

The Central Educational Institutions (Reservation in Teachers' Cadre) Act, 2019

(ACT NO. 10 OF 2019)

[*As on the* 1*st June*, 2026]

THE CENTRAL EDUCATIONAL INSTITUTIONS (RESERVATION IN TEACHERS' CADRE) ACT, 2019

ARRANGEMENT OF SECTIONS

SECTIONS

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THE CENTRAL EDUCATIONAL INSTITUTIONS (RESERVATION IN TEACHERS' CADRE) ACT, 2019

ACT NO. 10 OF 2019

[9*th July*, 2019.]

An Act to provide for the reservation of posts in appointments by direct recruitment of persons belonging to the Scheduled Castes, the Scheduled Tribes, the socially and educationally backward classes and the economically weaker sections, to teachers' cadre in certain Central Educational Institutions established, maintained or aided by the Central Government, and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. Short title and commencement.—(*1*) This Act may be called the Central Educational Institutions (Reservation in Teachers' Cadre) Act, 2019.

(*2*) It shall be deemed to have come into force on the 7th day of March, 2019.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "appropriate authority" means the University Grants Commission established under the University Grants Commission Act, 1956 (3 of 1956), or any other authority or body established by or under a Central Act for the determination, coordination or maintenance of the standards of higher education in any Central Educational Institution;

(*b*) "branch of study" means a branch of study leading to three principal levels of qualifications at bachelors (under graduate), masters (post graduate) and doctoral levels;

(*c*) "Central Educational Institution" means—

(*i*) a University established or incorporated by or under a Central Act;

(*ii*) an institution of national importance established by an Act of Parliament;

(*iii*) an institution, declared as an institution deemed to be University under section 3 of the University Grants Commission Act, 1956 (3 of 1956),, and maintained by or receiving aid from the Central Government;

(*iv*) an institution maintained by or receiving aid from the Central Government, whether directly or indirectly, and affiliated to an institution referred to in sub-clause (*i*) or sub-clause (*ii*), or a constituent unit of an institution referred to in sub-clause (*iii*); and

(*v*) an educational institution established by the Central Government under the Societies Registration Act, 1860 (21 of 1860);

(*d*) "direct recruitment" means the process of appointing faculty by inviting applications against public advertisement from persons eligible to teach in a Central Educational Institution;

(*e*) "economically weaker sections" means such weaker sections as are referred to in *Explanation* to clause (6) of article 15 of the Constitution;

(*f*) "faculty" means the faculty of a Central Educational Institution;

(*g*) "Minority Educational Institution" means an institution established and administered by the minorities under clause (1) of article 30 of the Constitution and so declared by an Act of Parliament or by the Central Government or declared as a Minority Educational Institution under the National Commission for Minority Educational Institutions Act, 2004 (2 of 2005);

(*h*) "sanctioned strength" means the number of posts in teachers' cadre approved by the appropriate authority;

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(*i*) "Scheduled Castes" means the Scheduled Castes notified under article 341 of the Constitution;

(*j*) "Scheduled Tribes" means the Scheduled Tribes notified under article 342 of the Constitution;

(*k*) "socially and educationally backward classes" means such backward classes as are so deemed under article 342A of the Constitution;

(*l*) "teachers' cadre" means a class of all the teachers of a Central Educational Institution, regardless of the branch of study or faculty, who are remunerated at the same grade of pay, excluding any allowance or bonus.

3. Reservation of posts in recruitments by Central Educational Institutions.—(*1*) Notwithstanding anything in any other law for the time being in force, there shall be reservation of posts in direct recruitment out of the sanctioned strength in teachers' cadre in a Central Educational Institution to the extent and in the manner as may be specified by the Central Government by notification in the Official Gazette.

(*2*) For the purpose of reservation of posts, a Central Educational Institution shall be regarded as one unit.

4. Act not to apply in certain cases.—(*1*) The provisions of section 3 shall not apply to—

(*a*) the institutions of excellence, research institutions, institutions of national and strategic importance specified in the Schedule to this Act;

(*b*) a Minority Educational Institution.

(*2*) The Central Government may, by notification in the Official Gazette, amend the Schedule referred to in clause (*a*) of sub-section (*1*) from time to time.

5. Laying of notifications before Parliament.—Every notification made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or both Houses agree that the notification should not be made, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

6. Repeal and savings.—(*1*) The Central Educational Institutions (Reservation in Teachers' Cadre) Ordinance, 2019 (Ord. 13 of 2019) is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

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STATEMENT OF OBJECTS AND REASONS

Sub-clause (*c*) of clause 6 and sub-clause (*a*) of clause 8 of the University Grants Commission Guidelines, 2006 provide that the cadre or unit for determining reservation roster points in teaching posts in Central Universities should be the University or College and not the Department or subject. However, the said clauses were quashed by the High Court of Allahabad *vide* W.P. 43260 of 2016 dated the 7th April, 2017 and the said judgment was upheld by the Supreme Court. The Supreme Court took a stand that cadres cannot be combined for the purpose of reservation. However, the process of recruitment had come to complete standstill leaving more than 7,000 faculty vacancies in various Central Universities, thus adversely impacting the teaching process and academic standards.

2. In view of the urgency to fill up the vacant posts and to protect the interests of the Scheduled Castes, the Scheduled Tribes and the socially and educationally backward classes, it had become necessary to enact a legislation in the matter.

3. The Central Educational Institutions (Reservation in Teachers' Cadre) Bill, 2019, which seeks to replace the Central Educational Institutions (Reservation in Teachers' Cadre) Ordinance, 2019, provides for the following, namely:—

(*i*) to provide for the reservation of posts in appointments by direct recruitment of persons belonging to the Scheduled Castes, the Scheduled Tribes and the socially and educationally backward classes, to teachers' cadre in certain Central Educational Institutions established, maintained or aided by the Central Government and to extend the said reservations to the economically weaker sections in the light of the Constitution (One Hundred and Third) Amendment Act, 2019;

(*ii*) clause 3 of the Bill provides that the extent and the manner of reservation of posts shall be notified by the Central Government and for the purpose of reservation of posts a Central Educational Institution shall be regarded as one unit; and

(*iii*) the provisions of clause 3 of the Bill shall not apply to the institutions of excellence, research institutions, institutions of national and strategic importance specified in the Schedule or a Minority Educational Institution.

4. As the Parliament was not in session and an urgent legislation was required to be made, the President promulgated the Central Educational Institutions (Reservation in Teachers' Cadre) Ordinance, 2019 (Ord. 13 of 2019) on the 7th day of March, 2019.

5. The Bill seeks to replace the aforesaid Ordinance.

RAMESH POKHRIYAL 'NISHANK'.

NEW DELHI;
The 4*th June*, 2019.

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