



सत्यमेव जयते

भारत सरकार

राष्ट्रीय अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SCHEDULED TRIBES

स्पीड पोस्ट
SPEED POST

MA/4/2012/MHRD1/SEOTH/RU-III

छठी मंजिल, 'बी' विंग, लोक नायक भवन
खान मार्केट, नई दिल्ली-110003
6th Floor, 'B' Wing, Lok Nayak Bhawan
Khan Market, New Delhi-110 003

Dated 10/09/2012

To

The Vice Chancellor,
University of Himachal Pradesh,
PO Box 21- Dharamshala,
Distt. Kangra
Himachal Pradesh-176215

Sub: Proceedings of the Sitting held on 24/08/2012 in the matter of Dr. Mushtaq Ahmed regarding appointment to the post of Associate Professor in the Central University of Himachal Pradesh.

Sir,

I am directed to refer to the subject cited above and to enclose a copy of the proceedings held on 24/08/2012 in this Commission.

It is requested that the action taken report on the proceedings may kindly be communicated to this Commission at the earliest for its onward submission to Hon'ble Chairperson of this Commission.

Yours faithfully

Enclosures: As above

(N.K. Maran)

Research Officer

Copy to:

1. Shri Upamanyu Basu, Director, Ministry of Human Resources Development, Shastri Bhawan, New Delhi.
2. Dr. Mushtaq Ahmed, Assistant Professor of Botany, Banaras Hindu University, Varanasi-221005 (UP)

(N.K. Maran)

Research Officer

National Commission for Scheduled Tribes

Proceedings of the Sitting held on 24/08/2012 in the matter of Dr. Mushtaq Ahmed regarding appointment to the post of Associate Professor in the Central University of Himachal Pradesh.

The following were present:-

National Commission for Scheduled Tribes.

1. Dr. Rameshwar Oraon, Hon'ble Chairperson
2. Mrs. K.D. Bhansor, Deputy Director
3. N.K. Maran, Research Officer

Ministry of Human Resources Development.

1. Shri Upamanyu Basu, Director

Central University of Himachal Pradesh

1. Shri B.R. Dhiman, F.O. & Registrar (Additional Charge)

Petitioner

1. Dr. Mushtaq Ahmed

Sub: Representation dated 20/04/2012 received from Dr. Mushtaq Ahmed, Assistant Professor of Botany, Banaras Hindu University, Varanasi, regarding appointment to the post of Associate Professor in the Central University of Himachal Pradesh

Background:

1. Dr. Mushtaq Ahmed represented to the Commission vide letter dated 20/04/2012 informing that Govt. of India Reservation Rules/Policy for Scheduled Tribes in recruitment for the post of Associate Professor have been violated by

the Central University of Himachal Pradesh (CUHP). The petitioner mentioned that against the advertised Notice No.003/2011 dated 13/06/2011 of the CUHP, he had applied for the Post of Associate Professor in the discipline of Environment Science against the posts reserved for Scheduled Tribe. In respect of Associate Professor, total 36 posts were advertised out of which posts reserved for SC and ST were 5 and 2 respectively. In the advertisement, it was mentioned under "the general instructions and essential information" that reservation Policy will be followed as per the Govt. of India Rules, wherever applicable. The 2 posts which were advertised for Scheduled Tribe in the position of Associate Professor were not marked discipline specific thereby indicating that selection under reserved category (ST) shall be made in only discipline in which a suitable candidate will be available belonging to the respective categories. Subsequently, 4 ST candidates were short listed in different disciplines, as under:

1. Dr. Ramkrishan Negi, S/o Sh. Dharam Nand Negi- Bioinformatics/Computational Biology.
2. Dr. G.P. Kapoor, S/o Sh. Amar Singh Thakur- Economics and Public Policy.
3. Dr. Mushtaq Ahmed, S/o Sh. Sajjan- Environment Science.
4. Dr. Ravi B., S/o Sh. Basiah P- Library and Information Sciences.

2. The University, after short listing the candidates, called Dr. Mushtaq Ahmed for interview in Environment Science before the Selection Committee on 17/02/2012. As per the recommendations of the Selection Committee in Environment Science, Dr. Deepak Pant and Dr. Anupam Sharma (both general category) were shown selected while Dr. Pathania and Dr. Mushtaq Ahmad were shown on Panel (waiting list) at Serial No.1 & 2 respectively as a general category candidate. Out of 36, only one candidate belonging to ST category

qualified for selection. The Executive Council approved the recommendation of the Selection Committee in its meeting held on 27/02/2012 for the post of Professor and Associate Professors in various disciplines.

3. Dr. Mushtaq Ahmed has reported that the result of unreserved candidates was declared but the result of ST candidates was not declared. Dr. Ahmed, came to know of the result only in 3rd week of April, 2012, when the minutes of the Executive Council were made available on the website of the University showing Dr. Mushtaq Ahmed (ST candidate) not selected for appointment instead he was waitlisted under general category and thus, not considered under the ST category.

4. Dr. Mushtaq Ahmed then represented to the Vice-chancellor on 18/04/2012, with a copy to the Registrar of the University, requesting them to look into the matter and make necessary correction by issuing a Corrigendum to the minutes of the Executive Council meeting to that effect. Dr. Mushtaq Ahmed has highlighted that till he had represented to Vice-chancellor, Dr. Anupam Sharma had not joined the University. Dr. Mushtaq Ahmed also contacted Prof. Furqan Qamar, Hon'ble Vice Chancellor on phone on 17/04/2012 and discussed the matter. However, Dr. Anupam Sharma (a general category candidate) was allowed to join on 30/04/2012, (whereas Dr. Ahmed had submitted his representation on 18/04/2012) and thus, the post of Associate professor that was reserved for ST-category was filled up by a general category candidate inspite of a suitable ST-candidate duly recommended by the Selection Committee being available.

5. Dr. Ahmed further informed, that the University had assured him that the matter would be placed before the Executive Council meeting scheduled on

09/06/2012 and only after that, his representation will be addressed. Dr. Ahmed has communicated following decision of the Executive Council of University in the matter as under:

The Executive Council noted with reference to the representation of Dr. Mushtaq Ahmed "that he was found suitable for appointment as Associate Professor and that the Selection Committee should have placed him in the category of selected candidates (and not on the panel i.e. the waiting list) as he was the only suitable ST candidates, needs sympathetic consideration. However, the Executive Council noted that since both the posts of Associate Professor in the discipline of Environmental Science, as sanctioned and created, have already been filled up in accordance with the recommendation of the Selection Committee as approved by the Executive Council, the matter may be referred to the Visitor for consideration and if approved by the H.E. the Visitor, Dr. Mushtaq Ahmed may be considered for appointment as Associate Professor in Environment Science by transferring one of the vacant posts of Associate Professor from any of the disciplines to the discipline of Environment Science as ST category post. This will be without any additional financial liability since the additional posts in the discipline of Environment Science is proposed by transfer of existing vacant post".

6. It may be noted from the above that the Executive Council has accepted the mistake in the matter of recruitment with reference to the representation of Dr. Ahmed and has recommended consideration/ approval of the H.E. to the Visitor. Accordingly, the CUHP had processed the case with the Ministry of HRD on 02/07/2012.

7. The petitioner further mentioned that the University was delaying his appointment by referring his case to the Ministry of Human Resources Development on 02/07/2012. Dr. Mushtaq Ahmed requested the Commission for immediate intervention in the matter of his appointment against the reserved ST post, which has not materialized as a result of non-compliance of the stipulated instructions by the Govt. of India on reservation in recruitment.

8. The Commission taking cognizance of the possible non-implementation of the stipulated instructions of the Govt. on reservation in the recruitment by the University despite a suitable ST candidate found by the Selection Committee, convened a Sitting with the Vice Chancellor of the University in the Commission for discussion in the matter on 22/08/2012. On request by the Vice Chancellor, Shri B.R. Dhiman, Registrar was permitted to attend the Sitting on 24/08/2012 to put forth the position on the subject with relevant record.

9. The Registrar, CUHP stated that the University had 18 posts of Professors, 36 posts of Associate Professors and 72 posts of Assistant Professors in different disciplines which were advertised by the University vide advertisement No. 003/2010 dated 15/12/2010. and No. 003/2011 dated 13/06/2011. As per the reservation policy of the Govt. vide Office Memorandum No. 36011/6/2010-Estt(Res.) dated 25th June, 2010, 15% positions were to be reserved for SC category candidates and 7.5% for ST category candidates. However, as per these criteria, reservation in the category of Professor and Associate Professors could not have been applied discipline-wise as only one post of Professor, 2 posts of Associate Professor and 4 posts of Assistant Professors in each discipline were available. Under such circumstances, to improve representation of reserved categories, a conscious decision was taken by the University to apply the criteria

of reservation within the ambit of overall selections by grouping of posts to provide better representation to the reserved category. Accordingly, the University has provided reservation on cadre basis with clear indication of number of posts reserved for SC, ST, OBC etc. in both the advertisements, Thus, out of 18 posts of the Professors, 2 posts were reserved to SC category, 1 for ST category & 15 for unreserved category, in case of 36 posts of Associate Professors, 5 posts were earmarked for SC category, 2 for ST category & 29 for unreserved category and in case of 72 posts of Assistant Professors, 10 Posts were earmarked for SC category, 5 for ST category 19 for OBC category & 38 for unreserved category.

10. The Registrar, CUHP further informed that a Scrutiny Committee was constituted to scrutinize the applications received in response to the aforesaid advertisements. After screening by the Committee the candidates found eligible and shortlisted were called to appear before the Selection Committee in the discipline concerned.

In the discipline of Environmental Science, there were 24 candidates who applied and out of them 18 appeared for interview. Dr. Mushtaq Ahmed was also one of the applicants. There were 2 sanctioned posts of Associate Professors in Environment Science. Two Associate Professors, namely, Sh. Deepak Pant and Sh. Anupam Sharma, were placed on the select list and Sh. Deepak Pathania and Sh. Mushtaq Ahmed was placed in the waiting list at S.L. No. 1 and 2 respectively. The recommendation of the Selection Committee were approved by the Executive council in its 5th meeting held on 27/02/2012.

11. The Registrar, CUHP informed that Dr. Mushtaq Ahmed represented that as he was from reserved category (ST) so he should have been placed at No-1 in the

select list rather than placed in the waiting list at S.No. 2. In his representation, Dr. Ahmed also mentioned that he was denied the benefit of reserved category by being placed in the waiting list along with other general category candidates. The representation of Dr. Mushtaq Ahmed was immediately examined by the University and the matter was taken up with the Executive council with detailed position of the case. The Executive Council in its 7th meeting held on 9th June, 2012, examined the case in detail vis-a-vis the commitment of the University for strict implementation of reservation policy of the Govt. of India, and gave a sympathetic consideration to the representation of Dr. Mushtaq Ahmed. The Executive Council taking note of the fact that since both the posts of Associate Professors in the discipline of Environmental Science had already been filled up in accordance with the recommendation of the Selection Committee as approved by the Executive Council, Dr. Mushtaq Ahmed's case may be placed before the Visitor with the request for consideration and if approved by the Visitor, Dr. Mushtaq Ahmed may be considered for appointment as Associate Professor by transferring one of the vacant posts from any of the disciplines as ST category post.

Accordingly, the representations of Dr. Ahmed along with relevant extract of the decision of the Executive Council were sent to the Ministry of Human Resources Development, vide letter 3 dated 2nd July, 2012.

12. The Registrar CUHP also mentioned that while advertising the posts the University had followed the DoPT instructions on grouping of posts to facilitate improved representation to the reserved category.

The Commission appreciated the steps taken by the University in this regard. However, the Commission observed that in the instant case, the University had erred by not putting the only ST candidate in the Selected List..

The Director, Ministry of HRD mentioned that the MHRD has received the proposal of the University along with the Minutes of the Executive Council, for reference to the H.E. the Visitor and that the same is being examined. He further informed that the MHRD is seeking further clarification from the University in the instant case.


The Commission noted that under the circumstances mentioned above the University need to take corrective action in the matter immediately.

Conclusion:

The Hon'ble Chairperson observed that the Executive Council's proposal for appointment of Dr. Ahmed, as Associate Professor in Environment Science by transferring one of the vacant post of Associate Professor from any of the disciplines to the discipline of Environment Science as ST category Post, which does not involve any additional financial liability (since the additional post in the discipline of the Environment Science is proposed by transfer of existing vacant post), should be accepted by the University Authorities. The Commission advised the University Authorities to take immediate corrective action in the case of Dr. Ahmed by proceeding with appointment of Dr Ahmed as he has been found suitable. The Registrar, CUHP was asked to communicate compliance/action taken on the recommendations of the Commission within 15 days.

The Commission further desired that UGC should be asked to ensure strict adherence to the reservation policy, both in admission and recruitment by the

Central Universities and also issue instructions to all Universities to follow the model of grouping of posts of the same cadre in different disciplines for the purpose of reservation to improve representation of STs in the Universities to show respect to the Constitutional provisions for reservation of STs in services and Govt. instructions in this regard.


डा० रामेश्वर उराँव / Dr. RAMESHWAR ORAON
अध्यक्ष / Chairman
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National Commission for Scheduled Tribes
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