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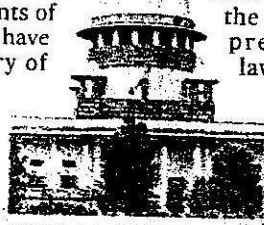
# SC upholds state law on quota for promotions

## Says SC/ST quota won't hit efficiency

NEW DELHI, DHNS: The Supreme Court on Friday upheld the constitutional validity of a 2018 Karnataka law, granting reservation in promotion and consequential seniority to the Scheduled Caste and Scheduled Tribe employees in the state.

The court said that providing reservations for SCs and STs is not at odds with the principle of meritocracy and would, in no way, affect efficiency of administration.

"Establishing the position of the SCs and STs as worthy participants in affairs of governance is intrinsic to an equal citizenship which recognises governance that is inclusive but also ensures that those segments of our society which have suffered a history of prejudice, discrimination and oppression have a real voice in governance," it said.



### Relief to 40,000 staffers

The Supreme Court ruling comes as a relief to 40,000 SC/ST state government employees, DHNS reports from Bengaluru. The government on Friday issued an oral direction to Department of Personnel and Administrative Reforms (DPAR) to start making preparations for restoring consequential promotions to its SC/ST employees.

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A bench of Justices U U Lalit and D Y Chandrachud dismissed a batch of petitions filed by BK Pavitra and others, who challenged the validity of the 2018 reservation law, passed to "circumvent" the 2017 verdict.

The court said the fresh law has cured the defects in the previous 2002 law, quashed by the court on February 9, 2017 on the ground that the state did

not fulfil the criteria of having undertaken a study and collected a quantifiable data on 'inadequacy of representation' and 'backwardness' and its effect on overall 'efficiency of administration'.

The Ratna Prabha Committee undertook the requisite exercise which led to the passage 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', the court said.

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"Reservation Act 2018 does not amount to a usurpation of judicial power by the state legislature," the court declared, adding that the previous judgement did not restrain the state to fulfil the conditionalities for granting reservation in promotion to SC/ST staff and consequential seniority under Article 16 (4A) of the Constitution.

"We have to come to a conclusion that the challenge to the law is lacking in substance," Justice Chandrachud, who pronounced extracts of the 135-page judgement on behalf of the bench, said.

The apex court's verdict comes as a huge relief to the

Karnataka government, which passed the 2018 law to protect thousands of SC/ST employees who faced demotion in view of the 2017 judgement.

On Friday, the top court also upheld the consequential seniority to promotees against roster points, as mandated in the 2018 law.

It also noted the consequential seniority already granted to government servants belonging to the SCs and STs in accordance with the reservation order with effect from April 27, 1978 shall be valid and shall be protected. The court rejected a contention of general category of employees that the provisions in regard to retrospectivity in the Ratna Prabha Committee

report were arbitrary and unconstitutional.

Notably, this is the first judgement after the three-judge bench decision in 'M. Singh' (2018) related to the reconsideration of the 'M. Singh' (2006) verdict.

The top court also rejected the concept of creamy layer in the application for the validity of the Act 2018 which was done to protect consequential seniority upon promotion of persons belonging to the SCs and STs.

It agreed to the Karnataka government's stand that progression in a cadre promotion cannot be treated as the acquisition of a new layer status.