SC Verdict on Merit and Reservation

Why in news?

The Supreme Court, in the recent Saurav Yadav v State of Uttar Pradesh, has ruled that the quota policy was not intended at denying meritorious candidates job opportunities even if they belong to reserved categories.

What does this mean?

- Candidates belonging to reserved categories like SCs, STs, and OBCs can be appointed under open or general category, if they qualified on their own merit.
- These candidates will not be counted under the reserved category.

What is the case about?

- The case came up in the context of complications that arise from trying to specify the relationship between vertical and horizontal reservations.
- Articles 15(4) and 16(4) enable **vertical reservation**.
    - This is based on categorising the population in terms of SC, ST, OBC and General Category.
- On the other hand, **horizontal reservation** cuts across these vertical reservation categories.
    - These can include reservation for women, differently-abled persons, freedom fighters, army veterans and such
    - The Supreme Court called it as “interlocking reservations” in Indra Sawhney and Others v Union of India (1992).
- Earlier, the Court had made it clear that horizontal reservation ought to be generally understood in compartmentalised terms.
- This came as a nod to recognition of inequalities within each vertical category.
- But, in the present case, the problem was different. It is however illustrative of some of the interpretive absurdities of the system.

What is the challenge in the present case?

- There were 3,295 constable posts in the General Category of which 188 went to women (20% reservation for women).
- In filling up the General Category vacancies, OBC women were not

considered.

- To note, the last female candidate selected in General Category secured 274.8298 marks. 21 applicants in the OBC female category scored more than these marks.
- However, these OBC candidates were not considered against the available General Category seats.
- In short, they were **excluded from competing from the General Category positions even though they have scored more**, simply because they were OBC.
- This, in effect, shows that some state governments are trying to use the open category seats as a quota for general category candidates or in other words, for upper castes.
    - Uttar Pradesh and Madhya Pradesh excluded reserved category women for consideration in the general category.
    - Rajasthan and Gujarat, amongst others, included them.

What is the present SC verdict?

- The Supreme Court has ruled against the UP government, clarifying the relationship between horizontal and vertical reservations.
- It reiterated the principle that groups eligible for horizontal reservation cannot be excluded from the open category seats just because they are from other vertical reservation categories.
- E.g. women from all categories (vertical) are eligible to be considered for the open category
- The open category seats are not meant to be a quota for the non-reserved categories.
- **Merit** - The Court has often, very unhelpfully, contrasted merit with reservation.
- In popular parlance too, merit is seen to be a deviation from reservation.
- But this has always been a mistaken view of the relationship between merit and reservation.
- In principle, reservation is an instrument for identifying merit in individuals from historically marginalised communities.
- In the present case, the UP government was ironically using the General Category to exclude meritorious candidates.
- By ruling this out, the court has rightfully upheld merit and reservation.
- The Court clarified on the fairness in the application of the selection criteria (merit) within the overall framework of reservation.

Source: The Indian Express, Hindustan Times



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