



## SC Upholds Karnataka Law Granting Reservation In Promotion For SC-ST

The Supreme Court has upheld the constitutional validity of the **Karnataka Extension of Consequential Seniority to Government Servants Promoted on the Basis of Reservation (to the Posts in the Civil Services of the State) Act 2018**.

### Background of this Judgement

- In **Indra Sawhney vs Union of India**, the Supreme Court had held that reservations under **Article 16(4)** could only be provided at the time of entry into government service but not in matters of promotion.
- In 1995, Parliament, acting in its constituent capacity, adopted the 77<sup>th</sup> amendment by which clause (4A) was inserted into Article 16 to enable reservation to be made in promotion for SCs and STs.
- The validity of the 77<sup>th</sup> and 85<sup>th</sup> amendments to the Constitution and of the legislation enacted in pursuance of those amendments was challenged before the Supreme Court in the **Nagaraj case**. The SC upheld the constitutional validity of these amendments and ruled that:
  - If the state “wished to exercise their discretion and make provision (for reservation in promotions for SCs/STs), the **State has to collect quantifiable data showing backwardness** of the class and inadequacy of representation and compliance to Article 335”.
  - It will have to see that its reservation provision does not breach the **ceiling-limit of 50%**.
- The **Karnataka Determination of Seniority of the Government Servants Promoted on the Basis of the Reservation Act 2002** was held to be unconstitutional [**in BK Pavitra CASE**] on the ground that an exercise for determining 'inadequacy of representation', 'backwardness' and the impact on 'overall efficiency' had not preceded the enactment of the law.

### Why this is Significant

This Supreme Court order is significant because it underlines “a **‘meritorious’ candidate** is not merely one who is ‘talented’ or ‘successful’ but also one **whose appointment fulfils the constitutional goals of uplifting members of the SCs and STs** and ensuring a diverse and representative administration”.

### Basis for the Judgement

- The providing of reservation for SCs and STs is **not at odds with the principle of meritocracy**. Merit must not be limited to narrow and inflexible criteria such as one’s rank in a standardised exam, but rather must flow from the actions a society seeks to reward, including the promotion of equality in society and diversity in public administration.
- **Article 335** recognises that special measures need to be adopted for considering the claims of SCs and STs in order to bring them to a level-playing field. Centuries of discrimination and prejudice suffered by the SCs and STs in a feudal, caste-oriented societal structure poses real barriers of access to opportunity.

### Judges Verdict on Efficiency

- **Efficiency of administration** in the affairs of the Union or of a State **must be defined in an inclusive sense**, where diverse segments of society find representation as a true aspiration of governance by and for the people.
- The **Constitution mandates realisation of substantive equality** in the engagement of the fundamental rights with the directive principles, inclusion, together with the **recognition of the plurality and diversity of the nation** constitutes a valid constitutional basis for defining efficiency.
- If efficiency is grounded in exclusion, it will produce a pattern of governance which is skewed against the marginalised.

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