

G. R. Chavan and Others

Vs

State of Maharashtra and Others

Civil Appeals Nos. 4465-67 of 1986

(S. Saghir Ahmed, G. B. Pattanaik JJ)

06.01.1998

ORDER

1. This appeal is directed against the judgment of the Full Bench of the Bombay High Court which had also granted leave to appeal to this Court under Article 134-A of the Constitution.
2. The writ petition was filed in the Bombay High Court challenging the Government Resolution dated 23-5-1974, as amended from time to time, providing for reservation in favour of Scheduled Castes, Scheduled Caste converts to Buddhism, Scheduled Tribes, Denotified Tribes and Notified Tribes at promotional stage to all Class I, Class II, Class III and Class IV posts in grades or services in which the element of direct recruitment did not exceed 50%. The writ petition was dismissed by a Full Bench of the High Court by its order dated 14-1-1986 and the Government Resolution was upheld.
3. The question raised in these appeals is concluded by the decision of this Court in *Indra Sawhney v. Union of India* (1992 Supp (3) SCC 217 : 1992 SCC (L&S) Supp 1 : (1992) 22 ATC 385). The appeals are, therefore, dismissed with the observation that if in implementing the policy of reservation, the quota is exceeded, it would be open to the petitioner to approach the appropriate court.