



The Maharashtra Public Services (Subordinate) Selection Boards (Repeal) Act,
1983

Act 34 of 1983

Keyword(s):

Public Service, Selection Board, Economically Weaker Section, Municipal Council

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**THE MAHARASHTRA PUBLIC SERVICES (SUBORDINATE) SELECTION
BOARDS (REPEAL) ACT, 1983.**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Repeal of Mah. XXI of 1973 and dissolution of Boards constituted thereunder.
3. Amendment of certain enactments.
4. Validation of certain appointments to Subordinate service.
5. Savings.
6. Repeal of Mah. Ord. XIV of 1983.

MAHARASHTRA ACT No. XXXIV OF 1983.¹

[THE MAHARASHTRA PUBLIC SERVICES (SUBORDINATE) SELECTION
BOARDS (REPEAL) ACT, 1983.]

[Received assent of the Governor on the 6th August 1983; assent first published in the *Maharashtra Government Gazette*, Part IV, on the 8th August 1983.]

An Act to repeal the Maharashtra Public Services (Subordinate) Selection Boards Act, 1973, and to provide for certain matters incidental thereto.

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

Mah. AND WHEREAS the Governor of Maharashtra was satisfied that circumstances
XXI existed which rendered it necessary for him to take immediate action to repeal the
of Maharashtra Public Services (Subordinate) Selection Boards Act, 1973, and to
1973. provide for certain matters incidental thereto; and, therefore, promulgated the
Mah. Maharashtra Public Services (Subordinate) Selection Boards (Repeal) Ordinance,
Ord. 1983, on the 18th June 1983;
XIV of
1983.

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

1. (1) This Act may be called the Maharashtra Public Services (Subordinate) Selection Boards (Repeal) Act, 1983. Short title and commencement.

(2) It shall be deemed to have come into force on the 18th June 1983.

Mah. 2. On and with effect from the date of commencement of this Act, the Maha-
XXI rashtra Public Services (Subordinate) Selection Boards Act, 1973, shall stand repealed,
of and all the Selection Boards and the Special Selection Board constituted thereunder
1973. shall stand dissolved, and the members thereof shall be deemed to have vacated
their office. Repeal of Mah. XXI of 1973 and dissolution of Boards constituted thereunder.

3. The enactments specified in column 2 of the Schedule hereto are hereby amended in the manner, and to the extent, specified in column 3 thereof. Amendment of certain enactments.

Mah. 4. Notwithstanding anything contained in the Maharashtra Public Services
XXI (Subordinate) Selection Boards Act, 1973, every person who has been appointed to
of any post in the Subordinate service on or before the day immediately preceding the
1973. date of commencement of this Act, and who is still in service on the date of commencement of this Act, shall be deemed to have been validly appointed to that post, notwithstanding that such person was not nominated or recommended by a Selection Board, or as the case may be, a Special Selection Board, under the said Act or the Maharashtra Public Services (Subordinate) Selection Board Rules, 1976, or any other rules or orders for the time being in force or that no revised rules for selection of candidates by a Selection Board or a Special Selection Board were framed; and no Validation of certain appointments to Subordinate service.

¹For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1983, Part V, Extraordinary, dated 4th July 1983, page 290.

such appointment shall be called in question in any Court or before any authority merely on the ground that he was not duly selected or appointed:

Provided that,—

(a) in the case of such appointment under the State Government, the initial appointment of the person is made—

(i) in conformity with the age limit and minimum qualifications prescribed in the recruitment rules for the post in force at the time of such appointment;

(ii) from amongst candidates recommended by the Employment Exchange or Social Welfare Officer or Backward Class organisations authorised by Government to sponsor candidates for appointment to Government service or the Collector from the list of candidates employed during the 1977-78 strike period;

(iii) in conformity with the orders issued by Government, from time to time, in respect of reservation of posts for persons belonging to backward classes, economically weaker sections, ex-servicemen, physically handicapped persons, or any other category;

(b) in the case of such appointment under the *Zilla Parishads*, the Municipal Councils, the Municipal School Boards constituted under the Bombay Primary Education Act, 1947, the Maharashtra State Electricity Board constituted under the Electricity (Supply) Act, 1948, and the Maharashtra State Road Transport Corporation constituted under the Road Transport Corporations Act, 1950, the initial appointment of the person is made in conformity with the relevant rules or regulations or orders made by the authority concerned for the post, or any orders issued in that behalf by Government, and in force at the time of such appointment.

Explanation.—For the purpose of determining the initial appointment referred to in the proviso to this section, any technical break in service effected, and any subsequent formal order of appointment made, in respect of any person continued in any post in the Subordinate service, in order to comply with the requirements of any rules or orders made or issued in respect of recruitment to the Subordinate service, shall be ignored.

Savings. 5. Save as otherwise provided in this Act, the provisions of section 7 of the Bombay General Clauses Act, 1904, with regard to effect of repeal, shall apply.

Repeal of Mah. Ord. XIV of 1983. 6. (1) The Maharashtra Public Services (Subordinate) Selection Boards (Repeal) Ordinance, 1983, is hereby repealed.
(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken, as the case may be, under the corresponding provisions of this Act.

SCHEDULE

(See section 3)

Enactments Amended

Number and year	Short title	Amendments
1	2	3
Mah. V of 1962.	The Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.	1. In section 2, after clause (12), the following clauses shall be inserted, namely :— “(13) “District Selection Board” means a Board constituted under section 250 ; (14) “Divisional Selection Board” means a Board constituted under section 250 ;”.

SCHEDULE—contd.

Number and year	Short title	Amendments
1	2	3
	<p>Establishment of Divisional Selection Boards and District Selection Boards.</p> <p>Constitution of Divisional and District Selection Boards.</p>	<p>2. In section 95, in sub-section (2), for clause (b), the following clause shall be substituted, namely :—</p> <p>“(b) shall appoint officers and servants of Class III service from the lists of candidates selected by the District Selection Board, or as the case may be, the Divisional Selection Board and also under the proviso to section 251;”.</p> <p>3. After section 248, the following sections shall be inserted, namely :—</p> <p>“249. There shall be a Divisional Selection Board for each Division and a District Selection Board for each District.</p> <p>250. (1) For the purpose of securing impartial selection of personnel in the District Technical Service (Class III) and District Service (Class III), the State Government shall constitute the Divisional Selection Boards and the District Selection Boards.</p> <p>(2) The members of the Boards constituted as aforesaid shall be appointed by the State Government and each Board shall consist of such number of members not exceeding six as that Government may determine.</p> <p>(3) The State Government shall appoint a Chairman for each of the aforesaid Boards from among its members.</p> <p>(4) The members who are not officers of the State Government shall be paid such honoraria, travelling and other allowances as may be determined by the State Government. The State Government may by rules determine other terms of their appointment and the terms so determined shall not be varied to their disadvantage after their appointment.</p> <p>(5) The State Government shall appoint any officer or person to be the Secretary of each of the Boards constituted by the State Government.</p>
	<p>Function of Selection Boards ..</p>	<p>251. Subject to the rules made by the State Government in that behalf, it shall be the duty of the Divisional Selection Board to select candidates for appointment to posts in each grade and each category of the District Technical Service (Class III), and it shall be the duty of the District Selection Board to select candidates for appointment to posts in each grade and each category of officers and servants in the District Service (Class II) :</p> <p>Provided that, nothing in this section shall prevent the State Government from making any rules, in consultation with a Divisional</p>

SCHEDULE—*contd.*

Number and year	Short title	Amendments
1	2	3
		<p>Selection Board or a District Selection Board, specifying the circumstances in which, it shall not be necessary for the Divisional Selection Board or the District Selection Board to select candidates for appointment to a post or posts specified in such rules, and providing for the manner in which such appointment shall be made by the Chief Executive Officer.”</p>
		<p>4. In section 274, in sub-section (2), after clause (xxxix), the following clauses shall be inserted, namely :—</p> <p>“ (x) under sub-section (4) of section 250 determining other terms of appointment of members referred to in that section ;</p> <p>(xi) under section 251, prescribing the rules subject to which the Divisional Selection Board shall select candidates for appointments to posts in each grade and each category of the District Technical Service (Class III), and the District Selection Board shall select candidates for appointments to posts of each grade and each category of officers and servants in the District Service (Class III) ; ”.</p>
Mah. XL of 1965.	The Maharashtra Municipalities Act, 1965.	<p>1. In section 76,—</p> <p>(a) in sub-section (2), for the words, brackets and figures “ Subject to the provisions of the Maharashtra Public Services (Subordinate) Selection Board Act, 1973, and the rules made thereunder, the qualifications ” the words “ The qualifications ” shall be substituted ;</p> <p>(b) for sub-section (3), the following sub-section shall be substituted, namely :—</p> <p>“ (3) (a) The power of making appointment to any post referred to in clause (a) of sub-section (2) shall vest in the Standing Committee, and if the Council so decides, in the President.</p> <p>(b) The power of making appointment to any post referred to in clause (b) of sub-section (2) shall vest in the Council, or in the Standing Committee, if the Council so decides.”</p>
	Mah. XXI of 1973.	<p>2. In section 79, in sub-section (2),—</p> <p>(a) the first proviso shall be deleted ;</p> <p>(b) in the second proviso, for the words “ Provided further that ” the words “ Provided that ” shall be substituted.</p>

Number and year	Short title	Amendments
1	2	3
Bom. LXI of 1947.	The Bombay Primary Educa- tion Act, 1947.	In section 23,— (1) in sub-section (4),— (a) for the words " and Attendance Officers " the words " Attendance Officers and teachers " shall be substituted ; (b) after the words " selection of candidates " the words " and teachers " shall be inserted ; (2) in sub-section (5), for the words, brackets and figure " Subject to the provisions of sub-section (6), the school board " the words " The school board " shall be substituted ; (3) sub-section (6) shall be deleted ; (4) for the marginal note, the following shall be substituted, namely :— " Staff Selection Committee. "