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Date: 
Place: ROHTAK

(NEERAJ SAINI)
IMPACT OF RESERVATION POLICY ON RIGHT TO EQUALITY IN INDIA: A STUDY OF JUDICIAL TRENDS

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- Akhil Bhartiya Soshit Karamchari Sangh (Railway) v. Union of India AIR 1981 SC 298.
- All India Station Masters Association v. General.
- Ameerunnissa Begum and Others v. Mehboob Begum & Others, 91953) SCR 404.
- Ashoka Kumar Thakur Vs. State of Bihar, 91995) 5 SCC 403.
- Assistant Station master Association v. General manager, Central Railway, AIR 1960, SC 384.
- Balaji Raghavan v. union of India, 1996 ISCC 361.
• Bennett Coleman & Co. v. Union of India, AIR (1972) SCC 788.
• C.A. Rajendran v. Union of India AIR 1965 SC 507.
• C.A. Rajendran v. Union of India, AIR 1968 SC 507.
• Chattar Singh and Others v. State of Rajasthan and Others, AIR 1997 SC 303.
• Chattar Singh Vs. State of Rajasthan, AIR 1997 SC 303.
• Chiranjit Lal v. Union of India, AIR 1951 SC 41.
• Chitra Ghosh v. Union of India, AIR 1970 SC 35.
• Chitralekha Vs. State of Mysore, AIR 1964 SC 1823
• Daleep Damodran v. Secretary to Govt. Educational Department Hyderabad AIR 1991 A.P. 195.
• Devadasan v. Union of India, AIR 1964 SC 179.
• General Manager, Southern Railway v. Rangachari, AIR 1962 SC 36.
• Hussainara Khatoon v. Home Secretary, State of Bihar AIR 1979 SC 1322.
• Indian Express Newspaper v. Union of India, AIR 1985 SCC 641.
• Indra Sawhney v. Union of India (1970) 3 SCC 567.
• Indra Sawhney v. Union of India, 1993 SC 477.
• Indra Sawhney v. Union of India, AIR 1985 1 SCC 641.
• K. Thimmappa and Others Vs Chairman Central Bd. Of Directors, Sbi And Others AIR 2001 Supreme Court 467.
• Krishan Chander Nayar v. Chairman, Central Tractor Organisation, AIR 1962 SC 602.
• Krishna singh Vs State of Rajasthan AIR 2003 SC 3331.
• Lila Dhar Vs. State of Rajasthan, 91981) 4 SCC 159.
• M. Nagaraj Vs union of India, AIR (2008) 8 SCC 12.
• Mahendra Prasad v. Ranchi Regional Development Authority, AIR 1981 AP 208.
• Meneka Gandhi v. Union of India, AIR 1978 SC 597.
• Minerva mills Ltd. V. State of Mysore, AIR 1963 SC 649.
• P.G. Institute of Medical & Research Vs. Faculty Association, AIR 1998 SC 1767.
• Pradeep v. union of India, AIR 1984 SC 1422.
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• R.S. Garg Vs State of U.P. and Others AIR 2006 SC 2912.
• Roshan Lal v. union of India, AIR 1967 SC 1889.
• Salauddin Ahmed vs. Samta Andola, AIR 2012 SC 3900.
• Srinivasa v. Saraswati, AIR 1952 Mad. 193.
• State of A.P. Vs. U.S.V. Balram, (19720 1 SCC 660.
• State of Haryana Vs Tilkraj AIR 2003 SC 2658.
• State of Karnataka and Others Vs KGSD Canteen Employees Welfare Association and Others, AIR 2006 SC 845.
• State of Kerla v. N.M. Thomas, AIR 1976, SC 490.
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• State of Madras Vs. Champakam Dorairajan, AIR (1951) SC 226.
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