

GOVERNMENT OF TELANGANA
GENERAL ADMINISTRATION (SER.D) DEPARTMENT

Memo No.7593/Ser.D/A2/2022

Dated: 02-12-2022

Sub: Public services – State and Subordinate Services – 33 1/3 % reservation for women in Direct Recruitment to Public Services – Methodology to follow Horizontal Reservation – Implementation of Hon'ble Supreme Court Directions – Clarification - Reg.

- Ref:
1. G.O.Ms.No.196 G.A (Ser.D) Department, dated: 28.05.2016.
 2. Judgment of the Hon'ble Supreme Court in Rajesh Kumar Daria Vs.Rajasthan Public Service Commission and others reported in (2007) 8 SCC 785.
 3. Orders of Hon'ble High Court for the state of Telangana in W.P.No.27844 of 2022, dated 23.09.2022 & W.P.No.38502 of 2022, dated: 14.10.2022.
 4. From the Secretary, TSPSC Letter No.432/LC/2022, dated 03.11.2022.

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The attention of the Secretary, Telangana State Public Service Commission, Hyderabad is invited to the references cited. She is informed that the Telangana State and Subordinate Service Rules, 1996 provide for implementation of rule of reservation to the extent of 33 1/3% to Women in all categories in the matter of Direct recruitment for the posts, for which women and men are equally suited, as per the roster points fixed for women in the existing 100 point roster under General Rule 22 of Telangana State and Subordinate Service Rules.

2. In the reference second cited, the Hon'ble Supreme Court, in Rajesh Kumar Daria Vs. Rajasthan Public Service Commission [2007(8)SCC785] held that,

'Social reservations in favour of SC, ST and OBC under Article 16(4) are 'vertical reservations'. Special reservations in favour of physically handicapped, women, etc. under Articles 16(1) or 15(3) are **'horizontal reservations'**". Where a vertical reservation is made in favour of a Backward Class under Article 16(4), the candidates belonging to such Backward Class may compete for non-reserved posts and if they are appointed to the non-reserved posts on their own merit, their number will not be noted against the quota reserved for the respective Backward Class. Therefore, if the number of SC candidates, who by their own merit, get selected to open competition vacancies, equals or even exceeds the percentage of posts reserved for SC candidates, it cannot be said that the reservation quota for SCs stood filled. The entire reservation quota will be intact and available in addition to those selected under open competition category.

But the said principle applicable to vertical (social) reservations, will not apply to horizontal (special) reservations. Where a special reservation for women is provided within the social reservation for SCs, the proper procedure is first to fill up the quota for SCs in order of merit and then find out the number of candidates among them who belong to the special reservation group of 'Scheduled Caste Women'. If the number of women in such list is equal to or more than number of special reservation quota, then there is no need for further selection towards the special reservation quota. Only if there is any shortfall, the requisite number of Scheduled Caste Women shall have to be taken by deleting the corresponding number of candidates from the bottom of the list relating to Scheduled Castes'.

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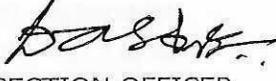
3. In the reference 3rd cited, the Hon'ble High Court directed the respondents, including the Telangana State Public Service Commission, to follow the decision of the Hon'ble Supreme Court in the case of Rajesh Kumar Daria Vs. Rajasthan Public Service Commission [2007(8)SCC785], while making appointments in Group-I Services.

4. In view of the above directions of Hon'ble High Court, the Secretary, Telangana State Public Service Commission, Hyderabad is informed that the 33 1/3% reservation for women, in all categories, in the matter of direct recruitment to the posts, for which, men and women are equally suited shall be implemented horizontally, following the law laid down by the Hon'ble Supreme Court in the case of Rajesh Kumar Daria Vs. Rajasthan Public Service Commission [2007(8)SCC785].

SOMESH KUMAR
CHIEF SECRETARY TO GOVERNMENT

To
✓ The Secretary,
Telangana State Public Service Commission,
Nampally, Hyderabad.

// FORWARDED :: BY ORDER //


SECTION OFFICER

