

**No. 36012/23/96-Estt.(Res.)-Vol. II**  
**Government of India**  
**Ministry of Personnel, Public Grievances & Pensions**  
**(DEPARTMENT OF PERSONNEL & TRAINING)**

North Block, New Delhi

Dated : The 3<sup>rd</sup> October, 2000.

**OFFICE MEMORANDUM**

***Subject*** : Reservation in promotion – Prescription of lower qualifying marks/lesser standard of evaluation.

The undersigned is directed to refer to Department of Personnel & Training's O.M. No. 36012/23/96-Estt.(Res.), dated 22<sup>nd</sup> July, 1997 vide which various instructions of the Government providing for lower qualifying marks/lesser standards of evaluation in matters of promotion for candidates belonging to the Scheduled Castes and Scheduled Tribes had been withdrawn, on the basis of the Supreme Court's judgment in the case of S. Vinod Kumar Vs. Union of India.

2. The undersigned is further directed to say that the matter has been reviewed, consequent to which the following proviso to Article 335 has been incorporated in the Constitution by the Constitution (Eighty-Second Amendment) Act, 2000:-

“Provided that nothing in this Article shall prevent in making of any provision in favour of the members of the Scheduled Castes and Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State.”

3. In pursuance of the enabling proviso of Article 335 of the Constitution, it has now been decided to restore, with immediate effect, the relaxations/concessions in matters of promotion for candidates belonging to SCs/STs by way of lower qualifying marks, lesser standards of evaluation that existed prior to 22.07.1997 and as contained in the instructions issued by the Department of Personnel and Training from time to time including O.M. No. 8/12/69-Estt. (SCT), dated 23.12.1970, No. 36021/10/76-Estt.(SCT), dated 21.01.1977 and para 6.3.2 of the DPC guidelines contained in Department of Personnel and Training's O.M. No. 22011/5/86-Estt. (D), dated 10. 4.1089. In other words, the effect of these instructions would be that the Department of Personnel and Training's O.M. No. 36012/23/96-Estt.(Res.), dated 22<sup>nd</sup> July, 1997 becomes inoperative from the date of issue of this O.M..

4. These orders shall take effect in respect of selections to be made on or after the date of issue of this O.M., and selections finalised earlier shall not be disturbed.

5. All Ministries/Departments are requested to bring these instructions also to the notice of their Attached/Subordinate Offices and Autonomous Bodies/Public Sector Undertakings under their control for compliance.

Sd/ **J. Kumar**  
Deputy Secretary to the Government of India