

[4/3/2025]
[12/3/2025]

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**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

WP. No.3668/2022

(SHIVAM GAUTAM AND STATE OF M.P. OTHERS)

Dated:04/05/2022


Shri Brahmendra Pathak, learned counsel for the petitioner.

Shri Vinapak Prasad Shah and Shri R.S. Thakur, learned special counsel for the respondents/State.

Issue notice to the respondents on payment of P.F. within seven working days, failing which this petition shall stand dismissed without further reference to the Court.

Challenge in this petition filed under Article 226 of the Constitution is to notification dated 24.12.2019 substituting Schedule-1 appended to Madhya Pradesh Lok Seva (Anusuchit Jatiyon, Anusuchit Jan Jatiyon Aur Anya Pichhade Vargon Ke Liye Arakshan) Rules, 1998 enhancing the quota of reservation for O.B.C. category from 14% to 27% for State level posts/cadres to be filled up by direct recruitment. Consequent, challenge is also made to advertisement dated 07.06.2021, its corrigendum dated 16.11.2021 and 27.01.2022 (Annexure P/5) providing 27% reservation for O.B.C. category for appointment to Assistant District Public Prosecution Officer.

Learned counsel for the petitioner submits that prior to the aforesaid amendment in the Rules, M.P. Ordinance No.2 of 2019 was brought into force providing for similar enhancement in the reservation


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quota for O.B.C. category from 14% to 27%. This Ordinance was challenged in WP. No.5901/2019 and several other similar petitions where this Court granted interim relief to the extent of restraining the official respondents from providing more than 14% reservation to O.B.C. category.

Consequently, this Court following the principle of parity directs as an interim measure that to maintain the upper limit of 50% in vertical reservation in services as laid down by various judicial pronouncements of Apex Court, impugned notification dated 24.12.2019 (Annexure P/1) shall remain stayed to the extent it provides for enhanced 13% reservation for O.B.C. category with clarification that reservation for O,B.C. category till pendency of this petition shall continue to be restricted to 14%.

As a necessary consequence, respondents are also restrained from providing reservation for O.B.C. category beyond 14% qua the recruitment initiated by Annexure P/5 advertisement dated 07.06.2021, its corrigendum dated 16.11.2021 and 27.01.2022 (Annexure P/5).


List on **22.06.2022** alongwith WP. No.5901/2019.

(Sheel Nagu)
Judge

(Dinesh Kumar Paliwal)
Judge

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MOHSIN QURESHI
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