



भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

सं० VP/1/2018/STGHP/DEEDUC/RU-I

छठी मंजिल, 'बी' विंग, लोकनायक भवन
खान मार्केट, नई दिल्ली-110003

सेवा में,

दिनांक : 10-04-2019

मुख्य सचिव,
हिमाचल प्रदेश सरकार,
सचिवालय,
शिमला-171002

विषय: Representation dated 15-10-2018 received from Shri Vipan Kumar, ST of Himachal Pradesh (R/o H No. B-4/12, 2nd Floor Sector 15 Rohini, New Delhi) regarding relaxation for reserved vacancies for STs Assistant Conservator of Forests (ACF) appointment.

महोदय,

मुझे उपरोक्त विषय पर डॉ० नन्द कुमार साय, माननीय अध्यक्ष, राष्ट्रीय अनुसूचित जनजाति आयोग की अध्यक्षता में दिनांक 26.02.2019 समय 03:00 बजे नई दिल्ली में आयोजित बैठक के कार्यवृत्त की प्रति आवश्यक कार्रवाई हेतु अग्रसारित करने का निदेश हुआ है (प्रति संलग्न है)।

यह निवेदन है कि आयोग की अनुशंसाओं पर की गई/की जाने वाली कार्रवाई की रिपोर्ट अविलम्ब सूचित करने का कष्ट करें।

भवदीय,

(राजेश्वर कुमार)

सहायक निदेशक

फोन नं० 011-24641640

आवश्यक कार्रवाई हेतु प्रतिलिपि—

विशेष सचिव (Forests),
Deptt. Of Forests,
हिमाचल प्रदेश सरकार,
शिमला-171002

प्रतिलिपि—

1. Shri Vipan Kumar,
H No. B-4/12,
2nd Floor, Sector 15 Rohini,
New Delhi-110089
Mob No. 9988298029

2. माननीय अध्यक्ष, राष्ट्रीय अनुसूचित जनजाति आयोग के निजी सचिव।
3. एनआईसी, एनसीएसटी, (कृपया आयोग की वेबसाइट पर अपलोड करें)।

Government of India
National Commission for Scheduled Tribes


Minutes of sitting held in the NCST's Headquarters on 26/02/2019 at 03:00 P.M. onwards under the chairmanship of Dr. Nand Kumar Sai, Hon'ble Chairperson, NCST in the case of Shri Vipin Kumar, ST of Himachal Pradesh R/o H No B-4/12, 2nd Floor Sector 15 Rohini, New Delhi regarding relaxation for reserved vacancies for Assistant Conservator of Forest (ACF) appointment in Himachal Pradesh State.

(F. No. VP/1/2018/STGHP/DEEDUC/RU-I)

List of participants is annexed.

Shri Vipin Kumar, (H. No B-4/12, 2nd Floor Sector 15 Rohini, New Delhi) resident of Himachal Pradesh State vide representation dated 15.10.2018 has pointed out that the Himachal Pradesh Public Service Commission, Shimla had advertised eight Posts of ACF in July, 2017 and there was one backlog post of ACF reserved for ST category as it was unfiled since, 2011. Subsequently preliminary exam was held on 12.11.2017 and main written exam was held in July, 2018. The result was declared on 25.09.2018 and unfortunately none of the ST candidates was qualified in written exam as the criteria was very high or lack of educational standards of Scheduled Tribes of Himachal Pradesh State. Hence, requested to Commission for amendment in relevant Rules for qualifying criteria of main examination of ACF of Himachal Pradesh State.

The NCST took up the matter on 18.10.2018 and followed by reminder on 11.12.2018 with the Chief Secretary, Govt. of Himachal Pradesh for furnishing the facts and comments. The reply was not received. The Hon'ble Chairperson fixed the sitting for 11.02.2019 to discuss the matter with the Chief Secretary, Govt. of Himachal Pradesh and petitioner. The Govt. of Himachal Pradesh, Department of Forests vide letter number FFE-A (B)2-17/2015-II-Loose dated 08.02.2019 had intimated that Vidhan Sabha session of Himachal Pradesh is in progress and same will be over after 18.02.2019 and will not possible to attend the sitting and requested to fix the next date of sitting after 20.02.2019. The request of Himachal Pradesh was acceded by the Hon'ble Chairperson and Hon'ble Chairperson fixed the sitting for 26.02.2019 at 03.00 PM to discuss the matter with the officers of Govt. of Himachal Pradesh and the petitioner.


नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi


In the sitting, the Special Secretary (Forests), Govt. of Himachal Pradesh appeared on behalf of Govt. of Himachal Pradesh and the petitioner were also present. The Hon'ble Chairperson asked the petitioner to explain the grievance. The petitioner informed that the Posts reserved for Scheduled Tribes in ACF of Himachal Pradesh remains unfilled due to higher cut marks in the written main examination and requested to relax the cut marks for the written examination of ACF.

The Hon'ble Chairperson asked the Special Secretary (Forests), Govt. of Himachal Pradesh to explain the action taken/ to be taken by the Govt. of Himachal Pradesh on the issue raised by the petitioner. The Special Secretary (Forests), had conveyed the facts mentioned in the letter No. FFE-A (B)2-17/2015-II-Loose dated 08.02.2019 of the Additional Chief Secretary (Forests), Govt. of Himachal Pradesh. A copy of the notification No. FFE-A(B)2-17/2015 dated 22.11.2016 of the Forest Department of the Himachal Pradesh regarding Recruitment and promotion Rules for Assistant Conservator of Forest of Himachal Pradesh was also enclosed with the letter. In the Recruitment Rules, relaxation power has been mentioned at Point No. 18 which is reproduced below.

“Where the State Government is of the opinion that it is necessary or expedient to do so, it may, by order for reasons to be recorded in writing and in consultation with the Himachal Pradesh Public Service Commission, relax any of the provision(s) of these rules with respect to any class or category of person (s) or post (s).”

The Special Secretary (Forests), informed that earlier none of ST candidate of Himachal Pradesh had demanded for relaxation of cut of marks for written main examination for ACF. It is first time, this issue came before the Govt. of Himachal Pradesh.

The petitioner given the copy of the Uttar Pradesh Public Service Commission, advertisement for Assistant Conservator of Forest and Range Forest Officer (General Recruitment and Special Recruitment/ Backlog) Examination- 2017, Rajasthan Public Service Commission advertisement for Assistant Conservator of Forest and Forest Range Officer, 2018-19, Madhya Pradesh Public Service Commission advertisement for State Forest Service Examination- 2018 and advertisement by the UPSC for IFS, 2018 and demanded for making


मन्द कुमार साय/Mand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजात आयोग
National Commission for Scheduled Tribes
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provision in Himachal Pradesh ACF services in giving relaxation for cut off marks in written main examination to ST candidates. The result of ACF for the year 2017 was also provided by the petitioner in the sitting. From the result it was observed that none of ST candidates was selected for the ACF.

The Hon'ble Chairperson suggested that copy of these advertisement be given to the Special Secretary (Forests) for consideration keeping in view of the point No. 18 of the Recruitment Rules of ACF of the Himachal Pradesh Govt. As per directions of Hon'ble Chairperson, copy of advertisement as referred by the petitioner were provided to the Special Secretary (Forests), in the sitting for reference in framing the proposal for providing relaxation to the ST candidate in the ACF exam of the Govt. of Himachal Pradesh.

After detailed discussions with the Special Secretary (Forests), of Govt. of Himachal Pradesh, Commission recommended/ suggested that the State Government of Himachal Pradesh should initiate action on the following points and submit the report on the action taken / to be taken by them in the matter within a month from receipt of the proceedings of the sitting.

1. As per point No. 18 of the Recruitment and promotion Rules for the Post of Himachal Pradesh Forest Service (HPFS) (Assistant Conservator of Forests) Class-I, in the Department of Forests, Himachal Pradesh State, the State Government of Himachal Pradesh, Department of Forests should take up the matter with the concerned Department for making the provision to relax the cut off marks for ST candidate in the main written examination i.e. 40% instead of 45% in aggregate.
2. Backlog for Scheduled Tribes may also be included in next advertisement for the post of the ACF of Himachal Pradesh.

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नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजात आयोग
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Government of India
National Commission for Scheduled Tribes

File No. VP/1/2018/STGHP/DEEDUC/RU-I

List of participants of the sitting held on 26/02/2019 at 03:00 P.M. under the Chairmanship of Dr. Nand Kumar Sai, Hon'ble Chairperson, NCST in the case of Shri Vipin Kumar, ST of Himachal Pradesh R/o H No B-4/12, 2nd Floor Sector 15 Rohini, New Delhi regarding relaxation for reserved vacancies (Scheduled Tribes) for ACF appointment.

I **National Commission for Scheduled Tribes**

1. Dr. Nand Kumar Sai, In Chair
Hon'ble Chairperson
2. Shri H.K. Damor,
Hon'ble Member
3. Smt. Maya Chintamn Ivrate,
Hon'ble Member
4. Shri A.K. Singh,
Secretary
5. Shri Rajeshwar Kumar,
Assistant Director
6. Shri R. S. Misra,
Senior Investigator

II **Govt. of Himachal Pradesh, Shimla**

1. Shri Gopal Sharma,
Special Secretary, Forest Department
2. Shri Amar Singh Panwar,
Section Officer, Forest-A

III **Petitioner**

Shri Vipin Kumar