

ITEM NO.801

Court 3 (Video Conferencing)

SECTION IV-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

MISCELLANEOUS APPLICATION Diary No(s) . 31495/2021

(Arising out of impugned final judgment and order dated 15-12-2021 in SLP(C) No. No. 20734/2021 passed by the Supreme Court Of India)

MANMOHAN NAGAR

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH & ORS.

Respondent(s)

Date : 17-12-2021 This petition was called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE A.M. KHANWILKAR
 HON'BLE MR. JUSTICE C.T. RAVIKUMAR**

For Petitioner(s)

**Mr. Vivek K. Tankha, Sr. Adv.
 Mr. Ravindra Srivastav, Sr. Adv.
 Mr. Sumeer Sodhi, AOR
 Mr. Varun Tankha, Adv.
 Mr. Aman Nadrajog, Adv.
 Ms. Shreya Nair, Adv.
 Mr. Dhruv Wadhwa, Adv.
 Mr. Siddhant Gupta, Adv.**

For Respondent(s)

**Mr. Maninder Singh, Sr. Adv.
 Mr. Saurabh Mishra, AAG
 Mr. D.S. Parmar, AAG
 Mr. Ankit Mishra, Adv.
 Ms. Mrinal E. Mazumdar, AOR**

**Mr. Siddharth Seth, Adv.
 Mr. Kartik Seth, Adv.
 Ms. Shriya gihotra, Adv.
 Ms. Garima Saxena, Adv.
 M/s. Chambers of Kartik Seth, AOR**

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

This miscellaneous application is filed in a disposed of special leave petition.

The grievance made is that as per the liberty given by this Court vide order dated 15.12.2021, the petitioners-applicants moved the High Court for urgent relief. However, the High Court opined that since the main matter is already listed in the first week of January, 2022, the entire matter can be considered at that time.

We are not going into the correctness of that submission.

The fact remains that the elections to all the local bodies in the State of Madhya Pradesh have been notified provisioning for reservation for Other Backward Classes (OBCs) category. To that extent, the election programme needs to be stayed forthwith as it is in conflict with the decision of the Constitution Bench of this Court in *K. Krishna Murthy (Dr.) & Ors. vs. Union of India and Anr.* reported in (2010) 7 SCC 202 and reiterated by three Judge Bench in *Vikas Kishanrao Gawali vs. State of Maharashtra & Ors.* reported in (2021) 6 SCC 73.

Similar situation was obtaining in State of Maharashtra in respect of which a detailed order dated

15.12.2021 has been passed by this Court in SLP(C) No. 19756 of 2021 and connected cases, directing the Maharashtra State Election Commission(s) to take corrective measures forthwith. The same principle and analogy ought to apply to the State of Madhya Pradesh as well.

Accordingly, we direct the Madhya Pradesh State Election Commission to stay the election process in respect of OBCs seats only, in all the local bodies and to re-notify those seats for General Category. Further, election for General Category seats shall proceed along with other election already notified and is underway but results of all the seats (including re-notified General seats) will be declared together on the same day. In other words, the dispensation directed in respect of Maharashtra Cases would apply *proprio vigore* to the State of Madhya Pradesh as well, in respect of all the local bodies making no distinction between urban and rural local bodies.

List this miscellaneous application along with SLP(C) No. 19756 of 2021 and connected matters on 17.01.2022.

It is made clear that the pendency of this application will be no impediment for the High Court to

proceed with the hearing of the writ petitions on other issues.

Further, we have requested Mr. Tushar Mehta, learned Solicitor General to impress upon the concerned Authority to issue a communication to the respective State Election Commissions to strictly adhere to the enunciation of this Court, which is declaration of law by a three Judge Bench in *Vikas Kishanrao Gawali* (supra) to first comply with the triple test being a pre-condition, before notifying reservation of seats for other Backward Classes in the local bodies under their jurisdiction. He has graciously agreed to do the needful.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)