



Rayat Shikshan Sanstha's
**R. B. Narayanrao Borawake College, Shrirampur, Dist-
Ahmednagar- 413709**

2.2. Number of seats earmarked for reserved category as per GOI/ State Govt. rule during the year.

Reservation Policy Letters

- 1. Government of India Letter**
- 2. Government of Maharashtra**
- 3. Savitribai Phule Pune University, Pune**

No.36011/6/2010-Estt.(Res)
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Personnel & Training

...
North Block, New Delhi
Dated: the 25th June, 2010

OFFICE MEMORANDUM

Subject: Issue of instructions on Reservation for the Scheduled Castes, Scheduled Tribes and Other Backward Classes in services under the Government of India.

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The undersigned is directed to say that instructions on Reservation for the Scheduled Castes, Scheduled Tribes and Other Backward Classes in services under the Government of India are contained ~~in~~ various OMs issued from time to time by the Ministry of Home Affairs and this Department. Some of the instructions so issued have become outdated and are not in operation at present. It has, however, been observed that some appointing authorities are continuing to implement such outdated and non-existent instructions. Keeping all these aspects in view this Department has decided to issue consolidated instructions on Reservation for the Scheduled Castes, Scheduled Tribes and Other Backward Classes in supersession of all the existing instructions on the subject. The proposal is not to change any aspect of policy on the subject but only to consolidate all the instructions and present them in easy to understand form/language. A draft OM has been prepared which covers all the aspects of reservation policy as existing at present. However, before issuing the proposed OM, it has been decided to put it in public domain and invite comments on it. If any person feels that the proposed OM does not include any of the existing instruction or any instruction included in the proposed OM is not in consonance with the existing instructions, may point out the same and send his comments to the undersigned by 12th July, 2010.



(K.G. Verma)
Director
Tele: 23092158

No.36011/6/2010-Estt.(Res)
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Personnel & Training

North Block, New Delhi

Dated: the June, 2010

DRAFT OM

Subject: Instructions on Reservation for the Scheduled Castes, Scheduled Tribes and Other Backward Classes in services under the Government of India.

The undersigned is directed to say that it has been brought to the notice of the Government that there is lot of confusion amongst appointing authorities and others about the policy on Reservation for the Scheduled Castes, Scheduled Tribes and Other Backward Classes in services under the Government of India. It has also been observed that though a number of instructions issued by the Ministry of Home Affairs and this Department on the subject have become outdated and are no more in operation, some Ministries/Departments etc. continue to follow such non-existent instructions. It has, therefore, been decided to issue, in supersession of all Office Memoranda on the subject issued so far, instructions on Reservation for the Scheduled Castes, Scheduled Tribes and Other Backward Classes in Services as given in Appendix to this OM.

2. All Ministries/Departments are requested to bring the contents of this OM to the notice of all concerned.

(K.G. Verma)
Director
Tel: 23092158

To

1. All Ministries/Departments of the Government of India.
2. All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate offices of this Ministry.
3. Union Public Service Commission/Supreme Court of India/Election Commission/Lok Sabha Secretariat/ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Prime Minister's Office/ Planning Commission.
4. National Commission for SCs, Lok Nayak Bhavan, New Delhi.
5. National Commission for STs, Lok Nayak Bhavan, New Delhi.
6. National Commission for Backward Classes, Trikoot-I, Bhikaji Cama Place, R.K. Puram, New Delhi.
7. Office of the Comptroller and Auditor General of India, 10, Bahadurshah Zafar Marg, New Delhi – 110002
8. Information and Facilitation Centre, DOPT, North Block, New Delhi.
9. NIC (Computer Cell)- With the request to upload on this Department's website.

Appendix to DOPT O.M. No. 36011/6/2010-Estt(Res) dated June, 2010

COMPENDIUM ON RESERVATION
FOR THE SCHEDULED CASTES, SCHEDULED TRIBES
AND OTHER BACKWARD CLASSES IN SERVICES

Given below are the instructions governing Reservation for Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs) in Services of the Government of India.

2. Reservation in Direct Recruitment:

- (a) There shall be a reservation of 15 per cent for the members of the Scheduled Castes, 7.5 per cent for the members of the Scheduled Tribes and 27 per cent for the members of the Other Backward Classes in the matter of appointment by direct recruitment to civil posts and civil services on all India basis by open competition.
- (b) There shall be a reservation of 16.66 per cent for the members of the Scheduled Castes, 7.5 per cent for the members of the Scheduled Tribes and 25.84 per cent for the members of the Other Backward Classes in the matter of appointment by direct recruitment to civil posts and civil services on all India basis otherwise than by open competition.
- (c) Except in Delhi, reservation for the Scheduled Castes and Scheduled Tribes in case of direct recruitment to Group C and Group D posts normally attracting candidates from a locality or a region is generally fixed on the basis of proportion of their population in the respective States/UTs. Reservation for OBCs in such cases is fixed keeping in view the proportion of their population in the respective States/UTs and the fact that it is not more than 27% and total reservation for SCs, STs and OBCs does not exceed 50%. Quantum of reservation fixed for SCs, STs and OBCs in such cases has been indicated in **Annexure I**.
- (d) Where recruitment is made for zones or circles or regions consisting of more than one State, the percentages of reservation for SCs and STs is generally fixed on the basis of the proportion of SCs and STs in the respective zones/circles/regions and reservation for OBCs is fixed keeping in view their proportion in the population of the respective zones/circles/regions and the fact that it is not more than 27% and total reservation for SCs, STs and OBCs does not exceed 50%.

Illustration: Suppose direct recruitment to a Group C post in an organisation is made on the regional basis for the region consisting of the 8 States of the North East namely, Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Sikkim. Total population of these States and population of the Scheduled Castes and Scheduled Tribes in these States as per Census 2001 is 38,857,269; 2,486,474, and 10,465,898 respectively. Thus, the proportion of Scheduled Castes and Scheduled Tribes in the region is 6.39% and 26.93%. Estimated population of Other Backward Classes in the region is more than 27% of the total population of the region. Keeping all aspects in view percentage of reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes for the region may be fixed as 6%, 27% and 17% respectively.

Note 1: The expression 'by open competition' means all recruitments by UPSC whether through written examination or by interview or by both; and recruitments made by other authorities including Staff Selection Commission or any other appointing authority through written competitive examination or tests (but not by interview alone). Any recruitment not made by the U.P.S.C. or not made through written competitive test held by any other authority would mean direct recruitment otherwise than by open competition.

Note 2: In cases of recruitments on local/regional/zonal/circle basis, SC/ST/OBC candidates not belonging to the concerned locality/region/ State/ zone/ circle shall also be eligible to get the benefit of reservation.

3. **Creamy Layer amongst OBCs:**

The members of the Other Backward Classes who fall in creamy layer shall not get the benefit of reservation. Criterion for determining creamy layer status amongst Other Backward Classes is given in **Annexure II**.

4. **Reservation in Promotion:**

There shall be a reservation of 15 per cent for the members of the Scheduled Castes and 7.5 per cent for the members of the Scheduled Tribes in the matter of appointment by promotion to the grades of civil posts and civil services in which element of direct recruitment, if any, does not exceed 75 per cent and when posts are filled by promotion:

- (a) through Limited Departmental Competitive Examination in Group B, Group C and Group D posts;
- (b) by selection from Group B post to a Group A post or in Group B, Group C and Group D posts; and
- (c) by non-selection in Group A, Group B, Group C and Group D posts.

5. **Concession in Promotions within Group A:**

There is no reservation in case of promotions by selection from a Group A post to another Group A post. But when promotions by selection are made from a Group A post to a Group A post which carries an ultimate salary of Rs.18,300/- (pre-revised), or less, the Scheduled Caste and Scheduled Tribe Officers, who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list has to be drawn up, would be included in that list provided they are not considered unfit for promotion. Their position in the select list would, however, be same as assigned to them by the Departmental Promotion Committee on the basis of their record of service.

Note: Fitness of the SC/ST officers in such cases would be assessed keeping in view the duties and responsibilities attached to the post and not on the basis of benchmark, if any, prescribed for promotion to the post.

6. **Exemptions from Reservation:**

6.1 Reservations do not apply to posts filled by deputation or absorption, but whenever a Ministry/Department/Attached Office/Subordinate Office etc. propose to depute in public interest officers serving in or under them to a post in or under another Ministry/Department etc., the Scheduled Caste/Scheduled Tribe/OBC employees serving in or under the Ministry/Department etc. concerned, who are eligible to be sent on deputation should also be considered along with other eligible employees for such deputation. The Ministries/Departments under whose control the posts to be filled by deputation or absorption arise should also, in turn, while selecting persons for such post(s) to be filled by deputation or absorption, duly consider

the cases of eligible Scheduled Caste, Scheduled Tribe and Other Backward Class employees whose names have been forwarded by other Ministries/Departments alongwith the other eligible employees, for appointment on deputation or absorption to those posts. Where the number of posts to be filled on deputation or absorption by any employing Ministry or Office is fairly substantial, the employing Ministry/Head of Office concerned should endeavour to see that a fair proportion of such posts are filled by employees belonging to Scheduled Castes/Scheduled Tribes/OBCs, subject of course, to availability from the feeder categories of qualified persons belonging to these communities.

6.2 Reservations also do not apply to:

- (i) Temporary appointments of less than 45 days duration;
- (ii) Those work-charged posts which are required for emergencies like flood relief work, accident restoration and relief etc.

7. **Reservation in Scientific and Technical Posts:**

7.1 Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes apply to appointments made to "scientific and technical" posts upto and including the lowest grade of Group A in the respective services.

7.2 Such "scientific and technical" posts which satisfy all the following conditions can be exempted from the purview of the reservation orders by the Ministries/Departments:

- (i) The posts should be in grades above the lowest grade in Group A of the service concerned.
- (ii) They should be classified as 'scientific or technical' in terms of Cabinet Secretariat (Department of Cabinet Affairs) O.M. 85/11/CF-61(1) dated 28-12-1961 according to which scientific and technical posts for which qualification in the natural sciences or exact sciences or applied sciences or in technology are prescribed and the incumbents of which have to use that knowledge in the discharge of their duties.
- (iii) The posts should be 'for conducting research' or 'for organising, guiding and directing research'.

7.3 Orders of the Minister concerned should be obtained before exempting any posts satisfying the above conditions from the purview of the scheme of reservations.

7.4 In the case of scientific and technical posts required for research upto and inclusive of lowest grade of Group A of a service which are not exempt from the purview of reservation orders, reservation should be provided for Scheduled Castes, Scheduled Tribes and Other Backward Classes as per the scheme of reservations, except that:

- (i) reserved vacancies in such posts need be advertised only once and not twice,
- (ii) in the event of non-availability of candidates belonging to Scheduled Castes, Scheduled Tribes and OBCs, vacancies in such posts may be dereserved by the administrative Ministry/Department concerned. However, the National Commission for Scheduled Castes or the National Commission for Scheduled Tribes or the National Commission for Backward Classes, as the case may be, and the Department of Personnel and Training should be informed about the dereservation together with the details and reasons necessitating dereservation.

8. **Reservation in Posts of Industrial Workers:**

The industrial establishments of the Government of India and the posts and grades in such establishments, whether these have been classified as group A, B, C and D or not, are covered by the scheme of reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes.

9. **Reservation in Work-Charged Posts:**

The principle of reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes should generally be suitably applied to the extent possible, to work-charged posts also except those required for emergencies like flood relief work, accident restoration and relief etc. The percentages of reservation in such appointments may correspond to what is applicable to Group C and Group D posts.

10. **Reservation in Appointments of Daily Rated Staff:**

While it may not be practical to apply the reservation orders in toto in respect of daily rated staff, it should be ensured that persons belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes are recruited in such manner as their overall representation does not go below the prescribed percentage of reservation for the Scheduled Castes, Scheduled Tribes and Other Backward Classes respectively.

11. **Appointment of Casual Workers to Regular Posts:**

Appointment of casual workers against regular posts will be a case of direct recruitment. Hence all statutory requirements relating to filling up of posts by direct recruitment should be followed while regularizing the services of casual workers. General orders relating to reservation for persons belonging to SCs/STs/OBCs will be applicable in cases relating to regularization of casual workers. Vacancies meant for these categories of persons should be filled up by casual workers of respective reserved categories and the balance, if any, may be filled up by outsiders belonging to these categories, who are not casual workers. Casual workers, who do not belong to the reserved categories, can be appointed against unreserved vacancies only.

12. **Reservation in Newly Constituted Services:**

If according to the relevant Service Rules of a newly constituted Service, appointments at the initial constitution of the Service are to be made only from out of the departmental candidates who might have been holding posts which are now incorporated in the new Service, reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes would not apply to such appointments. However, where such initial constitution of a Service also makes a provision of recruitment from outside sources, i.e. other than the incumbents of the service which is reconstituted or of the posts which are encadred in one form or another in the new service, the recruitment from outside sources would be akin to direct recruitment and would, therefore, attract the orders providing for reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes in respect of such recruitment. Each case of initial constitution of a service should be considered separately on its merits with a view to determine whether the reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes would apply. Whenever it is proposed to constitute a new All India or Central Service under the control of a Ministry/Department, the question of applicability of the orders regarding reservation for

Scheduled Castes, Scheduled Tribes and OBCs at the initial constitution of that service should be considered in consultation with the Department of Personnel and Training.

13. **Reservation in Adhoc Promotions:**

The basic approach of this Department is that adhoc promotions should be minimized, if not eliminated altogether. However, if adhoc promotions are to be made in exceptional circumstances, such as during pendency of court cases, protracted seniority disputes, non-framing of recruitment rules, unforeseen delay in direct recruitment or convening of DPCs for reasons beyond the control of the appointing authorities etc., the following guidelines may be followed on every occasion when adhoc promotions are resorted to so as to ensure that the claims of eligible officers belonging to Scheduled Castes/Scheduled Tribes are also duly considered:

- (i) In cases where reservation orders for SCs and STs are applicable, the number of vacancies falling to the share of SCs and STs would be the same if the vacancies were to be filled on regular basis.
- (ii) Since adhoc promotions are made on the basis of seniority-cum-fitness, all the Scheduled Caste/Scheduled Tribe candidates covered in the relevant seniority list within the total number of such vacancies against which adhoc promotions are to be made, should be considered in the order of their general seniority as per the gradation list, on the principle of seniority-cum-fitness and if they are not adjudged unfit, they should all be promoted on adhoc basis.
- (iii) If the number of SC/ST candidates found fit within the range of actual vacancies is less than the number of vacancies identified as falling to their share if the vacancies were filled on a regular basis, additional SC/ST candidates to the extent required should be located by going down the seniority list, provided they are eligible and found fit for such adhoc appointment.
- (iv) All adhoc appointees have to be replaced by regular incumbents at the earliest opportunity. When regular promotions are made subsequently, reversion of the adhoc appointees should take place strictly in the reverse order of seniority, the junior-most candidate being reverted first. No special concessions are to be given to SC/ST candidates at the time of such reversion.
- (v) There is no need for maintaining any separate formal register or roster register for adhoc promotions. The concept of dereservation, carrying forward of reservation etc. will also not be applicable in the case of adhoc appointments. However, a simple register called Adhoc Promotions Register may be maintained for different categories of posts for which adhoc appointments are made to facilitate a record being kept of the adhoc appointments and for ensuring reversion in the proper order on regular promotions being made to the posts in question.

14. **Reservation in case of a Single Vacancy:**

In cases where only one vacancy occurs in the initial recruitment year and it falls on point reserved for Scheduled Castes or Scheduled Tribes or OBCs, it should be treated as unreserved and filled accordingly and the reservation should be carried forward to subsequent recruitment year. In the subsequent recruitment year, even if there is only one vacancy, it should be treated as "reserved" against the carried forward reservation from the initial recruitment year, and a Scheduled Caste/ Scheduled Tribe/OBC candidate, if available, should be appointed in that vacancy, although it may happen to be the only vacancy in that recruitment year. This provision applies to direct recruitment as well as promotion. In the years of carry forward of reservation, the normal procedure of filling up of reserved vacancies should be followed.

15. **Reservation in PSUs, Autonomous Bodies etc:**

Instructions contained in this OM relate to reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes in posts/services under the Government of India. The Public Sector Undertakings, Statutory and Semi-Government Bodies, Autonomous Bodies/Institutions including Municipal Corporations, Cooperative Institutions, Universities etc. under the control of the Government, may make reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes in their services on the lines of the reservations in services under Government. The Department of Public Enterprises, Ministry of Heavy Industries and Public Enterprises may arrange for issue of suitable directives to the various public sector undertakings, through the administrative Ministries concerned for making reservations for Scheduled Castes, Scheduled Tribes and Other Backward Classes in their services. The Ministries/Departments should take suitable action to provide for reservations for Scheduled Castes, Scheduled Tribes and Other Backward Classes in the services of the autonomous bodies/institutions which are receiving grants-in-aid from the Government of India by making suitable provision in the relevant statutes or in the Articles of Association of the respective bodies.

16. **Reservation in Voluntary Agencies**

16.1 The Ministries/Departments should insist as a pre-condition to the sanction of grants-in-aid from Central Government to the voluntary agencies etc. that they shall provide reservation to the extent of 15% to SCs, 7.5% to STs and 27% to OBCs in case of direct recruitment on all India basis and as shown in Annexure I in case of direct recruitment to posts normally attracting candidates from a locality or region where:

- (a) the recipient body employs more than 20 persons on a regular basis and at least 50 percent of its recurring expenditure is met from grants-in-aid from the Central Government; and
- (b) the body is a registered society or a cooperative institution and is in receipt of a general purpose annual grants-in-aid of Rs.2 lakh and above from the Consolidated Fund of India.

16.2 A clause providing for reservations in the services under the voluntary agencies should be included in the terms and conditions under which such voluntary agencies /organisations etc. are given grants-in-aid by Government, somewhat on the following lines: -

“.....(Name of Organisation/ Agency etc.) agrees to make reservations for Scheduled Castes, Scheduled Tribes and Other Backward Classes in the posts/services under its control on the lines indicated by the Government of India.”

16.3 While sanctioning grants-in-aid to various voluntary agencies the progress made by such agencies in employing Scheduled Caste, Scheduled Tribe and Other Backward Class candidates in their services should be kept in view by the administrative Ministries/Departments. The voluntary agencies etc. should be informed that the progress in respect to the employment by them of Scheduled Castes, Scheduled Tribes and OBCs in the services under them would be taken into account by Government while sanctioning future grants-in-aid to them.

17. **Determination of Reservation Quota**

17.1 Number of posts reserved for Scheduled Castes, Scheduled Tribes and Other Backward Classes in a cadre having more than 13 posts shall be determined by multiplying the cadre

strength by the percentage of reservation prescribed for respective categories. While doing so, fractions, if any, shall be ignored.

Illustration : Suppose a grade in a service where reservation in promotion is available, has a total of 600 sanctioned posts, 50% of which are filled by direct recruitment on all India basis by open competition and 50% are filled by promotion by non-selection. Number of posts reserved for Scheduled Castes in case of direct recruitment would be equal to $300 \times 15/100$ which comes to 45. Number of posts reserved for scheduled Tribes would be equal to $300 \times 7.5/100$, which after ignoring the fraction comes to 22 and number of posts reserved for Other Backward Classes would be equal to $300 \times 27/100$ i.e. 81. Similarly, the number of posts reserved for Scheduled Castes and Scheduled Tribes in case of promotion would be 45 and 22 respectively. It may be noted that the number of reserved posts for Scheduled Tribes comes to 22.5 in case of direct recruitment as well as promotion. Exact number of reserved posts is arrived at by ignoring the fraction.

17.2 If the number of posts in a cadre is 2 or more than 2 but less than 14, reservation shall be provided by rotation on the basis of 14-point rosters given in **Annexure III**. There shall be no reservation in single post cadres.

Note 1: The term 'cadre strength' used in relation to calculation of reservation/maintenance of reservation registers /rosters means number of posts required to be filled by a particular mode of recruitment in terms of the applicable recruitment rules. In a grade comprising 200 posts, where the recruitment rules prescribe a ratio of 40:40:20 for direct recruitment, promotion and deputation/absorption respectively, the cadre strength for direct recruitment shall be 80 and cadre strength for promotion shall be 80. Since there is no reservation in case of deputation/absorption, 40 posts will not be subject to reservation.

Note 2: Where the recruitment is made vacancy based, it is possible that at any given point of time share of direct recruitment may increase and share of promotion may correspondingly decrease or vice-versa. In such cases cadre strength for direct recruitment and cadre strength for promotion may change from year to year. Consequently, number of reserved posts in direct recruitment quota and number of reserved posts in promotion quota would change from year to year. Likewise, if there is any increase or decrease in the cadre strength for any other reason, the number of reserved posts shall increase or decrease accordingly.

Note 3: Excess or shortfall of reservation, which may arise due to change in cadre strength, shall be adjusted/made up in subsequent recruitments.

18. Determination of Reserved Vacancies

18.1 While filling up of vacancies in a year, efforts shall be made to make up the shortfall of reservation for all the three categories, namely, SCs, STs and OBCs subject, however, to the condition that total number of vacancies reserved for SCs, STs and OBCs is not more than 50% of the vacancies of the year.

18.2 The ceiling of 50% reservation on filling of reserved vacancies would apply only to the vacancies which arise in the current year and the backlog reserved vacancies of SCs, STs and OBCs in case of direct recruitment and backlog reserved vacancies of SCs and STs in case of promotion of earlier years, would be treated as a separate and distinct group, and would not be considered together with the reserved vacancies of the year in which they are filled for determining the ceiling of 50% reservation on total number of vacancies of that year.

Note 1: Shortfall of reservation of a particular reserved category in a cadre means the difference between the 'total number of reserved posts for that category in the cadre' and 'the number of persons of that category appointed by reservation and holding the posts in the cadre'.

Note 2 : Backlog reserved vacancies of a category are those vacancies which were earmarked reserved for that category in an earlier recruitment year but remained unfilled in the previous recruitment attempt on account of non availability of suitable candidates belonging to that category and are still lying unfilled.

18.3 Given below is an illustration which would clarify the method of earmarking reservation for SCs, STs, and OBCs.

Illustration:

- (i) Suppose there is a cadre having a total number of 1000 posts which are filled by direct recruitment on all India basis by open competition. The number of SC, ST and OBC employees appointed by reservation in the cadre should ideally be 150, 75 and 270 respectively when all the posts are filled.
- (ii) Suppose all the 1000 posts stood filled in the year 2006 but the number of SC, ST and OBC employees appointed by reservation was 130, 75 and 100 respectively. There was, thus, a shortfall of 20 SCs and 170 OBCs in the cadre in that year, though all the posts were filled.
- (iii)
 - (a) Suppose 200 vacancies occurred in the cadre in the recruitment year 2007, of which 20 were vacated by SCs, 10 by STs and rest by unreserved category candidates. After vacation of these posts, shortfall of SCs, STs and OBCs in the cadre became 40, 10 and 170 respectively. Though there was a big shortfall of SCs, STs and OBCs in the cadre, only 100 of these vacancies could be earmarked reserved because all the 200 vacancies were current vacancies and limit of 50% on reservation in a year would apply on these vacancies.
 - (b) Shortfall of SCs and OBCs was more than 15% and 27% respectively of the current vacancies. Therefore, 15% of the current vacancies were straightway earmarked reserved for SCs and 27% for OBCs i.e. 30 vacancies were earmarked reserved for SCs and 54 for the OBCs. Shortfall of STs was 10 which is less than 7.5% of total vacancies. Therefore, only 10 vacancies were earmarked reserved for STs. Applying the above principle, 94 vacancies were earmarked reserved. This left room for 6 $\{100-(30+54+10)\}$ more vacancies to be earmarked reserved to make up the shortfall. These 6 vacancies were apportioned between SCs and OBCs in the ratio of percentage of reservation prescribed for these categories viz. 15: 27, i.e. 2 for SCs and 4 for OBCs (fractions rounded off to the nearest whole number). However, while making such distribution, it has to be kept in view that the number of vacancies earmarked reserved for any category is not more than the shortfall of that category. Thus, final earmarking of reservation in respect of the vacancies for the year 2007 was 32 for SCs, 10 for STs and 58 for OBCs.
 - (c) Suppose only 20 SC candidates, 5 ST candidates and 50 OBC candidates could be appointed in the recruitment year 2007 against the vacancies reserved for them. Thus, 12 vacancies of SCs, 5 vacancies of STs and 8 vacancies of OBCs which were earmarked reserved could not be filled and remained vacant. These 12 vacancies of SCs, 5 vacancies of STs and 8 vacancies of OBCs which were earmarked reserved but remained vacant in the recruitment attempt will be treated as backlog reserved vacancies for the subsequent recruitment year. After the recruitment process for the year 2007 was over, total number of posts filled was 975, of which 130, 70 and 150

were held respectively by SCs, STs and OBCs. It may be noted that shortfall of reservation of SCs, STs and OBCs at this stage was 20, 5 and 120 respectively. However, number of backlog reserved vacancies of SCs, STs and OBCs was 12, 5 and 8 respectively.

- (iv) Suppose 200 vacancies occurred in the recruitment year 2008 of which 20 were vacated by SCs, 10 by STs and 20 by OBCs. At this stage shortfall of SCs, STs and OBCs was 40, 15 and 140 respectively. Total vacancies in the year were $200+12+5+8=225$, of which 200 were current vacancies and 25 backlog vacancies. While earmarking reservation, 25 backlog reserved vacancies of SCs, STs and OBCs will be treated as a separate and distinct group and will be kept reserved-12 for SCs, 5 for STs and 8 for OBCs. Of the 200 current vacancies, not more than 100 can be earmarked reserved. By applying the same principles as in the year 2007, out of 200 current vacancies, 28 were earmarked reserved for SCs, 10 for STs and 62 for OBCs. Thus the number of vacancies reserved for SCs, STs and OBCs in the recruitment year 2008, including the backlog reserved vacancies, were 40, 15 and 70 respectively. If only 35 SCs, 12 STs and 50 OBCs become available to fill up the reserved vacancies, 5 vacancies of SCs, 3 vacancies of STs and 20 vacancies of OBCs will be kept vacant and will be treated as backlog reserved vacancies for the subsequent recruitment year.

18.4 In case of cadres where reservation is given by rotation, number of reserved vacancies will be determined as per roster points. It would have to be kept in view that not more than 50 per cent of current vacancies of a year are reserved and total reservation in the cadre does not exceed the limit of 50%. If at any stage, filling up of a vacancy results into more than 50% reservation in the cadre, reservation shall be skipped.

19. **Grouping of Posts:**

19.1 In the case of posts filled by direct recruitment, small cadres may be grouped with posts in the same group for the purpose of reservation order taking into account the status, salary and qualifications prescribed for the posts in question.

19.2 The posts of Sweepers should not be grouped for the purpose of reservation, with other categories of Group D posts, even though the number of posts of Sweepers may not be large in an office /establishment.

19.3 Proposals for grouping of posts should be referred to the Department of Personnel & Training for prior approval together with full particulars of the posts proposed to be grouped together in the following respect:

- (i) Designation and number of each post.
- (ii) Group to which the posts belong i.e. Group A, Group B, Group C or Group D.
- (iii) Scale of pay of each post.
- (iii) Method of recruitment for each post as provided in the recruitment rules.
- (iv) Minimum qualifications prescribed for direct recruitment to each post.

19.4 While reservations would be made according to the groups as provided above, the total reservation in any of the posts/services so grouped should not exceed 50 per cent of the vacancies to be filled in it i.e. in the particular post/service, in a recruitment year. The total

reservation for SCs, STs and OBCs in any post or service should also not exceed 50 percent of the total number of posts in the particular post/service.

20. **Maintenance of Reservation Registers / Roster Registers**

20.1 In case of cadres having more than 13 posts, all appointing authorities should maintain reservation registers in the format given in **Annexure-IV**.

20.2 Reservation roster registers will be maintained in format given in **Annexure V** in cadres having less than 14 posts.

20.3 Following principles shall be followed for preparation and maintenance of reservation registers and reservation roster registers:

- (a) Separate registers/ roster registers shall be maintained for appointments made by direct recruitment and promotion. In case of promotion, separate registers / roster registers shall be maintained for each mode of promotion viz. limited competitive examination, selection, non-selection, etc.
- (b) A common register / roster register shall be maintained for permanent appointments and temporary appointments likely to become permanent or to continue indefinitely.
- (c) A separate register / roster register shall be maintained for purely temporary appointments of 45 days or more but which have no chance whatever of becoming permanent or continuing indefinitely.
- (d) Immediately after an appointment is made, the particulars of the person appointed shall be entered in the register / roster register in the appropriate columns and the entry signed by the appointing authority or by an officer authorized to do so.
- (e) No gap shall be left in completing the register / roster register.
- (f) The register / roster register shall be maintained in the form of a running account year after year. For example if recruitment in a year stops at point 6, recruitment in the following year shall begin from point 7.
- (g) If reservation register becomes unwieldy or difficult to manage, a fresh register may be started by applying the method of initial preparation of registers.
- (h) In case of cadres where reservation is given by rotation, fresh cycle of roster shall be started after completion of all the points in the roster.
- (i) Since reservation does not apply to deputation/absorption, where the recruitment rules prescribe a percentage of posts to be filled by these methods, such posts shall be excluded for determining reservations.
- (j) After every recruitment year, an account shall be noted at the end of the last entry of the year in the reservation register indicating representation of Scheduled Castes/Scheduled Tribes/Other Backward Classes and details of backlog reserved vacancies etc.

Note : Reservation registers / roster registers are only an aid to ensure that Scheduled Castes, Scheduled Tribes and Other Backward Classes get quota reserved for them. They are not to determine seniority.

21. **Initial Preparation of Reservation Register / Roster:**

21.1 In order to prepare the reservation register initially, names of all the candidates holding the post as on the date of starting the reservation register may be entered in the register starting with the earliest appointee who was in the cadre as on the date of start of register. If an appointee in the cadre is a Scheduled Caste candidate, SC may be entered in column 4 of the

register against his name. If that candidate was appointed by reservation, SC may be written in column 5 also but if he was appointed on his own merit, UR will be written in column 5. If the next appointee is a general category candidate, general shall be written in column 4 against his name and UR in column 5, and so on till all the appointments are adjusted. After making entries as indicated above, details about the number of SC, ST and OBC candidates appointed by reservation, backlog reserved vacancies, if any, may be indicated in 'Remarks' column.

21.2 After initial preparation of the register, the names of persons appointed thereafter may be added by filling up the columns as stated above.

21.3 Roster registers shall be maintained for cadres with 2 to 13 posts. For preparing roster, names of all the incumbents in the cadre as on 2.7.1997 may be entered in the register starting from the earliest appointee. If an appointee in the cadre is a Scheduled Caste candidate, SC may be entered in column 5 of the register against his name. If that candidate was appointed by reservation, SC may be written in column 6 also but if he was appointed on his own merit, UR will be written in column 6. If the next appointee is a general category candidate, general shall be written in column 5 against his name and UR in column 6, and so on till all appointments are adjusted. In doing so, a general category candidate may appear on a reserved point and an SC/ST/OBC candidate may appear against an unreserved point. If name of an SC/ST/OBC candidate appointed by reservation is entered against a general point, entries may be made in remarks column against that point and also against nearest point reserved for SCs/STs/OBCs, as the case may be, to the effect that such a candidate is to be treated to have been adjusted against the relevant reserved point. Likewise, entries will be made in remarks column for candidates who are appointed as general category candidates but whose names appear against reserved points. Similar adjustments will be made in respect of SC candidates appearing against a point reserved for STs or OBCs and so on. After all the 14 points are consumed, fresh cycle of the roster may be started. As many roster points may be treated to have been consumed on the date of start of the roster register as many employees occupy the roster points as on the date of start of the register. From that point onward, vacancies may be filled as per roster points subject to adjustment of reserved category candidates appointed by reservation and general category candidates as explained above.

22. SC/ST/OBC Candidates Appointed on Their Own Merit:

22.1 SC, ST and OBC candidates in case of direct recruitment and SC and ST candidates in case of promotion, appointed on their own merit and not owing to reservation should not be shown against reserved quota. They will be adjusted against unreserved quota.

22.2 If an unreserved vacancy arises in a cadre and there is any SC/ST candidate within the normal zone of consideration in the feeder grade, such SC/ST candidate cannot be denied promotion on the plea that the post is not reserved. Such a candidate will be considered for promotion alongwith other candidates treating him as if he belongs to general category. In case he is selected, he will be appointed to the post and will be adjusted against the unreserved point.

22.3 Only such SC/ST/OBC candidates who are selected on the same standard as applied to general candidates shall be treated as own merit candidates. If any SC/ST/OBC candidate is selected by getting any relaxation in age limit, experience qualification, number of permitted chances in written examination, zone of consideration etc., he/she shall be counted against reserved vacancies. Such a candidate cannot be considered for appointment against an unreserved vacancy.

22.4 SC/ST candidates appointed on their own merit (by direct recruitment or promotion) and adjusted against unreserved points will retain their status of SC/ST and will be eligible to get benefit of reservation in future/further promotions, if any.

22.5 50% limit on reservation will be computed by excluding such reserved category candidates who are appointed/promoted on their own merit.

22.6 Since in case of promotions by non-selection, merit is not the criterion for promotion, candidates promoted by non-selection will not be treated as own merit candidates. However, a Scheduled Caste/Scheduled Tribe candidate cannot be ignored for the reason that there is no vacancy reserved for them. If representation of SCs/STs exceeds the reservation provided to them, such excess representation may be adjusted against reserved vacancies arising in future.

23. **Adjustment of Compassionate/Surplus Cell Appointees:**

23.1 If an SC/ST/OBC candidate is appointed on compassionate grounds or on recommendations of the Surplus Cell against an unreserved vacancy, such appointment shall not be adjusted against reserved point occurring in future recruitment years. For example, if an unreserved vacancy is filled by an SC candidate on compassionate grounds, the SC candidate's appointment against unreserved vacancy shall not be adjusted against reserved vacancy which may occur in future.

23.2 If a reserved vacancy for SCs is filled up by a compassionate or a surplus cell appointee who happens to be an SC candidate, the reservation will be deemed to have been consumed. Even if such a reserved vacancy happens to be the single vacancy of a year, it will not be treated as unreserved but, in view of beneficiary being in fact an SC member, will be treated as reserved. Likewise for reserved vacancies for STs and OBCs.

23.3 When general category candidate(s) are appointed on compassionate grounds or on recommendations of the Surplus Cell against reserved vacancies, reservation would be completed in the subsequent recruitment year. When the initial reserved vacancy against which a compassionate or surplus cell appointment has been made, the subsequent vacancy would be treated as reserved, even if it happens to be a single vacancy in that recruitment year.

24. **Age Relaxation in Direct Recruitment:**

The maximum age-limit prescribed for direct recruitment to a service or post shall be increased by 5 years in the case of candidates belonging to Scheduled Castes and Scheduled Tribes and by 3 years in the case of candidates belonging to OBCs.

25. **Age Relaxation in Promotion:**

Where an upper age-limit not exceeding 50 years is prescribed for promotion to a service/post, it shall be relaxed by 5 years in the case of candidates belonging to Scheduled Castes and Scheduled Tribes. This however, would not apply to posts which have arduous field duties or are meant for operational safety and to posts in para-Military Organizations.

26. **Concession in Fee:**

The candidates belonging to Scheduled Castes and Scheduled Tribes will not be required to pay any fees for admission to any recruitment examination/selection.

27. **Relaxation of Experience Qualification in Direct Recruitment:**

27.1 Where some period of experience is prescribed as an essential qualification for direct recruitment to a post, and where, in the opinion of the Ministry/Department concerned, the relaxation of the experience qualification will not be inconsistent with efficiency, a provision should be inserted under the 'Essential Qualification' in the relevant Recruitment Rules as at (a) or (b) below to enable the Union Public Service Commission/competent authority to relax the 'experience' qualification in the case of Scheduled Caste/Scheduled Tribe/Other Backward Class candidates in the circumstances mentioned in the provisions:-

(a) Where the post is filled by direct recruitment through the Union Public Service Commission the provision to be inserted will be:

"The qualification regarding experience is relaxable at the discretion of the Union Public Service Commission in the case of candidates belonging to the Scheduled Castes or Scheduled Tribes or Other Backward Classes, if at any stage of selection, the Union Public Service Commission is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them. The appointing authority shall record the reasons for relaxing the qualifications regarding experience in writing while doing so."

(b) Where the post is filled by direct recruitment otherwise than through the Union Public Service Commission, the provision to be inserted will be:

"The qualification regarding experience is relaxable at the discretion of the competent authority in the case of candidates belonging to the Scheduled Castes or Scheduled Tribes or Other Backward Classes, if at any stage of selection the competent authority is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them. The appointing authority shall record the reasons for relaxing the qualifications regarding experience in writing while doing so."

27.2 When any vacancies reserved for Scheduled Castes, Scheduled Tribes and Other Backward Classes are advertised or intimated to the Employment Exchange, it should be specifically mentioned in the advertisement/requisition that the period of experience prescribed is relaxable, at the discretion of the Union Public Service Commission or the competent authority, as the case may be, in the case of Scheduled Caste/Scheduled Tribe/Other Backward Class candidates as provided in the Recruitment Rules. This is intended to ensure that the aspirants who may fall slightly short of the requisite experience come to know about the possibility of relaxation in this regard.

28. **Relaxation of Standard of Suitability in Direct Recruitment:**

28.1 In direct recruitment whether by examination or otherwise, if sufficient number of Scheduled Caste/Scheduled Tribe/Other Backward Class candidates are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to these communities should be selected to fill up the remaining vacancies reserved for them provided they are not found unfit for such post or posts. Thus, to the extent the number of vacancies reserved for Scheduled Castes, Scheduled Tribes and Other Backward Classes cannot be filled on the basis of general standard, candidates belonging to these communities will be

taken by relaxed standard to make up the deficiency in the reserved quota, subject to the fitness of these candidates for appointment to the post/posts in question.

28.2 In addition to the concession referred to above, in cases where the requisite number of Scheduled Caste/Scheduled Tribe/Other Backward Class candidates fulfilling even the relaxed standards admissible in their cases are not available to fill the vacancies reserved for them in non-technical and quasi-technical Group C and D services/posts required to be filled by direct recruitment otherwise than by written examination, the selecting authorities should, to the extent of the vacancies reserved for Scheduled Castes/Scheduled Tribe/Other Backward Class, select for appointment the best among the Scheduled Caste/Scheduled Tribe/Other Backward Class candidates who fulfill the minimum educational qualifications laid down in the notice for recruitment of advertisement. In order to bring such candidates to the minimum standard necessary for the posts and for the maintenance of efficiency of administration, they should be given in-service training. The in-service training will be provided by the appointing authorities within their own offices. Such candidates will, on their appointment, be placed on probation and the rules/orders regarding probation will apply to them.

28.3 Ministries /Departments should instruct all authorities under them to prepare a list of non-technical and quasi-technical posts in Group C and D to which the provisions given above apply. While notifying vacancies in such posts or advertising them, it should be indicated that the posts are non-technical in Group C and D.

29. **No Relaxation in Educational Qualification:**

Where an educational qualification has been prescribed in the recruitment rules, all candidates including the SC, ST and OBC candidates shall satisfy the said qualification. Sometimes, a minimum number of marks or a minimum grade is prescribed as part of the educational qualification in the recruitment rules. In such cases, the minimum marks/grade so prescribed shall uniformly apply to all candidates including SC, ST and OBC candidates.

30. **Relaxation of Standards in Departmental Competitive / Qualifying Examinations:**

30.1 If in case of promotions made through departmental competitive examinations, sufficient number of Schedule Caste / Scheduled Tribe candidates are not available on the basis of general standard to fill all the vacancies reserved for them, Scheduled Caste/Scheduled Tribe candidates who have not acquired the general qualifying standard can also be considered for promotion to fill up the remaining vacancies reserved for them provided they are not found unfit for such promotions. In other words, the qualifying standard in such examinations can be relaxed in favour of Scheduled Caste and Scheduled Tribe candidates if sufficient number of Scheduled Caste/Scheduled Tribe candidates are not available on the basis of general standard to fill all the vacancies reserved for them provided they are not found unfit for appointment to such post or posts.

30.2 In promotions made on the basis of seniority subject to fitness in which there is reservation for Scheduled Castes and Scheduled Tribes and where a qualifying examination is held to determine the fitness of candidates for such promotion, suitable relaxation in the qualifying standard in such examination should be made in the case of Scheduled Caste/Scheduled Tribe candidates. Similar relaxation of standard should be made in favour of Scheduled Caste/Scheduled Tribe candidates in such departmental qualifying examinations for promotions also, where promotion is made by selection and merit is determined by qualifying examination out of the qualified candidates. The extent of relaxation in above cases should be decided on each occasion whenever such an examination is held taking into account all relevant

factors including (i) the number of vacancies reserved, (ii) the performance of Scheduled Caste/Scheduled Tribe candidates as well as general candidates in that examination, (iii) the minimum standard of fitness for appointment to the post, and also (iv) the overall strength of the cadre and that of the Scheduled Castes and Scheduled Tribes in that cadre.

31. **Filling up of Reserved Vacancies in case of Direct Recruitment:**

31.1 When direct recruitment is to be made for reserved as well as unreserved vacancies on any one occasion, a single advertisement should be issued specifying clearly therein the vacancies reserved for Scheduled Castes, Scheduled Tribes and OBCs.

31.2 While notifying the vacancies to the local or the regional employment exchange, a single requisition should be sent to the Employment Exchange for such reserved and unreserved vacancies. The number of vacancies reserved for Scheduled Castes, Scheduled Tribes and OBCs out of the total vacancies notified should be clearly indicated in the requisition to the employment Exchange. The following certificate should also, be given in the requisition:

“Certified that the number of vacancies reserved for Scheduled Castes/Scheduled Tribes/OBCs/ex-servicemen/ Persons with Disabilities is in accordance with the reservation quota fixed by Government for these categories.”

31.3 If sufficient number of Scheduled Caste/Scheduled Tribe candidates are not available or are not sponsored by the Employment Exchange for the reserved vacancies, the appointing authority should also intimate the reserved vacancies to the Director of Scheduled Castes/Scheduled Tribes Welfare in the State/Union Territory concerned.

31.4 The vacancies should also be brought to the notice of the Scheduled Caste/Scheduled Tribe Organizations recognized by this Department for the purpose of notifying to them the vacancies. It may, however, be made clear to such organizations that their function is limited to advising the Scheduled Caste/Scheduled Tribe/Other Backward Class candidates about the recruitment proposed and that it will not be for them to recommend or press the names of any individuals. The candidates should apply to the appointing authority either direct or through the Employment Exchanges, as the case may be.

31.5 Where sufficient number of candidates belonging to SC/ST/OBC are not available to fill up the vacancies reserved for them in direct recruitment, the vacancies should not be filled by candidates not belonging to these communities. In other words, there is a ban on dereservation of vacancies reserved for SCs, STs and OBCs in direct recruitment.

31.6 If sufficient number of suitable SC/ST/OBC candidates are not available to fill up vacancies reserved for them in the first attempt of recruitment, a second attempt should be made for recruiting suitable candidates belonging to the concerned category in the same recruitment year or as early as possible before the next recruitment to fill up these vacancies. If the required number of SC/ST/OBC candidates are not even then available, the vacancies which could not be filled up shall remain unfilled until the next recruitment year. These vacancies will be treated as “backlog vacancies.”

31.7 In the subsequent recruitment year when recruitment is made for the vacancies of that year (called the current vacancies), the backlog vacancies of SCs, STs and OBCs will also be announced for recruitment. While doing so, it may be kept in view that the vacancies of the particular recruitment year i.e. the current vacancies will be treated as one group and backlog vacancies of SCs, STs and OBCs as a separate and distinct group. Of the vacancies in the first

group, not more than 50% of the vacancies shall be reserved. Vacancies in the second group i.e. all the backlog vacancies reserved for SCs, STs and OBCs will be filled up by the candidates belonging to concerned category without any restriction whatsoever as they belong to distinct group of backlog vacancies of SCs, STs and OBCs.

31.8 Vacancies reserved for SCs/STs/OBCs which could not be filled up and are carried forward as backlog vacancies and remain unfilled in the following recruitment year also, will be carried forward as backlog vacancies for subsequent recruitment year(s) as long as these are not filled by candidates of the category for which these are reserved.

31.9 In posts filled otherwise than through examination, normally six to seven candidates belonging to the community for which the post is reserved may be called for interview for each reserved vacancy, subject to availability of such candidates fulfilling the qualifications prescribed for the post. Where the response from the Scheduled Caste/Scheduled Tribe/Other Backward Class candidates is exceptionally good, the recruiting authority may, having regard to the merits of each case, call as many as 10 to 12 candidates of the respective category for each reserved vacancy for the purpose of interview/selection.

31.10 In direct recruitment made otherwise than through examination and in direct recruitment made through examination followed by an interview, the interview of Scheduled Caste/Scheduled Tribe candidates should be held on a day or sitting of the Selection Committee other than the day or sitting on which general candidates are to be interviewed so that the Scheduled Caste and Scheduled Tribe candidates are not judged in comparison with general candidates and the interviewing authority/Board is/are prominently aware of the need for judging the Scheduled Caste /Scheduled Tribe candidates by relaxed standards.

31.11 While constituting the Selection Committee/Board, instructions regarding nomination of SC/ST/OBC officer on the Committees/Boards, as issued from time to time, should be followed.

32. **Filling up of Reserved Vacancies in case of Promotion by Selection:**

In case of promotion by selection, selection against vacancies reserved for Scheduled Castes and Scheduled Tribes should be made only from among those Scheduled Caste /Scheduled Tribe officers who are within the normal zone of consideration. Where adequate number of SC/ST candidates are not available within the normal field of choice, it may be extended to 5 times the number of vacancies and the SC/ST candidates (and not any other candidates) coming within the extended field of choice should also be considered against the vacancies reserved for them. The following instructions will apply to the filling of vacancies reserved for Scheduled Castes and Scheduled Tribes in such promotions:

- (i) Scheduled Caste and Scheduled Tribe officers who are within the normal zone of consideration shall be considered for promotion alongwith others and adjudged on the same basis as others and those Scheduled Caste and Scheduled Tribe officers amongst them who are selected on that basis may be included in the general select list. If some of the SC/ST candidates so selected have been selected on their own merit in all respect and are so placed in the select list that their names fall within the number of unreserved vacancies, such candidates shall be adjusted against unreserved vacancies.
- (ii) If number of candidates from Scheduled Castes and Scheduled Tribes other than the candidates selected on their own merit who are adjusted against unreserved vacancies is less than the number of vacancies reserved for them, the difference should be made up by selecting candidates of these communities who are in the

zone of consideration irrespective of merit but who are considered fit for promotion.

- (iii) If the number of SC/ST candidates found fit for promotion against reserved vacancies is still less than the number of vacancies reserved for them, the difference should be made up by selecting candidates of these communities who are in the extended zone of consideration irrespective of merit but who are considered fit for promotion.
- (iv) A select list should then be prepared in which the names of all the selected officers, general as well as those belonging to Scheduled Castes and Scheduled Tribes, are arranged in the order of merit and seniority according to the general principles for promotion to selection posts. However, such of the SC/ST candidates who are in the extended field and get selected should en block be placed in the end by maintaining their inter se position in accordance with their gradation by the DPC. This select list should, thereafter, be followed for making promotions in vacancies as and when they arise during the year.

33. **Filling up of Reserved Vacancies in case of Promotion by Non-Selection:**

In case of promotion by non-selection, all Scheduled Caste and Scheduled Tribe candidates covered in the relevant seniority list within the total number of such vacancies against which the promotions are to be made, shall be considered in the order of their general seniority, and if they are not judged unfit, they shall be promoted. If the number of Scheduled Caste / Scheduled Tribe candidates found fit within the range of actual vacancies is less than the number of vacancies reserved for them, additional Scheduled Caste / Scheduled Tribe candidates to the extent required shall be located by going down the seniority list, provided they are eligible and found fit for appointment.

Note 1: In order to ensure proper implementation of reservation of vacancies for Scheduled Castes and Scheduled Tribes in promotion, number of vacancies should be assessed as accurately as possible. Purely short term vacancies should not be taken into account for this purpose; nor should any addition be made to cover unforeseen vacancies. At the same time, it is necessary to ensure that the number of vacancies is not reduced. All clear vacancies arising due to death, retirement, resignation and long term promotion of incumbents from one post/grade to a higher post/ grade should be taken into account while fixing the number of vacancies and the number of reserved vacancies for Scheduled Castes and Scheduled Tribes.

Note 2: Since appointment to Selection Grade also constitutes promotion, the appropriate orders relating to reservation/concessions for Scheduled Castes and Scheduled Tribes in promotions, made by 'selection' or on the basis of 'seniority subject to fitness' would apply to the appointment to the Selection Grade according as such appointments are made on the basis of 'selection' or 'seniority subject to fitness.'

Note 3: While constituting the Departmental Promotion Committee, instructions regarding nomination of SC/ST officers on the DPC, as issued from time to time, should be followed.

34. **Steps To Be Taken in Case of Non-Availability of SC/ST Candidates for Promotion:**

34.1 If sufficient number of SC/ST candidates fit for promotion against reserved vacancies are not available, such vacancies may be dereserved as per prescribed procedure and filled by candidates of other communities.

34.2 If sufficient number of SC/ST candidates fit for promotion against reserved vacancies are not available and such vacancies can also not be dereserved for reasons like non-availability of candidates of other categories to fill up the posts etc., the vacancies shall not be filled and will

remain unfilled until the next recruitment year. These vacancies will be treated as “backlog vacancies.”

34.3 In the subsequent recruitment year when recruitment is made for the vacancies of that year (called the current vacancies), the backlog vacancies of SCs and STs will also be filled up, keeping the current vacancies and the backlog vacancies of SCs and STs as two distinct groups. Of the current vacancies, not more than 50% of the vacancies shall be reserved. However, all the backlog vacancies reserved for SCs and STs will be filled up by candidates belonging to the concerned category without any restriction whatsoever as they belong to distinct group of backlog vacancies.

35. **Diversion of Reserved Vacancies under the Promotion Quota to Direct Recruitment:**

Where recruitment to a grade is made both by promotion and direct recruitment i.e. where separate quota for promotion and direct recruitment are prescribed in the Recruitment Rules, reserved vacancies falling in the promotion quota which cannot be filled due to non-availability of eligible persons belonging to SC/ST in the feeder cadre may be temporarily diverted to the direct recruitment quota and filled by recruitment of candidates belonging to SC or ST, as the case may be, in accordance with the provisions relating to direct recruitment contained in the Recruitment Rules. In the subsequent year(s) when reserved vacancies in the direct recruitment quota become available they may be diverted to the promotion quota to make up for the vacancies diverted earlier and filled from SC/ST candidates in the feeder cadre who might by then become eligible for promotion. This involves relaxation of the Recruitment Rules. The Ministries/Departments may themselves exercise the power of relaxation subject to approval of UPSC, wherever necessary.

36. **Safeguards against Supersession of SC/ST Candidates:**

36.1 In posts filled by promotion (by selection or on the basis of seniority subject to fitness) wherever the orders regarding reservation apply the following procedure should be observed by the appointing authorities, in regard to cases where eligible Scheduled Caste/Scheduled Tribe candidates, though available, are not appointed/selected for the reserved as well as unreserved vacancies:

- (a) In promotions to Group A and within Group A – Such cases should be submitted to the Minister, Minister of State/Deputy Minister concerned, as the case may be.
- (b) In promotion to Group B and within Group B – Such cases should be reported to the Minister/Minister of State/Deputy Minister concerned, as the case may be, within a period of one month of the finalisation of the select list.
- (c) In promotion to and in Group C and within Group D – Such cases should be reported to the Head of the Department, if the appointing authority is lower than the level of the Head of the Department, and where the Head of the Department is himself the appointing authority, to the Secretary of the administrative Ministry/Department.

36.2 In regard to promotions by selection from Group A post to a Group A post which carries an ultimate salary of Rs. 18,300 (pre-revised) or less, cases where the Scheduled Caste / Scheduled Tribe candidates available within the number of vacancies for which the select list is drawn are not selected, should be submitted to the Minister / Minister of State / Deputy Minister concerned, as the case may be.

37. **Implementation of the Findings of DPC Kept in Sealed Cover:**

According to the instruction contained in the Ministry of Home Affairs Office Memorandum No.39/3/59-Estt.(A) dated the 31st August, 1960 in case of persons where the findings of the Department Promotion Committee are kept in sealed cover because they are under suspension or vigilance enquiries are pending against them, a vacancy should be kept reserved for them and it should be filled only on officiating basis till the finalization of the departmental proceedings. If the officer is completely exonerated and the charges levelled against him are proved to be wholly unjustified then he should be promoted thereafter to the vacancy which had been filled on an officiating basis and which was reserved for him. In such cases, the junior most officer officiating in the grade i.e. the officer occupying the lowest position in the panel is reverted. Where such reversion becomes necessary, the reversions should be made in such a manner that the total number of SC/ST candidates in the cadre appointed by reservation is not reduced below the reservation prescribed for them.

38. **Dereservation:**

38.1 A vacancy reserved for SCs or STs or OBCs cannot be filled by a candidate other than an SC or ST or OBC candidate, as the case may be, as long as the vacancy is reserved. However, a reserved vacancy may be declared unreserved by following the procedure of dereservation as given below:

38.2 **Dereservation in case of Direct Recruitment**

38.2.1 There is a general ban on dereservation of reserved vacancies in case of direct recruitment. However, in rare and exceptional cases when a vacancy in a Group 'A' service cannot be allowed to remain vacant in public interest, the administrative Ministry/Department may prepare a proposal for dereservation of the vacancy giving following information:

- (i) Designation of the post;
- (ii) Pay scale of the post;
- (iii) Name of the service to which the post belongs;
- (iv) Duties and responsibilities attached to the post;
- (v) Educational and other qualifications prescribed for the post;
- (vi) Efforts made to fill up the post;
- (vii) Reasons why it cannot be allowed to remain vacant;
- (viii) Justification for dereservation; and
- (ix) Any other relevant information.

38.2.2 The administrative Ministry shall consult the National Commission for Scheduled Castes in respect of vacancy reserved for SCs, the National Commission for Scheduled Tribes in respect of vacancy reserved for STs and the National Commission for Backward Classes in respect of vacancy reserved for OBCs. After obtaining the comments of the concerned Commission, the administrative Ministry/Department shall place the proposal alongwith the Commission's comments before a Committee comprising of the Secretaries in the Department of Personnel and Training, the Ministry of Social Justice and Empowerment, and the Ministry/Department under which the recruitment is to be made for consideration and recommendation. The recommendation of the Committee shall be placed before the Minister in charge of the Department of Personnel and Training for taking a final decision. If dereservation of the vacancy is approved, it can be filled as an unreserved vacancy.

38.3 **Dereservation in case of Promotion**

38.3.1. In case of promotion, if sufficient number of SC/ST candidates fit for promotion against reserved vacancies are not available, such vacancies may be dereserved and filled by the candidates of other communities. The power to accord approval to dereservation of the reserved vacancies in such cases is delegated to the administrative Ministries and Departments subject to the following conditions:

- (i) no candidate belonging to the category for which the vacancy is reserved is available within the zone of consideration or extended zone of consideration or eligible for promotion in the feeder cadre(s) specified in the relevant service / recruitment rules / orders;
- (ii) the proposal for dereservation has been seen and concurred in by the Liaison Officer of the Ministry / Department;
- (iii) the proposal for dereservation is agreed to at a level not lower than that of Joint Secretary to the Government of India, in the administrative Ministry / Department (proper) concerned; and
- (iv) in the event of disagreement between the appointing authority and the Liaison Officer, the advice of the Department of Personnel & Training is obtained.

38.3.2. Before taking a decision to dereserve a vacancy under the delegated powers, the administrative Ministry / Department shall prepare a proposal in the proforma given in the **Annexure-VI** and send one copy thereof each to the Department of Personnel & Training and the National Commission for Scheduled Castes in respect of vacancies reserved for SCs and to the National Commission for Scheduled Tribes in respect of vacancies reserved for STs. After sending the proposal, the Ministry / Department shall wait for a period of atleast two weeks for the comments of the Department of Personnel & Training and the concerned National Commission. If no comments are received from the Department of Personnel & Training or the concerned Commission within two weeks, the administrative Ministry / Department may presume that the DOPT or the concerned National Commission, as the case may be, do not have any comments to offer and may take a decision regarding dereservation of the vacancy. In case the Ministry / Department receives comments from the DOPT or the concerned Commission within two weeks, the comments so received shall be considered while taking a decision in the matter.

38.3.3. While sending the copy of the proposal to the Commissions / Department of Personnel & Training, it should be ensured that the proposal / proforma duly filled in is signed by an officer of the rank of Under Secretary or above in the administrative Ministry / Department.

38.3.4. The Attached / Subordinate Offices etc. should not send the proposal direct to the Department of Personnel and Training or to the concerned National Commission. They should send the proposal to the administrative Ministry/ Department who will examine the proposal and send it to the Department of Personnel and Training and to the concerned National Commission.

39. **Provisions in Recruitment Rules/Regulations for Examination:**

39.1 The recruitment rules in respect of all services/posts within the purview of the reservation orders should contain a separate rule on the following lines:-

“Savings: Nothing in these rules shall affect reservations, relaxation of age-limit and other concessions required to be provided for Scheduled Castes, Scheduled Tribes, Other Backward Classes, Persons with Disabilities and other special

categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.”

39.2 The provisions in recruitment rules and regulations for examinations for relaxation in standards in favour of Scheduled Castes/Tribes may be worded as follows:

“Candidates belonging to any of the Scheduled Castes or the Scheduled Tribes or the Other Backward Classes or the Persons with Disabilities may, to the extent the number of vacancies reserved for the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes and the Persons with Disabilities cannot be filled on the basis of the general standard, be recommended by the Commission by a relaxed standard to make up the deficiency in the reserved quota, subject to the fitness of these candidates for selection to the post/service irrespective of their ranks in the order of merit at the examination.”

Note: If the recruitment is not made through the UPSC, the reference to the Commission in the above provision may be modified to refer to the competent authority.

40. **Verification of the Claims of Scheduled Castes, Scheduled Tribes and Other Backward Classes:**

40.1 Any person who claims to belong to a Scheduled Caste or a Scheduled Tribe or Other Backward Class will have to produce a certificate to the Appointing Authority/Selection Committee/Board etc. in support of his claim so as to make him eligible for reservation and various relaxations and concessions.

40.2 The Caste/Tribe/Community certificate issued by the following authorities in the prescribed form as given in **Annexure-VII** for SCs/STs and **Annexure-VIII** for OBCs will only be accepted as proof in support of a candidate’s claim as belonging to the Scheduled Caste or the Scheduled Tribe or the Other Backward Class:

- (i) District Magistrate/Additional District Magistrate/Collector /Deputy Commissioner/Additional Deputy Commissioner/ Deputy Collector/ 1st Class Stipendary Magistrate/Sub Divisional Magistrate/Taluka Magistrate/Executive Magistrate/Extra Assistant Commissioner.
- (ii) Chief Presidency Magistrate/ Additional Chief Presidency Magistrate/Presidency Magistrate;
- (iii) Revenue Officer not below the rank of Tehsildar; and
- (iv) Sub-Divisional Officer of the area where the candidate and/or his family normally resides.

40.3 The appointing authorities should verify the caste status of a Scheduled Caste/ Scheduled Tribe / Other Backward Class candidate at the time of initial appointment and of an SC/ST officer at the time of promotion against reserved vacancy also. For this purpose, the caste and the community to which an SC/ST/OBC person belongs, his place of residence and the name of the State, should be pasted on the top of his service book, personal file or any other relevant document to facilitate such verification. It may be noted that a Scheduled Caste person, whose caste has been descheduled after his initial appointment as a Scheduled Caste, is no longer entitled to enjoy the benefit of reservation in promotions. The verification of caste-status at every important up-turn of employee’s career is necessary so that the benefit of reservation and other scheme of concessions etc. should go only to the rightful claimants and not those who become disintitiled to them.

40.4 The Appointing Authorities should, in the offer of appointment to the candidates claiming to be belonging to Scheduled Castes/Scheduled Tribes/Other Backward Classes include a clause as follows:

“The appointment is provisional and is subject to the Caste/Tribe/Community certificate being verified through the proper channels and if the verification reveals that the claim to belong to Scheduled Caste or Scheduled Tribe or Other Backward Class, as the case may be, is false, the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of false certificates.”

40.5 An appointing authority may, if it considers necessary for any reason, verify the claim of a candidate through the District Magistrate of the place where the candidate and/or his family ordinarily resides. If after appointment in any particular case, the verification reveals that the candidate's claim was false his services may be terminated in accordance with the relevant rules/orders.

40.6 As no person professing a religion different from the Hindu or Sikh or Boudh can be deemed to be a member of Scheduled Castes, the appointing authorities should stipulate in the letter of appointment issued to Scheduled Caste candidates that they should inform about the change, if any, of their religion to their appointing/administrative authority immediately after such a change. The serving scheduled Caste employees should be instructed to intimate change, if any, in their religion immediately to their appointing/administrative authorities.

41. **Reporting About Representation:**

41.1 Soon after the first of January of every year, each Appointing Authority shall send to its administrative Ministry/Department concerned:-

- (i) SC/ST/OBC Report-I in the proforma given in **Annexure-IX** showing the total number of Government servants and the number of SCs, STs and OBCs amongst them as on the 1st January of the year and the number of appointments made during the preceding calendar year alongwith the number of SCs, STs and OBCs amongst them; and
- (ii) SC/ST/OBC Report-II in the proforma given in **Annexure-X** showing the representation of SCs, STs and OBCs in various grades of organised Group 'A' services as on the 1st January of the year and the particulars of recruitment to the various grades during the preceding calendar year in the service.

41.2 On receipt of the above reports, the administrative Ministry/Department shall consolidate the information received from all Appointing Authorities under it and shall send to the Department of Personnel and Training by the 31st March of each year:

- (i) Consolidated SC/ST/OBC Report-I in respect of the Ministry/Department including information in respect of all Attached and Subordinate Offices under its control.
- (ii) SC/ST/OBC Report-II in respect of each organised Group 'A' service under its control reflecting grade-wise position of the representation of SCs/STs/OBCs in the service as on 1st January of the year and particulars of recruitment to various grades of the service during the preceding calendar year.

41.3 Information in respect of public sector undertakings, statutory, semi-Government and autonomous bodies should **not be included** in the reports sent to the Department of Personnel and Training. Statutory, semi-Government and autonomous bodies should furnish consolidated information in the prescribed proforma to the administrative Ministry/Department. The administrative Ministry/Department may maintain this information in respect of all statutory, semi-Government and autonomous bodies under its control. The Department of Public Enterprises may collect similar information in respect of all public sector undertakings and may maintain it.

41.4 While furnishing the figures of representation of SCs, STs and OBCs in Report-I, information in respect of the posts of “sweepers/safaikaramcharies” should not be included as such inclusion results in inflating the figures of representation of SCs in group D posts. In the report, information in respect of group D posts (excluding sweepers) and group D posts (sweepers) should be given separately.

41.5 The reports relate to persons and not to posts. Therefore, the posts vacant etc. should not be taken into account while furnishing the reports. A person on deputation should be included in the establishment of the borrowing Ministry/Department/Office and not in the parent office. Figures in respect of Scheduled Castes, Scheduled Tribes and Other Backward Classes should include persons appointed by reservation as well as appointed on their own merit. Likewise the persons permanent in one grade but officiating or holding temporary appointment in the higher grades should be shown in the figures relating to the class of service in which the higher grade concerned is included.

42. **Arrangements for Training:**

42.1 The following steps should be taken for training of Group A Officers belonging to Scheduled Castes and Scheduled Tribes:

- (i) More intensive training should be arranged for directly recruited Group A officers belonging to Scheduled Castes and Scheduled Tribes by the Heads of the Training Institutions, wherever necessary, along with other officers needing such help.
- (ii) Ministries/Departments should nominate a considerably larger number of Scheduled Caste and Scheduled Tribe officers for the training programmes run by the various Departments and Training Institutions. They should lay down a time limit, say 3 years, within which training of such officers in appropriate fields should be completed. A phased programme for sponsoring such officers for training to the various Institutions should be drawn up. The Ministries/Departments should identify the training needs of the Scheduled Caste and Scheduled Tribe officers and then examine to which training programmes these officers should be deputed. Special attention may also be paid to the training of such officers as are selected for promotion by relaxed standards to enable them to give a good account of themselves. The Training Division of the Department of Personnel & Training would render all assistance in suggesting or even devising suitable programmes wherever necessary.
- (iii) In drawing up such training programmes, adequate margin should be provided to take in as many Scheduled Caste and Scheduled Tribe officers as are sponsored by the Ministries. It would be useful to earmark 25 per cent of the seats for officers of Scheduled Castes and Scheduled Tribes, wherever possible. In case this becomes difficult in any particular programme, then such officers could be covered in the next course or a special programme may be arranged for them. It

would also be useful if officers of Scheduled Castes and Scheduled Tribes were included in the various training programmes abroad. It would enable them to broaden their outlook and also build up specialized knowledge. It is also likely to boost up the morale of the officers of these communities.

- (iv) Superiors of Scheduled Caste and Scheduled Tribe Officers should be asked to take special care regarding on the job training of these officers, identify areas where special training is considered necessary and take appropriate steps for such training in consultation with the Department's Training Coordinator and the Training Division of the Department of Personnel & Training.
- (v) Cases of Scheduled Caste and Scheduled Tribe Officers should be considered sympathetically and they should be given preference while nominating officers for training or deputing them for attending seminars/conferences, symposia etc. While nominating officers for training programmes run by the various Departments and Training Institution or for training programmes abroad or for training, seminars and conferences, it should be indicated as to which of the officers nominated belong to Scheduled Castes and Scheduled Tribes, so that their cases may be duly considered by the appropriate authorities at the time of selection.

43. **Intimation about Competitive Examinations to Pre-Examination Training Centres:**

Pre-examination Training Centres have been set up in various States to increase the employment potentialities of Scheduled Caste and Scheduled Tribe candidates in reserved vacancies filled through various competitive examinations. The authorities holding the various competitive examinations should inform these Pre-examination Training Centres well in advance of the actual date of the examination, the probable number of reserved vacancies and the syllabus for and the standard of the examination. This would enable the Pre-examination Training Centres to evolve the Scheme of Training which will be correlated to such examinations and which in turn would lead to improved intake of Scheduled Caste and Scheduled Tribe candidates against reserved vacancies.

44. **Selection of Persons for Posting Abroad:**

While it will not be possible to provide for any specific norm of relaxation in favour of Scheduled Caste and Scheduled Tribe employees in the matter of posting in foreign countries, when a Ministry/Department etc. makes selection of persons for posting in its units etc. located in a foreign country, it should see that eligible employees belonging to Scheduled Castes and Scheduled Tribes are also considered alongwith others for such posting.

45. **Forwarding of Application for Employment:**

Application for employment elsewhere of temporary or permanent Central Government servants belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes should be readily forwarded except in very rare cases where there may be compelling grounds of public interest for withholding such applications. Cases where applications of employees belonging to Scheduled Castes/Scheduled Tribes /Other Backward Classes could not be forwarded due to compelling grounds of public interest, should be reported within a month to the officer nominated as Liaison Officer in the administrative Ministry/ Department or in offices under the Head of Department.

46. **Prevention of Discrimination:**

It has been pointed out on many occasions that the Scheduled Caste and Scheduled Tribe Officers, after appointment, are subjected to harassment and discrimination on grounds of their

social origin. It has been pointed out that SC/ST officers are some times transferred to far-off places and also placed at insignificant positions. It has also been stated that these officers are not accepted at their places of postings by the concerned superior officers in some cases. In this connection, it is emphasized that Government servants should desist from any act of discrimination against members of SC/ST communities on grounds of their social origin. It is also requested that senior officers, including the Liaison Officers of the Ministry/Department, should keep a close watch to ensure that such incidents do not occur at all. However, if any such incident comes to the notice of the authorities, action should be taken against the erring officials promptly.

47. **Clarifications about SC/ST/OBC Status:**

47.1 Cases in which a doubt arises whether a person belongs to a Scheduled Caste or Other Backward Class or whether a caste or community is a Scheduled Caste or included in Other Backward Classes may be referred to the Ministry of Social Justice and Empowerment, Shastri Bhavan, New Delhi. If such a doubt arises about Scheduled Tribe status of a person or community, reference may be made to the Ministry of Tribal Affairs, Shastri Bhavan, New Delhi. However, a set of points which should be taken into account by the certificate issuing authorities are given below.

47.2 Where a person claims to belong to a Scheduled Caste, Scheduled Tribe or a Backward community by birth, it should be verified :

- (i) That the person and his parents actually belong to the community claimed;
- (ii) That this community is included in the Presidential Orders specifying the Scheduled Castes and Scheduled Tribes or included in the list of OBCs notified by the Ministry of Social Justice and Empowerment, Government of India in relation to the concerned State;
- (iii) That the person belongs to that State and to the area within that State in respect of which the community has been scheduled/notified.
- (vi) If the person claims to be a Scheduled Caste, he should profess either the Hindu or the Sikh or the Boudh religion.
- (v) If the person claims to be a Scheduled Tribe or an Other Backward Class, he may profess any religion.

47.3 **Cases of Migration:**

- (i) Where a person migrates from the portion of the state in respect of which his community is scheduled/notified to another part of the same State in respect of which his community is not scheduled/notified, he will continue to be deemed to be a member of the Scheduled Caste or the Scheduled Tribe or the Other Backward Class, as the case may be in relation to that State;
- (ii) Where a person migrates from one state to another, he can claim to belong to a Scheduled Caste or Scheduled Tribe or Other Backward Class only in relation to the State to which he originally belonged and not in respect of the State in which he has migrated.

47.4 **Claims through Marriage:**

No person who was not a member of Scheduled Caste or a Scheduled Tribe or Other Backward Class by birth will be deemed to be a member of Scheduled Caste or Scheduled Tribe or Other Backward Class merely because he or she had married a person belonging to a

Scheduled Caste or Scheduled Tribe or Other Backward Class. On the other hand a person who is a member of a Scheduled Caste or a Scheduled Tribe or an OBC would continue to be a member of that Scheduled Caste, Scheduled Tribe or OBC, as the case may be, even after his or her marriage with a person who does not belong to a Scheduled Caste or a Scheduled Tribe or an Other Backward Class.

47.5 **Cases of Conversion and Reconversion:**

- (i) Where a Scheduled Caste person gets converted to a religion other than Hinduism or Sikhism or Buddhism and then reconverts himself back to Hinduism or Sikhism or Buddhism, he will be deemed to have reverted to his original Scheduled Caste, if he is accepted by the members of that particular caste as one among them.
- (ii) In the case of a descendant of a Scheduled Caste convert, the mere fact of conversion to Hinduism or Sikhism or Buddhism will not be sufficient to entitle him to be regarded as a member of the Scheduled Caste to which his forefathers belonged. It will have to be established that such a convert has been accepted by the members of the caste claimed as one among themselves and has thus become a member of that caste.

47.6 **Cases of Adoption:**

Great care has to be exercised in dealing with cases where a person claims to be a member of Scheduled Caste or Other Backward Class on the ground that he has been adopted by a Scheduled Caste/OBC person. The validity of the adoption has to be clearly established before any caste certificate can be given. It is for the party to prove his claim by cogent and reliable evidence:

- (i) The requirements of valid adoption are given in sections 6 to 11 of the Hindu Adoption Maintenance Act, 1956. The actual giving and taking of the child in adoption is a mandatory requirement and thereafter the adopted child is deemed to be the child of his or her adoptive father or mother for all purposes and the child severs all ties with the family of his or her birth. Ordinarily, no child who has attained the age of 15 years or who is married can be given in adoption unless there is a custom or usage applicable to the parties.
- (ii) In deciding whether an adoption is valid, the certificate issuing authority should satisfy himself that all the requirements of Law have been complied with. He should also take into account the behaviour of the child after adoption whether he physically lives with and is supported by his adoptive parents and receives no financial help from his original parents. In case these conditions are not satisfied, the certificate should be refused.
- (iii) Where the case relates to an adoption of a married person or of a person of the age of 15 years and above, the certificate shall be required to be given by the District Magistrate who shall after making due enquiries as to the validity of the adoption as to whether such adoption is permitted by a custom or usage applicable to the parties, make an endorsement to that effect on the certificate. Such custom or usage should have been continuously and uniformly observed for a long time and obtained the force of law among the Hindus of that particular area, or that community, group of family provided that the custom or usage is certain and not unreasonable or opposed to public policy and in the case of custom or usage in

respect of a particular family that the custom or usage has not been discontinued. In addition, it should be verified that all other conditions for a valid adoption, including the physical transfer of the adopted person to the family of the adoptive parents and that he has severed all ties with the original parents are fulfilled.

48. **Liaison Officer and Reservation Cell:**

48.1 In each Ministry/Department the Deputy Secretary in charge of administration or any other officer at least of the rank of Deputy Secretary will act as a Liaison Officer in respect of matters relating to the representation of Scheduled Castes, Scheduled Tribes and OBCs in all establishments and services under the administrative control of the Ministry/Department. The Liaison Officer will be specially responsible for:

- (i) Ensuring due compliance by the subordinate appointing authorities with the orders and instructions pertaining to the reservation of vacancies in favour of Scheduled Castes, Scheduled Tribes and Other Backward Classes and other benefits admissible to them.
- (ii) Ensuring timely submission by each appointing authority under the Ministry/Department to the Ministry/Department the SC/ST/OBC Reports I and II and ensuring scrutiny and consolidation of the above reports in respect of all establishments and services in and under the control of the Ministry/Department and sending the consolidated reports in the prescribed proforma to the Department of Personnel & Training.
- (iii) Acquainting himself well in time about the dates of various DPCs, which will be held in future. He will have with him a ready list of officers of various levels belonging to SC/ST of a few sister Departments/ Ministries so that whenever requirement arises, an SC/ST officer of appropriate level consistent with the level of the other members of the DPC and the level of appointment for which a DPC is proposed to be convened, can always be associated as a member. Such a list may be prepared by the Liaison Officer by informally consulting the administrative wing of other Ministries/Departments.
- (iv) Ensuring that while making a reference to the Department of Personnel and Training and to the National Commission for Scheduled Castes/the National Commission for Scheduled Tribes for dereservation of reserved vacancies, full details in support of the proposal for dereservation are given.
- (v) Ensuring the extension of necessary assistance to the National Commission for Scheduled Castes and the National Commission for Scheduled Tribes in the investigation of complaints received by the Commission, in regard to service matters and in the collection of information for his annual report.
- (vi) Conducting annual inspection of the reservation registers/roster registers maintained in the Ministry/Department/Offices under the control of the Ministry/Department with a view to ensuring proper implementation of the reservation orders.
- (vii) Acting as Liaison Officer between the Ministry/Department and the Department of Personnel & Training for supply of other information, answering questions and queries and clearing doubts in regard to matters covered by the reservation orders.

48.2 Each Ministry/Department should set up a Reservation Cell within the Ministry/Department under the direct control of the Liaison Officer. The functions of the Cell will mainly be to assist the Liaison Officer to discharge his duties effectively.

48.3 In offices under the control of each Head of Department also, a Liaison Officer will be nominated for work relating to representation of Scheduled Castes, Scheduled Tribes and Other

Backward Classes in such offices. The duties of Liaison Officers for offices under such Heads of Departments will be similar to those mentioned above in respect of offices under their charge.

48.4 Cases of negligence or lapses in the matter of following the reservation and other orders relating to Scheduled Castes, Scheduled Tribes and Other Backward Classes coming to light through the inspections carried out by the Liaison Officer or otherwise, should be reported/submitted by him to the Secretary/Additional Secretary to the Government in the respective Ministry/Department or to the Head of the Department in respect of offices under the Head of Department, as the case may be. The concerned Secretary/Additional Secretary/Head of the Department shall pass necessary orders on such reports to ensure strict compliance of the reservation orders by the appointing authority concerned.

49. **Role of the National Commission for SCs and STs :**

49.1 The National Commission for Scheduled Castes and the National Commission for Scheduled Tribes have been constituted under Article 338 and Article 338-A of the Constitution respectively to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes in the Constitution and report to the President upon the working of these safeguards.

49.2 In regard to the question whether the Commissions can call for the original records and files in specific cases where complaints have been made to them and whether Scheduled Caste and Scheduled Tribe Government servants can write to the concerned Commission direct bringing their grievances to the notice of the Commission, it is stated that:

- (a) Files relating to the appointment of candidates belonging to the Scheduled Castes and Scheduled Tribes against the reserved quota should, on demand, be made available to the National Commission for Scheduled Castes or the National Commission for Scheduled Tribes, as the case be;
- (b) In all other cases, comprehensive notes explaining the position may be furnished to the Commission;
- (c) Should the Commission have any reservations or doubts in regard to the explanations given, the matter may be referred to the Secretary(Personnel), who will go through the original records and answer the queries by the Commission, where possible he will also send the record with the reply; and
- (d) Scheduled Caste and Scheduled Tribe Government employees may write to the National Commission for Scheduled Castes and the National Commission for Scheduled Tribes direct on matters relating to appointments against the reserved quota. It is not necessary for the Scheduled Caste and Scheduled Tribe Government employees to seek prior permission of the concerned administrative Ministry/Department for sending their representations to the concerned Commission.

Note: The expression “reserved quota” will include matters relating to confirmation, promotion, grant of other concessions allowed to Scheduled Caste and Scheduled Tribe employees by the Department of Personnel and Training from time to time.

49.3 Ministries/Departments and particularly, the Liaison Officers should ensure the extension of necessary assistance to the National Commissions for investigation of complaints received by the latter in service matters. The Communications received from the Commissions calling for facts, comments, etc. in respect of representations on service matters made by individuals should be replied to expeditiously.

49.4 Ministries/Departments should extend necessary assistance required by the Commissions for conducting special studies of the registers/ rosters maintained and of implementation of other orders regarding reservation of Scheduled Castes and Scheduled Tribes by any appointing authority under their administrative control. The follow-up action on the reports/recommendations made by the Commission after such studies, should be completed and action taken reported to the concerned Commission's office within six months. Where for any reasons, it is not possible for any Ministry to adhere to this time scheduled, the reasons therefore should be communicated to the Commission before the expiry of six months indicating the details of the action already taken and also the probable time that would be further needed by them to send their final replies/reports.

49.5. The Supreme Court in the matter of the All Indian Overseas Bank Scheduled Castes and Scheduled Tribes Employees Welfare Association and Others Vs. Union of India and Others (Civil Appeal No.13700 of 1996) has held that the National Commission for the Scheduled Castes and Scheduled Tribes had no power of granting injunction, whether temporary or permanent. The Court also held that the powers of the Commission in terms of Article 338(8) of the Constitution were all the procedural powers of a Civil Court for the purpose of investigating and inquiring into the matters and that too for that limited purpose only. In view of the judgement of the Supreme Court, the National Commission for the Scheduled Castes and the National Commission for the Scheduled Tribes have no powers to direct withholding of the operation of any orders issued by the Government. The Ministries/Departments etc. may keep in view the judgement of the Supreme Court while dealing with the directions given by the National Commission for the Scheduled Castes or the National Commission for the Scheduled Tribes.

50. **Annual Reports of the Ministries/Departments:**

Each Ministry/Department should include in its Annual Report a note about the activities of the Reservation Cell set up within the Ministry/Department under the control of the Liaison Officer and the steps taken by the Ministry/Department to implement the provisions about reservation for SCs, STs, OBCs and PWDs. The statistics relating to representation of Scheduled Castes, Scheduled Tribes, Other Backward Classes and Persons with Disabilities should also be incorporated in the Annual Report of the Ministry/Department. This should include the information contained in SC/ST/OBC Report-I, SC/ST/OBC Report-II, and reports prescribed in respect of persons with disabilities which each Ministry/Department is required to furnish to the Department of Personnel and Training in a consolidated form every year. Besides the consolidated information in respect of the Ministry/Department as a whole including all the attached and subordinate offices, it would be useful to include in the Annual Report information in respect of each organisation/establishment under the Ministry/ Department. Similar information in respect of statutory and semi-Government bodies and in respect of public sector undertakings under the control of the Ministry/Department may also be usefully included in the Annual Report.

RESERVATION IN CASE OF RECRUITMENT TO GROUP C AND D POSTS ON LOCAL BASIS

Sl.No.	Name of the State/UT	Percentage of Reservation		
		Scheduled Castes	Scheduled Tribes	Other Backward Classes
(1)	(2)	(3)	(4)	(5)
01	Andhra Pradesh	16	7	27
02	Arunachal Pradesh	1	45	0
03	Assam	7	12	27
04	Bihar	16	1	27
05	Chhattisgarh	12	32	6
06	Goa	2	12	18
07	Gujarat	7	15	27
08	Haryana	19	0	27
09	Himachal Pradesh	25	4	20
10	Jammu & Kashmir	8	11	27
11	Jharkhand	12	26	12
12	Karnataka	16	7	27
13	Kerala	10	1	27
14	Madhya Pradesh	15	20	15
15	Maharashtra	10	9	27
16	Manipur	3	34	13
17	Meghalaya	1	44	5
18	Mizoram	0	45	5
19	Nagaland	0	45	0
20	Orissa	16	22	12
21	Punjab	29	0	21
22	Rajasthan	17	13	20
23	Sikkim	5	21	24
24	Tamil Nadu	19	1	27
25	Tripura	17	31	2
26	Uttaranchal	18	3	13
27	Uttar Pradesh	21	1	27
28	West Bengal	23	5	22
29	Andaman & Nicobar Islands	0	8	27
30	Chandigarh	18	0	27
31	Dadra & Nagar Haveli	2	43	5
32	Daman & Diu	3	9	27
33	Delhi	15	7.5	27
34	Lakshadweep	0	45	0
35	Pondicherry	16	0	27

ANNEXURE –II**Criterion for Determining Creamy Layer Amongst OBCs.**

Category	Description of Category	Who will fall in Creamy Layer
1.	2	3
I.	CONSTITUTIONAL POSTS	<p>Son(s) and daughter(s) of</p> <p>(a) President of India;</p> <p>(b) Vice President of India;</p> <p>(c) Judges of the Supreme Court and of the High Courts;</p> <p>(d) Chairman & Members of UPSC and of the State Public Service Commission; Chief Election Commissioner; Comptroller & Auditor General of India;</p> <p>(e) Persons holding Constitutional positions of like nature.</p>
II.	<p>SERVICE CATEGORY</p> <p>A. Group A / Class I officers of the All India Central and State Services (Direct Recruits)</p>	<p>Sons(s) and daughter(s) of</p> <p>(a) parents, both of whom are Class I officers;</p> <p>(b) parents, either of whom is a Class I officer;</p> <p>(c) parents, both of whom are Class I officers, but one of them dies or suffers permanent incapacitation.</p> <p>(d) Parents, either of whom is a Class I officers and such parent dies or suffers permanent incapacitation and before such death or such incapacitation has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5</p>

		<p>years.</p> <p>(e) Parents, both of whom are Class I officers die or suffer permanent incapacitation and before such death or such incapacitation of the both, either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years.</p> <p>Provided that the rule of exclusion shall not apply in the following cases:</p> <p>(a) Sons and daughters of parents either of whom or both of whom are Class I officers and such parent(s) dies / die or suffer permanent incapacitation.</p> <p>(b) A lady belonging to OBC category has got married to a Class I officer, and may herself like to apply for a job.</p>
	<p>B. Group B/Class II officers of the Central & State Services (Direct Recruitment)</p>	<p>Son(s) and daughter(s) of</p> <p>(a) Parents both of whom are Class II officers.</p> <p>(b) parents of whom only the husband is a Class II officers and he gets into Class I at the age of 40 or earlier.</p> <p>(c) Parents, both of whom are Class II officers and one of them dies or suffers permanent incapacitation and either one of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before such death or permanent</p>

		<p>incapacitation;</p> <p>(d) Parents of whom the husband is a Class I officer (direct recruit or pre-forty promoted) and the wife is a Class II officers and the wife dies; or suffers permanent incapacitation; and</p> <p>(e) Parents, of whom the wife is a Class I officer (Direct Recruit or pre-forty promoted) and the husband is a Class II officer and the husband dies or suffers permanent incapacitation</p> <p>Provided that the rule of exclusion shall not apply in the following cases:</p> <p>Sons and daughters of</p> <p>(a) Parents both of whom are Class II officers and one of them dies or suffers permanent incapacitation.</p> <p>(b) Parents, both of whom are Class II officers and both of them die or suffer permanent incapacitation, even though either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation.</p>
	<p>C. Employees in Public Sector Undertakings etc.</p>	<p>The criteria enumerated in A&B above in this Category will apply mutatis mutandis to officers holding equivalent or comparable posts in PSUs, Banks, Insurance Organisations, Universities, etc. and also to equivalent or comparable posts and positions under private employment, pending the evaluation of the posts on equivalent or</p>

		comparable basis in these institutions, the criteria specified in Category VI below will apply to the officers in these Institutions.
III.	<p>ARMED FORCES INCLUDING PARAMILITARY FORCES</p> <p>(Persons holding civil posts are not included)</p>	<p>Son(s) and daughter(s) of parents either or both of whom is or are in the rank of Colonel and above in the Army and to equivalent posts in the Navy and the Air Force and the Para Military Forces;</p> <p>Provided that :-</p> <ul style="list-style-type: none"> (i) If the wife of an Armed Forces Officers is herself in the Armed Forces (i.e., the category under consideration) the rule of exclusion will apply only when she herself has reached the rank of Colonel; (ii) The service ranks below Colonel of husband and wife shall not be clubbed together; (iii) If the wife of an officer in the Armed Forces is in civil employment, this will not be taken into account for applying the rule of exclusion unless she falls in the service category under item No.II in which case the criteria and conditions enumerated therein will apply to her independently.
IV	<p>PROFESSIONAL CLASS AND THOSE ENGAGED IN TRADE AND INDUSTRY</p> <p>(I) Persons, engaged in profession as a 'doctor, lawyer, chartered accountant, Income Tax consultant, financial or management consultant, dental surgeon, engineer, architect, computer</p>	Criteria specified against Category VI will apply:-

	<p>specialist, film artists and other film professional, author, playwright, sports person, sports professional, media professional or any other vocations of like status.</p> <p>(II) Persons engaged in trade, business and industry.</p>	<p>Criteria specified against Category VI will apply:</p> <p>Explanation:</p> <p>(i) Where the husband is in some profession and the wife is in Class II or lower grade employment, the income / wealth test will apply only on the basis of the husband's income.</p> <p>(ii) If the wife is in any profession and the husband is in employment in a Class II or lower rank post, then the income / wealth criterion will apply only on the basis of the wife's income and the husband's income will not be clubbed with it.</p>
V.	<p>PROPERTY OWNERS</p> <p>A. Agricultural holdings</p>	<p>Son(s) and daughter(s) of persons belonging to a family (father, mother and minor children) which owns</p> <p>(a) Only irrigated land which is equal to or more than 85% of the statutory area, or</p> <p>(b) Both irrigated and unirrigated land, as follows:-</p> <p>(i) The rule of exclusion will apply</p>

		<p>where the pre-condition exists that the irrigated area (having been brought to a single type under a common denominator) 40% or more of the statutory ceiling limit for irrigated land (this being calculated by excluding the unirrigated portion). If this pre condition of not less than 40% exists, then only the area of unirrigated land will be taken into account. This will be done by converting the unirrigated land on the basis of the conversion formula existing, into the irrigated type. The irrigated area so computed from unirrigated land shall be added to the actual area of irrigated land and if after such clubbing together the total area in terms of irrigated land is 80% or more of the statutory ceiling limit for irrigated land, then the rule of exclusion will apply and disentitlement will occur.</p> <p>(iii) The rule of exclusion will not apply if the land holding of a family is exclusively unirrigated.</p>
	<p>B. Plantations</p> <p>(i) Coffee, tea, rubber, etc.</p> <p>(ii) Mango, citrus, apply plantations etc.</p>	<p>Criteria of income / wealth specified in Category VI below will apply.</p> <p>Deemed as agricultural holding and hence criteria at A above under this Category will apply.</p>
	<p>C. Vacant land and / or buildings in urban areas or urban agglomerations</p>	<p>Criteria specified in Category VI below will apply.</p> <p>Explanation: Building may be used for residential, industrial or commercial</p>

		purpose and the like two or more such purposes.
VI.	INCOME / WEALTH TEST	<p>Son(s) and daughter(s) of</p> <p>(a) Persons having gross annual income of Rs. 4.5 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years.</p> <p>(b) Persons in Categories I, II, III and V A who are not disentitled to the benefit of reservation but have income from other sources of wealth which will bring them within the income / wealth criteria mentioned in (a) above.</p> <p>Explanation:</p> <p>(i) Income from salaries or agricultural land shall not be clubbed;</p> <p>(ii) The income criteria in terms of rupee will be modified taking into account the change in its value every three years. If the situation, however, so demands, the interregnum may be less.</p>

Explanation : Wherever the expression “permanent incapacitation” occur in this statement, it shall mean incapacitation which results in putting an officer out of service.

Note1: Sons and daughters of:

- (a) parents either of whom or both of whom are directly recruited Class I/Group A officers and such parent(s) dies/die or suffers/suffer permanent incapacitation while in service;
- (b) parents both of whom are directly recruited Class II/Group B officers and one of them dies or suffers permanent incapacitation while in service; and
- (c) parents both of whom are directly recruited Class II/Group B officers and both of them die or suffer permanent incapacitation while in service, even though either of them has had the benefit of employment in any International Organization like UN, IMF, World

Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation

shall not be treated to be falling in creamy layer. But if the parent(s) dies/die or suffers/suffer permanent incapacitation in such cases after retirement from service, his/their sons and daughters would be treated to be falling in creamy layer and would not get the benefit of reservation.

Note 2: sons and daughters of parents who are included in the creamy layer on the basis of service status of their parents shall continue to be treated in creamy layer even if their parents have retired or have died after retirement.

Note 3: Sons and daughters of parents of whom only the husband is a directly recruited Class II/Group B officer who gets into Class I/Group A at the age of 40 or earlier are treated to be in creamy layer. If the father is directly recruited Class III/Group C or Class IV/Group D employee and he gets into Class I/Group A at the age of 40 or earlier, his sons and daughters shall not be treated to be falling in creamy layer.

Note 4: The creamy layer status of a candidate is determined on the basis of the status of his parents and not on the basis of his own status or income or on the basis of status or income of his/her spouse. Therefore, while determining the creamy layer status of a person the status or the income of the candidate himself or of his/her spouse shall not be taken into account.

Note 5: The creamy layer status of sons and daughters of persons employed in organizations where equivalence or comparability of posts vis-à-vis posts in Government has not been evaluated is determined as follows:

“Income of the parents from the salaries and from the other sources [other than salaries and agricultural land] is determined separately. If either the income of the parents from the salaries or the income of the parents from other sources [other than salaries and agricultural land] exceeds the limit of Rs.4.5 lakh per annum for a period of three consecutive years, the sons and daughters of such persons shall be treated to fall in creamy layer. But the sons and daughters of parents whose income from salaries is less than Rs. 4.5 lakh per annum and income from other sources is also less than Rs.4.5 lakh per annum will not be treated as falling in creamy layer even if the sum of the income from salaries and the income from the other sources is more than Rs.4.5 lakh per annum for a period of three consecutive years. It may be noted that income from agricultural land is not taken into account while applying the Test.”

Note 6: While applying the Income/Wealth Test to determine creamy layer status of any candidate as given in Category-VI, income from the salaries and income from the agricultural land shall not be taken into account. It means that if income from salaries of the parents of any candidate is more than Rs. 4.5 lakh per annum, income from agricultural land is more than Rs. 4.5 lakh per annum, but income from other sources is less than Rs. 4.5 lakh per annum, the candidate shall not be treated to be falling in creamy layer on the basis of Income/Wealth Test provided his parent(s) do not possess wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years.

ANNEXURE-III**ROSTERS FOR PROVIDING RESERVATION IN
CADRES HAVING UPTO 13 POSTS**

ROSTER POINTS	DIRECT RECRUITMENT	PROMOTION
(i)	(ii)	(iii)
1.	UR	UR
2.	UR	UR
3.	UR	UR
4.	OBC	UR
5.	UR	UR
6.	UR	UR
7.	SC	SC
8.	OBC	UR
9.	UR	UR
10.	UR	UR
11.	UR	UR
12.	OBC	UR
13.	UR	UR
14.	ST	ST

RESERVATION REGISTER

1. **Name of the post:**

2. **Method of Recruitment: DR/Promotion by selection/Promotion by non-selection
/Promotion by Limited Departmental Examination.**

3. **Number of posts in the cadre (cadre strength):**

4. **Percentage of Reservation prescribed : SCs_____, STs_____, OBCs _____**

Sl. No.	Name	Date of Birth	Whether belongs to SC/ST/OBC/General	Filled as UR or as reserved for SC/ST OBC	Signature of appointing authority or other authorised officer	Remarks
1	2	3	4	5	6	7

ANNEXURE VI

Reference No.

Name of the Ministry / Department

Dated.....

PROPOSAL FOR DERESERVATION OF VACANCIES RESERVED FOR SCHEDULED CASTES AND SCHEDULED TRIBES IN POSTS FILLED BY PROMOTION.

1. Name of the Office/Organisation to which the post (s) relate	
2. Particulars of the post in which vacancies are proposed to be dereserved (a) Name of the post (b) Group (Class) (c) Scale of Pay	
3. Information about posts in the promotion quota (a) Mode of promotion viz by Selection or Non-Selection or by Departmental Examination etc. (b) No. of posts already filled by the given mode of promotion (c) Number of backlog reserved vacancies in respect of the given mode of promotion (d) Number of current vacancies to be filled by the given mode of promotion (e) Total number of vacancies to be filled (current vacancies + backlog vacancies) by the given mode of promotion (f) Total number of posts in the given mode of promotion (b+e)	SCs..... STs.....Total.....
4. No. of posts already held by the candidates appointed by reservation in the cadre	SCs..... STs.....

5. If cadre strength is less than 14 and reservation is given by rotation, cycle no. and point no. of the roster on which the vacancy falls	Cycle No.....Point No.....
6. Number of vacancies earmarked reserved (a) Out of the current vacancies (b) Backlog reserved vacancies (c) Total reserved vacancies (a+b)	SCs..... STs..... SCs..... STs..... SCs..... STs.....
7. Number of vacancies proposed to be dereserved	SCs..... STs.....
8. <u>If promotion is by non-selection</u> (a) Whether the SC/ST candidates who are eligible for promotion including those holding lower positions in the general seniority list were considered for promotion (b) Total number of SC/ST candidates in the feeder grade (c) No. of eligible SC/ST candidates in the feeder grade (d) Number of SC/ST candidates considered fit for promotion (e) Number of SC/ST candidates considered not fit for promotion (f) If sufficient number of SC/ST candidates are not eligible for promotion on the crucial date, the date on which the senior most SC/ST candidate in the grade will become eligible for promotion	SCs..... STs..... SCs.....STs..... SCs.....STs..... SCs.....STs..... SCs.....STs..... SCs.....STs.....

<p>9. <u>If promotion is by selection</u></p> <p>(a) Size of the normal zone of consideration</p> <p>(b) Size of the extended zone of consideration for SCs/STs (5 times the total number of vacancies)</p> <p>(c) Number of eligible SC/ST candidates in the extended zone of consideration</p> <p>(d) Number of SC/ST candidates found fit for promotion</p> <p>(e) Number of SC/ST candidates considered not fit for promotion</p> <p>(f) If sufficient number of SC/ST candidates are not eligible for promotion on the crucial date, the date on which the senior-most SC/ST candidate will become eligible for promotion and his place in the seniority list</p>	<p>SCs.....STs.....</p> <p>SCs.....STs.....</p> <p>SCs.....STs.....</p> <p>SCs.....STs.....</p>
<p>10. If promotion is through Departmental Qualifying or Departmental Competitive Examination, the number of SC/ST candidates who qualified the examination</p>	<p>SCs.....STs.....</p>
<p>11. Whether other category candidates are available in the Select List for appointment to the vacancies sought to be dereserved</p>	
<p>12(a) Whether SC/ST candidates considered unfit had any adverse entries in their C.R.s considered by the DPC</p> <p>(b) If yes, whether such adverse entries were communicated in time to the SC/ST officer (s) concerned</p> <p>(c) Whether the cases of the eligible SC/ST candidates not found fit for promotion were submitted / reported to the Minister / Minister of State / Deputy Minister / Secretary / Head of the Department, as the case may be</p>	
<p>13. Where interviews are prescribed, whether SC/ST candidates were interviewed on a day or sitting of the Selection Committee other than the day / sitting on / in which general candidates were interviewed</p>	

14(a) If ex-post-facto approval is sought to the dereservation of vacancies, the reasons why proposal for prior dereservation was not made, and what steps have been taken to prevent its recurrence	
(b)The level at which it was decided to fill the reserved vacancies by other category candidate (s) without prior dereservation	

It is certified

- (1) that the proposal for dereservation is agreed to at the level of Joint Secretary to the Government of India in the administrative Ministry / Department.
- (2) that the proposal has been seen and concurred in by the Liaison Officer of the Ministry / Department.
- (3) that copies of this proposal are simultaneously being sent to the National Commission for Scheduled Castes / National Commission for Scheduled Tribes and the Department of Personnel & Training.

Signature.....

Name of the Signing Officer.....

Designation.....

Tele. No.....

To

- (1) Department of Personnel & Training, New Delhi.
- (2) National Commission for Scheduled Castes / National Commission for Scheduled Tribes.

ANNEXURE-VII**FORM OF SCHEDULED CASTE/TRIBE CERTIFICATE**

This is to certify that Shri/Shrimati*/Kumari* _____ son/daughter* of
 _____ village/town* _____ in
 District/Division* _____ of the State/Union Territory*
 _____ belongs to the _____ Caste/Tribe which is
 recognized as a Scheduled Caste/Scheduled Tribe* under:

*The Constitution (Scheduled Castes) Orders, 1950:

*The Constitution (Scheduled Tribes) Order, 1950;

*The Constitution (Scheduled Tribes) (Union Territories) Order, 1950;

*The Constitution (Scheduled Tribes) (Union Territories) Order, 1951:

{as amended by the Scheduled Castes and Scheduled Tribes List (Modification Order, 1956, the Bombay Recognition Act, 1960, the Punjab Recognition Act, 1966, the State of Himachal Pradesh Act, 1970, the North Eastern Areas (Recognition) Act, 1971 and the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976}

*The Constitution (Jammu and Kashmir) Scheduled Order, 1956;

*The Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order, 1959 as amended by the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976;

*The Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962;

* The Constitution (Dadra and Nagar Haveli) Scheduled Tribes Order, 1962;

*The Constitution (Pondicherry) Scheduled Castes Order, 1964;

* The Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967;

* The Constitution (Goa, Daman and Diu) Scheduled Castes Order, 1968;

* The Constitution (Goa, Daman and Diu) Scheduled Tribes Order, 1968;

* The Constitution (Nagaland) Scheduled Tribes Order, 1970.

2. Shri/Shrimati*/Kumari* _____ and/or* his/her* family
 ordinarily reside(s) in village/town* _____ of

_____ District/Division* of the State/Union
Territory* of _____.

Signature _____

Designation _____

(with seal of office)
State/Union Territory

Place _____

Date _____

* Please delete the words which are not applicable.

Note: The term “Ordinarily resides” used here will have the same meaning as in Section 20 of the Representation of the Peoples Act, 1950.

ANNEXURE-VIII**FORM OF CERTIFICATE TO BE PRODUCED BY
OTHER BACKWARD CLASSES APPLYING FOR APPOINTMENT
TO POSTS UNDER THE GOVERNMENT OF INDIA**

This to certify that Shri/Smt./Kumari _____
son/daughter of _____ of village/town _____ in
District/Division _____ in the State/Union Territory _____
belongs to the _____ community which is recognised as a
backward class under the Government of India, Ministry of Welfare Resolution
No.12011/68/93-BCC(C) dated 10th September, 1993 published in the Gazette of India
Extraordinary Part I Section I dated 13th September, 1993. Shri
_____ District/Division _____ of _____ the
_____ State. This is also to certify that he/she
does not belong to the persons/sections (Creamy Layer) mentioned in column 3 of the
Schedule to the Government of India, Department of Personnel & Training OM
No.36012/22/93-Estt(SCT) dated 8.9.1993.

District Magistrate,
Deputy Commissioner etc.

Dated:

Seal

NOTE:

- (a) The term "Ordinarily " used here will have the same meaning as in Section 20 of the Representation of the Peoples Act, 1950.
- (b) Where the certificates are issued by Gazetted Officers of the Union Government or State Governments, they should be in the same form but countersigned by the District Magistrate or Deputy Commissioner (Certificates issued by Gazetted Officers and attested by District Magistrate/Deputy Commissioner are not sufficient).



The Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments or posts in the public services under the State) for Educationally and Socially Backward Category (ESBC) Act, 2014

Act 1 of 2015

Keyword(s):

Admission Authority, Establishment, Public Services and Posts, Reservation

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महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ६, अंक ४९]

शुक्रवार, जानेवारी ९, २०१५/पौष १९, शके १९३६

[पृष्ठे ९, किंमत : रुपये २७.००

असाधारण क्रमांक १

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments or posts in the public services under the State) for Educationally and Socially Backward Category (ESBC) Act, 2014 (Mah. Act No. I of 2015), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

DR. MANGALA THOMBARE,
I/c. Draftsman-cum-Joint Secretary
to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. I OF 2015.

(First published, after having received the assent of the Governor in the “*Maharashtra Government Gazette*”, on the 9th January 2015).

An Act to provide for reservation of seats for admission in educational institutions in the State and of appointments or posts in public services under the State to Educationally and Socially Backward Category (ESBC) in the State of Maharashtra for their advancement and for matters connected therewith or incidental thereto.

WHEREAS the policy of reservation for the educational and social advancement of people belonging to the backward classes of citizens in admissions to educational institutions in the State and for reservation of appointments or posts in public services under the State has been under implementation in the State of Maharashtra since formation of the Maharashtra State;

(१)

AND WHEREAS the two notifications, providing for reservation of seats in public employment were issued in the Karveer State (Kolhapur) in the year 1902, on the 26th July 1902 and the 2nd August 1902, respectively, by Rajarshi Shahu Maharaj, who is known as the father of the concept of reservation in India, and from whom Dr. Babasaheb Ambedkar got inspiration to make provisions for reservation in the Constitution of India, and in the said two notifications of 1902, reservation was provided to Backward Classes wherein Maratha community was also included;

AND WHEREAS by Resolution of the then Government of Bombay, dated the 23rd April 1942, about 228 communities including Maratha and other castes were declared as intermediate and Backward community and Maratha community is shown at serial number 149 in the list annexed to the said Resolution;

AND WHEREAS the matter of Maratha reservation was referred to the Maharashtra State Commission for Backward Classes for their recommendations in the year 2004 and the State Backward Classes Commission had submitted its 22nd Report on the 28th July 2008 stating therein that such reservation cannot be given to the Maratha community in the category of "Other Backward Classes";

AND WHEREAS the Cabinet Sub-Committee after detailed discussion referred the matter back to the State Backward Classes Commission asking for its report on inadequacy of the quantifiable data on educational and social backwardness of the Maratha community and also was requested to give its opinion on whether Maratha community could be given reservation without touching the present structure of reservation;

AND WHEREAS after repeated request to submit the report, the State Backward Classes Commission insisted only on taking decision as per sub-section (2) of section 9 of the Maharashtra State Commission for Backward Classes Act, 2005 on the 22nd Report of the State Backward Classes Commission;

Mah.
XXXIV
of 2006.

AND WHEREAS the Government appointed the Rane Committee who had submitted adequate quantifiable data pertaining to the backwardness of Maratha community and thereafter the State Backward Classes Commission was again requested to offer its remarks on the issue of providing reservation to Educationally, Socially and Economically Backward Maratha community without affecting the present reservation of Other Backward Classes;

AND WHEREAS the State Backward Classes Commission by its letter dated the 20th May 2014 requested the Government to take decision on the 22nd Report of the Commission;

AND WHEREAS on the above backdrop there was a scope to believe that the State Backward Classes Commission was reluctant to take decision in the matter and hence, the Government decided to take decision after waiting for almost a decade and the Government, in its Cabinet meeting held on the 25th June 2014 decided, to partly reject the 22nd report of the Commission and with certain modifications accepted that Maratha community is Educationally and Socially Backward and hence, eligible for reservation, by virtue of sub-section (2) of section 9 of the Maharashtra State Commission for Backward Classes Act, 2005;

Mah.
XXXIV
of 2006.

AND WHEREAS the Government of Maharashtra was of the view on the basis of material and data collected by the Rane Committee that Maratha community is Socially, Educationally and Economically Backward and inadequately represented in services under the State, hence, require reservation in employment and reservation for admissions in the educational institutions ;

AND WHEREAS clause (4) of Article 15 of the Constitution of India enables the State to make any special provision for the advancement of any socially and educationally backward classes of citizens;

AND WHEREAS clause (5) of Article 15 of the Constitution of India enables the State to make any special provision, by law, for the advancement of any socially and educationally backward classes of citizens in so far as such special provision relate to their admission to educational institutions including private educational institutions, whether aided or un-aided by the State, other than the minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India;

AND WHEREAS clause (4) of Article 16 of the Constitution of India enables the State to make any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State;

AND WHEREAS even otherwise Articles 15(4), 15(5), 16(4) and 46 of the Constitution of India enable the State to provide reservation to a separate class;

Mah.
VIII of
2004.

AND WHEREAS the State of Maharashtra has enacted the Maharashtra State Public Services (Reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes) Act, 2001 in pursuance of clause (4) of Article 16 of the Constitution;

AND WHEREAS the Maharashtra State was of the view that on the basis of material and data collected by the Rane Committee that Maratha community is Socially, Educationally and Economically Backward and inadequately represented in services under the State, hence, require special provision for their advancement;

AND WHEREAS the State Government had, after careful consideration, taken a policy decision to create a new category namely Educationally and Socially Backward Category (ESBC) and, there should be a separate sixteen percent reservation for such newly created Educationally and Socially Backward Category (ESBC) and, the Maratha community was included in the said category, without affecting the then existing fifty-two percent reservation applicable in the State, in admissions to educational institutions including private educational institutions, whether aided or un-aided by the State, other than minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India, and in appointments or posts in public services under the State, excluding reserved in favour of the Scheduled Tribes candidates in the Scheduled Areas of the State under the Fifth Schedule to the Constitution of India, as per the notification issued on the 9th June 2014 in this behalf ;

AND WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to make a law to create a new Educationally and Socially Backward Category (ESBC) and to provide sixteen percent separate reservation for Educationally and Socially Backward Category (ESBC) in which Maratha community is included under this category, without affecting the then existing fifty-two percent reservation applicable in the State, in admissions to educational institutions including private educational institutions, whether aided or un-aided by the State, other than minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India,

and in appointments or posts in public services under the State, excluding reservation in favour of the Scheduled Tribes candidates in the Scheduled Areas of the State under the Fifth Schedule to the Constitution of India, as per the notification issued on the 9th June 2014 in this behalf, for their advancement and for the matters connected therewith or incidental thereto; and, therefore, promulgated the Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments or posts in the public services under the State) for Educationally and Socially Backward Category (ESBC) Ordinance, 2014, on the 9th July 2014 ;

Mah. Ord.
XIII of
2014.

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-fifth Year of the Republic of India as follows :—

Short title,
extent and
commencement.

1. (1) This Act may be called the Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments or posts in the public services under the State) for Educationally and Socially Backward Category (ESBC) Act, 2014.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall be deemed to have come into force on the 9th July 2014.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) “admission authority” in relation to admissions to educational institutions means the authority having supervisory and controlling powers over the educational institutions responsible for admissions to particular educational institutions;

(b) “appointing authority” in relation to public services and posts means the authority empowered to make appointment to such services or posts;

(c) “Competent Authority” means the Competent Authority appointed under section 6;

(d) “educational institutions” means the educational institutions in the State of Maharashtra owned and controlled by the Government, which receives grant-in-aid from the Government including a University established by or under the relevant Maharashtra Acts, including private educational institutions, whether aided or un-aided by the State, other than the minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India.

Explanation.—For the purposes of this clause, the expression “private educational institutions” means institutions which have been given either prior to coming into force of this Act or thereafter, aid in the form of Government land at concessional rates or any other monetary concessions by the Government, or are recognized, licensed, supervised or controlled by the Government;

(e) “Educationally and Socially Backward Category (ESBC)” means such category or categories of citizens who are Educationally and Socially Backward Class of citizens and declared by the Government as Educationally and Socially Backward Category (ESBC), from time to time;

(f) “establishment” means any office of the Government or of a local authority or statutory authority constituted under any Act of the State Legislature for the time being in force, or a University or a Company or a Corporation or a Co-operative Society in which share capital is held by the Government or any Government aided institutions.

Explanation.—For the purposes of this clause, the expression “Government aided institutions” shall also include institutions or industries which have been given either prior to coming into force of this Act or thereafter, aid in the form of Government land at concessional rates or any other monetary concessions by the Government or is recognized, licensed, supervised or controlled by the Government;

(g) “Government” or “State Government” means the Government of Maharashtra;

(h) “prescribed” means prescribed by rules made under this Act;

(i) “public services and posts” means the services and posts in connection with the affairs of the State and includes services and posts in—

(i) a local authority;

(ii) a co-operative society established under the Maharashtra Co-operative Societies Act, 1960, in which the Government is a share holder;

(iii) a Board or a Corporation or a statutory body established by or under a Central or a State Act which is owned and controlled by the Government, or a Government company as defined in the Companies Act, 1956 or the Companies Act, 2013;

(iv) an educational institution owned and controlled by the Government, which receives grant-in-aid from the Government including a University established by or under a Maharashtra Act; and

(v) any other establishment in respect of which reservation was applicable by Government orders on the date of commencement of this Act and which are not covered under sub-clauses (i) to (iv);

(j) “reservation” means the reservation of seats for the members of Educationally and Socially Backward Category (ESBC) for admission in educational institutions in the State and for appointments or posts in the services under the State.

(2) The words and expressions used in this Act, but not defined, shall have the same meanings respectively assigned to them in the Maharashtra State Public Services (Reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes) Act, 2001 and in any other relevant Act.

3. (1) This Act shall apply to all the direct recruitments, appointments or posts made in public services under the State except,— Applicability.

(a) the super specialized posts in Medical, Technical and Educational field;

(b) the posts to be filled by transfer or deputation;

(c) the temporary appointments of less than forty-five days duration; and

(d) the post which is single (isolated) in any cadre or grade.

(2) This Act shall also apply, for the Educationally and Socially Backward Category (ESBC), for admission in educational institutions including private educational institutions, whether aided or un-aided by the State, other than the minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India.

(3) The State Government shall, while entering into or renewing an agreement with any educational institution or any establishment for the grant of any aid as provided in the explanation to clauses (d) and (f) of section 2 respectively, incorporate a condition for compliance with the provisions of this Act, by such educational institution or establishment.

Reservation of seats for admission in educational institutions, appointments or posts in public services under State for Educationally and Socially Backward Category (ESBC).

4. (1) Notwithstanding anything contained in the Maharashtra State Public Services (Reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes) Act, 2001 and notwithstanding anything contained in any judgment, decree or order of any Court or other authority, and subject to the other provisions of this Act, sixteen percent of the total seats in educational institutions including private educational institutions, whether aided or un-aided by the State, other than minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India, and sixteen percent of the total appointments or posts in direct recruitment in public services under the State, shall be separately reserved for the Educationally and Socially Backward Category (ESBC) in which the Maratha community is included:

Mah.VIII of 2004.

Provided that, the above reservation shall not be applicable to posts reserved in favour of the Scheduled Tribes candidates in the Scheduled Areas of the State under the Fifth Schedule to the Constitution of India as per the notification issued on the 9th June 2014 in this behalf.

(2) The principle of Creamy Layer shall be applicable to the Educationally and Socially Backward Category (ESBC).

Explanation.—For the purposes of this sub-section, the expression “Creamy Layer” means the person falling in the category of Creamy Layer as declared by the Government in the Social Justice and Special Assistance Department, by general or special orders issued in this behalf, from time to time.

Reservation not to be affected.

5. Notwithstanding anything contained in section 4, the claims of students or members belonging to Educationally and Socially Backward Category (ESBC) shall also be considered for the unreserved seats, appointments or posts which shall be filled on the basis of merit, and where a student or member belonging to such category is selected on the basis of merit, the number of seats, appointments or posts reserved for the Educationally and Socially Backward Category (ESBC), as the case may be, shall not in any way be affected.

Competent Authority.

6. (1) The Government may, by notification in the *Official Gazette*, appoint any officer not below the rank of District Social Welfare Officer to be the Competent Authority for the purposes of carrying out the provisions of this Act and the rules made thereunder.

(2) The Competent Authority shall exercise such powers and perform such functions as may be prescribed.

7. (1) The Government may, in public interest, by order, direct the Competent Authority, from time to time, to make an enquiry or to take appropriate proceedings under this Act specified in the order, and the Competent Authority shall report to the Government, the result of the enquiry made or the proceedings taken by him within such period as may be prescribed.

Power of Government to give directions.

(2) On receipt of the report from the Competent Authority under sub-section (1), the Government shall give such directions as it deems fit and such directions shall be final.

8. (1) If in respect of any recruitment year, any vacancy reserved for Educationally and Socially Backward Category (ESBC) of persons remains unfilled, such vacancy shall be carried forward up to five years in case of direct recruitment:

Carrying forward of reserved vacancies.

Provided that, on the date of commencement of this Act, if any Government Order, Resolution, Circular and Office Memorandum regarding filling of posts is in force then, the same shall continue to be in force unless modified or revoked by the Government and the Government is empowered to revise such Government Orders, Resolutions, Circulars and Office Memorandums :

Provided further that, notwithstanding anything contained in section 17 of this Act, the Government Departments are hereby empowered to give effect to the provisions of this Act including revision of roster prescribed for direct recruitment, as may be necessary, by the Government orders for enforcement and implementation of this reservation:

Provided also that, if the sanctioned posts are not adequate to allocate atleast one post for each reserved category, then the reserved post shall be filled in by applying the principle of rotation in accordance with the Government roster orders or rules as may be prescribed or modified in this behalf and the Government is empowered to revise the roster points and orders or rules accordingly.

(2) When a vacancy is carried forward as provided in sub-section (1), it shall not be counted against the quota of the vacancies reserved for the concerned category of persons for the recruitment year to which it is carried forward :

Provided that, the appointing authority may, at any time undertake a special recruitment drive to fill up such unfilled vacancies and if such vacancies remain unfilled even after such special recruitment drive then, it shall be filled up in the manner prescribed by the Government.

9. (1) The Government may, by order in writing, entrust upon every admission authority or appointing authority or any officer under such authority, with the responsibility of ensuring the compliance with the provisions of this Act.

Responsibility and powers for compliance of Act.

(2) The Government may, in the like manner, invest the admission authority or appointing authority or officer with such powers or authority as may be necessary for such authority or officer, to effectively discharge such duty assigned to such authority or officer.

10. (1) Any admission authority or appointing authority or officer or employee entrusted with the duty or responsibility who wilfully acts in a manner intended to contravene or defeat the purpose of this Act shall, on conviction, be punished with imprisonment for a term which may extend to

Penalty.

ninety days or fine which may extend to five thousand rupees, or with both.

(2) No court shall take cognizance of an offence punishable under this section except with the previous sanction of the Government or officer authorized in this behalf by the Government.

Power to call for records.

11. When it comes to the notice of the Government or is brought to its notice that any person belonging to Educationally and Socially Backward Category (ESBC) is adversely affected, on account of non-compliance with the provisions of this Act or the rules made thereunder or the Government orders issued in this behalf, by any admission authority or appointing authority, it may call for such records and pass such appropriate orders as it deems fit.

Representation in selection committee.

12. (1) The Government may, by an order, provide for nomination of officers belonging to Educationally and Socially Backward Category (ESBC) in selections, screening and Department Committee for the purpose of selecting persons for appointment to public services and posts.

(2) The Government may, by an order, grant such monetary or other concessions as may be considered necessary in favour of the Educationally and Socially Backward Category (ESBC).

Irregular admissions and appointments void.

13. Any admissions or appointments made in contravention of the provisions of this Act shall be void.

Competent Authority to be public servant.

14. The Competent Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Protection of action taken in good faith.

15. No suit, prosecution or other legal proceeding shall lie against the Competent Authority or its officers, for anything which is in good faith done or intended to be done under this Act or the rules or orders made thereunder.

Provisions of Act to be in addition to any other law for the time being in force.

16. The provisions of this Act shall be in addition to and not in derogation of the provisions contained in any other Act, for the time being in force.

Power to make rules.

17. (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in any rule or both Houses agree that the rule should not be made, and notify their decision to that effect in the *Official Gazette*, the rule shall, from the date of publication of notification of such decision have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

18. (1) The provisions of this Act shall not apply to the cases in which selection process has already been initiated before the commencement of this Act, and such cases shall be dealt with in accordance with the provisions of law and the Government orders as they stood before such commencement. Savings.

Explanation.—For the purposes of this section, the selection process shall be deemed to have been initiated where, under the relevant service rules,—

(i) recruitment is to be made on the basis of written test or interview only, and such written test or the interview, as the case may be, has started; or

(ii) recruitment is to be made on the basis of both, written test and interview and such written test has started.

(2) The provisions of this Act shall not apply to admissions in educational institutions and the cases in which the admission process has already been initiated before the commencement of this Act and such cases shall be dealt with in accordance with the provisions of law and the Government orders, as they stood before such commencement.

Explanation.—For the purposes of this section, the admission process shall be deemed to have initiated where,—

(i) admission is to be made on the basis of any entrance test, and procedure for such entrance test has started; or

(ii) in case of admission to be made other than on the basis of entrance test, the last date for filling up the application form is lapsed.

19. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty : Power to remove difficulty.

Provided that, no such order shall be made after expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Mah. Ord. XIII of 2014. **20.** (1) The Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments or posts in the public services under the State) for Educationally and Socially Backward Category (ESBC) Ordinance, 2014 is hereby repealed. Repeal of Mah. Ord. XIII of 2014 and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification, order, resolution, circular, office memorandum issued or appointments made) under the said Ordinance shall be deemed to have been done, taken, issued or made, as the case may be, under the corresponding provisions of this Act.

सावित्रीबाई फुले पुणे विद्यापीठ
(पूर्वीचे पुणे विद्यापीठ)

दूरध्वनी क्र. : २५६०११८९/९०
फॅक्स क्र. : ०२०-२५६९७३८८
संकेतस्थळ : www.unipune.ac.in



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ई-मेल: arakshan_ar@unipune.ac.in

संदर्भ क्र.: आरक्षण/ओ-२२/ ७७५

दिनांक : १६-६-१५

परिपत्रक

विषय - पदव्युत्तर अभ्यासक्रमाच्या प्रवेशाबाबत - शैक्षणिक वर्ष २०१५-१६

विद्यापीठातील सर्व शैक्षणिक विभाग प्रमुखांना या परिपत्रकाद्वारे कळविण्यात येते की, शैक्षणिक विभागामध्ये वेगवेगळ्या पदव्युत्तर अभ्यासक्रमासाठी विद्यार्थ्यांना प्रवेश देताना शासन आदेश, विद्यापीठ अध्यादेश १८१ यांची अंमलबजावणी करून खाली नमूद केलेल्या आरक्षणाच्या टक्केवारीनुसार प्रवेश देण्यात यावेत.

१.	सर्वसाधारण (खुले)	OPEN	५०%
२.	अनुसूचित जाती	S.C.	१३%
३.	अनुसूचित जमाती	S.T.	७%
४.	विमुक्त जाती (अ)	DT-A	३%
५.	भटक्या जमाती (ब)	NT-B	२.५%
६.	भटक्या जमाती (क)	NT-C	३.५%
७.	भटक्या जमाती (ड)	NT-D	२%
८.	इतर मागास वर्ग	OBC	१९%

१. शासन आदेशानुसार प्रवेशामध्ये अपंगासाठी ३ % जागा राखीव ठेवण्यात याव्यात.
२. गुणवत्ता यादीनुसार प्रवेश प्रक्रिया केल्यानंतर जर कोणत्याही मागासवर्गीय प्रवर्गासाठी आरक्षित असलेल्या जागांपैकी काही जागा रिक्त राहिल्या तर त्या जागेवर एकूण प्रवेश क्षमतेच्या जास्तीत जास्त २% पर्यंत विशेष मागास प्रवर्गीय उमेदवारांना प्रवेशासाठी प्राधान्य देण्यात यावे.
३. ज्या विषयात सर्व प्रवर्गासाठी जागा उपलब्ध होत नसतील तेथे आरक्षणामध्ये वर उल्लेख केलेल्या आरक्षण क्रमानुसार प्रथम अनु.जाती, अनु.जमाती, विजा (अ), भज (ब), (क), (ड), व इमाव या क्रमाने आरक्षण टक्केवारी विचारात घेवून जागां आरक्षित ठेवण्यात याव्यात.
४. उपरोक्त आरक्षण हे विभागामध्ये अभ्यासक्रमनिहाय असेल, शैक्षणिक विभागामार्फत येणा-या बिगर राखीव जागा या प्रथमतः भरण्यात याव्यात. यामध्ये गुणवत्तेनुसार असणा-या मागासवर्गीय विद्यार्थ्यांचा देखील समावेश असेल. या विद्यार्थ्यांचा समावेश आरक्षणामध्ये करण्यात येवू नये, उर्वरित जागा आरक्षणानुसार भरण्यात याव्यात.


शैक्षणिक विभागात प्रवेश देताना एखाद्या प्रवर्गाचा उमेदवार न मिळाल्यास मागासवर्गीयांच्या इतर गटातील अनुसूचित जाती, अनुसूचित जमाती, विमुक्त जाती, भटक्या जमाती व इतर मागासवर्ग यामधून शासन निर्णयानुसार अंतर्गत बदलाने उमेदवारांना प्रवेश देवून आरक्षण पूर्ण करण्यात यावे.

५. महाराष्ट्र शासनाच्या आरक्षण धोरणानुसार क्रिमीलेअरचे तत्व अनुसूचित जाती, अनुसूचित जमाती वगळता इतर सर्व प्रवर्गांना लागू राहिल.
६. महाराष्ट्र राज्याबाहेरील मागासवर्गीय उमेदवारांना आरक्षणाच्या कोणत्याही सवलती / फायदे प्राप्त होणार नाहीत.
७. ज्या शैक्षणिक विभागात द्वितीय वर्षासाठी स्पेशलायझेशननुसार प्रवेश देण्यात येतात त्या ठिकाणीही वरील आरक्षणाची टक्केवारी पाळणे आवश्यक आहे. स्पेशलायझेशननुसार प्रवेश देताना गुणवत्ता, पसंती व आरक्षण विचारात घेवून प्रवेश प्रक्रिया करण्यात यावी.
८. शैक्षणिक प्रवेशामध्ये ठेवावयाच्या आरक्षणासंदर्भात शासन निर्णय व त्या संबंधीचे परिपत्रक वेळोवेळी या विभागाच्या संकेतस्थळावर प्रसिध्द करण्यात आलेले आहे. प्रवेश प्रक्रिया करताना आरक्षण धोरणांची काटेकोरपणे अंमलबजावणी व्हावी.

प्रवेश समितीवर मागासवर्गीय शिक्षकास मागासवर्गीय प्रतिनिधी म्हणून बोलाविण्यात यावे. संदर्भासाठी मागासवर्गीय प्रतिनिधींची यादी सोबत जोडत आहे. आरक्षणाच्या नियमांच्या अधिक माहितीसाठी आवश्यकतेनुसार आरक्षण कक्षाशी संपर्क साधावा.

प्रवेश प्रक्रियेनंतर झालेल्या प्रवेशाची माहिती सोबत जोडलेल्या प्रपत्रात या कार्यालयास सादर करावी, ही विनंती.

गणेशखिंड, पुणे ४११००७
संदर्भ- आरक्षण/ओ-२२/ १२५
दिनांक- १६-६-१५


उपकुलसचिव
(आरक्षण कक्ष)

प्रत :-

- १) मा.विभाग प्रमुख, सर्व शैक्षणिक विभाग, सावित्रीबाई फुले पुणे विद्यापीठ, पुणे ४११००७
- २) मा.आरक्षण प्रतिनिधी, सर्व शैक्षणिक विभाग, सावित्रीबाई फुले पुणे विद्यापीठ, पुणे ४११००७
- ३) सहायक कुलसचिव, शैक्षणिक प्रवेश विभाग, सावित्रीबाई फुले पुणे विद्यापीठ, पुणे ४११००७

UNIVERSITY OF PUNE



CIRCULAR NO. 68 OF 2014

It is hereby notified for information of all concerned that the amended Ordinance 181 regarding admissions of students to the Post-Graduate courses in the University Departments/Institutions issued vide Circular No. 79 of 2013 has been renumbered as Ordinance 181-A. The said Ordinance 181-A reads as under:

ORDINANCE 181-A

In pursuance of provisions of Section 53(i) and Section 65 of the Maharashtra Universities Act, 1994, University of Pune hereby makes following Ordinance for admissions of students to Post-Graduate Courses in the Faculties of Arts, Fine Arts and Performing Arts, Mental, Moral and Social Sciences, Science, Law, Commerce, Management, Education, Physical Education and Technology conducted in the Departments/ Institutions of the University of Pune.

1. Short Title and Commencement:

- 1.1 This Ordinance may be called 'Ordinance for admissions of students to the Post-Graduate courses in the University Departments/Institutions'.
- 1.2 This Ordinance shall be applicable for admissions from the academic year 2013-2014.

2. Applicability:

This Ordinance shall be applicable to the admissions of the students to the Post-Graduate Courses in the faculties of Arts, Fine Arts and Performing Arts, Mental, Moral and Social Sciences, Science, Law, Commerce, Management, Education and Physical Education and Technology conducted in the Departments/ Institutions of the University of Pune.

3. Definitions:

In this Ordinance unless the context otherwise requires,

- (a) "Director" means a Head of an Institution including Centre, or School of the University as designated by the Vice-Chancellor.
- (b) "Head of the Department" means the Head of the Department of the University.
- (c) "Institution" means a centre, a school or an institute established and maintained by the University.
- (d) "Integrated Course" means a course after passing Higher Secondary Examination (H.S.C.) (10+2)
- (e) "Post-Graduate Course" means a regular Post-Graduate course excluding the courses conducted partly by papers and partly by research.
- (f) "University" means the University of Pune.
- (g) "Vice Chancellor" means the Vice-Chancellor of the University.

4. Admissions:

- 4.1 Advertisement for the purpose of giving admissions to all Post-Graduate/Integrated courses shall be duly published every year by the competent authorities conducting the courses.
- 4.2 Directives issued by the Government of Maharashtra, from time to time, regarding reservation, shall be followed by the University.
- 4.3 Admissions of all students to all Post-Graduate / Integrated courses shall be made in accordance with provisions of this Ordinance.

Provided, the model rules regarding admissions to the courses covered under this Ordinance, as may be made from time to time, by the Government of Maharashtra and adopted by the University, shall prevail over this Ordinance.

- 4.4 The conditions of the eligibility for admissions to various Post-Graduate / Integrated courses shall be as prescribed by the University, from time to time.

5. Percentage of Quota:

5.1 For the purpose of admissions to the post-graduate courses, 50% seats of the total approved intake capacity shall be open seats and 50% seats shall be reserved for the students belonging to various reserved categories.

- (A) Out of 50% open seats, 70% seats (i.e. 35% seats of the total approved intake capacity) shall be reserved for the students who have passed the qualifying examination of the University. The students who desire to seek admission under this Quota, shall fulfill the following conditions :-
- (a) He should have passed the qualifying examination of the University and,
 - (b) He should be domicile of the State of Maharashtra or should have completed Maharashtra State Board of Secondary School Certificate Education (S.S.C) and Higher Education thereafter from the State of Maharashtra and,
 - (c) He should have fulfilled the eligibility criteria laid down by the University, from time to time.
- (B) Out of these 50% open seats, 30% seats (i.e. 15% seats of the total approved intake capacity) shall be available to all the students who have fulfilled the eligibility criteria laid down by the University, from time to time. However, admissions of such students shall be made on the basis of the University-wise merit to ensure that the students admitted are not necessarily from the same University.
- (C) Out of 50% seats reserved for the students belonging to reserved categories, 70% seats (i.e. 35% seats of the total approved intake capacity) shall be reserved for the students who have passed the qualifying examination of the University and have fulfilled the conditions as mentioned in Clause 5.1 (A) (a), (b) and (c) above.
- (D) Out of these 50% reserved seats, 30% seats (15% seats of the total approved intake capacity) shall be reserved for the students belonging to various reserved categories from the State of Maharashtra who have passed the qualifying examination of the University/Examining Body other than the University within the State of Maharashtra and have

fulfilled the eligibility criteria laid down by the University from time to time.

However, the admissions of such students shall be made on the basis of University-wise merit to ensure that the students admitted are not necessarily from the same University.

- (E) Notwithstanding anything contained hereinabove, the reservation policy laid down by the Government of Maharashtra, from time to time, as regards reservation for the persons with disabilities shall be followed while making admissions.

5.2 For the purpose of admissions to the integrated courses, 50% seats of the total approved intake capacity shall be open seats and 50% seats shall be reserved for the students belonging to various reserved categories.

- (A) Out of 50% open seats, 70% seats (i.e. 35% seats of the total approved intake capacity) shall be reserved for the students who have passed the qualifying examination of the University. The students who desire to seek admission under this Quota, shall fulfill the following conditions:-
 - (a) He should have passed the qualifying examination and,
 - (b) He should be domicile of the State of Maharashtra or should have completed Maharashtra State Board of Secondary School Certificate Education (S.S.C) and Higher Education thereafter from the State of Maharashtra and,
 - (c) He should have fulfilled the eligibility criteria laid down by the University, from time to time.
- (B) Out of these 50% open seats, 30% seats (i.e. 15% seats of the total approved intake capacity) shall be available to all the students who have fulfilled the eligibility criteria laid down by the University, from time to time. However, admissions of such students shall be made on the basis of the University-wise merits to ensure that the students admitted are not necessarily from the same University.
- (C) Out of 50% seats reserved for the students belonging to various reserved categories, 70% seats (i.e. 35% seats of the total approved intake capacity) shall be reserved for the students who have passed the qualifying examination of

the University and have fulfilled the conditions as mentioned in Clause 5.1 (A)(a), (b) and (c) above.

(D) Out of these 50% reserved seats, 30% seats (15% seats of the total approved intake capacity) shall be reserved for the students belonging to various reserved categories from the State of Maharashtra who have passed the qualifying examination of the University/Examining Body other than the University within the State of Maharashtra and have fulfilled the eligibility criteria laid down by the University, from time to time.

However, the admissions of such students shall be made on the basis of University-wise merit to ensure that the students admitted are not necessarily from the same University.

(E) Notwithstanding anything contained hereinabove, the reservation policy laid down by the Government of Maharashtra, from time to time, as regards reservation for women and for the persons with disabilities shall be followed while making admissions.

- 5.3 The seats for foreign students/foreign nationals, People of Indian Origin shall be filled in as Supernumerary Seats (i.e. over and above the sanctioned intake capacity) up to 15% of the total approved intake capacity as per merit on the basis of guidelines/criteria laid down by the UGC/AICTE/Government of India, as the case may be.
- 5.4 Subject to the availability, 3 % of the seats over and above the approved intake capacity shall be reserved for the students participating at the National level/State level/University level Sports and Cultural competitions.
- 5.5 Notwithstanding anything contained hereinabove, in case of the University Departments/Institutions receiving special assistance under SAP, DSA and other programmes of the University Grants Commission or Central Councils, reservation of seats for the students of other Universities/States shall be as per directions issued by the University Grants Commission or the respective Central Council, as the case may be, from time to time. Before effecting the provisions of this clause, the prior sanction of the Vice-Chancellor for the same, shall be obtained.

6. Vacancy in the Seats of the candidates:

- 6.1 If the seats reserved for the students belonging to the Reserved Categories in the University quota remain vacant, the same can be filled in by the students belonging to the respective Reserved Categories from other Universities in the State of Maharashtra and if the seats reserved for the students belonging to the Reserved Categories from other Universities remain vacant the same shall be filled in by the students belonging to the respective reserved categories of the University. If the seats reserved for the students belonging to the reserved categories still remain vacant, the same shall be filled in by applying the rules/norms of inter changeability of categories as laid down by the State of Maharashtra.
- 6.2 If the seats reserved for students outside the University remain vacant, the students of the University may be admitted from the waiting list in such vacant seats or if the seats reserved for students of the University remain vacant, the students from other Universities, within the state of Maharashtra from the waiting list, may be admitted in such vacant seats.

7. Weightage of Marks:

- 7.1 Admissions shall be made on the basis of merit.
- 7.2 Admission without Entrance Examination: Admissions shall be made on the basis of the marks obtained by the students in the qualifying examination.
- 7.3 Admission through the Entrance examination: Equal weightage shall be given to the marks obtained in the University Entrance Examination and the qualifying examination. In case of the students other than the students of the University, the admissions shall be made on basis of marks obtained in the Entrance Examination only.
- 7.4 Admissions to any Post-Graduate/Integrated course in the University Department/Institution made through the Entrance Examination held on State/All India basis, shall be made on the basis of marks obtained by the students in such Entrance Examination. But for the students of the State of Maharashtra [as referred to in Clause 5.1 (A)(b)], there shall not be any cut off marks in such Entrance Examination.

- 7.5 Admissions to the post-graduate courses in the University Department/Institution shall be given to the students who have passed qualifying examination with the subject concerned at the principal level. For this purpose, the marks obtained by the students in the second year and the third year of the qualifying examination shall be taken into consideration. If the seats remain vacant after giving admissions to the students who have passed qualifying examination with the subject concerned at the principal level, the students who have passed the qualifying examination with the subject concerned at the subsidiary level may be given admission. If two or more students seeking admission to any Post-Graduate course have obtained equal number of marks in the subject concerned, the students who have secured more marks in the aggregate in the final year of qualifying examination shall be given priority. If still, seats remain vacant, other eligible students may be considered for admission.
- 7.6 Admission to any Post-Graduate course in the University Department /Institution in a subject, which is not taught at the principal level in any affiliated college of the University, shall be made through the entrance examination.
- 7.7 Admission to any integrated course in the University Department/Institution shall be made through the entrance examination.

8. Admissions to Inter Disciplinary Courses:

Admissions to inter disciplinary courses shall be made through the Entrance Examination only.

9. Admission Committee:

- 9.1 There shall an Admission Committee to make admissions to the various Post-Graduate/Integrated courses in the University Departments/Institutions.
- 9.2 Constitution of the Admission Committees shall be as under:
- (1) The Head of the Department concerned - Chairperson
 - (2) Not more than two Professors in the Department nominated by the Vice-Chancellor.

- (3) One Associate professor nominated by the Departmental Committee.
- (4) One Assistant professor nominated by the Departmental Committee.
- (5) Deputy Registrar of the Reservation Cell or any other person belonging to the Reserved Category nominated by the Vice-Chancellor.

10. Removal of Difficulties:

If any difficulty arises in giving effect to provisions of this Ordinance, the Vice-Chancellor shall take decision for removing difficulty in the matter which shall not be inconsistent with the objects and purposes of this Ordinance and his decision shall be final.

Ref. No. Law/2014/125

Date: 27.03.2014



Registrar

Copy for information to:

- 1) The Principals of Affiliated Colleges
- 2) The Heads of Recognized Institutions
- 3) The Heads of University Departments
- 4) The Heads of Sections in the University Office



मान-विद्याय विमुक्तये

डॉ. देव स्वरूप

(पूर्व कुलपति, राजस्थान विश्वविद्यालय, जयपुर)

संयुक्त सचिव

Dr. Dev Swarup

(Former Vice-Chancellor, University of Rajasthan, Jaipur)

Joint Secretary



सत्यमेव जयते

विश्वविद्यालय अनुदान आयोग
University Grants Commission

(मानव संसाधन विकास मंत्रालय, भारत सरकार)
(Ministry of Human Resource Development, Govt. of India)

बहादुर शाह जफर मार्ग, नई दिल्ली-110002
Bahadur Shah Zafar Marg, New Delhi-110002

दूरभाष Phone :011-23212027

Email : devswarupugc@gmail.com | dev.ugc@nic.in

No.F.1-5/2006 (SCT)

05 March, 2018

- 5 MAR 2018

The Registrar(s)

All Central Universities

All State Universities receiving grant-in-aid.

Deemed to be Universities receiving grant-in-aid by UGC/Government.

Inter University Centres of UGC

Subject: Implementation of Reservation Policy of the Government of India - Reg. **ISSUED**

Sir/Madam,

With reference to the above subject, I am to inform that for implementation of reservation policy of the Central Government, MHRD vide order No. 6-30/2005-U5 dated 6th December, 2005 directed the UGC to ensure effective implementation of the reservation policy in the Central Universities and those of Institutions Deemed to be Universities receiving aid from the public funds except in minority institutions under Article 30(1) of the Constitution. Accordingly, UGC, vide letter No. 1-5/2006(SCT) dated 25-08-2006, circulated new Guidelines for strict implementation of Reservation Policy of the Government. This has been further reiterated by MHRD O.M.No. 12-60/2013-U1 dated 25-6-2013.

The Ministry of Human Resource Development vide its letter No. 1-7/2017-CU.V dated 06-09-2017 has directed the UGC to examine the issues mentioned in judgments (10 in number) as quoted by the Hon'ble High Court of Allahabad, in its order dated 07-04-2017 and submit its recommendations to MHRD for their consideration and appropriate decision.

Accordingly, UGC had constituted a Committee and submitted its recommendations to Ministry of Human Resource Development on 07-11-2017. Thereafter, in compliance of the judgement of the Allahabad High Court as upheld by the Hon'ble Supreme Court of India and in view of advice tendered by the DoPT and recommendations of the UGC, MHRD vide its

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O.M. No.1-7/2017-CU.V dated 22-02-2018; has intimated that the department's O.M.No.12-60/2013-UI dated 25.06.2013 stands amended to the extent as mentioned below in the UGC guidelines 2006, in accordance with the recommendations of the UGC, which are as under:

(i) Clause 6(c):

In case of reservation for SC/ST, all the Universities, Deemed to be Universities, Colleges and other Grant-in-Aid Institutions and Centres shall prepare the roster system keeping the Department / Subject as a unit for all levels of teachers as applicable.

(ii) Clause 8(a)(v):

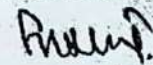
The roster, department-wise, shall be applied to the total number of posts in each of the categories [(e.g.) Professor, Associate Professor, Assistant Professor] within the Department/Subject".

The above decision may also be circulated to its constituent and affiliated colleges for immediate follow up action.

You are requested to prepare fresh rosters within one month of receipt of this letter under intimation to UGC.

This issues with the approval of the Competent Authority.

Yours faithfully



(Dev Swarup)

Copy to :

1. Shri Subodh Kumar Ghildiyal, Deputy Secretary, Ministry of Human Resource Development, Shastri Bhawan, New Delhi -110001
2. The Chief Secretaries of all State Government / UT's
3. PS to Chairman/PS to Secretary/PS to Financial Advisor/PS to AS-I & AS - II, UGC.
4. JS (CU), JS (DU), JS (DC), JS (IUC) UGC
5. PO (Website), UGC for publication on the website of the UGC.



(Dev Swarup)

