



SC Upholds HC Order to Grant Extra Marks to State Domiciles

Why in News?

Recently, [The Supreme Court](#) upheld the [high court](#) ruling to **cancel the Haryana government's decision to award 5% extra marks to state residents** for specific job recruitments **based on "socio-economic" factors**, deeming it an unjustified action.

Key Points

- The [Haryana Staff Selection Commission's](#) plea to challenge a [Punjab and Haryana High Court decision](#) overturning a state notification providing extra marks to Haryana residents during the **Common Entrance Test of 2023 (CET 2023)** has been denied by a bench. The court ordered for new exams to be carried out.
- Under this "[socio-economic](#)" criteria, the Haryana government provided **extra** importance to residents of Haryana on fulfillment of certain conditions.
 - These conditions included **having no family members as permanent government employees** and a **total annual family income from all sources below Rs 1.8 lakh**.

Domicile Reservation

- On one hand the [Art 16\(2\) of the Constitution](#) says, "No citizen shall, **on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated** against in respect of, any employment or office under the State."
 - On the other hand the **clause 4 of the same article says that nothing in this article shall prevent the State** from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.
 - But these provisions are applicable in government jobs.
- [Art 19\(1\)\(g\)](#) provides all citizens the **right to practice any profession**, or to carry on any occupation, trade or business.
 - Thus imposing such limitations by State Governments infringe upon an individual's constitutional right to engage in their chosen profession, trade, or business, as stated in **Article 19(1)(g)**.
- Furthermore, the High Court in its decision stated that "The concept of [constitutional morality](#) **has been openly violated** by introducing a secondary status to a set of citizens not belonging to the state of Haryana and curtailing their fundamental rights to earn their livelihood."
 - The **Andhra Pradesh High Court** observed that the Andhra Pradesh's Bill for providing reservation on the basis of domicile, passed in 2019, "may be unconstitutional", but it is yet to hear the case on merits.

