

पत्रांक : 14 / आ0नी0-04-08 / 2021 का0 8281 /

झारखण्ड सरकार

कार्मिक, प्रशासनिक सुधार तथा राजभाषा विभाग।

प्रेषक,

वंदना दादेल,  
सरकार के प्रधान सचिव।

सेवा में,

सचिव,  
झारखण्ड लोक सेवा आयोग / झारखण्ड कर्मचारी चयन आयोग,  
परीक्षा नियंत्रक,  
झारखण्ड संयुक्त प्रवेश प्रतियोगिता परीक्षा पर्षद, राँची।

राँची, दिनांक- 03.12.2021

विषय:- झारखण्ड पदों एवं सेवाओं की रिक्तियों में आरक्षण (अनुसूचित जातियों, अनुसूचित जनजातियों एवं पिछड़े वर्गों के लिए) अधिनियम, 2001 के अन्तर्गत सीधी भर्ती हेतु सभी नियुक्तियों में झारखण्ड राज्य के अनारक्षित एवं आरक्षित कोटि के महिला उम्मीदवारों को देय क्षैतिज आरक्षण के संबंध में।

महाशय,

निदेशानुसार उपर्युक्त विषयक झारखण्ड पदों एवं सेवाओं की रिक्तियों में आरक्षण (अनुसूचित जातियों, अनुसूचित जनजातियों एवं पिछड़े वर्गों के लिए) अधिनियम, 2001 की धारा 4(2)(क)(ii) के अन्तर्गत सीधी भर्ती हेतु सभी नियुक्तियों में झारखण्ड राज्य के अनारक्षित एवं आरक्षित कोटि के महिला उम्मीदवारों को 5% क्षैतिज आरक्षण अनुमान्य है। इस क्षैतिज आरक्षण की गणना में प्रत्येक कार्यालय द्वारा एकरूपता बरतने के उद्देश्य से विभाग के स्तर से एक स्पष्टीकरण निर्गत किया जाना विचाराधीन था।

सम्यक् विचारोपरान्त Miscelleneous Application no 2641/2019 in SLP (C) No.- 23223/2018, सौरभ यादव एवं अन्य बनाम स्टेट ऑफ उत्तर प्रदेश एवं अन्य में दिनांक-18.12.2020 को माननीय सर्वोच्च न्यायालय द्वारा पारित न्याय निर्णय के अनुरूप झारखण्ड राज्य में भी महिलाओं को देय क्षैतिज आरक्षण के प्रावधान को लागू करने का निर्णय लिया गया है।

माननीय सर्वोच्च न्यायालय द्वारा पारित न्याय निर्णय के संबंधित अंश का उद्धरण सुलभ प्रसंग हेतु निम्न रूपेण अंकित किया जा रहा है-

"36. Finally, we must say that the steps indicated by the High Court of Gujarat in para 56 of its judgment in *Tamannaben Ashokbhai Desai*, contemplate the correct and appropriate procedure for considering and giving effect to both *vertical* and *horizontal reservations*. The illustration given by us deals with only one possible dimension. There could be multiple such possibilities. Even going by the present illustration, the first female candidate allocated in the vertical column for Scheduled Tribes may have secured higher position than the candidate at Serial No.64. In that event said candidate must be shifted from the category of Scheduled Tribes to Open / General category causing a resultant vacancy in the vertical column of Scheduled Tribes. Such vacancy must then enure to the benefit of the candidate in the Waiting List for Scheduled Tribes - Female. The steps indicated by Gujarat High Court will take care of every such possibility. It is true that the exercise of laying down a procedure must necessarily be left to the concerned authorities but we may observe that one set out in said judgment will certainly satisfy all claims and will not lead to any incongruity as highlighted by us in the preceding paragraphs."

का उद्धरण—

“56. For the future guidance of the State Government, we would like to explain the proper and correct method of implementing horizontal reservation for women in a more lucid manner.

“PROPER AND CORRECT METHOD OF IMPLEMENTING HORIZONTAL RESERVATION FOR WOMEN.

No. of posts available for recruitment. .... 100

**Social Reservation quota (49%)**

Open Competition (OC) ..... 51

Scheduled Caste (SC ) ..... 12

Scheduled Tribe (ST) .....17

Socially and Educationally  
Backward Classes (SEBC) .....20

**Horizontal Reservation for Women (33% in each of the  
above categories)**

OC .....17

SC .....04

ST .....06

SEBC .....07

**Step 1:** Draw up a list of at least 100 candidates (usually a list of more than 100 candidates is prepared so that there is no shortfall of appointees when some candidates don't join after offer) qualified to be selected in the order of merit. This list will contain the candidates belonging to all the aforesaid categories.

**Step 2:** From the aforesaid Step 1 List, draw up a list of the first 51 candidates to fill up the OC quota (51) on the basis of merit. This list of 51 candidates may include the candidates belonging to SC, ST and SEBC.

**Step 3:** Do a check for horizontal reservation in OC quota. In the Step 2 List of OC category, if there are 17 women (category does not matter), women's quota of 33% is fulfilled. Nothing more is to be done. If there is a shortfall of women (say, only 10 women are available in the Step 2 List of OC category), 7 more women have to be added. The way to do this is to, first, delete the last 7 male candidates of the Step 2 List. Thereafter, go down the Step 1 List after item no. 51, and pick the first 7 women (category does not matter). As soon as 7 such women from Step 1 List are found, they are to be brought up and added to the Step 2 List to make up for the shortfall of 7 women. Now, the 33% quota for OC women is fulfilled. List of OC category is to be locked. Step 2 List becomes final.

**Step 4:** Move over to SCs. From the Step 1 List, after item no. 51, draw up a list of 12 SC candidates (male or female). These 12 would also include all male SC candidates who got deleted from the Step 2 List to make up for the shortfall of women.

**Step 5:** Do a check for horizontal reservation in the Step 4 List of SCs. If there are 4 SC women, the quota of 33% is complete. Nothing more is to be done. If there is a shortfall of SC women (say, only 2 women are available), 2 more women have to be added. The way to do this is to, first, delete the last 2 male SC candidates of the Step 4 List and then to go down the Step 1 List after item no. 51, and pick the first 2 SC women. As soon as 2 such SC women in Step 1 List are found, they are to be brought up and added to the Step 4 List of SCs to make up for the shortfall of SC women. Now, the 33% quota for SC women is fulfilled. List of SCs is to be locked. Step 4 List becomes final. If 2 SC women cannot be found till the last number in the Step 1 List, these 2 vacancies are to be filled up by SC men. If in case, SC men are also wanting, the social reservation quota of SC is to be carried


forward to the next recruitment unless there is a rule which permits conversion of SC quota to OC.

**Step 6:** Repeat steps 4 and 5 for preparing list of STs.

**Step 7:** Repeat steps 4 and 5 for preparing list of SEBCs.”

अतः अनुरोध है कि उपरोक्त वाद में माननीय सर्वोच्च न्यायालय द्वारा पारित न्याय निर्णय के अनुरूप महिलाओं को राज्य में अनुमान्य 5% का क्षैतिज आरक्षण का लाभ दिया जाना सुनिश्चित किया जाय।

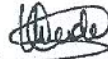
विश्वासभाजन

  
3.12.21  
(वंदना दादेल)

सरकार के प्रधान सचिव।

ज्ञापांक:-14/आ0नी0-04-08/2021 का0 8281 / राँची, दिनांक-03.12.2021

प्रतिलिपि:- सभी विभाग/विभागाध्यक्ष/प्रमण्डलीय आयुक्त/अयुक्त को सूचना एवं आवश्यक क्रियार्थ प्रेषित।

  
3.12.21  
सरकार के प्रधान सचिव।