

ITEM NO.102

COURT NO.4

SECTION XIIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 3609 OF 2002

CHEBROLU LEELE PRASAD RAO

Appellant (s)

VERSUS

STATE OF A.P. & ORS.

Respondent(s)

(With office report)

WITH

Civil Appeal NO. 7040 of 2002

(With office report)

Date: 26/08/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI

HON'BLE MR. JUSTICE DEEPAK VERMA

For Appellant(s)

Mr. L.N. Rao, Sr. Adv.
Mr. J.R. Manohar Rao, Adv.
Mr. R. Santhan Krishnan, Adv.
Mr. C.S.N. Mohan Rao, Adv.

Mr. L.N. Rao, Sr. Adv.
Mr. R. Santhan Krishnan, Adv.
Mr. J.R. Manohar Rao, Adv.
Mr. Santhosh Krishnan, Adv.
Mr. G. Ramakrishna Prasad, Adv.

For Respondent(s)

Mr. I. Venkatanarayana, Sr. Adv.
Mr. D. Mahesh Babu, Adv.
Ms. C.K. Sucharita, Adv.

Mr. Kanaka Raj, Sr. Adv.
Mr. T.N. Rao, Adv.
Ms. Manjeeth, Adv.

Mr. John Mathew, Adv.

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

During the course of hearing, learned senior counsel for the appellants and the respondents submitted that these appeals raise following substantial questions of law for constitutional interpretation:

(1) What is the scope of paragraph 5(1), Schedule V to the Constitution of India?

(a) Can the exercise of power conferred therein override fundamental rights guaranteed under Part III?

(b) Does the exercise of such power override any

parallel exercise of power by the President under Article 371D?

(c) Does the power extend to subordinate legislation?

(d) Does the provision empower the Governor to make new law?

(2) Whether 100% reservation is permissible under the Constitution?

(3) Whether the notification merely contemplates a classification under Article 16(1) and not reservation under Article 16(4)?

(4) Whether the conditions of eligibility (i.e. origin and cut-off date) to avail the benefit of reservation in the notification are reasonable?

According to Order VII Rule 2 of the Supreme Court Rules, 1966, we deem it appropriate to refer these matters to Hon'ble the Chief Justice of India for constituting a larger Bench for hearing these appeals.

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The Secretary General of the Supreme Court is directed to place the records of these cases before Hon'ble the Chief Justice for passing appropriate orders.

(A.S. BISHT)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER