

TEACHERS AND QUOTAS

Relevant for: Developmental Issues | Topic: Education and related issues

Legislation to overcome the effects of court verdicts is not always a good idea. However, sometimes an exception ought to be made in the larger public interest. One such law is the Centre's Bill to ensure that reservation for scheduled castes, tribes and other backward classes in appointments to central educational institutions is preserved. The Central Educational Institutions (Reservation in Teachers' Cadre) Bill, 2019, passed by the Lok Sabha, replaces an ordinance promulgated in March. Its main object is to restore the system of treating an institution or a university as a single unit to apply the reservation roster, and thus help fill 7,000 teaching vacancies. It seeks to get around a 2017 judgment of the Allahabad High Court striking down University Grants Commission regulations that treated the institution as the unit for determining the roster, and directing that each department be the relevant unit. In short, reservation should be department-wise, and not institution-wise, the court ruled. The Supreme Court rejected the Centre's appeal against the order. But the narrower basis for applying quotas would mean fewer aspirants from OBC and SC/ST sections would be recruited as assistant professors. In the interest of social justice, it had to restore the system of having a wider pool of posts in which the quotas of 27% for OBC, 15% for SC and 7.5% ST could be effectively applied. From this perspective, the Bill provides welcome relief for aspirants from the disadvantaged sections of society.

The Hindu explains: The Central Educational Institutions (Reservation in Teachers' Cadre) Bill

It is not that the court was manifestly wrong in applying the roster based on a smaller unit, that is, a department in a university or institution. The High Court noted that having the whole institution as a unit would result in some departments having only reservation beneficiaries and others only those from the open category. But the counterpoint is equally valid. Having the department as the unit would mean smaller faculties would not have any reservation. In the roster system, it needs 14 posts to accommodate SC and ST candidates, as their turn would come only at the seventh and 14th vacancy. There may be no vacancies in many departments for many years, with none from the reserved categories for decades. On the other hand, taking the institution as the unit would give more opportunities for these sections. According to the UGC's annual report for 2017-18, nearly two-thirds of assistant professors in Central universities are from the general category. Their representation would go up further, as the present Bill also applies the 10% quota for the economically weak among those outside the reservation loop. Applying the court's department-wise roster norm would have deepened the sense of deprivation of the backward classes and SC/ST communities. To that extent, the new enactment will serve a vital social purpose.

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