

III. RESERVATION OF VACANCIES

NOTIFICATION

No. 375-TW/EC. – 16th August, 1976. – In exercise of the powers conferred by the first proviso to sub-section (a) of section 4 read with section 10 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 (West Bengal Act XXVII of 1976) the Governor is pleased hereby to direct that subject to the availability of qualified candidates in appointments to be made in any office of the State Government, other than appointments in West Bengal Civil Service (Judicial), twenty-five per cent of the vacancies shall be reserved for candidate belonging to the Scheduled Castes and ten per cent for candidates belonging to the Scheduled Tribes provided that the candidates possess the minimum prescribed qualifying marks in any test or examination and subject further to the condition that –

- (i) The enhanced percentage will be applicable only if the total number of Scheduled Caste or Scheduled Tribe employees in any service or cadre is less than fifteen per cent and five per cent respectively of the total number of employees in that service or cadre recruited direct since the year 1972, and
 - (ii) The enhanced percentage will cease to be effective as soon the prescribed percentage of reservation in respect of Scheduled Castes and Scheduled Tribes at fifteen per cent and five per cent respectively is attained in respect of any service or cadre.
2. The Governor is also pleased to direct that for the purpose of implementation of the enhanced percentages of reservation laid down hereinbefore the following roster of twenty vacancies shall be adopted, namely :-

1 st Vacancy	:	Scheduled Caste
2 nd Vacancy	:	Unreserved
3 rd Vacancy	:	Scheduled Tribe
4 th Vacancy	:	Unreserved
5 th Vacancy	:	Unreserved
6 th Vacancy	:	Scheduled Caste
7 th Vacancy	:	Unreserved
8 th Vacancy	:	Unreserved
9 th Vacancy	:	Scheduled Caste
10 th Vacancy	:	Unreserved
11 th Vacancy	:	Unreserved
12 th Vacancy	:	Scheduled Tribe
13 th Vacancy	:	Unreserved
14 th Vacancy	:	Unreserved
15 th Vacancy	:	Scheduled Caste
16 th Vacancy	:	Unreserved
17 th Vacancy	:	Unreserved
18 th Vacancy	:	Scheduled Caste
19 th Vacancy	:	Unreserved
20 th Vacancy	:	Unreserved

**The West Bengal Scheduled Caste and Scheduled Tribes
(Reservation of Vacancies in Services and posts) Act, 1976.**

* * *

Reservation for Scheduled Castes and Scheduled Tribes in vacancies to be filled up by direct recruitment.

***4.** (1) After the commencement of this Act all appointments to services and posts in an establishment which are to be filled up by direct recruitment shall be regulated in the following manner namely, -

******(a) subject to the other provisions of this Act twenty-two per cent. of the vacancies shall be reserved for candidates belonging to Scheduled Castes and six per cent. for candidates belonging to Scheduled Tribes, in the manner set out in the Schedule :

Provided that the State Government may, from time to time, by notification in the Official Gazette, increase the percentage so, however, that the reservation shall not exceed twenty-five per cent in the case of Scheduled Castes and ten per cent in the case of Scheduled Tribes :

Provided further that different percentages may be fixed by the State Government for different districts in accordance with the percentages of population of Scheduled Castes and Scheduled Tribes in such districts :

Provided also that in respect of the West Bengal Civil Service(Judicial), the percentage shall be ten for Scheduled Castes and five for Scheduled Tribes ;

(b) fees, if any, prescribed for any examination for selection to any service or post shall be reduced to one-fourth in the case of candidates belonging to the Scheduled Castes or the Scheduled Tribes ;

(c) the members of the Scheduled Castes and Scheduled Tribes shall be entitled to a concession of five years over the prescribed maximum age limit for appointment to any service or post.

*(2). The member of any Scheduled Caste or Scheduled Tribe candidate qualifying on merit for appointment to any unreserved vacancy in a service or post in any establishment to be filled up by direct recruitment shall not be deducted from the quota reserved in such service or post for such candidate under sub-section(1).

Reservation for Scheduled Castes and Scheduled Tribes in vacancies to be filled up by promotion.

5. Reservation for members of the Scheduled Castes and the Scheduled Tribes in vacancies to be filled up by promotion in any establishment shall be regulated in the following manner, namely, --

** (a) there shall be reservation at twenty-two per cent for members of the Scheduled Castes and six per cent for members of the Scheduled Tribes;

Provided that the State Government may, from time to time, by notification in the *Official Gazette*, increase the percentage so, however, that the reservation shall not exceed twenty-five per cent, in the case of Scheduled Castes and ten per cent, in the case of Scheduled Tribes.

* "Provided further that the number of any Scheduled Caste or Scheduled Tribe employee appointed on promotion to an unreserved vacancy in a service or post in any establishment to be filled up by promotion shall not be deducted from the quota reserved in such service or post for the members of the Scheduled Castes or Scheduled Tribes under this section."

** (b) "there shall be no reservation in any post in a scale of pay, the maximum of which exceeds Rs. 6000,"

(c) "a separate fifty-point roster shall be maintained by every establishment in the manner set out in the Schedule."

Certificate of identification.

*****5A.** "A candidate who claims to be a member of the Scheduled Castes or the Scheduled Tribes shall support his candidature by a certificate of identification in accordance with the provisions of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994."

Dereservation of reserved vacancy.

******6.** (1) There shall be no dereservation of any reserved vacancy by any appointing authority in any post in an establishment which is required to be filled up by direct recruitment. In the absence of qualified Scheduled Caste or Scheduled Tribe candidate, as the case may be, to fill up such vacancy, such vacancy shall remain unfilled.

(2) "Notwithstanding anything contained in sub-section (1), if, in the public interest, it is necessary to fill up any vacancy as aforesaid remaining unfilled on account of non-availability of a qualified Scheduled Caste or Scheduled Tribes Candidate, as the case may be, the appointing authority shall refer the vacancy to the State Government for dereservation. Upon such reference, the State Government may, if it is satisfied that it is necessary or expedient so to do, by order, dereserve the vacancy, subject to the condition that the reservation against the vacancy so dereserved shall be carried forward against the subsequent unreserved vacancy."

*Vide West Bengal Act XXXI of 1983

**Vide West Bengal Act X of 1990

***Vide West Bengal Act XLII of 1994

****Vide West Bengal Act XV of 1996

THE SCHEDULE
(See Section 4.)

The reservation for the members of the Scheduled Castes and the Scheduled Tribes in services or posts in an establishment shall be given effect to in the following manner , namely :-

*(i) A roster of fifty vacancies will be necessary to give effect to the reservation of vacancies for the Scheduled Castes and the Scheduled Tribes. The roster given below shall be adopted for the purpose by each establishment :

1 st Vacancy	:	Scheduled Caste
2 nd Vacancy	:	Unreserved
3 rd Vacancy	:	Unreserved
4 th Vacancy	:	Scheduled Tribe
5 th Vacancy	:	Unreserved
6 th Vacancy	:	Unreserved
7 th Vacancy	:	Scheduled Caste
8 th Vacancy	:	Unreserved
9 th Vacancy	:	Unreserved
10 th Vacancy	:	Unreserved
11 th Vacancy	:	Scheduled Caste
12 th Vacancy	:	Unreserved
13 th Vacancy	:	Unreserved
14 th Vacancy	:	Unreserved
15 th Vacancy	:	Scheduled Caste
16 th Vacancy	:	Unreserved
17 th Vacancy	:	Unreserved
18 th Vacancy	:	Scheduled Caste
19 th Vacancy	:	Unreserved
20 th Vacancy	:	Unreserved
21 st Vacancy	:	Scheduled Caste
22 nd Vacancy	:	Unreserved
23 rd Vacancy	:	Unreserved
24 th Vacancy	:	Scheduled Tribe
25 th Vacancy	:	Unreserved
26 th Vacancy	:	Unreserved
27 th Vacancy	:	Unreserved
28 th Vacancy	:	Scheduled Caste
29 th Vacancy	:	Unreserved
30 th Vacancy	:	Unreserved
31 st Vacancy	:	Unreserved
32 nd Vacancy	:	Scheduled Caste
33 rd Vacancy	:	Unreserved
34 th Vacancy	:	Unreserved
35 th Vacancy	:	Unreserved
36 th Vacancy	:	Scheduled Caste
37 th Vacancy	:	Unreserved
38 th Vacancy	:	Unreserved
39 th Vacancy	:	Unreserved
40 th Vacancy	:	Scheduled Caste
41 st Vacancy	:	Unreserved
42 nd Vacancy	:	Unreserved
43 rd Vacancy	:	Scheduled Tribe
44 th Vacancy	:	Unreserved
45 th Vacancy	:	Unreserved
46 th Vacancy	:	Unreserved
47 th Vacancy	:	Scheduled Caste
48 th Vacancy	:	Unreserved
49 th Vacancy	:	Unreserved
50 th Vacancy	:	Unreserved

- (ii) A register shall be maintained for giving effect to the instructions contained in paragraph (i).
- (iii) Before making an appointment by direct recruitment, the appointing authority shall ascertain by consulting the register whether the vacancy is reserved or unreserved and if it is reserved, for whom it is so reserved. Immediately after an appointment is made the particulars thereof shall be entered in the register and signed by the appointing authority.
- (iv) The roster is a running account from year to year and shall be maintained accordingly. If recruitment in a particular year stops at a particular point of the cycle, say at the 5th point, recruitment in the subsequent year shall begin at the next point, i.e., at the 6th point.
- *(v) Omitted;
- *(v) Omitted;
- (vii) The roster shall be maintained separately for permanent and temporary vacancies.
- (viii) A vacancy due to whatever cause, except termination of service during probation, shall be treated as a fresh vacancy.
- ** (ix) Omitted.
- *Vide West Bengal Act XLII of 1994
- **Vide West Bengal Act XV of 1996

By order of the Governor,
K. K. Moitra
Secretary to the Government of West Bengal.

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RULES

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CHAPTER IV

Reservation for Scheduled Castes and Scheduled Tribes in vacancies to be filled by promotion.

10. While filling up vacancies reserved for Scheduled Castes and Scheduled Tribes by promotion, the following procedure shall be followed namely :-

(a) Selection against vacancies reserved for Scheduled Castes and Scheduled Tribes shall be made from among those Scheduled Caste and Scheduled Tribe employees who fall within the normal Zone of consideration.

* "Explanation.- Normal zone of consideration in respect of promotion to any particular post or posts shall consist of such of the employees eligible for promotion to such post or posts according to the prevailing recruitment rules or procedure as occupy, when arranged in descending order of the seniority, five times the number of vacancy or vacancies actually available for filling up by promotion at the time of consideration";

(b) If candidates from Scheduled Castes and Scheduled Tribes obtain on the basis of merit with due regard to seniority, on the same basis as other candidates, less number of vacancies than that reserved for them, the difference shall be made up by selecting candidate irrespective of merit but who are considered fit for promotions.

* "Provided that for the purpose of fitness, all Scheduled Caste and Scheduled Tribe employees who are within the normal zone of consideration for promotion to higher posts shall be given one grading higher than the grading assigned to them on the basis of their record of service excepting in those cases where the highest grading has been assigned on the basis of record of service."

(c) In the absence of a qualified Scheduled Caste or Scheduled Tribe candidate against a particular reserved vacancy, the reserved vacancy shall be carried forward till the next reserved vacancy occurs in the fifty point roster but not beyond.

(d) While vacancies reserved for Scheduled Castes and Scheduled Tribes will continue to be reserved for the respective community only, a Scheduled Caste employee may also be considered for appointment against a vacancy reserved for Scheduled Tribes, or vice-versa, where the appropriate reserved vacancy could not be filled by a Scheduled Tribe or a Scheduled Caste candidate, as the case may be.

**Government of West Bengal
Finance Department
Audit Branch**

No.6249-F

Dated, Calcutta, the 15th June 1982.

NOTIFICATION

In exercise of the power conferred by the provision to article 309 of the Constitution of India, the Governor is pleased here by to make the following rules regulating the reservation of vacancies in the State Services and Posts, Group 'C' and Group 'D', for Ex-Servicemen namely :-

1. Short title and commencement : (1) These rules may be called the Ex-Servicemen (Reservation of vacancies in the State Services and Posts, Group 'C' and 'D') Rules, 1982.

(2) They shall come into force with immediate effect.

2. Definitions : In these rules, unless the context otherwise requires :-

(a) "Armed Forces of the Union" means the Naval, Military or Air Forces of the Union,

(b) "Disabled Ex-Serviceman" means an Ex-Serviceman who, while serving in the Armed Forces of the Union, was disabled in operations against the enemy or in disturbed areas,

(c) "Ex-Serviceman" means a person who has served in any rank (whether as a combatant or as a non-combatant) in the Armed Forces of the Union, including the Armed Forces of the former Indian States but excluding the Assam rifles, Defence Security Corps, General Reserve Engineering Force, Lok Sahayak Sena and Territorial Army, for a continuous period of not less than six months after attestation and,

(i) has been released, otherwise than at his own request or by way of dismissal or discharge on account of misconduct or inefficiency, or has been transferred to the reserve pending such release, or

(ii) has to serve for not more than six months for completing the period of service requisite for becoming entitled to be released or transferred to the reserve as aforesaid, or

(iii) has been released at his own request, after completing five years service in the Armed Forces of the Union;

(d) "reserved vacancies" reserved under Rule 4 for being filled by Ex-Servicemen.

3. Application :- These rules shall apply to all State Services and posts, Group 'C'.

4. (1) Reservation of Vacancies : Five percent of the vacancies in each of the categories of Group 'C' posts and of such posts in each Group 'C' service and ten percent of the vacancies in each of the categories of Group 'D' posts and of such posts in each Group 'D' service, including permanent vacancies filled initially on a temporary basis and temporary vacancies which are likely to be made permanent and or are likely to continue for any year shall be reserved for being filled by Ex-Servicemen;

Provided that the percentages of reservation as aforesaid for Ex-Servicemen in a category of posts shall be increased or decreased in any one recruitment year to the extent to which the total number of vacancies reserved for Ex-Servicemen, Scheduled Castes and Scheduled Tribes (including the carried forward reservations for Scheduled Castes and Scheduled Tribes) and for any other categories taken together falls short or is in excess as the case may be, of fifty percent of the vacancies in that category of posts filled in that year :

Provided further that in the case of any increase in the reservation for the Ex-Servicemen under the first proviso, the additional vacancies so made available for them shall be utilized first for the appointment of disabled Ex-Servicemen, and if any such vacancies still remain unfilled there after, the same shall then be made available to other Ex-Servicemen,

(2) out of the vacancies referred to in sub-rule (1) reserved for being filled by Ex-Servicemen, vacancies shall also be reserved for candidates belonging to the Scheduled Castes and the Scheduled Tribes in accordance with such orders as may be issued in this behalf by the State Government from time to time:

Provided that if any Ex-Servicemen belonging to a Scheduled Caste or Scheduled Tribe is selected, his selection shall be counted against the overall quota of reservations that shall be provided for the Scheduled Castes or Scheduled Tribes in accordance with the orders issued by the State Government from time to time.

5. Special provision regarding age limit : For appointment to any vacancy in State Services and posts, Group 'C' and Group 'D', whether reserved or not under these rules, every Ex-Serviceman who has put in not less than six months' continuous service in the Armed Forces of the Union shall be allowed to deduct the period of such service from his actual age and if the resultant age does not exceed the maximum age limit prescribed for the post/service for which he seeks appointment by more than three years, he shall be deemed to have satisfied the condition regarding age limit.

6. Special provision regarding educational qualifications : (1) For appointment to any reserved vacancy in the Group 'D' posts, every Ex-Serviceman who has put in not less than three years' service in the Armed Forces of the Union shall be exempt from the minimum educational qualifications, if any, prescribed in respect of such posts.

(2) For appointment to any reserved vacancy in Group 'C' posts, the appointing authority may, at its discretion, relax the minimum educational qualifications, where such qualifications prescribed include a pass in the Class VIII of the High School or equivalent qualifications or a pass in any lower examination, in favour of Ex-Servicemen who have put in at least three years' service in the Armed Forces of the Union and who are otherwise considered fit and suitable for appointment to such posts in view of their experience and other qualifications.

(3) For appointment to any reserved vacancy in Group 'C' posts to be filled partly by direct recruitment and partly by promotion or transfer, where the minimum educational or technical qualifications prescribed for appointment by direct recruitment are higher than that prescribed for promotes or transferees, an Ex-Serviceman shall be deemed to have satisfied the prescribed educational or technical qualifications if he –

- (i) satisfies the educational or technical qualifications prescribed for promotees or transferees ; and
- (ii) has identical experience of work in a similar discipline and for the same number of years in the Armed Forces of the Union as prescribed for promotees or transferees.

Explanation -- For the purposes of this rule, in computing the period of three years' service, there shall be added any period of service which an Ex-Serviceman has rendered while serving in a corresponding post or posts in a Civil department, or a Public Sector undertaking or an autonomous organization, whether under the Central Government or any State Government, or in a Nationalised Bank to the period of service rendered in the Armed Forces of the Union.

7. Amendment of recruitment rules : All rules regulating the recruitment of persons to Group 'C' and Group 'D' posts and services under the State Government shall be subject to the provisions of these rules and shall be construed accordingly.

8. Interpretation : If any question arises as to the interpretation of any of these rules, the question shall be decided by the State Government in the Finance Department and its decision shall be final.

9. Submission of Annual Return : All appointing authorities shall furnish an Annual Return direct to the Secretary, Home (Defence) Department, Government of West Bengal, in the matter of absorption of Ex-Servicemen against reserved vacancies under these rules in the forms as given in Appendix I and Appendix II to these rules as soon after the 1st of January of every year as possible and by the 1st day of March of the year at the latest.

Appendix I.

Annual Statement showing total number of Government servants in group 'C' and group 'D' posts and the number of Ex-Servicemen amongst them as soon the 1st January of the year

Name of the Department

Name and address of the Office

1	2	3	4	5
Group of post	Permanent/Temporary	Total number of employees	Number of Ex-Servicemen	Percentage of Ex-Servicemen to the total employees

Appendix – II

Annual Return for the calendar year 19.....
Name of the Department.....
Name and address of the office.....
DIRECT RECRUITMENT.....

- (1) Group of post :
- (2) Number of vacancies notified :
- (3) Total number of vacancies filled up :
- (4) Number of vacancies for Ex-Servicemen :
 - (a) Notified (out of column 2) -
 - (b) Actually filled up (out of column 3) :
 - (c) Shortfall, if any -
- (5) Remarks (Reason for shortfall, if any) -

By order of the Governor,
N. K. Zutshi
Joint Secy. to the Govt. of
West Bengal.

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**Government of West Bengal
Scheduled Castes & Tribes Welfare Department
Writers' Buildings, Calcutta-700001**

No. 314 (51) – TW/EC

Calcutta, the 20th June, 1989.

To : The
of this Government.

Sub. : Recording of Scheduled Caste/Scheduled Tribe status of employees belonging to such category in the Gradation List .

In accordance with the provision of section 5 of the West Bengal Scheduled Caste and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act,1976, employees belonging to Scheduled Castes or Scheduled Tribes are entitled to the benefit of reservation of vacancies in case of promotion in certain services and posts, subject to their fulfilling some norms and eligibility conditions as provided under the rules.

Further, an employee who claims to be a member of Scheduled caste and scheduled tribe shall support his/her scheduled caste or scheduled tribe status, as the case may be, by a certificate in the prescribed form from a competent authority.

On the other hand ,it is also necessary that the appointing authorities compulsorily records the Scheduled Caste /Scheduled Tribe status of the employees of such category in the gradation list or seniority list, whatever may it be called, on the basis of Scheduled caste /Scheduled tribe certificates submitted by such employees before them after necessary scrutiny and verification as to whether the certificate is in the prescribed form and whether it has been granted by a competent authority. Before deciding any case of promotion, appointing authorities should ensure that scheduled caste/scheduled tribe status of the employees has been properly recorded in the gradation list or seniority list in all fit cases without any single exception. Unless this is done, there remains sometimes a chance of genuine scheduled caste/scheduled tribe employees being unjustly left out of the purview of consideration for promotion against a vacancy or vacancies reserved for scheduled castes/scheduled tribes.

That department is requested to instruct all the appointing authorities under the administrative control of that department accordingly. Similar Instructions may also kindly be given by that department to all appointing authorities in all offices subordinate to that department and also to all Undertakings/Statutory authorities/Local bodies/Educational institutions etc. under the administrative control of that department, whichever come within the operative area of the State Act on reservation for scheduled caste/scheduled tribes in employment.

A. K. MAITY
Deputy Secretary

**Government of West Bengal
Scheduled Castes and Tribes Welfare Deptt.
Writers' Buildings.**

No. 573(46)-TW/MC

Calcutta, the 19th October, 1989.

To
The Secretary,
Government of West Bengal.

The undersigned is directed to state that a meeting of the Cabinet Sub-committee on the Welfare of the S.C & S.T was held on the 3rd August, 1989 in the chamber of the Chief Minister, West Bengal. The following decisions were taken in the said Cabinet Sub-committee meeting. :

A. To raise the percentage of allocation to special component plan for the Sch. Castes and Tribal sub-plan for the Sch. Tribes.

Decided that the Finance Department, Govt. of West Bengal, will take appropriate steps for correct classification of the expenditure which are mainly for the benefit of S.C. & S.T. population and thereby to increase the amount of the flow of special component plan and Tribal sub-plan for the current financial year.

B. Districtwise disaggregation of funds under Special Component Plan and Tribal Sub-Plan.

It was decided that all departments would disaggregate the allocation to Special Component Plan and Tribal sub-plan districtwise and communicate the same to the District Welfare Committees concerned in proper time. It was also decided that no expenditure on account of S.P.C and T.S.P be incurred without the approval of the District Welfare Committee.

C. Annual Action Plan of all Sectoral Departments for 1989-90.

In view of the fact that the Tribal Sub-Plan budget for all departments is passed in favour of the SC & TW Department. It was decided that all Sectoral Departments should submit a brief outline of the Annual Action plan of that Department under T.S.P., if possible, districtwise, in the beginning of the year to the S.C. & T.W. Department.

D. Reservation of vacancy for S.C. & S.T. candidate.

It was decided that de-reservation of vacancy in respect of which S.C. & S.T. candidates are not available, will henceforth be stopped. Govt. will take necessary steps in the matter.

E. Calculation of quantum of works of S.C.P & T.S.P .

It was decided that the practice of calculating the quantum of works under S.C.P & T.S.P on the basis of total SC & ST. population in the State/District, will henceforth be stopped. Only those particular Schemes/Projects/Posts which will serve area having majority SC & ST people will be earmarked for expenditure under SCP or TSP as the case may be.

F. It was decided that the S.C & T.W. Deptt. be authorized in addition to the District Welfare Committee, to accord approval to expenditure under SCP & TSP to be incurred anywhere in the state by any Deptt.

In the above perspective the undersigned is directed to request that all necessary measures may be taken by the Deptts concerned for the implementation of the above mentioned decisions of the Cabinet Sub-Committee.

Sd/-Illegible
Secretary.
S.C.&T.W. Deptt.

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**Government of West Bengal
Office of the Board of Revenue, West Bengal
Establishment Branch**

No. 1189 (20)Estt.
424/89.

Dated, Calcutta, the 15/22nd Feb.,1990.

To
The Director of Land Records & Surveys, West Bengal.

The undersigned is directed to inform him that a meeting of the Cabinet Sub-Committee on the Welfare of S.C & S.T was held on the 3rd August, 1989 in the chamber of the Chief Minister, West Bengal. Among other decisions, it has also been decided that dereservation of vacancies in respect of which S.C & S.T. candidates are not available, will henceforth be stopped. The Govt. will take necessary steps in the matter.

All subordinate offices under him may kindly be instructed accordingly so as to follow the decision of the Cabinet Sub-Committee with immediate effect. A copy of memo No .573(46)-TW/MC. from the secretary S.C & T.W. department is enclosed for information and guidance.

Sd/-Illegible
Board of Revenue, West Bengal.

Memo.No. 26/4464-4497/B-I/90

dated, Alipore, the 18th may, 1990.

Copy forwarded to :-

- 1) The District Land & Land Reforms Officer, _____
- 2) Principal, W.B.S.I.
- 3) Jt. D.L.R. & S/D.D.A/D.D.S/A.D.S/A.D.C/A.D.L.R/O.S.D.
- 4) O.S/H.A. _____
- 5) Guard file B-I. Gr.

For necessary action.

S. Banerjee
For Director of Land Records & Surveys &
Jt. Land Reforms Commissioner, West Bengal.

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THE CALCUTTA GAZETTE
Tuesday, March 27, 1990

Government of West Bengal
Scheduled Castes and Tribes Welfare Department

NOTIFICATION

No.136-TW/EC—27 March,1990.— In exercise of the powers conferred by the first proviso to clause (a) of section 4, and the proviso to clause (a) of section 5, of the West Bengal Scheduled Castes and Scheduled Tribes(Reservation of Vacancies in Services and Posts) Act 1976 (West Ben. Act XXVII of 1976), the Governor is pleased hereby to direct that with effect from the date of publication of this Notification in the “Official Gazette” in all appointments to services and posts in any establishments as defined in clauses (b) of section 2 of the said Act, which are to be filled up by direct recruitment or by promotion, twenty-two percent of the vacancies shall be reserved for candidates belonging to the scheduled Castes and six percent for candidates belonging to the Scheduled Tribes in the manner sent out in the second paragraph of this Notification.

2. The Governor is further pleased to direct that for the purpose of implementation of the 22% reservation quota for the Scheduled Castes and 6% reservation quota for the Scheduled Tribes in both recruitment and promotion of the candidates belonging to the above communities ,the existing 20-point roster in clause (i) of the Scheduled to the said Act shall be deemed to have been substituted by a 50-point roster in which the 1st, the 7th,the 11th,the 15th, the 18th , the 21st, the 28th, the 32nd, the 36th, the 40th and 47th vacancies shall be reserved for the Scheduled Caste candidates and the 4th, the 24th and the 43rd vacancies shall be reserved for the Scheduled Tribes for the purpose of both recruitment and promotion in any establishment as defined in clause (b) of section 2 of the said Act.

By Order of the Governor,

P. Chaudhuri
Secretary to the
Government of West Bengal.

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**Government of West Bengal
Scheduled Castes and Tribes Welfare Department
Writers' Buildings**

No. 176.TW/EC

Calcutta, the 17th April, 1990.

MEMORANDUM

Sub : Filling up of vacancies reserved for SC/ST by promoting with retrospective effect – Determination of eligibility of SC/CT incumbents for the purpose of – procedure for.

It has been observed from references made to this Department by some appointing authorities that there is a confusion in determining eligibility of candidates in the matter of filling up of vacancies by promotion with retrospective effect vis-a-vis observance of the provision of reservation of vacancies for Scheduled Castes and Schedule Tribes in such cases of promotion. In order to remove such confusion, it is hereby clarified that in deciding cases of promotion with retrospective effect, date of consideration shall be the factor and not the date of availability of vacancy. As for example, let it be supposed that it has been decided to fill up 8 (eight) vacancies in the post of U.D.Clerk by promotion from amongst eligible employees in the lower feeder posts with retrospective effect from 1.4.81. Let it also be supposed that the said 8 (eight) vacancies occupy their respective positions among the 1st to the 8th points of the 20-point roster prescribed under the West Bengal Scheduled Castes and Schedule Tribes (Reservation of vacancies in Services & Posts) Act, 1976. According to roster, 3rd vacancy is to be treated as reserved for Scheduled Castes and 8th vacancy is reserved for scheduled Tribes and 5 × 8 = 40 employees in the Lower Feeder posts of L.D.C occupying 1st to 40th position in the gradation list shall come within the normal zone of consideration for promotion. Let it be supposed that 'A' is a Scheduled Caste candidate and 'D' is a Scheduled Tribe candidate and placed at Sl.No.22 and Sl.No.40 respectively in the gradation list of lower feeder posts of L.D.C. Now let it be supposed that 'A' and 'B' were confirmed in the lower feeder posts of L.D.C. with effect from 4.6.84 and 6.8.85 respectively. In case the matter of filling up of those 8(eight) vacancies was taken up for consideration by the appointing authority concerned on a date prior to 4.6.84, both 'A' and 'B' were not eligible to be considered for promotion as they were not at all confirmed in the lower feeder post at that time and the vacancies could be filled up by general candidates. But, in that case, the provision of carrying forward of reserved vacancies as contained in this Deptt.'s Notification No. 48-TW/EC Dt. 10.3.1980 should be observed.

In case the proposal for promotion was taken up for consideration after 4.6.84 but before 6.8.85 when 'A' was already confirmed in the post of L.D.Clerk but 'B' was still not confirmed in the said post, the claim of 'A' for promotion against the vacancy reserved for Scheduled Caste should be entertained but 'B' need not be considered for such promotion against the vacancy reserved for Scheduled Tribe. In that event, the reserved vacancy (i.e. the 8th vacancy) should be filled up by a general candidate and the principle of carry-forward should operate till the next reserved vacancy occurs in the roster. If, however, the proposal for promotion is taken up for consideration on or after 6.8.85, when both 'A' and 'B' are already confirmed in the post of Lower Division Clerk, both of them deserve to be considered for promotion against the respective reserved vacancies. In such a situation 'A' & 'B', if found otherwise suitable for promotion, should however be allowed the benefit of promotion with effect from 4.6.84 and 6.8.85 respectively keeping the 3rd vacancy for the period from 1.4.81 to 3.6.84 and the 8th vacancy for the period from 1.4.81 to 5.8.85 unfilled.

2. This clarification is furnished in consultation with the Finance Department of this Government vide that Deptt.'s U.O.NO.Gr.P/1185 Dt :19/3/90.
3. Similar cases of promotion, if there by any decided earlier in any manner different from what has been indicated in the 1st paragraph of this memorandum, should now be reviewed and settled in accordance with the clarification furnished herein-before and appropriate remedial action should also be taken, where necessary, to ensure due benefit to the members of Scheduled Castes and Scheduled Tribes.
4. All appointing authorities under that Department should be instructed accordingly.

S. Das,
Jt. Commissioner & Ex-Officio
Jt. Secretary.

Immediate No.176/1(150)-TW/EC

Calcutta, The 17th April, 1990.

Copy forwarded for information to :-

- 1) The Directorate of Land Records & Surveys, West Bengal, Calcutta-700027

Sd/- Illegible

Jt. Commissioner & Ex-Officio Jt. Secretary.

Immediate No.176/2-TW/EC

Calcutta, The 17th April, 1990.

Copy forwarded to the Finance (Gr.P) Department of this Government. This has a reference to that Deptt.'s U/O No. Gr.'P'/1185 Dt : 19/3/90.

Sd/- illegible

Jt. Commissioner & Ex-Officio

Jt. Secretary.

Memo no. 26/4532-65/B-I/90

Dated : 18/5/90

Copy forwarded to :

- 1) The District Land and Land Reforms Officer for information & necessary action.
- 2) The Principal, West Bengal Survey Institute.
- 3) Jt & LR & S/DDA/DDS/DDC/ADS/ADC/ADLR/OSD
- 4) O.S/H.A./H.C
- 5) Guard File 'B' Group

S. Banerjee

for Director of Land Records & Surveys
and Joint Land Reforms Commissioner,
West Bengal.

Government of West Bengal
Scheduled Castes and Tribes Welfare Department
Writers' Buildings

No. 180(60)-TW/EC

Calcutta, the 17th April, 1990.

To : The

Sub : Notification raising the percentage of reservation of vacancies in services and posts for the members belonging to Sch. Castes and Sch. Tribes

The undersigned is directed to send herewith a copy of this Deptt.'s Notification No. 136-TW/EC dt 27.3.90 on the above subject, as published in the extraordinary Issue of the Calcutta Gazette dt. 27.3.90 and to say that the percentages of reservation of vacancies in services and posts have been raised to 22% for the members belonging to Scheduled Caste and to 6% for the members belonging to Sch Tribes in respect of the vacancies to be filled up by direct recruitment as well as by promotion in all establishments as mentioned in clauses (b) and (c) of section 2 of the West Bengal Scheduled Castes and Tribes (Reservation of vacancies in Services and Posts) Act 1976. The provisions as contained in the enclosed Notification would come into effect on and from 27th March, 1990.

A 50 point roster of vacancies has also been prescribed in the enclosed notification and the 1st, 7th, 11th, 15th, 18th, 21st, 28th, 32nd, 36th, 40th, and the 47th points of the said roster shall be reserved for the members belonging to Scheduled Castes and 4th, 24th, and the 43rd points of the roster shall be reserved for the members belonging to Scheduled Tribes. The 20-point roster as prescribed under the Scheduled to the West Bengal Scheduled Castes and Tribes (Reservation of vacancies in Services and Posts) Act 1976 would cease to operate with the effect from 27.3.90 and instead thereof the 50 points roster as prescribed in the enclosed Notification No. 136- TW/EC dt 27.3.90 would operate with effect from that date, which is the date of publication of the enclosed Notification. Accordingly, all appointing authorities shall be required to start the roster in the Register of appointments to be maintained in terms of rule 3 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of vacancies in Services and Posts) Rules, 1976 afresh with effect from 27.3.90.

That Department is, therefore, requested to communicate the provisions of the enclosed Notification to all establishments/offices subordinate to that Deptt. and also to the organization/institutions which are under the administrative control of that Deptt. so as to ensure due observance the provision of reservation prescribed therein by all concerned appointing authorities.

S. Das
Joint Commissioner for Reservation &
Ex-Officio Joint Secretary

No.180(60)/1(300)-TW/EC

Copy with a copy of the enclosures forwarded for information and necessary action to : The Director of Land Records & Surveys, W.B. Survey Building, 35, Gopalnagar Rd., Calcutta-27.

Calcutta,
The 17th April, 1990.

S. Das
Jt. Commissioner for Reservation & Ex-Officio
Jt. Secretary

Memo no. 26/4532/4599/B-I/90

Dated, Alipore, the 18th may, 1990.

Copy forwarded to :-

- 1) The District Land and Land Reforms Officer,
- 2) The Principal, West Bengal Survey Institute
- 3) Jt D.L.R & S/D.D.A/D.D.S/D.D.C/A.D.S/A.D.C/A.D.L.R/O.S.D
- 4) O.S/H.A./H.C
- 5) Guard File 'BI' Group
for information & necessary action.

S. Banerjee
for Directorate of Land Records & surveys And Joint
Land Reforms Commissioner,
West Bengal.

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Government of West Bengal
Scheduled Castes & Tribes Welfare Department
Writers' Buildings, Calcutta-700001

No. 700-TW/EC

Calcutta, the 12th July, 1990.

MEMORANDUM

A question has been raised by some appointing authorities as to whether the "single-cadre-posts" should come under the purview of the Reservation Act(The West Bengal act XXVII of 1976), in view of the judgement passed by the Supreme Court of India in Civil Appeal No. 2315 of 1981 as reported in AIR, 1988 S.C 959. In this connection the undersigned is directed to say that the Reservation Act of West Bengal as referred to above does not conceive and hence, define and describe any connotation or denotation known as 'single-cadre-post'.

After careful examination of the Reservation Act, 1976 and Rules framed thereunder, this Department observes that none of the relevant section i.e. section 3 and section 6 of the Act, which prescribes areas of limitations in application of the reservation laws, has made any reference towards the bar of application of the reservation law as in the matter of so called 'single-cadre-post'. in fact, since 1976, all appointing authorities are maintaining proper roster of vacancies both in single-cadre-posts as well as in 'multi-posts-cadres' and reservation was attributed to the prescribed serial numbers of the concerned vacancies. This system has worked well so far and no judicial question has even been raised against this system of filling up vacancies in the same assignment or in a type of assignments which appear rotationally reserved and unreserved as per seriality of such vacancies in the prescribed roster. This ensures 28% chances and 72 % chances in all posts coming under the hold of reserved community as well as unreserved community respectively both horizontally in total number of

vacancies and vertically in hierarchical and feeder posts, may such post be singular or multiple in a cadre or establishment.

This Department also observes that referred judgment of the Supreme Court does not directly relate to, and hence, having no bearing upon the judiciously equitable roster system of filling up the vacancies without reserving any fixed 'post' for any community whatsoever. But the said mistake was reportedly committed or attempted to be committed by Government of Behar, permanently fixing up post of Deputy Director (Homeopathic) for S.C communities, which resulted in 100% reservation of a particular assignment, and the Supreme Court is right in its finding that such type of reservation violates the Articles 16(1) and 16(2) of the Constitution and hence bad in law. On the same analogy, de reserving such posts, under a suitably adopted connotation of single-cadre-post also indirectly provides 100% reservation of such posts to the unreserved community, and hence hits Articles 16(1) and 16(2) of the Constitution.

The State Government has never contemplated to dereserve such singular assignment and thus restrict the entry of the Scheduled Caste or Scheduled Tribe candidates to all such singular assignment in thousands of establishments and at the same time does not also agree to make it a complete monopoly sector for appointment of unreserved communities.

The State Government further opines that, the Supreme Court's judgment in Civil Appeal No. 2315 of 1981, does not hit any provision of the West Bengal Act XXVII of 1976 and Rules framed thereunder, and hence does not affect its existing state policy as regards to reservation.

The undersigned is, therefore, directed to say that all vacancies occurred either in a so called single-cadre-posts or in multiple-posts cadre, must be filled up either by direct recruitment or by promotion as the case may be, uniformly applying the West Bengal Act XXVII of 1976 as amended up-to-date providing 22% reservation for SC and 6 % reservation for ST candidates and introducing a 50-point roster vide Calcutta Gazette Notification No. 136- TW/EC dated the 27th March, 1990.

Sukumar Das, IAS,
Joint Commissioner for Reservatrion & Ex-Officio
& Jt. Secretary, SC & TW Deptt.
Government of West Bengal.

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**Government of West Bengal
Scheduled Castes & Tribes Welfare Department
Writer's Building, Calcutta- 700001**

No. 712(55)-TW/EC.

Dated, 26.07.90

From : Sri P. Choudhuri,
Secretary to the Govt. of West Bengal.

To : The Secretary,
Finance (Audit) Deptt. of this Government.

Sub : Reservation for Scheduled Castes and Scheduled Tribes with reference to any post where the number of such post in any cadre of any Deptt./Office/Establishment is only one – instructions regarding.

Sir,

I am directed to say that a question arose as to whether the provision of reservation for Scheduled Castes and Scheduled Tribes, as contained in the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act 1976 and the Rules framed and orders/notifications issued thereunder, shall be applicable or not with reference to any post in any Deptt./Office/Establishment where the number of such post is only one in any cadre. A decision was given in this respect in this Deptt.'s Memo. No. 700- TW/EC dt. 12-7-90 (copy enclosed for ready reference).

It has since occurred to this Deptt. that the matter deserves a re-consideration. Accordingly, the matter is now under review and a final decision will be communicated as early as possible.

I am therefore, directed to inform you that (i) the above noted Memo. should not be acted upon and (ii) all such posts should be kept unfilled till receipt of the final decision in the matter from this Department.

All the appointing authorities in all the establishments under the administrative control of your Deptt. as are covered by section 2(b) of the Act *ibid* should be informed accordingly.

Yours faithfully
P. Choudhuri
Secretary

**Government of West Bengal
Scheduled Castes & Tribes Welfare Department
Writer's Building, Calcutta-700001**

No. 795-TW/EC.
MR-59/90

Calcutta, the 20th August 1990

MEMORANDUM

The erstwhile 20-point roster of vacancies prescribed under the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 stands substituted by the 50-point roster with effect from 27.3.90 (vide this Deptt.'s Notification no. 136-TW/EC dated 27.3.90).

A question has been raised by some appointing authorities as to whether any post under any single post-cadre shall come under the purview of the Act *ibid*, and if so how the 50-point roster shall be followed in respect of such a post.

It may be observed in this connection that none of the relevant sections, viz. sections 3 and 6 of the Act, prescribing the areas of exemption from reservation, excludes any post under any so-called single-post-cadre from the scope of reservation. The aforesaid Act does not also contain any provision that makes a distinction between a post under a single-post-cadre and a post under a multi-post-cadre, in so far as application of reservation is concerned.

A number of vacancies may occur at different points of time against a post under any single-post-cadre and, therefore, reservation can be properly maintained in respect of such a post in accordance with the prescribed roster of vacancies in a rotational manner.

In fact, reservation has all along been maintained since the Act came into force w.e.f 15.8.76 in respect of any post under single-post-cadre and also in respect of posts under multi-post-cadre, both in case of direct recruitment and promotion, in accordance with the prescribed roster.

With the introduction of the 50-point roster, in establishments created on or after 27.3.90 a large number of vacancies under single- post-cadres might be required to be reserved. In such cases, in the interest of priority and natural justice, it has been considered advisable to group such posts and list the vacancies together for the purpose of applying the 50-point roster as if all such vacancies belong to the same cadre. A post carrying a lower scale of pay shall have precedence over a post carrying a higher scale of pay while placing them in the roster. Such grouping of vacancies is permissible only for once. After the initially available first vacancy under each single post cadre, so grouped together, is filled up, no further grouping is permissible and for the purpose of filling up subsequent vacancies under such single- post-cadres, the normal procedure of observance of the 50-point roster should be followed.

In all other cases, however, no such grouping is necessary and the 50-point roster shall be operative in a rotational manner, irrespective of the consideration as to whether the vacancy belongs to any post under single-post-cadre or under multi-post-cadre, both in direct recruitment and promotion.

All appointing authorities are instructed to act accordingly.

P. Choudhuri
Secretary

**Government of West Bengal
Scheduled Castes & Tribes Welfare Department
Writers' Buildings, Calcutta-700001**

No. 796-TW/EC.
MR-59/90

Calcutta, the 20th August 1990

MEMORANDUM

Since the introduction of the 50-point roster of vacancies vide this Department's Notification no. 136-TW/EC dated 27.3.90, some queries have been received from some appointing authorities.

The following clarifications/guidelines are given in respect of such queries:-

(i) In case of direct recruitment, all vacancies, as remained unfilled on 27.3.90 should be brought under the purview of the aforesaid Notification and the 50-point roster should be followed in filling up such vacancies.

However, only in those cases, where the process of selection of candidates was duly completed before 27.3.90 the erstwhile 20-point roster should be followed instead of the 50-point roster. By completion of selection process, it is meant that the selection of candidates was duly ratified by the Selection Committee wherever constituted, or by the selecting authority, departmental or the P.S.C., W.B., as the case may be.

All other cases shall straightaway come under the pool of vacancies to be filled in accordance with the new dispensation as required in terms of the aforesaid notification.

(ii) In case of promotion, the date of occurrence of the vacancy in the promotion-post should be the guiding factor. In other words, vacancies occurring before 27.3.90 should be filled in accordance with the erstwhile 20-point roster and vacancies occurring on or after 27.3.90 should be filled up on the basis of the 50-point roster.

(iii) The aforesaid Notification (vide No. 136-TW/EC dated 27.3.90) applies to the whole of the State, needless to say, in all establishments covered by section 2(b) of the W.B.S.C.s & S.T.s (Reservation of Vacancies in Services and Posts) Act, 1976.

(iv) The 50-point roster, when introduced shall commence from its first point.

All appointing authorities are instructed to act accordingly.

P. Chaudhuri
Secretary

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The Calcutta Gazette
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**Government of West Bengal
Scheduled Castes & Tribes Welfare Department**

NOTIFICATION

No. 145-T.W/EC

Dated, Calcutta, the 2nd March, 92

In exercise of the power conferred by sub-section (2) of section 1 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of vacancies in Services and Posts) (Amendment) Ordinance, 1992 (West Bengal Ord. 1 of 1992), the Governor is pleased hereby to appoint the 2nd day of March, 1992, as the date on which the said Ordinance shall come into force.

By order of the Governor,
K. K. Naskar
Secretary to the Govt. of West Bengal

**Government of West Bengal
Law Department
Legislative**

NOTIFICATION

No.649-L — 10TH April 1992 — The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :-

**WEST BENGAL ACT VII of 1992
THE WEST BENGAL SCHEDULED CASTES AND SCHEDULED TRIBES (RESERVATION OF VACANCIES
IN SERVICES AND POSTS) (AMENDMENT) ACT. 1992**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Calcutta Gazette, Extraordinary, of the 10th April, 1992.]

An act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of vacancies in Services and Posts) Act. 1976.

WHEREAS it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of vacancies in Services and Posts) Act 1976, for the purpose and in the manner hereinafter appearing;

It is hereby enacted in the Forty-third year of the Republic of India by the Legislature of West Bengal, as follows :-

1. (1) This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of vacancies in Services and Posts) (Amendment) Act. 1992.

(2) It shall be deemed to have come into force on the 2nd day of March, 1992.

2. In the schedule to the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of vacancies in Services and Posts) Act. 1976 (hereinafter referred to as the principal Act).

(1) for paragraph (V), the following paragraph shall be substituted :-

“(V) There shall be no de-reservation of any reserved vacancy by any appointing authority. In the absence of a qualified Scheduled Caste and Scheduled Tribe candidate to fill up any vacancy reserved for Scheduled Castes or Scheduled Tribes, as the case may be, the vacancy shall remain unfilled.”

(2) for paragraph the following paragraph shall be substituted :-

* * *

fill up any reserved vacancy remaining unfilled on account of non-availability of qualified Scheduled Caste or Scheduled Tribe candidate, as the case may be, the appointing authority shall refer the vacancy to the State Government for dereservation. Upon such reference, the State Government may, if it is satisfied that it is necessary or expedient so to do, by order dereserve the vacancy, subject to the condition that the reservation against the vacancy so de-reserved shall be carried forward against the subsequent unreserved vacancy.

3. (1) The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of vacancies in Services and Posts) (Amendment) Ordinance 1992, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been validly done or taken under the principal Act as amended by this Act

By order of the Governor,
S. Maitra
Special Officer & Ex. Officio
Jt. Secy. to the Govt. of West Bengal.

**Government of West Bengal
Scheduled Castes & Tribes Welfare Department
Writers' Buildings, Calcutta-700001**

No. 346-TW/EC.
M-6/82(I)

Calcutta, the 13th July, 1994

NOTIFICATION

WHEREAS "backward classes" has been defined in clause (a) of section 2 of the West Bengal Commission for Backward Classes Act, 1993 (West Bengal Act I of 1993) (hereinafter referred to as the said Act), for the purposes of the said Act, to wards such backward classes of citizens other than the scheduled Castes or scheduled Tribes as may be specified by the State Government in the lists;

And WHEREAS "lists" has been defined in clause (c) of section 2 of the said Act to mean lists prepared by the Government of west Bengal from time to time for purposes of making provision for the reservation of appointments or post in favour of backward classes of citizens which, in the opinion of that Government, are not adequately represented in the services under the Government of West Bengal, local and statutory authorities constituted under any State Act, Corporations in which not less than 51% of the paid up share capital is held by the State Government, Universities, Colleges affiliated to the University, primary, secondary and higher secondary schools and also other educational institutions which are owned or aided by the Government and also establishments in public sector;

Now, Therefore, in pursuance of the provisions of clause (a), read with clause (c), of section 2, and sub-section (2) of section 9 of the said Act, the Governor is pleased hereby to specify in the list below the backward classes for the purposes of the said Act.

List

- | | |
|-------------------|-------------------------|
| 1. Kapil | 8. Teli |
| 2. Baishya Kapali | 9. Napit |
| 3. Kurmi | 10. Yogi-Nath |
| 4. Sutradhar | 11. Goala-Gope |
| 5. Karmakar | 12. Moira-Modak(Halwai) |
| 6. Kumbhakar | 13. Barujibi |
| 7. Swarnakar | 14. Satchasi. |

By order of the Governor,
U. K. Ray
Secy.to the Govt. of West Bengal.

**Government of West Bengal
Scheduled Castes & Tribes Welfare Department
Writers' Buildings, Calcutta-700001**

No. 347-TW/EC.
M-6/82(I)

Calcutta, the 13th July, 1994

ORDER

WHEREAS by this department notification No.346-TC/EC dated the 13thJuly ,1994, backward classes as defined in clause(a) of section 2 of the West Bengal Commission for Backward Classes Act,

1993(West Ben. Act I of 1993)(hereinafter referred to as the said Act.),have been specified in the list as defined in clause(c) of section 2 of the said Act;

AND WHEREAS in the opinion of the Governor, the said backward classes of citizens are not adequately represented in the services under the Government of West Bengal, the local and statutory authorities constituted under any State Act, Corporations in which not less than 51% of the paid up share capital is held by the State Government, Universities, Colleges affiliated to Universities, Primary, secondary and higher secondary schools and also in other educational institutions which are owned or aided by the State Government and establishments in public sector;

Now, THEREFORE, in pursuance of the provisions of clause(c) of section 2 of the said Act, the Governor is pleased hereby to make provision for the reservation in services and posts under the Government of West Bengal, the local and statutory authorities constituted under any State Act, Corporations in which not less than 51% of the paid up share capital is held by the State Government, Universities, Colleges affiliated to Universities, Primary, secondary and higher secondary schools, other educational institutions which are owned or aided by the State Government and public sector in favour of the said backward classes of citizens as follows :

(a) 5% of the vacancies in services and posts under the Government of West Bengal, the local and statutory authorities constituted under any State Act, Corporations in which not less than 51% of the paid up share capital is held by the State Government, Universities, Colleges affiliated to Universities, Primary, secondary and higher secondary schools, other educational institutions which are owned or aided by the State Government and public sector to be filled up by direct requirement shall be reserved for the backward classes of citizens.

(b) The reservation under clause (a) shall not apply to the persons referred to in Column 3, in respect of the categories referred to in column 2, of the Schedule below :

SCHEDULE

	Description of category	Persons to whom reservation shall not apply
I.	Constitutional posts	Son(s) and daughter(s) of- (a) President of India; (b) Vice President of India; (c) Judges of the Supreme Court and of the High Courts; (d) Chairman & Members of UPSC and of the State Public Service Commission, Chief Election Commissioner, Comptroller & Auditor General of India; (e) Persons holding Constitutional positions of like nature.
II.	Service Category	
	A. Group A/class I posts included in the All India Services and Central Services and borne on the establishment of the State Government, and State Services (Direct Recruitment)	Son(s) and daughter(s) of- (a) Parents, both of whom are Class I officers; (b) parents, either of whom is a Class I officer; (c) parents, both of whom are Class I officers, but one of them dies or suffers permanent incapacitation; (d) parents, either of whom is a Class I officer and such parents dies or suffers permanent incapacitation and before such death or such incapacitation 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;

B. Group B/ Class II posts included the Central Services and borne on the establishment of the State Government, and State Services(Direct Recruitment)

(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 Organization like UN, IMF, World Bank, etc. for a period of not less than 5 years :

Provided that the exclusion as aforesaid shall not apply to the following cases :

- (i) sons and daughters of parents either of whom or both of whom are Class I officers and such parents dies/die or suffer permanent incapacitation,
- (ii) a lady belonging to the backward classes category has got married to Class I officer, and may herself like to apply for a job.

Son(s) and daughter(s) of-

- (a) Parents both of whom are Class II officers;
- (b) Parents of whom only the husband is Class II officer and he gets into Class I at the age of 40 or earlier;
- (c) Parents, both of whom are Class II officers and one of them dies or suffers permanent incapacitation either one of them has had the benefit employment in any International Organization like UN, IMF, World Bank, etc. for a period of not less than 5 years before such death or permanent incapacitation.
- (d) Parents of whom the husband is a Class I officer (direct recruit or pre-forty promoted) and the wife is a Class II officer and wife dies or suffers permanent incapacitation; and
- (e) Parents of whom the wife is a Class I officer (direct recruitment or pre-forty promoted) and the husband is Class II officer and the husband dies or suffers permanent incapacitation :

Provided that the exclusion as aforesaid shall not apply to the following cases :

Son(s) and daughter(s) of-

- (i) Parents both of whom are Class II officers and one of them dies or suffers permanent incapacitation,
- (ii) 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 Organization like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation.

	C. Public Sector Undertaking etc.	The criteria enumerated in A and B above in this Category will apply mutatis mutandis to officers holding equivalent or comparable posts in PSUs, Bank, Insurance Organizations, Universities, etc. and also to equivalent or comparable post 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 below will apply to the Officers in these Institutions.
III.	Armed Forces including para-Military 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 Navy and the Air Force and the Para-Military Forces : Provided that- (i) If the wife of an Armed Forces officer is herself in the Armed Forces (i.e. Category under consideration) the exclusion as aforesaid will apply only when she herself has reached 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.	Posts of Professional Class and Posts in Trade and Industry A. Persons engaged in profession as a doctor, lawyer, chartered accountant, income-tax consultant, financial or management consultant dental surgeon, engineer, architect, computer specialist, film artist and other film professional, author, playwright, sports persons, sports professional, media professional or any other vocations of like status B. 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 a 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.

		(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.
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Note : Wherever the expression "permanent incapacitation" occur in this Schedule, it shall mean incapacitation which results in putting an officer out of service.

2. This order shall come into force at once :

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**Government of West Bengal
Scheduled Castes & Tribes Welfare Department
Writers' Buildings, Calcutta-700001**

No. 374(71)-TW/EC
MR-103/94

Calcutta, the 27th July, 1994.

- 1) The District Magistrate,

- 2) The Sub-Divisional Officer,

Sub: Notification declaring Backward Classes and Order for implementation of reservation for Backward Classes in Services and Posts in all establishments within the district — Instructions for issue of Backward Classes certificates and competent authorities to issue certificates — Regarding.

The undersigned is directed to send herewith 50(fifty) copies of the Notification No. 346-TW /EC, dt.13.7.1994 and 50(fifty) copies of the Order No. 347-TW/EC, dt. 13.7.1994 on the above subject and to say that all establishments as specified in Order No. 347- TW/EC, dt 13.7.1994 shall maintain reservation for the 'Backward Classes ' in services and posts in direct recruitment.

For the purpose of issuing certificates to Backward Classes in the prescribed proforma, The S.D.O of the sub -Division concerned shall be the competent authority. As regards the town of Calcutta as defined in section 3 of the Calcutta Police Act,1866, the D.M. South 24-Parganas or such A.D.M, South 24-Parganas as may be authorized by D.M., South 24 Parganas shall Act as competent authority to issue Backward Classes certificate to the petitioner of the concerned area. The existing procedure for issue of caste/tribe certificate to the members of the SC/ST community shall be applicable, mutatis mutandis, in cases of issue of certificates to the members of the Backward Classes. He shall issue necessary "Backward Classes " certificates in the proforma prescribed for this purpose after he is satisfied that the petitioner belongs to a member of the Backward Classes in West Bengal.

A copy of the proforma of application form for obtaining a certificate meant for Backward Classes and a copy of the proforma for issuing a Backward Classes Certificate by the competent authority are enclosed.

Necessary arrangements for supply of application forms to the applicants claiming to be a member of the 'Backward Classes' as mentioned in the Notification No.346-TW/EC,dt. 13.7.1994 may be made from his end.

Secretary
S.C. & T.W. Deptt.

No. 374(71)/1(413)-TW/EC

Copy with five copies of Notification and five copies of order forwarded for information and necessary action to:-

- 1) The District Land & Land Reforms Officer,
- 2) The Block Development Officer
- 3) The District Inspector of Schools (SE),
- 4) The District Inspector of Schools (Pry.),

Calcutta
The 27th July, 1994.

Sd/-Illegible
Joint Commissioner
for Reservation & Ex-Officio
Jt. Secretary.

— • —
The Calcutta Gazette
Extraordinary
Published by Authority

AGRAHAYANA 22]

TUESDAY, DECEMBER 13, 1994

SAKA 1916

**Government of West Bengal
Scheduled Castes & Tribes Welfare Department
Writers' Buildings, Calcutta-700001**

No. 705-TW/EC.
MR-6/82(I)

Calcutta, the 13th December, 1994

NOTIFICATION

WHEREAS "backward classes" has been defined in clause (a) of section 2 of the West Bengal Commission for Backward Classes Act, 1993 (West Bengal Act I of 1993) (hereinafter referred to as the said Act), for the purposes of the said Act, to mean such backward classes of citizens other than the Scheduled Castes and Scheduled Tribes as may be specified by the State Government in the lists;

And WHEREAS "lists" has been defined in clause (c) of section 2 of the said Act to mean lists prepared by the Government of West Bengal from time to time for purposes of making provision for the reservation of appointments of post in favor of backward classes of citizens which in the opinion of that Government, are not adequately represented in the services under Government of West Bengal and any local or other statutory authority within the territory of West Bengal or under the control of the Government of West Bengal;

Now, Therefore, in pursuance of the provisions of clause (a), read with clause (c), of section 2, and sub-section (2) of section 9 of the said Act, and in continuation of notification No. 346-TW/EC/M-6/82(I), dated the 13th July, 1994, the Governor is pleased hereby to specify further in the list below the backward classes for the purpose of the said act.

LIST

1. Malakar
2. Tanti
3. Kansari
4. Shankhakar
5. Keori/koiri
6. Raju
7. Tamboli/Tamale
8. Nagar
9. Karani
10. Dhanuk
11. Sarak
12. Jolah (Ansari-Momin).

By order of the Governor,
U. K. Ray
Secy. to the Govt. of West Bengal.

●

Government of West Bengal
Scheduled Castes & Tribes Welfare Department
Writers' Buildings, Calcutta-700001

No. 21-TW/EC/M-6/82(I).

Calcutta, the 5th Jan, 1995

From : Shri S.Mardi, Joint Commissioner for Reservation &
Ex-Officio Joint Secretary.

To : The District Magistrate,
.....

Sub : Notification declaring further Backward Classes.

The undersigned is directed to send herewith 50(fifty) copies of the Notification No. 705-TW/EC/M-6/82(I), dt.13th Dec.,1994 and to say that the Govt. of West Bengal in the S.C & .T.W Deptt. declared further 12(twelve) classes of people as belonging to "Backward Classes" in West Bengal on the basis of the recommendation of West Bengal Commission for Backward Classes.

They are also entitled to the benefit of reservation for the "Backward Classes" in services and posts in all establishments in direct recruitment, as per provisions contained in this Deptt.'s Order No.347-TW /EC, dt. 13th July, 1994.

The authorities as prescribed in this Deptt.'s letter No.374(71) TW/EC, dt. 27th July, 1994 shall be the competent authorities to issue certificates to these 'Backward Classes' of people. The existing procedure for issue of caste/tribe certificate to the members of the Sch.Castes and the Sch.Tribes shall be applicable, mutatis mutandis,in cases of issue of certificates to the members of these 'Backward Classes'.

He is requested to kindly to take appropriate steps so to ensure reservation for Backward Classes in all establishments under his jurisdiction.

S. Mardi

Joint Commissioner for Reservation & Ex-Officio
Jt. Secretary.

No.21/1-TW/EC

Calcutta, the 5th January, 1995

Copy with a copy of the enclosure forwarded for information and necessary action to:-

- 1) The District Land & Land Reforms Officer,
- 2) The Sub-Divisional Officer
- 3) The Block Development Officer
- 4) The District Inspector of Schools (SE),
- 5) The District Inspector of Schools (Pry.),

S. Mardi

Joint Commissioner for Reservation &
Ex-Officio Jt. Secretary.

●

Government of West Bengal
Scheduled Castes & Tribes Welfare Department
Writers' Buildings, Calcutta-700001

No. 40(71)-TW/EC/M-6/82(I).

Calcutta, the 12th Jan, 1995

From : Dr. U.K.Ray.
Secteryary to the Govt. of West Bengal.

To : 1. The District Magistrate,
2. The Sub-Divisional Officer,

Sub : Inclusion of Additional Sub-Divisional Officer as also Competent Authority to issue 'Backward Classes' Certificate.

In continuation of this Deptt.s' letter No. 374(71)-TW/EC/MR-103/94, dated 27th July, 1994, the undersigned is to say that for the purpose of issuing certificates to the Backward Classes in the prescribed proforma, "the Sub-Divisional Officer of the Sub-Division concerned" includes the Additional Sub-Divisional Officer of Sub-Divisional Office who will also be the competent authority to issue Backward Classes certificates to the bonafide petitioners.

Dr. U. K. Ray
Secretary
to the Govt. of West Bengal.

No.40(71)/1(414)-TW/EC

Copy forwarded for information and necessary action to:-

- 1) The District Land & Land Reforms Officer,
- 2) The Block Development Officer
- 3) The District Inspector of Schools (SE),
- 4) The District Inspector of Schools (Pry.),
- 5) The Director, S.C. & T.W. Directorate, West Bengal

Sd/- Illegible
Joint Commissioner for Reservation &
Ex-Officio Jt. Secretary.

— ● —
The Calcutta Gazette
Extraordinary
Published by Authority

CHAITRA 16]

THURSDAY, APRIL 6, 1995

SAKA 1917

**Government of West Bengal
Scheduled Castes & Tribes Welfare Department
Writers' Buildings, Calcutta-700001**

No. 261-TW/EC.
MR-103/94

Calcutta, the 6th April, 1995

ORDER

WHEREAS by Notification No.346-TW/EC/M-6/82(I) dated the 13th July ,1994, the Governor has been pleased to specify in the list below the said notification the backward classes for the purpose of the West Bengal Commission for Backward Classes Act, 1993(West Ben. Act I of 1993);

AND WHEREAS by Order No. 347-TW/EC/M-6/82(I), dated the 13th July ,1994 (hereinafter referred to as the said Order) the Governor has been pleased to reserve 5% of vacancies in services and posts under the Government of West Bengal and statutory authorities constituted under any State Act, Corporations in which not less than 51% of the paid up share capital is held by the State Government, Universities, Colleges affiliated to Universities, Primary, secondary and higher secondary schools, other educational institutions which are owned or aided by the State Government, public sector undertakings, to be filled by direct recruitment, for the backward classes citizen;

Now, THEREFORE, the Governor is pleased hereby to direct that for the purpose of implementation of 5% reservation quota for the backward classes of citizens in direct recruitment in pursuance of the provisions of the said order, a separate 100-point roster(as per the model 100-point roster annexed hereto) (in Which 9th ,29th,49th, 69th and 89th points shall be reserved for the citizens belonging to backward classes of this State) shall be maintained.

The citizens claiming the benefit of reservation of vacancies in services and posts,as admissible for the members belonging to backward classes in this state, shall produce a certificate for his being a member of backward classes from the competent authority as specified below :-

- (a) In the district, the Sub-divisional Officer of the sub-division concerned, and
- (b) In Calcutta, the District Magistrate, South-24-Pargana, or additional District Magistrate, South-24-Parganas, as may be authorized by the District Magistrate, South-24-Parganas, in this behalf.

Explanation—"Calcutta" shall mean the town of Calcutta as defined in section 3 of the Calcutta Police Act,1866(Ben. Act IV of 1866).

Model 100 - Point Roster

1.	S.C.	51.	S.C.
2.	General	52.	General
3.	General	53.	General
4.	S.T.	54.	S.T.
5.	General	55.	General
6.	General	56.	General
7.	S.C.	57.	S.C.
8.	General	58.	General
9.	B.C.	59.	General
10.	General	60.	General
11.	S.C.	61.	S.C.
12.	General	62.	General
13.	General	63.	General
14.	General	64.	General
15.	S.C.	65.	S.C.
16.	General	66.	General
17.	General	67.	General
18.	S.C.	68.	S.C.
19.	General	69.	B.C.
20.	General	70.	General
21.	S.C.	71.	S.C.
22.	General	72.	General
23.	General	73.	General
24.	S.T.	74.	S.T.
25.	General	75.	General
26.	General	76.	General
27.	General	77.	General
28.	S.C.	78.	S.C.
29.	B.C.	79.	General
30.	General	80.	General
31.	General	81.	General
32.	S.C.	82.	S.C.
33.	General	83.	General
34.	General	84.	General
35.	General	85.	General
36.	S.C.	86.	B.C.
37.	General	87.	General
38.	General	88.	General
39.	General	89.	B.C.
40.	S.C.	90.	S.C.
41.	General	91.	General
42.	General	92.	General
43.	S.T.	93.	S.T.
44.	General	94.	General
45.	General	95.	General
46.	General	96.	General
47.	S.C.	97.	S.C.
48.	General	98.	General
49.	B.C.	99.	General
50.	General	100.	General

By order of the Governor
U. K. Ray

●

Government of West Bengal
Scheduled Castes & Tribes Welfare Department
Writers' Buildings, Calcutta-700001

No. 552(55)-TW/EC/MR-83/92.

Calcutta, the 23th June, 1995.

From : Dr. U.K.Ray, I.A.S.
Secretary to the Govt. of West Bengal.

To : The Principal Secretary/Secretary to the
Government of West Bengal.
.....Department.

Sub : Reservation for Scheduled Castes and Scheduled Tribes of Vacancies in Services
and Posts in West Bengal and dereservation thereof a guideline.

Sir

I am to send herewith a copy of the guidelines in the matter of reservation of vacancies for the scheduled castes and scheduled tribes as per provision contained in the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 and the rules framed thereunder for your information and guidance.

Yours faithfully,

U. K. Ray

Secy. to the Govt. of West Bengal.

No.552 (55) /(140) -TW/EC

Copy with copy of the enclosure forwarded for information and necessary action to :-
The Director of Land Records and Surveys, West Bengal, Alipore, Calcutta-700027.

Calcutta,
The 23rd June, 1995.

Sd/- Illegible

Jt. Commissioner for Reservation &
Ex-Officio Jt. Secretary

dated, Alipore, 21st November, 1995.

Memo No. 26 /6605—6646/BI/90,
copy forwarded to :-

- 1) The District Land and Land Reforms Officer,
- 2) The Principal, West Bengal Survey Institute, Bandel.
- 3)to8)
for information and guidance.

S. C. Bera

For Director of Land Records & Surveys and
Joint Land Reforms Commissioner
West Bengal.

M.I.C, S.C & T.W's Secretariat
Reservation for S.Cs and S.Ts of vacancies in services and posts in
West Bengal and de-reservation thereof — a guideline.

The appointing authorities of all establishments owned or aided by the State Govt. shall have to reserve for S.Cs. and S.Ts. particular vacancies created in any Cadre. Though there was no Specific law but reservations for S.Cs. and S.Ts. were maintained in all Govt. offices by executive orders. But on and from 15th August, 1976, 3rd, 13th & 18th vacancies created in any cadre were reserved for Scheduled Castes and the 8th vacancy was reserved for Scheduled Tribe in a 20-point roster. The appointing authorities were required under the rule to maintain register of appointment for this purpose. They were also required to submit annual statement showing the total no. of employees and the number of S.Cs. and S.Ts. among them as on the 1st January, of every year. Apart from that they were required to submit annual return of direct appointment and annual return of promotion for every year. For this purpose proforms have been prescribed under the rules. On and from 27th March, 1990 Government of West Bengal revised the law and 22% of the vacancies have been reserved for Scheduled Castes and 6%

vacancies have been reserved for Scheduled Tribes. The 20-Points roster has been discontinued and on and from 27.3.90 a 50-point roster was introduced.

Vacancies in any cadre in any establishment may be created by creation of additional posts or by death /retirement /resignation /dismissal of any employee in the cadre. The first vacancy created in any cadre (either multiple post cadre or single post cadre) on or after 27.3.90 shall be the first vacancy in the 50 point roster. All subsequent vacancies will have to be placed in the 50 point roster as and when they occur. The 50 point roster will be repeated when it is exhausted by creation of vacancies.

Vacancy No. 1, 7, 11, 15, 18, 21, 28, 32, 36, 40, and 47 in the 50 point roster will be reserved for Scheduled Castes and vacancy no. 4, 24, 43 in the 50 point roster will be reserved for Scheduled Tribes.

It may be noted that in West Bengal no particular post is reserved for S.Cs. and S.Ts., but vacancies created in the post or posts falling in particular points in the 50 point roster will be reserved. As for example the cadre of Headmaster in a Non-Govt. High School in West Bengal is a single post cadre. The vacancy created in the post of Headmaster after 27.3.90 has been reserved for scheduled castes and has been say, filled up by a scheduled castes candidate, but the Headmaster after such appointment may be resigned from service in a better place. On such resignation a vacancy is created in the post of Headmaster of the said school. This vacancy is vacancy No.2 in the 50 point roster and it is undeserved and open to all. At this point it may be noted that unreserved or general vacancy does not exclude S.Cs. and S.Ts. Hence when this no.2 vacancy will be filled up by a general candidate (open to all) any S.C. and S.T. may come for interview and fill up the vacancy on competitive merit. In this way vacancies may be created in any cadre and filled up following the 50 point roster by general or reserved candidates as per points of the roster occupied by the particular vacancy. Hence, for observance of the rules of reservation for S.Cs. and S.Ts. the 50 point roster should be observed strictly which again depends on the maintenance of the register of appointment for each cadre in any establishment.

Failure of maintenance of the register of appointment is a violation of the rule.

In West Bengal all vacancies are filled up by candidates submitted by the Employment Exchange or by candidates obtained by advertisement in the newspapers, but occasions may arise when candidates having due qualifications are not obtained after due process of notification in the employment exchange and publicity in the newspapers. In that case the appointing authority may apply through the District Reservation Commissioner to the Joint Commissioner of Reservation, Scheduled Castes & Tribes Welfare Deptt., Govt. of West Bengal for de-reservation of the vacancy. The application for de-reservation will contain, inter alia, their notification in the Employment Exchange, the non -availability report from the Employment Exchange, advertisement in the daily newspapers, number of applications, the number of candidates appearing for the interview, reason of rejection where none is selected. The application must also reveal the necessity for filling up the post immediately. On consideration of all the aspects of the particular case, the Joint Commissioner of Reservation may de-reserve the vacancy or ask the appointing authority to make another attempt for filling up the reserved vacancy by a reserved candidate. The Joint Commissioner of Reservation will dispose of the applications for de-reservation within reasonable time.

Whenever reserved vacancy is de-reserved by order of the Joint Commissioner of Reservations the next general vacancy in the roster will invariably be reserved for the S.Cs. and S.Ts. as the case may be. It may be mentioned that under the present law none but the Joint Commissioner of Reservation is authorised to de-reserve a reserved vacancy and any de-reservation of a reserved vacancy by the appointing authority himself or any other authority will be a clear violation of the law.

In the case of State level cadres the appointing authority will apply for de-reservation giving all the details mentioned above to the Joint Commissioner of Reservation for de-reservation directly.

This may be circulated to all the Secretaries, Directors, the District Reservation Commissioner and District Welfare Officers / S.C.T.W.Os.

D.C .Dakua
Minister-in-Charge, S.C. & T.W. Deptt.



<http://wblr0a.in>

(Setout Bengali Matter)

[See Separate File]

<http://wblr0a.in>

(Setout Bengali Matter)

[See Separate File]

<http://wblr0a.in>

LIST OF SCHEDULED CASTES AND SCHEDULED TRIBES
IN WEST BENGAL

SCHEDULED CASTES

1.	Bagdi, Duley	31.	Kaur
2.	Bahelia	32.	Keot, Keyot
3.	Baiti	33.	Khaira
4.	Bantar	34.	Khatik
5.	Bauri	35.	Koch
6.	Beldar	36.	Konai
7.	Bhogta	37.	Konwar
8.	Bhuimali	38.	Kotal
9.	Bhuiya	39.	Kurariar
10.	Bind	40.	Lalbegi
11.	Chamar, Charmakar, Mochi, Muchi, Rabidas, Ruidas, Rishi	41.	Lohar
12.	Chaupal	42.	Mahar
13.	Debgar	43.	Mal
14.	Damai (Nepali)	44.	Mallah
15.	Dhoba, Dhobi	45.	Musahar
16.	Doai	46.	Namasudra
17.	Dom, Dhangad	47.	Nat
18.	Dosadh, Dusadh, Dhari, Dharhi	48.	Nuniya
19.	Ghasi	49.	Paliya
20.	Gonrhi	50.	Pan, Sawasi
21.	Halalkhor	51.	Pasi
22.	Hari, Mehta, Methor, Bhangi	52.	Patni
23.	Jalia, Kaibarta	53.	Pod, Poundra
24.	Jhalo Malo, Malo	54.	Rajbanshi
25.	Kadar	55.	Rajwar
26.	Kalai (nepali)	56.	Sarki (nepali)
27.	Kundra	57.	Sunri(excluding Saha)
28.	Kanjar	58.	Tiyar
29.	Kaora	59.	Turi
30.	Karenga, Koranga		

SCHEDULED TRIBES

1.	Asur	20.	Kora
2.	Baiga	21.	Korwa
3.	Bedia, Bediya	22.	Lepcha
4.	Bhumij	23.	Lodha, Kheria, Kharia
5.	Bhutia, Sherpa, Toto, Dukpa, Kagatay, Tibetan, Yolmo	24.	Lohara, Lohra
6.	Birhor	25.	Magh
7.	Birjia	26.	Mahali
8.	Chakma	27.	Mahli
9.	Chero	28.	Mal pahariya
10.	Chik Baraik	29.	Mech
11.	Garo	30.	Mru
12.	Gond	31.	Munda
13.	Gorait	32.	Nagesia
14.	Hajang	33.	Oraon
15.	Ho	34.	Parhaiya
16.	Karmali	35.	Rabha
17.	Kharwar	36.	Santal
18.	Khond	37.	Sauria Paharia
19.	Kisan	38.	Savar

* * *

No.39/37/73-SCT.I
GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA

To,
The Chief Secretaries
of all State Governments &
Union Territory Administrations

New delhi-110 001, the 21 may, 1977/31 Vaisakha, 1899

Sub : Caste status of the offsprings of inter-caste married couples

Sir,

I'm directed to say that enquiries about the caste status of the offspring's of the inter caste married couples, have been sought from this Ministry by various State Government/Union Territory Administrations from time to time. Accordingly this question has been receiving the attention of this Ministry for quite some time. A set of legal views on the caste status of such offspring's was already brought out vide this Ministry's letter of even number dated the 4th March, 1975. The matter has, however, been further examined and the comprehensive legal position about the status of the offsprings born to couples where one or both of the spouses is/are member(s) of Schedule Caste and/or Schedule Tribes, is given in the enclose Annexure(A to D).

2. It is requested that these instruction may be circulated among all the authorities empowered to issue Scheduled Caste and Scheduled Tribe certificates.

Yours faithfully,
O.R. Srinivasan
Under-secretary to the
Govt. India

No.39/37/73-SCT.1

dated the 21 May,1977
31 Vaisakha, 1899

Copy to :-

1. All Ministry's / Departments of the Government of India.
2. All attached and subordinate offices of the Ministry's of Home Affairs.
3. The Union Public Service Commission, Dholpur House, New Delhi-110011.
4. The Subordinate Services Commission, R.K. Puram, New Delhi-110022

O.R. Srinivasan
Under secretery to the
Govt. of India

ANNEXURE A

Legal views on the status of the offspring of a couple where one of the spouses is a member of a Schedule Caste

The general position of law as to that effect of marriage between parties who are Hindus and one of whom belongs to the Schedule Caste in that under the ancient Hindu law, generally, inter caste marriage was looked down upon by the propounders and commentators. Some of the authorities, however, reluctantly permitted marriage between a male caste Hindu with a Shudra female and included it in the list of Anuloma marriages although it was stated that in the wedding with a Shudra wife, the ceremony should be performed without Mantras. The children born out of such marriage by a cast Hindu with a woman of an inferior caste had neither the caste of the father nor the status of his Savarn Aurasas — meaning the son born of a caste Hindu wife. They were termed as Anulomaja and belonged to an intermediate caste higher than that of their mother and lower than that of their father. Yajnavalkya omits the son of Brahmin by a Shudra wife from the list of sons mentioned by Manu. Pratiloma marriages, i.e. marriages between women of a superior caste with a man of an inferior caste, were altogether forbidden and no rites were prescribed for them in Grihya Sutra and persons entering into such marriages were degraded from the caste.

2. After the passing of the various statutory enactments relating to the Hindu law, such as, the Hindu Marriages Act, 1955, the Hindu Succession Act, 1956 and the Hindu Minority & Guardianship Act, 1956, customary ban on inter caste marriages in either way, has been lifted by the statutory enactments. Under the Hindu Marriages Act, any two Hindus of different sex, irrespective of their caste may enter into a valid marriage unless a such marriage is prohibited by the statute itself. According to the above three Statute, all children either legitimate or illegitimate, one of whose parents is a Hindu, a Buddhist, a Jain or a Sikh by religion and who are brought up as members of the tribe, community, group or family to which their parents belong or belonged, are to be treated as Hindus. In view of the above, the offsprings of marriage between the caste Hindu and a member of the Scheduled Caste community, are Hindus and like the offsprings of marriage in the same caste, are entitled to succeed to the properties of their parents. But the status of his or her parents belonging to the higher cast or a question arises as to whether such a child will acquire the property that of the parents belonging to the Schedule Caste. On this point, we have not come across any direct case law. But feel that the ratio of the decision in *Wilson read vs C.S. Booth* reported in AIR 1958 Assam 128 would apply to such cases. It is stated at page 182:

“The test which will determine the membership of the individual will not be the purity of blood, but his own conduct in following the customs and the way of life of the tribe; the way in which he was treated by the community and the practice amongst the tribal people in the matter of dealing with the tribal people in the matter of dealing with the person whose mother was a Khasi & father was a European”.

Similarly, in the case of *Muthuswamy Mudaliar vs. Masilman Mudaliar*, reported in ILR 33, Madras 342, the Court held:

“It is not uncommon process for a class or tribe outside pale of caste to another pale and if other communities recognised their claim, they are treated as of that class or castes. The process of adoption into the Hindu hierarchy through caste is common both in the North and in the South India. As we have already pointed out, in the past there have been cases where people who judge from the purity of blood could not be Khasis, were taken into their fold or the orthodoxy did not stand in the way of their assimilation into the Khasi community.”

3. The Supreme Court in *V.V.Giri vs. D.S.Dora* reported in AIR1959 SC 1318 (1327) held: “..... The cast status of a person in the context would necessarily have to be determined in the light of the recognition received by him from the member of the caste into which he seeks an entry. There is no evidence on this point at all. Besides the evidence produced by the appellant merely shows some act by respondent I, which no doubt were intended to assert a higher status; but unilateral act of this character cannot be easily taken to prove that the claim for the higher status which the said acts purport to make is established, that is the view which the High Court has taken and in our opinion the High Court is absolutely right.”

In view of the above observations by Superior courts, it can safely be concluded that the crucial test to determine is whether a child born out of such a wedlock has been accepted by the Scheduled Caste community as a member of their community and has been brought up in that surrounding and that community or not. The nexus between the child and the community or class or caste is a real test irrespective of the fact whether the accommodating class or caste or community is Schedule Caste community or a caste Hindu community. Even if the mother of the child is a member of the Schedule Caste community, it is possible that the child is accepted by the community of his father and brought up in the surroundings of his father relations. In that case, such a child cannot be treated as a member of the Schedule Caste community and cannot get any benefit as such. Similarly, when the mother belongs to a higher caste and the father is a Schedule Caste, the father may remain away from the Schedule Caste community and the child may be brought up in a surrounding under the influence of his mother's relations and her community members. In such cases also, the child cannot be said to be a member of the Schedule Caste community. In the alternative, where the child irrespective of the fact whether the father or the mother is a member of Schedule Caste community, is brought up on the Schedule Caste community as a member of such community, then he has to be treated as a member of the Scheduled caste community and would be entitled to receive benefits as such.

4. As regards the marriages not registered and marriages not legally valid, it may be pointed out that registration not mandatory for marriages under the Hindu law. Even under the Hindu Marriage Act, 1955, registration under section 8 is optional and sub-section (5) provides that the validity of any Hindu marriage shall, in no way, be affected by the omission to make entry in the Marriages Register maintained under this section. Section 7 provides that Hindu marriage may be solemnised in

accordance with the customary rites and the ceremonies of the either party thereto and, if such ceremony includes the saptapadi, the marriage becomes complete and binding when the seventh step is taken. In view thereof, all those marriages though not registered but which have been solemnised in accordance with the procedure mentioned in this Section, are to be treated as valid marriages and our opinion mentioned in Para 3 above will apply to the children born out of such valid but unregistered marriages.

5. As regards marriages which are not legally valid, it is clear that such children are illegitimate unless invalidity of marriage is due to grant of a decree of nullity by a Court in which case, provisions of sections 16 of the Hindu Marriage Act, 1955, will apply. Under section 6(b) of the Hindu Minority and Guardianship Act, 1956, the natural guardian of a Hindu minor has been stated to be- "in case of an illegitimate boy or illegitimate girl – the mother and after her the father."

6. It can be derived from this that the illegitimate children are generally brought up by the mother in her own surroundings. Therefore, if the mother belongs to the Schedule Caste and bring up the child within a Schedule Caste community, the child can be taken as a member of the Schedule Caste community. But in this case also the major factor for consideration is whether the child has been accepted by the Schedule Caste community as a member of their community and he has been brought up as such.

7. The above are the general observation, however, each case has to be examined in the light of the circumstances prevalent in that case and final decision has to be taken thereof.

ANNEXURE B

Legal views on the status of the off-springs of a couple where one of the spouses is a member of a Scheduled Tribe

The question has arisen whether the off-spring born out of wedlock between a couple one of whom is a member of Scheduled Tribe and other is not, should be treated as a Scheduled Tribe or not.

2. It may be stated at the outset that unlike members of Scheduled Castes, the members of Scheduled Tribes continues as such even after their conversion to other religion. This is because while Constitution (Scheduled Caste) Order, 1950 provides in clause 3 that only a member of Hindu or Sikh religion shall be deemed to be a member of Scheduled Caste, the Constitution (Scheduled Tribe) Order, 1950 does not provides any such condition. This view has been upheld by the Supreme Court in the case reported AIR 1964 S.C. at p.201.

3. It may be stated that unlike members of Scheduled Caste, members of Scheduled Tribes remains in homogenous groups and quite distinct from any other group of Scheduled Tribes. Each tribe live in a compact group under the care and supervision of the elders of the society whose words are obeyed in all social matters. A members committing breach of any prescribed conduct is liable to be excommunicated. The social custom has a greater binding force in their day-to-day life.

4. In the case of marriage between a tribal with a non-tribal, the main factor or consideration is whether the couple were accepted by the tribal society to which the tribal spouse belongs. If he or she, as the case may be, is accepted by the society then their children shall be deemed to be Scheduled Tribes. But this situation can normally happen when the husband is a member of the Scheduled Tribe. However, a circumstance may be there when a Scheduled Tribe women may have children from marriage with a non-Scheduled Tribe man. In that event the children may be treated as Scheduled Tribes only if the members of the Scheduled Tribe community accept them and treated them as members of their own community. This view has been held by the Assam High Court in Wilsom Read VS. C.S. booth, reported in AIR 1958, Assam at p. 128, where it has been held-

"The test which will determine the membership of the individual will not be the purity of blood, but his own conduct in following the customs and the way of life of the tribe; the way in which he has been treated by the community and the practice amongst the tribal people in the matter of dealing with persons whose mother was a khasi & father was a European".

Similarly, in the case of Muthuswamy Mudaliar vs. Masilamam Mudaliar, reported in ILR 33, Madras 342, the court held:

"It is not uncommon process for a class or tribe outside the pale of caste to another pale and if other communities recognised their claim, they are treated as of that class or castes."

Similarly in V.V.Giri vs. D.S.Dora reported in AIR1959 SC 1318 (1327) the Court held:

“The cast - status of a person in the context would necessarily have to be determined in the light of the recognition received by him from the members of the caste into which he seeks an entry.”

5. As mentioned above, it is the recognition and acceptance by the society of the children born out of a marriage between a member of Scheduled Tribe with an outsider, which is the main determining factor irrespective of whether the tribe is matriarchal or patriarchal. The final result will always depend on whether the child was accepted as a member of the Scheduled Tribe or not.

6. The general position of law has been stated above. However, each individual case will have to be examined in the light of existing facts and circumstance in such cases.

ANNEXURE C

Legal views on the status of the off-springs of a couple where both the spouses are members of Scheduled Castes/Scheduled Tribes but each belongs to a different sub-caste/sub-tribe.

1. Under the Constitution (Scheduled Caste) Order, 1950 and the Constitution (Scheduled Tribe) Order, 1950, what is material is residence of the member of the caste, race or tribe in the localities specified in the respective schedule. In the case of a minor child the question arises whether his residence will go along with that of his father. Under the principles of prevailing International Law, the domicile of a minor child follows that of his father and in certain cases of his mother, and the minor child is incapable of changing his domicile by any voluntary act. This rule by no means is absolute. Suppose, for instance, a father deserts his son or he is divorced and the custody of his son is given to his wife. In such a case, the court may consider that the minors domicile will be that of the mother.

2. Under section 3 of the Hindu Minority and Guardianship Act, 1956, the natural guardian in the case of minor boy or an unmarried girl is father and after him his mother. In the case of an illegitimate boy or an illegitimate unmarried girl, the natural guardian will be the mother and after her, the father.

3. In the above background it has to be seen as to which sub-caste or sub-tribe the off-spring would belong in case the parents belonging to two distinct communities within the same Scheduled Caste or Scheduled Tribes as the case may be. Prima facie it would appear that in such cases the children born of such parents could be treated as members of the Scheduled Castes or Scheduled Tribes, as the case may be. The prima facie presumption is also in favour of the child possessing the sub-caste or sub-tribe of the father in the large majority of cases having regard to the concept of domicile mentioned above. Apart from this, it has to be seen whether the child has also been accepted and assimilated in the sub-caste or sub-tribe in that community. Each case has to be examined in the light of the circumstance pertaining to it.

* * *

**Government of West Bengal
S.Cs & Ts Welfare Department
Writer Building, Calcutta-700001**

No. 360(102)-TW/EC.

Dated : the 4th October, 86

Sub : Grant of duplicate / fresh Caste Certificate in case of loss or damage of the original Caste Certificate — procedure to be followed — instruction regarding.

A question has arisen as to whether in the event of loss or damage of the original scheduled caste or scheduled tribe certificate, the holder of the certificate should be granted a fresh certificate or a duplicate one by the authority concerned and what should be the procedure for the grant of such a certificate.

The matter has been duly considered by the Government and it has been decided that in such cases, the following procedure should be adopted:-

1) If records relating to the grant of the original certificate are not available with the authority who had granted it, a fresh enquiry should be held by the issuing authority as if the case is one of granting a new certificate. If findings of the enquiry are satisfactory a **fresh certificate** should be issued.

2) Where records relating to the grant of the original certificate are available with the authority who had granted it, a **duplicate certificate** should be granted, unless it appears on re-examination of the previous records that the earlier original certificate was granted by mistake or on misrepresentation of facts or on the basis of incomplete evidences. In such cases, fresh enquiry should be held to determine the applicant's eligibility or otherwise for the caste certificate.

V. P. Ramachandran

Secretary

<http://wbllroa.in>

To,
The District Magistrate,
The Addl. District Magistrate.....
The Special Officer, S.C. & T.W.,
The S.C & T.W. Officer,
The Director, S.C & T.W. Directorate
The Deputy Director, S.C & T.W. Directorate
The Chief Metropolitan Magistrate, Calcutta
The Addl. Chief Metropolitan Magistrate, Calcutta.
The S.D.O.

No. 360(102)/1-TW/EC

Calcutta, 4th October, 1986.

Copy forwarded to the Directorate of Scheduled Castes and Tribes Welfare, Government of West Bengal, for information and necessary action.

This has reference to memo. No. 323 YWD(C), dated Aug.29, 1986.

Sd/-Illegible
Deputy secretary

* * *

**Government of West Bengal
Scheduled Caste & Tribes Welfare Department
Writers' Buildings**

No. 250-TW/EC.
MR-99/87

Calcutta, the 29th April, 1993

MEMORANDUM

Sub : The procedure of impounding a Certificate found ingenuine

The undersigned is directed to say that as there is no prescribed procedure in the existing rules for the purpose of impounding a Sch. Caste/ Sch. Tribe certificate found to be ingenuine, it is hereby instructed that all such certificates may be impounded under the relevant provisions of the Cr. P.C and the I.P.C. till necessary rules for such purposes are separately framed.

K. Sathiavasan
Joint Secretary

No. 250/1(126)-TW/EC

Calcutta, the 29th April, 1999

Copy forwarded for information and necessary to

1. The District Magistrate,
2. The Additional District Magistrate,
3. The Sub-Divisional Officer,
4. The Director Sch. Castes and Tribes Welfare, West Bengal
5. Sch. Castes & Tribes Welfare Officer,
6. The Project Officer , I.T.D.P.,S.C & T.W.,
7. Certificate Cell, Directorate of SC/TW, Bikash Bhawan.

K. Sathiavasan
Joint secretary

* * *

**GOVERNMENT OF INDIA /BHARAT SARKAR
MINISTRY OF HOME AFFAIRS, GRIH MANTRALAYA**

No. BC. 16014/1/82- SC&BCD.I

New Delhi, dated the 18th November, 1982, 27th Kartika, 1904

To

The Chief Secretaries of all State Governments/Union Territory Administrations

Sub : Issue of Scheduled Caste / Scheduled Tribe Certificate to migrant from other States/Union Territories.

Sir,

I am directed to say that it has been represented to this Ministry that persons belonging to Scheduled Castes / Scheduled Tribes, who have migrated from one State to another for the purpose of

employment, education, etc. experienced great difficulty in obtaining caste/ tribe certificate from the State from which they have migrated. In order to remove this difficulty it has been decided in modification of the instruction issued in letter no. BC 12025/2/76-SCT.I dated 22-3-1977 and letter No. BC.12025/11/79-SC& BCD.I/IV dated 29-3-1982 that the prescribed authority of a State Government/Union Territory Administration may issue the Scheduled Caste / Scheduled Tribe Certificate to a person who has migrated from another State, on the production of the genuine certificate issued to his father/mother by the prescribed authority of the State of the father's/mother's origin except where the prescribed authority feels that detailed enquiry is necessary through the State of origin before issue of the certificate . The certificate will be issued irrespective of whether the caste/ tribe in question is scheduled or not in relation to the State/Union Territory to which the person has migrated. This facility does not alter the Scheduled Caste / Scheduled Tribe status of the person in relation to the one or the other State. The revised form of the Scheduled Caste / Scheduled Tribe Certificate is enclosed.

Yours faithfully
B.K. Sarkar
Joint Secretary to the
Govt. of India

No. BC.16014/1/82-SC&BCD.I

New Delhi, the 18th Nov , 1982

Copy to:

1. Department of Personnel & A.R. (Est.) (SCT Section) with the request that necessary amendment to the Brochure of the reservation in services for Scheduled Castes & Scheduled Tribes, by incorporating, where necessary, the position stated in the foregoing paragraph may please be made.
2. Secretary, Union Public Service Commission Dholpur House, New Delhi.
3. Secretary, Staff Selection Commission, CGO Complex, Block No.12, Lodi Road, New Delhi.
4. All the Ministries/Departments ,Government of India .
5. Secretary, Commission for Scheduled Caste / Scheduled Tribe, Lok Nayak Bhavan, New Delhi.
6. Commissioner for Scheduled Caste & Scheduled Tribe, R.K Puram, New Delhi.
7. All the Sections in SC & BCD Division / TD Division, Ministry of Home Affairs.

Yours faithfully
B. K. Sarkar
Joint Secretary to the Govt. Of India

Form of Certificate to be produced by a Candidate belonging to Schedule Caste or Schedule Tribe in support of his claim

FORM OF CASTE CERTIFICATE

This is to certify that Shri/Shrimati/Kumari son/
daughter of of Village/Town
in District/Division of the
State/Union Territory belongs to the
..... Caste/Tribe which is recognised as Scheduled Caste/Scheduled
Tribe under :-

The Constitution (Schedule Castes) Order, 1950;
The Constitution (Schedule Tribes) Order, 1950;
The Constitution (Schedule Castes) (Union Territories) Order, 1951;*
The Constitution (Schedule Tribes) (Union Territories) Order, 1951;*

[as amended by the Scheduled Castes and Scheduled Tribe Lists (Modification) Order, 1956, the Bombay Re-organisation Act, 1960, the Punjab Re-organization Act, 1966, the State of Himachal Pradesh Act, 1970 and the North Eastern Areas (Re-organization) Act, 1971, and the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976]

The Constitution (Jammu and Kashmir) Scheduled Caste Order, 1956;*
The Constitution(Andaman and Nicobar Island) Scheduled Tribes Order, 1959;*

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, Diu) Scheduled Castes Order, 1968 ;*
 The Constitution (Goa, Daman, Diu) Scheduled Tribes Order, 1968 ;*
 The Constitution (Nagaland) Scheduled Tribes Order, 1970;*
 The Constitution (Sikkim) Scheduled Castes Order, 1978 ;*
 The Constitution (Sikkim) Scheduled Tribes Order, 1978 ;*

2. This Certificate is issued on the basis of the Scheduled Caste/Scheduled Tribes certificate issued to Shri/Shrimati father/mother of Shri/Shrimati/Kumari of Village/Town in District/Division of the State/Union Territory who belongs to the Caste/Tribe which is recognized as a Scheduled Caste/Scheduled tribe in the State/Union Territory issued by the (name of prescribed authority) vide no. dated

Signature.....
 Designation.....
 (With seal of office)

Place..... State/Union Territory

Date.....

*Please quote specific Presidential Order

* * *

**GOVERNMENT OF INDIA/BHARAT SARKAR
 MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA**

No . BC. 16014/1/82-SC&BCD-I

New Delhi, the 6th August, 1984

To

The Chief Secretaries of all the State Govts. and U.T. Administrations

Sub : Verification of claim of candidates belonging to Scheduled Caste & Scheduled Tribe and migrants from other States-Union Territories — Form of certificates — Amendment to.

Sir,

I am directed to refer to this Ministry's letter of even number dated the 18-11-1982 and the Department of Personnel and Administrative Reforms letter No.36012/6/76/Est.(SCT) dated the 29 - 10-1977 on the above subject and to say that the form of Scheduled Caste & Scheduled Tribe Certificate enclosed with the aforesaid letters has been further revised consequent upon coming into force of the Scheduled Caste & Scheduled Tribe Order (Amendment) Act, 1976 and keeping in view the difficulty being experienced by the persons belonging to the Scheduled Caste & Scheduled Tribe in obtaining community certificates on migration from their States of origin to another for the purpose of employment, education, etc. The revised caste/tribe form of certificate is enclosed herewith. It is requested that a copy of the revised form of certificate may please be brought to the notice of all the competent authorities who have been empowered to issue such certificates. The Scheduled Caste & Scheduled Tribe Certificate circulated by the Department of Personnel and Administrative Reforms in their letter no. 13/2/74Est.(SCT) dated the 5.8.1975 has also been incorporated in the enclosed revised form

2. The instruction issued in the Ministry's letter of even number dated the 18.11.1982 will continue. It is however, clarified that the Scheduled Caste / Scheduled Tribe person on migration from the State of his origin to the another State will not lose his status as Scheduled Caste/Scheduled Tribes but he will be entitled to the concession/benefit admissible to the Scheduled Caste/Scheduled Tribe from the State of his origin and not from the State where he has migrated. All competent authorities

may be advised under intimation to this Ministry to issue the Scheduled Caste/Scheduled Tribe Certificates on the revised form of certificate henceforth after satisfying themselves of correctness of the certificate after proper verification based on the revenue records/through reliable enquiries. The list of the competent authorities empowered incorporated in the form may please be followed strictly. No other authority may be authorised to issue the Scheduled Caste/Scheduled Tribes Certificates.

Yours faithfully,
B. K. Sarkar
Joint Secretary to the
Govt. of India

No. BC. 16014/1/82/-SC&BCD-1,

Dated the 6th august, 1984- copy to:

1. Secretary, Union Public Service Commission, Dhoolpur House, New Delhi (with 15 spares copies).
2. Secretary, Staff Selection Commission, CGO complex, Block no. 12, Lodi Road, New Delhi (with 15 spares copies).
3. All Ministries/ Departments of the Government of India .
4. Secretary, Commission for Scheduled Caste/Scheduled Tribes, Lok Nayak Bhavan, New Delhi.
5. Commissioner for Schedule Castes and Schedule Tribes, R.K. Puram, New Delhi.
6. All Directors/Deputy Directors for Schedule Castes and Schedule Tribes.
7. Comptroller and Auditor General of India.
8. Election Commission of India
9. Lok Sabha Secretariat (SC/ST Branch) (with spares copies)
10. Lok Sabha Secretariat (Administration Branch).
11. Ministry of Defence. (DFS)
12. Bureau of Public Enterprises (Management Divn.).
13. Ministry of Home Affairs (Planning Cell) for taking necessary action so far as Union Territories are concerned.
14. Department of Personnel and Administrative Reforms Estt. SGT, Administration I,II,AIS,(I),(III), (IV), CS(I), (II), (III) Estt. (B), (C), (D), IES, ISS, AVD(II),CD(IV), EO(MM), and Welfare Sections.
15. All attached and sub ordinate offices of the Department of Personnel and A.Rs.
16. All Section in SC& BCD Division/T.D. Division, Administrations I(A), (B), II Sections in the Ministry of Home Affairs.
17. One copy to be retained in F. No. B.C.12025/2/76-SCT.I.

B. K. Sarkar
Joint Secy. to the Govt. of India

Form of Certificate to be produced by a Candidate belonging to Schedule Caste or Schedule Tribe in support of his claim

FORM OF CASTE CERTIFICATE

This is to certify that Shri/Shrimati/Kumari* son/
daughter* of of Village/town
..... in District/Division* of
the State/Union Territory* belongs to the
..... Caste/Tribe* which is recognised as Schedule
Caste/Scheduled Tribe under:-

- @The Constitution (Schedule Castes) Order, 1950;
- @The Constitution (Schedule Tribes) Order, 1950;
- @The Constitution (Schedule Castes) (Union Territories) Order, 1951;*
- @The Constitution (Schedule Tribes) (Union Territories) Order, 1951;*

[as amended by the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956, the Bombay Re-Organisation Act, 1960, the Punjab Re-Organization Act, 1966, the State Himachal Pradesh Act, 1970 and the North Eastern Areas (Re-Organization) Act, 1971, and the Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976]

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

@The Constitution (Andaman and Nicobar Island) Scheduled Tribe Order, 1959;*

@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, Diu) Scheduled Castes Order, 1968 ;*

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

@The Constitution (Nagaland) Scheduled Tribes Order, 1970 ;*

@The Constitution (Sikkim) Scheduled Castes Order, 1978 ;*

@The Constitution (Sikkim) Scheduled Tribes Order, 1978 ;*

%2. Application in the case of Scheduled Castes/Scheduled Tribes persons who have migrated from one State/Union Territory Administration:

This certificate is issued on the basis of the Scheduled Caste/Scheduled Tribes Certificate issued to Shri/Shrimati* father/mother of Shri/Shrimati/Kumari* of Village/Town* in District/Division* of the State/Union Territory* who belongs to the Caste/Tribe which is recognized as a scheduled Caste/Scheduled Tribe* in the State/Union Territory* issued by the (Name of prescribed authority) vide their no. dated.....

%3. Shri/Shrimati/Kumar* 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)

Place..... State/Union Territory

Date.....

*please delete the words which are not applicable.

@Please quote specific Presidential order.

% delete the paragraph which is not applicable.

Note: the term "ordinarily reside(s)" used here will have the same meaning as in section 20 of the Representation of 1950.

** List of authorities empowered to issue Schedule Caste/Scheduled Tribe Certificates:

1. District Magistrate/Additional District Magistrate/Collector/Deputy Commissioner/Additional Deputy Commissioner / 1st Class Stipendiary Magistrate / City Magistrate / Sub Divisional Magistrate/ Taluka Magistrate / Executive / Extra Assistant Commissioner.
(not below the rank of 1st Class Stipendiary Magistrate)
2. Chief Presidency Magistrate/Additional Chief Presidency Magistrate / Presidency Magistrate.

3. Revenue Officer not below the rank of Tehsildar.
4. Sub-Divisional Officer of the area where the candidate and/or his family normally resides.
5. Administrator/ Secretary to Administrator/Development Officer (Lakshadweep Island).

* * *

**GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA**

No . 35/1/72-R.U. (SCT.V)

Dated the 2 may, 1975/12 Vaisakha 1897

To
The Chief Secretaries of all State Governments and
Union Territory Administration,
New Delhi-110001.

Sub : Issue of Scheduled Caste and Scheduled Tribe Certificates.

Sir,

I am directed to state that complaints are often received that Scheduled Caste and Scheduled Tribe Certificates are given to persons who do not in fact belong to a Scheduled Caste and Scheduled Tribes. It is necessary, therefore, that the Certificate issuing authorities should make proper verification before they actually issue such a certificate.

2. In this connection a set of points which should be taken into account are enclosed for the guidance of those empowered to issue Scheduled Caste and Scheduled Tribe Certificates. It is requested that these instruction may be circulated amongst them.

Yours faithfully.

O. K. Moorthy
Director General, BCW

No. 35/1/72/R.U(SCT.V), New Delhi-110001

dated the 2nd may, 1975/12 Vaisakha, 1897

Copy forward for necessary action to:-

1. All Ministries/ Deptt. of the Govt. of India.
2. All attached and sub-ordinate offices of M.H.A.
3. The Union Public Service Commission, Dholpur House, New Delhi-110001
4. The Department of Personnel and Administrative Reforms, Estt. (SCT) Section, New Delhi.
5. The Commissioner for Scheduled Caste and Scheduled Tribe, Ramakrishnapuram, New Delhi.

O. K. Moorthy
Director General, BCW

* * *

**GOVERNMENT OF INDIA/ BHARAT SARKAR
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA**

Enclosure to circular letter no35/1/72/RU(SCT.V)

Dated the April, 1975/Vaisakha, 1897

Issue of Scheduled Caste and Scheduled Tribe Certificates—Points to be observed

1. General (Applicable in all cases)

Where a person claims to belong to a Schedule Caste or Scheduled Tribe by a 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 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;
- (iv) If the person claims to be Scheduled Caste, he should profess either the Hindu or the Sikh religion;
- (v) If the person claims to be a Scheduled Tribe, he may profess any religion.

2. Cases of migration

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

3. Claims through marriage

The guiding principle is that no person who was not a Scheduled Caste or a Scheduled Tribe by birth will be deemed to be a member of a Schedule Caste or a Scheduled Tribe merely because he or she had married a person belonging to a Schedule Caste or a Scheduled Tribe.

Similarly a person who is a member of a Schedule Caste or a Scheduled Tribe would continue to be a member of that Schedule caste or a Scheduled tribe as the case may be, even after his or her marriage with a person who does not belong to a Schedule caste or a Scheduled Tribe.

4. Cases of conversion and reconversion

- (i) Where a Schedule Caste person get converted to a religion other than Hinduism and Sikhism and then reconvert himself back to Hinduism and Sikhism, he will be deemed to have reverted to his original Schedule Caste, if he is accepted by the member of that particular caste as one among them.
- (ii) In the case of a descendent of a Scheduled Caste convert, the mere fact of conversion to Hinduism or Sikhism 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 conversion has been accepted by the members of the caste claimed as one among themselves and has thus become a member of that caste.

5. Cases of adoption

Great care has to be exercised in dealing with cases where a person claims to be Scheduled Caste on the ground that he has been adopted by a Scheduled Caste 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 and Maintenance Act, 1956(relevant extracts of which are attached). 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 Dist. Magistrate who shall, after making due enquiries as to the validity of adoption and 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 or family provided that the custom or usage is certain and not reasonable 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 had severed all ties with the original parents are fulfilled.

EXTRACT FROM THE HINDU ADOPTIONS
AND MAINTENANCE ACT, 1956
(78 of 1956)

CHAPTER II- Adoption

Requisites if a valid adoption

6. No adoption shall be valid unless__
- (i) The person adopting has capacity, and also the right , to take in adoption;
 - (ii) The person giving in adoption has the capacity to do so;
 - (iii) The person adopted is capable of being taken in adoption; and
 - (iv) The adoption is made in compliance with the other conditions mentioned in this chapter .

Capacity of a male Hindu to take in adoption

7. Any male Hindu who is of sound mind and is not a minor has the capacity to take a son or daughter in adoption:

Provided that, if he has a wife living, he shall not adopt except with the consent of his wife unless the wife has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be unsound mind.

Explanation: If a person has more than one wife living at the time of adoption, the consent of all the wives is necessary unless the consent of any one of them is unnecessary for any of the reason specified in the preceding proviso.

Capacity of a female Hindu to take in adoption

8. Any female Hindu-
- (a) Who is of sound mind,
 - (b) Who is not a minor, and
 - (c) Who is not married or if married, whose marriage has been dissolved or whose husband is dead or has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind, has the capacity to take a son or daughter in adoption.

Persons capable of giving in adoption

9. (1) No person except the father or mother or a guardian of a child shall have the capacity to give the child in adoption.

(2) Subject to the provisions of sub-section(3)and sub-section(4), the father , if alive, shall alone have the right to give in adoption, but such right shall not be exercised save with the consent of the mother unless the mother has completely and finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind.

(3) The mother may give the child in adoption if the father is dead or has completely or finally renounced the world or has ceased to be a Hindu or has been declared by a court of competent jurisdiction to be of unsound mind.

(4) Where both the father and mother are dead or have completely and finally renounced the world or have abandoned the child or have been declared by a court of competent jurisdiction to be of unsound mind or where the parentage of the child is not known, the guardian of the child may give the

child in adoption with the previous permission of the court to any person including the guardian himself.

(5) Before granting permission to a guardian under sub-section (4), the court shall be satisfied that the adoption will be for the welfare of the child, due consideration being for this purpose given to the wishes of the child having regard to the age and understanding of the child and that the applicant for permission has not received or agreed to receive and that no person had made or given or agreed to make or give to the applicant any payment or reward in consideration of the adoption except such as the court may sanction.

Explanation: For the purposes of this section-

- (i) The expression "father" and "mother" do not include an adoptive father and an adoptive mother;
- (ia) "Guardian" means a person having the care of the person of a child or both his person and property and includes-
 - (a) A guardian appointed by the will of the child's father or mother and
 - (b) A guardian appointed or declared by a court;
- (ii) "court" means the city civil court or a district court within the local limits of whose jurisdiction the child to be adopted ordinarily resides.

Persons who may be adopted

10. No person shall be capable of being taken in adoption unless the following conditions are fulfilled, namely:-

- (i) He or she is a Hindu;
- (ii) He or she has not already been adopted;
- (iii) He or she has not been married, unless there is a custom or usage applicable to the parties which permits persons who are married being taken in adoption;
- (iv) He or she has not completed the age of fifteen years, unless there is a custom or usage applicable to the parties which permits persons who have completed the age of fifteen years being taken in adoption.

Other complied conditions for a valid adoption

11. In every adoption, the following conditions must be complied with:-

- (i) If the adoption is of a son, the adoptive father or mother by whom the adoption is made must not have a Hindu son, son's son or son's son's son (whether by legitimate blood relationship or by adoption) living at the time of adoption;
- (ii) If the adoption is of a daughter, the adoptive father or mother by whom the adoption is made must not have a Hindu daughter or son's daughter (whether by legitimate blood relationship or by adoption) living at the time of adoption;
- (iii) If the adoption is by a male and the person to be adopted is a female, the adoptive father is at least twenty-one years older than the person to be adopted;
- (iv) If the adoption is by a female and the person to be adopted is a male, the adoptive mother is at least twenty-one years older than the person to be adopted;
- (v) The same child may not be adopted simultaneously by two or more persons;
- (vi) The child to be adopted must be actually given and taken in adoption by the parents or guardian concerned or under their authority with intent to transfer the child from the family of its birth or in the case of an abandoned child or a child whose parentage is not known, from the place or family where it has been brought up to the family of its adoption :

Provided that the performance of 'datta homam' shall not be essential to the validity of an adoption.

Law Department u/o Reference No. 441 of 1996

As Maxwell says, 'In ordinary usage, "may" is permissive*** and, in accordance with such usage, the word "may" in a statute will not generally be held to be mandatory. In some cases, however, it has been held that expressions such as "may", *** have - to - say the least - a compulsory force, and so their meaning has been modified by judicial exposition.' *Vide* Maxwell on the Interpretation of statutes, Twelfth Edition, page 234.

2. From the following extract from Craies on Statute Law, Sixth Edition, pp.229-230, it will appear in the words of Craies, that 'The meaning of these words "shall" and "may" in a statute conferring a power is the subject of constant and conflicting interpretation. "May" does not mean 'must'; 'may' always means 'may'. 'May' is a permissive or enabling expression but there are cases in which for various reason as soon as the person who is within the statute is entrusted with the power, it becomes his duty to exercise it.'

3. Craies further says as follows:-

"May" and *** import a discretion

Statutes passed for the purpose of enabling something to be done are usually expressed in permissive language, that is to say, it is enacted that *** "such and such a thing *may* be done."

"Prima facie, these words import a discretion, and they must be construed as discretionary unless there be anything in the subject-matter to which they are applied, or in any other part of the statute, to show that they are meant to be imperative."

Craies also says-

"May" sometimes equivalent to "shall"

It is, however, a well-recognised canon of construction, as Lord Cairns said in *Julius v Bishop of Oxford*, that "where a power is deposited with a public officer for the purpose of being used for the benefit of persons who are specifically pointed out, and with regard to whom a definition is supplied by the legislature of the conditions upon which they are entitled to call for its exercise, that power ought to be exercised and the court will require it to be exercised." And Lord Blackburn said: "The enabling words are construed as compulsory whenever the object of the power is to effectuate a legal right." In *R. v Bishop of Oxford*, "so long ago as the year 1693, it was decided in the case of *R. v Barlow*, that when a statute authorizes the doing a thing for the sake of justice or the public good, the word 'may' means 'shall', and that rule has been acted upon to the present time.....***. *Vide* page 285, *ibid*."

●

**Government of West Bengal
Finance Department
Audit Branch**

No. 378-F

Calcutta, the 10th January, 1997

MEMORANDUM

The question of granting relaxation of Upper age limit to the candidates belonging to Backward Classes for recruitment to all posts & services under the Government or in Semi Government Organisations has been under consideration of the Government for some time past.

2. After careful consideration of the matter in all its aspects, the Governor is pleased to decide that the candidates belonging to the Backward Classes as specified for the purpose of the West Bengal Commission for Backward Classes Act, 1993 by issuing notification in that behalf shall be entitled to relaxation of three years over the prescribed upper age-limit for direct recruitment to any service or post under the Government of West Bengal, the Local and Statutory authorities constituted under any State Act, Corporations in which not less than 51% of the paid up share capital is held by the State Government, Universities, Colleges affiliated to the Universities, Primary, Secondary and Higher Secondary Schools and other educational institutions which are owned or aided by the State Government and in the establishments in public Sector.

3. This order will take immediate effect.

Ashok Gupta

Principal Secretary to the
Government of West Bengal

No. 378/1 (500)- F.

dated Calcutta, the 10th January, 1997.

Copy forwarded to the Director of Land Records and Surveys, West Bengal, 35, Gopalnagar Road, Alipore, Calcutta- 27

Sd/- Illegible
Deputy Secretary to the Govt. of
West Bengal, Finance Department

Memorandum No. 25/1080-1120/BI/96,

dated Alipore, the 20.2.97

Copy forwarded for the information and taking necessary action to:-

- 1-18) The District Land and Land Reforms Officer,
- 19)
- 20) Principal, W.B.S.I. Bandel, Hooghly,
- 21) O.S.D/A.R.T.I, Shalbani, Midnapore
- 22) O.S./H.A./R.R.C.

S. C. Bera
for Director of Land Records and Surveys
and Joint Land Reforms Commissioner, W.B.

●
Government of West Bengal
Home (P & A R) Department

No. 844-PAR (IAS)

Dated, Calcutta, the 27th February, 1997

From: Sri S. C. Mondal,
Dy. Secy. to the Govt. of West Bengal

To : (1) *****
(2) The District Magistrate, Birbhum
Suri, Birbhum

Sub : Seniority of SC/ST Officer promoted earlier vis-à-vis General candidate promoted later.

Sir,

I am directed to send herewith copy of the office Memo. No. 20011/1/96-Estt. (D) dated 30-01-97 on the subject noted above for your information and taking necessary actions at your end.

Yours faithfully,
Sd/- Illegible
Dy. Secy. to the Govt. of West Bengal

Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

No. 20011/1/96-Estt. (D)

New Delhi, dated the 30th January, 1997

OFFICE MEMORANDUM

Sub : Seniority of SC/ST Officers promoted earlier vis-à-vis General candidate promoted later.

According to the general principle 5 (i) contained in MHA MM No. 9/11/55-RPS dated 22-12-1959 and para 2.2 in DOPT OM No. 22011/7/86-Estt. (D) dated 04-11-1992 (copy enclosed) seniority of a person regularly appointed to a post according to rule would be determined by the order of merit indicated at the time of initial appointment and seniority of persons promoted to various grades shall be determined in the order of selection for such promotion. Thus, persons appointed through an earlier selection will enblock be senior to those promoted through subsequent selection.

2. The Supreme Court has in its Judgment dated 10-10-1995 in the case of Union of India Vs Virpal Singh Chauhan etc. (JT 1995 (7) Sc. 231) held as follows:-

“Even if a Scheduled Cast/Scheduled Tribe candidate is promoted earlier by virtue of rule of reservation/roster than his senior general candidate and the senior general candidate is promoted later to the said higher grade, the general candidate regains his seniority over such earlier promoted Scheduled Caste/Scheduled Tribe candidate. The earlier promotion of the Scheduled Cast/Scheduled Tribe candidate in such a situation does not confer upon him seniority over the general candidate even though the general candidate is promoted later to that category.”

3. Having regard to the above judgment of the Supreme Court, it has been decided to modify the existing policy of fixing seniority on promotion on the lines mentioned in para 2 above. Accordingly, it has been decided to add the following proviso to general principal 5 (i) contained in MHA (now DOPT) OM No. 9/11/55-RPS dated 22-12-59 and para 2.2 of this Department OM No. 22011/7/86-Estt. (D) dated 03-07-1986.

“Provided that if a candidate belonging to the Scheduled Caste or the Scheduled Tribe is promoted to an immediate higher post/grade against a reserved vacancy earlier than his senior general/OBC candidate who is promoted later to the said immediate higher post/grade, the general/OBC candidate will regain his seniority over such earlier promoted candidate of the scheduled cast and the scheduled tribe in the immediate higher post/grade.

4. These orders shall take effect from the date of issue of this office Memorandum.

Sd/-
Director (E)

Memo. No. 515 (30)/RG

Dated: 4-4-97

Copy forwarded to the D.L.&L.R.O. (B) SDO (S) SDO (R/hat), SDO (Bolpur)/O/C, Estt. NDC/O/C, Dev., D.P.O., T.I.O., B.D.Os..... (all) Project Officer-Cum D.W.P. Sch. Castes & Sch. Tribes Welfare for information and necessary action.

Make over copy to CA to DM/ADMs
Keep a copy in the Guard file.

Sd/- Illegible
for District Magistrate,
Birbhum

————— ● —————
**Government of West Bengal
Land and Land Reforms Department
Establishment Branch**

No. 5467 (8)- Estt.

Dated: 18th August, 1997

From : The Asstt. Secy. to the Govt. of West Bengal

- To :
- 1) The Commissioner,
 - 2) The D.L.R.S. & Jt. L.R.C, W.B.,
35, Gopalnagar Road, Alipore, Calcutta-700027
 - 3) The Rent Controller, Calcutta,
2 & 3 K. S. Roy Road, Calcutta-700001
 - 4) The Thika Tenancy Controller, Calcutta,
12B, Russel Street, Calcutta-700071
 - 5) The Arbitrator, 24-Parganas (N&S) and Calcutta,
3, Tinkari Ghosh Lane, Calcutta-700026
 - 6) The Thika Tenancy, Controller, Howrah,
P.O. & Dist. Howrah

Sub : Notification amending the clarification "Goala Gope"

The undersigned is directed to forward herewith a copy of memo. no. 197 (142)- TW/EC/M-6/82 (I) dated 26.3.97/31.7.97 along with a copy of Notification No. 92-TW/EC dated 11.02.97 of the SC & TW Deptt., Govt. of West Bengal on the above mentioned subject for information and necessary action.

Encl : as stated above

Sd/- Illegible
Asstt. Secy. to the
Govt. of West Bengal

Memorandum No. 10/7669-7710/BI/95,

dated, Alipore, the 5-11-1997

Copy along with the copies of the enclosures forwarded for information and necessary action to:

- 1) The District Land & Land Reforms Officer,
- 2)
- 3) The Principal, West Bengal Survey Institute, Bandel, Hugli
- 4) The Officer-on-special Duty, Analysis, Research & Training Institute, Shalboni, Midnapore,
- 5) The Office Supdt/H.A./H.C.
- 6) Guard file B-I

S. Khaddar
for Director of Land Records and Surveys &
Jt. Land Reforms Commissioner, W.B.

Government of West Bengal
Scheduled Castes & Tribes Welfare Department
Writers' Buildings

No. 197 (142)- TW/EC
M-6/82 (I)

Dated, Calcutta, the 26th March, 1997/31.7.97

From : Shri S. Mardi,
Jt. Commr. for Reservation & Ex-officio Jt. Secretary.

To : 1) The Secretary,
Land & Land Reforms Deptt.
2-3) ***

Sub : Notification amending the clarification to 'Goala-Gope'

The undersigned is directed to send herewith 5 (five) copies of Notification No. 92-TW/EC dt. 11.02.97 on the above subject for information and necessary action.

He is requested to ensure reservation for them in the matter of direct recruitment as per roster prescribed in the order No. 261-TW/EC dt. 6.4.95.

Necessary arrangement may be made to issue Backward Classes Certificate to the applicants in due course.

In case, more copies are required, he may Xerox and supply them to the Directorate and others concerned.

S. Mardi
Jt. Commr. for Reservation &
Ex-officio Joint Secretary.

THE CALCUTTA GAZETTE
Government of West Bengal
Scheduled Castes & Tribes Welfare Deptt.
Writers' Buildings, Calcutta

No. 92-TW/EC

Calcutta, the 11th February, 97

NOTIFICATION

WHEREAS by this department notification No. 346-TW/EC/M-6/82 (I) dated the 13th July, 1994 (hereinafter referred to as the said notification), the backward classes for the purposes of the West Bengal Commission for Backward Classes Act, 1993 (West Bengal Act. I of 1993) (hereinafter referred to as the said Act) were specified in the list below the said notification.

NOW, THEREFORE, in pursuance of the provisions of clause (a), read with clause (c), of section 2, and sub-section (2) of section 9 of the said Act, the Governor is pleased hereby to make the following amendment in the said notification.

<http://wbllroa.in>

AMENDMENT

In the list below the said notification, for serial number 11 and the entries relating thereto, substitute the following serial number and entries:-

“11, Goala-Gope (Pallav Gope, Ballav Gope, Yadav Gope, Gope Ahir and Yadav)*.

By order of the Governor,
U. K. RAY
Secy. to the Govt. of West Bengal.

●

**Government of West Bengal
Land and Land Reforms Department
Estt. Branch.**

No. 5466 (6)- Estt.

Dated: 18th August, 1997

From : The Dy. Secy. to the Govt. of West Bengal

- To :
- 1) The Commissioner.....
 - 2) The D.L.R.S & Jt. L.R.C., W.B.
35, Gopal Nagar Road, Alipore, Calcutta-700027
 - 3) The Rent Controller, Calcutta
2&3 K. S. Roy Road, Calcutta-700001
 - 4) The Thika Tenancy Controller, Calcutta
12B, Russel Street, Calcutta-700071
 - 5) The Arbitrator, 24-Parganas (N&S) and Calcutta
3, Thinkari Ghosh Lane, Calcutta-700026
 - 6) The Thika Tenancy Controller, Howrah
P.O. & Dist. Howrah

Sub : Notification declaring further Backward Classes

The undersigned is directed to forward herewith a copy of Memo No. 198 (142) – TW/EC/M-6/82 (I) dated 26.3.97/4.8.97 along with a copy of Notification No. 93-TW/EC dated 11.02.97 of the S.C. & T.W. Dept. Govt. of West Bengal, on the above mentioned subject for information and necessary action.

Encl : As stated above.

Sd/-Illegible
Dy. Secy. to the Govt. of W.B.

Memo No. 10/7627-68/BI/95

Dated 5.11.97

Copy along with the copies of the enclosures forwarded for information and necessary action to :

- 1 DLLRO,
- 2
- 3 Principal, West Bengal Survey Institute, Bandel, Hugly
- 4 Officer-on-Special Duty, ARTI, Shalbani, Midnapore
- 5 O/S, HA, HC
- 6 Guard File B-I

S. Khaddar
for Director of Land Records and Surveys
and Joint Land Reforms Commissioner
West Bengal

**Government of West Bengal
Scheduled Castes & Tribes Welfare Department
Writers' Buildings**

No. 198 (142)- TW/EC
M-6/82 (I)

Dated : Calcutta, the 26th March, 1997
4.8.97

From : Shri S. Mardi
Jt. Commr. for Reservation & Ex-Officio Jt. Secretary

To : 1) The Secretary,
L & L R Deptt.
2) The District Magistrate,
3) The Sub-Divisional Officer,

Sub : Notification declaring further Backward Classes.

In continuation of this Department's Notification No. 183-TW/EC dated 8.3.96, the undersigned is directed to send herewith 5 (five) copies of the Notification No. 93-TW/EC dt. 11.2.97 and to say that the Govt. in the S.C. & T.W. Deptt. have declared further 8 (eight) classes of people as belonging to Backward classes in West Bengal.

He is requested to ensure reservation for them in the matter of direct recruitment, as per roster prescribed in the order No. 261-TW/EC dt. 6.4.95.

Necessary arrangement may be made to issue Backward Classes Certification to the applicants in due course.

In case, more copies are required, he may Xerox and supply them to the Directorate and others concerned.

S. Mardi
Jt. Commr. for Reservation &
Ex-Officio Joint Secretary

No. 198 (142)/1 (22)- TW/EC

Dated : Calcutta, the 26th March, 1997

Copy forwarded for information and necessary action to :

1. The P.O.-cum-D.W.O., S.C. & T.W.,
2. The Secretary, Public Service Commission, West Bengal
3. The Secretary, College Service Commission, West Bengal
4. The Secretary, Municipal Service Commission

S. Mardi
Jt. Commr. for Reservation &
Ex-officio Joint Secretary

The Calcutta Gazette
Extraordinary
Published By Authority

MAGHA 22

TUESDAY, FEBRUARY 11, 1997

SAKA 1918

**Government of West Bengal
Scheduled Castes & Tribes Welfare Department
Writers' Buildings, Calcutta**

No. 93-TW/EC

Calcutta, the 11th February, 1997

NOTIFICATION

WHEREAS "backward classes" has been defined in clauses (a) of section 2 of the West Bengal Commission for Backward Classes Act, 1993 (West Bengal Act. I of 1993) (hereinafter referred to as the said Act), for the purposes of the said Act, to mean such backward classes of citizens other than the Scheduled Castes and the Scheduled Tribes as may be specified by the State Government in the lists.

AND WHEREAS "lists" has been defined in clause (c) of section 2 of the said Act to mean lists prepared by the Government of West Bengal from time to time for purposes of making provision for the reservation of appointments or posts in favour of backward classes of citizens which in the opinion of the Government, are not adequately represented in the services under the Government of West Bengal and any local or other statutory authority within the territory of West Bengal or under the control of the Government of West Bengal.

NOW, THEREFORE, in pursuance of the provisions of clause (a) read with clause (c), of Section 2, and sub-section (2) of section 9, of the said Act, and in continuation of notification No. 183-TW/EC, dated the 8th March, 1996, the Governor is pleased hereby to specify further in the list below the backward classes for the purposes of the said Act.

LIST

1. Hawari
2. Turha
3. Bhar
4. Dhuma
5. Khandait
6. Patidar
7. Gangot
8. Kasai

By order of the Governor
U. K. RAY
Secy. to the Govt. of West Bengal

●
Government of West Bengal
Labour Department

No. 500 (100)- Emp/1M-43/94.

Calcutta, the 7th October, 1997

From : The Chief Secretary,
Government of the West Bengal

To : 1) The Principal Secretary/The Secretary,
2) The Commissioner,
3) The District Magistrate,

Sub : Model 100 point roster for the Exempted and other Categories with due regard to the statutory provisions for the reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes.

Sir,

I am directed to state that consequent upon promulgation of relevant Acts for reservation of vacancies and posts for candidates belonging to Scheduled Castes, Scheduled Tribes and Backward Classes, the Scheduled Castes & Tribes Welfare Department (now the Backward Classes Welfare Department) initially introduced a 20-point roster, then a 50-point roster and subsequently a 100-point roster indicating therein the points of reservation for the above mentioned reserved categories.

2. Government of West Bengal in the Labour Department, vide circular No. 5120 (60)- LW, dated 17-10-77 read with circular No. 129 (60)- LW dated 25-01-78, No. 130 (60)- LW dated 25-01-78 and subsequent orders/memos issued from time to time in this regards, reserved 30% vacancies for the candidates belonging to certain Exempted Categories for the purpose of filling up of all non-PSC direct recruitment vacancies arising in State Government Establishments, State Government Undertakings, Quasi Government Establishments and Local Bodies and also the points of reservation for such categories were indicated in the 20-point roster at para 4 of Labour Department Circular No. 130 (60)- LW dated 25-01-78.

3. Now with the introduction of the 100-point roster by the Backward Classes Welfare Department (erstwhile SC & TW Department) vide their Order No. 261-TW/EC, dated 06-04-95, it has become necessary to indicated in that roster the vacancies reserved for the Exempted Categories.

4. After careful consideration of the matter and with the concurrence of the Backward Classes Welfare Department Vide their U.O. No. 375, dated 14-05-97, it has been decided to introduce the following 100-point roster showing therein the points reserved for Exempted Categories, for the guidance of the Employing Authorities:-

**100-Point Roster for the Exempted Categories with
due regard to the Statutory provisions for the
reservation of SC, ST & BC**

1. S.C.	34. General (E.C.)	67. General (E.C.)
2. General	35. General	68. S.C.
3. General (E.C.)	36. S.C.	69. B.C. (E.C.)
4. S.T.	37. General (E.C.)	70. General
5. General	38. General	71. S.C.
6. General	39. General (E.C.)	72. General
7. S.C. (E.C.)	40. S.C.	73. General (E.C.)
8. General	41. General	74. S.T.
9. B.C.	42. General	75. General
10. General (E.C.)	43. S.T. (E.C.)	76. General
11. S.C.	44. General	77. General (E.C.)
12. General	45. General	78. S.C. (E.C.)
13. General (E.C.)	46. General	79. General
14. General	47. S.C. (E.C.)	80. General
15. S.C.	48. General	81. General
16. General (E.C.)	49. B.C.	82. S.C.
17. General	50. General (E.C.)	83. General
18. S.C.	51. S.C.	84. General
19. General	52. General	85. General (E.C.)
20. General (E.C.)	53. General (E.C.)	86. S.C. (E.C.)
21. S.C.	54. S.T.	87. General (E.C.)
22. General	55. General	88. General
23. General (E.C.)	56. General	89. B.C.
24. S.T.	57. S.C. (E.C.)	90. S.C.
25. General	58. General	91. General
26. General	59. General	92. General
27. General (E.C.)	60. General (E.C.)	93. S.T. (E.C.)
28. S.C. (E.C.)	61. S.C.	94. General
29. B.C.	62. General	95. General
30. General	63. General	96. General
31. General	64. General (E.C.)	97. S.C. (E.C.)
32. S.C.	65. S.C.	98. General
33. General	66. General	99. General
		100. General (E.C.)

5. For the purpose of filling up of all the vacancies meant for the Exempted Categories in the above roster the Employing Authorities should obtain names of the candidates from the Exempted Category Cell under the Directorate of Employment at 67, Bentinck Street, Calcutta- 700069, except the cases of employment on compassionate grounds viz., death-in-harness, premature retirement for permanent incapacitation, loss of place of residence/main source of income due to acquisition of land by the Government as per existing Government orders in this regard.

6. It has also been decided that statutory reservation for the physically handicapped candidates at the rate of 3 (three) percent of the total vacancies in the non-P.S.C. and non-promotional posts is to be maintained. Besides there is also reservation of 5 (five) percent vacancies in Group -'C' posts and 10 (ten) percent vacancies in Group-'D' posts for ex-servicemen.

7. In view of the impracticality of indicating specific points for P.H. and ex-servicemen candidates, the points of reservation for the above mentioned categories in the above 100-point roster should be maintained in the following manner :-

- a) One point in each "block of 33 points" of the above 100-point roster shall be filled up by a physically handicapped candidate irrespective of the categories.
- b) Vacancy in Group-"C" post at any one point in each "block of 20-points" of the above 100-point roster shall be filled up by an ex-serviceman irrespective of categories (except those meant for Exempted Categories).
- c) Vacancy in Group 'D' post at any one point in each "block of 10-points" of the above 100-point roster shall be filled up by an ex-serviceman irrespective of categories (except those meant for Exempted Categories).
8. However, it should be borne in mind that reservation for the SC, ST & OBC is a requirement of a statute. Physically handicapped or ex-servicemen may be appointed against ST/ST/OBC vacancies only if they belong to SC/ST/OBC. If not, they have to be appointed against "General" vacancies.
9. It is reiterated that all appointing authorities should ask for names from the Exempted Category Cell of the Directorate of Employment to fill up the vacancies meant for Exempted Category candidates.
10. The relevant notifications issued by the Finance Department relaxing upper age limits for SC, ST, OBC, Physically Handicapped, ex-servicemen and Exempted Category candidates may be kept in view while calling for names from the sponsoring agencies concerned and at the time of offering employment.
11. As no curtailment of existing percentage of reservation for SC, ST and BC can be made, the reserved points for SC (E.C.), ST (E.C.) and B.C. (E.C.) shall be filled up by the Exempted Category candidates belonging to SC, ST and BC only. In case of non-availability of a suitable Exempted Category candidate belonging to SC, ST or BC for any of such reserved point, the said vacancy shall be filled up by a non-Exempted Category candidate belonging to SC, ST or BC, as the case may be.
12. The guidelines contained herein should be followed with immediate effect in respect of all existing and future non-P.S.C. non-promotional vacancies that would be filled up.

Yours faithfully,
A.K. Majumder
Chief Secretary

●

Government of West Bengal
Office of the Director of Land Records and Surveys
and Joint Land Reforms Commissioner, West Bengal
35, Gopal Nagar Road, Alipur, Calcutta-700027

Memo No. 114/8342/B1/97

Dated Calcutta, the 2nd December, 1997

From : Director of Land Records and Surveys and Joint Land Reforms Commissioner, West Bengal

To : The District Land & Land Reforms Officer, Howrah

Ref : His D.O. No. 134/97 dated 30-07-97 and No. 1774/LR dated 24-06-97

This is to inform him that 50 point Roster for SC/ST is effective from 27-03-1990. So, all sorts of vacancies filled up since 27-03-1990 should conform to the said Roster and such Roster should be maintained by the Appointing authority himself in the pro-forma as in Appendix-I indicated in Rule (3) of the West Bengal SC and ST (Reservation of vacancies in Services and Posts) Rules, 1976 and not by any other authority.

2. Presently the candidates of other districts are being selected for appointment to 'D' Group posts in Howrah due to acute shortage of group 'D' staff in the district by diverting the vacancy from other districts. But since he is the appointing authority he will have to follow the roster for SC/ST for his district. The present problem of availability of vacancies against un-reserved category as per Roster for the purpose of accommodating the aforesaid candidates in Howrah can be over come in the event of the transfer of a good number of 'D' Group staff from Howrah to Midnapore/Tamluk as per this Dte. Memo no. 340/7726/B1/97 dated 6.11.97

He is also requested to prepare a statement on the basis of the following :-

- i) The total no. of staff (categorywise) existing in his district as on date
- ii) The total no. of SC/ST among them as per Roster as on date
- iii) The short fall on SC/ST, if any

If there is any short fall of SC/ST, he is requested to fill up the vacancy from SC/ST until the Quota is filled up by direct recruitment instead of filling up from unreserved category.

The desired report should be sent to this Directorate at an early date.

P. Bandyopadhyay
Director of Land Records and Surveys
and Joint Land Reforms Commissioner
West Bengal

●

**Govt. of West Bengal
Land & Land Reforms Department
Writers' Building
Estt. Branch**

No. 7853 (50)- Estt./LL/N-E/6M-70/90 Pt.II

Dated : 17.12.98

From : The Asstt. Secretary to the Govt. of West Bengal

To : The Director of Land Records & Surveys and Jt. Land Reforms Commissioner, West Bengal,
35, Gopalnagar Road, Alipore, Calcutta-700027.

Sub : Seniority of SC/ST Officer Promoted earlier vis-à-vis General candidate promoted later

In continuation of this Deptt.'s No. 2937 (35)- Estt. dated 22.4.97 on the above mentioned subject, the undersigned is directed to forward herewith a copy of Memorandum No. 344 (80)- BCW/RC dated 19.11.98 of B.C.W. Deptt. of this Govt. on the same subject, for information and taking necessary action accordingly.

B. Chakraborty
Asstt. Secretary to the Govt. of
West Bengal

Memo No. 190/4889-4989/BI/96

Dated, Alipore, the 13th December, 1999

Copy forwarded to for information :

- 1) District Land & Land Reforms Officer,
- 2) Sub-Divisional Land & Land Reforms Officer,
- 3)/O.S./H.A.
- 4) Guard File (B-I Group)
- 5) A.R.T.I. Shalboni

S. C. Bera
for Director of Land Records & Surveys and
Jt. Land Reforms Commissioner, West Bengal

**Government of West Bengal
Backward Classes Welfare Department
Writers' Building**

No. 344 (80)- BCW/RC
IR-173/98

Calcutta, the 19th November, 1998

MEMORANDUM

To
The Secretary
L. & L.R. Department

The undersigned is directed to say that various references were being received by this Department for clarification in regard to the seniority of S.C./S.T. candidates promoted earlier vis-à-vis general candidates promoted later subsequent to the issue of Memo No. 844-PAR (IAS), dated

27.02.1997 of Home (PAR) Deptt. of this Govt. in the matter. The matter has been examined in the light of the latest decision of Hon'ble Supreme Court in this regard.

2. Hon'ble Supreme Court in the matter of Jagdish Lal and others –vs- State of Haryana and other in Civil Appeal No. 3449 of 1997 (Arising out of S.L.P. (C) Bi, 3491/97) has observed as follows:-

“On promotion to the higher cadre, the reserved candidate steels a march over general candidates and becomes a member of the service in the higher cadre or grade earlier to the general candidates. Continuous length of service gives him the seniority as determined under Rule-II. Therefore, seniority cannot get re-opened, after the general candidate gets promoted to the higher cadre/grade, though he was erstwhile senior in the feeder cadre/grade. Would a dual principle of seniority of Dalits and Tribes and general candidates is valid and constitutionally permissible ? If a positive finding in that behalf is recorded, it would run contrary to the beed role of judicial precedents and it would be fraught with irreconcilable incongruities in matters of integrating employees drawn from different streams to forge into common seniority or promoted according to rules which hitherto is welltrenched in service jurisprudence”.

Hon'ble Apex Court has given the decision in the aforesaid appeal in the order dated 07.05.97 as below:-

“Upholding the view of High Court it is held that where reserved candidates (Dalits or Tribals) have been promoted earlier to a general candidate, their seniority in the new cadre ranks from the date of their joining on promotion and this seniority is not and cannot have the effect of getting wiped out after the promotion of general candidates from their respective dates of promotion and general candidates remain junior in higher echelons to the reserved candidates”.

3. Having regard to the above judgments of the Supreme Court it is hereby clarified that the seniority of the candidates promoted to a higher cadre/grade by virtue of rule of reservation shall continue to remain undisturbed after general candidates who were senior to such earlier promoted candidates in the feeder post are promoted later to the same cadre/grade that is to say, if 'A' and 'B' were holding posts in the same cadre/grade, 'A' being senior to 'B' and 'B' belonging to SC/ST and if 'B' got promotion to the higher cadre/grade earlier to 'A' by virtue rule of reservation, 'B' will be senior to 'A' in the higher cadre/grade and this seniority shall remain undisturbed even after 'A' gets promoted to the cadre/grade to which 'B' was promoted earlier.

This is for information and guidance.

Sd/- Illegible
Joint Commissioner for
Reservation & Ex-officio
Joint Secretary

●
Government of West Bengal
Backward Classes Welfare Department
Writers' Buildings

No. 1339 (70)- BCW,
MR-103/94

Dated, Calcutta, the 4th June, 1999

From : Shri D. Bhattacharyya,
Assistant Commissioner for Reservation &
Ex-Officio Assistant Secretary to the
Govt. of West Bengal

To : 1. The Principal Secretary/Secretary, Govt. of West Bengal, Finance (Audit) Deptt.
2. The Secretary, Board Revenue, West Bengal

Sub : 100-Point model roster for implementation of reservation for Backward Classes in services and posts.

Sir,

I am directed to send herewith 20 (twenty) copies of the order No. 134-BCW/RC, dt. 25.3.99 on the above subject and to say that for the purpose of implementation of the 7% reservation of vacancies

for the Backward Classes in the services and posts in direct recruitment, the 100-points model roster should be followed.

The points nos. 9th, 19th, 29th, 49th, 59th, 69th and 89th shall be reserved for the Backward Classes. You are requested to kindly send xerox copy of the aforesaid order to all the establishments under the administrative control of your Department, so as to enable them to observe reservation for the Backward Classes.

Yours faithfully,

D. Bhattacharyya
Assistant Commissioner for Reservation
& Ex-officio Assistant Secretary to the
Govt. of West Bengal.

**Government of West Bengal
Backward Classes Welfare Department
Reservation Cell
Writers' Buildings**

No. 134-BCW/RC
MR-103/94

Calcutta, the 25th March, 1999

ORDER

(1) In exercise of the power conferred by section 10, read with section 11, of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 (West Bengal Act XXVII of 1976), and in supersession of all previous orders on the subject, the Governor is pleased hereby to direct that with a view to giving effect to the reservation of vacancies for the Scheduled Castes, and the Scheduled Tribes under the said Act, the following model roster shall henceforth be maintained for direct recruitment to vacancies in services and posts in an establishment as defined in the said Act :-

Model 100-Point Roster

1 st vacancy	::	Scheduled Caste
2 nd vacancy	::	General
3 rd vacancy	::	General
4 th vacancy	::	Scheduled Tribe
5 th vacancy	::	General
6 th vacancy	::	General
7 th vacancy	::	Scheduled Caste
8 th vacancy	::	General
9 th vacancy	::	General
10 th vacancy	::	General
11 th vacancy	::	Scheduled Caste
12 th vacancy	::	General
13 th vacancy	::	General
14 th vacancy	::	General
15 th vacancy	::	Scheduled Caste
16 th vacancy	::	General
17 th vacancy	::	General
18 th vacancy	::	Scheduled Caste
19 th vacancy	::	General
20 th vacancy	::	General
21 st vacancy	::	Scheduled Caste
22 nd vacancy	::	General
23 rd vacancy	::	General
24 th vacancy	::	Scheduled Tribe
25 th vacancy	::	General
26 th vacancy	::	General
27 th vacancy	::	General
28 th vacancy	::	Scheduled Caste
29 th vacancy	::	General
30 th vacancy	::	General

31 st vacancy	::	General
32 nd vacancy	::	Scheduled Caste
33 rd vacancy	::	General
34 th vacancy	::	General
35 th vacancy	::	General
36 th vacancy	::	Scheduled Caste
37 th vacancy	::	General
38 th vacancy	::	General
39 th vacancy	::	General
40 th vacancy	::	Scheduled Caste
41 st vacancy	::	General
42 nd vacancy	::	General
43 rd vacancy	::	Scheduled Tribe
44 th vacancy	::	General
45 th vacancy	::	General
46 th vacancy	::	General
47 th vacancy	::	Scheduled Caste
48 th vacancy	::	General
49 th vacancy	::	General
50 th vacancy	::	General
51 st vacancy	::	Scheduled Caste
52 nd vacancy	::	General
53 rd vacancy	::	General
54 th vacancy	::	Scheduled Tribe
55 th vacancy	::	General
56 th vacancy	::	General
57 th vacancy	::	Scheduled Caste
58 th vacancy	::	General
59 th vacancy	::	General
60 th vacancy	::	General
61 st vacancy	::	Scheduled Caste
62 nd vacancy	::	General
63 rd vacancy	::	General
64 th vacancy	::	General
65 th vacancy	::	Scheduled Caste
66 th vacancy	::	General
67 th vacancy	::	General
68 th vacancy	::	Scheduled Caste
69 th vacancy	::	General
70 th vacancy	::	General
71 st vacancy	::	Scheduled Caste
72 nd vacancy	::	General
73 rd vacancy	::	General
74 th vacancy	::	Scheduled Tribe
75 th vacancy	::	General
76 th vacancy	::	General
77 th vacancy	::	General
78 th vacancy	::	Scheduled Caste
79 th vacancy	::	General
80 th vacancy	::	General
81 st vacancy	::	General
82 nd vacancy	::	Scheduled Caste
83 rd vacancy	::	General
84 th vacancy	::	General
85 th vacancy	::	General
86 th vacancy	::	Scheduled Caste
87 th vacancy	::	General
88 th vacancy	::	General
89 th vacancy	::	General

90 th vacancy	::	Scheduled Caste
91 st vacancy	::	General
92 nd vacancy	::	General
93 rd vacancy	::	Scheduled Tribe
94 th vacancy	::	General
95 th vacancy	::	General
96 th vacancy	::	General
97 th vacancy	::	Scheduled Caste
98 th vacancy	::	General
99 th vacancy	::	General
100 th vacancy	::	General

(2) The Governor is further pleased to direct that the 9th, 19th, 29th, 49th, 59th, 69th, 89th vacancies in the model roster in paragraph (1) shown as 'General' shall be reserved for backward classes of citizens included in the lists as defined in clause (c) of section 2 of the West Bengal Commission for Backward Classes Act, 1993 (West Bengal Act I of 1993).

(3) This order shall come into force at once.

By order of the Governor
K. Jhala

Pr. Secy. to the Govt. of West Bengal

●

Government of West Bengal
Backward Classes Welfare Department
Writers' Buildings, Calcutta-700001.

No. 98(91)-BCW/MRD-156/99.

Calcutta, the 7th January, 2000.

From : Joint Commissioner for Reservation
and Ex-Officio Joint Secretary to
the Government of West Bengal

To : (1) The Principal Secretary / Secretary,
Finance (Audit) Department.
(2) The District Magistrate,
(3) The Registrar,
(4) D.P.I.
(5) Director of Schools.

Sir,

You may be aware that in case of Direct Recruitment there is a provision for de-reservation of vacancies meant for Scheduled Castes and Scheduled Tribes candidates, in case where suitable candidates from right community are not available but it is necessary to fill-up the vacancies urgently in the interest of public service, under sub-section (2) of section 6 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of vacancies in services and posts) Act, 1976. According to this provision of Law, we are receiving a large number of applications / proposals from various appointing authorities / Departments under this Government for de-reservation. Majority of these proposals are from the Educational Institutions. While examining these proposals/prayers, a number of inadequacies have been found which have been responsible for delay in the disposal of these matters.

After careful consideration of all aspects, a consolidated set of guidelines for initiation of proposals for de-reservation has been prepared to take care of the errors and omissions being committed by the concerned appointing authorities.

I am now directed to forward herewith a copy of the set of these guidelines alongwith copies of all the enclosures referred to therein and to request you to kindly circulate the same to all the appointing authorities under your administrative control for strict adherence by them at the time of applying for de-reservation of any vacancy meant for Scheduled Castes/Scheduled Tribes or other Backward Classes candidates.

Yours faithfully,

DRAFT

**Guidelines for Submission of Proposal for De-Reservation by the
Appointing Authorities (Annexure to Memo. No. 98 (91)-BCW dated 07/17-1-200) of Backward
Classes Welfare Department**

1. Application for de-reservation of vacancies reserved for Scheduled Castes, Scheduled Tribes and Other Backward Classes Categories of candidates due to non-availability of suitable candidates from the right community is to be made by the appointing authorities concerned in the format prescribed by this Department (copy of latest revised format enclosed for ready reference – Annexure-1) completed with all relevant information, properly signed and recommended by the appropriate authority, wherever necessary.
2. Separate application is to be made for each vacancy proposed to be de-reserved.
3. The application should be accompanied by the authenticated copies of following documents/information.
 - a) Certificate of non-availability of candidates of right community from the authorities competent to sponsor candidates for appointment like W.B.P.S.C., W.B.C.S.C., W.B.S.S.C., Employment Exchange etc.
 - b) Paper cutting of advertisements calling for applications from intending candidates for filling-up the vacancies, in cases, where appointment is made otherwise than on the recommendation of any statutory authorities or in cases, where such open market advertisement is necessitated, as per advice of the sponsoring authorities.
 - c) A copy of the Register of appointment in the format prescribed vide Appendix-1 to the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of vacancies in services and posts) Rules, 1976 as required vide Rule 4 of the said Rules. A specimen copy of the said appointment Register is enclosed for ready reference. (Annexure-II).
 - d) In cases, where the appointing authorities have filled-up in the past vacancies reserved for Scheduled Castes, Scheduled Tribes and other Backward Classes by General candidates without proper de-reservation order from the Government in the Backward Classes Welfare Department, the full facts of these cases with an explanation as to why and under what circumstances this was done, for regularisation of those cases now by issue of suitable Government order.
 - e) While drawing up the appointment Register, it would be ensured that it starts with the vacancy, as prevailing in the Establishment concerned on 27-03-1990, the cut off date prescribed under erstwhile Scheduled Castes/Scheduled Tribes Department's (now renamed Backward Classes Welfare Department) Notification Nos. 136-TW/EC dt. 27-03-1990, 180 (60)-TW/EC. Dt. 17-04-1990 and 796-TW/EC dt. 20-08-1990 and be continued thereafter in chronological order as they occur from time to time. The Register of Appointment in Appendix-I shall be, as per 50-point roster from 27-03-1990 upto 05-04-1995 and shall get converted to accommodate 100-point roster from 06-04-1995 maintaining the seriality in roster position obtaining on 05-04-1995. There shall be separate appointment Registers for each cadre or post in each establishment.
4. Where in an Establishment there are cases of vacancies of reserved category filled-up earlier by general candidates without any authorization from the Government these are to be regularized first by issue of Government Order determining specific points of roster, to which reservation against these unauthorisedly filled-up vacancies shall be carried forward.

The current prayer for de-reservation from such establishments can be taken up for consideration only after regularization of past cases, which will identify the exact roster position of present vacancies and its status with regard to reservation norms.

<http://wbllroa.in>

Annexure-I
Application form for De-reservation

To
The Principal Secretary,
Backward Classes Welfare Department,
Government of West Bengal
Calcutta-700001

Through : The District Magistrate and District Reservation Commissioner (in case of
Establishment situated in the Districts).

Sir/Madam,

I hereby apply for de-reservation for the vacancy, particulars of which are furnished below for
your consideration and issue of necessary orders.

Yours faithfully,

(Appointing Authority)

1.	Name of Office/Institution	:	
2.	Name and Designation of the Appointing authority	:	
3.	Name of the post against which vacancy has occurred	:	
4.	Scale of pay for the post	:	
5.	Date of occurrence of vacancy	:	
6.	Exact Roster points of the vacancy and the community for which it is reserved (SC/ST/OBC) (Enclose authenticated copy of Register of Appointment in appendix-I)	:	
7.	Manner of selection (i.e. whether through Service Commissions/Employment Exchange/Open market etc.)	:	
8.	In case of appointment through Employment Exchange	:	
	i) Whether reserved vacancies notified to the Employment Exchange of districts and Special Cell of Employment Exchange, Salt Lake.	:	
	ii) Date of Notification to Employment Exchange	:	
	iii) No. of candidates forwarded by Employment Exchange	:	
9.	In case of open market recruitment through advertisement in daily newspapers (Enclose authenticated copies of paper cuttings)	:	
	i) Name of newspapers to which advertisements have been released	:	
	ii) Dates on which the advertisements have appeared in such newspaper	:	
	iii) Last date of receiving application	:	

	iv) No. of application from SC/ST/OBC candidates received in response to advertisement (category-wise, where more than one category is involved)	:	
10.	In cases of selection of candidates by appointing authorities through selection test and interview-	:	
	i) No. of SC/ST/OBC candidates called for interview	:	
	ii) No of SC/ST/OBC attending the interview	:	
	iii) Name and designation of officer representing this Department in the Board of Interview (in terms of this Department's Memo. No. 126 (55)-TW/EC, dated 02-03-1993.)	:	
11.	In cases of appointment of the recommendations of Service Commissions, whether reserved vacancies are notified to such commission. If so, date and particulars of notifying.	:	
12.	Particulars of non-availability certificate from Employment Exchange/PSC/CSC/ MSC/RSC/SSC (Enclose authenticated copies)	:	
13.	Total number of existing employees in the same cadre (also, No. of existing teachers in the same subject, in case of educational institutions)	:	
14.	Why de-reservation is required	:	
15.	Total No. of sanctioned strength in the cadre and percentage of S.C/S.T. among the existing staff strength.	:	
16.	i) Has any vacancy been de-reserved previously ?	:	
	ii) If so, Order No. and roster point of such de-reserved vacancy	:	
17.	List of supporting documents furnished	:	

I do hereby declare that particulars furnished hereinbefore are true to the best of my knowledge and belief.

Signature of the appointing authority.

18.	i) Remarks/Recommendation of Head of Administrative Department (in case of Calcutta)	:	
	ii) Remarks/Recommendation of District Reservation Commissioner (in case of Districts).	:	

Copy of the no. 1174 (8)- Estt/N-LL-N-IM-1/99 dated 01.03.2000 from The Assistant Secretary to the Govt. of West Bengal, L. & L.R. Department, Establishment Branch, to the Director of Land Records and Surveys & Joint Land Reforms Commissioner, W.B.

Sub : The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of vacancies in Services and Posts) (Amendment) Ordinance, 1999

The undersigned is directed to send herewith a copy of letter No. 706 (75)-BCW/MR-286/99 (pt.I) dated 07.02.2000 issued by the Backward Classes Welfare Department alongwith copies of its enclosures on the subject noted above for information and taking necessary action in the matter.

Memorandum No. 10/2396-2434/BI/2000.,

dated 9th May, 2000

Copy forwarded for information and compliance to the :-

- 1-18) The District Land and Land Reforms Officer,
- 19) O.S.D., A.R.T.I. Shalboni, Midinipur.
- 20) Officers
- 21) Head Assistant.....

S. Khadder
for Director of Land Records and Surveys
& Joint Land Reforms Commissioner, W.B.

**Government of West Bengal
Backward Classes Welfare Department
Writers' Buildings, Calcutta-700001**

No. 706 (75)-BCW/MR-286/99 (Pt.I)

Calcutta, the 7th February, 2000

From: Assistant Secretary to the Government of West Bengal

To: 1) The Principal Secretary, Secretary,
Land & Land Reforms Department

Sir,

I am directed to send herewith a copy of West Bengal Ordinance No. VI of 1999 Published in Calcutta Gazette dated 03.01.2000 for information and necessary action.

Yours faithfully,
Sd/-
Assistant Secretary
to the Government of West Bengal

The Calcutta Gazette
Extraordinary
Published by Authority

PAUSA 13

MONDAY, JANUARY 3, 2000

SAKA 1921

PART IIIA- ordinance promulgated by the Governor of West Bengal under the constitution of India

**Government of West Bengal
Law Department
Legislative**

West Bengal Ordinance No. VI of 1999

The West Bengal Scheduled Castes and Scheduled Tribes
(Reservation of Vacancies in Services and Posts) (Amendment)
Ordinance, 1999

WHEREAS it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 for the purpose and in the manner hereinafter appearing;

AND WHEREAS the Legislative Assembly of the State of West Bengal is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action.

The Governor is pleased, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India to make and promulgate the following Ordinance:-

1. This Ordinance may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Ordinance, 1999.

2. In section 5 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 for clause (b) the following clause shall be substituted and shall be deemed to have been substituted with effect from the 1st day of January, 1996:-

“(b) there shall be no reservation in any post in a scale of pay the maximum of which exceeds Rs. 18,300”.

The 30th December, 1999

By order of the Governor
S. Mitra
Special Officer & Ex-Officio Joint Secy.
to the Govt. of West Bengal

●

**Government of West Bengal
Land and Land Reforms Department
Estt. Branch**

No. 1658 (8)/Estt.IL/N-IM-119-1/99

Date : 23.03.2000

From: The Asstt. Secy. to the Govt. of West Bengal.

- 1) The Director of Land Records & Surveys, West Bengal,
'Survey Building', 35, Gopalnagar Road,
Post Office- Alipore, Calcutta- 700 027
- 2-8) * * *

Sub : Nomination of representatives of Backward Classes Welfare Department to act as members of the Selection Board/Interview Boards etc. constituted in connection with Recruitment in various posts.

The undersigned is directed to send herewith a copy of the letter No. 369 (55)-B.C.W. dt. 24.01/08.03.2000 along with copies of its enclosures issued by the Backward Classes Welfare Deptt. on the subject noted above for information and taking necessary action.

Sd/- Illegible
Asstt. Secy. to the Govt. of
West Bengal

Memo. No. 10/2357-95/BI/2000,

dated, Alipore, the 9th May, 2000

Copy forwarded for information and guidance to:

- 1) The District Land & Land Reforms Officer,
- 2) The Officer-on-Special Duty, Analysis, Research & Training Institute, Salboni, Midnapur,
- 3) Officers
- 4) The Head Asstt.

S. Khaddar
for Director of Land Records & Surveys &
Jt. Land Reforms Commissioner, W.B.

**Government of West Bengal
Backward Classes Welfare Department
Writers' Buildings**

No. 369 (55)-B.C.W.
C.R-1/91 (A)

Date: 24th January, 2000
8th March, 2000

From : Shri A. Pramanik
Assistant Secretary to the Govt. of West Bengal

To : The Principal Secretary/Secretary
Land & Land Reforms Department

Sub : Nomination of representatives of Backward Classes Welfare Department to act as members of the Selection Board/Interview Board etc. constituted in connection with Recruitment in various posts.

Sir,

I am directed to say that it has been brought to the notice of the Government that while forming the Selection/Interview Boards for Recruitment to various posts, representatives of this Department are not being included as members. In this connection I am to draw your attention to this Department's letter No. 126 (55)-TW/EC dated 02.03.1993 and No. 225 (55)-TW/EC, dated 11.05.1994 (copies of both enclosed for ready reference) whereunder it is incumbent upon all appointing authorities to include representatives of this Department as members of the Selection Committee/Board.

I am, accordingly, directed to request you to circulate copies of the enclosed circular with necessary direction to all the appointing authorities under your administrative control.

Yours faithfully,
Sd/-Illegible
Assistant Secretary to the Government of
West Bengal

Government of West Bengal
Scheduled Castes and Tribes Welfare Department
Writers Buildings

No. 225 (55)-TW/EC/CR-1/91(A)

Calcutta, the 11th May, 1994

From: Shri K. Sathiavasan, I.A.S.
Joint Commissioner for Reservation
& Ex-Officio Joint Secretary

To: The Secretary to the Govt. of West Bengal

Sub : Nomination of the Liasion Officers (Reservation Act) of the respective departments to act as members of the Selection Board/Interview Board etc.

Sir,

In modification of the decision contained in this Deptt's letter No. 126 (55)-TW/EC-1/91 dt. 02.03.1993, I am directed to say that the Liasion Officers (reservation for SC/ST) of the respective Deptt's would be treated as the representatives of this department and will be the ex-officio member of all Selection Boards, Interview Boards of the department and the Directorates, undertakings, Boards and other autonomous organizations under the respective departments. It is no longer necessary for the departments to approach this department individually for the nomination of member from SC & TW Department.

This may be circulated to all concerned under the administrative control of your department.

Yours faithfully,
K. Sathiavasan
Joint Commissioner for Reservation and
Ex-Officio Joint Secretary

Government of West Bengal
Scheduled Casts & Tribes Welfare Department
Writers' Buildings

No. 126 (55)/TW/EC
CR-1/91

Dated, Calcutta, the 2nd March, 1993

From: Shri K. K. Naskar, I.A.S.
Secretary to the Government of West Bengal

To : The Secretary
..... Department
Government of West Bengal

Sub : Implementation of the decision of the Standing Committee of the Cabinet for the Welfare of Sch. Castes & Sch. Tribes.

Sir,

In the first meeting of the standing committee of the Cabinet for the Welfare of Sch. Castes and Sch. Tribes held on 08.09.1992 it was decided inter-alia, that a nominee of this Deptt. may be included in the Selection Committee, Interview Boards and Commissions etc. so as to make it more representative.

In view of the above decision, it is requested that while forming any Selection Committee/Interview Board/Commission in order to select candidates for Employment/Training etc. the concerned authority may send up a proposal to this Department for nomination of an officer of this Deptt. to act as a member on such Selection Committee/Interview Board/Commission.

This may be brought to the notice of all concerned under the administrative control of your Department.

It is requested that actions taken may kindly be intimated to this Department at the earliest convenience.

Yours faithfully,
K. K. Naskar

Secretary to the Government of West Bengal

————— ● —————
Government of West Bengal
Labour Department
Employment Cell

No. 234 (100)-EMP.,

Dated, Calcutta, the 4th April, 2000

From: The Principal Secretary,
Government of West Bengal

To: (1)
(2) The Commissioner,

(3) The District Magistrate,

Sub : Model 100 point roster for the Exempted and other Categories with due regard to the statutory provisions for the reservation for Scheduled Castes, Scheduled Tribes, Backward Classes etc.

Sir,

In pursuance of the employment policy of the Government and statutory provisions for reservations for the Scheduled Caste, Scheduled Tribe, Backward Classes and Persons with Disabilities the Labour Department introduced 100 point roster of vacancies vide Memo. No. 500 (100)-EMP., dated 07.10.1997 to be followed by the appointing authorities concerned in the matter of filling up of non-PSC direct recruitment vacancies arising in the State Government Establishments, State Government Undertakings, Quasi Government Establishments and Local Authorities. This 100 point roster of vacancies incorporated the roster points statutorily reserved for the Scheduled Castes, Scheduled Tribes, Backward Classes in terms of circular issued by the Backward Classes Welfare Department and also provided for roster points for vacancies reserved for the "Exempted Categories".

After issue of the aforesaid circular of the Labour Department the Backward Classes Welfare Department issued a circular under order No. 134-BCW/RC, dated 25.03.1999 revising the points statutorily reserved for the Scheduled Castes, Scheduled Tribes and Backward Classes in terms of which only 2 points i.e. point no. 19 and point no. 59 have been additionally reserved for the Backward Classes while other points reserved for the Scheduled Castes, Scheduled Tribes and Backward Classes remained unchanged.

In view of the aforesaid revision of roster points by the Backward Classes Welfare Department I am directed to say that the roster points no. 19 and no. 59 as indicated in this Department's Circular letter No. 500 (100)-EMP., dated 07.10.1997 be treated as reserved for the Backward Classes with effect from 25.03.1999 while other roster points will remain unchanged.

This issues in partial medication of this Department's Circular No. 500 (100)-EMP, dated 07.10.1997.

Yours faithfully,
N. K. S. Jhala
Principal Secretary

Copy of the no. 2714 (8)-Estt./1M-1/99 dated, Calcutta, the 12th May, 2000 from Assistant Secretary to the Government of West Bengal, Land & Land Reforms Department, Establishment Branch. to the Director of Land Records and Surveys, West Bengal, 35, Gopalnagar Road, Cal- 27.

* * *

Sub: Model 100 point roster for the exempted and other Categories with due regard to the statutory provisions for the reservation for Scheduled Castes, Scheduled Tribes, Backward Classes etc.

* * *

The undersigned is directed to send herewith a copy of letter No. 234 (100)-EMP dated 04.04.2000 issued by the Labour Department along with copies of its enclosures on the subject noted above for information and taking necessary actions.

Memo. No. 10/3752-92/BI/2000.,

dated Alipore, the 2nd August, 2000

Copy forwarded for information and necessary action to :-

- 1-18) The District Land and Land Reforms Officer,
19-39)
40) Officer-on-Special Duty, ARTI, Shalboni, Midinipur,

Encl: as above

S. Khaddar
for Director of Land Records and Surveys
and Joint Land Reforms Commissioner, W.B.

●
Government of West Bengal
Land and Land Reforms Department
Estt. Branch

No. 3960 (8)-Estt/LL/N-M-I/99 Pt-II

Dated: 13.06.2001

From: The Asstt. Secy. to the Government of West Bengal

To: The Director of Land Records & Surveys, West Bengal,
'Survey Building', 35, Gopalnagar Road, P.O.-Alipore,
Calcutta-700027.

The undersigned is directed to send herewith copies of the marginally noted Memos alongwith copies of their enclosures issued by the Backward Classes Welfare Deptt. of this Govt. for information and taking necessary action.

1. B.C.W. Deptt's Memo. No. 1937 (55)-BCW Dated: 7/15.5.01 regarding concession in upper age limit to candidates for employment in Govt. service.
2. B.C.W. Deptt's letter No. 2010 (96)-BCW/MR-224/2000 Dt. 17/5/01 regarding issue of Caste/Community Certificate to candidates belonging to the O.B.C. in the State of W.B.

Sd/- Illegible
Asstt. Secy. to the Govt. of West Bengal

Memo. No. 25/5668-5760/BI/2000

Dated : 24/07/2001

Copy with copies of its enclosures forwarded for information and necessary action to:-

- 1-18) District Land & Land Reforms Officer,
19-81) Sub-Divisional Land & Land Reforms Officer,
82-92)

S. Khadder
for Director of Land Records & Surveys Land
and Joint Reforms Commissioner, W.B.

**Government of West Bengal
Backward Classes Welfare Department
Writers' Buildings**

No. 1937(55)-BCW
MR-105/95

Dated, Kolkata, the 7th/15th May, 2001

To
The L & LR Department
Government of West Bengal

M E M O

The undersigned is directed to send herewith a copy of this Department Memo. No. 1092-BCW dt. 05.03.2001 for information and guidance.

N. Bhattacharyya
Asstt. Commissioner for reservation &
Ex-officio Asstt. Secretary to the
Govt. of West Bengal

**Government of West Bengal
Backward Classes Welfare Department
Writers' Buildings**

No. 1092-BCW/MRC-128/2000

Dated, Calcutta, the 5th March, 2001

M E M O R A N D U M

Representations are being received that some of the competent authorities are not receiving applications for Other Backward Classes certificates on the ground that the applicants have crossed the age of 40 years or the age prescribed as the maximum upper limit in the advertisement issued by the appointing authorities although, such candidates are entitled to concession in upper age limit to the extent of 3 years over general candidates as per orders in force.

2. No where in this Department's Memo. No. 1134-BCW dated 03.03.2000 any specific upper age limit for issue of Other Backward Classes certificate has been prescribed. It has been laid down there, inter alia, that the Caste Identification Certificate shall not be issued to the persons who have crossed the maximum prescribed age limit for direct recruitments; in any kind of job. This maximum prescribed age limit should, obviously, be the limit arrived at after allowing concession of age as available to the candidates belonging to Other Backward Classes, and there should not have been any cause for confusion on this account.

3. However, in view of representations received, the undersigned is directed to clarify for information of all concerned that in the cases of Other Backward Classes candidates, the maximum prescribed age limit referred to in this Department's Memo. No. 1134-BCW, dated 03.03.2000 shall be the age as arrived at after allowing the concession available to him as an Other Backward Classes candidate in respect of Upper age limit for direct recruitment to a particular post.

4. Necessary action may be taken accordingly.

B. Bhattacharyya
Asstt Commissioner for Reservation
& Ex-Officio Assistant Secretary

**Government of West Bengal
Backward Classes Welfare Department
Writers' Buildings, Kolkata-700001**

No. 2010 (96)-BCW/MR-224/2000

Kolkata, the 17th May, 2001

From: Shri Niranjan Bhattacharyya
Assistant Commissioner for Reservation
and ex-officio Assistant Secretary to the
Government of West Bengal

To: 1) The Principal Secretary/Secretary, L. & L.R. Deptt.
2) The District Magistrate,

3) The Sub-Divisional Officer,

Sir,

I am directed to send herewith a copy of the letter No. 12011/5/2000-BCC (Cons) dated the 17th April, 2001 from the Government of India, Ministry of Social Justice and Empowerment, for information and guidance.

Yours faithfully,
N. Bhattacharyya
Assistant Commissioner for Reservation
& Ex-officio Assistant Secretary

Copy of letter No. 12011/5/2000-BCC (Cons) dated the 17th April, 2001 from Prahlad Kumar, Director (BCC) Government of India Ministry of Social Justice and Empowerment, Shastri Bhawan, New Delhi-100001 to Shri Niranjana Bhattacharyya, Assistant Commissioner for Reservation and ex-officio Assistant Secretary to the Government of West Bengal, Backward Classes Welfare Department, Writers' Building, Kolkata-700001 regarding: Issue of Caste/Community Certificate to candidates belonging to Other Backward Classes in the State of West Bengal.

* * *

I am directed to refer to your letter No. 54 (2)-BCW/MR-224/2000 dated the 12th January, 2001, on the above subject, and to say that the Department of Personnel and Training have issued the guidelines vide their OM No. 36012/22/93-Estt. (SCT), dated the 15th November, 1993 for issue of Caste/Community Certificate to the candidates belonging to Other Backward Classes. All the Certificate Issuing Authorities have been requested to adhere to these guidelines for issue of such Certificates. Under the existing guidelines issued by DOP&T on the subject, there is no mention about the validity period of the O.B.C. Certificate. However, the Appointing Authority, at the time of appointment, may ask the candidate to submit an Affidavit to the effect that he/she does not belong to Creamy Layer as specified in Column 3 of the Schedule attached to the DOP&T OM No. 36012/22/93-Estt. (SCT), dated the 8th September, 1993.

It is further informed that the issue regarding validity period of OBC Certificate, while keeping in view the Creamy Layer criteria, is under active consideration of the Department of Personnel and Training. The fresh instructions in this regard would be issued to all concerned as soon as a final decision in the matter is taken by DOP&T.

— ● —
The Kolkata Gazette
Extraordinary
Published by Authority

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TUESDAY, JULY 10, 2001

SAKA 1923

**Government of West Bengal
Backward Classes Welfare Department
Writers' Buildings**

No. 2927-BCW/MR-436/99

Kolkata, the 10th July, 2001

NOTIFICATION

WHEREAS "backward classes" has been defined in clause (a) of section 2 of the West Bengal Commission for Backward Classes Act, 1993 (West Bengal Act I of 1993) (hereinafter referred to as the said Act), for the purposes of the said Act, to mean such backward classes of citizens other than the Scheduled Castes and the Scheduled Tribes as may be specified by the State Government in the lists;

AND WHEREAS "lists" has been defined in clause (c) of Section 2 of the said Act to mean lists prepared by the Government of West Bengal from time to time for the purposes of making provision for the reservation of appointments or posts in favour of backward classes of citizens which, in the opinion of that Government, are not adequately represented in the services under the Government of West Bengal and any local or other statutory authority within the territory of West Bengal or under the control of the Government of West Bengal;

NOW, THEREFORE, in pursuance of the provisions of clause (a), read with clause (e), of Section 2, and sub-section (2) of Section 9, of the said Act, and in continuation of notification No. 84-BCW/RC, dt. 1st March, 1999, the Governor is pleased hereby to specify further in the list below the backward classes for the purposes of the said Act.

LIST

1. DEWAN
2. RAI (including Chamling)

By order of the Governor

S. Barma
Principal Secy. to the Govt. of West Bengal

————— ● —————
**Government of West Bengal
Backward Classes Welfare Department
Writers' Buildings**

No. 2928-BCW/MR-436/99

Kolkata, the 10th July, 2001

NOTIFICATION

WHEREAS by this department notification No. 1179-TW/EC dated the 1st day of December, 1995 (hereinafter referred to as the said notification) 9 (nine) more backward classes for the purposes of the West Bengal Commission for Backward Classes Act, 1993 (West Bengal Act I of 1993) (hereinafter referred to as the said Act) were specified;

AND WHEREAS the West Bengal Commission for Backward Classes (hereinafter referred to as said Commission) was set up under the said Act to examine requests for inclusion of any class of citizens as a backward class in the lists and hear complaints of over-inclusion or under-inclusion of any class in such lists and tender such advice to State Government as it deems appropriate;

AND WHEREAS the said Commission has now recommended that the names of two sub-classes "Rana" and "Thapa" shown in brackets against the existing entry of "Mangar" at serial 3 of the said notification should be omitted so that the "Mangar" class as a whole is treated as a backward class;

AND WHEREAS the State Government have accepted the said recommendation of the Commission;

NOW, THEREFORE, in pursuance of the provisions of clause (a), read with clause (c), of section 2, and sub-section (2) of section 9, of the said Act, the Governor is pleased hereby to make the following amendment in the said notifications:-

AMENDMENT

In the list to the said notification, in serial number 3, after the word "Mangar" omit the brackets and words "(Thapa, Rana)".

By order of the Governor
S. Barma
Principal Secy. to the Government of West Bengal

————— ● —————
**Government of West Bengal
Finance Department
Audit Branch**

No. 9759-F

Kolkata, the 18th October, 2001

NOTIFICATION

In exercise of the power conferred by the proviso to article 309 of the Constitution of India, the Governor is pleased hereby to make the following amendment in the West Bengal Services

(Determination of Seniority) Rules, 1981 published with this Department notification no. 1882-F, dated the 11th March, 1981 (hereinafter referred to as the said rules):-

<http://wbllroa.in>

A M E N D M E N T

After sub-rule (4) of rule 5 of the said rules, insert the following sub-rule:-

“(5) Notwithstanding anything contained in the foregoing provisions of this rules, if a candidate belonging to the Scheduled Cast or Scheduled Tribe is promoted to an immediate higher post or grade against a reserved vacancy earlier than his senior General or Other Backward Classes candidate and the said General or Other Backward Classes candidate is promoted later to the said higher post or grade the General or Other Backward Classes candidate shall regain his seniority in the immediate higher post or grade over the said Scheduled Caste or Scheduled Tribe candidate promoted earlier to the said immediate higher post or grade.”

By order of the Governor,
B. K. Saha
Joint Secretary to the Government of
West Bengal, Finance Department

No. 9759/1 (350)-F

Kolkata, the 18th October, 2001

Copy forwarded for information and necessary action to:-

1. The Director of Land Records and Surveys, West Bengal

S. K. Chakraborty
Deputy Secretary to the
Government of West Bengal, Finance Department

Memo. No. 25/532-563/BI/2000,

dated, Alipore, the 1st February, 2002

Copy forwarded for information and necessary action to:-

- 1-18) The District Land & Land Reforms Officer,
- 19) The Assistant Director of Training, A.R.T.I., Shalboni, Medinipur,
- 20) B-I, Guard File
- 21-32) P.A./DDL/DC/DDS/ADS/ADLR/ADC/OSD-I/OSD-II/OSD-III/OS/HA-B-I

S. Khaddar
for Director of Land Records and Surveys and
Jt. LRC. West Bengal

●
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

OFFICE MEMORANDUM

No. 20011/1/2001-Estt. (D)

New Delhi, dated the 21st January, 2002

SUB : Seniority of SC/ST Government servants on promotion by virtue of rule of reservation/roster.

The Seniority of a person appointed to a post is determined according to the general principle 5(i) contained in MHA OM No. 9/11/55-RPS dated 22.12.1959 and para 2.2 in DOPT OM No. 22011/7/86-Estt. (D) dated 03.07.1986 read with DOPT OM No. 20011/5/90-Estt. (D) dated 04.11.1992 (copy enclosed). Seniority of such persons is determined by the order of merit indicated at the time of initial appointment and seniority of persons promoted to various grades is determined in the order of selection for such promotion. Thus, as per the aforementioned instructions, persons appointed through an earlier selection would enbloc be senior to those promoted through subsequent selection.

2. This position was reviewed subsequent to the Judgment of the Supreme Court dated 10.10.1995 in the case of Union of India Vs. Virpal Singh Chauhan etc. (JT 1995 (7) SC.231) and it was decided vide DOPT OM No. 20011/1/96-Estt. (D) dated 30.01.1997, to modify the then existing policy by addition of the proviso to general principle 5 (i) contained in MHA (Now DOPT) OM No. 9/11/55-RPS dated 22.12.1959 and para 2.2 in DOPT OM No. 22011/7/86-Estt. (D) dated 03.07.1986, which stipulated that if a candidate belonging to the Scheduled Caste or the Scheduled Tribe is promoted to

an immediate higher post/grade against a reserved vacancy earlier than his senior general/OBC candidate who is promoted later to the said immediate higher post/grade, the general/OBC candidate will regain his seniority over such earlier promoted candidate of the Scheduled Caste and the Scheduled Tribe in the immediate higher post/grade.

3. The Government have now decided to negate the effects of the DOP&T OM dated 30th January, 1997 by amending Article 16 (4A) of the Constitution right from the date of its inclusion in the Constitution i.e. 17th June, 1995, with a view to allow the Government servants belonging to SCs/STs to retain the seniority in the case of promotion by virtue of rule of reservation. In other words, the candidates belonging to general/OBC category promoted later will be placed junior to the SC/ST Government Servants promoted earlier even though by virtue of the rule of reservation.

4. Therefore, in pursuance of the aforementioned Constitution (Eight-fifth) Amendment Act, 2001, it has been decided as follows:

- (i) (a) SC/ST Government servants shall, on their promotion by virtue of rule of reservation/roster, be entitled to consequential seniority also; and
(b) The above decision shall be effective from 17th June, 1995.
- (ii) The instructions contained in DOPT O.M No. 20011/1/96-Estt. (D) dated 30.01.1997 as well as the clarifications contained in DOPT O.M. No. 20011/2/97-Estt. (D) dated 21.03.1997 shall stand withdrawn w.e.f. 30.01.1997 itself.
- (iii) Seniority of Government servants determined in the light of O.M. dated 30.01.1997 shall be revised as if that O.M. was never issued.
- (iv) (a) On the basis of the revised seniority, consequential benefits like promotion, pay, pension, etc. should be allowed to the concerned SC/ST Government servants (but without arrears by applying principle of 'no work no pay').
(b) For this purpose, senior SC/ST Government servants may be granted promotion with effect from the date of promotion of their immediate junior general/OBC Government servants.
(c) Such promotion of SC/ST Government servant may be ordered with the approval of Appointing Authority of the post to which the Government servant is to be promoted at each level after following normal procedure of DPC (including consultation with UPSC).
- (v) Except seniority other consequential benefits like promotion, pay etc. (including retiral benefits in respect of those who have already retired) allowed to general/OBC Government servant by virtue of implementation of O.M. dated 30.01.1997 and/or in pursuance of the directions of CAT/Court should be protected as personal to them.

5. All Ministries/Departments are requested to bring the above decisions to the notice of all concerned for guidance and compliance. Necessary action to implement the decisions contained in para 4 (iii) above may be completed within three months from the date of issue of these instructions, and necessary action to implement the decision at para (iv) above may be completed within 6 months from the date of issue of these instructions.

6. Hindi version will follow.

Alok Saxena
Deputy Secretary to the Government of India

To
All Ministries/Departments of the Government of India

Copy to:

1. The Comptroller and Auditor General of India
2. The Secretary, Union Public Service Commission.
3. Rajya Sabha Secretariat
4. Lok Sabha Secretariat
5. All State Governments/Union Territory Administrations
6. All Attached/Subordinate offices under the Department of Personnel and Training/Ministry of Home Affairs.

7. Ministry of Railways (Railway Board)
8. National Commission for SCs/STs, New Delhi
9. National Commission for OBCs, New Delhi
10. The Secretary, Staff Side, National Council
11. The Registrar General, The Supreme Court of India
12. All Officers/Sections of DOP&T
13. Principal Information Officer, Ministry of I &B
14. Facilitation Centre, DOP & T- 20 spare copies
15. NIC (DOPT Branch) for placing this O.M. on the web site of DOPT.
16. Establishment (D) Section (500 copies)

●

**Government of West Bengal
Backward Classes Welfare Department**

From: Shri A. K. Mitra
Asstt. Commr. for Reservation & Ex-officio Asstt. Secy.

To: The District Land & Land Reforms Officer, Howrah
Office of the Dist. Land & Land Reforms Officer & Addl.
Dist. Magistrate - Howrah, 7, Rishi Bankim Chandra Road,
New Collectorate Building, Howrah

No. 2226 BCW
MR-73/2002

Dated, Calcutta, the 21st May, 2002

Sub : Clarification Reg. 100-point roster.

Sir,

I am directed to refer to your letter No. E-155/1232/LR dt. 15.05.2002 on the above subject and to inform you that 100-point roster of B.C.W. Department starting on and from 27.03.1990 will be taken into account in respect of filling up of vacancies reserved for S.C., S.T. and O.B.C. and this Department is not concerned with the appointment of disabled person. As such no clarification can be given in this regard from this end.

Yours faithfully,
Sd/-Illegible
Asstt. Commr. for Reservation &
Ex. officio Asstt. Secretary

**Government of West Bengal
Office of the Dist. Land & Land Reforms Officer
& Addl. District Magistrate, Howrah
7, Rishi Bankim Chandra Road
New Collectorate Building (3rd Floor), Howrah**

No. E-155/1232/LR

Date : 15.05.2002

To
The Joint Commissioner
& Joint Secretary,
Backward Classes Welfare Deptt.,
Writers' Buildings, Kolkata-700001

Govt. clearance to fill up some of the vacancies to which the undersigned is the appointing authority, has since been received.

As per 100-point running roster, vacancies at different points mostly of reserved category remain unfilled. On the other hand a new 100-point roster vide Labour Deptt's Notification No. 240-Emp/1M-5/2000 dated 02.08.2001 have been introduced with immediate effect for the existing and future vacancies.

Now the question arises-

(a) Whether the vacancies remaining unfilled at different point of the 100-point running roster prepared in terms of the Notification No. 500 (100)-Emp/1M-43/94 dated 07.10.1997 should be taken into account during selection or it should start from the point number 1 of 100-point roster introduced vide Notification No. 240-Emp dated 02.08.2001.

(b) In terms of para-2 of Notification No. 240-Emp. dated 02.08.2001 three points 12th, 42nd and 72nd have been reserved for the person with disabilities.

Before introduction of the notification dated 02.08.2001 berth at point-12 has already been filled up by general category candidate. As per notification dated 02.08.2001 the berth is reserved for the persons suffering from blindness or low vision.

Under the circumstances whether the next available berth for General Category in the 100-point roster is to be filled up by person suffering from Blindness or low vision.

He is requested for a clarification as early as possible.

S. Ghosh
District Land and Land Reforms Officer,
Howrah

D.O.No. 2832-B.C.W./MR-73/2002

dated: 08.07.2002

Sub : Clarification reg. 100-point roster

Dear Shri Roy,

I am to inform you that it has been reported from some quarters that in filling up vacancies in different categories of posts in some of the District Land and Land Reforms Offices, Register of Appointment is being started anew corresponding to the Roster circulated by Labour Deptt. vide its No. 240-Emp. dt. 20.08.2001. This is violation of the Reservation Act and the Rules made thereunder and subsequent Orders of this Department, according to which the Roster which came into effect from 27.03.1990 shall continue uninterrupted and all subsequent appointments are to be made following that roster. There is no scope to start new roster at any point of time. Labour Deptt.'s referred circular does not also envisage initiation of any such new roster.

It will be highly appreciated if you kindly bring this to the notice of all concerned Offices.

I am also endorsing copies of this letter to all concerned.

With regards.

Yours Sincerely
Sd/-Illegible

To
Shri Prasad Ranjan Roy,
Land Reforms Commissioner and the Pr. Secy. to the Government of West Bengal,
Land and Land Reforms Department,
Writers' Buildings

No. 2832/1 (37)-B.C.W.

Kolkata, the 8th July, 2002

Copy forwarded for information & necessary action to:-

- 1) The Director of Land Records & Surveys, West Bengal,
Survey Building, Gopal Nagar, Alipore, Kolkata-700027.
- 2) The District Magistrate,
- 3) The District Land & Land Reforms Officer,

Sd/- Illegible
Assistant Commissioner for Reservation &
Ex-Officio Assistant Secretary

Govt. of West Bengal
Land and Land Reforms Department
Estt. Branch

No. 1752 (8)-Estt/LL/N-IM-12/2002

Dated: 24.03.2003

From: The Asstt. Secy. to the Government of West Bengal

To: The Director of Land Records & Surveys, West Bengal,
"Survey Building",
35, Gopalnagar Road, P.O. Alipore, Kolkata-700027.

Sub : Amendment of West Bengal Services (Determination of Seniority) Rules, 1981

The undersigned is directed to send herewith a copy of letter No. 5953 (147)-BCW/MR-173/98 (P-II) dated 30.12.2002 issued by Backward Classes Welfare Department alongwith copy of its enclosure on the subject noted above for information and taking necessary action.

Sd/- Illegible
Asstt. Secy. to the Govt. of West Bengal

Memo. No. 25/2349-88/BI/03

Dated, Alipore, the 29th April, 2003

Copy forwarded for information & guidance to:

- 1-18) District Land & Land Reforms Officer,
19) Asstt. Director (Training). A.R.T.I. Shalboni, Paschim Medinipur,
20-40) * * *

G. B. Bandyopadhyay
for Director of Land Records & Surveys and
Jt. Land Reforms Commissioner, West Bengal

Government of West Bengal
Backward Classes Welfare Department
Writers' Buildings
Block-I, 2nd Floor, Kolkata-700001

No. 5953 (147)-BCW/MR-173/98 (Pt-III)

Date: 30.12.2002

From: Shri P. N. Samaddar, WBCS
Assistant Commissioner for Reservation and Ex-Officio
Assistant Secretary to the Government of West Bengal

- To: 1) The Secretary/
Principal Secretary to the Government of West Bengal
2)
3)

Sub : Amendment of West Bengal Services (Determination of Seniority) Rules, 1981

Sir,

I am directed to say that the Governor has been pleased to decide that the implications of the Finance Department notification No. 9759-F dt. 18.10.2001 regarding seniority of candidates belonging to the members of the Scheduled Castes and Scheduled Tribes after promotion in the next higher grade/posts (copy enclosed) amending the West Bengal Services (Determination of Seniority) Rules, 1981, may be kept in abeyance with immediate effect as laid down in Finance Department's memo no. 3780-F dt. 14.03.2002 (copy enclosed).

I am, further, directed to request you to communicate the decision of the Government to all concern/establishment, once again, under your control for proper implementation of the same.

This may please be given top-most priority.

Yours faithfully,
P. N. Samaddar
Assistant Commissioner for Reservation and
Ex-officio Asstt. Secretary to the Government of
West Bengal

Encl: As stated.

**Government of West Bengal
Finance Department
Audit Branch**

No. 9759-F

Dated, the 18th October, 2001

NOTIFICATION

In exercise of the powers conferred by the proviso to Art. 309 of the Constitution of India, the Governor is pleased hereby to make the following amendment in the West Bengal Services (Determination of Seniority) Rules, 1981, published with this Department's notification No. 1832-F dt. the 11th March, 1981 (hereinafter referred to as the said rules):-

AMENDMENT

After sub-rule (4) of rule 5 of the said rules, insert the following sub-rule:-

“(5) Notwithstanding anything contained in the foregoing provisions of this rules, if a candidate belonging to the Scheduled Caste or Schedule Tribe is promoted to an immediate higher post or grade against a reserved vacancy earlier than his senior General or Other Backward Classes candidate and the said General or Other Backward Classes candidate is promoted later to the said higher post or grade the General or Other Backward Classes candidate shall regain his seniority in the immediate higher post or grade over the said Scheduled Caste or Scheduled Tribe candidate promoted earlier to the said immediate higher post or grade.”

By order of the Governor

B. K. Saha

Joint Secretary to the Government of West Bengal
Finance Department

**Government of West Bengal
Finance Department
Audit Branch**

No. 3780-F

Kolkata, the 14th March, 2002

MEMORANDUM

The undersigned is directed by order of the Governor to say that the Governor has been pleased to decide that the operation of Finance Department notification no. 9759-F dt. 18.10.2001, amending the West Bengal Services (Determination of Seniority) Rules, may be kept in abeyance with immediate effect until further orders.

B. K. Saha

Joint Secretary to the Government of West Bengal,
Finance Department

●

**Government of West Bengal
Backward Classes Welfare Department
Writers' Building, Kolkata-700001**

No. 5157 (144)-BCW/MR-91/2002

Kolkata, the 23rd October, 2002

From: Shri Pankaj Narayan Samaddar, W.B.S.S
Assistant Commissioner for Reservation and
Ex-Officio Assistant Secretary to the Government of West Bengal

To : The Land and Land Reforms Department

M E M O R A N D U M

Complaints are being received from different corners that persons who belong to 'Sunris' having the Surname 'Saha' and holding Scheduled Caste Certificates as 'Sunri (excluding Saha)' are not accepted as Scheduled Caste candidates by the appointing authority/some of the Selection Commissions. This is causing much resentment amongst the affected persons.

2. This Department's order No. 5 (34)-BCW/dt. 04.01.1999 has been rescinded vide this department's No. 4060-BCW dt. 15.09.2000. In this context it has to be emphasised that at no stage certificate already held by such categories of people were cancelled and they continued to remain valid. This view has also been endorsed by the Ld. Advocate General, West Bengal.

3. It is, therefore, clear that even when the bar on the issue of certificates to 'Sahas' was in existence, those of the 'Sahas' belonging to 'Sunri' Community and holding the certificate were entitled to get due benefits under the provision of the Law.

4. Finally, it is clarified that at present there is no bar even on the issue of Scheduled Caste Certificates to 'Sahas' within the meaning of 'Sunri (excluding Saha)' in cases where competent authorities on proper enquiries and investigations find them to belong to the class of 'Sunris'.

5. All 'Sahas' holding Scheduled Caste Certificates as 'Sunri (excluding Saha)' are to be allowed benefit available to Scheduled castes.

6. Necessary action may be taken immediately.

P. N. Samaddar
Assistant Commissioner for Reservation and
ex-officio Assistant Secretary to the
Government of West Bengal

**Government of West Bengal
Land & Land Reforms Department
Estt. Branch
Writers' Buildings, Kolkata**

No. 8495 (8)-Estt./LL/N-1M-12/2002

dt. 03.12.2002

From: The Asstt. Secy. to the Government of West Bengal

To: The Director of Land Records & Surveys, West Bengal
"Survey Building", 35, Gopal Nagar Road, P.O. Alipore, Kolkata-700027

Sub : Allowing of benefits to "Sunris" (excluding Saha) as Scheduled Caste.

The undersigned is directed to send herewith a copy of Memo. No. 5157 (144)-BCW/MR-91/2002 dated 2310.2002 on the subject noted above for information and necessary action.

Sd/- Illegible
Asst. Secy. to the Govt. of West Bengal

Memo. No. 25/210-253/B-I/03

Dated, the 13th January, 2003

Copy forwarded for information and necessary action to:

- 1-18) District Land & Land Reforms Officer,
19) Asst. Director (Trg.) ARTI, Shalboni, Paschim Medinipur
20-48) (officers and HA's)

G. B. Bandyopadhyay
for Director of Land Records & Surveys and Joint
Land Reforms Commissioner, West Bengal

●
**Govt. of West Bengal
Office of the District Magistrate & District Commissioner for Reservation
(District Reservation Cell)
34A K. B. Basu Road, Barasat**

Memo No.1973 (22)/BCW/BST/MR/APT/Gogt. Estt./01
Non-Govt Estt./02

Dated: 02.01.2007

To:

- | | |
|--|--|
| 1. The Controller of Civil Defence, North 24-Pgs. | 2. The District Judge, North 24-Pgs. |
| 3. The S.P., North 24-Pgs. | 4. The A.D.M.(G), North 24-Pgs. |
| 5. The A.D.M.(T), North 24-Pgs. | 6. The A.D.M.(Dev.), North 24-Pgs. |
| 7. The A.D.M. & D.L. & L.R.O., North 24-Pgs. | 8. The O/C. Municipal Affairs Deptt. North 24-Pgs. |
| 9. The D.P. & R.D.O., North 24-Pgs. | 10. The Secretary, North 24-Pgs., Zilla Parishad |
| 11. The P.D., D.R.D.C., North 24-Pgs. | 12. The Chairman, North 24-Pgs, Dist. Pry. Council |
| 13. The D.I. of Pry. Schools; North 24-Pgs. | 14. The C.M.O.H., North 24-Pgs. |
| 15. The Dist. Registrar, North 24-Pgs. | 16. The P.A.O., North 24-Pgs. |
| 17. The Dist. Library Officer, & Member Secretary, | 18. The Dist. Forest Officer, North 24-Pgs. Divn. |

- Local Library Authority, North 24-Pgs.
19. The D.P.O., (ICDS), North 24-Pgs. 20. The D.D., A.R.D. & P.O., North 24-Pgs.
21. The D.P.O., Sarbasiksha Mission, North 24-Pgs. 22. The A.R.C.S., North 24-Pgs.

Sub : Maintenance of statutory provisions of reservation for the SC, ST and OBC candidates in respect of direct recruitment and promotion.

You are aware that in terms of Article 16(4) and Article 335 of the constitution of India, the State Government has since enacted the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 and framed Rules thereunder called as the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Rules, 1976. The said Act, has come into force with effect from the 15th August, 1976.

Subsequently, the State Government has also enacted the West Bengal Commission for Backward Classes Act, 1993 and the said Act has come into force with effect from the 15th March, 1993.

The aforesaid two Acts provides for reservation of vacancies in services and posts not only under the State Government but also under the local and statutory authorities constituted under any State Act, corporations in which not less than 51% of the paid up share capital is held by the State Government, Universities, Colleges affiliated to the Universities, Primary and Secondary Schools and also other educational institutions which are owned or aided by the State Government and also establishment in Public Sector.

It is the statutory obligation of all appointing authorities in different establishments covered by the Act to strictly ensure due observance of the provisions of reservation as enshrined in the Act and the Rules framed thereunder.

The Acts and Rules also make it obligatory on the part of the administrative departments to submit consolidated Annual Returns in respect of their own establishments including subordinate offices/organizations at all levels, showing recruitment made and promotions effected during the previous calendar year and the position of representation of Sch. Castes and Sch. Tribes vis-à-vis that of others as stood at the end of the preceding year and also to discharge the function as Liaison Officer appropriately.

To look after the matter in respect of proper observance of the provisions of the aforesaid Act, vide Notification No.1979-TW dt.01.11.1989, State Reservation Cell has been constituted by the Govt. and functioning under the control of Commissioner for Reservation, Principal Secretary/Secretary/B.C.W. Department being the Commissioner for Reservation. Similarly, in each district there is District Reservation Cell functioning under the control of District Commissioner for Reservation, the District Magistrate of the concerned district being the District Commissioner for Reservation. It is the duty of every appointing authority and administrative department to extend co-operation with them.

It is felt necessary to reiterate the following, inter alia, most important in regard to function and responsibilities of all concerned for due observance of the provisions of reservation as provided in the aforesaid Act and Rules.

Function and responsibilities of all appointing authorities concerned :-

(1) REGARDING MAINTENANCE OF REGISTER OF APPOINTMENT.

According to provision of Rule 3 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Rules, 1976, every appointing authority shall maintain the Register of appointment as referred to in paragraph (ii) of the Schedule to the Act in the form indicated in Appendix-I properly and separately in respect of cases of direct recruitment and promotion.

In this regard, special care has to be taken to the following:

1. It was stated before that the Register of appointment shall be maintained always by each appointing authority only in the form prescribed and indicated in Appendix-I, (copy enclosed) No other format shall be entertained and it should be maintained properly for the cases of direct recruitment and promotion separately.

2. This Register shall always be maintained for a particular post. Clubbing of different posts whatever they are under the same scale of pay or group, shall not be entertained.
3. The Register shall also be maintained separately for permanent and temporary vacancies in relation to such particular post.
4. Relevant all particulars only shall be entered therein properly and completely according to requirement in the format. It shall be ensured always that any error or omission in regard to the statement in particular with reference to all requirements prescribed in that register is not present as well as reflected.
5. Anyone other than the appointing authority has no authority or scope to state/note anything or sign in this Register.
6. Other instructions as provided in the Schedule-I and Schedule-II to the act shall also be maintained strictly by the appointing authority himself for filling up of any vacancy.
7. While drawing up the Register of appointment, it would be ensured that it starts with the vacancy, as prevailing in the establishment concerned on 27.03.1990, the cut-off date prescribed under erstwhile Sch. Castes and Scheduled Tribes Welfare Department's (now renamed Backward Classes Welfare Department) Notification Nos.136-TW/EC dt.27.03.1990, 180(60) TW/EC dt.17.04.1990 and 796-TW/EC dt.20.08.1990 and be continued thereafter in chronological order as they occur from time to time. For direct recruitment only, the Register of appointment in appendix-I shall be, as per 50-point roster from 27.03.1990 upto 05.04.1995 and shall get converted to accommodate 100-point roster from 06.04.1995 maintaining the seriality in roster position obtaining on 05.04.1995 and shall continue to operate till 100-point. Then it will continue again from point no.01 to complete another cycle as per directions contained in G.O. No.98(91)-BCW dt.07.01.2000.

It may be kept in mind that the 100-point roster is the extension of 50-point roster and on account of introduction of 100-point roster, the 50-point roster does not perish. It is the culmination of a new device to accommodate Backward Classes keeping the reserved points for SC and ST intact as per clarification contained in order no.1126-TW/EC dt.15.11.1995.

As there is no reservation for Backward Classes in the matter of promotion, it is advisable that in promotion cases, only 50-point roster should be implemented. It is pertinent to mention here that the provisions of reservation need not be maintained in the case of any appointment/employment in "Single post cadre"- means a cader, which has the strength of one post only in terms of Notification No.2113-L dt.31.08.2005.

It shall always be kept in mind that this Register is a very important document by which not only the appointing authority and the liaison officer but also the authorized officials attached to the competent authorities concerned administering the Act, can ascertain primarily whether the provisions of reservation for the SC, ST and OBC candidates are maintained properly by the appointing authority or not. Hence, special care shall always be taken to maintain the said register properly.

It is advisable that a brief note about (1) cause of occurrence of each vacancy may be stated either below of the date of occurrence of vacancies in col. No.1 or No.7 of the register properly and (2) order no. with date and the authority issued caste certificate to the person appointed as a person belonging to SC or ST or OBC against the reserved vacancy and also against un-reserved vacancy, if any, may also be stated below the name of the candidate appointed indicating his caste status in col. No.4.

These will help not only to ascertain about correctness of the occurrence of each vacancy but also make arrangement to fill up the vacancy by right candidate to avoid any litigation in maintenance of roster and register properly.

(2) REGARDING APPLICATION/MAINTENANCE OF 50 POINT AND 100 POINT ROSTER

The particular date, manner with explanation in regard to application of 50-point and 10-point roster under the provision of the Act has already been stated before. It shall always be kept in mind in this regard that following roster have been prescribed by the Govt. in the B.C.W. Department from time to time to ensure implementation of reservation both in the case of direct recruitment and promotion in accordance with the provision of the aforesaid two Acts:-

For direct recruitment only.

- 1) 50-point roster vide notification No.136-TW/EC dt.27.03.1990 read with No.180(60) TW/EC dt.17.04.1990 and No.796-TW/EC dt.20.08.1990 to ensure reservation @22% and 6% for the SC and ST candidates respectively w.e.f. 27.03.1990 to 05.04.1995.

- 2) 100-point roster vide Order No.261-TW/EC dt.06.04.1995 to ensure implementation of reservation @22%, 6% and 5% for the SC, ST and OBC candidates respectively w.e.f. 06.04.1995 to 24.03.1999.
- 3) 100-point roster vide Order No.134-BCW/RC dt.25.03.1999 read with corrigendum no.1985-BCW dt.18.07.2006 to ensure implementation of reservation @ 22%, 6% and 7% for the SC, ST and OBC candidates respectively w.e.f.25.03.1999.

For promotion

- 1) 50-point roster only vide notification No.136-TW/EC dt.27.03.1990 to ensure reservation @ 22% and 6% for the SC and ST candidates respectively.

(3) REGARDING SUBMISSION OF ANNUAL STATEMENT/RETURN

It has also been provided in Rule-4 that "As soon after the first of January of every year as possible and latest by the first day of March, each appointing authority shall send to the respective administrative department or head of office concern:- (i) statement in the form given in Appendix-II (copy enclosed) showing the total number of employees and the number of Sch. Castes and Sch. Tribes amongst them as on the 1st January of the year; and (ii) statements in the forms given in Appendix-IIIA and Appendix-IIIB (copy enclosed) showing the particulars of recruitments made during the calendar year and the numbers filled by the Scheduled Castes and Scheduled Tribes.

These, inter alia, has to be maintained strictly and regularly by each appointing authority as statutory obligation.

(4) REGARDING INFRINGEMENT IN MAINTENANCE OF THE REGISTER OF APPOINTMENT AS WELL AS ROSTER PRESCRIBED BY THE GOVT. FROM TIME TO TIME AND ALL OTHER PROVISIONS INCLUDING SUBMISSION OF ANNUAL STATEMENT/RETURNS ETC. AS PROVIDED IN THE RELEVANT RESERVATION ACT AND RULES.

According to provision of the relevant Act and Rules, appointing authority has no power/authority to fill up any vacancy reserved for SC, ST and OBC by general candidate without proper de-reservation orders from the competent authority. In this connection the provision of Sec-7 of the act is reproduced below:

"If an appointing authority makes an appointment in contravention of the provisions of Sec-4 or Sec-5, or fails to maintain records or to furnish the annual return, referred to in Sub-Sec.(1) of Sec-12, he shall be punishable with imprisonment for a term of 5 years, or with fine of two thousand and five hundred rupees or with both".

In this regard the provision as contained in Sub-Sec(2) of Sec-6 of the Act may be looked into wherein it has been prescribed that :

"Provided that the State Government may, if it is satisfied that the appointing authority by genuine mistake or on account of an error of judgment or owing to ignorance has filled up any reserved vacancy otherwise than by a candidate for whom the vacancy is reserved and that there has been no mala fide intention in this regard on the part of the appointing authority, by order in writing, regularize the appointment, if so applied for by the appointing authority, on the basis of the carry forward principle. In such case, reservation against the reserved vacancy already filled up otherwise than by candidate belonging to Sch. Caste or Sch. Tribe for whom the vacancy was originally reserved, shall be carried forward to the nearest un-reserved vacancy at the time of consideration of any application".

Accordingly, it is the duty of all appointing authorities concerned to arrange regular inspection and scrutiny of the roster and registers of appointment to ascertain whether any such instance of infringement is found or detected there and if so, the appointing authority shall refer the matter without any delay to the Govt. addressed to the Principal Secretary, BCW Department and Commissioner for Reservation in an application stating the full facts of these cases with an explanation as to why and under what circumstances this was done, for regularization of these cases by issue of suitable Government order in terms of the aforesaid Sub-Sec(2) of Sec-6 of the Act read with the instructions contained in G.O. No.98(91)-BCW dt.07.01.2000.

(5) FUNCTION AND RESPONSIBILITIES OF ALL ADMINISTRATIVE DEPARTMENTS.

It has been provided in rule 6(a) that "In every Department under the State Govt. the Deputy Secretary in-charge of administration and in other establishments, the senior officer in-charge of establishment matters and appointments shall act as the Liaison Officer for the purpose of implementation of the provision of the Act in all establishments and services under his administrative control".

It has also been provided in rule 6(b) that "every head of the Department or head of Office shall intimate the name and designation of the Liaison Officer in respect of his establishment to the department

administering the Act. Provided that the head of the Department or head of Office shall intimate to the department administering the Act, any change in the name or designation of the Liaison Officer within a month of such change”.

It has further been provided in rule 6(c) that “the Liaison Officer shall be responsible for ensuring”:-

- i) due compliance by the sub-ordinate appointing authorities, if any, of the provision of the Act;
- ii) submission of the Annual Report as required under the rule 4 by each appointing authority;
- iii) scrutiny and consolidation of the Annual Statements in respect of all offices and services in and under the establishment and timely submission of the consolidated statement to the concerned authority according to provision of section 12 of the Act read with rule 4(b) of the Rules;
- iv) regular inspection of the roster and registers maintained in his own office as well as in offices under the control of the establishment;
- v) maintenance of proper liaison with the authority administering the Act in all matters concerning the implementation of the Act;

Accordingly, the senior officer-in-charge of establishment matters and appointments in his Department, shall act as Liaison Officer and discharge their function properly as prescribed in the statute and every head of the Department or head of office shall intimate the name and designation of the liaison Officer in respect of his establishment to the Department administering the Act and also to this office positively even any change in the name or designation of the Liaison Officer within a month of such change.

It may be mentioned that according to provision of sub-section (2) of section 12 read with rule 7, the following officers shall be the officers authorized by the State Government who may inspect any records or documents which are maintained in relation to appointments made by the appointing authorities within the meaning of the Act in offices located in the areas mentioned against each, namely:

Designation of Officer	Area
i) Joint Commissioner for Reservation, W.B.	Whole of West Bengal
ii) Asstt. Commissioner for Reservation, W.B.	-do-
iii) Officer on Special Duty (Reservation Cell)	-do-
iv) Any Officer not below the rank of Asstt. Secretary to Govt. specially appointed by the State Govt. in this behalf	-do-
v) District Commissioner for Reservation,	Within his territorial jurisdiction
vi) P.O.-cum-D.W.O., B.C.W.	-do-
vii) District Welfare Officer, B.C.W.	-do-
viii) Addl. District Welfare Officer, B.C.W.	-do-

It shall be the duty of the appointing authority to produce such records or documents for inspection by the officer authorized under sub-section (2) and furnish such information or afford such assistance as may be necessary for him to carry out his function under this Act according to provision of sub-section (3) of section 12.

Apart from those officers mentioned above, Liaison Officer only has also authority as well as responsibility to ensure regular inspection of the roster and registers maintained in his own office as well as in offices under control of the establishment according to provision of rule 6.

All concerned are hereby further requested to maintain their function and responsibilities as aforesaid strictly and as such, necessary steps be taken accordingly for its circulation to all concerned immediately.

Sd/-
District Magistrate &
District Commissioner for Reservation,
North 24-Parganas.

Encl: As stated.

Memo No.1973/1(1)/BCW/BST

Dated : 02.01.2007

Copy forwarded for information and necessary action to:

1. The A.D.M. (T), North 24-Parganas. This has a reference to his no.4558/CON(T) dt.06.12.2006 and subsequent order dt.28.12.06 of the District Magistrate and District Commissioner for Reservation.

Sd/-Illegible
District Magistrate &
District Commissioner for Reservation
North 24-Parganas

<http://wbllroa.in>

APPENDIX I
Register of Appointment

DIRECT RECRUITMENT/PROMOTION

Name of the Department :

Group of Service:

Scale of Pay :

Name of Office :

Name of the Post :

Total No. of Sanctioned Posts :

Percentage of Reservation

(a) Scheduled Castes :

(b) Scheduled Tribes :

Date of Occurrence of the vacancy	Point of roster	Whether reserved for Scheduled Castes or Scheduled Tribes	Name of the candidate appointed indicating Scheduled Caste or Scheduled Tribes status	Date of appointment	If the candidate of the right community is not appointed to the reserved vacancy, reasons for not doing so	Remarks	Signature of the appointing authority
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

APPENDIX II

Annual Statement of the total number of employees and members of Scheduled Castes/Scheduled Tribes amongst them as stood on the 1st January of the year 19.....

Name of the Department :

Name and address of the Office :

Group of Service	Name of Post	Total number of Employees in the posts	Number of Scheduled Castes amongst them	Percentage of Scheduled Castes to the total employees in the post	Number of Scheduled Tribes amongst them	Percentage of Scheduled Tribes to the total employees in the post
(1)	(2)	(3)	(4)	(5)	(6)	(7)

*Vide Notification No.1177-TW/EC/MR-70/92, dated 01.12.1995.

APPENDIX IIIA

Annual Return of Appointments made during the calendar year ending on 31st December, 19....

Name of the Department :

Name and address of the Office :

DIRECT RECRUITMENT

Group of Service	Name of Post	Total number of vacancies occurred	No. of vacancies reported to PSC/EE	No. of vacancies Filled up by	No. of de-reserved vacancies in relation to Column 4	No. of vacancies carried forwarded on account of De-reservation	Remarks
		General S.C. S.T.	General SC ST	General SC ST	SC ST	SC ST	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

APPENDIX IIIB

Annual Return of Appointments made during the calendar year ending on the 31st December, 19...

Name of the Department :

Name and address of the Office :

PROMOTION

Group of Service	Name of Post	Total number of vacancies occurred	Total number. of vacancies filled up	Total number of reserved vacancies carried forward	Total number of reserved vacancies lapsed	REMARKS
		General S.C. S.T.	General SC ST	SC ST	SC ST	
(1)	(2)	(3)	(4)	(5)	(6)	(7)

- Vide Notification No.1177TW/EC/MR-70/92 dated 01.12.1995
- Vide Notification No.1177-TW/EC/MR-70/92, dated 01.12.1995

Government of West Bengal
Backward Classes Welfare Department
Writers' Buildings, Kolkata-700001
Website: www.anagrasarkalyan.gov.in / www.bcwdwb.gov.in

No. 6316-BCW/MR-84/10

Kolkata, the 24th September, 2010

NOTIFICATION

(1) In exercise of the power conferred by section 10, read with section 11, of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 (West Bengal Act XXVII of 1976), and in supersession of all previous orders on the subject, the Governor was pleased to notify the following Model 100-Point Roster with a view to giving effect to the reservation of vacancies for the Scheduled Castes, and the Scheduled Tribes under the said Act, for direct recruitment to vacancies in services and posts in an establishment as defined in the said Act :-

Model 100-Point Roster

1 st vacancy	::	Scheduled Caste
2 nd vacancy	::	Unreserved
3 rd vacancy	::	Unreserved
4 th vacancy	::	Scheduled Tribe
5 th vacancy	::	Unreserved
6 th vacancy	::	Unreserved
7 th vacancy	::	Scheduled Caste
8 th vacancy	::	Unreserved
9 th vacancy	::	Unreserved
10 th vacancy	::	Unreserved
11 th vacancy	::	Scheduled Caste
12 th vacancy	::	Unreserved
13 th vacancy	::	Unreserved
14 th vacancy	::	Unreserved
15 th vacancy	::	Scheduled Caste
16 th vacancy	::	Unreserved
17 th vacancy	::	Unreserved
18 th vacancy	::	Scheduled Caste
19 th vacancy	::	Unreserved
20 th vacancy	::	Unreserved
21 st vacancy	::	Scheduled Caste
22 nd vacancy	::	Unreserved
23 rd vacancy	::	Unreserved
24 th vacancy	::	Scheduled Tribe
25 th vacancy	::	Unreserved
26 th vacancy	::	Unreserved
27 th vacancy	::	Unreserved
28 th vacancy	::	Scheduled Caste
29 th vacancy	::	Unreserved
30 th vacancy	::	Unreserved
31 st vacancy	::	Unreserved
32 nd vacancy	::	Scheduled Caste
33 rd vacancy	::	Unreserved
34 th vacancy	::	Unreserved
35 th vacancy	::	Unreserved
36 th vacancy	::	Scheduled Caste
37 th vacancy	::	Unreserved
38 th vacancy	::	Unreserved
39 th vacancy	::	Unreserved
40 th vacancy	::	Scheduled Caste
41 st vacancy	::	Unreserved
42 nd vacancy	::	Unreserved
43 rd vacancy	::	Scheduled Tribe

44 th vacancy	::	Unreserved
45 th vacancy	::	Unreserved
46 th vacancy	::	Unreserved
47 th vacancy	::	Scheduled Caste
48 th vacancy	::	Unreserved
49 th vacancy	::	Unreserved
50 th vacancy	::	Unreserved
51 st vacancy	::	Scheduled Caste
52 nd vacancy	::	Unreserved
53 rd vacancy	::	Unreserved
54 th vacancy	::	Scheduled Tribe
55 th vacancy	::	Unreserved
56 th vacancy	::	Unreserved
57 th vacancy	::	Scheduled Caste
58 th vacancy	::	Unreserved
59 th vacancy	::	Unreserved
60 th vacancy	::	Unreserved
61 st vacancy	::	Scheduled Caste
62 nd vacancy	::	Unreserved
63 rd vacancy	::	Unreserved
64 th vacancy	::	Unreserved
65 th vacancy	::	Scheduled Caste
66 th vacancy	::	Unreserved
67 th vacancy	::	Unreserved
68 th vacancy	::	Scheduled Caste
69 th vacancy	::	Unreserved
70 th vacancy	::	Unreserved
71 st vacancy	::	Scheduled Caste
72 nd vacancy	::	Unreserved
73 rd vacancy	::	Unreserved
74 th vacancy	::	Scheduled Tribe
75 th vacancy	::	Unreserved
76 th vacancy	::	Unreserved
77 th vacancy	::	Unreserved
78 th vacancy	::	Scheduled Caste
79 th vacancy	::	Unreserved
80 th vacancy	::	Unreserved
81 st vacancy	::	Unreserved
82 nd vacancy	::	Scheduled Caste
83 rd vacancy	::	Unreserved
84 th vacancy	::	Unreserved
85 th vacancy	::	Unreserved
86 th vacancy	::	Scheduled Caste
87 th vacancy	::	Unreserved
88 th vacancy	::	Unreserved
89 th vacancy	::	Unreserved
90 th vacancy	::	Scheduled Caste
91 st vacancy	::	Unreserved
92 nd vacancy	::	Unreserved
93 rd vacancy	::	Scheduled Tribe
94 th vacancy	::	Unreserved
95 th vacancy	::	Unreserved
96 th vacancy	::	Unreserved
97 th vacancy	::	Scheduled Caste
98 th vacancy	::	Unreserved
99 th vacancy	::	Unreserved
100 th vacancy	::	Unreserved

(2) The Governor is further pleased to direct that in the model roster in paragraph (1) shown as 'Unreserved' the 9th, 19th, 29th, 49th, 59th, 69th, 89th vacancies shall be reserved for backward classes under Category-B and 6th, 13th, 38th, 45th, 52nd, 63rd, 76th, 84th and 99th vacancies shall be reserved for backward classes under Category-A of backward classes of citizens included in the lists as defined in clause (c) of section 2 of the West Bengal Commission for Backward Classes Act, 1993 (West Bengal Act I of 1993).

(3) This order shall come into force at once.

By order of the Governor
Sk. Nurul Haque
Pr. Secy. to the Govt. of West Bengal

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Government of West Bengal
Backward Classes Welfare Department
Writers' Buildings, Kolkata-700001

Website: www.anagrasarkalyan.gov.in / www.bcwdwb.gov.in

No.633-BCW/MR-303/2011

Kolkata, the February 20th, 2012

ORDER

Whereas this Department has notified Model 100-point roster for the purpose of implementation of 10% and 7% reservation for the Other Backward Classes belonging to Category A and Category B respectively in direct recruitment under Notification No. 6316-BCW/MR-84/10 dated 24.09.2010;

Whereas it has been observed that roster point(s) belonging to OBC-A as per Notification mentioned above is/are found reserved for SC/ST/BC (now OBC-B) by way of regularization/de-reservation order issued previously by competent authority and not filled up before 24.09.2010;

And Whereas in such cases, the reservation(s) for SC/ST/OBC(OBC-B) is/are required to carry forward further to subsequent unreserved point(s) in order to pave the way for filling up by the candidates belonging to OBC-A as per roster;

Now therefore, in terms of provision contained in the first proviso to subsection (2) of Subsection 6 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of vacancies in Services and Posts) Act, 1976 as amended from time to time and/or in terms of Notification No.2350-BCW/MR-92/2007 dated 14.07.2007 issued by Backward Classes Welfare Department, Government of West Bengal, the Governor is pleased to empower the Authenticating Authorities to carry forward reservation(s) to subsequent unreserved roster point(s) in respect of aforesaid cases specifically, instead of issuing separate Government order.

By Order of the Governor,

————— ● —————

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