



सत्यमेव जयते

विश्वविद्यालय अनुदान आयोग
University Grants Commission
मानव संसाधन विकास मंत्रालय, भारत सरकार
(Ministry of Human Resource Development, Govt. of India)
बहादुरशाह जफर मार्ग नई दिल्ली - 110 002
Bahadurshah Zafar Marg, New Delhi-110002
Phone : 011-23406308, 011-23406309



ज्ञान-विज्ञान विमुक्तये

By Speed Post

3 JUN 2016
30 June, 2016

F.No.59-6/2012 (CU)

The Registrar
All Central Universities (40)

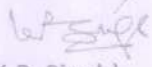
Subject : Implementation of Reservation Policy in admission and appointment.

Sir,

In continuation to this office letter No.F.21-2/2015 (CU) dated 23.03.2016 (copy enclosed) regarding the policy of reservation in admissions and appointments, I am directed to inform you to implement the reservation policy in admissions and appointments as under :-

- (i) University may follow the reservation policy in admissions in all courses as per provisions contained in the Central Educational Institutions (Reservation in Admission) Act, 2006 (Gazette notification dated 04.01.2007) and as amended in 2012 (Gazette notification dated 20.06.2012). A copy of each of the CEI Act 2006 and Amendment Act, 2012 is enclosed for ready reference.
- (ii) For reservation policy in appointments of Non-Teaching staff, university may follow the quantum of reservation in Group 'C' and erstwhile Group 'D' posts as per instructions issued by DoPT Order No.36011/6/2010-Estt.(Res.) dated 25th June, 2010 (copy enclosed). For reservation in Group 'A' and Group 'B' posts, the reservation for SC is 15%, for ST is 7.5% and for OBC, reservation in direct recruitment is 27%.
- (iii) In teaching positions, reservation for SC is 15% and for ST is 7.5% at all three levels i.e. Professor, Associate Professor and Assistant Professor. However, 27% OBC reservation in teaching positions is applicable at the level of Assistant Professor only.

Yours faithfully,


(K.P. Singh)

Joint Secretary

Encl: As above

Copy to :

- (i) Dr. Sukhbir Singh Sandhu, IAS, Joint Secretary (CU &L), Government of India, Ministry of Human Resource Development, Department of Higher Education, Shastri Bhawan, New Delhi - 110 115.

(ii) PO (Website)



SNo.144(C1)

-2308-

BY SPEED POST

23236735/ 23239437/23235733 23232701
23237721/ 23232317/23234116/ 23236351



UNIVERSITY GRANTS COMMISSION
BAHADURSHAH ZAFAR MARG
NEW DELHI-110002

All communications should be addressed to
the Secretary by designation and not by name

विश्वविद्यालय अनुदान आयोग
बहादुरशाह जफर मार्ग
नई दिल्ली - 110 002

F.No.21-2/2015 (CU)

March, 2016

The Registrar
All Central Universities and
Principal, UCMS.

23 MAR 2016

Subject: Revised Budget Estimates for 2015-2016 under Non-Plan of Central Universities – regarding point wise reservation roaster.

Sir,

This is in reference to the discussion on Revised Budget Estimates for 2015-2016 held on 1st March, 2016 to 3rd March, 2016 in the UGC office. In this regard, I am directed to inform you that It has been observed that some of the Central Universities has not maintained the point wise reservation roaster. Therefore, it is to inform you to frame the point wise reservation roaster as per rules framed by the Govt. of India. Further, it is also to inform you that as per instructions of Govt. of India/UGC, the educational institutions receiving grant-in-aid from Central Government have to follow the *prescribed percentage of Reservation i.e. 15% for SCs, 7½% for STs and 27% in OBCs in the matter of teaching and non-teaching posts as well as in admissions to various courses except Minority educational institutions under Article 30(1) of the Constitution.* The Central Universities are receiving 100% grant from the Central Government/UGC and they have to follow the Reservation Policy of the Government of India for SCs/STs in toto i.e. 15% for SCs, 7½% for STs and 27% for OBCs in the matter of teaching and non-teaching posts as well as in admissions to various courses/degrees.

As per instructions of UGC, all the Central Universities have to maintain/provide the reservation for SCs/STs in teaching positions at all levels i.e. Assistant Professor, Associate Professor and Professor and OBC reservation at Assistant Professor only.

Yours faithfully, -

Sushma Rathore

(Sushma Rathore)
Under Secretary

Copy to:-
The Finance Officer
All Central Universities and
Principal, UCMS.



*dc
Huyach
22/3/16*

Sushma Rathore
22.3.2016
(Sushma Rathore)
Under Secretary

*dc
Huyach
22/3/16*



ANNEXURE-II

UNIVERSITY GRANTS COMMISSION
INDIAN UNIVERSITY SYSTEM

UNIVERSITY GRANTS COMMISSION
BANSALPURU ROAD, PATNA, BIHAR
NEW DELHI-110002

All communications should be addressed to
the Secretary by designation and not by name



विश्वविद्यालय अनुदान आयोग
बंसलपुरा रोड - पटना - 800 002
नई दिल्ली - 110 002

No.F 36-2/2003 (CU)

January, 2007

The Registrar,
All Central Universities


- 8 JAN 2007

Sub: The Central Educational Institutions (Reservation in Admission) Act, 2006-reg

Sir,

I am directed to enclose herewith a copy of the Gazette of India-The Central Educational Institutions (Reservation in Admission) Act, 2006, No 5 of 2007, dated 4th January, 2007 received from Mrs.Anupama Bhatnagar , Director , Govt of India, Ministry of Human Resource Development, Deptt. Of Higher Education, New Delhi vide D.O No. F.1-1/2005/U-1-A dated 5-1-2007 on the above subject for your information and necessary action.


Yours faithfully,


(Dr. K.P.Singh)
Joint Secretary


Encl: As above.

Copy to-

1. Mrs. Anupama Bhatnagar , Director , Govt. of India, Ministry of Human Resource Development Deptt. Of Higher Education, Shastri Bhavan, New Delhi, with reference to her DO NO.1-1/2005 /U-1-A dated 5th January, 2007.
2. Additional Secretary -I, UGC.
3. Deputy Secretary (SCT), UGC.



Yours faithfully,


(R.Manoj Kumar)
Education Officer

OK
P
8/1/07





भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 5]

नई दिल्ली, बुधस्वतिवार, जनवरी 4, 2007 / पौष 14, 1928

No. 5]

NEW DELHI, THURSDAY, JANUARY 4, 2007 / PAUSA 14, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 4th January, 2007/Pausa 14, 1928 (Saka)

The following Act of Parliament received the assent of the President on the 3rd January, 2007, and is hereby published for general information:—

THE CENTRAL EDUCATIONAL INSTITUTIONS (RESERVATION IN ADMISSION) ACT, 2006

No. 5 of 2007

[3rd January, 2007.]

An Act to provide for the reservation in admission of the students belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes of citizens, to certain Central Educational Institutions established, maintained or aided by the Central Government, and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Central Educational Institutions (Reservation in Admission) Act, 2006. Short title.

2. In this Act, unless the context otherwise requires,— Definitions.

(a) "academic session" means the period in a calendar year, or a part thereof, during which a Central Educational Institution is open for instruction in any branch of study or faculty;



(b) "annual permitted strength" means the number of seats, in a course or programme for teaching or instruction in each branch of study or faculty authorised by an appropriate authority for admission of students to a Central Educational Institution;

(c) "appropriate authority" means the University Grants Commission, the Bar Council of India, the Medical Council of India, the All India Council for Technical Education or any other authority or body established by or under a Central Act for the determination, coordination or maintenance of the standards of higher education in any Central Educational Institution;

(d) "Central Educational Institution" means—

(i) a university established or incorporated by or under a Central Act;

(ii) an institution of national importance set up by an Act of Parliament;

(iii) an institution, declared as a deemed University under section 3 of the University Grants Commission Act, 1956, and maintained by or receiving aid from the Central Government;

(iv) an institution maintained by or receiving aid from the Central Government, whether directly or indirectly, and affiliated to an institution referred to in clause (i) or clause (ii), or a constituent unit of an institution referred to in clause (ii);

(v) an educational institution set up by the Central Government under the Societies Registration Act, 1860;

(e) "faculty" means the faculty of a Central Educational Institution;

(f) "Minority Educational Institution" means an institution established and administered by the minorities under clause (1) of article 30 of the Constitution and so declared by an Act of Parliament or by the Central Government or declared as a Minority Educational Institution under the National Commission for Minority Educational Institutions Act, 2004;

(g) "Other Backward Classes" means the class or classes of citizens who are socially and educationally backward, and are so determined by the Central Government;

(h) "Scheduled Castes" means the Scheduled Castes notified under article 341 of the Constitution;

(i) "Scheduled Tribes" means the Scheduled Tribes notified under article 342 of the Constitution;

(j) "teaching or instruction in any branch of study" means teaching or instruction in a branch of study leading to three principal levels of qualifications at bachelor (undergraduate) masters (postgraduate) and doctoral levels.

Reservation of
seats in Central
Educational
Institutions.

3. The reservation of seats in admission and its extent in a Central Educational Institution shall be provided in the following manner, namely:—

(i) out of the annual permitted strength in each branch of study or faculty, fifteen per cent. seats shall be reserved for the Scheduled Castes;



(ii) out of the annual permitted strength in each branch of study or faculty, seven and one-half per cent. seats shall be reserved for the Scheduled Tribes;

(iii) out of the annual permitted strength in each branch of study or faculty, twenty-seven per cent. seats shall be reserved for the Other Backward Classes.

4. The provisions of section 3 of this Act shall not apply to

Act not to apply in certain cases

(a) a Central Educational Institution established in the tribal areas referred to in the Sixth Schedule to the Constitution;

(b) the institutions of excellence, research institutions, institutions of national and strategic importance specified in the Schedule to this Act;

Provided that the Central Government may, as and when considered necessary, by notification in the Official Gazette, amend the Schedule;

(c) a Minority Educational Institution as defined in this Act;

(d) a course or programme at high levels of specialisation, including at the post-doctoral level, within any branch of study or faculty, which the Central Government may, in consultation with the appropriate authority, specify.

5. (1) Notwithstanding anything contained in clause (iii) of section 3 and in any other law for the time being in force, every Central Educational Institution shall, with the prior approval of the appropriate authority, increase the number of seats in a branch of study or faculty over and above its annual permitted strength so that the number of seats, excluding those reserved for the persons belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes, is not less than the number of such seats available for the academic session immediately preceding the date of the coming into force of this Act.

Mandatory increase of seats

(2) Where, on a representation by any Central Educational Institution, the Central Government, in consultation with the appropriate authority, is satisfied that for reasons of financial, physical or academic limitations or in order to maintain the standards of education, the annual permitted strength in any branch of study or faculty of such institution cannot be increased for the academic session following the commencement of this Act, it may permit by notification in the Official Gazette, such institution to increase the annual permitted strength over a maximum period of three years beginning with the academic session following the commencement of this Act; and then, the extent of reservation for the Other Backward Classes as provided in clause (iii) of section 3 shall be limited for that academic session in such manner that the number of seats available to the Other Backward Classes for each academic session are commensurate with the increase in the permitted strength for each year.

6. The Central Educational Institutions shall take all necessary steps, which are required in giving effect to the provisions of sections 3, 4 and 5 of this Act, for the purposes of reservation of seats in admissions to its academic sessions commencing on and from the calendar year, 2007.

Reservation of seats in admissions to begin in calendar year, 2007.

7. Every notification made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or both Houses agree that the notification should not be made, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

Laying of notifications before Parliament



THE SCHEDULE
[See section 4(b)]

S. No.	Names of the Institutions of Excellence, etc.
1	Homi Bhabha National Institute, Mumbai and its constituent units, namely:— (i) Bhabha Atomic Research Centre, Trombay; (ii) Indira Gandhi Centre for Atomic Research, Kalpakkam; (iii) Raja Ramanna Centre for Advanced Technology, Indore; (iv) Institute for Plasma Research, Gandhinagar; (v) Variable Energy Cyclotron Centre, Kolkata; (vi) Saha Institute of Nuclear Physics, Kolkata; (vii) Institute of Physics, Bhubaneswar; (viii) Institute of Mathematical Sciences, Chennai; (ix) Harish-Chandra Research Institute, Allahabad; (x) Tata Memorial Centre, Mumbai.
2.	Tata Institute of Fundamental Research, Mumbai.
3.	North-Eastern Indira Gandhi Regional Institute of Health and Medical Science, Shillong.
4.	National Brain Research Centre, Manesar, Gurgaon.
5.	Jawaharlal Nehru Centre for Advanced Scientific Research, Bangalore.
6.	Physical Research Laboratory, Ahmedabad.
7.	Space Physics Laboratory, Thiruvananthapuram.
8.	Indian Institute of Remote Sensing, Dehradun.

K. N. CHATURVEDI,
Secy. to the Govt. of India.



S No 567

ANNEXURE-II
1475

UNIVERSITY GRANTS COMMISSION
BAHADURSHAH ZAFAR MARG
NEW DELHI-110002



UNIVERSITY GRANTS COMMISSION
BAHADURSHAH ZAFAR MARG
NEW DELHI-110002

विश्वविद्यालय अनुदान आयोग
महापुरशाह जफर मार्ग
नई दिल्ली - 110 002

All communications should be addressed to
the Secretary by Designation and not by name

SPEED POST

F.No.35-19/2008 (CU)

28th September, 2012

The Registrar
All Central Universities (39)
& Principal, UCMS
As per list enclosed)

50 2012

Subject: Central Educational Institutions (Reservation in Admission) Amendment
Act, 2012.

Sir/ Madam,

I am directed to enclose herewith a copy of the Central Educational
Institutions (Reservation in Admission) Amendment Act, 2012 for information and
necessary action.

Yours faithfully,

(Ritu Oberoi)
Under Secretary

Encl. As above

O/c
V. Tabreja
28/9/2012



विन्दी सं संके पुस—(पन)०-४/०००७/२००३—१२

REGISTERED NO. DL—(N)०४/०००७/२००३—१२



भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 1

PART II—Section 1

प्रधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं ३३] नई दिल्ली, बुधवार, जून २०, २०१२/ ज्येष्ठ ३०, १९३४ (सक)
No. 33] NEW DELHI, WEDNESDAY, JUNE 20, 2012/ JYAISTHA 30, 1934 (SAKA)

इस भाग में बिना पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 20th June, 2012/Jyaistha 30, 1934 (Saka)

The following Act of Parliament received the assent of the President on the 19th June, 2012, and is hereby published for general information:—

**THE CENTRAL EDUCATIONAL INSTITUTIONS (RESERVATION
IN ADMISSION) AMENDMENT ACT, 2012**

[No. 31 of 2012]

[19th June, 2012]

An Act to amend the Central Educational Institutions (Reservation in Admission) Act, 2006

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. This Act may be called the Central Educational Institutions (Reservation in Admission) Amendment Act, 2012. Short title.

2. In section 2 of the Central Educational Institutions (Reservation in Admission) Act, 2006 (hereinafter referred to as the principal Act), after clause (i), the following clauses shall be inserted, namely:— Amendment of section 2.

(i) "specified north-eastern region" means the area comprising of the States of Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura and the tribal areas of Assam referred to in the Sixth Schedule to the Constitution;

(ii) "State seats", in relation to a Central Educational Institution, means such seats, if any, out of the annual permitted strength in each branch of study or faculty as



are earmarked to be filled from amongst the eligible students of the State in which such institution is situated;

Amendment
of section 2.

3. In section 5 of the principal Act, the following provisos shall be inserted, namely:—

"Provided that the State seats, if any, in a Central Educational Institution situated in the tribal areas referred to in the Sixth Schedule to the Constitution shall be governed by such reservation policy for the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes, as may be specified, by notification in the Official Gazette, by the Government of the State where such institution is situated.

Provided further that if there are no State seats in a Central Educational Institution and the seats reserved for the Scheduled Castes exceed the percentage specified under clause (i) or the seats reserved for the Scheduled Tribes exceed the percentage specified under clause (ii) or the seats reserved for the Scheduled Castes and the Scheduled Tribes taken together exceed the sum of percentages specified under clauses (i) and (ii), but such seats are—

(a) less than fifty per cent. of the annual permitted strength on the date immediately preceding the date of commencement of this Act, the total percentage of the seats required to be reserved for the Other Backward Classes under clause (iii) shall be restricted to the extent such sum of percentages specified under clauses (i) and (ii) falls short of fifty per cent. of the annual permitted strength;

(b) more than fifty per cent. of the annual permitted strength on the date immediately preceding the date of commencement of this Act, in that case no seat shall be reserved for the Other Backward Classes under clause (iii) but the extent of the reservation of seats for the Scheduled Castes and the Scheduled Tribes shall not be reduced in respect of Central Educational Institutions in the specified north-eastern region."

Amendment
of section 4.

4. In section 4 of the principal Act, clause (a) shall be omitted.

Amendment
of section 5.

5. In section 5 of the principal Act,—

(a) in sub-section (1), for the words "number of such seats available", the words "number of such seats available or actually filled, whichever be less," shall be substituted;

(b) in sub-section (2), for the words "three years", the words "six years" shall be substituted.

Amendment
of section 6.

6. In section 6 of the principal Act, for the figures "2007", the figures "2008" shall be substituted.

V. K. BHASTIN,
Secretary to the Govt. of India.

PRINTED BY DIRECTORATE OF PRINTING AT GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND
PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI, 2012.

GMG/PMRND—1605GI(S3)—20-06-2012



Translated Copy

Savitribai Phule Pune University

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Fax:020-25697388
Website: www.unipune.ac.in

Reservation Cell
Ganeshkhind, Pune 411007
Email: arakshan_ar@unipune.ac.in

Ref. No.: Reservation/ O-22/ 775

Date: 16-06.2015

Circular

Subject: Regarding Admissions for Under Graduate Courses for the Academic Year 2015-16...

All the Head Academic Institutions are hereby informed that, while admitting students for various undergraduate courses in the academic departments, admissions should be given as per the percentage of reservation mentioned below by implementing Government Order, University Ordinance 281.

1.	General (Open)	OPEN	50%
2.	Scheduled Castes	S.C.	13%
3.	Scheduled Tribes	S.T.	7%
4.	Liberated Castes (A)	DT-A	3%
5.	Nomadic Tribes (B)	NT-B	2.5%
6.	Nomadic Tribes (C)	NT-C	3.5%
7.	Nomadic Tribes (D)	NT-D	2%
8.	Other Backward Class	OBC	19%

1. As per government order, 3% seats should be reserved for the disabled in admission.
2. If any of the seats reserved for any backward class are left vacant after the admission process as per the merit list, then special backward class candidates should be given preference for admission up to a maximum of 2% of the total admission capacity.
3. In cases where seats are not available for all categories, reservation percentage should be given in the order of reservation mentioned above in the order of first Scheduled Caste, Scheduled Tribe, VJ (A), NT (B), (C), (D) and OBC.



4. The above reservation will be course wise in the department, non-reserved seats coming through the education department should be filled first. This will also include the backward class students according to their quality. These students should not be included in the reservation Chart. The remaining seats should be filled according to the reservation.

Reservation should be completed by admitting candidates from Scheduled Castes, Scheduled Tribes, Deprived Castes, Nomadic Tribes and other Backward Classes from other groups of Backward Classes as per Government Resolution.

5. According to the reservation policy of the Government of Maharashtra, the principle of Creamy layer is applicable to all categories except Scheduled Castes and Scheduled Tribes.

6. Backward Class Candidates from outside the State of Maharashtra will not receive any reservation concessions / benefits.

7. The above is also the case in the academic department where admissions are given according to specialization for the second year. The percentage of reservation must be observed. Quality, Preference and Reservation when admitting according to specialization admission process should be done with consideration.

8. Government Resolutions and circulars regarding reservation in educational admissions have been published from time to time on the website of this department. Reservation policies should be strictly enforced during the admission process.

Backward class teachers should be called as backward class representatives on the admission committee. Attaching a list of backward class representatives for reference. For more information on reservation rules, please contact the reservation room as required.

Request to submit the information of admission after the admission process to this office in the attached form.

Ganeshkhind, Pune 411007
Reference- Reservation / O-22 /775
Date- 16-6-15.

XXX
Deputy Secretary
(Reservation Cell)

CC:

- 1) Hon. Head of Department, All Education Department, Savitribai Phule Pune University, Pune 411007.
- 2) Hon. Reservation Representative, All Education Department, Savitribai Phule Pune University, Pune 411007
- 3) Assistant Registrar, Department of Educational Admission, Savitribai Phule Pune University, Pune 411007



सावित्रीबाई फुले पुणे विद्यापीठ
(पूर्वीचे पुणे विद्यापीठ)

दूरध्वनी क्र. : २५६०११८९/९०
फॅक्स क्र. : ०२०-२५६९७३८८
संकेतस्थळ : www.unipune.ac.in



आरक्षण कक्ष
गणेशखिंड, पुणे - ४११००७.
ई-मेल : arakshan_ar@unipune.ac.in

संदर्भ क्र. : आरक्षण/ओ-२२/ ७७५

दिनांक : १६-६-१५

परिपत्रक

विषय - पदव्युत्तर अभ्यासक्रमाच्या प्रवेशाबाबत - शैक्षणिक वर्ष २०१५-१६

विद्यापीठातील सर्व शैक्षणिक विभाग प्रमुखांना या परिपत्रकाद्वारे कळविण्यात येते की, शैक्षणिक विभागामध्ये वेगवेगळ्या पदव्युत्तर अभ्यासक्रमासाठी विद्यार्थ्यांना प्रवेश देताना शासन आदेश, विद्यापीठ अध्यादेश १८१ यांची अंमलबजावणी करून खाली नमूद केलेल्या आरक्षणाच्या टक्केवारीनुसार प्रवेश देण्यात यावेत.

क्र.	सर्वसाधारण (खुले)	OPEN	५०%
१.	अनुसूचित जाती	S.C.	१३%
२.	अनुसूचित जमाती	S.T.	७%
३.	विमुक्त जाती (अ)	DT-A	३%
४.	भटक्या जमाती (ब)	NT-B	२.५%
५.	भटक्या जमाती (क)	NT-C	३.५%
६.	भटक्या जमाती (ड)	NT-D	२%
७.	इतर मागास वर्ग	OBC	१९%

- शासन आदेशानुसार प्रवेशामध्ये अर्पणासाठी ३ % जागा राखीव ठेवण्यात याव्यात.
- गुणवत्ता यादीनुसार प्रवेश प्रक्रिया केल्यानंतर जर कोणत्याही मागासवर्गीय प्रवर्गासाठी आरक्षित असलेल्या जागांपैकी काही जागा रिक्त राहिल्या तर त्या जागेवर एकूण प्रवेश क्षमतेच्या जास्तीत जास्त २% पर्यंत विशेष मागास प्रवर्गीय उमेदवारांना प्रवेशासाठी प्राधान्य देण्यात यावे.
- ज्या विषयात सर्व प्रवर्गासाठी जागा उपलब्ध होत नसतील तेथे आरक्षणामध्ये वर उल्लेख केलेल्या आरक्षण क्रमानुसार प्रथम अनु.जाती, अनु.जमाती, विजा (अ), भज (ब), (क), (ड), व इमाब या क्रमाने आरक्षण टक्केवारी विचारात घेवून जागां आरक्षित ठेवण्यात याव्यात.
- उपरोक्त आरक्षण हे विभागामध्ये अभ्यासक्रमनिहाय असेल, शैक्षणिक विभागामार्फत येणा-या विंगर राखीव जागा या प्रथमतः भरण्यात याव्यात. यामध्ये गुणवत्तेनुसार अंशणा-या मागासवर्गीय विद्यार्थ्यांचा देखील समावेश असेल. या विद्यार्थ्यांचा समावेश आरक्षणामध्ये करण्यात येवू नये, उर्वरित जागा आरक्षणानुसार भरण्यात याव्यात.

16/07/15/Circulars.doc



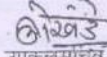
शैक्षणिक विभागात प्रवेश देताना एखाद्या प्रवर्गाचा उमेदवार न मिळाल्यास मागासवर्गीयांच्या इतर गटातील अनुसूचित जाती, अनुसूचित जमाती, विमुक्त जाती, भटक्या जमाती व इतर मागासवर्ग यामधून शासन निर्णयानुसार अंतर्गत बदलाने उमेदवारांना प्रवेश देवून आरक्षण पूर्ण करण्यात यावे.

५. महाराष्ट्र शासनाच्या आरक्षण धोरणानुसार क्रिमीलेअरचे तत्व अनुसूचित जाती, अनुसूचित जमाती वगळता इतर सर्व प्रवर्गांना लागू राहिल.
६. महाराष्ट्र राज्याबाहेरील मागासवर्गीय उमेदवारांना आरक्षणाच्या कोणत्याही सवलती / फायदे प्राप्त होणार नाहीत.
७. ज्या शैक्षणिक विभागात द्वितीय वर्षासाठी स्पेशलायझेशननुसार प्रवेश देण्यात येतात त्या ठिकाणीही वरील आरक्षणाची टक्केवारी पाळणे आवश्यक आहे. स्पेशलायझेशननुसार प्रवेश देताना गुणवत्ता, पसंती व आरक्षण विचारात घेवून प्रवेश प्रक्रिया करण्यात यावी.
८. शैक्षणिक प्रवेशामध्ये टेवावयाच्या आरक्षणासंदर्भात शासन निर्णय व त्या संबंधीचे परिपत्रक वेळोवेळी या विभागाच्या संकेतस्थळावर प्रसिध्द करण्यात आलेले आहे. प्रवेश प्रक्रिया करताना आरक्षण धोरणांची काटेकोरपणे अंमलबजावणी व्हावी.

प्रवेश समितीवर मागासवर्गीय शिक्षकास मागासवर्गीय प्रतिनिधी म्हणून बोलाविण्यात यावे. संदर्भासाठी मागासवर्गीय प्रतिनिधींची यादी सोबत जोडत आहे. आरक्षणाच्या नियमांच्या अधिक माहितीसाठी आवश्यकतेनुसार आरक्षण कक्षाशी संपर्क साधावा.

प्रवेश प्रक्रियेनंतर झालेल्या प्रवेशाची माहिती सोबत जोडलेल्या प्रपत्रात या कार्यालयास सादर करावी, ही विनंती.

गणेशखिंड, पुणे ४११००७
संदर्भ- आरक्षण/ओ-२२/ ७२५
दिनांक- १६-६-१५


उपकुलसचिव
(आरक्षण कक्ष)

प्रत :-

- १) मा.विभाग प्रमुख, सर्व शैक्षणिक विभाग, सावित्रीबाई फुले पुणे विद्यापीठ, पुणे ४११००७
- २) मा.आरक्षण प्रतिनिधी, सर्व शैक्षणिक विभाग, सावित्रीबाई फुले पुणे विद्यापीठ, पुणे ४११००७
- ३) सहायक कुलसचिव, शैक्षणिक प्रवेश विभाग, सावित्रीबाई फुले पुणे विद्यापीठ, पुणे ४११००७





महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ६, अंक ४९

]

शुक्रवार, जानेवारी ९, २०१५/पौष १९, शके १९३६

[पृष्ठे ९, किंमत : रुपये २७.००

असाधारण क्रमांक १

प्राधिकृत प्रकाशन

अध्यादेश व केलेले विनियम

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले

आणि

विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments or posts in the public services under the State) for Educationally and Socially Backward Category (ESBC) Act, 2014 (Mah. Act No. I of 2015), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

DR. MANGALA THOMBARE,
I/c. Draftsman-cum-Joint Secretary
to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. I OF 2015.

in

(First published, after having received the assent of the Governor the
"Maharashtra Government Gazette", on the 9th January 2015).

An Act to provide for reservation of seats for admission in educational institutions in the State and of appointments or posts in public services under the State to Educationally and Socially Backward Category (ESBC) in the State of Maharashtra for their advancement and for matters connected therewith or incidental thereto.

WHEREAS the policy of reservation for the educational and social advancement of people belonging to the backward classes of citizens in admissions to educational institutions in the State and for reservation of appointments or posts in public services under the State has been under implementation in the State of Maharashtra since formation of the Maharashtra State;

भाग आठ-१-१



AND WHEREAS the two notifications, providing for reservation of seats in public employment were issued in the Karveer State (Kolhapur) in the year 1902, on the 26th July 1902 and the 2nd August 1902, respectively, by Rajarshi Shahu Maharaj, who is known as the father of the concept of reservation in India, and from whom Dr. Babasaheb Ambedkar got inspiration to make provisions for reservation in the Constitution of India, and in the said two notifications of 1902, reservation was provided to Backward Classes wherein Maratha community was also included;

AND WHEREAS by Resolution of the then Government of Bombay, dated the 23rd April 1942, about 228 communities including Maratha and other castes were declared as intermediate and Backward community and Maratha community is shown at serial number 149 in the list annexed to the said Resolution;

AND WHEREAS the matter of Maratha reservation was referred to the Maharashtra State Commission for Backward Classes for their recommendations in the year 2004 and the State Backward Classes Commission had submitted its 22nd Report on the 28th July 2008 stating therein that such reservation cannot be given to the Maratha community in the category of "Other Backward Classes";

AND WHEREAS the Cabinet Sub-Committee after detailed discussion referred the matter back to the State Backward Classes Commission asking for its report on inadequacy of the quantifiable data on educational and social backwardness of the Maratha community and also was requested to give its opinion on whether Maratha community could be given reservation without touching the present structure of reservation;

AND WHEREAS after repeated request to submit the report, the State Backward Classes Commission insisted only on taking decision as per sub-section (2) of section 9 of the Maharashtra State Commission for Backward Classes Act, 2005 on the 22nd Report of the State Backward Classes Commission;

Mah.
XXXIV
of 2006.

AND WHEREAS the Government appointed the Rane Committee who had submitted adequate quantifiable data pertaining to the backwardness of Maratha community and thereafter the State Backward Classes Commission was again requested to offer its remarks on the issue of providing reservation to Educationally, Socially and Economically Backward Maratha community without affecting the present reservation of Other Backward Classes;

AND WHEREAS the State Backward Classes Commission by its letter dated the 20th May 2014 requested the Government to take decision on the 22nd Report of the Commission;

AND WHEREAS on the above backdrop there was a scope to believe that the State Backward Classes Commission was reluctant to take decision in the matter and hence, the Government decided to take decision after waiting for almost a decade and the Government, in its Cabinet meeting held on the 25th June 2014 decided, to partly reject the 22nd report of the Commission and with certain modifications accepted that Maratha community is Educationally and Socially Backward and hence, eligible for reservation, by virtue of sub-section (2) of section 9 of the Maharashtra State Commission for Backward Classes Act, 2005;

Mah.
XXXIV
of 2006.

AND WHEREAS the Government of Maharashtra was of the view on the basis of material and data collected by the Rane Committee that Maratha community is Socially, Educationally and Economically Backward and inadequately represented in services under the State, hence, require reservation in employment and reservation for admissions in the educational institutions ;

AND WHEREAS clause (4) of Article 15 of the Constitution of India enables the State to make any special provision for the advancement of any socially and educationally backward classes of citizens;

AND WHEREAS clause (5) of Article 15 of the Constitution of India enables the State to make any special provision, by law, for the advancement of any socially and educationally backward classes of citizens in so far as such special provision relate to their admission to educational institutions including private educational institutions, whether aided or un-aided by the State, other than the minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India;

AND WHEREAS clause (4) of Article 16 of the Constitution of India enables the State to make any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State;

AND WHEREAS even otherwise Articles 15(4), 15(5), 16(4) and 46 of the Constitution of India enable the State to provide reservation to a separate class;

Mah.
VIII of
2004.

AND WHEREAS the State of Maharashtra has enacted the Maharashtra State Public Services (Reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes) Act, 2001 in pursuance of clause (4) of Article 16 of the Constitution;

AND WHEREAS the Maharashtra State was of the view that on the basis of material and data collected by the Rane Committee that Maratha community is Socially, Educationally and Economically Backward and inadequately represented in services under the State, hence, require special provision for their advancement;

AND WHEREAS the State Government had, after careful consideration, taken a policy decision to create a new category namely Educationally and Socially Backward Category (ESBC) and, there should be a separate sixteen percent reservation for such newly created Educationally and Socially Backward Category (ESBC) and, the Maratha community was included in the said category, without affecting the then existing fifty-two percent reservation applicable in the State, in admissions to educational institutions including private educational institutions, whether aided or un-aided by the State, other than minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India, and in appointments or posts in public services under the State, excluding reserved in favour of the Scheduled Tribes candidates in the Scheduled Areas of the State under the Fifth Schedule to the Constitution of India, as per the notification issued on the 9th June 2014 in this behalf ;

AND WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to make a law to create a new Educationally and Socially Backward Category (ESBC) and to provide sixteen percent separate reservation for Educationally and Socially Backward Category (ESBC) in which Maratha community is included under this category, without affecting the then existing fifty-two percent reservation applicable in the State, in admissions to educational institutions including private educational institutions, whether aided or un-aided by the State, other than minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India,



and in appointments or posts in public services under the State, excluding reservation in favour of the Scheduled Tribes candidates in the Scheduled Areas of the State under the Fifth Schedule to the Constitution of India, as per the notification issued on the 9th June 2014 in this behalf, for their advancement and for the matters connected therewith or incidental thereto; and, therefore, promulgated the Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments or posts in the public services under the State) for Educationally and Socially Backward Category (ESBC) Ordinance, 2014, on the 9th July 2014 ;

Mah. Ord.
XIII of
2014.

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-fifth Year of the Republic of India as follows :—

(1) This Act may be called the Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments or posts in the public services under the State) for Educationally and Socially Backward Category (ESBC) Act, 2014.

Short title,
extent and
commencement.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall be deemed to have come into force on the 9th July 2014.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) “admission authority” in relation to admissions to institutions means the authority having supervisory and controlling powers over the educational institutions responsible for admissions to particular educational institutions;

(b) “appointing authority” in relation to public services and posts means the authority empowered to make appointment to such services or posts;

(c) “Competent Authority” means the Competent Authority appointed under section 6;

(d) “educational institutions” means the educational institutions in the State of Maharashtra owned and controlled by the Government, which receives grant-in-aid from the Government including a University established by or under the relevant Maharashtra Acts, including private educational institutions, whether aided or un-aided by the State, other than the minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India.

Explanation.—For the purposes of this clause, the expression “private educational institutions” means institutions which have been given either prior to coming into force of this Act or thereafter, aid in the form of Government land at concessional rates or any other monetary concessions by the Government, or are recognized, licensed, supervised or controlled by the Government;

(e) “Educationally and Socially Backward Category (ESBC)” means such category or categories of citizens who are Educationally and Socially Backward Class of citizens and declared by the Government as Educationally and Socially Backward Category (ESBC), from time to time;

(f) “establishment” means any office of the Government or of a local authority or statutory authority constituted under any Act of the State Legislature for the time being in force, or a University or a Company or a Corporation or a Co-operative Society in which share capital is held by the Government or any Government aided institutions.



Explanation.—For the purposes of this clause, the expression “Government aided institutions” shall also include institutions or industries which have been given either prior to coming into force of this Act or thereafter, aid in the form of Government land at concessional rates or any other monetary concessions by the Government or is recognized, licensed, supervised or controlled by the Government;

(g) “Government” or “State Government” means the Government of Maharashtra;

(h) “prescribed” means prescribed by rules made under this Act;

(i) “public services and posts” means the services and posts in connection with the affairs of the State and includes services and posts in—

(i) a local authority;

(ii) a co-operative society established under the Maharashtra Co-operative Societies Act, 1960, in which the Government is a share holder;

(iii) a Board or a Corporation or a statutory body established by or under a Central or a State Act which is owned and controlled by the Government, or a Government company as defined in the Companies Act, 1956 or the Companies Act, 2013;

(iv) an educational institution owned and controlled by the Government, which receives grant-in-aid from the Government including a University established by or under a Maharashtra Act; and

(v) any other establishment in respect of which reservation was applicable by Government orders on the date of commencement of this Act and which are not covered under sub-clauses (i) to (iv);

(j) “reservation” means the reservation of seats for the members of Educationally and Socially Backward Category (ESBC) for admission in educational institutions in the State and for appointments or posts in the services under the State.

(2) The words and expressions used in this Act, but not defined, shall have the same meanings respectively assigned to them in the Maharashtra State Public Services (Reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes) Act, 2001 and in any other relevant Act.

3. (1) This Act shall apply to all the direct recruitments, appointments or posts made in public services under the State except,—

Applicability.

(a) the super specialized posts in Medical, Technical and Educational field;

(b) the posts to be filled by transfer or deputation;

(c) the temporary appointments of less than forty-five days duration; and

(d) the post which is single (isolated) in any cadre or grade.



(2) This Act shall also apply, for the Educationally and Socially Backward Category (ESBC), for admission in educational institutions including private educational institutions, whether aided or un-aided by the State, other than the minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India.

(3) The State Government shall, while **entering** into or renewing an agreement with any educational institution or any establishment for the grant of any aid as provided in the explanation to clauses (d) and (f) of section 2 respectively, incorporate a condition for compliance with the provisions of this Act, by such educational institution or establishment.

Reservation of seats for admission in educational institutions, appointments or posts in public services under State for Educationally and Socially Backward Category (ESBC).

4. (1) Notwithstanding anything contained in the Maharashtra State Public Services (Reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes) Act, 2001 and notwithstanding anything contained in any judgment, decree or order of any Court or other authority, and subject to the other provisions of this Act, sixteen percent of the total seats in educational institutions including private educational institutions, whether aided or un-aided by the State, other than minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India, and sixteen percent of the total appointments or posts in direct recruitment in public services under the State, shall be separately reserved for the Educationally and Socially Backward Category (ESBC) in which the Maratha community is included:

Mah.VIII of 2004.

Provided that, the above reservation shall not be applicable to posts reserved in favour of the Scheduled Tribes candidates in the Scheduled Areas of the State under the Fifth Schedule to the Constitution of India as per the notification issued on the 9th June 2014 in this behalf.

(2) The principle of Creamy Layer shall be applicable to the Educationally and Socially Backward Category (ESBC).

Explanation.—For the purposes of this sub-section, the expression “Creamy Layer” means the person falling in the category of Creamy Layer as declared by the Government in the Social Justice and Special Assistance Department, by general or special orders issued in this behalf, from time to time.

Reservation not to be affected.

5. Notwithstanding anything contained in section 4, the claims of students or members belonging to Educationally and Socially Backward Category (ESBC) shall also be considered for the unreserved seats, appointments or posts which shall be filled on the basis of merit, and where a student or member belonging to such category is selected on the basis of merit, the number of seats, appointments or posts reserved for the Educationally and Socially Backward Category (ESBC), as the case may be, shall not in any way be affected.

Competent Authority.

6. (1) The Government may, by notification in the *Official Gazette*, appoint any officer not below the rank of District Social Welfare Officer to be the Competent Authority for the purposes of carrying out the provisions of this Act and the rules made thereunder.

(2) The Competent Authority shall **exercise** such powers and **perform** such functions as may be prescribed.



7. (1) The Government may, in public interest, by order, direct the Competent Authority, from time to time, to make an enquiry or to take appropriate proceedings under this Act specified in the order, and the Competent Authority shall report to the Government, the result of the enquiry made or the proceedings taken by him within such period as may be prescribed.

Power of Government to give directions.

(2) On receipt of the report from the Competent Authority under sub-section (1), the Government shall give such directions as it deems fit and such directions shall be final.

8. (1) If in respect of any recruitment year, any vacancy reserved for Educationally and Socially Backward Category (ESBC) of persons remains unfilled, such vacancy shall be carried forward up to five years in case of direct recruitment:

Carrying forward of reserved vacancies.

Provided that, on the date of commencement of this Act, if any Government Order, Resolution, Circular and Office Memorandum regarding filling of posts is in force then, the same shall continue to be in force unless modified or revoked by the Government and the Government is empowered to revise such Government Orders, Resolutions, Circulars and Office Memorandums :

Provided further that, notwithstanding anything contained in section 17 of this Act, the Government Departments are hereby empowered to give effect to the provisions of this Act including revision of roster prescribed for direct recruitment, as may be necessary, by the Government orders for enforcement and implementation of this reservation:

Provided also that, if the sanctioned posts are not adequate to allocate atleast one post for each reserved category, then the reserved post shall be filled in by applying the principle of rotation in accordance with the Government roster orders or rules as may be prescribed or modified in this behalf and the Government is empowered to revise the roster points and orders or rules accordingly.

(2) When a vacancy is carried forward as provided in sub-section (1), it shall not be counted against the quota of the vacancies reserved for the concerned category of persons for the recruitment year to which it is carried forward :

Provided that, the appointing authority may, at any time undertake a special recruitment drive to fill up such unfilled vacancies and if such vacancies remain unfilled even after such special recruitment drive then, it shall be filled up in the manner prescribed by the Government.

9. (1) The Government may, by order in writing, entrust upon every admission authority or appointing authority or any officer under such authority, with the responsibility of ensuring the compliance with the provisions of this Act.

Responsibility and powers for compliance of Act.

(2) The Government may, in the like manner, invest the admission authority or appointing authority or officer with such powers or authority as may be necessary for such authority or officer, to effectively discharge such duty assigned to such authority or officer.

10. (1) Any admission authority or appointing authority or officer or employee entrusted with the duty or responsibility who wilfully acts in a manner intended to contravene or defeat the purpose of this Act shall, on conviction, be punished with imprisonment for a term which may extend to

Penalty.



ninety days or fine which may extend to five thousand rupees, or with both.

(2) No court shall take cognizance of an offence punishable under this section except with the previous sanction of the Government or officer authorized in this behalf by the Government.

Power to call for records.

11. When it comes to the notice of the Government or is brought to its notice that any person belonging to Educationally and Socially Backward Category (ESBC) is adversely affected, on account of non-compliance with the provisions of this Act or the rules made thereunder or the Government orders issued in this behalf, by any admission authority or appointing authority, it may call for such records and pass such appropriate orders as it deems fit.

Representation in selection committee.

12. (1) The Government may, by an order, provide for nomination of officers belonging to Educationally and Socially Backward Category (ESBC) in selections, screening and Department Committee for the purpose of selecting persons for appointment to public services and posts.

(2) The Government may, by an order, grant such monetary or other concessions as may be considered necessary in favour of the Educationally and Socially Backward Category (ESBC).

Irregular admissions and appointments void.

13. Any admissions or appointments made in contravention of the provisions of this Act shall be void.

Competent Authority to be public servant.

14. The Competent Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of
1860.

Protection of action taken in good faith.

15. No suit, prosecution or other legal proceeding shall lie against the Competent Authority or its officers, for anything which is in good faith done or intended to be done under this Act or the rules or orders made thereunder.

Provisions of Act to be in addition to any other law for the time being in force.

16. The provisions of this Act shall be in addition to and not in derogation of the provisions contained in any other Act, for the time being in force.

Power to make rules.

17. (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in any rule or both Houses agree that the rule should not be made, and notify their decision to that effect in the *Official Gazette*, the rule shall, from the date of publication of notification of such decision have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

18. (1) The provisions of this Act shall not apply to the cases in which selection process has already been initiated before the commencement of this Act, and such cases shall be dealt with in accordance with the provisions of law and the Government orders as they stood before such commencement.

Savings.

Explanation.—For purposes of this section, the selection process shall be deemed to have been initiated where, under the relevant service rules,—

(i) recruitment is to be made on the basis of written test or interview only, and such written test or the interview, as the case may be, has started; or

(ii) recruitment is to be made on the basis of both, written test and interview and such written test has started.

(2) The provisions of this Act shall not apply to admissions in educational institutions and the cases in which the admission process has already been initiated before the commencement of this Act and such cases shall be dealt with in accordance with the provisions of law and the Government orders, as they stood before such commencement.

Explanation.—For the purposes of this section, the admission process shall be deemed to have initiated where,—

(i) admission is to be made on the basis of any entrance test, and procedure for such entrance test has started; or

(ii) in case of admission to be made other than on the basis of entrance test, the last date for filling up the application form is lapsed.

19. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty :

Power to remove difficulty.

Provided that, no such order shall be made after expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Mah. Ord. XIII of 2014.

20. (1) The Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments or posts in the public services under the State) for Educationally and Socially Backward Category (ESBC) Ordinance, 2014 is hereby repealed.

Repeal of Mah. Ord. XIII of 2014 and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification, order, resolution, circular, office memorandum issued or appointments made) under the said Ordinance shall be deemed to have been done, taken, issued or made, as the case may be, under the corresponding provisions of this Act.



**Economically weaker in the open category
Government service and education for the
constituents
10% seats for admission to institutes
Regarding reservation**

Government of Maharashtra

General Administration Department

Government Decision No. : RAADHO-4019/ Q.No.31/16-A

Martyr Rajguru Chowk, Madam Cama Road,

Mantralaya, Mumbai- 400 032

Dated- 12th February, 2019

Introduction:-

Parliament has passed the 103rd Constitutional Amendment Act, 2019 to the Constitution. Articles 15 and 16 of the Constitution of India have been amended thereby. Clause (6) has been included in Article 15 of the State Constitution by the said constitutional amendment. According to this amendment, any special provision may be made for the advancement of citizens of economically weaker sections other than those mentioned in clauses (4) and (5) of Article 15, and also for the economically weaker sections referred to in clause (1) of Article 30. Apart from minority educational institutions, the State Government can reserve up to 10 per cent seats in other educational institutions as well as in private educational institutions - whether they are State Government subsidized or non-subsidized - where admissions are concerned. None of the provisions of Article 15 or sub-clause (0) of clause (1) of Article 19 or clause (2) of Article 29 shall prevent the State from making special provision as above. This reservation will be in addition to the reservation currently prescribed for backward classes. (Explanation: For Article 15 and 16, economically weaker section shall be as notified by the State Government from time to time on the basis of economic income and other economic weakness).

Also, by amending Article 16 of the Constitution, Clause (6) has been added therein, thereby providing that the State shall not be prevented from making up to 10% reservation for economically weaker sections in Government services apart from the reservation mentioned in Clause (4) of Article 16. The Constitution Amendment Act passed by the Parliament has come into force vide the Gazette dated 14 January 2019.

It is necessary to implement the said constitutional amendment in the state. Considering this matter, the decision to keep 10% reservation for the economically weaker sections of the open category for service in government/semi-government services and government activities and for admission in



government, private, subsidized and unsubsidized institutions except for minority educational institutions was under the consideration of the government. Accordingly, the State Government is taking the following decision:-

Government Decision:-

Government Educational Institutions/ Aided Schools, Colleges, All Higher Education Institutions, Unaided Schools, for Economically Weaker Sections of the State (Backward Classes) other than the categories given the benefit of reservation under Article 15 (4) and (5) and Article 16 (4) of the Constitution of India. , 10% reservation is being prescribed in the total seats to be given admission in colleges and educational institutions. The said reservation shall not apply to the minority bodies referred to in Clause (1) of Article 30 of the Constitution.

Also, 10% reservation is being prescribed in direct service posts for the appointment of government establishments, semi-government establishments, boards/ corporations/ urban local bodies/ rural local bodies, authorities for economically weaker sections of the state.

2. The benefit of reservation for economically weaker sections shall be admissible subject to the following conditions:-

(a) Reservation for the economically weaker sections of the State for persons whose castes belong to the Maharashtra State Public Service Scheduled Castes, Scheduled Tribes, Scheduled Tribes (STs), Nomadic Tribes, Special Backward Classes and Other Backward Classes Act, 2001 (Maharashtra Act No. 8 of 2004) and Government Educational Institutions/ Aided Schools for the Maharashtra State Socially and Educationally Backward (SEBC) Classes (For Admission to Seats in State Educational Institutions and Appointments or Posts in Public Services under State Control) Reservation Act, 2018 (Maharashtra Act No. 62 of 2018) , Colleges, Educational Institutions, Unaided Schools, Colleges, Educational Institutions are prescribing 10% reservation in the total seats to be given admission. The said reservation shall not apply to minority educational institutions referred to in Clause (1) of Article 30 of the State Constitution.

Also, 10% of the posts will be reserved for economically weaker sections for appointment in all cadres of direct service posts in Government Establishments, Semi-Government Establishments, Boards/Corporations/Civil Local Self-Government/Rural Local Self-Government, Authorities.

(b) This 10% reservation in the State is currently under the Maharashtra State Public Service Reservation Act, 2001 (Maharashtra Act No. 8 of 2004) for Scheduled Castes, Scheduled Tribes, Scheduled Tribes (SCs), Nomadic Tribes, Special Backward Classes and Other Backward Classes. For socially and educationally backward classes prescribed under the Maharashtra State Socially and Educationally Backward (SEBC) Classes (Reservation of Seats in State Educational Institutions and Appointments or Posts in Public Services under State Control) Act, 2018 (Maharashtra Act No. 62 of 2018) will remain apart from the reservation made.



(c) Eligibility for benefit of reservation for economically weaker sections:-

- (1) Applicant/candidate whose combined annual income of family is Rs. 8 Lakhs, the applicant/candidate will be considered financially weak and will be eligible for the benefit of this reservation.
- (2) Family for the benefit of this reservation shall include the applicant's/candidate's parents and siblings below 18 years of age and the applicant's/candidate's children below 18 years of age and spouse. The combined income of the family shall include the income of the members of his family from all sources i.e. wages, agricultural income, business and all other sources, the annual income of the preceding financial year from the date of filing of application shall be aggregated to Rs. Should be less than 8 lakhs.
- (3) It shall be mandatory to submit eligibility certificate from the competent authority in the prescribed form herewith (Annexure-A) for availing reservation for economically weaker section. Also, the sample of application to be submitted (Annexure-B), the documents/evidence to be attached with the application (Annexure-C) and the declaration form (Annexure-D) should be as per the sample attached.
- (4) In order to benefit from this reservation, the person or his/her family should be registered in the State of Maharashtra. Must be resident on or before 13th October 1967.
- (5) The age, examination fee and other concessions allowed to the candidates in the said category shall be as per the rules applied by the State Government from time to time to the other backward categories.

(d) Procedure in relation to Certificate of Eligibility-

- (1) The Tehsildar is being declared as the competent authority for issuing eligibility certificate for the benefit of reservation for economically weaker sections and if necessary the Collector shall have the power to declare more than one Tehsildar as the educational authority.
- (2) It shall be mandatory to issue the eligibility certificate to the beneficiary within one month (within 30 days) from the date of receipt of the application along with the necessary documents for obtaining the required eligibility certificate for economically weaker section. If it is refused or wrongly given, the procedure for filing an appeal against it is prescribed as follows.

(i) The appellate officer against the decision of the competent authority shall be the Deputy Collector of his jurisdiction or an officer not below the rank of Deputy Collector nominated by the Collector.

(ii) The Collector of his jurisdiction shall remain the appellate authority against the decision of the appellate officer mentioned in (i) above.

(iii) The aforesaid appellate authority shall be bound to give a decision within one month (within 30 days) from the date of receipt of the appeal.

(e) Points reserved under this reservation and date of applicability of benefit of reservation:-

- 1) Government decision of General Administration Department dated 29.03.1997 and dt. Point No. 8, 16, 26, 38, 46, 56, 68, 76, 86, 98 of the 100 point list fixed as on 5.12.2018 will remain reserved.



2) (A) The date of implementation of 10% reservation for economically weaker section in the State shall be 01.02.2019.

(b) Also an Act made under the 103rd Amendment, w.e.f. January 14, 2019

With effect from 14th January, 2019 to 31st January, 2019, this reservation will be applicable for posts in which 10% reservation for economically weaker section has been included in the advertisement and admission process.

3) Out of the candidates who have applied for appointment prior to the date of this order as well as during the period as mentioned in (b) above and the posts covered therein as per the advertisement/admission process who have applied for appointment in the backward category under the Acts mentioned in paragraph-2. Candidates who do not will have the option to give an option as to whether or not they are interested in recruitment from economically weaker sections.

4) Eligibility certificate for economically weaker section will be required to be submitted from the date of this order or 6 months from the date of submission of application whichever is later.

5) Parallel reservation in services will continue to be applicable to the economically weaker sections of the social class for which parallel reservation in service is applicable.

4. Necessary orders regarding admission to educational institutions should be issued immediately by the Departments of School Education, Higher and Technical Education, Medical Education and Medicines, Agriculture, Animal Husbandry, Dairy Development and Fisheries and other concerned departments.

5. This Government Decision applies to Government/Semi-Government Services, Boards/Corporations, Municipalities/Municipalities, Zilla Parishads, Government Schools, Colleges, Government Educational Institutions, Private Schools, Colleges, Educational Institutions, Aided/Unaided Schools, Colleges and Educational Institutions and whosoever may order. The authority vested in the Government shall apply to all other authorities, services and institutions.

The said government decision has been made available on the website of Maharashtra government www.maharashtra.gov.in and its reference number is 201902121415021407. This government decision is being issued by attesting with digital signature.

By order and in the name of the Governor of Maharashtra,

SHIVAJI RAGHUNATH DAUND

(Shivaji Daund)

Secretary (SAVIS),

Government of Maharashtra



To,

- 1) Hon. Leader of Opposition, Maharashtra Vidhan Sabha/ Legislative Council, Maharashtra Legislature Secretariat, Mumbai
 - 2) Hon. All Honorable Vidhan Sabha/Legislative Council, and Member of Parliament Maharashtra State
 - 3) Hon. Principal Secretary to the Governor, Raj Bhavan, Malabar Hill, Mumbai
 - 4) Hon. Upper Chief Secretary to Chief Minister/ Principal Secretary/ Secretary, Ministry, Mumbai
 - 5) Maharashtra Legislature Secretariat, (Legislative Council) Vidhan Bhavan, Mumbai
 - 6) Principal Secretary, Maharashtra Legislature Secretariat, (Assembly) Vidhan Bhavan, Mumbai
 - 7) All Upper Chief Secretaries/Principal Secretaries/Secretaries to Govt
 - 8) Accountant General, Accounts & Compliance, Maharashtra-1, Mumbai
 - 9) Accountant General, Accounts & Compliance, Maharashtra-2, Nagpur
 - 10) Director General, Directorate of Information and Public Relations, Ministry, Mumbai (5 copies)
- He is requested to publish the present government decision.
- 11) Manager, Hon. High Court, Native Justice Branch, Mumbai, Aurangabad, Nagpur
 - 12) Manager, Hon. High Court, Appellate Branch, Mumbai, Aurangabad, Nagpur
 - 13) Manager, Hon. Maharashtra Administrative Tribunal Mumbai, Aurangabad, Nagpur
 - 14) Manager, Hon. Public Commissioner and Deputy Public Commissioner, Mumbai
 - 15) All Divisional Commissioners/ All Collectors, State of Maharashtra
 - 16) Chief Executive Officer of all Zilla Parishads, State of Maharashtra
 - 17) Secretary, Maharashtra Public Service Commission, Mumbai
 - 18) Deputy Secretary (Establishment Branch), All Ministerial Departments, Ministry, Mumbai
 - 19) Private Secretary to all Ministers/ Ministers of State, Ministry, Mumbai
 - 20) Hon. Personal Assistant to Chief Secretary, Ministry, Mumbai
 - 21) Secretary, State Election Commission, Mumbai
 - 22) Secretary, State Information Commission, Mumbai
 - 23) Government Advocate, High Court, Original Branch and Appellate Branch, Mumbai, Aurangabad, Nagpur
 - 24) Government Advocate, Maharashtra Administrative Tribunal, Mumbai, Aurangabad, Nagpur
 - 25) Commissioner of all Municipal Corporations
 - 26) All Head Officers, Municipal Councils/ Municipalities
 - 27) Legislature Library, Maharashtra Vidhan Bhavan, Mumbai (10 copies)
 - 28) Managing Director of all Corporations, Boards and Public Undertakings
 - 29) Central offices of all recognized political parties, Maharashtra State
 - 30) Selection program/ working session 16-A

