

Department of Personnel and Administrative Reforms O.M. No.36013/2/79-
Estt.(SCT),
dated the 2nd April, 1979, to all Ministries/Departments, etc.

Subject :—reservations for Scheduled Castes and Scheduled Tribes in Services—carry-forward of unfilled reservations and exchange of reservations between Scheduled Castes and Scheduled Tribes in the third year.

The undersigned is directed to refer to para 2 and 3 of Ministry of Home Affairs O.M. No. 77/25/68-Estt.(SCT) dated 25-3-1970 according to which while vacancies reserved for Scheduled Castes and Scheduled Tribes are treated as reserved for the respective community only, Scheduled Tribe candidates are also to be considered for appointment against a vacancy reserved for Scheduled Caste candidates where such a vacancy could not be filled by a scheduled Caste candidate even in the third year to which the vacancy is carried-forward. This arrangement like-wise applies also in the case of vacancies reserved for Scheduled Tribes. Further, if Scheduled Caste/Tribe candidates are not available for all the vacancies, the older carried-forward vacancies should be filled first and the later vacancies which have been carried-forward should be further carried-forward *vide* note (2) below para 11.1 of the Brochure on Reservation for SC and ST 5th Edition, 1978. Instances have come to the notice of this Department where although there were carried-forward reserved vacancies for Scheduled Tribes in the third year *i.e.* they were exchangeable in favour of Scheduled Castes, such vacancies were being treated as lapsed without adjusting the Scheduled Castes candidates who had become available against such vacancies. To cite an instance, there were 13 vacancies reserved for Scheduled Castes and 24 for Scheduled Tribes under an appointing authority. Twenty-two of the 24 vacancies for Scheduled Tribes had been carried-forward to the third year of recruitment and were, therefore, exchangeable in favour of Scheduled Castes. There were actually 23 Scheduled Caste candidates available against 13 vacancies reserved for them (and no Scheduled Tribe candidates were available). The appointing authority proposed that only the 10 (23-13) surplus Scheduled Caste candidates may be adjusted against 10 of the 22 exchangeable reserved vacancies and the remaining 12 vacancies for ST carried-forward in the third year may be treated as lapsed. The interpretation of the orders sought to be made in the above manner by the said appointing authority was not correct and this was pointed out to it by the Commissioner for Scheduled Castes and Scheduled Tribes and by this Department. The correct interpretation in such a case is that the 22 of the 23 of Scheduled Caste candidates should first be adjusted against the vacancies for Scheduled Tribes carried-forward in the third year and the remaining one Scheduled Caste candidate should be adjusted against one of the 13 vacancies reserved for Scheduled Castes. Thus, none of the carried-forward vacancies for Scheduled Tribes should have lapsed in the case cited and the unutilised vacancies *i.e.* 12, reserved for Scheduled Castes would be carried-forward. It is requested that the correct interpretation of the order as indicated above may be kept in view when any such cases arise while making recruitment against reserved vacancies.