

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

LOK SABHA
UNSTARRED QUESTION NO. 3613
(TO BE ANSWERED ON 08.08.2018)

RESERVATION IN JOBS

3613. SHRI GANESH SINGH:

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

- (a) whether 49.5% reservation has been provided for the reserved categories in the Government posts;
- (b) if so, the percentage of reservation provided by the Government when a particular designation in a Department has a total number of posts viz. four and six, for direct recruitment;
- (c) the percentage of posts left for the Unreserved Category/General Category in such allocation; and
- (d) the details of provision of the Constitution for lesser percentage of reservation for the reserved categories and consequent disproportionate reverse reservation for the General Category?

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): Reservation for Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs) in case of direct recruitment on all India basis by open competition is 15%, 7.5% and 27% respectively which comes to 49.5%. In case of direct recruitment on all India basis otherwise than by open competition reservation for SCs, STs and OBCs is 16.66%, 7.5% and 25.84% respectively, which comes to around 50%.

(b) & (c): The Constitutional Bench of the Supreme Court, in the case of R. K. Sabharwal vs. State of Punjab as well as J. C. Mallick Vs. Ministry of Railways has held that the reservation of jobs for the backward classes SC/ST/OBC should apply to posts and not to vacancies. Accordingly, instructions were issued by Department of Personnel & Training vide OM No. 36012/2/96-Estt.(Res.) dated 02.07.1997. These instructions provide that for cadres of 2 to 13 posts, L shaped roster will be adopted and in respect of cadres having more than 13 posts, 200 point roster shall be adopted. However, the percentage of reservation remains same.

As per these instructions, the method for making a roster is to multiply each post by the prescribed percentage of reservation for the different reserved categories and the point at which the multiple for a community gets a complete number or oversteps the number will be reserved for that community, while taking care to evenly space out the different reserved categories and that the percentage of reservation does not exceed 50%. Instructions of 02/07/1997 also provide that persons belonging to the reserved categories, who are appointed on the basis of merit and not on account of reservation, are not to be counted towards the quota meant for reservation.

(d): Article 16(4) of the Constitution enables provision of reservation to backward class of citizens, who are not adequately represented in the State. As per the 9 judge Bench Constitutional judgment of the Hon'ble Supreme Court in Indra Sawhney case, total reservation cannot exceed the limit of 50%. In the same judgment, the Hon'ble Supreme Court has also observed that clause (4) of Article 16 of Constitution speaks of adequate representation and not proportionate representation.

The unreserved direct recruitment vacancies are open to all, including those reserved category candidates, who are selected on their own merit.