



P. Abhimanyu
General Secretary

BSNL EMPLOYEES UNION

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13.07.2023

BSNLEU/ 528 (JE)

To

Shri Arvind Vadnerkar,
Director (HR), BSNL,
Bharat Sanchar Bhawan,
H.C. Mathur Lane,
Janpath, New Delhi – 110 001

Sir,

Sub: - **Reviewing the results of the failed SC / ST candidates by applying Lesser Standard of evaluation – requesting to implement the DoP&T orders - req.**

Ref: - (1) BSNLEU letter no.BSNLEU/528(JE) dated 15.03.2023
(2) BSNLEU letter no.BSNLEU/528(JE) dated 26.05.2023

With reference to the letters cited above, we wish to bring the following to your kind notice for favour of necessary action.

Vide letters cited under reference (1) and (2), BSNLEU has demanded implementation of the DoP&T orders on reviewing the results of the failed SC / ST candidates, by applying Lower Standard of evaluation. BSNLEU is taking up this issue for the past several months. The Union has specifically been demanding review of the result of Shri Mothi Lal, Motor Driver, HRMS No.199601629, who has narrowly failed in the JE LICE held on 18.12.2022.

Surprisingly, the officers in the Corporate Office have replied the General Secretary of BSNLEU that there are no rule which permits review of the results of the failed SC / ST candidates, by applying Lower Standard of evaluation. This is really very unfortunate. We are enclosing herewith copy of the DoP&T letter No.36012/23/96-Estt.(Res)-Vol.II dated 03rd October, 2000. The following is categorically mentioned in respect of reviewing the results of the failed SC / ST candidates, by applying Lower Standard of evaluation.

"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 an 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."

In the light of the aforementioned DoP&T letter, we once again earnestly request you to kindly implement review of the result of Shri Mothi Lal, Motor Driver, HRMS No.199601629, who has failed in the JE LICE held on 18.12.2022.

Thanking you,

Yours sincerely

[P. Abhimanyu]
General Secretary

Encl: As above.

Copy to: (1) Shri Saurabh Tyagi, PGM(Estt.), BSNL C.O., Bharat Sanchar Bhawan, Janpath, New Delhi- 110 001
(2) Ms. Samita Luthra, GM (Rectt.), BSNL C.O., Bharat Sanchar Bhawan, Janpath, New Delhi - 110001

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 3rd 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 OM No. 36012/23/96-Estt. (Res) dated 22nd 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 Supreme Court's judgement 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 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 an). 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 way of lower qualifying marks, lesser standards of evaluation that existed prior 22.7.1997 and as contained in the instructions issued by the Department of Personnel and Training from time to time including OM No. 8/12/69-Estt. (SCT) dated 23.12.1970, No. 36021/10/76-Estt. (SCT) dated 21.1.1977 and para 6.3.2 of the DPC guidelines contained in Department of Personnel and Training's OM No. 22011/5/86- Estt..(D) dated 10.4.1989. In other words, the effect of these instructions would be that the Department of Personnel and Training's OM No. 36012/23/96- Estt.(Res) dated 22rd July, 1997 becomes inoperative from the date of issue of this OM.
4. These orders shall take effect in respect of selections to be made on or after the date of issue of this OM 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 tunder their control for compliance.

(J. Kumar)
Deputy Secretary to the Government of India
Tel. No. 3011797

TO

1. All Ministries / Departments of the Government of India.
2. Department of Economic Affairs (Banking Division), New Delhi
3. Department of Economic Affairs (Insurance Division), New Delhi
4. Department of Public Enterprises, New Delhi
5. Railway Board.
6. Union Public Service Commission /Supreme Court of India /Election Commission /Lok Sabha Secretariat /Rajya Sabha Secretariat / Cabinet Secretariat /Central Vigilance Commission / President's Secretariat / Prime Minister's Office /Planning Commission.
7. Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi.
8. Ministry of Social Justice & Empowerment, Shastri Bhavan, New Delhi.
9. National Commission for SCs & STs, Lok Nayak Bhawan, New Delhi
10. National Commission for Backward Classes, Trikot-1, Bhikaji Cama Place, R.K. Puram, New Delhi.

Department of Personnel O.M. No. 8/12/69. Estt. (SCT)

Dated 23rd December, 1970 to all Ministries etc.

Subject:- Relaxation of standards in favour of scheduled Castes/Scheduled Tribes candidates in departmental competitive examinations for promotion and in departmental confirmation examinations.

Attention of the Ministry of Finance etc. is invited to Ministry of Home Affairs O.M. No. 1/1/70-Est. (SCT) dated 25th July, 1970, in which it has been provided that in case of direct recruitment, whether by examination or otherwise, if sufficient number of Scheduled Castes/Scheduled Tribes candidates are not available on the basis of the general standard to fill up the vacancies reserved for them, candidates belonging to these communities may be selected to fill up the remaining vacancies reserved for them provided that they are not found unfit for appointment to such posts or post. A question has been raised whether relaxation in the qualifying standards could be granted to Scheduled Castes/Scheduled Tribes candidates on the same basis in promotions made through departmental competitive examinations and in departmental confirmation examinations where such examinations are prescribed to determine the suitability of candidates for confirmation. The matter has been carefully considered and it has been decided that in promotion/confirmations made through such examinations, Scheduled Castes /Scheduled Tribes candidates who have not acquired the general qualifying standards in such examinations could also be considered for promotions/confirmations. In other words the qualifying standards in these examinations could be relaxed in favour of Scheduled Castes/Scheduled Tribes candidates in keeping with the above criterion.