

**GOVERNMENT OF ODISHA**  
**ST & SC DEVELOPMENT DEPARTMENT**

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No. 27824 /SSD Bhubaneswar Dt. 16-08-2013  
Emp.- RP-I (A)15/2012 (Pt-III)

From

Prof. (Dr.) A.B. Ota, I.A.S  
Director (ST)-cum-Addl. Secretary to Govt.

To

The Additional Secretary to Government  
Home Department

**Sub.: Clarification on the implementation of the judgment in the OA No.652/C-2010.**

Sir,

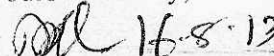
In inviting reference to your letter No.25052 dt.11.07.2013 I am directed to say that Section 5(2) of ORV Act,1975 reads-The appointing authorities shall maintain rosters in the prescribed form and accordingly 80-point Model roster was introduced vide Notification dt.21.4.1994 of erstwhile Tribal Welfare Deptt. Section 5(3) of ORV Act,1975 reads-The rosters shall be consulted for ascertaining the number of reserved vacancies but the appointments shall be made in accordance with the order of precedence as shown in the Select list. Travesty of truth has appeared at Sl.24 (p.59-60) of said judgement regarding judgement on C.A.-1272/2011 decided on 09.02.2011. On the spirit of judgement, it can not be devised that UR candidates selected by OPSC coming through open advertisement beyond the advertised post are illegal appointees or to be treated as adhoc appointees.

Present Law prescribes post based reservation principle instead of vacancy based roster, with salient features like slots are reserved category-wise, only meritorious reserved candidates to claim UR posts, catch-up-rule to be implemented, no exchange facility between SC & ST candidates, clear distinction between selection and non-selection posts in promotion etc.

Implementation of this judgement in the face of post based reservation principle is not feasible and practicable rather regressive and against the present law on reservation.

However, as this judgement has decided the principle of inter-se-seniority it is advised to seek views of G.A. Department.

Yours faithfully,



Director (ST)-cum-Addl. Secy. to Govt.