

Rules under:—

## Article 320 of Constitution of India

**The Goa Public Service Commission Rules of Procedure, 2012;** (Published in the Official Gazette, Series I No. 32 dated 29-3-2012).

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Department of Personnel  
Goa Public Service Commission

### Rules of Procedure

COM/III/21(10)/89

*Preamble:* The Goa Public Service Commission had framed Rules of Procedure in the year 1990 to regulate the internal procedure of work in its office. Over the period of time need is felt to revise the rules of procedure due to changes in various service rules and revised instructions issued by Government so also the judgements passed by the Hon'ble High Courts and Apex Court in the country. This exercise is carried out so that the functioning of the Commission becomes transparent, impartial, rational, reasonable, fair and equitable and therefore:

In exercise of functions as stipulated in Article 320 of the Constitution of India, the Goa Public Service Commission hereby makes and adopts in supersession of all existing rules, the following rules to regulate its internal procedure of work in the office.

**1. Short title and commencement.**— (1) These rules may be called The Goa Public Service Commission Rules of Procedure, 2012.

(2) These rules shall come into force on the 16th March, 2012.

**2. Definitions.**— In these rules unless there is anything repugnant in the subject and context:—

(1) “*Chairman*” means the Chairman of the Goa Public Service Commission and includes a person appointed by the Governor by virtue of clause 1 (A) of Article 316 of the Constitution for discharging the functions of Chairman;

(2) “*Commission*” means the Goa Public Service Commission;

(3) “*Constitution*” means the Constitution of India;

(4) “*Controller of Examinations*” means the Secretary or any other officer who is entrusted with the responsibility of the said post by the Chairman;

(5) “*Examination Committee*” means the Committee constituted under Rule 6.3(ii);

(6) “*Examiner*” means and includes paper setters, scrutinizers, evaluators and moderators as appointed for examination by the Commission;

(7) “*Government*” means the Government of Goa;

(8) “*Governor*” means the Governor of Goa;

(9) “*Gazette*” means the Goa Government Gazette;

(10) “*Interview Committee*” means the Committee constituted under Rule 6.3(iii);

(11) “*Member*” means a Member of the Goa Public Service Commission and includes the Chairman or Acting Chairman thereof;

(12) “*Secretary*” means the Secretary to the Goa Public Service Commission;

(13) “*Screening Committee*” means the Committee constituted under Rule 6.3(i).

**3. Allocation of works.**— The work coming before the Commission shall be dealt with either by the Commission or by the Chairman or by a Committee of one or more Members formed by the Chairman as provided in these rules.

**4. Matters to be decided by the Commission.**— The following matters shall be decided by the Commission:—

(1) Any case in which a decision is required to be taken regarding the formulation of a new policy of the Commission in respect of any matter coming before it or the variation, modification or revision of such policy earlier decided upon;

(2) Any case in which a decision is required to be taken on the general principles to be adopted in the matter of appointment by promotion, transfer or nomination, including laying down qualifications required to be fulfilled by candidates for such promotion, transfer or nomination;

(3) Any case in which a decision is required to be taken regarding the framing of schemes for holding the competitive examination for recruitment to posts or departmental examinations or their modification;

(4) Any case in which a decision is required to be taken on framing of rules or regulations connected with the Commission or their powers or the conduct of their business;

(5) The Annual Report of the Commission;

(6) Any matter which the Chairman or any member, likes to place before the Commission for decision or formulating the views of the Commission on any issue;

- (7) Preparation of panels of examiners and advisers;
- (8) Blacklisting or other punitive action against any applicant for a post advertised by the Commission or a candidate appearing at competitive examination conducted by the Commission;
- (9) Withdrawals of names of candidates recommended to any posts on account of their misconduct in violation of Commissions instructions;
- (10) All matters relating to litigation in courts in which the Commission is a party as referred to the Commission by the appropriate Committee;
- (11) All the matters of the Commission shall be decided either by circulation or in the Meeting of the Commission. However, if any Member desires that a particular matter should be decided in meeting of the Commission then that matter shall be decided in a meeting of the Commission.

**5. Matters to be decided by the Chairman.**— The following matters shall be decided by the Chairman:—

- (1) All matters pertaining to the administration of the Commissions office, except those which are within the competence of the Secretary, the matters decided by the Secretary being submitted to the Chairman for information and approval;
- (2) Constitution or reconstitution of Committees of one or more members including the Chairman and assigning or reassigning to each Committee specific items of work, Committees so formed to remain in operation till reconstitution by the Chairman;
- (3) Advertisement and notifications for recruitment to the posts within the purview of the Commission specifying the prescribe application fee for rechecking, mode of payment of such fee etc. therein and the newspaper in which they are to be published;
- (4) Matters relating to the competitive and departmental examinations, except those referred to in sub-rule (3) of Rule 4;
- (5) Experts to be invited to assist the Commission or the Interview Committee at the time of interview of candidates;
- (6) Appointment of examiners;
- (7) Venue of the examination conducted by the Commission;
- (8) Dates of interview of candidates for posts advertised by the Commission;
- (9) Conference of Chairman, Public Service Commission and correspondence with Union Public Service Commission/State Public Service Commission;
- (10) Nomination of the President of the Departmental Promotion Committee and the Interview Committee;
- (11) Approval and printing of question papers;
- (12) Approval of result of examinations and interviews;
- (13) Preparation of guidelines, manuals etc. (the preparation of which is to be done by the Secretariat of the Commission);

- (14) Approval of the report of the Interview Committee;
- (15) Appointment of Special Interview Committee;
- (16) Cases where there is disagreement, the Chairman shall have a second casting vote;
- (17) Reimbursement of legal expenses;
- (18) Matters not specifically allotted to a Committee or a Member;
- (19) The Chairman may assign any of the above either to a Member or a Committee/s;

**6. Matters to be decided by the Committees.**— (1) The Committee constituted under rule 5(2) shall, if it consists of more than one Member, decide the work, assigned to such committee by the Chairman under the said rule, generally by circulation of the relevant papers among the Members of the Committee.

(2) Where any member desires the matter under circulation to be discussed in a meeting of the Committee, the same shall be so discussed and a decision taken. The decision of the Committee shall thereafter be circulated to the remaining members of the Commission for their approval. If any such member disagrees with the decision of the Committee, the matter shall be decided by the Commission.

(3) The Chairman may appoint,—

(i) A Screening Committee consisting of one or more members for discharge of functions in pursuance of Rule 5 (2) of these regulations.

(ii) An Examination Committee consisting of one or more members for discharging of functions in pursuance of Rule 5 (2) of these regulations.

(iii) An Interview Committee consisting of one or more members for discharge of functions in pursuance of Rule 5 (2) of these regulations.

**7. Mode of Recruitment.**— The Commission on receipt of a requisition from the Government, in respect of posts to be filled up by nomination shall adopt any one of the following methods for recruitment, viz.:—

(i) Competitive Examination.

(ii) Direct Recruitment.

(iii) Competitive Examination may also be held limited to departmental candidates only.

(I) *Competitive Examination.*— A Competitive Examination may consist of any one or more of the following viz.:—

(i) Written Examination.

(ii) Physical Test.

(iii) Interviews.

(II) *Direct recruitment.*— Shall consist of any one of the following:—

(i) By interview only when the number of eligible applicants is within the proportion prescribed under the provision of Rule 9(i).

(ii) First by shortlisting candidates by applying criteria and thereafter by interview of the shortlisted candidates.

(iii) By holding the screening test of the eligible candidates for shortlisting candidates based on their merit of the screening test and interview of such shortlisted candidates.

**8. Recruitment based on Competitive Examination.**— (i) The Commission may hold the examination with a view, to shortlist candidates. The shortlisting will be done based on merits of the candidates, in their respective category and the number of vacancies for that category.

(ii) The marks of this examination shall be counted only for the purpose of shortlisting candidates and will not be counted for the final result.

(iii) The number of candidates to be shortlisted for the interview shall be as laid down in Rule 9 (i).

(iv) The marks secured by the eligible candidates in the examination stipulated in the respective R. R. shall be counted for the final result.

(v) For certain recruitment, the physical test may have to be held. Passing in the physical test in accordance with the scheme shall be obligatory. Where such physical test is to be conducted, the number of candidates shortlisted for physical test shall be four times the number of vacancies. The candidates who do not pass the physical test shall not be called for the interview.

**9. Direct Recruitment.**— (i) In case of direct recruitment, the proportion for shortlisting eligible candidates for interviews shall be 1:5 i.e. 05 candidates to be considered for 01 post.

(ii) In case, the response to advertisement exceeds the proportion laid down in Rule 9 (i) above, the Commission may apply criteria for shortlisting of candidates. The criteria may pertain to preferential academic qualification or preferential experience as prescribed in the notification issued by the Commission in this regard. If however, no such criteria is prescribed in the notification, the Commission may depending upon the response have to adopt any other suitable criteria for shortlisting the candidates for interview.

(iii) If the response to the advertisement is disproportionately large and where application of such a criteria may not enable the Commission to shortlist candidates for interview, the Commission may decide to hold a screening test, based on the merit of the performance in such test the candidates will be shortlisted, proportion being the same as mentioned in Rule 9 (i) above.

(iv) In every case where the Commission decide to hold screening test the Commission may also prescribe the syllabus, type and the number of questions, duration of the test, the marking system etc. The marks obtained by these candidates in the screening test shall be taken into account only for the purpose of shortlisting of candidates for interview and shall not be taken into account for the final selection.

**10. Appointment of Interview Committee and declaration of result.**— (1) For the purpose of conducting interview of the candidates shortlisted, the Chairman may constitute an Interview Committee consisting of the Chairman and/or one or more members.

(2) The Chairman may evolve/adopt any method as he deems fit to maintain the secrecy of the interview committee from the prospective candidates and vice-versa.

(3) The Chairman and where he is not a member of the Committee, the senior-most member shall be the President of the Interview Committee.

(4) The Interview Committee may be assisted by a representative of Government and/or expert adviser, if any invited on that occasion. In case of direct recruitment, Interview Committee shall prepare the final list of candidates according to the order of merit taking into consideration the reservation for backward classes, if any.

(5) The President of the Interview Committee shall then communicate to the Secretary or any other officer in the Office of the Commission authorized by the Chairman of the decision of the Interview Committee, who shall then draw up the minutes of the selection and submit them to the Members of the Interview Committee for their approval. The minutes shall indicate names of the candidates belonging to the reserved category, if any, selected on a lower standard for appointment to posts reserved for them.

The minutes shall then be sent to the Chairman (if he is not a Member of the Interview Committee) for his/her approval. After such approval is received, necessary recommendations against the vacancies shall be sent to the Government in accordance with the minutes so approved.

(6) Where more than one candidate score equal marks in the merit list their inter-se seniority shall be based on the following:—

- (i) The candidates older in age will get precedence over the candidates younger in age.
- (ii) Candidates with higher educational qualification.
- (iii) Grade in qualification required for the post.

(7) *Wait-list.*— Based on the merit of the candidates in their respective category the Commission may maintain a reserve list up to the 10% of the vacancies in each category: Provided further that the candidates from the reserved list may be recommended to the Government only if the candidates recommended earlier are unable to accept the offer of appointment for any reason. This waiting list shall not be operative for any additional number of posts, other than those advertised. Further this reserve list and entire merit list shall be maintained confidentially with the Secretary of the Commission only. This reserve list shall lapse on the declaration of date of subsequent examination for the same category or after a period of one year from the date of preparation of this reserve list whichever is earlier.

**11. Action to be taken as regards to answer books of the candidates.**— (1) Answer books of all the examinations conducted by the Commission shall be received at office of the Commission.

(2) The Secretary shall by separate office order, nominate the officer who shall be responsible for the safe custody of those papers till such time, the results of the examination is declared.

(3) The Secretary shall obtain orders of the Commission and specify by standing order the duration for which the answer books shall be retained in-respect of concerned examination, provided further that the Secretary shall also spell out clearly the duration for which all answer books which have been verified and if there is any variation in the marks, shall be preserved.

(4) For every Examination, the candidates shall have right to apply to the Commission asking for verification of their answer books. The action of verification shall be limited to:—

(a) Ascertaining that every answer is assessed,

(b) Totalling of all the marks:

Provided further that the applicant/candidate shall be required to submit his application within a stipulated time and with the prescribed fees as laid down either in the notification or in the scheme of the examination or for that specific examination as the case may be.

(5) After verification of the answer books, the same shall be placed before the examination Committee which will ensure the correctness of the action taken.

(6) Verification of the answer sheets shall not be permissible in case of Screening Examination.

**12. Method of Moderation.**— To ensure fair and equitable assessment of the Answer Books, the Commission may resort to moderation of the evaluated answer books in-respect of all conventional examinations. The Commission may spell out the modalities in which moderation is to be done by issuing Standing Orders. The Commission may suitably modify any one of such order based on the experience gained by them.

**13. Irregularities committed by the candidates.**— Any other candidate who wilfully commit any irregularity as regards the selection procedure shall face administrative action or punitive action as may be imposed by the Commission. The Commission may to the extent possible by a separate standing order spell out the irregularities and the likely actions that may follow as a consequence: Provided further that either the Secretary or the Controller of Examination may issue a Show Cause Notice to the concerned candidates before taking action as above.

**14. Meeting of the Commission.**— (1) *Quorum*— Half the number of members appointed shall be the quorum for a meeting of the Commission.

(2) Every subject in a meeting of the Commission shall be approved by majority of votes of the Members present. In case of an equal division of vote the Chairman shall have second or casting vote.

(3) The meeting of the Commission may be held once in every two months.

(4) If the meeting of the Commission cannot be held for want of quorum at the appointed day, the Chairman may adjourn the meeting for half an hour and thereafter the meeting shall be held at same place, wherein the question of quorum will not apply. The Chairman may also adjourn the meeting for want of quorum to further date when adjourned meeting could be so convened.

(5) If the Chairman is unable to be present at a meeting the senior-most member present shall preside over the meeting and he shall have all powers of the Chairman in that meeting.

(6) All decisions of the Commission shall be recorded by the Secretary in accordance with directions of the Commission. If any member dissents with any decision, his opinion shall be so recorded in the minutes if desired by him.

(7) The minutes of meeting shall be recorded by the Secretary after the approval of the Chairman and shall be circulated to all members within a reasonable time. It shall be the duty of the Secretary to ensure that all minutes of the meeting of the Commission are invariably

preserved as permanent records. Further at the end of every financial year all minutes of meetings in that year shall be bound together and preserved as permanent record.

(8) If the Chairman is away from the headquarter or has not attended the office for any other reason then the senior-most member present in the office may deal with any urgent matter appearing before him. Such action shall thereafter be reported to the chairman and members for information.

(9) In any case when a decision of the Commission is not unanimous neither the fact nor the remarks of decision shall be communicated by the Commission to any other authority.

**15. Transfer or Transfer on Deputation.**— (i) Where recruitment is made by transfer of an officer to any post or service and consultation with the Commission is required, the Commission shall advise the Governor of Goa or the Appointing Authority, as the case may be, in respect of any candidates nominated whether he fulfils the qualifications prescribed and whether from his record of service he possess the qualifications and experience required for the post/service to which it is proposed to transfer him.

(ii) Where recruitment is made by transfer on deputation to a post or service and consultation with the Commission is required, the Commission shall make selection from amongst the officer, who have responded to the circulars issued by the Government of Goa on the basis of the confidential records, educational qualifications, experience and other details which the Commission may require. The Commission may, if considered necessary, also interview the candidates. The selected candidates will be recommended for appointment in their order of merit.

**16. Disciplinary and other matters.**— (i) Where the advice of the Commission is tendered in regard to disciplinary matters, including appeals and memorials, the Commission shall see that the opinion given by the Commission forms part of the record of the case and is communicated to the officer or officers concerned alongwith the orders of the authority empowered to pass orders in the case.

(ii) The advice given by the Commission in any disciplinary case, including appeals and memorials, shall contain recommendations both in respect of the charge(s) as well as the punishment.

**17. Responsibility for the strict compliance of the Rules.**— The Secretary and other Officers of the Commission shall be responsible for the strict compliance of the provision of these Rules.

**18. Set up of the Secretariat of the Commission.**— (1) The Chairman will determine the set-up and the organization of the Secretariat of the Commission.

(2) The Secretary of the Commission is responsible for the general working of the office and its discipline within the rules and procedures approved by the Commission regarding the administration of the office, subject to control by the Chairman. Even in case of any powers delegated by the Government to the Secretary of the Commission, as Head of Department or otherwise the same should be exercised under the control of the Chairman.

(3) The decisions of the Chairman or the Commission, in any matter (including administration and finance) are final and the Secretary or any other officer directed by the Chairman are bound to execute it. Any refusal or delay in the implementation of the said decisions, will be a ground and liable for disciplinary proceedings.



(4) No letter or communication will be issued outside the Commission's office by the Secretary or any other official of the Commission, unless approved/authorized by the Chairman. Any deviation from this procedure will be opposed and liable for disciplinary action.

**19. Power of the Commission to correct the mistake.**— The Commission may correct any clerical typographical, arithmetical or other mistake in the rank list, advice list or short list etc. or errors arising therein from any accidental slip or omission at any time, either on its own motion or on the application of any of the concerned.

Secretary shall keep detailed record of such deliberation leading to correcting the mistake by the Commission. This record shall be maintained permanently.

**20. Commission's Decision.**— When the Commission is required to give advice or to give advice or to submit proposal to any authority, the decision of the Commission shall be communicated in a letter signed by the Secretary or any other officer in the Office of the Commission authorised by the Chairman. In case, when the decision is not unanimous, neither the fact of, nor the ground for dissent, shall be communicated to the authority.

**21. Matters not regulated.**— In matters for which no provision is made in these Rules, the Commission may regulate its proceedings in such a manner as it thinks fit.

**22. Right to Interpretation.**— Commission reserve to itself the right of interpreting these rules. If any doubt arises about the interpretation of these Rules, the same will be decided by the Chairman.

**23. Duties of Secretary.**— (1) All communication addressed to the Commission shall be addressed to the Secretary of the Commission.

(2) All communication sent on behalf of the Commission shall be signed by the Secretary of the Commission.

(3) The Secretary may also by an office order stipulate the officers who could sign such communication.

**24. Repeal and Saving.**— The Goa Public Service Commission (Rules of Procedure) 1988 as in force immediately before the commencement of these rules are hereby repealed in so far as they provide for any of the matters contained in these rules:

Provided that anything done or any action taken under the rules shall not be called in question in any proceedings in any court or otherwise before the Commission on the ground that the rules have been repealed.

*T. S. Sawant*, Secretary (GPSC).

Panaji, 16th March, 2012.