

THE ANDHRA PRADESH GAZETTE
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NOTIFICATION BY GOVERNMENT

SOCIAL WELFARE DEPARTMENT
(CV.1)

The Andhra Pradesh Scheduled Castes (Rationalisation of Reservations) Rules ,
1999

(G.O.Ms.No.116, Social Welfare (CV.1) 10th December, 1999)

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In exercise of the powers conferred by sub section (1) of section 7 of the Andhra Pradesh Scheduled Castes (Rationalisation of Reservations) Ordinance, 1999 (A.P.Ordinance 6 of 1999) the Governor of Andhra Pradesh hereby makes the following Rules namely :-

Rules :-

Short title and
commencement :

1. (1) These rules may be called the Andhra Pradesh Scheduled Castes (Rationalisation of Reservations) Rules, 1999.
(2) It shall come into force from the date of publication in the Andhra Pradesh Gazette.

Definitions

2. In these rules unless the context otherwise requires,
 - (a) "Ordinance" means the Andhra Pradesh Scheduled Castes (Rationalisation of Reservations) Ordinance, 1999
 - (b) "educational institution" shall have the meaning assigned to it in clause (c) of section 2 of the Andhra Pradesh Educational Institutions (Regulation of Admission and Prohibition of Capitation Fee) Act, 1983 (AP Act 5 of 1983)
 - (c) 'Government' means the State Government of Andhra Pradesh
 - (d) 'Public Service' means , services in any office or establishment of,
 - (i) the Government
 - (ii) a local authority i.e.,
 - a) a Gram Panchayat or a Mandal Parishad or a Zilla Parishad established under the Andhra Pradesh Panchayat Raj Act,

1994.

- b) a Municipality constituted under the Andhra Pradesh Municipalities Act, 1965 and
 - c) a Municipal Corporation established under the relevant law, for the time being in force, relating to Municipal Corporations;
 - iii) a Corporation or undertaking wholly owned or controlled by Government.
 - iv) a body established under any law made by the Legislature of the State whether incorporated or not including a University and
 - v) any other body established by the Government or by a Society registered under any law relating to the registration of societies for the time being in force and receiving funds from the State Government either fully or partly, for its maintenance or any educational institution, whether registered or not, but receiving aid from the Government;
- e) 'Rule of Reservation' means any rule or provision for reservation of appointments or posts in public service in the special rules applicable to any particular service or the General Rules of the Andhra Pradesh State and Subordinate Service Rules, as the case may be or any rule or provision for reservation of seats in the rules or instructions for admission into educational institutions, as the case may be, in favour of Scheduled Castes or Scheduled Tribes or Backward Classes or Women.
- f) 'Scheduled Castes shall have the meaning assigned to it in clause (24) of article 366 of the Constitution of India.

Procedure for
implementation of the
rule of reservation

3. In order to implement the rule of reservation under section 3 of the Ordinance

(1) One percent of the seats both in public appointments or posts and admissions to educational institutions shall be reserved for the persons belonging to the Scheduled Castes referred to in Clause (a) of Section 3 of the Ordinance.

Provided that in the case of reservation of appointments or posts it shall be allotted to Sl.No.2 of the roster as specified in rule (22) (e) of the Andhra Pradesh State and Subordinate Service Rules 1996.

(2) seven percent of the seats both in public appointments or posts and admissions to educational institutions shall be reserved for the persons belonging to the Scheduled Castes referred to in clause (b) of Section 3 of the Ordinance;

Provided that in the case of reservation of appointments or posts it shall be allotted to Sl.No.7,22,41,62,72,87 and 97 of the roster as specified in rule 22(e) of the Andhra Pradesh State

and Subordinate Service Rules 1996.

(3) six percent of the seats both in public appointments or posts and admissions to educational institutions shall be reserved for the persons belonging to the Scheduled Castes referred to in clause (c) of Section 3 of the Ordinance;

Provided that in the case of reservation of appointments or posts it shall be allotted to Sl.No.16,27,47,66,77 and 91 of the roster as specified in rule 22 (e) of the Andhra Pradesh State and Subordinate Service Rules, 1996;

(4) one percent of the seats both in public appointments of posts and admissions to educational institutions shall be reserved for the persons belonging to the scheduled castes referred to in clause (d) of section 3 of the Ordinance;

Provided that in the case of reservation of appointments or posts it shall be allotted to Sl.No.52 of the roster as specified in rule 22(e) of the Andhra Pradesh State and subordinate Service Rules, 1996.

Reservation for women

4. The reservation for women to an extent of 33 1/3% provided in public services in each roster cycle of 100 points fixed shall be adjusted by allotting two seats for Scheduled Castes-B and two seats to Scheduled Castes-C and one seat alternately for Scheduled Castes-A and one seat to Scheduled Castes-D as specified in Section 3 of the Ordinance.

Non-availability of eligible candidates

5. (1) if eligible candidates for public appointments or posts are not available to fill the slots reserved for them in the roster points as specified in rule 3 it shall be filled in by the candidates belonging to the next group of the Scheduled Castes communities as specified in Section 3 of the Ordinance.

Note :- If an eligible candidate of Scheduled Castes-A is not available, the roster point may be filled by a candidate Scheduled Castes-B and so on and so forth. In the case of women candidates also in the roster point fixed,for Scheduled Castes-A (woman), if an eligible woman candidate is not available , the roster point may be filled by a women candidate belonging to the Scheduled Castes-B group and so on and so forth.

(2) If eligible candidate for admission to educational institutions are not available to fill up the seats as specified in rule 3 it shall be filled in by the candidate belonging to the next group of Scheduled Caste communities.

Carry forward of vacancies

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6. If no eligible Scheduled Caste Candidate (including woman candidate) belonging to any of the Scheduled

Castes referred to in clauses (a), (b), (c) and (d) of Section 3 of the Ordinance is available then the vacancy shall be carried forward and shall not be filled by a candidate belonging to any other community other than the Scheduled Castes in accordance with the rules or the instructions issued by the Government in this regard.

Applicability of the rules in educational institutions

7. These Rules shall be made applicable in all the educational institutions under the control of the State Government, wherever rule of reservation is applicable

Non-applicability of the rules in public appointments/admissions

8. (1) in the case of public appointments for the filling up of backlog vacancies or regular vacancies to be filled by Scheduled Caste Candidates, Pursuant to various Government instructions issued in this regard from time to time, and where the selection process has been completed and appointment orders have been dispatched or the applicant has been intimated officially that he or she has been intimated officially that has selected and should await posting orders, these rules shall not be made applicable.

2. Similarly, in the case of admissions into educational institutions wherever the admissions have been finalised and the applicant has been intimated officially that he or she has been selected for admission, these rules shall not be made applicable.

Applicability of the rules in case of various stages of the selection/admission process

9. (1) Wherever the selection process for filling up the backlog vacancies or regular vacancies are at various stages, such as (a) the vacancies have been notified (b) the applications have been received (c) the call letters have been sent to applicants to appear for written test or or interview or both; (d) the written tests or interview or both have been completed but the appointment orders have not been dispatched or selection has not been intimated to applicants, in such cases the appointing authorities shall follow the procedure as specified in rule 3 and 4 of these rules.

(2) Similarly, in the case of admission into educational institutions wherever the selection process for admission is at various stages such as (a) vacancies have been notified (b) applications have been received (c) the applicants have been asked to appear for any written test and interview or counseling (d) the written test and interview or counseling have been completed but the admissions have not been intimated to the applicants, in such cases the admissions shall be completed following the rule of reservation as specified in rule 3 and 4 of these rules.

Applicability of the rules in future appointments/admissions to educational institutions

These rules shall be made applicable to all public appointments and admissions to educational institutions from the date of commencement of these rules wherever rule of reservation is applicable.

S.RAY
PRICIPAL SECRETARY TO GOVERNMENT

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Technical Education - EAMCET Engineering and other Professional Courses admissions - Implementation of reservations for SC/ST/BC's in Engineering and other professional courses - Certain instructions - Issued.

HIGHER EDUCATION(EC.2)DEPARTMENT

G.O.R.No.550,

Date:30-07-2001

Read the following:

1. G.O.Ms.No.184 Edn. dt.20-08-1993.
2. Supreme Court order dt.15-2-1996 in W.P. (C) No. 693 of 1995
3. A.P. High Court Order dt.23-2-2000 in W.P.No.26404 of 1999 & W.A.No.795 of 2000 & Batch
4. From the CTE., AP., Hyd. Letter No.H2/8216/2001 Dt. 6-6-2001.

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ORDER:-

The Commissioner of Technical Education, Andhra Pradesh, Hyderabad is informed that the issue of implementing reservations to Scheduled Castes/Scheduled Tribes/Backward Classes in Engineering Admissions has been examined in detail in the light of the judgement of the Supreme Court in Ritesh R. Shah Vs Dr.Y.L.Yamul AIR 1996 SC 1378 which was relied by the High Court of Andhra Pradesh in its judgement, dated 23-2-2000 in W.P.No. 26404 of 1999 & W.A.No. 795/2000 and batch and also in consultation with Backward Classes Welfare Department. The Legislature Committee on Welfare of Backward Classes, in its meeting held on 24-01-2001 has also discussed about the procedure adopted for the implementation of Backward Classes reservations for admission in Engineering Colleges and other professional courses and observed that the same procedure be adopted as followed in the admissions in the M.B.B.S. course. Besides this, there are certain representations from Backward Classes Welfare Association requesting to follow the judgement of the Hon'ble Supreme Court in Ritesh Shah's case in Engineering admissions and to implement the rule of reservation for Scheduled Caste/Scheduled Tribe/Backward Classes in true spirit.

2. The Andhra Pradesh Professional Educational Institutions (Regulation of Admission into Under-graduate Professional courses through Common Entrance Test) Rules, 1993, issued in G.O.Ms.No. 184 Education dated 20-08-1993 stipulate the following reservations, namely:-

- (i) SC's 15%
- (ii) ST's 6%
- (iii) BC's. 25% and shall be allocated among the four groups of Backward Classes as follows:-
 - i) Group A - 7 %
 - ii) Group B - 10%
 - iii) Group C - 1%
 - iv) Group D - 7%

3. In the case of 'Ritesh R. Shah Vs. Dr. Y.L. Yamul and others' (A.I.R. 1996 S.C. 1378) the Supreme Court held as follows:-

"A student who is entitled to be admitted on the basis of merit though belonging to a reserved category cannot be considered to be admitted against seats reserved for reserved category. But at the same time the provisions should be so made that it will not work out to the disadvantage of such candidate and he may not be placed at a more disadvantageous position than the other less meritorious reserved category candidates. The aforesaid objective can be achieved if after finding out the candidates from amongst the reserved category who would otherwise come in the open merit list and then asking their option for admission into the different colleges which have been kept reserved for reserved category and there after the cases of less meritorious reserved category candidates should be considered and they will be allotted seats in whichever colleges the seats should be available." In other words, while a reserved category candidate entitled to admission on the basis of his merit will have the option of taking admission in the colleges where a specified number of seats have been kept reserved for reserved category but while computing the percentage of reservation he will be deemed to have been admitted as an open category candidate and not as a reserved category candidate.

4. Keeping in view of the judgement of the Supreme Court, the High Court in its order dated 23.2.2000 in batch of W.P. Nos. including Contd.3.

W.P.No. 26404 of 1999 and W.A.No. 795 of 1999 relating to MBBS admissions made by the NTR University of Health Sciences has ordered to fix the meritorious SC, ST & BC category students strictly in order of merit for the general seats adhering to the principles laid down by the Supreme Court in the Ritesh R.Shah's Case and accommodate meritorious students belonging to Scheduled Caste/Scheduled Tribe and Backward Classes students by deleting the other students allotted in the open competition from the list and resultant equal number of vacancies shall be filled up by drawing the other meritorious candidates belonging to Scheduled Caste/Scheduled Tribe and Backward Classes communities who will be next eligible. Therefore, it is clear that the resultant vacancies shall be filled by the students belonging to the respective reservation categories only.

5 After careful consideration and due examination of the issue relating to implementation of reservation for Schedule Caste/Schedule Tribe and Backward Classes in Engineering and other Professional Courses the following instructions are hereby issued.

- (i) In the counselling process, the seats to be filled by open competition should be filled up first, wherein the candidates should be called for counselling based on merit alone irrespective of whether they belong to S.C., ST or B.C in accordance with the instructions issued by the Government in G.O.Ms.No. 996, Employment & Social Welfare, dated:11th November, 1975.
- (ii) Next, reservation categories like SC/ST/BC candidates will be counselled to fill up the seats earmarked for them in their respective categories. During this process, if a candidate belonging to Scheduled Caste/Scheduled Tribe/Backward Classes who had taken admission under open competition, opts for a better branch or a better college of his choice for which he or she would be eligible as per the rules of reservation, the seat vacated by him or her in open competition shall be filled with a candidate from the same reservation category only, in order of merit.

6. Necessary amendments to the Andhra Pradesh Professional Educational Institutions (Regulation of Admissions into Under-Graduate Professional Courses through Common Entrance Test) Rules, 1993 issued in G.O.Ms.No.184, Education dt.20-8-1993 shall be issued separately

7. The Commissioner of Technical Education, Andhra Pradesh, the Chairman, A.P. State Council for Higher Education, shall take further action to follow the above instructions in implementing the rule of reservation to SC/ST/BCs in admissions of Engineering, B.Arch., B.Pharmacy and other professional courses through Common Entrance tests. The Commissioner of Technical Education shall send necessary proposals for amendment of the said rules at the earliest.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.SUDHIR,
SECRETARY TO GOVERNMENT

To

- ✓ The Commissioner of Technical Education, A.P., Hyderabad.
- Copy to the Chairman, A.P. State Council for Higher Education, A.P., Hyderabad. For information and immediate necessary action.
- Copy to the Secretary, Social Welfare Department.
- Copy to the Secretary, Tribal Welfare department.
- Copy to the B.C. Welfare Department.
- Copy to the Health Medical & Family Welfare Department.
- Copy to the Law (E) Department.
- Copy to P.S. to Minister (Technical Education)
- Copy to the P.S. to Chief Secretary to Government of A.P.
- Copy to Additional Secretary to Chief Minister.

//Forwarded by Order//

V. Venkatesh Kumar Ray
SECTION OFFICER

AK

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

BACKWARD CLASSES WELFARE DEPARTMENT - Guidelines for Implementation of 10% Reservation to the Economically Weaker Sections for admissions into Educational Institutions for the academic year 2019-20 - Orders - Issued.

BACKWARD CLASSES WELFARE (F) DEPARTMENT

G.O.Ms.No. 60.

Dated: 27.07.2019

Read the following: -

1. From the Ministry of Law and Justice (Legislative Department), the Constitution (One Hundred and Third Amendment) Act, 2019, Dt:12.01.2019.
2. From the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), Government of India, Office Memorandum F.No.36039/1/2019-Estt (Res.) Dt: 19.01.2019.
3. Act No.14 of 2019, Dated 20.02.2019 and Act No.15 of 2019, Dated 20.02.2019, published in PART IV-B EXTRAORDINARY, Dated: 20th February 2019.
4. G.O.Ms.No.45, and G.O.Ms.No.46, BCW(F) Dept., Dated: 06.03.2019.
5. G.O.Ms.No.52, BC Welfare (F) Dept., Dated: 06.05.2019.
6. W.P. (CIVIL) No. 343 of 2019 with I.A.No. 45038/2019 filed by Sri P.V. Ramakrishna and others before the Hon'ble Supreme Court of India.
7. W.P. No. 4568 of 2019 filed by Dr. Gajula Madhusudana and others before the Hon'ble High Court of Andhra Pradesh.
8. W.P. No. 5206 of 2019 filed by Dr. Gajula Madhusudana and others before the Hon'ble High Court of Andhra Pradesh.
9. W.P. No. 8556 of 2019 filed by Sri Kalle Chandra Sekhar Sharma and Smt. Kalle Mitravinda before the Hon'ble High Court of Andhra Pradesh.

ORDER:

The Government of India, in the reference 1st read above, has brought out the Constitution (One Hundred and Third Amendment) Act, 2019 inserting Clauses 15 (6) and 16 (6) in the Constitution providing for 10% reservation in admissions into Educational Institutions and appointments to posts in favour of Economically Weaker Sections of citizens other than the Scheduled Castes, the Scheduled Tribes and the Socially and Educationally Backward Classes.

2. In pursuance of the Constitution (One Hundred and Third Amendment) Act, 2019, the Government of India have, in the reference 2nd read above, prescribed the eligibility criteria to get the benefit of 10% reservation in admissions into Educational Institutions and appointments to posts provided in favour of Economically Weaker Sections of citizens other than the Scheduled Castes, the Scheduled Tribes and the Socially and Educationally Backward Classes among others which are as follows:

- 1) The persons who are not covered under existing scheme of reservations for the Scheduled Castes, the Scheduled Tribes and the Socially and Educationally Backward Classes and whose gross annual family income is below Rs.8.00 lakh are to be identified as EWS for the benefit of reservation.
- 2) The persons whose family owns or possesses any of the following assets shall be excluded from being identified as EWS for the benefit of reservation, irrespective of the family income.

- i. Five (5) Acres of agricultural land and above.
- ii. Residential flat of 1000 Sq. Ft. and above.
- iii. Residential plot of 100 Sq. Yards and above in notified Municipalities / Corporations.
- iv. Residential plot of 200 Sq. Yards and above in areas other than notified Municipalities / Corporations.

The property held by a "Family" in different locations or different places/cities would be dubbed while applying the land or property holding test to determine EWS status.

The term "Family" for this purpose will include the person who seeks benefit of reservation, his/her parents and siblings below the age of 18 years as also his/her spouse and children below the age of 18 years.

3. After passing of the Constitution (One Hundred and Third Amendment) Act, 2019, the Government of Andhra Pradesh have bifurcated the 10% reservation and brought out two Acts, namely, Act No.14 of 2019, Dated.20.02.2019 and Act No.15 of 2019, Dated.20.02.2019, providing for 5% reservation to Economically Weaker Sections among Kapus and 5% reservation to Economically Weaker Sections among other than Kapus respectively, towards admissions into Educational Institutions and appointments to posts in the Public Services under the State. There shall be 1/3rd horizontal reservation for women within in the reservation provided both to Kapus and other than Kapus.

4. In the reference 4th read above, the Government have issued orders bringing the provisions of the Act 14 of 2019 and Act 15 of 2019 into force with effect from 08.03.2019.

5. In the reference 5th read above, Government have constituted a Committee for formulation of draft guidelines for implementation of 5% reservation provided to Economically Weaker Sections among Kapus and 5% reservation provided to Economically Weaker Sections other than Kapus.

6. Meanwhile, a Writ Petition bearing No. WP (CIVIL) No. 343 OF 2019 with I.A.NO. 45038/2019 has been filed before the Hon'ble Supreme Court of India praying for quashing the Constitution (One Hundred and Third Amendment) Act, 2019 as violative of basic structure of the Constitution and also quashing Act 14 & Act 15 of 2019 enacted by Government of Andhra Pradesh as being violative of Articles 15 (1) & 16 (2) of the Constitution.

7. In the reference 7th & 8th read above, two Writ Petitions have been filed before the Hon'ble High Court of Andhra Pradesh praying for issuing an appropriate Writ or Order or direction more particularly one in the nature of Writ of Mandamus to the respondents to notify the Rules for implementing the 10% reservation provided to Economically Weaker Sections among Kapus and other than Kapus in Act No.14 of 2019 and Act No.15 of 2019 enacted by the State of Andhra Pradesh.

8. In the reference 9th read above, one more Writ Petition has been filed before the Hon'ble High Court of Andhra Pradesh praying for issuing an appropriate Writ or Order or direction more particularly one in the nature of Writ of Mandamus declaring Act No.14 of 2019 and Act No.15 of 2019 as ultra vires and un-constitutional, violative of the purport of the 103rd Constitutional Amendment Act, 2019 and violative of Article 15 of the Constitution of India and consequently, Act No.14 of 2019 and Act No.15 of 2019, have to be struck down. The Hon'ble High Court of Andhra Pradesh passed the following interim orders in this case:

"Notice before admission.

Petitioners filed the Writ Petition seeking Mandamus declaring Act 14 and Act 15 of 2019, as ultra vires, unconstitutional, violative of the purport of the 103rd Constitutional Amendment, violative of

Article 15 of the Constitution of India and consequently to strike down Act 14 and Act 15 of 2019.

8. Petitioners also sought interim relief, to direct the Respondents 6 and 7 to follow 103rd Constitutional Amendment Act during admissions into Medical and Engineering Courses and allot seats in the supernumerary seats created by the 4th Respondent, only in accordance with the policy of the 4th Respondent, with regard to Economically Weaker Sections, pending disposal of the writ petition.

It is the case of the petitioners that Act 14 and Act 15 of 2019, creating reservation in Educational Institutions to Kapu community based on their economic backwardness, is contrary to the 103rd Amendment.

In fact, it is brought to the notice of the Court that a petition challenging 103rd Constitutional Amendment is pending before the Honourable Supreme Court, but the main contention is that Act 14 and Act 15 are inconsistent with the purport of 103rd Constitutional Amendment. At this stage, it is not possible to decide the core issue i.e. the vires of Act 14 and 15 of 2019, making another class within the original class, without inviting counter-affidavit from the respondents.

Therefore, there shall be a direction to the respondents to complete the admission process, pending further orders, subject to the result of the Writ Petition, by obtaining an undertaking from the petitioners to the effect that in case the petitioners do not succeed in the writ petition, they shall not claim any equities in future based on the admissions.

Post after three weeks, by which time respondents shall file their counter-affidavits".

9. In view of the above Government hereby decided to fill up the EWS quota of supernumerary seats in Higher Educational Institutions in accordance with 103rd Constitutional Amendment Act, 2019 and the guidelines issued by Govt. of India vide Office Memorandum F.No.36039/1/2019-Estt.(Res.) Dated: 19.01.2019. The guidelines relevant for current academic year 2019-2020, in regard to the subject matter consistent with 103rd Constitutional Amendment, would read as under:

- i. All Castes which are not covered under any reservation category (SC / ST / BC) are entitled to avail of the reservation facility under EWS Category.
- ii. The students admitted under EWS Category will be adjusted against the 10 percent of the sanctioned seats granted additionally, as is followed by the Government of India. However, 1/3rd (33 1/3) of the seats enhanced for the purpose of accommodating the EWS Category students shall be earmarked to women among them.
- iii. The model format of the EWS Certificate prescribed by Government of India in Annexure-1 vide their O.M.No.36039/1/2019-Estt. (Res), Dated: 31-1-2019 shall be followed along with the conditions referred in para 2 above.
- iv. The persons seeking the benefit of reservation under EWS category shall obtain the necessary EWS Certificate issued by the Tahsildar concerned.
- v. The eligibility conditions for a person to avail of the facility of EWS reservation are the same as fixed by the Government of India as referred in Para 2 above:

10. Further, in regard to implementation of reservations to EWS Category in appointments to the posts or services under State, necessary orders will be issued separately.

11. All the Administrative Departments concerned / Districts Collectors are therefore requested to take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R. KARIKAL VALAVEN
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
All the Departments in Secretariat.
All the Heads of Departments in the State.
All the District Collectors in the State.
The Secretary, APPSC, Vijayawada.
The Advocate General, A.P.
The Law Department, A.P. Secretariat.
The Registrar (Admn.), Hon'ble High Court of A.P.
The Hon'ble High Court of A.P., Amaravathi.

Copy to :-

The P.S. to Secretary to the Hon'ble C.M.,
The P.S. to the Hon'ble Minister for B.C. Welfare.
The OSD to Chief Secretary to Government.
The P.S. to Spl. C.S, B.C. Welfare Dept.
Sc/Sf.

//FORWARDED :: BY ORDER//

SECTION OFFICER