

ITEM NO.4 Court 3 (Video Conferencing)

SECTION XI-A

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

Petition(s) for Special Leave to Appeal (C) No(s).9473/2020

(Arising out of impugned final judgment and order dated 20-05-2020
in WA No. 169/2019 passed by the High Court of Kerala at Ernakulam)

SMITHA J.P.

Petitioner(s)

VERSUS

ANUMOL JOSEPH & ORS.

Respondent(s)

(WITH I.R., IA No. 78948/2020 - PERMISSION TO PLACE ON RECORD
SUBSEQUENT FACTS)

Date : 01-12-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Mr. P. N. Ravindran, Senior Advocate
Mr. P. S. Sudheer, AOR
Mr. Rishi Maheshwari, Advocate
Ms. Anne Mathew, Advocate
Mr. Bharat Sood, Advocate
Ms. Shruti Jose, Advocate

For Respondent(s)

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

- 1 Mr P N Ravindran, learned Senior Counsel appearing on behalf of the petitioner, with Mr P S Sudheer, learned counsel, submits that the issue which was raised by the petitioner before the High Court was whether she was entitled to a relaxation of three years from the upper age limit of forty years, being an OBC candidate. It has been submitted that in seeking this relaxation, the petitioner had relied on the provisions of Section 58 of the Kerala Veterinary and Animal

Sciences University Act 2010 which speaks of the rules of reservation of the State government being applicable. The submission of the petitioner is that the rules of reservation, as interpreted in a decision of the nine-Judge Bench of this Court in **Indra Sawhney v Union of India**¹, would include the provisions for age relaxation.

2 Fairly, the petitioner has drawn the attention of the Court to the fact that two earlier Special Leave Petitions arising out of the common judgment and order of the Kerala High Court in a batch of Writ Appeals came up before this Court, being:

(i) SLP (C) Nos 7501-7504 of 2020 which were permitted to be withdrawn on 16 June 2020; and

(ii) SLP (C) Nos 7484-7485 of 2020 which were dismissed on 22 June 2020.

3 Mr Raveendran submits that the common judgment of the High Court dealt with a batch of cases, but the issue which has been raised in the writ appeal filed by the petitioner, namely, the entitlement to relaxation for an OBC candidate in the upper age limit did not arise in the other two batches of cases which were the subject matter of the SLPs which have been referred to above.

4 In order to have factual clarity on this aspect of the matter, we are of the view that a further affidavit should be filed by the petitioner clarifying the contents of the proceedings in the cases which led to the orders of this Court dated 16 June 2020 and 22 June 2020 noticed above.

5 The affidavit be filed within a period of four weeks from today.

1 (1992) Supp (3) SCC 217

- 6 List the Special Leave Petition thereafter.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER