Ph. No. 0712-2284306
Bhartiya Shikshan Mahavidhyalaya
Pannase Nagar, Cement Road, Nagpur-22
(Affiliated to Nagpur University & Recognised By NCTE)
NCTE Code : APW02004/123289 College Code : 087

Ref. No. Date :

Ref: NAAC 2023/EP/Cr-1.3 Date-07/11/2023

Criteria: 1.3	**Number of seats earmarked for reserved category as per GOI/ State Govt. rule year wise during the last five years.**
Findings of DVV	Provide document showing the State Government / Central Government reservation policy for admission in higher education
Response/ Clarification	**1. As per clarification, Maharashtra State Government Reservation Policy for Higher Education Institution is attached (Appendix I)**

Bhartiya Shikshan Mahavidyalaya SEAL Nagpur

PRINCIPAL
BHARTIYA SHIKSHAN MAHAVIDYALAYA
NAGPUR

Appendix I

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 29th October 2012*)

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2012

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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.

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MAHARASHTRA ACT No. VIII OF 2004[1].

[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.)

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-notifed 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 expendient 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 :—

Short title, extent and commence-ment.

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.

(*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.

Definitions.

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

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

(*b*) " De-notifed 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.

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[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.

(GCP) H 779—2 (4,742—10-2012

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. Mah. XXIV of 1961.

(*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 Companies as defined in section 617 of the Companies Act, 1956 ; 1 of 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*) ;

(*j*) " 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.

Applicability.

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

(*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.

Reservation and percentage.

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.

(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 Classes, at the stage of direct recruitment

in public services and posts specified under clause (*j*) 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 Thane, 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.

(*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.

Reservation in promotion.

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

(*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.

Carrying forward of reserved vacancies.

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 :

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.

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 appointments 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.

Power to make rules.

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

(*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.

Provisions of this Act to be in addition to any other law for the time being in force.

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.

Savings.

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.

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.

Power to remove difficulties.

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 :

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.

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