35 of the Supreme Court Rules, 1966 (in short, 'the Rules') to contend that such a course is desirable. Learned Counsel for the petitioners submitted that in the Counter Affidavit filed it has been stated that the issues are covered by various decisions of this Court and no arguable issues are there. That being so, it is submitted, the stand that substantial questions of law involving interpretation of Constitution exist is not acceptable. There is however, no dispute that the questions and issues involved are of importance and have far reaching implications and consequences. Various issues have been formulated by the learned counsel for the parties and Dr. M.M. Mittal who appears in person. We think it desirable to decide the question as to the necessity for referring the cases to a larger bench.

Orders reserved.

All the State Governments have been impleaded in the Writ

Petitions. Some applications have been filed for intervention by groups of people, individuals and political parties. It will be sufficient to hear only the recognised political parties and not groups of individual or individuals because most of the points that they propose to highlight as is evident from the applications for intervention and urged can be appropriately and adequately dealt with by the opposite parties to the petitions

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i.e. the State Governments and the recognised political parties. The I.As.

are accordingly, disposed of.

Issue notice in Writ Petition (C) No.231 of 2007.

Dasti service, in addition, is permitted.

Other Matters :

All Writ Petitions challenging the constitutional validity of the 93rd Amendment to the Constitution and/or the Central Education Institutions (Reservation in Admission) Act, 2006 shall be listed along with the matter listed.

The pleading in the cases where notices have been issued or have

been already issued shall be completed within a period of eight weeks from

today.

Counter Affidavit filed on behalf of Respondent No.4 in Writ

Petition(C)No.269 of 2006 be taken on record.

(Sukhbir Paul Kaur)

Court Master

(Vijay Aggarwal)

Court Master