



The Indian Journal for Research in Law and Management

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Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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SUB-CATEGORIZATION IN RESERVATION: A CASE ANALYSIS OF THE STATE OF PUNJAB & ORS. vs DAVINDER SINGH & ORS. (2024)

Rakshit Aggarwal

Appellants: State of Punjab, Director of Public Instructions, Gurbachan Singh

Respondents: Davinder Singh, Chamar Mahansabha, Lachman Singh

Citation: Civil Appeal No. 2317 of 2011

Date of Judgment: 01st August 2024

Bench (6:1):

- Justice DY Chandrachud (CJI), Justice BR Gavai, Justice Pankaj Mithal, Justice Manoj Misra, Justice Vikram Nath, Justice Satish Chandra Sharma (Majority)
- Justice Bela M Trivedi (Dissented)

1. INTRODUCTION

Chief Justice of India BR Gavai, recently in June 2025, spoke on the theme of “*From Representation to Realisation*” in Oxford Union, where he stated that “*for India’s most vulnerable citizens, the Constitution is not merely a legal charter or a political framework. It is a feeling, a lifeline, a quiet revolution etched in ink.*”¹ The objective of the subclassification was to guarantee that the most deprived members of marginalized groups got their rightful share. Additionally, he stated that the reservation policy for SCs and STs is not being diluted; rather, it is an essential move towards ensuring justice for a wider spectrum of disadvantaged people. The topic of sub-classifications as constitutional practice emerged from this landmark judgment where significant questions have been raised concerning the right to equal opportunity guaranteed by the Constitution.

¹ The Law Advice, *Sub-Classification Within Reservations Enhances Equity: CJI Gavai* (June 11, 2025), <https://www.thelawadvice.com/news/sub-classification-within-reservations-enhances-equity-doesn%E2%80%99t-undermine-its-purpose-cji-b-r-gavai> (last visited July 17, 2025).

2. FACTS OF THE CASE

- In 1975, the Congress government of Giani Zail Singh introduced a circular that reserved 50% of SC jobs for the Balmikis and Mazhabi Sikhs.
- The Ravidasia/Ramdasia/Ad-dharmi community has been dominating socially and politically within the Dalit spaces. Some organizations of the Mazhabi Sikhs and Valmikis have pushed for a 12.5% quota in education.
- The Punjab Legislative Assembly enacted the Punjab Scheduled Castes and Backward Classes (Reservation in Services) Act, 2006. It is an act that allows members of the SCs and backward classes to reserve seats in services.
- Section 4(2) of the Act provides that a reservation of 25 percent shall be made for the members of the Scheduled Castes and 12 percent for Backward Classes while filling up vacancies by direct recruitment in services.
- Section 4(5) of the Act stipulates that 50 percent of the vacancies of the quota reserved for the Scheduled Castes, i.e., 25 percent, in direct recruitment shall be offered to Balmikis and Mazhabi Sikhs.
- Section 4(5) of the Act was challenged through legal proceedings that were instituted under Article 226 of the Constitution of India.
- In 2010, the High Court of Punjab and Haryana declared the provision as unconstitutional, relying on the *EV Chinniah vs State of A.P.*² judgment, where the five-judge bench ruled against sub-classification in 2004.
- In 2014, a three-judge bench referred the *Chinnaiah* judgment to a larger bench for its correctness, considering the *Indira Sawhney* case³ and Articles 16, 338 & 341 of the Constitution.
- In 2020, a five-judge constitutional bench held that the *Chinniah* judgment needs to be revisited by a seven-judge bench because it failed to consider significant aspects of the raised issues.
- In 2023, the Supreme Court listed the matter for a seven-judge bench hearing.

3. RELEVANT PROVISIONS

- **Article 15(4):** Special provision for the advancement of any socially and educationally backward classes of citizens or for the SCs and the STs.⁴

² (2005) 1 SCC 394.

³ *Indira Sawhney v. Union of India* AIR 1993 SC 477.

⁴ India Const. art. 15, cl. 4.

- **Article 16(4):** Reservation of appointments or posts in favour of any backward class of citizens.⁵
- **Article 341:** Scheduled Castes
- **Article 342:** Scheduled Tribes
- **Article 335:** Claims of Scheduled Castes and Scheduled Tribes to services and posts

4. ISSUES INVOLVED

- A) Whether sub-classification of the scheduled castes for reservation is constitutionally permissible?
- B) Whether the Scheduled castes constitute a homogeneous or heterogeneous group?
- C) Whether Article 341 creates a homogeneous class through the operation of the deeming fiction?
- D) Whether are there any limits on the scope of sub-classification?
- E) Whether the Supreme Court's ruling in *E.V. Chinnaiah v. State of Andhra Pradesh* is correct?

5. SUBMISSIONS OF APPELLANTS AND RESPONDENTS

APPELLANTS:

The counsels contended that Chinniah's judgment erroneously treated the SCs as an indivisible monolith. The case is against the reservations that require relative backwardness-based protection discrimination. Sub-classification is allowed by the Constitution, and Article 366(34) allows for the inclusion of even a section of a caste or group. They claim that backwardness occurs among scheduled caste sections rather than among individuals. Article 14 not only mandates equal treatment to all but also bars discrimination by the recruitment of unequal. Article 341 has to be read along with Article 38(2) because it entitles those who are unequally in status to special treatment to bring them on the same plane.

The state holds the power to subclassify between such classes because the enabling power to reserve seats also encompasses ancillary and supplemental provisions such as preferences, concessions and exemptions. Scheduled caste does not lose their identity once enumerated, because caste is a sociological reality while the enumeration in the list is through the operation of legal fiction. The state legislatures have the legislative competence to make preferences for

⁵ India Const. art. 16, cl. 4.

the purposes of law in relation to entry 41 of list II and entry 25 of list III of the seventh schedule, and Article 16(4) is not subject to Article 335.

RESPONDENTS:

The counsels contended that Scheduled castes are a class in themselves under Article 341. The castes on the presidential list are heterogeneous and the deeming fiction seeks to artificially homogenize them after they are notified. The necessary effect of the preferential treatment to Balmikis Sikhs and Mazhabis is that the person belonging to other scheduled castes is excluded from those seats. The courts have no power to exclude or include any caste from the list of SCs or STs notified by the president. The sub-classification has an exclusionary effect on the presidential list and disproportionately increases the share of reservations available to certain communities, which led to a violation of the legal fiction in Article 341.

Sub-classification of the SCs cannot be held unconstitutional because Articles 341, 342 and 342A are *pari materia*. Castes that are notified as scheduled castes have a feature of commonality; they all suffer from the historical injustice of untouchability. In the Indra Sawhney judgement, this court held that a caste can be a class for the purposes of reservation under Article 16 if the caste is socially and educationally backward. The Justice Usha Mehta committee has recommended to include clause 3 under article 341 that states about the parliament having the power to subcategorize caste upon a resolution received from the state, but was not later accepted by the National Commission for the Scheduled castes. The deeming fiction creates a common identity of SC even though each caste within the list possesses a unique identity.

6. JUDGMENT

The Supreme Court's majority bench ruled that Article 14 of the Indian Constitution permits for the subclassification of a class that is not identically situated for legal purposes. The Scheduled Castes have been validated to be a socially heterogeneous group by historical and empirical evidence. Article 341(1) does not create a deeming fiction and the phrase 'deemed' is used in the provision to mean that the castes or groups notified by the president shall be regarded as the scheduled castes. The bench overturned the E.V. Chinnaiah case, and the State is now able to further categorize the SCs if two requirements are achieved: there must be a rational principle for distinction, and the rational principle must be related to the sub-classification purpose.

The minority opinion of Justice Bela M Trivedi upheld EV Chinniah judgment, stating that such sub-classification will only lead to a violation of Article 14 and also tinkering with Article 341. Scheduled Castes is an amalgamation of castes, races, groups, tribes, communities or parts thereof, and is a homogenous group. The states also have no legislative competence to provide reservations to any caste by regrouping or sub-classifying process.

7. ANALYSIS AND CONCLUSION

The equal opportunity notion in Article 16(1) and the provision for reservation in Article 16(4) have been fundamental to the court's jurisprudence on reservations. Article 16 is not an exception to the principle of equality of opportunity, but it clarifies and explains the principle in Article 16(1). When assessing the legitimacy of the sub-classification, the court must decide if the class is homogeneous and integrated to achieve the objectives behind the sub-classification. When the intelligible differential criteria are met, the class may be further categorized if it is not integrated for this reason. The ultimate objective of sub-classification and all other forms of affirmative action is to give the marginalized classes substantive equality of opportunity. Data on inadequate representation in state services must be gathered by the state since it is a mark of backwardness.

Article 16(1) stipulates that the efficiency of administration be examined in an environment that encourages equality and inclusion. An arena like this will provide social welfare and affirmative action, even though it will create complexities between the Union and the State. This judgment will create a nuanced environment of legal spirits in the reservation system that will have a great impact on targeted subgroups within a group. The bench of this judgment has even recommended an array of criteria and standards for identifying the creamy layer in SCs, STs, and OBCs. Therefore, Articles 14, 15 and 16 of the constitution encompass the inequality code in pursuance of the preamble values of equality of status and opportunity and social justice.