

GOVERNMENT OF INDIA  
MINISTRY OF HUMAN RESOURCE DEVELOPMENT  
DEPARTMENT OF HIGHER EDUCATION  
LOK SABHA  
UNSTARRED QUESTION No.1355  
TO BE ANSWERED ON 11.02.2019

**Faulty Recruitment**

1355. DR. P. VENUGOPAL:

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether the Government is likely to ask all universities to postpone faulty recruitment till the Supreme Court gives its verdict to the Special Leave Petition filed by the Government against the Allahabad High Court order;

(b) if so, the details thereof;

(c) whether the Government had asked the University Grants Commission to issue an order to this effect; and

(d) if so, the details thereof?

**ANSWER**

MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT  
(Dr. SATYA PAL SINGH)

(a) to (d): The recruitment of faculty was being done based upon clause 6(c) and 8(a)(v) of University Grants Commission (UGC) guidelines, 2006 which prescribe that the cadre or unit for determining reservation roster points should be 'University/college' and not 'Department/ subject'.

The Hon'ble Allahabad High Court in its order of C.M.W.P.No.43260 of 2016 dated 07-04-2017 quashed this Guideline.

Implementation of these orders could lead to reduction in the posts to be reserved for Scheduled Castes, Scheduled Tribes and Other Backward Classes. An Inter-Ministerial Committee was constituted to examine the issue. Subsequently, on the recommendations of the Inter- Ministerial Committee and after consulting the Law Ministry, the UGC and the Ministry had filed separate SLPs on 12-04-2018 and 16-04-2018 respectively before the Hon'ble Supreme Court of India.

Meanwhile, in view of the matter being sub-judice, directions were issued by the UGC to the Higher Educational Institutions to postpone the recruitment process, if it is already underway.

Further, the Hon'ble Supreme Court has dismissed the SLPs of MHRD and UGC on 21.01.2019. In consultation with the Attorney General of India, filing a review petition is being contemplated.

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