

GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT
Legislative

NOTIFICATION

No. 1736-L.—30th August, 2000.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :

West Bengal Act XXIV of 2000

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

[Passed by the West Bengal Legislature.]

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

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

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

West Ben. Act
XXVII of 1976.

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

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

Short title and commencement.

(2) It shall come into force at once.

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

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

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

Amendment of section 4.

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

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

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

Amendment of section 5.

5. In section 6 of the principal Act,—

Amendment of section 6.

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

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

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

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

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

6. In section 6A of the principal Act,—

Amendment of section 6A.

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

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

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

(2) in sub-section (3), for the words "Inspector of Scheduled Castes and Tribes Welfare Department," the words "an Inspector of Backward Classes Welfare Department." shall be substituted.

7. In section 6B of the principal Act,—

Amendment of
section 6B.

- (1) sub-section (1A) shall be omitted ;
- (2) in sub-section (3), for the words "Inspector of Scheduled Castes and Tribes Welfare Department," the words "an Inspector of Backward Classes Welfare Department," shall be substituted.

8. In section 11 of the principal Act, for the words "the Schedule", the words "any Schedule" shall be substituted.

Amendment of
section 11.

9. In section 12 of the principal Act,—

Amendment of
section 12.

- (1) in sub-section (1),—
 - (a) after the words "such records", the words "and documents" shall be inserted, and
 - (b) for the words "financial Year", the words "year reckoned according to the British calendar" shall be substituted ;
- (2) in sub-section (4), for the words and figures "the West Bengal Government Servants' Conduct Rules, 1959," the words, figures and brackets "the West Bengal Services (Duties, Rights and Obligations of the Government Employees) Rules, 1980," shall be substituted.

10. In the Schedule to the principal Act,—

Amendment of
Schedule.

- (1) for the words "THE SCHEDULE", the word and figure "SCHEDULE I" shall be substituted ;
- (2) in paragraph (i),—
 - (a) for the words "A roster of fifty vacancies", the words "A roster of one hundred vacancies" shall be substituted,
 - (b) after the words "the Scheduled Tribes", the words "for direct recruitment" shall be inserted, and
 - (c) for the figures, letters and words—
"50th vacancy Unreserved."

the following figures, letters and words shall be substituted :

"50th vacancy	Unreserved
51st vacancy	Scheduled Caste
52nd vacancy	Unreserved
53rd vacancy	Unreserved
54th vacancy	Scheduled Tribe
55th vacancy	Unreserved
56th vacancy	Unreserved
57th vacancy	Scheduled Caste
58th vacancy	Unreserved

59th vacancy	Unreserved
60th vacancy	Unreserved
61st vacancy	Scheduled Caste
62nd vacancy	Unreserved
63rd vacancy	Unreserved
64th vacancy	Unreserved
65th vacancy	Scheduled Caste
66th vacancy	Unreserved
67th vacancy	Unreserved
68th vacancy	Scheduled Caste
69th vacancy	Unreserved
70th vacancy	Unreserved
71st vacancy	Scheduled Caste
72nd vacancy	Unreserved
73rd vacancy	Unreserved
74th vacancy	Scheduled Tribe
75th vacancy	Unreserved
76th vacancy	Unreserved
77th vacancy	Unreserved
78th vacancy	Scheduled Caste
79th vacancy	Unreserved
80th vacancy	Unreserved
81st vacancy	Unreserved
82nd vacancy	Scheduled Caste
83rd vacancy	Unreserved
84th vacancy	Unreserved
85th vacancy	Unreserved
86th vacancy	Scheduled Caste
87th vacancy	Unreserved
88th vacancy	Unreserved
89th vacancy	Unreserved
90th vacancy	Scheduled Caste
91st vacancy	Unreserved
92nd vacancy	Unreserved
93rd vacancy	Scheduled Tribe
94th vacancy	Unreserved
95th vacancy	Unreserved
96th vacancy	Unreserved
97th vacancy	Scheduled Caste
98th vacancy	Unreserved
99th vacancy	Unreserved
100th vacancy	Unreserved"

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

"SCHEDULE II

(See Section 5)

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

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

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

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

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

By order of the Governor,
S. Maitra
Special Officer & ex-officio
Jt. Secy. to the Govt. Of West Bengal.