

GOVERNMENT OF MEGHALAYA

PERSONNEL & ADMINISTRATIVE REFORMS DEPARTMENT

CHAPTER - I

Reservation of vacancies in Services / posts under the State Government

*No.PER.222/
71/138 dt.
12thJan,1972*

In pursuance of Clause 4 of Article 16 of the Constitution of India and keeping in view the inadequacy of representation of these communities in the services under the Autonomous State of Meghalaya in terms of their population that, consistently with the maintenance of efficiency in the administration, the following reservation shall be made in favour of the Scheduled Tribes and Scheduled Castes in posts and services in connection with the affairs of Meghalaya which are filled by direct recruitment .

- (a) There shall be a reservation of 40 % of the vacancies in favour of Khasis and Jaintias;
- (b) There shall be a reservation of 40 % of the vacancies in favour of Garos,

*O.M.No. PER
222/71/141,dt
20thApril, 1972*

- * (c) There shall be a reservation of 5% of vacancies in favour of any other Scheduled Tribes and Scheduled Castes as specified in the Fourth Schedule and the Second Schedule respectively of the said Act in so far as they relate to Meghalaya.

1.2. If sufficient number of suitable candidates for filling up the reserved vacancies is not available from the respective classes in any particular year, then such vacancies will be available to others. But the deficiency will be carried forward to the next recruitment year and made good in the recruitment of that year, provided that the reservation on account of the deficiency shall not be carried forward for more than one

(*) Sub-Section (1) of Section 25 and Sub-Section (1) of Section 26 of the North Eastern Areas. (Re -organisation) Act, 1971.

one year. After the expiry of the second year, these reservations shall be treated as lapsed. It has also been decided that at no time shall the number of normal reserved vacancies and the “carry forward” vacancies together exceed 90% of the total number of vacancies in that year.

1.3. There might be instances when an eligible candidate belonging to Scheduled Tribes and Scheduled Castes may not be appointed because the reservation quota in a particular year on the basis of the percentage of vacancies mentioned above may be less than 0.5 but taking the cadre as a whole the particular class to which the candidate belongs may be grossly under represented. In such cases, it has been decided to allow further concession to such under-represented class of Scheduled Tribes and Scheduled Castes in a cadre (as may be determined from time to time by the appointing authority concerned) to the extent indicated below :-

(1) A fraction upto 0.4 of the vacancy to which the protected category is entitled on the basis of the reservation against the projected intake in any recruitment year shall be rounded off to one in favour of candidate belonging to an under-represented community of the protected category.

(2). For the benefit of candidates belonging to such under-represented class, the reservation on account of the deficiency shall be carried forward upto two subsequent recruitment years before the reservation in respect of the protected category is finally treated as lapse.

1.4. The reservation mentioned above will not apply to :

- (i) vacancies filled by transfer or deputation or by promotion;
- (ii) temporary appointments of less than 45 days duration; and,

- (iii) purely temporary establishments, such as, work-charged staff including the daily-rated and monthly-rated staff.

1.5. There shall be no reservation of vacancies for Scheduled Tribes and Scheduled Castes in Scientific services and posts and in appointments for conducting research or organising, guiding and directing research.

1.6. There shall be no relaxation of the educational and other qualifications in respect of posts and services in connection with the affairs of Meghalaya.

1.7. These orders shall take effect from the date of issue (12th January, 1972) and shall be applicable to all appointments made on or after the above date. All advertisements for posts and services under the Government of Meghalaya issued before the aforesaid date shall be deemed to have been modified to the extent of the orders contained herein.

*O.M.No.PER.
272/72/5,dtd.
18thDec.,1972*

2.1. The reservation orders as embodied in the Resolution No.PER.272/71/138, dated 12th January, 1972 provide reservation of 40 per cent of the vacancies in favour of Khasis-Jaintia, 40 per cent in favour of Garos and 5 per cent in favour of other Scheduled Tribes and Scheduled Castes for the vacancies at the State level and District level to be filled up through direct recruitment. It is not possible to strictly adhere to the above reservation in respect of posts and vacancies at the District level, as in respect of such posts at the District level which are not transferable the posts reserved in one District are not likely to be filled up even if the reserved quota is carried forward to the following year. As such, this will create administrative difficulties and dislocation.

2.2. Considering the position as regards the District level posts as stated above, the Governor of Meghalaya is pleased to order that in respect of posts at the District level where the incumbents are not likely to be transferred outside the District of original posting, there will be a combined reservation of 80 per cent of the posts in favour of Garos,

Khasi-Jaintias instead of a separate reservation of 40 per cent each for Garos and Khasi-Jaintias, respectively, apart from 5 per cent reservation in favour of other Scheduled Tribes and Scheduled Castes. While selecting candidates to such posts, preference should be given to local candidates residing permanently in the District in which the vacancies occur. In other words, in Garo Hills the whole combined reservation of 80 per cent will be available to Garos in the absence of any interested candidate belonging to the Khasi-Jaintia community, and in Jowai or Shillong, the combined 80 per cent reservation will be available to Khasi-Jaintias in the absence of any interested candidates belonging to the Garo community..

*No.PER.222/
72/163, dtd.
28th May, 1974*

3.1. The reservation orders as embodied in Government Resolution No.PER.222/71/138, dated 12th January, 1972, provide reservation of 40 per cent of the vacancies in favour of the Khasi-Jaintias, 40 per cent in favour of Garos and 5 per cent in favour of other Scheduled Tribes and Scheduled Castes in posts and services in connection with the affairs of Meghalaya which are filled by direct recruitment.

3.2. The orders further lay down that if sufficient number of suitable candidates for filling up the reserved vacancies is not available from the respective classes in any particular year, then such vacancies will be available to others. But the deficiency in the number of Scheduled Tribes and Scheduled Castes will be carried forward to the next recruitment year and made good in the recruitment of that year provided that the reservation on account of the deficiency shall not be carried forward for more than one year.

3.3. The orders mentioned above have been modified to provide for a combined reservation of 80 per cent of the vacancies in favour of Khasi-Jaintias and Garos in respect of posts in district establishments vide this Department Office Memorandum No. PER.272/72/5, dated 18th December, 1972 (Para 2.2 above).

3.4. Although under orders mentioned above 40 per cent of the vacancies in posts and services to be filled by direct recruitment are reserved in favour of Garos, it has been found by experience so far that the number of suitable Garo candidates available for filling up the reserved vacancies falls short of the reservation made in their favour. In the interest of the administrative efficiency it is essentially necessary that sufficient number of persons conversant in Garo languages, customs and usages are recruited to Government service. In the absence of sufficient number of Garo candidates to fill the 40 per cent vacancies reserved for them, this administrative requirement is not being met.

3.5. In order, therefore, to overcome the difficulties mentioned above and in the interest of administrative efficiency, Government have decided that if in any category of posts, 40 per cent of the vacancies reserved for the Garos could not be filled up, the remaining vacancies in the quota reserved for the Garos shall be treated as unreserved vacancies and should be filled up only from among suitable candidates well conversant in Garo language, preference being given to persons belonging to Garo community from areas even outside Meghalaya, who would be likely to be conversant in Garo language and also in the customs and usages among Garos. Such vacancies to the extent as could be filled up in the manner indicated above shall not be treated as unfilled vacancies for the purpose of the future carry forward of reserved vacancies. For this purpose, a person can be considered to be conversant in Garo language, if he is able to read, write and speak in Garo fluently.

3.6. The procedure outlined in para 3.5 above for filling up of the unfilled vacancies in the quota reserved for the Garos shall be valid for a period of one year only for the present, with effect from the date of issue of these orders.

*OM.PER(AR)
64/79/15 dt.,
12.Sept.,1979*

4. The Government of Meghalaya have decided to add the following Proviso below paragraph 2 of the Government Resolution No. PER 222/71/138, dtd.12.1.1972 and as amended vide Office Memorandum No. PER.222/71/141, dated 20.4.1972.(*Refer Para 1.2 above.*)

“provided that in case where 50% or more of the reserved vacancies for any particular group could not be filled up in any particular recruitment year, the State Government may, (a) direct that the reservation shall not be treated as lapsed after the expiry of the second year but will be carried forward for one year more, i.e. for a total period of three years, (b) order that a special recruitment only for selection of candidates from under-represented groups in regard to which deficiency is continuing, may be held.”

*No.PER(AR)
257/81/8, dt.
19th Dec,1981*

5. In so far as they pertain to reservations in favour of the Scheduled Tribes and Scheduled Castes in posts and services in connection with the affairs of Meghalaya, a question has arisen as to how to regulate these reservations in a situation where the number of vacancies is very small. After careful consideration of all aspects and principles already enunciated in the Resolution and Office Memoranda, Government have decided that where the number of vacancies is 9(nine) or less, the same shall be treated as reserved vacancies in favour of the protected communities as specified in the said Resolution and Office Memoranda.

Reservation of vacancies in favour of Rabhas, Boro-Kacharies, Kotch and Other Scheduled Tribes, Scheduled Castes in the State of Meghalaya:

*No.PER.222/71
/Pt.III/22, dtd.
25th Nov, 1976.*

6. Government have decided that Item (c) of paragraph 1 of Government Resolution No.PER.222/71/138, dated, 12.1.1972 as amended vide O.M. No. PER.222/71/141, dated 20.4.1972 shall be substituted by the following with immediate effect :-

“(c) there shall be a reservation of 5 per cent of the vacancies in favour of –

- (i) the Rabhas, Boro-Kacharies and Kochs permanently residing in Meghalaya, and,
- (ii) any other Scheduled Tribes and Scheduled Castes as specified in the Fourth Schedule and the Second Schedule, respectively to the North-Eastern Areas (Reorganisation) Act, 1971 so far as they relate to Meghalaya.”

Reservation in posts and services under Public Undertakings and Government Aided Institutions:

*No.PER.222/
72/32, dt. 16th
June, 1973*

7.1. Government in their Resolution No. PER.222/71/138, dated 12th January,1972 have made the following reservations in favour of the Scheduled Tribes and Scheduled Castes in posts and services in connection with the affairs of Meghalaya which are filled by direct recruitment :-

- (a) There shall be a reservation of 40% of the vacancies in favour of the Khasis and Jaintias.
- (b) There shall be a reservation of 40% of the vacancies in favour of the Garos
- (c) There shall be a reservation of 5% of the vacancies in favour of any Scheduled Tribes and Scheduled Castes of Meghalaya.

7.2. The question of reservation in posts and services under Public Undertakings and Government Aided Institutions have been considered by the Government and it is now decided that Public Undertakings and Government Aided Institutions should make a reservation in their services on the lines adopted by the State Government as stated above. The concerned Departments are requested to see that the principle of reservation of vacancies as envisaged in the Government Resolution mentioned above

are invariably followed in making appointments to posts and services under the Public Undertakings and Government Aided Institutions under their control. The contractors connected with the Undertakings should also fall in line and adopt the principle of reservation . It would be desirable that such an arrangement is formalised as a condition of the agreement entered into by the Undertaking with the contractor.

*No.PER.222/
72/33, dt.16th
June, 1973*

8. Government representatives in the Board of Directors to impress upon the Management of the Public Undertakings to follow the recruitment policy of the Government.

Relaxation of the Government policy of reservation of posts and services for meeting shortage of man-power in selected technical or specialised posts and services:

*No.PER(AR)
92/85/205, dtd
16th Jan, 1986*

9.1. The shortage of technical qualified personnel to man the various technical or specialised posts as experienced by certain Departments has been considered by the Government. In order to enable certain Departments to tide-over the present difficulties being experienced by them, it has been decided that one-time relaxation of the State Government reservation policy be allowed for the following Departments to recruit technical personnel other than members of Scheduled Castes/Scheduled Tribes in the categories of posts as shown in the table below:-

Name of the Department _____ for Quarter ending _____

Name of the Departments	Categories of posts	No. of personnel allowed to be recruited from communities other than Scheduled Castes/Scheduled Tribes against each category
Power Department	(i) Assistant Engineers	9
	(ii) Junior Engineers	66
Soil Conservation Department	(i) Assistant Soil Conservation Officers (ii) Civil Agricultural Engineers (iii) Draftsman/Overseers/Surveyors	13
Public Works Department	(i) Assistant Engineers/ S.D.Os	9
Health Department	(i) Drug Analysts. (ii) Specialists, (iii) Medical & Health Officers (iv) Pharmacists.	Nil. They may be appointed only on contract basis.

9.2. The above one-time relaxation of the State Government reservation policy is, however, subject to the following conditions: -

- (i) That the year to be taken for relaxation of the reservation policy shall be the Calendar year and shall in no case go beyond 31st December, 1988.

Mis-application of State's Reservation Policy.

No.PER(AR)
106/90/38,dt.
5th May, 1999

10.1. It has come to notice that some Departments/Heads of Departments while filling up the vacancy(ies) by the candidates recommended by the Meghalaya Public Service Commission under their respective Departments/ Offices did not strictly follow the instructions contained in the Circulars issued by the Government governing the Reservation Policy of the State Government nor did they consult this Department before issuing appointment orders in cases where there is doubt in filling up the posts/vacancies in accordance with the State's Reservation Policy. Such being the case, misapplication of the State's Reservation Policy may occur and this may put the Government in an embarrassing situation subsequently.

10.2. In order to avoid committing such mistake in future, all Departments/Heads of Departments should see that whenever there is any doubt in the matter of filling up the posts/ vacancies where the Reservation Policy is not clear to them, the approval/advice of Personnel & A.R. (B) Department should first be obtained before appointment order(s) is/are issued.
