MERITORIOUS CANDIDATES CAN GET GENERAL SEATS: SC

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The Supreme Court on Thursday said that Other Backward Class (OBC) candidates are required to be adjusted against the general category when they prove more meritorious than the last of the general category candidates appointed.

The court said that in such circumstances, the appointments of OBC candidates could not have been considered against the seats available in the reserved category.

The top court said that consequently, after considering their appointments in the general category, the seats meant for the reserved category were required to be filled in from and amongst the other remaining reserved category candidates on merit.

A Bench of Justices M.R. Shah and B.V. Nagarathna relied on various verdicts of the top court including *Indra Sawhney vs Union of India of 1992* , popularly called Mandal Commission verdict, while dealing with a case of two OBC category candidates for Bharat Sanchar Nigam Ltd. jobs.

Relying on the verdicts, the top court accepted the arguments of senior advocate Rajeev Dhavan, appearing for a quota candidate, that the reserved category candidates having obtained more marks than the last candidate in general category candidates will have to be adjusted against the general category quota and they were required to be considered in the general category pool, thereby the remaining candidates belonging to the reserved category were required to be appointed against the quota meant for reserved category.

The court said by insertion of two OBC candidates into the general category, two general category candidates already appointed shall have to be expelled and/or shall have to be removed, and it may unsettle the entire selection process.

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