

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7868 of 2016

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Sujeet Patel, S/o Laxmi Patel, resident of Village- Rasulpur, Post- Sain, P.S.-
Belsar, District- Vaishali

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Social Justice and Empowerment Govt. of India, New Delhi.
2. The Secretary Ministry of Law and Justice Govt. of India, New Delhi.
3. The Secretary, Ministry of Home Govt. of India, New Delhi.
4. The Secretary, Ministry of Labour and Employment, Govt. of India, New Delhi.
5. The Secretary, Ministry of Personal Public Grievances, Govt. of India New Delhi.
6. That the State of Bihar, through the Chief Secretary, Govt. of Bihar, Patna.
7. That Principal Secretary, Dept. of Social Welfare Govt. of Bihar, Patna.
8. The Principal Secretary Dept. of Home Govt. of Bihar, Patna.
9. That Principal Secretor Dept. of Labour Resources and Employment, Govt. of Bihar, Patna.
10. The Principal Secretary Dept. of General Administration Govt. of Bihar, Patna.

.... Respondent/s

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Appearance:

For the Petitioner/s : Dr. Bipin Chandra, Advocate.
For the Union of India : Mr. S. D. Sanjay, A.S.G.
For the State : Mr. Brajesh Kumar, AC to AAG-4.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 10-02-2017

The petitioner claims reservation of orphan children in the category of backward class who have no known caste mark but are extremely backward in all respects.

Article 15(4) of the Constitution enables the State to make special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes. The socially and educationally



backward classes of citizens are the caste based classification rather than the economy based classification. Therefore, even if, the object of the petition is laudable, but since the Constitution does not provide for economic based reservation, therefore, there cannot be any direction to provide reservation which is not provided by the Constitution in exercise of writ jurisdiction of this Court.

Consequently, we do not find any merit in the present writ application and the same is dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

Mishra

AFR/NAFR	A.F.R.
CAV DATE	N.A.
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