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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
Department of Higher Education
(Integrated Law Cell)
6th Floor, Bikash Bhavan, Salt Lake City
Kolkata, 700091

No. 339-Edn (CS)/OM-74L/2023

Date : 26th May, 2023.

MEMORANDUM

SUBJECT : Reservation of Economically Weaker Sections (EWSs) in admission in the Higher Educational Institution in the State of West Bengal.

In order to enable the Economically Weaker Section (EWSs) who do not come within the purview of the West Bengal State Higher Educational Institutions (Reservation in Admission) Act, 2013, to receive the benefits of admission to Higher Educational Institution, the Government of West Bengal in Higher Education Department have decided to provide the benefit of admission to higher educational institutions in commensurate with the Constitution (One Hundred and Third Amendment) Act, 2019, *read* with O.M No. 325-PAR (AR)/3P-1/2019 Dated 09.07.2019 of Personnel & Administrative Reforms Department, Government of West Bengal, *read* with Memo No. 959-BCW/MR-52/2019 Dated 18.05.2023 of Backward Classes Welfare Department, Government of West Bengal, subject to a maximum limit of ten percent of total number of seats in each category. This will not, however, apply to the Minority educational institutions referred to in clause (1) of article 30 of the Constitution of India.

2. The reservation norms shall apply to the State educational institutions under the Higher Education Department of Government of West Bengal at once and it shall be applicable to :-
- (a) all Universities, established and incorporated by an Act of the State Legislature and aided fully or partly out of the State's fund;
 - (b) all Government colleges established or administered by the State Government whether directly or indirectly, and affiliated to a University;

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- (c) all colleges receiving aid from the State Government in any form or in any manner, whether fully or partly;
 - (d) all unaided/private colleges and private universities incorporated by an Act of State Legislature; and
 - (e) 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;
 - (f) "State Government" means the State Government of West Bengal in the Higher Education Department.
3. The Provision of reservations to the Economically Weaker Sections shall be in accordance with the directions contained in O.M No 325-PAR (AR)/3P-1/2019 Dated 09.07.2019 of Personnel & Administrative Reforms Department, Government of West Bengal read with Memo No. 959-BCW/MR-52/2019 Dated 18.05.2023 of Backward Classes Welfare Department, Government of West Bengal and shall be subject to the following :
- (a) Every Higher Educational Institution shall, with the approval of the appropriate authority, make endeavour to increase the number of seats over and above its annual permitted strength in each branch of study or faculty so that the number of seats available, excluding those reserved for the persons belonging to the EWSs, is not less than the number of such seats available, in each category, for the academic session immediately preceding the date of the coming into force of this Memorandum.
 - (b) 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 two years beginning with the academic session following the commencement of this Memorandum shall be allowed, and the extent of reservation for the Economically Weaker Section (EWSs) shall be limited for that academic session in such manner that the number of seats made available to the Economically Weaker Sections for each academic session shall not reduce the number and the percentage of reservations provided for SC/ST/OBC categories.
 - (c) In respect of those Higher Educational Institutions where expansion of capacity is not feasible for want of adequate infrastructure or for 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.
 - (d) For filling up of the seats for admission in a particular academic session the following procedure shall be followed :-
 - (i) a general merit list based exclusively on merit 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 list of the Economically Weaker Section (EWSs) candidates shall be prepared for each course/stream/subject in each higher educational institution to fill up the seats reserved for these respective categories.
 - (ii) 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;
 - (iii) If the reserved seats remain unfilled due to non availability of reserved category candidates, such seats shall be taken up for de-reservation in such manner as may be decided by the Backward Classes Welfare Department;
 - (iv) In every case of admission to general degree courses, technical, professional and post graduate level courses, the EWS certificate issued by the Competent Authority in Government of West Bengal shall be verified by the concerned Higher Educational Institution at the time of admission.
 - (e) Where reservation of seats for one or many programmes or streams in a particular academic session remains unfilled, the following procedure of de-reservation shall be followed :-
 - (i) If, after duly entertaining all applications to fill up reserved seats, it is found that some seats reserved for the Economically weaker Section (EWSs) 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;

- (ii) the Higher Educational Institutions seeking de-reservation shall submit, a statement giving the following particulars :—
- (1) number of candidates who have applied for admission giving break up of Unreserved, Economically weaker Section (EWSs) applicants separately for respective Courses/Streams/Subjects;
 - (2) number of seats reserved for Economically weaker Section (EWSs), for such category of Course/Stream/Subject;
 - (3) number of candidates qualifying for admission and admitted, as such, from reserved category against respective Programmes/Streams/Subjects;
 - (4) the Higher Educational Institutions shall also furnish copies of their admission Notice(s) to show whether, for issue of Forms to Economically weaker Section (EWSs) 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.
- (f) The Higher Education Department, Government of West Bengal shall have power to give directions to every State-aided University or State-aided Colleges or Institutions to achieve the objectives of this Memorandum and also to entrust them with such duties and functions as it may deem necessary.
- (g) In case the number of seats reserved for the Economically Weaker Section (EWSs) in Post-graduate and Doctoral courses is less than 0.5 in each stream, a 100 point roster for admission as notified by Labour Department vide No. 50-EMP/1M-25/98 Dated 01.03.2011 read with Notification No. 18-Emp (EC)/LABR-27011(20)/1/2020-EC Dated 07.02.2023 shall be followed so far as admission to Higher Educational Institution is concerned.
- (h) A person belonging to EWS cannot be denied the right to compete for admission against an unreserved vacancy. Person belonging to EWS who will be selected on the basis of merit and not on account of reservation will not be counted towards the quota meant for reservation.
- (i) EWS certificate is valid for the financial year of issuance of certificate.
- (j) An officer not below the rank of Joint Secretary in the Higher Education Department shall act as nodal officer to monitor the implementation of reservation for EWS category.

By order of the Governor,

SILADITYA BASURAY

Senior Special Secretary to the Government of West Bengal.