

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

913 PUBLIC INTEREST LITIGATION NO.69 OF 2020

KEDAR MADHUKAR THATE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr Kulkarni Akshay D.
AGP for Respondents State: Mr S. G. Karlekar
Advocate for Respondent No.8 : Mr M. D. Narwadkar

CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATE : 10th December, 2020

ORDER:

1. We have heard Mr. Kulkarni, learned counsel for the petitioner. Learned A.G.P. appears for respondent Nos. 1 to 7. Mr. Narwardkar, learned counsel appears for respondent No.8.
2. The petitioner is seeking directions against the State to notify other indicators of economic backwardness, mentioned in the Government Resolution granting Economically Weaker Sections (EWS) reservation.
3. According to Mr. Kulkarni, learned advocate for the petitioner, the indicators provided for grant of EWS Certificate under the Central Scheme and the State Scheme varies to greater extent. Indicators for grant of EWS certificate for seeking benefit of EWS at the Central level is more stringent than the one taking benefits of EWS reservation in the State of Maharashtra. Under the Central Government Scheme for a person to be held entitled or identified as EWS, apart from gross annual income of less than 8 lacs, the persons should not possess agricultural land of five acres and above, residential plot of 1000 sq. ft and above, residential plot of 100

sq. yards and above in notified municipalities and residential plot of 200 sq. yards in areas other than notified municipalities

4. According to the learned counsel, while identifying the person from economical weaker section for State reservation, the only criteria is that his annual income should be less than Rs. 8 lac. Other indicators as required under the Central Scheme need not be possessed by a person taking benefit under the State policy.

5. The State of Maharashtra has granted E.W.S. reservation since 2019-20. The petitioner, it appears, has not approached the Government with the grievance so as to enable the State to consider the suggestion of the petitioner on merits. In the present petition, we do not find any illustration to suggest that the persons granted EWS Certificate, really do not belong to EWS.

6. It would be appropriate for the petitioner to approach the State Government with suggestion/representation, which naturally the State Government would consider on its own merits., expeditiously.

7. Public Interest Litigation is accordingly disposed of.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)

JPC