

CORRECTED

ITEM NO.57

COURT NO.11

SECTION IV-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). 27984-27988/2023

(Arising out of impugned final judgment and order dated 12-10-2023 in WA No. 305/2023, WA No. 300/2023, WA No. 337/2023, WA No. 591/2023 and WA No. 886/2023 passed by the High Court Of Karnataka At Bengaluru)

LEELAVATHI N. & ORS.

PETITIONERS

VERSUS

THE STATE OF KARNATAKA & ORS.

RESPONDENTS

(IA No. 6067/2024 - MODIFICATION OF COURT ORDER)

WITH

SLP(C) No. 496/2024 (IV-A)

(IA No. 6858/2024 - MODIFICATION OF COURT ORDER)

SLP(C) No. 497/2024 (IV-A)

(IA No. 6817/2024 - MODIFICATION OF COURT ORDER)

SLP(C) No. 28331-28335/2023 (IV-A)

(IA No. 6617/2024 - MODIFICATION OF COURT ORDER)

Date : 22-01-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. A N Venugopala Gowda, Sr. Adv.
 Mr. Rohan Dewan, Adv.
 Mr. Balaji Srinivasan, AOR

Mr. Shailesh Madiyal, Sr. Adv.
 Mr. Mahesh Thakur, AOR
 Mr. Vaibhav Sabharwal, Adv.

Mr. Shivamm Sharrma, Adv.
 Mrs. Geetanjali Bedi, Adv.
 Mr. Ranvijay Singh Chandel, Adv.
 Ms. Divija Mahajan, Adv.

Mr. Ashwin V. Kotemath, Adv.
 Mr. Harisha S.R., AOR

Mr. Chinmay Deshpande, Adv.
 Mr. Anirudh Sanganeria, AOR

For Respondent(s)

Mr. Tushar Mehta, Solicitor General
 Mr. Devadatt Kamat, Sr. Adv.
 Mr. D. L. Chidananda, AOR
 Mr. Ravindera Kumar Verma, Adv.
 Mr. Nishant Patil, A.A.G.

Mr. Pai Amit, AOR
 Ms. Pankhuri Bhardwaj, Adv.
 Mr. Kushal Dube, Adv.
 Mr. Abhiyudaya Vats, Adv.
 Mr. P. Ashok, Adv.
 Mr. Tathagata Dutta, Adv.

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

IA No.6067/2024 in SLP (C) Nos.27984-27988/2023, IA No.6858/2024 in SLP (C) No.496/2024, IA No.6817/2024 in SLP (C) No.497/2024, IA No.6617/2024 in SLP (C) Nos.28331-28335/2023:

1. On 3rd January, 2024, while issuing notice on this petition, it was directed that till further orders, the directions issued in paragraphs 45 to 47 of the impugned judgment shall not be given effect to. It was further directed that any appointment letters as stated to have been issued in

favour of the candidates selected in terms of the final selection list dated 08th March, 2023, shall be kept in abeyance.

2. Now an additional affidavit has been filed by the respondent no.1-State of Karnataka wherein category wise distribution of 13,352 candidates has been reflected in paragraph 3.2. As per the said tabulated statement, out of a total of 13,352 candidates, who had applied for the subject posts being 15000 in number for 35 Educational Districts, have been included in the list published on 08th March, 2023, 6649 candidates fall under the category of general merit, 1953 candidates fall under the Scheduled Caste category, 428 candidates fall under the Scheduled Tribe category and 3841 fall under the OBC candidates. This is besides those who fall under the category of Married Women who seek to be considered in OBC category based on their parents' income and caste certificate. It is stated that the number of candidates who fall under the category of Married Women referred to hereinabove, is 481.

3. Mr. Tushar Mehta, learned Solicitor General appearing on behalf of the respondents states that it has been clarified that the authorities have kept aside 481 notified posts to be filled up subject to the final outcome of the present litigation. In other words, if married women candidates who claim reservation on the basis of the income of their parents' ultimately succeed in the present petition, they shall be entitled to appointment against the said

posts, subject to their fulfilling all other eligibility criteria.

4. This would mean that if the married women candidates do not qualify for appointment on the strength of their parents' income and caste certificate, they would be considered in the General Merit Category on the basis of their overall merit. As it has been submitted that 11494 candidates who were selected and issued appointment letters were already working prior to passing of the order on 03rd January, 2024 and their appointment orders have been kept in abeyance in compliance of the aforesaid order, it is clarified that joining of the aforesaid 11494 candidates working on the subject posts is subject to the outcome of the present petitions. This order shall be duly intimated to all the said appointees for their information.
5. The applications are allowed and disposed of on the above terms.
6. List these matters on 12th March, 2024 at 2.00 p.m.

(POOJA SHARMA)
COURT MASTER (SH)

(NAND KISHOR)
COURT MASTER (NSH)

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