



॥ अंतरी पेटवू ज्ञानज्योत ॥

कवयित्री बहिणाबाई चौधरी उत्तर महाराष्ट्र विद्यापीठ, जळगाव

Kavayitri Bahinabai Chaudhari North Maharashtra University, Jalgaon

उमविनगर, जळगाव, दूरध्वनी क्र. : ०२५७-२२५७२७६, २२५७२७७ फॅक्स क्र. : ०२५७-२२५८४०३, ४०६,
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जा.क्र.कबचौउमवि/13/ 7 /2021

दि.24/02/2021

प्रति,

- 1) कवयित्री बहिणाबाई चौधरी उत्तर महाराष्ट्र विद्यापीठाशी संलग्नित सर्व महाविद्यालयांचे मा.प्राचार्य व मान्यताप्राप्त परिसंस्थांचे मा.संचालक यांना...
- 2) विद्यापीठातील विविध प्रशाळांचे मा.विभागप्रमुख

विषय:- शासनाच्या आरक्षण धोरणाच्या अंमलबजावणीबाबत.

संदर्भ:- विद्यापीठ अनुदान आयोगाचे पत्र क्र.F.1-8/2014(SCT)dtd.01/02/2021

महोदय/ महोदया,

उपरोक्त संदर्भिय पत्रान्वये विद्यापीठ अनुदान आयोगाने शासनाच्या आरक्षण धोरणाची काटेकोरपणे अंमलबजावणी करण्याबाबत निर्देश दिलेले आहेत.

यासंदर्भात आपणास कळविण्यात येते की, मागासवर्गीय शिक्षक / शिक्षकेतर संवर्गातील रिक्त पदांच्या अनुशोषाबाबतची सांख्यिकी माहिती, तसेच शैक्षणिक वर्ष 2020-21 मध्ये विविध अभ्यासक्रमांना प्रवेशित विद्यार्थी व वसतिगृहांमध्ये प्रवेश घेतलेल्या विद्यार्थ्यांची प्रवर्गनिहाय सांख्यिकी माहिती विद्यापीठ अनुदान आयोगाच्या University Activity Monitoring Portal (UAMP) वरील <https://ugc.ac.in/uamp/> या वेबसाईट वर महाविद्यालयांनी त्वरीत भरावयाची आहे.

कळावे,

आपला विश्वासू,

प्रा.वा.व्ही.पवार

प्र.कुलसचिव

सोबत: विद्यापीठ अनुदान आयोगाचे पत्र क्र. F.1-8/2014 (SCT) dtd.01/02/2021



विश्वविद्यालय अनुदान आयोग
University Grants Commission
मंत्रालय विकास संसाधन मानव), भारत सरकार(
(Ministry of Human Resource Development, Govt. Of India)
35, फिरोज शाह मार्ग, नई दिल्ली 110001 -
35, Feroze Shah Road, New Delhi- 110001
दूरभाष Phone : कार्यालय Off : 236046 -01162
Email : sctsection@gmail.com

F.1-8/2014(SCT)

February,2021

The Registrar,
All Central/State/Deemed to be Universities.
and Grants-in-aid Institutions.

01 FEB 2021

Sub:- Implementation of Reservation Policy of the Government in Universities, Deemed to be Universities, Colleges and other Grant-in-aid Institutions and Centres.

Sir/Madam,

This is in continuation to this office letter of even number dated 19.10.2020 and subsequent reminder dated 20.01.2021 on the subject mentioned above. As you are aware that the University Grants Commission is continuously monitoring the progress of implementation of Reservation Policy for SCs, STs & OBC, EWS and Persons with Disabilities in teaching and non-teaching posts as well as admission to all level courses in universities and colleges.

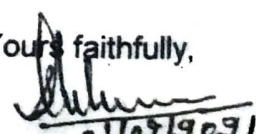
According to UGC Act, 1956, the UGC has to ensure effective implementation of the Reservation Policy in Universities and Institutions receiving aid from the public funds except in Minority Institutions under Article 30(1) of the Constitution. All centrally funded Universities/colleges/Institutions are required to ensure strict compliance of Government of India orders/rules on the reservation in their institutions. State Universities including its affiliated/constituent colleges and other Institutes functioning within the State should follow the percentage of reservation for SC/ST & OBC as prescribed by the concerned State Government.

You are required to display the reservation roster which is to be updated at regular intervals on your web-site as per instructions issued by the Govt. of India, Dept. of Personnel & Training, New Delhi vide O.M. No.36012/2/96-Estt.(Res.) dated 2nd July, 1997.

You are also requested to fill up remaining backlog identified reserved vacancies under these categories in teaching and non-teaching posts. The UGC has circulated a letter No.F.1-5/2006(SCT) dated 19-11-2012 to all Universities regarding Central Educational Institutions (Reservation in Admission) Amendment Act, 2012 for compliance and necessary action as per the Gazette Notification 33. It is mandatory to furnish report along with statistical information in respect of teaching and non-teaching as well as admissions to all level courses and Hostel accommodation during the 2020-21 as per the prescribed format on the University Activity Monitoring Portal (UAMP) of UGC at following link <https://ugc.ac.in/uamp/>

The above instructions should also be circulated to all the constituent and affiliated colleges of your university for follow-up action please.

Yours faithfully,


(Dr. G.S. Chauhan)
Joint Secretary



विश्वविद्यालय अनुदान आयोग
University Grants Commission
मन्त्रालय विकास ससाधन मानव, भारत सरकार
(Ministry of Human Resource Development, Govt. Of India)
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दूरभाष Phone कार्यालय Ofl 011-26016 01162
Email: setsection@gmail.com

F.1-8/2014(SCT)

January, 2021

The Registrar,

Remaining Universities (253)

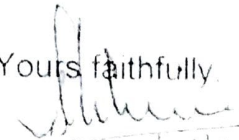
Sub:- Implementation of reservation Policy of the Government in Universities, Deemed to be Universities Colleges and other Grant-in-aid Institution and Centres

Sir/Madam,

The undersigned is directed to invite your kind attention to this office letter of even number dated 19.10.2020 on the subject mentioned above. The Government of India and University Grants Commission is continuously monitoring the progress of implementation of reservation Policy for SCs, STs, OBC, EWS and Persons with Disabilities in teaching and non-teaching posts as well as admission to all level courses in universities and colleges

You are also requested to furnish a report along with statistical information in respect of teaching and non-teaching as well as admissions to all level courses and Hostel accommodation during the 2020-21 as per the prescribed format (copy enclosed) on the University Activity Monitoring Portal (UAMP) of UGC at following link <https://ugc.ac.in/uamp/>.

Yours faithfully,


20/1/2021
(Dr G S Chauhan)
Joint Secretary



विश्वविद्यालय अनुदान आयोग
University Grants Commission

शिक्षा मंत्रालय, भारत सरकार

(Ministry of Education, Govt. Of India)

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Email : sectsection@gmail.com

F.1-8/2014(SCT)

19 October, 2020

The Registrar,
All Central/State/Deemed to be Universities.
and Grants-in-aid Institutions.

Sub:- Implementation of reservation Policy of the Government in Universities, Deemed to be Universities Colleges and other Grant-in-aid Institution and Centres.

Sir/Madam,

As you are aware that the University Grants Commission is continuously monitoring the progress of implementation of reservation Policy for SCs, STs & OBC.EWS and Persons with Disabilities in teaching and non-teaching posts as well as admission to all level courses in universities and colleges.

According to UGC Act, 1956, the UGC has to ensure effective implementation of the reservation policy in Universities and institutions receiving aid from the public funds except in Minority Institutions under Article 30(1) of the Constitution. All centrally funded Universities/colleges/Institutions are required to ensure strict compliance of Government of India orders/rules on the reservation in their institutions. State Universities including its affiliated/constituent colleges and other Institutes functioning within the State should follow the percentage of reservation for SC/ST & OBC as prescribed by the concerned State Government.

You are required to display the reservation roster which is to be updated at regular intervals on your web-site as per instructions issued by the Govt. of India, Dept. of Personnel & Training, New Delhi vide O.M. No.36012/2/96-Estt.(Res.) dated 2nd July, 1997.

You are also requested to fill up remaining backlog identified reserved vacancies of these categories in teaching and non-teaching posts, to furnish a report along with statistical information in respect of teaching and non-teaching as well as admissions to all level courses and Hostel accommodation during the 2020-21 as per the prescribed format (copy enclosed) on the University Activity Monitoring Portal (UAMP) of UGC at following link <https://ugc.ac.in/uamp/>

The above instructions should also be circulated to all the constituent and affiliated colleges of your university for follow-up action please.

Yours faithfully

(Dr. G.S. Chauhan)
Joint Secretary

Encl as above.



GOVERNMENT OF MAHARASHTRA

LAW AND JUDICIARY DEPARTMENT

MAHARASHTRA ACT No. LXII of 2018.

THE MAHARASHTRA STATE RESERVATION (OF SEATS FOR ADMISSION IN EDUCATIONAL INSTITUTIONS IN THE STATE AND FOR APPOINTMENTS IN THE PUBLIC SERVICES AND POSTS UNDER THE STATE) FOR SOCIALLY AND EDUCATIONALLY BACKWARD CLASSES (SEBC) ACT, 2018.

[As on the 7th January 2019]



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2019

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**THE MAHARASHTRA STATE RESERVATION (OF SEATS FOR
ADMISSION IN EDUCATIONAL INSTITUTIONS IN THE STATE
AND FOR APPOINTMENTS IN THE PUBLIC SERVICES
AND POSTS UNDER THE STATE) FOR SOCIALLY AND
EDUCATIONALLY BACKWARD CLASSES (SEBC)
ACT, 2018.**

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Definitions.
3. Applicability.
4. Reservation of seats for admission in educational institutions, appointments in public services and posts under State for Socially and Educationally Backward Classes (SEBC).
5. Reservation not to be affected.
6. Competent Authority.
7. Carrying forward of reserved vacancies.
8. Responsibility and powers for compliance of Act.
9. Penalty.
10. Power to call for records.
11. Representation in selection Committee.
12. Irregular admissions and appointments void.
13. Competent Authority to be public servant.
14. Protection of action taken in good faith.
15. Power to make rules.
16. Savings.
17. Power to remove difficulty.
18. Repeal and savings.

MAHARASHTRA ACT No. LXII OF 2018¹

[THE MAHARASHTRA STATE RESERVATION (OF SEATS FOR ADMISSION IN EDUCATIONAL INSTITUTIONS IN THE STATE AND FOR APPOINTMENTS IN THE PUBLIC SERVICES AND POSTS UNDER THE STATE) FOR SOCIALLY AND EDUCATIONALLY BACKWARD CLASSES (SEBC) ACT, 2018.]

(This Act received the assent of the Governor on the 30th November 2018; assent was first published in the *Maharashtra Government Gazette*, Part IV, on the 30th November 2018.)

An Act to provide for reservation of seats for admission in educational institutions in the State and for reservation of posts for appointments in public services and posts under the State, to Socially and Educationally Backward Classes of Citizens (SEBC) in the State of Maharashtra for their advancement and for matters connected therewith or incidental thereto.

WHEREAS it is expedient to provide for reservation of seats for admission in educational institutions in the State and for reservation of posts for appointments in public services and posts under the State to Socially and Educationally Backward Classes of Citizens (SEBC) in the State of Maharashtra for their advancement and for matters connected therewith or incidental thereto ; it is hereby enacted in the Sixty-ninth Year of the Republic of India, as follows :—

1. (1) This Act may be called the Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments in the public services and posts under the State) for Socially and Educationally Backward Classes (SEBC) Act, 2018.

Short title and commencement.

(2) It shall come into force on the date of publication of this Act in the *Official Gazette*.

2. (1) In this Act, unless the context otherwise requires,—

Definitions.

(a) “admission authority”, in relation to admissions to educational institutions, means the authority having supervisory and controlling powers over the educational institutions responsible for admissions to particular educational institutions ;

(b) “appointing authority”, in relation to public services and posts, means the authority empowered to make appointment to such services and posts ;

(c) “Competent Authority” means the Competent Authority appointed under section 6 ;

(d) “educational institutions” includes the educational institutions in the State of Maharashtra owned and controlled by the Government, which receives grant-in-aid from the Government, including a University established by or under the relevant Maharashtra Acts, including private educational institutions, whether aided or un-aided by the State, other than the minority educational institutions referred to in clause (1) of article 30 of the Constitution of India.

¹. For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, Part V-A, Extraordinary No. 67, dated the 29th November 2018, P.8-15.

Explanation.—For the purposes of this clause, the expression “private educational institutions” means institutions which have been given either prior to coming into force of this Act or thereafter, aid in the form of Government land at concessional rates or any other monetary concessions by the Government, or are recognized, permitted, supervised or controlled by the Government ;

(e) “establishment” means any office of the Government or of a local authority or statutory authority constituted under any Act of the State Legislature for the time being in force, or a University or a Company or a Corporation or a Co-operative Society in which share capital is held by the Government or any Government aided institutions.

Explanation.—For the purposes of this clause, the expression “Government aided institutions” shall also include institutions or industries which have been given either prior to coming into force of this Act or thereafter, aid in the form of Government land at concessional rates or any other monetary concessions by the Government or is recognized, licensed, supervised or controlled by the Government ;

(f) “Government” or “State Government” means the Government of Maharashtra ;

(g) “prescribed” means prescribed by rules made under this Act ;

(h) “public services and posts” means the services and posts in connection with the affairs of the State and includes services and posts in,—

(i) a local authority ;

(ii) a co-operative society established under the Maharashtra Co-operative Societies Act, 1960, in which the Government is a share holder ;

Mah. XXIV of 1961.

(iii) a Board or a Corporation or a statutory body established by or under a Central or a State Act which is owned and controlled by the Government, or a Government company as defined in the Companies Act, 1956 or the Companies Act, 2013 ;

1 of 1956. 18 of 2013.

(iv) an educational institution owned and controlled by the Government, which receives grant-in-aid from the Government including a University established by or under a Maharashtra Act ; and

(v) any other establishment in respect of which reservation was applicable by Government orders on the date of commencement of this Act and which are not covered under sub-clauses (i) to (iv) ;

(i) “reservation” means the reservation of seats, for admission in educational institutions and of posts for appointments in the public services and posts to the members of Socially and Educationally Backward Classes of Citizens (SEBC) in the State ;

(j) “Socially and Educationally Backward Classes of Citizens (SEBC)” includes the Maratha Community declared to be Educationally and Socially Backward Category (ESBC) in pursuance of the Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments or posts in the public services under the State) for Educationally and Socially Backward Category (ESBC) Act, 2014.

Mah. I of 2015.

(2) The words and expressions used in this Act, but not defined, shall have the same meanings respectively assigned to them in the Maharashtra State Public Services (Reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Special Backward Category and Other Backward Classes) Act, 2001.

Mah. VIII of 2004.

3. (1) This Act shall apply to all the direct recruitments, appointments made in public services and posts in the State except,—

- (a) the super specialized posts in Medical, Technical and Educational field ;
 - (b) the posts to be filled by transfer or deputation ;
 - (c) the temporary appointments of less than forty-five days duration ;
- and
- (d) the post which is single (isolated) in any cadre or grade.

(2) This Act shall also apply, for admission in educational institutions including private educational institutions, whether aided or un-aided by the State, other than the minority educational institutions referred to in clause (1) of article 30 of the Constitution of India.

(3) The State Government shall, while entering into or renewing an agreement with any educational institution or any establishment for the grant of any aid as provided in the explanation to clauses (d) and (e) of section 2, respectively, incorporate a condition for compliance with the provisions of this Act, by such educational institution or establishment.

(4) For the removal of doubts it is hereby declared that nothing in this Act shall affect the reservation provided to the Other Backward Classes under the Maharashtra State Public Services (Reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes) Act, 2001 and the Maharashtra Private Professional Educational Institutions (Reservation of seats for admission for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes) Act, 2006.

4. (1) Notwithstanding anything contained in any judgment, decree or order of any Court or other authority, and subject to the other provisions of this Act,—

- (a) sixteen per cent. of the total seats in educational institutions including private educational institutions, whether aided or un-aided by the State, other than minority educational institutions referred to in clause (1) of article 30 of the Constitution of India ; and
- (b) sixteen per cent. of the total appointments in direct recruitment in public services and posts under the State,

shall be separately reserved for the Socially and Educationally Backward Classes (SEBC) including the Maratha Community :

Provided that, the above reservation shall not be applicable to the posts reserved in favour of the Scheduled Tribes candidates in the Scheduled Areas of the State under the Fifth Schedule to the Constitution of India as per the notification issued on the 9th June 2014 in this behalf.

(2) The principle of Creamy Layer shall be applicable for the purposes of reservation to the Socially and Educationally Backward Classes (SEBC) under this Act and reservation under this Act shall be available only to those persons who are below Creamy Layer.

Explanation.—For the purposes of this sub-section, the expression “Creamy Layer” means the person falling in the category of Creamy Layer as declared by the Government in the Social Justice and Special Assistance Department, by general or special orders issued in this behalf, from time to time.

Reservation of seats for admission in educational institutions, appointments in public services and posts under State for Socially and Educationally Backward Classes (SEBC).

Reservation not to be affected. **5.** Notwithstanding anything contained in section 4, the claims of students or members belonging to Socially and Educationally Backward Classes (SEBC) shall also be considered for the allotment on unreserved seats and appointments on public services and posts which shall be filled on the basis of merit, and where a student or member belonging to such classes is selected on the basis of merit, the number of seats and appointments reserved for the Socially and Educationally Backward Classes (SEBC), shall not in any way be affected.

Competent Authority. **6.** (1) The Government may, by notification in the *Official Gazette*, appoint any officer not below the rank of District Social Welfare Officer to be the Competent Authority for such area as may be specified in such notification for the purposes of carrying out the provisions of this Act and the rules made thereunder.

(2) The Competent Authority shall exercise such powers and perform such functions as may be prescribed.

Carrying forward of reserved vacancies. **7.** (1) If in respect of any recruitment year, any vacancy reserved for Socially and Educationally Backward Classes (SEBC) of persons remains unfilled, such vacancy shall be carried forward up to five years in case of direct recruitment :

Provided that, on the date of commencement of this Act, if any Government Order, Resolution, Circular and Office Memorandum regarding filling of posts is in force then, the same shall continue to be in force unless modified or revoked by the Government :

Provided further that, if the sanctioned posts are not adequate to allocate atleast one post for each reserved category, then the reserved post shall be filled in by applying the principle of rotation in accordance with the Government roster orders or rules as may be prescribed or modified in this behalf.

(2) When a vacancy is carried forward as provided in sub-section (1), it shall not be counted against the quota of the vacancies reserved for the concerned Classes of persons for the recruitment year to which it is carried forward :

Provided that, the appointing authority may, at any time, undertake a special recruitment drive to fill up such unfilled vacancies and if such vacancies remain unfilled even after such special recruitment drive then, it shall be filled up in the manner prescribed by the Government.

Responsibility and powers for compliance of Act. **8.** (1) The Government may, by order in writing, entrust upon every admission authority or appointing authority or any officer under such authority, with the responsibility of ensuring the compliance with the provisions of this Act.

(2) The Government may, in the like manner, invest the admission authority or appointing authority or officer with such powers or authority as may be necessary for such authority or officer, to effectively discharge such duty assigned to such authority or officer.

Penalty. **9.** (1) Any admission authority or appointing authority or officer or employee entrusted with the duty or responsibility who wilfully acts in a manner intended to contravene or defeat the purpose of this Act shall, on conviction, be punished with imprisonment for a term which may extend to ninety days or fine which may extend to five thousand rupees, or with both.

(2) No court shall take cognizance of an offence punishable under this section except with the previous sanction of the Government or officer authorized in this behalf by the Government.

10. When it comes to the notice of the Government or is brought to its notice that any person belonging to Socially and Educationally Backward Classes (SEBC) is adversely affected, on account of non-compliance with the provisions of this Act or the rules made thereunder or the Government orders issued in this behalf, by any admission authority or appointing authority, it may call for such records and pass such appropriate orders as it deems fit.

Power to call for records.

11. The Government may, by an order, provide for nomination of officers belonging to Socially and Educationally Backward Classes (SEBC) in selections, screening and Department Committee for the purpose of selecting persons for appointment to public services and posts.

Representation in selection Committee.

12. Any admissions or appointments made in contravention of the provisions of this Act shall be void.

Irregular admissions and appointments void.

13. The Competent Authority appointed under section 6 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Competent Authority to be public servant.

14. No suit, prosecution or other legal proceeding shall lie against the Competent Authority or its officers, for anything which is in good faith done or intended to be done under this Act or the rules or orders made thereunder.

Protection of action taken in good faith.

15. (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in any rule or both Houses agree that the rule should not be made, and notify their decision to that effect in the *Official Gazette*, the rule shall, from the date of publication of notification of such decision have effect only in such modified form or be of no effect, as the case may be ; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

16. (1) The provisions of this Act shall not apply to the cases in which selection process has already been initiated before the commencement of this Act, and such cases shall be dealt with in accordance with the provisions of law and the Government orders as they stood before such commencement.

Savings.

Explanation.—For the purposes of this section, the selection process shall be deemed to have been initiated where, under the relevant service rules,—

(i) recruitment is to be made on the basis of written test or interview only, and such written test or the interview, as the case may be, has started ; or

(ii) recruitment is to be made on the basis of both, written test and interview and such written test has started.

(2) The provisions of this Act shall not apply to admissions in educational institutions and the cases in which the admission process has already been initiated before the commencement of this Act and such cases shall be dealt with in accordance with the provisions of law and the Government orders, as they stood before such commencement.

Explanation.—For the purposes of this section, the admission process shall be deemed to have initiated where,—

(i) admission is to be made on the basis of any entrance test, and procedure for such entrance test has started ; or

(ii) in case of admission to be made other than on the basis of entrance test, the last date for filling up the application form is lapsed.

Power to
remove
difficulty.

17. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty :

Provided that, no such order shall be made after expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Repeal and
savings.

18. (1) On the commencement of this Act, the Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments or posts in the public services under the State) for Educationally and Socially Backward Category (ESBC) Act, 2014 shall stand repealed.

Mah. I of
2015.

(2) The repeal of the said Act shall not affect,—

(i) anything done or any action taken or purported to have been done or taken including any rule, notification, order, circular or direction issued under the Act so repealed ; or

(ii) any appointment made, any selection process initiated, admissions taken in any educational institutions, any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed ; or

(iii) any penalty, confiscation or punishment incurred in respect of any contravention under the Act so repealed ; or

(iv) any investigation, legal proceeding or remedy instituted before the commencement of this Act may be continued or enforced as if this Act has not been enacted ;

(v) any declaration made in pursuance of the provisions of the Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments or posts in the public services under the State) for Educationally and Socially Backward Category (ESBC) Act, 2014 and such declaration shall continue to be in force as if it is made under this Act.

Mah. I
of 2015.

Maharashtra Government Publication can be obtained from—

- **THE DIRECTOR**
GOVERNMENT PRINTING, STATIONERY AND PUBLICATION
MAHARASHTRA STATE
Netaji Subhash Road,
MUMBAI 400 004.
Phone : 022 - 23632693, 23630695,
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AND THE RECOGNISED BOOKSELLERS

**Frequently Asked Questions (FAQs) on the Policy of Reservation to SCs,
STs and OBCs:**

Q.1. What is the policy of the Government on reservation for SCs, STs and OBCs?

Ans: Reservation to the SCs, STs and OBCs in case of direct recruitment on all India basis by open competition is given at the rate of 15%, 7.5% and 27% respectively. In case of direct recruitment on all India basis otherwise than by open competition, reservation for SCs, STs and OBCs is 16.66%, 7.5% and 25.84% respectively. In case of direct recruitment to Group C and D posts which normally attract candidates from a locality or a region, percentage of reservation for SCs/STs is generally fixed in proportion to the population of SCs and STs in the respective States/UTs. For OBCs it is fixed keeping in view the proportion of their population in the concerned State/UT and the fact that total reservation for SCs/STs/OBCs remains within the limit of 50% and reservation for OBCs remains within the limit of 27%.

Reservation in promotion by non-selection method is available to SCs and the STs in all groups of services viz. A, B, C and D at the rate of 15% and 7.5% respectively. In case of promotion by selection method reservation is available upto the lowest rung of Group 'A' at the same rates. In promotion by selection to posts within Group 'A' which carry an ultimate salary of Rs. 18,300/- or less (in pre-revised scale), there is no reservation, but the Scheduled Caste/Scheduled Tribe officers who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list is to be drawn up, would be included in that list provided they are not considered unfit for promotion.

Q.2 *What are the key provisions of Reservation Policy?*

Ans: Following are the key provisions of Policy of Reservation for SCs, STs and OBCs:

- (i) SCs/ STs get reservation in all groups of posts under the Government in case of direct recruitment and in case of promotions made by non-selection method. In case of promotions made by selection, reservation is available to them when promotions are made in Group B, C, D posts and from Group B to the lowest rung in Group 'A' posts.
- (ii) SC/ST/OBC candidates appointed by direct recruitment and SC/ST candidates also promoted on their own merit are adjusted against unreserved posts.
- (iii) In promotion by selection to posts within Group 'A' which carry an ultimate salary of Rs.18,300/- or less (pre-revised), there is no reservation, but the Scheduled Caste/Scheduled Tribe officers who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list is to be drawn up, would be included in that list provided they are not considered unfit for promotion.

- (iv) There is a general ban on dereservation of posts in case of direct recruitment.
- (v) In case of direct recruitment various relaxations, like relaxations in age limit by 5 years; exemption from payment of examination/application fees; relaxation in qualification of experience at the discretion of UPSC/competent authority; relaxation in standard of suitability, etc. are available to members of SCs and STs.
- (vi) In case of direct recruitment, OBCs get relaxation of 3 years in upper age limit, relaxation in standards of suitability, etc.
- (vii) In case of promotion, zone of consideration is extended upto five times the number of vacancies in case suitable candidates are not available within normal zone of consideration; minimum qualifying marks/ standards of evaluation are relaxable; upper age limit is relaxable by five years where upper age limit for promotion is prescribed not more than 50 years.
- (viii) There is a provision of appointment of liaison officers in all Ministries/ Departments to ensure proper implementation of reservation policy.

Q. 3: What are the relaxations available to SCs / STs?

Ans: The relaxations that are available for the SCs and STs in direct recruitment are as follows: -

- a) Relaxation in the upper age limit by five years;
- b) Exemption from payment of examination / application fees;
- c) Where interview is a part of the recruitment process, SC / ST candidates should be interviewed separately;
- d) Qualification regarding experience can be relaxed in respect of SC / ST candidates at the discretion of UPSC / Competent Authority;
- e) Standards of suitability can be relaxed etc.

The relaxations that are available for the SCs / STs in promotions are as follows:-

- a) The zone of consideration is extended to five times the number of vacancies in case suitable SC / ST candidates are not available within the normal zone of consideration;
- b) Minimum qualifying marks / standards of evaluation are relaxable;
- c) Upper age limit relaxable by five years where upper age limit for promotion is prescribed not exceeding fifty years, etc.

Q.4. What are the relaxations available to OBCs?

Ans: Relaxations available to OBCs in direct recruitment are as follows:

- (i) Relaxation in the upper age limit by 3 years.

- (ii) Qualification regarding experience can be relaxed at the discretion of Competent Authority.
- (iii) Standards of suitability can be relaxed, etc.

Q:5 *Who is an own merit candidate?*

Ans: A candidate belonging to SC/ST/OBC who is selected on the same standard as applied to general category candidates and who appears in the general merit list is treated as own merit candidate. Such candidate is adjusted against unreserved point of the reservation roster. Department of Personnel and Training O.M. No36011/1/98-Estt.(Res.) dated 1-7-1998 clarifies that only such SC/ST/OBC candidates who are selected on the same standard as applied to general candidates shall not be adjusted against reserved vacancies. In other words, when a relaxed standard is applied in selecting an SC/ST/OBC candidate, for example in the age limit, experience qualification, permitted number of chances in written examination, extended zone of consideration larger than what is provided for general category candidates, etc., the SC/ST/OBC candidates are to be counted against reserved vacancies. Such candidates would be deemed to be unavailable for consideration against unreserved vacancies.

Q.6. What is the difference between post based reservation and vacancy based reservation?

Ans: Reservation to SCs, STs and OBCs prior to 2.07.1997 was implemented through vacancy based rosters in which case calculation of reserved vacancies depended on the total number of vacancies to be filled. The Supreme Court in the case of R.K. Sabharwal held that reservation in a cadre should be calculated on the basis of total number of posts in the cadre and not the vacancies. It means that if reservation for SCs is 15% and cadre strength in a grade is 100, 15 posts will be reserved for SCs i.e. at any point of time 15 posts in this cadre should be held by SCs appointed by reservation. Whenever their representation comes down, it would be completed.

Q.7: What is a Backlog vacancy and why are so many backlog vacancies in services?

Ans: Backlog Reserved Vacancies of a category are those vacancies which were earmarked reserved for that category in an earlier recruitment year but remained unfilled in the previous recruitment attempt on account of non-availability of suitable candidates belonging to that category and are still lying unfilled.

As per instructions issued by the DoP&T, if sufficient number of suitable SCs, STs and OBC candidates do not become available to fill up the vacancies reserved for them in the first attempt of recruitment, a second attempt is made for recruiting suitable candidates belonging to the concerned category in the same recruitment year or as early as possible before the next recruitment year so that backlog reserved vacancies are not created. However, even after making such efforts the reserved vacancies are not filled

up and backlog vacancies are created which are carried forward to the subsequent recruitment year, in which concerted efforts are made to fill up the backlog reserved vacancies as soon as possible.

It may be observed that reason of creation of backlog reserved vacancy is non-availability of reserved category candidates for some posts.

Q.8 Whether the ceiling of 50% reservation would apply to backlog reserved vacancies of SCs, STs and OBCs.

Ans. Backlog reserved vacancies are treated as special and distinct group and ceiling of 50% reservation in a recruitment year does not apply to backlog reserved vacancies.

Q.9 What is the policy of Government about appointment of less qualified SCs, STs and OBCs candidates?

Ans: Instructions provide that in direct recruitment whether by examination or otherwise, if sufficient number of Scheduled Caste candidates are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to this community should be selected to fill up the remaining vacancies reserved for them provided they are not found unfit for such post or posts. Thus, to the extent the number of vacancies reserved for Scheduled Castes cannot be filled on the basis of general standard, candidate belonging to SC community are taken by relaxed standard to make up the deficiency in the reserved quota, subject to the fitness of these candidates for appointment to the post/ posts in question.

In addition to the concession referred to above, instructions further provide that in cases where the requisite number of SC candidates fulfilling even the relaxed standards admissible in their cases are not available to fill the vacancies reserved for them in non-technical and quasi-technical Group C

and D services/posts required to be filled by direct recruitment otherwise than by written examination, the selecting authorities should, to the extent of the vacancies reserved for SC, select for appointment the best among the SC candidates who fulfill the minimum educational qualification laid down in the notice for recruitment of advertisement. In order to bring such candidates to the minimum standard necessary for the posts and for the maintenance of efficiency of administration, they should be given in-service training.

Where some period of experience is prescribed as an essential qualification for direct recruitment to a post, and where, in the opinion of the Ministry/ Department concerned, the relaxation of the experience qualification is not inconsistent with efficiency, a provision is inserted under the "essential qualification" in the relevant recruitment rules to the effect that UPSC/ Competent Authority may relax the experience/qualification in the case of SC/ST/OBC candidates.

Q.10. Why there is no reservation in case of promotion within Group A?

Ans: Reservation to SCs and STs is available at all levels in the matter of promotion by non-selection method. In case of promotion by selection, they get reservation up to the lowest rung of Group 'A'. Though there is no reservation in promotion by selection within Group A, in case of promotion by selection from a Group 'A' post to another Group 'A' post having a maximum salary of Rs.18,300/- or less(in pre-revised scale), the Scheduled Caste/Scheduled Tribe officers who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list is to be drawn up, are included in that list provided they are not considered unfit for promotion. Thus sufficient care is taken to ensure that the SC/ST officers get promotion to such higher posts even if they do not meet the criterion laid down for general category candidates.

The Supreme Court in Indra Sawhney's case had declared reservation in promotion ultra virus. However, in order to continue reservation in promotion, the 77th Amendment was made to the Constitution incorporating clause (4A) in Article 16 of the Constitution which enabled the State to continue reservation in promotion. The statement of Objects and Reasons of the Constitution (Eight-Sixth Amendment) Bill which became the Constitution (77th Amendment) Act, stated that the object was to continue the then existing dispensation. Since reservation in promotion was not available when promotions were made by selection within Group 'A' posts even before the judgment of the Supreme Court in Indra Sawhney case, the Department's O.M. dated August 13, 1997 issued in pursuance of Article 16 (4A) has restored the previously existing dispensation, which did not provide for reservation in promotion by selection within Group 'A' posts.

Q.11 What is the objective behind the issuance of caste certificates to Scheduled Castes and Scheduled Tribes?

Ans. The main objective of issuance of caste certificate is to facilitate access of bonafide candidates belonging to the Scheduled Castes Scheduled Tribe and Other Backward Class to the reserved posts and services under the State and other facilities provided by the State to them.

Q.12 Whether the Government have achieved the objective behind the issue of caste certificate?

Ans. On the basis of caste certificates, large number of reserved category candidates have been able to secure employment in Government establishments, PSUs, Banks, autonomous bodies etc.; secure admissions to educational institutions; and get other facilities provided by the Government

to the members of Scheduled Castes, Scheduled Tribes and Other Backward Classes.

Q.13 What is the procedure for issuing of Scheduled Caste/Scheduled Tribe/Other Backward Class certificates? Who is the competent authority to issue the same? Is any other authority other than specified, in any circumstances allowed to issue such certificates. If so, elaborate.

Ans. The instructions contained in this Department's OM No.36012/6/88-Estt.(Res.) dated 24.4.90 and OM No.36012/22/93_Estt.(Res.) dated 15.11.1993 provide the Authorities who are competent to issue of caste certificates and also the proforma However, the Central Government accepts the certificates issued only by the following authorities in the prescribed proforma:

- (1) District Magistrate / Additional District Magistrate/Collector/ Deputy Commissioner/Additional Deputy Commissioner/Deputy Collector/Ist Class stipendiary Magistrate/Sub Divisional Magistrate/Taluka Magistrate/Executive Magistrate/Extra Assistant Commissioner.
- (2) Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate.
- (3) Revenue Officer not below the rank of Tehsildar and
- (4) Sub-Divisional Officer of the area where the candidate and /or his family normally resides.

Q.14 What are the guidelines that have been issued to the appointing authorities in regard to scrutiny and verification of caste certificates of candidates at the time of their entry into Government service? Whether the present guidelines on the subject are fool proof so that genuine SC/ST are not deprived of their Constitutional rights.

Ans. The Government of India has issued instructions regarding scrutiny and verification of the caste certificates of the candidates at the time of initial appointment and at every important upturn of employee's career. This Department re-iterated the instructions vide O.M. No.36011/3/2005-Estt. (Res.) dated 9th September 2005.

Q.15 What are the guidelines in case of migration of a reserved category person from one state to another State?

Ans. When a person migrates from the portion of the State in respect of which his community is Scheduled to another part of the same State in respect of which his community is not scheduled, he will continue to be deemed to be a member of the Scheduled Caste or the Scheduled Tribe or the Other Backward Class, as the case may be in relation to that State;

When a person who is a member from one State to another, he can claim to belong to a Scheduled Caste or a Scheduled Tribe only in relation to the State to which he originally belonged and not in respect of the State to which he has migrated.

Q.16 What action is taken when complaints are received about the genuineness of caste certificate once the appointments have been given or on detection of a prima facie case of a false SC/ST certificate at any stage of employment? Is there a set procedure to be followed for punishing such an employee?

Ans. The instructions contained in The Department of Personnel & Training's O.M.No.11012/7/91-Estt.(A) dated 19-5-93 provide that wherever it is found that a Government servant, who was not qualified or eligible in terms of the recruitment rules etc. for initial recruitment in service or had furnished false information or produced a false certificate in order to secure appointment, he should not be retained in service. If he is a probationer or a temporary Government servant, he should be discharged or his services should be terminated. If he has become a permanent Govt. Servant, an inquiry as prescribed in Rule 14 of CCS (CCA) Rules, 1965 may be held and if the charges are proved, the Government servant should be removed or dismissed from service. In no circumstances should any other penalty be imposed. Necessary action may also be taken under the provisions of the IPC for production of false certificates.

Q. 17 What is 'Creamy Layer' amongst OBCs?

Ans. The Supreme Court in Indra Sawhney case has upheld 27% reservation for OBCs in civil posts and services under the State subject to exclusion of

socially advanced persons/ sections (creamy layer) from OBCs within 4 months from the date of judgment.

2. Following the above judgment of the Supreme Court, the Government had constituted an Expert Committee to make recommendations on the socio-economic criteria to be adopted for excluding the creamy layer amongst OBCs. The report of the Expert Committee was considered and accepted by the Government and the categories of the persons/ selections to be excluded from the purview of reservation orders for OBCs were notified in the Schedule to the OM dated 8.9.1993 issued by this Department. Initially, the Income limit of 'creamy layer' vide the aforesaid O.M. for exclusion of reservation was fixed Rs.1 Lakh.

3. Last time, this income ceiling was revised from Rs.2.5 lakh to 4.5 lakh vide OM No.36033/3/2004-Estt.(Res.) on 14.10.2008.

Q.18 What is the criteria to determine the 'creamy layer' amongst OBCs Employees working in PSUs ?

Ans. The criteria prescribed for determining creamy layer status of some and daughters of persons in Government service mutatis mutandis applies to the sons and daughters of persons holding equivalent or comparable posts in PSUs, Banks, Insurance Organisations, Universities etc. and also holding equivalent or comparable posts and positions under private employment. The creamy layer status of the sons and daughters of employees of organizations where evaluation of the posts on equivalent or comparable basis has not been made is determined on the basis of 'Income/ Wealth Test' given in the Schedule. The income/ wealth Test prescribes that the gross annual income of Rs.4.5 lakh or above or possessing wealth above the exemption limit as prescribed in Wealth Tax Act for a period of three consecutive years would be treated to fall in creamy layer.