

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

**LOK SABHA**  
**UNSTARRED QUESTION NO. 3561**  
(TO BE ANSWERED ON 17.03.2021)

**ALLOCATION OF GENERAL SEAT TO RESERVED CATEGORY**

†3561. SHRI ASHOK KUMAR RAWAT:

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

- (a) whether a seat of General category is allocated to reserved category candidate when the latter get equal or more marks than the General category candidate for appointment in Government and PSUs;
- (b) if so, the details thereof; and
- (c) if not, the reasons therefor along with the steps taken in this regard?

**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) to (c): In case of direct recruitment to vacancies in posts under the Central Government, the Scheduled Caste (SC), Scheduled Tribes (ST) and Other Backward Classes (OBC) candidates, who are selected on their own merit without relaxed standards, along with candidates belonging to the other communities are not adjusted against the reserved share of vacancies. The reserved vacancies, in such cases, are filled up separately from amongst the eligible SC, ST and OBC candidates, who are lower in merit than the last candidate on the merit list, but otherwise found suitable for appointment even by relaxed standards.

SC and ST candidates appointed by promotion on their own merit and seniority, and not owing to reservation or relaxation of qualifications, are adjusted against unreserved points of reservation roster, irrespective of the fact whether the promotion is made by selection method or non-selection method. However, Hon'ble High Court of Haryana and Punjab has quashed the DoPT OM, dated 10.08.2010 (regarding promotion of SC and ST candidates on own merit) on the grounds that it is not compliance with the *Nagaraj* judgement (2006) of the Hon'ble Supreme Court. The Government has challenged the above Order of Hon'ble High Court and the matter is presently subjudice before the Hon'ble Supreme Court in the SLP titled '*Jarnail Singh and Ors. Vs Lachhmi Narayan Gupta and Ors.*'.

The PSUs, under the control of the Government of India, are required to make reservation for SCs, STs and OBCs in their services on the lines of the reservations in services under Government, and the concerned Ministries/Departments are required to issue suitable directives in this regard to the PSUs under their administrative control.

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