



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जनजाति आयोग

National Commission for Scheduled Tribes

6<sup>th</sup> floor, 'B' Wing, Loknaya Bhawan  
Khan Market, New Delhi-110 003.

File No. JK/2/2018/STGUL/SEOTH/RU-I

Dated: 29/05/2019

To,

- |   |   |
|---|---|
| (1) The Secretary,<br>Technical Education,<br>Govt. of Uttarakhand,<br>Secretariat Dehradun,<br>(Uttarakhand) | (2) The Director,<br>G.B. Pant Engineering College,<br>Ghurdauri,<br>Pauri Garhwal- 246194<br>(Uttarakhand) |
|---|---|

Sub: Representation dated 24/09/2018 received from Shri Jitendra Kumar, C/o B. S. Rawat. 8-Inderlok Colony Canal Road, Jakhan, Dehradun - 248001 (Uttarakhand) regarding discrepancy in Advertisement for reserved post of ST in selection of Assistant Professor in GB Pant Institute of Engineering and Technology, Pauri Garhwal (Uttarakhand).

Sir,

I am directed to refer to the subject cited above and to enclose a copy of the minutes of sitting held in the Headquarters of National Commission for Scheduled Tribes on 13/12/2018 at 04:00 P.M. under the Chairmanship of Shri H. C. Vasava, Hon'ble Member, National Commission for Scheduled Tribes in the matter.

It is, requested that action taken on the suggestions/recommendations of the Commission may please be sent to the NCST.

Yours faithfully,

(Rajeshwar Kumar/ राजेश्वर कुमार)  
Assistant Director  
Ph: 24641640

Copy to:

Shri Jitendra Kumar,  
C/o B. S. Rawat,  
8-Inderlok Colony Canal Road,  
Jakhan, Dehradun - 248001.  
(Uttarakhand).

Copy for information to:

1. PS to Hon'ble Member (HCV), NCST
2. NIC (for hosting on Commission's website).



Government of India  
National Commission for Scheduled Tribes

(JK/2/2018/STGUL/SEOTH/RU-I)

Minutes of sitting held in the NCST's Headquarters on 13/12/2018 at 4:00 P.M. under the chairmanship of Shri H. C. Vasava, Hon'ble Member, NCST in the case of Shri Jitendra Kumar, C/o B. S. Rawat, 8-Inderlok Colony Canal Road, Jakhan, Dehradun (Uttarakhand) regarding discrepancy in Advertisement for post reserved for ST in selection of Assistant Professor in GB Pant Institute of Engineering and Technology, Pauri Garhwal (Uttarakhand).

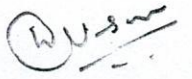
Date of Sitting: 13.12.2018

List of participants is annexed.

Shri Jitendra Kumar, C/o B. S. Rawat, 8-Inderlok Colony Canal Road, Jakhan, Dehradun-248001(Uttarakhand) vide their representation dated 24.09.2018 represented to the Commission that as per advertisement dated 12.09.2018 of the GB Pant Institute of Engineering and Technology, Ghurdauri, Pauri Garhwal (Uttarakhand), no reserved seats allocated for allocated for Scheduled Tribe candidate for Assistant Professor in Mechanical Engineering Department. He has also stated that the same vacancy was advertised by the GBPIET vide their advertisement dated 06.07.2015 which was reserved for ST category in Mechanical Engineering, but in current advertisement of GBPIET the said post was not reserved for ST in Mechanical Engineering.

The matter was taken up with the Director, GBPIET and Secretary, Technical Education Govt. of Uttarakhand vide Commission letter dated 28.09.2018. In response to the Commission above letter the GBPIET furnished a reply dated 26.10.2018 to the Commission. Copy of reply was sent to the petitioner for information and comments. The petitioner Shri Jitendra Kumar submitted a rejoinder dated 25.10.2018 to the Commission. On receipt of rejoinder from the petitioner, Shri H.C. Vasava, Hon'ble Member, NCST has fixed a sitting with the Secretary, Technical Education, Government of Uttarakhand and Director, GB Pant Engineering College, Ghurdauri, Pauri Garhwal on 13.12.2018 at 04.00 PM in the Commission for discussion in the matter. Accordingly, sitting notice dated 05.12.2018 has been issued.

Shri Sandeep Kumar, appeared before the Commission on 13.12.2018 on behalf of the Director, GBPIET. No officer was appeared from the Technical Education Department, Govt. of Uttarakhand. The petitioner Shri Jitendra Kumar was present in the day of sitting. Matter was discussed in detail.

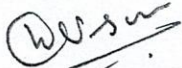
  
हरशदभाई वसवा/Harshadhbhai Vasava  
सदस्य/Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार, Govt. of India  
नयाँ दिल्ली/New Delhi



The Hon'ble Member, asked the petitioner about his grievances. The petitioner submitted to the Commission that division of ST category vacancy are not fair according to maximum capacity in each branch, Mechanical should be provided priority before Civil or Applied Sciences and Humanities (ASH). Total no of Assistant Professor vacancy in Electronics and Communication Engineering (EC) Department is (16), so the division is fair in this department. There after total no of Assistant Professor vacancy in Mechanical Department is (16) should be given priority in roster instead of Civil (11) or ASH (9). Assistant Professor vacancy in EC department with ST category candidate (Mr. Rakesh Pal) has already resigned, even though vacancy has been advertised vide Advt. No. 01/Faculty/Admn/2015& 01/Faculty Admn/ 2018 in same department. This is not as per the series roster system. If the Assistant Professor vacancy in Mechanical department has been given to ST category as per roster system in the year 2015 then why did not they provide the same in next advt. in the year 2018 where as they given priority to Civil Department which consists of minimum capacity of total Assistant Professor is (11). He has submitted to the Commission that negligence attitude is being made with the Mechanical Department for ST category. Accordingly, ST vacancy in Mechanical Department for Assistant Professor has been not filled up.

The Hon'ble Member asked to the representative of G.B. Pant Engineering College to explain about the case. The representative of G.B. Pant Engineering College apprised to the Commission that GBPIET has already replied to the NCST vide letter No. Legal Affairs/ 1617/2018 dated 26.10.2018. He has submitted that the GBPIET has 91 posts of teachers (Assistant Professor) created by the Government of Uttarakhand. In which, 16 posts in Electronics & Communication Engineering, 15 posts in Computer Science and Engineering, 6 posts in Computer Applications, 8 posts in Biotechnology, 9 posts in Applied Sciences and Humanities, 10 posts in Electrical Engineering, 16 posts in Mechanical Engineering and 11 posts in Civil Engineering have been prescribed. The reservation percentage in the State of Uttarakhand is 19% for Scheduled Castes, 4% for Scheduled Tribes and 14% for Other Backward Classes. Accordingly, 3 posts is reserved for ST category out of 91 posts. The created 91 posts of Assistant Professor are divided in the Department i.e. 16 for EC, 15 for CS, 6 for CA, 8 for BT, 9 for ASH, 10 for EE, 16 for ME, 11 for CE Department.

The State of Uttarakhand has a 100-point roster system according to the Government Order No. 1454/Karmik 2/2001 dated 31.08.2001. According to the 100-point roster system in Uttarakhand, the posts of Scheduled Tribes come on Serial Numbers 24, 48, 72 and 96. Thus out of the total 91 posts of Assistant Professors, there are three posts for Scheduled Tribes candidates which could come on Serial Numbers 24, 48 and 72 respectively.

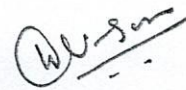
  
हरशदभाई वसावा/Harshadhbhai Vesava  
सदस्य/Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नए, दिल्ली/New Delhi



If the roster were to be applied department wise, there would be no posts and no representation for the Scheduled Tribes because the maximum number of posts in any department is 16 only, whereas the Serial Number of posts for the Scheduled Tribes would begin from Serial Number 24. Thus the roster is not applied department wise, but on the entire Institute, considering all the posts of Assistant Professors in the same pay scale as one unit. Out of the three posts of Scheduled Tribes reserved in the departments of ASH, EC and CE, there were two incumbents named Mr. Rakesh Pal in the department of EC and Mr. Vinod Chauhan in the department of ASH who left the College. The post for the department of Civil Engineering is vacant, which has been advertised in 2018.

Representative of GBPIET has also stated that advertisement published in 2015 was issued in compliance of an order of the then Secretary, Technical Education, Government of Uttarakhand dated 08.06.2015. However, the aforesaid order of the Secretary, Technical Education was challenged before the Hon'ble High Court of Uttarakhand at Nainital in writ petition No. WPSB 253/2015 in the case of Ashutosh Tiwari Versus State of Uttarakhand and Others and quashed by the Hon'ble High Court, and the Board of Governors was directed to take decision in accordance with law in the recruitment matter. In implementation of the order of the Hon'ble High Court, the Board of Governors of the College, in its 25th meeting held on 04.05.2017, decided to cancel the entire recruitment process except the advertisement of 2013, and to do the rescreening and re-interview of the applications already received. Various irregularities were found in the advertisement of 2015 including the violation of the provisions of reservation and roster, and therefore a decision was taken in the 22nd meeting of the Board of Governors held on 03.05.2016 to withdraw the advertisement. Thus the reference and the comparison being made to the withdrawn advertisement of 2015 by the complainant is erroneous.

The decision of the 25th meeting of the Board of Governors to hold rescreening and re-interviews was challenged before the Hon'ble High Court in writ petitions No. 298, 299, 300 and 301 of 2017 and before the Hon'ble Supreme Court in SLA (C) No. 530/2018, and was upheld by the Hon'ble High Court and the Hon'ble Supreme Court. Accordingly, the rescreening and re-interviews were conducted by the College as per the decision of the 25th meeting of the Board of Governors as per the advertisement published in 2013, and 9 Assistant Professors were selected, out of which 5 are in unreserved category, and 4 are in SC category.



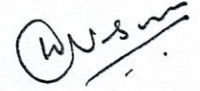
जनसभा सदस्य/Harshadbnal Vasava  
सदस्य/Member  
राष्ट्रीय अनुसूचित जात आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi



Thus out of 91 total posts of Assistant Professors, 48 are filled and 43 are vacant, out of which 32 posts have been advertised in 5 departments, i.e. excluding the departments of ASH, BT and CA (MCA). Out of the 3 posts reserved for Scheduled Tribes candidates, 2 posts have been advertised in 2018, one in the department of EC, and another in the department of CE. The third post existing in the department of ASH has not been advertised, for which the recruitment as per the advertisement of 2013 is still pending.

After detailed discussions, the Commission observed that no recruitment has been made for 16 posts of Assistant Professors in 2018 in the Mechanical Department. Therefore, opportunities for ST candidates for selection to the posts of Assistant Professors has been gone, however, 16 posts was available in the Mechanical Department which is the largest number in the College. As per 100- point roster system in Uttarakhand State, the post of ST come on Serial Numbers 24, 48, 72 and 96 point. Therefore, the Commission recommends in near future, post for Assistant Professor in Mechanical Department should be advertised. Accordingly, 96- point of roster should be considered and filled up in Mechanical Department under ST category.

Action taken report on the recommendations of the Commission may be furnished to this Commission at the earliest.



हरशदभाई वसवा/Harshadhbhai Vasava  
सदस्य/Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
न्यू दिल्ली/New Delhi

भारत सरकार  
राष्ट्रीय अनुसूचित जनजाति आयोग

(JK/2/2018/STGUL/DEEDUC/RU-I)

List of participants in the sitting held on 13/12/2018 at 04:00 P.M. in the case of Shri Jitendra Kumar, C/o B.S. Rawat, 8-Inderlok Colony Canal Road, Jakhan, Dehradun-248001 (Uttarakhand) regarding discrepancy in Advertisement for reserved post of ST in selection of Assistant Professor in GB Pant Institute of Engineering and Technology, Pauri Garhwal (Uttarakhand)

**I National Commission for Scheduled Tribes**

1. Shri H. C. Vasava, (In chair)  
Hon'ble Member
2. Shri P.T. Jameskutty,  
Deputy Secretary
3. Shri Manoj Mishra,  
PS to Hon'ble Member
4. Shri H.R. Meena,  
Senior Investigator

**II Secretary, Technical Education, Govt of Uttarakhand**

Nil

**III Director, G.B. Pant Engineering College, Uttarakhand**

Shri Sandeep Kumar,  
G.B. Pant Engineering College

**IV Petitioner**

Shri Jitendra Kumar