

## Reservation in services and Educational Institutions

Govt. of West Bengal passed "[The West Bengal Scheduled Castes and Scheduled Tribes \(Reservation of vacancies in Services and Posts\) Act, 1976](#)" and also formed "[The West Bengal Scheduled Castes and Scheduled Tribes \(Reservation of vacancies in Services and Posts\) Rules, 1976](#)" under the Act. The Act and the Rules have been amended on many occasions as per necessity. The main features of the Act and the Rules are mentioned below:

1. The provisions of this Act shall **not apply** in relation to any employment under the **Central Govt.**, in the **WBHJS**, any **private employment**, any employment in **domestic service** and in case of **single post cadre**. In case of promotion posts in addition to the above, there will be no reservation in posts having a scale of pay the maximum of which **exceeds 18,300/-**.
2. As per provisions of this Act, **22%** of the vacancies shall be reserved for **SC** and **6%** shall be reserved for **ST**. Reservation at this rate is to be maintained for direct recruitment as well as for promotion.
3. To maintain this reservation, **two rosters** have been provided. One roster named **100 point roster** is to be maintained for **direct recruitment**. Another roster, a **50 point roster** is to be maintained for **promotion**.
4. All employers have to maintain separate registers called **Register of Appointments (ROA)** for different categories of posts and also separately for direct recruitment and for promotion posts.
5. To facilitate maintenance of ROA, a cut-off date on **27-03-1990** has been fixed. All the vacancies as on that date has to be listed in the ROA. The format of the ROA has been mentioned in the Rule. All subsequent vacancies are to be written in the ROA and reservation has to be done as per the relevant 100 point or 50 point roster depending on the nature of vacancy (direct or promotion).
6. The ROA has to be got authenticated by the Competent Authority from time to time, especially as or when vacancies are filled up. **Authentication** of ROA is done by the District Magistrate and District Reservation Commissioner in case of Districts and by the BCW Department in case of Kolkata.
7. **De-reservation** of a reserved post can be done on the ground of non-availability of suitable reserved candidate, despite best efforts. For this, application in the prescribed format with proof of non-availability, has to be submitted by the Appointing Authority. DM & Dist. Commissioner for Reservation for Districts and BCW Deptt. for Kolkata are the authorities for de-reservation. De-reservation is granted by carrying forward the reserved vacancy to nearest available general vacancy. However, in cases of educational institutions, de-reservation is allowed by carrying forward the reserved vacancy to future unreserved vacancies also.
8. If Appointing Authority violates the provision of reservation by filling up on reserved vacancy with a different category of candidate, he can approach the Govt. for regularisation of the violation. **Regularisation** can be granted by the Department by carrying forward the

reserved vacancy in the manner as in cases of de-reservation.

9. Every Appointing Authority is required to furnish **two reports** in the prescribed format **annually**. These are:
  - a) Report on total number of employees and the number of SC & ST amongst them on 1st January of every year.
  - b) Report on total number of recruitments during the last calendar year and the number of SC & ST amongst them.
10. If an appointing authority makes an appointment in **contravention** of the provisions of this Act or fails to maintain records or to furnish annual returns, he shall be **punishable** with imprisonment for a term of 5 years or with fine of Rs.2,500/-.
11. For getting the **benefit of reservation** one candidate will have to produce a statutory caste certificate obtained from the competent authority and he can claim such benefit of reservation only **from the date of obtaining that certificate**.
12. In addition to the benefit of reservation, a reserved candidate can claim **age relaxation** in case of appointments not only for reserved posts, but also **for unreserved posts**.
13. **Benefit** of reservation can be claimed by a reserved candidate only from his **State of origin**, not from the State he may migrate.
14. Till now [60 communities as SC](#) and [40 communities as ST](#) have been identified in West Bengal.
15. **BCW Department** of the **Govt. of West Bengal** administers the provisions of these Acts and the Rules. Ministry of **Social Justice and Empowerment, Govt. of India**, looks after the matters relating to **SCs and OBCs** and Ministry of **Tribal Affairs, Govt. of India**, looks after the matters relating to the **ST** at the Central level. In this State there is a State Reservation Cell at the State Level and a District Reservation Cell in each District to monitor implementation of reservation norms.

There are two National Commissions – **National Commission for Scheduled Castes** and **National Commission for Scheduled Tribes**. They monitor, evaluate the welfare activities of the State and Central Governments and suggest measures to be taken for improvement etc. Reservation of SC & ST in admission to educational institutions

1. Government of West Bengal has also provided reservation [@ 22% for SC & 6% for ST](#) in case of [admission to educational courses](#).
2. A **separate merit list for SC & ST** candidates has to be prepared. SC & ST candidates qualified for general merit list will not be counted for reserved quota in admission.
3. Seats reserved for SC remaining unfilled by SC candidates may be filled by ST candidates and vice versa.
4. In case of **non-availability of SC/ST** candidates, seats can be filled by **general candidates**

after obtaining **permission from prescribed authority**. Prescribed authorities for the districts are the respective District Magistrates and for Kolkata, Commissioner for Reservation and Joint Commissioner for Reservation are the prescribed authorities.

Reservation in services & posts for OBC & reservation in admission for OBC

1. There is no Act to guide the principles of reservation for OBCs. Notification No. [347-TW / EC dated 13-07-1994](#) was the first Notification to introduce the matter of reservation for OBCs in services and posts under State Govt. control. 5% posts were reserved then for OBC. This has been increased to 7% and presently 7% posts are reserved for OBCs.
2. Covering all reservation quotas for SC, ST, & OBC, one **100 point roster** has been prescribed which is used to ensure reservation of services and posts for SC, ST & OBC in West Bengal.
3. Since there is **no provision for reservation in promotion** in respect of OBCs, 50 point roster is not required to be maintained for OBCs.
4. **Authentication, De-reservation and Regularisation** in respect of OBCs are done following the same principle as in cases of SC & ST. The same ROA is used for SC, ST & OBCs taken together. Annual returns etc. are also to be furnished in the same manner as in cases of SC & ST.
5. At present **64 communities** have been included in the list of OBCs. However, OBC persons falling under 'Creamy Layer' are excluded from the provision of reservation.
6. In case of admission to educational courses, **7% reservation** has been provided in respect of **admission to Primary, Secondary and Higher Secondary courses**. No reservation for OBC in higher education has yet been introduced here.
7. **West Bengal Commission for Backward Classes** has been set up here in 1993. The Commission looks after the matter of identification of communities to be listed as OBC, and other related matters involving OBCs.