GOVERNMENT OF WEST BENGAL  
Scheduled Castes & Tribes Welfare Department  
Writers’ Buildings

No. 347-TW/EC  
Calcutta, the 13th July, 1994.

ORDER

WHEREAS by this department notification No. 346-TW/EC dated the 13th July, 1994, backward classes as defined in clause (a) of section 2 of the West Bengal Commission for Backward Classes Act, 1993 (West Ben. Act I of 1993) (hereinafter referred to as the said Act), have been specified in the list as defined in clause (c) of section 2 of the said Act;

AND WHEREAS, in the opinion of the Governor, the said backward classes of citizens are not adequately represented in the services under the Government of West Bengal, the local and statutory authorities constituted under any State Act, Corporations in which not less than 51% of the paid up share capital is held by the State Government, Universities, Colleges affiliated to Universities, primary, secondary and higher secondary schools and also in other educational institutions which are owned or aided by the State Government and establishments in public sector;

NOW, THEREFORE, in pursuance of the provisions of clause (c) of section 2 of the said Act, the Governor is pleased hereby to make provision for the reservation in services and posts under the Government of West Bengal, the local and statutory authorities constituted under any State Act, Corporations in which not less than 51% of the paid up share capital is held by the State Government, Universities, Colleges affiliated to the Universities, primary, secondary and higher secondary schools, other educational institutions which are owned or aided by the State Government and public sector in favour of the said backward classes of citizens as follows:

(a) 5% of the vacancies in services and posts under the Government of West Bengal, the local and statutory authorities constituted under any State Act, Corporations in which not less than 51% of the paid up share capital is held by the State Government, Universities, Colleges affiliated to the Universities, primary, secondary and higher secondary schools, other educational institutions which are owned or aided by the State Government and public sector to be filled up by direct recruitment shall be reserved for the backward classes of citizens;

(b) the reservation under clause (a) shall not apply to the persons referred to in column 3, in respect of the categories referred to in column 2, of the Schedule below:
## SCHEDULE

<table>
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<tr>
<th>Description of category</th>
<th>Persons to whom reservation shall not apply</th>
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| **I. CONSTITUTIONAL POSTS** | Son(s) and daughters(s) of  
(a) President of India;  
(b) Vice President of India;  
(c) Judges of the Supreme Court and of the High Court;  
(d) Chairman & Members of Union Public Service Commission and of the State Public Service Commission; Chief Election Commissioner; Comptroller & Auditor General of India;  
(e) Persons holding Constitutional positions of like nature; |
| **II. SERVICE CATEGORY** | Son(s) and daughter(s) of—  
(a) parents, both of whom are Class I officers;  
(b) parents, either of whom is a Class I officer;  
(c) parents, both of whom are Class I officers, 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.  
(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 UN, IMF, World Bank, etc. for a period of not less than 5 years. |

Provided that the exclusion as
B. Group B/Class II posts included the Central Services and borne on the establishment of the State Government, and State Services (Direct Recruitment) 

aforesaid shall not apply in the following cases:

(i) Sons and daughters of parents either of whom or both of whom are Class I officers and such parent(s) dies/die or suffer permanent incapacitation.

(ii) A lady belonging to OBC category has got married to a Class I officer, and may herself like to apply for a job.

Son(s) and daughter(s) of

(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 officers and one of them dies or suffers permanent incapacitation and either one of them 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 before such death or permanent incapacitation;

(d) parents of whom the husband is a Class I officer (direct recruit or pre-forty promoted) and the wife is a Class II officer and the wife dies; or suffers permanent incapacitation; and

(e) parents, of whom the wife is a Class I officer (Direct Recruit or pre-forty promoted) and the husband is a Class II officer and the husband dies or suffers permanent incapacitation:

Provided that the exclusion as aforesaid shall not apply in the following cases:

Sons and daughters of--
The criteria enumerated in A & B above in this Category will apply *mutatis mutandis* to officers holding equivalent or comparable posts in PSUs, 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 these institutions, the criteria specified in Category VI below will apply to the officers in these institutions.

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 the Air Force and the Para Military Forces;

Provided that:

(i) if the wife of an Armed Forces officer is herself in the Armed Forces (i.e. the category under consideration) the exclusion as aforesaid will apply only when she herself has reached the rank of Colonel;

(ii) the service ranks below Colonel of husband and wife shall not be clubbed together:
IV. POSTS OF PROFESSIONAL CLASS AND POSTS IN TRADE AND INDUSTRY

A. Persons engaged in profession as a doctor, lawyer, chartered Accountant, Income Tax Consultant, financial or management consultant, dental surgeon, engineer, architect, computer specialist, film artists, and other film professional, author, playwright, sports person, sports professional, media professional or any other vocations of like status.

B. Persons engaged in trade, business and industry

(iii) 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,

Criteria specified against Category VI will apply:

Explanation:

(i) Where the husband is in some profession and the wife is in a Class II or lower grade employment, the income/wealth test will apply only on the basis of the husband’s income.

(ii) If the wife is in any profession and the husband is in employment in a Class II or lower rank post, then the income/wealth criterion will apply only on the basis of the wife’s income and the husband’s income will not be clubbed with it.
V. PROPERTY OWNERS

A. Agricultural holdings

- Son(s) and daughter(s) of persons belonging to a family (father, mother and minor children) which owns
  (a) only irrigated land which is equal to or more than 85% of the statutory ceiling area, or
  (b) both irrigated and unirrigated land, as follows:
    (i) the exclusion as aforesaid will apply where the pre-condition exists that the irrigated area (having been brought to a single type under a common denominator) 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 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.
    (ii) The exclusion as aforesaid will not apply if the land holding of a family is exclusively unirrigated.

B. Plantations

- (i) Coffee, tea, rubber etc.
- (ii) Mango, citrus, apple plantations etc.

C. Vacant land and/or buildings in urban areas or urban agglomerations

INCOME/WEALTH TEST

Son(s) and daughter(s) of persons belonging to a family (father, mother and minor children) which owns

- Deemed as agricultural holding and hence criteria at A above under this category will apply.

Criteria specified in Category VI below will apply.

Explanation: Building may be used for residential, industrial or commercial purpose and the like two or more such purposes.
(a) Persons having gross annual income of Rupees 2.5 lakh* or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act, 1957 (27 of 1957), for a period of three consecutive years.

(b) Persons in Categories I, II, III and VA 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 in (a) above.

Explanation:
(i) Income from salaries or agricultural land shall not be clubbed;
(ii) The income criteria in terms of rupee will be modified taking into account the change in its value every three years. If the situation, however, so demands, the interregnum may be less.

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


2. This order shall come into force at once
Provided that nothing in this order shall apply to any vacancy for the filling up of which the process of recruitment has already started before the coming into force of this order.

By order of the Governor,
U. K. RAY
Secy to the Govt. of West Bengal