

No. 6(4)/98-DPE (SC/ST Cell)  
Government Of India  
Ministry Of Heavy Industries & Public Enterprises  
Department of Public Enterprises

Public Enterprises Bhavan,  
Block No 14, Cgo Complex,  
Lodi Road New Delhi,  
11th October, 2000

**OFFICE MEMORANDUM**

**Subject:** Reservation in promotion—Prescription of lower qualifying marks/lesser standard of evaluation.

The undersigned is directed to forward herewith a copy of DOP's OM No. 36012/23/96-Estt. (Res)-Vol. II dated 3.10.2000 on the subject mentioned above and to request that all Administrative Ministries/Departments may kindly bring the contents of the OM under reference to the notice of all Public Sector Undertakings under their administrative control for information and compliance.

Sd/-  
(C. C. Unnikrishnan)  
Deputy Secretary to Govt. Of India

Enclosure: as above

To

All Administrative Ministries/Departments concerned with PSUs.

Copy to:

1. Chief Executives of all PSUs
2. DOP with reference to their OM circulated above.
3. Secretary, National Commission for SC/ST
4. M/o Social Justice and Empowerment

No. 36012/23/96-Estt. (Res)—Vol. II  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
(DEPARTMENT OF PERSONNEL & TRAINING)

North lock, New Delhi  
Dated: the 3rd October, 2000

**OFFICE MEMORANDUM**

**Subject:** Reservation in promotion—Prescription of lower qualifying marks/lesser standard of evaluation.

The undersigned is directed to refer to Department of Personnel & Training's OM No 36012/23/96-Estt. (Res) dated 22nd July, 1997 vide which various instructions of the Government providing for lower qualifying marks/lesser standards of evaluation, in matters of promotion for candidates belonging to the Scheduled Castes and Scheduled Tribes had been withdrawn, on the basis of the Supreme Court's judgement in the case of S. Vinod Kumar Vs. Union of India.

2. The undersigned is further directed to say that the matter has been reviewed consequent to which the following proviso to Article 335 has been incorporated in the Constitution by the Constitution (Eighty-Second Amendment) Act, 2000:

"Provided that nothing in this Article shall prevent in making of any provision in favour of the members of the Scheduled Castes and Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State."

3. In pursuance of the enabling proviso of Article 335 of the Constitution, it has now been decided to restore, with immediate effect the relaxations/concessions in matters of promotion for candidates belonging to SCs/STs by way of lower qualifying marks, lesser standards of evaluation that existed prior to 22.7.1997 and as contained in the instructions issued by the Department of Personnel and Training from time to time including OM No. 8/12/69 Estt. (SCT) dated 23.12.1970, No. 36021/10/76 Estt. (SCT) dated 21.1.1977 and para 6.3.2 of the DPC guidelines contained in Department

of Personnel and Training's OM No22011/5/86-Estt(D) related 10.4.1989. In other words, the effect of these instructions would be that the Department of Personnel and Training's OM No.36012/23/96-Estt(Res) dated 22nd July, 1997 becomes inoperative from the date of issue of this OM.

4. These orders shall take effect in respect of selections to be made on or after the date of issue of this OM and selections finalised earlier shall not be disturbed.

5. All Ministries/Departments are requested to bring these instructions also to the notice of their Attached, Subordinate Offices and Autonomous Bodies/Public Sector Undertakings under their control for compliance.

Sd/-

(J. Kumar)

Deputy Secretary to the Government of India

Tel. No. 301 1797

To

1. All Ministries/Departments of the Government of India.
2. Department of Economic Affairs (Banking Division), New Delhi
3. Department of Economic Affairs (Insurance Division), New Delhi
4. Department of Public Enterprises, New Delhi
5. Railway Board.
6. Union Public Service Commission/Supreme Court of India/Election Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/Prime Minister's Office/Planning Commission.
7. Staff Selection Commission, CGO Complex, Lodi Road, New-Delhi.  
Ministry of Social Justice & Empowerment, Shastri Bhawan, New Delhi.
9. National Commission for SCs & STs, Lok Nayak Bhawan, New Delhi
10. National Commission for Backward Classes, Trikoot-I, Bhikaji Cama Place, R.K. Puram, New Delhi.