



UNIVERSITY OF CALICUT

CALICUT UNIVERSITY P.O., MALAPPURAM (DIST.), KERALA, INDIA, PIN. 673 635

Dr. Rasheed Ahammed P.

Member, Syndicate

No. USPC/PR/26/2021

July 07, 2021

To

Sri VD Satheesan ,

Leader of Opposition

Legislative Assembly, Kerala

Sir

Sub: University of Calicut - Sabotaging of reservation norms and other irregularities in the appointment of Assistant Professors in various Departments - immediate intervention requested for – Reg

Ref: 1. Notification No. GA-II/C1/156687/2019/ Admn Dt. 30.12.2019.
2. G.O (P) No. 12/2019/ Dept Social Justice. Dated 31.10.2019
3. Report of the Committee for Formulation of modalities for implementation of 4% Reservation for PwD in appointments.

I write this letter to bring your kind attention to some grievous mistakes that the University of Calicut committed in the recently held appointments of permanent Assistant Professors in its various teaching departments. As a member of the Syndicate, I had objected the appointment and registered my dissent. Now, I request your good office to take urgent measures to revoke these erroneous appointments at the earliest since they violate the basic rules of reservation.

The University appointed these teachers violating the rotation points/chart of reservation and related norms as stipulated in the Rules 14 to Rule 17 of the KS and SSR. Also, the University has defeated the spirit of the PwD reservation as it violated the order issued by the Government of Kerala on 31.10.2019 in this regard and treating horizontal reservation of PwDs as vertical reservation.

Following is the appointment chart approved by the University of Calicut at its meeting of the Syndicate held on 17.05.2021 as per the Item No. 2021:456.

Appointment Chart of the University of Calicut

Appointment Chart prepared as per the KS and SSR based on the date of occurrence of vacancies as per the establishment register and complying judgment in WP C No. 9785 of 2015-W 17961 of 2015 U, 18659 of 2015 F & 18797 of 2015 Y dated 3rd day of February 2016 and UGC Directions			
Sl No	Category	Department	Name of Faculty Appointed
1	OC	School Drama and Fine Arts	Sri. Vipin M
2	PH	School Drama and Fine Arts	NCA
3	ETB	School Drama and Fine Arts	Sri. Sandeep Kumar
4	OC	Malayalam	Dr. Aparna T
5	SC	School Drama and Fine Arts	NCA
6	OC	Economics	Dr.Sanoop MS
7	MU	Psychology	Dr.Ramshida A P
8	OC	Mathematics	Dr. Prasad T
9	LC/AI	Statistics	NCA
10	OC	Drama and Fine Arts	Dr. Surabhi MS
11	OBC	Economics	NCA
12	OC	Psychology	Neethulal V
13	SC	Arabic	NCA
14	OC	Malayalam	Dr. Shahana V A
15	ETB	Zoology	Dr. Binu R
16	OC	Economics	Dr. Rajula Helen K P
17	MU	English	Dr. Harris K
18	OC	Chemistry	Dr. Fazalur Rahman. K
19	ETB	Hindi	Dr. Shibi C
20	OC	Library & Information Science	Dr. Shyamili C
21	V	Botany	Deepna Latha K P
22	OC	Arabic	Dr. Muneer G P
23	LC/AI	Chemistry	Dr. Derry Holaday K P
24	OC	Malayalam	Dr. Manju M P
25	SC	Philosophy	Dr. Prasanna K B
26	OC	Hindi	Dr. Mahesh S
27	MU	Physics	Dr. Zuhail K P

28	PH	Sanskrit	Dr. Ranjit Rajan
29	OC	History	Dr. Satheesh P
30	ETB	History	Dr. Ashita M
31	OC	Journalism and mass Communication	Dr. Nuaiman KA
32	MU	Sanskrit	Dr. Shihab N A
33	OC	Psychology	Dr. Lakshmi M
34	SC	Philosophy	Dr. Savithri A
35	OC	Chemistry	Dr. Roymon Joseph
36	ETB	Chemistry	Dr. Suja T D
37	OC	Zoology	Dr. K Sindhu
38	MU	Education	Dr. Reesha Karally
39	OC	Physics	Dr. Drisya K
40	SIUC/N	Computer Science	NCA
41	OC	Nano Science and Technology	Dr. Shibu E S
42	OBC	Nano Science and Technology	Dr. Vijisha K Rajan
43	OC	Philosophy	Dr. Robin E J
44	ETB	Sanskrit	Dr. Gayathri O K
45	OC	Psychology	Dr. Kiran S
46	ST	Commerce and Management Studies	Dr. Harikumar C
47	OC	Botany	Dr. Rashmi L
48	MU	Economics	Dr. Muneer Babu M
49	OC	Philosophy	Dr. Ajay Mohan M
50	SCCC	Life Sciences	NCA
51	OC	Statistics	Dr. Dilip Kumar M
52	D	Botany	NCA
53	OC	Education	Dr. Jibin V K
54	PH	Journalism and Mass Communication	NCA
55	SC	Commerce and Management Studies	Dr. Natasha P
56	OC	Zoology	Dr. Aneesh E M
57	ETB	Botany	Dr. Pramod C
58	OC	Commerce and Management Studies	Dr. Aparna Sajeew
59	MU	Mathematics	Dr. Mubeena T
60	OC	Russian and comparative literature	Dr. Divya K (comparative literature)
61	ETB	Russian and comparative literature	Dr. Priyalekha N S (comparative literature)

62	OC	Russian and comparative literature	Dr. Sreekala M (comparative literature)
63	HN	Russian and comparative literature (Russian)	NCA

Table 1: Appointment Chart approved by the University of Calicut

There are three serious mistakes in the University's Appointment Chart

1. Reservation exceeds 50 %. Out of 63 vacancies, 33 are reserved for different categories including communities and PwDs. This is because the PwD reservation is treated as vertical reservation fixing exclusive reservation turns. In Indra Sawhney case, the Hon. Supreme Court stated that reservation exceeding 50% is impermissible.
2. All the roster points fixed by KS and SSR for reserved communities are changed. As per KS and SSR Rules 14 to 17, odd number roster points are fixed for Open and even number roster points are fixed for reserved communities like SC, ST, Muslim, ETB etc. In Sabharwal Case, the Hon. Supreme Court stated that deviation from the rotation points fixed by law is impermissible.
3. Fixed separate roster points for PH / PwDs. This procedure amounts to treating PwD reservation as vertical reservation. Many verdicts including that in Indira Swahney case, the Hon. Supreme Court stated that PwD reservation is horizontal reservation.

Let's look in to the details of these violations and their implication for the prospects of many eligible candidates:

The University claims that the chart is prepared as per the KS and SSR. But, as per the KS and SSR, the order of rotation is as follows. It is clear that the University chart is very much deviant from the KS and SSR chart.

Sl No	Category	Sl No	Category
1.	O.C.	33.	O.C.
2.	E.T.B	34.	E.T.B
3.	O.C.	35.	O.C.
4.	SC	36.	M
5.	O.C.	37.	O.C.
6.	M	38.	SIUC.N

7.	O.C.	39.	O.C.
8.	LC/AI	40.	OBC
9.	O.C.	41.	O.C.
10.	OBC	42.	E.T.B
11.	O.C.	43.	O.C.
12.	SC	44.	ST
13.	O.C.	45.	O.C.
14.	E.T.B	46.	M
15.	O.C.	47.	O.C.
16.	M	48.	SCCC
17.	O.C.	49.	O.C.
18.	E.T.B	50.	D
19.	O.C.	51.	O.C.
20.	V	52.	SC
21.	O.C.	53.	O.C.
22.	LC/AI	54.	E.T.B
23.	O.C.	55.	O.C.
24.	SC	56.	M
25.	O.C	57.	O.C.
26.	M	58.	E.T.B
27.	O.C.	59.	O.C.
28.	E.T.B	60.	H.N
29.	O.C.	61.	O.C.
30.	M	62.	E.T.B
31.	O.C.	63.	O.C.
32.	SC		

Table 2: Rotation Chart as per KS and SSR

DEVIATION FROM KS AND SSR ROTATION POINTS AND ITS IMPLICATIONS

It is clear from the above KS and SSR chart that the law already fixed rotation points of the reserved categories. University can't change it. Let me cite a milestone judgment in this regard:

In *R.K. Sabharwal v. State of Punjab* the Constitution Bench of this Court considered the question of appointment and promotion and roster points vis-à-vis reservation and held thus: (SCC p. 750, para 4):

"When a percentage of reservation is fixed in respect of a particular cadre and the roster indicates the reserve points, it has to be taken that the posts shown at the reserve points are to be filled from amongst the members of reserve categories and the candidates belonging to the general category are not entitled to be considered for the reserved posts."

While going through this Appointment Chart, it is seen that the University committed the following violation of reservation while appointing the teachers:

1. VIOLATION OF SC and ST RESERVATION RULES

KS and SSR Rule 14 (c) stipulated that " the fourth turn in the third rotation and the twelfth turn in the fifth rotation shall go to Scheduled Tribe candidates and the fourth and twelfth turns in the first, second and fourth rotations, the twelfth turn in the third rotation and the fourth turn in the fifth rotation shall go to Scheduled Caste candidates and in the absence of a candidate for appointment against the turn allotted for Scheduled Tribe candidates, it shall go to a Scheduled Caste candidate and vice versa."

- As per the above-mentioned KS and SSR rules the rotation turns for ST is 44.
- But, the University fixed rotation turn 46 for ST in violation of the above rule.
- As per the above-mentioned KS and SSR rules the rotation turns for SC are to be 4, 12, 24, 32, 52, ...
- However, the University fixed turns of 5, 13, 25, 34, 55 for SC candidates.

2. VIOLATION OF E.T.B RESERVATION RULES

Rule 17 of the KS and SSR deals with the reservation terms related to Other Backward Classes including ETB.

- As per the KS and SSR Rule No. 17 (2) (b) (ii), the rotation turns for the ETB are 2, 14, 18, 28, 34, 42, 54, 58, 62, ...
- But the University violated this order and fixed ETB turns to 3, 15, 19, 30, 36, 44, 57, 61.
- In fact, as per KS and SSR, when 63 appointments are made, 9 posts shall go for ETB. But, as per the Appointment Chart issued by the University the ETB category got only 8 posts. It means they lost one post, which is around 10 percent of their share of representation.
- This is a gross violation of social justice and may lead to unpredictable controversy and hue and cry from the community concerned.

3. VIOLATION OF MUSLIM RESERVATION RULES

Rule 17 of the KS and SSR deals with the reservation terms related to Other Backward Classes including MUSLIMS.

- As per the KS and SSR Rule No. 17 (2) (b) (ii), the rotation turns for the MUSLIM are 6, 16, 26, 30, 36, 46, 56, ...
- But the University violated this turn order and fixed MUSLIM turns are to 7, 17, 27, 32, 38, 48, and 59

4. VIOLATION OF LC/AI RESERVATION RULES

Rule 17 of the KS and SSR deals with the reservation terms related to Other Backward Classes including LC/AI.

As per the KS and SSR Rule No. 17 (2) (b) (ii), the rotation turns for the LC/AI are 8, 22,

But the University violated this turn order and fixed LC/AI turns to 9, 23,

5. VIOLATION OF OBC RESERVATION RULES

- Rule 17 of the KS and SSR deals with the reservation terms related to Other Backward Classes including OBCs
- As per the KS and SSR Rule No. 17 (2) (b) (ii), the rotation turns for the OBCs are 10, 40,
- But the University violated this turn order and fixed obc turns to 11, 42

6. VIOLATION OF VISWAKARMA RESERVATION RULES

- Rule 17 of the KS and SSR deals with the reservation terms related to Other Backward Classes including VISWAKARMA

- As per the KS and SSR, the rotation turn for the Viswakarma is 20.
- But the University violated this turn order and fixed Viswakarma turns to 21

7. VIOLATION OF SIUC-Nadar RESERVATION RULES

- Rule 17 of the KS and SSR deals with the reservation terms related to Other Backward Classes including SIUC-Nadar
- As per the KS and SSR, the rotation turns for the SIUC- Nadar are 38.
- But the University violated this turn order and fixed SIUC- Nadar turns to 40.

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8. VIOLATION OF SCCC- CONVERTED CHRISTIAN RESERVATION

- As per the KS and SSR, the rotation turns for the **SCCC- Converted Christian** are 48
- But the University violated this turn order and fixed **SCCC- Converted Christian** turns to 50

9. VIOLATION OF Hindu Nadar (HN) RESERVATION

- As per the KS and SSR, the rotation turns for the **Hindu Nadar** is 60
- But the University violated this turn order and fixed **Hindu Nadar** turns to 63.

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10. VIOLATION OF THE RESERVATION OF PwD RESERVATION

As per KS and SSR, there is no fixed rotation points for Persons with Disabilities or PH. But, the University has fixed rotation points 2,28 and 54 for PH. In fact these rotation points are already fixed by the KS and SSR for Ezhava, Tiyya and Billa (ETB) category. By doing so, the University made another mistake. It had considered PwD reservation as a vertical reservation instead of horizontal reservation.

As per the rule of the land and judgments established by the Hon. Supreme Court of India, reservation of PwD is to be done in horizontal format, not in vertical mode as we do in the case of community reservation. It is a established law that there should not be any change in the vertical reservation rotation points while implementing horizontal reservation.

For more clarification on this, its better to refer to the following judgment of the Hon. Supreme court that illustrates the nature of appointment in vertical and horizontal reservation and how to implement PwD reservation as horizontal reservation. :

CASE NO.: Appeal (civil) 3132 of 2007
PETITIONER: Rajesh Kumar Daria
RESPONDENT: Rajasthan Public Service Commission & Ors
DATE OF JUDGMENT: 18/07/2007
BENCH: K. G. Balakrishnan & R. V. Raveendran & Dalveer Bhandar

This judgment categorically clarifies how to implement vertical and horizontal reservations.

VERTICAL RESERVATION V/S HORIZONTAL RESERVATION

The reservation policy in India follows two distinct models i.e., vertical reservation and horizontal reservation.

Vertical Reservation policies are basically affirmative action aimed at economic and social upliftment and empowerment of backward classes of citizens. This kind of policy is followed to grant reservations for SCs, STs and OBCs.

On the other hand, Horizontal Reservation policy cuts across all these categories and is applicable to all other categories including the vertical reservations. For instance, if an SC candidate is also suffering from hearing impairment, they will be placed under the SC category.

*Even the reservations have their kinds, all of them being different in nature. There are two types of reservations, which may, for the sake of convenience, be referred to as 'vertical reservations' and 'horizontal reservations'. The reservations in favour of Scheduled Castes, Scheduled Tribes and Other Backward Classes [(under Article 16(4))] may be called vertical reservations whereas reservations in favour of physically handicapped (under clause (1) of Article 16] can be referred to as horizontal reservations. Horizontal reservations cut across the vertical reservations - what is called interlocking reservations. To be more precise, suppose 3% of the vacancies are reserved in favour of physically handicapped persons; this would be a reservation relatable to clause (1) of Article 16. The persons selected against the quota will be placed in that quota by **making necessary adjustments**; similarly, if he belongs to open competition (OC) category, he will be placed in that category **by making necessary adjustments**. Even after providing for these horizontal reservations, the percentage of reservations in favour of backward class of citizens **remains - and should remain - the same.**)*

But, this rule is violated in the University appointments. Hence, PwD candidates to be appointed after making necessary adjustments at the roster

points 6, (Economics- Muslim) and 29 (Open), 53 (Open) excluded by the University. Instead the University erroneously fixed exclusive points at 2, 28 and 54. These are, in fact, rotation points of ETB. Of which, 2 and 54 are declared as NCA vacancies and at roster point 28, a non ETB PH candidate is appointed. Thus, the University has changed most of the roster points of various reserved categories, violating the rule that : "Even after providing for these horizontal reservations, the percentage of reservations in favour of backward class of citizens **remains - and should remain - the same.**"

PwD ACT 2016 ON THE DISTRIBUTING PWD RESERVATION CATEGORIES

In addition to this, the University also violated the following provision of the PwD Act 2016 also while reserving posts for PwDs: The Act says:

34. Reservation. (1) Every appropriate Government shall appoint in every Government establishment, not less than four per cent. of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities of which, one per cent. each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one per cent. for persons with benchmark disabilities under clauses (d) and (e), namely:— (a) blindness and low vision; (b) deaf and hard of hearing; (c) loco motor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy; (d) autism, intellectual disability, specific learning disability and mental illness; (e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness in the posts identified for each disabilities:

But, the University did not consider the percentage of subgroups of PwD candidates in the respective order.

In fact, the University has to segment the 100-point roster in to four blocks as given under:

First Block	:	1-25 roster points
Second Block	:	26- 50 roster points
Third Block	:	51-75 roster points
Fourth Block	:	76-100 roster points

And, the University has to allot first available suitable PwDs to each block in the order given below:

First Block(1-25 roster points) :	(a) blindness and low vision
Second Block (26- 50 roster points)	(b) deaf and hard of hearing

Third Block(51-75 roster points)

(c) loco motor disability
including cerebral palsy

Fourth Block (76-100 roster points)

(This block is not to be considered in this appointment as the University has only 63 posts to be filled.)

But, the University violated all these rules.

IMPLICATIONS OF THESE VIOLATIONS

Following are the implications of this mistake in fixing reservation points.

1. Appointment of 24 faculty members became invalid. Their appointments shall be revoked. Against the vacancies held by them, 24 really eligible faculty members are to be appointed.
2. University declared 10 vacancies as NCA (No candidates available. In fact, there are only seven vacancies where suitable candidates are not available. In other three vacancies, candidates are really available. They are to be appointed.
3. In short, $24 + 3 = 27$ really eligible faculty members are to be appointed afresh
3. University's approach that there are no enough PwD candidates eligible to be appointed is false. There is enough number of eligible PwD candidates with suitable disabilities for each block

WHY IT HAPPENED SO?

The reason is very simple. The University has defeated the spirit of PwD Act 2016 because it considered the PwD reservation as vertical reservation instead of considering it horizontal reservation. The differentiation between these two types of reservation system and their implementation is already referred and established by law as mentioned in an array of Supreme Court judgments including the judgment in the well known Indira Sawhney v/s Union of India judgment case.

Taking PwD reservation as vertical one, the University put 'out of the turn' exclusive roster points for PwDs. It's deadly against the horizontal reservation rules to be implemented in the case of PwD reservation. Till 2019, Kerala PSC followed this system, but revised it with an order issued by Department Social Justice on 31.10.2019 as the Government found it as a violation of the established rule in KS and SSR and constitutional provisions

as reported by the Committee appointed by the Government to study this matter. The University miserably failed to keep itself abreast of this order and executing it.

IMPLICATIONS OF VERTICAL RESERVATION OF PwDs

There will be following implications when PwD reservation is considered as vertical reservation:

- It will adversely impact the rotation turns stipulated by the KS and SSR as already detailed in the first part of this letter.
- Due to PwD vertical reservation, reserved seats will exceed 50 percent. In our case it happened: Out of 63, vacancies reserved 33 to various groups including PwDs. It means, the open quota seats are less than 50 percent. This is against constitutional provisions and legal perspectives established by the Supreme Court judgment.
- With this practice, to achieve 4 PwDs in a 100-point roster, we will have to appoint 104 persons. This is simply against the basic mathematics of percentage calculation.
- Vertical reservation of PwD will affect the stipulated percentage of reservation of various communities like ST, SC and OBCs. There are a lot of judgments, including those cited above, that PwD reservation should not affect in any way the reservation of SC, ST and OBCs. In our case, the ETB lost one post; they got only 8 instead of 9 out of 63 posts due to the implementation of vertical reservation of PwDs.
- Considering PwD reservation as vertical reservation and putting their turns as 'out of turns' will result in giving reservation in the vacancy of single post also if it is an identified post. This also results in under estimation of number of vacancies to be reserved for PwDs as the vacancies arising in the unidentified categories of posts goes unreckoned. *(For details see page 42 to 45 of the Report of the Committee to Study implementing 4 % reservation for PwDs in Kerala, 2018 which is appended herewith).*

HOW TO PREPARE CORRECT APPOINTMENT CHART ACCOMMODATING THE PwDs?

Then comes the big question that whether it is possible to prepare a error free Appointment Chart implementing PwD reservation without violating the roster points already fixed by KS and SSR for the open and reserved communities. The answer is an emphatic YES, if the PwD reservation is implemented as horizontal reservation, as stipulated by the Hon. Supreme Court and Government of Kerala and Government of India.

Appointment Chart with Real Eligible Candidates to be appointed

Following is the appointment chart prepared by me following the provisions of KS and SSR and PwD Act, 2016. This is done after consulting legal experts and higher level central and state government officers with experience in service matters.

ROTATION CHART OF REAL ELIGIBLE CANDIDATES TO BE APPOINTED AS ASSISTANT PROFESSORS IN THE VARIOUS DEPARTMENTS OF THE UNIVERSITY OF CALICUT.

- 1 *Prepared as per the reservation related provisions in the KS and SSR and the PwD Act 2016 as well as various Government Orders and landmark judgments by Hon Supreme Court*
- 2 *Rank lists are obtained from the Minutes of the Syndicate of the University*
- 3 *Order of the Departments/Subjects is as per the Appointment Chart approved by the Syndicate of the University*
- 4 *All the documents mentioned above are produced as Appendices*

No	Category as per KS&SSR chart	Department/Subject	Candidate is to be appointed	Horizontal Reservation for PwD
Block I (Roster Points 1-25)				
<i>1 % PwD Horizontal reservation for PwD with Blindness and Low Vision is to be ensured by making necessary adjustments while ST/ST/SEBC reservation remains the same.</i>				
1	Open	Drama and Fine Arts	Vipin M Appl No. 3144 Rank. 1	
2	ETB	Drama and Fine Arts	Sandeep Kumar Appl No. 49 Rank. 2	
3	Open	Drama and Fine Arts	Surabhi M S Appl No. 3585 Rank. 3	
4	SC	Malayalam	Tara S S Appl No. 6228 Rank 5	
5	Open	Drama and Fine Arts	Abhimnyu V Appl No. 2437 Rank 4	
6	Muslim	Economics	Shejina B Appl No. 7552 Rank 20	Note: <i>Shejina is the first available PwD with</i>

				<i>matching disability for the first block (Blind and Law Vision) to be appointed without any change in the reservation points fixed by KS and SSR for reserved communities and Open candidates. So, necessary adjustment is made - that is this Muslim candidate is given preference over other Muslim candidates in the list to grant her horizontal reservation. So, Vertical reservation remains the same while ensuring horizontal reservation. Thus, PwD quota in this block is over</i>
7	Open	Psychology	Neethulal V Appl No.4995 Rank. 1	
8	LC/AI	Mathematics	NCA for LC/AI	
9	Open	Statistics	Dileepkumar M Appl No.790 Rank. 1	
10	OBC	Drama and Fine Arts	Deepna P Nair Appl No.2435 Rank.6	

11	Open	Economics	Sanoop M S Appl No. 3385 Rank. 1	
12	SC	Psychology	Kiran S Appl No. 8145 Rank.3	
13	Open	Arabic	Muneer G P Appl No.4684 Rank.1	
14	ETB	Malayalam	Soumya K C Appl No. 5671 Rank. 8	
15	Open	Zoology	Sindhu K Appl No. 3477 Rank. 1	
16	Muslim	Economics	Muneer Babu Appl No. 370 Rank. 8	
17	Open	English	Sucheta Sankar V Appl No. 2211 Rank. 1	
18	ETB	Chemistry	Suja TD Appl No. 1132 Rank. 6	
19	Open	Hindi	Shibi C Appl No. 546 Rank. 1	
20	Viswakarma	Library Science	NCA for Viswakarma	
21	Open	Botany	Resmi L Appl No. 92 Rank.1	
22	LC/AI	Arabic	NCA for LC/AI	
23	OC	Chemistry	Fazalurahman K Appl No.20 Rank.1	
24	SC	Malayalam	Suresh Puthenparambil Appl No. 3701 Rank. 12	
25	Open	Philosophy	Robin E J Appl No. 563 Rank. 1	
Block II (Roster Points 26-50) <i>1 % PwD Horizontal reservation for PwD with deaf and hard of hearing is to be ensured by making necessary adjustments while ST/ST/SEBC reservation remains the same.</i>				
26	Muslim	Hindi	Shahla K P Appl No. 13	

			Rank. 7	
27	Open	Physics	Zuhail K P Appl No. 4140 Rank. 1	
28	ETB	Sanskrit	Gayathri O K Appl No. 2841 Rank. 6	
29	Open	History	Sadhique Ali K T Appl No. 1792 Rank.22	<i>Sadhique Ali K T, is the first available PwD with matching disability for the second block (Deaf and Hard of Hearing) to be appointed without any change in the reservation points fixed by KS and SSR for reserved communities and Open candidates. So, necessary adjustment is made - that is, this candidate is given preference over other candidates in the list to grant him horizontal reservation. So, Vertical reservation remains the same while ensuring horizontal reservation. Thus, PwD quota in this block is over</i>
30	Muslim	History	Shihabuddin T P	

			Appl No. 4776 Rank. 6	
31	Open	Journalism	Nuaiman K A Appl No. 5409 Rank. 1	
32	SC	Sanskrit	Syamkumar T S Appl No. 4674 Rank. 10	
33	OC	Psychology	Lakshmi M Appl No. 6902 Rank. 2	
34	ETB	Philosophy	Sabeena S Appl No. 4265 Rank. 11	
35	OC	Chemistry	Roymon Joseph Appl No. 169 Rank.2	
36	Muslim	Chemistry	Sameera Ahmed Appl No. 4898 Rank.26	
37	Open	Zoology	Aneesh E M Appl No.6310 Rank. 2	
38	SIUC- Nadar	Education	Asha Paul Appl No.6443 Rank. 32	
39	Open	Physics	Drisya K Appl No. 4198 Rank. 2	
40	OBC	Computer Science	NCA for OBC	
41	Open	Nano Science and Technology	Shibu E S Appl No. 4020 Rank.1	
42	ETB	Nano Science and Technology	Nripasree Narayanan Appl No. 5057 Rank.5	
43	Open	Philosophy	Ajay Mohan Appl No. 3252 Rank.2	
44	ST/SC	Sanskrit	Geethu S Nath Appl No. 5774 Rank. 16	
45	OC	Psychology	Sarath P Appl No.1360 Rank 4	
46	Muslim	Commerce and Management	Abdul Rasheed PC Appl No. 2119	

		Studies	Rank. 4	
47	OC	Botany	Hareesh V S Appl No. 3082 Rank 2	
48	SCCC	Economics	NCA for SCCC	
49	Open	Philosophy	Prasanna K V Appl No. 2965 Rank 3	
50	Dheevera	Life Sciences	NCA for Dheevera	
Block III (Roster Points 51-75) <i>1 % PwD Horizontal reservation for PwD with Loco-motor Disability is to be ensured by making by making necessary adjustments while ST/ST/SEBC reservation remains the same.</i>				
51	Open	Statistics	Sreedevi E.P Appl No. 1891 Rank 2	
52	SC	Botany	Anil Raj K Appl No. 76 Rank 13	
53	Open	Education	Renjith Lal P K Appl No. 3003 Rank 9	<i>Renjith Lal P K is the first available PwD with matching disability for the third block (Loco Motor Disability to be appointed without any change in the reservation points fixed by KS and SSR for reserved communities and Open candidates. So, necessary adjustment is made - that is this candidate is given preference over other candidates in the list to grant him horizontal reservation. So,</i>

				<i>Vertical reservation remains the same while ensuring horizontal reservation. Thus, PwD quota in this block is over</i>
54	ETB	Journalism	Anupama K P Appl No.2009 Rank. 2	
55	Open	Commerce and Management Studies	Aparna Sajeev Appl No, 5064 Rank 1	
56	Muslim	Zoology	Arif K M Appl No. 8021 Rank 5	
57	Open	Botany	Yugender Arra Appl No.2161 Rank 3	
58	ETB	Commerce and Management Studies	Nithya U S Appl No. 5423 Rank 9	
59	Open	Mathematics	Prasad T Appl No. 5843 Rank 1	
60	Hindu Nadar	Russian and comparative literature	NCA for Hindu Nadar	
61	Open	Russian and comparative literature	Divya K Appl No. 6161 Rank 1	
62	ETB	Russian and comparative literature	Priyalekha N S Appl No. 5535 Rank 3	
63	Open	Russian and comparative literature (Russian)	Parijath Bhattacharji Appl No. 3542 Rank 1	

Table 3: Appointment Chart with really eligible candidates as per KS and SSR and PwD Act, 2016

Accordingly, the University has to prepare a Roster Register as stipulated by the Government of India as part of implementing the PwD Act 2016.

RESERVATION ROSTER OF PWD ON THE BASIS OF THE ABOVE CHART

Following is the Reservation Roster to be prepared by the University in the Performa suggested by the Government as part of implementing the PwD Act 2016.

RESERVATION ROSTER OF DIRECT RECRUITMENT OF ASSISTANT PROFESSORS WITH DISABILITIES APPOINTED UNDER PWD QUOTA

Year	Persons with Disabilities suffering from			Open/ Reserved	Category	Name of the person appointed	Whether the person appointed is B & LV, D and HH or LM	Remarks
	B & LV	D & HH	LM					
2021	1			Reserved	Muslim	Shejina B	B and LV	Quota completed/ No Backlog
2021		1		Open	Open	Sadique ali	D & HH	Quota completed/ No Backlog
2021			1	Open	Open	Renjith Lal	LM	Quota completed/ No Backlog

Table 3: Reservation Roster in Performa insisted by the Government based on the Appointment Chart with really eligible candidates

Preparing such a roster will ensure transparency of PwD appointment in the service and will give data on the current situation of the total number of PwDs as well as the backlog to be filled.

LEGAL RESPONSIBILITY OF THIS MISTAKE

What the University commits is a grave mistake and those behind it is legally responsible.

Let me cite a recent judgment by the Hon. High Court of Madras.

In case No. W.P.No.24202 of 2017 the Hon. HC held that "where any candidate whose appointment is found to be illegal, such appointment is to be revoked at the earliest point of time and the salary paid to such appointee must be

recovered from the members of the selection committee of the university and appropriate action under law is also to be taken against them.

In short, those who have made illegal appointments are legally and financially responsible for the loss of the public exchequer.

PROPOSED SOLUTION

The only solution to the current problem is to revoke all the appointments and rearrange the roster points as per the KS and SSR rotation chart. To ensure reservation of the PwDs, implement the horizontal reservation for PwDs.

And, this is to be done at the earliest possible, as it involves financial responsibility.

PRAYER

In this context, I humbly request you to take a serious note of the problem and do the needful to instruct the University authorities to rectify the mistakes at the earliest.

Thanking you,

Yours Faithfully



Dr. Rasheed Ahammed. P
Member, Syndicate

Appendices/ Exhibits

1. *Notification of Assistant Professors issued by the University of Calicut*
2. *Rank list prepared by the UoC in each Department/Subject*
3. *Appointment Chart Approved by the University*
4. *KS and SSR 1956 (Relevant Portions: Rule No. 14 to 17)*
5. *Rotation Chart based on KS and SSR (Available at KPSC website)*
6. *Report of the Committee for Formulation of modalities for implementation of 4% Reservation for PwD in appointments. (See P,42 to 45 to know how to implement horizontal reservation and what is the problem with out of turn roster points.)*
7. *Order of the Department of Social Justic, Govt of Kerala on 31-10-2019. Note that the points in this order is not out of turn points*
8. *Relevant Portion from Indira Swahney Case on Horizontal Reservation*
9. *Government of India Memorandum on the Implementation of PwD Act and Clarification on Horizontal reservation*
10. *Judgments by Madras High Court on responsibility of appointment*

11. *Judgments by the Supreme Court of India on PwD reservation as horizontal reservation:*
 - a) *R. K. Sabharwal And Ors vs State Of Punjab And Ors on 10 February, 1995*
 - b) *Rajesh Kumar Daria vs Rajasthan Public Service ... on 18 July, 2007*
 - c) *Anil Kumar Gupta, Etc vs State Of Uttar Pradesh And Ors on 28 July, 1995*