

CHAPTER 8

PROCEDURE FOR FILLING RESERVED VACANCIES IN RECRUITMENT THROUGH UPSC OR BY ADVERTISEMENT

The following procedure should be followed while sending requisitions to the UPSC or issuing of advertisements for filling the reserved vacancies (in posts filled through advertisement as the primary source of recruitment):—

M.H.A. O.M. No. 8.1 Advertisement of reserved vacancies for posts filled by direct recruitment otherwise than through examination :
1/1/70 Estt (SCT)
dated 31-7-70.

(a) *First advertisement :*

Where direct recruitment (otherwise than through examination) is to be made to a vacancy or vacancies reserved for Scheduled Castes or Scheduled Tribes only (and not to any unreserved vacancy/vacancies as well), advertisement on the first occasion will be issued inviting applications only from the candidates belonging to the Scheduled Castes, and/or the Scheduled Tribes, as the case may be, and not from general candidates.

(b) *Second Advertisement :*

If, after advertisement as in sub-para (a) above, the required number of Scheduled Caste or Scheduled Tribe candidates are not selected for the reserved vacancy or vacancies the remaining reserved vacancy/vacancies will be readvertised but, on this occasion general candidates would also be eligible to apply. The general candidates would, however, be considered only if no suitable Scheduled Castes or Scheduled Tribe candidates, as the case may be, are still available for appointment to the vacancies reserved for them. This may be clarified in the advertisement.

(c) *Advertisement where recruitment is to be made for both reserved and unreserved vacancies :*

If direct recruitment otherwise than through examination is to be made for reserved as well as unreserved vacancies on any one occasion, a single advertisement can be issued for such reserved and unreserved vacancies specifying clearly therein the vacancies reserved for Scheduled Castes and Scheduled Tribes. If any reserved vacancies remain unfilled for want of suitable Scheduled Castes/Scheduled Tribes candidates, they should not be filled by general candidates, on this occasion but should be readvertised and filled on the lines indicated in sub-para (b) above.

(d) *Ad-hoc appointment of Scheduled Castes/Scheduled Tribes candidates :*

If it becomes necessary to fill a reserved Vacancy pending selection according to the procedure outlined in sub-paras (a), (b) or (c) above, the appointing authority may make *ad-hoc* appointment of suitable Scheduled Caste or Scheduled Tribe candidates, as the case may be, against such reserved vacancy. In the case of posts recruitment to which is made through the Union Public Service Commission, the *ad-hoc* appointment of Scheduled Castes/Scheduled Tribes candidates will be subject to Regulation 4(1) of the Union Public Service Commission (Exemption from Consultation) Regulations.

8.2 Advertisement of reserved vacancies for posts filled by direct recruitment through examination.

Where direct recruitment is made through examination, for reserved as well as unreserved vacancies, a single advertisement would be issued for such examination but the number of the vacancies reserved for Scheduled Castes and Scheduled Tribes would be specified clearly in it and in case the required number of Scheduled Castes or Scheduled Tribes candidates are not available even by applying relaxed standards for the vacancy/vacancies reserved for them, the remaining vacancy/vacancies could be filled by general candidates after dereservation of such vacancy/vacancies, subject to the reservations being carried forward as required.

8.3 Exchange of vacancies between Scheduled Castes and Scheduled Tribes.

If a reserved vacancy or vacancies referred to in paras 8.1 and 8.2 include any vacancy/vacancies which have been carried forward to the third year of carry forward excluding the year of original reservation and the year or years in which no vacancy arises), applications should be invited both from Scheduled Castes and Scheduled Tribes candidates but it should be clarified in the advertisement that for a vacancy or vacancies reserved for Scheduled Castes, Scheduled Tribes candidates would be considered only in the event of non-availability of suitable Scheduled Caste candidates and similarly in respect of a vacancy or vacancies reserved for Scheduled Tribes, Scheduled Castes candidates, would be considered only in the event of non-availability of suitable Scheduled Tribe candidates.

8.4 Separate interview of Scheduled Caste/Scheduled Tribe candidates.

In direct recruitment made in accordance with the procedure in para 8.1 above and in recruitment made through examination (vide para 8.2 above) followed by an interview, the interview, of Scheduled Castes/Scheduled Tribes candidates should be held on a day or sitting of the Selection Committee other than the day or sitting on which general candidates are to be interviewed so that the Scheduled Castes and Scheduled Tribes candidates are not judged in comparison with general candidates and the interviewing authority/Board is/are prominently aware of the need for judging the Scheduled Castes/Scheduled Tribes candidates by relaxed standards.

8.5 Scheduled Castes/Scheduled Tribes candidates selected on their own merit without relaxed standards.

36012/13/88-Est
(SCT) dt. 22-5-89

In cases of direct recruitment to vacancy in posts under the Central Govt. the SC and ST candidates who are selected on their own merit without relaxed standards along with candidates belonging to the other communities, will not be adjusted against the reserved share of vacancies.

COPIES OF OFFICE MEMORANDUM ETC. ON CHAPTER 8

O.M. No. 1/1/70-Estt.(SCT)

31-7-70.

36012/13/88/Estt. (SCT)

22-5-89.

36012/6/88 Estt.(SCT)

6-9-89.

Ministry of Home Affairs O.M. No. 1/1/70-Estt.(SCT)
dated 31st July, 1970 to all Ministries etc.

Subject :—Procedure for selection of Scheduled Castes/Scheduled Tribes candidates against vacancies reserved for them—Issue of advertisements and holding of separate interviews.

The undersigned is directed to refer to this Ministry's O.M. No. 31/10/63-SCT(I), dated 27th March, 1963 and No. 1/6/67-Estt.(C), dated 20th September, 1967 laying down *inter-alia* the procedure for dereservation of reserved vacancies in the event of suitable candidates belonging to Scheduled Castes and Scheduled Tribes being not available even after applying the relaxed standard of suitability in their cases. When any such vacancies are dereserved and filled by general candidates, the reservations are carried forward to subsequent three recruitment years *vide* para 2 of this Ministry's O.M. No. 27/25/68-Estt.(SCT) dated 25th March, 1970. As in some services/posts, Scheduled Castes/Scheduled Tribes candidates could not be selected for all the vacancies reserved for them, the question of taking further steps in order to accelerate the induction of Scheduled Castes and Scheduled Tribes in such vacancies has been considered by the Government and it has been decided to adopt the following measures in this connection :—

2. (a) Advertisement of reserved vacancies (filled by direct recruitment otherwise than through examination) for Scheduled Castes/Scheduled Tribes candidates only :

Where direct recruitment (otherwise than through examination) is to be made to a vacancy or vacancies reserved for Scheduled Castes or Scheduled Tribes *only*, (and not to be any unreserved vacancy/vacancies as well) advertisement will be issued inviting applications only from the candidates belonging to the Scheduled Castes, and/or the Scheduled Tribes, as the case may be, and not from general candidates. However, if the reserved vacancy or vacancies referred to above include any such vacancy or vacancies which have been carried forward to the third year of recruitment, Scheduled Caste candidates can be considered for such of the vacancies as are reserved for Scheduled Tribes and *vice-versa vide* para 3 of this Ministry's O.M. No. 27/25/68-Estt.(SCT) dated 25th March, 1970. Accordingly, in the advertisement issued for filling in those reserved vacancies which have been carried forward to the third year of recruitment, applications should be invited *both* from Scheduled Castes and Scheduled Tribes candidates, but it should be clarified in the advertisement that for a vacancy reserved for Scheduled Castes, Scheduled Tribes candidates would be considered only in the event of non-availability of suitable Scheduled Caste candidates and similarly, in respect of a vacancy or vacancies reserved for Scheduled Tribes, Scheduled Castes candidates would be considered only in the event of non-availability of suitable Scheduled Tribes candidates.

(b) Readvertisement for filling reserved vacancies :

If, after following the procedure outlined in sub-para (a) above, the required number of Scheduled Caste or Scheduled Tribe candidates are not selected for the reserved vacancy or vacancies, the remaining reserved vacancy/vacancies will be readvertised but, on this occasion, general candidates would also be eligible to apply. The general candidates would however, be considered only if no suitable Scheduled Caste or Scheduled Tribe candidates, as the case may be, are still available for appointment to the vacancies reserved for them. This may be clarified in the advertisement. In case any general candidate is thus appointed against a reserved vacancy after its dereservation the reservation should be carried forward according to the instructions in this regard.

(c) Advertisement where recruitment is to be made both for reserved and unreserved vacancies :

If direct recruitment otherwise than through examination is to be made for reserved as well as unreserved vacancies on any one occasion, a single advertisement can be issued for such reserved and unreserved vacancies specifying clearly therein the vacancies reserved for Scheduled Castes and Scheduled Tribes. If the reserved vacancy or vacancies, referred to above include any vacancy/vacancies which have been carried forward to the third year of recruitment, it should also be clarified in the advertisement that Scheduled Tribe candidates would be considered for vacancies reserved for Scheduled Castes in the event of non-availability of suitable Scheduled Caste candidates and *vice-versa* on the lines indicated in sub-para (a) above. If any reserved vacancies remain

unfilled for want of suitable Scheduled Castes/Scheduled Tribes candidates, they should not be filled by general candidates on this occasion but should be readvertised and filled on the lines indicated in sub-para (b) above.

(d) Direct recruitment through examination :

Where direct recruitment is made through examination, for reserved as well as unreserved vacancies, single advertisement would be issued for such examination but the number of vacancies reserved for Scheduled Castes and Scheduled Tribes would be specified clearly in it and in case the required number of Scheduled Castes or Scheduled Tribes candidates are not available even by applying relaxed standards for the vacancy/vacancies reserved for them, the remaining reserved vacancy/vacancies could be filled by general candidates after dereservation of such vacancy/vacancies. The vacancy/vacancies so deserved will be carried forward according to the instructions in this regard.

(e) Separate interview of Scheduled Castes and Scheduled Tribes candidates :

(i) When direct recruitment otherwise than through examination is to be made in accordance with the procedure in sub-para (b) or (c) above, the interview of Scheduled Castes/Scheduled Tribes candidates should be held on a day or sitting of the Selection Committee other than the day or sitting on which general candidates are to be interviewed so that Scheduled Castes and Scheduled Tribes candidates are not judged in comparison with general candidates and the Interviewing Authority/Board is/are prominently aware of the need for judging the Scheduled Castes/Scheduled Tribes candidates by relaxed standards.

(ii) In direct recruitment made through examinations along with interview also the interview of Scheduled Castes/Scheduled Tribes candidates should be held on a separate day or sitting on the lines indicated in sub-para (i) above.

(f) Ad-hoc appointment of Scheduled Castes/Scheduled Tribes candidates :

If it becomes necessary to fill a reserved vacancy pending selection according to the procedure outlined in sub-para (a), (b) or (c) above, the appointing authority may make *ad-hoc* appointment of suitable Scheduled Caste or Scheduled Tribe candidate, as the case may be, against such reserved vacancy. In the case of posts recruitment to which is made through the Union Public Service Commission, the *ad-hoc* appointment of Scheduled Castes/Scheduled Tribes candidates will be subject to Regulation 4(1) of the Union Public Service Commission (Exemption from Consultation) Regulations.

3. Ministry of Finance etc. are requested to bring the above instructions to the notice of all appointing authorities under them including public sector undertakings and statutory, semi-Government and autonomous bodies.

**Department of Personnel & Training No. 36012/13/88-Estt (SCT)
dated the 22nd May, 1989 to all Ministries/Departments of the Govt. of India**

Subject :—Measures to increase SC/ST representation in the services under the Government through direct recruitment.

As part of measures to increase the representation of SC/ST in the services under the Central Government, the Government have reviewed the procedure for implementing the policy of reservation while filling up reserved share of vacancies for Scheduled Castes and Scheduled Tribes by direct recruitment. The practice presently being followed is to adjust SC/ST candidates selected for direct recruitment without relaxation of standards against the reserved share of vacancies. The position of such SC and ST candidates in the final select list, however, was determined by their relative merit as assigned to them in the selection process. When sufficient number of suitable Scheduled Castes and/or Scheduled Tribe candidates were not available to fill up all the reserved share of vacancies, SC/ST candidates were selected by relaxed standards.

2. It has now been decided that in cases of direct recruitment to vacancies in posts under the Central Government the SC and ST candidates who are selected on their own merit without relaxed standards along with candidates belonging to the other communities, will not be adjusted against the reserved share of vacancies. The reserved vacancies will be filled up separately from amongst the eligible SC and ST candidates which will thus comprise SC and ST candidates who are lower in merit than the last candidate on the merit list but otherwise found suitable for appointment even by relaxed standards, if necessary.

3. All Ministries/Departments will immediately review the various Recruitment Rules/Examinations Rules to ensure that if any provisions contrary to the decision contained in previous paragraph exist in such Rules, they are immediately suitably modified or deleted.

4. These instructions shall take immediate effect in respect of direct recruitments made hereafter. These will also apply to selections where though the recruitment process has started, the results have not yet been announced unless in the examination/Recruitment rules or in the advertisement notified earlier there is a specific provision to the contrary and the manner in which the SC/ST vacancies could be filled has been indicated.

**Department of Personnel & Training O.M. No. 36012/6/88-Estt. (SCT), SRD
dated 6-9-89.**

Subject :—Recruitment against vacancies reserved for Scheduled Castes and Scheduled Tribes.

The undersigned is directed to say that it has been brought to the notice of the Department of Personnel & Training that in the advertisements issued by some organisations inviting applications for appointment to vacancies in various grades, including vacancies reserved for Scheduled Castes and Scheduled Tribes, there is no mention of relaxation in the upper age limit and the admissibility of relaxation in experience against the reserved posts. Often the number of vacancies reserved for Scheduled Castes and Scheduled Tribes are also not indicated. It is only mentioned that there will be reservation for Scheduled Castes and Scheduled Tribes as per rules.

2. The omissions of the type referred to above adversely affect the efficacy of the effort made to recruit candidates belonging to Scheduled Castes and Scheduled Tribes against reserved vacancies and may result in the reserved vacancies remaining unfilled. It is, therefore, requested that instructions may kindly be issued to all the recruiting authorities to ensure that such omissions are not allowed to occur.
