

Marri Chandra Shekhar Rao v. Dean, Seth G.S. Medical College and others (SCR (2) 843)

1) Reference Details

Jurisdiction: Indian Supreme Court

Date of Decision: 2 May 1990

Link to full case:

<http://youthforequality.com/supreme-court-cases/26.pdf>

2) Facts

The petitioner was born in Andhra Pradesh into the Gouda Community which has been recognised as a “Scheduled Tribe” under the Constitution. The petitioner’s father held a Scheduled Tribe Certificate and was employed on the basis of the quota reserved for Scheduled Tribes eventually being posted to Bombay. The petitioner lived with his father in Bombay from the age of nine and was educated there to standard 12, securing an aggregate of 165 marks in Physics, Chemistry and Mathematics.

He applied to three colleges run by the Bombay Municipal Corporation and one in the State of Maharashtra for places reserved in favour of Scheduled Tribes. He was refused by all the colleges though some scheduled tribe candidates with lower marks than him were admitted. He was told that he was not entitled to a reservation, as Gouda was not recognised as a Scheduled Tribe in Maharashtra State. He was admitted to college but not on the ground of being from a Scheduled Tribe.

He brought the action on the grounds that he is recognised as a member of a Scheduled Tribe in his State of origin and should have the same rights in the State of migration in accordance with Articles 341 and 342 of the Constitution (Scheduled Castes and Scheduled Tribes).

3) Law

National Law

- Articles 341 and 342 of the Constitution of India (Scheduled Castes and Scheduled Tribes)

4) Legal Arguments

None noted

5) Decision

Delivering the Court’s judgement, Chief Justice Sabyasachi Mukharji said that the facts of the case were not in dispute but considered the principle to be “of seminal importance for the country and the people”. The question was whether rights of scheduled people in their state of origin transferred to their state of migration. He quoted a Government circular dated 22 February 1985 which stated:

"... that a Scheduled Caste/Tribe person who has migrated from the State of origin to some other State for the purpose of seeking education, employment etc. will be deemed to be a Scheduled Caste/Tribe of the State of his origin and will be entitled to derive benefits from the State of origin and not from the State to which he has migrated."

He pointed out that Article 15 of the Constitution prohibited discrimination on grounds of religion, race, caste, sex or place of birth, but nothing in Article 15 or Article 29 prevents the State from making any special provision for the Scheduled Tribes. He thus provided:

"Therefore, reservation in favour of Scheduled Tribes or Scheduled Castes for the purpose of advancement of socially or educationally backward citizens to make them equal with other segments of community in educational or job facilities is the mandate of the Constitution. Equality is the dictate of our Constitution. Article 14 ensures equality in its fullness to all our citizens. State is enjoined not to deny to any persons equality before law and equal protection of the law within the territory of India. Where it is necessary, however, for the purposes of bringing about real equality of opportunity between those who are un-equals, certain reservations are necessary and these should be ensured."

The Court held that the State must therefore positively discriminate in favour of socially and economically disadvantaged persons in order to bring about real equality and could do so without violating Article 14. After analysing Articles 341 and 342 in depth, the Court came to the conclusion that:

"[A] member of a scheduled tribe going outside the scheduled area or tribal area would certainly not be entitled to carry with him the privileges that he is entitled to when he is residing in a scheduled area or a tribal area. So far as we can see, it will be practically impossible to enforce the provisions that apply to tribal areas or scheduled areas in areas other than those which are covered by them ... In that view of the matter, we are of the opinion that the petitioner is not entitled to be admitted to the medical college on the basis of Scheduled Tribe Certificate in Maharashtra."

The judge affirmed that the petitioner had been admitted to the respondent college and was pursuing his studies successfully. It would therefore be a bad precedent to remove him as a result of this action.

The Court dismissed the petition and left it to the authorities to take appropriate action about the continuance or discontinuance of the petitioner in his studies on the basis of both the reservation issue and of natural justice.