Acts amending various provisions of West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) ACT, 1976.

1. Amendment Act, 1980

GOVERNMENT OF WEST BENGAL
LEGISLATIVE DEPARTMENT

NOTIFICATION

No. 3662-L. – 3rd October, 1980.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :-

West Bengal Act XLII of 1980

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1980.

[Passed by the West Bengal Legislature]

[Assent of the Governor was first published in the Calcutta Gazette, Extraordinary, of the 3rd October, 1980.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes Reservation of Vacancies in Services and Posts) Act, 1976, for the purpose and in the manner hereinafter appearing;

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

1. This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1980.

2. Section 4 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 shall be renumbered as subsection (1) of that section and after subsection (1) as so numbered, the following sub-section shall be inserted:-

2) The number of any Scheduled Caste or Scheduled Tribe candidate qualifying on merit for appointment to any unreserved vacancy in a service or post in any establishment to be filled up by direct recruitment shall not be deducted from the quota reserved in such service or post for such candidate under sub-section (1).”.

By order of the Governor,
S.N. SANYAL,
Secy. to the Govt. of West Bengal.

2. Amendment Act, 1982

GOVERNMENT OF WEST BENGAL
Legislative Department

NOTIFICATION

No. 2926-L.—11th October, 1982.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act VII of 1982

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1982.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Calcutta Gazette, Extraordinary, of 11th October, 1982.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purpose and in the manner hereinafter appearing;
It is hereby enacted in the Thirty-third Year of the Republic of India, by the Legislature of West Bengal, as follows :-

1. This Act may be called the West Bengal Scheduled Castes and Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1982.

2. In section 5 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 (hereinafter referred to as the principal Act), for clause (b), the following clause shall be substituted and shall be deemed to have been so substituted with effect from the 1st day of April, 1981 :-

“(b) there shall be no reservation in any post in a scale of pay, the maximum of which exceeds Rs. 2375;”.

3. (1) The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Third Ordinance, 1982 is hereby repealed.


(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Third Ordinance, 1982 shall be deemed to have been validly done or taken under the principal Act as amended by this Act as if this Act were in force on the day on which such thing was done or deemed to have been done or such action was taken or deemed to have been taken.

By order of the Governor,

H. CHAKRABARTY.

Secy. to the Govt. of West Bengal.

GOVERNMENT OF WEST BENGAL
Legislative Department

NOTIFICATION

No. 2702-L.—31st October, 1983.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XXXI of 1983

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1983.

[Passed by the West Bengal Legislature]

[Assent of the Governor was first published in the Calcutta Gazette, Extraordinary of the 31st October, 1983.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purpose and in the manner hereinafter appearing;


It is hereby enacted in the Thirty-fourth Year of the Republic of India, by the Legislature of West Bengal, as follows:-

1. This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1983.

2. After the proviso to clause (a) of section 5 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, the following proviso shall be inserted:—

Provided further that the number of any Scheduled Caste or Scheduled Tribe employee appointed on promotion to any unreserved vacancy in a service or post in any establishment to be filled up by promotion shall not be deducted from the quota reserved in such service or post for the members of the Scheduled Castes or the Scheduled Tribes under this section.”.

By order of the Governor,

G.C. CHATTERJEE,
Secy. to the Govt. of West Bengal.
4. **Amendment Act, 1990.**

**GOVERNMENT OF WEST BENGAL**  
**LAW DEPARTMENT**  
**Legislative**

**NOTIFICATION**

No. 1029-L.—15th June, 1990.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

**West Bengal Act X of 1990**

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1990.  
[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 15th June, 1990.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purpose and in the manner hereinafter appearing;—


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

1. This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1990.

2. In section 5 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for clause (b), the following clause shall be substituted:—

“(b) there shall be no reservation in any post in a scale of pay, the maximum of which exceeds Rs. 6,000.”

By order of the Governor,  
**S.N.MUKHERJEE,**  
Secy. to the Govt. of West Bengal.
5. **Amendment Act, 1992.**

**GOVERNMENT OF WEST BENGAL**

**LAW DEPARTMENT**

**Legislative**

**NOTIFICATION**

No. 649-L.—10th April, 1992.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information :-

**West Bengal Act VII of 1992**

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1992.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Calcutta Gazette, Extraordinary, of the 10th April, 1992.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purpose and in the manner hereinafter appearing;

It is hereby enacted in the Forty-third Year of the Republic of India, by the Legislature of West Bengal, as follows :-

1. (1) This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1992.

   (2) It shall be deemed to have come into force on the 2nd day of March, 1992.

2. In the Schedule to the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 (hereinafter referred to as the principal Act),

   (1) for paragraph (V), the following paragraph shall be substituted :-

   “(V) There shall be no de-reservation of any reserved vacancy by any appointing authority. In the absence of a qualified Scheduled Caste or Scheduled Tribe Candidate to fill up any vacancy reserved for Scheduled Caste or Scheduled Tribe, as the case may be, the vacancy shall remain unfilled.”;
(2) for paragraph (VI), the following paragraph shall be substituted:

“(VI) Notwithstanding the provisions contained in paragraph (V), if, in the public interest, it is necessary to fill up any reserved vacancy remaining unfilled on account of non-availability of a qualified Scheduled Caste or Scheduled Tribe Candidate, as the case may be, the appointing authority shall refer the vacancy to the State Government for de-reservation. Upon such reference, the State Government may, if it 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.”.

3. (1) The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Ordinance, 1992, is hereby

...............repealed.


(2) Notwithstanding such repeal, anything done or any action taken under the `........principal Act as amended by the said Ordinance shall be deemed to have been ........validly done or taken under the principal Act as amended by this Act.

By order of the Governor,

S. MAITRA,

Special Officer & Ex-Officio

Jt. Secy. to the Govt. of West Bengal.
6. **Amendment Act, 1994.**

GOVERNMENT OF WEST BENGAL  
LAW DEPARTMENT  
Legislative

**West Bengal Act XLII of 1994**

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1994.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Calcutta Gazette, Extraordinary, of the 2nd September, 1994.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

*West Ben. Act XXVII of 1976.* Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purposes and in the manner hereinafter appearing;

It is hereby enacted in the Forty-fifth Year of the Republic of India, by the Legislature of West Bengal, as follows:-

1. (1) This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (reservation of Vacancies in Services and Posts) (Amendment) Act, 1994.  

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

2. In section 3 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 (hereinafter referred to as the principal Act), clause (c) shall be omitted.

3. In section 4 of the principal Act, in clause (a) of sub-section (1),

   (i) for the words “fifteen per cent”, the words “twenty-two per cent.” shall be substituted, and

   (iii) for the words “five per cent”, the words “six per cent” shall be substituted.
4. In section 5 of the principal Act,-
   (a) in clause (a),-
       (i) for the words “fifteen per cent”, the words “twenty-two per cent” shall be
           substituted, and
       (ii) for the words “five percent”, the words “six percent” shall be substituted;
   (b) For clause (c), the following clause shall be substituted:
       “(c) a separate fifty-point roster shall be maintained by every establishment in the
           manner set out in the Schedule.”

5. For section 6 of the principal Act, the following section shall be substituted:-
   “6. (1) There shall be no dereservation of a reserved vacancy by any
       appointing authority in any post in an establishment which is require
       to be filled up by direct recruitment. In the absence of qualified
       Scheduled Caste or Scheduled Tribe candidate, as the case may be, to
       fill up such vacancy, such 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 Scheduled Caste or Scheduled Tribe candidate, as the case
       may be, the appointing authority shall refer the vacancy to the State Government for
       dereservation. Upon such reference, the State Government may, if it is satisfied that
       it is necessary or expedient so to do, by order, dereserve the vacancy, subject to the
       condition that the reservation against the vacancy so dereserved shall be carried
       forward against the subsequent unreserved vacancy.”

6. After section 6 of the principal Act, the following sections shall be inserted:-
   “6A. (1) The State Government may appoint any officer, not below
       the rank of Secretary to the Government of West Bengal, to be the
       Commissioner for Reservation, West Bengal (hereinafter referred to
       as the Commissioner).

   Explanation.—Secretary shall include a Special Secretary.

   (2) The Commissioner shall be responsible for ensuring reservation of vacancies in services
       and posts for the members of the Scheduled Castes and the Scheduled Tribes under this
       Act by an appointing authority—
       (a) having territorial jurisdiction throughout West Bengal, or
       (b) having its offices in Calcutta without having any fixed territorial jurisdiction.

   Explanation.—“Calcutta” shall mean the town of Calcutta as defined in section 3 of the
   Calcutta Police Act, 1866.

   Ben. Act IV of 1866.

   (3) If any appointing authority referred to in sub-section (2) contravenes any provision
       of this Act and thereby commits an offence punishable under section 7, the
       Commissioner or any officer, not below the rank of Inspector of Scheduled Castes
       and Tribes Welfare Department, authorised by him in this behalf, may file a
       complaint in any court having jurisdiction against such appointing authority, and
       thereupon such court shall, subject to the provisions of section 8, take cognizance of
       such offence.
6B. (1) The State Government may appoint any District Magistrate of a district to be the
District Commissioner for Reservation for that district (hereinafter referred to as
the District Commissioner).

Explanation.—“District Magistrate” shall include an Additional District
Magistrate.

(2) The District Commissioner shall be responsible for ensuring reservation of
vacancies in services and posts for the members of the Scheduled Castes and the Scheduled Tribes
under this Act by an appointing authority—
(a) having territorial jurisdiction in the whole, or any part, of the district,
or
(b) having no fixed territorial jurisdiction in the district, but having his office
in the district to which the jurisdiction of the District Commissioner
extends.

(3) If any appointing authority referred to in sub-section (2) contravenes any provision
of this Act and thereby commits an offence punishable under section 7, the District
Commissioner or any officer, now below the rank of Inspector of Scheduled Castes
and Tribes Welfare Department, authorised by him in this behalf, may file a
complaint in any court having jurisdiction against such appointing authority, and
thereupon such court shall, subject to the provisions of section 8, take cognizance of
such offence.

6C. For the purposes of sections 6A and 6B,—
(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, shall be deemed to be an appointing authority without
having any fixed territorial jurisdiction.’

7. In the Schedule to the principal Act,—

(1) for paragraph (i), the following paragraph shall be substituted:—

“(i) A roster of fifty vacancies will be necessary to give effect to the reservation
of vacancies for the Scheduled Castes and the Scheduled Tribes. The roster
given below shall be adopted for the purpose by each establishment:

<table>
<thead>
<tr>
<th>No.</th>
<th>Vacancy Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st</td>
<td>Scheduled Caste</td>
</tr>
<tr>
<td>2nd</td>
<td>Unreserved</td>
</tr>
<tr>
<td>3rd</td>
<td>Unreserved</td>
</tr>
<tr>
<td>4th</td>
<td>Scheduled Tribe</td>
</tr>
<tr>
<td>5th</td>
<td>Unreserved</td>
</tr>
<tr>
<td>6th</td>
<td>Unreserved</td>
</tr>
<tr>
<td>7th</td>
<td>Scheduled Caste</td>
</tr>
<tr>
<td>8th</td>
<td>Unreserved</td>
</tr>
<tr>
<td>9th</td>
<td>Unreserved</td>
</tr>
<tr>
<td>10th</td>
<td>Unreserved</td>
</tr>
<tr>
<td>11th</td>
<td>Scheduled Caste</td>
</tr>
</tbody>
</table>
12th vacancy Unreserved
13th vacancy Unreserved
14th vacancy Unreserved
15th vacancy Scheduled Caste
16th vacancy Unreserved
17th vacancy Unreserved
18th vacancy Scheduled Caste
19th vacancy Unreserved
20th vacancy Unreserved
21st vacancy Scheduled Caste
22nd vacancy Unreserved
23rd vacancy Unreserved
24th vacancy Scheduled Tribe
25th vacancy Unreserved
26th vacancy Unreserved
27th vacancy Unreserved
28th vacancy Scheduled Caste
29th vacancy Unreserved
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 Unreserved
39th vacancy Unreserved
40th vacancy Scheduled Caste
41st vacancy Unreserved
42nd vacancy Unreserved
43rd vacancy Scheduled Tribe
44th vacancy Unreserved
45th vacancy Unreserved
46th vacancy Unreserved
47th vacancy Scheduled Caste
48th vacancy Unreserved
49th vacancy Unreserved
50th vacancy Unreserved.

(2) paragraph (v) shall be omitted;

(3) paragraph (vi) shall be omitted.

GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT
Legislative

NOTIFICATION

No.1272-L.—12th July, 1996.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XV of 1996

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1996.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the Calcutta Gazette, Extraordinary, of the 12th July, 1996.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purposes and in the manner hereinafter appearing;—

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

1. (1) This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 1996.

(2) It shall come into force at once.

2. After section 5 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 (hereinafter referred to as the principal Act), the following section shall be inserted:

"5A. A candidate who claims to be a member of the Scheduled Castes or the Scheduled Tribes shall support his candidature by a certificate of identification, in accordance with the provisions of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994.".
3. In section 6 of the principal Act, after sub-section (2), the following sub-section shall be inserted:-

**Amendment of section 6**

“(3) 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 of the incumbent of that post for a period not exceeding ten months and remaining unfilled on account of non-availability of a qualified Scheduled Caste or Scheduled Tribe candidate, as the case may be, the appointing authority may refer the vacancy to the District Commissioner for Reservation, referred to in sub-section (1), or sub-section (1A), as the case may be, of section 6B, for that district for dereservation. Upon such reference, the District Commissioner for Reservation as aforesaid may, if he is satisfied that it is necessary or expedient so to do, by order, dereserve the vacancy, subject to the condition that the reservation against the vacancy so dereserved shall be carried forward against the subsequent unreserved vacancy in any such post caused by such deputation or leave for such period.”.

4. In section 6A of the principal Act,-

**Amendment of section 6A.**

(1) in sub-section (2), after clause (a), the following clause shall be inserted:-

“(a1) having its offices and fixed territorial jurisdiction in Calcutta, or”;

(2) after sub-section (3), the following sub-section shall be inserted:-

“(4) Where a complaint is filed in any court having jurisdiction against an appointing authority under sub-section (3) for contravening any provision of this Act and thereby committing an offence punishable under section 7, the burden of proof that no contravention of any provision of this Act has been made by him, shall lie with him.”.

5. In section 6B of the principal Act,-

**Amendment of section 6B.**

(1) after sub-section (1), the following sub-section shall be inserted:-

“(1A) For the purposes of this section, Calcutta as defined in the Explanation to sub-section (2) of section 6A, shall be deemed to be a district, and the District Magistrate, South 24 Parganas, shall be the District Commissioner for that district.”.

(2) after sub-section (3), the following sub-section shall be inserted:-

“(4) Where a complaint is filed in any court having jurisdiction against an appointing authority under sub-section (3) for contravening any provision of this Act and thereby committing an offence punishable under section 7, the burden of proof that no contravention of any provision of this Act has been made by him, shall lie with him.”.
6. In section 7 of the principal Act, for the words “he shall be punishable with fine which may extend to two hundred and fifty rupees:”, the words, figures and brackets “or fails to maintain records, or to furnish the annual return, referred to in sub-section (1) of section 12, he shall be punishable with imprisonment for a term of five years, or with fine of two thousand and five hundred rupees, or with both:” shall be substituted.

7. In the Schedule to the principal Act, paragraph (ix) shall be omitted.


GOVERNMENT OF WEST BENGAL

LAW DEPARTMENT

Legislative

NOTIFICATION

No. 817-L.—11th April, 2000.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:-

West Bengal Act XI of 2000

The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 2000.

[Passed by the West Bengal Legislature]

[Assent of the Governor was first published in the Calcutta Gazette, Extraordinary, of the 11th April, 2000.]

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.

Whereas it is expedient to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976, for the purpose and in the manner hereinafter appearing;
It is hereby enacted in the Fifty-first Year of the Republic of India, by the Legislature of West Bengal, as follows:-

1. Short title and commencement
   (1) This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 2000.
   (2) It shall be deemed to have come into force on the 3rd day of January, 2000.

2. In section 5 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976 (hereinafter referred to as the principal Act), for clause (b), the following clause shall be substituted, and shall be deemed to have been substituted, with effect from the 1st day of January, 1996:
   
   “(b) there shall be no reservation in any post in a scale of pay, the maximum of which exceeds Rs. 18,300;”

3. Repeal and saving.
   (1) The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Ordinance, 1999, is hereby repealed.
   (2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been validly done or taken under the principal Act as amended by this Act.

By order of the Governor,
S. MAITRA,
Special Officer & ex-officio
Jt. Secy. to the Govt. of West Bengal.
9. **2nd Amendment Act, 2000.**

**GOVERNMENT OF WEST BENGAL**  
**LAW DEPARTMENT**  
**Legislative**

**NOTIFICATION**

No. 1736-L.—30th August, 2000.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:-

**West Bengal Act XXIV of 2000**

**The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2000**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 30th August, 2000.]

An Act to amend the *West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976.*

Whereas it is expedient to amend the *West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976,* for the purposes and in the manner hereinafter appearing:

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

1. (1) This Act may be called the *West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Second Amendment) Act, 2000.*

   **Short title and commencement.**

   (2) It shall come into force at once.

2. In section 2 of the *West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976* (hereinafter referred to as the principal Act), in clause (e), for the words “the Schedule:”, the word “Schedule” shall be substituted.

3. In sub-section (1) of section 4 of the principal Act,—

   **Amendment of section 4**

   (1) in clause (a), for the words “in the Schedule:”, the words and figure “in Schedule I:” shall be substituted;

   (2) in clause (b), for the words “shall be reduced to one-fourth”, the words “shall not be charged” shall be substituted.

4. In clause (a) of section 5 of the principal Act, for the words “Scheduled Tribes:”, the words and figures “Scheduled Tribes in the manner et out in Schedule II:” shall be
5. In section 6 of the principal Act,-

(1) to sub-section (2), the following provisos shall be added:

“Provided that the State Government may, if it is satisfied that the appointing authority by genuine mistake or on account of an error of judgment 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, regularise 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 Scheduled Caste or Scheduled Tribe for whom the vacancy was originally reserved, shall be carried forward to the nearest un-reserved vacancy available at the time of consideration of any application:

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

(2) after sub-section (2), the following sub-section shall be inserted:-

“(2A) 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.”

6. In section 6A of the principal Act,-

(1) after sub-section (2), the following sub-section shall be inserted:-

“(2A) (a) The State Government may appoint an officer, not below the rank of Joint Secretary to the Government of West Bengal, to be the Joint Commissioner for Reservation, West Bengal (hereinafter referred to as the Joint Commissioner), an officer, not below the rank of Deputy Secretary to the Government of West Bengal, to be the Deputy Commissioner for Reservation, West Bengal (hereinafter referred to as the Deputy Commissioner), and an officer, not below the rank of Assistant Secretary to the Government of West Bengal, to be the Assistant Commissioner for Reservation, West Bengal (hereinafter referred to as the Assistant Commissioner).

(b) The Joint Commissioner, the Deputy Commissioner, and the Assistant Commissioner shall have the powers of the Commissioner for the purposes of this Act, subject to superintendence and control of the Commissioner.”;

(2) in sub-section (3), for the words “Inspector of Scheduled Castes and Tribes Welfare Department,” the words “an Inspector of Backward Classes Welfare Department.” shall be substituted.

7. In section 6B of the principal Act,-

(1) sub-section (1A) shall be omitted;

(2) in sub-section (3), for the words “Inspector of Scheduled Castes and Tribes Welfare Department,” the words “an Inspector of Backward Classes Welfare Department.” shall be substituted.
Department,” shall be substituted.

8. In section 11 of the principal Act, for the words “the Schedule”, the words “any Schedule” shall be substituted.

9. In section 12 of the principal Act,-

Amendment of section 12

(1) in sub-section (1),-

(a) after the words “such records”, the words “and documents” shall be inserted, and

(b) for the words “financial Year”, the words “year reckoned according to the British calendar” shall be substituted;

(2) in sub-section (4), for the words and figures “the West Bengal Government Servants’ Conduct Rules, 1959,”, the words, figures and brackets “the West Bengal Services (Duties, Rights and Obligations of the Government Employees) Rules, 1980,” shall be substituted.

10. In the Schedule to the principal Act,-

Amendment of Schedule

(1) for the words “THE SCHEDULE”, the word and figure “SCHEDULE I” shall be substituted;

(3) in paragraph (i),-

(a) for the words “A roster of fifty vacancies”, the words “A roster of one hundred vacancies” shall be substituted,

(b) after the words “the Scheduled Tribes”, the words “for direct recruitment” shall be inserted, and

(c) for the figures, letters and words-

“50th vacancy .... Unreserved.”,

the following figures, letters and words shall be substituted:-

“ 50th vacancy Unreserved
51st vacancy Scheduled Caste
52nd vacancy Unreserved
53rd vacancy Unreserved
54th vacancy Scheduled Tribe
55th vacancy Unreserved
56th vacancy Unreserved
57th vacancy Scheduled Caste
58th vacancy Unreserved
59th vacancy Unreserved
60th vacancy Unreserved
61st vacancy Scheduled Caste
62nd vacancy Unreserved
63rd vacancy Unreserved
64th vacancy Unreserved
65th vacancy Scheduled Caste
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11. After Schedule I of the principal Act, the following Schedule shall be inserted:

**“SCHEDULE II**

*(See Section 5)*

The reservation for the members of the Scheduled Castes and the Scheduled Tribes in vacancies to be filled up by promotion in an establishment shall be given effect to in the following manner, namely:--

(i) A roster of fifty vacancies will be necessary to give effect to the reservation for the members of the Scheduled Castes and the Scheduled Tribes in vacancies to be filled up. The roster given below shall be adopted for the purpose by each establishment.

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<tr>
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<th>Category</th>
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(ii) A register shall be maintained for giving effect to the instructions contained in paragraph (i).

(iii) Before giving any promotion, 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 so reserved. Immediately after a promotion is given, the particulars thereof shall be entered in the register and signed by the appointing authority.

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

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

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

By order of the Governor,

S. MAITRA,

Special Officer & ex-officio

Jt. Secy. to the Govt. Of West Bengal.