

Rajasthan Educational Service Rules, 1970

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Rajasthan Educational Service Rules, 1970

PART 1 General

1. Short Title And Commencement :-

(1) These rules may be called the Rajasthan Educational Service rules, 1970.

(2) They shall come into force at once.

2. Definitions :-

In these rules unless the context otherwise requires-

[{a} Appointing Authority means the Government of Rajasthan in respect of the posts mentioned in / at Group B, C and section 1 of Group D of Schedules I and II, Groups A.B.C and section1 of Group D of Schedule III, Serial no 1 and 2 of Schedule V and Group C of Schedule VI and the Director in respect of rest of the posts in all the Schedules;]

{b} Commission means the Rajasthan Public Service Commission:

{c} Director means the Director of Education, (Primary and Secondary);]

{cc} Direct Recruitment means recruitment in accordance with Part IV of these rules;]

{d} Government and the State means respectively, the Government of Rajasthan and the State of Rajasthan;]

1. Substituted vide Notification No. F.1(1) DOP/A-II/85, dated 16.2.1985, published in Rajasthan Gazette, Part IV (c) (I) Extra-Ordinary, dated 19.2.1985 at GSR 164 for -

*{a} Appointing Authority means Government of Rajasthan in respect of the posts in Group A to Group D of Schedules I, II, III, IV, V and VI and the Director, Primary and Secondary Education in respect of rest of the posts in all the Schedules.]

*Substituted vide Notification No. F.1(9)DOP/A-II/82, dated 1.7.1982 for-

"(a) Appointing Authority means the Government of Rajasthan in respect of posts in Group A to D and the posts mentioned at serial number 1 and 2 Group G and at serial numbers 2 & 3 and Group II of the Schedule hereinafter mentioned and the Director as hereinafter defined in respect of the rest of the posts."

2. Substituted vide Notification No. F 16(17) Edu/Gr.II/69, dated 29.12.1972 for -(c) Director means the Director of Primary and Secondary Education.

3. Inserted vide Notification No. F.16(17)Edu/Gr.II/79 29.12.1972.

4. Substituted for Government and State means respectively, the Government and the State of Rajasthan: vide Notification No.F7(10)DOP/AII/74 dated 10.2.1975.

2. {e} Member of the Service means a person appointed in substantive capacity to a post in the service under the provisions of these rules or the rules or orders superseded by these rules, and include a person placed on probation;

{f} Schedule or "Schedules means respectively the schedule or schedules appended to these rules;]

{g} School means High School, Secondary and Higher Secondary School, Deaf and Dub and Blind School, Sadul Public School, Special Mentessory School, STC Training School, Rajasthan School of Arts; and Sangeet Sansthan;]

(h) Service means the Rajasthan Educational service;

{i} Year means the financial year.]

{j} Substantive Appointment means as appointment made under the provisions of theser rules to a substantive vacancy after due

selection by any of the methods of recruitment prescribed under these rules and include 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;]

(k)} the words Inspector of Schools/ Inspectress of Girls schools/ Senior Deputy Inspector of Schools/ Deputy Inspector of Schools/ Deputy Inspectress of Girls schools wherever occurring in the Rules as well as in the Schedules appended to the rules may be substituted by the words District Education Officer (Boys Institutions Officer (Boys Institutions)/District Education Officer (Girls Institutions)/Senior Deputy Education Officer/ Deputy District Education Officers/(Girls Institutions) respectively;]

1.Substituted vide Notification No.F.1(9) DOP/A-II/82, dated 1.7.1982 for-

(f) Schedule means a schedule appended to these rules. 2. Substituted vide Notification No.F.1(9) DOP/A-II/82 dated 1.7.1982, published in the Rajasthan Rajptra, Para IV (c) (I) dated 28.6.1982 for:-

(g) Secondary School means a Secondary School and includes a junior Higher Secondary school and a High School; and.

2. Substituted w.e.f. 1.4.1981 vide notification No.F.7(2)DOP/A-II/81, dated 21.12.1981, for- %[Year means an academic year commencing form 1 st July and ending on 30 th June.] %Inserted vide Notification No.F.16917)Edu.(Fr.II)69, dated 16.4.1974.

4. Inserted vide Notification No. F.7(3)DOP/A-II/73dated 5.7.1974, and Corrigendum of even No. dated 11.2.1975.

5 . Inserted vide Edu.Deptt.Notification No.F.16(17)Edu/Gr.II/69 dated 25.2.1975.

6. Renumbered for words j and k respectively vide Notification No F.1(9)DOP/A-II/82, dated 1.7.1982.

(I)] 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.

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 Law.

PART 2 CADRE

4. Composition And Strength Of The Service :-

{1} The Service shall consist of the posts as arranged in the various groups 3 [] specified in the 3 [Schedules].

1. Substituted vide Notification No. F6(2)DOP/A-II71 dated 29.8.1982, published in Rajasthan Rajpatra, Part IV (c) Extra-ordinary, dated 3.9.1982 for-

(k) Service or Experience wherever prescribed in these rules 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 qualifications, unfitness or non-selection by merit or the default of the senior officials concerned.

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 promotion.]

2. Renumbered for words j and k respectively vide Notification No.F.1 (9) DOP/A-II/82 dated 1.7.1982.

3. Deleted the words as and Substituted the word Schedule vide Notification No. F.1 (9) DOP/A-II/82 dated 1.7.1982.

(2) The nature of posts included in each group of the Service shall be 1 [] specified in column 2 of the 1 [Schedules].

(3) The Strength of posts in each groups of the service shall be such as may be determined by the Government from time to time.

[{4} There shall be separate cadres in each Group of service specified in the Schedules I to VI such as -

Schedule I for Boys Institutions,

Schedule II for Girls Institutions,

Schedule III for Science and General Institutions,

Schedule IV for Institutions of Language Studies,

Schedule V for Institutions of Physical Education, and

Schedule VI for Institutions of Arts, Music and Other.

The posts mentioned in each group of service in a particular Schedule shall be inter-changeable within the same Group of any Schedule, provided such posts carry identical time scale of pay].

Provided that Government may from time to time-

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

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

5. Initial Constitution Of The Service :-

The service shall consist of-

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

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

(c) all persons recruited to the service in accordance with the provisions of these rules. 1. Deleted the word as and Substituted the word Schedule vide Notification No. F.1(9)DOP/A-II, dated 1.7.1982.

2 . Substituted vide Notification No F1(9)DOP/A-II/82, dated 1.7.1982 for- %[(4) There shall be separate cadres in each group of the service specified in the schedules I,II, III and IV attached to these rules such as Schedule I for Boys Institution, Schedule II for Girls Institutions, Schedule III for posts in General Institutions, Schedule IV for State Institute of Language Studies. The posts mentioned in each group of the service in a particular Schedule shall be inter-changeable within the same group provided such posts carry identical time scale of pay]. % Inserted vide Notification No F1(13)DOP/A-II/78 dated 13.11.1978 by deleting following sub-

rules (4) and (5)-

*[(4) There shall be separate cadres in each group of the service specified in the Schedule I, II and III attached to these rules such as Schedule I for Boys Institutions, Schedule II for Girls Institutions and Schedule III for General Institutions posts.

(5) The posts mentioned in each group provided such posts carried same time scale] * Inserted vide Deptt. Notification No F16 (17)Edu/GrII/69 dated 11.6.1974 effective from 1.6.1974.

PART 3 Recruitment

6. Methods Of Recruitment :-

[(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 2 [the provisions of] part IV of these rules and

(b) by Promotions in accordance with 2 [the provisions of] part V of these rules.

[{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, that suitable persons are not available for appointment by either method of recruitment in a particular year, appointment by the other method in relaxation of the prescribed proportion, may be made in the same manner as specified in these rules;

(2) that the Government may appoint as IAS officer on the post of Director of Education.

(3) that nothing in these rules shall preclude the Appointing Authority from appointing officers previously employed in the pre-reorganisation State of Ajmer, and in Abu and Sunel areas of Bombay and Madhya Bharat respectively to suitable posts in the Schedule in accordance with the 4 [directions] governing the integration of their services;

[{4} that every person who has continuously held any of the post mentioned in Group F or the post of Lecturer of Government Teacher Training Colleges, Deputy Inspector of Physical Education, Senior Lecturer, College of Physical Education on

1. Inserted vide Notification No.F.7(s)DOP/A-II/81 dated 13.11.1996.
2. Inserted vide Notification No.F.1(9)DOP/A-II/82 dated 1.7.1982.
3. Added sub rule (2) vide Notification No F 7 (2) DOP/A-II/81 dated 13.11.1996.
4. Substituted for word rules vide Notification No. F7 (4)DOP/A-II/74 dated 27.5.1975.
5. Substituted vide Order No.F 16(17)Edu./II/69dated 30.6.1971 and ever no dated 11.6.1971 (effective from 28.5.1970) for - that the person who have continuously held posts mentioned in Group F or as Lecturers of Government Teachers Training Colleges on an adhoc or officiating or temporary basis in the relevant groups for a period not less than six months on 1 st January, 1970 shall be screened by a Committee referred to in rule 24 for adjudging their suitability for the posts held by them on 1 st January1970 and be appointed to the said posts in the service if they possess the qualifications prescribed in the rule either for direct recruitment or the prescribed qualifications on the basis of which they were appointed on an adhoc, officiating or temporary capacity. adhoc or officiating or temporary basis for a period of not less than six months on 1 st January, 1970 and every person who is on deputation outside the department with a lien [on such post] in the department shall be screened by a Committee referred to in rule 24 for adjudging his suitability for the post held on that would have been held by him on 1.1.1970 and be appointed to the said post in the service if he possesses the qualifications prescribed in these rules either for direct recruitment or promotions or qualifications prescribed at the time when he was appointed on adhoc, officiating or temporary basis on such post.] 1 [{5} that every person, who was temporarily appointed between the period 12.9.1960 to 31.3.1966 on the basis of his seniority from the post of Headmaster, Higher Secondary/ Secondary School as included to Group E and F to the post of a Lecturer Govt. Teachers Training College, and held or would have held the post of such Lecturer, had he not been promoted to a post as included in Group D for a period not less that 6 months, shall be screened by a Committee, as referred to in Rule 24, for adjudging his suitability for the post of such Lecturer held or would have been held by him between above mentioned period provided he possesses the necessary qualifications prescribed in these rules for such posts.] [{6} that direct recruitment and promotion relating to the posts in each group of the service included in Schedule I and II shall be

made separately for Boys and Girls Institutions.

[{6a} Notwithstanding anything contained in these rules, 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 instructions 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].

[(7) that recruitment by Promotion to the post in each group of the service included in schedule III shall be made on the basis of seniority determined for general institutions and posts provided that a person holding a post in any group of the service included in Schedule I and II may be transferred for a period not exceeding 3 years to hold the post in the equivalent group of the service included in Schedule III.]

1. Inserted vide Notification No F.16 (17)Edu/Gr. II/69 dated 29.12.1972.

2. Inserted vide Notification No F.16(17)Edu/Gr.II/69 dated 11.6.1974 (Effective from 1.6.1974)

3. Inserted vide Notification No F21(12)Appts/C/55 part II dated 29.8.1973 effective from 29.10.1963 or from the date of the rules come into force.

4. Inserted vide Notification No.F16(17)Edu./Gr.II/69 dated 11.6.1974 (Effective from 1.6.1974)

[{8} Provided further that the committee, appointed under the Rules for adjudging suitability by screening either as an exception to general method of recruitment or as initial constitution of service, may ex-gratia recommend if any of the employees with more than three years of service on a post for which he is to be screened is not adjudged suitable and if thereafter has no right to be appointed on a lower post, for such lower post being offered to him by absorption and thereupon such an employee may be absorbed on the lower post on the recommendation of the committee subject to such conditions as may be laid down by it

[{5} that every person, who was temporarily appointed between the period 12.9.1960 to 31.3.1966 on the basis of his seniority for the post of Headmaster, Higher Secondary/ Secondary School as included to Group E and F to the post of a Lecturer Govt. Teachers Training College, and held or would have held the post of such Lecturer, had he not been promoted to a post as included in Group D for a period not less than 6 month, shall be screened by a Committee, as referred to in Rule 24, for adjudging his suitability

for the post of such Lecturer held or would have been held by him between above mentioned period provided he possesses the necessary qualifications prescribed in these rules for such posts.]

[{6} that direct recruitment and promotion relating to the posts in each group of the service included in Schedule I and II shall be made separately for Boys and girls Institutions.

[{6A} Notwithstanding anything contained in these rules, 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 instructions 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.]

[{7} that recruitment by promotion to the post in each group of the service included in schedule III shall be made on the basis of seniority determined for general institutions and posts provided that a person holding a post in any group of the service included in Schedule I and II may be transferred for a period not exceeding 3 years to hold the post in the equivalent group of the service include in Schedule III.]

1. Inserted vide Notification No. F. 16(17) Edu/Gr.II/69 dated 29.12.1972.

2. Inserted vide Notification No.F. 16(17) Edu/Gr.II/69 dated 11.6.1974 (Effective from 1.6.1974).

3. Inserted vide Notification No. F.21(12)Appts/C/55-Part II dated 29.8.1973 effective from 29.10.1963 or from the date of the rules come into force.

4. Inserted vide Notification No. F.16(17)Edu/Gr.II/69 dated 11.6.1974 (Effective from 1.6.1974)

[{8} Provided further that the committee, appointed under the Rules for adjudging suitability by screening either as an exception to general methods of recruitment or as an initial constitution of service, may ex-gratia recommend if any of the employees with more than three years of service on a post for which he is to be screened is not adjudged suitable and if thereafter has no right to be appointed on a lower post, such an employee shall be treated as Surplus Employee under the provisions of the Rajasthan Civil Services Rules (Absorption of Surplus persons) and such employee may be absorbed on the lower post on the recommendation of the committee subject to such conditions as may be laid down by it.

[{9} That the persons who were appointed to posts mentioned at item No. 1 of Schedule (iv) 4 [under a contract or] in an adhoc or

officiating or on urgent temporary basis continuously in the relevant group for a period not less than one year on 1 st June, 1977, shall be screened by a Committee referred to in rule 24 for adjudging their suitability on the posts held and be appointed to the said posts in the service if they possess the qualifications prescribed in these rules either for direct recruitment or promotion or the prescribed qualifications on the basis of which persons were selected on ad hoc/ officiating or in urgent / temporary appointment.]

6A. Taking Over Of Private Institutions :- In case of Government decided to take over a private institution along with its staff in public interest, it shall decide the equation of posts in such institutions and those existing under the Government service who are serving or hold a lien in that institution and subject to availability of posts and vacancies in the service they may be appointed on an equated or lower post as may be decided after being screened by a Committee referred to in rule 24 for the post concerned or if there is no such Committee, by such Committee as may be appointed by the Government, subject to the following conditions-

(i) The employee of such institution who is candidate for absorption in the service, possesses the minimum qualifications as laid down in these rules/ schedules for the post for which he is a candidate or possessed such qualifications as were prescribed by the Government for recruitment to corresponding posts when he was initially appointed to such posts.

(ii) The candidate is not less than 21 years of age and not more than the normal age of superannuation prescribed for such post by the Government on the date private institution is taken over by Government.

1. Inserted vide Notification No. F.7 (7) DOP/A-II/73 dated 29.6.1974.

2. Substituted for . Vide Notification No. F.1 (13)DOP(A-II)/78, dated 13.11.1978.

3. Added vide Notification No. F.1(13)DOP/A-II/78 dated 13.11.1978.

4 . Inserted vide Notification No. F 1 (1) DOP/A-II/85/dated 18.2.1985 published at GSR No. 163 in Rajasthan Gazette, Part IV (c)(I), Extra ordinary, dated 19.2.1985.

5. Inserted vide Notification No. F.1 (9) DOP/A-II/82 dated 1.7.1982.

(iii) The employee is physically fit and does not suffer from any of the disqualification for recruitment contained in these rules for the post concerned, Provided that after being taken over by the Government the number of candidates serving in a private institution selected for that private institution by the competent authority unless the Government decided otherwise.

(2) The persons so selected shall be considered as fresh recruits to Government service and the quota of recruitment in the Service if any appointed in the same capacity as in the private institution i.e. temporary, officiating, substantive as the case may be, and the condition of probation and confirmation shall be deemed to have been waived in case of substantive or permanent officials.

6B. Taking Over Of Educational Institutions Run Or Managed By The Central Government Or Local Body Or A Body Controlled By Government :- These rule shall also mutatis mutandis apply to the institutions or establishments run or managed by the Central Government or a local body controlled by the Government except that the provisions regarding seniority of employees and screening of persons for adjudging suitability of the employees of such as may be determined by the Government in consultation with the Commission where necessary.

7. Reservation Of Vacancies For The Schedule Castes And The Scheduled Tribes :-

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

1 . Substituted vide Notification No. F.7(4) DOP/A-II/73 dated 3.10.1973 for-

7. Reservation of vacancies for Schedule Castes and the 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. (contd.)

(2) The vacancies so reserved for promotion shall be filled in by 1 [seniority-cum -merit and merit].

(3) In filling the vacancies so reserved the eligible candidates who are members of the Schedule Caste and the Schedule Tribes shall be considered for appointment in the order in which their names appear in the list prepared for 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.]

[{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 them 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 calls/ category/group of posts in any cadre or service to which promotion are made on the basis of 3 [merit alone,] under these rules] (contd.)

(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 list irrespective of their relative rank as compared with other candidates. (3) In the event of non-availability of the sufficient number of candidate amongst the Schedule Castes and the Scheduled Tribes in a 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.

1. Substituted expression Merit alone @ [] 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 31.10.1975.

2. Substituted vide notification No. F.7 (4)Karmik/K-II/73 dated 10.2.1974- *[{4} In the event of non availability of a sufficient number of eligible and suitable candidates amongst the Scheduled 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.] *Substituted vide Notification No. F.&(4) DOP/A-II/73 dated 3.10.1974 for:- 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. Both Merit and seniority cum Merit and not by seniority cum deleted vide Notification No. 7(6) DOP/A-II/75 dated 31.10.1975.

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

7B. Reservation Of Vacancies For Woman Candidates :- Reservation of vacancies for woman candidates shall be 30% category wise, in direct recruitment. In the event of non-availability of the eligible and suitable woman candidate 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 candidates shall be adjusted proportionately in the respective category to which the woman candidates belong.

8. Nationality :-

A candidate for appointment to the service must be:

- (a) a citizen of India, or
- (b) a subject of Nepal, or
- (c) a subject of Bhutan, or

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

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

3 . Substituted vide Notification No. F.7 (4) DOP/A-II/76 dated 7.9.1976 for- Nationality: A candidate for appointment for 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 1 st January, 1962 with the intention of permanently settling in India, or

(f) A person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka 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 favor a certificate of eligibility has been issued by the Government of India and if he belongs to category (f) the certificate of eligibility will be issued for a period of one year after which such a candidate will be retained Indian citizenship. 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.

(d) a Tibetan refugee who came over to India before the 1 st January, 1962 with the intention of permanently settling in India, or

(e) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka and East African Countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar), 1 {Zambia, Malawi, Zaire and Ethiopia}, 2 {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 favor 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.]

8A. 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 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 an the same shall be regulated

mutatis-mutandis according to the instructions issued on the subject by the Government of India.

9. Determination Of Vacancies :-

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

1. Inserted vide Notification No. 7 (4) DOP/A-II/76 dated 4.6.1977.

2. Inserted vide circular No. F.7 (5) DOP/A-II/76 dated 23.10.1978.

3. Inserted vide Notification NO. F7 (5) DOP/A-II/76 dated 20.6.1977.

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

5. Substituted vide Notification No. F 7 (2) DOP/A-II/81 dated 21.12.1981 w.e.f. 1.4.1981 for the following-

*[9. Determination of vacancies- (1)(a) Subject to the provisions of these rule, 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.

(b) Where a post is to be filled in by a single method as prescribed in the rule or 1 [Schedules], 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 1 [Schedules], 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 in the manner prescribed above, the same shall be apportioned to the quota of various methods prescribed in a continuous cyclic order

giving precedence to the 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, yearwise 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.]

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 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; 6. By Direct recruitment;
2. By Direct recruitment; 7. By Direct recruitment;
3. By Direct recruitment; 8. By Direct recruitment;
4. By Direct recruitment; 9. By Promotion: and so on]
5. by Promotion;

Substituted vide Notification No.F.7(1)DOP/A-II/73 dated 16.10.1974 for - 9. Department of vacancies - Subject to the provisions of these rules the Appointing Authority shall determine at the commencement of each academic year the number of vacancies anticipated during the academic year and the number of persons likely to be recruited by each method.

(2) Any vacancy which remain unfilled for non-availability of suitable candidates otherwise shall be carried forward from year to year provided that such vacancies which are not filled up shall lapse at the end of the second year.

1. Substitued for word "Schedule vide D.O.P. Notificatin No.

F1(9)DOP/A-II/82 dated 1.7.1982.

(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

The rule relating 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 21 st 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 1 st April every year the actual number of vacancies occurring during the financial year. 2. Some Appointing Authorities have sought clarification on some points in respect of the above provisions as under:

(1) Whether the Appointing Authorities can determine the vacancies ever after 1 st 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 1 st April of the year: The Appointing Authority may determine vacancies on 1 st of April or at the earliest thereafter anytime during the financial year.

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

(a) clear vacancies of the department as these exist on 1 st 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 exist on 1 st April of the year;

1. Circular No. F.7 (2)DOP/A-II/81 pt. file, dated 18.2.1984.

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

(f) long leave vacancies exceeding a period of one 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 and the date of Departmental Promotion Committee meeting.

(4) It is also clarified that in view of the provisions of clause (c) of Sub-rule (1) relation to determination of vacancies incorporated in all the Service rules, vide Notification No. F 7(2)DOP/A-II/81, dated the 21 st 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 cyclic order shall be continuous from year to year for determination of vacancies.]

[2.A question has arisen whether a vacancy caused by the retirement of a person on 31 st March, i.e. on the last day of the year, will be treated as a vacancy of the year ending on 31 st March or a vacancy in the subsequent year commencing from 1 st of April. This question has been examined and it has been held that a person retiring on 31 st March holds the post till the after-noon of that day and the resultant vacancy will occur only the next day. It is, therefore, clarified for the information of all the Appointing Authorities that the vacancy caused by the retirement of a person on 31 st March may be treated as a vacancy occurring on 1 st of April next and taken accordingly while determining the vacancies for the Departmental Promotion Committees.]

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 7 th Sept. 1996. The roster points had also been prescribed, vide Circular No. F.7(2) DOP/A-II/93 dated 26.2.1994 vide which it has been provided that 16%, 12%, 21% and 51% posts have been reserved for SC, ST, OBC and General respectively in matter of direct recruitment and 16%, 12%,

72% (including OBC) respectively in the matter of promotion. There is no reservation of vacancies for OBC in the matter of promotion separately.

1 . Circular No. F 7 (2) DOP/81/pt.file/dated 24 th Aug. 1985 (57/85)

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

2. This matter was considered by the Supreme Court of India in the matter of R.K. Sabharwal and Others V/s State of Punjab and Others. [Writ Prtition (Civil) No. 79 of 1979 and in its judge ment dated 10.2.1995] Honble Supreme court that the roster is implemented in the form of running account from year to year in order to ensuring that the SCs/STs 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. Therefore the reservations for Ex-Servicemen, Sportsmen, Women etc. If prescribed in any Service Rules, are also horizontal.

4. After issuance of the Circular-order dated 7 th Sept. 1995, the matter has been examined again with various pros and cons. It is the established fact that recruitments are made to various services either by the Rajasthan Public Service Commission or through other prescribed methods by the Appointing Authority. A doubt has been expressed that in direct recruitment wherever allowed in a cadre, reserved category posts should be calculated only for junior scale posts where direct recruitment is allowed whereas the fact is that all posts above this category are filled by promotion and therefore reservation at the direct recruitment leave should be done on the basis of total posts in the cadre.

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 posts to be filled in by direct recruitment or promotion. The vacancies will be determined category wise on this basis so as to maintain the prescribed percentage for each category i.e. Gen, Scheduled Castes, 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 and the persons enjoying the benefit of horizontal reservation; namely physically handicapped persons, Ex-Serviceman, Women, and Sportsmen etc. shall cut across the

vertical reservations in the respective category to which they belong.

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

Total number of posts sanctioned in various nomenclatures/scales in entire service separately for direct recruitment and promotion
Total number of persons, category wise according to the prescribed percentage, in position in entire service separately for direct recruitment and promotion. Total number of vacancies, category wise according to the prescribed percentage, in entire service separately for direct recruitment and promotion.

7. the procedure tabled 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 cadre/ category of posts in the serve, 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 1 [Schedules] must have attained the age of 24 year and must not have attained the age mentioned in column 7 of the 1 [Schedules] against each post on the first day of July next following the last date fixed for receipt of applications: Provided -

[(i) that the upper age limit mentioned in column 7 of the 1 [Schedules] shall be relaxed by 5 years in the case of women candidates, candidates belonging to Scheduled Castes or Scheduled Tribes and the Government Servant of Rajasthan for all categories of posts mentioned in the 1 [Schedules]. In case of members of Rajasthan Educational Subordinate Service the relaxation shall be 15 years for the posts mentioned in item 1 of Group F of the Schedule.]

1. Substituted for word Schedule vide Notification No. F. 1 (9) DOP/A-II/82, dated 1.7.1982.

2. Substituted vide Notification No. F. 16(17)Edu/Gr.2/69 dated 29.12.1972 for -

(i) that the upper age limit mentioned in column 7 of the Schedule shall be relaxed by 5 years in the case of women candidates, candidates belonging to Schedule Castes or Scheduled Tribes and the Government Servant of Rajasthan for all categories of posts mentioned in the Schedule.

(iii) that the upper age limit mentioned in column 7 of the 1 [Schedules] shall not apply in case of an ex-prisoner who had served who had served under the Govt. on a substantive basis on any post before his conviction and was eligible for appointment under the rules;

(iv) that the upper age limit mentioned in column 7 of the 1 [Schedules] shall be relaxed 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 3 [to a post in the service] shall be deemed to be within the age limit if they were within the age limit when they were initially appointed even though they have crossed the age limit when they appear finally before the Commission and shall be allowed up to two chances had been eligible as such at the time of their initial appointment;

(vi)] 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 40 years for direct recruitment to posts filled in by competitive examinations or in case of posts filled in through the Commission. This relaxation shall not apply to urgent temporary appointment;]

[(vii) 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.]

[(viii) that there shall be no age limit in the case of widow and divorce women.

1. Substituted for word Schedule vide Notification No. F.1(9)/DOP/A-II/82, dated 1.7.1982.

2. Deleted the word and vide Notification No. F.1(9)/DOP/A-II/82,

dated 1.7.1982.

3. Inserted vide Notification No. F.1(39)DOP/A-II/73, dated 25.12.1974.

4 . Inserted vide Notification No. F7(8)DOP/A-II/74, dated 31.12.1974, effective from 28.10.1974.

5. Substituted for (v) vide Notification No. even dated 25.27.1975.

6. Inserted vide Notification No. F.7 (2) DOP/A-II/75 dated 20.9.1975.

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

EXPLANATATION:-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.]

[(ix) that where the upper age limit the post/ posts is prescribed as 33 years or less in the rules or schedule, as the case may be, it shall be relaxed by 2 years in the case of candidate belonging to the other Backward Classes.

11. Academic And Technical Qualification And Experience :-

A candidate for direct recruitment to the posts enumerated in the 2 [Schedules] shall possess-

(i) the qualification and experience given in column 4 of the 2 [Schedules] and

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

12. Character :-

The character of candidate for direct recruitment the service must be such as will qualify him for employment in the service. He must produce a certificate of good character form 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 may mot in itself involve the refusal of a certificate of good character. The circumstances of the conviction would be taken into account and if they involve no moral turpitude or association with crimes of violence or with a movement which has its object the overthrow by violent means of the Government as by law established, the mere conviction alone did not be regarded as a disqualification.

(2) Ex-prisoners 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 ground of their previous conviction for purposes of employment in the service. Those who are convicted of offences not involving moral turpitude shall be deemed to have been completely reformed on the production of a report to that effect from the Superintendent. After care-Home or if there are no such Homes in a particular district, from the Superintendent of Police of the district. Those convicted of offences involving moral turpitude shall be required to produce a certificate from the superintendent, after care Homes, 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 for word Schedule vide Notification No.F.1(9)/DOP/A-II/82, dated 1.7.1982.

3. Substituted vide Notification No. F.%(1) DOP/A-II/77 pt. I dated 30.1.1984 for-

(ii) a working knowledge of Hindi written Devnagri script and one of the Rajanthoni dialect.

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 candidates 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 post and his age has not reduced his efficiency from the purpose.

14. Employment Of Irregular Or Improper Means :-

A candidate who is or has been declared by the Commission to be guilty of impersonation of submitting fabricated documents or documents which have been tampered with or of making

statements which are incorrect or false or suppressing material information or, of using or attempting to use unfair means in the examination of interview or otherwise resorting to any other irregular or improper means whatsoever for obtaining admission to the examination or interview, may in addition to rendering himself liable to criminal prosecution be debarred either permanently or for a specified period -

(a) by the Commission from admission to any examination or appearance at interview held by the Commission or by the appointing authority for selection of the candidate, and

(b) by Government from employment under the Government.

15. Canvassing :-

No recommendation for recruitment either written or oral other than that 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 may disqualify him for recruitment.

1. Substituted vide Notification NO. F7(2) DOP/A-II/74 Dated 5.7.74 for -

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.

PART 4 Procedure of Direct Recruitment

16. Inviting Of Application :-

Application for direct recruitment to posts in the service, shall be invited by the commission by advertising the vacancies to be filled, in the official gazette 1 [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.

17. For The Application :-

The application shall be made in the form prescribed by the commission and obtainable from the Secretary of the Commission on payment of such fee as the Commission may from time to time, prescribe.

18. Application Fee :-

A candidate for direct recruitment to a post in the service must pay the fee fixed by the Commission in such manner as may be indicated by them.

19. Scrutiny Of Applications :-

The Commission shall scrutinize the applications received by them and require as many candidates qualified for appointment under these rules as seem to them desirable to appear before them for interviews; Provided that the decision of the Commission as to the eligibility or otherwise of a candidate, shall be final

20. Recommendations Of The Commission :-

The Commission shall prepare a list of the candidates, whom they consider suitable for appointment to the post concerned, arranged in order of merit and forward the same to the appointing authority: Provided that the Commission may also to the extent of 50% of the advertised vacancies, keep names of suitable candidates may, on requisition, be recommended in order of merit to the appointing authority within 6 months from the date on which the original list is forwarded by the Commission to the appointing authority.

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 appointing authority after being satisfied that there are special ground for doing so, exempt any such candidate from the operation of this rule.

1. Substituted for the word and vide Notification No.9 (24) DOP/A-II/72/ dated 4.6.73

2. Substituted vide DOP Notification No. F 7(2)/DOP/A-II/73 dated 5.11.73 for-

17. Form of Application- The application shall be made in the form approved by the Commission and obtainable from the Secretary to the Commission of payment of such fee as the Commission may, from time to time fix.

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

22. Selection By The Appointing Authority :-

Subject to the provision of rule 1 [7,7A and 7B] the appointing

authority shall select candidates, who stand highest in order of merit in the list prepared by the Commission under rule 20.] Provided that the inclusion of a candidates 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 respects for appointment to the post concerned.

PART 5 Procedure for Recruitment by Promotion

23. Eligibility And Criteria For Selection :-

(1) The persons holding the posts enumerated in column 5 of the 2 [Schedules] shall be eligible, on the basis of merit and seniority cum merit, for promotion to posts specified in column 2 thereof subject to their possessing the qualifications and experience. 3 [on the first day of the month of April of the year of selection] as specified in column 6 thereof: Provided that a member of the service shall not be debarred from promotion for want of training qualifications.

[(2) deleted.]

1. Substituted for the expression 7 * [and 7a] vide Notification No. F.7 (2) DOP/A-II/88 dated 22.1.1997 * Inserted vide Notification No. F7 (2) DOP/A-II/93 dated 24.5.1994 effective from 28.9.1993.

2. Substituted for word Schedule vide Notification No. F.1 (9) DOP/A-II/82, dated 1.7.1982.

3. Inserted vide Notification No. (4) DOP/A-II/73 dated 13.5.1974.

4 Rule 23 (2) Deleted:

(2) The promotion under rules 24 and 25, on the posts in Groups F of Schedules I, II and III shall be made from teacher in Grade II and teacher in Grade I in Sections C,D,E and G of the Schedule attached to the Rajasthan Educational Subordinate Service Rules, 1971 in the ratio of 4:1. For the purpose of promotion under these rules to the posts under Group F the Seniority list of Grade II teachers will be prepared State-wise and shall also include the names of persons who were holding the post of Trained Graduate and Grade II teacher but were subsequently promoted or appointed by direct recruitment as Senior-Teacher in Grade I. Such persons shall be assigned seniority at the place where their names would (contd.)

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 next lower post is eligible for promotion, officer who have been appointed on such post of 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 been substantive on the said lower post.

24. 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 Director shall prepare a correct and complete list containing names not exceeding five times the number of vacancies, out of the senior most persons as mentioned in column 5 of the Schedule, who are qualified under the rules for promotion to be posts concerned. He shall forward this list along with their confidential rolls and personal files to the Secretary to the Government in the Education Department:

Provided that for promotion to the post in Group F two separate lists shall be prepared one relating to teachers in Grade II and the other relating to the teachers in Grade I.

(2) (a) For the posts, appointments whereto and to be made by Government, a Committee consisting of the Chairman of the Commission or his nominee being a member thereof nominated by him, the Secretary to Government in Education (contd.) have appeared had they not been prompted or appointed as the case may be as teachers in Grade I. Such persons shall be eligible and considered for promotion under the quota reserved for teacher in Grade II or Teachers in Grade I as may be advantageous to them. Note- Persons who were initially appointed as Instructors in basic S.T.C. schools by direct recruitment through the Commission shall be assigned seniority alongwith teachers in Grade II from the date of their substantive appointment of the post of Instructors.]

*[Explanation- In case direct recruitment to a post has been made earlier, than regular selection for promotion in particular year, such of the persons, who were eligible for appointment to that post by both the methods of recruitment first, shall also be considered for promotion.] % Inserted vide Edu. Deptt. Notification No. F 16(17)Edu/Gr. I/69 dated 13.1.1975.

* Inserted vide Notification No. F 7 (I) Karmik (KA-II)/75 dated

20.9.1975 (effective from the dated of publication in Gazette)

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

2. Inserted vide Edu. Deptt. Notification No. F 16(17)Edu.Gr-II/69 dated 13.1.1975 effective from 1.6.1974. Department or the Special Secretary concerned nominated by him 1 [and the 2 {Secretary/ Special Secretary to the Government in the Department of Personnel} or his representative not below the rank of Deputy Secretary as member and the Director as Member Secretary and for the posts, appointments whrereto are to be made by the Director, a Committee consisting of a Member of the Commission nominated by the Chairman of the Commission, Deputy Secretary to Government in the Education Department and Deputy Secretary to Government in the 1 [Department of Personnel] as members and the Director as Member Secretary shall consider the cases of all persons included in the list interviewing such of them as it may deem necessary and shall prepare a list containing names of such posts as are indicated in sub-rule (1): 3 [Provided that in case any Member or Member Secretary, as the case may be, constituting the Committee, has not been appointed 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, of the Committee.]

(b) The chairman or the member of the Commission shall preside at all meeting of the committee at which he is present.

(3) The Committee shall prepare a separate list containing names of persons who may be considered suitable to fill temporary or permanent vacancies already existing or are likely to 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 or revised.

(4) The Committee may co-opt an expert from outside to assist the Committee for selection of candidates for such posts as are to be filled by promotion.

(5) The names of the candidates selected as suitable shall be arranged in the order of seniority.

(6) The list prepared by the Committee shall be send to the appointing authority together with the confidential rolls and personal files of the candidates included in them as also of those superseded, if any.

1 . Inserted vide Notification No. F 7(9) DOP/A-II/74 dated 15.10.1974.

2 . Substituted for the expression Special Secretary to the Government in the % [Department of Personnel} vide Notification No. F 7 (I) DOP/AII/94 dated 24.7.1995 (effective from 12 th may 1992.) % Substituted for the word Appointments vide Notification No. F 1 (13)DOP/A-II/72 dated 3.1.1973 (effective from 17.7.1972.)

4. Added and shall be demand to have been added w.e.f. 7.3.1978 vide Notification No. F.7 (5)DOP/A-II/78 dated 21.12.1978

[(7) Where consultation with the Commission is necessary the lists prepared in accordance sub-rules (2) and (3) shall be forward to the Commission by the appointing authority alongwith (a) confidential rolls and personal files of all persons who are proposed to be superseded by the recommendations made by the Committee.

(8) The Commission shall consider the lists prepared by the Committee alongwith the other documents received from the appointing authority and unless it consider any change to be necessary to be made shall approve the lists but if the Commission considers such changes as aforesaid to be necessary it shall inform the appointing authority of the not changes proposed by it and after taking into account the comments, if any, of the commission the appointing authority may approve the list finally with such modification, as may in its opinion, be just and proper.

25. Revised Criteria Eligibility And Procedure For Promotion To Junior, Senior And Other Posts Encadered 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 certain number of posts are required to be filled in by promotion, it shall, subject to provisions 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.

1. Substituted vide Notification No. F1 (9) DOP/A-II 82 dated 1.17.1982., for -

(7) Where consultation with the Commission is necessary the list prepared in accordance with sub-rule(2) and (3) shall be forwarded to the Commission by the appointing authority alongwith -

(a) confidential rolls and personal files of persons whose names are

included in the lists:

(b) confidential rolls and personal files of all persons who are proposed to be superseded by the recommendations made by the Committee. The Commission shall consider the lists prepared by the Committee along with the other documents received for the appointing authority and unless it considers any change to be necessary to be made shall approve the list but if the Commission considers such change as aforesaid to be necessary it shall inform the appointing authority of the changes proposed by it and after taking into account the comments, if any, of the Commission the appointing authority may approve, the list finally with such modifications, as may in its opinion, be just and proper.

% Substituted vide Notification No. F7(10)DOP/A-II/77 dated 7.3.1978

25. 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 on merit.

@ Substituted vide Notification No F7 (6)DOP/A-II/75-I dated 31.10.1975. (contd.)

(2) Subject to the provisions 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 upto Scale No. 11, sanctioned under the Rajasthan Civil Services (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 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 none 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 fulfill the qualifications, 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 Services in which the method of recruitment to the lowest post provides for appointment by promotions and where such posts

are required to be filled on the basis of seniority-cum-merit under this sub-rule, the Committee may select 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 Committee may select one person on the basis of merit alone and if the vacancies are more than four and the calculation of the number of vacancies to be filled by merit alone according to the aforesaid basis result in a fraction, the committee may select one more person against a fraction of half or more. On being so 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 categories of posts in the Service shall be made on the basis of merit alone.

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

(5) 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 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 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 found otherwise eligible and suitable for promotion on the basis of merit alone.

(contd.) (contd.)

Explanation:- If any doubts arises about the categories 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, whose decision thereon 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 direction consider persons of outstanding merit outstanding merit outside the zone of eligibility but falling within six times the number of vacancies to be filled in on the basis of merit.

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

(8) The Committee shall consider the cases of all the senior most persons who are eligible and qualifies 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 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, 1 [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 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 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 post from which selection has been made. Such lists shall be send to the concerned Appointing Authority together with the Annual Confidential Rolles and Personal Files of all the candidates included in them as also of 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 officers shall maintain their interse seniority o the next below grade.

(9) Where consultation with the Commission is necessary the lists prepared by the Committee shall be forwarded to the Commission by the Appointing Authority alongwith 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 alongwith other relevant documents received for the Appointing Authority, and unless any changes is considered necessary, shall approve the lists. In case the Commission considered it necessary to make any change in the lists received from the Appointing Authority, it shall inform the Appointing Authority of 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 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.

1. Inserted vide DOP Notification No.7 (6) DOP/A-II/76 dated 11.6.1976. (contd.)

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

[11 (A) Government may issued instructions for provisionally dealing with promotions, appointments or the ancillary matter in an equitable and fair manner of persons who may be under suspension, or against whom departmental proceedings is under progress, at the time promotions 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.]

(12) The provisions of this rule shall have effect notwithstanding anything o the country contained in any provision of these Rules."

@ Previous Rule 25 Substituted vide Notification No. F 7 (6) DOP/A-II/75-1 dated the 31 st October, 1975, for :-

"25. Procedure for 2 (Selection) on the basis of merit- (1) 3 [Selection for] the posts required to be filled in by promotion as mentioned in the Schedule shall be made 4 [] strictly on the basis of merit and on the basis of seniority-cum-merit may be made in the same manner as specified in these rules.

(2) Selection strictly on the basis of merit shall be made from amongst persons who are otherwise eligible for promotion under these rules. The number of eligible candidates to be considered for the purpose shall be, 6 [five times] the total number of vacancies to be filled in on the basis of merit an seniority-cum-merit provided such number is available. Where the number of eligible candidates

exceeds five times the number of vacancies, the requisite number of senior most persons shall be considered for the purpose: 7 [Provided that for the first promotion within the service against the merit quota (contd.)

1. Inserted vide Notification No F.10 (1) DOP/A-II/75-1, dated 5.3.1976, effective from 1.11.1975.

2. Substituted for words "Appointment" vide Notification No. F.7 (6)/Karmik/A-II/74 dated 15.10.1974, effective from 15.1.1973.

3. Substituted for words "Appointment by" Notification NO.F 7 (6) Karmik/A-II/74, dated 15.10.1974 effective from 15.1.1973.

4. Deleted the words "by selection" vide Notification No. F.(6) Karmik/A-II/74, dated 15.10.1974 effective from 15.1.1973.

5. Substituted for words "Appointing Authority" vide Notification NO. F 7 (6) Karmik/A-II/74, dated 15.10.1974, effective from 15.1.1973.

6. Substituted for words "ten times" vide Notification No. F.7 (3) Karmik/Ka-II/75, dated 5.4.1975.

7. Substituted vide Notification No. F 1 (4) DOP/A-II/73 dated 13.6.1974 for the following- "Provided that for the first promotion within the service against the merit quota only such of the persons shall, unless a longer period is prescribed elsewhere in these rules be eligible who have rendered not less than six years service on the post from which promotion is to be made." (contd.) only such of the persons shall, unless a longer period is prescribed elsewhere in these rules, be eligible who have put in not less than 6 years service on the first day of the month of April of the year of selection on the post from which promotion is to be made.] 1 [Provided further that the persons, who were promoted after regular selections by the Departmental Promotion Committee, on a category of post on the basis of merit, shall be eligible for subsequent promotions to the next higher category of post on the basis of merit only when they have put in at least six years service on the post to which they were last so promoted on the basis of merit.]

(3) Except as otherwise expressly provided in this rule, the procedure prescribed for selection on the basis of seniority-cum-merit shall, so far as may be, followed in making selection on the basis of merit.

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

1. Added vide Notification No.F 7 (3) Karmik/Ka-II/75, dated

5.4.1975.

(5) 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 confidential rolls of all persons whose names have been considered by the Committee.

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

*[{6A} The names of the persons included in the two lists finally approved by the Appointing Authority shall be re-arranged in a list in order of Seniority.]

(7) Appointment shall be made by the appointing authority from the list finally approved under the preceding sub-rule in the order in which the persons have been placed in list *(till such list is exhausted.)

(8) Among persons appointed in the same group 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.

(9) The provisions of this rule shall effect notwithstanding anything to the contrary contained in any other provisions.

Explanation:-For the purpose of determining the number of vacancies to be filled in on either basis under sub-rule(1), the following cyclic order shall be followed:- (contd.)

* Inserted vide Notification No. F7 (6) Karmik (Ka-II)/74 dated, 15.10.1974 effective from 15.1.1973. @ Substituted for words "during the same year" vide Notification No.F. 7 (6) Karmik/Ka-II/74 dated 15.10.1974 effective from 15.1.1973.

(2) The persons enumerated in Column 5 or the relevant Column post from which promotions is to be made as the case may be, of the relevant Schedule shall be eligible for promotions to posts

specified against them in Column 2 thereof to the extent indicated in Column 3 subject to their possessing minimum qualification and experience for promotion. As the case may be.

[3] No persons shall be considered for first promotion in the Service unless he is substantively appointed and confirmed on the lowest post in the Service. After first promotion in the Service, for subsequent promotions 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 the Service if number of persons substantively appointed and confirmed on the lowest post, equal to the number of vacancies, are not available then persons who have been appointed to the lowest post in the Service after selection in accordance with one of the methods of recruitment prescribed under these Rules, shall also be eligible if they fulfill 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 persons who are or were eligible for appointment to that 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 of 50-50: Provided that if the Committee is satisfied that suitable persons are not available for promotion is an odd number then for purpose of determining the vacancies for selection by promotion on the basis of seniority-cum-merit and merit in the proportion of 50:50, the following cyclic order shall be followed;

The first vacancy by seniority-cum-merit: The subsequent vacancy by merit; The cycle to be repeated.] Clarification

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

1. added vide Notification No. F.7 (10) DOP/A-II/77 dated 17.8.1978.

2. Added vide Notification No. F 7(10)DOP/A-II/77-I dated 11.9.1978.

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

The number of posts to be filled separately on the 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 the 7 th March, 1978 and the recommendations made are contrary to the above principle the same may be reviewed in the light of the above clarification].

[2. The explanation added below sub-rule (6) of the rule relating to Revised Criteria, Eligibility and Procedure for promotion to Junior, Senior and other posts encadred in the Service" in the various service rules vide this Department Notification number F 7 (10) DOP/A-II/77, dated 17.7.78, provided cyclic order to be followed in cases wherein a service or in any category of service the number of posts available for promotion is an odd number.

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

[2. the explanation added below sub-rule (6) of the rule relating to "Revised Criteria, Eligibility and Procedure for promotion to Junior, Senior and other posts encadred in the Service" in the various service rules vide this Department Notification number F 7 (10)DOP/A-II/77, dated 7.8.78 providescyclic order to be followed in cases wherein a service or in any category of service the number of posts available for promotion is an odd number. Some Departments and Appointing Authorities have sought clarification whether the cyclic order would end with the year in question, or will continue from year to year. It may be pointed out that it is necessary to maintain the ratio prescribed in the rule for filling up the posts. If an interpretation that the cycle is to end in the year is taken, the object of maintaining the ratio of 50:50 in filling the posts on the basis of seniority-cum-merit and merit shall be

frustrated. It is, therefore, clarified for the information of all the Appointing Authorities that the cycle for purposes of determining the vacancies for selection by promotion on the basis of seniority-cum-merit and merit will not end at any particular year, but the cyclic order will be applied continuously from year to year while determining the posts under seniority-cum-merit and merit quota.]

[{7} Selection for promotion to the highest post/posts in the State Service shall always be made on the basis of merit alone:

1. Added vide Circular No. F 7(2) DOP/A-II/81, dated 27.7.1984.
2. Substituted vide Notification No. F 7 (10) DOP/A-II/77 Dated 12.5.1978 for:- "(7) Selection for promotion to the highest categories of posts in the State Service shall always be made on the bases of merit alone."

Provided that-

(a) in a Service or Groups or Sections there under, where there are only two scales e.g. junior scale or senior scale and there is only one promotion then promotion shall be made on the basis of seniority-cum-merit alone:

(b) in a Service or Groups or Sections there under, where there are three scale e.g. junior scale and selection scale and there are two promotions then promotion shall be as under:-

(i) first promotion on the basis of seniority-cum-merit:

(ii) second promotion on the basis of seniority-cum-merit and merit in the proportion only 50:50.

(c) in Services or Groups or Sections thereunder, where there are more than two promotions than first promotion shall be made on the basis of seniority-cum-merit alone and promotions to subsequent higher posts shall be made on the basis of merit alone and promotions to subsequent higher posts shall be made on the basis of seniority-cum-merit and merit in the proportion of 50:50 except to the highest post:

[Provided further than if the Committee is satisfied that suitable persons are not available for selection by promotion to highest post/ posts strictly on the basis of merit in a particular year, selection by promotion to highest post/ posts on the basis of seniority-cum-merit may be made in the same manner as specified in these rules.]

[{8} Deleted]

Explanation:- If any doubt arises about the categorization of the post as the lowest, next 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. Added vide A-II Notification No. F 7 (10) DOP/A-II/77 dated 31.3.1980.

2. Sub-rule (8) of Rule 25 deleted vide Notification No F 7 (6) DOP/A-II/75 dated 15.7.1992-

"(8) The persons 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 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 form which promotion is made, the committee may consider the persons having less than five years service if they are found otherwise suitable for promotion on the basis of merit alone.

[{9} The zone of consideration of persons eligible for promotion shall be as under:

(i) Number of vacancies Number of eligible persons to be considered

(a) for one vacancy Five eligible persons.

(b) for two vacancy Eight eligible persons.

(c) For three vacancy Ten eligible persons.

(d) For four or more Three times the number of vacancies. 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 candidate belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be, are not available within the zone of consideration specified above, the zone of consideration may be extended to five times the number of vacancies and the candidates belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be (and not any other) coming within the extended zone of consideration shall also be considered against the vacancies reserved for them.

1. Substituted vide Notification No. F 7 (1) Karmik Ka-II /81 dated

6.7.1983, @[&shall be substituted with effect from 1.4.84] for:-

"(9) the zone of consideration of persons eligible for promotion shall be as under:-

*[(i) 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.]

(ii) for the highest post in %[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 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 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 then only the eligible persons of other categories of posts in lower pay scales 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-eligible persons in all."

@ Substituted for "Shall be substituted" vide Notification No F 7(I) DOP/A-II/81, dated 10.5.1984, published in Rajasthan Gazette, part IV (c) (I) dated 24.5.1985.

*Substituted vide Notification No F 7 (I) DOP/A-II/81 dated 29.1.1981 for:-

(i) Number of Vacancies Number of eligible persons to be considered.

(a) 1 to 5 vacancies - 4 times of the number of vacancies.

(b) 6 to 10 vacancies - 3 times, but atleast 20 eligible persons to be considered.

(c) above 10 vacancies 2 times, but atleast 30 eligible persons to be considered. % Inserted vide Notification No F 7 (10) DOP/A-II/77 dated 26.9.1978.

(iv) For the highest 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 the posts in the same pay scale, eligible persons upto tow 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 person 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 on and so forth. The zone of consideration for 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.

[{11} (a) The Committee shall consider the cases 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 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 said down in these rules, equal to the number of vacancies determined under rule relating to "Determination of vacancies" of these rules, 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.

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

(11) The Committee shall consider the cases of all the senior-most persons who are eligible and qualified for promotion to the class of post concerned under these rules, @ [interviewing such of them as they 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 the names of persons equal to 50% of the persons selected in the aforesaid list containing the names of persons 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 @ Inserted vide Notification No F.11(1) DOP/A-II/77, dated 20.3.1980. (contd.)

(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 prepare on the basis of seniority-cum-merit and/ or on the basis or merit shall be arranged in the order of the 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 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 reposts/ Annual Performance Appraisal Reports and other Service Record of all the candidate included in the lists as also of those not selected, if any.]

[Explanation:- For the purpose of selection for promotion on the basis of merit no person shall be selected if he does not have "Outstanding" or "Very Good" record in at least five out of the 7 year preceding the year for which D.P.C. is held.] (contd.) 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 on the category of post from which selection is to be made. Such lists shall be sent to the concerned 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."

1 . Substituted vide Notification No. F 7(10)DOP/A-II/77 dated 30.11.1991 for:-

"Explanation:- For purpose of selection for promotion on the basis of merit, officers with "outstanding" or consistently "Very-Good" record shall only be selected and their names arranged in the order of seniority."

+ 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 "Out-standing" 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 Non-Selected shall be classified in the Third category. The officers graded and classified in the Second Category list shall be placed below the officers graded and classified in the first category list and such officers shall be appointed from this category only if 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."

[{11A} If in any subsequent year, after promulgation of these rules vacancies 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 post 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 to his promotion but no arrears or pay shall be allowed to him.]

[{11-B} The Government or the Appointing Authority may order for the review of the proceeding of the DPC 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, or where adverse entries in the Confidential reports of an individual are expunged or toned down or a punishment inflicted on him is set aside or reduced. The concurrences of the Department of Personnel and the Commission (Where Commission is associated) shall always be obtained before holding the meeting of the review DPC."

(12) Where consultation with the Commission is necessary the lists prepared by the Committee shall be forwarded to 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.

1. Substituted vide Notification NO F 5(3) DOP/A-II/77 dated 18.8.1982 for:- @ "(11A) 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 Promotion Committee shall consider the case 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 rules 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 (i) DOP/A-II/86 dated 14.6.1988.

(13) The Commission shall consider the lists prepared by the Committee along-with other relevant documents received from the Appointing Authority, and unless any changes is considered necessary, to make any change in the lists 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 lists finally with such modifications as may in its opinion, be just and proper and when the Appointing Authority is an authority subordinate to Government, the lists approved by the Commission shall be disturbed only with the approval of the Government.

(14) Appointments shall be made by 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 such lists are exhausted or reviewed and revised, as the case may be

(15) The Government may issue instructions for provisionally dealing with promotions, appointments or other ancillary matters in an equitable and fair manner of persons who may be under suspension, or against whom departmental proceeding is under process, at the time promotions are considered to a post to which they are eligible or would have been eligible but for suspension or pendency of such enquiry or proceedings.

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

25A. Restrictions Of Promotion Of Persons Foregoing Promotions :-
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, foregoes such 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).

PART 6 Appointment, Probation and Confirmation

26. Appointments To The Service :-

Appointments to the posts in the service by direct recruitment or by promotion, as the case may be, shall be made by the appointing authority on occurrence of substantive vacancies by selection of persons in the manner indicated in rule 22 or in rules 24 and 25:

Provided that if the appointing authority is satisfied in consultation with the commission that no suitable officer is available in the service for promotion to any post or posts, it may fill that post by appointing an officer on contract, or on deputation from the Government of India or any other State Government or by direct recruitment:

1 . Added vide Notification No F 15 (16) DOP/ A-II/80 dated 30.11.1981. Provided further that in making such appointment the provisions of the Rajasthan Public Service Commission (limitations of functions) Regulation, 1951, shall be adhered to. 1 [Provided further that the appointments to the posts in Group F by promotion shall be made from the lists prepared under rule 24 and 25 in the ratio prescribed under sub-rule (2) of rule 23.]

26A. Appointment Of Screened Persons :- Appointment to posts in the service shall be made by the appointing Authority from amongst the persons adjudged suitable under rule 6 of these rules.

27. Urgent Temporary Appointment :-

[(1) A vacancy in the service which can not be filled in immediately either by the Government or by promotion under the rules may be filled in by the Government or by the 4 [authority competent to make Appointments] as the case may be, by appointing in an officiating capacity 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.]

1 . Inserted vide Edu. Deptt. Notification No F 16(17)Edu.Gr. II/69/dated 13.1.75 (effective from 1.6.1974)

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

3 . Substituted vide Notification No F 1 (10) DOP/A-II/72, dated 16.2.1973 *[Except the second proviso which shall come into force w.e.f. 19.12.1973 for:-

"27. Temporary or officiating appointment- A temporary vacancy in the service may be filled by the appointing authority by appointing there to in an officiating capacity an officer whose name is included in the list prepared under rule 20 or in the lists prepared under rule 24 and 25.

Provided that till the preparation of the first list or in case the list is exhausted, a vacant post may be filled in by the appointing authority by appointing thereto, a member of 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 provisions of these rules but no such appointment made shall be continued beyond a period of one year without referring it to the Commission for their concurrence and shall be terminated immediately on their refusal to concur."

*Added vide Corrigendum of even No. dated 17.3.1973.

4. Substituted for the words "Appointing Authority" vide No. 1 (10) DOP/A-99/ 72 dated 12.9.1973. 1 [Provided further that in respect of the Service or a post in the Service for which both the methods of recruitment have been prescribed, the Government of the Appointing Authority as the case may be, shall not, save with the specific permission of the Government in the Department of Personnel in the case may be, shall not, save with the specific permission of the Government in the Department of Personnel in the case of State Service and Government in the Administrative Department concerned in respect of other services, fill the temporary vacancy against the direct recruitment and after a short-term advertisement.

[{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 subject

to such conditions and restrictions regarding pay and other allowances, as it may direct such appointments shall, however, be subject to concurrence of the Commission as required under the said sub-rule.]

[Explanation- For the purpose of urgent temporary appointment on the posts in Group F a ratio of 4:1 shall be maintained of teachers Grade II and teachers of Grade I.]

[Provided further that notwithstanding anything contained elsewhere in these rules, Government may make urgent/ temporary appointments against the vacant posts of District Education Officers and above on the basis of final Interlaced seniority list under the States Re-organisation Act, 1956 of Headmasters followed by seniority lists of Headmasters and equivalent posts selected by the Selection Boards constituted by the Government in consultation with the Commission or by the Commission, prior to promulgation of the Rajasthan Educational Service Rules, 1960. All such appointments shall be valid up to 30.6.1976

[extended up to 31.8.1976]

1. Substituted vide Notification No. F 1 (10) DOP/A-II/72 dated 28.11.1973 for- "Provided further that in respect of a service or a post in a service for which both the methods of recruitment have been prescribed the Government or the *[Appointing Authority competent to make appointments as the case may be] shall not fill the temporary vacancy by appointing a person eligible for direct recruitment unless no suitable person eligible for promotion is available." *Added vide Corrigendum No F 1(10)DOP/A-II/72 dated 17.3.73.

2. Inserted vide Notification No F 7(7) DOP/A-II/75 dated 31.10.1975 effective from 28.5.1970).

3. Inserted vide Edu. Deptt. Notification No. F.16 (17) Edu/Gr-II/69 dated 13.1.1975 (effective from 1.6.1974)

4. Inserted vide Edu. Deptt. Notification No F16 (17) Edu/Gr-II/69 dated 13.8.1976.

5. Inserted vide Edu. Deptt. Notification No. F 16 (17) Edu.II/69 dated 3.7.1976. 1 [and further up to 31.12.1976] or till regular selections are made, whichever is earlier.

28. Seniority :-

Seniority of persons appointed to the lowest post of the Service of lowest categories of post 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 posts in the Service or other higher categories of posts in each of the Group/Section in the Service, as the case may be shall be determined for the date of their regular selection to such posts.]

Provided - (1) that the seniority inter se of the persons appointed to the service before the commencement of these rules and/ or in the process of integration of the service of the pre-reorganised State of Rajasthan or the service of the new State of Rajasthan established by the State Re-organisation Act 1956 shall be determined, modified or altered by the appointing authority on an adhoc basis;

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

(3) that the seniority inter se of persons appointed to posts in a particular category 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 they have been placed in the list prepared by the Commission under rule 20;

(4) that the seniority inter se of persons appointed to posts in a particular category by promotion shall follow the order in which they have been placed in the lists prepared under rules 24 and 25;

[(5) that the seniority inter se of the teacher in grade II and teachers in grade I on promotions to the post in Group F of Schedules I, II and III shall be determined in the ratio of 4:1, respectively and that these posts will be filled in the following cyclic order, that is :-

A. First four : teachers in grade II.

B. Fifth : teachers in grade I on promotions as mentioned above.

C. Next four: teachers in grade II

1. Inserted vide Edu. Deptt. Notification No. F 16(17) Edu. II/69/dated 6.10.1976.

2. Substituted vide Notification No F 7 (8) DOP/A-II/dated 20.2.1979 for-

" * 28. Seniority- 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 15.11.1976 for-

"28. Seniority- Seniority in each group of the service shall be determined by the year of substantive appointment to a post in the particular category."

3. Inserted vide Notification No F 16(17) Edu/Gr-II/69 dated

13.1.1975, effective from 1.6.1974.)

D. Next : teachers in grade I on promotion as in B

E. Cycle to be repeated.]

[(6) that the seniority of persons appointed to posts in group F and the post of Lecturer of Government Teachers Training Collage, Deputy Inspector of Physical Education after selection by the Committee under proviso 4 to rule 6, shall reckon from the date of their selection by the Screening Committee in the relevant Groups, Inter se seniority of these persons shall be as fixed by the committee.]

(7) that the common seniority of persons appointed to posts mentioned in Group E and F for promotion to the posts in the Group D 2 [] shall be determined with reference to the date of their substantive appointments. The inter se seniority of persons selected by the Commission or Committee shall be as indicated by the Commission or Committee. Inter se seniority of persons selected against departmental promotion quota shall be determined under rules 24 and 25.

[(8) that the seniority inter se of officer in each group of the service specified in Schedule I and II for promotion to the posts included in Schedule III shall be determined with reference to the date of their substantive appointment on a post in such group. The inter se seniority of officers selected by the Departmental Promotion Committee unless determined earlier will be determined on the basis of length of continuous officiation on the post from which promotion is made, except adhoc and fortuitous provided further that the seniority of members of the service for general institutions included in schedule III irrespective of their earlier promotion to the posts included in Schedule I or Schedule II.]

[(9) that the persons selected and appointed as a result 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.

1. Substituted vide Notification No. F 16(17) Edu./Gr-II/69 dated 24.1.1974, for- that the seniority of persons appointed to posts in Group F after selection by the Committee under proviso 4 to rule 6, shall reckon from the dates of their selection by the Screening Committee. The inter se seniority of these persons shall be as fixed by the Committee."

2. Deleted vide Notification No. 1 (9) DOP A-II/82, dated 1.7.1987, the following- and of persons appointed to posts at serial number 3, 4, and 5 Group C for promotion to posts at serial number 2 of

this Group."

3. Inserted vide Notification No F 16(17)Edu./Gr.II/69 dated 11.6.1974

4. Substituted vice Notification No F 7 (10) DOP/A-II/77 dated 17.6.1978. (contd.) Seniority inter se of persons selected on the basis of seniority-cum-merit and on the basis of merit in the same selection shall be same as in the next below grade.]

[(10) Deleted.

[(11) that the seniority of the persons absorbed as a result of taking over of private institutions shall be determined with reference to the year of absorption of such persons and they shall rank junior to the persons appointed by direct recruitment or by promotion in the post is 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 date of continuous appointment in the same grade under such management/ agency; provided that any predetermined seniority shall not be disturbed. The service rendered by the employees of private institutions on an equated posts shall be counted as experience or service required for promotion or direct recruitment under these rules as the case may be.

(12) that the Seniority of Head Masters, Secondary/ Higher Secondary Schools taken over by the Government form Municipal Board/ Councils/ Corporation, shall be determined from the date of their continuous appointment in the same grade in Municipal Board/ Council/ Corporation, if they are qualified to hold the posts, otherwise seniority shall be fixed in the lower grade, for which they were qualified.]

@ (9) that the persons selected and appointed as a result of a selection which is not subject to review and revision, shall rank senior to the persons who are selected and appointed as result to subsequent selection; Seniority inter se 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 accordance with the length of continued officiation, provided that such officiation was not adhoc or fortuitous."

31.10.1975) for-

(9) that the seniority inter se of persons appointed by promotion to a particular class of posts on the same date 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 such continued officiation if such officiation was not adhoc or fortuitous."

1. Deleted vide Notificaiton No. F. 7 (10) DOP//A-II/77, dated, 17.6.1978, the following-

"% (10) that the seniority inter se 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 officiaton."

% Inserted vide Notification No. F & (6) Karmik (Ka-II) 785 dated 31.10.1975 (effective form the date of publication in the Rajasthan Raj patra i.e. 31.10.75)

3. Added vide Notification No. F 1 (9) DOP/(A-II)/82, dated 1.7.1982.

[(13) That if a candidate belonging to the Scheduled Casts/ Scheduled Tribe is promoted to an immediate higher post/ grade against a reserved vacancy earlier that 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 will regain his seniority over such earlier promoted candidate of the Scheduled Caste/ Scheduled Tribe in the immediate higher post/ grade.

29. Period Of Probation :-

[(1) All persons appointed to the service by direct recruitment vacancy shall be placed on probation for period of two years and those appointed to the service by promotion/ Special Selection against a substantive vacancy shall be place on probation for a period of one year:]

Provided that-

(i) such of them as have, previous to their appointment by promotion 4 [/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 efficiating or temporary service towards 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.

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

2. Substituted vide Notification No. F 1 (35) Karmik/Ka-II/74 dated

4.5.1977 for- "29.Probation- (1) All members of the service appointed by direct recruitment shall be on probation for a period of two years and those appointed by promotion for a period of one years:

Provided that such of them as have previous to such appointment officiated or served temporarily on the same or equivalent post encadared in the service, may be permitted by the appointing authority to count such officiating or temporary service towards the period of probation up to a maximum of six months.

(2) During the period of probation each probationer shall be required to pass such departmental examination and to undergo such training the appointing authority may, from time to time specify.

*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 as to end + [one day earlier] on the dated immediately preceding the date of his death or retirement from evernment Service, @ [the condition of passing the Departmental Examination in Rule regarding confirmation shall be deemed have been vaived in case of death or retirement.]

* Inserted vide Notification NO. F 1 (14) DOP/A-II/74 dated 4.9.1974.

+ Inserted vide Corrigendum No. F 1(14) DOP/A-II/70 dated 18.3.1975.

3. Substituted vide 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 place on probation for period of two years and those appointed by promotion *[Special Selection] to any post against such a vacancy shall be on probation period of one year: 4. Inserted vide DOP Notification No F 1 (35) Karmik/A-II/74 dated 3.8.77. 1 [Government of Rajasthans Instructions:- Under this Department Notification No.F.1 (35) DOP/A-II/74 dated the 9 thApril, 1979 the existing substantive portion of sub-rule (1) of rule relating to "Period of Probation" has been substituted by the following-

(1) All persons appointed to the Service by direct recruitment against substantive vacancy shall be placed on probation for period of two years and those appointed by promotion/ special against a substantive vacancy shall be placed on probation for a period of one years.

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 posts in the Service by promotion will not be required to be placed on probation. The Contents of the above mentioned Government Notification are brought to the notice for guidance and appropriate action.]

(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 a 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 Departmental Examination in the rule regarding confirmation shall be deemed to have been waived in case of death or retirement.

SECTION 29 A Confirmation In Certain Cases

(1) Notwithstanding anything to the 1. Added vide Notification No. F.7(1) DOP/A-II/ 96 dated, 1.4.1997. 2. Substituted vide Notification No. F 1 (35) Karmik/Ka-II/74 dated 4.5.1977 for - "29. Probation- (1) All members of the service appointed by direct recruitment shall be on probation for a period of two years and those appointed by promotion for a period of one year: Provided that such of them as have previous to such appointment officiated or served temporarily on the same or equivalent post encadred in the service, may be permitted by the appointing authority to count such officiating or temporary service towards the period of probation up to a maximum of six months. (2) During the period of probation each probationer shall be required to pass such departmental examination and to undergo such training the appointing authority may, from time to time specify.

*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 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 Departmental Examination in Rule regarding confirmation shall be placed on probation for a period of two years and those appointed by promotion */Special selection] to any post against such a vacancy shall be on probation period of one year:"

*Inserted vide Notification No. F 1 (35) Karmik/Ka-II dated 3.8.1977.

4 . Inserted vide DOP Notification No. F1 (35) Karmik/ A-II/74 dated 3.8.77. 1 [Government of Rajasthan's Instructions:-Under this Department Notification No. F 1 (35)DOP/A-II/74, dated 9 th April. 1979 the existing substantive portion of sub-rule (1) of rule relating to "Period of Probation" has been substituted by the following:-

(1) All persons appointed to the Service by direct recruitment against substantive vacancy shall be placed on probation for a period of two years and those appointed by promotion/ Special selection are to be placed on probation. Persons appointed to higher posts in the Service by promotion will not be required to be placed on probation. The Contents of the above mentioned Government Notification are brought to the notice for guidance and appropriate action.]

(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 a 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 Departmental Examination in the rule regarding confirmation shall be deemed to have been waived in the case of death or retirement.]

29A Confirmation in certain cases:- (1) Notwithstanding anything

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

2 . Substituted vide Notification No. F 2 (4) DOP/A-II/79 dated 22.11.1984, for:- @ [29 (A)- Notwithstanding anything contained in the rule, if no order of confirmation is issued by the Appointing Authority within a period of six months an employee appointed on temporary or officiating basis who has after the date of his regular recruitment by either method of recruitment completed a period of probation (contd.) @ Substituted vide Notification No. F. 7, (7) DOP/A-II/74 dated 28.12.1974 for:-

29A. Section 29A :- Notwithstanding anything contained in the rule preceding to the rule 29 a, 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 thereafter put in more than 2 years service on such post or higher post shall be deemed to have completed the period of probation and shall be

confirmed provided he fulfills other conditions of confirmation as laid down in these Rules.] %Substituted vide Notification No 1 (14) Appts (A-II)/70, dated 22.1.1974 for:-

29 A- Notwithstanding anything contained in Rule 29, a person who has been regularly recruited against a temporary post and has put in two years service after such regular recruitment shall not be placed on probation on conversion of such post into a permanent one but he shall be confirmed only after he has fulfilled the conditions of confirmation as laid down in the rule.] *Inserted vide Notification No. F 1 (14) Appts. (A-II)/70 dated 16.9.1971. to the contrary contained in 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 (contd.) prescribed I s less, on the post or a 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 entitled to be treated as confirmed if the same condition 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: 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, 1959 and any other Rules, or by one year whichever is longer. If the employee still 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 reason to be contrary about the satisfactory performance of his work are communicated to him within the said period.

(b) The reasons for not confirming an employee referred to in the second proviso to clause (a) shall, in the case of non-gazetted employee, be also immediately recorded by the Appointing Authority in his Service Book and C.R. file and in the case of Gazetted Office communicated to the Accountant General, Rajasthan, and in his Confidential Report File. A written

acknowledgement shall be kept on record in all these cases.

Explanation

(i) Regular recruitment for the purpose of this rule shall mean appointment after either of the methods of recruitment of on initial constitution of service in accordance with any of the 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 Rajasthan Public Service Commission recruitment in consultation with them but if shall no include an urgent temporary appointment, adhoc appointment or officiating promotion against temporary of lien vacancies which are liable to review and revision from year to year. In case where the Service ules, specifically permit appointment by transfer, such appointment shall be treated regular recruitment if the appointment to the post from which the official was transferred was after regular recruitment. Persons who have been made eligible for substantive appointment to a post under the rules shall be treated as having been regularly recruited.

(ii) Persons who hold lien in another cadre shall be eligible to be confirmed under this 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." 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 fulfills conditions as are prescribed under rule relating to Confirmation subject to the quota prescribed under these rules; and (iii) permanent vacancy is available in the Department.

(2) If an employee referred to in sub-rule (1) above fails to fulfill the conditions mentioned in the said sub-rule (1)above, may be extended as prescribed for a probation or under the Rajasthan Civil Services (Departmental Examination) Rules, 1959 and any other rules or by one year, whichever is longer (1) above, he will be liable to be discharged or terminated 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.

(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 communicated 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, if the posts are within the preview 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 include 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 they will be eligible to exercise an 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.

30. 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 been 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 or terminate him from service:

Provided that the Appointing Authority may, if it so thinks fit in any case or 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] to such post.

(2) Notwithstanding anything contained in the above proviso, during the period of probation, if a 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.

31. 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 the appointing authority 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.

1. Substituted vide DOP Notification No. F 1 (35)DOP/A-II/74, dated 4.5.1977 for:-

"30. 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 holds a lien there on and in other cases, may discharge him from service: Provided that the appointing authority may extend the period of probation of any member of the service by a specified period not exceeding one year.

(2) 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 claim or compensation."

31A. Notwithstanding Contained In Rule 31 :- a probationer shall be confirmed in his appointment at the end of his period of probation ever if the prescribed Departmental Examination/ Training/ Proficiency test in Hindi, if any, are not held during the period of probation laid-down in the rules, provided :

(i) he is otherwise fit for confirmation, and

(ii) the period of probation expired on or before 22.10.1970.

PART 7 PAY

32. Scale Of Pay :-

The scale of monthly pay of a person appointed to a post in the service shall such as may be admissible under the rules referred to in rule 35 or as may be sanctioned by the Government from time to time.

33. Increments During Probation :-

A probationer shall draw increments in the scale of pay admissible to him in accordance with the provisions of Rajasthan Service Rules, 1951.] Provided that if the period of probation is extended on account of failure to give satisfaction or on account of failure to make sufficient use of his opportunities, such extension shall not count for increment unless the appointing authority otherwise directs.

34. Criteria For Crossing An Efficiency Bar :-

No member of the service shall be allowed to cross an efficiency bar, if any, unless in the opinion of the appointing authority he has worked satisfactorily and his integrity is unquestionable.

35. Regulation Of Pay, Leave, Allowances, Pension Etc :-

Except as provided in these rules, the pay, allowances, pension, leave and other conditions of service of a member of the service, shall be regulated by:-

- (1) The Rajasthan Traveling Allowance Rules, 1949;
 - (2) The Rajasthan Civil Services (Unification of Pay Scales) Rules, 1950;
 - (3) The Rajasthan Civil Service (Retionalisation of pay scales) 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 Civil Services (Revised pay) Amendment Rules, 1966; and
 - (8) The Rajasthan Civil Services (New pay scales) Rules, 1969;
1. Inserted vide Notification No F 1 (12) Apptts (A-II)65/pt. V Dated 17.6.1972.
2. Substituted vide Notification No F 3 (11) Apptts/A-II/58/Part IV dated 16.10.1973 for :- "*probationer shall draw increments in the

scale of pay admissible to him during the period of probation as they accrue."

(9) Any other rules prescribing general conditions or 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 and scope of these rules, it shall be referred to the Government in the 1 [Department of Personnel] whose decision thereon shall be final.

37. Repeal And Saving :-

All rules and orders in relation to matters covered by these rules and in force immediately before the commencement of these rules are hereby repealed:

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. 2 [Provided further that the inclusion of the Chairman of Rajasthan Public Service Commission or his nominee, in the meetings of Departmental Promotion Committee constituted under rule 25 (2) of Rajasthan Educational Service Rules, 1960 shall not be deemed to have the effect of invalidating the proceeding of the DOP

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 persons, it may with the concurrence of Department of Personnel and Administrative Reforms and in consultation with the Commission by orders 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 just and equitable manner, provided that such relaxation shall not be less favorable than the provisions already contained in these rules. Such cases of relaxation shall be referred to the Rajasthan public Service Commission by the [Administrative Department concerned.