

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12882 of 2017

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Adivasi Mahapanchayat bearing Registration no. 60/2016-17 through its Secretary, Jag Narayan Sah S/o Late Sheo Bachhan Sah having office in Shanti Bihar Colony, Road no. 26, Lal Kothi, Rajiv Nagar, P.O. Keshrinagar, P.S. Digha, Dist. -Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary to the Government of Bihar, Patna
2. The Principal Secretary to the Government of Bihar in the Department of Personnel and Administrative Reforms, Bihar, Patna.
3. The Principal Secretary, Schedule Caste/Schedule Tribe Welfare Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Krishna Rai, Advocate

For the Respondent/s : Mr. Ajit Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

Date : 12-07-2023

1. Heard learned counsel for the parties.

2. The petitioner has filed the instant writ application

for the following relief(s):-



“The provision contained in Section 2 of The Bihar Reservation of Vacancies in Post and Services (for Scheduled Castes, Scheduled Tribes and Other Backward Classes) (Amendment) Act, 2002 whereby section 4 (2) of Bihar Act 3 of 1992 has been amended replacing Section 2 (2) whereby and whereunder earlier reservation of 10% has been reduced to 1% be declared as void illegal and ultra virus of Constitution of India and accordingly be quashed.”

3. The petitioner which claims to be an Association registered under the Societies Registration Act and devoted for the purpose of the Scheduled Tribes is aggrieved by the above mentioned amendment Act reducing the percentage of reservation for Scheduled Tribes under the The Bihar Reservation of Vacancies in Post and Services (for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1991 from 10 % to 1 %.

4. Bereft of any unnecessary details it may be stated here that the subject matter with respect to percentage of reservation for different classes of persons is a matter of purely policy decision of the Government. The Hon’ble Supreme Court in the case of Swiss Ribbons (P) Ltd. v. Union of India [(2019) 4 SCC 17] relying on US Supreme Court decision in the case of Ferguson v. Skrupa [1963 SCC OnLine US SC 71 : 10 L Ed 2d 93 : 372 US 726 (1963), held that ‘*courts do not substitute their social and economic beliefs for the judgment of legislative*



bodies, who are elected to pass laws.’ It further held that ‘Legislative bodies have broad scope to experiment with economic problems, and this Court does not sit to, ‘subject the State to an intolerable supervision hostile to the basic principles of our Government and wholly beyond the protection which the general clause of the Fourteenth Amendment was intended to secure.’

5. Further in the same judgment in the case of Swiss Ribbons (P) Ltd. (supra) , the Hon’ble Supreme Court referring to the judgment in the case of Directorate General of Foreign Trade v. Kanak Exports [(2016) 2 SCC 226] held that *‘laws, including executive action relating to economic activities should be viewed with greater latitude than laws touching civil rights such as freedom of speech. religion, etc. that the legislature should be allowed some play in the joints because it has to deal with complex problems which do not admit of solution through any doctrine or straitjacket formula and this is particularly true in case of legislation dealing with economic matters, where having regard to the nature of the problems greater latitude require to be allowed to the legislature.’*

6. In view of the above, as also in view of the fact that the petitioner has not made out any case for interference in



the amending Act impugned herein, this Court finds no merit in the instant application.

7. This application is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Spd/-

AFR/NAFR	
CAV DATE	
Uploading Date	19.07.2023
Transmission Date	

