

Jaipur, January 8, 2010

G.S.R.79.—In exercise of the powers conferred by the provisions to Article 309 of the Constitution of India, the Government of Rajasthan hereby makes the following rules regulating the recruitment to posts in, and the conditions of Service of persons appointed to the Rajasthan Technical Education Service (Non-Engineering) namely:-

THE RAJASTHAN TECHNICAL EDUCATION (NON-ENGINEERING) SERVICE RULES, 2010

**Part-I
General**

1. Short title and commencement.—(1) These rules may be called the Rajasthan Technical Education (Non-Engineering) Service Rules, 2010.

(2) They shall come into force on the date of their publication in Official Gazette.

2. Definitions.—In these rules unless the context otherwise requires,-

- (a) "Appointing Authority" means the Government of Rajasthan;
- (b) "Commission" means the Rajasthan Public Service Commission;
- (c) "Committee" means a Committee referred to in rule 27;
- (d) "Controlling Authority" means Director Technical Education;
- (e) "Direct recruitment" means recruitment made according to the procedure prescribed in part IV of these rules;
- (f) "Director" means the Director of Technical Education Rajasthan;
- (g) "Government" means the Government of Rajasthan;
- (h) "Member of the Service" means a person appointed to a post in the service on the basis of regular selection

under the provision of these rules or the rules or orders superseded by these rules;

- (i) "Non Engineering Stream" means the Non Engineering courses run by Polytechnic Colleges like Costume Design & Dress making, Textile Design, Commercial Arts, Beauty Culture, Interior Decoration, Modern Office Management;
- (j) "Schedule" means a Schedule appended to these rules;
- (k) "Service" means the Rajasthan Technical Education (Non Engineering) Service;
- (l) "Service" or "Experience" wherever prescribed in these rules as a condition for promotion from one Service to another or 'within the Service from one category to another or to senior posts, in the case of which holding a lower post eligible for promotion to higher post shall include the period for which the person has continuously worked on such lower post after regular selection in accordance with Rules promulgated under proviso to Article 309 of the Constitution of India;

Note : Absence during service e.g. training, leave and deputation etc, which are treated as "duty" under the rule of the Society, shall be counted as service for computing experience or service required for promotion;

- (m) "Substantive Appointment" means an appointment made under the provisions of these rules to a substantive vacancy after due selection by any of the method of recruitment prescribed under these rules and includes an appointment on probation or as a probationer followed by confirmation on the completion of the probationary period.

Note : Due selection by any of the methods of recruitment prescribed under these rules shall include recruitment either on initial constitution of service or in accordance with the provisions of any Rules promulgated under proviso to Article 309 of the Constitution of India, except an urgent temporary appointment;

- (n) "State" means the 'State of Rajasthan';
- (o) "Women Polytechnic" means institutions imparting technical education for award of diploma in Non-

Engineering streams by State Board of Technical Education; and

(p) "Year" means the financial year.

3. Interpretation.-Unless the context otherwise requires, the Rajasthan General Clauses Act, 1955 (Rajasthan Act No. VIII of 1955), shall apply for the interpretation of these rules as it applies for the interpretation of a Rajasthan Act.

PART-II

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4. Composition and Strength of the Service.-(1) The nature of post(s) included in each category of the service shall be as specified in column 2 of the Schedule.

(2) The Strength of the post (s) in the Service shall be such as may be determined by the Government from time to time:

Provided that the Government may-

- create any post(s), permanent or temporary, from time to time as may be found necessary and may abolish any such post(s) in the like manner without thereby entitling any person to any compensation and
- leave unfilled or hold in abeyance or abolish or lapse any post, permanent or temporary, from time to time without thereby entitling any person to any compensation.

5. Constitution of the Service.-The Service shall consist of -

- all persons holding substantively the posts specified in the Schedule on the date of commencement of these rules;
- all persons recruited to the posts in the Service before the commencement of these rules; and
- all persons recruited by any of the methods laid down in rule 6 of these rules except an urgent temporary appointment.

PART-III

Recruitment

6. Methods of Recruitment.-(1) Recruitment to the post(s) included in the service after the commencement of these rules shall be made by the following methods, namely:-

- by direct recruitment in accordance with procedure laid down in Part-IV of these rules;

(b) by promotion in accordance with Part-V of these rules.

(2) Recruitment to the service by the aforesaid methods shall be made in such a manner that the persons appointed to the service, by each method do not at any time exceed the percentage laid down in the rules/schedule, of the total cadre strength as sanctioned for each category from time to time.

(3) Notwithstanding anything contained in these rules the recruitment, appointment, seniority and confirmation etc. of a person who joins the Army/Air Force/Navy during an Emergency shall be regulated by such orders and instructions as may be issued by the Government from time to time and same shall be regulated *mutatis mutandis* according to the instructions issued on the subject by the Government of India.

7. Reservation of vacancies for the Scheduled Castes and Scheduled Tribes.- (1) Reservation of vacancies for the Scheduled Castes and the Scheduled Tribes shall be in accordance with the applicable provisions of the Rajasthan Scheduled Castes, Scheduled Tribes, Backward Classes, Special Backward Classes and Economically Backward Classes (Reservation of Seats in Educational Institutions in the State and of Appointments and Posts in Services under the State) Act, 2008 at the time of recruitment i.e. by direct recruitment and by promotion.

(2) The vacancy so reserved for promotion shall be filled in by seniority-cum merit and merit.

(3) In filling the vacancies so reserved the eligible candidates who are members of the Scheduled Castes or the Scheduled Tribes, shall be considered for appointment in the order in which their names appeared in the list prepared for direct recruitment by the Commission and Committee, in the case of promotees irrespective of their relative rank as compared with other candidates.

(4) Appointment shall be made strictly in accordance with the rosters prescribed separately for direct recruitment and promotion. In the event of non-availability of the eligible and suitable candidates amongst the Scheduled Castes or the Scheduled Tribes, as the case may be, in a particular year, the vacancies so reserved for them shall be carried forward until suitable Scheduled Castes and the Scheduled Tribes candidate(s), as the case may be, is/are available. In any circumstances no vacancy reserved for

Scheduled Castes and Scheduled Tribes candidate shall be filled by promotion as well as by direct recruitment from General category candidates. However, in exceptional cases where in the public interest the Appointing Authority feels that it is necessary to fill up the vacant reserved post (s) by promotion from the General category candidates on urgent temporary basis, the Appointing Authority may make a reference to the Department of Personnel and after obtaining prior approval of the Department of Personnel, they may fill up such post (s) by promoting the General category candidate(s) on urgent temporary basis clearly stating in the promotion order that the General category candidate(s) who are being promoted on urgent temporary basis against the vacant posts reserved for Scheduled Castes or the Scheduled Tribes candidates, as the case may be, shall have to vacate the post as and when the candidate (s) of that category become available:

Provided that there shall be no carry forward of the vacancies in the posts or class/category / group of posts in any cadre or service to which promotions are made on the basis of "merit alone" under these rules.

8. Reservation of vacancies for Backward Classes, Special Backward Classes, and Economically Backward Classes.- Reservation of vacancies for Backward Classes, Special Backward Classes, and Economically Backward Classes shall be in accordance with the applicable provisions of the Rajasthan Scheduled Castes, Scheduled Tribes, Backward Classes, Special Backward Classes and Economically Backward Classes (Reservation of Seats in Educational Institutions in the State and of Appointments and Posts in Services under the State) Act, 2008 at the time of direct recruitment. In the event of non-availability of eligible and suitable candidates amongst Backward Classes, Special Backward Classes, and Economically Backward Classes in a particular year the vacancies so reserved for them shall be filled in accordance with the normal procedure.

9. Reservation of vacancies for woman candidates.- Reservation of vacancies for woman candidates shall be 30% category wise in direct recruitment out of which five percent shall be for widow candidates. In the event of non-availability of the eligible and suitable widow candidates in a particular year, the vacancies so reserved for widow candidates shall be filled by other women candidates and in the event of non-availability of

eligible and suitable women candidates, the vacancies so reserved for them shall be filled up by male candidates and such of the vacancies shall not be carried forward to the subsequent recruitment year and the reservation shall be treated as horizontal reservation i.e. the reservation of woman candidates shall be adjusted proportionately in the respective category to which the woman candidates belong.

10. Nationality.- A candidate for appointment to the service must be-

- (a) a citizen of India, or
- (b) a subject of Nepal, or
- (c) a subject of Bhutan, or
- (d) a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India, or
- (e) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka and East African Countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawi, Zaire and Ethiopia with the intention to permanently settling in India :

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government in the Department of Home Affairs and Justice after proper verification.

11. Conditions of eligibility of persons migrated from other countries to India.- Notwithstanding anything contained in these rules provisions regarding eligibility for recruitment to the Service with regard in nationality, age limit and fees or other concessions to a person, who may migrate from other countries to India with the intention of permanently setting in India, shall be regulated by such orders or instructions as may be issued by State Government from time to time and the same shall be regulated *mutatis mutandis* according to instructions issued on the subject by the Government of India.

12. Determination of vacancies.-(1) Subject to the provisions of these rules, the Appointing Authority, shall determine on 1st April every year, the actual number of vacancies occurring during the financial year.

(2) Where a post is to be filled in by a single method as prescribed in the Schedule, the vacancies so determined shall be filled in by that method.

(3) Where a post is to be filled in by more than one method as prescribed in the schedule, the apportionment of vacancies, determined under sub-rule (1) above, to each such method shall be done maintaining the prescribed proportion for the over-all number of posts already filled in. If any fraction of vacancies is left over after apportionment of the vacancies in the manner prescribed above, the same shall be apportioned to the quota of various methods prescribed in a continuous cyclic order giving precedence to the promotion quota.

(4) The Appointing Authority shall also determine the vacancies of earlier year(s) year-wise, which were required to be filled in by promotion, if such vacancies were not determined and filled earlier in the year in which they were required to be filled in.

13. Age.—A candidate for direct recruitment to the posts of Lecturer enumerated in the Schedule must have attained the age of 21 years and must not have attained the age of 37 years on the first day of January next following the last date fixed for receipt of application:

Provided -

- (i) that the upper age limit mentioned above shall be relaxed by-
 - (a) 5 years in the case of male candidates belonging to the Scheduled Castes, Scheduled Tribes, Backward Classes and Special Backward Classes.
 - (b) 5 years in the case of woman candidates belonging to the General Category and Economical Backward Classes.
 - (c) 10 years in case of woman candidates belonging to the Scheduled Castes, Scheduled Tribes, Backward Classes and Special Backward Classes.
- (ii) that upper age limit mentioned above, shall not apply the case of an ex-prisoner who had served under Government on a substantive basis on any post before conviction and was eligible for appointment under rules.

- (iii) that upper age limit mentioned above, shall be relaxed by a period equal to the terms of imprisonment served in the case of an ex-prisoner who was not overage before his conviction and was eligible for appointment under the rules.
- (iv) that the persons appointed temporarily (to a post in the service) shall be deemed to be within the age limit, had they been within the age limit when they were initially appointed even though they may have crossed the age limit when they appear finally before the commission and shall be allowed up to two chances had they been eligible as such at the time of their initial appointment.
- (v) that the cadet instructors shall be allowed to deduct from their actual age the period of service rendered by them in the N.C.C. and if the resultant age does not exceed the maximum age limit prescribed above by more than three years they shall be deemed to be within the prescribed age limit.
- (vi) that the upper age limit mentioned above, shall be relaxed by 15 years for the post of lecturers in the case of employees of the Rajasthan Technical Education Subordinate Service .
- (vii) that the released Emergency Commissioned Officers and Short Service Commissioned Officers after release from the Army shall be deemed to be within the age limit even though they have crossed the age limit when they appear before the Commission had they been eligible as such at the time of their joining the Commission in the Army.
- (viii) that the upper age limit for persons serving in connection with the affairs of the State, Panchayat Samities and Zila Parisad and in the State Public Sector Undertaking Corporation in substantive capacity shall be 40 years.
- (ix) that there shall be no upper age limit in the case of widows and divorcee women.

Explanation: In the case of widow, she will have to furnish a certificate of death of her husband from the competent authority and in case divorcee, she will have to furnish the proof of divorce.

- (x) that a candidate would have been entitled in respect of his/her age of direct recruitment in any year in which no such recruitment was held, he/she shall be deemed to be eligible in the next following recruitment, if he/she is not overage by more than 3 years.

14. Academic/Technical qualifications and experience.-

A candidate for direct recruitment for the post(s) specified in the Schedule shall possess-

- (i) the qualifications and experience as laid down in Column 4 of the Schedule, and
- (ii) working knowledge of Hindi written in Devnagri Scripts, and knowledge of Rajasthani culture:

Provided that the person who has appeared or is appearing in the final year examination of the course which is the requisite educational qualification for the post as mentioned in the rules or schedule for direct recruitment, shall be eligible to apply for the post but he/she shall have to submit proof of having acquired the requisite educational qualification to the appropriate selection agency:-

- (i) before appearing in the main examination, where selection is made through two stages of written examination and interview.
- (ii) before appearing in interview where selection is made through written examination and interview; and
- (iii) before appearing in the written examination or interview where selection is made through only written examination or only interview, as the case may be.

15. Character.- The Character of a candidate for direct recruitment to the service must be such as will qualify him for employment in the service. He must produce a certificate of good character from the Principal Academic Officer of the University or College in which he was last educated and two such certificates written not more than six months prior to the date of application from two responsible persons not connected with the College or University and not related to him/her.

Note : (i) A conviction by a Court of Law need not itself involve the refusal of a certificate of good character. The circumstances of the conviction should be taken into account and if they involve no moral turpitude or

association with crimes or violence or with a movement which has as its object the overthrow by violent means of the Government as by law established, the mere conviction need not be regarded as a disqualification.

- (ii) Ex-Prisoners, who by their disciplined life while in prison and by their subsequent good conduct have proved to be completely reformed, should not be discriminated against on grounds of their previous conviction for the purpose of employment in the service. Those who are convicted of offences not involving moral turpitude shall be deemed to have been completely reformed on the production of a report to that effect from the Superintendent, 'After Care Home' or if there are not such homes in a particular district, from the Superintendent of Police of that District.
- (iii) Those convicted of offences involving moral turpitude or violence shall be required to produce a certificate from the Superintendent, 'After Care Home' or if there is no such home in a particular district, from the Superintendent of Police endorsed by the Inspector General of Prisons, to the effect that they are suitable for employment as they have proved to be completely reformed by their disciplined life while in prison and by their subsequent good conduct in an 'After Care Home.'

16. Physical Fitness.- A candidate for direct recruitment to the Service, must be in good mental and bodily health and free from any mental and physical defect likely to interfere with the efficient performance of his duties as a member of service and if selected, must produce a certificate of medical fitness to that effect from a Medical Authority notified by the Government for the purpose. The Appointing Authority may dispense with production of such certificate in the case of a candidate who is already serving in connection with the affairs of the State if he has, already been medically examined for the previous appointment and the essential standards of medical examination of the two posts held by him are to be comparable for efficient performance of duties of the new post and his age has not reduced his efficiency for the purpose.

17. Employment of irregular or improper means.- A candidate, who is or has been declared by the Commission guilty of impersonation or of submitting fabricated document which have been tampered with or of making statements which are incorrect or false or of suppressing material information or of using or attempting, to use unfair means in the examination or interview or otherwise resorting to any other irregular or improper means for obtaining admission to the examination or appearance at any interview, may in addition to rendering him liable to criminal prosecution, be debarred either permanently or for a specified period -

- (a) by the Commission from admission to any examination or appearance at any interview held by the Commission for selection of candidates; and
- (b) by the Government from employment under the Government.

18. Canvassing.- No recommendation for direct recruitment either written or oral, other than that the required under the rules, shall be taken into consideration. Any attempt on the part of a candidate to enlist support directly or indirectly for his/her candidature by any means, may disqualify him/her for recruitment.

PART-IV

Procedure for Direct Recruitment

19. Inviting of applications.- Applications for direct recruitment to posts in the service shall be invited by the Commission by advertising the vacancies to be filled, in the Official Gazette or in such other manner, as may be deemed fit. The advertisement shall contain a clause that a candidate who accepts the assignment on the post being offered to him/her shall be paid monthly fixed remuneration at the rate fixed by the State Government from time to time during the period of probation and the scale of pay of the post as shown elsewhere in the advertisement shall be allowed only from the date of successful completion of the period of probation mentioned in these rules:

Provided that while selecting candidates for the vacancies so advertised, the Commission may if intimation of additional requirement not exceeding 50% of the advertised vacancies, is received by them before selection, also select suitable persons to meet such additional requirement.

20. Frequency of direct recruitment.- Direct recruitment to the post specified in Schedule shall be held once in a year unless the Government decides that a direct recruitment for any of these posts shall not be held in any particular year.

21. Form of Application.- The application shall be made in the form approved by the Commission and obtainable from the Secretary to the Commission on payment of such fee as the Commission may, from time to time fix.

22. Application Fee.- A candidate for direct requirement to a post in the service must pay the fee fixed by the Commission in such manner as may be indicated by them.

23. Scrutiny of applications.- The Commission shall scrutinize the applications received by them and require as many candidates qualified for appointment under these rules as seem to them desirable to appear before them for interview:

Provided that the decision of the Commission regarding the eligibility or otherwise of a candidate shall be final.

24. Recommendations of the Commission.- The Commission shall prepare a list of the candidates whom they consider suitable for appointment to the posts(s) concerned and arrange in the order of merit. The Commission shall forward the list to the Government:

Provided that the Commission may, to the extent to 50% of the advertised vacancies, keep names of suitable candidate on the reserve list. The names of such candidates may, on requisition, be recommended in the order of merit to the Government within six months from the date on which the original list is forwarded by the Commission to the Government.

25. Disqualification for appointment.-(1) No male/female candidate who has more than one wife/husband living, shall be eligible for appointment to the service unless the Government after being satisfied that there are special grounds permissible under personal law for doing so, exempt any candidate from the operation of this rule.

(2) No female candidate who is married to a person having already a wife living shall be eligible for appointment to the Service unless the Government, after being satisfied that there are special grounds for doing so, exempt any female candidate from the operation of this rule.

(3) No married candidate shall be eligible for appointment to the service if he/she had at the time of his/her marriage accepted any dowry.

Explanation: For the purpose of this rule dowry has the same meaning as in the Dowry Prohibition Act, 1961 (Central Act 28 of 1961).

(4) No candidate shall be eligible for appointment to the service who has more than two children on or after 1-6-2002:

Provided that the candidate having more than two children shall not be deemed to be disqualified for appointment, so long as the number of children he/she has on 1st June, 2002 does not increase:

Provided further that where a candidate has only one child from earlier delivery but more than one child are born out of a single subsequent delivery, the children so born shall be deemed to be one entity while counting the total number of children:

Provided also that this sub-rule shall not be applicable to the appointment of a widow under the provisions of the Rajasthan Compassionate Appointment of Dependents of Deceased Government Servants Rules, 1996.

26. Selection by Government.—Subject to the provisions of rule 7, 8 and 9 the Government shall select candidates in the order of merit in the list prepared by the Commission under rule 24:

Provided that the inclusion of a candidate's name in the list confers no right to appointment unless the Appointing Authority is satisfied after such inquiry as may be considered necessary that such candidate is suitable in all other respects for appointment to the post or posts concerned.

PART-V

Procedure for Recruitment by Promotion

27. Constitution of the Committee.—The constitution of the committee shall be as under:-

1. Chairman of the Commission or a member thereof Commission nominated by him Chairman
2. Secretary/Principal Secretary to the Government in the Department of Technical Education Member

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|---|------------------|
| 3. Secretary/Principal Secretary to the Government in the Department of Personnel or his nominee not below the rank of Deputy Secretary to the Government in the DOP. | Member |
| 4. Director of Technical Education | Member-Secretary |

Provided that in case any Member or Member Secretary, as the case may be, constituting the Committee has not been appointed to the post concerned, the officer holding charge of the post for the time being shall be the Member or Member Secretary, as the case may be, of the Committee.

28. Criteria, Eligibility and Procedure for Promotion.-

(1) As soon as the Appointing Authority determines the number of vacancies under rule regarding determination of vacancies of these rules and decides that a certain number of posts are required to be filled in by promotion, it shall subject to provisions of sub-rule (6), prepare a correct and complete list of the senior most persons who are eligible and qualified under these rules for promotion on the basis of seniority-cum-merit or on the basis of merit to the class of post concerned.

(2) The persons enumerated in the relevant column regarding post from which promotion is to be made of the relevant schedule shall be eligible for promotion to posts specified against them in column 2, to the extent indicated in column 3 subject to their possessing minimum qualifications and experience as specified in column 6 on the first day of the month of April of the year of selection as specified in the relevant column regarding minimum qualification and experience for promotion.

(3) No person shall be considered for first promotion in the service unless he is regularly selected on the post from which promotion is to be made in accordance with one of the methods of recruitment prescribed under the provisions of these rules.

Explanation: In case direct recruitment to a post has been made earlier than regular selection by promotion in a particular year, such of the persons who are or were eligible for appointment to the post by both the methods of recruitment and have been appointed by direct recruitment first shall also be considered for promotion.

(4) No person shall be considered for promotion for five recruitment years from the date on which his/her promotion becomes due, if he/she has more than two children on or after 1st June, 2002:

Provided that -

- (i) the person having more than two children shall not be deemed to be disqualified for promotion so long as the number of children he/she has on 1st June, 2002 does not increase.
- (ii) where a Government servant has only one child from the earlier delivery but more than one child are born out of a single subsequent delivery, the children so born shall be deemed to be one entity while counting the total number of children.

(5) Selection for promotion on the post include in the service shall be made on the basis of seniority-cum-merit:

Provided that promotion on the highest post in the State service, if it is at least third promotional post, shall be made on the basis of merit alone:

Provided further that if the Committee is satisfied that suitable persons are not available for selection by promotion to the highest post(s) strictly on the basis of merit in a particular year, selection on the basis of seniority-cum-merit may be made in the same manner as specified in these rules.

(6) (i) The zone of consideration of persons eligible for promotion shall be as under:-

Number of vacancies	Number of eligible person to be considered
(a) for one vacancy	five eligible persons
(b) for two vacancies	eight eligible persons
(c) for three vacancies	ten eligible persons
(d) for four or more vacancies	three times the number of vacancies

- (ii) where, the number of eligible persons for promotion to higher post is less than the number specified above, all the persons so eligible shall be considered.

- (iii) where, adequate number of the candidates belonging to the Scheduled Castes or the Schedule Tribes, as the case may be, are not available within the zone of consideration specified above, the zone of consideration may be extended upto seven times, the number of vacancies and the candidates belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be (and not any other) coming within the extended zone of consideration shall also be considered against the vacancies reserved for them.
- (iv) For any post in the service-
- (a) if promotion is from more than one categories of the post in the same pay scales, eligible persons up to two in number from each category of posts in the same pay scale, shall be considered for promotion.
- (b) if promotion is from more than one categories of posts carrying different pay scales, eligible persons in the higher pay scale shall be considered for promotion first and if no suitable person is available for promotion on the basis of Merit or Seniority-cum merit, as the case may be, in the higher pay scale then only the eligible persons of other categories of posts in lower pay scales shall be considered for promotion and so on and so forth. The zone of consideration for eligibility in this case shall be limited to five senior most eligible persons in all.

(7) Except as otherwise expressly provided in this rule, the conditions of eligibility for promotion, constitution of the committee and procedure for selection shall be the same as prescribed elsewhere in these rules.

(8) The Committee shall consider the cases of all of the senior most persons who are eligible and qualified for promotion to the class of posts concerned under these rules and shall prepare a list containing names of the persons found suitable on the basis of seniority-cum-merit or on the basis of merit, as the case may be, as per the criteria for promotion laid down in these rules, equal to the number of vacancies determined under these rules. The list so prepared on the basis of seniority-cum-merit and / or on the basis of merit, as the case may be, shall be arranged in the order of seniority on the category of posts from which selection is made.

(9) The Committee may also prepare a list on the basis of seniority-cum-merit or on the basis of merit, as the case may be, as per the criteria for promotion laid down in rules, containing names of persons not exceeding the number of persons selected in the list prepared under sub-rule (8) above to fill temporary or permanent vacancies, which may occur subsequently. The list so prepared on the basis of seniority-cum-merit or on the basis of merit shall be arranged in the order of seniority in the category of posts from which selection shall be made. Such a list shall be reviewed and revised by the Committee that meets in the subsequent year and that such list shall remain in force till the end of the last day of the year for which the meeting of the Committee is held.

(10) Lists prepared under sub-rule(8) and (9) shall be sent to the Appointing Authority together with Annual Confidential Reports / Annual Performance Appraisal Reports and other service record of all the candidates included in the lists as also of those not selected, if any.

Explanation - For the purpose of selection for promotion on the basis of merit, no person shall be selected if he does not have "Outstanding" or "Very good" record in at least four out of the seven years, preceding the year for which the meeting of the Committee is held.

(11) If in any subsequent year, after promulgation of these rules, vacancies relating to any earlier year are determined under these rules which were required to be filled in by promotion, the committee shall consider the cases of all such persons who would have been eligible in the year to which the vacancies relate irrespective of the year in which the meeting of the Committee is held and such promotions shall be governed by the criteria and procedure for promotion as was applicable in the particular year to which the vacancies relate, and the service / experience of an incumbent who has been so promoted, for promotion to higher post for any period during which he has not actually performed the duties of the post to which he would have been promoted, shall be counted. The pay of a person who has been so promoted shall be re-fixed at the pay which he would derived at the time of his promotion, but no arrears of pay shall be allowed to him.

(12) The Government may order for the review of the proceedings of the Committee held earlier, on account of some mistake of error apparent on the face of record, or on account of a factual error substantially affecting the decision of the Committee or for any other sufficient reasons e.g. change in seniority, wrong determination of vacancies, judgment / direction of any Court or Tribunal, or where adverse entries in the Confidential Reports of an individual are expunged or toned down or a punishment inflicted on him is set aside or reduced. The concurrence of the Department of Personnel and the Commission shall always be obtained before holding the meeting of the review Committee.

(13) The list prepared by the Committee shall be forwarded to the Commission by the Appointing Authority along with the Personal Files and Annual Confidential Rolls/Annual Performance Appraisal Reports of all the persons whose names have been considered by the Committee.

(14) The Commission shall consider the lists prepared by the Committee along with other relevant documents received from the Appointing Authority and, unless any change is considered necessary, shall approve the lists. In case the Commission considered it necessary to make any change in the lists received from the Appointing Authority, it shall inform the Appointing Authority of the changes proposed by it. After taking into account the comments of the Commission, if any, the Appointing Authority may approve the lists finally with such modifications, as may, in its opinion, be just and proper and when the Appointing Authority is an authority subordinate to the Government, the lists approved by the Commission shall be disturbed only with approval of the Government.

(15) Appointment shall be made by the Appointing Authority taking persons out of the lists finally approved under the preceding sub-rule (14) in the order in which they have been placed in the list, till such lists are exhausted or reviewed and revised or remained in force, as the case may be.

(16) The Government may issue instructions for provisionally dealing with promotions, appointments or other ancillary matters in an equitable and fair manner of persons who may be under suspension, or against whom departmental proceeding is under progress, at the time promotions are considered to a post to which they are eligible or would have been

eligible but for such suspension or pendency of such enquiry or proceedings.

(17) The provisions of this rule shall have effect notwithstanding anything to the contrary contained in any provision of these rules.

29. Restriction of promotion of persons foregoing promotions.-In case a person on his/her appointment by promotion to the next higher post either on the basis of urgent temporary appointment or on regular basis on the recommendations of the Departmental Promotion Committee, forgoes such an appointment through his/her written request, and if the concerned Appointing Authority accepts his / her request, the person concerned shall be debarred from consideration for promotion (both on the basis of urgent temporary appointment or on regular basis) for subsequent two recruitment years for which the Departmental Promotion Committee is held and the name of such a person who foregoes promotion shall not be included in the seniority-cum-eligibility list to be placed before the Departmental Promotion Committee for subsequent two recruitment years.

PART -VI

Appointment, Probation and Confirmation

30. Appointment to the Service.-Appointment to the posts in the Service by direct recruitment, as probationer trainee on fixed remuneration, shall be made by the Appointing Authority on occurrence of substantive vacancies from the candidates selected under rule 24 in the order of merit and by promotion from the persons selected under rule 28.

31. Urgent Temporary Appointment.- (1) A vacancy in the service which can not be filled in immediately either by direct recruitment or by promotion under the rules may be filled in by the Government or by the authority competent to make appointment, as the case may be, by appointing in an officiating capacity thereto an officer eligible for appointment to the post by promotion or appointing temporarily thereto a person eligible for direct recruitment to the service, where such direct recruitment has been provided under the provisions of these rules:

Provided that—

- (i) such an appointment will not be continued for a period of one year without referring the case to the Commission for concurrence, and shall be terminated immediately on its refusal to concur.
- (ii) in respect of a post in service for which both the methods of recruitment have been prescribed, the Authority competent to make appointment, shall not, save with the specific permission of the Government in the Department of Personnel, fill the temporary vacancy against the direct recruitment quota by a whole-time appointment for a period exceeding three months otherwise than out of person eligible for direct recruitment and after a short-term advertisement.

(2) In the event of non-availability of suitable persons fulfilling the requirement of eligibility for promotion, Government may, notwithstanding the condition of eligibility for promotion required under sub-rule (1) above, lay down general instructions for grant of permission to fill the vacancies on urgent temporary basis subject to such conditions and restrictions regarding pay and other allowances as it may direct. Such appointments shall, however, be subject to concurrence of the Commission as required under the same said sub-rule.

32. Seniority.- Seniority of persons appointed to the post encadred in the service shall be determined from the date of appointment on the post after regular selection in accordance with provisions of these rules. Appointment on ad-hoc or urgent temporary basis shall not be deemed to be appointment after regular selection:

Provided that—

- (i) the inter seniority of persons appointed to a post in a particular category by direct recruitment on the basis of one and same selection, except those who do not join Service when a post is offered to them within a period of six weeks from the date of issue of order or longer, if extended by the Appointing Authority, shall follow the order in which their name have been placed in the list prepared under rule 24.

- (ii) if two or more persons are appointed to service during the same year a person appointed by promotion shall rank senior to a person appointed by direct recruitment.
- (iii) the persons selected and appointed as result of a selection, which is not subject to review and revision, shall rank senior to the persons who are selected and appointed as a result of subsequent selection.
- (iv) the seniority inter-se of persons selected on the basis of seniority cum merit and basis of merit in the same selection shall be the same as in the next lower grade.

33. Period of probation.- (1) A person entering the service by direct recruitment against a clear vacancy shall be placed on probation as probationer-trainee for a period of two years:

Provided that any period after such appointment during which a person has been on deputation on a corresponding or higher post shall count towards the period of probation.

(2) During the period of probation specified in sub-rule (1), each probationer trainee may be required to pass such Departmental Examination and to under go such training as the Government may, from time to time specify.

(3) The period spent as probationer trainee shall not be counted for experience and eligibility for promotion.

34. Confirmation in certain cases.-(1) Notwithstanding anything to the contrary contained in the preceding rule a person appointed to a post in the service temporarily or on officiating basis who after regular recruitment by anyone of the methods of recruitment prescribed under these rules, has not been confirmed within a period of 6 months after satisfactory completion of a period of two years service in case he is appointed by direct recruitment shall be entitled to be treated as confirmed in accordance with his seniority if-

- (i) he/she has worked on the post or higher post under the same Appointing Authority or would have so worked but for his deputation or training;
- (ii) he/she fulfills conditions as are prescribed under rule relating to confirmation subject to the quota prescribed under these rules; and

(iii) permanent vacancy is available in the department

(2) If an employee referred to in sub-rule (1) above fails to fulfill the conditions mentioned in the said sub-rule, the period mentioned in the sub-rule (1) above, may be extended as prescribed for a probation or under the Rajasthan Civil Services (Departmental Examination) Rules, 1959 and any other rules or by one year whichever is longer. If the employee still fails to fulfill the condition mentioned in sub-rule (1) above, he will be liable to be discharged or terminated from such post in the same manner as a probationer or reverted to his substantive or lower post, if any, to which he may be entitled.

(3) The employee referred to in sub-rule (1) above, shall not be debarred from confirmation after the said period of service, if no reasons to the contrary about the satisfactory performance of his work are communicated to him within the said period of service.

(4) The reasons for not confirming of any employee referred to in sub-rule (1) above shall be recorded by the Appointing Authority in his Service Book and Annual Performance Appraisal Report.

Explanation : (i) Regular recruitment for the purpose of this rule shall mean -

(a) appointment by either method of recruitment in accordance with the rules made under the proviso to Article 309 of the Constitution of India;

(b) persons who have been made eligible for substantive appointment to a post under these rules shall be treated as having been regularly recruited:

Provided that it shall not include urgent temporary appointment or officiating promotion which is subject to review and revision.

(ii) persons who hold lien on another cadre shall be eligible to be confirmed under this rule and they will be eligible to exercise an option whether they do not elect to be confirmed on the expiry of two years of their temporary appointment under this rule. In the

absence of any option to the contrary, they shall be deemed to have exercised option in favor of confirmation under this rule and their lien on the previous post shall cease.

35. Unsatisfactory progress during probation.-If it appears to the Appointing Authority, at any time, during or at the end of the period of probation, that service of a probationer trainee is not found to be satisfactory, the Appointing Authority may revert him/her to the post on which he/she is regularly selected immediately preceding his/her appointment as probationer trainee or in other cases may discharge or terminate him/her from service. The appointing authority shall accord appropriate opportunity to the probationer trainee before final orders are passed in this respect:

Provided that the Appointing Authority may, if it so thinks fit in any case or class of cases, extend the period of probation of any probationer trainee by a specified period not exceeding one year.

36. Confirmation.- A probationer shall be confirmed in his/her appointment at the end of his/her period of probation if -

- (a) he/she has passed the departmental examination and has successfully undergone such training, as Government may from time to time, specify;
- (b) he/she has passed departmental test of proficiency in Hindi; and
- (c) the Appointing Authority is satisfied that his integrity is unquestionable and that he is otherwise fit for confirmation.

PART VII-Pay

37. Scales of pay.- The scale of monthly pay of a person appointed to a post in the Service shall be such as may be admissible under the rules referred to in rule 39 or as may be sanctioned by the Government from time to time.

38. Pay during probation.-A probationer trainee appointed to the service by direct recruitment, shall be paid monthly fixed remuneration during the period of probation at such rates as may be fixed by the Government from time to time:

Provided that an employee having been regularly selected as per provisions of recruitment rules in the Government service may be allowed emoluments in his/her own pay scale in the existing pay scale of the post during service as probationer trainee or fixed remuneration of the new post whichever is advantageous to him/her.

39. Regulation of Pay, Leave, Allowances, Pension etc.-

Except as provided in these rules, the pay allowances, pension, leave and other conditions of service of the members of the Service, shall be regulated by-

- (i) The Rajasthan Service Rules, 1951, as amended from time to time;
- (ii) The Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958, as amended from time to time;
- (iii) The Rajasthan Traveling Allowance Rules, 1971, as amended from time to time;
- (iv) The Rajasthan Civil Services (Conduct) Rules, 1971, as amended from time to time;
- (v) The Rajasthan Civil Services (Pension) Rules, 1996, as amended from time to time;
- (vi) The Rajasthan Civil Services (Revised Pay Scale) Rules, 1998 as amended from time to time;
- (vii) The Rajasthan Civil Services (Contributory Pension) Rules, 2005;
- (viii) The Rajasthan Civil Services (Revised Pay) Rules, 2008 as amended from time to time;
- (ix) Any other rules prescribing general conditions of Service made by the appropriate Authority under the proviso to Article 309 of the Constitution of India, and for the time being in force.

40. Removal of Doubts.-If any doubt arises relating to the application, interpretation and scope of these rules, it shall be referred to the Government in the Department of Personnel whose decision thereon shall be final.

41. Repeal and saving.-All rules and orders in relation to matters covered by these rules and in force immediately before the commencement of these rules are hereby repealed:

Provided that any action taken or orders passed under the rules so repealed shall be deemed to have been taken or passed under the provisions of these rules. It is further clarified that any promotions / financial benefits/ other benefits which have already given under the rules so repealed will not be adversely affected by the provisions of these rules.

42. Power to relax rules.- In exceptional cases where the Administrative Department of the Government satisfied that operation of the rules relating to age or regarding requirement of experience for recruitment causes undue hardship in any particular case or where the Government is of the opinion that it is necessary or expedient to relax any of the provisions of these rules with respect to age or experience of any person, it may with the concurrence of the Department of Personnel and in consultation with the Commission, where necessary by order dispense with or relax the relevant provisions of these rules to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner:

Provided that such relaxation shall not be less favorable than the provisions already contained in these rules. Such cases of relaxation shall be referred to the commission by Administrative Department concerned:

Provided further that relaxation in the prescribed period of service or experience under this rule shall only be granted to the extent of 1/3 period of the service or experience prescribed for promotion to any post before holding the meeting of the Departmental Promotion Committee.

SCHEDULE

S. No.	Name of Post	Method of recruitment with percentage	Minimum qualification and experience for direct recruitment	post from which promotion is to be made	Qualification and experience for promotion	Remarks
1	2	3	4	5	6	7
1.	Principal	100% promotion	(a) Second class Degree of a University established by law in India or its equivalent qualification recognized by the	Head of Department in any branch under women polytechnic	5 years experience on the post mentioned in Column number 5	1. If in a particular year no person is available or eligible for promotion, the post

1	2	3	4	5	6	7
			Govt in appropriate branch/faculty being taught in the institute Or Second class Arts/ Science/ Commerce of a University established by law in India with three years second class diploma from any State Board in appropriate branch/faculty being taught in the Institute (b) Nine years experience after obtaining above qualification in profession and/or teaching out of this 6 years experience should be at the level of Lecturer / Head of Department/ Principal in any institute not below the level of a Polytechnic.			could be filled by direct recruitment. 2. In branch/ faculty where 3 years Diploma is not awarded 2 years Diploma could be considered.
2.	Head of Department	100% by promotion	--	Sr. Lecturer and Lecturer where the post of Sr. Lecturer does not exist in the appropriate branch	5 years experience on the post of Senior Lecturer Or 10 years experience on the post of Lecturer or its equivalent including	--

1	2	3	4	5	6	7
					the experience on the post of Senior Lecturer, if any.	
3.	Senior Lecturer	100% by Promotion	---	Lecturer in appropriate branch	5 years experience on the post mentioned in Column number 5	
4.	Lecturer in Textile Designing	100% by direct recruitment	(a) Second class Degree in Textile Designing branch / faculty of a University established by law in India in or its qualification recognized as equivalent there to by the Govt. Or Second class Degree Arts / Science/ Commerce of a University established by law in India with three years Diploma from any State Board in Textile Designing branch/faculty (b) Preferable : Minimum two years Professional/ Teaching experience after acquiring qualification as mentioned above.	--	--	

1	2	3	4	5	6	7
5.	Lecturer in Commercial Arts	100% by direct recruitment	<p>(a) Second class Degree in fine Arts with specialization in Commercial Arts of a University established by law in India</p> <p>OR</p> <p>5 years Diploma in second class in fine Arts with specialization in Commercial Arts of a University established by law in India</p> <p>OR</p> <p>Second class Degree Arts/ Science/ Commerce of a University established by law in India with three years Diploma in Commercial Arts in Second Division from any State Board of Technical Education.</p> <p>(b) Preferable : Minimum two years Professional/ Teaching experience after acquiring qualification as mentioned above.</p>	--		
6.	Lecturer in Beauty Culture	100% by direct recruitment	(a) Second class Degree in Beauty Culture of a University established by law in India			

1	2	3	4	5	6	7
			<p>OR</p> <p>Second class Degree in Arts/ Science/ Commerce of a University established by law in India with two years Diploma in Beauty Culture in Second Division from any State Board of Technical Education.</p> <p>(b) Preferable : Minimum two years Professional/ Teaching experience after acquiring qualification as mentioned above.</p>			
7.	Lecturer in Interior Decoration	100% by direct recruitment	<p>(a) Second class Degree in Interior Decoration of a University established by law in India</p> <p>OR</p> <p>Second class Degree in Arts/ Science/ Commerce of a University established by law in India with three years Diploma in Interior Decoration in Second Division from any State Board of Technical Education.</p> <p>(b) Preferable : Minimum two years Professional/</p>			

1	2	3	4	5	6	7
			Teaching experience after acquiring qualification as mentioned above.			
8.	Lecturer in Costume Design & Dress Making	100% by direct recruitment	(a) Second class Degree in Costume Design & Dress Making of a University established by law in India OR Second class Degree in Arts/ Science/ Commerce of a University established by law in India with three years Diploma in Costume Design & Dress Making in Second Division in Costume Design & Dress Making from any State Board of Technical Education. (b) Preferable : Minimum two years Professional/ Teaching experience after acquiring qualification as mentioned above.			
9.	Lecturer in Modern Office Management	100% by direct recruitment	(a) Second class Degree in Lecturer in Modern office Management of a University established by law in India OR Second class			

1	2	3	4	5	6	7
			Degree in Arts / Science/ Commerce of a University established by law in India with three years Diploma in Lecturer in Modern office Management in Second Division in Modern office Management from any State Board of Technical Education. (b) Preferable : Minimum two years Professional/ Teaching experience after acquiring qualification as mentioned above.			

GOVERNMENT OF RAJASTHAN
DEPARTMENT OF PERSONNEL
(A-Gr.-II)

No. F. 7(2) DOP/A-II/2005

Jaipur, dated: 26-4-2011

NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Rajasthan hereby makes the following rules further to amend the Various Service Rules as specified in the Schedule given below, namely:-

1. Short title and commencement.- (1) These rules may be called the Rajasthan Various Service (Amendment) Rules, 2011.

(2) They shall be deemed to have come into force with effect from 20-01-2006.

2. Amendment.- The existing sub-rule (3) of rule relating to "Period of probation" as mentioned in column number 3 against each of the service rules as mentioned in column number 2 of the Schedule given below, shall be deleted, namely:-

SCHEDULE

S. No.	Name of Service Rules	Existing Rule No.
1	2	3
1.	The Rajasthan Police Service Rules, 1954.	34
2.	The Rajasthan Accounts Service Rules, 1954.	33
3.	The Rajasthan Inspector of Registration and Stamps Service Rules, 1954.	28
4.	The Rajasthan Service of Engineers and Research Office: (Irrigation Branch) Rules, 1954.	29
5.	The Rajasthan Service of Engineers (B&R Branch) Rules, 1954.	29
6.	The Rajasthan Cooperative Service Rules, 1954.	29

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