



Government of India
National Commission for Scheduled Tribes
(A Constitutional Commission set up under Art. 338A
of the Constitution of India)

File No. MR/2/2016/STGAP/SEOTH/RU-IV

15.09.2016

1. The Principal Secretary,
Tribal Welfare Department,
Government of Andhra Pradesh,
Hyderabad. (AP)
2. The Commissioner,
Tribal Welfare Department,
Government of Andhra Pradesh,
Hyderabad. (AP)
3. The Registrar,
Andhra University,
Visakhapatnam - 530 003
Andhra Pradesh.

Sub: Representation of Smt. M. Roopa, Senior Lecturer in Mechanical Deptt., Government Polytechnic for Women, Kakinada regarding non implementation of Roster system in Andhra University.

Sir,

I am directed to enclose a copy of the Proceeding of the Sitting held in the NCST on 01.09.2016 on the above mentioned subject for necessary action and to send the action taken report to the Commission at an early date.

6369-72
16/9/16
जारी किया
ISSUED

Yours faithfully,


(V.P. Shahi)
Assistant Director

Copy to:-

Smt. M. Roopa,
Senior Lecturer in Mechanical Department,
Government Polytechnic Women,
Kakinada,
East Godavari,
Andhra Pradesh.

O/C

NATIONAL COMMISSION FOR SCHEDULED TRIBES

FILE NO. MR/2/2016/STGAP/SEOTH/RU-IV

Proceedings of the sitting taken by Hon'ble Vice-Chairperson, NCST on 01.09.2016 at 2.00 p.m. in the petition filed by Smt. M. Roopa, Senior Lecturer, Mechanical Department, Government Polytechnic for Women, Kakinada (AP) regarding non implementation of Roster system and her appointment in the Andhra University.

Date of Sitting: 01.09.2016

List of officers present in the sitting is at Annexure-I.


A representation was received on 10.03.2016 from Smt. M. Roopa, Senior Lecturer, Mechanical Department, Government Polytechnic for Women, Kakinada regarding non implementation of roster system in Andhra University, and not appointing her in the Andhra University as Associate Professor despite qualifying for the post against a ST point in the roster for women.

The petitioners' grievance is that with reference to G.O.M. No. 41 (dated 01.08.1996) 33½% women reservation must be implemented in the Government of Andhra Pradesh and accordingly, after two ST general points, the third point should be earmarked for ST woman.

The matter was taken up with the Registrar, Andhra University, Visakhapatnam (AP) on 14.03.2016. The University replied vide letter dated 05.05.2016 but the reply failed to satisfy the petitioner.

Hence Hon'ble Vice- Chairperson, National commission for Scheduled Tribes desired to hold a Sitting in this case on 01.09.2016 at 2.00. P.M. with the Commissioner, Tribal Welfare Department, Government of Andhra Pradesh and the Registrar, Andhra University. The Commissioner did not attend the hearing. Vide letter dated 31.08.2016, the Registrar, sought exemption from the Sitting and instead deputed the Assistant Registrar to apprise the position before the Commission.

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रवि ठाकुर/RANJIT THAKUR
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

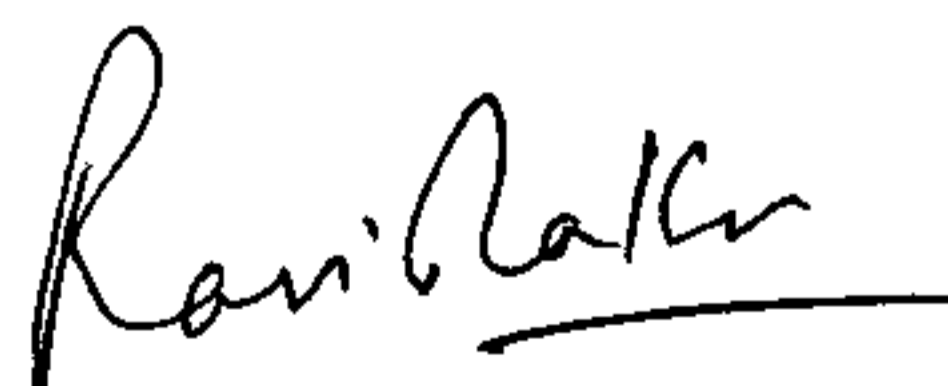
The respondent maintained that the University has followed the due procedure and the rule of reservation and roster system in consultation with the Tribal Welfare department and Social Welfare Department, Government of Andhra Pradesh. They have intimated Vide letter R.C. No. C3/3846/2005/TRI dated 26.05.2006, the Director of Tribal Welfare, Government of Andhra Pradesh, Hyderabad has approved the roster points for ST category including women.

The petitioner has submitted that the vacancy notification was circulated in 2008, and the approval shown by the Assistant Registrar was of the one given by the Tribal Welfare Department in 2006. Hence the same cannot hold good for the notification given in 2008 for appointment. A new approval was needed, and the same was never sought by the Andhra University. The petitioner has further pointed out that as per G.O.Ms No. 65, roster point No. 92 should have been reserved for ST woman. The petitioner pointed out that every 3rd point should be reserved for women and the roster was wrongly fixed.

The Commission wanted to see the reservation roster, from the respondents which, they could not show. The Assistant Registrar could only show some pages of some documents from here and there, which has no bearing on the case and there was not in a position to explain the exact position to the Commission. No original documents have been brought to the notice of the Commission which has been viewed very seriously by the Commission.

The matter was also drawn to Court, which also ordered that the University should consider her case for appointment as per the provisions of reservation for women. Since the University did not consider her case the Commission pointed out that there is a violation of the Court order.

The Commission desired the respondent to show the 2006 notification / records and the rosters but he deposed that he did not bring them. He could not show the approval obtained for recruitment done during 2008 also. The Commission pointed out that he should have produced all the documents in original.

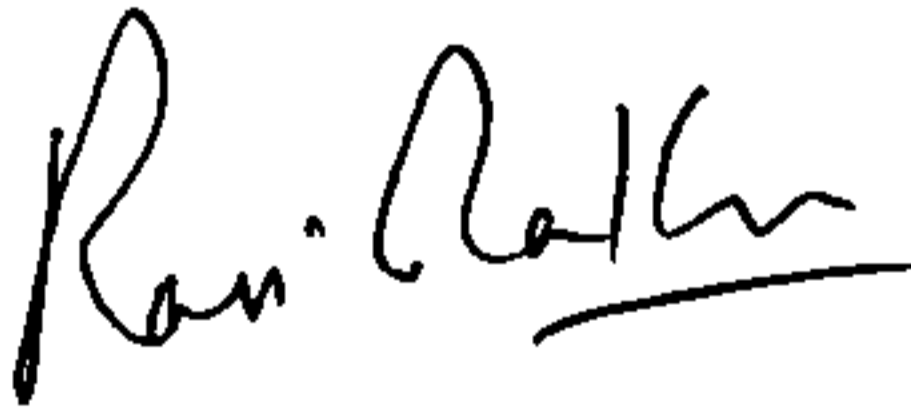

रवि ठाकुर/RAVI THAKUR
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The Commission was not satisfied with the reply submitted by the Andhra University representative in the case which the Commission felt was a strong case in favour of the applicant. The Hon'ble Vice-Chairperson also suggested that her case be considered to be included in the roster and opined that the University made a mistake by not appointing Smt. M. Roopa against the ST woman roster point. They had filled the post by a ST general instead of ST woman which may be corrected, at the earliest. A seat reserved for ST woman must be filled with an ST woman, and that, she being the only woman ST candidate, she may be given the post of Associate Professor in Mechanical Engineering Department in Andhra University.

After considering all the documents produced by the applicant which she made available through RTI applications and otherwise and also the documents provided by the Respondent, the Commission has come to the conclusion that Smt. M. Roopa is eligible to be appointed as Associate Professor under ST women quota and the same should be complied within 15 days and a compliance report be given by the Registrar, Andhra University to be placed before the Commission at the earliest.

If the University has an opinion otherwise, the University may communicate to the Commission in person. The Hon'ble Vice-Chairperson pointed out that the Registrar, Andhra University may be asked to appear before the Commission on 4th October, 2016 at 11.00 AM in person, if the directions of the Commission are not met in this regard. The Vice Chancellor of the University and the Director of the Tribal Welfare Department may also be called to appear for a meeting in this regard.

The Commission desires to review the reservation roster of the Andhra University and that a date will be given for the said review. For which the ST department and the Education Department, HRD may also be called.


रवि ठाकुर/RAVI THAKUR
उपाध्यक्ष/Vice Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure-1

File No. MR/2/2016/STGAP/SEOTH/RU-IV

List of participants

NCST

1. Shri Ravi Thakur, Hon'ble Vice Chairperson (In chair)
2. Smt. K. D. Bhansor, Director
3. Ms. N. Singsit, Assistant Section Officer

Officers of Andhra University

1. Shri K.S. Koteswara Rao, Assistant Registrar

Petitioner

1. Smt. M. Roopa, Sr. Lecturer