

GOVERNMENT OF INDIA
MINISTRY OF HUMAN RESOURCE DEVELOPMENT
DEPARTMENT OF HIGHER EDUCATION
LOK SABHA
UNSTARRED QUESTION No.1559
TO BE ANSWERED ON 01.07.2019

Calculating Vacancies

1559.SHRI H.VASANTHAKUMAR:

Will the Minister of HUMANRESOURCE DEVELOPMENT be pleased to state:

(a) whether the Government has asked the University Grants Commission (UGC) to convey to all Universities to start its process of teachers' appointment by calculating vacancies based on individual departments;

(b) if so, the details thereof and the steps being taken by the Government so far;

(c) the number of Universities and colleges that are going ahead with the appointments and calculating the vacancies on the basis of departments which may affect the representation of SC/ST candidates and if so, the details thereof; and

(d) whether the commission had announced that an individual department should be considered as the base unit to calculate the number of teaching posts to be reserved for Scheduled Caste and Scheduled Tribe candidates and if so, the details thereof?

ANSWER

MINISTER OF HUMAN RESOURCE DEVELOPMENT
(SHRI RAMESH POKHRIYAL 'NISHANK')

(a) to (d): The Central Universities had been issuing their advertisements for teaching posts since 2006 after preparing the reservation rosters taking 'University' as a unit in accordance with University Grants Commission (UGC) guidelines of 2006.

An advertisement of Banaras Hindu University for the post of teachers was challenged before Hon'ble Allahabad High Court by way of the W.P. No. 43260 of 2016 contending that reservation for the SC/ST/OBC ought to have been applied by treating the post of different levels in each subject/department as a unit and not the whole university as a unit.

The Hon'ble Allahabad High Court in its order of W.P.No.43260 of 2016 dated 07.04.2017 quashed these guidelines of UGC and instructed that the unit for reservation roster should be Department/ subject. Implementation of these orders would have led to

grave miscarriage of justice for the SCs/ STs/ SEBCs. Hence, challenging the orders of the Hon'ble Allahabad High Court, SLP Nos. 14318 dated 16.04.2018 and 14099 dated 12.4.2018 were filed by Ministry of Human Resource Development (MHRD) and University Grants Commission respectively in the Hon'ble Supreme Court. These SLPs were dismissed on 22.01.2019. Subsequently both MHRD and UGC had filed review petitions, which were dismissed on 27.02.2019.

In order to protect the rights of the SCs, STs and SEBCs, and to ensure their adequate representations in teaching positions, the Central Educational Institutions (Reservation in Teachers' Cadre) Ordinance, 2019 was promulgated by the Hon'ble President on 7th March, 2019 to ensure preparation of the reservation roster considering the University/ College as a Unit. Hence the unit of reservation will be University/ Institution and not Department/ Subject.

The Notice for replacement of the Ordinance by the Bill has already been given in the Lok Sabha.

In pursuance to the Ordinance, on 7th March, 2019, the Ministry of Human Resource Development has issued directives to the University Grants Commission to start the recruitment with immediate effect. The University Grants Commission has reiterated the instructions to all the University on 8th March, 2019 to implement the reservation of posts in direct recruitment by considering the University/College/Institution as one unit.
