



Government of Jammu and Kashmir
Higher Education Department
Civil Secretariat, Jammu

O. M. No:- HE-Coll/Uni- /2019
Dated:- 31 -01-2019

Subject:- Implementation of Reservation Policy of the Government in Universities, Deemed to be Universities, Colleges and other Grant-in-Aid.

The undersigned is directed to refer Commissioner Secretary to Government, General Administration Department to his No. GAD/Mtg/RB-IV/86/2016 dated 12-04-2017 regarding the subject cited above and to inform that the University in J&K are governed by UGC norms. UGC has issued the detail guidelines in 2006 & directed their implementation vide letter No. F.1-5/2006(SCT) dated 05-03-2018 and No. F.1-5/2006(SCT) dated 20-04-2018. The State of J&K has own Reservation Act which was passed by the State Legislature in the year of 2006 and for effecting implementation SRO-294 of 2005 issued by Social Welfare Department in the year 2005 read with SRO-144 of 2008 dated 28-05-2008. The norms of UGC reproduced as under:-

- I. All the Universities, Deemed to be Universities, Colleges and other Grant-in-Aid institutions hereby directed to adopt these guidelines by appropriate resolution by the respective Governing/Executive Bodies/Syndicate/Senate etc for effective implementation of these guidelines (section-5 of Guidelines 2006, page-2).

II. Coverage and Applicability


- a). Reservation is applicable to all the teaching posts such as the posts of Lecturers, Readers, Professors, or by whatever other nomenclature the posts are known, and to all posts of non-teaching staff of all the Universities, Deemed to be Universities, Colleges, and other grant-in-aid or research institutions. (section-6 Sub (a) of Guidelines 2006, page-2).
- b). Reservation is also applicable to all admissions to Undergraduate, postgraduate, M. Phil and Ph. D courses of educational institutions. (section-6 Sub (b) of Guidelines 2006, page-2).

- c). The instructions issued by the Central government for grouping of posts shall be resorted to wherever is applicable especially when more than one University functions under a single Act, or several colleges function under one University; grouping of posts are mandatory if the posts concerned are transferable on an inter-university or inter-college levels. The practice of creating department-wise cadres, which tends to create single posts or cadres with artificially reduced number of posts in order to avoid reservation, is strictly forbidden (section-6 Sub (c) of Guidelines 2006, page-2).;
- d). The instructions issued by the Central Government with regard to reservation for implementing Article 16 (4) of the Constitution of India are strictly applicable to all central or any other special quota, permitted under any existing rules all the educational Institutions referred to in clause (a) above, shall also apply to admissions of candidates to those Institutions (section-6 Sub (d) of Guidelines 2006, page-2)..
- e). Relaxation & concession in respect of educational qualification, age, experience and qualifying marks/standard etc will be as per existing government rules in all cases of admission, recruitments, appointments, promotions and other assignments of entitlements to the members of SC/ST (section-6 Sub (e) of Guidelines 2006, page-2).

- III.** i). The Roster, 40-point or 100 point as the case may be shall be applied to the total number of posts in cadre only (R. K. Sabharwal vs State of Punjab, (AIR 1995 SC 1371); cadre is best indicated by seniority list governing the members with the same pay-scale (section-8 Sub (v) of Guidelines 2006, page-3).;
- ii). Total number of vacancies shall be calculated and Roster as referred above shall be applied only excluding the back-log vacancies, if any (section-8 Sub (vi) of Guidelines 2006, page-3);
- iii). Percentage of reservation shall be applied separately for each recruitment year and not whenever the vacancies arise, or interviews take place, or recruitment/appointment is made (section-8 Sub (vii) of Guidelines 2006, page-3).

IV. Procedure to be followed in matters of reservation for admission

- i). No SC/ST students can seek admission or claim reservation, unless he/she appears in national or State/common or University/Institution test held for the purpose, in order to

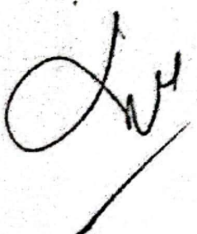


avail the quota of seats reserved for them, by the educational institutions (section-9 Sub (i) of Guidelines 2006, page-3).

- ii). In cases, where National or Common/State or University/institution test is not prescribed as necessary for selecting candidates for admission, the SC/ST candidates seeking admissions, shall be arranged in the order of merit among themselves, as per the merit position obtained in the qualifying examination (section-9 Sub (ii) of Guidelines 2006, page-3).
- iii). Rules of Interchangeability among SC-s and ST-s are applicable, wherever necessary to fill-up the number of vacant seats (section-9 Sub (v) of Guidelines 2006, page-4);
- iv). In case no eligible reserved candidates are available, the vacant seats in the reserved quota shall not be filled by any non SC/ST candidates. Every efforts shall be made to re-advertise for wider publicity in the leading local/national news papers (section-9 Sub (v) of Guidelines 2006, page-4).
- v). Advance special (short terms) coaching with assistance from UGC may be introduced for prospective SC/ST students (section-9 Sub (vii) of Guidelines 2006, page-4).

V. Admission to Hostel Accommodations

- i). The percentage of reservation referred above under the head "percentage" shall be strictly observed for admission to the hostels. Additional percentage of seats may be provided for the girls students of these communities. No rent shall be changed from the students of these communities (section-11 of Guidelines 2006, page-4).
- ii). The percentage of reservation for Staff Quarters, transit Houses, teacher's hostels etc shall be commensurate with the quantum of reservation as prescribed (section-12 of Guidelines 2006, page-5).
- iii). Each University/Institutions shall appoint a liaison Officers, who is not below the rank of a Deputy Secretary of the concerned State or Central Government and will be responsible for monitoring the implementation of reservation under these Rules (section-13 of Guidelines 2006, page-5).
- iv). All the Universities/Institutions shall establish an SC/ST Cell in order to process the grievances of the members of these communities, the SC/ST Cell Shall function under the overall



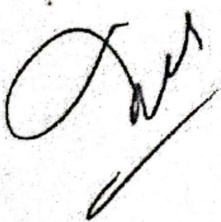
supervision of the Liaison Officer (section-14 of Guidelines 2006, page-5).

VI. Amendments to existing University Acts and Statutes

- i). Action should be initiated by the Universities so as to effect necessary amendments to their Acts/Statutes for the statutory support for reservation in admission, appointments to teaching and non-teaching posts and representation of SC/ST in their bodies like syndicate Executive Council, Academic Council; , Selection Committee etc (section-16 of Guidelines 2006, page-5).
- ii). The above Policy guidelines are minimum prescribed for observation of the reservation policy for SC/ST. The University/institutions are free to provide additional benefits to these categories with the approval of their Board of Governors/Executive Council etc (section-17 of Guidelines 2006, page-5).

VII. Moreover, the University Grants Commission has filed affidavit in the Hon'ble High Court at Jammu in SWP No. 3553 of 2016 titled Ashish Bhardwaj Vs University of Kashmir & Ors (copy enclosed) wherein stated that:-

- i). University Grants Commission is an autonomous statutory body under the administrative control of ministry of human resources development, as such, is under the direction from the Central Government. It is apt to mention here that the Central Government has been issuing various instructions from time to time for the implementation of reservation policy.
- ii). The Hon'ble Supreme Court in the case of Indira Sahani V/s Union of India & Ors (AIR 1993 SC 447) as held that the instructions issued by the government for the implementation of reservation issued by the government for the implementation of reservation policy are statutory in nature as these instructions are issued for the purposes of implementing constitutional provision Art 16(4).
- iii). All the educational institutions i.e. Universities, deemed to be Universities, Colleges and other granting aid or research institutions or centres functioning within any state shall follow the percentage of reservation prescribed by the respective State Governments.
- iv). It is mandatory for all the Educational institutions i.e. Universities, deemed to be universities, Colleges and other granting aid or research institutions or centres to submit reports about the implementation of the guidelines issued for the implementation of reservation policy annually by 15th of Feb and the reports so submitted shall be taken into account by University Grants Commission to readjust or reduce the extend of demand for the grant-in-aid for the following

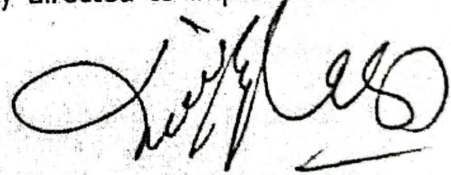


academic year in proportion to the deficiency in implementation of the guidelines to implement reservation policy.

- v). The answering respondents vide No. F.7-8/2015(SCT) its letter dated 4th of May 2017 the answering respondent has directed the University of Kashmir to adopt reservation policy for SC/ST circulated by the UGC in 2006 immediately if not done earlier. It has been further directed that the backlog of reservation in teaching and non-teaching posts is required to be filled up.

VIII Further, the University Grants Commission vide letter No. F.7-8/2015(SCT) dated 06-07-2017 addressed to Vice-Chancellor, University of Kashmir wherein has stated that as per the statement send by yours University, the University has not filled up any post by SC/ST/OBC and PWD candidates, which shows that the reservation is not being adopted by your University. According to UGC Act, 1956, the UGC has to ensure effective implementation of the reservation policy in the Central/State and Deemed to be Universities and those institutions receiving aid from the Public funds except in Minority Institutions under Article 30(1) of the constitution. The University is required to adopt reservation policy for SC/ST as per the State Government norms immediately, if not done earlier. It is also to mention that non implementation of Reservation Policy by University, may invite stern action by UGC.

As the University is governed by University Grants Commission (UGC) Guidelines, all the University authority directed to implement the UGC guidelines in letter & spirit.



(Ch. R. A. Inqilabi) KAS
Special Secretary to Government,
Higher Education Department

Commissioner/Secretary to Govt.
General Administration Department

Copy for information and necessary action:-

1. All Vice-Chancellors,.
2. Nodal Principals Jammu/Kashmir with the request to circulate in their respective division.



ज्ञान-विज्ञान विपुलमे

डॉ. देव स्वरुप

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संयुक्त सचिव

Dr. Dev Swarup

Former Vice-Chancellor, University of Rajasthan, Jaipur

Joint Secretary



सत्यमेव जयते

विश्वविद्यालय अनुदान आयोग
University Grants Commission

(मानव संसाधन विकास मंत्रालय, भारत सरकार)
(Ministry of Human Resource Development, Govt. of India)

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20 APR 2018

No.F.1-5/2006(SCT)

20th April, 2018

The Registrar(s)

All Central Universities

All State Universities receiving grant-in-aid

Deemed to be Universities receiving grant-in-aid by UGC/Government

Inter University Centres of UGC

**Subject: Implementation of Reservation Policy of the
Government of India**

Dear Sir,

Pursuant to the letter no. 1-7/2017-CU.V dated 22-02-2018 of the Ministry of Human Resource Development, Government of India, and in continuation of the UGC's letter no. F.1-5/2006 (SCT), dated 05.03.2018, on the captioned subject matter, I am directed to inform you that the Union of India and the University Grants Commission have filed separate petitions in the Hon'ble Supreme Court of India seeking special leave to appeal the final order and judgement dated 07.04.2017 of the Hon'ble High Court of Judicature at Allahabad in WP A No. 43260 of 2016. The impugned judgement pertains to the policy of the Central Government for reservation of posts for members of the SC/ST & OBC communities, as implemented through the UGC's Guidelines of 2006, in Central Universities and those Institutions Deemed to be Universities receiving aid from the public funds except in minority institutions under Article 30(1) of the Constitution.

This is for your information.

Yours faithfully,

(Dev Swarup)

