

**GOVERNMENT OF INDIA
PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA**

UNSTARRED QUESTION NO:5482
ANSWERED ON:28.04.2010
AVAILING RELAX STANDARDS
Baal Thiru Thalikkottai Rajuthevar

Will the Minister of PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

- (a) whether candidates belonging to OBC, SC and ST who have availed relaxed standards are to be counted against reserved vacancies only;
- (b) if so, the details thereof;
- (c) whether the Government is aware of the Supreme Court judgement (CA 74 of 2010 dated 08.01.2010) that reserve category candidates who have availed relaxed standards should be allowed to get selection to open category posts also;
- (d) if so, the reaction of the Government thereto;
- (e) whether the Government has taken steps to modify the existing Government Order of 01 August, 1998 in line with the Supreme Court judgement dated 08 January, 2010;
- (f) if so, the details thereof; and
- (g) if not, the reasons therefor?

Answer

Minister of State (Independent Charge) of the Ministry of Science and Technology; Minister of State (Independent Charge) of the Ministry of Earth Sciences; Minister of State in the Prime Minister's Office; Minister of State in the Ministry of Personnel, Public Grievances and Pensions; and Minister of State in the Ministry of Parliamentary Affairs (SHRI PRITHVIRAJ CHAVAN)

(a) : Yes, Sir.

(b): The instructions provide that when a relaxed standard is applied in selecting an SC/ST/OBC candidates, for example in the age limit, experience qualification, permitted number of chances in written examination, extended zone of consideration larger than what is provided for general category candidates etc., the SC/ST/OBC candidates are to be counted against reserved vacancies.

(c): The Supreme Court in the light of the provisions of the U.P. Public Services (Reservation for Scheduled Castes and Scheduled Tribes) Act, 1994 has, inter-alia, observed, "the relaxation in age limit is merely to enable the reserved category candidate to compete with the general category candidate, all other things being equal. The State has not treated the relaxation in age and fee as relaxation in the standard for selection, based on the merit of the candidate in the selection test i.e. Main Written Test followed by Interview. Therefore, such relaxations cannot deprive a reserved category candidate of the right to be considered as a general category candidate on the basis of merit in the competitive examination."

(d) to (g): The Government is examining the matter.