



सत्यमेव जयते

राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

(भारत के संविधान के अनुच्छेद 338क के अंतर्गत एक संवैधानिक निकाय)
(A constitutional body under Article 338A of the Constitution of India)

F.No. NCST/SER-1466/AS/9/2024-RO-SHILNG (RU-II)

Dated: - 17.12.2024

To,

1. Prof. A Srinivasan
Director,
Central Institute Of Technology Kokrajhar,
District - Kokrajhar- 783370
Email Id: director@cit.ac.in,
Tel. No: 03661-277279
2. Prof. Devendra Jalihal
Director,
Indian Institute of Technology Guwahati,
District - Guwahati- 781039 (Assam),
Email Id: director@iitg.ac.in,
Phone No. - 361-2690401
3. Shri K. Sanjay Kumar
Secretary,
D/O Higher Education,
Ministry Of Education,
127-C, Shastri Bhawan, New Delhi - 110001,
Email Id: secy.dbe@nic.in, Phone No.-2338645
4. Prof. (Retd.) Nishikant V. Deshpande
Chairman,
Board of Governors,
Central Institute of Technology Kokrajhar,
District - Kokrajhar- 783370 (Assam),

Sub: Discrimination and Unjust Treatment of Scheduled Tribe women, Dr. Chaitali Brahma, Registrar, CIT-Kokrajhar and incumbent Registrar, IIT Guwahati.

Sir,

I am directed to enclose herewith a copy of the minutes of the sitting held under the Chairmanship of Shri Nirupam Chakma, Hon'ble Member, National Commission for Scheduled Tribes (NCST) on 4.12.2024 at 2:30 PM in NCST, New Delhi on the above mentioned subject.

It is requested that the action taken/ to be taken in the matter may be submit to NCST within stipulated time from receipt of the letter, for taking appropriate action.

Yours faithfully,

(एच.आर.मीना /H.R. Meena)
अनुसंधान अधिकारी / Research Officer
Phone -24641640

Copy for information:-

1. Dr. Chaitali Brahma, Registrar
Central Institute of Technology
Kokrajhar, District - Kokrajhar, 783370(Assam)
 2. PS to Hon'ble Member (Shri N. Chakma), NCST
- ✓ NIC, NCST for uploading on the website of the Commission.

राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES

(भारत के संविधान के अनुच्छेद 338क के अंतर्गत दीवानी न्यायालय की शक्तियों का प्रयोग करने वाला एक संवैधानिक निकाय)
(A Constitutional body exercising powers of Civil Courts under Article 338A of the Constitution of India)

Minutes of the sitting held under the Chairmanship of Shri Nirupam Chakma, Hon'ble Member, National Commission for Scheduled Tribes at Lok Nayak Bhawan, New Delhi, in the case of Dr. Chaitali Brahma, Registrar, Central Institute of Technology, Kokrajhar regarding non issuance of relieving order by Central Institute of Technology, Kokrajhar, Assam.

F. No. NCST/SER-1466/AS/9/2024-RO-SHLNG)

Date of the sitting: 04.12.2024, 02:30 PM

Participants in the Sitting - As per Annexure

Dr. Chaitali Brahma, Registrar of the Central Institute of Technology (CIT), Kokrajhar, Assam vide her representation to the Commission dated 10.05.2024 has stated that C.I.T. Kokrajhar has not relieved her despite her receiving an offer of appointment from IIT Guwahati for the position of Registrar on 01.02.2024. At the time of applying for the post at IIT Guwahati, CIT, Kokrajhar had given vigilance clearance. She requested the Department on 05.02.2024 to relieve her with effect from 01.04.2024; however, the Department has neither relieved her nor taken any further action in her case, thereby unlawfully and unjustly depriving her of the opportunity to join IIT Guwahati as Registrar.

2. NCST made several correspondences with the concerned authority and the petitioner but there was no fruitful result. Hence, a sitting was convened by NCST on 03.10.2024. The following recommendations were made in the sitting and action taken report was sought within 30 days. The Minutes were forwarded on 3.10.2024 to all concerned authorities –

(i) IIT, Guwahati may initiate the process to postpone the recruitment process for the post of Registrar scheduled for 04.10.2024 for Two (2) months.

(ii) IIT-Guwahati may revoke the letter cancelling offer of appointment to the petitioner as the post of Registrar.

(iii) Director, CIT-Kokrajhar, may initiate the process for reliving petitioner, so that she can join the post of Registrar at IIT Guwahati.

3. The Director, IIT Guwahati, vide letter no. R&P/01/96/Vol. IV/1961 dated 23 October 2024 has informed that the date of the interview for the post of Registrar was postponed for the time being, vide notification no. R&P/01/96/Vol. IV/1823 dated 3 October 2024 and R&P/01/96/Vol.IV/1824 dated 3 October 2024. Regarding point no. 2 of the above recommendations, IIT Guwahati has stated that the cancellation of the offer of appointment dated 30.1.2024 (due to failure of Ms. Brahma to join the post of IIT Guwahati) and the


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सदस्य / Member
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National Commission for Scheduled Tribes
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issuance of fresh advertisement for the same post, do not appear to fall within the ambit of Article 338 (A) (5) (a) or (b) of the Constitution of India.

4. Central Institute of Technology (CIT), Kokrajhar, vide letter no. CITK/Directorate/ NCST/2024/1 dated 28 October 2024, has informed that "a charge sheet has been served to Dr Chaitali Brahma and four other employees on 25 October 2024".

5. The Department of Higher Education, Ministry of Education, New Delhi vide letter no. 7-13/2024-T5/VII dated 23 October 2024, has mentioned the action taken by IIT Guwahati and the action initiated by CIT Kokrajhar against the petitioner.

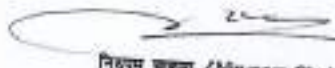
6. The petitioner, vide email dated 8 November 2024, has pointed out the action taken by the CIT Kokrajhar against her and requested for justice. Accordingly, NCST has decided to discuss the issue with the authorities and the petitioner on 4 December 2024, at 2:30 PM. A sitting notice was issued to all concerned authorities and petitioner on 25 November 2024.

7. The Director, IIT Guwahati, Director, CIT, Kokrajhar, Chairman, Board of Governors, CIT Kokrajhar and Director, Department of Higher Education, Ministry of Education, New Delhi on behalf of Secretary, Department of Higher Education, New Delhi and petitioner were present in the sitting.

8. The petitioner submitted that CIT Kokrajhar served her with a chargesheet after receiving the recommendations of the NCST, which she considered an afterthought. She reiterated her earlier submission and requested justice. The Director, IIT Guwahati, Director, CIT, Kokrajhar, Chairman, Board of Governors, CIT Kokrajhar and Director, Department of Higher Education, Ministry of Education, New Delhi, all reiterated their submissions they had made to the NCST.

9. It was observed that CIT Kokrajhar issued the No Objection Certificate (NOC) in favor of the petitioner on 12.12.2022. Thereafter, the petitioner applied for the position in IIT Guwahati, and IIT Guwahati, via letter dated 30.01.2024, extended an offer of appointment to the petitioner. The petitioner, on 05.02.2024, submitted a formal request for release on deputation effective from 01.04.2024. However, CIT Kokrajhar initiated a departmental enquiry against the petitioner the very next day on 06.02.2024. Curiously, it was observed that no show cause was issued nor any inquiry was initiated against the then Director of CIT Kokrajhar for the alleged lapses attributed to the petitioner, which suggests that the petitioner was being discriminated, and harassed because she is a Scheduled Tribe woman.

During the course of hearing the Commission asked CIT Kokrajhar as to why no action was taken against the Director who is the superior authority of the petitioner for the purported lapses. The authorities admitted it should have been done as a prudent practice and in compliance of legal provisions. However, the authorities failed to provide any further explanation. The Commission has taken a serious view on such discriminatory attitude of an institute like CIT.


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10. The petitioner has also brought to the notice of the Commission the DOPT OM No.35015/2/93-Est(D) , which states as below:-

"Candidates recommended by the UPSC/SSC for appointments to Central Civil Services and post delay in joining revival of offers of appointment after their cancellation determination of seniority. The undersigned is directed to say that according to DOPT OM No.9/23/71-Estt(D) dtd 06.06.78 an offer of appointment issued by different ministries/departments should clearly indicate that the offer would lapse if the candidate did not join within specified period which shall not exceed two or three months. If, however, within the period stipulated, a request is received from candidate for extension of time, it may be considered by the ministries/departments and if they are satisfied, an extension for a limited period may be granted but the total period granted including the extension during which the offer of appointment will be kept open should not exceed a period of nine months."


It is seen that Dr. Chaitali Brahma was issued an appointment letter on 30. 01.2024 and after accepting the said offer of appointment, she had requested her parent organisation CIT, Kokrajhar to relieve her so that she could assume office as the Registrar of IIT Guwahati. She had also requested IIT Guwahati to give her extension several times. The petitioner submitted that the CIT Kokrajhar delayed her relieving on unjust grounds as no chargesheet was served to her at that point of time. This delay led to IIT Guwahati eventually cancelling her letter of appointment.

The Commission notes the allegation of the petitioner that IIT Guwahati was in deviation of the above DOPT OM by cancelling the offer of appointment despite of existing extension request letters before the expiry of the period of nine months.

11. The Commission was also apprised of a purported deviation of the standing instructions of MHRD, Govt. of India (Ref: File No.C-34013/16/2015-Vig. Dtd 13.08.2015) whereby instructions were issued to heads of/chairmen of autonomous bodies regarding initiating action to make selections at least two months before concluding their tenure. The specific instruction are as follows, " the general convention in the govt. that the heads/chairmen of various organisations do not conduct selection few months before they conclude their terms in the office..." The corollary of this is that the said heads of organisations should also refrain from cancelling offer letters within such period.

The Commission observes that the then outgoing Director of IIT Guwahati, Prof. Ahuja, cancelled the petitioner's offer letter a few days before demitting office, despite existing requests for an extension of time and in contravention of the DOPT OM mentioned above.

12. It is a matter of fact, not disputed by the respondents, that the petitioner had applied for the post of Registrar IIT Guwahati through proper channel, with the permission of her parent organisation CIT Kokrajhar and with a requisite vigilance clearance submitted along with the


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application. The Commission observes that second vigilance clearance may not be a norm and may only be sought in case an incumbent employee in the interim period has committed a serious offence which will reflect on his/her character, credential and performance. In the instant case IIT Guwahati asking for a second vigilance certificate from the complainant at the time of issuance of the offer letter is itself a deviation from the norm as the petitioner had not been convicted of any offence in the interim period since the issuance of her first vigilance certificate.

13. The Commission is also apprised of the fact that a belated show-cause notice was issued to the petitioner on 10.05.2024 for various lapses, to which the petitioner responded on 22.05.2024. The Commission further notes that no action was taken by CIT Kokrajhar on the show cause notice to the complainant within a reasonable time, as would be required by the principles of natural justice. This inaction has further impeded the relieving of the complainant from CIT Kokrajhar to facilitate her joining as Registrar IIT Guwahati. Subsequently, a belated charge sheet was served upon the complainant dated 25.10.2024 after receiving of the Commission's recommendations.

14. In view of the facts and circumstances of the case as well as the observations above, the Commission is compelled to conclude that there are strong indications of unjust treatment, acts of harassment, and challenges to the petitioner's reputation and self-respect as a Scheduled Tribe woman, both within her community and society, as well as in the academic sphere.

15. The series of events and actions taken by CIT Kokrajhar has resulted in the petitioner, a Scheduled Tribe woman, losing her rightful opportunity to be appointed as Registrar at IIT Guwahati. Despite receiving recommendations and ample time to act, CIT Kokrajhar failed to relieve the petitioner in a timely manner. The subsequent initiation of departmental proceedings against her reflects a serious lack of administrative diligence and insensitivity to the principles of equity and justice. This inaction and delay not only undermine the NCST's recommendations but also reflect a broader systemic barrier that continues to hinder marginalized communities, particularly women from Scheduled Tribes, in securing positions of authority and representation. The Commission express serious displeasure on the unfair treatment and discriminatory attitude displayed by the CIT Kokrajhar just to hinder the progress of one ST woman to scale up new height in her career.

16. In light of the submission made by IIT Guwahati regarding point no. 2 of the recommendation from the sitting held on 03.10.2024, it is reiterated that Clause (5) Art.338A of the Indian Constitution mandates the Commission to investigate and monitor matters relating to safeguards provided for STs and evaluate the working of such safeguards, and that it is in the exercise of its recommendatory powers, the Commission in order to safeguard the rights of the STs, enquired into the case of Dr. Chaitali Brahma and found various acts of discrimination, unjust assessment of the facts, unfair treatment and harassment meted out to her by the respondents.



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17. Considering the aforementioned observations, and the inquiry on the actions of the respondents, and the oral submissions in which equal opportunity and adequate hearing were provided to all parties, the Commission is pleased to reiterate its earlier recommendation of 03.10.2024. The Action Taken Report (ATR) on the earlier recommendations of the Commission be furnished within a period of 15 days.

18. Further, the Commission recommends the following:

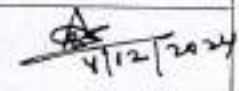
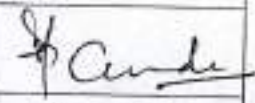
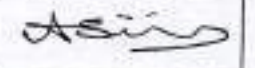

- The CIT Kokrajhar to instruct the IO and PO to expedite the inquiry in the case of petitioner within 30 days.
- The role of the then Director of CIT Kokrajhar in the case against the petitioner, may also be investigated by the CIT, Kokrajhar.
- The Commission recommends the Director IIT Guwahati to furnish the list of candidates (with name of their community) who were called for interview to the post of Registrar held in the month of November, 2024, as informed by Director, IIT Guwahati in the sitting.

An Action Taken Report (ATR) on the above recommendations may be submitted within 30 days from the receipt of the Minutes.


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सदस्य / Member
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समाज कल्याण / Government of India
नई दिल्ली / New Delhi

(Nirupam Chakma)
Member,
Govt. of India
National Commission for Scheduled Tribes,
New Delhi

List of participants of the sitting held on 4.12.2024 at 2:30 PM under the Chairmanship of Shri Nirupam Chakma, Hon'ble Member, NCST in the case of Dr. Chaitali Brahma, Registrar, CIT- Kokrajhar and incumbent Registrar, IIT regarding discrimination and Unjust Treatment of Scheduled Tribe women.

I National Commission for Scheduled Tribes			
1.	Shri Surat Singh Director		
2.	Shri R. S. Misra Consultant		
3.	Shri Akash Tripathy Sr. Investigator		
4.	Shri Neelmani Thakur Consultant - Legal		
II D/o Higher Education,			
Sr. No.	Name and Designation	Address & Phone No.	Signature
1.	Varun Bhardwaj, Director, MOE	Shanku Blam 9968592509	Varun Toshwaj 4/12/24
2.	Ashok Kumar Singh US, MOE	Shastri Bhanu 8447326646	 4/12/2024
3.			
III CIT, Kokrajhar			
1.	N.V. Deshpande Chairman CIT.	7896310632	
2.	A Srinivasan Director, CIT &	9435351042	
3.			
4.			
IV IIT, Guwahati			
1.	Devendra Jalihal Director IIT Guwahati	9444923861 director@iitg.ac.in	Devendra Jalihal
2.			
3.			
V Petitioner			
	Dr. Chaitali Brahma	945702325	 4/12/24
	A.K. Kothari	7085003944	