

**GOVERNMENT OF RAJASTHAN**  
**Department of Personnel**

No.F.7(2)/DOP/A-2/81 Pt.

Dated: July 19, 2001

All Principal Secretaries / Secretaries to Government  
All Heads of Departments (including District Collectors)  
All Special Secretaries / Deputy Secretaries to Government

**C I R C U L A R**

**SUBJECT:** Direct Recruitment through the Rajasthan  
Public Service Commission – Operation of the  
Reserve List.

The various Service Rules provide for preparation of a reserve list by the Rajasthan Public Service Commission in respect of the various competitive examinations conducted by the Commission. Several Departments have sought clarifications regarding the operation of the reserve list and its period of validity. The matter has been examined in consultation with the Law Department and the following clarifications are hereby issued for the guidance of all Appointing Authorities.

Hon'ble Supreme Court of India has clearly held that the nature of the reserve list, the period of its validity, and how it should operate are governed by the relevant Service Rules. Therefore, the matter has to be viewed in the context of the provisions in the various Service Rules in the State. Normally, the provision for reserve list in the various Service Rules in the state is as follows :-

“ Recommendations of the Commission :- The Commission shall prepare a list of the candidates whom they consider suitable for appointment to the posts concerned arranged in the order of merit and forward the same to Government

Provided that the Commission may to the extent of 50% of the advertised vacancies, keep names of suitable

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candidates on the reserve list. The names of such candidates may on requisition, be recommended in the order of merit to Government within 6 months from the date on which the original list is forwarded by the Commission to Government.”

It is quite evident from a perusal of the provision in the Service Rules that the reserve list can be forwarded by the Commission to the State Government within six months from the date on which the original list was forwarded by the Commission to the State Government. The limitation of six months is with regard to the forwarding of the reserve list **by the Commission**. It is not enough that the concerned Department should have sent the requisition to the Commission within six months from the date on which the original list was forwarded by the Commission. Notwithstanding the fact that the concerned Department may have sent the requisition to the Commission within the prescribed period, if the Commission is unable for any reasons to forward the reserve list to the concerned Department within the prescribed period of six months, the Commission is debarred from recommending any names from the reserve list.

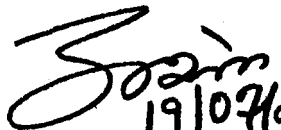
Another issue which needs clarification is as to whether the waiting list can be operated for filling up vacancies which arise subsequent to the holding of the examination by the Commission. In this context it is clarified that the provision in the various Service Rules do not provide that the vacancies arising subsequent to the holding of the examination by the Commission can be filled up from amongst the candidates on the reserve list. In this context it is further clarified that the issue as to whether a waiting list can be treated as a source of recruitment from which candidates may be drawn as and when necessary has been examined by the Hon'ble Supreme Court of India in Gujarat State Deputy Executive Engineers' Association Vs. the State of Gujarat & Others (Judgments Today 1994 (3) S.C. 559). Hon'ble Supreme Court of India has held that a waiting list is linked with the selection or examination for which it is prepared. A waiting list prepared in an examination conducted by the Commission does not furnish a source of recruitment. It is operative only for the contingency that if any of the selected candidates does not join then the person from the waiting list may be pushed up and be appointed in the vacancy so caused or if there is some extreme exigency the Government may as a matter of policy decision pick up persons in order of merit from the waiting list. For instance, if an examination is held say for selecting 10 candidates for 1990 and the competent authority prepares a waiting list then it is valid only in respect of those ten seats for which selection or competition was held. A

candidate in the waiting list in the order of merit has a right to claim that he may be appointed if one or the other selected candidate does not join or is not appointed for any reason.

Another issue which needs clarification is where candidates from a reserve list can be given appointments in a situation where one of the selected candidates joins on the post and thereafter resigns from the post. In this context it is clarified that once the selected candidates join on all the posts for which recruitment was held by the Commission, then the candidates from the waiting list have no right to claim appointment. If any vacancy is caused due to the resignation of one of the candidates after joining on the post, such a vacancy will be deemed to be a "future vacancy" which shall be filled up through a fresh recruitment process and the candidates on the reserve list shall have no right to be appointed against such "future vacancies".

Yet another issue which needs to be clarified is as to whether candidates from a reserve list can be given appointments even after a fresh process of recruitment has been initiated. In this context it is clarified that once a fresh process of recruitment starts, then the whole selection process previously held and the waiting list lapses and if any vacancy could not be filled for any reason then it should be deemed to have lapsed. Such a vacancy will be filled up only through the fresh process of recruitment to be conducted through the Rajasthan Public Service Commission.

All the Appointing Authorities are requested to ensure compliance of the above-mentioned clarifications.

  
19/07/2001  
(Ashok Sampatram)  
Secretary to Government

38/2001