

seniority subject to fitness in respect of vacancies expected to arise during a year, the following procedure should be followed :-

- 1) A separate 50- point roster as * appended, to determine the number of reserved vacancies in a year should be followed. The points mentioned in the roster should be reserved for the Scheduled Castes and Scheduled Castes converts to Buddhism, Scheduled Tribes and Denotified and Nomadic Tribes. The points in the roster are only for determining the number of vacancies to be reserved for these categories in the total number of vacancies for which a select list is to be drawn. The points in the roster are not for determining seniority or for determining the order of promotion.
- 2) Whenever according to the points in the roster there are any vacancies reserved for each or three sections mentioned above, separate lists should be drawn up of the eligible candidates from each of these categories, and arranged in order of their inter-se seniority in the main list.
- 3) The backward Class Officers belonging to the three sections should be adjusted by the Departmental promotion Committee separately in regard to their fitness.
- 4) When the select lists of the officer in the general category and those belonging to Scheduled castes and Scheduled Castes converts to Buddhism, Scheduled Tribes and Denotified and Nomadic Tribes have been prepared by the Departmental promotion Committee, these should be merged into a combined select list in which the names of all the selected officers general as well as those belonging to the three Sections mentioned above, are arranged in the order of their inter seniority in the original seniority list of the category or grade from which the promotion followed for making promotions in vacancies as and when they arise during the year.
- 5) The Select list thus prepared would normally be operative for a period of one year, but this period may be extended by six months to enable such of the officers included therein, as could not be appointed to the higher posts during the normal period of one year, to be appointed during the extended period.
- 6) If the number of eligible candidates belonging to the three sections of backward Classes, mentioned in paragraph-1, found fit for promotion falls short of the number of vacancies reserved for either of them during the year, the extent of such shortfall should be reported to the General Administration Department through the administrative Department concerned along with proposals, if any, for de-reservation of vacancies in respect of which the shortfall has occurred. If on a scrutiny

of the date furnished in this regard, any dereservation is agreed to by the General Administration Department, the vacancy 30 dereserved should be filled in by another candidate included in the Combined Select list and the reservation carried forward for subsequent three recruitment years.

3. Vacancies may not occur with sufficient frequency in cases of isolated posts and small cadres with the result that in such cases it may not be possible to prescribe reservation for the Backward classes at the stage of promotion. Government is, therefore please to direct that isolated posts and small cadres, in the same class and carrying similar status, salary and qualifications in the same department may be grouped together for the purpose of reservation or vacancies at the stage of promotion. In this connection, instructions issued in Government Resolution, General Administration Department No.BCC-1064/IV-J, dated the 16th April, 1965 should be followed. If any difficulty is felt in implementation, reference may be made to General Administration through the administrative department concerned, for final orders.

4. These orders should take effect from the date of issued on are applicable through out the State. All department of the Secretariat and Heads of Departments/ offices should ensure these orders are scrupulously followed by them, and that the Government decision to provide reservation for the Scheduled Castes and Scheduled Caste convert to Buddhism, Scheduled Tribes, and Denotified and Nomadic Tribes at the State of promotion implemented strictly.

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

Sd/-

(K.G. PARANJPE)

Secretary to Government,

The Secretary to the Governor,

The Secretary to the Chief Minister etc.

MODEL ROSTER FOR PROMOTION

S.N	Whether Reserved or open	S.N	Whether Reserved or open
1	Scheduled Castes	26	Open
2	Scheduled Tribes	27	Open
3	Denotified Tribes and Nomadic Tribes	28	Denotified Tribes and Nomadic Tribes
4	Open	29	Scheduled Tribes
5	Open	30	Open
6	Open	31	Open
7	Open	32	Scheduled Castes
8	Open	33	Open
9	Scheduled Castes	34	Open
10	Open	35	Open
11	Open	36	Open
12	Open	37	Open
13	Open	38	Open
14	Open	39	Open
15	Open	40	Scheduled Castes
16	Scheduled Tribes	41	Open
17	Scheduled Castes	42	Open
18	Open	43	Open
19	Open	44	Scheduled Tribes
20	Open	45	Open
21	Open	46	Open
22	Open	47	Open
23	Open	48	Open
24	Open	49	Scheduled Castes
25	Scheduled Castes	50	Open

Scheduled Castes

7

Scheduled Tribes

4

Denotified Tribes and
Nomadic Tribes

2

विमुक्त जाती व भटक्या जमाती
कोटिपडतर मागासवर्ग
यादीबंदी सुधारणा.

महाराष्ट्र शासन
समाजकल्याण, सांस्कृतिक कार्य, क्रीडा व पर्यटन विभाग,
शासन निर्णय क्र. सीबीसी-१०८९/२०२/मावक-५,
समाज वित्तार भवन, मुंबई-४०० ०३२.
दिनांक : २५ मे १९९०.

- १] शासन निर्णय, शिक्षण व समाजकल्याण विभाग क्र. सीबीसी-१४६१/
म, दिनांक २१ नोव्हेंबर १९६१.
- २] शासन निर्णय, शिक्षण व समाजकल्याण विभाग क्र. सीबीसी-१४६३/
म, दिनांक १३ ऑक्टोबर, १९६३.
- ३] शासन निर्णय, समाजकल्याण, सांस्कृतिक कार्य, क्रीडा व पर्यटन विभाग,
क्र. सीबीसी-१४६५/२५२/का-५, दि. ९ डिसेंबर, १९७७.
- ४] शासन निर्णय, समाजकल्याण, सांस्कृतिक कार्य, क्रीडा व पर्यटन विभाग-
क्र. सीबीसी-१६८४/सोपप९२/[१९९९]/सीबीसी-५, दि. १९ फेब्रुवारी, १९८६.
- ५] शासन निर्णय, समाजकल्याण, सांस्कृतिक कार्य, क्रीडा व पर्यटन विभाग,
क्र. सीबीसी-१६८२/६५१७८/[१९७४]/मावक-५, दि. ३१ मार्च १९८७.
- ६] शासन निर्णय, समाजकल्याण, सांस्कृतिक कार्य, क्रीडा व पर्यटन विभाग,
क्र. सीबीसी-१०८९/२०३/मावक-५, दि. १७ जानेवारी १९९०.

शासन निर्णय :- वर नमूद केलेला दि. १७ जानेवारी १९९० चा शासन निर्णय,
समाजकल्याण, सांस्कृतिक कार्य, क्रीडा व पर्यटन विभाग क्र. सीबीसी-१०८९/२०३/
मावक-५ रद्द करून शासन असे आदेश देत आहे की, दि. २१ नोव्हेंबर १९६१ च्या
शासन निर्णय, शिक्षण व समाजकल्याण विभाग क्र. सीबीसी-१४६१/म, अन्वये घोषित
करण्यात आलेल्या व वेळोवेळी सुधारणा करण्यात आलेल्या विमुक्त जाती व भटक्या
जमातीच्या यादीवरील भटक्या जमातीच्या यादीत क्र. २९ वर बाली उद्धृत केलेल्या
धनगर व त्यांच्या तत्सम जातीचा, बाली परि. २ मध्ये नमूद केलेल्या अटीत अधीन
राहून, समावेश करण्यास यावा :-

क्रमांक	जाती	तत्सम
२९	धनगर	१] अहिर, २] डांगी, ३] गटरी, ४] हंडी, ५] तेलवार, ६] हटकर ७] हाटकर, ८] शेगर् ९] हुटेकर, १०] तेलंगी, ११] तेल्लारी, १२] कोळणी-धनगर, १३] कानडे, १४] व-हाडे-धनगर, १५] बाडे, १६] डंडे, १७] कुरमार, १८] माहारे १९] लाडले, २०] सनगर, २१] धनवर.

टीप :- शासन निर्णय, समाजकल्याण, सांस्कृतिक कार्य, क्रीडा व पर्यटन विभाग क्र.
सीबीसी-१०८९/२०३/मावक-५, दि. २५ मे १९९० मधील परिच्छेद २
मध्ये नमूद केलेले निकष पूर्ण करणारे फक्त.

त्यापेक्षा जास्त व्यक्ती वर्षातील तीन महिने किंवा त्यापेक्षा अधिककाळ शेळ्या किंवा मंद्या पालन करीत भटकतात अशाच व्यक्तींच्या कुटुंबियांना ते भटक्या जमातीचे आहेत असा दाखला देऊन त्यांना भटक्या जमातीच्या सक्तीसाठी पात्र मिळण्यात यावे. ज्या व्यक्ती परीत निवड-क्या-अटी पूर्ण करणार नाहीत, त्यांना भटक्या जमातीचा दाखला व सक्ती देण्यात येऊ नये.

०३. परीत जातीतील कुटुंबियांनी वर्षातील तीन महिने किंवा त्यापेक्षा अधिककाळ शेळ्या किंवा मंद्या पालन करीत भटकत असल्याबाबतचा पुरावा म्हणून प्रतिज्ञापत्र किंवा तलाठ्यापासून दाखला सादर केल्यास सक्षम अधिका-यांनी त्यांना भटक्या जमातीचे प्रमाणपत्र पावे.

०४. शासन अखेरीस स्पष्ट करीत आहे की, परीत परि. २ मध्ये नमूद केलेले निवड पूर्ण न करू शकणा-या वर परिच्छेद १ मध्ये उद्धृत केलेल्या धनगर व तत्सम जातींच्या व्यक्ती, जर त्यांची जात इतर मागासवर्गाच्या यादीत समाविष्ट असेल तर, दि. १७ जानेवारी १९९० च्या पूर्वीच्या धोरणानुसार "इतर मागासवर्गीय" म्हणून जातीचे दाखले व सक्ती मिळण्यास पात्र राहतील. तसे समाविष्ट असलेल्या इतरांना मात्र मागासवर्गाच्या कोपत्याही वर्गावारीचा दाखला अथवा सक्ती मिळणार नाहीत.

महाराष्ट्राचे राज्यपाल यांचे आदेशानुसार व नांवाने

[वि. का. दाते]

उप सचिव, महाराष्ट्र शासन.

प्रति:-

- राज्यपालांचे सचिव,
- मुख्यमंत्रींचे सचिव,
- तहसिलदार, महाराष्ट्र लोकसेवा आयोग,
- महाराष्ट्र शासन, महाराष्ट्र-१, मुंबई.
- महाराष्ट्र शासन, महाराष्ट्र-२, नागपूर.
- अधिका-य व तैला अधिका-री, मुंबई.
- मुख्य प्रेरितेनी दंडाधिकारी,

सर्व विभाग संचालिकांनी



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

गुरूवार, जानेवारी २२, २००४/माघ २, शके १९२५

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra State Public Services [Reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes] Act, 2001 (Mah. Act No. VIII of 2004), is hereby published under the authority of the Governor.

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

PRATIMA UMARJI,
Principal Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. VIII OF 2003.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 22nd January 2004).

An Act to provide for the reservation of vacancies in public services and posts in favour of the persons belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes of Citizens and for matters connected therewith or incidental thereto.

WHEREAS, it is expedient to provide for the reservation of vacancies in public services and posts in favour of the persons belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes of Citizens and for matters connected therewith or incidental thereto; it is hereby enacted in the Fifty-second Year of the Republic of India as follows:—

Short title, extent and commencement. 1. (1) This Act may be called the Maharashtra State Public Services (Reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes) Act, 2001.

(2) It shall extend to the whole of the State of Maharashtra.

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

Definitions.

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

(a) "appointing authority" in relation to public services and posts means the authority empowered to make appointment to such services or posts;

(b) "De-notified Tribes (*Vimukta Jatis*)" means the Tribes declared as such by the Government from time to time;

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

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

(d) "Government" means the Government of Maharashtra;

(e) "Group 'A', 'B', 'C' or 'D'" means the posts falling within the Group 'A', 'B', 'C' or 'D', as the case may be, as classified by Government by issuing general or special orders issued in this behalf, from time to time;

(f) "Nomadic Tribes" means the Tribes wandering from place to place in search of their livelihood as declared by Government from time to time;

(g) "Other Backward Classes" means any socially and educationally backward classes of citizens as declared by the Government and includes Other Backward Classes declared by the Government of India in relation to the State of Maharashtra;

(h) "prescribed" means prescribed by rules framed by the Government under this Act;

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

(i) a local authority;

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

(iii) a Board or a Corporation or a statutory body established by or under a Central or a State Act which is owned and controlled by the Government, or a Government Company as defined in section 617 of the Companies Act, 1956;

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

(v) any establishment; and

(vi) respect of which reservation was applicable by government orders on the date of commencement of this Act and which are not covered under sub-clauses (i) to (v);

Mah. XXIV
of 1961.

1 of 1956.

(j) "recruitment year" means the English calendar year during which the recruitment is actually made;

(k) "reservation" means the reservation of post in the services for the members of Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes;

(l) "Scheduled Castes" and "Scheduled Tribes" shall have the meanings, respectively assigned to them in the clauses (24) and (25) of Article 366 of the Constitution of India;

(m) "Special Backward Category" means socially and educationally backward classes of citizens declared as a Special Backward Category by the Government.

3(1) This Act shall apply to all the appointments made in public services and posts except,—

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

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

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

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

(2) The State Government shall, while entering into or renewing an agreement with any establishment for the grant of any aid as provided in the explanation to clause (c) of section 2, incorporate a condition for compliance with the provisions of this Act, by such establishment.

4. (1) Unless otherwise provided by or under this Act, the posts reserved for the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes shall not be filled in by the candidates not belonging to that, caste, tribe, category or class for which the posts are reserved.

(2) Subject to other provisions of this Act, there shall be posts reserved for the persons belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes, at the stage of direct recruitment in public services and posts specified under clause (j) of section 2, as provided below :—

Description of Caste/Tribe/Category/Class	Percentage of vacancies or seats to be reserved.
(1) Scheduled Castes	13 per cent.,
(2) Scheduled Tribes	7 per cent.,
(3) De-notified Tribes (A)	3 per cent.,
(4) Nomadic Tribes (B)	2.5 per cent.,
(5) Nomadic Tribes (C)	3.5 per cent.,
(6) Nomadic Tribes (D)	2 per cent.,
(7) Special Backward Category	2 per cent.,
(8) Other Backward Classes	19 per cent.,
Total	52 per cent.

Provided that, Government may, by an order in the Official Gazette, provide that the percentage of reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Categories and Other Backward Classes, in all posts, shall be on the basis of latest census record of population of the,—

- (i) State, in the case of State cadre posts, and
- (ii) concerned district, in the case of district cadre posts :

Provided further that, the principle of "Creamy Layer" shall be applicable to all categories mentioned above except Scheduled Castes and Scheduled Tribes.

Explanation I.—For the purposes of this sub-section, the expressions "De-notified Tribes (A)", "Nomadic Tribes (B)", "Nomadic Tribes (C)" and "Nomadic Tribes (D)" shall mean such Tribes or sub-Tribes, declared by Government, by general or special orders issued in this behalf, from time to time, to be "the De-notified Tribes (A)", "Nomadic Tribes (B)", "Nomadic Tribes (C)" and "Nomadic Tribes (D)".

Explanation II.—For the purposes of this sub-section, the expression "Creamy Layer" means the persons falling in the category of "Creamy Layer" as declared by Government in the Social Justice, Cultural Affairs and Sports Department by general or special orders issued in this behalf, from time to time :

Provided also that, if on the date of coming into force of this Act, if any additional reservation is in force for the Scheduled Tribes in Thane, Nashik, Dhule, Nandurbar, Raigad, Yavatmal, Chandrapur and Gadchiroli districts for direct recruitment in Groups C and D posts, under any government orders, such reservation shall continue to be in force till such orders are modified or revoked.

(3) The reservation specified for the categories mentioned at serial numbers (3) to (5) (both inclusive) in the table under sub-section (2) shall be inter transferable. If suitable candidates for the posts reserved for any of the said categories are not available in the same recruitment year, the posts shall be filled by appointing suitable candidates from any of the other said categories.

(4) In all posts at the divisional level or district level, the percentage of reservation occurring in a recruitment year in such categories of Group-C and Group-D posts as may be notified by the Government in this behalf, shall be maintained at such divisional or district level only.

Reservation
in
promotion

5. (1) The reservation in promotion shall be at all stages of promotions.

(2) On the date of coming into force of this Act, if any Government orders providing for reservation for any posts to be filled by promotion, are in force, the same shall continue to be in force unless modified or revoked, by Government.

Carrying
forward of
reserved
vacancies

6. (1) If in respect of any recruitment year, any vacancy reserved for any category of persons under sub-section (2) of section 4 remains unfilled, such vacancy shall be carried forward upto five years in case of direct recruitment and three years in case of promotion :

Provided that, on the date of commencement of this Act, if any Government orders regarding filling up the posts, in case of non availability of Backward Class candidates are in force, such Government orders shall continue to be in force unless modified or revoked, by Government.

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

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

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

Responsibility and powers of compliance of Act.

(2) The Government may, in the like manner, invest the appointing authority or officer referred to in sub-section (1), with such powers or authority as may be necessary for such authority or officer to effectively discharge such duty assigned to such authority or officer, under sub-section (1).

8. (1) Any appointing authority or officer or employee entrusted with the duty or responsibility under sub-section (1) of section 7 who willfully acts in a manner intended to contravene or defeat the purposes of this Act shall, on conviction, be punished with imprisonment for a term which may extend to ninety days or fine which may extend to five thousand rupees, or with both.

Penalty.

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

9. When it comes to the notice of the Government or is brought to its notice, that, any person belonging to any of the categories specified in sub-section (2) of section 4 is adversely affected, on account of non-compliance with the provisions of this Act or the rules made thereunder or the Government orders in this behalf, by any appointing authority, it may call for such records and pass such appropriate order as deemed fit.

Powers to call for records

10. (1) The Government may, by order, provide for nomination of officers belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes in the selections, screening and departmental promotion committee for the purpose of selecting persons for appointment or promotions, as the case may be, to public services and posts.

Representation in selection committee

(2) The Government may, by order, grant such concession in respect of fees for any competitive examination or such other similar examinations or interviews, and relaxation in upper age limit as it may be consider necessary in favour of the categories of persons specified in sub-section (2) of section 4.

(3) The Government orders in force on the date of the commencement of this Act, in respect of concessions and relaxation including concession in fees for any competitive examinations or such other similar examinations or interview and relaxation in the upper age limit shall continue to be applicable, unless modified or revoked, by Government.

11. Any appointments made, in contravention of the provisions of this Act shall be void.

Irregular appointments void.

12. No suit, prosecution or other legal proceedings shall lie against any authority or person for anything done or purported to have been done in good faith in pursuance of the provisions of this Act or the rules made thereunder.

Protection of action taken in good faith.

Power to
make rules.

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

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

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

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

Savings.

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

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

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

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

Power to
remove
difficulties.

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

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

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

फगर व वंवारो समाजाचा अंतिम दिवस
विमुक्त जाती व भटक्या जमाती यांचे सध्याचे
४ टक्के आरक्षण व टक्के करण्याबाबत

महाराष्ट्र शासन
सामान्य प्रशासन विभाग,
निर्णय क्रमांक:पोतोतो-१०९२/१६९२/प्र. प्र. १५४/तोना-२,
मंत्रालय, मुंबई-४०० ०३२.
दिनांक :- ४ ऑगस्ट, १९९२

- पट:- १) शासन निर्णय, सामान्य प्रशासन विभाग, क्रमांक:पोतोतो-१०९२/१६९२/प्र. प्र. १११/वे, दिनांक २ एप्रिल, १९९४
२) शासन परिपत्रक, सामान्य प्रशासन विभाग, क्रमांक:पोतोतो-१०९०/क्षोडार-२, दिनांक २२ नोव्हेंबर, १९९०
३) शासन निर्णय, सामान्य प्रशासन विभाग, क्रमांक:पोतोतो-१०९२/वे, दिनांक २२ मे, १९९४

शासन निर्णय :

फगर समाज व त्या समाजाच्या तत्सम जाती यांना दिनांक २५ मे, १९९० पासून भटक्या जमातीमध्ये समाविष्ट करण्यात आल्यामुळे, तसेच वंवारो समाजाचा शासनाचा अंतिम निर्णय होईपर्यंत वंवारो या जातीसो तत्सम जात समजावी या सर्वोच्च न्यायालयाच्या निर्णयांमुळे विमुक्त जाती व भटक्या जमाती यांच्या सध्याच्या ४ टक्के आरख्यात वाढ करण्याबाबतचा प्रस्ताव शासनाच्या विचाराधीन होता. त्यातही शासनाने घेतलेल्या निर्णयाच्या अनुषंगाने सध्या विमुक्त जाती व भटक्या जमातीचे पदोन्नती व सरळ भरती यांमध्ये वे ४ टक्के आरक्षण आहे, त्यात शासनाचा त्यातही अंतिम निर्णय होईपर्यंत तात्पुरती २ टक्केवाची वाढ करून ती ६ टक्के करण्यात येत आहे. सदर वाढीव आरख्याच्या टक्केवारोची अंमलबजावणी, हे आदेश निर्गमित झाल्याच्या दिनांकापासून लागू होईल.

२ या वाढीव टक्केवारोमुळे यापुढे मागासकर्ण्यांच्या विविध गटासाठी पुढीलप्रमाणे आरक्षण राहील.

अनुसूचित जाती	१२ टक्के
अनुसूचित जमाती	७ टक्के
विमुक्त व भटक्या जाती/जमाती	६ टक्के
उत्तर मागासकर्ण्य	१० टक्के

एकूण आरक्षण - ३५ टक्के

२ यापुढील मागासकर्ण्यांच्या आरख्याच्या संदर्भात पदोन्नतीमधील आरक्षित पदे मोल्यासाठी विहित क्षेत्रा ५० बिंदू नामावलीचा वापर व

सरळ भरतोमधोल आरक्षित पदे मोजण्यासाठी घेतलेल्या १०० बिंदू नोंद घ्याव्यात या वापर करण्यात येत होता, त्यात वाढीव टक्केवारोनुसार बदल करून सुधारित १०० बिंदू नामावल्या व ५० बिंदू नामावली सोबत परिशिष्ट अ, ब, क, ड, ए, फ, जोडल्या आहेत. यापुढे या सुधारित बिंदू नामावल्याचा वाढीव टक्केवारोनुसार विभूत जातो म्हणून जमातीची आरक्षित पदे मोजण्यासाठी वापर करण्यात यावा.

४. मंत्रालयीन विभागांनी त्यांच्या प्रशासकीय नियंत्रणखालील सर्व विभाग/विभाग प्रमुख/कार्यालय प्रमुख तसेच शासकीय/निमशासकीय कार्यालये/मंडळे/महामंडळे/नगरपालिका-परिषदा, महानगरपालिका/जिल्हा परिषदा/अनुदानित शैक्षणिक संस्था/कृषी-अकृषी विद्यापीठे/सहकारी संस्था/बँका इत्यादींना वाढीव टक्केवारोनुसार आरक्षण लागू करण्याबाबतच्या सूचना त्वरीत निर्गमित कराव्यात व वरील आदेशाचे काटेकोरपणे पालन करण्याची क्षमता घ्यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

[अ. तु. वाचमारे]

उप सचिव, महाराष्ट्र शासन.

प्रति,
राज्यपाल यांचे सचिव,
मुख्यमंत्री यांचे सचिव
सर्व मंत्री/राज्यमंत्री यांचे छाजगी सचिव,
अपर मुख्य सचिव/प्रधान सचिव/सचिव, सर्व मंत्रालयीन विभाग,
सर्व विभागोप आयुक्त,
सर्व जिल्हाधिकारी,
सर्व जिल्हा परिषदांचे मुख्य कार्यकारी अधिकारी,
प्रथम, उच्च न्यायालय, मुंबई, मुंबई,
प्रथम, उच्च न्यायालय, अपोल माळा, मुंबई,
प्रथम, लोकायुक्त आणि उप लोकायुक्त यांचे कार्यालय, मुंबई,
सचिव, महाराष्ट्र लोकसेवा आयोग, मुंबई,
सचिव, राज्य निवड मंडळ,
संचालक, समाजकल्याण, पुणे,
संचालक, आदिवासी विकास विभाग, नाशिक,
संचालक, आदिवासी संगोपन व प्रशिक्षण संस्था, पुणे,
संचालक, सेवायोजन, मुंबई,
सर्व जिल्हा समाजकल्याण अधिकारी,
सर्व जिल्हा प्रकल्प अधिकारी [शकात्मिक आदिवासी प्रकल्प]
सर्व आदिवासी कल्याण/सर्व मंत्रालयीन विभागाच्या अधिकाऱ्यांखालील इतर सर्व
विभाग/कार्यालय प्रमुख

आर. के. समरपाल आणि इतर विरुद्ध पंजाब राज्य
प्रकरणी सर्वोच्च न्यायालयाच्या निवासाच्या अनुषंगाने
आरक्षणाबाबतचे आदेश.

नवीन शासन

सामान्य प्रशासन विभाग,

शासन निर्णय क्रमांक बीसीसी-1097/प्र.क्र.63/97/16-म,

मंत्रालय, मुंबई 400 032, दिनांक 18 ऑक्टोबर 1997.

शासन निर्णय

सर्वोच्च न्यायालयाने आर. के. समरपाल आणि इतर विरुद्ध पंजाब राज्य, यांच्या प्रकरणी दिलेल्या निर्णयाच्या अनुषंगाने शासनाने असलेल्या निर्णय घेतला होता की, केंद्र शासनाने किंवा इतर राज्य शासनांनी आदेश निर्गमित केल्यानंतर, शासन त्याप्रमाणे आदेश निर्गमित करील.

2. केंद्र शासनाने त्यांच्या जापन क्रमांक 36012/2/96-इएसटीटी(आरईएस), दिनांक 2 जुलै 1997 अन्वये वरील पाकिस्तानमधील मार्गदर्शक तत्वांसंबंधीचे आदेश निर्गमित केलेले आहेत. ते विचारात घेऊन, रीया भरती व बिंदुनामावलीसंबंधी, शासन खालीलप्रमाणे आदेश देत आहे :-

(1) आरक्षण हे संवर्गाच्या पदसंख्येत (संवर्गातील एकूण पदांची संख्या विचारत घेऊन टक्केवारीनुसार) लाभावे. रिक्त होणा-या जागांच्या संदर्भात लक्षात घ्यावे. बिंदुनामावली ही आरक्षणाची विहित टक्केवारी पूर्ण होईपर्यंत सापडत ठेवावी. विहित टक्केवारी पूर्ण होताच बिंदुनामावली सापडण्याची आवश्यकता नाही. त्यानंतर ज्या प्रवर्गाची जागा रिक्त होईल त्या प्रवर्गातील कर्मचा-यांपैकी ती जागा भरण्यात यावी व त्या बिंदुपुढे ती बिंदु त्या प्रवर्गासाठी उपयोजित जाणवला अशी नोंद घ्यावी.

(2) गुणवत्तेवर निपुणता ठारलेल्या मागासवर्गीय कर्मचा-यांची आरक्षण पदावर गणना करण्यात येऊ नये व त्यांची निपुणता आरक्षण बिंदुवर दर्शवू नये. त्याची गणना खुल्या प्रवर्गात करावी.

(3) पर (1) येथे नमूद केल्यानुसार बिंदुनामावली ही रिक्त होणा-या पदावर आधारित नसावी. ती संवर्गाच्या संख्येवर आधारित नसावी.

(4) बिंदुनामावली ही मागासवर्ग प्रवर्गाचे आरक्षण निश्चित करण्यासाठी आहे. ज्येष्ठता निश्चित करण्यासाठी नाही.

(5) बिंदुनामावली सापडताना खालील मूलभूत तत्त्वे विचारात घ्यावीत -

1) मागास प्रवर्गांना विहित केलेले आरक्षण हे टक्केवारीनुसार असले व एकूण आरक्षण हे प्रचलित आरक्षणांनुसार संवर्गाच्या 52% पेक्षा जास्त असता येणारे नये.

2) सरळ सेवा भरतीसाठी आणि पदोन्नतीसाठी वेगळी बिंदु नामावली ठेवावी. या व्यतिरिक्त अन्य भरती माध्यम असल्यास, त्यासाठी वेगळी वेगळी बिंदुनामावली ठेवावी.

(6) बदली, प्रतिनिपुणता पदांना बिंदुनामावली सापडू नये.

(7) "मागासवर्गीयांना सेवेत आरक्षण व इतर सवलती" या पुस्तिकेतील प्रकरण 1 (अ) 2 पृ. 18/19 मधील आदेश विचारात घेऊन छोट्या संवर्गाचे गट करण्यात यावेत.

(8) एकाकी पदास बिंदुनामावलीनुसार आळीपाळीने आरक्षण ठेवावे. सुरुवातीस अनुसूचित जाती व त्यानंतर खुला असे आळीपाळीने (एका आड एक) या तत्त्वावर पांचे पालत द्यावे.

(9) यापुढे पदोन्नतीमध्ये मटक्या जमाती (क), धनगर व तत्सम यांना 3-5% व भटक्या जमाती (ड), वंजारी व तत्सम यांना 2% आरक्षण विहित करण्यात येत आहे. नवीन 100 बिंदुनामावली सोबत जोडलेली आहे. ती

१९९६-९७ च्या निषेध सूची पासून अंमलात आणणी आणि तसे फरताना वि३ क्रमांक १ पासून ती वापरली. हे आरक्षण त्या त्या निषेधसूची वर्गपुरते राहिल. तसेच ते "अ", "ब", "क" व "ड" या प्रपक्कित अंतर्गत परिपक्वतेने (Internally Transferrable) राहिल.

३. वरील आदेशानुसार विदुनागावलीचा यापर करण्यासंबंधीच्या सविस्तर सूचना सोबतच्या परिशिष्टात नमूद करण्यात आल्या आहेत. हे आदेश दिनांक २ जुलै १९९७ पासून अंमलात येतील. त्यापूर्वी, तयार करण्यात आलेल्या निषेधसूच्या तिरा करण्यात आल्या असल्यास, त्यात बदल करण्याची आवश्यकता नाही. यापुढे सरळ सेवा भरली किंवा पदोन्नतीने त्यात विचारात घेताना, त्या त्या संदर्भातील अस्तित् पदचाराणांची संख्या विचारात घेऊन कार्यवाही करावी.

त्याचे राज्यपाल यांच्या आदेशानुसार व नावाने,

रा. भू. सुधिराणा
प्रधान सचिव (सेवा).

दि

राज्यपालांचे सचिव,

मुख्य मंत्र्यांचे सचिव/रा. मुख्य मंत्र्यांचे सचिव,

सर्व मंत्री / राज्यमंत्री यांचे खाजगी सचिव,

मुख्य सचिव/यापर मुख्य सचिव/प्रधान सचिव/सचिव

सर्व मंत्रालयीन विभाग,

सर्व विभागीय अधिकारी,

सर्व जिल्हाधिकारी,

सर्व जिल्हा परिषदांचे मुख्य कार्यकारी अधिकारी,

प्रमुख, उच्च न्यायालय, मुंबई शाखा, मुंबई,

प्रमुख, उच्च न्यायालय, अदालत शाखा, मुंबई,

प्रमुख, लोकसभेचे आणि उपा लोकसभेचे कार्यलय, मुंबई,

सचिव, महाराष्ट्र लोकसेवा आयोग, मुंबई,

सचिव, सर्व प्रादेशिक निषेध मंडळ,

सचिव, राज्य निषेध मंडळ,

संचालक, समाजकल्याण, पुणे,

अधुना, आदिवासी विकास, नासिक,

संचालक, आदिवासी संशोधन व प्रशिक्षण संस्था, पुणे,

संचालक, सेवागोपन, मुंबई,

सहाय्यक आयुक्त (गावठावर कक्षा), सर्व विभागीय आयुक्तांची कार्यलये.

महासंस्थापाल, महाराष्ट्र १/२, (लोका व अनुज्ञेयता), मुंबई/नासिक,

महासंस्थापाल, महाराष्ट्र १/२ (लोका परीक्षा), मुंबई/नासिक,

अविधान व सेवा अधिकारी, मुंबई,

सर्व मंत्रालयीन विभागांच्या अधिपत्याखालील विभाग प्रमुख व कार्यलय प्रमुख,

राज्य प्रशासन विभागातील सर्व कार्यालये,

निषेध भरली.