

**The**



**Kolkata** **Gazette**

सत्यमेव जयते

*Extraordinary*  
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FRIDAY, JANUARY 3, 2014

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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**GOVERNMENT OF WEST BENGAL**  
**Higher Education Department**  
**Bikash Bhaban, Salt Lake City, Kolkata-700 091**

**NOTIFICATION**

No. 07-Edn (U)/1U-89/13.— dated. 2nd January, 2014.— In exercise of the power conferred by sub-section (1) of section 8 of the West Bengal State Higher Educational Institutions (Reservation in Admission) Act, 2013, (West Ben Act X of 2013), the Governor is hereby pleased to make the following rules, namely:

***Rules***

- |   |   |
|---|---|
| Short title,<br>application &<br>commencement | 1. (1) These rules may be called the West Bengal State Higher Educational Institutions (Reservation in Admission) Rules, 2013.  |
|   | (2) They shall come into force on the date of their publication in the <i>Official Gazette</i> .  |
| Definitions                                   | 2. (1) In these rules, unless the context otherwise requires,—  |
|   | (a) "Act" means the West Bengal State Higher Educational Institutions (Reservation in Admission) Act, 2013;   |
|   | (b) "Commissioner of Reservation" means the Commissioner for Reservation appointed under section 6A of the West Bengal Scheduled Castes and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976;                      |
|   | (c) "District Commissioner for Reservation" means the District Commissioner for Reservation as appointed under Section 6B of the West Bengal Scheduled Caste and Scheduled Tribes (Reservation of vacancies in Services and Posts) Act, 1976; |
|   | (d) "District Magistrate" means the District Magistrate of the district and includes Additional District Magistrate for the purpose of these rules;   |



- (e) "de-reservation" means the de-reservation of seats reserved for Scheduled Castes/Scheduled Tribes/Other Backward Classes, Category -A and Other Backward Classes, Category -B candidates;
- (f) "Joint Commissioner for Reservation and ex-officio Joint Secretary" means the Joint Commissioner for Reservation and ex-officio Joint Secretary as appointed under Section 6A of the West Bengal Scheduled Caste and Scheduled Tribes (Reservation of Vacancies in Services and Posts) Act, 1976;
- (g) "self-financing course" means the course conducted by a college out of its own fund;
- (h) "schedule" means the schedule appended to these rules;
- (i) "section" means the section of the Act;
- (j) "University" means a University established and incorporated by an Act of State Legislature and aided fully or partly out of the State's fund;

(2) Any words or expressions used but not otherwise defined in these rules shall have the same meaning as defined or used under the Act.

Application of the reservation norms.

3. The reservation norms shall apply on and from the Academic Session 2014-15, to:—

- (a) all Universities, established and incorporated by an Act of the State's Legislature and aided fully or partly out of the State's fund; and
- (b) all Government colleges established or administered by the State Government whether directly or indirectly, and affiliated to a University; and
- (c) all colleges receiving aid from the State Government in any form or in any manner, whether fully or partly; and
- (d) all other institutions imparting education or training or research or other academic activities beyond 10+2 level and receiving aid from the State Government in any form or in any manner, whether fully or partly.

Preparation of Detailed Project Report and maintenance of register of students and other formalities

4. (1) In order to implement the total percentage of reservation in respect of the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes Category 'A' and the Other Backward Classes Category 'B'; (as mandated by the Act) every Higher Educational Institution selecting candidates for all streams and courses run by that Institution shall, with the approval of the appropriate authority, wherever required, fix up the total number of seats to be increased in each course in such a manner that the number of unreserved seats is not less than the seats available immediately preceding the date of the Act coming into force.

*Explanation 1:— for example, in a Higher Educational Institution there were thirty (30) seats in Physics (Honors) course on the date of commencement of the Act. Out of 30 seats, 7 seats were reserved for SC (22% of 30), 2 seats were reserved for ST (6% of 30) and 21 seats were for unreserved category. For the purpose of implementing the provisions of the Act and these rules, these 21 seats of unreserved category shall not be reduced in any manner.*

*Explanation 2:— to give effect to the provisions of the Act, the Higher Educational Institution referred to under explanation 1 will be required to increase its seats by at least eight (8) seats in Physics Honors for that particular academic year. Hence, the reservation of seats would be as follows:*

- (a) Eight (8) seats shall be reserved for SC (22% of 38),
- (b) Two (2) seats shall be reserved for ST (6% of 38),
- (c) Four (4) seats shall be reserved for OBC-A (10% of 38),
- (d) Three (3) seats shall be reserved for OBC-B (7% of 38),
- (e) And Twenty One (21) seats shall remain unreserved for Unreserved Categories.



- (2) Keeping in view that the total number of increase of seats to be done in terms of the sub-rule (1), each Higher Educational Institution shall fix up year wise target of increase of seats in such a manner that the total mandatory increase of seats is achieved within a maximum period of six years beginning with the academic session 2014-15 and then shall continue in the same manner.
- (3) Once the target of increase of seats is fixed, every Higher Educational Institution shall, submit to the State Government, the Detailed Project Report (DPR) in the format as may be specified.
- (4) The detailed project report shall contain, interalia, the following:—
- details of the existing number of students including students belonging to the Scheduled Castes and Scheduled Tribes,
  - details of the Governing Body of the College,
  - details of courses offered and annual intake in each course including Honors and Post Graduate courses, if any,
  - details of specialized courses or programmes,
  - details of existing teaching and non-teaching posts substantiated with appropriate roster and non-teaching staff-pattern,
  - details of existing infrastructures including the land, building and other equipments,
  - details of proposed increase in the infrastructure and equipments including Laboratory, Library etc.,
  - details of proposed increase in the teaching and Non-teaching posts,
  - details of the requirement of funds for catering to the creation of additional seats as per staff pattern as may be specified by the State Government from time to time.
- (5) The proposal regarding increase in the infrastructure including Classroom, Laboratory, Library, and the increase of teaching and non-teaching post shall be commensurate with the actual increase of seats in various courses.

Manner of re-distribution of seats

5. (1) In case of a Higher Educational Institution where infrastructure expansion is not possible for unavoidable reasons or otherwise, the Higher Educational Institution may apply to the State Government with reasons, to re-distribute its additional quota of reserved seats to other Higher Educational Institutions.

- (2) The State Government, taking into consideration the facts of the case, may at its discretion pass an order allowing re-distribution of such additional seats to other Higher Educational Institution.

Procedure for preparation of list of candidates for admission

6. (1) For filling up of the seats for admission in a particular academic session as fixed in terms of sub rule (2) of rule 4 the following procedure shall be followed :—

- a general merit list based exclusively on merit as reflected in the results of the relevant examination or selection test irrespective of castes, tribes or classes shall be prepared separately for each course, stream or subject in each Higher Educational Institution to fill up the unreserved seats. Separate merit lists of the Scheduled Castes, Scheduled Tribes, Other Backward Class, Category 'A' and the Other Backward Class, Category 'B' candidates shall be prepared for each course/stream/subject in each higher educational institution to fill up the seats reserved for these respective categories. The Scheduled Castes, the Scheduled Tribes, the Other Backward Class, Category -A and the Other Backward Class, Category -B candidates who have been placed in the general merit list to fill up unreserved seats shall not be taken into account in the reserved list for the Scheduled Castes, the Scheduled Tribes, the Other Backward Class, Category-A and the Other Backward Class, Category-B candidates, as the case may be;
- simultaneously, the SC/ST/OBC candidates who have found place in the general merit list on the basis of their merit shall also be placed in the list of reserved seats for SC/ST/OBC as per their inter se merit, and



be asked to exercise their option on whether they would like to be placed in the general merit list or the separate merit list for reserved candidates of SC/ST/OBC. Admission would be made as per the option exercised by the candidates. The option once exercised shall not be altered under any circumstances;

- (c) for admission to different courses, an SC or ST candidate getting admission should have obtained in the previous examination; qualifying marks not lower by more than 25% of the marks obtained by the last candidate of the general category. In case of OBC-A and OBC-B the candidates getting admission should have obtained in the previous examination, qualifying marks not lower by more than 10% from the marks obtained by the last candidate of the general category. In any case, if a candidate obtains marks lower than the minimum qualifying marks prescribed by the University / Appropriate Authority for admission to the relevant course, he will not be eligible for admission;
- (d) seats reserved for the Scheduled Caste candidates and remaining unfilled even after following the instructions laid down in the previous clauses of the rules may be filled up by the Scheduled Tribe candidates and vice versa. Likewise, seats reserved for the Other Backward Classes, Category-A and remaining unfilled even after following the instructions laid down in the previous clauses of the rules may be filled up by the Other Backward Class, Category-B candidates and vice versa. If after this exercise, reserved seats still remain unfilled due to non availability of reserved category candidates, such seats shall be taken up for de-reservation in such manner as prescribed under rules 8 of these rules;
- (e) in case the number of seats reserved for the Scheduled Castes, Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B in Post-graduate and Doctoral courses including Medicine, Dental Science and Nursing is less than 0.5 in each stream, a 100 point roster for admission as specified in the Schedule appended to these rules shall be followed for filling up the seats.

- (2) In every case of admission to general degree courses and medical, technical, professional and post graduate level courses, the caste / tribe / class identification certificate issued by the Competent Authority shall be verified by the concerned Higher Educational Institution at the time of admission along with Domicile Certificate issued by the Competent Authority:

*Provided that no Domicile Certificate is required in case the candidate submitting caste identification Certificate issued by the Competent Authority of the State Government.*

- (3) During verification of the OBC Certificate, relevant guidelines regarding determination of 'Creamy layer' shall be taken into consideration by the concerned Institution.
- (4) In every case, reservation to SC/ST/OBC 'A'/OBC 'B's candidates shall not be refused on the basis of medium of instruction in any Higher Educational Institution.

Maintenance of Course 7. Every Higher Educational Institution shall maintain course-wise registers of reserved seats meant for Scheduled Castes, Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B.

Procedure for de-reservation 8. Where reservation of seats for one or many courses or streams in a particular academic session becomes unavoidable, the following procedure of de-reservation shall be followed:

- (a) If, after duly entertaining all applications to fill up reserved seats, it is found that some seats reserved for the Scheduled Castes, Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B remain unfilled during the academic session for want of suitable number of candidates from the respective categories, those seats may be de-reserved and filled up by general candidates where it is specified that due process for filling up of the seats by the candidates of the specific categories have been followed by the institutions concerned and no suitable candidate of the reserved categories is available to fill up those seats. No vacant reserved seat shall be carried forward to the next academic year, under any circumstances;
- (b) the District Magistrates or the District Commissioners for Reservation shall be the authority to grant de-reservation in Higher Educational Institutions situated in their respective territorial jurisdiction and Joint



Commissioner for Reservation and ex-officio Joint Secretary Backward Class Welfare Department shall be such authority in respect of Higher Educational Institutions situated in Kolkata as defined in the Kolkata Municipal Corporation Act, 1980;

- (c) the process of de-reservation shall be completed by the authority concerned within 15 days provided that the authority of the concerned educational institution has submitted application in this regard along with all relevant and necessary papers;
- (d) the Higher Educational Institutions seeking de-reservation shall submit to the authority concerned, a statement giving the following particulars:-
- (i) number of candidates who have applied for admission giving break up of Unreserved, Scheduled Castes and Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B applicants separately for respective Courses /Streams/ Subjects;
  - (ii) number of seats reserved for Scheduled Castes and Scheduled Tribes, Other Backward Classes, Category -A and Other Backward Classes, Category -B separately for such category of Course/ Stream/ Subject;
  - (iii) number of candidates qualifying for admission and admitted, as such, from each of reserved categories against respective Courses/ Streams/ Subjects;
  - (iv) number of reserved seats remaining vacant in respect of Scheduled Castes, Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B candidates against respective Course/ Stream/ Subject as the case may be, with reasons there for;
  - (v) the Higher Educational Institutions shall also furnish copies of their admission Notice(s) to show whether, for issue of Forms to Scheduled Castes, Scheduled Tribes, Other Backward Classes, Category-A and Other Backward Classes, Category-B candidates, the minimum prescribed marks of the Board, Council or University had been indicated, as the qualifying marks for getting admission Forms against the reserved seats.
- (e) While allowing the reserved seats to be filled up by General candidates, the District Magistrate and District Reservation Commissioner or the other authorities concerned shall be satisfied, on the basis of the information supplied by the Institutions that all reasonable steps were taken to fill up the seats by respective reserved categories of candidates, and further that the unreserved category candidates qualifying on their own merit in competition with general candidates have not been admitted against the reserved seats, and further, that the conditions laid down in rule 5 have duly been observed for the particular courses mentioned therein.

Filing of  
Annual Return

9. Every Higher Educational Institution situated within the district of Kolkata shall file their annual return on admission of students into various course showing all seats reserved for SC, ST, OBC-A and OBC-B before the Joint Commissioner for Reservation and in cases of Higher Educational Institution situated outside the district of Kolkata, to the District Commissioner for Reservation of the respective district by 31st December every year.

#### SCHEDULE

{See sub-rule (1) (e) of rule 6}

1st Seat	Scheduled caste	35th Seat	Unreserved	69th Seat	OBC-B
2nd Seat	Unreserved	36th Seat	Scheduled caste	70th Seat	Unreserved
3rd Seat	Unreserved	37th Seat	Unreserved	71st Seat	Scheduled caste
4th Seat	Scheduled Tribe	38th Seat	OBC-A	72nd Seat	Unreserved
5th Seat	Unreserved	39th Seat	Unreserved	73rd Seat	Unreserved



6th Seat	OBC-A	40th Seat	Scheduled caste	74th Seat	Scheduled Tribe
7th Seat	Scheduled caste	41st Seat	Unreserved	75th Seat	Unreserved
8th Seat	Unreserved	42nd Seat	Unreserved	76th Seat	OBC-A
9th Seat	OBC-B	43rd Seat	Scheduled Tribe	77th Seat	Unreserved
10th Seat	Unreserved	44th Seat	Unreserved	78th Seat	Scheduled caste
11th Seat	Scheduled caste	45th Seat	OBC-A	79th Seat	Unreserved
12th Seat	Unreserved	46th Seat	Unreserved	80th Seat	Unreserved
13th Seat	OBC-A	47th Seat	Scheduled caste	81st Seat	Unreserved
14th Seat	Unreserved	48th Seat	Unreserved	82nd Seat	Scheduled caste
15th Seat	Scheduled caste	49th Seat	OBC-B	83rd Seat	Unreserved
16th Seat	Unreserved	50th Seat	Unreserved	84th Seat	OBC-A
17th Seat	Unreserved	51st Seat	Scheduled caste	85th Seat	Unreserved
18th Seat	Scheduled caste	52nd Seat	OBC-A	86th Seat	Scheduled caste
19th Seat	OBC-B	53rd Seat	Unreserved	87th Seat	Unreserved
20th Seat	Unreserved	54th Seat	Unreserved	88th Seat	Unreserved
21st Seat	Scheduled caste	55th Seat	Unreserved	89th Seat	OBC-B
22nd Seat	Unreserved	56th Seat	Unreserved	90th Seat	Scheduled caste
23rd Seat	Unreserved	57th Seat	Scheduled caste	91st Seat	Unreserved
24th Seat	Scheduled Tribe	58th Seat	Unreserved	92nd Seat	Unreserved
25th Seat	Unreserved	59th Seat	OBC-B	93rd Seat	Scheduled Tribe
26th Seat	OBC-A	60th Seat	Unreserved	94th Seat	Unreserved
27th Seat	Unreserved	61st Seat	Scheduled caste	95th Seat	Unreserved
28th Seat	Scheduled caste	62nd Seat	Unreserved	96th Seat	Unreserved
29th Seat	OBC-B	63rd Seat	OBC-A	97th Seat	Scheduled caste
30th Seat	Unreserved	64th Seat	Unreserved	98th Seat	Unreserved
31st Seat	Unreserved	65th Seat	Scheduled caste	99th Seat	OBC-A
32nd Seat	Scheduled caste	66th Seat	Unreserved	100th Seat	Unreserved
33rd Seat	Unreserved	67th Seat	Unreserved		
34th Seat	Unreserved	68th Seat	Scheduled caste		

By order of the Governor,

VIVEK KUMAR

*Secretary to the Government of West Bengal.*



X

**GOVERNMENT OF WEST BENGAL  
HIGHER EDUCATION DEPARTMENT  
(C. S. BRANCH)  
BIKASH BHABAN, SALT LAKE  
KOLKATA-700091**

No. 365-Edn (CS)/OM-9L/2015

Date: 21.04.2015

**CIRCULAR**

**Subject: Implementation of the West Bengal State Higher Educational Institutions (Reservation in Admission), Act, 2013 and the West Bengal State Higher Educational Institutions (Reservation in Admission) Rules, 2014**

In exercise of the powers conferred by Section 9 of the West Bengal State Higher Educational Institutions (Reservation in Admission), Act, 2013, all the State Higher Educational Institutions coming under the purview of the aforesaid Act and the Rules are hereby advised that they shall continue to take steps in implementing the provisions of the Act and the Rules so that reservation of seats in all categories is continued for the academic session 2015-16 as specified in the Act and the Rules, i.e. by increasing the number of seats, within the available infrastructure, and without curtailing the number of un-reserved seats of the institution.

During allocation of seats to each reserved category as defined under the Act, it shall be kept in mind by every institution that the percentage of reservation applicable to each reserved category (SC-22%, ST-6%) under the Act, shall be in commensurate with the total number of seats being increased in each course/faculty. For OBC-A (10%) and OBC-B (7%) seats, implementation will be done over a six year period and the exercise has already commenced from the Academic year 2014-15. All institutions are accordingly advised to continue to increase seats in each subject/ Department/ Course/ Stream suitably, and to the extent practicable, so that the required increase of overall 17 % seats can be achieved within the Academic Year 2020-21. New State-aided institutions being set up shall endeavour to achieve the specified reservation of seats for SCs (22%), ST s (6%) and OBC' s (10%+7%) at one go and not incrementally. All institutions shall take caution, while de-reserving the reserved category seats in the event of non availability of respective reserved category candidates, as per the due process prescribed in the Rules, and under guidance of respective Reservation Commissioners. All other instructions, given previously in this regard, shall be complied with *mutatis mutandis*.

SD/- M. Ray  
Additional Secretary

**GOVERNMENT OF WEST BENGAL  
HIGHER EDUCATION DEPARTMENT  
(UNIVERSITY BRANCH)  
BIKASH BHABAN, SALT LAKE  
KOLKATA-700091**

**No. 65 –Edn (U)/1U-89/13**

**Date: 16.01.2014**

From: Smt. M. Ray, IAS  
Additional Secretary to the Govt. of West Bengal

To: The Vice Chancellor,  
\_\_\_\_\_University

Subject: Procedure to be followed for reservation of persons with disabilities for admission.

Ref: Guidelines of Department of Personnel and Training, Govt. of India

Sir,

In reference to the above mentioned subject I am directed to enclose the FAQ issued by the Department of Personnel and Training, Government of India regarding reservation of the persons with disabilities as per the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

In this regard I am further directed to say that reservation of seats shall not exceed 45% (SC-22%, ST-6%, OBC-A- 10% & OBC-B-7%). Persons with disabilities will enjoy a 3% reservation in each of the categories, i.e. in SC, ST, OBC-A, OBC-B and in the Unreserved or General Category, and such candidates, if available, shall be placed towards the top of the list prepared for each category of students.

Yours faithfully,

SD/- M. Ray  
Additional Secretary

**No. 65/1(9) –Edn (U)/1U-89/13**

**Date: 16.01.2014**

Copy forwarded for information and necessary action to:

1. The Secretary, Agriculture Department,
2. The Secretary, Animal Resource Development Department,
3. The Principal Secretary, Health & Family Welfare Department,
4. The Secretary, Backward Class Welfare Department,
5. The Director of Public Instruction with request to forward all Government and Govt. aided College for taking necessary action by them,
6. The Director of Technical Education with request to forward all Government and Govt. aided College for taking necessary action by them,
7. The Chairman, West Bengal Joint Entrance Examination Board,
8. The Vice Chairman, West Bengal State Council of Higher Education,
9. The Registrar, \_\_\_\_\_University.

Additional Secretary





Government of West Bengal  
Department of Higher Education  
University Branch

Bikash Bhavan, 6<sup>th</sup> Floor, Bidhannagar, Kolkata - 700 091.

No. 1084(20) - Edn (U)/EH/1U-89/13

Dated, Kolkata, the 07<sup>th</sup> December, 2018.

**From:** Shri Siladitya Basuray, W.B.C.S. (Exe.),  
Special Secretary to the Government of West Bengal.

**To:** The Vice-Chancellor,

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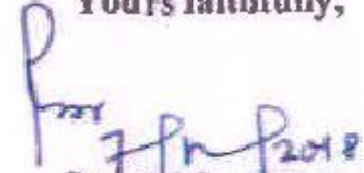
**Sub:** *Procedure to be followed for reservation of persons with disabilities for admission.*

Sir,

In partial modification to this Department's earlier Notification bearing no. 07-Edn(U)/1U-89/13 dated 02.01.2014 regarding the West Bengal State Higher Educational Institutions (Reservation in Admission) Act, 2013, I am directed to inform you, that the percentage of reservation for the persons with disabilities shall be extended not less than 5% in each of the categories i. e., SC, ST, OBC-A, OBC-B and General Categories, subject to the condition that the reservation of seats shall not exceed 45% (SC-22%, ST-6%, OBC-A 10%, OBC-B 7%).

I am further directed to inform you that such PwD candidates may be placed at the top of the list prepared for such category students.

Yours faithfully,

  
Special Secretary



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TUESDAY, APRIL 30, 2013

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PART III—Acts of the West Bengal Legislature.

**GOVERNMENT OF WEST BENGAL**

**LAW DEPARTMENT**

**Legislative**

**NOTIFICATION**

No. 746-L.—30th April, 2013.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

**West Bengal Act X of 2013**

**THE WEST BENGAL STATE HIGHER EDUCATIONAL INSTITUTIONS  
(RESERVATION IN ADMISSION) ACT, 2013.**

*[Passed by the West Bengal Legislature.]*

*[Assent of the Governor was first published in the Kolkata Gazette,  
Extraordinary, of the 30th April, 2013.]*

*An Act to provide for reservation of seats for admission of the students belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes domiciled in the State of West Bengal to certain Higher Educational Institutions in the State of West Bengal which are established, maintained or aided by the State Government, and for such matters connected therewith and incidental thereto.*

WHEREAS it is expedient to provide for reservation of seats for admission of the students belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes of West Bengal to certain Higher Educational Institutions in the State of West Bengal, established, maintained or aided by the State Government to enable and encourage them to get access to the higher education;



*The West Bengal State Higher Educational Institutions  
(Reservation in Admission) Act, 2013.*

(Sections 1, 2.)

It is hereby enacted in the Sixty-fourth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title,  
extent and  
commencement.

1. (1) This Act may be called the West Bengal State Higher Educational Institutions (Reservation in Admission) Act, 2013.

(2) It extends to the whole of West Bengal.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

- (a) "Academic session" means the period in a calendar year, or a part thereof, during which a Higher Educational Institution remains open for teaching, learning and instruction in any branch or course or study;
- (b) "annual permitted strength" means the total number of seats in a course or study or programme, available for admission of students in a Higher Educational Institution for the purpose of giving instruction or teaching and learning in any branch of study, which is authorized by an appropriate authority for a particular academic session;
- (c) "appropriate authority" means every authority, constituted or established either by the University Grants Commission or the Bar Council of India or the Medical Council of India or the All India Council for Technical Education or the National Council for Teacher Education and includes such other statutory body as may be established by or under any Central or State Act, for determination, co-ordination and maintenance of the quality and standards of higher education;
- (d) "creamy layer" means the category of persons for whom the reservation of seats shall not be applicable as may be determined and prescribed by the Backward Class Welfare Department, Government of West Bengal;
- (e) "faculty" means the faculty of a Higher Educational Institution;
- (f) "Higher Educational Institution", for the purpose of this Act, shall mean—
  - (i) a University, established and incorporated by or under an Act of State Legislature and aided fully or partly out of the State's fund; or
  - (ii) a Government College, established or maintained by the State Government, whether directly or indirectly, and affiliated to a University; or
  - (iii) a College, receiving aid from the State Government in any form, or in any manner, whether fully or partly; or
  - (iv) any other institution as may be declared as such, by the State Government;
- (g) "Minority Educational Institution" means an institution established and administered by any minority, whether based on religion or language who enjoys the privileges incorporated under clause (1) of article 30 of the Constitution of India and also the institutions declared as such by an Act or Notification of the Central or the State Government or declared as such



*The West Bengal State Higher Educational Institutions  
(Reservation in Admission) Act, 2013.*

(Section 3.)

by National Commission for Minority Educational Institutions, constituted under the National Commission for Minority Educational Institutions Act, 2004; 2 of 2005.

- (h) "Other Backward Classes" means the class or classes of persons belonging to socially and educationally backward sections of the society as may be determined as per provisions made under clause (c) of section 2 of the West Bengal Commission for Backward Classes Act, 1993, and declared as such, by the Backward Class Welfare Department, Government of West Bengal, from time to time, in the *Official Gazette*; West Ben. Act 1 of 1993.
- (i) "Other Backward Classes Category-A and Other Backward Classes Category-B" means the Other Backward Classes as may be determined and notified as such, by the Backward Class Welfare Department, Government of West Bengal, from time to time;
- (j) "Prescribed" means prescribed by rules made under this Act;
- (k) "Scheduled Castes" means the category of persons declared as such, under the provisions of article 341 of the Constitution of India;
- (l) "Scheduled Tribes" means the category of persons declared as such, under the provisions of article 342 of the Constitution of India;
- (m) "State Government" means the State Government of West Bengal in the Higher Education Department;
- (n) "Stream" means subjects bunched together under broad streams such as Humanities or Science or Medicine or Social Science of Engineering and Technology or Vocational Science and includes such other streams leading three principal levels of qualification at bachelor, masters and doctoral levels, as may be determined and prescribed by any appropriate authority, from time to time.

Reservation of  
seats in State  
Higher  
Educational  
Institutions.

3. (1) The reservation of seats for admission in a Higher Educational Institution shall be made in the following manners, namely:—

- (a) out of the total annual permitted strength in each stream of every Higher Educational Institution, twenty-two *percent* seats shall be reserved for the students belonging to Scheduled Castes; and
- (b) out of the total annual permitted strength in each stream of every Higher Educational Institution, six *percent* seats shall be reserved for the students belonging to Scheduled Tribes; and
- (c) out of the total annual permitted strength in each stream of every Higher Educational Institution, ten *percent* seats shall be reserved for the persons belonging to Other Backward Classes of Category-A; and
- (d) out of the total annual permitted strength in each stream of every Higher Educational Institution, seven *percent* seats shall be reserved for the students belonging to Other Backward Classes of Category-B.

(2) The reservation of seats in any Higher Educational Institution made under this Act shall, under no circumstances, exceed beyond fifty *percent* of the total annual permitted strength of any such Institution for any particular academic session.

(3) In every case, admission of students under any of the category referred under sub-section(1) of this section shall only be made in order to their merit and in such manner so that the quality and standard of the Higher Educational Institution may not be compromised.



*The West Bengal State Higher Educational Institutions  
(Reservation in Admission) Act, 2013.*

(Sections 4-6.)

(4) The State Government shall have right to determine and to rank the Higher Educational Institutions in accordance of their quality considering their standard of academic instructions and degrees offered by them and such other matter connected therewith and incidental thereto.

Act not to apply  
in certain cases.

4. The provisions of section 3 of this Act shall not apply to,—

(1) The students belonging to creamy layer of the society;

(2) any institutions of excellence, research institutions, and institutions of national and strategic importance as may be notified in the *Official Gazette* by the State Government from time to time;

(3) any Educational Institution established and administered by any Minority, whether based on religion or language; and

(4) any course or programme at a higher level of specialization, including at the post-doctoral level, within any branch of study or faculty such as super speciality studies in Medicine or Engineering and Technology or such other subjects or stream as the State Government may, in consultation with the appropriate authority, specify from time to time.

Mandatory  
increase of seats.

5. (1) Notwithstanding anything contained in clause (c) and clause (d) of sub-section(1) of section 3 and in any other law for the time being in force, every Higher Educational Institution shall, with the prior approval of the appropriate authority where necessary, increase the number of seats over and above its annual permitted strength so as to ensure that the number of seats, excluding those reserved for the persons belonging to the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes, is not less than the number of such seats available for any academic session immediately preceding the date of this Act coming into force.

(2) Where necessary, in order to enable the Higher Educational Institutions to create the physical, academic and other infrastructure so as to cater to the increase in the number of seats, a maximum period of six years beginning with the academic session following the commencement of this Act shall be allowed, and the extent of reservation for the Other Backward Classes as provided in clause (c) and clause (d) of sub-section(1) of section 3 shall be limited for that academic session in such manner that the number of available seats to the Other Backward Classes for each academic session are commensurate with overall increase in the number of seats.

(3) In respect of those Higher Educational Institutions where expansion of capacity is not feasible for unavailable infrastructure-related or other reasons, the State Government may, upon being satisfied, re-distribute its quota of stream-wise reserved seats to other institutions in such a manner and to such extent as may be practicable keeping in mind the total seats available for all Higher Educational Institutions in the State taken together for a particular academic session.

Reservation of  
seats in admission  
to begin  
immediately.

6. (1) Every Higher Educational Institutions shall, with funding support from the State Government, take all necessary steps required for giving effect to the provisions of sections 3, 4 and 5 of this Act, for the purposes of reservation of seats in admissions to its academic sessions commencing on and from the academic year, 2014-15.

(2) It shall be the duty of Higher Educational Institution of the State to prepare an action plan for achieving the targets laid down under this Act and shall submit a Detailed Project Report in a prescribed manner to the State Government.



*The West Bengal State Higher Educational Institutions  
(Reservation in Admission) Act, 2013.*

*(Sections 7-10.)*

Commissioner of  
Reservation for  
Higher  
Educational  
Institutions.

7. (1) The State Government shall appoint a Commissioner of Reservation for Higher Educational Institutions in the State for the purpose of monitoring the implementation of the objectives laid down in this Act.

(2) The powers and functions of the Commissioner including the qualification for appointment and conditions of service of the Commissioner shall be such as may be prescribed.

(3) Notwithstanding anything contained in the preceding section, the Commissioner shall have power to de-reserve the seats available for admission for any academic session in such manner as may be prescribed.

Power to make  
rules.

8. (1) The State Government may by notification make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be after is made, before the State Legislature, while it is in session.

Power to give  
directions.

9. Notwithstanding anything contained in any other law for the time being in force, the State Government shall have power to give directions to every State-aided University or State-aided Colleges or institutions in achieving the objectives of this Act and also to entrust them with such duties and functions as it may deem necessary.

Removal of  
difficulties.

10. If any difficulty arises in giving effect to any of the provisions of this Act, the State Government may, by order, take such steps as deemed necessary for the purpose of removing the difficulty in giving effect to the provisions of this Act.

By order of the Governor,

MALAY MARUT BANERJEE,  
Secy. to the Govt. of West Bengal,  
Law Department.