

ITEM NO.503

COURT NO.3

SECTION IV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 2317/2011

THE STATE OF PUNJAB & ORS.

Appellant(s)

VERSUS

DAVINDER SINGH & ORS.

Respondent(s)

(IA No. 11/2013 - Application for Impeadment
 IA No. 10/2012 - Application for Impeadment
 IA No. 18/2016 - Application for Impeadment
 IA No. 15/2013 - Application for Impeadment
 IA No. 12/2013 - Application for Impeadment
 IA No. 9/2012 - Application for Impleadment
 IA No. 8/2011 - Application for Impleadment
 IA No. 17/2014 - INTERVENTION APPLICATION
 IA No. 16/2014 - INTERVENTION APPLICATION
 IA No. 50151/2019 - INTERVENTION/IMPLEADMENT
 IA No. 7/2011 - VACATING STAY
 IA No. 6/2011 - VACATING STAY)

WITH

C.A. No. 5586/2010 (IV)

C.A. No. 5597/2010 (IV)

C.A. No. 5589/2010 (IV)

C.A. No. 5593/2010 (IV)

C.A. No. 5600/2010 (IV)

C.A. No. 5598/2010 (IV)

C.A. No. 5587/2010 (IV)

C.A. No. 5595-5596/2010 (IV)

C.A. No. 2324/2011 (IV)

(FOR INTERVENTION APPLICATION ON IA /2010 (UNREGISTERED))

C.A. No. 6936/2015 (IV)

SLP(C) No. 30766/2010 (IV-B)

C.A. No. 2318/2011 (IV)

SLP(C) No. 5454-5459/2011 (IV-B)

SLP(C) No. 8701/2011 (IV-B)

SLP(C) No. 36500-36501/2011 (IV-B)

T.C.(C) No. 37/2011 (XVI-A)

T.C.(C) No. 38/2011 (XVI-A)

C.A. No. 289/2014 (IV)

T.P.(C) No. 464/2015 (XVI-A)

W.P.(C) No. 1477/2019 (X)

IA No. 193565/2019 - EX-PARTE STAY)

Date : 04-02-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE VINEET SARAN
HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

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

The following issues are proposed :-

- i) Whether the provisions contained under Section 4(5) of The Punjab Scheduled Castes and Backward Classes (Reservation in Services) Act, 2006 are constitutionally valid?
- ii) Whether the State had the legislative competence to enact the provisions contained under Section 4(5) of the Act?
- iii) Whether the decision in *E.V. Chinnaiah Vs. State of A. P. & Ors.* reported in (2005) 1 SCC 394 is required to be revisited?

After arguing the matter at considerable length, Ms. Madhavi Divan, learned Additional Solicitor General appearing on behalf of the State of Punjab, has prayed for time to address this Court on the issue whether the State Government has the legislative competence to enact the provisions of the kind it has enacted and to address us on other issues as to preferential treatment to be given to a specific caste/castes within the Scheduled Castes as the case may be.

Case is heard in part. List for further hearing, subject to availability of the Bench, on 11.02.2020.

(JAYANT KUMAR ARORA)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER