

No.A-12027/1/2011-P&AR(GSW)
GOVERNMENT OF MIZORAM
DEPARTMENT OF PERSONNEL & ADMINISTRATIVE REFORMS
(GENERAL SERVICE WING)

Mizoram Secretariat, Aizawl
Dated the 18th February, 2019

OFFICE MEMORUNDUM

Subject: Reservation of vacancies for Persons with Benchmark Disabilities

With the commencement of "The Rights of Persons with Disabilities Act, 2016" from 19.04.2017 and that of the "Mizoram Rights of Persons with Disabilities Rules, 2017" on 24.05.2018, the following instructions are issued in line with the provisions made therein regarding reservation of vacancies for Persons with Benchmark Disabilities, as defined under section 2(r) of the Act, against the posts and services of the Government of Mizoram.

2. QUANTUM OF RESERVATION:

- 1) In case of direct recruitment, four percent of the total number of vacancies to be filled up by direct recruitment, in the cadre strength in each group of posts i.e. Group A, B, C and D shall be reserved for the Persons with Benchmark Disabilities.
- 2) Against the posts identified for each disabilities, of which, one per cent each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one percent, under clauses (d) and (e), unless otherwise excluded under the provisions of Para 3 herein under:-
 - a) blindness and low vision;
 - b) deaf and hard of hearing;
 - c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;
 - d) autism, intellectual disability, specific learning disability and mental illness;
 - e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness
- 3) There shall be no separate reservation of vacancies in promotion for Persons with Benchmark Disabilities.

3. EXEMPTION FROM RESERVATION:

If any Department under the Government of Mizoram considers it necessary to exempt any establishment or any cadre fully or partly from the provisions of reservation for persons with benchmark disabilities, it shall make a reference to the Department of Personnel & Administrative Reforms giving full justification for the proposal, who having regard to the type of work carried out in any Government establishment by notification and subject to such condition, if any, as may be specified in the notification, in

consultation with the Commissioner for Persons with Disabilities may exempt any establishment or any cadre(s) fully or partly from the provisions of reservation for persons with benchmark disabilities.

4. ADJUSTMENT AGAINST UNRESERVED VACANCIES:

- 1) In the category of posts which are identified suitable for persons with benchmark disabilities, a person with benchmark disability cannot be denied the right to compete for appointment by direct recruitment against an unreserved vacancy. Thus, a person with benchmark disability can be appointed by direct recruitment against vacancy not specifically reserved for the persons with benchmark disability, provided the post is identified suitable for benchmark disability of the relevant category.
- 2) Persons with benchmark disabilities selected without relaxed standards along with other candidates, will not be adjusted against the reserved share of vacancies. The reserved vacancies will be filled up separately from amongst the eligible candidates with benchmark disabilities which will, thus, comprise of candidates with benchmark disabilities who are lower in merit than the last candidate in merit list but otherwise found suitable for appointment, if necessary, by relaxed standards.

5. CERTIFICATE OF DISABILITY:

A person who wants to avail the benefit of reservation will have to submit a certificate of disability issued by a Competent Authority. Such certificate in the event of selection of such person for any post(s), will be subject to such verification/re-verification as may be decided by the Appointing Authority.

6. COMPUTATION OF NUMBER OF POSTS TO BE RESERVED:

- 1) The number of posts to be reserved for persons with benchmark disabilities in case of Group 'C' or Group 'D' posts shall be computed on the basis of total number of vacancies in the cadre strength of Group 'C' or Group 'D' posts, in the establishment, although the recruitment of the persons with benchmark disabilities would only be against the category of posts identified suitable for them. The number of vacancies to be reserved for the persons with benchmark disabilities in case of direct recruitment to Group 'C' or Group 'D' posts in any establishment shall be computed by taking into account the total number of vacancies arising in Group 'C' or Group 'D' posts for being filled by direct recruitment in a recruitment year both in the identified and non-identified category of posts under the establishment. Since reservation, wherever applicable, for Persons with Benchmark Disabilities is provided computing total number of vacancies in the cadre strength in identified category of posts as well as non-identified category of posts, it may be possible that number of persons appointed by reservation in an identified category of post may exceed four per cent.
- 2) Reservation of Persons with Benchmark Disabilities in Group 'A' or Group 'B' posts shall be computed on the basis of total number of vacancies occurring in direct recruitment quota in the cadre in all the Group 'A' posts or Group

'B' posts respectively, and the computation of total vacancies shall include vacancies arising in the identified and non-identified category of posts.

7. EFFECTING RESERVATION – MAINTENANCE OF ROSTERS:

- 1) The roster for reservation for Persons with Benchmark Disabilities shall be vacancy based in line with the provision in Section 34(1) of the Rights of Persons with Disabilities Act, 2016 and rule 12(2) of the Mizoram Rights of Persons with Disabilities Rules, 2017. The instructions issued vide notification No.A.32012/1/2003-P&AR (GSW) dated 24.01.2011 ordering maintenance of post based roster for calculation of vacancies falling under two or more reservations/quota shall stand modified in respect of maintenance of roster for reservation for Persons with Benchmark Disabilities.
- 2) Every Government establishment, therefore, shall maintain group-wise a separate vacancy based 100 point vacancy based reservation roster register in the format given in **Annexure** for determining/effecting reservation for the Persons with Benchmark Disabilities – one each for Group 'A' posts filled by direct recruitment, Group 'B' posts filled by direct recruitment, Group 'C' posts filled by direct recruitment and Group 'D' posts filled by direct recruitment.
- 3) Each register shall have cycles of 100 points and each cycle of 100 points shall be divided into four blocks, comprising the following points:
 - 1st Block -- point No. 01 to point No. 25
 - 2nd Block – point No. 26 to point No, 50
 - 3rd Block – point No. 51 to point No. 75
 - 4th Block – point No. 76 to point No. 100
- 4) Points 1, 26, 51, and 76 of the roster shall be earmarked for persons with benchmark disabilities – one point each for four respective categories of disabilities. The Head of the establishment shall ensure that vacancies identified at SI. No. 1, 26, 51 and 76 are earmarked for the respective categories of the persons with benchmark disabilities. However, the Head of the establishment shall decide the placement of the selected candidate in the roster register.
- 5) All the vacancies arising irrespective of vacancies reserved for Persons with Benchmark Disabilities shall be entered in the relevant roster. If the vacancy falling at point no. 1 is not identified for the Persons with Benchmark Disability or the Head of the establishment considers it desirable not to fill it up by Persons with Benchmark Disabilities or it is not possible to fill up that post by the Persons with Benchmark Disabilities for any other reason, one of the vacancies falling at any of the points from 2 to 25 shall be treated as reserved for the person with benchmark disability and filled as such.
- 6) Likewise, a vacancy falling at any of the points from 26 to 50 or from 51 to 75 or 76 to 100 shall have to be filled by the Persons with Benchmark Disabilities. The purpose of keeping points 1, 26, 51 and 76 as reserved is to fill up the first available suitable vacancy.

- 7) There is a possibility that none of the vacancies from 1 to 25 is suitable for any category of the persons with benchmark disability. In that case, two vacancies from 26 to 56 shall be filled as reserved for persons with benchmark disabilities. If the vacancies from 26 to 50 are also not suitable for any category, three vacancies shall be filled as reserved from the third block containing points from 51 to 75. This means that if no vacancy can be reserved in a particular block, it shall be carried over into the next block.
- 8) After all the 100 points of the roster are covered, a fresh cycle of 100 points shall start.
- 9) If the number of vacancies in a year is such as to cover only one block (say 25 vacancies) or two (say 50 vacancies), the category of the persons with benchmark disabilities should be accommodated as per the roster points. However, in case, the said vacancy is not identified for the respective category, the Head of the establishment shall decide the category on the basis of the nature of the post, the level of representation of the specific disabled category in the concerned grade/post etc.

8. INTER SE EXCHANGE AND CARRY FORWARD OF RESERVATION IN CASE OF DIRECT RECRUITMENT:

- 1) Where in any recruitment year any vacancy cannot be filled up due to non-availability of a suitable person with benchmark disability or for any other sufficient reason, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable persons with benchmark disability is not available, it may first be filled by interchange among the following four categories of disabilities, at one percent each to each category:
 - (A)
 - (a) Blindness and low vision:
 - (B)
 - (b) Deaf and hard of hearing
 - (C)
 - (c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;
 - (D)
 - (d) autism, intellectual disability, specific learning disability and mental illness
 - (e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness
- 2) Only when there is no person with benchmark disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with benchmark disability.

- 3) If the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may be interchanged with the prior approval of Department of Personnel & Administrative Reforms, among the above mentioned four categories.
- 4) If any vacancy reserved for any category of benchmark disability cannot be filled due to non-availability of a suitable person with that benchmark disability or, for any other sufficient reason, such vacancy shall be carried forward as a 'backlog reserved vacancy' to the subsequent recruitment year.
- 5) In the subsequent recruitment year the 'backlog reserved vacancy' shall be treated as reserved for the category of disability for which it was kept reserved in the initial year of recruitment. However, if a suitable person with that benchmark disability is not available, it may be filled by interchange among the categories of benchmark disabilities identified for reservation. In case no suitable person with that benchmark disability is available for filling up the vacancy in the succeeding year also, the employer may fill up the vacancy by a person other than a person with benchmark disability. If the vacancy is filled by a person with benchmark disability of the category for which it was reserved or by a person of other category of benchmark disability by inter se exchange in the subsequent recruitment year, it will be treated to have been filled by reservation. But if the vacancy is filled by a person other than a person with benchmark disability in the subsequent recruitment year, reservation shall be carried forward for a further period up to two recruitment years whereafter the reservation shall lapse. In these two subsequent years, if situation so arises, the procedure for filling up the reserved vacancy shall be the same as followed in the first subsequent recruitment year.
- 6) As per the provisions of rule 13 of the of the Mizoram Rights of Persons with Disabilities Rules, 2017, the Government establishment shall interchange vacancies only if due process of recruitment viz. proper advertisement of vacancy to fill up the vacancies reserved for Persons with Benchmark Disabilities has been complied with and no suitable candidate is found after following the due process of recruitment.
- 7) In order to ensure that cases of lapse of reservation are kept to the minimum, any recruitment of the persons with benchmark disabilities candidates shall first be counted against the additional quota brought forward from previous years, if any, in their chronological order. If candidates are not available for all the vacancies, the older carried forward reservation would be filled first and the current vacancies would be carried forward if not filled up provided that in every recruitment, the number of vacancies reserved for Persons with Benchmark Disabilities including carried forward vacancies will be announced beforehand, for the information of all aspirants.

9. HORIZONTALITY OF RESERVATION FOR PERSONS WITH BENCHMARK DISABILITIES:

- 1) Reservation for Persons with Benchmark Disabilities shall be a horizontal reservation and the vacancies for Persons with Benchmark Disabilities shall be maintained as a separate class in terms of the provisions of rule 12(4) of the Mizoram Rights of Persons with Disabilities Rules, 2017.
- 2) Reservation for backward classes of citizens (SCs, STs and OBCs) is vertical reservation and the reservation for categories such as persons with benchmark disabilities is called horizontal reservation. Horizontal reservation cuts across vertical reservation (in what is called interlocking reservation) and persons selected against the quota for persons with benchmark disabilities have to be placed in the appropriate category viz. SC/ST/OBC/Unreserved depending upon the category to which they belong in the roster meant for reservation of SCs/STs/OBCs. To illustrate, if in a given year there are two vacancies reserved for the persons with benchmark disabilities and out of two persons with benchmark disabilities appointed, one belongs to Scheduled Caste and other belongs to Unreserved category, then the SC candidate with benchmark disability shall be adjusted against the SC point in the reservation roster and the Unreserved candidate with benchmark disability against unreserved point in the relevant reservation roster. In case none of the vacancies falls on point reserved for the SCs, the candidate under benchmark disability belonging to SC shall be adjusted in future against the next available vacancy reserved for SCs.
- 3) Since the persons with benchmark disabilities have to be placed in the appropriate category viz. SC/ST/OBC/Unreserved in the roster meant for reservation of SCs/STs/OBCs, the application form for the post should require the candidates applying under the quota reserved for persons with benchmark disabilities to indicate whether they belong to SC/ST/OBC or Unreserved. Thus reservation for persons with benchmark disabilities is horizontal.

10. CERTIFICATE BY REQUISITIONING AUTHORITY:

- 1) In order to ensure proper implementation of the provisions of reservation for persons with benchmark disabilities, the requisitioning authority while sending the requisition to the recruiting agency or authority as the case may be for filling up of posts shall furnish the following certificate to the recruiting agency:-

“It is certified that the requirement of the ‘The Rights of Persons with Disabilities Act, 2016’ which has become effective from the 19th day of April, 2017 and the policy relating to reservation for persons with benchmark disabilities has been taken care of while sending this requisition. The vacancies reported in this requisition fall at points no.....of cycle no.....of 100 point reservation roster out of which..... number of vacancies are reserved for persons with benchmark disabilities”.

- 2) At the time of initial appointment against a vacancy reserved for persons with benchmark disabilities, the appointing authority shall ensure that the candidate is eligible to get the benefit of reservation.

11. RELAXATION OF STANDARD OF SUITABILITY:

- 1) If sufficient number of candidate(s) with benchmark disabilities are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to this category may be selected on relaxed standard to fill up the remaining vacancies reserved for them provided they are not found unfit for such post or posts. Relaxation of the standard of suitability shall be done only after due consultation with the Department of Personnel & Administrative Reforms. However, this provision shall not be used to allow any relaxation in the eligibility criteria laid down for the issuance of certificate of disability.
- 2) Same relaxed standard should be applied for all the candidates with Benchmark Disabilities whether they belong to Unreserved/SC/ST/OBC. No further relaxation of standards will be considered or admissible in favour of any candidate from any category whatsoever.

12. MEDICAL EXAMINATION:

As per Rule 10 of the Fundamental Rules, every new entrant to Government Service on initial appointment is required to produce a medical certificate of fitness issued by a competent authority. In case of medical examination of a person with benchmark disabilities for appointment to a post identified as suitable to be held by a person suffering from a particular kind of disability, the concerned Medical Officer or Board shall be informed beforehand that the post is identified suitable to be held by persons with benchmark disabilities of the relevant category and the candidate shall then be examined medically keeping this in view.

13. RELAXATION IN AGE LIMIT:

The upper age limit for persons with benchmark disabilities, for all cases of direct recruitment for Group 'A', 'B', 'C' and 'D' posts, shall be relaxable by 10 (ten) years over and above the relaxation of upper age limit available to the Scheduled Tribes, Scheduled Castes and other special categories of persons in accordance with the orders issued by the Central Government or the Government of Mizoram from time to time in line with the instructions contained in notification No.A.12027/1/2011-P&AR(GSW) dated 21.02.2013 provided that the relaxation of upper age limit shall be only for the identified posts for persons with benchmark disabilities as may be notified by the Government of Mizoram from time to time

14. EXEMPTION FROM PAYMENT OF EXAMINATION FEE AND APPLICATION FEE:

Persons with Benchmark Disabilities shall be exempted from payment of application fee and examination fee prescribed in respect of competitive examinations held by the Mizoram Public Service Commission, Departments including Public Sector Undertakings/Boards, etc. for recruitment to various

posts in line with the instructions in OM No.A.12027/1/2011-P&AR (GSW) dated 05.05.2017. This exemption, however, shall be available only to such persons who would otherwise be eligible for appointment to the post on the basis of standards of medical fitness prescribed for that post (including any concession specifically extended to the disabled persons) and who enclose with the application form necessary certificate from a competent authority in support of their claim of disability.

Sd/- LALNUNMAWIA CHUAUNGO


Chief Secretary to the Govt. of Mizoram

Memo. No.A-12017/1/2011-P&AR(GSW)

Aizawl, dated the 18th Feb., 2019

Copy to:

1. Secretary to Governor, Mizoram
2. Secretary to Chief Minister, Mizoram
3. P.S. to Speaker/Ministers/Deputy Speaker/Ministers of State
4. Sr. P.P.S. to Chief Secretary
5. All Administrative Departments
6. Commissioner for Persons with Disabilities
7. Secretary, MPSC/MSIC/MSEC/AMC
8. All Heads of Departments
9. All wings of DP&AR
10. Website Manager, DP&AR for uploading in the official website
11. Guard File


18/2/19
(LALROHLUA)

Under Secretary to the Govt. of Mizoram
Deptt. of Personnel & Administrative Reforms

RESERVATION ROSTER FOR PERSONS WITH BENCHMARK DISABILITIES

Year of Recruitment	Cycle No.	Point No.	Name of post	Identified suitable for persons with benchmark disabilities covered under the following respective categories*				Unreserved or Reserved **	Name of the person appointed and date of appointment	Whether the person appointed is in "(a), (b), (c) and (d & e)" category or None***	Remark, if any
				(a)	(b)	(c)	(d & e)				

***Respective categories**

- (a) Blindness and low vision
- (b) Deaf and hard of hearing
- (c) Locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy
- (d) Autism, intellectual disability, specific learning disabilities and mental illness
- (e) Multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness.

If identified reserved, write **(a)/(b)/(c)/(d&e) as the case may be, otherwise write UR (i.e. unreserved)

***Write **(a)/(b)/(c)/(d&e)** or **None**, as the case may be