

To

The Hon'ble Education Minister
Govt. of Assam
Dispur, Guwahati – 781006

Subject: Integrated Memorandum relating to some genuine Pressing Problems and issues those have been facing by the Provincialised College teachers of Assam from a long time with a view of your sagacious perusal and speedy time-bound redressal.

Respected Sir,

Sincere Regards,

The undersigned on behalf of the Assam College Teachers' Association (ACTA) would like to submit and lay before you the following few lines in the form of demands for the purpose of fruitful solution with a view to create congenial atmosphere in the field of higher education of Assam in the pursuit of quality and excellent education.

**1. WITHDRAWAL OF NET/SLET UPTO 24-02-2003
AND
EXTENDING SERVICE SENIORITY COUNTING FROM THE
DATE OF INITIAL JOINING IN THE SANCTIONED POST.**

That sir, it was on 24-12-1998 that the UGC has first notified treating NET as one of the mandatory qualification in addition to 55% marks in the Master's Degree level for direct recruitment of the Assistant Professor (the then Lecturer). After the UGC notification it involves and required state's adoption in the government level as well as the directorate notification for the purpose of its execution as per the usual provisions of administrative procedure and practices. Accordingly, the state government of Assam has adopted this piece of UGC notification of dated 24/12/1998 on 13/01/2000 vide its OM No. B(2)/H/408/99/41 under the seal

signature of the then Secretary to the Govt. of Assam, Education (Higher) department. Following the delegated procedure and practice, the director of higher education, Assam has notified the govt. issued OM of dated 13/01/2000 on 25/02/2003 for the purpose of its implementation. Hence, the qualification of NET/SLET in respect of direct recruitment of Lecturer (now Assistant Professor) is legally enforceable and viable on and from 25/02/2003 onwards which is also supported by the provisions of the General Clauses Act, 1897 (pl. see Sections 5 and 23). Thus, it is abundantly clear and evident that, prior to 25-02-2003 there is no question of imposition of NET/SLET qualification for the purpose of direct recruitment of college teachers of Assam. Inasmuch as it should be withdrawn upto 24/02/2003 as *ipso-facto*.

But sir, we are extremely sorry to apprise before you that, by deviating from this normal administrative principle, the education (Higher) Department, govt. of Assam unjustifiably imposed the condition of NET/SLET in direct recruitment of college teachers prior to 25/02/2003, that too without mentioning in the original advertisement published for recruitment due to which some categories of college teachers of the state have been awfully suffering in terms of both their service seniority as well as financial benefits from a prolong period. They are mentioned in brief as hereunder.

That Sir, a section of College teachers who were appointed in sanctioned post on the minimum of the then UGC Scale of pay of Rupees 8000/-, but without annual increment till they clear any one of the NET/SLET/M.Phil./Ph.D degree have been discriminated for a long time. While the imposition of that condition at the time of appointment was unjustified, many of them, despite having acquired all the qualifications subsequently, have been denied service benefits including promotion from the date of their initial joining in sanctioned posts. However, there has been discrimination done by the education (higher) department among the same category of teachers, granting all benefits (both financial and service seniority) to some teachers, which deprive the others. Therefore, we appeal to your good self to intervene in the matter by way of revoking the education (higher) department OM AHE.502/2014/38 issued on 10th July, 2015 and to do the needful to facilitate the process of the promotion of these teachers counting their service from the date of their initial joining in sanctioned posts.

Further, another portion of the college teachers who have served against non-sanctioned post for more than five years have been appointed pursuing to the

government OM Nos. B(2) H/ 142/2004/Pt/g of 22/06/2004 and B(2)H/142/2004 subject to the condition of providing full UGC scale of pay after clearance of any one of the NET/SLET/M. Phil./Ph. D. etc degree within a span of 2 (two) years. This group of teachers was also provided the benefits of full UGC scale of pay only from the date of their fulfillment of the unjust imposed condition by contravening the proper spirit of the time scale provisions due to which they were deprived of the revised scale benefits w.e.f. 01/01/2006. Again a section of the college teachers joined prior to 13th January, 2000 and subsequently regularized against vacant sanctioned post pursuing to a Govt. OM B(2)H,97/3003/98 dated 17th July, 2004 have also been put under the same condition of clearing NET/SLET/M. Phil./ Ph. D. degree etc. within a period of two years.

It is, therefore, we the ACTA has legitimately request your good self to withdraw the condition of NET/SLET upto 24/02/2003 on the ground stated and to extend the benefits of service seniority from the date of their initial joining in the sanctioned posts, thereby giving justice to all these categories of teachers.

2. PROVIDING FINANCIAL BENEFITS TO A SECTION OF COLLEGE TEACHERS WHO WERE APPOINTED DURING THE PERIOD 24/06/2004 TO 30/04/2009.

That sir, a section of college teachers who were appointed during the period of 24/06/2004 to 30/04/2009 with all the requisite qualifications such as NET/SLET/M. Phil./Ph. D. degree etc. have been paid an amount of Rs. 5000/- (Five Thousand) only as fixed consolidated salary without any locus and basis at a time when the then usual UGC prescribed Pay Scale was Rs. 8000 – 13500/- and other admissible allowances with the provisions of annual increment owing to the bad financial condition of the government. However, later on, their service seniority was counted by providing the length of service without financial benefits. Sir, it is a settled principle of service law as well as natural justice that without monetary benefits seniority have no perfect meaning and by no any means seniority and financial benefits can be segregated from one another.

Hence, the ACTA strongly demand before your good self to expedite the issue by way of providing financial benefits to this category of teachers for their 2 (two) years probationary period.

3. REGARDING INTERSE-SENIORITY TO A SECTION OF FOUNDER COLLEGE TEACHERS

That Sir, this issue/demand involves round the centre of a category/Section of our founder College Teachers working in different colleges of Assam (earlier venture and now Provincialised) particularly during the period from 1992 to 1999. Since these college teachers had rendered their service initially in the venture stage and thereafter taking over of the colleges by the Govt. in 1998, they have been provided three tiers of different Pay Scale following the then Govt. decisions in different times, such as, State Scale fixed and regular and UGC (Fixed) etc. But, in 2005 the Finance Department of the Govt. of Assam vide its OM No FPC/16/99/Pt.11/69 dated 6th July 2005 adopted all such categories of teachers to full fledged UGC Scale of Pay subject to a condition of acquiring any one of the M. Phil. or Ph. D. degree etc. Many college teachers of this category have complied with such conditions i e, obtained M. Phil./Ph. D. degree etc. in different points of time.

Thereafter, the Govt. has executed their committed mandate in two different modes i e, to some of them seniority have been provided from the date of their initial/original appointments by counting their venture period/stage (i e. providing interse seniority) and to some of them from the date of their approval/acquisition of the M. Phil/Ph. D. degree(s) by engulfing and discriminating between the duo.

Hence, we the ACTA request you kindly to maintain the uniformity by providing all of them the interse seniority from the date of their initial appointment/joining considering the contribution/devotion in their venture stage.

4. EXTENSION OF AGE OF SUPERANNUATION UPTO 65 YEARS OF AGE

That sir, though the UGC has directed to its stake-holders to implement all the packages included in its regulations dated 30/06/2010 which is in operation as a whole, we are sorry to apprise before you that, the govt. of Assam is yet to implement some of its parts. For example, under clause 8(f) of the UGC Scheme, it has provided the age of superannuation of the college teacher upto 65 years of age. But, the Assam govt. has not yet provided this 65 years age of superannuation benefits to the college teachers of the state till this date. Further, the Honourable Gauhati High Court has also directed the State Govt. on 14/12/2015 to enhance the age of superannuation of the college teachers from 60

to 65 following a writ petition bearing No WP (C) 254/2012 filed by the ACTA in this regard.

Moreover, except 2 or 3 States of the Country almost all the States including our neighbouring Manipur, Mizoram etc. have provided the benefit of 65 years superannuation age to the college teachers of their states.

Hence, the ACTA also earnestly request you kindly to enhance the age of superannuation of the college teachers of Assam from 60 to 65 years.

**5. PAYMENT OF REMAINING INSTALLMENT OF UGC ARREAR
DUE AGAINST THE SIXTH UGC REVISED SCALE OF PAY
W.E.F 01/01/2006 TO 30/07/2007 (18 MONTHS) AND ALSO
INDIVIDUAL ARREARS OVERDUE FROM PROLONG PERIOD.**

That Sir, the UGC has provided its Sixth revised Scale of Pay to the University and college teachers of the Country at the ratio of 80:20 proportion between the Centre (MHRD) and the State share. Accordingly, the UGC has extended the arrears from 01/01/2006 to 31/03/2010 (51 months). It is, in this concern, we would like to apprise before you that although we (Except the Colleges in the Sixth Scheduled Areas and the Sivasagar Commerce College) have availed 33 months arrear out of these total 51 months and we are yet to get the remaining 18 months arrear w,e,f. 01/01/2006 to 30/07/2007 on the basis of re-imburement system. In addition to it, many college teachers of Assam also have their unpaid individual arrears for many years taking together.

Hence, we sincerely request you kindly to clear all these overdue pending arrears including the first 33 months arrear for the colleges in the Sixth Scheduled Areas and Sivasagar Commerce College within this financial year to enable us to avoid the forthcoming 7th UGC revised Pay Scale borne probable complications.

**6. QUASHING OF THE DHE, ASSAM NOTIFICATION
REGARDING BANNING OF THE FREEDOM OF EXPRESSION
OF THE COLLEGE TEACHERS**

That Sir, we are extremely sorry to inform you that on 18th September, 2015 the director of higher education, Assam vide its notification No G(B)/Misc/17/2015 has imposed restriction upon the freedom of expression of the

college teachers. It is needless to say that, it is purely an unconstitutional and ultra-vires act on the part of an administrative authority and hence we sincerely seek and demand before you kindly to quash the impugned notification immediately.

7. PROBLEMS OF CAS PROMOTION IN RESPECT OF A SECTION OF COLLEGE TEACHERS FALLING BETWEEN THE REGULATION, 2010 & 2000

That Sir, this issue is concerned relating to the promotion of a section of college teachers who falls in between the adoption of the UGC Regulations, 2010 and the UGC Regulations, 2000.

As per the provision of 2000 Regulations of UGC it is required 2 (two) RCs to promote from Senior Scale to Selection Grade Scale whereas under the provisions of 2010 Regulations it needed only 1 (One) RC and 1 (one) Short Term Course for the same. Those college teachers who could not complete the required RCs due to the acute shortage of time i.e. between 27/12/2013 and 31/12/2013 (i.e. between the 4 days gap period of 6th pay notification corrigendum to last day of RC/OC extension) now remain stagnant without any promotion.

Hence, the ACTA demands their promotion under the provisions of the 2010 UGC Regulations.

8. AUTOMATION / COMPUTERISATION OF OFFICE OF THE DHE, ASSAM

That Sir, it has been observed from a couple of years that the functioning style and state of affairs of the DHE office is highly chaotic and disorderly managed.

Hence, we the ACTA demand complete automation and computerization of both the DHE office as well as Office of the Principal by way of providing adequate training to the concerned staff to avoid such hurdles.

**9. APPROPRIATE AMENDMENT OF THE COLLEGE
MANAGEMENT RULE, 2001 IN RESPECT OF THE FORMATION
OF COLLEGE GOVERNING BODY**

That Sir, by observing the undemocratic practice in the process of appointing of the Chairman and the other members of the College Governing Bodies on the part of the college authorities, govt. and concerned Universities respectively, the ACTA realized for introduction of democratic system in forming the Governing Body by way of arranging public / open meeting between the stake-holders.

**10. FRESH RECRUITMENT / TRANSFER OF PRINCIPALS AT
THE EXPIRY OF EVERY 5 (FIVE) YEARS TENURE**

That Sir, it has been observed from a prolong period that many Principals of the Provincialized Colleges of Assam undermining their role as an Academic-Administrator and also involves with many unhealthy practices and activities as a result of which the entire academic atmosphere of the institution become damaged / hampered.

It is therefore, the ACTA demands fresh recruitment / transfer of the Principals at the interval / expiry of every 5 (Five) years tenure in line with the provisions of clause 5.1.6 (d) of the UGC Regulations, 2010.

**11. SEPARATE LEAVE RULES FOR COLLEGE TEACHERS IN LINE
WITH THE UGC REGULATIONS**

That Sir, at present there is no any separate Leave Rules for the College teachers of Assam. It is, in this connection, the higher education department of the Govt, of Assam has constituted a Committee vide its notification No AHE.42/2015/4 dated 28th August 2015 on this behalf to prepare a separate Leave Rules for the college teachers of Assam in line with the UGC Regulations, 2010. But, the same is not completed till this date.

Hence, we the ACTA has demanded before you to expedite the issue by preparing a Separate Leave Rule for the college teachers at the earliest possible.

12. SIMPLIFY THE PROCEDURE OF GRANTING PERMISSION IN FILLING – UP SUPERANNUATED TEACHING AND NON-TEACHING POSTS / VACANCIES

That sir, as we all know that, since 1992 onwards no new posts have been created in the then grant-in-aid (now Provincialized) Colleges of Assam. On the other hand, it has been observed in-ordinate delay in providing permission to filled-up the regular budget year marked non-plan superannuated vacancies. As a result, it has severely affected the man-power position of the colleges which has been created great inconvenience in smooth running of the college in terms of both their academic as well as administrative areas.

It is, therefore, the ACTA demands kindly to simplify the entire permission procedure with a view to overcome such troubles.

(Dr. Khireswar Borah)
President

Assam College Teachers' Association

(Tulshi Das)
General Secretary