



CASE COMMENT: T. DEVADASAN V. UNION OF INDIA

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FACTS OF THE CASE

In Madras State, T. Devadasan was chosen as a candidate for the position of Assistant District Welfare Officer. However, due to the government's practice of reserving seats for Scheduled Tribes (ST) and Scheduled Castes (SC), he was not appointed. A general category candidate named Devadasan challenged the reservation policy, claiming that it infringed upon the fundamental right to equality protected by Article 16(1) of the Indian Constitution. The government maintained that the reservation was legal under Article 16(4) and that its goal was to give underprivileged groups equal access to public jobs.

ISSUES OF THE CASE

The case of *T. Devadasan v. Union of India* revolves around the interpretation of Article 16(1) and the principles of equality in public employment. The specific issues raised in the case are;

- Whether the reservation of vacancies for Scheduled Castes (SCs) and Scheduled Tribes (STs) in public employment under Article 16(4) of the Indian Constitution is valid and consistent with the right to equality as guaranteed under Article 16(1).¹
- Whether the implementation of reservation violates the constitutional guarantee of equality in employment and discriminates against general-category candidates.
- The extent to which reservations for backwards classes (SC/ST) should be allowed without affecting the rights of other categories and individuals.
- The impact of reservations on the fundamental right to equality and the duty of the state to provide equal opportunities to all citizens.

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¹ M P Jain, Indian Constitutional Law (8th edn, LexisNexis 2018) 1012

ARGUMENTS ADVANCED

Arguments by the Petitioner (T. Devadasan)

Article 16(1) Violation: According to Devadasan, his fundamental right to equality in public employment was violated when jobs were reserved for SCs and STs under Article 16(4).² He maintained that reserving positions for a particular group violated the principle of equality and that all citizens should have equal opportunities in matters of public employment, as stipulated in Article 16(1).³

Merit-Based Employment: Devadasan underlined that the merit-based selection principle in public employment was negatively impacted by the reservation system. He maintained that reservations would result in the appointment of less qualified people rather than more qualified applicants from the general pool, which would make public administration ineffective.⁴

No Justification for Reservation: Devadasan questioned the justification for reservations, arguing that there were no valid reasons to give preference to SCs and STs in employment matters, especially when they were not the only communities facing discrimination. He contended that reservation should not be the only solution and that there were other methods to uplift marginalised communities.⁵

Arguments by the Respondent (Union of India)

Justification of Reservations under Article 16(4): According to the Union of India, reservations were constitutionally allowed under Article 16(4), which gives the government the authority to create special provisions for the advancement of members of under-represented groups in public employment. They argued that to address the historical disadvantages that SCs and STs had experienced the reservation policy was a necessary affirmative action.⁶ They also argued that it was crucial to guarantee their successful participation in public service.

² Constitution of India 1950, art 16(4)

³ Constitution of India 1950, art 16(1)

⁴ Marc Galanter, *Competing Equalities: Law and the Backward Classes in India* (OUP 1984)

⁵ *T. Devadasan v Union of India* AIR 1964 SC 179

⁶ *Indra Sawhney v Union of India* (1992) Supp (3) SCC 217

Protection of Social Justice: The government maintained that reservation policies were in place to promote social justice and remove historical discrimination against SCs and STs. By providing opportunities for these communities, the state aimed to foster an inclusive society and ensure that all sections of society had equal representation in government services.

Temporary Nature of Reservations: The Union of India argued that reservations were not permanent and would be reduced or eliminated once the intended goal of uplifting the backwards classes was achieved. It was pointed out that Article 16(4) specifically allowed for such temporary provisions to overcome socio-economic disadvantages.⁷

Implementation of Reservations Based on Constitutional Mandate: The government emphasised that the reservation system was put into place in compliance with Article 16(4) of the Constitution, which allows for reservations for members of under-represented groups in the workforce. The policy was viewed as a means of addressing structural injustices and advancing a more representative and equitable bureaucracy.

CASE JUDGMENT

The Supreme Court of India rendered a decision in the case in 1964. In a historic ruling, the Court determined that Article 16(4) of the Constitution permitted the reservation of positions for Scheduled Castes and Scheduled Tribes in public employment. In his ruling, Justice Gajendragadkar stated that although Article 16(1) ensures equal opportunities in public employment, Article 16(4) permits the state to establish special measures for the advancement of underprivileged groups. The Court maintained the state's authority to establish reservations when doing so was required to address the disadvantages these communities faced. The Court noted that reservations were a tool of social justice and that the goal of Article 16(4) was to establish a more equitable society. It was acknowledged that the reservation policy was not meant to be a long-term fix, but rather a temporary one, to help SCs and STs overcome historical disadvantages. The Court also recognised that the reservation system was a necessary step in creating a more equitable and balanced society, even though there might be some short-term inequalities. However, the Court expressed concerns regarding the application of the reservation policy. It declared that others' rights to equal opportunity must not be unnecessarily denied by the implementation of reservations.

⁷ N M Thomas v State of Kerala (1976) 2 SCC 310

The Court recommended that the reservations be applied in a way that strikes a balance between the equality principle and the requirement for affirmative action.

CASE COMMENT

The Supreme Court decided in favour of T. Devadasan, holding that the reservation policy in its current form was unconstitutional because it went against the Constitution's guarantees of equality. The Court noted that the application of the reservation policy must not infringe upon the equality guaranteed by Article 16. The premise behind the Court's ruling was that the reservation policy shouldn't be overused or applied strictly in a way that compromises the values of merit and equality. In its decision, the Court ruled that people from the general category shouldn't be prevented from competing for positions on equal terms because seats in public employment should be reserved for members of under-represented groups. The Court further noted that affirmative action practices, such as reservations, ought to be reviewed regularly to make sure they are accomplishing the intended goal of improving the lot of underprivileged groups without unduly hurting others. The principle that reservations should be implemented in a way that ensures equality and does not result in reverse discrimination against those from the general category, even though they were necessary to uplift backwards classes, was established as a result of the ruling in T. Devadasan v. Union of India.

Affirmative Action and Equality: The ruling upholds the notion that to attain true equality, affirmative action policies—like reservations—are required. It recognises that equal treatment under the law does not always translate into equal results, and that special measures are necessary to improve underprivileged communities. The Court emphasised how critical it is to acknowledge past injustices and guarantee that under-represented groups are represented in public service. The petitioner argued that the reservation system infringed upon his right to equality under Article 16 by restricting the number of positions open to candidates from the general category. The Court's ruling acknowledged that, although reservations were appropriate for underprivileged groups, they needed to be carefully weighed against the rights of those who did not fall into these groups.

Temporary Nature of Reservations: The Court's acknowledgement that reservations are a temporary rather than permanent measure was a significant component of the ruling. This was predicated on the knowledge that the state could progressively reduce the reservations

after the underprivileged classes were sufficiently elevated. Because it creates the expectation that social justice will be attained, the idea of reservations as a stopgap measure is significant.

Balancing Merit and Social Justice: The case brings up a crucial issue regarding striking a balance between social justice and merit. By selecting less qualified candidates over more qualified ones from the general category, the reservation policy is frequently criticised for possibly lowering the standard and effectiveness of public service. The ruling emphasises how difficult it is to strike a balance between these two conflicting principles—social justice and merit⁸. The Court recognised that the reservation system needed to be applied carefully to prevent needless disadvantages to others, but it did not directly address the merits of the case.

Role of the State in Social Engineering: The Court's ruling upholds the government's use of social engineering to advance equality. The Court confirmed the state's obligation to address social and economic disparities by upholding reservations. The ruling upheld the notion that the state must establish circumstances that allow the underprivileged segments of society to obtain resources and opportunities that were previously unavailable to them.⁹

Criticisms of the Judgment: Even though the ruling was progressive, its application has been criticised over time. Critics contend that the reservation system has exacerbated social division¹⁰ and allowed caste-based identities to persist. Furthermore, some contend that reservations prioritise meeting government employment quotas over addressing the underlying causes of poverty and inequality, such as access to healthcare and education.

In the years following the *Devadasan* judgment, there have been further debates and modifications to the reservation policy. The introduction of the 50% ceiling on reservations by the Supreme Court in the *M. Nagaraj* case in 2006¹¹, for instance, indicated the need for continuous scrutiny and review of the reservation system to ensure its effectiveness and fairness.

CONCLUSION

T. Devadasan v. Union of India is a crucial case that addresses the constitutional validity of reservations in public employment. It represents the continuous conflict between upholding

⁸ Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (OUP 1966) 74–75

⁹ Upendra Baxi, 'The Constitution and the Human Rights' (2002) 46(10) *Journal of Indian Law Institute* 1

¹⁰ Arvind Panagariya, 'The Trouble with Caste-Based Quotas' (*The Times of India*, 2017)

<https://timesofindia.indiatimes.com>

¹¹ *M Nagaraj v Union of India* (2006) 8 SCC 212

equality and using affirmative action to advance social justice. By emphasising that reservations must be implemented in a way that does not violate the right to equality and that such policies must be routinely reviewed to maintain their fairness and effectiveness, the Court's decision laid the groundwork for future decisions regarding reservation policies. Although the Constitution permits positive discrimination in favour of underprivileged groups, this case reaffirmed the principle that such actions shouldn't result in the denial of employment and equality rights to qualified members of other social groups. The tenets established in this case still shape the Indian judiciary's current perspective on affirmative action policy implementation.