

**GUIDELINES
FOR**

**STRICT IMPLEMENTATION OF
RESERVATION POLICY OF THE GOVERNMENT
IN UNIVERSITIES,
DEEMED TO BE UNIVERSITIES, COLLEGES
AND OTHER GRANT-IN-AID INSTITUTIONS
AND CENTERS**



**UNIVERSITY GRANTS COMMISSION
NEW DELHI
2006**

UNIVERSITY GRANTS COMMISSION

UGC GUIDELINES FOR STRICT IMPLEMENTATION OF RESERVATION POLICY OF THE GOVERNMENT IN UNIVERSITIES, DEEMED TO BE UNIVERSITIES, COLLEGES AND OTHER GRANT-IN-AID INSTITUTIONS AND CENTERS.

1. Central Government has been issuing various instructions from time to time for implementing the Reservation Policy of the Government; and UGC being an autonomous statutory body, under the administrative control of the Ministry of Human Resource Development, is under directions from the Government to strictly implement the said instructions by all grant-in-aid institutions.
2. Central Government, Ministry of Human Resource Development (Dept. of Secondary & Higher Education), vide their Order No. F.No.6-30/2005 U-5 dated 6th December, 2005 issued the following directions to the University Grants Commission:-

WHEREAS Article 46 of the Constitution states that, "The State shall promote, with special care, the education and economic interests of the weaker sections of the people, and, in particular of the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of social exploitation.

AND WHEREAS, the policy of the Central Government is that in the Central Universities and Institutions which are Deemed to be Universities receiving grants-in-aid from the public exchequer, the percentage of reservation in admissions and recruitments in teaching and non-teaching posts is to be 15% for Scheduled Castes and 7.5% for Scheduled Tribes.

AND WHEREAS, the University Grants Commission, New Delhi hereinafter referred to as UGC, is a statutory autonomous organization responsible for implementation of policy of the Central Government in the matter of admissions as well as recruitment to the teaching and non-teaching posts in the Central Universities and Institutions which are Deemed to be Universities;

And WHEREAS, the UGC has failed to ensure effective implementation of the reservation policy in the Central Universities and grantee Institutions which are deemed to be Universities.

NOW, THEREFORE, in exercise of the powers vested under Section 20(1) of the University Grants Commission Act, 1956 the Government hereby directs the UGC to ensure effective implementation of the reservation policy in the Central Universities and those of Institutions Deemed to be Universities receiving aid from the public funds except in minority institutions under Article 30(1) of the Constitution.

3. The instructions issued by the Government are statutory in nature, as per the judgment of the Hon'ble Supreme Court in the case of *Indira Sahney v. Union of India & Ors* (AIR 1993 SC 447), since these instructions are issued for the purposes of implementing Constitutional [Article 16 (4)] provisions.
4. UGC with the mandate of maintaining the standards of higher education has been issuing guidelines from time to time, regarding adequate representation of teaching and non-teaching staff as well as of students [Article 15 (4), 16 (4), 46 & 253], belonging to SC/ST communities, in all the Universities, Deemed to be Universities, Colleges, and other grant-in-aid or research Institutions and Centers. It has now become necessary to consolidate these guidelines, the following policy Guidelines are issued.
5. All the Universities, Deemed to be Universities, Colleges, and other grant-in-aid or research Institutions and Centers are hereby directed to adopt these guidelines by appropriate resolution by the respective Governing/Executive Bodies/Syndicate/Senate etc. for effective implementation of these guidelines.
6. **Coverage and Applicability:**
 - (a) Reservation is applicable to all teaching posts such as the posts of Lecturers, Readers, Professors, or by whatever other nomenclature the posts are known, and to all posts of non-teaching staff of all the Universities, Deemed to be Universities, Colleges, and other grant-in-aid or research Institutions and Centers;
 - (b) Reservation is also applicable to all admissions to Undergraduate, Postgraduate, M.Phil and Ph.D courses of educational Institutions referred to in clause (a) above;
 - (c) In the cases of reservations referred to in clause (a) above, the Instructions issued by the Central Government for grouping of posts shall be resorted to wherever applicable, especially when more than one University functions under a single Act, or several colleges function under one University; grouping of posts are mandatory if the posts concerned are transferable on an inter-university or inter-college levels. The practice of creating department-wise cadres, which tends to create single posts or cadres with artificially reduced number of posts in order to avoid reservation, is strictly forbidden;
 - (d) In the cases of reservations referred to in clause (b) above, the Instructions issued by the Central Government with regard to reservation for implementing Article 16 (4) of the Constitution of India are strictly applicable to all central or any other special quota, permitted under any existing rules all the educational Institutions referred to in clause (a) above, shall also apply to admissions of candidates to those Institutions.
 - (e) Relaxation & concession in respect of educational qualification, age, experience and qualifying marks/standard etc. will be as per existing government rules in all cases of admissions, recruitments, appointments, promotions and other assignments of entitlements to the members of SC/ST.
7. **Extent of Reservation:**
 - (a) In all the educational Institutions referred to in clause 6 (a) above, the extent of reservation applicable is 15% for SC and 7.5% for ST;
 - (b) Without prejudice to the provisions contained in the clause (a) above, in all the educational Institutions referred to in clause (a) above, and functioning within any State shall follow the percentage of reservation prescribed by the respective State Government.

- (c) No restriction of percentage is applicable while filling-up of back-log/short-fall vacancies of SC/ST.

8. **Procedure to be followed in matters of reservation for teaching as well as non-teaching staff:**

- (a) Without prejudice to any procedure prescribed under various Instructions from the Central Government from time to time, the following guidelines are to be followed:
- (i) SC/ST candidates should be interviewed separately;
 - (ii) One member of the interview Committee shall belong to the SC/ST category;
 - (iii) All the SC/ST candidates selected according to their position in the combined general merit list shall not be counted for covering the prescribed percentage of reservation;
 - (iv) Rules of reservation are applicable both for direct recruitment as well as for promotion. If in internal promotion in feeder cadre candidates are not available, in that situation such positions be declared open and advertised in order to fill up the posts and fulfill reservation.
 - (v) The Roster, 40-point or 100-point as the case may be, shall be applied to the total number of posts in cadre only, (*R.K. Sabharwal v. State of Punjab*, AIR 1995 SC 1371); cadre is best indicated by seniority list governing the members with the same pay-scale;
 - (vi) Total number of vacancies shall be calculated, and Roster as referred above shall be applied only excluding the back-log vacancies, if any;
 - (vii) Percentage of reservation shall be applied separately for each recruitment year, and not whenever the vacancies arise, or interviews take place, or recruitment/ appointment is made;

9. **Procedure to be followed in matters of reservation for admission:**

- (a) All the procedures prescribed under various instructions from the Central Government from time to time, as referred to in sub-clause (a) of clause 8 above, shall be applicable *mutatis mutandis* to matters of admission of students referred to in all the educational institutions referred to in clause 6(a) above.
- (b) In cases of admissions, sub-clauses (i) to (iii) of clause (a) above would only be applicable; and sub-clauses, (iv) to (vii) are not applicable;
- (c) In cases of admissions, the following procedures are also to be followed:
- (i) No SC/ST student can seek admission or claim reservation, unless he/she appears in national or State/common or University/Institution tests held for the purpose, in order to avail the quota of seats reserved for them, by the educational Institutions referred to in sub-clause (a) of clause 6 above;
 - (ii) In cases, where National or Common/State or University/Institution test is not prescribed as necessary for selecting candidates for admission, the SC/ST candidates seeking admissions, shall be arranged in the order of merit among themselves, as per the merit position obtained in the qualifying examination;

- (iii) Rules of reservation are applicable for under-graduate as well as post-graduate levels and research degrees;
- (iv) Percentage of reservation shall be applied separately for each academic year, and not whenever interviews take place, or recruitment is made;
- (v) Rules of interchangeability among SC-s and ST-s are applicable, wherever necessary to fill-up the number of vacant seats;
- (vi) In case no eligible reserved candidates are available, the vacant seats in the reserved quota shall not be filled by any non SC/ST candidates. Every effort shall be made to re-advertise for wider publicity in the leading national news papers;
- (vii) Advance special (short term) coaching with assistance from UGC may be introduced for prospective SC/ST students;
- (viii) In the Universities where central Registration for admission of SC/ST students has been introduced, all admission process must be completed at the central level itself, and the assigned Colleges, Institutes or Centers as the case may be only permitted to make attempts to fill in the vacant SC/ST seats, at their instance;
- (ix) All institutions referred to in sub-clause (a) of clause (6) should give the maximum possible encouragement and support to girls of SC/ST in admission.

10. **Annual Report:**

- (a) All the Institutions referred to in sub-clause (a) of clause 6 above shall submit reports about the implementation of these guidelines annually by 15th February of the following year in the prescribed format, attached to these Guidelines to the Deputy Secretary, SCT Division, University Grants Commission, New Delhi with a copy each to the Ministry of Human Resource Development or the Department of Education of the concerned State Government.
- (b) All applications for grant-in-aid, shall be accompanied by the reports on the implementation of these guidelines during the previous recruitment or academic year, as the case may be;
- (c) Reports as referred to in sub-clause (a) should assist UGC to re-adjust or reduce the extent of demand for grant-in-aid for the following academic year, at least in proportion to the deficiency in implementation of these guidelines during the previous recruitment/academic year.
- (d) A separate chapter in the annual report published by the Institutions should be provided to explain the steps undertaken and the results accomplished for bringing the level of performance of SC/ST to general level during the year.

11. **Admission to Hostel Accommodations:**

The percentage of reservation referred above under the head 'percentage' shall be strictly observed for admission to the hostels. Additional percentage of seats may be provided for the girl students of these communities. No rent shall be charged from the students of these communities;

12. **Staff Houses:**

The percentage of reservation for Staff Quarters, transit Houses, teacher's hostels etc. shall be commensurate with the quantum of reservation as prescribed in paragraph 7 above.

13. **Liaison Officer:**

Each University/Institution shall appoint a Liaison Officer, who is not below the rank of a Deputy Secretary of the concerned State or Central Government and will be responsible for monitoring the implementation of reservation under these guidelines.

14. **SC/ST Cell:**

All the Universities/Institutions referred to in sub-clause (a) of paragraph 6 above shall establish an SC/ST Cell in order to process the grievances of the members of these communities. The SC/ST Cell shall function under the overall supervision of the Liaison Officer.

15. **Advisory Committees:**

Advisory Committees with Vice Chancellor/ Principal as Chairman be constituted to review the implementation of reservation policy in admission and capacity building programmes for SC/ST for their successful passing in examinations. The Committee should meet at least once in a quarter and action taken on decisions reviewed in the next meeting.

16. **Amendments to existing University Acts and Statutes:**

Action should be initiated by the Universities so as to effect necessary amendments to their Acts/Statutes for the statutory support for reservation in admission, appointments to teaching and non-teaching posts and representation of SC/ST in their bodies like Syndicate Executive Council, Academic Council, Selection Committees, etc.

17. **Miscellaneous:**

The above policy guidelines are minimum prescribed for observation of the reservation policy for SC/ST. The University/Institutions are free to provide additional benefits to these categories with the approval of their Board of Governors/Executive Councils etc.



GOVERNMENT OF MAHARASHTRA

LAW AND JUDICIARY DEPARTMENT

MAHARASHTRA ACT No. VIII OF 2004

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.

(As modified upto the 9th April, 2018)



PRINTED IN INDIA BY THE MANAGER GOVERNMENT PRESS AND STATIONERY
STORES, KOLHAPUR AND PUBLISHED BY THE DIRECTOR, GOVERNMENT
PRINTING, STATIONERY AND PUBLICATIONS, MAHARASHTRA STATE,
MUMBAI-400 004.

[Price : Rs. 10.00]

**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.**

CONTENTS

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Applicability.
4. Reservation and percentage.
5. Reservation in promotion.
6. Carrying forward of reserved vacancies.
7. Responsibility and powers of compliance of Act.
8. Penalty.
9. Powers to call for records.
10. Representation in selection committee.
11. Irregular appointments void.
12. Protection of action taken in good faith.
13. Power to make rules.
14. Provisions of this Act to be in addition to any other law for the time being in force.
15. Savings.
16. Power to remove difficulties.

MAHARASHTRA ACT No. VIII OF 2004¹.

[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.]

(This Act received the assent of the Governor on the 20th January 2004; assent was first published in the *Maharashtra Government Gazette*, Part IV, on the 22nd January 2004.)

Amended by Mah. 3 of 2016 ** (1-8-2014) @

An Act to provide for the reservation of vacancies in a public services and posts in favour of the persons belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes of Citizens and for matters connected therewith or incidental thereto.

WHEREAS it is expedient to provide for the reservation of vacancies in public services and posts in favour of the persons belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes of Citizens and for matters connected therewith or incidental thereto; it is hereby enacted in the Fifty-second Year of the Republic of India as follows :—

1. (1) This Act may be called 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. Short title, extent and commencement.

(2) It shall extend to the whole of the State of Maharashtra.

(3) It shall come into force on such* date as the State Government may, by notification in the *Official Gazette*, appoint.

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

Definitions.

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

(b) "De-notified Tribes (*Vimukta Jatis*)" means the Tribes declared as such by the Government from time to time ;

(c) "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, a Corporation or a Co-operative Society in which share capital is held by the Government or any Government aided Institutions.

1. For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, dated the 20th July 2001, Extra-ordinary, Part V, page 326.

* 29th January 2004 vide G.N., General Administration Department, No. BCC-2001/107/C.R. No. 64/2001/16-B, dated the 29th January 2004.

** Maharashtra Ordinance No. XXIV of 2015 was repealed by Mah. 3 of 2016, s. 3 (1).

@ This indicates the date of commencement of Act.

2. *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* [2004 : Mah. VIII

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 Act or thereafter, aid in the form of Government land at concessional rates or any other monetary concessions by Government, or is recognised, licenced, supervised or controlled by Government ;

(d) “Government” means the Government of Maharashtra;

(e) “ Group ‘A’, ‘B’, ‘C’ or ‘D’ ” means the posts falling within the Group ‘A’, ‘B’, ‘C’ or ‘D’, as the case may be, as classified by Government by issuing general or special orders issued in this behalf, from time to time;

(f) “ Nomadic Tribes ” means the Tribes wandering from place to place in search of their livelihood as declared by Government from time to time;

(g) “ Other Backward Classes ” means any socially and educationally backward classes of citizens as declared by the Government and includes Other Backward Classes declared by the Government of India in relation to the State of Maharashtra;

(h) “ prescribed ” means prescribed by rules framed by the Government under this Act;

(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 Government is a shareholder;

(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 section 617 of the *Companies Act, 1956 ;

(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 ;

(v) any establishment ; and

(vi) respect of which reservation was applicable by Government orders on the date of commencement of this Act and which are not covered under sub-clauses (i) to (v);

Mah.
XXIV
of
1001.

1 of
1050.

* Now see the companies Act, 2013 (18 of 2013).

(f) "recruitment year" means the English calendar year during which the recruitment is actually made;

(k) "reservation" means the reservation of post in the services for the members of Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes;

(l) "Scheduled Castes" and "Scheduled Tribes" shall have the meanings, respectively assigned to them in the clauses (24) and (25) of Article 366 of the Constitution of India;

(m) "Special Backward Category" means socially and educationally backward classes of citizens declared as a Special Backward Category by the Government.

3. (1) This Act shall apply to all the appointments made in public services and posts except,— Applicability.

(a) the super specialised 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 posts which is single (isolated) in any cadre or grade.

(2) The State Government shall, while entering into or renewing an agreement with any establishment for the grant of any aid as provided in the explanation to clause (c) of section 2, incorporate a condition for compliance with the provisions of this Act, by such establishment.

4. (1) Unless otherwise provided by or under this Act, the posts reserved for the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward Classes shall not be filled in by the candidates not belonging to that caste, tribe, category or class for which the posts are reserved. Reservation and percentage.

(2) Subject to other provisions of this Act, there shall be posts reserved for the persons belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category and Other Backward

4 *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* [2004 : Mah. VIII

Classes, at the stage of direct recruitment in public services and posts specified under clause (f) of section 2, as provided below :—

Description of Caste/Tribe/ Category/Class	Percentage of vacancies or seats to be reserved
(1) Scheduled Castes	13 per cent.
(2) Scheduled Tribes	7 per cent.
(3) De-notified Tribes (A)	3 per cent.
(4) Nomadic Tribes (B)	2.5 per cent.
(5) Nomadic Tribes (C)	3.5 per cent.
(6) Nomadic Tribes (D)	2 per cent.
(7) Special Backward Category	2 per cent.
(8) Other Backward Classes	19 per cent.
Total	52 per cent :

Provided that, Government may, by an order in the *Official Gazette*, provide that the percentage of reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Categories and Other Backward Classes, in all posts, shall be on the basis of latest census record of population of the,—

- (i) State, in the case of State cadre posts, and
- (ii) concerned district, in the case of district cadre posts :

Provided further that, the principle of "Creamy Layer" shall be applicable to all categories mentioned above except Scheduled Castes and Scheduled Tribes.

Explanation I.—For the purposes of this sub-section, the expressions "De-notified Tribes (A)", "Nomadic Tribes (B)", "Nomadic Tribes (C)" and "Nomadic Tribes (D)" shall mean such Tribes or sub-Tribes, declared by Government, by general or special orders issued in this behalf, from time to time, to be "the De-notified Tribes (A)", "Nomadic Tribes (B)", "Nomadic Tribes (C)" and "Nomadic Tribes (D)".

Explanation II.—For the purposes of this sub-section, the expression "Creamy Layer" means the persons falling in the category of "Creamy Layer" as declared by Government in the Social Justice, Cultural Affairs and Sports Department by general or special orders issued in this behalf, from time to time :

Provided also that, if on the date of coming into force of this Act, if any additional reservation is in force for the Scheduled Tribes in ¹**Nashik, Dhule, Nandurbar, Raigad, Yavatmal, Chandrapur and Gadchiroli districts for direct recruitment in Groups C and D posts, under any Government orders, such reservation shall continue to be in force till such orders are modified or revoked.

²[Provided also that, on the date preceding the date of formation of the Palghar District, that is preceding the 1st August 2014, the reservation including additional reservation for the Scheduled Tribes which was in force in the then Thane District for direct recruitment in Group 'C' and Group 'D' posts, under any Government orders, shall continue to be in force with effect from the 1st August 2014 in the Palghar District till such orders are modified or revoked ; and on or after the 1st August 2014, the reservation for direct recruitment in Group 'C' and Group 'D' posts in the Thane District existing from the 1st August 2014, after division of the then Thane District, shall be as provided in the Table under this sub-section.]

(3) The reservation specified for the categories mentioned at serial numbers (3) to (6) (both inclusive) in the table under sub-section (2) shall be inter transferable. If suitable candidates for the posts reserved for any of the said categories are not available in the same recruitment year, the posts shall be filled by appointing suitable candidates from any of the other said categories.

(4) In all posts at the divisional level or district level the percentage of reservation occurring in a recruitment year in such categories of Group-C and Group-D posts as may be notified by the Government in this behalf, shall be maintained at such divisional or district level only.

5. (1) The reservation in promotion shall be at all stages of promotion.

Reservation
in promotion.

(2) On the date of coming into force of this Act, if any Government orders providing for reservation for any posts to be filled by promotion, are in force, the same shall continue to be in force unless modified or revoked, by Government.

6. (1) If in respect of any recruitment year, any vacancy reserved for any category of persons under sub-section (2) of section 4 remains unfilled, such vacancy shall be carried forward upto five years in case of direct recruitment and three years in case of promotion :

Carrying
forward of
reserved
vacancies.

Provided that, on the date of commencement of this Act, if any Government order regarding filling up the posts, in case of non availability of Backward Class candidates are in force, such Government orders shall continue to be in force unless modified or revoked, by Government.

(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 Government.

1 The word "Thane" was deleted with effect from 1st August 2014, by Mah. 3 of 2016, s.2(a).

2 This Proviso was added by Mah. 3 of 2016, s. 2(b).

Responsibility and powers of compliance of Act. 7. (1) The Government may, by order in writing, entrust upon every appointing authority or any officer under such authority, with the responsibility of ensuring the compliance with the provisions of this Act.

(2) The Government may, in the like manner, invest the appointing authority or officer referred to in sub-section (1), 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, under sub-section (1).

Penalty. 8. (1) Any appointing authority or officer or employee entrusted with the duty or responsibility under sub-section (1) of section 7 who willfully acts in a manner intended to contravene or defeat the purposes of this Act shall, on conviction, be punished with imprisonment for a term which may extend 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.

Powers to call for records. 9. When it comes to the notice of the Government or is brought to its notice, that any person belonging to any of the categories specified in sub-section (2) of section 4 is adversely affected, on account of non-compliance with the provisions of this Act or the rules made thereunder or the Government orders in this behalf, by any appointing authority, it may call for such records and pass such appropriate order as deemed fit.

Representation in selection committee. 10. (1) The Government may, by order, provide for nomination of officers belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes in the selections, screening and departmental promotion committee for the purpose of selecting persons for appointment or promotions, as the case may be, to public services and posts.

(2) The Government may, by order, grant such concession in respect of fees for any competitive examination or such other similar examinations or interviews, and relaxation in upper age limit as it may be considered necessary in favour of the categories of persons specified in sub-section (2) of section 4.

(3) The Government orders in force on the date of the commencement of this Act, in respect of concessions and relaxation including concession in fees for any competitive examinations or such other similar examinations or interview and relaxation in the upper age limit shall continue to be applicable, unless modified or revoked, by Government.

Irregular appointment void. 11. Any appointments made, in contravention of the provisions of this Act shall be void.

Protection of action taken in good faith. 12. No suit, prosecution or other legal proceedings shall lie against any authority or person for anything done or purported to have been done in good faith in pursuance of the provisions of this Act or the rules made thereunder.

13. (1) The Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act. Power to make rules.

(2) Every rule made under this Act 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 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 such decision in the *Official Gazette*, 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.

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

15. The provisions of this Act shall not apply to cases in which selection process has already been initiated before the commencement of this Act, and such cases shall be dealt with in accordance with the provisions of law and Government orders as they stood before such commencement. Savings.

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, the written test and interview and such written test has started.

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

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

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

Maharashtra Government Publications
can be obtained from—

★ THE DIRECTOR

GOVERNMENT PRINTING, STATIONERY AND PUBLICATION
MAHARASHTRA STATE
Netaji Subhash Road,
MUMBAI 400 004.
Phone-(022) 23632693, 23630695
23631148, 23634049

★ THE MANAGER

GOVERNMENT PHOTOZINCO PRESS AND BOOK DEPOT
Photozinco Press Area, Near G.P.O.
PUNE-411 001.
Phone-(020) 26125808, 26124759

★ THE MANAGER

GOVERNMENT PRESS AND BOOK DEPOT
Civil Lines, NAGPUR-440 001.
Phone-(0712) 2562615

★ THE ASSTT. DIRECTOR

GOVERNMENT STATIONERY AND BOOK DEPOT
Shaha Ganj, Near Gandhi Chowk,
AURANGABAD 431 001.
Phone-0240 2331468, 2331525

★ THE MANAGER

GOVERNMENT PRESS AND STATIONERY STORES
Tarabai Park, KOLHAPUR-416 003.
Phone-0231-2650395, 2650402

AND THE RECOGNISED BOOK SELLERS