

PROCEEDINGS OF THE GOVERNMENT OF KARNATAKA

Sub : Adoption of UGC revised package to teaching community absorbed in the State Pay Scale and working in the affiliated colleges -

READ:

- (1) Notification No. DPAR 48 SRE 96 dated 22.1.1997
- (2) Notification No. DPAR 55 SRE 2001 dated 9.7.2002
- (3) Notification No. ED 56 UPC 97 dated 12.2.2004
- (4) G.O. No. ED 119 DCE 2005 dated 16.9.2006
- (5) G.O. No. ED 37 UPC 2007 dated 9.2.2007

PREAMBLE:

As per Karnataka Civil Services (Absorption of persons working as Part Time Lecturers in the Karnataka Education Department Services) (Department of Collegiate Education) (Special) Rules, 1996 published in the Official Gazette vide Notification referred to at No. (1) above, the Part Time Lecturers whose names have been notified by the State Government under the said Rules have been absorbed in the category of posts of Lecturer in the Karnataka Education Department Services (Department of Collegiate Education) in the scale of pay of Rs.2200 – 4000, i.e., the then existing University Grants Commission pay scale. Rule 4 of the said Rules provides for fixing the initial basic pay of an absorbed Part Time Lecturer at the minimum of the scale of pay of the category of post in which he/she was absorbed and that the services rendered before the absorption shall not count for the purposes of seniority, leave or pension.

2. Further, relying on the judgement of the Hon'ble Supreme Court in State of Karnataka and another Vs. B. Suvarnamalini reported in 2001 (1) SCC page 41, the above rules were further amended as per the Notification dated 31.1.2002 referred to at (2) above. The amended Rules directed that the Part Time Lecturers so absorbed shall not be entitled to the scale of pay of the regular qualified Lecturer till he/she passes National Eligibility Test held by the UGC within a period of three years from the date of Notification, failing which his/her services shall be terminated. Subsequently, the UGC included M.Phil. for claiming exemption from passing NET/SLET/Ph.D and based on this, the Government issued an Order dated 16.9.2006 referred to at (4) above stating that those Lecturers whose services have been absorbed under the Rules have been given three years extension from the date of the said Government Order for acquiring M.Phil qualification.

3. Similarly, as per Notification dated 12.2.2004 referred to at (3) above, the Government issued Karnataka Education Institutions (Absorption of persons working as Part Time Lecturers in the Aided Private Educational Institutions) (Special) Rules, 2003 providing for the management to absorb the services of a Part Time Lecturer working in the Private aided First Grade Colleges with the approval of the Commissioner of Collegiate Education within the sanctioned strength and approved grant-in-aid post of Lecturers having full time work load in the Aided First Grade College. In the absence of vacancy, the said Rules also provided for absorption of Part Time Lecturers as and when vacancy arises due to death, retirement or resignation or otherwise of a Lecturer in the same Aided First Grade College or any other Aided First Grade College under the same management. Further, as per Rule 5(3) of the said Rules, the pay of the Part Time Lecturers so absorbed shall be fixed in the UGC scale of pay on their passing National Eligibility Test or State Level Education Test; that as per Rule 5(4) the initial pay of the

...2

persons so absorbed under these Rules shall be fixed at the minimum of the scale of pay of UGC. However, as per Rule 5(2), apart from possessing a Master's degree with minimum fifty five per cent marks, the Part Time Lecturers who had not passed NET/SLET shall be absorbed subject to the condition that they shall pass any of these tests within three years from the date of publication of these Rules. Subsequently, the UGC modified its Regulation on 14.6.2006 and exempted from passing NET to those persons who have acquired qualification of M.Phil. The Government in its Order dated 9.2.2007 referred to at (5) above, considered the changed circumstances regarding the qualification criteria and extended another three years of time as from 16.9.2006, i.e., the date from which three years extension was granted to those absorbed Lecturers working in Government First Grade Colleges for acquiring the M.Phil qualification.

4. The University Grants Commission has revised the qualification criteria as per its Notification No. F.I/2002 (PS) Exemp. dated 1st June 2009, which has come into effect from 11.7.2009, and directed that for the post of teaching faculty in the Higher Educational Institutions, apart from Master's degree with 55% marks, the candidate shall have acquired NET/SLET/Ph.D. through course work and from 11.7.2009 the qualification M.Phil has not been the criteria as it used to be earlier.

5. As the Part Time Lecturers working either in the Government First Grade Colleges or the Private Aided Colleges as above have been absorbed in the State pay scale on the ground that they did not possess the UGC prescribed qualification and subsequent to their acquiring the said qualification, several representations have been made to the Government through concerned Associations and elected representatives for extension of UGC pay scale in the backdrop of absorption and subsequent Government Orders referred to above, the Government considered the matter and a Cabinet decision has been made on 25.9.2009 to the effect that the Lecturers absorbed as above with a Master's degree in the concerned subject with 55% marks (50% for those belonging to SC/ST) and possessing qualification such as NET/SLET/Ph.D/M.Phil wherever required prior to 11.7.2009 are eligible to avail the benefit of UGC revised scale; however such extension to the qualified Part Time Lecturers absorbed in the State scale shall be from the date of acquiring the qualification and that they are not entitled for back wages but enjoy only the fitment benefit.

6. The Finance Department (Services-2) in the Government vide its endorsement No FD/6/ SRP 2009 dated 19.12.2009 has observed, "as far as extension of UGC scales to other eligible categories is concerned, the Department of Higher Education may take appropriate decision as per the approved rules and procedures."

7. Hence, the following:-

GOVERNMENT ORDER NO. ED 37 UNE 2009 DATED DECEMBER 26, 2009

8. In the circumstances explained above, the Government is pleased to extend to all the Part Time Lecturers absorbed in the State scale and borne on the establishment of Higher Education with Master's degree in the concerned subject with 55% marks (50% for those belonging to SC/ST) and possessing prior to 11.7.2009 the qualifications such as National Eligibility Test/State Level Education Test/Ph.D/M.Phil wherever required the benefit of UGC revised scale; also, such extension of benefit is only from the date of acquiring the said qualification and they are not entitled for back wages but enjoy only the fitment benefit.

9. The extension of revised pay scale shall be only after due verification of the required qualification and declaration of the period of probation, if any, by the Department of Collegiate Education. After the extension of the benefit of UGC scales as above, further, regulation of service conditions of these teaching staff shall be governed by the Order No. ED 37 UNE 2009 dated 24.12.2009 regarding revision of UGC pay scale issued in this behalf.

By order and in the name of the
Governor of Karnataka,

Ch. B. J.
24/12/09

(U.B. ULAVI)
Under Secretary to Government
Education Department (Universities)

To:

The Compiler, Karnataka Gazette, for publication in the gazette dated.....and to supply 1000 copies

Copy to:

1. The Secretary to Government of India, Ministry of Human Resource Development, Department of Education, New Delhi – 110 001
2. The Chairman/Secretary, University Grants Commission, New Delhi – 110 002
3. All Vice-chancellors/Special Officers/Registrars/Finance Officers/Government Auditors of all the Universities
4. The Accountant General, Karnataka, Bangalore (Audit)/(A&E)/Accounts
5. The Principal Secretary to Government, Finance/Planing Department
6. The Secretary to Chief Minister
7. The Controller of State Accounts Department, Cauvery Bhavan, Bangalore-560 009
8. The PS. to Minister for Higher Education
9. The IFA/Under Secretary (Planning), Education Department
10. The Commissioner for Collegiate Education
11. The Deputy Secretary to Government, Education Department (Higher Education)
12. The Deputy Secretary to Government, Finance Department (Services-II)
13. The Under Secretary to Government, Finance Department (Exp-8)

2