

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Proceedings of the hearing held in the Chamber of Hon'ble Vice-Chairman, NCST on 10.4.2007 at 2.00 P.M. to discuss the grievance of Shri Mohd. Mohiuddin Shahid regarding his adhoc appointment in the post of Lecturer (Urdu) in University of Delhi

Shri Deepak Pental, Vice-Chancellor and Shri A.K. Dubey, Registrar, University of Delhi attended the hearing held in the Chamber of Shri Gajendra Singh Rajukhedi, Hon'ble Vice-Chairman of this Commission. The Vice-Chairman was assisted by Shri K.K. Gupta, Secretary, Shri K.N. Singh, Joint Secretary and Shri R.C. Durga, Director. Shri Mohd. Mohiuddin Shahid was also present during the hearing.

2.1 The Commission noted that the principal grievance of Shri Shahid related to the appointment to the post of Urdu Lecturer in Delhi University on adhoc basis. It was found that Shri Shahid had represented that one post of Urdu Lecturer reserved for ST had been lying vacant for more than five years for which he had applied and was called for interview on 7.9.2006 and that even though he was the only eligible candidate for that post, he was not selected. The Commission was informed by the Registrar, Delhi University that the process of selection of adhoc appointments in Urdu in the University was done after following the due procedure laid down by the Executive Council of the University and that the allegations made by the petitioner were not correct. It was clarified that there was no reservation for ST candidates for adhoc appointment to the post of Urdu Lecturer. It was further stated that in total 52 persons were called for interview out of which 35 including the petitioner appeared before the Selection Committee on 7 September, 2006. The Committee, on the basis of their performance in the interview and their academic record, selected 5 candidates for adhoc appointment as Urdu Lecturer. The name of Shri Shahid was not among the 5 selected candidates as his performance was rated not upto the mark or poor by the Selection Committee. The Commission was also informed that according to the various decisions of the Hon'ble Supreme Court, the wisdom of the members of the Selection Committee could not be challenged in any courts unless it was proved that the selection process had been vitiated by malafide intentions. It was also mentioned by the Registrar that the Selection Committee had observed that the petitioner Shri Shahid was simply MA with 51.9% marks and neither he had qualified M.Phil nor Ph.D in comparison all other applicants who had Degree of Ph.D along with teaching experience. It was also noted that Shri Shahid had become eligible to apply for the post of Lecturer in Urdu only in June 2005 when he had qualified the NET (National Eligibility Test for Lecturership). The petitioner was informed by the Commission that as the appointments on adhoc basis had been made by a Selection Committee consisting of

senior teachers after following the due procedure laid down, and also that there were no reservations for SCs/STs, there was no valid reason for the petitioner to think that any injustice or unfairness had been shown against him by the members of the selection Committee.

2.2 The Vice-Chancellor clarified that there were more than 95 Departments in the University of Delhi and there were backlog of vacancies reserved for SCs & STs and that necessary steps have been initiated by the University to fill up the backlog reserved vacancies.

2.3 The Commission was also informed by the Registrar, Delhi University that 5 posts of Lecturer (Urdu) (SC-1, ST-1 and UR-3) had been advertised in July, 2006 for being filled up on regular basis and that against the one post reserved for ST, 4 applications including one from Shri Shahid had been received from ST candidates and were being processed. The Vice-Chancellor also stated that the application of Shri Shahid will be considered along with three other applications from ST candidates and a suitable person out of them, based on her/his academic record and the quality of performance in the interview will be selected. He also assured the Commission that the candidature of Shri Shahid will be considered purely on merits without any prejudiced against him. The Commission also advised Shri Shahid to concentrate his attention on this regular appointment and try to come up to the expectations of the Selection Committee in the interview.

2.4 It was also brought to the notice of the Commission that the petitioner had also approached the Delhi High Court Legal Services Authority (DHLA) for this purpose and that the University had filed a detailed reply on merits of the case. It was stated that the said judicial authority after examining the complaints made by the petitioner had come to the conclusion that these were devoid of any merits. The University authorities were requested to send a copy of the order passed by the said judicial authority in this regard to the Commission.

3.1 The second grievance of Shri Shahid was that he had been failed in the test for admission to M.Phil in Urdu. The Commission was informed by the Registrar that the admission to M.Phil in Urdu was regulated under Ordinance VI of the Ordinances of the University of Delhi under Delhi University Act, 1922 and that the petitioner had registered in M.Phil course in Urdu in the Department of Urdu during the academic session 2003-04. According to the records of the Department, he appeared in two Papers (Paper-I and II) in December 2003 Examination. But he failed in both the papers. He again appeared in the said Papers in December 2005 but once again he did not succeed.

3.2 The Commission was also informed that according to the Rules governing the M.Phil Examination (as per Ordinance VI of the Ordinances of the University, referred to above) there was no provision for any revaluation of the Papers and that such provisions existed only in respect of undergraduate or post graduate (i.e. non-professional) level courses. Further the petitioner had at present registered himself as external student for the said course in the University. The Commission observed that the complaints/allegations of the petitioner that he had been deliberately failed in the M.Phil admission tests were not based on facts.

4. The Commission also noted that the caste/community certificate dated 8.6.2000 issued from the Sub Divisional Officer, Godda, District Santhal Paragana, (Bihar), now Jharkhand had not been issued in the format prescribed by the Government of India. The petitioner also failed to produce the original community certificate in the meeting stating that he had not brought it. The Commission felt that the tribal status of the petitioner was of doubtful nature and accordingly desired that the Commission should immediately take up the matter with the District Collector, Godda, Jharkhand for verification of the genuiness of the community certificate as well as the tribal status of the petitioner.

5. The Commission also found that although the petitioner had qualified the UGC-NET Examination for eligibility for Lecturership in December 2004 in Urdu, he had been issued the certificate by the UGC on 5 July 2006. The petitioner stated that the delay in the issue of these NET certificates was attributable to some verification conducted by the UGC authorities after he had passed the examination.
