



सत्यमेव जयते

विश्वविद्यालय अनुदान आयोग  
University Grants Commission  
मानव संसाधन विकास मंत्रालय, भारत सरकार  
(Ministry of Human Resource Development, Govt. of India)  
बहादुरशाह जफर मार्ग नई दिल्ली - 110 002  
Bahadurshah Zafar Marg, New Delhi-110002  
Phone : 011-23406308, 011-23406309



ज्ञान-विज्ञान विमुक्तये

**By Speed Post**

3 JUN 2016

**F.No.59-6/2012 (CU)**

The Registrar  
All Central Universities (40)

**Subject : Implementation of Reservation Policy in admission and appointment.**

Sir,

In continuation to this office letter No.F.21-2/2015 (CU) dated 23.03.2016 (copy enclosed) regarding the policy of reservation in admissions and appointments, I am directed to inform you to implement the reservation policy in admissions and appointments as under :-

- (i) University may follow the reservation policy in admissions in all courses as per provisions contained in the Central Educational Institutions (Reservation in Admission) Act, 2006 (Gazette notification dated 04.01.2007) and as amended in 2012 (Gazette notification dated 20.06.2012). A copy of each of the CEI Act 2006 and Amendment Act, 2012 is enclosed for ready reference.
- (ii) For reservation policy in appointments of Non-Teaching staff, university may follow the quantum of reservation in Group 'C' and erstwhile Group 'D' posts as per instructions issued by DoPT Order No.36011/6/2010-Estt.(Res.) dated 25<sup>th</sup> June, 2010 (copy enclosed). For reservation in Group 'A' and Group 'B' posts, the reservation for SC is 15%, for ST is 7.5% and for OBC, reservation in direct recruitment is 27%.
- (iii) In teaching positions, reservation for SC is 15% and for ST is 7.5% at all three levels i.e. Professor, Associate Professor and Assistant Professor. However, 27% OBC reservation in teaching positions is applicable at the level of Assistant Professor only.

Yours faithfully,

(K.P. Singh)

Joint Secretary

Encl: As above

Copy to :

- (i) Dr. Sukhbir Singh Sandhu, IAS, Joint Secretary (CU &L), Government of India, Ministry of Human Resource Development, Department of Higher Education, Shastri Bhawan, New Delhi - 110 115.

✓ (ii) PO (Website)

SNo.144(1)

-2808-

BY SPEED POST

23236735/ 23239437/23235733 23232701  
23237721/ 23232317/23234116/ 23236351UNIVERSITY GRANTS COMMISSION  
BAHADURSHAH ZAFAR MARG  
NEW DELHI-110002All communications should be addressed to  
the Secretary by designation and not by nameविश्वविद्यालय अनुदान आयोग  
बहादुरशाह जफर मार्ग  
नई दिल्ली - 110 002

F.No.21-2/2015 (CU)

March, 2016

The Registrar  
All Central Universities and  
Principal, UCMS.

23 MAR 2016

**Subject: Revised Budget Estimates for 2015-2016 under Non-Plan of Central Universities –  
regarding point wise reservation roaster.**

Sir,

This is in reference to the discussion on Revised Budget Estimates for 2015-2016 held on 1<sup>st</sup> March, 2016 to 3<sup>rd</sup> March, 2016 in the UGC office. In this regard, I am directed to inform you that It has been observed that some of the Central Universities has not maintained the point wise reservation roaster. Therefore, it is to inform you to frame the point wise reservation roaster as per rules framed by the Govt. of India. Further, it is also to inform you that as per instructions of Govt. of India/UGC, the educational institutions receiving grant-in-aid from Central Government have to follow the *prescribed percentage of Reservation i.e. 15% for SCs, 7½% for STs and 27% in OBCs in the matter of teaching and non-teaching posts as well as in admissions to various courses except Minority educational institutions under Article 30(1) of the Constitution. The Central Universities are receiving 100% grant from the Central Government/UGC and they have to follow the Reservation Policy of the Government of India for SCs/STs in toto i.e. 15% for SCs, 7½% for STs and 27% for OBCs in the matter of teaching and non-teaching posts as well as in admissions to various courses/degrees.*

As per instructions of UGC, all the Central Universities have to maintain/provide the reservation for SCs/STs in teaching positions at all levels i.e. Assistant Professor, Associate Professor and Professor and OBC reservation at Assistant Professor only.

Yours faithfully,

(Sushma Rathore)  
Under Secretary



(Sushma Rathore)  
Under Secretary

Copy to:-

The Finance Officer  
All Central Universities and  
Principal, UCMS.



750

All communications should be addressed to the Secretary by designation and not by name.



विश्वविद्यालय अनुदान आयोग  
बहादुरशाह जफर मार्ग  
नई दिल्ली - 110 002

January, 2007

- 8 JAN 2007

Sir,

Yours faithfully,

Encl: As above.

Copy to-

1. Mrs. Anupama Bhatnagar , Director , Govt. of India, Ministry of Human Resource Development Deptt. Of Higher Education, Shastri Bhavan, New Delhi, with reference to her DO.NO.1-1/2005 /U-1-A dated 5<sup>th</sup> January, 2007.
2. Additional Secretary –I, UGC.
3. Deputy Secretary (SCT), UGC.

15. *fu*

Yours faithfully,

*R. Manoj Kumar*  
(R. Manoj Kumar)  
Education Officer

o/c  
p  
8/1/07



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड I

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 5]

नई दिल्ली, वृहस्पतिवार, जनवरी 4, 2007 / पौष 14, 1928

No. 5]

NEW DELHI, THURSDAY, JANUARY 4, 2007 / PAUSA 14, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 4th January, 2007/Pausa 14, 1928 (Saka)

The following Act of Parliament received the assent of the President on the 3rd January, 2007, and is hereby published for general information:—

### THE CENTRAL EDUCATIONAL INSTITUTIONS (RESERVATION IN ADMISSION) ACT, 2006

No. 5 of 2007

[3rd January, 2007.]

An Act to provide for the reservation in admission of the students belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes of citizens, to certain Central Educational Institutions established, maintained or aided by the Central Government, and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Central Educational Institutions (Reservation in Admission) Act, 2006.

Short title.

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

Definitions.

(a) “academic session” means the period in a calendar year, or a part thereof, during which a Central Educational Institution is open for teaching or instruction in any branch of study or faculty;



(b) "annual permitted strength" means the number of seats, in a course or programme for teaching or instruction in each branch of study or faculty authorised by an appropriate authority for admission of students to a Central Educational Institution;

(c) "appropriate authority" means the University Grants Commission, the Bar Council of India, the Medical Council of India, the All India Council for Technical Education or any other authority or body established by or under a Central Act for the determination, co-ordination or maintenance of the standards of higher education in any Central Educational Institution;

(d) "Central Educational Institution" means—

(i) a university established or incorporated by or under a Central Act;

(ii) an institution of national importance set up by an Act of Parliament;

(iii) an institution, declared as a deemed University under section 3 of the University Grants Commission Act, 1956, and maintained by or receiving aid from the Central Government;

(iv) an institution maintained by or receiving aid from the Central Government, whether directly or indirectly, and affiliated to an institution referred to in clause (i) or clause (ii), or a constituent unit of an institution referred to in clause (iii);

(v) an educational institution set up by the Central Government under the Societies Registration Act, 1860;

21 of 1860

(e) "faculty" means the faculty of a Central Educational Institution;

(f) "Minority Educational Institution" means an institution established and administered by the minorities under clause (1) of article 30 of the Constitution and so declared by an Act of Parliament or by the Central Government or declared as a Minority Educational Institution under the National Commission for Minority Educational Institutions Act, 2004;

2 of 2005

(g) "Other Backward Classes" means the class or classes of citizens who are socially and educationally backward, and are so determined by the Central Government;

(h) "Scheduled Castes" means the Scheduled Castes notified under article 341 of the Constitution;

(i) "Scheduled Tribes" means the Scheduled Tribes notified under article 342 of the Constitution;

(j) "teaching or instruction in any branch of study" means teaching or instruction in a branch of study leading to three principal levels of qualifications at bachelor (undergraduate) masters (postgraduate) and doctoral levels.

Reservation of  
seats in Central  
Educational  
Institutions.

3. The reservation of seats in admission and its extent in a Central Educational Institution shall be provided in the following manner, namely:—

(i) out of the annual permitted strength in each branch of study or faculty, fifteen per cent. seats shall be reserved for the Scheduled Castes;



(ii) out of the annual permitted strength in each branch of study or faculty, seven and one-half per cent. seats shall be reserved for the Scheduled Tribes;

(iii) out of the annual permitted strength in each branch of study or faculty, twenty-seven per cent. seats shall be reserved for the Other Backward Classes.

4. The provisions of section 3 of this Act shall not apply to

Act not to  
apply in certain  
cases.

(a) a Central Educational Institution established in the tribal areas referred to in the Sixth Schedule to the Constitution;

(b) the institutions of excellence, research institutions, institutions of national and strategic importance specified in the Schedule to this Act:

Provided that the Central Government may, as and when considered necessary, by notification in the Official Gazette, amend the Schedule;

(c) a Minority Educational Institution as defined in this Act;

(d) a course or programme at high levels of specialisation, including at the post-doctoral level, within any branch of study or faculty, which the Central Government may, in consultation with the appropriate authority, specify.

5. (1) Notwithstanding anything contained in clause (iii) of section 3 and in any other law for the time being in force, every Central Educational Institution shall, with the prior approval of the appropriate authority, increase the number of seats in a branch of study or faculty over and above its annual permitted strength so that the number of seats, excluding those reserved for the persons belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes, is not less than the number of such seats available for the academic session immediately preceding the date of the coming into force of this Act.

Mandatory  
increase of  
seats.

(2) Where, on a representation by any Central Educational Institution, the Central Government, in consultation with the appropriate authority, is satisfied that for reasons of financial, physical or academic limitations or in order to maintain the standards of education, the annual permitted strength in any branch of study or faculty of such institution cannot be increased for the academic session following the commencement of this Act, it may permit by notification in the Official Gazette, such institution to increase the annual permitted strength over a maximum period of three years beginning with the academic session following the commencement of this Act; and then, the extent of reservation for the Other Backward Classes as provided in clause (iii) of section 3 shall be limited for that academic session in such manner that the number of seats available to the Other Backward Classes for each academic session are commensurate with the increase in the permitted strength for each year.

6. The Central Educational Institutions shall take all necessary steps, which are required in giving effect to the provisions of sections 3, 4 and 5 of this Act, for the purposes of reservation of seats in admissions to its academic sessions commencing on and from the calendar year, 2007.

Reservation of  
seats in  
admissions to  
begin in  
calendar year,  
2007.

7. Every notification made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament 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 immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or both Houses agree that the notification should not be made, the notification shall thereafter 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 under that notification.

Laying of  
notifications  
before  
Parliament.

THE SCHEDULE  
[See section 4(b)]

S. No. Names of the Institutions of Excellence, etc.

1. Homi Bhabha National Institute, Mumbai and its constituent units, namely:—
  - (i) Bhabha Atomic Research Centre, Trombay;
  - (ii) Indira Gandhi Centre for Atomic Research, Kalpakkam;
  - (iii) Raja Ramanna Centre for Advanced Technology, Indore;
  - (iv) Institute for Plasma Research, Gandhinagar;
  - (v) Variable Energy Cyclotron Centre, Kolkata;
  - (vi) Saha Institute of Nuclear Physics, Kolkata;
  - (vii) Institute of Physics, Bhubaneswar;
  - (viii) Institute of Mathematical Sciences, Chennai;
  - (ix) Harish-Chandra Research Institute, Allahabad;
  - (x) Tata Memorial Centre, Mumbai.
2. Tata Institute of Fundamental Research, Mumbai.
3. North-Eastern Indira Gandhi Regional Institute of Health and Medical Science, Shillong.
4. National Brain Research Centre, Manesar, Gurgaon.
5. Jawaharlal Nehru Centre for Advanced Scientific Research, Bangalore.
6. Physical Research Laboratory, Ahmedabad.
7. Space Physics Laboratory, Thiruvananthapuram.
8. Indian Institute of Remote Sensing, Dehradun.

K. N. CHATURVEDI,  
*Secy. to the Govt. of India.*



ANNEXURE-II  
1975  
TS COMMISSION



UNIVERSITY GRANTS COMMISSION  
BAHADURSHAH ZAFAR MARG  
NEW DELHI-110002

विश्वविद्यालय अनुदान आयोग  
बहादुरशाह जफर मार्ग  
नई दिल्ली - 110 002

All communications should be addressed to the Secretary by designation and not by name

SPEED POST

F.No.35-19/2008 (CU)

28<sup>th</sup> September, 2012

The Registrar  
All Central Universities (39)  
& Principal, UCMS  
As per list enclosed)

15 OCT 2012

**Subject:** Central Educational Institutions (Reservation in Admission) Amendment Act, 2012.

Sir/ Madam,

I am directed to enclose herewith a copy of the Central Educational Institutions (Reservation in Admission) Amendment Act, 2012 for information and necessary action.

Yours faithfully,

( Ritu Oberoi )  
Under Secretary

Encl. As above

O/c  
V. Talreja  
28/9/202



रजिस्ट्री सं. डी.एल. (पं.) 04/0007/2003-12

REGISTERED NO. DL-(N)04/0007/2003-12



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड I

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 33] नई दिल्ली, बुधवार, जून 20, 2012/ ज्येष्ठ 30, 1934 (सक)  
No. 33] NEW DELHI, WEDNESDAY, JUNE 20, 2012/ JYAISTHA 30, 1934 (SAKA)

इस भाग में बिना पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 20th June, 2012/Jyaistha 30, 1934 (Saka)

The following Act of Parliament received the assent of the President on the 19th June, 2012, and is hereby published for general information:—

### THE CENTRAL EDUCATIONAL INSTITUTIONS (RESERVATION IN ADMISSION) AMENDMENT ACT, 2012

[No. 31 of 2012]

[19th June, 2012]

An Act to amend the Central Educational Institutions (Reservation in Admission) Act, 2006

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. This Act may be called the Central Educational Institutions (Reservation in Admission) Amendment Act, 2012. Short title.

2. In section 2 of the Central Educational Institutions (Reservation in Admission) Act, 2006 (hereinafter referred to as the principal Act), after clause (i), the following clauses shall be inserted, namely:— Amendment of section 2.

“(ia) “specified north-eastern region” means the area comprising of the States of Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim, Tripura and the tribal areas of Assam referred to in the Sixth Schedule to the Constitution;

(ib) “State seats”, in relation to a Central Educational Institution, means such seats, if any, out of the annual permitted strength in each branch of study or faculty as

are earmarked to be filled from amongst the eligible students of the State in which such institution is situated;'

Amendment  
of section 3.

3. In section 3 of the principal Act, the following provisos shall be inserted, namely:—

"Provided that the State seats, if any, in a Central Educational Institution situated in the tribal areas referred to in the Sixth Schedule to the Constitution shall be governed by such reservation policy for the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes, as may be specified, by notification in the Official Gazette, by the Government of the State where such institution is situated;

Provided further that if there are no State seats in a Central Educational Institution and the seats reserved for the Scheduled Castes exceed the percentage specified under clause (i) or the seats reserved for the Scheduled Tribes exceed the percentage specified under clause (ii) or the seats reserved for the Scheduled Castes and the Scheduled Tribes taken together exceed the sum of percentages specified under clauses (i) and (ii), but such seats are—

(a) less than fifty per cent. of the annual permitted strength on the date immediately preceding the date of commencement of this Act, the total percentage of the seats required to be reserved for the Other Backward Classes under clause (iii) shall be restricted to the extent such sum of percentages specified under clauses (i) and (ii) falls short of fifty per cent. of the annual permitted strength;

(b) more than fifty per cent. of the annual permitted strength on the date immediately preceding the date of commencement of this Act, in that case no seat shall be reserved for the Other Backward Classes under clause (iii) but the extent of the reservation of seats for the Scheduled Castes and the Scheduled Tribes shall not be reduced in respect of Central Educational Institutions in the specified north-eastern region."

Amendment  
of section 4.

4. In section 4 of the principal Act, clause (a) shall be omitted.

Amendment  
of section 5.

5. In section 5 of the principal Act,—

(a) in sub-section (1), for the words "number of such seats available", the words "number of such seats available or actually filled, whichever be less," shall be substituted;

(b) in sub-section (2), for the words "three years", the words "six years" shall be substituted.

Amendment  
of section 6.

6. In section 6 of the principal Act, for the figures "2007", the figures "2008" shall be substituted.

V. K. BHASIN,  
Secretary to the Govt. of India.





## महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ६, अंक २७]

बुधवार, जुलै ९, २०१४/आषाढ १८, शके १९३६

[ पृष्ठ ११, किंमत : रुपये २७.००

असाधारण क्रमांक ८६

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी 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 Reservation (of seats for admission in educational institutions in the State and for appointments or posts in the public services under the State) for Educationally and Socially Backward Category (ESBC) Ordinance, 2014 (Mah. Ord. XIII of 2014), is hereby published under the authority of the Governor.

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

SANGITRAO PATIL,  
I/c. Principal Secretary to Government,  
Law and Judiciary Department.

[Translation in English of the Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments or posts in the public services under the State) for Educationally and Socially Backward Category (ESBC) Ordinance, 2014 (Mah. Ord. XIII of 2014), published under the authority of the Governor].

### GENERAL ADMINISTRATION DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya,  
Mumbai 400 032, dated the 9th July 2014.

### MAHARASHTRA ORDINANCE No. XIII OF 2014.

#### AN ORDINANCE

*to provide for reservation of seats for admission in educational institutions in the State and of appointments or posts in public services under the State to Educationally and Socially Backward Category (ESBC) in the State of Maharashtra for their advancement and for matters connected therewith or incidental thereto.*

**WHEREAS** the policy of reservation for the social and educational advancement of people belonging to the backward classes of citizens in admissions to educational institutions in the State and for reservation of appointments or posts in public services under the State has been under implementation in the State of Maharashtra since formation of the Maharashtra State;

**AND WHEREAS** the two notifications, providing for reservation of seats in public employment were issued in the Karveer State (Kolhapur) in the year 1902, on the 26th July 1902 and 2nd August 1902, respectively, by Rajarshi Shahu Maharaj, who is known as the father of the concept of reservation in India, and from whom Dr. Babasaheb Ambedkar got inspiration to make provision for reservation in the Constitution of India, and in the said two notifications of 1902, reservation was provided to Backward Classes wherein Maratha community was also included;

**AND WHEREAS** by Resolution of the then Government of Bombay, dated the 23rd April 1942, about 228 communities including Maratha and other castes were declared as intermediate and Backward community and Maratha community is shown at serial number 149 in the list annexed to the said Resolution;

**AND WHEREAS** the matter of Maratha reservation was referred to the Maharashtra State Commission for Backward Classes for their recommendations in the year 2004 and the State Backward Class Commission has submitted its 22nd Report on the 28th July 2008 stating therein that such reservation cannot be given to the Maratha community in the category of "Other Backward Classes";

**AND WHEREAS** the Cabinet Sub-Committee after detailed discussion referred the matter back to the State Backward Class Commission asking for its report on inadequacy of the quantifiable data on educational and social backwardness of the Maratha community and also was requested to give its opinion on whether Maratha community could be given reservation without touching the present structure of reservation;

**AND WHEREAS** after repeated request to submit the report, the State Backward Commission insisted only on taking decision as per sub-section (2) of section 9 of the Maharashtra State Commission for Backward Classes Act, 2005 on the 22nd Report of the State Backward Class Commission;

Mah.  
XXXIV  
of 2006.

**AND WHEREAS** the Government appointed the Rane Committee who has submitted adequate quantifiable data pertaining to the backwardness of Maratha community and thereafter the State Backward Class Commission was again requested to offer its remarks on the issue of providing reservation to Educationally, Socially and Economically Backward Maratha community without affecting the present reservation of Other Backward Classes;

**AND WHEREAS** the State Backward Class Commission by its letter dated the 20th May 2014 requested the Government to take decision on the 22nd Report of the Commission;

**AND WHEREAS** on the above backdrop there is a scope to believe that the State Backward Class Commission was reluctant to take decision in the matter and hence, the Government decided to take decision after waiting for almost a decade and the Government, in its Cabinet meeting held on the 25th June 2014 decided, to partly reject the 22nd report of the Commission and with certain modifications accepted that Maratha community is Educationally and Socially Backward and hence eligible for reservation, by virtue of sub-section (2) of section 9 of the Maharashtra State Commission for Backward Classes Act, 2005;

Mah.  
XXXIV  
of 2006.

**AND WHEREAS** the Government of Maharashtra is of the view on the basis of material and data collected by the Rane Committee that Maratha community is Socially, Educationally and Economically Backward and inadequately represented in services under the State, hence, require reservation in employment and reservation for admissions in the educational institution;



**AND WHEREAS** clause (4) of Article 15 of the Constitution of India enables the State to make any special provisions for the advancement of any socially and educationally backward class of citizens;

**AND WHEREAS** clause (5) of Article 15 of the Constitution of India enables the State to make any special provisions, by law, for the advancement of any socially and educationally backward class of citizens in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or un-aided by the State, other than the minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India;

**AND WHEREAS** clause (4) of Article 16 of the Constitution of India enables the State to make any provision for the reservation of appointments or posts in favour of any backward class of citizens, which in the opinion of the State is not adequately represented in the services under the State;

**AND WHEREAS** even otherwise Articles 15(4), 15(5), 16(4) and 46 of the Constitution of India enable the State to provide reservation to a separate class;

Mah. Maharashtra State Public Services (Reservation for Scheduled Castes, VIII of Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, 2004. Special Backward Category and Other Backward Classes) Act, 2001 in pursuance of clause (4) of Article 16 of the Constitution;

**AND WHEREAS** the Maharashtra State is of the view that on the basis of material and data collected by the Rane Committee that Maratha community is Socially, Educationally and Economically Backward and inadequately represented in services under the State, hence, require special provisions for their advancement;

**AND WHEREAS** the State Government has, after careful consideration, taken a policy decision to create a new category namely Educationally and Socially Backward Category (ESBC) and, there shall be a separate sixteen percent reservation for such newly created Educationally and Socially Backward Category (ESBC) and, the Maratha community is included in the said category; without affecting the existing fifty-two percent reservation currently applicable in the State, in admissions to educational institutions including private educational institutions, whether aided or un-aided by the State, other than minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India, and in appointments or posts in public services under the State, excluding reserved in favour of the Scheduled Tribes candidates in the Scheduled Areas of the State under the Fifth Schedule to the Constitution of India, as per the notification issued on the 9th June 2014 in this behalf ;

**AND WHEREAS** both Houses of the State Legislature are not in session;

**AND WHEREAS** the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to make a law to create a new Educationally and Socially Backward Category (ESBC) and to provide sixteen percent separate reservation for Educationally and Socially Backward Category (ESBC) in which Maratha community is included under this category, without affecting the existing fifty-two percent reservation currently applicable in the State, in admissions to educational institutions including private educational institutions, whether aided or un-aided by the State, other than minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India,

and in appointments or posts in public services under the State, excluding reservation in favour of the Scheduled Tribes candidates in the Scheduled Areas of the State under the Fifth Schedule to the Constitution of India, as per the notification issued on the 9th June 2014 in this behalf, for their advancement and for the matters connected therewith or incidental thereto;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

Short title,  
extent and  
commencement.

1. (1) This Ordinance may be called the Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments or posts in the public services under the State) for Educationally and Socially Backward Category (ESBC) Ordinance, 2014.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force at once.

Definitions.

2. (1) In this Ordinance, unless the context otherwise requires,—

(a) "admission authority" in relation to admissions to educational institutions means the authority having supervisory and controlling powers over the educational institutions responsible for admissions to particular educational institutions;

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

(c) "Competent Authority" means the Competent Authority appointed under section 6;

(d) "educational institutions" means the educational institutions in the State of Maharashtra owned and controlled by the Government, which receives grant-in-aid from the Government including a University established by or under the relevant Maharashtra Acts, including private educational institutions, whether aided or un-aided by the State, other than the minority educational institutions referred to in clause (1) of article 30 of the Constitution of India.

*Explanation.*—For the purposes of this clause, the expression "private educational institutions" shall mean institutions which have been given either prior to coming into force of this Ordinance or thereafter, aid in the form of Government land at concessional rates or any other monetary concessions by the Government, or are recognized, licensed, supervised or controlled by the Government;

(e) "Educationally and Socially Backward Category (ESBC)" means such category or categories of citizens who are Educationally and Socially Backward Class of citizens and declared by the Government as Educationally and Socially Backward Category (ESBC), from time to time;

(f) "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 or 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 Ordinance or thereafter, aid in the form of Government land at concessional rates or any other monetary concessions by the Government or is recognized, licensed, supervised or controlled by the Government;

(g) "Government" or "State Government" means the Government of Maharashtra;

(h) "prescribed" means prescribed by rules made under this Ordinance;

(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 the Government is a share holder;

(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 the Companies Act, 1956 or the Companies Act, 2013;

(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; and

(v) any other establishment in respect of which reservation was applicable by Government orders on the date of commencement of this Ordinance and which are not covered under sub-clauses (i) to (iv);

(j) "reservation" means the reservation of seats for the members of Educationally and Socially Backward Category (ESBC) for admission in educational institutions in the State and for appointments or posts in the services under the State.

(2) The words and expressions used in this Ordinance, but not defined, shall have the same meanings respectively assigned to them in 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 and in any other relevant Act.

3. (1) This Ordinance shall apply to all the direct recruitments appointments or posts made in public services under the State except,—

(a) the super specialized 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 post which is single (isolated) in any cadre or grade.

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(2) This Ordinance shall also apply, for the Educationally and Socially Backward Category (ESBC), for admission in educational institutions including private educational institutions, whether aided or un-aided by the State, other than the minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India.

(3) The State Government shall, while entering into or renewing an agreement with any educational institution or any establishment for the grant of any aid as provided in the explanation to clauses (d) and (f) of section 2 respectively, incorporate a condition for compliance with the provisions of this Ordinance, by such educational institution or establishment.

Reservation of  
seats for  
admission in  
educational  
institutions,  
appointments  
or posts in  
public services  
under State  
for  
Educationally  
and Socially  
Backward  
Category  
(ESBC).

4. (1) Notwithstanding anything contained in the Maharashtra State Public Services (Reservation for Scheduled Castes, Scheduled Tribes, Denotified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes) Act, 2001 and notwithstanding anything contained in any judgment, decree or order of any Court or other authority, and subject to the other provisions of this Ordinance, sixteen percent of the total seats in educational institutions including private educational institutions, whether aided or un-aided by the State, other than minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India, and sixteen percent of the total appointments or posts in direct recruitment in public services under the State, shall be separately reserved for the Educationally and Socially Backward Category (ESBC) in which the Maratha community is included:

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of 2004.

Provided that the above reservation shall not be applicable to posts reserved in favour of the Scheduled Tribes candidates in the Scheduled Areas of the State under the Fifth Schedule to the Constitution of India as per the notification issued on the 9th June 2014 in this behalf.

(2) The principle of Creamy Layer shall be applicable to the Educationally and Socially Backward Category (ESBC).

*Explanation.*—For the purposes of this sub-section, the expression "Creamy Layer" means the person falling in the category of Creamy Layer as declared by the Government in the Social Justice and Special Assistance Department, by general or special orders issued in this behalf, from time to time.

Reservation  
not to be  
affected.

5. Notwithstanding anything contained in section 4, the claims of students or members belonging to Educationally and Socially Backward Category shall also be considered for the unreserved seats, appointments or posts which shall be filled on the basis of merit, and where a student or member belonging to such category is selected on the basis of merit, the number of seats, appointments or posts reserved for the Educationally and Socially Backward Category (ESBC), as the case may be, shall not in any way be affected.

Competent  
Authority.

6. (1) The Government may, by notification in the *Official Gazette*, appoint any officer not below the rank of District Social Welfare Officer to be the Competent Authority for the purposes of carrying out the provisions of this Ordinance and the rules made thereunder.

(2) The Competent Authority shall exercise such powers and perform such functions as may be prescribed.

7. (1) The Government may, in public interest, by order, direct the Competent Authority, from time to time, to make an enquiry or to take appropriate proceedings under this Ordinance specified in the order, and the Competent Authority shall report to the Government the result of the enquiry made or the proceedings taken by him within such period as may be prescribed.

Power of Government to give directions.

(2) On receipt of the report from the Competent Authority under sub-section (1), the Government shall give such directions as it deems fit and such directions shall be final.

8. (1) If in respect of any recruitment year, any vacancy reserved for Educationally and Socially Backward Category (ESBC) of persons remains unfilled, such vacancy shall be carried forward up to five years in case of direct recruitment:

Carrying forward of reserved vacancies.

Provided that on the date of commencement of this Ordinance, if any Government Order, Resolution, Circular and Office memorandum regarding filling of posts is in force then, the same shall continue to be in force unless modified or revoked by the Government and the Government is empowered to revise such Government Orders, Resolutions, Circulars and Office memorandums:

Provided further that notwithstanding anything contained in section 17 of this Ordinance, the Government Departments are hereby empowered to give effect to the provisions of this Ordinance including revision of roster prescribed for direct recruitment, as may be necessary, by the Government orders for enforcement and implementation of this reservation:

Provided also that if the sanctioned posts are not adequate to allocate atleast one post for each reserved category, then the reserved post shall be filled in by applying the principle of rotation in accordance with the Government roster orders or rules as may be prescribed or modified in this behalf and the Government is empowered to revise the roster points and orders or rules accordingly.

(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 the Government.

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

Responsibility and powers for compliance of Ordinance.

(2) The Government may, in the like manner, invest the admission authority or appointing authority or officer 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.

10. (1) Any admission authority or appointing authority or officer or employee entrusted with the duty or responsibility who wilfully acts in a manner intended to contravene or defeat the purpose of this Ordinance shall, on conviction, be punished with imprisonment for a term which may extend

Penalty.



to ninety days or fine which may extend to five thousand rupees, or with both.

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

Power to call  
for records.

11. When it comes to the notice of the Government or is brought to its notice that any person belonging to Educationally and Socially Backward Category (ESBC) is adversely affected, on account of non-compliance with the provisions of this Ordinance or the rules made thereunder or the Government orders issued in this behalf, by any admission authority or appointing authority, it may call for such records and pass such appropriate orders as it deems fit.

Representation  
in selection  
committee.

12. (1) The Government may by order, provide for nomination of officers belonging to Educationally and Socially Backward Category (ESBC) in selections, screening and Department Committee for the purpose of selecting persons for appointment to public services and posts.

(2) The Government may, by order, grant such monetary or other concessions as may be considered necessary in favour of the Educationally and Socially Backward Category (ESBC).

Irregular  
admissions and  
appointments  
void.

13. Any admissions or appointments made in contravention of the provisions of this Ordinance shall be void.

Competent  
Authority to  
be public  
servant.

14. The Competent Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

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1860.

Protection of  
action taken  
in good faith.

15. No suit, prosecution or other legal proceeding shall lie against the Competent Authority or its officers, for anything which is in good faith done or intended to be done under this Ordinance or the rules or orders made thereunder.

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

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

Power to  
make rules.

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

(2) Every rule made under this Ordinance 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 any 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 notification of such decision 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.

18. (1) The provisions of this Ordinance shall not apply to the cases Savings. in which selection process has already been initiated before the commencement of this Ordinance, and such cases shall be dealt with in accordance with the provisions of law and the 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, written test and interview and such written test has started.

(2) The provisions of this Ordinance shall not apply to admissions in educational institutions and the cases in which the admission process has already been initiated before the commencement of this Ordinance and such cases shall be dealt with in accordance with the provisions of law and the Government orders as they stood before such commencement.

*Explanation.*—For the purposes of this section, the admission process shall be deemed to have initiated where,—

(i) admission is to be made on the basis of any entrance test, and procedure for such entrance test, as the case may be, has started; or

(ii) in case of admission to be made other than on the basis of entrance test, the last date for filling up the application forms is lapsed.

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

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

## STATEMENT

The State of Maharashtra is the leading State in providing reservation for the underprivileged and the policy of reservation for the social and educational advancement of the people belonging to the backward classes of citizens in admissions to educational institutions in the State and for reservation of appointments or posts in the public services under the State has been under implementation in the State of Maharashtra since formation of the Maharashtra State.

2. The initial two notifications making reservation of seats in public employment were issued in the year 1902 by Rajarshi Shahu Maharaj, who is known as the father of the concept of reservation in India. In the said two notifications of 1902 reservation was provided to Maratha community as a Backward Class. In the Resolution dated the 23rd April 1942, issued by the then Government of Bombay, about 228 communities were declared as intermediate and backward class wherein Maratha is shown at Serial No. 149 in the list annexed thereto. The Maratha community is numerically large in the State of Maharashtra, but an overwhelming majority of the community is educationally and socially backward due to lack of opportunities in admissions to educational institutions in the State and due to inadequate representation in public services under the State.

3. Clause (4) of Article 15 of the Constitution of India enables the State to make any special provision for the advancement of any socially and educationally backward classes of citizens and clause (5) of the said Article 15 enables the State to make any special provisions, by law, for the advancement of any socially and educationally backward classes of citizens, in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of Article 30 of the Constitution. So also clause (4) of Article 16 of the Constitution enables the State to make provision for the reservation of appointments or posts in favour of any backward class of citizens, which, in the opinion of the State, is not adequately represented in the services under the State.

4. The State of Maharashtra has enacted 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. VIII of 2004). The Government of Maharashtra is of the view, on the basis of the material and data collected by the Rane Committee that, Maratha community is Socially, Educationally and Economically Backward and is inadequately represented in public services under the State and it requires special provisions to be made for its advancement. The State Government has, after careful consideration, taken a policy decision that without disturbing the existing fifty-two percent reservation currently applicable in the State, in admissions to educational institutions including private educational institutions whether aided or unaided by the State, other than minority educational institutions referred to in clause (1) of Article 30 of the Constitution, and in appointments or posts in public services under the State, excluding reservations in favour of Scheduled Tribes candidates in the Scheduled Areas of the State under the Fifth Schedule to the Constitution of India, as per the notification issued on the 9th June 2014 in this behalf, there shall be a separate sixteen percent reservation for the Educationally and Socially Backward Category (ESBC) in which Maratha community is included.



5. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that the circumstances exist which render it necessary for him to take immediate action to make a law for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,

Dated the 9th July 2014.

K. SANKARANARAYANAN,

Governor of Maharashtra.

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

PRAMOD T. NALAWADE,

Secretary to Government.

