

By Speed Post

To,

1- Hon'ble Smt. Droupadi Murmu,
President of India,
Rashtrapati Bhavan,
New Delhi- 110004

2- Hon'ble Sri Narendra Modi,
Prime Minister of India,
Sewa Teerth,
New Delhi- 110011

Subject - Regarding Method of Calculation and Implementation of Reservation of Economically Weaker Sections is a fraud against Parliament and against the provision of Constitution (one hundred and third amendment Act) 2019 and against the provision of insertion of article 16(6) of the Constitution of India.

Reference- Office Memorandum of Government of India Ministry of Public Grievance and Pensions DOPT No.36039/1/2019-Estt (Res) North Block, New Delhi dated 31st January 2019

Respected Mam/Sir,

1- This is an issue of Constitutional importance that has gone unnoticed by those who were responsive and answerable for safeguarding, implementing and executing the law enacted by Parliament and (i) without going into detail the fact is that the language and wording of the Bill No.03 dated 07.01.2019 introduced before both Houses of Parliament by Social Justice and Empowerment Department, Government of India and (ii) the Gazette Notification of MINISTRY OF LAW AND JUSTICE (Legislative Department) as published in the Gazette of India on 12th January 2019 that is THE CONSTITUTION (ONE HUNDRED AND THIRD AMENDMENT) ACT 2019 speaks thus :

The para 3rd of the Gazette Notification is 3- In article 16 of the constitution, after clause (5), the following clause shall be inserted, namely:- (6) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any economically weaker section of citizens other than the classes mentioned in clause (4) in addition to existing reservation and subject to a maximum of ten percent of the posts in each category.

2- The very wording used in addition to existing reservation and subject to a maximum of ten percent of the posts in each category and the last two words each category is meant for from each category such as from Scheduled Castes/Scheduled Tribes/Socially and Educationally Backward Castes in addition to existing reservation and the meaning thereby that it would have been calculated with a maximum limit of ten percent from each category such as from S.Cs. 1.50%, from S.Ts. 0.75%, from S.E.B.C.s 2.70% and from Unreserved Category 5.05% total 10% but with a maximum limit of 10% from each category in viewing the existing reservation of S.Cs 15%, S.Ts. 7.50%, S.E.B.C.s 27% and rest Unreserved Category 50.50% and not 10% from unreserved category as a whole.

3- The language used in gazette notification dated 12.01.2019 and the language of the Bill No.3 of 2019 dated 07.01.2019 which was introduced in both houses of Parliament by the Minister of Social Justice and Empowerment are the same and accordingly reservation of EWS is meant for each category in addition to existing reservation and that was to be calculated as per each category wise with a maximum limit of ten percent from each category 1.50% from S.Cs, 0.75% from S.Ts., 2.70 % from S.E.B.C.s and 5.05% from unreserved category but against the Bill and against the Gazette Notification it has been calculated as a whole 10% from unreserved category only and has not been calculated with a maximum limit of 10% from each category by bureaucracy that is an act of fraud done by bureaucracy



against Parliament and Constitution of India and those who have committed fraud against Parliament and Constitution of India should be given a lesson as not to violate such provision of enactments and provision of constitution as bureaucracy has no power to act against the enactment of legislature. If it was to be calculated and implemented from Unreserved Category only, then it was to be calculated 5.05 % posts with a maximum limit of 10% of unreserved category only meant 5 posts from 50.50 posts with a maximum limit of 10% from each category).EWS reservation was to be ascertained with a maximum limit of 10% from each category and not the 10% of as a whole from only one category.

4- Although Apex Court had pronounced the judgement in W.P.(Civil)No.55/2019 Jan Abhiyan Vs Government of India on 07.11.2022 and the reservation on economic criteria has been upheld valid as per basic structure of the constitution with three -two majority but dissenting judgement is that it should be for all categories meant that SCs/STs/SEBCs cannot be excluded from the reservation of EWS and as such the Bill introduced in both houses of Parliament dated 07.01.2019 and Gazette notification dated 12.01.2019 are meant for each Category and SCs/STs/SEBCs are not excluded in the 103rd Amendment Act 2019 so, kindly direct D.O.P.T (G.O.I.) and Social Justice and Empowerment Department(G.O.I.) to modify the Memorandum dated 31.01.2019 issued by DOPT to the extent as law has been enacted by Parliament by insertion of article 16(6) of the constitution of India with giving the relief to those who have been deprived from their constitutional rights as per insertion of article 16(6) of the constitution of India. The only plea of the applicant is that kindly direct both the departments of government of India to inform the applicant with the action taken as per law laid down by parliament as applicant had written letters to the concerned departments of the government of India on 18.5.2022,30.03.2023 and 26.12.2023 but no information has been given by any of the departments with the action taken as per enactment of the 103rd Amendment Act 2019.

With deep regards,

Place – Bhopal

Date- 08.06.2026


8/6/26

(R.B. Prajapati)

01/427, Premier Orchard Colony,
Karond By pass road ,
Bhopal -462037

COPY TO

- 1- Hon'ble Sri Suryakant, Chief Justice, Supreme Court of India, New Delhi- 110001 for kind perusal and information please.
- 2- Secretary, Department of Personnel and Training (Public Grievances and Pensions) G.O.I. North Block, New Delhi- 110001 for necessary action please.
- 3- Secretary, Social Justice and Empowerments Department, G.O.I. Shastri Bhavan, New Delhi-110001 for necessary action please.


8/6/26

(R.B. Prajapati)

01/427, Premier Orchard Colony,
Karond By pass road,
Bhopal -462037.

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