

# STATES MUST DECIDE ON QUOTA IN PROMOTION: SC

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

Laying down of criteria for determining the inadequacy of representation would result ... in curtailing the discretion given to the State governments,” a three-judge Bench of Justices L. Nageswara Rao, Sanjiv Khanna and B.R. Gavai noted. “In addition, the prevailing local conditions, which may require to be factored in, might not be uniform... In the light of Jarnail Singh and Nagaraj, we cannot lay down any yardstick for determining the inadequacy of representation,” the Bench said. In respect of the unit of collection of quantifiable data, the court held that the State is “obligated to collect quantifiable data on the inadequacy of representation of Scheduled Castes and Scheduled Tribes” for reservation in promotions in public employment.

The court underscored that the “collection of information on inadequacy of representation of SC/ST communities cannot be with reference to the entire service or class/group, but it should be relatable to the grade/category of posts to which the promotion is sought”.

Explaining why ‘cadre’ should be the unit for the purpose of collection of quantifiable data in relation to promotional posts, the court said otherwise the entire exercise of reservation in promotions would be rendered meaningless if data pertaining to the representation of SCs and STs is done with reference to the entire service. The term ‘cadre’ means the strength of a service or part of a service sanctioned as a separate unit. It is the choice of a State to constitute cadres. The entire service cannot be considered to be a cadre for the purpose of promotion from one post to a higher post in a different grade. Promotion is made from one grade to the next higher grade, in relation to which cadres are constituted

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