

NAFR

HIGH COURT OF CHHATTISGARH BILASPUR**Writ Petition (C) No.2371 of 2020**

1. Youth For Equality, Office At P-21, South Extension Part - II, New Delhi - 110049, Through Its President Dr. Kaushal Kant Mishra S/o Shri Krishna Kant Mishra, Aged About 45 Years, R/o Flat No 3 And 4, S R K Apartments, Part -1, Sultanpur Delhi - 110030 By Profession - Senior Consultant At Primus Super Specialty Hospital, New Delhi.
2. Anjali Singh D/o Santosh Kumar Singh Aged About 26 Years R/o Ward No 28 Pandit Din Dayal Puram, Khursipar Bhilai District Durg Chhattisgarh.

---- Petitioners**Versus**

1. State of Chhattisgarh Through - The Secretary Department of Law And Legislative Affairs, Mantralaya Mahanadi Bhawan, New Raipur Atal Nagar Raipur Chhattisgarh.
2. State of Chhattisgarh Through - The Secretary General Administration Department, Mantralaya Mahanadi Bhawan, New Raipur Atal Nagar Raipur Chhattisgarh.

---- Respondents

For Petitioners	: Shri Gopal Sankaranarayan, Senior Advocate with Shri Nishikant Sinha, Advocate.
For Respondent/State	: Shri Vikram Sharma, Deputy Govt. Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Sanjay Agrawal, Judge

Order on Board**P. R. Ramachandra Menon, Chief Justice****14.10.2020**

1. The Petitioners have moved this Court with the following prayers :

“10.1 That this Hon'ble Court may kindly be pleased to direct the respondent authorities to produce the entire records pertaining to the instant writ petition.

10.2 That this Hon'ble Court may kindly be pleased to issue appropriate writ/order/ direction holding and declaring that The Chhattisgarh Lok Sewa (Anusuchit Jatiyo, Anusuchit Jan Jatiyo Aur Anya Pachhade Vargo Ke Liye Araskshan) (Sansodhan) Adhiniyam, 2011 (Annexure P/1) is illegal and Ultra Vires the Constitution of India.

10.3 That this Hon'ble Court may kindly be pleased to issue appropriate writ/order/direction holding and declaring that The Chhattisgarh Educational Institutions (Reservation in Admission) Act, 2012 (Annexure P/2) is illegal and Ultra Vires the Constitution of India.

10.4 Any other relief(s) that this Hon'ble Court may deem fit to grant in the facts and circumstances of this case.”

2. Heard the learned counsel for the Petitioners as well as the learned counsel representing the State at length.

3. The sum and substance of the grievance projected herein is with regard to the excess reservation in the State whereby the figure has gone beyond 50% and is resting at 58%. The learned counsel also points out that there was a move by the State to enhance it further by making reservation upto an extent of 82% by bringing an Ordinance. This Court had to intervene by granting an interim order of stay with regard to the further steps and ultimately, the Ordinance got lapsed and that chapter is over. The learned counsel further submits that the issue with regard to the enhancement of reservation to 58% was requested to be considered and finalised preferably within a period of three months by the Apex Court as per Annexure P/5 order in Special Leave Petition (Civil) Diary No.14941 of 2018 (Chandrakant Pandey v. State of Chhattisgarh and Others), but unfortunately, the matter has not been finalized so far.

4. The non-finalization of the above matter which is pending consideration before this Court is not because of any fault on the part of the Court or Registry but because of other circumstances as revealed from the orders/proceedings sheet in the said case. The issue projected in the present writ petition filed as a 'Public Interest Litigation', is the same issue as covered by Annexure P/5 order, which is pending consideration before this Court. As such, we are of the view that there need not be any further Public Interest Litigation projecting the very same cause of action, as it will only add to unnecessary addition/multiplicity of litigation.

5. In the said circumstance, the learned counsel submits that the petition might be permitted to be withdrawn without prejudice to the right of the Petitioners to file intervention application in the pending matters as

mentioned above and address the Court with regard to the legal issue projected in this writ petition as well.

6. Permission is granted. The writ petition is dismissed as withdrawn with liberty reserved to the Petitioners, as above.

Sd/-
(P. R. Ramachandra Menon)
Chief Justice

Sd/-
(Sanjay Agrawal)
Judge

Anu