

## Apex court suspends Calcutta High Court's anti-quota order

The Supreme Court Friday suspended the Calcutta High Court's anti-quota order, which restrained the Indian Institute of Management, Calcutta (IIM-C) from admitting backward category students against the 27 percent seats reserved for them by a central law.

While suspending the high court's Wednesday order, the bench of Chief Justice K.G. Balakrishnan allowed IIM-C and other IIMs, besides all other government-run educational institutions of higher learning, to admit backward category students.

The Calcutta high court had restrained the IIM-C from admitting the backward category students against the reserved seats for them on the contention by a general category aspirant Shyam Guha that the April 10 ruling of the apex court had treated graduates as socially and educationally forward, needing no reservation for them in the government educational institutions.

The apex court bench, which also included Justice H.K. Sema and Justice P.P. Naolekar, stayed all proceedings by the Calcutta High Court and also by two other high courts - of Delhi and [Mumbai](#) - on pleas similar to Guha's.

The bench also issued notices to the individual petitioners, who had moved the three high courts, asking them as to why the Union government's plea to transfer their petitions to the apex court be not accepted.

The bench virtually slammed the Calcutta High Court's Wednesday order, saying: 'We can't allow this order to stand. Can the Calcutta High court sit in judgement over an order by this court?'

'If you think there is a contempt, you file a contempt plea,' the bench told the solicitor General Goolam E. Vahanvati.

While allowing the IIMs to admit backward category students to the post-graduate courses, the bench clarified that its April 10 ruling, which upheld the central law for 27 reservation for backward category students in educational institutions of higher learning, has not declared an individual graduate within a backward community as forward needing no reservation.

The bench said the April 10 ruling only meant that a particular backward community having a certain percentage of graduates within it may be considered for being declared as forward, needing no reservation.

The bench decided to further examine as to what percentage of graduates within a backward community would make it educationally forward.

The bench said the admissions of the backward category students in IIMs or other institutes of higher learning would be affected if the court finds that a particular community should be declared educationally forward owing to a large percentage of graduates within it.

Legal experts, however, explained that this condition imposed by the bench would not eventually affect the backward category students taking admission this year as the process of determining whether a particular socially backward community should be declared forward owing to large

percentage of graduates within it is a long-drawn one.

The legal experts pointed out that once the court decide the requisite percentage of graduates within a community to declare it forward, the government will have to undertake a survey of graduates within various socially backward communities. All this would take years.

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