

**GOVERNMENT OF WEST BENGAL
HIGHER EDUCATION DEPARTMENT
(UNIVERSITY BRANCH)
BIKASH BHABAN, SALT LAKE
KOLKATA-700091**

No. 65 –Edn (U)/1U-89/13

Date: 16.01.2014

From: Smt. M. Ray, IAS
Additional Secretary to the Govt. of West Bengal

To: The Vice Chancellor,

_____University

Subject: Procedure to be followed for reservation of persons with disabilities for admission.

Ref: Guidelines of Department of Personnel and Training, Govt. of India

Sir,

In reference to the above mentioned subject I am directed to enclose the FAQ issued by the Department of Personnel and Training, Government of India regarding reservation of the persons with disabilities as per the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

In this regard I am further directed to say that reservation of seats shall not exceed 45% (SC-22%, ST-6%, OBC-A- 10% & OBC-B-7%). Persons with disabilities will enjoy a 3% reservation in each of the categories, i.e. in SC, ST, OBC-A, OBC-B and in the Unreserved or General Category, and such candidates, if available, shall be placed towards the top of the list prepared for each category of students.

Yours faithfully,

SD/- M. Ray
Additional Secretary

No. 65/1(9) –Edn (U)/1U-89/13

Date: 16.01.2014

Copy forwarded for information and necessary action to:

1. The Secretary, Agriculture Department,
2. The Secretary, Animal Resource Development Department,
3. The Principal Secretary, Health & Family Welfare Department,
4. The Secretary, Backward Class Welfare Department,
5. The Director of Public Instruction with request to forward all Government and Govt. aided College for taking necessary action by them,
6. The Director of Technical Education with request to forward all Government and Govt. aided College for taking necessary action by them,
7. The Chairman, West Bengal Joint Entrance Examination Board,
8. The Vice Chairman, West Bengal State Council of Higher Education,
9. The Registrar, _____University.

Additional Secretary

Frequently Asked Questions (FAQs) on the policy of reservation to Persons with Disabilities

Q.1 What is the policy of the Government on reservation for Persons with Disabilities?

Ans.: Reservation to Persons with Disabilities is provided in line with the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, in posts and services under the Government of India.

Three per cent of the vacancies in case of direct recruitment to Group A,B,C and D posts shall be reserved for persons with disabilities of which one per cent each shall be reserved for persons suffering from (i) blindness or low vision, (ii) hearing impairment and (iii) locomotor disability or cerebral palsy in the posts identified for each disability;

Three per cent of the vacancies in case of promotion to Group D and Group C posts in which the element of direct recruitment, if any, does not exceed 75%, shall be reserved for persons with disabilities of which one per cent each shall be reserved for persons suffering from (i) blindness or low vision, (ii) hearing impairment and (iii) locomotor disability or cerebral palsy in the posts identified for each disability.

Q.2 What is the provision for exemption from reservation to Ministries/Departments?

Ans.: If any Department / Ministry considers it necessary to exempt any establishment partly or fully from the provision of reservation for persons with disabilities, it may make a reference to the Ministry of Social Justice and Empowerment giving full justification for the proposal. The grant of exemption shall be considered by an Inter-Departmental Committee set up by the Ministry of Social Justice and Empowerment.

Q.3 What are the definitions of Disabilities?

Ans.: Definitions of categories of disabilities for the purpose of this Office Memorandum are given below:

(i)(a) Blindness: "Blindness" refers to a condition where a person suffers from any of the following conditions, namely:-

(i) total absence of sight; or

- (ii) visual acuity not exceeding 6/60 or 20/200(snellen) in the better eye with correcting lenses; or
- (iii) limitation of the field of vision subtending an angle of 20 degree or worse;
- (b) Low vision: “Person with low vision” means a person with impairment of visual functioning even after treatment or standard refractive correction but who uses or is potentially capable of using vision for the planning or execution of a task with appropriate assistive device.
- (ii) Hearing Impairment:- “Hearing Impairment” means loss of sixty decibels or more in the better ear in the conversational range of frequencies.
- (iii)(a) Locomotor disability : “Locomotor disability” means disability of the bones, joints or muscles leading to substantial restriction of the movement of the limbs or any form of cerebral palsy.
- (b) Cerebral Palsy :- “Cerebral Palsy” means a group of non-progressive conditions of a person characterised by abnormal motor control posture resulting from brain insult or injuries occurring in the pre-natal, perinatal or infant period of development.
- (c) All the cases of orthopaedically handicapped persons would be covered under the category of “locomotor disability or cerebral palsy.”

Q.4 What should be the degree of disability for claiming reservation in posts/services under the Central Government?

Ans.: Only such persons would be eligible for reservation in services / posts who suffer from not less than 40 per cent of relevant disability. A person who wants to avail of benefit of reservation would have to submit a Disability Certificate issued by a competent authority.

Q.5 Who is the competent authority to issue Disability Certificate?

Ans.: The competent authority to issue Disability Certificate shall be a Medical Board duly constituted by the Central or a State Government. The Central / State Government may constitute Medical Board(s) consisting of at least three members out of which at least one shall be a specialist in the particular field for assessing locomotor / cerebral / visual / hearing disability, as the case may be.

The Medical Board shall, after due examination, give a permanent disability certificate in cases of such permanent disabilities where there are no chances of variation in the degree of disability. The Medical Board shall indicate the period of validity of the certificate, in cases where there are chances of variation in the degree of disability. No refusal of disability certificate shall be made unless an opportunity is given to the applicant of being heard. On

representation by the applicant, the Medical Board may review its decision having regard to all the facts and circumstances of the case and pass such orders in the matter as it thinks fit.

At the time of initial appointment and promotion against a vacancy reserved for persons with disability, the appointing authority shall ensure that the candidate is eligible to get the benefit of reservation.

An employee who acquires disability after entering into service will be entitled to get the benefit of reservation as a person with disability from the date he produces a valid certificate of disability.

Q.6 Which Ministry/Department identifies the jobs/posts suitable for Persons with Disabilities?

Ans.: The Ministry of Social Justice and Empowerment have identified the jobs / posts suitable to be held by persons with disabilities and the physical requirement for all such jobs / posts vide their notification no. 16-25/99.NI.I dated 31.5.2001. The jobs / posts given in Annexure II of the said notification as amended from time to time shall be used to give effect to 3 per cent reservation to the persons with disabilities. It may, however, be noted that:

- (a) The nomenclature used for any job / post shall mean and include nomenclature used for other comparable jobs / posts having identical functions.
- (b) The list of jobs / posts notified by the Ministry of Social Justice & Empowerment is not exhaustive. The concerned Ministries / Departments shall have the discretion to identify jobs / posts in addition to the jobs / posts already identified by the Ministry of Social Justice & Empowerment. However, no Ministry / Department / Establishment shall exclude any identified job / post from the purview of reservation at its own discretion.
- (c) If a job/ post identified for persons with disabilities is shifted from one group or grade to another group or grade due to change in the pay-scale or otherwise, the job/ post shall remain identified.

If a post is identified suitable only for one category of disability, reservation in that post shall be given to persons with that disability only. Reservation of 3% shall not be reduced in such cases and total reservation in the post will be given to persons suffering from the disability for which it has been identified. Likewise in case the post is identified suitable for two categories of disabilities, reservation shall be distributed between persons with those categories of disabilities equally, as far as possible. It shall, however, be ensured that reservation in different posts in the establishment is distributed in

such a way that the persons of three categories of disabilities, as far as possible, get equal representation.

Q.7 How can a Person with Disability be appointed against an unreserved vacancy?

Ans.: In the posts which are identified suitable for persons with disabilities, a person with disability cannot be denied the right to compete for appointment against an unreserved vacancy. Thus a person with disability can be appointed against an unreserved vacancy, provided the post is identified suitable for persons with disability of the relevant category.

Q.8 Who is an own merit candidate?

Ans.: Persons with disabilities selected on their own merit without relaxed standards alongwith other candidates, will not be adjusted against the reserved share of vacancies. The reserved vacancies will be filled up separately from amongst the eligible candidates with disabilities which will thus comprise physically handicapped candidates who are lower in merit than the last candidate in merit list but otherwise found suitable for appointment, if necessary, by relaxed standards. It will apply in case of direct recruitment as well as promotion, wherever reservation for persons with disabilities is admissible.

Q.9 How is the reservation for Persons with Disabilities computed?

Ans.: Reservation for persons with disabilities in case of Group C and Group D posts shall be computed on the basis of total number of vacancies occurring in all Group C or Group D posts, as the case may be, in the establishment, although the recruitment of the persons with disabilities would only be in the posts identified suitable for them. The number of vacancies to be reserved for the persons with disabilities in case of direct recruitment to Group 'C' posts in an establishment shall be computed by taking into account the total number of vacancies arising in Group 'C' posts for being filled by direct recruitment in a recruitment year both in the identified and non-identified posts under the establishment. The same procedure shall apply for Group 'D' posts. Similarly, all vacancies in promotion quota shall be taken into account while computing reservation in promotion in Group 'C' and Group 'D' posts. Since reservation is limited to identified posts only and number of vacancies reserved is computed on the basis of total vacancies (in identified posts as well as unidentified posts), it is possible that number of persons appointed by reservation in an identified post may exceed 3 per cent.

Reservation for persons with disabilities in Group 'A' posts shall be computed on the basis of vacancies occurring in direct recruitment quota in all the identified Group 'A' posts in the establishment. The same method of computation applies for Group 'B' posts.

Q.10 How are the reservation roster registers for Persons with Disabilities maintained?

Ans.: (a) All establishments shall maintain separate 100 point reservation roster registers in the format given in **Annexure II** for determining / effecting reservation for the disabled – one each for Group 'A' posts filled by direct recruitment, Group 'B' posts filled by direct recruitment, Group 'C' posts filled by direct recruitment, Group 'C' posts filled by promotion, Group 'D' posts filled by direct recruitment and Group 'D' posts filled by promotion.

(b) Each register shall have cycles of 100 points and each cycle of 100 points shall be divided into three blocks, comprising the following points:

1st Block – point No.1 to point No.33

2nd Block – point No. 34 to point No.66

3rd Block – point No.67 to point No.100

(c) Points 1, 34 and 67 of the roster shall be earmarked reserved for persons with disabilities – one point for each of the three categories of disabilities. The head of the establishment shall decide the categories of disabilities for which the points 1, 34 and 67 will be reserved keeping in view all relevant facts.

(d) All the vacancies in Group C posts falling in direct recruitment quota arising in the establishment shall be entered in the relevant roster register. If the post falling at point no. 1 is not identified for the disabled or the head of the establishment considers it desirable not to fill it up by a disabled person or it is not possible to fill up that post by the disabled for any other reason, one of the vacancies falling at any of the points from 2 to 33 shall be treated as reserved for the disabled and filled as such. Likewise a vacancy falling at any of the points from 34 to 66 or from 67 to 100 shall be filled by the disabled. The purpose of keeping points 1, 34 and 67 as reserved is to fill up the first available suitable vacancy from 1 to 33, first available suitable vacancy from 34 to 66 and first available suitable vacancy from 67 to 100 by persons with disabilities.

(e) There is a possibility that none of the vacancies from 1 to 33 is suitable for any category of the disabled. In that case two vacancies from 34 to 66 shall be filled as reserved for persons with disabilities. If the vacancies from 34 to 66

are also not suitable for any category, three vacancies shall be filled as reserved from the third block containing points from 67 to 100. This means that if no vacancy can be reserved in a particular block, it shall be carried into the next block.

(f) After all the 100 points of the roster are covered, a fresh cycle of 100 points shall start.

(g) If the number of vacancies in a year is such as to cover only one block or two, discretion as to which category of the disabled should be accommodated first shall vest in the head of the establishment, who shall decide on the basis of the nature of the post, the level of representation of the specific disabled category in the concerned grade/post etc.

(h) A separate roster shall be maintained for group C posts filled by promotion and procedure as explained above shall be followed for giving reservation to persons with disabilities. Likewise two separate rosters shall be maintained for Group D posts, one for the posts filled by direct recruitment and another for posts filled by promotion.

(i) Reservation in group A and group B posts is determined on the basis of vacancies in the identified posts only. Separate rosters for Group A posts and Group B posts in the establishment shall be maintained. In the rosters maintained for Group A and Group B posts, all vacancies of direct recruitment arising in identified posts shall be entered and reservation shall be effected the same way as explained above.

Q.11 What is meant by inter se exchange and carry forward of reservation in case of direct recruitment quota as well as in promotion quota?

Ans.

(a) Reservation for each of the three categories of persons with disabilities shall be made separately. But if the nature of vacancies in an establishment is such that a person of a specific category of disability cannot be employed, the vacancies may be interchanged among the three categories with the approval of the Ministry of Social Justice & Empowerment and reservation may be determined and vacancies filled accordingly.

(b) If any vacancy reserved for any category of disability cannot be filled due to non-availability of a suitable person with that disability or, for any other sufficient reason, such vacancy shall not be filled and shall be carried forward as a 'backlog reserved vacancy' to the subsequent recruitment year.

(c) In the subsequent recruitment year the 'backlog reserved vacancy' shall be treated as reserved for the category of disability for which it was kept

reserved in the initial year of recruitment. However, if a suitable person with that disability is not available, it may be filled by interchange among the three categories of disabilities. In case no suitable person with disability is available for filling up the post in the subsequent year also, the employer may fill up the vacancy by appointment of a person other than a person with disability. If the

vacancy is filled by a person with disability of the category for which it was reserved or by a person of other category of disability by inter se exchange in the subsequent recruitment year, it will be treated to have been filled by reservation. But if the vacancy is filled by a person other than a person with disability in the subsequent recruitment year, reservation shall be carried forward for a further period upto two recruitment years whereafter the reservation shall lapse. In these two subsequent years, if situation so arises, the procedure for filling up the reserved vacancy shall be the same as followed in the first subsequent recruitment year.

In order to ensure that cases of lapse of reservation are kept to the minimum, any recruitment of the disabled candidates shall first be counted against the additional quota brought forward from previous years, if any, in their chronological order. If candidates are not available for all the vacancies, the older carried forward reservation would be filled first and the relatively later carried forward reservation would be further carried forward.

While filling up the reserved vacancies by promotion by selection, the disabled candidates who are within the normal zone of consideration shall be considered for promotion. Where adequate number of disabled candidates of the appropriate category of handicap are not available within the normal zone, the zone of consideration may be extended to five times the number of vacancies and the persons with disabilities falling within the extended zone may be considered. In the event of non availability of candidates even in the extended zone, the reservation can be exchanged so that post can be filled by a person with other category of disability, if possible. If it is not possible to fill up the post by reservation, the post may be filled by a person other than a person with disability and the reservation shall be carried forward for upto three subsequent recruitment years, whereafter it shall lapse.

In posts filled by promotion by non-selection, the eligible candidates with disabilities shall be considered for promotion against the reserved vacancies and in case no eligible candidate of the appropriate category of disability is available, the vacancy can be exchanged with other categories of disabilities identified for it. If it is not possible to fill up the post by reservation even by exchange, the reservation shall be carried forward for upto three subsequent recruitment years whereafter it shall lapse.

Q.12 What is vertical reservation and horizontal reservation?

Ans. Reservation for backward classes of citizens (SCs, STs and OBCs) is called vertical reservation and the reservation for categories such as persons with disabilities and ex-servicemen is called horizontal reservation. Horizontal reservation cuts across vertical reservation (in what is called inter-locking reservation) and persons selected against the quota for persons with disabilities have to be placed in the appropriate category viz. SC/ST/OBC/General candidates depending upon the category to which they belong in the roster meant for reservation of SCs/STs/OBCs. To illustrate, if in a given year there are two vacancies reserved for the persons with disabilities and out of two persons with disabilities appointed, one belongs to a Scheduled Caste and the other to general category then the disabled SC candidate shall be adjusted against the SC point in the reservation roster and the general candidate against unreserved point in the relevant reservation roster. In case none of the vacancies falls on point reserved for the SCs, the disabled candidate belonging to SC shall be adjusted in future against the next available vacancy reserved for SCs.

Since the persons with disabilities have to be placed in the appropriate category viz. SC/ST/OBC/ General in the roster meant for reservation of SCs/STs/OBCs, the application form for the post should require the candidates applying under the quota reserved for persons with disabilities to indicate whether they belong to SC/ST/OBC or General category.

Q.13 What are the relaxations/concessions available to Persons with Disabilities?

Ans.: **RELAXATION IN AGE LIMIT :**

- (i) Upper age limit for persons with disabilities shall be relaxable (a) by ten years (15 years for SCs/STs and 13 years for OBCs) in case of direct recruitment to Group 'C' and Group 'D' posts; (b) by 5 years (10 years for SCs/STs and 8 years for OBCs) in case of direct recruitment to Group 'A' and Group 'B' posts where recruitment is made otherwise than through open competitive examination; and (c) by 10 years (15 years for SCs/STs and 13 years for OBCs) in case of direct recruitment to Group A and Group B posts through open competitive examination.

- (ii) Relaxation in age limit shall be applicable irrespective of the fact whether the post is reserved or not, provided the post is identified suitable for persons with disabilities.

RELAXATION OF STANDARD OF SUITABILITY: If sufficient number of persons with disabilities are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to this category may be selected on relaxed standard to fill up the remaining vacancies reserved for them provided they are not found unfit for such post or posts. Thus, to the extent the number of vacancies reserved for persons with disabilities cannot be filled on the basis of general standards, candidates belonging to this category may be taken by relaxing the standards to make up the deficiency in the reserved quota subject to the fitness of these candidates for appointment to the post / posts in question.

EXEMPTION FROM PAYMENT OF EXAMINATION FEE AND APPLICATION FEE: Persons with disabilities shall be exempt from payment of application fee and examination fee, prescribed in respect of competitive examinations held by the Staff Selection Commission, the Union Public Service Commission etc. for recruitment to various posts. This exemption shall be available only to such persons who would otherwise be eligible for appointment to the post on the basis of standards of medical fitness prescribed for that post (including any concession specifically extended to the disabled persons) and who enclose with the application form, necessary certificate from a competent authority in support of their claim of disability.

MEDICAL EXAMINATION: As per Rule 10 of the Fundamental Rules, every new entrant to Government Service on initial appointment is required to produce a medical certificate of fitness issued by a competent authority. In case of medical examination of a person with disability for appointment to a post identified as suitable to be held by a person suffering from a particular kind of disability, the concerned Medical Officer or Board shall be informed beforehand that the post is identified suitable to be held by persons with disability of the relevant category and the candidate shall then be examined medically keeping this fact in view.

Q.14 What are the points which the Ministries/Departments should keep in mind while sending the requisition notice to the Employment Exchange, the SSC, the UPSC etc. while advertising the vacancies?

Ans.: In order to ensure that persons with disabilities get a fair opportunity in consideration for appointment to an identified post, the following points shall be

kept in view while sending the requisition notice to the Employment Exchange, the SSC, the UPSC etc. and while advertising the vacancies:-

- (i) Number of vacancies reserved for SCs/STs/OBCs/Ex-Servicemen/Persons suffering from Blindness or Low Vision/Persons suffering from Hearing Impairment/Persons suffering from Locomotor Disability or Cerebral Palsy should be indicated clearly.
- (ii) In case of vacancies in posts identified suitable to be held by persons with disability, it shall be indicated that the post is identified for persons with disabilities suffering from blindness or low vision; hearing impairment; and/or locomotor disability or cerebral palsy, as the case may be, and that the persons with disabilities belonging to the category/categories for which the post is identified shall be allowed to apply even if no vacancies are reserved for them. Such candidates will be considered for selection for appointment to the post by general standards of merit.
- (iii) In case of vacancies in posts identified suitable for persons with disabilities, irrespective of whether any vacancies are reserved or
- (iv) not, the categories of disabilities viz blindness or low vision, hearing impairment and locomotor disability or cerebral palsy, for which the post is identified suitable alongwith functional classification and physical requirements for performing the duties attached to the post shall be indicated clearly.
- (v) It shall also be indicated that persons suffering from not less than 40% of the relevant disability shall alone be eligible for the benefit of reservation.

In order to ensure proper implementation of the provisions of reservation for persons with disabilities, the requisitioning authority while sending the requisition to the UPSC, SSC etc. for filling up of posts shall furnish the following certificate to the recruiting agency:-

“It is certified that the requirements of the Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995 and the policy relating to reservation for persons with disabilities has been taken care of while sending this requisition. The vacancies reported in this requisition fall at points no. of cycle no. of 100 point reservation roster out of which number of vacancies are reserved for persons with disabilities.”

Q.15 What is the procedure to monitor the representation of Persons with Disabilities in posts and services under the Central Government?

Ans.: (i) Soon after the first of January of every year, each appointing authority shall send to its administrative Ministry/Department:-

- (a) PWD Report-I in the prescribed proforma (Annexure III) showing the total number of employees, total number of employees in the posts which have been identified suitable for persons with disabilities and number of employees suffering from blindness or low vision, hearing impairment, and locomotor disability or cerebral palsy as on the 1st January of the year, and
- (b) PWD Report-II in the prescribed proforma (Annexure IV) showing the number of vacancies reserved for persons suffering from blindness or low vision, hearing impairment, and locomotor disability or cerebral palsy and number of such persons actually appointed during the preceding calendar year.

(ii) The administrative Ministry/Department shall scrutinize the information received from all appointing authorities under it and send consolidated PWD Report-I and PWD Report- II in prescribed proformae in respect of the Ministry/Department including information in respect of all attached and subordinate offices under its control to the Department of Personnel and Training by the 31st March of each year.

(iii) The following points may be kept in view while sending the reports to the Department of Personnel & Training:-

- (a) The reports sent to the DOPT should not include information in respect of public sector undertakings, statutory, semi-Government and autonomous bodies. Statutory, semi-Government and autonomous bodies shall furnish consolidated information in the prescribed proforma to the administrative Ministry/Department concerned who may scrutinize, monitor and maintain it at their own level. The Department of Public Enterprises may collect similar information in respect of all public sector undertakings.
- (b) The attached/subordinate offices shall send information to their administrative Ministry/Department only and shall not send it direct to this Department.
- (c) The figures in respect of persons with disabilities shall include persons appointed by reservation as well as appointed otherwise.
- (d) The PWD Report I relates to persons and not to posts. Therefore, while furnishing this report the posts vacant etc. should not be

taken into account. In this report persons on deputation should be included in the establishment of the borrowing Ministry/Department/Office and not in the parent establishment. Persons permanent in one grade but officiating or holding temporary appointment in the higher grade shall be included in the figures relating to the Class of service to which the higher grade belongs.

Liaison Officers appointed to look after reservation matters for SCs/STs shall also work as Liaison Officers for reservation matters relating to persons with disabilities and shall ensure compliance of these instructions on reservation for Persons with Disabilities.