



Calcutta HC Quashed OBC Quota for Muslims

Source: IE

Recently, the Calcutta High Court struck down orders of the West Bengal government providing reservations to multiple communities, including Muslims, under the [OBC category](#).

- In 2013, the West Bengal Backward Classes (Other than Scheduled Castes and Scheduled Tribes) (Reservation of Vacancies and Posts) Act, 2012, was notified under which **77 communities (including 75 Muslim communities)** were included in **Schedule I** of the Act.
- The division Bench of Calcutta HC found that **religion had been the “sole” basis** for the West Bengal Backward Classes Commission and the state government to provide reservation, which is **prohibited under the Article 16 of the Constitution and via previous court orders**.
- The Court specifically cited the landmark judgement of *Indra Sawhney vs Union of India (1992)* where the [Supreme Court](#) established that the **identification and designation of OBC communities for reservation purposes cannot be based solely on religious affiliation**.
- **Similar Religion-based Reservation in Other States:**
 - **Kerala:** Provides an 8% Muslim quota within its 30% OBC quota.
 - **Tamil Nadu and Bihar:** Also Include Muslim caste groups in their OBC quota.
 - **Karnataka:** Had a 4% sub-quota for Muslims within the 32% OBC quota.
 - **Andhra Pradesh:** Provides 5% reservations quota to the backward Muslim Community.

Read more: [Issue of Reservation for Muslims in Andhra Pradesh](#)

PDF Refernece URL: <https://www.drishtias.com/printpdf/calcutta-hc-quashed-obc-quota-for-muslims>