

**Government of West Bengal
Finance Department
Audit Branch**

No. : 7196-F(P)

Kolkata, the 2nd July 2010.

**Subject : Instruction regarding preparation,
cancellation, appointment out of panels for
filling up of the non-PSC posts.**

It has been observed that in many of the Departments / Directorate / Regional Offices, the panel of reserve / wait-listed candidates prepared in connection with recruitment of different category of erstwhile non-PSC posts, is not being cancelled even after a considerable period of time has elapsed. As a result, the said panels are sometimes interpreted to be remaining virtually valid and various legal complications are arising in subsequent period. At times, the position regarding wait-listed/reserve list candidates is not shown clearly. Similarly, the manner of filling up of posts out of the said panel also needs clarifications. The following points need to be, therefore, clarified :

1. In a number of cases involving erstwhile non-PSC posts panels are prepared without mentioning any period of validity beyond which the panel will be cancelled. This practice has given rise to a number of court cases causing embarrassment for the Government.
2. It may be noted that selection process is always initiated for a particular number of vacancies against particular posts. A panel should not remain valid for more than a year. The panel will automatically stand cancelled when all the notified vacant posts are filled up from the panel within the said one year validity period of the panel.
3. The methodology of selection, criteria of minimum qualifying individual parameters & aggregate may also be detected before initiating the selection process. Number of vacancies to be filled up along with SC, ST, OBC (all kinds of reserved categories) etc. break up must be clearly mentioned in the advertisement for recruitment.
4. The panel should show clearly the list of successful candidates & the waitlisted / reserve candidates separately. Number of wait-listed candidates may not exceed 10% of the total vacancies subject to minimum one and also subject to the condition that such candidates have scored minimum qualifying marks as determined prior to initiation of selection process. The panel is for appointing only so much number of posts for which selection procedure has been commenced and, hence, should reflect this position very clearly. At the time of publishing the panel it is to be clearly mentioned that this panel will remain valid till all the posts as notified are filled up or for a period of one year whichever is earlier.
5. Appointment letters are to be issued to the empanelled successful candidates against specified vacancies strictly in terms of serial order of the panel.

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6. In so far as successful candidates are concerned, total number of successful candidates corresponds to the number of vacancies. Hence appointment letters may be issued on completion of the requisite formalities, which may be essential as per the serial order of the list of successful candidates. However, a candidate out of waiting list should not be selected merely because PVR or other formalities have been completed for a particular number/numbers of the successful candidates. Candidates out of waiting list will only be considered for appointment when a particular candidate from the main panel has declined in writing not to join the post or has not responded to join despite several notices having been issued to him and intimation regarding cancellation of his candidature has duly been notified to the said candidate as per law. It is to be noted that when appointment letter is to be issued to any candidate out of waiting list, the same will be done strictly maintaining serial order in the said list. It is reiterated that issue of appointment letters overlooking the serial order of the empanelled candidates will be a serious violation of the procedure of appointment and will be an illegal act. The officers concerned taking such a decision will be held responsible for the said illegality.
7. Vacancies created or allowed to be filled up after the notification of the selection process should not be filled up from the panel prepared for previous vacancies. This would mean depriving potential future candidates of an equal opportunity to employment.
8. No candidate from any waiting list to any panel should be appointed to a vacancy which may not fall under the originally notified selection process i.e., future vacancies are not expected to be filled out of the waiting list for earlier examination. This would, again, mean depriving potential future candidates of an equal opportunity to employment.
9. A panel prepared for a particular category of posts cannot be used for recruitment to some other category of posts. This would again mean depriving potential candidates of an equal opportunity to employment.
10. Under the above circumstances, if the notified vacancies have already been filled up from the panel of successful candidates, the remaining list of candidates of the panel as well as the waiting list should be cancelled forthwith without waiting for completion of one year.
11. All panels which are liable to be cancelled as per the above guidelines at the materials point of time, will be treated as cancelled with immediate effect unless there is specific direction of any court of law to the contrary including a direction to keep the concerned panel alive and to make appointment out of such panel.
12. This guideline will be applicable to all departments, directorates and offices under the control of Government of West Bengal and to the posts which have been exempted from the purview of PSC unless there is any specific statutory provision to the contrary. In case of any dispute with reference to these guidelines, same may be referred to the Finance Department for necessary clarification which will be binding on all concerned.

Sd/- C.M. Bachhawat

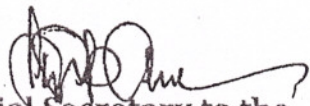
Principal Secretary to the
Government of West Bengal,
Finance Department.

No. : 7196/1(500)-F(P)

Kolkata, the 2nd July, 2010.

Copy forwarded for information and necessary action to :-

01. The Accountant General (A&E), West Bengal, Treasury Buildings, Kolkata - 700 001.
02. The Principal Accountant General (Audit), West Bengal, Treasury Buildings, Kolkata - 700 001.
03. The Pay & Accounts Officer, Kolkata Pay & Accounts Office-I, 81/2/2, Phears Lane, Kolkata - 700 012.
04. The Pay & Accounts Officer, Kolkata Pay & Accounts Office-II, P-1, Hyde Lane, Jahar Buildings, Kolkata - 700 073.
05. The Accounts Officer, West Bengal Secretariat, Writers' Buildings, Kolkata - 700 001.
06. The Accounts Officer, West Bengal Secretariat, Salt Lake, Bikash Bhawan, Kolkata - 700 091.
07. The Sub-Divisional Officer,
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08. The District Magistrate / Judge,
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09. The Treasury Officer,
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10. The,
..... Deptt./Dte.
11. The Commissioner,
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12. The Principal, Industrial Training Institute,
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13. The Superintendent of Police,
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14. The Superintending Engineer / Exe. Engineer,
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15.
..... Branch/Group of this Department.
16. The Special Secretary/Joint Secretary/Deputy Secretary of this Department.


Special Secretary to the
Government of West Bengal,
Finance Department.