

**IN THE SUPREME COURT OF BANGLADESH
(APPELLATE DIVISION)**

PRESENT:

Mr. Justice Mohammad Fazlul Karim.

-Chief Justice.

Mr. Justice Md. Abdul Matin.

Mr. Justice Shah Abu Nayeem Mominur Rahman.

Mr. Justice A.B.M. Khairul Haque.

Mr. Justice Md. Muzammel Hossain.

Mr. Justice Surendra Kumar Sinha.

CIVIL APPEAL NOS.294-98 OF 2003.

(From the Judgment and order dated 13.02.2002 passed by the High Court Division in Writ Petition Nos.393, 394, 1707,1708 and 2237 of 2001))

Government of Bangladesh and others. **Appellants.**
(In all the appeals)

-Versus-

Tauhid Uddin Ahmed	:	..... <u>Respondent</u> (In C. A. No.294/03)
Md. Abdul Mannan	:	..... <u>Respondent</u> (In C. A. No.295/03)
Md. Sumsul Kibria	:	..... <u>Respondent</u> (In C. A. No.296/03)
Md. Rafiqul Islam Majumder	:	..... <u>Respondent</u> (In C. A. No.297/03)
Md. Badrul Hassan	:	..... <u>Respondent</u> (In C. A. No.298/03)

For the Appellants

(In all the appeals)

: Mr. M. Amirul Islam, Senior Advocate with Mr. Abdur Rob Chowdhury, Senior Advocate, with Mr. M. K. Rahman, Additional Attorney General, instructed by Mr. B. Hossain, Advocate-on-Record.

For the Respondents.

(In all the Appeals)

: Mr. Ajmalul Hossain, Q.C. Senior Advocate with Mr. Qumrul Islam Siddique, Advocate, instructed by Mr. A.K.M. Shahidul Huq, Advocate-on-Record.

Dates of Hearing.

:The 19th, 20th, 21st, 27th & 28th
Days of April,2010 and 12th, 17th,
18th & 19th Days of May,2010.

Date of Judgment

: 24th May,2010.

(JUDGMENT)

Mr. Justice A. B. M. Khairul Haque, J.: বর্তমান আপীল, ৷j

রীট্ পিটিশন নং-৩৯৩/২০০১, ৩৯৪/২০০১, ১৭০৭/২০০১, ২২৩৭/২০০১ এবং ১৭০৮/২০০১ মোকদমাগুলি়ত ১৩/২/২০০২ তারি়খ প্রদও রায় হই়ত অনুমতি প্রাপ্ত (Leave) হইয়া উদ্ভূত হইয়া়ছ। উপ়রাজ্ রীট্ মোকদমাগুলি়ত একই ev GKB ai tbi আই়নের প্রশ্ন জড়িত থাকায় ১৩/২/২০০২ তারি়খর রা়য় সবগুলি রীট্ মোকদমা নিস্পত্তি করা nq| D³ i vtq ms¶|x nBqv সরকার পক্ষ আপীল দা়য়র করিবার নিমিত্ত Avte`bcÍ `wLj Kwi tj অত্র আপীল বিভাগ KZK i bvbX AšÍ ২৭/৭/২০০৩ তারি়খর রা়য় অনুমতি প্রাপ্ত (Leave granted) হয়।

আপীল নং-২৯৪/২০০৩ মোকদমার প্রতিবাদী জনাব তৌহিদ উদ্দিন আহ়মদ (রীট্ ৷C৷Ukb নং-১৭০৭/২০০১ tgvKÍ gvi ev`x) ১৯৮২ স়ন বাংলা়দশ সিভিল সার্ভি- িসর (বিসিএস) জন্য সরকারী কর্ম কমিশন (কমিশন) কতূক অনুষ্ঠিত প্রথম প্রতিযোগীতামূলক পরীক্ষায় সম্মিলিত মেধা তালিকায় সর্ব়মাট ২৮১ জ়নের ম়ধ্য ১৪১ নং স্থান অধিকার ক়রন এবং খাদ্য ক্যাডা়র ম়নানীত হইয়া খাদ্য মন্ত্রণাল়য়র ২-১-১৯৮৪ তারি়খর এক আ়দশব়ল মহাকুমা খাদ্য নিয়ন্ত্রক প়দ ৷b tqvM প্রাপ্ত হ়য়ন (রীট্ ৷C৷Uk tbi এ়্যানকচার -ডি)। D tj E" যে উপ়রাজ্ পরীক্ষার ফলাফ়লের Rb" অ়পক্ষমান কা়ল রীট্ দরখাস্তকারী ১৯৮২ স়ন আহবানকৃত বিশ়ষ g" ৷R tóU প়দ নিয়া়গর জন্য পরীক্ষায় অবতীর্ন হইয়াছি়লন এবং ৫-৬-১৯৮৩ তারি়খর প়ত্র ZvntK উক্ত প়দ নিয়া়গর জন্য প্রস্তাব দেওয়া হইয়াছিল। পরবর্তী়ত ১১-১০-১৯৮৯ তারি়খর এক বিজ্ঞপ্তি মারফৎ ১৯৮২ স়ন অনুষ্ঠিত বিসিএস কর্মকর্তাগY tK ২-৪-১৯৮৩ তারিখ হই়ত জেষ্ঠতা প্রদান করা হয় (রীট্ ৷C৷Uk tbi এ়্যানকচার-ডি-১)। অতপর, রীট্ দরখাস্তকারী ১০-৮-১৯৮৮ তারি়খর এক বিজ্ঞপ্তি ব়ল জেলা খাদ্য নিয়ন্ত্রক প়দ c t` vbZ প্রাপ্ত ntqb (রীট্ ৷C৷Uk tbi এ়্যানকচার -ই)।

Avxj bs 295/2003 tgvKÍ gvi c Zev`x জনাব মোঃ আব্দুল মান্নান (i xU ৷C৷Ukb bs-৩৯৩/২০০১ tgvKÍ gvi বাদী) ১৯৮২ ম়tb সরকারী কর্ম কমিশন কতূক অনুষ্ঠিত প্রতি- যোগীতামূলক পরীক্ষার সম্মিলিত মেধা তালিকায় সর্ব়মাট ২৮১ জ়নের ম়ধ্য ২৬০ নং স্থান অধিকার ক়রন এবং তথ্য ক্যাডা়ি ১৯৮৪ স়ন ম়নানীত nBqv Z" gšYvj tqi 27/03/1984 Zwi tLi GK Av t` k etj Z" KgKZP wnmvte ৷b tqvM c 0B ntqb (G" v t b K P vi Dwm) | Z te 11/10/1989 Zwi tLi GK weÁ ৷B gvi dr

1982 mfb AbjôZ we, wm, Gm KgKZMY†K 2/4/1983 Zwi L n†Z
†RôZv c† vb Kiv nq (i xU& wCwUk†bi Gv†bKPvi ÐwmÐ2) |
২০/০৩/১৯৯৩ Zwi †Li প্রজ্ঞাপন e†ল তিনি তথ্য মন্ত্রণালয়ের সিনিয়র তথ্য অফিসার প†-
দ c† vbwZ প্রাপ্ত হয়ন (রীট্ wCwUk†bi Gv†bKPvi -ডি)।

আপীল নং-২৯৬/২০০৩ মোকদমার প্রতিবাদী জনাব †মাঃ সামসুল কিবরীয়া (রীট্
wCwUkb নং-৩৯৪/২০০১ মোকদমার দরখাস্তকারী) ১৯৮২ স†ন বাংলা† k সিভিল সার্ভি-
†সর (বিসিএস) জন্য সরকারী কর্ম কমিশন কতৃক অনুষ্ঠিত প্রথম প্রতি†য়াগীতামূলক পরীক্ষায়
সন্মিলিত মেধা তালিকায় সর্ব†মাট ২৮১ জ†নর g†a" ১৩৬ নং স্থান অধিকার K†i b (রীট্
wCwUkb Gv†bKPvi Ðwm)। D†j †" যে উপ†রাজ্ঞ পরীক্ষার ফলাফ†লের Rb"
A†c¶ vgvb কা†ল রীট্ দরখাস্তকারী ১৯৮২ স†ন আহবানকৃত বিশেষ gv†wR†óU& প†দ
নি†য়াগর জন্য পরীক্ষায় অবতীর্ন হইয়াছি†লন এবং ৫-৬-১৯৮৩ তারি†খর প†ত্র তাহা†ক উক্ত
প†দ নি†য়াগর জন্য প্রস্তাব দেওয়া nB†j wZwb D³ c† thvM`vb K†i b|
BwZg†a" 23Ð10Ð1983 Zwi †L c† gvi dr A† c†Zev`x†K wewmGm
Ki Kv†wv†i mnKvi x Ki Kwgkbvi c† g†bvbxZ nBqv 10Ð11Ð1983
Zwi †Li GK weÁwB gvi dr D³ c† w†qvM c†B n†qb (i xU&
wCwUk†bi Gv†bKPvi ÐwW I wWÐ1)| AZtci h_vi xwZ gv†wR†óU& c`
nB†Z Qvoc† M†hb Ki Zt 7Ð12Ð1983 Zwi †L mnKvi x Ki
Kwgkbvi c† thvM`vb K†i b| μgvb†q c†Zev`x 12Ð2Ð1991
Zwi †L DcÐKi Kwgkbvi, 4Ð8Ð1996 Zwi †L hM†DKi Kwgkbvi
Ges 1Ð7Ð1999 Zwi †L AwZwi ³ Ki Kwgkbvi c† c† vbwZ c†B
n†qb| ZvnvQvov, wZwb RvZxq i vRm† tev†W† c†g mwPe (Ki) c†
AwZwi ³ `wqZj wnmv†e PvKi x K†i b|

আপীল নং-২৯৭/২০০৩ মোকদমার প্রতিবাদী দরখাস্তকারী জনাব মোঃ রফিকুল
ইসলাম ময়ুমদার (রীট্ wCwUkb নং-২২৩৭/২০০১ †মোকদমার দরখাস্তকারী)| ১৯৮২
mfb বাংলা†দশ সিভিল সার্ভি†সর (বিসিএস) জন্য সরকারী কর্ম কমিশন কতৃক অনুষ্ঠিত প্রথম
প্রতি†য়াগীতামূলক পরীক্ষায় সন্মিলিত মেধা তালিকায় সর্ব†মাট ২৮১ জ†নর g†a" ১২৯ নং
স্থান অধিকার ক†রন এবং খাদ্য ক্যাডা†র ম†নানীত হইয়া খাদ্য মন্ত্রণালয়ের ২-১-১৯৮৪
তারি†খর এক আ†দশব†ল মহাকুমা খাদ্য নিয়ন্ত্রক প†দ w†qvM প্রাপ্ত হয়ন (রীU&

২৫- উপরাষ্ট্র রীট দরখাস্তকারীগণ সকলই বিসিএস (প্রশাসন) ক্যাডার বহির্ভূত খাদ্য ও তথ্য মন্ত্রণালয়ভুক্ত কর্মকর্তা বিধায় তাহারা সকলই ২৫% কোটাভুক্ত Government Employees' Union v. Bangladesh Government and Others, 1998 SC 101 তাহারা AZ v. Bangladesh Government and Others, 1998 SC 101 এবং উপরাষ্ট্র রীট মোকদ্দমাগুলি বিচার করা হয়েছে।

হাইকোর্ট বিভাগের একটি উপরাষ্ট্র সবগুলি রীট মোকদ্দমা একত্র শুনানী অস্ত্র ইহার ১৩-২-২০০২ Z v. Bangladesh Government and Others, 1998 SC 101 একক বিচার তর্কিত বাংলাদেশ সরকার v. Bangladesh Government and Others, 1998 SC 101 বর্ণিত বিসিএস (প্রশাসন) ক্যাডার জন্য শূন্য পদ ৭৫% কোটা এবং অন্যান্য ২৮টি ক্যাডার জন্য ২৫% Government Employees' Union v. Bangladesh Government and Others, 1998 SC 101 বৈষম্যমূলক আখ্যা প্রদান করিয়া রীট মোকদ্দমাগুলিতে জারীকৃত রুলগুলি এ্যাবসলিউট করেন।

Government Employees' Union v. Bangladesh Government and Others, 1998 SC 101 বিভাগের উক্ত রায় ক্ষুদ্র হইয়া বাংলাদেশ সরকার গং বাংলাদেশ সরকার v. Bangladesh Government and Others, 1998 SC 101 আপীল মোকদ্দমা দায়ের করিবার নিমিত্ত ৫(পাঁচ) টি Civil Petition for Leave to Appeal দায়ের করা হয়। প্রাথমিক শুনানী অস্ত্র ২৭-৭-২০০৩ তারিখের আদেশ বাল আপীল বিচারে অনুমতি প্রদান কাল অত্র বিভাগ নিম্নোক্ত আদেশ প্রদান করে :

“Mr. A. J. Mohammad Ali, the learned Counsel appearing for the petitioners submitted that notification dated 10.02.1998 is not unlawful and unconstitutional and as per Article 133 of the Constitution of Bangladesh. Government has every right to make rules and conditions of service etc. and as such the clause (Uma) of the notification dated 10.02.1998 is not unconstitutional and unlawful inasmuch as the clause (Uma) of the notification dated 10.02.1998 was approved by the competent authority and that as per Article 133 of the Constitution of Bangladesh the Government has every right to make rule and conditions of service and as such this is not violative to the writ petitioners fundamental right guaranteed under Article 29 of the Bangladesh Constitution.

Mr. Rokanuddin Mahmud, the learned Counsel appearing for the respective respondents in all the petitions submitted that paragraph 6 of the notification dated 17.07.1989 not having accompanied by any guide-line thereby being violative of the Article 29 of the Constitution in allowing reservation of the 75% to the BCS Cadre (Administration) leaving 25% post for other persons in the rest 29 cadres violates that fundamental right guaranteed under Article 29 of the Constitution.

In the facts and circumstances of the case, the submission of the learned Counsel appearing for the petitioners merit consideration.”

AZci t AbgWZ c0B nBqv AÍ Avcxj , wj ti wRwóf 3 nq|

প্রতীয়মান nB†Z†Q যে ১০-২-১৯৯৮ Zwi †Li পদন্নতি/নিয়াগ নীতিমালার উপ-সচিব প†দ পদন্নতি/নিয়াগ নীতিমালার 'ঙ' দফা নিয়রূপ :

(ঙ) সা†বক সচিবালয় ক্যাডারসহ বিসিএস (প্রশাসন) ক্যাডা†রর জন্য শূন্য প†দ কোটা ৭৫% (শতকরা পচাত্তর ভাগ) ও অন্যান্য ক্যাডা†রর জন্য ২৫% (শতকরা পঁচিশ ভাগ) রাখা যাই†ত পা†র।

রীট ` i Lv` Í , wj †Z মূলতঃ নীতিমালার উপ†রাঙ দফাটির আইনগত বৈধতা P`v†j Ä করা হইয়া†ছ।

খুব সং†ক্ষ†প রীট দরখাস্তকারীগ†রর বঙব্য হই†ত†ছ যে যে†হতু তাহারা প্রশাসন ক্যাডা†র নিয়াগ প্রাপ্তM†Yi সহিত একই সা†ঙ্গ সম্মিলিত প্রতিযোগিতামূলক পরীক্ষায় অবতীর্ণ হইয়া উত্তীর্ণ হইয়াছিলন এবং নিজ নিজ K`vWv†i নিয়াগ প্রাপ্ত হইয়াছি†লন সেই†হতু শুধুমাত্র প্রশাসন ক্যাডা†রর জন্য পৃথক কোটা msi ¶| Y বৈষম্যমূলক Ges %el g`g†j K বিধায় সংবিধা†নর ২৯ অনুচ্ছেদ অনুসা†র তাহা অবৈধ। তাহা†দর e³ e` th যে†হতু তাহারা mK†j GKB m†½ একই পরীক্ষায় উত্তীর্ণ হইয়াছি†লন, সেই†হতু একই মাপকাঠি-†ত Zvvn†` i mK†j i উপ-সচিব পদসহ সকল প†দ c†` vbWZ হওয়া mWgW†Pb। ইহার e`Z`q ঘটান বা বিভিন্ন ক্যাডা†রর ম†ধ্য বিভাজন সৃষ্টি সংবিধান বা আই†নর উ†দশ্য নয়।

হাই†কাট বিভা†গর mb†L বিভিন্ন ক্যাডার সৃজন এবং কোটা পদ্ধতির স্বপ†ক্ষ সরকার প†ক্ষ উথাপিত যৌক্তিক শ্রেণী বিন্যাস m†úKZ e³ e` হাই†কাট বিভাগ AM†y K†i b|

আইন মন্ত্রণালয় এবং পররাষ্ট্র মন্ত্রণা† q0†qi স্বীকৃত ও গৃহীত কোটা পদ্ধতির সাদৃশ্য আনয়ন করিয়া তর্কিত কোটা পদ্ধতির স্বপ†ক্ষ সরকার প†ক্ষ উথাপিত বঙব্য সম্প†র্ক হাই†কাট বিভাগ e†j b :

"Mr. Khan has also argued that there is 'Kota' system in all services but the 'Kota' system has not been challenged earlier by any members of any service. He has also mentioned that there is 'Kota'

wf bē "c hvnv wKQB _vKK bv tKb, mi Kvī i DcĐmPe, hMĐmPe, AwZwi³ mPe l mPe c†` c†` vbwZi t¶| †Ā GB weWagvj vi weavbvej x KvĥKi _wKte|

cĀZqgvb nq th, weWagvj vi Dc†i v³ avi vi Kvi †b AvcvZ ` wó†Z 1998 m†bi bxwZgvj vi 000 ` dv KvĥZ evwZj nBqv wMqv†Q| dtj i xU& tgvKĪ gv, wj †Z cĀ Ē i vql AKvĥKi nBqv hvq| wKš-wel qwU tKvb c¶| B c†e^o AĀ Av` vj †Zi bR†i Avbqb K†i b bvB| dtj hw` l 27Đ7Đ2003 Zwi †Li Leave to appeal wewUk†bi i bvbX A†š- Avcvj ` v†q†i i AbgwZ gĀj nq, wKš- H mgq bxwZgvj vi ZwKZ 000 ` dv evwZj nBevi Kvi †b nvB†KvU^o wef v†Mi msĥkĒ i vqwU infructuas nBqv wMqv†Qj | AĀ Avcvj tgvKvĪ gv, wj i Ppvš-i bvbxi mgq Dc†i v³ wel q, wj cĀZfvZ nq|

G†nb cwi w` wZ†Z cĀZev` x c†¶| Rbve AvRgvj j tnv†mb msweav†bi 104 Ab†"Q` Abjmv†i 16Đ5Đ2010 Zwi †L nj dKZ GKwU ` i Lv` -` wLj Ki Zt cwi ewZZ Ae` vi cwi †cĀ¶| †Z bxwZgvj vi ZwKZ 000 ` dvi mwnZ 2002 m†bi weWagvj vi msĥkĒ weavb, wj i %eaZv we†ePbvq j Bevi Rb` i xU& tgvKĪ gvi ` i Lv†` -cĀw`Z cĀZKvi m†kva†bi Av†e` b K†i b| wZwb wb†e` b K†i b th mi Kvi c†¶| Leave to Appeal Petition ` wLj Kwi evi c†eB nvB†KvU^o wef v†Mi i vq ` wMZ _vwKevi m†hv†M bZb bxwZgvj v cĀqvb Ki Zt ZwKZ 000 ` dwU evwZj K†i hw` l D³ ` dvi B %eaZv i xU& ` i Lv` Kvi xMY 2001 m†bB P`v†j Ā Kwi qvwQj Ges i bvbX A†š- nvB†KvU^o wef vM D³ 000 ` dv A%ea tNvl Yv K†i wKš-D³ i vq ` wMZ Ki †bi m†hvM j Bqv mi Kvi c¶| bxwZgvj vi A%ea tNvl Z 000 ` dvq cĀ Ē kZw` Avi l wel ` fv†e weWagvj vq eYbv Kwi qv nvB†KvU^o wef v†Mi i vqwU infructuasĐG ch†ewkZ Ki Zt i xU& ` i Lv` Ī Kvi xMY†K Pi gf v†e ¶| wZM` ' Kwi qv†Q | Zvnvi v i xU& tgvKĪ gvq Rqj vf Kwi qvl cKZ c†¶| nwi qv wMqv†Q Ges AwePv†i i wKkvi nBqv†Qb| GgZ Ae` vq wZwb weWagvj vq ewYZ

ZwKZ 000 `dvi cwi ewZ eYbv, wj i %eaZv P'vtj Ä Kwi evi c0_bv
Kti b| wZwb Zvvi 160502010 Zwi tLi Avte`b c1i mwnZ
mshj³ 2002 m1bi wewagvj vi 5 wewai Avl Zvq Dc0mwPe,
hM0mwPe, AwZwi ³ mwPe l mwPe c` , wj i weci xtZ c0_g Zdwm1j
ewYZ mKj c1i wbtqvM cxwZi %eaZv P'vtj Ä Kti b|

Avcxj Kvi x mi Kvi c1q Rbve Gg Awgi "j Bmj vg l
Avcxj Kvi x KgKZM1Yi c1q Rbve Ave`j i e tPŠai x, wmw bqi
G'vW1fv1KU0q Ges Rbve Gg tK i ngvb, AwZwi ³ A'vUbx0tRbv1j
g1nv` qMYI c0Zev`x c1q i G'vW1fv1KU& Rbve AvRgvj j tnv1mb
Gi mwnZ GK gZ tcvl Y Kwi qv wewagvj vi 5 wewai Avl Zvq c0_g
Zdwm1j ewYZ mKj c1i wbtqvM cxwZi %eaZv A1 Avcxj
1gvKv1 gv, wj 1ZB wba1i Y Kwi evi c1q wbt`b Kti b| Zvvi v
m1Kvi Kti b th wewagvj vi c0_g Zdwm1j ewYZ wbtqvM cxwZ
c1ev⁰ bxwZgvj vi 000 `dvq ewYZ k1Z1 we`wvi Z weei Y gv1 |

GgZ Ae`vq m1uY⁰ b'vqwePv1i i m1t_⁰ (for doing complete
justice) i xUDAvte`bKvi x0c1Zev`x c1q 160502010 Zwi tL
msweav1bi 104 Ab1"Q` Abmv1i `wLj KZ Avte`bc1 wX Mhb
Ki Zt bxwZgvj vi 000 `dv Ges 1mB mv1_ ci eZx1Z c0YZ wewagvj vi
5 wewa l Bvvi Avl Zvaxb c0_g Zdmx1j ewYZ wbtqvM cxwZi
%eaZv we1Pbvq j l qv nBj |

Avcxj Kvi x mi Kvi c1q i c1vb tKŠi j x Rbve Gg, Avgxi "j
Bmj vg, wmw bqi G'vW1fv1KU& msweav1bi 27 l 29 Ab1"Q1`
c0Zk1Z AvB1bi `w01Z mgZv Ges m1hv1Mi mgZv m1u1K⁰t`k l
we1`1ki wewf b1bwRi Dc`vcb Ki Zt wbt`b Kti b th 1971 m1bi
100B Gw1j Zwi tL c0 E Proclamation of Independence0G AvB1bi
`w01Z mgZv Ges m1hv1Mi mgZv m1u1K⁰we1kl fv1e , i "Ej c0 vb
Ki v nq| H tNvl Yv1K wfwl awi qvB ci eZx1Z evsj v1`1ki msweavb
c1Yqb Ki v nq| wZwb Dc1i ewYZ `BwU Ab1"Q1` i Dci nvB1KvU⁰

wefv†Mi we†k†Y I gš†e†i Dc†i web†qi mwnZ mgvtj vPbv Kwi qv
 wb†e` b K†i b th nvB†KvU®wefvM eZ†gvb tgvKv†i gvi NUbvej x c†KZ
 tc†i vc†U wePvi Dwe†k†Y Kwi †Z e`_®nBqv AvB†bi ` †ó†Z mgZv Ges
 m†hv†Mi mgZvi b†vq mvsweavwbK tgs†wj K AwaKvi Gi GKwU †gvZ†K
 e†vL†v c†i vb Kwi qv†Qb| Zrci wZwb ewUk fvi Z Gi mgq nB†Z
 eZ†gvb mgq ch†S- wmw†fj mww†f†mi m†xN® tM†i egq BwZnm eY†v
 K†i b|

wZwb wb†e` b K†i b th i xU†i Lv† Kvi xMY mn mswk† Ab†
 mKj Kg†KZ†MY GKB c†iZ†hwmZvgj K ci x†i vq AeZxY® nBqv
 KZKvh® n†qb e†U wKš- Zv†v†i† i t†i †G mvsweavwbK f†te w†w†Z
 m†hv†Mi mgZvi tKvb e†Z†q N†U bvB| Zrci Zv†vi v ` †wU Kvi †Y
 wew†be K†wW†i wef³ n†qb| c†i_gZt c†i_x†MY w†Ri vB w†R†i i
 B†QvgZ wew†be K†wW†i PvK†i x Kwi evi Rb† cQ>` Kwi qv (option)
 j †qb; w†wZqZt KZKvh® ci x†i v_x†M†Yi t†gav w†w³ K A†c†i vKZ
 DrKó dj v††j i Kvi †Y wew†be K†wW†i Aew†Z i b†c†i w†qvM| H
 mgq nB†ZB KZKvh® c†i_x†M†Yi B†Qv I dj v††j Ab†mv†i Zv†vi v
 wew†be K†wW†i m†xKZ g†ZB wew†vRb nBqv hvb| weÁ G†wW†f†v†KU&
 g†nv` q wb†e` b K†i b th wew†be K†wW†i wef³ nBevi ci w†R w†R
 K†wW†i i PvK†i x wew†gvj v Ab†mv†i mKj Kg†KZ† cwi Pw†j Z nB†Z
 _v†Kb| Kv†RB wew†be K†wW†i i PvK†i xi k†Z† (terms and conditions)
 g†a† mvsNwl † Ae† vb Avi _v†K bv, c†iZ†KwU K†wW†i B w†R w†R
 PvK†i x†wew†gvj v Ab†mv†i cwi Pw†j Z nB†Z _v†K| Dc†i ewY†Z wew†be
 K†wW†i i PvK†i i cwi ewZ†Z GB Ae† vb m†VK†f†te Ab†veb Kwi †Z
 nvB†KvU®wefvM f†j Kwi qv K†wW†i , w†j i m†xKZ wew†vRZ Ae† vb†K
 †gvZ†K f†te AvB†bi ` †ó†Z mgZv Ges m†hv†Mi mgZv msweav†bi
 c†i È GB tgs†wj K AwaKvi , w†j i †gv†K e†vL†v Kwi qv†Qb|

Senor Service Pool (SSP) m††Ü c†k† Kwi †j weÁ G†wW†f†v†KU
 g†nv` q e†j b th SSP Order†G mKj K†wW†i i g†a† mi Kvi x Kg®

Kwgbk gvi dr Db³ ci x¹ v l cwi Kwí Z Ab¹vb¹ c¹ t¹ c Gi gva¹tg Dc¹mwPe ct¹ mKj K¹vWvi nB¹tZ ct¹ vb¹Zi e¹e¹v vKtj l tKvb¹w¹ bB ci x¹ v gvi dr ct¹ vb¹Z c¹ vb Kwí evi c¹ t¹ c Mhb Kiv nq bvB, ei ¹Á tKvb c¹Kvi ci x¹ v e¹wZti tKB mKj mgq ct¹ vb¹Z c¹ vb Kiv nBqv¹tQ Ges SSP Order Gi c¹KZ D¹tí k¹ i ay m¹úY¹e¹vnZB nq bvB ei ¹Á D³ weav¹tbi c¹KZ D¹tí k¹ l gtg¹ Pi g Ace¹envi nBqv¹tQ | GB Kvi t¹b c¹KZc¹t¹ we¹f b¹e K¹vWv¹ti i we¹tkl Kwi qv c¹kvmbK K¹vWv¹ti i Kg¹KZ¹MY Kwgbk¹bi gt¹vbq¹t¹ Da¹v¹t¹b Ae¹v¹b Kwí t¹j l Dc¹mwPe ct¹ ct¹ vb¹Zt¹Z Zvni v μ gvMZ e¹w¹ÁZ nB¹tZ vtKb h¹ l Kwgbk KZK Ab¹y¹ôZ c¹hZth¹wMZvgj K ci x¹ vq Zvni vB Da¹Zi¹ v¹b AwaKvi Kwi qv c¹kvmb K¹vWv¹ti PvKi xi m¹thvM cvBqv¹Qj | ZvniQvov, wZwb etj b th SSP Order Gi AvBbMZ %eaZvl m¹t¹ nRbK |

Rbve Awgi "j Bmj vg, G¹vW¹f v¹t¹KU, Zvni h¹y³ i m¹ct¹ evsj v¹t¹ k l e¹wnwe¹kt¹ wbg¹wj wLZ bwRi¹ , wj i Dc¹ vcb K¹ti b t

1. State of Kerala and another v. N.M. Thomas and others (1976) 2 SCC 310.
2. Delowar Hossain Mollah and others v. Bangladesh represented by the Secretary, Ministry of Establishment and others 9 MLR (AD)2004 pg.89.
3. Reserve Bank of India and others v. C.N. Shasranaman and others. AIR 1986 (SC)1830.
4. Bangladesh v. Md. Azizur Rahman and others, 46 DLR (AD)(1994)19.
5. K.R. Lakshman and others v. Karantaka Electricity Board and others, (2001)1 SCC, 442.
6. Mohammad Sujat Ali and others v. Union of India and others. (1975) 3 SCC,76.
7. Col. A.S. Iyer and others v. V. Balasubramanyam and others AIR 1980 (SC)452.

Rbve i e tPšaj x, G`Wt`fvtkU gtnv`ql Rbve Awgi`j Bmj vg, G`Wt`fvtkU gtnv`tqi h³ mgn mg_ b Kwi qv e³ e` i vtlb|

i xUD` i Lv` Kvi xDcZev` x c`q| Rbve AvRgvj j tnv`mb, wmbqi G`Wt`fvtkU Ges Rbve Gg, Kvgi`j nK wmi Kx, G`Wt`fvtkU, e³ e` Dc` vcb Kti b|

Rbve AvRgvj j tnv`mb 1979 m`bi Senior Services Pool Order Gi cZ ` wó AvKI b ceK wte` b Kti b th D³ Avt` tk Pool Officer bvtg GKwU bZb K`Wwi m`ó nBqvQj | mKj K`Wvti i KgKZMY nBtZ D³ Pool K`Wwi nBZ, tKvb wetkl K`Wwi nBtZ bq| D³ Pool nBtZ DcDmwPe, hM`DmwPe, AwZwi ³ mwPe I mwPe c` wbtqvM c` vb Kiv nBZ | dtj mKj K`Wvti i KgKZMY SSP Order Gi gva`tg DcDmwPe I DaYzb c` b`vqfwl Kfvte c` vbZ c`B nBtZb| AZci t, mi Kvi 1980 m`b mi Kvi x KgDwefvM (Civil Service)tK cpweBvm Ki Zt 14 wU K`Wvti wef³ Kti | c`xMY KgDKwgkb KZK AbjôZ Awfbœ ci x`l vq KZKv^o nBqv wewfbœ K`Wvti thvM`vb Kwi Z| GK K`Wvti i KgKZ^o Ab` K`Wwi f³ KgKZ^o DaYzb wQtj b bv| c`Z`K K`Wvti i B c`K mteP`P c` wQj | weÁ G`Wt`fvtkU gtnv`q wte` b Kti b th DcDmwPe I Bnvi DaYzb c` ,wj tKvb wetkl GKwU K`Wwi f³ bq | ei Á D³ c` ,wj tZ c` vbZ c`B nBtZ nBtj mKj K`Wwi f³ KgKZ^o mnthvM m`ó SSP nBtZB DcDmwPe I ZrDa^o c` ,wj tZ c` vbZ c`B nBZ | GBi `c c`xwZtZ mKj K`Wwi f³ KgKZMY b`vqbxwZi wfwl tZ c` vbZ c`B nBZ wKš-1989 m`bi GKwU c`Á vcb gvi dr SSP Order ewZj nq Ges D³ c`Á vctbi 6 `dv Abjvti 1998 m`bi c` vbZ bxwZgvj v teAvBbxfvte c`YZ nq| D³ bxwZgvj vi 000 `dvq meE`g tKvUv c`xwZ Pvj y nq| D³ 000 `dvq msweavti 27 I 29 Abj`Qt` wbwôZKZ AvBtbi `wóZ mgZv Ges m`thvMi

mgZvi gZ tgšwj K AwaKvi ¶j b̄ Ki Zt Dcðm̄Pe I DaŸZb c†`
 c†`vb̄Zi m̄thvM GKwU gvĭ K̄vWvi Z_v cĭkmb K̄vWvi †K 75%
 †KvUv Ges Ab̄vb̄ 29 wU K̄vWv̄ti i Rb̄ gvĭ 25% †KvUv wbaŸvi Z
 Kwi qv b̄vqbxwZi Pi g ei †Lj vc Ki v nBqv†Q Ges msweavb f ½ Ki v
 nBqv†Q| wZwb D†j Ē K†i b th BwZg†āB Bangladesh, represented by
 the Secretary, Ministry of Establishment V. Shafiuddin Ahmed 50 wW
 Gj Avi (GwW) 27, tgvKĭ gvq m̄cĭg †Kv†U¶ Avcxj wefvM Dc†i
 ewŸZ cĀvc†bi 6 `dv gvi dr bxwZgvj v cĀq†bi Rb̄ ms̄ vcb
 gšŸvj q†K cĀ Ē/Aw̄cŸ ¶j gZv teAvBbx †NvI bv Kwi qv†Qb| tmB
 Kvi †YI D³ ms̄ vcb gšŸvj q KZK cĀŸZ bxwZgvj v I ZrM†f©
 Aew̄ Z 000 `dv m̄xúY©A%ea|

weÁ ḠvW†fv†KU g†nv`q GB cwi w̄ wZ†Z bxwZgvj vi 000 `dv
 ev weagvj vi cĀg Zdwmj gvi dr cĀwZŸ cĭkvmwbK K̄vWvi Gi
 †KvUv cxwZ †Kvb cĭKvi mvsweawwbK evāevaKZv ev cĀwj Z †Kvb
 AvBb ev b̄vq bxwZi Avl Zvq †Kvb fvteB Avtm bv etj ewj qv wZwb
 `we K†i b| wZwb †Rvi w`qv wte`b K†i b th GBi “c †KvUv cxwZ
 tm̄QvPvi xZvi chŸq c†o Kvi Y i xU& Avte`bKvi xMY Ges ms̄wké i xU&
 cĀZev`xMY Ges Ab̄vb̄ mK†j B KgðKwgkb KZK Ab̄wôZ GKB
 cĀZ†hvMxZvgj K ci x¶j vq tgav Zwj Kv Ab̄m̄v†i PvKwi i wefbae
 K̄vWv†i thvM`vb K†i b| wKš' †KvUv cxwZi Kvi †Y i xU&
 Avte`bKvi xMY ms̄wké i xU& cĀZev`xMY nB†Z %Rô nl qv m†Zj|
 i agvĭ Zvni v cĭkvmwbK K̄vWvi f³ nl qvi Rb̄ Dcðm̄Pe I DaŸZb
 c`ghŸ vq c†`vb̄Z cĀB nB†Z†Qb| GB fvte i xU& Avte`bKvi xMY
 AwePv†i i m̄xKvi nBqv†Qb Ges Zvni v Zvnt` i mvsweawwbK AwaKvi
 Equality before law Ges Equality of opportunity in public employment Zvnt` i GB
 mvsweawwbK AwaKvi ¶j bæ nB†Z†Q weavq Zvni v i xU& tgvKvĭ gv, wj
 `v†qi K†i b Ges nB†KvU©wefvM AvBbv̄bM fvteB Zvnt` i AwaKvi
 cĀZwôZ K†i b|

GgZve`nvq wZwb mi Kvi l Ab`vb`f`i KZK `vtqi KZ AĪ
 Avcxj tgvKvĪ gv, wj Li Pmn Lwi tRi Avte`b Rvbvb|

weÁ G`vW`fvtKU& gtnv`q Zvnyi h³ i mct¶¶ wbgwĵ wLZ
 bwRi , wj Dc`nvcb Kti b t

- 1) State of Mysore, v. Krishan Murthy & others reported in AIR 1973 (SC)1146.
- 2) S. M. Pandit and others, etc. v. The State of Gujarat and others, etc. reported in AIR 1972 (SC)252.
- 3) Mohammad Shujat Ali and others, v. Union of India and others, reported in AIR 1974 (SC)1631.
- 4) State of Jammu & Kashmir v. Triloki Nath Khosa and others, reported in AIR 1974 (SC)1.
- 5) Reserve Bank of India and others v. C.N. Sahasranaman and others, reported in AIR 1986 (SC)1830.
- 6) Bangladesh, represented by the Secretary, Ministry of Establishment v. Shafiuddin Ahmed and 2 others, reported in 50 DLR (AD)27.

ci eZx[®]Avtj vPbvq hvBevi cte[®]Rbve AvRtgvj j tnvmb KZK
 Dcti DĪ wcZ Shafiuddin Ahmed 50 DLR (AD) 27, tgvKvĪ gvi
 bwRi wU mxtÜ Avtj vPbv cteqvRb|

Shafiuddin Ahmed tgvKvĪ gvi bwRi wUi eZg[®]vb Avcxj , wj tZ
 tgvfUB cthvR` btn| D³ tgvKvĪ gwUfZ cĪ_xMfYi cte`vbwZi t¶¶ tĪ
 weMZ 10 ermti Zvnt`i ACR Gi Rb` 60 bxtj Ges tgšwLK
 ci x¶¶ vi Rb` 40 bxtj i wLevi wel qwU i xU& tgvKvĪ gvq P`vtj Ä Ki v
 nBqvQj | nvBtkvU[®]wefvtMi GKwU Special Bench i bvbX Ašš-tgšwLK
 ci x¶¶ vi Rbv 15 bxtj wbaŋi Y Kti b| Avcxj wefvM Zvnn MhY
 Kti b| Mustafa Kamal, J. (as his Lordship then was) eŋj b t

“66.We would therefore agree with the ultimate decision of the learned majority Judges of the Special Bench that allocation of 40% marks for interview in

the context of the situation obtaining in our country and in the context of the finding that the guidelines were arbitrarily departed from, was lopsided and was capable of being used arbitrarily and that 15% marks for interview under the circumstances would be a safe marking system for protecting the neutral character of public service.”

Dcñi v³ tgvKvĩ gvi NUbv I weñi vaxq wel q e⁻ í i mwnZ eZ⁹vb Avcxj tgvKvĩ gv, wj i NUbv I weñi vaxq wel ñqi tKvb m³úK⁹ bvB|

ZvnnQvov, 1998 mvñj i òmi Kvñi i DcĐmwPe, hñMĐmwPe, AwZwi³ mwPe I mwPe cñ` cñ` vb³Z/wbñqvM Gi bxwZgvj v⁰ i vóçwZi Avñ` k µ ñg evsj vñ` k ñMñRñU 11Đ2Đ1998 Zwi ñL c^Ávcb gvi dr cKvwkZ nBqvñQj |

GKB fvñe, òmi Kvñi i DcĐmwPe, hñMĐmwPe, AwZwi³ mwPe I mwPe cñ` cñ` vb³Z wewagvj v, 2002, i vóçwZi Avñ` k µ ñg evsj vñ` k ñMñRñU 11Đ6Đ2002 Zwi ñL c^Ávcb gvi dr cKvwkZ nBhvñQj |

Dcñi ewY⁹ 1998 mñbi bxwZgvj v Ges 2002 mñbi wewagvj v Df qi B Force of Law i wñqvñQ|

GgZ Ae⁻ vq Shafiuddin Ahmed Gi tgvKvĩ gvi bwRi wUi Dci wfwl Kwi hv weÁ G^WñfvñKU& gñnv` ñqi e³ e^W tgvñUB MñbñhvM^W bñn|

i xU& Avñe` bKvi x c⁰Zev` x cññ| Aci weÁ G^WñfvñKU& Rbve Kvgi “j nK wmwí Kx Zvnni e³ ñe^W Rbve AvR⁹gvj j tñvñmb G^WñfvñKU& gñnv` qñK mg^{_}ñ Kwi qv e³ e^W c⁰ vb Kñi b| wZwb wbñe` b Kñi b th Civil Service Gi K^Wwvi, wj 1975 mñbi 32 bs AvBñbi Avl Zvq c⁰bZ 1980 mñbi wewagvj v Abmññi m^Wó Ki v nBqvñQ| H K^Wwvi, wj c⁰ gh⁹ vµ ñgi GKwU wbn⁰ ð Ae⁻ nvñb i wñqvñQ| DcĐmwPe Ges Dñvi Da⁹Zb c⁰, wj evsj vñ` k mi Kvñi i

Awab Superior service f³ e³U wKš' tKvb we³kl K³Wwi f³ bq ev
 ewaZ AskI b³n| c³tZ³KwU K³Wwti i B w³b³ 8 m³tevP³ c³ i w³nqv³tQ
 wKš' K³Wwi f³ tKvb KgKZ³fi B Dc³Đm³Pe ev Dnvi DaZ³b tKvb
 c³t³ lien ev cem³Z³i bvB| GB c³h³t³½ wZ³wb etj b th c³k³vm³wbK K³Wwi
 Gi c³Ńi x³ mnKvi x K³wgk³bvi c³ nB³tZ Ges H K³Wwi Gi m³tev³P
 c³ w³ef³vM³xq K³wgk³bv³t³i c³ | Bnvi ew³n³t³i m³q³s³w³µ q f³v³te Dc³Đm³Pe
 ev Ab³ tKvb c³t³ H K³Wwi Gi KgKZ³ŃM³t³Yi c³ b³w³Z c³ŃB nBevi
 AvBbMZ tKvb AwaKvi bvB, Ab³v³b³ K³Wwi f³ KgKZ³ŃM³t³Yi m³w³nZ
 D³ c³t³ Z³v³nvi v mgZ³vi w³f³w³É³t³Z c³ b³w³Z cvB³t³Z cv³t³i b wKš' D³ i "c
 c³ b³w³Z³t³Z Z³v³nvt³ i tKvb c³k³vi mnR³vZ GK K AwaKvi bvB| wZ³wb
 Avi I etj b th Dc³Đm³Pe I Bnvi DaZ³b c³ w³j Superior service f³ |
 Z³v³nvi v mKj K³Wwi f³ gv³ ch³t³qi KgKZ³Ń I Z³v³nvt³ i K³vh³µ t³gi
 m³w³nZ gb³x³c³wi I t³ i GK³wU thv³M³m³Ĥ eR³vq v³t³L | we³Á G³W³Ń³f³v³t³KU
 g³tnv³ q Z³v³nvi e³ te³ i Dc³ms³nv³t³i w³b³te³ b K³t³i b th Dc³t³i v³
 NU³bvej x I AvBbMZ Ae³ nv³t³bi Av³t³j v³t³K tKvb h³y³ M³vn³ Kvi Y
 e³w³Z³t³i t³KB c³Ń³t³g 1998 m³t³bi b³x³w³Z³gvj v, Zrci 2002 m³t³bi
 w³ew³agvj v gvi dr tKvUv c³x³w³Z c³Ń³Z³Ń b³v³q³w³e³Pvi c³wi c³w³š³| Z³v³n³v³Q³vov,
 wZ³wb etj b , w³ew³agvj vi 4 w³ew³at³Z c³wi ³vi f³v³te m³y³b³ 8 Ki v nB³qv³tQ
 th tgav, ³Ń³Z³v Ges tR³ôZ³v c³ b³w³Zi gvb³ Ū A_P b³v³q³b³x³w³Zi
 tKvbi "c tZ³vq³ v bv K³wi qv c³k³vm³wbK K³Wwi f³ KgKZ³ŃM³t³Yi Rb³
 GB we³kl e³e³ nvq Z³v³n³w³ t³Mi Rb³ tgvU i b³ c³t³ i 75% c³t³
 teAvBbx³f³v³te c³ b³w³Zi m³Ń³h³v³M K³wi qv t³ I qvq nvB³t³KvU³w³ef³v³M thš³ K
 Kvi t³YB 1998 m³t³bi b³x³w³Z³gvj vi OĐ³ dvq ew³Y³Z tKvUv c³x³w³Z ew³Z³j
 tN³vl Yv K³wi qv³t³Qb| wZ³wb w³b³te³ b K³t³i b th GKB thw³ K Kvi t³Y
 m³sw³k³é w³ew³agvj vi 5 ³dv I Bnvi c³Ń³g Zc³w³m³t³j ew³Y³Z w³b³t³qv³M c³x³w³Z
 ew³Z³j nB³te|

Av³c³xj Kvi x c³t³Ń³ c³Ń³ZDI t³i Rb³ve Gg Aw³gi "j Bmj vg I Rb³ve
 Ave³ j i e tPš³aj x we³Á G³W³Ń³f³v³t³KU g³tnv³ qMb w³b³te³ b K³t³i b th

eücŧe®ewUk kvmb Avgj nBŧZB ICS KgŦZŦMY gv chŦq nBŧZ
 fvi Z mi Kvŧi i mŧeŦP cŦkvmwbK mŦPec` , wj ŧZ `vwqZ; cvj b
 Kwi ŧZb| 1947 mŧb mŦaxbZvi ci cvwK`Ívb Avgŧj I CSP
 KgŦZŦMY mnKvi x Kwgkbvi c` nBŧZ mŦPe chŦ- mKj cŧ` i
 66% cŧ` c` bŦZ cŦŦB nBZ| Aewkô 34% cŧ` EPCS I WPCS
 KgŦZŦMY cŧ` vbŦZ cŦŦB nBZ wKš- Dcŧi v³ wZbwU Service Gi
 ewntŧi Ab` tKvb KgŦZŦ cŦŧ` wkK ev tKw`ŧq mi Kvŧi i DcŦmŦPe
 Ges Zrci ZrDa®cŧ` KLBb cŧ` vbŦZ cŦŦB nBŧZb bv| ei Â, SSP
 Order Gi gvi dr meŦŦg Ab` K`wvi f³ KgŦZŦMY DcŦmŦPe Ges
 Zrci ZrDa®cŧ` cŧ` vbŦZ cvBevi mŧhvm cvb| wKš-D³ cxwZŧZ
 we wm Gm cŦkvmb Gi KgŦZŦMY cŧ` vbŦZi tŦŦ ŧŦ Pi g fvŧe eÂbvi
 mŦKvi ntqb| G cŦntŧ½ wZwb Zvnyi `wLj KZ 28Ŧ6Ŧ2009 Zwi ŧLi
 additional paper book Gi 109 cŦŦvq ewYŦ wewf bŦ K`wvŧi i
 KgŦZŦMY cŧ` vbŦZi kZKi v nŧi i GKwU Zwj Kv cŦ kŦ Kŧi b|
 wZwb eŧj b th, KgŦwgb KZK AbyôZ cwi Ŧvi tgav Zwj Kvq we
 wm Gm cŦkvmb Gi KgŦZŦMY mŧeŦP `vb AwaKvi Kwi ŧj I SSP
 Order Abjnvŧi DcŦmŦPe cŧ` Ab`vb` K`wvŧi i Zj bvq gvG 0.90%
 cŧ` cŧ` vbŦZ cvBevi mŧhvm j vf Kŧi | hnv nDK, SSP Order Gi
 cŦKZ cxwZMZ DŧŦ k` e`nZ nl qvq Ges Bnvi AvBbMZ Amvi Zv
 Dcj w× Ki Zt ci ewZŦZ mi Kvi 1989 mŧb D³ SSP Order ewZj
 Kŧi b|

weÁ G`wvŧfvŧKU&gŧnv` qMY `vex Kŧi b th SSP Order ewZj
 Kwi evi ci mŦfveZB cŧeŦ b`vq cŦkvmwbK K`wvi Gi 100%
 KgŦZŦMY DcŦmŦPe Ges ZrDa®cŧ` cŧ` vbŦZ cvl qv DwPr wQj
 wKš-1998 mŧbi bxwZgvj vq Ab`vq fvŧe D³ c` mgŧni 100%
 Gi cwi eŧZ® 75% i b`cŧ` cŧ` vbŦZ cŦŦvŧbi bxwZ wbaŦi xZ nq|
 BnŧZ ei Â D³ 25% cŧ` cŦkvmwbK K`wvŧi i KgŦZŦMY cŧ` vbŦZ

nBtZ eWAZ nBqvQb| Zvnt`i msvewwbK AwaKvi equality of opportunity Le^onBqvQ|

GgZ Ae`vq Zvni v Zvnt`i Avcxj Avte`b gÄj Kwi evi c¶¶ tRvi vj wbtè`b Kti b|

Dfq c¶¶i weÁ G`vW¶fvKtK>nv`qM¶Yi e³ e` kèb Kiv nBj Ges bw_tZ i w¶¶ Z KvMRcÎ w` ci x¶¶ v Kiv nBj |

cZqgvb nBtZtQ th i xU&tgVkví gv, wj tZ DcDmWPe I ZrDa^o c` , wj tZ c` bWZ bxwZgvj vq tKvUv cxwZ mPbv Kivq i xU&` i Lv`Í Kvi xM¶Yi equality before law Ges equality of opportunity msvewwb cÛ È GB tgšwj K AwaKvi ¶¶b` nBqvQ wK bv nvBtKvU^o wfv¶M Zvnb wetePbvi gj wel qe`Íy wQj | Zte Dcti v³ gj wel qwU Avtj vPbvi cte^oG t`tki wmwfj mwf¶mi weMZ BwZnm Avtj vPbv c¶qvRb|

eZgvb we`gvb wmwfj mwf¶mi m¶ cvZ nq ewUk Avgtj | 1757 mtb KtY¶ KvBf beve wmi vRDtí šj vtK ci wRZ Kwi qv cÛ_wgK Ae`vq Zvnt`i e`vemvqxK m¶_^oi ¶¶ v Kwi tZ hZUkZ c¶qvRb ZZUkB i ayckvmwbK ¶¶gZv c¶qvM Kwi Z | AZtci I qvti b tnwósm I Zrci eZx^oMfY¶ tRbvti j t`i Avgtj axti axti ckvmwbK ¶¶gZv we`Ívi j vf Kti | cÛ_gw` tK gvW&ch¶tq i vRm| Av`vtqB Zvni v tekx gtbwbtek Kti | i vRm| Av`vtqi m¶_B ewUk kvmKMY t`tk AvBbDk;Lj v cwi w`wZ DbwZi Rb` µ gvb¶tq gvW&ch¶tq g`wRtóU I ckvmwbK KgKZ¶ wbtqvM cÛ vb Avi æt Kti b| Bó BwÛqv tKvæúvxi e`emwqK m¶_^oi ¶¶ v, i vRm| Av`vq mspvšÍ c` t¶¶ c I ckvmwbK Kvh¶ej x ewxi m¶½ m¶½ ewUk mvg¶tR`i i vRavbx j Útbi mwnZ I t`tki wewfbe cÛtšÍ i mwnZ m¶i K wewbq I c¶qvRbxq Avt`kDwbt`K Av`vb cÛ vtbi m¶_^otj Lvtj wL Kwi evi Rb` Bsj`vÛ nBtZ fVv¶tšmx c¶¶j Bsti R fvi Ze¶l^oAvMgb Kti | Zvnt`i KvR wQj GBmKj wel tq tj Lvtj wLi `wqZi cvj b Kiv | tmBmgq Zvnt`i

c`we wQj writer Ges th feþb ewmqv Zvnvi v GB mKj cÎ wewbgq
 tj Lvþj wL Kwi þZb þmB feþbi bvg nq 'Writers Building' | BnvB
 wQj AvayþK mWPej þqi ci xq

1858 mþb fvi Zeþl ©Bó BwÛqv tKvúvbxí KZZi wej þ nq
 Ges fvi Zel ©ewUk mvgþþRii Ašf nq| GB mvgþþRii meþq| þÍ
 q| gZv I KZËi m p Kwi evi j þq| ewUkÐi vR i vþóí mKj chþq
 wewf bæ cvmwbK ms vi Kvh ev Í evqb Avi x Kþi | AvBbÐk;Lj v
 i q| vi mþþ ©µ gvšþq _vbn chþq cþj k cvmb we ÍZ Kiv nq|
 tRj vq i vRm; Av` vq ZI þeavqb Qvovl Collector tK cvmwbK Ges
 cwgK wePwi K q| gZv c vb Ki Zt gv chþq cþj k cvmbþi
 mweK ` wqZi ZvnvþK c vb Kiv nq| MfYþ tRbvþij Gi mWPeMY
 mþevP cvmwbK KZcq Ges gvV chþq Kgþ Z KgKZMþYi gþa
 þhvMmþ i q| v Kwi þZ mþPó _wKþZb| cvmbþK Avi I tgav wfwl K
 Kwi evi j þq| Indian Civil Service (ICS) bvþg GKwU GKK mwfþn mþó
 Kiv nq| D³ mwfþnþK c` k wfwl K KþqKwU K`wvþi wef³ Kiv
 nq| wewf bæ c` þk ICS KgKZMYþK wbþqvM c vb Kiv nq| H
 mgþq mvavi YZ c` k nBþZ tci þb KgKZ Avbqb Ki Zt tK>` þq
 mi Kvþi wbþqvM c vb Kiv nBZ | ZvnvQvov ICS mwfþn I tmbvevwnbx
 nBþZ KgKZ wi µU Ki Zt Indian Political Service (IPS) bvþg Avi
 GKwU mwfþn mþó Kiv nq| GB `þ mwfþmi KgKZMþYi gvatgB
 ewUkÐi vR Bnvi GK"QÍ q| gZv cqvM Kwi Z | cKZcq fvi Zeþl ©
 Zvnvþ` i gvatgB ewUkÐ i vþRi Dcw` wZ cej fvþe Dcj wx nBZ |
 Zvnvi vB tK>` þq I c` kmgþni cvmwbK q| gZvi gj tK>` þe> y I
 kw³ wQþj b|

1947 mþb fvi Zel ©wef³ nBqv fvi Z I cwK` Ívb bvgK
 `þwU mþaxb I mveþfšg i vþóí Afþ`q nq|

The Indian Independence Act, 1947, Gi Avl Zvq ewUk
 fvi Zeþl ©fvi Z I cwK` Ívb bvþg `þwU cK I mþaxb i vþóí Rbþ

nq| cŃ_wgK chŃtq cŃvmtb ICS mwfŃn KvVtgv eRvq i vLv nBtj I
 1950 mŃbi bŃf Ńj gvtm Z`wbsb cwwK`Ívb mi Kvi ICS
 cŃt`wkK K`VWtj i cwi eŃZ`meŃcwwK`Ívb wfwl K The Civil Service of
 Pakistan bŃtg GKwU tKw`Ńq mwfŃn cŃZŃ KŃi | D³ mwfŃmi Aš-
 fŃ m`m`MY Federal Public Service Commission gvi dr tKw`Ńq I
 cŃt`wkK mi KvŃi i wewfbecŃvmwbK cŃ`c`vqb Ki v nBtZ _vŃK |

cŃ_wgK chŃtq cŃ³ b ICS I IPS G KgŃZ KgŃZŃMY Ges
 Pakistan Administrative Service Gi m`m`MY nBtZ 90% Ges
 Provincial Civil Service nBtZ 10% KgŃZŃ G`WŃK wfwl tZ Mhb
 Ki Zt CSP mwfŃn mŃó Ki v nq| DŃj E`th Zvni v mKtj B cŃvmwbK
 KgŃZŃ wŃtj b |

Zrci , Federal Public Service Commission gvi dr mveRbxb
 cŃZŃhwmZvgj K ci xŃv MhY Ki Zt Bnvi mŃcwi tki wfwl tZ CSP
 mwfŃm KgŃZŃ Mhb Ki v Avi ŃŃ nq Ges tKŃ`Ńq mi Kvi wbtqvM
 cŃ vb KŃi |

Pakistan Public Service Commission Gi mŃcwi tki wfwl tZ
 c`bŃZ cŃ vb Ki v nBZ Ges mŃPe c`mn tKŃ`Ńq mi KvŃi i wewfbecŃ
 cŃ` wbtqvM wbw`Ń tgqv` Gi Rb` Ki v nBZ |

tKŃ`Ńq mi KvŃi i mŃPevj tŃ DcŃmŃPe, hŃMŃmŃPe Ges mŃPe
 cŃ` KgctŃŃ 2/3 (ŃŃ ZŃZqvsk) cŃ` CSP mwfŃmi KgŃZŃ
 wbtqvŃMi weavb wŃj |

CSP mwfŃn mŃúŃK` cwwK`Ívb mi KvŃi i tKŃ`Ńq mPxej q
 1950 mŃbi 8ŃB bŃf Ńj Zwi tL wbgwj wLZ wmxvš-MhY KŃi t

CABINET SECRETARIAT

(Establishment Branch)

Karachi, the 8th November, 1950

RESOLUTION

No.F25/4/50-Ests(SEI)- Before the partition, the premier administrative Service in India was the Indian Civil Service. This was a single service divided up into a number of cadres on a Provincial basis. Officers appointed to this Service were allotted to the various Provinces and they remained members of the Indian Civil Service cadre of their Provinces throughout their careers. The central Government met their own needs by the deputation of officers from the Provinces. There was also in undivided India the Indian Political Service, the two main sources of recruitment to which were the Indian Civil Service and the Indian Army.

2. The Government of Pakistan have decided to constitute their Civil Service as a centralised service on an All-Pakistan basis. It will be called THE CIVIL SERVICE OF PAKISTAN. This decision has been taken in order to create a well-knit Civil Service for the whole of Pakistan, constituted and operated on a centralised basis, thereby increasing association between the various Provinces and developing homogeneity in administration. The members of this service, who shall be liable to be posted to any of the Provinces of Dominion, will be administratively more useful to the Central as well as the Provincial Governments than if they belonged to Provincial cadres, because of the knowledge and experience they will acquire by serving in the Provinces of West Pakistan as well as in East Pakistan, and uniform standards of administration in all parts of the Dominion will also be achieved.

3. The Civil Service of Pakistan shall consist of a central cadre as distinct from the Provincial cadres of the former Indian Civil Service. All members of the Service shall be liable to serve in any Province.

The Service shall consist of posts on the cadre of the former Indian Civil Service in the various Provinces and on the cadre of the former Indian Political Service and of most of the higher posts in the Central Secretariat. The posts which will form this centralised cadre are mentioned in the

CADRE STRENGTH

Superior Posts

Centre :

Secretaries	10	
Joint Secretaries	<u>8</u>	
	18	
Less one-third	<u>6</u>	12
Deputy Secretaries	26	
Less one-third	<u>9</u>	17

East Bengal :

Chief Secretary	1	
Member, Board of Revenue	1	
Commissioners of Divisions	3	
Secretaries to Government	8	
Joint Secretaries	3	
Deputy Secretaries	5	
.....	..	
.....	..	
.....	..	
		<u>81</u>

Posts to be filled by

promotion of Provincial Civil

Service Officers @ 25% 20 61

Dc†i v³ Resolution Abmvti Z` wbsb cwk-Í vtbi tK>` kq l c0†` wkK ckvmwbK K`Wvti wbtqM l c`bwZ nBtZ _vtK| Zrci , 1954 m†bi 21†k Rb Zwi tL Dc†i v³ Resolution tK AvBbMZ i "c c0 vb Ki Zt Civil Service of Pakistan (Composition and Cadre) Rules,1954, c0xZ nq| D³ wewatZ Resolution G ewYZ weavb, wj tZ wKQJv fvl vMZ cwi eZb e`wZti tK c0†` wkK wmwfj mwf m nBtZ superior K`Wwi mwf tm c`bwZ 25% Gi cwi etZ 30%G DwbeZ Ki v nq|

D³ wewatZ wbgwj wLZ msÁv, wj msthvRb Ki v nq t

- a) "Cadre post" means any duly post included in the Schedule;
- b) "Commission" means the Pakistan Public Service Commission;
- c) "Schedule" means the Schedule to these Rules
- d) "Service" means the Civil Service of Pakistan

†K>` kq K`vWvi mwwf qm wb†qvM msµ vŠ-wewa, wj wbgè "c t

5. The Cadre posts shall be filled either by members of the Service or by persons, not being members of the Service, appointed in accordance with the Provisions of these Rules.

6.(1) Not more than one third of the Cadre posts of Deputy Secretary under the Central Government may be filled by officers not being members of the Service.

(2) Not more than one third of the total of the cadre posts of Secretary and Joint Secretary under the Central Government, taken together, may be filled by persons not being members of the Service.

Note- The above shall apply only to posts other than those included in the Cadre of the Finance and Commerce Pool.

7.(1) Cadre posts not exceeding 30% of the Superior Executive posts in any Province may be filled by members of the Provincial Civil Services (Executive Branch). Such appointments shall be made by the Governor-General on the recommendation of the Provincial Government and in consultation with the Commission.

1954 m†bi wewagvj vi mwnZ c†e® b`vq GKwU Z dmxj msh³ wQj | 1950 m†bi Resolution Gi mwnZ msh³ Z dmxj nB†Z Bnvi cwi wa wKQJv we- í Z | K`vWvi c†` i msL`vl ewx Kiv nBqv†Q ewj qv c†Zqgvb nq|

†h†nZy 1954 m†bi wewagvj vB Z` wbsb cwK- í v†bi Superior Services KvV†gv %Zi x l mgMª t` †k c†nvkwbK mvd†j`i Pwe KwV wnmv†e we†kl fwgKv cvj b Kwi qwQj tmB†nZy ms†kè wewa, wj Dc†i eYbv Kiv nBj Ges wb†gè D³ wewagj v nB†Z Drmwvi Z

Z d w m j e Y b v K i v n B j h v n v t Z Z ` w b š b c k v m w b K K w V g t Z

Superior Service Gi ` v b D c j w x K w i t Z m n v q K n B t e t

SCHEDULE
CIVIL SERVICE OF PAKISTAN
CADRE STRENGTH
SUPERIOR POSTS
CENTRE

Secretaries in Ministries other than Ministries of Finance, Commerce, Economic Affairs, Industries and Foreign Affairs (2/3 rd of 11 posts)	..... 7	
Joint Secretaries in Ministries other than Ministries of Finance, Commerce, Economic Affairs, Industries and Foreign Affairs (2/3 rd of 18 posts)	.....12	
Deputy Secretaries in Ministries other than Ministries of Finance, Commerce, Economic Affairs, Industries and Foreign Affairs (2/3 rd of 46 posts)	.....31	
Secretary, Central Public Service Commission	.....1	51
Posts under the Ministries of Finance, Commerce, Industries and Economic Affairs :		
Class A posts (60% of 23 posts)	.....14	
Class B posts (60% of 44 posts)	.....26	
Class C posts (60% of 63 posts)	.....38	78

EAST PAKISTAN

A.- Executive posts :		
Chief Secretary	.....1	
Additional Chief Secretary	.....2	
Member, Board of Revenue	.....3	
Secretary (with the rank, status and pay of Commissioner)	.....5	
Commissioner	.....4	
Secretary	.....8	
Joint Secretary	.....3	
Deputy Secretary	.....23	
Secretary to the Governor	.....1	
Additional Commissioner	.....4	
Deputy Commissioner	.....17	
Additional Deputy Commissioner	.....40	
Settlement Officer	.....4	
Director of Land Records and Survey	.....1	

Additional Director Land Records and Survey	.....1
Director of Excise and Taxation	.....1
Registrar, Co-Operative Societies	.....1
Secretary, Board of Rev Revenue	.....1
Secretary, East Pakistan Public Service Commission	.....1
Director of Labour	.....1
Deputy Director, Basic Democracies	.....4
Director of Procurement and Distribution	.....1
Director of Industries	.....1

128

Posts to be filled by promotion of Provincial Civil Service Officers (Executive Branch) @ 30% of the total number of Superior Executive posts.38 90.

Dc̄ti v³ 1954 m̄t̄bi wewagvj v l Bnvi Zdwm̄tj ewY² c` , wj wQj Superior c̄kvmwbK c` | H mKj Superior c̄kvmwbK c̄t` i 2/3 c̄t` Civil Service of Pakistan K`wv̄t̄i i KgKZ⁹MY wb̄t̄qvM/c` vqb nB̄t̄Zb| Aewkó mewak 1/3 c̄t` c̄t̄` wkK wmwfj mwf̄h K`wv̄t̄i i KgKZ⁹MY wb̄t̄qvM/c` vqb nB̄t̄Z cwi t̄Zb|

Dc̄ti v³ e`e` vcbv Qvovl Finance, Commerce, Industries l Economic Affairs gš̄yvj t̄qi Rb` GKwU c`K Pool MwVZ nq| D³ Pool Gi 60% KgKZ⁹ CSP K`wv̄t̄i nB̄t̄Z Ges Aewkó 40% c` Central Superior Service Gi Ab`vb` mwf̄h nB̄t̄Z c̄t̄ Y Ki v nBZ, thgb Audit & Accounts, Income Tax, Customs, Central Excise BZ`w` |

Dc̄ti v³ Av̄t̄j vPbv nB̄t̄Z c̄t̄Z qgvb nB̄t̄e t

(1) Z` w̄bšb cwk` í v̄t̄bi c̄v_wgK mgq nB̄t̄ZB D`PZi c` mḡt̄ni Rb` t̄KvUv c`xwZ we` `gvb wQj hw` l Zvnv wQj CSP l EPCS/WPCS Gi ḡt̄a` we` `gvb| t̄K>` xq ev c̄t̄` wkK Ab` t̄Kvb mwf̄mi t̄Kvb m` t̄m`i Superior c̄kvmwbK c̄t` mvavi Yfv̄t̄e wb̄t̄qvM ev c` vq̄t̄bi t̄Kvb m̄thvM wQj bv|

(2) Dc̄ti ewY² 4wU gš̄yvj q e`wZt̄i t̄K Ab`vb` t̄K>` xq gš̄yvj q, wj mwp̄e, h̄M̄Dmwp̄e, l Dc̄Dmwp̄e Gi t̄gvU c` , wj i Kgct̄q̄l 66.6% ev `B ZZxqvsK c` CSP K`wv̄t̄i i Rb` msi w̄q̄l Z wQj ,

(3) Dc̄ti v³ 4wU t̄K>` xq gš̄yvj q, wj t̄Z MwVZ Pool Gi 60% c` CSP K`wv̄t̄i i Rb` msi w̄q̄l Z wQj ,

(4) c'ot' wkk c'kvm'tbi mKj Superior post Gi 70% CSP K'wv'ti i Rb' Ges Aew'ó 30% Provincial Civil Service K'wv'ti i Rb' msi w'q' Z wQj ,

(5) ce° cwK' ív'tbi Rbv c'ot' wkk tKvUvq ewY'Z c'kvmwbK c' wj ' #ó c'Zqgvb nq th wefvMxq Kwgkbvi Gi c' wU c'ot' wkk mwP'tei Dc'ti Aew' Z wQj | ZvnvQvov, Dc'ðmwPe c' wU Superior post Gi Aš'í f'p' c'kvmwbK c' wQj |

Dc'ti v³ tK>' xq I c'ot' wkk c'kvmwbK K'wv'i e'wZ'ti tK tK't' ' I c't' k, wj tZ e'ü msLK Functional Services I Specialist mwff'mm wQj wKš- Zvnt' i g'ta' i agv' AwwU G'v'U GKvD>Um mwff'n, U'v't. kb mwff'n, Kvógn I G. vBm mwff'n Finance, Commerce, Industries I Economic Affairs Gi tKw>' xq gš'Yvj q, wj tZ MwVZ Pool Gi 40% c't' Aš'í f'p' i m'fhvM wQj wKš-KLbB tKvb Superior c'kvmwbK c't' Abf'yZi m'fhvM wQj bv |

GK K_vq Z' wbs'b cwK' ív'tbi Avg'tj cwK' ív'tbi mKj c'kvmwbK Superior Post G CSP K'wv'ti i GKwac'É j q' Ki v hvq |

1971 mb ch's- cwK' ív'tbi c'kvmwbK Ae' vb tgvUvtgwU GBi "c wQj |

1971 m'tbi 26tk gvP° Zwi tLi c'g c'ht' evsj v't' tki m'vaxbZv tNvl Yv Ki v nq | 10B Gw'c' Zwi tL Laws Continuance Enforcement Order Rvi x Ki v nq | D³ tNvl Yv gvi dr 26tk gvP° Zwi tL Z' wbs'í b ce'cwK' v'tb c'Pwj Z mKj AvBb %ea I Pvj y tNvl Yv Ki v nq | GKwU i³ q' qx gw³ h'x' gva'tg 1971 m'tbi 16B wW'tm'q'j Zwi tL evsj v't' k GKwU m'vaxb mve'f'šg i vó' wnmv'te cw'exi gvbwP'tG AvZ'c'Kvk K'ti | 1972 m'tbi 16B wW'tm'q'j Zwi tL Bnvi msweavb M'nxZ nq | Bnv autochthonous ai tbi msweavb wQj | Bnvi gva'tg evsj v't' tki Unitary c'xwZi i vó' e'e' v Pvj y nq |

D'tj E' th cwK' ív'tb Federal c'xwZi i vó' e'e' v we' 'gvb | t'j vK c'kvm'tbi t'q' tG tgvUv ' v'tM tK>' xq I c'ot' wkk mwff'n

mvavi Yfvte GB `BwU mwfñ K'vWvi e'wZti tK tK>' I c't` k Dfq
 tñ tGB eü ai tbi Functional I Specialist mwfñ cwk- ívtb we` "gvb
 wQj | ZvovQov, 1971 mtb gRe bMti Ae' Z evsj vt` k mi Kvi
 Gi Awaib wefbc mwfñmi KgKZMY hÿxKvj xb mgtq KvhP Z
 wQtj b| evsj vt` k m'axb nBevi mgq H mKj mwfñmi m`m'MY
 Ges evsj vt` tK Ae' vbi Z c'³ b tK>' ñq I c'0t` wkK wefbc
 mwfñmi m`m'MYtK j Bqv beMwVZ gšÿvj q, wj Zvnt` i KvhP g
 Avi æt Kti | Zrci, 1974 mtb cwk- ívb nBtZ wecj msL'K
 evOvj x KgKZ' evsj vt` tK c'Z' vevmb Kti | GB fvte tK>' ñq I
 c'0t` wkK wefbc mwfñmi KgKZMY GKÎ nI qvq Zvnt` i wbtqvM,
 c`vqb I %RôZv j Bqv bvbv ai tbi mgm'v I RwUj Zvi mwó nq| GB
 mKj RwUj Zv mgvavb Kwi qv GKwU mjm•Nex c'kvmb mwóí D'ti tK"
 The Services (Reorganisation and Conditions) Act,1975, (Act XXXII of
 1975) c'Yqb Kiv nq| D³ AvBtbi Preamble G AvBtbi D'ti k"
 e'vL'v Kiv nBqv tQ| Bnv wbgé "c t

“An Act to provide for the reorganisation of the services of the Republic and of Public bodies and nationalised enterprises, and for prescribing unified grades and scales of pay and other terms and conditions of the service for persons employed in such services”.

D³ AvBtbi 4 avi v wbgé "c t

“4. Power of Government to reorganise services of the Republic and of public bodies and nationalised enterprises-The Government may, by order notified in the official Gazette, reorganise the service of the Republic or of any public body or nationalised enterprise and for that purpose create new services or amalgamate or unify existing services.”

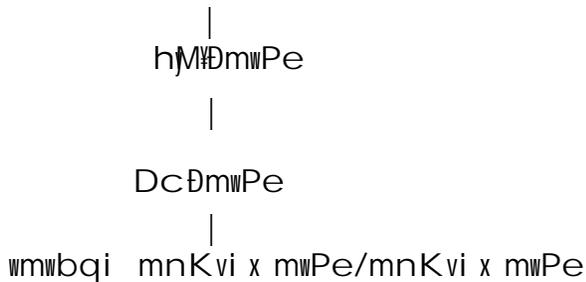
Dc'ti v³ AvBtbi avi v etj evsj vt` k mi Kvi c'RvZtšj th
 tKvb mwfñtK c'pMwVZ I c'ptweb'vm Kwi tZ Ges tmB j tñ th

tKvb bZb mwfñ mwo A_ev mshw³ Ki Y ev GK GxKi Y Kwi evi
ñ gZv c0B nq|

ZvovQvov D³ AvBtbi 5 avi v etj mi Kvi cRvZtšj wef be
mwfñ I Bnvi m`m`MtiYi tMW I tcDt`tj mgZv Avbqtbi j ñ`
bZb tMW ev tcDt`j wbav⁹Y Ki Y Ges tmB j tñ 7 avi v Abmvti
cRvZtšj PvKi xtZ wbtqwRZ th tKvb e`w³ i PvKi xi kZw`
cwi eZb ev ewZj Kwi tZ ñ gZv c0B nq|

Dcti v³ AvBtbi Avl Zvq c0³ Y All Pakistan Service, Central Superior
Service Ges Provincial mKj mwfñ mgtni ga`Kvi wefvRb wej ß Ki v
nq| dj k`wZtZ c0t` wkK mwfñ mgtni KgKZvMY up-grade nBqv
c0³ b tK>` xq mwfñ mgtni KgKZvMY mgch⁹tq Pwj qv Avtm|

GB mgtq mwPevj tqi KgKZvMY c` tmvcvb wbg⁹ "c wQj t
mwPe/AwZwi³ mwPe



ms`vcb gšYvj tqi 40401978 Zwi tLi GK Awdm tgv tgv
gvi dr DcDmwPe I ZrDa⁹c` mgtni Rb` GKwU Senior Policy Pool
MVb Kwi evi mi Kvi x wmxvš- cvl qv hvq| AZci , 0100301979
Zwi tLi GK weÁwB gvi dr wef be gšYvj tqi wbg⁹ wLZ 482 Rb
KgKZvMYtK mqsµ qfvte Pool f³ Ki v nq t

mwPe	00000000000000000000	42
AwZwi ³ mwPe	00000000000000000000	26
hMtdmwPe	00000000000000000000	114
DcDmwPe	00000000000000000000	<u>300</u>
		482

c0Zqgvb nq th, GB c0_g mwPevj tqi Superior Post G c0³ b
cwk` ívtbi CSP I EPCS (Class-I) e`wZti tKI c0³ b Central
Superior Service I Provincial Service Gi wecj msL`K KgKZv Pool

f^{w3} i gva^{ttg} mi Kv^{ti} i D^{PZI} c^{kvmwbK} c^t t^{cSQvBevi} m^{thvM}
j v^f K^{ti} b|

AZci, mi Kvi 1939¹⁹⁷⁹ Zwi tLi we^{AwBwUi} v^{bwaKvi}
Ki Zt (in supersession) Services (Reorganisation and Conditions)
Act,1975, Gi 4 avi vq c^l l q^{lgZv} e^{tj} 23⁸⁸1979 Zwi tLi
tbwUwd^{tKkb} gvi dr 'The Senior Policy Pool Order,1979' Rvi x K^{ti} |
ci eZ^{xZ} 20¹¹1979 Zwi tLi Avi GK^{wU} tbwUwd^{tKkb} e^{tj} D³
Order Gi bvg cwi eZ^b Kwi qv 'The Senior Services Pool Order,1979'
(mst q^l t^c 'Order') i vLv nq|

c^{kZc} q^l GB Pool c^{xwZi} gva^{ttg} m^{wPevj} t^{qi} we^{wf} b^e ch^q t^q
Rb^{k^{w3}} thvM^v b^t l qvi c^t q^l c^j l qv nq| m^{wPevj} t^{qi} c^t m^g nⁿ
we^{wf} b^e t^{ckvR} x^{wet} i Ask M^h t^{bi} m^{thvM} t^t l qvi Rb^B GBi "c^{cj}
MVb Ki v nq ewj qv c^l Z^{qgvb} nq|

Order Gi 2 avi vi 1 Dc ^{Davi v} Ab ^{jmv^{ti}} Senior Services Pool
MVb Ki v nq| 2 Dc ^{Davi v} Ab ^{jmv^{ti}} w^{KQy} e^{wZ} μ^g m^v t^c q^l evsj v^t k
m^{wPevj} t^{qi} Dc ^{Dm^w Pe,} h^M D^{m^w Pe} A^{wZwi} ³ m^w Pe l m^w Pe Gi m^{Kj}
c^t Pool Gi A^{šf} ⁸ Kg^{KZ} MY^{Øvi v} c^j Y Kwi evi we^{avb} Ki v nq|
8 avi v Ab ^{jmv^{ti}} Pool Gi Kg^{KZ} ⁹ msL^v c^l w^{gK} f^v t^e 625 R^t b
w^{ba} i Y Ki v nq| Kg¹⁰ K^{wgkb} KZ^K w^{be} P^t bi gva^{ttg} thvMⁱ
Kg^{KZ} MY^{tK} Pool f^{w3} Kwi evi we^{avb} Ki v nq w^{Kš} l y c^{kK} c^t q^l
KLbB GB we^{avb} g^v bⁱ Ki v nq b^v B, ei ¹¹ Kg^K w^{gk} t^{bi} m^w n^Z t^{Kvb}
c^{kvi} Av^{tj} v^{Pbv} e^{wZ} tⁱ t^{KB} D³ Pool G we^{cj} msL^K Kg^{KZ} MY^{tK}
1980, 1981, 1983 l 1985 m^t b mi v^{mwi} A^{šf} ¹² Ki v nq|

BwZg^{ta} mi Kvi we^{wf} b^e m^w f^{mi} m^{gZv} l v^{wq} t^{Zj} w^f w^E t^Z
evsj v^t k w^m w^f j m^w w^f n^{Gi} A^{ax} t^b we^{wf} b^e K^v w^{vi} MVb K^{ti} |

Bangladesh Civil Services (Reorganisation) Order,1980,
199¹⁹⁸⁰ Zwi tL c^l YZ nq| D³ Order Gi Avl Z^{vq} t^{gvUv} v^t t^M

14wU mwfñ K`Wvi _wKtj I GK GKwU K`Wvti i A>`ti `β ev
ZtZwaK K`Wvi wQj | cieZ⁹ Kv^{tj} D³ me mveDK`Wvi ,w^j
mgš#q 31 wU K`Wvti i "cvšwi Z nq|

Bangladesh Civil Service Recruitment Rules,1981, 1Đ1Đ1981
Zwi tL cŃYZ nq| H mgtq 29wU K`Wvi we`g^vb wQj | cŃZwU
K`Wvti wbtqvM/c`b^wZi c^xwZ m^olj Z c₋K Zcwmj wQj |

Dtj E` H mgtq SSP Order Gi gva`tg m^wPevj tq DcĐm^wPe I
ZrDa^oc^t` c^t`vb^wZ nBZ |

AZci , 17B Rj vB, 1989 Zwi tL cK^wkZ GK c^Ávcb
gvi dr Senior Service Pool wej β nq Zte Pool f³ m^wPe I AwZwi³
m^wPtei c` mKj K`Wvti i Kg⁹KZ⁹M^tYi Rb` tKvUv ewnf⁹ f^vte
Db⁹ i vLv nq|

Aek` D³ c^Ávcb m^wPe, AwZwi³ m^wPe, hM⁹Đm^wPe I
DcĐm^wPe c^t` Kg⁹KZ⁹M^tYi c^t`vb^wZ/wbtqv^tMi wel tq bxwZgvj v Rvi x
Ki v nBte ewj qv Rvbvb nq|

AZci , Ńmi Kv^ti i DcĐm^wPe, hM⁹Đm^wPe, AwZwi³ m^wPe I
m^wPe c^t` c^t`vb^wZ/wbtqv^tM Gi bxwZgvj vŃ i vŃc^wZ Av^t`k^μtg m^wPe
KZK 10Đ02Đ1998 Zwi tLi c^Ávcb gvi dr evsj v^t`k tM^tR^tU
11Đ02Đ1998 Zw^ti L cK^wkZ nq|

Dc^ti v³ c^Ávcb DcĐm^wPe, hM⁹Đm^wPe, AwZwi³ m^wPe Ges
m^wPe c^t` c^t`vb^wZ/wbtqv^tM Gi Rb` c₋K c₋K bxwZgvj v wQj |

i xU& Av^te` bKvi x mK^tj B DcĐm^wPe c^t` i Awf Kv•Lx wQ^tj b|
Zvⁿvi v DcĐm^wPe bxwZgvj vi ŃŃŃ `dv Ńvi v ms⁹|⁹ nb| D³ ŃŃŃ `dv
wbg⁹ "c t

Ń(O) mv^teK m^wPevj q K`Wvi mn we wm Gm (c^kvmb)
K`Wvti i Rb` kb` c^t` tKvUv 75% (kZKi v cPvi i f^vM)

I Ab'vb' K'wv'v'i i Rbv 25% (kZKiv c'wPk f'vM) i vLv hvBtZ cvti ;00

i xU& Avte` bKvi x Zvnt`i `vtqi KZ i xU& tgvKv' gv, wj Dc'ti v³ 000 `dvi AvBbMZ %eaZv P'vtj Ä Kti b|

Zvnt`i c't' D' wcz e³ e' c'teB eYbv Kiv nBqv'tQ| Lp mst't' c' Zvnt`i e³ e' GB th Zvni vmn mKj K'wv'v'i i mKj KgKZ'MY mKtj B KgK'wgkb KZ,K Ab'v'ôZ ci x't' vq Dwl b' nBqv wewf bc' K'wv'v'i wbt'qvM c'0B nBqv'Q'tj b Kv'tRB Dc'ðm'wPe c't' wbt'qvM ev c't' vb'wZ c'0B nBevi Zvnt`i mn mKj K'wv'v'i i KgKZ'Yi mgvb AwaKvi i w'nv't'Q wKš-Dc'ti v³ 000 `dv 0vi v mKj K'wv'v'i i tmB AwaKvi gv' kZKiv c'wPk f'v'tMi g'ta' m'¼'wPZ Kwi qv Avbv nBqv'tQ A_P we w' m Gm (c'k'vmb) K'wv'v'i i Rb' kZKiv c'Pvl i f'vM c'` w'w' 0 i wLqv Ab' mKj K'wv'v'i i KgKZ'Yi c'0Z Pi g %el g'gj K AvPi b Kiv nBqv'tQ Ges ms'weav'tbi 29, 31 I 40 Ab't'Q` f'½ Kiv nBqv'tQ|

Df'q c't' D' wcz e³ e' we'tePbv'tš' n'vB'tKvU' wef'vM B'ni 13ð2ð2002 Zwi tL c'0 I i vq'0vi v Dc'ðm'wPe c't' c'` b'wZ/wbt'qvM Gi b'xwZgvj vi 000 `dv A%ea tNvl Yv Kti b Ges me KqvU i xU& tgvKv' gvq Rvi xKZ i "j , wj G've'w'w'j DU Kti b|

Dc'ti v³ w'x'v'tš' t'cš'QvBevi w'c'Q'tb wbg'w'j wLZ h'v³ n'vB'tKvU' c'` vb Kti b t

“In the instant case before us, we find that the petitioners before us are members of some of the cadre services. The petitioners like members of all other cadre services were appointed on the basis of competitive examination conducted by the Public Service Commission. So the present petitioners and the members of Civil Service (Administration) are appointed in a similar way on the basis of same competitive examination. There is no difference in the procedure of appointment of the members

of Civil Service (Administration) and members of Civil Service (Administration) and members of other services. We have nothing before us to show that the members Civil service (Administration) are in any way different from and superior to the members of other services and such members of all the services should be treated in a similar way. If they are treated differently, that will undoubtedly be violative of equality clause. The principle laid down in the above three cases clearly shows that there is no scope of any arbitrary classification.”

†Kvb †Kvb we†kl †¶†† †KvUv c×wZi thšw³ KZv _wK†Z cv†i
Zvnn nvB†KvU®wefvM Mhb Ki †j l we wM Gm (cKvmb) c†¶ 75%
†KvUv msi ¶ b Ki v tm”QvPvi xZv fvte Ki v nBqv†Q ewj qv nvB†KvU®
wefvM GB fvte gZ cKvk K†i bt

“In the Ministry of Law, some posts of Deputy Secretaries and Joint Secretaries are reserved from the members of Civil Service (Judicial) and similarly some posts are reserved in the Ministry of Foreign Affairs for members of Foreign Service. Both the Ministries require specialized service of some persons. In the Ministry of Law, naturally there should be officers having judicial and legal background. But when we pointed out to Mr. Khan as to how and why 75% posts of Deputy Secretary has been reserved for members of a particular service, Mr. Khan could not give any explanation. In the impugned guideline prepared by the Ministry of Establishment we also find no justification for such reservation. So, obviously this reservation of 75% of posts for members of Civil Service (Administration) made arbitrarily.”

mswKó i xU&†gvKİ gv, wj †Z cŃ Ę Rule , wj GKwU GKK Judgment
Øvi v G`vemwj DU Ki v nB†j ZrØvi v ¶†† nBqv evsj v†` k mi Kvi Ges
ZwKZ wewa †gvZvteK c†`vbwZ cŃß we wM Gm (cKvmb) Gi
KgKZMY AĀ Avcxj , wj `v†qi K†i b|

c†eB Av†j vPbv Ki v nBqv†Q th mi Kvi c†¶i Avte`†bi
cwi †cŃ†Z nvB†KvU® wefv†Mi Dc†i v³ i vqwUi KvHkwI Zv AĀ

wefvMi Judge in Chamber Zvni 7Đ4Đ2002 Zwi tLi Avt` k
 gvi dr `wMZ Kti b Ges cieZxZ 15Đ4Đ2002 Zwi tL mi Kvi
 ct` Leave to Appeal` i Lv` í , wj `wLj Ki v nq| D³ ` i Lv` í , wj
 i bvbxi Atc` vq _vKvKvj xb mgtq 11Đ6Đ2002 Zwi tL `mi Kvti i
 DcĐmwPe, hMĐmwPe, AwZwi³ mwPe I mwPe ct` ct` vbwZ
 wewagvj v, 2002Đ (mst` t c ōwewagvj vĐ) Rvi x nq Ges nvBtKvU^owefvM
 KZK wefepZ bxwZgvj wU 3 wea Abmvti mqsµ qfvte ewZj nq|
 dj kZtZ, i xU& tgvKí gv I ZrDTMZ eZgvb Avcxj , wj mKj B
 tKškj MZfvte (technically) Infructuas nBqv hvq| wKš- thtnZy
 bxwZgvj vi ōō ` dv Ges eZgvb wewagvj vi mswk^é ` dv, wj i
 KvhKvi xZv GKB cKvi Ges AvBtbi cK^q wj I GKB i Ktgi
 tmBtnZy i xUĐAvte` bKvi x cōZev` x ct` 16Đ5Đ2010 Zwi tL
 msweavtbi 104 Abt`Q` Abmvti `wLj KZ Avte` bcĀ Ges
 weev` gvb Dfq ct` i weÁ tKšij xMtbi wte` b wefepbv Ki Zt
 mswk^é wea I Dnvi Avl Zvaxb cō_g Zdwj Ges Dfq ct` i
 wte` Z NUbvej x wefepbv Kwi evi wmxvš-Mhb Ki v nq|

cZxqgvb nq th msweatbi 133 Abt`Qt` i kZvštk cō Ē
 ŋgZvetj i vōcwZ, D³ msweatbi 140 (2) Abt`Qt` ti weavb
 tgvZvteK evsj vt` k mi Kvi x Kg^oKwgk^tbi mwnZ ci v^{gk}µ t^g Dc^ti
 ewY^z wewagvj wU 11Đ6Đ2002 Zwi tL cōq^b Kti b| i vōcwZi
 Avt` kµ t^g D³ wewagvj wU mwPe KZK D³ 11Đ6Đ2002 Zwi tL
 evsj vt` k tM^tR^tU cK^{wk}Z nq Ges H Zwi L nBtZB KvhKi nq|

i xU& tgvKí vgv, wj tZ ewZj KZ bxwZgvj vi ōō ` dvq ewY^z
 mi Kvti i DcĐmwPe ct` c`bwZ cxwZi %eaZv P'vtj Ā Ki v
 nBqvQj |

eZ^gvb weWagvj vq Dc^gm^wPe I ZrDa^gc[`] , wj tZ c[`] b^wZi weavb
I c^xwZ 5 weWa I c^g Z d^wm^tj eY^bv Ki v nBqv^tQ| 5 weWa vbg^e "c
t

5| c^t[`] v^bwZi c^xwZ |^g(1) w^bt^ge D^tj w^LZ c[`] , wj e^gZxZ
mi Kv^ti i mKj Dc^gm^wPe, h^M^w^gm^wPe, AwZwi³ m^wPe I m^wPe c^t[`]
GB weWagvj vi Aaxb c^t[`] v^bwZ c^g vb Ki v nB^te, h^{_}v t

(K) mi Kvi KZ^K bb^gK^gW^wi Kg^KZ^g^t i Rb^g, mgq
mgq, wba^wi Z I msi w^g Z c[`] ;

(L) ci i v^g g^S^gY^vj t^gi Dc^gm^wPe, c^wi P^vj K Ges Z[`] ^gY^g
c[`] msL^gvi (m^wP^tei c[`] mn) 75% c[`] ; Ges

(M) AvBb, weP^vi I msm[`] weI qK g^S^gY^vj t^gi Dc^gm^wPe
Ges Z[`] ^gY^gc[`] msL^gvi (m^wP^tei c[`] mn) 75% c[`] |

(2) GB weWagvj vi weavbvej x Ges tKvb c^t[`] i weci x^tZ
c^g Z d^wm^tj eW^Y^g c^t^gqvRbxq thvM^gZv m^vt^gc^t^g Ges
w^gZxq Z d^wm^tj eW^Y^g c^xwZ Ab^gmi t^Y D³ c^t[`] c^t[`] v^bwZ
c^g vb Kwi tZ nB^te|

(3) Dc^gw^ewa (1) Gi [`] dv (K), (L) I (M) G Dwj w^LZ
mi Kv^ti i Dc^gm^wPe, h^M^w^gm^wPe, AwZwi³ m^wPe I m^wPe
c^t[`] c^t[`] v^bwZ c^g v^tbi t^g t^g GB weWagvj vi c^g
Z d^wm^tj Dwj w^LZ c^t^gqvRbxq thvM^gZv I w^gZxq Z d^wm^tj
Dwj w^LZ c^xwZ, hZLwb m^ge, Ab^gmi t^Y mswk^g weWagvj v
Ab^gh^vqx c^t[`] v^bwZ c^g vb Kwi tZ nB^te|

(4) m^gycwi qi w^mt^gj Kkb tev^tW^g m^gycwi k Ges D³
m^gycwi t^k c^gavbg^S^gi Ab^gt^ggv[`] b MthY Kwi qv mi Kv^ti i Dc^gm^wPe,
h^M^w^gm^wPe, AwZwi³ m^wPe I m^wPe c^t[`] c^t[`] v^bwZ c^g vb Kwi tZ
nB^te|

Dc^ti v³ 5 weWai m^wnZ mswk^g c^g Z d^wm^tj eW^Y^g Dc^gm^wPe
I ZrDa^gc^t[`] c^t[`] v^bwZi c^t^gqvRbxq thvM^gZvi kZ^gwbg^e "c t

c^g Z d^wm^tj

mi Kv^ti i Dc^gm^wPe, h^M^w^gm^wPe, AwZwi³ m^wPe I m^wPe c^t[`]
c^t[`] v^bwZi c^t^gqvRbxq thvM^gZv

μ ^w gK	c ^t [`] i	w ^b t ^g qvM c ^x wZ	c ^t ^g qvRbxq thvM ^g Zv
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bs	bvg		
(1)	(2)	(3)	(4)
1	DcDmwPe	<p>(K) 75% c` evsj v` k wmwf j mwf fñ (c`k vmb)(mvteK mwPevj qmn) K`vWvti wmw bqi t` j c` KgP Z KgKZ`i ga` nBtZ c` vbZi gva`tg; (L) 25% c` Ab`vb` mKj K`vWvti i wmw bqi t` j c` KgP Z KgKZ`i ga` nBtZ c` vbZi gva`tg </p>	<p>c` vbZi t` t (K) wmw bqi t` j c` O5(cvP) ermti i PvKi xmn mswk K`vWvti i m` m` wnmvte Ab`b 10 (` k) ermti i PvKi xi Awf Á Z v _vwKtZ nBte t Zte kZ` _vtK th, Next Below Rule Gi wfwl tZ avi YvMZ tR`ôZv cvBqvQb Ggb tKvb K`vWvi KgKZ`i t` t wmw bqi t` j c` O5 (cvP) ermti i PvKi xi kZ` c`hvR` nBte bv; Ges (L) mi Kvi KZ` wba`wi Z eybqw` c`k` Y I wef vMxq c`k` Y mdj Zvi mwnZ m`úbe Kwi tZ nBte Ges AvBb I wef vMxq ci x` vq DI xY`nBtZ nBte t Zte kZ` _vtK th, tKvb KgKZ`K c`k` tYi m`hvM c` vb bv Ki v nBtj c`k` Y msµ vŠ- GB eva`evaKZv Zvni t` t c`hvR` nBte bv; Ges (M) gj`vqb b`ti i Ab`b 80 (Awk) b`j cvBtZ nBte; Zte kZ` _vtK th, th` t` t kY` c` c` vbZi c` v`bi Rb` Dch` c`_x` cvl qv bv hvq tmBt` t` t tKvb KgKZ`i hw` (K) I (L) tZ ewYZ c`qvRbxq</p>

			thvM ^o Zv _v†K Ges Zvnyi cŰB b†j 80 (Awk) Gi Kg nq Zvni nB†j Zvnyi meffbgægj `vqb b†j wk_w_j Ki v hvB†e
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µ wK bs	c†` i bvg	wb†qvM c xwZ	c†qvRbxq hvM ^o Zv
(1)	(2)	(3)	(4)
2	hM†DmwPe	(K) 70% c` evsj v†` k wmwf j mwf f† (c†kmb) (mv†eK mwPevj qmn) K`vWv†i Dc†DmwPe c†` Kg† Z Kg†Z†` i ga` nB†Z c†` vb†Z i gva`†g; (L) 30% c` Ab`vb` mKj K`vWv†i i Dc†DmwPe c†` Kg† Z Kg†Z†` i ga` nB†Z c†` vb†Z i gva`†g	c†` vb†Z i †††† t (K) Dc†DmwPe c†` † (A) Ab`b 05(cvP) erm†i i PvKi xmn msij ó K`vWv†i i m` m` wnmv†e Ab`b 15 (c†bi) erm†i i PvKi xi Awf Á Zv _wK†Z nB†e; A_ev (Av) Abb` 3 ermi Awf Á Zvmn K`vWi c†` Abb` 20 erm†i i PvKj xi Awf Á Zv _wK†Z nB†e t Z†e kZ` _v†K th, Next Below Rule Gi wfwl †Z avi YvMZ †R`ôZv cvB†q†Qb Ggb †Kvb Kg†Z†` i †††† Dc†DmwPe c†` 05(cvP) ev 3 (wZb) erm†i i PvKi xi kZ`c††hvR` nB†e bv; Ges (L) mi Kvi KZ† wba†vi Z Advance Course on Administration and Development (ACAD) mdj Zvq mwnZ m†úbe Kwi †Z nB†et Z†e kZ` _v†K th,†Kvb

			<p>KgKZ⁰ K c⁰k⁰ t⁰Yi m⁰thvM c⁰ vb bv Ki v nBtj c⁰k⁰ Y ms⁰ v⁰š⁰ GB eva⁰evaKZv Zvni t⁰ t⁰ c⁰thvR⁰ nBte bv; Ges (M) gj⁰ vj qb b⁰xi i Abb⁰ 83 (wZi wk) b⁰xi cvBtZ nBte; Zte kZ⁰ v⁰ K th, th⁰ t⁰ t⁰ kb⁰ c⁰ c⁰ vb⁰ Zi c⁰ v⁰ bi Rb⁰ Dch⁰ c⁰ x⁰ cvl qv bv hvq tmBt⁰ t⁰ t⁰ Kvb KgKZ⁰ h⁰ (K) I (L) tZ ewY⁰ c⁰ qvRbxq thvM⁰ Zv v⁰ K Ges Zvni c⁰ B b⁰xi 83 (wZi wk) Gi Kg nq Zv⁰ nBtj Zvni me⁰ bge gj⁰ vqb b⁰xi wk⁰ j Ki v hvBte </p>
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μ w g K bs	c ⁰ t ⁰ i bvg	wb ⁰ t ⁰ qvM c x w Z	c ⁰ t ⁰ qvRbxq hvM ⁰ Zv
(1)	(2)	(3)	(4)
3	AwZwi ³ m ⁰ wPe	(K) 70% c ⁰ evsj v ⁰ k wmwfj m ⁰ wf ⁰ (c ⁰ k ⁰ vmb) (m ⁰ vteK m ⁰ wPej qmn) K ⁰ vWv ⁰ ti h ⁰ M ⁰ Dm ⁰ wPe c ⁰ t ⁰ Kg ⁰ Z KgKZ ⁰ t ⁰ i ga ⁰ nBtZ	c ⁰ t ⁰ v ⁰ b ⁰ Zi t ⁰ t ⁰ t (K) h ⁰ M ⁰ Dm ⁰ wPe c ⁰ t ⁰ D (A) Ab ⁰ b O3 (wZb) erm ⁰ t ⁰ i PvK ⁰ i xmn Ab ⁰ b 20 (w ⁰ ek) erm ⁰ t ⁰ i PvK ⁰ i xi Awf ⁰ Á Zv w ⁰ K t ⁰ Z nBte ; A ⁰ ev (Av) Ab ⁰ b 2 (β) ermi Awf ⁰ Á Zv mn Ab ⁰ b 22 (evBk) erm ⁰ t ⁰ i PvK ⁰ i xi Awf ⁰ Á Zv w ⁰ K t ⁰ Z nBtet

	<p>cɸ`vbɹZi gva`tg; (L) 30% c` Ab`vb` mKj K`vWvti i hM#Dm#Pe cɸ` Kg# Z Kg#Z#i` i ga` nBtZ cɸ`vbɹZi gva`tg </p>	<p>Zte kZ°_v#K th, Next Below Rule Gi wfwl tZ avi YvMZ tR`oZv cvBhv#Qb Ggb tKvb Kg#Z#i t# t# hM#Dm#Pe cɸ` O3(wZb) ev O2 (`B) erm#i i PvKi xi kZ°c#hvR` nBte bv; Ges (L) mi Kvi KZ# wba#vi Z wm#bqi ÷ vd tKvm° c#k#Y mdj Zvi mwnZ m#úbe Kwi tZ nBte t Zte kZ°_v#K th, tKvb Kg#Z#iK c#k# t#Yi m#hvM c# vb bv Ki v nBtj c#k#Y ms#vš- GB eva`evaKZv Zvni t# t# c#hvR` nBte bv; Ges (M) gj`vqb b#i i Ab`b 85 (cPwk) b#j cvBtZ nBte; Zte kZ°_v#K th, tht# t# kb` cɸ` cɸ`vbɹZi c#v#bi Rb` Dch# c#_x°cvl qv bv hvq tmBt# t# tKvb Kg#Z#i hw` (K) I (L)tZ ewYZ c#qvRbxq thvM`Zv _v#K Ges Zvni c#B b#j 85 (cPwk) Gi Kg nq Zvni nBtj Zvni me#bge gj`vqb b#j wk#_j Ki v hvBte </p>
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<p>μwgK bs</p>	<p>cɸ` i bvg</p>	<p>wb#qvM c#x#Z</p>	<p>c#qvRbxq hvM`Zv</p>
<p>(1)</p>	<p>(2)</p>	<p>(3)</p>	<p>(4)</p>

<p>4 </p>	<p>mWPe</p>	<p>AwZwi³ mWPeM†Yi ga^{..} nB†Z c†`vbWZi gva`tg </p>	<p>c†`vbWZi †¶†† t (K) AwZwi³ mWPe c†` Ab`b 02 (`β) erm†i i PvKi xmn Ab`b 22 (evBk) erm†i i PvKi xi AwfÁZv _wK†Z nB†e t Z†e kZ[©]_v†K th, AwZwi³ mWPe c†` Ab`b 01 (GK) erm†i i AwfÁZv mαúbe †Kvb KgKZ†i D³ c†` 02 (`β) ermi cWZ† c†e[©] Zvnvi eqm 57 ermi cWZ[©] nBevi mαebv _wK†j Zvnvi †¶†† 2 (`β) erm†i i PvKi xi AwfÁZvi kZ[©] wkW_j †hvM^{..} nB†e; Ges (L) mWPeVj †qi †Kvb c†` 05(cvP) erm†i i PvKi xi AwfÁZv _wK†Z nB†e t Z†e kZ[©]_v†K th, AwZwi³ mWPe ev hM†DmWPe c†` Ab`b 02 (`β) erm†i i PvKi xi AwfÁZv _wK†j Zvnvi †¶†† GB kZ[©] wkW_j †hvM^{..} nB†e; Ges (M) gj`vqb bα†i i Ab`b 85 (cPwk) bα†i cvB†Z nB†e; Z†e kZ[©]_v†K th, th†¶†† kb^{..} c†` c†`vbWZi c†v†bi Rb^{..} Dch† c†_x[©] cvl qv bv hvq tmB†¶†† †Kvb KgKZ†i hW` (K) (L)†Z eWYZ c†qVRbxq †hvM^{..}Zv _v†K Ges Zvnvi c†B bα†i 85 (cPwk) Gi Kg nq Zvnv nB†j Zvnvi me†bge</p>
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			gj`vqb b`qj` kw_lj Kiv hvBte
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evwZj KZ bxwZgvj vi 000 `dvi cUf`wgKvq Dc`ti v³ 5 `dv l
Dc`ti ewY`Z c_lg Zdwmj i mswk`e Ask`_wj msweav`bi Avtj vtK
we`tk`b Kwi tZ nBte|

nvB`tkvU`wefvM Gi mb`tL i xU&` i Lv` í Kvi xM`tYi c`f`| w`te` b
Kiv nq th, ZwK`Z 000 `dvwU msweav`bi 29 Ab`t`Q`i mwnZ
mvsNwl K| AG wefv`tMi mb`tL i xU&` i Lv` í Kvi x c`Zev`xc`f`|
AZ`š-tRvi vj fv`te w`te` b Kiv nq th we`wagvj vi 5 we`wa l c_lg
Zdwmj msweav`bi 29 Ab`t`Q`i mwnZ mvsNwl K|

hw` l i xU&` tgvKv`i gv`_wj tZ i agv` Dc`ðmwPe c`f` c`b`Zi
bxwZgvj vi %eaZv P`v`tj Ä Kiv nB`tj l A`Î wefv`tMi mb`tL Df`q
c`f`i we`Á tK`Ši j xMY Dc`ðmwPe, h`M`ðmwPe l AwZwi³ mwPe GB
mKj c`f`i c`b`Zi cx`wZ msµvš-5 we`wa l Zrmsµvš` c_lg
Zdwmj Gi AvBbMZ %eaZvi c`k`q`_wj wbi m`tbi Ab`t`i va Rvbvb |

nvB`tkvU`wefvM Dc`ðmwPe c`f` c`b`Zi mswk`e bxwZgvj vi 000
`dv msweav`bi 29 Ab`t`Q`i mwnZ mvsNwl K ewj qv gZ cKvk
K`ti b| Df`q c`f` nB`tZ D`l w`cZ GB msµvš-e³ te`i tc`f`|vc`tU
nvB`tkvU`wefvM w`t`ge³ g`š`í`e` K`ti b t

“Article 29 has given and equal opportunity to all citizens in respect of employment or office in the service of the Republic. By making reservation of 75% posts for a particular cadre obviously, the impugned clause (Uma) violated the provisions of Article 29 of the Constitution and when a provision of law violates fundamental rights as guaranteed under the Constitution, that provision shall be void in view of provisions of Article 26 of the Constitution. So, it is not at all relevant that the impugned notification was issued in exercise of any power given under any rules or law. The question is whether the impugned clause

violated the fundamental rights and we have found that actually it has violated the provisions of Article 29”.

mi Kvi c¶¶ DÌ wcz e³ e` th cKvmb e`wZti tK Ab`vb`w` MtK DcÐmwPe I DaZb c¶` c¶` vbZ wbowZ Kwi evi m¶_B Zvnt` i Rb` 25% tKvUv wbañi b Ki v nBqv¶Q GB h¶³ nvBtKvU`wefvM MhY bv Kwi qv gšÍ e` Kti b th t

“The last argument of Mr. Khan is that the clause (Uma) did not hinder the scope of getting promotion of the petitioners in their respective services, even they can reach top most post. This argument is not tenable. The members of civil service (Administration) have also the same scope of reaching the highest post but due to clause (Uma) in addition to that, an extra opportunity has been given to them to get promotion in the highest post of the Government i.e, that post of Secretary by making reservation of 75% posts of Deputy Secretary, for them giving an extra facility to members of a particular service depriving members of 28 other services, definitely is discriminatory and violative of equal clause of the Constitution.”

Dcti e¶Uk I cwwK`Í vb Avgtj i wmwfj mwfñ Ges evsj vt` k wmwfj mwfñmi GKwU bvZx `xN`eYbv Ki v nBqv¶Q| wK cUfwg I tc¶¶ vc¶U mi Kvti i DcÐmwPe I ZrDa`c¶` wbtqvM/c¶` vbZi Rbv c¶_tg 1998 m¶b bxwZgvj v I 2002 m¶b wewagvj v Rvi x nBqv¶Qj Zvnti I Avtj vPbv Ki v nBqv¶Q|

D³ NUbvej xi tc¶¶ vc¶U msweavtbi 29 Ab¶¶Q¶` i 1 DcÐAb¶¶Q` wU wetePbv Kwi tZ nBte| D³ DcÐAb¶¶Q` wU wbgé “c t 29| (1) cRvZtšj Ktg`wbtqvM ev c¶` Dj vt¶fi t¶¶ tG mKj bvMwi tKi Rb` m¶hv¶Mi mgZv _vwKte| Dcti v³ DcÐAb¶¶Q¶` i Bsti Rx fvl` wbgé “c t

29. (1) There shall be equality of opportunity for all citizens in respect of employment or office in the service of the Republic.

1998 mþbi bxwZgvj v l 2002 mþbi weWagvj v gvi dr mi Kvþi i DcÐmwPe cþ` wbtqwm/cþ` vbwZi tñ tG msweavþi Dcþi v³ 29 Abþ"Q` KZK mi Kvi x wbtqvMj vþf mþhvþMi mgZv wvðZ Ki b AwaKvþi i tKvb e"Z"q NwUþqþQ wKbv Zvnb gj Z GB Awcj ,wj tZ wePvh^owel q |

wbR wbR h^y3 i mþcþñ Avcxj Kvi x mi Kvi cþñ Ges i xU& Avþe` bKvi x cþZev` xcþñ t` wk l weþ` wk bwRi Dc` vcb Ki v nq|

cþtg i xU& Avþe` bKvi x cþZev` xcþñ Dì wcz bwRi ,wj Avþj vPbv Ki v hvDK |

State of Mysore V. Krishna Murthy AIR 1973 SC 1146 tgvKvî gvi i xU& Avþe` bKvi xØq gwni i mi Kvþi i PWD wefvþM PvKi xi Z _vKv Ae` vq wnmve wefvM wej þ nBþj Zvni v Divisional Accounts Cadre G AvZxfþ nq| Zrci D³ wefvM Controller of State Accounts wefvþM `vbsíwi Z nq| cieZxþZ the State Accounts Department tK Controller of State Accounts Gi cþvmwbK KZËvaxb Ki v nq Ges 1959 mþb Df q K'vWvþi i mwbþj Z Zvj Kv cþYZ nq Ges wbtqvM wewa cþYZ nq| wKš-1967 mþbi weÁwþ gvi dr 1959 mþbi wbtqvM wewaþZ cwi eZ^o Avbv nq Ges thþnZyi xU& Avþe` bKvi xi ceZ^o b PWD Gi wnmve wefvM wej þ nBqvMj tmBþnZy Zvnm` MþK cþ` vbwZi Zvj Kv nBþZ eR^o Ki v nq|

gwnmj nvBþKvU^o gše" Kþi b th 1959 mþbi wewa tgvZvþeK i xU& Avþe` bKvi xMY Ab" K'vWvþi i mwnZ mgcY^of vþe GwKfZ nBqv wMqvMj weavq Zvnm` MþK cþ` vbwZi Zvj Kv nBþZ eR^o Ki v hvq bv|

nvBtKvU® Gi mwnZ GKgZ tcvl b Kwi qv fvi Zxq mçlg
 tKvU® c¶ Beg, J. etj b (AIR 1973 SC 1146) :

“11.....If, on the facts of a particular case, the classes to be considered are really different, inequality of opportunity in promotional chances may be justifiable. On the contrary, if the facts of a particular case disclose no such rational distinction between members of what is found to be really a single class no class distinctions can be made in selecting the best. Articles 14 and 16 (1) of the Constitution must be held to be violated when members of one class are not even considered for promotion The case before us falls, in our opinion, in the latter type of cases where the difference in promotional opportunities of those who were wrongly divided into two classes for this purpose only could not be justified on any rational grounds.”
 (A†avti Lv cŦ I)

S. M. Pandit V. The State of Gujrat AIR 1972 SC 252 tgvKvŦ gvq
 cK®DŦ vvcZ nBqvQj th tWcyU Ktj ±i c†` wb†qv†Mi Rb” 50%
 c†` gvgj vZ`vi c` nBtZ c` bZ cŦ vb Kwi evi weavb _vKtj I
 c` ōbwZ cŦB gvgj vZ`vi MYtK ev` w`qv gvgj vZ`vi c†` i agvŦ
 mi vmi wb†qvM cŦBM†Yi ga” nBtZ tWcyU Ktj ±i c†` c` bZ
 cŦ vb Kwi evi weavb msweav†bi (fvi Zxq) 14 I 16 Ab†”Q†` i mwnZ
 mvsNwl K wKbv| , R† vU nvBtKvU® etj b th c` bZ cŦB I mi vmi
 wb†qvM cŦB gvgj vZ`vi MY GKB tkŦxfŦ weavq tWcyU Ktj ±i c†`
 c†` vbZ cŦ vb Kwi evi mgq c†` vbZcŦB gvgj vZ`vi MYtK ev`
 t` I qv hvBte bv| mçlg tKvU® Bnvi i v†q nvBtKtU® gZvgZ MhY
 Kti b | Hegdi, J. etj b (AIR 1972 SC 252) :

“5. The learned Counsel for the appellants did not contest the proposition that if both the directly recruited Mamlatdars as well as the promotee Mamlatdars formed one class then the impugned Rules will be violative of Arts.14 and 16 on the basis of the decisions of this Court

irrational and perverse or manifestly wrong that the Court would reach out its lethal arm and strike down the decision of the Government.”

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23. Now we proceed to consider the challenge based on infraction of Articles 14 and 16 of the Constitution. Article 14 ensures to every person equality before law and equal protection of the laws and Article 16 lays down that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the Sate. Article 16 is only an instance or incident of the guarantee of equality enshrined in Article 14: it gives effect to the doctrine of equality in the sphere of public employment.

.....The constitutional code of equality and equal opportunity, however, does not mean that the same laws must be applicable to all persons. It does not compel the State to run “all its laws in the channels of general legislation.” It recognises that having regard to differences and disparities which exist among men and things, they cannot all be treated alike by the application of the same laws.

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25. But the question is: what does this ambiguous and crucial phrase “similarly situated” mean ? Where are we to look for the test of similarity of situation which determines the reasonableness of a classification ? The inescapable answer is that we must look beyond the classification to the purpose of the law. A reasonable classification is one which includes all persons or things similarly situated with respect to the purpose of the law. There should be no discrimination between one person or thing and another, if as regards the subject-matter of the legislation their position is substantially the same. This is sometimes epigrammatically described by saying that what the constitutional code of equality and equal opportunity

requires is that among equals, the law should be equal and that like should be treated alike.
The test which has been evolved for this purpose is- and this test has been consistently applied by this Court in all decided cases since the commencement of the Constitution-that the classification must be founded on an intelligible differentia which distinguishes certain persons or things that are grouped together from others and that differentia must have a rational relation to the object sought to be achieved by the legislation. ” (Aṭavṭi Lv cḶ I)

The State of Jammu & Kashmir V. Triloki Nath Khosa AIR 1974 SC 1 tgvKvī gvq gj cĶeDī vvcZ nBqvWQj th, 1970 mṭbi PvKwi wewaṭZ wbeḶnx cĶKŠkj x cṭ` i agvĪ tmB mKj mnKvi x cĶKŠkj x c` bṆZ cvBevi weavb i vLv nq hvnvi v mṆZ K wWwMḶavi x| mṶf weK fvṭeB wWṭcvgvavi x mnKvi x cĶKvkj xMY weḶjā nBqv nvBṭKvṭUḶi xU& tgvKvī gv `vṭqi Kṭi b| nvBṭKvṭUḶ GKK teĀ tgvKvī gvWU Lwi R Kwi ṭj I wWwfkb teĀ Zvntṭ` i Avṭe` b Mhb Kṭi b| wKŠ- mṶcĶg ṭKvUḶ PvKwi ṭZ thŠw³ K ṭkḶxfḶ Ki Y msweavb mṶṣZ ewj qv gZ cĶvk Ki Zt Avcxj wU gĀj Kṭi b Y.V. Chandrachud, J. eṭj b (AIR 1974 SC 1):

“26. The challenge, at best, reflects the respondents’ opinion on promotional opportunities in public services and one may assume that if the roles were reversed, respondents would be interested in implementing their point of view. But we cannot sit in appeal over the legislative judgment with a view to finding put whether on a comparative evaluation of rival theories touching the question of promotion, the theory advocated by the respondents is not to be preferred. Classification is primarily for the legislature or for the statutory authority charged with the duty of framing the terms and conditions of service; and if, looked at from the standpoint of the

authority making it, the classification is found to rest on a reasonable basis, it has to be upheld.

.....
.....

38. Judicial scrutiny can therefore extend only to the consideration whether the classification rests on a reasonable basis and whether it bears nexus with the object in view. It cannot extend to embarking upon a nice or mathematical evaluation of the basis of classification, for were such an inquiry permissible it would be open to the courts to substitute their own judgment for that of the legislature or the rule-making authority on the need to classify or the desirability of achieving a particular object.

.....
.....

55. We are therefore of the opinion that though persons appointed directly and by promotion were integrated into a common class of Assistant Engineers, they could, for purposes of promotion to the cadre of Executive Engineers, be classified on the basis of educational qualifications. The rule providing that graduates shall be eligible for such promotion to the exclusion of diploma-holders does not violate articles 14 and 16 of the Constitution and must be upheld.”

Z te, GKB tgvKvī gvq tkŃxfj³ Ki Y ev classification m᳚ú†K©

V.R. Krishna Iyer, J. Gi mveavbevYx cŃbavb†hvM’ :

“Mini-classifications based on micro-distinctions are false to our egalitarian faith and only substantial and straightforward classifications plainly promoting relevant goals can have constitutional validity. To overdo classification is to undo equality.” (A†av†i Lv cŃ I)

Reserve Bank of India V. C. N. Sahasranaman AIR 1986 SC 1830

tgvKvī gvq fvi Zxq wi Rvf© e`v¼ Gi ZZxq tkŃxi KgPvi xw` M†K
c` bZ cŃ v†bi Rb` me© fvi Zxq wfwl i cwi e†Z© cŃZwU tm>Uv†i i

%RôZv Abmvti c` bWZ c0 v†bi Rb` ZWkZ weÁWß c0 vb Ki v nB†j
Zvnyi %eaZv P`vtj Ä Ki v nq| ZWkZ weÁWßWU msweav†bi 14 I 16
Ab†"Q†` i mwnZ mvsNwl K bq ewj qv fvi Zxq mpc†g †KvU® Av†` k
†` b| Sabyasachi Mukharji, J. e†j b (AIR 1986 SC 1830) :

“56. The main grievance of the respondents was that there was violation of the Constitutional right and it will hamper development of an All-India Institution and All-India cadre.

.....
.....

58. It has to be borne in mind that in service jurisprudence there cannot be any service rule which would satisfy each and every employee and its constitutionality has to be judged by considering whether it is fair, reasonable and does justice to the majority of the employees and fortunes of some individuals is not the touch-stone.” (A†av†i Lv c0 I)

GBevi Avcxj Kvi x mi Kvi c†¶| `wLj KZ bWRi ,wj i c0Z
`wócvZ Ki v hvDK|

State of Kerala V. N.M. Thomas (1976) 2SCC 310 †gvKv† gvq
ewYZ NUBvq †` Lv hvq th †Ki vj v`' nwi Rb mwgWZi Ab†i v†a mi Kvi
Scheduled Castes and Scheduled Tribes f³ KgPvi x†` i c` bWZi
†¶| †G `ß erm†i i Rbv wefvMxq ci x¶| v nB†Z Ae`vnwZ c0 vb Kwi qv
mswké mwwf¶n weWagvj vq Rule 13AA msh³ K†i , hw`I Ab`vb`
KgPvi x†` i †¶| †† wefvMxq ci x¶| v eva`Zvgj K _wWkqv hvq|
Scheduled Castes and Scheduled Tribes ewnfZ GKRB wbggvb
Ki bxK D³ Rule 13AA Gi msweawbK P`vtj Ä Kwi †j †Ki vj v
nvB†KvU® D³ weWa ewWZj †Nvl Yv K†i b| wKš- fvi Zxq mpc†g †KvU®
thšw³ K tk¶xf³ Ki Y weWa†K msweavb mα§Z ewj qv †Nvl Yv K†i b|
mpc†g†Kv†U® mg¶L wbgvj wLZ wePvh®wel q wQj t

“The crux of the matter is whether Rule 13AA and the two orders Exhibits P-2 and P-6 are unconstitutional violating Article 16(1).”

h` I AÎ Avcxj tgvKvı gvq Dİ wcz mgmiv Dcđi eWYŹ
tgvKvı gv nBđZ AđbKUVB mi j Zeđ thđnZy D³ tgvKvı gvq 16
Abđ”Q` Gi GKwU eivLiv Ges mi Kvi x PvKi xi tđđ đđ mđhvđMi mgZv
GB tgđđj K AwaKvđi i Dci Avđj vPbv i wnvđđQ đmB Kvi đY fvi Zxq
mđđg tKvđUđ gZvgZ Zđđ qv ai v nBj |

%el g` I tkđxfđ Ki Y mđđđK®A. N. Ray, C.J. eđđ b t

“24. Discrimination is the essence of classification. Equality is violated if it rests on unreasonable basis. The concept of equality has an inherent limitation arising from the very nature of the constitutional guarantee. Those who are similarly circumstanced are entitled to an equal treatment. Equality is amongst equals. Classification is, therefore, to be founded on substantial differences which distinguish persons grouped together from those left out of the groups and such differential attributes must bear a just and rational relation to the object sought to be achieved.”

mđhvđMi mgZv mđđđÜ wZwb eđđ b t

“28. This equality of opportunity need not be confused with absolute equality. Article 16 (1) does not prohibit the prescription of reasonable rules for selection to any employment or appointment to any office. In regard to employment, like other terms and conditions associated with and incidental to it, the promotion to a selection post is also included in the matters relating to employment and even in regard to such a promotion to a selection post all that Article 16(1) guarantees is equality of opportunity to all citizens.

.....
.....

30. Under Article 16(1) equality of opportunity of employment means equality as between members of the same class of employees and not equality between members of separate, independent class.

31. The rule of parity is the equal treatment of equals in equal circumstances. The rule of differentiation is enacting laws differentiating between different persons or things in different circumstances. The circumstances which govern one set of persons or objects may not necessarily be the same as those governing another set of persons or objects so that the question of unequal treatment does not really arise between persons governed by different conditions and different sets of circumstances. The principle of equality does not mean that every law must have universal application for all persons who are not by nature, attainment or circumstances in the same position and the varying needs of different classes of persons require special treatment. The Legislature understands and appreciates the need of its own people, that its laws are directed to problems made manifest by experience and that its discriminations are based upon adequate grounds. The rule of classification is not a natural and logical corollary of the rule of equality, but the rule of differentiation is inherent in the concept of equality. Equality means parity of treatment under parity of conditions. Equality does not connote absolute equality. A classification in order to be constitutional must rest upon distinctions that are substantial and not merely illusory. The test is whether it has a reasonable basis free from artificiality and arbitrariness embracing all and omitting none naturally falling into that category.”

(A†av†i Lv cŦ Ę)

m†hv†Mi mgZv m††Ü K. K. Mathew, J. e†j b t

“58. The notion of equality of opportunity is a notion that a limited good shall in fact be allocated on the grounds which do no a priori exclude any section of those that desire it. All sections of people desire and claim

representation in the public service of the country, but the available number of posts are limited and therefore, even though all sections of people might desire to get posts, it is practically impossible to satisfy the desire.”

59. What, then, is a priori exclusion ? It means exclusion on grounds other than those appropriate or rational for the good (posts) in question. The notion requires not merely that there should be no exclusion from access on grounds other than those appropriate or rational for the good in question, but the grounds considered appropriate for the good should themselves be such that people from all sections of society have an equal chance of satisfying them.

.....

65. Equality of opportunity is not simply a matter of legal equality. Its existence depends, not merely on the absence of disabilities, but on the presence of abilities. It obtains in so far as, and only in so far as, each member of a community, whatever his birth or occupation or social position, possesses in fact, and not merely in form, equal chances of using to the full his natural endowments of physique, of character, and of intelligence.”

Mathew, J. et al

“83. A classification is reasonable if it includes all persons who are similarly situated with respect to the purpose of the law. In other words, the classification must be founded on some reasonable ground which distinguishes persons who are grouped together and the ground of distinction must have rational relation to the object sought to be achieved by the rule or even the rules in question. It is a mistake to assume a priori that there can be no classification within a class, say, the lower division clerks. If there are intelligible differentia which separates a group within that class from the rest and that differentia have nexus with the object of classification, I see objection to a further classification within the class. It is no doubt a

in holding examination for confirmation for which the appellant could not appear should not make him liable to suffer and the respondents should not be allowed to have double standard for members of the different Cadre Services.”

ৱKŠ- Avcxj ৱefvM Avcxj Kvi xi e³ e” Mhb Kti b bvB|
Mohammad Fazlul Karim, J. (as his Lordship then was) e†j b t

“21. It is to be borne in mind that each Cadre is an independent Cadre by itself and that the appellants could not allege any discrimination to them simply because the members of other Cadres were given relaxation considering their respective position as they are not similarly situated with that of the appellants.

.....
.....

23. The appellants could not show any discrimination among the members of the Cadre BCS (Agriculture: Livestock) so as to invoke the equality clause alleging discrimination. The appellants though did not pass the foundation training and other training for promotion within the period specified in the Civil Service (Examination for Promotion) Rules 1986 but were given relaxation twice pursuant to Rule 8(1) and (2) which they duly availed of. But by availing the benefit under those Rules could not now be allowed to allege that a portion of the Rule 8 (2) i.e., “but he shall not be eligible for further promotion” is unconstitutional and liable to be struck down on ground of being discriminatory and void.”

Bangladesh, represented by the Secretary, Ministry of Communications V. Md. Abdus Sabur 46 DLR (AD) (1994) 19
†gvKvī gvq Bangladesh Ad-hoc Appointees (Counting and Determination of Seniority) Rules,1990 Gi AvBbMZ %eaZv P`v†j Ä
Ki v nq| c†e©ad-hoc ৱb†qvM cŰB†` i %RôZv PSC gvi dr Zvnnv†` i
regular appointment Gi Zwi L nB†Z nBZ| bZb ৱewagvj vq

Zvnt` i %RôZv ad-hoc wbtqvMi Zwi L nBtZ MYbvi weavb Ki v nq
 WKŠ- PSC Gi gva`tg wbtqvM cŰB KtqKRb cĤKŠkj x Zvnt` i
 tRôZv ¶p nBte Ges c`bWZ evavMf í nBte GB Kvi tY i xU&
 tgvKvĭ gv, wj `vtqi Kti b| nvBtKvU®wefvM ZWkZ weWagvj vi WKQy
 Ask A%ea tNvl Yv Kti b WKŠ-Avcxj wefvM i xU& Avte` bKvi xMtiYi
 e³ e` MhY Kti b bvB ei Â ZWkZ weWagvj v thšw³ K ewj qv MhY
 Kti b| Shahbuddin Ahmed, C.J, etj b t

“28. Next question is whether these Rules are violative of Article 29 of the Constitution which, as already stated, guarantees the right of equal opportunity for employment in the service of the Republic. Mr. Ishtiaq Ahmed contends that “equal opportunity” for employment in the service of the Republic should be liberally construed so as to include not only the first appointment but also appointment in future. Narrow construction thereof, he contends, will defeat the purpose of this guarantee-clause. He has sought reliance from GM Southern Rly Vs. Rangachari, AIR 1962 (SC) 36 and Mohd. Faizulla Vs. Government of Bangladesh, 1981 BLD 1. By the impugned Rules the seniority of the writ-petitioners, learned counsel contends, has been violated to such an extent that they would be practically debarred from future employment. By “future employment” the right to go up in the ladder of service career is meant. In other words, it is promotion in service. Seniority is of course a term and condition of service but, as has been pointed out above, seniority is determined by set principles or statutory rules; the order of seniority may also be altered by such rules. Ordinarily alteration of seniority does not curtail the right to future appointment, that is, promotion. Promotion is not a matter of right; it is to be earned by meritorious service which includes efficiency, good conduct, character and integrity, dynamic personality and, above all, sense of value and proportion. Seniority alone is not sufficient for promotion but it is certainly one of the primary requisites for

promotion. Though by seniority alone a person cannot earn promotion, he, by virtue of seniority, has a right to be considered for promotion. In the instant cases, the impugned Rules did not deprive the writ petitioners of their right to be considered for promotion. At best they may say that their chance for promotion has been reduced to a great extent thereby. Reduction of chance of promotion does not amount to deprivation of the right to equal opportunity for employment. Therefore, in this case, the provision for equal opportunity for employment has not been violated.

Latifur Rahman, J. Dc†i v³ e³ e†K mg_Ⓟ Kwi qv etj bt

“44. The guarantee of “equal opportunity” in respect of employment is available at the stage of initial appointment and of promotion. Merely because chances of promotion of the writ petitioners may be said to have been affected by the impugned Rules of 1990 would not amount to denial of equality of opportunity in respect of the employment, as chances of promotion are not conditions of service. As a matter of fact, no writ petitioners have been deprived of the right to be considered for promotion and, as such, the submission that they have been denied the right of equal opportunity in respect of future employment is untenable and there is in fact no violation of Article 19(1) of the Constitution.”

(A†av†i Lv c† I)

K. R. Lakshman V. Karnataka Electricity Board (2001)1 SCC 442
 †gvKv† gvq Karnataka Electricity Board Recruitment and Promotion
 Regulations, 1969, weagvj wU 1982 m†b GKwU m†kvabx gvi dr
 technically qualified (mi vmwi wb†qvM) I technically not qualified
 (c†` vbwZ c†B) c†KŠkj x†` i Junior Engineer (Electrical) c†` 1t1
 Abcv†Z c†` vbwZi weavb Ki v nB†j mi vmwi wb†qvM c†B c†KŠkj x
 D³ weav†bi %eaZv P†v†j Ä K†i b| fvi Zxq m†c†g †KvU©D³ weavb
 AvBb m½Z ewj qv i vq c† vb K†i b| G.B. Pattanik J. AvB†bi `wó†Z

mgZv I mfhv†Mi mgZv GB tg\$wj K mvsweawwbK AwaKvi wbgē "†c
we†k†Y K†i b t

“4. By the amendment of the Regulation in February 1982 a ratio was provided in respect of the 35% quota, which was to be filled up by promotion for the common cadre, the same ratio as 1:1 between the technically-qualified direct recruits and technically-unqualified promotees. It is this amendment which had been assailed by the present appellants by filing writ petitions in the Karnataka High Court. The question for consideration, therefore is whether the amended Regulation, providing a ratio of 1:1 between the technically-qualified direct recruits and technically-unqualified promotees, as against 35% quota available to them in the cadre of Junior Engineer, could be held to be violative of Article 14 or such a classification is permissible in law and the rule-making authority had considered all relevant and germane material in providing for the aforesaid ratio ? The concept of equality before law means that among equals the law should be equal and should be equally administered and that the likes should be treated alike. All that Article 14 guarantees is a similarity of treatment and not identical treatment. The guarantee of equal protection of law and equality before the law does not prohibit reasonable classification. Equality before law does not mean that things which are different shall be treated as though they were the same. The principle of equality does not absolutely prevent the State from making differentiation between persons and things. The State has always the power to have a classification on the basis of rational distinctions relevant to the particular subject to be dealt with but such permissible classification must satisfy two conditions namely the classification to be founded on intelligible differentia which distinguishes persons or things that are grouped from others who are left out of the group and that the differentia must have a rational relation to the object sought to be achieved by the legislation. In other words,

there must be a nexus between the basis of classification and the object of the legislation. So long as the classification is based on a rational basis and so long as all persons falling in the same class are treated alike, there can be no question of violating the equality clause. If there is equality and uniformity within each group, the law cannot be condemned as discriminatory, though due to some fortuitous circumstances arising out of a peculiar situation, some included in the class get an advantage over others, so long as they are not singled out for special treatment. When a provision is challenged as violative of Article 14, it is necessary in the first place to ascertain the policy underlying the statute and the object intended to be achieved by it and having ascertained the policy and object of the Act, the court has to apply a dual test namely whether the classification is rational and based upon an intelligible differentia which distinguished persons or things that are grouped together from others that are left out of the group and whether the basis of differentiation has any rational nexus or relation with its avowed policy and objects. The power to make classification can be exercised not only by the legislature but also by the administrative bodies acting under an Act.

5. When the validity of the amended Regulation, providing ratio for promotion between the technically-qualified and technically-unqualified persons in 1:1 is examined from the aforesaid standpoint, we are unable to hold that the direct recruit technically-qualified personnel had been treated with hostile discrimination.”
(Aṭavṭi Lv cŦ Ę)

Col. A. S. Iyer V. Balasubramanyam AIR 1980 SC 452 ṭgvKvī gvq
Survey of India Gi 1950 I 1960 mṭbi wewagvj vq D³ wef vṭM
ṭmbvewnbxi KwgkŦ KgKZṖMṭYi wṭṭqvṭM AwaKZi ṭKvUv I
weightage cŦ vb Gi wewa temvgwi K mi vmwi wṭṭqvM cŦB I c`bWZ
cŦB cṭKŠkj xMY P`vṭj Ä Kwi ṭj AŦ cṭ`k nvBṭKvU©mswké wewa, wj

ewZj tNvl bv Kti b wKš- mçlg tKvU® D³ wewa, wj tK AvBbvbm
ewj qv gZ cKvk Kti b| V. R. Krishna Iyer etj b t

“45. Let us eye the issue from the egalitarian angle of Articles 14 and 16. It is trite law that equals shall be treated as equals and, in its application to public services, this simply means that once several persons have become members of one service they stand as equals and cannot, thereafter, be invidiously differentiated for purposes of salary, seniority, promotion or otherwise based on the source of recruitment or other adventitious factor. Birth-marks of public servants are obliterated on entry into a common pool and our country does not believe in official casteism or blue blood as assuring preferential treatment in the future career. The basic assumption for the application of this principle is that the various members or groups of recruits have fused into or integrated as one common service. Merely because the sources of recruitment are different, there cannot be apartheidisation within the common service.

46. The case of the Army engineers is not that they should be given ‘ethnic’ preference in official life because of military superiority. They merely plead that unequals should not be forced into equality without regard to their rights. They are unequal because their 3 to 6 years of commissioned service cannot be wished away when brought into the service shoulder to shoulder with raw recruits. Secondly, their salaries are higher and that should not be forfeited as punishment for entering the Survey Service. Not that the salary difference must be perpetuated but that at the point of entry into service their commissioned service and personal pay should be protected. The Service Rules safeguard both these - a just gesture without which many army engineers may not care to respond and the ‘efficiency’ factor of the Survey Service will fail in their absence.

.....

 61. If we had been satisfied that the end-product of the provision (Rule 5) was a manipulation of continued seniority, beyond allowance for some differences, a perpetual suppression of the civilian wing and a back-door entry into and occupancy of all higher positions by the military men, it might have been a mockery of equality. But the story is that some advantage is secured by the military recruits which is intended and justified. Certainly, in the promotional scale this will be reflected. But no monopoly of all promotions vests in the commissioned recruits. It is a case of fluctuating fortunes, inevitable in interlacing two sets of people coming from two sources with different backgrounds and assets. As expressed earlier, rigid or relentless equalization of divergent categories who have been brought into one Service is the Procrustean bed process, contrary to democratic social dynamics.”

আলোচনার প্রথমেই ‘সুযোগের সমতা’ বলিতে কি বোঝায় তাহা উপলব্ধি করিতে ইহবে।

বাংলাদেশ সংবিধানের ২৯ অনুচ্ছেদে ব্যঞ্জ ‘সুযোগের সমতা’ বা equality of opportunity বলিতে সাধারণ ভাবে একই ধরনের সকল প্রার্থীর মধ্যে সার্বজনীন সমতার ভিত্তিতে সমান সুযোগ প্রদান বোঝায়।

এই নীতির ইতিহাস মানব সভ্যতার ইতিহাস। বাইবেল, কোরআন মজিদ ও হাদিসেও সার্বজনীন সাম্যের কথা বলা হইয়াছে।

১৭৭৬ সনের ৪ঠা জুলাই তারিখে যুক্তরাষ্ট্রের স্বাধীনতা ঘোষণায় বলা হয়ঃ

“The unanimous Declaration of the thirteen united States of America,.....that all men are created equal, that they are endowed by their creator with certain unalienable Rights.....”

কিন্তু যুক্তরাষ্ট্রের ‘all men’ বলিতে তখন নিগ্রো বা ক্রিন্তদাস বা মহিলা বোঝাইত না । ইহা নগ্নভাবে প্রকাশিত হইল Dred Scott.V. Sandford (1857) মোকদ্দমায় । উক্ত মোকদ্দমায় বাদী Dred Scott, Missouri অংগরাজ্যের একজন আফ্রিকান কালো মানুষ রাষ্ট্রের নাগরিক হিসাবে নাগরিক অধিকার পাওয়ার ঘোষণার দাবী করিয়া মোকদ্দমায় করেন। US Supreme Courtএ শুনানী অন্তে Taney, CJ., তাহার রায়ে বলেন :

“..... the plaintiff..... is not a citizen of Missouri, in the sense in which that word is used in the constitution.”

সুপ্রীম কোর্টের এই রায়টি যুক্তরাষ্ট্রের Legal History এর একটি কালো অধ্যায়।

কিন্তু ইহার ৬(ছয়) বৎসর পর ১৮৬৩ সালে যুক্তরাষ্ট্রের গৃহযুদ্ধ চলাকালীন সময়ে Gettysburg যুদ্ধক্ষেত্রের একটি অংশ মৃত সৈনিকদের উদ্দেশ্যে উৎসর্গ করিবার অনুষ্ঠানে রাষ্ট্রপতি Abraham Lincoln তাহার ভাষণে আরম্ভ করেন নিম্নলিখিত ভাবেঃ

“Fourscore and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty and dedicated to the proposition that all men are created equal.....” (অধোরেখা প্রদত্ত)

অতপরঃ, ১৮৬৫ সালে সংবিধানের ঞ্চদশ সংশোধনী মারফৎ ত্রিতদাস প্রথা বিলুপ্ত করা হয় এবং ১৮৬৮ সালে চতুর্দশ সংশোধনী মারফৎ সকলের মধ্যে সাংবিধানিক ভাবে সার্বজনীন সমতা আনয়ন করা হয়। চতুর্দশ সংশোধনীর সংশ্লিষ্ট অংশ নিম্নরূপঃ

“ Section 1. All persons born.....

No state shall make nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person the equal protection of the laws.

ইহাই সুবিখ্যাত Equality Clause যাহার মাধ্যমে আদালত যে কোন বৈষম্যমূলক আইন বা আদেশ বা পদক্ষেপ অসাংবিধানিক তথা অবৈধ ঘোষণা করিতে পারে।

Yick Wo V. Hopkins 118 US 356 (1886) মোকাদ্দমায় US Supreme Court উপরোক্ত 14th Amendment এর আওতায় সংশ্লিষ্ট কর্তৃপক্ষের একটি আদেশ বাতিল করেন। উক্ত মোকাদ্দমায় San Francisco এর একটি অধ্যাদেশ বলে পাকা দালান ব্যতিরেকে অন্য j WU« e`emv Pvj vb Board of Supervisors এর অনুমোদন ব্যতিরেকে নিষিদ্ধ করা হয় । Yick Wo ও Wo Lee নামে চৈনিক নাগরিকদ্বয় Board of Fire Wardens এর নিকট হইতে প্রয়োজনীয় লাইসেন্স গ্রহণ করত ২২ বৎসর যাবৎ লব্ধির ব্যবসা করিয়া আসিতেছিল। ১৮৮৫ সালে Board of Supervisors অন্যান্য স্থানীয় অধিবাসীদের একই ধরনের লব্ধি ব্যবসা চালাইবার অনুমোদন দিলেও Yick Wo ও Wo Lee কে লব্ধি চালানোর অনুমোদন প্রদানে অস্বীকৃতি জানায় এবং Zvnw` M†K ` k Wj vi জরিমানা করা হয় । উক্ত জরিমানা প্রদান করিতে ব্যর্থ হইলে ১০ দিনের কারাদন্ড প্রদান করা হয়।

US Supreme Court উক্ত আদেশ বৈষম্যমূলক এবং 14th Amendment এর লঙ্ঘন বলিয়া ঘোষণা করে। Justice Stanley Mathews তাহায় রায়ে বলেন যে সংশ্লিষ্ট কোন আইন ন্যায় সংগত হইলেও ইহার প্রয়োগ বৈষম্যমূলক হইতে পারেঃ

“..... For the cases present the ordinances in actual operation, and the facts shown establish an administration directed so exclusively against a particular class of persons as to warrant and require the conclusion that whatever may have been the intent of the ordinances as adopted, they are applied by the public authorities charged with their administration, and thus representing the State itself, with a mind so unequal and oppressive as to amount to a practical denial by the State of that equal protection of the laws which is secured to the petitioners, as to all other persons, by the broad and benign provisions of the Fourteenth Amendment to the Constitution of the United States. Though the law itself be fair on its face impartial in appearance, yet, if it is applied and administered by public authority with an evil eye and an unequal hand, so as practically to make unjust and illegal discriminations between persons in similar circumstances, material to their right, the denial of equal justice is still within the prohibition of the Constitution.....”

মোকাদ্দমাটির ঘটনার আলোকে Justice Mathews Board of Supervisors কর্তৃক লঙ্ঘিত ব্যবসা চালানর অনুমোদন প্রদানে অস্বীকৃতি বৈষম্যমূলক ও 14th Amendment লঙ্ঘন বলিয়া ঘোষণা করেনঃ

“The present cases, as shown by the facts disclosed in the record, are within this class. It appears that both petitioners have complied with every requisite, deemed by the law or by the public officers charged with its administration necessary for the protection of neighboring property from fire, or as a precaution against injury to the public health. No reason whatever, except the will of the supervisors, is assigned why they should not be permitted to carry on, in the accustomed manner, their harmless and useful occupation, on which they depend for a livelihood. And while this consent of the supervisors is withheld from them and from two hundred others who have also petitioned, all of whom happened to be Chinese subjects eighty others, not Chinese subjects, are permitted to carry on the same business under

similar conditions. The fact of this discrimination is admitted . No reason for it is shown, and the conclusion cannot be resisted , that no reason for it exists except hostility to the race and nationality to which the petitioners belong, and which in the eye of the law is not justified . The discrimination is therefore illegal, and the public administration which enforces it is a denial of the equal protection of the laws and a violation of the Fourteenth Amendment of the Constitution. The imprisonment of the petitioners is therefore illegal, and they must be discharged.”

h³ i v³ 1868 mv³ 14 Amendment gvi dr Equal Protection of the Laws mvsweawbK fv³ ej eZ Ki v nB³ I Av`vj Z gvi dr AvBbMZ fv³ GB mvsweawbK AvBb c³qvM Kwi tZ kZ erm³ i i l t³ewk mgq A³t³c³ v Kwi tZ nBq³wQj | mvg³wRK fv³ MhY Kwi tZ Avi l 50 ermi j wMqv wMqvQj |

Plessy V. Ferguson 163 US 537 (1896) tgvKv³ gvq Louisiana AsM i v³ 1890 mv³ i GKwU AvBb gvi dr t`tki Kv³tj v gv³bj t`i tK mv`v gv³bj t`i t³tk segregated i wLevi Rb` tij Mvox³Z c³_K Kgc³vU³g³U i wLevi weavb Ki v nBq³wQj |

Homer Adolph Plessy GK Rb ksKi RvZxq e³w³ wQ³tj b| wZwb tij Mvox³Z GKwU c³_g tk³xi wUwwKU μ q Kwi qv mv`v hwG³t`i Rbv wba³wi Z K³úvU³g³t³U GKwU Avmb Mhb Kwi tj Zv³v³tK tij Mvox nB³tZ ew³n³ti w³b³t³ c Ki v nq Ges Segregation Statute f sM Kwi evi Aciv³ta tM³dZvi Kiv nq| Plessy D³ ‘separate but equal’ AvBb msweav³tbi 13th l 14th Amendment Gi j •Nb `vex Kwi qv tgvKv³ gv K³ti b|

US m³c³g tKvU³ Bnvi i v³tq ‘separate but equal’ AvBbwU mvsweawbK ewj qv tNvl Yv K³ti | msL³vMwi t³oi c³t³ Justice Brown 14th Amendment G e³ equality before the law | social equality Gi g³ta GKwU cv³_K³ Uv³tbb t

“ . . . Legislation is powerless to eradicate racial instincts or to abolish distinctions based upon physocial differences, and the attempt to do so can only result in accentuating the difficulties of the present situation. If the civil and political rights of both races be equal one cannot be inferior to the other civilly or politically. If one race be inferior to the other socially, the Constitution of the United States cannot put them upon the same plane.”

¶KŠ- Justice Harlan mċġg †Kv†UŦ msL`vMwi †óí m†½ ØxgZ
 †cvi b K†i b| ¶Zwb e†j b th msweavb eYŦÜ (colour blind) |
 msweav†b ag©eY©bwe†k†l mKj gvb†l i AwaKvi m†ŦÜ ¶Zwb e†j b t

“ in view of the Constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful. The law regards man as man, and takes no account of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved. It is, therefore, to be regretted that this high tribunal, the final expositor of the fundamental law of the land, has reached the conclusion that it is competent for a State to regulate the enjoyment by citizens of their civil rights solely upon the basis of race.”

‘Segregate but equal’ gZ ev` m†ŦÜ ¶Zwb e†j b t

“.....We boast of the freedom enjoyed by our people above all other peoples. But it is difficult to reconcile that boast with a state of the law which, practically, puts the brand of servitude and degradation upon a large class of our fellow-citizens, our equals before the law. The thin disguise of “equal” accommodations for passengers in railroad coaches will not mislead any one, nor atone for the wrong this day done.”

Justice Harlan Gi GBi “c †Rvi vj e³ e” 58 ermi ci US
 mċġg †KvU©Brown V. Board of Education †gvKvi gvq MhY K†i |

Brown V. Board of Education 347 US 483 (1954) tgvKvī gvq Kansas AsM i vřófi GKwU AvBb Abmvti i vřó mv` v Awaevmx I wbřMř Awaevmxř i mřvbw` MřK segregate Ki Z t c_K - Křj covBevi weavb wQj | Oliver Brown bvřg GK Rb wbřMř Qvī mv` v Qvī ř` i mwnZ GKB - Křj cwoevi ` vex j Bqv tgvKvī gv Kwi řj US mcđg řKvU[®] msweavřbi 14th Amendment Gi Avl Zvq D³ ` vex MřY Ki Z t - Křj Qvī ř` i gřa` Segregation AvBb ewZj řNvl bv Kři b| GB i vqwu US mcđg řKvřU[®] GKwU AbřZg meřkřb i vq| cřvb wePvi cřZ Earl Warren eřj b t

“The plaintiffs contended that segregated public schools are not “equal” and cannot be made “equal” and that hence they are deprived of the equal protection of the laws.”

AZci , ev` xMřbi wbre` řbi řcđř řZ wZwb eřj b t

“In approaching this problem, we cannot turn the clock back to 1868 when the Amendment was adopted, or even to 1896 when Plessy v. Ferguson was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.”

wZwb cřkřDř vcb Kři b t

“We come then to the question presented : Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other “tangible” factors may be equal, deprive the children of the minority group of equal education opportunities ? We believe that it does.”

Dcmsnvti wZwb AZřř- řRvi vř řvl vq ‘separate but equal’ gZev` cřřvLvb Kři b t

“We conclude that in the field of public education the doctrine of “separate but equal” has no place. Separate educational facilities are inherently unequal. Therefore, we hold

that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained for, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. This disposition makes unnecessary any discussion whether such segregation also violates the Due Process Clause of the Fourteenth Amendment.”

h³ i v³óí msweav³bi 14th Amendment G e³ Equal Protection of the Laws Gi Dci Dc³i v³ i vqWU wbtm³›` fn GKWU gvBj dj K i vq|

Prof Wills Zv³vi Constitution Law M³Š' 14th Amendment Gi e³wB m³q³Ü e³tj b t

“Perhaps the best view on the subject is that ‘due process’ and ‘equality’ are not violated by the mere conferment of unguided power, but only by its arbitrary exercise by those upon whom conferred. If this is the correct position, the only question that would then arise would be the delegation of legislative power. If a statute declares a definite policy, there is a sufficiently definite standard for the rule against the delegation of legislative power, and also for equality if the standard is reasonable. If no standard is set up to avoid the violation of equality, those exercising the power must act as though they were administering a valid standard.”

AZci t, AÎ tgvKv³ gvq DÌ w³cZ m³gm³w³Ui t³c³¶| v³cU we³teP³bvi Rb³ Avi I K³tqK³WU b³w³Ri Av³tj v³P³b³v³q j I qv nBj |

Ganga Ram V. The Union of India (1970)1 SCC 377 tgvK³i gvq m³pc³g t³K³v³U³ Indian Railways Establishment Manual Gi m³sw³k³é weav³b e³w³Y³ t³k³Y³x³f³ß Ki b we³wa msweav³bi 14 I 16 Ab³†“Q³t³` i m³w³n³Z m³vsN³w³l K bq e³w³j qv gZ c³K³v³k K³t³i b | I. D. Dua, J. e³tj b (c, t 382) t

“3. The question which directly arises for determination is : does the procedure laid down

in these instructions violate the petitioners' right as guaranteed by Articles 14 and 16 ? The State which encounters diverse problems arising from a variety of circumstances is entitled to lay down conditions of efficiency and other qualifications for securing the best service for being eligible for promotion in its different departments. In the present case the object which is sought to be achieved by the provisions reproduced earlier is the requisite efficiency in the Accounts Department of the Railway establishment. The departmental authority is the proper judge of its requirements. The direct recruits and the promotees like the petitioners, in our opinion, clearly constitute different classes and this classification is sustainable on intelligible differentia which has a reasonable connection with the object of efficiency sought to be achieved. Promotion to Grade-I is guided by the consideration of seniority-cum-merit. It is, therefore, difficult to find fault with the provision which places in one group all those Grade-II clerks who have qualified by passing the Appendix 2 examination. The fact that the promotees from Grade II who have officiated for some time are not given the credit of this period when a permanent vacancy arises also does not attract the prohibition contained in Articles 14 and 16. It does not constitute any hostile discrimination and is neither arbitrary nor unreasonable. It applies uniformly to all members of Grade II clerks who have qualified and become eligible. The onus in this case is on the petitioners to establish discrimination by showing that the classification does not rest upon any just and reasonable basis

All India Station Masters' and Assistant Station Masters' Association V. General Manager, Central Railway AIR 1960 SC 384

†gvKvī gvq ti j l †q MwW†` i ci eZx® tók b gvóvi c†` c` bWZ
 msμ vš- c xWZ mi Kvi x PvKi x †¶ †† m†hv†Mi mgZv GB AwaKv†i i

mnZ mvsNwl K ` vex Ki v nq WKS-mjg tKvU®Zvrv bvKP Kti b| K.

C. Das Gupta, J. e†j b t

“8. It is clear that as between the members of the same class the question whether conditions of service are the same or not may well arise. If they are not, the question of denial of equal opportunity will require serious consideration in such cases. Does the concept of equal opportunity in matters of employment apply, however, to variations in provisions as between members of different classes of employees under the State ? In our opinion, the answer must be in the negative. The concept of equality can have no existence except with reference to matters which are common as between individuals, between whom equality is predicated. Equality of opportunity in matters of employment can be predicated only as between persons, who are either seeking the same employment or have obtained the same employment. It will for example, plainly made no sense to say that because for employment as professors of colleges, a higher University degree is required than for employment as teachers of schools, equality of opportunity is being denied. Similarly it is meaningless to say that unless persons who have obtained employment as school teachers, have the same chances of promotion as persons who have obtained employment as teachers in colleges, equality of opportunity is denied. There is in our opinion, no escape from the conclusion that equality of opportunity in matters of promotion, must mean equality as between members of the same class of employees, and not equality between members of separate, independent classes.”

James R. Schlesinger, Secretary of Defense V. Robert C. Ballard
419 US 498, 42 LED 2d 610, 95 Sct. 572 †gvKv† gvq 9 ermi PvK††
K†† evi ci , c` b†Z bv cvl qvq ev` x†K US Navy Gi PvK†† nB†Z
Ac††† Y Ki v nq WKS-GKB Kvi †b g†nj v KgKZ†† i †ej vq c††hvR”

wewa Abmvti Zvnvi v 13 ermi PvKwi Kwi tZ cvti | US tbsewnbxi
 cj "l l gwnj v KgzZt` i tfl tI wewai GBi "c Zvi Zg" AĪ
 tgvKvĭ gvq P`vtj Ä Ki v nq| US mpcĭg tKvU® GBi "c wewa tK %ea
 tNvl Yv Kti b| Justice Potter Stewart etj b (cĭ 618) t

“.....the different treatment of men and women
 naval officers under §§ 6382 and 6401 and 6382 reflects,
 not archaic and overbroad generalizations, but, instead, the
 demonstrable fact that male and female line officers in the
 Navy are not similarly situated with respect to opportunities
 for professional service.

.....Here, on the contrary, the operation of the
 statutes in question results in a flow of promotions
 commensurate with the Navy’s current needs and serves to
 motivate qualified commissioned officers to so conduct
 themselves that they may realistically look forward to
 higher levels of command. This Court has recognized that
 “it is the primary business of armies and navies to fight or
 be ready to fight wars should the occasion arise.” *Toth v.*
Quarles, 350 US 11, 17, 100, L Ed 8, 76 S. Ct. see also
Orloff V. Willoughby, 354 US 83, 94, 97, L Ed 842, 73 S.
 Ct.543. The responsibility for determining how best our
 Armed Forces shall attend to that business rests with
 Congress, see United States Constitution, Art I, § 8, cls 12-
 14, and with the President. See United States Constitution,
 Art II, § 2, cl 1. We cannot say that, in exercising its broad
 constitutional power here, Congress has violated the Due
 Process Clause of the Fifth Amendment.”

Wkš- Lloyd Morey, Auditor of Public Accounts of the State of
 Illinois V. George W. Doud (1957) 354 US 457, L Ed 2d 1485, 77 S Ct
 1344 tgvKvĭ gvq American Express Co. tK money order tCĪ Y
 e`emvi Rb` License Ki v nBtZ Ae`vnwZ cĪ vb P`vtj Ä Ki v nBtj US
 mpcĭg tKvU® (msL`vMwi ó wePvi cWZMtYi gZvgZ Abmvti) D³ mjeav

Chief Justice Warren, in *Harold H. Burton, J. et al. v. United States* (1954), 353 U.S. 149, 161.

“That the Equal Protection Clause does not require that every state regulatory statute apply to all in the same business is a truism. For example, where size is an index to the evil at which the law is directed, discriminations between the large and the small are permissible. Moreover, we have repeatedly recognized that “reform may take one step at a time, addressing itself to the phase of the problem which seems most acute to the legislative mind.” *Williamson v. Lee Optical of Okla., Inc.* 348 U.S. 483, 489, 75 S. Ct. 461, 75 L. ed. 563, 573. On the other hand, a statutory discrimination must be based on differences that are reasonably related to the purposes of the Act in which it is found.

.....Unlike the American Express Company, appellees and others are barred from selling money orders in retail establishments. Even if competing outlets can successfully be established as separate businesses, their ability to secure licenses depends upon a showing of “convenience and advantage.” Perhaps such a showing could not be made because the unregulated American Express Company had already established outlets in the community. And even if licenses were secured, the licensees would be required to pay licensing and investigatory fees and purchase surety bonds and insurance policies—costs that the American Express company and its agents are not required to bear. The fact that the activities of the American Express Company are far-flung does not minimize the impact on local affairs and on competitors of its sale of money orders in Illinois. This is not a case in which the Fourteenth Amendment is being invoked to protect a business from the general hazards of competition. The hazards here have their roots in the statutory discrimination.

Taking all of these factors in conjunction—the remote relationship of the statutory classification to the Act’s

purpose or to business characteristics, and the creation of a closed class by the singling out of the money orders of a named company, with accompanying economic advantages- we hold that the application of the Act to appellees deprives them of equal protection of the law.”

Justice Felix Frankfurter in *Shelton v. Texas* (1949) stated that the equal protection of the laws’

“The sole question before the Court is whether the Fourteenth Amendment of the United States Constitution, in prohibiting a State from denying any person “the equal protection of the laws,” has barred Illinois from formulating its domestic policy as it did, in an area concededly within the regulatory power of that State. As is usually true of questions arising under the Equal Protection Clause, the answer will turn on the way in which that clause is conceived.

.....The more complicated society becomes, the greater the diversity of its problems and the more does legislation direct itself to the diversities. Statutes, that is, are directed to less than universal situations. Law reflects distinctions that exist in fact or at least appear to exist in the judgment of legislators-those who have the responsibility for making law fit fact. Legislation is essentially empiric. It addresses itself to the more or less crude outside world and not to the neat, logical models of the mind. Classification is inherent in legislation; the Equal Protection Clause had not forbidden it. To recognize marked differences that exist in fact is living law; to disregard practical differences and concentrate on some abstract identities is lifeless logic.

..... What is this but to deny a State the right to legislate on the basis of circumstances that exist because a State may not under speculatively different circumstances that may never come to pass have such right? Surely there is time enough to strike down legislation when its

constitutional justification is gone. Invalidating legislation is serious business and it ought not to be indulged in because in a situation not now before the Court, nor even remotely probable, a valid statute may lose its foundation. The Court has had occasion to deal with such contingency more than once. Regulatory measures have been sustained that later, on changed circumstances, were found to be unconstitutional”.

Frankfurter, J. wbgøj wLZ f vte Dcmsnvi Uvttbb t

“Sociologically one may think what one may of the State’s recognition of the special financial position obviously enjoyed by the American Express Co. Whatever one may think is none of this Court’s business. In applying the Equal Protection Clause, we must be fastidiously careful to observe the admonition of Mr. Justice Brandeis, Mr. Justice Stone, and Mr. Justice Cardozo that we do not “sit as a super-legislature.”

msweavtbi 29 Abt“Q` Ges Dcti Avtj wPZ bwRi , wj nBtZ
wbgøj wLZ gj bxwZ cØZdwj Z nBtZtQ t

K) mi Kvi x PvKi xtZ wbtqvM ev c` bæZi tñ tî mKj
bvMwi tKi mthvtMi mgZv _vwKte, tKvbi “c %el g”
mvavi Yfvte A%ea,

L) GB mthvtMi mgZvi AwaKvi GKB tkØxf³
e“w³ eM® tñ tî cthvR”,

M) cte® wewf bæ tkØxf³ _vwKtj cieZxqZ hw` GKB
tkØxf³ nq Zte tmtñ tî I mswké e“w³ eM® Ab“vb”
mKtj i mwnZ mthvtMi mgZvi AwaKvi tfvM Kwi te,

N) cte® GKB tkØxf³ _vwKtj I cieZxqZ hw` mswké
e“w³ eM® AvBbvbm f vte wewf bæ tkØxf³ nBqv hvq, tm
tñ tî cwi ewZqZ tkØxi Rbv wbw` Ø mthvMðmweav tfvM
Kwi te Zte Hi “c cwi ewZqZ GK tkØxi Rb” wbw` Ø
mthvMðmweavi AwaKvi Ab“ tkØxi bvl _vwKtZ cvti ;

O) wewf bæ e“w³ eM® thšw³ K tkØxf³ Ki Y AvBbvbm
f vte mg_ØthvM” Zte Bnvi GKwU h_vh³ wfwl ÐwbKI
(rational basis) Aek“B _vwKtZ nBte ;

P) $\text{tk}^{\text{M}}\text{x}^{\text{f}}\text{y}^{\text{3}}$ Ki Y hw` Amswké, Ac0mw1/2K wel q wbf⁹ kxj
 weŧePbv c0mZ nq A_ev D³ c` t⁹ c hw` Am` ŧi k`
 (mala fide) gj K nq, Athšw³ K nq, b`qãó (perverse) nq
 A_ev - úóZB ágvI K nq, Zvnv nBtj A%ea nBte;

Q) GK $\text{tk}^{\text{M}}\text{x}$ nBtZ Avi GK $\text{tk}^{\text{M}}\text{x}^{\text{t}}\text{K}$ c_K Ki Zt %ea
 $\text{tk}^{\text{M}}\text{x}^{\text{f}}\text{y}^{\text{3}}$ Ki Y GKwU tevaMg` I thšw³ K cv_Ŕ`Ki Y wfwE
 wbf⁹ kxj nBtZ nBte Ges mswké AvBtbi cKZ
 Dŧi tk^{M} i mwnZ GKwU h_vh³ wfwI ĐwbKI wfwI K nBtZ
 nBte;

R) hw` I $\text{tk}^{\text{M}}\text{x}^{\text{f}}\text{y}^{\text{3}}$ Ki Y Gi thšw³ KZv I h_vh³
 wfwEĐwbKI m³ŧÜ PpvšÍ wmxvš-Av`vj Z c0 vb Kwi tZ
 cvŧi wKš-ŧKvb& weŧkI $\text{tk}^{\text{M}}\text{x}^{\text{t}}\text{K}$ $\text{tk}^{\text{M}}\text{x}^{\text{f}}\text{y}^{\text{3}}$ Ki Y Ges Bnvi
 wfwI wbw` óKi Y m³ŧÜ wmxvš-AvBb ev wewa cŔqbKvi x
 h_vh_ KZc⁹ Zvnt` i weŧePbv Abmvti MhY Kwi ŧeb;

S) PvKi x wewagvj v Aek`B mswké $\text{tk}^{\text{M}}\text{x}^{\text{f}}\text{y}^{\text{3}}$ KgPvi xt` i
 c0Z mveŔwbb, thšw³ K, c⁹ cvZnxb I mvavi Yfvŧe b`vh`
 nBtZ nBte;

T) mswké wewagvj vi hw` thšw³ KZv (reasonability) _vŧK
 Ges Bnvi h_vh³ wfwI ĐwbKI (rational basis) _vŧK, Zŧe
 i agvÎ cŧ`vbwZ c0wBi m³vebvi Zvi Zŧg`i Kvi ŧb D³
 wewagvj v A%ea nBte bv|

BwZcŧe⁹ e⁹Uk, cvwK`Ívb I evsj vt`k Avgtj i cŔvmwbK
 K`vWvŧi i bwWZ`xN⁹ Avtj vPbv Ki v nBqvŧQ| 1998 mŧbi bxwZgvj v
 Ges 2002 mŧbi wewagvj v cŔqŧbi tc⁹ vcUI eYbv Ki v nBqvŧQ|

wewagvj vi 5 wewa I c0g Zdwmŧj e⁹Yŧ cŧ`vbwZi cxwZi
 %eaZv AÎ Avcxj ,wj tZ wePvh⁹wel q|

c0Zqgvb nq th kZwãKvj ce⁹ nBtZB Aweŧ³ e⁹Uk
 fvi ZeŧI⁹ c0ŧ`wkK I tK>`ŧq mi Kvŧi i mKj D`PZi cŧ` ICS I
 IPS K`vWvi nBtZ KgŔKZŔMY wbŧqvM I c`bwZ c0B nBtZ b|

“4. Appointment by direct recruitment :- (1) No appointment to a Service by direct recruitment shall be made except upon the recommendation of the Commission.”

K`vWvi , wj tZ i b` c` mgfn wbtqvMi Rb` mefbge wk q vMZ thvM`Zv, mteP eqm BZ`w` kZ`w` eYbv Ki Zt PSC Avte` bcI Avnevb Kwi qv weA wB cKvk Kti | c0_xMY GK ev GKwaK ct` Zvnt` i cQ` (option) Acb Kwi qv Avte` bcI `wLj Kti | Zrci , PSC Zvnt` i cxwZ Abjvnti c0_xMYi wewfbeci xq v MhY Kti |

msweavtbi 29 Abt`Qt` ewYZ mi Kvi x wbtqvM j vtf mthvMi mgZvi ckwU GB chqtq Avtm| GB Abt`Qt` i wbt` Rbv Abjvnti PSC Bnvi AvBb l wewa mvctq evsj vt`tki mKj bvMwi KtK ag eY, tMwô, bvi xDcj l wbt`kkl mKj tK PSC AvtqvWRZ ci xq vq Ask MhY Kwi evi mthvM c` vb Kwi tZ eva |

AZci , ci xq vq Ask MhYKvi x mKj c0_xK 29 Abt`Qt` i 3 DcDAbt`Q` mvctq c0_gZt tgavµg Abjvnti Ges Zrci c0_xp wbr` e cQt` i K`vWvi wbtqvMi Rb` mi Kvti i wbr` PSC mpcwi k Kwi te |

Dtj E` th wmwfj mwfmi tgvU 29 wU K`vWvi i gta` mteP `vfb we wm Gm (ckvmb) Aew`Z A_r th mKj c0_x`tgav Zwj Kvq Dcti i w` tK `vb AwaKvi Kwi qvtQb Ges ckvmb K`vWvi hw` cQ` (option) Acb Kwi qv `vtKb Zvnt nBtj we wm Gm (ckvmb) Gi i b` c` mgfn Zvntw` MtK wbtqvM c0_vtbi Rb` PSC mpcwi k Kwi te | th mKj c0_x` tgav Zwj Kvq D`PZi `vb c0B nBtZ e` nBqvQb Zvnti v Zvnt` i cQ` (option) mvctq ci eZ`ev Zrci eZ`µ gvstq Aewkó 28 wU K`vWvi wbtqvMi Rb` thvM` nBtZ cvti b | GB fvt` mKj c0_xMY PSC KZK AbjôZ ci xq vq AeZxb` nBevi mgvb mthvM cvb | Zrci , c0ZthvMZvgj K ci xq vq Zvnt` i wbr` wbr` dj vdj l cQt` i wfwl tZ wewfbec K`vWvi wbtqvM c0vBi mgvb

mġthvM cvb| j ħ Yxq th hw`l mKj cŃ_x® GKB ci xġ vq AeZxY®
 nBġZġQb wKš-ci xġ vi dj v dj I wbR wbR cQġ`i Kvi ġY wewf be
 K`wWġi c_K ġkġxfġ nBqv hvBġZġQb| wKš- thġnZy GB
 ġkġxfġ Ki b mveRbxb ci xġ v I wbR wbR cQġ`i Kvi ġY nBġZġQ
 tmB tnZyD³ ġkġxfġ Ki Y thšw³ K Ges Bnvi h_vhġ wfwl ĐwbKI
 (rational basis) i wnqġQ hvnv msweavġbi 29 Abġ"Qġ`i kZ® ci Y
 Kġi | nvBġKvU®wefvM Bnvi i vġq Dcġi v³ ġcġ vcu Abġveb Kwi ġZ
 e`_®nBqvġQb|

eZġvb Avcxj ġgvKvġ gv_wj i mKj i xU& Avġe` bKvi x
 cġZev` xMY 1982 mġb evsj vġ` k wmwfj mwwfġmi Rb` mi Kvi x Kg®
 Kwgkb KZK AbġôZ cġ_g cġZġhwMZvgġ K ci xġ vq Ask MġY
 Kġi b| D³ ci xġ vq meġgvU 281 Rb cŃ_x®mwbġj Z ġgav Zvwj Kvq
 `vb cvb|

D³ 281 Rb cŃ_xi ġgav Zvwj Kvq i xU& Avġe` bKvi xMY wbgē
 ewYZ `vb AwaKvi Kġi b t

	bvg	ġgav	Zvwj Kvq
		`vb	
1|	Rbve ġZšw` Dwġ b Avnġg` (i xU& wcvUkb bsĐ1707/2001)	141	
2|	Rbve ġgt Aveġ j gvbeb (i xU& wcvUkb bsĐ393/2001)	260	
3|	Rbve ġgt mvgmj wKewi qv (i xU& wcvUkb bsĐ394/2001)	136	
4|	Rbve i wdKj Bmj vg ghg` vi (i xU wcvUkb bsĐ2237/2001)	129	
5|	Rbve e`i"j nvmvb (i xU wcvUkb bsĐ1708/2001)	105	

thġnZy Dcġi v³ cŃ_xMY ġKnB ġgav Zvwj Kvq D"PZi `vb
 AwaKvi Kwi ġZ cvġi b bvB tmBġnZyAwZ `evfwēK fvġeB I mvavi Y
 wbqġg Zvnvi v ġKnB wewmGm (cġvmb) K`wWġi wbġqvġMi mġthvM cvb
 bvB| Zvnvi v Ab`vb` K`wWġi wbġqvġMi mġthvM cŃB nBqv wQġj b|

hvnvi v tgav Zwj Kvq D"PZi - vb ARB Kwi tZ cwi qwQj b Zvnvi vB
i aywe wm Gm (cKvmb) K"vWvti wbtqvM j vtfi mthvM cvb|

GBfvte GKB cZthvMZvgj K ci xq| vq AeZxY©nl qv mtl |
tgav Zwj Kvi 281 Rb cX°Zvnt`i wBR wBR tgavµ g l cQ>`
(option) Abmvti 29 wU wevfbe K"vWvti wef³ nBqv hvb| H mgq
nBtZB Zvnvi v wevfbe tkYxTZ wef³ nBqv wMqvQj b| D³ wevfbe
tkYxTZ wef³ Ki Y thšw³ K wQj Ges Bnvi h_vhj³ wf wÉDwbKI
(rational basis) i wnqvTQ weavq GBi "c wevfbe tkYxTZ wef³ Ki Y
AvBb m½Z | GB weiqwUB nvBtKvU° wefvM Abjaveb Kwi tZ e`_©
nBqvTQb|

1981 mti Rules Gi 2q Zdwmj 29wU c_K K"vWvti i Rb"
c_K c_K wbtqvM/c` bZi weavb i wnqvTQ| GB tkYxfw³ Ki Y
(classification) tgvTUB A%ea bñ, ei A msweavb m` §Z |

Dtj E" th, ewUk ev cvwK - í vb Avgtj l wevfbe K"vWvi wQj wKš-
cfeB we` í wi Z Avtj vPbv Kiv nBqvTQ th cT` wkK ev tK>` xq
mPevj tq DcDmPe c` D"PZi c` (superior post) wnmvte MY" nBZ
Ges D³ DcDmPe Ges ZrDae° c` , wj tZ memgtqB tK>` xq l
cT` wkK cKvmbK KgKZMY c` bZ cvBtZb|

i vtóí wZbwU cAvb - í xct ev wefvTmi gta" GKwU nBj wbeñx
wefvM| i vtóí RvZxq cwi l` ev AvBb mfv Ges wePvi wefvM Gi
Kvhµ g e" wZti tK Ab" mKj cKvi Kvthp ` wqZj; wbeñx wefvTmi
Dci eZq| t` tki cAvbgšx i vtóí wbeñx cAvb| Zvnvi gšxMY
mgštq mαúY° wbeñx wefvM MwVZ| cZwU gšYvj tq GKRB
mPe/AwZwi³ mPe _vtKb| wZwb gšYvj tqi Principal Accounts
KgKZi Ges cAvb wbeñx| Zvnvi cAvb Kvh° nBtZtQ gv chTq
msMwnZ ZÉDcvTl i Dci wfwl Kwi qv mské gšYvj tqi gšxTK
h_vh_ Kgčšv wbañi Y Ki Zt wmxvš-j BtZ (Policy Decision) mnvqZv
Kiv| Kgčšv wbañi Y nBtj gšYvj tqi cñ nBtZ tmB wmxvš-Kvth°

cwi YZ Kwi tZ ZËyeavqb Kwi evi `wqZi| mwPtei Dci eZiq| GBi "c Kgĉšv wbaŋi Y (Policy Decision) I Zvni Kvth^ocwi YZ Kwi tZ (Execution) mwPtei mwnZ hMĐmwPe I DcĐmwPe mnvqK fwgKv cvj b Kti b Ges Zvni v wbeŋx mi Kvti i wbeŋx A½ (Executive arm) wnmvte cwi wPZ| mvavi Y cĉvmb Kvh^o e`wZti tK gvĐchŋq mi Kvti i Dcti v³ fŋte MwnZ wewf be wmxvš- ev⁻ í evqti bi `wqZi| _v^tK wewf be chŋq DctRj v wbeŋx KgKZ^o nBtZ wefvMxq Kwgkbvi chš-mKj KgKZ^oMtYi Dci| cĉZc^tŋ| gv chŋq cĉvmb Ges wbeŋx wefvtMi mte^oP chŋqi mwnZ DcĐmwPe, hMĐmwPe, AwZwi³ mwPe I mwPeMY tmZŋtÜi gZ Kvh Kti b| GB Kvi tYB ewUk Avgj nBtZB mwPevj tqi DcĐmwPe I ZrDa^oc^t` me mg^tqB cĉvmwbK KgKZ^oMY wbtqvM I c^t` vb^oZ cvBtZb|

GKgv^l e`wZ^μg SSP Order Gi gva^{tt}g mKj K`wvi nBtZ DcĐmwPe I ZrDa^oc^t` wbtqvM/c^t` vb^oZ c^o vb Ki v nBqvUj hvni 1989 m^tbB cwi Z^v³ nBqv^tQ|

th^tnZy PSC Gi m^opwik chŋq nBtZB KgKZ^oMY wewf be K`wv^ti tk^ox^fŋ^o nBqv hvq tmB tnZy mwPevj tqi cĉvmwbK DcĐmwPe c^t` cĉvmwbK KgKZ^oMY e`wZti tK Ab^o K`wv^ti i KgKZ^oMtYi c^opi vq wbtqvM ev c^o` b^oZ c^oŋ^o nBevi tKvb mnRvZ AwaKvi bvB|

GBi "c AvBbMZ Ae⁻vq 1998 m^tbi DcĐmwPe c^t` wbtqvM/c^o` b^oZi bxwZgvj vi 000 `dv ev 2002 m^tbi wewagj vi 5 wewa Ges Zrmswk^o c^og Zdwmtj ewY^o c^oxwZ th 75% c^o` wmwfj mwf^oŋ (cĉvmb) Ges Aewk^o 25% c^o` Ab^ovb^o mKj K`wv^ti i wmw^obqi t⁻j c^t` Kg^oZ KgKZ^oŋ^o i ga^o nBtZ c^o` b^oZi gva^{tt}g DcĐmwPe c^t` wbtqvM c^o v^tbi wewa c^oŋqbtK Athš³ K (unreasonable) ev h⁻v^oŋ^o wfwl ĐwbKI ewnf^o (irrational basis) nBqv^tQ

Zvnuv ej v hvq bv, ei \hat{A} D³ weavb th \hat{S} ³ K, ev⁻ íe m α §Z Ges msweavb m α §Z nBqv \dagger Q ewj qvB c \hat{O} Zqgvb nq|

Zte, c \hat{O} g Zdwm \dagger j i 2q μ wg \dagger K ewY \hat{Z} h \dagger M \dagger Dm \dagger Pe Ges 3q μ wg \dagger K ewY \hat{Z} AwZwi “³ m \dagger Pe c \dagger ` I tKvUv c \times wZi tKvb h \dagger _vch \dagger ³ wf \dagger l \dagger wbKI (rational basis) cvl qv hvq bv| Bnv GK \dagger U A \dagger h \hat{S} ³ K (unreasonable) \dagger k \dagger Xf \dagger ³ Ki Y (classification) weavq A $\%$ ea nBte|

hLbB tKvb Kg \dagger KZ \dagger 2002 m \dagger bi we \dagger agvj v Ab \dagger m \dagger ti Dc \dagger Dm \dagger Pe c \dagger ` c \dagger ` b \dagger wZ c \hat{O} \dagger B nB \dagger j b, Zvnuv th tKvb K \dagger w \dagger vi nB \dagger ZB nDK bv \dagger Kb, wZwb ZLb GK \dagger Rb cwi c \dagger Y \dagger Dc \dagger Dm \dagger Pe| Zvnuv c \dagger e \dagger K \dagger w \dagger vi cwi Pq ZLb wej \dagger nBte| wZwb m \dagger Pe \dagger j \dagger qi D \dagger PZi Dc \dagger Dm \dagger Pe c \dagger ` ZLb wZwb Awa \hat{o} v| tmB Awa \hat{o} v (status) j BqvB Ab \dagger mKj Dc \dagger Dm \dagger P \dagger ei mwnZ GK \dagger k \dagger Xf \dagger ³ nBqv mg \dagger AwaKvi j Bqv wZwb cieZ \dagger ³ D \dagger PZi h \dagger M \dagger Dm \dagger Pe c \dagger ` ev cieZ \dagger ³ AwZwi ³ m \dagger Pe c \dagger ` c \dagger ` vb \dagger wZ c \hat{O} \dagger B nBevi Rb \dagger we \dagger ewPZ nBteb|

AZGe, h \dagger M \dagger Dm \dagger Pe I AwZwi ³ m \dagger Pe c \dagger ` c \dagger ` b \dagger wZi \dagger q \dagger \dagger tKvUv c \times wZ Ab \dagger mi Y Ki v \dagger K th \hat{S} ³ K ej v hvq bv, ei \hat{A} GBi “c k \dagger Z \dagger tKvb h \dagger _v \dagger ³ wf \dagger l \dagger wbKI (rational basis) bvB ewj qvB c \hat{O} Zqgvb nq| GgZ Ae \dagger vq h \dagger M \dagger Dm \dagger Pe I AwZwi ³ m \dagger Pe c \dagger ` c \dagger ` b \dagger wZi Rb \dagger tKvUv Av \dagger i vc A $\%$ ea weavq D³ Df \dagger q \dagger q \dagger \dagger \dagger w \dagger b \dagger qvM c \times wZ ewZj \dagger Nvl bv Ki v nBj | Dc \dagger Dm \dagger PeM \dagger Yi ga \dagger nB \dagger Z \dagger Kvbi “c tKvUv e \dagger wZ \dagger i \dagger K c \dagger ` vb \dagger wZi gva \dagger tg h \dagger M \dagger Dm \dagger Pe c \dagger ` w \dagger b \dagger qvM cvBteb| GKB f \dagger vte h \dagger M \dagger Dm \dagger PeM \dagger Yi ga \dagger nB \dagger Z \dagger Kvbi “c tKvUv e \dagger wZ \dagger i \dagger K c \dagger ` vb \dagger wZi gva \dagger tg AwZwi ³ m \dagger Pe c \dagger ` w \dagger b \dagger qvM cvBteb|

AZGe, msweav \dagger bi 103 I 104 Ab \dagger “Q \dagger Gi Avl Zvq wbg \dagger j wLZ w \dagger b \dagger ` \dagger bv c \hat{O} vb Ki v nBj t

K) 1998 m \dagger bi ce \dagger Zb bxwZgvj v Gi Dc \dagger Dm \dagger Pe c \dagger ` c \dagger ` b \dagger wZ/w \dagger b \dagger qv \dagger Mi bxwZgvj vi 000 \dagger ` dv $\%$ ea wQj ;

L) mi Kv \dagger i i Dc \dagger Dm \dagger Pe, h \dagger M \dagger Dm \dagger Pe, AwZwi ³ m \dagger Pe I m \dagger Pe c \dagger ` c \dagger ` vb \dagger wZ we \dagger agvj v, 2002 Gi 5 \dagger ` dv $\%$ ea;

M) 2002 mv†j i weWagvj vi cŭg Zdw†j i 1g μwg†K ewYŹ DcĐmwPe c†` w†qM cxwZ %ea;

N) cŭg Zdw†j 2q l 3q μwg†K ewYŹ hMĐmwPe l AwZwi³ mwPe c†` w†qM cxwZ†Z †KvUv Av†ivc A%ea weavq D³ `β c†` c†`vbwZ Rbv †KvUv cxwZ ewZj Kiv nBj |

GgZ Ae⁻ vq AÎ Avcxj , wj Li Pv e^wZ†i †K Dc†i cŭ Ē gše^o l w†` †bv mv†c†¶| AvswwK gbRj (allowed in part) Kiv nBj Ges nvB†KvU^o wefv†Mi 13ĐO2Đ2002 Zwi †Li i vqWU i` l i wnZ (set-aside) Kiv nBj |

CJ.
J.
J.
J.
J.
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The 24th May, 2010.
***Approved for Reporting.**

