

No. A.14018/4/2010-SCT
Government of India
Department of Health and Family Welfare
Ministry Of Health and Family Welfare
(W&PG Section)

Nirman Bhawan, New Delhi
Dated the 23rd September, 2010.

OFFICE MEMORENDUM

Subject: - Appointment of candidates belonging to Halba Koshti/Halbi Koshti caste against vacancies reserved for the Scheduled Tribes --- Implementation of Judgement of the Supreme Court in the case of State of Maharashtra Vs. Milind and Ors.

The undersigned is directed to forward herewith a copy of O.M. No.36011/2/ 2010-Estt. (Res.) dated 10th August, 2010 received from Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training, New Delhi on the subject mentioned above for information and necessary action.

R/S

(Raj Singh)
Under Secretary to the Govt. of India
Tel:-23061323

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S.A. (Adm-II)
J.P.P.
04/10/10

- To
- Estt.I, Estt.II, Estt.III, Estt.IV sections.
- CHS-I, CHS-II, CHS-III, CHS-IV, CHS-V Sections.
- Dte.G.H.S. (O&M Section)
- FWTRC, Mumbai
- RHTC, Najafgarh

Autonomous Bodies

NIHFW, New Delhi/IIPS, Mumbai/CNCI, Kolkatta/PCI, New Delhi/INC, New Delhi/DCI, New Delhi/NBE, New Delhi/AIIMS, New Delhi/PII, Coonoor/PGI, Chandigarh/ICMR, New Delhi/NIMHNS, Bangalore/MCI, New Delhi/AIISH, Mysore/NIB, Noida/NEIGHMS Shillong/LRSITAD, New Delhi/JIPMER, Puducheery.

Public Sector Undertakings

1. HSCC (I), Noida
2. HLL, Thiruvanthapuram.

Dr. Mehrotra
Su

New Delhi, dated: the 10th August, 2010

OFFICE MEMORANDUM

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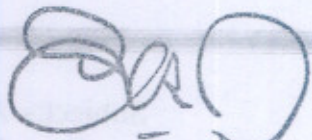
The undersigned is directed to refer to this Department's OM No. 42011/22/2006-Estt.(Res.) dated 29th March, 2007 wherein it was stated that admissions and appointments of candidates belonging to the Halba Koshti/Koshti caste who were party in the Civil Appeal No.2294 of 1986 [State of Maharashtra V/s Milind & Ors] and other similar cases in which the Court had given specific relief shall not be disturbed and that the cases other than those protected by the specific order of the Supreme Court shall be dealt with in accordance with the instructions contained in this Department's OM No.11012/7/91-Estt.A dated 19.5.1993.

2. The matter regarding the effect of the judgment of the Supreme Court in Milind's case has been considered by the Supreme Court in Civil Appeal No. 1547 of 2007 [Punjab National Bank & Anr Vs. Vilas, S/o Govindrao Bokade] and some other cases. The Supreme Court in these cases has observed that it had held in Milind's case that though the status of Scheduled Tribe could not be conferred on candidates belonging to Halba Koshti/ Koshti caste, protection had been provided in no uncertain terms to admissions and appointments that had become final. Thus the Supreme Court has held that such candidates belonging to Halba Koshti/Koshti caste whose appointment had become final on or before 28.11.2000, the date on which the Supreme Court had decided the Civil Appeal No.2294/1986 [State of Maharashtra V/s Milind & Ors], shall not be affected.

3. The matter has been examined in consultation with the Department of Legal Affairs and it has been decided that the persons belonging to the 'Halba Koshti/ Koshti' caste who got appointment against vacancies reserved for the Scheduled Tribes on the basis of Scheduled Tribe certificates, issued to them by

the competent authority, under the Constitution (Scheduled Tribes) Order, 1950 (as amended from time to time) relating to the State of Maharashtra and whose appointments had become final on or before 28.11.2000, shall not be affected. However, they shall not get any benefit of reservation after 28.11.2000.

4. Contents of this OM may be brought to the notice of all concerned.



(K.G. Verma)
Director
Tel: 23092158