

No.36012/35/2013-Estt. (Res.)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, North Block,
Dated the 21st January, 2014

OFFICE MEMORANDUM

Subject: - Identification of Scientific and Technical posts in terms of DoPT's O.M. No. 9/2/73-Estt (Res), dated 23.6.1975.

The undersigned is directed to invite a reference to this Department's O.M No. 9/2/73-Estt(SCT), dated 23rd June, 1975 wherein it has been stated that scientific and technical posts required for conducting research or for organizing, guiding and directing research which satisfy the conditions laid down therein, can be exempted from the purview of the orders relating to reservations for Scheduled Castes and Scheduled Tribes.

2. The Hon'ble Supreme Court in its judgment date 18.7.2013 in Civil Appeal No. 4500/2002[Faculty Association of AIIMS Vs UOI & Ors] impressed upon the Central and State Governments to take appropriate steps in accordance with the views expressed in Indra Sawhney's case wherein it was observed that there were certain services and posts where either on account of the nature of duties attached to them or the level in the hierarchy at which they stood, merit alone counts and in such situations, it cannot be advised to provide for reservation.

3. In this connection, attention is invited to para 2 of this Department's O.M No. 9/2/73-Estt(SCT), dated 23.6.1975(copy enclosed) in which Ministries/Departments were asked to review the list of scientific and technical posts under their control which are at present exempt from the purview of the orders relating to reservations for Scheduled Castes/Scheduled Tribes. Keeping in view of the aforesaid judgment of the Hon'ble Supreme Court, it has been decided to identify all such Scientific & Technical posts in each Ministry/Department.

4. All the Ministries/Departments are requested to identify scientific and technical posts under them and intimate this Department about such posts

which have been exempted from the purview of reservation. The information may be furnished to this Department by 15th February 2014.



(Sandeep Mukherjee)

Under Secretary to the Government of India

Tel: 23092110

To

1. All Ministries/Departments of the Govt. of India
2. Railway Board
3. Supreme Court of India/Election Commission/ Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/Prime Minister's Office, Planning Commission.
4. National Commission of Scheduled Castes/ National Commission of Scheduled Tribes
5. Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi
6. Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi
7. ✓ NIC with request to upload in the website of DoPT under head Estt(Reservation)> SC,ST,OBC.

Department of Personnel and A.R. O.M. No. 9/2/73-Estt.(SCT)
dated the 23rd June, 1975 to all Ministries etc.

Subject :—Reservation in services for Scheduled Castes and Scheduled Tribes—Exemption of scientific and technical posts.

According to the Ministry of Home Affairs O.M. No. 9/2/63-SCT(I), dated 2nd November, 1963 and No. 9/2/63-SCT(I), dated 17th July, 1964 read with O.M. No. 9/4/69-Estt.(SCT), dated 6th October, 1969, 'scientific and technical' posts required for conducting research or for organising, guiding and directing research which satisfy the conditions laid down therein, can be exempted from the purview of the orders relating to reservations for Scheduled Castes and Scheduled Tribes. Under the above orders, exemption in respect of gazetted posts which fulfil conditions laid down in the O.M. referred to above, can be given by the Ministries/Departments themselves after obtaining the orders of the Minister concerned whereas in respect of non-gazetted posts of similar nature, the Department of Personnel & Administrative Reforms is to be consulted before exemption is granted. The question whether reservations should be introduced in respect of the scientific and technical posts which are so exempt from the purview of the reservations for Scheduled Castes and Scheduled Tribes under the existing orders has been under examination in this Department. In partial modification of the instructions referred to above, it has now been decided that the same scheme of reservations for Scheduled Castes and Scheduled Tribes should cover appointments made to scientific and technical posts up to and including the lowest grade of Class I in the respective services wherever they have been hitherto exempt from the purview of the scheme of reservations so far on the ground that the posts were intended for conducting/directing, guiding research work. It has also been decided that the reserved vacancies in scientific and technical posts which would thus be brought within the purview of the scheme of reservations for candidates from Scheduled Castes and Scheduled Tribes need be advertised only once, instead of twice, as prescribed in Ministry of Home Affairs O.M. No. 1/1/70-Estt.(SCT), dated 31-7-70. In the event of non-availability of candidates belonging to the reserved communities, the reserved vacancies may be treated as dereserved by the administrative Ministry/Department concerned without obtaining the approval of the Department of Personnel & Administrative Reforms.

2. To give effect to the decisions mentioned in para 1 above, Ministries/Departments are requested to review the lists of scientific and technical posts under their control which are at present exempt from the purview of the orders relating to reservations for Scheduled Castes and Scheduled Tribes. Only such of the scientific and technical posts as satisfy all the following conditions should hereafter be exempted from the purview of the reservation orders :—

- (i) The posts should be in grades above the lowest grade in Class I of the Service concerned;
- (ii) They should be classified as 'scientific or technical' in terms of Cabinet Secretariat (Department of Cabinet Affairs) O.M. No. 85/11/CF-61(1), dated 28-12-1961; and
- (iii) There should be posts for conducting research or for organising, guiding and directing research.

Orders of the Minister concerned should be obtained before exempting any post satisfying the above conditions from the purview of the scheme of reservations.

3. Exemption, if any, in operation at present, from the purview of the reservation orders in respect of the scientific and technical posts up to and inclusive of the lowest grade of Class I of a service should be treated as cancelled with immediate effect and reservations should be provided for Scheduled Castes and Scheduled Tribes candidates in such posts also with immediate effect. Reserved vacancies in such posts need be advertised only once and not twice as provided in this Department's O.M. No. 1/1/70-Estt.(SCT), dated 31-7-70. In the event of non-availability of candidates belonging to reserved communities, vacancies in such posts may be treated as dereserved by the administrative Ministry/Department concerned and prior approval of this Department will not be necessary for such dereservation. However, the Commissioner for Scheduled Castes and Scheduled Tribes

and this Department should be informed about the dereservation made together with details and reasons necessitating the dereservation.

4. The decisions mentioned in para 1-3 above will not however apply to posts in the Department of Space and in the Department of Electronics and in regard to the recruitment of trainees to the training school under the Department of Atomic Energy. In these Departments, scientific and technical posts for research will continue to be exempt from the purview of the orders regarding reservations for Scheduled Castes and Scheduled Tribes under the orders in MHA OM, dated 2-11-1963, 17-7-1964 and 6-10-1959.

5. Ministry of Finance etc. are requested to bring the above decision to the notice of all authorities under them for appropriate action.

**Cabinet Secretariat (Department of Cabinet Affairs) O.M. No.85/11/CF-61(1),
dated the 28th December, 1961, to the Ministries/Departments, etc.**

Subject :—Classification of posts as 'scientific or technical' for the purposes of granting extensions of service beyond the prescribed age of retirement.

The undersigned is directed to invite a reference to the Joint Secretary to the Cabinet letter No. 164/CP/59, 60, dated December 29, 1960 on above subject. It was stated in that letter that at the meeting of the Committee of Secretaries held on December 20, 1960, it has been decided that for the purposes of granting extensions of service beyond the prescribed age of retirement, the posts which should be classified as 'scientific or technical' should be those, the incumbents of which have to use a knowledge of the exact/natural sciences or of technology, in the discharge of their duties and are engaged in or in charge of research, development, designing, construction, production, inspection, survey, testing or teaching. The Ministries/Departments were requested to prepare or revise the already prepared lists of posts and services under their administrative control in the light of the above decision and to forward them to this Secretariat for examination by the Committee of Secretaries.

2. On receipt of the revised lists from some of the Ministries/Departments, the matter was re-examined by the Committee of Secretaries. Having regard to the present overall shortage of scientific and technical personnel of all descriptions in the country, it was decided that the definition of 'scientific or technical' posts evolved by the Committee at its meeting held on December 20, 1960, should be liberalised so as to include all posts for which qualifications in the natural/exact sciences, or applied sciences or in technology are prescribed and the incumbents of which have to use that knowledge in the discharge of their duties. The lists of posts received from the Ministries/Departments, so far, have been examined by the Committee in the light of the revised definition and the decision taken has been notified to the concerned Ministries/Departments, with copies to the Ministries of Home Affairs and Finance.

3. If the Ministries/Departments have any further posts and services under their administrative control which they wish to recommend for being classified as 'scientific or technical' in the light of the revised definition, it is suggested that supplementary lists of those posts may be prepared in the attached proforma, and 10 copies of the list forwarded to this Secretariat for examination by the Committee of Secretaries.

The lists of posts which may be ready by now on the basis of the previous definition need not be held over pending re-examination. It is requested that those lists may be sent to this secretariat for examination by the Committee of Secretaries.
