



# Uttarakhand High Court Seeks State Govt. Reply on Horizontal Reservation Plea

## Why in News?

Recently, The Uttarakhand High Court sought a reply from the Uttarakhand government on a petition challenging **30% horizontal reservation to domiciled women of the state** in government jobs.

## Key Points

- The petition challenges **Section 3(1) of the Uttarakhand Public Service Commission (Horizontal Reservation for Women) Act, 2022**, saying 30% reservation for women of the state is beyond the scope of **Article 16 of the Constitution of India**.
- As per the case, Uttarakhand Public Service Commission had released an advertisement for various posts of **PCS (provincial civil services) on March 14, 2024**.
  - Clause 10(d) of the advertisement provides for 30% horizontal reservation for female candidates who are native of Uttarakhand.
  - The petitioner challenged the reservation and said horizontal reservation based only on domicile should not be made.
    - **Section 3(1) of the Uttarakhand Public Service Commission (Horizontal Reservation for Women) Act, 2022** is unconstitutional because it violates the **Article 16 of the Constitution of India**.

## Article 16 of the Constitution of India

- It provides for the grounds of positive discrimination or Reservation in government jobs.
  - **Article 16(4)** provides that the State can make any provision for the **reservation of appointments or posts** in favor of any backward class of citizens who, in the opinion of the state, are not adequately represented in the services under the State.
  - **Article 16(4A)** provides that the State can make any provision for reservation **in matters of promotion** in favor of the Scheduled Castes and the Scheduled Tribes if they are not adequately represented in the services under the State.
  - **Article 16(6)** provides that the State can make any **provision for the reservation of appointments or posts in favor of any economically weaker sections**.