

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 3622 OF 2011

M.P.MEENA SAMAJ SEWA SANGATHAN SAMITI APPELLANT (S)

VERSUS

STATE OF M.P.& ORS. RESPONDENT (S)

WITH

CIVIL APPEAL NOS. 3623-3624 OF 2011

CIVIL APPEAL NO.3625 OF 2011

AND

CONMT.PET.(C) NO. 303 OF 2015 IN C.A. NO. 3622 OF 2011

O R D E R

A Division Bench of the High Court of Madhya Pradesh has quashed circulars dated 4th March, 1998, 1st April, 1998, 25th September, 1998 and 18th January, 2002 relying upon two Constitution Bench decisions of this Court in Marri Chandra Shekhar Rao Vs. Dean, Seth G.S. Medical College [1990 (3) SCC 130] and Action Committee Vs. Union of India [1994 (5) SCC 244]. The High Court has on a careful consideration of the law declared by this Court in the said two decisions concluded that the circulars aforementioned run counter to the true legal position and

are therefore unsustainable. Having heard learned counsel for the parties at some length, we see no reason to interfere with the view taken by the High Court especially when the legal position on the subject is authoritatively settled by the said two Constitution Bench decisions pronounced by this Court.

Learned counsel for the appellant however contends that as a necessary consequence of the quashing of the circulars, the State Government is likely to take action against those who have benefited under the Circulars in the matter of getting admission to educational institutions or employment under the State against vacancies reserved for Scheduled Caste and Scheduled Tribe candidates under the relevant Presidential Orders. He further submits that this Court has in somewhat similar circumstances granted protection to such beneficiaries on equitable grounds as have enjoyed such benefits for a long period of time. In support, he has placed reliance upon the decisions of this Court in State of Maharashtra Vs. Milind & Ors. [2001 (1) SCC 4], Kavita Solunke Vs. State of Maharashtra & Ors. [2012 (8) SCC 430] and R. Unnikrishnan & Anr. Vs. V.K. Mahanudevan & Ors. [2014 (4) SCC 434]. It is urged that while disposing of these appeals this Court could direct grant of similar benefits to candidates who are similarly situate to protect them against any harassment arising out of their ouster.

It is in our opinion premature for this Court to issue any such general direction. The proper course for those against whom the State Government may initiate action based on the judgment impugned in these appeals would be to seek redress in accordance with law in which event they may on the analogy of decisions relied upon by learned counsel for the appellants claim whatever benefits they think they are entitled to claim. That is because whether or not a candidate qualifies for the grant of any benefit by way of protection against ouster will depend upon the facts and circumstances of each case. It is neither necessary nor proper for us in these proceedings to either assume the fact situation or issue any general directions regardless of the circumstances in which the State may propose to oust or terminate the service of any such candidate. Reserving liberty for all such individuals as are likely to be affected by any adverse action which the Government may take to seek redress in accordance with law, we dismiss these appeals. We make it clear that we have not expressed any final opinion as to the entitlement of any such person to the protection being claimed by the appellant which aspect is left open to be determined by the court concerned at the appropriate stage in appropriate proceedings.

Parties are left to bear their own costs.

CONMT.PET.(C) NO. 303/2015 IN C.A. NO. 3622/2011

In the light of the order passed in civil appeals we see no reason to proceed any further, in this contempt petition which is hereby dismissed.

All interim orders shall stand vacated.

.....J
[T.S. THAKUR]

.....J
[KURIAN JOSEPH]

October 8, 2015
New Delhi.

ITEM NO.4

COURT NO.2

SECTION IV

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

Civil Appeal No(s). 3622/2011

M.P.MEENA SAMAJ SEWA SANGATHAN SAMITI

Appellant(s)

VERSUS

STATE OF M.P. & ORS.

Respondent(s)

WITH

C.A. No. 3623-3624/2011

(With Interim Relief and Office Report)

C.A. No. 3625/2011

(With Interim Relief and Office Report)

CONMT.PET.(C) No. 303/2015 In C.A. No. 3622/2011

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

Date : 08/10/2015 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR

HON'BLE MR. JUSTICE KURIAN JOSEPH

For Appellant(s)

Mr. Vivek K. Tankha, Sr. Adv.

Mr. D. Kumanan, Adv.

Mr. B.K. Satija, Adv.

Mr. Niraj Sharma, Adv.

Mr. B. S. Banthia, Adv.

For Respondent(s)

Mr. B. S. Banthia, Adv.

Mr. A. S. Bhasme, Adv.

Mr. Rajesh Singh, Adv.

Mr. Saurabh Mishra, Adv.

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

The civil appeals as well as contempt petition are
dismissed in terms of the signed order.

Pending applications, if any, are also disposed of
accordingly.

(Ashok Raj Singh)

Court Master

(Veena Khera)

Court Master

(Signed Order is placed in the file)