

No. 36011/2/2010-Estt.(Res.)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

New Delhi, dated: the 10th August, 2010

OFFICE MEMORANDUM

Subject:- Appointment of candidates belonging to Halba Koshti /Halbi Koshti/Koshti caste against vacancies reserved for the Scheduled Tribes – Implementation of judgement of the Supreme Court in the case of State of Maharashtra Vs. Milind and Ors.

The undersigned is directed to refer to this Department's OM No. 42011/22/2006-Estt.(Res.) dated 29th March, 2007 wherein it was stated that admissions and appointments of candidates belonging to the Halba Koshti/Koshti caste who were party in the Civil Appeal No.2294 of 1986 [State of Maharashtra V/s Milind & Ors] and other similar cases in which the Court had given specific relief shall not be disturbed and that the cases other than those protected by the specific order of the Supreme Court shall be dealt with in accordance with the instructions contained in this Department's OM No.11012/7/91-Estt.A dated 19.5.1993.

2. The matter regarding the effect of the judgment of the Supreme Court in Milind's case has been considered by the Supreme Court in Civil Appeal No. 1547 of 2007 [Punjab National Bank & Anr Vs. Vilas, S/o Govindrao Bokade] and some other cases. The Supreme Court in these cases has observed that it had held in Milind's case that though the status of Scheduled Tribe could not be conferred on candidates belonging to Halba Koshti/ Koshti caste, protection had been provided in no uncertain terms to admissions and appointments that had become final. Thus the Supreme Court has held that such candidates belonging to Halba Koshti/Koshti caste whose appointment had become final on or before 28.11.2000, the date on which the Supreme Court had decided the Civil Appeal No.2294/1986 [State of Maharashtra V/s Milind & Ors], shall not be affected.

3. The matter has been examined in consultation with the Department of Legal Affairs and it has been decided that the persons belonging to the 'Halba Koshti/ Koshti' caste who got appointment against vacancies reserved for the Scheduled Tribes on the basis of Scheduled Tribe certificates, issued to them by

the competent authority, under the Constitution (Scheduled Tribes) Order, 1950 (as amended from time to time) relating to the State of Maharashtra and whose appointments had become final on or before 28.11.2000, shall not be affected. However, they shall not get any benefit of reservation after 28.11.2000.

4. Contents of this OM may be brought to the notice of all concerned.



(K.G. Verma)
Director
Tel: 23092158

1. All Ministries/Departments of the Government of India.
2. All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate offices of the Ministry.
3. Department of Economic Affairs (Banking Division), New Delhi.
4. Department of Economic Affairs (Insurance Division), New Delhi.
5. Department of Public Enterprises, New Delhi.
6. Railway Board.
7. Union Public Service Commission/Supreme Court of India/Election Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/Prime Minister's Office/Planning Commission.
8. National Commission for SC & ST, Lok Nayak Bhavan, New Delhi.
9. National Commission for Backward Classes, Trikoot-I, Bhikaji-Cama-Place, R.K. Puram, New Delhi.
10. Ministry of Welfare, Shastri Bhavan, New Delhi.
11. NIC
12. Guard File 2010
13. Spare copies – 400.