

HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT

NO.PWE-94-82 (Misc)/29-ES-I 999261
From

Dated:- 07-10-2026

Engineer-in-Chief,
HP.PWD, Shimla-2.

To

The Engineer-in-Chief (Projects)HPPWD,
The Chief Architect HPPWD, Shimla,
All the Chief Engineer (s) HPPWD,
All the Superintending Engineer (s) HPPWD,
All the Executive Engineer(s) HPPWD,
LAOs Shimla/Mandi /Kangra HPPWD,

Subject: -

Reservation in services –Clarification with regard to the concept of own merit.

I am to enclose herewith a copy of letter No. Per (AP)-C-F(4)-1/2025 dated 24-09-2026 received from Chief Secretary (Personnel) to the Govt. of Himachal Pradesh, Shimla on the subject cited above for information and taking necessary action in the matter.

Encl: As Above.

Your faithfully,

Digitally signed by
DEEPAK KUMAR WALIA
Date: 07-10-2026
15:59:44
Registrar,
Himachal Pradesh,PWD
Shimla-2

Copy forwarded for information and similar necessary action to:-

- 1.The Executive Engineer (IT Wing) HP.PWD Shimla-2 with direction to upload this letter a/w its enclosures on the official website of the Department.
2. The Superintendent Gr.-I, ES-I,II &III in this office for information and further necessary action.

—Sd—

Registrar,
Himachal Pradesh,PWD,
Shimla-2

No. PER(AP)-C-F(4)-1/2025
Government of Himachal Pradesh
Department of Personnel (AP-III)

Dated: Shimla-171002, the 24th September, 2026

From

The Chief Secretary to the
Government of Himachal Pradesh.

1. All the Administrative Secretaries to the Government of Himachal Pradesh.
2. All the Divisional Commissioners in Himachal Pradesh.
3. All the Head of Departments in Himachal Pradesh.
4. All the Deputy Commissioners in Himachal Pradesh.
5. All the Chairmen/Managing Directors/Secretaries & Registrars of all the Public Sector Undertakings/Corporations/Boards/Universities, etc. in H.P.

Subject: Reservation in Services - Clarification with regard to the concept of own merit.

Madam/Sir,

I am directed to refer to this department's instructions No. PER(AP)-C-F(1)-2/2001, dated 12.12.2011 and No. PER(AP)-C-F(1)-2/2001, dated the 12th December, 2011 vide which clarifications were issued regarding concept of own merit for reserved categories. Now, the State Government has decided to consolidate and modify these instructions.

2. Those SC/ST/OBC candidates who are selected on the same standard as applied to general candidates shall not be adjusted against reserved vacancies. In other words, when a relaxed standard is applied in selecting SC/ST/OBC candidates, for example in the age limit, experience, qualification, permitted number of chances in written examination, extended zone of consideration larger than what is provided for general category candidates etc., these candidates are to be counted against reserved vacancies, and such candidates would be deemed as unavailable for consideration against unreserved vacancies.

3. In pursuance to the legal position settled by the Hon'ble Apex Court, it has been decided, henceforth, that a candidate belonging to a horizontal reservation category i.e. Ex-servicemen/Wards of Ex-servicemen, Wards of Freedom Fighters, Persons with Disabilities,

Distinguished Sportspersons and Antodaya/B.P.L., who secures enough merit/marks to qualify at par with purely general/unreserved candidates shall be accommodated and migrated against the open/unreserved horizontal slots (or general unreserved pool) on the basis of merit, provided that they have not availed any relaxed standards.

4. The judgment of the Hon'ble Supreme Court of India in Civil Appeal Civil) No.3132 of 2007-titled as Rajesh Kumar Daria Vs. Rajasthan Public Service Commission & Ors, has clearly settled the position/procedure that where a horizontal reservation is provided within vertical reservation for a category, the proper procedure is first to fill up the quota for that category in order of merit and then find out the number of candidates amongst them who belong to the horizontal reservation group. If the number of horizontally reserved candidates in such list is equal to or more than the number of horizontal reservation quota, then there is no need for further selection towards the horizontal reservation quota. Only if, there is any shortfall, the requisite number of horizontally reserved candidates shall have to be taken by deleting the corresponding number of candidates from the bottom of the list relating to that particular vertically reserved category.

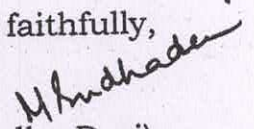
5. In compliance to judgment of Hon'ble Supreme Court of India in Writ Petition (Civil) No(s). 11.6 of 1998-titled as Justice Sunanda Bhandare Foundation Versus Union of India & Ors. with Civil Appeal No(s). 11938 of 2016, the State Government has adopted the provision of Government of India's OM No.36035/02/2017-Estt(Res), dated 27.09.2022, that a Person with Benchmark Disabilities (PwBD) candidate selected on the basis of his/her own merit, without availing relaxed standards, is to be adjusted against unreserved (UR) vacancies and not against the quota reserved for PwBD category. The facility of scribe alongwith compensatory time shall not be treated as relaxed standard. It is also clarified that the disability of a person, which he/she is suffering from, shall not be treated as relaxed standard in medical fitness test for the purpose of 'own merit'.

6. Therefore, the instructions No. PER(AP)-C-F(1)-2/2001, dated the 12th December, 2011 are re-iterated and the instructions No.PER(AP)-C-F(1)-2/2001, dated 12th November, 2014 are superseded to the above extent.

7. These instructions may be followed strictly and also brought to the notice of all concerned under your control for strict compliance.

8. For detailed illustrations, the Judgments of the Hon'ble Apex Court in Civil Appeal (Civil) No.3132 of 2007-titled as Rajesh Kumar Daria Vs. Rajasthan Public Service Commission & Ors , SLP (Civil) No.23223 of 2018-titled as Saurav Yadav Vs. State of U.P. and Writ Petition (Civil) No(s). 116 of 1998-titled as Justice Sunanda Bhandare Foundation Versus Union of India & Ors. with Civil Appeal No(s). 11938 of 2016 may be referred.

Yours faithfully,



(M. Sudha Devi)

Principal Secretary (Personnel) to the
Government of Himachal Pradesh.

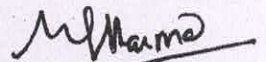
Tel.No. 0177-2621902

Endst.No.As above

Dated: Shimla the 24th September, 2026

Copy forwarded for information and necessary action to:-

1. The Secretary to the Governor, Himachal Pradesh, Shimla-2.
2. The Secretary, H.P. Vidhan Sabha, Shimla-171004.
3. The Registrar General, H.P. High Court, Shimla-171001.
4. The Secretary, H.P. Public Service Commission, Shimla-2.
5. The Secretary, H.P. Rajya Chayan Aayog, Matani Road near Pakka Bharo, Hamirpur, Himachal Pradesh-177001.
6. All the Section Officers in the H.P. Secretariat, Shimla-171002.
7. Spare Copies (50).



(Ved Prakash)

Under Secretary (Personnel) to the
Government of Himachal Pradesh
Tel.No. 0177-2624554
