

GOVERNMENT OF KERALA

PERSONAL AND ADMINISTRATIVE REFORMS (RULES) DEPARTMENT

NOTIFICATION

**G.O(P) No. /2023/P&ARD
TVPM**

Dated.....

S.R.O.No. /2023.-In exercise of the powers conferred by sub-section (1) of section 2 of the Kerala Public Services Act, 1968 (19 of 1968) read with section 3 thereof the Government of Kerala hereby make the following Rules further to amend the Kerala State and Subordinate Service Rules, 1958, namely:-

RULES

- **Short title and commencement.- (1) These rules may be called the Kerala State and Subordinate Service (Amendment) Rules,2023.**
(2) They shall come into force at once.
- 2. **Amendment of the Rules.- In part II of the Kerala State and Subordinate Service Rules, 1958,-**
 - (i) **in rule 14, for sub-rule (e), the following sub rule shall be substituted ,namely:-**

“(e) A supplementary list of sufficient number of suitable

candidates, not less than three times the reservation quota, if available, of the candidates eligible to be selected on reservation from each community or group of communities for the purpose of satisfying the reservation quota, shall be prepared and published.

Note.- “Suitable candidates” for the purpose of this Rule shall mean candidates with notified minimum qualifications and marks in selection procedure lowered to the extent necessary.”;

(ii) in rule 15,-

- for sub rule (a), the following sub rule shall be substituted namely;-**

“(a) The integrated cycle combining the rotation in clause (c) of rule 14 and the sub-rotation in sub rule (2) of rule 17 shall be as specified in the Annexure to this part. Notwithstanding anything contained in any other provisions of these Rules or in the Special Rules, if a suitable candidate is not available for selection from any particular community or group of communities specified in the Annexure, such vacancy shall be kept unfilled, notified separately for that community or group of communities for that selection year repeatedly for not more than two times with in an interval of six months each between such notifications, and shall be filled by direct recruitment exclusively from among that community or group of communities. In the meantime, before

such notification is issued each time for an NCA selection, if a new General Ranked List is published for that post and if candidate of the community or group of communities for which the NCA vacancy arose is available in that list, such vacancy shall be filled up from that list. However, if candidates are available as per the re-notification and a General Rank List containing candidates belonging to the community or group of communities for which the re-notification was issued, that NCA vacancy shall be filled up from the candidates made available as per the re-notification without affecting the main rotation roster and percentage of reservation fixed for that community or group of communities.

If after re-notification repeatedly for not more than two times, no suitable candidate is available for selection from the respective community or group of communities and if no new General Ranked List containing candidates eligible for selection to such NCA vacancy has been published, the said vacancy shall be passed over to the next community or group of communities, as the case may be, in the order of rotation. In the absence of other Backward classes candidates, the selection shall be made from available Schedule Castes candidates and in their absence, the selection shall be made from available Scheduled Tribes candidates.

If such passing over as specified above could not be effected due to non-availability of candidates in any of the aforesaid communities, that NCA vacancy shall be kept unfilled and the same shall be filled up

from the next available General Ranked List from among the candidates of that community or group of communities without affecting the main rotation and percentage of reservation fixed for such community or group of communities for which the NCA vacancy originally arose:

Provided that the benefit of turn forfeited to the community or group of communities by reason of such passing over shall be restored to it at the earliest possible opportunity if a suitable candidate from that particular community or group of communities is available for selection by making adjustments against the claim of that community that derived the extra benefit by reason of such passing over.

Explanation.- One 'selection year' for the purpose of this rule shall be the period from the date on which the rank list of candidates comes into force to the date on which it expires.

Note-1.- In respect of selection as per re-notification or passing over, the General Ranked List shall not expire till the process of selection by re-notification or passing over, as the case may be, has been completed.

Note.2.- All pending uncompensated turns of vacancies such temporarily passed over, no candidate available and non- joining duty as on the 2nd February, 2006, shall be compensated.”;

(b) in sub-rule (b), after the words “and vice-versa.” the following sentence shall be incorporated, namely:-

“ If after passing over as above, no suitable candidate is available for selection and no new General Ranked List containing candidates belonging to Scheduled Caste or Scheduled Tribe has been published for selection, such vacancy shall be reported for Special Recruitment.”;

(c) in sub-rule (d), for the figures and symbol “50%”, where ever it occurs, the figures and symbol “60%”shall respectively be substituted.

**By Order of the
Governor**

**Principal Secretary to
Government.**

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

Based on Justice Narendran Commission Report, Government had amended Rule 14(e) and 15 of the Kerala State and Subordinate Service Rules, 1958, vide S.R.O No.227/2006 dated 8th

March 2006. It has come out that this amended provisions cause much embarrassment both to the P.S.C. and the Government.

As per the existing provisions of the Rules Public Service Commission has to prepare and publish a supplementary list of sufficient member of candidates, not less than five times of the reservation quota from each community or group of communities for the purpose of satisfying the reservation quota. Also if suitable candidate is not available for selection from any community or group of communities, such vacancy has to be kept unfilled, notified separately for that community or group of communities for that selection year and shall be filled up by direct recruitment from among that community or group of communities and if after re-notification repeatedly for not less than two times, no suitable candidate is available, the selection shall be made from available Other Backward Classes candidates and in their absence from available Scheduled Caste candidates and in their absence from Scheduled Tribes candidates. It has come out that the Public Service Commission is resorting to several re-notifications as there is no limit for the number of re-notifications. Further there is no provision for restoring the benefit of the turn forfeited due to such passing over.

Hence Government, vide G.O.(MS) No.13/2022 P&ARD dated 13.06.2022 has entrusted the Kerala Law Reforms Commission to study the issue relating to Rule 14(e) and 15 of KS & SSR 1958 and to recommend amendments to the same.

This Commission, after serious deliberations and discussions suggested amendments to Rules 14(e) and 15 and submitted its report and draft amendment with a view to limit the supplementary list of sufficient number of reservation quota from five times to three times and also re-notification has to be limited to two times with an interval of 6 months each along with provision for selection from subsequent General Ranked List. For restoring the benefit of the turn forfeited to a community or group of communities at the earliest opportunity a separate provision is proposed.

The Commission has also recommended amendment to Rule 15(d) of the Kerala State and Subordinate Service Rules, 1958 and its provisos in view of the 103rd Constitutional amendment allowing 10% reservation to Economically Weaker Sections in General Category so as to make it consistent with the present reservation criteria.

Government considered the matter in detail and decided to make necessary amendments in rule 14(e) and 15 of the Kerala State and Subordinate Service Rules, 1958.

This notification is intended to achieve the above object.