



International Journal of Research in Academic World



Received: 23/January/2026

IJRAW: 2026; 5(3):129-133

Accepted: 04/March/2026

A Study on Social Justice and Discrimination in Promotions of Heads of the Departments

*¹R Rufus and ²Dr. MD Chinnu

¹2nd Year Student of B.B.A, LLB(HONS), School of Excellence in Law, Tamil Nadu Dr. Ambedkar Law University, Chennai, Tamil Nadu, India.

²Assistant Professor, Department of Economics, School of Excellence in Law, Tamil Nadu Dr. Ambedkar Law University, Chennai, Tamil Nadu, India.

Abstract

Social justice is a constitutional ideal that seeks to ensure equality, fairness, and dignity in all spheres of public life. In academic institutions, promotions to positions such as Heads of the Departments play a vital role in shaping institutional governance, academic leadership, and administrative efficiency. Despite constitutional guarantees and reservation policies, concerns regarding discrimination, lack of transparency, and arbitrariness in promotions continue to persist. This study undertakes a doctrinal analysis of social justice and discrimination in the promotion of Heads of the Departments. It examines constitutional provisions, judicial interpretations, and legal principles governing promotions. The study aims to analyse whether existing promotion mechanisms uphold social justice and to understand the balance between equality, reservation, and administrative efficiency.

Keywords: Social justice, discrimination, promotion, reservation, equality, academic administration.

1. Introduction

Social justice is one of the foundational principles of the Indian Constitution and represents the commitment of the State to create an equitable and inclusive society. The concept seeks to eliminate social inequalities and ensure equal opportunities for all individuals, particularly those belonging to historically disadvantaged sections of society. In the context of public employment, social justice assumes special importance, as employment under the State must reflect constitutional morality and fairness. Educational institutions, especially public universities and colleges, function as instrumentalities of the State and are therefore bound by constitutional principles. The promotion of Heads of the Departments is a significant administrative and academic process. Heads of the Departments are entrusted with responsibilities such as academic planning, faculty administration, research supervision, and policy implementation. Hence, the manner in which these positions are filled has a direct impact on institutional efficiency and academic excellence.

However, promotional practices in academic institutions have often been criticized for lack of transparency, favouritism, caste-based discrimination, and gender bias. Reservation policies, though constitutionally sanctioned, are frequently contested on the grounds of merit and efficiency. This conflict between social justice and merit highlights the need for a

detailed legal examination of promotion policies.

This study focuses on analysing social justice and discrimination in promotions of Heads of the Departments through a doctrinal approach. It examines constitutional provisions, judicial precedents, and legal principles to assess whether promotional mechanisms truly uphold equality and fairness ^[1].

2. Statement of the Problem

Despite the constitutional guarantee of equality under Articles 14 and 16 of the Constitution of India, promotional practices in academic institutions often raise concerns regarding discrimination and arbitrariness. The promotion process for Heads of the Departments lacks uniform standards and transparency in many institutions. Decision-making is sometimes influenced by seniority manipulation, favouritism, or institutional politics. Reservation policies aimed at ensuring representation of marginalized communities are not always effectively implemented in promotions. As a result, socially disadvantaged groups remain underrepresented in leadership positions. This creates a disparity between constitutional ideals and actual institutional practices.

The problem addressed in this study is whether the existing promotion framework for Heads of the Departments effectively ensures social justice or whether discrimination persists due to administrative discretion and lack of

accountability.

social justice.

3. Review of Literature

M.P. Jain (2018), in his authoritative work *Indian Constitutional Law*, explains that Articles 14 and 16 of the Constitution of India constitute the foundation of equality jurisprudence. He argues that constitutional equality is not limited to formal equality but extends to substantive equality, which seeks to correct historical and structural disadvantages. According to Jain, reservation policies are essential instruments to ensure inclusive representation of socially and educationally backward classes in public employment. He emphasizes that promotions in public institutions must adhere to constitutional morality and should aim to dismantle systemic discrimination rather than perpetuate social hierarchies. Jain further stresses that transparency and fairness are indispensable for maintaining public confidence in promotion processes [2].

V.N. Shukla (2014), in his commentary on the *Constitution of India*, highlights the importance of balancing reservation policies with administrative efficiency as mandated under Article 335. He asserts that while social justice is a constitutional goal, it should not compromise institutional effectiveness. Shukla cautions against indiscriminate implementation of reservation in promotions without adequate empirical data and objective evaluation criteria. He argues that promotional policies must be rational, transparent, and evidence-based to ensure both equality and efficiency in public administration, especially in academic and professional institutions.

Upendra Baxi (2000), in his writings on constitutional governance and social justice, emphasizes that equality is a dynamic and evolving concept that must respond to changing social realities. He argues that the mere existence of constitutional provisions does not guarantee social justice unless they are effectively implemented. Baxi highlights that institutional biases, informal power structures, and procedural opacity often defeat the goals of equality in public employment. He stresses the need for participatory governance, accountability, and transparency to ensure that promotions within public institutions genuinely reflect constitutional values [3].

4. Research Gap

Although extensive literature exists on reservation and equality in public employment, limited studies focus specifically on promotions of Heads of the Departments in academic institutions. Most research concentrates on recruitment rather than promotional practices. Moreover, the application of constitutional principles and judicial guidelines to academic promotions remains underexplored. This study seeks to fill this gap by providing a focused doctrinal analysis of promotions to academic leadership positions.

5. Objectives of the Study

- i). To analyse the concept of social justice in public employment.
- ii). To examine constitutional provisions governing promotions.
- iii). To study the role of reservation policies in promotions of Heads of the Departments.
- iv). To analyse judicial interpretation relating to promotion and equality.
- v). To identify discrimination in promotional practices.
- vi). To examine the balance between merit, efficiency, and

6. Methodology

This research is based on both doctrinal and non-doctrinal research. The sources of data are collected from different newspaper, journals, magazines, All India Reports and E-Resources. This Research is used in some of the statistical tools such as percentage method and average method. This research is used in stratified random sampling. The sample size of the Respondents is hundred. The duration of this search is Three months.

7. Significance of the Study

The study is significant as it contributes to understanding the application of social justice principles in academic promotions. It highlights the importance of transparency and fairness in filling leadership positions. The research assists policymakers and educational administrators in identifying shortcomings in existing promotion mechanisms. It also contributes to legal scholarship by examining promotions through constitutional and judicial perspectives and promotes awareness of equality rights.

8. The Hypothesis of the Study

- i). The promotion process for Heads of Departments is transparent.
- ii). Reservation policies help in ensuring social justice in promotions.

9. The Limitations of the Study

The study is limited to doctrinal analysis and does not include empirical data. Promotional decisions are often confidential, restricting access to complete institutional records. The study focuses only on academic institutions and does not extend to other public sectors. Judicial interpretations are dynamic and subject to change, which may affect the relevance of certain conclusions in the future.

10. Result and Discussion

Part-I: Doctrinal Research

Doctrinal research, also known as traditional or black-letter legal research, is a method that involves the systematic analysis and interpretation of existing laws, legal principles, judicial decisions, and scholarly writings. It focuses on "law as it exists" and seeks to study legal rules as laid down in statutes and interpreted by courts. The objective of doctrinal research is to understand, explain, and critically analyse legal concepts and their application in society. In the present research project, the doctrinal method is adopted to examine the legal framework governing equality, social justice, and reservation in public employment, particularly in relation to promotions to the post of Head of Department in academic institutions. This method enables an in-depth study of constitutional provisions, judicial interpretations, and academic opinions relevant to the subject

Constitutional Basis of Equality and Social Justice: The doctrine of equality in public employment in India is primarily rooted in [4] Articles 14 and [5] 16 of the Constitution of India. Article 14 guarantees equality before law and equal protection of laws, while Article 16 ensures equality of opportunity in matters relating to public employment. Together, these provisions form the backbone of equality jurisprudence in India. Article 16(4) empowers the State to make provisions for reservation in favour of backward classes that are not adequately represented in public services. Further,

[6] Article 335 emphasizes that claims of Scheduled Castes and Scheduled Tribes shall be taken into consideration in appointments and promotions, consistent with the maintenance of administrative efficiency. These provisions reflect the constitutional commitment to social justice while ensuring institutional effectiveness.

In the context of promotions to leadership positions such as Head of Department, these constitutional principles assume greater significance, as such posts involve decision-making authority and institutional governance.

Judicial Interpretation of Reservation and Promotion: The Supreme Court of India has played a crucial role in shaping the law relating to reservation and promotion in public employment. In *Indra Sawhney v. Union of India* (1992), the Court held that reservation is a means to achieve equality and not an end in itself. While the Court initially disallowed reservation in promotions, subsequent constitutional amendments and judicial interpretations modified this position.

In *Ajit Singh v. State of Punjab* (1999), the Court emphasized the importance of merit and seniority, while cautioning against automatic reservation in promotions. Later, in *M. Nagaraj v. Union of India* (2006), the Court upheld reservation in promotions subject to the fulfillment of certain conditions such as collection of quantifiable data, assessment of backwardness, and maintenance of administrative efficiency. These judgments demonstrate the judiciary’s attempt to strike a balance between social justice and efficiency. Doctrinal analysis of these cases reveals that while the Court recognizes the necessity of reservation, it insists on transparency, objectivity, and evidence-based policy implementation.

Application to Promotions in Academic Institutions: Promotions to the post of Head of Department in academic institutions are governed by constitutional principles, statutory regulations, and administrative guidelines issued by bodies such as the University Grants Commission. Doctrinal analysis reveals that while rules exist, their implementation often lacks uniformity and transparency. Leadership positions in educational institutions continue to be dominated by socially privileged groups, raising concerns about equal opportunity and fair representation. The absence of clear promotion criteria and excessive reliance on discretion often undermines the objectives of reservation policies and equality principles [7]. The doctrinal method helps in identifying these gaps between law and practice, thereby supporting the need for empirical analysis and reform.

Conclusion of Doctrinal Research

The doctrinal analysis of constitutional provisions, judicial decisions, and scholarly writings reveals that the Indian legal framework strongly supports equality and social justice in public employment. Reservation policies are constitutionally

justified instruments to ensure substantive equality, particularly in promotions. However, judicial insistence on data, transparency, and efficiency highlights the need for careful and objective implementation.

In relation to promotions to the post of Head of Department, doctrinal research establishes that while the legal framework is adequate in theory, practical challenges such as lack of transparency, administrative discretion, and institutional bias persist. Thus, doctrinal research forms the theoretical backbone of the present study and provides a basis for evaluating empirical findings and suggesting meaningful reforms.

Relevant Case laws:

- i). **State of Kerala v. N. M. Thomas (1976):** This landmark decision significantly transformed the understanding of equality under the Indian Constitution by recognizing that equality is not merely formal or mechanical but substantive in nature. The Court acknowledged that historical and structural disadvantages suffered by certain classes justify differential treatment in public employment to achieve real equality. The judgment provided constitutional legitimacy to affirmative action measures, emphasizing that social justice requires proactive state intervention. This case laid the doctrinal foundation for reservation policies in promotions by interpreting Articles 14 and 16 as enabling provisions rather than rigid prohibitions against classification [8].
- ii). **Indra Sawhney v. Union of India (1992):** This case remains the most authoritative judicial exposition on reservation in public employment. The Court emphasized that reservation is a constitutional means to achieve equality and social justice, particularly for backward classes that have been historically excluded from positions of power. At the same time, the judgment cautioned against excessive or unregulated reservation, stressing the need to balance social justice with administrative efficiency. The decision has had a profound influence on promotion policies by shaping the constitutional limits within which affirmative action must operate [9].
- iii). **Ajit Singh v. State of Punjab (1996):** The Court in this case reinforced the principle that equality of opportunity is the cornerstone of public employment. It emphasized that while reservation policies are constitutionally permissible, they cannot override the rights of others by conferring automatic advantages in seniority or promotion. The judgment reflects judicial concern that promotional benefits must not distort merit-based progression or create reverse discrimination. This decision plays a crucial role in evaluating promotional practices in academic institutions, where leadership roles demand competence and fairness [10].

Part-II: Non-doctrinal Research

Table 1: Social factors influencing Promotions

Particulars	Male	Female	Transgender	Total
Caste/Community	22(21.8)	17(16.8)	1(1.0)	40(39.6)
Gender	5(5.0)	7(6.9)	0(0.0)	12(11.9)
Religion	4(4.0)	6(5.9)	1(1.0)	11(10.9)
All Factors	11(10.9)	26(25.7)	1(1.0)	38(37.6)
Total	42(41.6)	56(55.4)	3(3.0)	101(100)

Source: Primary data

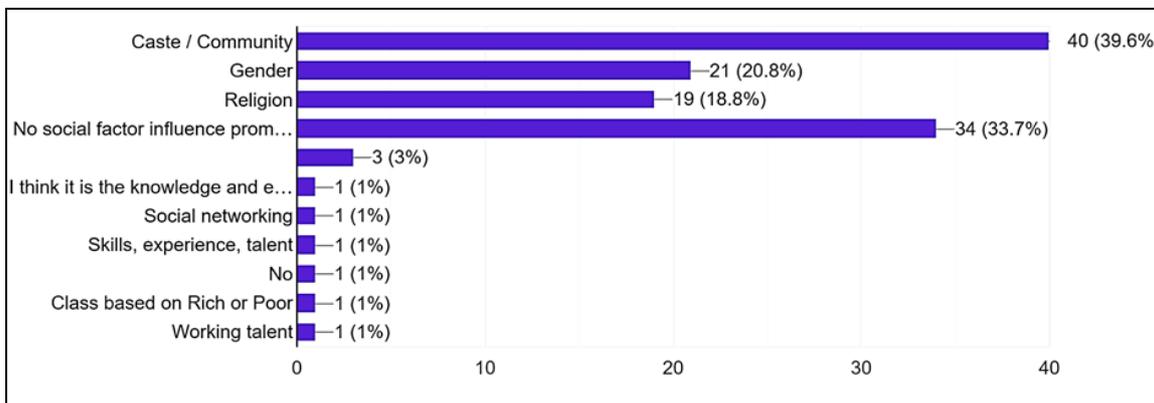


Table No. 1 shows that caste or community is perceived as the most influential social factor affecting promotions, accounting for 39.6 percent of the respondents. Among them, a higher proportion of male respondents 21.8 percent identified caste or community as a significant factor when compared to female and transgender respondents. The influence of all

factors combined accounts for 37.6 percent, indicating that promotions are often affected by multiple social considerations simultaneously. Factors such as gender 11.9 percent and religion 10.9 percent were perceived as comparatively less influential. Overall, the table highlights that social factors, particularly caste and community.

Table 2: Transparency in promotion process

Particulars	Male	Female	Transgender	Total
Strongly Agree	8(7.9)	9(8.9)	1(1.0)	18(17.8)
Agree	13(12.9)	16(15.8)	0(0.0)	29(28.7)
Neutral	17(16.8)	28(27.7)	2(2.0)	47(46.5)
Disagree	3(3.0)	3(3.0)	0(0.0)	6(5.9)
Strongly Disagree	1(1.0)	0(0.0)	0(0.0)	1(1.0)
Total	42(41.6)	56(55.4)	3(3.0)	101(100)

Source: Primary data

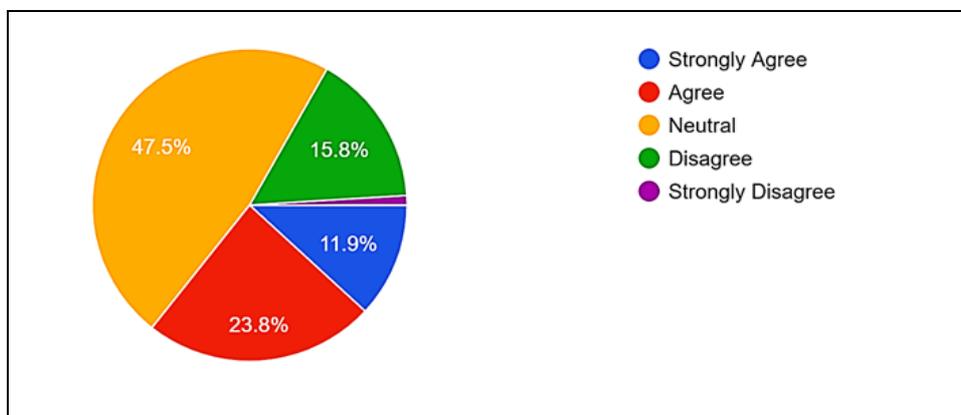


Table No. 2 reveals that 47 percent of respondents expressed a neutral opinion regarding the transparency of the promotion process, indicating uncertainty or lack of adequate information. A combined 46.5 percent of respondents either strongly agree or agree that the promotion process is transparent, suggesting a moderately positive perception.

Only 6.9 percent of respondents disagreed or strongly disagreed, reflecting minimal dissatisfaction. The higher neutral response suggests the need for better communication and clarity regarding promotion procedures. Overall, while transparency is perceived positively by many respondents, significant ambiguity still exists.

Table 3: Reservation policies and social justice

Particulars	Male	Female	Transgender	Total
Strongly Agree	7(6.9)	11(10.9)	1(1.0)	19(18.8)
Agree	19(18.8)	28(27.7)	0(0.0)	47(46.5)
Neutral	10(9.9)	14(13.9)	1(1.0)	25(24.8)
Disagree	4(4.0)	3(3.0)	1(1.0)	8(7.9)
Strongly Disagree	2(2.0)	0(0.0)	0(0.0)	2(2.0)
Total	42(41.6)	56(55.4)	3(3.0)	101(100)

Source: Primary data

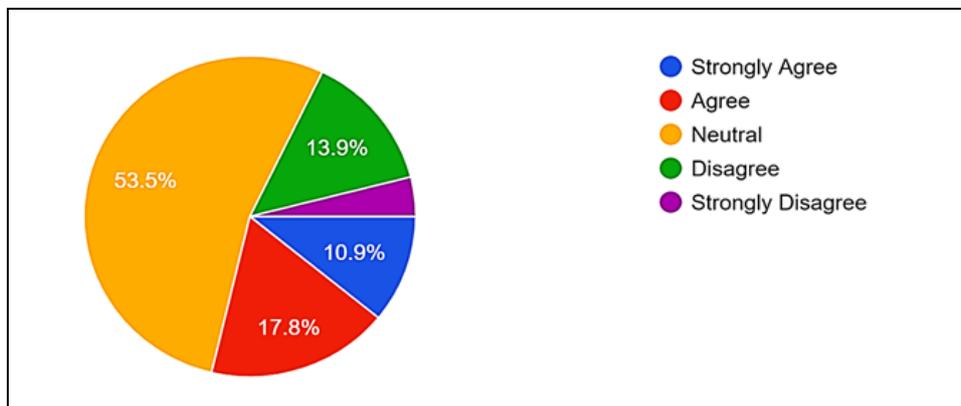


Table No. 3 indicates that a majority of respondents support reservation policies as a means of ensuring social justice. A combined 65.3 percent of respondents strongly agree or agree with the statement, showing strong approval of reservation policies. About 24.8 percent of respondents remained neutral, reflecting mixed opinions or lack of awareness. Only 9.9 percent of respondents disagreed or strongly disagreed. The findings suggest that reservation policies are largely perceived as effective instruments for promoting social justice in promotions, though there remains scope for increased awareness and acceptance.

Hypothesis Testing

H₁: The promotion process for Heads of Department is transparent: Table No.2 shows that a combined 46.5 percent of respondents either strongly agree or agree that the promotion process is transparent. However, 47 percent of respondents remained neutral, indicating uncertainty or lack of complete awareness regarding promotion procedures. Since the percentage of respondents agreeing outweighs those disagreeing, the hypothesis that the promotion process is transparent is accepted, though the high neutral response suggests the need for improved clarity and communication.

H₂: Reservation policies help in ensuring social justice in promotions: Table No.3 indicates that a combined 65.3 percent of respondents strongly agree or agree that reservation policies help in ensuring social justice in promotions. Only 9.9 percent of respondents expressed disagreement. The overwhelming support for reservation policies demonstrates their perceived effectiveness in promoting social justice. Therefore, the hypothesis that reservation policies help in ensuring social justice in promotions is accepted.

11. Conclusion

The present study was undertaken to examine the promotion process to the post of Head of Department with special reference to transparency and the role of reservation policies in ensuring social justice. The analysis of the data collected from the respondents reveals that a majority perceive the promotion process as transparent, though a considerable number of respondents remain neutral, indicating limited awareness or lack of clear communication regarding the procedures involved. The study also establishes that reservation policies are widely regarded as an important mechanism for promoting social justice in higher academic positions. The hypothesis testing supports the view that transparency and reservation policies play a significant role in shaping perceptions of fairness in promotions. Overall, the study concludes that while the existing promotion system reflects positive intent, improvements are required in implementation, awareness, and communication to ensure a

more equitable and effective promotion process.

12. Suggestions

Based on the findings of the study, the following suggestions are offered:

- i). Promotion procedures and eligibility criteria should be clearly defined and communicated to all staff members.
- ii). Institutions should ensure greater transparency by publishing promotion guidelines and evaluation standards.
- iii). Awareness programs should be conducted to educate employees about the objectives and legal basis of reservation policies.
- iv). Equal importance should be given to merit, experience, and academic performance while ensuring social justice.
- v). Promotion and reservation policies should be periodically reviewed to address practical challenges and ensure fairness.

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