

## CHAPTER – 1

### INTRODUCTION

#### Constitutional and Legal Provisions

1.1 Objective of providing reservations to the Scheduled Castes(SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs) in services is not only to give jobs to some persons belonging to these communities. It basically aims at empowering them and ensuring their participation in the decision making process of the State. Justice B.P. Jeevan Reddy, while delivering the majority judgement in the matter of Indra Sawhney & Ors Vs. UOI & Ors, observed that public employment gives a certain status and power, besides the means of livelihood. The Constitution has, therefore, taken special care to declare equality of opportunity in the matter of public employment. Keeping the broader concept of equality in view, Clauses (4) and (4A) of Article 16 of the Constitution declare that nothing in the said Article shall prevent the State from making any provision for reservation of appointments or posts in favour of backward class of citizens which in the opinion of the State is not adequately represented in the services under the State. Article 16 of the Constitution and also Article 335 which have direct bearing on reservation in services are reproduced below:

16 (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

(3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment.

(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favor of any backward class of citizens which in the opinion of the State, is not adequately represented in the services under the state.

(4A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favor of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.

(4B) Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent reservation on total number of vacancies of that year.

(5) Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.

335. The claims of the member of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently, with the maintenance of efficiency of administration in the making of appointments to services and posts in connection with the affairs of the Union or of a State.

Provided that nothing in this article shall prevent in making of any provision in favor of the members of the Scheduled Castes and the Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State.

1.2 Besides, Article 46 provides that the State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

1.3 Articles 341 and 342 of the Constitution which define as to who would be Scheduled Castes and Scheduled Tribes with respect to any State or Union Territory are quoted below:

341. (1) The President may with respect to any State or Union territory, and where it is a State after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

342(1) The President may with respect to any State or Union Territory, and where it is a State after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purpose of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union Territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

1.4 The Constitution does not define Other Backward Classes. However, in pursuance of the judgment of Supreme Court in Indira Sawhney's case, the Government enacted the National

Commission for Backward Classes (NCBC) Act in April, 1993. As per Section 2 of the NCBC Act, “Backward classes” means such backward classes of citizens, other than the Scheduled Castes and Scheduled Tribes, as may be specified by the Central Government in the lists. For the above purpose, Section 2 also defines “lists” as lists prepared by the Central Government for providing reservation in appointments to backward classes of citizens, which, in its opinion are not adequately represented in services, under the Government of India and any local or other authority. The Ministry of Social Justice and Empowerment has notified the lists of Castes / Communities which are treated as Other Backward Classes.

1.5 It may be noted that the Constitution imposes inter-state area restrictions so that the people belonging to the specific community residing in a specific area, which has been assessed to qualify for the Scheduled Castes or Scheduled Tribes status, only benefit from the facilities provided for them. Similar restrictions are applicable to the OBCs also. Since the people belonging to the same caste but living in different States / Union Territories may not necessarily suffer from the same disabilities, it is possible that two persons belonging to the same caste but residing in different States/ U.Ts may not both be treated to belong to SC/ST/OBC. Thus the residence of a person in a particular locality assumes a special significance. This residence has not to be understood in the literal or ordinary sense of the word. On the other hand it connotes the permanent residence of a person on the date of the notification of the Presidential Order scheduling his caste/tribe in relation to that locality.

1.6 [The Constitution \(Scheduled Castes\) Order, 1950](#) (as amended from time to time) states that no person professing a religion different from Hindu or Sikh or Buddhist religion can be deemed to be a member of a Scheduled Caste. There is, however, no religious bar for being treated as Scheduled Tribe or Other Backward Class.

### **Evolution of the Scheme of Reservation**

1.7 On attainment of Independence, instructions were issued on 21-9-47 providing for reservation of 12 ½ per cent of vacancies for SCs in respect of recruitment made by open competition. In case of recruitment otherwise than by open competition this percentage was fixed at 16 <sup>2/3</sup> per cent. Difference between recruitment by open competition and otherwise then by open competition has been explained in Chapter-II. After the Constitution was promulgated, MUA, in its

Resolution of 13-9-50, provided 5 per cent reservation for *STs* apart from the percentage fixed for *SCs* already in force. The 1951 Census showed that the percentage of *SCs* in the total population was 15.05 per cent and that of *ST* 6.31 per cent. The percentages were not revised at the time as a comprehensive bill revising the lists of *SCs* and *STs* was under consideration. The other reason for not revising the percentage was that reservation had already been provided for *SCs* in posts filled otherwise than by open competition to the extent of 16.66 per cent and instructions had also been issued for following a regional and local percentage for Class III and Class IV posts attracting candidates from a locality or a region. The 1961 Census revealed that the *SC* and *ST* population in proportion to the Indian population stood at 14.64 per cent and 6.80 per cent respectively. Accordingly, the percentage of reservation for *SCs* and *STs* was increased from 12 ½ and 5 per cent to 15 per cent and 7 ½ per cent respectively on 25-3-70. The 1971 Census did not warrant any such review. The actual impact of 1981 Census figures on all India percentages could not be known because the Census of 1981 could not be carried out in the State of Assam. The Government in 1993 introduced reservation for Other Backward Classes in direct recruitment broadly at the rate of 27%. After introduction of reservation for *OBCs*, total reservation for *SCs*, *STs* and *OBCs* comes to 49.5% in case of direct recruitment on all India basis by open competition and 50% in case of otherwise than by open competition. As per various judgments of the Supreme Court, total reservation for these communities cannot exceed the limit of 50%.

1.8 Reservation has been extended to different modes of promotion in stages. In 1957, reservation was provided for *SC* & *ST* in departmental competitive examinations. Reservation in promotion by selection in Group C and Group D was provided in 1963 and in the same year reservation in departmental competitive examination was limited to Class III and Class IV only. The position was slightly changed in 1968 when reservation in limited departmental examination to Class II, III and IV and promotion by selection 'to Class III and IV was subjected to a condition that element of direct recruitment should not exceed 50 per cent. Reservation in promotion by 'seniority subject to fitness', came in force in 1972 subject to the condition that the element of direct recruitment does not exceed 50 per cent. In 1974, reservation in promotion by selection from Group C to Group B, within Group B and from Group B to the lowest rung of Group A was introduced subject to the condition that the element of direct recruitment, if any, does not exceed 50 per cent. The limitation of the direct recruitment not exceeding 50 per cent was raised to 66 <sup>2/3</sup>% per cent in 1976 and to 75% in 1989.

1.9 Reservation till 1.7.1997 was computed on the basis of number of vacancies filled. The Supreme Court in the case of R.K. Sabharwal Vs. State of Punjab held that the reservation should be determined on the basis of number of posts in the cadre and not on the basis of vacancies. Accordingly post based reservation was introduced w.e.f. 2.7.1997. The basic principle of post based reservation is that the number of posts filled by reservation by any category in a cadre should be equal to the quota prescribed for that category. Prior to introduction of post based reservation, there was a provision of exchange of reservation between SCs and STs. After implementation of the post based reservation such exchange is no more permissible.

1.10 Prior to 1975, scientific' and technical posts required for conducting research or for organizing, guiding and directing research were exempted from the purview of orders relating to reservation for Scheduled Castes and Scheduled Tribes. In 1975 however, the above orders were modified and it was decided that the scheme of reservations for Scheduled Castes and Scheduled Tribes should also cover appointments made to scientific and technical posts up to and including the lowest grade of Class I in the respective services wherever they were exempt from the purview of the scheme of reservations. The amended orders were however not made applicable to Department of Space, Department of Electronics, and in regard to recruitment of trainees to the training school of the Department of Atomic Energy. In the case of these latter departments, the orders in force prior to 1975 continue to apply.

1.11 Various relaxations and concessions are given to SC/ST candidates like relaxation in upper age limit, exemption from payment of examination/application fees, relaxation in qualification of experience at the discretion of the UPSC/competent authority, relaxations in standard of suitability etc. Some relaxations like in upper age limit are also available to OBCs.

### **Institutional Safeguards**

1.12 Each Ministry / Department is required to nominate officers of the rank of Deputy Secretary or above to work as Liaison Officer who take care of implementation of instructions relating to special representation of SCs/STs/OBCs in their respective Ministries and attached and subordinate offices. The system of nominating Liaison Officers has also been extended to the offices under the Heads of Departments. Ministries/Departments have been asked in 1969 to set up a small Cell

within each Ministry/Department under the direct control of Liaison Officer to assist him to discharge his duties effectively.

1.13 The Constitution provides for the **National Commission for Scheduled Castes and the National Commission for Scheduled Tribes** which have wide ranging powers and functions in regard to matters pertaining to Scheduled Castes and Scheduled Tribes respectively. The Government has also set up the **National Commission for Other Backward Classes**. Besides, there is a Committee of Parliament on the Welfare of Scheduled Castes/Scheduled Tribes. The Committee *inter-alia* examines the position regarding representation of Scheduled Castes/Scheduled Tribes in the services under the various Ministries and other Government organizations and makes suitable recommendations for bringing about improvement therein or removing bottlenecks detected by it during the course of a study.

### **Impact of Reservation**

1.14 Representation of SCs/ STs has increased in all the Groups viz. A, B, C and D during last six decades. At the dawn of independence representation of SCs/STs in services was very little. As per available information, representation of SCs in Groups A, B, C and D as on 1.1.1965 was 1.64%, 2.82%, 8.88% and 17.75% respectively which has increased to 12.5%, 14.9%, 15.7% and 19.6% respectively as on 1.1.2008. Likewise while representation of STs as on 1.1.1965 in Group A, B, C and D was 0.27%, 0.34%, 1.14% & 3.39% respectively, it has increased to 4.9%, 5.7%, 7.0% and 6.9% respectively as on 1.1.2008. Total representation of SCs and STs as on 1.1.1965 was 13.17% and 2.25% respectively, which has increased to 17.51% and 6.82% respectively on 1.1.2008. Group-wise and total representation (in percentage) of SCs/STs in different years is given in the following table:

<b>As on 1<sup>st</sup> of January</b>	<b>Group A</b>		<b>Group B</b>		<b>Group C</b>		<b>Group D</b>		<b>Total</b>	
	<b>SCs</b>	<b>STs</b>	<b>SCs</b>	<b>STs</b>	<b>SCs</b>	<b>STs</b>	<b>SCs</b>	<b>STs</b>	<b>SCs</b>	<b>STs</b>
1965	1.64	0.27	2.82	0.34	8.88	1.14	17.75	3.39	13.17	2.25
1970	2.36	0.4	3.84	0.37	9.27	1.47	18.09	3.59	13.09	2.4

1975	3.43	0.62	4.98	0.59	10.71	2.27	18.64	3.99	13.84	2.94
1980	4.95	1.06	8.54	1.29	13.44	3.16	19.46	5.38	15.67	3.99
1985	7.3	1.73	10.03	1.57	14.87	4.2	20.8	5.70	16.83	4.66
1990	8.64	2.58	11.29	2.39	15.19	4.83	21.48	6.73	16.97	5.33
1995	10.15	2.89	12.67	2.68	16.15	5.69	21.26	6.48	17.43	5.78
2001	11.42	3.58	12.82	3.7	16.25	6.46	17.89	6.81	16.41	6.36
2002	11.09	3.97	14.08	4.18	16.12	5.93	20.07	7.13	16.98	6.11
2003	11.93	4.18	14.32	4.32	16.29	6.54	17.98	6.96	16.52	6.46
2004	12.2	4.1	14.5	4.6	16.9	6.7	18.4	6.7	17.05	6.54
2005	11.8	4.3	13.7	4.5	16.4	6.5	18.3	6.9	16.62	6.42
2006	12.9	3.9	15.0	5.7	16.4	6.9	18.6	7.1	16.75	6.75
2008	12.5	4.9	14.9	5.7	15.7	7.0	19.6	6.9	17.51	6.82



## CHAPTER -2

### SCOPE OF RESERVATION

#### Quantum of Reservation in Direct Recruitment

2.1 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. [[36011/33/1981-Estt.\(SCT\) 5/10/1981](#)]

2.2 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.

2.3 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 Other Backward Classes in such cases is fixed keeping in view the proportion of their population in the respective States/UTs subject to a limit of 27% and total reservation for SCs, STs and OBCs should not exceed 50%. Quantum of reservation fixed for SCs, STs and OBCs in such cases is indicated below [[36017/2/2004-Estt.\(Res\) dated 5/7/2005](#)]:

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

2.4 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 subject to a limit of 27% and total reservation for SCs, STs and OBCs should not exceed 50%.

**Illustration:** Suppose direct recruitment to a Group C post in an organization 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 Union Public Service Commission (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 UPSC or not made through written competitive test held by any other authority would mean direct recruitment otherwise than by open competition.

**Note 2:** In case of recruitment 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.

2.5 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 the Annexure to this Chapter.

### **Quantum of Reservation in Promotion**

2.6 Reservation to the members of the Scheduled Castes and the Scheduled Tribes shall be provided in the matter of promotion when promotion is made:

- (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.

2.7 Reservation in all the above cases shall be given at the rate of 15 per cent for the Scheduled Castes and 7.5 per cent for the Scheduled Tribes. However, reservation in promotion is not given in the grades in which the element of direct recruitment, if any, exceeds 75 per cent [[36012/17/88-Estt.\(SCT\) dated 25/4/1989](#)].

### **Reservation in Scientific and Technical Posts**

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

2.9 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. No. 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 organizing, guiding and directing research'.

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

2.11 In the case of scientific and technical posts required for research up to 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 Other Backward Classes, vacancies in such posts may be de-reserved 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 de-reservation together with the details and reasons necessitating de-reservation.

[\[O.M.No.9/2/73-Estt\(SCT\) dated 23/06/75 and O.M.No.36012/27/1994-Estt\(SCT\) dated 13/5/1994\]](#)

### **Reservation in Posts of Industrial Workers**

2.12 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.

[\[O.M.No.8/7/1974-Estt.\(SCT\) dated 22/08/1975\]](#)

### **Reservation in Work-Charged Posts**

2.13 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. [\[O.M.No.36021/9/1976-Estt.\(SCT\) dated 10/02/1977\]](#)

### **Reservation in Appointments of Daily Rated Staff**

2.14 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. [\[O.M.No.36011/18/81-Estt.\(SCT\) dated 16/07/1981\]](#)

### **Reservation in Appointments of Casual Workers to Regular Posts**

2.15 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 and 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. **O.M.No.49014/12/1988-Estt( C ) dated 22/08/1988]**

### **Reservation in Ad-hoc Promotions**

2.16 As a matter of basic approach, ad-hoc promotions should be avoided.. However, if ad-hoc 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 authority etc., following guidelines may be followed on every occasion when ad-hoc promotions are resorted to so as to ensure that the claims of eligible officers belonging to Scheduled Castes and 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 ad-hoc promotions are made on the basis of non-selection, all the Scheduled Caste/Scheduled Tribe candidates covered in the relevant seniority list within the total number of such vacancies against which ad-hoc 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 ad-hoc 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 ad-hoc appointment.
- (iv) All ad-hoc appointees have to be replaced by regular incumbents at the earliest opportunity. When regular promotions are made subsequently, reversion of the ad-hoc 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 ad-hoc promotions. The concept of de-reservation, carrying forward of reservation etc. will also not be applicable in the case of ad-hoc appointments. However, a simple register called Ad-hoc Promotions Register may be maintained for different categories of posts for which ad-hoc appointments are made to facilitate a record being kept of the ad-hoc appointments and for ensuring reversion in the proper order on regular promotions being made to the posts in question.

[\[No. 36011/14/83-Estt.\(SCT\) dated 30-4-1983 and O.M. No.36011/13/83-Estt.\(SCT\) dated 30/09/1983\]](#)

### **Reservation in case of a Single Vacancy**

2.17 In cases where only one vacancy occurs in the initial recruitment year and it, according to the scheme of reservation, is 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. When the vacancy is treated as reserved, it shall be filled up as per the procedure prescribed for filling up of reserved vacancies.[ [36011/39/81-Estt.\(SCT\) dated 30/11/1981\]](#)

### **Reservation in PSUs, Autonomous Bodies etc**

2.18 Instructions contained in this Compendium 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. [[O.M.No.39/40/74\(SCT\)\(I\) dated 30/09/1974](#) ]

### **Reservation in Voluntary Agencies**

2.19 The Ministries/Departments should insist as a pre-condition to the sanction of grants-in-aid from Central Government to a non-Government organizations/ voluntary agency etc. that it 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 the table under Para 2.1 (c) 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.2lakh and above from the Consolidated Fund of India.

2.20 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 /organizations etc. are given grants-in-aid by Government, somewhat on the following lines:

“.....(Name of Organization/ 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.”

2.21 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. [[O.M.No.27/12/73-Estt.SCT\) dated 7/10/1974](#)]

### **Non-Applicability of Reservation**

2.22 Reservations do not apply to:

- (i) Temporary appointments of less than 45 days duration; [[O.M.No.27/4/67\(II\)-Estt.\(SCT\) dated 24/09/1968](#)]
- (ii) Work-charged posts which are required for emergencies like flood relief work, accident restoration and relief etc. [[36021/9/76-Estt.\(SCT\) 10/2/1977](#)]
- (iii) Promotions by selection method from a Group 'A' post to another Group 'A' post. [[36028/21/7/2003-Estt.\(SCT\) dated 29/01/2004](#)]
- (iv) Appointments to Scientific and Technical posts which are above the lowest rung of Group 'A'. [[O.M.No.36012/27/1994-Estt\(SCT\) dated 13/05/1994](#)]
- (v) Deputation/Absorption. [[O.M.No.36012/7/77-Estt\(SCT\) dated 21/01/1978](#)]
- (vi) Single post cadres

### **Relevant Office Memoranda etc.**

1.	<a href="#">MHA O.M. No.42/21/49-NGS</a>	28.1.1952
2.	<a href="#">MHA O.M. No.16/2/54-(SCT)</a>	23.11.1954
3.	<a href="#">MHA O.M. No.5/1/63-SCT(I)</a>	4.3.1964
4.	<a href="#">MHA O.M. No.16/2/67 -Est.(C)</a>	27.9.1967
5.	<a href="#">MHA O.Ms. No. 1/12/67-Est.(C)</a>	11.7.1968
6.	<a href="#">No.17/4/69-Estt.(SCT)</a>	3.2.1970
7.	<a href="#">MHA OM No.27/25/68-Est.(SCT)</a>	25.3.1970
8.	<a href="#">DP&amp;AR O.M. No.27/2/71-Est. (SCT)</a>	27.11.1972
9.	<a href="#">DP&amp;AR O.M. No.10/41/73-Est.(SCT)</a>	20.7.1974
10.	<a href="#">MHA O.M. No.39/40/74-SCT(I)</a>	30.9.1974
11.	<a href="#">DP&amp;AR O.M. No.27/12/73-Estt.(SCT)</a>	7.10.1974
12.	<a href="#">DP&amp;AR O.M. No.9/2/73-Est. (SCT)</a>	23.6.1975
13.	<a href="#">DP&amp;AR O.M. No.8/7/74-Est.(SCT)</a>	22.8.1975
14.	<a href="#">DP&amp;AR O.M. No.36021/9/76-Estt.(SCT)</a>	10.2.1977
15.	<a href="#">DP&amp;AR O.M. No.36012/7/77-Est.(SCT)</a>	21.1.1978

16.	<a href="#"><u>DP&amp;AR O.M. No.36011/18/81-Est.(SCT)</u></a>	16.7.1981
17.	<a href="#"><u>DP&amp;AR OM No.36011/39/81-Estt.(SCT)</u></a>	30.11.1981
18.	<a href="#"><u>DP&amp;AR OM No.36011/14/83-Estt.(SCT)</u></a>	30.4.1983
19.	<a href="#"><u>Dep. Per &amp;AR O.M. No.36011/13/83-Est.(SCT)</u></a>	30.9.1983
20.	<a href="#"><u>Dep. Per &amp;AR O.M. No.36011/14/83-Est.(SCT)</u></a>	30.4.1983
21.	<a href="#"><u>Dep. Per &amp; Trg OM No. 36011/13/88-Estt(SCT)</u></a>	22.8.1988
22.	O.M.No.49014/12/1988-Estt( C )	22/08/1988
23.	<a href="#"><u>DOP&amp;T O.M. No.36022/4/93-Estt.(SCT)</u></a>	1.6.1993
24.	<a href="#"><u>DOP&amp;T O.M. No.41015/9/93-Estt.(SCT)</u></a>	7.6.1993
25.	<a href="#"><u>DOPT OM No. 36012/22/93-Estt(Res)</u></a>	8.9.1993
26.	<a href="#"><u>DOPT OM No.36012/22/93-Estt(Res)</u></a>	15.11.1993
27.	<a href="#"><u>DOPT OM No. 36012/27/94-Estt(SCT)</u></a>	13.5.1994
28.	<a href="#"><u>DOPT OM No. 36012/18/95-Estt(Res) Pt.II</u></a>	13.8.1997
29.	<a href="#"><u>DOPT OM NO. 36012/27/2000-Estt(Res)</u></a>	15.3.2002
30.	<a href="#"><u>DOPT OM NO. 36033/3/2004-Estt(Res)</u></a>	14.10.2008

**CRITERION FOR DETERMINING CREAMY LAYER****[O.M.No.36012/22/93-Estt(SCT) dated 08/09/1993]**

Category	Description of Category	Who will fall in Creamy Layer
1.	2	3
I.	CONSTITUTIONAL POSTS	<p>Son(s) and daughter(s) of</p> <ul style="list-style-type: none"> <li>(a) President of India;</li> <li>(b) Vice President of India;</li> <li>(c) Judges of the Supreme Court and of the High Courts;</li> <li>(d) Chairman &amp; Members of UPSC and of the State Public Service Commission; Chief Election Commissioner; Comptroller &amp; Auditor General of India;</li> <li>(e) Persons holding Constitutional positions of like nature.</li> </ul>
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> <ul style="list-style-type: none"> <li>(a) parents, both of whom are Class I officers;</li> <li>(b) parents, either of whom is a Class I officer;</li> <li>(c) parents, both of whom are Class I officers, but one of them dies or suffers permanent incapacitation.</li> <li>(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 years.</li> <li>(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.</li> </ul> <p>Provided that the rule of exclusion shall not apply in the following cases:</p> <ul style="list-style-type: none"> <li>(a) Sons and daughters of parents either of</li> </ul>

		<p>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 &amp; 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 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&amp;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 comparable basis in these institutions, the criteria specified in Category VI</p>

		below will apply to the officers in these Institutions.
III.	ARMED FORCES INCLUDING PARAMILITARY FORCES  (Persons holding civil posts are not included)	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;  Provided that :-  (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	PROFESSIONAL CLASS AND THOSE ENGAGED IN TRADE AND INDUSTRY  (I) Persons, engaged in profession as a 'doctor, lawyer, chartered accountant, Income Tax consultant, financial or management consultant, dental surgeon, engineer, architect, computer specialist, film artists and other film professional, author, playwright, sports person, sports professional, media professional or any other vocations of like status.  (II) Persons engaged in trade, business and industry.	Criteria specified against Category VI will apply:-  Criteria specified against Category VI will apply: Explanation:  (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.  (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.
V.	PROPERTY OWNERS  A. Agricultural holdings	Son(s) and daughter(s) of persons belonging to a

		<p>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 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>B. Plantations</b></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><b>C. Vacant land and / or buildings in urban areas or urban agglomerations</b></p>	<p>Criteria specified in Category VI below will apply.</p> <p>Explanation: Building may be used for residential, industrial or commercial purpose and the like two or more such purposes.</p>
VI.	<p><b>INCOME / WEALTH TEST</b></p>	<p>Son(s) and daughter(s) of</p> <p>(a) Persons having gross annual income of Rs.6 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>
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**Explanation:** Wherever the expression “permanent incapacitation” occurs 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.6 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. 6 lakh per annum and income from other sources is also less than Rs.6 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.6 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. 6 lakh per annum, income from agricultural land is more than Rs.6 lakh per annum, but income from sources other than salaries and agriculture is less than Rs. 6 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.

**[O.M.No.36012/22/1993-Estt(SCT) dated 8/9/1993, No.36033/5/2004-Estt(SCT) dated 14/10/2004 and 36033/1/2013-Estt(Res) dated 27/5/2013]**



## CHAPTER- 3

### RELAXATIONS AND CONCESSIONS

#### Concession in Promotions within Group A

3.1 There is no reservation in case of promotion by 'selection' from a Group A post to another Group A post. But when promotion by 'selection' is made from a Group A post to a Group A post carrying Grade pay of Rs.8700/- 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.[**O.M No. 36028/8/2009-Estt(Res) dt.7.6.2013**]

**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.

#### Consideration for Appointment by Deputation and Absorption

3.2 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 under them to a post in or under another Ministry/Department etc., the Scheduled Caste/Scheduled Tribe employees serving under them, 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, while selecting persons for such post(s), duly consider the cases of eligible Scheduled Caste and Scheduled Tribe employees whose names have been forwarded, 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 endeavor to see that a fair proportion of such posts is filled by employees belonging to Scheduled Castes/Scheduled Tribes, subject of course, to availability from

the feeder categories of qualified persons belonging to these communities. [[DP&AR OM No. 36021/6/75-Estt\(SCT\), dt. 9.10.1975](#) and [DP&AR O.M No36012/7/77-Estt \(SCT\) dt. 21.1.1978](#)].

### **Age Relaxation in Direct Recruitment**

3.3 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. [[MHA No.15/1/55-SCT dt.30.4.1955, OM No. 43013/2/95-Estt\(SCT\), dt. 25.1.1995](#)]

### **Age Relaxation in Promotion**

3.4 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. [[O.M No. 21/9/70-Estt\(SCT\), dt.8.12.1971](#)]

### **Concession in Fee**

3.5 The candidates belonging to Scheduled Castes and Scheduled Tribes will not be required to pay any fees for admission to any recruitment examination/selection. [[O.M No. 36011/3/84-Estt\(SCT\) dt. 1.7.1985](#)]

### **Relaxation of Experience Qualification for SCs and STs in Direct Recruitment**

3.6 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 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, 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, 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.”

3.7 When any vacancies reserved for Scheduled Castes and Scheduled Tribes 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 candidates as provided in the Recruitment Rules. This is intended to ensure that the aspirants who may fall slightly short of the requisite experience may know about the possibility of relaxation in this regard. [\[DP&AR O.M No.27/10/71-Estt \(SCT\) dt. 5.9.1975\]](#)

### **Relaxation of Standard of Suitability in Direct Recruitment**

3.8 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. [[MHA O.M No. 1/1/70-Estt \(SCT\), 25.7.1970](#)]

3.9 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.

3.10 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. ([O.M.No 24/7/67\(I\)-Estt.\(SCT\) dated 24/9/1968](#))

**No Relaxation in Educational Qualification**

3.11 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. [[OM No. 36011/8/84-Estt\(SCT\) dt. 29.5.1985](#)]

**Relaxation of Standards in Departmental Competitive / Qualifying Examinations**

3.12 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 is not available on the basis of general standard to fill all the vacancies reserved for them.

3.13 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 favor 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. [[DP&AR O.M No. 36021/10/76-Estt\(SCT\), 21.1.1977](#)]

**Relevant Office Memoranda etc.**

1	<a href="#">MHA No.15/1/55-SCT</a>	30.4.1955
2	<a href="#">MHA OM No. 1/9/69-Estt(SCT)</a>	26.3.1970
3	<a href="#">DP &amp; AR OM No. 1/10/74-Estt(SCT)</a>	23.12.1974
4	<a href="#">DP &amp; AR OM No. 27/10/71-Estt(SCT)</a>	5.9.1975
5	<a href="#">DOPT OM No. 36021/6/1975-Estt(SCT)</a>	9.10.1975
6	<a href="#">DOP&amp;T O.M. No.15012/2/81-Est.(D)</a>	8.4.1981
7	<a href="#">DP &amp; AR OM No.D-1458/81-Estt(SCT)</a>	21.5.1981
8	<a href="#">DOPT OM No. 36011/8/84-Estt(SCT)</a>	29.5.1985
9	<a href="#">DOPT O.M. No. 36013/3/84-Estt. (SCT)</a>	1.7.1985
10	<a href="#">DOPT OM No. 36012/23/96-Estt(Res) Vol.II</a>	3.10.2000

## CHAPTER -4

### DETERMINATION OF RESERVATION QUOTA

#### Determination of Number of Reserved Posts

4.1 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.

4.2 If the number of posts in a cadre is 2 or more than 2 but less than 14, reservation is provided as per L-shaped rosters prescribed vide Department of Personnel & Training OM No. 36012/2/96-Estt(Res) dated 02.07.1997. These L-shaped rosters are nothing but 14- Point rosters given below. Thus in cadres with 2 posts but less than 14 posts, reservation shall be provided by rotation on the basis of following 14-point rosters:

<b>ROSTER POINTS</b>	<b>DIRECT RECRUITMENT</b>	<b>PROMOTION</b>
(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

**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.

### **Determination of Reserved Vacancies**

4.3 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.



4.4 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.

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

- (i) 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.

**(O.M.No.36033/1/2008-Estt.(Res.)15/07/2008)**

4.6 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.

**Relevant Office Memoranda etc.**

1	<a href="#">DOPT OM NO. 36012/2/1996-Estt(Res)</a>	2.7.1997
2	<a href="#">DOPT OM No 36033/1/2008-Estt(Res)</a>	15.7.2008

**CHAPTER - 5****RESERVATION REGISTERS AND ROSTER REGISTERS**

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

5.2 Reservation roster registers will be maintained in format given in the **Annexure-II** for cadres having less than 14 posts.

5.3 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 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. These registers/roster registers do not determine seniority.

### **Grouping of Posts**

5.4 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 orders taking into account the status, salary and qualifications prescribed for the posts in question.

5.5 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.

5.6 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.

5.7 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.

### **Initial Preparation of Reservation Register / Roster**

5.8 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.

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

5.10 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.

### **SC/ST/OBC Candidates Appointed on Merit**

5.11 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.

5.12 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 along with 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.

5.13 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 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.

5.14 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.

5.15 50% limit on reservation will be computed by excluding such reserved category candidates who are appointed/ promoted on their own merit.

[OMs No.[36028/17/2001-Estt\(Res\) dated 11/07/2002](#), [36028/17/2001-Estt\(Res\) dated 31/01/2005](#) and [36012/45/2005-Estt.\(Res.\) 10/08/2010](#)]

### **Adjustment of Compassionate Appointees**

5.16 A person selected for appointment on compassionate grounds should be adjusted in the reservation register/ reservation roster register against the appropriate category viz. SC/ST/OBC/UR category depending upon the category to which he belongs. For example, if he belongs to SC, he shall be adjusted against a vacancy reserved for SCs. Similarly if he is an ST or OBC candidate, he shall be adjusted against vacancy reserved for STs or OBCs, as the case may be. An unreserved category candidate shall be adjusted against an unreserved vacancy. ([O.M.No.14014/6/1995-Estt\(D\) dated 26.09.1995](#))

### **Relevant Office Memoranda etc.**

1	<a href="#">MHA OM NO. 7/2/55-Estt(SCT)</a>	14.10.1955
2	<a href="#">MHA OM No. 31/10/63-SCT(1)</a>	27.3.1963 and 2.5.1963
3	<a href="#">MHA OM NO. 1/11/69-Estt(SCT)</a>	22.4.1970
4	<a href="#">DOP&amp;T O.M. No. 1/4/70-Estt. (SCT)</a>	11.11.1971
5	<a href="#">DPA OM NO. 10/52/72-Estt(SCT)</a>	24.5.1974
6	<a href="#">DOP&amp;T O.M. No.8/1/74 -Estt.(SCT)</a>	12.12.1974
7	<a href="#">DPA OM NO. 36011/1/76-Estt(SCT)</a>	6.3.1976
8	<a href="#">DOP&amp;AR OM NO. 36011/33/81-Estt(SCT)</a>	5.10.1981
9	<a href="#">DPA OM No. 36011/46/81-Estt(SCT)</a>	4.2.1982
10	<a href="#">DOP&amp;AR OM No. 36012/3/1978-Estt(SCT)</a>	9.2.1982
11	<a href="#">DPA OM NO. 36011/12/82-Estt(SCT)</a>	26.6.1982
12	<a href="#">DPA OM No. 36011/28/83-Estt(SCT)</a>	12.3.1984
13	<a href="#">DOPT's O.M.No.14014/6/1995-Estt(D)</a>	26.09.1995
14	<a href="#">DOPT's OM No. 36011/1/98-Estt(Res)</a>	1.7.1998
15	<a href="#">DOPT's OM NO. 36028/17/2001-Estt(Res)</a>	11.7.2002
16	<a href="#">DOP&amp;T O.M No.36017/1/2004-Estt.(Res)</a>	5.7.2005
17	<a href="#">DOPT OM No.36017/1/2007-Estt.(Res)</a>	4.7.2007
18	<a href="#">DOPT OM No. 36012/45/2005-Estt(Res)</a>	10.8.2010



**Annexure-I to Chapter- 5****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 appointment	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



## **CHAPTER-6**

### **FILLING UP OF RESERVED VACANCIES**

#### **Direct Recruitment**

6.1 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. ( [O.M.No.36012/6/88-Estt.\(SCT\), SRD dated 6.9.1999](#))

6.2 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.”

6.3 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.

6.4 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 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 Exchange, as the case may be.

6.5 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 de-reservation of vacancies reserved for SCs, STs and OBCs in direct recruitment.

6.6 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 year 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.”

6.7 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 category concerned without any restriction whatsoever as they belong to distinct group of backlog vacancies of SCs, STs and OBCs.

6.8 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.

6.9 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.

6.10 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.[\(O.M No.27/14/71-Estt.\(SCT\) dated 30/01/1973\)](#)

### **Promotion by Selection**

6.11 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.

### **Promotion by Non-Selection**

6.12 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, would apply to the appointment to the Selection Grade also.

**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.

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

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

6.14 If sufficient number of SC/ST candidates fit for promotion against reserved vacancies is not available and such vacancies can also not be de-reserved 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 and will be treated as “backlog vacancies”.

( [O.M.No.36020/2/2007-Estt.\(Res\) dated 7/12/2009](#) )

6.15 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.

### **Diversion of Reserved Vacancies from Promotion Quota to Direct Recruitment**

6.16 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.

### **Safeguards against Supersession of SC/ST Candidates**

6.17 In posts filled by promotion (by selection or by non-selection) 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 finalization 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.

6.18 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.

### **Implementation of the Findings of DPC Kept in Sealed Cover**



6.19 According to the instruction contained in the Ministry of Home Affairs Office Memorandum No.39/3/59-Estt.(A) dated the 31<sup>st</sup> August, 1960, the findings of the Department Promotion Committee in respect of a person under suspension or against whom vigilance enquiries are pending are kept in sealed cover and a vacancy is kept reserved for him and is filled only on officiating basis till the finalization of the departmental proceedings. If the officer is completely exonerated and the charges leveled against him are proved to be wholly unjustified then he is promoted 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.

**Relevant Office Memoranda etc.**

1	<a href="#">Para 5 (6) MHA O.M. No. 42/21/49-NGS</a>	28.1.52
2	<a href="#">MHA OM No.14/12/67-Estt.(D)</a>	10.4.68
3	<a href="#">MHA OM No. 27/2/69-Est. (SCT)</a>	5.7.69
4	<a href="#">MHA OM No. 27/2/70-Est. (SCT)</a>	5.6.70
5	<a href="#">DOP&amp;T O.M. No. 14/17/71</a>	27.11.71
6	<a href="#">DOP&amp;AR O.M. No.16/1/72-Estt.(SCT)</a>	11.08.1972
7	<a href="#">Dept. of Per &amp; AR OM No. 36012/3/75-ESst(SCT)</a>	6.10.1976
8	<a href="#">DP&amp;AR O.M. No.36014/3/77-Est.(SCT)</a>	23.4.77
9	<a href="#">Dept. of Per &amp; AR OM No. 36013/6/80-ESst(SCT)</a>	28.1.1982
10	<a href="#">DOP&amp;T O.M.No.36012/6/88-Estt(SCT), SRD</a>	6.9.1989
11	<a href="#">DOPT OM No. 36012/5/97-Estt.(Res.)</a>	20.7.2000

## **CHAPTER-7**

### **DE-RESERVATION**

7.1 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. However, a reserved vacancy may be declared unreserved by following the procedure of de-reservation as given below whereafter it can be filled as an unreserved vacancy.

#### **De-reservation in case of Direct Recruitment**

7.2 There is a general ban on de-reservation 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 de-reservation 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 de-reservation; and
- (ix) Any other relevant information.

7.3 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 de-reservation of the vacancy is approved, it can be filled as an unreserved vacancy.

#### 7.4 **De-reservation in case of Promotion**

In case of promotion, if sufficient number of SC/ST candidates fit for promotion against reserved vacancies are not available, such vacancies may be de-reserved and filled by the candidates of other communities. The power to accord approval to de-reservation 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 de-reservation has been seen and concurred in by the Liaison Officer of the Ministry / Department;
- (iii) the proposal for de-reservation 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.

7.5 Before taking a decision to de-reserve a vacancy under the delegated powers, the administrative Ministry / Department shall prepare a proposal in the proforma given in the **Annexure-I** 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 de-reservation 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.

7.6 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.

7.7 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.

### **Relevant Office Memoranda etc.**

1	<a href="#">MHA O.M. No.31/10/63 SCT(I)</a>	02.05.1963
2	<a href="#">MHA No.16/1 (I)/65-Estt.(C)</a>	20.07.1965
3	<a href="#">MHA No 1/6/67-Estt.(C)</a>	20.09.1967
4	<a href="#">MHA No. 27.05.1968-Estt.(C)</a>	13.03.1968
5	<a href="#">MHA No.1/8/69-Estt.(SCT)</a>	28.01.1969
6	<a href="#">DOP&amp;AR O.M. No.16/1/72-Estt.(SCT)</a>	11.08.1972
7	<a href="#">DOP&amp;AR No.16/3/74-Estt.(SCT)</a>	26.04.1974
8	<a href="#">DOP&amp;AR No.16/27/74-Estt.(SCT)</a>	12.11.1975
9	<a href="#">DOP&amp;AR O.M. No.36011/25/79-Estt.(SCT)</a>	16.11.1979
10	<a href="#">DOP&amp;AR OM No.36011/5/81-Estt.(SCT)</a>	07.04.1981
11	<a href="#">DP&amp;T O.M. No.36020/2/2007-Estt.(Res)</a>	07.12.2009

**PROPOSAL FOR DE-RESERVATION 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 de-reserved  (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 de-reserved	SCs..... STs.....

<p>8. <u>If promotion is by non-selection</u></p> <p>(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</p> <p>(b) Total number of SC/ST candidates in the feeder grade</p> <p>(c) No. of eligible SC/ST candidates in the feeder grade</p> <p>(d) Number of SC/ST candidates considered 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 in the grade will become eligible for promotion</p>	<p>SCs.....STs.....</p> <p>SCs.....STs.....</p> <p>SCs.....STs.....</p> <p>SCs.....STs.....</p> <p>SCs.....STs.....</p>
<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 de-reserved</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>	
<p>14(a) If ex-post-facto approval is sought to the de-reservation of vacancies, the reasons why proposal for prior de-reservation was not made, and what steps have been taken to prevent its recurrence</p>	
<p>(b) The level at which it was decided to fill the reserved vacancies by other category candidate (s) without prior de-reservation</p>	

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It is certified

- (1) that the proposal for de-reservation 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.....

No. \_\_\_\_\_

Date \_\_\_\_\_

To

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

**CHAPTER -8**  
**VERIFICATION OF THE CLAIMS OF SCHEDULED CASTES, SCHEDULED TRIBES AND OTHER BACKWARD CLASSES**

8.1 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.

8.2 The Caste/Tribe/Community certificate issued by the following authorities in the prescribed form for SCs/STs and 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 as given in **Annexure-I** and **Annexure-II**

- (i) District Magistrate/Additional District Magistrate/Collector /Deputy Commissioner/Additional Deputy Commissioner/ Deputy Collector/ 1<sup>st</sup> 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.

**(O.M.NO.36012/6/88-Estt. (SCT) dated 24.4.1990 and OM No.36012/22/93-Estt(Res) dated 15.11.1993 & OM No. 36011/3/2009-Estt(Res) dated 02.09.2009).**

8.3 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 de-scheduled 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 disentitled to them. ([OM No. 36011/3/2005-Estt.\(Res\) dated 09.09.2005](#)).

8.4 The Appointing Authorities should, in the offer of appointment to the candidates claiming to belong 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.” ([OM No. 36033/4/97-Estt \(Res\) dated 25.07.2003](#) and [No.36011/3/2005-Estt.\(Res.\) dated 09/09/2005](#)).

8.5 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 ([OM No. 36011/3/2005-Estt.\(Res\) dated 09.09.2005](#)).

8.6 As no person professing a religion different from the Hinduism or Sikhism or Budhism 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 ([OM No. 13/3/71-Estt.\(SCT\) dated 10.09.1971](#)).

**CHAPTER 8**

1	<a href="#">Para 5(7) of MHA O.M. No.42/21/49-NGS</a>	28.01.1952
2	<a href="#">DOPT OM No. 13/3/71-Estt.(SCT)</a>	10.09.1971
3	<a href="#">DOPT OM No. 36012/06/88</a>	24.04.1990
4	<a href="#">DOPT OM No. 36012/22/93-Estt(Res)</a>	15.11.1993
5	<a href="#">DOPT OM No.36033/4/97-Estt (Res)</a>	25.07.2003
6	<a href="#">DOP&amp;T O.M. No.36011/3/2005-Estt.(Res)</a>	09.09.2005
7	<a href="#">DOPT OM No. 36011/3/2009-Estt(Res)</a>	02.09.2009

**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.

\* The Constitution (Sikkim) Scheduled Tribes Order, 1978.

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 \_\_\_\_\_

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\* 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.

**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 10<sup>th</sup> September, 1993 published in the Gazette of India Extraordinary Part I Section I dated 13<sup>th</sup> September, 1993\*. Shri/Smt./Kumari \_\_\_\_\_ and/or his/her family ordinarily reside(s) in the \_\_\_\_\_ District/Division of the \_\_\_\_\_ State/Union Territory. 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

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\* as amended from time to time.

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



**CHAPTER -9****MONITORING AND INSTITUTIONAL SAFEGUARDS****Annual Returns**

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

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

9.2 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 31<sup>st</sup> 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 organized Group 'A' service under its control reflecting grade-wise position of the representation of SCs/STs/OBCs in the service as on 1<sup>st</sup> January of the year and particulars of recruitment to various grades of the service during the preceding calendar year.

9.3 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.

9.4 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.

9.5 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. 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.

### **Incorporation of Reservation Information in Annual Reports**

9.6 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. 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 incorporate information in respect of each organization/establishment under the Ministry/Department in the Annual Report. 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.

### **Liaison Officers**

9.7 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 and Scheduled Tribes in all establishments and services under the administrative control of the Ministry/Department. A separate Liaison Officer should be appointed for Other Backward Classes. The Liaison Officers 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 of SC/ST/OBC Reports I and II by each appointing authority under the Ministry/Department to the Ministry/Department 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 proformae to the Department of Personnel & Training.
- (iii) Acquainting himself( Liaison Officer for SCs and STs) 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 de-reservation of reserved vacancies, full details in support of the proposal for de-reservation 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.

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

9.9 In offices under the control of each Head of Department also, the Liaison Officers 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.

9.10 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 Officers 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. ([No.43011/153/2010-Estt.\(Res.\) dated 04/01/2013](#))

### **National Commissions for SCs and STs**

9.11 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.

9.12 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 or the National Commission for Scheduled Tribes, as the case may be, 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.

9.13 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.

9.14 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.

9.15 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 has 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 judgment 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 judgment 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. ([O.M. No.36036/2/97-Estt.\(Res\) dated the 1<sup>st</sup> January, 1998](#))

**Relevant Office Memoranda etc.**

1	<a href="#">MHA O.M. No.16/17/67-Estt.(C)</a>	10.4.1968
2	<a href="#">No.27/22/68-Estt.(SCT)</a>	19.4.1969
3	<a href="#">DOP&amp;AT OM NO. 27/4/(1)/70-Estt(SCT)</a>	3.9.1970
4	<a href="#">Deptt. of Personnel O.M. No.8/8/71-Estt.(SCT)</a>	22.4.1971
5	<a href="#">Deptt. of Personnel O.M. No27/2/71-Estt.(SCT)</a>	24.3.1972
6	<a href="#">MHA O.Ms. No.8-2-69-SCT(I)</a>	1.10.1974
7	<a href="#">DP&amp;AR O.M. No.36022/5/76-Estt.(SCT)</a>	27.5.1976
8	<a href="#">OM No. 36022/5/(1)/76-Estt(SCT)</a>	28.5.1976
9	<a href="#">OM No. 36013/1/77/Estt(SCT)</a>	7.6.1977
10	<a href="#">DP&amp;AR O.M. No.36024/1/78-Estt.(SCT)</a>	27.6.1978
11	<a href="#">DP&amp;AR O.M. No.36024/1/78-Estt.(SCT)</a>	20.2.1979
12	<a href="#">No.46028/1/79-Estt.(SCT)</a>	11.10.1979
13	<a href="#">No. 36013/6/81-Estt.(SCT)</a>	07/12/1981
14	<a href="#">DP&amp;AR O.M.No.36034/2/83-Estt.(SCT)</a>	23.2.1983
15	<a href="#">DP&amp;AR O.M. No.36022/2/84-Estt.(SCT)</a>	18.1.1985
16	<a href="#">DOP&amp;T O.M. No.36012/25/92-Estt.(SCT)</a>	1.9.1992
17	<a href="#">DOPT OM No. 42011/18/96-Estt(Res)</a>	6.3.1997
18	<a href="#">DOP&amp;T O.M. No.36036/2/97-Estt.(Res)</a>	1.1.1998
19	<a href="#">DOP&amp;T O.M. No 36036/2/97-Estt.(Res)</a>	30.11.1998
20	<a href="#">No.43011/153/2010-Estt.(Res.)</a>	4/1/2013







**CHAPTER -10****MISCELLANEOUS****Arrangements for Training**

10.1 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. [[DoPT's OM No.1/9/69-Estt. \(SCT\) dated 15.11.1971](#)].
- (ii) Ministries/Departments should nominate a considerably larger number of Scheduled Caste and Scheduled Tribe officers for the training programmes run by 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. [[OM No.36013/18/77-Estt.\(SCT\) dated 4.9.1978](#) and [DoPT's OM No.36022/4/2005-Estt.\(Res.\) dated 13.7.2005](#)].
- (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. [[DP&AR's OM No.1/1/73-Estt.\(Res.\) dated 10.12.73](#) and [DP&AR's OM No.36022/13/76-Estt.\(SCT\) dated 14.9.1976](#) and [DP&AR's OM No.36013/18/77-Estt.\(SCT\) dated 4.9.78](#)].

- (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. [[M/o Home Affairs OM No.27/2/70-Estt.\(SCT\) dated 21.4.70](#)].
- (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. [[DP&AR's OM No.16/4/74-Estt.\(SCT\) dated 18.4.1974](#)].

### **Intimation about Competitive Examinations to Pre-Examination Training Centers**

10.2 Pre-examination Training Centers 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 Centers 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 Centers 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. [[M/o Home Affairs' letter No.21/3/70-Estt.\(B\) dated 31.3.70](#)].

### **Selection of Persons for Posting Abroad**

10.3 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 along with others for such posting. [[DP&AR's OM No.16/32/74-Estt.\(SCT\) dated 3<sup>rd</sup> April, 1976](#)].

### **Forwarding of Application for Employment**

10.4 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. [ [M/o Home Affairs' OM No.1/6/69-SCT\(I\) dated 19.3.1964](#) and [DoPT's OM No.27/4\(iv\)/70-Estt.\(SCT\) dated 2.9.70](#)].

### **Prevention of Discrimination**

10.5 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. 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. [[OM No.36026/3/85-Estt.\(SCT\) dated 24<sup>th</sup> June, 1985](#)].

### **Provisions In Recruitment Rules/Regulations For Examination**

10.6 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.” [ [DoPT’s OM No. 8/12/71-Estt. \(SCT\) dated 21<sup>st</sup> September, 1971](#)].

10.7 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.” [ [OM No.8/12/71-Estt.\(Res.\) dated 19<sup>th</sup> October, 1971](#) and [M/o Home Affairs’ OM No.1/1/70-Estt.\(SCT\) dated 25.7.1970](#)].

**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.

### **Clarifications about SC/ST/OBC Status**

10.8 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. [\[M/o Home Affairs' Circular letter No. 35/1/72-RV\(SCTV\) dated 2.5.75\]](#)

10.9 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 Buddhist religion.

### **Cases of Migration**

- 10.10 (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.

### **Claims through Marriage**

10.11 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.

### **Cases of Conversion and Reconversion**

- 11.12 (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.

### **Cases of Adoption**

11.13 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.

### **Relevant Office Memoranda etc.**

1	<a href="#">MHA O.M. No.1/6/64-Estt.(SCT)(I)</a>	19.3.1964
2	<a href="#">MHA letter No. 21/3/70-Estt(B)</a>	31.3.1970
3	<a href="#">MHA O.M. No.27/2/70-Estt.(SCT)</a>	21.4.1970
4	<a href="#">MHA's OM 1/1/70-Estt(SCT)</a>	25.7. 1970
5	<a href="#">DOP&amp;T O.M. No.27/4(iv)/70-Estt.(SCT)</a>	2.9.1970
6	<a href="#">DOPT OM No. 8/12/71-Estt(SCT)</a>	19.10.1971
7	<a href="#">Deptt. of Personnel O.Ms. No.1/9/69-Estt.(SCT)</a>	15.11.1971
8	<a href="#">DP&amp;AR O.M. No.1/1/73-Estt.(SCT)</a>	10.12.1973
9	<a href="#">DP&amp;AR O.Ms. No.16/4/74-Estt.(SCT)</a>	18.4.1974
10	<a href="#">DOP &amp; AR OM No. 16/32/74-Estt(SCT)</a>	3.4.1976
11	<a href="#">DP&amp;AR O.M. No.36022/13/76-Estt.(SCT)</a>	14.9.1976
12	<a href="#">No.36013/18/77-Estt.(SCT)</a>	4.9.1978
13	<a href="#">DOPT OM No. 36026/3/85-Estt(SCT)</a>	24.6.1985
14	<a href="#">DOP&amp;T O.M. No.36022/4/2005-Estt.(Res)</a>	13.7.2005
15.	<a href="#">M/o Home Affairs' Circular letter No. 35/1/72-RV(SCTV)</a>	2.5.1975.