



Caste as a Challenge to Governance: An Analysis of Reservation Policies through Judicial Lens

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ABSTRACT

*India's constitutional framework aspires to establish equality, yet the caste system remains a deep-rooted challenge to governance and democracy. Despite constitutional guarantees abolishing untouchability and multiple welfare measures, caste-based discrimination and inequalities persist, particularly in rural India. Reservation policies were introduced as corrective measures to uplift historically marginalized communities, but over time, they have generated new complexities, including political manipulation, social tensions, and debates over meritocracy. This paper examines the caste system as a structural barrier to governance and critically analyzes contemporary judicial decisions on reservations, such as *Neil Aurelio Nunes v. Union of India*, *Jaishri Laxmanrao Patil v. Chief Minister, Maharashtra*, and *State of Punjab v. Davinder Singh*. By tracing these developments, the research highlights how the reservation policy, once envisioned as temporary affirmative action, has evolved into a contentious socio-political tool. The paper concludes that reservation should be need-*



based, time-bound, and periodically reviewed to balance social justice with meritocracy.

Introduction

India proudly describes itself as a land of “unity in diversity.” However, as writer and thinker K.E.N. Kunhammed observed, the caste system represents the “worst form of terrorism” in the Indian context, a force so deeply entrenched that even reformist religions have not remained untouched (Kunhammed, 2018). Despite constitutional safeguards and legal measures, caste continues to obstruct the functioning of democracy and good governance.

This paper explores the caste system as one of the greatest challenges to governance in India. It investigates how affirmative action policies, particularly reservations, intended to address historical injustices, have themselves become complex sites of legal and political contestation.

Caste and Governance: A Persistent Challenge

The caste system, originating in the Vedic period as an occupational division, gradually transformed into a rigid hereditary hierarchy. This stratification fostered untouchability, restricted occupational mobility, and normalized discrimination.

Post-independence, India undertook significant reforms, including:

- **Abolition of untouchability** under Article 17 of the Constitution;
- Establishment of **National Commissions** for Scheduled Castes and Tribes;
- Enactment of protective legislation such as the **Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989**;
- **Reservation quotas** in education, employment, and political representation.

Despite these initiatives, rural India continues to witness caste-based exclusion, violence, and structural inequalities. Reservation, designed as a temporary corrective measure, has become both indispensable for social justice and contentious for governance, often manipulated by political agendas.

Reservation and Judicial Scrutiny: Case Law Analysis

1. Jayesh Gurnani v. Madhya Pradesh State Election (2022)

The most recent case on reservation is the Jayesh Gurnani vs Madhya Pradesh State Election⁴,

where the petitioners claimed that the District Collector, Indore, erroneously failed in adopting the rotation system by assigning the thirteen municipal wards, previously reserved for the Scheduled Caste category, again to the same category for the upcoming Indore Municipal Elections. Further it was the case of the petitioner that the act of the respondent was in clear violation of the mandate under Article 243-T of the Constitution, read with Section 11 of the Act of 1956, along with Rule 3 and 4 of the Reservation Rules, 1994. Therefore, the petitioner sought to quash the impugned order stating that it is against the due process laid out by provisions under Article 243-T of the Constitution, read with Section 11 of the Madhya Pradesh Municipal Corporation Act, 1956 (1956 Act), and Rule 3 and 4 of the Madhya Pradesh Municipalities (Reservation of Wards for Scheduled Castes, Scheduled Tribes, Other Backward Classes and Women) Rules, 1994 (the Reservation Rules, 1994).

Interpreting the provisions under Article 243-T of the Constitution, read with the procedure prescribed as per the state election laws, the Indore Bench of the Madhya Pradesh High Court has held that the process of "Rotation of Wards" in Municipalities is mandatory and not up to the discretion of the state government. Referring to the observations of the Supreme Court in K. Krishna Murthy (Dr.) and Ors. v. Union of India and Anr. (WP(C) No. 356 OF 1994), the Petitioners claimed that the Rotation System provides rationality in the process of free and fair elections as well as in implementing the constitutional thought of reservation. Consequently, they prayed for impugned notification to be quashed with directions to the Respondents to conduct the whole process afresh by adhering to the rotation policy laid down by the Constitution, as also the Act of 1956 and Reservation Rules of 1994.

The state government, in its reply, submitted that although Article 243-T reflects the intent of reservation of seats for different categories in the Municipal Elections, the rotation policy with the respect to the same has, *per se*, been left at the discretion of the state governments. The use of the word 'may', preserves the discretionary domain with the state government and is, therefore, only an enabling provision under Article 243-T of the Constitution, it was argued.

However, the court observed that contrary to the stance taken by the state government, a combined reading of Section 11 of the Act of 1956 with Rule 3 and 4 of the Reservation Rules, 1994 categorically reflects the provision for rotation of different seats, which is in line with Article 243-T of the Constitution.

The Madhya Pradesh High Court clarified that **rotation of reserved wards in municipal elections is mandatory**, not discretionary, reinforcing the constitutional vision of fairness under Article 243-T.

2. Neil Aurelio Nunes v. Union of India (2022)

On The Question of OBC and EWS Reservation in Postgraduate Medical Admission: In the case of Neil Aurelio Nunes v Union of India⁵ which is related to OBC and EWS reservation in postgraduate medical admission, the Supreme Court will decide on the constitutionality of the reservation for students from the Other Backward Classes and Economically Weaker Sections in the All-India Quota for medical institutions.

The petitions under Article 32 of the Constitution were instituted on 24 August 2021 to challenge the validity of reservation for the OBC and EWS category in the AIQ seats in NEET-PG and that the criteria for the determination of the EWS category notified was unconstitutional. By an order dated 21 October 2021, this Court sought clarifications in regard to the criteria provided for using Rs 8 lakhs as the cut - off income limit for identifying EWS.

The Supreme Court of India on 7th January 2022 passed the following orders:

- i. Accept the recommendation of the Pandey Committee that the criteria which have been stipulated in 2019 be used for 2021-2022 in order to ensure that the admission process is not dislocated;
- ii. Counselling on the basis of NEET-PG 2021 and NEET- UG 2021 shall be conducted by giving effect to the reservation as provided by the 5 notice dated 29 July 2021, including the 27 per cent reservation for the OBC category and 10 per cent reservation for EWS category in the AIQ seats;
- iii. The criteria for the determination of the EWS notified by OM 2019 shall be used for identifying the EWS category for candidates who appeared for the NEET-PG 2021 and NEET-UG 2021 examinations;
- iv. The validity of the criteria determined by the Pandey Committee for identification of EWS would prospectively for the future be subject to the final result of the petitions; and the petitions

shall be listed for final hearing on the validity of the EWS criteria as recommended by the Pandey Committee in the third week of March 2022

The Supreme Court upheld OBC and EWS reservations in medical admissions, pending final adjudication on the criteria for identifying EWS, balancing **merit with affirmative action**.

3. Pattali Makkal Katchi v. Mayileruperumal (2022)

Another important recent case is the Pattali Makkal Katchi v Mayileruperumal⁶, where the Madras High Court held the internal reservation of 10.5% for Vanniyars in employment and education within the

most backward classes quota as unconstitutional. The Supreme Court will decide in the next hearing on 15th February 2022, whether to uphold Tamil Nadu's reservation for Vanniyars in education and employment within the Most Backward Classes category. The Court will decide whether State governments may allow reservations within an OBC class in the absence of empirical data on backwardness.

The Madras High Court struck down **internal reservations** for Vanniyars within the MBC quota, raising questions about the **empirical basis of sub-classifications**.

4. Kshetrimayum Maheshkumar Singh v. Manipur University (2022)

The Supreme Court of India on 5th January 2022 in the case of Kshetrimayum Maheshkumar Singh vs The Manipur University decided upheld a Manipur High Court order which said Manipur University is required to follow reservation norms of two per cent for SC candidates, 31 per cent for STs and 17 per cent for OBCs for admission purposes. The Supreme Court has dismissed an appeal against Manipur High Court's order upholding the decision of Manipur University to reduce reservation in admission for Scheduled Caste candidates from 15% to 2%, OBC quota from 27% to 17% and increase for Scheduled Tribes candidates from 7.5% to 31%, in terms of amendment to the Central Educational Institutions (Reservation in Admission) Act 2006.

Respondent in the case- Manipur University- was originally established as a 'State University' and was following the Manipur State reservation policy of 2% seats for SC candidates, 31% for ST candidates. In 2005, the Respondent University was converted into a Central University and in 2007 by virtue of the Reservation Act, the reservation policy as prescribed in Section 3 of the

Reservation Act i.e., 15% for SCs, 7.5% for STs and 27% for OBCs became applicable. By way of Amendment Act, 2012 the Respondent University reverted back to its old policy to follow the reservation norm of 2% for the Scheduled castes, 31 % for the Scheduled Tribes and 17% for the Other Backward Classes.

The appellants had challenged the reduction in quota for SC category candidates from 15% as prescribed in Section 3 of the Reservation Act to 2% and filed a Writ Petition in the High Court of Manipur. In the impugned judgement, a single judge had disposed of the plea noting that after the amendment of the Central Educational Institutions (Reservation in Admission) Act, 2006 in 2012 introduced by the Central Educational Institutions (Reservation in Admission) Amendment Act, 2012, Manipur University has to follow the reservation norm of 2% for the Scheduled castes, 31

% for the Scheduled Tribes and 17% for the Other Backward Classes.

The Supreme Court upheld the reversion of Manipur University to its earlier state-level reservation structure, demonstrating tensions between **central and state policies**.

5. **Pichra Warg Kalyan Mahasabha Haryana v. State of Haryana (2021)**

In the present case, the petitioner approached the Apex Court challenging the notification issued by the State Gov. of Haryana on August 17th, 2016, and August 28th, 2018 sub-classifying backward classes solely on an economic basis while fixing the criteria for creamy layer. The issue was whether the notification issued by the State Gov. of Haryana on the sub-classifying of backward classes solely on an economic basis is a violation of guidelines issued by Indira Sawhney's case.

The bench had struck down the notification dated 17.08.2016, and held that there is no need for adjudicating the validity of the notification dated 28.08.2018, which is solely dependent on the notification dated 17.08.2016. It was also declared, however, that it does not disturb admissions to educational institutions and appointments to State Govt. services made based on the two notifications.

The Court struck down Haryana's attempt to sub-classify backward classes on purely economic grounds, reaffirming **Indra Sawhney principles**.

6. **Jaishri Laxmanrao Patil v. Chief Minister, Maharashtra (2021)**

Another important case is the Jaishri Laxmanrao Patil v Chief Minister, Maharashtra¹⁰, also popularly known as the Maratha Reservation case, where the Hon'ble Supreme Court struck down Maharashtra's Socially and Educationally Backward Classes Act, 2018, which grants reservations to the Maratha community for violating the 50% limit on reservations and the 102nd Amendment of the Constitution.

The Court invalidated the **Maratha quota law**, reiterating the **50% ceiling limit** and limits of state legislative competence under the 102nd Amendment.

7. **Saurav Yadav v. State of Uttar Pradesh (2020)**

In this case the petitioners had participated in the selection process for filling up posts of women constables in U.P Police. They had applied under the OBC and SC female category. The petitioners submitted that their claim had been rejected by the state government and candidates with lower marks have been selected in the general female category disregarding their claim.

The court decided that "it is too late in the day for the respondent state to contend that women candidates who are entitled to benefit of social category reservations, cannot fill open category vacancies. The said view is starkly exposed as misconceived, because it would result in such women candidate with



less merit (in the open category) being selected, and those with more merit than such selected candidates, (in the social/ vertical reservation category) being left out of selection.”

The Court held that women candidates from reserved categories can compete for open seats, reinforcing the principle of **merit within social justice frameworks**.

8. State of Punjab v. Davinder Singh (2020)

This judgement of the Hon'ble Supreme Court checks upon the validity of the section 4(5) Punjab Scheduled Caste's and Backward Classes (Reservation in Services) Act. The said section provided for 50% seats to Balmiki and Mazhabi Sikhs out of the quota reserved for SCs. The question before the court was whether the preferential treatment to specific castes within the scheduled castes can be provided by state legislation or not.

Reservation in India has its genesis from the age old practice of caste system which divided society into upper and lower classes and the lowest amongst them were the untouchables. This system thus Recognizes Brahmans as highest, the class lower to them is superior to some other.

However, the point is that amongst the lower classes, there are sub-classes who are more and less backward than others. The Supreme Court in the present case is hearing an appeal made by State of Punjab against the 2010 judgement by Punjab and Haryana High Court in which the High Court Making reference to E.V. Chennaiah case struck down section 4(5) of Punjab act as unconstitutional.

Issues in the present case

1. Whether the state legislature can give preferential treatment to specific castes within scheduled castes?
2. Whether the state has legislative competence to enact section 4(5) of Punjab Act?
3. Whether the decision in E.V. Chennaiah can be revisited?

The court rightly stated that what is necessary is to take into account de facto inequalities which exist in the society and to take affirmative action by way of giving preference and reservation to the socially and economically disadvantaged persons or inflicting handicaps on those more advantageously placed, in order to bring about real equality. By allotting a specific percentage out of reserved seats and to provide preferential treatment to a particular class, cannot be said to be violative of the list under Articles 341, 342, and 342A as no enlisted caste is denied the benefit of reservation. The scheduled caste as per presidential list is not frozen and they are not homogenous group. Referring to the question of revisiting

Chennaiah case, the court stated they are of the view that it should be reviewed by a larger bench and a request to the Hon'ble Chief Justice of India is made to place the matter before a 7 Judge Bench.

The Court referred the question of **preferential treatment within SC reservations** to a larger bench, acknowledging internal inequalities among disadvantaged groups.

9. Chebrolu Leela Prasad Rao v. State of Andhra Pradesh (2020)

In light of this background, a fresh notification was issued by the Governor on 10.01.2000. The said order provided 100% reservation to STs in respect to the posts of teachers in the Scheduled Areas. The order stated that the significant reason for providing such reservation was “to solve the phenomenal absenteeism of Teachers in the Schools situated in Scheduled Areas and to protect the interests of local tribals.” The High Court upheld its validity. An appeal was preferred before this bench to settle the validity of this order.

Issued Raised

1. What is the scope of paragraph 5(1), Schedule V to the Constitution of India?
2. Whether 100% reservation is permissible under the Constitution?

The Court stated that the functionary like the Government was bound by the dictum of the Indra Sawhney Case. It was not expected from it to work in such a manner. The ceiling of the reservation is set to 50% and there was no rhyme and reason for the State Government to provide a 100% reservation.

The Supreme Court struck down **100% ST reservation** in scheduled areas for teachers, affirming the **50% ceiling principle**.

10. Jarnail Singh v. Lacchmi Narain Gupta (2018)

With respect to reservation in promotion in the case of Jarnail Singh v Lacchmi Narain Gupta¹⁴, the Court looked into whether reservations for SCs and STs should extend to promotions, by assessing its 2006 Nagaraj judgment. This case is popularly known as the “Reservation in Promotion Case”, here a five-judge bench of the Supreme Court on 26th September 2018, unanimously opined that the case of Nagaraj need not be reconsidered by a larger bench of judges. In order to review the decision, the court must be fully satisfied that its earlier decision was erroneous or at least the decision contain a fair amount of ambiguity or confusion.

The requirement of proof to show the backwardness is invalid in nature as the backward castes are presumed to be backward for the deep-rooted reasons of the harassment faced by them. It was observed

that SC and ST castes can become educationally as well as economically progressive but they would not be able to free themselves from the clutches of social backwardness as the society identifies them to be belonging to a particular class of individuals which itself won't allow them to compete equally with the other individuals.

The Court allowed reservation in promotion for SCs and STs, clarifying that **social backwardness is presumed** despite economic advancement.

11. Youth for Equality v. Union of India (2019, ongoing)

Youth for Equality v Union of India⁵, several writ petitions have challenged the constitutionality of the Constitution (One Hundred and Third Amendment) Act, 2019, which introduces

Reservations for Economically Weaker Sections (EWS). One of the latest cases along these lines is the Youth for Equality v Union of India, which introduces reservations for Economically Weaker Sections (EWS). Specifically, it provides for 10% reservation in government jobs and educational institutions for persons falling within the economically backward sections in the unreserved category and it violated the constitutional validity and breaches 50 per cent rule along with violation of basic structure doctrine is still pending in the court of law. The matter is sub Judice and referred to larger bench for conclusive deliberation.

Challenges the constitutionality of the **103rd Amendment introducing EWS reservation**, arguing violation of the **basic structure doctrine** and the **50% cap**.

Discussion: The Double-Edged Nature of Reservation

- **Positive outcomes:** Enhanced access to education, representation in governance, and employment opportunities for historically marginalized communities.
- **Challenges:**
 - Perpetuation of caste identities;
 - Political exploitation through vote-bank politics;
 - Dilution of meritocracy;
 - Rising inter-community tensions;
 - Expansion beyond the original “temporary” mandate.



The judiciary has acted as a balancing authority, often reiterating constitutional limits (50% ceiling, empirical justification), while also acknowledging that true equality requires recognition of **de facto inequalities**.

Conclusion

Reservation was envisioned as a temporary corrective to centuries of caste oppression and exclusion. However, its extension and expansion have entrenched caste identities rather than eroding them. While social justice remains a constitutional imperative, the system needs reform.

Future reservation policy must be:

1. **Need-based** rather than caste-perpetuated;
2. **Time-bound** with periodic review;
3. **Balanced** to uphold both **equity and meritocracy**;
4. **Shielded** from political misuse.

Only such reforms can reconcile the constitutional goals of **social justice, equality of opportunity, and good governance**, while preventing caste from remaining an insurmountable obstacle to India's democratic aspirations.

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