CHAPTER-7

DERESERVATION

7.1 A vacancy reserved for SCs or STs or OBCs cannot be filled by a candidate other than an SC or ST or OBC candidate, as the case may be. However, a reserved vacancy may be declared unreserved by following the procedure of dereservation as given below whereafter it can be filled as an unreserved vacancy.

Dereservation in case of Direct Recruitment

7.2 There is a general ban on dereservation of reserved vacancies in case of direct recruitment. However, in rare and exceptional cases when a vacancy in a Group 'A' service cannot be allowed to remain vacant in public interest, the administrative Ministry/Department may prepare a proposal for dereservation of the vacancy giving following information:

(i) Designation of the post;
(ii) Pay scale of the post;
(iii) Name of the service to which the post belongs;
(iv) Duties and responsibilities attached to the post;
(v) Educational and other qualifications prescribed for the post;
(vi) Efforts made to fill up the post;
(vii) Reasons why it cannot be allowed to remain vacant;
(viii) Justification for dereservation; and
(ix) Any other relevant information.

7.3 The administrative Ministry shall consult the National Commission for Scheduled Castes in respect of vacancy reserved for SCs , the National Commission for Scheduled Tribes in respect of vacancy reserved for STs and the National Commission for Backward Classes in respect of vacancy reserved for OBCs. After obtaining the comments of the concerned Commission, the administrative Ministry/Department shall place the proposal alongwith the Commission's comments before a Committee comprising of the Secretaries in the Department of Personnel and Training, the Ministry of Social Justice and Empowerment, and the Ministry/Department under which the recruitment is to be made for consideration and recommendation. The recommendation of the Committee shall be placed before the Minister in

charge of the Department of Personnel and Training for taking a final decision. If dereservation of the vacancy is approved, it can be filled as an unreserved vacancy.

7.4 **Dereservation in case of Promotion**

In case of promotion, if sufficient number of SC/ST candidates fit for promotion against reserved vacancies are not available, such vacancies may be dereserved and filled by the candidates of other communities. The power to accord approval to dereservation of the reserved vacancies in such cases is delegated to the administrative Ministries and Departments subject to the following conditions:

(i) no candidate belonging to the category for which the vacancy is reserved is available within the zone of consideration or extended zone of consideration or eligible for promotion in the feeder cadre(s) specified in the relevant service / recruitment rules / orders;

(ii) the proposal for dereservation has been seen and concurred in by the Liaison Officer of the Ministry / Department;

(iii) the proposal for dereservation is agreed to at a level not lower than that of Joint Secretary to the Government of India, in the administrative Ministry / Department (proper)concerned; and

(iv) in the event of disagreement between the appointing authority and the Liaison Officer, the advice of the Department of Personnel & Training is obtained.

7.5 Before taking a decision to dereserve a vacancy under the delegated powers, the administrative Ministry / Department shall prepare a proposal in the proforma given in the **Annexure-I** and send one copy thereof each to the Department of Personnel & Training and the National Commission for Scheduled Castes in respect of vacancies reserved for SCs and to the National Commission for Scheduled Tribes in respect of vacancies reserved for STs. After sending the proposal, the Ministry / Department shall wait for a period of atleast two weeks for the comments of the Department of Personnel & Training and the concerned National Commission. If no comments are received from the Department of Personnel & Training or the concerned Commission within two weeks, the administrative Ministry / Department may presume that the DOPT or the concerned National Commission, as the case may be, do not have any comments to offer and may take a decision regarding dereservation of the vacancy. In case the Ministry / Department receives comments from the DOPT or the concerned Commission

within two weeks, the comments so received shall be considered while taking a decision in the matter.

7.6 While sending the copy of the proposal to the Commissions / Department of Personnel & Training, it should be ensured that the proposal / proforma duly filled in is signed by an officer of the rank of Under Secretary or above in the administrative Ministry / Department.

7.7 The Attached / Subordinate Offices etc. should not send the proposal direct to the Department of Personnel and Training or to the concerned National Commission. They should send the proposal to the administrative Ministry/ Department who will examine the proposal and send it to the Department of Personnel and Training and to the concerned National Commission.

Relevant Office Memoranda etc.

1	MHA O.M. No.31/10/63 SCT(I)	02.05.1963
2	MHA No.16/1 (I)/65-Estt.(C)	20.07.1965
3	MHA No 1/6/67-Estt.(C)	20.09.1967
4	MHA No. 27.05.1968-Estt.(C)	13.03.1968
5	MHA No.8/1/69-Estt.(SCT)	28.01.1969
6	DOP&AR O.M. No.16/1/72-Estt.(SCT)	11.08.1972
7	DOP&AR No.16/3/74-Estt.(SCT)	26.04.1974
8	DOP&AR No.16/27/74-Estt.(SCT)	12.11.1975
9	DOP&AR O.M. No.36011/25/79-Estt.(SCT)	16.11.1979
10	DOP&AR OM No.36011/5/81-Estt.(SCT)	07.04.1981
11	DP&T O.M. No.36020/2/2007-Estt.(Res)	07.12.2009

Annexure to Chapter-7

PROPOSAL FOR DERESERVATION OF VACANCIES RESERVED FOR SCHEDULED CASTES AND SCHEDULED TRIBES IN POSTS FILLED BY PROMOTION.

1. Name of the Office/Organisation to which the post (s) relate	
2. Particulars of the post in which vacancies are proposed to be dereserved (a) Name of the post (b) Group (Class) (c) Scale of Pay	
3. Information about posts in the promotion quota (a) Mode of promotion viz by Selection or Non-Selection or by Departmental Examination etc. (b) No. of posts already filled by the given mode of promotion (c) Number of backlog reserved vacancies in respect of the given mode of promotion (d) Number of current vacancies to be filled by the given mode of promotion (e) Total number of vacancies to be filled (current vacancies + backlog vacancies) by the given mode of promotion (f) Total number of posts in the given mode of promotion (b+e)	SCs..... STs.....Total.....
4. No. of posts already held by the candidates appointed by reservation in the cadre	SCs..... STs.....

5. If cadre strength is less than 14 and reservation is given by rotation, cycle no. and point no. of the roster on which the vacancy falls	Cycle No.....Point No.....
6. Number of vacancies earmarked reserved (a)Out of the current vacancies (b) Backlog reserved vacancies (c)Total reserved vacancies (a+b)	 SCs..... STs..... SCs..... STs..... SCs..... STs.....
7. Number of vacancies proposed to be dereserved	SCs..... STs.....
8. <u>If promotion is by non-selection</u> (a) Whether the SC/ST candidates who are eligible for promotion including those holding lower positions in the general seniority list were considered for promotion	
(b) Total number of SC/ST candidates in the feeder grade	SCs.....STs.....
(c) No. of eligible SC/ST candidates in the feeder grade	SCs.....STs.....
(d) Number of SC/ST candidates considered fit for promotion	SCs.....STs.....
(e) Number of SC/ST candidates considered not fit for promotion	SCs.....STs.....
(f) If sufficient number of SC/ST candidates are not eligible for promotion on the crucial date, the date on which the senior most SC/ST candidate in the grade will become eligible for promotion	SCs.....STs.....

9. <u>If promotion is by selection</u> (a) Size of the normal zone of consideration	
(b) Size of the extended zone of consideration for SCs/STs (5 times the total number of vacancies)	
(c) Number of eligible SC/ST candidates in the extended zone of consideration	SCs.....STs.....
(d) Number of SC/ST candidates found fit for promotion	SCs.....STs.....
(e) Number of SC/ST candidates considered not fit for promotion	SCs.....STs.....
(f) If sufficient number of SC/ST candidates are not eligible for promotion on the crucial date, the date on which the senior–most SC/ST candidate will become eligible for promotion and his place in the seniority list	SCs.....STs.....
10. If promotion is through Departmental Qualifying or Departmental Competitive Examination, the number of SC/ST candidates who qualified the examination	SCs.....STs.....
11. Whether other category candidates are available in the Select List for appointment to the vacancies sought to be dereserved	
12(a)Whether SC/ST candidates considered unfit had any adverse entries in their C.R.s considered by the DPC (b) If yes, whether such adverse entries were communicated in time to the SC/ST officer (s) concerned (c) Whether the cases of the eligible SC/ST candidates not found fit for promotion were submitted / reported to the Minister / Minister of State / Deputy Minister / Secretary / Head of the Department, as the case may be	
13. Where interviews are prescribed, whether SC/ST candidates were interviewed on a day or sitting of the Selection Committee other than the day / sitting on / in which general candidates were interviewed	

14(a) If ex-post-facto approval is sought to the dereservation of vacancies, the reasons why proposal for prior dereservation was not made, and what steps have been taken to prevent its recurrence	
(b)The level at which it was decided to fill the reserved vacancies by other category candidate (s) without prior dereservation	

It is certified

(1) that the proposal for dereservation is agreed to at the level of Joint Secretary to the Government of India in the administrative Ministry / Department.

(2) that the proposal has been seen and concurred in by the Liaison Officer of the Ministry / Department.

(3) that copies of this proposal are simultaneously being sent to the National Commission for Scheduled Castes / National Commission for Scheduled Tribes and the Department of Personnel & Training.

Signature.....

Name of the Signing Officer.....

Designation.....

Tele. No.....

No._____

Date_____

To

(1) Department of Personnel & Training, New Delhi.
(2) National Commission for Scheduled Castes / National Commission for Scheduled Tribes.