



GOVERNMENT OF MAHARASHTRA  
LAW AND JUDICIARY DEPARTMENT

**MAHARASHTRA ACT NO. VIII OF 2004**

**THE MAHARASHTRA STATE PUBLIC SERVICES  
(RESERVATION FOR SCHEDULED CASTES,  
SCHEDULED TRIBES, DENOTIFIED TRIBES (VIMUKTA  
JATIS), NOMADIC TRIBES, SPECIAL BACKWARD  
CATEGORY AND OTHER BACKWARD CLASSES) ACT,  
2001.**

*(As modified upto the 29th October 2012)*



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4 **Maharashtra State Public Services (Reservation for [2004 : Mah. VIII Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Special Backward Category and Other Backward Classes) Act, 2001**

in public services and posts specified under clause (j) of section 2, as provided below :—

Description of Caste/Tribe/ Category/Class	Percentage of vacancies or seats to be reserved
(1) Scheduled Castes	13 per cent.
(2) Scheduled Tribes	7 per cent.
(3) De-notified Tribes (A)	3 per cent.
(4) Nomadic Tribes (B)	2.5 per cent.
(5) Nomadic Tribes (C)	3.5 per cent.
(6) Nomadic Tribes (D)	2 per cent.
(7) Special Backward Category	2 per cent.
(8) Other Backward Classes	19 per cent.
Total . . .	52 per cent :

Provided that, Government may, by an order in the *Official Gazette*, provide that the percentage of reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Categories and Other Backward Classes, in all posts, shall be on the basis of latest census record of population of the,—

(i) State, in the case of State cadre posts, and

(ii) concerned district, in the case of district cadre posts :

Provided further that, the principle of "Creamy Layer" shall be applicable to all categories mentioned above except Scheduled Castes and Scheduled Tribes.

*Explanation I.*—For the purposes of this sub-section, the expressions "De-notified Tribes (A)", "Nomadic Tribes (B)", "Nomadic Tribes (C)" and "Nomadic Tribes (D)" shall mean such Tribes or sub-Tribes, declared by Government, by general or special orders issued in this behalf, from time to time, to be "the De-notified Tribes (A)", "Nomadic Tribes (B)", "Nomadic Tribes (C)" and "Nomadic Tribes (D)".

*Explanation II.*—For the purposes of this sub-section, the expression "Creamy Layer" means the persons falling in the category of "Creamy Layer" as declared by Government in the Social Justice, Cultural Affairs and Sports Department by general or special orders issued in this behalf, from time to time :



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(j) "recruitment year" means the English calendar year during which the recruitment is actually made;

(A) "reservation" means the reservation of post in the services for the members of Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Special Backward Category and Other Backward Classes;

(l) "Scheduled Castes" and "Scheduled Tribes" shall have the meanings, respectively assigned to them in the clauses (24) and (25) of Article 366 of the Constitution of India;

(m) "Special Backward Category" means socially and educationally backward classes of citizens declared as a Special Backward Category by the Government.

3. (1) This Act shall apply to all the appointments made in public services and posts except,—

(a) the super specialised posts in Medical, Technical and Educational field;

(b) the posts to be filled by transfer or deputation;

(c) the temporary appointments of less than forty-five days duration; and

(d) the posts which is single (isolated) in any cadre or grade;

(2) The State Government shall, while entering into or renewing an agreement with any establishment for the grant of any aid as provided in the explanation to clause (c) of section 2, incorporate a condition for compliance with the provisions of this Act, by such establishment.

4. (1) Unless otherwise provided by or under this Act, the posts reserved for the Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Special Backward Category and Other Backward Classes shall not be filled in by the candidates not belonging to that caste, tribe, category or class for which the posts are reserved.

(2) Subject to other provisions of this Act, there shall be posts reserved for the persons belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Special Backward Category and Other Backward Classes, at the stage of direct recruitment

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