

BOOST FOR MARATHAS: ON BOMBAY HC UPHOLDING RESERVATION FOR MARATHAS

Relevant for: Developmental Issues | Topic: Rights & Welfare of STs, SCs, and OBCs - Schemes & their Performance, Mechanisms, Laws Institutions and Bodies

The Bombay High Court [verdict upholding reservation for Marathas](#) in public employment and education must come as a major relief to the Maharashtra government, which has faced strident agitations from the community in the past for reservation benefits. When Maharashtra enacted special legislation to confer reservation benefits in education and public employment on the Maratha community last year, a formidable legal challenge was expected. The law created a group called 'Socially and Educationally Backward Class' and included Marathas as the sole group under the category, and extended 16% reservation outside the existing quotas for Scheduled Castes and Tribes, and other tribes and backward classes. The foremost hurdle was the fact that the additional Maratha component would take the reservation up to 68%, thus going beyond the limit of 50% imposed by the Supreme Court. Secondly, there were doubts whether one particular caste group could constitute a special class. The 487-page judgment is a brave effort at answering these difficult questions. Significantly, it has ruled that there were "exceptional circumstances and an extraordinary situation" to warrant the crossing of the 50% limit. It has upheld the government's decision to accept the Maharashtra Backward Classes Commission's report on the backwardness of the Maratha community, faulted it for exceeding the panel's recommendation for 12-13% reservation and pulled back the figure to the recommended level. The failure to treat this group as backward for decades has pushed its members deeper into social and educational backwardness. Thus, it says, an extraordinary situation has been created wherein the State had to treat them as a separate category.

'Gaikwad report on Maratha quota most reliable'

The High Court's reasoning may not convince many. For one thing, it is doubtful whether a politically influential and dominant community can be treated as a special category in itself, even if it is educationally backward and under-represented in the services owing to lack of reservation benefits. The uplift of the Marathas can be achieved by including it in the OBC list. If there were concerns about too large a population sharing too small a quota, the existing OBC reservation could have been expanded, instead of Marathas being given separate reservation. Further, Marathas have been classified as the only member of the newly created 'SEBC'. The court seems to have ignored the fact that being socially and educationally backward is the constitutional reason for OBC reservation. It is befuddling how 'SEBC' can be a separate category outside the OBCs. Further, whether adequate grounds have been established to make an exception to the 50% limit will likely be examined by the Supreme Court closely. Mere expansion of the reservation pool is unlikely to be a constitutionally permissible reason for it.

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