

No. 36012/2/96-Estt.(Res)
 GOVERNMENT OF INDIA
 MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
 (DEPARTMENT OF PERSONNEL & TRAINING)

North Block,
 New Delhi, the 2nd July, 1997.

OFFICE MEMORANDUM

Subject: Reservation roster - Post based -
 Implementation of the Supreme Court
 Judgement in the case of R.K. Sabharwal Vs.
 State of Punjab.

The undersigned is directed to say that under the existing instructions, vacancy-based rosters have been prescribed in order to implement the Government's policy relating to reservation of jobs for the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes. The application of reservation on the basis of these rosters was called into question before Courts. The Constitution Bench of the Supreme Court, in the case of R.K. Sabharwal Vs. State of Punjab as well as J.C. Mallick Vs. Ministry of Railways has held that the reservation of jobs for the backward classes SC/ST/OBC should apply to posts and not to vacancies. The Court further held that the vacancy based rosters can operate only till such time as the representation of persons belonging to the reserved categories, in a cadre, reaches the prescribed percentages of reservation. Thereafter, the rosters cannot operate and vacancies released by retirement, resignation, promotion etc. of the persons belonging to the general and the reserved categories are to be filled by appointment of persons from the respective category so that the prescribed percentage of reservation is maintained.

2. The Court also held that persons belonging to the reserved categories, who are appointed on the basis of merit -- and not on account of reservation -- are not to be counted towards the quota meant for reservation.

3. With a view to bringing the policy of reservation in line with the law laid down by the Supreme Court, it has been decided that the existing 200-point, 40-point and 120-point vacancy-based rosters shall be replaced by post-based rosters. All Ministries/Departments and concerned Authorities are requested to prepare the respective rosters based on the principles elaborated in the Explanatory Notes given in Annexure-I to this O.M. and illustrated in the Model Rosters annexed to this O.M. as Annexure-II, III and IV. Similarly, the concerned authorities may prepare rosters to replace the existing 100-point rosters in respect of local recruitment to Group C & D posts on the basis of the same principles.

4. The principles for preparing the rosters elaborated upon in the Explanatory Notes are briefly recapitulated below:

- a) Since reservation for OBCs does not apply in promotions, there shall be separate rosters for direct recruitment and for promotions;
- b) The number of points in the roster shall be equal to the number of posts in the cadre. In case there is any increase or decrease in the cadre strength in future, the rosters shall be expanded/contracted correspondingly;
- c) Cadre, for the purpose of a roster, shall mean a particular grade and shall comprise the number of posts to be filled by a particular mode of recruitment in terms of the applicable recruitment rules. Thus, in a cadre of, say, 200 posts, where the recruitment rules prescribe a ratio of 50:50 for direct recruitment and promotion, two rosters -- one for direct recruitment and one for promotion (when reservation in promotion applies) -- each comprising 100 points shall be drawn up on the lines of the respective model rosters;
- d) Since reservation does not apply to transfer on deputation/transfer, where the recruitment rules prescribe a percentage of posts to be filled by this method, such posts shall be excluded while preparing the rosters;
- e) In small cadres of upto 13 posts, the method prescribed for preparation of rosters does not permit reservation to be made for all the three categories. In such cases, the administrative Ministries/Departments may consider grouping of posts in different cadres as prescribed in this Department's O.M. No. 42/21/49-NGS dated 10.1.1952 and subsequent orders reproduced at pages 70 to 74 of the Brochure on Reservation for Scheduled Castes & Scheduled Tribes (Eighth Edition) and prepare common rosters for such groups. In the event it is not possible to resort to such grouping, the enclosed rosters (Appendices to Annexures-II, III & IV) for cadre strength upto 13 posts may be followed. The principles of operating these rosters are explained in the explanatory notes.

5. At the stage of initial operation of a roster, it will be necessary to adjust the existing appointments in the roster. This will also help in identifying the excesses/shortages, if any, in the respective categories in the cadre. This may be done starting from the earliest appointment and making an appropriate remark- "utilised by SC/ST/OBC/Gen.", as the case may be, against each point in the rosters as

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3

explained in the explanatory notes appended to the model rosters. In making these adjustments, appointments of candidates belonging to SCs/STs/OBCs which were made on merit (and not due to reservation) are not to be counted towards reservation so far as direct recruitment is concerned. In other words, they are to be treated as general category appointments.

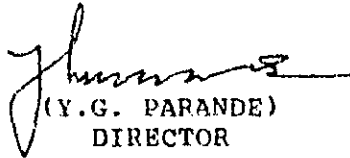
6. Excess, if any, would be adjusted through future appointments and the existing appointments would not be disturbed.

7. All Ministries/Departments are requested to initiate immediate action to prepare rosters and operate them according to these guidelines.

8. The existing orders on the subject are deemed to have been amended to the extent herein.

9. These orders shall take effect from the date of their issue. However, where selections have already been finalised they need not be disturbed and the necessary adjustments in such cases may be made in future. In other cases, recruitment may be withheld till the revised rosters are brought into operation and recruitment effected in accordance with these instructions.

(Hindi Version will follow).


(Y.G. PARANDE)
DIRECTOR

1. All Ministries/Departments of the Government of India.
2. Union Public Service Commission, Dholpur House, New Delhi.
3. Staff Selection Commission, C.G.O. Complex, Lodi Road, New Delhi.
4. Department of Economic Affairs (Banking Division), New Delhi
5. Department of Economic Affairs (Insurance Division), New Delhi.
6. Department of Public Enterprises, New Delhi.
7. National Commission for SC & ST, Lok Nayak Bhavan, New Delhi.
8. National Commission for Backward Classes, Trikoat-I, Bhikaji-cama-place, R.K. Puram, New Delhi.
9. Ministry of Welfare, Shastri Bhavan, New Delhi.

ANNEXURE-I to O.M. No. 36012/2/96-Estt.(Res)
dated 02.07.1997

EXPLANATORY NOTES:-

Principles for making & operating post based rosters.

1. As hitherto, these rosters are only an aid to determine the entitlement of different categories with regard to the quota reserved for them. They are not to determine seniority.
2. The model rosters have been drawn up keeping in mind two fundamental principles - the reservation for the entitled categories is to be kept within the prescribed percentage of reservation and the total reservation should in no case exceed 50% of the cadre.
3. There should be separate rosters for direct recruitment and for promotions where reservation in promotion applies.
4. The number of points in each roster shall be equal to the number of posts in a cadre.
5. While cadre is generally to be construed as the number of posts in a particular grade, for the purpose of preparation of roster, it shall comprise posts required to be filled by a particular mode of recruitment in terms of the applicable recruitment rules. To illustrate, in a cadre comprising 200 posts, where the recruitment rules prescribe a ratio of 50:50 for direct recruitment and promotions, the roster for direct recruitment shall have 100 points and that for promotion shall have 100 points - thus making a total of 200.
6. As indicated in the model roster, the method for making a roster is to multiply each post by the prescribed percentages of reservation for the different reserved categories. The point at which the multiple for a community obtains a complete number or oversteps the number is to be reserved for that community - while taking care to evenly space out the different reserved categories. Thus, at point no. 15, in the roster at Annexure-II both OBC and SC get entitled. However, since earlier reserved point has gone to OBC, point no. 15 has been reserved for SC and point no. 16 for OBC.
7. Since reservation does not apply to transfer/transfer on deputation, where rules prescribe a percentage of posts to be filled by this method, the corresponding proportion of posts should be excluded while drawing up the rosters.
8. It would be noted that at the end of the roster, "squeezing" has been done for the reserved categories to reach the number of posts to be reserved for them without violating the 50% limit

5
laid down by the Courts. While drawing up rosters, the cadre controlling authorities should similarly "squeeze" the last points of the roster. Such squeezing may not, however, be done where it would violate the rule of 50%.

9. Whenever there is any increase or decrease in the cadre strength, the roster shall be correspondingly expanded or contracted. The same will also apply whenever there is a change in recruitment rules which affects the proportion of posts to be filled by a particular mode of recruitment.

10. The roster is to be operated on the principle of replacement and not as a "running account" as hitherto. In other words, the points at which reservation for different categories applies are fixed as per the roster and vacancies caused by retirement etc. of persons occupying these points shall be filled by appointment of persons of the respective categories.

11. While operating the roster, persons belonging to communities for whom reservation has been made, but who are appointed on merit and not owing to reservation, should not be shown against reserved points. They will occupy the unreserved points.

12. In the case of small cadres (upto 13 posts), all the posts shall be earmarked on the same pattern as in the model post based rosters. Initial recruitment against these posts shall be by the category for which the post is earmarked. Replacement of incumbents of posts shall be by rotation as shown horizontally against the cadre strength as applicable. While operating the relevant roster, care will have to be taken to ensure that on no occasion the percentage of reserved category candidates exceed 50%. If such a situation occurs at any time, the relevant reserved point occurring as a result of rotation will be skipped.

INITIAL OPERATION:-

1. At the point of initial operation of the roster, it will be necessary to determine the actual representation of the incumbents belonging to different categories in a cadre vis-a-vis the points earmarked for each category viz. SC/ST/OBC and General in the roster. This may be done by plotting the appointments made against each point in the roster starting with the earliest appointee. Thus if the earlier appointee in the cadre happens to be a candidate belonging to the Scheduled Caste, against point No. 1 of the roster, the remark "utilised by SC" shall be entered. If the next appointee is a general category candidate, the remark "utilised by general category" shall be made against point No. 2:

and so on and so forth till all appointments are adjusted in the respective rosters. In making these adjustments, SC/ST/OBC candidates on merit, in direct recruitment, shall be treated as general category candidates.

2. After completing the adjustment as indicated above, a tally should be made to determine the actual percentages of representation of appointees belonging to the different categories in the cadre. If there is an excess representation of any of the reserved categories, or if the total representation of the reserved categories exceeds 50%, it shall be adjusted in the future recruitment. Vacancies arising from retirement etc. of candidates belonging to such categories shall be filled by appointment of candidates belonging to the categories to which the relevant roster points, against which the excesses occur, belong.

3. Since recruitment is generally vacancy based, it may happen that the actual number of promotees and direct recruits in the cadre does not correspond to the number of posts earmarked in the respective reservation roster. For the purpose of calculations of representation of reserved category in a cadre, total of promotees and direct recruits may be taken. Rectification of the representation as per prescribed percentage by the prescribed mode of recruitment at the earliest possible should however be the goal.

FOR DIRECT RECRUITMENT

OBJECTIVE:- REPRESENTATION OF EACH OF THE RESERVED CATEGORY SHOULD AT NO POINT OF TIME EXCEED THE RESERVATION PRESCRIBED FOR IT.

MODEL ROSTER OF RESERVATION WITH REFERENCE TO POSTS FOR DIRECT RECRUITMENT ON ALL INDIA BASIS BY OPEN COMPETITION

Sl. No. of post	Share of entitlement			category for which the post should be earmarked.
	SC @15%	ST @7.5%	OBC @27%	
1.	0.15	0.075	0.27	UR
2.	0.30	0.15	0.54	UR
3.	0.45	0.225	0.81	UR
4.	0.6	0.3	1.08	OBC-1
5.	0.75	0.375	1.35	UR
6.	0.90	0.45	1.62	UR
7.	1.05	0.525	1.89	SC-1
8.	1.2	0.6	2.16	OBC-2
9.	1.35	0.675	2.43	UR
10.	1.5	0.75	2.7	UR
11.	1.65	0.825	2.97	UR
12.	1.8	0.9	3.24	OBC-3
13.	1.95	0.975	3.51	UR
14.	2.1	1.05	3.78	ST-1
15.	2.25	1.125	4.05	SC-2
16.	2.40	1.2	4.32	OBC-4
17.	2.55	1.275	4.59	UR
18.	2.70	1.35	4.86	UR
19.	2.85	1.425	5.13	OBC-5
20.	3.00	1.5	5.4	SC-3
21.	3.15	1.575	5.67	UR
22.	3.30	1.65	5.94	UR
23.	3.45	1.725	6.21	OBC-6
24.	3.60	1.8	6.48	UR
25.	3.75	1.875	6.75	UR

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26.	3.90	1.95	7.02	OBC-7
27.	4.05	2.025	7.29	SC-4
28.	4.20	2.1	7.56	ST-2
29.	4.35	2.175	7.83	UR
30.	4.50	2.25	8.1	OBC-8
31.	4.65	2.325	8.37	UR
32.	4.80	2.4	8.64	UR
33.	4.95	2.475	8.91	UR
34.	5.10	2.55	9.18	OBC-9
35.	5.25	2.625	9.54	SC-5
36.	5.40	2.7	9.72	UR
37.	5.55	2.775	9.99	UR
38.	5.70	2.85	10.26	OBC-10
39.	5.85	2.925	10.53	UR
40.	6.00	3	10.8	ST-3
41.	6.15	3.075	11.07	SC-6
42.	6.30	3.15	11.35	OBC-11
43.	6.45	3.225	11.61	UR
44.	6.60	3.3	11.88	UR
45.	6.75	3.375	12.15	OBC-12
46.	6.90	3.45	12.62	UR
47.	7.05	3.525	12.62	SC-7
48.	7.20	3.6	12.96	UR
49.	7.35	3.675	13.23	OBC-13
50.	7.50	3.75	13.5	UR
51.	7.65	3.825	13.77	UR
52.	7.80	3.9	14.04	OBC-14
53.	7.95	3.975	14.31	UR
54.	8.10	4.05	14.58	SC-8
55.	8.25	4.125	14.85	ST-4
56.	8.40	.2	15.12	OBC-15
57.	8.55	4.275	15.39	UR
58.	8.70	4.35	15.66	UR

59.	8.85	4.425	15.93	UR
60.	9.00	4.5	16.2	OBC-16
61.	9.15	4.575	16.47	SC-9
62.	9.30	4.65	16.74	UR
63.	9.45	4.725	17.01	OBC-17
64.	9.60	4.8	17.01	UR
65.	9.75	4.875	17.55	UR
66.	9.90	4.95	17.82	UR
67.	10.05	5.025	18.09	OBC-18
68.	10.20	5.1	18.36	SC-10
69.	10.35	5.175	18.63	ST-5
70.	10.50	5.25	18.9	UR
71.	10.65	5.325	19.17	OBC-19
72.	10.80	5.4	19.44	UR
73.	10.95	5.475	19.71	UR
74.	11.10	5.55	19.98	SC-11
75.	11.25	5.625	20.25	OBC-20
76.	11.40	5.7	20.52	UR
77.	11.55	5.775	20.79	UR
78.	11.70	5.85	21.06	OBC-21
79.	11.85	5.925	21.33	UR
80.	12.00	6	21.6	ST-6
81.	12.15	6.075	21.87	SC-12
82.	12.30	6.15	22.14	OBC-22
83.	12.45	6.225	22.41	UR
84.	12.60	6.3	22.68	UR
85.	12.75	6.375	22.95	UR
86.	12.90	6.45	23.22	OBC-23
87.	13.05	6.525	23.49	SC-13
88.	13.20	6.6	23.76	UR
89.	13.35	6.675	24.03	OBC-24
90.	13.50	6.75	24.3	UR
91.	13.65	6.825	24.57	UR

-14-

92.	13.80	6.9	24.84	UR
93.	13.95	6.975	25.11	OBC-25
94.	14.10	7.05	25.38	SC-14
95.	14.25	7.125	25.65	ST-7
96.	14.40	7.2	25.92	UR
97.	14.55	7.275	26.19	OBC-26
98.	14.70	7.35	26.46	UR
99.	14.85	7.425	26.73	SC-15*
100.	15.00	7.5	27	OBC-27*
101.	15.15	7.575	27.27	UR
102.	15.30	7.65	27.54	UR
103.	15.45	7.725	27.81	UR
104.	15.60	7.80	28.08	OBC-28
105.	15.75	7.875	28.35	UR
106.	15.90	7.95	28.62	UR
107.	16.05	8.025	28.89	SC-16
108.	16.2	8.10	29.43	ST-8
109.	16.35	8.175	29.43	OBC-29
110.	16.50	8.25	29.70	UR
111.	16.65	8.325	29.97	UR
112.	16.80	8.40	30.24	OBC-30
113.	16.95	8.475	30.51	UR
114.	17.10	8.55	30.78	SC-17
115.	17.25	8.625	31.05	OBC-31
116.	17.40	8.70	31.32	UR
117.	17.55	8.775	31.59	UR
118.	17.70	8.85	31.86	UR
119.	17.85	8.925	32.13	OBC-32
120.	18	9	32.40	ST-9
121.	18.15	9.075	32.67	SC-18
122.	18.30	9.15	32.94	UR
123.	18.45	9.225	33.21	OBC-33
124.	18.60	9.30	33.48	UR

125.	18.75	9.375	33.75	UR	
126.	18.90	9.45	34.02	OBC-34	††
127.	19.05	9.525	34.29	SC-19	
128.	19.20	9.60	34.56	UR	
129.	19.35	9.675	34.83	UR	
130.	19.50	9.75	35.10	OBC-35	
131.	19.65	9.825	35.37	UR	
132.	19.80	9.90	35.64	UR	
133.	19.95	9.975	35.91	UR	
134.	20.10	10.05	36.18	OBC-36	
135.	20.25	10.125	36.45	SC-20	
136.	20.40	10.20	36.72	ST-10	
137.	20.55	10.275	36.99	UR	
138.	20.70	10.35	37.26	OBC-37	
139.	20.85	10.425	37.53	UR	
140.	21	10.50	37.80	SC-21	
141.	21.15	10.575	38.07	OBC-38	
142.	21.30	10.65	38.34	UR	
143.	21.45	10.725	38.61	UR	
144.	21.60	10.80	38.88	UR	
145.	21.75	10.875	39.15	OBC-39	
146.	21.90	10.95	39.42	UR	
147.	22.05	11.025	39.69	SC-22	
148.	22.20	11.10	39.96	ST-11	
149.	22.35	11.175	40.23	OBC-40	
150.	22.50	11.25	40.50	UR	
151.	22.65	11.325	40.77	UR	
152.	22.80	11.40	41.04	OBC-41	
153.	22.95	11.475	41.31	UR	
154.	23.10	11.55	41.58	SC-23	
155.	23.25	11.625	41.85	UR	
156.	23.40	11.70	42.12	OBC-42	
157.	23.55	11.775	42.39	UR	

158.	23.70	11.85	42.66	UR
159.	23.85	11.925	42.93	UR
160.	24	12	43.20	ST-12
161.	24.15	12.075	43.47	OBC-43
162.	24.30	12.15	43.74	SC-24
163.	24.45	12.225	44.01	OBC-44
164.	24.60	12.30	44.28	UR
165.	24.75	12.375	44.55	UR
166.	24.90	12.45	44.82	UR
167.	25.05	12.525	45.09	OBC-45
168.	25.20	12.60	45.36	SC-25
169.	25.35	12.675	45.63	UR
170.	25.50	12.75	45.90	UR
171.	25.65	12.825	46.17	OBC-46
172.	25.80	12.90	46.44	UR
173.	25.95	12.975	46.71	UR
174.	26.10	13.05	46.98	SC-26
175.	26.25	13.125	47.25	ST-13
176.	26.40	13.20	47.52	OBC-47
177.	26.55	13.275	47.79	UR
178.	26.70	13.35	48.06	OBC-48
179.	26.85	13.425	48.33	UR
180.	27	13.50	48.60	SC-27
181.	27.15	13.575	48.87	UR
182.	27.30	13.65	49.14	OBC-49
183.	27.45	13.725	49.41	UR
184.	27.60	13.80	49.68	UR
185.	27.75	13.875	49.95	UR
186.	27.90	13.95	50.22	OBC-50
187.	28.05	14.025	50.49	SC-28
188.	28.20	14.10	50.76	ST-14
189.	28.35	14.175	51.03	OBC-51
190.	28.50	14.25	51.30	UR

191.	28.65	14.325	51.57	UR
192.	28.80	14.40	51.84	UR
193.	28.95	14.475	52.11	OBC-52
194.	29.10	14.55	52.38	SC-29
195.	29.25	14.625	52.65	UR
196.	29.40	14.70	52.92	UR
197.	29.55	14.775	53.19	OBC-53
198.	29.70	14.85	53.46	ST-15*
199.	29.85	14.925	53.73	SC-30*
200.	30	15	54	OBC-54*

10

* To allot requisite number of posts without violating rule of 50%.

DIRECT RECRUITMENT ON ALL INDIA BASIS BY OPEN COMPETITION

Model Roster for cadre strength upto 13 Posts

REPLACEMENT NO.

Cadre Strength	Initial Recruitment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th
1.	UR	UR	UR	OBC	UR	UR	SC	OBC	UR	UR	UR	OBC	UR	ST
2.	UR	UR	OBC	UR	UR	SC	OBC	UR	UR	UR	OBC	UR	ST	
3.	UR	OBC	UR	UR	SC	OBC	UR	UR	UR	OBC	UR	ST		
4.	OBC	UR	UR	SC	OBC	UR	UR	UR	OBC	UR	ST			
5.	UR	UR	SC	OBC	UR	UR	UR	OBC	UR	ST				
6.	UR	SC	OBC	UR	UR	UR	OBC	UR	ST					
7.	SC	OBC	UR	UR	UR	OBC	UR	ST						
8.	OBC	UR	UR	UR	OBC	UR	ST							
9.	UR	UR	UR	OBC	UR	ST								
10.	UR	UR	OBC	UR	ST									
11.	UR	OBC	UR	ST										
12.	OBC	UR	ST											
13.	UR	ST												

- Note:-
1. For cadres of 2 to 13 posts the roster is to be read from entry 1 under column Cadre Strength till the last post and then horizontally till the last entry in the horizontal row i.e. like "L"
 2. All the posts of a cadre are to be earmarked for the categories shown under column initial Appointment. While initial filling up will be by the earmarked category, the replacement against any of the post in the cadre shall be by rotation as shown horizontally against the last post of the cadre.
 3. The relevant rotation by the indicated reserved category could be skipped over if it leads to more than 50% representation of reserved category.

FOR PROMOTION

OBJECTIVE:- REPRESENTATION OF EACH OF THE RESERVED CATEGORY SHOULD AT NO POINT OF TIME EXCEED THE RESERVATION PRESCRIBED FOR IT.

MODEL ROSTER OF RESERVATION WITH REFERENCE TO POSTS

Sl. No. of post	Share of entitlement		category for which the post should be earmarked.
	SC @15%	ST @7.5%	
1.	0.15	0.075	UR
2.	0.30	0.15	UR
3.	0.45	0.225	UR
4.	0.6	0.3	UR
5.	0.75	0.375	UR
6.	0.90	0.45	UR
7.	1.05	0.525	SC-1
8.	1.2	0.6	UR
9.	1.35	0.675	UR
10.	1.5	0.75	UR
11.	1.65	0.825	UR
12.	1.8	0.9	UR
13.	1.95	0.975	UR
14.	2.1	1.05	ST-1
15.	2.25	1.125	SC-2
16.	2.40	1.2	UR
17.	2.55	1.275	UR
18.	2.70	1.35	UR
19.	2.85	1.425	UR
20.	3.0	1.5	SC-3
21.	3.15	1.575	UR
22.	3.30	1.65	UR
23.	3.45	1.725	UR
24.	3.60	1.8	UR
25.	3.75	1.875	UR

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26.	3.90	1.95	UR
27.	4.05	2.025	SC-4
28.	4.20	2.1	ST-2
29.	4.35	2.175	UR
30.	4.50	2.25	UR
31.	4.65	2.325	UR
32.	4.80	2.4	UR
33.	4.95	2.475	UR
34.	5.10	2.55	UR
35.	5.25	2.625	SC-5
36.	5.40	2.7	UR
37.	5.55	2.775	UR
38.	5.70	2.85	UR
39.	5.85	2.925	UR
40.	6.00	3	ST-3
41.	6.15	3.075	SC-6
42.	6.30	3.15	UR
43.	6.45	3.225	UR
44.	6.60	3.3	UR
45.	6.75	3.375	UR
46.	6.90	3.45	UR
47.	7.05	3.525	SC-7
48.	7.20	3.6	UR
49.	7.35	3.675	UR
50.	7.50	3.75	UR
51.	7.65	3.825	UR
52.	7.80	3.9	UR
53.	7.95	3.975	UR
54.	8.10	4.05	SC-8
55.	8.25	4.125	ST-4
56.	8.40	4.2	UR
57.	8.55	4.275	UR
58.	8.70	4.35	UR

59.	8.85	4.425	UR
60.	9.00	4.5	UR
61.	9.15	4.575	SC-9
62.	9.30	4.65	UR
63.	9.45	4.725	UR
64.	9.60	4.8	UR
65.	9.75	4.875	UR
66.	9.90	4.95	UR
67.	10.05	5.025	UR
68.	10.20	5.1	SC-10
69.	10.35	5.175	ST-5
70.	10.50	5.25	UR
71.	10.65	5.325	UR
72.	10.80	5.4	UR
73.	10.95	5.475	UR
74.	11.10	5.55	SC-11
75.	11.25	5.625	UR
76.	11.40	5.7	UR
77.	11.55	5.775	UR
78.	11.70	5.85	UR
79.	11.85	5.925	UR
80.	12.00	6	ST-6
81.	12.15	6.075	SC-12
82.	12.30	6.15	UR
83.	12.45	6.225	UR
84.	12.60	6.3	UR
85.	12.75	6.375	UR
86.	12.90	6.45	UR
87.	13.05	6.525	SC-13
88.	13.20	6.6	UR
89.	13.35	6.675	UR
90.	13.50	6.75	UR
91.	13.65	6.825	UR

92.	13.80	6.9	UR
93.	13.95	6.975	UR
94.	14.10	7.05	SC-14
95.	14.25	7.125	ST-7
96.	14.40	7.2	UR
97.	14.55	7.275	UR
98.	14.70	7.35	UR
99.	14.85	7.425	SC-15*
100.	15.00	7.5	UR
101.	15.15	7.575	UR
102.	15.30	7.65	UR
103.	15.45	7.725	UR
104.	15.60	7.80	UR
105.	15.75	7.875	UR
106.	15.90	7.95	UR
107.	16.05	8.025	SC-16
108.	16.2	8.10	ST-8
109.	16.35	8.175	UR
110.	16.50	8.25	UR
111.	16.65	8.325	UR
112.	16.80	8.40	UR
113.	16.95	8.475	UR
114.	17.10	8.55	SC-17
115.	17.25	8.625	UR
116.	17.40	8.70	UR
117.	17.55	8.775	UR
118.	17.70	8.85	UR
119.	17.85	8.925	UR
120.	18	9	ST-9
121.	18.15	9.075	SC-18
122.	18.30	9.15	UR
123.	18.45	9.225	UR
124.	18.60	9.30	

125.	18.75	9.375	UR
126.	18.90	9.45	UR
127.	19.05	9.525	SC-19
128.	19.20	9.60	UR
129.	19.35	9.675	UR
130.	19.50	9.75	UR
131.	19.65	9.825	UR
132.	19.80	9.90	UR
133.	19.95	9.975	UR
134.	20.10	10.05	UR
135.	20.25	10.125	SC-20
136.	20.40	10.20	ST-10
137.	20.55	10.275	UR
138.	20.70	10.35	UR
139.	20.85	10.425	UR
140.	21	10.50	SC-21
141.	21.15	10.575	UR
142.	21.30	10.65	UR
143.	21.45	10.725	UR
144.	21.60	10.80	UR
145.	21.75	10.875	UR
146.	21.90	10.95	UR
147.	22.05	11.025	SC-22
148.	22.20	11.10	ST-11
149.	22.35	11.175	UR
150.	22.50	11.25	UR
151.	22.65	11.325	UR
152.	22.80	11.40	UR
153.	22.95	11.475	UR
154.	23.10	11.55	SC-23
155.	23.25	11.625	UR
156.	23.40	11.70	UR
157.	23.55	11.775	UR

10

158.	23.70	11.85	UR
159.	23.85	11.925	UR
160.	24	12	ST-12
161.	24.15	12.075	UR
162.	24.30	12.15	SC-24
163.	24.45	12.225	UR
164.	24.60	12.30	UR
165.	24.75	12.375	UR
166.	24.90	12.45	UR
167.	25.05	12.525	UR
168.	25.20	12.60	SC-25
169.	25.35	12.675	UR
170.	25.50	12.75	UR
171.	25.65	12.825	UR
172.	25.80	12.90	UR
173.	25.95	12.975	UR
174.	26.10	13.05	SC-26
175.	26.25	13.125	ST-13
176.	26.40	13.20	UR
177.	26.55	13.275	UR
178.	26.70	13.35	UR
179.	26.85	13.425	UR
180.	27	13.50	SC-27
181.	27.15	13.575	UR
182.	27.30	13.65	UR
183.	27.45	13.725	UR
184.	27.60	13.80	UR
185.	27.75	13.875	UR
186.	27.90	13.95	UR
187.	28.05	14.025	SC-28
188.	28.20	14.10	ST-14
189.	28.35	14.175	UR

190. 28.50

14.25

UR

191.	28.65	14.325	UR
192.	28.80	14.40	UR
193.	28.95	14.475	UR
194.	29.10	14.55	SC-29
195.	29.25	14.625	UR
196.	29.40	14.70	UR
197.	29.55	14.775	UR
198.	29.70	14.85	ST-15*
199.	29.85	14.925	SC-30*
200.	30	15	UR

* To allot requisite number of posts without violating rule of 50%.

Model Roster for Promotion for cadre strength upto 13 Posts

REPLACEMENT NO.

Cadre Strength	Initial Recruitment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th
1.	UR	UR	UR	UR	UR	UR	SC	UR	UR	UR	UR	UR	UR	ST
2.	UR	UR	UR	UR	UR	SC	UR	UR	UR	UR	UR	UR	ST	
3.	UR	UR	UR	UR	SC	UR	UR	UR	UR	UR	UR	ST		
4.	UR	UR	UR	SC	UR	UR	UR	UR	UR	UR	ST			
5.	UR	UR	SC	UR	UR	UR	UR	UR	UR	ST				
6.	UR	SC	UR	UR	UR	UR	UR	UR	ST					
7.	SC	UR	UR	UR	UR	UR	UR	ST						
8.	UR	UR	UR	UR	UR	UR	ST							
9.	UR	UR	UR	UR	UR	ST								
10.	UR	UR	UR	UR	ST									
11.	UR	UR	UR	ST										
12.	UR	UR	ST											
13.	UR	ST												

- Note:-
1. For cadres of 2 to 13 posts the roster is to be read from entry 1 under column Cadre Strength till the last post and then horizontally till the last entry in the horizontal row i.e. like "L"
 2. All the posts of a cadre are to be earmarked for the categories shown under column initial Appointment. While initial filling up will be by the earmarked category, the replacement against any of the post in the cadre shall be by rotation as shown horizontally against the last post of the cadre.
 3. The relevant rotation by the indicated reserved category could be skipped over if it leads to more than 50% representation of reserved category.

ANNEXURE-III To
O.M. DATED 2-07-1997

FOR DIRECT RECRUITMENT

II

OBJECTIVE:-REPRESENTATION OF EACH OF THE RESERVED CATEGORY SHOULD AT NO POINT OF TIME EXCEED THE RESERVATION PRESCRIBED FOR IT.

MODEL ROSTER OF RESERVATION WITH REFERENCE TO POSTS FOR DIRECT RECRUITMENT ON ALL INDIA BASIS OTHERWISE THAN BY OPEN COMPETITION.

Sl.No. of post	Share of entitlement			Category for which the post should be earmarked.
	SC @ 16.66%	ST @ 7.5%	OBC @ 25.84%	
1.	0.166	0.075	0.258	UR
2.	0.332	0.150	0.516	UR
3.	0.498	0.225	0.774	UR
4.	0.664	0.300	1.032	OBC-1
5.	0.830	0.375	1.290	UR
6.	0.996	0.450	1.548	UR
7.	1.162	0.525	1.806	SC-1
8.	1.328	0.600	2.064	OBC-2
9.	1.494	0.675	2.322	UR
10.	1.660	0.750	2.580	UR
11.	1.826	0.825	2.838	UR
12.	1.992	0.900	3.096	OBC-3
13.	2.158	0.975	3.354	SC-2
14.	2.324	1.050	3.612	ST-1
15.	2.490	1.125	3.870	UR
16.	2.656	1.200	4.128	OBC-d

17.	2.822	1.275	4.386	UR
18.	2.988	1.350	4.644	UR
19.	3.154	1.425	4.902	SC-3
20.	3.320	1.500	5.160	OBC-5
21.	3.486	1.575	5.418	UR
22.	3.652	1.650	5.676	UR
23.	3.818	1.725	5.934	UR
24.	3.984	1.800	6.192	OBC-6
25.	4.150	1.875	6.480	SC-4
26.	4.316	1.950	6.708	UR
27.	4.482	2.025	6.966	ST-2
28.	4.648	2.100	7.224	OBC-7
29.	4.814	2.175	7.482	UR
30.	4.980	2.250	7.740	UR
31.	5.146	2.325	7.998	SC-5
32.	5.312	2.400	8.256	OBC-8
33.	5.478	2.475	8.514	UR
34.	5.644	2.550	8.772	UR
35.	5.810	2.625	9.030	OBC-9
36.	5.976	2.700	9.288	UR
37.	6.142	2.775	9.546	SC-6
38.	6.308	2.850	9.804	UR
39.	6.474	2.925	10.062	OBC-10
40.	6.640	3.000	10.320	ST-3
41.	6.806	3.075	10.578	UR
42.	6.972	3.150	10.836	UR
43.	7.138	3.225	11.094	SC-7

44.	7.304	3.300	11.352	OBC-11
45.	7.470	3.375	11.610	UR
46.	7.636	3.450	11.868	UR
47.	7.802	3.525	12.126	OBC-12
48.	7.968	3.600	12.384	UR
49.	8.134	3.675	12.642	SC-8
50.	8.300	3.750	12.900	UR
51.	8.466	3.825	13.158	OBC-13
52.	8.632	3.900	13.416	UR
53.	8.798	3.975	13.674	UR
54.	8.964	4.050	13.932	ST-4
55.	9.130	4.125	14.190	OBC-14
56.	9.296	4.200	14.448	SC-9
57.	9.462	4.275	14.706	UR
58.	9.628	4.350	14.964	UR
59.	9.794	4.425	15.222	OBC-15
60.	9.960	4.500	15.480	UR
61.	10.126	4.575	15.738	SC-10
62.	10.292	4.650	15.996	UR
63.	10.458	4.725	16.254	OBC-16
64.	10.624	4.800	16.512	UR
65.	10.790	4.875	16.770	UR
66.	10.956	4.950	17.028	OBC-17
67.	11.122	5.025	17.286	SC-11
68.	11.288	5.100	17.544	ST-5
69.	11.454	5.175	17.802	UR
70.	11.620	5.250	18.060	OBC-18
71.	11.786	5.325	18.318	UR

26

72.	11.952	5.400	18.576	UR
73.	12.118	5.475	18.834	SC-12
74.	12.284	5.550	19.092	OBC-19
75.	12.450	5.625	19.350	UR
76.	12.616	5.700	19.608	UR
77.	12.782	5.775	19.866	UR
78.	12.948	5.850	20.124	OBC-20
79.	13.114	5.925	20.382	SC-13
80.	13.280	6.000	20.640	ST-6
81.	13.446	6.075	20.898	UR
82.	13.612	6.150	21.156	OBC-21
83.	13.778	6.225	21.414	UR
84.	13.944	6.300	21.672	UR
85.	14.110	6.375	21.930	SC-14
86.	14.276	6.450	22.188	OBC-22
87.	14.442	6.525	22.446	UR
88.	14.608	6.600	22.704	UR
89.	14.774	6.675	22.962	UR
90.	14.940	6.750	23.220	OBC-23
91.	15.106	6.825	23.478	SC-15
92.	15.272	6.900	23.736	UR
93.	15.438	6.975	23.994	UR
94.	15.604	7.050	24.252	OBC-24
95.	15.770	7.125	24.510	ST-7
96.	15.936	7.200	24.768	UR
97.	16.102	7.275	25.026	SC-16
98.	16.268	7.350	25.284	OBC-25

99.	16.434	7.425	25.542	UR
100.	16.600	7.500	25.800	UR
101.	16.766	7.575	26.058	OBC-26
102.	16.932	7.650	26.316	UR
103.	17.098	7.725	26.574	SC-17
104.	17.264	7.800	26.832	UR
105.	17.430	7.875	27.090	OBC-27
106.	17.596	7.950	27.348	UR
107.	17.762	8.025	27.606	ST-8
108.	17.928	8.100	27.864	UR
109.	18.094	8.175	28.122	OBC-28
110.	18.260	8.250	28.380	SC-18
111.	18.426	8.325	28.638	UR
112.	18.592	8.400	28.896	UR
113.	18.758	8.475	29.154	OBC-29
114.	18.924	8.550	29.412	UR
115.	19.090	8.625	29.670	SC-19
116.	19.256	8.700	29.928	UR
117.	19.422	8.775	30.186	OBC-30
118.	19.588	8.850	30.444	ST-9
119.	19.754	8.925	30.702	SC-20*
120.	19.920	9.000	30.960	OBC-31*

27

*to allot requisite number of posts without violating rule of 50%.

**Roster for Direct Recruitment otherwise than through
Open Competition for cadre strength upto 13 Posts**

REPLACEMENT NO.

Cadre Strength	Initial Recruitment	REPLACEMENT NO.												
		1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th
1.	UR	UR	UR	OBC	UR	UR	SC	OBC	UR	UR	UR	OBC	SC	ST
2.	UR	UR	OBC	UR	UR	SC	OBC	UR	UR	UR	OBC	SC	ST	
3.	UR	OBC	UR	UR	SC	OBC	UR	UR	UR	OBC	SC	ST		
4.	OBC	UR	UR	SC	OBC	UR	UR	UR	OBC	SC	ST			
5.	UR	UR	SC	OBC	UR	UR	UR	OBC	SC	ST				
6.	UR	SC	OBC	UR	UR	UR	OBC	SC	ST					
7.	SC	OBC	UR	UR	UR	OBC	SC	ST						
8.	OBC	UR	UR	UR	OBC	SC	ST							
9.	UR	UR	UR	OBC	SC	ST								
10.	UR	UR	OBC	SC	ST									
11.	UR	OBC	SC	ST										
12.	OBC	SC	ST											
13.	SC	ST												

- Note:-
- For cadres of 2 to 13 posts the roster is to be read from entry 1 under column Cadre Strength till the last post and then horizontally till the last entry in the horizontal row i.e. like "L"
 - All the posts of a cadre are to be earmarked for the categories shown under column initial Appointment. While initial filling up will be by the earmarked category, the replacement against any of the post in the cadre shall be by rotation as shown horizontally against the last post of the cadre.
 - The relevant rotation by the indicated reserved category could be skipped over if it leads to more than 50% representation of reserved category.

1. Scheduled Castes
2. Unreserved
3. Scheduled Tribes
4. Unreserved
5. Other Backward Classes
6. Unreserved
7. Scheduled Castes
8. Unreserved
9. Other Backward Classes
10. Unreserved
11. Other Backward Classes
12. Unreserved
13. Scheduled Castes
14. Unreserved
15. Other Backward Classes
16. Unreserved
17. Scheduled Tribes
18. Unreserved
19. Other Backward Classes
20. Unreserved
21. Scheduled Castes
22. Unreserved
23. Other Backward Classes
24. Unreserved
25. Other Backward Classes
26. Unreserved
27. Scheduled Castes
28. Unreserved
29. Other Backward Classes
30. Unreserved
31. Scheduled Tribes
32. Unreserved
33. Other Backward Classes
34. Unreserved
35. Scheduled Castes
36. Unreserved
37. Other Backward Classes
38. Unreserved
39. Other Backward Classes
40. Unreserved
41. Scheduled Castes
42. Unreserved
43. Other Backward Classes
44. Unreserved
45. Scheduled Tribes
46. Unreserved
47. Other Backward Classes
48. Unreserved
49. Scheduled Castes
50. Unreserved
51. Other Backward Classes
52. Unreserved
53. Scheduled Castes
54. Unreserved
55. Other Backward Classes
56. Unreserved
57. Scheduled Tribes
58. Unreserved
59. Other Backward Classes
60. Unreserved
61. Scheduled Castes
62. Unreserved
63. Other Backward Classes
64. Unreserved
65. Other Backward Classes
66. Unreserved
67. Scheduled Castes
68. Unreserved
69. Other Backward Classes
70. Unreserved
71. Scheduled Tribes
72. Unreserved
73. Other Backward Classes
74. Unreserved
75. Other Backward Classes
76. Unreserved
77. Scheduled Castes
78. Unreserved
79. Other Backward Classes
80. Unreserved
81. Scheduled Castes
82. Unreserved
83. Other Backward Classes
84. Unreserved
85. Scheduled Tribes
86. Unreserved
87. Other Backward Classes
88. Unreserved
89. Scheduled Castes
90. Unreserved
91. Other Backward Classes
92. Unreserved
93. Scheduled Castes
94. Unreserved
95. Other Backward Classes
96. Unreserved
97. Scheduled Tribes
98. Unreserved
99. Other Backward Classes
100. Unreserved
101. Scheduled Castes
102. Unreserved
103. Other Backward Classes
104. Unreserved
105. Other Backward Classes
106. Unreserved
107. Scheduled Castes
108. Unreserved
109. Other Backward Classes
110. Unreserved

111. Scheduled Tribes
112. Unreserved
113. Other Backward Classes
114. Unreserved
115. Scheduled Castes
116. Unreserved
117. Other Backward Classes
118. Unreserved
119. Other Backward Classes
120. Unreserved
121. Scheduled Castes
122. Unreserved
123. Other Backward Classes
124. Unreserved
125. Scheduled Tribes
126. Unreserved
127. Other Backward Classes
128. Unreserved
129. Scheduled Castes
130. Unreserved
131. Other Backward Classes
132. Unreserved
133. Scheduled Castes
134. Unreserved
135. Other Backward Classes
136. Unreserved
137. Scheduled Tribes
138. Unreserved
139. Other Backward Classes
140. Unreserved
141. Scheduled Castes
142. Unreserved
143. Other Backward Classes
144. Unreserved
145. Other Backward Classes
146. Unreserved
147. Scheduled Castes
148. Unreserved
149. Other Backward Classes
150. Unreserved
151. Scheduled Tribes
152. Unreserved
153. Other Backward Classes
154. Unreserved
155. Scheduled Castes
156. Unreserved
157. Other Backward Classes
158. Unreserved
159. Other Backward Classes
160. Unreserved
161. Scheduled Castes
162. Unreserved
163. Other Backward Classes
164. Unreserved
165. Scheduled Tribes
166. Unreserved
167. Other Backward Classes
168. Unreserved
169. Scheduled Castes
170. Unreserved
171. Other Backward Classes
172. Unreserved
173. Scheduled Castes
174. Unreserved
175. Other Backward Classes
176. Unreserved
177. Scheduled Tribes
178. Unreserved
179. Other Backward Classes
180. Unreserved
181. Scheduled Castes
182. Unreserved
183. Other Backward Classes
184. Unreserved
185. Other Backward Classes
186. Unreserved
187. Scheduled Castes
188. Unreserved
189. Other Backward Classes
190. Unreserved
191. Scheduled Tribes
192. Unreserved
193. Other Backward Classes
194. Unreserved
195. Scheduled Castes
196. Unreserved
197. Other Backward Classes
198. Unreserved
199. Unreserved
200. Unreserved

O P I N I O N

Sub: DOPT's O.M.No.36012/2/96-Estt.(Res.) dated 2.7.97 on introduction of 'post-based rosters' based on Supreme Court Judgement dated 10.2.95 in the case of R.K.Sabharwal Vs. State of Punjab.

I have perused the file. The relevant facts and the rival points of view have been set out in the Statement of the Case and hence need not be repeated. My opinion on the specific questions posed are as follows:-

Q.1 Whether the old vacancy based rosters could have been continued consequent to the judgement of the Supreme Court in the R.K.Sabharwal's case or switching over to the post-based rosters was unavoidable keeping in view the spirit behind the judgement?

A.1 The Supreme Court in its Judgement in Sabharwal's case reported in (1995) 2 SCC 745, did not expressly require the Government to revise the vacancy based rosters; but, for the reasons set out in para 10.1, the Govt. had no option but to switch over to the post-based rosters. The two fold limits of 50% reservation, the first taking the year as a unit, as laid down by the Supreme Court in Indra Sawhney case reported in 1992 3 SCC 217, and the second of 50% of the posts as laid down in Sabharwal's case have both to be complied with, by the Govt. While the vacancy based rosters would take into account the limit of 50% applying the rule of a year as a unit as laid down in Indra Sawhney's case, the limit of 50% in reservation on the total number of posts which forms the cadre strength cannot be achieved by following the vacancy based roster.

Under Art.141 of the Constitution, the law declared by the Supreme Court shall be binding on all courts within the territory of India. Under Art.144 of the Constitution all the authorities, civil and judicial, in the territory of India, shall act in aid of the Supreme Court. In view of these constitutional provisions, the Govt. could not have continued the old vacancy based roster and had to bring it in line with the judgement of the Supreme Court in Sabharwal's case.

Q.2 Whether the ruling of the 5-Judge Bench of the Supreme Court in the case of R.K.Sabharwal's case dated 10.2.95 distinguishing between 'post' and 'vacancy' would prevail or that of the 3-Judge Bench of the Supreme Court in the Jagdish Lal's case enunciating that "there is no distinction in the 'post' and "vacancy" would hold good?

A.2 The specific question under consideration in R.K.Sabharwal's case was whether the roster which has been implemented in the form of a running account from year to year can be followed in such a manner that the reservations would exceed 50% of the posts which form the cadre strength. It is in this context that the expressions 'post' and 'vacancies' are considered and distinguished in paragraph 6.

The question in Jagdish Lal's case was whether on the promotion given to the general candidates as per the roster point, the promotions will have the effect of giving them the seniority over the reserved candidates in the respective feeder/cadres. The question which arose in Sabharwal's case did not arise in Jagdish Lal's case. The High Court's judgement in Jagdish Lal's case which is extracted in paragraph 5 of the Supreme Court judgement in Jagdish Lal's case shows that R.K. Sabharwal's judgement was not considered to have any effect in that case. Sabharwal's case is referred to by Mr. Justice K. Ramaswamy in Jagdish Lal's case for holding that the reserved candidates are entitled to compete with the general candidates for promotion in the general posts in their own right and on their selection they are to be adjusted in the general post as per the roster and the reserved candidates should be adjusted in the points earmarked for the reserved candidates. There is no discussion whatsoever in Jagdish Lal's case about the meaning of the expression "post" and "vacancies". There is no attempt to distinguish or dissent from the judgement in Sabharwal's case. In fact the 3-Judge Bench could not have over ruled the earlier judgement of the 5-Judge Bench in Sabharwal's case. The casual and loose expression used in Jagdish Lal's judgement treating 'post' and 'vacancy' as equivalent in the following sentence cannot warrant the conclusion that according to the decision in Jagdish Lal's case there is no distinction ^{between} the 'post' and 'vacancy'.

"Therein the question was as to the effect of the consideration of inter se claims of reserved candidates general candidates to the post/vacancy available to the general candidates".

I am of the opinion that inasmuch as there is no discussion of the meaning of the expressions 'post' and 'vacancy' in Jagdish Lal's case, the judgement of the 5-Bench in R.K.Sabharwal's case would, according to the law of precedents, be binding on a subsequent bench or benches of equal or smaller strength. In any case, the judgement of the larger bench would prevail over that of a smaller bench (Commissioner of Sales Tax vs. Pine Chemicals 1995 LSCC 58).

Q.3 Whether the post-based rosters are sustainable in view of the points raised and position explained in paras 10.4 to 10.13?

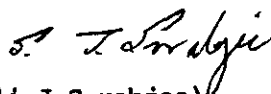
A.3 In keeping with my aforesaid opinion aforesaid, the post-based rosters are consistent with the judgement of the Supreme Court and are therefore legally sustainable.

Q.4 Whether the instructions contained in DOPT Office Memorandum dated 2.7.97 can be modified/scrapped by enacting a legislation to over-ride the effect of the Supreme Court's judgement in the R.K.Sabharwal's case through an Act of Parliament and if so whether such Act can be brought into IXth Schedule of the Constitution to bring it outside the purview of the judicial review?

A.4 An Act of Parliament in exercise of ordinary legislative power cannot nullify the interpretation of the Supreme Court on Articles 14 to 16 in the context of reservation. If at all, this can be done only by way of an amendment to the Constitution itself, amending Art.16 and providing that reservations shall be vacancy based. Such an amendment if made, is likely to be challenged on the ground of violation of the basic structure of the Constitution. It may be mentioned that the addition of sub-article 4(A) to Art.16 is already under challenge in the Supreme Court and is pending before a Constitution Bench.

Q.5 If a Committee of Members of Parliament is set up to review the order under reference and it makes recommendations which may have the effect of either modification or scrapping the existing office memorandum dated 2.7.97, would the recommendations be subject to the directions of the Constitution Bench?

A.5 As already stated the judgement of the Supreme Court can be got over, if at all, by an amendment to the Constitution and not even by an Act of Parliament. The recommendations made by the Committee of Members of Parliament will have to be given effect to by an executive order and will naturally be subject to judicial review by the Constitution Bench.



(Soli J. Sorabjee)

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9th April, 1999