

## Ending discrimination: On the Union of India and Others vs Ex. Lt. Selina John case

The Hindu

Paper - II  
(Governance)

The Supreme Court of India has come out heavily against another archaic idea with patriarchal overtones by observing that rules which penalise women employees for getting married are unconstitutional. “Terminating employment because the woman has got married is a coarse case of gender discrimination and inequality. Acceptance of such [a] patriarchal rule undermines human dignity, right to non-discrimination and fair treatment.” The observations were part of an order which upheld the rights of Selina John, a former lieutenant and Permanent Commissioner Officer in the Military Nursing Service, who was discharged from service in 1988 for getting married. A Bench headed by Justice Sanjiv Khanna directed the Union Government to pay Ms. John ₹60 lakh in compensation within eight weeks. The government had appealed in the top court against a decision of the Lucknow Bench of the Armed Forces Tribunal which had ruled in her favour in 2016. Pointing out that her dismissal was “wrong and illegal”, the Court noted that the rule against marriage was applicable only to women nursing officers. Women have been fighting a long and uphill battle for gender parity in the Army — they were granted permanent commission after judgments in 2020 and 2021. Words to the effect that the Indian Army is encouraging more women to join the forces have to be backed by deeds.

It is not that the civilian space is much better off, and women are often asked uncomfortable personal questions at job interviews. They are quizzed about future plans on marriage and motherhood. If labour participation of women in the workforce has to increase — in the latest Periodic Labour Force data (October-December 2023), India’s is at an abysmal 19.9% for women of all ages — then barriers in education, employment, and opportunities, not to talk of bullying mindsets, have to be broken down. It is a fact that many girls, especially among the poor, have to drop out of school for various reasons, from economic to lack of proper toilets. The UN’s Gender Snapshot 2023 had provided a grim picture of where the world is on gender parity, pointing out that if course correction measures are not taken, the next generation of women will still spend a disproportionate amount of time on housework and duties compared to men, and stay off leadership roles. The schemes routinely announced by the government for girls and women will mean little on the ground if they have to abide by restrictive social and cultural norms. The Court’s

### What is the whole matter?

- In the year 1982, Celina joined an Army Hospital in Delhi as a trainee. In the year 1985, he was promoted to the rank of Lieutenant.
- She was married to an army officer in the year 1988. On August 27 of the same year, she was fired from the job without any show cause notice. She was also not given a chance to present her side.
- After this he filed a petition against his termination in the Allahabad High Court. The High Court asked him to go to the Tribunal Court. Later he filed a petition in the Armed Forces Tribunal Court, Lucknow.
- In 2016, the court, while giving its verdict in his favor, had asked the Center to give him back his job. Then the government had reached the Supreme Court regarding the matter. After which now the Supreme Court has given its verdict on the matter.

words that rules making marriage of women employees and their domestic involvement a ground for disqualification are unconstitutional should be heard by all organisations so that the workplace becomes an enabler, and not a hurdle.

### Expected Question for Prelims

**Que.** “Union of India and Others vs. Former Lieutenant Selina John Case” is related to which of the following?

- (a) Recruitment of women on high posts in the army
- (b) Women's equality at workplace
- (c) Military corruption
- (d) None of the above

**Answer : B**

### Mains Expected Question & Format

**Que.:** What is "Union of India and Others vs. Former Lieutenant Selina John Case"? What is the significance of this case in terms of equality at workplace for women. Discuss.

**Answer's Approach:**

- ❖ In the first part of the answer, discuss the factual details of the case Union of India and Others vs. Former Lieutenant Selina John.
- ❖ In the second part, explain the importance of this case in the context of equality at workplace for women.
- ❖ Finally give a conclusion giving suggestions.

**Note:** - The question of the main examination given for practice is designed keeping in mind the upcoming UPSC mains examination. Therefore, to get an answer to this question, you can take the help of this source as well as other sources related to this topic.