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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**PUBLIC INTEREST LITIGATION NO. 22 OF 2022
WITH
INTERIM APPLICATION NO. 13910 OF 2024**

Prashant Shankar Bhosale

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

**WITH
INTERIM APPLICATION NO. 1098 OF 2024
WITH
PUBLIC INTEREST LITIGATION NO. 140 OF 2022
WITH
INTERIM APPLICATION STAMP NO. 20044 OF 2024
WITH
INTERIM APPLICATION NO. 1101 OF 2024
WITH
PUBLIC INTEREST LITIGATION NO. 190 OF 2018
WITH
INTERIM APPLICATION STAMP NO. 20000 OF 2024
WITH
PUBLIC INTEREST LITIGATION NO. 4 OF 2019
WITH
INTERIM APPLICATION NO. 11404 OF 2024
WITH
CIVIL APPLICATION NO. 21 OF 2019
WITH
CIVIL APPLICATION NO. 22 OF 2019
WITH
CIVIL APPLICATION NO. 23 OF 2019
WITH
CIVIL APPLICATION NO. 24 OF 2019
WITH
INTERIM APPLICATION STAMP NO. 353 OF 2024**

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Mr. Rohan Mahadik, Mr. Amit Kamble, Ms. Rachana Karad, Ms. Mekhala More i/by The Juis Partners for petitioner in PIL/22/2022.

Mr. Vaibhav D. Kadam a/w Aditya A. Thorat, Sameer Parkar, Shrinath Badade, Shweta Jadhav, Vedika Bhoir for petitioners in PIL/140/2022.

Dr. Birendra B. Saraf, Advocate General with Mr. B. V. Samant, Addl. Govt. Pleader with Mr. Jay Sanklecha, "B" PNL and Mrs. G. R. Raghuwanshi, AGP for respondent nos.1, 2, 3 and 4 in PIL/22/2024, for respondent nos.1 and 2 in PIL/140/2022, for respondent nos.1, 2 and 4 in PIL/4/2019 and for respondent nos.3 and 4 in PIL/190/2018.

Mr. Saket Mone a/w Ms. Anchita Nair, Mr. Devansh Shah i/by Vidhii Partners for respondent-Maharashtra State Backward Class Commission.

Mr. Rui Rodrigues a/w Mr. D. P. Singh for respondent no.6 in PIL/22/2022.

Mr. Ganesh Bhujbal for intervener in CAI/24/2019.

Mr. Sachin Ramrao Pawar for Intervener in IAST/20000/2024.

Mr. Shyamsundar Jadhav for applicant in IAST/20044/2024.

**CORAM: ALOK ARADHE, CJ. &
M. S. KARNIK, J.**

DATE: 24th APRIL, 2025

P.C.:

PIL/22/2022:

1. In this writ petition, which has been filed as Public Interest Litigation, the petitioner, *inter alia*, prays for the following relief:

- a. That this Hon'ble Court may be pleased to direct the Registrar General and Census Commissioner of India (Respondent No.6) to conduct the census for Maharashtra State on the basis of caste and tribes and direct the Respondent No.1 and 2 to analyse it through

an independent agency under the supervision of this Hon'ble Court;

b. That this Hon'ble Court may be pleased to call for record and proceedings of Govt. resolution bearing No.Ref.No.CBC-1093/2167/CR141/93/16-B, dated 23rd March, 94 indiscriminately increasing reservation percentage of OBC by 16% and after going through legality and propriety thereof, quash and set aside the same;

c. That this Hon'ble Court may be pleased to quash and set aside the Govt. Resolution Ref. CBC-1467-M, dated 13th October, 1967 for enlisting OBC without applying any criteria of identification and without determination of backwardness and adequate representation in the government services;

d. That this Hon'ble Court may be pleased to quash and set aside the government resolution dated 23 March, 1994 increasing the percentage of reservation arbitrarily without any basis in the category of OBC and VJNT combine and set aside the percentage so increased by the said GR dated 23 March 1994.

e. That this Hon'ble Court may be pleased to quash and set aside the Government resolution issued for inclusion of castes and communities in the list of OBCs in Maharashtra State passed prior to the year 1995, without proper determination of backwardness and inadequacy of the representation in the government services.

- f. That this Hon'ble Court may be pleased to direct the Respondent No.3 to prepare a list of Other Backward Class in the State of Maharashtra as per the quantifiable data to be collected in Census of 2021;
- g. That this Hon'ble Court may be pleased to direct the Respondent No.1, 2 and 3 to implement the provisions of Section 11 of Maharashtra State Commission for Backward Classes Act, 2005 for revising the list of OBC after identifying and examining their social and educational backwardness as per census of 2021;
- h. That this Hon'ble Court may be pleased to issue the directions to the Respondent No.4 State of Maharashtra to implement the Govt. resolution No. OBC-1759-E, dated 18th May, 1959 and its further circulars to ensure the benefits to economically and educationally backward classes in education at all levels with immediate effect and further direct that the State to remove caste as a basis for reservation;
- i. That this Hon'ble Court may be pleased to quash and set aside all the illegal, unconstitutional unjustifiable Government Resolutions issued only on the basis of caste and sub-caste and without following constitutional mandate and empirical data by the State to implement the OBC reservation;
- j. That this Hon'ble Court may be pleased to quash and set aside the Maharashtra State Public Services (Reservation for Scheduled Castes, Scheduled Tribes,

Denotified Tribes (Vimukt Jatis), Nomadic Tribes, Special Backward Category and Other Backward Classes) Act, 2001 (Mah. Act. NO. VIII of 2004) as ultra vires the constitution of India and law laid down by the Hon'ble Supreme Court of India;

k. That this Hon'ble Court may be pleased to direct the Respondent No.1 and 2 to rationalize the non-creamy layer limit application to OBC reservation in relation to the average per capita income to be computed for the family of five members at Central and State level and direct the review of the said limit every three years;

l. That this Hon'ble Court may be pleased to direct the Respondent No.4 to select/appoint candidates as per their application in particular reserved category on the basis of their claim in horizontal and vertical reservation on the same standards applicable to that category.

2. Learned counsel for the petitioner on 5th July, 2023 submitted that the petitioner shall restrict the prayers made in the PIL in respect of prayer clause (g) only. Accordingly, this Court on 5th July, 2023 passed the following order:

"1. A request is made on behalf of the learned counsel for the Petitioner for adjournment.

2. The learned counsel for the Respondents has drawn our attention to order dated 28 April 2023, wherein the PIL has been restricted to prayer clause 103(g). The learned counsel for the Petitioner has stated that he

would not press other prayer clauses. That being the position, leave is granted to delete the prayers other than prayer clause 103(g) and also delete those Respondents who are not concerned with prayer clause 103(g). Amendment be carried out before the next date.

2. Stand over to 9 August 2023.”

3. The learned Advocate General pointed out that similar prayer, which has been prayed by the petitioner in prayer clause (g) in the instant PIL, has also been prayed in PIL No.190 of 2018 and, therefore, on a similar issue multiple petitions cannot be entertained.

4. We find substantial force in the aforesaid submission. The prayer made by the petitioner by way of prayer clause (g) in the instant PIL shall be examined in PIL No. 190 of 2018, which was filed prior to the instant PIL. Needless to state that the petitioner, if so advised, shall be at liberty to make an application for intervention in PIL No. 190 of 2018, which is already pending before this Court.

5. With the aforesaid liberty, PIL No.22 of 2022 is disposed of.

6. Interim Application(s), if any, shall also stand disposed of.

PIL/140/2022 & Other Connected matters:

7. List after ensuring Summer Vacation for final hearing.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)