

**Government of West Bengal
Backward Classes Welfare Department
Writer's Buildings, Kolkata – 1**

No. 2005 (100) -BCW/MR-35/2006

Kolkata 17th July, 2007

From: Shri Madhusudan Dhar, WBSS,

Assistant Commissioner for Reservation and ex-officio Assistant Secretary to the Government of West Bengal

To:

1. The District Magistrate
2. The Project Officer-cum-District Welfare Office, Backward Classes Welfare.
3. The Secretary, Finance (Audit) Deptt.
4. The Director

Sub: The West Bengal Scheduled Castes and Scheduled Tribes (Reservation of vacancies in Services and Posts) (Amendment) Act, 2007.

Sir,

I am directed to send herewith a copy of this Deptt.'s Notification No. 1451 BCW dt. 28-05-2007 along with a copy of Gazette Notification No. 652-L dt. 10.05.2007 of Law Department amending the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of vacancies in Services and posts) (Amendment) Act, 2007 for your information and necessary action.

Encl.: As stated.

Yours faithfully,

Sd/ Illegible

Assistant Commissioner for Reservation and

Ex-Officio Assistant Secretary to the Government of West Bengal

THE KOLKATA GAZETTE

Extraordinary Published by Authority

MONDAY, MAY 28, 2007

PART I- Orders and Notifications by the Governor of West Bengal,
the High Court, Government Treasury etc.

GOVERNMENT OF WEST BENGAL

BACKWARD CLASSES WELFARE DEPARTMENT

Writer's Buildings, Kolkata -1

NOTIFICATION

No. 1451-BCW- 28.5.2007 - In exercise of the power conferred by sub-section (2) of section 1 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 2007 (West Ben. Act V of 2007) (hereinafter referred to as the said Act), the Governor is pleased hereby to appoint the 28th day of May, 2007, as the date on which the said act shall come into force.

By order of the Governor

JAYA DASGUPTA

Principal Secy. to the Govt.

West Bengal

THE KOLKATA GAZETTE

Extraordinary Published by Authority

THURSDAY, MAY 10, 2007

PART III - Acts of the West Bengal Legislature

GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT
Legislative

NOTIFICATION

No. 652-L- 10th May, 2007 - The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:-

West Bengal Act V of 2007

THE WEST BENGAL SCHEDULED CASTES AND SCHEDULED TRIBES (RESERVATION OF VACANCIES IN SERVICES AND POSTS) (AMENDMENT) ACT, 2007

(Passed by the West Bengal Legislature)

(Assent of the Governor was first published in the Kolkata Gazette, Extraordinary, of the 10th May'07)

An Act to amend the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976

WHEREAS it is expedient to amend the West Bengal Scheduled Castes; Scheduled Tribes (Reservation of Vacancies in Services and posts) Act, 1976, for the purposes and in the manner hereinafter appearing;

West Ben. Act

XXVII of 1976

1. Short title and commencement: It is hereby enacted in the Fifty eighth year of the Republic of India, by the Legislature of West Bengal, as follows:

(1) This Act maybe called the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) (Amendment) Act, 2007

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Amendment of Sec 6 of West Bengal Act XXVII of 1976: In sub-section (2) of section 6 of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Service and Posts) Act, 1976-

(1) after the words "carried forward against the subsequent unreserved vacancy", the words "available at the time of passing order of dereservation or any unreserved vacancy which shall occur in future" shall be inserted;

(2) for the first provision, the following proviso shall be substituted:

"Provided that the State Government may, if it is satisfied that the appointing authority by genuine mistake or on account of an error of judgement or owing to ignorance has filled up any reserved vacancy otherwise than by a candidate for whom the vacancy is reserved and that there has been no mala fide intention in this regard on the part of the appointing authority by order, in writing, regularise the appointment. If so applied for by the appointing authority, on the basis of the carry forward principle. In such case, reservation against the reserved vacancy already filled up otherwise than by a candidate belonging to Scheduled Caste or Scheduled Tribe for whom the vacancy was originally reserved, shall -

(a) if such vacancy relates to an establishment other than the established in universities and colleges affiliated to the universities, primary and secondary schools and also other educational institutions which are owned or aided by the State Government, be carried forward to the nearest unreserved vacancy available at the time of consideration of any application; or

(b) if such vacancy relates to an establishment in universities and colleges affiliated to the universities, primary and secondary schools and also other educational institutions which are owned or aided by the State Government, be carrier forward to the nearest unreserved vacancy available at the time of consideration of any application or to any unreserved vacancy which shall occur in future."

By order of the Governor

S. K. Chakrabarti
Principal Secy. to the Govt. of West Bengal
Law Department