

DVV Clarification for 2.1.2

Query 2: Please provide copy of letter issued by state govt. or Central Government indicating the reserved categories to be considered as per the state rule (in English as applicable)

Registered No. WB/SC-247

No. WB(Part-I)/2014/SAR-6



Extraordinary
Published by Authority

PAUSA 13]

FRIDAY, JANUARY 3, 2014

[SAKA 1935

PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
Higher Education Department
Bikash Bhaban, Salt Lake City, Kolkata-700 091

NOTIFICATION

No. 07-Edn (U)/1U-89/13.— dated. 2nd January, 2014.— In exercise of the power conferred by sub-section (1) of section 8 of the West Bengal State Higher Educational Institutions (Reservation in Admission) Act, 2013, (West Ben Act X of 2013), the Governor is hereby pleased to make the following rules, namely:

Rules

- Short title, application & commencement
1. (1) These rules may be called the West Bengal State Higher Educational Institutions (Reservation in Admission) Rules, 2013.
- (2) They shall come into force on the date of their publication in the *Official Gazette*.
- Definitions
2. (1) In these rules, unless the context otherwise requires,—
- (a) "Act" means the West Bengal State Higher Educational Institutions (Reservation in Admission) Act, 2013;
- (b) "Commissioner of Reservation" means the Commissioner for Reservation appointed under section 6A of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976;
- (c) "District Commissioner for Reservation" means the District Commissioner for Reservation as appointed under Section 6B of the West Bengal Scheduled Caste and Scheduled Tribes (Reservation of vacancies in Services and Posts) Act, 1976;
- (d) "District Magistrate" means the District Magistrate of the district and includes Additional District Magistrate for the purpose of these rules;

- (e) "de-reservation" means the de-reservation of seats reserved for Scheduled Castes/Scheduled Tribes/Other Backward Classes, Category -A and Other Backward Classes, Category -B candidates;
- (f) "Joint Commissioner for Reservation and ex-officio Joint Secretary" means the Joint Commissioner for Reservation and ex-officio Joint Secretary as appointed under Section 6A of the West Bengal Scheduled Caste and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976;
- (g) "self-financing course" means the course conducted by a college out of its own fund;
- (h) "schedule" means the schedule appended to these rules;
- (i) "section" means the section of the Act;
- (j) "University" means a University established and incorporated by an Act of State Legislature and aided fully or partly out of the State's fund;

(2) Any words or expressions used but not otherwise defined in these rules shall have the same meaning as defined or used under the Act.

Application of the reservation norms.

3. The reservation norms shall apply on and from the Academic Session 2014-15, to:—

- (a) all Universities, established and incorporated by an Act of the State's Legislature and aided fully or partly out of the State's fund; and
- (b) all Government colleges established or administered by the State Government whether directly or indirectly, and affiliated to a University; and
- (c) all colleges receiving aid from the State Government in any form or in any manner, whether fully or partly; and
- (d) all other institutions imparting education or training or research or other academic activities beyond 10+2 level and receiving aid from the State Government in any form or in any manner, whether fully or partly.

Preparation of Detailed Project Report and maintenance of register of students and other formalities

4. (1) In order to implement the total percentage of reservation in respect of the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes Category 'A' and the Other Backward Classes Category 'B'; (as mandated by the Act) every Higher Educational Institution selecting candidates for all streams and courses run by that Institution shall, with the approval of the appropriate authority, wherever required, fix up the total number of seats to be increased in each course in such a manner that the number of unreserved seats is not less than the seats available immediately preceding the date of the Act coming into force.

Explanation 1:— for example, in a Higher Educational Institution there were thirty (30) seats in Physics (Honors) course on the date of commencement of the Act. Out of 30 seats, 7 seats were reserved for SC (22% of 30), 2 seats were reserved for ST (6% of 30) and 21 seats were for unreserved category. For the purpose of implementing the provisions of the Act and these rules, these 21 seats of unreserved category shall not be reduced in any manner.

Explanation 2:— to give effect to the provisions of the Act, the Higher Educational Institution referred to under explanation 1 will be required to increase its seats by at least eight (8) seats in Physics Honors for that particular academic year. Hence, the reservation of seats would be as follows:

- (a) Eight (8) seats shall be reserved for SC (22% of 38),
- (b) Two (2) seats shall be reserved for ST (6% of 38),
- (c) Four (4) seats shall be reserved for OBC-A (10% of 38),
- (d) Three (3) seats shall be reserved for OBC-B (7% of 38),
- (e) And Twenty One (21) seats shall remain unreserved for Unreserved Categories.

- (2) Keeping in view that the total number of increase of seats to be done in terms of the sub-rule (1), each Higher Educational Institution shall fix up year wise target of increase of seats in such a manner that the total mandatory increase of seats is achieved within a maximum period of six years beginning with the academic session 2014-15 and then shall continue in the same manner.
- (3) Once the target of increase of seats is fixed, every Higher Educational Institution shall, submit to the State Government, the Detailed Project Report (DPR) in the format as may be specified.
- (4) The detailed project report shall contain, interalia, the following:—
- details of the existing number of students including students belonging to the Scheduled Castes and Scheduled Tribes,
 - details of the Governing Body of the College,
 - details of courses offered and annual intake in each course including Honors and Post Graduate courses, if any,
 - details of specialized courses or programmes,
 - details of existing teaching and non-teaching posts substantiated with appropriate roaster and non-teaching staff-pattern,
 - details of existing infrastructures including the land, building and other equipments,
 - details of proposed increase in the infrastructure and equipments including Laboratory, Library etc.,
 - details of proposed increase in the teaching and Non-teaching posts,
 - details of the requirement of funds for catering to the creation of additional seats as per staff pattern as may be specified by the State Government from time to time.
- (5) The proposal regarding increase in the infrastructure including Classroom, Laboratory, Library, and the increase of teaching and non-teaching post shall be commensurate with the actual increase of seats in various courses.

Manner of re-distribution of seats

5. (1) In case of a Higher Educational Institution where infrastructure expansion is not possible for unavoidable reasons or otherwise, the Higher Educational Institution may apply to the State Government with reasons, to re-distribute its additional quota of reserved seats to other Higher Educational Institutions.

- (2) The State Government, taking into consideration the facts of the case, may at its discretion pass an order allowing re-distribution of such additional seats to other Higher Educational Institution.

Procedure for preparation of list of candidates for admission

6. (1) For filling up of the seats for admission in a particular academic session as fixed in terms of sub rule (2) of rule 4 the following procedure shall be followed :—

- a general merit list based exclusively on merit as reflected in the results of the relevant examination or selection test irrespective of castes, tribes or classes shall be prepared separately for each course, stream or subject in each Higher Educational Institution to fill up the unreserved seats. Separate merit lists of the Scheduled Castes, Scheduled Tribes, Other Backward Class, Category 'A' and the Other Backward Class, Category 'B' candidates shall be prepared for each course/stream/subject in each higher educational institution to fill up the seats reserved for these respective categories. The Scheduled Castes, the Scheduled Tribes, the Other Backward Class, Category -A and the Other Backward Class, Category -B candidates who have been placed in the general merit list to fill up unreserved seats shall not be taken into account in the reserved list for the Scheduled Castes, the Scheduled Tribes, the Other Backward Class, Category-A and the Other Backward Class, Category-B candidates, as the case may be;
- simultaneously, the SC/ST/OBC candidates who have found place in the general merit list on the basis of their merit shall also be placed in the list of reserved seats for SC/ST/OBC as per their inter se merit, and

be asked to exercise their option on whether they would like to be placed in the general merit list or the separate merit list for reserved candidates of SC/ST/OBC. Admission would be made as per the option exercised by the candidates. The option once exercised shall not be altered under any circumstances;

- (c) for admission to different courses, an SC or ST candidate getting admission should have obtained in the previous examination; qualifying marks not lower by more than 25% of the marks obtained by the last candidate of the general category. In case of OBC-A and OBC-B the candidates getting admission should have obtained in the previous examination, qualifying marks not lower by more than 10% from the marks obtained by the last candidate of the general category. In any case, if a candidate obtains marks lower than the minimum qualifying marks prescribed by the University / Appropriate Authority for admission to the relevant course, he will not be eligible for admission;
- (d) seats reserved for the Scheduled Caste candidates and remaining unfilled even after following the instructions laid down in the previous clauses of the rules may be filled up by the Scheduled Tribe candidates and vice versa. Likewise, seats reserved for the Other Backward Classes, Category-A and remaining unfilled even after following the instructions laid down in the previous clauses of the rules may be filled up by the Other Backward Class, Category-B candidates and vice versa. If after this exercise, reserved seats still remain unfilled due to non availability of reserved category candidates, such seats shall be taken up for de-reservation in such manner as prescribed under rules 8 of these rules;
- (e) in case the number of seats reserved for the Scheduled Castes, Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B in Post-graduate and Doctoral courses including Medicine, Dental Science and Nursing is less than 0.5 in each stream, a 100 point roster for admission as specified in the Schedule appended to these rules shall be followed for filling up the seats.
- (2) In every case of admission to general degree courses and medical, technical, professional and post graduate level courses, the caste / tribe / class identification certificate issued by the Competent Authority shall be verified by the concerned Higher Educational Institution at the time of admission along with Domicile Certificate issued by the Competent Authority:

Provided that no Domicile Certificate is required in case the candidate submitting caste identification Certificate issued by the Competent Authority of the State Government.

- (3) During verification of the OBC Certificate, relevant guidelines regarding determination of 'Creamy layer' shall be taken into consideration by the concerned Institution.
- (4) In every case, reservation to SC/ST/OBC 'A'/OBC 'B's candidates shall not be refused on the basis of medium of instruction in any Higher Educational Institution.

Maintenance of Course 7. Every Higher Educational Institution shall maintain course-wise registers of reserved seats meant for Scheduled Castes, Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B.

Procedure for de-reservation 8. Where reservation of seats for one or many courses or streams in a particular academic session becomes unavoidable, the following procedure of de-reservation shall be followed:

- (a) If, after duly entertaining all applications to fill up reserved seats, it is found that some seats reserved for the Scheduled Castes, Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B remain unfilled during the academic session for want of suitable number of candidates from the respective categories, those seats may be de-reserved and filled up by general candidates where it is specified that due process for filling up of the seats by the candidates of the specific categories have been followed by the institutions concerned and no suitable candidate of the reserved categories is available to fill up those seats. No vacant reserved seat shall be carried forward to the next academic year, under any circumstances;
- (b) the District Magistrates or the District Commissioners for Reservation shall be the authority to grant de-reservation in Higher Educational Institutions situated in their respective territorial jurisdiction and Joint

Commissioner for Reservation and ex-officio Joint Secretary Backward Class Welfare Department shall be such authority in respect of Higher Educational Institutions situated in Kolkata as defined in the Kolkata Municipal Corporation Act, 1980;

- (c) the process of de-reservation shall be completed by the authority concerned within 15 days provided that the authority of the concerned educational institution has submitted application in this regard along with all relevant and necessary papers;
- (d) the Higher Educational Institutions seeking de-reservation shall submit to the authority concerned, a statement giving the following particulars:-
- (i) number of candidates who have applied for admission giving break up of Unreserved, Scheduled Castes and Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B applicants separately for respective Courses /Streams/ Subjects;
 - (ii) number of seats reserved for Scheduled Castes and Scheduled Tribes, Other Backward Classes, Category -A and Other Backward Classes, Category -B separately for such category of Course/ Stream/ Subject;
 - (iii) number of candidates qualifying for admission and admitted, as such, from each of reserved categories against respective Courses/ Streams/ Subjects;
 - (iv) number of reserved seats remaining vacant in respect of Scheduled Castes, Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B candidates against respective Course/ Stream/ Subject as the case may be, with reasons there for;
 - (v) the Higher Educational Institutions shall also furnish copies of their admission Notice(s) to show whether, for issue of Forms to Scheduled Castes, Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B candidates, the minimum prescribed marks of the Board, Council or University had been indicated, as the qualifying marks for getting admission Forms against the reserved seats.
- (e) While allowing the reserved seats to be filled up by General candidates, the District Magistrate and District Reservation Commissioner or the other authorities concerned shall be satisfied, on the basis of the information supplied by the Institutions that all reasonable steps were taken to fill up the seats by respective reserved categories of candidates, and further that the unreserved category candidates qualifying on their own merit in competition with general candidates have not been admitted against the reserved seats, and further, that the conditions laid down in rule 5 have duly been observed for the particular courses mentioned therein.

Filing of
Annual Return

9. Every Higher Educational Institution situated within the district of Kolkata shall file their annual return on admission of students into various course showing all seats reserved for SC, ST, OBC-A and OBC-B before the Joint Commissioner for Reservation and in cases of Higher Educational Institution situated outside the district of Kolkata, to the District Commissioner for Reservation of the respective district by 31st December every year.

SCHEDULE

{See sub-rule (1) (e) of rule 6}

| | | | | | |
|----------|-----------------|-----------|-----------------|-----------|-----------------|
| 1st Seat | Scheduled caste | 35th Seat | Unreserved | 69th Seat | OBC-B |
| 2nd Seat | Unreserved | 36th Seat | Scheduled caste | 70th Seat | Unreserved |
| 3rd Seat | Unreserved | 37th Seat | Unreserved | 71st Seat | Scheduled caste |
| 4th Seat | Scheduled Tribe | 38th Seat | OBC-A | 72nd Seat | Unreserved |
| 5th Seat | Unreserved | 39th Seat | Unreserved | 73rd Seat | Unreserved |

| | | | | | |
|-----------|-----------------|-----------|-----------------|------------|-----------------|
| 6th Seat | OBC-A | 40th Seat | Scheduled caste | 74th Seat | Scheduled Tribe |
| 7th Seat | Scheduled caste | 41st Seat | Unreserved | 75th Seat | Unreserved |
| 8th Seat | Unreserved | 42nd Seat | Unreserved | 76th Seat | OBC-A |
| 9th Seat | OBC-B | 43rd Seat | Scheduled Tribe | 77th Seat | Unreserved |
| 10th Seat | Unreserved | 44th Seat | Unreserved | 78th Seat | Scheduled caste |
| 11th Seat | Scheduled caste | 45th Seat | OBC-A | 79th Seat | Unreserved |
| 12th Seat | Unreserved | 46th Seat | Unreserved | 80th Seat | Unreserved |
| 13th Seat | OBC-A | 47th Seat | Scheduled caste | 81st Seat | Unreserved |
| 14th Seat | Unreserved | 48th Seat | Unreserved | 82nd Seat | Scheduled caste |
| 15th Seat | Scheduled caste | 49th Seat | OBC-B | 83rd Seat | Unreserved |
| 16th Seat | Unreserved | 50th Seat | Unreserved | 84th Seat | OBC-A |
| 17th Seat | Unreserved | 51st Seat | Scheduled caste | 85th Seat | Unreserved |
| 18th Seat | Scheduled caste | 52nd Seat | OBC-A | 86th Seat | Scheduled caste |
| 19th Seat | OBC-B | 53rd Seat | Unreserved | 87th Seat | Unreserved |
| 20th Seat | Unreserved | 54th Seat | Unreserved | 88th Seat | Unreserved |
| 21st Seat | Scheduled caste | 55th Seat | Unreserved | 89th Seat | OBC-B |
| 22nd Seat | Unreserved | 56th Seat | Unreserved | 90th Seat | Scheduled caste |
| 23rd Seat | Unreserved | 57th Seat | Scheduled caste | 91st Seat | Unreserved |
| 24th Seat | Scheduled Tribe | 58th Seat | Unreserved | 92nd Seat | Unreserved |
| 25th Seat | Unreserved | 59th Seat | OBC-B | 93rd Seat | Scheduled Tribe |
| 26th Seat | OBC-A | 60th Seat | Unreserved | 94th Seat | Unreserved |
| 27th Seat | Unreserved | 61st Seat | Scheduled caste | 95th Seat | Unreserved |
| 28th Seat | Scheduled caste | 62nd Seat | Unreserved | 96th Seat | Unreserved |
| 29th Seat | OBC-B | 63rd Seat | OBC-A | 97th Seat | Scheduled caste |
| 30th Seat | Unreserved | 64th Seat | Unreserved | 98th Seat | Unreserved |
| 31st Seat | Unreserved | 65th Seat | Scheduled caste | 99th Seat | OBC-A |
| 32nd Seat | Scheduled caste | 66th Seat | Unreserved | 100th Seat | Unreserved |
| 33rd Seat | Unreserved | 67th Seat | Unreserved | | |
| 34th Seat | Unreserved | 68th Seat | Scheduled caste | | |

By order of the Governor,

VIVEK KUMAR

Secretary to the Government of West Bengal.