

Apex court asks government to explain faculty quota

The Supreme Court Tuesday asked the government to justify its move to reserve 49.5 percent seats for Dalit and backward category candidates in the appointment of teachers in central universities.

A bench of Chief Justice K.G. Balakrishnan issued notices to the government, the University Grants Commission (UGC) and the Jawaharlal Nehru University (JNU) on a public interest lawsuit, questioning the legality of the reservation in appointment of teaching faculties in various centres of educational excellence, run or aided by the government.

The bench, which also included Justices P. Sathasivam and J.M. Panchal, asked the government, the UGC and the JNU to file their response within two weeks.

Centre for Equality's trustee Varsha Sharma, a JNU teacher, In her petition submitted to the court that the Congress-led United Progressive Alliance (UPA) government on assuming office had directed the UGC in December 2005 to reserve for Dalits and tribals 22.5 percent appointments of lecturers and professors in all centrally aided institutions, except the minority institutions.

Sharma said acting on the government's direction, the UGC in 2006 ordered all centrally aided institutions to reserve the appointments.

In January 2007, it also asked them to reserve 27 percent seats for Other Backward Classes (OBCs) category candidates while appointing lecturers and professors, said Sharma.

Acting on the UGC directions, the JNU in April 2007 decided to reserve 49 percent appointments together for Dalits, tribals and backward category teachers.

Arguing for Sharma, senior advocate K.K. Venugopal said there can be no reservations in institutions of excellence in research and super-specialization, where the sole criteria for appointment is merit.

Venugopal cited various apex court rulings, including one on the implementation of the Mandal Commission recommendation for reservation in government jobs, which bar quota in appointments of professors in education.

'We are of the opinion that in certain services, like defence services and in their technical posts, in technical posts of establishments engaged in research and development of atomic energy, space, defence equipment, teaching posts of professors, posts in super-specialities in medicine, engineering and other scientific and technical subjects, posts of pilots in airlines, the reservation may not be advisable,' said the lawyer citing the apex court ruling.

Venugopal also questioned the government's rationale for the figure of quota and pointed out that there had been no caste-based census after 1931 in the country.

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