

**IN THE SUPREME COURT OF INDIA
CIVIL APPEAL NO. 11442-11443 OF 2025
(WITH CONNECTED MATTERS)**

IN THE MATTER OF:

Yogesh Kumar Thakur

...Appellant

Vesus

Guru Ghasidas Sahitya Avam

Sanskriti Academy & Ors.

...Respondents

With

Other Connected Matters

CONVENIENCE COMPILATION

IN

**BATCH OF MATTERS PERTAINING TO RESERVATION
IN EMPLOYMENT, ADMISSION TO EDUCATIONAL
INSTITUTIONS AND OTHER AFFIRMATIVE ACTION IN
THE STATE OF MADHYA PRADESH**

**WRITTEN SUBMISSIONS OF PETITIONERS /
APPELLANTS**

NODAL COUNSELS: POOJA DHAR & RAVI PRAKASH

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IN THE HIGH COURT OF MADHYA PRADESH
PRINCIPAL SEAT AT JABALPUR

WRIT PETITION No 5901/2019

PETITIONER: ASHITA DUBEY

VERSUS

RESPONDENTS: STATE OF MADHYA PRADESH

AND OTHERS

7947/21
Presented on 18-3-21
by A. Singh
Joc

WRITTEN SUBMISSIONS OF BEHALF OF THE PETITIONER

The Petitioner, above named, most respectfully begs to submit as under

1. That, the present petition was filed challenging the Ordinance whereby the Government of Madhya Pradesh by way of Gazette Notification dated 08.03.1999 increased the reservation of OBC category from 14% to 27%, which exceeded the maximum limit of 50% for Scheduled Castes, Scheduled Tribes and Other Backward Classes.

2. That, vide Notification dated 08.07.2019 the Government of Madhya Pradesh brought Madhya Pradesh Lok Seva (Ansuchit Jatyion, Ansuchit Jan Jatyion Aur Anya Pidhadya Vargon ke Liya Aarashan) Adhiniyam, 1994 and vide Notification dated 08.07.2019, which was published in Madhya Pradesh

12/3/21

Singh

Gazette Notification dated 17.07.2019, in which, again the OBC category reservation has been increased from 14% to 27%. The petition was filed challenging the Ordinance of 10th March 2019 and this Hon'ble Court vide order dated 19.03.2019 passed in WP No. 5901/2019 (Ashita Dubey Vs State of Madhya Pradesh) has passed the interim order, which is as follows:-

"In the meanwhile it is directed that the respondent shall not provide reservation of more than 14% for OBC Category in admissions made to the college on the strength of Ordinance, which is subject matter of this petition.

3. That, thereafter, when the Act came into force, the petition was duly amended and again on 31.01.2020 this Hon'ble Court modified the order and permitted the Public Service Commission to go ahead with the selection process. However, the same shall not be finalized and no appointment shall be made without prior permission of the High Court.
4. That, thereafter, the interim order dated 19.03.2019 was continued by this Hon'ble Court till date and the reservation of OBC Category was maintained at 14%, and not 27%.



5. It is worthwhile to mention that apart from OBC reservation of 14%, already there is 16% reservation for Scheduled Caste and 20% reservation for Scheduled Tribes in the State of Madhya Pradesh.
6. That it is worthwhile to mention that since year 1963 in the case of M.R Balaji Vs State of Mysore AIR 1963 SC 649 the Hon'ble Supreme Court has categorically stated that the reservation of 68% directed by the order of Mysore Government in technical institutions is plainly inconsistent with Article 15 (4) of the Constitution and speaking generally and in broad away, special provision should be less than 50%. How much less than 50% would be depending upon the prevailing situation in each case.
7. That thereafter, the matter again travelled to the Hon'ble Supreme Court in the case of Indra Sawhney Vs Union of India, AIR 1993 Sc 477, the Hon'ble Supreme Court in Constitutional Bench judgment has held that 50% is the upper limit, and under any circumstance it cannot exceed the limit of 50%, as far as reservation of SC, ST and OBC is concerned.
8. That, in the year 2003, in a case reported in Mayank Jain Vs State of Madhya Pradesh, 2003 (4) MPLJ 497, the Division Bench of this Hon'ble Court has stated that Rule 9.3 is totally inconsistent with Rule 5,



which stipulates that there would be 50% reservation for other categories and, therefore, declared Rule 9.3 of Madhya Pradesh Medical and Dental Graduate Entrance Examination Rules, 2003 as Constituently invalid and is ultra vires.

9. That, the Hon'ble Supreme Court on 09.09.2020 in SLP No. 15737/2019 (Dr. Jayshree Patil Vs Chief Minister) (Maratha Reservation case) has considered each and every aspect regarding the population and has held that, under any circumstance, population cannot be the basis for increasing the reservation from 50%. Infact the matter has now been considered for referring the same to the Larger Bench. Similarly, in WP No. 980/2019 (Vikas Gawali Vs. State of Maharashtra) again on 04.03.2021 the Hon'ble Supreme Court has held that OBC reservation may be upto 27%, but subject to upper limit of aggregate in favour of SC, ST and OBC taken together as enunciated by the Constitution Bench of this Court. On 05.03.2021, again in Civil Appeal No. 3745/2020 (State of Tamil Naidu Vs K.Shobhna) the Hon'ble Supreme Court in its judgment has again held that in any situation limit of 50% cannot be crossed.
10. It is worthwhile to mention that the High Court of Chhattisgarh, Bilaspur in judgment delivered on



27.02.2020

~~04.10.2019~~ in WP (C) No. 3174/2019 (Ved Prakash Singh Thakur Vs. State of Chattisgarh) has considered each and every aspect regarding increase of population of OBC Category in the State of Chhattisgarh and has again held that reservation cannot go beyond 50%, except under circumstance, as mentioned above. The question is whether any such extra ordinary circumstance is made by the State to increase the reservation of OBC, whereby the total reservation reached to the level of 82%, as per the Ordinance.

11. It is worthwhile to mention that it was alleged, as is the case at hand that the reservation has been increased from 14% to 27% only because of politically motivated reasons. Merely, the reference of total population of the State and total population of OBC category, without collecting any quantifiable data to ascertain whether the OBC community was adequately represented or not.
 12. It is worthwhile to mention that State has filed a reply, and said reply revolves around the fact that OBC population in the State of Madhya Pradesh is more than 50% and, therefore, since the population has increased to more than 50% therefore, Government of Madhya Pradesh is increasing reservation from 14% to 27%.
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13. It is worthwhile to mention that respondents are relying on the census conducted in year 2011 and, therefore, more than 10 years have passed. Hence, there is no quantifiable data generated by the State of Madhya Pradesh. It is crystal clear that the issue of OBC reservation was brought by Madhya Pradesh Government right at the time of elections and the dates are relevant. On 09.03.2019, just a day before the Model Code of Conduct of General Election of 2019 came into the State of Madhya Pradesh, the Ordinance was brought by the then Congress Government in the State of Madhya Pradesh, which explains the political overtone underlying the intent of the Ordinance. The Hon'ble Supreme Court in the case of Dr. D.C. Wadhwa Vs. State of Bihar, (1987) 1 SCC 378 has held that Ordinance cannot be used for political use. Infact, inspite of the fact that on 19.03.2019 this Hon'ble Court stayed the Ordinance, but still the Government of Madhya Pradesh brought the Act, and that Act was also stayed by this Hon'ble Court, which is continuing till this date.
14. It is worthwhile to mention that the President of India in the year 2002 returned the Madhya Pradesh Lok Sewa Amendment Bill to the State Assembly for reconsideration with a message that Legislature shall
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ensure that percentage of total reservation of SC, ST and OBC categories does not exceed 50%. It is surprising that there has been no exercise undertaken by the State to ascertain a data of OBC community post 2002 and the position remained the same even in the year 2021.

15. It is worthwhile to mention that it is crystal clear as a broad day light that the Ordinance as well as the Act of increasing reservation from 14% to 27% is a political gimmick, because after the Ordinance was stayed on 19.03.2019, the Respondents ^{did not} moved an application for vacation of stay and till date has not provided any data to suggest that the entire procedure has been carried as per procedure of law, as per guidelines by the Hon'ble Supreme Court in Indra Sawhney (Supra). In fact right from the case of M.R. Balaji in 1963 till the decision by this Hon'ble High Court on 05.03.2021, the Constitution Bench of the Hon'ble Supreme Court again and again held that population cannot be the basis of increasing the reservation. But, unfortunately, for the reasons which are difficult to understand and easy to infer, the respondents for encashing the OBC votes, played with the future of so many persons who are directly affected by gimmick played by the State of



Madhya Pradesh since year 2019, over the OBC reservation issue.

16. It is worthwhile to mention that directly and indirectly thousands of persons are waiting for their selection process to be completed, because on one hand this Hon'ble Court has very clearly clarified that the selection process by PSC is concerned, that, it must continue. But, unfortunately in the last 2 years, the selection process has not been completed and appointment orders have not been issued as has been highlighted in the case of Omprakash Patel V/s State of M.P. (W.P. No.20093/2020). It shows that it was just a political gimmick and the petitioners who have appeared in the Professional Examination Board way back in the year 2019 (18.02.2019) and their result was announced immediately in the year 2019, and thereafter, the selection list was published, in which, names of Omprakash Patel and others were shown in the merit position of the selection list under OBC Category. But, to garner the political votes, the Respondents have deliberately not even given the appointment to thousands and thousands of persons in the category of 14% reservation to OBC.



17. It is crystal clear that there cannot be any dispute for the reservation of 14% and this Hon'ble Court has stayed only the action of increasing the reservation of OBC from 14% to 27%. But, for the reasons which are difficult to understand and easy to infer, in the garb of saying that this Hon'ble Court has stayed the matter, therefore, even after the selection list was published, the persons are not being given appointment orders for last two years by the Government. This clearly shows that the Legislation brought by the State of Madhya Pradesh was only for political gains, and they are playing with the future of the candidates who are selected by the PSC, and are suffering from irreparable injury for the last two years.

MAHAJAN COMMISSION REPORT

18. That, the State of Madhya Pradesh has neither presented any quantifiable data on the OBC, SC and ST population in the State. The Mahajan Commission had submitted its report in the year 1983. The OBC reservation in the State of Madhya Pradesh has been in force since 1993. The State of Madhya Pradesh did not consider Mahajan Commission report recommendations to go beyond 50% reservation in the year 1993, and hence, using such report after 38 years



as quantitative data, is just untenable. In fact, the President of India Shri K. R. Narayana in 2002 had returned the Madhya Pradesh Lok Sewa Amendment Bill for reservation to Scheduled Castes, Scheduled Tribes and Other Backward Classes to the State Assembly for reconsideration, because it increased the reservation for the Other Backward Classes beyond the 50% ceiling. Since Mahajan Commission Report was submitted in 1983, the Hon'ble President of India, in his prudence, had rejected the aforesaid Bill despite the existence of Mahajan Committee Report.

19. That, even Hon'ble High Court of Chhattisgarh rejected the Mahajan Commission Report and the population figures as the basis for quantitative data to enhance OBC reservation from 14% to 27%, by exceeding the 50% reservation limit in the State of Chhattisgarh. In fact, even in Chhattisgarh by way of a Gazette Notification dated 04.09.2019, the Chhattisgarh Lok Sewa (Anusuchit Jatiyon, Anusuchit Jan Jatiyon Aur Anya Pichhade Vargon Ke Liye Arakshan) (Sansodhan) Ordinance, 2019 had increased the division of reservation available to the Other Backward Classes from 14% to 27%. This was immediately stayed by the Hon'ble High Court of Chhattisgarh vide order dated



II

04.10.2019 on the ground that Mahajan Commission Report in 1983 cannot be the basis to increase upto 50% limit in the year 2019. It also rejected the arguments of Chhattisgarh Government that higher population, as a basis for exceeding 50% limit is unacceptable and clarified on the sanctity of 50% reservation limit, articulated in Indra Sawhney, (supra) an extract of which, is reproduced below:-

“As asserted by the State in the return and as pointed out by the learned Senior Counsel representing the State, enhancement of reservation to the extent as it is brought out by the amendment under challenge is based on the ‘higher extent of representation of the OBC in the total population of the State’, adding that the State has to provide more reservation to them to bring down inequality. It is with this idea in mind that, the State asserts that as per Mahajan Commission’s report the Upper Caste population of 15% was occupying 90% of the Government jobs, which made the Government to re-work the ratio of reservation...”

20. As subsequent to Mahajan Commission Report many events have occurred, and therefore, Mahajan Commission Report itself becomes irrelevant. Mandal Commission recommendations were implemented in the year 1992.

21. That, OBCs is only a “statutory” dispensation to be provided by the State legislations unlike the “constitutional” reservation regarding SCs/STs which is



linked to the proportion to population. The argument of the respondent-State that the reservations in favour of OBCs must be linked with population, is very wide and tenuous. That plea if countenanced, will be in the teeth of the dictum of the Constitution Bench of this Court wherein it has been considered and rejected. The Court has expounded about the distinction in the matter of reservation in favour of SCs and STs on the one hand, which is a "constitutional" reservation linked with population unlike in the case of OBCs which is a "statutory" dispensation.

22. It is worthwhile to mention that after 102nd Constitutional Amendment vide Notification dated 11.08.2018, the National Commission for Backward Classes is given the constitutional status. The Amendment inserted Article 338B in the Constitution of India, which categorically stipulates as under:-

" (i) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.



(ii) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the State Government which shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non- acceptance, if any, of any of such recommendations.

(iii) The Union and every State Government shall consult the Commission on all major policy matters affecting the Socially and Educationally Backward Classes." (Emphasis added)

23. That, the Constituent Assembly Debates can be relied upon as an aid to the interpretation of constitutional provisions is borne out by a series of decisions. Dr. Babasaheb Ambedkar's observation is Constituent Assembly debate on the limit of 50% even if large section of population is identified as Backward is very significant to be mentioned here. The Honb'le Supreme Court in Indra Sawhney case at para 772 observed that the speech of Dr. Ambedkar on the aspect of constitutional provisions pertaining to reservations stands, on a different footing as compared to others. This is because,



Dr. Ambedkar was not only Chairman of the Drafting Committee, but was virtually piloting such draft articles. Dr. Babasaheb Ambedkar, in the context of the issue with which we are presently concerned, made the following observations:

"As I said, the Drafting Committee had to produce a formula which would reconcile these three points of view, firstly, that there shall be equality of opportunity, secondly that there shall be reservations in favour of certain communities which have not so far had a 'proper lookin' so to say into the administration. If Hon'ble Members will bear these facts in mind – the three principles we had to reconcile, - they will see that no better formula could be produced than the one that is embodied in sub clause (3) of Article 10 of the Constitutions; It is a generic principle. At the same time, as I said, we had to reconcile this formula with the demand made by certain communities that the administration which has now – for historical reasons – been controlled by one community or a few communities, that situation should disappear and that the others also must have an opportunity of getting into the public services. Supposing, for instance, we were to concede in full the demand of those communities who have not been so far employed in the public service to the fullest extent, what would really happen is, we shall



be completely destroying the first proposition upon which we are all good, namely, that there shall be an equality of opportunity.

Let me give an illustration. Supposing, for instance, reservations were made for a community or a collection of communities, the total of which came to something like 70% of the total posts under the State and only 30% are retained as the unreserved. Could anybody say that the reservation of 30% as open to general competition would be satisfactory from the point of view of giving effect to the first principle, namely, that there shall be equality of opportunity? It cannot be in my judgment. Therefore the seats to be reserved, if the reservation is to be consistent with sub clause (1) of Article 10, must be confined to a minority of seats. It is then only that the first principle could find its place in the Constitution and be effective in operation. If Hon'ble Memebbers understand this position that we have to safeguard two things, namely, the principle of equality of opportunity and at the same time satisfy the demand of communities which have not had so far representation in the State, I am sure they will agree that unless you use some such qualifying phrase as 'Backward' the exception made in favour of reservation will ultimately eat up the rule altogether. Nothing of the rule will remain. That I think if I may so, is the justification why the Drafting Committee undertook on its own



shoulders the responsibility of introducing the work 'Backward' which, I admit, did not originally find a place in the fundamental right in the way in which it was passed by this Assembly". (emphasis added)

24. That, the petitioner therefore, humbly submits that reservation of OBC cannot be increased to 27% from 14%, and therefore, it be declared as ultravires, because it crosses the limit of 50% as envisaged by the Constitution and by Hon'ble Supreme Court since 1963 till 05.03.2021. In the Constitution Bench Judgment the Supreme Court has again and again reiterated that population cannot be the basis for increase of reservation, and therefore present legislation is nothing, but a political gimmick in the eyes of law.

JABALPUR

DATED: 11/3/2021

(ADITYA SANGHI)

COUNSEL FOR THE PETITIONER

IN THE HON'BLE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO. 735/2025

IN THE MATTER OF:

KRISHNA NARAYAN VERMA & ANR.

... PETITIONER

VERSUS

STATE OF MADHYA PRADESH & ORS.

...RESPONDENTS

WRITTEN SUBMISSIONS ON BEHALF OF PETITIONER**BRIEF INTRODUCTION**

1. The Petitioners have filed the captioned Writ Petition under Article 32 of the Constitution of India, 1950 with a prayer to to quash "The Madhya Pradesh Lok Seva (Anusuchit Jatiyon, Aur Anya Pichda Vargon Ke Liye Arakshan) Adhiniyam, 2019" ("2019 Amendment Act") passed by the State of Madhya Pradesh being violative of Fundamental Rights of the Petitioners as enshrined Under Article 14, 15 & 16(1) of the Constitution of India, 1950. Further, the Petitioners have also prayed for quashing of Notification No. 7-46/2021/Aa.Pr./1 dated 29.09.2022 issued by General Administrative Department, State Of Madhya Pradesh as being contrary to Rule 3(2)(a)(i) And Rule 4(3)(a)(i) Of Madhya Pradesh State Service Examination Rules, 2015 and violative of Article 14 & 15 of the Constitution Of India, 1950.
2. Hon'ble Governor of State of Madhya Pradesh in exercise of power conferred under Article 213 of Constitution of India, 1950 promulgated an Ordinance named as "Madhya Pradesh Lok Seva (Anusuchit Jatiyon, Anusuchit Jan Jatiyon Aur Anya Pichda Vargon ke Liye Arakshan Sansodhan Adyadesh), 2019. This Ordinance was passed just two months before the elections which was scheduled to be held in May 2019 with an intent to gain political mileage over the opposition and generate a vote bank. By way of the aforesaid Ordinance, an amendment was made to Section 4(2)(i)(a) and (b) of the "The Madhya Pradesh Lok Seva (Anusuchit Jatiyon, Aur Anya Pichda Vargon Ke Liye Arakshan) Adhiniyam 1994 (as amended in 2002)(hereinafter referred to as the "1994 Act") and the provision of 14% reservation for OBC in public employment under the 1994 Act was replaced with 27% reservation. On 14.08.2019, State of Madhya Pradesh repealed the Ordinance and brought into effect the Madhya Pradesh Lok Seva (Anusuchit Jatiyon, Anusuchit Jan Jatiyon Aur Anya Pichda Vargon ke Liye Arakshan) Sanshodhan Adhiniyam, 2019 ("2019 Act").
3. Prior to the amendment, Section 4(2)(i)(a) and 4(2)(i)(b) of the 1994 Act stood as under:

“4. Fixation of percentage for reservation of posts and standard of evaluation - (2) Subject to other provisions of this Act there shall be reserved for the persons belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes at the stage of direct recruitment in public services and posts.

(i) at the State level, the following percentage of vacancies arising in a recruitment year in Classes I, II, III and IV posts -

(a) In Class I and Class II posts -

Scheduled Castes - 16 percent

Scheduled Tribes - 20 percent

Other Backward Classes - 14 percent

(b) Class III and Class IV posts -

Scheduled Castes - 16 percent

Scheduled Tribes - 20 percent

Other Backward Classes - 14 percent”

4. The following amendment was brought by the State of Madhya Pradesh in Section 4(2)(i)(a) and Section 4(2)(i)(b):

“In Section 4 of the Madhya Pradesh Lok Seva (Anusuchit Jatiyon, Anusuchit Jan Jatiyon Aur Anya Pichda Vargon ke Liye Arakshan) Adhiniyam, 1994 (No. 21 of 1994), in sub-section (2) in clause (i)-

(i) In sub-clause (a) for the words and figure “Other Backward Classes 14 percent”, the words and figure “Other Backward Classes 27 percent” shall be substituted.

(ii) In sub-clause (b) for the words and figure “Other Backward Classes 14 percent”, the words and figure “Other Backward Classes 27 percent” shall be substituted.”

By way of the 2019 Amendment Act, the total reservation of posts in public services reached the total mark of 63% [16%(SC) + 20%(ST) + 27%(OBC)] thereby breaching the 50% ceiling limit.

5. Hon’ble Governor of State of Madhya Pradesh by exercising his powers under Article 309 of the Constitution of India, 1950, framed Rules in respect of examination for recruitment to the service/post borne on various departments of Madhya Pradesh known as Madhya Pradesh State Service Examination Rule, 2015. This Rule specifically provided that preliminary examination is only for the purpose of qualifying for Mains examination. It also provided that the final result will depend on the basis of combination of marks of mains examination and interview.
6. One Niharika Tripathi filed WP No. 2927/2022 challenging the 2019 Amendment Act and Mains 2019 examination results wherein the quota for OBC exceeded the 14% quota and breached the total reservation of 50% for SC, ST & OBC. Vide Order dated 16.02.2022, the High Court of Madhya Pradesh observed that prima facie the 2019 Act is in the teeth of the judgment passed by this Hon’ble Court in *Indra Sawhney vs Union of India*, 1992 Supp 3 SCC 217. The High Court, as an interim measure,

was pleased to direct that reservation for the OBC category shall not be more than 14% while declaring the results of MP PSC. Similar orders were passed in numerous writ petitions by the High Court for different services/posts of the State.

7. To overcome the hurdle created by the High Court in limiting the appointment of OBC to 14%, State of Madhya Pradesh devised a scheme and issued a notification dated 29.09.2022 wherein it was stated that results for only 87% of the total seats would be declared by the State. It was further stated that 13% of seats would be blocked for the unreserved and OBC candidates respectively and results of that 13% would not be declared till the challenge to the Act is finally decided. The Notification further states that Candidates are to be selected in 13% provisional quota from the preliminary stage itself and thereafter, their selection in mains and interview shall be declared in the provisional list.
8. Petitioner No. 1 is a meritorious candidate belonging to General Category who appeared against an advertisement issued by Respondent No. 4 on 14.11.2019 for State Service Examinations and has qualified two written stages of examination i.e. Preliminary and Mains and has also appeared for interview as per MPSSE Rules, 2015. The Petitioner No. 1's result has been put on hold due to operation of notification dated 29.09.2022 since December 2023. Similarly, Petitioner No. 2 is also a meritorious candidate belonging to General Category who has qualified her examinations against advertisement dated 14.11.2019 as well as advertisement dated 30.11.2022. She has appeared for interviews for both the examinations and is awaiting her results since then. MPPSC has last advertised its vacancies in 30.11.2022 and the results for the same were declared on 29.10.2024. Being aggrieved, the Petitioners have filed the writ petition challenging the 2019 Act and 29.09.2022 Notification.

PETITIONER'S SUBMISSIONS

Aggregate Reservation cannot exceed 50%

- A. The 2019 Amendment Act introduced by State of Madhya Pradesh in order to increase reservation for OBCs from 14% to 27% has breached the outer limit of 50% reservation. The 2019 Act violates the rights of the Petitioners enshrined under Article 14, 15 and 16 of the Constitution of India, 1950 under Part III of the Constitution of India, 1950. The State cannot obliterate the constitutional mandate of equality by breaching the ceiling limit of 50%. The increase in OBC reservation quota in State Services discriminates against the unreserved category. It is a constitutional duty cast upon the State that it should strike a just balance between aspirational rights and introduce protective discrimination to eliminate inequality as prescribed under Article 16 of the

Constitution. The 2019 enactment obliterates the balance which the State ought to have kept. The introduction of additional reservation of 27% lacks constitutional objective of mitigating inequality in the society rather it results in reverse discrimination.

- B. The binding ceiling limit of 50% reservation laid down by this Hon'ble Court in catena of its decisions, is now an integral part of the trinity of Article 14, 15 and 16 of Constitution. This Hon'ble Court in *MR Balaji vs State of Mysore*, 1963 Supp 1 SCR 439 (Pr, 34, 35) while balancing the rights of backward classes, SCs and STs with the rest of the society prescribed the extent of reservation which could be granted by the State under Article 16(4) for the first time. In a general and broad way, it was stipulated that a special provision granting reservation should be less than 50%.
- C. The law eventually came to be settled in *Indira Sawhney (Supra)*. This Hon'ble Court in *Indira Sawhney (Supra)* has held as under:

“809. From the above discussion, the irresistible conclusion that follows is that the reservations contemplated in clause (4) of Article 16 should not exceed 50%.”

- D. *Indira Sawhney (Supra)* while laying down the 50% ceiling limit carved out an exception only in extraordinary situations. As an illustration, it was observed that the ceiling limit may be breached of backward classes in farflung areas and remote areas outside the *mainstream of national life* and in view of conditions peculiar to and characteristic to them. However, the 9 Judges Bench categorically held that in relaxing such limit extreme caution is to be exercised and a special case has to be made out.
- E. Later Constitution Benches of this Hon'ble Court have also upheld the outer limit of 50%. 50% outer limit of reservation has been reasonably prescribed to attain the object of equality. Reliance is placed on the following CB Judgments:
 - i. *M. Nagaraj vs Union of India*, 2006 8 SCC 212, (Pr.121 to 124)
 - ii. *Dr. Jaishri Laxmanrao Patil vs Chief Minister & Ors.*, 2021 8 SCC 1 (Paras 10 to 33m 194.1 to 194.3, 196, 225, 227, 355 to 381, 411 to 416 and 688.1 to 688.22)
 - iii. *Jarnail Singh vs Lacchmi Narain Gupta*, 2018 10 SCC 396, Pr. 19

- iv. *Indira Sawhney & Ors. vs Union of India & Ors.*, 1992 Supp (3) SCC 217 (Pr.807, 809,810)
- F. Even in the context of reservation under Article 243D and Article 243T for Panchayat/Municipality elections, in favour of Schedules Castes/Tribes, this Hon'ble Court has held that the ceiling limit of 50% reservation applies.
 - i. *Chebrolu Leela Prasad Rao & Ors, vs State of Andhra Pradesh & Ors.*, (2021) 11 SCC 401, (Pr. 121,124,168)
 - ii. *Union of India vs Rakesh Kumar*, (2010) 4 SCC 50 (Pr. 41,43,44)
 - iii. *K Krishna Murthy vs Union of India*, (2010) 7 SCC 202 (Pr. 64 to 67 & 82(iv))
- G. In *Satyajit Kumar vs State of Jharkhand*, (2022) 18 SCC 284 (Pr.61), this Hon'ble Court while dealing with a Notification providing for 100% reservation in favour of local residents of Scheduled Areas, applied the outer limit of 50% to reservation, as mandated by *Indira Sawhney*.
- H. The State of Madhya Pradesh in the current scenario has not shown any exceptional or extraordinary circumstance for breaching the 50% limit. The decision of the State of MP to increase the OBC Quota from 14% to 27% thereby increasing the overall limit to 63% is not in line with the judgment of *Indira Sawhney (Supra)*. A comparative analysis of the State Service Examinations held from 2019 to 2022 would show that OBC candidates have been occupying more than 25% of posts in every examination. Thus, establishing the fact that there is no necessity or extraordinary circumstance for additional reservation in favour of OBC.

Test is adequate representation and not proportionate representation

- I. Article 16(4) of the Constitution of India, 1950 recognizes adequate representation and not proportionate representation for granting reservation in favour of any backward class. The power under Article 16(4) can only be exercised by the State when there is inadequate representation. The objective of Article 16(4) is that backward classes should also be brought in the mainstream and they are enabled to be part of public life by providing affirmative action. However, the State for exercising its powers to grant reservation under Article 16(4) has to identify inadequacy in representation of backward classes who are not

adequately represented. For finding out adequate representation, the representation of backward class has to be contrasted with representation of other classes including forward classes.

- J. It is the case of the Petitioners that OBCs have adequate representation in the State Services of State of Madhya Pradesh. The Petitioner has tabulated the appointments of OBC candidates in MP State Services from 2019 to 2022. The representation of the OBC candidates is more than 25%. The only ground on which the State intends to increase the quota is proportionate representation (i.e. based on the population) and not adequate representation. The action of the State therefore falls foul of Article 16(4) of the Constitution of India.

Cases relied upon:-

- i. Trilok nath Tiku & Anr. vs State of Jammu Kashmir & Ors., 1967 2 SCR 265, (Pr. 5,7)
- ii. Indira Sahwney & Ors. vs Union of India & Ors., 1992 Supp (3) SCC 217, (Pr. 807)
- iii. M. Nagaraj vs Union of India, 2006 8 SCC 212 ((Pr.102, 104 107,117,119,123)
- iv. Dr. Jaishri Laxmanrao Patil vs Chief Minister & Ors., 2021 8 SCC 1 (Pr. 515,520, 688.13,688.20)

Increase of Reservation from 14% To 27% is without any foundational study/quantifiable & contemporaneous data/ Report of Backward Commission

- K. It is an admitted position that the then Government, which increased the OBC quota from 14% to 27%, did so without any foundational data. It is the admission of the then Chief Minister that there was no caste census for OBC before increasing reservation to the OBC candidates as is evident from the news paper reports annexed in the Writ Petition. The current Government of Madhya Pradesh is now planning to appoint a Commission or conduct caste census and submit a report to regularize the 27% job reservation in favour of Other Backward Class community. The erstwhile government which introduced the Amendment Ordinance on 10.03.2019 did not have any study or report before passing such bill and enacting the law.
- L. *M. Nagaraj* (Supra) lays down the law that State Government is free to provide for reservation where it is satisfied on the basis of quantifiable data that Backward Class is inadequately represented in the services. In every case where the State decides to provide for the reservation there must exist two circumstances namely “backwardness” and inadequacy of representation. If the State Government fails to identify and measure backwardness, inadequacy and overall administrative

efficiency then the provision of reservation would be rendered invalid.

- M. This Hon'ble Court has in several cases emphasized that the foremost requirement before granting the benefit of reservation to OBCs, is to collate adequate materials or documents that could have helped in identification of Backward Classes for the purpose of reservation by conducting a contemporaneous rigorous empirical inquiry.

Cases Relied on-

- i. *M. Nagaraj vs Union of India*, 2006 8 SCC 212, (Pr. 123,124)
- ii. *Jarnail Singh vs Lacchmi Narain Gupta*, 2018 10 SCC 396, (Pr. 30)
- iii. *Dr. Jaishri Laxmanrao Patil vs Chief Minister & Ors.*, 2021 8 SCC 1 (Pr. 465 to 470)
- iv. *Vikas Kishanrao Gawali vs State of Maharashtra & Ors.*, (2021) 6 SCC 73, (Pr. 6 to 13)
- v. *UPPCL vs Rajesh Kumar*, 2012 7 SCC 1. (Pr. 71,83, 81(i) to 81(x), 86)
- vi. *Ram Singh vs Union of India*, 2015 4 SCC 697.(Pr. 52)

2019 Amendment Act violates the existing provisions of the 1994 Act (Amended In 2002)

- A. The Madhya Pradesh Lok Seva (Anusuchit Jatiyon, Aur Anya Pichda Vargon Ke Liye Arakshan) Adhiniyam 1994 was amended in 2002 and Clause (c) was inserted in Section 4(3). The provision is as under:

“(c) Wherever the reserved vacancies for Scheduled Castes and Schedule Tribes in all cases of direct recruitment or promotion have remained unfilled in the earlier year or years, the backlog and/or carried forward vacancies would be treated as a separate and distinct group and will not be considered together with the reserved vacancies of the year in which they are being filled for determining the ceiling of fifty percent on filling up on reserved vacancies would apply only on the reserved vacancies which arise in the current year and the backlog/carried forwarded reserved vacancies for Scheduled Castes or Scheduled Tribes of earlier year or years would be treated as a separate and distinct group and would be subject to ceiling of fifty percent.”

This amendment was brought by the State in terms of Article 16(4B) of the Constitution of India, 1950 therefore following the constitutionally recognized principle of 50% ceiling limit. Since, the Act has not been amended to the effect that 50% ceiling limit shall not apply, the 2019 Amendment Act is in conflict with

Section 4(3)(c) of the same Act. Hence, on this ground the 2019 Act deserves to be struck down.

2019 Amendment Act is in ignorance of The Madhya Pradesh Rajya Pichhada Varg Ayog Adhiniyam, 1995

- A. The State of Madhya Pradesh has enacted “The Madhya Pradesh Rajya Pichhada Varg Ayog Adhiniyam, 1995” pursuant to the judgment of Indira Sawhney (Supra), wherein a State Commission has been constituted under Section 3 of the Act and power and functions have been conferred upon it vide Section 9 of the Act. It is the function of the State Commission to tender advice regarding reservation for backward classes in public services and for admission in education institutions. The State Commission has been given wide functionality under the Act to carry out any assignment given by the State Government.
- B. Section 9(2) of 1995 Act (prior to 2021 Amendment) stipulated that the advice of the Commission shall ordinarily be binding upon the State Government and where the Government does not accept the advice, it shall record its reasons therefor. However, no assistance or advice has been taken by the State Government before increasing the OBC quota.
- C. Further, Section 11 (1) of the 1995 Act mandates that the State Government *shall* at the expiration of 10 years from coming into force of the 1995 Act and every succeeding period of 10 years thereafter, undertake revision of the lists of Backward Classes with a view to excluding from such list those classes who have ceased to be backward classes or for including in such list new backward classes. Section 11(2) of the 1995 Act stipulates that the State Government while undertaking revision shall consult the Commission. The intent of the Act is therefore to conduct a factual determination of the extent of backwardness , exclude the Creamy Layer from the Backward Classes and extend the benefit of reservation to the persons belonging to Backward Classes who are in real need of the same. While carrying such a factual determination, the percentage of backward classes after exclusion of the creamy layer may vary the percentage of reservation. This determination has not been done by the State Government.
- D. Section 9(2) was amended in 2021 stipulating that the State Government shall consult the Commission on all major policy affecting the backward classes. The said amendment is clarificatory otherwise non consultation of the Commission would

have rendered the 1995 Act otiose. State Government has not carried out such a revision in consultation with the Commission and prepared the lists in order to expand the 14% quota to 27%. The State Government has increased the OBC quota by 13% in complete ignorance of the 1995 Act. Therefore, the 2019 Amendment Act being not in compliance of the 1995 Act deserves to be struck down.

- E. In fact Article 338-B(9) mandates that the National Commission for Backward Classes shall be consulted by the State Government on all major policy matters affecting the socially and educationally backward classes. The same was also not done.

Letter Dated 29.09.2022 is in Violation of MPSSE Rules, 2015

- A. Letter dated 29.09.2022 making interim arrangement for appointment in State Services during pendency of challenge to the 2019 Act, is plainly contrary to Rule 3(2)(a)(i) and Rule 4 (3)(a)(i) of MPSSE Rules, 2015 and is in violation of Article 14 & 15 of the Constitution of India. The Rules specifically provide that the preliminary examination is conducted for screening the candidates to appear in the main examination. It further provides that final selection of candidates is made on the basis of marks obtained in the main exam examination and interview.
- B. Under the Rules, caste/class segregation is contemplated at the stage of preliminary examination, only for the purpose of calling candidates for the next stage in the recruitment process. The merit or ranking of a candidate solely depends on marks obtained in the main examination and the interview.
- C. Hence, categorizing students and putting them in provision list of 13%, on the basis of marks obtained in the preliminary examination violates the Rules and is completely arbitrary.. By following this procedure, an unreserved candidate who may have higher marks than a candidate in 87% quota in Mains examination and interview and would have ordinarily been entitled for appointment under the Rules, may be pushed down in the provisional list due to the operation of the impugned circular.
- D. Further, the candidates appeared in the preliminary examination, with the understanding that the Preliminary examination was intended only for screening, as per the Rules. The Notifiatioin dated dated 29.09.2022 amounts to changing the rules of the game , after the game has begun. Thus, the selection list drawn on the basis of ratio of 87:13 ought to be set aside and fresh selection be drawn on the basis of marks obtained in the main examination and interview.

Case relied on:

- i. Tej Prakash Pathak & Ors vs Rajasthan High Court & Ors.(Pr. 14,16)
- E. It has been more than 2 years now that the Petitioners and other similarly situated candidates have been deprived of their results and have been suffering at the hands of the State due to such arbitrary and illogical exercise being undertaken by it. The marks of the Petitioners in the main examination and interview have not been disclosed.
- F. Segregation of candidates in the ratio of 87:13 at the stage of preliminary examination is anti-merit, as also anti-reservation. Once segregated at the stage of preliminary examination, a meritorious OBC candidate (i.e. candidate having higher score in main examination & interview) is excluded from being appointed against an open category vacancy and comes to occupy a slot in the OBC Quota, thus possibly taking away a vacancy that could have been allocated to another OBC Category candidate.
- G. This notification creates an artificial barrier for the unreserved candidates having high merit in the written examination and interview, in the 13% provisional list and debars them from competing against other unreserved candidates. This notification is outright discriminatory and violates the protection guaranteed under Article 14 & 15 of the Indian Constitution. This was not the intention of the 2015 Rule. It is settled law executive instructions cannot override statutory rules.

Cases relied on:-

- i. Union of India v. Ashok Kumar Aggarwal (2013) 16 SCC 147

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
I.A. NO. OF 2025**

IN

T.C. (CIVIL) NO. 7 of 2025

IN THE MATTER OF:

Shivam Gautam

.... Petitioner

Versus

State of M.P & Ors.

.... Respondents

AFFIDAVIT ON BEHALF OF THE STATE OF M.P.

ADVOCATE FOR THE RESPONDENT: MRINAL GOPAL ELKER

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

T.C. (CIVIL) NO. 7 OF 2025

IN THE MATTER OF:

SHIVAM GAUTAM

.....PETITIONER

VERSUS

STATE OF M.P. & ORS.

....RESPONDENTS

AFFIDAVIT ON BEHALF OF THE RESPONDENT STATE

1. The central question that arises for consideration in the captioned and other connected matters pertains to the validity of Section 4 of Madhya Pradesh Lok Seva (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Amendment Act, 1994 as amended by the Madhya Pradesh Lok Seva (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Amendment Act, 2019, by which the reservation in favour of Other Backward Classes (hereinafter called the “OBCs”) has been enhanced from 14% to 27% on all posts in the services of the State. Since the main contentious issue is common in all connected matters pertaining to State of Madhya Pradesh, i.e. enhancement of

reservation to other backward classes from 14 % to 27 %, therefore Respondent State seeks to adopt submissions filed herewith in other connected matters as well.

1. Historical Genesis of Reservation in favour of Other Backward Classes

1.1. On 05.09.1980, the Government of Madhya Pradesh set up a Backward Classes Commission under the Chairmanship of Shri Ramji Mahajan (hereinafter called the “**Mahajan Commission**”) to look into the social, education, and backwardness faced by various communities in the State of Madhya Pradesh. The terms of reference of Mahajan Commission were as follows:

- (a) Which classes or groups among the actual residents of Madhya Pradesh are socially and educationally backward, and in which revenue districts is the majority of these backward classes found?
- (b) What is the justification and necessity for making special provisions for the advancement of these backward classes?
- (c) What concrete steps can be taken to promote educational and economic progress among these backward classes?
- (d) Are proper arrangements made for the appointment of qualified members from these backward classes to state jobs or positions, and is it necessary to provide for adequate reservation for these members in the rules made under Article 309 of the Constitution, as is provided in Article 16?
- (e) Is there social exploitation of these backward classes in the state, and if yes, what concrete measures can be taken for prevention?

- (f) Is any group or caste among these backward classes subjected to untouchability, and if yes, what suggestions can be made for prevention?
- (g) For the purpose of ensuring educational progress among members of backward classes, have adequate and special provisions been made by the state government for admission in state-aided institutions? If not, what concrete steps can be taken to achieve the objective?
- (h) From the perspective of accelerating the pace of social and economic advancement of backward classes in the state, is it desirable to provide special training and economic assistance services to members of these groups? If yes, what should be its form?

1.2. The Mahajan Commission conducted a long and comprehensive state-wide survey. In this survey, the Commission collected data and gathered evidence from both official and non-official sources regarding the social and educational backwardness prevalent among the communities living in the state. To determine social backwardness, the Commission gathered evidence regarding social discrimination faced due to professions, population concentration, labour work performed by women, social discrimination, differential class treatment, food-related discrimination, other forms of backwardness, and place of residence. For educational backwardness, the Commission collected data on educational status, representation in government services, reasons for educational deficits, number of educated women, measures to alleviate educational backwardness, economic status, political influence, and related factors. After examining the data and evidence under these specific heads, the Commission concluded that a 35% reservation should be made in favour of OBCs in both state services and admissions to educational institutions.

- 1.3. On 08.06.1994, the State Legislature of Madhya Pradesh enacted the Madhya Pradesh Lok Seva (Reservation for Scheduled Castes, Scheduled Tribe and Other Backward Classes) Act, 1994 (hereinafter called the “**Principal Act**”), to give 15%, 18% and 14% reservation on Class I and Class II posts to Scheduled Castes, Scheduled Tribe and Other Backward Classes communities, respectively, and 13%, 20% and 14% reservation on Class III posts to Scheduled Castes, Scheduled Tribe and Other Backward Classes communities, respectively.
- 1.4. Fifteen months later, the State Legislature of Madhya Pradesh, on 19.09.1995 passed the Madhya Pradesh Lok Seva (Reservation for Scheduled Castes, Scheduled Tribe and Other Backward Classes) Amendment Bill, 1995 (hereinafter called the “**Amendment Bill 1995**”), granting 15%, 23% and 27% reservation on Class I and Class II posts to Scheduled Castes, Scheduled Tribe and Other Backward Classes communities, respectively, and 13%, 23% and 27% reservation on Class III posts to Scheduled Castes, Scheduled Tribe and Other Backward Classes communities, respectively.
- 1.5. The Amendment Bill 1995 was sent to the Hon’ble Governor with the advice that the same be reserved for consideration of the Hon’ble President in terms of Article 254(2) of the Constitution of India. On 07.12.2001, the Hon’ble President sent back the Amendment Bill 1995 to the State Legislature, *inter-alia*, with a message to reconsider and amend the said Bill in a way that the total reservation in favour of Scheduled Castes, Scheduled Tribe and Other Backward Classes communities should not exceed 50%.
- 1.6. In the interregnum, the Madhya Pradesh Backward Classes Commission came out with its Annual Report 1996-97, recommending that the reservation in favour of Other Backward Classes communities should be enhanced from 14% to 27%.

- 1.7. Later, in 2000-01, the Madhya Pradesh Backward Classes Commission, while examining the issue of backwardness in the State of Madhya Pradesh, agreed with the recommendations of the Mahajan Commission, to grant an enhanced reservation in favour of Other Backward Classes.
- 1.8. In keeping with the message received from the Hon'ble President, the State Legislature of Madhya Pradesh, on 16.04.2002, passed the Madhya Pradesh Lok Seva (Reservation for Scheduled Castes, Scheduled Tribe and Other Backward Classes) Amendment Act, 2002, making a provision for 16%, 20% and 14% reservation on all classes of posts in favour of Scheduled Castes, Scheduled Tribes and Other Backward Classes communities.
- 1.9. To increase the reservation for Other Backward Classes (OBCs) to 27%, the Madhya Pradesh State Legislature passed the Madhya Pradesh Lok Seva (Reservation for Scheduled Castes, Scheduled Tribes, and Other Backward Classes) Amendment Bill, 2002, on 27.11.2002. Since this proposed increase would raise the total reservation in the state above 50%, the Bill was forwarded to the President for consideration under Article 254(2) of the Constitution. However, the President neither gave assent to the Bill, nor withheld it, nor returned it to the Governor with a request for the State Legislature to reconsider it. In view of this prevailing position, a decision was taken at the level of the State Government to initiate the exercise of increasing the reservation in favour of OBCs to 27%. As part of this exercise, the Administrative Department (Aboriginal Tribe and Backward Classes) was directed to gather information regarding backward classes communities in the State on the basis of the following nine indicators of development:
 - (a) Low per capita income
 - (b) Inadequate communication network particularly in rural areas
 - (c) Low industrial growth
 - (d) Mostly subsistence level of agriculture
 - (e) Lack of irrigation facilities

- (f) Low literacy levels
- (g) Low rural electrification
- (h) Low urbanisation
- (i) A high percentage of people living below the poverty line.

1.10. Based on the information gathered on the nine abovesaid indicators and in keeping with the judgment of this Hon'ble Court in *Indra Sawhney v. Union of India*, the State Government determined that a sizeable section of the State population lives in far flung and remote areas, far away from the mainstream of national life. Accordingly, by Resolution dated 30.06.2003, it was concluded that special circumstances prevail within the State of Madhya Pradesh, thereby justifying the enhancement of overall reservation in posts and services in the State beyond 50%, and increasing the reservation for Other Backward Classes from 14% to 27%. The Resolution dated 30.06.2003 was published by the General Administration Department of the State of Madhya Pradesh in the Official Gazette.

1.11. To implement the Resolution dated 30.06.2003, it was decided at the higher levels of the State Government that, while reserving district-level posts for Other Backward Classes, the population figures of OBC communities as provided in the report of the Mahajan Commission shall be taken into consideration.

1.12. On 03.07.2003, the State Cabinet resolved that an Ordinance be promulgated to enhance the reservation for Other Backward Classes from 14% to 27%. However, since the Madhya Pradesh Legislature had already passed the Madhya Pradesh Lok Seva (Reservation for Scheduled Castes, Scheduled Tribes, and Other Backward Classes) Amendment Bill, 2002, which was pending consideration before the Hon'ble President of India, there existed a constitutional bar under Article 213 of the Constitution of India against promulgating such an Ordinance to effect the proposed enhancement in

reservation. Thereafter, the State Government decided to re-table the Madhya Pradesh Lok Seva (Reservation for Scheduled Castes, Scheduled Tribes, and Other Backward Classes) Amendment Bill, 2003, which enhanced the OBC reservation from 14% to 27%.

1.13. The validity of the resolution dated 30.06.2003 issued by the General Administration Department enhancing the OBC reservation to 27% was challenged before the Hon'ble High Court of Madhya Pradesh, Jabalpur, vide judgment and order dated 13.10.2014, in *Manish Mishra and Ors. v. State of Madhya Pradesh and Ors.*, W.P. No. 2798/2003, wherein the Hon'ble High Court quashed the Resolution dated 30.06.2003, *inter-alia*, on the ground that the Resolution dated 30.06.2003 has been issued in contravention of the provisions of Madhya Pradesh Lok Seva (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994. The judgment and order dated 13.10.2014 passed by the Hon'ble High Court of Madhya Pradesh has been assailed before this Hon'ble Court in SLP (C) No. 21195/2015, wherein this Hon'ble Court, vide order dated 24.07.2015 was pleased to issue notice. The matter is presently pending consideration. Since, in case of *Manish Mishra (supra)* the Hon'ble High Court *prima facie* held that an act could not be amended by a resolution as was done in this matter, and this led to quashing of the said resolution of 2003, it is humble submission of the Respondent State that in present amendment act of 2019, such anomaly does not survive anymore.

1.14. In 2019, while proposing the Madhya Pradesh Public Services (Reservation for SC, ST, and OBC) Amendment Ordinance, the State Government referred to and relied upon the minutes of the OBC Commission meeting dated 25.01.2000.

1.15. In that meeting, the Commission had extensively discussed and relied upon its earlier report of 1996–1997. The 1996–1997 Report recorded that although the OBC population constituted nearly 50% of Madhya Pradesh's

population, they were given only 14% reservation at that time, which was described as a "drop in the ocean."

1.16. The Commission strongly emphasized that for ensuring substantive equality and in line with the constitutional mandate under Article 16(4), the reservation for OBCs should be enhanced from 14% to 27%. The report highlighted that the Supreme Court's order in *Indra Sawhney* (1992) capped reservations generally at 50%, but it urged that the State Government should address this limitation in view of Madhya Pradesh's special circumstances, to safeguard the rights of its large backward class population. Consequently, in the 2000 meeting, the Commission formally adopted the recommendation to increase OBC reservation to 27%, building upon the 1996–1997 findings.

1.17. In March 2019, the State of Madhya Pradesh promulgated an ordinance enhancing the OBC reservation quota from 14% to 27%. This was a landmark executive measure by the State to ensure equitable representation of OBCs in public employment. The ordinance was issued keeping in view the demographic realities and political commitment to social justice. However, this proactive step by the State became the immediate subject of judicial scrutiny and was challenged before the High Court, triggering prolonged litigation. Further, the Ordinance was issued keeping in mind that the minutes of the meeting dated 25.01.2000 of the Madhya Pradesh Backward Classes Commission, in which the Commission recommended increasing the OBC reservation from 14% to 27%.

1.18. The ordinance enhancing OBC reservation was challenged before the Madhya Pradesh High Court in WP No. 5901/2019. By its interim order dated 19.03.2019, the High Court stayed the enhanced reservation from 14% to 27%, but restricted this stay only to the field of medical education. This order marked the first judicial intervention against the State's ordinance. It

reflected judicial caution while acknowledging that the matter involved complex constitutional issues requiring further consideration.

- 1.19. On 25.03.2019, a writ petition was filed before the Supreme Court challenging the amendment to the 1994 Reservation Act brought in by the ordinance. The Hon'ble Supreme Court issued notices on 12.04.2019 and tagged the matter with the already pending case.
- 1.20. In July 2019, the Government introduced a Bill in the Legislative Assembly with the express object and reasons that OBCs constitute around 27% of the total population of Madhya Pradesh. The Bill sought to regularize the 27% reservation initially brought through the ordinance. This step highlights the legislative intent of the State to align statutory reservation policy with demographic proportions and to provide stability and permanence to the measure.
- 1.21. The State of Madhya Pradesh filed Transfer Petition before the Supreme Court seeking to consolidate cases relating to OBC reservation which was numbered as Transfer Petition (civil) 1226/2019. However, on 15.07.2019, the Supreme Court rejected the petition, thereby allowing proceedings to continue simultaneously before the High Court and the Supreme Court. This rejection contributed to the multiplicity of proceedings, which prolonged the resolution of the matter and complicated the litigation strategy of the State.
- 1.22. In December 2019, the State notified rules to implement the enhanced OBC reservation of 27%. This was an administrative step towards operationalizing the legislative and executive decision of the Government. By issuing rules, the State intended to give practical effect to the policy and ensure that the enhanced quota was reflected in recruitment and admission processes. However, these rules themselves became the subject of subsequent challenges.

- 1.23. In WP No. 25181/2019 (Piyush Jain vs. State of MP), the High Court granted interim relief on 28.01.2020 similar to the relief earlier granted in Ashita Dubey.
- 1.24. On 25.08.2021, the Advocate General gave a considered opinion that there was no stay on admissions or recruitment by departments other than medical education. Therefore, the State was free to proceed with the enhanced reservation in other fields. This opinion provided a legal basis for the State to cautiously continue implementing 27% reservation where no specific judicial restraint existed.
- 1.25. Acting on the Advocate General's opinion, the General Administration Department (GAD) issued a circular on 02.09.2021 directing that 27% reservation be provided in all vacancies except those under pending litigation. This circular was a significant administrative move that reflected the State's intent to enforce the enhanced quota while remaining within the boundaries of ongoing court proceedings.
- 1.26. On 31.01.2022, the GAD issued another circular making it mandatory to implement the increased 27% reservation for the OBC category in all recruitments. This reflects showing the State's determination to extend enhanced benefits uniformly. However, it also invited direct legal challenges, leading to further judicial intervention.
- 1.27. In WP No. 3668/2022 (Shivam Gautam vs. State of MP), was filed challenging the Rules dated 24.12.2019 and circulars dated 02.09.2021 and 31.01.2022 the High Court passed a significant order on 04.05.2022, restraining the State from providing OBC reservation beyond 14% and staying the December 2019 Rules. This order was a major judicial setback for the State, as it effectively froze all attempts to implement the enhanced 27% reservation, irrespective of administrative circulars.
- 1.28. On 13.09.2022, in the Ashita Dubey matter, the High Court observed that there was a considerable overlap between issues pending before it and

those already before the Supreme Court. It directed parties to seek instructions on whether they wished to pursue matters before the Supreme Court instead.

1.29. Meanwhile, the GAD, on 22.09.2022, issued a circular directing publication of recruitment results in two categories: (i) 87% vacancies filled with 14% OBC quota, and (ii) 13% vacancies kept in abeyance, with separate lists prepared for OBC and unreserved candidates. This method attempted to balance judicial directions with administrative requirements. Due to this exercise, the recruitments in the State did not get stalled and at least 87% of the posts were filled. Simultaneously results were declared for remaining 13 % posts but no appointments could be made. This resulted in large-scale stagnation in recruitments, leaving nearly 865 Madhya Pradesh Public Service Commission posts (approximately as on date) and more than 3867 Employee Selection Board (ESB) posts vacant. Typed copy of the chart indicating the above vacant posts are hereby annexed as **ANNEXURE No. 1.**

1.30. In WP No. 24847/2022 (Harishankar Barodiya vs. State of MP), the High Court upheld the formula of bifurcating results into 87% and 13% categories. This judicial approval gave temporary legitimacy to the State's administrative arrangement but did not resolve the fundamental question of whether 27% OBC reservation could be implemented.

1.31. By 2024, multiple writ petitions challenging enhanced OBC reservation and validity of the amendment, rules made there under, order/advertisements issued as per the amended provisions were filed before Hon'ble High Court.

- 1.32. In the year 2024-25, writ petitions filed before the Hon'ble High Court were transferred to this Hon'ble Court. The State had filed an interlocutory application in WP No. 3668/2022, registered as Transferred Case (C) No. 7/2025, seeking vacation of the High Court's stay order dated 04.05.2022.
- 1.33. It is pertinent to state that the State Government is currently facing irreparable loss and injury as selection and recruitment processes since year 2022 in various 12 departments of the State Government are pending due to pendency of current issue involved in the present petition(s). That the State government have a prima-facie strong case and is suffering irreparable loss and injuries if the relief sought is not granted to the State Government to proceed with 27% reservation for OBC Category for appointment and selection process in Government Jobs subject to the outcome of the present petition.
- 1.34. This application was filed due to prevailing administrative exigencies in the State because of unfilled 13% posts. Also, there has been feeling of uncertainty in the mind of selected candidates who were given appointments despite their name being in the select list.
- 1.35. However, on 12.08.2025, the Supreme Court observed that interim orders had been continuing since 2019, and instead of vacating them, it directed that all transferred cases be listed for final hearing in the week commencing 22nd September 2025 as the first matter.

2. Findings of the Report of Mahajan Commission in 1982

Methodology adopted by the Mahajan Commission

- 2.1. For the purpose of determining whether a caste or community was socially and educationally backward, the Mahajan Commission undertook an extensive tour across the State to collect evidence and data on social and educational conditions. Prior to visiting a particular place, the Commission

publicised the purpose of its visit through newspaper notices, State officials, public representatives, and the personal efforts of its members. As methodology, the Commission identified specific criteria for assessing social and educational backwardness and applied these standards to evaluate the evidence, data, and responses received from castes and communities seeking recognition as backward classes. In furtherance of this objective, the Commission also circulated a comprehensive 75-point questionnaire to social groups and individuals. This questionnaire was divided into four categories: social, economic, educational, and political.

- 2.2. The Mahajan Commission investigated the social, educational, economic, and political status of Other Backward Classes (OBCs) in Madhya Pradesh. It noted that many communities are known by different names regionally but share the same traditional occupations, and most respondents reported severe social discrimination, including segregation in seating and food practices. Around 90% lived in kutcha houses with poor facilities. Educational attainment was extremely low, with negligible representation in higher or technical studies, and respondents demanded scholarships, fee waivers, and coaching for competitive exams. Economically, 83% said industrialization harmed their occupations, most sought low-interest loans, and exploitation through debt was common. Politically, OBC representation in the Legislative Assembly remained below 16%, and communities considered themselves politically backward.
- 2.3. General responses revealed that many urged SC/ST status, though all wanted OBC recognition. In state services, OBC representation was only 8.241% across all classes, with virtual absence in Class I and II services. Where present, employment was mostly confined to low-ranking posts. Despite constituting 48.08% of the population (1981 Census), OBCs remained grossly underrepresented in education, government services, and political institutions.

- 2.4. In the above backdrop, the Commission noted that, like Scheduled Castes and Scheduled Tribes, the Other Backward Classes must also be entitled to reservation, recommending a reservation of 35% for them in all the departments of the State Government.
 - 2.5. The Principal Act currently provides for a reservation of 27% for the backward classes, which is significantly lower than the 35% reservation proposed by the Commission.
3. Further, annual reports of the Madhya Pradesh Backward class commission of the years 1996-97, 1999-2000 and 2000-2001 respectively recommended for enhanced reservation. In 1996-97, commission recommended that the reservation in favour of Other Backward Classes communities should be enhanced from 14% to 27%.
 4. In the report of 1999-2000, the Commission, under Section 9(1) (c) of the Act, reviewed the 14% reservation for OBCs in Madhya Pradesh and found it inadequate compared to their estimated population of over 50%.
 - (i) Public representatives and stakeholders strongly demanded enhancement to **27% reservation**, in line with the Central Government. Previous Commissions also made similar recommendations.
 - (ii) The Commission noted that many other states provide higher reservations for OBCs (see table below).
 - (iii) Despite passing a resolution for 27% OBC reservation, the State's proposal was returned by the Central Government. The Commission advised resubmission, seeking relaxation of the **50% ceiling rule** set by the Supreme Court.
 - (iv) Complaints were received regarding irregularities in implementing reservation rules, especially in **universities and**

recruitment processes, where reservation rosters were not maintained.

- (v) The **Public Service Commission's policy** of preparing separate merit lists often disadvantaged OBC candidates, as cut-offs for General Category sometimes remained lower than OBC.
- (vi) In **1999-2000**, out of 18,095 seats for OBCs in competitive exams, **3,091 candidates** were selected under quota and **1,358 in open merit**.
- (vii) The Commission recommended:
 - a. Strict implementation of 14% reservation in universities.
 - b. Shifting OBCs from **5th to 3rd position** in the 100-point roster to improve benefits.
 - c. Raising OBC reservation in Madhya Pradesh to **27%**.

OBC Reservation in Other States (as per Commission's report)

State/UT	Reservation %
Uttar Pradesh	27%
Delhi (NCT)	27%
Tamil Nadu	30% (BC) + 50% (ABC) + 20% (Denotified communities)
Goa	2%
West Bengal	5%
Karnataka	32%

5. The Madhya Pradesh State Backward Classes Commission in its Annual Report (2000–01) recommended enhancing reservation for backward classes to 35% in proportion to their population (48.08%), extending it

across government, semi-government, public institutions, appointments, promotions, and selection posts. It advised that meritorious OBC candidates selected in open competition should not be counted against the reserved quota, unfilled quotas should remain reserved for three years, and OBC candidates should receive a 5-year age relaxation. The Commission stressed strict implementation of the roster system and extension of reservation to corporations, cooperatives, self-government institutions, aided private establishments, and all universities/colleges. It further proposed framing rules under Articles 320(4), 16(4), 309, and 229 of the Constitution to safeguard OBC interests, alongside establishing training centres and special facilities in universities to prepare OBC candidates for competitive examinations and specialized positions.

6. It is pertinent to state that M.P. state backward class commission has been publishing annual reports on the backwardness of the other backward classes and has been recommending reservation to OBC communities. A year wise chart of such report and recommendations made therein is annexed herewith and marked as **Annexure 2**.
7. That, as latest as in the year 2023, at the behest of State Government, a detailed study was conducted by Dr. B. R. Ambedkar social sciences (State University, Government of Madhya Pradesh) on “**Survey and social scientific study of the socio-economic, educational and political status of the Other Backward Classes of Madhya Pradesh and the reasons for their backwardness**”. This report underscores a stark disconnect between the **demographic strength and representation of OBCs in Madhya Pradesh**. The report reflects that OBCs continue to face **deep-rooted social discrimination, exclusion, and marginalization**—confined to traditional caste-based occupations, segregated localities, and lacking access to basic amenities—illustrating that despite numbers, they remain

socially backward in practice, and broad-based social reforms are needed alongside reservation.

8. Educationally and economically, OBCs also remain at a disadvantage. The report finds **high dropout rates, low presence in higher and technical education, and uneven benefits from reservation**, with advanced OBC sub-groups cornering most opportunities. Poor school infrastructure, poverty, and lack of awareness further widen this gap, restricting OBC youth from accessing professional fields like engineering, medicine, and research. Economically, most OBCs are engaged in **low-yield agriculture, petty trade, or informal labor**, with limited landholdings, poor access to credit, and dependence on moneylenders, leaving them vulnerable to debt and instability. These disadvantages are **interconnected**, creating cycles of poverty, illiteracy, and under-representation. Recognizing this, the report recommends multi-sectoral interventions: expanding **scholarships, hostels, and skill-development programs**, strictly enforcing **27% reservation in state jobs**, ensuring fair promotions, and improving **credit access, land reforms, and entrepreneurship opportunities**. Politically, it calls for rigorous compliance with the triple test to legitimize OBC reservation in local bodies. Overall, the report concludes that the **sustainable empowerment of OBCs demands a holistic approach**—combining education, employment, economic support, and political representation—to ensure equality, dignity, and justice for this numerically strong but persistently marginalized community.
9. The key issues and suggestions made in the report are reproduced herein below in tabular form for ease of reference-

Sector	Key Issues	Suggested Measures
Education	- Low enrollment and high dropout rates - Weak presence in higher/technical education - Benefits cornered by advanced OBC sub-groups	- Expand scholarships, hostels, remedial coaching, vocational training - Launch targeted schemes for OBC girls - Monitor delivery to marginalized OBC groups
Employment / Jobs	- Under-representation in government jobs and organized sector - Poor access to higher-level positions and promotions	- Enforce 27% reservation strictly in state jobs - Provide skill development & entrepreneurship programs - Ensure OBCs get fair promotions and senior-level roles
Political Representation	- Limited participation despite ~45–48% population - Supreme Court's triple test requirement - 50% ceiling restricts OBC quota to ~15%	- Establish dedicated Commission reports (body-wise data) - Follow triple test and ceiling rule - Encourage political parties to field OBC candidates in general seats
Economic Empowerment	- Dependence on traditional occupations - Poor access to land, credit, and modern markets	- Improve access to land reforms, institutional credit, cooperatives - Support self-employment

Sector	Key Issues	Suggested Measures
	- Vulnerability in unorganized sector	and entrepreneurship - Modernize traditional occupations and provide market linkages

10. The main contention of the Petitioners in the present matters is that enhancement of OBC reservation to 27% would result in the overall reservation exceeding the alleged “ceiling” of 50% which is impermissible in light of various judgements pronounced by this Hon’ble Court. In this regard, it is submitted that Article 16 (4) enables the government for making provisions for reservation in respect of backward classes which are not adequately represented in services under the State. Article 16 (4) is reproduced herein below for ready perusal-

“16. Equality of opportunity in matters of public employment.-(1)

.....

.....

(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in opinion of the State, is not adequately represented in the services under the State.

.....”

11. It is apparent from the bare reading of the provision that Constitution empowers the state government to make provisions for classes which are

not adequately represented. This was further interpreted by this Hon'ble court in catena of judgements holding that social, educational backwardness, inadequacy of representation shall be threshold test for determining the reservation.

12. It is submitted that this Hon'ble Court in the matter of M Nagraj has held that ;

“86. Clause (4-A) follows the pattern specified in clauses (3) and (4) of Article 16. Clause (4-A) of Article 16 emphasises the opinion of the States in the matter of adequacy of representation. It gives freedom to the State in an appropriate case depending upon the ground reality to provide for reservation in matters of promotion to any class or classes of posts in the services. The State has to form its opinion on the quantifiable data regarding adequacy of representation. Clause (4-A) of Article 16 is an enabling provision. It gives freedom to the State to provide for reservation in matters of promotion. Clause (4-A) of Article 16 applies only to SCs and STs. The said clause is carved out of Article 16(4). Therefore, clause (4-A) will be governed by the two compelling reasons—“backwardness” and “inadequacy of representation”, as mentioned in Article 16(4). If the said two reasons do not exist then the enabling provision cannot come into force. The State can make provision for reservation only if the above two circumstances exist..... ”

13. It is respectfully submitted that primary contention i.e. breach of 50% ceiling limit reflects a selective and erroneous reading of the law laid down by this Hon'ble court in *Indra Sawhney*. The Hon'ble Supreme Court itself

carved out exceptions, permitting relaxation of the 50% principle in extraordinary and compelling circumstances, particularly keeping in view India's diversity and the peculiar conditions of disadvantaged communities.

14. A bare perusal of the majority opinion in *Indra Sawhney reported in* (1992 Supp (3) SCC 217) makes it clear that while **50% is the general rule**, the Court recognized that exceptional circumstances such as regional imbalances, remoteness, or overwhelming backwardness may justify departure. This principle was further reaffirmed in later Constitutional Bench rulings, including *M. Nagaraj v. Union of India* and *Ashoka Kumar Thakur v. Union of India*, and also recognized in *S.V. Joshi v. State of Karnataka* (2017) 4 SCC 41, wherein quantifiable data was emphasized as the basis for exceeding the ceiling.

15. In Madhya Pradesh, the **2011 Census** reveals that Scheduled Castes constitute **15.6%**, Scheduled Tribes **21.1%**, and Other Backward Classes more than **51%** of the total population. Yet another report of OBC Commission, Madhya Pradesh of the year 2022 further substantiates the population figure of other backward classes i.e. more than 50 % in state. Thus, disadvantaged communities collectively comprise over **87% of the State's population**. Yet, OBCs were earlier confined to only **14% reservation**, which is wholly disproportionate to their demographic share and their actual educational and social backwardness. Hence, the enhancement to 27% is a constitutionally mandated corrective step.

16. It is further pertinent to submit that State Government has currently revised the State list of other backward classes in the State of Madhya Pradesh with the aid and advise of the Madhya Pradesh State Backward Classes Commission, which has been constituted in compliance of the directions issued by the Hon'ble Supreme Court in case of Indra Sawhney (Supra). It is further submitted that the recent list demonstrates that, there are as many as 94 castes/sub castes/classes, which have been categorized as other Backward Classes in the State of Madhya Pradesh. True and typed copy of list demonstrating castes/sub castes/classes is hereby annexed as **ANNEXURE 3**.

17. Further, it is pertinent to state that Mahajan Commission, after extensive field studies across the State, recommended **35% reservation** for OBCs, having found them to be socially, educationally, and economically backward. It's detailed survey constitutes valid and quantifiable data supporting the increase. The State Backward Classes Commission has also reaffirmed this position, listing 94 OBC castes/sub-castes engaged predominantly in traditional, menial, and agriculture-related occupations, reflecting their continuing marginalization.

18. *Further in Indra Sawhney (supra)*, this Hon'ble Court while explaining the concept of "adequate representation embedded in Article 16(4) of the Constitution held as follows:

"807. We must, however, point out that clause (4) speaks of adequate representation and not proportionate representation. Adequate representation cannot be read as proportionate representation.

Principle of proportionate representation is accepted only in Articles 330 and 332 of the Constitution and that too for a limited period. These articles speak of reservation of seats in Lok Sabha and the State -legislatures in favour of Scheduled Tribes and Scheduled Castes proportionate to their population, but they are only temporary and special provisions. It is therefore not possible to accept the theory of proportionate representation though the proportion of population of backward classes to the total population would certainly be relevant. Just as every power must be exercised reasonably and fairly, the power conferred by clause (4) of Article 16 should also be exercised in a fair manner and within reasonable limits — and what is more reasonable than to say that reservation under clause (4) shall not exceed 50% of the appointments or posts, barring certain extraordinary situations as explained hereinafter. From this point of view, the 27% reservation provided by the impugned Memorandums in favour of backward classes is well within the reasonable limits. Together with reservation in favour of Scheduled Castes and Scheduled Tribes, it comes to a total of 49.5%. In this connection, reference may be had to the Full Bench decision of the Andhra Pradesh High Court in V. Narayana Rao v. State of A.P. [AIR 1987 AP 53 : 1987 Lab IC 152 : (1986) 2 Andh LT 258] , striking down the enhancement of reservation from 25% to 44% for OBCs. The said enhancement had the effect of taking the total reservation under Article 16(4) to 65%.

808. It needs no emphasis to say that the principal aim of Articles 14 and 16 is equality and equality of opportunity and that clause (4) of Article 16 is but a means of achieving the very same objective. Clause (4) is a special provision — though not an exception to clause

(1). Both the provisions have to be harmonised keeping in mind the fact that both are but the re-statements of the principle of equality enshrined in Article 14. The provision under Article 16(4) — conceived in the interest of certain sections of society — should be balanced against the guarantee of equality enshrined in clause (1) of Article 16 which is a guarantee held out to every citizen and to the entire society. It is relevant to point out that Dr Ambedkar himself contemplated reservation being “confined to a minority of seats” (See his speech in Constituent Assembly, set out in para 693). No other member of the Constituent Assembly suggested otherwise. It is, thus, clear that reservation of a majority of seats was never envisaged by the Founding Fathers. Nor are we satisfied that the present context requires us to depart from that concept.

809. From the above discussion, the irresistible conclusion that follows is that the reservations contemplated in clause (4) of Article 16 should not exceed 50%.

.....”

19. It is important to note that in *Indra Sawhney*, a Bench of nine judges framed 14 key issues. The particular relevance was Question No. 6, which directly addressed the ceiling of 50% rule. The Court examined whether the principle was binding, whether it applied exclusively to Article 16(4) reservations or extended to all forms of affirmative action, and whether it was to be applied annually or to the cadre strength as a whole. This shows that the Court treated the 50% figure as a flexible guideline subject to contextual interpretation, not as an immutable constitutional bar.

20. The majority view clarified that exceptions could be made in certain situations. Hon'ble Justice B.P. Jeevan Reddy, speaking for the majority in *Indra Sawhney*, emphasized that although 50% should ordinarily be the rule, India's social diversity and the existence of far-flung, marginalized communities necessitate a more nuanced approach. The Court expressly acknowledged that special situations might require going beyond 50%, provided the State demonstrates compelling and extraordinary circumstances. In such cases, strict scrutiny is warranted, but relaxation is constitutionally permissible. Para 810 of *Indra Swahney* is reproduced hereunder substantiating the above:-

“ 810. While 50% shall be the rule, it is necessary not to put out of consideration certain extraordinary situations inherent in the great diversity of this country and the people. It might happen that in farflung and remote areas the population inhabiting those areas might, on account of their being out of the mainstream of national life and in view of conditions peculiar to and characteristical to them, need to be treated in a different way, some relaxation in this strict rule may become imperative. In doing so, extreme caution is to be exercised and a special case made out.”

21. Several concurring opinions in *Indra Sawhney* further diluted the rigidity of the 50% figure. Hon'ble Justice S. Ratnavel Pandian observed that no scientific or constitutional basis existed for fixing a precise 50% ceiling,

stressing that adequacy of representation must be judged case by case. In particular, he held:

“183. As to what extent the proportion of reservation will be so excessive as to render it bad must depend upon adequacy of representation in a given case. Therefore, the decisions fixing the percentage of reservation only up to the maximum of 50% are unsustainable. The percentage of reservation at the maximum of 50% is neither based on scientific data nor on any established and agreed formula. In fact, Article 16(4) itself does not limit the power of the Government in making the reservation to any maximum percentage; but it depends upon the quantum of adequate representation required in the Services. In this context, it would be appropriate to recall some of the decisions of this Court, not agreeing with *Balaji* [1963 Supp 1 SCR 439 : AIR 1963 SC 649] as regards the fixation of percentage of reservation.

....

243(9) No maximum ceiling of reservation can be fixed under Article 16(4) of the Constitution for reservation of appointments or posts in favour of any backward class of citizens “in the services under the State”. The decisions fixing the percentage of reservation only up to the maximum of 50% are unsustainable.”

Similarly, Justices Fazal Ali and Krishna Iyer, in earlier precedents cited within *Indra Sawhney*, warned against reducing social justice to a mathematical formula. Justice Chinnappa Reddy explicitly held that the 50% mark is at best a convenient guideline and cannot be treated as an inviolable maximum. These opinions collectively confirm that the ceiling is neither absolute nor universal.

22.Reservation may ordinarily not exceed 50%, but can surpass it with valid justification. In Indra Swahney case Hon'ble Justice P.B. Sawant, concurring with the majority, stated that ordinarily reservations under Articles 16(4) and 16(1) together should remain within 50%. However, he clarified that whenever this limit is exceeded, the State must justify the excess with cogent and demonstrable reasons. Thus, the judgment leaves open the constitutional space for exceeding 50%, so long as quantifiable data and extraordinary circumstances are shown.

23.Further, in the matter of Indra Swahney (Supra), it has been held that adequacy of Representation in the services under the state is to be left to the subjective judgement of the State/executive. Para 798 in this regard is reproduced herein below for ready reference-

“798. Not only should a class be a backward class for meriting reservations, it should also be inadequately represented in the services under the State. The language of clause (4) makes it clear that the question whether a backward class of citizens is not adequately represented in the services under the State is a matter within the subjective satisfaction of the State. This is evident from the fact that the said requirement is preceded by the words “in the opinion of the State”. This opinion can be formed by the State on its own, i.e., on the basis of the material it has in its possession already or it may gather such material through a Commission/Committee, person or authority. All that is

required is, there must be some material upon which the opinion is formed. Indeed, in this matter the court should show due deference to the opinion of the State, which in the present context means the executive. The executive is supposed to know the existing conditions in the society, drawn as it is from among the representatives of the people in Parliament/Legislature. It does not, however, mean that the opinion formed is beyond judicial scrutiny altogether. The scope and reach of judicial scrutiny in matters within subjective satisfaction of the executive are well and extensively stated in Barium Chemicals v. Company Law Board [1966 Supp SCR 311 : AIR 1967 SC 295] which need not be repeated here. Suffice it to mention that the said principles apply equally in the case of a constitutional provision like Article 16(4) which expressly places the particular fact (inadequate representation) within the subjective judgment of the State/executive.”

24. It is submitted that in the state of Madhya Pradesh, State government has done extensive exercise of collecting data ever since 1982 demonstrating backwardness and inadequacy of other backward classes in the state. Further, minutes of meeting of Madhya Pradesh Backward class commission dated 25.01.2000, recommended enhancement of OBC reservation to 27%. This was further followed by nine point's indicators of development determined by the administrative department (aboriginal tribes and backward classes) demonstrating backwardness prevailing amongst other backward classes. A study of Said indicators was done in the year 2002. It is submitted that it is apparent from above that State has

been taking endeavors by collecting data on backwardness and inadequacy of representation for a very long time. This Hon'ble Court in B.K. Pavitra has held that-

“100. In dealing with the submissions of the petitioners on this aspect, it is relevant for this Court to recognise the circumspection with which judicial power must be exercised on matters which pertain to propriety and sufficiency, in the context of scrutinising the underlying collection of data by the State on the adequacy of representation and impact on efficiency. The Court, is above all, considering the validity of a law which was enacted by the State Legislature for enforcing the substantive right to equality for the SCs and STs. Judicial review must hence traverse conventional categories by determining as to whether the Ratna Prabha Committee Report considered material which was irrelevant or extraneous or had drawn a conclusion which no reasonable body of persons could have adopted. In this area, the fact that an alternate line of approach was possible or may even appear to be desirable cannot furnish a foundation for the assumption by the Court of a decision-making authority which in the legislative sphere is entrusted to the legislating body and in the administrative sphere to the executive arm of the Government.

.....

104. We find merit in the above submissions. The methodology which was adopted by the Ratna Prabha Committee has not been demonstrated to be alien to conventional social science methodologies. We are unable to find that the Committee has based its conclusions on any

extraneous or irrelevant material. In adopting recourse to sampling methodologies, the Committee cannot be held to have acted arbitrarily. If, as we have held above, sampling is a valid methodology for collection of data, the necessary consequence is that the exercise cannot be invalidated only on the ground that data pertaining to a particular department or of some entities was not analysed. The data which was collected pertained to thirty-one departments which are representative in character. The State has analysed the data which is both relevant and representative, before drawing its conclusions. As we have noted earlier, there are limitations on the power of judicial review in entering upon a factual arena involving the gathering, collation and analysis of data.

.....

106. We are of the view that once an opinion has been formed by the State Government on the basis of the report submitted by an expert committee which collected, collated and analysed relevant data, it is impossible for the Court to hold that the compelling reasons which Nagaraj [M. Nagaraj v. Union of India, (2006) 8 SCC 212 : (2007) 1 SCC (L&S) 1013] requires the State to demonstrate have not been established. Even if there were to be some errors in data collection, that will not justify the invalidation of a law which the competent legislature was within its power to enact. After the decision in B.K. Pavitra (1) [B.K. Pavitra v. Union of India, (2017) 4 SCC 620 : (2017) 2 SCC (L&S) 128] , the Ratna Prabha Committee was correctly appointed to carry out the required exercise. Once that exercise has” been carried out, the Court must be circumspect in exercising the

power of judicial review to re-evaluate the factual material on record.”

25. In the matter of Jaishri Laxmanrao Patil v. State of Maharashtra, (2021) 8 SCC 1, this Hon’ble Court explained the social test it had developed in *Indra Sawhney* by holding that “.. we fully endorse the submission of Shri Rohatgi that extraordinary situations indicated in para 810 were only illustrative and cannot be said to be exhaustive. We however do not agree with Mr Rohatgi that para 810 provided only a geographical test. The use of expression “on being out of the mainstream of national life” is a social test. Which also needs to be fulfilled for a case to be covered by exception.

.....

.....

Shri Rohatgi had submitted that the test laid down in para 810 is only geographical test which was an illustration. It is true that in *Indra Sawhney* the expression used was “flung and remote areas” but the social test which was a part of the same sentence stated “the population inhabiting those areas might, on account of their being out of the mainstream of national life and in view of conditions peculiar to and characteristically to them”. Thus, one of the social conditions in para 810 is that being within the mainstream of national life, the case of Marathas does not satisfy the extraordinary situations as indicated in para 810 of *Indra Sawhney*. The Marathas are in the mainstream of the national life. It is not even disputed that Marathas are politically dominant caste.

.....”

26. Further, in *Janhit Abhiyan v. Union of India* (2023) 5 SCC 1, this Hon’ble Court took the view that the ceiling limit of 50% for reservations was a

desirable requirement and was not meant to be inviolable and inflexible for all times to come. Specifically, this Hon'ble Court noted:

“171. Thus, having examined the permissible limits of affirmative action in light of the possible harm of preferential treatment qua other innocent class of competitors i.e. general merit candidates, this Court has expressed the desirability of fifty per cent as the ceiling limit for reservation in education and public employment but, as observed hereinbefore, all such observations are required to be read essentially in the context of the reservation obtaining under Articles 15(4), 15(5) and 16(4) or other areas of affirmative action like that in relation to local self-government (the case of K. Krishna Murthy [K. Krishna Murthy v. Union of India, (2010) 7 SCC 202 : (2010) 2 SCC (L&S) 385]) and cannot be overstretched to the reservation provided for entirely different class, consisting of the economically weaker sections.

172. Moreover, as noticed, this ceiling limit, though held attached to the constitutional requirements, has not been held to be inflexible and inviolable for all times to come. Reasons for this are not far to seek. As mentioned hereinbefore, reservation by affirmative action is not having trappings of any such essential feature of the Constitution, collectively enumerated by Kesavananda [Kesavananda Bharati v. State of Kerala, (1973) 4 SCC 225] and successive decisions, that its modulation with reference to any particular compelling reason or requirement could damage the basic structure of the Constitution.

173. In another view of the matter, the prescription of ceiling limit of fifty per cent, being apparently for the benefit of general merit candidates, does not provide any justified cause to the candidates standing in the bracket of already available reservation to raise any

grievance about extra ten per cent reservation for the benefit of another section of society in need of affirmative action. In any case, there is no question of violation of any such basic feature of the Constitution that the entire structure of equality of opportunity in Article 16 would collapse by this EWS reservation.”

27. That, various data sets collected from time to time conclusively establishes that the Other Backward Classes (OBCs) in the State suffer from entrenched and multi-dimensional backwardness i.e., social, educational, economic, and political—that severely impairs their ability to compete on an equal footing with the more privileged sections of society. This backwardness goes beyond mere numerical disadvantage; it manifests in systemic exclusion, discrimination, and deprivation. In *Indira Sawhney*, this Hon’ble Court recognized that the 50% reservation ceiling is a general rule but acknowledged the possibility of “extraordinary situations” warranting relaxation of this limit (paras 809-810). The Court provided illustrations including far-flung, remote, or isolated communities who are “out of the mainstream of national life” as classic examples requiring exceptional protection.
28. The Commission’s findings reveal that the OBCs of the State, though constituting nearly half of the population, have negligible representation in higher posts within the State services, reflective of sustained exclusion. Further, the OBCs experience severe social disabilities such as pervasive caste discrimination, denial of access to public spaces, food-based ostracism etc.
29. Such entrenched social isolation and exclusion demonstrate that these communities remain severely “out of the mainstream of national life” for

all practical purposes, satisfying the social test laid down by the Court in *Indira Sawhney* (para 810). This social marginalization inhibits their ability to derive equitable benefits from education, employment, and political participation.

30. As per the commission's reports economically, members of backward classes suffer adverse impacts from industrialization on traditional occupations, exploited labor conditions due to debt bondage, and lack of presence in medium or large scale business enterprises. The absence of meaningful economic advancement signifies structural barriers, justifying affirmative action beyond conventional limits.
31. Educationally, lack of attainment of higher and technical education reinforces that these communities cannot be adequately empowered without an enhanced reservation regime. The Commission's evidence of failing representation in professional and technical institutions underscored an urgent need for special measures. Politically, OBC representation over decades remains negligible and isolated, further warranting extraordinary intervention to correct historic injustices. This breach is necessary to achieve substantive equality and to dismantle systemic barriers, goals at the heart of constitutional affirmative action.
32. Recent judgments such as *Jaishri Laxmanrao Patil (supra)* reaffirm that the 50% rule admits exceptions upon demonstration of special circumstances. The multi-faceted and deep-rooted backwardness exposed in the Commission's data provides precisely such extraordinary grounds, and hence justifying the breach.
33. Thus, the exceptional social, educational, economic, and political circumstances prevailing in the State's OBC communities constitute "extraordinary situations" within the meaning of the judicial precedent, justifying the increased reservation percentage recommended by the Commission.

34. It is also humbly submitted that the socio-economic backwardness and exclusion, is a deeply entrenched and long-standing issue that does not disappear quickly with the passage of time. Historical data capture the systemic deprivation that continues to persist across generations, and therefore remain relevant for affirmative action even decades later. The pace of socio-economic mobility for backward classes is often extremely slow owing to limitations in access to education, resources, and social networks. Thus, indicators of backwardness recorded in earlier decades continue to reflect present-day realities, until fresh, reliable data prove otherwise. Therefore, use of historic data to satisfy the social test is justified.
35. Lastly, backwardness is capable of being transmitted intergenerationally. The historic lack of educational and economic opportunities faced by older generations translates into cumulative disadvantage persisting generationally across families and communities, warranting an enhancement of reservation.

In view of the foregoing submissions, it is most humbly submitted that present case falls under the exceptional circumstances as envisaged in various judgments of this Hon'ble Court. The enhanced reservation to Other Backward Classes in state of Madhya Pradesh is thus justified and meets with constitutional mandate. Present matters are not fit for any interference from this Hon'ble Court and therefore, liable to be dismissed.

It is therefore most humbly prayed that these written submissions may be read along with the Counter Affidavit on record and in light of submissions herein the Transfer Case(s) challenging the enhancement of OBC reservation from 14 % to 27% deserves to be dismissed.

FILED BY:



(MRINAL GOPAL ELKER)

**Advocate for the Respondent State of
M.P.**

Date: 23.09.2025

65
IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
TRANSFERRED CASE (CIVIL) NO. 7 OF 2025

IN THE MATTER OF:

SHIVAM GAUTAM

...PETITIONER

VERSUS

THE STATE OF MADHYA PRADESH

...RESPONDENT

AFFIDAVIT

I, Ajay Katesaria, S/o Late Gajanand Katesaria, Aged about 44 years, presently working as Deputy Secretary General Administration Department, Bhopal, Madhya Pradesh, presently at New Delhi do hereby solemnly affirm and declare as under:

1. I am the Officer-in-Charge on behalf of the State of Madhya Pradesh in the above mentioned matter and as such conversant with the facts of present case and competent to file this Affidavit.
2. That I have read and understood the content of the accompanying compilation of Act & Rules and I say that the contents thereof are true and correct to my knowledge and based on information received for record.
3. That I have read and understood the contents of the accompanying Applications, and I say that what is stated therein is true to my knowledge.
4. The Documents filed along with the compilation of Act & Rules are true copies of their respective original and formed part of the record of the case.

DEPONENT

19 SEP 2025

VERIFICATION

Verified at New Delhi on this September day of 19th, 2025 that the contents in the aforesaid affidavit are true and correct to the best of my knowledge and belief.



CERTIFIED THAT THE DEPONENT
Shri/Smt./Km.....
S/o, W/o, D/o.....
R/o.....
Identified by Shri/Smt.....
has solemnly affirmed before me at Delhi
on.....at Sl. No.....
that the contents of the affidavit which have
been read & explained to him are true and
correct to his knowledge.

Notary Public, Delhi

DEPONENT

S. No.	FB	Madhya Pradesh Staff Selection Board, Bhopal			
00	Selection Bhavan, Chinara Park (East) Bhopal 462011	Previously conducted recruitment examinations by the Board, whose results were declared in the year 2024-2025 2025-26			
Sl. No.	Name of Examination	Date of Result	Total Result	Results Declared	Reserved/Backward Class Held Results
01	Combined Recruitment Examination 2023 for Group-1 Subgroup-1 & Group-2 Subgroup-1	04/02/2024	1978	1565	252
02	Combined Recruitment Examination-2023 for Staff Nurse, Paramedical Staff and other posts under Group-5	12/02/2024	4852	4792	211
03	Higher Secondary Teacher Selection Examination-2023	20/02/2024	8720	4921	565
04	Combined Recruitment Examination 2023 for Assistant Grade-3, Stenographer and other posts under Group-4	26/02/2024	3047	2395	254
05	Forest Guard, Range Officer, Jail Warder and Jail Assistant Superintendent Recruitment Examination-2023	13/12/2024	2145	1626	178
06	Recruitment Examination-2024 for Sub-Engineer under Group-3	05/12/2024	283	210	21
07	ITI Training Officer Recruitment Examination-2024	24/12/2024	450	326	57
08	Police Constable Recruitment Examination-2023	12/03/2025	7090	6446	923
09	Combined Recruitment Examination for Staff Nurse, Paramedical Staff and other posts under Group-5	29/04/2025	3060	2293	364
10	Combined Recruitment Examination-2024 for the post of Supervisor under Women & Child Development Department Recruitment Examination-2024	21/06/2025	660	560	83
11	Secondary Teacher (Subject, Sports, Music, Dance) & Primary Teacher (Sports, Music, Dance) Selection Examination-2024	Expected in July 2025	10758	9914	844
12	Combined Recruitment Examination-2024 for Assistant Grade-3, Stenographer and other posts under Group-4	Expected in July 2025	966	888	78

Sl. No.	Name of Examination	Date of Result	Total Result	Results Declared	Reserved/Backward Class Held Results
13	Group-1 Subgroup-3 Combined Recruitment Examination-2024	Expected in August 2025	157	141	16
14	Group-1 Subgroup-1 & Group-2 Subgroup-1 Combined Recruitment Examination-2024	Expected in August 2025	172	151	21
Total			44338	36228	3867

Information related to backward class reservation mentioned in the annual reports of Madhya Pradesh State Backward Class Commission

S.No.	Reporting Year	Pg. No.	Details related to reservation	Remark
1	1994-95	26 - 27		OBC population was stated to be more than 50 percent.
		35	14 percent	Reference has been made to the orders of the G.PV.
		39	27 percent - in government service	The announcement was made. Orders were issued on 13.08.90.
		41	14 percent	The order for 14 percent reservation was circulated by the Govt. Reservation Cell on 17.12.93.
		42	25 percent political reservation	It was implemented on the elections of Gram Panchayats, Municipal Councils and Municipal Corporations.
		47, 48, & 51	14 percent given in the state. 27 percent is in the center.	While the total population of the reserved category in the state is 87 percent - Other Backward Classes 49 percent, Scheduled Tribes — 15 percent. Scheduled Caste — 23 percent
2	1995-96		No Numerical Value	
3	1996-97	35-36	Increase from 14 percent to 27 percent	There are 369 groups/classes/castes in the state.
4	1998-99	37	Recommendation to make 27 percent reservation like the Centre	

5	1999-2000	44-45	Increase from 14 percent to 27 percent	During the tour, regional conferences, meetings, it has been proposed by various public representatives that the population of Other Backward Classes is more than 50 percent.
6	2000-01	11	Increased from 14 percent Act passed by the Madhya Pradesh Legislative Assembly providing 27 percent reservation.	To provide 27 percent reservation from 14 percent We will try to get the Centre's approval in this regard.
		37	25 percent	Provisions in local bodies and panchayats.
		39	Increase from 14 percent to 27 percent	During the tour, regional conferences, meetings, it has been proposed by various public representatives that the population of Other Backward Classes is more than 50 percent.
		40	27 percent	The proposal was presented at the Advisory Board meeting on 9 May 2000. The State Government's draft legislation was sent to the Central Government. The Scheduled Tribe population has declined since the division of Chhattisgarh. A proposal to provide the same amount of reservation to the Other Backward Classes, within the 50 percent limit, was sent to the Chief Minister.

		74 & 88	Required _ 48.08% Recommendation 35% —	Reservations for backward classes are expected to be 48.08 percent, proportional to their population. The Commission, taking into account all aspects of the Constitution, court decisions, and the example of states like Tamil Nadu, recommends providing 35 percent reservation for backward classes in jobs in all government, semi-government, and public institutions.
7	2002-03	55-54	27 percent reservation has been recommended.	
8	2004-05	51	27 percent reservation has been Recommended.	
9	2005-06	48	A proposal regarding 27 percent reservation was sent to the government.	
10	2007-08	58	A proposal regarding 27 percent reservation was sent to the government.	
		59	Accepting 27 percent reservation, it was recommended to clarify the position before the court.	
11	2009-10	57-58	27 percent reservation has been recommended.	
12	2010-11	27-28	Recommendation to increase reservation from 14 percent	

Recommendations related to backward class reservation mentioned in the report of MP Backward Class Welfare Commission - Year 2022

1	2022 First Report Part-1-	99	The State Government should reserve at least 35 per cent seats for Other Backward Classes in all levels of the three-tier Panchayat elections.	Other Backward Classes constitute approximately 48 percent of the state's voters. After subtracting Scheduled Caste and Scheduled Tribe voters from the total electorate, the Other Backward Classes constitute 79 percent of the remaining voters.
			The State Government should reserve at least 35 percent seats for Other Backward Classes in all levels of urban body elections.	Of the total urban voters in the state, Other Backward Class voters constitute 44 percent.

Table No. 4.3: Declared Other Backward Classes in Madhya Pradesh		
No.	code	Name Caste/Sub-Caste/Class Group
1	1	Ahīr, Brajwasi, Gawali, Goli, Jadav (Yadav) Bargahi, Bargah, Thethwar, Raut Gowari, (Gwari) Gowra, Gawari, Gwara, Gowari, Mahakul (Raut) Mahkul, Gop Gwali, Lingayat, Gopal, Gwal, Gwala
2	2	Asara, Asada
3	3	Vaishnava (Vaishnava)
4	4	Banjara, Banjari, Mathura, Nayak, Nayakada, Dhuria, Labhana, Labana Lamané
5	5	Barai, Tamoli, Tamboli, Kumawat, Kumawat, Warai, Chaurasia
6	6	Carpenter, Carpenter, Davej, Kunder (Vishwakarma)
7	7	okay
8	8	Vasudev, Vasudeva, Vasudev, Vasudeva, Harbola, Kapadia, Kapadi, Gondhali, Tharwar
9	9	Bhadbhujā, Bhujwa, Bhurji, Dhuari, or Dhuari
10	10	Bhaat, Charan, Sutia, Salvi, Rao, Janmalodhi, Jasonodhi, Marusonia
11	11	Chhipa, Bhavsar, Neelgar, Jeenagar, Nirali, Rangari, Mandhav
12	12	Dhimar, Bhoi, Kahar, Kahra, Dhiwar / Mallah/Nawada / Turha, Boatman (Kashyap, Nishad, Raikwar, Batham), Keer, Britia (Vrittia), Singraha, Jalari, Jalarnalu
13	13	Panwar, Powar, Bhojar, Bhojar
14	14	haunted, ghostly
15	15	bhopa, respect
16	16	innkeeper
17	17	Chunkar, Chungar, Kulvandhaya, Rajgir
18	18	thatchatari
19	19	Tailor, Chhipi, Chhipi, Shipi, Mavi, (Namdev)
20	20	washerman, furnace, barber, washerman
21	21	Meena (Rawat) Deshwali, Mewati, Meena
22	22	Kirar, Kirad, Dhaakad
23	23	Gadaria, Dhangar, Kurmar, Hatgar, Hatkar, Hatkar, Gadari, Dharia, Dhoshi, (Gadariya) Gari, Gayri, Gadaria (Pal Baghele)
24	24	Kadere, Dhunkar, Dhuniya, Dhanaka, Kodar
25	25	Koshta, Koshti (Dewangan) Costa, Mala, Padmashali, Sali, Sutsali, Salvear, Salvi, Devang, Jandra, Koskati, Koshkati (Lingayat) Gadwal, Gadewal, Garewar, Garwar, Dukar, Kolhati
26	26	Dholi/Dafali/Dafli/Dholi, Damami, Gurav
27	27	Gusai, Goswami

Table No. 4.3: Declared Other Backward Classes in Madhya Pradesh, continued		
No.	code	Name Caste/Sub-Caste/Class Group
28	28	Gurjar (Gurjar)
29	29	Blacksmith, Ironsmith, Iron-pitta, Gadole, Hunga Blacksmith, Iron-pitta, Gadola, Blacksmith (Vishwakarma)
30	30	Garpagari, Nath-Jogi, Joginath, Haridas
31	31	ghoshi
32	32	Goldsmith, goldsmith, jhani, jhadi (goldsmith) Avadhiya, Oudhiya, Soni (goldsmith)
33	33	(a) Kachhi (Kushwaha, Shakyas, Maurya) Koeri or Koiri (Kushwaha), Panara, Murai, Sonkar, Kohri, (b) Mali (Saini), Marar, Phulmali (Phulamari)
34	34	Joshi (Bhaddi) from Dakota, Dakota
35	35	Lakhera, Lakher, Kachera, Kacher
36	36	Thathera, Kasar, Kasera, Tamera, Tambatkar, Otari, Coppersmith, Tamer, Ghadwa, Jharia, Kaser
37	37	Khatia, Khatia, Khati
38	38	Potter (Prajapati), potter
39	39	Kurmi, Kurmar, Kunbi, Kurmi, Patidar (Kulmi, Kulmi, Kulambi) Kurmavanshi, Chandrakar, Chandranahu, Kumbhi Gawal (Gawal) Sirvi
40	40	Kamariya
41	41	Kauravas, Kanwars
42	42	Kalar (Jaiswal) Kalal, Dadsena
43	43	Kaluta, Kaluta, Kolta, Kolta
44	44	Lonia, Lunia, Od, Ode, Oriya, Naunia, Murha, Muraha, Murha, Mudha
45	45	Naai (Sen, Savita, Usrete, Srivas) Mhali, Naavi, Usrete
46	46	Naita, Naida
47	47	Panaka, Panika
48	48	Patka, Patki, Patwa
49	49	Lodhi, Lodha, Lodh
50	50	Sikligar
51	51	Teli (Thatha, Sahu, Rathore)
52	52	Turha, Tirwali, Baddar
53	53	Cassidy, Cassidy
54	54	voveria
55	55	Rautiya, Rautiya
56	56	Agreed, Nahal
57	57	Kotwal
58	59	Lodha (Tanwar)
59	60	Mowar

Table No. 4.3: Declared Other Backward Classes in Madhya Pradesh, continued

No.	code	Name Caste/Sub-Caste/Class Group
60	61	menstruation
61	62	Aghariya
62	63	Tiur, Turi
63	64	Bharud
64	65	Son Charioteer-Staff/Sahees
65	66	telanga, tilaga
66	67	Raghavi
67	68	Rajbhar / Rajbhar
68	69	Kharol
69	71	Golan, Gavalan, Golan
70	72	Razzaad, Razzaad
71	73	Jadam
72	74	Dangi / Dangi
73	75	Gayar / Pardhanian
74	76	kudmi
75	77	my
76	78	Age / Skill, Age
77	79	Pinjara (Hindu)
78	82	Aajna
79	83	Dhoria
80	84	Gehlot Mewar
81	85	Rewari
82	86	Ruwala/Ruhela
83	87(1)	dyer
	87(2)	water carrier, "Abbasi" "Sakka"
	87(3)	hidden
	87(4)	Hela
	87(5)	innkeeper
	87(6)	Washerman
	87(7)	Mewati
	87(8)	Pinjara, Nadaf, Behna, Dhuniya, Dhunkar, Fakir, Shah, Sai, Gravedigger
	87(9)	Kunjra Raine
	87(10)	Manihar
	87(11)	butcher

Table No. 4.3: Declared Other Backward Classes in Madhya Pradesh, continued

No.	Code	Name Caste/Sub-Caste/Class Group
	87(12)	Mirasi
	87(13)	Mirdha
	87(14)	Carpenter, Lathe, Kamligar
	87(15)	Barber
	87(16)	Hammal
	87(17)	Momin Julaha (weavers who are believers)
	87(18)	Blacksmith, Nagauri
	87(19)	crack
	87(20)	Nomad
	87(21)	Cobbler
	87(22)	Teli, Nayata, Pindari (Pindara) Kankar
	87(23)	pemdi
	87(24)	Kalaigar
	87(25)	farrier
	87(26)	Sheeshgarh
	87(27)	bullet
	87(28)	Rajgir
	87(29)	Dafali
	87(30)	Ghoshi and Gawli, bullet
	87(31)	Sikligar
	87(32)	Oranges
	87(33)	the nut
	87(34)	Sheikh Mehtar
	87(35)	niyargar
	87(36)	cushion
	87(37)	Mukeri, Makrani
	87(38)	parody/imitation
84	88	Baiswar
85	89	Voice
86	90	Bishnoi, Jat
87	91	Rathore
88	92	Bahawalpuri
89 93		Saundhiya
90	94	transgender

Table No. 4.4: Communities declared as Other Backward Classes in Madhya Pradesh

a small number	declared list less	Kamak	community name	less number	announced	serial list	community name
1	1	1	Ahir	61	10	1	Bhat
2	1	2	Brajvasi	62	10	2	bard
3	1	3	Gawli	63	10	3	bitch
4	1	4	bullet	64	10	4	Salvi
5	1	5	Jadav	65	10	5	Rao
6	1	6	Jadav (Yadav)	66	10	6	Jammalondhi
7	1	7	Bargahi	67	10	7	Jasondhi
8	1	8	bargah	68	10	8	marusonia
9	1	9	typical	69	11	1	hidden
10	1	10	Raut	70	11	2	sequence of being
11	1	11	Gowari	71	11	3	Eucalyptus
12	1	12	Gowari (Gwari)	72	11	4	ginagar
13	1	13	Guara	73	11	5	unique
14	1	14	Gowri	74	11	6	color
15	1	15	Mahakul	75	11	7	Mandhav
16	1	16	Mahakul (Raut)	76	12	1	Dhimar
17	1	17	Mahakul	77	12	2	Bhoi
18	1	18	Gop	78	12	3	havoc
19	1	19	Gwali	79	12	4	Kahra
20	1	20	Lingayat	80	12	5	धीवर
21	2	1	asara	81	12	6	Sailor
22	2	2	asada	82	12	7	Nawada
23	3	1	recluse	83	12	8	Trumpet
24	3	2	Vaishnava (Vaishnava)	84	12	9	boatman
25	4	1	Nomad	85	12	10	Nishad
26	4	2	banjari	86	12	11	Raikwar
27	4	3	Mathura	87	12	12	batham
28	4	4	hero	88	12	13	Kir
29	4	5	Naikada	89	12	14	Britia
30	4	6	axle	90	12	15	Brittiya (Vrittiya)
31	4	7	to attract	91	12	16	Singraha
32	4	8	Labana	92	12	17	mesh
33	4	9	Lamne	93	12	18	jalaranlu
34	5	1	barai	94	13	1	Pamwar
35	5	2	Tamoli	95	13	2	Powar
36	5	3	Tamboli	96	13	3	Bhoyer
37	5	4	Kumavat	97	13	4	Bhoyar
38	5	5	Kumawat	98	14	1	haunted
39	5	6	Ward	99	14	2	haunted
40	5	7	Chaurasia	100	15	1	bhopa
41	6	2	carpenter	101	15	2	respect
42	6	3	Carpenter	102	16	1	innkeeper
43	6	4	davej	103	17	1	by choosing
44	6	5	Kunder	104	17	2	Chungar
45	6	6	Kunder (Vishwakarma)	105	17	3	Kulvadhaya
46	7	1	okay	106	17	4	Rajgir
47	8	1	Vasudev	107	18	1	Chitari
48	8	2	Vasudeva	108	19	1	the ruler
49	8	3	Vasudev	109	19	2	hidden
50	8	4	Vasudeva	110	19	3	hidden
51	8	5	Harbola	111	19	4	Shipi
52	8	6	Kapadia	112	19	5	Mavi
53	8	7	Cloth	113	19	6	Mavi (Namdev)
54	8	8	dusky	114	20	1	the farmer
55	8	9	Thursday	115	20	2	butti
56	9	1	Bhadbhuj	116	20	3	Baretha
57	9	2	Bhujwa	117	20	4	Rajak
58	9	3	Bhuj	118	21	1	Meena
59	9	4	spindle	119	21	2	Meena (Rawat)
60	9	5	spindle				Continuous

Table No. 4.4: Communities declared as Other Backward Classes in Madhya Pradesh

serial number	declared list less	serial number	community name	a small number	declared serial number less	community name	
120	22	1	Deshwali	175	28	1	Gurjar
121	22	2	Mewati	176	28	2	Gurjar (Gurjar)
122	22	3	Meena	177	29	1	Blacksmith
123	22	4	contract	178	29	2	blacksmith
124	22	5	Kirad	179	29	3	iron hammer
125	22	6	dashak	180	29	4	gadol
126	23	1	shepherd	181	29	5	whippen
127	23	2	Dhangar	182	29	6	Blacksmith
128	23	3	Kurmar	183	29	7	iron plate
129	23	4	Hatgar	184	29	8	Gadola
130	23	5	off the	185	29	9	Blacksmith
131	23	6	Haatkar	186	29	10	Blacksmith (Vishwakarma)
132	23	7	Shepherd	187	30	1	garpagari
133	23	8	Dharia	188	30	2	Nath-Jogi
134	23	9	washer	189	30	3	Joginath
135	23	10	Dhoshi (shepherd)	190	30	4	Haridas
136	23	11	Gari	191	31	1	Ghopi
137	23	12	gyri	192	32	1	Sonar
138	23	13	shepherd	193	32	2	goldsmith
139	23	14	Shepherd (Paal)	194	32	3	bell
140	23	15	Shepherd (Baghele)	195	32	4	bush
141	24	1	the sides	196	32	5	bush (golden)
142	24	2	by tuning	197	32	6	periods
143	24	3	dhuniya	198	32	7	odhiya
144	24	4	of money	199	32	8	Oudhiya (goldsmith)
145	24	5	coder	200	33	1	Kachhi
146	25	1	costa	201	33	2	Kachhi (Kushavarha)
147	25	2	bohe	202	33	3	Kachhi (Shakya)
148	25	3	Koshti (Devangan)	203	33	4	Kachhi (Maurya)
149	25	4	costa	204	33	5	Koyari
150	25	5	Garland	205	33	6	Koeri
151	25	6	Padmashali	206	33	7	Koeri (Kushwaha)
152	25	7	in the year	207	33	8	Panara
153	25	8	Sutsali	208	33	9	Murai
154	25	9	salwar	209	33	10	Sonkar
155	25	10	Salvi	210	33	11	fog
156	25	11	Devang	211	33	12	gardener
157	25	12	Jandra	212	33	13	Gardener (Saini)
158	25	13	Coscatty	213	33	14	Marar
159	25	14	Koshkati	214	33	15	fruit gardener
160	25	15	Koshkati (Lingayat)	215	33	16	Phulmaari (Flower Gardener)
161	25	16	Garhwal	216	34	1	Joshi
162	25	17	Gadhewal	217	34	2	Joshi (Bhaddi)
163	25	18	done	218	34	3	Dacocha
164	25	19	Garwar	219	34	4	Dakota
165	25	20	Pig	220	35	1	Lakhera
166	25	21	Kolhati	221	35	2	lakeher
167	26	1	dholi	222	35	3	trash
168	26	2	Dafali	223	35	4	Kacher
169	26	3	Duffle	224	36	1	scoffer
170	26	4	dholi	225	36	2	Kasar
171	26	5	Damami	226	36	3	coursea
172	26	6	Guruv	227	36	4	Tamera
173	27	1	gusai	228	36	5	Tambatkar
174	27	2	Goswami	229	36	6	Otari

Table No. 4.4: Communities declared as Other Backward Classes in Madhya Pradesh

serial number	declared list less	serial number	community name	serial number	declared list less	serial number	community name
230	36	7	coppersmith	286	48	1	Patka
231	36	8	Tamer	287	48	2	Patki
232	36	9	pitcher	288	48	3	Patwa
233	36	10	Jharia	289	49	1	Iodhi
234	36	11	tightly	290	49	2	Lodha
235	37	1	cot	291	49	3	Lodh
236	37	2	cot	292	50	1	Sikligar
237	37	3	eats	293	51	1	Oil
238	38	1	Potter	294	51	2	Teli (Chic)
239	38	2	Potter (Prajapati)	295	51	3	Oilman (Sahu)
240	38	3	burden	296	51	4	Teli (Rathore)
241	39	1	Kurmi	297	52	1	Trumpet
242	39	2	Kurmar	298	52	2	Tirwali
243	39	3	Kunbi	299	52	3	budder
244	39	4	Kurmi	300	53	1	Kisdi
245	39	5	Patidar	301	53	2	Chaldean
246	39	6	Patidar (Kulmi)	302	54	1	voveriya
247	39	7	Patidar (Kulmi)	303	55	1	Rotiya
248	39	8	Patidar (Kulambi)	304	55	2	Rautiya
249	39	9	Chandranah	305	56	1	considering
250	39	10	Chandrakar	306	56	2	Nahal
251	39	11	Chandranahu	307	57	1	Kotwal
252	39	12	Aquarius	308	58		
253	39	13	gavali	309	59	1	Lodha
254	39	14	Gavali (Gmail)	310	59	2	Lodha (Tanwar)
255	39	15	sirvi	311	60	1	Mowar
256	40	1	Kamariya	312	61	1	Rajwar
257	41	1	Kaurava	313	62	1	Aghariya
258	41	2	Crows	314	63	1	Tiur
259	42	1	Kalaar	315	63	2	Turri
260	42	2	Kalar (Jaiswal)	316	64	1	Bharud
261	42	3	Kalal	317	65	1	sleep
262	42	4	army	318	65	2	charioteer
263	43	1	Kalota	319	65	3	Charioteer-Staff/Sahis
264	43	1	Kalota	320	66	1	telanga
265	43	2	Colata	321	66	2	Tilga
266	43	3	Kolta	322	67	1	Raghavi
267	44	1	Lonia	323	68	1	Rajbhar
268	44	2	lunia	324	68	2	Rajbhar / Rajbhar
269	44	3	the ode	325	69	1	Kharol
270	44	4	Ode	326	70		
271	44	5	Odia	327	71	1	golan
272	44	6	Naunia	328	71	2	Gavlan
273	44	7	Murha	329	71	3	Göulan
274	44	8	Muraha	330	72	1	Razd
275	44	9	twisted	331	72	2	fuss
276	44	10	Mudaha	332	73	1	Jadam
277	45	1	Barber	333	74	1	Dangi
278	45	2	Barber (Sen)	334	74	2	Dangi / Dangi
279	45	3	Barber (Savita)	335	75	1	gayar
280	45	4	barber (usarete)	336	75	2	Gayar / Pardhania
281	45	5	Barber (Shrivast)	337	76	1	kudmi
282	46	1	Knight	338	77	1	my
283	46	2	Naida	339	78	1	Baya Mahara
284	47	1	Panka	340	78	2	Baya Mehra / Kaushal
285	47	2	Panika	341	78	3	age

Table No. 4.4: Communities declared as Other Backward Classes in Madhya Pradesh

less number	declared list less	serial number	sub command	community name	less number	declared list less	No	sub command	community name
342	79	1		cage	384	87	15	1	nammal
343	79	2		Pinjara (Hindu)	385	87	15	1	Momin
344	80				386	87	15	2	momin weaver
345	81				387	87	15	3	momin weaver (Those weavers who are believers)
346	82	1		Anjana	388	87	16	1	blacksmith
347	83	1		Dhoria	389	87	16	2	Nagauri
348	84	1		Gehlöt	390	87	17	1	dance of fury
349	84	2		Gehlöt Mewada	391	87	18	1	Nomad
350	85	1		Rewari	392	87	19	1	Cobbler
351	86	1		Ruwala	393	87	20	1	Teli, Nayata, Pindari (Pindara) Kankar
352	86	2		Ruvala/Rudela	394	87	20	2	Nalta
353	87	1	1	dye	395	87	20	3	Pindari
354	87	1	2	Water carrier "Abbas"	396	87	20	4	Pindari (Pindara)
355	87	1	3	Water carrier "Savka"	397	87	20	5	Kakar
356	87	1	4		398	87	21	1	pemdi
357	87	2	1		399	87	22	1	Kalaigar
358	87	3	1	Hela	400	87	23	1	farrier
359	87	4	1	innkeeper	401	87	24	1	shilgar
360	87	5	1		402	87	25	1	bullet
361	87	6	1	Mewati	403	87	26	1	Rajgir
362	87	7	1	cage	404	87	27	1	Dafali
363	87	7	2	Naddaf	405	87	28	1	Ghopi
364	87	7	3	Bedna	406	87	28	2	Gawli
365	87	7	4	dhuniya	407	87	28	3	bullet
366	87	7	5	by tuning	408	87	29	1	Sikligar
367	87	7	6	Saint	409	87	30	1	Oranges
368	87	7	7	Shah	410	87	31		Barua
369	87	7	8	Sai	411	87	32	1	Shelkh
370	87	7	9	gravedigger	412	87	32	2	scavenger
371	87	8	1	Kujda	413	87	33	1	niyargar
372	87	8	2	Kunjra Raine	414	87	34	1	cushion
373	87	9	1	Manihar	415	87	35	1	mukeri
374	87	10	1	butcher	416	87	35	2	Makrani
375	87	10	2	cassava	417	87	36	1	rent
376	87	11	1	Mirasi	418	87	36	2	fuck/copy
377	87	12	1	Mirdha	419	88	1		Baiswar
378	87	13	1	carpenter	420	89	1		Voice
379	87	13	2	Carpenter	421	90	1		Vishnoi
380	87	13	3	lathe	422	91	1		Rathore
381	87	13	4	Kamligar	423	92	1		Bahawalpur
382	87	14	1	barber	424	93	1		Yaundhia
383	87	14	2	Barber	425	94	1		transgender