

**GOVERNMENT OF TELANGANA
ABSTRACT**

Public Services – State and Subordinate Services - 33½ % reservation for Women in Direct Recruitment to Public Services - Methodology to follow the Horizontal Reservation - Earlier Orders – Superseded.
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**DÉPARTMENT FOR WOMEN, CHILDREN, DISABLED AND SENIOR
CITIZENS (Prog.I)**

G.O.Ms.No.3,

Dated:10-02-2024.

Read the following:

1. G.OMs.No.99, General Administration (Ser.D) Department, Dated :08-03-1996.
2. G.O.Ms.No.237, General Administration (Ser.D) Department, Dated :28.05.1996.
3. G.O.Ms.No.41, WD & CW(Estt.) Department, dt:01-08-1996.
4. G.O.Ms.No.56, WD & CW (Estt.) Dept., Dt:28-10-1996.
5. Judgment of Supreme Court in Rajesh Kumar Daria Vs. Rajasthan Public Service Commission and others etc reported in (2007) 8 SCC 785.
6. Orders in WP.No.27844 of 2022, dated 23.09.2022 & WP.No.38502 of 2022, dated:14.10.2022.
7. Govt Memo.No.7593/Ser.D/A2/2022, General Administration (Ser.D) Department, Dated:02.12.2022.
8. Govt Memo.No.4981/Ser.D/A2/2022, General Administration (Ser.D) Department, Dated:01.02.2024.
9. Letter. No. 125/RR/TSPSC/2021, Dated:08.02.2024 received from the Secretary, TSPSC, Hyderabad.

ORDER:

In the GOs 1st and 2nd read above, orders were issued providing for reservation to women in the matter of direct recruitment for posts for which women and men are equally suited, to the extent of 33½ % of the posts in each category of OC, BC-A, BC-B, BC-C, BC-D, SC, ST, physically handicapped and ex-servicemen quota, duly amending the State and Subordinate Service Rules, 1996.

2. In the G.O. 3rd read above, orders were issued fixing the roster points for women in the existing 100 point roster in terms of Rule 22 of the State and Subordinate Service Rules. In the G.O. 4th read above, orders were issued introducing the carry-forward principle in respect of reservation in favour of women on par with Scheduled Castes, Scheduled Tribes and BCs in the matter of direct recruitment.

3. The Hon'ble Supreme Court of India held in the case of Rajesh Kumar Daria Vs. Rajasthan Public Service Commission [2007(8) SCC 785] that, 'social reservations in favour of SC, ST and OBC under Article 16(4) are 'vertical reservations'. Special reservations in favour of physically handicapped, women, etc., under Article 16 (1) or 15 (3) are 'horizontal reservations'. Where a vertical reservation is made in favour of a Backward Class under Article 16 (4), the candidates belonging to such Backward Class, may compete for non-reserved posts and if they are appointed to the non-reserved posts on their own merit, their number will not be counted against the quota reserved for

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the respective Backward Class. Therefore, if the number of SC candidates, who by their own merit, get selected to open competition vacancies, equals or even exceeds the percentage of posts reserved for SC candidates, it cannot be said that the reservation quota for SCs stood filled. The entire reservation quota will be intact and available in addition to those selected under open competition category. But the said principle applicable to vertical (social) reservations, will not apply to horizontal (special) reservations. Where a special reservation for women is provided within the social reservations for SCs, the proper procedure is first to fill up the quota for SCs in order of merit and then find out the number of candidates among them who belong to the special reservation group of 'Scheduled Caste Women'. If the number of women in such list is equal to or more than the number of special reservation quota, then there is no need for further selection towards the special reservation quota. Only if there is any shortfall, the requisite number of Scheduled Caste Women shall have to be taken by deleting the corresponding number of candidates from the bottom of the list relating to Scheduled Castes'. The same view was taken by the Apex Court in its judgment in Public Service Commission, Uttaranchal Vs. Mamta Bisht [2010 (2) SCC 204].

4. In the Government Memo. 7th read above, it was clarified to the Secretary, Telangana State Public Service Commission that 33 $\frac{1}{3}$ % reservation for women in all categories in the matter of direct recruitment to the posts for which, both men and women are equally suited, shall be implemented horizontally, following the law laid down by the Hon'ble Supreme Court in the case of Rajesh Kumar Daria Vs. Rajasthan Public Service Commission and the orders in the reference 6th read above. The Hon'ble High Court in its order dated 14.10.2022 in W.P.No.38502 of 2022, directed to follow the principle of horizontal reservation for women candidates without earmarking any roster points for them, with the following observations:

"This Court taking into consideration, the law laid down by the Apex Court in the case of Rajesh Kumar Daria Vs. Rajasthan Public Service Commission and others reported in (AIR 2007 SUPREME COURT Pg.3127) and also the earlier interim orders of this Court dated 23.09.2022 passed in W.P.No.27844 of 2022, directs the respondents to follow the decision of the Hon'ble Supreme Court in the case of Rajesh Kumar Daria Vs. Rajasthan Public Service Commission and others while making appointments in Group-I Services and to follow the principles of Horizontal Reservation for Women Candidates without earmarking any roster points for them".

5. In the reference 8th read above, Government have further informed the Secretary, Telangana State Public Service Commission that 33 $\frac{1}{3}$ % reservation for women, in all categories in the matter of direct recruitment to the posts for which, men and women are equally suited, shall be implemented horizontally without earmarking any roster points for them following the law laid down by the Hon'ble Supreme Court in the case of Rajesh Kumar Daria Vs. Rajasthan Public Service Commission [2007 (8) SCC 786] in all ongoing recruitments.

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6. In the reference 9th read above, the Secretary, Telangana State Public Service Commission has requested to examine the matter in the light of the recent instructions issued by the Government in the reference 8th read above and issue necessary amendment orders to the G.O.Ms.No.41, WD&CW (Estt) Department, dated 01.08.1996 and also requested to issue orders amending the Rule 22 of the State and Subordinate Service Rules to avoid any legal litigations.

7. Government after careful examination, have decided to implement 33½ % reservation in favour of women horizontally without earmarking any roster points for them, in each category i.e. OC, BC-A, BC-B, BC-C, BC-D, BC-E, EWS, SC, ST, Physically Handicapped, Ex-servicemen and Meritorious sportspersons, in the matter of direct recruitment to the posts for which both men and women are equally suited, in supersession of the orders issued vide references 3rd and 4th read above.

8. All the Recruitment agencies under the Government, Government Undertakings, Quasi-government institutions, including Government aided institutions and Local bodies, are directed to implement the reservation in favour of women accordingly.

9. The General Administration (Services) Department will issue the necessary amendments to the Telangana State and Subordinate Service Rules, 1996 separately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**VAKATI KARUNA,
SECRETARY TO GOVERNMENT.**

To,

All the Departments of Secretariat.

All the Heads of Departments.

All the District Collectors.

All the District Judges.

The Secretary,

Telangana State Public Service Commission, Hyderabad

The Registrar (Admn), High Court, Telangana

The Accountant General, Telangana

The General Administration (Ser.D) Department

The Scrutiny Cell of Law Department, Telangana.

Copy to:-

Prl Secretary to CM.

P.S to Minister (WD &CW).

PS to Chief Secretary to Govt.,.

P.S to Secy to Govt., GA(Services) Dept

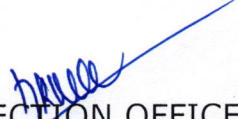
The Director, Women Development &

Child Welfare Department, Hyderabad.

All the sections in the Department

SF/SC.

// FORWARDED :: BY ORDER //


SECTION OFFICER

