

**F.No.20-2/2022-TS.III**  
Government of India  
Ministry of Education (Shiksha Mantralaya)  
Department of Higher Education  
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Shastri Bhawan, New Delhi,  
dated, the 27<sup>th</sup> April, 2022

To

The Director,  
National Institute of Technology, Warangal,  
Telangana - 506004.

**Subject: Clarification on applicability of clause (5) of Note 1 referred in Schedule 'E' of the Statutes of NITs and IEST, Shibpur - regarding.**

Sir \ Madam,

I am directed to refer to the communication dated 31<sup>st</sup> January, 2022 received from the National Institute of Technology, Warangal (Telangana) seeking clarification on applicability of clause (5) of Note 1 referred in Schedule 'E' of the Statutes of NITs (amended on 24<sup>th</sup> July, 2017), which reads as under:-

***"For the departments which are not having any vacancy, movement in higher academic Grade Pay or cadre shall be carried out as per specific selection process but it will be restricted to only serving faculty members of the respective departments"***

2. While seeking clarification on applicability of above clause, the Institute has further stated that the above provision has not been withdrawn or amended as on date and many Institutes have been incorporating the same in their advertisements for considering the serving faculty members. On specific instructions from their BoGs, the Institute has sought clarification on including same in their ensuing advertisements for faculty recruitments and its applicability on serving faculty members.

3. In this regard, attention is drawn towards Note 1 (1) of the Statutes which states that "any change in the grade pay will be through open advertisement and on recommendations of duly selection committee, except where specifically exempted in these rules". Thus there is no provision of promotion in NITs as per the Act and statutes and open recruitment at each stage, combined with Four-Tier Flexible Faculty Cadre Structure is the

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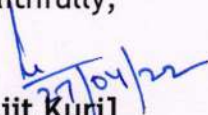
cornerstone of these Institutions of National Importance to recruit and retain only the best of the best teaching talent. In flexi cadre, a faculty appointed at any level and moving forward in next level carries his own position, as his selection to higher grade won't change the actual numbers of faculty in position.

4. Note 1 (5) of the Statutes states that "for the department which are not having any vacancy, movement in higher academic grade pay or cadre shall be carried out as per specified selection process but it will be restricted to only for serving faculty members of the respective departments." The matter has been examined in the Bureau. The genesis behind keeping Note 1 (5) in Schedule 'E' of amended Statutes is that there are many NITs working with small, peripheral Departments (like Physics, Architecture etc.) having fixed numbers of faculty positions sanctioned by the Board for each of such Department. Any provision in any law / Statute cannot be read in exclusion and must be read in harmony with the entire provision.

5. Note 1 (5) helps NITs to retain their academic talent; however, there may be chances that the same may be used for giving undue advantage, restricting outside faculty from participating in the recruitment process and would thus be violative of both letter and spirit of the Act and Statutes. As such, with regard to the application of Note 1 (5) of Schedule 'E', it is clarified that excessive reliance on Note 1(5) may lead to dilution of overarching Four-Tier Flexible Faculty Cadre Structure wherein equal opportunity of competition is to be extended to fresh candidates as well as internal candidates. It may lead to dilution in quality of faculty recruitment.

6. This issues with the approval of the Chairperson of Council of NITSER in accordance with the provisions under Section 32 (2) (b) of the National Institutes of Technology, Science Education and Research (NITSER) Act, 2007 and Statutes 23 (3) of the Statutes of NITs and IEST, Shibpur.

Yours faithfully,

  
[Indrajit Kuri]

Under Secretary to the Government of India  
Tel: 23384197

Copy for information and further appropriate action to:-

- (i) The Directors of all 31 NITs; and Director, IEST-Shibpur (W.B.).
- (ii) The Registrars of all 31 NITs; and Registrar (I/c), IEST-Shibpur (W.B.).