



गोंडवाना विद्यापीठ, गडचिरोली

महाराष्ट्र शासन अधिसूचना क्रमांक २००७/(३२२/०७)विशी -४ महाराष्ट्र अधिनियम, १९९४(१९९४चा महा. ३५) च्या कलम ३ च्या पोटकलम (२) अन्वये दिनांक २७ सप्टेंबर, २०११रोजी स्थापीत राज्य विद्यापीठ

विशेष मागासवर्ग कक्ष

एम. आय. डि. सी. रोड कॉम्प्लेक्स गडचिरोली-४४२६०५ फोन. नं. ०७१३२-२१६५९६

जावक क्रमांक:गों.वि./वि.मा.क/ ५९/२०१५

दि. ०१/०६/२०१५

प्रति,

- १) विद्यापीठाचे सर्व शैक्षणिक विभाग प्रमुख
- २) विद्यापीठाशी संलग्नित सर्व महाविद्यालयाचे प्राचार्य

विषय :- विद्यापीठ शैक्षणिक विभाग, संलग्नित व संचालित महाविद्यालयातील अभ्यासक्रमात विद्यार्थ्यांना द्यावयाचा प्रवेशासंबंधीच्या निवड याद्या तयार करण्याची कार्यपध्दतीबाबत.

महोदय,

विद्यापीठ अनुदान आयोग नवी दिल्ली आणि उच्च व तंत्र शिक्षण विभाग महाराष्ट्र राज्य यांनी निर्गमित केलेल्या मार्गदर्शन तत्वाला अनुसरून विद्यापीठातील शैक्षणिक विभाग संलग्नित व संचालित महाविद्यालयातील विविध अभ्यासक्रमात प्रवेश घेणाऱ्या विद्यार्थ्यांच्या निवड याद्या व प्रतिक्षा याद्या तयार करण्यासंबंधी खालील प्रमाणे कार्यपध्दती विहित करण्यात येत आहे.

१) सर्व प्रथम प्रवेशासाठी अर्ज केलेल्या पात्रताधारक विद्यार्थ्यांची (मागासवर्गीय विद्यार्थ्यांसह) गुणवत्तेनुसार/ गुणांकानुसार यादी तयार करावी, एकूण प्रवेश क्षमतेचा ५०% विद्यार्थी संख्या ही खुल्या प्रवर्गातून प्रवेशासाठी पात्र ठरत असल्यामुळे प्रवेश क्षमतेच्या ५०% विद्यार्थ्यांच्या सर्वप्रथम निवड यादीत समावेश करण्यात यावा, मागासवर्गीय प्रवर्गातील विद्यार्थ्यांचा वरील खुल्या प्रवर्गातील गुणवत्ता यादीत समावेश असल्यास त्यांना खुल्या प्रवर्गातून प्रवेश देण्यात यावा. त्यांचा समावेश मागासवर्गीय प्रवर्गासाठी तयार केलेल्या यादीत करण्यात येवू नये.

२) वरील खुल्या प्रवर्गातील यादीत समाविष्ट असलेल्या मागासवर्गीय प्रवर्गातील विद्यार्थ्यांचा नंतर त्या खालोखाल गुणवत्ता/ गुणांक प्राप्त केलेल्या मागासवर्गीय प्रवर्गातील विद्यार्थ्यांची खालील टक्केवारी नुसार प्रवर्गनिहाय यादी तयार करावी व त्या प्रमाणे प्रवेश द्यावा.

- १) अनु.जाती - १३ टक्के
- २) अनु.जमाती - ७ टक्के
- ३) विमुक्त जाती (अ) - ३ टक्के
- ४) भटक्या जमाती (ब) - २.५ टक्के
- ५) भटक्या जमाती (क) - ३.५ टक्के
- ६) भटक्या जमाती (ड) - २ टक्के
- ७) इतर मागासवर्गीय - १९ टक्के

३) शासनाने व विद्यापीठाने वेळोवेळी निर्गमित केलेल्या परिपत्रक/निर्णयानुसार अपंग, सैन्य दलात सक्रिय सेवेत असलेले कर्मचारी तसेच माजी सैनिक यांची पाल्ये व खेळाडू ह्या वर्गवारीत विद्यार्थ्यांना त्यांच्या विहित टक्केवारी नुसार त्यांच्या संबंधित खुल्या किंवा मागासवर्गीय प्रवर्गातील राखीव जागामधून आडवे (Horizontal) आरक्षण देण्यात यावे.

४) गुणवत्ता यादीनुसार प्रवेश प्रक्रिया केल्यानंतर जर कोणत्याही मागासवर्गीय प्रवर्गासाठी आरक्षित असलेल्या जागापैकी काही जागा रिक्त राहिल्यास त्या जागापैकी एकूण प्रवेश क्षमतेच्या जास्तीत जास्त २% पर्यंत विशेष मागासवर्गीय (SBC) उमेदवारास गुणवत्तेनुसार प्रवेश देण्याची कार्यवाही घ्यावी.

५) वरील प्रमाणे २% पर्यंत विशेष मागासवर्गीय उमेदवारास प्रवेश देवूनही परिच्छेद २ मध्ये दर्शविलेल्या मागासवर्गीय प्रवर्गात त्यांना विहित केलेल्या टक्केवारी नुसार पुरेसे उमेदवार उपलब्ध न झाल्यास त्या मागासवर्गीयांना इतर प्रवर्गातून गुणवत्तेनुसार खालील गटांअंतर्गत आंतरबदल (Inter Changeability) तत्वानुसार भरण्यात याव्या.

गट १) I) SC

II) ST

गट २) I) VJ (A)

II) NT (B)

गट ३) I) NT (C)

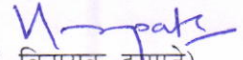
II) NT (D)

III) OBC

६) एकूण प्रवेश क्षमतेचा ३०% जागावर महिलांना प्रवेश देणे आवश्यक असल्याने खुल्या व सर्व राखीव प्रवर्गातून ३०% जागांवर महिलांना प्रवेश मिळेल याबाबल दक्षता घ्यावी.

७) शैक्षणिक सत्र २०१५-१६ पासून वरील कार्यपध्दतीचा अवलंब करून प्रवेश पूर्ण करण्यात यावी.

आपला


(डॉ. विनायक इंपाते)

कुलसचिव

गोंडवाना विद्यापीठ, गडचिरोली



SEMANA VIDYA VA VAN VIKAS PRASHIKSHAN MANDAL, GADCHIROLI'S
Reg.No. F2301/Gad./Mah.

Gramgeeta Mahavidyalaya

Arts, Commerce & Science (Granted)

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Principal

Dr. Amir A. Dhamani

M.Sc.Ph.D.

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Ref.No.:

Date :

Translated Copy

To,

1. All Academic Heads of University
2. Principals Of all colleges affiliated to University.

Subject: - About procedure for preparation of selection list of Students in different courses run in Academic sections and affiliated colleges.

Respected Sir/Madam

According to Guidelines of Universities Grants Commission New Delhi and Department of Higher and Technical Education, Maharashtra state, procedure for preparation of selection list of Students in different courses run in Academic sections and Affiliated colleges is decided as follows.

1. At first, prepare the list of all the eligible students (Including those in backward class) according to Merit. As 50% of the total student strength is reserved for Open category, initially incorporate only 50% students in selection list, if student of backward category is included in above list then such students must be admitted through Open category, these students must not be included in backward categories list.
2. Separate list of remaining students in backward category should be prepared category wise according to merit and following Percentage, and these students should be admitted accordingly...

a) SC	- 13%
b) ST	- 7%
c) VJ (A)	- 3%
d) NT (B)	- 2.5%
e) NT (C)	- 3.5%
f) NT (D)	- 2%
g) OBC	- 19%
3. According to letters/ Decisions of government provided time to time, Differently abled, Employees actively serving in armed forces wards of Ex- soldiers and Sports persons should be given Horizontal reservation in Open or Reserved category according to predefined percentage.

4. After completion of admission process according to merit list if seat remains vacant in any of the reserved category then students belonging to Special Backward Class (SBC) can be admitted in such seats ,but their number should not exceed more than 2% of the Total capacity.
5. If seats remain vacant even after admitting above 29% quota, and if candidates are not available according to List given in paragraph 2 then such backward category students must be admitted through other categories merit wise under following groups according to interchangeability rule.

Group 1. A. SC

B. ST

Group 2. A. VJ (A)

B. NT (B)

Group 3. A. NT (C)

B. NT (D)

C. OBC

6. As it is compulsory to fill 30% of the total seats with female candidates, care should be taken about the same in both open and reserved category.
7. Above procedure must be followed from session 2015-16 for Admission procedure.



Principal
Gramgeeta Mahavidyalaya
Chimur, Dist. Chandrapur

F. RESERVATION POLICY OF THE UNIVERSITY

i) Statutory provisions

865) **Section-60** of the University Act makes it obligatory upon the University to follow the directions of the Government issued from time to time as regards the category of posts in which reservation of posts should be made in favour of members of Scheduled Caste (S.C.), Scheduled Tribes (S.T.), and the members belonging to Other Backward Class (OBC), the percentage of the posts to be reserved for them and any other matter connected with such reservation. As regards the question of reservation for Backward Classes, there is an Act passed by the State legislature viz. Maharashtra State Public Services (Reservation for Scheduled Caste, Schedule Tribes, Denotified Tribes (Vimukta Jati), Nomadic Tribes, Special Backward Category and Other Backward Classes), Act, 2001 (for short, the Reservation Act) Maharashtra Act No.VIII of 2004 which came into force w.e.f. 29.1.2004 as per the Government Notification dated the same i.e. 29.1.2004 issued under section 1(3) of the said **Act Section 2 (i)** of the Reservation Act, 2001, defines the expression "public services and posts" which, in its clause (iv), includes the services and posts in an "University" established by or under the Maharashtra Act. Dr.PDKV, Akola being the University established under the Maharashtra Agricultural Universities (Krishi Vidyapeeths) Act, 1983, the reservation policy to be followed by it is governed by the provisions of the said Reservation Act. Since the said Act has come into force prior to the date when the advertisement in question dated 14.8.2004 (Ex.2) for filling the posts advertised therein was issued, the said Act is applicable for selection and appointment in the posts of SRA and JRA in question.

866) **Section 4 (2)** of the Reservation Act provides for reservation of posts for various categories of backward classes in making direct recruitment in public services and posts. The reservation of posts for various backward classes is as under:

Sr. No.	Description of Caste/Tribe/Category/Class	Percentage of vacancies or seats to be reserved
i)	Scheduled Caste	13%
ii)	Schedule Tribe	7%
iii)	Denotified Tribe (A)	3%
iv)	Nomadic Tribe (B)	2.5%
v)	Nomadic Tribe (C)	3.5%
vi)	Nomadic Tribe (D)	2%
vii)	S.B.C.	2%
viii)	OBC	19%
	Total	52%

867) **Section-5** then provides that there shall be reservation of posts at all stages of promotions and the Govt. orders, if any, issued in that regard would continue in force till they are modified or revoked. **Section-10** of the said Act which is relevant in this

enquiry provides that the Government may by order provide for nomination of officers belonging to S.C., S.T., and O.B.C. in the Selection Committee, Screening Committee and the departmental Promotion Committee selecting persons for appointment or promotion, as the case may be, to public services and posts. Section 11 of the said Act declares that any appointment made in contravention of the said Act shall be void.

ii) **Whether the Selection of SRA/JRA is vitiated for not associating the officer from the Social Welfare Department in the Selection Committee**

868) One of the objections raised to the selection process in this case by Ku. Archana Bipte, in writ petition no. 905/2006 and Shri Himmatrao Sukhdeo Bache, in writ petition no. 342/2006 was that the selection process was vitiated because the officer from the Social Welfare department not below the rank of Class-II was not associated with the Selection Committee making selections to the posts of SRA (Agri.) and JRA (Agri.) in question. In support, they had relied upon the Government Circulars GAD No. BCC-1072-ECR-J dated 19.9.1972, No.BCC-1073-J dated 25.5.1973, and no. BCC-1084/177/16B dated 24.5.1984 vide para 4.9 at pages 65 – 68 of the Book Published in 1992 by GAD Maharashtra Government regarding reservations and other concessions for back ward classes in Government, Semi-Government and other Public services including Agricultural and Non-Agricultural Universities. In reply the stand of the University was that the posts of SRA/JRA were academic posts under statute-71 of the Statutes and the Selection Committee constituted for selection to the said posts was a statutory committee being constituted under Statute-76 framed under the Maharashtra Agricultural Universities (Krishi Vidyapeeths) Act, 1983. According to the University, the composition of the said committee provided in statute-76 did not include the officer from the Social Welfare department as member and hence he was not called at the time of selection in these posts. However, according to it, in statute-87 which provided for Constitution of Selection Committee in Grade-C and Grade-D posts of Ministerial staff, the District Social Welfare Officer nominated by the Director, Social Welfare department was included.

869) As regards the question which posts are in Groups (Grades) A,B,C and D, after the revised pay-scales were sanctioned by the State Govt. as per the 5th Pay Commission, it issued G.R. dated 2.7.2002 (Ex.656) laying down the criteria of pay to classify the posts in the aforesaid Groups filed by the University with its affidavit dated 07.01.2008 (Ex. 650). As per the advertisement in question dated 14.8.2004 (Ex.2), the posts of SRA / JRA carry the following pay-scales :-

SRA	-	6500 – 10500 (Rs.7450-11500 for P.G.Degree Holder with 5 years experience).
JRA	-	5000 – 8000

Dr.S.A.Nimbalkar, the then Vice-Chancellor of the University, stated in para 54 of his affidavit dated 14/1/2008 (Ex.658) that both the posts of SRA and JRA are Grade-B posts as per the aforesaid G.R. dated 2.7.2002 (Ex.656). However, the pay-scale of the post of JRA given by him i.e. Rs.5500-9000 in the said para 54 is not correct as shown above.

870) As regards the post of SRA, its pay-scale satisfies the criteria given for Grade-B posts at serial no.2 of the aforesaid G.R. dated 2.7.2002 (Ex.646) since the maximum of its pay-scale is more than Rs.9000/- but is less than Rs.11500/-. However, as regards the post of JRA, it satisfies the criteria of Group-C posts given at serial no.3 of the aforesaid G.R. dated 2.7.2007 (Ex.646) since the maximum of its pay-scale is more than Rs.4400/- but is less than Rs.9000/-. On proper interpretation of the criteria given at serial no.3 on reading all the four criteria together, it would mean that in criteria at serial no.3, there is a mistake in using the word "नाही" after the words "रूपये नऊ हजार पेक्षा कमी" and instead the said word should have been "आहे". Otherwise, there would be no difference but only confusion in criteria at serial nos.2 and 3 and even at serial no.1. Perusal of the copy of the aforesaid GR dated 02.07.2002 (Ex. 656) filed by the University with its affidavit dated 7.1.2008 (Ex.650) would show that there is correction made by it in the said copy and the word "नाही" in clause at S. No. 3 is deleted and instead inserted the word "आहे" in its place. As the post of SRA is Grade-B Post, obviously the said Govt. Circulars about association of the officer of the Social Welfare Dept. in selection of candidates in the said post is not applicable to it.

871) All the Government circulars referred to above requiring officer from the Social Welfare department in respect of Scheduled Caste candidates and the Project officer in respect of schedule tribes candidates to be associated with the Selection Committee constituted for Selection in Grades 3 and 4 posts were issued prior to coming into force of the Reservation Act, 2001 i.e. prior to 29.1.2004. Perusal of section 10 of the Reservation Act, would show that in sub-section-3 thereof the Government orders in force on the date of commencement of the said Act in respect of concessions and relaxations were only saved and they continued to apply unless they were modified or revoked. Section-15 of the said Act provides that the provisions of the said Act would not be applicable to the case in which selection process had already been initiated before commencement of the said Act and such cases would be dealt with in accordance with the provisions of law and the Government orders as they stood before such commencement. The question thus to be considered would be whether the above referred Govt. circulars regarding association of officer of the Social Welfare Department or Project officer as the case may be in Selection Committee constituted for Grade-3 and Grade-4 posts would still be applicable after coming into force of the said Act. It is not necessary to consider the said question in this case, since as rightly submitted by the University, the Selection Committee for selection of candidates for the posts of SRA/JRA is a statutory committee constituted under Statute 76

of the Statutes, and the said Govt. Circulars about association of the officer of the Social Welfare Dept. in the Selection Committee are not therefore applicable to it.

iii) G.Rs. prescribing 100 point Roaster and giving guidelines to implement it

872) Shri G.G.Tonde, the Assistant Registrar, Dr.PDKV, Akola, stated in para 1 of his affidavit dated 2.8.2007 (Ex.57) that the University followed Reservation Policy for Backward Classes as decided by the State Government as per the provisions under section-60 of the University Act read with statute-77 (3) of the Statutes framed thereunder. He further stated that the posts in nomination quota were filled in the University as per the G.R. No.BCC-1097/Case No.-63/97/16-B dated 18.10.1997, a copy of which was annexed with his aforesaid affidavit and marked as Ex.no.57-A in this enquiry. He then stated that the procedure prescribed under the said Government Resolution dated 18.10.1997 (Ex.57-A) was followed in the Selection procedure in the University as per which 52% posts were filled in Reserved Categories and 48% posts in Open category. Shri G.G.Tonde, had also annexed to his aforesaid affidavit G.R. No.BCC-1097/Case No.-2/97/16-B dated 29.3.1997, marked as Ex.57-B in this enquiry, which would show that to implement its reservation policy, the Government prescribed 100 point roster as given therein for direct recruitment and 50 point roster for making appointment by promotion. However, by the subsequent G.R. No.BCC-1097/Case No.-63/97/16-B dated 18.10.1997 (Ex.57-A) referred to above 100 point roster as given therein instead of 50 point roster which was prescribed by the above referred G.R. dated 29.3.1997 (Ex.57B) was made applicable to the appointment by promotion but perusal of such roster would show that there was no reservation in promotion for OBC category.

873) After the guidelines/directions were issued by the Central Government in its G.R. no. 36012/2/96-ESTT (RES) dated 2.7.97 in the light of the judgment of the Supreme Court in the case of R.K.Sabharwal & Ors. -Vs- State of Punjab & Ors. (AIR 1995 S.C. 1371), the State Government in para 2 of its G.R. dated 18.10.1997 (Ex.57A) issued inter-alia the following orders for implementing its reservation policy through 100 point roster prescribed by it.

- (i) The reservation of posts for the reserved category candidates should be made according to the percentages prescribed for them on the basis of the total number of posts in the cadre and not on the basis of the posts becoming vacant. 100 point roster should be followed till the prescribed percentages of reservation are achieved but thereafter it is not necessary to follow the said roster. After the prescribed percentages of the posts in reserved categories are fulfilled, the post in any category which becomes vacant should only be filled by the candidate from that category.

- (ii) The candidates belonging to Backward classes appointed on the basis of their merit should not be counted in the posts in their reserved category and their appointment should not be indicated upon the roster points reserved for their reserved category candidates but they should be counted in the posts in open category.
- (iii) 100 Point roster is meant for determining the reservation for backward class candidates and not for determining their seniority.
- (iv) In using 100 point roster, the following basic principles should be borne in mind.
 - (a) Reservation for backward class candidates should be according to the percentages prescribed for their reserved category and the number of posts reserved for backward class candidates should not exceed 52% of the total number of posts in the cadre.
 - (b) Separate 100 point roster should be kept for direct recruitment and promotion.

874) Perusal of the last para 3 of the aforesaid G.R. dated 18.10.1997 (Ex.57-A), would show that the Government orders in the said G.R. would come into force from 2.7.1997 i.e. the date on which the Central Government issued its G.R. laying down the guidelines in this regard. There are also detailed instructions given in the schedule to the said G.R. dated 18.10.1997 (Ex.57-A) about how to implement 100 point roster. It is also made clear in para 3 that the Selection lists finalized before 2.7.1997, should not be disturbed but after the date of this G.R. dated 18.10.1997 while considering the proposals for direct recruitment or promotion, the action should be taken only after taking into consideration the number of posts reserved for each category calculated according to the percentage prescribed for it on the basis of the total number of posts in the cadre.

875) What is material to be seen in the instructions in the schedule of the G.R. dated 18.10.1997 (Ex.57-A), is that in the instruction no.4, it is made clear that the total number of posts in the cadre at that time i.e. on 2.7.1997 from which date the said G.R. came into force should be taken into consideration for determination of reservation points in the roster and in future if there is increase or decrease in the total number of posts, the number of reservation points should accordingly in that proportion be either increased or decreased. As per instruction no.5 if there are more appointments made than the prescribed percentage of reservation in any category such appointments would not be affected in view of the orders issued in the said G.R. dated 18.10.1997 (Ex.57-A).

iv) **Note of B.C.Cell showing how to implement the reservation policy of the Government by following 100 point Roster**

876) In order to see how the reservation policy of the Government should be implemented by following the roster prescribed for the same in both nomination and promotion quota, the notice was issued to the Assistant Commissioner, Backward Class Cell (for short B.C.Cell) Nagpur Division, Nagpur, to assist in this enquiry in that regard. The Assistant Commissioner, B.C.Cell, was good enough to attend the enquiry and explain how the reservation policy of the Government is implemented by following the roster for the same. In fact, in the Government each of its department is required to obtain the approval of the B.C.Cell to its advertisement for filling the vacant post/s before issuing it. The Assistant Commissioner, B.C.Cell, also submitted in this enquiry the note dated 6.5.2008 in writing marked as Ex.740, explaining with illustrations how the reservation policy of the Government and in particular the 100 point Roster has to be followed in the light of the relevant G.Rs. issued by it. A true copy of the said note dated 6.5.2008 (Ex.740) is annexed to this Report as **Annexure-33** for ready reference

877) In para 3 of the above note dated 6.5.2008 (Ex.740) submitted by the B.C. Cell, Nagpur, the procedure of how to implement 100 point roster with effect from 2.7.1997 as per the guidelines laid down in the G.R. dated 18.10.1997 (Ex.57-A) is described with illustrations annexed to the said note. The concerned officers of the said Cell explained the said procedure orally in this enquiry as follows. After determining the total number of posts in each reserved category as per the percentage prescribed for that category as on 2.7.1997 on the basis of the total number of sanctioned posts in the cadre as on that date, the list of the employees working on 2.7.1997 in each of the Backward Class Categories and in open is prepared on the basis of their seniority i.e. as per the dates of their appointment. Such employees can then be assigned according to their serial numbers in their lists the roster points in their categories as on 2.7.1997 upon the 100 point roster given for direct recruitment in the G.R. dated 29.3.1997 (Ex.57-B). If the number of employees in any particular category is in excess of the roster points assigned to that category in the 100 point roster as per its prescribed percentage, the remaining employees in the list in such category can be assigned the roster point when any employee in that category who is assigned the roster point retires or his roster point otherwise becomes vacant but no new appointment can be made in that category till all the remaining employees in the list are assigned the roster points. On the other hand, if the number of employees in any category is less than the number of roster points assigned to it in the 100 point roster as on 2.7.1997, the backlog in such categories is shown. See illustration (Ex.741) with the note dated 6.5.2008 (EX.740). Such backlog is then filled as per the G.R. dated 11.9.1998 providing for special recruitment drive to fill 100% backlog. However, as soon as all the posts in the reserved categories as per their prescribed percentages are filled, the 100 point roster need not be

used and thereafter, the post which becomes vacant in any category should be filled by appointment of the candidate from that category.

878) The University has produced roster register, with the affidavit of Shri G.G.Tonde, dated 28.3.2008 (Ex.701) marked as Ex.702 in this enquiry meant for direct recruitment as well as promotion in the posts of SRA, JRA, AA and LSS. Perusal of the said roster register (Ex.702) and also the subsequent paras in this Enquiry Report about factual data regarding how the reservation policy was followed by the University, would show that 100 point roster was not properly implemented by it according to the rules and guidelines laid down in the G.R. dated 18.10.1997 (Ex.57-A) issued in the light of the judgment of the Supreme Court in the case of Sabharwal and others -Vs- State of Panjab and others (AIR 1995 S.C. Page 1371).

879) In fact, the said Roster Register (Ex.702) is itself not properly maintained. It does not show that the Lists of employees working on 2.7.1997 according to their seniority i.e. according to the dates of their appointments in each of the backward class categories and in open were prepared. It also does not show that on the basis of the cadre strength of sanctioned posts as on 2.7.2007, the total number of posts in each reserved category according to its prescribed percentage was worked out and the employees in the aforesaid lists were assigned according to their S.No. in the List the points upon the 100 point roster for direct recruitment as described in the above para. No review of the posts in the reserved categories and open is taken every year to ascertain whether the number of posts filled in each of the reserved categories are in excess of their prescribed percentage or less, whether there is a backlog so that corrective steps can be taken in subsequent recruitment in the said posts although some attempt is made to show the position of SRA as on 2.7.97 at pages 1-4 of the said roster register (Ex.702) but the review of posts is taken not as on 2.7.1997 but as on 1.3.1999 (See Abstract at page-2). The total posts of SRA were 157 excluding farm group posts and therefore 50% of the said posts in nomination quota could not be 100 as shown in the said Abstract on page-2. The total of the posts filled comes to 76 and not 77 as shown in the said abstract.

880) The reservation status in the nomination quota of 78 posts of SRA as on 2.7.1997 on the basis of 76 posts of SRA being filled as on the said date i.e. 2.7.1997 as shown on 100 point roster at pages 1 to 4 of the said roster register is prepared by this office and is as follows

100 point Roster for nomination

Reservation Status on the basis of position as on 2nd July, 1997 in 78 posts of SRA in nomination quota

Sr. No.	Category	Percentage as per GR	Percentage calculated on 78 posts	Posts filled in	Difference
1	SC	13	10	7	3
2	ST	7	5	9	-4
3	VJ(A)	3	2	1	1
4	NT (B)	2.5	2	1	1
5	NT (C)	3.5	3	1	2
6	NT (D)	2	2	1	1
7	SBC	2	2	1	1
8	OBC	19	15	8	7
9	OPEN	48	37	47	-10
		100	78	76	2

881) As regards the posts of JRA, the posts shown in nomination quota are 59 at page-5 of the roster register (Ex.702) but no date is given on which the roster is prepared. The Abstract at page-6 i.e. review of the said posts is as on 1.11.1998 and not on 2.7.1997. The said Abstract is thus not properly prepared as no review of posts is taken and backlog worked out in the said post as on 2.7.97. No position of appointees in these posts is shown in the said roster register till 31.7.2004. The position of the candidates appointed in the posts of SRA/JRA is then shown on 100 point roster for nomination and for promotion as on 31st July 2004, 19.9.2005 and as on 28.3.2008 vide pages 33 to 54 of the said Roster Register (Ex. 702). It appears that they are prepared recently and pasted in the said roster register (Ex.702) after the University was directed to file in this enquiry the charts about the appointments made in the posts of SRA/JRA in nomination and promotion quota as on 31.7.2004 i.e. before the advertisement in question dated 14.8.2004 (Ex.2) was issued, 19.9.2005 i.e. after the appointments of SRA / JRA in question were made and the recent position i.e. as on 28.3.2008 which it had submitted in this enquiry. No review of the posts in each reserved category and in open is however, taken to show whether the posts filled are less than their prescribed percentage or more and the action which needs to be taken in that regard in subsequent recruitment in the said posts. The number of posts falling in nomination and promotion quota is also not shown therein as per 50:50 quota prescribed therefore by the Executive Council, vide its Resolution dated 18.3.1991 (Ex. 595) and it is not stated whether the posts are filled therein are less or in excess of the said quota and the action which needs to be taken in that regard. Thus, the roster register is not properly maintained by the University.

882) It may be seen that in the State Government there is B.C. (Backward Class) Cell at each Divisional place and each department of the Govt. is required to get its advertisement for recruitment of the posts approved from the said B.C. Cell for properly following its reservation policy. It is necessary that the University should also get its advertisement approved from the B.C.Cell of the Govt. till it has its own B.C. cell from which it can then get its advertisement approved.

v) **Procedure of making vertical as well as Horizontal Reservation in Direct Recruitment**

883) In the light of the Judgment of the Supreme Court in Anil Kumar Gupta –Vs- State of U.P. and others, J.T. 1995 (5) SC 505, the State Govt. issued G.R. No.SRV-1097/Case No-31/98/16-A dated 16.3.1999 annexed to the affidavit of the Assistant Registrar, Shri G.G.Tonde, dated 28.3.2008 (Ex.701), marked as Ex.703 in this enquiry, a true copy of which is annexed to this Enquiry Report as **Annexure-34**. The State Government laid down in the said G.R. dated 16.3.1999 (Ex.703), the procedure and the guidelines to be followed in making vertical as well as horizontal reservation in direct recruitment by the establishments mentioned therein including the University. In para 2 of the said G.R. dated 16.3.1999 (Ex.703) the social/vertical reservation to be made in recruitment in service is as follows :

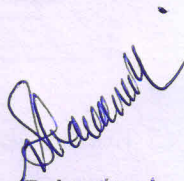
Sr. No.	Description of Caste/Tribe/Category/Class	Percentage of vacancies or seats to be reserved
i)	Scheduled Caste	13%
ii)	Schedule Tribe	7%
iii)	Denotified Tribe (A)	3%
iv)	Nomadic Tribe (B)	2.5%
v)	Nomadic Tribe (C)	3.5%
vi)	Nomadic Tribe (D)	2%
vii)	Special Backward Class	2%
viii)	Other Backward Class	19%
	Total	52%

Besides the above vertical reservation the following special reservation (horizontal reservation) in recruitment in service is also prescribed :

(i)	Ex-Servicemen	15% only in Group-C and Group-D
(ii)	Project Affected Person/ Earthquake Affected Person	5% Only in Group C and D
(iii)	Physically Handicapped	3% for some posts in Group A and B & for posts in Group C and D
(iv)	Women	30%

884) Below the above horizontal reservation it is stated that it is applicable only in direct recruitment. It is further stated that since the horizontal reservation is within the social reservation, it should not be considered as additional reservation. It is then stated in para 4 of the aforesaid G.R. dated 16.3.1999 (Ex.703) that as held by the Supreme Court in its judgment cited supra, the horizontal reservation is compartmentalized reservation and, therefore, before the posts are filled, while determining their number and advertising them for being filled, not only the number of posts in each reserved category of social reservation should be mentioned but the number of posts to be reserved in horizontal reservation in each category of vertical reservation such as S.C, S.T., VJ(A), NT(B), NT(C), NT(D) , SBC, OBC and Open should also be indicated.

885) As regards the horizontal reservation clause-IV under the Head “Other Conditions” in the advertisement dated 14.8.2004 (Ex.2), mentions that Reservation of female candidates, physically handicapped, as per the Government Policy would be observed subject to availability of suitable candidates. It however, does not mention two other categories of horizontal reservation viz. Ex-servicemen and Project Affected/Earth Quake Affected Persons for whom also horizontal reservation has to be made as per the G.R. dated 16.3.1999 (Ex.703). Further, it is made obligatory under the aforesaid G.R. dated 16.3.1999 (Ex.703) to indicate the number of posts reserved in horizontal reservation in each category of vertical reservation such as S.C., S.T. , NT (B), NT(C), NT (D), SBC, OBC and Open. Perusal of the advertisement in question dated 14.8.2004 (Ex.2), would show that the reservation of posts in horizontal reservation in each of the above categories of vertical reservation and open is not indicated therein. Had such horizontal reservation been indicated in the advertisement, it would have been as follows in 24 posts of SRA (Agri.) and 37 posts of JRA (Agri.) which were advertised.



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