

The West Bengal Scheduled Castes And Scheduled Tribes (Reservation of Vacancies in Services And Posts) Act, 1976

WEST BENGAL

India

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Act 27 of 1976

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The West Bengal Scheduled Castes And Scheduled Tribes (Reservation of Vacancies in Services And Posts) Act, 1976 West Bengal Act 27 of 1976 [5th May, 1976.] Assent of the Governor was first published in the Calcutta Gazette, Extraordinary, dated the 5th May, 1976. An Act to provide for the reservation of vacancies in services and posts for the members of the Scheduled Castes and Scheduled Tribes. Whereas the members of the Scheduled Castes and Scheduled Tribes who are backward classes of citizens are not adequately represented in the services and posts within the State; And whereas it is expedient to provide for the reservation of vacancies in services and posts for them; It is hereby enacted as follows :-

1. Short title, extent and commencement.

(1) This Act may be called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976. (2) It extends to the whole of West Bengal. (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a) "appointing authority", in relation to a service or post in an establishment, means the authority empowered to make appointment to such service or post; (aa) ["cadre" means the strength of a service or a part of a service sanctioned as a separate unit;] [Clause (aa) inserted by W.B. Act 21 of 2005.] (b) "establishment" means any office of the State Government, a local or statutory authority constituted under any State Act for the time being in force, or a corporation in which not less than fifty-one per cent, of the paid up share capital

is held by the State Government, and includes universities and colleges affiliated to the universities, primary and secondary schools and also other educational institutions which are owned or aided by the State Government and also includes an establishment in public sector;(c)"establishment in public sector" means any industry, trade, business or occupation owned, controlled or managed by -(i)the State Government or any department of the State Government,(ii)a Government company as defined in section 617 of the Companies Act, 1956 or a corporation established by or under a Central or State Act, in which not less than fifty-one per cent, of the paid up share capital is held by the State Government,(iii)a local or statutory authority, constituted under any State Act for the time being in force;(d)"establishment in private sector" means any industry, trade, business or occupation which is not an establishment in public sector;(e)"Schedule" means [Schedule] [Word Substituted for the words 'the Schedule' by W.B. Act 24 of 2000.] appended to this Act.(f)["single post cadre" means a cadre which has the strength of one post only.] [Clause (f) inserted by W.B. Act 21 of 2005.]

3. Act not to apply in relation to certain employments.

- This Act shall not apply in relation to, -(a)any employment under the Central Government;(b)any employment in the West Bengal Higher Judicial Service;[* * * * *] [[Clause (c) omitted by W.B. Act 42 of 1994, which was as under:'(c) any employment which in the opinion of the State Government is of a scientific or technical nature;']](d)any employment in private sector;(e)any employment in domestic service.(f)[any employment in single post cadre.] [Clause (f) inserted by W.B. Act 21 of 2005.]

4. Reservation for Scheduled Castes and Scheduled Tribes in vacancies to be filled up by direct recruitment.

- [(1) After the commencement of this Act all appointments to services and posts in an establishment which are to be filled up by direct recruitment shall be regulated in the following manner, namely] [Section 4 renumbered as sub-section (1) and sub-section (2) inserted by W.B. Act 42 of 1980.] :- (a)subject to the other provisions of this Act [twenty-two per cent] [Words Substituted for the words 'fifteen per cent.' by W.B. Act 42 of 1994.] of the vacancies shall be reserved for candidates belonging to Scheduled Castes and [six per cent.] [Words Substituted for the words 'five per cent.' by W.B. Act 42 of 1994.] for candidates belonging to Scheduled Tribes, in the manner set out [in Schedule I:] [Words and figure Substituted for the words 'in the Schedule' by W.B. Act 24 of 2000.] Provided that the State Government may, from time to time, by notification in the Official Gazette, increase the percentage so, however, that the reservation shall not exceed twenty-five per cent, in the case of Scheduled Castes and ten per cent, in the case of Scheduled Tribes: Provided further that different percentages may be fixed by the State Government for different districts in accordance with the percentages of population of Scheduled Castes and Scheduled Tribes in such districts: Provided also that in respect of the West Bengal Civil Service (Judicial), the percentage shall be ten for Scheduled Castes and five for Scheduled Tribes; (b) fees, if any, prescribed for any examination for selection to any service or post [shall not be charged] [Words Substituted for the words 'shall be reduced to one-fourth' by W.B. Act 24 of 2000.] in the case of candidates belonging to the Scheduled Castes or the Scheduled Tribes; (c) the members of the Scheduled Castes and the Scheduled Tribes shall be entitled to a concession of five years over the prescribed maximum age

limit for appointment to any service or post.(2)[The number of any Scheduled Caste or Scheduled Tribe candidate qualifying on merit for appointment to any unreserved vacancy in a service or post in any establishment to be filled up by direct recruitment shall not be deducted from the quota reserved in such service or post for such candidate under sub-section (1).] [Section 4 renumbered as sub-section (1) and sub-section (2) inserted by W.B. Act 42 of 1980.]

5. Reservation for Scheduled Castes and Scheduled Tribes in vacancies to be filled up by promotion.

- Reservation for members of the Scheduled Castes and the Scheduled Tribes in vacancies to be filled up by promotion in any establishment shall be regulated in the following manner, namely :- (a) there shall be reservation at [twenty-two per cent.] [Words Substituted for the words 'fifteen per cent.' by W.B. Act 42 of 1994.] for members of the Scheduled Castes and [six per cent.] [Words Substituted for the words 'five per cent' by W.B. Act 42 of 1994.] for members of the [Scheduled Tribes in the manner set out in Schedule II:] [Words and figure Substituted for the words 'Scheduled Tribes' by W.B. Act 24 of 2000.] Provided that the State Government may, from time to time, by notification in the Official Gazette, increase the percentage so, however, that the reservation shall not exceed twenty-five per cent, in the case of Scheduled Castes and ten per cent, in the case of Scheduled Tribes: [Provided further that the member of any Scheduled Caste or Scheduled Tribe employee appointed on promotion to any unreserved vacancy in a service or post in any establishment to be filled up by promotion shall not be deducted from the quota reserved in such service or post for the members of the Scheduled Castes or the Scheduled Tribes under this section;] [Proviso inserted by W.B. Act 31 of 1983.] (b) [there shall be no reservation in any post carrying the grade pay exceeding Rs. 8,700;] [[Clause (b) first Substituted by W.B. Act 7 of 1982, then again Substituted by W.B. Act 10 of 1990 thereafter Substituted by W.B. Act 11 of 2000 and finally Substituted by W.B. Act 14 of 2009. Previous clause (b) was as under:] (b) there shall be no reservation in any post in a scale of pay, the maximum of which exceeds Rs. 18,300. (c) [a separate fifty-point roster shall be maintained by every establishment in the manner set out in the Schedule.] [[Clause (c) Substituted by W.B. Act 42 of 1994, which was earlier as under:] (c) a separate twenty-point roster in the form given in the Schedule shall be maintained by every establishment.] [5A. Certificate of identification. - A candidate who claim to be a member of the Scheduled Castes or the Scheduled Tribes shall support his candidature by a certificate of identification in accordance with the provisions of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994.] [Section 5A inserted by W.B. Act 15 of 1996.]

6. [Dereservation of reserved vacancy. [[Section 6 substituted by W.B. Act 42 of 1994, which was earlier as under:

'6. Power to exempt. - If the State Government is of opinion that the reservation for members of the Scheduled Castes or Scheduled Tribes shall not be applied to any particular service or post in view of the specialised qualification or experience necessary, the State Government may, by notification in the Official Gazette, exempt such service or post from the provisions of this Act.'](1) There shall be no dereservation of any reserved vacancy by any appointing authority in any post in an

establishment which is required to be filled up by direct recruitment. In the absence of qualified Scheduled Caste or Scheduled Tribe candidate, as the case may be, to fill up such vacancy, such vacancy shall remain unfilled.](2)Notwithstanding anything contained in sub-section (1), if, in the public interest, it is necessary to fill up any vacancy as aforesaid remaining unfilled on account of non-availability of a qualified Scheduled Caste or Scheduled Tribe candidate, as the case may be, the appointing authority shall refer the vacancy to the State Government for dereservation. Upon such reference, the State Government may, if it is satisfied that it is necessary or expedient so to do, by order, dereserve the vacancy, subject to the condition that the reservation against the vacancy so dereserved shall be carried forward against the subsequent unreserved vacancy [available at the time of passing the order dereservation or any unreserved vacancy which shall occur in future.] [Words inserted by W.B. Act 5 of 2007.][Provided that the State Government may, if it is satisfied that the appointing authority by genuine mistake or on account of an error of judgement or owing to ignorance has filled up any reserved vacancy otherwise than by a candidate for whom the vacancy is reserved and that there has been no mala fide intention in this regard on the part of the appointing authority, by order in writing, regularise the appointment, if so applied for by the appointing authority, on the basis of the carry forward principle. In such case, reservation against the reserved vacancy already filled up otherwise than by a candidate belonging to Scheduled Caste or Scheduled Tribe for whom the vacancy was originally reserved, shall, -(a)if such vacancy relates to an establishment other than the establishment in universities and colleges affiliated to the universities, primary and secondary schools and also other educational institutions which are owned or aided by the State Government, be carried forward to the nearest unreserved vacancy available at the time of consideration of any application; or(b)if such vacancy relates to an establishment in universities and colleges affiliated to the universities, primary and secondary schools and also other educational institutions which are owned or aided by the State Government, be carried forward to the nearest unreserved vacancy available at the time of consideration of any application or to any unreserved vacancy which shall occur in future:][Provided further that the State Government may, if it considers it necessary or expedient so to do, by notification in the Official Gazette, empower any other authority not below the rank of District Magistrate and District Commissioner for Reservation to exercise the power of the State Government to dereserve a reserved vacancy under this sub-section.] [Proviso inserted by W.B. Act 24 of 2000.](2A)[The appointing authority shall, for the purposes of sub-section (2), make an application to the State Government in such Form, and in such manner, as may be prescribed by the State Government.] [Sub-Section (2A) inserted by W.B. Act 24 of 2000.](3)[Notwithstanding anything contained in the foregoing provisions of this section or elsewhere in this Act, if, in the public interest, it is necessary or expedient to fill up any vacancy in any post in any primary, secondary or higher secondary school in any district owned or aided by the State Government, caused by deputation or leave of the incumbent of that post for a period not exceeding ten months and remaining unfilled on account of non-availability of a qualified Scheduled Caste or Scheduled Tribe candidate, as the case may be, the appointing authority may refer the vacancy to the District Commissioner for Reservation, referred to in sub-section (1), or sub-section (1A), as the case may be, of section 6B, for that district for dereservation. Upon such reference, the District Commissioner for Reservation as aforesaid may, if he is satisfied that it is necessary or expedient so to do, by order, dereserve the vacancy, subject to the condition that the reservation against the vacancy so dereserved shall be carried forward against the subsequent unreserved vacancy in any such post caused by such deputation or leave for such period.] [Sub-Section (3)

inserted by W.B. Act 15 of 1996.][6A. Commissioner for Reservation. - (1) The State Government may appoint any officer, not below the rank of Secretary to the Government of West Bengal, to be the Commissioner for Reservation, West Bengal (hereinafter referred to as the Commissioner).Explanation. - Secretary shall include a Special Secretary.(2)The Commissioner shall be responsible for ensuring reservation of vacancies in services and posts for the members of the Scheduled Castes and the Scheduled Tribes under this Act by an appointing authority -] [Section 6A inserted by W.B. Act 42 of 1994.](a)having territorial jurisdiction throughout West Bengal, or(a1)[having its offices and fixed territorial jurisdiction in Calcutta, or] [Clause (a1) inserted by W.B. Act 15 of 1996.](b)having its offices in Calcutta without having any fixed territorial jurisdiction.Explanation. - "Calcutta" shall mean the town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866.(2A)[(a) The State Government may appoint an officer, not below the rank of Joint Secretary to the Government of West Bengal, to be the Joint Commissioner for Reservation, West Bengal (hereinafter referred to as the Joint Commissioner), an officer, not below the rank of Deputy Secretary to the Government of West Bengal, to be the Deputy Commissioner for Reservation, West Bengal (hereinafter referred to as the Deputy Commissioner), and an officer, not below the rank of Assistant Secretary to the Government of West Bengal, to be the Assistant Commissioner for Reservation, West Bengal (hereinafter referred to as the Assistant Commissioner).(b)The Joint Commissioner, the Deputy Commissioner, and the Assistant Commissioner shall have the powers of the Commissioner for the purposes of this Act, subject to superintendence and control of the Commissioner.](3)If any appointing authority referred to in sub-section (2) contravenes any provision of this Act and thereby commits an offence punishable under section 7, the Commissioner or any officer, not below the rank of [an Inspector of Backward Classes Welfare Department,] [Words Substituted for the words 'Inspector of Scheduled Castes and Tribes Welfare Department,' by W.B. Act 24 of 2000.] authorised by him in this behalf, may file a complaint in any Court having jurisdiction against such appointing authority, and thereupon such Court shall subject to the provisions of section 8, take cognizance of such offence.(4)[Where a complaint is filed in any Court having jurisdiction against an appointing authority under sub-section (3) for contravening any provision of this Act and thereby committing an offence punishable under section 7, the burden of proof that no contravention of any provision of this Act has been made by him, shall lie with him.] [Sub-Section (4) inserted by W.B. Act 15 of 1996.]

6B. [District Commissioner for Reservation. - The State Government may appoint any District Magistrate of a district to be the District Commissioner for Reservation for that district (hereinafter referred to as the District Commissioner).

Explanation. - "District Magistrate" shall include an Additional District Magistrate.] [Section 6B inserted by W.B. Act 42 of 1994.][* * * * *] [[Sub-Section (1A) first inserted by W.B. Act 15 of 1996, then omitted by W.B. Act 24 of 2000, which was as under:(1A)For the purpose of this section, Calcutta as defined in the Explanation to sub-section (2) of section 6A, shall be deemed to be a district, and the District Magistrate, South 24-Parganas, shall be the District Commissioner for the district.']](2)The District Commissioner shall be responsible for ensuring reservation of vacancies in services and posts for the members of the Scheduled Castes and the Scheduled Tribes

under this Act by an appointing authority -(a)having territorial jurisdiction in the whole, or any part, of the district, or(b)having no fixed territorial jurisdiction in the district, but having his office in the district to which the jurisdiction of the District Commissioner extends.(3)If any appointing authority referred to in sub-section (2) contravenes any provision of this Act and thereby commits an offence punishable under section 7, the District Commissioner or any officer not below the rank of [an Inspector of Backward Classes Welfare Department,] [Words Substituted for the words 'Inspector of Scheduled Castes and Tribes Welfare Department,' by W.B. Act 24 of 2000.] authorised by him in this behalf, may file a complaint in any Court having jurisdiction against such appointing authority, and thereupon such court shall, subject to the provisions of section 8, take cognizance of such offence.(4)[Where a complaint is filed in any Court having jurisdiction against an appointing authority under sub-section (3) for contravening any provision of this Act and thereby committing an offence punishable under section 7, the burden of proof that no contravention of any provision of this Act has been made by him, shall lie with him.] [Sub-Section (4) inserted by W.B. Act 15 of 1996.][6C. Territorial jurisdiction. - For the purposes of sections 6A and 6B, -(a)territorial jurisdiction shall, in relation to an appointing authority, mean the area to which its administrative jurisdiction extends; and(b)an appointing authority, whose administrative jurisdiction does not extend to any fixed area, shall be deemed to be an appointing authority without having any fixed territorial jurisdiction.]

7. Penalty.

- If an appointing authority makes an appointment in contravention of the provisions of section 4 or section 5, [or fails to maintain records, or to furnish the annual return, referred to in sub-section (1) of section 12, he shall be punishable with imprisonment for a term of five years, or with fine of two thousand and five hundred rupees, or with both:] [Words Substituted for the words 'he shall be punishable with fine which may extend to two hundred and fifty rupees:' by W.B. Act 15 of 1996.]Provided that nothing contained in this section shall apply in relation to an appointment to any service or post of which the appointing authority is the Governor.

8. Cognizance of offences.

- No prosecution for an offence under this Act shall be instituted except by, or with the sanction of, the State Government.

9. Protection of action taken in good faith.

- No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

10. Removal of difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the State Government may take such steps or issue such orders not inconsistent with the provisions of this Act, as the State

Government may consider necessary for removing the difficulty.

11. Power to amend the Schedule.

- The State Government may, by order published in the Official Gazette, add to, amend or alter [any Schedule.] [Words Substituted for the words 'The Schedule.' by W.B. Act 24 of 2000.]

12. Submission of annual report, maintenance of other records and inspection thereon.

(1)Every appointing authority shall maintain such records [and documents] [Words inserted by W.B. Act 24 of 2000.] as may be prescribed by rules made in this behalf and shall furnish to the State Government in the prescribed manner an annual report on the appointments made by it, during the previous [year reckoned according to British calendar.] [Words Substituted for the words 'financial year.' by W.B. Act 24 of 2000.](2)Any officer authorised by the State Government in that behalf may inspect any records of documents which are maintained in relation to appointments made by such appointing authority.(3)It shall be the duty of the appointing authority to produce such records or documents for inspection by the officer authorised under sub-section (2), and furnish such information or afford such assistance as may be necessary for him to carry out his functions under this Act.(4)Notwithstanding anything contained in [the West Bengal Services (Duties, Rights and Obligations of the Government Employees) Rules, 1980,] [Words, figures and brackets Substituted for the words and figures 'the West Bengal Government Servants' Conduct Rules, 1959, by W.B. Act 24 of 2000.] any member of any Scheduled Castes or any Scheduled Tribes who is adversely affected on account of the non-compliance with the provisions of this Act or the rules made thereunder by any appointing authority, may bring the fact to the notice of the State Government and upon application made by him the State Government may call for such records or take such action thereon as it may think fit.

13. Power to make rules.

(1)The State Government may make rules for carrying out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely :-(a)form in which every establishment shall submit annual report to the State Government regarding the number of persons recruited in such establishment;(b)any other matter which has to be or may be prescribed by rules made in this behalf.[Schedule I] [Word and figure Substituted for the words 'THE SCHEDULE' by W. B. Act 24 of 2000.](See section 4.)The reservation for the members of the Scheduled Castes and the Scheduled Tribes in services or posts in an establishment shall be given effect to in the following manner, namely :-(i)[A roster of one hundred vacancies] [Words Substituted for the words 'A roster of fifty vacancies' by W.B. Act 24 of 2000.] will be necessary to give effect to the reservation of vacancies for the Scheduled Castes and the Scheduled Tribes [for direct recruitment] [Words inserted by W.B. Act 24 of 2000.]. The roster given below shall be adopted for the purpose by each establishment.

1stvacancy	Scheduled Caste
2ndvacancy	Unreserved
3rdvacancy	Unreserved
4thvacancy	Scheduled Tribe
5thvacancy	Unreserved
6thvacancy	Unreserved
7thvacancy	Scheduled Caste
8thvacancy	Unreserved
9thvacancy	Unreserved
10thvacancy	Unreserved
11thvacancy	Scheduled Caste
12thvacancy	Unreserved
13thvacancy	Unreserved
14thvacancy	Unreserved
15thvacancy	Scheduled Caste
16thvacancy	Unreserved
17thvacancy	Unreserved
18thvacancy	Scheduled Caste
19thvacancy	Unreserved
20thvacancy	Unreserved
21stvacancy	Scheduled Caste
22ndvacancy	Unreserved
23rdvacancy	Unreserved
24thvacancy	Scheduled Tribe
25thvacancy	Unreserved
26thvacancy	Unreserved
27thvacancy	Unreserved
28thvacancy	Scheduled Caste
29thvacancy	Unreserved
30thvacancy	Unreserved

31stvacancy	Unreserved
32ndvacancy	Scheduled Caste
33rdvacancy	Unreserved
34thvacancy	Unreserved
35thvacancy	Unreserved
36thvacancy	Scheduled Caste
37thvacancy	Unreserved
38thvacancy	Unreserved
39thvacancy	Unreserved
40thvacancy	Scheduled Caste
41thvacancy	Unreserved
42ndvacancy	Unreserved
43rdvacancy	Scheduled Caste
44thvacancy	Unreserved
45thvacancy	Unreserved
46thvacancy	Unreserved
47thvacancy	Scheduled Caste
48thvacancy	Unreserved
49thvacancy	Unreserved
[50thvacancy] [Figures, letters and words within third brackets substituted for the figures, letters and words '50th vacancy..... unreserved' by W.B. Act 24 of 2000.]	Unreserved
51stvacancy	Scheduled Caste
52ndvacancy	Unreserved
53rdvacancy	Unreserved
54thvacancy	Scheduled Tribe
55thvacancy	Unreserved
56thvacancy	Unreserved
57thvacancy	Scheduled Caste
58thvacancy	Unreserved
59thvacancy	Unreserved
60thvacancy	Unreserved

61stvacancy	Scheduled Caste
62ndvacancy	Unreserved
63rdvacancy	Unreserved
64thvacancy	Unreserved
65thvacancy	Scheduled Caste
66thvacancy	Unreserved
67thvacancy	Unreserved
68thvacancy	Scheduled Caste
69thvacancy	Unreserved
70thvacancy	Unreserved
71stvacancy	Scheduled Caste
72ndvacancy	Unreserved
73rdvacancy	Unreserved
74thvacancy	Scheduled Tribe
75thvacancy	Unreserved
76thvacancy	Unreserved
77thvacancy	Unreserved
78thvacancy	Scheduled Caste
79thvacancy	Unreserved
80thvacancy	Unreserved
81stvacancy	Unreserved
82ndvacancy	Scheduled Caste
83rdvacancy	Unreserved
84thvacancy	Unreserved
85thvacancy	Unreserved
86thvacancy	Scheduled Caste
87thvacancy	Unreserved
88thvacancy	Unreserved
89thvacancy	Unreserved
90thvacancy	Scheduled Caste

91stvacancy	Scheduled Caste
92ndvacancy	Unreserved
93rdvacancy	Scheduled Tribe
94thvacancy	Unreserved
95thvacancy	Unreserved
96thvacancy	Unreserved
97thvacancy	Scheduled Caste
98thvacancy	Unreserved
99thvacancy	Unreserved
100thvacancy	Unreserved

[Section 6C inserted by W.B. Act 42 of 1994.]

Paragraph (i) Substituted by W.B. Act 42 of 1994, which was earlier as under: "(i) A roster of twenty vacancies will be necessary to give effect to the reservation of vacancies for the Scheduled Castes and the Scheduled Tribes. The roster given below shall be adopted for the purpose by each establishment. 1stvacancy - Unreserved 2ndvacancy - Ditto 3rdvacancy - Scheduled Tribe 4thvacancy - Unreserved 5thvacancy - Ditto 6thvacancy - Ditto 7thvacancy - Ditto 8thvacancy - Scheduled Caste 9thvacancy - Unreserved 10thvacancy - Ditto 11thvacancy - Ditto 12thvacancy - Ditto 13thvacancy - Scheduled Caste 14thvacancy - Unreserved 15thvacancy - Ditto 16thvacancy - Ditto 17thvacancy - Ditto 18thvacancy - Scheduled Caste 19thvacancy - Unreserved 20thvacancy - Ditto."

(ii) A register shall be maintained for giving effect to the instructions contained in paragraph (i). (iii) Before making an appointment by direct recruitment, the appointing authority shall ascertain by consulting the register whether the vacancy is reserved or unreserved and if it is reserved, for whom it is so reserved. Immediately after an appointment is made the particulars thereof shall be entered in the register and signed by the appointing authority. (iv) The roster is a running account from year to year and shall be maintained accordingly. If recruitment in a particular year stops at a particular point of the cycle, say at the 5th point, recruitment in the subsequent year shall begin at the next, point, i.e. at the 6th point. [*****] [[Paras (v) and (vi) first Substituted by W.B. Act 7 of 1992, then omitted by W.B. Act 42 of 1994. Previous paras (v) and (vi) were as under: '(v) There shall be no de-reservation of any reserved vacancy by any appointing authority. In the absence of a qualified Scheduled Caste or Scheduled Tribes candidate to fill up any vacancy reserved for Scheduled Caste or Scheduled Tribe, as the case may be, the vacancy shall remain unfilled. (vi) Notwithstanding the provisions contained in paragraph (v), if, in the public interest, it is necessary to fill up any reserved vacancy remaining unfilled on account of nonavailability of a qualified Scheduled Caste or Scheduled Tribe candidate, as the case may be, the appointing authority shall refer the vacancy to the State Government for de-reservation. Upon such reference, the State Government may, if it is satisfied that it is necessary or expedient so to do, by order de-reserve the vacancy, subject to the condition that the reservation against the vacancy so de-reserved shall be carried forward against the subsequent unreserved vacancy.'.]] (vii) The roster

shall be maintained separately for permanent and temporary vacancies.(viii)A vacancy due to whatever cause, except termination of service during probation, shall be treated as a fresh vacancy.[* * * * *] [[Para (ix) omitted by W.B. Act 15 of 1996, which was as under: '(ix) A candidate who claims to be a member of the Scheduled Castes or the Scheduled Tribes shall support his candidature by a certificate from a Gazetted Officer or from such other authority as may be prescribed by rules made under this Act'.]] [Schedule II] [SCHEDULE II inserted by W.B. Act 24 of 2000.](See section 5.)The reservation for the members of the Scheduled Castes and the Scheduled Tribes in vacancies to be filled up by promotion in an establishment shall be given effect to in the following manner, namely :-(i)A roster of fifty vacancies will be necessary to give effect to the reservation for the members of the Scheduled Castes and the Scheduled Tribes in vacancies to be filled up. The roster given below shall be adopted for the purpose by each establishment.

1stvacancy	Scheduled Caste
2ndvacancy	Unreserved
3rdvacancy	Unreserved
4thvacancy	Scheduled Tribe
5thvacancy	Unreserved
6thvacancy	Unreserved
7thvacancy	Scheduled Caste
8thvacancy	Unreserved
9thvacancy	Unreserved
10thvacancy	Unreserved
11thvacancy	Scheduled Caste
12thvacancy	Unreserved
13thvacancy	Unreserved
14thvacancy	Unreserved
15thvacancy	Scheduled Caste
16thvacancy	Unreserved
17thvacancy	Unreserved
18thvacancy	Scheduled Caste
19thvacancy	Unreserved
20thvacancy	Unreserved
21stvacancy	Scheduled Caste
22ndvacancy	Unreserved
23rdvacancy	Unreserved
24thvacancy	Scheduled Tribe
25thvacancy	Unreserved
26thvacancy	Unreserved
27thvacancy	Unreserved
28thvacancy	Scheduled Caste

29thvacancy Unreserved
30thvacancy Unreserved
31stvacancy Unreserved
32ndvacancy Scheduled Caste
33rdvacancy Unreserved
34thvacancy Unreserved
35thvacancy Unreserved
36thvacancy Scheduled Caste
37thvacancy Unreserved
38thvacancy Unreserved
39thvacancy Unreserved
40thvacancy Scheduled Caste
41thvacancy Unreserved
42ndvacancy Unreserved
43rdvacancy Scheduled Caste
44thvacancy Unreserved
45thvacancy Unreserved
46thvacancy Unreserved
47thvacancy Scheduled Caste
48thvacancy Unreserved
49thvacancy Unreserved
50thvacancy Unreserved

(ii)A register shall be maintained for giving effect to the instructions contained in paragraph (i).(iii)Before giving any promotion, the appointing authority shall ascertain by consulting the register whether the vacancy is reserved or unreserved and if it is reserved, for whom it is so reserved. Immediately after a promotion is given, the particulars thereof shall be entered in the register and signed by the appointing authority.(iv)The roster is a running account from year to year and shall be maintained accordingly. If promotion in a particular year stops at a particular point of the cycle, say, at the 5th point, promotion in the subsequent year shall begin at the next point, that is, at the 6th point.(v)The roster shall be maintained separately for permanent and temporary vacancies.(vi)A vacancy due to whatever cause, except termination of service during probation, shall be treated as a fresh vacancy.[Sub-Section (2A) inserted by W.B. Act 24 of 2000.] [[Proviso first inserted by W.B. Act 42 of 2000, then Substituted by W.B. Act 5 of 2007, which was earlier as under:'Provided that the State Government may, if it is satisfied that the appointing authority by genuine mistake or on account of an error of judgement or owing to ignorance has filled up any reserved vacancy otherwise than by a candidate for whom the vacancy is reserved and that there has been no mala fide intention in this regard on the part of the appointing authority, by order in writing, regularise the appointment, if so applied for by the appointing authority, on the basis of the carry-forward principle. In such case, reservation against the reserved vacancy already filled up otherwise than by a candidate belonging to Scheduled Caste or Scheduled Tribe for whom the

vacancy was originally reserved, shall be carried forward to the nearest unreserved vacancy available at the time of consideration of any application;'.]]