

**MINUTES**

of the General Body Meeting of  
NAGPUR UNIVERSITY TEACHERS' ASSOCIATION  
held at 12.00 noon on **SUNDAY, the**  
**5 th June, 2011 at**  
**Bharatiya Mahavidyalaya, Amravati**

General Body of Nagpur University Teachers' Association met at 12.00 noon on Sunday, the 5th June 2011 at Bharatiya Mahavidyalaya, Amravati. Prof. B. T. Deshmukh, President was in the chair. The membership numbers of the members present at the meeting are as follows :-

0044, 0048, 0058, 0072, 0090 0163, 0172, 0269, 1122, 1161, 1382, 1715, 1811, 1948, 2038, 2120, 2138, 2156, 2369, 2370, 2414, 2439, 2524, 2528, 2586, 2603, 2809, 2853, 3134, 3297, 3299, 3300, 3306, 3321, 3344, 3351, 3368, 3391, 3423, 3432, 3449, 3451, 3457, 3464, 3483, 3492, 3495, 3497, 3498, 3506, 3508, 3518, 3523, 3550, 3560, 3571, 3619, 3626, 3631, 3642, 3659, 3750, 3770, 3772, 3787, 3797, 3805, 3806, 3815, 3838, 3851, 3852, 3853, 3890, 3894, 3925, 3926, 3975, 4019, 4036, 4081, 4084, 4097, 4134, 4189, 4192, 4334, 4346, 4362, 4411, 4426, 4436, 4490, 4492, 4498, 4499, 4502, 4584, 4599, 4630, 4633, 4637, 4638, 4640, 4641, 4649, 4706, 4713, 4714, 4782, 4846, 4873, 4885, 4888, 4979, 5028, 5047, 5158, 5161, 5191, 5202, 5214, 5215, 5221, 5265

Agenda of the General Body meeting was circulated on pages 33 to 35 of 2011 NUTA Bulletin. Additional Agenda was circulated on pages 33 to 57 of 2011 Ex-File.

**ITEM NO. 534 :****CONFIRMATION OF MINUTES :**

**CONFIRMED** the minutes of the General Body meeting of Nagpur University Teachers' Association held at 12.00 noon on Sunday, the 27th February, 2011.

*Notes :- 1) Copy of the minutes was Circulated on pages 21 to 29 of 2011 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 27th February, 2011. vide No. CIM/30 Dated 15 March, 2011 published on page 23 of 2011 NUTA Bulletin. No correction was received.*

**ITEM NO. 535 :****APPROVAL TO THE ANNUAL REPORT :**

**CONSIDERED AND APPROVED** the Annual Report regarding the working of the Association for the calendar year ending on 31st December, 2010.

*Notes : (i) As per Article VI (b) (iii) of the Constitution of NUTA, the Annual Report of the working of the Association was prepared by the Executive Committee (vide item No.23 of 2011) and was placed for the approval of the General Body.*

*(ii) The Copy of the Annual Report was circulated in 2011 NUTA Bulletin on pages 36 to 40.*

*(iii) Dr. E.H.Kathale, Secretary presented the Annual Report on behalf of the Executive Committee.*

**ITEM NO. 536 :****APPROVAL TO THE ANNUAL BUDGET :**

**APPROVED** the Annual Budget of the Association for the Financial year commencing on 1st April, 2011.

*Notes : (i) Prof. S.A.Tiwari, Treasurer, NUTA, presented the Budget on behalf of the Executive Committee. (ii) The copy of the Budget was circulated on page No. 36 of 2011 NUTA Bulletin.*

**ITEM NO. 537 :****APPOINTMENT OF THE AUDITORS :**

**CONSIDERED AND APPROVED** the following resolution for the appointment of Auditors for the Financial year ending on 31st March, 2011 namely :-

**"C.R.Sagdeo & Co. Chartered Accountant "Prabha Niwas" Nagpur be appointed as auditor for the Financial year ending on the 31st March 2011"**

*Notes :*

*(i) As per Article VII of the Constitution of NUTA the "General Body shall appoint auditors annually in the Annual Meeting of the Association."*

**Nagpur University Teachers' Association****MEETING NOTICE : 1**

**DATED : 20.09.2011**

From :

**Prof. Dr. E. H. KATHALE**

Secretary, NUTA N-162, Reshim Bag,  
Nagpur-444 009

To,

All the members of the Nagpur University Teachers' Association

Dear members,

I have the honour to inform you that General Body meeting of the Nagpur University Teachers' Association will be held at 12.00 noon, on the Day and the Date mentioned below.

2. If you propose to move any resolution for the consideration of the General Body, you are requested to send such resolution to me, with a copy to Prof. B.T.Deshmukh, President NUTA, No. 3, Subodh Colony, Near, Vidarbha Mahavidyalaya, Amravati 444604 within a period of 10 days from the date of the posting of this Bulletin.

3. It will not be possible to include in the agenda, resolutions received after the due date. So please make it convenient to send such resolutions, if any, within the stipulated time. The place of the meeting will be intimated to you alongwith the agenda.

Thanking you.

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

**Time, Day and Date of the Meeting :**  
**12.00 Noon on Sunday, the**  
**27 th November, 2011**

(ii) The Executive Committee resolved to recommend the above resolution, (Vide item No. 25 of 2011) which was placed before the General Body for its approval.

(iii) Dr. S.A.Tiwari, Treasurer, on behalf of the Executive Committee, moved the resolution.

**ITEM NO. 538 :**  
**SUBMISSION OF STATEMENTS OF**  
**AUDITED ACCOUNTS FOR**  
**THE YEAR ENDING ON**  
**31ST MARCH 2009**

**NOTED** the submission of statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2009 to The Deputy Charity Commissioner Nagpur region, Nagpur by The Secretary NUTA, Dr. E.H. Kathale vide his letter No. 16/S/2010, Dated 15/06/2010.

Notes : 1) Copy of the letter No.16/S/2010, Dated 15/06/2010 regarding Submission of Audited Accounts was circulated on page 34 of 2011 NUTA Bulletin.

(2) Statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2009 i.e. were approved by the Executive Committee in its meeting held on 25th October 2009 vide item No. 24. Agenda on page 75, Minutes on page 85 and Enclosures on pages 73 & 76 of 2009 Ex-File.

(3) Statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2009 were approved by General Body in its meeting held on 13th December 2009 vide item No. 506. Agenda on page 161, Minutes on page 223, Enclosures on page 162 of 2009 NUTA Bulletin.

(4) After the approvals mentioned at notes 2 & 3 above the Statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2009 were submitted to the Deputy Charity Commissioner, Nagpur region, Nagpur by the Secretary as mentioned at note 1 above.

**ITEM NO. 539 :**  
**SUBMISSION OF STATEMENTS OF**  
**AUDITED ACCOUNTS FOR**  
**THE YEAR ENDING ON**  
**31ST MARCH 2010**

**NOTED** the submission of statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2010 to The Deputy Charity Commissioner Nagpur region, Nagpur by The Secretary NUTA, Dr. E.H. Kathale vide his letter No. 44/S/2011, Dated 15/03/2011

Notes : 1) Copy of the letter No.44/S/2011, Dated 15/03/2011 regarding Submission of Audited Accounts was circulated on page 34 of 2011 NUTA Bulletin.

**University Grants Commission**  
**Bahadur Shah Zafar Marg : New Delhi - 110 002**

By Speed Post

**F.1-1/2002(PS) Exemp.Pt file IV : 16 August 2011**

The Principal Secretary,  
Govt. of Maharashtra, Higher and Technical Education Department,  
Mantralaya Annexe, Mumbai - 400 032.

**Subject :-** To Consider the **representations** received in respect of lecturers appointed on regular basis in the State of Maharashtra from 19.09.1991 till 03.04.2000.

Sir,

I Would like to inform you on the subject cited above that for grant of exemption from NET for appointment as lecturers, especially in respect of Maharashtra State Universities was considered by the Commission at its meeting held on 08.07.2011. The Commission **resolved** as under :-

“The Commission **deliberated** on the issue regarding appointment of various teachers in the State of Maharashtra from September 19,1991 until April 3,2000 and resolved that all such appointments made on regular basis by various universities in the state of Maharashtra where the **university has granted exemption** to teachers from the requirement of NET in terms of the UGC Regulations, 1991 and subsequent Notification dated 24.12.1998 and where the **representation** has been forwarded to Commission seeking further approval in relation to such regular appointments made during the said period w.e.f. September 19,1991 till April 3, 2000 **is approved**. It further resolved that a communication in this regard be sent to the universities concerned and the state of Maharashtra”

Keeping in view of the aforesaid resolution of the Commission, you are requested to take further action accordingly.

Yours faithfully

**B.K.Singh, Deputy secretary**

**Copy to :-** (1) The Registrar, University of Mumbai, M.R.Road, Fort, Mumbai- 400 032. (2) The Registrar, University of Pune, PO University, Pune- 411 007. (3) The Registrar, Swami Ramanand Teerth Marathwada University, Gautami Nagar, PB No. 87 Vishnupura, Nanded-431 606.(4) The Registrar, Dr. Babasaheb Ambedkar Marathwada University P.O. Aurangabad - 431 004.(5) The Registrar, North Maharashtra University PB No. 80, Umavinagar, Jalgaon - 425 001.(6) The Registrar, Shivaji University, Vidyannagar, Kolhapur 416 004.(7) The Registrar, Solapur University, Solapur.(8) The Registrar, Rashtrasant Tukadoji Maharaj Nagpur University, Ravindranath Tagor Marg. Guru Nanak Bhawan, Nagpur. Maharashtra Pin code 440 001 (9) The Registrar, Sant Gadge Baba Amravati University, Amravati - 444 602. (10) Dr. Tapati Mukhopadhyay, Park side 3, wing, Flat No. 1308, Kulupwadi Road, Borivali (East) Mumbai with reference to her letter dated 07.05.2011.(11) Dr. F.C.Raghuwansi, Principal, Vidya Bharti Mahavidyalaya, Camp Amravati. Pin code 444 602 (M.S.) With reference to his representation addressed to Hon'ble Dr. Devising Shekhawat Saheb

(2) Statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2010 i.e. were approved by the Executive Committee in its meeting held on 16th January 2011 vide item No. 18. Agenda on page 2, Minutes on page 10 and Enclosures on pages 2,3 & 4 of 2011 Ex-File.

(3) Statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2010 were approved by General Body in its meeting held on 27th February 2011 vide item No. 527. Agenda on page 01, Minutes on page 9, Enclosures on page 02 & 03 of 2011 NUTA Bulletin.

(4) After the approvals mentioned at notes 2 & 3 above the Statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2010 were submitted to the Deputy Charity Commissioner, Nagpur region, Nagpur by the secretary as mentioned at note 1 above.

**(5) References of previous submissions for information :-**

(A) For Statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March 2007, see item No. 35 of 2008 Executive Committee meeting. (Agenda on page 47 and Minutes on page 57 of 2008 Ex-File. Enclosure on page 36 of 2008 Ex-File.) Noted by the General Body meeting of NUTA, vide item No. 479 in its meeting held on 9th November 2008. (Agenda on page 126, Minutes on page 157, Enclosure on page 131 of 2008 NUTA Bulletin.)

(B) For Statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March 2008, see item No. 18 of 2008 Executive Committee meeting. (Agenda on page 43 and Minutes on page 53 of 2008 Ex-File. Enclosure on page 30,31,32 & 33 of 2008 Ex-File.) Noted by the General Body meeting of NUTA, vide item No. 477 in its

meeting held on 9th November 2008. Agenda on page 125, Minutes on page 157, Enclosure on page 126 & 127 of 2008 NUTA Bulletin.

**विषय क्रमांक ५४० :**

**विधानपरिषद निवडणूकीच्या खर्चाचे हिशेब**

(अ) सन २०१० मध्ये अमरावती विभाग पदवीधर मतदार संघातून झालेल्या निवडणूकीतील खर्चाच्या हिशेबाचा ताळेबंद सन २०११ च्या ईएक्स फाईलच्या पृष्ठ ३३ ते ४४ वर प्रसृत करण्यात आला होता. तो विचारात घेण्यात आला व **सम्मत करण्यात आला.**

(ब) शिल्लक राहिलेला रुपये १,७१,२६२ (रुपये एक लक्ष एकाहत्तर हजार दोनशे बासष्ट) रुपयाचा निधी संघटनेच्या ग्रंथालयाच्या उपयोगासाठी संघटनेच्या सुपूर्त करण्याचा निर्णय घेण्यात आला.

**टिप :** तपशिलवार ताळेबंद सन २०११ च्या ईएक्स फाईलच्या पृष्ठ ३३ ते ४४ वर प्रसृत करण्यात आला होता.

**विषय क्रमांक ५४१ :**

**ऑप्शन फॉर्मवर तारीख न टाकणे**

प्रा. अ.वी सुरदास हे अनुपस्थित असल्याने पुढील ठराव मांडण्यात आला नाही. :-

“Once the commutation option is exercised and duly signed by the pensioner and when it has not been returned to college either by J.D. Office or by A.G. Office, Nagpur for any deficiency or mistake, then the amount of commutation be paid, and it should not be rejected only on the ground that it does not contain the date.”

**University Grants Commission  
Bahadur Shah Zafar Marg : New Delhi - 110 002**

**No.F-1-3/2011(PS)Exemp : 26 August 2011.**

To,  
**Dr.Tapti Mukhopadhyay, General Secretary**  
Maharashtra Federation of University and College Teachers Organization  
Kulup Wadi Road, Bori Vali (East), Mumbai-400 006

**Sub:-** Your representation dated 17th August, 2011 pertaining to clarification in respect of date of placement of teachers falling within the purview of the decision of the commission dated 8th July,2011.

Madam,

Kindly refer to your representation dated 17th August,2011 on the subject mentioned above. The issue raised in your representation has been examined in the UGC and this is to inform you that the commission in its meeting held on 8th July, 2011 considered the representation received in respect of lecturers appointed in the State of Maharashtra from 19th September, 1991 till 3rd April, 2000 and resolved as under :-

“The commission deliberated on the issue regarding appointment of various teachers in the State of Maharashtra from September 19, 1991 until April 3,2000 and resolved that **all such appointments** made on regular basis by various universities in the State of Maharashtra where the universities has granted exemption to teachers from the requirement of NET in terms of UGC regulation, 1991 and subsequent Notification dated 24th December 1998 and where the **representation** has been forwarded to commission **seeking further approval** in relation to such regular appointments made during the said period w.e.f. September 19, 1991 till April 3, 2000 **is approved....**”

The above decision of the commission has already been communicated by UGC vide its letter No. F.1-1/2002(PS) Exemp. Pt. file IV dated 16th August, 2011 **to the Principal Secretary, Government of Maharashtra, Higher & Technical Education Department, Mumbai.**

As may be seen from the above decision of the commission, the commission has taken the said decision in respect of all such appointments made on regular basis by various universities during the period from September 19, 1991 to April 3, 2000. Therefore the services of such teachers **for all purposes should be counted from the date of their regular appointment.**

This is for information.

Yours faithfully,

**( B.K.Singh)**

Copy to :- (1) Principal Secretary, Government of Maharashtra, Higher & Technical Education Department, Mumbai. (2) Registrar of all universities in the State of Maharashtra. **( B.K.Singh)**

विषय क्रमांक ५४२ :

नेटसेट बाबत घडलेल्या विविध घटनांची सद्यस्थिती  
नमूद करणाऱ्या मुद्यांचे टिपण

(अ) नेटसेट बाबत घडलेल्या विविध घटनांची सद्यस्थिती दर्शविणारे अध्यक्षीय मार्गदर्शनानुसार संघटनेचे सहसचिव प्रा. डॉ. प्रविण रघुवंशी यांनी तयार केलेले १८ मुद्यांचे टिपण विचारात घेण्यात आले.

(ब) दिनांक १८ मे, २०११ रोजीचे महाराष्ट्र प्राध्यापक महासंघाच्या सचिवांनी प्रा.डॉ. प्रविण रघुवंशी यांना लिहिलेले (२०११ च्या ईएक्स फाईलच्या पृष्ठ ५६ वर प्रसृत) पत्र लक्षात घेता महाराष्ट्र प्राध्यापक महासंघाच्या शिष्टमंडळाची विद्यापीठ अनुदान आयोगाच्या अध्यक्षीय दिनांक १० जून रोजी चर्चा होणार आहे असे दिसून येते. "नेटसेट बाबत घडलेल्या विविध घटनांची सद्यस्थिती नमूद करणाऱ्या मुद्यांचे टिपण" या मथळ्याचे एकूण १८ मुद्यांचे टिपण लक्षात घेता "मा. उच्च न्यायालयाच्या निर्णयावर विद्यापीठ अनुदान आयोगाची भूमिका तयार होत असतांना हे कायदेशिर मुद्दे महाराष्ट्र प्राध्यापक महासंघाने विद्यापीठ अनुदान आयोगाच्या लक्षात आणून द्यावे व त्याचबरोबर

"(1) In view of the para 24 of the Hon'ble Supreme Court Judgement dated 8.9.1994, the position taken by the UGC as mentioned in the UGC letter dated 25 th December 1998 that entire service of the teacher be counted for the pur-

poses of placement be communicated to the Hon'ble High Court. Further

(2) It be communicated to the Hon'ble High Court of Judicature at Nagpur that every teacher who was appointed (from 1991 to 4.4.2000) through duly constituted Selection Committees and having had the then requisite minimum qualification as were existing at that time, is covered by proviso 2 of clause 2 of UGC regulation of April 2000, to satisfy the mandate of the Hon'ble High Court Nagpur that similarly situated will have to be similarly treated."

अशा प्रकारची विनंती महाराष्ट्र प्राध्यापक महासंघाने विद्यापीठ अनुदान आयोगाला करावी." अशी विनंती महाराष्ट्र प्राध्यापक महासंघाला करण्याचा निर्णय घेण्यात आला.

(क) मुळ विषयावरील चर्चेत अनेक सदस्यांनी भाग घेतला. या चर्चेमध्ये उपस्थित झालेल्या काही महत्त्वपूर्ण मुद्यांच्या बाबतीत अध्यक्षांनी सभागृहाला पुढील प्रमाणे माहिती दिली. :-

(१) सन १९९१ ते सन १९९९ या कालखंडात नियमितरित्या सेवेत आलेल्या विगरेनेट-सेट शिक्षकांना नेट-सेटची पात्रता कायद्याने त्यावेळी लागूच करण्यात आलेली नव्हती. त्यामुळे हे सर्व शिक्षक एका संवर्गात येतात व त्या

## MAHARASHTRA FEDERATION OF UNIVERSITY & COLLEGE TEACHERS' ORGANISATIONS (MFUCTO)

Vidyapeeth Vidyarthi Bhavan, 'B' Road, Churchgate, Mumbai - 400 020

12th/17th August 2011

To,  
The Chairman/Secretary,  
University Grant Commission,  
Bahadur Shah Zafar Marg,  
New Delhi

**Subject: Qualification of NET/SET for University and College Lecturers in Maharashtra Proper and legal implementation thereof**

Sri/Madam,

Thank you very much for giving an appointment to MFUCTO President and General Secretary on 2nd August 2011 despite your very busy schedule during the monsoon session of the Parliament.

The MFUCTO in its emergency Executive Committee meeting held on Sunday 7th August 2011 in Mumbai adopted a resolution after carefully considering the decision of the UGC on Item 2.09 in its meeting held on 8th July 2011:-

"1.The Executive Committee has carefully considered the decision taken by the University Grants Commission (UGC) on the Item "2.09. To consider the representations received in respect of Lecturers appointed in the State of Maharashtra from 19.09.1991 till 03.04.2000".

2.That the decision has been confined only to the State of Maharashtra and that in it the issue considered was "appointment of various teachers in the State of Maharashtra from September 19, 1991 until April 3, 2000" is matter of satisfaction.

3.Despite the fact that appointments made between 19.09.1991 till 3rd April 2000 were reflecting a common situation, instead of giving the same consideration for similarly situated persons, the UGC took piecemeal decisions and fragmented the teachers belonging to the same category; now that in view of the aforesaid decision the fragments have been brought together and a common single decision has been taken in respect of all these teachers, this too is a matter of satisfaction.

4.It will be seen that during this period the UGC

insisted till the very end that NET/SLET is compulsory, and in this background it would not behove to be vague while communicating to the Government of Maharashtra this decision of approvals presumed to have been granted by the Vice Chancellors and the same having been endorsed by the UGC in each and every representation made to it. Ergo, the Executive Committee hereby demands that the University Grants Commission must unambiguously communicate to the Government of Maharashtra the answer to the question: "From which date should the placement be done of each of these teachers falling under the purview of the aforesaid decision of the UGC?". This is because this is precisely what has been mandated by the directions of the Hon'ble High Court; the clear and legally correct answer to that question is "From the date of appointment". This is because this is precisely what has been mandated by the directions of the Hon'ble Supreme Court."

**Prayer**

5(a) The MFUCTO requests the UGC to communicate this decision including the decision taken in Para 4 above to the Government of Maharashtra expeditiously.

5(b) We also request to your honour that the decision taken by UGC be communicated to each teacher involved in the decision taken by UGC on 8th July 2011.

Thanking you,

Yours Faithfully,

**Prof. Shivajirao Patil President**  
**Dr.Tapati Mukhopadhyay, General Secretary**

**Copies Enclosed:** - (1) Explanatory note including all the relevant legal points (English Version) (2) Original resolution adopted in EC meeting of MFUCTO (Marathi) (3) Original Explanatory note including all the relevant legal points (Marathi Version)

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**Notes :-** (1) Explanatory note including all the relevant legal points (English Version) is not circulated, Since (2) Original resolution adopted in EC meeting of MFUCTO (Marathi) is circulated on page 73 of 2011 Nuta Bulletin (3) Original Explanatory note including all the relevant legal points (Marathi Version) is circulated on page 74 of 2011 Nuta Bulletin

\*\*AF : P 171 \*\*

सर्वासाठी एकाच प्रकारचा निर्णय विद्यापीठ अनुदान आयोगाच्या व शासनाच्या पातळीवर होणे अपेक्षित आहे. "similarly situated will have to be similarly treated." असा मा. उच्च न्यायालयाचा निर्णयच आहे. विद्यापीठ

अनुदान आयोगाच्या पातळीवर या पूर्ण संवर्गासाठी एकाच प्रकारचा निर्णय व्हावा यासाठी संघटना सर्व स्तरावरून प्रयत्नशील आहे. उपरोक्त (अ) वर विचारात घेण्यात आलेली टिप्पणी व (ब) वर घेण्यात आलेला निर्णय ही या

## MAHARASHTRA FEDERATION OF UNIVERSITY & COLLEGE TEACHERS' ORGANISATIONS (MFUCTO)

Vidyapeeth Vidyarthi Bhavan, 'B' Road, Churchgate, Mumbai - 400 020

25.08.2011

To,  
**Shri. Kapil Sibal**  
Hon'ble Minister for Human Resource Development,  
Government of India,  
Shastri Bhavan, New Delhi.

**Subject:-** Regarding the non communication of the date of effect of approval of exemption given by the university and approved by the UGC, in respect of the regular appointments of various teachers in the State of Maharashtra appointed during September 19,1991 till April 3, 2000.

Hon'ble Minister Sir,

Let us take this opportunity to thank you for having given an audience to the MFUCTO delegation along with Shri. Basudev Acharya, Hon'ble M.P. on 2nd August 2010 and 10th June 2011 to discuss about the issue of lecturers appointed during 19 /09 /1991 till 03 / 04 /2000 in Maharashtra. The MFUCTO is well aware of the fact that it was due to your direction that the HRD Ministry issued a letter to the UGC on 3rd Nov. 2010 clearly stating that "These regulations are bound to be prospective only. Appointments can never be made with retrospective effect.... Since by Commission's own admission the regulations are prospective in nature and not retrospective".

2. The University Grants Commission by their letter (No.F.1-1/2002(PS) Exemp.Pt file IV) dated 16th August 2011 communicated to the Government of Maharashtra and to the Universities in the State of Maharashtra regarding the subject of grant of exemption from NET for the appointment as a lecturer and approved the action of the University in granting exemption in respect of the regular appointments during the period 19 Sept. 1991 till 3 April 2000 . Every appointment made on regular basis during the said period is approved by the UGC. By virtue of this decision all appointments made on regular basis during this period have been brought under one and only one decision. All teachers similarly situated are similarly treated.

3. MFUCTO would like to bring to your kind notice that unfortunately University Grants Commission has not communicated to the Government of Maharashtra the date from which such approval to the exemption became effective even though it was mandatory on their part to follow the directions of Hon'ble Nagpur Bench of Bombay High Court in writ petition No. 4909 of 2010 decided on 20th April 2011 reads :-

**"We direct the respondent no. 5 University Grants Commission to communicate to the State Government the date when such exemption became effective as per notification dated 5/11/2008 in respect of petitioners, within a period of three weeks".**

By not following the above said directions of Hon'ble High Court, UGC is failing in its duties which tantamount to disrespect to the Hon'ble High Court.

4. Since all these appointments were made on regular Basis and now approved by the University Grant Commission "would stand regularized," as per the mandate of the Supreme Court. Last sentence quoted from Para

24 of the judgement (delivered on 08.09.1994, 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.) is as follows. :-

**"..... it not only would not forfeit its grant but the appointment made without obtaining the U.G.C's prior approval would stand regularized."**

5. In view of the above mentioned Judgement of the Apex Court and the stand taken by UGC , once approval to the exemption from NET/SET is granted the appointments will have to be treated as regularized and entire service of the teacher will have to be counted for the purposes of placement for the following reasons :-

(i) In view of the fact that the every teacher under this decision was appointed on a regular basis, and now UGC granted its approval to the said appointment, his services needs to be counted for all purposes from the date of appointment.

(ii) **"Experience is the basis of placement."** as decided by the Hon'ble Supreme Court in Sharadendu Bhushan, Appellant v. Nagpur University, Nagpur & Ors, Respondents (AIR 1988, Supreme Court 335).

(iii) Further, as per Para 24 of the Hon'ble Supreme Court Judgement dated 08/09/1994, the stand taken by UGC after obtaining legal opinion, as mentioned in the UGC letter dated 20th Dec.1998 is **"that the entire service of the teacher be counted for the purposes of placement."**

(iv) Even as late as in 2010 the latest UGC Regulations Notified (In the Gazette of India) under No.F.3-1/2009 dated 30th June 2010 dealt with the question of counting of past service for placement benefits as under:-

**"10.0 COUNTING OF PAST SERVICES FOR DIRECT RECRUITMENT AND PROMOTION UNDER CAS:**

10.1 (f) The adhoc or temporary service of more than 1 year duration can be counted provided that

(i) The period of service was of more than one year duration

(ii) The incumbent was appointed on the recommendation of duly constituted selection committee and

(iii) The incumbent was selected to the permanent post in continuation to the ad hoc or temporary service without any break."

6. Hundreds of college teachers from Maharashtra are assembled, to day at Jantar Mantar in New Delhi, requesting the UGC for appropriate action. In the light of the above stated points, we now request you that :-

***The UGC be directed to communicate to the state of Maharashtra the date (Which could only be the date of appointment for the reasons mentioned in para 5 above) of the effect of the said approval of the UGC arising out of its decision at item no. 2.09 of its 479th meeting held on 8th July 2011 as directed by the Hon'ble High Court, as mentioned in para 3 above.***

Thanking you in anticipation.

**Prof. Shivajirao Patil**  
President

**Dr. Tapati Mukhopadhyay**  
Secretary

**Dr. P.B. Raghuvanshi**  
Vice President

**MAHARASHTRA FEDERATION OF UNIVERSITY & COLLEGE TEACHERS' ORGANISATIONS (MFUCTO)**

Copy forwarded to Hon'ble Chairman, University Grants Commission for further necessary action. \*\*FS: P 91 \*\*

कामाची सुरुवात आहे. या कामात काय यश, अपयश येईल हे आजच कुणालाही सांगता येणार नाही.

(२) अध्यक्षांनी पुढे असेही सांगितले की, उद्या काय निर्णय होईल? याची निव्वळ वाट पहात बसणे योग्य होणार नाही. आज आपल्यासमोर जी स्थिती आहे तीला तोंड देण्याची तयारी करावीच लागते. केवळ हात गुंडाळून स्वस्थ बसणे उपयोगाचे ठरत नाही. आज १९९१ ते १९९९ या कालखंडातील कायदेशीर रित्या सेवेत प्रवेश केलेल्या बिगर नेट-सेट शिक्षकांचे अनेक प्रकार विद्यापीठ अनुदान आयोगाच्या निर्णयाने व त्या निर्णयानंतर झालेले आहेत. ढोबळमानाने हे प्रकार पुढील प्रमाणे आहेत. :- (१) विद्यापीठाने पदाची जाहिरात मान्य करून देतांना जाहिरातीमध्ये नेटसेटची पात्रता नमुद केली नव्हती असे शिक्षक (२) विद्यापीठाने पदाची जाहिरात मान्य करून देतांना शिक्षकांच्या जाहीराती मध्ये NET/SLET/ Preference / or असे नमूद केले होते असे शिक्षक. (३) विद्यापीठाने पदाची जाहिरात मान्य करून देतांना शिक्षकांच्या जाहीराती मध्ये NET/SLET AND च्या स्वरूपात नमूद केले असे शिक्षक (४) शिक्षकांना UGC कडून Exemption आले, Placement झाले व Exemption withdraw केले गेले असे शिक्षक (५) शिक्षकांना UGC कडून Exemption आले, Placement झाले नाही व Exemption withdraw केले गेले असे शिक्षक (६) शिक्षकांना UGC कडून Exemption आले, Placement झाले व Exemption withdraw केले गेले नाही असे शिक्षक (७) विद्यापीठ अनुदान आयोगाने Exemption दिले, Placement झाले व सहसंचालकांनी त्यानुसार वेतन देणे ज्यांच्याबाबतीत नियमितपणे सुरु केले आहे असे शिक्षक. (८) विद्यापीठ अनुदान आयोगाने Exemption दिले, Placement झाले व सहसंचालकांनी त्यानुसार वेतन देण्याच्याबाबतीत वाढीव वेतन सुरु न करण्याचा निर्णय घेतला असे शिक्षक. (९) विद्यापीठ अनुदान आयोगाने Exemption दिले, Placement झाले व सहसंचालकांनी त्यानुसार वेतन देण्याच्याबाबतीत कोणतीच कारवाई केली नाही असे शिक्षक. (१०) UGC नी काही कारणास्तव Exemption नाकारले असे शिक्षक (११) याशिवाय इतर प्रकारचे शिक्षक

(३) सन १९९१ ते सन १९९९ या कालखंडातील एकाच संवर्गातील शिक्षकांची विभागणी अनेक प्रकारात झाल्यामुळे आपण निश्चितपणे कोणत्या प्रकारात बसतो याचा विचार अस्सल व मुळ कागदपत्रांच्या आधारावर संबंधीत शिक्षकालाच करावा लागेल व त्या वस्तुस्थितीला तोंड देण्यासाठी दस्तऐवज गोळा करण्याचे कामसुद्धा व्यक्तीगत पातळीवरच करावे लागेल. ढोबळमानाने अशा कागदपत्रांची यादी एक प्रोफार्मा तयार करून व्यक्तीशः जुळवावी लागेल. जेणेकरून प्रत्येक शिक्षकाच्याबाबतीत पुढील माहिती संघटनेच्या उपयोगासाठी सहजपणे उपलब्ध राहिल. :- (1) Full Name of the Teacher (2) Age (3) Address (4) Occupation (5) Name of the College (6) Letter of approval of the advertisement by the University (7) Copy of advertisement published in newspaper (8) Selection committee report (9) Order of the Appointment (10) Approval of the Teacher by University (11) Copy of U.G.C. Exemption letter (12) Copy of the cancellation of the exemption by UGC, if there is any. (13) Placement report (14) University certificate for placement (15) Copy of O/C Submitted to Joint Director

(४) वारंवार चर्चेत आलेल्या एका मुद्याबाबत अध्यक्षांनी स्पष्टपणे खुलासा केला की, अशा "नेट/सेट ग्रस्त शिक्षकांच्या सभा घेऊन न्यायालयीन संघर्षासाठी निधी वगैरे गोळा करण्याचा कोणताही निर्णय संघटनेने घेतलेला नाही. याशिवाय रोखीने असा निधी संघटना कधीही स्विकारीत नाही. स्विकारायचा तेव्हा तो रेखांकित धनादेशाद्वारेच स्विकारला जातो. रोखीने कुणी असा निधी गोळा करीत असेल तर त्या कामाशी संघटनेचा कतिपय संबंध नाही." अध्यक्षांनी याबाबतीत असेही घोषित केले की, "या कामासाठी संघटनेजवळ यापूर्वीच असलेला निधी पुरेसा असून संपूर्ण संवर्गासाठी एकच निर्णय करवून घेण्यात यश मिळाल्यास वेगळ्या कोणत्याही निधीची आवश्यकता भासणार नाही. संपूर्ण संवर्गासाठी एकच निर्णय होण्यात अपयश आल्यास व एका एका प्रकारातील एकएका शिक्षकासाठी न्यायालयीन संघर्ष करण्याची वेळ आल्यास त्या परिस्थितीत करावयाच्या उपाययोजनाबाबत संघटनेच्या पातळीवर अधिकृतपणे निर्णय घेवून ते निर्णय बुलेटीनमध्ये अधिकृतपणे जाहिर केले जातील."

नोट : (i) नेटसेट बाबत घडलेल्या विविध घटनांची सद्यस्थिती दर्शविणारे अध्यक्षांच्या मार्गदर्शानुसार संघटनेचे सहसचिव प्रा. डॉ. प्रविण रघुवंशी यांनी तयार केलेले १८ मुद्यांचे टिपण ईएक्स फाईलच्या पृष्ठ क्रमांक ४५ ते ५२ वर प्रसृत करण्यात आले होते. ते आता सन २०११ च्या नुटा बुलेटीनच्या पृष्ठ ९२ ते १०० वर प्रसृत करण्यात आले आहे.

(ii) महाराष्ट्र प्राध्यापक महासंघाने संघटनेचे सहसचिव डॉ. प्रविण रघुवंशी यांना दिनांक १८ मे, २०११ रोजी पाठविलेले पत्र ईएक्स फाईलच्या पृष्ठ क्रमांक ५६ वर प्रसृत करण्यात आले होते. ते आता सन २०११ च्या नुटा बुलेटीनच्या पृष्ठ ९२ वर प्रसृत करण्यात आले आहे.

**विषय क्रमांक ५४३ :**

**महाराष्ट्र प्राध्यापक महासंघाने विद्यापीठ अनुदान आयोगास दिनांक ७ मे, २०११ रोजी दिलेले पत्र**

महाराष्ट्र प्राध्यापक महासंघाने विद्यापीठ अनुदान आयोगास दिनांक ७ मे, २०११ रोजी दिलेल्या पत्राची नोंद घेण्यात आली.

नोट : महाराष्ट्र प्राध्यापक महासंघाने विद्यापीठ अनुदान आयोगास दिनांक ७ मे, २०११ रोजी दिलेल्या पत्र ईएक्स फाईलच्या पृष्ठ क्रमांक ५३ ते ५६ वर प्रसृत करण्यात आले होते. ते आता सन २०११ च्या नुटा बुलेटीनच्या पृष्ठ १०१ ते १०२ वर प्रसृत करण्यात आले आहे.

**विषय क्रमांक ५४४ :**

**महाराष्ट्र प्राध्यापक महासंघाने संघटनेचे सहसचिव डॉ. प्रविण रघुवंशी यांना पाठविलेले पत्र**

महाराष्ट्र प्राध्यापक महासंघाने संघटनेचे सहसचिव डॉ. प्रविण रघुवंशी यांना पाठविलेल्या पत्राची नोंद घेण्यात आली.

नोट : महाराष्ट्र प्राध्यापक महासंघाने संघटनेचे सहसचिव डॉ. प्रविण रघुवंशी यांना दिनांक १८ मे, २०११ रोजी पाठविलेले पत्र ईएक्स फाईलच्या पृष्ठ क्रमांक ५६ वर प्रसृत करण्यात आले होते. ते आता सन २०११ च्या नुटा बुलेटीनच्या पृष्ठ ९२ वर प्रसृत करण्यात आले आहे.

**विषय क्रमांक ५४५ :**

**यवतमाळ येथील विदर्भ पाणी परिषदेत पारीत झालेले चार महत्त्वपूर्ण ठराव**

दिनांक २६ मे, २०११ रोजी यवतमाळ येथे झालेल्या विदर्भ पाणी परिषदेत पारीत झालेले पुढील चार महत्त्वपूर्ण ठराव विचारात घेण्यात आले. ठरावातून व्यक्त झालेल्या मताशी सहमती व्यक्त करण्यात येत आहे. :-

**ठराव क्रमांक १**

सर्वश्री यशवंतरावजी चव्हाण, भाऊसाहेब हिरे, आर.के.पाटील, रामराव देशमुख, पी.के.देशमुख, गोपाळराव खेडकर, शेषराव वानखडे, देवकीनंदन, नानासाहेब कुंटे, लक्ष्मणराव भटकर, पंढरीनाथ पाटील या तत्कालीन ज्येष्ठ नेत्यांनी दिनांक २८ सप्टेंबर १९५३ रोजी नागपूर करार करून समृद्ध महाराष्ट्राच्या निकोप वाढीची पायाभरणी केली. महाराष्ट्रात समाविष्ट होणाऱ्या विदर्भ, मराठवाडा व उर्वरित महाराष्ट्र या तीनही विभागांच्या समतोल विकास होईल याचा भक्कम पाया या कराराने घालून दिलेला आहे. केवळ करारावर ही गोष्ट थांबली नाही तर तत्कालीन गृहमंत्री श्री. गोविंद वल्लभपंत यांच्या अध्यक्षतेखालील संसदेच्या उभय सभागृहांच्या संयुक्त चिकित्सा समितीपुढे एकमताने आपली कैफियत मांडून, घटनेत कलम ३७१(२) समाविष्ट करून, नागपूर कराराला घटनात्मक स्थान मिळवून देण्यात आमच्या या तत्कालीन ज्येष्ठ नेत्यांनी यश मिळविले. महाराष्ट्र राज्याच्या निर्मितीच्या वेळी तत्कालीन मुख्यमंत्री व ज्येष्ठ नेते श्री. यशवंतरावजी चव्हाण यांनी विधानमंडळात दिनांक १३ मार्च १९६० रोजी केलेल्या धोरणात्मक निवेदनात या बाबीचा पुनरुच्चार केलेला आहे. महाराष्ट्राच्या या तिनही विभागांच्या समतोल विकासासाठी घटनात्मक तरतुदींचे भक्कम अधिष्ठान असूनसुद्धा अनेक विकास क्षेत्रामध्ये प्रादेशिक असमतोल मोठ्या प्रमाणात वाढत असून जलसिंचनाच्या क्षेत्रामध्ये या असमतोलाने अक्राळविक्राळ स्वरूप धारण केलेले आहे. सन २००१ नंतर मा. राज्यपालांच्या निर्देशानुसार बऱ्या प्रमाणात निधी उपलब्ध झाला तरी (त्याचा वापर होण्यात अनेक अडचणी निर्माण करण्यात आल्या हे लक्षात घेवून) सुद्धा स्थितीमध्ये कोणताही बदल झाला नाही;

अमरावती महसुली विभागाचा अनुशेष जून १९८२ मध्ये ४१७ हजार हेक्टरचा होता. तो २००९ मध्ये एका हेक्टरने जरी कमी झाला असता तरी तो कमी झाला असेच म्हणावे लागले असते पण प्राधिकरणाच्या सन २००९-१० च्या अहवालाप्रमाणे तो आता जून २००९ मध्ये ९२१.५८ हजार हेक्टरचा झाला आहे. नागपूर महसुली विभागाचा अनुशेष जून १९८२ मध्ये ११० हजार हेक्टरचा होता तो २००९ मध्ये एका हेक्टरने जरी कमी झाला असता तरी तो कमी झाला असेच म्हणावे लागले असते पण प्राधिकरणाच्या

अहवालाप्रमाणे तो आता जून २००९ मध्ये १७२.१५ हजार हेक्टरचा झाला आहे. **विदर्भाचा** अनुशेष जून १९८२ मध्ये ५२७ हजार हेक्टरचा होता तो २००९ मध्ये एका हेक्टरने जरी कमी झाला असता तरी तो कमी झाला असेच म्हणावे लागले असते. पण प्राधिकरणाच्या अहवालाप्रमाणे तो आता जून २००९ मध्ये १०९३.७३ हजार हेक्टरचा झाला आहे. **मराठवाड्याचा** अनुशेष जून १९८२ मध्ये २६० हजार हेक्टरचा होता तो २००९ मध्ये एका हेक्टरने जरी कमी झाला असता तरी तो कमी झाला असेच म्हणावे लागले असते, पण प्राधिकरणाच्या अहवालाप्रमाणे तो आता जून २००९ मध्ये ५०१ हजार हेक्टरचा झाला आहे.

विदर्भाच्या जेवढ्या जिल्ह्यात अनुशेष होता त्या पैकी एकाही जिल्ह्याचा अनुशेष संपुष्टात आलेला नाही हे जेवढे खरे आहे, तेवढेच हेही खरे की यापैकी एकाही जिल्ह्याचा अनुशेष कमी सुद्धा झाला नाही, उलट तो दुप्पट किंवा जवळ जवळ दुप्पट झाला हे वरील आकडेवारीवरून स्पष्ट होते. महाराष्ट्र राज्य आपले सूर्ण महोत्सवी वर्ष साजरे करित असतांना **आत्महत्यांनी त्रस्त व सिंचन अनुशेषाने ग्रस्त अशा या भागात फार मोठ्या प्रमाणात वाढलेला जलसिंचन या विकासक्षेत्रातील अनुशेष कमी करण्यासाठी सर्व पातळीवरून प्रयत्न करण्याचा निर्धार ही परिषद व्यक्त करित आहे.**

### ठराव क्रमांक २

२ (१) आर्थिक अनुशेष भरून काढण्याचे धोरण टाकावू व कुचकामी ठरल्यामुळे ते त्याज्य ठरविण्याचा निर्णय घेणे आवश्यक झाले आहे. आर्थिक अनुशेष याचा अर्थ त्यावेळच्या राज्य सरासरीवर हेक्टरमध्ये निघालेल्या भौतिक अनुशेषाची अंदाजे काल्पनिक किंमत धरून काढलेला रुपयातील अनुशेष होय. आर्थिक अनुशेष भरून काढण्याची ही पद्धती संपूर्णपणे वांडोटी ठरलेली आहे. दांडेकर समितीच्या अहवालात (यापुढे पहिला अहवाल म्हणू) ही किंमत हेक्टरी १० हजार रुपये धरली आहे, तर अनुशेष व निर्देशांक समितीच्या अहवालात (यापुढे दुसरा अहवाल म्हणू) ती ५० हजार रुपये प्रति हेक्टर व "महाराष्ट्र जलसम्पत्ती नियमन प्राधिकरण वार्षिक अहवाल २००९-१०" (यापुढे तिसरा अहवाल म्हणू) यामध्ये ती किंमत ८० हजार रुपये प्रति हेक्टर धरलेली आहे. रुपयातील ह्या किंमती त्यावेळच्या दरसूचीवर आधारलेल्या असतात. प्रत्यक्षात वाढत्या किंमतीमुळे ती रक्कम सतत वाढत जाते. त्यामुळे आर्थिक अनुशेष भरून काढण्याचा हा मापदंड पूर्णपणे हास्यास्पद ठरला. उदाहरण म्हणून घ्यायचे झाल्यास पहिल्या अहवालाने जलसिंचनाचा विदर्भाचा आर्थिक अनुशेष ५२७ कोटी रुपये व मराठवाड्याचा २६०.६७ कोटी रुपये निश्चित केला होता. त्यापेक्षा कितीतरी जास्त निधी २००७ पावेतो या दोनही भागामध्ये खर्च झाला असला तरी एका हेक्टरचासुद्धा अनुशेष दुर झालेला नाही. पहिल्या, दुसऱ्या व तिसऱ्या अहवालाचे काळजीपूर्वक अवलोकन केल्यास ही स्थिती लक्षात येते.

२ (२) दरवर्षीच्या राज्यसरासरीवर भौतिक अनुशेष अद्यावत करण्याचे धोरण स्विकारण्याची आवश्यकता आता निर्माण झाली आहे. अनुशेष निर्मूलनाच्या एकंदर धोरणामध्ये, एक म्हणजे आर्थिक अनुशेष (रुपयातील) दुर करण्याचे धोरण स्विकारणे व दुसरे म्हणजे एका विशिष्ट वर्षाच्या सरासरीवर काढलेला अनुशेष, (पुढच्या पुढच्या प्रत्येक वर्षी अद्यावत न करता) दूर करण्याचे धोरण स्विकारणे हे दोन मोठे दोष आजपावेतोच्या धोरणात होते असे या परिषदेला वाटते.

२ (३) वेगळी कोणतीही यंत्रणा स्थापन न करता सदरहू अधिनियमाच्या कलम २० अन्वये प्राधिकरणासारख्या या विधिमय यंत्रणेकडे दरवर्षीच्या जूनच्या सरासरीवरील अनुशेष दाखविण्याचे हे जे काम सोपविलेले आहे त्याचा उपयोग दरवर्षीच्या राज्य सरासरीवरील अनुशेष अद्यावत करण्याच्या कामी आपल्याला करून घेता येईल. प्रत्येक वर्षी करण्यात आलेल्या आर्थिक तरतुदीतून प्रत्येक जिल्ह्याचा भौतिक अनुशेष किती हेक्टरने कमी झाला व त्यावर्षात राज्य सरासरी वाढल्यामुळे तो किती वाढला म्हणजे एकूण किती कमी झाला किंवा जास्त झाला याचे दरवर्षीचे चित्र प्राधिकरणाच्या यंत्रणेच्या माध्यमातून आपल्याला अद्यावत करता येईल. अशा रीतीने दरवर्षीच्या भौतिक प्रगतीच्या व वाढलेल्या राज्य सरासरीच्या आधारावर दरवर्षीचे प्रत्येक जिल्ह्याचे जलसिंचन अनुशेषाचे चित्र अद्यावत करणे हा राज्य शासनाच्या धोरणाचा अपरिहार्य भाग असावा अशी या परिषदेची मागणी आहे.

२ (४) जलसिंचन या विकास क्षेत्रासाठी दरवर्षी उपलब्ध होणाऱ्या निधीपैकी विंगर अनुशेष जिल्ह्यांसाठी व अनुशेष जिल्ह्यांसाठी किती निधी उपलब्ध करून द्यावा याबाबत सत्यशोधन समितीच्या शिफारशीची तातडीने अम्मलबजावणी करावी अशी मागणी ही परिषद करित आहे.

### ठराव क्रमांक ३

देशाच्या मा. पंतप्रधानांनी विदर्भाच्या आत्महत्याग्रस्त भागाला स्वतः प्रत्यक्ष भेट दिली. केवळ भेट दिली, असे नव्हे तर केंद्रशासनाच्या वतीने अधिकृतपणे पत्रक काढून "आत्महत्या होण्यामागे कारणे अनेक असली तरी सिंचनसुविधांचा अभाव हे प्रमुख कारण आहे." असे रोगाचे निदान केले, केवळ रोगाचे निदान करून मा. पंतप्रधान थांबले नाहीत तर त्यांनी आत्महत्याग्रस्त ६ जिल्ह्यातील सिंचन प्रकल्प पूर्ण करण्यासाठी २१७७ कोटी रुपयाचा निधी उपलब्ध करून दिला. ज्या प्रकल्पासाठी निधी उपलब्ध करून दिला त्या प्रकल्पांच्या यादीमध्ये दुसऱ्याच क्रमांकावर अप्पर वर्धा प्रकल्प नमूद आहे. हे पाणी सिंचनासाठीच वापरले जाईल असा करारनामा महाराष्ट्र शासन व केंद्र शासनामध्ये झाला आहे. २-३ वर्षे तसे प्रमाणपत्र देवून कोट्यावधी रुपयाचा निधी सिंचनसुविधांच्या वर्धित वेग योजनेअंतर्गत राज्याच्या जलसंपदा विभागाच्या अधिकाऱ्यांनी मिळविला आहे. असे असतांना ज्या अधिकाऱ्यांनी निधी आणतांना करार पत्रावर व प्रमाणपत्रावर सद्दा केल्या त्याच अधिकाऱ्यांनी ही गोष्ट राजकीय नेतृत्वाच्या लक्षात न आणून देता खाजगी भांडवलदारांशी संगनमत बांधून सिंचनाच्या ३०० द.ल.घ.मी. पाण्यापैकी १०० द.ल.घ.मी. पाणी विकून टाकले. हे सरळ सरळ केंद्र शासनाची फसवणूक करणारे कृत्य आहे. या कृत्याला जबाबदार असलेल्या अधिकाऱ्यांची चौकशी करण्यात यावी व त्यांच्यावर कारवाई करण्यात यावी अशी मागणी ही परिषद करित आहे. महत्तम अनुशेष असलेल्या पहिल्या ५ जिल्ह्यांमध्ये अमरावती व यवतमाळ जिल्ह्याचा सुरुवातीपासून समावेश आहे व आजही तो क्रम कायम आहे, असे असतांना या दोनही जिल्ह्यातील पाणी विंगर सिंचनाच्या प्रयोजनासाठी वळविणाऱ्या सर्व निर्णयांचा पूर्णविचार करून ते निर्णय रद्द करण्यात यावेत अशी मागणी ही परिषद करित आहे. पंतप्रधान पॅकेज मध्ये असल्यामुळे या दोन जिल्ह्यांचा वेगळा उल्लेख केला असला तरी धोरण म्हणून अशीही मागणी करण्यात येत आहे की, विदर्भातील बहुतांशी जिल्ह्यांत जलसिंचनाचा मोठ्या प्रमाणात अनुशेष असल्यामुळे विदर्भात देण्यात आलेल्या औष्णिक प्रकल्पांच्या भरमसाठ परवानग्या तातडीने रद्द करण्यात याव्यात व तसे करताना महाराष्ट्राच्या तिन्ही भागात अशा प्रकारच्या औष्णिक प्रकल्पांचे समन्यायी वाटप करावे, या आमच्या घटनात्मक अधिकाराचे संरक्षण करण्यात यावे अशी मागणी ही परिषद करित आहे.

### ठराव क्रमांक ४

प्रत्येक जलसिंचन प्रकल्पाच्या नियोजनामध्ये भविष्याचा विचार करून काही थोडे पाणी हे उद्योगांसाठी राखून ठेवलेले असतेच. त्या पाण्याचा वापर बहुरोजगार निर्माण करणारे उद्योग, शेतीपुरक उद्योग, स्थानिक बेरोजगारांना रोजगार देणारे लघु उद्योग व प्रदुषण विरहित उद्योग निर्मितीसाठी वापरले जाईल अशी अपेक्षा असते. दुर्दैवाने हे थोडे पाणी सुद्धा नगण्य रोजगार उपलब्ध करणाऱ्या, मोठ्या प्रमाणात सिंचन क्षमता गिळणाऱ्या व एकाच भागात असमान प्रदुषण निर्माण करणाऱ्या विजप्रकल्पाकडे वळविण्याचे समर्थन कोणीही करून शकत नाही असे या परिषदेचे मत आहे.

نوٹ : दिनांक २६ मे, २०११ रोजी यवतमाळ येथे झालेल्या विदर्भ पाणी परिषदेत पारीत झालेले उपरोक्त चार महत्त्वपूर्ण ठराव ईएक्स फाईलच्या पृष्ठ क्रमांक ५४ व ५५ वर प्रसृत करण्यात आले होते.

### विषय क्रमांक : ५४६

#### गणसंख्या :

नुटाच्या घटनेतील खंड ५ मध्ये असलेल्या तरतुदीनुसार गणसंख्येच्या अभावी सुरुवातीला सभा अर्धा तासासाठी तहकुव करण्यात आली होती, ही बाब कार्यवृत्तामध्ये नोंदविण्यात येत आहे, असे अध्यक्षांनी जाहीर केले.

### विषय क्रमांक : ५४७

#### सभा व्यवस्थेबद्दल आभार :

कार्यकारी मंडळाच्या वतीने अध्यक्षांनी महाविद्यालयाचे प्राचार्य व स्थानिक शाखेचे इतर प्राध्यापक, जिल्हा नुटाचे अध्यक्ष, सचिव व सदस्य, यांनी ही सभा यशस्वी करण्यासाठी घेतलेल्या परिश्रमाबद्दल आणि दिलेल्या सहकार्याबद्दल त्यांचे मनःपूर्वक आभार मानले. शेवटी सर्व उपस्थित सदस्यांचे आभार मानून सभा संपली असे अध्यक्षांनी जाहीर केले.

स्वा / बी.टी.देशमुख  
अध्यक्ष

स्वा / एकनाथ कठाळे  
सचिव

\*\*\*\*\*

# नेटसेट बाबत घडलेल्या विविध घटनांची सद्यस्थिती नमूद करणाऱ्या मुद्द्यांचे टिपण

(१) दिनांक २७ फेब्रुवारी २०११ रोजी झालेल्या नुटाच्या आमसभेच्या कार्यवृत्तामध्ये विषय क्रमांक ५२९ (ब) वर पुढील कार्यवृत्ताची नोंद आहे. :-  
“उपरोक्त प्रस्तावावरील चर्चेत शेवटी सहभागी होतांना अध्यक्षानी आपल्या भाषणात नेटसेटच्या अटीमुळे विपरितरित्या प्रभावित झालेल्या शिक्षकांच्या बाबतीत सामुदायिक स्तरावरील प्रयत्न महाराष्ट्र प्राध्यापक महासंघाच्या व नुटाच्या स्तरावर होत असतांना अशा विपरितरित्या प्रभावित होत असलेल्या प्रत्येक शिक्षकाने व्यक्तीशः पार पाडावयाच्या जबाबदारीबाबत अनेक शिक्षकांचे दुर्लक्ष होत असल्याबद्दल तीव्र चिंता व्यक्त केली. त्यानंतर अध्यक्षानी आपल्या भाषणात (१) पदाच्या जाहिरातीनुसार अर्ज करण्याची शेवटची तारीख उलटून गेल्यानंतर पात्रतेच्या अटीमध्ये बदल करता येत नाही. याबाबत मा. उच्च न्यायालयाच्या व सर्वोच्च न्यायालयाच्या अनेक निर्णयांची माहिती दिली. (२) नागपूर विद्यापीठ क्षेत्रामध्ये तसेच (३) अमरावती विद्यापीठ क्षेत्रामध्ये आज याबाबत काय स्थिती आहे याचे तपशील सांगून (४) व्यक्तीशः प्रत्येक सदस्याने पार पाडावयाच्या कारवाईचे मुद्दे तपशीलवारपणे नमूद केले. ही जबाबदारी व्यक्तीशः व्यथित शिक्षकानेच पार पाडावयाची आहे. त्याबाबतीत कोणतीही हयगय किंवा निष्काळजीपणा होता कामा नये याची प्रत्येकाने काळजी घ्यावी असे अध्यक्षानी नमूद केले.” (२) नुटा बुलेटीनमध्ये उपरोक्त कार्यवृत्त प्रकाशित झाल्यानंतर अनेक शिक्षकांनी याबाबतच्या मुद्द्यांचे तपशील जाणून घेण्यासाठी संघटनेच्या अध्यक्षशांशी व पदाधिकाऱ्यांशी संपर्क केला. गेल्या आमसभेच्या वेळी असलेली स्थिती व त्यानंतर घडलेल्या विविध घटना लक्षात घेता या प्रश्नाबाबतची मुद्देनिहाय माहिती प्रसृत करण्याचा निर्णय घेण्यात आला. अध्यक्षाने मार्गदर्शानुसार संघटनेचे सहसचिव प्रा.डॉ. प्रविण रघुवंशी यांनी तयार केलेले मुद्द्यांचे पुढील टिपण प्रसृत करित आहोत. :-

(1)

## स्थान निश्चितीसाठी नेटसेट सक्तीचे करणारा आदेश युजीसीला

### मागे घ्यावा लागला.

१.१ नेटसेट सक्तीचे करणारे रेग्युलेशन युजीसीने १९९१ मध्ये काढले. त्यानंतर १९९८ मध्ये एक नोटीफिकेशन काढून वरिष्ठ श्रेणीसाठी व निवडश्रेणीसाठी नेटसेट सक्तीचे असेल. (Para 8.2.0 of UGC Notification dated 24th December 1998, - P 20 of NB 1999) अशी तरतुद विद्यापीठ अनुदान आयोगाने केली होती पण सर्वोच्च न्यायालयाच्या १९९४ च्या निर्णयामुळे त्यांना ती मागे घ्यावी लागली. जुन्या सर्व अधिसूचना रद्द कराव्या लागल्या व ४ एप्रिल २००० रोजी नविन रेग्युलेशन काढावे लागले. त्या रेग्युलेशनमधील पहिलेच वाक्य पुढील प्रमाणे :-

“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 Regulations issued under University Grants Commission letter No.F.1-93/74 (CPP) Part (v) dated 13th June, 1983 and No.F.1-11/87 (CPP-II) dated 19th September, 1991 and Notification No.1-93/74(CP) dated 19th February, 1985, 26th November, 1985 and No.F.3-1/94 (PS) dated 24th December, 1998, the University Grants Commission hereby makes the following regulations,” (P 66 of NB 2000)

१.२ जुने सर्व रेग्युलेशन वर प्रमाणे रद्द करून नेटसेटबाबत विद्यापीठ अनुदान आयोगाने आपली भूमिका ४ एप्रिल २००० च्या रेग्युलेशनद्वारे स्पष्ट केलेली आहे. “कोणत्याही व्यक्तीला (No person) नेटसेटची पात्रता परीक्षा उत्तीर्ण केल्याशिवाय विद्यापीठातून व महाविद्यालयातून शिक्षकीय पदावर नेमता

येणार नाही” असे स्पष्टपणे खंड २ मध्ये नमूद करित असतांनाच विद्यापीठ अनुदान आयोगाने आपल्या या नियमाला दुसरे परंतुक जोडलेले आहे. 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.” (P 66 of NB 2000)

(2)

### सर्वोच्च न्यायालयाचा महत्वपूर्ण निर्णय

2. 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.” (P 316 of NB 2001)

## MAHARASHTRA FEDERATION OF UNIVERSITY & COLLEGE TEACHER'S ORGANISATION

Registered under the Trade Union Act 1926. No By II-8162 of 1985

Affiliated to the All India Federation of University and College Teacher's Organizations (AIFUCTO)

Vidyapeeth Vidyarthi Bhavan, 'B' Road, Churchgate, Mumbai - 400 020

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Park Side 3, Wing, Flat No. 1308 Kulupwadi  
Road, Borivali (East) Mumbai 400 066  
(022-28871430, 9820319455)

Date: 18th May 2011

### Prof Praveen Raghuvanshi

Dear Friend,

This is to inform you that, in response to our memorandum submitted to UGC on 7<sup>th</sup> may 2011 (for counting of services for the purpose of placement benefit in respect of teachers appointed in Maharashtra from 19-9-1991 to 4-4-2000) UGC chairman has given an appointment to the MFUCTO delegation on 10<sup>th</sup> June 2011 at 11 am at UGC head office Delhi (Bahadur Shah Zafar Marg New Delhi). As you are a part of the delegation you are requested to be in Delhi office before 11 am on Friday 10<sup>th</sup> June 2011. You make all your arrangement for your travel and stay at Delhi with the help of your local organization.

Thanking you

Tapati Mukhopadhyay



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 परिनियम 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.

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 req-

uisite 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.

(3)

**एकदा नेटसेट पासून 'एक्झमशन' दिले की ती नेमणुक नियमित झाली (Regularised) असे समजावे लागेल.**

३. सर्वोच्च न्यायालयाचा उपरोक्त निर्णयातील परिच्छेद २४ पूढील प्रमाणे आहे :-

“24. As analyzed above, therefore the Delhi University may appoint as a lecturer in itself and its affiliated colleges one who has cleared the test prescribed by the said Regulations or it may seek prior approval for the relaxation of this requirement in a

## संगणक शास्त्र या वैकल्पिक विषयाला अनुदान देतांना दिली जाणारी भेदभावपूर्ण वागणूक

### IN THE HIGHCOURT OF JUDICATURE AT BOMBAY; NAGPUR BENCH; NAGPUR.

#### Contempt Petition No.64/2011 In Writ Petition No.3510/2010

**Petitioners :-** (1) Smt. Narasamma Hirayya Educational Trust, Amravati, Through its Secretary, Shri Suresh Wamanrao Chimanpure, Ambika Nagar, Amravati. (2) Arts, Commerce and Science College, Kirannagar, Amravati, Through its Principal, Dr. Shrikant Deshpande. **-Versus:- Respondent :-** Shri Mahesh Pathak, Secretary, Higher Education Department, Mantralaya, Mumbai- 32.

#### AFFIDAVIT

I, Shri Sanjay Kumar, Aged About 50 years, presently working as Principal Secretary, Higher and Technical Education Department, Mantralaya, Mumbai - 32, do hereby take oath and state as under :-

1. I state that the present petition has been filed by the petitioner trust alleging dis-obedience of the order passed by this Hon'ble Court on 18.01.2011 and praying to the Hon'ble Court to issue directions to the respondent to purge the contempt and comply with the directions issued by this Hon'ble Court and take a policy decision in respect of grant of permission to start Computer Science / Engineering courses and the petitioner alleges that by not taking a policy decision the respondents have flouted the orders passed by this Hon'ble Court.

2. I most respectfully state before this Hon'ble Court that I was impleaded as party respondent on 26.7.2011 and direction was issued by this Hon'ble Court to inform about time frame within which the State Government would take a decision in respect of grant-in-aid facility being made available to the Computer Science. I have perused the various orders passed by the Hon'ble Court as well as the copy of contempt petition. I am filing the present affidavit on the basis of official record of the department. I most respectfully state that the issue as regards whether the grant in aid should be made available to the subject in **Computer Science, Electronic and Physical Education was placed for discussion in the meeting of Cabinet held on 28.7.2011. The Cabinet, arrived at the following decision in the meeting held on 28.7.2011.**

(i) The State Government prior to 1988-89 and from 1989 to 23.9.1991 and from 1991 to 2001 had granted permission to conduct and impart education in Computer Science, Electronic and Physical Education on permanent no grant in aid basis. **The said decision of the State Government is modified and approval is granted to bring 135 colleges imparting education in Computer Science, 8 colleges imparting education in Electronic subject and 19 colleges imparting education in Physical Education to be brought on 100% grant in aid w.e.f. 1st April 2012.**

(ii) For this purpose 586 posts would be admissible for grant.

(iii) Expenditure to be incurred to the tune of Rs. 17.40 Crores as additional expenditure should be approved of.

3. In view of aforesaid position I state before this Hon'ble Court that the grievance made by the petitioner in the contempt petition is now redressed and a policy is taken by the State Government for making grant in aid available to the colleges imparting education in Computer Science.

Hence, this affidavit.

Nagpur. Date:- 29.8.2011

**Deponent**

Drafted by (Mrs. B.H.Dangre) Addl. Government Pleader,

#### VERIFICATION

Verified and signed at Mumbai on this 29th day of August, 2011, that I have carefully gone through the contents of above paras 1 to 3. I find them to have been correctly drafted by my counsel in accordance with my instructions, written as well as oral. I state that the contents thereof from paras 1 to 3 are based on official record and believed to be true by me.

**Deponent.**

Solemnly affirmed before me by Sanjay Kumar is identified before me by V.G.Chandekar \*\*\*\*\* whom I personally know This 29th day of August, 2011 at Mumbai \*\*\*\*\* (R.D.Sankhe) Joint Secretary (Law) Government of Maharashtra (Empowered under Oaths Act) \*\*\*\*\* I know the deponent. V.G.Chandekar Desk Officer, H. & T.E.D.

**specific case; or it may appoint as lecturer one who does not meet this requirement without having first obtained the UGC's approval, in which event it would if it failed to show cause for it's failure to abide by the said Regulations to the satisfaction of the UGC, forfeit its grant from the U.G.C. If however it did show cause to the satisfaction of the U.G.C., it not only would not forfeit its grant but the appointment made without obtaining the U.G.C s prior approval would stand regularized.** (P 316 of NB 2001)

(4)

**प्राध्यापक पदासाठी पात्रता ठरविण्याची विधीमय माध्यमे**

४. महाराष्ट्र प्राध्यापक महासंघाने विद्यापीठ अनुदान आयोगाला दिनांक ३० मार्च २००३ रोजी पाठविलेल्या निवेदनातील परिच्छेद २ पुढील प्रमाणे आहे. :-

**"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 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." (P 596 of NB 2001)

**विद्यापीठ सिनेटच्या निवडणूकीच्या खर्चाचे हिशेब**

(१) विद्यापीठ सिनेटच्या प्रत्येक निवडणूकीच्या वेळी अध्यक्षांच्या नेतृत्वाखाली उमेदवारांचे पॅनेल ज्यावेळी उभे केले जाते त्यावेळी निवडणूक प्रचाराथ होणारा सामायिक खर्च हा उमेदवारच सोसतात. अल्पशी रक्कम प्रत्येक उमेदवाराकडून या कामी जमा केली जाते. नुटाच्या कार्यकारी मंडळाचा एखादा सदस्य प्रभारी सदस्य म्हणून जमाखर्चाचे काटेकोरपणे हिशेब ठेवतो. हा खर्च काटकसरीने करावा व कोणत्याही परिस्थितीत जमापेक्षा खर्च जास्त होऊ नये असे बंधन असते. प्रभारी सदस्य याचे निट हिशेब ठेवतात. हिशेब अध्यक्षांना सादर झाले की ते उमेदवारासमोर आणि /किंवा कार्यकारी मंडळासमोर ठेवले जातात. शिल्लक रकमेबाबतचा निर्णय सुद्धा तेथेच होतो.

(२) सन १९९५ मध्ये झालेल्या संत गाडगेबाबा अमरावती विद्यापीठ, अमरावती सिनेटच्या निवडणूकीसाठी शिक्षक व पदवीधर मतदार संघातून एक ५५ उमेदवारांचे पॅनेल उभे करण्याचा निर्णय घेण्यात आला होता. या निवडणूकीचा खर्च भागविण्यासाठी शिक्षक व पदवीधर उमेदवाराकडून प्रत्येकी रू. १,०००/- घेण्याचे ठरले होते. त्याप्रमाणे एकूण ५५ उमेदवारांचे प्रत्येकी रू. १,०००/- प्रमाणे एकूण रू. ५५,०००/- जमा झाले होते. त्यातून निवडणूकीचा एकूण खर्च रुपये ३८,८९५.३० वजा जाता रू. १६१०४.७० इतकी राशी शिल्लक राहिली होती. प्रभारी सदस्यांनी सादर केलेला हिशेब नुटाच्या कार्यकारी मंडळाने दिनांक १५ एप्रिल १९९५ रोजी झालेल्या बैठकीत विषय क्रमांक ४२ अन्वये विचारात घेतला व शिल्लक निधी संघटनेकडे सुपूर्त करण्याचा निर्णय घेतला. (कार्यवृत्त व तपशिल सन १९९५ चे ई-एक्स फाईल पृष्ठ क्रमांक २६,२७ व ६० पहा)

(३) सन २००० मध्ये झालेल्या संत गाडगेबाबा अमरावती विद्यापीठ, अमरावती सिनेटच्या निवडणूकीसाठी शिक्षक व पदवीधर मतदार संघातून एक ५१ उमेदवारांचे पॅनेल उभे करण्याचा निर्णय घेण्यात आला होता. या निवडणूकीचा खर्च भागविण्यासाठी शिक्षक व पदवीधर उमेदवाराकडून प्रत्येकी रू. १,०००/- घेण्याचे ठरले होते. त्याप्रमाणे एकूण ५१ उमेदवारांचे प्रत्येकी रू. १,०००/- प्रमाणे एकूण रू. ५१,०००/- अधिक मतदार नोंदणी करण्यासाठी अगोदर सहभाग दिलेले १४०० रुपये असे एकूण ५२४०० रुपये जमा झाले होते. त्यातून निवडणूकीचा एकूण खर्च ४६८१९.०० वजा जाता रू. ५५८१.०० इतकी राशी शिल्लक राहिली होती. प्रभारी सदस्यांनी सादर केलेला हिशेब नुटाच्या कार्यकारी मंडळाने दिनांक ११ मार्च २००१ रोजी झालेल्या बैठकीत विषय क्रमांक ३६ अन्वये विचारात घेतला व शिल्लक निधी संघटनेकडे सुपूर्त करण्याचा निर्णय घेतला. (कार्यवृत्त सन २००१ चे ई-एक्स फाईल पृष्ठ क्रमांक १८ व ३२ वर पहा)

(४) सन २००५ मध्ये झालेल्या संत गाडगेबाबा अमरावती विद्यापीठ, अमरावती सिनेटच्या निवडणूकीसाठी शिक्षक व पदवीधर मतदार संघातून एक ५४ उमेदवारांचे पॅनेल उभे करण्याचा निर्णय घेण्यात आला होता. त्या निवडणूकीचा खर्च भागविण्यासाठी उमेदवाराकडून प्रत्येकी रू. १,०००/- घेण्याचे ठरले होते. त्याप्रमाणे ५४ उमेदवारांचे प्रत्येकी रू. १,०००/- प्रमाणे एकूण रू. ५४,०००/- जमा झाले होते. त्यातून निवडणूकीचा एकूण खर्च ३१,०७७.४० रुपये वजा जाता रू. २२,९२२.६० इतकी राशी शिल्लक राहिली होती. प्रभारी सदस्यांनी सादर केलेला हिशेब नुटाच्या कार्यकारी मंडळाने दिनांक १७ सप्टेंबर २००६ रोजी झालेल्या बैठकीत विषय क्रमांक ५९ अन्वये विचारात घेतला व शिल्लक निधी संघटनेकडे सुपूर्त करण्याचा निर्णय घेतला. (कार्यवृत्त सन २००६ चे ई-एक्स फाईल पृष्ठ क्रमांक ७१ व ८२ वर पहा)

(५) "सिनेटमध्ये शिक्षकांच्या व पदवीधरांच्या प्रश्नावर "नुटा"ने दिलेल्या सूचनांचे पालन करण्यास वचनबद्ध असलेल्या शिक्षक व पदवीधर उमेदवारांचे पॅनेल" सन २०१० च्या संत गाडगे बाबा अमरावती विद्यापीठ सिनेट निवडणूकीसाठी उभे करण्यात आले होते. मुखपृष्ठावर "टिचर्स व ग्रॅज्युएट्स पॅनेलचा जाहीरनामा" असा मथळा असलेली २६ पृष्ठांची एक लहानशी पुस्तिका प्रचारार्थ छापून मतदारांना वाटण्यात आली होती. या पुस्तिकेच्या मुखपृष्ठावर संघटनेचे अध्यक्ष "प्रा.बी.टी.देशमुख यांची शिक्षक पदवीधर मतदारांना विनंती" प्रसिद्ध करण्यात आली होती. या निवडणूकीसाठी शिक्षक मतदार संघातून २३ व पदवीधर मतदार संघातून १३ अशा एकूण ३६ उमेदवारांना या पॅनेलवर उभे करण्यात आले होते. प्रत्येक उमेदवाराने रुपये चार हजार निवडणूकीच्या सामाईक खर्चासाठी प्रभारी सदस्याकडे जमा केले होते. यातील अनेक उमेदवारांनी माझ्याकडे या खर्चाच्या हिशेबाबाबत विचारणा केल्यावरून पुढील प्रमाणे सूचना करण्यात येत आहेत. :- (१) प्रभारी सदस्यांनी या खर्चाचे हिशेब पुढील १५ दिवसामध्ये अध्यक्षाकडे सादर करावे अशी त्यांना विनंती करण्यात येत आहे. (२) त्यानंतर या सर्व उमेदवारांची बैठक बोलावून उर्वरित निधीचे काय करावयाचे? एक म्हणजे शिल्लक बरीच असेल तर प्रत्येक उमेदवाराला परत देणे किंवा दुसरे म्हणजे अल्प असेल तर संघटनेच्या सुपूर्त करणे याबाबतचा निर्णय त्या बैठकीतच घेतला जाईल.

(5)

**राज्य शासनाचे धरसोडीचे धोरण**

५. अमरावती विद्यापीठाचे तत्कालीन मा. कुलगुरु डॉ.एस.एन.पाटील यांनी कुलगुरु या नात्याने विद्यापीठ अनुदान आयोगाला १० डिसेंबर २००२ परिच्छेद ६ व १२ पुढील प्रमाणे आहे. :-

**“Approach of the State Government**

6) The approach of the State Govt. is very clear from the following submission -

(a) Depending upon the UGC notification No. F-1/11/87/CPP dated 19th Sept. 1991 the state Govt. has issued a GR dated 23rd October 1992 (Please refer enclosure No. 10) which was immediately withdrawn by the new GR dated 27th November 1992 (Please refer enclosure No.11).

(b) Meanwhile UGC was continuously writing to State Govt. for setting up a accredited NET at State Level and to make suitable amendment in the University Statute.

(c) The constantly changing mind of the State Govt. will be clear from the fact that, the State Govt. has issued three circulars within the span of three months. First circular was issued on 2-2-1994 (Please refer enclosure No. 12) directing the University to continue the services of the teacher, who have not passed the NET for further period till 31st March 1994. Second Circular was issued on 7-3-1994 (Please refer enclosure No. 13) for extending the limit of passing NET till 31-3-1995. Third circular was issued on 28-4-1994 (Please refer enclosure No. 14) specifying therein that the tenure of services of the teachers in the Colleges and Universities has been further extended up to 31-3-1996 for passing NET.

(d) There after Higher and Technical Education and Employment Department of the State of Maharashtra again issued Government Resolution No. NGC/1794/7945/UE-4 dated 22-12-1995 (Please refer enclosure No. 15) for withdrawing the limit of passing NET/SET examination which was earlier prescribed till 31-3-1996 and it was clearly mentioned that the appointment of such lecturers should be considered on ad-hoc basis. Even though such appointments should be considered on ad-hoc basis, such lecturers shall not be removed from the services on the ground that they have not passed NET/SET examination, however yearly increments shall not be granted to such lectures till they pass NET/SET Examination.

(e) Then the State Government again issued GR dated 22-5-1998 (Please refer enclosure No. 16) by resolving to relax the condition of withholding the yearly increments with effect from 1.4.1998. It further prescribes that the yearly increments of the lecturers after 1.4.1998 should not be withheld on the ground that such Lecturers have not passed NET/SET examination.

(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 simultanously 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 cutoff date i.e. 30.12.1999 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 continued to be so paid even today. A small number of teachers shown in **Appendix-A**, from out of the lawfully recruited so many teachers are carved out for discriminatory treatment by Govt. resolution No. NGC 720/11815/[38]/01/UE-4 dated 18.10.2001” (P 589 of NB 2001)

**12) REQUEST IN RESPECT OF**

**(A) Cases covered by Second proviso of para 2 of "UGC Regulation 2000" :-**

Every teacher (approved by this university) mentioned (at Sr.No. 1 to 30) in column No. 2 of the **Appendix-A** working as a lecturer in the college mentioned in column No. 3, was duly selected by a duly constituted selection committee on a date mentioned in column No. 6 of **Appendix-A**, and was having the then requisite minimum qualification (mentioned in column No. 4 of **Appendix-A**) as were existing at that time. (NET/SET was prescribed as a compulsory qualification at the recruitment level in this university for the first time by Direction No. 7 of 1999, dated 27.12.1999 (Please refer enclosure No. 7) published in the Amravati University Gazette on 30.12.1999 on page No. 97) As per the judgement delivered by the Supreme Court of India referred at 2 above, U.G.C. Regulation 1991 regarding NET/SET can be implemented prospectively. In supersession of all previous notifications, U.G.C. issued "UGC Regulation 2000" notification. Every teacher mentioned in **Appendix-A** is covered by second proviso of Para 2 of the 2000 Regulation. It is the considered view 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. U.G.C. may kindly confirm this view of the university” (P 589 of NB 2001)

(6)

**विद्यापीठांनी सर्वोच्च न्यायालयाचा निर्णय युजीसीला कळविला**

६. नागपूर विद्यापीठाच्या मा. कुलसचिवांनी विद्यापीठ अनुदान आयोगाला दिनांक १७ डिसेंबर २००२ रोजी पाठविलेल्या पत्रातील परिच्छेद ७ पुढील प्रमाणे आहे. :-

No.CIM/ 31 : : Dated 25th Sept. 2011

**CORRECTION  
in the copy of the Minutes  
of the General Body Meeting of NUTA**

Copy of the Minutes of the General Body Meeting of NAGPUR UNIVERSITY TEACHERS' ASSOCIATION held at 12.00 noon on Sunday, the 5th June 2011 at Bharatiya Mahavidyalaya, Amravati is circulated on pages 85 to 91 of 2011 NUTA Bulletin.

If you propose to suggest any correction to the Minutes, it may be pointed out to the Secretary (Prof.E.H.Kathale, Secretary, NUTA, N-162, Reshim Bagh, Nagpur-440 009.) by letter within 10 days from the date of posting of this Bulletin.

It will not be possible for the corrections received after the due date to be included in the List of corrections for consideration.

Please send one copy of your letter to Prof. B.T.Deshmukh, President NUTA, 3, Subodh Colony, Near Vidarbha Mahavidyalaya, Amravati. 444 604.

**- Dr. E.H. Kathale, Secretary, NUTA**

**“Supreme Court**

7) The University Grants Commission (Qualifications required of a person to be appointed to the teaching staff of a University and institutions affiliated to it) Regulations 1991 as notified on 19<sup>th</sup> September, 1991 by the University Grants Commission, were analysed by SUPREME COURT in 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.): AIR 1995 SUPREME COURT 336) It was ruled by the Appex Court as follows:

**i) Regulations are valid :** Regulations (1991), notified on 19<sup>th</sup> 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. ” (P 316 of NB 2001)

(7)

**अर्ज करण्याची मुदत एकदा संपल्या नंतर पात्रता बदलविता येत नाही. सर्वोच्च न्यायालयाचे निर्णय**

**7.1 In the case of Ashok Kumar Sharma and others...Versus...Chander Shekhar and another,**

**WHAT CONSTITUTES A REGULAR APPOINTMENT ?**

(१) २७ फेब्रुवारी १९८९ च्या शासननिर्णयाने (Appendix A of directive No. 2 of 1989 of Amravati University) सर्वप्रथम वरीष्ठ श्रेणी व निवडश्रेणीची व्यवस्था महाराष्ट्रात सुरु केली. स्थाननिश्चितीचे काम (CAS) हे विद्यापीठाच्या असेसमेंट समितीकडे सोपविण्यात आले होते. या शासननिर्णयाच्या परिच्छेद १२ (a) मध्ये पुढील प्रमाणे तरतुद होती. :- “A Lecturer in the existing scale of 700-1600 will be placed in the senior scale of 3000-5000 if he has Completed 8 years of service after **regular appointment.....**” अमरावती विद्यापीठातील प्रा.आर.एन.खर्चे व प्रा.एस.बी.चिंचमलातपूरे यांच्या असेसमेंट कमिटीने आपले काम सुरु करण्यापूर्वी निरनिराळ्या ७ मुद्यांवर विद्यापीठाकडून स्पष्टीकरण मागविले होते. त्यातील पहिलाच मुद्दा “**What constitutes a regular appointment?**” असा होता. अमरावती विद्यापीठाच्या मा. कुलगुरूंनी विद्यापीठ कायद्याच्या कलम ११(४) अन्वये याबाबतची स्पष्टीकरणे सदर समितीला लेखी स्वरूपात ३०.०८.१९८९ रोजी कळविली होती. **ती खाली दिलेली आहेत.** पुढे विद्यापीठाच्या कार्यकारी मंडळाने दिनांक १६.०९.१९८९ रोजी झालेल्या बैठकीत मा. कुलगुरूंच्या या कृतीला विषय क्रमांक ११९ अन्वये मान्यता प्रदान केली होती.

(२) पाचव्या वेतन आयोगाच्या वेतनश्रेण्या दिनांक ११ डिसेंबर १९९९ च्या शासननिर्णयाने (क्रमांक : एन.जी.सी.-१२९८/ (४६१९) UNI 4) लागू करण्यात आल्या. (त्याप्रमाणे विद्यापीठाने पुढे निदेश व परिनियम निर्गमित केले.) या शासननिर्णयाच्या परिच्छेद १३ (i) मध्ये पुढील प्रमाणे तरतुद आहे. “**13. Lecturer (Senior Scale) :-** A Lecturer will be eligible for placement in a senior scale through a procedure of selection, if she/he has; (i) Completed 6 years of service after **regular appointment** with relaxation of one year and two years, respectively, for those with M.Phil. and Ph.D.....”

(३) बहुसंख्य नेट-सेट मुक्त शिक्षकांना ११ डिसेंबर १९९९ चा हाच शासननिर्णय स्थाननिश्चितीसाठी लागू होतो. या शासन निर्णयात वर नमूद केल्याप्रमाणे “**Regular appointment**” असाच शब्द वापरण्यात आला आहे. त्याचा अर्थ ३०.०८.१९८९ च्या स्पष्टीकरणाप्रमाणे निश्चित करण्यात आला असून तो तसाच आजही लावण्यात येत आहे. कायद्याने १९९९ मध्ये स्थाननिश्चितीची जबाबदारी विद्यापीठाच्या समितीकडे होती ती तशी आजही आहे व त्याशिवाय वेतननिश्चितीची जबाबदारी सुद्धा विद्यापीठाकडे सोपविण्यात आली आहे.

(४) हे सर्वच्या सर्व नेटसेटमुक्त शिक्षक १९९१ नंतर व ११ डिसेंबर १९९९ पूर्वी सेवेत आलेले असल्यामुळे व २७ फेब्रुवारी १९८९ च्या शासन निर्णयाप्रमाणे त्यांची **Regular Appointment** झालेली असल्यामुळेच त्यांना २७ फेब्रुवारी १९८९ च्या शासननिर्णयाने निर्धारित केलेली चौथ्या आयोगाची मुळ वेतनश्रेणी मिळाली व मिळत राहिली. इतकेच नव्हे तर या सर्वांना ११ डिसेंबर १९९९ च्या शासननिर्णयात सुद्धा नमूद केल्याप्रमाणे त्यांची नेमणूक **Regular Appointment** असल्यामुळेच त्यांना ११ डिसेंबर १९९९ च्या शासन निर्णयाप्रमाणे विहित केलेली पाचव्या वेतन आयोगाची समकक्ष वेतनश्रेणी मिळाली व मिळत राहिली. अमरावती विद्यापीठाच्या मा. कुलगुरूंनी दिलेली स्पष्टीकरणे उदाहरण म्हणून येथे दिलेली आहेत. दोनही शासननिर्णय महाराष्ट्रभर लागू असल्याने पूर्ण महाराष्ट्रात स्थिती सारखीच आहे. नेट-सेट मुक्त शिक्षकांच्या विषयी खूपच कळवळा असलेल्या काही अंधश्रद्धाळू भाविकांना “**Regular Appointment**” या शब्दरचनेमुळे “पुढे यांचे कसे होईल?” असा खूपच मोठा उमाळा आल्यामुळे उपरोक्त माहिती नमूद केली आहे. - सचिव ‘नुटा’

**AMRAVATI UNIVERSITY AMRAVATI**  
**Clarification given by the Hon'ble Vice Chancellor on the points raised by the Assessment Committee for starting its work.**

S.N.	Points	Clarification
1.	What constitutes a regular appointment as stated in sub-para (a) of para 12 of Annexure A appended to directive No. 2 of 1989 dated 25th May, 1989.	Appointment made in accordance with the provisions of Law shall be considered to be regular appointment.
2.	Does the coverage include the teachers in the faculties of Social Science and Home Science.	YES.
3.	How the length of service of teachers may be counted.	All services for which salary has been earned prior to continuous service shall be counted for the purposes of counting length of service as per sub para (a) of para 12 of Annexure appended to the directive No. 2 of 1989
&	<b>4 to 7 : Not Printed</b>	

Date 30.08.1989

**(K.G. Deshmukh)**  
Vice-Chancellor Amravati University, Amravati.

reported in **1997 (4) Supreme Court Cases 18** the three Judge Bench considered the issue and held in paragraph No.6 thus:

6. ....The proposition that where applications are called for prescribing a particular date as the last date for filing the applications, the eligibility of the candidates shall have to be judged with reference to that date and that date alone, is a well-established one. A person who acquires the prescribed qualification subsequent to such prescribed date cannot be considered at all. An advertisement or notification issued/published calling for applications constitutes a representation to the public and the authority issuing it is bound by such representation. It cannot act contrary to it. One reason behind this proposition is that if it were known that persons who obtained the qualifications after the prescribed date but before the date of interview would be allowed to appear for the interview, other similarly placed persons could also have applied. Just because some of the persons had applied notwithstanding that they had not acquired the prescribed qualifications by the prescribed date, they could not have been treated on a preferential basis. Their applications ought to have been rejected at the inception itself. This proposition is indisputable and in fact was not doubted or disputed in the majority judgment. This is also the proposition affirmed in *Rekha Chaturvedi v. University of Rajasthan* ...

7.2 In the case of **Gopal Krushna Rath...Versus...M.A.A. Baig (Dead) By Lrs. and others**, reported in **1999 (1) Supreme Court Cases 544** the Hon ble Supreme Court in paragraph Nos.6 and 7 held thus:

6. When the selection process has actually commenced and the last date for inviting applications is over, any subsequent change in the requirements regarding qualifications by the University Grants Commission will not affect the process of selection which has already commenced. Otherwise it would involve issuing a fresh advertisement with the new qualifications. In the case of *P. Mahendran v. State of Karnataka* this Court has observed (SCC p. 416, para 5)

5. It is well-settled rule of construction that every statute or statutory rule is prospective unless it is expressly or by necessary implication made to have retrospective effect. The Court further observed that :

Since the amending Rules were not retrospective, it could not adversely affect the right of those candidates who were qualified for selection and appointment on the date they applied for the post, moreover as the process of selection had already commenced when the amending Rules came into force, the amended Rules could not affect the existing rights of those candidates who were being considered for selection as they possessed the requisite qualifications prescribed by the Rules before its amendment.

7. In the present case, therefore, the appellant possessed the necessary qualifications as advertised on the last date of receiving applications. These qualifications were in accordance with the Rules/guidelines then in force. There is also no doubt that the appellant obtained higher marks than the original Respondent 1 at the selection. There is no challenge to the process of selection, nor is there any allegation of malafides in the process of selection. In the case of **Madan Mohan Sharma and another...Versus...State of Rajasthan and others**,

reported in **2008(3) Supreme Court Cases 724** the Hon ble Supreme Court in paragraph Nos.11 and 12 held thus:

11. ....Once the advertisement had been issued on the basis of the circular obtaining at that particular time, the effect would be that the selection process should continue on the basis of the criteria which were laid down and it cannot be on the basis of the criteria which has been made subsequently.

12. As per the circular which was obtaining at the time when the advertisement was issued dated 24-7-1995, the criteria for selection to the post of teacher Grade III was Secondary Examination though this was changed during the pendency of the advertisement. Subsequent amendment of the Rules which was prospective cannot be made retrospective so as to make the selection on the basis of the Rules which were subsequently amended. If this was to be done, then the only course open was to recall Advertisement No.1 of 1996 and to issue fresh advertisement according to the Rules which had come into force. .... (P 76 of NB 2010)

7.3 अर्ज करण्याची मुदत एकदा संपल्यावर पात्रता बदलविता येत नाही. हायकोर्टाचे अनेक निर्णय :- मा. उच्च न्यायालयाने 1489 of 2010 या प्रकरणांत पुढील प्रमाणे निर्णय दिलेला आहे. :-

10. From the above, it is clear that the subsequent insertion of compulsory NET/SLET 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 advertisements as per earlier eligibility qualifications were duly approved and sanctioned by the University and were also published well before the cut-off date, namely, 11.7.2009 and at any rate before the last date of application that was to be made pursuant to these advertisements. **Last date of application as per advertisements is a crucial date in accordance with the law laid down by the Hon ble Supreme Court.**

11. For all the above reasons, therefore, we answer the question framed by us holding that the selections and appointments made pursuant to the advertisements published in these writ petitions prior to 11.07.2009 shall not be affected by introduction of compulsory NET/SLET eligibility criteria as the said gazette notification dated 11.07.2009 is prospective in nature. In the result, we make the following order. (P 73 of NB 2010)

(8)

**युजीसीची विद्यमान भूमिका**

Even as late as in 2010 the latest UGC Regulations Notified under No.F.3-1/2009 dated 30<sup>th</sup> June 2010 dealt with the question of counting of service for placement benefits as under:

**“10.0 COUNTING OF PAST SERVICES FOR DIRECT RECRUITMENT AND PROMOTION UNDER CAS:**

**10.1 (f) The ad hoc or temporary service of more than 1 year duration can be counted provided that**

**(i) The period of service was of more than one year duration**

**(ii) The incumbent was appointed on the recommendation of duly constituted selection committee and**

**(iii) The incumbent was selected to the permanent post in continuation to the ad hoc or temporary service without any break**

This is in line with the Hon ble Supreme Court decision rendered in Sharadendu Bhushan, Appellant v. Nagpur University, Nagpur & Ors, Respondents (AIR 1988, Supreme Court 335) that **experience is the basis of placement.**"

(9)

**केंद्राचे याबाबतचे युजीसीला आदेश**

दिनांक ३ नोव्हेंबर २०१० च्या पत्रान्वये केंद्र शासनाच्या मानव संसाधन विभागाने दिलेल्या आदेशात पुढील उल्लेख आहेत :-

"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.

Similarly, since by Commissions own admission, the regulations are prospective in nature and not retrospective." (P 6 of NB 2011)

(10)

**युजीसीचा धोरणात्मक निर्णय**

१०.१ एकूणच नेटसेट ग्रस्त शिक्षकांचा विचार करतांना एप्रिल २००० नंतर झालेल्या नेमणुकांच्या 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.

१०.२ 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."

१०.३ 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;

(11)

**युजीसीच्या धोरणात्मक निर्णयावर मा. उच्च न्यायालयाने दिलेला निर्णय**

Writ Petition Nos. 4266/2006, 5037/08,4486/2007, 4386/07, 4500/07 and 462/2008

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, 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.

Hence, the relief prayed for by the petitioners who are not similarly placed will have to be in accordance with the Government of India order dated 12.11.2008 and now the said issue has to be resolved by the University Grants Commission on the recommendations of the University concerned and, undoubtedly, the final decision of the UGC has to be as per the order passed by the Government of India, and as reproduced here-in- above.

The petitioners, therefore, will have to approach the University concerned, which in turn may submit its report of University Grants Commission, (P 171 of NB 2008)

(12)

**४ महिन्यात निर्णय करा**

In the High Court of Judicature at Bombay, Appellate side. Writ Petition No. 5782 of 2001 Coram V.G.Palshikar & Smt. Nishita Mhatre. JJ Date : 18.4.2002

5. In view of the fact that no time limit is fixed by the Aurangabad bench. In our opinion, interest of justice require that such time limit is fixed. The process of receiving the requests from the management for consideration regarding relaxation etc. of the conditions by the UGC will take time and it would therefore be appropriate to fix some time limit. The managements where they are directed to approach the UGC for relaxation shall do so within four months from the date of the order of this court. The concerned University then process the same and forward them to UGC. This be done by the concerned Universities within four months of receiving the requests from the managements. The UGC will have then four months time to process the applications and request so made and then take decision. (P 42 of NB 2002)

(13)

१३. दिनांक ३ सप्टेंबर २०१० रोजी मुंबई उच्च न्यायालयाने No. 1893 of 2010 या प्रकरणात पुढील प्रमाणे निर्णय दिला. :-

2. Admitted position is that the Petitioner in these petitions are working as Lecturers in different Colleges affiliated to Pune University. It is also common ground that their pay was fixed in the senior scale and the selection grade earlier. They were also paid in the senior scale and the selection grade as per the Government Resolution dated 11th December, 1999.

It is also an admitted position that now by the orders which are impugned in these petitions, **the Joint Director, Higher Education has cancelled the order made by him earlier fixing the scale of pay of the Petitioners in senior scale and selection grade.** It is also an admitted position that this has been done without issuing any show cause notice to the Petitioners. **In our opinion, the orders**

### NOTICE

It is hereby notified for the information of all the members of the Nagpur University Teachers' Association (Hereinafter referred to as NUTA) that :-

1) In accordance with the provision of article VI(a) of the constitution of NUTA the General Body of NUTA will elect (A) President (B) Two Vice Presidents out of which one shall be from the Nagpur University area and one shall be from Amravati University area. (C) Secretary (D) Two Joint Secretaries out of which one shall be from the Nagpur University area and one shall be from Amravati University area. (E) Treasurer (F) Five Executive Committee members, for the five year tenure commencing from 1st January 2012 in its next meeting.

2) The Membership Register of the Association will remain closed from 5 P.M. of 30th September 2011 to 5 P.M. of 27th November 2011.

3) Nomination papers duly filled in must be submitted to the Secretary, NUTA (to be assisted by joint Secretary, NUTA) at NUTA Office, D. Lakshminarayan Building, Amravati Road, Nagpur. from 11 A.M. to 2 P.M. on 1st October 2011.

4) Scrutiny of nomination forms will be held on 1st October 2011. at 3.00 P.M. at NUTA Office, D. Lakshminarayan Building, Amravati Road, Nagpur.

5) Publication of the List of validly nominated candidates at 4.00 P.M. on 1st October 2011.

6) Date of withdrawal :- 3rd October 2011 upto 3 P.M.

7) Final list of the candidates will be published on the Notice Board of the Office on 4th October 2011 and also will be published in NUTA Bulletin along with the Agenda of the General Body Meeting.

8) Each candidate must submit a Nomination form as given below on plain paper, preferably typed. Separate Nomination form will not be supplied.

9) Candidates contesting for the office of the Vice Presidents and Joint Secretaries shall have to mention in col no. 1 as Vice President/Joint Secretary, (Nagpur University Area) or (Amravati University Area) as the case may be.

Dated : 20th September 2011

Sd/ E.H.Kathale  
Secretary, NUTA

### NAGPUR UNIVERSITY TEACHERS' ASSOCIATION : NOMINATION FORM

- 1) Contesting for the office of .....
- 2) Name of the Candidate .....
- 3) Postal Address of the candidate including Pin .....
- 4) Tel.No. (With STD) R .....O .....Mobile.....
- 5) Life membership No. of the candidate.....
- 6) Name of the proposer.....
- 7) Life membership No. of the proposer .....
- 8) Signature of the proposer.....
- 9) Signature of the candidate.....
- 10) Date and Time.....

I hereby declare that I am not a superannuated Teacher.

### RECEIPT

Received a Nomination Form of Shri./  
Smt..... on  
..... at ..... for the office of  
.....

Secretary

**made in favour of the Petitioners as a result of which there was enhancement in the pay package of the Petitioners, could not have been cancelled by the Joint Director without hearing and issuing show cause notice to them.** As it is an admitted position that the orders granting senior scale and selection grade have been cancelled without granting an opportunity of being heard to the Petitioner, in our opinion, those orders will have to be set aside.

3. In the result, therefore, all the petitions succeed and allowed. **The orders impugned in the petitions, whereby the orders made earlier fixing the scale of pay of the Petitioners in senior scale and selection grade have been cancelled, are set aside,** with liberty to the Respondent No.2 to make fresh order in accordance with law. All the contentions available to both sides are kept open. Rule made absolute. No order as to costs. (P 39 of NB 2011)

(14)

१४. दिनांक २४ मार्च २०११ रोजी मुंबई उच्च न्यायालयाच्या औरंगाबाद खंडपीठाने 1991 of 2011 या प्रकरणात पुढील प्रमाणे निर्णय दिला. :-

2. Admittedly, the petitioners in the present petitions are appointed as Lecturers in different colleges in this region. Admittedly, their pay was fixed in the senior scale and the selection grade earlier as per the applicable Government Resolution dated 11th December, 1999. Admittedly, **the Joint Director of Higher Education, Pune Region has cancelled the order of earlier pay fixation. It is admitted fact that this exercise was carried without issuing any show cause notices to the petitioners.** Thus, the petitioners are adversely affected by the order without granting an opportunity of being heard. In our opinion, therefore, those orders will have to be set aside. Further, some of the Lecturers working within the jurisdiction of Pune University with the similar grievances have succeeded on this ground, **vide order dated 3rd September, 2010 passed in writ petition No. 1893/2010 and five other writ petitions,** a copy of which is placed before us by learned counsel for the petitioners.

3. In the result, all the petitions succeed and are allowed. **The impugned orders are set aside with liberty to the Joint Director of Higher Education to make fresh order in accordance with law.** All the contentions to both the sides are kept open. Rule made absolute. No order as to costs. (P 38 of NB 2011)

(15)

१५. दिनांक २० एप्रिल २०११ रोजी मुंबई उच्च न्यायालयाच्या नागपूर खंडपीठाने 4909 of 2010 या प्रकरणात पुढील प्रमाणे निर्णय दिला. :-

We have considered the contentions canvassed by the learned Counsel for the parties. In the backdrop of the above referred facts, it is apparent that though the University Grants Commission vide notification dated 5/11/2008 exempted Lecturers from clearing NET/SET examination, however, only because the date from which such exemption would come into effect was not communicated/declared by the University Grants Commission, the claims of the petitioners for grant of senior grade pay scale as per Career Advancement Scheme could not be finalized by the State Government. **The State Government is ready and willing to consider the claims of the petitioners for grant of benefits under Career Advancement Scheme provided University Grants Commission communicates the date from**

which exemption granted vide notification dated 5/11/2008 becomes effective. It is also brought to the notice of this Court that the State Government has already made a request to the University Grants Commission in this regard.

In the above background, **We direct the respondent no.5 University Grants Commission to communicate to the State Government the date when such exemption became effective as per notification dated 5/11/2008 in respect of the petitioners, within a period of three weeks from the date of communication of this order. We direct the State Government to reconsider the claims of the petitioners on receipt of communication from the University Grants Commission in respect of effective date of exemption, in accordance with law and procedure applicable in this regard at the earliest. With these observations and directions, the petition is disposed of.**

Copy of this order be given to Shri Mishra, learned Assistant Solicitor General for respondent no.5. (P 35 of NB 2011)

(16)

१६. शिवाजी विद्यापीठ कोल्हापूरचे मा. कुलगुरु श्री. माणिकराव साळुंके यांनी विद्यापीठ अनुदान आयोगाच्या अध्यक्षाना दिनांक ५ ऑगस्ट २००८ रोजी पत्र लिहून पुढील प्रमाणे कळविले. :-

“It becomes pertinent that Universities have to issue regulations/order for the implementation of these qualifications, including the condition of NET/SET, by the UGC, either by its Academic Council, which is generally and traditionally authorized to lay down the necessary and minimum qualifications of teachers, OR by the Vice Chancellor, who is duly authorized, under his emergency powers, to take the necessary action, on behalf of the Academic Council, under Section 11(4) of the University Act, 1974, then in existence.

We reliably learn that no such order had been issued in any of the Universities in the State of Maharashtra.

Since NET/SET condition was not inducted as a part of compulsory qualification of teachers, at the recruitment level by legal instrument, hundreds of candidates without NET/SET, have been recruited from 1991 till the Cut Off date of 7th January, 2000 in this University area. Naturally, advertisements were approved, Selections of teachers were made, approvals were also duly granted by the Universities including our University, also, and further because it was perfectly lawful recruitment in the teaching cadre, 100 % salary grants, including annual increments, had been paid by the State Govt. as well as by the UGC also (by way of revised scales from 01.01.1986), in respect of such lawfully recruited teachers year after year from 1991 and such teachers continue to be paid so even today.

In this respect, it is important to look at the second provision, as given in the second para of the UGC Regulations dated 4th April, 2000, which reads thus : **"Provided further that these regulations shall not be applicable to such cases where selections of the candidates, having had the then requisite minimum qualifications 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 "** (the emphasis provided.)

After having taken into consideration all the above

situations/ Circumstances, in our opinion, it is quite clear that the NET/SET condition could not be legally made applicable to such teachers/candidates, whose strength is about 10,000 in the entire state. These teachers ought to have already been released from acquiring NET/SET condition.

Atleast, after a long period of time now we the University Grants Commission (UGC) and the respective University, may do it now. The University shall fulfill all necessary formalities after the UGC takes the initial action in this respect.

If Necessary State Government of Maharashtra representative may be called for no objection from the side of the State Government, Requisite orders may please be passed in this regard, so as to regularise the problems of the concerned teachers.” (P 165 of NB 2008))

(17)

१७. मा. दिल्ली उच्च न्यायालयाने दिनांक ६ डिसेंबर २०१० रोजी 13689 of 2009 या प्रकरणात दिलेल्या निकालात निर्णयाचा परिच्छेद ३६ पुढील प्रमाणे आहे. :-

“36. Further, we find that Regulations 2009 are in no way retrospective in nature. In fact, they are prospective inasmuch as they apply to appointments made or proposed to be made after the date of notification and do not apply to appointments made on regular basis prior to the said date.” (P 20 of NB 2011)

(18)

१८. संत गाडगेबाबा अमरावती विद्यापीठाने “एक्झम्शन” मिळालेल्या शिक्षकांच्या बाबतीत २६ मे २०१० पूर्वी स्थाननिश्चिती केली असून पुढील प्रमाणे प्रमाणपत्र अशा सर्व शिक्षकांना प्रदान केले आहे. :-

**“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.”  
(P 8 of NB 2011)



## MAHARASHTRA FEDERATION OF UNIVERSITY & COLLEGE TEACHERS' ORGANISATIONS (MFUCTO)

*Registered under the Trade Union Act 1926. No By II-8162 of 1985*  
*Affiliated to the All India Federation of University and College Teacher's Organizations (AIFUCTO)*  
**Vidyapeeth Vidyarthi Bhavan, 'B' Road, Churchgate, Mumbai – 400 020**

**PRESIDENT**

Prof. Shivajirao Patil  
SHIVAI 39 Rewu Nagar, Dheku Road,  
Amalner 425 401, District Jalgaon  
(9422278418)

**GENERAL SECRETARY**

Dr. Tapati Mukhopadhyay  
Park Side 3, Wing, Flat No. 1308 Kulupwadi  
Road, Borivali (East) Mumbai 400 066  
(022-28871430, 9820319455)

7th May 2011

**The Chairman**

University Grants Commission  
Bahadur Zafar Marg  
New Delhi-111 002.

**Subject: Counting of service for the purpose of Placement benefits in respect of Teachers appointed in Maharashtra from 19-9-1991 to 4-4-2000**

Hon'ble Chairman, Sir:

MFUCTO is compelled to send this letter to you in connection with the above-mentioned subject in as much as almost since the year 2003 the matter has been pending for proper direction from your end to Government of Maharashtra and/or to the Non-Agricultural Universities in Maharashtra. The detailed particulars are set out hereunder:

1. The Government of Maharashtra did not introduce NET/SET qualification as a mandatory entry point qualification condition till 11th December 1999 though UGC Notification was released on 19th September 1991. It was only by GR dated 11/12/1999 when the fifth pay commission scales of pay were brought into effect retrospectively from 1-1-1996 that the qualification of NET/SET as mandatory entry point qualification condition was introduced.

2. In view of this, about 10,000 Lecturers came to be appointed in Maharashtra in the different Universities and affiliated Colleges between the period 19-9-1991 and 4-4-2000. All these appointments were -

(i) through duly constituted selection committees with nominees of the Government, the University and also subject experts after following the procedures laid down for such interview and selection

(ii) reported to the University and received approvals for the appointments in some of the earlier cases on probation and later cases as 'ad hoc' Lecturers till they complete NET/SET qualification

(iii) in the UGC scales applicable to Lecturers under the Fourth pay commission from 1-1-1986, fifth pay commission under 1-1-1996 and sixth pay commission from 1-1-2006.

3. In view of the fact that selection committees had selected these Lecturers on the basis of Advertisements released by the college, it is well settled law that no new qualification condition could be applied to the said Lecturers inasmuch as that would amount to retrospective application of new qualification conditions. In fact, in this respect, the Hon'ble Supreme Court Judgment in Gopal Krishna Rath versus M.A.A. Baig by Lrs & Ors {1999(1) Supreme Court Cases 544} would hold the fort. It has held -

**“6. When the selection process has actually commenced and the last date for inviting application is over, any subsequent change in the requirements regarding qualifications by the University Grants Commission will not affect the process of selection which has already commenced. Otherwise it would involve issuing a fresh advertisement with the new qualifications.”**

4. The Lecturers falling under this category however have not been given the placement benefits in the senior scale and selection grade by the Director of Higher

Education, Maharashtra State and the Joint Directors of Higher Education insisting arbitrarily on NET/SET being cleared by these Lecturers. Such insistence amounts to retrospective implementation of the qualification of NET/SET which is illegal and impermissible.

5. A number of Lecturers whose appointments were after 11<sup>th</sup> December 1999 and for whom NET/SET qualification condition was made mandatory had filed Writ Petitions in the Bombay High Court as also in its Nagpur and Aurangabad Benches. This led to two Judgments and Orders of two Ld. Division Benches of the Hon'ble High Court viz.

**(i) dated 20<sup>th</sup> February 2002 of Their Lordships Hon'ble B.H. Marlapalle and Hon'ble N.H. Patil, JJ {reported in 2003(2) Mh.L.J.}**

and

**(ii) dated 18<sup>th</sup> April 2002 of His Lordship Hon'ble V.G. Palshikar and Her Ladyship Hon'ble Mrs. Nishita Mhatre (Unreported).**

By this, it was firmly opined that teachers were entitled to claiming exemptions from NET/SET at the level of the UGC under both the Regulation of 19-9-1991 and/or 4-4-2000. The cases were directed to be sent to the UGC for the purpose. The latter Judgment directed as under:

**“In view of the fact that no time limit is prescribed by the Aurangabad bench, in our opinion, interest of justice require that such time limit is fixed. The process of receiving the request from the Management for consideration regarding relaxation etc., of the condition by the UGC will take time and it would therefore be appropriate to fix some time limit. The management where they are directed to approach the UGC for relaxation shall do so within four months from the date of the order of this Court. The concerned University then process the same and forward to UGC. This be done by the concerned Universities within four months of receiving the requests from the Managements. The UGC will have then four months time to process the application and request as made and then take decision.”**

6.

The UGC did not take any action and therefore Contempt Petition was filed before the Hon'ble High Court at Bombay. This resulted in the UGC taking up cases for grant of exemptions after laying down guidelines for the same. The process went on, though slowly, and a few thousand cases were cleared by granting exemptions to the Lecturers. As the process was going on, UGC by decision taken at the UGC Meeting on 23<sup>rd</sup> February 2010 cleared exemptions in more than 3500 cases and the same were duly communicated to the Universities concerned and to the colleges and then to the Lecturers. Thereafter the Ministry of HRD by its letter dated 30<sup>th</sup> March 2010 directed UGC to treat all the exemptions as 'cancelled'. The UGC followed suit and communicated to the Universities the cancellation of its earlier decision.

7. Thereafter on the matter being taken up by the MFUCTO through a demonstration at New Delhi on 2<sup>nd</sup> August 2010, the Hon'ble Minister for HRD, Shri Kapil Sibal met the delegation of the MFUCTO in the presence of

Hon'ble Member of Parliament, Shri Basudev Acharya. The Hon'ble Minister clearly pointed out that NET/SET had become mandatory entry point qualification only from June 2009 and Hon'ble Supreme Court in Delhi University V/s. Raj Singh & Ors (AIR, 1995, SC, 336) had clearly ruled that (i) the Regulations are valid; (ii) they are recommendatory in character and (iii) the application of the provisions are prospective in nature. The last part of the said Judgment in para.24 clarifies the issues as under:

**“24. It is now appropriate to clarify the direction that the Delhi High Court issued in allowing the writ petition. It held that the Notification dated 19<sup>th</sup> September 1991 by which the said Regulations were published was valid and mandatory and the Delhi University was obliged under law to comply therewith. The Delhi University was directed to select lecturers for itself and its affiliated and subordinate colleges strictly in accordance with the notification. Put shortly, the Delhi University is mandated to comply with the said Regulations. As analyzed above, therefore the Delhi University may appoint as a lecturer in itself and its affiliated colleges one who has cleared the test prescribed by the said Regulations or it may seek prior approval for the relaxation of this requirement in a specific case; or it may appoint as lecturer one who does not meet this requirement without having first obtained the UGC's approval, in which event it would if it failed to show cause for its failure to abide by the said Regulations to the satisfaction of the UGC, forfeit its grant from the U.G.C. If however it did show cause to the satisfaction of the U.G.C., it not only would not forfeit its grant but the appointment made without obtaining the U.G.C's prior approval would stand regularized.”**

8. The High Court at Bombay while disposing of 8 Writ Petitions Nos. 1893, 1894, 1900, 1901, 1902, 2083, 2312 and 2314 all of 2010 has passed Order dated 3rd September 2010 quashing and setting aside the Order passed by the Joint Director of Higher Education, Pune Region, because the said Joint Director had cancelled the Placement benefits already given to the teachers in the senior scale and selection grade by counting their entire service. A copy of the said Judgment is enclosed.

9. Recently, the Hon'ble Bombay High Court (Nagpur Bench) in Writ Petition No.4908 of 2010 by Judgment and order dated 20<sup>th</sup> April 2011 (copy enclosed) has directed as under (page 4, last para):

**“In the above background, we direct the respondent No.5 University Grants Commission to communicate to the State Government the date when such exemption became effective as per notification dated 5/11/2008 in respect of petitioners, within a period of three weeks from the date of communication of this order.....”**

10. The UGC while granting exemptions has consistently communicated the decision of exemption as under:

Sr. No.	Name of candidate	Name of the college	Sub-ject	Date of appointment
1	2	3	4	5

A specimen copy of the UGC intimation to one of the Universities is enclosed.

11. MFUCTO submits that the UGC has taken the view that for Placement benefits the period of service that should be considered is 'the service rendered by the teachers from the date of appointment'. UGC has come out with clear directions that even if the service is ad hoc it should be counted for the purpose of placement in the senior scale and selection grade provided the ad hoc service was for more than one year. The particulars of such decisions are -

(i) UGC Notification of 1993 in which in para.8.0.0

viz., COUNTING OF PAST SERVICE, it is clearly set out at 8.6.0 (a), (b) and (c) as under:

**8.6.0 (a) The ad hoc service was of more than one year duration**

**(b) The incumbent was appointed on the recommendation of duly constituted selection committee and**

**(c) The incumbent was selected to the permanent post in continuation to the ad hoc service without any break**

(ii) UGC by letter D.O. No.F.2-6/98 (PS) dated 25<sup>th</sup> December 1998 had pointed out that the decision of the UGC was after obtaining legal opinion in respect of counting of service for Placement benefits in the Senior Scale and Selection Grade.

(iii) Even as late as in 2010 the latest UGC Regulations Notified under No.F.3-1/2009 dated 30<sup>th</sup> June 2010 dealt with the question of counting of service for placement benefits as under:

**10.0 COUNTING OF PAST SERVICES FOR DIRECT RECRUITMENT AND PROMOTION UNDER CAS:**

**10.1 (f) The ad hoc or temporary service of more than 1 year duration can be counted provided that**

**(i) The period of service was of more than one year duration**

**(ii) The incumbent was appointed on the recommendation of duly constituted selection committee and**

**(iii) The incumbent was selected to the permanent post in continuation to the ad hoc or temporary service without any break**

This is in line with the Hon'ble Supreme Court decision rendered in Sharadendu Bhushan, Appellant v. Nagpur University, Nagpur & Ors, Respondents (AIR 1988, Supreme Court 335) that '**experience is the basis of placement**'.

12. In fact, Government of Maharashtra had also acted on these directions correctly as will be revealed from the following:

(i) The Government of Maharashtra through GR No.USG/1298/34026/(4712)/Vshi-4, dated 6<sup>th</sup> March 1999 has covered the said three conditions in full for the purpose of placements in the Senior Scale and Selection Grade.

13. MFUCTO has been pointing out that the teachers in Maharashtra appointed between 19-9-1991 and 4-4-2000 did not require NET/SET qualification at all. They fully satisfy the UGC conditions for counting of full service for placement benefits. They are therefore entitled to counting of service from the first date of their appointments through selection committees.

**14. While acting on the directions given by the Hon'ble High Court (Nagpur Bench), UGC must direct Government of Maharashtra accordingly so that the Lecturers, who have received exemptions already, get the benefit of placements in the senior scale and selection grade by counting their entire service which is regular appointment.**

Thanking you,

Yours faithfully  
(Tapati Mukhopadhyay)  
General Secretary, MFUCTO

Cc: The Secretary, UGC, New Delhi For information and necessary action

**Enclosures:** (1) Encl 1- Order of Bombay High Court dated 3rd September 2010

(2) Encl 2- Order of Bombay High Court (Nagpur Bench) dated 20<sup>th</sup> April 2011

(3) Encl 3- Specimen copy of UGC intimation to Pune University on Exemptions

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH AT NAGPUR  
Writ Petition No. 2496/2011**

**Dhananjay Gajananrao Gudadhe**

**VERSUS Sant Gadgebaba Amravati University & others**

Shri A.S. Kilor, counsel for the petitioner. : Shri J.B. Kasat, counsel for the respondent no.1.  
Shri K.H. Deshpande, Senior Counsel WITH Shri A.C. Dharmadhikari, counsel for the respondent nos.2 and 3.

**CORAM : SMT. VASANTI A. NAIK AND PRASANNA B. VARALE, JJ.**

**DATE : JUNE 24 , 2011 .**

Heard.

By this petition, the petitioner prays for quashing and setting aside the notification dated 28.04.2011 issued by the Management Council in regard to the appointment of the respondent nos.2 and 3 as members on the Board of Physical Education and Recreation under Ordinance No.3A framed by the respondent no.1 University.

The petitioner is nominated as a member on the Board of Physical Education and Recreation under Ordinance No.3A of the respondent no.1 University. By the same notification dated 28.04.2011, by which the petitioner was nominated as one of the members on the Board of Physical Education and Recreation, the respondent nos.2 and 3, working as Principal and Lecturer in the Degree College of Physical Education, run by Hanuman Vyayam Prasarak Mandal, Amravati were also nominated as Members on the Board of Physical Education and Recreation. It is the case of the petitioner that the petitioner wants to contest the election of the Chairman of the Board of Physical Education and Recreation. Hanuman Vyayam Prasarak Mandal, Amravati is a College with autonomous status and it is the case of the petitioner that being an autonomous institution, the same cannot be treated as an affiliated college. According to the petitioner, since the respondent nos.2 and 3 were not working as Principal and Lecturer in an affiliated college, they were not entitled to be nominated as Members on the Board of Physical Education and Recreation. It is the case of the petitioner that the respondent nos.2 and 3 are wrongly nominated as members on the said board and they would be entitled to vote at the election of the Chairman of the Board, which the petitioner is contesting. **The petitioner, therefore, sought a writ for quashing and setting aside the notification dated 28.04.2011, so far as it nominated the respondent nos.2 and 3 as members on the Board of Physical Education and Recreation.**

Shri Kilor, the learned counsel for the petitioner, took this Court through the direction issued by the respondent no.1 University on 02.04.2011 prescribing the procedure to be adopted for appointment, nomination on the Board of Physical Education and Recreation. It is the case of the petitioner that Appendix I annexed to the said direction shows that one of the members is to be nominated from the category of 'Principal of College' either of Amravati or outside and one woman Lecturer working in the college of Physical Education, which is affiliated to respondent no.1 Gadgebaba Amravati University, is to be nominated. The learned counsel for the petitioner submitted that the term 'College' is defined under the provisions of Maharashtra Universities Act, 1994 and the same means 'a college conducted by the University or affiliated to the University, situated in the University area'.

The learned counsel for the petitioner took this Court through the definition clause and specifically Sections 2(5) and 2(6) thereof, which define the terms 'autonomy' and 'autonomous college'. It is submitted on behalf of the

petitioner that an autonomous institution has full academic, administrative and financial autonomy and it means a college, institution or a department, to which autonomy is granted. The learned counsel for the petitioner submitted that an autonomous institution or college loses its affiliation no sooner it acquires the status of an autonomous institution. The learned counsel for the petitioner relied on Clause No.48 of Statute No.3 of 2007 to substantiate his submission that the affiliation is reacquired or resumed by an autonomous college after its autonomous status is revoked or surrendered. This clause, according to the learned counsel for the petitioner, clearly shows that the affiliation granted to a college is lost on acquiring an autonomous status and is regained on the revocation or the surrendering of an autonomous status. The learned counsel for the petitioner took this Court through the various provisions of the Act to show that there are various Boards and Committees formed for the administration of the universities and the colleges thereunder, whereas, in view of the provisions of Statute No.3 of 2007, an autonomous institution has a separate board of management as provided in Clause 20 and 21 thereof. The learned counsel for the petitioner submitted that over the affiliated college, the university has an absolute and total control but, such control is not exercised by the university over an autonomous institution. According to the learned counsel for the petitioner, since the autonomous institution, in which the respondent nos.2 and 3 work as the Principal and Lecturer, was not an affiliated college, they could not have been nominated as Members on the Board of Physical Education and Recreation by the notification dated 28.04.2011.

Shri Kasat, the learned counsel for the respondent no.1 University, submitted by referring to the submissions made in the affidavit in reply that Hanuman Vyayam Prasarak Mandal was granted permanent affiliation by the respondent no.1 University **under Section 88 of the Act of 1994 in the year 2000 and since then the said institution is paying the affiliation fees and is treated as a college affiliated to the respondent no.1 University.** It is the case of the respondent no.1 that though the Mandal had been conferred an autonomous status for a period of five years with effect from 2007 to 2011 in respect of certain courses, the Mandal did not lose its affiliation to the respondent no.1 University. It is the case of the respondent no.1 that the permanent affiliation granted to the Mandal is not revoked, withdrawn or cancelled by the University till this date. The learned counsel for the respondent no.1 relied on the provisions of Section 89 of the Act of 1994, specially SubSection 1 thereof, to canvas that it is only the University, Department or Institution, affiliated college or recognized institution, which can apply to the university for grant of autonomous status. The learned counsel for the respondent no.1 submitted that affiliation is a prerequisite for seeking the grant of autonomous status and the affiliation subsists even after acquisition of an autonomous status. **The learned counsel for the respondent no.1 sought for the**

**dismissal of the writ petition.**

Shri Dharmadhikari, the learned counsel for the respondent nos.2 and 3, supported the nomination of the respondent nos.2 and 3 as members on the Board of Physical Education and Recreation, and submitted that the submission of the petitioner that an autonomous institution loses its affiliation on the acquisition of an autonomous status, is misconceived. The learned counsel for the respondent nos.2 and 3 took this Court through the provisions of Statute No.3 of 2007 and specially Clause 3 thereof, which after stating the objectives of autonomy added a note that an autonomous college shall mean and include affiliated, conducted and/or constituted college. By relying on Clause 3 of Statute No.3 of 2007 it is canvassed that an autonomous college or an institution is also answerable to the Parent University. The learned counsel for the respondent nos.2 and 3 submitted that the students of an autonomous institution are awarded the degrees by the respondent no.1 University. The learned counsel for the respondent nos.2 and 3 also relied on the provisions of Section 91 of the Act of 1994, which provides for withdrawal of affiliation or recognition and submitted that affiliation or recognition can be withdrawn by the university only if the college or institution conducts itself in a manner prejudicial to the interest of the university or the standards laid down by it and for no other reason.

On hearing the learned counsel for the parties and on perusal of the provisions of the Act of 1994 along with Statute No.3 of 2007 framed by the respondent no.1 University under Section 89 of the Maharashtra Universities Act, 1994, it appears that the respondent no.1 University did not commit any error in nominating the respondent nos.2 and 3 as members on the Board of Physical Education and Recreation by the notification dated 28.04.2011. It is nobody's case that the Mandal was not affiliated to the respondent no.1 University till it acquired the autonomous status in the year 2007. It is, however, the case of the petitioner that the Mandal lost its affiliation to the respondent no.1 University after gaining the status of an autonomous college, whereas **it is the case of the respondent nos.1 to 3 that the affiliation granted to the Mandal was not lost on the acquisition of the status of an autonomous college or institution.**

Section 89 of the Act of 1994 stipulates that an University, Department or Institution affiliated college or Recognized Institution may apply to the University for grant of autonomous status. The Mandal was an affiliated college before it applied to the University for grant of autonomous status. There is nothing in the Act or Statute No.3 of 2007 to show that the affiliation of the college to the Parent University is lost no sooner the college or institution acquires the autonomous status. **In fact, the provisions of clause 3 of Statute No.3 of 2007 make it clear that an autonomous college means and includes an affiliated, conducted or constituted**

**college. Clause 3 further makes it clear that the autonomous college or institution is fully accountable for the content and quality of education that it imparts and is responsible for evaluation of students for Awards or Degree, Diploma and Certificates, which would be accepted by the Parent University.** Merely because the autonomous college is required to constitute a Board of Management, which is quite distinct and separate from the Committees and Boards, which are constituted in terms of the provisions of the Act of 1994, it cannot be said that the autonomous institution loses its affiliation to the Parent University no sooner than it acquires an autonomous status. Clause 48 of the Statute No.3 of 2007, on which great reliance is placed by the learned counsel for the petitioner, does not in any manner suggests that the college or institution conferred with autonomous status loses its affiliation to the Parent University. All that Clause 48 provides is that on revocation or surrender of the autonomous status, the college or department again resumes the status of an affiliated or conducted college as it was holding prior to the grant of an autonomous status. Clause 48 speaks about the status of an affiliated or the conducted college and does not speak merely of affiliation. Moreover, Section 2(10) of the Act of 1994 stipulates that a 'College' means a college conducted by the University and Section 2(6) stipulates that an 'autonomous college' means a 'college' to which autonomy is granted and is designated to be so by the statutes. **Since an autonomous college is a 'college' and a 'college' means a college, which is conducted by the University or affiliated to the University and since in this case, the Mandal was not a college conducted by the University and was a college affiliated to the University, it would be a college affiliated to the University.**

There was surely no withdrawal of the affiliation as stipulated by the provisions of Section 91 of the Act of 1994 in this case. The Mandal continuously paid the affiliation fees to the respondent University even after acquiring the autonomous status in the year 2007 and the respondent no.1 University also considered that the Mandal was one of its affiliated colleges and had not lost the affiliation by acquiring the autonomous status in the year 2007. **The case of the petitioner that the respondent no.1 committed an error in nominating the respondent nos.2 and 3 as the members on the Board of Physical Education and Recreation, though they did not work as Principal and Lecturer in the affiliated college, is devoid of merit and is, therefore, rejected. Hence, for the reasons aforesaid, the writ petition is dismissed with no order as to costs. It is needless to mention that the interim order granted by this Court stands vacated with the dismissal of the writ petition.**

JUDGE

JUDGE

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