**IN THE SUPREME COURT OF INDIA**

**CIVIL ORIGINAL JURISDICTION**

**I.A. NO. OF 2019**

**IN**

**WRIT PETITION (C) NO. OF 2019**

**IN THE MATTER OF:**

Justice V. Eswaraiah (Retd.) Petitioner

Versus

Union of India & Ors. Respondents

 **APPLICATION FOR DIRECTION**

TO,

THE HON’BLE CHIEF JUSTICE

AND OTHER COMPANION JUSTICES OF

THE HON’BLE SUPREME COURT OF INDIA

THE HUMBLE APPLICATIONOF

THE PETITIONER ABOVE NAMED

**MOST RESPECTFULLY SHOWETH:**

1. The accompanying Writ Petition under Article 32 of the Constitution of India is being filed by the Petitioner seeking for issuance of appropriate Writ, Direction or Order as the respondents are denying reservations to the Socially and Educationally Backward Classes (OBCs) (Non-Creamy Layer) into the Undergraduate (MBBS/BDS) and Post Graduate (MD/MS) and PG Diploma Medical Courses in the State Government Institutions other than the Central Educational Institutionspursuant to the Constitution (Ninety–Third Amendment) Act, 2005 (S.2) inserting Clause 5 to Article 15 of the Constitution of India which came into effect from 20.01.2006 and the Central Educational Institutions (Reservation in Admission) Act, 2006 (Hereinafter referred as ‘Act 5 of 2007’ or the ‘Act’) to provide reservations in admissions of students belonging to SCs, STs and OBCs to Central Educational Institutions.The Petitioner crave for leave of this Hon’ble Court to refer to and rely upon the contents of the accompanying Writ Petition for the purpose of present Application also and the contents thereof are not repeated herein for the sake of brevity.
2. That the State of A.P & Telangana participated in the National pool for the distribution of 15% of undergraduate seats in the medical colleges of the State Government from the year 2017-18 and for 50% of the PG seats in the medical colleges of the State Government from the year 2018-19. There are about 4064 UG seats in the National pool of 15% and 7942 PG seats under 50% National pool of all the participating States.
3. That in the Central institutions of the medical colleges for the undergraduate and PG seats 27% reservations are provided in favour of OBCs, 15% seats in favour of SCs and 7.5% seats in favour of STs by virtue of Central Educational Institutions (Reservation in admission) Act, 2006 and the OM issued by the Ministry of Human Resources Development vide OM No.1-1/2005-U.IA/847 dated 20.04.2008.
4. The Respondents in utter violation of Constitutional Rights guaranteed in favour of OBCs to enjoy 27% reservations in the Central and State Government Institutions are denying the said 27% reservations for the OBCsin the State Government Institutions other than the Central Educational Institutionswhile providing 15% reservations for SCs and 7.5% reservations for STs.
5. The Petitioner is seeking direction to implement the rule of 27% reservations in favour of OBCs for the academic year 2019-20 and onwards in the UG and PG courses alsoin the State Government Institutions other than the Central Educational Institutions. All over India, the OBCs are entitled for 27% reservations in the undergraduate medical courses and they are entitled to be allotted 1097 seats. But whereas the reservations are implemented in the Central Educational Institutions only by allotting 69 seats which constitutes 1.69% and OBCs have lost 1028 seats during the admission process for the Academic Year 2018-19 and if 27% reservations are not provided in favour of OBCs again the same loss will be incurred by the OBCS. Similarly, the OBCs are entitled 27% reservations i.e., 2144 seats in PG colleges out of the National pool of 7942 seats. As the Government is only implementing 27% reservation in respect of PG seats in the Central Institutions and they are going to get 233 seats only i.e., 2.9% and they are going to lose 1911 seats. The similar loss was incurred during the Academic Year 2018-19. It is pertinent to note that the States of A.P. and Telangana prior to the merger used to provide 29% reservations to the OBCs.
6. That in the circumstances, it is just and equitable that the Respondents herein be directed to provide for and implement the 27% reservations in favour of OBCs for the academic year 2019-20 in the UG and PG courses even in the State Government Institutions other than the Central Educational Institutions pending the adjudication of the accompanying Writ petition.
7. That the Petitioner has very good prima facie case and balance of convenience also tilts heavily in favour of Petitioner. No prejudice whatsoever would be caused to the Respondents herein, if the interim directions as prayed for is issued by this Hon’ble Court. However, the Petitioner would suffer irreparable loss and injury, if the interim relief as prayed for is not granted.

  **PRAYER**

In the facts and circumstances stated hereinabove, this Hon’ble Court may graciously be pleased to;

1. Direct the Respondents herein to provide for and implement the 27% reservations in favour of OBCs for the academic year 2019-20 in the UG and PG courseseven in the State Government Institutions other than the Central Educational Institutionspending the adjudication of the accompanying Writ petition; and/or
2. pass such other or further order (s) as may be deemed fit and appropriate by this Hon’ble Court in the facts and circumstances of the present case.

**AND FOR THIS ACT OF KINDNESS, THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.**

**FILED BY**

Krishna Kumar Singh

Advocate for the Petitioner

Place: New Delhi

Filed on: 08.03.2019