

**MINUTES**

of the General Body Meeting of  
NAGPUR UNIVERSITY TEACHERS' ASSOCIATION  
held at 12.00 noon on **SUNDAY, the**

**21 st May, 2006 at**  
**Late Narayanrao Amrutrao Deshmukh**  
**Mahavidyalaya, Chandur Bazar**  
**Dist. Amravati**

General Body of Nagpur University Teachers' Association met at 12.00 noon on Sunday, the 21st May 2006 at Late Narayanrao Amrutrao Deshmukh Mahavidyalaya, Chandur Bazar Dist. 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, 0072, 0090, 0112, 0184, 0185, 0302, 0389, 0429, 0433, 0462, 0496, 0687, 0724, 0855, 1113, 1121, 1122, 1161, 1177, 1406, 1525, 1781, 1792, 1948, 2009, 2038, 2046, 2049, 2066, 2108, 2120, 2137, 2138, 2148, 2399, 2434, 2439, 2495, 2524, 2603, 2664, 2666, 2834, 2861, 3299, 3300, 3319, 3341, 3351, 3375, 3427, 3432, 3440, 3443, 3446, 3449, 3451, 3464, 3469, 3480, 3492, 3494, 3497, 3498, 3504, 3512, 3550, 3566, 3568, 3573, 3594, 3619, 3621, 3625, 3659, 3667, 3706, 3750, 3764, 3770, 3778, 3780, 3792, 3803, 3815, 3835, 3898, 3957, 3975, 4021, 4097, 4101, 4335, 4346, 4411, 4428, 4435, 4491, 4630, 4706, 4786, 4791, 4888, 4896, 4905, 4912, 4937.

Agenda of the General Body meeting was circulated on pages 13 to 15 of 2006 NUTA Bulletin. Additional Agenda was circulated to the members as on pages 36 to 37 of 2006 Ex-File.

**POSTPONED ITEM****ITEM NO. 415 :  
TO INCREASE LIFE MEMBERSHIP  
FEE :**

**Approved** the following resolution Moved by Prof. S.A.Tiwari, On behalf of the Executive Committee:-

**(A) Resolved that the life membership Fee of NUTA be increased from Rs. 4001 to Rs. 10001/-**

**(B) Further resolved** that the above resolution will come into force with effect from 1st October 2006.

**(C) Resolved further** that from the date of the publication of this Resolution in the NUTA Bulletin till 30th September 2006 **Life Membership Fee in full may be accepted by the Treasurer only in the form of crossed Demand Draft.** During this period, under no circumstances, the Treasurer will accept the Life Membership Fee by cheque or cash.

**Note :- (A) The provision in the Constitution of the Association is in para 3, which reads as follows :**

*"The Life Membership Fee may be increased at any time by a resolution passed by the General Body."*

**ITEM NO. 424 :  
CONFIRMATION OF MINUTES :**

**(A) CONFIRMED** the minutes of the General Body meeting of Nagpur University Teachers' Association held at 12.00 noon on Sunday, the **28 th August, 2005 at Savitri Jyotirao Social Work College, Yavatmal**

**Notes :-** 1) Copy of the minutes was Circulated on pages 121 to 127 of 2005 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 **28 th August, 2005 at Savitri Jyotirao Social Work College, Yavatmal vide No.CIM/20 Dated 20th October, 2005 published on page 135 of 2005 NUTA Bulletin.** No correction was received.

**विषय क्रमांक ४२४ (अ) :**

**प्रा. श्री. योगराज सी. भाईक यांच्या  
निधनावद्दल शोकप्रस्ताव**

प्रा. योगराज सी. भाईक यांच्या दुःखद निधनावद्दल प्रा. डॉ. सुनिल हजारें यांनी मांडलेला पुढील शोक प्रस्ताव **सम्मत करण्यात आला :-**

“नेवजाबाई हितकरिणी महाविद्यालय ब्रम्हपुरी, जि. चंद्रपूर येथील वाणिज्य विषयाचे सेवानिवृत्त प्राध्यापक श्री. योगराज सी. भाईक यांचे शनिवार, दिनांक १३.०५.२००६ रोजी सकाळी हृदयविकाराच्या झटक्याने दुःखद निधन झाले. ते ६५ वर्षांचे होते. त्यांनी जवळपास ३६ वर्षे वाणिज्य विषयाच्या अध्यापनाचे काम केले. अत्यंत विद्यार्थीप्रिय व मनमिळावू स्वभावाचे स्वर्गीय भाईक हे नुटाचे सहकारी व नुटाचे आजिवन सभासद होते. नुटाच्या कार्यक्रमात ते हिरीरीने भाग घेत असत. अशा या सतत कार्यरत व्यक्तीच्या मृत्यूने भाईक कुटुंबियांवर दुःखाचा मोठा आघात झाला आहे. या त्यांच्या दुःखात आम्ही नुटाचे सर्व पदाधिकारी व सदस्य सहभागी आहोत. परमेश्वर भाईक कुटुंबियांना हे दुःख सहन करण्याची शक्ती देवो व मृताच्या आत्म्यास चिरशांती व सद्गती देवो ही प्रार्थना.”

**विषय क्रमांक ४२४ (ब) :**

**प्रा. डॉ.नानासाहेब यावले यांच्या दुःखद  
निधनावद्दल शोकप्रस्ताव**

प्रा.डॉ. नानासाहेब रामरावजी यावले यांच्या दुःखद निधनावद्दल प्रा. प्रफुल्ल राऊत यांनी मांडलेला पुढील शोक प्रस्ताव **सम्मत करण्यात आला:-**

“प्रा.डॉ.नानासाहेब रामरावजी यावले. प्रपाठक, वनस्पतीशास्त्र, शासकिय ज्ञान, विज्ञान संस्था, नागपूर यांचे दिनांक ५.५.२००६ रोजी वयाच्या ६४ व्या वर्षी दुःखद निधन झाले. ते ३० वर्षे शासकिय ज्ञान विज्ञान संस्था, नागपूर येथे वनस्पतीशास्त्र विभागात प्रपाठक म्हणून कार्यरत होते. शासकिय विदर्भ ज्ञान विज्ञान संस्था, अमरावती येथून ते निवृत्त झाले. ते नुटाचे सक्रिय सदस्य होते. विद्यार्थी प्रिय व्यक्तिमत्त्व म्हणून त्यांचा लौकीक होता. त्यांच्या या दुःखद निधनावद्दल ही सभा शोक संवेदना व्यक्त करते व या दुःखातुन सावरण्यासाठी त्यांच्या कुटुंबियांना परमेश्वर शक्ती देवो, ही प्रार्थना करते.”

**विषय क्रमांक ४२४ (क) :**

**डॉ.एम.आर.देशमुख यांच्या दुःखद  
निधनावद्दल शोकप्रस्ताव**

डॉ. एम.आर.देशमुख यांच्या दुःखद निधनावद्दल प्रा.डॉ.राजेंद्र हावरे यांनी मांडलेला पुढील शोकप्रस्ताव **सम्मत करण्यात आला.**

“डॉ.एम.आर.देशमुख यांचे २१ मे, २००६ रोजी वयाच्या ७३ व्या वर्षी निधन झाले. समाजकार्य व समाजशास्त्र या विषयात एम.ए.पी.एच.डी. असलेले डॉ.एम.आर.देशमुख यांनी रुशल इन्स्टिट्यूट मध्ये आपल्या अध्यापन कार्याला सुरुवात केली. त्यांनी टाटा समाजविज्ञान संस्था मुंबई येथेही १९६४-६६ या काळात प्राध्यापक म्हणून कार्य केले. त्यानंतर ते फुलसिंग नाईक महाविद्यालय पुसद येथे प्राचार्य म्हणून कार्यरत होते. पुसदवरून ते नागपूर विद्यापीठात विकास अधिकारी म्हणून नियुक्त झाले आणि नागपूर विद्यापीठाचे कुलसचिव म्हणून १९९१ ला ते सेवानिवृत्त झाले. त्यांनी अमरावती विद्यापीठात समाजशास्त्र विभागाचे विभाग प्रमुख म्हणून कार्य केले. तसेच इंडियन कौन्सिल ऑफ सोशल सायन्स रिसर्च, पश्चिम विभाग, या बोर्डावर ते सदस्य होते. अनेक सामाजिक संस्थांशी व चळवळीशी त्यांचा संबंध होता. डॉ.एम.आर.देशमुख यांच्या कुटूंबावर ओढवलेल्या दुःखद प्रसंगामध्ये ही सभा सहभागी आहे. त्यांच्या कुटूंबीयावर ओढवलेले दुःख सहन करण्याची शक्ती ईश्वर त्यांना प्रदान करो, अशी ही सभा प्रार्थना करीत आहे.”

**विषय क्रमांक ४२४ (ड) :**

**प्रा.अशोक शामराव पाटील यांच्या दुःखद  
निधनावद्दल शोकप्रस्ताव**

प्रा. अशोक शामराव पाटील यांच्या दुःखद निधनावद्दल प्रा. संतोष आंबेकर यांनी मांडलेला पुढील शोकप्रस्ताव **सम्मत करण्यात आला.**

“जिजामाता महाविद्यालय बुलढाणा येथील प्राध्यापक अशोक शामराव पाटील ह्यांचे १६ मे, २००६ रोजी दुःखद निधन झाले. प्रा. पाटील हे नुटा संघटनेचे सक्रिय सभासद होते.वाणिज्य विषयाचे उत्कृष्ट प्राध्यापक म्हणून विद्यार्थी वर्गात ते लोकप्रिय होते. त्यांच्या निधनावद्दल ही सभा अतिव शोक व्यक्त करते. प्रा. पाटील ह्यांच्या कुटुंबीयावर कोसळलेल्या दुःखात ही सभा सहभागी आहे. प्रा. पाटील ह्यांच्या मृतात्म्यास सद्गती लाभो,”

विषय क्रमांक ४२४ (अ) ते (ड) वर शोकप्रस्ताव मांडणाऱ्या सदस्यांनी आपल्या भावना व्यक्त केल्या. अध्यक्षानी सुद्धा आपल्या भावना व्यक्त केल्या. सभेने दोन मिनिटे स्तब्ध उभे राहून दिवंगत सदस्यांना आपली आदरांजली वाहिली. सम्मत केलेल्या शोकप्रस्तावाची प्रत संघटनेच्या वतीने सचिव शोकाकुल कुटुंबियांकडे पाठवतील असे अध्यक्षानी सांगितले.

**ITEM NO. 425 :**

**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, 2005.

**Notes :** (i) As per Article VI (b) (iii) of the Constitution of NUTA, the Annual Report of the working of the Association is prepared by the Executive Committee (vide item No.32 of 2006) and was placed for the approval of the General Body.

(ii) The Copy of the Annual Report was circulated in 2006 NUTA Bulletin on page 18 to 19

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

**ITEM NO. 426 :**

**APPROVAL TO THE ANNUAL BUDGET :**

**APPROVED** the Annual Budget of the Association for the Financial year commencing on 1st April, 2006.

**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.17 of 2006 NUTA Bulletin.

**ITEM NO.427 :**

**APPOINTMENT OF THE AUDITORS :**

**CONSIDERED AND APPROVED** the following resolution for the appointment of Auditors for the Financial year ending on 31st March, 2006 namely :-

**"C.R.Sagdeo & Co. Chartered Accountant "Prabha Niwas" Nagpur be appointed as auditor for the Financial year ending on the 31st March 2006"**

**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."

(ii) The Executive Committee resolved to recommend the above resolution, (Vide item No. 36 of 2006) which was placed before the General Body for its approval.

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

**विषय क्रमांक ४२८ :**

**नेटसेट बाबतची सद्यस्थिती :**

कार्यकारी मंडळाच्या वतीने प्रा.अनिल ढगे यांनी मांडलेला पुढील प्रस्ताव **सम्मत करण्यात आला.:-**

“महाराष्ट्र प्राध्यापक महासंघाचे अध्यक्ष प्रा.सी.आर.सदाशिवन यांनी “Note on the developments in respect of NET/SET” या विषयावर प्रसृत केलेल्या, तसेच अखिल भारतीय महासंघाचे महासचिव प्रा.

## UNIVERSITY GRANTS COMMISSION

Bahadur Shah Zafar Marg, New Delhi – 110 002

D.O.No.F.1-1/2002(PS)Exemp.

Dated 14th June,2006

Dear Sir/Madam,

The Commission in its meeting held on 11.6.2006 approved the second amendment in UGC Regulations for minimum qualifications for appointment and career advancement of teachers in Universities and Colleges incorporating the recommendations given in the Interim Report of the Committee constituted by MHRD under the Chairmanship of Prof.Bhalchandra Mungekar, Member, Planning Commission, New Delhi, to review the National Eligibility Test conducted by UGC. **A copy of the amendment regulations is enclosed for necessary action.** This would be effective from the date of issue of this letter.

With regards,

Yours sincerely,  
Sd/- (Pankaj Mittal)

The Vice-Chancellor  
All Universities

व्ही.के.तिवारी यांनी या विषयावर ("Note on National Eligibility Test (NET)") प्रसूत केलेल्या टिपणीतील मताशी हे सभागृह सहमती व्यक्त करित आहे."

**Notes :-** (1) "Note on the developments in respect of NET/SET" prepared by Prof. C.R.Sadasivan, President of Maharashtra Federation of University & College Teachers' Organisations, Mumbai was circulated on page 15 of 2006 NUTA Bulletin.

(2) "Note on National Eligibility Test (NET)" was prepared by V.K.Tiwari, General Secretary, AIFUCTO was circulated on page 16 of 2006 NUTA Bulletin.

**विषय क्रमांक ४२९ :**

**शेतकऱ्यांच्या आत्महत्याबाबत**

कार्यकारी मंडळाच्या वतीने डॉ.एकनाथ कठाळे यांनी मांडलेला पुढील प्रस्ताव **सम्मत करण्यात आला.:-**

'हेल्प लाईन'च्या नेतृत्वाखाली बुधवार, दिनांक ८ फेब्रुवारी २००६ रोजी दुपारी १.३० वाजता झालेल्या लोकप्रतिनिधींच्या बैठकीमध्ये मंजूर करण्यात आलेल्या प्रस्तावाचे (यापुढे 'प्रस्ताव' असा उल्लेख) व हेल्प लाईनचे सरकार्यवाह श्री. प्रभाकरराव वैद्य यांनी मा. राज्यपालांना पाठविलेल्या दिनांक १४ फेब्रुवारी २००६ च्या पत्राचे काळजीपूर्वक अवलोकन केल्यानंतर ही सभा पुढील प्रमाणे निर्णय घेत आहे.

१) महाराष्ट्रासारख्या प्रगत राज्यामध्ये शेतकऱ्यांच्या एकामागून एक होणाऱ्या आत्महत्या हा तीव्र चिंतेचा विषय झाला असून समाजातील

सर्व जाणकारांनी या प्रश्नावर निश्चित भूमिका घेण्याची गरज निर्माण झालेली आहे. हेल्प लाईनच्या नेतृत्वाखाली करण्यात येत असलेल्या प्रयत्नांना ही सभा सक्रीय पाठींबा व्यक्त करित आहे.

२) "आत्महत्या करणारे कास्तकार मुख्यत्वे कोरडवाहूचे कास्तकार आहेत व ते कर्जबाजारी होते असे स्पष्टपणे दिसून येते. जलसिंचन या विकास क्षेत्रातील सतत फोफावणाऱ्या प्रादेशिक असमतोलाच्या विपारी वृक्षाला आलेली ही आत्महत्यांची कटू फळे आहेत." या प्रस्तावातील मताशी ही सभा पूर्णपणे सहमती व्यक्त करित आहे.

३) "भारतीय घटनेतील ३७१(२) हे कलम आजही जिवंत आहे व त्या कलमातील अधिकारांचा वापर करून केंद्र शासनाच्या गृहमंत्रालयाने निर्गमित केलेला, भारताच्या मा. राष्ट्रपतींनी ९ मार्च १९९४ रोजी काढलेला व आता ज्याची मुदत सन २०१० पर्यंत वाढविली आहे तो आदेश आजही जिवंत आहे. महाराष्ट्राच्या राज्यपालांनी शासन राजपत्रात प्रसिद्ध केलेला ३० एप्रिल १९९४ चा आदेश व ऑगस्ट १९९४ चे नियम आजही जिवंत आहे. राज्यपालांनी १५ डिसेंबर २००१ व १२ मार्च २००३ रोजी काढलेले निदेश हे आजही जिवंत आहे "The allocation of funds or outlays made by the Governor shall be reflected in the Annual Financial Statement to be placed before the State Legislature and the development activities with regard to the outlays as aforesaid, shall be carried out or caused to be carried out by the State Government and the funds so allocated shall be non-divertible" ही या कायद्यातील जिवंत तरतूद आहे. या कायद्यातील तरतुदीची सन २००२-२००३, २००३-२००४ आणि २००४-२००५ व त्या पुढील वर्षात अम्मलबजावणी झाली नाही" हा प्रस्तावातील मजकूर चिंताजनक असून राज्य शासनाची त्याबाबतची कृती संतापजनक व घटनाबाह्य आहे असे या सभेला वाटते.

UNIVERSITY GRANTS COMMISSION (MINIMUM QUALIFICATIONS REQUIRED FOR THE APPOINTMENT AND CAREER ADVANCEMENT OF TEACHERS IN UNIVERSITIES AND INSTITUTIONS AFFILIATED TO IT (SECOND AMENDMENT REGULATIONS, 2006).

## UNIVERSITY GRANTS COMMISSION

Bahadur Shah Zafar Marg, New Delhi – 110 002

F.No.1-1/2002(PS) Exemp. : 14th June, 2006

### NOTIFICATION

In exercise of the powers conferred by clause (e) & (g) of sub-section(I) 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, No.F.1- 11/87(CPP-II) dated 19th September, 1991 and No.F.1-11/87(CPP) dated 21st June, 1995 and Notification No.F.1-93/74(CP) dated 19th February, 1985, 26th November, 1985 and No.F.3-1/94(PS) dated 24th December, 1998. UGC Regulations No.F.3-1/2000(PS) dated 4.4.2000 and No.F.1-1/2002(PS) Exemp. Dated 31st July, 2002, the UGC hereby makes the following Regulations to amend the UGC (Minimum Qualifications Required For The Appointment And Career Advancement Of Teachers in Universities and Institutions affiliated to it) Regulation, 2000, namely:-

#### 1. Short Title, Application and Commencement:

(i) These regulations may be called UGC (Minimum Qualifications Required For The Appointment And Career Advancement Of Teachers in Universities and Institutions affiliated to it) (Second Amendment) Regulations, 2006.

(ii) They shall apply to every university established or incorporated by or under a Central Act, Provincial Act or a State Act, every institution including a constituent or an affiliated college recognized by the Commission, in consultation with the university concerned under Clause (f) of Section-2 of the UGC Act, 1956, and every institution deemed to be a university under Section 3 of the said Act.

(iii) They shall come into force with immediate effect.

In the University Grants Commission (Minimum Qualifications required for the appointment and Career Advancement of Teachers in Universities and Institutions affiliated to it) Regulation, 2000, **wherever the following para occurs:-**

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

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

(Prof.Mool Chand Sharma)  
Secretary

The Assistant Controller  
Publication Division, Govt.of India,  
Ministry of Urban Development Poverty Alleviation,  
Civil Lines, Delhi-110 054



४) हा अनुशेष दूर करण्यासाठी इमानेइतबारे प्रयत्न करतो म्हटले तरी तो भरून निघण्यास काही काळ निश्चितच लागेल. दरम्यानच्या काळात “घटनाबाह्य वर्तनाच्या पोटी जलसिंचन अनुशेष दूर होणे तर दुरच राहिले पण तो सतत वाढत आहे, हे लक्षात घेता **जलसिंचन असुविधेप्रति सानुग्रह अनुदान** देण्याची मागणी करण्यात येत आहे. जलसिंचनाच्या विकासक्षेत्रातील अद्यावत सरासरीवर १००० कोटी रुपयाच्या वर अनुशेष असलेल्या प्रत्येक जिल्ह्यामध्ये कोरडवाहू शेतीला प्रति हेक्टर १० हजार रुपये, व १००० कोटी रुपयापेक्षा कमी अनुशेष असलेल्या जिल्ह्यामध्ये ५ हजार रुपये प्रति हेक्टर हे सानुग्रह अनुदान देण्यात यावे.” ही जी मागणी प्रस्तावाद्वारे करण्यात आलेली आहे **त्याशिवाय ही खोलवर झालेली जखम भरून काढण्याचा वेगळा कोणताही उपाय उपलब्ध नाही असे या सभेचे मत आहे.**

५) विद्युत भारनियमनाबाबत प्रस्तावामध्ये “विद्युत भारनियमनाचे संकट नियोजनशुच्य कारभारातून निर्माण झालेले मानवनिर्मित संकट आहे.योजनापूर्वक निर्माण करण्यात आलेल्या जलसिंचन अनुशेष व कृषी पंपाच्या विद्युतीकरण्याचा अनुशेष या दोन विकास क्षेत्रातील असमतोलाचा वर्षानुवर्षे तडाखा बसलेल्या व विषम वागणूकीने बेजार झालेल्या सर्व विभागांनी भारनियमनाचा तडाखा मात्र समतोलपणे स्वीकारावा हे प्रतिपादन अशास्त्रीय आहे. उपलब्ध सिंचन सुविधांवर भारनियमनाचा परिणाम तर होतोच पण त्याच बरोबर एकूणच विकासावर सुद्धा त्याचा विपरित परिणाम होतो. विषम विकास झालेल्या जिल्ह्यांना भारनियमनाचा भार समानपणे लागू करणे हा राज्यकर्त्यांच्या कर्तव्याचा भाग समजला पाहिजे. १००० कोटी रुपयाच्या वर जलसिंचनाचा अनुशेष असलेल्या जिल्ह्यांना संपूर्णपणे भारनियमनापासून मुक्ती दिली पाहिजे. १००० कोटी रुपयापेक्षा कमी अनुशेष असलेल्या जिल्ह्यात ते २ तासापेक्षा जास्त असता कामा नये. उर्वरित भारनियमन हे विकसित (विगरअनुशेष) जिल्ह्यांनी वाटून घेतले पाहिजे.” ही जी मागणी प्रस्तावाद्वारे करण्यात आलेली आहे **ती विनाविलंब मान्य करण्यात यावी व ताबडतोबीने त्याबाबतची अंमलबजावणी करण्यात यावी असे या सभेला वाटते.**

६) हा दिव्यमुदतीचा, चिकाटीने व चिवटपणे चालणारा लढा आहे. कोरडवाहू शेतकऱ्यांवर आलेल्या अभूतपूर्व संकटसमयी ते संकट परतवून लावण्यासाठीच्या धडपडीला सातत्यपूर्ण सक्रीय पाठिंबा देण्याच्या प्रयत्नांचा एक भाग म्हणून कृषिविषयक व अनुशेष विषयक प्रश्नाविषयी लोकमानसामध्ये जाणीवा व जागृती निर्माण करण्याच्या हेतूने ‘नुटा बुलेटीन’च्या माध्यमातून यापुढील काळात सकस प्रयत्न सातत्याने करण्यात यावे **असा धोरणात्मक निर्णय घेण्यात येत आहे.** संघटनेच्या कामाचा एक भाग समजून अशा आंदोलनाची वैचारिक बैठक बांधण्यामध्ये व्यवसायाने शिक्षक असलेले सदस्य, अशा सदस्यांची संघटना, अशा संघटनेचे मुखपत्र यांनी पार पाडावयाची कामगिरी यांचा एक नवा अध्याय या धोरणात्मक निर्णयामुळे सुरू करण्याचा विचारपूर्वक निर्णय घेण्यात येत आहे.

**नोट्स :- (१) ‘हेल्प लाईन’च्या नेतृत्वाखाली बुधवार, दिनांक ८ फेब्रुवारी २००६ रोजी दुपारी १.३० वाजता झालेल्या लोकप्रतिनिधींच्या बैठकीमध्ये मंजूर करण्यात आलेला प्रस्ताव सन २००६ च्या नुटा बुलेटीनच्या पृष्ठ २० वर प्रसृत करण्यात आला होता.**

(२) हेल्पलाईनच्या वतीने सरचिटणीस प्रा.प्रभाकरराव वैद्य यांनी महाराष्ट्राच्या मा. राज्यपालांना लिहिलेले दिनांक १४ फेब्रुवारी २००६ चे पत्र नुटा बुलेटीनच्या सन २००६ च्या पृष्ठ २३ वर प्रसृत करण्यात आले होते.

**विषय क्रमांक ४३० :**

**कुंठीत वेतनवाढीचा लाभ**

प्रा. ए.वाय.खरावे हे अनुपस्थित असल्याने पुढील प्रस्ताव मांडण्यात आला नाही:-

“वेतनश्रेणीच्या कमाल टप्प्यावर पोहोचलेल्या शिक्षकांना कुंठीत वेतनवाढीचा (Stagnation increment) लाभ मिळावा.”

**विषय क्रमांक ४३१ :**

**मा. उच्च शिक्षण संचालक यांचेशी संघटनेच्या पदाधिकाऱ्यांची चर्चा**

नुटाच्या विभागीय व जिल्हा पदाधिकाऱ्यांच्या अमरावती येथे उच्च शिक्षण संचालक व सहसंचालक यांचेशी झालेल्या चर्चेच्या संदर्भात संघटनेचे सहसचिव प्रा.डॉ.प्रविण रघुवंशी यांनी तयार केलेला पुढील अहवाल त्यांनी सभागृहाला सादर केला.

**नुटाच्या विभागीय व जिल्हा पदाधिकाऱ्यांच्या अमरावती येथे उच्च शिक्षण संचालक व सहसंचालक यांचेशी झालेल्या चर्चेचा अहवाल**

(१) नुटाच्या विभागीय व जिल्हा पदाधिकाऱ्यांनी महाराष्ट्राचे उच्च शिक्षण संचालक व अमरावती विभागाचे उच्च शिक्षण सहसंचालक यांची अमरावती येथे भेट घेवून विद्यापीठीय व महाविद्यालयीन शिक्षकांच्या अनेक प्रलंबीत प्रश्नाबाबत त्यांचेशी चर्चा केली. दिनांक २७ एप्रिल २००६ रोजी ही चर्चा सहसंचालक, उच्च शिक्षण अमरावती विभाग, अमरावती यांच्या कार्यालयात झाली. या चर्चेच्या वेळी संघटनेच्या वतीने संघटनेचे खालील पदाधिकारी उपस्थित होते. :-

सर्वश्री. १. डॉ. प्रविण रघुवंशी, २. प्रा. सुभाष गवई, ३. डॉ. मोहन खेरडे, ४. प्रा. धनंजय गुडधे, ५. डॉ. एफ.सी.रघुवंशी, ६. डॉ. दिपक धोटे, ७. प्रा. विलास ठाकरे, ८. प्रा. विजय भागडीया, ९. प्रा. अरविंद तट्टे १०. प्रा. मनोज राठोड

(२) ‘फिडर केडर’ व ‘कुंठीत वेतनवाढी’ या दोन महत्त्वाच्या प्रश्नाबाबत या बैठकीत झालेल्या निर्णयाचे कार्यवृत्त पुढील प्रमाणे:-

“**फिडर केडरच्या संदर्भात बोलतांना संघटनेचे एक प्रतिनिधी डॉ. रघुवंशी यांनी ज्या अमरावती विभागाने या मागणीचा पाठपुरावा करून मागणी पदरात पाडून घेतली, त्या अमरावती विभागातील केवळ २८५ प्रकरणे निकाली निघाल्याबाबत आश्चर्य व्यक्त केले. इतर विभागातील ११००-१२०० प्रकरणे निकाली निघाल्याचे त्यांनी निदर्शनास आणून दिले. त्यावर सहसंचालक, उच्च शिक्षण, अमरावती विभाग, अमरावती यांनी जसजशी प्रकरणे कार्यालयास प्राप्त होत आहेत तसतशी ती लगेच निकाली काढली जात असल्याचे सांगितले. संघटनेच्या पदाधिकाऱ्यांनी कुंठीत वेतनवाढीबाबत चर्चा उपस्थित केली असता सहसंचालक यांनी ही प्रकरणे निकाली काढली असल्याचे सांगितले. महालेखापाल नागपूर यांनी सेवानिवृत्तीच्या काही प्रकरणांत कुंठीत वेतन वाढीला आक्षेप घेतला तर काही प्रकरणांत कुंठीत वेतनवाढ मंजूर केली असलेली प्रकरणे मान्य केलेली असल्याचे सहसंचालकांनी यावेळी निदर्शनास आणले. तत्कालीन शिक्षण संचालक मा. डॉ. एम.एन.पठाण यांच्या या संदर्भातील पत्रानुसार ही प्रकरणे निकाली काढण्याचे आदेश यावेळी शिक्षण संचालकांनी दिले.”**

प्रा. डॉ. प्रविण रघुवंशी  
सहसचिव ‘नुटा’

**विषय क्रमांक ४३२ :**

**मा. सहसंचालक अमरावती विभाग यांचे दिनांक २८ एप्रिल २००६ चे परिपत्रक**

मा. सहसंचालक, उच्च शिक्षण अमरावती विभाग, अमरावती-४४४ ६०४ यांनी दिनांक २८.४.२००६ रोजी निर्गमित केलेल्या परिपत्रक क्रमांक ससं/उशि/अनु-१/०५/२१०१ ची नोंद घेण्यात आली.

**नोट्स :-** हे परिपत्रक (सन २००६ च्या ई एक्स फाईलचे पृष्ठ ३७) सभागृहात प्रसृत करण्यात आले होते ते आता या नुटा बुलेटीनमध्ये पृष्ठ ४० वर प्रसिद्ध करण्यात आले आहे.

**विषय क्रमांक ४३३ :**

**व्यक्तीगत स्वरुपाचे प्रश्न आमसभेसमोर ठरावाच्या रुपाने मांडण्यासंदर्भात धोरणात्मक निर्णय**

(अ) व्यंकटेश महाविद्यालय देऊळगाव राजा येथील संघटनेचे आजिवन सदस्य (क्रमांक ४४१७) प्रा. वी.टी.लहाने यांनी २१ मे रोजी होणाऱ्या आमसभेसाठी पुढील ठराव मांडण्याची सूचना दिलेली होती. :-

“श्री. व्यंकटेश महाविद्यालयात माझी अधिव्याख्याता या पदावर दिनांक १४.०९.१९९६ रोजी अमरावती विद्यापीठाच्या निवड समितीच्या शिफारसीनुसार रीतसर नेमणूक करण्यात आली व मला विद्यापीठाकडून कायमस्वरुपी मान्यता देण्यात आली. इ.स. २००२ मध्ये मला सहा वर्षे पूर्ण झाल्यानंतर वरिष्ठ श्रेणीसाठी विद्यापीठाकडे प्रस्ताव पाठविला असता विद्यापीठाने समिती गठन करून महाविद्यालयात पाठविली व सदर समितीने मला वरिष्ठ श्रेणी देण्याची शिफारस केली. सदर प्रस्ताव सहसंचालक,

उच्चशिक्षण, अमरावती यांचेकडे पाठविले असता सहसंचालकांनी सदर प्रस्ताव दोन वेगवेगळे संदिग्ध स्वरूपाचे संदर्भ देवून फेटाळला. सहसंचालकांचा सदर निर्णय पूर्णपणे संदिग्ध स्वरूपाचा असून मला लाभापासून वंचित करणारा आहे. तरी सदर प्रकरणावर आपल्या सभेत सविस्तर चर्चा होवून उचित कार्यवाही व्हावी.”

(ब) प्रा. बी.टी.लहाने यांच्या ठरावावर काळजीपूर्वक विचार केल्यानंतर नुटाच्या कार्यकारी मंडळाचे असे मत पडले की :-

(१) व्यक्तिगत स्वरूपाच्या तक्रारी ठरावरूपाने आमसभेसमोर घेण्याची प्रथा नाही. आजपावेतोच्या आमसभेच्या कामकाजाचे काळजीपूर्वक अवलोकन केले असता अशा वैयक्तिक बाबी आमसभेसमोर कधीही चर्चेसाठी आल्याचे आढळून येत नाही. त्यामुळे हा ठराव आमसभेच्या कामकाजात समाविष्ट करू नये.

(२) शिवाय असे की संघटनांच्या अनेक वर्षांच्या महत्प्रयासांनी तक्रार निवारण यंत्रणा स्थापीत झालेल्या आहेत. या तक्रारनिवारण यंत्रणा अधिनियमांनी निर्माण केलेल्या आहेत. कायद्याने नेमून दिलेल्या तक्रार निवारण यंत्रणेकडे तक्रारदारांनी कोणत्या तारखेला तक्रार दाखल केली आहे, याची माहिती तक्रारीच्या प्रतिसह संघटनेकडे पाठविण्यात आल्यास याबाबत तक्रारदारांना आवश्यक ती मदत संघटनेतर्फे करता येईल.

(३) व्यक्तिगत तक्रारींच्या प्रत्येक प्रकरणामध्ये व्यथित शिक्षकांनी अशा तक्रार निवारण यंत्रणेकडे आपली तक्रार यथोचितरित्या मांडली पाहिजे. तक्रार मांडण्याच्या कामी गरज पडल्यास संघटनेच्या जिल्हा पदाधिकाऱ्यांशी त्यांनी संपर्क साधल्यास संघटनेतर्फे जिल्हा पदाधिकारी या कामी मदत करतील. महाराष्ट्र विद्यापीठ कायद्याच्या कलम ५७ मध्ये पुढीलप्रमाणे तक्रारनिवारण यंत्रणेची स्थापना करण्यात आली आहे. :-

“Grievances Committee. :- 57. (1) There shall be a grievances committee in each university to deal with the grievances of teachers and other employees of the university, colleges, institutions and recognised institutions and to hear and settle grievances as far as may be practicable within six months, and the committee shall make a report to the Management Council.

(2) It shall be lawful for the grievances committee to entertain and consider grievances or complaints which are not within the jurisdiction of the Tribunal and report to the Management Council to take such action as it deems fit and the decisions of the Management Council on such reports shall be final.

(3) The Grievances Committee shall consist of the following members, namely :-

(a) The Pro-Vice Chancellor, where there is no Pro-Vice Chancellor, a member of the Management Council nominated by the Management Council... Chairman;

(b) Two members of the Management Council nominated by the Management Council from amongst themselves one of them belonging to the Scheduled Castes or Scheduled Tribes or Denotified Tribes (Vimukta Jatis)/ Nomadic Tribes or Other Backward Classes, by rotation,... Members

(ba) Two members of the Senate nominated by the members of the Senate, from amongst themselves, one of them being the woman representative of the managements and one shall be a teacher... Members

(bb) two members nominated by the members of Academic Council, from amongst themselves, one of the them being the principal and one shall be a teacher....Members

(c) The Registrar ... Member Secretary”

(क) “ही तक्रार निवारण यंत्रणा कायद्याने निर्माण केलेली असल्याने वेळप्रसंगी शासनाच्या किंवा शासकिय अधिकाऱ्यांच्या कृतीच्या विरोधातसुद्धा निर्णय देण्याचा अधिकार या यंत्रणेला आहे. मात्र त्यासाठी व्यथित शिक्षकाने खंबीरपणे व ठामपणे आपली बाजू या यंत्रणेसमोर मांडणे आवश्यक असते”

असे सांगून अध्यक्षानी सभेला पुढे अशी माहिती दिली की, “प्रा.पी.एन.धनागरे विरुद्ध सहसंचालक उच्च शिक्षण या प्रकरणी (प्रकरण क्रमांक ८१: अहवाल क्रमांक १८) “नोव्हेंबर १९५९ ते ऑगस्ट १९६१ या काळातील अंशदायी भविष्य निर्वाह निधीतील व्यवस्थापनाच्या हिश्याची रक्कम तक्रारदार शिक्षकाच्या उपदानातून नियमबाह्य रितीने कापून घेण्यात आली.” अशी तक्रार करण्यात आली होती. प्रा. एस.बी.होटे अध्यक्ष असलेल्या तक्रार निवारण समितीने ५.२.१९९६ रोजीच्या बैठकीत याबाबतचा अहवाल क्रमांक १८ समत केला. त्यामध्ये “अशा प्रकारची कपात करणे नियमबाह्य असल्यामुळे ही रक्कम सहसंचालक, उच्च शिक्षण अनुदान कार्यालयाने त्यांना परत करावी” असा निर्णय दिला. पुढे व्यवस्थापन परिषदेत हा अहवाल क्रमांक १८ समत झाल्यानंतर विद्यापीठाने त्याप्रमाणे आदेश काढले. सहसंचालक उच्च शिक्षण यांना ती रक्कम व्यथित शिक्षकांना परत करावी लागली.”

(ड) उपरोक्त उपपरिच्छेद ‘ब’ मध्ये कार्यकारी मंडळाने घेतलेले निर्णय धोरणात्मक निर्णय समजून यापुढील काळात त्याची अमलबजावणी करण्यात यावी असा निर्णय घेण्यात येत आहे.

विषय क्रमांक : ४३४

गणसंख्या :

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

विषय क्रमांक : ४३५

सभा व्यवस्थेबद्दल आभार :

कार्यकारी मंडळाच्या वतीने अध्यक्षानी महाविद्यालयाचे प्राचार्य व स्थानिक शाखेच्या इतर प्राध्यापकांनी, 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 अध्यक्षानी जाहीर केले.

स्वा / बी.टी.देशमुख  
अध्यक्ष

स्वा / एकनाथ कठाळे  
सचिव

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No.CIM/ 21 :

: Dated 2nd July 2006

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 21st May 2006 at Late Narayanrao Amrutrao Deshmukh Mahavidyalaya, Chandur Bazar Dist. Amravati is circulated in this 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

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# AIFUCTO

## ALL INDIA FEDERATION OF UNIVERSITY & COLLEGE TEACHERS' ORGANIZATIONS

(Regd. Under Act XXI of 1860)

493 Urban Estate (Phase I) Jalandhar- 144 022] Punjab

Ph. : 98154-89493, 0181-4610493, 0181-2481493 E-mail: tewari\_vk@rediffmail.com.

Dated : May 16, 2006

**Dr. Manmohan Singh,**  
Hon'ble Prime Minister,  
PMO, New Delhi.

**Subject:** AIFUCTO's Indefinite Protest Dharna in front of Parliament at Jantar Mantar from May 16. Strong resentment among 4.5 lac University & Colleges Teachers against Privatisation and Escalation of costs, wide-spread Commercialisation, Non-fulfillment of NCMP of UPA on 6% of GDP for Education: De-democratization of University Governance. Plea for raising Academic & Research Standards. Memorandum on Issues & Problems. Request for Meeting at the earliest.

Esteemed Sir,

The 4.5 lac strong teaching community in the University Sector is highly resentful of the wrong, anti-people policies being imposed on the nation in the sector of Higher Education (HE), consistent weakening of public-funded HE system, ever-increasing privatisation and commercialisation of HE strongly impeding the development of intake of students to the extent of 20% - minimum requirement for sustainable economic, social development. Legislations by the State Governments run by the Congress, UPA allies and the Non-Congress Governments on Private Universities are unconstitutional and antistudent, so must be stopped. Shockingly the number of deemed universities is going up for no tangible reason; deserves to be probed. Plurilateralism adopted by the WTO's Hong Kong Conf. under GATS and the earlier signing of Education Sector under GATS by GOI will wreck the whole system. Denial of justice with respect to anomalies in the pay-revision of scheme of 1.1.96 is yet another example of failure of the Govt.

We bring to your notice the following issues for urgent attention, discussion.

### 1) Implement NCMP Commitment to Allocate 6% of GDP for Education:

Whereas the NPE-1968 committed to raise allocation to 6% of GDP by 1985-86 (reiterated in NPE-1986 & NPE-1992 (Revised)), but the situation is far from satisfactory. In 2004-05: the States' share was 2.8%, Central one was 0.67%; in 2005-06, the share of States remained almost static, the Central one fell to 0.58% of the projected nominal GDP. In 2005-06, the Centre allocated Rs.18337 Crore which has now been raised to Rs.24115 Crore: a raise of Rs.5778 Crore only; meaning thereby that the total (Centre & States) will be much less than even 4%. The national need is of minimum 6% of GDP from 2006-07 if the nation is to become globally competitive to some extent as sustainable threshold can be achieved only if there is total literacy, enrolment of each child in school; retention of students upto Secondary level and 20% of youth in HE.

Regrettably, there is mismatch between NCMP commitment and the Policy profiles for Education. The GOI must uphold its promise by allocating at least 3% of GDP as central share. **Implement CABE Committee Report on Financing of Higher and Technical Education submitted by Professor Bhalachander Mungekar.**

### 2) Strengthen Public-funded HE System for 20% Intake of youth:

One of the most vital duties of GOI is to ensure continuous strengthening of the University & College sector coupled with needed thrust on R & D Sector. Production & dissemination of knowledges supplemented by the targeting of 20% intake of youth in HE may ensure sustainable development. Costlier HE edges out the average Indian, besides denying HE to the disadvantaged sections. Keep HE affordable and reject the thesis of garnering 30% of resources through fees & funds

राज्य शासकीय व इतर पात्र कर्मचाऱ्यांना दिनांक १ मे, २००६ पासून महागाई भत्ता वाढ मंजूर करण्याबाबत

### महाराष्ट्र शासन : वित्त विभाग

शासन निर्णय, वित्त विभाग क्रमांक : मभवा ११०६/प्र.क्र. ५/सेवा-९ : मंत्रालय, मुंबई - ४०० ०३२ : दिनांक ९ मे, २००६

पहा :- १) शासन निर्णय, वित्त विभाग क्रमांक मभवा ११०५/प्र.क्र.९/सेवा-९. दिनांक ८ नोव्हेंबर २००५

### शासन निर्णय

राज्य शासकीय कर्मचारी व महागाई भत्ता अनुज्ञेय असणाऱ्या इतर सर्व पात्र पूर्णकालिक कर्मचाऱ्यांना महागाई भत्ता वाढ मंजूर करण्याचा प्रश्न शासनाच्या विचाराधीन होता.

२. शासन असे आदेश देत आहे की, दिनांक १ मे, २००६ पासून सुधारित वेतनश्रेणीतील मूळ वेतन अधिक त्यावर अनुज्ञेय महागाई वेतनाच्या २४ टक्के दराने महागाई भत्ता वाढ मंजूर करण्यात यावी.

३. महागाई भत्त्याची रक्कम प्रदान करण्यासंदर्भात विद्यमान तरतुदी व कार्यपद्धती आहे तशाच यापुढेही लागू राहतील.

४. शासकीय कर्मचाऱ्यांना अनुज्ञेय असलेल्या महागाई भत्त्यामुळे येणारा खर्च, हा त्यांचे वेतन व भत्ते यासंबंधीचा खर्च ज्या लेखा शीर्षाखाली खर्ची घालण्यात येतो, त्याच लेखा शीर्षाखाली खर्ची घालण्यात यावा. अनुदानप्राप्त संस्था, नगरपरिषदा व जिल्हा परिषदा यांच्या कर्मचाऱ्यांच्या बाबतीत, संबंधित प्रमुख लेखा शीर्षाखालील ज्या उप लेखा शीर्षाखाली त्यांच्या सहायक अनुदानाबाबतचा खर्च खर्ची घालण्यात येतो, त्या उप लेखा शीर्षाखाली हा खर्च खर्ची घालण्यात यावा.

५. सदर शासन निर्णय महाराष्ट्र शासनाच्या वेबसाईटवर उपलब्ध करण्यात आला असून त्याचा संगणक सांकेतांक २००६०५०९१५१७५२००१ असा आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

(नसीमा शेख)

शासनाच्या उपसचिव



and another 20% through other sources. This merchandising of HE for students and administrators is unethical and retrogressive. CABE Committee Report on Financing of Higher & Technical Education (June 23,2005) has strongly advocated allocation of 6% of GDP from 2006-07; provision of excellent and viable infrastructure; greater intake of youth and allied matters. It also stresses on public-funded HE system in tune with the Constitution of India which places Education in the non-profit area.

### 3) Abrogate Privatisation:

**Privatisation leads to commercialisation. This phenomenon is anti-constitutional.** Concrete study and analysis reveals that self-financing Deemed Universities, Course, Distance Education and now the creation of Private Universities - all these new profit making ventures destroy HE as enshrined in UGC Act of 1956. So, scrapping of Private Universities; stopping off-campus operations of Deemed Universities and prohibition of all self-financing Colleges/ Institutes/Courses and allied issues is the most insignificant constitutional duty/imperative of all concerned: MHRD, UGC, AICTE & others. The "UGC (Establishment and Maintenance of Standards in Private Universities) Regulations, 2003" notified on 27.12.2003 deserves to be abrogated. Similarly, the provision of having off-campus Centers & the like by Deemed Universities has wrecked the system and so be scrapped.

### 4) WTO, GATS: Inequitous Bargains:

Alongwith GATS & Hong Kong Declaration of plurilateralism, the instruments wielded by WTO are inequitous and ruinous for the country and so no one should be ensnared. Our sovereignty, democracy, secularism and other basic tenets of Constitution especially that Education is a non-profit endeavour would be endangered. The whole issue of offers and

requests alongwith the attendant conditionalities is unequal and unjust. Invisible manipulations by foreign and local traders in Education impacting our policy profiles are now amply visible to the critical, public gaze and so the centre of condemnation.

### 5) Delete Negative Features of CABE Report on Autonomy:

Pursuing the agenda of Autonomy on Western models, the CABE Committee Report has injected privatisation & commercialisation of Education, and opened the flood gates for merchants, profiteers, predators - both local & foreign. Surpassing all previous recommendations, the Report asks for 50% of internal resource mobilisation, out of which 30% from students - but who will stop at 30%, being unable to mop up 20% more; the burden will actually be shifted to students & their parents. The AIFUCTO submitted a detailed Note to UGC on this, but no meeting has been convened to discuss. Uncritical follow-up of the Report will be anti-national.

### 6) Reservation in Educational Institutions:

We call upon GOI & State Govts. to implement the reservation policy in educational institutions in accordance with the 93rd Constitutional Amendment and other Constitutional provisions. The law of the land with respect to reservations in admissions to all Universities and Colleges for SC/ST and OBCs, must be implemented in all central and state institutions. No educational institution should be considered elitist and beyond the law in this democratic, sovereign country. The apex body of teachers strongly decries the blatantly anti-constitutional comments of Sam Pitroda, Chairman, National Knowledge Commission on Reservation Policy adopted by all the political parties jointly in the Lok Sabha and Rajya Sabha.

### 7) National Knowledge Commission:

We strongly resent the opaque and secretive manner in

*Dearness Relief on pension/family pension*

**GOVERNMENT OF MAHARASHTRA : FINANCE DEPARTMENT**

**Government Resolution : No. DRP-1006/33/SER-4 Mantralaya, Mumbai 400 032, dated 10th May 2006**

*Read :- Government Resolution, Finance Department, No. DRP 1005/129/SER-4 Dated 8th November 2005.*

## RESOLUTION

Government is pleased to decide that dearness relief shall be paid to the State Government Pensioners/Family Pensioners on their basic Pension/Family Pension and Dearness pension/Dearness family pension (if any) **at the rate of 24%** with effect from **1st May 2006**.

2. Payment of dearness relief involving a fraction of a rupee shall be rounded off to the next higher rupee.

3. It will be the responsibility of the Pension Disbursing Authority, i.e. Pay and Accounts Officer, Mumbai/Treasury Officers, as the case may be, to calculate the quantum of dearness relief payable in each individual case.

4. Government is also pleased to direct that above decisions should, **mutatis mutandis**, apply to those employees including family pensioners of Recognised and Aided Educational Institutions, Non -Agricultural universities and Affiliated Non Government Colleges and Agricultural Universities to whom the pension scheme is made applicable.

5. In exercise of the powers conferred by the proviso to section 248 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (Mah. V of 1962) and of all the other powers enabling it in that behalf, Government is further pleased to decide that the above decision shall apply to the pensioners including family pensioners of Zilla Parishads.

6. State Government Employees who had drawn lumpsum payment on absorption in a PSU/Autonomous body./Local Bodies and have become entitled to restoration of 1/3rd commuted portion of pension as well as revision of the restored amount in terms of Government Resolution, Finance Department, No. COP 1099/306/SER-4, dated 15th November 1999 will also be entitled to the payment of dearness relief on full pension as per the provisions of Government Resolution, Finance Department, No. COP-1001/50/SER-4, dated 9th April 2001, at the prescribed rate and from the date, prescribed in paragraph 1 above.

7. The expenditure on this account should be debited to the Budget Heads to which the retirement benefits of the employees mentioned in the above paras are debited and should be met from the grants sanctioned thereunder.

8. All orders in force in regard to the payment of relief on pension sanctioned by Government from time to time will, **Mutatis Mutandis**, apply to the dearness relief now sanctioned.

9. This Government Resolution is available on the web site of Government of Maharashtra i.e. "www.maharashtra.gov.in" and its computer code number is 20060509153314001.

By order and in the name of the Governor of Maharashtra,

**Usha P.Mahajan**  
Deputy Secretary to Government

which NKC has been constituted and has functioned since then. Demand that everything connected with Sam Pitroda Commission must be made public and that the NKC must hold public discussions with the apex bodies of Teachers, Karamcharis, Students & other stakeholders. AIFUCTO demands an immediate meeting. Whatever has appeared in the media shows that Pitroda is acting in an authoritarian way in democratic India. The PM should give a due thought to unwarranted pronouncements on privatization, unregulated fee structure, depoliticization, intent to divide subjects, faculties and thus the whole world of knowledge & the academic community by suggesting differential pay-scales and other things and also the question of 27 % reservation for OBCs in the educational institutions. Is NKC the Education Commission for new NPE ? Let the Parliament and State Legislatures decide on Constitutional matters like Reservation, the UGC Act of 1956 & similar issues.

#### 8) Lift Ban on Recruitments:

Lack of teachers is highly deleterious for the system. So, all States must lift the ban on recruitments and also provide adequate number of full time Teachers in Universities, Govt. and Non-Govt. Colleges. Contractual/part-time and other forms of non-regular appointments have become exploitative.

**The AIFUCTO warmly welcomes the letter written by Mr. Sudeep Banerjee, Secretary, MHRD to the Chief Secretaries of the States to make regular appointments so that the students do not have to suffer during the next academic session.** Hopefully, the MHRD will keep a watch

on this well-considered direction to the States where many problems exist.

#### 9) Democratise HE Governance:

Let HE governance be totally democratic, transparent, and accountable. Nomination pattern has wrecked the system. Absolute power corrupts absolutely is the more generally prevalent practice in many universities. Only democratic, elected bodies can make the system accountable.

#### 10) 6th Central Pay Commission & UGC Pay-Review Committee:

The statement of the P.M. in response to the movement launched by the Confederation of Employees & Teachers, to constitute the 6th CPC is welcome. But the non-fulfillment of the promise, so far, has created resentment. So, UGC/AICTE/NCMER/NCAER. Pay-Review Committee may also be constituted. Measures like Interim Relief be adopted for Teachers as and when recommended under 6th CPC. Terms of Reference for UGC Pay-Review Committee be kindly discussed with AIFUCTO.

#### NOTES ON PAY-REVISION ANOMALIES TO BE REMEDIED/RECTIFIED BY MHRD & GOI. REG. 1.1.96 REVISION.

The AIFUCTO strongly resents the error of judgment committed by the Council of Ministers of GOI which referred the MHRD-approved Cabinet Note to Committee of Secretaries in its meeting on 23.3.2006. The AIFUCTO

### ALL INDIA FEDERATION OF UNIVERSITY & COLLEGE TEACHERS' ORGANISATIONS

(Regd. under Act. XXI of 1860)

493, Urban Estate (Phase I), Jalandhar – 144022

Ph. : 0181-4610493,, 98154-89493(M) PH. 0181-2481493 : E-mail: tewari\_vk@rediffmail.com, aifucto@rediffmail.com

### MEMORANDUM

#### Submitted to President of India, PM, Ministers, MPs, Political Parties and All Other Eminent Persons Seeking Their Concern and Noble Help.

Regarding the persistent denial of justice with respect to Anomalies in the Pay-Revision Scheme of 1.1.96, the NEC notes the blatant injustice done by the NDA Govt. which closed doors after concluding the Agreement on 5.9.98 to end 26-day Nationwide Indefinite Strike-- the Govt. did make promises in Parliament but never fulfilled them in stark violation of all democratic procedures; the attitude having been protested in various forms of Satyagraha during NDA rule.

The NEC further notes with appreciation the UPA Govt.'s positive response in the form of meetings by Shri. Arjun Singh, MHRD and the assurance to resolve them via Cabinet Note. Whereas the Union Minister, after prolonged consultations with officials, recommended the Note, but the Cabinet meeting of March 23, 06 instead of granting approval to the Nodal Ministry's Note, sent it to Committee of Secretaries.

The Cabinet of GOI clearly committed an error of judgment in sending the MHRD-approved Cabinet Note to the Secretaries who had been actually blocking justice. This fuelled the anger of Teachers.

After thorough analysis, the NEC decided to intensify 'Satyagraha for Justice' till the solution of problems regarding Anomalies was achieved. Indefinite Protest Dharna would begin on May 16 in front of the Parliament to be followed by other steps to be announced on May 23 by Secretariat under authorization from NEC.

The NEC also resolved to launch public awareness campaigns along-with fraternal organisations for vital educational issues like: surrender to GATS, opaque working of National Knowledge Commission, rampant creation of Private Universities and Deemed Universities; ever-increasing cost of HE and others; beginning with the States going to polls in April & May, to be followed by other States in June/July/August and culminating in a Massive Protest Rally in New Delhi during the monsoon session of Parliament. Also demanded implementation of 93rd C. Amendment to grant Reservation for OBCs in all educational institutions under the Centre/States

#### DEMANDS

1. Implementation of pending professional demands: (a) Complete Parity for DPEs and Librarians; (b) CAS from 1.1.1996; (c) Third Promotion to end stagnation of SG Lecturers/

Readers; (d) Restoration of Professorship in all Colleges under CAS; (e) B.P. Fixation at Rs. 14940 for all Teachers in SG; (f) Problems of MPS Teachers in MDU, Haryana (g) Due UGC Scales for Coaches, Instructors and others working as Teachers; (h) Due benefits for women Teachers; (i) Full implementation of UGC Notification of 24.12.98 in erring States like Punjab, TN, Jharkhand, Orissa and others.

2. Allocation of, at least, 6% of GDP for education to meet NCMP commitment of UPA.

3. Expansion of Public-funded HE System for 20% intake to ensure sustainable development.

4. Concrete GOI order on constituting: 6th Central Pay Commission and UGC/AICTE/NCMER/NCAER Pay Review Committee.

5. Abrogation of privatisation and commercialization of Education from Primary to University; also scrapping of all GATS provisions and Private Universities.

6. Deletion of negative features of CABE Committee Report on Autonomy.

7. 50% D.A. merger in B.P. for all Employees of Colleges and Universities.

8. Retiral Benefits like Pension in Punjab, H.P. and elsewhere.

9. Democratization of HE governance.

10. Lifting of ban on recruitments in HE in Centre/States; + provision of adequate number of Teachers in Universities, Govt/Non-Govt. Colleges. (Implement direction of Secretary, MHRD to Chief Secretary of each State.)

The AIFUCTO would appreciate your support in the form of address to the Indefinite Protest Dharna at Jantar Mantar from May 16 to May 23 (except 20,21).

Please do come during 11:00 a.m. to 3:00 p.m. and oblige.

With warm regards,

Yours sincerely,  
**(Dr. V.K. Tewari)**  
General Secretary, AIFUCTO



demands immediate acceptance of the Cabinet Note and also solution of other problems.

**1) Restoration of Complete Parity for DPEs and Librarians:** While accomplishing the constitutional responsibility as per the UGC Act, the UGC established parity in the eligibility conditions of the two categories of Teachers: DPEs and Librarians with Teachers in Universities and Colleges. Disparity with respect to pay-scales was removed from 1-4-80. The Mehrotra Pay Review Committee of UGC in its Report - B accorded full parity and also settled the categorization as Academic Staff. Accordingly, the MHRD and UGC notified the parity in scales and CAS as on 1.1.1986. This continued uninterrupted with respect to eligibility for recruitment and career advancement scheme. It was absolute parity. Anomalously, the parity was disrupted unwittingly, though it had been given by MHRD vide Annexure of the Notification vide No. F.I-22/97 U.I dated 27.7.1998. Both UGC and MHRD have consistently argued for complete parity for DPEs & Librarians reg. pay-scales and CAS and other related matters. The stated position of GOI, in Parliament in response to questions, has also been for parity. The GOI must rectify the anomaly and restore the complete parity. Various judicial judgments of High Courts uphold: DPEs & Librarians as Teachers, and full parity.

**2) CAS from 1.1.96: All benefits accrue from the date on par with the Central Pay Commission.** The Rastogi Pay Review Committee was constituted in the light of terms and conditions of 5th Central Pay Commission. The process being long, the MHRD notified on 27.7.98 but without any remotest implication that CAS would be given prospectively i.e. 27.7.1998. Whoever thought of giving CAS from 27.7.98, only later on, did blatant injustice and we strongly argued for solution by way of 1.1.96 as the valid date. Accordingly, the Secretary, MHRD agreed with AIFUCTO position and wrote to the F.D. for restoration of justice. Justice demands that CAS be given from 1.1.96 for all teachers, including DPEs & Librarians.

**3) CAS upto Professorship in Colleges:** Honest perusal of MHRD Notification of 27.7.98 makes it crystal clear that revision of pay scales is for 'teachers in universities and colleges' which inter alia reads under clause '(iii) Career Advancement' and sub-clause '(c)' as follows: 'A Reader with a minimum of eight years of service will be eligible for consideration for appointment as a Professor'

This is clear and unambiguous.

Under CAS, introduced since 1.1.1986, the promotion is personal and not against any vacancy/position. As and when one retires, the post reverts back to the initial grade of the holder. The CAS may not be kindly confused with another clause: '(vii) Professors for Colleges' which says:

'Posts of Professor will be created in UGC recognized Autonomous Colleges'

This issue pertains to creation of posts which may be done as per this clause.

But CAS upto Professorship, as provided for in Clause iii, after due approval of the Cabinet of GOI should be implemented from 1.1.96 as per norms laid down by UGC vide D.O. No. F-3-3/2000 (PS) dt. 21.02.2002.

**4. Third Promotion for University and Colleges Teachers:** The pay-scales and service conditions of Teachers have been revised in the context of the recommendations of the 5th Central Pay Commission, as stated in the MHRD Notification of 27.7.1998. Whereas the Gazetted Officers in GOI are given third promotion but the same has been denied to Teachers. This position was rectified in the Agreement signed between Secretary MHRD and AIFUCTO on 5.9.98. This was agreed upon to remove anomaly and disparity in promotions. The Note submitted by AIFUCTO was sent to UGC and the response was requisitioned with the promise to give clearance in four weeks. Whereas the Agreement helped end the 26 - day nationwide strike, but the promise was never fulfilled. The MHRD committed a breach of privilege and promise by violating the agreement. The AIFUCTO raised the issue repeatedly and got the reply that the issue was under

consideration. It is notable that while drawing up the Agreement two considerations were important: a) Since the Gazetted officers are given assured third promotion so it be given to teachers; b) Selection grade lecturers/Readers with B.P. fixation at Rs. 14940/- in the scale of 12000-18300 would exhaust the scale on 1.1.04 and the Ph.D. holders, given two incentive increments, would exhaust the scale on 1.1.02. Other considerations were: Teachers join the University system after clearing NET so they be kept at par with the officers selected by National Level Exams; Teachers in many institutes do not get perks and facilities like rent free accommodation, free conveyance etc. and so their income remains squeezed as compared to other services.

So, Teachers deserve to be given Third Promotion on attaining 20 years of experience, so they be given Super Selection Grade equivalent to Professor scale of 16400-450-20900-500-22400. This type of third promotion is available to Gazetted Officers. As these teachers have already crossed the minimum of Professor Scale so the financial commitment is marginal.

#### **5. CAS from 1.1.96 and BP fixation at Rs.14940**

Earlier, i.e. 1.1.86 revision, Teachers entered Selection Grade, after due process, on attaining 16 years of experience; now i.e. 1.1.96 revision, they enter on attaining 11 years of experience. Those with experience of more than 11 years, less than 16 years as on 1.1.96 have faced loss due to anomaly.

Our plea is that such Teachers be given the benefit of B.P. fixation of Rs.14940 even though they have entered Selection Grade after 1.1.96 and the completion of 5 years thereof. The judgment in O.P. No. 36112 of 2002 delivered on 20.12.2005 of High Court, Kerala supports this contention of AIFUCTO.

#### **6. UGC scales for Accompanists, Tabla Players, Coaches and the allied**

Except designation, they perform all functions of a Teacher: Classroom/Laboratory Teaching/instruction, workload as assigned by University is on par with Teachers: University Question Paper setting, evaluation and all other related jobs. The UGC has already done the exercise.

The AIFUCTO pleads with both UGC & MHRD to grant justice to them.

#### **7. Problems of Women Teachers:**

Rastogi Committee recommended: Condonation of break in service upto 5 years; flexi time concept and counting of interstate service. The UGC appointed a committee to look into the issues. The AIFUCTO has been assured of needful action.

#### **8. Full implementation of UGC Notification of 24.12.1998:**

State Governments of Tamil Nadu, Punjab, Bihar, Orissa, Jharkhand have not fully implemented the UGC Notification. Pay-Revision arrears have not been disbursed in full, in cash, in one installment; i.e. the stipulations have been violated. Similarly, the retirement age has not been enhanced to 62 years in many States. Govt. of Punjab has not implemented clauses 7.8, 8.00 to 8.6 concerning feeder grade service and benefit of past service respectively. Kindly, ask all State Governments to submit Status of Implementation Reports for further analysis and due action. In the meanwhile, the specific issues in specific States be taken up & redressed.

#### **9. Mutual Consultative Mechanism:**

In the tripartite meeting taken by Secretary, MHRD in the Chair on 6.10.99, Mutual Consultative Mechanism was evolved. We request adherence to it. You are requested to respond to the issues detailed above.

With regards,

Yours sincerely,  
**Dr. V.K. Tewari**  
General Secretary,  
AIFUCTO

## SAGA OF AIFUCTO

(The story of the genesis and First eight years of the All India Federation of University and College Teachers' Organisations)

**Prof. Hridya Narayan Singh (Jaunpur)**

*First General Secretary of AIFUCTO*

I consider myself fortunate in having lived to witness the Silver Jubilee Celebrations of the AIFUCTO in May, 1987 at 'Podar College of Commerce and Economics, Bombay.' Towards the close of the 6th decade of the present century the All India Federations of the Secondary Teachers and Primary Teachers's Associations had come into existence. The All India Federation of Educational Associations (AIFEA) had already been working for the past twenty years or more but there was no organization to project the problems and difficulties, aims and objects of the Higher Education in the Country and give voice to the aspirations and tribulations of the University and College Teachers.

**The need for such an All-India Organization was imperative but there were two tremendous obstacles in the way.** The large number, variety and area of institutions of higher learning and the spirit of class, distinction prevailing among a large section of the fraternity. A large section of the University teachers thought it infringing to make common cause with the Degree College Teachers and join hands with them to form a National Organization.

**As a representative of the teachers in Utter Pradesh I had been elected as a member of the Legislative Council of U.P. in 1952 and again in 1954 and a third time in 1960.** I considered it my duty atleast to try to bring the teachers of Colleges and Universities of India on a Common platform. Encouraged by my success in organizing the Gorakhpur University Teachers' Association and the U.P. Madhymik Shikshak Sangha in 1956, I resolved to sound the University and college Teachers of India towards a National Federation.

In 1961, 529 letters were sent to individual Teachers, Principals and Office bearers of teachers organizations throughout the Country about forming an All India Federation of University and College Teachers' Associations.

Affirmative replies were received from 9 office bearers of University /College Teachers' Associations including letters from the General Secretary, Agra University Teachers' Association, Secretary, All Orissa Non. Govt. College Teachers' Association, President, Assam College Teachers' Association Principals' Association Bhagalpur University, and Secretary University Section, AIFEA, Twenty Seven replies were received from individual teachers/principals. **There seemed to be a general feeling that it was desirable to create an all India forum for discussing the problems concerning University education and educators.**

With this preparatory work in the back ground, I issued an invitation to University/ College teachers to assemble at Trivandrum in the wake of the Annual Conference of the AIFEA. A number of University and College teachers met at Trivandrum on 29th Dec. 1961, Under the presidentship of Shri V.V. JOHN, President, Rajasthan University Teachers Association, and Unanimously resolved to form an all India Federation of University and College Teachers. A sub Committee was constituted to prepare a draft constitution. The Sub Committee met on 30th Dec. at the same venue and drafted a constitution and decided to circulate the same and convene a conference at a central place in April 62 to consider and adopt the same.

I sent 545 letters along with the draft constitution to University/ College teachers and their organizations in the country for their information and consideration. **The intended conference was held at U.P. College, Varanasi on 24th April, 1962 under the Presidentship of Shri K.L. Sharma of Jaipur** to consider and adopt the constitution. Delegates from West Bengal, Punjab, Rajasthan, and Uttar Pradesh attended the conference. Others from Andhra Pradesh, Orissa, Kerala, sent their good wishes and support. The delegates present discussed and adopted the constitution and an ad-hoc Executive of eight persons from different states with me as the Secretary Convener was elected. Five more were added to the Executive correspondence.

**The first annual conference of the Federation under the constitution was held on 24th and 25th Feb. 63 at Calcutta.** The meet was inaugurated by the Education Minister of the West Bengal Dr. Trigun Sen was the chairman of the Reception Committee. The conference was addressed by Prof. B.N. Das Gupta, Vice Chancellor North Bengal University and Shri Hiranmoy Banerji, Vice Chancellor Rabindra Bharati, A convention on National Defence was inaugurated by the Chief Minister Shri P. C. Sen and presided over by the Education Minister, Bihar. A symposium on Administration of College and University Education in India was presided over by Dr. H. J. Taylor, Vice Chancellor Gauhati University.

An Executive with Dr. M.M. Chakravarti as President and myself General Secretary was elected.

**The Second Annual Conference was held at Agra on 6th and 7th February, 1965. Dr. V.K.R.V. Rao, Education Minister Govt. of India Inaugurated it** and Dr. Reginald Bell, member of the Columbia University Team Working in India addressed the delegates.

The federation was invited to participate in a seminar convened by the Education commission on Teachers Status at Delhi in September, 1965. A Convention-cum-Seminar was organized at Mussouri on 28th to 31st May 1966 in which more than 50 members from West Bengal, Bihar, U.P. and Delhi took part.

A mass deputation of University and College Teachers was organized by the federation at Delhi on 21st March 1966, in which 1,000 Teachers from all over the country participated. **The Pressure brought to bear on the Education Minister led to his announcement of 4th April 1966.**

**The 3rd annual conference was held at Kirodimal College, Delhi, University campus,** on 11th and 12th November, 1966. Dr. D.S.Kothari, Chairman U.G.C. Presided. Prof. R.C. Majumdar was the chairman of the Reception Committee.

Fruitful symposia on the following subjects were held:

Education in the 4th Five Year plan : President: Dr. A.C. JOSHI

Report of the Education Commission : President: Prof. J.P. NAIK

Student unrest and remedies for the same : President: Dr. D.S. KOTHARI

An executive with Sri H.N. Singh, Principal, T.D. College Jaunpur as the president and Sri D.K. Chakravarti, West Bengal as General Secretary was elected.

There were twenty Associations of University / College Teachers affiliated to the federation at that time and three more were to join soon.

**The fourth annual conference of the federation was held at Waltair, Andhra Pradesh on 30th September and 1st October 1967.** Prof. K. R. Srinivas Iyengar, Vice Chancellor Andhra University was the Chairman of the Reception Committee and Prof. Y. Sriramurthy was the Secretary.

Three all-India seminars on University Autonomy, Teachers status and Parliamentary committee and Report on Education were held under the auspices of the federation. Fifty Six delegates from the different parts of the country took part in the proceedings Principal Hridya Narayan Singh and Sri D.K. Chakravarti were elected President and General Secretary for the Year 1967-68.

**Fifth annual conference was held in February, 1969 at Cuttack, Orissa, Dr. Nag Chowdhery, Member of the planning Commission Govt. of India inaugurated the conference -** Sri Pathnaik Minister of Education and the Vice-Chancellor, Cuttack University took part in the conference and the seminar. Delegates from Andhra Pradesh, Orissa, West Bengal naturally attended in large number. Dr. Ravada Satyanarain of the Osmania University and Shri Abani Kumar Boral of Orissa were elected the President and General Secretary for 1969-70. The old team of workers handed over charge to abler, more energetic people who have broadened the base of the federation and consolidated it and made it more effective. We were just standard bearers of the federation and laid its foundations twenty five years ago. You the present office bearers and the Executive and members have to build strong durable and glorious edifice on them.

The federation is the expression of the collective will of the teachers engaged in the noble task of imparting higher education in the country and we should all be thankful to those who contributed in whatever way it was possible for them to do towards its creation **India is the largest democracy in the World, So the All India Federation should be the largest University/College Teachers' organization in the World; Our combined efforts should be directed towards making it not only the largest but also the most dynamic and the best.**

*(Courtesy Teachers' Movement)*

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## BEGINNING DAYS OF AIFUCTO

**Prof. ABANIKUMAR BORAL**

*Ex Vice-President & Ex General Secretary AIFUCTO*

All India Federation of University and College Teachers' organizations has become a house hold name among University & college teachers all over India was first conceived at Trivendrum in 1961, when a small group of University & college teachers met and formed an adhoc committee with secretary Prof. Hriday Naryan Singh, Principal Tilakdhari college, Jaunpur (UP) with an objective to draft a constitution for All India Federation of University and College Teachers Organisations (AIFUCTO).

But AIFUCTO which has grown to a massive University & college teachers organization and particularly the sole tribune of Higher Education personnel in our country was launched officially in its first conference held at Calcutta in the year 1962 and elected Prof. Hriday Naryan Singh, as its first General Secretary. Subsequently in the year 1966 Prof. Dilip Chakrobarty as General Secretary and Prof. Hriday Naryan Singh as president. The next Conference was held at Andhra University campus, Waltair organized by Prof. Sriram Murthy of Andhra University. Major activities during this period was organizing of Symposium on the recommendations Education(Kothari) Commission during 1960 maintenance of standards in Higher Education 1967, discussion of National Education policy 1969, and submitting memorandum to Government of India for uniform applicability of national pay scale all over the country. During 1969, the national conference was organized a Barabati Stadium, Cuttack, which was attended by more than 200 University & college teachers from all over the country, It was inaugurated by Dr. B.D. Nag Chowdary, the then member of Planning committee of India representing education sector. The conference elected Prof. Abani Kr Boral as the general secretary and Dr. Ravada Satyanarayana,

Eminent Physist of Osmania University who also became the vice-chancellor of Osmania University during tenure as president of AIFUCTO.

Prof. Amiya Dasgupta Prof. Anil Basak, Prof. Mrinmoy Bhattacharya were respectively elected as vice-President, Joint Secretary, and Asst Secretary at the Cuttack Conference. The next national conference was held at Patna in 1974 which elected Prof. Amiya Dasgupta veteran teacher leader as General Secretary, Principal A.K. Sinha of Patna as vice-president and Dr. D.N. Mishra as the President. Great teacher leaders like Prof. Parmanand Madan, Prof H.S. Mehta (Punjab) were elected to various offices of AIFUCTO. Patna was followed by Jabalpur conference which injected further new blood in side the organization. During this period AIFUCTO has grown from strength to strength both in terms of affiliation and membership and in terms of striking power and mobilizing capacity Since education was mainly state subject and teachers organizations were organized and functioning at state level during that period AIFUCTO virtually functioned as national platform or coordinator during this beginning period. In 1968, the first ever mass deputation was organized by AIFUCTO at Delhi, with handful of teachers followed up by many mass deputation and march to parliament programme in successive years. To mention a few pioneering national movement, one should mention a nationwide one day cease work on 15.1.1974 which turned to be a national strike by University & college teachers followed up by massive militant demonstration on 25.3.1974 which almost made the Union education minister to announce new UGC Scales on the floor of the parliament on 30.3.1974. That was the beginning of a strong and militant AIFUCTO.

*(Courtsey Teachers' Movement)*

### STATUTORY CONFERENCES OF AIFUCTO

	YEAR	PLACE	PRESIDENT Elected	GENERAL SECRETARY Elected
I	1964	BENARUS	M.M. CHAKRBORTY	HRIDAY NARAYAN SINGH
II	1965	KOLKATA	M.M. CHAKRBORTY	HRIDAY NARAYAN SINGH
III	1966	WALTAIR	HRIDAY NARAYAN SINGH	DILIP CHAKRBORTY
IV	1967	DELHI	HRIDAY NARAYAN SINGH	DILIP CHAKRBORTY
V	1969	CUTTACK	RAVADA SATYANARYANA	ABANI Kr BORAL
VI	1971	PATNA	AX SINHA	AMYA DAS GUPTA
VII	1973	JUBBALPUR	D.N. MISHRA	AMYA DAS GUTTA
VIII	1975	CHANDIGARH	G,S. BHALLA	AMYA DAS GUPTA
IX	1976	BHUBANESWAR	RG S CHOUHAN	AMYA DAS GUPTA
X	1978	KOLKATA	MJ MANIKYA RAO	AMYA DAS GUPTA
XI	1981	PATNA	MJ MANIKYA RAO	MRINMOY BHATTACHARYA
XII	1983	HYDERABAD	MJ MANIKYA RAO	MRINMOY BHATTACHARYA
XIII	1985	BANGALORE	K K THECKEDATH	MRINMOY BHATTACHARYA
XIV	1987	BOMBAY	K K THECKEDATH	MRINMOY BHATTACHARYA
XV	1989	MADURAI	SUDHIR ROY	MRINMOY BHATTACHARYA
XVI	1991	HISSAR	SUDHIR ROY	MRINMOY BHATTACHARYA
XVII	1993	HYDERABAD	SUDHIR ROY	MRINMOY BHATTACHARYA
XVIII	1995	BARODA	K K THECKEDATH	MRINMOY BHATTACHARYA
XIX	1997	BARAUNI	K K THECKEDATH	MRINMOY BHATTACHARYA
XX	1999	BHOPAL	SHYAMAPADAPAL	B.VIJAYKUMAR
XXI	2001	LUCKNOW	ANIL BHATTACHARYA	B.VIJAY KUMAR
XXII	2003	BOMBAY	ANIL BHATTACHARYA	B.VIJAY KUMAR
XXIII	2005	MUZAFFARPUR	THOMAS JOSEPH	V.K. TEWARI

*Note : 1962 preparatory conference, was held at Varanasi, under the presidentship of Prof. K.L. Sharma Jaipur, and elected an adhoc executive with Prof. Hriday Narayan Singh as Secretary Convenor.*



# THE WAY FORWARD

Dr. K.K. Theckedath

Life Member & Ex. President, AIFUCTO

On the occasion of the completion of twenty-five years of its unbroken publication the Teachers' Movement deserves our warm and hearty congratulations. The official journal of a fighting organisation like the AIFUCTO serves the role not only of organiser and agitator, but also of an educator of its members. The past twenty-five years have witnessed great movements of the teachers led by the AIFUCTO, and also great causes espoused by it.

The greatest and most urgent cause that we are championing is the democratic task of providing to the people of this country a scientific education system which should reach everyone. This is the very opposite of the programme of the present ruling classes, They want to concentrate only on those who can pay, and knowing fully well the emancipatory role of a scientific education, they try to inject into the syllabi and text books obscurantist and communal ideas.

With the ushering in of neo-liberal economics in the country after 1991, the threat to our cause has multiplied several fold. The crux of the neo-liberal policies is to help monopoly capitalism to come out of the present crisis by transferring the burden on to the shoulders of the toiling people. This is sought to be done by (i) reducing the taxes on capitalists and transferring the burden on to the people, (ii) opening the country's markets to international capitalists by sidelining our domestic industry through manipulation of duties etc., and (iii) letting our financial systems banks, insurance, and other corpuses free for foreign players to access and make speculative profits. The casualty is naturally the schemes of government spending on social sectors like education, health, public distribution and agricultural subsidies for the poor farmers. The result is grave hardship to the rural and urban people and an exacerbation of the agrarian crisis.

As far as our own field of education is concerned, this attack is manifested in the privatisation of education and the withdrawal of the grant-in-aid system.

## OUR UNIONS ARE READY TO FIGHT

Recently on July 7, 2005 a historic national convention of the organisations of state government employees, central government employees and teachers of all sectors was held in New Delhi. This convention took note of this regressive trend in education and unanimously adopted the following resolution.

"This national convention takes serious note of the Govt's aggressive move to privatise education through, among other steps, dismantling the Grant-in-Aid system in schools, colleges and universities, and through the enactments for private universities. While opposing this move this convention demands

that the present grant in-aid system should continue and be further strengthened.

I have called this convention a historic event because for the first time three national streams of employees, numbering over one crore, have come together in a movement for non-trade union issues such as education, the national economy and problems of the unorganised people. The Presidium of this convention included two members from the employees organisations along with Dr. V.K. Tewari, National Secretary of the AIFUCTO, to represent the entire range of teachers from the KG to the PG.

The other important issue that came up was the govt's move to privatise the pension scheme. The huge corpus of pension funds is being transferred to a newly created authority, which is being invested with powers to allow foreign players to dip into these finances for, speculative profits. This is the new government's attempt to please the IMF and World Bank.

## STILL BROADER UNITY BEING FORGED

The battle against the anti-people policies of the government cannot be fought single-handedly by the AIFUCTO or even by the teachers and the government employees together. The new epoch of multidimensional attacks on the people teachers us the lesson that we should look around us to see who else is being attacked and befriend them to forge a mighty wave of resistance. This is the new perspective that Teachers' Movement should convey to teachers and this juncture of a global crisis of capitalism.

And indeed such an opportunity has arrived. Soon after our own convention there was held in Delhi a mammoth rally of trade unions, including our own federations, to chalk out a resistance movement. This rally has given a call for a Country-wide strike on 29th September 2005, preceded by joint mobilisations, to protect our pensions and to win back our right to strike. Thoughtfully, this rally has also given importance to the trade union demand of a wage revision. One of the demands in the strike is that the Government should appoint the Sixth Central Pay Review Commission.

On this occasion, through the pages of our proud organ Teachers' Movement I wish to appeal to all teachers: Prepare yourselves for a new phase of movement! Our great victories in the two all India strikes in 1987 and in 1998, both of which were long drawn and fought doffedly, and both of which ended with honourably drawn agreements with the Government in favour of the teachers, give us confidence that the way forward, although hard, will be towards victory and greater glory. Let us give the slogan : Teachers Movement, Forward Forward.

## सहसंचालक, कार्यालय, उच्च शिक्षण

अमरावती विभाग, अमरावती-४४४ ६०४ : दुरध्वनी क्रमांक ०७२१ - २५३१२३५  
क्रमांक ससं/उशि/अनु-१/०५/२१०१ : दिनांक २८.४.२००६

प्रति,  
प्राचार्य,  
सर्व अनुदानित अशासकीय महाविद्यालये,  
अमरावती विभाग, अमरावती.

**विषय :-** स्थाननिश्चिती प्रकरणे मंजूर करणेबाबत व कुंठीत वेतन वाढ मंजूर करणेबाबत.

**संदर्भ** १. मा. शिक्षण संचालक, उच्च शिक्षण म.रा.पुणे-१ यांचे पत्र क्र.व आरएसपी-२०००/पाचवा आयोग/८२३/विशी-२ दि. १४.०२.२००२

२. अवर सचिव, महाराष्ट्र शासन, उच्च व तंत्र शिक्षण, मंत्रालय, मुंबई ह्यांचे पत्र क्र. एनजीसी/२००४/(५८/०४)/विशी-४ दि. १७ जून २००५

३. मा. शिक्षण संचालक, उच्च शिक्षण म.रा.पुणे ह्यांचे पत्र क्र. शिसं/उशि/मरा/कुंठीतवेतन/०३/१३०७ दिनांक १५.११.२००३

उपरोक्त विषयाबाबत कळविण्यात येते की, आपले महाविद्यालयातील स्थाननिश्चिती प्रकरणे व कुंठीत वेतनवाढ मंजूर करणेबाबत खालील सूचना कटाक्षाने पाळण्यात. फिडर केंद्रप्रमाणे निवडश्रेणीमध्ये स्थाननिश्चिती प्रकरणे जिल्हानिहाय सादर करण्याविषयी कळविण्यात आले होते परंतु बऱ्याच महाविद्यालयांनी याबाबतची दखल घेतल्याचे निदर्शनास येत नाही. वेळेची बंधने न पाळल्यामुळे प्रकरणे निकाली काढण्याकरीता विलंब होतो आणि नाईलाजास्तव प्रकरणे प्रलंबीत राहतात तरी याबाबतची संबंधितांनी नोंद घ्यावी.

१. ज्या अधिव्याख्यात्यांना निवड श्रेणी ही दिनांक १.१.९६ च्या पुढे मिळालेली आहे अशा अधिव्याख्यात्यांची प्रकरणे फिडर केंद्र प्रमाणे स्थाननिश्चिती मंजूरी

करीता प्रस्ताव सादर करावेत. प्रस्ताव सादर करतांना संबंधीत अधिव्याख्यात्यांचे मुळ सेवापुस्तक व या कार्यालयाने निवडश्रेणीमध्ये स्थाननिश्चिती मंजूर करून दिलेल्या आदेशाची मुळ प्रत व इतर आवश्यक कागदपत्रे सादर करावीत. (उदा. सेवाखंड क्षमापित केल्याचे आदेश, वरिष्ठ श्रेणीमध्ये स्थाननिश्चिती मंजूरीची प्रत, उजळणी वर्ग व उद्बोधन वर्ग केल्याच्या प्रमाणपत्राची छायाप्रत इत्यादी)

२. आपले महाविद्यालयातील ज्या शिक्षकांना कुंठीत वेतनवाढ मंजूर करावयाची आहे अशा अधिव्याख्यात्यांचे कुंठीत वेतन वाढ मंजूर करण्याकरीता संबंधीत अधिव्याख्यात्यांचे मुळ सेवापुस्तक व वेतननिश्चितीचे प्रपत्र सादर करावीत.

३. आपले महाविद्यालयातील ज्या अधिव्याख्यात्यांची वरिष्ठ श्रेणीमध्ये स्थाननिश्चिती प्रकरणे मंजूर करून दिलेली आहेत परंतु संबंधीत अधिव्याख्यात्यांना एम.फिल. किंवा पी.एचडी असल्यामुळे १/२ वर्षांची वरिष्ठ श्रेणीमध्ये सुट दिलेली नाही अशा अधिव्याख्यात्यांचे मुळ सेवापुस्तक, समितीचा अहवाल, यापूर्वीचे मंजूर करून दिलेले वेतननिश्चितीचे प्रपत्र व स्थाननिश्चितीचे प्रपत्र तीन प्रतीमध्ये पुन्हा सादर करावीत.

४. फिडर केंद्रप्रमाणे स्थाननिश्चितीच्या फरकाची रक्कम, नियमित स्थाननिश्चितीच्या फरकाची रक्कम तसेच कालबद्ध पदोन्नतीमुळे होणाऱ्या फरकाची रक्कम या कार्यालयाच्या परवानगीशिवाय कोणत्याही शिक्षक व शिक्षकेतर कर्मचाऱ्यांना अदा करण्यात येऊ नये. याची कृपया नोंद घ्यावी.

सहसंचालक, उच्च शिक्षण  
अमरावती विभाग, अमरावती.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY : NAGPUR BENCH : NAGPUR  
WRIT PETITION NO. 107/94**

*Petitioner* : Ku. Rekha d/o Vishwanathrao Ingole, aged about 28 years, r/o Manora, Distt. Akola.

*-Versus-*

*Respondents* : 1) Presiding Officer, College Tribunal, Aurangabad. 2) President, Gynopasak Shikshan Prasarak Sanstha, Manora, Distt. Akola. 3) Principal, N.S. Patil Arts & Commerce College, Manora, Distt. Akola. 4) Registrar, Amravati University, Amravati

**PETITION UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA**

**In the High Court of Judicature at Bombay : Nagpur Bench, Nagpur  
Writ Petition NO. 107/1994 In : Writ Petition NO. 563/1994 : Writ Petition No. 107/1994  
Ku. Rekha Vishwanathrao Ingole ...*Petitioner***

*Versus*

Presiding Officer, College Tribunal Aurangabad and Others....*Respondents*

Shri M.M. Sudame, Advocate for Petitioner Assistant Govt. Pleader for Respondent No. 1 Shri G.G. Mishra, Advocate for Respondent No.3 Smt. T.D. Khade, Advocate for Respondent No. 4

**Writ Petition No. 563/1994**

Ravindra Dadarao Deshmukh .... *Petitioner*

*Versus*

Dnyanopasak Shikshan Prasarak Sanstha and others .....*Respondents*  
Shri H.A. Deshpande, Advocate for Petitioner Assistant Govt. Pleader for Respondent No. 2

**CORAM : B.P. DHARMADHIKARI, J.**

**Dated : October 28, 2005**

Date of Reserving of Judgement :20.10.2005 : Date of Pronouncement 28.10.2005

**ORAL JUDGEMENT**

1. In Writ Petition No. 107/1994 the petitioner employee is challenging the judgement dated 25.11.1993, delivered by the Presiding Officer, College Tribunal, Nagpur in appeal under section 45 of Amravati University Act, 1983. The College Tribunal has dismissed her appeal.

2. The petitioner challenged in the said appeal the order dated 18.3.1994 issued by the respondent No. 2 terminating her services as part time lecturer w.e.f. 20.04.1991. The case of the petitioner in short is that on being selected and recommended by the duly constituted selection committee, she was appointed w.e.f. 24.08.1988 as part time lecturer in Marathi on temporary basis. In one academic session i.e. 1988-89 and thereafter again she was reappointed w.e.f. 12.08.1989 in the same capacity, but on probation and was confirmed as such till termination of her appointment by the impugned order. She contended that this termination was not in accordance with the provisions of the Amravati University Act. She stated that she was appointed against a clear vacancy and on recommendation of the duly constituted selection committee and having put in more than 2 years continuous service in that capacity, **in view of the provisions of Statute 53 she occupied the status as confirmed teacher, and as such could not have been discontinued without holding departmental enquiry. She relied upon the provisions of Statute 53 and also Ordinance no. 24 in support.**

3. The respondent Management did not deny the first appointment of petitioner and her continuation thereafter by subsequently order. The management defended their action by pointing out that the performance of the petitioner during her period of probation was not satisfactory, and as such the employer in exercise of rights available to it legally terminated her services before completion of period of probation by issuing simple one months notice and it was stated that therefore, holding of departmental enquiry was not necessary. They stated that in view of the probation w.e.f. 12.08.1989 she did not complete period of probation till 20.4.1991 and hence question of acquiring the status of confirmed teacher did not arise. By placing reliance upon the provisions of Statute 53. Rule 4 Management contended that she was not appointed against clear vacancy and as such she could not have been acquired the status of confirmed teacher merely by putting in 2 years service as probation. **It was therefore stated that the approval of University was not necessary before terminating her services.**

4. The College Tribunal has considered this aspect and

has found that though the petitioner proved that her appointment was on probation she could not prove that it was against the clear vacancy and she could not further prove that the satisfactorily completed the said period. The College Tribunal has found that the College in which the petitioner was working was opened in 1986-87 session and it was not in existence before that. Thus the post was created for the first time in 1987-88 and in 1988-89 the petitioner was appointed on probation and at that time the post has not become clear and/or permanent in view of the definition of clear vacancy under the provisions of Rule 4 of Statute 53. It is further observed that upto 26.4.1991 the petitioner had completed less than two years and thereafter her services record has been considered by the College Tribunal to point out how her performance was not satisfactory. It further found that the University letter dt. 8.6.1990 granting approval to the petitioner as full time employee was issued on wrong and incorrect representation. It further found that there was no sufficient work load to appoint the petitioner as full time lecturer and it found that some documents considered by the University for giving approval to the petitioner on full time basis were infact forwarded by the petitioner herself in the capacity of in charge Principal. It is further recorded that during the relevant period the institution had not permitted Marathi Literature either as subject or as optional subject and it has accepted the case of management that the petitioner was only a part time teacher. It also found that the Secretary of the respondent no. 2 society filled affidavit stating that the petitioner obtained the signatures on certain proposals misleading him and no proposal for full time appointment of petitioner was forwarded to the University consciously. In view of this finding the College Tribunal found that the services of the petitioner were terminated during the period of probation and she had not acquired the status of confirmed teacher and her services would have been terminated without holding any enquiry against her.

5. I have heard Advocate Sudame and Advocate Deshpande for petitioners in respective petitions, learned Assistant Government Pleader for Respondent no.1 in Writ Petition No. 107/1994 and for respondent no. 2 in Writ Petition No. 563/1994. Advocate Mishra, for respondent no.3 and Mrs. Khade, Advocate for respondent no.4 in Writ Petition No. 107/1994

6. Advocate Sudame has contended that the petitioner was initially appointed as clerk by order dt. 24.8.1988. She was appointed as lecturer. He further states that petitioner



completed one year in August 1989 and she was also made in charge Principal of respondent no. 3 College because of her work. He further argues that thereafter the petitioner was again given fresh appointment as mentioned above and that her services were terminated on 20.04.1991. **It is contended that the petitioner completed two years of services as lecturer in Marathi on 24.8.1989 and as such she could not have been treated as probationer.** The reliance has been placed upon the provisions of Statute 53 and Ordinance no. 24 in support. It is further contended that as per the Ordinance no. 24, an agreement was deemed to have been entered into and said agreement being a statutory agreement the services of petitioner would not have been terminated in such mode and manner. It is further stated that the interpretation of clause 4 of Statute 53 by the College Tribunal is not just and proper. Attention is invited to the requirement of work load for full time and part time teachers and particularly to the directives issued on 27.8.1981 to contend that when there was one person in Marathi department such person/teacher was to be considered as full time. Attention has been invited to the available work load with reference to the documents and directives on record with a view to demonstrate that the petitioner had work load of 12 periods.

7. **In reply the learned counsel for respondent no. 3 has contended that as the College was opened only in 1986 and no clear vacancy in any post could become available before 1990** and as such the petitioner could not have been appointed on probation before 1990 and that therefore the probation period would begin only in 1990 and hence on the date of her termination i.e. on 20.4.1991 she had not completed the period of probation. He invites attention in the observations made by the College Tribunal in order to demonstrate that the services of the petitioner were terminated for unsatisfactory performance. He contend that the petitioner was only a part time lecturer and had work load of only 8 periods. He further states that when the petitioner was officiating as Principal, by practicing misrepresentation she obtained approval as lecturer by adding 15 periods of Marathi literature. According to him the provisions of Ordinance 24 (11) prescribed for qualification of teachers. The petitioner was part time teacher and as such she was not probationer. It is further contended by him that classes in Marathi literature were started by the petitioner at her own without any permission from the management and the University. He further states that no interference is warranted in the matter in writ jurisdiction.

8. Petitioner in Writ Petition No. 563/1994 was appointed by the same Management on 7.9.1988 for academic year 1988-89 and thereafter by order dated 12.08.1989. By this order he was appointed on probation for a period from 1989 to 1991 and on 4.4.1990 Amravati University granted approval to the appointment as teacher in Political Science as full time teacher from 1988 –89 onwards. It is further stated that on 1.12.1989 similar approval was given to the petitioner. Thereafter the management gave him appointment order dt. 6.8.1990 appointing him on permanent basis. On 18.3.1991 he was sought to be terminated from 20.4.1991 on the ground that the educational session is coming to end. The petitioner accordingly filed appeal under section 45 of the Amravati University Act, 1983. The said appeal is again dismissed by the College Tribunal by holding that the appointment of the petitioner was on probation only and he has been terminated during probation on account of non satisfactory service.

9. The argument advanced by the learned counsel for the petitioner Shri Deshpande and Advocate G.G. Mishra for respondent no. 1 are identical as mentioned in Writ Petition No. 107/1994.

10. In both these writ petitions it is apparent that the employees were appointed on probation and petitioner Rekha in Writ Petition No. 107/1994 completed two years on 24.8.1990. Her services have been terminated thereafter by order dt. 18.3.1991 w.e.f. 20.4.1991. The other petitioner Ravindra has infact been appointed on probation by order dt. 12.8.1987 and he was also given approval accordingly by the University, initially on 1.12.1989 and thereafter on 4.9.1990. After this order he has been confirmed by order dated 6.8.1990 he has been terminated after confirmation by order dt. 18.3.1990, w.e.f. 20.4.1991. **However, the College Tribunal has treated this appointment as on probation after holding that the petitioner were not appointment against clear vacancy.**

11. In case of Rekha, there is a dispute between the parties about the nature of her appointment. The Management contended that she was appointed on part time basis, while the petitioner has pointed out that she was appointed as full time teacher. The petitioner has produced on record approval given to her service by the University on 8.6.1990 on probation basis. This approval was not challenged by the management before any other forum and management also did not make any grievance to the University about it. **The management has filed affidavit before this court to demonstrate that only 8 periods were available for petitioner.**

**However, the petitioner has filed the counter affidavit to show that the work load for Marathi teacher was available and infact on 8.8.1992 Management issued advertisement for full time post in Marathi.** The petitioner has also produced before this Court directive having No. AC/CO/C/316 dated 28.08.1981. In which it is mentioned that if there is only one man in department, the teacher concerned should be considered as a full time even if he has a work load of 12 periods per week. It is not disputed in the facts of the present case that the department in which the petitioner is working was having only one teacher i.e. the petitioner. The material on record also demonstrates that the subject of Marathi literature was also being taught and that work load was available to the petitioner. In this background acceptance of the affidavit by the College Tribunal that the petitioner has obtained some signature and forwarded the proposal for obtaining approval on full time basis cannot be accepted. The petitioner has also produced before this Court along with her affidavit dated 3.10.2005 Statement of marks issued by Amravati University of about 6 students. The first statement of marks is dated 19.7.1989, in which it is shown that the student named therein appeared for Marathi literature paper in Summer Examination 1989 of Amravati University. The other statement of marks is in relation to March, 1990 examination which again shows the same fact. The third statement of marks is in relation to Summer 1989 examination conducted by the Amravati University and it shows that the student named therein appeared for Marathi literature in Summer 1989 Examination. March 1993 statement of marks issued to student Sanjay shows that he passed his Graduation in March, 1993 with Marathi literature as subject. March 1991 marksheet of another student shows that he appeared for Marathi literature paper of Amravati University. March, 1992 statement of marks of another student shows that he appeared for Marathi Literature in March, 1992. Thus, these mark sheets spread over the considerable time refute the claim of the respondent Management that Marathi Literature was not approved either by the Management or by the University for being taught in respondent College. **The case of respondent that there was workload for her and her services were approved by Amravati University as full time teacher therefore is substantiated.** The arguments of Advocate Mishra, about classification of teacher relying upon the provisions of Chapter II in Ordinance No. 122, in this respect therefore cannot be accepted. It is to be noted that the said Chapter gives three heads of classification. Those heads are [1] Permanent Teacher, [2] Probationary Teacher, and [3] Temporary Teacher. These clauses further defines who is permanent teacher who is probationary teacher and who is temporary teacher. It also defines part time teacher and contributory teacher. Clause 7 in the said Chapter states that other teacher except part time teacher and contributory teachers are to be appointed as per contract given in Appendix "A". **In view of the discussion above it cannot be accepted that the petitioner was a part time teacher.**

12. So far as the petitioner Ravindra in other petition is concerned there is no dispute about his status.

13. **In the background when the provisions of Statute 53 are looked into the said Statute deals with the subject of confirmation of teacher in affiliated Colleges.** Clause 4 of this Ordinance falls for consideration in this matter. And said clause reads as under :

"4. A teacher shall subject to the procedure of Selection and Appointment be appointed in a clear vacancy in the first instance on probation for two Years [24 months] from the date of his appointment at the end of which he shall be confirmed on the expiry of which he shall either be confirmed or his services dispensed with. Provided that notice of such confirmation or termination of services shall be given at least one month before the due date in the absence of which it shall be considered that he has completed the period of probation



satisfactorily and that he is deemed to be confirmed in service.

Provided that if any teacher already in service has completed two years of service temporarily / probation in a clear vacancy, he will be deemed to be a confirmed.

Explanation : It is hereby clarified that a clear vacancy means a vacancy which is not a lien vacancy or leave vacancy and that the vacancy / post is on vogue in the Institution for not less than four years.”

Thus a teacher to be appointed on probation can be appointed for two years and at the end thereof he is to be confirmed. The said clause further provides that notice of confirmation or termination of service is to be given at least one month before the due date and in absence thereof. It is to be presumed that the employee has completed period of probation satisfactorily and it is to be presumed that he is confirmed in service. Thus in case of the petitioner - Rekha the period of her probation expired on 24.08.1990 and before that she was not given any notice of termination or any notice of confirmation also. In view of the deeming action provided for in clause 4. It is held that in normal circumstances she could have been deemed to have been confirmed on 24.08.1990. The termination of her service on account of the alleged unsatisfactory performance after 24.08.1990 therefore will not be in accordance with the provisions of Ordinance No. 122 mentioned above or Ordinance No. 24, particularly the agreement mentioned in Schedule A there to. Same will be

the position in case of petitioner Ravindra in another petition. On the other hand his case stands on better footing because he has been expressly confirmed by order Dt. 6.8.1990

14. **However, the College Tribunal has not treated them as the probationers on the ground of their appointment was not on clear vacancy.** The opening para of Clause 4 of Statute No. 53 requires the appointment of the petitioner in clear vacancy. The phrase Clear Vacancy has been defined in explanation appearing at the end of clause 4. As per the said explanation a vacancy can be treated as clear vacancy if it is not a lien vacancy or a leave vacancy and said vacancy/post is in existence in the College for not less than 4 years. Thus merely because the vacancy exists the said vacancy cannot be treated as clear vacancy. Here the College in which the petitioners were working has been established in 1986 and as such there was no question of any lien vacancy or leave vacancy. It is not the case of the respondents also that the petitioners were appointed against lien or leave vacancy though the posts were vacant and available. The vacancy could not be said as clear vacancy because the said vacancy was not available for 4 years. **The College Tribunal has found that these vacancies did not qualify as clear vacancy till the year 1990. In other words, it is held that in the College which is newly opened. There cannot be a vacancy for initial period of 4 years.** In this view of the matter, the College Tribunal has found that the petitioners could not have been appointed against the

## UNIVERSITY GRANTS COMMISSION

Bahadur Shah Zafar Marg, New Delhi – 110 002

**PRESS RELEASE : 12.05.2006**

### NEW INITIATIVES TAKEN BY UGC

The UGC has taken new initiatives in some spheres, which include:

(1) Budget - Announcement of UGC Budget 2006-07 in the first week of April, 2006.

(2) Increase in the scholarship for Ph.D. students, Post-Doctoral students and Research Associate in Social Sciences.

(3) Increase in the scholarship for Ph.D. students, Post-Doctoral Scholars and Research Scientist under the Revival of Science Education based on Professor M.M. Sharma Committee Report.

(4) Reforms in the National Eligibility Test (NET).

(5) Starting New Academic Programmes/Centres

(6) Special Support for Women Hostel

(7) Support to Academic Association of University and college Teachers for organizing academic conferences.

### (1) BUDGET - ANNOUNCEMENT OF UGC BUDGET 2006-07 IN THE FIRST WEEK OF APRIL, 2006.

Recognising the problems of universities and colleges in utilization of grants, the UGC has taken a major initiative to approve its budget right in the first week of April, 2006.

The budget has been communicated to Central and State Universities and Six Regional Offices of UGC so that they could plan the utilization of the funds accordingly.

The budget is also placed on the UGC website so that institutions know about the allocation on various broad schemes.

Corresponding to this, the UGC will also go for monthly monitoring of use of funds so that the institutions are not required to rush in the end of the year.

### (2) Increase in the scholarship for Ph.D. students, Post-Doctoral students and Research Associate in social Sciences.

Plan Budget Allocation of Rs. 60 crores for 2006-07.

UGC recognized that present level of support to scholarship/fellowship at post-graduate and Ph.D. level is inadequate and therefore it proposes the significant increase in the fellowship at Ph.D. and Post-Doctoral level both in Humanities Social Sciences and Sciences. The Programmes are as follows:

#### SCIENCE

(Based on the recommendation of Prof. Sharma Committee)

1. Junior Research Fellowship (Without NET)

(No. of Slots - 1500 - Annual budget - Rs. 18.60 crores)

2. Post-Doctoral Fellowships

(No. of slots - 500 per year - Annual Budget - Rs. 1.05 crores)

3. Research Scientists (Category A, B and C)

(No. of slots - 100 per year - Annual Budget - Rs. 3.00 crores)

#### HUMANITIES & SOCIAL SCIENCES

1. Junior Research Fellowship (Without NET)

(No. of Slots - 1500 - Annual budget - Rs. 18.60 crores)

2. Post Doctoral Fellowships

(No. of slots - 500 per year - Annual Budget - Rs. 1.05 crores)

3. Research Scientists (Category A, B and C)

No. of slots - 100 per year - Annual Budget - Rs. 3.00 crores)

#### OTHER SCHOLARSHIPS (SCIENCE AND HUMANITIES & SOCIAL SCIENCES):

For Girls

1. Indira Gandhi Post-Graduate Scholarship for Single Girl Child

(No: of scholarship - 1200\* & Budget: Rs. 1.00 crore)

For Socially marginalized group (SC/ST)

2. Rajiv Gandhi Post Graduate Scholarship

(No. of Scholarship - 2000\* & Budget: Rs. 24.00 crore)

#### For General

3. Post-Graduate Scholarships for University Rank Holders

(No. of scholarship - 2375 & Budget: Rs. 1.00 crore)

No. of slots are flexible.

(3) Review of National Eligibility Test (NET)

The Commission approved, in principal, the recommendations of Professor Mungekar Committee set up by the Ministry of Human Resource Development (MHRD).

The Committee recommended as follows:

“a) So far as the postgraduate level teaching is concerned, the candidates having Ph.D. degree should be exempted from acquiring NET qualifications for being considered for the post of Lecturers.

b) As regards the undergraduate level teaching, the candidates having M.Phil. or Ph.D. degree should be exempted from acquiring NET qualifications for being considered for the post of Lecturers.”

#### (4) New Programmes / Centres

Recognising the need UGC has approved the following programmes for universities involving research.

1. Centre for Comparative Studies in Regional Languages and Literature amount allocated - Rs. 5.00 crores during 2006-07.

2. Centre for the Studies in Exclusion and Discrimination - Amount allocated Rs. 5.00 crores during 2006-07.

#### (5) Programmes for Academic Association of Faculty and Teachers:

The UGC has also decided to give financial support to Academic Associations in Science, Humanities and Social Sciences to help them organize Academic Conferences on various issues related to Higher Education and provide feedback to the UGC in their areas of specializations.

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clear vacancy before 1990. In view of this finding, the College Tribunal has found that on 20.4.1991, when both the petitioners were terminated, they had not completed period of probation. In other word the College Tribunal has reckoned the appointment of both the petitioners as probationers from 1990.

15. Look at this provision shows that it has been enacted with obvious purpose because the number of post become available in a College after it is newly opened varies initially and also to avoid unnecessary burden on exchequer. In case of particular subject is required to be discontinued initially within 3-4 years. Intention therefore appears to treat the post as permanently available. If that post and work load for it remains available continuously for four years. **The substantial part of clause 4 provides for probation of two years at first instance. If the interpretation given by the College Tribunal to above explanation is accepted the probation period of every new teacher joining the new College shall start after expiry of the initial period of 4 years.** Thus after putting of 6 years in such College he can be confirmed in normal circumstances. As against this the teacher who joined such College at the end of four years, against the post which was then vacant, he would be appointed against the clear vacancy initially itself and therefore he would stand confirmed only after putting in two years. Thus, in the new College all teachers joining initially would be losing four years of their service, while in other Colleges it will not be the position. This will be discriminatin and will work against the interest of such new incumbent in new college. If the purpose to enact the artificial definition of clear vacancy in explanation is looked into. It is apparent that the intention is to safeguard the interest of revenue and is not to cause any prejudice to the interest of teacher. The purpose obviously is also not to create artificial discrimination between the teachers by extending them to different treatment in the matter of computation of total length of their service. It is apparent that if the post remains available for four years, it would become clear and it was a clear vacancy. Thus the question whether the vacancy was clear or not as contemplated by the said explanation can be decided after four years and if the teacher has worked on that post. In the meanwhile it can be said that his initial appointment was against the clear vacancy. It is not necessary for the said teacher to wait for four years after his appointment against the clear vacancy and to commence the period of his probation thereafter. If the post is available, even after four years, the service put in by such teacher prior thereto will become a service against the clear vacancy and the appointment on probation as per clause 4 of Statute no. 53. Thus if such teacher has completed period of his probation before expiry of this waiting period of four years. He will remain a temporary teacher till then and management will have right to remove him as per contract with him.

16. In the facts of the present case, the fact that vacancy in Marathi and Political Science existed since 1986 when the College commenced and was available in the year 1990 is not in dispute. Infact both the petitioners have been discontinued after the College completed 5 years and thus the vacancy also existence for about 5 years. **In such circumstances the appointment of petitioner by order dated 24.08.1988 and 12.08.1989 respectively is against clear vacancy and therefore the probation for a period of two years.** In case of petitioner Rekha in Writ Petition No. 107/1994, the said period would expire on 24.08.1990, while in case of Ravindra, there is express order of confirmation issued by the Management itself on 6.8.1990. It is thus apparent that the College was not right in treating the petitioners as on probation on 20.4.1991.

17. Advocate Sudame has tried to contend that the explanation cannot be interpreted to curtail the meaning of substantive portion of the section. He has also relied on some cases in this respect. **However, I find that the said explanation is infact only a definition which clarifies what is meant by a clear vacancy.** The case law in relation to interpretation of explanation is therefore not relevant for this purpose.

18. Advocate Sudame and Advocate Deshpande have invited attention of the court to the provisions of Ordinance no. 24 to point out that the appointment of College Teachers is regulated by Chapter 5 thereof. It is pointed out that both the petitioners are selected after completing the procedure prescribed in clause 38 and the appointment presumes a written contract in the form prescribed in Schedule-A. Clause 8 and 9 of this contract prescribed in Schedule A are important. Clause 8 prescribes that after confirmation of the service of such teacher can be terminated upon in certain contingencies like misconduct, unfitness, non competence and operation of post. In Clause 9 it has been mentioned that if the services are to be terminated open any other count except clause A or B of Clause 8 the employer has to give to such teachers three calender month notice in writing or pay him salary of three months in lieu thereof. **Attention is invited to the Full bench Judgment of this Court reported at 1981 M. L.J.332 (Premlata Sudhakar Sathe Vrs. Governing Body of G.S. Tompe College and others) Paragraph no. 6 of this ruling deals with this statutory form of contract and it has been held that in view of the wordings in Article 38 of Ordinance no. 24. It is not necessary that such written contract must be executed and it has been observed that it would be a mere formality.** It has been observed that informally or formal defect in the actual execution of the contract cannot vitiate the contract itself nor can it rob the parties of the rights and obligations flowing from the statutory contract itself. It is also held that provisions of College Code (Ordinance No. 24) cannot be read in isolation divorced from it and parties cannot be permitted to evade their ability under this statutory contract. It is stated that a interpretation which will help the party to escape their obligations or will enable him to defeat the Statute or will permit him to take advantage of his own wrong is to be avoided and if two interpretation are possible then one which will opposes the mischief and advance the remedy will have to be preferred. In the facts of the present case, when the Management itself appointed both the teachers on probation by issuing order on 12.08.1989 it is apparent that all these observations will apply and come to the rescue of the present petitioners.

19. **In the circumstances the impugned orders of the College Tribunal dated 26.11.1993 and 3.12.1993 respectively are quashed and set aside.** The termination orders dated 18.3.1991 issued to the petitioners are also quashed and set aside. The respective appeals filed by the petitioners before the College Tribunal are hereby allowed. The respondent management is directed to reinstate the petitioner in service with continuity of service. Considering the fact that the termination is being set aside almost after 14 years. I am not inclined to grant full back wages to the petitioners. The management is directed to reinstate the petitioners with 30% back wages.

20. Rule is made absolute in the aforesaid terms with no order as to costs.

JUDGE

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