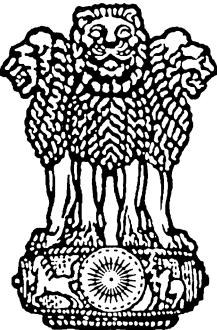


The



Kolkata Gazette

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FRIDAY, DECEMBER 10, 2010

[SAKA 1932]

PART IV—Bills introduced in the West Bengal Legislative Assembly; Reports of Select Committees presented or to be presented to that Assembly; and Bills published before introduction in that Assembly.

GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 1681-L.—10th December, 2010.—The Governor having been pleased to order, under rule 66 of the

Rules of Procedure and Conduct of Business in the West Bengal Legislative Assembly, the publication of the following Bill, together with the Statement of Objects and Reasons which accompanies it, in the *Kolkata Gazette*, the Bill and the Statement of Objects and Reasons are accordingly hereby published for general information:—

Bill No. 37 of 2010

**THE WEST BENGAL BACKWARD CLASSES (OTHER THAN
SCHEDULED CASTES AND SCHEDULED TRIBES)
(RESERVATION OF VACANCIES IN SERVICES
AND POSTS) BILL, 2010.**

A

BILL

to provide for the reservation of vacancies in services and posts for the Backward Classes of citizens other than the Scheduled Castes and Scheduled Tribes.

WHEREAS the members of the Backward Classes of citizens other than the Scheduled Castes and Scheduled Tribes who are socially and economically backward, are not adequately represented in the services and posts within the State of West Bengal;

AND WHEREAS it is expedient to provide for the reservation of vacancies in services and posts for them;

The West Bengal Backward Classes (Other than Scheduled Castes and Scheduled Tribes) (Reservation of Vacancies in Services and Posts) Bill, 2010.

(Clauses 1, 2.)

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

Short title,
extent and
commencement.

1. (1) This Act may be called the West Bengal Backward Classes (Other than Scheduled Castes and Scheduled Tribes) (Reservation of Vacancies in Services and Posts) Act, 2010.

(2) It extends to the whole of West Bengal.

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

Definitions.

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

- (a) “appointing authority”, in relation to a service or post in an establishment, means the authority empowered to make appointment to such service or post;
- (b) “cadre” means the strength of a service or a part of a service sanctioned as a separate unit;
- (c) “establishment” means any office of the State Government, a local or statutory authority constituted under any State Act for the time being in force, or a corporation in which not less than fifty-one *per cent* of the paid up share capital is held by the State Government, and includes universities, colleges affiliated to the universities, primary and secondary schools, other educational institutions which are owned or aided by the State Government, and an establishment in public sector;
- (d) “establishment in private sector” means any industry, trade, business or occupation which is not an establishment in public sector;
- (e) “establishment in public sector” means any industry, trade, business or occupation owned, controlled or managed by—
 - (i) the State Government or any department of the State Government, or
 - (ii) a Government company as defined in section 617 of the Companies Act, 1956 or a corporation established by or under a Central Act or State Act, in which not less than fifty-one *per cent*, of the paid up share capital is held by the State Government, or
 - (iii) a local or statutory authority, constituted under any State Act for the time being in force;
- (f) “lists” means list prepared by the Government of West Bengal from time to time for purposes of making provision for the reservation of appointments or posts in favour of backward classes of citizens which, in the opinion of that Government, are not adequately represented in the services under the Government of West Bengal any local or other authority within the territory of West Bengal or under the control of the Government of West Bengal;
- (g) “notification” means a notification published in the *Official Gazette*;
- (h) “Other Backward Classes” shall mean and include such classes of citizens other than Scheduled Castes and Scheduled Tribes as the State Government may, by notification in the *Official Gazette*, specify from time to time;
- (i) “Schedule” means the Schedules appended to this Act;
- (j) “single post cadre” means a cadre which has the strength of one post only;
- (k) “State Government” means the Government of West Bengal.

1 of 1956.

The West Bengal Backward Classes (Other than Scheduled Castes and Scheduled Tribes) (Reservation of Vacancies in Services and Posts) Bill, 2010.

(Clauses 3-7.)

Act not to apply in relation to certain employment.

3. This Act shall not apply in relation to,—
 - (a) any employment under the Central Government;
 - (b) any employment in the West Bengal Higher Judicial Service;
 - (c) any employment in private sector;
 - (d) any employment in domestic service;
 - (e) any employment in single post cadre.

Certain categories of persons to be excluded from reservation.

4. (1) Persons or sections from Other Backward Classes specified in column 3 of Schedule I shall be excluded from the purview of this Act:

Provided that such exclusion shall not apply to the persons working as artisans, or engaged in hereditary occupation or callings.

(2) For the purpose of proviso to sub-section (1), the list of occupations, callings to be considered shall be such as may be specified by the State or Central Government by notification in the *Official Gazette*.

5. After the commencement of this Act, all appointments to services and posts in an establishments which are to be filled up by direct recruitment shall be regulated in the following manner:—

- (a) Subject to the other provisions of this Act ten *per cent* of the vacancies shall be reserved for candidates belonging to the “Other Backward Classes Category A” and seven *per cent* of the vacancies shall be reserved for candidates belonging to the “Other Backward Classes Category B” in the manner set out in Schedule II:

Provided that the State Government may, from time to time, by notification in the *Official Gazette*, increase the percentage in the manner that the overall reservation for the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes taken together shall not exceed fifty *per cent*.

- (b) The members of the Other Backward Classes qualifying on merit in an open competition on the same standard as of the unreserved candidates for appointment to any unreserved post in a service or post in an establishment to be filled up by direct recruitment shall not be adjusted against the quota reserved in such service or post for such candidate.

Explanation.—For the purposes of this Act, “Other Backward Classes Category A” shall mean the “More Backward Classes” and the “Other Backward Classes Category B” shall mean the “Backward Classes”.

Certificate of identification.

6. A candidate who claims to be a member of either Other Backward Classes Category A or Other Backward Classes Category B shall support his candidature by such certificate of identification, to be issued by such competent authority, in such manner, as may be prescribed.

De-reservation of reserved vacancy.

7. (1) There shall be no de-reservation of any reserved vacancy by any appointing authority to any post in an establishment which is required to be filled up by direct recruitment and in the absence of any qualified candidate from Other Backward Classes, the vacancy shall remain unfilled.

- (2) Notwithstanding anything contained in sub-section (1) if, in the public interest, it is necessary to fill up any vacancy as aforesaid, remaining unfilled on account of non-availability of a qualified candidate from any category of Other Backward Classes, the appointing authority shall refer the vacancy to the State Government for de-reservation and upon such reference, the State Government may, if it is satisfied

The West Bengal Backward Classes (Other than Scheduled Castes and Scheduled Tribes) (Reservation of Vacancies in Services and Posts) Bill, 2010.

(Clause 7.)

that it is necessary or expedient so to do, by order, de-reserve the vacancy, subject to the condition that the reservation against the vacancy so de-reserved shall be available at the time of passing the order of de-reservation or any unreserved vacancy which shall occur in future:

Provided that the State Government may, if it is satisfied that the appointing authority by genuine mistake or on account of an error of judgement or owing to ignorance has filled up any reserved vacancy otherwise than by a candidate for whom the vacancy is reserved and that there has been no *mala fide* intention in this regard on the part of the appointing authority, by order in writing, regularize the appointment, if so applied for by the appointing authority, on the basis of the carry-forward principle. In such case, reservation against the reserved vacancy already filled up otherwise than by a candidate belonging to the Other Backward Classes for whom the vacancy was originally reserved, shall,—

- (a) if such vacancy relates to an establishment other than the establishment in Universities and Colleges affiliated to the Universities, Primary and Secondary Schools and also other educational institutions which are owned or aided by the State Government, be carried forward to the nearest unreserved vacancy available at the time of consideration of any application; or
- (b) if such vacancy relates to an establishment in Universities and Colleges affiliated to the Universities, Primary and Secondary Schools and also other educational institutions which are owned or aided by the State Government, be carried forward to the nearest unreserved vacancy available at the time of consideration of any application or to any unreserved vacancy which are occurred in future:

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

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

(4) Notwithstanding anything contained in the foregoing provisions of this section or elsewhere in this Act, if, in the public interest, it is necessary or expedient to fill up any vacancy, in any post in any primary, secondary or higher secondary school, in any district owned or aided by the State Government, caused by deputation or leave or the incumbent of that post for a period not exceeding ten months and remaining unfilled on account of non-availability of a qualified candidate from the Other Backward Classes, the appointing authority may refer the vacancy to the District Commissioner for Reservation, referred to in section 8 of the concerned district for de-reservation and upon such reference, the District Commissioner for Reservation may, if he is satisfied that it is necessary or expedient so to do, by order, de-reserve the vacancy, subject to the condition that the reservation against the vacancy so de-reserved shall be carried forward against the subsequent unreserved vacancy in any such post caused by such deputation or leave for such period.

Explanation I.—For the purposes of this Act, for Kolkata, the references to District Commissioner for Reservation shall be construed as references to the Joint Commissioner for Reservation.

Explanation II.—For the purpose of this Act, “Kolkata” shall mean the town of Kolkata as defined in section 3 of the Kolkata Police Act, 1866.

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(Clauses 8-13.)

Commissioners to enforce reservation.

8. (1) There shall be a Commissioner, a Joint Commissioner, a Deputy Commissioner and an Assistant Commissioner for reservation for the State and a District Commissioner for reservation for each district, for the purpose of enforcing the provisions of this Act.

(2) Save as otherwise expressly provided in this Act, every officer referred to under sub-section (1) shall be the same officer as provided for in the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

West Ben. Act XXVII of 1976.

(3) If any appointing authority having territorial jurisdiction throughout West Bengal, or having its offices and fixed territorial jurisdiction in Kolkata or having its offices in Kolkata without having any fixed territorial jurisdiction, contravenes any provisions of this Act, and thereby commits an offence punishable under section 10, the Commissioner, or the Joint Commissioner, or the Deputy Commissioner, or the Assistant Commissioner or any officer not below the rank of Inspector of Backward Classes Welfare Department authorized by him in this behalf, may file a complaint in any court having jurisdiction against such appointing authority.

(4) If any appointing authority having territorial jurisdiction in the whole, or in any part, of the district, or having no fixed territorial jurisdiction in the district, but having his office in the district to which the jurisdiction of the District Commissioner extends, contravenes any provisions of this Act, and thereby commits an offence punishable under section 10, the District Commissioner or any officer not below the rank of Inspector of Backward Classes Welfare Department authorized by him in this behalf, may file a complaint in any court having jurisdiction against such appointing authority.

Territorial jurisdiction.

9. For the purpose of section 8,—

- (a) territorial jurisdiction shall, in relation to an appointing authority, mean the area to which its administrative jurisdiction extends; and
- (b) an appointing authority, whose administrative jurisdiction does not extend to any fixed area, without having any fixed territorial jurisdiction.

Penalty for contravention of provisions by an appointing authority.

10. If an appointing authority contravenes any provision of this Act, he shall be punishable with imprisonment for a term which may extend to five years, or with fine of two thousand and five hundred rupees, or with both:

Provided that nothing contained in this section shall apply in relation to an appointment to any service or post of which the appointing authority is the Governor.

Cognizance of offence.

11. No court shall take cognizance of an offence punishable under this Act save upon complaint made by the Commissioner or the District Commissioner, or an officer not below the rank of Inspector of Backward Classes Welfare Department duly authorized in this behalf.

Previous sanction of the State Government necessary for prosecution.

12. No prosecution for an offence under this Act shall be instituted except by, or with the sanction of, the State Government.

Burden of proof.

13. Where a complaint is filed in any court having jurisdiction against an appointing authority under sub-section (3) or sub-section (4) of section 8 for contravening any provision of this Act the burden of proof that no contravention of any provision of this Act has been made by him, shall lie with him.

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(Clauses 14-19.)

Protection of action taken in faith.

14. No suit, prosecution or other legal proceeding shall lie against any person for anything, which is in good faith done or intended to be done under this Act.

Removal of difficulties.

15. If any difficulty arises in giving effect to the provisions of this Act, the State Government may take such steps or issue such orders not consistent with the provisions of this Act, as the State Government may consider necessary for removing the difficulty.

Power to amend the Schedule.

16. The State Government may, by order published in the *Official Gazette*, add to, amend or alter any Schedule.

Submission of annual report, maintenance of other records and inspection thereon.

17. (1) Every appointing authority shall maintain such records and documents as may be prescribed by rules and shall furnish to the State Government in the prescribed manner an annual report on the appointments made by it during the previous year reckoned according to the British calendar.

(2) Any officer authorised by the State Government in that behalf may inspect any record or documents which are maintained in relation to appointments made by such appointing authority.

(3) It shall be the duty of the appointing authority to produce such records or documents for inspection by the officer authorised under sub-section (2), and furnish such information or afford such assistance as may be necessary for him to carry out his functions under this Act.

(4) Notwithstanding anything contained in the West Bengal Services (Duties, Rights and Obligations of the Government Employees) Rules, 1980 any member of the Other Backward Classes who is adversely affected on account of the non-compliance with the provisions of this Act or the rules made thereunder by any appointing authority, may bring the fact to the notice of the State Government and upon application made by him the State Government may call for such records or take such action thereon as it may think fit.

Power to make rules.

18. (1) The State Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:—

- (a) proforma of certificate of identification, and manner of issuance of such certificate under section 6;
- (b) form for making application for de-reservation of vacancy under sub-section (3) of section 7;
- (c) form in which every establishments shall submit annual report to the State Government regarding the number of persons recruited in such establishments;
- (d) any other matter which has to be or may be prescribed by rules made in this behalf.

(3) Every rule made under sub-section (1) or sub-section (2) shall, as soon as may be after it is made, be laid before the State Legislature.

Saving.

19. Actions taken in pursuance of any orders, notifications etc. issued for the purpose prior to coming to force of this Act shall be deemed to have been taken under the provisions of this Act.

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SCHEDULE I.
(See section 4.)

Sl. No.	Description of category	Persons or sections from Other Backward Classes to whom rule of exclusion will apply
(1)	(2)	(3)
I.	Constitutional Posts	<p>Son(s) and daughter(s) of—</p> <ul style="list-style-type: none"> (a) President of India; (b) Vice-President of India; (c) Chairman and Members of Union Public Service Commission and of the State Public Service Commission, Chief Election Commissioner, Comptroller and Auditor General of India; and (d) persons holding Constitutional positions of like nature.
II.	<p>Service Category:</p> <p>(a) Group A/Class I officers of the All India Central and State Services (Direct Recruitment)</p> <p>(b) Group B/Class II officers of the Central and State Services (Direct Recruitment)</p>	<p>Son(s) and daughter(s) of—</p> <ul style="list-style-type: none"> (a) parents, both of whom are Class I officers; (b) parents, either of whom is a Class I officer; (c) parents, either of whom is a Class I officer, but one of them dies or suffers permanent incapacitation; (d) parents, either of whom is a Class I officer and such parent dies or suffers permanent incapacitation and before such death or such incapacitation has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years; and (e) parents, both of whom are Class I officers die or suffer permanent incapacitation and before such death or such incapacitation of the both, either of them has had the benefit of employment in any International Organisation like United Nations, International Monetary Fund, World Bank, etc. for a period of not less than 5 years: <p>Provided that the rule of exclusion shall not apply in the following cases:—</p> <ul style="list-style-type: none"> (i) sons and daughters of parents either of whom or both of whom are Class I officers and such parent(s) dies/die or suffers/suffer permanent incapacitation; (ii) a lady belonging to Other Backward Class category has got married to a Class I officer, and may herself like to apply for a job. <p>Son(s) and daughter(s) of—</p> <ul style="list-style-type: none"> (a) parents, both of whom are Class II officers; (b) parents of whom only the husband is a Class II officer and he gets into Class I at the age of 40 or earlier; (c) parents both of whom are Class II Officer and one of them dies or suffers permanent incapacitation and either of them has had the benefit of employment in any International Organisation like United Nations, International Monetary Fund, World Bank, etc. for a period of not less than 5 years before such death or permanent incapacitation;

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	<p>(d) parents of whom the wife is a Class I officer (direct recruitment or pre-forty promoted) and the wife is a Class II officer and the wife dies or suffers permanent incapacitation; and</p> <p>(e) parents of whom the wife is a Class I officer (direct recruitment or pre-forty promoted) and the wife is a Class II officer and the husband dies or suffers permanent incapacitation:</p> <p style="margin-left: 20px;">Provided that the rule of exclusion shall not apply in the following cases:—</p> <p style="margin-left: 20px;">Sons and daughters of—</p> <ul style="list-style-type: none"> (i) parents both of whom are Class II officers and one of them dies or suffers permanent incapacitation; (ii) parents, both of whom are Class II Officers and both of them die or suffer permanent incapacitation, even though either of them had the benefit of employment in any International Organisation like United Nations, International Monetary Fund, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation. <p>The Criteria enumerated in A and B above in this category will apply <i>mutatis mutandis</i> to officers holding equivalent or comparable posts in Public Sector Undertakings, Banks, Insurance Organisations, Universities, etc. and also to equivalent or comparable posts and positions under private employment, pending the evaluation of the posts on equivalent or comparable basis in those institutions, the criteria specified in Category VI below will apply to officers in those institutions.</p>
III.	<p>Armed Forces Including Paramilitary Forces (<i>persons holding civil posts are not included</i>)</p> <p>Son(s) and daughter(s) of parents either or both of whom is or are in the rank of Colonel and above in the Army and to equivalent posts in the Navy and in the Air Force and the Paramilitary Forces:</p> <p style="margin-left: 20px;">Provided that:—</p> <ul style="list-style-type: none"> (a) if the wife of an Armed Forces officer is herself in the Armed Forces (i.e. the category under the consideration) the rule of exclusion will apply when she herself has reached the rank of Colonel; (b) the service ranks, below Colonel, of husband and wife shall not be clubbed together; (c) if the wife of an officer in the Armed Forces is in civil employment, this will not be taken into account for applying the rule of exclusion unless she falls in the service category under item No. II in which case the criteria and conditions enumerated therein will apply to her independently.
IV.	<p>Professional Class and those engaged in Trade and Industry:</p> <p>(a) persons engage in profession as a doctor, lawyer, chartered accountant, income-tax consultant, dental surgeon, engineer, architect, computer specialists, film artists, and other film professionals, author, playwright,</p> <p>Criteria specified against Category VI will apply.</p>

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	<p>sports persons, sports professionals, media professional, or any other vocations of like status.</p> <p>(b) persons engaged in trade, business and industry.</p>	
V.	<p>Property Owners:</p> <p>(a) Agricultural holdings.</p> <p>(b) Plantations:</p> <p>(i) Coffee, tea, rubber etc.</p> <p>(ii) Mango, citrus, apple plantations etc.</p> <p>(c) Vacant land and/or building in urban areas or urban agglomerations.</p>	<p>Son(s) and daughter(s) of persons belonging to a family (father, mother and minor children) which owns—</p> <p>(a) only irrigated land which is equal to or more than 85% of the statutory ceiling area, or</p> <p>(b) both irrigated and unirrigated land, as follows:—</p> <p>(i) the rule of exclusion will apply where the pre-condition exists that the irrigated area (having been brought to a single type under a common denominator) is 40% or more of the statutory ceiling limit for irrigated land (this being calculated by excluding the unirrigated portion). If this pre-condition of not less than 40% exists, then only the area of unirrigated land will be taken into account. This will be done by converting the unirrigated land on the basis of the conversion formula existing, into the irrigated type. The irrigated area so computed from unirrigated land shall be added to the actual area of the irrigated land and if after such clubbing together the total area in terms of irrigated land is 80% or more of the statutory ceiling limit for irrigated land, then the rule of exclusion will apply and disentitlement will occur;</p> <p>(ii) the rule of exclusion will not apply if the land holding of a family is exclusively unirrigated.</p> <p>Criteria of income or wealth specified in Category VI below will apply.</p> <p>Deemed as agricultural holding and hence criteria at (a) above under this category will apply.</p> <p>Criteria specified in Category VI below will apply.</p> <p><i>Explanation.</i>—Building may be used for residential, industrial or commercial purpose and the like two or more such purposes.</p>
VI.	Income/Wealth Tax	<p>Son(s) and daughter(s) of—</p> <p>(a) persons having gross annual income of Rs. 4.5 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three years.</p> <p>(b) Person(s) in Categories I, II, III and V who are not disentitled to the benefit of reservation but have income from other sources of wealth which will bring them within the income/ wealth criteria mentioned above.</p> <p><i>Explanation.</i>—Income from salaries and agricultural land shall not be clubbed.</p>

Explanation.—Wherever the expression “permanent incapacitation” occurs in this Schedule, it will mean incapacitation which results in putting an officer out of service.

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SCHEDULE II.
(See section 5.)

The reservation for the members of the Other Backward Classes Category I and Other Backward Classes Category II in services or posts in an establishment shall be given effect to in the following manner, namely:—

(i) A roster of one hundred vacancies will be necessary to give effect to the reservation of vacancies for the Other Backward Classes for direct recruitment. The roster given below shall be adopted for the purpose by each establishment:—

1st Vacancy	Scheduled Caste
2nd Vacancy	Unreserved
3rd Vacancy	Unreserved
4th Vacancy	Scheduled Tribe
5th Vacancy	Unreserved
6th Vacancy	Other Backward Classes Category A
7th Vacancy	Scheduled Caste
8th Vacancy	Unreserved
9th Vacancy	Other Backward Classes Category B
10th Vacancy	Unreserved
11th Vacancy	Scheduled Caste
12th Vacancy	Unreserved
13th Vacancy	Other Backward Classes Category A
14th Vacancy	Unreserved
15th Vacancy	Scheduled Caste
16th Vacancy	Unreserved
17th Vacancy	Unreserved
18th Vacancy	Scheduled Caste
19th Vacancy	Other Backward Classes Category B
20th Vacancy	Unreserved
21st Vacancy	Scheduled Caste
22nd Vacancy	Unreserved
23rd Vacancy	Unreserved
24th Vacancy	Scheduled Tribe
25th Vacancy	Unreserved
26th Vacancy	Other Backward Classes Category A
27th Vacancy	Unreserved
28th Vacancy	Scheduled Caste
29th Vacancy	Other Backward Classes Category B
30th Vacancy	Unreserved
31st Vacancy	Unreserved
32nd Vacancy	Scheduled Caste
33rd Vacancy	Unreserved
34th Vacancy	Unreserved
35th Vacancy	Unreserved
36th Vacancy	Scheduled Caste
37th Vacancy	Unreserved
38th Vacancy	Other Backward Classes Category A
39th Vacancy	Unreserved
40th Vacancy	Scheduled Caste
41st Vacancy	Unreserved
42nd Vacancy	Unreserved
43rd Vacancy	Scheduled Tribe
44th Vacancy	Unreserved
45th Vacancy	Other Backward Classes Category A

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46th Vacancy	Unreserved
47th Vacancy	Scheduled Caste
48th Vacancy	Unreserved
49th Vacancy	Other Backward Classes Category B
50th Vacancy	Unreserved
51st Vacancy	Scheduled Caste
52nd Vacancy	Other Backward Classes Category A
53rd Vacancy	Unreserved
54th Vacancy	Scheduled Tribe
55th Vacancy	Unreserved
56th Vacancy	Unreserved
57th Vacancy	Scheduled Caste
58th Vacancy	Unreserved
59th Vacancy	Other Backward Classes Category B
60th Vacancy	Unreserved
61st Vacancy	Scheduled Caste
62nd Vacancy	Unreserved
63rd Vacancy	Other Backward Classes Category A
64th Vacancy	Unreserved
65th Vacancy	Scheduled Caste
66th Vacancy	Unreserved
67th Vacancy	Unreserved
68th Vacancy	Scheduled Caste
69th Vacancy	Other Backward Classes Category B
70th Vacancy	Unreserved
71st Vacancy	Scheduled Caste
72nd Vacancy	Unreserved
73rd Vacancy	Unreserved
74th Vacancy	Scheduled Tribe
75th Vacancy	Unreserved
76th Vacancy	Other Backward Classes Category A
77th Vacancy	Unreserved
78th Vacancy	Scheduled Caste
79th Vacancy	Unreserved
80th Vacancy	Unreserved
81st Vacancy	Unreserved
82nd Vacancy	Scheduled Caste
83rd Vacancy	Unreserved
84th Vacancy	Other Backward Classes Category A
85th Vacancy	Unreserved
86th Vacancy	Scheduled Caste
87th Vacancy	Unreserved
88th Vacancy	Unreserved
89th Vacancy	Other Backward Classes Category B
90th Vacancy	Scheduled Caste
91st Vacancy	Unreserved

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(Schedule II.)

92nd Vacancy	Unreserved
93rd Vacancy	Scheduled Tribe
94th Vacancy	Unreserved
95th Vacancy	Unreserved
96th Vacancy	Unreserved
97th Vacancy	Scheduled Caste
98th Vacancy	Unreserved
99th Vacancy	Other Backward Classes Category A
100th Vacancy	Unreserved.

(ii) Before making any appointment by direct recruitment, the appointing authority shall ascertain by consulting the register whether the vacancy is reserved or unreserved and if it is reserved, for whom it is reserved. Immediately after an appointment is made the particulars thereof shall be entered in the register and signed by the appointing authority.

(iii) The roster is a running account from year to year and shall be maintained accordingly. If recruitment in a particular year stops at a particular point of a cycle, say at the 5th point, recruitment in the subsequent year shall begin at the next point, that is, at the 6th point.

(iv) The roster shall be maintained separately for permanent and temporary vacancies.

(v) A vacancy due to whatever cause, except termination of service during probation, shall be treated as a fresh vacancy.

STATEMENT OF OBJECTS AND REASONS.

The reservation of vacancies in services and posts in the State Government and Government aided establishment for candidates belonging to Other Backward Classes is dealt with by executive Order issued by the State Government from time to time.

2. Now, the State Government have considered it necessary and expedient to enforce in the public interest, a suitable legislation to implement its reservation policy relating to Other Backward Classes in the manner similar to the statute in respect of the Scheduled Castes and the Scheduled Tribes.

3. The Bill has been framed with the above objects in view.

4. The Bill does not have any financial implication.

KOLKATA,
The 10th December, 2010.

JOGESH CHANDRA BARMAN,
Member-in-charge.

By order of the Governor,

K. Y. S. MANHAS,
Pr. Secy.-in-charge to the Govt. of West Bengal,
Law Department.