

TIMES OF INDIA

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SC upholds UPSC ban on double reservation benefit

NEW DELHI: The SC on Friday upheld the validity of a civil services examination (CSE) rule virtually stopping double quota benefit for reserved category candidates who qualify on merit after competing under general quota.

A bench comprising [Chief Justice](#) K G Balakrishnan and Justices S H Kapadia, R V Raveendran, B Sudershan Reddy and P Sathasivam quashed a [Madras High Court](#) order which had termed the CSE rule 16(2) as unconstitutional. Rule 16(2) provides an opportunity to reserved category candidates, who rank among the general category, to fall back on their backward class status and improve their service choice.

The improved service so availed by the reserved category candidate would then be counted against the quota posts specified for that service.

For example, if a reserved category candidate secures a rank in general category that fetches him [Indian Revenue Services](#), then he could avail his backward status to improve his service and even get IAS.

Under Rule 16(2), the [IRS](#) post so vacated by the candidate by falling back on his SC, ST or OBC status, would then be offered to a general category candidate next in the waiting list. The HC had termed Rule 16(2) as unconstitutional as it was detrimental to the intention of socially affirmative action provided under the law.

Challenging this judgment, the Centre and a host of petitioners termed the HC ruling anomalous. Appearing for one of the petitioners, advocate Anirudh Sharma had argued that it would amount to giving reservation over and above the specified percentage of posts reserved for SCs, STs and OBCs. The SC had on June 1, 2008, stayed the HC judgment.

Writing the unanimous verdict for the five-judge bench, CJI Balakrishnan said, "Candidates who avail the benefit of Rule 16(2) and are adjusted in the reserved category should be counted as part of the reserved pool for the purpose of computing the aggregate reservations."