

**GOVERNMENT OF INDIA
MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
LOK SABHA**

**UNSTARRED QUESTION NO.1761
TO BE ANSWERED ON 10.02.2026**

RULES FOR RESERVATION

1761. SHRI RAJA A:

Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

- (a) whether the Supreme Court in its landmark judgment had ruled that reserved category candidates must be adjusted against unreserved seats, if they secure higher marks (on merit), if so, the details thereof;
- (b) if so, whether the Ministry has issued any direction or office order for following strictly the court order in all the establishments, if so, the details thereof;
- (c) if not, the reasons therefor; and
- (d) whether any monitoring mechanism put in place to ensure the order is strictly implemented in all Government Departments and undertakings, if so, the details thereof and if not, the reasons therefor?

ANSWER

MINISTER OF STATE FOR SOCIAL JUSTICE AND EMPOWERMENT

(SHRI B.L.VERMA)

(a) to (d): In reference to the Hon'ble Supreme Court's judgment dated 10.02.1995 in the matter of R.K. Sabharwal & Ors. vs State of Punjab & Others, DoPT has issued an OM dated 02.07.1997, para 5 of which provides that the candidates belonging to SCs/STs/OBCs who were appointed on merit (and not due to reservation) are not to be counted towards reservation so far as direct recruitment is concerned. Further, vide DoPT OM dated 01.07.1998, it is provided that in case of direct recruitment, SC/ST/OBC candidates, who are selected on the same standard as applied to general candidates i.e. without relaxation in age limit, experience qualification, permitted number of chances in written examination, extended zone of consideration larger than what is provided to the general category candidates etc., shall not be adjusted against reserved vacancies.

In case of promotion, DoPT OM dated 11.07.2002 provides that the SC/ST candidates appointed by promotion on their own merit and not owing to reservation or relaxation of qualifications will not be adjusted against the reserved points of the reservation roster. However, it is stated that the policy of reservation in promotion, including own merit in promotion, is presently sub-judice before the Hon'ble Supreme Court in the Jarnail Singh batch of cases (SLP No. 30621 of 2011).

The instructions also provide that each Ministry/Department is required to designate an officer, at least of the rank of Deputy Secretary, as a Liaison Officer to ensure implementation of the instructions relating to reservations
