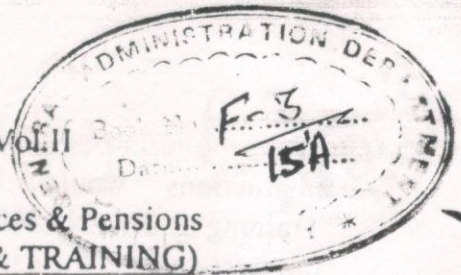


No.36012/23/96-Estt.(Res)-Vol.II  
Government of India

Ministry of Personnel, Public Grievances & Pensions  
(DEPARTMENT OF PERSONNEL & TRAINING)



North Block, New Delhi  
Dated: the 3<sup>rd</sup> October, 2000

OFFICE MEMORANDUM

Subject : Reservation in promotion -- Prescription of lower qualifying marks/lesser standard of evaluation.

The undersigned is directed to refer to Department of Personnel & Training's OM No. 36012/23/96-Estt.(Res) dated 22<sup>nd</sup> July, 1997 vide which various instructions of the Government providing for lower qualifying marks/lesser standards of evaluation in matters of promotion for candidates belonging to the Scheduled Castes and Scheduled Tribes had been withdrawn, on the basis of the Supreme Court's judgement in the case of S. Vinod Kumar Vs. Union of India.

2. The undersigned is further directed to say that the matter has been reviewed, consequent to which the following proviso to Article 335 has been incorporated in the Constitution by the Constitution (Eighty-Second Amendment) Act, 2000:-

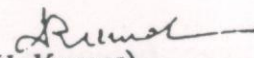
"Provided that nothing in this Article shall prevent in making of any provision in favour of the members of the Scheduled Castes and Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or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

3. In pursuance of the enabling proviso of Article 335 of the Constitution, it has now been decided to restore, with immediate effect, the relaxations/concessions in matters of promotion for candidates belonging to SCs/STs by way of lower qualifying marks, lesser standards of evaluation that existed prior to 22.7.1997 and as contained in the instructions issued by the Department of Personnel and Training from time to time including OM No.8/12/69-Estt.(SCT) dated 23.12.1970, No.36021/10/76-Estt.(SCT) dated 21.1.1977 and para 6.3.2 of the DPC guidelines contained in Department of Personnel and Training's OM No.22011/5/86-Estt.(D) dated 10.4.1989. In other words, the effect of these

(42)  
instructions would be that the Department of Personnel and Training's OM No.36012/23/96-Estt.(Res) dated 22<sup>nd</sup> July, 1997 becomes inoperative from the date of issue of this OM.

4. These orders shall take effect in respect of selections to be made on or after the date of issue of this OM and selections finalised earlier shall not be disturbed.

5. All Ministries/Departments are requested to bring these instructions also to the notice of their Attached/Subordinate Offices and Autonomous Bodies/ Public Sector Undertakings under their control for compliance.

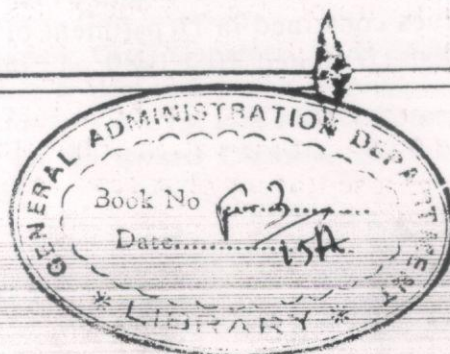
  
(J. Kumar)

Deputy Secretary to the Government of India

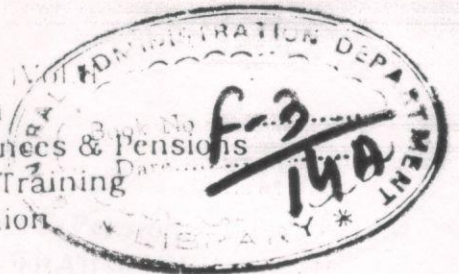
Tel. No. 301 1797

To

1. All Ministries/Departments of the Government of India.
2. Department of Economic Affairs (Banking Division), New Delhi
3. Department of Economic Affairs (Insurance Division), New Delhi
4. Department of Public Enterprises, New Delhi
5. Railway Board.
6. Union Public Service Commission/Supreme Court of India / Election Commission/ Lok Sabha Secretariat / Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/President's Secretariat/ Prime Minister's Office/Planning Commission.
7. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
8. Ministry of Social Justice & Empowerment, Shastri Bhavan, New Delhi.
9. National Commission for SCs & STs, Lok Nayak Bhawan, New Delhi
10. National Commission for Backward Classes, Trikot-I, Bhikaji Cama Place, R.K. Puram, New Delhi.



No. 36012/5/97-Estt.(Res.)  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training  
Estt. (Reservation) Section



**OFFICE MEMORANDUM**

North Block, New Delhi- 110001  
Dated the 20<sup>th</sup> July, 2000

**Subject:** Treatment of backlog vacancies reserved for SCs & STs as a distinct group and non-applicability of 50 per cent ceiling thereon.

The undersigned is directed to invite a reference to Department of Personnel & Training's O.M. No. 36012/5/97-Estt.(Res.) dated 29<sup>th</sup> August, 1997 wherein it was laid down that 50 per cent limit on reservation shall apply to current as well as backlog vacancies and that backlog of reserved vacancies shall not be treated as distinct group for the purpose of 50 per cent limit on reservation and to say that the matter has been reviewed. Consequently, article 16(4B) has been incorporated in the Constitution by the Constitution (Eighty-First Amendment) Act, 2000, which provides as under:-

*"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."*

2. In pursuance of the provisions of Article 16(4B) of the Constitution, it has been decided that in partial modification of the instructions issued vide this Department's O.M. No. 36012/5/97-Estt.(Res.), dated the 29<sup>th</sup> August, 1997, the reserved vacancies for Scheduled Castes and Scheduled Tribes in all cases of direct recruitment and promotion, wherever applicable, which have remained unfilled in the earlier year(s) i.e. backlog and/or carried forward vacancies would be treated as a separate and distinct group and will not be considered together with the reserved vacancies of the year in which they are being filled up for determining the ceiling of 50 per cent reservation on total number of vacancies of that year. In other words, the ceiling of 50 per cent on filling up of reserved vacancies would apply only on the reserved vacancies which arise in the current year and the backlog/carried forward reserved vacancies for SCs/STs of earlier years would be treated as a separate and distinct group and would not be subject to any ceiling. However, backlog and/or carried forward reservation will automatically lapse in a cadre as soon as combined representation of a reserved category in direct recruitment is

well as promotion is either equal to or more than the prescribed number reserved posts in the relevant post-based rosters.


3. As the Ministries are aware, reservation with effect from 2.7.1997 is linked to post based rosters. The backlog of vacancies would, be determined with reference to the post based rosters keeping in view the instructions issued vide this Department's O.M. No. 36012/2/96-Estt.(Res.) dated the 2<sup>nd</sup> July, 1997.

4. The Ministries/Departments etc. are requested to carry out a review for early assessment of the backlog vacancies in respect of SCs & STs both by way of direct recruitment and promotion and make concerted efforts to fill up backlog vacancies.

5. This order takes effect from the date of issue.

6. All Ministries/Departments are requested to bring these instructions also to the notice of their Attached /Subordinate Offices and Autonomous Bodies/Public Sector Undertakings under their control for compliance.

7. Hindi version will follow.

  
(J. Kumar)

Deputy Secretary to the Government of India  
Tel. No. 301 1797

To

1. All Ministries/Departments of the Government of India.
2. Department of Economic Affairs (Banking Division), New Delhi.
3. Department of Economic Affairs (Insurance Division), New Delhi.
4. Department of Public Enterprises, New Delhi.
5. Railway Board.
6. Union Public Service Commission/ Supreme Court of India/ Election Commission/ Lok Sabha Secretariat/ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Prime Minister's Office/ Planning Commission.
7. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
8. ~~Ministry of Social Justice & Empowerment, Shastri Bhavan, New Delhi.~~
9. ~~National Commission for SCs & STs, Lok Nayak Bhavan, New Delhi~~
10. National Commission for Backward Classes, Trikot-I, Bhikaji Cama Place, R.K.Puram, New Delhi.

