

GOVERNMENT OF WEST BENGAL
SCHEDULED CASTES AND TRIBES WELFARE DEPARTMENT

NOTIFICATION

No.374-TW/EC.—16th August, 1976.—In exercise of the power conferred by section 13 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of vacancies in Services and Posts) Act, 1976 (West Bengal Act XXVII of 1976), the Governor is pleased hereby to make the following rules, namely:

RULES

Chapter I

Preliminary.

1. Short title: These Rules may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Rules, 1976.

2. Definition: In these rules,—

- (a) "Act" means the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976;
- (b) "Department administering the Act" means the Department of Scheduled Castes and Scheduled Tribes Welfare of the Govt. Of West Bengal;
- (c) "Section" means a section of the Act.

Chapter II

Maintenance of register of appointments, submission of annual report and maintenance of liaison with administrative department.

3. Maintenance of register of appointments: Every appointing authority shall maintain the register as referred to in paragraph (ii) of the Schedule to the Act in the form indicated in Appendix I separately in respect of cases of direct recruitment and promotion.

4. Submission of annual report.: For the purposes of sub-section (1) of section 12, the annual report on the appointments made by every appointing authority shall be furnished in the following manner and in the forms indicated hereunder, namely:—

- (a) As soon after the first of January of every year as possible and latest by the first day of March, each appointing authority shall send to the respective administrative department or head of office concerned,—
 - (i) statement in the form given in Appendix II showing the total number of employees and the number of Scheduled Castes and Scheduled Tribes amongst them as on the 1st January of the year;

(ii) statements in the forms given in Appendix IIIA and Appendix IIIB showing the particulars of recruitments made during the calendar year and the numbers filled by the Scheduled Castes and Scheduled Tribes.

(b) The Administrative head of each establishment shall send to the department of Government administering the Act,—

(i) a consolidated statement in the form given in Appendix II in respect of all offices under his control including his own, and

(ii) consolidated statements in forms given in Appendix IIIA and Appendix III B in respect of all offices under his control including his own.

5. Classification of services: For the purposes of submission of reports referred to in rule 4, classification of services in different establishments should be as laid down in rule 4 and rule 5 of the West Bengal Services (Classification, Control and Appeal) Rules, 1971.

6. Appointment of Liaison Officer: (a) In every department under the State Government, the Deputy Secretary in charge of administration and in other establishments, the senior officer-in-charge of establishment matters and appointments shall act as the Liaison Officer for the purpose of implementation of the provisions of the Act in all establishments and services under his administrative control.

(b) Every head of the department or head of office shall intimate the name and designation of the Liaison Officer in respect of his establishment to the department administering the Act:

Provided that the head of the department or head of office shall intimate to the department administering the Act, any change in the name or designation of the Liaison Officer within a month of such change.

(i) due compliance by the subordinate appointing authorities, if any, of the provisions of the Act;

(ii) submission of the annual report as required under the rules by each appointing authority;

(iii) scrutiny and consolidation of the annual statements in respect of all offices and services in and under the establishment and timely submission of the consolidated statement to the concerned authority ;

(iv) regular inspection of the roster and registers maintained in his own office as well as in offices under the control of the establishment;

(v) maintenance of proper liaison with the authority administering the Act in all matters concerning the implementation of the Act.

Chapter III

Inspection of records and documents.

17. For the purposes of sub-section (2) of section 12, the following officers shall be the officers authorised by the State Government who may inspect any records or documents which are maintained in relation to appointments made by the appointing authorities within the meaning of the Act in offices located in the areas mentioned against each, namely:

<i>Designation of Officer</i>	<i>Area</i>
(i) Joint Commissioner for Reservation, West Bengal	Whole of West Bengal
(ii) Assistant Commissioner for Reservation, West Bengal	Whole of West Bengal
(iii) Officer on Special Duty (Reservation Cell)	Whole of West Bengal
(iv) Any Officer not below the rank of Assistant Secretary to Government Specially appointed by the State Government in this behalf	Whole of West Bengal
(v) District Commissioner for Reservation	Within his territorial jurisdiction
(vi) Project Officer-cum-District Welfare Officer, Scheduled Castes and Tribes Welfare	Within his territorial jurisdiction
(vii) Additional District Welfare Officer, Scheduled Castes and Tribes Welfare	Within his territorial jurisdiction
(viii) District Welfare Officer, Scheduled Castes and Tribes Welfare	Within his territorial jurisdiction
(ix) Inspector, Scheduled Castes & Tribes Welfare	Within his territorial jurisdiction.

Explanation.—"Territorial jurisdiction" shall have the same meaning as in section 6C.

Officers competent to issue

8. Omit.

Scheduled Castes or Scheduled Tribes Certificates.

Form for Certificate.

9. Omit.

Chapter IV

Reservation for Scheduled Castes and Scheduled Tribes in vacancies to be filled by promotion.

¹ Vide Notification No. U77-TW/EC/MR-70/92, dt. 01.12.1995.

10. Procedure for filling up of reserved vacancies by promotion: While filling up vacancies reserved for Scheduled Castes and Scheduled Tribes by promotion, the following procedure shall be followed, namely:

(a) Selection against vacancies reserved for Scheduled Castes and Scheduled Tribes shall be made from among those Scheduled Caste and Scheduled Tribe employees who fall within the normal zone of consideration.

²*Explanation.* —Normal zone of consideration in respect of promotion to any particular post or posts shall consist of such of the employees eligible for promotion to such post or posts according to the prevailing recruitment rules or procedure as occupy, when arranged in descending order of the seniority, five times the number of vacancy or vacancies actually available for filling up by promotion at the time of consideration.";

(b) If candidates from Scheduled Castes and Scheduled Tribes obtain on the basis of merit with due regard to seniority, on the same basis as other candidates, less number of vacancies than that reserved for them, the difference shall be made up by selecting candidates irrespective of merit but who are considered fit for promotion:

³"Provided that for the purpose of fitness, all Scheduled Caste and Scheduled Tribe employees who are within the normal zone of consideration for promotion to higher posts shall be given one grading higher than the grading assigned to them on the basis of their record of service excepting in those cases where the highest grading has been assigned on the basis of record of service."

(c) In the absence of a qualified Scheduled Caste or Scheduled Tribe candidate against a particular reserved vacancy, the reserved vacancy shall be carried forward till the next reserved vacancy occurs in the fifty-point roster by not beyond.

(d) While vacancies reserved for Scheduled Castes and Scheduled Tribes will continue to be reserved for the respective community only, a Scheduled Caste employee may also be considered for appointment against a vacancy reserved for Scheduled Tribes, or "vice-versa, where the appropriate reserved vacancy could not be filled by a Scheduled Tribe or a Scheduled Caste candidate, as the case may be.

² Vide Notification No. 48-TW/EC, dated 10.03.1980.

³ Vide Notification No. 1253-TW/EC, dated 21.12.1995

*** APPENDIX I**
Register of Appointment
DIRECT RECRUITMENT/PROMOTION

Name of the Department:
 Group of Service:
 Scale of Pay:

Name of office:
 Name of the Post:
 Total No. of Sanctioned Posts:
 Percentage of Reservation
 (a) Scheduled Castes:
 (b) Scheduled Tribes:

Date of occurrence of the vacancy	Point of roster	Whether reserved for Scheduled Castes or Scheduled Tribes.	Name of the candidate appointed indicating Scheduled Caste or Scheduled Tribe status	Date of appointment	If the candidate of the right community is not appointed to the reserved vacancy, reasons for not doing so	Remarks	Signature of the appointing authority.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

⁴APPENDIX II

Annual Statement of the total number of employees and members of Scheduled Castes/ Scheduled Tribes amongst them as stood on the 1st January of the year 19...

Name of the Department:

Name and address of the Office:

Group of Service	Name of Post	Total number of employees in the posts	Number of Scheduled Castes amongst them	Percentage of Scheduled Castes to the total employees in the post	Number of Scheduled Tribes amongst them	Percentage of Scheduled Tribes to the total employees in the post

⁴ Vide Notification No. 1177-TW/EC/MR-70/92, dated 01.12.1995.

*** APPENDIX IIIA**

Annual Return of Appointments made during the calendar year ending on 31st December, 19...

Name of the Department:

Name and address of the Office:

DIRECT RECRUITMENT

Group of Service	Name of Post	Total number of vacancies occurred			No. of vacancies reported to PSC/EE			No. of vacancies filled up by			No. of dereserved vacancies in relation to Column 4	No. of vacancies carried forwarded on account of Dereservation		REMARKS	
		General	S.C.	S.T.	General	S.C.	S.T.	General	S.C.	S.T.		S.C.	S.T.		
															S.C.
		(1)	(2)	(3)			(4)			(5)			(6)		(7)

***APPENDIX IIIB**

Annual Return of Appointments made during the calendar year ending on the 31st December, 19...

Name of the Department:

Name and Address of the Office:

PROMOTION

Group of Service	Name of Post	Total number of vacancies occurred			Total number of vacancies filled up			Total number of reserved vacancies carried forward		Total number of reserved vacancies lapsed		REMARKS
		General	S.C.	S.T.	General	S.C.	S.T.	S.C.	S.T.	S.C.	S.T.	
		(1)	(2)	(3)			(4)			(5)		

* Vide Notification No. 1177-TW/EC/MR-70/92, dated 01.12.1995.

* Vide Notification No. 1177-TW/EC/MR-70/92, dated 01.12.1995.