



Patna High Court Nullifies Bihar's Quota Enhancement

Why in News?

- The [Patna High Court](#) overturned the Bihar government's decision to raise the [reservation quota](#) for [backward classes](#), [scheduled castes](#), and [scheduled tribes](#) from **50% to 65% in government jobs and higher educational institutions** in the state.

Key Points

- The Bihar government has released a **gazette notification** for two reservation bills, namely the [Bihar Reservation of Vacancies in Posts and Services Amendment Bill, 2023](#) and the [Bihar Reservation Amendment Bill, 2023](#).
 - These bills will raise the current reservation percentage from **50% to 65%**, resulting in the **total reservation quota in the state reaching 75%** when the additional **10%** for the [economically weaker sections \(EWS\)](#) is included.
- The amendments are violative of [the Supreme Court](#) verdict passed in the case of [Indira Sawhney versus Union of India](#) whereby a maximum ceiling of **50%** was laid down.
- The quota hike was also discriminatory in nature and violative of the [fundamental rights to equality](#) as guaranteed to the citizens by [Articles 14, 15 and 16](#).

Indra Sawhney & Others vs Union of India, 1992

- The Supreme Court while upholding the 27% quota for backward classes, struck down the government notification reserving 10% government jobs for economically backward classes among the higher castes.
- SC in the same case also upheld the principle that the combined **reservation beneficiaries should not exceed 50%** of India's population.
- The concept of '[creamy layer](#)' also gained currency through this judgment and provision that reservation for backward classes should be confined to initial appointments only and not extend to promotions.

Fundamental Rights

- **Article 14: Equality Before Law**
 - It says that **no person shall be denied treatment of equality before the law** or the equal protection of the laws within the territory of India.
 - The right is **extended to all persons whether citizens or foreigners, statutory corporations, companies, registered societies** or any other type of legal person.
- **Article 15: Prohibition of Discrimination**
 - It provides that **no citizen shall be discriminated on grounds only of religion, race, caste, sex or place of birth**.
- **Article 16: Equality of Opportunity in Public Employment**
 - Article 16 of the Indian constitution provides for **equality of opportunity for all citizens in matters of employment or appointment** to any public office.

PDF Reference URL: <https://www.drishtias.com/printpdf/patna-high-court-nullifies-bihar-s-quota-enhancement>

