

**Proceedings of sitting on 27-04-2009 of Hon'ble Member Shri
Oris Syiem Myriaw with Chief Secretary, Assam**

ISSUE

Deprivation of a ST candidate Dr (Mrs) Silpi Rani Barman from appointment to a vacant ST post of Principal cum Chief Superintendent of Silchar Medical College.

BACKGROUND

A representation dated 16.06.2007 was received from Smt. Charubala Fonglosa, on the issue. She has stated that present vacant post of Principal-cum-Chief Superintendent of Medical College is reserved for ST and APSC has advertised for the post on 22-10-2006. One ST candidate Dr (Mrs) Silpi Rani Barman had applied for the post. She fulfilled all the criteria of the APSC except 5 months shortage of experience as Professor. This shortage occurred because she did not get her promotion on 26.06.2000 after completion of four years service as Associate Professor as per the Govt. notification. The matter was brought to the notice of the Govt. by the past Chairman of Sub-divisional ST Development Board Silchar, Cachar on 14.1.2006 for consideration.

Dr Barman has completed her five years as Professor on 4.04.2007 and the the present Chairman of the Sub-divisional ST Development Board Silchar, Cachar submitted a prayer to the Hon'ble Health Minister Assam on 29-4-2007 to issue no objection to the APSC to hold the interview for the post.

The post of the Principal-cum-Chief Superintendent of Silchar Medical College is lying vacant for a long time and the Govt. allowed Dr. S.S.Dhar professor of Ophthalmology to work as In-charge Principal on 1-11-2004. Dr. Dhar was supposed to retire in the month of November 2006 but the Govt. has given him extension in service for third time and allowed his continuation as In-charge Principal upto 31st July, 2007. It was also mentioned that the Govt. has decided to extend the service of Dr. S.S.Dhar for another two years to allow him to work as In-charge Principal although an eligible S.T.(P) candidate is available at present.

The matter was taken up with the Secretary, Health & Family Welfare, Govt. of Assam vide this Commission's letter dated 19.07.2007. Secretary, Health & FW Department, Govt. of Assam replied vide their letter dated 4th Feb, 2008. It was mentioned that there are altogether six posts in the cadre of Principal-cum-Chief Superintendent in the Medical Colleges of Assam, out of which one post of Principal-cum-Chief Supdt. at

Silchar Medical College & Hospital (SMCH) had to be vacant on 30-11-2006 as Dr.S.S.Dhar, Professor & Head of Department of Ophthalmology, SMCH (who was holding the charge) was to retire from service on 30-11-2006. Accordingly, Assam Public Service Commission(APSC) was requested to recommend name of one candidate from STP category for filling up the vacant post against 1(one) STP back-log vacancy after making advertisement etc. Although the current Roster Point for the said vacancy attracts RP No.17 meant for OBC/MOBC, Govt. decided to fill up the vacancy by STP candidate against 2(two) STP back-log.

In response to the advertisement published by APSC Dr. (Mrs) Shilpi Rani Barman, Professor of Microbiology, SMC had applied for the said post. But APSC regretted their inability to consider her candidature being the lone applicant against the said post and also due to shortage of 5 (five) months service experience against required 5(five) years service experience in the rank of Professor.

Dr.(Mrs) Barman had applied for relaxation for 5(five) months against the qualifying service experience of 5(five) years to the Govt. in Health & FW(B) Deptt. The said prayer of Dr.(Mrs) Barman was processed in the Department and as required Personnel(B) Department was consulted. The Personnel(B) Department had given no objection to relax by 2(two) months (at the time of issuing No Objection there was shortage for two months only) subject to concurrence by MCI in due course of time.

Due to above circumstances, APSC was intimated by Dept of Health & FW vide No. HLB.716/87/143 dtd. 19-06-07 not to proceed with recruitment to the post of Principal, SMCH until further communication from Govt.

Meanwhile, to fulfill the norms of MCI Prof(Dr.) S.S.Dhar who was to retire on 30-11-2006, has been granted re-employment upto December, 2009 and on being aggrieved representations have been submitted by the Barak Valley Hills Development Council, the Chairman Sub-Divisional ST Development Board, Silchar and another Smt. Charubala Fonglossa (Barman) to His Excellency the President of India. Hon'ble Prime Minister of India, the Hon'ble Chairman of Parliamentary Standing Committee for Welfare of SC/ST, Govt. of India and National Commission for ST etc.

AS the APSC regretted to recommend the only candidature of Dr.(Mrs) Shilpi Rani Barman to the post of Principal, SMCH and that there are still 2(two) vacant posts of Principal to which Dr.(Mrs) Barman will be in a position to apply subject to fulfillment of her candidature as and when the advertisement is made which is under process.

Shri Oris Syiem Myriaw, Member, National Commission for Scheduled Tribes decided to have a discussion with Chief Secretary, Govt. of Assam on 18.03.2009 at 3.00 pm in the Commission. Commissioner & Secretary, Health & Family Welfare department, Govt of Assam intimated that due to bad weather, flights are not taking off and therefore requested for another date. As per the request of Govt. of Assam, Shri Oris Syiem Myriaw, Hon'ble Member rescheduled the discussion for 27.04.2009 at 3.00 pm in the Commission.

ANALYSIS

The extension of Dr. S.S.Dhar after 31.07.2007 is totally not in order, as NOC for shortage of experience was given to Dr. Barman. She should have been appointed for the ST backlog post.

DISCUSSION

The officials of the Govt of Assam expressed that they are very much concerned about the concern of the Commission in this case and agreed that in normal course the promotion of the petitioner would have been done.

They further explained that Govt of Assam has increased the superannuation age of doctors from 59 years to 62 years, this is the reason Dr Dhar was given extension. They were facing the problem of referring all the recruitments to the APSC, therefore they have formulated their own R&Rs and after approval of the Cabinet, they will be able to promote/ recruit the doctors within the Department of Health & Family Welfare.

In the case of Dr (Mrs) Shilpi Rani Barman, Department of H&FW has taken approval for relaxation of experience from the Personnel department, whereas as per rules, the authority to relax any qualification for doctors lies with the MCI.

The Commission was intimated that as now Dr (Mrs) Shilpi Rani Barman is eligible for promotion to the post of Principal and ST posts of Principal are also vacant, after Cabinet approval of R&Rs, promotions are likely to be done by July, 2009.

RECOMMENDATIONS

The Commission recommended that gradation list of eligible candidates for promotion to the post of Principal in Assam may be prepared and a copy be sent to the Commission. Dr (Mrs) Shilpi Rani Barman may be promoted to the post of Principal at the earliest after notification of the RRs.

ANNEXURE

The following were present in the sitting on 27.04.2009:

NCST

1. Shri Oris Syiem Myriaw, Hon'ble Member**In Chair**
2. Shri Aditya Mishra, Jt. Secretary
3. Shri Vinod Aggarwal, Director

Govt. of Assam

1. Shri P. P. Varma, Addl. Chief Secretary/ H&FW
2. Shri J. C. Goswami, Commissioner & Sec/ H&FW

Petitioner

1. Dr. (Mrs.) Shilpi Rani Barman