ಕರ್ನಾಟಕ ವಿಧಾನ ಸಭೆ, ಸಂಶೋಧನಾ ಹಾಗೂ ಉಲ್ಲೇಖನಾ ಶಾಖೆ
KARNATAKA LEGISLATIVE ASSEMBLY, RESEARCH AND REFERENCE BRANCH

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ಇಲಾಖೆ / ವಿಷಯ : DEPARTMENT / SUBJECT: Courtmatter

ಪತ್ರಿಕೆಯ ಹೆಸರು : NAME OF THE NEWS PAPER: Deccan Herald ದಿನಾಂಕ : DATE : 10/9/2020

Supreme Court stays Maratha quota in Maha

Refers the question of validity of reservation to Constitution bench

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NEW DELHI, DHNS 10/9/20

The Supreme Court on Wednesday stayed reservation for Marathas in jobs and education in Maharashtra and referred the question of its validity to the Constitution bench.

A three-judge bench presided over by Justice L Nageswara Rao, however, clarified admission already made to PG courses under the 2018 state law of the Socially and Educationally Backward Classes Act would not be altered.

With the court referring the matter to the CJI for setting up a Constitution bench of the appropriate bench, there would not be any reservations until the issue is finally adjudicated.

The case arose out of the law which allowed 16% quota for Marathas. The Bombay High Court in 2019 upheld the validity of the law but allowed 12 to 13% reservation for the dominant Maratha community.

Ceiling of 50%

A batch of petitions contended it was violative of the SC's nine-judge bench decision (Mandal Commission case), putting a ceiling of 50% reservation.

Jaishri Patil and others challenged the validity of the HC's June 27, 2019 order for applying 12 to 13% quota since 2014.

The petitioners claimed that the decision had breached the 50% ceiling on reservation fixed by the apex court in its landmark judgment by the nine-judge bench in the 'Indra Sahwney' case (1992), also known as the "Mandal verdict".