

THE BOMBAY CIVIL SERVICES, CLASSIFICATION AND
RECRUITMENT RULES.

In exercise of the powers conferred by clause (b) of sub-section (1) and clause (b) of sub-section (2) of section 241, and section 255 of the Government of India Act, 1935 and in Supersession of the Bombay Civil Services, Classification and Recruitment Rules issued in 1929, the Government of Bombay is pleased to make the following rules to regulate the classification of and the methods of recruitment to, the services and posts for which the Government of Bombay is competent to make rules :-

1. (1) These rules may be called the Bombay Civil Services, Classification and Recruitment Rules, 1939.
- (2) They shall come into force with effect from the 1st September 1939.

2. These rules apply to Provincial and Subordinate Services under the administrative control of the Government of Bombay. They do not apply to the staff attached to the High Court at Bombay and the subordinate ranks of the police forces for whom separate provisions have been made under other sections of the Act.

Note :- The Governor in his discretion has directed that these rules shall apply to the staff of the Bombay-Sind Public Service Commission. These rules, therefore, apply to that staff.

3. In these rules, unless there is anything repugnant in the subject or context, the following expressions have the following meanings:-

- (a) "Act" means the Government of India Act, 1935.
- (b) "Commission" means the Bombay-Sind Public Service Commission.
- (c) "Government" means the Governor of Bombay acting or not acting in his discretion, and exercising or not exercising his individual judgement according to the provision in that behalf made by or under the said Act.
- (d) "Native of the province of Bombay" means a person who at the date of his appointment has a domicile in the Province of Bombay or in an Indian State lying within the geographical limits of the Province of Bombay and specified in the Notification of the Government of Bombay, Political and Services Department, "No 1955/34, dated the 12th January 1942", and who is either a British subject or, being a non-British subject, is a person eligible to hold any civil office in connection with the affairs of the Province of Bombay by virtue of a declaration issued under sub-section (2) of section 262 of the Act.

"Note:- For the purposes of these rules, the domicile of a person be determined in accordance with the procedure prescribed in Appendix I."

(Government Notification, Political and Services Department No. 1586/34. Dated the 3rd January 1942).

- (e) "Provincial services" means those services and posts which may, from time to time, be declared to be such by notification in the Bombay Government Gazette.

Note:- A list of the services and posts hitherto declared to be provincial services will be found in Appendix A.

- (f) "Subordinate services" means the services and post specified in Appendix B provided that every pensionable Government servant and every Government holding a permanent whole-time post who is not (i) a member of an All-India or a provincial Service or (ii) a person regarding whose condition of service it is considered unnecessary to make any rules in pursuance of the proviso to section 241 (2) (b) of the Act, shall be deemed to be a member of a Subordinate service notwithstanding the fact that neither his post nor the group to which his post belongs is mentioned in the said Appendix.

- (g) Service under the Government of Bombay means service in a post or appointment which is included in a Provincial or Subordinate service.

4. (1) In making appointments to Provincial or Subordinate Services, preference shall be given to the natives of the Province of Bombay.

Provided that this rule may be relaxed in respect of the domicile of any person whenever it appears to Government that for any particular post or class of posts such limitation of field of recruitment is not desirable in the interests of the public service:

Provided further that nothing in this rule shall effect temporary employment of any person under the power conferred by the proviso to sub-section (4) of section 262 of the Act.

(2) Children of persons employed in any Railway owned or operated by the Central Government or in any Department of the Central Government, who are eligible to inter-provincial transfer, are eligible for appointment provided they have resided in the Province of Bombay or in an Indian state lying within the geographical limits of the Province of Bombay and specified in the Government Notification referred to in clause (d) or rule 3 for continuous period of three years immediately preceding the date of appointment, and are either British subjects or, being non-British subjects are eligible to hold a civil office in connection with the affairs of the Province of Bombay by virtue of a declaration issued under sub-section (2) of section 262 of the Act.

Provided that the condition requiring residence for a continuous period of three years may be waived in the case of a European or an Anglo-Indian candidate if it is satisfactorily proved that such candidate was borne of parents residing permanently and not for temporary purposes only in India.

Note:- A mere declaration of domicile shall not be held to be sufficient evidence that a candidate possesses the required domicile. The facts of each case must be examined and a decision arrived at on them.

5. Subject to the provision of rules 10, 14 and 15 of the Bombay Civil Services Rules, no person shall be appointed to a provincial or subordinate service who has failed to pass such medical test of physical fitness as may be prescribed by Government. Provided that when appointments are made by promotion of persons already in Government service such medical certificates shall not ordinarily be required.

6. Appointment, other wise than by promotion, shall be subject to the production of such evidence of good character as the Commission or the appointing authority may require.

7. Government shall prescribe the qualifications in respect of age and education which shall be required to be possessed by candidates for admission to the Provincial and Subordinate service. The qualifications so far prescribed are stated in Appendices C and D.

Note 1: The age limits prescribed in accordance with the provisions of this rule may be relaxed by the appointing authorities in the case of candidates for admission to services under the Government of Bombay from educationally intermediate and backward classes including the Muhammadans provided their ages do not exceed the prescribed ages by more than three years, and provided further that for special reasons to be recorded in writing in each case, Government may appoint candidates whose ages exceed the prescribed ages irrespective of the classes to which they belong or the number of years by which their ages exceed the prescribed ages.

Note 2 : The rule about the age limit should be strictly observed at the time when persons are admitted into service under the Government of Bombay and persons who are above the age limit should not be appointed even to temporary vacancies. If in any case it is considered essential to appoint a candidate who has passed the age limit the previous approval of Government to such appointment should be obtained, stating fully the reasons for making the appointment. If a suitable candidate satisfying these rules is not available for a particular post and it is considered necessary to appoint one who does not satisfy the requirements of the rules, the fact should be reported to Government

for orders before any definite commitment is made by the appointing authority. Officers in the Public Works Department may however make appointments without the previous approval of Government to temporary and work-charged establishments in that Department of persons who are overage but are required to be engaged on account of their special technical qualifications. Such appointments of overage persons should, however, be restricted as far as possible.

Note 3 : The prescribed age limit should be reckoned with reference to the date of commencement of continuous service, whether officiating, temporary or work-charged, and not with reference to the date of subsequent substantive appointment in the case of candidates promoted to permanent establishment after continuous officiating, temporary or work-charged service.

"In the case of candidates who are below the prescribed age limit at the time they enter service (whether work-charged or not) in a temporary or officiating capacity but are over that age limit at the time of confirmation, the question of relaxation of the age-limit under Note 1 above would not arise provided there is no break in service, and no formal orders of age relaxation are required at the time of confirmation."

(Government Notification, Political and Services Department No. 1586/34, dated the 1st April 1944)

Note 3A: "Save as otherwise provided in any law or rule or in any order of the appointing authority, a candidate for any appointment shall be deemed to have attained the prescribed age limit if he attains it on the first day of the month immediately following the month in which the period of three months from the date of the first publication in the Bombay Government Gazette or in any newspaper, whichever is earlier, by the Bombay-Sind Public Service Commission or other authority concerned, of the notification or advertisement inviting applications for such appointment expires."

(Government Notification, Political and Services Department No. 1586/34, dated the 23rd December 1941).

Note 3B. - The concession granted under these rules to Government Servants that the age-limit prescribed therein shall not be applicable to them shall be available only to the following classes of Government servants, namely :-

- (1) Permanent Government servants
- (2) Temporary Government servants whether officiating in (i) substantive, (ii) deputation or (iii) leave vacancies, if they are in continuous service for not less than six months on the date of their applications."

(Government Notification, Political and Services Department, No. 1586/34, dated the 1st December 1943).

Note 4. - In cases where no special qualifications in respect of education are prescribed it is left to the discretion of Heads of Departments to recruit such persons as appear to them to be suitable for the duties they are to be required to perform.

Note 5. - The period of practical experience in any profession, business, trade, workshop, etc, which candidates are required to have under the rules in respect of certain services and posts shall be reckoned with reference to the last date fixed for the receipt of applications for these services and posts."

8. Except in the case of services and posts excluded from the field of functions of the Commission by Regulations made under sub-section (3) of section 266 of the Act, appointments to provincial services and posts shall be made by Government or by an authority empowered by Government in this behalf, after consultation with the Commission either on the result of a competitive examination or by nomination or by promotion from a lower post or service, from among candidates satisfying the conditions laid down in these rules: provided that when an appointment to a post or service is to be made from candidates selected in England and applications for the same have not also been invited in the province of Bombay the appointment shall be made after consideration of the recommendations made by the High Commissioner for India acting on the advice of such Advisory Committee, if any, as Government may, from time to time, appoint.

Note 1.- The manner in which appointments will be made to the various Provincial and certain Subordinate services is specified in Schedules I, II and III to the Bombay-Sind Public Service Commission Functions Rules, extracts from which are reproduced on pages 161-171.

Note 2.- The authorities to whom the power of making appointments to Provincial services and posts has been delegated are specified in Appendix G.

Note 3.- Extracts from Regulations made under sub-section (3) of section 266 of the Government of India Act, 1935, are reproduced at pages 171-173.

9. All officers appointed to class I of the Bombay Provincial Services whether by direct recruitment or by promotion from Class II of the services concerned, as well as those appointed to the Bombay Public Health Service whether by direct recruitment or by promotion from the Subordinate services or by transfer from other Provincial services should be required to enter into agreements similar to those executed by recruits to the All-India services. Such agreements should be in the form printed in Appendix E to these rules and should include the conditions prescribed therein and such other conditions of service as may be necessary in any particular case.

10. Recruitment to Subordinate services shall be made by Heads of Departments and those Heads of Offices to whom powers have been delegated, subject to the provisions of these rules and under the general control of Government :

Provided that --

- (1) In such cases as Government may direct, appointments shall be made by the appointing authorities concerned with the assistance of an Advisory Committee;
- (2) appointments to Subordinate services and posts mentioned in the Schedules to the Bombay-Sind Public Service Commission (Functions)(Bombay) Rules, 1957, shall be made on the advice of the Commission;

and

- (3) appointments to the posts of School Board Administrative Officers included in the Subordinate Educational Service shall be made by Government.

11. (1) An applicant for appointment to a Provincial or Subordinate Service, or to any post in such service shall not be eligible for appointment if he is in the service of the Crown, an Acceding State or a Local body in India and has applied without the consent of the Head of the Office or Department of the Government of Bombay or the consent of the Provincial Government or the Central Government, the Government of the State or the local body, as the case may be, under whom he is employed.

Explanation.— In the case of an applicant employed under any other Provincial Government or Under the Central Government, the consent of the Government concerned may be presumed 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.

(2) A Government servant employed in a Provincial or Subordinate service applying for a post, for appearing for an examination for a post, or for transfer to a post, in another office or department of the Government of Bombay or under another Provincial Government or the Central Governments, shall submit his application through the authority competent to appoint him to the post which he holds at the time of making the application. Such authority shall decide whether the Government servant shall be permitted to apply. Permission shall ordinarily be granted unless such authority considers that the grant thereof will not be consistent with the interests of the public service.

(3) A person serving under a Government in British India other than the Government of Bombay shall not be accepted as a candidate at an examination for admission to service under the Government of Bombay save with the permission of the Government under which he is serving.

12. Any endeavour on the part of a candidate or his relations or friends to enlist support by direct or indirect methods for his application for first appointment to Government service or for promotion to higher appointments therein should be held to disqualify him for the appointment or promotion.