

No. 36012/12/2013-Estt.(Res.)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
Establishment (Reservation-I) Section

North Block, New Delhi
Dated August 30th, 2018

OFFICE MEMORANDUM

Subject: Hon'ble Supreme Court Judgment dated 15.09.2017 in the SLP(C) No. 9574 of 2013 filed by All India Adiwasii Employees Federation against judgment dated 20.12.2012 of Hon'ble High Court of Bombay, Nagpur Bench - Appointment of candidates belonging to Halba Koshti/ Halbi Koshti/ Koshti, etc. castes against vacancies reserved for the Scheduled Tribes - regarding

The undersigned is directed to refer to this Department's Office Memorandum No. 36011/2/2010-Estt.(Res.) dated 10.08.2010 wherein it was, inter-alia, stated that the persons belonging to the 'Halba Koshti/ Koshti' caste who got appointment against vacancies reserved for the Scheduled Tribes on the basis of Scheduled Tribe certificates, issued to them by the competent authority, under the Constitution (Scheduled Tribes) Order, 1950 (as amended from time to time) relating to the State of Maharashtra and whose appointments had become final on or before 28.11.2000, shall not be affected. However, they shall not get any benefit of reservation after 28.11.2000.

2. The aforesaid OM dated 10.08.2010 was challenged in the Writ Petition No. 5287/2011 along with Writ Petition No. 4283/2010, filed by All India Adiwasii Employees Federation in Hon'ble High Court of Judicature at Bombay, Nagpur Bench, wherein it was, inter-alia, prayed that the OM dated 10.08.2010 be quashed and set aside by holding it to be illegal. The Hon'ble High Court rejected the aforesaid petition vide order dated 20.12.2012 observing that the impugned OM squarely makes the law laid down by the Apex Court applicable to all such appointment of the Halba/Koshti, which have become final on or before 28th November, 2000. The Hon'ble Court also held that rather than finding the said office memorandum to be unconstitutional or illegal; it is in consonance with the laws laid down in the judgment of the Apex Court. Against this order of the Hon'ble High Court of Bombay, the All India Adiwasii Employees Federation filed an SLP(C) No. 9574 of 2013.

3. The Hon'ble Supreme Court in SLP(C) No. 9574 of 2013 has issued the following judgment on 15.09.2017:

"The controversy in this matter is covered by the decision rendered in Chairman and Managing Director FCI and Others vs. Jagdish Balaram Bahira and Others (2017) 7 SCALE 395. Accordingly, the judgment passed by the High Court is set aside and the writ petition is allowed. Resultantly, the appeal stands allowed. There shall be no order as to costs."

4. In view of the aforesaid Hon'ble Supreme Court judgment dated 15.09.2017, this Department's Office Memorandum No. 36011/2/2010-Estt.(Res.) dated 10.08.2010 is withdrawn.

5. This may be brought to the notice of all concerned for information and compliance.

G. Srinivasan

(G. Srinivasan)

Deputy Secretary to the Govt. of India

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1. All Ministries/Departments of the Government of India.
2. The Chief Secretaries of all States/ Union Territories
3. Department of Financial Services.
4. Department of Public Enterprises, New Delhi.
5. Railway Board.
6. Union Public Service Commission/ Staff Selection Commission/ Supreme Court of India/ Election Commission/ Lok Sabha Secretariat/ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Prime Minister's Office/ Niti Ayog
7. National Commission for Scheduled Castes, Lok Nayak Bhavan, New Delhi
8. National Commission for Scheduled Tribes, Lok Nayak Bhavan, New Delhi.
9. National Commission for Backward Classes, Trikoot-I, Bhikaji-Cama Place, R. K. Puram, New Delhi.
10. Hindi Section, DoPT – For providing the Hindi translation
11. NIC, DoPT – for placing on the website of the Department

31/08/18
Shekhar
Chauhan

SC