

Citations: (1976) 2 SCC 310; 1976 (1) SCR 906.

**State of Kerala v. N.M. Thomas**, [7 Judge Bench] [Ray, C.J.]

.....

Discrimination is the essence of classification. Equality is violated if it rests on unreasonable basis. The concept of equality has an inherent limitation arising from the very nature of the constitutional guarantee. Those who are similarly circumstanced are entitled to an equal treatment. Equality is amongst equals. Classification is, therefore, to be founded on substantial differences which distinguish persons grouped together from those left out of the groups and such differential attributes must bear a just and rational relation to the object sought to be achieved

....

This equality of opportunity need not be confused with absolute equality. Art. 16(1) does not prohibit the prescription of reasonable rules for selection to nay employment or appointment to any office. In regard to employment, like other terms and conditions associated with and incidental to it, the promotion to a selection post is also included in the matters relating to employment and even in regard to such a promotion to a selection post all that Art. 16(1) guarantee's is equality of opportunity to all citizens. Art. 16(1) and (2) give effect to equality before law guaranteed by Art. 14 and to the prohibition of discrimination guaranteed by Art. 15(1). Promotion to selection post is covered by Art. 16(1) and (2).....

The Supreme Court Held that

1. Equality is amongst equals.
2. Article 14 permits classification but the classification must be founded on substantial differences.

The Supreme Court further upheld that “The classification of employees belonging to Scheduled Castes and Scheduled Tribes for allowing them an extended period of two years for passing the special tests for promotion is a just and reasonable classification having rational nexus to the object of providing equal opportunity for all citizens in matters relating to employment or appointment to public offices.”

**Citations:** (2003) 8 SCC 440: AIR 2003 SC 3331

**Vijay Lakshmi v. Punjab University**, [2Judge Bench]

[Shah, J.]

The Supreme Court held that

1. Equality clauses in Articles 14, 15 and 16 must be read together.
2. Equality means relative equality.

**Agarwal v. Uttar Pradesh**, A.I.R. 1993 S.C. 1440. **And Reddy v. Andhra Pradesh** (1993) 4 S.C.C. 439

The Supreme Court held that reservation seats for women in municipal boards and boards of cooperative societies are protected under article 15(3) of the Indian Constitution.

Citation: A.I.R. 1980 S.C. 820

**Saran v. Union of India**

The Supreme Court Held "that equality is not negated or neglected where special provisions are geared to the larger goal of the disabled getting over their disablement consistently with the general good and individual merit."

**Chairman, Ry. Bd. v. Das**, A.I.R. 2000 S.C. 988 **and Apparel Exp. Promotion Council v. Chopra**, A.I.R. 1999 S.C. 625 **and Vishaka v. Rajasthan**, A.I.R. 1997 S.C. 3011

In these cases the court has approached the issue of gender based violence by relying on the international legal norm of gender violence being an issue of equality, and that freedom of it is a fundamental right protected under the constitution. Specifically the court had tried to incorporate CEDAW into its analysis.

**Rajesh Kumar Gupta v. Uttar Pradesh**, (2005) 5 S.C.C. 172, **Lakshmi v. Punjab Univ and others . .**, A.I.R. 2003 S.C. 3331, **Union of India v. Prabhakaran**, (1997) 11 S.C.C. 638, **Vijay Pansari v. Orissa**, A.I.R. 2000 S.C. 1531, **Chandra v. Bihar**, 1996 A.I.R. 88, **Kavitha v. Tamil Nadu**, 1992 A.I.R. 359

In these cases, Supreme Court upholds the reservation seats for women in public institutions.

Citation: AIR 1964 SC 600

**Moti Ram Deka etc.v. General Manager, N.E.F. Railways, Maligaon, Pandu, etc.** [7 Judge Bench]

The Supreme Court held that without any intelligible differentia between the employees of the Railways and other Public Sector Undertakings, a rule which provides for termination without a cause and without following a fair procedure in relation to the former is no classification and "may conceivably be abused" by arbitrary application.