

COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH
Anusandhan Bhawan, 2, Rafi Marg, New Delhi-110 001

No. 25/Cir.(5)/2000/SC/ST-Cell

Dated : 08.11.2000

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

No.36012/23/96-Estt.(Res)-Vol. II
Government of India
Ministry of Personnel. Public Grievances & Pensions
(DEPARTMENT OF PERSONNEL & TRAINING)

North Block, New Delhi
Dated: the 3rd October, 2000

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of evaluation in matters of promotion for candidates belonging to the Scheduled Castes and Scheduled Tribes had been withdrawn, on the basis of Supreme Court's judgement in the case of S. Vinod Kumar Vs.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 22rd 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.
8. Ministry of Social Justice & Empowerment, Shastri Bhavan, New Delhi.
9. National Commission for SCs & STs, Lok Nayak Bhawan, New Delhi
10. National Commission for Backward Classes, Trikoot-1, Bhikaji Cama Place, R.K. Puram, New Delhi.

Department of Personnel O.M. No. 8/12/69. Estt. (SCT)
Dated 23rd December, 1970 to all Ministries etc.

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 promotion/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.

'n e"cii@d'o'n'@eac
ca' didates. The' ei@tent'of 'relaxation should however. be d h c occasion whenever.
suc an examnia-;

a nt rye' perfortion is held taking into 'ccountaureleva
factorsincluding(i)thenumbetofvacanciesrese@
'be candidates as well as general candidates in that
examination, (iii)

m@nce@of Scheduled Caste/Scheduled Tn
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 "Selectioncum-Seniority" and
"Selection by Merit" to posts/services within Group 'A' which carry'aii@ultrir@ate salary of 1[
Rs. 5,700 p.m. or less, in the IV PC pay scale], the SC@/STs officers who,'are 'senior enough
in the zoi@e of consider-
ation for ti6ri so as to be within the number of vacancies for which the
rom

p 0

select lisi has to b@'dra,@rn u@,@ would be included.

(ii) In promotion by "Selection-cum-Seniority" and "Selection by Merit" to posts/services in
Group 'B' within Group 'B' and ffrom Group 'B' to the lowest ning 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 a ainst 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 lis@ 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 SI's amongst tlierii, who are selected on that basis may be
included in the general Select List. p