

Department of Personnel and Administrative Reforms O.M. No.36012/3/78-
Estt.(SCT),
dated the 9th February, 1982, to all Ministries/Departments, etc.

Subject :—Reservation for SC/ST in services—stipulation of 50 per cent limit for fresh and carry-forward reservations with reference to the total vacancies in a recruitment year.

The undersigned is directed to refer to the Department of Personnel & A.R. Office Memorandum No. 16/3/73-Estt.(SCT) dated 27-12-1977 in which it has been stated that the carried-forward reserved vacancies would be available together with the current reserved vacancies for utilisation even where the total number of such reserved vacancies exceed 50% of the vacancies filled in that year provided that the overall representation of SC and ST in the total strength of the concerned grade or cadre is found to be inadequate i.e., the total number of Scheduled Caste/Scheduled Tribe candidates in that grade has not reached the prescribed percentages of reservation for SC/ST respectively in the grade, as a whole.

2. The validity of this Office Memorandum has been reconsidered in the light of the judgement delivered by the Supreme Court on 14-11-1980 in Writ Petition No. 1041-1044 of 1979 (Akhil Bharatiya Soshit Karmachari Sangh Vs. Union of India). In this case, all the three judges constituting the Division Bench have remarked that the total reservation on a particular occasion should not exceed 50% of the total vacancies. It has now been decided in modification to the instructions contained in the Office Memorandum dated 27-12-1977 that *in future, fresh reservation along with carry-forward reservation should not exceed 50 per cent of the total vacancies available on a particular occasion.*

3. It may happen that due to this 50% limit, it will not be possible to accommodate all the reservations which have accumulated due to the carry-forward principle. Hence the surplus above 50% shall be carried-forward to the subsequent years of recruitment, subject, however, to the condition that they do not become three recruitment years old which is the maximum period for carrying-forward the reservations from year to year and Lapse. Hence, to save the lapsing of the reservations, it will be proper to accommodate the oldest carry-forward reservations first.

For example, there are 5 carried-forward reservations spreading over three preceding recruitment years in the following manner :—

	SC	ST
Third Year	1	
Second Year	1	1
First Year		2

Suppose 6 vacancies occur in the succeeding year, 3 should be reserved taking into consideration the 50% limit. As the oldest carried forward reservations have to be accommodated first, one SC of third year and one SC and one ST of second year are to be reserved out of the 6 vacancies available. The two ST reservations of first year will be carried forward to next recruitment year and they will be considered as in the second year of carry forward in the next recruitment year.

4. This order, however, will not affect this Department's Office Memorandum No. 1/9/74-Estt.(SCT) dated 29-4-1975, which governs the procedure regarding filling up of single vacancy, occurring in a recruitment year. Ministries/Departments should make the necessary modifications in the dereservation proposals while sending them to the Department of Personnel & A.R. and to the Commissioner for SC/ST. It is further clarified that no dereservation will be necessary for further carrying forward of reservations which could not be accommodated in any recruitment year due to the 50% limit.

5. The above instructions take effect from the date of the issue of these orders except where selections to posts to be filled by direct recruitment or promotion have already been finalised prior to the issue of these orders.

6. Ministry of Finance etc. are requested to bring the above instructions to the notice of all attached and subordinate offices under them for compliance.