

# COMMON CAUSE

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The Secretary,  
Ministry of Corporate Affairs,  
B-2 Wing, 2nd floor, Pt. Deendayal Antyodaya Bhawan,  
CGO Complex, New Delhi – 110003 (Email: rd.north@mca.gov.in)

21.04.2025

Subject: Arbitrary exclusion of law graduates from non-National Law Schools in recruiting “Young Professionals (Law)” under your advert dated 19.03.2025 & Request for revision in eligibility to uphold constitutional principles of equality and fairness.

Respected Sir,

Common Cause has been working to promote good governance and public policy reforms since 1980. It makes democratic interventions to secure rights and benefits for all sections of citizens through campaigns, research and PILs.

We are writing this representation to request you to reconsider the notification dated 19<sup>th</sup> March 2025 for the engagement of “Young Professionals (Law)” by the Ministry of Corporate Affairs, Office of the Regional Director (Northern Region), New Delhi. The notification, which restricts eligibility for the legal stream to only "Law Graduate from National Law School", violates Articles 14 and 16 of the Constitution and arbitrarily excludes thousands of other equally qualified and meritorious law graduates from other recognized law colleges and universities across India. The notification, as it stands, is violative of the constitutional principles of equality and fairness.

We request you to revise the eligibility clause to permit application from all law graduates from universities recognized by the Bar Council of India and/or UGC and to hold the current selection process in abeyance until the eligibility criteria are revised.

May I bring to your attention that the said condition raises the following constitutional and legal concerns:

(i) **Violation of Article 14 and Article 16:** (Article 14 guarantees equality before the law, and Article 16 ensures equality of opportunity in matters of public employment). By restricting eligibility to only National Law Schools, the Ministry creates an unreasonable and impermissible classification, which lacks any intelligible differentia and fails to show a rational nexus to hire competent legal professionals.

(ii) **Unreasonable Classification:** The Hon'ble Supreme Court, in the landmark judgment of *Association for Democratic Reforms v. Union of India*, 2024 INSC 113 observed:

*"Article 14 of the Constitution provides that the State shall not deny to any person equality before the law or the equal protection of laws within the territory of India... Article 14 does not forbid classification but prohibits class legislation. A classification to be reasonable should be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group and the differentia must have a rational relation to the object sought to be achieved by the statute in question."*

The restriction imposed in the MCA notification fails both limbs of the Article 14 test, i.e., it does not establish any intelligible differentia between NLU and non-NLU law graduates and there is no rational nexus between the NLU-only restriction and the stated purpose of engaging young law professionals for public service.

(iii) **Violation of Article 16 – (Equality of Opportunity in Public Employment)** The Hon'ble Supreme Court, in *Indra Sawhney v. Union of India*, 1992 Supp (3) SCC 217 emphasized the importance of reasonable classification under Article 16(1):

*"Article 16(1) is a facet of Article 14. Just as Article 14 permits reasonable classification, so does Article 16(1). A classification may involve reservation of seats or vacancies, as the case may be. In other words, under Clause (1) of Article 16, appointments and/or posts can be reserved in favour of a class."*

This principle directly applies to the exclusion of non-NLU graduates; as such a classification must be reasonable and justifiable under Article 16(1). The blanket exclusion lacks a rational basis and thus violates the constitutional guarantee of equal opportunity in public employment.

(iv) **Misuse of Executive Discretion in Eligibility Criteria:** The Hon'ble Supreme Court in *Rajeev Kumar Gupta v. Union of India*, (2016) 6 SCC 708, clarified the scope of Article 16(1) and held:

*"We too believe that Article 16(1) does permit reasonable classification for ensuring attainment of the equality of opportunity assured by it... Clause (4) of Article 16 is not an*

*exception to Clause (1) of Article 16. It is an instance of classification implicit in and permitted by Clause (1)."*

While the judgment affirms that reasonable classification is permissible under Article 16(1), such classification must be legally justified. In the present case, restricting eligibility to only graduates from NLUs, while excluding equally or more meritorious law graduates from other recognized institutions, is an unjustified and arbitrary classification, in our view.

**(iv) Wider Impact on Social Justice:** Only a small fraction of law graduates in India come from NLUs. This excludes deserving candidates from remote, underprivileged, and non-metropolitan areas who, despite limited access, have excelled in their legal education and have valuable experience.

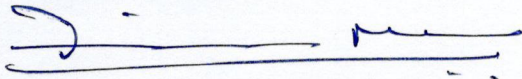
Such exclusion undermines equality, diversity, accessibility, and meritocracy, which should be cornerstones of any public sector recruitment process.

In light of the above, we request you to hold the current selection process in abeyance until the eligibility criteria are revised to include all eligible law graduates and revise the eligibility clause to permit application from all law graduates from universities recognized by the Bar Council of India and/or UGC.

I trust the Ministry will appreciate the constitutional and ethical imperative of inclusive and merit-based public employment.

Thank you for your time and consideration.

With Sincere regard,



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CC to:

1. Secretary, Department of Justice(DOJ)

**Enclosures:**

1. Copy of MCA Notification dated 19.03.2025