

No. F.19(6)/2012/S-IV/ 883

Dated: 10-05-2013

To

Pr. Secretaries / Secretaries
All Head of the Departments,
Local / Autonomous Bodies / PSUs under Govt. of N.C.T. of Delhi

Sub: **Reservation policy to be followed with regard to SCs / STs in civil posts under GNCTD.**

Sir / Madam,

The Government of National Capital Territory of Delhi follows the guidelines and instructions issued by the Government of India from time to time in matters regarding reservation to Scheduled Castes and Scheduled Tribes in recruitment to various civil posts in Government of Delhi.

Ministry of Home Affairs, Govt. of India, in the context of order dated 11.02.2005 of Hon'ble Supreme Court of India in case titled S. Pushpa & ors Vs. Sivachanmugavelu & ors. stated vide their letter dated 01.06.2005 that the matter has been examined in consultation with the Ministry of Law & Justice (Department of Legal Affairs). That the Ministry had opined that the law declared by the Supreme Court of India cited above, applies to the National Capital Territory of Delhi. This was accordingly conveyed to the departments vide this department's letter No.F.16(73)/97-S-III/710 dated 30.06.2005, stating that all the Scheduled Caste / Scheduled Tribe candidates irrespective of their nativity, are eligible for reservation to the civil posts under Govt. of N.C.T. of Delhi, which are reserved for SC / ST candidates and appropriate action for recruitment may be taken accordingly.

Subsequently in view of order dated 04.08.2009 of Hon'ble Supreme Court in the matter of Sarv Rural & Urban Welfare Society Vs. Union of India & ors. and of the Hon'ble High Court dated 12.09.2012 in WP(C) No.5390/2010 titled Deepak Kumar & ors Vs. District & Sessions Judge, Delhi, matter had been under consideration in the Ministry of Home Affairs, Govt. of India.

Now, Ministry of Home Affairs, Govt. of India, vide its letter No.14012/09/2012-Delhi-I dated 03.04.2013 has informed that the subject matter has been re-examined in consultation with Ministry of Law & Justice. In this matter Learned Attorney General for India has given his opinion dated 18.02.2013 (copy enclosed), which is self-explanatory and has been approved by the Hon'ble Minister of Law & Justice, Govt. of India. The opinion, inter alia, states that having regard to the order in the State of Uttaranchal's case, till this issue is resolved by a larger bench, the decision in S.Pushpa case cannot be ignored. Ministry of Home Affairs has conveyed that it has been decided to proceed according to this opinion.

Copy of above mentioned letter of the Ministry of Home Affairs is circulated for information & necessary action accordingly.

Yours faithfully,

Kailash

(KAILASH CHANDRA)
SPL. SECRETARY (SERVICES)

Dated: 10-05-2013

Encls: As above.

No. F.19(6)/2012/S-IV/ 883

Copy forwarded for information to: -

1. Pr. Secretary to Lt. Governor, Delhi.
2. Pr. Secretary to Chief Minister, Delhi.
3. Secretaries to Ministers.

Kailash
(KAILASH CHANDRA)
SPL. SECRETARY (SERVICES)

18/5
16/05/13
Sh. Anup

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05 APR 2013

No. 14012/09/2012-Delhi-I
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

New Delhi, the 3rd April, 2013

To,

1. The Secretary,
Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi - 110059
2. The Chief Secretary,
Government of NCT of Delhi,
Delhi Secretariat, IP Estate,
New Delhi - 110002

Delhi Sachivalaya
R&I Br.
Govt. of NCT of Delhi

04 APR 2013

GAD/2013/14459

Dy. No.....

Subject: - Reservation policy to be followed with regard to SCs/STs in civil posts under GNCTD.

Sir,

In supersession of this Ministry's letter of even number dated 19th September, 2012, I am directed to say that the matter has been re-examined in consultation with Ministry of Law & Justice. In this matter, Learned Attorney General has given his Opinion on 18.02.2013, which is self-explanatory and has been approved by the Hon'ble Minister of Law & Justice. It has been decided to proceed according to this Opinion dated 18.02.2013. A copy of the same alongwith the approval of Ministry of Law & Justice is hereby forwarded for further necessary action.

This issues with the approval of Hon'ble Minister of Home Affairs.

Encl: As above.

Yours faithfully,

(A.K. Das)

Under Secretary to the Government of India
Tel. No. 23092688

SS(S)
08/4/13

Per Secy (Services)

A. K. Das

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M. Pandey

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