

GOVERNMENT OF WEST BENGAL
SCHEDULED CASTES & TRIBES WELFARE DEPARTMENT
Writers' Buildings, Calcutta—700001

No. 905-TW/EC/SC/O/MR—1/95(1)

Calcutta, the 12th September, 1995

NOTIFICATION

I am directed by order of the Governor to say that after careful consideration of the report of the Committee constituted by the Government for making a study on the problems of admission of candidates belonging to the Scheduled Caste and the Scheduled Tribe communities in educational institutions, the Governor is pleased to order as follows:—

1. (a) 22% and 6% of the seats shall be kept reserved for the Scheduled Caste and the Scheduled Tribe candidates respectively in all educational institutions including the following:—
 - (i) all Primary Schools run by District Primary School Councils, Corporations or Municipalities and similar bodies aided by Government of West Bengal,
 - (ii) all Government, Government sponsored and recognised non-government aided Secondary Schools,
 - (iii) all Government, Government sponsored and recognised non-Government aided Higher Secondary Schools,
 - (iv) all Government, Government sponsored and recognised non-Government aided Polytechnics, Industrial Training Institutes / Centres, Junior Technical Schools etc.,
 - (v) all Government, Government sponsored and recognised non-government aided Colleges including Medical and Dental Colleges, Engineering and Technological Colleges, Homoeopathic, Ayurvedic and Nursing Colleges,
 - (vi) all Universities and Deemed Universities.
- (b) The reservation for the Scheduled Caste and the Scheduled Tribe candidates shall be maintained separately for each Course/Stream/Subject in each educational institution.
- (c) While calculating the number of reserved seats for the Scheduled Caste and the Scheduled Tribe candidates, a fraction of 0.5 and above shall be treated as one seat.

2. (a) A general merit list based exclusively on merit as reflected in the results of the relevant examination / selection test irrespective of caste / tribe status shall be prepared separately for each Course / Stream / Subject in each educational institution to fill the unreserved seats. Separate merit lists for the Scheduled Caste and the Scheduled Tribes candidates respectively. The Scheduled Caste and the Scheduled Tribe candidates who have been placed in the general merit list to fill up unreserved seats shall not be taken into account in the reserved lists for the Scheduled Caste and the Scheduled Tribe candidates respectively.
 - (b) For admission to the courses, B. A. (Hons.), B. Sc. (Hons.), B. Com. (Hons.), M. A., M. Sc, M. Com., B. Tech., M. Tech., M. Sc. (Tech), B. Ed., M. Ed., LL. B., LL. M., B. Lib. Sc, M. Lib. Sc, Master's Degree courses in Engineering and Architecture, Master of Business Management/Master of Business Administration, M. Phil., and the like in different subjects, an SC or ST candidate getting admission should have in the previous examination qualifying marks which are not lower by more than 25% from the marks obtained by the last candidate of the general category; however, in any case, such a candidate obtaining marks lower than the marks as prescribed by the regulations of the University for admission to the relevant course will not be eligible for admission. The candidates included in the general merit list will not be counted towards these reserved quota.
 - (c) For admission to Undergraduate Medical and Dental Courses, there shall be no cut-off marks for the Scheduled Caste and the Scheduled Tribe candidates in the Joint Entrance Examination to fill up the reserved seats.
 - (d) For filling up the reserved seats in all other courses/Streams/Subjects, the Scheduled Caste and the Scheduled Tribe candidates who have secured the minimum marks as per relevant regulations for admission to any Course/Stream/Subject as may be prescribed by the West Bengal Higher Secondary Council, Universities etc., shall be given admission forms by the educational institution for any such Courses/ Streams/Subjects.
 - (e) For the purpose of allotment of Courses/Streams/Subjects/Colleges, the Scheduled Caste and the Scheduled Tribe candidates in the unreserved general merit list shall be placed respectively on the top of the reserved lists for the Scheduled Caste and the Scheduled Tribe candidates. Thereafter allotment of Courses/Streams/Subjects/Colleges to the Scheduled Caste and the Scheduled Tribe candidates, placed in the general merit list and those placed in the reserved lists shall be made on the basis of their inter se merit and their options against the reserved seats plus those unreserved seats earmarked for the Scheduled Caste and the Scheduled Tribe candidates included in the general merit list.
3. Seats reserved for the Scheduled Caste candidates and remaining unfilled even after following the instructions laid down in the previous paragraphs may be filled up by the Scheduled Tribe candidates and vice versa.
 4. The Head of each educational institution shall submit an Annual Return on Admission of students into various courses in that institution to the respective District Magistrates and ex-officio District Commissioners for Reservation in case of institutions located outside the district of Calcutta and to the Joint Commissioner for Reservation in case of institutions located in the district of Calcutta by 31st December each year in such form as may be prescribed by the Government.

This order issues in supersession of all previous orders issued in this matter.

By order of the Governor,
Sd/- **N. Krishnamurti**,
Chief Secy, to the Govt. Of West Bengal.

GOVERNMENT OF WEST BENGAL
BACKWARD CLASSES WELFARE DEPARTMENT
Writers' Buildings, Block-I, 2nd Floor, Calcutta-700 001.

No. 1032(73)-BCW/MR-100/99

Dated, the 7th May, 1999.

MEMORANDUM

The undersigned is directed to say that it has been represented to the Government that in various Schools, Colleges and other Educational Institutions, a good number of seats reserved for Scheduled Castes and Scheduled Tribes candidates remain unfilled during an Academic Session for want of suitable number of candidates from reserved category. Some of the institutions which approached the Government in earlier years were allowed to fill up those seats by general candidates, where it was satisfied that due observance of all requirements for filling up of these posts by the candidates of specified categories were duly followed by the institutions concerned. In view of the fact, that there are a large number of institutions involved throughout the State and that it is not possible for this Department alone to dispose of these matters, particularly within the very short span of time available before closure of admission, the Government has been actively considering the question of Delegation of Powers to some subordinate authorities for allowing the institutions to fill up unfilled vacancies for reserved categories by general category candidates.

(2) After careful consideration of all aspects, the Governor has now been pleased to direct that the District Magistrate and District Reservation Commissioner shall be the authority in respect of Educational Institutions within their territorial jurisdiction for allowing filling Up of the reserved seats by general candidates, subject to fulfillment of conditions as stated hereinafter.

(3) The Governor is, further, pleased to direct that in respect of Institutions situated within the territorial limits of Calcutta as defined in Calcutta Police Act, 1866, the Commissioner for Reservation and ex-officio Special Secretary in the Backward Classes Welfare Department and the Joint Commissioner for Reservation and ex-officio Joint Secretary of Backward Classes Welfare Department shall be the authorities for granting such permission for filling up the vacant reserved seats for Scheduled Castes and Scheduled Tribes by general candidates.

(4) The undersigned is also directed to say that grant of permission in all such cases shall be regulated by the following conditions :—

- (i) The authorities concerned shall see that all conditions as set out in this Department's Notification No. 905-TW/"EC, dated 12.09.1995 have duly been complied with by the concerned institutions.

- (ii) The Institutions shall submit to the authority concerned, a statement giving the following particulars—
- (a) Number of candidates who have applied for admission giving break up of General, Scheduled Caste & Scheduled Tribe categories of applicants separately for respective Courses/Streams/Subjects.
 - (b) Number of seats reserved for Scheduled Caste and Scheduled Tribe separately for such category of Course/Stream/subject.
 - (c) Number of candidates qualifying for admission and admitted, as such, from each of reserved categories against respective Courses/Streams/Subjects.
 - (d) Number of reserved seats remaining vacant in respect of Scheduled Caste and Scheduled Tribe category against respective Course/Stream/Subject as the case may be with reasons there for.
 - (e) The Institutions shall also furnish copies of their admission Notice(s) wherein it would be specifically indicated, whether, for issue of Forms to Sch. Caste and Scheduled Tribe candidates, the minimum prescribed marks of the Board, Council or University has been indicated, as the qualifying marks for getting the Forms for admission.
 - (f) While allowing the reserved seats to be filled up by General candidates, the District Magistrate and District Reservation Commissioner or the other authorities concerned shall be satisfied on the basis of the information supplied by the Institutions that all reasonable steps were taken to fill up the seats by respective reserved categories of candidates and that the candidates qualifying on merit in competition with general candidates has not been included within the reserved seats and further that the conditions laid down at paragraph-2(b) in this Department's Notification No. 905-TW/EC, dated 12.09.1995 has duly been observed for the particular courses mentioned therein.
 - (g) The order allowing the reserved seats to be filled up by general candidates shall specifically provide that such filling up shall be made only from those left out candidates in the original panel of admission prepared by the Institution and that no new candidate, outside the panel, shall be considered for such admission.

Sd/- K. Jhala,
*Principal Secretary to the
Government of West Bengal.*

GOVERNMENT OF WEST BENGAL
Scheduled Castes & Tribes Welfare Department
Writers' Buildings

No. 347-TW/EC

Calcutta, the 13th July, 1994.

ORDER

WHEREAS by this department notification No. 346-TW/EC dated the 13th July, 1994, backward classes as defined in clause (a) of section 2 of the West Bengal Commission for Backward Classes Act, 1993 (West Ben. Act I of 1993) (hereinafter referred to as the said Act), have been specified in the list as defined in clause (c) of section 2 of the said Act;

AND WHEREAS, in the opinion of the Governor, the said backward classes of citizens are not adequately represented in the services under the Government of West Bengal, the local and statutory authorities constituted under any State Act, Corporations in which not less than 51% of the paid up share capital is held by the State Government, Universities, Colleges affiliated to Universities, primary, secondary and higher secondary schools and also in other educational institutions which are owned or aided by the State Government and establishments in public sector;

NOW, THEREFORE, in pursuance of the provisions of clause (c) of section 2 of the said Act, the Governor is pleased hereby to make provision for the reservation in services and posts under the Government of West Bengal, the local and statutory authorities constituted under any state Act, Corporations in which not less than 51% of the paid up share capital is held by the State Government, Universities, Colleges affiliated to the Universities, primary, secondary and higher secondary schools, other educational institutions which are owned or aided by the State Government and public sector in favour of the said backward classes of citizens as follows:

(a) 5% of the vacancies in services and posts under the Government of West Bengal, the local and statutory authorities constituted under any State Act, Corporations in which not less than 51% of the paid up share capital is held by the State Government, Universities, Colleges affiliated to the Universities, primary, secondary and higher secondary schools, other educational institutions which are owned or aided by the State Government and public sector to be filled up by direct recruitment shall be reserved for the backward classes of citizens;

(b) the reservation under clause (a) shall not apply to the persons referred to in column 3, in respect of the categories referred to in column 2, of the Schedule below:

SCHEDULE

Description of category		Persons to whom reservation shall not apply
I.	CONSTITUTIONAL POSTS	<p>Son(s) and daughters(s) of</p> <ul style="list-style-type: none"> (a) President of India; (b) Vice President of India; (c) Judges of the Supreme Court and of the High Court; (d) Chairman & Members of Union Public Service Commission and of the State Public Service Commission; Chief Election Commissioner; Comptroller & Auditor General of India; (e) Persons holding Constitutional positions of like nature;
II.	<p style="text-align: center;">SERVICE CATEGORY</p> <p><i>A. Group A/Class I posts included in the All India Services and Central Services and borne on the establishment of the State Government, and State Services (Direct Recruitment).</i></p>	<p>Son(s) and daughter(s) of—</p> <ul style="list-style-type: none"> (a) parents, both of whom are Class I officers; (b) parents, either of whom is a Class I officer; (c) parents, both of whom are Class I officers, but one of them dies or suffers permanent incapacitation. (d) Parents, either of whom is a Class I officer and such parent dies or suffers permanent incapacitation and before such death or such incapacitation has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years. (e) Parents, both of whom are Class I officers die or suffer permanent incapacitation and before such death or such incapacitation of the both, either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years. <p style="text-align: center;">Provided that the exclusion as</p>

	<p>B. Group B/Class II posts included the Central Services and borne on the establishment of the State Government, and State Services (Direct Recruitment)</p>	<p>aforesaid shall not apply in the following cases:</p> <ul style="list-style-type: none"> (i) Sons and daughters of parents either of whom or both of whom are Class I officers and such parent(s) dies/die or suffer permanent incapacitation. (ii) A lady belonging to OBC category has got married to a Class I officer, and may herself like to apply for a job. <p>Son(s) and daughter(s) of</p> <ul style="list-style-type: none"> (a) Parents both of whom are Class II officers. (b) Parents of whom only the husband is a Class II officer and he gets into Class I at the age of 40 or earlier. (c) Parents, both of whom are Class II officers and one of them dies or suffers permanent incapacitation and either one of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less Than 5 years before such death or permanent incapacitation; (d) parents of whom the husband is a Class I officer (direct recruit or pre-forty promoted) and the wife is a Class II officer and the wife dies; or suffers permanent incapacitation; and (e) parents, of whom the wife is a Class I officer (Direct Recruit or pre-forty promoted) and the husband is a Class II officer and the husband dies or suffers permanent incapacitation: <p>Provided that the exclusion as aforesaid shall not apply in the following cases:</p> <p>Sons and daughters of--</p>
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	<p>C. Public Sector Undertakings etc.</p>	<p>(i) Parents both of whom are Class II officers and one of them dies or suffers permanent incapacitation,</p> <p>(ii) Parents, both of whom are Class II officers and both of Them die or suffer permanent incapacitation, even though either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation</p> <p>The criteria enumerated in A & B above in this Category will apply <i>mutatis mutandis</i> to officers holding equivalent or comparable posts in PSUs, Banks, Insurance Organisations, Universities, etc and also to equivalent or comparable posts and positions under private employment, pending the evaluation of the posts on equivalent or comparable basis in these institutions, the criteria specified in Category VI below will apply to the officers in these institutions.</p> <p>Son(s) and daughter(s) of parents either or both of whom is or are in the rank of Colonel and above in the Army and to equivalent posts in the Navy and the Air Force and the Para Military Forces;</p> <p>Provided that:--</p> <p>(i) if the wife of an Armed Forces officer is herself in the Armed Forces (i.e. the category under consideration) the exclusion as aforesaid will apply only when she herself has reached the rank of Colonel;</p> <p>(ii) the service ranks below Colonel of husband and wife shall not be clubbed together:</p>
III.	<p>ARMED FORCES INCLUDING MILITARY FORCES (persons holding civil posts are not included)</p>	

<p>IV.</p>	<p>POSTS OF PROFESSIONAL CLASS AND POSTS IN TRADE AND INDUSTRY</p> <p>A. <i>Persons engaged in profession as a doctor, lawyer, chartered Accountant, Income Tax Consultant, financial or management consultant, dental surgeon, engineer, architect, computer specialist, film artists, and other film professional, author, playwright, sports person, sports professional, media professional or any other vocations of like status.</i></p> <p>B. <i>Persons engaged in trade, business and industry</i></p>	<p>(iii) if the wife of an officer in the Armed Forces is in civil employment, this will not be taken into account for applying the rule of exclusion unless she falls in the service category under item No. II in which case the criteria and conditions enumerated therein will apply to her independently,</p> <p>Criteria specified against Category VI will apply:</p> <p>Criteria specified against Category VI will apply: <i>Explanation:</i></p> <p>(i) Where the husband is in some profession and the wife is in a Class II or lower grade employment, the income/wealth test will apply only on the basis of the husband's income.</p> <p>(ii) If the wife is in any profession and the husband is in employment in a Class II or lower rank post, then the income/wealth criterion will apply only on the basis of the wife's income and the husband's income will not be clubbed with it.</p>
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		<p>(a) Persons having gross annual income of Rupees 2.5 lakh* or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act, 1957 (27 of 1957), for a period of three consecutive years.</p> <p>(b) Persons in Categories I, II, III and VA who are not disentitled to the benefit of reservation but have income from other sources of wealth which will bring them within the income/wealth criteria mentioned in (a) above.</p> <p><i>Explanation:</i></p> <p>(i) Income from salaries or agricultural land shall not be clubbed;</p> <p>(ii) The income criteria in terms of rupee will be modified taking into account the change in its value every three years. If the situation, however, so demands, the interregnum may be less.</p>
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Note: Wherever the expression “permanent incapacitation” occurs in this Schedule, it will mean incapacitation which results in putting an officer out of service.

* Vide Memo No.36033/3/2004-Estt.(Res) dated 9th March, 2004, Ministry of Personnel, Public Grievances and pensions, Department of Personnel and Training.

2. This order shall come into force at once

Provided that nothing in this order shall apply to any vacancy for the filling up of which the process of recruitment has already started before the coming into force of this order.

By order of the Governor,
U. K. RAY
Secy to the Govt. of West Bengal



Backward Classes Welfare Department Government of West Bengal

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Reservation in services and Educational Institutions

Govt. of West Bengal passed "[The West Bengal Scheduled Castes and Scheduled Tribes \(Reservation of vacancies in Services and Posts\) Act, 1976](#)" and also formed "The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of vacancies in Services and Posts) Rules, 1976" under the Act.

The Act and the Rules have been amended on many occasions as per necessity. The main features of the Act and the Rules are mentioned below:

1. The provisions of this Act shall not apply in relation to any employment under the Central Govt., in the WBHJS, any private employment, any employment in domestic service and in case of single post cadre. In case of promotion posts in addition to the above, there will be no reservation in posts having a scale of pay the maximum of which exceeds 18,300/-.
2. As per provisions of this Act, 22% of the vacancies shall be reserved for SC and 6% shall be reserved for ST. Reservation at this rate is to be maintained for direct recruitment as well as for promotion.
3. To maintain this reservation, two rosters have been provided. One roster named 100 point roster is to be maintained for direct recruitment. Another roster, a 50 point roster is to be maintained for promotion.
4. All employers have to maintain separate registers called Register of Appointments (ROA) for different categories of posts and also separately for direct recruitment and for promotion posts.
5. To facilitate maintenance of ROA, a cut-off date on 27-03-1990 has been fixed. All the vacancies as on that date has to be listed in the ROA. The format of the ROA has been mentioned in the Rule. All subsequent vacancies are to be written in the ROA and reservation has to be done as per the relevant 100 point or 50 point roster depending on the nature of vacancy (direct or promotion).
6. The ROA has to be got authenticated by the Competent Authority from time to time, especially as or when vacancies are filled up. Authentication of ROA is done by the District Magistrate and District Reservation Commissioner in case of Districts