

GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(DEPARTMENT OF PERSONNEL AND TRAINING)

LOK SABHA
UNSTARRED QUESTION NO. 5344
(TO BE ANSWERED ON 28.03.2018)

SOs AND STENOGRAPHERS EXAM

5344. DR. UDIT RAJ:

Will the **PRIME MINISTER** be pleased to state:

- (a) whether the Government is aware that Constitution Bench of Hon'ble Supreme Court, in one of its judgements has declared DOPT's O.M. dated 22.7.1997 as illegal and directed the Government to modify the results of Section Officers (SOs)/Stenographers Grade 'B' limited Departmental Competitive Exams-1996 with all consequential benefits by providing relaxation in qualifying marks/evaluation of standards;
- (b) if so, the details thereof and the action taken by the Government in this regard; and
- (c) if not, the reasons therefor?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE
(DR. JITENDRA SINGH)**

- (a): Yes.
- (b):
 - i. In pursuance to the judgment of the Hon'ble Supreme Court in the case of S. Vinod Kumar vs. UOI read with the judgment pronounced in Indira Sawhney vs. UOI case, the Estt. (Res.), DOPT, vide its O.M. No. 36012/23/96-Estt.(Res.) dated 22.07.1997 withdrew the instructions contained in their OMs dated 23.12.1970 and 21.01.1977, in so far as these provided for lower qualifying marks for SC/ST candidates in departmental qualifying/competitive examinations for promotion. Subsequently, in pursuance to the Constitution (82nd Amendment) Act, 2000, these provisions were restored. However, the rules notified for conduct of SOs/Stenos LDCEs for the years 1996 to 1999 had no provision for lower qualifying marks/lesser level of evaluation for candidates belonging to SC/ST. As a result no SC/ST candidate qualified the SO LDCE for the years 1996 to 1999.
 - ii. Aggrieved by this, some SC/ST candidates who appeared in LDCE 1996 under Category I (Section Officers of CSS) were engaged in litigation since 1998 and the matter went up to the Apex court.
 - iii. Hon'ble Supreme Court vide its judgment dated 15.07.2014 in Civil Appeals No.6046-6047 of 2004 ordered as under:

“11. Consequently, civil appeals are allowed. The impugned order is set aside. 1997 O.M. is declared illegal. The respondents are directed to modify the results in the Section Officer/ Stenographers (Grade B/Grade-I) Limited Departmental Competitive Examination, 1996 by providing for reservation and extend all consequential reliefs to the appellants, if not granted so far.....”

- iv. In compliance with the above judgment, UPSC modified the results of SOs/Stenos (Gr.B/Gr.I) LDCE, 1996 and as per the modified results, Appellants, who were declared successful were included in Section Officer Select List-1996 against Examination Quota under Category-I (Section Officers' Grade). Later, the benefit was extended to similarly placed SC/ST officers who were declared qualified in the modified results of SOs/Stenos (Gr.B/Gr.I) LDCE, 1996.
- v. As regards, consequential benefits, orders for re-fixation of pay of these officers in SO grade upon their inclusion in SO SL 1996, have already been issued by this Department. After their inclusion in 1996 Section Officer Select List, they were provisionally interpolated in the appropriate USSLS (Under Secretary grade of CSS), in order of their seniority with reference to the position of their immediate junior officer. Subsequently, the pay fixation benefit in Under Secretary grade has also been granted.

(c): Question does not arise
