**The State of Punjab and ors V. Davinder Singh and ors, 2020 SCC OnLine SC 677**

The current case arises out of the State of Punjab’s appeal against a 2010 judgment by the Punjab and Haryana supreme court. The supreme court struck down *Section 4(5) of the Punjab Scheduled Castes and Backward Classes (Reservation in Services) Act, 2006* (hereafter ‘Act’) as unconstitutional. *Section 4(5)* of the Act provides for ‘first preference’ to the Balmikis and Mazbhi Sikhs castes for Scheduled Caste reservations publicly services. The supreme court reasoned that *Section 4(5)* created an unconstitutional sub-division within the Scheduled Castes, citing the precedent established by E.V. Chinnaiah. The Supreme Court in E.V. Chinnaiah had established that any ‘sub-classification of the Scheduled Castes would violate Article 14 of the Constitution. It had stressed that only Parliament, not State Legislatures, can exclude castes deemed to be Scheduled Castes from the Presidential List under Article 341 of the Constitution. The State of Punjab has appealed the High Court’s judgment on the bottom that E.V. Chinnaiah doesn't apply to the present case. It claims that its legislature had the competence to enact *Section 4(5)* of the Act. additionally, it's raised the difficulty of whether a seven-judge Bench of the Court must revisit E.V. Chinnaiah. Over three days, starting on 14th July 2020, Justice Arun Mishra's Bench heard the counsels present final arguments. within the half of the ultimate arguments, the Bench heard the counsels offer different interpretations of the precedents set in E.V. Chinnaiah and Indra Sawhney. within the last half, the counsels argued on the question of whether the present dispute should be mentioned on a larger Bench. On 27 August, the five-judge bench referred E. V. Chinnaiah to a larger bench. After noticing that a 5-Judge Bench in ***E.V. Chinnaiah v. the State of A.P.,*** (2005) 1 SCC 394, is required to be revisited, the 5-judge bench of Arun Mishra, Indira Banerjee, Vineet Saran, MR Shah, and Aniruddha Bose, JJ has referred the interest a bigger bench. While doing so, the Court observed: “Reservation wasn't contemplated for all the time by the framers of the Constitution. On the one hand, there's no exclusion of those who have come up, on the opposite hand, if sub¬classification is denied, it might defeat the proper to equality by treating the unequal as equal. “