



The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976

Act 27 of 1976

Keyword(s):

Appointing Authority, Establishment in Public Sector, Establishment in Private Sector

Amendments appended: 11 of 2000, 24 of 2000

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West Bengal Act XXVII of 1976¹

THE WEST BENGAL SCHEDULED CASTES AND SCHEDULED TRIBES (RESERVATION OF VACANCIES IN SERVICES AND POSTS) ACT, 1976.

AMENDED

West Ben. Act XLII of 1980.
West Ben. Act VII of 1982.
West Ben. Act XXXI of 1983.
West Ben. Act X of 1990.
West Ben. Act VII of 1992.
West Ben. Act XLII of 1994.
West Ben. Act XV of 1996.
West Ben. Act XI of 2000.
West Ben. Act XXIV of 2000.

[5th May, 1976.]

An Act to provide for the reservation of vacancies in services and posts for the members of the Scheduled Castes and Scheduled Tribes.

WHEREAS the members of the Scheduled Castes and Scheduled Tribes who are backward classes of citizens are not adequately represented in the services and posts within the State;

AND WHEREAS it is expedient to provide for the reservation of vacancies in services and posts for them;

It is hereby enacted in the Twenty-seventh Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

Short title, extent and commencement.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

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

Definitions.

(a) "appointing authority", in relation to a service or post in an establishment, means the authority empowered to make appointment to such service or post;

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, Part IV, of the 28th February, 1976, page 1111; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 24th March, 1976.

²This Act came into force on the 15th August, 1976, vide notification No. 370-TW/EC, dated the 14th August, 1976, published in the *Calcutta Gazette, Extraordinary*, Part I, of the 14th August, 1976, page 2585.

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(Section 3.)

- (b) "establishment" means any office of the State Government, a local or statutory authority constituted under any State Act for the time being in force, or a corporation in which not less than fifty-one *per cent.* of the paid up share capital is held by the State Government, and includes universities and colleges affiliated to the universities, primary and secondary schools and also other educational institutions which are owned or aided by the State Government and also includes an establishment in public sector;
- (c) "establishment in public sector" means any industry, trade, business or occupation owned, controlled or managed by—
- (i) the State Government or any department of the State Government,
 - (ii) a Government company as defined in section 617 of the Companies Act, 1956 or a corporation established by or under a Central or State Act, in which not less than fifty-one *per cent.* of the paid up share capital is held by the State Government,
 - (iii) a local or statutory authority, constituted under any State Act for the time being in force;
- (d) "establishment in private sector" means any industry, trade, business or occupation which is not an establishment in public sector;
- (e) "Schedule" means ¹[Schedule] appended to this Act.

1 of 1956.

Act not to
apply in
relation to
certain
employ-
ments.

3. This Act shall not apply in relation to,—
- (a) any employment under the Central Government;
 - (b) any employment in the West Bengal Higher Judicial Service;
- * * * * *
- (d) any employment in private sector;
 - (e) any employment in domestic service.

¹The word within the square brackets was substituted for the words "the Schedule" by s. 2 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2000 (West Ben. Act XXIV of 2000).

²Clause (c) was omitted by s. 2 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1994 (West Ben. Act XXIV of 1994).

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(Section 4.)

4. ¹(1) After the commencement of this Act all appointments to services and posts in an establishment which are to be filled up by direct recruitment shall be regulated in the following manner, namely:—

Reservation for Scheduled Castes and Scheduled Tribes in vacancies to be filled up by direct recruitment.

- (a) subject to the other provisions of this Act ²[twenty-two per cent.] of the vacancies shall be reserved for candidates belonging to Scheduled Castes and ³[six per cent.] for candidates belonging to Scheduled Tribes, in the manner set out ⁴[in Schedule I:]

Provided that the State Government may, from time to time, by notification in the *Official Gazette*, increase the percentage so, however, that the reservation shall not exceed twenty-five per cent. in the case of Scheduled Castes and ten per cent. in the case of Scheduled Tribes:

Provided further that different percentages may be fixed by the State Government for different districts in accordance with the percentages of population of Scheduled Castes and Scheduled Tribes in such districts:

Provided also that in respect of the West Bengal Civil Service (Judicial), the percentage shall be ten for Scheduled Castes and five for Scheduled Tribes;

- (b) fees, if any, prescribed for any examination for selection to any service or post ⁵[shall not be charged] in the case of candidates belonging to the Scheduled Castes or the Scheduled Tribes;
- (c) the members of the Scheduled Castes and the Scheduled Tribes shall be entitled to a concession of five years over the prescribed maximum age limit for appointment to any service or post.

¹(2) The number of any Scheduled Caste or Scheduled Tribe candidate qualifying on merit for appointment to any unreserved vacancy in a service or post in any establishment to be filled up by direct recruitment shall not be deducted from the quota reserved in such service or post for such candidate under sub-section (1).

¹Section 4 was renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, sub-section (2) was inserted by s. 2 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1980 (West Ben. Act XLII of 1980).

²The words within the square brackets were substituted for the words "fifteen per cent." by s. 3(i) of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1994 (West Ben. Act XLII of 1994).

³The words within the square brackets were substituted for the words "five per cent." by s. 3(ii), *ibid.*

⁴The words and figure within the square brackets were substituted for the words "in the Schedule:" by s. 3(1) of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2000 (West Ben. Act XXIV of 2000).

⁵The words within the square brackets were substituted for the words "shall be reduced

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(Sections 5, 5A.)

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

5. Reservation for members of the Scheduled Castes and the Scheduled Tribes in vacancies to be filled up by promotion in any establishment shall be regulated in the following manner, namely:—

- (a) there shall be reservation at ¹[twenty-two per cent.] for members of the Scheduled Castes and ²[six per cent.] for members of the ³[Scheduled Tribes in the manner set out in Schedule II:]

Provided that the State Government may, from time to time, by notification in the *Official Gazette*, increase the percentage so, however, that the reservation shall not exceed twenty-five per cent. in the case of Scheduled Castes and ten per cent. in the case of Scheduled Tribes:

⁴Provided further that the number of any Scheduled Caste or Scheduled Tribe employee appointed on promotion to any unreserved vacancy in a service or post in any establishment to be filled up by promotion shall not be deducted from the quota reserved in such service or post for the members of the Scheduled Castes or the Scheduled Tribes under this section.

- (b) there shall be no reservation in any post in a scale of pay, the maximum of which exceeds Rs. 18,300;
- (c) a separate fifty-point roster shall be maintained by every establishment in the manner set out in the Schedule.

Certificate of
identifica-
tion.

⁵5A. A candidate who claims to be a member of the Scheduled Castes or the Scheduled Tribes shall support his candidature by a certificate of identification in accordance with the provisions of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994.

West Ben.
Act
XXXVIII of
1994.

¹The words within the square brackets were substituted for the words "fifteen per cent." by s. 4(a)(i) of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1994 (West Ben. Act XLII of 1994).

²The words within the square brackets were substituted for the words "five per cent." by s. 4(a)(ii), *ibid*.

³The words and figures within the square brackets were substituted for the words "Schedule Tribes:" by s. 4 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2000 (West Ben. Act XXIV of 2000).

⁴This proviso was inserted by s. 2 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1983 (West Ben. Act XXXI of 1983).

⁵Firstly, clause (b) was substituted, w.e.f. the 1st day of April, 1981, for the original clause (b) by s. 2 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1982 (West Ben. Act VII of 1982). Thereafter, it was re-substituted for the previous one by s. 2 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1990 (West Ben. Act X of 1990). Finally, the present clause (b) was substituted for the previous one by s. 2 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 2000 (West Ben. Act XI of 2000).

⁶This clause was substituted for the original clause (c) by s. 4(b) of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1994 (West Ben. Act XLII of 1994).

⁷Section 5A was inserted by s. 2 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1996 (West Ben. Act XXV of 1996).

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(Section 6.)

6. (1) There shall be no dereservation of any reserved vacancy by any appointing authority in any post in an establishment which is required to be filled up by direct recruitment. In the absence of qualified Scheduled Caste or Scheduled Tribe candidate, as the case may be, to fill up such vacancy, such vacancy shall remain unfilled.

Dereservation
of reserved
vacancy.

(2) Notwithstanding anything contained in sub-section (1), if, in the public interest, it is necessary to fill up any vacancy as aforesaid remaining unfilled on account of non-availability of a qualified Scheduled Caste or Scheduled Tribe candidate, as the case may be, the appointing authority shall refer the vacancy to the State Government for dereservation. Upon such reference, the State Government may, if it is satisfied that it is necessary or expedient so to do, by order, dereserve the vacancy, subject to the condition that the reservation against the vacancy so dereserved shall be carried forward against the subsequent unreserved vacancy:

¹Provided that the State Government may, if it is satisfied that the appointing authority by genuine mistake or on account of an error of judgement or owing to ignorance has filled up any reserved vacancy otherwise than by a candidate for whom the vacancy is reserved and that there has been no *mala fide* intention in this regard on the part of the appointing authority, by order in writing, regularise the appointment, if so applied for by the appointing authority, on the basis of the carry forward principle. In such case, reservation against the reserved vacancy already filled up otherwise than by a candidate belonging to Scheduled Caste or Scheduled Tribe for whom the vacancy was originally reserved, shall be carried forward to the nearest un-reserved vacancy available at the time of consideration of any application:

²Provided further that the State Government may, if it considers it necessary or expedient so to do, by notification in the *Official Gazette*, empower any other authority not below the rank of District Magistrate and District Commissioner for Reservation to exercise the power of the State Government to de-reserve a reserved vacancy under this sub-section.

³(2A) The appointing authority shall, for the purposes of sub-section (2), make an application to the State Government in such Form, and in such manner, as may be prescribed by the State Government.

¹Section 6 was substituted for the original one by s. 5 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1994 (West Ben. Act XLII of 1994).

²These two provisos were added by s. 5(1) of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2000 (West Ben. Act XXIV of 2000).

³Sub-section (2A) was inserted by s. 5(1) *ibid*

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(Section 6A.)

¹(3) Notwithstanding anything contained in the foregoing provisions of this section or elsewhere in this Act, if, in the public interest, it is necessary or expedient to fill up any vacancy in any post in any primary, secondary or higher secondary school in any district owned or aided by the State Government, caused by deputation or leave of the incumbent of that post for a period not exceeding ten months and remaining unfilled on account of non-availability of a qualified Scheduled Caste or Scheduled Tribe candidate, as the case may be, the appointing authority may refer the vacancy to the District Commissioner for Reservation, referred to in sub-section (1), or sub-section (1A), as the case may be, of section 6B, for that district for dereservation. Upon such reference, the District Commissioner for Reservation as aforesaid may, if he is satisfied that it is necessary or expedient so to do, by order, dereserve the vacancy, subject to the condition that the reservation against the vacancy so dereserved shall be carried forward against the subsequent unreserved vacancy in any such post caused by such deputation or leave for such period.

Commissioner for
Reservation.

²6A. (1) The State Government may appoint any officer, not below the rank of Secretary to the Government of West Bengal, to be the Commissioner for Reservation, West Bengal (hereinafter referred to as the Commissioner).

Explanation.—Secretary shall include a Special Secretary.

(2) The Commissioner shall be responsible for ensuring reservation of vacancies in services and posts for the members of the Scheduled Castes and the Scheduled Tribes under this Act by an appointing authority—

- (a) having territorial jurisdiction throughout West Bengal, or
- ³(a1) having its offices and fixed territorial jurisdiction in Calcutta, or
- (b) having its offices in Calcutta without having any fixed territorial jurisdiction.

Explanation.—“Calcutta” shall mean the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866.

Ben. Act IV
of 1866.

¹Sub-section (3) was inserted by s. 3 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1996 (West Ben. Act XV of 1996).

²Section 6A, 6B and 6C were inserted by s. 6 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1994 (West Ben. Act XLII of 1994).

³Clause (a1) was inserted by s. 4(1) of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1996 (West Ben. Act XV of 1996).

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(Section 6B.)

¹(2A) (a) The State Government may appoint an officer, not below the rank of Joint Secretary to the Government of West Bengal, to be the Joint Commissioner for Reservation, West Bengal (hereinafter referred to as the Joint Commissioner), an officer, not below the rank of Deputy Secretary to the Government of West Bengal, to be the Deputy Commissioner for Reservation, West Bengal (hereinafter referred to as the Deputy Commissioner), and an officer, not below the rank of Assistant Secretary to the Government of West Bengal, to be the Assistant Commissioner for Reservation, West Bengal (hereinafter referred to as the Assistant Commissioner).

(b) The Joint Commissioner, the Deputy Commissioner, and the Assistant Commissioner shall have the powers of the Commissioner for the purposes of this Act, subject to superintendence and control of the Commissioner.

(3) If any appointing authority referred to in sub-section (2) contravenes any provision of this Act and thereby commits an offence punishable under section 7, the Commissioner or any officer, not below the rank of ²[an Inspector of Backward Classes Welfare Department,] authorised by him in this behalf, may file a complaint in any court having jurisdiction against such appointing authority, and thereupon such court shall, subject to the provisions of section 8, take cognizance of such offence.

³(4) Where a complaint is filed in any court having jurisdiction against an appointing authority under sub-section (3) for contravening any provision of this Act and thereby committing an offence punishable under section 7, the burden of proof that no contravention of any provision of this Act has been made by him, shall lie with him.

⁴6B. (1) The State Government may appoint any District Magistrate of a district to be the District Commissioner for Reservation for that district (hereinafter referred to as the District Commissioner).

District
Commis-
sioner for
Reservation.

Explanation.—“District Magistrate” shall include an Additional District Magistrate.

¹Sub-section (2A) was inserted by 6(1) of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2000 (West Ben. Act XXIV of 2000).

²The words within the square brackets were substituted for the words “Inspector of Scheduled Castes and Tribes Welfare Department,” by s. 6(2), *ibid.*

³Sub-section (4) was inserted by s. 4(2) of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1996 (West Ben. Act XV of 1996).

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(Section 6C.)

1* * * *

(2) The District Commissioner shall be responsible for ensuring reservation of vacancies in services and posts for the members of the Scheduled Castes and the Scheduled Tribes under this Act by an appointing authority—

- (a) having territorial jurisdiction in the whole, or any part, of the district, or
- (b) having no fixed territorial jurisdiction in the district, but having his office in the district to which the jurisdiction of the District Commissioner extends.

(3) If any appointing authority referred to in sub-section (2) contravenes any provision of this Act and thereby commits an offence punishable under section 7, the District Commissioner or any officer, not below the rank of ²[an Inspector of Backward Classes Welfare Department,] authorised by him in this behalf, may file a complaint in any court having jurisdiction against such appointing authority, and thereupon such court shall, subject to the provisions of section 8, take cognizance of such offence.

³(4) Where a complaint is filed in any court having jurisdiction against an appointing authority under sub-section (3) for contravening any provision of this Act and thereby committing an offence punishable under section 7, the burden of proof that no contravention of any provision of this Act has been made by him, shall lie with him.

Territorial
Jurisdiction.

⁴6C. For the purposes of sections 6A and 6B,—

- (a) territorial jurisdiction shall, in relation to an appointing authority, mean the area to which its administrative jurisdiction extends; and
- (b) an appointing authority, whose administrative jurisdiction does not extend to any fixed area, shall be deemed to be an appointing authority without having any fixed territorial jurisdiction.

¹Sub-section (1A) was omitted by s. 7(1) of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2000 (West Ben. Act XXIV of 2000). Prior to this omission this sub-section was inserted by s. 5(1) of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1996 (West Ben. Act XV of 1996).

²The words within the square brackets were substituted for the words "Inspector of Scheduled Castes and Tribes Welfare Department," by s. 7(2) of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2000 (West Ben. Act XXIV of 2000).

³Sub-section (4) was inserted by s. 5(2) of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1996 (West Ben. Act XV of 1996).

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(Sections 7-12.)

7. If an appointing authority makes an appointment in contravention of the provisions of section 4 or section 5, ¹[or fails to maintain records, or to furnish the annual return, referred to in sub-section (1) of section 12, he shall be punishable with imprisonment for a term of five years, or with fine of two thousand and five hundred rupees, or with both:]

Penalty.

Provided that nothing contained in this section shall apply in relation to an appointment to any service or post of which the appointing authority is the Governor.

8. No prosecution for an offence under this Act shall be instituted except by, or with the sanction of, the State Government.

Cognizance of offences.

9. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Protection of action taken in good faith.

10. If any difficulty arises in giving effect to the provisions of this Act, the State Government may take such steps or issue such orders not inconsistent with the provisions of this Act, as the State Government may consider necessary for removing the difficulty.

Removal of difficulties.

11. The State Government may, by order published in the *Official Gazette*, add to, amend or alter ²[any Schedule.]

Power to amend the Schedule.

12. (1) Every appointing authority shall maintain such records ³[and documents] as may be prescribed by rules made in this behalf and shall furnish to the State Government in the prescribed manner an annual report on the appointments made by it, during the previous ⁴[year reckoned according to the British calendar.]

Submission of annual report, maintenance of other records and inspection thereon.

(2) Any officer authorised by the State Government in that behalf may inspect any records or documents which are maintained in relation to appointments made by such appointing authority.

¹The words within the square brackets were substituted for the words "he shall be punishable with fine which may extend to two hundred and fifty rupees:" by s. 6 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1996 (West Ben. Act XV of 1996).

²The words within the square brackets were substituted for the words "the Schedule." by s. 8 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2000 (West Ben. Act XXIV of 2000).

³The words within the square brackets were inserted by s. 9(1)(a), *ibid.*

⁴The words within the square brackets were substituted for the words "financial year"

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(Section 13 and Schedule 1.)

(3) It shall be the duty of the appointing authority to produce such records or documents for Inspection by the officer authorised under subsection (2), and furnish such information or afford such assistance as may be necessary for him to carry out his functions under this Act.

(4) Notwithstanding anything contained in ¹[the West Bengal Services (Duties, Rights and Obligations of the Government Employees) Rules, 1980,] any member of any Scheduled Castes or any Scheduled Tribes who is adversely affected on account of the non-compliance with the provisions of this Act or the rules made thereunder by any appointing authority, may bring the fact to the notice of the State Government and upon application made by him the State Government may call for such records or take such action thereon as it may think fit.

Power to
make rules.

13. (1) The State Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:—

- (a) form in which every establishment shall submit annual report to the State Government regarding the number of persons recruited in such establishment;
- (b) any other matter which has to be or may be prescribed by rules made in this behalf.

[SCHEDULE I]

(See section 4.)

The reservation for the members of the Scheduled Castes and the Scheduled Tribes in services or posts in an establishment shall be given effect to in the following manner, namely:—

- ³(i) ⁴[A roster of one hundred vacancies] will be necessary to give effect to the reservation of vacancies for the Scheduled Castes and the Scheduled Tribes ⁵[for direct recruitment]. The roster given below shall be adopted for the purpose by each establishment.

¹The words, figures and brackets within the square brackets were substituted for the words and figures "the West Bengal Government Servants' Conduct Rules, 1959," by s. 9(2) of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2000 (West Ben. Act XXIV of 2000).

²The word and figure within the square brackets were substituted for the words "THE SCHEDULE" by s. 10(1), *ibid.*

³This paragraph was substituted for the original paragraph (i) by s. 7(1) of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1994 (West Ben. Act XLII of 1994).

⁴The words within the square brackets were substituted for the words "A roster of fifty vacancies" by s. 10(2)(a) of the Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2000 (West Ben. Act XXIV of 2000).

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(Schedule I.)

1st vacancy	..	Scheduled Caste
2nd vacancy	..	Unreserved
3rd vacancy	..	Unreserved
4th vacancy	..	Scheduled Tribe
5th vacancy	..	Unreserved
6th vacancy	..	Unreserved
7th vacancy	..	Scheduled Caste
8th vacancy	..	Unreserved
9th vacancy	..	Unreserved
10th vacancy	..	Unreserved
11th vacancy	..	Scheduled Caste
12th vacancy	..	Unreserved
13th vacancy	..	Unreserved
14th vacancy	..	Unreserved
15th vacancy	..	Scheduled Caste
16th vacancy	..	Unreserved
17th vacancy	..	Unreserved
18th vacancy	..	Scheduled Caste
19th vacancy	..	Unreserved
20th vacancy	..	Unreserved
21st vacancy	..	Scheduled Caste
22nd vacancy	..	Unreserved
23rd vacancy	..	Unreserved
24th vacancy	..	Scheduled Tribe
25th vacancy	..	Unreserved
26th vacancy	..	Unreserved
27th vacancy	..	Unreserved
28th vacancy	..	Scheduled Caste
29th vacancy	..	Unreserved
30th vacancy	..	Unreserved
31st vacancy	..	Unreserved
32nd vacancy	..	Scheduled Caste
33rd vacancy	..	Unreserved
34th vacancy	..	Unreserved
35th vacancy	..	Unreserved
36th vacancy	..	Scheduled Caste
37th vacancy	..	Unreserved
38th vacancy	..	Unreserved
39th vacancy	..	Unreserved
40th vacancy	..	Scheduled Caste
41st vacancy	..	Unreserved
42nd vacancy	..	Unreserved
43rd vacancy	..	Scheduled Tribe
44th vacancy	..	Unreserved
45th vacancy	..	Unreserved
46th vacancy	..	Unreserved

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(Schedule 1.)

47th vacancy	..	Scheduled Caste
48th vacancy	..	Unreserved
49th vacancy	..	Unreserved
¹ [50th vacancy	..	Unreserved
51st vacancy	..	Scheduled Caste
52nd vacancy	..	Unreserved
53rd vacancy	..	Unreserved
54th vacancy	..	Scheduled Tribe
55th vacancy	..	Unreserved
56th vacancy	..	Unreserved
57th vacancy	..	Scheduled Caste
58th vacancy	..	Unreserved
59th vacancy	..	Unreserved
60th vacancy	..	Unreserved
61st vacancy	..	Scheduled Caste
62nd vacancy	..	Unreserved
63rd vacancy	..	Unreserved
64th vacancy	..	Unreserved
65th vacancy	..	Scheduled Caste
66th vacancy	..	Unreserved
67th vacancy	..	Unreserved
68th vacancy	..	Scheduled Caste
69th vacancy	..	Unreserved
70th vacancy	..	Unreserved
71st vacancy	..	Scheduled Caste
72nd vacancy	..	Unreserved
73rd vacancy	..	Unreserved
74th vacancy	..	Scheduled Tribe
75th vacancy	..	Unreserved
76th vacancy	..	Unreserved
77th vacancy	..	Unreserved
78th vacancy	..	Scheduled Caste
79th vacancy	..	Unreserved
80th vacancy	..	Unreserved
81st vacancy	..	Unreserved
82nd vacancy	..	Scheduled Caste
83rd vacancy	..	Unreserved
84th vacancy	..	Unreserved
85th vacancy	..	Unreserved
86th vacancy	..	Scheduled Caste
87th vacancy	..	Unreserved
88th vacancy	..	Unreserved
89th vacancy	..	Unreserved

¹The figures, letters and words within the square brackets were substituted for the figures, letters and words "50th vacancy .. Unreserved." by s. 10(2)(c) of the Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2000 (West Ben. Act XXIV of 2000)

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(Schedule I.)

90th vacancy	..	Scheduled Caste
91st vacancy	..	Unreserved
92nd vacancy	..	Unreserved
93rd vacancy	..	Scheduled Tribe
94th vacancy	..	Unreserved
95th vacancy	..	Unreserved
96th vacancy	..	Unreserved
97th vacancy	..	Scheduled Caste
98th vacancy	..	Unreserved
99th vacancy	..	Unreserved
100th vacancy	..	Unreserved.]

- (ii) A register shall be maintained for giving effect to the instructions contained in paragraph (i).
- (iii) Before making an appointment by direct recruitment, the appointing authority shall ascertain by consulting the register whether the vacancy is reserved or unreserved and if it is reserved, for whom it is so reserved. Immediately after an appointment is made the particulars thereof shall be entered in the register and signed by the appointing authority.
- (iv) The roster is a running account from year to year and shall be maintained accordingly. If recruitment in a particular year stops at a particular point of the cycle, say at the 5th point, recruitment in the subsequent year shall begin at the next point, i.e., at the 6th point.

1* * * *
2* * * *

- (vii) The roster shall be maintained separately for permanent and temporary vacancies.
- (viii) A vacancy due to whatever cause, except termination of service during probation, shall be treated as a fresh vacancy.

3* * * *

¹Paragraph (v) was omitted by s. 7(2) of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1994 (West Ben. Act XLII of 1994). Prior to this omission paragraph (v) was substituted for the original paragraph by s. 2(1) of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1992 (West Ben. Act VII of 1992).

²Paragraph (vi) was omitted by s. 7(3) of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1994 (West Ben. Act XLII of 1994). Prior to this omission paragraph (vi) was substituted for the original paragraph by s. 2(2) of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1992 (West Ben. Act VII of 1992).

³Paragraph (ix) was omitted by s. 7 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1996 (West Ben.

*The West Bengal Scheduled Castes and Scheduled Tribes
(Reservation of Vacancies in Services and Posts) Act, 1976.*

[West Ben. Act

(Schedule II.)

SCHEDULE II

(See section 5.)

The reservation for the members of the Scheduled Castes and the Scheduled Tribes in vacancies to be filled up by promotion in an establishment shall be given effect to in the following manner, namely:—

- (i) A roster of fifty vacancies will be necessary to give effect to the reservation for the members of the Scheduled Castes and the Scheduled Tribes in vacancies to be filled up. The roster given below shall be adopted for the purpose by each establishment.

1st vacancy	..	Scheduled Caste
2nd vacancy	..	Unreserved
3rd vacancy	..	Unreserved
4th vacancy	..	Scheduled Tribe
5th vacancy	..	Unreserved
6th vacancy	..	Unreserved
7th vacancy	..	Scheduled Caste
8th vacancy	..	Unreserved
9th vacancy	..	Unreserved
10th vacancy	..	Unreserved
11th vacancy	..	Scheduled Caste
12th vacancy	..	Unreserved
13th vacancy	..	Unreserved
14th vacancy	..	Unreserved
15th vacancy	..	Scheduled Caste
16th vacancy	..	Unreserved
17th vacancy	..	Unreserved
18th vacancy	..	Scheduled Caste
19th vacancy	..	Unreserved
20th vacancy	..	Unreserved
21st vacancy	..	Scheduled Caste
22nd vacancy	..	Unreserved
23rd vacancy	..	Unreserved
24th vacancy	..	Scheduled Tribe
25th vacancy	..	Unreserved
26th vacancy	..	Unreserved
27th vacancy	..	Unreserved
28th vacancy	..	Scheduled Caste
29th vacancy	..	Unreserved
30th vacancy	..	Unreserved
31st vacancy	..	Unreserved

¹Schedule II was added by s. 11 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2000

XXVII of 1976.]

(Schedule II.)

32nd vacancy	..	Scheduled Caste
33rd vacancy	..	Unreserved
34th vacancy	..	Unreserved
35th vacancy	..	Unreserved
36th vacancy	..	Scheduled Caste
37th vacancy	..	Unreserved
38th vacancy	..	Unreserved
39th vacancy	..	Unreserved
40th vacancy	..	Scheduled Caste
41st vacancy	..	Unreserved
42nd vacancy	..	Unreserved
43rd vacancy	..	Scheduled Tribe
44th vacancy	..	Unreserved
45th vacancy	..	Unreserved
46th vacancy	..	Unreserved
47th vacancy	..	Scheduled Caste
48th vacancy	..	Unreserved
49th vacancy	..	Unreserved
50th vacancy	..	Unreserved

- (ii) A register shall be maintained for giving effect to the instructions contained in paragraph (i).
 - (iii) Before giving any promotion, the appointing authority shall ascertain by consulting the register whether the vacancy is reserved or unreserved and if it is reserved, for whom it is so reserved. Immediately after a promotion is given, the particulars thereof shall be entered in the register and signed by the appointing authority.
 - (iv) The roster is a running account from year to year and shall be maintained accordingly. If promotion in a particular year stops at a particular point of the cycle, say, at the 5th point, promotion in the subsequent year shall begin at the next point, that is, at the 6th point.
 - (v) The roster shall be maintained separately for permanent and temporary vacancies.
 - (vi) A vacancy due to whatever cause, except termination of service during probation, shall be treated as a fresh vacancy.
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GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

West Bengal Act XI of 2000

**THE WEST BENGAL SCHEDULED CASTES AND
SCHEDULED TRIBES (RESERVATION OF
VACANCIES IN SERVICES AND POSTS)
(AMENDMENT) ACT, 2000.**

[Passed by the West Bengal Legislature.]

*[Assent of the Governor was first published in the Calcutta Gazette,
Extraordinary, of the 11th April, 2000.]*

[11th April, 2000.]

*An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes
(Reservation of Vacancies in Services and Posts) Act, 1976.*

West Ben.
Act XXVII
of 1976.

WHEREAS it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purpose and in the manner hereinafter appearing;

It is hereby enacted in the Fifty-first Year of the Republic of India, by the Legislature of West Bengal, as follows:--

1. (1) This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 2000.

Short title
and
commence-
ment

(2) It shall be deemed to have come into force on the 3rd day of January, 2000.

2. In section 5 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 (hereinafter referred to as the principal Act), for clause (b), the following clause shall be substituted, and shall be deemed to have been substituted, with effect from the 1st day of January, 1996:—

Amendment
of section 5
of West Ben.
Act XXVII
of 1976.

“(b) there shall be no reservation in any post in a scale of pay, the maximum of which exceeds Rs. 18,300;”.

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 2000.

[West Ben. Act XI of 2000.]

(Section 3.)

Repeal and
saving.
2.

3. (1) The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Ordinance, 1999, is hereby repealed.

West Ben.
Ord. VI of
1999.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been validly done or taken under the principal Act as amended by this Act.

GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT
 Legislative

West Bengal Act XXIV of 2000

**THE WEST BENGAL SCHEDULED CASTES AND
 SCHEDULED TRIBES (RESERVATION OF
 VACANCIES IN SERVICES AND POSTS)
 (SECOND AMENDMENT) ACT, 2000.**

[Passed by the West Bengal Legislature.]

*[Assent of the Governor was first published in the Calcutta Gazette,
 Extraordinary, of the 30th August, 2000.]*

[30th August, 2000.]

*An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes
 (Reservation of Vacancies in Services and Posts) Act, 1976.*

West Ben.
Act XXVII
of 1976.

WHEREAS it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Fifty-first Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2000.

Short title
and
commence-
ment.

(2) It shall come into force at once.

2. In section 2 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 (hereinafter referred to as the principal Act), in clause (e), for the words "the Schedule", the word "Schedule" shall be substituted.

Amendment
of section 2
of West Ben.
Act XXVII
of 1976.

3. In sub-section (1) of section 4 of the principal Act,—

(1) in clause (a), for the words "in the Schedule:", the words and figure "in Schedule I:" shall be substituted;

Amendment
of section 4.

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2000.

[West Ben. Act

(Sections 4, 5.)

(2) in clause (b), for the words "shall be reduced to one-fourth", the words "shall not be charged" shall be substituted.

Amendment of section 5.

4. In clause (a) of section 5 of the principal Act, for the words "Scheduled Tribes:", the words and figures "Scheduled Tribes in the manner set out in Schedule II:" shall be substituted.

Amendment of section 6.

5. In section 6 of the principal Act,—

(1) to sub-section (2), the following provisos shall be added:—

"Provided that the State Government may, if it is satisfied that the appointing authority by genuine mistake or on account of an error of judgement or owing to ignorance has filled up any reserved vacancy otherwise than by a candidate for whom the vacancy is reserved and that there has been no *mala fide* intention in this regard on the part of the appointing authority, by order in writing, regularise the appointment, if so applied for by the appointing authority, on the basis of the carry-forward principle. In such case, reservation against the reserved vacancy already filled up otherwise than by a candidate belonging to Scheduled Caste or Scheduled Tribe for whom the vacancy was originally reserved, shall be carried forward to the nearest un-reserved vacancy available at the time of consideration of any application:

Provided further that the State Government may, if it considers it necessary or expedient so to do, by notification in the *Official Gazette*, empower any other authority not below the rank of District Magistrate and District Commissioner for Reservation to exercise the power of the State Government to de-reserve a reserved vacancy under this sub-section.;"

(2) after sub-section (2), the following sub-section shall be inserted:—

"(2A) The appointing authority shall, for the purposes of sub-section (2), make an application to the State Government in such Form, and in such manner, as may be prescribed by the State Government."

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2000.

XXIV of 2000.]

(Sections 6-9.)

6. In section 6A of the principal Act,—
- Amendment
of section
6A.
- (1) after sub-section (2), the following sub-section shall be inserted:—
- “(2A) (a) The State Government may appoint an officer, not below the rank of Joint Secretary to the Government of West Bengal, to be the Joint Commissioner for Reservation, West Bengal (hereinafter referred to as the Joint Commissioner), an officer, not below the rank of Deputy Secretary to the Government of West Bengal, to be the Deputy Commissioner for Reservation, West Bengal (hereinafter referred to as the Deputy Commissioner), and an officer, not below the rank of Assistant Secretary to the Government of West Bengal, to be the Assistant Commissioner for Reservation, West Bengal (hereinafter referred to as the Assistant Commissioner).
- (b) The Joint Commissioner, the Deputy Commissioner, and the Assistant Commissioner shall have the powers of the Commissioner for the purposes of this Act, subject to superintendence and control of the Commissioner.”;
- (2) in sub-section (3), for the words “Inspector of Scheduled Castes and Tribes Welfare Department.”, the words “an Inspector of Backward Classes Welfare Department,” shall be substituted.
7. In section 6B of the principal Act,—
- Amendment
of section
6B.
- (1) sub-section (1A) shall be omitted;
- (2) in sub-section (3), for the words “Inspector of Scheduled Castes and Tribes Welfare Department.”, the words “an Inspector of Backward Classes Welfare Department,” shall be substituted.
8. In section 11 of the principal Act, for the words “the Schedule.”, the words “any Schedule.” shall be substituted.
- Amendment
of section
11.
9. In section 12 of the principal Act,—
- Amendment
of section
12.
- (1) in sub-section (1),—
- (a) after the words “such records”, the words “and documents” shall be inserted, and
- (b) for the words “financial year.”, the words “year reckoned according to the British calendar.” shall be substituted;

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2000.

[West Ben. Act

(Section 10.)

- (2) in sub-section (4), for the words and figures "the West Bengal Government Servants' Conduct Rules, 1959," the words, figures and brackets "the West Bengal Services (Duties, Rights and Obligations of the Government Employees) Rules, 1980," shall be substituted.

Amendment
of Schedule.

10. In the Schedule to the principal Act,—

- (1) for the words "THE SCHEDULE", the word and figure "SCHEDULE I" shall be substituted;

(2) in paragraph (i),—

- (a) for the words "A roster of fifty vacancies", the words "A roster of one hundred vacancies" shall be substituted,

- (b) after the words "the Scheduled Tribes", the words "for direct recruitment" shall be inserted, and

- (c) for the figures, letters and words—

"50th vacancy Unreserved.",

the following figures, letters and words shall be substituted:—

"50th vacancy	Unreserved
51st vacancy	Scheduled Caste
52nd vacancy	Unreserved
53rd vacancy	Unreserved
54th vacancy	Scheduled Tribe
55th vacancy	Unreserved
56th vacancy	Unreserved
57th vacancy	Scheduled Caste
58th vacancy	Unreserved
59th vacancy	Unreserved
60th vacancy	Unreserved
61st vacancy	Scheduled Caste
62nd vacancy	Unreserved
63rd vacancy	Unreserved
64th vacancy	Unreserved
65th vacancy	Scheduled Caste
66th vacancy	Unreserved

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2000.

XXIV of 2000.]

(Section 10.)

67th vacancy	Unreserved
68th vacancy	Scheduled Caste
69th vacancy	Unreserved
70th vacancy	Unreserved
71st vacancy	Scheduled Caste
72nd vacancy	Unreserved
73rd vacancy	Unreserved
74th vacancy	Scheduled Tribe
75th vacancy	Unreserved
76th vacancy	Unreserved
77th vacancy	Unreserved
78th vacancy	Scheduled Caste
79th vacancy	Unreserved
80th vacancy	Unreserved
81st vacancy	Unreserved
82nd vacancy	Scheduled Caste
83rd vacancy	Unreserved
84th vacancy	Unreserved
85th vacancy	Unreserved
86th vacancy	Scheduled Caste
87th vacancy	Unreserved
88th vacancy	Unreserved
89th vacancy	Unreserved
90th vacancy	Scheduled Caste
91st vacancy	Unreserved
92nd vacancy	Unreserved
93rd vacancy	Scheduled Tribe
94th vacancy	Unreserved
95th vacancy	Unreserved
96th vacancy	Unreserved
97th vacancy	Scheduled Caste
98th vacancy	Unreserved
99th vacancy	Unreserved
100th vacancy	Unreserved."

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2000.

[West Ben. Act

(Section 11.)

Insertion of
new
Schedule II.

11. After Schedule I of the principal Act, the following Schedule shall be inserted:—

"SCHEDULE II

(See section 5.)

The reservation for the members of the Scheduled Castes and the Scheduled Tribes in vacancies to be filled up by promotion in an establishment shall be given effect to in the following manner, namely:—

- (i) A roster of fifty vacancies will be necessary to give effect to the reservation for the members of the Scheduled Castes and the Scheduled Tribes in vacancies to be filled up. The roster given below shall be adopted for the purpose by each establishment.

1st vacancy	Scheduled Caste
2nd vacancy	Unreserved
3rd vacancy	Unreserved
4th vacancy	Scheduled Tribe
5th vacancy	Unreserved
6th vacancy	Unreserved
7th vacancy	Scheduled Caste
8th vacancy	Unreserved
9th vacancy	Unreserved
10th vacancy	Unreserved
11th vacancy	Scheduled Caste
12th vacancy	Unreserved
13th vacancy	Unreserved
14th vacancy	Unreserved
15th vacancy	Scheduled Caste
16th vacancy	Unreserved
17th vacancy	Unreserved
18th vacancy	Scheduled Caste
19th vacancy	Unreserved
20th vacancy	Unreserved
21st vacancy	Scheduled Caste
22nd vacancy	Unreserved
23rd vacancy	Unreserved
24th vacancy	Scheduled Tribe
25th vacancy	Unreserved
26th vacancy	Unreserved
27th vacancy	Unreserved

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2000.

XXIV of 2000.]

(Section 11.)

28th vacancy	Scheduled Caste
29th vacancy	Unreserved
30th vacancy	Unreserved
31st vacancy	Unreserved
32nd vacancy	Scheduled Caste
33rd vacancy	Unreserved
34th vacancy	Unreserved
35th vacancy	Unreserved
36th vacancy	Scheduled Caste
37th vacancy	Unreserved
38th vacancy	Unreserved
39th vacancy	Unreserved
40th vacancy	Scheduled Caste
41st vacancy	Unreserved
42nd vacancy	Unreserved
43rd vacancy	Scheduled Tribe
44th vacancy	Unreserved
45th vacancy	Unreserved
46th vacancy	Unreserved
47th vacancy	Scheduled Caste
48th vacancy	Unreserved
49th vacancy	Unreserved
50th vacancy	Unreserved

- (ii) A register shall be maintained for giving effect to the instructions contained in paragraph (i).
- (iii) Before giving any promotion, the appointing authority shall ascertain by consulting the register whether the vacancy is reserved or unreserved and if it is reserved, for whom it is so reserved. Immediately after a promotion is given, the particulars thereof shall be entered in the register and signed by the appointing authority.
- (iv) The roster is a running account from year to year and shall be maintained accordingly. If promotion in a particular year stops at a particular point of the cycle, say, at the 5th point, promotion in the subsequent year shall begin at the next point, that is, at the 6th point.
- (v) The roster shall be maintained separately for permanent and temporary vacancies.
- (vi) A vacancy due to whatever cause, except termination of service during probation, shall be treated as a fresh vacancy."