

## A G E N D A

of the General Body Meeting of  
NAGPUR UNIVERSITY TEACHERS' ASSOCIATION  
to be held at 12.00 noon on **SUNDAY, the**  
**27th February, 2011 at**  
**Smt. Kesharbai Lahoti Mahavidyalaya,**  
**AMRAVATI**

Agenda of the General Body Meeting of Nagpur University Teachers' Association to be held at 12.00 noon on Sunday, the 27th February, 2011 at Smt. Kesharbai Lahoti Mahavidyalaya, Amravati is as follows :-

## ITEM NO. 526 :

**CONFIRMATION OF MINUTES :**

(A) **TO CONFIRM** the minutes of the General Body meeting of Nagpur University Teachers' Association held at 12.00 noon on Sunday, the 16 th May, 2010 at Shivshakti Arts & Commerce College, Babhulgaon ( Dist. Yavatmal )

*Notes :- 1) Copy of the minutes was Circulated on pages 57 to 62 of 2010 NUTA Bulletin.*

*2) Corrections, if any, were invited in the copy of the Minutes of the General Body Meeting of Nagpur University Teachers' Association held at 12.00 noon on Sunday, the 16 th May, 2010 at Shivshakti Arts & Commerce College, Babhulgaon ( Dist. Yavatmal ) vide No.CIM/29 Dated 25 th May, 2010 published on page 57 of 2010 NUTA Bulletin. No correction is received.*

## ITEM NO. 527 :

**APPROVAL TO THE AUDITED STATEMENTS :**

(A) **TO CONSIDER** and **TO APPROVE** the Audited Balance Sheet and Income and Expenditure Account of the Association for the year ended on 31st March, 2010.

*Notes : (i) The copy of the Audited Balance Sheet and Income and Expenditure Account of the Association for the said Financial year is circulated on page 02 & 03 of 2011 NUTA Bulletin.*

*(ii) The Audited Balance Sheet and Income and Expenditure Account will be placed before the General Body by Prof. S.A.Tiwari, Treasurer, on behalf of the Executive Committee.*

*(iii) If any honourable member has a query, regarding the Audited Balance Sheet and Income and Expenditure Account, he should make it, within a week from the date of posting of this Bulletin, to Prof. S.A.Tiwari, Treasurer, NUTA, 42, Shankar Nagar, Amravati-444 606, specifying the exact point on which he seeks information/ clarification. A copy of the query also be sent to Prof. B.T.Deshmukh, President, NUTA, 3, Subodh Colony, Near Vidarbha Mahavidyalaya, Amravati-444 604.*

## ITEM NO. 528 :

**STATEMENT ON FIXED SECURITIES POSITION :**

**To Note** the Statement no. 21 showing the position of the Fixed Securities of the Association as on 31st

March, 2010.

**Note :** (i) Statement no.21 regarding the fixed securities of the Association as on 31st March, 2010, is circulated on page 4 of 2011 NUTA Bulletin.

(ii) The Statement showing the position of the Fixed Securities of the Association as on 31st March, 2010, will be placed before the General Body by Prof. S.A.Tiwari, Treasurer, on behalf of the Executive Committee.

विषय क्रमांक ५२९ :

नेटसेट बाबत केंद्र शासनाच्या मानव संसाधन विभागाचे ३ नोव्हेंबर २०१० चे पत्र

कार्यकारी मंडळाच्या वतीने प्रा. डॉ. प्रविण रघुवंशी हे पुढील प्रस्ताव मांडतील. :-

१. केंद्र शासनाच्या मानव संसाधन विभागाचे ३ नोव्हेंबर २०१० चे पत्र

१.१ मुळात चार महिन्यात निर्णय घ्यावा असे मा. उच्च न्यायालयाचे सक्त आदेश असतांना ८ - १० वर्षे आयोगाने निर्णय घेतला नाही. नेटसेटच्या बाबतीत हा जो गोंधळ विद्यापीठ अनुदान आयोगाने कृति न केल्यामुळे निर्माण

## NAGPUR UNIVERSITY TEACHERS' ASSOCIATION

## MEETING NOTICE : 2

**Date : 20.01.2011**

From

**Dr.E.H.Kathale,**  
Secretary, NUTA,  
N-162, Reshim Bagh, Nagpur-440 009.

To,

**All the members**  
of the Nagpur University Teachers' Association  
Dear members,

I have the honour to inform you that in exercise of the powers conferred on it by Article VIII of the Constitution of NUTA, the Executive Committee has decided to have the meeting of General Body at **12.00 Noon** on the date and at the place mentioned below.

2. Agenda of the General Body meeting is printed in this NUTA Bulletin. If you propose to suggest any amendments to any of the proposals/Resolutions included in the Agenda, you may send it to me within a period of one week from the date of the posting of this Bulletin. It will not be possible for the amendments received after the due date to be included in the additional agenda. Please send one copy of your amendment to Prof. B.T.Deshmukh, President, NUTA, 3, Subodh Colony, Near Vidarbha Mahavidyalaya, Amravati-444 604.

3. Rules for proposing amendments to the proposals/resolutions are printed on page 97 of 1977 NUTA Bulletin. You are requested to kindly make it convenient to attend the meeting.

Yours faithfully,  
Sd/- **Dr. E.H.Kathale**  
Secretary, NUTA

**Date and Place of the meeting**

at 12.00 Noon on, Sunday, the  
**27th February, 2011 at**  
**Smt. Kesharbai Lahoti Mahavidyalaya,**  
**AMRAVATI**

झालेला आहे, त्यावर सारवासारव करण्यासाठी २३ सप्टेंबर, २०१० रोजी विद्यापीठ अनुदान आयोगाने केंद्र शासनाच्या मानव संसाधन विभागाला जी विनंती केली होती, त्याला अतिशय स्पष्ट व निसंदिग्ध शब्दात मानव संसाधन विभागाने दिनांक ३ नोव्हेंबर, २०१० रोजी उत्तर दिले असून याबाबतची अंतिम स्थिती त्या विभागाने आता पुढीलप्रमाणे स्पष्ट केली आहे. :-

“The present regulations in force do not have any provisions for exemption of candidates who are not NET/SLET qualified. In the above circumstances, I am desired to draw your attention to and reiterate the directive issued under Section 20(I) of the UGC, 1956 in making NET/SLET compulsory for teaching positions as a policy relating to national purposes of maintenance of standards of higher education.”

१.२ पुढे मानव संसाधन विभागाने विद्यापीठ अनुदान आयोगाला त्याच पत्रात स्पष्ट शब्दात असेही कळविले आहे की, “Therefore, exempting the candidates from NET/SLET requirement, who are going to be appointed or have been appointed after 11th July, 2009 would be violative of the UGC (Minimum qualifications required for the appointment and career Advancement of teachers for Universities and institutions to it) (3rd amendment) Regulation, 2009.”

१.३ “११ जुलै, २००९ नंतर नेमणूका झालेल्या लोकांना ‘एक्झमेशन’ देण्याचे हे काम बंद करा” असे सांगतांना “या तारखेनंतर एक्झमेशन देण्याचा तुमचा अधिकार संपुष्टात आलेला आहे.” असेही मानव संसाधन विभागाने स्पष्टपणे विद्यापीठ अनुदान आयोगाला बजावतांनाच ‘एक्झमेशन’चे ठराव करतांना तुम्ही नेमके काय विसरत आहात, हेही स्पष्टपणे पुढील शब्दात नमूद केले आहे. :-

“The above mentioned resolution perhaps does not take into account the fact that appointments, If any, pursuant to the date of coming into force of these regulations are bound to be prospective only. Appointments can never be made with retrospective dates.” पुढे विद्यापीठ अनुदान आयोगाला याच पत्रात मानव संसाधन विभागाने असेही सांगितले की “Simi-

larly, since by Commissions own admission, the regulations are prospective in nature and not retrospective,” गेली १० - १५ वर्षे महाराष्ट्र प्राध्यापक महासंघ विद्यापीठ अनुदान आयोगाला वारंवार नेमकी हीच गोष्ट सातत्याने सांगत आहे. आता खुद्द मानव संसाधन विभागानेच त्या बाबी सांगितल्यावर विद्यापीठ अनुदान आयोगाने ही सर्व प्रकरणे कायमची निकाली काढली पाहिजेत.

२. सन १९९१ पासून तर ४ एप्रिल, २००० पर्यंत महाराष्ट्रामध्ये झालेल्या नेमणूकांच्या बाबतीत

२.१ आज मानव संसाधन विभागाने जी गोष्ट विद्यापीठ अनुदान आयोगाला बजावून सांगितली आहे, तीच गोष्ट महाराष्ट्र प्राध्यापक महासंघाने ३० मार्च, २००३ रोजी पाठविलेल्या एका तपशिलवार निवेदनाद्वारे (यापुढे उल्लेख “संघटनेचे निवेदन” असा) लक्षात आणून दिली होती. त्या निवेदनातील काही महत्त्वाच्या बाबी पुढील प्रमाणे आहेत.

२.२ नेटसेटच्या पात्रतेच्या अटी कायदेशीररित्या डिसेंबर १९९९ पर्यंत महाराष्ट्रात अमलात आल्या नव्हत्या. याबाबत महाराष्ट्र प्राध्यापक महासंघाने विद्यापीठ अनुदान आयोगाला दिनांक ३० मार्च, २००३ रोजी पाठविलेल्या संघटनेच्या निवेदनामध्ये परिच्छेद २ मध्ये ते अत्यंत नेटकेपणाने मांडले होते, तो परिच्छेद पुढील प्रमाणे :-

“2. LAWFUL INSTRUMENT FOR PRESCRIBING QUALIFICATIONS :

2.1 The Non-Agricultural Universities in Maharashtra, viz, University of Mumbai, SNDT Women's University, University of Pune, Nagpur University, Amravati University, Shivaji University, North Maharashtra University, Dr. Babasaheb Marathwada University and Ramanand Tirth University are governed by the provisions of the Maharashtra Universities Act, 1994. Section 51(8) of the said Act provides that Recruitment and Qualifications of the teachers of the Universities and the affiliated colleges is to be regulated by Statutes to be made by the Universities. In case Statutes do not exist or where Statutes exist but they need to be amended, and if in the opinion of the Universities it is likely to take

SCHEDULE VIII (VIDE RULE 17 /1) :- TRUST REG. NO. F-1594

NAME OF THE PUBLIC TRUST : NAGPUR UNIVERSITY TEACHERS' ASSOCIATION

Place : Nagpur -- Taluka : Nagpur -- District : Nagpur

BALANCE SHEET AS AT : 31ST MARCH 2010

FUNDS & LIABILITIES	Amount Rs.	Amount Rs.	PROPERTY & ASSETS	Amount RS.	Amount RS.
<b>1 TRUST FUND OR CORPUS</b>			<b>I FIXED ASSETS (Sch.C)</b>	99,404.08	88,231.17
<b>Life membership fee</b>			Less : Depreciation	11,172.91	
Balance as per Last B/S ...	5,715,646.32	5,965,647.32	<b>II INVESTMENTS (Sch.D)</b>		8,533,311.00
Adjustment during the year ...	250,001.00		<b>III LOANS &amp; ADVANCES</b>		
<b>II OTHER EARMARKED FUND</b>			Other Loans ... ..		
Depreciation Fund ... ..			<b>B) Advances (Sch.E) ... ..</b>		76,093.64
Sinking Fund ... ..			To trustess ... ..		
Reserve Fund ... ..			To employees ... ..		
Any other Fund (Schedule 'A')		3,108,422.35	To contractors ... ..		
<b>III LOANS Secured or unsecured</b>			To lawyers ... ..		
From Trustees ... ..			To Other TDS ... ..		
From Others ... ..			<b>IV INCOME OUTSTANDING</b>		
<b>IV LIABILITIES</b>			House Rent ... ..		
As per schedule 'B' ... ..		1,156.00	Land Rent ... ..		
For expenses Audit fees payable			Interest ... ..		
For advances ... ..			Other Income ... ..		
For rent/ other deposits ... ..			<b>V CASH AND BANK BALANCES</b>		
For Sundry credit balances ...			(a) Cash in hand		
<b>V INCOME AND EXPENDITURE ACCOUNT</b>			(b) Bank Balance (Sch.F) ... ..		300,402.98
Balance as per Last B/S ... ..	(31,001.87)				
Less appropriation if any	(46,185.01)				
add/less :surplus/ deficit					
as per I/E Account ... ..		(77,186.88)			
<b>TOTAL RS.</b>		<b>8,998,038.79</b>	<b>TOTAL RS.</b>		<b>8,998,038.79</b>

The above Balance sheet to the best of my belief contains a true account of the Funds and Liabilities and Assets of the trust

Trustee:  
S/d. S.A.Tiwari  
Trust Address : Nagpur

Date : 12th July 2010

As per Our report of even date  
For **C.R.SAGDEO & CO**  
Chartered Accountants  
Sd/-(Anup C.Sagdeo) Partner

time before new Statutes could be brought into existence or existing Statutes could be amended, Section 14(8) of the Act provides **the Vice Chancellors with powers to issue directions.**

2.2 Section 8(3) of the said Act empowers the State Government to issue **Standard Code** for the purpose of securing and maintaining uniform standards by Notification in the official Gazette.

2.3 It may be pointed out that the UGC is fully aware of such provisions in the Universities Act in different States in the country and therefore in all the Regulations/ Notifications that the UGC has been issuing from time to time, the UGC has been emphasizing that it would be necessary for the Universities to make Statutes to implement the UGC Notifications/Regulations.”

२.३ संघटनेच्या निवेदनाच्या परिच्छेद ४ मध्ये सर्वोच्च न्यायालयाचा महत्त्वपूर्ण निर्णय विद्यापीठ अनुदान आयोगाच्या लक्षात आणून देण्यात आला होता. मुळात नेटसेटची पात्रता परीक्षा लागू करणारे रेग्युलेशन विद्यापीठ अनुदान आयोगाने १९९१ मध्ये निर्गमित केले. त्याच्या स्वरूपाबाबत देशभरात अनेक ठिकाणी, विशेषतः खुद्द दिल्ली विद्यापीठातच, याबाबत वाद निर्माण झाला. दिल्ली विद्यापीठाला हायकोर्टाच्या निर्णयाविरुद्ध सर्वोच्च न्यायालयात जावे लागले. Civil Appeal No. 1819 of 1994, decided on 8-9-1994, in University of Delhi, Appellant v/s Raj Singh and others, Respondents. A.M. AHMADI AND S.P. BHARUCHA, JJ. : AIR 1995 SUPREME COURT 336 या प्रकरणात मा. सर्वोच्च न्यायालयाने पुढील प्रमाणे निर्णय दिला. :-

**“i) Regulations are valid :** Regulations (1991), notified on 19th September, 1991, by the University Grants Commission are valid.

**ii) recommendatory :** The provisions of clause 2 of the said Regulations are, therefore, recommendatory in character.

**iii) application prospective :** The second proviso to clause 2 makes the application of the said Regulations prospective.”

२.४ सर्वोच्च न्यायालयाने विद्यापीठ अनुदान आयोगाच्या नेटसेट बाबतच्या १९९१ च्या रेग्युलेशनचे तपशीलवार विश्लेषण करणारा जो निवाडा दिनांक ८.९.१९९४ रोजी दिला त्यानुसार हे रेग्युलेशन शिफारसीच्या स्वरूपाचे (The provisions of clause 2 of the said Regulations are, therefore, recommendatory in character.) आहे. ते सक्तीचे करावयाचे किंवा नाही याबाबतचा निर्णय विद्यापीठाने वा राज्य शासनाने घ्यावयाचा आहे. तसा निर्णय घेण्यात आल्यास तो परिणियम किंवा प्रमाणसंहिता निर्गमित केल्यानंतरच्या काळात (The second proviso to clause 2 makes the application of the said Regulations prospective.) लागू पडेल, पूर्वलक्षी प्रभावाने नव्हे. हे रेग्युलेशन उमेदवारासाठी (Relates to all applicants i.e. candidates) लागू आहेत, असे त्या निर्णयामध्ये स्पष्ट करण्यात आलेले आहे. ही गोष्ट सुद्धा संघटनेच्या निवेदनातून विद्यापीठ अनुदान आयोगाच्या लक्षात आणून देण्यात आली होती.

२.५ सर्वोच्च न्यायालयाच्या त्या निर्णयामुळे पुढे ४ एप्रिल, २००० चे रेग्युलेशन आयोगाला निर्गमित करावे लागले. त्यानुसार “कोणत्याही व्यक्तीला (No person) नेटसेटची पात्रता परीक्षा उत्तीर्ण केल्याशिवाय विद्यापीठातून व महाविद्यालयातून शिक्षकीय पदावर नेमता येणार नाही” असे स्पष्टपणे नमूद करित असतानाच विद्यापीठ अनुदान आयोगाला आपल्या या नियमाला एक परंतुक जोडावे लागले. यापूर्वीच नेमल्या गेलेल्या व्यक्तींच्या बाबतीत या परंतुकामध्ये असे ठामपणे नमूद करण्यात आलेले आहे की :- “ Provided further that these regulations shall not be applicable to such cases where selections of the candidates having had the then requisite minimum qualification as were existing at that time through duly constituted Selection Committees for making appointments to the teaching posts have been made prior to the enforcement of these regulations.” यथोचितरित्या अस्तित्वात आलेल्या निवडसमितीच्या मार्फत ज्यांची निवड झालेली आहे व त्यावेळी अस्तित्वात असलेली किमान पात्रता जे धारण करतात त्यांना नेटसेटच्या पात्रतेचा नियम लागू असणार नाही, असे सन २००० च्या रेग्युलेशनमध्ये स्पष्टपणे नमूद आहे.

**SCHEDULE IX (VIDE RULE 17 /1) :- TRUST REG. NO. F-1594**

**NAME OF THE PUBLIC TRUST : NAGPUR UNIVERSITY TEACHERS' ASSOCIATION**

Place : Nagpur \* Taluka : Nagpur \* : District Nagpur

**INCOME AND EXPENDITURE ACCOUNTS FOR THE YEAR ENDING ON 31st MARCH 2010**

EXPENDITURE	Amount Rs.	INCOME	Amount Rs.
<b>To Expenditure in respect of Properties</b>		<b>By House Rent</b> ... ..	
Rate, taxes, cesses ... ..		<b>By Agriculture Income</b> ... ..	
Repairs and maintenance ... ..		<b>By Hospital Receipt</b> ... ..	
Building Maintenance ... ..		<b>By land Rent</b> Accrued/Realised ... ..	
Insurance ... ..		<b>By Interst</b>	
Depreciation ... ..	11,172.91	On MIDS ...	442,469.00
<b>Other expenses (Sch 'G')</b>		On Fixed Deposit ... ..	72,779.00
To Establishment expenses	68,244.10	On Loans	
To Remuneration to trustees (in the case of a math) to the head of the math including his house hold expenditure, if any		On Bank account	20,277.00
To Electricity Expenses		<b>By Divident</b> ... ..	
To Audit fee ... ..		<b>By Donation</b> in cash or Kind ... ..	10,000.00
To Contribution and fees			
To Printing and Stationery ... ..	84,342.00	<b>By Grants</b> ... ..	
<b>To amount Written of</b>		<b>By Income</b> from other sources ... ..	
(a) Bad debts ... ..		<b>By Subscription &amp; Membership</b> ... ..	
(b) Loan Scholarship ... ..		<b>By Profit</b> on sale of Investment ... ..	
(c) Irrecoverable rents... ..		<b>By Transfers</b> from Reserve ... ..	
(d) Other items... ..		Deficite carried over to Balance Sheet... ..	46,185.01
To Miscellaneous Expenses ... ..			
To Depreciation ... ..			
To Amount transferred to Reserve or Specific F.			
<b>To Expenditure on objects of the trust</b>			
(a) Religious ... ..			
(b) Educational (NUTA Bulletin) ...	411,501.00		
Bulletin Postages Exp. ...	16,450.00		
427,951.00			
(c) Medical Relief ... ..			
(d) Relief of Poverty ... ..			
(e) Other Charitable objects ... ..			
Surplus Carried over to B/S ... ..			
	<b>591,710.01</b>		<b>591,710.01</b>

As per Our report of even date

Trustee/Sd/-S.A.Tiwari For C.R.SAGDEO & CO  
Trust Address : Nagpur Chartered Accountants  
Date : 12th July 2010 sd/ (Anup C.Sagdeo) Partner

२.६ संघटनेने आपल्या निवेदनाच्या परिच्छेद ४.५ मध्ये सन १९९१ ते सन १९९९ या कालखंडात नेमलेल्या अधिव्याख्यात्यांच्याबाबतीत पुढील ५ बाबी विद्यापीठ अनुदान आयोगाच्या लक्षात आणून दिल्या होत्या. :-

“(1) They were selected by duly constituted selection committee;

(2) As candidates, they possessed the then requisite minimum qualification prescribed under the Statute;

(3) All these cases fell under Second Proviso to Clause 2 of the UGC Regulation, 2000;

(4) The decision of the Hon'ble Supreme Court in University of Delhi V/s. Raj Singh & Others applied to them;

(5) The UGC Regulations applied only to candidates who wanted to become Lecturers and not to the Lecturers who were already appointed;”

२.७ सन १९९९ नंतर महाराष्ट्रात नेटसेट सक्तीचे करण्यात आले. त्यानंतरची स्थिती संघटनेच्या निवेदनात पुढील शब्दात मांडण्यात आली होती. :-

“After the Government and the Universities prescribed NET/SET as minimum entry point conditions for Lecturers with a clear direction that no non NET/SET candidate should be appointed as Lecturers, the Universities did not appoint any such candidates as Lecturers and when the colleges appointed such candidates, the Universities have rejected approval of such appointments.”

२.८ महाराष्ट्रातील सर्व विद्यापीठांच्या कुलगुरूंनी विद्यापीठ अनुदान आयोगाच्या ही गोष्ट लक्षात आणून दिली होती. त्यातील काही गोष्टी पुढे नमुद करण्यात येत आहेत.

२.९ नागपूर विद्यापीठांच्या मा. कुलसचिवांनी दिनांक १७ डिसेंबर, २००२ रोजी विद्यापीठ अनुदान आयोगाला पाठविलेल्या पत्रातील परीच्छेद ६ (एफ) पुढील प्रमाणे आहे:-

“(f) Instead of firmly introducing NET/SET as a compulsory qualification at recruitment level by the competent legal instrument such as Standard Code, the State Govt. was constantly introducing NET/SET qualification by informal instruments and was

**STATEMENT REGARDING THE FIXED SECURITIES OF THE ASSOCIATION AS ON 31st MARCH, 2010.**

**STATEMENT NO.21**

**(A) LIFE MEMBERS**

01.No.Of Members as on the day of Constitution amendment (9th May, 1976 i.e. to put membership fee in fixed deposits.)	214
02.Total No. of Members as on the Date (9th Oct. 1988) of increasing the L.M.fees from Rs. 151 to 501)	2846
03.No. of Members from 9th May 1976 to 9th Oct. 1988 (2-1) = (2846-214) =	2632
04.Total No. of Members as on the date (30th April 1991) of increasing the L.M. fees (from Rs. 501 to 2001).....	3279
05.No. of Members from 9th Oct. 1988 to 30th April 1991 (4-2)=(3279-2846)=	433
06.Total No. of members as on the date (31st December 2000) of increasing the L.M.fees from (Rs. 2001 to 4001)	4723
07.No. of Members from 30 April, 1991 to 31st March, 2002 (6-4) = (4723-3279) =	1444
08.Total No. of members as on the date (30 th September 2006) of increasing the L.M.fees from (Rs. 4001 to 10001)	5195
09.No. of Members from 1st January, 2001 to 31st March, 2008 (9-6) = (5195-4723) =	472
10.Total No. of members as on 31st March 2010.....	5221
11.No. of members from 1st October 2006 to 31st March 2010... (10-8) (5221 - 5195) =	26

**(B) TEACHERS WHO MADE PART PAYMENT OF L.M.FEES**

12. (i) D.No.of Teachers who have paid 1001/1000	20
13. (a) No.of Teachers who have paid 1001/1000	17
(b) No.of Teachers who have paid 2001/2000	62
(c) No.of Teachers who have paid 4001/4000.....	02
(d) No.of Teachers who have paid 5001/5014.....	14

**APPENDIX 'B'**

Statement regarding the Fixed Securities of the Association as on 31st March, 2010

(See Item at Serial No.22 in the statement).

**BANK OF MAHARASHTRA : MIDS SCHEMES**

Sr. No.	MIDS Certificate	Amount of Investment	Date of Investment	Period of Investment	Rate of interest
1.	740698/1	25,00,000	20.09.2006	78 Months	8.00%
2.	356234	20,00,000	02.08.2009	12 Months	7.25%
3.	038753	10,00,000	08.05.2009	12 Months	7.50%
4.	356820	2,50,000	23.01.2010	12 Months	6.50%
<b>Total</b>		<b>57,50,000</b>			

**(C) AMOUNT OF L.M. FEES RECEIVED....Rupees**

14.Amount Received from Members mentioned at Sr.No.1 above Rs. ....	00-00
15.Amount Received from members at Sr.No.3 above (2632 x 151).....	3,97,432-00
16.Amount Received from members mentioned at Sr.No.5 above (433 x 501).....	2,16,933-00
17. Amount Received from members mentioned at Sr. No. 7 above. (1444 x 2001) .....	28,89,444.00
18. Amount Received from members mentioned at Sr. No. 9 above (472 x 4001) .....	18,88,472.00
19. Amount Received from members mentioned at Sr. No.11 above (26 x 10001) .....	2,60,026.00
20. Amount Received from members mentioned at Sr. No.12 & 13 above (20,020 +1,41,079 + 8,002 + 70,014) .....	2,39,115.00
21.Total amount of L.M.Fund received from all the members mentioned at Sr.No. 14 +15+ 16+17+18+19+20 above. and hence expected to have been invested in fixed Securities .....	58,91,422.00

**(D) TOTAL AMOUNT IN FIXED SECURITIES.**

22. Total amount invested in fixed securities (Details as per Appendix A & B ) (1,16,025 + 57,50,000 ) =	58,66,025.00
23. Total Balance in life membership Ac. (A/c.19893) .....	46,636.12
24. Total amount in fixed Securities and cash in the Bank (22+23).....	59,12,661.12
25. Amount of cheques under Realisation since they are deposited recently.....	
26. Total of 24 and 25 above.....	59,12,661.12
27. Surplus of 26 over 21 .....	21,239.12

Date : 12th July 2010 Dr. S. A.TIWARI, Treasurer,

NOTE : Statement No.20 was printed on page 163 of 2009 NUTA Bulletin.

**APPENDIX 'A'**

Statement regarding the Fixed Securities of the Association as on 31st March, 2010

(See Item at Serial No.22 in the statement).

**UNITS OF UNIT TRUST OF INDIA :** (1) Sr. No. 1 (2) Folio Certificate No.:- 526218293593 (3) No. of Units :- 9409.976 (4) Face Value of Each Unit :- 12.33 (5) Amount of Investment :- 1,16,025 (6) Date of Investment :- 25.2.2008 (7) Period of Investment :- 3 Years (8) Rate of Dividend :- Total : 1,16,025

simultaneously enjoying the benefits of not introducing it. Since NET/SET was not inducted as a compulsory qualification at the recruitment level by legal instrument, hundreds of candidates without NET/SET, were recruited from 1991 till the cut-off date i.e. 28.12.1999 in this university area. Advertisements were approved, Selections were made, approvals were granted by the university and; because it was the perfectly lawful recruitment in the teaching cadre, 100% salary grants were paid by the State Govt. in respect of such lawfully recruited teachers year after years and continue to be so paid even to-day.”

२.१० नागपूर विद्यापीठाच्या मा. कुलसचिवांनी जे उपरोक्त तपशीलवार निवेदन दिनांक १७ डिसेंबर, २००२ रोजी विद्यापीठ अनुदान आयोगाला पाठविले होते, त्याच्या परिच्छेद १२ मध्ये १९९१ ते १९९९ या काळात नेमल्या गेलेल्या शिक्षकांविषयी अशी विनंती केली होती की, :-

“ Every teacher mentioned in appendix A is covered by second proviso of para 2 of the 2000 Regulation. It is the considered opinion of this University that NET/SET qualification is not applicable to the teachers mentioned in the Appendix A as they are covered by second proviso of para 2 of the UGC regulation 2000 and protected by the Supreme Court judgement referred at 2 above, UGC may kindly confirm this view of the University.”

२.११ अमरावती विद्यापीठाच्या मा. कुलगुरूंनी १० डिसेंबर, २००२ रोजी विद्यापीठ अनुदान आयोगाला एक तपशीलवार निवेदन पाठवून अशाच प्रकारची विनंती केली होती. महाराष्ट्रातील जवळ जवळ सर्वच विद्यापीठांच्या कुलगुरूंनी अशीच विनंती वेळोवेळी विद्यापीठ अनुदान आयोगाला केल्याचे आढळून येते.

२.१२ सन १९९१ ते सन १९९९ या कालखंडात महाराष्ट्रामध्ये नियुक्त करण्यात आलेल्या अधिव्याख्यात्यांच्या बाबतीत आता केंद्र शासनाने विद्यापीठ अनुदान आयोग कायद्याच्या कलम २० (१) अन्वये दिलेल्या निदेशाचा, विद्यापीठ अनुदान आयोगाने आदर करावा व ११ जुलै, २००९ नंतरसुद्धा

“एक्झमेशन” देण्याचा आपला अधिकार कायमच ठेवला जावा हा हट्ट सोडून द्यावा व मानव संसाधन विभागाने व सर्वोच्च न्यायालयाने नमुद केल्या प्रमाणे १९९१ ते १९९९ च्या काळातील या सर्व नेमणूका सन २००० च्या रेग्युलेशनच्या खंड २ च्या दुसऱ्या परंतुकानुसार नियमित असल्याचे त्या सर्व प्रस्तावांच्या बाबतीत सर्व विद्यापीठांना कळवावे.

### ३. चार एप्रिल, २००० नंतर झालेल्या नेमणूकांच्या बाबतीत

३.१ एकूणच नेटसेट ग्रस्त शिक्षकांचा विचार करतांना एप्रिल २००० नंतर झालेल्या नेमणूकांच्या बाबत विद्यापीठ अनुदान आयोगाच्या स्थायी समितीने दिनांक ३ व ४ सप्टेंबर, २००८ च्या बैठकीमध्ये नेटसेटग्रस्त शिक्षकांच्या बाबतीत काही धोरणात्मक शिफारसी केलेल्या आहेत. त्यात “**With regard to the candidates who had not cleared the NET/SLET at the time of selection or appointment and were otherwise found qualified and appointed against existing vacancies on the recommendation of the Selection Committee but were not appointed on a regular basis for lack of NET/SLET clearance and due to non approval from the concerned authorities, the Committee was of the opinion that if the said appointees have been in continuous service for a period of five years, they will be recommended for exemption from NET/SLET. The Committee further finds that such appointments at the initial stage were only irregular, in the sense, that it is not illegal though the other requirements for regular appointment such as qualifications, selection procedure and existence of vacant posts etc. were duly met and therefore could be regularized.** The committee feels that their appointment was necessitated due to non availability of NET/SLET qualified candidates and their five years service is considered to be sufficient for regularizing their services.” अशी एक महत्वपूर्ण शिफारस त्यामध्ये आहे.

३.२ या शिफारशीवर ७ व ८ ऑक्टोबर, २००८ रोजीच्या बैठकीत विद्यापीठ अनुदान आयोगाने काही धोरणात्मक निर्णय घेतले आहेत. ज्यात एक निर्णय पुढील प्रमाणे आहे :- “**With reference to your proposal on the above subject, I am directed to inform you that the matter was placed before the Commission at its meeting held on 7th & 8th October, 2008. The Commission was of the view that since no NET qualified/NET exempted candidate was available at the time of interview and had continued service of 5 or more years the NET /SLET qualification is relaxed in respect of the following candidates for appointment as Lecturer with the following conditions :-**

(i) That the recommended exempted candidate should have been selected by a duly constituted Selection Committee.

(ii) The constitutional provisions of reservation for SC/ST etc. are followed in these selections.”

३.३ त्यानंतर उपरोक्त निर्णय अशा ६३७ शिक्षकांच्या (ज्यामध्ये अनेक शिक्षक एप्रिल, २००० नंतर नियुक्त्या झालेले आहेत) बाबतीत नागपूर विद्यापीठाच्या कुलसचिवांना (त्याचप्रमाणे तत्सम शिक्षकांच्या बाबतीत इतर विद्यापीठांच्या कुलसचिवांना) दिनांक ५ नोव्हेंबर, २००८ च्या पत्रान्वये विद्यापीठ अनुदान आयोगाने कळविला आहे;

३.४ Writ Petition Nos. 4266/2006, 5037/08, 4486/2007, 4386/07, 4500/07 and 462/2008 या प्रकरणात दिनांक २७ नोव्हेंबर, २००८ रोजी मा. उच्च न्यायालयाच्या नागपूर खंडपीठाने “**So far as the lecturers, who were in service, from 1991 onwards, the issue of exemption to them is claimed to be covered by the orders passed by the UGC on 5.11.2008 based on the Commission's decision in its meeting dated 7th and 8th October, 2008.** If any of the petitioners are governed by this communication dated 5.11.2008 addressed by the UGC to the Registrar of the University concerned,

#### TREASURER'S EXPLANATORY NOTE GIVING DETAILS OF EXPENDITURE ON ESTABLISHMENT EXPENSES FOR THE YEAR ENDED ON 31ST MARCH 2010

In the Income and Expenditure Account of the Audit Report for the year ended on 31st March 2010 an amount of Rs.68,244.10 is shown as expenditure towards **establishment expenses**. The General Body meeting of NUTA dated 15.4.79 while discussing the audit report for the year ending on 31st March 1978 had resolved (vide item no.(3) (c) on page no. 109 of 1979 NUTA Bulletin,) that "the treasurer will circulate a brief explanatory note regarding income and expenditure giving details of expenditure as far as possible along with financial statements hereinafter". Hence the details of the break up of establishment expenses are given here.

#### ESTABLISHMENT EXPENSES FOR THE YEAR ENDED ON 31ST MARCH 2010

Particulars	Amount Rs.P.
Travelling Expenses	5,011.20
Telephone & Trunk Call	10,016.00
Meeting Expenses	6,085.40
Bank Commission	1,008.00
Postage	5,967.50
Affiliation Fees	15,000.00
Miscellaneous Expenses	10,841.00
Clerks/Peon's Salary	8,800.00
Legal Expenses	---
Audit Fees	5,515.00
Repairs & Mnt.	---
<b>Total</b>	<b>68,244.10</b>

12th July 2010

Sd. S. A. Tiwari  
Treasurer,

**undoubtedly, their proposals will have to be considered and approved, as per the said decision of UGC and also the decision of the Government of India, if any, subsequently taken and applicable to the teacher appointed between the years 1991 to 2006.**" असा निर्णय दिलेला आहे.

३.५ (एप्रिल २००० नंतर नियुक्त झालेल्या बिगर नेटसेट शिक्षकांच्या बाबतीत उपरोक्त धोरणात्मक निर्णयानुसार) ७ व ८ ऑक्टोबर, २००८ च्या बैठकीत 'एक्झमेशन' देण्याचे जे निर्णय विद्यापीठ अनुदान आयोगाने घेतले ते आजही अबाधित आहेत. मात्र १२.०८.२०१० च्या बैठकीत तत्सम प्रकरणी घेतलेले निर्णय मधल्या घटना क्रमांमुळे निष्प्रभावित झाल्याचे सांगितले जात आहे. मा. उच्च न्यायालयाने ५ नोव्हेंबर, २००८ रोजी दिलेल्या निर्णयातील "undoubtedly, their proposals will have to be considered and approved, as per the said decision of UGC" या आदेशाप्रमाणे एप्रिल २००० नंतर नियुक्त झालेल्या बिगर नेटसेट शिक्षकांच्या बाबतीत उपरोक्त धोरणात्मक निर्णयानुसार नियमित करण्याची मागणी करण्यात येत आहे.

#### ४. विद्यापीठ अनुदान आयोगाने करून ठेवलेला गोंधळ निस्तरण्याचा मार्ग

४.१ मुळात विद्यापीठ अनुदान आयोगाने, चार महिन्यात निर्णय घ्यावा असे मा. उच्च न्यायालयाचे सक्त आदेश असतांना अनेक वर्षे आयोगाने निर्णय घेतला नाही. शेकडो प्रकरणे अनेक वर्षे पाडून ठेवली.

४.२ संघटनेनी व शिक्षकांनी अवमान याचिका दाखल केल्यानंतर धोरणात्मक निर्णय न घेता सुरुवातीला एक एक प्रकरण निर्णयात काढण्याची भूमिका घेतली.

४.३ महाराष्ट्र प्राध्यापक महासंघाने दिनांक ३० मार्च, २००३ रोजी, अमरावती विद्यापीठाच्या मा. कुलगुरूंनी दिनांक १० डिसेंबर, २००२ रोजी व नागपूर विद्यापीठाच्या मा. कुलसचिवांनी दिनांक १७ डिसेंबर, २००२ रोजी पाठविलेल्या, वस्तुस्थिती लक्षात आणून देणाऱ्या, तपशीलवार निवेदनावर

आजपावेतो आयोगाने निर्णय घेतला नाही. महाराष्ट्र प्राध्यापक महासंघाने वारंवार विनंती करूनसुद्धा आपली बाजू मांडण्याची संधी दिली नाही.

४.५ सर्वोच्च न्यायालयाचा निर्णय असतांना सन २००० च्या रेग्युलेशनच्या खंड २ च्या दुसऱ्या परंतुकांचा विचार सुद्धा न करता अकारणच पहिल्या परंतुकाला लागू करण्याचा अनाटायी हट्ट धरला.

४.६ कायद्यातील तरतुदींचा वापर करून केंद्र शासनाने नेटसेट सक्तीचे केल्यानंतर सुद्धा जुन्या प्रकरणी एक्झमेशन देण्याचे निमित्त करून नव्या प्रकरणी सुद्धा एक्झमेशन देण्याचा अधिकार आपल्याकडे रहावा यासाठी आयोगाने केविलवाणा प्रयत्न केला.

४.७ विद्यापीठ अनुदान आयोगाच्या या धरसोडीच्या धोरणामुळे महाराष्ट्रातील हजारो शिक्षक अकारणच होरपळून निघालेले आहेत. न्यायालयासमोर विद्यापीठ अनुदान आयोगाची सतत फजिती झाली असून ती आणखी होईल हे स्पष्ट दिसत आहे. फार मोठ्या असंतोषाला विद्यापीठ अनुदान आयोगाला तोंड द्यावे लागेल हेही स्पष्ट दिसत आहे. या स्थितीतून बाहेर पडण्यासाठी सन १९९१ ते सन १९९९ या कालखंडात महाराष्ट्रामध्ये नियुक्त करण्यात आलेल्या अधिव्याख्यात्यांच्या बाबतीत आता केंद्र शासनाने विद्यापीठ अनुदान आयोग कायद्याच्या कलम २० (१) अन्वये दिलेल्या निदेशाचा, विद्यापीठ अनुदान आयोगाने आदर करावा व ११ जुलै, २००९ नंतरसुद्धा "एक्झमेशन" देण्याचा आपला अधिकार कायमच ठेवला जावा हा हट्ट सोडून द्यावा व मानव संसाधन विभागाने व सर्वोच्च न्यायालयाने नमुद केल्या प्रमाणे १९९१ ते १९९९ च्या काळातील या सर्व नेमणूका सन २००० च्या रेग्युलेशनच्या खंड २ च्या दुसऱ्या परंतुकानुसार नियमित असल्याचे त्या सर्व प्रस्तावांच्या बाबतीत सर्व विद्यापीठांना कळवावे. अशी मागणी करण्यात येत आहे. एप्रिल २००० नंतर नेमण्यात आलेल्या शिक्षकांविषयी वर परिच्छेद ३ मध्ये दिल्याप्रमाणे कारवाई पूर्ण करावी असाहि ठराव करण्यात येत आहे.

विषय क्रमांक ५३० :

विद्यापीठीय व महाविद्यालयीन शिक्षकांना सहाय्या वेतन

## GOVERNMENT OF INDIA

### Ministry of Human Resource Development

Department of Higher Education : Shastri Bhavan, New Delhi-110 115

Dated the 3rd November, 2010 : D.O.No. B-7/2010-U.I (A)

SUNIL KUMAR, Additional Secretary (HE)

Dear Dr. Kazami

I desire to draw your attention to your letter addressed to the Secretary, HE dated 23rd September, 2010 In which a request has been made to the Government to accord concurrence to the resolution made by the commission on agenda Item no. 2.08 in its 471st meeting held on 12.08.2010.

In this connection, I am desired to convey to you that said resolutions are against the letter and spirit of the regulations issued by UGC from time to time regarding compulsory NET/SLET qualifications for appointment to lecturers/Asst. Professors. The above mentioned resolution perhaps does not take into account the fact that appointments, If any, pursuant to the date of coming into force of **these regulations are bound to be prospective only. Appointments can never be made with retrospective dates. Therefore, exempting the candidates from NET/SLET requirement, who are going to be appointed or have been appointed after 11th July, 2009 would be violative of the UGC** (Minimum qualifications required for the appointment and career Advancement of teachers for Universities and institutions to it) (3rd amendment) **Regulation, 2009.**

Regarding the plea that since proviso to UGC (Minimum qualifications required for the appointment and career advancement of teachers for Universities and institutions affiliated to it) Regulations, 2000 remained in force till the notification of UGC (Minimum qualification for appointment teachers and other Academic Staff in Universities and colleges and measures for maintenance of Standards in Higher Education) Regulations, 2010, and hence UGC can consider and dispose of the applications received seeking exemption from NET requirement, again is not tenable. This resolution does not take into account the UGC (Minimum qualifications required for the appointment and career advancement of teachers for Universities and institutions affiliated to it) 3rd amendment) regulations 2009 at all, wherein a blanket ban was imposed on non NET/SLET qualified candidates, **Similarly, since by Commissions own admission, the regulations are prospective in nature and not retrospective**, invoking the proviso to UGC (Minimum qualifications required for the appointment and career Advancement of teachers for Universities and institutions affiliated to it) Regulations, 2000 is clearly in congruous, The present regulations in force do not have any provisions for exemption of candidates who are not NET/SLET qualified. In the above circumstances, I am desired to draw your attention to and reiterate the directive issued under Section 20(I) of the UGC, 1956 in making NET/SLET compulsory for teaching positions as a policy relating to national purposes of maintenance of standards of higher education.

With regards

Yours sincerely  
(Sunil Kumar)

Dr.N.A.Kazami, Secretary in Charge UGC, New Delhi

**आयोगाची थकवाकी अदा न होणे**

कार्यकारी मंडळाच्या वतीने प्रा. डॉ. दिपक धोटे हे पुढील प्रस्ताव मांडतील.  
:-

महाराष्ट्र प्राध्यापक महासंघाचे प्रतिनिधी व मा. मुख्य सचिव, प्रधान सचिव, उच्च व तंत्र शिक्षण व संचालक, उच्च शिक्षण यांची मा. मंत्री, (उच्च व तंत्र शिक्षण) श्री. राजेशजी टोपे यांचे समवेत दिनांक २६ ऑगस्ट, २००९ रोजी झालेल्या बैठकीच्या इतिवृत्ताचे अवलोकन केल्यास सदर बैठकीत सविस्तर चर्चा होऊन चर्चेअंती परिच्छेद १ मध्ये पुढीलप्रमाणे निर्णय घेण्यात आला होता. :-

“केंद्र शासनाने पाठविलेल्या विद्यापीठीय व महाविद्यालयातील शिक्षकांच्या वेतन सुधारणा विषयीची समग्र योजना राज्य शासनाने विचारात घेऊन त्याबाबतचा शासननिर्णय दिनांक १२.८.२००९ रोजी निर्गमित केला. या योजनेची अंमलबजावणी करताना केंद्र शासनाकडून ८० टक्के अर्थसहाय्य मिळावे असे उद्दीष्ट राहिल. हे अर्थसहाय्य केंद्र शासनाकडून न मिळाल्यास ८० टक्के थकवाकीची रक्कम राज्य शासन, राज्य शासकीय कर्मचाऱ्यांप्रमाणे देईल.”

(२) राज्य शासकीय कर्मचारी व सर्व स्तरावरील शिक्षकांना (विद्यापीठीय व महाविद्यालयीन शिक्षक सोडून) थकवाकीचे दोन वार्षिक हप्ते यापूर्वीच अदा करण्यात आलेले आहेत. सेवानिवृत्ती वेतन धारकांना सुद्धा (सेवानिवृत्त विद्यापीठीय व महाविद्यालयीन शिक्षक धरून) अशा थकवाकीचे दोन वार्षिक हप्ते यापूर्वीच अदा करण्यात आलेले आहेत. थकवाकीचा पहिला वार्षिक हप्ता सन २००८ च्या ऑक्टोबर महिन्यात अदा करण्यात आला असून थकवाकीचा दुसरा वार्षिक हप्ता सन २००९ च्या जुलै मध्ये अदा करण्यात आला. थकवाकीचा तिसरा वार्षिक हप्ता या वर्षीच्या जुलैपर्यंत अदा करण्यात येईल असे दिसून येत आहे.

(३) विद्यापीठीय व महाविद्यालयीन शिक्षकांना मात्र आजपावेतो कोणतीही थकवाकी देण्यात आली नसून त्यामुळे या शिक्षकांमध्ये तीव्र असंतोष निर्माण झालेला आहे. हे लक्षात घेता ८० टक्के थकवाकी ताबडतोबीने अदा करण्यात यावी. कोणत्याही परिस्थितीत थकवाकीचा पहिला व दुसरा हप्ता पुढील एक महिन्यात व तिसरा हप्ता शासकीय कर्मचाऱ्यांसोबत यावर्षी अदा करण्यात यावा अशी मागणी करण्यात येत आहे.

**ITEM NO. 531 :  
AMENDMENT TO THE CONSTITUTION  
OF NUTA**

**To Consider and to approve** the following Proposal for the amendment to the constitution of NUTA.

**PROPOSAL**

(A) In Article IV(b) of the Constitution of NUTA, The following amendments be made, Namely :-

(1) In the first proviso the words "Provided that" be

substituted by the words "Provided firstly that"

(2) In the second proviso the words "Provided further that" be substituted by the words "Provided secondly that"

(3) After the so renumbered second proviso, the following third proviso, be added namely :-

"Provided thirdly that No super-annuated member shall be eligible to contest as an office bearer or as a executive committee member."

**Explanation :-** For the purposes of this proviso super-annuated member means a member who has attained the age of super annuation as a teacher, as prescribed by legislation or subordinate legislation".

(4) After the so added third proviso the following fourth proviso be added, namely :-

"Provided fourthly that, Notwithstanding any thing in this constitution, A person, who has served as a office bearer of the organization and is a member or an Ex-member of the Legislative Council of Maharashtra either from the teachers or Graduates constituency, shall be an Ex-officio (non-voting) member of the Executive Committee."

(5) After the so added fourth proviso the following fifth proviso be added, namely :-

"Provided fifthly that, One member shall be co-opted by the Executive Committee from amongst the super annuated members."

**NOTES**

(1) Article IV(b) of the Constitution of NUTA is as follows :-

"ARTICLE IV

Organs of the Association shall be :-

a) .....

b) **Executive Committee**, consisting of the office-bearers of the Association (Viz. President, Two Vice Presidents out of which one shall be from the Nagpur University area and one shall be from Amravati Uni-

**GOVERNMENT OF INDIA  
Ministry of Human Resource Development**

**Department of Higher Education : Shastri Bhavan, New Delhi-110 115  
R.P.SISODIA, Director (UGC)**

Dated the 3rd November, 2010 : D.O.letter No. 8-7/2010-U.I (A)

Dear Sir,

I Invite attention to your letter dated 3.11.2010 addressed to Ms. Vibha puri Das, Secretary, Dept. of Higher Education, In this connection I am to inform you that secretary, UGC in her letter dated 23rd September, 2010 had communicated the resolution taken under Agenda Item No. 2.08 in 471st meeting of the UGC held on 12.08.2010. The resolution was sent to this Ministry for according concurrence of the Ministry, The Ministry has declined to concur with the resolution since the resolution made was found to be against the UGC Regulations and has reiterated compliance with the Central government's directives issued under Section 20 (I) of the UGC Act, 1956. A copy of the communication issued to UGC is enclosed alongwith this letter.

You are requested to kindly bring it to the notice of Hon'ble Madras High Court.

With regards

Yours faithfully  
(R.P. Sisodia)

To,  
Mr. M. Ravindran, Additional Solicitor General of India, Madras High Court Fax 044 25340923

versity area. Secretary, Two Joint Secretaries out of which one shall be from the Nagpur University area and one shall be from Amravati University area and Treasurer,) five members to be elected by the General Body and two members to be co-opted by the Executive committee.

**Provided that** after the composition of the Executive Committee as aforesaid, if any district remains unrepresented that district shall be represented by the President of that district unit of NUTA, who shall be Ex-officio member of the Executive Committee.

**Provided further that** the Editor and the Publisher of the NUTA Bulletin shall be the Ex-Officio members of the Executive Committee. Both shall be appointed by the Executive Committee by resolution and shall work during the pleasure of the Executive Committee."

*(2) After the Amendment, if approved, the article IV(b) of the constitution of NUTA will read as under:-*

#### “ARTICLE IV

Organs of the Association shall be :-

a) .....

b) **Executive Committee**, consisting of the office-bearers of the Association (Viz. President, Two Vice Presidents out of which one shall be from the Nagpur University area and one shall be from Amravati University area. Secretary, Two Joint Secretaries out of which one shall be from the Nagpur University area and one shall be from Amravati University area and Treasurer,) five members to be elected by the General Body and two members to be co-opted by the Executive committee.

**Provided firstly that** after the composition of the Executive Committee as aforesaid, if any district remains unrepresented that district shall be represented by the President of that district unit of NUTA, who shall be Ex-officio member of the Executive Committee.

**Provided secondly that** the Editor and the Publisher of the NUTA Bulletin shall be the Ex-Officio members of the Executive Committee. Both shall be

## **SANT GADGE BABA AMRAVATI UNIVERSITY AMRAVATI.**

No. SGBAU/8/10/C- 1204 /2010 : Date : 26.05.2010

### **CERTIFICATE**

#### **for the purposes of placement / fixation.**

Whereas, the proposal of 828 teachers working in various affiliated colleges of this university were forwarded to the UGC for exemption from NET/SET by this university. and,

Whereas, on considering the said proposal for exemption sent by the University, the UGC in its meeting dated 23.02.2010 vide item no. 6.04 and 6.05 on agenda, **has granted the exemption to 802 teachers of affiliated colleges of this university and the list of such teachers (hereinafter referred to as the said list)** was communicated to this university vide its letter No. F.1-1/2008(PS) Meeting Pt. file I, dated 25th March 2010. and,

**Whereas, in view of the exemption granted to the teachers in the said list, the University has initiated and completed the procedure of placement of these teachers in Senior Scale/ Selection Grade.**

**Now therefore, it is hereby certified that** every teacher included in the said list who was appointed on or before 4th April 2000 and has been granted exemption from NET/SET by the UGC and whose name is mentioned in the said list is a confirmed teacher in as much as his/her services were confirmed after a period of two years (24 months) from his/her date of appointment as per the provisions of Statute 53 of this University. Further he/she has been granted Exemption by the UGC from NET/SET vide UGC's above mentioned letter. **Further it is the view of this University that his/her case is covered by proviso 2 of UGC Regulation 2000** as has been communicated by the Vice-Chancellor of this University vide his letter No. AU/8/10/C-2140/2002 dated 10-12-2002 to the UGC. All contents of the said letter including Para 12(A) are equally applicable *mutatis-mutandis* to his/her case also.

**In view of this the service of every teacher** (whose name appears in the said list and who was appointed on or before 4 th April 2000 and in whose case the procedure of placement in Senior Scale/Selection Grade through duly constituted selection committee is completed) **is counted from the date of his/her appointment for the purposes of placement in Senior Scale / Selection Grade.**

Since, facts of the case are common in respect of all the teachers included in the said list, this common certificate is hereby issued for the purposes of fixation and placement as per the provision of Para 12 of 'Annexure-A' of the direction No. 21 of 2009.

**Sd/- Registrar**

Sant Gadge Baba Amravati University, Amravati.

**Copy forwarded for further necessary action to :** (1) The Principal of the concerned College.  
(2) To Every Teacher included in the said list.



appointed by the Executive Committee by resolution and shall work during the pleasure of the Executive Committee."

Provided thirdly that No super-annuated member shall be eligible to contest as an office bearer or as a executive committee member.

**Explanation :-** For the purposes of this proviso super-annuated member means a member who has attained the age of super annuation as a teacher, as prescribed by legislation or subordinate legislation.

Provided fourthly that, Notwithstanding any thing in this constitution, A person, who has served as a office bearer of the organization and is a member or an Ex-member of the Legislative Council of Maharashtra either from the teachers or Graduates constituency, shall be an Ex-officio (non-voting) member of the Executive Committee.

Provided fifthly that, One member shall be co-opted by the Executive Committee from amongst the super annuated members."

**(3) Article X of the Constitution of NUTA reads as follows:-**

**"ARTICLE X : Amendment :-** a) Proposal to amend the Constitution may come with fourteen clear days notice either from the Executive Committee or from one fifth of the total membership of the Association;

b) The Constitution shall stand amended if the proposal is approved by a majority of not less than two thirds of the members present and voting in its General Body Meeting."

**(4) The Executive Committee approved the above proposal in it's meeting held on 16.01.2011 vide Item No. 19. The same proposal is now included in the agenda of the General Body Meeting for its approval. Dr. E.H.Kathale will move the proposal on behalf of the Executive Committee.**

**(5) Text of the Constitution of NUTA is given on page 2 of the 2000 NUTA Ex file as amended up to date.**

**(6) Text of the Constitution of NUTA is given on page 2 of 78 NUTA Bulletin and reprinted as amended up to date on page 32,33 of 1993 NUTA Bulletin.**

CONFIDENTIAL

## UNIVERSITY GRANTS COMMISSION

### BAHADURSHAH ZAFAR MARG

### NEW DELHI-110 002

#### MINUTES OF THE 472ND MEETING OF THE UNIVERSITY GRANTS COMMISSION HELD ON 27TH SEPTEMBER, 2010.

The 472nd Meeting of the Commission was held on 27th September, 2010 in which the following were present:

1. Prof. Sukhadeo Thorat Chairman
2. Prof. Shivajirao Shripatrao Kadam Member
3. Prof. K. Ramamurthy Naidu Member
4. Prof. Xavier Alphonse, S.J. Member
5. Dr. Vidya Yeravdekar \* Member
6. Prof. Achyutananda Samanta Member

Prof. Ved Prakash, Vice-Chairman, UGC, Mrs. Vibha Puri Das, Secretary, M/HRD and Mrs. Vilasini Ramachandran, Additional Secretary (Expenditure), Ministry of Finance could not attend the meeting and they were granted leave of absence.

Prof. S.S. Mantha, Acting Chairman, AICTE, who was invited to attend as a Special Invitee could not attend.

The following officers of the UGC also attended the meeting.

**Secretary**

Dr. N.A. Kazmi

**Additional Secretaries**

Dr. K. Gunasekaran

Dr. P. Prakash

**Financial Adviser**

Shri A.K. Dogra

**2.06 To consider and approve the recommendations of second meeting of the Anomaly Committee constituted by the Chairman, UGC to address the clarifications/queries/ anomalies received for smooth implementation of UGC Regulations on Minimum Qualifications for Appointment of Teachers and Other Academic Staff in Universities and Colleges and Measures for the Main tenance of Standards in Higher**

**Education 2010 held on 10th September, 2010.**

In view of the earlier decision of the Commission meeting dated 12th August, 2010, on the above issue vide Item No.2.08, the Commission agreed to the following suggestions made by the Anomalies Committee:

i) All those who were admitted for the Ph.D degree prior to 11th July, 2009 would be exempted from NET requirement only if they satisfy 6 out of the 10 criteria laid down for admission to Ph.D. outlined in the UGC (Minimum Standards and Procedure for Awards of M.Phil/ Ph.D Degree) Regulations, 2009 as framed by the UGC Standing Committee on Ph.D Regulations 2009. These would be verified at the University level for compliance of these criteria as per the Commission recommendation communicated already in letter No.1-1/2002(PS)/Pt. FIII dated 27th August, 2009.

ii) Candidates who have acquired Ph.D degrees from foreign universities would be eligible for NET exemption provided their Ph.D thesis is of high academic quality and standard. The quality and standard of such Ph.D thesis shall be determined by the Screening Committees/ Selection Committees of the respective universities.

As already decided by the Commission, the date of implementation of UGC Regulations on Minimum Qualification for appointment of Teachers and other academic staff in Universities and Colleges and Measures of Maintenance of Standards of Higher Education 2010 would be 30th June, 2010.

With regard to the other recommendations of the Anomalies Committee it was decided that the concurrence of M/HRD may be awaited.

CONFIDENTIAL

# UNIVERSITY GRANTS COMMISSION

## BAHADURSHAH ZAFAR MARG

### NEW DELHI-110 002

#### MINUTES OF THE 471ST MEETING OF THE UNIVERSITY GRANTS COMMISSION HELD ON 12TH AUGUST, 2010.

The 471st Meeting of the Commission was held on 12th August, 2010 in which the following were present:-

1. Prof. Sukhadeo Thorat Chairman
2. Prof. Ved Prakash Vice Chairman
3. Prof. K. Ramamurthy Naidu Member
4. Prof. Xavier Alphonse, S.J. Member
5. Dr. Vidya Yeravdekar Member
6. Prof. Achyutananda Samanta Member

Mrs. Vibha Puri Das, Secretary, M/HRD and Mrs. Vilasini Ramachandran, Additional Secretary (Expenditure), Ministry of Finance could not attend the meeting. Prof. S.S. Mantha, Acting Chairman, AICTE, who was invited to attend as a Special Invitee could also not attend.

Prof. Shivajirao Shripatrao Kadam, Member UGC could not attend the meeting and sought leave of absence from the Chairman, UGC.

The following officers of the UGC also attended the meeting.

#### Secretary

Dr. N.A. Kazmi

#### Additional Secretaries

Dr. K. Gunasekaran

Dr. P. Prakash

#### Financial Adviser

Shri A.K. Dogra

**2.08 To consider applicability of the UGC (Minimum Qualifications for appointment of teachers and other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education) Regulations 2010 and the UGC (Minimum Qualifications required for the appointment and Career Advancement of teachers in Universities and Institutions affiliated to it – 3rd amendment) Regulations, 2009.**

The Commission examined the matter regarding applicability of the UGC (Minimum Qualifications required for the appointment and Career Advancement of teachers in Universities and Institutions affiliated to it – 3rd amendment) Regulations, 2009 and UGC (Minimum Qualifications for appointment of teachers and other Academic Staff in Universities and Colleges and Measures

for the Maintenance of Standards in Higher Education) Regulations 2010.

After considering the agenda and above mentioned Regulations, the Commission resolved as under:

(i) UGC (Minimum Qualifications required for the appointment and Career Advancement of teachers in Universities and Institutions affiliated to it – **3rd amendment) Regulations, 2009 has come into effect on 11th July, 2009.**

(ii) UGC (Minimum Qualifications for appointment of teachers and other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education) **Regulations 2010 has come into effect on 30th June, 2010.**

(iii) **The Commission further resolved that since both the above mentioned Regulations are prospective and not retrospective in nature**, therefore, all candidates having M.Phil degree on or before 10th July, 2009 shall remain exempted from the requirement of NET for the purpose of appointment as Lecturer/Assistant Professor. Further, all candidates who have either obtained Ph.D degree on or before 31st December, 2009 and such candidates who had registered themselves for Ph.D degree on or before 31st December, 2009 and are subsequently awarded Ph.D degree shall remain exempted from the requirement of NET for the purpose of appointment as Lecturer/Assistant Professor.

Since proviso to UGC (Minimum qualifications required for the appointment and Career Advancement of teachers for Universities and Institutions affiliated to it ) Regulations 2000 remained in force until the notification of UGC (Minimum Qualifications for appointment of teachers and other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education) Regulations 2010, therefore, all applications received by UGC seeking exemption from requirement of NET may be considered and disposed off in accordance with the prevalent norms/regulations.

The Commission further decided that this may be sent to the Government of India for their concurrence in view of earlier Order No. F.5-4/2005-U.I (A) dated 30th March, 2010 issued under Section 20(1) of the UGC Act, 1956.

\*\* FS:P 13 \*\*

#### नुटाच्या आमसभेच्या वेळी करावयाच्या व्यवस्थेसंबंधी सूचना

आमसभा ठरलेल्या वेळी म्हणजे बरोबर दुपारी १२.०० वाजता सुरु होत असते, हे लक्षात ठेऊनच एकूण व्यवस्था असावी. सभा सुरु होण्याच्या पूर्वीच्या एक तासात सर्व सदस्य आपापल्या सोबत आणलेल्या जेवणाच्या डब्यांचा एकमेकासोबत आस्वाद घेत असतांना त्यांच्या वसण्यासाठी बगीच्यात, झाडाखाली, सावलीत किंवा उन असल्यास खोल्यातून स्वच्छतायुक्त व्यवस्था व सोबत पिण्याच्या पाण्याची निट व्यवस्था ही आमसभेच्या आयोजकांनी करावी एवढीच याबाबत अपेक्षा असते. - डॉ.एकनाथ कठाळे, सचिव, नुटा

(PR : P 62 OF 2002 EX-FILE)

#### RULES FOR PROPOSING AMENDMENTS (Reproduced from page 97 of 1977 NUTA Bulletin )

1. Any proposal before the meeting may be amended (a) by leaving out a word or words or (b) by leaving out a word or words in order to add or insert a word or words or (c) by adding or inserting a word or words.

2. An amendment to be in order shall : (a) not constitute a direct negative to the original resolution : (b) be relevant to and within the scope of the resolution to which it is moved.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY : BENCH AT AURANGABAD  
WRIT PETITION NO. 357 OF 2010**

Atul Suresh Patil & Ors .. PETITIONERS *VERSUS* The State of Maharashtra and others .. *RESPONDENTS*

.....  
Shri S.R.Barlinge, Advocate for the petitioners., Smt.A.V.Gondhalekar,Adv.for Respondent no.1.,  
Shri A.B.Girase,Adv.for R.3.

.....  
**CORAM : B.R.GAVAI & A.A.SAYED,JJ. : DATE :20th OCTOBER, 2010. : PER COURT :**

[1] Rule. Rule made returnable forthwith. By consent, Petition is heard finally.

[2] By way of present Petition, the petitioners are challenging the orders dated 24/12/2009, 7/1/2010 and 9/1/2010 issued by respondent no.3 University thereby refusing to grant approval to the appointments of the petitioners.

[3] Advertisements were issued by the respondent colleges within the jurisdiction of the respondent no.3 for various posts of Lecturers. The said advertisements were approved by Registrar of the respondent no.3 University on 10/6/2009. In pursuance of the said advertisement, selection process was conducted by the said colleges and the petitioners were appointed on various dates between September 2009 to October 2009. In accordance with the selection of the petitioners, respective colleges had sent the proposals to the respondent no.3 for grant of approval to the petitioners' appointments. By the impugned communication, the approval was rejected by the University, hence the present petition.

[4] Shri Barlinge, learned counsel for the petitioners submits that the case of the present petitioners is squarely governed by the judgment of the Division Bench in Writ Petition No.1489/10 alongwith companion matters and therefore, the present petitioners are also entitled to the same relief.

[5] Shri Girase, learned counsel for respondent no.3 University on the contrary, submits that several aspects were not considered, which are required to be taken into consideration by the Division Bench at Nagpur and as such, Review Petition is entertained by the said Bench.

[6] The Division Bench of this Court at Nagpur in Writ Petition No.1489/10 vide judgment and order dated 2/7/2010 relying on the judgment of the Apex Court in the case of Madan Mohan Sharma and another Versus State of Rajasthan and others reported in 2008 (3) S.C.C. 724 has observed thus :

**“10] From the above, it is clear that the subsequent insertion of compulsory NET/SET qualification by gazette notification dated 11/7/2009 made by University Grants Commission will have to be held to be prospective in its operation since in all these cases the advertisement as per earlier eligibility qualifications were duly approved and sanctioned by the University and were also published well before the cutoff date, namely, 11/7/2009 and at any rate before the last date of application that was to be made pursuant to these advertisement. Last date of application as per advertisement is a crucial date in accordance with the law laid down by the Hon'ble Supreme Court.”**

[7] It can thus clearly be seen that the Division Bench in unequivocal terms has held that the necessity to have NET/SET qualification will have to be construed as prospective in nature and only effective from July 2009. The Court has held that what is crucial is the date of advertisement. In the present case also undisputedly, on the date of advertisement, NET/SET was not the compulsory qualification. Not only this but perusal of the Minutes of the 471st meeting of the UGC held on 12/8/2010 would also fortify the case

of the petitioners. The copy of the said Minutes are produced by the petitioners. The same are taken on record and marked “X” for identification. It would be relevant to refer to relevant part of Resolution No.3 of the said meeting which reads thus:

**“iii] The Commission further resolved that since both the above mentioned Regulations are prospective and not retrospective in nature, therefore, all candidates having M.Phil degree on or before 10th July 2009 shall remain exempted from the requirement of NET for the purpose of appointment as Lecturer/Assistant Professor. Further, all candidates who have either obtained Ph.D degree on or before 31st December, 2009 and such candidates who had registered themselves for Ph.D degree on or before 31st December 2009 and are subsequently awarded Ph.D degbree shall remain exempted from the requirement of NET for the purpose of appointment as Lecturer/Assistant Professor.”**

[8] It can thus be seen that UGC itself has resolved that all the candidates who are possessing M.Phil on or before 1/7/2009 shall remain exempted from the requirement of NET for the purpose of appointment as Lecturer/Assistant Professor. It is not in dispute that all the petitioners are having a degree of M.Phil before 10/7/2009. The said resolution further exempts the candidates who are having Ph.D degree on or before 31/12/2009 or who have registered themselves for Ph.D degree before 31/12/2009, from the requirement of NET examination. However, that may not be relevant for the purpose of this matter. Suffice it to say that all such candidates who have acquired M.Phil qualification on or before July 2009, shall be exempted from having the requirement of NET qualification.

[9] In that view of the matter, since it is an undisputed position that all the petitioners are having M.Phil qualification prior to 10/7/2009 and that in the advertisement, there was no requirement of compulsorily having the qualification of NET/SET, we find that the case of the present petitioners is squarely covered by the judgment of the Division Bench of this Court at Nagpur Bench cited supra and also by the resolution of the UGC.

[10] Rule is therefore, made absolute in terms of pryaer clauses “B” and “C” with no order as to costs.

(A.A.SAYED)  
JUDGE

(B.R.GAVAI)  
JUDGE

**PRYAER CLAUSES**

B) By a writ of certiorari, or any other appropriate writ or order or direction in the like nature, the impugned orders dated 24.12.2009/07.01.2010/09.01.2010, issued by the respondent No. 3 University (annexed at exhibit - C), may kindly be quashed and set aside.

C) By a writ of mandamus or any other appropriate writ, or order or directions in the like nature, the respondent No. 3 University be directed to grant approval to the appointment of the petitioners by considering their required qualifications as per the notification published by the University Grants commission on 14th june, 2006. which was applicable on the date on which the advertisement was published.

**UGC (Minimum Qualifications Required for the Appointment and career Advancement of Teachers in Universities and institutions Affiliated to it) (3rd Amendment), Regulation 2009**

F 1-1/2002 (PS) Exemp. -- In exercise of the powers conferred by clause (e) & (g) of sub-section (1) of Section 26 read with Section 14 of University Grants Commission Act 1956 (3 of 1956), and in supersession of the University Grants Commission (Minimum Qualifications required for the appointment and Career Advancement of teachers in Universities and Institutions affiliated to it) (1st Amendment), Regulation, 2002 dated 31st July 2002 and University Grants Commission (Minimum Qualifications required for the appointment and Career Advancement of teachers in Universities and Institutions affiliated to it) (2nd Amendment), Regulation, 2006 dated 14.06.2006, the University Grants Commission hereby makes the following Regulations to amend the University Grants Commission (Minimum Qualifications required for the appointment and Career advancement of teachers in Universities and Institutions affiliated to it) Regulation, 2000, namely :-

Short Title, Application and Commencement :

1. These regulations may be called University Grants Commission (Minimum qualifications required for the appointment and Career Advancement of teachers in Universities and Institutions affiliated to it) 3rd Amendment), Regulation 2009.

2. They shall apply to every University established or incorporated by or under a Central Act, Provincial Act, or a State Act, every Institution including a constituent or an affiliated college recognized by the Commission, in consulation with the University concerned under clause (f) of Section 2 of the University Grants Commission Act 1956, and every Institution deemed to be a University under section 3 of the said Act.

3. They shall come into force with effect from the date of their publication in the Gazette of India.

4. In the ANNEXURE to the University Grants Commission (Minimum Qualifications required for the appointment and career advancement of teachers in Universities and Institutions affiliated to it) Regulation, 2000, the following was provided in the Note to Regulation 1.3.3, 1.4.3, 1.5.3 and 1.6.1:

"NET shall remain the compulsory requirement for appointment as Lecturer even for candidates having Ph.D degree. However, the candidates who have completed M.Phil degree or have submitted Ph.D. thesis in the concerned subject upto 31st December, 1993 are exempted from appearing in the NET examination."

The said Note to Regulation 1.3.3, 1.4.3, 1.5.3 and 1.6.1

was substitute by the following para, vide University Grants Commission (Minimum Qualifications required for the appointment and career advancement of teachers in Universities and Insitutions affiliated to it) **(1st Amendment), Regulation, 2002** :

"NET shall remain the compulsory requirement for appointment as Lecturer even for candidates having Ph.D degree. However, the candidates who have completed M.Phil degree by 31st December, 1993 or have submitted Ph.D. thesis to the University in the concerned subject on or before 31st December, 2002 are exempted from appearing in the NET examination. In case such candidates fail to obtain Ph.D. Degree, they shall have to pass the NET examination."

Further, the above provision brought in to effect by the University Grants Commission (Minimum Qualifications required for the appointment and Career Advancement of teachers in Universities and Institutions affiliated to it) **(1st Amendment), Regulation 2002**, was further substituted by the following provision of the University Grants Commission (Minimum Qualifications required for the appointment and Career Advancement of teachers in Universities and Institutions affiliated to it) **(2nd Amendment), Regulation 2006** :

"NET shall remain the compulsory requirement for appointment as Lecturer even for those with Post Graduate Degree. However, the candidates having Ph.D. Degree in the concerned subject are exempted from NET for PG level and UG level teaching. The candidates having M.Phil. Degree in the concerned subject are exempted from NET for UG level teaching only."

Now, the above provision shall be substituted by the following paragraph :

"NET/SLET shall remain the minimum eligibility condition for recruitment and appointment of Lecturers in Universities/Colleges/Institutions.

Provided, however, that candidates, who are or have been awarded Ph.D. Degree in compliance of the "University Grants Commission (minimum standards and procedure for award of Ph.D. Degree), Regulation 2009, shall be exempted from the requirement of the minimum eligibility condition of NET/SLET for recruitment and appointment of Assistant Professor or equivalent positions in Universities/Colleges/Institutions."

**R.K. CHAUHAN**  
Secy., U.G.C.

\*\* FS:P 21 \*\*

**NUTA BULLETIN** (Official Journal of NAGPUR UNIVERSITY TEACHERS' ASSOCIATION)  
**CHIEF EDITOR** : Dr.A.G.Somvanshi, Shankar Nagar, AMRAVATI-444 606. **EDITOR** : Prof. S.S. Gawai 1, Abhinav State Bank Colony, Chaprashi Pura, Camp, AMRAVATI 444 602. **PUBLISHER** : Prof. Dhote D.S., 4C, 'Rajdatta', Mahalaxmi Colony, Near Shankar Nagar, Amravati-444 606. Type Setting at NUTA Bulletin Office, Phundkar Bhavan, Behind Jain Hostel, Maltekadi Road, Amravati-444 601.  
**PRINTED AT** Bokey Printers, Gandhi Nagar, Amravati. (M.S) **REGD NO. MAHBIL/2001/4448** Postal Registration No. ATI/RNP/78/2009-11 WPP Registration No. NR/ATI/WPP-01/2009-11 Price : Rs. Five / Name of the Posting office : **R.M.S. Amravati.** Date of Posting : **24.01.2011**

**If Undelivered , please return to :** NUTA Bulletin Office, Phundkar Bhavan, Behind Jain Hostel, Maltekadi Road, **Amravati-444 601.**

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