

CORRECTED

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2068 OF 2011

PRADEEP RAI

..... APPELLANTS(S)

Vs.

STATE OF M.P.& Ors.

.....RESPONDENT(S)

WITH

CIVIL APPEAL NO. 2069 OF 2011

O R D E R

None appears on behalf of the Appellants.

The short question involved in this matter is whether Section 29A(4) and (6) of the M.P. Nagarpalika Vidhi (Sanshodhan) Adhiniyam, 2007 read with Rule 3(3) and 3(5) of the M.P. Municipalities (Reservation of Wards for Scheduled Caste, Scheduled Tribes, Other Backward Classes and Women) Rules, 1994 are valid or not.

Basically these rules provide for reservation of seats exceeding 33% but not exceeding 50%. The case of the appellants is that if the vertical reservation is made in favour of the Scheduled Castes and Scheduled Tribes and other backward classes then the reservation is more than 50%. This position is not correct because the reservation for women is across the spectrum of the vertical reservation and horizontal reservation and this matter is squarely covered by the judgment of this Court in (2010) 7 SCC 202 wherein it has been held as under:

"64. In the absence of explicit constitutional guidance as to the quantum of reservation in favour of backward classes in local self-government, the rule of thumb is that of proportionate reservation. However, we must lay stress on the fact that the upper ceiling of 50% (quantitative limitation) with respect to vertical reservations in favour of SCs/STs/OBCs should not be breached. On the question of breaching this upper ceiling, the arguments made by the petitioners were a little misconceived since they had accounted reservations in favour of women to assert that the 50% ceiling had been breached in some of the States. This was clearly a misunderstanding of the position since the horizontal reservations in favour of women are meant to intersect with the vertical reservations in favour of SCs/STs/OBCs, since one-third of the seats reserved for the latter categories are to be reserved for women belonging to the same. This means that seats earmarked for women belonging to the general category are not accounted for if one has to gauge whether the upper ceiling of 50% has been breached."

In view of the above, we feel no merit in these appeals.
The Appeals are disposed of accordingly.

Pending application(s), if any, shall stand(s) disposed of.

.....J.
(DEEPAK GUPTA)

.....J.
(HEMANT GUPTA)

New Delhi;
6Th February, 2020.

ITEM NO.111

COURT NO.14

CORRECTED*1
SECTION IV-A

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

Civil Appeal No(s). 2068/2011

PRADEEP RAI

Appellant(s)

VERSUS

STATE OF M.P.. & ORS.

Respondent(s)

WITH

C.A. No. 2069/2011 (IV-A)

Date : 06-02-2020 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE HEMANT GUPTA

For Appellant(s)

Mr. Amalpushp Shroti, AOR(NP)

Mr. Sanjay K. Agrawal, AOR(NP)

For Respondent(s)

Mr. Harsh Parashar, AOR
Ms. Chanatya Sharma, Adv.
Ms. Tanvi Bhatnagar, Adv.

Mr. B. S. Banthia, AOR

UPON hearing the counsel the Court made the following

O R D E R

None appears on behalf of the Appellants.

The Appeals are disposed of.

Pending applications, if any, stand disposed of.

(SUMAN WADHWA)
AR CUM PS

(PRADEEP KUMAR)
BRANCH OFFICER

Signed order is placed on the file.

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