

**GOVERNMENT OF RAJSTHAN**  
**DEPARTMENT OF PERSONNEL (A-II)**

NO. F.7(8)DOP/A-II/2008

Jaipur, dated: **07.08.2012**

**ORDER**


In continuation of this Department's order of even number dated 06.05.2010, it is stated that Hon'ble High Court has disposed of the writ petitions no. 12810/2009, 13491/2009 & 13884/2009 by a common order dated 22.12.2010 in the following manner:-

"As agreed, let the matter be referred to the Rajasthan State Backward Classes Commission and the State Government shall place before the Commission the quantifiable data of numerous factors which is necessary in light of the Apex Court decisions in the case of M. Nagraj (supra) and Ashoka Kumar Thakur (supra). As collection of quantifiable data is going to consume sufficient time, let this exercise be completed within a period of one year. The petitioners shall also be given opportunity amongst others in accordance with law to present thier case before the Commission. It is reiterated that stay shall continue till the matter is decided afresh and even if the State decides to enhance reservation beyond the percentage which was existing prior to coming into force the Act of 2008, the State Shall not give effect to the said enhanced percentage of reservation for a period of two months thereafter. As agreed, we leave all the questions raised in the petitions to be examined by the State at first instance in light of amended provisions of Articles 15 and 16 of the Constitution and decisions of Apex Court in Indra Sawhney (supra), M. Nagraj (supra), Ashoka Kumar Thakur (supra), Suraj Bhan Meena (supra) and S.V. Joshi (supra)."

In view of the above order, Hon'ble Court has continued the stay order dated 12.10.2009; therefore reservations upto 50% can be given.

As per directions of Hon'ble Court, quantifiable data have been collected which are in the process for implementation of Judgment dated 22.12.2010. Till the Backward Commission submits report to the State Government and the State Government takes a policy decision as per the Judgment of the Court, 1% reservation to Special Backward classes shall continue. This order is being issued by way of abundant caution and shall deemed to have continuous effect even after the Order dated 22.12.2010.

By order of the Governor,

  
(Sudarsan sethi) 7.8.2012

Principal Secretary to Government

39/2012

Copy forwarded to the following for information and necessary action:-

1. The Addl. Chief Secretary to H.E. the Governor, Rajasthan.
2. The Principal Secretary to the Chief Minister, Rajasthan.
3. The Deputy Secretary to the Chief Secretary/P.S. to the Addl. Chief Secretaries.
4. Principal Secretaries/Secretaries/Spl. Secretaries to the Government.
5. All Head of Departments/Division Commissioners including Collectors.
6. Cabinet Secretariat, Jaipur.

  
Deputy Secretary to Government

Copy also forwarded to the following:

1. The Secretary, RPSC, Ajmer.
2. The Secretary, Rajasthan Legislative Assembly, Rajasthan, Jaipur.
3. The Secretary, Lokayukta Sachivalaya, Rajasthan, Jaipur.
4. The Registrar, Rajasthan High Court, Jaipur/Jodhpur.
5. The Registrar, Rajasthan Civil Services Appellate Tribunal, Jaipur.
6. The Director, Information & Public Relation Department, Jaipur.

  
Deputy Secretary to Government

39/2012