



**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**

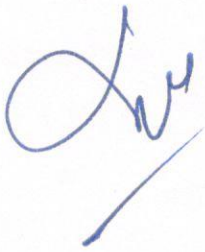
- i). No SC/ST students can seek admission or claim reservation, unless he/she appears in national or State/common or University/Institution test held for the purpose, in order to

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 15<sup>th</sup> 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

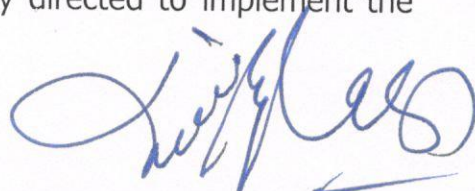


academic year in proportion to the deficiency in implementation of the guidelines to implement reservation policy.

- v). The answering respondents vide No. F.7-8/2015(SCT) its letter dated 4<sup>th</sup> 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. Inqlabi) 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.



मान-विद्यान विमुक्तये

डॉ. देव स्वरूप

पूर्व कुलपति, राजस्थान विश्वविद्यालय, जयपुर  
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)

बहादुर शाह जफर मार्ग, नई दिल्ली-110002  
Bahadur Shah Zafar Marg, New Delhi-110002

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Email : devswarupugc@gmail.com | dev.ugc@nic.in

20 APR 2018

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

**20<sup>th</sup> 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**

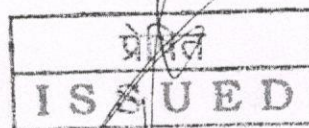
Dear Sir,

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 )





ज्ञान विज्ञान विस्तारणे

डॉ. देव स्वरूप

(पूर्व कुलपति, राजस्थान विश्वविद्यालय, जयपुर)

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)

बहादुर शाह जफर मार्ग, नई दिल्ली-110002  
Bahadur Shah Zafar Marg, New Delhi-110002

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Email : devswarupugc@gmail.com | dev.ugc@nic.in

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

05 March, 2018

The Registrar(s)

All Central Universities

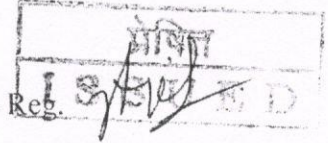
All State Universities receiving grant-in-aid.

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

Inter University Centres of UGC

- 5 MAR 2018

Subject: Implementation of Reservation Policy of the Government of India – Reg.



Sir/Madam,

With reference to the above subject, I am to inform that for implementation of reservation policy of the Central Government, MHRD vide order No. 6-30/2005-U5 dated 6<sup>th</sup> December, 2005 directed the UGC to ensure effective implementation of the reservation policy in the Central Universities and those of Institutions Deemed to be Universities receiving aid from the public funds except in minority institutions under Article 30(1) of the Constitution. Accordingly, UGC, vide letter No. 1-5/2006(SCT) dated 25-08-2006, circulated new Guidelines for strict implementation of Reservation Policy of the Government. This has been further reiterated by MHRD O.M.No. 12-60/2013-U1 dated 25-6-2013.

The Ministry of Human Resource Development vide its letter No. 1-7/2017-CU.V dated 06-09-2017 has directed the UGC to examine the issues mentioned in judgments (10 in number) as quoted by the Hon'ble High Court of Allahabad, in its order dated 07-04-2017 and submit its recommendations to MHRD for their consideration and appropriate decision.

Accordingly, UGC had constituted a Committee and submitted its recommendations to Ministry of Human Resource Development on 07-11-2017. Thereafter, in compliance of the judgement of the Allahabad High Court as upheld by the Hon'ble Supreme Court of India and in view of advice tendered by the DoPT and recommendations of the UGC, MHRD vide its

*Handwritten signature*

Contd...

5 MAR 2018

[2]

O.M. No.1-7/2017-CU.V dated 22-02-2018; has intimated that the department's O.M.No.12-60/2013-UI dated 25.06.2013 stands amended to the extent as mentioned below in the UGC guidelines 2006, in accordance with the recommendations of the UGC, which are as under:

**(i) Clause 6(c):**

In case of reservation for SC/ST, all the Universities, Deemed to be Universities, Colleges and other Grant-in-Aid Institutions and Centres shall prepare the roster system keeping the Department / Subject as a unit for all levels of teachers as applicable.

**(ii) Clause 8(a)(v):**

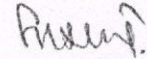
The roster, department-wise, shall be applied to the total number of posts in each of the categories [(e.g.) Professor, Associate Professor, Assistant Professor] within the Department/Subject".

The above decision may also be circulated to its constituent and affiliated colleges for immediate follow up action.

You are requested to prepare fresh rosters within one month of receipt of this letter under intimation to UGC.

This issues with the approval of the Competent Authority.

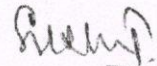
Yours faithfully



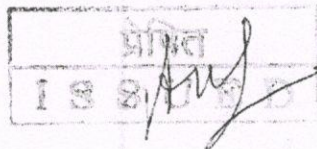
(Dev Swarup)

Copy to :

1. Shri Subodh Kumar Ghildiyal, Deputy Secretary, Ministry of Human Resource Development, Shastri Bhawan, New Delhi -110001
2. The Chief Secretaries of all State Government / UT's
3. PS to Chairman/PS to Secretary/PS to Financial Advisor/PS to AS-I & AS - II, UGC.
4. JS (CU),JS (DU),JS (DC),JS (IUC) UGC
5. PO (Website), UGC for publication on the website of the UGC.



(Dev Swarup)





GUIDELINES  
FOR

STRICT IMPLEMENTATION OF  
RESERVATION POLICY OF THE GOVERNMENT  
IN UNIVERSITIES,  
DEEMED TO BE UNIVERSITIES, COLLEGES  
AND OTHER GRANT-IN-AID INSTITUTIONS  
AND CENTERS



UNIVERSITY GRANTS COMMISSION  
NEW DELHI  
2006

# UNIVERSITY GRANTS COMMISSION

## UGC GUIDELINES FOR STRICT IMPLEMENTATION OF RESERVATION POLICY OF THE GOVERNMENT IN UNIVERSITIES, DEEMED TO BE UNIVERSITIES, COLLEGES AND OTHER GRANT-IN-AID INSTITUTIONS AND CENTERS.

1. Central Government has been issuing various instructions from time to time for implementing the Reservation Policy of the Government; and UGC being an autonomous statutory body, under the administrative control of the Ministry of Human Resource Development, is under directions from the Government to strictly implement the said instructions by all grant-in-aid institutions.
2. Central Government, Ministry of Human Resource Development (Dept. of Secondary & Higher Education), vide their Order No. F.No.6-30/2005 U-5 dated 6<sup>th</sup> December, 2005 issued the following directions to the University Grants Commission:-

WHEREAS Article 46 of the Constitution states that, "The State shall promote, with special care, the education and economic interests of the weaker sections of the people, and, in particular of the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of social exploitation.

AND WHEREAS, the policy of the Central Government is that in the Central Universities and Institutions which are Deemed to be Universities receiving grants-in-aid from the public exchequer, the percentage of reservation in admissions and recruitments in teaching and non-teaching posts is to be 15% for Scheduled Castes and 7.5% for Scheduled Tribes.

AND WHEREAS, the University Grants Commission, New Delhi hereinafter referred to as UGC, is a statutory autonomous organization responsible for implementation of policy of the Central Government in the matter of admissions as well as recruitment to the teaching and non-teaching posts in the Central Universities and Institutions which are Deemed to be Universities;

And WHEREAS, the UGC has failed to ensure effective implementation of the reservation policy in the Central Universities and grantee Institutions which are deemed to be Universities.

NOW, THEREFORE, in exercise of the powers vested under Section 20(1) of the University Grants Commission Act, 1956 the Government hereby directs the UGC to ensure effective implementation of the reservation policy in the Central Universities and those of Institutions Deemed to be Universities receiving aid from the public funds except in minority institutions under Article 30(1) of the Constitution.

3 The instructions issued by the Government are statutory in nature, as per the judgment of the Hon'ble Supreme Court in the case of *Indira Sahney v. Union of India & Ors* (AIR 1993 SC 447), since these instructions are issued for the purposes of implementing Constitutional [Article 16 (4)] provisions.

4. UGC with the mandate of maintaining the standards of higher education has been issuing guidelines from time to time, regarding adequate representation of teaching and non-teaching staff as well as of students [Article 15 (4), 16 (4), 46 & 253], belonging to SC/ST communities, in all the Universities, Deemed to be Universities, Colleges, and other grant-in-aid or research Institutions and Centers. It has now become necessary to consolidate these guidelines, the following policy Guidelines are issued.

5. All the Universities, Deemed to be Universities, Colleges, and other grant-in-aid or research Institutions and Centers are hereby directed to adopt these guidelines by appropriate resolution by the respective Governing/Executive Bodies/Syndicate/Senate etc. for effective implementation of these guidelines.

6. **Coverage and Applicability:**

(a) Reservation is applicable to all 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 and Centers;

(b) Reservation is also applicable to all admissions to Undergraduate, Postgraduate, M.Phil and Ph.D courses of educational Institutions referred to in clause (a) above;

(c) In the cases of reservations referred to in clause (a) above, the Instructions issued by the Central Government for grouping of posts shall be resorted to wherever applicable, especially when more than one University functions under a single Act, or several colleges 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;

(d) In the cases of reservations referred to in clause (b) above, 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.

(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 admissions, recruitments, appointments, promotions and other assignments of entitlements to the members of SC/ST.

7. **Extent of Reservation:**

(a) In all the educational Institutions referred to in clause 6 (a) above, the extent of reservation applicable is 15% for SC and 7.5% for ST;

(b) Without prejudice to the provisions contained in the clause (a) above, in all the educational Institutions referred to in clause (a) above, and functioning within any State shall follow the percentage of reservation prescribed by the respective State Government.

- (c) No restriction of percentage is applicable while filling-up of back-log/short-fall vacancies of SC/ST.

**Procedure to be followed in matters of reservation for teaching as well as non-teaching staff:**

- (a) Without prejudice to any procedure prescribed under various Instructions from the Central Government from time to time, the following guidelines are to be followed:
- (i) SC/ST candidates should be interviewed separately;
  - (ii) One member of the interview Committee shall belong to the SC/ST category;
  - (iii) All the SC/ST candidates selected according to their position in the combined general merit list shall not be counted for covering the prescribed percentage of reservation;
  - (iv) Rules of reservation are applicable both for direct recruitment as well as for promotion. If in internal promotion in feeder cadre candidates are not available, in that situation such positions be declared open and advertised in order to fill up the posts and fulfill reservation.
  - (v) 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 v. State of Punjab*, (AIR 1995 SC 1371); cadre is best indicated by seniority list governing the members with the same pay-scale;
  - (vi) Total number of vacancies shall be calculated, and Roster as referred above shall be applied only excluding the back-log vacancies, if any;
  - (vii) 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;

**Procedure to be followed in matters of reservation for admission:**

- (a) All the procedures prescribed under various instructions from the Central Government from time to time, as referred to in sub-clause (a) of clause 8 above, shall be applicable *mutatis mutandis* to matters of admission of students referred to in all the educational institutions referred to in clause 6(a) above.
- (b) In cases of admissions, sub-clauses (i) to (iii) of clause (a) above would only be applicable; and sub-clauses, (iv) to (vii) are not applicable;
- (c) In cases of admissions, the following procedures are also to be followed:
- (i) No SC/ST student can seek admission or claim reservation, unless he/she appears in national or State/common or University/Institution tests held for the purpose, in order to avail the quota of seats reserved for them, by the educational Institutions referred to in sub-clause (a) of clause 6 above;
  - (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;

- (iii) Rules of reservation are applicable for under-graduate as well as post-graduate levels and research degrees;
- (iv) Percentage of reservation shall be applied separately for each academic year, and not whenever interviews take place, or recruitment is made;
- (v) Rules of interchangeability among SC-s and ST-s are applicable, wherever necessary to fill-up the number of vacant seats;
- (vi) 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 effort shall be made to re-advertise for wider publicity in the leading national news papers;
- (vii) Advance special (short term) coaching with assistance from UGC may be introduced for prospective SC/ST students;
- (viii) In the Universities where central Registration for admission of SC/ST students has been introduced, all admission process must be completed at the central level itself, and the assigned Colleges, Institutes or Centers as the case may be only permitted to make attempts to fill in the vacant SC/ST seats, at their instance;
- (ix) All institutions referred to in sub-clause (a) of clause (6) should give the maximum possible encouragement and support to girls of SC/ST in admission.

10. Annual Report:

- (a) All the Institutions referred to in sub-clause (a) of clause 6 above shall submit reports about the implementation of these guidelines annually by 15<sup>th</sup> February of the following year in the prescribed format, attached to these Guidelines to the Deputy Secretary, SCT Division, University Grants Commission, New Delhi with a copy each to the Ministry of Human Resource Development or the Department of Education of the concerned State Government.
- (b) All applications for grant-in-aid, shall be accompanied by the reports on the implementation of these guidelines during the previous recruitment or academic year, as the case may be;
- (c) Reports as referred to in sub-clause (a) should assist UGC to re-adjust or reduce the extent of demand for grant-in-aid for the following academic year, at least in proportion to the deficiency in implementation of these guidelines during the previous recruitment/academic year.
- (d) A separate chapter in the annual report published by the Institutions should be provided to explain the steps undertaken and the results accomplished for bringing the level of performance of SC/ST to general level during the year.

11. Admission to Hostel Accommodations:

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 girl students of these communities. No rent shall be charged from the students of these communities.

12. **Staff Houses:**  
The percentage of reservation for Staff Quarters, transit Houses, teacher's hostels etc. shall be commensurate with the quantum of reservation as prescribed in paragraph 7 above.
13. **Liaison Officer:**  
Each University/Institution shall appoint a Liaison Officer, 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 guidelines.
14. **SC/ST Cell:**  
All the Universities/Institutions referred to in sub-clause (a) of paragraph 6 above 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.
15. **Advisory Committees:**  
Advisory Committees with Vice Chancellor/ Principal as Chairman be constituted to review the implementation of reservation policy in admission and capacity building programmes for SC/ST for their successful passing in examinations. The Committee should meet at least once in a quarter and action taken on decisions reviewed in the next meeting.
16. **Amendments to existing University Acts and Statutes:**  
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 Committees, etc.
17. **Miscellaneous:**  
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 Councils etc.

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①

IN THE HON'BLE HIGH COURT OF J&K, AT JAMMU

SWP No. 3553 of 2016

In the matter of:

Ashish Bhardwaj      VERSUS      University of Kashmir & Ors.

And

In the matter of:

Objections to the writ petition on behalf of respondent no. 3.

May it please your Lordships,

Answering respondent no. 3 most respectfully submits as under:

Brief Facts

1. That the 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.
2. That 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 policy are statutory in nature as these instructions are issued for the purposes of implementing constitutional provision Art. 16(4).
3. That all the educational institutions i.e. Universities, deemed to be Universities, Colleges and other grant-in-aid or research institutions or centers functioning within any state shall follow the percentage of reservation prescribed by the respective State Governments.

2/18/17  
SECRETARY  
UNIVERSITY GRANTS COMMISSION  
MINISTRY OF HUMAN RESOURCE DEVELOPMENT  
NEW DELHI-110002

SECRETARY  
UNIVERSITY GRANTS COMMISSION  
MINISTRY OF HUMAN RESOURCE DEVELOPMENT  
NEW DELHI-110002

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4. That it is mandatory for all the Educational institutions i.e. universities , deemed to be universities, colleges and other granting aid or research institutions or centers to submit reports about the implementation of the guidelines issued for the implementation of reservation policy annually by 15<sup>th</sup> of Feb and the reports so submitted shall be taken into account by University Grants Commission to readjust or reduce the extent 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.
5. That the answering respondents vide No. F.7-8/2015(SCT) its letter dated 4<sup>th</sup> 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. Copy of the aforesaid letter is enforced and enclosed in Annexure-R1.
6. That as per the consolidated data provided by the University of Kashmir no SC/ST/OBC candidate has been appointed in the University of as Professor, Associate Professor or Assistant Professor. Copy of the statistical data is enclosed and marked in Annexure-R2.



*Madhu*  
MADHU MEHRA  
Under Secretary  
University Grants Commission,  
Min. of Human Resource Development  
Govt. of India, New Delhi-110002



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Without prejudice to the foregoing brief facts the para-wise reply is submitted as under:

1. That in reply to the contents of para 1 are admitted, hence required no comments.
2. That the contents of para 2 pertains to respondent no. 1 & 2, as such, can be more appropriately replied by them.
3. That the contents of para 3 are denied for want of knowledge.
4. That the contents of para 4 are admitted, hence required no comments.
5. That the contents of para 5 are admitted, hence required no comments.
6. That the contents of para 6 are admitted, hence required no comments.
7. That the contents of para 7 are denied for want of knowledge.
8. That the contents of para 8 being matter of record requires no reply.
9. That the contents of para 9 are admitted, hence required no comments.
10. That the contents of para 10 are denied for want of knowledge.
11. That the contents of para 11 pertains to respondent no. 1 & 2, as such, can be more appropriately replied by them.
12. That the contents of para 12 pertains to respondent no. 1 & 2 can be more appropriately replied by them, however from the statistical data provided by respondent no. 1 & 2 for the year



MADHU MEHRA  
Notary Secretary

Notary Commission  
Government  
Madhya Pradesh, Bhopal-462002

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2015-16, it transpires that respondents no. 1 & 2 has not adhered to reservation policy.

13. That the contents of para 13 pertains to respondent no. 1 & 2, as such, can be more appropriately replied by them.
14. That the contents of para 14 are denied for want of knowledge.
15. That the contents of para 15 being matter of record requires no reply.
16. That in reply to the contents of para 16 are admitted, hence required no comments.
17. That in reply to the contents of para 17 are admitted, hence required no comments.
18. That the contents of para 18 are denied for want of knowledge.

An Affidavit in support is enclosed here with.

In the premises:

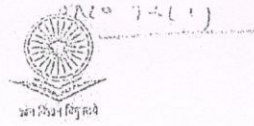
It is therefore prayed that for the submissions made here in above and those to be urged at the time of hearing the present writ petition may kindly be decided by passing directions to respondent no. 1 & 2.

*Hasth*  
NAGHI MENRA  
Joint Secretary  
Gen. Secy. Commission  
Gen. Secy. Development  
Gen. Secy. Social Welfare

Respondent No. 3  
Through Counsel

*V.K. Magra*

*Jatinder Choudhary*  
(Advocates)



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University Grants Commission  
35, Feroze Shah Road  
New Delhi-110001  
Speed Post

F.7-8/2015(SCT)

The Vice-Chancellor,  
University of Kashmir  
Hazratbal, Srinagar-06  
Jammu and Kashmir

04.5.2017

Sub:-Implementation of Reservation policy of the Government/UGC  
for SC/ST in Universities - reg.

Sir,

With reference to your letter F(Meet)PSR/KU/16 dated 17<sup>th</sup> March, 2016 on the subject mentioned above the undersigned is directed to inform that the Govt. of India and University Grants Commission is continuously monitoring the progress of implementation of reservation policy for SCs, STS & OBCs and Persons with Disabilities in teaching and non-teaching posts as well as admissions in Universities/Institutions.

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.

You are requested to take the following immediate actions:-

- (i) The University is required to adopt Reservation Policy for SC/ST circulated by the UGC in 2006 (copy enclosed) immediately, if not done earlier.
- (ii) The University, which are deficient in the prescribed percentage of reservation, are required to fill up the backlog of reservation in teaching and non-teaching posts. The compliance report in this matter may be sent to the Commission within one month.

Stamp: 04.5.17

Yours faithfully,

Signature  
Secretary



University Grants Commission  
35, Feroze Shah Road  
New Delhi-110001  
Speed Post

06 JUL 2017

F.7-8/2015(SCT)

The Vice-Chancellor,  
University of Kashmir  
Hazratbal, Srinagar-06  
Jammu and Kashmir

Sub:-Implementation of Reservation policy of the Government/UGC  
for SC/ST in Universities - reg.

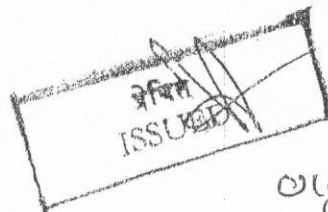
Sir,

The undersigned is directed to invite your kind attention to this office letter of even number dated 16.5.2016, 08.11.2016 and 04.5.2017 on the subject mentioned above and no reply is received. As per the Statement send by your 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 Govt. 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.

You are requested to furnish the reply/comments in the matter immediately.



UGC  
4.7.17

Yours faithfully,

*Madhu*

(Madhu Mehra)  
Under Secretary