

# THE UTTAR PRADESH EDUCATIONAL INSTITUTIONS (RESERVATION IN TEACHERS' CADRE) ACT, 2021

UTTAR PRADESH

India

## THE UTTAR PRADESH EDUCATIONAL INSTITUTIONS (RESERVATION IN TEACHERS' CADRE) ACT, 2021

### Act 9 of 2021

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AN ACT to provide for the reservation of posts in appointments by direct recruitment of persons belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes and Economically Weaker Sections, to Teachers' Cadre in certain State Educational Institutions established, maintained or aided by the State Government and for matters connected therewith or incidental thereto. IT IS HEREBY enacted in the Seventy second Year of the Republic of India as follows:—

**1. Short title** This Act may be called the **Uttar Pradesh Educational Institutions (Reservation In Teachers' Cadre) Act, 2021.**

**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 (Act no 3 of 1956), or any other authority or body established by or under a Central Act or State Act for the determination, coordination or maintenance of the standards of higher education in any State 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)"direct recruitment" means the process of appointing faculty by inviting applications against public advertisement from persons eligible to teach in a State Educational Institution;(d)"economically weaker sections" means economically weaker sections of citizens as defined under the Uttar Pradesh Public Services (Reservation for Economically Weaker Sections) Act, 2020 (U.P. Act no. 10 of 2020);(e)"faculty" means the faculty of a State Educational Institution;(f)"Minority Educational Institution" means an institution established and administered by the minorities under clause (1) of Article 30 of the Constitution of India and so declared as a Minority Educational Institution under the National Commission for Minority Educational Institutions Act, 2004 (Act no. 2 of 2005);(g)other backward classes means the other backward classes notified under the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 (U.P. Act no. 4 of

1994);(h)"sanctioned strength" means the number of posts in teachers' cadre approved by the appropriate authority;(i)"Scheduled Castes" means the Scheduled Castes defined under the Uttar Pradesh Public Services(Reservation For Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act,1994 (U.P. Act no 4 of 1994);(j)"Scheduled Tribes" means the Scheduled Tribes defined under the Uttar Pradesh Public Services(Reservation For Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act,1994 (U.P. Act no 4 of 1994);(k)" State Educational Institution" means—(i)a State University established or incorporated by or under a State Act;(ii)an institution receiving aid from the State Government and affiliated, associated to or constituent of a State University established or incorporated by or under a State Act;(iii)a medical educational institution established under the Societies Registration Act, 1860 (Act No. 21 of 1860) and receiving aid from the State Government ;(iv)a composite group of government educational institutions where common state level cadre has been created by the Government ;(l)"State Government" means the Government of Uttar Pradesh ;(m)"teachers' cadre" means a class of all the teachers of a State 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 State Educational Institutions**

(1)Notwithstanding anything in any other law of the State Of Uttar Pradesh 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 State Educational Institution to the extent and in the manner as prescribed by the State Government.(2)For the purpose of reservation of posts, a State Educational Institution shall be regarded as one unit.

### **4. Act not to apply in certain cases**

The provisions of section 3 shall not apply to -(a)a Minority Educational Institution,(b)the institutions of excellence, research institutions, institutions of national and strategic importance.

### **5. Power to make rules**

The State Government may, by notification in the Gazette, make rules for carrying out the purposes of this Act.

### **6. Laying of notifications before the State Legislature**

Every notification made by the State Government under this Act shall be laid, as soon as may be after it is made, before both Houses of the State Legislature.

### **7. Power to remove difficulties**

(1)The State Government may for the purposes of removing any difficulties direct that the provisions of this Act shall during such period as may be specified in the order, have effect subject to such

adaptations, whether by way of modification, addition or omission, as it may deem necessary or expedient: Provided that no such order shall be made after two years from the date of commencement of this Act. (2) Every order made under sub-section (1) shall be laid before both Houses of the State Legislature, as soon as may be, after it is made.