

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No.4214/2015

Order Reserved on 30.11.2015  
Order Pronounced on: 03.12.2015

***Hon'ble Mr. Sudhir Kumar, Member (A)***  
***Hon'ble Mr. Raj Vir Sharma, Member (J)***

Vivek Kumar  
S/o Ranveer Singh  
Village-Chainpura, PO-Ladusar,  
District-Jhunjhunu, Rajasthan.  
Pin-333011.

-Applicant

(By Advocate: Mr. Ram Niwas Buri)

**Versus**

Delhi Metro Rail Corporation  
Through its General Manager (HR)  
Metro Bhawan, Fire Brigade Lane,  
Barakhamba Road,  
New Delhi-110001.

-Respondent

**ORDER**

**Per Sudhir Kumar, Member (A):**

This OA had come up for hearing on the point of admission before a Coordinate Bench on 19.11.2015 when the Bench had noted in the Daily Order Sheet as follows:-

“Learned counsel for applicant submitted that it was the Notification dated 04.03.2014, which was quashed by the Hon'ble Supreme Court and the applicant herein was included in the OBC category not in terms of the said Notification but as per the Notification dated 27.10.1999, which has not been interfered with by the Apex Court.

Let Learned counsel may file a reply of the Notification dated 04.03.2014 as also the complete copy of the judgment of Hon'ble Supreme Court in Writ Petition (Civil) No.274/2014 within one week.

List on 30.11.2015”.

2. When the case came up before this Bench, the learned counsel for the applicant pointed out that he had since filed on 20.11.2015 a copy of

the Gazette Notification dated 04.03.2014 as well as a copy of the judgment of the Hon'ble Supreme Court dated 17.03.2015 **Ram Singh & Ors. vs. Union of India** in Writ Petition (C ) No. 274/2014, and he took us through the contents of both these documents.

3. Learned counsel for the applicant has submitted that the earlier list of OBCs in respect of State of Rajasthan had excluded Jats in Bharatpur and Dholpur Districts, but through the Gazette Notification dated 04.03.2014, Jats in the entire State of Rajasthan had been included among the OBCs. In spite of that, he submitted, while pronouncing its judgment dated 17.03.2015, the Supreme Court had set aside the Notification only in respect of Bharatpur and Dholpur Districts of Rajasthan, and not in respect of the District of Jhunjhunu, to which the applicant belongs.

4. We have gone through the judgment of the Supreme Court in great detail. Paragraphs 54 and 55 of that judgment have laid down the law as follows:-

“54. The perception of a self-proclaimed socially backward class of citizens or even the perception of the "advanced classes" as to the social status of the "less fortunates" cannot continue to be a constitutionally permissible yardstick for determination of backwardness, both in the context of Articles 15(4) and 16(4) of the Constitution. Neither can any longer backwardness be a matter of determination on the basis of mathematical formulae evolved by taking into account social, economic and educational indicators. Determination of backwardness must also cease to be relative; possible wrong inclusions cannot be the basis for further inclusions but the gates would be opened only to permit entry of the most distressed. Any other inclusion would be a serious abdication of the constitutional duty of the State. Judged by the aforesaid standards we must hold that inclusion of the politically organized classes (such as Jats) in the list of backward classes mainly, if not solely, on the basis that on same parameters other groups who have fared better have been so included cannot be affirmed.

55. For the various reasons indicated above, we cannot agree with the view taken by the Union Government that Jats in the 9 (nine) States in question is a backward community so as to be entitled to inclusion in the Central Lists of Other Backward Classes for the States concerned. The view taken by the NCBC to the contrary is adequately supported by good and acceptable reasons which furnished a sound and reasonable basis for further consequential action on the part of the Union Government. In the above situation we cannot hold the notification dated 4.3.2014 to be justified. Accordingly the aforesaid notification bearing No. 63 dated 4.3.2014 including the Jats in the Central List of Other Backward Classes for the States of Bihar, Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, NCT of Delhi, Bharatpur and Dholpur Districts of Rajasthan, Uttar Pradesh and Uttarakhand is set aside and quashed”.

5. From a reading of the complete judgment along with these two paragraphs, it is clear that while the submission of the learned counsel for the applicant is true that the names of Bharatpur and Dholpur Districts of Rajasthan had come to be mentioned in the last but one sentence in Para-55 of the judgment of the Supreme Court, but the spirit of the judgment of the Supreme Court was that reservation for Jats in Central List of OBCs in the States of Bihar, Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, NCT of Delhi, Bharatpur and Dholpur Districts of Rajasthan, Uttar Pradesh and Uttarakhand had all been set aside and quashed in their entirety. But since the names of the Districts of Bharatpur and Dholpur somehow came to be mentioned in the Supreme Court’s judgment, that can only be corrected by moving an appropriate petition before the Supreme Court of India itself.

6. However, since we are absolutely clear in our mind, from a reading of the complete judgment of the Supreme Court, that this judgment had set aside the Notification dated 04.03.2014 in its entirety, and in that Notification dated 04.03.2014 the modified entry was Jats in respect of entire State of Rajasthan, the setting aside of the category of Jats in the

Central List of OBCs was in respect of the entire State of Rajasthan, and not only in respect of Bharatpur and Dholpur Districts of Rajasthan, which had been mentioned in the earlier existing entry, and had been modified by the Notification dated 04.03.2014, which the Supreme Court had set aside.

7. In this O.A, the prayer of the applicant is to provide him reservation under OBC category just because he belongs to Jhunjhunu District of Rajasthan, and not to Bharatpur and Dholpur Districts of Rajasthan. But, taking a holistic view in the matter, in view of the clear cut findings of law arrived at by the Supreme Court, we find no merit in the submission of the applicant, and we find that OA does not even deserve issuance of notice. The OA is, therefore, dismissed in *limine*, at the admission stage itself.

**(Raj Vir Sharma)**  
**Member (J)**

**(Sudhir Kumar)**  
**Member (A)**

cc.