

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	:	..... <b><u>Respondent</u></b> (In C. A. No.294/03)
Md. Abdul Mannan	:	..... <b><u>Respondent</u></b> (In C. A. No.295/03)
Md. Sumsul Kibria	:	..... <b><u>Respondent</u></b> (In C. A. No.296/03)
Md. Rafiqul Islam Majumder	:	..... <b><u>Respondent</u></b> (In C. A. No.297/03)
Md. Badrul Hassan	:	..... <b><u>Respondent</u></b> (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 19<sup>th</sup>, 20<sup>th</sup>, 21<sup>st</sup>, 27<sup>th</sup> & 28<sup>th</sup> Days of April,2010 and 12<sup>th</sup>, 17<sup>th</sup>, 18<sup>th</sup> & 19<sup>th</sup> Days of May,2010.

**Date of Judgment**

: 24<sup>th</sup> 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 মোকদমাগুলিত ১৩/২/২০০২ তারিখ প্রদত্ত রায় হইত অনুমতি প্রাপ্ত (Leave) হইয়া উদ্ধৃত হইয়াছে। উপরোক্ত রীট্ মোকদমাগুলিত একই ev GKB ai tbi আইনের প্রশ্ন জড়িত থাকায় ১৩/২/২০০২ তারিখের রায় সবগুলি রীট্ মোকদমা নিষ্পত্তি করা nq| D³ i vtq ms¶|x nBqv সরকার পক্ষ আপীল দায়ের করিবার নিমিত্ত Avte`bcÍ `wLj Kwi t j অত্র আপীল বিভাগ KZK i bvbX AšÍ ২৭/৭/২০০৩ তারিখের রায় অনুমতি প্রাপ্ত (Leave granted) হয়।

আপীল নং-২৯৪/২০০৩ মোকদমার প্রতিবাদী জনাব তৌহিদ উদ্দিন আহমদ (রীট্ ৷C ৷Ukb নং-১৭০৭/২০০১ tgvKÍ gvi ev`x) ১৯৮২ সন বাংলাদশ সিভিল সার্ভিস (বিসিএস) জন্য সরকারী কর্ম কমিশন (কমিশন) কতৃক অনুষ্ঠিত প্রথম প্রতিযোগিতামূলক পরীক্ষায় সম্মিলিত মেধা তালিকায় সর্বমোট ২৮১ জনের মধ্যে ১৪১ নং স্থান অধিকার করন এবং খাদ্য ক্যাডার মনোনীত হইয়া খাদ্য মন্ত্রণালয়ের ২-১-১৯৮৪ তারিখের এক আদশবাল মহাকুমা খাদ্য নিয়ন্ত্রক পদ ৷b tqvM প্রাপ্ত হইয়ন (রীট্ ৷C ৷Uk tbi এ্যানকচার -ডি)। D t j E" যে উপরোক্ত পরীক্ষার ফলাফলের Rb" অপক্ষমান কাল রীট্ দরখাস্তকারী ১৯৮২ সন আহবানকৃত বিশেষ g" ৷R t óU পদ নিয়োগের জন্য পরীক্ষায় অবতীর্ণ হইয়াছিলন এবং ৫-৬-১৯৮৩ তারিখের পত্র ZvntK উক্ত পদ নিয়োগের জন্য প্রস্তাব দেওয়া হইয়াছিল। পরবর্তীত ১১-১০-১৯৮৯ তারিখের এক বিজ্ঞপ্তি মারফৎ ১৯৮২ সন অনুষ্ঠিত বিসিএস কর্মকর্তাগY t K ২-৪-১৯৮৩ তারিখ হইত জেষ্ঠতা প্রদান করা হয় (রীট্ ৷C ৷Uk tbi এ্যানকচার-ডি-১)। অতপর, রীট্ দরখাস্তকারী ১০-৮-১৯৮৮ তারিখের এক বিজ্ঞপ্তি বাল জেলা খাদ্য নিয়ন্ত্রক পদ c t` vb Z প্রাপ্ত ntqb (রীট্ ৷C ৷Uk tbi এ্যানকচার -ই)।

Avxj bs 295/2003 tgvKÍ gvi c Zev`x জনাব মোঃ আব্দুল মান্নান (i xU ৷C ৷Ukb bs-৩৯৩/২০০১ tgvKÍ gvi বাদী) ১৯৮২ মত সরকারী কর্ম কমিশন কতৃক অনুষ্ঠিত প্রতিযোগিতামূলক পরীক্ষার সম্মিলিত মেধা তালিকায় সর্বমোট ২৮১ জনের মধ্যে ২৬০ নং স্থান অধিকার করন এবং তথ্য ক্যাডার ১৯৮৪ সন মনোনীত nBqv Z" gšYvj tqi 27/03/1984 Zwi t Li GK Av t` k etj Z" KgKZP wnmvte ৷b tqvM c 0B ntqb (G" v t bK Pvi Dwm) | Z te 11/10/1989 Zwi t Li 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 G†v†bKPvi ÐwmÐ2) |  
২০/০৩/১৯৯৩ Zwi †Li প্রজ্ঞাপন e†ল তিনি তথ্য মন্ত্রণালয়র সিনিয়র তথ্য অফিসার প†-  
দ c†` vbWZ প্রাপ্ত হ†য়ন (রীট্ wcWUk†bi G†v†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 G†v†bKPvi Ðwm)। D†j †` যে উপ†রাজ্ঞ পরীক্ষার ফলাফ†লের Rb`  
A†c¶| vgvb কা†ল রীট্ দরখাস্তকারী ১৯৮২ স†ন আহবানকৃত বিশেষ g†v†R†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 K†v†v†i mnKvi x Ki K†gkbvi c†` g†bvbxZ nBqv 10Ð11Ð1983  
Zwi †Li GK weÁwB gvi dr D³ c†` w††qvM c†B n†qb (i xU&  
wcWUk†bi G†v†bKPvi ÐwW I wWÐ1)| AZtci h\_vi xwZ g†v†R†óU& c`  
nB†Z Qvoc† M†hb Ki Zt 7Ð12Ð1983 Zwi †L mnKvi x Ki  
K†gkbvi c†` thvM` vb K†i b| µ gvb†q c†Zev` x 12Ð2Ð1991  
Zwi †L DcÐKi K†gkbvi , 4Ð8Ð1996 Zwi †L hM†DKi K†gkbvi  
Ges 1Ð7Ð1999 Zwi †L AwZwi ³ Ki K†gkbvi c†` c†` vbWZ c†B  
n†qb| ZvnvQvov, wZwb RvZxq i vRm† tev†W† c†g m†Pe (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 মন্ত্রণালয়র ২-১-১৯৮৪  
তারি†খর এক আ†দশব†ল মহাকুমা খাদ্য নিয়ন্ত্রক প†দ w††qvM প্রাপ্ত হ†য়ন (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 Civil Service Commission মামলায় Zj bvgj Kfvte mfi nl qvq তাহারা AZ' s' ক্ষুদ্র নৃগণ এবং উপরাষ্ট্র রীট মোকদ্দমাগুলি বিচার করে।

হাইকোর্ট বিভাগের একটি উপরাষ্ট্র সবগুলি রীট মোকদ্দমা একত্র শুনানী অস্ত্র ইহার ১৩-২-২০০২ Zwi fLi একক বিচার তর্কিত b'Z gvj vq বর্ণিত বিসিএস (প্রশাসন) K'vWvfi i জন্য শূন্য পদ ৭৫% কোটা এবং অন্যান্য ২৮টি ক্যাডার i জন্য ২৫% fKvUv wba' Y বৈষম্যমূলক আখ্যা প্রদান করিয়া রীট মোকদ্দমাগুলিতে জারীকৃত রুলগুলি এ্যাবসলিউট করে।

নব্ব্ব্ববিভাগের উক্ত রাষ্ট্র ক্ষুদ্র হইয়া বাংলাদেশ সরকার গং C'f' 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 বলে আপীল বিচারে অনুমতি প্রদান করে। 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 যো†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 যো†হতু তাহারা mK†j GKB m†½ একই পরীক্ষায় উত্তীর্ণ হইয়াছি†লন, সেই†হতু একই মাপকাঠি-†ত Zvnt†` i mK†j i উপ-সচিব পদসহ সকল প†দ c†` vbWZ হওয়া m†gW†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, AwZwi<sup>3</sup> mPe l mPe c†` c†` vbwZi †¶ †Ā GB weWagvj vi weavbvej x KvĥKi \_wKte|

cĀZqgvb nq th, weWagvj vi Dc†i v<sup>3</sup> avi vi Kvi †b AvcvZ ` wó†Z 1998 m†bi bxwZgvj vi 000 ` dv KvĥZ evwZj nBqv wMqv†Q| d†j i xU& tgvKĪ gv, wj †Z cĀ Ē i vql AKvĥKi nBqv hvq| wKš-wel qwU †Kvb c¶ B c†e<sup>o</sup> AĀ Av` vj †Zi bR†i Avbqb K†i b bvB| d†j 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<sup>o</sup> wef v†Mi msĥkĒ i vqwU infructuas nBqv wMqv†Qj | AĀ Avcvj tgvKvĪ gv, wj i Ppvš-i bvbxi mgq Dc†i v<sup>3</sup> 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<sup>o</sup> wef v†Mi i vq ` wMZ \_vwKevi m†hv†M bZb bxwZgvj v cĀq b Ki Zt ZwKZ 000 ` dwU evwZj K†i hw` l D<sup>3</sup> ` dvi B %eaZv i xU& ` i Lv` Kvi xMY 2001 m†bB P`v†j Ā Kwi qw†Qj Ges i bvbX A†š- nvB†KvU<sup>o</sup> wef v†M D<sup>3</sup> 000 ` dv A%ea †Nvl Yv K†i wKš-D<sup>3</sup> i vq ` wMZ Ki †bi m†hv†M j Bqv mi Kvi c¶ bxwZgvj vi A%ea †Nvl Z 000 ` dvq cĀ Ē kZw` Avi l wel ` fv†e weWagvj vq eYbv Kwi qv nvB†KvU<sup>o</sup> 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  
mshj<sup>3</sup> 2002 m1bi wewagj vi 5 wewai Avl Zvq Dc0mwPe,  
hM0mwPe, AwZwi <sup>3</sup> 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 <sup>3</sup> A'vUbx0tRbv1j  
g1nv`qMYI c0Zev`x c1q i G'vW1fv1KU& Rbve AvRgvj j tnv1mb  
Gi mwnZ GK gZ tcvl Y Kwi qv wewagj 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 wte`b Kti b| Zvvi v  
m1Kvi Kti b th wewagj vi c0\_g Zdwm1j ewYZ wbtqvM cxwZ  
c1ev<sup>0</sup> bxwZgvj vi 000 `dvq ewYZ k1Z1 we`wvi Z weei Y gv1 |

GgZ Ae`vq m1uY<sup>0</sup> b'vqwePv1i i m1t\_<sup>0</sup> (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 wewagj 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 m1u1K<sup>0</sup>t`k l  
wet`1ki wewf b0bwRi Dc`vcb Ki Zt wte`b Kti b th 1971 m1bi  
100B Gw1j Zwi tL c0 E Proclamation of Independence0G AvB1bi  
`w01Z mgZv Ges m1hv1Mi mgZv m1u1K<sup>0</sup>wetkl fvte , 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 nvB1KvU<sup>0</sup>

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†bv  
 K†i b|

wZwb wb†e` b K†i b th i xU†D` 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 wK†Š- Zv†v†` i t†i †G mvsweavwbK f†ve w†w†D Z  
 m†hv†Mi mgZvi t†Kvb 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  
 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  
 DrK†ó dj v†d†j i Kvi †Y wew†be K†wW†i Aew†Z i b†c†i` w†tqvM| H  
 mgq nB†ZB KZKvh® c†i\_x†M†Yi B†Qv I dj v†dj 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† mvsNw†l † Ae† vb Avi \_v†K bv, c†iZ†KwU K†wW†i B w†R w†R  
 PvK†i x†Dwew†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†wVK†f†ve Ab†veb Kwi †Z  
 nvB†KvU®wefvM f†j Kwi qv K†wW†i , w†j i m†xKZ wew†wRZ Ae† vb†K  
 †gvZ†K f†ve AvB†bi ` †ó†Z mgZv Ges m†hv†Mi mgZv msweav†bi  
 c†i È GB tgs†wj K AwaKvi , w†j i †gv†E†K e†vL†v Kwi qv†Qb|

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

Kwgbk gvi dr Db<sup>3</sup> ci x<sup>1</sup> v l cwi Kwí Z Ab<sup>1</sup>vb<sup>1</sup> c<sup>1</sup> t<sup>1</sup> c Gi gva<sup>1</sup>tg Dc<sup>1</sup>mwPe ct<sup>1</sup> mKj K<sup>1</sup>vWvi nB<sup>1</sup>tZ ct<sup>1</sup> vb<sup>1</sup>Zi e<sup>1</sup>e<sup>1</sup>v vKtj l tKvb<sup>1</sup>w<sup>1</sup> bB ci x<sup>1</sup> v gvi dr ct<sup>1</sup> vb<sup>1</sup>Z c<sup>1</sup> vb Kwí evi c<sup>1</sup> t<sup>1</sup> c Mhb Kiv nq bvB, ei <sup>1</sup>Á tKvb c<sup>1</sup>Kvi ci x<sup>1</sup> v e<sup>1</sup>wZti tKB mKj mgq ct<sup>1</sup> vb<sup>1</sup>Z c<sup>1</sup> vb Kiv nBqv<sup>1</sup>tQ Ges SSP Order Gi c<sup>1</sup>KZ D<sup>1</sup>tí k<sup>1</sup> i ay m<sup>1</sup>úY<sup>1</sup>e<sup>1</sup>vnZB nq bvB ei <sup>1</sup>Á D<sup>3</sup> weav<sup>1</sup>tbi c<sup>1</sup>KZ D<sup>1</sup>tí k<sup>1</sup> l g<sup>1</sup>tg<sup>1</sup> Pi g Ace<sup>1</sup>envi nBqv<sup>1</sup>tQ | GB Kvi t<sup>1</sup>b c<sup>1</sup>KZc<sup>1</sup>t<sup>1</sup> we<sup>1</sup>f b<sup>1</sup>e K<sup>1</sup>vWv<sup>1</sup>ti i we<sup>1</sup>tkl Kwi qv c<sup>1</sup>kvmbK K<sup>1</sup>vWv<sup>1</sup>ti i Kg<sup>1</sup>KZ<sup>1</sup>MY Kwgbk<sup>1</sup>bi g<sup>1</sup>t<sup>1</sup>vbq<sup>1</sup>t<sup>1</sup> Da<sup>1</sup>v<sup>1</sup>t<sup>1</sup>b Ae<sup>1</sup>v<sup>1</sup>b Kwí t<sup>1</sup>j l Dc<sup>1</sup>mwPe ct<sup>1</sup> ct<sup>1</sup> vb<sup>1</sup>Zt<sup>1</sup>Z Zvni v  $\mu$  gvMZ e<sup>1</sup>w<sup>1</sup>ÁZ nB<sup>1</sup>tZ vtKb h<sup>1</sup> l Kwgbk KZK Ab<sup>1</sup>y<sup>1</sup>ôZ c<sup>1</sup>hZth<sup>1</sup>w<sup>1</sup>MZvgj K ci x<sup>1</sup> vq Zvni vB Da<sup>1</sup>Zi <sup>1</sup>v<sup>1</sup>b AwaKvi Kwi qv c<sup>1</sup>kvmb K<sup>1</sup>vWv<sup>1</sup>ti PvKi xi m<sup>1</sup>thvM cvBqv<sup>1</sup>Qj | ZvniQvov, wZwb etj b th SSP Order Gi AvBbMZ %eaZvl m<sup>1</sup>t<sup>1</sup>> nRbK |

Rbve Awgi "j Bmj vg, G<sup>1</sup>vW<sup>1</sup>f<sup>1</sup>v<sup>1</sup>t<sup>1</sup>KU, Zvni h<sup>1</sup>y<sup>3</sup> i m<sup>1</sup>ct<sup>1</sup> evsj vt<sup>1</sup> k l e<sup>1</sup>wnwe<sup>1</sup>k<sup>1</sup> wbg<sup>1</sup>wj wLZ bwRi , wj i Dc<sup>1</sup>vcb K<sup>1</sup>ti 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`wWtfv†KU g†nv` qI Rbve Awgi "j Bmj vg, G`wWtfv†KU g†nv` †qi h<sup>3</sup> mgn mg\_ b Kwi qv e<sup>3</sup> e` i v†Lb|

i xUD` i Lv` Kvi xDc†Zev` x c†¶| Rbve AvRgvj j tnv†mb, wmwbi G`wWtfv†KU Ges Rbve Gg, Kvgi "j nK wmw† Kx, G`wWtfv†KU, e<sup>3</sup> e` Dc` vcb K†i b|

Rbve AvRgvj j tnv†mb 1979 m†bi Senior Services Pool Order Gi c†Z ` wó AvKI b ceK w†e` b K†i b th D<sup>3</sup> Av†` †k Pool Officer bv†g GKwU bZb K`wWvi m<sup>ó</sup> nBqvwQj | mKj K`wW†i i KgKZMY nB†Z D<sup>3</sup> Pool K`wWvi nBZ, †Kvb w††kl K`wWvi nB†Z bq| D<sup>3</sup> Pool nB†Z Dc†mwPe, h††mwPe, AwZwi <sup>3</sup> m†Pe I m†Pe c†` w††qvM c†` vb Kiv nBZ| d†j mKj K`wW†i i KgKZMY SSP Order Gi gva††g Dc†mwPe I Da†Zb c†` b`vqwf†l Kfv†e c†` vb†Z c†B nB†Zb| AZci t, mi Kvi 1980 m†b mi Kvi x Kg†wefvM (Civil Service)†K c†w†v†m Ki Zt 14 wU K`wW†i w†f<sup>3</sup> K†i | c†\_xMY Kg†Kwgb KZK Ab†ôZ Aw†b†e ci x¶ vq KZKv† nBqv w†w†b†e K`wW†i thvM` vb Kwi Z| GK K`wW†i i KgKZ† Ab` K`wWvi f<sup>3</sup> KgKZ†i Da†Zb wQ†j b bv| c†Z`K K`wW†i i B c\_ K m†e†P c` wQj | w†Á G`wWtfv†KU g†nv` q w†e` b K†i b th Dc†mwPe I Bnvi Da†Zb c` , wj †Kvb w††kl GKwU K`wWvi f<sup>3</sup> bq | ei Á D<sup>3</sup> c` , wj †Z c†` vb†Z c†B nB†Z nB†j mKj K`wWvi f<sup>3</sup> KgKZ† m††hv†M m†ó SSP nB†ZB Dc†mwPe I ZrDa†c` , wj †Z c†` vb†Z c†B nBZ| GBi "c c×wZ†Z mKj K`wWvi f<sup>3</sup> KgKZMY b`vqbxwZi w†w†l †Z c†` vb†Z c†B nBZ wKš-1989 m†bi GKwU c†Ávcb gvi dr SSP Order ewZj nq Ges D<sup>3</sup> c†Áv††bi 6 ` dv Ab†v††i 1998 m†bi c†` vb†Z bxwZgvj v teAvBbxfv†e c†YZ nq| D<sup>3</sup> bxwZgvj vi 000 ` dvq me†\_g †KvUv c×wZ Pvj y nq| D<sup>3</sup> 000 ` dvq msweav†bi 27 I 29 Ab†"Q†` w†w†ôZKZ AvB†bi ` wó†Z mgZv Ges m††hv†Mi

mgZvi gZ tgšwj K AwaKvi ¶j b̄ Ki Zt DcðmPe I DaŸZb c†`  
 c†`vbZi mthvM GKwU gvĭ K̄vWvi Z\_v cĭvmb K̄vWvi †K 75%  
 †KvUv Ges Ab̄vb̄ 29 wU K̄vWv̄ti i Rb̄ gvĭ 25% †KvUv wbaŸvi Z  
 Kvi 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 mĉĭg †Kv†UŸ Avcxj wefvM Dc†i  
 ewŸZ cĀvc†bi 6 `dv gvi dr bxwZgvj v cĀq†bi Rb̄ ms̄ vcb  
 gšŸvj q†K cĀ Ē/Awcz ¶j gZv teAvBbx †Nv bv Kvi qv†Qb| tmB  
 Kvi †YI D³ ms̄ vcb gšŸvj q KZK cĀYZ bxwZgvj v I ZrM†f©  
 Aew̄ Z 000 `dv m̄úY©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 cĒwZŸ cĭvmwbK K̄vWvi Gi  
 †KvUv cxwZ †Kvb cĭvi mvsweawwbK evāevaKZv ev cPwj 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 Ab̄mvti Pvkwi i wef bœ  
 K̄vWv̄ti 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 cĭvmwbK K̄vWvi f³ nl qvi Rb̄ DcðmPe I DaŸZb  
 c`ghŸ vq c†`vbZ cĀB nB†Z†Qb| GB fvte i xU& Avte` bKvi xMY  
 AwePv†i i m̄Kvi 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 bœ nB†Z†Q weavq Zvni v i xU& tgvKvĭ gv, wj  
 `v†qi K†i b Ges nB†KvUŸwefvM AvBbvBm fvteB Zvnt` i AwaKvi  
 cĀZwôZ K†i b|

GgZve<sup>-</sup> nvq wZwb mi Kvi l Ab<sup>-</sup>vb<sup>-</sup>t<sup>-</sup> i KZK<sup>-</sup> v<sup>-</sup>tqi KZ A<sup>-</sup>I  
 Avcxj tgvKv<sup>-</sup>i gv<sup>-</sup> wj Li Pmn Lwi t<sup>-</sup>Ri Av<sup>-</sup>te<sup>-</sup> b Rvbvb|

we<sup>-</sup>A G<sup>-</sup>vW<sup>-</sup>t<sup>-</sup>f<sup>-</sup>v<sup>-</sup>t<sup>-</sup>KU<sup>-</sup> g<sup>-</sup>t<sup>-</sup>nv<sup>-</sup> q Zv<sup>-</sup>nv<sup>-</sup> h<sup>-</sup>y<sup>-</sup>3 i m<sup>-</sup>c<sup>-</sup>t<sup>-</sup>¶| wbg<sup>-</sup>wj wLZ  
 b<sup>-</sup>wRi<sup>-</sup> wj Dc<sup>-</sup> nvc<sup>-</sup>b K<sup>-</sup>t<sup>-</sup>i 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 eZ<sup>-</sup>x<sup>-</sup>Av<sup>-</sup>tj vPbvq hvBevi c<sup>-</sup>t<sup>-</sup>e<sup>-</sup>Rbve AvR<sup>-</sup>gvj j tnv<sup>-</sup>tmb KZK  
 Dc<sup>-</sup>t<sup>-</sup>i D<sup>-</sup>i w<sup>-</sup>cZ Shafiuddin Ahmed 50 DLR (AD) 27, tgvKv<sup>-</sup>i gvi  
 b<sup>-</sup>wRi wU m<sup>-</sup>x<sup>-</sup>t<sup>-</sup>Ü Av<sup>-</sup>tj vPbv c<sup>-</sup>t<sup>-</sup>qvRb|

Shafiuddin Ahmed tgvKv<sup>-</sup>i gvi b<sup>-</sup>wRi wUi eZ<sup>-</sup>gvb Avcxj<sup>-</sup> wj tZ  
 tgv<sup>-</sup>tUB c<sup>-</sup>t<sup>-</sup>hvR<sup>-</sup> b<sup>-</sup>t<sup>-</sup>n| D<sup>-</sup>3 tgvKv<sup>-</sup>i gvU<sup>-</sup>tZ c<sup>-</sup>Ü<sup>-</sup>x<sup>-</sup>M<sup>-</sup>t<sup>-</sup>Yi c<sup>-</sup>t<sup>-</sup> v<sup>-</sup>b<sup>-</sup>wZi t<sup>-</sup>¶| t<sup>-</sup>I  
 weMZ 10 erm<sup>-</sup>t<sup>-</sup>i Zv<sup>-</sup>nv<sup>-</sup>t<sup>-</sup> i ACR Gi Rb<sup>-</sup> 60 b<sup>-</sup>x<sup>-</sup>i Ges t<sup>-</sup>g<sup>-</sup>šwLK  
 ci x<sup>-</sup>¶| vi Rb<sup>-</sup> 40 b<sup>-</sup>x<sup>-</sup>i i wLevi wel q<sup>-</sup>wU i xU<sup>-</sup> tgvKv<sup>-</sup>i gvq P<sup>-</sup>v<sup>-</sup>tj Ä Ki v  
 nBq<sup>-</sup>wQj | nvB<sup>-</sup>t<sup>-</sup>KvU<sup>-</sup>wef<sup>-</sup>v<sup>-</sup>t<sup>-</sup>Mi GKwU Special Bench i b<sup>-</sup>v<sup>-</sup>b<sup>-</sup>x A<sup>-</sup>t<sup>-</sup>š-t<sup>-</sup>g<sup>-</sup>šwLK  
 ci x<sup>-</sup>¶| vi Rbv 15 b<sup>-</sup>x<sup>-</sup>i wba<sup>-</sup>¶i Y K<sup>-</sup>t<sup>-</sup>i b| Avcxj wef<sup>-</sup>v<sup>-</sup>M Zv<sup>-</sup>nv MhY  
 K<sup>-</sup>t<sup>-</sup>i b| Mustafa Kamal, J. (as his Lordship then was) e<sup>-</sup>t<sup>-</sup>j 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 v<sup>3</sup> tgvKvĩ gvi NUbv I weñi vaxq wel q e<sup>-</sup> í i mwnZ eZ<sup>9</sup>vb Avcxj tgvKvĩ gv, wj i NUbv I weñi vaxq wel ñqi tKvb m<sup>3</sup>úK<sup>9</sup> bvB |

ZvovQvov, 1998 mvñj i òmi Kvñi i DcĐmwPe, hMĐmwPe, AwZwi <sup>3</sup> mwPe I mwPe cñ` cñ` vbwZ/wbñqvM Gi bxwZgvj v<sup>0</sup> i vóçwZi Avñ` k µ ñg evsj vñ` k tMñRñU 11Đ2Đ1998 Zwi ñL c<sup>Á</sup>vcb gvi dr cKwvkZ nBqvñQj |

GKB fvñe, òmi Kvñi i DcĐmwPe, hMĐmwPe, AwZwi <sup>3</sup> mwPe I mwPe cñ` cñ` vbwZ wewagvj v, 2002, i vóçwZi Avñ` k µ ñg evsj vñ` k tMñRñU 11Đ6Đ2002 Zwi ñL c<sup>Á</sup>vcb gvi dr cKwvkZ nBhvñQj |

Dcñi ewY<sup>9</sup> 1998 mñbi bxwZgvj v Ges 2002 mñbi wewagvj v Df qi B Force of Law i wñqvñQ |

GgZ Ae<sup>-</sup> vq Shafiuddin Ahmed Gi tgvKvĩ gvi bwRi wUi Dci wfwl Kwi hv weÁ G<sup>W</sup>f vñKU& gñv` ñqi e<sup>3</sup> e<sup>W</sup> tgvñUB MhbñhvM<sup>W</sup> bñ |

i xU& Avñe` bKvi x c<sup>0</sup>Zev` x cññ | Aci weÁ G<sup>W</sup>f vñKU& Rbve Kvgi “j nK wmwí Kx Zvñvi e<sup>3</sup> ñe<sup>W</sup> Rbve AvR<sup>9</sup>gvj j tñvñmb G<sup>W</sup>f vñKU& gñv` qñK mg<sup>9</sup> Kwi qv e<sup>3</sup> e<sup>W</sup> c<sup>0</sup> vb Kñi b | wZwb wbñe` b Kñi b th Civil Service Gi K<sup>W</sup>wi wj 1975 mñbi 32 bs AvBñbi Avl Zvq c<sup>0</sup>bZ 1980 mñbi wewagvj v Abmñti m<sup>9</sup>ó Ki v nBqvñQ | H K<sup>W</sup>wi wj c<sup>0</sup> gh<sup>9</sup> vµ ñgi GKwU wbw<sup>9</sup> Ae<sup>-</sup> nvñb i wñqvñQ | DcĐmwPe Ges Dñvi DaZ<sup>9</sup> b c<sup>0</sup> wj evsj vñ` k mi Kvñi i

Awab Superior service f<sup>3</sup> e<sup>3</sup>U wKš' tKvb we<sup>3</sup>kl K<sup>3</sup>Wwi f<sup>3</sup> bq ev  
 ewaZ AskI b<sup>3</sup>n| c<sup>3</sup>tZ<sup>3</sup>KwU K<sup>3</sup>Wwti i B w<sup>3</sup>b<sup>3</sup> 8 m<sup>3</sup>tevP<sup>3</sup> c<sup>3</sup> i w<sup>3</sup>nqv<sup>3</sup>tQ  
 wKš' K<sup>3</sup>Wwi f<sup>3</sup> tKvb KgKZ<sup>3</sup>fi B Dc<sup>3</sup>Đm<sup>3</sup>Pe ev Dnvi DaZ<sup>3</sup>b tKvb  
 c<sup>3</sup>t<sup>3</sup> lien ev cem<sup>3</sup>Z<sup>3</sup>i bvB| GB c<sup>3</sup>h<sup>3</sup>t<sup>3</sup>½ wZ<sup>3</sup>wb etj b th c<sup>3</sup>km<sup>3</sup>wbK K<sup>3</sup>Wwi  
 Gi c<sup>3</sup>Ńi x<sup>3</sup> mnKvi x K<sup>3</sup>wgkbvi c<sup>3</sup> nB<sup>3</sup>tZ Ges H K<sup>3</sup>Wwi Gi m<sup>3</sup>tev<sup>3</sup>P  
 c<sup>3</sup> w<sup>3</sup>ef<sup>3</sup>vM<sup>3</sup>xq K<sup>3</sup>wgkbv<sup>3</sup>t<sup>3</sup>i c<sup>3</sup> | Bnvi ew<sup>3</sup>n<sup>3</sup>t<sup>3</sup>i m<sup>3</sup>q<sup>3</sup>s<sup>3</sup>w<sup>3</sup>µ q f<sup>3</sup>v<sup>3</sup>te Dc<sup>3</sup>Đm<sup>3</sup>Pe  
 ev Ab<sup>3</sup> tKvb c<sup>3</sup>t<sup>3</sup> H K<sup>3</sup>Wwi Gi KgKZ<sup>3</sup>ŃM<sup>3</sup>t<sup>3</sup>Yi c<sup>3</sup> b<sup>3</sup>wZ c<sup>3</sup>ŃB nBevi  
 AvBbMZ tKvb AwaKvi bvB, Ab<sup>3</sup>v<sup>3</sup>b<sup>3</sup> K<sup>3</sup>Wwi f<sup>3</sup> KgKZ<sup>3</sup>ŃM<sup>3</sup>t<sup>3</sup>Yi m<sup>3</sup>w<sup>3</sup>nZ  
 D<sup>3</sup> c<sup>3</sup>t<sup>3</sup> Z<sup>3</sup>v<sup>3</sup>nvi v mgZ<sup>3</sup>vi w<sup>3</sup>f<sup>3</sup>w<sup>3</sup>É<sup>3</sup>t<sup>3</sup>Z c<sup>3</sup> b<sup>3</sup>wZ cvB<sup>3</sup>t<sup>3</sup>Z cv<sup>3</sup>t<sup>3</sup>i b wKš' D<sup>3</sup> i "c  
 c<sup>3</sup> b<sup>3</sup>wZ<sup>3</sup>t<sup>3</sup>Z Z<sup>3</sup>v<sup>3</sup>nvt<sup>3</sup> i tKvb c<sup>3</sup>Ńvi mnR<sup>3</sup>vZ GK K AwaKvi bvB| wZ<sup>3</sup>wb  
 Avi I etj b th Dc<sup>3</sup>Đm<sup>3</sup>Pe I Bnvi DaZ<sup>3</sup>b c<sup>3</sup> w<sup>3</sup>j Superior service f<sup>3</sup> |  
 Z<sup>3</sup>v<sup>3</sup>nvi v mKj K<sup>3</sup>Wwi f<sup>3</sup> gv<sup>3</sup> ch<sup>3</sup>t<sup>3</sup>qi KgKZ<sup>3</sup>Ń I Z<sup>3</sup>v<sup>3</sup>nvt<sup>3</sup> i K<sup>3</sup>vh<sup>3</sup>µ t<sup>3</sup>gi  
 m<sup>3</sup>w<sup>3</sup>nZ gb<sup>3</sup>x<sup>3</sup>c<sup>3</sup>wi I t<sup>3</sup> i GK<sup>3</sup>wU thv<sup>3</sup>M<sup>3</sup>m<sup>3</sup>Ĥ eR<sup>3</sup>vq v<sup>3</sup>t<sup>3</sup>L | we<sup>3</sup>Á G<sup>3</sup>W<sup>3</sup>w<sup>3</sup>f<sup>3</sup>v<sup>3</sup>t<sup>3</sup>KU  
 g<sup>3</sup>t<sup>3</sup>nv<sup>3</sup> q Z<sup>3</sup>v<sup>3</sup>nvi e<sup>3</sup> te<sup>3</sup> i Dc<sup>3</sup>ms<sup>3</sup>nv<sup>3</sup>t<sup>3</sup>i w<sup>3</sup>b<sup>3</sup>te<sup>3</sup> b K<sup>3</sup>t<sup>3</sup>i b th Dc<sup>3</sup>t<sup>3</sup>i v<sup>3</sup>  
 NU<sup>3</sup>bvej x I AvBbMZ Ae<sup>3</sup> nv<sup>3</sup>t<sup>3</sup>bi Av<sup>3</sup>t<sup>3</sup>j v<sup>3</sup>t<sup>3</sup>K tKvb h<sup>3</sup>y<sup>3</sup> M<sup>3</sup>v<sup>3</sup>n<sup>3</sup> Kvi Y  
 e<sup>3</sup>w<sup>3</sup>Z<sup>3</sup>t<sup>3</sup>i t<sup>3</sup>KB c<sup>3</sup>Ń<sup>3</sup>t<sup>3</sup>g 1998 m<sup>3</sup>t<sup>3</sup>bi b<sup>3</sup>x<sup>3</sup>wZ<sup>3</sup>gvj v, Zrci 2002 m<sup>3</sup>t<sup>3</sup>bi  
 w<sup>3</sup>ew<sup>3</sup>agvj v gvi dr tKvUv c<sup>3</sup>x<sup>3</sup>wZ c<sup>3</sup>ŃZ<sup>3</sup> b<sup>3</sup>v<sup>3</sup>q<sup>3</sup>w<sup>3</sup>e<sup>3</sup>Pvi c<sup>3</sup>wi c<sup>3</sup>wš<sup>3</sup>| Z<sup>3</sup>v<sup>3</sup>n<sup>3</sup>v<sup>3</sup>Q<sup>3</sup>vov,  
 wZ<sup>3</sup>wb etj b , w<sup>3</sup>ew<sup>3</sup>agvj vi 4 w<sup>3</sup>ew<sup>3</sup>at<sup>3</sup>Z c<sup>3</sup>wi v<sup>3</sup>i f<sup>3</sup>v<sup>3</sup>te m<sup>3</sup>y<sup>3</sup>b<sup>3</sup> 8 Ki v nB<sup>3</sup>qv<sup>3</sup>tQ  
 th tgav, <sup>3</sup>Ń<sup>3</sup>Zv Ges tR<sup>3</sup>ôZv c<sup>3</sup> b<sup>3</sup>wZi gvb<sup>3</sup> Ū A\_P b<sup>3</sup>v<sup>3</sup>q<sup>3</sup>b<sup>3</sup>x<sup>3</sup>wZi  
 tKvbi "c tZ<sup>3</sup>vq<sup>3</sup> v bv Kwi qv c<sup>3</sup>km<sup>3</sup>wbK K<sup>3</sup>Wwi f<sup>3</sup> KgKZ<sup>3</sup>ŃM<sup>3</sup>t<sup>3</sup>Yi Rb<sup>3</sup>  
 GB we<sup>3</sup>kl e<sup>3</sup>e<sup>3</sup> nvq Z<sup>3</sup>v<sup>3</sup>n<sup>3</sup>w<sup>3</sup> t<sup>3</sup>Mi Rb<sup>3</sup> t<sup>3</sup>gvU i b<sup>3</sup> c<sup>3</sup>t<sup>3</sup> i 75% c<sup>3</sup>t<sup>3</sup>  
 teAvBbx<sup>3</sup>f<sup>3</sup>v<sup>3</sup>te c<sup>3</sup> b<sup>3</sup>wZi m<sup>3</sup>h<sup>3</sup>v<sup>3</sup>M Kwi qv t<sup>3</sup> I qvq nvB<sup>3</sup>t<sup>3</sup>KvU<sup>3</sup>w<sup>3</sup>ef<sup>3</sup>v<sup>3</sup>M thš<sup>3</sup> K  
 Kvi t<sup>3</sup>YB 1998 m<sup>3</sup>t<sup>3</sup>bi b<sup>3</sup>x<sup>3</sup>wZ<sup>3</sup>gvj vi OĐ<sup>3</sup> dvq ew<sup>3</sup>Y<sup>3</sup>Z tKvUv c<sup>3</sup>x<sup>3</sup>wZ ew<sup>3</sup>Zj  
 tN<sup>3</sup>vl Yv Kwi qv<sup>3</sup>t<sup>3</sup>Qb| wZ<sup>3</sup>wb w<sup>3</sup>b<sup>3</sup>te<sup>3</sup> b K<sup>3</sup>t<sup>3</sup>i b th GKB thw<sup>3</sup> K Kvi t<sup>3</sup>Y  
 m<sup>3</sup>sw<sup>3</sup>k<sup>3</sup> w<sup>3</sup>ew<sup>3</sup>agvj vi 5 <sup>3</sup>dv I Bnvi c<sup>3</sup>Ń<sup>3</sup>g Zc<sup>3</sup>w<sup>3</sup>m<sup>3</sup>t<sup>3</sup>j ew<sup>3</sup>Y<sup>3</sup>Z w<sup>3</sup>b<sup>3</sup>t<sup>3</sup>qv<sup>3</sup>M c<sup>3</sup>x<sup>3</sup>wZ  
 ew<sup>3</sup>Zj nB<sup>3</sup>te|

Av<sup>3</sup>c<sup>3</sup>xj Kvi x c<sup>3</sup>t<sup>3</sup>Ń c<sup>3</sup>ŃZDI t<sup>3</sup>i Rbve Gg Aw<sup>3</sup>gi "j Bmj vg I Rbve  
 Ave<sup>3</sup> j i e tPšaj x we<sup>3</sup>Á G<sup>3</sup>W<sup>3</sup>w<sup>3</sup>f<sup>3</sup>v<sup>3</sup>t<sup>3</sup>KU g<sup>3</sup>t<sup>3</sup>nv<sup>3</sup> qMb w<sup>3</sup>b<sup>3</sup>te<sup>3</sup> b K<sup>3</sup>t<sup>3</sup>i 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` ŧKvb KgŦZŦ cŦŧ` wkK ev ŧKw`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 ŧŦŦŦ Pi g fvŧe eÂbvi mŦKvi ntqb| G cŦntŧ½ wZwb Zvnvi `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`wŦŦfvŧKU&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<sup>o</sup>nBqvQ|

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

Dfq c¶¶i weA G`vW¶fvKtK&gt;nv`qM¶Yi e<sup>3</sup> e` keb Kiv nBj Ges bw\_tZ i ¶¶ Z KvMRcI w` ci x¶¶ v Kiv nBj |

cZqgvb nBtZtQ th i xU&tgVkvI gv, wj tZ DcDmWPe I ZrDa<sup>o</sup> c` , wj tZ c` bwZ bxwZgvj vq tKvUv cxwZ mPbv Kivq i xU&` i Lv` I Kvi xM¶Yi equality before law Ges equality of opportunity msvewwb c¶¶ E GB tgSwj K AwaKvi ¶¶ nBqvQ wK bv nvBtKvU<sup>o</sup> wfv¶M Zvnb wetePbvi gj wel qe` I y wQj | Zte Dcti v<sup>3</sup> gj wel qwU Avtj vPbvi c¶e<sup>o</sup> G 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 vRDtI ¶j vtK ci wRZ Kwi qv c¶\_wgK Ae`vq Zvnt`i e`vemvqxK m¶\_<sup>o</sup>i ¶¶ v Kwi tZ hZUkZ c¶qvRb ZZUkB i ayckvmwbK ¶¶ gZv c¶qvM Kwi Z | AZtci I qvti b tnwósm I Zrci eZx<sup>o</sup>MfY¶ tRbvti j t`i Avgtj axti axti ckvmwbK ¶¶ gZv we` I vi j vf Kti | c¶\_gw` tK gvW&ch¶¶q 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¶q gvW&ch¶¶q g`wRtóU I ckvmwbK KgKZ¶ wbtqvM c¶ vb Avi æt Kti b| Bó BwUqv tKvæúvxi e`emwqK m¶\_<sup>o</sup>i ¶¶ v, i vRm| Av` vq mspvšI c` t¶¶ c I ckvmwbK Kvh¶ej x ewxi mt½ mt½ ewUk mvg¶tR`i i vRavbx j Útbi mwnZ I t` tki wewfbe c¶tšI mwnZ m¶i K wewbq I c¶qvRbxq Avt` kDwbt` R Av` vb c¶ vtbi m¶\_<sup>o</sup>tj Lv¶j wL Kwi evi Rb` Bsj `vU nBtZ fV¶vtšmx c¶¶ Bsti R fvi Ze¶l<sup>o</sup>AvMgb Kti | Zvnt`i KvR wQj GBmKj wel tq tj Lv¶j wLi `wqZi cvj b Kiv | tmBmgq Zvnt`i

c`we wQj writer Ges th feþb ewmqv Zvni v GB mKj cÎ wewbqg  
 tj Lvþj wL Kwi þZb þmB feþbi bvg nq 'Writers Building' | BnvB  
 wQj AvaybK mWPej þqi cØi æq

1858 mþb fvi Zeþl ©Bó BwÛqv tKvæúvxi KZZi wej ß nq  
 Ges fvi Zel ©ewUk mvgþtR'i Ašfš nq| GB mvgþtR'i meþq þÎ  
 qgZv I KZËi m`p Kwi evi j þq ewUkÐi vR i vþóí mKj chþq  
 wefba ckvmbK ms`vi Kvh°ev`Í evqb Avi æc Kþi | AvBbÐk;Lj v  
 i qvi mþt`µ gvsþq \_vbn chþq cþj k ckvmb we`ÍZ Kiv nq|  
 tRj vq i vRm; Av`vq ZI þeavqb Qvovl Collector tK ckvmbK Ges  
 cØwgK wePwi K qgZv cØvb Ki Zt gV chþq cþj k ckvmbi  
 mweK `wqZi ZvntK cØvb Kiv nq| MfYþ tRbvþij Gi mWPeMY  
 mþev°P ckvmbK KZcþq Ges gvV chþq KgþZ KgKZMþYi gþa`  
 thvMmþ i qv Kwi þZ mþPó \_wKþZb| ckvmbþK Avi I tgav wfwl K  
 Kwi evi j þq Indian Civil Service (ICS) bþtg GKwU GKK mwfñ mþó  
 Kiv nq| D³ mwfñþK cþ`k wfwl K KþqKwU K`wvþi wef³ Kiv  
 nq| wefba cþ`þk ICS KgKZMYþK wbþqvM cØvb Kiv nq| H  
 mgþq mvavi YZ cþ`k nBþZ tci þb KgKZþ Avbqb Ki Zt tK>`þq  
 mi Kvþi wbþqvM cØvb Kiv nBZ | ZvntQvov ICS mwfñ I tmbvevwnbx  
 nBþZ KgKZþ wi µU Ki Zt Indian Political Service (IPS) bþtg Avi  
 GKwU mwfñ mþó Kiv nq| GB `þ mwfþmi KgKZMþYi gva`tgB  
 ewUkÐi vR Bnvi GK"QÍ qgZv cþqvM Kwi Z | cKZcþq fvi Zeþl ©  
 Zvnt`i gva`tgB ewUkÐ i vþRi Dcw`wZ cþj fvþe Dcj wx nBZ |  
 Zvni vB tK>`þq I cþ`kmgþni ckvmbK qgZvi 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 Afj`q nq|

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

nq| cŃ\_wgK chŃtq cŃvmŃb ICS mwfŃn KvVŃtgv eRvq i vLv nBŃj |  
 1950 mŃbi bŃf Ńj gvŃm Z`wbsŃb cwwK`Ívb mi Kvi ICS  
 cŃŃ`wkK K`VWŃŃi i cwi eŃZ`meŃcwwK`Ívb wfwl K The Civil Service of  
 Pakistan bvŃg GKwU ŃKw`Ńq mwfŃn cŃZŃ KŃi | D<sup>3</sup> mwfŃŃmi AŃ-  
 fŃ m`m`MY Federal Public Service Commission gvi dr ŃKw`Ńq |  
 cŃŃ`wkK mi KvŃi i wewfbŃcŃvmwŃbK cŃ`c`vqb Ki v nBŃZ \_vŃK |

cŃ\_wgK chŃtq cŃ<sup>3</sup> b ICS | IPS G KgŃZ KgŃZŃMY Ges  
 Pakistan Administrative Service Gi m`m`MY nBŃZ 90% Ges  
 Provincial Civil Service nBŃZ 10% KgŃZŃ G`WŃhK wfwl ŃZ Mhb  
 Ki Zt CSP mwfŃn mŃó Ki v nq| DŃj E`th Zvni v mKŃj B cŃvmwŃbK  
 KgŃZŃ wŃŃj b |

Zrci , Federal Public Service Commission gvi dr mveŃRbxb  
 cŃZŃhwmZvgj K ci xŃv MhY Ki Zt Bnvi mŃcwi Ńki wfwl ŃZ CSP  
 mwfŃm KgŃZŃ Mhb Ki v Avi ŃŃ nq Ges ŃKŃ`Ńq mi Kvi wbŃqvM  
 cŃ vb KŃi |

Pakistan Public Service Commission Gi mŃcwi Ńki wfwl ŃZ  
 c`bŃZ cŃ vb Ki v nBZ Ges mŃPe c`mn ŃKŃ`Ńq mi KvŃi i wewfbŃ  
 cŃ`wbŃqvM wŃw`ŃŃ tgqv` Gi Rb` Ki v nBZ |

ŃKŃ`Ńq mi KvŃi i mŃPevj Ńq DcŃmŃPe, hŃMŃDmŃPe Ges mŃPe  
 cŃ`KgŃŃŃ 2/3 (ŃŃ ZŃZqvsk) cŃ`CSP mwfŃŃmi KgŃZŃ  
 wbŃqvŃMi weavb wŃj |

CSP mwfŃn mŃúŃK` cwwK`Ívb mi KvŃi i ŃKŃ`Ńq mPŃevj q  
 1950 mŃbi 8ŃB bŃf Ńj Zwi ŃL wbgŃj wLZ wmxvŃ-MhY KŃi t

CABINET SECRETARIAT

(Establishment Branch)

Karachi, the 8<sup>th</sup> 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	
.....		..
.....		..
.....		..
		<hr/>
		81

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 DwbZ  
 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†eP b`vq GKwU Z dmxj mshP wQj | 1950 m†bi Resolution Gi mwnZ mshP Z dmxj nB†Z Bnvi cwi wa wKQJv we-ÍZ | K`vWvi c†`i msL`vl eWx Kiv nBqv†Q ewj qv c†Zqgvb nq|

†h†nZy 1954 m†bi weWagvj vB Z`wbšb cwK-Ív†bi Superior Services KvV†gv %Zix l mgM† t`†k c†nkvwbK mvd†j`i Pwe KwV wnmv†e we†kl fWgKv cvj b Kwi qwQj tmB†nZy msWkÉ 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 <sup>rd</sup> of 11 posts)	..... 7	
Joint Secretaries in Ministries other than Ministries of Finance, Commerce, Economic Affairs, Industries and Foreign Affairs (2/3 <sup>rd</sup> of 18 posts)	.....12	
Deputy Secretaries in Ministries other than Ministries of Finance, Commerce, Economic Affairs, Industries and Foreign Affairs (2/3 <sup>rd</sup> 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 ewYȲ c` , wj wQj Superior c̄kvmwbK c` | H mKj Superior c̄kvmwbK c̄t` i 2/3 c̄t` Civil Service of Pakistan K`wv̄t̄i i KḡKZ̄MY wb̄t̄qvM/c` vqb nB̄t̄Zb| Aewkó mewak 1/3 c̄t` c̄t̄` wkK wmwfj mwf̄h K`wv̄t̄i i KḡKZ̄MY wb̄t̄qvM/c` vqb nB̄t̄Z cwi t̄Zb|

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

Dc̄ti v³ Av̄t̄j vPbv nB̄t̄Z c̄t̄Z qgvb nB̄t̄e t

(1) Z` w̄bšb c̄wK` í v̄t̄bi c̄v\_wgK mgq nB̄t̄ZB D`PZi c` mḡt̄ni Rb` t̄KvUv c̄xwZ we` `gvb wQj hw` l Zv̄nv 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 m̄t̄hvM wQj bv|

(2) Dc̄ti ewYȲ 4wU gšȳvj q e`wZ̄t̄i t̄K Ab`vb` t̄K>` xq gšȳvj q, wj m̄wPe, h̄M̄Dm̄wPe, l Dc̄Dm̄wPe Gi t̄gvU c` , wj i Kḡc̄t̄q̄l 66.6% ev `̄B ZZxqvsK c` CSP K`wv̄t̄i i Rb` msi w̄q̄l Z wQj ,

(3) Dc̄ti v³ 4wU t̄K>` xq gšȳvj 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'ko 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 v<sup>3</sup> 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 tK>' 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' Kiv hvq |

1971 mb chš- 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 Kiv nq | 10B Gw'c' Zwi tL Laws Continuance Enforcement Order Rvi x Kiv nq | D<sup>3</sup> 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 Kiv nq | GKwU i<sup>3</sup> q' qx gw<sup>3</sup> 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 bMtí Ae' Z evsj vt` k mi Kvi  
 Gi Awaib wef be mwfñmi KgKZMY h'xKvj 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>' xq I c'0t` wkK wef be  
 mwfñmi m`m'MYtK j Bqv beMwVZ gš'Yvj q, wj Zvnt` i KvhP g  
 Avi x Kti | Zrci, 1974 mtb cwk- ívb nBtZ wecj msL'K  
 evOvj x KgKZ' evsj vt` tK c'Z' vevmb Kti | GB fvte tK>' xq I  
 c'0t` wkK wef be mwfñmi KgKZMY GKÍ nI qvq Zvnt` i wbtqvM,  
 c` vqb I %RôZv j Bqv bvbv ai tbi mgm'v I RwUj Zvi m'ó nq| GB  
 mKj RwUj Zv mgvavb Kwi qv GKwU m'm•Nex c'k'vmb m'óí D'tí tK"  
 The Services (Reorganisation and Conditions) Act, 1975, (Act XXXII of  
 1975) c'Yqb Kiv nq| D³ AvBtbi Preamble G AvBtbi D'tí 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



f<sup>w3</sup> i gva<sup>ttg</sup> mi Kv<sup>ti</sup> i D<sup>PZI</sup> c<sup>kvmwbK</sup> c<sup>t</sup> t<sup>cSQvBevi</sup> m<sup>thvM</sup>  
j v<sup>f</sup> K<sup>ti</sup> b|

AZci, mi Kvi 1939<sup>1979</sup> Zwi t<sup>Li</sup> we<sup>AwBwUi</sup> v<sup>bwaKvi</sup>  
Ki Z<sup>t</sup> (in supersession) Services (Reorganisation and Conditions)  
Act,1975, Gi 4 avi vq c<sup>l</sup> l q<sup>lgZv</sup> e<sup>tj</sup> 23<sup>88</sup>1979 Zwi t<sup>Li</sup>  
t<sup>bwUwdtKkb</sup> gvi dr 'The Senior Policy Pool Order,1979' Rvi x K<sup>ti</sup> |  
ci eZ<sup>xZ</sup> 20<sup>11</sup>1979 Zwi t<sup>Li</sup> Avi GK<sup>wU</sup> t<sup>bwUwdtKkb</sup> e<sup>tj</sup> D<sup>3</sup>  
Order Gi bvg cwi eZ<sup>b</sup> Kwi qv 'The Senior Services Pool Order,1979'  
(m<sup>st</sup> q<sup>l</sup> t<sup>c</sup> 'Order') i vL<sup>v</sup> nq|

c<sup>kZc</sup> t<sup>q</sup> GB Pool c<sup>xwZi</sup> gva<sup>ttg</sup> m<sup>wPevj</sup> t<sup>qi</sup> we<sup>wf</sup> b<sup>e</sup> ch<sup>tq</sup>  
Rb<sup>k<sup>w3</sup></sup> th<sup>vMvb</sup> t<sup>l</sup> qvi c<sup>t</sup> q<sup>l</sup> c<sup>j</sup> l qv nq| m<sup>wPevj</sup> t<sup>qi</sup> c<sup>t</sup> m<sup>g</sup> n<sup>n</sup>  
we<sup>wf</sup> b<sup>e</sup> t<sup>ckvR</sup> x<sup>wet</sup> i Ask M<sup>h</sup> t<sup>bi</sup> m<sup>thvM</sup> t<sup>l</sup> qvi Rb<sup>BB</sup> GBi "c<sup>cj</sup>  
MVb Ki v nq e<sup>wj</sup> qv c<sup>l</sup> Z<sup>qgvb</sup> nq|

Order Gi 2 avi vi 1 Dc <sup>Davi v</sup> Ab <sup>jmv<sup>ti</sup></sup> Senior Services Pool  
MVb Ki v nq| 2 Dc <sup>Davi v</sup> Ab <sup>jmv<sup>ti</sup></sup> w<sup>KQy</sup> e<sup>wZ</sup> μ g m<sup>v</sup> t<sup>c</sup> t<sup>q</sup> evs<sup>j</sup> v<sup>t</sup> k  
m<sup>wPevj</sup> t<sup>qi</sup> Dc <sup>Dm<sup>w</sup>Pe</sup>, h<sup>M</sup> D<sup>m<sup>w</sup>Pe</sup> A<sup>wZwi</sup> <sup>3</sup> m<sup>w</sup>Pe l m<sup>w</sup>Pe Gi m<sup>Kj</sup>  
c<sup>t</sup> Pool Gi A<sup>šf</sup> <sup>8</sup> Kg<sup>KZ</sup> MY Øvi v c<sup>j</sup> Y Kwi evi we<sup>avb</sup> Ki v nq|  
8 avi v Ab <sup>jmv<sup>ti</sup></sup> Pool Gi Kg<sup>KZ</sup> i ms<sup>L</sup> v c<sup>l</sup> w<sup>gK</sup> f<sup>v</sup> t<sup>e</sup> 625 R<sup>t</sup> b  
w<sup>ba</sup> i Y Ki v nq| Kg<sup>o</sup> K<sup>wgkb</sup> KZ<sup>K</sup> w<sup>be</sup> P<sup>t</sup> bi gva<sup>ttg</sup> th<sup>vM</sup>  
Kg<sup>KZ</sup> MY t<sup>K</sup> Pool f<sup>w3</sup> Kwi evi we<sup>avb</sup> Ki v nq w<sup>Kš</sup> l y c<sup>kK</sup> c<sup>t</sup> q<sup>l</sup>  
KLbB GB we<sup>avb</sup> g<sup>v</sup> b<sup>ti</sup> Ki v nq b<sup>v</sup> B, ei <sup>Å</sup> Kg<sup>K</sup> w<sup>gk</sup> t<sup>bi</sup> m<sup>w</sup> n<sup>Z</sup> t<sup>Kvb</sup>  
c<sup>kvi</sup> Av<sup>tj</sup> v<sup>Pbv</sup> e<sup>wZ</sup> ti t<sup>KB</sup> D<sup>3</sup> Pool G we<sup>cj</sup> ms<sup>L</sup> K Kg<sup>KZ</sup> MY t<sup>K</sup>  
1980, 1981, 1983 l 1985 m<sup>t</sup> b mi v<sup>mwi</sup> A<sup>š</sup> f<sup>8</sup> Ki v nq|

BwZg<sup>ta</sup> mi Kvi we<sup>wf</sup> b<sup>e</sup> m<sup>w</sup> f<sup>mi</sup> m<sup>gZv</sup> l v<sup>wq</sup> t<sup>Zj</sup> w<sup>f</sup> w<sup>E</sup> t<sup>Z</sup>  
evs<sup>j</sup> v<sup>t</sup> k w<sup>m</sup> w<sup>f</sup> j m<sup>w</sup> w<sup>f</sup> n<sup>Gi</sup> A<sup>ax</sup> t<sup>b</sup> we<sup>wf</sup> b<sup>e</sup> K<sup>v</sup> w<sup>vi</sup> MVb K<sup>ti</sup> |

Bangladesh Civil Services (Reorganisation) Order,1980,  
199<sup>1980</sup> Zwi t<sup>L</sup> c<sup>l</sup> YZ nq| D<sup>3</sup> Order Gi Av<sup>l</sup> Z<sup>vq</sup> t<sup>gvUv</sup> v<sup>t</sup> t<sup>M</sup>

14wU mwfñ K`Wvi \_wKtj I GK GKwU K`Wvti i A>`ti `β ev  
ZtZwaK K`Wvi wQj | cieZ<sup>9</sup> Kv<sup>tj</sup> D<sup>3</sup> me mveDK`Wvi ,w<sup>j</sup>  
mgštq 31 wU K`Wvti i "cvšwi Z nq|

Bangladesh Civil Service Recruitment Rules,1981, 1Đ1Đ1981  
Zwi tL cŲYZ nq| H mgtq 29wU K`Wvi we`g<sup>v</sup>b wQj | cŲZwU  
K`Wvti wbtqvM/c`b<sup>w</sup>Zi c<sup>x</sup>wZ m<sup>aj</sup>j Z c<sup>\_</sup>K Zc<sup>w</sup>mj wQj |

Dtj E` H mgtq SSP Order Gi gva`tg m<sup>w</sup>Pevj tq DcĐm<sup>w</sup>Pe I  
ZrDa<sup>9</sup>c<sup>t</sup>` c<sup>t</sup>`vb<sup>w</sup>Z nBZ |

AZci , 17B Rj vB, 1989 Zwi tL cK<sup>w</sup>kZ GK c<sup>Á</sup>vcb  
gvi dr Senior Service Pool wej β nq Zte Pool f<sup>3</sup> m<sup>w</sup>Pe I AwZwi <sup>3</sup>  
m<sup>w</sup>Ptei c` mKj K`Wvti i Kg<sup>9</sup>KZ<sup>9</sup>M<sup>t</sup>Yi Rb` tKvUv ewnf<sup>9</sup> f<sup>v</sup>te  
Db<sup>9</sup> i vLv nq|

Aek` D<sup>3</sup> c<sup>Á</sup>vcb m<sup>w</sup>Pe, AwZwi <sup>3</sup> m<sup>w</sup>Pe, h<sup>M</sup>Đm<sup>w</sup>Pe I  
DcĐm<sup>w</sup>Pe c<sup>t</sup>` Kg<sup>9</sup>KZ<sup>9</sup>M<sup>t</sup>Yi c<sup>t</sup>`vb<sup>w</sup>Z/wbtqv<sup>t</sup>Mi wel tq bxwZgvj v Rvi x  
Ki v nBte ewj qv Rvbvb nq|

AZci , ōmi Kv<sup>t</sup>i i DcĐm<sup>w</sup>Pe, h<sup>M</sup>Đm<sup>w</sup>Pe, AwZwi <sup>3</sup> m<sup>w</sup>Pe I  
m<sup>w</sup>Pe c<sup>t</sup>` c<sup>t</sup>`vb<sup>w</sup>Z/wbtqv<sup>M</sup> Gi bxwZgvj vŵ i vŵc<sup>w</sup>Z Av<sup>t</sup>`k<sup>μ</sup>tg m<sup>w</sup>Pe  
KZK 10Đ02Đ1998 Zwi tLi c<sup>Á</sup>vcb gvi dr evsj v<sup>t</sup>`k tM<sup>t</sup>R<sup>t</sup>U  
11Đ02Đ1998 Zw<sup>t</sup>i L cK<sup>w</sup>kZ nq|

Dc<sup>t</sup>i v<sup>3</sup> c<sup>Á</sup>vcb DcĐm<sup>w</sup>Pe, h<sup>M</sup>Đm<sup>w</sup>Pe, AwZwi <sup>3</sup> m<sup>w</sup>Pe Ges  
m<sup>w</sup>Pe c<sup>t</sup>` c<sup>t</sup>`vb<sup>w</sup>Z/wbtqv<sup>M</sup> Gi Rb` c<sup>\_</sup>K c<sup>\_</sup>K bxwZgvj v wQj |

i xU& Av<sup>t</sup>e` bKvi x mK<sup>t</sup>j B DcĐm<sup>w</sup>Pe c<sup>t</sup>` i Awf Kv•Lx wQ<sup>t</sup>j b|  
Zv<sup>n</sup>vi v DcĐm<sup>w</sup>Pe bxwZgvj vi ōŀŀ `dv ōvi v ms<sup>9</sup>|<sup>9</sup> nb| D<sup>3</sup> ōŀŀ `dv  
wbg<sup>9</sup> "c t

Ō(O) mv<sup>t</sup>eK m<sup>w</sup>Pevj q K`Wvi mn we wm Gm (c<sup>k</sup>vmb)  
K`Wvti i Rb` kb` c<sup>t</sup>` tKvUv 75% (kZKi v cPvi i f<sup>v</sup>M)

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

i xU& Av'te` bKvi x Zvnt`i `vtqi KZ i xU& tgvKv' gv, wj Dc'ti v<sup>3</sup> 000 `dvi AvBbMZ %eaZv P'vtj Ä K'ti b|

Zvnt`i c't' D' wcz e<sup>3</sup> e' c'teB eY'v Kiv nBqv'tQ| Lp mst' t'c Zvnt`i e<sup>3</sup> e' GB th Zvni vmn mKj K'wv'ti i mKj KgKZ'MY mK'tj B KgK'wgkb KZ,K Ab'v'ôZ ci x't' vq Dwl b' nBqv wewf b'e K'wv'ti wbt'qvM c'0B nBqv'Q'tj b Kv'tRB Dc'ðm'wPe c't' wbt'qvM ev c't' vb'Z c'0B nBevi Zvnt`i mn mKj K'wv'ti i KgKZ'Yi mgvb AwaKvi i wnv'tQ wKš-Dc'ti v<sup>3</sup> 000 `dv Øvi v mKj K'wv'ti i tmB AwaKvi gv' kZKiv c'wPk f'v'tMi g'ta' m'¼'wPZ Kwi qv Avbv nBqv'tQ A\_P we wm Gm (c'k'vmb) K'wv'ti i Rb' kZKiv c'Pvl i f'vM c' w'w' Ø i wLqv Ab' mKj K'wv'ti 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 e<sup>3</sup> e' we'tePbv'tš' n'vB'tKvU' wef'vM Bnvi 13Ð2Ð2002 Zwi t'L c'0 I i vq'Øvi v Dc'ðm'wPe c't' c' b'Z/wbt'qvM Gi bxwZgvj vi 000 `dv A%ea t'Nvl Yv K'ti b Ges me KqvU i xU& tgvKv' gvq Rvi xKZ i "j , wj G've'w'w'j DU K'ti b|

Dc'ti v<sup>3</sup> wmx'vtš' t'cŠQvBevi w'cQ'tb wbg'w'j wLZ h'v<sup>3</sup> n'vB'tKvU' c' v' b K'ti 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†eß 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| D<sup>3</sup> ` i Lv` í , wj  
 i bvbxi Atc` vq \_vKvKvj xb mgtq 11Đ6Đ2002 Zwi tL `mi Kvti i  
 DcĐmwPe, hMĐmwPe, AwZwi<sup>3</sup> mwPe I mwPe ct` ct` vbwZ  
 wewagvj v, 2002<sup>0</sup> (mst` t c ōwewagvj v<sup>0</sup>) Rvi x nq Ges nvBtKvU<sup>0</sup>wefvM  
 KZK wefepZ bxwZgvj wU 3 wea Abmvti mqsµ qfvte ewZj nq|  
 dj kZtZ, i xU& tgvKí gv I ZrD<sup>TM</sup>Z eZgvb Avcxj , wj mKj B  
 tKškj MZfvte (technically) Infructuas nBqv hvq| wKš- thtnZy  
 bxwZgvj vi 000 `dv Ges eZgvb wewagvj vi mswk<sup>é</sup> `dv, wj i  
 KvhKvi xZv GKB cKvi Ges AvBtbi cK<sup>q</sup> wj I GKB i Ktgi  
 tmBtnZy i xUĐAvte` bKvi x c<sup>0</sup>Zev` x ct` 16Đ5Đ2010 Zwi tL  
 msweavtbi 104 Abt`Q` Abmvti `wLj KZ Avte` bcĪ Ges  
 weev` gvb Dfq ct` i weÁ tKšij xMtbi wte` b wefepbv Ki Zt  
 mswk<sup>é</sup> wea I Dnvi Avl Zvaxb c<sup>0</sup>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 cĪ Ē  
 ŋgZvetj i vócwZ, D<sup>3</sup> msweatbi 140 (2) Abt`Qt` ti weavb  
 tgvZvteK evsj vt` k mi Kvi x Kg<sup>0</sup>Kwgk<sup>t</sup>bi mwnZ ci v<sup>gk</sup>µ t<sup>g</sup> Dc<sup>t</sup>i  
 ewY<sup>2</sup> wewagvj wU 11Đ6Đ2002 Zwi tL cŲqb Kti b| i vócwZi  
 Avt` kµ t<sup>g</sup> D<sup>3</sup> wewagvj wU mwPe KZK D<sup>3</sup> 11Đ6Đ2002 Zwi tL  
 evsj vt` k tM<sup>t</sup>R<sup>t</sup>U cKwkZ nq Ges H Zwi L nBtZB KvhKi nq|

i xU& tgvKí vgv, wj tZ ewZj KZ bxwZgvj vi 000 `dvq ewY<sup>2</sup>  
 mi Kvti i DcĐmwPe ct` c`bwZ cxwZi %eaZv P'vtj Ā Ki v  
 nBqvQj |

eZ<sup>g</sup>vb weWagvj vq Dc<sup>g</sup>m<sup>w</sup>Pe I ZrDa<sup>g</sup>c<sup>`</sup> , wj tZ c<sup>`</sup> b<sup>w</sup>Zi weavb  
I c<sup>x</sup>wZ 5 weWa I c<sup>g</sup> Z d<sup>w</sup>m<sup>t</sup>j eY<sup>b</sup>v Ki v nBqv<sup>t</sup>Q| 5 weWa vbg<sup>e</sup> "c  
t

5| c<sup>t</sup><sup>`</sup> v<sup>b</sup>w<sup>Z</sup>i c<sup>x</sup>wZ |<sup>g</sup>(1) w<sup>b</sup>t<sup>g</sup>e D<sup>t</sup>j w<sup>L</sup>Z c<sup>`</sup> , wj e<sup>z</sup>xZ  
mi Kv<sup>t</sup>i i mKj Dc<sup>g</sup>m<sup>w</sup>Pe, h<sup>M</sup><sup>w</sup><sup>g</sup>m<sup>w</sup>Pe, AwZwi<sup>3</sup> m<sup>w</sup>Pe I m<sup>w</sup>Pe c<sup>t</sup><sup>`</sup>  
GB weWagvj vi Aaxb c<sup>t</sup><sup>`</sup> v<sup>b</sup>w<sup>Z</sup> c<sup>g</sup> vb Ki v nB<sup>t</sup>e, h<sup>\_</sup>v t

(K) mi Kvi KZ<sup>K</sup> bb<sup>g</sup>K<sup>W</sup>vi Kg<sup>K</sup>Z<sup>g</sup><sup>t</sup><sup>`</sup> i Rb<sup>W</sup>, mgq  
mgq, wba<sup>W</sup>i Z I msi w<sup>g</sup> Z c<sup>`</sup> ;

(L) ci i v<sup>g</sup> g<sup>S</sup><sup>Y</sup>vj t<sup>q</sup>i Dc<sup>g</sup>m<sup>w</sup>Pe, c<sup>w</sup>i Pvj K Ges Z<sup>`</sup> <sup>g</sup>Y<sup>g</sup>  
c<sup>`</sup> msL<sup>vi</sup> (m<sup>w</sup>P<sup>t</sup>ei c<sup>`</sup> mn) 75% c<sup>`</sup> ; Ges

(M) AvBb, wePvi I msm<sup>`</sup> weI qK g<sup>S</sup><sup>Y</sup>vj t<sup>q</sup>i Dc<sup>g</sup>m<sup>w</sup>Pe  
Ges Z<sup>`</sup> <sup>g</sup>Y<sup>g</sup>c<sup>`</sup> msL<sup>vi</sup> (m<sup>w</sup>P<sup>t</sup>ei c<sup>`</sup> mn) 75% c<sup>`</sup> |

(2) GB weWagvj vi weavbvej x Ges tKvb c<sup>t</sup><sup>`</sup> i weci x<sup>t</sup>Z  
c<sup>g</sup> Z d<sup>w</sup>m<sup>t</sup>j eW<sup>Y</sup><sup>g</sup> c<sup>t</sup><sup>q</sup>vRbxq thvM<sup>z</sup>v m<sup>v</sup>t<sup>c</sup><sup>g</sup> Ges  
w<sup>g</sup>Zxq Z d<sup>w</sup>m<sup>t</sup>j eW<sup>Y</sup><sup>g</sup> c<sup>x</sup>wZ Ab<sup>g</sup>mi t<sup>Y</sup> D<sup>3</sup> c<sup>t</sup><sup>`</sup> c<sup>t</sup><sup>`</sup> v<sup>b</sup>w<sup>Z</sup>  
c<sup>g</sup> vb Kwi tZ nB<sup>t</sup>e|

(3) Dc<sup>g</sup>w<sup>e</sup>a (1) Gi <sup>`</sup> dv (K), (L) I (M) G Dwj w<sup>L</sup>Z  
mi Kv<sup>t</sup>i i Dc<sup>g</sup>m<sup>w</sup>Pe, h<sup>M</sup><sup>w</sup><sup>g</sup>m<sup>w</sup>Pe, AwZwi<sup>3</sup> m<sup>w</sup>Pe I m<sup>w</sup>Pe  
c<sup>t</sup><sup>`</sup> c<sup>t</sup><sup>`</sup> v<sup>b</sup>w<sup>Z</sup> c<sup>g</sup> v<sup>t</sup>bi t<sup>g</sup> t<sup>g</sup> GB weWagvj vi c<sup>g</sup>  
Z d<sup>w</sup>m<sup>t</sup>j Dwj w<sup>L</sup>Z c<sup>t</sup><sup>q</sup>vRbxq thvM<sup>z</sup>v I w<sup>g</sup>Zxq Z d<sup>w</sup>m<sup>t</sup>j  
Dwj w<sup>L</sup>Z c<sup>x</sup>wZ, hZLwb m<sup>g</sup>e, Ab<sup>g</sup>mi t<sup>Y</sup> mswk<sup>e</sup> weWagvj v  
Ab<sup>g</sup>vx c<sup>t</sup><sup>`</sup> v<sup>b</sup>w<sup>Z</sup> c<sup>g</sup> vb Kwi tZ nB<sup>t</sup>e|

(4) m<sup>g</sup>c<sup>w</sup>i qi w<sup>m</sup><sup>t</sup>j Kkb tev<sup>t</sup>W<sup>g</sup> m<sup>g</sup>c<sup>w</sup>i k Ges D<sup>3</sup>  
m<sup>g</sup>c<sup>w</sup>i t<sup>k</sup> c<sup>g</sup>vbg<sup>S</sup><sup>xi</sup> Ab<sup>g</sup>t<sup>g</sup>v<sup>g</sup> b MthY Kwi qv mi Kv<sup>t</sup>i i Dc<sup>g</sup>m<sup>w</sup>Pe,  
h<sup>M</sup><sup>w</sup><sup>g</sup>m<sup>w</sup>Pe, AwZwi<sup>3</sup> m<sup>w</sup>Pe I m<sup>w</sup>Pe c<sup>t</sup><sup>`</sup> c<sup>t</sup><sup>`</sup> v<sup>b</sup>w<sup>Z</sup> c<sup>g</sup> vb Kwi tZ  
nB<sup>t</sup>e|

Dc<sup>t</sup>i v<sup>3</sup> 5 weWai m<sup>w</sup>nZ mswk<sup>e</sup> c<sup>g</sup> Z d<sup>w</sup>m<sup>t</sup>j eW<sup>Y</sup><sup>g</sup> Dc<sup>g</sup>m<sup>w</sup>Pe  
I ZrDa<sup>g</sup>c<sup>t</sup><sup>`</sup> c<sup>t</sup><sup>`</sup> v<sup>b</sup>w<sup>Z</sup>i c<sup>t</sup><sup>q</sup>vRbxq thvM<sup>z</sup>vi kZ<sup>g</sup>wbg<sup>e</sup> "c t

c<sup>g</sup> Z d<sup>w</sup>m<sup>t</sup>j

mi Kv<sup>t</sup>i i Dc<sup>g</sup>m<sup>w</sup>Pe, h<sup>M</sup><sup>w</sup><sup>g</sup>m<sup>w</sup>Pe, AwZwi<sup>3</sup> m<sup>w</sup>Pe I m<sup>w</sup>Pe c<sup>t</sup><sup>`</sup>  
c<sup>t</sup><sup>`</sup> v<sup>b</sup>w<sup>Z</sup>i c<sup>t</sup><sup>q</sup>vRbxq thvM<sup>z</sup>v

μ <sup>g</sup> K	c <sup>t</sup> <sup>`</sup> i	w <sup>b</sup> t <sup>q</sup> vM c <sup>x</sup> wZ	c <sup>t</sup> <sup>q</sup> vRbxq thvM <sup>z</sup> v
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bs	bvg		
(1)	(2)	(3)	(4)
1	DcDmwPe	<p>(K) 75% c`            evsj v` k wmwf j            mwff h            (ckvmb)(mvteK            mwPevj qmn)            K`vWvti wmwbbqi            t` j c`            KgP Z            KgKZv` i ga`            nBtZ c` vbZi            gva`tg;            (L) 25% c`            Ab`vb` mKj            K`vWvti i            wmwbbqi t` j            c` KgP Z            KgKZv` i ga`            nBtZ c` vbZi            gva`tg  </p>	<p>c` vbZi t` t            (K) wmwbbqi 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 AZv            _vKtZ nBte t            Zte kZ` _vtK th, Next            Below Rule Gi wfwl tZ            avi YvMZ tR`oZv cvBqvQb            Ggb tKvb K`vWvi KgKZv`            t` t wmwbbqi t` j c` O5            (cvP) ermti i PvKi xi kZ`            c`hvR` nBte bv; Ges            (L) mi Kvi KZK wbaWi Z            e`ybqww` c`k Y I wefvMxq            c`k Y mdj Zvi mwnZ            m`ub Kwi tZ nBte Ges            AvBb I wefvMxq ci x` vq            DI xY`nBtZ nBte t            Zte kZ` _vtK th, tKvb            KgKZv`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`            tKvb KgKZv` hw` (K) I            (L) tZ ewYZ c`qvRbxq</p>

			thvM <sup>o</sup> Zv _v†K Ges Zvnyi cŮB 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 <sup>o</sup> 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>KgKZ<sup>0</sup> K c<sup>0</sup> k<sup>0</sup> t<sup>0</sup> Yi m<sup>0</sup> thvM  c<sup>0</sup> vb bv Ki v nBtj c<sup>0</sup> k<sup>0</sup> Y  ms<sup>0</sup> v<sup>0</sup> š<sup>0</sup> GB eva<sup>0</sup> evaKZv  Zvni t<sup>0</sup> t<sup>0</sup> c<sup>0</sup> thvR<sup>0</sup> nBte  bv; Ges  (M) gj<sup>0</sup> vj<sup>0</sup> qb b<sup>0</sup> x<sup>0</sup> i i Abb<sup>0</sup>  83 (wZi wk) b<sup>0</sup> x<sup>0</sup> cvBtZ  nBte;  Zte kZ<sup>0</sup> v<sup>0</sup> t<sup>0</sup> K th, th<sup>0</sup> t<sup>0</sup> t<sup>0</sup> t<sup>0</sup>  kb<sup>0</sup> c<sup>0</sup> t<sup>0</sup> c<sup>0</sup> t<sup>0</sup> vb<sup>0</sup> Zi c<sup>0</sup> v<sup>0</sup> t<sup>0</sup> bi  Rb<sup>0</sup> Dch<sup>0</sup> c<sup>0</sup> x<sup>0</sup> cvl qv bv  hvq tmBt<sup>0</sup> t<sup>0</sup> t<sup>0</sup> t<sup>0</sup> Kvb  KgKZ<sup>0</sup> h<sup>0</sup> (K) I (L) t<sup>0</sup> Z  ewY<sup>0</sup> c<sup>0</sup> t<sup>0</sup> qvRbxq thvM<sup>0</sup> Zv  v<sup>0</sup> t<sup>0</sup> K Ges Zvni c<sup>0</sup> B b<sup>0</sup> x<sup>0</sup>  83 (wZi wk) Gi Kg nq  Zv<sup>0</sup> nBtj Zvni me<sup>0</sup> bge  gj<sup>0</sup> vqb b<sup>0</sup> x<sup>0</sup> wk<sup>0</sup> j Ki v  hvBte </p>
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μ w g K bs	c <sup>0</sup> t <sup>0</sup> i bvg	wb <sup>0</sup> t <sup>0</sup> qvM c <sup>0</sup> x <sup>0</sup> wZ	c <sup>0</sup> t <sup>0</sup> qvRbxq hvM <sup>0</sup> Zv
(1)	(2)	(3)	(4)
3	AwZwi <sup>3</sup> mwPe	(K) 70% c <sup>0</sup> evsj vt <sup>0</sup> k wmwfj m <sup>0</sup> w <sup>0</sup> f <sup>0</sup> n (c <sup>0</sup> k <sup>0</sup> vmb) (m <sup>0</sup> v <sup>0</sup> teK mwPe <sup>0</sup> vj qmn) K <sup>0</sup> v <sup>0</sup> Wv <sup>0</sup> t <sup>0</sup> h <sup>0</sup> M <sup>0</sup> D <sup>0</sup> m <sup>0</sup> w <sup>0</sup> Pe c <sup>0</sup> t <sup>0</sup> Kg <sup>0</sup> Z KgKZ <sup>0</sup> t <sup>0</sup> i ga <sup>0</sup> nBtZ	c <sup>0</sup> t <sup>0</sup> v <sup>0</sup> b <sup>0</sup> Zi t <sup>0</sup> t <sup>0</sup> t <sup>0</sup> (K) h <sup>0</sup> M <sup>0</sup> D <sup>0</sup> m <sup>0</sup> w <sup>0</sup> Pe c <sup>0</sup> t <sup>0</sup> D (A) Ab <sup>0</sup> b <sup>0</sup> O3 (wZb) erm <sup>0</sup> t <sup>0</sup> i PvK <sup>0</sup> i xmn Ab <sup>0</sup> b <sup>0</sup> 20 (w <sup>0</sup> ek) erm <sup>0</sup> t <sup>0</sup> i PvK <sup>0</sup> i xi Awf <sup>0</sup> Á Zv w <sup>0</sup> K <sup>0</sup> t <sup>0</sup> Z nBte ; A <sup>0</sup> ev (Av) Ab <sup>0</sup> b <sup>0</sup> 2 (β) ermi Awf <sup>0</sup> Á Zv mn Ab <sup>0</sup> b <sup>0</sup> 22 (evBk) erm <sup>0</sup> t <sup>0</sup> i PvK <sup>0</sup> i xi Awf <sup>0</sup> Á Zv w <sup>0</sup> K <sup>0</sup> t <sup>0</sup> Z nBtet

	<p>cƒ`vbZi gva`tg; (L) 30% c` Ab`vb` mKj K`vWvƒi i hM#Dm#Pe cƒ` Kgƒ Z KgƒZƒ` i ga` nBƒZ cƒ`vbZi gva`tg </p>	<p>Zƒe kZ`_vƒK th, Next Below Rule Gi wƒwl ƒZ avi YvMZ ƒR`oZv cvBhvƒQb Ggb ƒKvb KgƒZƒi ƒŒ ƒŒ hM#Dm#Pe cƒ` O3(wZb) ev O2 (`B) ermƒi i PvKi xi kZ`cƒhvR` nBƒe bv; Ges (L) mi Kvi KZƒ wba`wi Z wm#bqi ÷ vd ƒKvm` cƒkŒ Y mdj Zvi mwnZ m#úbe Kwi ƒZ nBƒe t Zƒe kZ`_vƒK th, ƒKvb KgƒZƒK cƒkŒ ƒYi mƒhvM cƒ vb bv Ki v nBƒj cƒkŒ Y msµ vš- GB eva`evaKZv Zvni ƒŒ ƒŒ cƒhvR` nBƒe bv; Ges (M) gj `vqb b#ƒi i Ab`b 85 (cPwk) b#ƒi cvBƒZ nBƒe; Zƒe kZ`_vƒK th, thƒŒ ƒŒ kb` cƒ` cƒ`vbZi cƒ vƒbi Rb` Dchƒ cƒ_x`cvl qv bv hvq ƒmBƒŒ ƒŒ ƒKvb KgƒZƒi hw` (K) I (L)ƒZ ewYZ cƒqvRbxq thvM`Zv _vƒK Ges Zvni cƒB b#ƒi 85 (cPwk) Gi Kg nq Zvni nBƒj Zvni me#bge gj `vqb b#ƒi wk#_j Ki v hvBƒe </p>
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µwgK bs	cƒ` i bvg	wbƒqvM c x wZ	cƒqvRbxq hvM`Zv
(1)	(2)	(3)	(4)

<p>4  </p>	<p>mWPe</p>	<p>AwZwi<sup>3</sup> mWPeM†Yi ga<sup>..</sup> nB†Z c†`vbWZi gva`tg </p>	<p>c†`vbWZi †¶†† t (K) AwZwi<sup>3</sup> 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<sup>©</sup>_v†K th, AwZwi<sup>3</sup> mWPe c†` Ab`b 01 (GK) erm†i i AwfÁZv mαúbe †Kvb KgKZ†i D<sup>3</sup> c†` 02 (`β) ermi cWZ† c†e<sup>©</sup> Zvnvi eqm 57 ermi cWZ<sup>©</sup> nBevi mαebv _wK†j Zvnvi †¶†† 2 (`β) erm†i i PvKi xi AwfÁZvi kZ<sup>©</sup> wkW_j †hvM<sup>..</sup> nB†e; Ges (L) mWPeVj †qi †Kvb c†` 05(cvP) erm†i i PvKi xi AwfÁZv _wK†Z nB†e t Z†e kZ<sup>©</sup>_v†K th, AwZwi<sup>3</sup> mWPe ev hM†DmWPe c†` Ab`b 02 (`β) erm†i i PvKi xi AwfÁZv _wK†j Zvnvi †¶†† GB kZ<sup>©</sup> wkW_j †hvM<sup>..</sup> nB†e; Ges (M) gj`vqb bα†i i Ab`b 85 (cPwk) bα†i cvB†Z nB†e; Z†e kZ<sup>©</sup>_v†K th, th†¶†† kb<sup>..</sup> c†` c†`vbWZi c†v†bi Rb<sup>..</sup> Dch† c†_x<sup>©</sup> cvl qv bv hvq tmB†¶†† †Kvb KgKZ†i hW` (K)   (L)†Z eWYZ c†qvrbxq †hvM<sup>..</sup>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` wk`_j Kiv hvBte
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evwZj KZ bxwZgvj vi 000 `dvi cUf`ygKvq Dc`ti v<sup>3</sup> 5 `dv l  
Dc`ti ewY` c`\_g Zdwm`j i mswk` Ask`\_wj msweav`bi Av`j v`K  
we`k`b Kwi `Z nBte|

nvB`KvU`wef`vM Gi mb`L i xU& `i Lv`Í Kvi xM`Yi c`f`| w`te` b  
Kiv nq` th, Z`K`Z 000 `dvwU msweav`bi 29 Ab`"Q`i mwnZ  
mvsNwl K| AG wef`v`Mi mb`L i xU& `i Lv`Í Kvi x c`Zev`xc`f`|  
AZ`š-tRvi vj f`v`te w`te` b Kiv nq` th we`agvj vi 5 we`a l c`\_g  
Zdwm`j msweav`bi 29 Ab`"Q`i mwnZ mvsNwl K|

hw` l i xU& tgvKv`i gv`\_wj `Z i agv` Dc`DmwPe c`f` c`b`Zi  
bxwZgvj vi %eaZv P`v`j Ä Kiv nB`j l A` wef`v`Mi mb`L Df`q  
c`f`i we`Á tK`Ši j xMY Dc`DmwPe, h`M`DmwPe l AwZwi<sup>3</sup> mwPe GB  
mKj c`f`i c`b`Zi c`x`wZ msp`vš-5 we`a l Zrmsp`všÍ c`\_g  
Zdwm`j Gi AvBbMZ %eaZvi c`k`\_wj wbi m`bi Ab`i va Rvbvb |

nvB`KvU`wef`vM Dc`DmwPe c`f` c`b`Zi mswk` bxwZgvj vi 000  
`dv msweav`bi 29 Ab`"Q`i mwnZ mvsNwl K ewj qv gZ c`Kvk  
K`i b| Df`q c`f` nB`Z D`l w`cZ GB msp`vš-e<sup>3</sup> te`i tc`f`|vc`U  
nvB`KvU`wef`vM w`b`g<sup>3</sup> g`šÍe` K`i 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¶t\_B Zvnt` i Rb` 25% tKvUv wba¶i 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`Ívb Avgtj i wmwfj mwf¶n Ges evsj vt` k wmwfj mwf¶mi 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¶¶g 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 wbg¶`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` wbg¶`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` wbþqwm/cþ` vbwZi tñ tG msweavþi Dcþi v<sup>3</sup> 29 Abþ"Q` KZK mi Kvi x wbþqvMj vþf mþhvþMi mgZv wbwðZ Ki b AwaKvþi i tKvb e`Z`q NwUþqþQ wKbv Zvnb gj Z GB Awcj ,wj tZ wePvh<sup>o</sup>wel q |

wbR wbR h<sup>y</sup>3 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|

cþ\_tg 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 D<sup>3</sup> wefvM Controller of State Accounts wefvþM `vbwšíwi 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 wbþqvM wewa cþYZ nq| wKš-1967 mþbi weÁwþ gvi dr 1959 mþbi wbþqvM wewaþZ cwi eZ<sup>o</sup> Avbv nq Ges thþnZyi xU& Avþe` bKvi xi ceZ<sup>o</sup> b PWD Gi wnmve wefvM wej þ nBqvMj tmBþnZy Zvnm` MþK cþ` vbwZi Zvj Kv nBþZ eR<sup>o</sup> Ki v nq|

gwnmj nvBþKvU<sup>o</sup> gše` Kþi b th 1959 mþbi wewa tgvZvþeK i xU& Avþe` bKvi xMY Ab` K`vWvþi i mwnZ mgcY<sup>o</sup>f vþe GwKfZ nBqv wMqvMj weavq Zvnm` MþK cþ` vbwZi Zvj Kv nBþZ eR<sup>o</sup> 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 MY†K 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 MY†K 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

referred to earlier. But he challenged the conclusion of the High Court that they formed one class or one cadre. According to him, the directly recruited Mamlatdars and the promotee Mamlatdars formed two different classes. The High Court rejected that contention and in our opinion rightly. Both the directly recruited Mamlatdars as well as the promotee Mamlatdars are designated as Mamlatdars. They have the same pay scale. They discharge same functions. The posts held by them are interchangeable. There is nothing to show that the two groups are kept apart. The only circumstance urged in support of the contention that they form two different classes is that before promotion to the post of Deputy Collector, the directly recruited Mamlatdars have to put in a certain minimum period of service. This condition, in our opinion, does not indicate that the two groups were kept apart. The High Court seems to think that that condition is not a valid condition. We express no opinion on that question. Even if it is a valid condition, the same does not show that the directly recruited Mamlatdars formed a different class. There is no material to show that the Government had prepared two separate seniority lists, one for the directly recruited Mamlatdars and the other for the promotee Mamlatdars.” (Aḡavḡi Lv cŃ I )

Mohammad Shujat Ali V. Union of India AIR 1974 SC 1631  
 ḡvKvī gvq ḡZḡ ½vḡv AĀj States Reorganization Act,1956, Gi  
 gvaḡḡg AÜḡ cḡḡ ḡki mḡnZ GḡKfZ nl qvq Bnvi mḡkḡ Engineering  
 Service Gi wewagvj vi %eaZv Pḡḡḡ Ä Ki v nq Ges D<sup>3</sup> ḡvKvī gvq  
 PvKi xi ḡḡḡḡ mḡhvḡMi mgZv I ḡkḡxfḡ Ki Y cḡḡU fvi Zxq mḡḡḡḡ  
 ḡKvUḡ wetePbv Kḡi b| ZḡKḡ wewagvj vi %eaZv MḡY Ki Zt P. N.  
 Bhagwati, J. eḡj b (AIR 1974 SC 1631) :

“13..... It is only where the decision of the Government is shown to be based on extraneous or irrelevant considerations or actuated by mala fides or

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

.....  
.....

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.

.....  
.....

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 GK Rb 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 m†šZ 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 tgvKvî gvq Dî wcz mgmiv Dc†i eWYÇ  
tgvKvî gv nB†Z A†bKUVB mi j Zej th†nZy D³ tgvKvî gvq 16  
Ab†Q` Gi GKwU eivLiv Ges mi Kvi x PvKi xi t¶j †Î m†hv†Mi mgZv  
GB tgšwj K AwaKv†i i Dci Av†j vPbv i wnqv†Q tmB Kvi †Y fvi Zxq  
m†hv†Mi mgZv gZvgZ Zwj qv ai v nBj |

%el g` I tkYxfß Ki Y m†ú†K©A. N. Ray, C.J. e†j 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.”

m†hv†Mi mgZv m†ú†Ü wZwb e†j 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 wefvM Avcxj Kvi xi e<sup>3</sup> e” Mhb Kti b bvB|  
 Mohammad Fazlul Karim, J. (as his Lordship then was) etj 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  
 †gvKvı 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 wb†qvM cŰB†` i %RôZv PSC gvi dr Zvnnv†` i  
 regular appointment Gi Zwi L nB†Z nBZ| bZb wewagvj 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  
 e<sup>3</sup> e` MhY Kti b bvB ei Â ZWkZ weWagvj v thšw<sup>3</sup> 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 v<sup>3</sup> e<sup>3</sup> 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  
 Abpcv†Z c†` vbwZi weavb Ki v nB†j mi vmwi wb†qvM c⊗B c†KŠkj x  
 D<sup>3</sup> weav†bi %eaZv P†v†j Ä K†i b| fvi Zxq mpc†g †KvU©D<sup>3</sup> 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 D<sup>3</sup> wef vṭM  
ṭmbvewnbxi KṭgkŦ KgṖZṖMṭYi wḃṭqvṭM AwaKZi ṭKvUv I  
weightage cŦ vb Gi wewa ṭemvgwi K mi vṃwi wḃṭqvM cŦḂ I c`bṃZ  
cŦḂ cṭKṖkj xMY P`vṭj Ä Kwi ṭj AŦ cṭ`k nvBṭKvUṃmswKé 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 14<sup>th</sup> 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 14<sup>th</sup> 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 14<sup>th</sup> 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.”

h<sup>3</sup> i v<sup>3</sup> 1868 mv<sup>3</sup> 14 Amendment gvi dr Equal Protection of the Laws mvsweawbK fv<sup>3</sup> ej eZ Kiv nB<sup>3</sup> I Av`vj Z gvi dr AvBbMZ fv<sup>3</sup> GB mvsweawbK AvBb c<sup>3</sup>qvM Kwi tZ kZ erm<sup>3</sup> i i l t<sup>3</sup>ewk mgq A<sup>3</sup>tc<sup>3</sup> v Kwi tZ nBq<sup>3</sup>wQj | mvg<sup>3</sup>wRK fv<sup>3</sup> MhY Kwi tZ Avi l 50 ermi j wMqv wMqvQj |

Plessy V. Ferguson 163 US 537 (1896) tgvKv<sup>3</sup> gvq Louisiana AsM i v<sup>3</sup> 1890 mv<sup>3</sup> i GKwU AvBb gvi dr t`tki Kv<sup>3</sup>tj v gv<sup>3</sup>bj t`i tK mv`v gv<sup>3</sup>bj t`i t<sup>3</sup>tk segregated i wLevi Rb` tij Mvox<sup>3</sup>Z c<sup>3</sup>\_K Kgc<sup>3</sup>vU<sup>3</sup>g<sup>3</sup>U i wLevi weavb Kiv nBq<sup>3</sup>wQj |

Homer Adolph Plessy GK Rb ksKi RvZxq e<sup>3</sup>w<sup>3</sup> wQ<sup>3</sup>tj b| wZwb tij Mvox<sup>3</sup>Z GKwU c<sup>3</sup>\_g tk<sup>3</sup>xi wUwwKU μ q Kwi qv mv`v hwG<sup>3</sup>t`i Rbv wba<sup>3</sup>wi Z K<sup>3</sup>úvU<sup>3</sup>g<sup>3</sup>t<sup>3</sup>U GKwU Avmb Mhb Kwi tj Zv<sup>3</sup>v<sup>3</sup>tK tij Mvox nB<sup>3</sup>tZ ew<sup>3</sup>n<sup>3</sup>ti w<sup>3</sup>b<sup>3</sup>t<sup>3</sup> c Kiv nq Ges Segregation Statute f sM Kwi evi Aciv<sup>3</sup>ta tM<sup>3</sup>dZvi Kiv nq| Plessy D<sup>3</sup> ‘separate but equal’ AvBb msweav<sup>3</sup>tbi 13<sup>th</sup> l 14<sup>th</sup> Amendment Gi j •Nb `vex Kwi qv tgvKv<sup>3</sup> gv K<sup>3</sup>ti b|

US mc<sup>3</sup>g tKvU<sup>3</sup> Bnvi i v<sup>3</sup>tq ‘separate but equal’ AvBbwU mvsweawbK ewj qv tNvl Yv K<sup>3</sup>ti | msL<sup>3</sup>vMwi tó<sup>3</sup>i c<sup>3</sup>t<sup>3</sup> Justice Brown 14<sup>th</sup> Amendment G e<sup>3</sup> equality before the law | social equality Gi g<sup>3</sup>ta GKwU cv<sup>3</sup>\_K<sup>3</sup> Uv<sup>3</sup>bb 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 mĉġg †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  
 mĉġg †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<sup>®</sup> msweavřbi 14<sup>th</sup> Amendment Gi Avl Zvq D<sup>3</sup> ` vex MřY Ki Z t - Křj Qvī ř` i gřa` Segregation AvBb ewZj řNvl bv Kři b| GB i vqwu US mcđg řKvřU<sup>®</sup> GKwU Ab`Zg 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 wbře` 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 AZ`ř- řRvi vř řvl vq ‘separate but equal’ gZev` cř`vLvb 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.”

h<sup>3</sup> i v<sup>3</sup>óí msweav<sup>3</sup>bi 14<sup>th</sup> Amendment G e<sup>3</sup> Equal Protection of the Laws Gi Dci Dc<sup>3</sup>i v<sup>3</sup> i vqWU wbtm<sup>3</sup>›` fn GKWU gvBj dj K i vq|

Prof Wills Zv<sup>3</sup>vi Constitution Law M<sup>3</sup>Š' 14<sup>th</sup> Amendment Gi e<sup>3</sup>wB m<sup>3</sup>q<sup>3</sup>Ü e<sup>3</sup>tj 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 tgvKv<sup>3</sup> gvq DÌ w<sup>3</sup>cZ m<sup>3</sup>gm<sup>3</sup>w<sup>3</sup>Ui t<sup>3</sup>c<sup>3</sup>¶| v<sup>3</sup>cU we<sup>3</sup>teP<sup>3</sup>bvi Rb<sup>3</sup> Avi I K<sup>3</sup>tqK<sup>3</sup>WU b<sup>3</sup>w<sup>3</sup>Ri Av<sup>3</sup>tj v<sup>3</sup>P<sup>3</sup>b<sup>3</sup>v<sup>3</sup>q j I qv nBj |

Ganga Ram V. The Union of India (1970)1 SCC 377 tgvK<sup>3</sup>i gvq m<sup>3</sup>pc<sup>3</sup>g t<sup>3</sup>K<sup>3</sup>v<sup>3</sup>U<sup>3</sup> Indian Railways Establishment Manual Gi m<sup>3</sup>sw<sup>3</sup>k<sup>3</sup>é weav<sup>3</sup>b e<sup>3</sup>w<sup>3</sup>Y<sup>3</sup> t<sup>3</sup>k<sup>3</sup>Y<sup>3</sup>x<sup>3</sup>f<sup>3</sup>ß Ki b we<sup>3</sup>wa msweav<sup>3</sup>bi 14 I 16 Ab<sup>3</sup>†“Q<sup>3</sup>t<sup>3</sup>` i m<sup>3</sup>w<sup>3</sup>n<sup>3</sup>Z m<sup>3</sup>vsN<sup>3</sup>w<sup>3</sup>l K bq e<sup>3</sup>w<sup>3</sup>j qv gZ c<sup>3</sup>K<sup>3</sup>v<sup>3</sup>k K<sup>3</sup>t<sup>3</sup>i b | I. D. Dua, J. e<sup>3</sup>tj 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 WKŠ-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 WKŠ-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 KgKZt` 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 ) D<sup>3</sup> mjeav

Chief Justice Warren, in *Harold H. Burton, J. et al. v. United States* (1954), 353 U.S. 254, 17-18, stated:

“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. Federal Bureau of Investigation*, 354 U.S. 113 (1957) stated: “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 ØwbKI  
(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 wbf<sup>9</sup> kxj  
 weŧePbv c0mZ nq A\_ev D<sup>3</sup> c` t<sup>9</sup> c hw` Am` ŧi k`  
 (mala fide) gj K nq, Athšw<sup>3</sup> 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 thšw<sup>3</sup> K cv\_Ŕ`Ki Y wfwE  
 wbf<sup>9</sup> kxj nBtZ nBte Ges mswké AvBtbi cKZ  
 Dŧi  $\text{tk}^{\text{M}}$  i mwnZ GKwU h\_vh<sup>3</sup> wfwI ĐwbKI wfwI K nBtZ  
 nBte;

R) hw` I  $\text{tk}^{\text{M}}\text{x}^{\text{f}}\text{y}^{\text{3}}$  Ki Y Gi thšw<sup>3</sup> KZv I h\_vh<sup>3</sup>  
 wfwEĐwbKI m<sup>3</sup>ŧÜ 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 m<sup>3</sup>ŧÜ wmxvš-AvBb ev wewa cŔqbKvi x  
 h\_vh\_ KZc<sup>9</sup> 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 xŧ` i  
 c0Z mveŔwbb, thšw<sup>3</sup> K, c<sup>9</sup> cvZnxb I mvavi Yfvŧe b`vh`  
 nBtZ nBte;

T) mswké wewagvj vi hw` thšw<sup>3</sup> KZv (reasonability) \_vŧK  
 Ges Bnvi h\_vh<sup>3</sup> wfwI ĐwbKI (rational basis) \_vŧK, Zŧe  
 i agvÎ cŧ`vbwZ c0wBi m<sup>3</sup>vebvi Zvi Zŧg`i Kvi ŧb D<sup>3</sup>  
 wewagvj v A%ea nBte bv|

BwZcŧe<sup>9</sup> e<sup>9</sup>Uk, cvwK`Ívb I evsj vŧ`k Avgŧj i cŧvmwbK  
 K`vWvŧi i bwWZ`xN<sup>9</sup> Avŧj vPbv Ki v nBqvŧQ| 1998 mŧbi bxwZgvj v  
 Ges 2002 mŧbi wewagvj v cŔqŧbi tc<sup>9</sup> vcUI eYbv Ki v nBqvŧQ|

wewagvj vi 5 wewa I c0g Zdwmŧj e<sup>9</sup>Yŧ cŧ`vbwZi cxwZi  
 %eaZv AÎ Avcxj ,wj tZ wePvh<sup>9</sup>wel q|

c0Zqgvb nq th kZwãKvj ce<sup>9</sup> nBtZB Awef<sup>3</sup> e<sup>9</sup>Uk  
 fvi ZeŧI<sup>9</sup> c0ŧ`wkK I tK>`xq mi Kvŧi i mKj D`PZi cŧ` ICS I  
 IPS K`vWvi nBtZ KgŔKZŔMY wbtqvM 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\_xMti wefbaeci x q v MhY Kti |

msweavtbi 29 Abt`Qt` ewYZ mi Kvi x wbtqvM j vtf mthvMi mgZvi cku GB chqtq Avtm| GB Abt`Qt` i wbt` Rbv Abjvnti PSC Bnvi AvBb l weva mvct q evsj vt`tki mKj bvMwi KtK ag eY, tMwô, bvi xDcj l wbt`k k mKj tK PSC AvtqvRZ ci x q Ask MhY Kwi evi mthvM c` vb Kwi tZ eva |

AZci , ci x q Ask MhYKvi x mKj c0\_xK 29 Abt`Qt` i 3 DcDAbt`Q` mvct q c0\_gZt tgavµ g Abjvnti Ges Zrci c0\_x wbr` e cQt` i K`vWti wbtqvMi Rb` mi Kvti i wbr` PSC mpcwi k Kwi te |

Dtj E` th wmfj mwfmi tgvU 29 wU K`vWti i gta` mteP `v`b 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`vWti hw` cQ` (option) Acb Kwi qv `vtKb Zvnt` nBtj we wm Gm (ckvmb) Gi i b` c` mgfn Zvnt` 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) mvct q ci eZ`ev Zrci eZ`µ gvstq Aewkó 28 wU K`vWti wbtqvMi Rb` thvM` nBtZ cvti b | GB fvt` mKj c0\_xMY PSC KZK AbjôZ ci x q AeZxb` nBevi mgvb mthvM cvb | Zrci , c0Z thvMZvgj K ci x q Zvnt` i wbr` wbr` dj vdj l cQt` i wfwl tZ wefbae K`vWti 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 l wbR wbR cQġ`i Kvi ġY wewf be  
 K`Wvġi c\_K ġkġxfġ nBqv hvBġZġQb| wKš- thġnZy GB  
 ġkġxfġ Ki b mveRbxb ci xġ v l wbR wbR cQġ`i Kvi ġY nBġZġQ  
 tmB tnZyD³ ġkġxfġ Ki Y thšw³ K Ges Bnvi h\_vhġ wfwl ĐwbKI  
 (rational basis) i w nqġQ hvnv msweavġbi 29 Abġ"Qġ`i kZ® ci Y  
 Kġi | nvBġKvU®wefvM Bnvi i vġq Dcġi v³ ġcġ v cU Abġveb Kwi ġZ  
 e`\_®nBqvġQb|

eZġvb Avcxj ġgvKvġ gv\_wj i mKj i xU& Avġe` bKvi x  
 cŃZev` xMY 1982 mġb evsj vġ` k wmwfj mwfġmi Rb` mi Kvi x Kg®  
 Kwgkb KZK AbġôZ cŃ\_g cŃZġhwMZvgġ K ci xġ vq Ask MhY  
 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 ġgvt Aveġ j gvbeb (i xU& wcvUkb bsĐ393/2001)	260	
3	Rbve ġgvt 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 l mvavi Y  
 wbqġg Zvnvi v ġKnB wewmGm (cġvmb) K`Wvġi wbġqvġMi mġthvM cvb  
 bvB| Zvnvi v Ab`vb` K`Wvġi 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 wnqvQ weavq GBi "c wevfbe tkYxTZ wef³ Ki Y  
AvBb m½Z | GB weiqwUB nvBtKvU° wefvM Abjaveb Kwi tZ e`\_©  
nBqvQb|

1981 mti Rules Gi 2q Zdwtj 29wU c\_K K"vWvti i Rb"  
c\_K c\_K wbtqvM/c` bZi weavb i wnqvQ| GB tkYxfw³ Ki Y  
(classification) tgvUB A%ea bñ, ei Å msweavb m` §Z |

Dtj E" th, ewUk ev cvwK - í vb Avgtj l wevfbe K"vWvi wQj wKš-  
cfeB we` íwi Z Avtj vPbv Kiv nBqvQ th c0t` 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  
c0t` wkK cKvmbK KgKZMY c` bZ cvBtZb|

i vtóí wZbwU cāv - í x ev wefvMi 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 wefvMi  
Dci eZq| t` tki cāvbgšx i vtóí wbeñx cāv| Zvnvi gšxMY  
mgštq mαúY° wbeñx wefvM MwVZ| cZwU gšYvj tq GKRB  
mPe/AwZwi³ mPe \_vtKb| wZwb gšYvj tqi Principal Accounts  
KgKZ Ges cāv wbeñx| Zvnvi cāv Kvh° nBtZtQ gv chq  
msMwnZ ZÉDcvtl i Dci wfwl Kwi qv mské gšYvj tqi gšxK  
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<sup>o</sup>cwi 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<sup>o</sup> e`wZti tK gvĐchŋq mi Kvti i Dcti v<sup>3</sup> fŋte MwnZ wewf be wmxvš- ev<sup>-</sup> í evqti bi `wqZi| \_v<sup>t</sup>K wewf be chŋq DctRj v wbeŋx KgKZ<sup>o</sup> nBtZ wefvMxq Kwgkbvi chš-mKj KgKZ<sup>o</sup>MtYi Dci| cĉZc<sup>t</sup>ŋ| gv chŋq cĉvmb Ges wbeŋx wefvtMi mteŋP chŋqi mwnZ DcĐmwPe, hMĐmwPe, AwZwi<sup>3</sup> mwPe I mwPeMY tmZŋtÜi gZ Kvh Kti b| GB Kvi tYB ewUk Avgj nBtZB mwPevj tqi DcĐmwPe I ZrDa<sup>o</sup>c<sup>t</sup>` me mg<sup>t</sup>qB cĉvmwbK KgKZ<sup>o</sup>MY wbtqvM I c<sup>t</sup>` vb<sup>o</sup>Z cvBtZb|

GKgvĪ e`wZ<sup>μ</sup>g SSP Order Gi gva<sup>t</sup>g mKj K`wvi nBtZ DcĐmwPe I ZrDa<sup>o</sup>c<sup>t</sup>` wbtqvM/c<sup>t</sup>` vb<sup>o</sup>Z c<sup>o</sup> vb Ki v nBqvUj hvni 1989 m<sup>t</sup>bB cwi Z<sup>v</sup><sup>3</sup> nBqv<sup>t</sup>Q|

th<sup>t</sup>nZy PSC Gi m<sup>p</sup>wi k chŋq nBtZB KgKZ<sup>o</sup>MY wewf be K`wv<sup>t</sup>i tkŲxf<sup>ŋ</sup> nBqv hvq tmB tnZy mwPevj tqi cĉvmwbK DcĐmwPe c<sup>t</sup>` cĉvmwbK KgKZ<sup>o</sup>MY e`wZti tK Ab<sup>o</sup> K`wv<sup>t</sup>i i KgKZ<sup>o</sup>MtYi c<sup>p</sup>i vq wbtqvM ev c<sup>o</sup> vb<sup>o</sup>Z c<sup>o</sup>β nBevi tKvb mnRvZ AwaKvi bvB|

GBi "c AvBbMZ Ae<sup>-</sup>vq 1998 m<sup>t</sup>bi DcĐmwPe c<sup>t</sup>` wbtqvM/c<sup>o</sup> vb<sup>o</sup>Zi bxwZgvj vi 000 `dv ev 2002 m<sup>t</sup>bi wewagj vi 5 wewa Ges Zrmswk<sup>o</sup> c<sup>o</sup>g Zdwmtj ewY<sup>o</sup> cxwZ th 75% c<sup>o</sup> wmwfj mwf<sup>o</sup> (cĉvmb) Ges Aewk<sup>o</sup> 25% c<sup>o</sup> Ab<sup>o</sup>vb<sup>o</sup> mKj K`wv<sup>t</sup>i i wmw<sup>o</sup>bqi t<sup>-</sup>j c<sup>t</sup>` Kg<sup>o</sup>Z KgKZ<sup>o</sup>ŋ<sup>o</sup> i ga<sup>o</sup> nBtZ c<sup>o</sup> vb<sup>o</sup>Zi gva<sup>t</sup>g DcĐmwPe c<sup>t</sup>` wbtqvM c<sup>o</sup> v<sup>t</sup>bi wewa cŲqb<sup>t</sup>K Athš<sup>3</sup> K (unreasonable) ev h<sup>-</sup>v<sup>h</sup><sup>ŋ</sup> wf<sup>o</sup> w<sup>o</sup> ĐwbKI ewnf<sup>o</sup> (irrational basis) nBqv<sup>t</sup>Q

Zvnuv ej v hvq bv, ei  $\hat{A}$  D<sup>3</sup> weavb thšw<sup>3</sup> K, ev<sup>-</sup> íe m $\alpha$ šZ Ges msweavb m $\alpha$ šZ nBqv $\dagger$ Q ewj qvB c $\hat{O}$ Zqgvb nq|

Zte, c $\hat{O}$ g Zdwm $\dagger$ j i 2q  $\mu$  wg $\dagger$ K ewY $\dagger$  hM $\dagger$ Dm $\dagger$ Pe Ges 3q  $\mu$  wg $\dagger$ K ewY $\dagger$  AwZwi “<sup>3</sup> m $\dagger$ Pe c $\dagger$ ` I tKvUv c $\times$ wZi tKvb h $\dagger$ \_vch $\dagger$ <sup>3</sup> wfwl  $\dagger$ wbKI (rational basis) cvl qv hvq bv| Bnv GKwU A $\dagger$ hšw<sup>3</sup> K (unreasonable)  $\dagger$ k $\dagger$ x $\dagger$ f $\dagger$ <sup>3</sup> Ki Y (classification) weavq A%ea nBte|

hLbB tKvb Kg $\dagger$ KZ $\dagger$  2002 m $\dagger$ bi weagvj v Abm $\dagger$ ti Dc $\dagger$ Dm $\dagger$ Pe c $\dagger$ ` c`bwZ c $\hat{O}$ B nB $\dagger$ j b, Zvnuv th tKvb K $\dagger$ wv $\dagger$ ti nB $\dagger$ ZB nDK bv  $\dagger$ Kb, wZwb ZLb GKrb cwi cY $\dagger$  Dc $\dagger$ Dm $\dagger$ Pe| Zvnuv c $\dagger$ e $\dagger$  K $\dagger$ wv $\dagger$ ti 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 $\dagger$ Pe $\dagger$ ei mwnZ GK  $\dagger$ k $\dagger$ x $\dagger$ f $\dagger$ <sup>3</sup> nBqv mg $\dagger$ AwaKvi j Bqv wZwb cieZx $\dagger$  D $\dagger$ PZi hM $\dagger$ Dm $\dagger$ Pe c $\dagger$ ` ev cieZx $\dagger$ Z AwZwi “<sup>3</sup> m $\dagger$ Pe c $\dagger$ ` c $\dagger$ `vbwZ c $\hat{O}$ B nBevi Rb $\dagger$  we $\dagger$ ewPZ nBteb|

AZGe, hM $\dagger$ Dm $\dagger$ Pe I AwZwi “<sup>3</sup> m $\dagger$ Pe c $\dagger$ ` c`bwZi  $\dagger$ q $\dagger$   $\dagger$  tKvUv c $\times$ wZ Abm $\dagger$ ti Y Ki v $\dagger$ K thšw<sup>3</sup> K ej v hvq bv, ei  $\hat{A}$  GBi “c k $\dagger$ Z $\dagger$  tKvb h $\dagger$ \_v $\dagger$ <sup>3</sup> wfwl  $\dagger$ wbKI (rational basis) bvB ewj qvB c $\hat{O}$ Zqgvb nq| GgZ Ae $\dagger$  vq hM $\dagger$ Dm $\dagger$ Pe I AwZwi “<sup>3</sup> m $\dagger$ Pe c $\dagger$ ` c`bwZi Rb $\dagger$  tKvUv Av $\dagger$ ti vc A%ea weavq D<sup>3</sup> Df q  $\dagger$ q $\dagger$   $\dagger$  w $\dagger$ tqvM 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 $\dagger$ `vbwZi gva $\dagger$ tg hM $\dagger$ Dm $\dagger$ Pe c $\dagger$ ` w $\dagger$ tqvM cvBteb| GKB f $\dagger$ vte hM $\dagger$ Dm $\dagger$ PeM $\dagger$ Yi ga $\dagger$  nB $\dagger$ Z  $\dagger$ Kvbi “c tKvUv e $\dagger$ wZ $\dagger$ i  $\dagger$ K c $\dagger$ `vbwZi gva $\dagger$ tg AwZwi “<sup>3</sup> m $\dagger$ Pe c $\dagger$ ` w $\dagger$ tqvM cvBteb|

AZGe, msweav $\dagger$ bi 103 I 104 Ab $\dagger$ “Q` Gi Avl Zvq wbg $\dagger$ j wLZ w $\dagger$ t $\dagger$   $\dagger$ 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`bwZ/w $\dagger$ tqv $\dagger$ Mi bxwZgvj vi 000` dv %ea wQj ;

L) mi Kv $\dagger$ ti i Dc $\dagger$ Dm $\dagger$ Pe, hM $\dagger$ Dm $\dagger$ Pe, AwZwi “<sup>3</sup> m $\dagger$ Pe I m $\dagger$ Pe c $\dagger$ ` c $\dagger$ `vbwZ weagvj v, 2002 Gi 5` dv %ea;

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

N) cŭg Zdwm†j 2q l 3q μwg†K ewYŹ hMĐmwPe l AwZwi<sup>3</sup> mwPe c†` wbtqvM cxwZ†Z †KvUv Av†ivc A%ea weavq D<sup>3</sup> `β c†` c†` vbwZ Rbv †KvUv cxwZ ewZj Kiv nBj |

GgZ Ae<sup>-</sup> vq AÎ Avcxj , wj Li Pv e<sup>w</sup>Z†i †K Dc†i cŭ Ę gše<sup>o</sup> l wbt` kv mv†c†¶ AvswwK gbRj (allowed in part) Kiv nBj Ges nvB†KvU<sup>o</sup> wefv†Mi 13ĐO2Đ2002 Zwi †Li i vqwU i` l i wnZ (set-aside) Kiv nBj |

**CJ.**

**J.**

**J.**

**J.**

**J.**

**J.**

**The 24<sup>th</sup> May, 2010.**  
**\*Approved for Reporting.**

