

THE RAJASTHAN EDUCATIONAL SUBORDINATE SERVICE RULES, 1971

[first published by the Government of Rajasthan appointments (A-II) Department vide Notification No. F.1(9)Appts.(A-II 67 on November 27 ,1971]

In exercise of the powers conferred by the proviso to Article 309 of the constitution of India, the Governor of Rajasthan hereby makes the following rules regulating the recruitment of post in, and the conditions of service of persons appointed to the Rajasthan Educational subordinate service.

The RAJASTHAN EDUCATIONAL SUBORDINATE SERVICE RULES, 1971

PART - General

1. Short title and commencement. – (i) These rules may be called the Rajasthan Educational subordinate Service Rules, 1971.

(ii) They shall come into force at once.

2. Definition- In these rules unless the context otherwise requires:-

(a) ‘Appointing Authority’ means the Director of primary and Secondary Education and includes any other officer to whom such power in the behalf have been delegated by a special or general order of Government; power delegated to D.D./ DEO by Govt. vide order no. F-7(2)Edu./Gr.II/82 Dated 30.11.83.

(b) ‘Commission’ means the Rajasthan Public Service Commission;

(c) ‘Committee’ means the committee referred to in rule 19,20 and 25 and the schedule annexed to these rules;

(d) ‘Direct Recruitment’ means recruitment made otherwise than by promotion as prescribed in Rule 6 of the rules;

¹[(e) ‘Government and state’ means respectively, the Government of Rajasthan and the State of Rajasthan;]

(f) ‘Member of the Service’ means a person appointed in a substantive capacity to a post in the service under the provisions of these rules or the rules or orders superseded by these rules, and includes a person placed on probation;

(g) ‘Schedule’ means the schedule appended to these rules;

(h) ‘Service’ means the Rajasthan Educational Subordinate Service;

²[(i) ‘Substantive Appointment’ means an appointment made under the provisions of these rules to a substantive vacancy after due selection by any of the methods of recruitment prescribed under these rules and includes an appointment on probation or as a probationer followed by confirmation on the completion of the probationary period;

Note: ‘Due selection by any methods of recruitment prescribed under these Rules’ will include recruitment either on initial constitution of service or in accordance with the provisions of any Rules promulgated under proviso to Article 309 of the Constitution of India, except urgent temporary appointment;]

¹ substituted for ‘Government’ and ‘State’ means respectively, the Government and the State of Rajasthan ; vide Notification No. f. 7(10)DOP/a-II/74 dated 10-02-75.

² Inserted vide Notification No. F.7(3)DOP/A-II/73 dated 05-07-74

¹[(j) 'Service or 'Experience' wherever prescribed in these rules as a condition for promotion from one Service to another or within the service from one category to another or to senior posts, in the case of a person holding a lower post eligible for promotion to higher post shall include the period for which the person has continuously worked on such lower post after regular selection in accordance with Rules promulgated under proviso to Article 309 of the Constitution of India.

Note- Absence during service e.g. training, leave and deputation etc. which are treated as 'duty' under the Rajasthan Service Rules, 1951 shall also be counted as service for computing experience or service required for promotion.]

² [(k) 'Year' means the financial year.]

3. Interpretation- Unless, the context otherwise requires the Rajasthan General Clauses Act, 1955 (Rajasthan Act No 8 of 1955), shall apply for the interpretation of these rules as it applies for the interpretation of Rajasthan Act.

PART II-Cadre

¹ Substituted vide Notification No. F.6(2)DOP/A-II/71. dated 29-08-1982. published in Rajasthan rajpatra, part IV(c)Extra-ordinary, dated 3-9-1982, for-

***[(j) 'Service' or 'Experience' wherever prescribed in these rules as a condition for promotion from one service to another or within the service from one category to another or to senior posts in the case of person holding such posts in substantive capacity shall include the period for which the person has continuously worked on such posts after regular recruitment in accordance with the rules promulgated under proviso to Article 309 and shall also include the experience gained by officiating, temporary or adhoc appointment if such appointment is in the regular line of promotion and was not of stop gap or fortuitous nature or invalid under any law and does not involve supersession of any senior official except when such supersession was either due to want of prescribed academic and other qualification, unfitness or non selection by merit or the default of the senior officials concerned @ or when such adhoc or urgent temporary appointment was in accordance with seniority-cum-merit;

Note: Absence during service e.g. training and deputation etc. which are treated as 'duty under the R.S.R. shall also be counted as service for computing minimum experience or service required for promotions.]

*Inserted vide Notification No F. 6(2) DOP/A-II /71dated 9-10-75 effective from 27-3-73.

@Inserted vide Notification No F.2 (1) DOP/A-II /73dated 1-9-79

² Substituted w.e.f. 1-4-1981 vide Notification No F.7 (2) DOP/A-II /81dated 12-12-1981,for-

"%['Year' means an academic year beginning from 1st July and ending on 30th June.] "

%Inserted vide Notification No F.6 (2) appts/(A-II) 71dated 13-7-1976 effective from 1st day of October. 1975.

4. Composition and strength of the Service- (1) The service shall consist of the posts as arranged in the ¹[various sections as specified in the] Schedule. The right of promotion shall be confined to each section & no member shall be transferred from one section to another section. The nature of posts included in each section of the Service shall be as specified in column 2 of Schedule.

(2) The number of posts in each section of the service shall be such as may be determined by the Government from time to time, provided that the Government, may:-

(a) create any post, permanent or temporary, from time to time, as may be found necessary; and

(b) leave unfilled or held in abeyance or abolish or allow to lapse any post, permanent or temporary, from time to time without thereby entitling any person to any compensation.

5. Initial constitution of the service- The services shall consist of-

(a) all persons holding substantively the post specified in the schedule;

(b) all persons recruited to the service before the commencement of these rules;

(c) all persons recruited to the service in accordance with the provisions of these rules; and

²[(d) all persons recruited to the posts in Grade III and II in sections `B` to `F` of the schedule upto 15.12.71 in accordance with the standing order No. 20/1966/1968 dated 19.6.68 issued, and as from time to time by the Director of Primary & Secondary Education, Rajasthan.]

PART-III Recruitment

6. Method of recruited- ³[(1)] Recruitment to the service after the commencement of these rules shall be made by the following methods in the proportion indicated in column 3 of the Schedule, namely-

(a) by direct recruitment in accordance with part IV of these rules; and

(b) by promotion in accordance with part V of these rules provided;

⁴[(2) Recruitment to the service by the aforesaid method, shall be made in such a manner that the persons appointed to the service by each method do not at any time exceed the percentage laid down in the Rules/Schedule of the total cadre strength as sanctioned for each category from time to time.]

Provided-

(1) That if the appointing authority is satisfied in consultation with the commission, where necessary, that suitable persons are not available for appointment by either method in relaxation of the prescribed proportion, may be made in the same manner as specified in these rules;

(2) that nothing in these rules shall preclude the Appointing Authority from appointing officers previously in the employment of pre-reorganisation State of Ajmer, Bombay and Madhya Bharat to suitable posts specified in the schedule in accordance with the rules governing the integration of their service; and

[(3) that a person holding any of the following grade I post in sections B, C, D, E, and F or any of the posts in sections `A` of the schedule on 31.12.72 in an adhoc/officiating/temporary capacity and who had continuously held the said post or would have held such post but for his appointment on a higher post or would have held any of these posts but for his deputation elsewhere, for a period not less than six months on 15.12.1971 and was working as such on the date of publication of these (amendment) Rules shall be screened by a committee referred to in Rule 25, for adjudging his

¹ Inserted vide Notification No F. 2(1) DOP/A-II /73 dated 01-09-79.

² Added vide No. F.16(24)Edu/Gr.II/70 dated 30-05-1973 effective from 16-12-71

³ Inserted vide Notification No F. 7(2) DOP/A-II /81 dated 13-11-96.

⁴ Added vide Notification No F. 7(2) DOP/A-II /81 dated 13-11-96.

suitability for the such post, provided he possesses the qualifications in the rules either for direct recruitment or for or the prescribed qualification of the posts on the which he was appointed in the adhoc officiating capacity on such post:-

Section B- posts at S. No. 1

¹[Section C- posts at S. No. 1 (a) & (b)]

Section D posts at S. No. 1 (a) to (c)

Section E posts at S. No. 1 (a) to (c), 4 & 5

²[Section F posts at S.No.1 (a)to 1 (c),2.,3,4,(a) to 4(c) and 5]

³[(4) That the person appointed to the post of senior Teachers in physics, Chemistry, Biology, Mathematics and Home Science of section `F` of the Schedule from 1st July, 1971 to 30th JUNE, 1977 on adhoc or officiating or urgent/temporary basis and who have been continuously of officiating or holding such post of the date of this amendment shall be screened by a Committee referred to in rule 25 for adjudging their suitability on the posts hold and shall be appointed to the said in the service, if they posts the qualification prescribed for the posts under the rule either for direct recruitment or promotion at the time of the recruitment. The seniority of the persons so screened shall be fixed below all the persons appointed regularly by direct recruitment or by promotion up to the date of the Committee according to the length of continuous service in an adhoc or officiating capacity or on urgent / temporary basis.]

⁴[(5) that 12.5% of posts of the Laboratory Assistant to be filled in by direct recruitment shall be reserved for being in from amongst the Laboratory boys/ servant in the school Education Department holding the post in the length cadre subject to their being found otherwise eligible for such recruitment under these rules.]

Provided that-

(1) person appointed on adhoc/officiating/ temporary basis shall not be entitled to screening for the post higher than to which he was initially appointed, if a person senior to him on lower post whom fulfilled qualification prescribed for the post was either not given such adhoc/officiating/ temporary appointment or is not entitled to screening under this rule.

Seniority for this purpose will be determined according to length of continuous service on a post.

(2) Action already taken under the substituted Rule shall be deemed to have been taken under this rule.

¹[**6A.**Notwithstanding anything contained in these rule recruitment, appointment, promotion, seniority and confirmation etc. of a person who joins the Army/ Air Force/ Navy during an Emergency shall be regulated by such orders and instruction as as may be issued by the Government from time to time provided that these are regulated *mutatis-mutandis* according to the instructions issued on the subject by the Government of India.]

²[**6AA.** Notwithstanding anything contained in the rules, the Appointing Authority may appoint a physically handicapped person on post earmarked in accordance with the provisions of the Rajashtan Employment of shall b treated as regular appointment.

¹ Substituted vide Notification No F.2(1)DOP/A-II/79dated 1-9-79.for-"Section C-Posts at S.No.1&2." "Section F-Posts at S.No. 1(a)to(c).2,3,4, and 5(c) and 5(d)"

² Added vide Notification No F(6)DOP/A-II/84,dated 6-1-89

³ Added vide Notification No F(6)DOP/A-II/84,dated 6-3-96

¹ Inserted vide Notification No F 21(12) Apptts./C/55-part-II dated 29-8-73. effective from 29.10.69 or from the date of the rules come into force.

² Added vide Notification No F 3 (6)DOP/A-II/80,dated 7-12-1989

³[**6B.** Notwithstanding anything contained in the rules specified in column 3, a person holding substantively a post of (i) Village Level worker, (ii) Lady Village Level worker and (iii) Teacher of primary School under the Rajasthan Panchayat Samiti and Zila parishad Service shall be eligible for promotion to posts of the next higher category, as may be determined by the Appointing Authority in the Service which are not in the purview of the Rajasthan Public Service Commission, provided he fulfills the conditions laid down in these Rules for appointment by promotions to the period of their holding such posts in the Rajasthan Panchayat Samiti and Zila parishad Service shall be counted towards seniority for the purpose of promotion in the Service in accordance with the provisions of rule mentioned in proviso (5) to rule 29.]

⁴[**6C.** (i) Nothing contained in these rules shall preclude the Govt. from appointing on suitable post an officer belonging to an Organisation or Institution of the Central Government which has been abolished or transferred to the State Government with the liability to take over staff thereof.

(ii) The Government shall in such cases declare the post or class of posts under the State Government as equated to the post held by the employees under the Central Government in substantive, and officiating capacity immediately before absorption keeping in view of the nature of duties, qualifications and pay scale attached to such post, or class of posts and subject to such conditions, if any, as may be notified by the government.

(iii) After such equation, the employee shall be given option whether he elects to be appointed to the service of the State Government of the conditions specified by the Government. If he does not elect to be so appointed, the State Government shall be under no liability whatsoever in respect of his right to the post.

(iv) The employee, shall be deemed to have been appointed to the service on such equated posts in the same capacity in which he was holding such posts under the Central Government at the time of taking over the administrative control of the Institution or organisation and the conditions or qualifications necessary for his recruitment under this rule if not fulfilled by him prior to such appointment, shall be deemed to have been waived.

(v) Persons so appointed shall be considered as direct recruits to the service on the date they were taken over to the service of the State Government.

(vi) Subject to the provisions of rule 29 the seniority of persons absorbed under this rule shall be determined on the basis of the date of taking over of the administrative control of the Institution or Organisation but their inter-se seniority shall remain unchanged.

(vii) Service rendered in an equated grade under the Central Government shall be counted for the purpose of eligibility for appointment to higher post in the service.]

¹[**6D.** In case of teachers Grade III as referred to in section F of the schedule, vacancies to the extent of 75% in a year shall be filled in by transfer of teachers working in Panchayat Samities;

Provided-

- (1) that the teachers shall be made available strictly on the basis of seniority;
- (ii) that they possess the qualification prescribed for the posts under the rule; and
- (iii) that they have served in Panchayat Samities for at least five years and their record has been found satisfactory by the Committee indicated in column No. 7 of the schedule regarding direct recruitment of teachers

³ Inserted vide Notification No 10 (1) Appts (C)/pt.-III dated 24.10.1974

⁴ Inserted vide Notification No F 9(12) Edu/Gr.II/70 dated 14-10-1976. effective from 1.03.73

¹ Inserted vide Notification No 2 (1) DOP A-II/79 dated 2.1.1979

Grade III.

Exception- If suitable persons are not available for appointment by transfer from Panchayat Samities in a particular year or those appointed do not join within 30 days of the appointment than appointment by direct recruitment in relaxation of the prescribed percentage may be made in the same manner as specified in these rules elsewhere.]

²[7.Reservation of vacancies for the Scheduled castes and the Schedule Tribes-

(1) Reservation of vacancies for the Scheduled Castes and the scheduled Tribes shall be in accordance with the orders of the Govt. for such reservation in force at the time of recruitment i.e. by direct recruitment and promotion.

(2) The vacancies so reserved for promotion shall be filled in by ³[seniority-com-merit and merit.]

(3) In filling the vacancies so reserved the eligible candidates who are members of the Scheduled Castes and the Scheduled Tribes shall be considered for appointment in the order in which their names appear in the list prepared or direct recruitment by the Commission for post falling in its purview and by the Appointing Authority in other cases, and the Departmental promotion Committee or the appointing Authority, as the case may be in the case of promotees, irrespective of their relative rank as compared with other candidates.]

¹[(4) Appointments shall be made strictly in accordance with the rosters prescribed separately for direct recruitment and promotion. In the event of non-availability of the eligible and suitable candidates amongst Scheduled Castes and the Scheduled Tribes, as the case may be, in a particular year, the vacancies so reserved for the shall be filled in accordance with the normal procedure, and an equivalent number of the additional vacancies which remain so unfilled shall be carried forward to the subsequent three recruitment years in total, and thereafter such reservation would lapse;

provided that there shall be no carry forward of the vacancies in posts or class/category/group of posts in any cadre or service to which promotion are made on the basis of ²[merit alone,] under these rules.]

³[7A-Reservation of vacancies for other Backward Classes- Reservation of vacancies for Other Backward Classes shall be in accordance with the orders of the Govt. for such reservation in force at the time of direct recruitment. In the event of non - availability of eligible and suitable candidates amongst Other Backward Classes in a

² Substituted vide Notification No F7 (4) DOP A-II/73 dated 3.10.1973 for `7. Reservation of vacancies for the Scheduled Castes and Scheduled Tribes-

(1) Reservation of vacancies for the Scheduled Castes and Scheduled Tribes shall be in accordance with the orders of the Government for such reservation in force at the time of recruitment.

(2) In filling the vacancies so reserved. the candidates who are members of the Scheduled Castes and the Scheduled Tribes shall be considered for appointment in the order in which their names appear in the irrespective of their relative rank as compared with other candidates.

(3) In the event of non-availability of a sufficient number of candidates amongst the schedule Castes & the Scheduled Tribes in particular year vacancies need not be kept reserved and shall be filled in accordance with the normal procedure.

Note: The reservation shall be calculated on the basis of total vacancies for the particular year. Promotions shall be made irrespective of caste or tribe`

³ Substituted expression `Merit along @ [] vide Notification No F.7(4)DOP/A-ii/73, dated 29.1.1981 @ Words `cum-seniority` deleted vide Notification No. F.7(6)DOP/A-II/75 dated 31-10-75.

Substituted vide Notification No. F.7 (4) Karmik-II/73 dated - 10-2-1975

¹ In the event of non-availability of a sufficient number of eligible and suitable candidates amongst the Schedule Castes and the Scheduled Tribes in a particular year. vacancies shall not be carried forward and shall be filled in accordance with the normal procedure.`

² Both Merit and seniority cum Merit and not by seniority cum` deleted vide Notification No. F.7(6)DOP/A-II/75, dated 31.10.75

³ Added vide Notification No. F.7(2)DOP/A-II/93, dated 24.5.1994 effective from 28.9.1993

particular year. the vacancies so reserved for them shall be filled in accordance with the normal procedure.]

⁴स्पष्टीकरण

कार्मिक (क)-5 (विभाग की अधिसूचना संप एफ 9 (9) कार्मिक d/d-5/90 दिनांक 28.9.93 के द्वारा सीधी भर्ती के लिए पिछड़े वर्ग के अभ्याथियों को 21 : आरक्षण देने की नीति निर्धारित की गई थी जिसके क्रम में कार्मिक ;क.2.2 विभाग के परिपत्र क्रमांक एफ 21;2.2 कार्मिक धक.2.2.3 दिनांक 26.2.94 के द्वारा संशोधित रोस्टर प्रसारित किया व अधिसूचना संख्या एफ 7;2.2 कार्मिक धक.2.3 दिनांक 24.5.94 के द्वारा सभी सेवा नियामों में अस बाबत प्रावधान किया गया दिनांक 26.2.94 को प्रसारित किए गए रोस्टर में अनुसूचित जाति अनुसूचित जनजाति एवं पिछड़ा वर्ग के व्यक्तियों के रोस्टर बिन्दु निर्धारित किए 1 इस संशोधित रोस्टर में भूतपूर्व सैनिकों एवं विकलांगों हेतु रोस्टर बिन्दु निर्धारित नहीं किए जिसके फलस्वरूप कुछ विभागों में यह भ्रंति उत्पन्न हो गई कि भूतपूर्व सैनिकों एवं विकलांगों हेतु समसंख्यक आदेश दिनांक 9.7.85 को प्रसारित रोस्टर आज प्रभाव में है या नहीं 1 इस भ्रांति के निराकरण हेतु दिनांक 5.5.94 को जो जारी परिपत्र द्वारा स्पष्ट किया गया था कि दिनांक 9.7.85 को प्रसारित रोस्टर यथावत लागू है किन्तु वर्गों के लिए निर्धारित आरक्षण माननीय सर्वोच्च न्यायालय द्वारा इन्दिरा साहनी के मामले में दिए गए निर्णय दिनांक 16.11.92 के अनुसार विकलांगों एवं भूतपूर्व सैनिकों के लिए जाने वाला आरक्षण विभिन्न वर्गों हेतु निर्धारित आरण में समाहित होगा।

हाल ही में कार्मिक विभाग के समक्ष एक बिन्दु यह सामने आया है कि क्या कार्मिक विभाग के समसंख्यक आदेश दिनांक 24.2.88 के द्वारा राजस्थान राज्य एवं अधीनस्थ सेवा संयुक्त प्रतियोगिता परीक्षा नियम 1962 के प्रावधानों के अधीन राज्य सेवा के पदों पर राज्य के अराजपत्रित कर्मचारियों के लिए आरक्षित 7: पदों के लिए प्रसारित किए जाने वाले रोस्टर में उल्लिखित बिन्दुओं के अनुसार दिए जाने वाले आरक्षण को दंडवत ;होरीजेन्टल आरणख माना जावे या लम्बवत;वर्टीकल आरक्षण माना जावे 1 इस संबंध में यह स्पष्ट किया जाता है कि वह लंबवत;होरीजेन्टलद्ध होगा

इस क्रम में दिनांक 5.5.94 को प्रसारित परिपत्र में भी यह स्पष्ट किया जा चुका है कि माननीय उच्चतम न्यायालय द्वारा इन्दिरा साहनी के मामले में दिनांक 16.11.92 को दिए गए निर्णय अनुसार आरक्षण की अधिकतम सीमा 50: से अधिक नहीं रहेगी। सभी नियुक्ति अधिकारियों को पुनःस्पष्ट किया जाता है कि दिनांक 26.2.94 के परिपत्र द्वारा जारी रोस्टर में उल्लिखित वर्गों अर्थात् अनुसूचित जाति अनुसूचित जनजाति एवं अन्य पिछड़ा वर्ग के लिए अधिकतम आरक्षण 49: रहेगा तथा शेष 51: पद सामान्य वर्ग के लिए सुरक्षित रहेंगे इन वर्गों के लिए अतिरिक्त किसी भी वर्ग को देय आरक्षण अर्थात् भूतपूर्व सैनिकों विकलांगों, अराजपत्रित राज्य कर्मचारियों मंत्रालयक कर्मचारियों तथा अन्य किसी प्रकार के वर्गों को देय आरक्षण अनसूचित जाति अनुसूचित जनजातिच अन्य पिछड़वर्ग तथा सामान्य वर्गों कक?में समाहित होगा ऐंसा करने में आरचण 50: से अधिक नहीं हो पायेगा और इससे उच्चतम न्यायालय के निर्णय की पालना सुनिचित हो सकेगी।

¹[CLARIFICATION

According to the existing rule and circulars issued by the Government from time to time reservation for Scheduled Castes, Scheduled Tribes and other Backward Classes have been made to the extent of 16%, 12% and 21% respectively in the matter of direct recruitment. The matter under consideration of this department is as to whether-

(1) the candidates belonging to Scheduled Castes, Scheduled Tribes and other Backward Classes who get selected on general merit shall be counted against the reserved vacancies or general vacancies; and

(2) whether those who get in the merit list as a result of special concession given to them in terms of age and attempts should be considered against general vacancies or reserve vacancies.

In this connection it is clarified that according to Order No F. 2(6)DOP/A-II/88 dated 15.2.1990 it was decided that where candidates belonging to Scheduled Castes and Scheduled Tribes qualify on merit against direct recruitment quota posts these posts should not be set off against posts in reserve quota or in other words, the reserve quota should be filled in exclusively from amongst the candidates who qualify under the terms

4 परिप. सं. एफ 2 (2.2 कार्मिक धक-2.2.3 दिनांक 22.4.1996

¹ Circular No. F. 7(2)DOP/96 dated 17.6.96

and conditions. applicable to the reserve quota. Again vide notification No. 9(8) DOP/A-V/90 dated 28September, 1993 it was clarified that the candidates belonging to Other Backward Classes recruited on the basis of merit in an open competition on the same standards prescribed for the general candidates shall not be adjusted against the reservation quota of 21%.

The matter has again been examined in consultation with Law Deptt. and the Law Deptt. have advised that the Quota of post for which every citizen is eligible to compete is entirely different to reserve quota and for recruitment to the post falling in open competition quota, the conditions of eligibility can be different to the conditions of eligibility of recruitment to the post of reserve quota. Therefore, the candidates belonging to SC/ST an OBC who get selected fulfilling the conditions of eligibility regarding age limit and attempts prescribed for general candidates can be placed on general merit list and those who get placement in the merit list as a result of special concession given to them in terms of age and attempts should not be considered as the general candidates but should be considered against reserve vacancies.

All the Appointing Authorities and Competent Authorities who are authorised to make selection are advised to follow the above principle in making selection against direct recruitment quota posts]

¹[7B. Reservation of vacancies for Women Candidates-

Reservation of vacancies for women candidates shall be 20% category wise, in direct recruitment. In the event of non-availability of the eligible and suitable woman candidates in a particular Year, the vacancies so reserved for them shall be filled in accordance with the normal procedure and such vacancies shall not be carried forward to the subsequent year and the reservation shall be treated as horizontal reservation i.e. the reservation of woman candidate shall be adjusted proportionately in the respective category to which the woman candidates belong]

²[8 Nationality- A candidate for appointment to the service must be:

- (a) a citizen of India
- (b) a subject of Nepal, or
- (C) a subject of Bhutan, or
- (d) a Tibetan refugee who came to India before the 1st January, 1962 with the intention of permanently settling in India, or
- (e) Person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka and east African countries of Kenya, Uganda and the united

¹ Added vide Notification No. F. 7(2)DOP/A-II/88, dated 22.1.1997.

² Substituted vide Notification No. F.7(4)DOP/A-II/76, dated 7.9.1976, for `Nationality: A candidate for appointment to the service must be-

- (a) a Citizen of India, or
- (b) a subject of Sikkim , or
- (c) a subject of Nepal , or
- (d) a subject of Bhutan, or
- (e) a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India . or
- (f) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon and East African Countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India:

provided that a candidate belonging to categories (c), (d), (e), and (f) shall be a person in whose favour a certificate of eligibility has been issued by the Government of India and if he belong to category (f) the certificate of eligibility will be issued for a period of one year after which such a candidate will be retained in service subject to his having acquired Indian citizenship.

A candidate in whose case certificate of eligibility is necessary may be admitted to an Examination or interview conducted by the commission or other recruiting authority certificate being given to him by the Government.

Republic of Tanzania (formerly Tanganyika and Zanzibar) [Zambia Malawi, Zaire and Ethiopia] [and Vietnam] with the intention of permanently settling in India . Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the government of India.

A candidate in whose case a certificate of eligibility is necessary, may be admitted to an examination or interview conducted by the commission or other recruiting authority and he may also provisionally be appointed subject to the necessary certificate being given to him by the government.

¹[8A ²[**Conditions of eligibility of persons migrated from other, countries to India.**]- Notwithstanding anything contained in these rules, provisions regarding eligibility for recruitment to the Service with regard to nationality, age-limit and fee or other concessions to a person who may migrate from other countries to India with the intention of permanently settling in India shall be regulated by such order or instructions as may issued by the State Government from time to time and the same shall be regulated **mutatis-mutandis** according to the instructions issued on the subject by the Government of India.]

³[**9 Determination of vacancies-**

¹ Inserted vide Notification No. F. 7(5) DOP/A-II/76. dated 20.6.77

² Inserted vide Notification No. F. 2(4) DOP/A-II/79. dated 22.11.1984 published in Rajasthan Rajpatra, part IV(c) (I).Extra ordinary, dated 26.11.1984.

³ Substituted vide Notification No. F. 7(2) DOP/A-II/81. dated 21.12.1981.w.e.f 1.4.1981 of the following-
[9 Determination of vacancies- (1)(a) Subject to the provisions of these rules, the Appointing Authority shall determine every year the number of existing vacancies and those anticipated during for the following twelve months and the number of persons likely to be appointed to the Service by each method. The next determination of vacancies shall be done just before the expiry of twelve months of the last determination of vacancies.

(b) In calculating the actual number of vacancies to be filled in by each method on the basis of percentage prescribed in the Schedule, the appointing Authority shall adopt an appropriate continuous cyclic order to correspond with the proportion laid down in the Schedule by giving precedence to promotion quota.

(2) The appointing Authority shall determine every year the number of existing vacancies and those anticipated in next twelve months which are to be filled by promotion of persons already in the Service.

(3) The Appointing Authority shall also determine the corresponding vacancies of earlier year, if any, year wise which were required to be filled in by promotion, if such vacancies were not determined and filled earlier in the year in which they were required to be filled in accordance with sub-rule (2).

(This provision shall come into force from the date of publication in the Rajasthan Rajpatra).]

Substituted vide Notification No. F.5(3)DOP/AII/77dated 6.10.1979 for -

[9. Determination of vacancies- (1) Subject to the provisions of these Rules, the appointing Authority shall determine each year the number of vacancies anticipated during the following twelve months and the number of persons likely to be recruited by each method. Such vacancies shall be determined again before the expiry of 12 months of the last determination of such vacancies.

(2) In calculating the actual number to be filled by each method on the basis of the percentage prescribed in column 3 of the Schedule appended with relevant Service Rules, each Appointing Authority shall adopt an appropriate cycle order to correspond with the proportion laid down in each of the Service Rules by giving precedence to promotion quota over direct recruitment quota, e.g. where the appointment by direct recruitment and promotion is in the percentage of 75 and 25, respectively, the cycle run as follows-

1. By promotion;

(1) (a) Subject to the provisions of these rules, the Appointing Authority shall determine on 1st April every year, the actual number of vacancies occurring during the financial year.

(b) Where a post is to be filled in by a single method as prescribed in the rule or Schedule, the vacancies so determined shall be filled in by that method.

(c) Where a post is to be filled in by more than one method as prescribed in the rules or Schedule, the apportionment of vacancies, determined under clause. (a) above, to each such method shall be done maintaining the prescribed proportion for the over all number of posts already filled in. If any fraction of vacancies is left over, after apportionment of the vacancies inn the manner prescribed in a continuous cycle order giving precedence to the promotion quota.

(2) The Appointing Authority shall also determine the vacancies of earlier years, year wise which were required to be filled in by promotion, if such vacancies were not determined and filled earlier in the year in which they were required to be filled in.]

Clarification

¹[The rule relation to determination of vacancies in the various Service Rules, promulgated under proviso to Article 309 of the Constitution of India, was substituted vide this Department Notification of even number, dated the 21st December, 1981, Clause (a) of Sub-Rule (1) of the said rule provided that subject to the provisions of these rules, the Appointing Authority shall determine on 1st April every year the actual number of vacancies occurring during the financial year.

2. Some Appointing Authorities have sought clarification on some points respect of the above provision as under:

(1) Whether the Appointing Authorities can determine the vacancies even after 1st April of the year.

(2) Whether vacancies occurring during the year besides including vacancies due to retirement, could include posts created during the financial year and lien vacancies due to long term deputation.

(3) Whether vacancies can be determined more than once in a year.

3. The above points raised by the various Appointing Authorities have been considered by the Government and these are clarified as under.

(1) Whether the Appointing Authorities can determine the vacancies even after 1st April of the year.

The Appointing Authority may determine vacancies on 1st of April or at the earliest thereafter anytime during the financial year.

(2) Vacancies and vacancies occurring during the year to be included.

2. By Direct recruitment;

3. By Direct recruitment;

4. By Direct recruitment;

5. By Promotion;

6. By Direct recruitment;

7. By Direct recruitment;

8. By Direct recruitment;

9. By Promotions; and so no.]

% Substituted vide Notification No. F. 7(1)DOP/A-II/73, dated 16.10.1973 for :-

9.Determination of vacancies- Subject to the provisions of these rules the Appointing Authority shall determine at ehd commencement of each calendar year the number of vacancies anticipated during the year and the number of persons likely to be recruited by each method. Any vacancy which remain unfilled for non-availability of suitable candidates or other wise shall be carried forward upto two years only.`

¹ Circular No..F. 7(2) DOP/A-II81/pt. file dated. 18.2.1984.

(a) clear vacancies of the Department as these exist on 1st April of the year of selection irrespective of the adhoc or urgent temporary appointments made against such vacancies;

(b) newly created posts, if any, included in the Budget or as may have been agreed to by the Finance Department upto the date the vacancies are determined;

(c) Vacancies occurring on account of retirements during the year in question;

(d) Vacancies which shall occur consequent promotion to higher posts against clear vacancies as exists on 1st of April of the year;

(e) deputation posts exceeding one year (only those deputation posts would be taken in which persons have already proceeded on deputation on the date of determination of the vacancies);

(f) long leave vacancies exceeding a period of the year.

(3) Whether vacancies can be determined more than once in a year- Vacancies shall be determined only once a year. Vacancies occurring after the Departmental promotion Committee meeting has been held shall be treated as the vacancies of the next year. Variation in the vacancies that may crop up between the date of requisitioning the Departmental promotion Committee meeting and the date of Departmental promotion Committee meeting held shall be taken into account at the Departmental promotion Committee.

(4) It is also clarified that in view of the provisions of clause (c) of Sub Rule(1) of rule relation to `determination of vacancies` incorporated in all the Service Rules, vide DOP Notification No. F.7(2)DOP/A-II/81 dated the 21st December, 1981 for determining the vacancies of promotion quota and direct recruitment quota, the continuous cyclic order giving precedence to promotion quota shall be followed. This cycle order shall be continuous from year to year for determination of vacancies.]

¹[CLARIFICATION

The State Government have, from time to time, issued Circulars/orders regarding application of the reservation prescribed for various categories of the employees, latest of which is the Circular-Order of even number dated 7th Sept.,1996. The roster points had also been prescribed vide Circular No. F.7 (2)DOP/A-2/93, dated 26.2.94 vide which it has been provided that 16%, 12%, 21% and 51% posts have been reserved for SC,ST,OBC and General respectively in the matter of direct recruitment k& 16%,12%,and 72% (including OBC) respectively in the matter of promotion. There is no reservation of vacancies for OBC in the matter of promotion separately.

2. This matter was considered by the Supreme court of India in the matter of R.S.Sabharwal and Others V/s Stat of Punjab and Others [Writ Petition(Civil) No. 79 of 1979] and in its judgment dated 10.2.1995 Hon`ble Supreme Court of India held that the reservation provided under the Government instruction are to be operated in accordance with the rosters to the maintained in each department. It was further observed by Hon`ble Supreme Court that the roster is implemented in the form of running account from year to year in order to ensuring that the SCs/ST. and Other Backward Classes get their percentage of reserved posts.

3. Hon` ble Supreme Court has also held that the reservations for SC/ST/OBC/Gen. are the vertical reservations and the reservation in favour of Physically handicapped persons is horizontal. There for the reservation for Ex-

¹ Circular No. F.15(24) DOP/A-II/75 dated 9.12.1996.

Servicemen, Sportsmen, Women etc. it prescribed in any Service Rules, are also horizontal.

After issuance of the Circular Order dated 7th sept..96 the matter has been examined again with various pros& cons. It is the established fact that recruitment are made to various services either through open competitive examinations by the Rajasthan public Service Commission or through other prescribed methods by the Appointing Authorities. A doubt has been expressed that in direct recruitment-wherever allowed in a cader, reserved category posts should be calculated only for junior-scale polsts where direct recruitment is allowed where as the fact is that all posts the direct recruitment level should be done on the basis of total posts in the cader.

5. In view of this, in supersession of all Circulars/Orders issued from time to time in this regard, it is clarified that the vacancies should be determined on the basis of the total number of sanctioned posts in a service irrespective of the nomenclature/scale of the post to be filled in by direct recruitment or promotion. The vacancies will be determined categorywise on this basis so as to maintain the prescribed percentage for each category i.e.Gen.,Scheduled Casts, Scheduled Tribes and Other Backward Classes meant for both the methods of recruitment i.e. Direct Recruitment and promotion separately. The determination so done is the `Vertical` reservation the persons enjoying the benefit of horizontal reservation; namely physically handicapped persons, Ex-Servicemen, Women, sportsmen etc. shall cut across the vertical reservations in the respective category to which they belong.

6. This is fruther clarified in the following table which express the vertical position.Horizontal reservations, if any, will cut across the respective category at time of giving appointments-

Total number of posts sanctioned in various numenclatures/ scale in entire service separately for direct recruitment and promotion	(=)	Total number of persons, categorywise according to the prescribed percentage, in entire service separately for direct recruitment and promotion.	(=)	Total number of vacancies, categorywise according to the prescribed percentage, in entire service separately for direct recruitment and promotion.
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7. The procedure table herein-above will ensure the running account to operate only till the quota provided for each category is reached and not thereafter. As and when the prescribed percentage is reached the operation of the roster will stop. By following this procedure there shall neither be shortfall nor excess in the percentage of reservation.

8. All the Appointing Authorities are enjoined upon to follow the above interpretation to the working of roster in the matter of direct recruitment and promotion. It is further clarified that if in any cader/category of posts in the service, any excess reservation of Scheduled Castes/Scheduled Tribes/Other Backward Classes/General has been made then for further vacancies reservation in promotion and direct recruitment, as the case may be, shall be made after adjusting the excess reservation/determination already made.]

10. Age- A candidate for direct recruitment to a post enumerated in the Schedule must have attained the age of 18 years on the first day of January following the last date fixed for the receipt of application and must not have attained the age of ¹[33 years.]

²[]

Provided-

³[(i) notwithstanding anything contained contrary in these rules in the case of persons serving in connection with the affairs of the State in substantive capacity, the upper age-limit shall be 30 years for direct recruitment to posts filled in by competitive examinations or in case of posts filled in through the Commission ⁴[or Committee by interview as the case may be as provided in the rules elsewhere. This relaxation shall not apply to urgent temporary appointment].

(ii) that the upper age limit mentioned above shall be relaxable by 5 years in the case of women candidates and candidates belonging to the Scheduled Castes or the Scheduled Tribes;

(iii) that the upper age limit mentioned above shall not apply in the case of an ex-prisoner who had served under the Govt. on a substantive basis on any post before conviction and was eligible for appointment under the rules.

(iv) that the upper age limit mentioned above shall be relaxable by a period equal to the term of imprisonment served in the case of an ex-prisoner who was not overage before his conviction and was eligible for appointment under the rules;

(v) that the person appointed temporarily to a post in the service shall be deemed to be within the age limit had they been within the age limit when they were initially appointed even though they may have crossed the age limit when they appear finally before the Commission and shall be allowed not more than two consecutive chances had they been eligible as such at the time of their initial appointment;

(vi) that the cadet instructors shall be allowed to deduct, from their actual age, the period of service rendered by them in the N.C.C. and if the resultant age does not exceed the maximum age limit prescribed above by more than three years they shall be deemed to be within the prescribed age limit;

¹ Substituted for the expression `31 years` w.e.f. 25.1.1990 vide Notification No. F.7(2)DOP/A-II/84 dated 20.3.1990

% Substituted for figure & Words @ [30 years] vide Notification No. F.7(2)DOP/A-II/84 dated 25.2.1985 w.e.f.28.9.1984.

@ Word `30 years` inserted vide Notification No. F.2(1)DOP/A-II/79 dated 1.7.1979

² Rule 10(a)(b)(c) and proviso, (i) (a) and (b) deleted vide Notification No.F.2 (1) DOP/A-II/79 dated. 1.9.1979-

‘(a) 28 years extendable upto 30 years for a period of five years after the commencement of these rules for posts in Grade-II and Grade-III as well as other posts falling between these two grades;

(b) 30 years for posts of Senior Teachers and for posts lower than those of senior teacher but higher than those of Grade-II teachers;

(c) 28 years for the posts other than those mentioned in clauses (a) and (b) above ;

Provided: (i) that the upper age limit mentioned in clauses (a) and (b) above shall be relaxed for teachers who are in service to the extent as indicated below : -

(a) upto five years for II and lower grade teachers;

(b) upto ten years for the posts of Senior Teachers and of lower grades but higher than grade-II;’

³ Inserted vide Notification No. F. 7(8)DOP/A-II/74 dated 31.12.1974 effective from 28.10.1974 (Scheduled substitute on 25.7.1975) and numbered as proviso(i) vide Notification No. F.2(1)DOP/A-II/79 dated 1.9.1979.

⁴ Inserted vide Notification No. F. 2(1)DOP/A-II/79 dated 31.12.1979.

¹[]

²[(vii) that for recruitment to the post not within the purview of the Commission the upper age- limit for persons who were retrenched from the State Government Service for want of a vacancy or due to abolition of post shall be 35 years if they were within the age-limit prescribed under these rules, when they were initially appointed to the post from which they were first retrenched provided that normal prescribed channels of recruitment relating to qualifications, character, medical fitness etc. are fulfilled and they were not retrenched on account of complaint or delinquency and they produce a certificate of having rendered good service from the last Appointing Authority.]

³[(viii) that there shall be no age-limit in the case of persons repatriated from East African Countries of Kenya, Tanganyika, Uganda and Zanzibar.]

⁴[(ix) that the Released Emergency Commissioned Officers and Short Service Commissioned Officers after release from the Army shall be deemed to be within the age-limit even though they have crossed the age-limit when they appear before the Commission had they been eligible as such at the time of their joining the Commission in the Army.]

⁵[(x) deleted

⁶[(xi) that there shall be no age-limit in case of persons repatriated from Pakistan during the year 1971 Indo-Pak war.]

⁷[(xi)that there shall be no age-limit in the case of widows and divorce women.]

Explanation- That in the case of widow, she will have to furnish a certificate of death of her husband from the competent authority and in the case of divorcee she will have to furnish the proof of divorce.

¹ Deleted vide Notification No. F. 2(1)DOP/A-II/79 dated 31.12.1979. the -

'[(vii) that the upper age limit mentioned above shall be relaxed upto 45 years for the persons repatriated from Burma and Ceylon on or after 1.3.1963 and East African countries of Kenya, Tanganika, Uganda and Zanzibar with a further relaxation upto 5 years in the case of persons belonging to the Scheduled Caste or the Scheduled Tribes.'

` Substituted vide No F.1(20) Appts./ (A-II)/67 dated 20.9.1975 effective upto 29.2.1977.

"%[That the upper age limit mentioned above shall be relaxed upto 45 years for the persons repatriated from Burma and Ceylon on or after 1.3.1963 and 1.11.1964 and East African countries of Kenya, Tanganyika, Uganda and Zanzibar with a further relaxation upto 5 years in the case of persons belonging to the Scheduled Caste or the Scheduled Tribes."

% Inserted vide No F.1(20) Appts./ (A-II)/67 dated 13.12.1974 effective upto 28.2.1975.

Inserted vide Notification No F.1(20) Appts./ (A-II)/67 dated 13.12.1974 effective upto 28.2.1975.

² Inserted vide Notification No F.5(2) DOP./ (A-II)/73 dated 21.12.1973 and renumbered for (viii) vide Notification No F.2 (1)DOP/A-II/79 dated 1.9.1979.

³ Inserted vide No F.1(20) Appts./ (A-II)/67 dated 13.12.1974 and renumbered for (ix) vide Notification No. F. 2(1)DOP/A-II/79 dated 1.9.1979.

⁴ Inserted vide No F.7(2) DOP./ (A-II)/75 date 20.9.1975 and renumbered for (x) vide Notification No. F. 2(1)DOP/A-II/79 dated 1.9.1979.

⁵ Deleted vide Notification No. F. 2(6)DOP/A-II/84 dated 26.4.1984-

*[(x) that a person who gets himself admitted in B.S.T.C./B.Ed Training before the prescribed upper age limit and successfully passed such examination and is selected but could not be recruited due to non-availability of vacancies shall be eligible for recruitment as II or III grade teacher, as the case may be, upto three following recruitment year and to that extent the under age-limit shall stand relaxed in his case subject to maximum age of 30 years.]'

* Inserted vide No F.6(2) Edu.Gr.II/76 date 3.5.1977 and renumbered for (xi) vide Notification No. F. 2(1)DOP/A-II/79 dated 1.9.1979.

⁶ Added vide Notification No. F. 15(25)DOP/A-II/79 dated 19.2.1980.

⁷ Added vide Notification No. F. 7(2)DOP/A-II/84 dated 18.12.1987.

¹[(xii)that where the upper age-limit to post/posts is prescribed as 33years or less in the rules or schedule, as the case may be, it shall be relaxed by years in the case of candidates belonging to the other Backward classes.]

11. Academic and Technical qualification and Experience- A candidate for direct recruitment to the posts enumerated in the Schedule shall in addition to such experience as is required, possess-

(i) the qualification given in column 4 of the Schedule, and

²[(ii) working knowledge of Hindi written in Devnagri script and knowledge of Rajasthani culture.]

³[Provided that the Widows and Divorced Women will be given relaxation in qualification of STC or B.Ed. as the case may be for appointment to the post of Teacher or Senior Teacher they are otherwise eligible and furnish an undertaking to the effect that the qualification of STC or B.Ed. as may be relevant shall be obtained within a period of three years. They shall also be eligible for grant of Study Leave soon after their appointment for acquiring the qualification of STC or B.Ed.]

12. Character- The character of a candidate for direct recruitment to the Service, must be such as will qualify him for employment in the Service. He must produce a certificate of good character from the Principal, academic officer of the University or College or School in which he was last educated and two such certificates written not more than six months prior to the date of application, from two responsible persons not connected with his College or University or School and not related to him.

Note- (1) A conviction by a Court of Law need not in itself involve the refusal of a certificate of good character. The circumstances of the conviction should be taken into account and if they involve no moral turpitude or association with crimes of violence or with movement which has its object the overthrow by violent means of the Government as by law established, the mere conviction need not be regarded as disqualification.

(2) Ex-prisoner who by their disciplined life while in prison and by their subsequent good conduct, have proved to be completely reformed should not be discriminated against, on grounds of their previous conviction for purposes of employment in the Service. Those who are convicted of completeley reformed on the production of a report to that effect from the Superintendent, After-Care-Home or if there are no such Home in a particular district, from the Superintendent of police of that district.

(3) Those convicted of offences involving moral turpitude shall be required to produce a certificate from the Superintendent, After-Care-Home, endorsed by the Inspector General of prisons, to the effect that they are suitable for employment as they have proved to have been completely reformed by their disciplined life while in prison and by their subsequent good conduct in an After-Care-Home.

¹ Added vide Notification No. F. 7(2)DOP/A-II/84 dated 13.11.1996

² Substituted vide Notification No. F. 5(1)DOP/A-II/77 part I dated 30.1.1984 for-

“(ii) a working knowledge of Hindi written in Devnagri Script and one of the Rajasthani dialects.”

³ Added vide Notification No. F. 2(6)DOP/A-II/74 dated 5.7.1974

¹**13. Physical fitness-** A candidate for direct recruitment to the service, must be in good mental or bodily health and free from any mental or physical defect likely to interfere with the efficient performance of his duties as a member of Service and if selected must produce a certificate to that effect from a Medical Authority notified by the Government for the purpose. The Appointing Authority may dispense with production of such certificate in the case of candidate promoted in the regular line of promotion, or who is already serving in connection with the affairs of the State if he has already been medically examined for the previous appointment and the essential standards of medical examination of the two posts held by him are to be comparable for efficient performance of duties of the new posts and his age has not reduced his efficiency for the purpose.

14. Employment of irregular or improper means — A candidate who is or has been declared by the Commission/Appointing Authority, as the case may be, to be guilty of impersonation or of submitting fabricated documents or documents which have been tampered with or of making statements which are incorrect or false or of suppressing material information or of using or attempting to use unfair means in the examination or interview or otherwise resorting to any other irregular or improper means whatsoever for obtaining admission to the examination or interview any in addition to rendering himself liable to criminal prosecution, be debarred either permanently or for a specified period-

(a) by the Commission or the Appointing Authority as the case may be from admission to any examination or appearance at any interview held by the Commission or the Appointing Authority for selection of candidates, and

(b) by the Government, from employment under the government.

15. Convassing- Mp recommendation for recruitment either written or oral other than the required under the rules, shall be taken into consideration. Any attempt on the part of a candidate to enlist support directly or indirectly for his candidature by any means any disqualify him for recruitment.

PART IV - Procedure for Direct Recruitment

16. Inviting of application- Applications for direct recruitment to posts in the Service shall be invited by the Commission or the Appointing Authority as the case may be, by advertising vacancies to be filled in the official Gazette ²{or} in such other manner as may be deemed fit.

Provided that while selecting candidates for the vacancies so advertised the Commission, may, if intimation of additional requirement not exceeding 50% of the advertised vacancies, is received by them before selection also select suitable persons to meet such additional requirement. The Appointing Authority shall also do the same.

17. Form of Application- The applications shall be made in the form approved by the commission or the Appointing Authority as the case may be, and obtainable from the Secretary to the Commission or from the office of the Appointing Authority, as the case may be, on payment of such fee as the Commission of the Appointing Authority, may from time to time, fix.

¹ Substituted vide Notification No. F. 7(2)DOP/A-II/74 dated 5.7.1974.

¹ **13. Physical Fitness**— A candidate for direct recruitment to the Service, must be in good mental and bodily health and free from any mental or physical defect likely to interfere with the efficient performance of his duties as a member of the Service and if selected must produce a certificate to the effect from a Medical Authority notified by the Government for the purpose.

² Substituted for the word 'and' vide Notification No. F. 9(24)DOP/A-II/74 dated 4.6.1973

¹[Provided that the persons repatriated from Burma and Ceylon on or after 1.3.1963 and from East African Countries of Kenya, Tanganyika, application form prescribed by the Commission or the Appointing Authority, as the case may be, subject to the condition that the Commission or the Appointing Authority, as the case may be, is satisfied that such persons are not in a position to pay such fee.]

18. Application Fee- A candidate for direct recruitment to a post in the Service must pay the fee fixed by the commission, or the Appointing Authority as the case may be, in such manner as may be indicated by them respectively.

²[Provided that the persons, migrated from and Burma and Ceylon on or after 1.3.1963 and from East African Countries of Kenya, Tanganyika, Uganda and Zanzibar shall be exempted from payment of application fee or Examination Fee as the case may be, as prescribed by the Commission or the Appointing Authority, as the case may be, Subject to the condition that the commission or the Appointing Authority as the case may be is satisfied that such persons are not in a position to pay such fee.]

19. Scrutiny of application- The commission or the Committee mentioned in column No.³[7]of the Schedule, as the case may be, shall scrutinise the applications received by them and required as many candidates qualified for appointing under these rules as seem to them desirable to appear before them for interview.

Provided that the decision of the Commission or the Committee, as the case may be regarding the eligibility or otherwise of a candidate shall be final.

20. Recommendations of the Commission or the committee- The commission or the committee, as the case may be shall prepare a list of the candidates whom they consider suitable for appointment and arrange in order of merit. The Commission of the Committee as the case may be, shall forward the list to the Appointing Authority.

(1) Provided that the Commission or the committee, as the case may be, may to the extent of 50% of the advertised Vacancies keep names of suitable candidates on the reserve list. The Commission or the committee may, on requisition, recommended the names of such candidates in the order of merit to the Appointing Authority within six months from the date on which the original list is forwarded by the Commission or the committee to the Appointing Authority.

¹[(2) Provided that in case of vacancies determined for the girls schools only female candidates shall be considered for appointment in the order in which their names appears in the list prepared under rule 20 irrespective of their relative rank as compared with male candidates. In case, required number of suitable female candidates are not available, male candidates may be appointed according

¹ Substituted vide Notification No. F. 1(20)Appts (A-II)/67 dated 20.9.1975 effective upto 28.2.1977-

*[Provided that the person repatriated from Burma, Ceylon on or after 1.3.1963 and 1.11.1964 and East African Countries of Kenya Tanganyika, Uganda and Zanzibar shall be exempted from payment of the application fee prescribed by the Commission or the appointing Authority, as the case may be subject to the condition that the commission or the Appointing authority, as the case may be, is satisfied that such persons are not in a position to pay such fee.]

* Inserted vide Notification No. F. 1(20) Appts (A-II)/67 dated 13.12.1974 effective upto 28.12.1975

² Substituted vide Notification No. F. 1(20)Appts (A-II)/67 dated 20.9.1975 effective upto 28.2.1977, for-
As given in footnote 1 above.

³ Substituted '8' vide Notification No. F. 2(1)DOP/A-II/79 dated 1.9.1979.

¹ Inserted vide Notification No. F. 2(1) DOP/A-II/79 dated 1.9.1979.

to their order of merit in girl`s school also. However, they would be adjusted in boys` schools as and when suitable females candidates are available.

21. Disqualification for appointment- (1) No male candidate who has more than one wife living shall be eligible for appointment to the service unless the Government after being satisfied that there are special grounds for doing so exempt any candidate from the operation of this rule.

(2) No female candidate who is married to a persons having already a wife living shall be eligible for appointment to the service unless the Government after being satisfied that there are special ground for doing so exempt any female candidate from the operation of this rule.

²[(3) deleted

³[(4) No married candidate shall be eligible for appointment to the service if he/she had at the time of his/her marriage accepted any dowry.

Explanation- For the purpose of this rule, 'dowry' had the same meaning as in the dowry Prohibition Act, 1961 (Central Act 26 of 1961)]

22. Selection by the Appointing authority- Subject to the provisions of rule ⁴[7,7A and 7B] the Appointing Authority shall select candidates according to the order of merit in which their names appear in the list prepared under Rule 20.

Provided that the inclusion fo a candidate`s name in the list confers no right to appointment unless the Appointing Authority is satisfied after such enquiry as may be considered necessary that such candidate is suitable in all other respect for appointment to the post concern.

⁵Provided further that the Appointing Authority shall be competent to make appointment of Widow and Divorced women fulfills the prescribed qualification to the post of Senior Teacher and teacher as the case may be, without observing the procedure laid down in part IV of these rules.

² Deleted vide No. F. 7(3) DOP/A-II/76 dated 15.2.1977, the following-

* [(3) No candidate male of female who has more than three children shall be eligible for appointment to the Service unless one of the spouses has undergone sterilization or in the case of a female candidate, she is above 45years of age:

Provided that any married candidate, male or female who had no child for the last 10 years shall be exempted from the operation of this sub-rule.

Explanation- (i) For purpose of this sub-rule, a child shall include and adopted child or a step child; and

(ii) For claiming exemption under the proviso to this bub-rule, the candidate shall have to produce a certificate either from a registered Medical Practitioner or swear an affidavit to the effect that the age of his or her youngest child is not less than 10 years.]

* Inserted vide Notification No. F. 7(3) DOP/A-II/76 dated 1.9.1976.

³ Deleted vide Notification No. F. 15(9) DOP/A-II/74 dated 5.1.1977,

⁴ Substituted for the expression`%[7 and 7A] vide Notification No. F. 7(3) DOP/A-II/88 dated 22.1.1997.

% Inserted vide Notification No. F. 7(2) DOP/A-II/93 dated 24.5.1994effective from 28.9.1993.

⁵ Added vide Notification No. F. 7(2) DOP/A-II/84 dated 29.7.1989.]

PART - Procedure for Recruitment by promotion

¹[23. ²[Selection for] higher posts other than posts mentioned in the Schedule in Section 'A'-Grade II and III posts, in Section 'B'- Physical Training Instructors in Teacher Training College and B.S.T.C. Schools and Physical Training Instructors Grade II, in Section 'C'- Craft Teachers Grade II, in Section*'D'-Music ³[Senior Teachers] and Table& Violon Player, in Section E-Drawing ³[Senior Teachers] in Section 'F'- ³[Senior- Teacher]/Education extension Officers/ sub-deputy Inspectors and Enforcement Assistants shall be made strictly on the basis of merit and on the basis of seniority-cum-merit in proportion of 1:2 Appointment to the posts mentioned in the Schedule in Section 'A' Grade II and III posts, in Section 'B' - Physical Training Instructors in Teacher Training College and B.S.T.C. School and Physical Training Instructors Grade- II in Section 'C' Craft ⁴[Senior Teachers] in Section*'D'-Music ⁴[Senior Teachers] and Table& Violon Player, in Section E- Drawing ⁴[Senior Teachers] in Section 'F'- ⁴[Senior- Teacher] Education extension Officers/ sub-deputy Inspectors and Enforcement Assistants by promotion shall hereafter be made solely on the basis of seniority-cum-merit.

Provided that if the ⁵[Departmental Promotion Committee] is satisfied that suitable persons are not available for ⁶[selection by] promotion strictly on the basis of merit in a particular year, appointment by promotion on the basis of seniority-cum-merit may be made in the same manner as specified in these rules.]

⁷[**Explanation-** The promotions to the posts of ⁴[Senior Teachers from ⁸[Teachers] shall be made on the vacancies available at each district level on the basis of districtwise seniority of ⁸[Teacher].

¹ Substituted vide Notification No. F. 1(2) DOP/A-II/70 dated 25.9.1972 and Corrigendum of even No. dated 18.1.1973 respectively- `Appointment by promotion to posts in the Service shall be made by selection on the basis of merit and on the basis of seniority-cum-merit in proportion of 1:2 respectively, and promotions shall be range wise for Grade II and posts higher than Grade II but lower than that of Senior Teacher:

Provided that if the Appointing Authority is satisfied in consultation with the Commission, where necessary that suitable persons are not available for appointment by promotion on the basis of merit in a particular year, appointment by promotion on the basis of seniority-cum-merit may be made in the same manner as specified in these rules`.

² Substituted for the word 'Appointment to' vide Notification No. F. 7(6) DOP/A-II/74 dated 19.10.1974 effective from 15.1.1973

³ Substituted for the expression 'Teachers Grade II' vide Notification No. F. 7(6) DOP/A-II/84 dated 6.1.1990

⁴ Substituted for the expression 'Teachers Grade II' vide Notification No. F. 2(6) DOP/A-II/84 dated 6.1.1990

⁵ Substituted for the word 'Appointing Authority' vide Notification No. F. 7(6) DOP/A-II/74 dated 19.10.1974 effective from 15.1.1973

⁶ Substituted for the word 'Appointing to' vide Notification No. F. 7(6) DOP/A-II/74 dated 19.10.1974 effective from 15.1.1973

⁷ Added vide Notification No. F. 2(6) DOP/A-II/79 dated 13.5.1980 w.e.f.14.5.1974

⁸ Substituted for the expression 'Grade III Teachers' vide Notification No. F. 2(6) DOP/A-II/84 dated 6.1.1990

¹[23A. No Officer shall be considered for promotion unless he is substantively appointed and confirmed on the next lower post. If no officer substantive in the lower posts is eligible from promotion, officers who have been appointed on such posts on officiating basis after selection in accordance with one of the methods of recruitment or under any Service Rules promulgated under proviso to Article 309 of the Constitution of India may be considered for promotion on officiating basis only in the order of seniority in which they would have been, had they been substantive on the said lower post.]

24. Eligibility - The persons enumerated in column 5 of the Schedule, shall be eligible, on the basis of seniority-cum-merit for promotion to such posts specified in column 2 to the extent indicated in Col. 3 subject to their possessing the minimum qualifications and experience specified in column 6.

²[**Explanation-** In case direct recruitment to a post has been made earlier than regular selection for promotion in a particular year, such of the persons, who are or were eligible for appointment to the post by both the methods of recruitment and have been appointed by direct recruitment first, shall also be considered for promotion.]

25. Procedure for selection on the basis of seniority-cum-merit-

(1) As soon as it is decided that a certain number of posts shall be filled by promotion, the Appointing Authority shall prepare a correct and complete list containing names not exceeding five times the number of vacancies out of the senior most persons who are qualified under the rules for promotion to the class of posts concerned.

(2)(a) For posts falling within the purview of the Commission, a Committee consisting of the Chairman of the Commission or his nominee being a Member thereof nominated by him, the Director, the Deputy Secretary to Government in the ³[Department of personnel] Deputy Secretary to Govt. in the Education Department, and for the posts falling within the purview of the Appointing Authority, a Committee consisting of the of the officer⁴s as mentioned in Col. No. (7) of the Schedule shall consider the case of all persons included in the list, interviewing such of them as they may deem necessary and shall prepare a list containing names of suitable candidates up to twice the number of such posts as are indicated in sub-rule(1):

⁴[Provided that in case any Member or Member Secretary as the case may be, constituting the Committee has not been appointing to the post concerned, the officer holding charge of the post for the time being shall be the Member or Member-Secretary, as the case may be, or the Committee]

(b) The Chairman or the Member of the Commission or the Appointing Authority, as the case may be, shall preside at all meetings of the Committee at which he is present.

(3) The Committee shall also prepare a separate list containing names of persons who may be selected to fill officiating vacancies already existing or are likely to occur till the next meeting of the Committee-

(a) the list no prepared shall be reviewed and revised every year,

(b) the list shall remain in force until it is so revised in accordance with clause (a) sub-rule(3).

¹ Inserted vide Notification No. F. 7(1) DOP/A-II/74 dated 5.7.1974

² Inserted vide Notification No. F. 7(1) Karmik /Ka-II/75 dated 20.9.1975

³ Substituted for the word 'Appointing Department' vide Notification No. F. 1(13) DOP/A-II/72-I dated 3.1.1973 (effective from 17.7.1972)

⁴ Inserted vide Notification No. F. 7(5) DOP/A-II/78 dated.21.12.1978 (effective from 7.3.1978)

(4) The names of the candidates selected as suitable by the Committee shall be sent to the appointing authority.

(5) Where consultation with the Commission is necessary the lists prepared in accordance with sub-rules (2) and (3) shall be forwarded to the Commission by the Appointing Authority with (a) Confidential rolls and personal files of all officers whose names are included in the lists and (b) the confidential rolls and personal files of all officers who are proposed to be superseded by the recommendations made by the committee.

(6) The Commission shall consider the lists prepared by the Committee along with the other documents received from the Appointing Authority and unless any change is considered necessary, shall approve the lists by if the Commission considers it necessary to make any changes in lists received from the Appointing Authority it shall inform the Appointing Authority of the change proposed, and after taking in to account the Comments if any of the Commission, the Appointing Authority may approve the lists finally with such modifications, as may in its opinion, be just and proper.

¹[26. Revised Criteria, Eligibility and Procedure for Promotion to Junior, Senior and other posts encadred in the Service- (1) As soon as the Appointing Authority determines the number of vacancies under rule regarding determination of vacancies of these rules and decides that a certain number of posts are required to be filled in by promotion, it shall subject to provision of sub-rule (9) prepare a correct and complete list of the senior most persons who are eligible and qualified under these rules for promotion on the basis of seniority-cum-merit or on the basis of merit to the class of posts concerned.

[Contd.]

Committee may select one person on the basis of merit along and if the vacancies are more than four and the calculation of the number of vacancies to be filled by merit alpne according to the aforesaid basis result in a fraction, the Committee may select on more person against a fraction of half or more, on being so

¹ Substituted vide Notification No. F. 7(10) DOP/A-II/77 dated 7.3.1978 for following-

* [26. Revised criteria, Eligibility and Procedure for Promotion to Junior, Senior and other posts encadred in the Service- (1) Selection for promotion in the regular line of promotion from the post not included in the Service to the lowest post or category of post in the Service shall be made strictly on the basis of merit.

(2) Subject to the provision of sub-rule(4), selection for promotion from the lowest post or category of post in the Service to the next higher post or category of post in the Service and for all posts up to scale No. 11, sanctioned under the Rajasthan Civil Service (New Pay Scales)Rules. 1969 or equivalent scales as may be declared by the Government from time to time, shall be made solely on the basis of seniority-cum-merit from amongst the persons who have passed the qualifying examination, if any, prescribed under these Rules, and have put in at least five years service, unless a different period is prescribed elsewhere in the Rules, on the first day of the month of April of the years os selection on the post or category of post from which selection is to be made:

Provided that in the event of not-availability of the persons with the requisite period of service of five years, the Committee may consider the persons having less than the prescribed period of Service. if they fulfil the qualification. experience and other conditions for promotion prescribed elsewhere in these rules and are found otherwise suitable for promotion on the basis of seniority-cum-merit:

Provided further that in respect of posts included in the State Service in which method of recruitment to the lowest post provides for appointment by promotion, and where such posts arte required to the filled on the basis of seniority-cum-merit under this sub-rule, the Committee may selected for promotion such persons of outstanding merit available within the Zone of consideration, who may not be selected for promotion such persons of outstanding merit available within the zone of consideration, who may not be selected on the basis of seniority-cum-merit to the extent of one-fourth of the number of vacancies to be filled in by promotion and if the number of vacancies exceeds one but is less than four, the

[Contd.]

*Substituted vide Notification No. F. 7(6) DOP/A-II/75 dated 31.10.1975 previous rule be seen at the end of this foot note

selected, for the purpose of determination of seniority, such persons shall be deemed to have been selected on the basis of seniority-cum-merit.

(3) Selection for promotion to all other higher posts or higher category of posts in the service shall be made on the basis of merit alone.

(4) Selection for promotion to the highest post of highest category of post in the service shall always be made on the basis of merit alone.

(5) The person having been selected and appointed by promotion to a post or category of posts on the basis of merit, shall be eligible for promotion to the next higher post or category of post, which is to be filled in by merit, only when they have put in after regular selection at least five years' service, unless a higher period of Service is prescribed elsewhere in these rules, on the first day of the month of April of the year of Selection on the post of category of post from which selection is to be made:

Provided that the condition of five years' service shall not be applicable to a person, if any person junior to him is eligible for consideration for promotion on the basis of merit:

Provided further that in the event of non-availability of persons, equal to the number of vacancies to be filled in eligible for promotion in the category of post next lower from which promotion is made, the Committee may consider the persons having less than five years' service, if they are found otherwise eligible and suitable for promotion on the basis of merit alone.

Explanation:- If any doubt arises about the categorisation of the post as the lowest, next higher or highest post in the Service, the matter shall be referred to the Government in the Department of Personnel, whose decision there on shall be final.

(6) The zone of eligibility for promotion shall be five times the number of vacancies to be filled in on the basis of seniority cum merit or merit, as the case may be:

Provided that in case of non-availability of sufficient number of suitable persons for selection on the basis of merit, the Committee may at its discretion consider persons of outstanding merit outside the zone of eligibility but falling within six times the number vacancies to be filled in on the basis of merit .

(7) except as otherwise expressly provided in the rule, the conditions of eligibility for promotion, Constitution of the Committee and procedure for selection shall be the same as prescribed elsewhere in these rules.

(8) The Committee shall consider the case of all the senior-most persons who are eligible and qualified for promotion to the class of posts concerned under these rules, interviewing such of them as it may deem necessary, and shall prepare a list containing names of the suitable persons equal to the number of existing vacancies and the vacancies anticipated to occur during the next twelve months after the determination of vacancies. The committee shall also prepare a separate list containing names of persons, equal to 50% of the person selected in the aforesaid list or select one more person, if the number of vacancies is one only, who may be considered suitable to fill temporary or permanent vacancies, which may occur till the next meeting of the committee, on a temporary or officiating basis and the list so prepared shall be reviewed and revised every year and shall remain in force until it is so reviewed and revised.

The list so prepared on the basis of merit shall be arranged in order of preference and the list prepared on the basis of seniority cum merit shall be arranged in order of seniority on the category of posts from which selection has been made such lists shall be sent to the concerned Appointing Authority together with the Annual Confidential and Personnel Files of all the candidates included in them as also those not selected, if any.

Explanation:- The list of preference shall classify the officers in order as, 'outstanding' 'very good' and 'good' on the basis of merit. In each class the officer shall maintain their inter se seniority of the next below grade.

(9) Where consultation with the Commission is necessary the list prepared by the Committee shall be forwarded to the Commission by the Appointing Authority along with the personal files and Annual Confidential Rolls of all the persons whose names have been considered by the Committee.

(10) The Commission shall consider the lists prepared by the Committee along with other relevant documents received from the Appointing Authority, and unless any change is considered necessary, shall approve the list. In case the Commission consider it necessary to make any change in the list received from the Appointing Authority, it shall inform the Appointing Authority of the changes proposed by it. After taking into account the comments of the Commission, if any, the Appointing Authority may approve the

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lists finally with such modifications, as may, in its opinion, be just and proper and when the Appointing Authority is an Authority subordinate to the Government, the lists approved by the Commission should be disturbed only with the approval of the Government.

(11) Appointments shall be made by the Appointing Authority taking persons out of the lists finally approved under the preceding sub-rule (10) in the order in which they have been placed in the list, till such lists are exhausted or reviewed and revised as the case may be.

*[(11-A) Government may issue instructions for provisionally dealing with promotions, appointments or other ancillary matters in a equitable and fair manner of persons who may be under suspension. or against whom departmental proceedings.]

(12) The provision of this rule shall have effect notwithstanding anything to the contrary contained in any provision of these rule`.]

*Substituted vide Notification No. F. 7(6) DOP/A-II/75 dated 31.10.1975, effective from date of publication in the Gazette, for-

‘26. Procedure for selection on the basis of merit.-

(1) Selection strictly on the basis of merit shall be made from amongst the persons who are otherwise eligible for promotion under these rules the number of eligible candidates to be considered for the purpose shall be (x) (five) times the total number of vacancies to be filled in on the basis of merit and seniority-cum-merit provided such number is available. Where the number of eligible candidates exceeds (x)(five)times the number of vacancies, the requisite number of senior-most persons shall be considered for the purpose:’

Provided that for the purpose of first promotion in the same cadre against the merit quota, only such of the persons shall, unless a higher period is prescribed elsewhere in these Rules, be eligible for promotion who have up to in at least six years service on the first day of the month of April of the year of selection after regular selection on the post from which promotion in to be made.

(2) Except as otherwise expressly prescribed in these rules, the procedure prescribed for selection to the post on the basis of seniority-cum-merit shall, so far as may be, followed in making selection strictly on the basis of merit:

(3) The Committed shall prepare a separate list of candidates selected by it on the basis of merit and shall arrange their names in orders of preference.

(4) The names of persons included in the tow lists for each category of posts, referred to in the preceding sub-rule (3) above and sub-rule(50 of rule 26-C and finally approved by the Appointing Authority shall be re-arranged in a list for each category of posts separately in order of seniority.

(5) Among person appointed in the same class, category or grade of posts, as a result of one and the same selection, persons appointed on the basis of seniority-cum-merit shall rank senior to those appointed by promotion on the basis of merit; the seniority *inter se* of persons appointed in the same class, category or grade of posts by promotion strictly on merit shall, without regard to the order of preference, be determined as if such persons had been appointed by promotion on the basis of seniority-cum-merit.

(6) The provisions of this rule shall have effect notwithstanding anything contained in any other provisions of these Rules.

(7) For the purpose of determining the number of vacancies to be filled in on either basis, the following cyclic order shall be followed:

The first by merit,

The next two by seniority-cum-merit

The eext one by merit.

The next one by merit,

The next two by seniority-cum-merit,

The cycle to be repeated.’

*Inserted vide Notification No. F. 10(1)Karmik (ka-II)/75-I, dated 5.3.1976, effective from 4.11.1975.

% Inserted vide Notification No. F. 7(3) Karmik (ka-II)/75 dated 5.4.1975.

(2) The persons enumerated in column 5 or in the relevant Column regarding ‘Post from which promotion is to be made’, as the case may be, of the relevant Schedule shall be eligible for promotion to posts specified against them in Column 2 thereof to the extent indicated in column 3 subject to their possessing minimum qualifications and experience on the first day of the month of April of the year of selection as specified in Column 6 or in the relevant Column regarding ‘minimum qualification and experience for promotion’, ad the case may be.

¹[(3) No person shall be considered for first promotion in Service unless he is substantively appointed and confirmed on the lowest post in the Service. After first promotion in the Service, for subsequent promotion to higher posts in the Service, a person shall be eligible if he has been appointed to such post from which promotion is to be made after selection in accordance with one of the methods of recruitment under any Service Rules promulgated under proviso to Article 309 of the Constitution of India]

² [Provided that for first promotion in Service if number of persons substantively appointed and confirmed on the lowest post in service after selection in accordance with one of the methods of recruitment prescribed under the rules, shall also be eligible if they fulfil other conditions of eligibility.]

Explanation- In case direct recruitment to a post has been made earlier than regular selection by promotion in a particular year, such of the person who are or were eligible for appointment to the post by both the methods of recruitment and have been appointed by direct recruitment first, shall also be considered for promotion.

(4) Selection for promotion in the regular line of promotion from the post/posts not included in Service to the lowest post or category of post in the Service shall be made strictly on the basis of merit and on the basis of seniority-cum-merit in the proportion 50:50.

Provided that if the Committee is satisfied that suitable persons are not available for selection by promotion strictly on the basis of merit in a particular year, selection by promotion on the basis of seniority-cum-merit may be made in the same manner as specified in this rule.

(5) Subject to the provisions of sub-rule (7), selection for promotion from the lowest post or category of post in the State Service to the next higher post or category of post in the State Service and for all posts in the subordinate Service and in the Ministerial Services shall be made strictly on the basis of seniority-cum-merit from among the person who have passed the qualifying examination, if any, prescribed under these rules, and have put in at least five years' service, unless different period is prescribed elsewhere in these rules, on the first day of the month of April of the year of selection on the post or category of post from which selection is to be made:

Provided that in the event of non-availability of the persons with the requisite period of service of five years, the Committee may consider the persons having less than the prescribed period of service, if they fulfil the qualifications and other conditions for promotion prescribed elsewhere in these rules, and are found otherwise suitable for promotion on the basis of seniority-cum-merit.

(6) Selection for promotion to all other higher posts or higher categories of posts in the State Service shall be made on the basis of merit and on the basis of Seniority-cum-merit in the proportion of 50:50.

Provided that if the Committee is satisfied that suitable persons are not available for selection by promotion strictly on the basis of merit in a particular year, selection by promotion on the basis of seniority cum merit may be made in the same manner as specified in these rules.

¹ Substituted vide Notification No. F. 7(8) DOP/A-II/78 dated 20.7.1979

² No person substantive in the lower post is eligible for promotion, person who have been appointed on such posts on officiating basis after section in accordance with one of the methods of recruitment or under any Service Rules promulgated under proviso to Article 309 of the Constitution of India. May be considered for promotion on officiating basis only in the order of seniority in which they would have, had they been substantive on the said lower post.

² added vide Notification No. F. 7(8) DOP/A-II/78 dated 13.5.1980

¹ [CLARIFICATION

sub: Promotion to certain categories of posts to be filled in on the basis of ‘merit and ‘Seniority-cum-merit.’

The existing sub-rule (6) of the relevant rule regarding revised procedure for promotion, provides for promotion to certain categories of posts on the basis of ‘Seniority-cum-merit’ & ‘merit’ in the ratio of 50:50. These rules do not clearly indicate whether selections for such categories posts shall be made first on the basis of ‘Seniority-cum-merit or on the basis of ‘merit’.

The matter has been considered by the Government and the following procedure should be followed-

‘The number of posts to be filled separately on basis of seniority-cum-merit and merit should be determined in accordance with the Explanation below sub-rule(6) of the rule laying down the revised criteria of eligibility, promotion etc. Selection should first be made for filling up vacancies to be filled on the basis of seniority-cum-merit. Thereafter persons should be selected on the basis of merit for filling-up merit quota vacancies. ’

Where the Departmental Promotion Committee meeting have already been held for the above mentioned categories of posts after the issue of notification dated 7th March, 1978 and recommendations made are contrary to the above principle the same may be reviewed in the light of the above clarification]

(7) Selection of promotion to the higher post or highest categories of posts in the State Service shall always be made on the basis of merit alone.

² [(8) Deleted.]

Explanation- If any doubt arises about the categorization of the posts as the lowest, next higher or highest post in the Service, the matter shall be referred to the Government in the Department of Personnel and Administrative Reforms whose decision thereon shall be final.

¹[(9) The zone of consideration of persons eligible for promotion shall be as under-]

¹ DOP Circular No. F. 7(10) DOP/A-II/77 I dated 11 Sept. 1978

² Deleted vide Notification No. F.7(6) DOP/A-II/75dated 15.7. 1992

“(8) The persons having been selected and appointed by promotion to a post or category of post on the basis of merit, shall be eligible for promotion to the next higher post or category of post, which is to be filled in by merit, only when they have put in after regular selection, at least five years` service unless a a higher period of service is prescribed elsewhere in these rules, on the first day of the month of April of the years of selection on the post or category of post from which selection is to be made:

Provided that the condition of five years` service shall not be applicable to a person if any person junior to him is eligible for consideration for promotion on the basis of merit?

Provided further that in the event of non-availability of persons, equal to the number of vacancies to be filled in, eligible for promotion in the category of posts next lower from which promotion is made, the committee may consider the persons having less than five years` service if they are fou otherwise suitable for promotion on the basis of merit alone.”

¹ Substituted vide Notification No. F.7(1) DOP/A-II/81 dated 06.7. 1983*[with effect from 1.4.1984] for-

(9) The one of consideration of persons eligible for promotion shall be as under-

%[(1) The zone of eligibility for promotion shall be five times the number of vacancies to be filled in on the basis of seniority-cum-merit or merit or by both, as the case may be.]

* Inserted vide Notification No. F.7 (1)DOP /A-II/81 dated 10.5.1984, published in Rajasthan Gaette, part IV© (I) dated 24.5.1984.

% Substituted vide Notification No. F.7 (1)DOP /A-II/81 dated 29.1.1981, for-

- | | | |
|-----|-----------------------------|--|
| (i) | <i>Number of vacancies:</i> | <i>Number of eligible persons to be considered</i> |
| (a) | 1 to 5 vacancies | - 4 times of the number of vacancies |
| (b) | 6 to 10 vacancies | - 3 time, but atleast 20 eligible persons to be considered |
| (c) | above 10 vacancies | - 2 times, but atleast 30 eligible persons to be |

- | | | |
|-----|----------------------------|--|
| (i) | Number of vacancies | Number eligible persons to be considered |
| (a) | for one vacancy | Five eligible persons |
| (b) | for two vacancies | Eight eligible persons |
| (c) | for three vacancies | Ten eligible persons |
| (d) | for four or more vacancies | Three times the number of vacancies |

(ii) Where, the number of eligible persons for promotion to higher post is less than the number specified above, all the persons so eligible shall be considered.

(iii) Where, adequate number of the candidates belonging to the scheduled Castes or the Scheduled Tribes, as the cases may be, are not available within the one of consideration specified above, the one of consideration may be extended to five times the number of vacancies and the candidates belonging to the Schedule Castes or the Scheduled Tribes, as the case may be (and not any other) coming within the extended zone of the consideration shall also be considered against the vacancies reserved for them.

(iv) For the highest post in a State Service-

- (a) If promotion is from one category of post, eligible persons up to five in number shall be considered for promotion;
- (b) If promotion is from different categories of the post in the same pay scale, eligible persons upto two in number from each category of posts in the same pay scale shall be considered for promotion;
- (c) If promotion is from different categories of the posts carrying different pay scales, eligible persons in the higher pay scale shall be considered on the basis of merit in the higher pay scale than only the eligible persons of other categories of posts in lower pay scale shall be considered for promotion and so on so forth. The zone of consideration for eligibility in this case shall be limited to five senior most eligible persons in all.]

(10) Except as otherwise expressly provided in this rule, the conditions of eligibility for promotion, constitution of the Committee and procedure for selection shall be the same as prescribed elsewhere in these rules.

considered.>`

(ii) For the higher post in a @ State service:

- (a) If promotion is from one category of post, eligible persons upto five in number shall be considered for promotion;
- (b) If promotion is from different categories of posts in the same pay scale, eligible person upto two in number from each category of posts in the same pay scale shall be considered for promotion;
- (c) If promotion is from different categories of posts carrying different pay scales. Eligible persons in the higher pay scale shall be considered for promotion first and if no suitable person is available for promotion on the basis of merit in the higher pay scale than only the eligible persons of other categories of posts in lower pay scales shall be considered for promotion and so and so forth. The zone of consideration for eligibility in this case shall be limited to five senior most eligible persons in all.]”

¹[(11)(a) The Committed shall consider the case of all the senior-most persons who are eligible and qualified for promotion to the class of posts concerned under these rules and shall prepare a list containing names of the persons found suitable on the basis of seniority-cum-merit and/ or on the basis of merit, as the case may be, as per the criteria for promotion laid down in these rules, equal to the number of vacancies determined under rules, equal to the number of vacancies determined under rule under rules, relating to `Determination of vacancies` of these rules. The list so prepared on the basis of seniority-cum-merit and/or on the basis of merit, as the case may be, shall be arranged in the order of seniority on the category of posts from which selection is made.

(b) The Committee shall also prepare a separate list on the basis of seniority-cum-merit and/or on the basis of merit, as the case may be, as per the criteria for promotion laid down in the rules, containing names of persons equal to the number of persons selected in the list prepared under (a) above to fill temporary or permanent vacancies, which may occur subsequently. The list so prepared on the basis of seniority – cum-merit and/or on the basis of merit shall be arranged in the order of seniority in the category of posts from which selection shall be made. Such a list shall be reviewed and revised by the Departmental Promotion Committee that meets in the subsequent year and that such list shall remain in force till the end of the last day of the next year or till the Departmental Promotion Committee meets, whichever is earlier.

(c)Such lists shall be sent to the Appointing Authority together with annual Confidential Reports/Annual Performance Appraisal Reports and other Service Record of all the candidates included in the lists as also of those not selected, if any.]

²[**Explanation-** For purpose of selection for promotion on the basis of merit, officer with `outstanding` or consistently `Very Good` record shall only be selected and their names arranged in the order of seniority.]

¹ Substituted vide Notification No. F.7(2) DOP/A-II/81 dated 19.2.1982w.e.f.1.4.1981 for-

(1) The committee shall consider the case of all the senior-most persons who are eligible & qualified for promotion to the class of posts concerned under these rules, *[interviewing such of them as they may deem necessary] & shall prepare a list containing names of the suitable persons equal to the number of existing vacancies and the vacancies anticipated to occur during the next twelve months after the determination of vacancies. The Committee shall also prepared a separate list containing the names of persons equal to 50% of the persons selected in the aforesaid list or select one more person if the number of vacancies is one only ,who may be considered suitable to fill temporary or permanent vacancies, which may occur till the next meeting of the Committee, on a temporary or officiating basis and the list so prepared shall be reviewed and revised every year and shall remain in force until it is so reviewed and revised. The lists so prepared on the basis of merit and on the basis of seniority-cum-merit shall be arranged in the order of seniority in the category of post from which selection is to be made. Such lists shall be sent to the concerning Appointing Authority together with the Annual Confidential Rolls and Personal Files of all the candidates included in them as also those not-selected if any.]

* Inserted vide Notification No. F.11(1) DOP/A-II/77 dated 20.3.1980.

² Substituted vide Notification No. F.7(10) DOP/A-II/77 dated 11.4.1979, for-

Explanation- For purpose of selection on the basis of merit, the list of officers graded as `Outstanding` and `very-good` shall be classified in the First category in the order of seniority, the officers graded as `Good` shall be classified in the Second category in the order of seniority, and the officers graded as `Average` and `Not-selected` shall be classified in the Third Category. The officers graded and classified in the first category list is exhausted otherwise they shall not be appointed to the service by promotion. The officers graded and classified in the third category list shall not be considered for appointment by promotion.`

¹[(11-A) If in any subsequent year, after promulgation of these rules, vacancies relating to any earlier year are determined under sub rule (2) of rule relating to determination of vacancies which were required to be filled by promotion, the Departmental Promotion Committee shall consider the cases of all such persons who would have been eligible in the year to which the vacancies relate irrespective of the year in which the meeting of the Departmental Promotion Committee is held and such promotions shall be governed by the criteria and procedure for promotion as was applicable in the particular year to which the vacancies relate and the service/experience of an incumbent who has been so promoted, for promotion to higher post for any period during which he has not actually performed the duties of the posts to which he would have been promoted, shall be counted. The pay of a person who has been so promoted shall be re-fixed at the pay which he would have derived at the time of his promotion but no arrears of pay shall be allowed to him.]

²(11-B) The Government or the Appointing Authority may order for the review of the proceeding of the DPC or held earlier on account of some mistakes or error apparent on the face of record, or on account of a factual error substantially affecting the decision of the DPC or for any other sufficient reasons e.g. change in seniority, wrong determination of vacancies, judgment/direction of any court or tribunal, of where adverse entries in the confidential reports of an individual are expunged or toned down pr a punishment inflicted on him is set aside or reduced. The concurrence of the Department of Personnel and the Commission [where Commission is associated] shall always be obtained before holding the meeting o the review DPC.`

(12) Where consultation with the Commission is necessary the lists prepared by the committee shall be forwarded to the Commission by the Appointing Authority along with the Personal Files and Annual Confidential Rolls of all the persons whose names have been considered by the Committee.

(13) The Commission shall consider the lists prepared by the Committee alongwith other relevant documents received from the Appointing Authority, and unless any change is considered necessary, shall approve the lists. In case the Commission consider it necessary to make any change it shall inform the Appointing Authority of the changes proposed by it. After taking into account the comments of the Commission, if any the Appointing Authority may approve the lists finally with such modification, as may, in its opinion, be just and proper and when the Appointing Authority is an authority subordinate to the Government the list approved by the Commission shall be disturbed only with the approval of the Government.

(14) Appointments shall be made buu the Appointing Authority taking persons out of the lists finally approved under the preceding sub-rule(13)in the order in which they have been placed in the lists , till lists are exhausted or reviewed and revised, as the case may be.

(15) The Government may issue instruction for provisionally dealing with promotions, appointments or other ancillary matters in a equitable and fair manner of

¹ Substituted vide Notification No. F.5(3) DOP/A-II/77 dated 18.8.1982, for-

`* [(11-A) If in any subsequent year, after promulgation of these rules, vacancies relating to any earlier year are determined under sub rule (3) of rule mentioned in Column 3 of the Schedule which are required to be filled by promotion, the Departmental Promotion Committee shall consider the cases of all such persons who would have been eligible in the year to which the vacancies relate irrespective of the year in which the meeting of the Departmental Promotion Committee is held and such promotions shall be governed by the rule in force at the time, the meeting of the Departmental Promotion Committee is held. The person who has been so promoted shall not be entitled to claim any arrears of pay or re fixation of his pay or to count his service/experience for promotion to higher post for any period during which he has not actually performed the duties of the post to which he has been promoted]`

* Added vide Notification No. F.5(3) DOP/A-II/77 dated 6.10.1979.

² Added vide Notification No. F.7(1) DOP/A-II/86 dated 14.6.1988.

persons, who may be under suspension, or against whom departmental proceeding is under progress, at the time promotion are considered to a post to which they are eligible or would have been eligible but for such suspension or pendency of such enquiry or proceedings.

(16) The provision of this rule shall have effect notwithstanding anything to the contrary contained in any provision of these rules.]

¹[26-A. Restriction of Promotion of persons forgoing promotion- In case a person, on his appointment by promotion to the next higher post either on the basis of urgent / temporary appointment or on regular basis on the recommendations of the Departmental Promotion Committee, forgoes such an appointment he shall be considered again for appointment by promotion only after a period of one year [both on the basis of urgent temporary appointment or on regular basis, on the recommendations of the Departmental Promotion Committee].

²[26-B Posting on promotion in ther than his Home District or Zone or Range or Division- Notwithstanding any thing contained in these rules, a person belonging to the Scheduled Caste or the Scheduled Tribe promoted to higher post in the service may be posted by the Appointing Authority in a District or Zone or Range or Division, other than his Home District or Zone or Range or Division.

Provided that-

(i) for the purpose of promotion to higher post for the persons belonging to Scheduled Caste/Scheduled Tribe, subject to provisions contained in rule relating to `seniority`, the inter se seniority on lower post shall be determined at State level,

(ii) in case a person belonging to Scheduled Caste/ Scheduled Tribe is promoted on higher post and posted by the Appointing Authority against a vacancy available in District or Zone or Range or Division, other than the Home District or Zone or Range or Division, he shall be liable for transfer to his Home District or Range or Division, only when he has served for a period of not less than five years in the District or Zone or Range or Division, in which he has been posted on promotion to higher post;

(iii) in all cases a person belonging to Scheduled Caste/ Scheduled Tribe, dose not want his promotion in another District or Zone or rang or Division, in the event a chance shall be extended for promotion to higher post by the Appointing Authority to the next junior persons;

(iv) in case if in a District or Zone or Range or Division, the person belonging to the Scheduled Caste/Scheduled Tribes are not available for promotion to higher post against reserved vacancies in that event such reserved vacancies shall be filled in from amongst the persons belonging to the Scheduled Casts or the Scheduled Tribes, available in another District or Zone or Range or Division.]

PART VI- Appointments, Probation and Confirmation

27. Appointment to the Service- Appointments to posts in the Service by direct recruitment or by promotion, as the case may be, shall be made bys the Appointing Authority on occurrence of substantive vacancies by selection of persons in the manner indicated in rule 22 or in rule 25 and 26.

¹ Added vide Notification No. F.15(16) DOP/A-II/80 dated 30.11.1981

² Added vide Notification No. F.7(2) DOP/A-II/80 dated 30.8.1983 published at GSR 106 in Rajasthan Gazette. Part IV©91) dated 29.9.1983

¹[**27-A Appointment of screened persons-** Appointment to the posts in the Service shall be made by the Appointing Authority from amongst the persons adjudged suitable under rule 6 of these Rules.]

²[**28. Urgent Temporary Appointment-**(1) A vacancy in the Service which cannot be filled in immediately either by direct recruitment or by promotion under the rules may be filled in by the Government or by the ³[Competent Authority] to make appointments, as the case may be, by appointing in an officiating capacity thereto an officer eligible for appointment to the post by promotion or by appointing temporarily thereto a person eligible for direct recruitment to the Service, where such direct recruitment has been provided under the provisions of these rules:

Provided that such an appointment will not be continued beyond a period of one year without referring the case to the Commission for concurrence, where such concurrence is necessary, and shall be terminated immediately on its refusal to concur.

⁴[Provided further that in respect of the service or a post in the service for which both the above methods of recruitment have been prescribed, the Government or the authority competent to make appointment, as the case may be, shall not, save with the specific permission of the Government in the Department of Personnel in case of State Service and Government in the Administrative Department concerned in respect of other services, fill the temporary vacancy against the direct recruitment quota by a whole time appointment for a period exceeding three months, other-wise than out of persons eligible for direct recruitment and after a short-term advertisement.]

⁵[(2)In the event of non-availability of suitable persons, fulfilling the requirement of eligibility for promotion. Government may, notwithstanding the condition of eligibility for promotion required under sub-rule (1) above, lay down general instruction for grant of permission to fill the vacancies on urgent temporary basis b\subject to such conditions and restrictions regarding pay and other allowances as t\it may direct. Such appointments shall, however, be subject to concurrence of the Commission as required under the said sub-rule.]

¹[Provided further that if the Government is satisfied in a year that eligible persons are not available for appointment as ²[Teachers] persons who have passed

¹ Inserted vide Notification No. F.7(1) DOP/A-II/75 dated 23.9.1975

² Substituted vide Notification No. F.1(10) DOP/A-II/72 dated 16.2.1973 for.

`Temporary or officiating appointment on a temporary vacancy in the service, may be filled by the Appointing Authority by appointing thereto in a officiating capacity an officer whose name is included in the list prepared under rule 20 or in the lists prepared under sub-rule (2) and (3) or rule 23, as may required: provided that till the preparation of the first list or in case the list is exhausted, a vacant post may be filled by the appointing Authority by appointing thereto a member of the Service eligible for appointment to the post by promotion or by appointing thereto temporarily a person eligible for appointment to the Service by direct recruitment under the provision of these rule:

provided further that if the post in question is required to be filled in consultation with the Commission no appointment made thereto shall be continued beyond a period of one year without referring to the commission for its concurrence and shall be terminated immediately on its refusal to concur.`

³ Substituted for the words `Appointing Authority` vide corrigendum No. F.1(10) DOP/A-II/72 dated 12.9.1973.

⁴ Substituted vide Notification No. F1(10)DOP/A-II/72 dated 28.11.73, for- `Provided further that in respect of recruitment have been prescribed, the Government or the Ap0pointing Authority shall not fill the temporary vacancy by appointing a person eligible for direct recruitment unless no suitable persons eligible for promotion is available.`

⁵ Inserted vide Notification No. F.7(7) Karmik /KA-II /75 dated 31.10.75 effective from the date of Service Rules come into force.

¹ Inserted vide Notification No. F.16(24)Edu.II /70 dated 9.7.73. The word `academic` occurring between the words. `during the` and `year` at the end of first sentence in further proviso to proviso(2) Rule 28 deleted vide Notification no f.2(1) DOP/A-II/79 dated 1.9.79

² Substituted for the expression `Teachers Grade III` vide Notification no f.2(6) DOP/A-II/84 dated 6.1.90

³ Substituted vide Notification no f.7(8) DOP/A-II/78 dated 20.7.79 for –

Matriculation Examination/or its equivalent examination and have successfully completed either the emergency short-term BSTC Course started by the Government in January / February, 1973 or first year of the regular BSTC Course may be appointed during the year 1974-75,1975-76, 1976-77and 1977-78 and there will be no urgent temporary appointment to the posts ²[Teachers] from the year 1978-79. Such persons shall be treated as `Untrained` for purpose of pay till they acquire necessary certificate of training or an equivalent qualification.]

³[**29. Seniority-** seniority of persons appointed to the lowest post of the Service or lowest categories of posts in each of the Group/Section of the Service, as the case may be, shall be determined from the date of confirmation of such persons to the said post but in respect of persons appointed by promotion to other higher post in the service or other higher categories of post in each of the Group/Section in the Service, as the case may be shall be determined from the date of their regular selection to such post.]

Provided; ⁴[1] that seniority of persons appointed to posts of any section of the service before commencement of these rule including those under sub-rule (3) of the 6, shall be determined in accordance with the Government Notification No. F.6(e)(56) Edu/G-II/56dated9.9.1965 and subsequent amendment thereto` ;

(2) that if two or more persons are appointed to a post in the same section in the same year, a persons appointed by promotion shall be senior to a person appointed by direct recruitment;

(3) That the seniority interse of persons appointed to a post in a particular section by direct recruitment on the basis of one and the same selection except those who do not join service when a post is offered to them, shall follow the order in which their names have been placed in the list prepared under rule 20;

`* [seniority in the Service shall be determined in each category of the service by the year of substantive appointment.]`

`* Substituted vide Notification No. F.7(6) DOP/A-II/73 dated 15.11.1976for
“seniority in each section of the service shall be determined as mentioned in col.no.8 of the Schedule by the year of substantive appointment to post in particular section.”

⁴ Substituted vide Notification No. F.16(24)Edu.II /70 dated 30.5.1973 effective form 16.12.1971, for:-
`that seniority of persons appointed to posts of any section of the service after selection by the Screening Committee referred in sub-rule(3) of rule 6, shall be determine ed by the Committee.

¹(4) that persons selected and appointed as a results of a selection which is not subject to review and revision, shall rank senior to the persons who are selected and appointed as a result of subsequent selection. Seniority interse of persons selected on the basis of seniority-cum-merit shall be the same as in the next below grade, except in case of continued officiation on higher posts when it shall be in accordance with length of continued officiation, provided that such officiation was not adhoc or fortuitous.]

²(5) that in case of substantive employees of different services, cadres or Groups or from Rajasthan Panchayat Samiti and Zila Parishad Service, whose appointment to such posts has been made by different Appointing Authority and whose transfer to a Cadre or Group in this Service is specifically permissible in accordance with provisions of these Rules, and he is so transferred and it becomes necessary to determine the integrated seniority of two or more of such employees, who do not belong to the same Service/Cadre/Circle or Unit under an Appointing Authority, their integrated seniority on initial appointment shall be determined for promotion or confirmation to a Cadre or Group under these Rules, notwithstanding their year of substantive appointment in the different cadre, according to the date of continuous officiation in class or Category, officiation was not of the nature of fortuitous or adhoc or an urgent temporary appointment and there was no default on the part of the employee to join the appointment when ordered.

The above principle shall be applied to such posts as may be specified with the prior approval of Department of Personnel (Rules) and will be subject to the condition that any pre-determined inter-se-seniority between tow or more persons except in case of default or suppression shall not be disturbed.

³[(6) Deleted]

⁴[(7)that seniority of inter-se persons appointed to posts or any Section as specified in the scheduled appended to these rules before Commencement of these rules including those appointed under proviso(3) to rule 6 shall be determined in accordance with the criteria laid down in Appendix A,B,C,and D appended to these rules and also in accordance with following Government notification-

(1) Government Notification No. F.6(e)(56)Edu./Cell/56dated 9.9.1965 and subsequent amendment thereto. (Appendix`E`)

¹ Substituted vide Notification No. F.7(6) DOP/A-II/75 dated 30.10.1975effective from the date of publication in the Rajasthan Rajpatra. Or :- that the seniority interse of persons appointed to a post in a particular section by promotion shall follow the order in which their names have been ;laced in the lists prepared under sub-rule(2),(3) and (7) of rule 25 and the seniority interse of persons appointed by promotion in a particular class of posts in the same as in the next below grade except in case of continued officiation in higher post when it shall be in accordance with length of such continued officiation provided that such officiation was not adhoc or fortuitous.`

Substituted vide Notification No. F.7(6) DOP/A-II/77 dated 17.6.1978.for-

`×[that the persons selected and appointed as a result or subsequent selection. Seniority interse of persons selected on the basis of seniority-cum-merit shall be the same as in the next below grade, except in case of continued officiation on higher posts when it shall be in accordance with the length of continued officiation, provided that such officiation was not adhoc or fortuitous.

× Inserted vide Notification No. F.7(6) DOP/A-II/75-II dated 31.10.1975

²Added vide Notification No. F.1(196) Appts/A-II/72 dated 4.9.1974

³Deleted vide Notification No. F.7(10) Appts /A-II dated 17.6.1978

£(6) That the seniority interse of persons selected as a result of one and the same selection and appointed on the basis of merit alone shall be in the same order in which their names appear in the select list, irrespective of the period of continuous officiation]`

£Inserted vide Notification No. F.7(6)DOP/(A-II)dated 31.10.75 (effective from the date of Publication in the Rajasthan Rajapatra)

⁴Inserted vide Notification No. F.2(2)DOP/A-II/dated 7.7.1979

(2) Government Notification No.F.6(e)(90)Edu./Cell/56dated 15.1.1966 (criteria for seniority of teachers grade (III) (Appendis `F`)

(8) that the seniority of the persons selected as a result of taking over of private institutions shall be determined with reference to the year of taking over such employees and they shall rank en-block junior to persons appointed by direct recruitment or by promotion if the post is required to be filled in by promotion only in the relevant category during the year of their appointment. The inter-se seniority of such persons will, however, be fixed according to the date of continuous appointment in the same grade under such management/agency, provided that any pre-determined seniority shall not be disturbed. The service rendered by the employees of the private institution on an equated post shall be counted as experience of service required for either promotion or direct recruitment, as the case may be.

(9) that the seniority of persons of schools taken over or to be taken over by the Government in Education Department from Municipal Board/Councils/Corporation shall be determined from the date of their continuous appointment in the same grade in the municipal Board/Councils/Corporation if they are qualified to hold the post otherwise, the seniority of such persons will be fixed according to the date of continuous appointment in the same grade under such management/agencies provided that any pre-determined seniority shall not be disturbed. However, such employees shall rank enblock junior to the persons appointed either by direct recruitment or by promotion.

(10) that the persons referred to in proviso(8) and proviso(9) are appointed on the same date, seniority inter-se of such persons shall be determined on the basis of their length of continuous service rendered in the same grade/equated posts in the private institution or Local Body, as the case may be.]

¹[**Explanation:** A person working on the post of ²[Senior Teachers/Teacher] or equivalent posts when transferred from one district/range to another district/range on his own request shall be placed just below the junior most person in seniority list of the new district/range from the date of taking over the charge in the new district/range and will cease to have any right of his seniority in the district/range from which he has been transferred.]

³[(11) That if a candidate belonging to the Scheduled Caste/Scheduled Tribe is promoted to an immediate higher post/grade against a reserved vacancy earlier than his senior general/O.B.C. candidate who is promoted later to the said immediate higher post/grade, the general/O.B.C. candidate will regain his seniority over such earlier promoted candidate of the Scheduled Caste/Scheduled Tribe in the immediate higher post/grade.”

⁴[**30.Period of Probation-**(1)All persons appointed to the Service by direct recruitment against a substantive vacancy shall be placed on probation for period of two

¹ Added vide Notification No. 2(6)DOP/A-II/84 dated 6.2.1987

² Substituted for the expression `Grade II/Grade III teachers` vide Notification No. 2(6)DOP/A-II/dated 6.1.1990

³ Added vide Notification No.F.7(1)DOP/A-II/96 dated 1.4.1997

⁴ Substituted Notification No.F.1(35)DOP/A-II/74 dated 9.4.1979 for-

`* (1) Every person appointed against a substantive vacancy in the Service by direct recruitment shall be placed on probation for period of two years and those appointed by promotion/ special selection to any post against such vacancy shall be on probation for a period of one year.`

%[Explanation:- In case of a person who dies or is due to retire on attaining the age of superannuation the period of probation shall be reduced so to end*(one day earlier) on the date immediately
(Contd.)

(Contd.)

preceding the date of his death or retirement from Government Service. *The condition of passing the Department Examination in rule regarding confirmation shall be deemed to have been waived in case of death or retirement].`

%Inserted Vide No.F.1(14)DOP/A-II70dated 4.9.1974

years and those appointed to the service by promotion/Special Selection against a substantive vacancy shall be placed on probation for a period of one year.>`

¹[Clarification

In accordance with the above persons appointed to the Service by direct recruitment or Promotion/Special Selection are to be placed on probation. Persons appointed to higher post in the Service by promotion will not be required to be placed on probation.

Provided that:

(i) such of them as have, previous to their appointment by promotion/²[special selection] or by direct recruitment against a substantive vacancy, officiated temporarily on the post which is followed by regular selection may be permitted by the Appointing Authority to count such officiating or temporary service toward the period of probation. This shall, however, not amount to involve supersession of any senior person or disturb the order of their preference in respective quota or reservation in recruitment;

(ii) any period after such appointment during which a person has been on deputation on a corresponding or higher post shall count towards the period of probation.

(2) During the period of probation specified in sub-rule(1), each probationer may be required to pass such Departmental Examination and to undergo such training as the Government may, from time to time, specify.

Explanation- In case of person who dies or is due to retire on attaining the age of superannuation the period of probation shall be reduced so as to end one day earlier on the date immediately preceding the date of his death or retirement from Government Service. The condition of passing the department Examination in the rule regarding confirmation shall be deemed to have been waived in case of death or retirement

*Substituted vide Notification No.F.1(35)Karmik(k-II)/74 dated 4.5.1977 effective from the date of publication in the Rajasthan Rajpatra for-`30.Probation-All persons appointed to any cadre by direct recruitment shall be placed on probation for one year.

¹ Added vide Circular No. F.7(10)DOP/A-II/77dated 28.4.1979

² Inserted vide Notification No.F.1(35)Karmik/ka2/74dated 3.8.1977

³[30A. Confirmation in certain case-(1) Not with standing anything to the contrary contained in the preceding rule a person appointed to a post. In the service temporarily or on officiating basis who, after regular recruitment by any one of the methods of recruitment prescribed under these rules, has not been confirmed, within a period of six months on completion of a period of two years` service in case he is appointed by direct recruitment or within a period of one years` service in case he is appointed by promotion, shall be entitled to be treated as confirmed in accordance with his seniority, if-

(i) he has worked on the post or higher post under the same Appointing Authority or would have so worked but for his deputation or training:

(ii) he fulfils conditions as are prescribed under rule relation to Confirmation subject to the quota prescribed under rules; and

(iii) permanent vacancy is available in the Department.

(2) If any employee referred to in sub-rule(1) above fails to fulfil the conditions mentioned in the said sub-rule, the period mentioned in sub-rule(1) above, maybe extended as prescribed for a probation or under the Rajasthan Civil Services (Departmental Examination) Rules, 1959 and any other rules or by on year, whichever is

³ Substituted Notification No.F.2(4)DOP/A-II/79, dated 22.11.1984,published in Rajasthan Gazette, Part IV(c) (i). Extraordinary.date30.11.1984 at GSR 149 for-

*`30-A(a) Notwithstanding any thing contained in rule 30, if no order of confirmation is issued by the appointing Authority within a period of six months, an employee appointed on temporary of officiating basis who has, after the date of his regular recruitment by either method of recruitment completed a period of two years service, or less in the case of those appointed by promotion where the period of probation prescribed is less, on the post or higher post under the same Appointing Authority or would have so worked but for his deputation or training, shall on the occurrence of permanent vacancies be entitled to be treated as conformed if the same conditions as are prescribed under the rule for the confirmation of a probationer are fulfilled subject to the quota prescribed under the Rules and in accordance with his seniority:

(Contd.)

* Substituted vide Notification No. F.7(7)DOP/A-II/74 dated 28.12.1974 for `30-A-Notwithstanding anything contained in rule 30, on a permanent vacancy being available a person who has been appointed on a regular post against a temporary vacancy after a regular selection, and has there after put in more than 2 years service on such post shall be deemed to have completed the period of probation and shall be confirmed provided he fulfils other conditions of confirmation as laid down in these Rules.`

provided that if the employee has failed to give satisfaction or has not fulfilled any of the conditions prescribed for confirmation, such as passing of Departmental Examination, Training or promotion cadre course etc., the aforesaid period may be extended as prescribed for probation or under the Rajasthan Civil Services Departmental Examination Rules, 1956 and any other Rules, or be one year, whichever is longer. If the employee still fails to fulfil the prescribed conditions or fails to give satisfaction he will be liable to be discharged from such post in the same manner as a probationer or reverted to his substantive or lower post, if any, to which he may be entitled:

Provided further that no person shall be debarred from confirmation after the said period of service if no reasons to the contrary about the satisfactory performance of his work are communicated to him within the said period

Explanation:- (i) Regular recruitment for the purpose of this rule shall mean appointment after either of the methods of recruitment or on initial constitution of service in accordance with any of Service Rules promulgated under proviso to Article 309 of the Constitution of India or for posts for which no Service Rules exists, if the posts are within the purview of the Rajasthan Public Service Commission recruitment in constitution with them but it shall not include an urgent temporary appointment, adhoc appointment or officiating promotion against temporary or lien vacancies which are liable to review and revision from year to year. In case where the Service Rules specifically permit appointment by transfer such appointment shall be treated regular recruitment ff the appointment to the post from which the official was transferred was after regular recruitment Person who have been eligible for substantive appointment to a post under the rules shall be treated as having been regularly recruited.

(ii) Person who hold lien in another cadre shall be eligible to be confirmed under his rule and they will be eligible to exercise an option whether they do not elect to be confirmed on the expiry of two years of their temporary appointment under this rule. In the absence of any option to the contrary, they shall be deemed to have exercised option in favour of confirmation under this rule and their lien on the previous post shall cease.]`

longer. If the employee still fails to fulfil the conditions mentioned in sub-rule(1) above, he will be liable to be discharged or terminated from such post in the same manner as probationer or reverted to his substantive or lower post, if any, to which he may be entitled.

(3) The employee referred to in sub-rule(1) above shall not be debarred from confirmation after the said period of service if no reasons to the contrary about the satisfactory performance of his work are communication to him within the said period of service.

(4) The reasons for not confirming of any employee referred to in sub-rule (1) above shall be recorded by the Appointing Authority in his Service Book and Annual performance Appraisal Report.

Explanation:- (i) Regular recruitment for the purpose of this rule shall mean:

(a) appointment by either method of recruitment or on initial Constitution of service in accordance with the Rules made under the proviso to Article 309 of the constitution of India:

(b) appointment to the posts for which no Service Rules exists, fi the posts are within the purview of the Commission, recruitment in consultation with them;

(c) appointment by transfer after regular recruitment where the Service Rules specifically permit;

(d) persons who have been made eligible for substantive appointment to a post under the rules shall be treated as having been regularly recruited.

Provided that it shall not included urgent temporary appointment or officiating promotion which is subject to review and revision,

(ii) persons who hold lien on another cadre shall be eligible to be confirmed under this rule and the will be eligible to exercise an option whether they do not elect to be confirmed on the expiry of two years of their temporary appointment under this rule. In the absence of any option to the contrary, they shall be deemed to have exercise option in favour of confirmation under this rule and their lien on the previous post shall cease.]

¹[31. Unsatisfactory progress during probation-(1 If it appears to the Appointing Authority, at any time, during or at the end of the period of probation, that a member of the Service has not made sufficient use of his opportunities or that he has failed to give satisfaction, the Appointing Authority may revert him to the post held substantively by him immediately preceding his appointment, provided he hold a lien thereon or in other cases may discharge or terminate him from service:

Provided that the Appointing Authority may, if it so thinks fit in any case of class of cases, extend the period of probation of any member of Service by a specified period not exceeding two years in case of person Appointed to a post in the Service by direct recruitment and one year in the case of person appointed by promotion ²[Special selection] on such post:

³[Provided further that the Appointing Authority may, if it so thinks fir in case of persons belonging to the Scheduled Casts or Schedule Tribes as the case may be extended

¹ Substituted vide Notification No.F.1(35)Karmik/(k-III)/74 dated 4.5.1977 for

^31. Unsatisfactory progress during probation-(i) If it appears to the Appointing Authority, at any time during or at the end of period of probation that a member of the service has not made sufficient use of his opportunities or that he has failed to give satisfaction., the Appointing Authority may revert him to the post held substantively by him immediately preceding his appointment provided he holds a lien thereon. Or in other cases may discharge him form Service:

provided further that the Appointing Quthority may extend the period of probation of any member of service by a specified period not exceeding one year.

(2) A probationer reverted or discharged from Service during or at the end of period of probation under sub-rule (1) shall not be entitled to any compensation. ^

² Inserted vide Notification No.f.1(35)Karmik/Ka-2/74dated 3.8.1977.

³ Added vide Notification No.f.7(6)DOP/A-II/77dated 26.10.1977 effective from 1.1.1973.

the period of probation by a period not exceeding one year at a time and a total extension not exceeding three years.]

(2) Notwithstanding anything contained in the above proviso, during the period of probationer is placed under suspension, or disciplinary proceeding are contemplated or started against him, the period of his probation may be extended till such period the Appointing Authority thinks fit in the circumstances.

(3) A probationer reverted or discharged from Service during or at the end of the period of probation under sub-rule (1) shall not be entitled to any compensation.]

32. Confirmation- A probationer shall be confirmed in his appointment at the end of his period of probation if,

(a) he has passed the Departmental Examination and has successfully undergone such training, as Government may, from time to time, specify,

(b) he has passed a departmental test of proficiency in Hindi, and

(c) the Appointing Authority is satisfied that his integrity is unquestionable and that he is otherwise fit for confirmation.

PART VII –Pay

33. Scale of pay- The scale of monthly pay of a person appointed to a post in the service, shall be such as may be admissible under the rules referred to in rule 35 nor as may be sanctioned by Government from time to time .

¹**[34. Increment during probation.-** A probationer shall draw increment, in the scale of pay admissible to him in accordance with the provisions of the Rajasthan Service Rules, 1951.]

35 Regulations of Leave, Allowances, Pension etc.- Except as provided in these rule, the pay, allowances, pension, leave and other condition of services of a member of the service shall be regulated by –

(1) The Rajasthan Travelling Allowances Rules, 1949,

(2) The Rajasthan Civil Services (Unification of Pay Scales) Rule, 1950.

(3) The Rajasthan Civil Services (Rationalisation of Pay Scale) Rules, 1956,

(4) The Rajasthan Civil Services (Classification, Control and Appeal Rules,1958,

(5) The Rajasthan Service Rules, 1951,

(6) The Rajasthan Civil Services (Revised Pay) Rules,1961,

(7) The Rajasthan New Pay Scales Rules,1969,

(8) any other rules prescribing general conditions of service made by the appropriate authority under the proviso to Article 309 of the constitution of India and for the time being in force.

36. Removal of doubts- If any doubt arises relating to the application, interpretation and scope of these rules, it shall be referred to Govt. in the ²[Department of Personnel] whole decision there on shall be final.

37. Renoval and Saving- All rules in relation to matters covered by these rules and in force immediately before the commencement of these rules are here by repealed:

¹ Added vide Notification No.F.3(11)Appts(A-III)/58IVdated 16.10.73, for-
`34. Increments during probation.- A probationer shall draw increments in the scale of pay admissible to him during the pr\eriod of probation as they accrue:

Provided that if the period of probation is extended on account of failure to give satisfaction, such extensions shall not amount for increment unless the Appointing Authority otherwise directs.`

² Substituted for `Appointments Department` vide Notification No.f.7 (16) DOP/A-II/72 dated 3.1.1973 (effective from 17.7.1972.

provided that any action taken under the rules and orders so superseded shall be deemed to have been taken under the provisions of these rules.

¹**[38.Power to relax rules-** In exceptional cases where the Administrative Department of the Government is satisfied that operation of the rules relating to age or regarding requirement of experience for recruitment causes undue hardship in any particular case or where the Government is of the opinion that it is necessary or expedient to relax any of the provisions of these rules with respect to age or experience of any person, it may with the concurrence of the Department of Personnel and Administrative Reforms and in consultation with the Commission by order dispense with or relax the relevant provisions of these rules to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner, provided that such relaxation shall not be less favorable than the provision already contained in these rules. Such cases of relaxation shall be referred to the Rajasthan Public Services Commission by the ²[Administrative Department concerned.]

¹ Inserted vide Notification No.F.11 (2) DOP/A-II/75 dated 27.12.1978

² Substituted vide Notification No.F.11 (2) DOP/A-II/75 dated 18.8.1982, for the expression `Department of Personal and Administrative Reforms, (Department of Personnel-A-Group-II)