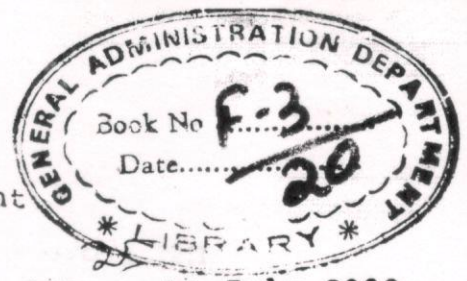


Government of Orissa  
ST & SC Development Department



No. 26229 /SSD., Dated, Bhubaneswar, the 20th July, 2002  
Emp.I(A)-53/01

To

All Departments of Government

Sub :- De-reservation of reserved vacancies -  
Reference to the ST & SC Development  
Department - Regarding.

The undersigned is directed to invite reference to the subject above and say that a number of cases are being referred to this Department for concurrence in de-reservation of Reserved Vacancies in various grades/posts by different Departments.

Section 7 of the Orissa Reservation of Vacancies in posts and services (for SCs and STs) Act, 1975 reads as follows :

" 7.If, in any recruitment year, the number of candidates either from Scheduled Castes or Scheduled Tribes is less than the number of vacancies reserved for them even after exchange of reservation between the Scheduled Castes and Scheduled Tribes, the remaining vacancies may be filled up by general candidates after de-reserving the vacancies in the prescribed manner, but the vacancies so de-reserved may be carried forward to subsequent three years of recruitment."

It has also been prescribed in rule 5 (2) of the O.R.V. Rules, 1976 that

" Rule 5(2) :- In case of promotion on the basis of seniority subject to fitness, the vacancies reserved for Scheduled Castes and Scheduled Tribes and remaining unfilled on the ground of non-availability of candidates belonging to these communities, shall not be filled up without being dereserved by the appointing authority by taking orders of the next higher authority."

Thus, the O.R.V. Act, 1975 and rules made thereunder provide that if at all any dereservation of any reserved vacancy/is absolutely necessary in the public interest, the ~~appointing authority may dereserve such reserved vacancies~~ after due observance of the procedure prescribed for the purpose under section 7 read with Rule 5 (2) as indicated above.

...../-

The above procedure prescribed for dereservation of Reserved vacancies does not envisage concurrence of ST & SC Development Department. The Rules of Business on the Instructions issued under these Rules also do not envisage any reference to and concurrence by the ST & SC Development Department. No reference need be made by Administrative Departments, therefore, for dereservation of vacancies to this Department. It is, however, absolutely necessary that the prescribed procedure should be followed and that the decision should be in the public interest. However, if, there is any doubt regarding the procedure to be followed in specific cases, the Administrative Department/appointing authority may seek clarification from this Department.

This may be brought to the notice of all concerned.

*A. S. Somanath* 18/7  
PRINCIPAL SECRETARY TO GOVERNMENT

Memo No. 26240/SSD., Date 25/7/82

Copy forwarded to all Heads of Departments /  
All R.D.Cs / Member, Board of Revenue, Orissa, Cuttack /  
All Collectors for information and necessary action.

*[Signature]*  
Joint Director-cum-Deputy  
Secretary to Government

Memo No. 26241/SSD., Date 25/7/82

Copy forwarded to All Joint Directors of ST & SC Development Department / All Project Administrators of ITDAs / All District Welfare Officers / Managing Director, TDCC Ltd. / Managing Director, OSCSTDFCC Ltd. / Director, ATDC / All Officers of this Department / Employment Section 20 spare copies for information and necessary action.

*[Signature]*  
Joint Director-cum-Deputy  
Secretary to Government