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Madras HC rules quota in govt promotions unconstitutional

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Chennai: In a major setback to the Tamil Nadu government, the Madras HC declared fixing of seniority and conferring promotions, on the basis of reservation, in state government services "unconstitutional" and "ultra vires of Constitution".

"Any reservation is not automatic but can only be on need basis. This is more so, for a special reservation, either horizontal or internal... reservation in selection is different from seniority and promotion. In fixing seniority and conferring promotion, different yardsticks and parameters are to be applied," said a bench comprising Justice MM Sundresh and Justice RMI Teekaa Ramana.

Though the system fol-

The bench was passing orders on a batch of petitions moved by state government employees challenging the '200-point roster' system followed by Tamil Nadu

lowed by the Tamil Nadu Public Service Commission since 2003 was set aside by a high court division bench in 2015, which was also upheld by the Supreme Court in 2016, the state superseded the judgement by bringing in the TN Government Servants (Conditions of Service) Act, 2016.

Asserting that the roster point system adopted by the government in fixing seniority of government servants

is nothing but an indirect way of providing reservation even beyond 69%, the bench declared Sections 1(2), 40 and 70 of the Act, 2016 as unconstitutional.

Quashing the provisions that facilitated promotion based on reservation, the bench said, "...when reservation is sought to be made without adequate material, leading to a satisfaction on the part of the state with respect to the need, the same cannot be sustained in the eye of law being an affront to Article 16 of the Constitution as a whole. As Article 16(4) is designed to ameliorate social inequality, it cannot be used to enhance it."

"A classification to become a valid one must be reasonable. Reasonable or otherwise, it should pass the test of arbitrariness and unreasonableness," court added.