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ಇಲಾಖೆ / ವಿಷಯ : DEPARTMENT / SUBJECT:

ಪತ್ರಿಕೆಯ ಹೆಸರು : NAME OF THE NEWS PAPER:

The Hindustan

ದಿನಾಂಕ : DATE : 05/13/2021

## SC quashes notifications by Maharashtra EC

### 'Reservation should not exceed 50%

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The Supreme Court on Thursday held that reservation for Other Backward Classes in Maharashtra's local bodies should not exceed the aggregate 50% of the total seats reserved in favour of SCs/STs/OBCs taken together.

A Bench led by Justice A.M. Khanwilkar read down Section 12(2)(c) of the Maharashtra Zilla Parishads and Panchayat Samitis Act 1961, which provided 27% reservation for persons belonging to backward class.

The judgment further quashed the notifications issued by the State Election Commission in 2018 and 2020, providing reservation exceeding 50% in local bodies of some districts.

It said election results of OBC candidates, which had been made subject to the outcome of pleas pending before it, were declared as

non-est in law and the vacancy of seats be forthwith filled up by the State Election Commission for the remainder term of the local bodies.

"The challenge to the validity of Section 12(2)(c) of the 1961 Act is negated. Instead, that provision is being read down to mean that reservation in favour of OBCs in the concerned local bodies can be notified to the extent that it does not exceed aggregate 50% of the total seats reserved in favour of SCs/STs/OBCs taken together," the court held.

The top court clarified that the OBC members who benefited from this reservation would "deemed to have vacated their seat upon pronouncement of this judgment, prospectively. This direction is being issued in exercise of plenary power under Article 142 of the Constitution of India to do complete justice."

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