

**Department of Personnel O.M. No.1/4/70-Estt.(SCT),
dated the 11th November, 1971, to all Ministries/Departments, etc.**

Subject :—Grouping of posts for the purpose of orders providing reservations for Scheduled Castes and Scheduled Tribes in services.

Attention of the Ministry of Finance etc. is invited to the provisions contained in para 6 of MHA, O.M. No. 42/21/49-NGS, dated 28th January, 1952, in which it has been provided that to secure adequate representation for Scheduled Castes and Scheduled Tribes in isolated posts or in small cadres, posts of similar status and salary may be grouped for the purposes of implementation of orders providing reservations for Scheduled Castes and Scheduled Tribes.

2. In "Director General of Posts & Telegraph *Vs* M. Natarajan & others" the High Court of Madras made the following observations regarding the validity of grouping of posts :—

"The Union Government in exercise of its administrative authority was certainly entitled to group cadres of service for the purpose of giving representation to the Scheduled Castes in order to give effect to Article 16(4) of the Constitution. But this is subject to the rule that such representation should not be excessive. In "*M. R. Balaji Vs. State of Mysore and Devadasan Vs. Union of India*", the Supreme Court opined that any representation to the Scheduled Castes of a reserved character exceeding 50 per cent of the vacancies to be filled in at any time would be unreasonable and bad."

While making these observations the Court held that representation in excess of 50 per cent of the vacancies being filled in a year in one of the services in the group as excessive and bad, even though the reservation provided for Scheduled Castes and Scheduled Tribes in the grouped services as a whole did not exceed 50 per cent of the vacancies filled in that group of services.

3. This matter has been considered further and it has been decided that while reservation for Scheduled Castes/Scheduled Tribes may continue to be made by grouping of posts as provided in the O.M. of 28-1-52, care should be taken that the total reservation in any of the posts/services so grouped does not exceed 50 per cent of the vacancies to be filled in it in a recruitment year. Thus the carried forward reservations would now be utilised in any one of the grouped posts subject to the total number of reserved vacancies in a post/service not exceeding 50 per cent of the vacancies to be filled in that post/service during the year.

Ministry of Finance etc. are requested to bring the contents of this O.M. to the notice of all appointing authorities, under them.
