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Reservation is not a fundamental right: SC

Says state not bound to provide quota in promotion

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In a significant judgement, the Supreme Court on Friday said an individual cannot claim reservation as a fundamental right and the government is not bound to provide quota in promotion for the Scheduled Caste and Scheduled Tribe employees in public jobs.

A bench of Justices L. Nageswara Rao and Hemant Gupta said Articles 16 (4) and 16 (4-A) of the Constitution empowered the State to make reservation in matters of appointment and promotion in favour of the Scheduled Castes and Scheduled Tribes "if in its opinion, they are not adequately represented in the services".

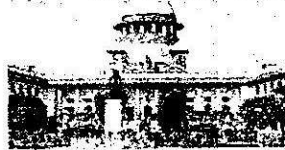
The top court said it was for the state government to decide whether reservations were required in the matter of appointment and promotions to public posts.

"In view of the law laid down by this court, there is no doubt that the state government is not bound to make reservations. There is no fundamen-

Article 16 (4) and (4-A) (reservation in promotion) make it clear inadequacy of representation is a matter within subjective satisfaction of State

Data to be collected is only to justify reservation in appointment or promotion to public posts

Data collection on inadequate representation of SC/STs is a pre-requisite and is not required when the state government decides not to provide reservations



tal right which inheres in an individual to claim reservation in promotions. No mandamus can be issued by the court directing the state government to provide reservations," the bench held.

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