

EWS Quota Limited To 10% Of General Category Seats : Madhya Pradesh HC



- Ananya Singh
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Synopsis

The court observed that "It is evident that EWS reservation is available only for general category seats and is not extendable to posts reserved for candidates from OBCs, SCs, or STs"

In a recent ruling, the Madhya Pradesh High Court, based in Jabalpur, has clarified that the reservation for economically weaker sections (EWS) is restricted to 10% of the general category seats and does not apply to the total vacant posts during government recruitment drives.

The court, presided over by **Justice Vivek Agarwal**, made the observation while dismissing pleas seeking reservation for more than four posts for EWS candidates in the recruitment of laboratory technicians in Madhya Pradesh. The court said *"the reservation for economically weaker sections of citizens is only available in those classes which are not covered in clause (4) of Article 16."*

The pleas were filed by candidates contesting the number of seats reserved in different categories by the PEB while issuing an advertisement for 219 vacant posts of laboratory technician.

The petitioners raised concerns over the allocation of positions under the Economically Weaker Sections (EWS) category, claiming a discrepancy in the quota allocation. The petitioners asserted that despite their merit, they were not selected for the position of Laboratory Technician. It was further argued that only a fraction of the designated posts, specifically four out of an expected 22, were earmarked for EWS candidates by the state (respondents).

The contention of the petitioners was deemed inconsistent by the high court, with the constitutional provision, which allocates a 10% quota for job aspirants from economically disadvantaged backgrounds within the general category segment. *“it is evident that plain reading of Article 16(6) leaves no iota of doubt that reservation for economically weaker section excludes SC, ST and OBC category,”* the court observed.

The court further emphasised, *“It is evident that EWS reservation is available only for general category seats and is not extendable to posts reserved for candidates from OBCs, SCs, or STs.”*

Furthermore, the High Court upheld the decision of the state's Professional Examination Board (PEB) in allocating four posts under the EWS category, deeming it not arbitrary. The court explained, *“Thus, when examined from this perspective, then total posts available under the unreserved category in the cadre of laboratory technician is 34, and earmarking four posts under the EWS category cannot be said to be arbitrary, because there could not have been 10% reservation of the total number of posts of 219.”*

Consequently, the court dismissed the petition, stating that *“since earmarking of 4 posts under the EWS category is in consonance with the constitutional provision, petition is devoid of merit.”*

The ruling comes amidst the backdrop of the Centre's introduction of the provision for 10% EWS reservation in admissions and government jobs through the 103rd Constitutional Amendment Act, 2019. The Supreme Court's five judge Constitution bench had upheld the validity of this provision by a majority view of 3:2 in November 2022.

Cause Title: Pushpendra Singh Rajpoot v State of MP [WP No. 9692 of 2021] and other connected matters.