

No. 22/88/96-3GS III

From

The Chief Secretary to Govt. Haryana.

To

- i) All Heads of Departments.
- ii) Commissioners Ambal./Hisar/Rohtak & Gurgaon Divisions.
- iii) All Deputy Commissioners & Sub-Divisional Officers (Civil) in Haryana.
- iv) The Registrar, Punjab & Haryana High Court.

Dated Chandigarh, the 25-6-97.

Subject:— Instructions regarding the candidates belonging to S.C. & B.C. selected on his own merit and not by virtue of rule of reservation.

Sir,

I am directed to invite your attention to Haryana Government instructions issued vide No. 1257-2GS III-75/1995, dated 25-3-1975 on the subject cited above wherein it has been laid down that the number of post filled in by appointing candidates belonging to Scheduled Castes and Backward Classes categories who are selected on their own merit should be reduced from the reserved quota meant for their category and to say that the Hon'ble Supreme Court while deciding the case of Indra Sawhney has passed on 16-11-92 the following order :—

"In this connection it is well to remember that the reservations under Article 16(4) do not operate like a communal reservation. It may well happen that some members belonging to, say Scheduled Castes get selected in the open competition field on the basis of their own merit; they will not be counted against the quota reserved for Scheduled Castes; they will be treated as open competition candidates".

2. Keeping in view the above decision the matter has been considered by the Government and it has been decided to amend this department's instructions issued vide No. 1257-2GSI-75/1995, dated 25-3-1976 as under :—

"If any member/members belonging to Scheduled Castes/Backward Classes is/are selected in the open competition for direct recruitment on the basis of their own merit they will not be counted against the quota reserved for Scheduled Castes/Backward Classes, they will be treated as open competition candidates. However such candidates should fulfil condition of eligibility regarding age etc as are meant for general category candidates."

3. These instructions may kindly be brought to the notice of all concerned working under you for strict compliance.

Yours faithfully

Joint Secretary General Admn.
for Chief Secretary to Govt. Haryana.