

**GOVERNMENT OF INDIA
HUMAN RESOURCE DEVELOPMENT
LOK SABHA**

UNSTARRED QUESTION NO:1027
ANSWERED ON:25.11.2009
CONVERSION OF RESERVED SEATS
Das Gupta Shri Gurudas;Lingam Shri P.

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

- (a) whether some reserved seats meant for OBCs were converted into General Category seats in the Colleges of Delhi University;
- (b) if so, the details thereof and the reasons therefor;and
- (c) the steps taken/proposed to be taken to ensure that reserved seats meant for OBCs are not converted into General Category in the next academic year?

Answer

MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT(SMT. D. PURANDESWARI)

(a) & (b): The Supreme Court in its judgment dated 10th April, 2008 in Writ Petition (Civil) No.265 of 2006 [Ashok Kumar Thakur vs Union of India & Others] and a bunch of Writ Petitions directed that the cut off marks for non-creamy layer among Other Backward Classes (OBCs) shall not be more than 10 marks below that of the general category and that whenever the non-creamy layer OBCs fail to fill the 27% reservation, the remaining seats would revert to general category students. The Supreme Court had further clarified in its order dated 14.10.2008 in the matter of I.A. No.3 of 2008 in Writ Petition (Civil) No. 35 of 2007 (P.V. Indiresan & Ors.Vs UOI) that the maximum cut off marks for the non-creamy layer among OBCs would be 10% below the cut-off marks for the general category of candidates, and maintained that whenever the non-creamy layer among OBCs fail to fill the 27% reservation,the remaining seats would revert to the general category of candidates.Based on the above mentioned judgments of the Apex Court, the Government issued an order dated 17.10.2008 to all Central Educational Institutions for implementation of the criteria referred to in respect of cut off marks and consequential filling of seats.

Based on the information furnished by University of Delhi,the colleges under the University of Delhi were allowed to fill up the vacant seats under the OBC category from all eligible candidates including OBC candidates after duly notifying such vacant seats. A Writ Petition (Civil) No.1147/2009—"Delhi University Reservation Execution Committee and Others vs Union of India & Others" has been filed in the High Court of Delhi in which an interim order was passed on 26.8.2009 directing the University of Delhi that "while filling up vacant seats in the OBC category in the context of diverting them to the General Category,the same should be done in a graded manner in the sense that if on the admission of a General Category candidate,the cut off for the General Category comes down by one percent point, then it should be ascertained if any candidates in the OBC category would also come within the 10% cut off with reference to the percentage of the said General Category candidates and if any OBC candidates are available, they should be granted admission. This method should be adopted and following for every percentage point till all the vacant seats are filled up". No final order has been pronounced in the said case and the matter is sub judice.

(c): Universities, including the University of Delhi issue guidelines for each academic year only prior to the commencement of respective academic session. Guidelines for the next academic year have not been issued.