

THE MAHARASHTRA ZILLA PARISHADS DISTRICT SERVICES (RECRUITMENT) RULES, 1967

G. N., C. & R. D. D., No. DSR. 1962-V, dated 14 december, 1967
(M. G., Pt. IV-B, P. 2436)

In exercise of the powers conferred by clauses (xxxix) of sub-section (2) of Section 274 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said Section 274, namely -

1. Short title and application.-

(1) These rules may be called the Maharashtra Zilla Parishads District Services (Recruitment) Rules, 1967.

(2) These rules shall apply to the recruitment to all posts in District Technical Service (Class III), District Service (Class III) and District Service (Class IV) and unless otherwise provided, shall not apply to the retirement to, -

(i) posts on a contingency paid establishment, a daily-rated establishment or a work-charged establishment;

(ii) posts on which appointments are made on part-time basis; and

(iii) posts to which appointments are made on contract.

2. Definitions.-

In these rules unless the context otherwise requires,-

(i) "Act" means the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961;

(ii) "Appendix" means Appendix to these rules;

(iii) "Appointing authority" in relation to the recruitment to any post in a district Service, means the Chief Executive Officer or any other Officer of a *Zilla Parishad* to whom the power of making appointments to such post has been delegated by the Chief Executive Officer under sub-section (1) of section 96 of the Act;

(iv) "District service" means a District Technical Services (Class III), a District Service (Class III) or a District Service (Class IV) of a Zilla Parishad, constituted under clause (b) of Section 239 of the Act;

(v) "Equipment" means recognised as equivalent;

(vi) "Government" means the Government of Maharashtra;

(vii) "Recognised" means recognised by Government;

⁴⁴[(viii) "Selection Board" means a Regional Selection Board or the Special Selection Board constituted respectively under Section 3 or 6 of the Maharashtra Public Services (Subordinate) Selection Boards Act, 1973 (Mah. XXI of 1973).]

3. *Disqualifications for appointment to District Service.-*

No person shall be appointed to any post in a District Service,-

(a) unless he is -

(i) a citizen of India, or

(ii) a subject of Sikkim, or

(iii) a subject of Nepal, or

(iv) a subject of Bhutan, or

(v) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon and East African countries of Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India, or

(vi) a Tibetan refugee who came over to India before 1st January, 1962, with the intention of permanently settling in India :

Provided that, a person belonging to any of the categories (iii) (iv), (v) and (vi) above shall be a person in whose favour a certificate of eligibility has been given by Government and further if he belongs to category (v), the certificate of eligibility shall be held valid only

for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India :

Provided further that, a person in whose case a certificate of eligibility is necessary may be admitted to an examination or interview or both conducted by ⁴⁴[a Selection Board] or any other recruiting authority and may also be provisionally appointed without such a certificate for a period not exceeding three months subject to the necessary certificate being granted by Government; or

(b) if he was dismissed for misconduct from service under Zilla Parishad or service under any other local authority or service under any Government; or

(c) if he was convicted of an offence which ²[*] involves moral turpitude; or

(d) if he has more than one wife living and in the case of female candidate if she has married a person having already a wife living; or

(e) if he has not attained the age of 18 years on the last date for submission of an application for such a post : *[or]

²[* * *].

*[(f) if he is already in the *Zilla Parishad* service and has attained the age of 45 years on the last date for submission of an application for such a post.]

4. Physical fitness certificate and production of evidence as to good character.-

Subject to such other rules as may be prescribed providing for medical examination of candidate to be appointed to District Services, appointment to any posts in District Services (not being an appointment under Section 241 or by allotment under Section 242 of the Act or by promotion or by transfer) shall be subject to the production of -

(a) a medical certificate of health in the form hereto annexed from a medical officer duly appointed for that purpose by Government, and

(b) such evidence of good character as the appointing authority may require in that behalf :

Provided that, Government may by a general or special order relax or condone the standard of physical fitness for recruitment of a candidate or candidates for a post or a class of posts in any District Service.

5. Qualifications and methods of appointment.-

(1) Subject to sub-rule (2), the qualifications in respect of age, education, experience etc., required to be possessed by candidates for and methods of appointment to the posts in the District Services and posts thereunder shall be as specified in ⁴⁹[Appendices I to XII] :

Provided that, the upper age limit's prescribed for appointment to the posts in the District Services under the relevant recruitment rules shall be relaxable by five years in respect of candidates belonging to Backward Classes.

(2) Except as otherwise provided in these rules the Commissioner of the Division concerned may, ²[where the Chief Executive Officer in case of appointment falling under Rule 4 of the Maharashtra Zilla Parishads District Service Recruitment (without consulting Selection Boards) Rules, 1965, and the Selection Board concerned in other cases, issues a certificate that suitable candidates with the prescribed qualifications are not available allow the appointing authority to relax ¹⁸[all or any of the qualifications] prescribed for appointment to the posts in the District Services in respect of any person or a class of persons.

[*Note :-* The upper age limit prescribed in the appendices to these rules for appointment to a post in a District Service shall be reckoned on the date of Competitive Written Examination or Interview, as the case may be. A candidate who exceeds the upper age limit at the time of actual appointment, shall be deemed to be within the prescribed age limit for the purpose of appointment.]

Note

Candidates appointed as health workers undergone training of 12 months at Government expenses and served 2 years period in the Zilla Parishad were later on removed from service. Such candidates are to be considered

for recruitment on advertisement of these posts through Selection Service Board, with relaxation in upper age limit and on the basis of seniority (a). Chief Executive Officer reduced the period for acquiring type writing certificate in 2nd language to one year from two years and terminated services of candidate. The Chief Executive Officer cannot go against the rules, order of termination quashed as order is not per rules (b).

6. Appointment by nomination, promotion or transfer.-

(1) Where appointment by nomination to any post in a District Service is not provided in the relevant recruitment rules and if suitable candidates are not available for appointment by promotion or transfer, as the case may be, to such a post, appointment to such post may be made by nomination and in such cases the qualifications in respect of age, education, experience etc., shall be such as may be determined by Government.

(2) Where appointment by nomination and promotion in a fixed ratio to any post in a District Service is provided in the relevant recruitment rules and if suitable candidates are not available for appointment by nomination or promotion as the case may be, to such a post, according to this ratio, ²[and a certificate to that effect is issued by the Chief Executive Officer or, as the case may be, the Selection Board concerned] appointment to it may be made by promotion or nomination in relaxation of the ratio with the approval of the Commissioner.

(3) Where suitable candidates are not available for appointment to any post in a District Service either by nomination or by promotion or by transfer, as the case may be, according to the recruitment rule for such post, appointment to it may be made by transfer either for a specified period or on a permanent basis, of a person belonging to any department or office, of Government or any other Government in India or of any local authority subject to such terms and conditions as may be determined by the Chief Executive Officer with the concurrence of such department or office of Government, any other Government in India or as the case may be, local authority :

Provided that, any appointment for any period extending beyond

(a) *Hanumant Mahajan Thakur v. State of Maharashtra*, 1996(1) Mah. L. J. 859.

(b) *Parbat B. Gopalghare v. Chief Executive Officer*, 2001(1) All M. R. 629.

five years or on a permanent basis shall be made with the approval of Government.

(4) Where appointment to a post in a District Service is to be made by promotion, selection shall be made on the basis of seniority-cum-merit :

[Proviso deleted by G. N. of 30-12-1990]

(5) Unless otherwise provided, a candidate appointed by nomination to any post in a District Service shall be kept on probation for a period of one year provided that the Chief Executive Officer may extend the period of his probation when he is of the opinion that the work of such candidate is not up to the required standard.

(6) No person shall be confirmed in a post in a District Service unless he has satisfactorily put in service for a continuous period of not less than one year in that post or completes the period of his probation satisfactorily and has passed the Departmental and/or Language Examination if any, and/or has successfully undergone training, if any, laid down by Government for the holders of such post.

Explanation.- Confirmation under this sub-rule may be made with effect from the date of continuous officiation of the person after completion of the period of probation, if any, in that post or the date from which the permanent post is substantively vacant, whichever is later.

(7) Notwithstanding anything contained in these rules the State Government may direct that the members of the staff in any institution including a private Primary or Secondary School taken over by the *Zilla Parishad* shall be absorbed in suitable posts under the *Zilla Parishads* subject to such terms and conditions as may be specified by the State Government in that behalf :

Provided that, such members shall possess the minimum educational qualifications prescribed for the posts in which they are absorbed.

(8) Notwithstanding anything contained in these rules, the Chief Executive Officer may on an application made by any member of a District Service of another *Zilla Parishad*, appoint such member to

five years or on a permanent basis shall be made with the approval of Government.

(4) Where appointment to a post in a District Service is to be made by promotion, selection shall be made on the basis of seniority-cum-merit :

[Proviso deleted by G. N. of 30-12-1990]

(5) Unless otherwise provided, a candidate appointed by nomination to any post in a District Service shall be kept on probation for a period of one year provided that the Chief Executive Officer may extend the period of his probation when he is of the opinion that the work of such candidate is not up to the required standard.

(6) No person shall be confirmed in a post in a District Service unless he has satisfactorily put in service for a continuous period of not less than one year in that post or completes the period of his probation satisfactorily and has passed the Departmental and/or Language Examination if any, and/or has successfully undergone training, if any, laid down by Government for the holders of such post.

Explanation.- Confirmation under this sub-rule may be made with effect from the date of continuous officiation of the person after completion of the period of probation, if any, in that post or the date from which the permanent post is substantively vacant, whichever is later.

(7) Notwithstanding anything contained in these rules the State Government may direct that the members of the staff in any institution including a private Primary or Secondary School taken over by the *Zilla Parishad* shall be absorbed in suitable posts under the *Zilla Parishads* subject to such terms and conditions as may be specified by the State Government in that behalf :

Provided that, such members shall possess the minimum educational qualifications prescribed for the posts in which they are absorbed.

(8) Notwithstanding anything contained in these rules, the Chief Executive Officer may on an application made by any member of a District Service of another *Zilla Parishad*, appoint such member to

a post in the District Service in which he held such post under that Zilla Parishad on such terms and conditions as may be mutually agreed upon between the two *Zilla Parishads* and subject to the following further conditions, namely :-

(i) Such appointment shall not be made to posts to be filled in exclusively by promotion and that they shall be made in vacancies which are reserved for appointment by nomination.

*[(ii) On such appointment on mutual exchange the person appointed shall, retain his seniority of the former *Zilla Parishads* or take the seniority of the *Zilla Parishad* servant with whom he has exchanged, which ever of the two shall be lower.

(iii) On such appointment on his request the person appointed shall have his seniority in the cadre from the date of such appointment in the latter *Zilla Parishad*.]

* Clause (ii) and (iii) were substituted by G.N. of 14-1-1991.

²²[(9) Notwithstanding anything contained in these rules, the Chief Executive Officer may, on an application made by any married female employee of the State Government or any Municipal Corporation or Municipal Council, constituted under any law for the time being in force appoint such employee to a post in the District Service on such terms and conditions as may be mutually agreed upon between the State Government, Municipal Corporation, or as the case may be, Municipal Council and the *Zilla Parishad* and subject to the following further conditions, namely :

(a) Such appointments shall not be made to posts which are to be filled in exclusively by promotion, and that they shall be made in the vacancies which are reserved for appointment by nomination;

(b) Such appointment shall not be made to the posts from amongst such married female employees unless they fulfill the educational qualifications prescribed in the recruitment rules for the posts in the District Services of the *Zilla Parishads*;

(c) ²⁹[* *]

(d) On such appointment, such married female employees shall not be entitled to claim any benefit obtained in their previous

employment and shall, for the purpose of seniority rank the junior-most in the cadre of the post to which they are appointed as it stands on the date of such appointment] :

²⁹[Provided that, where such married female employees are not within the upper age limit prescribed for recruitment to the posts in the District Service of the *Zilla Parishad*, then such age limit shall stand relaxed.]

⁴¹[(10) Notwithstanding anything contained in these rules, the Chief Executive Officer may on an application made by any member of a District Service on medical grounds appoint with the previous approval of the Commissioner by transfer such member to any other post in the District Service under that *Zilla Parishad* on such terms and conditions as may be specified by the Commissioner.]

7. Reservation of posts in District Services.-

(1) For the purposes of these rules Backward Classes shall consist of the following sections, namely:-

(i) Scheduled Castes and Scheduled Caste converts to Buddhism;

(ii) Scheduled Tribes including those living outside the specified areas;

(iii) Denotified Tribes and Nomadic Tribes; and

(iv) Other Backward Communities; and

each section shall include such communities as have been or may be declared by Government as belonging to such section for the purpose of recruitment to the posts and services under it.

(2) ²⁰[Subject to such instructions as the State Government may, from time to time issue, whenever any posts] in any District Service are to be filled by nomination, the following percentage of posts shall be reserved for the members of each section of Backward Classes, that is to say :-

(i) 13 per cent for members of Scheduled Castes and Scheduled Caste converts to Buddhism;

(ii) 7 per cent for members of Scheduled Tribes including those living outside the specified area;

(iii) 4 per cent for members of Denotified Tribes and Nomadic Tribes;

(iv) 10 per cent for members of other Backward communities:

²⁰[Provided that, the percentage of reservation for members of any particular section of the Backward Classes may be increased by the State Government having regard to its population in a particular District.]

Explanation.- In calculating the number of vacancies to be reserved for members of each section of the Backward Classes, all vacancies existing on the date of commencement of these rules or arising subsequent to that date should be taken into account. All such vacancies shall be ink marked for the members of each section of the Backward Classes as and when they arise till the requisite quota based on the number of vacancies arising on or after the said date is reached.

²⁰[(2-A) Subject to such instructions as the State Government may, from time to time, issue, whenever any posts in any District Service are to be filled by promotion, there shall be reservation for the members of each section of the following backward classes in promotion made on the basis of seniority, subject to fitness for shouldering the higher responsibilities of the higher posts, in grades and services in which the element of nominations does not exceed 50 per cent that is to say,-

(i) 13 per cent for members of Scheduled Castes and Scheduled Caste converts to Buddhism;

(ii) 7 per cent for members of Scheduled Tribes including those living outside the specified areas; and

(iii) 4 per cent for members of Denotified Tribes and Nomadic Tribes.]

²⁰[(3) Where the posts, reserved for a particular section of the backward classes cannot be filled by candidates of that section for want of suitable candidates from that section, then the posts shall be kept unfilled and carried forward till they are filled by members of the particular section for whom they are reserved :

Provided that, in the case of recruitment by nomination, such posts shall not be carried forward in this manner for more than 5 years and that the total number of normal reserved posts and the carried forward posts shall not exceed 50 per cent of the total number of vacant posts on any occasion of recruitment :

Provided further that, the surplus above 50 per cent shall be carried forward to the subsequent occasion of recruitment, subject to the condition that such posts are not carried forward for more than 5 years.

(4) In the case of recruitment by promotion, if the number of eligible candidates belonging to the three sections of the Backward Classes mentioned in sub-rule (2A) found fit for promotion falls short of the number of vacancies reserved for either of them during the year, the extent of such shortfall shall be reported by the Chief Executive Officer to the Commissioner of Division along with proposals, if any, for de-reservation of vacancies in respect of which shortfall has occurred. If, on a scrutiny of the data furnished in this regard, any de-reservation is agreed to by the Commissioner, the vacancy so de-reserved shall be filled in by any candidate included in the combined select list and the reservation carried forward for subsequent three recruitment years].

8. Departmental and Language Examinations and Training.-

Candidates appointed or selected for appointment to posts in the District services in accordance with the provisions of these rules shall be required to pass such Departmental and Language Examinations and / or tests as may be prescribed by Government in that behalf ⁵⁹[such candidates shall be eligible for exemption from passing any of these examinations according to the prescribed rules]. They shall also be required to undergo such pre-recruitment and/ or post-recruitment training as may be laid down by Government from time to time.

9. Appointments of Government servants etc., to District Services.-

No person who is an employee of any State Government or of the Government of India or of any local authority or of any State-aided body shall be eligible for being appointed by nomination to any post in any District Service unless he submits his application for such post after obtaining the consent of the State Government, the Government of India, the local authority, or, as the case may be, the State-aided body.

Explanation.- In the case of an applicant who is an employee of any State Government or of the Government of India, the consent of the Government concerned shall be presumed to have been obtained if the appointing authority is satisfied from the endorsement of the forwarding officer or otherwise that the application has been made in accordance with the rules made by the Government concerned.

10. Canvassing to disqualify candidates.-

Any attempt on the part of a candidate or his relations or friends to enlist support by direct or indirect methods for his application for appointment to any post in a District Service or for promotion to any higher post in such Service shall misqualify him for such appointment or promotion.

11. Repeal and Savings.-

All rules corresponding to these rules in force immediately before the commencement of these rules are hereby repealed :

Provided that, nothing in these rules shall affect the appointments made by nomination immediately before the date of commencement of these rules by the appointing authority in consultation with the Divisional Selection Board or the District Selection Board, as the case may be, or in accordance with the Maharashtra Zilla Parishads District Services Recruitment (without consulting Selection Boards) Rules, 1965, unless otherwise directed by Government for the reasons to be recorded in writing in that behalf in respect of any appointments or class of appointments.

FORM OF MEDICAL CERTIFICATE
 (See Rule 4)

I hereby certify that I have examined A.B., a candidate for employment in the post of (.. ..) in the cadre of (.. ..) of Zilla Parishad and cannot discover that he/she has any disease (communicable or otherwise), constitutional weakness or bodily infirmity, except.. .. I do not consider this a disqualification for employment in the office (.....) / (...) A. B., 's age according to his/her own statement is years and by appearance he/she is about .. years of age. He / She has been vaccinated.

Marks of identification.....

Impression of left hand thumb [.....]

Designation of the Medical Officer