From

Joint Secretary (Admn.)

To

The Directors of all the National/Labs./Instts of CSIR

Sub:- Reservation in promotion - Prescription of lower qualifying marks / lesser standard of evaluation

Sir,

Kindly refer to the DoPT Om No. 36012/23/96-Estt.(Res.)-Vol.II dated 3rd October, 2000 endorsed and circulated vide CSIR letter of even no. dated 30.10.2000 to all the national labs./Instts. of CSIR.

This is for kind information that the OM Nos. 8/12/69 Estt. (SCT) dated 23.12.1970, 36021/10/76 Estt., (SCT) dated 21.1.1977 and para 6.3.2 of the DPC guidelines contained in DoPT Om No. 22011/5/86- Estt (D) 10.04.89 mentioned in the above said DoPT OM may be referred to on Internet website at csiradmin.res.in.

Yours faithfully,

(K.A.Khureshi)
Deputy Secretary/
Liasion Officer for SC/ST
OFFICE MEMORANDUM

Subject: Reservation in promotion -- Prescription of lower qualifying marks/lesser standard of evaluation.

The undersigned is directed to refer to Department of Personnel & Training's OM No. 36012/23/96-Estt. (Res) dated 22nd July, 1997 vide which various instructions of the Government providing for lower qualifying marks/lesser standards of evaluation in matters of promotion for candidates belonging to the Scheduled Castes and Scheduled Tribes had been withdrawn, on the basis of Supreme Court's judgement in the case of S. Vinod Kumar Vs. Union of India.

2. The undersigned is further directed to say that the matter has been reviewed, consequent to which the following proviso to Article 335 has been incorporated Constitution by the Constitution, (Eighty-Second Amendment) Act, 2000:-

"Provided that nothing in this Article shall prevent in making of any Provision in favour of the members of the Scheduled Castes and Scheduled Tribes for relaxation in qualifying marks in an). Examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State."

3. In pursuance of the enabling proviso of Article 335 of the Constitution, it has now been decided to restore, with immediate effect, the relaxations/ concessions in matters of promotion for candidates belonging to SCs/STs by way of lower way of lower qualifying marks, lesser standards of evaluation that existed prior 22.7.1997 and as contained in the instructions issued by the Department of Personnel and Training from time to time including OM No. 8/12/69-Estt. (SCT) dated 23.12.1970, No. 36021/10/76-Estt. (SCT) dated 21.1.1977 and para 6.3.2 of the DPC guidelines contained in Department of Personnel and Training's OM No. 22011/5/86- Estt..(D) dated 10.4.1989. In other words, the effect of these instructions would be that the Department of Personnel and Training's OM No. 36012/23/96- Estt.(Res) dated 22nd July, 1997 becomes inoperative from the date of issue of this OM.

4. These orders shall take effect in respect of selections to be made on or after the date of issue of this OM and selections finalised earlier shall not be disturbed.
5. All Ministries/Departments are requested to bring these instructions also to the notice of their Attached/Subordinate Offices and Autonomous Bodies/ Public Sector Undertakings tinder their control for compliance.

(J. Kumar)
Deputy Secretary to the Government of India
Tel. No. 3011797

TO

1. All Ministries / Departments of the Government of India.
2. Department of Economic Affairs (Banking Division), New Delhi
3. Department of Economic Affairs (Insurance Division), New Delhi
4. Department of Public Enterprises, New Delhi
5. Railway Board.
6. Union Public Service Commission /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.

7. Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi.
9. National Commission for SCs & STs, Lok Nayak Bhawan, New Delhi
Subject: Relaxation of standards in favour of scheduled Castes/Scheduled Tribes candidates in departmental competitive examinations for promotion and in departmental confirmation examinations.

Attention of the Ministry of Finance etc. is invited to Ministry of Home Affairs O.M. No. 1/1/70-Est. (SCT) dated 25th July, 1970, in which it has been provided that in case of direct recruitment, whether by examination or otherwise, if sufficient number of Scheduled Castes/Scheduled Tribes candidates are not available on the basis of the general standard to fill up the vacancies reserved for them, candidates belonging to these communities may be selected to fill up the remaining vacancies reserved for them provided that they are not found unfit for appointment to such posts or post. A question has been raised whether relaxation in the qualifying standards could be granted to Scheduled Castes/Scheduled Tribes candidates on the same basis in promotions made through departmental competitive examinations and in departmental confirmation examinations where such examinations are prescribed to determine the suitability of candidates for confirmation. The matter has been carefully considered and it has been decided that in promotions/confirmations made through such examinations, Scheduled Castes/Scheduled Tribes candidates who have not acquired the general qualifying standards in such examinations could also be considered for promotions/confirmations. In other words the qualifying standards in these examinations could be relaxed in favour of Scheduled Castes/Scheduled Tribes candidates in keeping with the above criterion.
Subject:- Relaxation of standards in the case of Scheduled Castes/Tribe candidates in qualifying examinations for promotion to the higher grade on the basis of seniority subject to fitness.

The undersigned is directed to refer to this Department's Office Memorandum No. 8/12/69-Estt. (SCT) dated, the 23rd, December, 1970 in which it has been provided that in promotions made through departmental competitive examinations and in departmental confirmation examinations, if sufficient number of Scheduled Caste/Scheduled Tribe candidates are not available on the basis of the general standard to fill the vacancies reserved, for them Candidates belonging to these communities who have not acquired the general qualifying standard should also be considered for promotion / confirmation provided they are not found unfit for such promotion/confirmation. A question has been raised whether relaxation in qualifying standards should be granted to Scheduled Castes and Scheduled Tribes candidates on the same basis, in promotions on, the basis of seniority subject to fitness, where fitness is decided on the basis of qualifying examination. The matter has been carefully considered and it has now been decided that in promotions made on the basis of seniority subject to fitness in which there is reservation for Scheduled Castes and Scheduled Tribes in accordance with this Department's Office Memorandum No. 27/2/71-Estt. (SCT), dated the 27th November, 1972 and where a qualifying examination is held to determine the fitness of candidates

The undersigned is directed to refer to this Department's Office Memorandum No. 36021/10/76-Estt. (SCT) dated, 21st January, 1977 to all Ministries etc.
The tentative of relaxation should however, be done occasion whenever such an examination;

a national performance is held taking into account relevant factors including (i) the number of vacancies reserved for candidates as well as general candidates in that examination, (iii) the minimum standard of Fitness for appointment to the post and also (iv) the overall strength of the cadre and that of the Scheduled Castes and Scheduled Tribes in that cadre.

2. The Ministry of Finance etc., are requested to bring the above decision to the notice of all authorities concerned.

6.3.2 In the case of SCIST office (i) In promotions by "Selection-cum-Seniority" and "Selection by Merit" to posts/services within Group 'A' which carry a salary of Rs. 5,700 p.m. or less, in the IV PC pay scale, the SCs/STs officers who, are senior enough in the zone of consideration for filling the list so as to be within the number of vacancies for which the select list has to be drawn up, would be included.

(ii) In promotion by "Selection-cum-Seniority" and "Selection by Merit" to posts/services in Group 'B' within Group 'B' and from Group 'B' to the lowest ring in Group 'A', selection against vacancies reserved for SCs and STs will be made only from those SCs/STs officers, who are within normal zone of consideration. Where adequate number of SCs/STs candidates are not available within the normal field of choice, it may be extended to five times the number of vacancies and the SCs/STs candidates coming within the extended field of choice should also be considered against the vacancies reserved for them.

(iii) As regards promotions made by "Selection-cum-Seniority" and "Selection by Merit" in Group 'C' and Group 'D' posts/services, Select Lists of SCs/STs officers should be drawn up separately in addition to the general select list to fill up the reserved vacancies. SCs/STs officers who are within the normal zone of consideration, should be considered for promotion along with and adjudged on the same basis as others and those SCs and STs amongst them, who are selected on that basis may be included in the general Select List.