

**122nd MEETING OF THE EXECUTIVE
COUNCIL**

**AGENDA PAPERS
III PART**

18th October, 2005

**AGENDA PAPERS FOR THE 122nd MEETING OF THE
EXECUTIVE COUNCIL TO BE HELD ON 18TH OCTOBER, 2005**

III PART

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Ratification of Action taken by the Vice-Chancellor.**AGENDA ITEM FOR EXECUTIVE COUNCIL****(XVIII) Appointment of In-charge NEHU Health Centre.**

The 76th Executive Council vide its resolution No.EC:76:92:6:2(iv) adopted on 14.8.1992 have resolved that the In-charge of the University Health Clinic should be appointed on rotation basis for a period of three years from amongst the Senior Medical Officers.

The term of the In-charge, University Health Centre held by Dr. (Mrs) M. Synrem expired on 3rd June, 2005 after completion of the tenure of three years. At present, the University Health Centre has the following Senior Medical Officers at Headquarters:-

1. Dr. (Mrs) M. Synrem, Specialist Grade-I
2. Dr. V.S.V Prasad, Specialist Grade-I
3. Dr. I. Hussain, Specialist Grade-I and
4. Dr.(Mrs) M. Marwein, Medical Officer, Grade-II.

Dr. I. Hussain and Dr. V.S.V Prasad are the other two Senior Medical Officers, Specialist Grade-I, while Dr. V.S.V. has been In-charge of the Health Centre during 1992-1995. Whereas Dr. I. Hussain did not head the Centre till date. Dr. I Hussain, however, had been transferred to Tura in 2001 but on his request vis-à-vis on personal ground, the said transfer was deferred till 2002. In 2002 he again asked for postponement of his transfer to March, 2003 owing to his daughter's medical treatment. Subsequently, the said transfer order was kept in abeyance, so as to enable Dr. I. Hussain to stay at the Headquarters. In view of this, the Vice-Chancellor approved the appointment of Dr. V.S.V. Prasad as In-charge of the University Health Centre for a period of three years. Dr. V.S.V. Prasad took over the charge of the Centre on 15th June, 2005 (FN).

The matter is placed before the Council for ratification.

AGENDA ITEM FOR EXECUTIVE COUNCIL

(XIX) Appointment of Pro-Vice-Chancellor, NEHU, Tura Campus.

On assumption of Office of Vice-Chancellor, Prof. Pramod Tandon in the capacity of the Vice-Chancellor of the University has appointed Prof. S.S. Khare as Pro-Vice-Chancellor, NEHU, Tura Campus w.e.f 29.09. 2005 in accordance with the provision laid down under Statute 3 (1) of the NEHU Act and subject to the ratification of Executive Council.

The matter is therefore placed before the Executive Council for ratification.

(xx) Item : Extension of lien in respect of Dr R.Sachdeva, Reader, Department of Linguistics.

In pursuance of the 115th Executive Council meeting resolution No.EC:115:2003:3:5:3(i), Dr R.Sachdeva, Reader, Department of Linguistics, was granted lien for a period of one year w.e.f 25.5.03 so as to enable him to join the post of Professor-cum-Deputy Director in CIL, Mysore. Subsequently, subject to the ratification by the Executive Council, the Vice Chancellor, further approved extension of lien for a period of one year w.e.f 25.5.2004 to 24.5.05 in respect of Dr R.Sachdeva. This was ratified by the 119th Executive Council vide resolution No.EC:119:2004:3(vi).

Now, Dr R.Sachdeva vide his letter No.F.6/8-1/2004-05 dated 17.6.05 (Annexure-A) requested the University to grant extension of lien for a further period of one year, since his confirmation in the present post in the said Institute is yet to be finalized. On the merit of the case and subject to the ratification by the Executive Council, the Vice Chancellor, approved the extension of lien for a further period of one year w.e.f 25.5.05. However, Dr Sachdeva has been informed specifically that no further extension of lien will be considered beyond 24.5.06. As such, Dr Sachdeva will have to revert back to NEHU, if his service is not confirmed in the said Institute.

It may be mentioned herein that, as per GOI rule to be read with FR 9 (13), the concept of lien represents the right to hold the regular post. The benefits of having a lien in a grade will thus be enjoyed by all officers who are confirmed in the grade of entry. The lien however, will stand automatically terminated in the absorption of the Government employee by the borrowing department.

The matter is, therefore, placed before the Council for ratification.

ANNEXURE-A

CENTRAL INSTITUTE OF INDIAN LANGUAGES
(Ministry of Human Resource Development, Dept. of Secondary & Higher Education,
Govt. of India)
Manasagangotri, Mysore- 570 006

No.F.6/8-1/2004-05

June 17, 2005

Vice Chancellor
North-Eastern Hill University (NEHU)
Permanent Campus,
SHILLONG - 793022
Meghalaya.

Sub: Regarding further extension of lien for one more year.

Dear Sir,

Since my confirmation in the present post of Professor cum Deputy Director in CIIL has not yet been communicated to me, I am forced to request the University to kindly grant lien for one more year which otherwise came to end two weeks back. Although, I expect that this is only a technical issue and I should have no problem being confirmed in the present post, for the continuation of my GPF, it is essential for me to remit my monthly amount to my parent department, which in this case is NEHU.

I do hope you will be kind enough to consider the same and grant me lien for one more year.

Thanking you,

Yours faithfully,

(Rajesh Sachdeva)
Director I/C

5: - ACADMIC MATTERS

5:8 - Others

- (i) Constitution of Search Committee on the Rajiv Gandhi Chair for Studies in Protective Discrimination.

The matter was taken up in 115th Executive Council by the Chair. The Council referred it to the Academic Council. The Minutes of the Executive Council is placed at annexure 'A'. It was discussed in 69th Academic Council. The Council decided to constitute a Committee so as to suggest names for consideration of appointment to the Chair. The Minutes of the Academic Council is placed at annexure 'B'.

Accordingly a committee was constituted vide notification at annexure 'C'. Till date no report has been received from the Committee.

The relevant portion of the OB-15 on the Rajiv Gandhi Chair for studies in Protective Discrimination is quoted below :-

"OB-15(7) :

- (i) The Rajiv Gandhi Professor shall be selected in the manner as provided in Statute 21 of the NEHU Act, 1973.
- (ii) The Executive Council of the University shall constitute a Search Committee for the purpose consisting of three eminent Social Scientists of the Country and one representative each of the Ministry of Human Resource Development and the Rajiv Gandhi Foundation, as observers. One of the three Social Scientists shall be nominated as Chairman of the Search Committee.
- (iii) The Search Committee shall carry out an exhaustive search amongst available Indian Scholars within the Country and overseas for the post and shall recommend a panel of three names to the Executive Council.
- (iv) The Executive Council shall constitute the Search Committee for the selection of the next incumbent after each incumbent completes two years in the post."

The matter is, therefore, placed before the Council for consideration whether the Committee constituted by the Academic Council will function as Search Committee or Executive Council will like to constitute the Search Committee as per provision of the Ordinance on the subject.

recognised/approved hospitals for University staff with the approval of the Pro-Vice- Chancellor, Tura campus.

(iii) Allotment of NEHU land to the Dorbar Shnong, Mawlai, Mawiong, Umjapung, Shillong.

EC: 115:2003:6:7(iii) The Council considered the allotment of NEHU land to the Dorbar Shnong, Mawlai, Mawiong, Umjapung, Shillong and **RESOLVED** to approve the same.

(iv) Loss of investment of GPF/CPF money

EC: 115:2003:6:7 (iv) The Council considered the loss of investment of GPF/CPF money and **RESOLVED** that the matter may be referred to the Finance Committee for advice. The council further **RESOLVED** that henceforth NEHU's money should not be invested in risky ventures especially to those, subjected to market fluctuations.

ITEM NO. 8

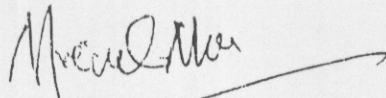
ITEMS FROM THE CHAIR

✓ EC: 115:2003:8(i) The Council considered the appointment of Rajiv Gandhi Chair and **RESOLVED** to refer the matter to the Academic council for deliberations. //

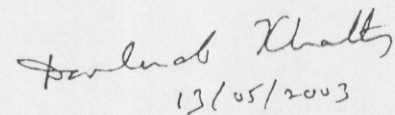
EC: 115:2003:8 (ii) The Council considered for treatment of NEHU staff at Bethany Hospital, Nongrim Hills, Shillong and **RESOLVED** that the Senior Medical Officer (i/c), NEHU Health Clinic may visit the said hospital and to comment for recognition.

EC: 115:2003:8 (iii) The Council considered the request of the Security Officer to be designated as Chief Security Officer and **RESOLVED** to regret the same. It was further **RESOLVED** that his second ACP, if due, should be granted.

The meeting ended with a vote of thanks from the Chair at 16:30 hours.



(MRINAL MIRI)
CHAIRMAN


13/05/2003

(D.T. KHATHING)
SECRETARY

(iii) Nomination of the members to the Board of under Graduate Studies

AC:69:2003:5:8:(iii): The Council considered nomination of three members to the BUGS in Geology, Statistics and Sanskrit and **RESOLVED** to authorize the Chairman, to nominate the members. However it was further **RESOLVED** that the Head, Centre for Applied Statistics be nominated as the Chairman, BUGS in Statistics.

covered
BUC's files
for n.a.

(iv) Appointment of Rajiv Gandhi Chair

AC:69:2003:5:8:(iv): The Council considered the appointment of Rajiv Gandhi Chair and **RESOLVED** that a committee be constituted to suggest names for consideration of appointment to the Chair.

✓(v)

Restructuring of the Centres of Studies

AC:69:2003:5:8:(v): The Council considered the report submitted by the Committee for restructuring of the Centre of Studies and **RESOLVED** to accept its recommendation to the effect that "Units" of Centres be abolished. It was, further, **RESOLVED** that the same Committee may suggest further restructuring of the Centres keeping in view the relative largeness of some of the existing Centres.

Item No.6 ADMINISTRATIVE MATTERS

6:1 - SELECTION COMMITTEE

(i) Screening Procedures

AC:69:2003:6:1:(i): The Council considered the screening procedure followed by various Departments for recruitment of faculty positions and **RESOLVED** that the present system may continue. However, the screening committee should include teachers in order of seniority and, according to specific specialization.

5:8:1(4)

Annex C

NORTH-EASTERN HILL UNIVERSITY
SHILLONG

No:69-4/Conf/2003- 186

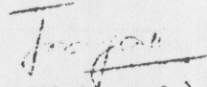
Dated 19th August'03

N O T I F I C A T I O N

In pursuance of Resolution No:AC:69:2003:5:8(iv) adopted in its 69th meeting of the Academic Council held on 16th and 17th June'03 on the item "Appointment of Rajiv Gandhi Chair" the Vice-Chancellor, NEHU, Shillong is pleased to constitute a Committee consisting of the following members to suggest names for consideration of appointment to the said Chair.

1. Prof MN Karna - Chairman
Department of Sociology,
NEHU, Shillong.
2. Prof T Subba - Member
Department of Anthropology,
NEHU, Shillong.
3. Prof(Mrs)S Miri - Member
Department of Philosophy,
NEHU, Shillong.

The Committee shall submit the report at the earliest for placing the same in the next meeting of the Academic Council.


(Dr JN Nayak)
Deputy Registrar(Conf)

To

Copy to :-

1. Finance Officer, NEHU, Shillong.
2. PS to the Vice-Chancellor, NEHU, Shillong.
3. Committee file.


Deputy Registrar.

6.2(1-3)

AGENDA FOR THE EXECUTIVE COUNCIL

Item No 6 : ADMINISTRATIVE MATTERS

6.2 - Appointment/creation - upgradation of posts / confirmation
Extension / Option / Transfer / Release / Termination of
(xiii) Appointment of Part-Time Teachers.

The U.G.C.'s Notification vide No.F.3-1/94(PS) dt. 24.12.1998 on Revision of Pay Scales, minimum qualifications for appointment of teachers in Universities and Colleges inter alia provided necessary guidelines for appointment of Part-Time teachers.

The criteria as provided by the Commission for appointment of part-time teachers are reproduced below:

12.0.0 PART-TIME TEACHERS

The minimum qualifications for appointment of part time teachers should be the same as that of regular teachers and selected by regularly constituted Selection Committees. The part-time teachers should be appointed only in exceptional circumstances when it is appropriate to the requirements of the institution in terms of subjects to be taught or workload. They can be appointed on a contract appointment if only for a short period or as permanent half-time/proportionate time employees against half/proportionate salary of the scale (and should include proportionate increments, dearness allowance and any other permissible benefits). Such permanent part-time teachers will also be entitled to the scheme of Career Advancement from Lecturer to Senior Scale Lecturer, Selection Grade Lecturer/Reader, and Professor. However, they will be entitled to half/proportionate amount of the basic of the scale and proportionate increments, dearness allowance and any other permissible benefits.

Keeping the above provision in view, the University considered for appointment of part-time teachers in the Department of Rural Development and Agricultural Production, Tura Campus. This has been done due to acute shortage of teachers in the Department of Rural Development and Agricultural Production. It may not be out of place to mention herein that the department of Rural Development and Agricultural Production started functioning at Tura Campus with the assistance of repatriated teachers from erstwhile Nagaland Campus. Till date, only one post of Professor has been sanctioned particularly for the department of Rural Development under the Xth Plan, whereas the Rural Development and Agricultural Production has four major segments viz., Agronomy, Horticulture, Animal Science and Rural Development. Hence, without the appointment of part-time teachers, it is not possible to run the courses under the said disciplines.

Now, it has come to the notice of the University through U.G.C. Website, that the U.G.C. apparently issued a circular dated 27th March, 2001 directing the Universities

to do away with the appointment of part-time teachers and instead Guest faculty could be appointed on per lecture basis.

The copy of the U.G.C.'s Circular is placed at Annexure 'A'.

In view of the above, it may kindly be decided whether the University should appoint of part-time teachers in future with particular reference to the department of Rural Development and Agricultural Production, Tura.

The matter is placed before the Council for consideration.

No.F.2-9/97 (PS)

27th March, 2001

The Registrar

Subject: Appointment of Guest Faculty in place of Part-time Teachers-payment on per lecture basis.

Dear Sir/Madam,

In continuation to the UGC's Circular of even number dated 17.4.99,3.6.99 and 21.3.2000 on the subject cited above, I am to inform you that the Commission considered the draft guidelines in its meeting held on 27th January, 2000 and resolved that it was not in favour of a separate cadre of part-time teachers. The Commission decided that no new part-time teachers be appointed and wherever required Guest Faculty could be appointed on per lecture basis. The Commission further decided to enhance the amount of honorarium from Rs.150/- to Rs.250/- for Guest Lecturer with a ceiling of Rs.3000/- per month.

Yours faithfully,

(Dr.(Mrs) Pankaj Mittal)
Deputy Secretary

AGENDA FOR THE EXECUTIVE COUNCIL

- (xiv) **Appointment of the Head of the Department of Rural Development and Agricultural Production, Tura Campus, Tura.**

Dr. L.R. Saha was appointed as Head of the department of Rural Development and Agricultural Production, Tura Campus for a period of 3 years with effect from the date of joining. However, Dr. L.R. Saha had joined on 11.10.2002 and although his term will expire on 10.10.2005, but he will continue till the end of the semester.

As such, Dr. L.R. Saha has made a request to the University in advance for appointment of next Head of the department vide ANNEXURE 'A'

It may be mentioned herein that there is no Professor in the department of R.D.A.P., and Dr. L.R. Saha is the only Reader in the department. As per provision of the Statute Clause No.7 of NEHU Act 1973, the following are the criterion:-

- (1) In the case of Departments which have more than one Professor, the Head of the Department shall be appointed by the Executive Council on the recommendation of the Vice-Chancellor from among the Professors.
- (2) In the case of Departments where there is only one Professor, the Executive Council shall have the option to appoint on the recommendation of the Vice-Chancellor, either Professor or a Reader as the Head of the Department: Provided that it shall be open to a Professor or Reader to decline the offer of appointment as the Head of the Department.
- (3) A person appointed as the Head of the Department shall hold office as such for a period of 3 years and shall be eligible for reappointment: Provided if the term of the Head ends during academic session, it shall automatically stand extended up to the end of the concerned semester.
- (4) A Head of the Department may resign his office at any time during his tenure of office.
- (5) A Head of a Department shall perform such functions as may be prescribed by the Ordinances.

In view of the above, the Vice-Chancellor has approved that Dr. L.R. Saha shall continue as Head of the Department till 18.12.2005 i.e., till the end of the concerned semester.

The matter is therefore placed before the Executive Council for decision on the appointment of the next Head of the Department of R.D.A.P.

5

ANNEXTURE-A



North-Eastern Hill University
Tura Campus :::: Chandmari- 794002
Department of Rural Development & Agril. Production

No.TC/RDAP-29/-03/- 666

Dated: 7.7.05

To,

The Vice Chancellor,
North-Eastern Hill University,
Shillong.

Handwritten notes:
A.O. 2/13/7/05
13/7/05

Subject:- Handing over the charge of Headship.

Ref:- No.F.S.-15/XLX/Estt.II/2002-5459 dated 16th September 2002.

Sir,

In accordance with the above cited letter I would like to bring before your kind notice that my term for the Head of the Department of RDAP at NEHU, Tura Campus is going to be over by 10.10.05.

Accordingly I would be highly grateful if necessary arrangement is made in advance to facilitate me to hand over the Headship to my successor.

Thanking you.

Yours faithfully,

Handwritten signature
(L.R. Saha)
Head.



Handwritten notes:
F13
13/7/05
152
13/7/05

(xv) Suspension of Prof. V.K. Srivastava,
Deptt. of Hindi and the Report of the
Women's Cell.

The Women's' Cell of the University in its meeting held on 9th June, 2005 recommended to place Prof. V.K. Srivastava of the Department of Hindi under suspension to facilitate the investigation on the complaint of sexual harassment by Prof V.K. Srivastava. The minutes of the meeting of the Women's' Cell dated 9.6.2005 is placed at Annexure 'A'.

Accordingly the Vice-Chancellor in exercise of powers conferred under Statute 27(1) of the NEHU Act 1973 placed Prof. V.K. Srivastava under suspension vide order No.117-210/Estt-II/2002 dt.10.6.2005. The order of suspension is placed at Annexure 'B'

The action taken by the Vice-Chancellor is reported to the Council for kind consideration and approval.

Signature A

**WOMEN'S CELL
NORTH EASTERN HILL UNIVERSITY
MAWLAI
SHILLONG-793022**

Prof. Manorama Sharma,
Chairperson Women's Cell
Dept. of History
NEHU, Mawlai
Shillong-793022

Mailing Address:
Room No. G-8, Old Admn. Building
NEHU
Shillong --793022
Ph.No. 2551484(R)
2721071 (O)

**Minutes of the Emergent Meeting of the Women's Cell NEHU held on 9th June at
10.00 A M**

An emergent meeting of the Women's Cell, NEHU was held on 9th June at 10:00 A.M in the office of the Chairperson, Women's Cell to discuss the matter of a serious complaint of sexual harassment received by the Chairperson.

Members present:

1. Prof. Manorama Sharma (in the chair)
2. Ms Patricia Mukhim
3. Mr. Allister Diengdoh
4. Prof. Veena Saraf
5. Dr. S. K. Barik
6. Mr. B.J.D Wahlang
7. Mrs. N.G. Marwein
8. Ms Gabriel Lyngdoh

The Chairperson welcomed the members and thanked them for coming to the meeting at such short notice.

The members were then apprised by the Chair about the method of inviting the members and their responses. She informed the members that information for the emergent meeting of the Women's Cell to be held on 9th June 2005, was telephonically conveyed to the following on 8th June, 2005 between 3.30 P.M. and 4.30 P.M:

Patricia Mukhim- confirmed attending

Prof Veena Saraf - confirmed attending

Mr. B.J.D.Wahlang- confirmed attending

Dr. S.K.Barik - confirmed attending

Mrs. Gabriel Lyngdoh - confirmed attending

Mr. Allister Diengdoh - confirmed attending

Mrs. N.G. Marwein was contacted at home by phone at night and she confirmed her attendance.

Prof. Bilores Lyndem was contacted by phone at home on 9th June morning as she was not available on 8th June evening. She however expressed her inability to attend as she would be busy in a seminar on marriage in Tribal societies and also other pressing matters.

The chair then placed before the Cell the complaint of sexual harassment received by her which was sent to her by the Vice Chancellor with the request that the Women's Cell conduct a thorough inquiry into the matter.

The Chair also informed the members that a copy of the same complaint was also given to her by the group of girls in her chamber on the afternoon of 8th June, 2005 and that the each girl in her presence signed the joint statement.

While maintaining complete confidentiality about the names in the complaint the Chair apprised the members about the nature of the complaint of sexual harassment.

The members expressed great concern about the seriousness of the allegations and were unanimous that immediate investigations should be started so that no time is lost and also expressed the view that the group of women students who have lodged the signed complaint should be protected and their identity not revealed.

The meeting then formed a committee for investigating into the matter with the following members:

Chairperson Women's Cell

Ms Patricia Mukhim

Mr. Allister Mukhim

Prof. Veena Saraf

After a thorough discussion of the matter the members felt that some immediate steps needed to be taken to ensure that a fair and unhampered investigation should be conducted. There were suggestions that the University Professor against whom the allegations were made should be asked by the University to proceed on leave for the period of the inquiry because his presence in the department concerned itself

might be an intimidating factor for the complainants as he has a position of power so far as the complainants are concerned.

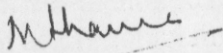
The members seriously considered the pros and cons of such action.

The legal adviser of the Cell than expressed the opinion that the Vice Chancellor should actually take *Suo- moto* action so that the Professor against whom the allegations have been made could not in anyway jeopardise the process of inquiry. He also clarified that suspension is no punishment and is merely a step to facilitate the course of fair inquiry.

The meeting of the Women's cell therefore resolved :

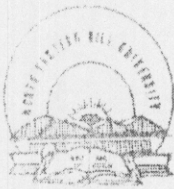
"The Women's Cell felt that from the complaint it goes to show that there is a *prima facie* case and therefore recommends that the Vice Chancellor takes *Suo-moto* action and suspends the person against whom the allegations have been made till the investigations are over and direct him to co-operate with the investigations."

The chair thanked the members and assured them that the inquiry committee would go into action immediately and place a report before the Vice Chancellor at the earliest and then report back to the full meeting of the Cell.



(Manorama Sharma)

Chairperson Women's Cell, NEHU



103

पूवोत्तर पर्वतीय विश्वविद्यालय
पू. प. विवि. परिसर, शिल्लोंग-७९३०२२ (मेघालय)
North-Eastern Hill University
NEHU Campus, Shillong - 793 022 (Meghalaya)

ANNEXURE 18

0364 2550067 (O)

2551497 (R)

Fax: 0364 2551634

Confidential

No:17-210/Estt.II/2002:98

Dated: 10th June, 2005

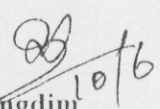
ORDER

In the light of the report of the Chairperson, Women Cell, NEHU, Shillong dated 9th June, 2005, disciplinary action against Professor V.K. Srivastava, Professor, in the Department of Hindi, NEHU, is contemplated.

Now, therefore, the Vice Chancellor, NEHU, Shillong in exercise of powers conferred by Statute 27(1) of the NEHU Act 1973, hereby placed the said Professor V.K.Srivastava under suspension with immediate effect.

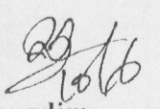
It is further ordered that during the period of suspension and until further order, the headquarters of Professor V.K. Srivastava of the Department of Hindi, NEHU, shall be at Shillong and the said Professor V.K. Srivastava shall not leave the headquarters without obtaining prior permission of the authorities. He will also not have any access to his office room in the Department of Hindi, NEHU, Shillong.

It is also ordered that Professor V.K. Srivastava shall hand over all official papers / assignments of the students and other related documents to the Head, Department of Hindi, NEHU, Shillong.


J.Lhungdim
Registrar

Copy to :

1. Professor V.K. Srivastava, Department of Hindi, NEHU, Shillong for information and necessary action
2. The Finance Officer, NEHU, Shillong. The subsistence allowance may be paid to Professor V.K. Srivastava according to F.R.55(1). It may please be ensured that no payment of subsistence allowance be made unless the employee concerned furnished a certificate in terms of GOI No.(3) under F.R. 53.
3. The Dean, School of Humanities and Education, NEHU, Shillong
4. The Controller of Examinations, NEHU, Shillong for information and necessary action
5. The Head, Department of Hindi, NEHU, Shillong
6. The P.S. to the Vice Chancellor, NEHU, Shillong
7. Office File


J.Lhungdim
Registrar

6: 6: 1 (1)
6: 6: Service conditions / Pension & Other Benefits.

(i) Common seniority list of teacher – Lecturers, Readers and Professors

Since the inception of the University, the common seniority list of teachers in respect of different cadres such as Lecturers, Readers and Professors, could not be finalized. From time to time, this office did issue draft common seniority list of teachers on the basis of criteria recommended by Committees.

Prof.M.Miri, former Vice Chancellor, constituted a Committee to finalise and to give a final shape to common seniority list of teachers. The Committee looked into the entire gamut and recommended certain criteria for preparation of common seniority list of teachers of the University.

The criteria as recommended by the Committee was approved by the 119th Executive Council. The approved criteria is quoted below:-

- (a) Notwithstanding anything contained in the provisions under Statute 26 of the North-Eastern Hill University Act, 1973 the date of appointment in a grade in NEHU, as per the appointment order, shall be taken as the date of joining for determining seniority.

In case, the date of joining in a particular grade be the same, the seniority shall be determined according to the date of joining in NEHU in the previous grade(s). Service (s) rendered in any other organizations shall not count for seniority in NEHU.

- (b) In case, the date of joining in all the grades in NEHU remain the same, the seniority shall be determined taking into account the date of birth.

The Committee, which was constituted to look into the matter of preparing the common seniority list of teachers, took note of the judgement dated 16.02.2001 passed by the Hon'ble High Court and accordingly the teachers from PUC were included in the draft common seniority list. However, the draft common seniority list, (a copy of which was submitted to the Hon'ble High Court) is yet to be circulated.

Meanwhile, the Hon'ble Guwahati High Court, Aizawl Bench, seems to have set aside the judgement dated 16.02.2001 and decided to review the matter afresh.

In view of the Hon'ble High Court's order dated 14.06.2005, the opinion of the Legal Officer was sought for. The Legal Officer has given his observations vide Annexure 'A'. He is of the opinion that University may include the repatriated teachers from P.U.C in the common seniority list.

The matter is placed before the Council for consideration.

ANNEXURE-I

We were given to understand by the Estt.II Section that those teachers who have gone to the Court in the name of Pachhunga University College Teacher's Association were the appointees of NEHU. They claimed that they should be treated as NEHU teachers and their names be included in the common seniority list along with NEHU teachers for the purpose of interse seniority. Their claim is quite genuine and legally enforceable. The High Court in its judgement/order dated 16.02.2001 passed in Writ Petition © No. 97 of 1999 directed this University to re-examine the matter in the light of the observations made, especially, in Para-13 of the judgement and to pass appropriate order for placement of eligible teachers of the college in the common seniority list. The Para-13 of the judgement is reproduced below:-

Quote – “ Mr Sailo referring to the provisions of “Clause -5 of the Agreement submitted that the conditions incorporated therein indicate that on and from the appointed day there would be two categories of teachers, namely, Lecturers and Readers in the College and this, according to him, suggests that the teachers of the College would be entitled to promotion up to the level of Readers. This restriction makes out a case for treating the teachers of the College constituting a separate and distinct cadre within the service cadre of the University. This argument, in my opinion runs counter to the concept of absorption without any contrary stipulation in the agreement. The terms of Clause-5 are apparently relatable to the management of the faculty of the College and it cannot be construed as a rider on the rights of the teachers who are absorbed in the services of the University” Unquote.

It is seen that the present draft seniority list has been prepared by inclusion thereto the names of those teachers along with other NEHU teachers. Even, otherwise, teachers who were initially appointed by NEHU fulfilling the prescribed qualifications, in the absence of any condition to the contrary, even without the Court's Order are bonafidely NEHU teachers and should find their names in the common seniority list.

Be that as it may, this University has not contested the aforesaid judgement by filing of appeal against it. In other words, we have impliedly accepted the claims of the teachers in the common seniority list.

In view of the position explained above, it is felt that, this University should not contest the case even if we made a party in the revised petition as observed by the High Court in its Order dated 14.06.2005.

5:6:1(1)

5:6: Service completion / Award of other Benefits.

(c) Common seniority list of teacher – Lecturers, Readers and Professors

Since the inception of the University, the common seniority list of teachers in respect of different cadres such as Lecturers, Readers and Professors, could not be finalized. From time to time, this office did issue draft common seniority list of teachers on the basis of criteria recommended by Committees.

Prof.M.Miri, former Vice Chancellor, constituted a Committee to finalise and to give a final shape to common seniority list of teachers. The Committee looked into the entire gamut and recommended certain criteria for preparation of common seniority list of teachers of the University.

The criteria as recommended by the Committee was approved by the 119th Executive Council. The approved criteria is quoted below:-

- (a) Notwithstanding anything contained in the provisions under Statute 26 of the North-Eastern Hill University Act, 1973 the date of appointment in a grade in NEHU, as per the appointment order, shall be taken as the date of joining for determining seniority.

In case, the date of joining in a particular grade be the same, the seniority shall be determined according to the date of joining in NEHU in the previous grade(s). Service (s) rendered in any other organizations shall not count for seniority in NEHU.

- (b) In case, the date of joining in all the grades in NEHU remain the same, the seniority shall be determined taking into account the date of birth.

The Committee, which was constituted to look into the matter of preparing the common seniority list of teachers, took note of the judgement dated 16.02.2001 passed by the Hon'ble High Court and accordingly the teachers from PUC were included in the draft common seniority list. However, the draft common seniority list, (a copy of which was submitted to the Hon'ble High Court) is yet to be circulated.

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In view of the position explained above, it is felt that, this University should not contest the case even if we made a party in the revised petition as observed by the High Court in its Order dated 14.06.2005.