

**Uttar Pradesh Post Graduate Medical Education
(Reservation For Scheduled Castes, Scheduled Tribes And
Other Backward Classes) Act, 1997**

14 of 1997

CONTENTS

1. Short Title And Commencement
2. Definitions
3. Reservation Of Seats In Favour Of Scheduled Castes, Scheduled Tribes And Other Backward Classes Of Citizens
4. Requirement Of Minimum Marks For Admission
5. Amendment Of Orders
6. Overriding Effect
7. Savings
8. Removal Of Difficulty
9. Repeal And Savings

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An Act to provide for adequate representation of persons belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes of citizens in the Post-Graduate Medical Education on the basis of Post-Graduate Medical Entrance Examination, held in the Year 1997 and matters connected therewith or incidental thereto Whereas admission to courses of study for award of Doctor of Medicine, Master of Surgery, Master of Dental Surgery and various Post-Graduate Diploma, in the King George's Medical College, Lucknow and other State Medical Colleges are made through Post-Graduate Medical Entrance Examination; And whereas for adequate representation of person belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes of citizens, provisions for reservation have been made; And whereas vide Government Order No. 5744 Sect-14/Panch-30/90 dated October 11, 1994 minimum percentage of marks for admission for general candidates was fixed at forty-five per cent and for candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes of

citizens was fixed at thirty-five per cent; And whereas after considering the orders of the Hon'ble Supreme Court passed in the case of State of M.P. v. Km Nivedita Jain, the requirement of obtaining minimum marks for admission of the persons belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes of citizens was withdrawn vide Government Order No. 4137 Sect-14/Panch-95-140/90 dated August 31, 1995; And whereas the Hon'ble Supreme Court in the case of Dr. Sadhna Devi v. State of U.P. has quashed the said Government Order dated August 31, 1995; And whereas vide Government Order No. 634/Panch-14-97-140/90 dated April 2, 1997 the minimum percentage of marks for admission to Post-Graduate Medical Education for general candidates has been fixed at forty-five per cent and for candidates belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes of citizens at thirty-five, per cent; And whereas in making admission to Post-Graduate Medical Education in accordance with Government Order dated April 2, 1997 while keeping the minimum percentage of marks at thirty-five per cent on the basis of the Post-Graduate Medical Entrance Examination held in the year 1997 the quota for Scheduled Castes, Scheduled Tribes could not be filled which would not be in consonance with reservation policy; And whereas the question of fixation of minimum percentage of marks for admission of candidates belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes of citizens was under consideration the process of admission such as counseling in respect of Post-Graduate Medical Entrance Examination, 1997 could not be commenced; And whereas to ensure adequate representation of persons belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes of citizens in admission to Post-Graduate Medical Education on the basis of Post Graduate Medical Entrance Examination held in the Year 1997 it has been considered expedient to fix the minimum percentage of marks for the said categories of person at twenty per cent; It is hereby enacted in the Forty-eighth Year of the Republic of India as follows :--

1. Short Title And Commencement :-

(1) This Act may be called the Uttar Pradesh Post-Graduate Medical Education (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1997.

(2) Sections 2, 3, 4, 5, 6 and 7 shall be deemed to have come into

force on October 1, 1996, Section 8 shall be deemed to come into force on June 15, 1997 and remaining provisions shall come into force at once.

2. Definitions :-

In this Act :--

(a) "Post-Graduate Medical Education" means courses of study for the award of Doctor of Medicine (M.D.), Master of Surgery (M.S.), Master of Dental Surgery (M.D.S.) and various Post-Graduate Diploma of the King Georges Medical College, Lucknow or any other State Medical College in which admissions are made through Post-Graduate Medical Entrance Examination but shall not include super specialty courses;

(b) "other backward classes of citizen" means the backward classes of citizens specified in Schedule I of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994.

3. Reservation Of Seats In Favour Of Scheduled Castes, Scheduled Tribes And Other Backward Classes Of Citizens :-

(1) In Post-Graduate Medical Education there shall be reserved at the stage of admission, the following percentages of seats in favour of the persons belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes of citizens :

(a) in the case of Scheduled Castes -- twenty-one per cent;

(b) in the case of Scheduled Tribes -- two per cent;

(c) in the case of other backward classes of -- twenty-seven per cent : citizens

Provided that the reservation under Clause (c) shall not apply to the category of other backward classes of citizens specified in Schedule II of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994.

(2) If a person belonging to any of the categories mentioned in Sub-section (1) gets selected on the basis of merit in the Post-Graduate Medical Entrance Examination with general candidates, he shall not be counted against the vacancies reserved for such category under Sub-section (1).

4. Requirement Of Minimum Marks For Admission :-

A candidate who has secured less than forty-five per cent marks in case of general candidates and twenty per cent marks in the case of candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes of citizens in the Post-Graduate Medical Entrance Examination, 1997 shall not be eligible for admission to Post-Graduate Medical Education on the basis of said examination.

5. Amendment Of Orders :-

The Government Orders No. 5744 Sect-14/Panch-30/90 dated October 11, 1994 and No. 634/Panch-14/97-140/96 dated April 2, 1997 shall stand amended to the extent that minimum percentage of marks for admission to Post-Graduate Medical Education on the basis of Post-Graduate Medical Entrance Examination, 1997 shall be twenty per cent for candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes of citizens.

6. Overriding Effect :-

The provisions of this Act shall have effect notwithstanding anything contained in any judgment, decree or order of any court or in the order of the State Government and the minimum marks specified in Section 4 shall be deemed to be and to have been minimum marks for admission to the Post-Graduate Medical Education on the basis of Post-Graduate Medical Entrance Examination, 1997 as if the provisions of this Act were in force at all material times.

7. Savings :-

Anything done or any action taken to postpone the admission process in relation to Post-Graduate Medical Entrance Examination, 1997 to ensure adequate representation of persons belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes of citizens shall be deemed to be valid and lawful.

8. Removal Of Difficulty :-

(1) If any difficulty arises in giving effect to the provision of this Act, the State Government may by a notified Order, make such provisions not inconsistent with the provisions of this Act as appears to it to be necessary or expedient for removing the difficulty.

(2) No order under Sub-section (1) shall be made after expiration

of the period of two years from the commencement of this Act.

(3) Every order made under Sub-section (1) shall be Laid, as soon as may be, before both the Houses of State Legislature and the provisions of Sub-section (1) of Section 23-A of the Uttar Pradesh General Clauses Act, 1904 shall apply as they apply in respect of rules made by the State Government under any Uttar Pradesh Act.

9. Repeal And Savings :-

(1) The Uttar Pradesh Post-Graduate Medical Education (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Ordinance, 1997 (U.P. Ordinance No. 6 of 1997) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Ordinance referred to in Sub-section (1), shall be deemed to have been done or taken under the provisions of this Act as if the provisions of this Act were in force at all material times.