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MONDAY, SEPTEMBER 18, 2023

[SAKA 1945

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF HIGHER EDUCATION
(INTEGRATED LAW CELL)
BIKASH BHAVAN, SALT LAKE,
KOLKATA-700 091

No. 628-Edn (CS)/OM-74L/2023

Date: 18th September 2023

MEMORANDUM

SUBJECT: Reservation of Economically Weaker Sections (EWSs) in admission in the Higher Educational Institution in the State of West Bengal.

In continuation to this Department's Memorandum No. 339-Edn (CS)/OM-74L/2023 dated 26th May, 2023, and published in the *Kolkata Gazette, Extraordinary*, PART I, on 26th May, 2023, after clause 3, *insert* the following clauses:—

- “4. The District Magistrate and the District Reservation Commissioner shall be the authority in respect of Higher Educational Institutions within their administrative jurisdiction for approval of filling up of the unfilled reserved seats for Economically Weaker Sections (EWSs) category by the candidates from general merit list, subject to fulfillment of conditions laid down in clause 3(e) of Memorandum No. 339-Edn (CS)/OM-74L/2023 dated 26.05.2023.
5. In respect of institutions situated in Kolkata as defined in the Kolkata Municipal Corporation Act, 1980, the Commissioner for Reservation and *ex officio* Secretary in the Backward Classes Welfare Department and the Joint Commissioner for Reservation and *ex officio* Joint Secretary, Backward Classes Welfare Department shall be the authorities for granting such permission for filling up the vacancies for such seats reserved for EWS category by the candidates from general merit list, subject to fulfillment of conditions laid down in clause 3(e) of Memorandum No. 339-Edn (CS)/OM-74L/2023 dated 26th May, 2023.
6. Such filling up of vacant seats for EWS category shall be made only from those left out candidates in the general merit list for admission prepared by the concerned Institution and no new candidate outside the said panel

shall be considered for such admission. Until and unless the separate merit list of Economically Weaker Section (EWSs) candidates is exhausted by filling up of available seats for Economically Weaker Section (EWSs) category as per Memorandum No. 339-Edn (CS)/OM-74L/2023 dated 26th May, 2023, de-reservation proposal shall not be entertained.”



By order of the Governor,

SILADITYA BASURAY
*Senior Special Secretary to the Government
of West Bengal.*

The
Kolkata Gazette
सत्यमेव जयते
Extraordinary
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FRIDAY, MAY 26, 2023

[SAKA 1945

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
Department of Higher Education
(Integrated Law Cell)
6th Floor, Bikash Bhavan, Salt Lake City
Kolkata, 700091

No. 339-Edn (CS)/OM-74L/2023

Date : 26th May, 2023.

MEMORANDUM

SUBJECT : Reservation of Economically Weaker Sections (EWSs) in admission in the Higher Educational Institution in the State of West Bengal.

In order to enable the Economically Weaker Section (EWSs) who do not come within the purview of the West Bengal State Higher Educational Institutions (Reservation in Admission) Act, 2013, to receive the benefits of admission to Higher Educational Institution, the Government of West Bengal in Higher Education Department have decided to provide the benefit of admission to higher educational institutions in commensurate with the Constitution (One Hundred and Third Amendment) Act, 2019, read with O.M No. 325-PAR (AR)/3P-1/2019 Dated 09.07.2019 of Personnel & Administrative Reforms Department, Government of West Bengal, read with Memo No. 959-BCW/MR-52/2019 Dated 18.05.2023 of Backward Classes Welfare Department, Government of West Bengal, subject to a maximum limit of ten percent of total number of seats in each category. This will not, however, apply to the Minority educational institutions referred to in clause (1) of article 30 of the Constitution of India.

2. The reservation norms shall apply to the State educational institutions under the Higher Education Department of Government of West Bengal at once and it shall be applicable to :—
 - (a) all Universities, established and incorporated by an Act of the State Legislature and aided fully or partly out of the State's fund;
 - (b) all Government colleges established or administered by the State Government whether directly or indirectly, and affiliated to a University;

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- (c) all colleges receiving aid from the State Government in any form or in any manner, whether fully or partly;
- (d) all unaided/private colleges and private universities incorporated by an Act of State Legislature; and
- (e) all other institutions imparting education or training or research or other academic activities beyond 10+2 level and receiving aid from the State Government in any form or in any manner, whether fully or partly;
- (f) “State Government” means the State Government of West Bengal in the Higher Education Department.
3. The Provision of reservations to the Economically Weaker Sections shall be in accordance with the directions contained in O.M No 325-PAR (AR)/3P-1/2019 Dated 09.07.2019 of Personnel & Administrative Reforms Department, Government of West Bengal read with Memo No. 959-BCW/MR-52/2019 Dated 18.05.2023 of Backward Classes Welfare Department, Government of West Bengal and shall be subject to the following :
- (a) Every Higher Educational Institution shall, with the approval of the appropriate authority, make endeavour to increase the number of seats over and above its annual permitted strength in each branch of study or faculty so that the number of seats available, excluding those reserved for the persons belonging to the EWSs, is not less than the number of such seats available, in each category, for the academic session immediately preceding the date of the coming into force of this Memorandum.
- (b) Where necessary, in order to enable the Higher Educational Institutions to create the physical, academic and other infrastructure so as to cater to the increase in the number of seats, a maximum period of two years beginning with the academic session following the commencement of this Memorandum shall be allowed, and the extent of reservation for the Economically Weaker Section (EWSs) shall be limited for that academic session in such manner that the number of seats made available to the Economically Weaker Sections for each academic session shall not reduce the number and the percentage of reservations provided for SC/ST/OBC categories.
- (c) In respect of those Higher Educational Institutions where expansion of capacity is not feasible for want of adequate infrastructure or for other reasons, the State Government may, upon being satisfied, re-distribute its quota of stream-wise reserved seats to other institutions in such a manner and to such extent as may be practicable keeping in mind the total seats available for all Higher Educational Institutions in the State taken together for a particular academic session.
- (d) For filling up of the seats for admission in a particular academic session the following procedure shall be followed :-
- (i) a general merit list based exclusively on merit irrespective of castes, tribes or classes shall be prepared separately for each course, stream or subject in each Higher Educational Institution to fill up the unreserved seats. Separate merit list of the Economically Weaker Section (EWSs) candidates shall be prepared for each course/stream/subject in each higher educational institution to fill up the seats reserved for these respective categories.
- (ii) In any case, if a candidate obtains marks lower than the minimum qualifying marks prescribed by the University/Appropriate Authority for admission to the relevant course, he will not be eligible for admission;
- (iii) If the reserved seats remain unfilled due to non availability of reserved category candidates, such seats shall be taken up for de-reservation in such manner as may be decided by the Backward Classes Welfare Department;
- (iv) In every case of admission to general degree courses, technical, professional and post graduate level courses, the EWS certificate issued by the Competent Authority in Government of West Bengal shall be verified by the concerned Higher Educational Institution at the time of admission.
- (e) Where reservation of seats for one or many programmes or streams in a particular academic session remains unfilled, the following procedure of de-reservation shall be followed :-
- (i) If, after duly entertaining all applications to fill up reserved seats, it is found that some seats reserved for the Economically weaker Section (EWSs) remain unfilled during the academic session for want of suitable number of candidates from the respective categories, those seats may be de-reserved and filled up by general candidates where it is specified that due process for filling up of the seats by the candidates

of the specific categories have been followed by the institutions concerned and no suitable candidate of the reserved categories is available to fill up those seats. No vacant reserved seat shall be carried forward to the next academic year, under any circumstances;

- (ii) the Higher Educational Institutions seeking de-reservation shall submit, a statement giving the following particulars :—
- (1) number of candidates who have applied for admission giving break up of Unreserved, Economically weaker Section (EWSs) applicants separately for respective Courses/Streams/Subjects;
 - (2) number of seats reserved for Economically weaker Section (EWSs), for such category of Course/Stream/Subject;
 - (3) number of candidates qualifying for admission and admitted, as such, from reserved category against respective Programmes/Streams/Subjects;
 - (4) the Higher Educational Institutions shall also furnish copies of their admission Notice(s) to show whether, for issue of Forms to Economically weaker Section (EWSs) candidates, the minimum prescribed marks of the Board, Council or University had been indicated, as the qualifying marks for getting admission Forms against the reserved seats.
- (f) The Higher Education Department, Government of West Bengal shall have power to give directions to every State-aided University or State-aided Colleges or Institutions to achieve the objectives of this Memorandum and also to entrust them with such duties and functions as it may deem necessary.
- (g) In case the number of seats reserved for the Economically Weaker Section (EWSs) in Post-graduate and Doctoral courses is less than 0.5 in each stream, a 100 point roster for admission as notified by Labour Department vide No. 50-EMP/1M-25/98 Dated 01.03.2011 read with Notification No. 18-Emp (EC)/LABR-27011(20)/1/2020-EC Dated 07.02.2023 shall be followed so far as admission to Higher Educational Institution is concerned.
- (h) A person belonging to EWS cannot be denied the right to compete for admission against an unreserved vacancy. Person belonging to EWS who will be selected on the basis of merit and not on account of reservation will not be counted towards the quota meant for reservation.
- (i) EWS certificate is valid for the financial year of issuance of certificate.
- (j) An officer not below the rank of Joint Secretary in the Higher Education Department shall act as nodal officer to monitor the implementation of reservation for EWS category.

By order of the Governor,

SILADITYA BASURAY

Senior Special Secretary to the Government of West Bengal.



Government of West Bengal
Department of Higher Education
University Branch
Bikash Bhavan, 6th Floor, Bidhannagar, Kolkata – 700 091.

No. 1084(20) - Edn (U)/EH/1U-89/13

Dated, Kolkata, the 07th December, 2018.

From: Shri Siladitya Basuray, W.B.C.S. (Exe.),
Special Secretary to the Government of West Bengal.

To: The Vice-Chancellor,

Calcutta University

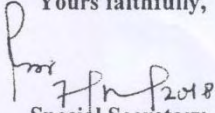
Sub: Procedure to be followed for reservation of persons with disabilities for admission.

Sir,

In partial modification to this Department's earlier Notification bearing no. 07-Edn(U)/1U-89/13 dated 02.01.2014 regarding the West Bengal State Higher Educational Institutions (Reservation in Admission) Act, 2013, I am directed to inform you that the percentage of reservation for the persons with disabilities shall be extended not less than 5% in each of the categories i. e., SC, ST, OBC-A, OBC-B and General Categories, subject to the condition that the reservation of seats shall not exceed 45% (SC-22%, ST-6%, OBC-A 10%, OBC-B 7%).

I am further directed to inform you that such PwD candidates may be placed at the top of the list prepared for such category students.

Yours faithfully,


Special Secretary

**GOVERNMENT OF WEST BENGAL
HIGHER EDUCATION DEPARTMENT
(UNIVERSITY BRANCH)
BIKASH BHABAN, SALT LAKE
KOLKATA-700091**

No. 65 –Edn (U)/1U-89/13

Date: 16.01.2014

From: Smt. M. Ray, IAS
Additional Secretary to the Govt. of West Bengal

To: The Vice Chancellor,
_____University

Subject: Procedure to be followed for reservation of persons with disabilities for admission.

Ref: Guidelines of Department of Personnel and Training, Govt. of India

Sir,

In reference to the above mentioned subject I am directed to enclose the FAQ issued by the Department of Personnel and Training, Government of India regarding reservation of the persons with disabilities as per the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

In this regard I am further directed to say that reservation of seats shall not exceed 45% (SC-22%, ST-6%, OBC-A- 10% & OBC-B-7%). Persons with disabilities will enjoy a 3% reservation in each of the categories, i.e. in SC, ST, OBC-A, OBC-B and in the Unreserved or General Category, and such candidates, if available, shall be placed towards the top of the list prepared for each category of students.

Yours faithfully,

SD/- M. Ray
Additional Secretary

No. 65/1(9) –Edn (U)/1U-89/13

Date: 16.01.2014

Copy forwarded for information and necessary action to:

1. The Secretary, Agriculture Department,
2. The Secretary, Animal Resource Development Department,
3. The Principal Secretary, Health & Family Welfare Department,
4. The Secretary, Backward Class Welfare Department,
5. The Director of Public Instruction with request to forward all Government and Govt. aided College for taking necessary action by them,
6. The Director of Technical Education with request to forward all Government and Govt. aided College for taking necessary action by them,
7. The Chairman, West Bengal Joint Entrance Examination Board,
8. The Vice Chairman, West Bengal State Council of Higher Education,
9. The Registrar, _____University.

Additional Secretary

**Frequently Asked Questions (FAQs) on the policy of reservation to
Persons with Disabilities**

Q.1 What is the policy of the Government on reservation for Persons with Disabilities?

Ans.: Reservation to Persons with Disabilities is provided in line with the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, in posts and services under the Government of India.

Three per cent of the vacancies in case of direct recruitment to Group A,B,C and D posts shall be reserved for persons with disabilities of which one per cent each shall be reserved for persons suffering from (i) blindness or low vision, (ii) hearing impairment and (iii) locomotor disability or cerebral palsy in the posts identified for each disability;

Three per cent of the vacancies in case of promotion to Group D and Group C posts in which the element of direct recruitment, if any, does not exceed 75%, shall be reserved for persons with disabilities of which one per cent each shall be reserved for persons suffering from (i) blindness or low vision, (ii) hearing impairment and (iii) locomotor disability or cerebral palsy in the posts identified for each disability.

Q.2 What is the provision for exemption from reservation to Ministries/Departments?

Ans.: If any Department / Ministry considers it necessary to exempt any establishment partly or fully from the provision of reservation for persons with disabilities, it may make a reference to the Ministry of Social Justice and Empowerment giving full justification for the proposal. The grant of exemption shall be considered by an Inter-Departmental Committee set up by the Ministry of Social Justice and Empowerment.

Q.3 What are the definitions of Disabilities?

Ans.: Definitions of categories of disabilities for the purpose of this Office Memorandum are given below:

(i)(a) Blindness: "Blindness" refers to a condition where a person suffers from any of the following conditions, namely:-

(i) total absence of sight; or

- (ii) visual acuity not exceeding 6/60 or 20/200(snellen) in the better eye with correcting lenses; or
- (iii) limitation of the field of vision subtending an angle of 20 degree or worse;
- (b) Low vision: “Person with low vision” means a person with impairment of visual functioning even after treatment or standard refractive correction but who uses or is potentially capable of using vision for the planning or execution of a task with appropriate assistive device.
- (ii) Hearing Impairment:- “Hearing Impairment” means loss of sixty decibels or more in the better ear in the conversational range of frequencies.
- (iii)(a) Locomotor disability : “Locomotor disability” means disability of the bones, joints or muscles leading to substantial restriction of the movement of the limbs or any form of cerebral palsy.
- (b) Cerebral Palsy :- “Cerebral Palsy” means a group of non-progressive conditions of a person characterised by abnormal motor control posture resulting from brain insult or injuries occurring in the pre-natal, perinatal or infant period of development.
- (c) All the cases of orthopaedically handicapped persons would be covered under the category of “locomotor disability or cerebral palsy.”

Q.4 What should be the degree of disability for claiming reservation in posts/services under the Central Government?

Ans.: Only such persons would be eligible for reservation in services / posts who suffer from not less than 40 per cent of relevant disability. A person who wants to avail of benefit of reservation would have to submit a Disability Certificate issued by a competent authority.

Q.5 Who is the competent authority to issue Disability Certificate?

Ans.: The competent authority to issue Disability Certificate shall be a Medical Board duly constituted by the Central or a State Government. The Central / State Government may constitute Medical Board(s) consisting of at least three members out of which at least one shall be a specialist in the particular field for assessing locomotor / cerebral / visual / hearing disability, as the case may be.

The Medical Board shall, after due examination, give a permanent disability certificate in cases of such permanent disabilities where there are no chances of variation in the degree of disability. The Medical Board shall indicate the period of validity of the certificate, in cases where there are chances of variation in the degree of disability. No refusal of disability certificate shall be made unless an opportunity is given to the applicant of being heard. On

representation by the applicant, the Medical Board may review its decision having regard to all the facts and circumstances of the case and pass such orders in the matter as it thinks fit.

At the time of initial appointment and promotion against a vacancy reserved for persons with disability, the appointing authority shall ensure that the candidate is eligible to get the benefit of reservation.

An employee who acquires disability after entering into service will be entitled to get the benefit of reservation as a person with disability from the date he produces a valid certificate of disability.

Q.6 Which Ministry/Department identifies the jobs/posts suitable for Persons with Disabilities?

Ans.: The Ministry of Social Justice and Empowerment have identified the jobs / posts suitable to be held by persons with disabilities and the physical requirement for all such jobs / posts vide their notification no. 16-25/99.N.I.I dated 31.5.2001. The jobs / posts given in Annexure II of the said notification as amended from time to time shall be used to give effect to 3 per cent reservation to the persons with disabilities. It may, however, be noted that:

- (a) The nomenclature used for any job / post shall mean and include nomenclature used for other comparable jobs / posts having identical functions.
- (b) The list of jobs / posts notified by the Ministry of Social Justice & Empowerment is not exhaustive. The concerned Ministries / Departments shall have the discretion to identify jobs / posts in addition to the jobs / posts already identified by the Ministry of Social Justice & Empowerment. However, no Ministry / Department / Establishment shall exclude any identified job / post from the purview of reservation at its own discretion.
- (c) If a job/ post identified for persons with disabilities is shifted from one group or grade to another group or grade due to change in the pay-scale or otherwise, the job/ post shall remain identified.

If a post is identified suitable only for one category of disability, reservation in that post shall be given to persons with that disability only. Reservation of 3% shall not be reduced in such cases and total reservation in the post will be given to persons suffering from the disability for which it has been identified. Likewise in case the post is identified suitable for two categories of disabilities, reservation shall be distributed between persons with those categories of disabilities equally, as far as possible. It shall, however, be ensured that reservation in different posts in the establishment is distributed in

such a way that the persons of three categories of disabilities, as far as possible, get equal representation.

Q.7 How can a Person with Disability be appointed against an unreserved vacancy?

Ans.: In the posts which are identified suitable for persons with disabilities, a person with disability cannot be denied the right to compete for appointment against an unreserved vacancy. Thus a person with disability can be appointed against an unreserved vacancy, provided the post is identified suitable for persons with disability of the relevant category.

Q.8 Who is an own merit candidate?

Ans.: Persons with disabilities selected on their own merit without relaxed standards alongwith other candidates, will not be adjusted against the reserved share of vacancies. The reserved vacancies will be filled up separately from amongst the eligible candidates with disabilities which will thus comprise physically handicapped candidates who are lower in merit than the last candidate in merit list but otherwise found suitable for appointment, if necessary, by relaxed standards. It will apply in case of direct recruitment as well as promotion, wherever reservation for persons with disabilities is admissible.

Q.9 How is the reservation for Persons with Disabilities computed?

Ans.: Reservation for persons with disabilities in case of Group C and Group D posts shall be computed on the basis of total number of vacancies occurring in all Group C or Group D posts, as the case may be, in the establishment, although the recruitment of the persons with disabilities would only be in the posts identified suitable for them. The number of vacancies to be reserved for the persons with disabilities in case of direct recruitment to Group 'C' posts in an establishment shall be computed by taking into account the total number of vacancies arising in Group 'C' posts for being filled by direct recruitment in a recruitment year both in the identified and non-identified posts under the establishment. The same procedure shall apply for Group 'D' posts. Similarly, all vacancies in promotion quota shall be taken into account while computing reservation in promotion in Group 'C' and Group 'D' posts. Since reservation is limited to identified posts only and number of vacancies reserved is computed on the basis of total vacancies (in identified posts as well as unidentified posts), it is possible that number of persons appointed by reservation in an identified post may exceed 3 per cent.

Reservation for persons with disabilities in Group 'A' posts shall be computed on the basis of vacancies occurring in direct recruitment quota in all the identified Group 'A' posts in the establishment. The same method of computation applies for Group 'B' posts.

Q.10 How are the reservation roster registers for Persons with Disabilities maintained?

Ans.: (a) All establishments shall maintain separate 100 point reservation roster registers in the format given in **Annexure II** for determining / effecting reservation for the disabled – one each for Group 'A' posts filled by direct recruitment, Group 'B' posts filled by direct recruitment, Group 'C' posts filled by direct recruitment, Group 'C' posts filled by promotion, Group 'D' posts filled by direct recruitment and Group 'D' posts filled by promotion.

(b) Each register shall have cycles of 100 points and each cycle of 100 points shall be divided into three blocks, comprising the following points:

1st Block – point No.1 to point No.33

2nd Block – point No. 34 to point No.66

3rd Block – point No.67 to point No.100

(c) Points 1, 34 and 67 of the roster shall be earmarked reserved for persons with disabilities – one point for each of the three categories of disabilities. The head of the establishment shall decide the categories of disabilities for which the points 1, 34 and 67 will be reserved keeping in view all relevant facts.

(d) All the vacancies in Group C posts falling in direct recruitment quota arising in the establishment shall be entered in the relevant roster register. If the post falling at point no. 1 is not identified for the disabled or the head of the establishment considers it desirable not to fill it up by a disabled person or it is not possible to fill up that post by the disabled for any other reason, one of the vacancies falling at any of the points from 2 to 33 shall be treated as reserved for the disabled and filled as such. Likewise a vacancy falling at any of the points from 34 to 66 or from 67 to 100 shall be filled by the disabled. The purpose of keeping points 1, 34 and 67 as reserved is to fill up the first available suitable vacancy from 1 to 33, first available suitable vacancy from 34 to 66 and first available suitable vacancy from 67 to 100 by persons with disabilities.

(e) There is a possibility that none of the vacancies from 1 to 33 is suitable for any category of the disabled. In that case two vacancies from 34 to 66 shall be filled as reserved for persons with disabilities. If the vacancies from 34 to 66

are also not suitable for any category, three vacancies shall be filled as reserved from the third block containing points from 67 to 100. This means that if no vacancy can be reserved in a particular block, it shall be carried into the next block.

(f) After all the 100 points of the roster are covered, a fresh cycle of 100 points shall start.

(g) If the number of vacancies in a year is such as to cover only one block or two, discretion as to which category of the disabled should be accommodated first shall vest in the head of the establishment, who shall decide on the basis of the nature of the post, the level of representation of the specific disabled category in the concerned grade/post etc.

(h) A separate roster shall be maintained for group C posts filled by promotion and procedure as explained above shall be followed for giving reservation to persons with disabilities. Likewise two separate rosters shall be maintained for Group D posts, one for the posts filled by direct recruitment and another for posts filled by promotion.

(i) Reservation in group A and group B posts is determined on the basis of vacancies in the identified posts only. Separate rosters for Group A posts and Group B posts in the establishment shall be maintained. In the rosters maintained for Group A and Group B posts, all vacancies of direct recruitment arising in identified posts shall be entered and reservation shall be effected the same way as explained above.

Q.11 What is meant by inter se exchange and carry forward of reservation in case of direct recruitment quota as well as in promotion quota?

Ans.

(a) Reservation for each of the three categories of persons with disabilities shall be made separately. But if the nature of vacancies in an establishment is such that a person of a specific category of disability cannot be employed, the vacancies may be interchanged among the three categories with the approval of the Ministry of Social Justice & Empowerment and reservation may be determined and vacancies filled accordingly.

(b) If any vacancy reserved for any category of disability cannot be filled due to non-availability of a suitable person with that disability or, for any other sufficient reason, such vacancy shall not be filled and shall be carried forward as a 'backlog reserved vacancy' to the subsequent recruitment year.

(c) In the subsequent recruitment year the 'backlog reserved vacancy' shall be treated as reserved for the category of disability for which it was kept

reserved in the initial year of recruitment. However, if a suitable person with that disability is not available, it may be filled by interchange among the three categories of disabilities. In case no suitable person with disability is available for filling up the post in the subsequent year also, the employer may fill up the vacancy by appointment of a person other than a person with disability. If the

vacancy is filled by a person with disability of the category for which it was reserved or by a person of other category of disability by inter se exchange in the subsequent recruitment year, it will be treated to have been filled by reservation. But if the vacancy is filled by a person other than a person with disability in the subsequent recruitment year, reservation shall be carried forward for a further period upto two recruitment years whereafter the reservation shall lapse. In these two subsequent years, if situation so arises, the procedure for filling up the reserved vacancy shall be the same as followed in the first subsequent recruitment year.

In order to ensure that cases of lapse of reservation are kept to the minimum, any recruitment of the disabled candidates shall first be counted against the additional quota brought forward from previous years, if any, in their chronological order. If candidates are not available for all the vacancies, the older carried forward reservation would be filled first and the relatively later carried forward reservation would be further carried forward.

While filling up the reserved vacancies by promotion by selection, the disabled candidates who are within the normal zone of consideration shall be considered for promotion. Where adequate number of disabled candidates of the appropriate category of handicap are not available within the normal zone, the zone of consideration may be extended to five times the number of vacancies and the persons with disabilities falling within the extended zone may be considered. In the event of non availability of candidates even in the extended zone, the reservation can be exchanged so that post can be filled by a person with other category of disability, if possible. If it is not possible to fill up the post by reservation, the post may be filled by a person other than a person with disability and the reservation shall be carried forward for upto three subsequent recruitment years, whereafter it shall lapse.

In posts filled by promotion by non-selection, the eligible candidates with disabilities shall be considered for promotion against the reserved vacancies and in case no eligible candidate of the appropriate category of disability is available, the vacancy can be exchanged with other categories of disabilities identified for it. If it is not possible to fill up the post by reservation even by exchange, the reservation shall be carried forward for upto three subsequent recruitment years whereafter it shall lapse.

Q.12 What is vertical reservation and horizontal reservation?

Ans. Reservation for backward classes of citizens (SCs, STs and OBCs) is called vertical reservation and the reservation for categories such as persons with disabilities and ex-servicemen is called horizontal reservation. Horizontal reservation cuts across vertical reservation (in what is called inter-locking reservation) and persons selected against the quota for persons with disabilities have to be placed in the appropriate category viz. SC/ST/OBC/General candidates depending upon the category to which they belong in the roster meant for reservation of SCs/STs/OBCs. To illustrate, if in a given year there are two vacancies reserved for the persons with disabilities and out of two persons with disabilities appointed, one belongs to a Scheduled Caste and the other to general category then the disabled SC candidate shall be adjusted against the SC point in the reservation roster and the general candidate against unreserved point in the relevant reservation roster. In case none of the vacancies falls on point reserved for the SCs, the disabled candidate belonging to SC shall be adjusted in future against the next available vacancy reserved for SCs.

Since the persons with disabilities have to be placed in the appropriate category viz. SC/ST/OBC/ General in the roster meant for reservation of SCs/STs/OBCs, the application form for the post should require the candidates applying under the quota reserved for persons with disabilities to indicate whether they belong to SC/ST/OBC or General category.

Q.13 What are the relaxations/concessions available to Persons with Disabilities?

Ans.: **RELAXATION IN AGE LIMIT :**

- (i) Upper age limit for persons with disabilities shall be relaxable (a) by ten years (15 years for SCs/STs and 13 years for OBCs) in case of direct recruitment to Group 'C' and Group 'D' posts; (b) by 5 years (10 years for SCs/STs and 8 years for OBCs) in case of direct recruitment to Group 'A' and Group 'B' posts where recruitment is made otherwise than through open competitive examination; and (c) by 10 years (15 years for SCs/STs and 13 years for OBCs) in case of direct recruitment to Group A and Group B posts through open competitive examination.

- (ii) Relaxation in age limit shall be applicable irrespective of the fact whether the post is reserved or not, provided the post is identified suitable for persons with disabilities.

RELAXATION OF STANDARD OF SUITABILITY: If sufficient number of persons with disabilities are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to this category may be selected on relaxed standard to fill up the remaining vacancies reserved for them provided they are not found unfit for such post or posts. Thus, to the extent the number of vacancies reserved for persons with disabilities cannot be filled on the basis of general standards, candidates belonging to this category may be taken by relaxing the standards to make up the deficiency in the reserved quota subject to the fitness of these candidates for appointment to the post / posts in question.

EXEMPTION FROM PAYMENT OF EXAMINATION FEE AND APPLICATION FEE: Persons with disabilities shall be exempt from payment of application fee and examination fee, prescribed in respect of competitive examinations held by the Staff Selection Commission, the Union Public Service Commission etc. for recruitment to various posts. This exemption shall be available only to such persons who would otherwise be eligible for appointment to the post on the basis of standards of medical fitness prescribed for that post (including any concession specifically extended to the disabled persons) and who enclose with the application form, necessary certificate from a competent authority in support of their claim of disability.

MEDICAL EXAMINATION: As per Rule 10 of the Fundamental Rules, every new entrant to Government Service on initial appointment is required to produce a medical certificate of fitness issued by a competent authority. In case of medical examination of a person with disability for appointment to a post identified as suitable to be held by a person suffering from a particular kind of disability, the concerned Medical Officer or Board shall be informed beforehand that the post is identified suitable to be held by persons with disability of the relevant category and the candidate shall then be examined medically keeping this fact in view.

Q.14 What are the points which the Ministries/Departments should keep in mind while sending the requisition notice to the Employment Exchange, the SSC, the UPSC etc. while advertising the vacancies?

Ans.: In order to ensure that persons with disabilities get a fair opportunity in consideration for appointment to an identified post, the following points shall be

kept in view while sending the requisition notice to the Employment Exchange, the SSC, the UPSC etc. and while advertising the vacancies:-

- (i) Number of vacancies reserved for SCs/STs/OBCs/Ex-Servicemen/Persons suffering from Blindness or Low Vision/Persons suffering from Hearing Impairment/Persons suffering from Locomotor Disability or Cerebral Palsy should be indicated clearly.
- (ii) In case of vacancies in posts identified suitable to be held by persons with disability, it shall be indicated that the post is identified for persons with disabilities suffering from blindness or low vision; hearing impairment; and/or locomotor disability or cerebral palsy, as the case may be, and that the persons with disabilities belonging to the category/categories for which the post is identified shall be allowed to apply even if no vacancies are reserved for them. Such candidates will be considered for selection for appointment to the post by general standards of merit.
- (iii) In case of vacancies in posts identified suitable for persons with disabilities, irrespective of whether any vacancies are reserved or
- (iv) not, the categories of disabilities viz blindness or low vision, hearing impairment and locomotor disability or cerebral palsy, for which the post is identified suitable alongwith functional classification and physical requirements for performing the duties attached to the post shall be indicated clearly.
- (v) It shall also be indicated that persons suffering from not less than 40% of the relevant disability shall alone be eligible for the benefit of reservation.

In order to ensure proper implementation of the provisions of reservation for persons with disabilities, the requisitioning authority while sending the requisition to the UPSC, SSC etc. for filling up of posts shall furnish the following certificate to the recruiting agency:-

“It is certified that the requirements of the Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995 and the policy relating to reservation for persons with disabilities has been taken care of while sending this requisition. The vacancies reported in this requisition fall at points no. of cycle no. of 100 point reservation roster out of which number of vacancies are reserved for persons with disabilities.”

Q.15 What is the procedure to monitor the representation of Persons with Disabilities in posts and services under the Central Government?

Ans.: (i) Soon after the first of January of every year, each appointing authority shall send to its administrative Ministry/Department:-

- (a) PWD Report-I in the prescribed proforma (Annexure III) showing the total number of employees, total number of employees in the posts which have been identified suitable for persons with disabilities and number of employees suffering from blindness or low vision, hearing impairment, and locomotor disability or cerebral palsy as on the 1st January of the year, and
- (b) PWD Report-II in the prescribed proforma (Annexure IV) showing the number of vacancies reserved for persons suffering from blindness or low vision, hearing impairment, and locomotor disability or cerebral palsy and number of such persons actually appointed during the preceding calendar year.

(ii) The administrative Ministry/Department shall scrutinize the information received from all appointing authorities under it and send consolidated PWD Report-I and PWD Report- II in prescribed proformae in respect of the Ministry/Department including information in respect of all attached and subordinate offices under its control to the Department of Personnel and Training by the 31st March of each year.

(iii) The following points may be kept in view while sending the reports to the Department of Personnel & Training:-

- (a) The reports sent to the DOPT should not include information in respect of public sector undertakings, statutory, semi-Government and autonomous bodies. Statutory, semi-Government and autonomous bodies shall furnish consolidated information in the prescribed proforma to the administrative Ministry/Department concerned who may scrutinize, monitor and maintain it at their own level. The Department of Public Enterprises may collect similar information in respect of all public sector undertakings.
- (b) The attached/subordinate offices shall send information to their administrative Ministry/Department only and shall not send it direct to this Department.
- (c) The figures in respect of persons with disabilities shall include persons appointed by reservation as well as appointed otherwise.
- (d) The PWD Report I relates to persons and not to posts. Therefore, while furnishing this report the posts vacant etc. should not be

taken into account. In this report persons on deputation should be included in the establishment of the borrowing Ministry/Department/Office and not in the parent establishment. Persons permanent in one grade but officiating or holding temporary appointment in the higher grade shall be included in the figures relating to the Class of service to which the higher grade belongs.

Liaison Officers appointed to look after reservation matters for SCs/STs shall also work as Liaison Officers for reservation matters relating to persons with disabilities and shall ensure compliance of these instructions on reservation for Persons with Disabilities.

The



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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
Higher Education Department
Bikash Bhaban, Salt Lake City, Kolkata-700 091

NOTIFICATION

No. 07-Edn (U)/1U-89/13.— dated. 2nd January, 2014.— In exercise of the power conferred by sub-section (1) of section 8 of the West Bengal State Higher Educational Institutions (Reservation in Admission) Act, 2013, (West Ben Act X of 2013), the Governor is hereby pleased to make the following rules, namely:

Rules

- | | |
|---|---|
| Short title,
application &
commencement | 1. (1) These rules may be called the West Bengal State Higher Educational Institutions (Reservation in Admission) Rules, 2013. |
| | (2) They shall come into force on the date of their publication in the <i>Official Gazette</i> . |
| Definitions | 2. (1) In these rules, unless the context otherwise requires,— |
| | (a) "Act" means the West Bengal State Higher Educational Institutions (Reservation in Admission) Act, 2013; |
| | (b) "Commissioner of Reservation" means the Commissioner for Reservation appointed under section 6A of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976; |
| | (c) "District Commissioner for Reservation" means the District Commissioner for Reservation as appointed under Section 6B of the West Bengal Scheduled Caste and Scheduled Tribes (Reservation of vacancies in Services and Posts) Act, 1976; |
| | (d) "District Magistrate" means the District Magistrate of the district and includes Additional District Magistrate for the purpose of these rules; |

- (e) "de-reservation" means the de-reservation of seats reserved for Scheduled Castes/Scheduled Tribes/Other Backward Classes, Category -A and Other Backward Classes, Category -B candidates;
- (f) "Joint Commissioner for Reservation and ex-officio Joint Secretary" means the Joint Commissioner for Reservation and ex-officio Joint Secretary as appointed under Section 6A of the West Bengal Scheduled Caste and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976;
- (g) "self-financing course" means the course conducted by a college out of its own fund;
- (h) "schedule" means the schedule appended to these rules;
- (i) "section" means the section of the Act;
- (j) "University" means a University established and incorporated by an Act of State Legislature and aided fully or partly out of the State's fund;

(2) Any words or expressions used but not otherwise defined in these rules shall have the same meaning as defined or used under the Act.

Application of the reservation norms.

3. The reservation norms shall apply on and from the Academic Session 2014-15, to:—

- (a) all Universities, established and incorporated by an Act of the State's Legislature and aided fully or partly out of the State's fund; and
- (b) all Government colleges established or administered by the State Government whether directly or indirectly, and affiliated to a University; and
- (c) all colleges receiving aid from the State Government in any form or in any manner, whether fully or partly; and
- (d) all other institutions imparting education or training or research or other academic activities beyond 10+2 level and receiving aid from the State Government in any form or in any manner, whether fully or partly.

Preparation of Detailed Project Report and maintenance of register of students and other formalities

4. (1) In order to implement the total percentage of reservation in respect of the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes Category 'A' and the Other Backward Classes Category 'B'; (as mandated by the Act) every Higher Educational Institution selecting candidates for all streams and courses run by that Institution shall, with the approval of the appropriate authority, wherever required, fix up the total number of seats to be increased in each course in such a manner that the number of unreserved seats is not less than the seats available immediately preceding the date of the Act coming into force.

Explanation 1:— for example, in a Higher Educational Institution there were thirty (30) seats in Physics (Honors) course on the date of commencement of the Act. Out of 30 seats, 7 seats were reserved for SC (22% of 30), 2 seats were reserved for ST (6% of 30) and 21 seats were for unreserved category. For the purpose of implementing the provisions of the Act and these rules, these 21 seats of unreserved category shall not be reduced in any manner.

Explanation 2:— to give effect to the provisions of the Act, the Higher Educational Institution referred to under explanation 1 will be required to increase its seats by at least eight (8) seats in Physics Honors for that particular academic year. Hence, the reservation of seats would be as follows:

- (a) Eight (8) seats shall be reserved for SC (22% of 38),
- (b) Two (2) seats shall be reserved for ST (6% of 38),
- (c) Four (4) seats shall be reserved for OBC-A (10% of 38),
- (d) Three (3) seats shall be reserved for OBC-B (7% of 38),
- (e) And Twenty One (21) seats shall remain unreserved for Unreserved Categories.

- (2) Keeping in view that the total number of increase of seats to be done in terms of the sub-rule (1), each Higher Educational Institution shall fix up year wise target of increase of seats in such a manner that the total mandatory increase of seats is achieved within a maximum period of six years beginning with the academic session 2014-15 and then shall continue in the same manner.
- (3) Once the target of increase of seats is fixed, every Higher Educational Institution shall, submit to the State Government, the Detailed Project Report (DPR) in the format as may be specified.
- (4) The detailed project report shall contain, inter alia, the following:—
- details of the existing number of students including students belonging to the Scheduled Castes and Scheduled Tribes,
 - details of the Governing Body of the College,
 - details of courses offered and annual intake in each course including Honors and Post Graduate courses, if any,
 - details of specialized courses or programmes,
 - details of existing teaching and non-teaching posts substantiated with appropriate roster and non-teaching staff-pattern,
 - details of existing infrastructures including the land, building and other equipments,
 - details of proposed increase in the infrastructure and equipments including Laboratory, Library etc.,
 - details of proposed increase in the teaching and Non-teaching posts,
 - details of the requirement of funds for catering to the creation of additional seats as per staff pattern as may be specified by the State Government from time to time.
- (5) The proposal regarding increase in the infrastructure including Classroom, Laboratory, Library, and the increase of teaching and non-teaching post shall be commensurate with the actual increase of seats in various courses.

Manner of re-distribution of seats

5. (1) In case of a Higher Educational Institution where infrastructure expansion is not possible for unavoidable reasons or otherwise, the Higher Educational Institution may apply to the State Government with reasons, to re-distribute its additional quota of reserved seats to other Higher Educational Institutions.

- (2) The State Government, taking into consideration the facts of the case, may at its discretion pass an order allowing re-distribution of such additional seats to other Higher Educational Institution.

Procedure for preparation of list of candidates for admission

6. (1) For filling up of the seats for admission in a particular academic session as fixed in terms of sub rule (2) of rule 4 the following procedure shall be followed :—

- a general merit list based exclusively on merit as reflected in the results of the relevant examination or selection test irrespective of castes, tribes or classes shall be prepared separately for each course, stream or subject in each Higher Educational Institution to fill up the unreserved seats. Separate merit lists of the Scheduled Castes, Scheduled Tribes, Other Backward Class, Category 'A' and the Other Backward Class, Category 'B' candidates shall be prepared for each course/stream/subject in each higher educational institution to fill up the seats reserved for these respective categories. The Scheduled Castes, the Scheduled Tribes, the Other Backward Class, Category -A and the Other Backward Class, Category -B candidates who have been placed in the general merit list to fill up unreserved seats shall not be taken into account in the reserved list for the Scheduled Castes, the Scheduled Tribes, the Other Backward Class, Category-A and the Other Backward Class, Category-B candidates, as the case may be;
- simultaneously, the SC/ST/OBC candidates who have found place in the general merit list on the basis of their merit shall also be placed in the list of reserved seats for SC/ST/OBC as per their inter se merit, and

be asked to exercise their option on whether they would like to be placed in the general merit list or the separate merit list for reserved candidates of SC/ST/OBC. Admission would be made as per the option exercised by the candidates. The option once exercised shall not be altered under any circumstances;

- (c) for admission to different courses, an SC or ST candidate getting admission should have obtained in the previous examination; qualifying marks not lower by more than 25% of the marks obtained by the last candidate of the general category. In case of OBC-A and OBC-B the candidates getting admission should have obtained in the previous examination, qualifying marks not lower by more than 10% from the marks obtained by the last candidate of the general category. In any case, if a candidate obtains marks lower than the minimum qualifying marks prescribed by the University / Appropriate Authority for admission to the relevant course, he will not be eligible for admission;
- (d) seats reserved for the Scheduled Caste candidates and remaining unfilled even after following the instructions laid down in the previous clauses of the rules may be filled up by the Scheduled Tribe candidates and vice versa. Likewise, seats reserved for the Other Backward Classes, Category-A and remaining unfilled even after following the instructions laid down in the previous clauses of the rules may be filled up by the Other Backward Class, Category-B candidates and vice versa. If after this exercise, reserved seats still remain unfilled due to non availability of reserved category candidates, such seats shall be taken up for de-reservation in such manner as prescribed under rules 8 of these rules;
- (e) in case the number of seats reserved for the Scheduled Castes, Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B in Post-graduate and Doctoral courses including Medicine, Dental Science and Nursing is less than 0.5 in each stream, a 100 point roster for admission as specified in the Schedule appended to these rules shall be followed for filling up the seats.
- (2) In every case of admission to general degree courses and medical, technical, professional and post graduate level courses, the caste / tribe / class identification certificate issued by the Competent Authority shall be verified by the concerned Higher Educational Institution at the time of admission along with Domicile Certificate issued by the Competent Authority:

Provided that no Domicile Certificate is required in case the candidate submitting caste identification Certificate issued by the Competent Authority of the State Government.

- (3) During verification of the OBC Certificate, relevant guidelines regarding determination of 'Creamy layer' shall be taken into consideration by the concerned Institution.
- (4) In every case, reservation to SC/ST/OBC 'A'/OBC 'B's candidates shall not be refused on the basis of medium of instruction in any Higher Educational Institution.

Maintenance of Course 7. Every Higher Educational Institution shall maintain course-wise registers of reserved seats meant for Scheduled Castes, Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B.

Procedure for de-reservation 8. Where reservation of seats for one or many courses or streams in a particular academic session becomes unavoidable, the following procedure of de-reservation shall be followed:

- (a) If, after duly entertaining all applications to fill up reserved seats, it is found that some seats reserved for the Scheduled Castes, Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B remain unfilled during the academic session for want of suitable number of candidates from the respective categories, those seats may be de-reserved and filled up by general candidates where it is specified that due process for filling up of the seats by the candidates of the specific categories have been followed by the institutions concerned and no suitable candidate of the reserved categories is available to fill up those seats. No vacant reserved seat shall be carried forward to the next academic year, under any circumstances;
- (b) the District Magistrates or the District Commissioners for Reservation shall be the authority to grant de-reservation in Higher Educational Institutions situated in their respective territorial jurisdiction and Joint

Commissioner for Reservation and ex-officio Joint Secretary Backward Class Welfare Department shall be such authority in respect of Higher Educational Institutions situated in Kolkata as defined in the Kolkata Municipal Corporation Act, 1980;

- (c) the process of de-reservation shall be completed by the authority concerned within 15 days provided that the authority of the concerned educational institution has submitted application in this regard along with all relevant and necessary papers;
- (d) the Higher Educational Institutions seeking de-reservation shall submit to the authority concerned, a statement giving the following particulars:-
- (i) number of candidates who have applied for admission giving break up of Unreserved, Scheduled Castes and Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B applicants separately for respective Courses /Streams/ Subjects;
 - (ii) number of seats reserved for Scheduled Castes and Scheduled Tribes, Other Backward Classes, Category -A and Other Backward Classes, Category -B separately for such category of Course/ Stream/ Subject;
 - (iii) number of candidates qualifying for admission and admitted, as such, from each of reserved categories against respective Courses/ Streams/ Subjects;
 - (iv) number of reserved seats remaining vacant in respect of Scheduled Castes, Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B candidates against respective Course/ Stream/ Subject as the case may be, with reasons there for;
 - (v) the Higher Educational Institutions shall also furnish copies of their admission Notice(s) to show whether, for issue of Forms to Scheduled Castes, Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B candidates, the minimum prescribed marks of the Board, Council or University had been indicated, as the qualifying marks for getting admission Forms against the reserved seats.
- (e) While allowing the reserved seats to be filled up by General candidates, the District Magistrate and District Reservation Commissioner or the other authorities concerned shall be satisfied, on the basis of the information supplied by the Institutions that all reasonable steps were taken to fill up the seats by respective reserved categories of candidates, and further that the unreserved category candidates qualifying on their own merit in competition with general candidates have not been admitted against the reserved seats, and further, that the conditions laid down in rule 5 have duly been observed for the particular courses mentioned therein.

Filing of
Annual Return

9. Every Higher Educational Institution situated within the district of Kolkata shall file their annual return on admission of students into various course showing all seats reserved for SC, ST, OBC-A and OBC-B before the Joint Commissioner for Reservation and in cases of Higher Educational Institution situated outside the district of Kolkata, to the District Commissioner for Reservation of the respective district by 31st December every year.

SCHEDULE

{See sub-rule (1) (e) of rule 6}

1st Seat	Scheduled caste	35th Seat	Unreserved	69th Seat	OBC-B
2nd Seat	Unreserved	36th Seat	Scheduled caste	70th Seat	Unreserved
3rd Seat	Unreserved	37th Seat	Unreserved	71st Seat	Scheduled caste
4th Seat	Scheduled Tribe	38th Seat	OBC-A	72nd Seat	Unreserved
5th Seat	Unreserved	39th Seat	Unreserved	73rd Seat	Unreserved

6th Seat	OBC-A	40th Seat	Scheduled caste	74th Seat	Scheduled Tribe
7th Seat	Scheduled caste	41st Seat	Unreserved	75th Seat	Unreserved
8th Seat	Unreserved	42nd Seat	Unreserved	76th Seat	OBC-A
9th Seat	OBC-B	43rd Seat	Scheduled Tribe	77th Seat	Unreserved
10th Seat	Unreserved	44th Seat	Unreserved	78th Seat	Scheduled caste
11th Seat	Scheduled caste	45th Seat	OBC-A	79th Seat	Unreserved
12th Seat	Unreserved	46th Seat	Unreserved	80th Seat	Unreserved
13th Seat	OBC-A	47th Seat	Scheduled caste	81st Seat	Unreserved
14th Seat	Unreserved	48th Seat	Unreserved	82nd Seat	Scheduled caste
15th Seat	Scheduled caste	49th Seat	OBC-B	83rd Seat	Unreserved
16th Seat	Unreserved	50th Seat	Unreserved	84th Seat	OBC-A
17th Seat	Unreserved	51st Seat	Scheduled caste	85th Seat	Unreserved
18th Seat	Scheduled caste	52nd Seat	OBC-A	86th Seat	Scheduled caste
19th Seat	OBC-B	53rd Seat	Unreserved	87th Seat	Unreserved
20th Seat	Unreserved	54th Seat	Unreserved	88th Seat	Unreserved
21st Seat	Scheduled caste	55th Seat	Unreserved	89th Seat	OBC-B
22nd Seat	Unreserved	56th Seat	Unreserved	90th Seat	Scheduled caste
23rd Seat	Unreserved	57th Seat	Scheduled caste	91st Seat	Unreserved
24th Seat	Scheduled Tribe	58th Seat	Unreserved	92nd Seat	Unreserved
25th Seat	Unreserved	59th Seat	OBC-B	93rd Seat	Scheduled Tribe
26th Seat	OBC-A	60th Seat	Unreserved	94th Seat	Unreserved
27th Seat	Unreserved	61st Seat	Scheduled caste	95th Seat	Unreserved
28th Seat	Scheduled caste	62nd Seat	Unreserved	96th Seat	Unreserved
29th Seat	OBC-B	63rd Seat	OBC-A	97th Seat	Scheduled caste
30th Seat	Unreserved	64th Seat	Unreserved	98th Seat	Unreserved
31st Seat	Unreserved	65th Seat	Scheduled caste	99th Seat	OBC-A
32nd Seat	Scheduled caste	66th Seat	Unreserved	100th Seat	Unreserved
33rd Seat	Unreserved	67th Seat	Unreserved		
34th Seat	Unreserved	68th Seat	Scheduled caste		

By order of the Governor,

VIVEK KUMAR

Secretary to the Government of West Bengal.

**Government of West Bengal
Higher Education Department
Bikash Bhaban, Salt Lake City, Kolkata-700091**

NOTIFICATION

No. 07-Edn (U)/1U-89/13.- dated. 2nd January, 2014.- In exercise of the power conferred by sub-section (1) of section 8 of the West Bengal State Higher Educational Institutions (Reservation in Admission) Act, 2013, (West Ben Act X of 2013), the Governor is hereby pleased to make the following rules, namely:

Rules

- Short title,
application
&
commence
ment
1. (1) These rules may be called the West Bengal State Higher Educational Institutions (Reservation in Admission) Rules, 2013.
- (2) They shall come into force on the date of their publication in the *Official Gazette*.
- Definitions
2. (1) In these rules, unless the context otherwise requires,-
- (a) “Act” means the West Bengal State Higher Educational Institutions (Reservation in Admission) Act, 2013;
- (b) “Commissioner of Reservation” means the Commissioner for Reservation appointed under section 6A of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976;
- (c) “District Commissioner for Reservation” means the District Commissioner for Reservation as appointed under Section 6B of the West Bengal Scheduled Caste and Scheduled Tribes (Reservation of vacancies in Services and Posts) Act, 1976;

- (d) “District Magistrate” means the District Magistrate of the district and includes Additional District Magistrate for the purpose of these rules;
 - (e) “de-reservation” means the de-reservation of seats reserved for Scheduled Castes/Scheduled Tribes/Other Backward Classes, Category -A and Other Backward Classes, Category -B candidates;
 - (f) “Joint Commissioner for Reservation and *ex-officio* Joint Secretary” means the Joint Commissioner for Reservation and *ex-officio* Joint Secretary as appointed under Section 6A of the West Bengal Scheduled Caste and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976;
 - (g) “self-financing course” means the course conducted by a college out of its own fund;
 - (h) “schedule” means the schedule appended to these rules;
 - (i) “section” means the section of the Act;
 - (j) “University” means a University established and incorporated by an Act of State Legislature and aided fully or partly out of the State’s fund;
- (2) Any words or expressions used but not otherwise defined in these rules shall have the same meaning as defined or used under the Act.

Application of the reservation norms.

- 3.** The reservation norms shall apply on and from the Academic Session 2014-15, to:-
- (a) all Universities, established and incorporated by an Act of the State’s Legislature and aided fully or partly out of the State’s fund; and
 - (b) all Government colleges established or administered by the State Government whether directly or indirectly, and affiliated to a University; and

- (c) all colleges receiving aid from the State Government in any form or in any manner, whether fully or partly; and
- (d) all other institutions imparting education or training or research or other academic activities beyond 10+2 level and receiving aid from the State Government in any form or in any manner, whether fully or partly.

Preparation of Detailed Project Report and maintenance of register of students and other formalities

4. (1) In order to implement the total percentage of reservation in respect of the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes Category 'A' and the Other Backward Classes Category 'B'; (as mandated by the Act) every Higher Educational Institution selecting candidates for all streams and courses run by that Institution shall, with the approval of the appropriate authority, wherever required, fix up the total number of seats to be increased in each course in such a manner that the number of unreserved seats is not less than the seats available immediately preceding the date of the Act coming into force.

Explanation 1: - for example, in a Higher Educational Institution there were thirty (30) seats in Physics (Honors) course on the date of commencement of the Act. Out of 30 seats, 7 seats were reserved for SC (22% of 30), 2 seats were reserved for ST (6% of 30) and 21 seats were for unreserved category. For the purpose of implementing the provisions of the Act and these rules, these 21 seats of unreserved category shall not be reduced in any manner.

Explanation 2:- to give effect to the provisions of the Act, the Higher Educational Institution referred to under explanation 1 will be required to increase its seats by at least eight (8) seats in Physics Honors for that particular academic year. Hence, the reservation of seats would be as

follows:

- (a) *Eight (8) seats shall be reserved for SC (22% of 38),*
- (b) *Two (2) seats shall be reserved for ST (6% of 38),*
- (c) *Four (4) seats shall be reserved for OBC-A (10% of 38),*
- (d) *Three (3) seats shall be reserved for OBC-B (7% of 38),*
- (e) *And Twenty One (21) seats shall remain unreserved for
Unreserved Categories.*

(2) Keeping in view that the total number of increase of seats to be done in terms of the sub-rule (1), each Higher Educational Institution shall fix up year wise target of increase of seats in such a manner that the total mandatory increase of seats is achieved within a maximum period of six years beginning with the academic session 2014-15 and then shall continue in the same manner.

(3) Once the target of increase of seats is fixed, every Higher Educational Institution shall, submit to the State Government, the Detailed Project Report (DPR) in the format as may be specified.

(4) The detailed project report shall contain, interalia, the following:-

- (a) details of the existing number of students including students belonging to the Scheduled Castes and Scheduled Tribes,
- (b) details of the Governing Body of the College,
- (c) details of courses offered and annual intake in each course including Honors and Post Graduate courses, if any,
- (d) details of specialized courses or programmes,
- (e) details of existing teaching and non-teaching posts substantiated with appropriate roster and non-teaching staff-pattern,
- (f) details of existing infrastructures including the land, building and other equipments,

- (g) details of proposed increase in the infrastructure and equipments including Laboratory, Library etc.,
- (h) details of proposed increase in the teaching and Non-teaching posts,
- (i) details of the requirement of funds for catering to the creation of additional seats as per staff pattern as may be specified by the State Government from time to time.

(5) The proposal regarding increase in the infrastructure including Classroom Laboratory, Library, and the increase of teaching and non-teaching post shall be commensurate with the actual increase of seats in various courses.

Manner of re-distribution of seats

5. (1) In case of a Higher Educational Institution where infrastructure expansion is not possible for unavoidable reasons or otherwise, the Higher Educational Institution may apply to the State Government with reasons, to re-distribute its additional quota of reserved seats to other Higher Educational Institutions.
- (2) The State Government, taking into consideration the facts of the case, may at its discretion pass an order allowing re-distribution of such additional seats to other Higher Educational Institution.

Procedure for preparation of list of candidates for admission

6. (1) For filling up of the seats for admission in a particular academic session as fixed in terms of sub rule (2) of rule 4 the following procedure shall be followed :-
 - (a) a general merit list based exclusively on merit as reflected in the results of the relevant examination or selection test irrespective of castes, tribes or classes shall be prepared separately for each course, stream or subject in each Higher Educational Institution to fill up the unreserved seats. Separate merit lists of the Scheduled Castes, Scheduled Tribes, Other Backward Class, Category 'A' and the Other

Backward Class, Category 'B' candidates shall be prepared for each course/stream/subject in each higher educational institution to fill up the seats reserved for these respective categories. The Scheduled Castes, the Scheduled Tribes, the Other Backward Class, Category - A and the Other Backward Class, Category –B candidates who have been placed in the general merit list to fill up unreserved seats shall not be taken into account in the reserved list for the Scheduled Castes, the Scheduled Tribes, the Other Backward Class, Category-A and the Other Backward Class, Category-B candidates, as the case may be;

- (b) simultaneously, the SC/ST/OBC candidates who have found place in the general merit list on the basis of their merit shall also be placed in the list of reserved seats for SC/ST/OBC as per their *inter se* merit, and be asked to exercise their option on whether they would like to be placed in the general merit list or the separate merit list for reserved candidates of SC/ST/OBC. Admission would be made as per the option exercised by the candidates. The option once exercised shall not be altered under any circumstances;
- (c) for admission to different courses, an SC or ST candidate getting admission should have obtained in the previous examination; qualifying marks not lower by more than 25% of the marks obtained by the last candidate of the general category. In case of OBC-A and OBC-B the candidates getting admission should have obtained in the previous examination, qualifying marks not lower by more than 10% from the marks obtained by the last candidate of the general category. In any case, if a candidate obtains marks lower than the minimum qualifying marks prescribed by the University / Appropriate

Authority for admission to the relevant course, he will not be eligible for admission;

(d) seats reserved for the Scheduled Caste candidates and remaining unfilled even after following the instructions laid down in the previous clauses of the rules may be filled up by the Scheduled Tribe candidates and vice versa. Likewise, seats reserved for the Other Backward Classes, Category-A and remaining unfilled even after following the instructions laid down in the previous clauses of the rules may be filled up by the Other Backward Class, Category-B candidates and *vice versa*. If after this exercise, reserved seats still remain unfilled due to non availability of reserved category candidates, such seats shall be taken up for de-reservation in such manner as prescribed under rules 8 of these rules;

(e) in case the number of seats reserved for the Scheduled Castes, Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B in Post-graduate and Doctoral courses including Medicine, Dental Science and Nursing is less than 0.5 in each stream, a 100 point roster for admission as specified in the Schedule appended to these rules shall be followed for filling up the seats.

(2) In every case of admission to general degree courses and medical, technical, professional and post graduate level courses, the caste / tribe / class identification certificate issued by the Competent Authority shall be verified by the concerned Higher Educational Institution at the time of admission along with Domicile Certificate issued by the Competent Authority:

Provided that no Domicile Certificate is required in case the candidate

submitting caste identification Certificate issued by the Competent Authority of the State Government.

(3) During verification of the OBC Certificate, relevant guidelines regarding determination of 'Creamy layer' shall be taken into consideration by the concerned Institution.

(4) In every case, reservation to SC/ST/OBC 'A'/OBC 'B's candidates shall not be refused on the basis of medium of instruction in any Higher Educational Institution.

Maintenance of Course wise Registers

7. Every Higher Educational Institution shall maintain course-wise registers of reserved seats meant for Scheduled Castes, Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B.

Procedure for de-reservation

8. Where reservation of seats for one or many courses or streams in a particular academic session becomes unavoidable, the following procedure of de-reservation shall be followed:

(a) If, after duly entertaining all applications to fill up reserved seats, it is found that some seats reserved for the Scheduled Castes, Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B remain unfilled during the academic session for want of suitable number of candidates from the respective categories, those seats may be de-reserved and filled up by general candidates where it is specified that due process for filling up of the seats by the candidates of the specific categories have been followed by the institutions concerned and no suitable candidate of the reserved categories is available to fill up those seats. No vacant reserved seat shall be carried forward to the next academic year, under any circumstances;

(b) the District Magistrates or the District Commissioners for Reservation

shall be the authority to grant de-reservation in Higher Educational Institutions situated in their respective territorial jurisdiction and Joint Commissioner for Reservation and ex-officio Joint Secretary Backward Class Welfare Department shall be such authority in respect of Higher Educational Institutions situated in Kolkata as defined in the Kolkata Municipal Corporation Act, 1980;

- (c) the process of de-reservation shall be completed by the authority concerned within 15 days provided that the authority of the concerned educational institution has submitted application in this regard along with all relevant and necessary papers;
- (d) the Higher Educational Institutions seeking de-reservation shall submit to the authority concerned, a statement giving the following particulars:-
 - (i) number of candidates who have applied for admission giving break up of Unreserved, Scheduled Castes and Scheduled Tribes, Other Backward Classes, Category–A and Other Backward Classes, Category–B applicants separately for respective Courses /Streams/ Subjects;
 - (ii) number of seats reserved for Scheduled Castes and Scheduled Tribes, Other Backward Classes, Category –A and Other Backward Classes, Category –B separately for such category of Course/ Stream/ Subject;
 - (iii) number of candidates qualifying for admission and admitted, as such, from each of reserved categories against respective Courses/ Streams/ Subjects;
 - (iv) number of reserved seats remaining vacant in respect of Scheduled Castes, Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B candidates against respective

Course/ Stream/ Subject as the case may be, with reasons there for;

(v) the Higher Educational Institutions shall also furnish copies of their admission Notice(s) to show whether, for issue of Forms to Scheduled Castes, Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B candidates, the minimum prescribed marks of the Board, Council or University had been indicated, as the qualifying marks for getting admission Forms against the reserved seats.

(e) While allowing the reserved seats to be filled up by General candidates, the District Magistrate and District Reservation Commissioner or the other authorities concerned shall be satisfied, on the basis of the information supplied by the Institutions that all reasonable steps were taken to fill up the seats by respective reserved categories of candidates, and further that the unreserved category candidates qualifying on their own merit in competition with general candidates have not been admitted against the reserved seats, and further, that the conditions laid down in rule 5 have duly been observed for the particular courses mentioned therein.

Filing of
Annual
Return

9. Every Higher Educational Institution situated within the district of Kolkata shall file their annual return on admission of students into various course showing all seats reserved for SC, ST, OBC-A and OBC-B before the Joint Commissioner for Reservation and in cases of Higher Educational Institution situated outside the district of Kolkata, to the District Commissioner for Reservation of the respective district by 31st December every year.

SCHEDULE

{See sub-rule (1) (e) of rule 6}

1 st Seat	Scheduled caste	35 th Seat	Unreserved	69 th Seat	OBC-B
2 nd Seat	Unreserved	36 th Seat	Scheduled caste	70 th Seat	Unreserved
3 rd Seat	Unreserved	37 th Seat	Unreserved	71 st Seat	Scheduled caste
4 th Seat	Scheduled Tribe	38 th Seat	OBC-A	72 nd Seat	Unreserved
5 th Seat	Unreserved	39 th Seat	Unreserved	73 rd Seat	Unreserved
6 th Seat	OBC-A	40 th Seat	Scheduled caste	74 th Seat	Scheduled Tribe
7 th Seat	Scheduled caste	41 st Seat	Unreserved	75 th Seat	Unreserved
8 th Seat	Unreserved	42 nd Seat	Unreserved	76 th Seat	OBC-A
9 th Seat	OBC-B	43 rd Seat	Scheduled Tribe	77 th Seat	Unreserved
10 th Seat	Unreserved	44 th Seat	Unreserved	78 th Seat	Scheduled caste
11 th Seat	Scheduled caste	45 th Seat	OBC-A	79 th Seat	Unreserved
12 th Seat	Unreserved	46 th Seat	Unreserved	80 th Seat	Unreserved
13 th Seat	OBC-A	47 th Seat	Scheduled caste	81 st Seat	Unreserved
14 th Seat	Unreserved	48 th Seat	Unreserved	82 nd Seat	Scheduled caste
15 th Seat	Scheduled caste	49 th Seat	OBC-B	83 rd Seat	Unreserved
16 th Seat	Unreserved	50 th Seat	Unreserved	84 th Seat	OBC-A
17 th Seat	Unreserved	51 st Seat	Scheduled caste	85 th Seat	Unreserved
18 th Seat	Scheduled caste	52 nd Seat	OBC-A	86 th Seat	Scheduled caste
19 th Seat	OBC-B	53 rd Seat	Unreserved	87 th Seat	Unreserved
20 th Seat	Unreserved	54 th Seat	Unreserved	88 th Seat	Unreserved
21 st Seat	Scheduled caste	55 th Seat	Unreserved	89 th Seat	OBC-B
22 nd Seat	Unreserved	56 th Seat	Unreserved	90 th Seat	Scheduled caste
23 rd Seat	Unreserved	57 th Seat	Scheduled caste	91 st Seat	Unreserved
24 th Seat	Scheduled Tribe	58 th Seat	Unreserved	92 nd Seat	Unreserved
25 th Seat	Unreserved	59 th Seat	OBC-B	93 rd Seat	Scheduled Tribe
26 th Seat	OBC-A	60 th Seat	Unreserved	94 th Seat	Unreserved
27 th Seat	Unreserved	61 st Seat	Scheduled caste	95 th Seat	Unreserved
28 th Seat	Scheduled caste	62 nd Seat	Unreserved	96 th Seat	Unreserved
29 th Seat	OBC-B	63 rd Seat	OBC-A	97 th Seat	Scheduled caste
30 th Seat	Unreserved	64 th Seat	Unreserved	98 th Seat	Unreserved
31 st Seat	Unreserved	65 th Seat	Scheduled caste	99 th Seat	OBC-A
32 nd Seat	Scheduled caste	66 th Seat	Unreserved	100 th Seat	Unreserved
33 rd Seat	Unreserved	67 th Seat	Unreserved		
34 th Seat	Unreserved	68 th Seat	Scheduled caste		

By order of the Governor,

Shri Vivek Kumar

Secretary to the Government of West Bengal