

**RESERVATION AND THE RIGHT TO EDUCATION IN INDIA: A CRITICAL
ANALYSIS OF CONSTITUTIONAL MANDATES, JUDICIAL INTERPRETATION, AND
THE QUEST FOR EDUCATIONAL EQUITY**

by

Shreedevi S

Vellore Institute of Technology University, Chennai

&

Dr. Saji Sivan S

Associate Professor

Vellore Institute of Technology University, Chennai

ABSTRACT

Reservation in the Indian educational system has been regarded as a crucial tool under the umbrella of affirmative action measures mostly in making equality of opportunity real and ensuring educational inclusion of marginalized sections of society. This paper analyzes how reservation is interlinked with the Right to Education by focusing on the question of whether such a policy helps the achievement of educational equity on one side or at the same time, under certain situations, may even prevent the comprehensive constitutional goal of education on the other. Apart from constitutional provisions, the study throws light on judicial perspectives on reservation, mainly from Articles 15(4), 15(5), 15(6) as they stand now. Several landmark judgments have been discussed to clarify the role of equality and reservation, and the interdependency of both for enabling the realization of the educational rights. The paper explores the aspects of social justice, equal educational opportunities and the dimensions of empowerment plus representation that reservation policy can offer through its implementation. It still cannot be ignored, the authors say, to take into account the issues of institutional autonomy, quality education, the occurrence of political expansion, unequal distribution of benefits, the concept of cream layer as a justification for removal from such benefits due to economic advancement and the principle of merit. The paper makes the claim that reservations, though effective instruments of affirmative action, were never the same as Right to Education. The latter is just one of a series of constitutional instruments that

could bring the creation of such access to education in substance. It ends by stating that the government should take more measures to supplement the education provided through reservation by offering quality education, academic help, structural reforms, policy reviews etc. to realize educational equity at its true level.¹

Introduction:

Education holds a place of primacy in the constitutional scheme of equality, dignity and social justice. The constitutional recognition and guarantee of the Right to Education through Article 21A, under the Eighty-Sixth Constitutional Amendment, 2002 represented an important constitutional advance by recognizing the right of all children in the age group of 6-14 years to free and compulsory education. This guarantee was after that implemented by the enactment of the Right of Children to Free and Compulsory Education Act, 2009. Still, the access to education cannot be limited merely to the formal existence of educational institutions because social, economic and historical disadvantages may seriously limit the potential for educational access, within the internal, constitutional structure; because of this special provisions are available for disadvantaged sections of society, in Articles 15(4), 15(5) and 15(6) read with Article 46, in the move towards substantive equality. As a result, reservation takes on new importance as a tool of remedial intervention and affirmative action to combat structural bias and to secure equitable access to education.²

As the case, law has evolved through *State of Madras v. Champakam Dorairajan* and *M.R. Balaji* to *Indira Sawhney* and so on the limits of its application within the Constitution are discernable. The jurisprudence reveals that reservation can enable access and representation and social inclusion but cannot secure quality or adequacy in education by itself. Concerns about merit, creamy layer, independence of institutions, quality of education, electoral muscle and benefit concentration now need to be addressed. This paper sets out to see if reservation is the way towards

¹ Joshua E. Weishart, *Reconstituting the Right to Education*, 67 Ala. L. Rev. 915, 965–68 (2016).

² CONSTITUTION OF INDIA arts. 21, 21A (as amended by the Constitution (Eighty-Sixth Amendment) Act, 2002); The Right of Children to Free and Compulsory Education Act, No. 35 of 2009, India Code (2009). Article 21A guarantees free and compulsory education to children between six and fourteen years of age, while the 2009 Act gives statutory effect to that guarantee.

the rapid realization of the Right to Education or whether the constraints inherent would impede a comprehensive goal of equitable access to education.³

Research Question:

1. How far can reservation policy in education promote the constitutional objective of the Right to Education and the concept of substantial equality?
2. Does reservation result in genuinely equal access to education and equal opportunities for disadvantaged groups?
3. What are the constitutional and judicial limits on the use and the extent of reservation in the field of education?
4. Will reservation alone be adequate to attain educational equality or must it be supported by educational and systemic changes that go beyond the scope of reservation?

Research Objectives:

1. To study the Constitution and law for the Right to Education and reservation in India mainly referring to Articles 14, 15(4), 15(5), 15(6), 21A, and 46.⁴
2. Through landmark Supreme Court rulings, an in-depth study of changes in the way justice, reservation and the Right to Education have been interpreted will be made.
3. A thorough analysis of the extent to which reservation leads to substantiveness, equal educational opportunity, social justice, representation, and addressing issues about merit, standard, and academic autonomy will be done.
4. Evaluation will be done on whether just relying on reservation is enough to reach equity and pinpoint necessary educational and systematic changes.

Research Methodology:

³ See *State of Madras v. Champakam Dorairajan*, AIR 1951 SC 226 (India); *M.R. Balaji v. State of Mysore*, AIR 1963 SC 649 (India); *Indra Sawhney v. Union of India*, 1992 Supp. (3) SCC 217 (India).

⁴ See CONSTITUTION OF INDIA arts. 14, 15(4), 15(5), 15(6), 21A, 46. Article 14 guarantees equality before the law and equal protection of the laws; Articles 15(4), 15(5), and 15(6) authorize specified forms of special provision for disadvantaged groups; Article 46 directs the State to promote the educational and economic interests of weaker sections, particularly Scheduled Castes and Scheduled Tribes.

The paper employs a doctrinal and critical research approach. It mainly looks at constitutional provisions, legislative instruments and judicial verdicts dealing with the reservation policy on one side and the Right to Education issue on the other side, within the Indian context. The focus articles are 14, 15(4), 15(5), 15(6), 21A and 46 while the paper also considers the legal principles underlying affirmative action, equality and access to education looking at the court. By looking at the rationale of the main cases discussed in the paper, make a constitutional assessment of the interrelationship between reservation and substantive equality on one side, and the Right to Education on the other side. Besides, the major educational data and the secondary literature that were used to check the levels of representation as well as the extent of educational inequalities have also been referred to. The nature of the study can be classified as being a qualitative one wherein a holistic picture is painted with the issue of reservation being one of the strands of the broader constitutional machinery geared towards the objective of educational equity.

Conceptual Meaning of Reservation

Reservation is the concept which was brought to the discussion table to make the state understand that there need to be certain specified proportions of opportunities for identified disadvantaged groups in areas such as education, public employment and political representation which help them in coming access to various resources and opportunities.⁵

The contemporary reservation framework primarily concerns Scheduled Castes (SCs), Scheduled Tribes (STs), Socially and Educationally Backward Classes (SEBCs/OBCs), and, through a later constitutional development, Economically Weaker Sections (EWS). The constitutional framework contains separate provisions dealing with educational advancement, public employment and political representation.⁶

⁵ The study adopts a doctrinal and critical approach based principally on constitutional provisions, legislation, judicial decisions, educational data, and secondary literature. See Angel Ashish Sharma, *The Story of Reservation: A Diachronic Comparison of Changes in Educational and Public Employment Reservation in India for ST, SC and OBC from 1950 to 2025* (Tilburg Univ. 2025) (unpublished thesis) (describing a qualitative legal methodology using constitutional texts, statutes, cases, government reports, and secondary literature).

⁶ For purposes of this paper, SC means Scheduled Castes; ST means Scheduled Tribes; SEBC means Socially and Educationally Backward Classes; OBC means Other Backward Classes; and EWS means Economically Weaker Sections. See CONSTITUTION OF INDIA arts. 15(4), 15(5), 15(6), 16(4), 16(6), 341, 342.

Reservation, however, should not be equated with a general exemption from the principle of equality. Its constitutional justification lies in the recognition that identical treatment of persons situated in substantially unequal social conditions may perpetuate existing inequalities. Special measures are therefore intended to create conditions in which disadvantaged groups can participate more effectively in institutions of the State.⁷

The underlying objective is not to use the caste identities as permanent criteria, but to remove the historical disadvantage and lack of representation can get access to resources and get equal opportunities as those consider as creamy layer. The State considers the reservation as way to attain social justice, equal opportunity and inclusive representation.⁸

Evolution of Concept of Reservation in India:

The abstract concept of reservation could be found traces during British colonies time in way of certain princely States introduced certain measure to address the inadequate representation, for instances Mysore was used to give certain preferential treatment to non-Brahmin communities during late nineteenth and early twentieth centuries. These could be reference that India had reservation to certain extends before independence and it tried to achieve the formal equality which now evolved way deep through judicial intervention.⁹

The Mysore precedent was formalised through the appointment of a committee under Sir Leslie Miller, Chief Judge of the Mysore Court, in August 1918, which submitted its report in 1919. The Miller Committee found Brahmin communities to be significantly overrepresented in state government service and recommended preferential recruitment for all other communities, defined collectively as backward. A Government Order issued in Mysore in 1921 implementing these recommendations represents one of the earliest instances of formal state-administered backward

⁷ See *E.P. Royappa v. State of Tamil Nadu*, (1974) 4 SCC 3 (India) (developing the principle that equality is inconsistent with arbitrariness); see also CONSTITUTION OF INDIA art. 14.

⁸ See J. Laxmi Narasimha Rao, *Affirmative Action in India: Emerging Contours*, 69 *Indian J. Pol. Sci.* 483, 483–92 (2008) (describing reservation as a mechanism for safeguarding the interests of underprivileged groups and expanding access to opportunities).

⁹ See Angel Ashish Sharma, *The Story of Reservation*, *supra* note 17, at 23–27 (discussing pre-independence developments in reservation and representation).

class reservation in the Indian subcontinent, establishing a precedent for the corrective logic that would later find constitutional expression in Articles 15(4) and 16(4) of the Constitution.¹⁰

Under the Indian Councils Act, 1909 which also known as Morley-Minto Reforms introduced separate electorates for Muslim to increase their representation in legislative body and tried to attain formal equality in political sector to balance social and political rights among people.¹¹

During 1919, the government followed separate electorates and also with help of Dr.B.R. Ambedkar who made the State understand that not only religious identity based representation must be prioritized but those who historically depressed by society and arrangement need to made by the State in such manner.

Under the Simon Commission (1927) revisited the issue of representation and was in favor of separate representation for certain backward communities and at the same time was against the universal expansion of separate electorates. The disagreement soon turned out to be even stronger at the Round Table Conferences where Dr.Ambedkar was asking for political safeguards and a separate electorate for the Depressed Classes but Mahatha Gandhi was firmly against a separate electorate since it would further divide the Hindu society.

The Communal Award of 1932 as a result provided reserved electorates for several communities as well as the Depressed Classes for example, this decision was replaced through the Poona Pact signed on 24 September 1932 after the successful discussions of Gandhi and Ambedkar which instead of a separate electorate system, substituted reserved seats within a common electorate The Pact on one side set a clear line between political integration and protective representation and, on the other, it considered introducing steps for educational and public-service opportunities.¹²

¹⁰ Nethrapal IRS, 'Miller's Committee Report of Mysore: A Milestone in Reservation Policy' (Medium, October 2022) <<https://nethrapal.medium.com/millers-committee-report-of-mysore-a-milestone-in-reservation-policy-778e9f56e5c0>> accessed 2 September 2026; see also 'Long Before 1947, How India's Reservations Policy Developed Under British Rule' (The Quint, 10 March 2023) <<https://www.thequint.com/lifestyle/books/book-excerpt-these-seats-are-reserved-abhinav-chandrachud-india-affirmative-action-reservations-policy>> accessed 2 September 2026.

¹¹ Indian Councils Act, 1909, 9 Edw. 7 c. 4 (U.K.) (introducing separate electorates as part of the constitutional reforms of the period).

¹² Poona Pact (Sept. 24, 1932); see also Government of India Act, 1935, 26 Geo. 5 & 1 Edw. 8 c. 2 (U.K.).

Under the Government of India Act, 1935 continued to recognize and categorize the backward and marginalized communities. The "Scheduled Castes" gained a formal recognition at the government level through the Indian Constitution (Scheduled Castes) Act of 1936 that came to identify the communities falling under this category.

Initially from the drafting stage of Constitution to drafting and adopting the Constitution one of the objectives is to address the issue of community representation and reach equality of resources and attain social justice. Whereas separate electorates were not supported at all by the Drafting Assembly, reserved political representation for Scheduled Castes and Scheduled, Tribes were retained. After the constitution was adopted through regular amendments the reservation got stronger to ensure the concept of equality from formal equality to substantive equality.¹³

Concept of Right to Education from Indian Perspective:

The Right to Education in India is an integral element of the guarantees of dignity, equality and social justice. Encompassing it within the constitutional right as a way of shift in thinking from just considering as an individual right to considering as a fundamental basis which is a facilitating to understand the other fundamental rights associated with it and contribute to social advancement. The constitutional position was altered by the insertion of Article 21A through the 86th Constitutional Amendment 2002, conferring a solemn right of every child of the age group of six to fourteen years to free and compulsory education in such manner as the law shall provide. This constitutional guarantee is given effect by the Right of Children to Free and Compulsory Education Act, 2009 to attain universal elementary education. Yet, the right as a constitutional concept has to be understood complimentary with the provisions of Articles 14 and 15 of the Indian Constitution, that has empowered the State to take special measures for the benefit of socially and educationally backward classes of citizens as well as sections of citizens and others facing destitution. The notion of educational adequacy and opportunity of choice are inextricably linked as the realization of the right to education by mere provision of infrastructural access without eliminating economic and socio-historical impediments to the access of the disadvantaged sections becomes meaningless.

¹³ See CONSTITUTION OF INDIA pmb.; arts. 14–16. The constitutional equality framework combines general equality guarantees with provisions permitting affirmative measures for disadvantaged groups.

So, in a sense the Indian socio-constitutional perspective on the Right to Education can be the basis of normative justification for affirmative action and to be exact the policy of reservation.¹⁴

The practical gap between access to schooling and quality of learning is reflected in the findings of the Annual Status of Education Report 2023, which assessed foundational skills among youth in the 14 to 18 age group in rural India. The report found that approximately 43 per cent of surveyed youth in this age group could not read simple sentences in English, and that a significant proportion struggled with text written at the standard two level. These findings reinforce the paper's central premise that the right to education cannot be satisfied by enrolment figures alone, and that substantive equality in education requires concurrent improvements in teaching quality, infrastructure, and learning outcomes for children from historically disadvantaged communities.¹⁵

Role of Judiciary in the Evolution of the Right to Education and Reservation:

Initially the Right to education was not Fundamental rights it went interpretation through judiciary to attain it status as fundamental rights and it was also widely disputed in courts for its reservation as it actually helps in achieving its substantive equality or its just formal equality.

Mohini Jain v. State of Karnataka

The Supreme Court had recognized the Right to Education under Article 21; the judgment declared the right to education as being closely related to the right to life and human dignity. Based on that, education was no longer viewed just as a target of governmental policy but as a factor essential for the enjoyment of fundamental rights in their true sense. The judge's explanation was such that even without the explicit incorporation of Article 21A through a Bill, the right of a person to education would still find constitutional basis of judicial protection. Also, this logic supports the view that the right resides mainly with every individual but reservation becomes a tool to effectively access to such rights for certain classes of people.¹⁶

Unni Krishnan, J.P v. State of Andhra Pradesh

¹⁴ CONSTITUTION OF INDIA art. 21A; Constitution (Eighty-Sixth Amendment) Act, 2002; The Right of Children to Free and Compulsory Education Act, No. 35 of 2009, §§ 1–3, 12, India Code (2009).

¹⁵ Pratham Education Foundation, Annual Status of Education Report (ASER) 2023: Beyond Basics (Pratham 2024); for a summary of key findings see 'Annual Status of Education Report (ASER) 2023' (Vajira Mandriva, 2024) <<https://vajiramandravi.com/current-affairs/aser/>> accessed 2 September 2026.

¹⁶ Mohini Jain v. State of Karnataka, (1992) 3 SCC 666, 687–88 (India).

The court held that the right to free education up to the age of fourteen could be derived from Article 21 read with Articles 41, 45 and 46. Thus decision becomes most significant because it showed that the Constitution's Fundamental Rights and Directive Principles are intertwined, which means we cannot view each other separately. The State's duty under the Constitution is mostly to make education accessible, which the judgment of this case shows. While reservation policies help certain groups to be represented, they definitely should not become the substitute of the State's duty to build sufficient educational infrastructures and supply educational facilities and materials. That is one of the reasons that in determining whether a reservation system truly fulfills the Right to Education we need observe this side of the reservation. Otherwise, reservation would only amount to preferential treatment for a limited number of educational opportunities, which cannot be considered an education in the true sense.¹⁷

State of Madras v. Champakam Dorairajan

This was the first major constitutional confrontation where equality and non-discrimination clashed with preferential admission to educational institutions. The allocation of the Madras Communal G.O. of seats in educational institutions as per community categories was struck down by the Supreme Court as unconstitutional under Article 29(2). In addition, the Court affirmed that even if the Directive Principles are in favor of a particular group, i.e. they support the upliftment of that community, as Article 46 does, they are not higher than the Fundamental Rights in Part III and cannot be used to violate the latter. This judgment directly led to the First Constitutional Amendment 1951 which introduced Article 15(4). So, the judiciary not only annulled the reservation policy but also its finding helped the constitutional revision of affirmative action in education. The judgment made the point so crystal that educational reservation can happen only when there is a specific constitutional basis and it has to function within the equality and non-discrimination principles.¹⁸

¹⁷ Unni Krishnan, J.P. v. State of Andhra Pradesh, (1993) 1 SCC 645, 672–73 (India) (reading the right to education in conjunction with Article 21 and Directive Principles including Articles 41, 45, and 46).

¹⁸ State of Madras v. Champakam Dorairajan, AIR 1951 SC 226, 228–29 (India). The decision treated the then-existing communal allocation in educational admissions as inconsistent with Article 29(2) and contributed directly to the adoption of Article 15(4) through the Constitution (First Amendment) Act, 1951.

M.R. Balaji v. State of Mysore

The court tried to understand the scope of Article 15(4) and found limits in the power of the State to use reservations for its purpose. The case became important to understand that even though the constitution allows affirmative action as a tool for achieving true equality, this should not be interpreted as giving the government unlimited powers to do whatever it likes just by declaring itself an affirmative action program. The case of M. R. Balaji was one of the milestones in the evolution of the idea that reservation should be limited to a maximum 50%. The judgment reveals how the court is trying to uphold the constitutional equilibrium between the implementation of necessary affirmative action to undo the effects of historical and social disadvantages on one hand and the rights of people not falling in any reserved group to the protection of their fundamental rights. That's why, the reservation as a tool constitutionally was acknowledged but the Court decided it had to be subject to constitutional restrictions and the implementation could not be done without a reasonable level of restraint. Constitutionally, the court recognized reservation as a valid tool for promoting substantive equality, but the Court made it clear that reservation could not be used without constitutional limits and that the State could not have uncontrolled powers through it.¹⁹

E.P Royappa v. State of Tamil Nadu

The landmark judgment did not directly address the question of reservation in education sector yet it expanded Article 14 in line to substantive equality and boarder understanding for concept of equality. Combining with the principles of the rule of law and equality, the judgment has recognized the concept of non-arbitrariness in a much deeper and more flexible manner, this way equality sustained. The Constitution concept shifted from the very formal in which literal understanding of equality, i.e. treating students of dissimilar background in a similar way would cause absolute disadvantage to people and hindrance the fair chance of getting education. In so

¹⁹ M.R. Balaji v. State of Mysore, AIR 1963 SC 649, 658–60 (India). The Court treated Article 15(4) as an enabling provision subject to constitutional limitations and discussed the relationship between affirmative action and the general equality guarantee.

doing, the Court's decision in *E.P. Royappa* has laid down the basic constitutional grounds on the strength of which affirmative action measures could be justified namely that treating dissimilar people in the same way may not only do little to eradicate the already-existing inequalities, but also may very well, on the contrary, continue the inequalities. And, it is to secure more equal outcomes that, from time to time, the law may justifiably require treating dissimilar people differently, despite intact is the treatment may look unfair on its own.²⁰

Indra Sawhney v. Union of India

The case of *Indra Sawhney v. Union of India* was basically a case about reservation in public employment, under Article 16(4) and not reservation in education under Article 15, yet it came out to be one of the key doctrinal authorities for the evolution of Indian reservation policies. The court agreed with the constitutionally permitted use of reservation as a vehicle to achieve substantive equality, but simultaneously recognized the limitations imposed by the Constitution for carrying out the operation. The limitations, in this case, were to identify socially and educationally backward classes and the requirement of their inadequate representation in the services concerned, on top of the exclusion of the so-called 'creamy layer' besides a general doctrine about reservations not to cross the 50 per cent limit on normal occasions. This ruling tried to bridge the constitutional mandate for providing equality and the obligation of the State to combat inequalities in all forms by implementing affirmative actions. While this specific case dealt with the issue of public employment only, its underlying principles have enriched the constitutional discourse and development of reservation policies in general and in the domain of education, in particular.²¹

Indra Sawhney gains even more significance from the dissenting views of T.K. Thommen, Kuldip Singh and R.M. Sahai JJ. which show that the constitutional interpretation and allowable scope of reservation were not entirely uncontested judicially. The dissenting judges were rather more restricted in their view of reservations and disagreed with several key parts of the way most the court arrived at the issue of backward classes and of reservation. Their views pointed towards the

²⁰ *E.P. Royappa v. State of Tamil Nadu*, (1974) 4 SCC 3, 38–39 (India). The decision is a foundational authority for the constitutional principle that arbitrariness is inconsistent with equality under Article 14.

²¹ *Indra Sawhney v. Union of India*, 1992 Supp. (3) SCC 217, 735–39 (India). Although principally concerned with public employment under Article 16(4), the decision is a major authority on backward-class identification, the creamy-layer principle, and the general 50-percent rule ordinarily applicable to reservations.

need for strictness in the constitutional identification of beneficiaries and fixing their share in affirmative action. From the viewpoint of close analysis, these dissents, as an exposition of the constitutional tension between reservation as a corrective/substantive tool of equality and reservation as a possible departure from equal treatment principle, carry special weight. The main focus of this issue though is to look into Indra Sawhney as part of the evolution of Indian reservation jurisprudence, but not as a direct judicial precedent about the Right to Education. We can understand that the reservation is intended to bring substantive equality but the efficiency of machinery is questionable as choosing beneficiaries for such reservation is always a evolving task with evolving standards thus it became a practical difficulty.

T.M.A Pai Foundation v. State of Karnataka

The Court looked at the constitutional situation of private educational institutions and the interaction between institutional autonomy and government control in education. The judgment shows that education is a field which needs from one aspect, the autonomous freedom of private institutions, from another, the broad social importance of education which cannot be taken for granted. The judgment served as a milestone for the judicial debate that deals with the area where one can go as far as imposing the State's authority upon a private educational institution but still, being respectful of its constitutional autonomy. Through this judgment we can understand that government could not impose the reservation on private unaided institutions this unveils the constitutional balance between autonomy of institutions and state regulation and make sure everyone can access education without discrimination.²²

P.A. Inamdar v. State of Maharashtra

The Court held further that the reservation policies of the States cannot be imposed on privately unaided professional educational institutions; thereby, the Court acknowledged the importance of institutional autonomy in the running of education. The stance was later changed at the constitutional level when the 93rd Constitutional Amendment was passed, introducing Article 15(5) and thereby widening the allowable scope of affirmative action (positive discrimination) in education institutions. The judgment and constitutional developments are quite important as they

²² T.M.A. Pai Found. v. State of Karnataka, (2002) 8 SCC 481 (India).

clearly show us that the commitment of the Constitution to the right to education does not, in isolation, mean that every educational body must necessarily become a weapon of reservation. Actually, the Constitution expects that a reasonable compromise must be made between access to education, substantive equality, autonomy of the institution and rights of the minorities as well as maintenance of the standards of education and quality of output. Article 15(5) shows the constitutional legislature's intention to expand the scope where positive discrimination could be applied in educational institutions.²³

Ashoka Kumar Thakur v. Union of India

The Supreme Court in this case reaffirmed the validity of the 93rd Amendment Act of the Constitution and mainly it upheld the constitutional validity of enabling reservations for socially and educationally backward classes by the State in both maintained and aided educational institutions. A significant aspect of the case was also the 27 per cent reservation of Other Backward Classes (OBCs) allowed under the Central Educational Institutions (Reservation in Admission) Act that was upheld by the Bench conditionally subject to exclusion of the "cream layer". In a thought-provoking and nuanced analysis, Justice Dalveer Bhandari took the constitutional view that while it was necessary and permissible from constitutional standpoint to resort to affirmative action at the very beginning but in extending the reservation further simultaneously, the other deficiencies of education had to be worked on as well. Also, per him, the Government's duties include making greater expenditure on public education and making sure that the children are given quality education access. Apart from that, he believed imposing reservations on private educational institutions not supported by the Government was problematic to constitutional principles mainly if such enforcement of compulsion was to be used to a degree that would jeopardize a college or a school's autonomy. This line of thinking from the jurist will be of considerable use for our purposes since it suggests that reservation should not be understood purely

²³ P.A. Inamdar v. State of Maharashtra, (2005) 6 SCC 537, 582–83 (India). The Court considered the autonomy of unaided professional educational institutions and the limits of compulsory reservation prior to the constitutional insertion of Article 15(5).

on its own terms and that it also should take into account the broader structural factors that shape education availability and education quality.²⁴

In this point of view, one critical standpoint could be to highlight that merely providing reservations cannot lead to a deeper level of equality between different communities unless and until the major weaknesses of the educational system remain tackled. It is the very purpose of equitable justice to allow the historically oppressed people sections with the opportunities to fight against their educational inequalities and also to obtain their due representation, But, it may not be very effective if the beneficiaries themselves are constantly hit and affected by the inadequate facilities, lack of resources, poor instruction, etc. of the system at large. That means the only way through which the State can eliminate such educational inequality is by not only reserving seats but also making sure that it is done in the right way, not taking for granted in reality such a decision will be enough. I believe that the act of setting aside seats for backward classes people should not be seen as the only remedy for the problem but rather it should be considered as part of a comprehensive plan that could really make people equal in the long run.

Society for Unaided Private Schools of Rajasthan v. Union of India

This case directly ties Article 21A with affirmative access to education. After a 2:1 majority, the Supreme Court supported the constitutional aspect of the provision under Section 12(1)(c) of the Right of Children to Free and Compulsory Education Act 2009 which mandates unaided private non-minority schools to reserve 25 per cent of Class I seats for children belonging to weaker sections and disadvantaged groups. The reservation, being a constitutionally acceptable arrangement, was seen as a means to realize and fulfill the goal of universalized education and at the same time the provision ensures that children from poorer and backward groups get education. Yet, Justice K.S.P Radhakrishnan in his dissent differed and held the view that Article 21A mostly puts the burden in the form of a constitutional obligation upon the State, rather than directly a positive obligation on unaided private educational institutions to provide free and compulsory education. Because of this his dissent throws light on a crucial distinction drawn between the

²⁴ Ashoka Kumar Thakur v. Union of India, (2008) 6 SCC 1 (India); Constitution (Ninety-Third Amendment) Act, 2005; Central Educational Institutions (Reservation in Admission) Act, No. 5 of 2007, India Code (2007).

constitutional duty of the State to the realisation of the Right to Education and the scope within which that accountability may be transferred to private educational institutions.²⁵

Then is the general constitutional view that if there is a constitutional right it does not ipso facto mean that every part of the responsibility of fulfilling that right must be handed on to the private sector. The government cannot simply hand over, with no further thought, its constitutional duty for education equity to private educational institutions only. But, the majority opinion indicates that if the government resources and public educational systems are not sufficient to provide access to education in its essence, the government can constitutionally impose certain obligations on educational institutions that are private. So, in this way, this case is a good reflection of how our constitution continues to balance three factors. The first is that the State has the main obligation of securing the Right to Education. The second is the pursuit of equal outcomes and treatment - the aim of the Right to Education being such that it does not only grants the right to education but it is also aimed at substantive equality. The third factor is the recognition that private institutions do have some autonomy.

The practical implementation of Section 12(1)(c) has revealed a considerable gap between legislative intent and ground-level outcomes. Research examining the impact of the clause across states found that while Scheduled Caste and Other Backward Class students showed improved private school participation in states with stricter enforcement, Scheduled Tribe students showed no significant improvement in private school access, suggesting that affirmative access provisions cannot be assumed to benefit all marginalised groups equally. Compliance challenges, including delayed government reimbursement to schools and administrative complexity in the application process, have further undermined the provision's reach, underscoring that legislative mandates alone are insufficient to bridge structural educational inequalities.²⁶

²⁵Society for Unaided Private Schools of Rajasthan v. Union of India, (2012) 6 SCC 1, 34–36 (India); The Right of Children to Free and Compulsory Education Act, No. 35 of 2009, § 12(1)(c), India Code (2009). Section 12(1)(c) requires specified unaided non-minority schools to admit at least twenty-five percent of Class I students from weaker sections and disadvantaged groups.

²⁶ 'Right to Education Act's Influence on Caste-Based Enrollment Gaps and Segregation in India' (EdWorkingPapers, October 2025) <<https://edworkingpapers.com/ai25-1310>> accessed 2 September 2026; see also Ankur Sarin and Swati Gupta, 'Quotas under the Right to Education' (2014) 49(38) Economic and Political Weekly.

Pramati Educational and Cultural Trust v. Union of India

Then the Court turned its spotlight on the constitutional aspects of the relationship between Article 21A, the Right of Children to Free and Compulsory Education Act, 2009, and the protection of minority educational institutions under Article 30(1). It ruled that the provisions of the RTE mechanism could not be extended to minority educational institutions in a way inconsistent or contradictory to the constitutionally guaranteed right of the minorities themselves to set up and manage educational institutes of their choice. Through the judgment, it was reiterated, in a manner of speaking, the constitutional conflict of universal access to education vis-a-vis the safeguarding of institutional and minority autonomy. The ruling shows us that although universal education is actually a constitutional goal of great significance, it is not an absolute term and is not to be implemented without any limitation; on the contrary, State actions designed to promote the availability of education must necessarily be limited by the constitutional rights and restriction's structure, mostly the constitutional protection of Article 30(1) for minority educational institutions.²⁷

Janhit Abhiyan v. Union of India

When the Supreme Court evaluated the constitutionality of the 103rd amendment it looked at a major part of the amendment that gave power for the State to set aside seats for reservations, in education and employment for Economically Weaker Sections only to up 10 per cent. Articles 15(6) and 16(6) that paved way for reservation up to 10 per cent for Economically Weaker Sections were introduced. The Supreme Court, in a decision split 3:2 in favor, declared the amendment as constitutional and its scope to educational institutes and the exclusion of persons belonging to the Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs) from the EWS category was acceptable, to the Court. The Supreme Court, by this decision, has accepted that recognition of economic disadvantage is a basis for affirmative action apart from caste. The case generated a lot of debates among constitutional law scholars as to how different kinds of disadvantages will be identified and dealt with under equality and reservation provisions.

²⁷ *Pramati Educ. & Cultural Tr. v. Union of India*, (2014) 8 SCC 1 (India). The Court considered the interaction between Article 21A, the Right of Children to Free and Compulsory Education Act, 2009, and Article 30(1).

A most of all notable part of the current analysis is the dissenting opinion by Justice S. Ravindra Bhat which Chief Justice U.U. Lalit also joined. The dissent did not dispute the idea that economic disadvantage alone or combined can justify affirmative action measures, yet the constitutional aspect of denying SCs, STs and OBCs EWS reservation by only considering them as members of existing categories of persons reserved for was raised as issue. The logic of Justice Bhat highlighted the double discrimination that socially and historically disadvantaged groups face and that keeping them away from EWS benefits might have a cascading effect. This point of dissidence is of great pertinence to the present argument as the attention turns from who should or shouldn't be reserved but rather on what kind of disadvantages the constitutional promise of equality wishes to address. On top of that it strengthens the overall argument that educational inequality is multifaceted, consisting of economic poverty, caste-based exclusion, geographical disadvantage, inadequate schooling, and unequal access to educational resources which may act conjointly because of this requiring an holistic approach toward achieving substantial equality.²⁸

Reservation as a Pathway to the Right to Education:

Reservation in education is an effective means to ensure substantial equality rather than being a mere alternative to the Right to Education. Sections 15(4), 15(5) and 15(6) of the constitution, interpreted because of Article 46, validate the use of special measures for backward sections as constitutional. The constitutional design represents a shift from formal towards substantive equality. The constitution also acknowledges that equal treatment of unequals may preserve or even deepen social and educational inequalities currently existing among different groups.²⁹

Social Justice:

Reservation in the Indian context serves, inter alia, as a tool for social inclusion and equal representation of historically marginalized sections like Scheduled Castes and Scheduled Tribes as well as Other Backward Classes. One of the arguments in favor of reservation is that mere

²⁸ Janhit Abhiyan v. Union of India, (2023) 5 SCC 1, 39–45 (India); Constitution (One Hundred and Third Amendment) Act, 2019. The amendment inserted Articles 15(6) and 16(6), enabling special provisions for Economically Weaker Sections, including up to ten percent reservation in specified circumstances.

²⁹ CONSTITUTION OF INDIA arts. 15(4), 15(5), 15(6), 46.

providing an equal opportunity at the doorstep is not enough to result in an equitable distribution of opportunity.³⁰

Reservation works that means as a remedy to the injustices of society through the principle of corrective justice. It enables one to get the benefits of being the recipient of a public action to which, due to injustice in society, he or she was previously denied or which was not properly extended to him or her in the past. This refers to the reservation policy as an affirmative strategy which aims at overcoming the systemic disparities and enhancing access of the historically disadvantaged communities to education. Even so, a number of criticisms have been made for the reservation policy which points out the inadequacy of a single policy to bring about social justice. Mainly, reservation merely takes away the existing seats and reallocates them, leaving aside the deeper inequalities at the school level which may include education quality facilities nutrition, digital access and the level of preparation of students before getting admission.

Equal Educational Opportunity:

Equal opportunities in education can hardly be achieved just by having the same admission rules. When students vary greatly in their access to good schools coaching technology, and education resources then even a totally formalized identical application process may end up giving them very different treatment in substance. AISHE 2021-22 report said total enrolment growth rate (GER) was 28.4 whereas SC students only achieved 25.9 and ST was stuck at 21.2, this shows that although there is overall growth the gaps remain very significant.³¹

Supporters say that reservations can reduce these differences by providing an entry path to those communities which previously were not much represented in the field of higher education. An opposing view is that GER statistics alone are not sufficient to show that reservation is the only reason for increased enrolment since the development of higher education, scholarships and other

³⁰ See J. Laxmi Narasimha Rao, *supra* note 19, at 483–92; Marc Galanter, *Competing Equalities: Law and the Backward Classes in India* (Oxford Univ. Press 1984).

³¹ See All India Survey on Higher Education (AISHE), Ministry of Education, Government of India, Report 2021–22 (2023). AISHE means All India Survey on Higher Education; GER means Gross Enrolment Ratio. The paper uses AISHE data to compare overall higher-education enrolment with enrolment among SC and ST students.

welfare measures may also play a role. Towards this end, reservation should be considered as a component of equal educational opportunities rather than its single deciding factor.

The persistence of these gaps is further reflected in school-level dropout data from the Unified District Information System for Education Plus. According to UDISE+ data for 2021-22, the overall dropout rate at the secondary level in India was 12.6 per cent, with Scheduled Tribe students recording the highest dropout rates across all levels of schooling. At the primary level, the Scheduled Tribe dropout rate of approximately 3.69 per cent stood in sharp contrast to a dropout rate of 0.6 per cent for students in the general category, demonstrating that reservation at the higher education entry stage addresses only the final stage of a much longer and structurally unequal educational journey.³²

Representation in Higher Education:

Reservation is one of the reasons that SC, ST, and OBC students are much more represented in higher education now than before. As these groups' attendance and access to universities are higher. Representation goes beyond admission, because universities offer professional, economic and social resources thus due to these challenges of historically exclusive institutional structures. But representation does not automatically equal inclusion. As the research, entry-level representation may not result in meaningful participation or decision-making power, mainly where there are other barriers to inclusion like stigma and structural barriers. Because of this, reservation should also be assessed using factors like student retention graduation academic progression, and professional access and enrollment.³³

Empowerment of Marginalized Communities:

Education is one of the main ways through which social and economic classes can climb up the ladder. Reservation policies have been very beneficial in helping marginalized groups of society

³² Unified District Information System for Education Plus (UDISE+), Report on School Education in India 2021-22 (Ministry of Education, Government of India 2022); see also 'Over 33% of SC, ST, OBC Students Drop Out in Class 10: UDISE+ Report' (Careers360, 2021) <<https://news.careers360.com/udise-plus-education-minister-ramesh-pokhriyal-nishank-school-dropout-sc-st-obc-class-10>> accessed 2 September 2026.

³³ AISHE means All India Survey on Higher Education. See Ministry of Education, Government of India, All India Survey on Higher Education 2021–22 (2023). SC means Scheduled Castes; ST means Scheduled Tribes; OBC means Other Backward Classes.

to enter higher educational institutions and get professional jobs, both of which they had very limited access to. First, the paper acknowledges that the education levels and opportunities have got better for SCs, STs and OBCs.

Then again, it remains a worry that those in the higher strata or with advanced skills will take over from the benefits of reservation, which results in some members of the disadvantaged group getting much more out of reservation than the others. Naturally, the paper is of the opinion that the quota system should be supplemented by such measures as scholarships mentoring academic support, and periodic review to ensure that these disadvantaged people are getting proper benefits from the system.³⁴

Inclusive Development:

Educational inclusion leads to a more equitable society and economic progress when people from less privileged backgrounds can get education, find jobs and take part in social and institutional activities through different means. There can be a positive correlation between reservation policies and an increase in representation as well as social mobility. In short, the mere inclusion of marginalized communities does not lead to the inclusive development goal. High-quality education, building skills and providing job opportunities are still fundamental. That means, the research proposes merging reservation with educational and structural reforms at the same time. So, making a reservation alone is not enough. It needs a larger inclusive development strategy.

Journal of Multi-Disciplinary
Legal Research

Constitutional Vision of Substantive Equality:

The most compelling constitutional basis for reservation is to be found in the idea of substantive equality. The gradual shift, from a formal approach to equality under Article 14 to a much more liberal and accommodating interpretation by way of reservation through Articles 15(4), 15(5) and 15(6) indicates the constitutional awareness that the use of some kind of positive discrimination measures might be necessary to eliminate structural disadvantages. So, instead of reservation being looked upon as violating equality, it is more in the nature of using an instrument to reach at least a

³⁴See also Sukhadeo Thorat, Reservation and Efficiency: Myth and Reality, 40 Econ. & Pol. Wkly. 808 (2005).

level playing field for all. Still, the use of such instruments must be in consonance with genuine disadvantages and not at the expense of the constitutional safeguards.³⁵

Reservation as a Hindrance to the Right to Education:

These criticisms against the reservation is not necessarily about the reservation being unconstitutional or being a concept of inequality to other yet these are the objectively framed criticism over the circumstances in which reservation may becomes ineffective, excessive or even poorly managed.

Merit versus Equality Debate:

The central issue is that reservation may interfere with merit-based admission since candidates in the general category achieving better results may still not be preferred over those selected through reserved categories. The report appended expresses concerns that reservation could impact merit-based admission and overall institutional productivity.³⁶

Then again, the counterargument is that true capability is developed within social context and not in socially neutral situations. The availability of better schools' coaching technology, and educational resources can largely sway examination outcome. Because of this, the paper appended raises doubt about equating only examination scores as a symbol of a truly level of merit. Given this, the main question constitutional issue becomes - it is not merely a case of "a conflict of a reserve against a merit" but rather, how merit is perceived or interpreted given the prevalent conditions of societal inequality.

Creamy Layer Issues:

The concept of creamy layer refers to preventing people of a socially and economically backward class from taking advantage of reserved positions multiple times, even though they have moved upwards on education or money. This concept was accepted by the apex court in the landmark

³⁵ See E.P. Royappa v. State of Tamil Nadu, (1974) 4 SCC 3 (India); CONSTITUTION OF INDIA art. 14. The development from formal equality toward substantive equality provides the constitutional rationale for differential treatment aimed at remedying structural disadvantage.

³⁶ See Ashoka Kumar Thakur v. Union of India, (2008) 6 SCC 1 (India) (addressing concerns surrounding standards, merit, and affirmative action).

judgment of *Indra Sawhney v. Union of India* as an important limitation to the reservations for Other Backward Classes.³⁷

The argument in support of it is that excluding the more well-off ones will help to distribute the reservation benefits to those who are more backwards economically, socially and educationally. Then again, the counterargument claims that even if an individual has climbed up socio, his caste background cannot be ignored, and he would still suffer the effects of caste-based discrimination and social stigma. This way, the creamy-layer principle reveals the problem of deciding between different dimensions of measurement of backwardness.

Reverse Discrimination Arguments:

Some critics suggest that reservation will ultimately result in reverse discrimination by providing benefits based on racialized group membership. The paper also acknowledges some issues of reverse discrimination and strengthening caste identities. The constitutional answer is that differential treatment is not discriminatory if it is aimed at removing a prior form of structural disadvantage. Substantive equality justifies special measures to a historically subordinate group. So, the ultimate constitutional issue is whether there remains a rational and constitutionally permissible nexus between the classification and the injury inflicted that the classification is trying to remedy.³⁸

Efficiency in Higher Education:

Reservation has received the criticism that it endangers the integrity of academic standards and the pace of institution-building. Justice Bhandari's separate opinion in *Ashoka Kumar Thakur v. Union of India* is an important judicial articulation of this apprehension. But the academic standards do not have to fall simply because the students are admitted on affirmative action. The colleges can offer introduction to the subject matter and academic advice and support to ensure the students can meet the academic requirements. Mentoring, bridge courses, counselling and other support

³⁷ See Sukhadeo Thorat, *Reservation and Efficiency: Myth and Reality*, 40 *Econ. & Pol. Wkly.* 808, 808–12 (2005) (discussing the relationship between reservation, efficiency, and social disadvantage).

³⁸ See *CONSTITUTION OF INDIA* art. 15(4); *E.P. Royappa v. State of Tamil Nadu*, (1974) 4 SCC 3 (India). Differential treatment is constitutionally defensible where the classification bears a rational relationship to the disadvantage sought to be remedied and operates within constitutional limits.

mechanisms as outlined in the UGC's SEDG structure all point to in reality inclusion and academic excellence do not have to be understood as competing interests.³⁹

Quality of Education Concerns:

The criticism that reservation gives access but no guarantee of quality is quite widespread. For example, even if underprivileged students enter college through reserved seats, they will remain disadvantaged if the primary and secondary education that they received was insufficient or of quality. So in this case, reservation is only tackling the last stage of the longer battle of educational inequality. In a parallel manner, this paper also highlights how the gaps in access to top remain and it suggests so a combination of reservation with education of quality and skill development. So, the State's duties should go far beyond reserving spots - the availability of good education and proper support through the schools should also be the top priorities.⁴⁰

The gap between enrolment and meaningful learning is supported by empirical evidence from the Annual Status of Education Report series. ASER 2024 found that only 23.4 per cent of Class 3 students in government schools could read a Class 2 level text, representing only a partial recovery from the sharper learning losses recorded during the COVID-19 pandemic period. The same series found that improvements at the foundational level in several states were not sustained into higher grades, indicating that structural weaknesses in public school delivery persist well beyond the point of initial enrolment and continue to affect the educational trajectories of students from disadvantaged communities who enter higher education through reserved category seats.⁴¹

Political Expansion of Reservation:

Reservation has increasingly become a subject for political contestation among different communities, where each group is trying to get representation through inclusion under reserved

³⁹ Ashoka Kumar Thakur v. Union of India, (2008) 6 SCC 1 (India) (separate opinion of Dalveer Bhandari, J.).

⁴⁰ See Ashoka Kumar Thakur, (2008) 6 SCC 1; Unni Krishnan, J.P. v. State of Andhra Pradesh, (1993) 1 SCC 645. The State's responsibility for educational access extends beyond admission measures to the provision of adequate educational facilities and support.

⁴¹ Pratham Education Foundation, Annual Status of Education Report (ASER) 2024 (Pratham 2025); for a summary see 'ASER Report 2024 Summary: Key Findings and Education Insights' (Insights on India, 29 January 2025) <<https://www.insightsonindia.com/2025/01/29/aser-report-2024/>> accessed 2 September 2026.

categories. The paper highlights this political angle and further recommends the necessity of revisiting the issue of caste-based reservation from time to time. The apprehension is that reservation may start serving as an instrument of political agitation rather than being a policy grounded solely on objective disadvantage. At the same time, just because the political interest is being pursued should not mean that reservation loses legitimacy altogether. The constitutional demand still is that any classification should have sufficient legal and practical justification.⁴²

Reservation Beyond Constitutional Objectives:

Reservation remains problematic if it doesn't change with the times and doesn't periodically check up to see if what it started for is still what it should be about, whether it gives benefit to the ones who deserve it the most, and so on. The paper also suggests among others that reservation system should undergo regular review, that implementation process should be strengthened further, and that steps be taken to stop the thing of elite capture. That is, reservation should still rely on facts, it should be subject to criticism and change, it should be in touch with its constitutionally prescribed purposes, and it ought not to get used as an everlastingly alternative to various educational reforms.⁴³

Critical Perspective of Constitutional Balance Between Equality and Merit:

Concept of Equality:

Formal equity means similarly situated people deserve equal treatment. Substantive equality means it acknowledges that the same treatment doesn't help when someone starts from a disadvantaged position and can further deepen inequality.⁴⁴

Development articles which were introduced as 15(4), 15(5) and 15(6) illustrate how India's Constitution is gradually approaching the notion of substantive equality. From our reading, the

⁴² See Angel Ashish Sharma, *The Story of Reservation*, supra note 17, at 57–64 (discussing the continuing political and socio-legal dimensions of reservation policy).

⁴³ See Marc Galanter, *Competing Equalities: Law and the Backward Classes in India* (Oxford Univ. Press 1984); Parmanand Singh, *Fundamental Right to Reservation: A Rejoinder*, 3 SCC (Jour.) 6 (1995).

⁴⁴ See Sandra Fredman, *Substantive Equality Revisited*, 14 Int'l J. Const. L. 712, 712–20 (2016). The distinction between formal equality and substantive equality is central to the paper's assessment of reservation as affirmative action.

idea has expanded beyond discrimination prohibition, and the State is now allowed to take affirmative steps against the socially disadvantaged. In other words, reservations may serve the constitutional purpose so much that equal treatment under the law doesn't turn out to be equal at all.⁴⁵

Merit as a Constitutional Concept:

The concept of merit is still tied with how we judge educational accomplishment. At this stage, we have to remember, it shouldn't always come down to the scores only. There is a lot more at work beyond the scores, including the societal and economic factors which greatly play a role in educational outcomes. Our constitution should focus on making merit and equality go together. If they are treated as incompatible, neither one of them can be achieved.⁴⁶

Reservation as Affirmative Action:

Reservation is a form of affirmative action which is officially recognized in the Constitution by way of Articles 15(4), 15(5) and 15(6). Its main object is to rectify past and present disadvantages by, for example, giving more opportunity to disadvantaged groups in educational establishments.⁴⁷

But reservation should never be seen as the actual Right to Education. In fact it is better described as a facility for increasing the actual accessibility to education. That means the Right to Education offers a constitutional guarantee of entitlement, and reservation is one of the mechanisms for making entitlement to the disadvantaged ones a reality.⁴⁸

Whether Reservation Advances Educational Justice:

⁴⁵ CONSTITUTION OF INDIA arts. 14, 15(4), 15(5), 15(6).

⁴⁶ See Sandra Fredman, *Substantive Equality Revisited*, 14 Int'l J. Const. L. 712 (2016); Sukhdeo Thorat, *Reservation and Efficiency: Myth and Reality*, 40 Econ. & Pol. Wkly. 808 (2005).

⁴⁷ CONSTITUTION OF INDIA arts. 15(4), 15(5), 15(6). The constitutional text does not employ the expression "affirmative action" as a general label; the concept is reflected through provisions authorising special measures for specified disadvantaged groups.

⁴⁸ See Unni Krishnan, *J.P. v. State of Andhra Pradesh*, (1993) 1 SCC 645; CONSTITUTION OF INDIA art. 21A. Reservation is therefore distinct from the constitutional entitlement itself and functions as a mechanism of access for specified disadvantaged groups.

There is an ample amount of data that reservation has made it possible for a larger population mostly from the backward sections to be involved and represented through various spheres of life. In AISHE, the representation of SC, ST and OBC students in higher education has seen a marked increase compared to the initial years, though large inequalities still exist. Yet, it could not be solely the reservation that accounted for the increased enrollment as scholarships, expansion of institutions and other welfare policies have played a hand in this too. So, after considering these points, it looks reasonable to say that reservation is a major support in educational equality but cannot be relied on alone for getting it.⁴⁹

Whether Economic Disadvantage Alone is Sufficient:

Providing reservation for EWS through 103rd Constitutional Amendment marked acceptance of economic backwards as being a constitutional ground for affirmative action. But it may not completely represent the historical caste-based exclusion which is a separate matter. Justice Ravindra Bhat had touched upon this problem in his dissenting opinion when it comes to Janhit Abhiyan v. Union of India where he was worried about SCs, STs, and OBCs being left out from the EWS class. The controversy points out that although the effects of economic inequality and social inequality are the same, they are different forms of disadvantage.⁵⁰

Intersectionality:

Several factors like caste poverty, gender disability tribal status and geographical isolation together can mean educational disadvantage. In fact, one reservation category may not be sufficient to cover all forms of individual disadvantage. It is a remarkable aspect of the UGC's SEDG structure that it goes beyond reservation to include mentoring, bridge courses counselling scholarships and other

⁴⁹ See Ministry of Education, Government of India, All India Survey on Higher Education 2021–22 (2023). The paper recognises that increased enrolment cannot be attributed exclusively to reservation because scholarships, institutional expansion, and other welfare measures also contribute.

⁵⁰ See Ministry of Education, Government of India, All India Survey on Higher Education 2021–22 (2023). The paper recognises that increased enrolment cannot be attributed exclusively to reservation because scholarships, institutional expansion, and other welfare measures also contribute.

support measures. It is a better constitutional mechanism would be one that combines reservation with appropriate educational help for the disadvantaged.⁵¹

The intersection of gender and social category creates compounded educational disadvantages that single-axis reservation frameworks cannot fully address. Data from the fifth round of the National Family Health Survey 2019-21 confirms that students from Scheduled Caste and Scheduled Tribe backgrounds, particularly girls, continue to face persistent barriers to secondary schooling that are distinct from those encountered by their male counterparts within the same social categories, including domestic responsibilities, the expectation of early marriage, and longer distances to secondary schools. Effective constitutional mechanisms addressing educational inequality must therefore combine reservation with targeted support that accounts for the layered nature of disadvantage across both caste and gender lines.⁵²

Reservation and Constitutional Morality:

One of the principles of constitutional morality is that State policy should not deviate from constitutional commitment to equality, dignity, justice and fraternity. Reservation policy based on constitutional morality is the right one if it deals with real structural exclusion and encourages meaningful participation. Constitutional morality demands that reservation should not be turned into an arbitrary tool of classification, political favors, or a tool for permanent social division. So, as constitutional morality, the State should provide both affirmative protection/inclusion and also constitutional restraint.⁵³

⁵¹ UGC means University Grants Commission. SEDG means Socio-Economically Disadvantaged Groups. See University Grants Commission, Guidelines for Identification of Students Belonging to Socio-Economically Disadvantaged Groups (SEDGs) in Higher Educational Institutions (2022).

⁵² International Institute for Population Sciences (IIPS) and ICF, National Family Health Survey (NFHS-5), 2019-21: India (IIPS 2022); see also Pritha Roy Choudhury, '35% Male Dropouts "Not Interested in Studies": What NFHS 5 Says about School Education' (Careers360, 23 May 2022) <<https://news.careers360.com/nfhs-5-health-ministry-survey-school-education-dropout-rte-act-religion-caste-muslim-sc-st-obc-uttar-pradesh-bihar-delhi>> accessed 2 September 2026.

⁵³ CONSTITUTION OF INDIA pmbl.; see also E.P. Royappa v. State of Tamil Nadu, (1974) 4 SCC 3 (India). Constitutional morality, as used in this paper, refers to fidelity to constitutional commitments including equality, dignity, justice, and fraternity rather than arbitrary or purely political classification.

Suggestion:

- 1) **Merge reservation with educational reforms:** Reservation should be made possible with the help of better school infrastructure, quality education teaching, educational resources, and access to basic education.
- 2) **Allow for periodical review:** Reservation policies need to be reviewed using objective data on a regular basis to guarantee that their relevance is not lost to constitutional goals.
- 3) **Avoid a concentration of benefits:** Right measures should be taken so that a disproportionate proportion of reservation benefits doesn't come solely from the relatively better sections at the same beneficiary group.
- 4) **Strengthen academic support:** Reserve should come together with scholarship mentoring bridging courses, advising, and other support measures so that reserved category students are not discouraged and their path to academic success is not compromised.⁵⁴
- 5) **Respect constitutional mandate:** Reservation has to balance the principle of substantive equality with merit, academic standard, institutional autonomy, and the Constitution's wider goal of quality education.⁵⁵

Conclusion:

Reservation and the Right to Education are related constitutionally through the aims of equality, social justice and educational inclusion. Still, make sure to emphasize that reservation and Right to Education are different from each other. While the Right to Education can be looked upon as a constitutional right, the reservation system is one of the methods through which the disadvantaged sections of society can be provided with access to substantive educational opportunities. This study, through judicial development that is examined, points out that reservation is a proper constitutional instrument of affirmative action if it is kept connected to real disadvantage and it works within the constitutional constraints.⁵⁶

⁵⁴ See University Grants Commission, Guidelines for Identification of Students Belonging to Socio-Economically Disadvantaged Groups (SEDGs) in Higher Educational Institutions (2022). UGC means University Grants Commission; SEDGs means Socio-Economically Disadvantaged Groups.

⁵⁵ See Marc Galanter, *Competing Equalities: Law and the Backward Classes in India* (Oxford Univ. Press 1984).

⁵⁶ CONSTITUTION OF INDIA arts. 14, 15(4), 15(5), 15(6), 21A, 46; see also *Mohini Jain v. State of Karnataka*, (1992) 3 SCC 666; *Unni Krishnan, J.P. v. State of Andhra Pradesh*, (1993) 1 SCC 645.

Reservation, the review also shows, can become a means for achieving justice in educational opportunities by enhancing the accessibility, visibility and chances for the historically disadvantaged population groups. Still, reservation alone cannot be the solution to the inequalities generated by poor quality schooling, inadequate education infrastructure, unequal resources, digitally disadvantaged and different levels of academic preparation. So, it needs to be seen only as a part of a larger educational justice strategy, without being a substitute for the State's duty to supply quality and accessible education. For a constitutionally sustainable scheme to work, one has to strike a balance between substantive equality merit education quality and institutional autonomy, which is further enhanced by constant evaluation and structural changes in the education system.⁵⁷

References:

I. Primary Legal Authorities:

- 1) Constitution of India. (1949, as amended).
- 2) Constitution (First Amendment) Act, 1951.
- 3) Constitution (Eighty-Sixth Amendment) Act, 2002.
- 4) Constitution (Ninety-Third Amendment) Act, 2005.
- 5) Constitution (One Hundred and Third Amendment) Act, 2019.
- 6) Central Educational Institutions (Reservation in Admission) Act, No. 5 of 2007, India Code (2007).
- 7) The Right of Children to Free and Compulsory Education Act, No. 35 of 2009, India Code (2009).
- 8) Ashoka Kumar Thakur v. Union of India, (2008) 6 SCC 1 (India).
- 9) E.P. Royappa v. State of Tamil Nadu, (1974) 4 SCC 3 (India).
- 10) Indra Sawhney v. Union of India, 1992 Supp. (3) SCC 217 (India).
- 11) Janhit Abhiyan v. Union of India, (2023) 5 SCC 1 (India).
- 12) M.R. Balaji v. State of Mysore, AIR 1963 SC 649 (India).
- 13) Mohini Jain v. State of Karnataka, (1992) 3 SCC 666 (India).
- 14) P.A. Inamdar v. State of Maharashtra, (2005) 6 SCC 537 (India).
- 15) Pramati Educational & Cultural Trust v. Union of India, (2014) 8 SCC 1 (India).
- 16) Society for Unaided Private Schools of Rajasthan v. Union of India, (2012) 6 SCC 1 (India).
- 17) State of Madras v. Champakam Dorairajan, AIR 1951 SC 226 (India).
- 18) T.M.A. Pai Foundation v. State of Karnataka, (2002) 8 SCC 481 (India).
- 19) Unni Krishnan, J.P. v. State of Andhra Pradesh, (1993) 1 SCC 645 (India).

⁵⁷ See Ashoka Kumar Thakur v. Union of India, (2008) 6 SCC 1; Ministry of Education, Government of India, All India Survey on Higher Education 2021–22 (2023).

II. Secondary Sources:

- 1) Fredman, Sandra, Substantive Equality Revisited, 14 INT’L J. CONST. L. 712 (2016).
- 2) Galanter, Marc, COMPETING EQUALITIES: LAW AND THE BACKWARD CLASSES IN INDIA (Oxford Univ. Press 1984).
- 3) Rao, J. Laxmi Narasimha, Affirmative Action in India: Emerging Contours, 69 INDIAN J. POL. SCI. 483 (2008).
- 4) Singh, Parmanand, Fundamental Right to Reservation: A Rejoinder, 3 SCC (JOUR.) 6 (1995).
- 5) Thorat, Sukhadeo, Reservation and Efficiency: Myth and Reality, 40 ECON. & POL. WKLY. 808 (2005).
- 6) University Grants Commission, Guidelines for Identification of Students Belonging to Socio-Economically Disadvantaged Groups (SEDGs) in Higher Educational Institutions (2022).
- 7) Ministry of Education, Government of India, ALL INDIA SURVEY ON HIGHER EDUCATION 2021–22 (2023).
- 8) Sharma, Angel Ashish, THE STORY OF RESERVATION: A DIACHRONIC COMPARISON OF CHANGES IN EDUCATIONAL AND PUBLIC EMPLOYMENT RESERVATION IN INDIA FOR ST, SC AND OBC FROM 1950 TO 2025 (Tilburg Univ. 2025) (unpublished thesis).



Journal of Multi-Disciplinary
Legal Research