

Government of Odisha
General Administration and Public Grievance Department

No. GAD-SC-RES-0012-2020- 1955 /Gen., Dated, the 19th January, 2021

From

Sanjeev Chopra, IAS
Additional Chief Secretary to Government.

To

All Departments of Government/
All Heads of Department/
All Collectors.

Sub: Principles to be followed on Vertical and Horizontal reservation during filling up of various State Civil Services and Posts - Clarification thereon.

Clarifications are very often sought for from G.A. & P.G. Department regarding the principles to be followed while filling up posts in State Civil Services and Posts as per vertical and horizontal reservation.

In order to fill up vacancies arising in different Civil Services and Civil Posts under the State Government of Odisha both vertical reservation and horizontal reservations are being followed. Hon'ble Supreme Court, in their judgment dtd. 18.07.2007 passed in Appeal (Civil) Petition No. 3132 of 2007, filed by Rajesh Kumar Daria vs. Rajasthan Public Service Commission and others, have observed various aspects in the matter of horizontal and vertical reservation. The copy of the orders is enclosed for ready reference.

In order to fill up the vacancies as per the principles prescribed for reservation (both vertical and horizontal), the following instructions may be followed.

1. **Types of reservation** :-.

There are two types of reservations, which may, for the sake of convenience, be referred to as '**vertical reservations**' and '**horizontal reservations**'. The reservations in favour of Scheduled Castes, Scheduled Tribes and SEBC are termed as **vertical reservations** whereas reservations in favour of Women, Physically Handicapped, Ex-Servicemen, Sports persons are termed as **horizontal reservations**. The horizontal reservation are either "compartmental horizontal reservation" or "overall horizontal reservation".

For example, in overall horizontal reservation, the reservation for women will be 1/3rd of total vacancies including all categories i.e. SC/ST/SEBC and this number will not vary. However, in compartmentalized horizontal reservation, 1/3rd post will be reserved for women in all categories i.e. for individual category of SC/ST/SEBC. In this process, the total posts filled up by women may be more than 1/3rd of the post filled up.

Illustration:-

If 100 posts are to be filled up, then as per overall horizontal reservation, 1/3rd posts (i.e. 33) are required to be filled up for women. In the process, the percentage of women may not be satisfied in respect of individual category, but in compartmental horizontal reservation, 1/3rd post for women are to be reserved in each category i.e. UR(w)-17, SEBC (w)-4, SC (w)-5, ST (w)-8. Hence, the total number of posts required to be filled up for women in compartmentalized horizontal reservation may be more than 1/3rd of total vacancy.

This system of compartmentalized horizontal reservation is being followed for filling up Civil Service and Civil posts in Odisha.

2. **Nature of reservation:-**

Reservations in favour of SC, ST and SEBC are '**vertical reservations**' and reservations in favour of physically handicapped, women etc. are '**horizontal reservations**'. Where a vertical reservation is made in favour of a particular category, the candidates belonging to such category may compete for non-reserved posts and if they are appointed to the non-reserved posts on their own merit, their numbers **will not be counted** against the quota reserved for the respective reserved categories.

For Example, if the number of SC candidates, who on their own merit get selected against open competition vacancies, the entire reservation quota shall remain available for SC Category candidates, in addition to those selected under open competition category. [Vide - Indra Sawhney (Supra), R. K. Sabharwal vs. State of Punjab (1995 (2) SCC 745), Union of India vs. Virpal Singh Chauhan (1995 (6) SCC 684 and Ritesh R. Sah vs. Dr. Y. L. Yamul (1996 (3) SCC 253)].

3. **Process of Selection:-**

- The proper and correct course is to first select the open competition quota (which is not less than 50%) on the basis of merit;
- Then, select each of the vertical reservation quotas, i.e., SC, ST and SEBC.
- In the next step, find out how many candidates belonging to special reservations (horizontal) have been selected on the above basis. Having done so:-
 - a. If the quota fixed for horizontal reservations is already satisfied - no further question of selection arises.
 - b. If it is not so satisfied, the requisite number of horizontal reservation candidates shall have to be taken and adjusted/accommodated against their respective vertical reservation categories by deleting the corresponding number of candidates therefrom.
 - c. The process of verification and adjustment/accommodation as stated above should be applied separately to each of the vertical reservations wherever required. In such a case, the reservation in favour of horizontal categories, overall, may be satisfied or may not be satisfied.

Illustration :-

Suppose 80 (eighty) posts are to be filled up by direct recruitment. Out of this, as per vertical reservation, ST quota (22.5%) will be 18 (including 6 women), SC quota (16.25%) will be 13 (including 4 women), SEBC quota (11.25%) will be 9 (including 3 women) and UR quota will be 40 (including 13 women). This reservation quota for each

individual category, starting with UR category, will be filled up first on merit. ST/SC/SEBC candidates selected on merit under UR category will not be counted against vertical reservation meant for ST/SC/SEBC.

Then the horizontal reservation for each category (horizontal) will be taken up in the manner as illustrated under 'Reservation for Women' below. If in the process, required number of Ex-Servicemen (2 against 3%), PwD (3 against 4%) and Sports persons (1 against 1%) are represented, then there will be no need to make further reservation for them. However in case of short fall, the required number of candidates shall have to be taken from the merit by making adjustment (male/female) in the respective vertical reservation. For example, if there is shortfall of one PwD in the vertical reservation in all the categories, then the PwD appearing first in the merit list shall be selected and will be placed in the respective category (male/female) to which he/she belongs and necessary adjustments will be made in the select list.

4. Reservation for Women:-

In order to implement reservation for women, the proper procedure is first to fill up the quota for SC/ST in order of merit and then find out the number of candidates among them who belong to the horizontal reservation group of 'SC-Women or ST-Women'. If the number of women in such list is equal to or more than the number of horizontal reservation quota, then there is no need for further selection towards the horizontal reservation quota. Only if there is any shortfall, the requisite number of SC/ST women shall have to be taken by deleting the corresponding number of male candidates from the bottom of the list. To this extent, horizontal reservation differs from vertical reservation. Thus women selected on merit within the vertical reservation quota **will be counted** against the horizontal reservation for women.

Illustration :-

If 19 posts are reserved for SCs (of which the quota for women is six), 19 SC candidates shall have to be first listed in accordance with merit, from out of the successful eligible candidates. If such list of 19 candidates contains six SC women candidates, then there is no need to disturb the list by including any further SC women candidate. On the other hand, if the list of 19 SC candidates contains only two woman candidates, then the next four SC woman candidates in accordance with merit, will have to be included in the list and corresponding number of male candidates from the bottom of such list shall have to be deleted, so as to ensure that the final 19 selected SC candidates contain six women SC candidates. But if the list of 19 SC candidates contains more than six women candidates, selected on own merit, all of them will continue in the list and there is no question of deleting the excess women candidate on the ground that 'SC-women' have been selected in excess of the prescribed internal quota of six.

5. Reservation for Ex-Servicemen :-

The Odisha Ex-Servicemen (Recruitment to State Civil Services and Posts) Rules, 1985 prescribes that 3 (three) per cent of the vacancies arising in a year in each of the categories of Class II and Class III Posts and Services or Class IV posts to be filled by direct recruitment shall be reserved for Ex-Servicemen. To fill up these reserved vacancies, the principles followed in horizontal reservation shall be followed.

6. Reservation for Persons with Disability:-

Government have prescribed reservation of not less than 4% in case of direct recruitment to Gr A, B, C, and D posts for Persons with Disabilities (PwD) out of which one per cent reservation shall be earmarked for women with disability. These reservations will be filled up following the principles of horizontal reservation. The women quota in this category will be counted while computing the women reservation in the relevant category in the vertical reservation.

7. Reservation for Sports Persons:-

As prescribed in Resolution No. 24808., dtd. 18.11.1985 and Resolution No. 33044, dtd. 11.12.2014, one per cent of vacancies arising in a year in each of the categories of Group-A, Group-B, Group-C and Group-D posts filled up by direct recruitment shall be reserved for the Sports Persons. Principles of horizontal reservation shall be followed to fill up these reserved vacancies.

In case a SC/ST/SEBC Sports Person is selected on merit, this will count towards the reservation.


8. Non-availability of required candidates:-

In case required number of candidates in horizontal reservations are not available (either not applied or not qualified), the following steps may be taken:-

- a. In case of Women, if in any year, the vacancies reserved for women in a particular category remains unfilled, the unfilled vacancies shall be filled up by suitable male candidates of the same category. In such a case, if suitable male candidates are not available in that category the vacancy shall be kept unfilled. To be more specific, if reservation is for woman SC and no woman or man in SC category is available, the vacancy cannot be filled up by the candidates of any other category.
- b. In case of Ex-Servicemen, if the vacancies reserved for the EX- Servicemen in a particular year are not filled up due to non-availability of suitable candidate, the backlog reserved vacancies for Ex- Servicemen shall be carried forward to the subsequent year/years of recruitment.
- c. In case of PwD, if the vacancies reserved for the PwDs in a particular year are not filled up due to non-availability of suitable candidate, the backlog reserved vacancies for PwDs shall be carried forward to the subsequent year/years of recruitment.

It is, therefore, requested that above instructions may be kept in view by the Appointing Authorities while considering selection for filling up of horizontal reservation of different categories in various State Civil Services and Posts.

The sub-ordinate offices under their control may be intimated accordingly.


19.01.2021
Additional Chief Secretary to Government

Memo No. 1956 /Gen., Dated the 19th January, 2021.

Copy forwarded to Registrar, Odisha High Court/ Special Secretary, Odisha Public Service Commission, Cuttack/ Secretary, Odisha Staff Selection Commission, Bhubaneswar/Secretary, Odisha Sub-ordinate Staff Selection Commission, Bhubaneswar for information and necessary action.

The Director, Odisha Bhasa Pratisthan, Sanskruti Bhawan, State Museum Campus, Bhubaneswar-14 is requested to take action w.r.t. this Department Memo No. 30208/Gen., dated 24.10.2019.

G. K. S.
19.1.2021

Special Secretary to Government

Memo No. 1957 /Gen., Dated the 19th January, 2021.

Copy forwarded to all Branches of G.A. & P.G. Department / Guard file (20 copies)/ G.A. & P.G. Department Library (20 copies) for information and necessary action.

G. K. S.
19.1.2021

Special Secretary to Government

Memo No. 1958 /Gen., Dated the 19th January, 2021.

Copy forwarded to the G.A. & P.G. (A.R. Cell) Department with a request to post this Circular letter in the website of G.A. & P.G. Department for general information.

G. K. S.
19.1.2021

Special Secretary to Government