

**BEFORE THE NATIONAL COMMISSION FOR
BACKWARD CLASSES**

(Established under article 338B of the Constitution of India)

Sri Ramesh Babu Viswanathula
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... Petitioner / Complainant

Against

The Vice Chancellors/Chief Secretaries/Commissioners
Various NLUs & State Governments
India

... Respondents

**MEMO FILED IN SUPPORT OF PETITION / COMPLAINT FILED DATED
22/05/2019 UNDER ARTICLE 338B(5) OF THE CONSTITUTION OF INDIA**

Hon'ble Commission Chairman/Vice-Chairman/Members,

1. It is submitted that the Petitioner is a Regular practitioner of Law, Advocate in High Courts & Supreme Court of India and also a social cause litigator for various rights on behalf of deprived sections.
2. It is respectfully submitted that a petition/complaint was filed before this Commission dated 22/05/2019 against the blatant & deliberate violation of Rules, G.Os, provisions by the respondents and thereby not providing any reservation to the Socially & Educationally Backward Communities by the respective Governments established "National Law Universities" in different states at the time of admissions for various courses.
3. It is submitted that as per the Para 7(b) of "UGC Guidelines for Strict Implementation of Reservation Policy of the Government in Universities, Deemed to be Universities, Colleges and other Grant-In Aid Institutions and Centers", that all these National Law Universities are required to implement the reservation system for Backward Classes.

7(b). Without prejudice to the provisions contained in the clause (a) above, in all the educational institutions referred to in clause (a) above, and functioning within any State shall follow the percentage of reservation prescribed by the respective State Government.

4. It is submitted that considering the “The Central Educational Institutions (Reservation in Admission) Act, 2006 and as per Section 3 (iii) provides that “out of the annual permitted strength in each branch of study or faculty, twenty-seven percent seats shall be reserved for the Other Backward Classes”.
5. It is submitted that taking a look of the admission process for the year 2019 as released by various National Law Schools in the country, the reservation policy is not followed. The admission strength shows that these “National Law Colleges” have not at all followed reservation for Backward Class Communities and some are following their own reservation system in their admissions without any proper base.
6. These National Law Colleges are themselves functioning as independent Universities / Private Universities as though they are not concerned with the Reservation Policy of the Central or State. Some Universities give a meager percentage of reservation to BC without any basis and some other doesn't follow any reservation policy and have not reserved any seats for BCs.
7. It is respectfully prayed that Commission may investigate [338B(5)(a)] into the reservation system adopted by these National Law Colleges in India and further monitor all process of the admission in these schools to safeguard the reservation guaranteed under the Constitution of India, Central reservation Act for Higher Education, States Reservation Policy for Backward Classes, rules, G.Os etc.
8. It is further submitted that the Consortium of National Law Universities (CLAT) has released a press note dated 21/11/2019 about their upcoming Examination Notification for admissions for 2020 batch, declaring the date of their examination notification, application dates, exam date etc., It is now a concern to the petitioner that these National Law Universities will proceed without implementing any BC/OBC reservations in their admissions 2020.

9. It may be noted that Hon'ble Member Sri Thalloju Achary has taken-up the proceedings against NALSAR University of Law, Hyderabad through a complaint received from a student Kum. Thaduri Amulya. In the proceedings File No. NCBC/MEMBER(AT)/D.O.FILE-05/2019, Hon'ble Member has directed the NALSAR University of Law to immediately implement BC/OBC reservations and consider the student's / petitioner's admission under BC/OBC Category. However, this University has not considered the Order of this Commission and the Student had to lose her chance of admission in 2019.
10. It is a blatant violation of the law by such universities and deprivation of the rights of the BC/OBC students. These universities are making the BC/OBC categories to compete in the general quota, for which a strong and stringent action from this Commission is warranted. Unless this commission takes this issue on board at the earliest, even the upcoming admissions of all these Universities will also be ignored for BC/OBC candidates and the universities management pass them to their favours.
11. It is submitted to this National Commission may issue directions to stay all the proceedings of these National Law Universities and their upcoming admission process unless strict adherence to the BC/OBC Reservations are followed in their admission process including in the upcoming notification to be released in the month of December 2019.
12. It is respectfully prayed that the Commission may summon and enforce the attendance of the all National Law Universities, Chief Secretaries, Officers of Backward Class Welfare Departments of the respective States [338B(8)(a)] to seek explanation as to why Backward Class reservation is not followed at the time of admission in these National Law Schools and issue commission to implement the reservation for Backward Classes in all their admissions immediately.
13. It is respectfully prayed that the Commission may safeguard the rights of the socially and educationally backward classes as guaranteed under the Constitution of India [338B(8)(a)] by streamlining the BC reservation in the seats earmarked for All India Seats and State Reserved Seats at the time of admission in these National Law Colleges and issue commission to implement the reservation for Backward Classes in all their admissions immediately.

14. It is respectfully prayed that Commission may allot a date to discuss this matter before the Full Bench (All members of Commission), as it pertains to nation wide issue and also direct the respondents to present on such date as suitable to the Commission.
15. It is respectfully prayed that the Commission may pass any further relevant orders, any further orders, interim directions, instructions to safe guard the rights of the Backward Classes in the interest of justice.

Date: 22/11/2019

Ramesh Babu Vishwanathula