



**IN THE HIGH COURT OF KARNATAKA AT
BENGALURU**

DATED THIS THE 6TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 13520 OF 2018 (GM-RES)

C/W

WRIT PETITION NO. 13771 OF 2018 (GM-RES)

WRIT PETITION NO. 14130 OF 2018 (GM-RES)

WRIT PETITION NO. 14236 OF 2018 (GM-RES)

WRIT PETITION NO. 17193 OF 2018 (GM-RES)

IN WP No. 13520/2018

BETWEEN:

1. THE BACKWARD AND MINORITIES FISH
PRODUCTION
AND SALES CO OPERATIVE SOCIETY LTD.,
JAKKUR VILLAGE, JAKKUR POST,
YELAHANKA HOBLI,
BANGALORE 560 064
REPRESENTED BY ITS SECRETARY,
SRI JOCKIM.
2. THE KRISTHA FISHEERMENS
CO OPERATIVE SOCIETY LTD.,
BEGUR, BANGALORE SOUTH TALUK
BANGALORE 560 068
REPRESENTED BY ITS SECRETARY,
SRI P T ANTHONY RAJU.
3. THE SRI MUNESHWARASWAMI FISHERMEN
CO OPERATIVE SOCIETY LTD



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VALEPURA, VARTHUR POST,
VARTHUR HOBLI,
BANGALORE - 560 087
REPRESENTED BY ITS SECRETARY
SRI M MADAN KUMAR.

4. THE MATHSYA KANYA FISHERMEN
CO OPERATIVE SOCIETY LTD
NO.133, 1ST CROSS,
BALAJI LAYOUT
MALLATHAHALLI MAON ROAD,
BANGALORE - 560 064
REPRESENTED BY ITS SECRETARY
SRI T L SIDDALINGAIAH.
5. THE MARIYA FISH PRODUCTION
AND SALE CO OPERATIVE SOCIETY LTD.,
NO.201, RACHENAHALLI,
K R PURAM HOBLI,
BANGALORE - 560 077.
REPRESENTED BY ITS SECRETARY
SRI HRUDAYA RAJU

...PETITIONERS

(BY SRI. M SREENIVASA.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF ANIMAL
HUSBANDARY & FISHERIES
VIDHANA SOUDHA
DR B R AMBEDKAR VEEDHI,
BANGALORE - 560 001
REPRESENTED BY ITS SECRETARY.
2. THE STATE OF KARNATAKA
DEPARTMENT OF ANIMAL
HUSBANDARY & FISHERIES
VIDHANA SOUDHA
DR B R AMBEDKAR VEEDHI,
BANGALORE 560 001



REPRESENTED BY ITS UNDER SECRETARY.

3. THE DIRECTOR OF FISHERIES
GOVERNMENT OF KARNATAKA
VISHWESWARAIAH TOWERS,
2ND FLOOR, DR B R AMBEDKAR VEEDHI,
BANGALORE - 560 001.
4. MAHILA MEENUGARARA SAHAKARA
SANGA NIYAMITHA,
KERERBEEDI, KURUPETE,
KANAKPURA, RAMANAGARA DIST.
REPRESENTED BY ITS SECRETARY.
SMT. PRAMILA, D/O MAHADEV,
AGED ABOUT 26 YEARS,
R/O KERERBEEDI, KURUPTE,
KANAKPURA, RAMANAGARA DIST.
5. SRI GANGA PARAMESHWARI MEENUGARARA
SANGA NIYAMITHA,
REPRESENTED BY ITS PRESIDENT.
S/O LATE SIDDIAIAH,
AGED ABOUT 37 YEARS,
SRI. RAJINIKANTH,
R/A, KOTHATTI HOBLI,
GANDINAGARA, MANDYA DIST. MANDYA.
6. HARURU MEENUGARARA GANGAMATHASTARA
(BESTARA) SAHAKARA SANGHA,
HARURU, CHANNAPATNA, TALUK,
RAMANAGARA DIST,
REPRESENTED BY ITS SECRETARY.
SRI. H. CHALUVARAJA
S/O SRI.CHELUVAIAH.
7. MEENUGARARA SAHAKARA SANGA,
ARAKERE, SRIRANGAPATANA TALUK,
MANDYA DIST,
REPRESENTED BY ITS SECRETARY.
SRI. KRISHNA
S/O SRI. DEVAIAH,



AGED ABOUT 54 YEARS.

8. SRI GANGA PARAMESHWARI MEENUGARARA
SAHAKARA SANGHA
KIRAGAVAL, MALAVALLI TALUK,
MANDYA DIST.
REPRESENTED BY ITS SECRETARY.
SRI. MAHADEVA
S/O CHIKKAMADAIH,
AGED ABOUT 45 YEARS
9. CHETHAN C
S/O CHALUVARAJU
AGED ABOUT 28 YEARS
R/AT . KESTHUR VILLAGE
MADDUR TALUK
MANDYA DISTRICT - 571 2429.
10. ESHWARA
S/O M. MADAIHA
AGED ABOUT 65 YEARS
R/AT NO. 182/1,
DEVARAHOSAHALLI ROAD
YELEKERI, CHANNAPATNA TALUK
RAMANAGAR DISTRICT
(BENGALURU SOUTH) - 562 160.
11. RAJU K.S. S/O SIDDAPPA
AGED ABOUT 41 YEARS
R/AT NO.410, 10TH MAIN ROAD
K.B. TEMPLE STREET
RAJAJINAGAR
BENGALURU NORTH
BENGALURU - 560 010.
12. CHALUVARAYI
S/O CHANNAYYA
AGED ABOUT 41 YEARS
R/AT KESTHUR VILLAGE
MADDUR TALUK
MANDYA DISTRICT - 571 2429.



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13. K.P. SWAMY
S/O PUTTASIDDHAIAH
AGED ABOUT 48 YEARS
R/AT KESTHUR VILLAGE
MADDUR TALUK
MANDYA DISTRICT - 571 429.
14. SIDDANANJAIAH M.N
S/O LATE NAGARAJU S.,
AGED ABOUT 54 YEARS
R/AT NO.308, NEAR RAMAMANDIRA
GANGAMATA BEEDI KOTE
MALLAVALLI TALUK
MANDYA DISTRICT - 571 430.
15. MAHADEVU
S/O NANJUNDAIAH
R/AT HADDI HUCHAMMANA KERI
GANGAMATA BEEDI PETE
MALAVALLI TALUK
MANDYA DISTRICT - 571 430.
16. HANUMANTHARAJU M.V.,
S/O VENKATAPPA
AGED ABOUT 55 YEARS
R/AT NO.117,
ANITHA CONVENT ROAD
4TH CROSS, NES EXTENSION
MALLAVALLI TALUK
MANDYA DISTRICT - 571 430.

...RESPONDENTS

(BY SRI. MAHANTESH SHETTAR AGA FOR R1 TO R3;
SRI. H.N. BASAVARAJU., ADVOCATE FOR R4 TO R8;
SRI. PRATHAP R.R., ADVOCATE FOR PROPOSED
RESPONDENT R9 TO R16)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
QUASH THE AMENDED GUIDELINES ANNEXURE-A DATED



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06.02.2018 MADE IN NO.AHM 168 ME 2017, IN SO FAR IT RELATES TO GUIDELINE NO.4 CLAUSE-(1)(a)(1), RESERVING 90% OF THE FISHING LEASE TO ONE PARTICULAR CASTE THROUGH CO-OPERATIVE SOCIETIES AS INDICATED IN THE APPENDIX ISSUED BY THE RESPONDENT NO.1 AND 2 AND ETC.

IN WP NO. 13771/2018

BETWEEN:

1. PANDAVAPURA PATTANNA MEENUGARARA
SAHAKARA SANGHA LTD.,
PANDAVAPURA TOWN,
(BEHIND URDU SCHOOL)
PANDAVAPURA TALUK,
MANDYA-571434
REPRESENTED BY ITS PRESIDENT.
2. CHAMARAJANAGAR TALUK VRUTHI NIRATHA
PARISISTA JATHI MEENAGARAA MEENU MARATA
SAHAKARA SANGHA LTD.,
CHARAMARAJANAGAR-571313.
REPRESENTED BY ITS PRESIDENT.

...PETITIONERS

(BY SRI. MANMOHAN P N.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF ANIMAL
HUSBANDRY AND FISHERIES
M.S. BUILDING,
BENGALURU-560001.
REPRESENTED BY ITS UNDER SECRETARY.
2. THE DIRECTOR OF FISHERIES
DEPARTMENT OF FISHERIES
3RD FLOOR, PODIUM BLOCK,
DR. AMBEDKAR VEEDHI,
BENGALURU-560 001.



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3. SRI. GUNDAPPA
S/O KALAPPA,
AGED ABOUT 41 YEARS,
R/AT KAUASAPURA @ KITTADHALLI POST,
SHIKARIPURA TALUK,
SHIMOGA DISTRICT-577427.
4. SRI. DANAPPA
S/O HUCHAPPA,
AGED ABOUT 43 YEARS,
R/AT KAUASAPURA @ KITTADHALLI POST,
SHIKARIPURA TALUK,
SHIMOGA DISTRICT-577427.
5. SRI RAJU
S/O NAGAPPA,
AGED ABOUT 42 YEARS,
R/AT KAUASAPURA @, KITTADHALLI POST,
SHIKARIPURA TALUK,
SHIMOGA DISTRICT-577427.
6. SRI KRISHNAPPA
S/O NAGAPPA,
AGED ABOUT 47 YEARS,
R/AT KAUASAPURA @,
KITTADHALLI POST,
SHIKARIPURA TALUK,
SHIMOGA DISTRICT-577 427.
7. SRI CHAND PASHA
S/O NOORULLA,
AGED ABOUT 31 YEARS,
R/AT TAVAREKERE,
CHANNAGIRI TALUK,
DAVANAGERE DISTRIET-577 213,
8. SRI RAJAPPA
S/O CHANDRAPPA,
AGED MAJOR,
R/AT INDIRA COLONY,



SAVALANGA POST, HONNALI TALUK,
DAVANAGERE DISTRICT.

9. SRI SIDHA RAJU,
S/O SANNANAYAKA,
AGED ABOUT 42 YEARS,
R/AT RAMANHALLI VILLAGE,
MYSURU TALUK,
MYSURU DISTRICT.
10. SRI MAHADEVA,
S/O SIDDANAYAKA,
AGED ABOUT 42 YEARS,
R/AT HOSAKALLHALLI VILLAGE,
K.R NAGAR TALUK,
MYSURU DISTRICT.
11. SRI RAMAKRISHANA,
S/O SANNANAYAKA
AGED ABOUT 35 YEARS,
R/AT RAMANHALLI VILLAGE,
MYSURU TALUK,
MYSURU DISTRICT.
12. RAJANAYAKA,
S/O VENKATESHNAYAK,
AGED ABOUT 35 YEARS,
R/AT RAMANHALLI VILLAGE,
MYSURU TALUK,
MYSURU DISTRICT.
13. GANGANAYAKA,
S/O HALLAPPANAYAKA,
AGED ABOUT 35 YEARS
R/AT HOSAKALLHALLI VILLAGE,
K.R NAGAR TALUK,
MYSURU DISTRICT.



14. SRI SHIVANNA,
S/O PAPANAYAKA,
AGED ABOUT 58 YEARS,
R/AT HOSAKALLHALLI VILLAGE,
K.R NAGAR TALUK,
MYSURU DISTRICT.
15. SRI GIRINAYAKA,
S/O KEMPANAYAKA,
AGED MAJOR,
R/AT HOSAKALLHALLI VILLAGE,
K.R NAGAR TALUK,
MYSURU DISTRICT.
16. SRI MADHAPPA
S/O MARANAYAKA AGED MAJOR,
R/AT RAMANHALLI VILLAGE,
MYSURU TALUK,
MYSURU DISTRICT.
17. SRI RAMAKRISHANANAYAKA,
S/O MADHANAYAKA,
AGED ABOUT 48 YEARS,
R/AT HOSAKALLHALLI VILLAGE,
17 K.R NAGAR TALUK,
MYSURU DISTRICT.
18. SRI PUTTANAYAKA,
S/O BASAVANAYAKA
AGED ABOUT 58 YEARS,
R/AT HOSAKALLHALLI VILLAGE,
K.R NAGAR TALUK,
MYSURU DISTRICT.
19. SRI SHIVAKUMARA,
S/O SIDDANAYAKA,
AGED ABOUT 40 YEARS
R/AT HOSURUKALLAHALLI VILLAGE,
K.R NAGAR TALUK,
MYSURU DISTRICT.



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- 20 SRI RAVIKUMAR
S/O HALLPPANAYAKA
AGED ABOUT 42 YEARS
R/AT HOSAKALLHALLI VILLAGE,
K.R NAGAR TALUK,
MYSURU DISTRICT.
21. SRI. SHIVANAYAKA
S/O KARINYAKA,
AGED ABOUT 49 YEARS
R/AT HOSAKALLHALLI VILLAGE,
K.R NAGAR TALUK,
MYSURU DISTRICT.
22. SRI. CHOWDANAYAKA,
S/O SEERANAYAKA,
AGED ABOUT 65 YEARS,
R/AT JABAGERE VILLAGE,
HUNSUR TALUK,
MYSURU DISTRICT.
23. DALIATHA VARGADA MEENUGARARA
SAHAKAARA SANGHA NIYAMITHA
HARASOORA TALUK
KALABURGI DISTRICT
REP BY IT'S SECRETARY
SRI. MARUTHI.

...RESPONDENTS

(BY SRI. MAHANTESH SHETTAR., AGA FOR R1 AND R2;
SRI. AKASH KUMAR GOWDA., FOR R3 TO R8;
SRI. NARENDRA D.V, GOWDA FOR R9 TO R23)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
QUASH THE CORRIGENDUM DATED 06.02.2018 ISSUED BY
THE RESPONDENT NO.1 IN SO FAR AS SL.NO.1 (a) (1) IS
CONCERNED (PRODUCED AS ANNEXURE-D).

IN WP NO. 14130/2018



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BETWEEN:

BUDAKATTU SOLIGARA MEENUGARARA
SAHAKARA SANGH C A LTD.,
CHAMARAJANAGARA TALUK
CHAMARAJANAGARA DISTRICT
REPRESENTED BY ITS SECRETARY.

...PETITIONER

(BY SRI. MANMOHAN P N.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
DEPARTMENT OF ANIMAL
HUSBANDRY AND FISHERIES
M.S BUILDING,
BENGALURU-560 001
REPRESENTED BY ITS UNDER SECRETARY.
2. THE DIRECTOR OF FISHERIES
DEPARTMENT OF FISHERIES
3RD FLOOR, PODIUM BLOCK
DR AMBEDKAR VEEDHI
BENGALURU-560 001.
3. SRI SIDHA RAJU,
S/O SANNANAYAKA,
AGED ABOUT 42 YEARS,
R/AT RAMANHALLI VILLAGE,
MYSURU TALUK,
MYSURU DISTRICT.
4. SRI MAHADEVA,
S/O SIDDANAYAKA,
AGED ABOUT 42 YEARS,
R/AT HOSAKALLHALLI VILLAGE,
K.R NAGAR TALUK,
MYSURU DISTRICT.
5. SRI RAMAKRISHANA,



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S/O SANNANAYAKA
AGED ABOUT 35 YEARS,
R/AT RAMANHALLI VILLAGE,
MYSURU TALUK,
MYSURU DISTRICT.

6. RAJANAYAKA,
S/O VENKATESHNAYAK,
AGED ABOUT 35 YEARS,
R/AT RAMANHALLI VILLAGE,
MYSURU TALUK,
MYSURU DISTRICT.
7. GANGANAYAKA,
S/O HALLAPPANAYAKA,
AGED ABOUT 35 YEARS
R/AT HOSAKALLHALLI VILLAGE,
K.R NAGAR TALUK,
MYSURU DISTRICT.
8. SRI SHIVANNA,
S/O PAPANAYAKA,
AGED ABOUT 58 YEARS,
R/AT HOSAKALLHALLI VILLAGE,
K.R NAGAR TALUK,
MYSURU DISTRICT.
9. SRI GIRINAYAKA,
S/O KEMPANAYAKA,
AGED MAJOR,
R/AT HOSAKALLHALLI VILLAGE,
K.R NAGAR TALUK,
MYSURU DISTRICT.
10. SRI MADHAPPA
S/O MARANAYAKA AGED MAJOR,
R/AT RAMANHALLI VILLAGE,
MYSURU TALUK,
MYSURU DISTRICT.



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11. SRI RAMAKRISHNANAYAKA,
S/O MADHANAYAKA,
AGED ABOUT 48 YEARS,
R/AT HOSAKALLHALLI VILLAGE,
17 K.R NAGAR TALUK,
MYSURU DISTRICT.
12. SRI PUTTANAYAKA,
S/O BASAVANAYAKA
AGED ABOUT 58 YEARS,
R/AT HOSAKALLHALLI VILLAGE,
K.R NAGAR TALUK,
MYSURU DISTRICT.
13. SRI SHIVAKUMARA,
S/O SIDDANAYAKA,
AGED ABOUT 40 YEARS
R/AT HOSURUKALLAHALLI VILLAGE,
K.R NAGAR TALUK,
MYSURU DISTRICT.
- 14 SRI RAVIKUMAR
S/O HALLPPANAYAKA
AGED ABOUT 42 YEARS
R/AT HOSAKALLHALLI VILLAGE,
K.R NAGAR TALUK,
MYSURU DISTRICT.
15. SRI. SHIVANAYAKA
S/O KARINYAKA,
AGED ABOUT 49 YEARS
R/AT HOSAKALLHALLI VILLAGE,
K.R NAGAR TALUK,
MYSURU DISTRICT.
16. SRI. CHOWDANAYAKA,
S/O SEERANAYAKA,
AGED ABOUT 65 YEARS,
R/AT JABAGERE VILLAGE,
HUNSUR TALUK,
MYSURU DISTRICT



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17. MAHILA MEENUGARARA SAHAKARA SANGHA
NIYAMITA, KEREBEEDI,
KURUPETE, KANAKAPURA,
RAMANAGARA DISTRICT,
REPRESENTED BY ITS SECRETARY
SMT. PRAMILA,
D/O MAHADEV,
AGED ABOUT 26 YEARS,
R/O KEREBEEDI, KURUPETE,
KANAKAPURA, RAMANAGAR DISTRICT.
18. SRI GANGA PARAMESHWARI MEENUGARARA
SAHAKARA SANGHA,
REPRESENTED BY ITS PRESIDENT
SRI RAJINIKANTH,
S/O LATE SIDDIAH,
AGED ABOUT 37 YEARS,
R/O KOTHATTI HOBLI,
GANDHINAGARA, MANDY DISTRICT,
MANDYA.
19. HARURU MEENUGARARA GANGAMATHASTARA
(BESTARA) SAHAKARA SANGHA,
HARURU, CHANNAPATNA TALUK,
RAMANAGARA DISTRICT,
REPRESENTED BY ITS SECRETARY
SRI H. CHALUVARAJU,
S/O CHALUVAIAH
20. MEENUGARARA SAHAKARA SANGHA,
ARAKERE, SRIRANGAPATNA TALUK,
MANDYA DISTRICT,
REPRESENTED BY ITS SECRETARY
SRI KRISHNA, S/O DEVAIAH,
AGED ABOUT 54 YEARS
- 21 SRI GANGA PARAMESHWARI MEENUGARARA
SAHAKARA SANGHA,
KIRAGAVAL, MALAVALLI TALUK,
MANDYA DISTRICT,



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REPRESENTED BY ITS SECRETARY
SRI MAHADEVA S/O CHIKKAMADAIAH,
AGED ABOUT 45 YEARS.

...RESPONDENTS

(BY SRI. MAHANTESH SHETTAR, AGA R1 & R2;
SRI. AKARSH KUMAR GOWDA., ADVOCATE FOR R3 TO
R16;
SRI. H.N. BASAVARAJU., ADVOCATE FOR R17 TO R21)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
QUASH THE CORRIGENDUM DATED 06.02.2018 ISSUED BY
THE R-1 IN SO FAR AS SL. NO. 1(a)(1) IS CONCERNED
VIDE ANNEX-C.

IN WP NO. 14236/2018

BETWEEN:

1. SRI GANGA MEENUGARARA SAHAKARA SANGHA (R)
REPRESENTED BY ITS SECRETARY
BILEKAHALLI,
DEVARACHIKKANAHALLI MAIN ROAD,
BANNERGHATTA ROAD,
BANGALORE SOUTH TALUK-560 079.
2. SHREE YELLAMMA THAYI MEENUGARARA
SAHAKARA SANGHA, ®
REPRESENTED BY ITS SECRETARY
VADERA HALLI VILLAGE,
KENGARI HOBLI,
BAGALORE SOUTH TALUK,
BANGALORE-560 062.

...PETITIONERS

(BY SRI. HARISH GANAPATHY.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA



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REPRESENTED BY ITS UNDER SECRETARY,
DEPARTMENT OF ANIMAL
HUSBANDRY & FISHERIES,
VIDHANA SOUDHA,
BANGALORE-560 001.

2. THE DIRECTOR
DEPARTMENT OF FISHERIES,
PODIUM BLOCK, V V TOWERS,
DR AMBEDKAR VEEDHI,
BANGALORE-560 001.
3. THE ASSISTANT DIRECTOR FOR FISHERIES
GRADE-I, OPP:CENTURY CLUB,
K.R.CIRCLE, BANGALORE-560 001.
4. THE ASSISTANT DIRECTOR FOR FISHERIES
GRADE-II,
BANGALORE SOUTH TALUK,
BANGALORE-560 001.

...RESPONDENTS

(BY SRI. MAHANTESH SHETTAR, AGA FOR R1-R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
QUASH THE ORDER DATED 06.02.2018 PASSED BY THE R-1
PRODUCED AT ANNEXURE-D KEEPING RESERVATIONS FOR
FISHERMEN, SCHEDULED CASTE AND SCHEDULED TRIBES.

IN WP NO. 17193/2018

BETWEEN:

1. MEENU UTTPANNA MATTU
MARATAGARARA MAHILA
SAHAKARA SANGHA LTD.,
VISHWANATHA NAGENAHALLI
YAGAPPA LAYOUT, R.T.NAGAR POST,
BENGALURU - 560 032



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REPRESENTED BY ITS SECRETARY
LOURDUSWAMY.

2. MATSYAGANGA FISHERMEN
CO-OPERATIVE SOCIETY LTD.,
NO.2, 2ND CROSS,
ARABIC COLLEGE POST
CHANAKYA LAYOUT, NAGAVARA
BENGALURU - 560 045
REPRESENTED BY ITS SECRETARY
BALRAJ.

...PETITIONERS

(BY SRI. ASHOK B PATIL.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF ANIMAL HUSBANDRY
AND FISHERIES
VIDHANA SOUDHA
AMBEDKAR VEEDHI
BENGALURU - 560 001.
2. THE STATE OF KARNATAKA
DEPARTMENT OF ANIMAL
HUSBANDRY AND FISHERIES,
VIDHANA SOUDHA
DR.B.R.AMBEDKAR VEEDHI,
BANGALORE - 560 001
REPRESENTED BY ITS UNDER SECRETARY.
3. THE DIRECTOR OF FISHERIES
GOVERNMENT OF KARNATAKA
VISHVESWARAIAH TOWER, 2ND FLOOR
AMBEDKAR VEEDHI
BENGALURU - 560 001.

...RESPONDENTS

(BY SRI. MAHANTESH SHETTAR, AGAFOR R1-R3)



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THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED CORRIGENDUM DATD 06.02.2018, ISSUED BY R-2 VIDE ANNEX-F.

THESE PETITIONS, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

1. Petitioners in W.P.No.13520/2018 are before this Court seeking following reliefs:

" 1) *ISSUE a writ in the nature of writ of Certiorari or any other appropriate writ or order, quashing the Amended Guidelines Annexure-A dated 06.02.2018 made in No.AHM 168 MEE 2017, in so far as it relates to Guideline No.4. Clause (1) (a) (1), reserving 90% of the Fishing Lease to one particular Caste through Co-Operative Societies as indicated in the Appendix issued by the Respondent No.1 and 2.*

2) *TO declare that the Amended Guideline Annexure-A dated 06.02.2018 Clause-4 (1) (a) (1) granting 90% of Fishery leasing right of In-land water body in favour of one particular community of Fishermen Co-Operative Society as illegal and ultra-vires of the Constitution of India.*

3) *ISSUE a Writ in the nature of Writ of Mandamus, directing the Respondents to consider the Representations made by the petitioners Annexures - B dated 06.12.2017 & Annexure-C dated 08.12.2017.*

4) *TO direct the respondents to implement the direction issued by the Hon'ble Chief Minister dated 2.1.2018 Annexure-G, and continue to grant fishing lease in respect of the in-land water bodies as per the Government order Annexure E dated 28.1.2006 and Annexure - F dated 21.2.2014.*

5) *ISSUE such other reliefs which this Hon'ble Court may deem fit in the facts and circumstances of the case, including the cost of this Writ Petition, in the interest of justice."*



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1.1 Petitioners in W.P.No.13771/2018 are before this Court

seeking following reliefs:

" (i) Issue a Writ of Certiorari and Quash the corrigendum dated 6.2.2018 No. Pasumme 168 Meee 2017 issued by the respondent No.1 in so far as Sl.No.1 (a) (1) is concerned (Produced as Annexure-"D"); and

(ii) Pass such other and further orders as deemed fit in the facts and circumstances of the case in the interest of justice and equity."

1.2 Petitioner in W.P.No.14130/2018 are before this Court

seeking following reliefs:

" (i) Issue a Writ of Certiorari and Quash the corrigendum dated 6.2.2018 No. Pasumme 168 Meee 2017 issued by the respondent No.1 in so far as Sl.No.1 (a) (1) is concerned (Produced as Annexure-"C"); and

(ii) Pass such other and further orders as deemed fit in the facts and circumstances of the case in the interest of justice and equity."

1.3 Petitioners in W.P.No.14236/2018 are before this Court

seeking following reliefs:

" a) Issue a Writ of Certiorari to Quash the order bearing No. Pasumme/ 168/ Meee/2017 dated 06.02.2018 passed by the respondent No.1 produced at Annexure-'D' keeping reservations for Fishermen, Scheduled Caste and Scheduled Tribes;

b.) Issue a Writ of Mandamus Directing the Respondents to continue the inland fishing business on the base of the existed previous Government Order provided under Government Order bearing No: Pasumme/ 125/ Meee/2013, Bangalore dated 21/02/2014;

c.) Grant any other relief or reliefs as this Hon'ble Court deems fit in the circumstances of the case, in the Interest of Justice and Equity."

1.4 Petitioners in W.P.No.17193/2018 are before this Court

seeking following reliefs:



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" I. Issue an appropriate writ order or direction, quashing the impugned Corrigendum bearing No. PaSuMee 168 Mee 2017, dated 06-02-2018, issued by the 2nd respondent (Annexure-F) in the interest of justice and equity; and

II. Pass such other order as this Hon'ble Court deems fit, on the facts and circumstances of the case, including the award of costs, in the interest of justice and equity."

1.5 These batch of writ petitions are filed by Co-operative Societies which are constituted for the welfare of fishermen belonging to various communities. Since the issues raised in these petitions is with regard to legality of otherwise of the amended guidelines dated 06.02.2018 issued by respondent Nos.1 and 2, so far it relates to guideline No.4, Clause (1)(a)(1), reserving 90% of the fishing lease to one particular caste of the members belonging to the Cooperative Societies, same are taken for analogous disposal.

2. Brief facts of the case are;

2.1 That the petitioners are the Fishermen's Co-Operative Societies, constituted and registered under the provisions of the Karnataka Co-Operative Societies Act and its Rules, Bye-laws framed thereunder. The main objects of the petitioners-Societies are to carryon the



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fishing activities in in-land water bodies, jointly catching the fishes in Streams, Tanks, Cannels, Dams and such other ponds on obtaining the fishing lease from the respondents-Authorities and various such other activities by the members, co-operating each other to eakout and protecting their livelihood

2.2 That the members of the petitioners-Societies belong to Schedule Caste, Schedule Tribe, Christians, Thigals, Muslims, Bestha Community and such other Backward class section of the Society, who have been carrying on the avocation of fishing activities in in-land water bodies from the past several decades and living their livelihood.

2.3 That the respondent-State, with an object of protecting the livelihood of the fishermen's community, issued an order dated 28.01.2006, formulating certain guidelines and decided to grant the fishery leasing right in respect of in-land water bodies on priority basis to the local people belonging to Schedule Caste and Schedule Tribe and other backward class section i.e., Village level, Hobli level, Taluk level and District level.



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2.4 That subsequent to the aforesaid Government order/Guidelines dated 28.01.2006, the respondent-State issued amended Guidelines dated 21.02.2014, in terms of which, priority was sought to be given to local people, while granting fishery rights as provided under Clause - 4 (1) (e) thereof.

2.5 That a proposal was made by the respondent No.3, seeking to amend the Clause - 4 (1) of the amended Government Guidelines dated 21.02.2014, learning about the same, petitioners-Societies and other Societies made representations dated 6.12.2017 and 8.12.2017, to the respondent No.3 requesting not to amend the existing guidelines, but to continue the earlier Government order/Guideline dated 28.01.2006 and amended guideline dated 21.02.2014. However the respondent No.3 without considering the representations or passing any orders thereon, straight away submitted the proposal for Amendment to the respondents No.1 and 2.



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2.6 Petitioners had also made necessary representations to the Chief Minister and concerned Ministers, seeking to withdraw the amendment, who had issued necessary directions to consider the representations of the petitioners.

2.7 That despite aforesaid directions, the respondent-Authorities have proceeded to give effect to the impugned amendment to the guidelines, providing preference to be given to the Societies, who has 90% of its members belonging to a particular community, which is arbitrary, discriminatory and infringing the fundamental rights of equality of the petitioners. Hence, the present writ petitions are filed.

3. Statement of objections filed on behalf of the respondent-State contending inter-alia;

3.1 That Government of Karnataka introduced a new Inland Fisheries Resources Disposal policy vide order No. Pasami/125/MEE/2013 dated 21.02.2014. As per this Policy, disposal of Fishery rights of Public water Bodies,



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such as tanks, reservoirs and etc., were brought within the purview of department of fisheries, who is empowered to dispose fishing rights through, lease, tender-cum-auction and license.

3.2 That the amended Guidelines dated 06.02.2018, is a policy decision of the Government of Karnataka and the same is for the benefit of the local fishermens who are fishing by birth. The said policy decision cannot be struck down for the mere asking by the petitioners herein. The petitioners have no locus-standi for questioning the policy decision.

3.3 That most of the Inland resources of the State are dependent on rain. That there is less number of perennial tanks in the State and majority of the tanks are seasonal. The Government intends to utilize these inland resources to the fullest extent for maximum fish production with the objective of nutritional security employment generation and upliftment of social-economic status of fishermen.



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3.4 That at present as per the Policy, 2014 the applications are first invited from eligible Fisheries Co-operative Societies to lease out inland water resources for a period of 5 years. Apart from the registered Fisheries Cooperative societies in the State, fishermen from other communities (i.e., other than fishermen by caste) have also registered their Fisheries Co-operative Societies under the provisions of the Co-operative Societies Act. These societies are also equally eligible to obtain the lease of fishery rights from the Department and are not deprived of any opportunity to seek lease of inland water resources within their jurisdiction.

3.5 That the above Writ Petitions have been filed by the Backward and Minorities Fish Production and Sales cooperative society ltd., Jakkur village and four other societies seeking quash of the amendment to the clause (1) (a) (1) of guideline No.4 of the Inland Fisheries Resources Disposal Policy 2014. However, the claim by the petitioner is made on the basis of wrong interpretation of the above-said amendment. The



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amendment Pasamee/168/mee/2017, dated 06.02.2018, does not in any way state that 90% of fishery rights of Inland water bodies should be leased in favour of one particular community of fishermen. Instead, it clearly states that while disposing of on lease basis the fishery rights of the water resources, that are within the purview of the Department, first priority should be given to the societies, wherein, in which 90% of the members belong to fishermen caste by birth.

3.6 That certain tanks within Bangalore agglomeration have been leased out to petitioner societies as per the existing leasing policy of the Department and they continue to enjoy the fishery rights till the end of lease period and they are free to claim another period of lease based on the priorities specified in the amendment.

3.7 That in both the notifications dated 28.01.2006 and 21.02.2014 the local fisheries co-operative societies have been given first priority. Even now the same holds good but the first priority is for the fisheries cooperative society whose 90% of its members are fishermen by



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caste which implies that if such a society i.e., either Fishing Co-operative Societies formed by SC/ST fishermen or other Co-operative Societies or fisheries cooperative societies under Karnataka State Co-operative Fishing Federation, Mysore does not exist locally or in the jurisdiction of a particular water body, obviously the existing local society i.e., either Fisheries Co-operative Societies formed by SC/ST fishermen or other Co-operative Societies or fisheries cooperative societies under Karnataka Cooperative Fisheries Federation, Mysore in that jurisdiction would be considered for the first priority or for the remaining priorities whichever is applicable.

3.8 That by the present amendment neither petitioner societies nor its member communities are denied any opportunities for claiming fishing lease. But their priority is ranked next to fishermen whose caste profession is fishing.

3.9 That only priority, given to the real fishermen as fishing, is their caste profession. Other communities are also



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free to claim their fishing rights of inland water bodies under the subsequent priorities and are not deprived of opportunities in any way.

Submissions:

4. Sri. Manmohan P.N., learned counsel along with Sri. M. Sreenivasa, learned counsel appearing for the petitioners, taking this Court through the records, submits;

4.1 That the impugned amendment to the clause No.4 of the policy, 2014 providing reservation for certain co-operative societies whose 90% of members belonged to a particular caste/community as notified in the schedule, is illegal, arbitrary, discriminatory and violative under Article 14 of the Constitution of India.

4.2 That such Corrigendum amending the clause No.4 of the Policy, 2014, has been issued mechanically without any research or survey and without even providing for any object or purpose to be achieved as constitutionally mandated, let alone calling for any objections from the



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general public, more particularly from the petitioners-Societies.

4.3 That the impugned corrigendum has exhibited discrimination and favoritism expressly shown by the State while distributing the public larges. It has also violated the Fundamental rights of the members of the petitioners guaranteed under Article 19(1)(g) of the Constitution of India, as it has not only affected their livelihood directly, but has completely prohibited them from equal participation without any reasons or justifications.

4.4 That the petitioners-Societies consist of members belonging to all communities, caste and creed, which also included socially and economically backward communities and its members.

4.5 That there cannot be any reservation as sought to be done in the instant case, particularly, with regard to the fishing in the inland water resources, which is being



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carried on by all the citizens of the State, cutting across all the caste, creed and religion.

4.6 That the respondent-State is required to justify this classification with reference to the established norms and principles enshrined in the Constitution, which time and again enunciated by the Apex Court.

5. In support of their submissions, learned counsel for the petitioners relied upon the following citations:

- (i) Senior Divisional Commercial Manager, South Central Railways and Others Vs. S.C.R. Caterers, Dry Fruits, Fruit Juice Stalls Welfare Association and Another reported in (2016) 3 SCC 582 ;
- (ii) State of Rajasthan and others Vs. Thakur Pratap Singh reported in AIR 1960 SC 1208 ;
- (iii) M.R. Balaji and others Vs. The State of Mysore and others reported in AIR 1963 SC 649;
- (iv) State of Andhra Pradesh and another Vs. P. Sagar reported in (1968) 3 SCR 595 ;
- (v) Government of Andhra Pradesh Vs. P.B. Vijayakumar and another reported in (1995) 4 SCC 250;
- (vi) Akhil Bhartiya Upbhokta Congress Vs. State of Mandhya Pradesh and others reported in (2011)5 SCC 29; and
- (vii) Devesh Sharma Vs. Union of India and Ors reported in (2023) 18 SCC 339.

6. Learned AGA reiterating the contents of the statement of objection filed in W.P.No.13771/2018, justifying the impugned corrigendum, submits;



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6.1 that the amended guidelines dated 06.02.2018 is a policy decision of the State, brought solely keeping in mind the benefit of the local fishermen, who are pursuing their avocation by birth. Such policy decision of a State cannot be struck down for a mere asking by the petitioners, who have no locus-standi to question such policy.

6.2 That in the matter of policy decisions, the Court shall be circumscribed in exercise of its power under Article 226 of the Constitution of India.

6.3 That the petitioners cannot question the wisdom of the State which has, after considering the social, economic status of the certain members of the caste, who are fisherman by birth as mentioned in the schedule to the impugned notification has provided such reservation.

6.4 In support of his submission, he relies upon the following judgments:

- (i) Punjab State Power Corporation Vs. EMTA Coal reported in (2022) 2 SCC 1;
- (ii) State of Maharashtra and another Vs. Bhagwan and others reported in (2022) 4 SCC 193.



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7. Hence, seeks for dismissal of the petitions.

8. Heard and perused the records.

9. Point that arise for consideration is :

" Whether the impugned corrigendum dated 06.02.2018 as per Annexure-A is arbitrary, discriminatory and fails the test of reasonableness in classification warranting grant of relief as sought for? "

10. That the respondent-State by Order dated 21.02.2014, as per Annexure-F in W.P.No.13520/2024, while cancelling its earlier policy with regard to disposal of fishery rights issued vide Government Order No.AHF 167 SFM 2005, dated 28.01.2006, introduced a comprehensive policy for disposal of fishery rights of inland water resources, known and called as 'Disposal Policy of Inland Fishery Water Resources, 2014'.

11. That the reasons assigned for passing the said order was to have a comprehensive leasing policy for disposal of fishery rights of inland water resources of the State in order to maximize the fish production in inland water resources, to emphasize the economic and social upliftment by providing self-employment opportunities to



those fishermen who are depending upon fish culture for livelihood and to rectify the flaws in existing leasing policy by incorporating directions that were purportedly issued by this Court.

12. That the said Policy, 2014 had laid down criteria with regard to classification of inland waters, classification of tanks, jurisdictions, classification of reservoirs and river stretches.
13. Grievance of the petitioners is that when the policy, 2014 was effective and was catering to requirement of all the social, economic needs of the State, impugned notification dated 06.02.2018, titled as 'Corrigendum' came to be issued, in terms of which clause 4(1)(a)(1) of the said policy, 2014 came to be amended. In terms of which, priority was sought to be given to those co-operative societies having membership of minimum 90% of people belonging to fishery communities, details of caste of such fishery communities is as per the Annexure enclosed to the Corrigendum.



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14. It is this Corrigendum and publishing of the names of the Caste in the schedule to the said Corrigendum which has constrained the petitioners to approach this Court seeking reliefs as noted above alleging discrimination, violation of the constitutional policy contained under Articles 15 and 16, in State not adhering to the constitutional mandate.

15. Paragraph Nos.3 and 4 of the Policy, 2014 laid down guidelines for classification for reservoirs, rivers stretches as well as types of disposals of fishery rights by way of lease. Paragraph No.6 provided for tenure of such leases. Paragraph Nos.3, 4 and 6 of the policy read as under:

" **Para-3:-**

CLASSIFICATION OF INLAND WATER RESOURCES

I. Classification of tanks.

1) Tanks in the Jurisdiction of Department of Fisheries.

- a) All the Government owned water resources having achcut area more than 40 ha.
- b) All the Government owned water resources having achcut area upto 40 ha which are in the jurisdiction of local bodies/ Pattana Panchayath/ City Municipals/ Municipal Corporation/ City Corporation etc., other than Grama Panchayats.

2) Grama Panchayat Tanks:

All the water resources having achcut area upto 40 ha (RDPR order No.ಗ್ರಾ.ಅಪ:165:ಜಿಪಪ:2002 ದಿ:01.03.2004 & 05.04.2004) Government has



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ordered that right to develop fisheries & disposal of fishery rights is vested with Grama Panchayath.

II. Classification of Reservoir

- 1. Small Reservoirs (Reservoirs having WSA up to 1000 ha)*
- 2. Medium Reservoirs (Reservoirs having WSA between 1000 ha to 5000 ha)*
- 3. Large Reservoirs (Reservoirs having WSA more than 5000 ha)*

III. River stretches:

A portion of 25 km length of a river or portion of river less than 25 km up to the border of taluks.

IV. Estuaries"

"Para-4

Types of Disposal

1) Lease:

- a) First the water resources shall be leased for the period of 5 years by inviting application from eligible Fisheries Co-operative Societies, the Fisheries Cooperative Society which submits application shall meet eligibility conditions specified in Annexure-I and shall submit required documents.*
- b) For each eligible Fisheries Cooperative Society, subject to the Jurisdiction approved in their bye-law, two tanks not exceeding total water spread area of 300 ha or, one reservoir as listed in Annexure-2 or two river stretches shall be considered for leasing (in case only water resources having water spread area more than 300 ha are available, fisheries rights of only one water resource then FCS shall be eligible for lease of only one water resource).*
- c) In case where more than one FCS having jurisdiction of the tank, apply for lease, then the priority shall be given to village level FCS., then to Hobli level, Taluka level or District level FCS respectively.*
- d) In case more than one FCS having the same Jurisdiction apply for lease of one water resource, then the disposal shall be done by conducting auction amongst the eligible FCS who have applied.*
- e) Only selected river stretches/estuaries shall be considered for leasing to FCS or to such organization established for conservation of fish species conservation of biodiversity or protection of special variety of fish species subject to maximum two river stretches. Such wildlife organisations shall be registered organisations, involved in fish species conservation*



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and shall have specified fish conservation' as one of their objectives in their bye-law.

2) Tender-cum-Auction:

Such water resources which are not disposed by leasing shall be disposed through Tender-cum-Auction for a maximum period of 5 years by giving more publicity. In this method first auction shall be conducted, and then the tender forms shall be opened. The highest amount mentioned amongst the tender forms or the highest bid amount mentioned during auction which ever out of these two is higher such amount shall be considered as the lease amount for the first year.

3) Licensing:

In this method permit is issued to professional fishermen or sport fishermen by fixing specified fee, place and period to carry out fishing. Fishing shall be carried out only by issuing licences by levying fees as mentioned in Para-15, in selected reservoir of the State (Reservoirs listed in Annexure-3 of this order), all the estuaries and river stretches which are not leased."

"Para-6

FISHERIES FASLI YEAR AND LEASE PERIOD

The Period between July 1st of every year to June 30th of next year is to be considered Fisheries fasli year. The fishery rights either through lease or Tender cum Auction is to be disposed for a period of maximum 5 years. But the licenses of the professional fishermen is limited to the particular fisheries fasli year. Licences and lease orders issued in the middle of the fasli year also ends at the end of the fisheries fasli year"

16. Reading of clause 4(1)(a) to (e) do not indicate any classification or reservation made for the purpose of granting fishery rights on the basis of caste and communities of the members of fishing co-operative societies.



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17. The impugned corrigendum and the schedule annexed to the same, providing description of caste to whom 90% reservation, while granting fishing rights reads as under:

" ಹಾಲಿ ಜಾರಿಯಲ್ಲಿರುವುದು	ಕೆಳಗಿನಂತೆ ತಿದ್ದುಪಡಿ / ಸೇರ್ಪಡೆ ಮಾಡಲಾಗಿದೆ
<u>ಕಂಡಿಕೆ 4 ವಿಲೇವಾರಿ ಗುತ್ತಿಗೆ</u> 1) ಅ) ಬಲಸಂಪನ್ಮೂಲಗಳನ್ನು ಅರ್ಹ ಮೀನುಗಾರರ ಸಹಕಾರ ಸಂಘಗಳಿಂದ ಅರ್ಜಿಗಳನ್ನು ಆಹ್ವಾನಿಸಿ ಗರಿಷ್ಠ 5 ವರ್ಷಗಳ ಅವಧಿಗೆ ಗುತ್ತಿಗೆ ನೀಡುವುದು.	1) ಅ) ಇಲಾಖಾ ವ್ಯಾಪ್ತಿಗೆ ಬರುವ ಎಲ್ಲಾ ಜಲ ಸಂಪನ್ಮೂಲಗಳ ಮೀನು ಪಾಶುವಾರು ಹಕ್ಕನ್ನು ಈ ಕೆಳಗೆ ಕಾಣಿಸಿದಂತೆ ಸಂಘ/ಸಂಸ್ಥೆಗಳಿಗೆ ಮಾತ್ರ ನೀಡುವಂತೆ ಆದ್ಯತೆ ಮೇರೆಗೆ 5 ವರ್ಷಗಳ ಅವಧಿಗೆ ಗುತ್ತಿಗೆ ನೀಡತಕ್ಕದ್ದು. 1. ಮೀನುಗಾರರ ಸಮುದಾಯಕ್ಕೆ ಸೇರಿದ ಕನಿಷ್ಠ ಶೇ.90 ರಷ್ಟು ಮೀನುಗಾರರನ್ನು ಸದಸ್ಯರಾಗಿ ಮೀನುಗಾರರ ಹೊಂದಿರುವ ಸಹಕಾರ ಸಂಘಗಳಿಗೆ (ಮೀನುಗಾರರ ಸಮುದಾಯಕ್ಕೆ ಸೇರಿದ ಜಾತಿಗಳ ವಿವರಗಳನ್ನು ಅನುಬಂಧದಲ್ಲಿ ಲಗತ್ತಿಸಿದೆ). 2. ಪರಿಶಿಷ್ಟ ಜಾತಿ ಮತ್ತು ಪರಿಶಿಷ್ಟ ವರ್ಗದ ಮೀನುಗಾರರ ಸಹಕಾರ ಸಂಘಗಳು. 3. ಇತರೇ ಮೀನುಗಾರರ ಸಹಕಾರ ಸಂಘಗಳು. 4. ಮೀನುಗಾರರ ಸಹಕಾರ ಸಂಘಗಳ ಸಹಕಾರಿ ಒಕ್ಕೂಟಗಳು/ಕರ್ನಾಟಕ ಸಹಕಾರಿ ಮೀನುಗಾರಿಕೆ ಮಹಾಮಂಡಳಿ ನಿ., ಮೈಸೂರು."



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Description of Castes belonging to the Fishermen Community
Schedule

Sl.No.	Name of the caste	Sl.No.	Name of the caste
1)	Bestha	20)	Jalagara
2)	Ambiga/Ambi	21)	Kabeera/ Kabeer
3)	Bharki/Barika	22)	Kabbera/Kabber
4)	Besthar	23)	Kabbeeliga
5)	Bhoyi	24)	Kabali
6)	Rajabhoyi	25)	Kahar
7)	Bunde Besthar	26)	Kharvi/Kokana Kharvi
8)	Dalji	27)	Koli
9)	Davath	28)	Koli Maahadev
10)	Gabit	29)	Maddar
11)	Galadakonkani	30)	Meenugar
12)	Gangemakkalu	31)	Mogaveera
13)	Gangakoola	32)	Moger
14)	Gangamatha	33)	Mukvavaan
15)	Gangamathastha	34)	Parivara
16)	Gangaputra	35)	Siviyar
17)	Gowrimatha	36)	Sunagara
18)	Bundebestha/ Gundebestha	37)	Thoreyaa
19)	Harakantra	38)	Paagi

18. Thus by way of corrigendum referred to above, respondent-State has sought to provide reservation to those Co-operative Societies, whose minimum 90% of its members belonged to and consists of fishermen communities, whose name are annexed to the said Corrigendum.

19. Power of the state in making special provision for the advancement of any socially and educationally backward



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classes of a citizen or for the Scheduled Castes and Scheduled Tribes is recognised and the same is enshrined in clause (4) of the Article 15 of the Constitution of India. However, it is the burden on the State to prove, establish and justify that such power is exercised with absolute reasonableness without offending Articles 14, 16 and 19 of the Constitution of India as well.

20. The Apex Court in the case of **SRI RAMAKRISHNA DALMIA Vs S.R.TENDOULKAR AND OTHERS** reported in **1958 SCC Online SC 6** on the principles of test under Article 14 of the Constitution of India, at paragraph Nos.11 and 12 as held as under:

11..........*The principle enunciated above has been consistently adopted and applied in subsequent cases. The decisions of this Court further establish—*

(a) that a law may be constitutional even though it relates to a single individual if, on account of some special circumstances or reasons applicable to him and not applicable to others, that single individual may be treated as a class by himself;

(b) that there is always a presumption in favour of the constitutionality of an enactment and the burden is upon him who attacks it to show that there has been a clear transgression of the constitutional principles;

(c) that it must be presumed that the legislature understands and correctly appreciates the need of its own people, that its laws are directed to problems made manifest by experience and that its discriminations are based on adequate grounds;



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(d) that the legislature is free to recognise degrees of harm and may confine its restrictions to those cases where the need is deemed to be the clearest;

(e) that in order to sustain the presumption of constitutionality the court may take into consideration matters of common knowledge, matters of common report, the history of the times and may assume every state of facts which can be conceived existing at the time of legislation; and

(f) that while good faith and knowledge of the existing conditions on the part of a legislature are to be presumed, if there is nothing on the face of the law or the surrounding circumstances brought to the notice of the court on which the classification may reasonably be regarded as based, the presumption of constitutionality cannot be carried to the extent of always holding that there must be some undisclosed and unknown reasons for subjecting certain individuals or corporations to hostile or discriminating legislation.

The above principles will have to be constantly borne in mind by the court when it is called upon to adjudge the constitutionality of any particular law attacked as discriminatory and violative of the equal protection of the laws.

12. *A close perusal of the decisions of this Court in which the above principles have been enunciated and applied by this Court will also show that a statute which may come up for consideration on a question of its validity under Article 14 of the Constitution, may be placed in one or other of the following five classes:*

*(i) A statute may itself indicate the persons or things to whom its provisions are intended to apply and the basis of the classification of such persons or things may appear on the face of the statute or may be gathered from the surrounding circumstances known to or brought to the notice of the court. In determining the validity or otherwise of such a statute the court has to examine whether such classification is or can be reasonably regarded as based upon some differentia which distinguishes such persons or things grouped together from those left out of the group and whether such differentia has a reasonable relation to the object sought to be achieved by the statute, no matter whether the provisions of the statute are intended to apply only to a particular person or thing or only to a certain class of persons or things. Where the court finds that the classification satisfies the tests, the court will uphold the validity of the law, as it did in *Chiranjitlal Chowdhri v. Union of India* [1950 SCC 833] *State of Bombay v. F.N. Balsara* [1951 SCC 860] *Kedar Nath Bajoria v. State of West Bengal* [(1953) 2 SCC 142] , *S.M. Syed Mohammad & Company v. State of Andhra* [(1954) SCR 1117] , and *Budhan Choudhry v. State of Bihar* [(1955) 1 SCR 1045] .*



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(ii) A statute may direct its provisions against one individual person or thing or to several individual persons or things but no reasonable basis of classification may appear on the face of it or be deducible from the surrounding circumstances, or matters of common knowledge. In such a case the court will strike down the law as an instance of naked discrimination, as it did in *Ameerunnissa Begum v. Mahboob Begum* [(1952) 2 SCC 697] and *Ramprasad Narain Sahi v. State of Bihar* [(1953) 1 SCC 274] .

(iii) A statute may not make any classification of the persons or things for the purpose of applying its provisions but may leave it to the discretion of the Government to select and classify persons or things to whom its provisions are to apply. In determining the question of the validity or otherwise of such a statute the court will not strike down the law out of hand only because no classification appears on its face or because a discretion is given to the Government to make the selection or classification but will go on to examine and ascertain if the statute has laid down any principle or policy for the guidance of the exercise of discretion by the Government in the matter of the selection or classification. After such scrutiny the court will strike down the statute if it does not lay down any principle or policy for guiding the exercise of discretion by the Government in the matter of selection or classification, on the ground that the statute provides for the delegation of arbitrary and uncontrolled power to the Government so as to enable it to discriminate between persons or things similarly situate and that, therefore, the discrimination is inherent in the statute itself. In such a case the court will strike down both the law as well as the executive action taken under such law, as it did in *State of West Bengal v. Anwar Ali Sarkar* [(1952) 1 SCC 1] *Dwarka Prasad Laxmi Narain v. State of Uttar Pradesh* [(1954) SCR 803] and *Dhirendra Krishna Mandal v. Superintendent and Remembrancer of Legal Affairs* [(1955) 1 SCR 224] .

(iv) A statute may not make a classification of the persons or things for the purpose of applying its provisions and may leave it to the discretion of the Government to select and classify the persons or things to whom its provisions are to apply but may at the same time lay down a policy or principle for the guidance of the exercise of discretion by the Government in the matter of such selection or classification, the court will uphold the law as constitutional, as it did in *Kathi Raning Rawat v. State of Saurashtra* [(1952) 1 SCC 215] .

(v) A statute may not make a classification of the persons or things to whom their provisions are intended to apply and leave it to the discretion of the Government to select or classify the persons or things for applying those provisions according to the policy or the principle laid down by the statute itself for guidance of the exercise of discretion by the Government in the matter of such selection or classification. If the Government in making the selection or classification does not proceed on or follow such policy or principle, it has been held by this Court e.g. in *Kathi Raning Rawat v. State of Saurashtra* that in such a



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case the executive action but not the statute should be condemned as unconstitutional.

21. Hon'ble Apex Court in the case of ***Senior Divisional Commercial Manager, South Central Railways and Others Vs. S.C.R. Caterers, Dry Fruits, Fruit Juice Stalls Welfare Association and Another*** reported in ***(2016) 3 SCC 582***, dealing with dispute regarding Catering Policy, 2010 at paragraph Nos.25, 27 and 30 held as under:

25. Article 14 of the Constitution of India mandates that State action must not be arbitrary and discriminatory. It must also not be guided by any extraneous considerations which are antithetical to equality. A three-Judge Bench of this Court in Ramana Dayaram Shetty v. International Airport Authority of India [(1979) 3 SCC 489] held as under : (SCC p. 512, para 21)

"21. ... It must, therefore follow as a necessary corollary from the principle of equality enshrined in Article 14 that though the State is entitled to refuse to enter into relationship with any one, yet if it does so, it cannot arbitrarily choose any person it likes for entering into such relationship and discriminate between persons similarly circumstanced, but it must act in conformity with some standard or principle which meets the test of reasonableness and non-discrimination and any departure from such standard or principle would be invalid unless it can be supported or justified on some rational and non-discriminatory ground."

(emphasis supplied)

27. It is the duty of every welfare State to generate employment. Presently, millions of youth of the country are unemployed. The right to livelihood is a part of right to life, as has been held in Olga Tellis [Olga Tellis v. Bombay Municipal Corpn., (1985) 3 SCC 545] . A vast majority of the unemployed population of the country then, is susceptible to being exploited by the rich and the capitalists. It is the duty of the State, acting through its instrumentalities to ensure that no person in a vulnerable position is exploited. In People's Union for Democratic Rights v. Union of India [People's Union for



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Democratic Rights v. Union of India, (1982) 3 SCC 235] , Bhagwati, J. lamenting on the exploitation of the weak and the powerless held as under : (SCC pp. 240-41, para 2)

"2. ... The rule of law does not mean that the protection of the law must be available only to a fortunate few or that the law should be allowed to be prostituted by the vested interests for protecting and upholding the status quo under the guise of enforcement of their civil and political rights. The poor too have civil and political rights and the rule of law is meant for them also, though today it exists only on paper and not in reality. If the sugar barons and the alcohol kings have the fundamental right to carry on their business and to fatten their purses by exploiting the consuming public, have the chamars belonging to the lowest strata of society no fundamental right to earn an honest living through their sweat and toil? ... civil and political rights, priceless and invaluable as they are for freedom and democracy, simply do not exist for the vast masses of our people. Large numbers of men, women and children who constitute the bulk of our population are today living a sub-human existence in conditions of abject poverty; utter grinding poverty has broken their back and sapped their moral fibre. They have no faith in the existing social and economic system. What civil and political rights are these poor and deprived sections of humanity going to enforce?"

30. In Consumer Education & Research Centre v. Union of India [Consumer Education & Research Centre v. Union of India, (1995) 3 SCC 42] a three-Judge Bench of this Court observed as under : (SCC p. 67, para 18)

"18. ... Social justice, equality and dignity of person are cornerstones of social democracy. The concept 'social justice', which the Constitution of India engrafted, consists of diverse principles essential for the orderly growth and development of personality of every citizen. ... Social justice is a dynamic device to mitigate the sufferings of the poor, weak, Dalits, tribals and deprived sections of the society and to elevate them to the level of equality to live a life with dignity of person. Social justice is not a simple or single idea of a society but is an essential part of complex social change to relieve the poor, etc. from handicaps, penury to ward off distress and to make their life liveable, for greater good of the society at large. In other words, the aim of social justice is to attain substantial degree of social, economic and political equality, which is the legitimate expectation. Social security, just and humane conditions of work and leisure to workman are part of his meaningful right to life and to achieve self-expression of his personality and to enjoy the life with dignity; the State should provide facilities and opportunities to enable them to reach at least minimum standard of health, economic security and civilised living while sharing according to the capacity, social and cultural heritage."

22. The Constitutional Bench of the Apex Court in the case of

M.R. Balaji and others Vs. The State of Mysore and



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others reported in **AIR 1963 SC 649**, dealing with an order passed by the Government of Mysore, placing all the Communities, except Brahmin Communities in the category of Educationally and Socially Backward Classes, Scheduled Castes and Scheduled Tribes reserving 75% of the total seats in the educational institutions, at paragraph Nos.21, 22 to 25, 29 to 31 and 34 held as under:

21. In considering the scope and extent of the expression "Backward Classes" under Article 15(4), it is necessary to remember that the concept of backwardness is not intended to be relative in the sense that any classes who are backward in relation to the most advanced classes of the society should be included in it. If such relative tests were to be applied by reason of the most advanced classes, there would be several layers or strata of backward classes and each one of them may claim to be included under Article 15(4). This position is not disputed before us by the learned Advocate-General for the State. The backwardness under Article 15(4) must be social and educational. It is not either social or educational, but it is both social and educational; and that takes us to the question as to how social and educational backwardness has to be determined.

22. Let us take the question of social backwardness first. By what test should it be decided whether a particular class is socially backward or not? The group of citizens to whom Article 15(4) applies are described as "classes of citizens", not as castes of citizens. A class, according to the dictionary meaning, shows division of society according to status, rank or caste. In the Hindu social structure, caste unfortunately plays an important part in determining the status of the citizen. Though according to sociologists and vedic scholars, the caste system may have originally begun on occupational or functional basis, in course of time, it became rigid and inflexible. The history of the growth of caste system shows that its original functional and occupational basis was later over-burdened with considerations of purity based on ritual concepts, and that led to its ramifications which introduced inflexibility and rigidity. This artificial growth inevitably tended to create a feeling of superiority and inferiority, and to foster narrow caste loyalties.



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Therefore, in dealing with the question as to whether any class of citizens is socially backward or not, it may not be irrelevant to consider the caste of the said group of citizens. In this connection it is, however, necessary to bear in mind that the special provision is contemplated for classes of citizens and not for individual citizens as such, and so, though the caste of the group of citizens may be relevant, its importance should not be exaggerated. If the classification of backward classes of citizens was based solely on the caste of the citizen, it may not always be logical and may perhaps contain the vice of perpetuating the castes themselves.

23. Besides, if the caste of the group of citizens was made the sole basis for determining the social backwardness of the said group, that test would inevitably break down in relation to many sections of Indian society which do not recognise castes in the conventional sense known to Hindu society. How is one going to decide whether Muslims, Christians or Jains, or even Lingayats are socially backward or not? The test of castes would be inapplicable to those groups, but that would hardly justify the exclusion of these groups in toto from the operation of Article 15(4). It is not unlikely that in some States some Muslims or Christians or Jains forming groups may be socially backward. That is why we think that though castes in relation to Hindus may be a relevant factor to consider in determining the social backwardness of groups or classes of citizens, it cannot be made the sole or the dominant test in that behalf. Social backwardness is on the ultimate analysis the result of poverty to a very large extent. The classes of citizens who are deplorably poor automatically become socially backward. They do not enjoy a status in society and have, therefore, to be content to take a backward seat. It is true that social backwardness which results from poverty is likely to be aggravated by considerations of caste to which the poor citizens may belong, but that only shows the relevance of both caste and poverty in determining the backwardness of citizens.

24. The occupations of citizens may also contribute to make classes of citizens socially backward. There are some occupations which are treated as inferior according to conventional beliefs and classes of citizens who follow these occupations are apt to become socially backward. The place of habitation also plays not a minor part in determining the backwardness of a community of persons. In a sense, the problem of social backwardness is the problem of Rural India and in that behalf, classes of citizens occupying a socially backward position in rural area fall within the purview of Article 15(4). The problem of determining who are socially backward classes is undoubtedly very complex. Sociological, social and economic considerations come into play in solving the problem, and evolving proper criteria for determining which classes are socially backward is obviously a very difficult task; it will need an elaborate investigation and collection of data and examining the said data in a rational and scientific way. That is the function of the State which purports to act under Article 15(4). All that this Court is called upon to do in dealing with the



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present petitions is to decide whether the tests applied by the impugned order are valid under Article 15(4). If it appears that the test applied by the order in that behalf is improper and invalid, then the classification of socially backward classes based on that test will have to be held to be inconsistent with the requirements of Article 15(4).

25. What then is the test applied by the State in passing the impugned order? We have already seen that the Nagan Gowda Committee appointed by the State was inclined to treat the caste as almost the sole basis in determining the question about the social backwardness of any community. The committee has no doubt incidentally referred to the general economic condition of the community as a contributory factor; but the manner in which it has enumerated the backward and more backward classes leaves no room for doubt that the predominant, if not the sole, test that weighed in their minds was the test of caste. When we consider the impugned order itself, the position becomes absolutely clear. The impugned order has adopted the earlier order of 10-7-1961, with some changes as to the quantum of reservation, and so, it is necessary to examine the earlier order in order to see what test was applied by the State in classifying the backward classes. In its preamble, the order of 10-7-1961, clearly and unambiguously states that the Committee had come to the conclusion that in the present circumstances, the only practicable method of classifying the Backward Classes in the State is on the basis of castes and communities and the State Government accepts this test. In other words, on the order as it stands there can be no room for doubt that the classification of backward and more backward classes was made by the State Government only on the basis of their castes which basis was regarded as a practicable method. It is true that in support of the inclusion of the Lingayats amongst the Backward Classes the order refers to some other factors, but neither the Report of the Nagan Gowda Committee, nor the orders passed by the State Government on 10-7-1961, and 31-7-1962 afford any indication as to how any test other than that of the caste was applied in deciding the question. The learned Advocate-General has contended that the statement in the preamble of the order of 10-7-1961 should not be literally construed and he has argued that the words used in the relevant portion are inartistic and he has suggested that the order is not based on the sole basis of castes. We are not impressed by this argument. We have considered both the orders in the light of the report and the recommendations made by the Nagan Gowda Committee and we are satisfied that the classification of the socially backward classes of citizens made by the State proceeds on the consideration only of their castes without regard to the other factors which are undoubtedly relevant. If that be so, the social backwardness of the communities to whom the impugned order applies has been determined in a manner which is not permissible under Article 15(4) and that itself would introduce an infirmity which is fatal to the validity of the said classification.



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29. In this connection, it is necessary to add that the sub-classification made by the order between Backward Classes and More Backward Classes does not appear to be justified under Article 15(4). Article 15(4) authorises special provision being made for the really backward classes. In introducing two categories of Backward Classes what the impugned order, in substance purports to do is to devise measures for the benefit of all the classes of citizens who are less advanced, compared to the most advanced classes in the State, and that, in our opinion, is not the scope of Article 15(4). The result of the method adopted by the impugned order is that nearly 90% of the population of the State is treated as backward, and that illustrates how the order in fact divides the population of the State into most advanced and the rest, and puts the latter into two categories of Backward and More Backward. The classification of the two categories, therefore, is not warranted by Article 15(4).

30. That takes us to the question about the extent of the special provision which it would be competent to the State to make under Article 15(4). Article 15(4) authorises the State to make any special provision for the advancement of the Backward Classes of citizens or for the Scheduled Castes and Scheduled Tribes. The learned Advocate-General contends that this article must be read in the light of Article 46, and he argues that Article 15(4) has deliberately and wisely placed no limitation on the State in respect of the extent of special provision that it should make. Article 46 which contains a directive principle, provides that the State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation. There can be no doubt that the object of making a special provision for the advancement of the castes or communities, there specified, is to carry out the directive principle enshrined in Article 46. It is obvious that unless the educational and economic interests of the weaker sections of the people are promoted quickly and liberally, the ideal of establishing social and economic equality will not be attained, and so, there can be no doubt that Article 15(4) authorises the State to take adequate steps to achieve the object which it has in view. No one can dispute the proposition that political freedom and even fundamental rights can have very little meaning or significance for the Backward Classes and the Scheduled Castes and Scheduled Tribes unless the backwardness and inequality from which they suffer are immediately redressed. The learned Advocate-General, however, suggests that the absence of any limitation on the State's power to make an adequate special provision indicates that if the problem of backward classes of citizens and Scheduled Castes and Tribes in any given State is of such a magnitude that it requires the reservation of all seats in higher educational institutions, it would be open to the State to take that course. His argument is that the only test which can be applied is whether or not having regard to the problem which the State is called upon to meet, the provision made is



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reasonably adequate or not. Thus presented, the argument is, no doubt, prima facie attractive, and so, it must be carefully examined.

31. When Article 16(4) refers to the special provision for the advancement of certain classes or Scheduled Castes or Scheduled Tribes, it must not be ignored that the provision which is authorised to be made is a special provision; it is not a provision which is exclusive in character, so that in looking after the advancement of those classes, the State would be justified in ignoring altogether the advancement of the rest of the society. It is because the interests of the society at large would be served by promoting the advancement of the weaker elements in the society that Article 15(4) authorises special provision to be made. But if a provision which is in the nature of an exception completely excludes the rest of the society, that clearly is outside the scope of Article 15(4). It would be extremely unreasonable to assume that in enacting Article 15(4) the Constitution intended to provide that where the advancement of the Backward Classes or the Scheduled Castes and Tribes was concerned, the fundamental rights of the citizens constituting the rest of the society were to be completely and absolutely ignored.

34. A special provision contemplated by Article 15(4) like reservation of posts and appointments contemplated by Article 16(4) must be within reasonable limits. The interests of weaker sections of society which are a first charge on the States and the Centre have to be adjusted with the interests of the community as a whole. The adjustment of these competing claims is undoubtedly a difficult matter, but if under the guise of making a special provision, a State reserves practically all the seats available in all the colleges, that clearly would be subverting the object of Article 15(4). In this matter again, we are reluctant to say definitely what would be a proper provision to make. Speaking generally and in a broad way, a special provision should be less than 50%; how much less than 50% would depend upon the present prevailing circumstances in each case. In this particular case it is remarkable that when the State issued its order on 10-7-1961, it emphatically expressed its opinion that the reservation of 68% recommended by the Nagan Gowda Committee would not be in the larger interests of the State. What happened between 10-7-1961, and 31-7-1962, does not appear on the record. But the State changed its mind and adopted the recommendation of the Committee ignoring its earlier decision that the said recommendation was contrary to the larger interests of the State. In our opinion, when the State makes a special provision for the advancement of the weaker sections of society specified in Article 15(4), it has to approach its task objectively and in a rational manner. Undoubtedly, it has to take reasonable and even generous steps to help the advancement of weaker elements; the extent of the problem must be weighed, the requirements of the community at large must be borne in mind and a formula must be evolved which would strike a reasonable balance between the several relevant



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considerations. Therefore, we are satisfied that the reservation of 68% directed by the impugned order is plainly inconsistent with Article 15(4).

23. The Apex Court in the case of **Devesh Sharma Vs. Union of India and Ors** reported in **(2023) 18 SCC 339**, dealing with the case revolving around the fundamental standards required for elementary education and the scope of judicial review over arbitrary policy decisions, at paragraph Nos.71 to 74 held as under:

71. We have absolutely no doubt in our mind that policy decisions of the Government should normally not be interfered with, by a constitutional court in exercise of its powers of judicial review. At the same time if the policy decision itself is contrary to the law and is arbitrary and irrational, powers of judicial review must be exercised.

72. A policy decision which is totally arbitrary; contrary to the law, or a decision which has been taken without proper application of mind, or in total disregard of relevant factors is liable to be interfered with, as that also is the mandate of law and the Constitution. This aspect has been reiterated by this Court time and again.

73. Judicial review becomes necessary where there is an illegality, irrationality or procedural impropriety. These principles were highlighted by Lord Diplock in Council of Civil Service Unions v. Minister for Civil Service [(1984) 3 WLR 1174]. The above decision has been referred by this Court in State (NCT of Delhi) v. Sanjeev [(2005) 5 SCC 181] . This view was reiterated again by this Court in State of M.P. v. Mala Banerjee [(2015) 7 SCC 698] : (SCC p. 701, para 6)

"6. We also find ourselves unable to agree with the appellants' submission that this is a policy matter and, therefore, should not be interfered with by the courts. In Federation of Railway Officers Assn. v. Union of India [Federation of Railway Officers Assn. v. Union of India, (2003) 4 SCC 289] , this Court has already considered the scope of judicial review and has



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enumerated that where a policy is contrary to law or is in violation of the provisions of the Constitution or is arbitrary or irrational, the courts must perform their constitutional duties by striking it down."

74. In *Brij Mohan Lal v. Union of India* [(2012) 2 SCC (L&S) 177] this Court reiterated on this aspect and made out a distinction as to where an interference to a decision is required, and where it is not : (SCC pp. 546-47, paras 100-101)

"100. Certain tests, whether this Court should or not interfere in the policy decisions of the State, as stated in other judgments, can be summed up as:

(I) If the policy fails to satisfy the test of reasonableness, it would be unconstitutional.

(II) The change in policy must be made fairly and should not give the impression that it was so done arbitrarily on any ulterior intention.

(III) The policy can be faulted on grounds of mala fides, unreasonableness, arbitrariness or unfairness, etc.

(IV) If the policy is found to be against any statute or the Constitution or runs counter to the philosophy behind these provisions.

(V) It is dehors the provisions of the Act or legislations.

(VI) If the delegate has acted beyond its power of delegation.

101. Cases of this nature can be classified into two main classes : one class being the matters relating to general policy decisions of the State and the second relating to fiscal policies of the State. In the former class of cases, the courts have expanded the scope of judicial review when the actions are arbitrary, mala fide or contrary to the law of the land; while in the latter class of cases, the scope of such judicial review is far narrower. Nevertheless, unreasonableness, arbitrariness, unfair actions or policies contrary to the letter, intent and philosophy of law and policies expanding beyond the permissible limits of delegated power will be instances where the courts will step in to interfere with government policy."

24. Viewed in the light of aforesaid position of law, in the instant case no material is placed on record by the



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respondent-State to justify issuance of impugned corrigendum carving out of provision for priority allotment of leasing rights only to those co-operative societies, 90% of whose members belonged to the particular community as per the Annexure enclosed, excluding the others.

25. As already noted above, the Policy, 2014 though provides various guidelines does not in any manner indicate any reservation or preference to be given to any particular member, caste, community, which the impugned Corrigendum seeks to achieve. Except denial and bare justification, the respondent-State has not whispered anything in its statement of objection either, which would remotely suggest its justification in the action.

26. One of the main grounds urged by the petitioners is that the Government/Guidelines dated 21.02.2014, was to govern granting of fishing rights in respect of in-land water bodies. Fishing activities in the in-land water bodies is different and distinct from the fishing activities



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in the Arabian Sea region. The in-land fishing activities depends upon the rainy season and various other environmental and climatic conditions. The caste and communities set-out in the Annexure to the amended guidelines are the members of the communities who are settled in the coastal Karnataka, who have already been granted various Government benefits, subsidies for the purpose of purchase of fishing boats, nets and required fuel. The members of the petitioner-Societies do not have their base activities in the Arabian Sea region. As against these contentions, in the statement of objections the respondent-State has given only one justification for the impugned amendment i.e., providing welfare benefits to the fishermen by birth. Except this, no material is placed on record that would indicate that the respondent-State having taken into consideration or having conducted any survey, research or studies with regard to carving out these many castes to be specially privileged for the purpose of allotment of fishery rights within in-land water resources.



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27. Interestingly, respondent-State seem to have followed the Government order dated 21.10.2011, issued by the Government of Andhra Pradesh to be the basis for carving out reservation to the co-operative Societies, whose 90% of its members are fisherman belonging to the caste and communities named in the notification. The other reason provided at paragraph No.11 of the statement of objections is that the people belonging to other castes, intentionally declare their profession as fishing and enjoy the benefit given by the Government, at the cost of real poor fishermen.
28. The aforesaid reasoning hardly meets the constitutional mandate for providing reservation to a particular community without meeting the required criteria. Thus, the aforesaid repeated reiteration and enunciation of law by the Hon'ble Apex Court leaves no doubt that any policy, even if it is in purported exercise of power under clause (4) of Article 15, the State is required to explain and justify its actions, lest the same is liable to be struck down as unconstitutional.



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29. In these circumstances, this Court do not see any reason to sustain the impugned corrigendum as the same suffers from the vice of unconstitutionality, exhibiting sheer discrimination. Accordingly, following:

ORDER

- (i) Petitions are ***allowed***.
- (ii) Impugned Corrigendum dated 06.02.2018, bearing No.AHM 168 MEE 2017, issued by respondent No.1 is hereby quashed.

**Sd/-
(M.G.S. KAMAL)
JUDGE**

RL
List No.: 1 Sl No.: 26