

# पुणे विद्यापीठ



दूरध्वनी क्र.: - ०२०-२५६०११८९/११९०

फॅक्स नं.: - ०२०-२५६९७३८८

संकेतस्थळ: - www.unipune.ac.in

आरक्षण कक्ष

गणेशखिड, पुणे-४११००७

संदर्भ क्रमांक: - आरक्षण/ओ-२२/४३९

दिनांक:- ०३/०५/२०१३

प्रति,

मा.प्राचार्य / मा.संचालक,

पुणे विद्यापीठ संलग्नीत सर्व महाविद्यालये / मान्यताप्राप्त संस्था.

विषय:-अपंग व्यक्ती अधिनियम, १९९५ च्या अंमलबजावणीबाबत.

संदर्भ:- शासन पत्र क्र.-अपंग-२०११/प्र.क्र.१-२०११/आस्था-२, दिनांक- १८/०३/२०१३.

महोदय / महोदया,

उपरोक्त विषय व संदर्भीय पत्रास अनुसरून आपणास कळविण्यात येते की, दि. ०१/०१/२००६ पासून संपूर्ण देशामध्ये, अपंग व्यक्ती (समान संधी, हक्कांचे संरक्षण व संपूर्ण सहभाग) अधिनियम १९९५ लागू करण्यात आला आहे. सदर अधिनियमाच्या परिपूर्ण अंमलबजावणीबाबत संबंधितांना वेळोवेळी निर्देश देवूनही, अपंगांची पदे आरक्षित करणे, त्यांची परिगणना करणे व अपंगांची पदे भरणे याबाबतच्या निर्देशांचे काटेकोरपणे पालन होत नाही, असे शासनाच्या निदर्शनास आलेले असल्याचे शासनाने संदर्भीय पत्रान्वये कळविलेले आहे.

सामाजिक न्याय विभागाच्या दिनांक ०७/०६/२००६ व दिनांक ०५/०५/२००६ च्या पत्राची प्रत तसेच त्यासोबतच्या केंद्र शासनाच्या दिनांक २९/१२/२००५ च्या कार्यालयीन परिपत्रकाची प्रत, पुनश्च आपल्या निदर्शनास आणण्यात येत आहे. सोबत माहिती करिता प्रती जोडलेल्या आहेत.

अपंग व्यक्ती अधिनियम, १९९५ मधील तरतुदींच्या अंमलबजावणीसंदर्भात शासनाने निर्गमित केलेल्या आदेशाची काटेकोरपणे अंमलबजावणी करण्यात यावी, ही विनंती.

कळावे,

आपला विश्वासू,

उपकुलसचिव

(आरक्षण कक्ष)

सोबत: - वरीलप्रमाणे



## महाराष्ट्र शासन

क्रमांक : अपंग २०११/प्र.क्र. १-२०११/आस्था-२

उच्च व तंत्रशिक्षण विभाग

मंत्रालय, मुंबई ४०० ०३२

दिनांक : १८.३.२०१३

प्रति,

सर्व सहसचिव / उपसचिव, उच्च व तंत्रशिक्षण विभाग, मंत्रालय, मुंबई,  
सर्व संचालक, उच्च व तंत्रशिक्षण विभाग, महाराष्ट्र राज्य,  
कुलसचिव, सर्व अकृषिक विद्यापीठे, महाराष्ट्र राज्य.

विषय : अपंग व्यक्ती अधिनियम, १९९५ च्या अंमलबजावणीबाबतबाबत

महोदय,

आपला नाव - अरुण	1242
दिनांक -	17/04/13
आपला दिनांक -	22/04/13
विभाग -	Reservation Cell

दिनांक १.१.२००६ पासून संपूर्ण देशामध्ये, अपंग व्यक्ती (समान संधी, हक्कांचे संरक्षण व संपूर्ण सहभाग) अधिनियम १९९५ लागू करण्यात आला आहे. सदर अधिनियमाच्या परिपूर्ण अंमलबजावणीचे निर्देश वेळोवेळी सर्व संबंधितांना देण्यात आलेले आहेत. मात्र, शासनाच्या असे निदर्शनास आलेले आहे की, अपंगांची पदे आरक्षित करणे, त्यांची परिगणना करणे व अपंगांची पदे भरणे याबाबतच्या निर्देशांचे काटेकोरपणे पालन होत नाही.

यासंदर्भात सामाजिक न्याय विभागाच्या दिनांक ७.६.२००६ व दिनांक ५.५.२००६ च्या पत्राची प्रत तसेच त्यासोबतच्या केंद्र शासनाच्या दिनांक २९.१२.२००५ च्या कार्यालयीन परिपत्रकाची प्रत, पुनश्च आपल्या निदर्शनास आणण्यात येत आहेत.

आपणांस कळविण्यात येते की, शासनाच्या उपरोक्त निर्देशांचे काटेकोरपणे पालन करण्यात यावे. तसेच उपरोक्त निर्देश आपल्या अधिपत्याखालील सर्व क्षेत्रिय कार्यालये / शैक्षणिक संस्था (शासकीय तसेच अशासकीय अनुदानित संस्था) यांच्याही निदर्शनास आणण्यात यावेत.

आपला,

( बा. म. राजुत )

अवर सचिव, महाराष्ट्र शासन

प्रत माहितीस्तव :

- मा. प्रधान सचिव (उच्च व तंत्रशिक्षण) यांचे स्वीय सहायक
- श्री. मंगेश तुळशिराम गुजर, मु.पो. पिपळवंडी, ता. जुन्नर, जिल्हा : पुणे-४१२ ४१२.

उ. कु. (आ/२४०१)

21.4.2013

०१/०५/१३

Raj

अपंगी सहायक ३३  
२३/०५/१३

महाराष्ट्र शासन

पत्र क्रमांक अपंग २००२/प्रक्र.३३१/सुधार-३,  
सामाजिक न्याय व विशेष सहाय्य विभाग,  
मंत्रालय, मुंबई : ४०० ०३२.  
दिनांक : ५ मे, २००६.

प्रति,

सर्व अपर मुख्य सचिव/प्रधान सचिव/सचिव,  
सर्व मंत्रालयीन विभाग,  
मंत्रालय, मुंबई : ४०० ०३२.

विषय :- शासन सेवेत आरक्षित पदांची अनुशोषाची परिगणना व त्यासाठीची  
कार्यपध्दती

उपरोक्त विषयाबाबत मा. मुख्यसचिव यांचे अध्यक्षतेखाली दिनांक २४ मार्च २००६ रोजी एक बैठक आयोजित करण्यात आली होती. या बैठकीमध्ये काही विभागांच्या सचिवांनी अपंगांसाठी आरक्षित पदे कशी ठेवावीत व तीन टक्के आरक्षणाची परिगणना कशाप्रकारे करावी याबाबत काही मुद्दे उपस्थित केले होते. यासंबंधी शासन निर्णय, सामान्य प्रशासन विभाग तसेच कार्यालयीन परिपत्रक, कार्मिक मंत्रालय, भारत सरकार, नवी दिल्ली क्र.३६०३५/३/२००४ ईएसटीटी (आरईएस) दिनांक २९-१२-२००५ अन्वये जारी केलेल्या आदेशांचा आढावा दिनांक २६ एप्रिल २००६ रोजी मा. अपर मुख्य सचिव, सामान्य प्रशासन विभाग यांचेकडे झालेल्या बैठकीमध्ये घेण्यात आला व सर्व बाबींचा विचार करून खालीलप्रमाणे निर्णय घेण्यात आले :-

- १) अपंगांसाठी आरक्षित पदे भरण्यासाठी तसेच अपंगांचा अनुशोष मोजताना अपंग व्यक्ती अधिनियम १९९५ अंमलात आल्यानंतर निर्माण झालेली रिक्त पदे विचारात घेण्यात यावीत.
- २) वरील प्रयोजनार्थ केंद्र शासनाने त्यांच्या दिनांक २९ डिसेंबर २००५ च्या परिपत्रकान्वये विहित केलेल्या मार्गदर्शक सूचना अंमलात आणल्यात (प्रत सोबत जोडली आहे )
२. केंद्र शासनाच्या दिनांक २९ डिसेंबर २००५ चे परिपत्रकातील परिच्छेद क्रमांक २.५.१३ व १५ कडे आपले लक्ष वेधण्यात येत आहे.
३. तरी सर्व विभागांना अशा सूचना देण्यात येत आहेत की, वरीलप्रमाणे अपंगांसाठी राखीव जागांची परिगणना करण्यात यावी व अपंगांसाठी राखीव सर्व पदे दिनांक ३१ जुलै २००६ पर्यंत भरण्यात यावीत व तसा अहवाल शासनास सादर करण्यात यावा.

४. सर्व विभागाना अशीही विनंती करण्यात येते की, खरीलप्रमाणे सूचना आपल्या अधिनस्त सर्व कार्यालये/महागंडळे/संस्थांना निर्गमित करण्यात याव्यात.

बलदेव चंद  
( बलदेव चंद )  
प्रधान सचिव

महाराष्ट्र शासन

न्यायालयीन बाब  
तात्काळ

क्रमांक:-अपंग-२००२/प्र.क्र.३३१/सुधार-३-  
सामाजिक न्याय,सांस्कृतिक कार्य व विशेष  
सहाय्य विभाग, मंत्रालय विस्तार भवन,  
मुंबई - ४०० ०३२.  
दिनांक :- ७ जून २००६

प्रति,

सर्व अपर मुख्य सचिव/प्रधान सचिव/सचिव,  
सर्व मंत्रालयीन विभाग,  
मंत्रालय, मुंबई - ३२.

विषय :- शासन सेवेत अपंगांसाठी असलेल्या आरक्षित पदांच्या अनुशेषाची  
परिगणना व त्यासाठी असलेली कार्यपध्दती...

महोदय,

उपरोक्त विषयावरील या विभागाच्या समक्रमांकाच्या दि. ५ मे २००६ च्या मा.प्रधान सचिव  
(सा.न्या.) यांच्या पत्राकडे पुनश्च लक्ष वेधण्यात येत आहे. (प्रत सोबत जोडली आहे)

२. सदर पत्रात नमूद केल्यानुसार अपंगांसाठी आरक्षित पदे कशी ठेवावीत व त्यांची परिगणना कशी  
करावी याबाबत मा.अपर मुख्य सचिव, सामान्य प्रशासन विभाग यांचेकडे दि. २६.४.२००६ रोजी  
झालेल्या बैठकीमध्ये खालीलप्रमाणे निर्णय घेण्यात आले आहेत :-

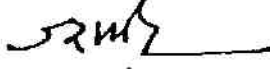
- १) अपंगांसाठी आरक्षित पदे भरण्यासाठी तसेच अपंगांच्या अनुशेष मोजताना अपंग व्यक्ती  
अर्धनियम १९९५ अमलात आल्यानंतर निर्माण झालेली रिक्त पदे विचारात घेण्यात यावी.
- २) वरील प्रयोजनार्थ केंद्र शासनाने त्यांच्या दि. २९.१२.२००५ च्या परिपत्रकांन्वये विहित  
केलेल्या मार्गदर्शक सूचना अमलात आणाव्यात. (विशेषतः परि.क्र.२.५.१३ व १५)  
(प्रत सोबत जोडली आहे)

३. तरी अपंगांसाठी राखीव पदांची परिगणना वरील बाबी विचारात घेऊन करण्यात यावी व  
ती सर्व राखीव पदे दि.३१ जुलै २००६ पर्यंत भरण्यात यावीत. त्यानुसार केलेल्या कार्यवाहीचा  
अहवाल शासनास तातडीने सादर करावा.

४. वरील कार्यवाही जनहित याचिका क्र.७०/०२ लिगल एड सेंटर विरुद्ध महाराष्ट्र शासन संबंधात  
मा.उच्च न्यायालयाने दिवलेल्या आदेशानुसार करणे शासनावर बंधनकारक असून याबाबतची पुढील

सुनावणी दि. ९ ऑगस्ट २००६ रोजी ठेवण्यात आलेली आहे. त्यावेळी अपंगांचा अनुशेष भरण्याच्या न्यायालयाच्या आदेशाची अंमलबजावणी झाली नसल्याचे मा.उच्च न्यायालयाच्या निदर्शनास आल्यास अवमानविषयक कार्यवाही होऊ शकते याकडे खास लक्ष वेधण्यात येत आहे. यासंदर्भात मा.मुख्य सचिव स्तरावर दोनवेळा प्रतिज्ञापत्र दाखल करण्यात आले असून दि. ९ ऑगस्ट २००६ रोजीच्या सुनावणीप्रसंगीही आदेशाच्या अंमलबजावणीच्या अनुषंगाने मा.मुख्य सचिवांना प्रतिज्ञापत्र दाखल करावयाचे असल्याने या कार्यवाहीकडे विशेष गांभीर्याने व प्राथम्याने लक्ष द्यावे. या प्रकरणात आपल्या विभागात तसेच आपल्या विभागांतर्गत असलेल्या सर्व क्षेत्रीय कार्यालयात / महामंडळात / रांगभात अपंगांचा अनुशेष दि. ३१ जुलै २००६ पर्यंत पूर्णपणे भरला जाईल याची दक्षता घ्यावी, अशी चिन्मती आहे

आपला,

  
(ज. न. राठोड)  
उप सचिव

प्रति, माहितीसाठी व तात्काळ कार्यवाहीसाठी अप्रेषित :-

मा.राज्यपालांचे सचिव,

मा.मुख्यमंत्र्यांचे प्रधान सचिव,

मा.उप मुख्यमंत्र्यांचे प्रधान सचिव,

सर्व मंत्री व राज्यमंत्री यांचे खाजगी सचिव,

अधिदान व लेखा अधिकारी, वांद्रा (पूर्व), मुंबई ४०० ०५१,

अधिदान व लेखा अधिकारी, मुंबई,

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No. 36035/3/2004-Estt(Res)  
GOVERNMENT OF INDIA  
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS  
DEPARTMENT OF PERSONNEL & TRAINING

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New Delhi, Dated the 29<sup>th</sup> December, 2005

OFFICE MEMORANDUM

Subject- Reservation for the Persons with Disabilities.

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With a view to consolidating the existing instructions, bringing them in line with the Persons with Disabilities (Equal Opportunities, Protection of Rights & Full Participation) Act, 1995 and clarifying certain issues including procedural matters, the following instructions are issued with regard to reservation for persons with disabilities (physically handicapped persons) in posts and services under the Government of India. These instructions shall supercede all previous instructions issued on the subject so far.

2. QUANTUM OF RESERVATION

- (i) Three percent 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;
- (ii) Three percent 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.

3. EXEMPTION FROM RESERVATION : 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.



4. **IDENTIFICATION OF JOBS / POSTS:** 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.1 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.

5. **RESERVATION IN POSTS IDENTIFIED FOR ONE OR TWO CATEGORIES:** 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.

6. **APPOINTMENT AGAINST UNRESERVED VACANCIES:** 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.

7. **ADJUSTMENT OF CANDIDATES SELECTED ON THEIR OWN MERIT :** Persons with disabilities selected on their own merit without relaxed

standards along with 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.

8. **DEFINITIONS OF DISABILITIES** : 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, peri-natal 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."

9. **DEGREE OF DISABILITY FOR RESERVATION** : 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 in the format given in Annexure I.

**10. COMPETENT AUTHORITY TO ISSUE DISABILITY CERTIFICATE :-**

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.

11. 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.

12. 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.

**13. COMPUTATION OF RESERVATION:** 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.

14. 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.

15. **EFFECTING RESERVATION – MAINTENANCE OF ROSTERS:**

(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:

- 1<sup>st</sup> Block – point No.1 to point No.33
- 2<sup>nd</sup> Block – point No. 34 to point No.66
- 3<sup>rd</sup> 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.

**16. INTER SE EXCHANGE AND CARRY FORWARD OF RESERVATION IN CASE OF DIRECT RECRUITMENT:**

- (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.

17. 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.

**18. CONSIDERATION ZONE, INTERSE EXCHANGE AND CARRY FORWARD OF RESERVATION IN CASE OF PROMOTION**

(a) 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.

(b) 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.

**19. HORIZONTALITY OF RESERVATION FOR PERSONS WITH DISABILITIES:** 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 interlocking 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.

20. 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.

21. **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.

22. **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.

23. **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.

24. **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.

25. **NOTICE OF VACANCIES:** 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.

26. **CERTIFICATE BY REQUISITIONING AUTHORITY :** 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.”

27. **ANNUAL REPORTS REGARDING REPRESENTATION OF PERSONS WITH DISABILITIES :**

(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 1<sup>st</sup> 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 31<sup>st</sup> 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.

28. **LIAISON OFFICER FOR PERSONS WITH DISABILITIES** : 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.

29. All the Ministries/Departments are requested to bring the above instructions to the notice of all appointing authorities under their control.



(K.G. Verma)

Deputy Secretary to the Govt. of India

To

- (i) All Ministries/Departments of the Govt. of India.
- (ii) Department of Economic Affairs (Banking Division), New Delhi
- (iii) Department of Economic Affairs (Insurance Division), New Delhi
- (iv) Department of Public Enterprises, New Delhi
- (v) Railway Board.
- (vi) Public Service Commission/Supreme Court of India/ Election Commission/Lok Sabha Secretariat/ Rajya Sabha Secretariat/ Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/ Prime Minister's Office/Planning Commission.
- (vii) Staff Selection Commission, CGO Complex, Lodi Road, New Delhi
- (viii) Office of the Chief Commissioner for Disabilities, Sarojini House, 6, Bhagwan Das Road, New Delhi - 110 001
- (ix) Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
- (x) All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate offices of this Ministry.
- (xi) Information and Facilitation Centre, DOPT, North Block, New Delhi.
- (xii) 200 spare copies for Estt(Res)Desk.