

ITEM NO.12

COURT NO.1

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No.27287/2024

(Arising out of impugned final judgment and order dated 22-05-2024 in WPO No.60/2011 22-05-2024 in WPA No.8844/2020 22-05-2024 in WPO No.1160/2013 22-05-2024 in WPO No.578/2012 22-05-2024 in WPA No.22145/2010 passed by the High Court at Calcutta)

THE STATE OF WEST BENGAL & ANR.

Petitioner(s)

VERSUS

AMAL CHANDRA DAS

Respondent(s)

(With IA No.162376/2024 - CONDONATION OF DELAY IN REFILEING/CURING THE DEFECTS and IA No.166394/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH S.L.P.(C) Diary No.31944/2024

S.L.P.(C) Diary No.30078/2024

S.L.P.(C) Diary No.31942/2024

S.L.P.(C) No.16936/2024

Date : 05-08-2024 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s) Ms. Indira Jaising, Sr. Adv.
Ms. Astha Sharma, AOR
Mr. Srisatya Mohanty, Adv.
Mr. Sadeeq Sirwani, Adv.

Mr. Sanjeev Kaushik, Adv.
Ms. Lihzu Shiney Konyak, Adv.
Ms. Muskan Surana, Adv.

SLPC D.31944/2024,
SLPC D.30078/2024 &
SLPC D.31942/2024

Mr. Rauf Rahim, Sr. Adv.
Mr. Firdous Samim, Adv.
Mr. Ali Asghar Rahim, Adv.
Ms. Gopa Biswas, Adv.
Ms. Sharukh, Adv.
Mr. Shekhar Kumar, AOR

SLPC 16936/2024

Mr. Shyam Divan, Sr. Adv.
Mr. Amit Sharma, Adv.
Mr. Sudipto Sircar, Adv.
Mr. Rahul G. Tanwani, Adv.
Mr. Raghu Vamsy, Adv.
Mr. Arijeet Singh Pundhir, Adv.
Mr. Aditya Kashyap, Adv.
Mr. Bhushan Oza, Adv.
Mr. Divyanshu Srivastava, Adv.
Mr. Arpith Jacob Varaprasad, Adv.

For Respondent(s)

Mr. Samit Sanyal, Adv.
Mr. Sarthak Choudhury, Adv.
Mr. Anand Farmania, Adv.
Mr. Tirsa Banerjee, Adv.
Mr. Pawan Kumar, Adv.
Mr. Khushhal Aggarwal, Adv.
Mr. U.M. Tripathi, Adv.
Mr. Vishal Arun Mishra, AOR

Mr. Guru Krishna Kumar, Sr. Adv.
Mr. Nachiketa Joshi, Adv.
Mr. Santosh Kumar, Adv.
Mr. Praneet Pranav, Adv.
Mr. Tadimalla Bhaskar Gowtham, Adv.
Mr. Aniruddh Sharma, Adv.
Mr. Vikash Chandra Shukla, AOR
Mr. Gautam Singh, Adv.
Mr. Ashwin K, Adv.

Mr. Mukul Rohatgi, Sr. Adv.
Mr. P.S. Patwalia, Sr. Adv.

Mr. Maninder Singh, Sr. Adv.
Ms. Bansuri Swaraj, Adv.
Mr. Siddhesh Shirish Kotwal, AOR
Mr. Bikram Banerjee, Adv.
Ms. Ana Upadhyay, Adv.
Ms. Manya Hasija, Adv.
Mr. Tejasvi Gupta, Adv.
Mr. Pawan Upadhyay, Adv.
Mr. T.illayarasu, Adv.
Mr. Rangasaran Mohan, Adv.

Mr. Ranjit Kumar, Sr. Adv.
Mr. Sridhar Potaraju, Sr. Adv.
Mr. Kabir Shankar Bose, Adv.
Mr. Amit Mishra, Adv.
Mr. Mitakshara Goyal, Adv.
Mr. Abhijeet, Adv.
Mr. Deep Narayan Sarkar, Adv.
Mr. Aditya Deshwal, Adv.
Ms. Shreya Nair, Adv.
Mr. Anunay Kumar, Adv.
Mr. Joydip Roy, Adv.
Mr. Ramesh Allanki, Adv.
Mr. Aditya Sharma, Adv.
Mr. Subodh Patil, Adv.
Mr. Alabhya Dhamija, Adv.
Mr. Sai Shashank, Adv.
Ms. Bhavya Tyagi, Adv.
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Mr. Raghu Vamsy, Adv.
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Mr. Divyanshu Srivastava, Adv.
Mr. Aayush, Adv.
Mr. Anish Roy, Adv.
Mr. Shib Sankar Saha, Adv.
Ms. Isha Aggarwal, AOR
Mr. Girish Agarwal, Adv.
Mr. Anant Vijay Maria, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

SLP (C) Diary No 31944 of 2024, SLP (C) Diary No 30078 of 2024, SLP (C) Diary No 31942 of 2024 & SLP (C) No 16936 of 2024

1 On mentioning, the matters are taken on Board.

SLP (C) Diary No 27287 of 2024, SLP (C) Diary No 31944 of 2024, SLP (C) Diary No 30078 of 2024, SLP (C) Diary No 31942 of 2024 & SLP (C) No 16936 of 2024

1 On the request of Ms Indira Jaising, senior counsel appearing on behalf of the petitioner-State, liberty is granted to transpose the second petitioner, namely, the West Bengal Commission for Backward Classes, as a respondent, without prejudice to the rights and contentions of the parties.

2 Delay condoned.

3 Issue notice on the Special Leave Petitions, and on the application for stay, returnable in two weeks.

4 The State of West Bengal shall file an affidavit before this Court explaining the process which was followed before the designation of seventy-seven communities as Other Backward Classes in relation to the State took place. The State shall, in particular, clarify:

(i) The nature of the survey, if any, that was carried out on the twin aspects of:

(a) Social and educational backwardness; and

(b) Inadequacy of representation in the services of the State.

- (ii) Whether there was a lack of consultation with the West Bengal Commission for Backward Classes in respect of any communities in the list of seventy-seven communities designated as OBCs and, in particular, in regard to the thirty-seven communities as submitted during the course of the hearing; and
- (iii) Whether any consultation was carried out by the State Government in regard to the sub-classification of the OBCs with the West Bengal Commission for Backward Classes.
- 5 Besides indicating, either in affirmative or negative, its response to queries (ii) and (iii), the State shall clarify the nature of the survey and material which was in its possession before the ultimate act of designation took place.
- 6 Ms Astha Sharma, the Standing Counsel for the State of West Bengal submits that the affidavit would be filed by 12 August 2024.
- 7 On the request of Ms Indra Jaising, senior counsel for the petitioner-State, liberty is granted to implead the National Commission for Backward Classes as a party-respondent since it was a party before the High Court. Amendment be carried out during the course of the week.
- 8 List the Special Leave Petitions on 20 August 2024.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
Assistant Registrar