AILET

Redefining “Merit”: The SC on OBC/EWS Reservation in Medical Admissions

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Introduction

What is “merit”? Is it just the high score you get on an exam? Or is it something more? And how does “reservation” for backward classes fit into this idea of merit? In 2022, the Supreme Court delivered a landmark judgment that explored these very questions.

While upholding the 27% OBC and 10% EWS reservation in the All-India Quota (AIQ) for medical seats, the Court offered a profound analysis that reframed the entire debate, moving from “merit vs. reservation” to “merit *and* reservation.”

The Facts of the Case

For decades, the All-India Quota (AIQ) in medical admissions (15% of UG seats and 50% of PG seats from state colleges) was filled without any reservation for OBCs.

In July 2021, the Union Government issued a notice introducing **27% reservation for OBCs and 10% for EWS** within the AIQ seats, starting from the 2021-2022 academic year. This notice was challenged by a batch of writ petitions filed by doctors and students.

The Core Legal Issues

The case presented three main legal questions:

1. Is it constitutionally valid to introduce OBC reservation in the AIQ seats, especially for Post-Graduate (PG) courses?
2. Did the government “change the rules of the game” midway by introducing reservation after the entrance exams were held?
3. Does the concept of “merit” (as established in cases like Pradeep Jain) mean that AIQ seats must be free from all reservation?

Arguments of Both Sides

The **Petitioners** (challenging the reservation) argued that AIQ seats were created to be based *only* on merit. They claimed reservation compromises this merit, especially in PG courses.

They also contended that once a candidate has an MBBS degree, they can no longer be considered "backward." Finally, they argued that announcing the reservation after the exam was an unfair "midway" rule change.

The **Union of India** (defending the reservation) argued that the Constitution aims for "substantive equality" (remedying historical disadvantages), not just "formal equality." They argued that "merit" cannot be reduced to just exam scores, which are influenced by "cultural capital" and access to resources.

They also clarified that the "game" of admissions only begins with counseling, which had not yet started, so no rules were changed midway.

The Supreme Court's Judgment

The Supreme Court, in a judgment authored by Justice D.Y. Chandrachud, **upheld the constitutional validity of the 27% OBC reservation in the AIQ seats.** The Court's reasoning was transformative.

1. Redefining Merit: The Court rejected the "binary" or opposition between merit and reservation. It held that "merit" is not just about high scores. An open, competitive exam only ensures formal equality and does not account for the "structural barriers" that hinder many.
2. Reservation is a Facet of Equality: The Court explained that reservation (under Articles 15(4) and 16(4)) is not an exception to the right to equality (Article 15(1)) but is a facet or extension of it. To achieve real equality, we must treat unequals differently.
3. Backwardness Doesn't End with a Degree: The Court dismissed the argument that an MBBS degree erases backwardness, noting that "backwardness does not simply disappear" with a degree.
4. "Rules of the Game" Not Changed: The Court agreed that the admission process formally begins with counseling, not the exam. Since the notice was issued before counseling, it was not a "midway" rule change.

Analysis: Why This Ruling Matters

This is one of the most important judgments on affirmative action in recent history. It shifts the entire legal conversation away from a simplistic “merit vs. quota” debate. The Court essentially said that **merit itself must be “socially contextualized.”**

True merit includes advancing the constitutional goal of “substantive equality.” This decision firmly establishes that affirmative action is not a departure from the principle of equality but is a fundamental tool for achieving it.