

Equality of opportunity in matters of
public employment
Article 16

- **Article 16** deals equality of opportunity in matters of **public employment**. It embodies the particular application of the general rule of equality laid down in Article 14 with reference to employment for appointment under the state.
- **Article 16 (1)** provides for equality of opportunity for all citizens in matter of employment for appointment to any post under the state.

- **Article 16 (2)** for the states that citizens shall not be discriminated in respect to any employment under the state on the ground of religion race cast sex decent place of work residence or any of them.
- **Article 16 (3)** enables the state to make laws with respect to any class of employment for appointment under state or Union Territory or local authorities, prescribing requirements as to **residence** within the state or union territory. (*residence as a ground of reservation*)

- **Article 16 (4)** enables the state to make provisions for reservation of post in government jobs in favor of any backward classes of citizens which in the opinion of the states are not adequately represented in the service of the state. (Reservation for backward classes).
- **Article 16 (4-A)** was added by the 77th constitutional amendment 1995. it empowers the state to make any provisions for reservation in matters of promotions for SCs and STs.
- The 85th Constitutional Amendment 2001 the provision for reservation in promotion with Consequential seniority was added.

- **Article 16 (4-B)** was added by the 81st constitutional amendment act 2000. it sought to end the 50% reservation limit for SC ST and other backward classes. it enables the state to fill backlog vacancies of previous years without considering the 50% ceiling limit
- **article 16 (5)** states that law which provides that incumbent of the office in connection with the affairs of any religious domination and institution will be formed from a particular religion or denomination shall not be affected by clause (1) and (2) of article 16.

- **Article 16 (6)** was added by **103 rd Constitutional Amendment, 2019**. it enables the state to make any provisions for reservation of appointment or post in favour of any economically weaker sections of citizens other than those mentioned in clause 4 in addition to the existing reservation and subject to the maximum of 10% of the post in each category.
- Clauses (3),(4),(4-A) for 5 of the article 16 are exceptions to the general rule of equality in matters of employment or appointment.

Judicial Scrutiny of Reservation

- **Balaji vs. State of Mysore 1963**
- **Devdasan vs Union of India 1964**
- **Indira Sawhney vs. Union of India**
- **Article 16 (4A) -77TH AMENDMENT**
- **Union of India vs. Virpal Singh Chauhan**
- **Ajit Singh vs. State of Punjab**
- **S Vinod Kumar vs. Union of India**
- **Article 16(4B) and carry forward rule-81st amendment**
- **Provisions to Article 335- 82nd constitutional amendment**
- **Article 16 4A a and consequential seniority for SC/STS 85th amendment**
- **M Nagaraj vs. Union of India**