



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

बुधवार, जून ६, १९७९/ज्येष्ठ १६, शके १९०१

इतं प्रकृतं नृपस्य फाईल करण्णामो या भागाळा वेयळे वृद्ध कमांक दिले आहेत

भाग चार-अ

महाराष्ट्र शासनाने केंद्रीय अधिनियमान्वये तयार केलेले (भाग एक, इक-अ आणि एक-ल) शासने प्रविष्ट केलेले नियम व आदेशां माध्यमितिरित्त) नियम व आदेश

RURAL DEVELOPMENT DEPARTMENT

Mantralaya, Bombay 400 032, dated the 6th June 1979

CONSTITUTION OF INDIA

No. MDS. 1075/5864/VII.—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Maharashtra hereby makes the following rules further to amend the Maharashtra Development Service (Constitution, Classification and Recruitment) Rules, 1973, namely :—

RULES

1. (a) These rules may be called the Maharashtra Development Service (Constitution, Classification and Recruitment) (Amendment) Rules, 1979.

(b) These rules except clause (b) of sub-rule (1) of new rule 5 and new rule 7 shall be deemed to have come into force with effect from the 1st April 1979 and clause (b) of sub-rule (1) of new rule 5 and new rule 7 shall be deemed to have come into force on the 15th August 1973.

2. In rule 2 of the Maharashtra Development Service (Constitution, Classification and Recruitment) Rules, 1973 (hereinafter referred to as "the principal rules"): for clauses (b) and (c), the following clauses shall be substituted, namely :—

"(b) "Commission" means the Maharashtra Public Service Commission ;

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(c) "Development Service" means the Maharashtra Development Service constituted under sub-rule (1) of rule 3 of these rules.

(d) "Government," means the Government of the State of Maharashtra.

(e) "Recognised" means recognised by Government;

(f) words and expressions used in these rules but not defined therein, shall have the meaning respectively assigned to them in the Act.

In rule 3 of the principal rules,—

(a) in sub-rule (1), the brackets and words " (hereinafter referred to as 'the Developments Service') " shall be deleted;

(b) in sub-rule 2, clause (a) shall be deleted;

(c) sub-rule (3) shall be deleted;

(d) in sub-rule (4),—

(i) in clause (a), for the words " Deputy Chief Executive Officers " the words and brackets " Deputy Chief Executive Officers (General) " shall be substituted;

(ii) in clause (b), for the words " Administrative Officers " the words and brackets " Deputy Chief Executive Officers (Village Panchayat) " shall be substituted;

(iii) clause (c) shall be deleted;

(e) for sub-rule (6), the following sub-rule shall be substituted, namely :—

" (6) The State Government may, if it considers it expedient so to do, by order in the *Official Gazette*, either increase or decrease the number of posts or redesignate or include more categories of posts in, or exclude any categories of posts from, any class of the Development Service referred to in sub-rules (4) and (5). "

4. Rule 4 of the principal rules shall be deleted.

5. For rule 5 of the principal rules, the following shall be substituted, namely :—

" 5. Appointment in Maharashtra Development Service, Class-I.—

(1) Appointment to the posts in the Maharashtra Development Service, Class I, shall be made either—

(a) by nomination on the result of a competitive examination held by the Commission in accordance with rules relating to the competitive examination for recruitment to the posts of Deputy Collectors.

Provided that, appointment by nomination shall be made with effect from the 1st April 1979 or thereafter in such phased manner as would ensure that the total number of officers directly recruited in Maharashtra Development Service, Class I, shall not at any time after the 1st April 1982 be less than 35 per cent and more than 50 per cent of the total number of permanent posts in that cadre; or

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(b) on and after the 15th August 1973 by promotion of suitable officers with not less than five years of continuous service (including period of probation) in the Maharashtra Development Service, Class II ; or

(c) by temporary transfer of officers from the Class I service of the State or the General State Service or of officers of the All India Services holding comparable posts under the State Government.

Explanation.—For purposes of clause (b), the past continuous service rendered by officers, who have been duly absorbed in Maharashtra Development Service, Class II, under rule 7 of these rules, in posts now included in the Maharashtra Development Service, Class II or in any of the posts specified in the Annexure to these rules which in the opinion of the State Government involve duties and responsibilities comparable in importance to those of the posts in that service, shall be computed.

(2) Appointment by nomination shall be made from amongst candidates who—

(a) have attained the age of 19 years and have not attained the age of 26 years on the date specified by the Commission at the time of inviting applications for admission to the examination referred to in clause (a) of sub-rule (1) ;

(b) hold a Bachelor's degree of a recognised University in Arts, Science, Agriculture, Commerce, Law or Engineering or any other degree which is recognised as equivalent to, or higher than, any of the aforesaid degrees ;

(c) possess sufficient knowledge of Marathi to enable him to read, write and speak the language with facility.

(3) A candidate appointed by nomination shall be on probation for a period of two years which shall be regulated according to the rules made in this behalf. During the period of probation he shall undergo such training as may be prescribed by Government in that behalf.

(4) A candidate appointed by nomination shall be required to pass the Departmental Examination and Examinations in Hindi and Marathi according to the rules prescribed in this behalf, unless he has already passed or is exempted from passing such examinations.

(5) Appointment by promotion shall be made from amongst suitable persons holding posts in the Maharashtra Development Service, Class II, who have passed the Secondary School Certificate Examination or any examination recognised by the Government as equivalent thereto and the qualifying written examination or such other test as the Government may, in consultation with the Commission, prescribe.

Provided that, until a qualifying written examination or test is prescribed, appointment by promotion may be made provisionally subject to such conditions as the Government may direct.

(6) It shall be competent for the Government to review cases of all officers who have been promoted provisionally or temporarily to the posts in the Maharashtra Development Service, Class I, in accordance with these rules, and to discontinue, in the light of such review, such promotions as are repugnant either to the foregoing provisions of this rule or to any general directive or order of the Government in the matter of promotion of members of the Backward Classes."

6. For rule 6 of the principal rules, the following shall be substituted, namely :—

"6. *Appointment in Maharashtra Development Service, Class II:—*
(1) Appointment to the posts in the Maharashtra Development Service, Class II, shall be made either—

(a) by nomination on the result of a competitive examination held by the Commission in accordance with the rules relating to the Competitive examination for recruitment to the posts of Tahsildars :

Provided that, appointment by nomination shall be made with effect from the 15th August 1978 or thereafter in such phased manner as would ensure that the total number of officers directly recruited in the Maharashtra Development Service, Class II, shall not at any time after the 1st April 1982, be less than 40 per cent. and more than 50 per cent. of the total number of permanent posts in that cadre ; or

(b) by selection from amongst suitable persons holding posts in any of the following cadres, namely :—

(i) Grade I or Grade II of the District Service (Class III) (Ministerial) ;

(ii) Grade I or Grade II of the District Service (Class III) (Statistical) ;

(iii) The District Technical Service (Class III) (Agriculture) ;

(iv) The District Technical Service (Class III) (Animal Husbandry) ;

(v) The District Technical Service (Class III) (Educational non-teaching) ;

(vi) The District Service (Class III) (Executive and Village Extension) ; or

(c) by temporary transfer of officers from the Class II service of the State or the General State Service.

(2) Appointment by nomination shall be made from amongst candidates who—

(a) have attained the age of 19 years and have not attained the age of 26 years on the date specified by the Commission at the time of inviting applications for admission to the examination referred to in clause (a) of sub-rule (1) ; and

(b) hold a Bachelor's degree of a recognised University in Arts, Science, Agriculture, Commerce, Law or Engineering or any other degree which is recognised as equivalent to, or higher than any of aforesaid degrees ;

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(c) possess sufficient knowledge of Marathi to enable him to read, write and speak the language with facility.

(3) A candidate appointed by nomination shall be on probation for a period of two years which shall be regulated according to rules made in this behalf. During the period of probation he shall undergo such training as may be prescribed by Government in that behalf.

(4) A candidate appointed by nomination shall be required to pass the Departmental Examination and examinations in Hindi and Marathi according to the rules prescribed in this behalf, unless he has already passed or is exempted from passing such examinations.

(5) Appointment by selection shall be made from amongst suitable persons holding posts in the District Technical Service (Class III) or District Service (Class III). Such persons—

(i) must have rendered a continuous service of not less than seven years in that service;

(ii) must have passed the Secondary School Certificate Examination or any examination recognised by the Government as equivalent thereto; and

(iii) must have passed the qualifying written examination or such other test as the Government may in consultation with the Commission prescribe.

Provided that, until a qualifying written examination or test is prescribed, appointment by selection may be made provisionally subject to such conditions as the State Government may direct.

(6) Appointment by selection under sub-rule (5) shall be made from amongst suitable persons holding posts in the District Technical Service (Class III) or District Service (Class III) specified in column 2 of the following table, as far as possible in accordance with the percentage of reservation specified in column 3 thereof against each such service:—

TABLE

Serial No.	Service	Percentage of reservation
1	2	3
1	District Technical Service (Class III) (Agriculture).	20
2	District Technical Service (Class III) (Animal Husbandry).	5
3	District Technical Service (Class III) (Education non-technical).	10
4	District Service (Class III) (Ministerial) ...	10
5	District Service (Class III) (Statistical) ...	5
6	District Service (Class III) (Executive and Village Extension).	50

highest grade or to top seven years
[Virel Gadh]
at 7 June 1984
[Signature]
(M. Rajgopal)

(7) In making appointment by selection under sub-rule (5), preference shall be given on the basis of higher grade, so that persons in the Grade I shall be considered first in the respective District Technical Service or District Service and, if there are more vacancies then, persons in Grade II and then in Grade III shall be considered. In respect of District Technical Service (Class III) and District Service (Class III) where grades have been abolished with effect from the 1st April 1975, preference shall be given on the basis of seniority in that service.

(8) Appointment by selection shall be made by the Government in accordance with the order of preference in the select list prepared and maintained separately for each revenue Division by the Government in consultation with the Commission.

(9) (a) No person from the District Technical Service (Class III) or District Service (Class III) shall be appointed by selection under sub-rule (5) unless, he has duly exercised and communicated his option in writing to the Divisional Commissioner concerned through the Chief Executive Officer of the Zilla Parishad relinquishing his claim, if any, for being considered for appointment by selection to a Class II post in another Service or to a post in the General State Service of the Government. The option once exercised shall be final.

(b) Every member of a District Technical Service (Class III) or the District Service (Class III) who has been duly appointed by selection to officiate in the Maharashtra Development Service, Class II and continues to so officiate at the commencement of the Maharashtra Development Service (Constitution, Classification and Recruitment) (Amendment) Rules, 1979 shall, unless he has already exercised his option and relinquished such claim, if any, as specified in clause (a) or unless he relinquishes his claim within a period of one year from such commencement, be deemed to have relinquished it at the expiry of one year from such commencement. Such relinquishment shall not confer on such persons any right to be continued in the Maharashtra Development Service, Class II, if he is considered ineligible or unsuitable for such continuance under these rules.

(10) It shall be competent for the Government to review the cases of officers who have been appointed by selection provisionally or temporarily to the posts in the Maharashtra Development Service, Class II, in accordance with these rules, and to discontinue in the light of such review, such appointments as are either repugnant to the foregoing provisions of this rule or to any general directive or order of the Government in the matter of promotion of members of the Backward Classes."

7. For rule 7 of the principal rules, the following rule shall be deemed to be substituted with effect from the 15th August 1973, namely:—

"7. Absorption of certain officers in Development Service, etc.—
(1) Notwithstanding anything contained in these rules with effect from the date of constitution of the Development Service, the Government may, subject to such directions as it may issue from time to time, absorb in the

appropriate Class I or Class II cadre of that service, any of the officers of the following categories, namely :—

(a) Officers borne on cadres of posts in any other Class I or Class II Service of the State or the General State Service, who on or before the date of constitution of the Development Service held posts included in that Service by temporary transfer or selection ;

(b) Officers who, on the date of constitution of the Development service, held otherwise than by promotion, posts included in that service, but who are not borne on cadres of, or posts in, any other Class I or Class II Service of the State or the General State Service ;

(c) Officers who before the date of constitution of the Development Service held posts included in Class I or Class II of that Service by way of promotion from Class III Service of the Government according to the recruitment rules or orders then the force irrespective of whether or not they were duly promoted, for proforma purposes, to cadres or posts in any other Class I or Class II Service of the State or the General State Service.

(2) Not more than 20 per cent. of the posts in the Development Service, Class I or Class II shall be reserved for absorption of officers under clause (a) of sub-rule (1) :

Provided that, where the number of officers absorbed under clause (a) of sub-rule (1) in Class I or Class II of the Development Service is less than the number of posts reserved in that Class of the Development Service for such absorption, the posts unutilised for absorption shall be treated as not so reserved and made available for appointment by promotion in Class I, and appointment by selection in Class II, of the Development Service."

8. In the principal rules, after rule 8, the following shall be added, namely :—

"ANNEXURE

[See rule 5 (1) Explanation]

Posts involving duties Comparable in importance and responsibilities to that of the post included in the Maharashtra Development Service, Class II.

(a) Posts held by Officers in the former Mamlatdars' cadre or the Tahsil-dars' cadre ;

(b) Posts held by Executive Officers of the former District Boards in the Hyderabad area ;

(c) Posts of—

(i) Block Development Officer,

(ii) Additional Block Development Officer,

(iii) Assistant Project Officer,

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- (iv) Assistant Secretary, District Development Board,
- (v) Chief Social Education Organiser (Men),
- (vi) Chief Social Education Organiser (Women),
- (vii) Joint Project Officer, and
- (viii) Block Development Officer (Mamlatdars' grade) held by officers in the former Mamlatdars' grade or Tahsildars' grade, for work in connection with the Community Development Blocks, National Extension Service Blocks or District Development Boards."

By order and in the name of the Governor of Maharashtra.

J. INNOCENT,
Secretary to Government.