

RASTOGI COMMITTEE REPORT

CHAPTER VI

RECOMMENDATIONS

6.1 Introduction : Pay scales, service conditions and work environment are the conditions which enable a teacher to contribute to the system of education which, in turn, contributes to national development. These conditions help in attracting and retaining talented persons in the teaching profession.

Keeping this objective in view and in order to improve the quality of education, the Committee examined the present structure of emoluments and conditions of service of university and college teachers, Librarians (including Deputy Librarians and Assistant Librarians), Directors of Physical Education (including Deputy Directors and Assistant Directors of Physical Education) and Registrars (including Deputy Registrars and Assistant Registrars) of universities. In making its recommendations, the Committee took into consideration the recommendations of the Fifth Central Pay Commission on such matters as covered by its own terms of reference.

6.2 Recruitment

6.2.1 Minimum qualifications for Lecturers : The UGC on September 19, 1991 had issued regulations setting the minimum qualifications for the recruitment of Lecturers, Readers and Professors for various subjects. For the post of a Lecturer, the minimum qualification is a good academic record with at least 55% marks or an equivalent grade obtained at the Master's level in the relevant subject and qualifying eligibility test for recruitment of Lecturers, conducted by the UGC, CSIR or any other test accredited by the UGC.

The Committee deliberated on several dimensions and difficulties expressed by the teaching community as well as by those concerned with the system of higher education across the country. There are two issues on which a considerable number of representations have been received by the Committee both from the association of teachers as also by the university/college authorities.

These issues are:

- i) The requirement of a minimum of 55% marks in the Master's degree programme; and
- ii) qualifying in the NET/SLET examination so as to be able to become eligible for the post of a Lecturer in a college or university.

It was argued that opportunities for scoring high marks vary from subject to subject representing a wide spectrum, with certain subjects in humanities and social sciences, say, like languages and history at one end and those like physics and mathematics at the other. Again, the method of examination and evaluation as well as the standards vary from university to university in the country. Then, there are candidates who otherwise happen to be well-qualified, as evidenced from a good research record and ample promise to be good academicians, but who do not fulfil the basic requirement of 55% marks for various reasons. It was also pointed out that in certain regions of the country, candidates with 55% marks were not generally available in sufficient number. **It was not, therefore, logical to prescribe one common, minimum percentage for all,** without taking into account these variations. This, by and large, is the essence of these representations.

The Committee deliberated on this issue and carefully considered the points made. Its considered view is that while

no doubt variations are there for scoring high marks in different subjects, the requirements of 55% marks by itself is nevertheless not very exacting in respect of any subject. Hence, to ensure certain academic excellence on the part of those who seek to enter the academic profession, the modest minimum of 55% marks needs to be insisted upon. In addition, the national eligibility test (NET), as conducted by the UGC as well as the State-level test (SLET) as conducted by a few states on the basis of accreditation given by the UGC, have also been generally very well accepted.

However, the committee sees the validity of some points made in the representations. The UGC already has provision to grant exemption. In deserving cases, The UGC may, from time to time, regulate the use of this provision, whether for individuals or in respect of certain regions of the country as the easy may be. The relaxations, however, should be within a minimum 50% marks and every candidate must have necessarily qualified in the NET/SLET, or be eligible for exemption from NET as per the UGC regulations.

Regarding NET, exemption exists for those who had qualified for M.Phil. or submitted the thesis for award of Ph.D. before December 1993. The plea is to extend this provision for doctorate degree holders without any time limit. The points for consideration are as follows:

We need to promote research in various areas of knowledge in the country. Promotion of research is crucial for the university system. The employment opportunities for doctoral candidates exist mainly in teaching institutions and research centres. If opportunities for doctoral candidates into academic institutions are made difficult, it will adversely affect the research activities in the higher education system. Not many will opt for full-time research. It must also be conceded that a candidate with a doctoral degree develops abilities to formulate a problem, set out the objectives of investigation, gather data from journals, books and experiments, analyse them properly and finally draws valid conclusions. This means that he/she would have already enquired deeply into a subject and developed an appreciation of scholarly pursuits. All these are valuable assets for an academic. We also have cases where Indian candidates who have qualified for Ph.D. abroad seek placements in teaching institutions in India. Certainly they would not have passed NET. Hence, by insisting upon it, we would be losing such talent for our education system. The Committee has taken into account all these aspects and recommends that the candidates who have obtained a Ph.D. after 1993 should also be exempted from qualifying in the NET/SLET to be able to become eligible for the post of a lecturer.

Subject to the above, the Committee recommends that **good academic record, 55% at the Master's level and clearance of NET/SLET** shall remain necessary conditions in order to determine eligibility for appointment as a Lecturer.

6.2.2 Minimum Qualifications and Selection Committees : Minimum qualification and composition of Selection Committees for posts, namely Reader, Professor, Principals of Colleges, Librarians, Deputy Librarians, Assistant Librarians, Registrars, Deputy Registrars, Assistant Registrars, Physical Education Directors, Deputy Directors of Physical Education and Assistant Directors of Physical Education as adopted, modified and recommended by the Com-

mittee are given in **annexure VI to XI.**

6.3 Period of Probation for Teachers : The Committee deliberated on the issue of probation and is of the view that one year is too short a period for observing the performance of a teacher. He/She should have at least 2 academic sessions to adjust and give evidence of performance. **Therefore, the committee recommends that the probation should normally be for a period of 24 months.** In case the performance is not upto the mark the teacher shall be informed well in time and asked to improve his/her performance. If there is no satisfactory improvement, his/her probation may be terminated or the **period of probation extended upto a further period of 12 months.** A teacher should be confirmed on his/her successful completion of probation, subject to successful completion of one short-term orientation course/diploma in Higher Education (from the Indira Gandhi National Open University) as is the case at present.

No.CIM/2 : : Dated 28th September 1997

**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 09.00 A.M. on SUNDAY, the 18th May, 1997 at Bharatiya Mahavidyalaya, 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 7, 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 amendment to Prof. B.T.Deshmukh, President NUTA, 3 Subodh Colony, Near Vidarbha Mahavidyalaya, Amravati-444 604.

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

6.4 Pay Scales

6.4.1 : The guiding principle for deciding the pay scales is to attract the talented people as well as to retain them in the system. Accordingly, the following scheme of pay scales, keeping in view the revision as suggested by the 5th Pay Commission and the relative position of the teachers vis-a-vis other professions, are recommended.

Category	Existing (Rs.)	Revised (Rs.)
Lecturer	2200-75-2800-100-4000	8000-275-13500
Lecturer (Sr.Scale)	3000-100-3500-125-5000	10000-325-15200
Lecturer (Selection Gr.)		
/Reader	3700-125-4950-150-5700	12000-375-18000
Professor	4500-150-5700-200-7300	14300-450-22400
Registrar	4500-150-5700-200-7300	14300-450-22400
Dy.Registrar	3700-125-4950-150-5700	12000-325-18000
Asstt.Registrar	2200-75-2800-100-4000	8000-275-13500
Librarian	4500-150-5700-200-7300	14300-450-22400
Dy.Librarian	3700-125-4950-150-5700	12000-375-18000
Asst.Librarian	2200-75-2800-100-4000	8000-275-13500
Director		
Phy.Education	4500-150-5700-200-7300	14300-450-22400
Dy.Director		
Phy.Education	3700-125-4950-150-5700	12000-375-18000
Asst.Director		
Phy.Education	2200-75-2800-100-4000	8000-275-13500

6.4.2 College

College Director		
Phy.Education	2220-75-2800-100-4000	8000-275-13500
College Director	Phy.Education	
(Senior Scale)	3000-100-3500-125-5000	10000-325-15200
College Librarian	2200-75-2800-100-4000	8000-275-13500
College Librarian	(Senior Scale)	3000-100-3500-125-5000
		10000-325-15200

6.4.3 Principals of Colleges : The position of College Principals is very ambiguous as far as the pay scales are concerned. In some of the states, Principals are in the pay scale equivalent to that of a Professor. But in other states the pay scale is equivalent to that of a Reader. Still in other states, Principals are given some allowance and a scale of pay equivalent to that of a Professor. The Committee having considered these variations felt that the Principal of an institution occupied a very important academic and administrative position. The person occupying this post is expected to play a key role in the management and development of the college. It is,

SCHEDULE IX (Vide Rule 17 /1)
Trust Reg. No. F-1594

C.R. Sagdeo & Co Chartered Accountants
"Prabha Niwas" Jail Road, Nagpur 440 022.
Phone : 524634

NAME OF THE PUBLIC TRUST : NAGPUR UNIVERSITY TEACHERS' ASSOCIATION
Place : Nagpur * Taluka Nagpur * District Nagpur
INCOME AND EXPENDITURE ACCOUNTS FOR THE YEAR ENDING ON 31st MARCH 1997

EXPENDITURE	RS. P.	INCOME	RS. P.
To Expenditure in respect of Properties		By House Rent Accrued/Realised ...	
Rate, taxes, cesses Income Tax		By Agriculture Income	
Repairs and maintenance		By land Rent Accrued/Realised	
Salaries		By Interst Accrued Realised	
Insurance		On Securities	
Depreciation		On Loans	
Other expenses		On Bank account (FDR & Savings)	9,098.21
To Establishment expenses(As per.Sch 'G')	91,098.50	By Divident on Units of U.T.I	1,51,039.56
To Remuneration to trustees		By Donation in cash or Kind	
To Remuneration (in the case of a math) ...		By Grants	
to the head of the math including		By Income from other sources	
his house hold expenditure, if any		Interest on Income Tax refund	
To Legal expenses		By Transfers from Reserve	
To audit fee	1,500.00	(U.T.I.M.I.P. 88 Maturity	
To amount Written of		By deficit carried over to balance sheet ...	1,32,977.56
(a) Bad debts		Total Rs	2,93,115.33
(b) Loan Scholarship			
(c) irrecoverable rents... ..			
(d) Other items... ..			
To Miscellaneous Expenses	5,468.00		
To Depreciation on Bldg			
To Depreciation on furn.			
To Depreciation on Computer	34,203.00		
To Depreciation on Air Conditioner			
To Expenditure on objects of the trust			
(a) Religious			
(b) Educational NUTA Bulletin Expenses ...	1, 60,845.83		
(c) Medical Relief			
(d) Relief of Poverty			
(e) Other Charitable object			
Surplus Carried over to B/S			
Total Rs.	2,93,115.33		

As per Our report of even date
For C.R.SAGDEO & CO
Chartered Accountants
illegible/Partner

Trustee/Sd/-S.A.Tiwari
Trust Address : Nagpur
Date 19th August 1997

therefore, recommended that a separate cadre of Principals of colleges should be created. Also there are wide ranging variations in the size and level of colleges which warrant 3 types of pay scales for Principals of different categories of colleges. The following scales are, therefore, recommended based on the number of faculties, undergraduate/postgraduate programmes, autonomy and environment of students.

Group I: Multi-faculty colleges having post-graduate programmes and autonomous colleges and strength of students above 2000 :- Rs. 14300-450-22400 (starting with a basic pay of Rs.15200)

Group II: Multi-faculty, under-graduate or professional colleges with strength of students between 1000 and 2000 :- Rs.14300-450-22400)

Group III: Under-graduate colleges; General colleges with strength of students less than 1000 :- Rs.12000-375-18000 (starting with a basic pay of Rs.12750)

6.4.4 Professor of Eminence : The University Grants Commission has formulated a scheme of Professor of Eminence. The Committee recommends that the scheme be implemented at the earliest.

6.4.5 Establishment of Chairs : Of late, many Chairs in specialised subjects are being established in different universities of the country with endowments from various quarters. The Committee recommends that while the selection of persons for these Chairs should be even more rigorous than usual, the delimiting of emoluments to the UGC scales may not be insisted upon when a recommendation to this effect is made on a case by case basis by the Selection Committee on grounds to be stated formally. Appropriate guidelines for establishment of such Chairs may be laid down by the UGC.

6.4.6 Pay Fixation : The formula for pay fixation as suggested by the Central Pay Commission may be made applicable to the teachers of universities and colleges and other categories of staff recommended above.

6.4.7 Pay Scales for Inter-University Centres, etc. : In case of Inter-University Centres, Departments of Adult Education, etc., the pay scales recommended by the Central

Pay Commission for equivalent categories may also be given to different categories of Scientists, Directors and other similar positions.

6.4.8 Pay Scales for Other Organisations : Representations have been received from organisations such as Indian Council of Agricultural Research (ICAR) and state universities which have adopted the UGC scales of pay in respect of their staff. Since in our deliberations and recommendations we have generally taken note of universities coming under the purview of UGC as per our terms of reference and not other institutions which have adopted these scales of pay, it is only logical that these organisations are given sufficient flexibility by the Central/State Governments at the time of change over to the new scales of pay, subject, of course, to their keeping within the broad framework of the recommendations of this Committee as well as the Central Pay Commission.

6.5 Career Advancement Scheme : We learn that at present the upward movement of Lecturer to Senior Lecturer and Senior Lecturer to the Selection Grade Lecturer and then redesignating them as Reader on acquisition of Ph.D. degree has become a matter of routine. Those who satisfy the condition of required period of service take it for granted that they will automatically move to the next higher level. Even the requirement of having to **attend 2 refresher courses** of one-month duration each has not been insisted upon because of the simple reason that we have not been able to provide enough opportunities for all teachers/subjects.

Further, the scheme for career advancement requires consistently **good performance appraisal reports**. However, it was found during the course of visits and discussions that a viable and functioning system of personal assessment has not been in operation in most places. Even where personal assessments are required formally, these are not taken seriously by the universities as well as by the teachers. **A performance appraisal system is absolutely crucial and basic if merit were to be rewarded and encouraged.** It is more so in the case of teachers in whose case qualification becomes a really formidable task. It is because of the importance at-

SCHEDULE VIII (Vide Rule 17 /1)
Trust Reg. No. F-1594

C.R. Sagdeo & Co. Chartered Accountants
"Prabha Niwas" Jail Road, Nagpur 440 022.
Phone : 524634

NAME OF THE PUBLIC TRUST : NAGPUR UNIVERSITY TEACHERS' ASSOCIATION

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

BALANCE SHEET AS AT 31ST MARCH 1997

FUNDS & LIABILITIES	Rs. P.	Rs. P.	PROPERTY & ASSETS	RS. P.	RS. P.
1 TRUST FUND OR CORPUS			I IMMOVABLE		
Life membership fee			PROPERTIES (As per Sch.C)		1,90,332.00
Balance as per Last B/S ...	9,46,059.32		Fields		
Adjustment during the year ...	1,57,549.00	11,03,608.32	Balance as per last B/S ...		
II OTHER EARMARKED FUND			Additions or deductions ...		
Depreciation Fund ...			Buildings		
legal Aid fund ...			Balance as per last B/S ...		
Sinking Fund ...			Additions or deduction Dep.		
Reserve Fund ...			Furniture and Fixtures		
any other (Silver Jubilee) Fund			Balance as per last B/S ...		
(As per Schedule 'A') ...		7,06,401.50	Addition or deductions ...		
III LOANS Secured or unsecured			Depreciation 10% ...		
From Trustees ...			II INVESTMENTS		
From Others ...			As Per Shedule 'D' ...		11,80,400.00
IV LIABILITE			III LOANS & ADVANCES		
As per schedule 'B' ...		2,656.00	A) Loans: Secured/Unsecured		
For expenses ...			Loan Scholarship ...		
For advances ...			Other Loans ...		
For rent/ other deposits ...			B) Advances		
For Sundry credit balances ...			To trustess ...		
For Nuta Special Bulletin ...			Deposit in Post Office ...		
V INCOME AND EXPENDITURE ACCOUNT			To employees ...		
Balance as per Last B/S ...(-)	34,346.89		To contractors ...		
Less appropriation if any	(-) 1,32,977.56		To lawyers ...		
add/less :surplus/ deficit			To Other ...		
as per I/E Account ...		(-) 1,67,324.45	(As per Sch 'E')		17,513.14
TOTAL Rs.		16,45,341.37	IV INCOME OUTSTANDING		
			House Rent ...		
			Nuta Spe. Bullutin Exp ...		
			Exp. during the year ...		
			Land Rent ...		
			Interest ...		
			Other Income ...		
			V CASH AND BANK BALANCES		
			(a) Cash in hand with Shri.		2,57,096.23
			(b) As per Schedule 'F' ...		
			TOTAL Rs.		16,45,341.37

The above Balance sheet to the best of my belief contains a true account of the funds and libalities and assets of the trust

As per Our report of even date
For C.R.SAGDEO & CO
Chartered Accountants
illegible/Partner

Trustee:
S/d. S.A.Tiwari
Trust Address : Nagpur
Date 19th August 1997

tached to the performance-appraisal that the NPE 1986 (National Policy on Education) made the following observations.

A system of teacher evaluation- open, participative and data- based - will be created and reasonable opportunities of promotion to higher grades provided. Norms of accountability will be laid down with incentives for good performance as well as disincentives for non- performance.

The last Pay Committee of the UGC recommended evaluation as part of the package. Inquiries made by us and the evidence collected as a result indicate that the UGC recommendation notwithstanding a well- designed system of performance appraisal of teachers has not been developed so far. Some institutions have an annual appraisal in a prescribed form. Some have it only once when the upward movement of Lecturer to Senior Lecturer and Senior Lecturer to Selection Grade Lecturer is on the anvil. In the case of Readers and Professors, there seems to be very little evidence of performance-appraisal aimed at evaluating the contribution made by them either in teaching or in research or in institution building or in the development of education material and/or any other related matter. It has, therefore, become necessary to address ourselves to this question and lay down a reasonable method of performance appraisal. Accordingly, the method and format of performance appraisal including student evaluation of teaching have been discussed under the section on Accountability. The same may be used for performance appraisal of teachers. The Committee is of the view that maximum efforts be made to put in place an effective and well functioning system of performance appraisal. Subject to the basic requirements that a system of performance appraisal is put in place, the Committee recommends the following Career Advancement Scheme for teachers.

6.5.1 Lecturers : It is recommended that for placement in the senior scale, a Lecturer may offer himself/herself for review after 4 years if holding a Ph.D. degree; after 6 years if holding an M.Phil. degree; after 7 years if not holding M.Phil./Ph.D.

The Committee further recommends that a Lecturer (senior scale) can offer himself for review after 6 years of experience as Senior Lecturer for placement in the selection

grade.

A Lecturer at the point of joining will be eligible for one advance increment if he/she possesses the M.Phil degree. With a Ph.D. he/she will be eligible for 3 advance increment. If a person acquires the above qualifications while in service, then he/she will get the service benefit for career advancement but not for the advance increments. When an individual fulfils the minimum requirements in terms of years of service, attendance in courses and has good performance, he/she becomes eligible for consideration for placement in the senior scale. The performance appraisal forms, student's evaluation records as well as records of academic achievements by the candidate may be forwarded to 2 external experts. The reports of the external experts alongwith the records of the candidates may be placed before the Selection Committee, the composition of which will be the same as that for a Lecturer. The candidate will be interviewed by the Selection Committee and on the basis of its recommendations, his/her movement to the next higher grade will be decided upon. The same procedure will be followed for placement in the selection grade or with position of a Reader in the case of candidates having Ph.D. The composition of the Selection Committee will be the same as in the case of Reader.

6.5.2 Reader : There had been a uniform and pervasive demand that there should be room for performance appraisal of a Reader for elevation to the post of a Professor after one fulfils certain basic requirements as well as the desired level of performance at the level of a Reader, It has been represented to us by the members of the various faculty associations that there are a large number of Readers who have excellent record with regard to teaching and research and hence are eminently qualified to be appointed as Professors. However, for want of vacancies they continue to stagnate as Readers and this create frustration among them. It was suggested that a method must be established for offering positions of Professors on the basis of assessment by an individual as reader. It is a major issue. If the request is conceded, it would, by and large, mean, in practice, that in the case of any individual, open competition will be restricted to the entry-point only. It is not an ideal situation for maintain-

STATEMENT REGARDING THE FIXED SECURITIES OF THE ASSOCIATION AS ON 31ST MARCH, 1997. STATEMENT NO.8

A) LIFE MEMBERS

1. No.Of Members as on the day of Constitution amendment (9th May, 1976 i.e. to put membership fee in fixed deposits.) ... 214
2. Total No. of Members as on the Date (9th Oct. 1988) of increasing the L.M.fees from Rs. 151 to 501) ... 2846
3. No. of Members from 9th May 1976 to 9th Oct. 1988 (2-1) = (2846-214) = ... 2632
4. Total No. of Members as on the date (30th April 1991) of increasing the LM fees (from Rs. 501 to 2001)... 3279
5. No. of Members from 9th Oct. 1988 to 30th April 1991 (4-2)=(3279-2846)= ... 433
6. Total No. of members as on 31st March, 1997. ... 3439
7. No. of Members from 1st May, 1991 to 31st March, 97 ... 243

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

8. No of Teachers who have paid 501/500 ... 52
9. A.No.of Teachers who have paid 1001/1000 ... 10
- B.No.of Teachers who have paid 1501/1500 ...

04

C) AMOUNT OF LM FEES RECEIVED. Rupees

10. Amount Received from Members mentioned at Sr.No.1 above Rs. ... 00-00
11. Amount Received from members at Sr.No.3 above (2632 x 151) ... 3,97,432-00
12. Amount Received from members mentioned at Sr.No.5 above (433 x 501) ... 2,16,933-00
13. Amount Received from members mentioned at Sr. No. 7 above. ... 486243-00
14. Amount Received from members mentioned at Sr. No.8 and 9 above ... 42062-00
15. Total amount of L.M.Fund received from all the members mentioned at Sr.No. 10+11+12 +13+14 above. and hence expected to have been invested in fixed Securities ... 1142670-00

D) TOTAL AMOUNT IN FIXED SECURITIES.

16. Total amount invested in fixed securities (Details as per Appendix A) ... 1093000-00
17. Total Balance in life membership Ac. (A/c.No.12529 and A/c.19893) ... 57902.61
18. Total amount in fixed Securities and cash in the Bank (16+17) ... 1150902.61
19. Amount of cheques under Realisation since they are deposited recently Nil
20. Total of 18 and 19 above ... 1150902.61
21. Surplus of 20 over 15 ... 8232.00

APPENDIX 'A'

Statement regarding the Fixed Securities of the Association as on 31st March, 1997 (See Item at Serial No.16 in the statement).

UNITS OF UNIT TRUST OF INDIA-MISG SCHEMES

Sr. Unit No.	Certificate No.	No.of Units	Face Value of Ea- ch Unit	Amount of Investment		Date of	Period of	Rate of Divi- dend
				4	5			
1	2	3	4	5	6	7	8	
1.	M 9011900848	9200	10	92000	24.04.90	7 Years	13%	
2.	M 9021901125	7100	10	71000	20.12.90	7 Years	13%	
3.	M 9111900970	12800	10	128000	19.06.91	7 Year	13%	
4.	M 91-2-1-901281	1700	10	17000	30.11.91	7 Yrs	14%	
5.	M 9221905912	1800	10	180000	18.06.92	5 Yrs	14.5%	
6.	100-94154-0900153	10500	10	105000	24.01.94	2 Yrs	13.8%	
7.	100-941561090160	32500	10	325000	06.07.94	4 Years	13%	
8.	1009516000-44327	10400	10	104000	30.05.95	2 Yrs	13.8%	
9.	112961660022511	11900	10	119000	29.03.96	2 Yrs	13.8%	
10	112971690154257	4400	10	44000	05.08.96	2 Yrs	13.8%	
11	11297-1720068574	7000	10	70000	27.11.96	2 Yrs	13.8%	
TOTAL -				1093000				

Date : 30.7.1997

S.A.TIWARI

Treasurer,

Note : Statement No. 7 was printed on page 127 of 1996 NUTA Bulletin.

ing certain vibrancy, vitality and introduction of fresh talent. Any system worth the name ought to have provision for lateral entry. This may be taken as a prerequisite for the health of the education system as well. In order to fulfil this requirement, some tend to suggest that the appointments to sanctioned positions may be through open recruitment. As for promotion by performance-appraisal, it may be considered personal to the individual. The problem in performance-appraisal and promotion has been the credibility of implementation of the system and the discouraging factor is the experience we so far have had in the operation of the merit promotion scheme. While the lack of opportunities for upward movement for the really qualified candidates because of the absence of vacancies is quite real and the consequent grievance cannot but be appreciated, the remedy for such a situation does present formidable problems. These really arise out of the fact that a system of peer review has not been well developed in this country and we have reasons to feel that many extraneous considerations enter into the field in the case of career advancement of an individual on the basis of performance-appraisal, as in operation. The Committee gave due consideration to this representation with regard to all its implications. The Committee had in mind the merit promotion scheme and the way it happened to be implemented, resulting in the lowering of standards of the institution of Professor which is one of the highest academic positions that we have. The Committee was not convinced that we would be able to find a fool-proof method. However, after due consideration of all aspects of the matter, the committee recommends as follows:

a) Sanctioned position of Professors must remain to be filled in through direct recruitment. This is absolutely necessary to maintain the efficiency and vibrancy of the system.

b) For appointment of a Reader as Professor on the basis of assessment of performance and level of academic excellence achieved, the following parameters are to be weighed in the case of one who becomes eligible for consid-

eration.

i) A minimum of 10 years service as Reader.

ii) Publication of research papers or standard text books, since appointment as Reader.

iii) Annual performance-appraisal forms for the entire period of service as Reader. If for any reason, appraisal forms for the earlier years are not available in the present situation, the assessment will start from the time the appraisal forms actually become available. To begin with, the appraisal forms must pertain to the last 3 consecutive years. However, in all future cases the forms must be available for the full period of Readership.

iv) Student-evaluation record for each year.

v) Contribution made by the individual for institutional development.

The personal file of the candidate who becomes eligible for consideration shall be sent to the UGC for placing the same before a Panel of Referees to be specially constituted by the UGC for each subject. The observations of the Referees will form an important input to be considered by the duly constituted Selection Committee of the university concerned. Negative findings by the UGC Referees may normally disqualify the candidate for promotion for 2 years after which he/she may offer himself/herself again for promotion. All subject-specific applications may be considered periodically. Positions offered on performance appraisal should be regarded as personal but the teacher should get every other privileges in the university system that a Professor is entitled to.

The Selection Committee shall have the same composition as is necessary for the selection of Professors under open recruitment.

Detailed guidelines may be worked out by the UGC in this regard. Attempts may be made to quantify the assessment as far as possible.

In order to enable the UGC to perform the responsibility assigned in this regard, it may need a complement of staff for which separate assistance may be made available by the Government of India.

6.5.3 Merit Promotion Scheme and Dual Emoluments : In order to reward merit and relieve stagnation, the University Grants Commission introduced in 1983 a merit promotion scheme. This scheme was mainly for rewarding the merit of the deserving teachers. However, the Mehrotra Committee observed that owing to mal-implementation arising out of accumulated pressure, the scheme had by and large failed to achieve its primary objective of rewarding merit. It had virtually culminated in time-bound promotions with the result that pursuit of excellence had fallen by the way-side. The edge of the incentive for hard work had got blunted. Not just that, The assumption attached to senior positions in the teaching hierarchy to got blurred. Therefore, Mehrotra Committee recommended a considerable improvement in the merit promotion scheme.

The Government of India notification of 1987 eventually came out with a merit promotion scheme under which the existing teachers in universities and colleges, where the merit promotion scheme formulated earlier by the UGC or some other similar scheme was in operation, had an option to continue to be governed by the provisions of those schemes provided that they exercised their option in writing prior to their pay fixation. They were also entitled to the designations envisaged for various categories of teachers but the scales of pay in case of teachers promoted under merit promotion scheme were lower. The following scales were given:

Lecturer- Rs.2200-4000

Reader/Lecturer (Selection Grade) - Rs.3000-5000

Professor- Rs.4500-5700

The concept of dual emoluments between the merit promotees and direct recruits led to a lot of litigation in various courts. Some of the High Courts like the High Courts of UP and High Court of Rajasthan decided that equal pay should be given for equal work and hence the merit-promotee teachers should be treated at par with the directly recruited ones in the matter of pay scales. Many court cases also came up regarding seniority of a merit-promotee teacher vis-a-vis the directly recruited one. The Supreme Court in the case of Rashmi Shrivastava v/s Vikram University decided that merit

TREASURER'S EXPLANATORY NOTE GIVING DETAILS OF EXPENDITURE ON ESTABLISHMENT EXPENSES FOR THE YEAR ENDED ON 31ST MARCH 1997

In the Income and Expenditure Account of the Audit Report for the year ended on 31st march 1997 an amount of Rs. 91,098.50 is shown as expenditure towards **establishment expenses**. The General Body meeting of NUTA dated 15.4.79 while discussing the audit report for the year ending on 31st March 1978 had resolved (vide item no.(3) (c) on page no. 109 of 1979 **NUTA Bulletin**.) that "the treasurer will circulate a brief explanatory note regarding income and expenditure giving details of expenditure as far as possible along with financial statements hereinafter". Hence the details of the break up of establishment expenses are given here.

ESTABLISHMENT EXPENSES FOR THE YEAR ENDED ON 31ST MARCH 1997

This Year Rs. P.	Particulars	Previous Year Rs. P.
45,594.30	Travelling Expenses	26,143.00
18,899.25	Printing and Stationery	33,803.25
4,884.35	Telephone & Trunk Call	3,259.00
1,800.00	Clerks/Peon's Salary	600.00
925.00	Meeting Expenses	1,072.75
1,883.00	Bank Commission	220.00
3,112.70	Postage	402.00
8,000.00	Affiliation Fees ¹ ,	600.00
6,000.00	Legal Expenses	7,000.00
---	Legal Fees	----
91,098.50	Total	74,100.00

19th August 1997

Sd. S. A. Tiwari
Treasurer.NUTA

promotes and direct recruits formed two distinct categories of teachers and hence two separate seniority lists should be maintained.

The Committee feels that the merit promotion scheme or, for that matter, any similar scheme has really become a scheme for time-bound automatic promotion and is not exactly a scheme to reward merit. Therefore, the merit promotion scheme having dual emoluments or, for that matter, any such scheme as recommended above may be implemented to reward the meritorious teachers. The Committee notes with deep concern that some of the universities have deviated from the Government announcement on this subject without the concurrence of the Government or the UGC and also just before the submission of the report of this Committee. The Committee recommends that the Government and the UGC may take appropriate action in this matter to avoid recurrence of such things in the future. The UGC may also take a policy decision, after detailed analysis about the abolition of dual emolument system and inter-se seniority of merit promotees vis-a-vis direct recruits, in the event of the dual emoluments system being abolished.

6.5.4 Administrative Positions : The administrative positions in the university, namely, the Registrars, the Deputy Registrars and the Assistant Registrars have been kept at par with academic positions keeping in view the academic and administrative experience of the incumbents of these positions. The Committee is of the view that the existing parity may continue to be maintained. The position of a Registrar should be the same as that of a Professor, and that of Deputy Registrar the same as Reader. The career advancement scheme which already exists for this category of staff may continue. The career advancement for Asstt. Registrars may be seen at

Annexure-XII.

However, the review of the work of the persons at these levels in administration should include a quantitative statement of number of cases settled, annual average handling of files, handling of meetings, handling of staff and students, innovations and development carried out by them by way of professional development. The Committee, therefore, recommends that the present system of annual confidential report as per established procedure may continue to be followed. However the form may be modified on the pattern of the form now in use in Central Services. Reports may be placed before the Selection Committee for purposes of career advancement.

6.5.5 College Librarian : Most of the College Librarians are found to be in the scale of a Lecturer or in still lower scale. This scale of pay also varies from institution to institution. The library system in colleges needs to be upgraded. The Committee, therefore, recommends that there should be at least one post of College Librarian in every college. The college library should now be developed into a library information system and it should, besides having books and journals, have audio and video material and should be computerised. It should closely interact with university library and national libraries. The Librarian should also be able to engage students in a workshop-like situation with a view to training them regarding information retrieval and resourcing of material for their studies. For performing these newer tasks, the position of librarian in the colleges should be that of a Lecturer in the colleges. It should be non-vacation job and have qualification equivalent to that of a Lecturer in the colleges. It should have career advancement upto the level of Librarian (senior scale). An incumbent with 8 years of service should be eligible to offer himself/ herself for review and present before the Selection Committee. The review should include extent of modernization, development of library information system, relationship with students and faculty members and professional development. Achievements of the incumbents should be sent for peer review and the report of the peer review be placed before the Selection Committee.

6.5.6 University Librarians : Librarian, Deputy Librarian and Asstt. Librarian in the Universities are non-vacation posts and should have pay scales equivalent to those of Registrar, Deputy Registrar and Asstt. Registrar. The path of career advancement as existing at present for this category should continue. However, the method of selection should involve review of work and achievement. The parameters of this review should include; professional development, innovations and development carried out, modernization of library development interaction with other university libraries within and outside the country, development of library into information and resource centre, lectures delivered to the students about information-retrieval and resourcing of material, skill in dealing with students and faculty members, etc.

6.5.7 Director of Physical Education : The role and responsibility of the Directors of Physical Education need to be re-defined so as to enable them to act as health hygiene, yoga, sports and body fitness teacher. They should engage themselves in imparting these skills to a great extent. They have also to devote a part of their time in creating awareness about body/physical fitness. They should be well versed with modern methods of body fitness and yoga. **The Committee recommends that there should be at least one position of Directors** of physical Education in the pay scale equivalent to that of a Lecturer in every College. The position should be non vacation post and he she should hold coaching camps during the vacations for such students as are interested in sports and body development. The college Director of physical Education should be eligible to offer himself/herself for review after a period of 8 years of service for the position of College Directors of physical Education (Senior Scale) The review should incorporate professional development, numbers of games/sports programmes developed, performance of the students, rate of participation of students, handling of students, number of awards secured etc. There need be no position in this category at the college level.

At the University level, however, the positions of Asstt. Directors, Deputy Directors and Directors of Physical Education should continue to exist. The Career Advancement Scheme for liberation and physical Education personnel may

NAGPUR UNIVERSITY TEACHERS' ASSOCIATION MEETING NOTICE : 2 Date : 01.10.1997

From
Prof. E.H. Kathale,
Secretary, NUTA,
N-162 Reshim Bagh, Nagpur-440 009.
To,
All the members
of the Nagpur University Teachers' Association

Dear members,

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

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

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

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

Date and Place of the meeting

**Sunday, the 19th October, 1997
J.M. PATEL COLLEGE,
BHANDARA.**

be seen at **annexure XIII.**

6.6 Creation of Posts : The Kothari Commission recommended that the proportion of positions of Professors, Readers and Lecturers should be in the ratio of 1:2:3 respectively. The Mehrotra Committee had also recommended creation of more posts of Professors and Readers. This was reiterated by the Government of India vide its notification dated 22 July, 1988 in the interest of broadening the channel of open selection. The UGC was to evolve suitable criteria for this purpose. The Committee recommends that this be done and universities be given freedom to seek out brilliant people, providing them opportunities for joining the teaching profession at appropriate levels. It is recommended that the proportion of teaching positions as suggested by the Kothari Commission be achieved. At present there are no positions of Readers or Professors in colleges in general. The Committee recommends that posts of Professors be provided in the post-graduate colleges. **No college should be allowed to undertake post-graduate teaching in a discipline** without providing for the post of a Professor in that discipline. In addition, at least one post of Reader should be created for each discipline being taught in under-graduate and post-graduate colleges.

6.7 Faculty Development Programme : The Committee noted the progress made in the scheme of training of teachers as initiated by the UGC through its academic staff development programmes and operated by Academic Staff Colleges (ASC). The scheme has provided opportunity to a good proportion of teachers to complete orientation and subject-refresher programmes. However, this facility still falls short of requirement as a large number of teachers have not been able to attend such programmes. As per the UGC regulations, a teacher is required to attend one orientation programme and one subject refresher programme to become eligible for placement in the senior scale and is required to complete at least 2 more refresher programmes in his/her career for placement in the selection grade. Usefulness of

such programmes has also been appreciated by the teaching community as a whole. The Committee recommends that there is need for introducing the concept of induction-training programmes for the teachers through Academic Staff Colleges. The training should be imparted soon after recruitment.

The Committee further recommends that Academic Staff Colleges may continue to conduct such programmes at the beginning of the academic session as well as some time after the winter break so as to provide opportunity to newly-recruited teachers for attending orientation programmes. There is need for strengthening these programmes and making the opportunity available to a large number of Lectures so as to help them update their knowledge and skills. Diploma course in Higher Education of the Indira Gandhi National Open University has already been recognised as equivalent to an orientation programme by the UGC. This may continue.

The Committee also felt that for faculty development at all levels, subject-refresher programmes of advanced nature should be made available. Details of these programmes may be worked out by the UGC.

Special training programmes/ refresher course for librarians, Deputy Librarians, Asstt. Librarians, Registrars, Deputy Registrars, Asstt. Registrars and Directors, Deputy Directors and Asstt. Directors of Physical Education may also be conducted regularly. The UGC should come out with a detailed scheme in this regard.

6.8 Teaching Days : The UGC regulations provide for universities and colleges to have minimum of 180 teaching days. The data obtained from various universities and colleges indicated that the actual number of teaching days was not more than 140 in a large number of cases and there were very few institutions which were observing 180 days as actual teaching days. The Committee feels that this is matter of great concern. A reasonable and disciplined academic calendar is necessary in any system of quality education. It is also the single most transparent parameter in terms of which society edges teachers and academic institutions. No activity-academic or co-curricular- is possible without the presence of teachers and students in an institution. One of the reasons for the decline in the number of teaching days is the large number of holidays being observed. Another reason is the demands on the institutions due to examinations (main and supplementary), admissions and study leave preparatory to examinations. These further reduce the time available for smooth conduct of teaching work. In short, ensuring adequate teaching days would require vacations to be reduced by about a fortnight. This would encourage a university to change over to a 2-semester academic calendar with each semester being of 90 days. We recommend that :

- in lieu of reduction in vacation, teachers be given additional earned leave of 5 days, say, equivalent to one-third of the reduced vacation days. If an institution is not able to observe 180 teaching days, the provision of additional 5 days earned leave may not be applicable;

- A 6- day working week in institutions may be enforced.

- The UGC may monitor the enforcement of a calendar of 180 days in a systematic manner.

A copy of the calendar thus worked out should be sent by the colleges to the universities and universities to the UGC every year.

6.9 Workload : The UGC guidelines regarding minimum number of actual teaching days, programme of examination reform and workload for teachers in universities and colleges issued in 1989 prescribing that the workload of a teacher in full employment should not be less than 40 hours a week for 30 working weeks in an academic year.

Actual teaching/contact hours with the students constitute 55% of the prescribed workload for undergraduate teachers and about 35% for the post graduate teachers. The teachers are expected to spend rest of the time in various activities like research, preparation for teaching, administration work, supervision of extra-curricular activities and self-improvement.

The Committee endorses this workload pattern and further recommends as follows :

i) Workload of a Lecturer on promotion to the post of Reader under the career advancement scheme will remain

महाराष्ट्रातील आयुर्वेद महाविद्यालयामध्ये कार्यरत व नागपूर उच्च न्यायालयांत दाखल केलेल्या याचिकेत सहभागी असलेल्या डेमॉन्स्ट्रेटर्सची सभा

सभेची सूचना

महाराष्ट्रातील आयुर्वेद महाविद्यालयामध्ये कार्यरत व नागपूर उच्च न्यायालयांत दाखल केलेल्या याचिकेत सहभागी असलेल्या डेमॉन्स्ट्रेटर्सची सभा खाली दिलेल्या वेळी व स्थळी आयोजित करण्यांत आलेली आहे. तरी अशा सर्व डेमॉन्स्ट्रेटर्सनी या सभेला उपस्थित रहावे ही विनंती.

विषय :- १) प्रयोग दर्शकाचे "अधिव्याख्याता" असे पुर्ननामाभिधान करण्याबाबतच्या दि. २८.८.१९९७ च्या महाराष्ट्र शासन निर्णयाची नोंद घेणे.

२) उपरोक्त शासन निर्णय निघण्यापर्यंतच्या घटनाक्रमाची नोंद घेणे.

३) शासन निर्णय निघाल्यानंतर करावयाच्या उपाय योजनेबाबत विचार विनिमय करून निर्णय घेणे.

या सभेला नुटाचे अध्यक्ष मा. आमदार प्रा. वी.टी.देशमुख, प्रा. एकनाथ कठाळे, सचिव नुटा, प्रा. एस.ए. तिवारी, कोषाध्यक्ष नुटा व डॉ.पी.पी.पाळेकर हे उपस्थित रहातील.

सभेचे स्थळ : शिक्षक भवन, अमरावती विद्यापीठ, अमरावती.

दिनांक : रविवार, दिनांक ०२.११.१९९७

वेळ : दुपारी १ वाजता.

आपला विश्वासू
(वैद्य डि.एस.निघोट)

दिनांक : २५.९.१९९७

श्रीगुरुदेव आयुर्वेद महाविद्यालय,
गुरुकुंज आश्रम, जि. अमरावती.

unchanged.

ii) Colleges are being advised to include job-oriented programmes which involve field work/ project work. It is being recommended that 3 hours per week be allocated to such activities and counted towards the workload of a teacher.

iii) In case of autonomous colleges, teachers have to take part in curriculum formulation, setting and evaluation of assignments, conducting examination etc. Two hours may be counted for these towards the workload of a teacher.

6.10 Problems of Part-time Teachers : The Committee noted that a large number of teachers are employed on part-time or on per lecture basis. The Committee is of the view that such teachers must also fulfil the minimum eligibility criteria for being appointed as teachers. The practice of appointing part-time teachers should be sparingly used and the remuneration given for such work must be based on realistic norms. The UGC should take steps to evolve suitable guidelines and recommend revised remuneration for them. The Committee also noted that in some cases such part-time appointments have met with legal difficulties. It would, therefore be necessary to provide a legally sustainable contract for such appointments. At the same time, this method should not become a means for avoiding the appointment of regular teachers against vacancies.

6.11 Age of Superannuation : The age of superannuation has been the subject of many representations received

by the Committee. At present there is considerable diversity among institutions in this respect. While most universities observe 60 years as the age of retirement, Government colleges in most parts of the Country have 58 years as the age of superannuation. Government aided colleges on the other hand follow the universities in some places and the Government Colleges in others. Kerala continues with 55 years as the age of superannuation for its college teachers. The Committee, therefore, recommends that the age of superannuation be uniformly 60 years in all colleges and universities. This gives an additional 2 years in most of the states and in Kerala 5 years to teachers as compared to employees in the Government sector. The 5th Pay Commission has recommended 60 years as superannuation age for Government employees. If this is accepted by the Government, the age of superannuation for teachers should be 62 years.

6.12 Re-employment of Teachers after Superannuation : A provision for re-employment beyond 60 years of age was suggested by the UGC through a circular of 1988. Re-employment was to be given in 2 phases of 3 years and 2 years, respectively. This provision was not meant to be a provision for extension upto the age of 65 years for all teachers. It was to be used selectively and was to be justified in terms of specific institutional needs. This provision is not used generally in most of the state universities. Only a few central universities are using the provision to give re-employment to all teachers upto 65 years. The Committee is of

राज्यातील आयुर्वेद व युनानी महाविद्यालयातील “प्रयोगदर्शक” (Demonstrator) पदाचे “अधिव्याख्याता” (Lecturer) असे पुनर्नामाभिधान (Redesignation)

करण्यास मंजूरी देणेबाबत.

महाराष्ट्र शासन : वैद्यकीय शिक्षण व औषधी द्रव्ये विभाग

शासन निर्णय क्रमांक : आयुसे ३२९३/९६/आयु-१/भाग-२

मंत्रालय, मुंबई ४०० ०३२. : दिनांक : २८ ऑगस्ट, १९९७

वाचा : १) भारतीय चिकित्सा केंद्रीय परिषद नवी दिल्ली यांची अधिसूचना क्रमांक ३१ भाग १ खंड ४ दिनांक ५.८.१९८९.

२) भारतीय चिकित्सा केंद्रीय परिषद, नवी दिल्ली यांचे पत्र क्रमांक ३-१३/८९/एवाय, दिनांक १६.८.१९८९.

३) भारतीय चिकित्सा केंद्रीय परिषद, नवी दिल्ली यांचे पत्र क्रमांक ३-१३/८९/एवाय, दिनांक १६.११.१९८९.

४) भारतीय चिकित्सा केंद्रीय परिषद, नवी दिल्ली यांचे पत्र क्रमांक ३-१३/८९/एवाय, दिनांक २५.१.१९८९.

५) शासन निर्णय वैद्यकीय शिक्षण व औषधी द्रव्ये विभाग क्र. एडीआर २३८८/२५००/सीआर-२५५/८८/एमईडी-७, दिनांक २५.१.१९९०.

६) भारतीय चिकित्सा केंद्रीय परिषद, नवी दिल्ली यांचे पत्र क्रमांक एफ नं. /३-२०/९४ एवाय, दिनांक १९.१.१९८९.

प्रस्तावना :

भारतीय चिकित्सा केंद्रीय परिषदेने त्यांच्या दिनांक ५.८.१९८९ च्या अधिसूचनेद्वारे आयुर्वेद व युनानी महाविद्यालयातील अध्यापक वर्गाचा आकृतीबंध दिनांक १.७.१९८९ पासून अमलात आणलेला आहे. या नवीन आकृतीबंधामध्ये प्रयोगदर्शक हे पद ठेवलेले नाही. भारतीय चिकित्सा केंद्रीय परिषदेच्या निर्देशाप्रमाणे शासकीय आयुर्वेद महाविद्यालयातील तसेच शासकीय अनुदानित आयुर्वेद व युनानी महाविद्यालयातील प्रयोगदर्शक पदाचे अधिव्याख्याता वर्ग-२ असे पुनर्नामाभिधान करण्याबाबतचे आदेश, शासन निर्णय वैद्यकीय शिक्षण व औषधी द्रव्ये विभाग क्र. एडीआर २३८८/२५००/सीआर २५५/८८/एमईडी-७, दिनांक १०.१२.१९९० अन्वये निर्गमित केले होते. या निर्णयामध्ये काही अटीच्या आधीन राहून प्रयोगदर्शक पदाचे अधिव्याख्याता पदामध्ये पुनर्नामाभिधान करण्यास मान्यता दिली होती.

याचिका क्रमांक ११६/९१ श्री भाऊराव एकनाथ बोरकर व इतर विरुद्ध महाराष्ट्र शासन या प्रकरणात उच्च न्यायालय, नागपूर खंडपीठाचे प्रस्तुत दिनांक १०.१२.१९९० च्या शासन निर्णयास स्थगिती दिली होती. त्यामुळे ह्या आदेशाची अंमलबजावणी करण्यात येऊ नये असे शासन

निर्णय वैद्यकीय शिक्षण व औषधी द्रव्ये विभाग क्र. एडीआर/२३८८/२५००/सीआर-२५५/८८/एमईडी-७, दिनांक १५ नोव्हेंबर, १९९१ अन्वये निर्गमित केले होते. तथापि श्री भाऊराव एकनाथ बोरकर यांनी उच्च न्यायालयात दाखल केलेली याचिका क्रमांक ११६/९१ ही दिनांक ७.११.१९९६ रोजी मागे घेतली आहे.

शासन निर्णय :

उपरोक्त पार्श्वभूमी लक्षात घेऊन शासन आता असा आदेश देत आहे की,

१) शासन निर्णय वैद्यकीय शिक्षण व औषधी द्रव्ये विभाग क्र. एडीआर २३८८/२५००/सीआर २५५/८८/एमईडी-७, दिनांक १५ नोव्हेंबर, १९९१ अन्वये समक्रमांकाच्या दिनांक १०.१२.१९९० च्या शासन निर्णयाला दिलेले स्थगिती आदेश रद्द करण्यात येत आहेत.

२) शासन निर्णय वैद्यकीय शिक्षण व औषधी द्रव्ये विभाग क्र. एडीआर २३८८/२५००/सीआर- २५५/८८/एमईडी-७, दिनांक १०.१२.१९९० च्या परिच्छेद १ मधील उपभाग (२) येथील आदेश रद्द करण्यात येत असून नवीन सुधारित आदेश पुढील प्रमाणे वाचावेत.

“ज्या प्रयोगदर्शकांची नियमित स्वरूपात दिनांक १.७.१९८९ पूर्वी नियुक्ती झालेली आहे. परंतु जे पदव्युत्तर पदवी धारण करित नाहीत अशा प्रयोगदर्शकांना देखील अधिव्याख्याता असे पुनर्नामाभिधान १०.१२.१९९० पासून मान्य करण्यात येत आहे.”

सदर १०.१२.१९९० च्या आदेशातील अन्य शर्ती जशा आहेत तशाच लागू होतील.

३. हा शासन निर्णय, सामान्य प्रशासन विभागाच्या सहमतीने त्यांच्या अनौपचारिक संदर्भ क्र. १९३५-१२, दिनांक २८.५.९७ अन्वये तसेच वित्त विभागाच्या अनुमतीने त्यांच्या अनौपचारिक संदर्भ क्रमांक ६०१/९७/सेवा-१०, दिनांक २८.७.९७ अन्वये निर्गमित करण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

(च.वि.फडके)

कार्यासन अधिकारी

the view that while provision may be retained, the UGC should ensure that the practice of re-employment as a routine is not allowed to be followed by any institution. UGC may issue appropriate instructions in this regard.

6.13 Pension and Superannuation Benefits : Pension schemes have been introduced in the universities during the 90s replacing the earlier Contributory Provident Fund schemes. A few universities had introduced pension schemes even before 1990. In 1995, the Employees Provident Fund Scheme under the Employees PF & Miscellaneous Provisions Act of 1952 was replaced by an Employees Pension Scheme by the Government. This pension scheme is applicable to all establishments that were covered by the earlier scheme. This implies that all private colleges would be covered. Government colleges would be covered by Government pension schemes and the universities that were allowed to operate their own provident fund would have to formulate their own pension schemes in line with the Government schemes. This has given rise to the problem of counting qualified service for pension. This problem is inherent in the teaching profession as there is much greater institutional mobility in the service. Often the mobility entails moving from private to Government or from Government to university as

well as from one state to another. Some State Governments e.g. Gujrat and Rajasthan have framed rules in this regard which permit counting of qualified service within the state. However, the service rendered outside the state is excluded. In the case of the Employees Pension Scheme, 1995, the problem is obviated as the pension would be determined by the number of years of participation in the scheme. In the case of universities, unless specific provisions are made along the lines of Central Government Rules in this respect, counting of qualified service rendered in parts would continue to remain a problem. The Committee recommends that the UGC issue guidelines to all universities so that uniform rules be followed by them.

The University Grants Commission had earlier considered the issue of counting of past service for purpose of senior scale/selection grade under the career advancement scheme for lectures.

A circular in this regard was also issued to all universities and colleges. The Committee is of the view that the same principle be adopted.

The 5th Pay Commission has introduced special provisions for all pre-1986 pensioners in order to ensure that the disadvantage of the older persons vis-a-vis the relatively re-

नगरपरिषदांनी चालविलेल्या माध्यमिक व उच्च माध्यमिक (कनिष्ठ महाविद्यालय) शाळातील शिक्षक/शिक्षकेतर कर्मचाऱ्यांना सेवानिवृत्तीवेतन कोषागारामार्फत अदा करण्याबाबत.

महाराष्ट्र शासन : शालेय शिक्षण विभाग

शासन निर्णय क्रमांक : पीईएन-१०९४/८२६४७/प्र.क्र. १३५/माशि-६

मंत्रालय विस्तार भवन, मुंबई-४०० ०३२. : दिनांक १४ ऑगस्ट १९९७.

वाचा :- १) शासन निर्णय, शिक्षण क्रीडा व समाज कल्याण विभाग, क्र. एसएसएन-१९६८८/जी, दिनांक १५ ऑक्टोबर, १९७१.

२) शासन निर्णय, शालेय शिक्षण विभाग, क्र.एसएसएन-१३६९/९९८०/जी, दिनांक ३०/३१ ऑगस्ट, १९७२.

३) शासन निर्णय, शालेय शिक्षण विभाग, क्र. पीईएन-१०९४/८२६४७/प्र.क्र. १३५/माशि-६, दिनांक १५ मे, १९९५.

४) शासन निर्णय, शालेय शिक्षण विभाग क्र. पीईएन-१०९४/८२६४७/प्र.क्र.१३५ माशि-६, दिनांक ३० ऑगस्ट, ९६

५) महालेखापाल, नागपूर यांचे पत्र क्र. पीएम/एमयुएन/२३९, दिनांक २४.४.१९९७.

६) शासन पत्र क्र. पीईएन-१०९७/११७/माशि-६ दिनांक ३० जून, १९९७.

शासन निर्णय

नगरपरिषदांनी चालविलेल्या माध्यमिक/उच्च माध्यमिक शाळांमधून सेवानिवृत्त होणाऱ्या शिक्षक/शिक्षकेतर कर्मचाऱ्यांना त्यांचे सेवानिवृत्ती वेतन वेळेवर मिळावे यासाठी त्यांच्या निवृत्तीवेतनाची रक्कम शासन निर्णय, शालेय शिक्षण विभाग क्र. पीईएन-१०९४/८२६४७/प्र.क्र. १३५/माशि-६, दिनांक १५ मे, १९९५ व क्र. पीईएन-१०९४/८२६४७/प्र.क्र.१३५/माशि-६, दिनांक ३० ऑगस्ट, १९९६ अन्वये कोषागारामार्फत अदा करण्याबाबत आदेश निर्गमित करण्यात आले. सदर आदेश दि. १.३.१९९५ पासून सेवानिवृत्त होणाऱ्या व दिनांक १.३.१९९५ पूर्वी सेवानिवृत्त झालेल्या कर्मचाऱ्यांना लागू करण्यात आले. दि. १.३.१९९५ नंतर सेवानिवृत्त होणाऱ्या कर्मचाऱ्यांच्या बाबतीत महालेखापाल हे त्यांची प्रकरणे तपासून सेवानिवृत्ती वेतन प्राधिकृत करणारे आदेश देत असल्यामुळे, अशा कर्मचाऱ्यांना सेवानिवृत्ती वेतन मिळण्यास कोणत्याही अडचणी नाहीत. परंतु जे कर्मचारी दि. १.३.१९९५ पूर्वी सेवानिवृत्त झालेले आहेत, त्यांच्याबाबतीत महाराष्ट्र कोषागार नियम, १९६८ च्या नियम ३१७ मधील तरतुदीमुळे त्यांना सेवानिवृत्ती वेतन मिळण्यास अडचणी येत होत्या दिनांक १.३.१९९५ पूर्वी सेवानिवृत्त झालेल्या कर्मचाऱ्यांनासुद्धा त्यांचे सेवानिवृत्ती वेतन कोषागारामार्फत अदा करण्याबाबतचा प्रश्न शासनाच्या विचाराधीन होता. शासन आता असे आदेश देत आहे की, दिनांक १.३.१९९५ पूर्वी नगरपरिषदांनी चालविलेल्या माध्यमिक/उच्च माध्यमिक शाळांमधील सेवानिवृत्त झालेल्या शिक्षक/शिक्षकेतर कर्मचाऱ्यांना नगरपरिषदांमार्फत सध्या मिळत असलेले सेवानिवृत्ती वेतन, तसेच कुटुंब निवृत्तीवेतन महाराष्ट्र कोषागार नियम १९६८ च्या नियम ३१७ मधील तरतुदी शिथिल करून एक विशेष बाब म्हणून कोषागारामार्फत देण्यात यावे. यासाठी महालेखापाल यांच्याकडून सेवानिवृत्ती वेतनाचे प्राधिकार पत्राची आवश्यकता नाही. महाराष्ट्र कोषागार नियम ३१७ मधील तरतुदी या प्रकरणी एक विशेष बाब

म्हणून जरी शिथिल करण्यात आल्या असल्या तरी निवृत्ती वेतन प्रदानाबाबत महाराष्ट्र कोषागार नियम १९६८ खंड-१ मधील यासंबंधीच्या सर्व तरतुदी तसेच शासनाने वेळोवेळी प्रसृत केलेले नियम/आदेश हे याबाबतीत जसेच्या तसे लागू राहतील.

२. शासन असेही आदेश देत आहे की, सदर निवृत्तीवेतन कोषागारामार्फत सुरळीतपणे देता यावे यासाठी नगरपरिषदांतील संबंधित निवृत्तीवेतनधारकांचा, निवृत्तीवेतन प्रदानाचा पूर्ण तपशील (निवृत्तीवेतन धारकाची माहिती, निवृत्तीवेतनाचा दर, निवृत्तीवेतनाचा कालावधी इत्यादी) ज्याप्रमाणे महालेखापालांकडून कोषागाराकडे नियमित होणाऱ्या निवृत्तीवेतन प्रदान आदेशांमध्ये दिला जातो. त्याप्रमाणे नगरपरिषदांच्या संबंधित सक्षम प्राधिकाऱ्यांनी असा तपशील साक्षात्कार करून कोषागाराकडे पाठवावा. वरीलप्रमाणे सेवानिवृत्तीवेतनाच्या प्रदानाचा तपशील नगरपरिषदांच्या सक्षम प्राधिकाऱ्यांकडून प्राप्त झाल्यावर संबंधित कोषागार अधिकारी त्यानुसार निवृत्तीवेतन धारकांना निवृत्तीवेतन/कुटुंबनिवृत्तीवेतन अदा करतील. दि. १.३.९५ पूर्वी निवृत्त झालेल्या सदर निवृत्तीवेतन धारकांना १.३.९५ ते संबंधित नगरपालिकांकडून प्रत्यक्षात निवृत्तीवेतन अदा केल्याचा दिनांक या कालावधीच्या अदा केलेल्या निवृत्तीवेतनाची रक्कम कोषागार अधिकाऱ्यांनी समायोजित करावी. सदर समायोजन नगरपरिषदांकडून कोषागार अधिकाऱ्यांना निवृत्तीवेतन अदायगी आदेशाचे हस्तांतरण केल्यावर निवृत्तीवेतन सुरू करण्याच्या/सुरू ठेवण्याच्या वेळी करण्यात यावे. अपूर्ण माहितीच्या आधारे कोषागाराकडून निवृत्तीवेतन धारकाला निवृत्तीवेतनाचे प्रदान वेळेवर प्राप्त झाले नाही तर त्यासाठी नगरपरिषदेच्या संबंधित अधिकाऱ्यांना जबाबदार धरण्यात येईल. त्याचप्रमाणे निवृत्तीवेतनाच्या प्रदानाबाबत चुकीची माहिती कोषागारास कळविल्यामुळे अतिप्रदान झाल्यास त्याची जबाबदारीही नगरपरिषदेच्या संबंधित अधिकाऱ्यांवर राहिल. निवृत्तीवेतन धारकाच्या निवृत्तीवेतन प्रदानाबाबतची अचूक माहिती नगरपरिषदेच्या सक्षम अधिकाऱ्यांनी कोषागाराकडे पाठवावी व त्याची एक प्रत संबंधित शिक्षण अधिकारी (माध्यमिक) व संबंधित विभागीय शिक्षण उपसंचालक यांचेकडे पाठवावी.

३. या योजनेखाली होणारा खर्च खालील लेखाशिर्षाखाली दाखवावा. "२०७१, निवृत्तीवेतन व इतर सेवानिवृत्ती लाभ-११०, स्थानिक संस्थांच्या कर्मचाऱ्यांना निवृत्तीवेतन (ए) नगरपालिकेचे शिक्षक/शिक्षकेतर कर्मचारी यांना निवृत्तीवेतन"

४. वरील शासन निर्णय, वित्त विभाग, कार्यासन कोषा-४ व महालेखापाल, मुंबई/नागपूर यांच्या सहमतीने अनुक्रमे क्र. १५२/९७ कोषा-४, दि. २५.७.९७/पीआर-१/सीएच-३/एफ क्र. /१६०/नगरपरिषदांच्या शाळातील शिक्षक-शिक्षकेतर कर्मचारी/१०९९, दि. १२.८.१९९७ व पीएम/जीईएनएल-११२७, दि. २८.७.१९९७ च्या औपचारिक संदर्भानुसार निर्गमित करण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

(द.रा.माळी)

उपसचिव, महाराष्ट्र शासन.

cent retirees are reduced to some extent. In this regard, as teachers were not earlier covered by pension schemes, there is considerable economic distress among the older persons, due to erosion caused by inflation in the value of PFs as received by them. It is, therefore, suggested that for university teachers covered by CPF before the introduction of the pension scheme, an amount equivalent to the DA permissible at the pension level at the minimum of the present (i.e. pre-revised) pay scale be given as relief in DA to them. This would be a small gesture of goodwill for our older generation of teachers who were not given their rightful share for many years. They deserve our gratitude. Hence, this small token.

The Committee recommends that a waiver may also be provided upto a maximum of 5 years due to late entry in service of the teaching having a Ph.D. Degree so that almost all the teachers get full retirement benefits, which are available after 33 years of service.

6.14 Facilities for Women Teacher : The 5th Pay Commission has suggested special facilities for women employees and officers. The Committee also feels that since the working women have to bear dual responsibilities in our society, there is need for provision of special facilities to women teachers. The following provisions are recommended by the Committee in this regard.

6.14.1 Flexitime Period : A woman teacher may be allowed to work half-time for a maximum period of 6 years in her career when the children are young and family commitments are at the maximum. She may be given half of the pay plus half the allowances during this flexitime period. But she should not be deprived of other benefits such as LTC, housing and pension benefits, etc. during the same period.

6.14.2 Day Care Centres : The Committee recommends that quality day care-centres may be opened in universities and colleges with adequate equipment and staff to take care of the children of working parents. Such services should have adequate contribution from the users themselves for all programme-related costs and food, as also proportionate contribution to the salaries of the staff.

6.14.3 Interrupted Career : A woman teacher may have sometimes to interrupt her career for child-caring. The Committee recommends that there should be a provision for allowing women teachers to come back to the profession (not necessarily the same job) after an interruption of a maximum of 5 years and this period should not be considered as causing break in service.

6.14.4. Leave-sharing Arrangement : The Committee recommends that where both husband and wife are teachers in the same institution, the creation of an earned leave bank to be availed of by women teachers may be considered only for the period of rearing of very young children (such period should not exceed 6 years in all), provided that a woman teacher has exhausted the earned leave at her credit and there is earned leave lying at the credit of her husband.

6.14.5 Accomodation : The Committee recommends that while providing for residential accomodation in the universities and colleges, some rooms may be earmarked for women teachers. Also construction of hostels and quarters should be undertaken specially for single-woman teachers. Apart from the above, the special facilities as recommended by the Central Pay Commission may be introduced for teachers, taking into account the specific requirements of the higher education sector.

6.15 Conditions of Service

6.15.1 Service Agreements : Appointment of teachers is usually done through appointment letters which specify some of the important terms and conditions of employment. In many universities/colleges, at the time of recruitment, every teacher is required to sign a service agreement to be lodged with the Registrar/ Principal; with a copy to the teacher concerned. The Committee recommends that this should be made uniformly applicable to all the universities/colleges. Universities/Colleges may draw up service agreements designed to reflect their particular needs. The agreement should indicate that performance assessment and evaluation would form an essential part of the terms of appointment and career advancement.

Some of the essential points to be covered in the service agreements are as follows :

- i) period of appointment;
- ii) period of probation and mode of confirmation;
- iii) pay scale and allowances;
- iv) rules for lien or deputation;
- v) leave facilities;
- vi) age of superannuation and superannuation benefits;
- vii) resignation, termination of service, retirement;
- viii) nature of appointment, duties and responsibilities;
- ix) disciplinary procedure;
- x) code of professional ethics.

A teacher shall abide by and confirm to the relevant provisions of the rules and regulations and code of conduct for teachers as laid down by the concerned university and amended from time to time. It is essential that those rules be made a part of the University Statutes/ Ordinances. The new entrant should be provided with the above rules and regulations.

6.15.2 Mobility : The need for mobility in the academic profession arises because of well recognised factors. Open selections for the higher posts result in movement; and the need to avoid inbreeding for generally healthy and vibrant academic environment requires that mobility be consciously encouraged. It is, therefore, sometimes suggested that a minimum of 20% appointments be made of persons from outside the state/university. We reiterate the importance of the need to encourage mobility especially because mobility is being reduced rather than being encouraged as a result of several factors that are outside the control of the universities. We feel that facilities like provision of adequate housing and rules about carrying service benefits (pension, leave, etc.) will go a long way in achieving the objective of mobility. Recommendations about these matters have been made, separately.

6.15.3 Medical Facilities : There are variations in provision of medical facilities according to the types of institutions, Universities have the facility of medical reimbursement etc. but the rates and facilities vary. Central universities and state universities have different schemes. Government colleges are governed by Government rules and have access to medical facilities. Private colleges - aided as well as unaided - have very limited facilities and in many cases none are available at all. Therefore, efforts should be made at all levels to extend medical benefits to teachers, either through medical insurance or through state assistance. The UGC may set up a Committee to examine different aspects of medical facilities for teachers to work out a scheme with the advice of financial institutions like the General Insurance Corporation and the Unit Trust of India.

6.16 Dearness Allowance and Other Benefits

6.16.1 Dearness Allowance : The Committee is of the view that the rate of dearness allowance payable to all teachers in the universities and colleges should be uniform and at par with those available to Central/State Government employees.

6.16.2 Incentives for Professional Development : The faculty should be encouraged to become members of a maximum of 2 professional national associations and the cost of the membership should be subsidised by the university/ colleges to the extent of 50%. Also to help the teachers to subscribe to journals, the Committee recommends that every teacher should get a subsidy to the extent of 50% of the cost of the journal subscribed, subject to the maximum of Rs. 500 per year. In addition, to encourage the teachers to be able to make use of e-mail facilities, the Committee recommends that the expenditure incurred on installation of e-mail facilities and annual charges excluding actual postage charges may be subsidised to the extent of 50%.

6.16.3 Computer Advance : The Committee recommends that computer advance of Rs. 1 lakh may be given to the teachers as per Central/State Government rules.

6.16.4 Leave Travel Concession : The facility of

leave travel concession to visit home town and any place in the country, as available to Central/State Government employees, should be made available to all university/college teachers.

6.16.5 Group Insurance Scheme : Group Insurance Scheme is available to the employees of Central Government, autonomous organisations, Government Undertakings and Central Universities. The concerned authorities should take steps to make this facility available to the teachers.

6.16.6 Housing

6.16.6.1 Housing is one of the main areas of discontent and dissatisfaction among the teaching community. Many representations have been made to the Pay Committee at different places, highlighting the woefully inadequate facilities with the universities and colleges for providing housing to the staff members. While problems are more acute in the metropolitan cities, these are not very much less in other areas as well. This also seriously hampers the mobility of the teaching community and leads to the growth of vested interests in different places.

6.16.6.2 It is noted by the Committee that subsequent to the recommendations of 4th Central Pay Commission in respect of Central Government employees, the Central Government had taken certain positive steps to alleviate the suffering of the staff on this count. Some of these initiatives are :

i) Setting up of a welfare society called the Indian Railway Welfare Organisation (IRWO) by the Ministry of Railways to look after the housing needs of railwaymen. This society is patterned after the Armymen's Welfare Society. IRWO, with its Head Office in New Delhi and under the control of the Ministry of Railways, has branches in different parts of the country and undertakes efforts pertain to land acquisition, development, building of houses of different types of different categories catering to the needs of the people with different levels of purchasing power and allots these houses to the members on certain rational basis. Thus, a member of the society while being relieved of the botheration of purchase of land, construction, etc. has the choice to select a house within his/her means and in a place of his/her choice.

The Ministry of Urban Development has also constituted a similar society for meeting the housing needs of its employees working in different Central Government departments other than ministry of Railways. Thus, by and large, different segments of the Central Government like the Army, the Railways and other departments have been covered by these societies.

ii) As a equal to the 4th Central Pay Commission recommendations, the Central Government has also liberalised the quantum of house building advance and the eligibility criteria as well as the building cost ceilings.

iii) Some of the State Governments have also taken steps in similar direction by encouraging the formation of employees' co-operative housing societies and giving these societies suitable concessions, facilities etc. But these mainly relate to State Government employees.

iv) Some of the banking and other public sector undertakings have also extended housing facilities to their employees.

6.16.6.3 Several measures are being taken to increase the available housing stock including co-operative housing state launched housing schemes and availability of financial housing, which may be reinforced further. There is, however, one avenue which has not been explored. This is the avenue of mobilizing institutional finance from housing finance companies and banking institutions for house building on university land. If this is to be done, it would require the setting up of autonomous university housing agencies with an initial corpus contribution from the budget. This will enable mobilizing institutional finance. Houses will be let out to teachers only and the rent, determined on a fair market rent basis, will be paid back to the agencies. The rental income will repay the loan and provide for maintenance. The police departments of Gujarat and Haryana have done so and the corporate sector raises such finance in a routine manner. Details will have to be worked out by a Committee specially set up for this purpose. We recommend that

i) A Committee be set up by the UGC in this regard;

and

ii) Adequate provision may be made during the 9th Plan period for the setting up of University Housing Agency.

6.16.6.4 House-Building Advance and House-Rent Allowance :- In the paras on housing, the Committee has given its recommendations about the provision of housing facilities to the University and college teachers. Further to this, the Committee recommends that house-building advance and house-rent allowance be made available to all university/College teachers as per the Central/State Government rules.

6.16.7 Conveyance Advance and Conveyance Allowance :- The Committee is of the view that conveyance advance and conveyance allowance may be given to teachers as per the Central/State Government rules.

6.17 Allowance for Teachers of Universities and Colleges in the Hilly Areas :- It has been represented to us that considering the backwardness of hilly areas and the high cost of living there coupled with lack of easy means of communication, it is desirable to extend the benefit of some compensatory allowance to attract good teachers to the universities/colleges in the hilly areas of the country (North East, Sikkim, Himachal Pradesh, etc.) We recommend that such allowances as are applicable to the Central/State Government employees in the hilly areas may also be given to the university and college teachers.

6.18 Leave Rules : The Committee took note of the leave rules as recommended by the Sen Committee and the Mehrotra Committee. It feels that the leave rules as laid down by these Committees may be followed except for some changes as necessitated by the recommendations of the Central Pay Commission. The modified leave rules as recommended by the Committee may be seen at annexure-XVI.

6.19 Leave Encashment : The Committee recommends that leave encashment facilities may be extended to teachers of universities and colleges as per Central/State Government rules.

6.20 City Compensatory Allowance : The Committee recommends that the City Compensatory Allowance as applicable to Central/State Governments be made applicable to the teachers in universities/colleges.

6.21 Resource Mobilization : The Committee realizes the necessity of greater Government funding for supporting Higher Education. It is aware of the NPE 1986 which recognised that concurrence in education required a new sharing of responsibility - meaningful partnership - between the Union Government and the states in this vital area of national life. The number of universities and colleges has considerably increased over the years and further higher education is an important source for providing trained and skilled professionals for industry, agriculture, trade, commerce and other socio-political sectors. Nevertheless, as additive to resource mobilization, the institutions should take adequate steps for resource generation by promoting i) self-financing courses, ii) greater interaction with industry, iii) greater involvement in consultancy and iv) contract research work. At the same time, it will be useful: (i) to promote ingenious optimization of library and laboratory resources available in various institutions of the country and (ii) to encourage the ingenuity in fabrication of low-cost laboratory equipment and indigenous fabrication of instruments.

The UGC has started a scheme to encourage the resource mobilization by the universities in the form of giving bonus to the extent of 25% of the resources mobilized, In addition, donations to the universities are exempted from income tax. However, all these facilities do not exist for colleges and the Committee recommends extension of both these facilities to the college sector. In addition, the individuals who mobilise resources for their universities/colleges should be suitably rewarded. Appropriate guidelines may be formulated by the UGC in this regard.

6.22 Civic Rights : In this context, the Kothari Commission(1964-66) recommended as follows:

Teachers should be free to exercise all civic rights and should be eligible for public offices at the local, district, state or national level. No legal restriction should be placed on their participation in elections, but when they do so, they should be expected to proceed on leave.

The latest circular of UGC issued in this respect in

1987 envisages that the teachers who are elected/nominated to parliament or State Legislature would be required to take leave of absence during their term as members. However, in this process, they would not be losing their seniority or increments. The Committee endorses this recommendation.

Thus, the above provisions should continue. Leave in this regard should mean extraordinary leave.

6.23 Code of Professional Ethics : The UGC, with the participation of All India Federation of University and College Teachers' Organisations, prepared a code of professional ethics for university and college teachers which included responsibilities of the teachers, do's and don'ts for teachers with respect to their relations with students, colleagues, authorities, non-teaching staff, guardians and even society. It was sent to all the universities and colleges in February 1989. However, the Committee feels that despite its recognised usefulness, it is not being followed in actual practice by the teaching community. The Committee, therefore, recommends that instead of being advisory in nature, it may be made part of the regulations of UGC and incorporated in the Statutes/Ordinances of the universities. It may form part of the service agreement to ensure implementation.

6.24 Grievance Redressal Machinery : The Kothari Commission examined the issue of redressal of grievances of teachers and made certain recommendations.

The National policy on Education 1986 (with modifications undertaken in 1992) specifically mentioned the creation of a machinery for redressal of grievances of teachers. The Ramamurti Committee (1990) also examined the matter on the basis of recommendations made by the Law Commission. But all these await implementation (annexure-XV). The Committee recommends the implementation of the Law Commission's recommendations regarding tribunalisation of justice after due examination by UGC. Government of India and the State Governments. The university may also consider appointing an ombudsman to deal with grievances of students and others affected by the university functioning. Details may be worked out in consultation with the National Law School at Bangalore.

6.25 Date of Implementation and Review : The date of implementation of the pay scales should be 1 January, 1996 or the same as decided by the Central Government in respect of its employees. However, the recommendations regarding age of superannuation and other conditions, including new provision for advancement from Reader to Professor, may be implemented from a prospective date to be decided by the UGC. The UGC may take up a quinquennial review of the implementation of the pay scales and other recommendations of the Committee in all relevant aspects.

6.26 Accountability : Better pay scales and service conditions are important requirements for ensuring the quality of higher education. However, these do not reflect the quality of teaching-learning process and the contribution made by teachers in teaching, research and extension, in other words, the accountability of the teaching profession. Concern for the accountability of the profession had been expressed by the Radhakrishnan Commission, the Kothari Commission and the National Commission for Teachers in Higher Education as also by the Pay Review Committee Headed by Professors Sen and Mehrotra. The last named Committee had even spelt out the methodology of introducing the concept of accountability in the teaching profession and pressed for its implementation.

The National Policy on Education(1986) contemplated 3 requirements for the measurement/evaluation of accountability. According to it, the evaluation must be:

- i) Open
 - ii) Participative
 - iii) Data-based
- a) Precisely speaking, evaluation becomes open when;
- i. The components evaluated have clearly defined objectives;
 - ii. Indicators of performance regarding the achievement of objectives are prescribed in advance.
 - iii. The teacher has knowledge of the job; he/she is

expected to perform alongwith the details of each specific role.

b) Evaluation becomes participative if the indicators of good performance and relative weightages to be given to the components of evaluation are decided upon in consultation and collaboration with users of the system. This clearly permits the involvements of students in the evaluation process. As users of the system, they are entitled to playing this role.

c) Coming to the third aspect, namely, making performance appraisal data-based we realise that this is perhaps the most formidable component in the entire scheme of performance appraisal. It may be useful to discuss at some length as to how we lay down a possible quantitative/qualitative criterion that will go towards generating the necessary data. From our discussion, it appears that students' evaluation must constitute one of the main indicators in-so-far as the performance of the individual teacher is concerned.

Further, we may have to prescribe suitable criteria for research, institutional development, preparation of instruction material and general contribution to the building up of the academic atmosphere on the campus.

In this connection, the Mehrotra Committee requires to be quoted. It had said, "A reliable and credible system of evaluation of students of teachers/ performance should be worked out carefully and meticulously and introduced gradually and selectively." Had this been done, there would not have been any problem. Now it has become necessary that the instruments of accountability are introduced without further delay and all over the country.

6.26.1 Self-Appraisal of Teachers : In regard to self-appraisal by teachers, the Mehrotra Committee recommended that it be "introduced immediately in all institutions of higher learning." It was also suggested that the self assessment report should include "factual information about the total workload; the average number of hours spent by the teacher per day in the institution, the number of periods for which he conducted actual teaching/practical/tutorials; and the number of days for which leave of kind was availed of, etc."

But except in a few cases, the State Governments/universities did not evolve a system or frame regulations so as to ensure assessment and accountability of teachers. The UGC did some follow-up work by bringing forth a self-appraisal proforma and code of professional ethics for university and college teachers with the help of AIFUCTO. The overall impact in both cases has been far from noticeable.

The Committee reiterates that the self-appraisal proforma as in force (with modifications) should be made an annual feature of the review of teachers' performance as also essential component for the grant of any type of incentive or upward movement in the career of a teacher. The proforma with a very minor modification as suggested by the Committee is to be seen at annexure-XVI.

6.26.2 Students' Assessment of Teachers : The Committee examined in detail the concept of students' assessment of teachers' performance in the light of frequent objections raised and apprehensions expressed in this regard. The Committee has come to the conclusion that limitations notwithstanding, the students' evaluation of the teachers' has to be accepted as one of the components for assessing a teacher's performance. The Committee recommends that students' assessment be made a part of the evaluation procedure in all colleges and universities. A proforma has been designed to initiate the process and is given at Annexure-XVII.

6.26.3 Maintenance of Attendance Registers : The Mehrotra Committee reiterates the following recommendations concerning the maintenance of Attendance Registers and their submission by teachers as made by the National Commission on Teachers-II.

It is suggested that every teacher should maintain a register in which he/she records his/her activities for each working day. This is particularly important for the teaching function.

Procedures relating to the maintenance of attendance registers need to be strictly observed. It is suggested that registers may be submitted to the Principal's office, preferably at the end of the day, but certainly on every Saturday, and information contained therein may be made use of to remove lacunae and

inadequacies during the week itself.

It should be ensured that the above requirement is strictly fulfilled. In addition, details about invigilation and examination work should also be provided. Guidelines in this regard should be framed and incorporated in the proposed Statute. This would ensure uniformity of approach.

6.26.4 Implementation : During discussions with the officers of the universities, Ministries and State Governments, references were frequently made to the decline of work culture in educational institutions. The Committee is aware of the fact that a lapse on the part of a few tends to become a reflection on the entire teaching community. The Teachers' Associations with whom we have had discussions in different states took the view without exception that they were in favour of ensuring accountability and submission of appraisal forms as contemplated in the Mehrotra Committee Report. It is our considered opinion that this aspect of the accountability procedure deserves the highest consideration. The recommendations of the Committee concerning performance appraisal and students' assessment of teachers, therefore, should be treated as an integral part of the package of recommendations on pay scales and service conditions and should not be viewed as detachable in any way. The Committee therefore recommends as follows:

1. The universities may have to make necessary amendments in their Statutes and Ordinances to take into account these recommendations and implement them effectively. Likewise, the State Governments may also frame appointment rules and regulations to give effect to these recommendations on accountability.

2. It is necessary that the appraisal form by each individual teacher is submitted annually. Universities/Colleges should lay down a definite time-schedule for the submission of appraisal forms, their review and communication of comments, as and when required. Non-submission of appraisal forms have to be viewed seriously and considered as a lapse which should invite action as per rules to be framed in an appropriate manner.

3. There may be a provision for review of the appraisal form by a Committee constituted by the Executive Council/Syndicate/Board of Management, as the case may be. The composition of the Committee must be such as to ensure objectivity and credibility, both on the part of the faculty and the management.

6.26.5 Generation of Appropriate Environment : Teachers' discontent is sometimes related to problems of selection. The administration should see to it that selections are made in time and in a transparent manner. Transparency alone instills confidence among teachers. Students and all others concerned. It is desirable to give encouragement to good teachers. Further, efforts should be made to provide facilities to all teachers, thereby making room for enhancing their professional efficiency.

A proper, congenial and encouraging atmosphere for academic activities can certainly be created in universities and colleges. Vice-chancellors, Principals of colleges and Heads of Departments including Professors of the departments and, indeed, all teachers have to play a vital role in this regard.

Teacher-emoluments and career opportunities are indeed very important motivating factors for the teachers to play their role effectively. Another equally important aspect is the academic environment of our institutions. Unfortunately, while emoluments have significantly improved, the institutional environment has deteriorated almost across the board. A few islands of healthy environment in the system are exceptions. We are of the view that conscious steps are taken at all levels - political (Centre and the States), administrative and academic - it would be rather difficult to arrest the decline. Teachers can and must perform better. They can do so only if the environment in which they function is improved. This could be achieved by having a common minimum agenda for higher education with a perspective view and an accepted code of institutional behaviour involving all concerned. The Higher Education sector, alongwith the Defence sector and the Judiciary, needs to be treated as a pillar of healthy democracy by taking appropriate steps to free the sector from political interference and possible manipulations which have unfortunately become a common feature of our social life in the present times.

Certain other steps for generating proper academic environment in colleges as well as in universities may also be thought of. Academic activities involving a cluster of colleges, whether in rural or urban areas, all over the district or towns around the universities should be organised. Frequent seminars by the parent university departments may be organised with the help of the departments of the affiliated colleges. All efforts should be made to encourage development of teaching and research capability.

In the context of accountability for all, a combination of administrative skills and academic will combined with transparency in action and real and sincere academic attitude would certainly improve matters. This will go well with the Indian psyche as reflected in the following verse of the Gita:

यद्यदाचरति श्रेष्ठस्तत्तु देवतरो जनः

सयत्प्रमाणमं कुरुते लोकस्तदनुवर्तते

"The way in which persons of the higher order act, ordinary persons also act in the same way, the example which they set is followed by others".

-Shrimadbhagwadgita 3.21

In fact, nothing is more infectious than an example.

Judgement continued from page 200

existence. If therefore, the committee had served its purpose of making selection of candidates according to their merit, then the mere fact that the member Shri Anil Deshmukh or for that matter the other member Shri Harne did not agree about appellant being placed in first in order of preference could not invalidate the report of the Committee, because the majority in the committee three members approved that placement. It has to be actively four members when Shri Harne is also to be included, ignoring his latter grievance about the pressuring and undue influence possibility of which, amongst the academics and experts, seems inconceivable to me. More so, because Shri Harne was a representative of the University as such and could not have been influence by the lesser entity of a private College. It also needs to be noted that one of the members of the Selection Committee was a nominee of the Higher Education Dept. of the State Government, Shri Padhye, Principal of the Vidharba Mahavidyalaya, Amravati.

11. The action on the part of the Respondent No. 4 Vice-Chancellor refusing approval to the appellant's selection and appointment becomes, therefore, as unjustifiable, as it is illegal; as unwarranted, as it is arbitrary.

12. The appeal must for these reasons succeed. Hence the Order:

ORDER :

The appeal is hereby allowed. The impugned order of termination of the appellant's services dtd. 19.11.1993 is hereby quashed and set aside. The Respondent No. 4 shall accord approval to the appointment of the appellant as the Director of Physical Education in the Respondent No. 2 College on the basis of Select on Committee's Report dtd. 7.9.1993, the majority having selected the appellant as the first in order of merit for the said appointment. Such approval shall be forthwith communicated to the Respondents No. 1 and 2 and at any rate not later than fifteen days from the date of this order. Failing, it shall be deemed to have been so given. The Respondent No. 1 and 2 shall accordingly continue the appellant in services w.e.f. from the date of termination of his service. The appellant shall also be entitled to the benefit of all arrears of salary and other emoluments as due. These shall be paid by the Respondent No. 1 and 2 on or before 15.9.1997.

CERTIFIED COPY

Copy certified as true and correct as per original.

I/c Registrar sd/-

University & College

Presiding Officer, Tribunal, University and College
Tribunal, Nagpur University, Nagpur University,
Nagpur, Nagpur.

MINUTES

of the General Body Meeting of

NAGPUR UNIVERSITY TEACHERS' ASSOCIATION
held at 9.00 A.M. on SUNDAY, the 18th May, 1997
at Bharatiya Mahavidyalaya, Amravati.

The General Body of NUTA met in the hall of Bharatiya Mahavidyalaya, Amravati. (Dist. Amravati) at 9.00 A.M. on SUNDAY, the 18th May, 1997. Prof. B.T. Deshmukh, President was in the chair. The membership numbers of the members present at the meeting are as follows :-

0017, 0044, 0048, 0058, 0060, 0065, 0068, 0072, 0078, 0090, 0113, 0131, 0136, 0137, 0154, 0164, 0181, 0185, 0194, 0220, 0222, 0257, 0259, 0260, 0267, 0269, 0311, 0316, 0388, 0389, 0557, 0613, 0662, 0669, 0738, 0811, 0867, 0944, 1076, 1113, 1122, 1177, 1382, 1424, 1448, 1529, 1631, 1669, 1781, 1851, 2036, 2103, 2120, 2133, 2154, 2157, 2340, 2371, 2415, 2503, 2664, 2809, 2813, 2864, 2976, 3113, 3205, 3231, 3299, 3300, 3305, 3341, 3427, 3451, 3498.

ITEM NO. 203 : CONFIRMATION OF MINUTES :

CONFIRMED the Minutes of the General Body Meeting of Nagpur University Teachers' Association held at 12.00 noon on Sunday, the 24th November, 1996 at S. S. N. J. Mahavidyalaya, Deoli Dist. Wardha. (copy of the minutes was circulated on pages no.144 to 147 of 1996 NUTA Bulletin).

विषय क्रमांक : २०३ (१)

प्रा. एस.जी.साबु यांचे दुःखद निधन :

प्रा.शितल तिवारी यांनी प्रा.एस.जी.साबु यांचे दुःखद निधनावद्दल मांडलेला पुढील शोक प्रस्ताव **सम्मत करण्यात आला** :-

“श्रीमती केशरबाई लाहोटी महाविद्यालय अमरावती येथील नुटाचे आजिव सदस्य व वाणिज्य विभागाचे विद्यार्थी प्रिय प्राध्यापक एस.जी.साबु यांचे २२ डिसेंबर १९९६ रोजी अपघाती दुःखद निधन झाले. या आकस्मिक निधनामुळे त्यांच्या कुटूंबीयांवर दुःखद प्रसंग आला आहे. त्यांच्या या दुःखात नुटाची ही आमसभा सहभागी आहे. त्यांच्या कुटूंबीयांना दुःख सहन करण्याची शक्ती ईश्वर प्रदान करो अशी प्रार्थना ही सभा करीत आहे”

विषय क्रमांक : २०३ (२)

प्रा. डॉ.जे.पी. दुबे यांचे दुःखद निधन :

प्रा. माणिकराव अंधारे यांनी प्रा.डॉ.जे.पी.दुबे यांचे दुःखद निधनावद्दल मांडलेला पुढील शोक प्रस्ताव **सम्मत करण्यात आला** :-

“जनता महाविद्यालय, चंद्रपूर येथील हिंदीचे ज्येष्ठ प्रा. डॉ. जगजीवनप्रसाद दुबे यांचे दिनांक १३.२.९७ ला हृदयविकाराच्या तीव्र झटक्याने आकस्मिक निधन झाले. मृत्युसमयी त्यांचे वय ४७ वर्षाचे होते. ते नुटाचे सक्रिय कार्यकर्ते होते व स्थानिक कॉलेज नुटा युनिटचे सचिव होते. या आकस्मिक निधनामुळे त्यांच्या कुटूंबीयांवर दुःखद प्रसंग आला आहे. त्यांच्या दुःखात नुटाची ही आमसभा सहभागी आहे. ईश्वर त्यांच्या आत्म्यास शांती देवो व तसेच त्यांच्या परिवारास हे दुःख सहन करण्याची शक्ती देवो अशी प्रार्थना ही सभा करित आहे.”

शोक प्रस्ताव मांडणाऱ्या सदस्यांनी आपल्या भावना व्यक्त केल्या. अध्यक्षानी सुध्दा आपल्या भावना व्यक्त केल्या. सभेने दोन मिनीटे स्तब्ध उभे राहून दिवंगत सदस्यांना आपली आदरांजली वाहिली. **सम्मत केलेल्या शोकप्रस्तावाची प्रत संघटनेच्या वतीने सचिव शोकाकूल कूटूंबियांकडे पाठवितील** असे अध्यक्षानी सांगितले.

ITEM NO. 204 : 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, 1996.

ITEM NO. 205 : APPROVAL TO THE ANNUAL BUDGET :

APPROVED the Annual Budget of the Association for the Financial year commencing on 1st April, 1997.

ITEM NO.206 : APPOINTMENT OF THE AUDITORS :

CONSIDERED AND APPROVED the following resolution for the appointment of auditors for the Financial year ending on 31st March, 1997 namely :-

"C.R.Sagdeo & Co. Chartered Accountant "Prabha Niwas" Nagpur be appointed as auditor for the Financial year ending on the 31st March 1997"

विषय क्रमांक : २०६

सेवाशर्तीत नसलेली कामे लादणे

सदस्य अनुपस्थित असल्यामुळे विषयोक्त प्रस्ताव मांडल्या गेला नाही.

विषय क्रमांक २०८

निवडणूकीचे काम लादणे

सदस्य अनुपस्थित असल्यामुळे विषयोक्त प्रस्ताव मांडल्या गेला नाही.

विषय क्रमांक २०९

रजा प्रवास सवलतीचा लाभ

सदस्य अनुपस्थित असल्यामुळे विषयोक्त प्रस्ताव मांडल्या गेला नाही.

विषय क्रमांक २१०

नियमित वेतन

सदस्य अनुपस्थित असल्यामुळे विषयोक्त प्रस्ताव मांडल्या गेला नाही.

ITEM NO. 211

TEACHERS RENDERED SURPLUS

सदस्य अनुपस्थित असल्यामुळे विषयोक्त प्रस्ताव मांडल्या गेला नाही.

विषय क्रमांक २१२

रोटेशन पद्धतीने विभाग प्रमुख

सदस्य अनुपस्थित असल्यामुळे विषयोक्त प्रस्ताव मांडल्या गेला नाही.

विषय क्रमांक २१३

रिफ्रेशर कोर्स पासून वंचित राहिलेल्या अधिव्याख्यात्यांची वरिष्ठ श्रेणीमध्ये स्थान निश्चिती

प्रा.ए.आर.मळसने यांनी मांडलेला प्रस्ताव पुढील स्वरूपात **सम्मत करण्यात आला** :-

महाराष्ट्र शासन व विद्यापीठाचे आदेशानुसार महाविद्यालयीन अधिव्याख्यात्यांची वरिष्ठ श्रेणीत स्थान निश्चिती होण्याकरिता किमान दोन रिफ्रेशर कोर्स पूर्ण करणे बंधनकारक आहे. या रिफ्रेशर कोर्सचे आयोजन नागपूर व अमरावती विद्यापीठातर्फे करण्यात येते. परंतु काही विषयांच्या (उदा. इतिहास, ग्रंथालय शास्त्र) एकाही रिफ्रेशर कोर्सचे आयोजन नागपूर व अमरावती विद्यापीठातर्फे करण्यात आलेले नाही. तसेच इतर विद्यापीठांमध्ये रिफ्रेशर कोर्सकरिता विनंती अर्ज करूनही संबंधीत अधिव्याख्यात्यांना संधी मिळालेली नाही असे अनेक अधिव्याख्याते आहेत. अमरावती व नागपूर विद्यापीठाने अशा विषयांच्या रिफ्रेशर कोर्सचे तातडीने आयोजन करावे व रिफ्रेशर कोर्स करण्याची इच्छा असूनही केवळ संधी न मिळाल्यामुळे रिफ्रेशर कोर्स करण्यापासून वंचित राहिलेल्या अधिव्याख्यात्यांची वरिष्ठ श्रेणीमध्ये पूर्वलक्षीप्रभावाने स्थान निश्चिती करावी अशी विनंती नुटाची ही आमसभा करीत आहे.

ITEM NO. 214 :

TEACHER SHOULD BE DECLARED SURPLUS

सदस्य अनुपस्थित असल्यामुळे विषयोक्त प्रस्ताव मांडल्या गेला नाही.

ITEM NO. 215 :

AMENDING STATUTE 53 BY WAY OF ISSUING OF DIRECTION

एक म्हणजे ज्याची पुर्वसूचना देणे शक्य नव्हते व दुसरे असे की, ज्याबाबतीत तातडीने निर्णय होणे आवश्यक आहे. या दोनही कसोट्यावर उतरत असल्यामुळे अध्यक्षीच्या परवानगीने येणारा वेळेवरचा विषय म्हणून

कार्यकारी मंडळाच्या वतीने सचिव प्रा.एकनाथ कठाळे यांनी मांडलेला पुढील प्रस्ताव **सम्मत करण्यात आला.**

Resolved to condemn the action of the then Vice Chancellor Prin. M. T. Gabhe of Nagpur University in regard to the issuance of the Direction No 2 of 1997, dated 24.4.97 whereby the powers to grant permission to the termination of teachers in affiliated colleges vested with the management Council under statute 53 have now been sought to be vested with the Vice Chancellor.

Further resolved to demand the immediate withdrawal of the said direction.

विषय क्रमांक २१६

प्रा.बी.टी.देशमुख यांच्या अभिनंदनाचा प्रस्ताव :

कार्यकारी मंडळाच्या वतीने सचिव प्रा. एकनाथ कठाळे यांनी मांडलेला प्रा. बी.टी.देशमुख यांच्या अभिनंदनाचा पुढील प्रस्ताव **सम्मत करण्यात आला.**

“संसदिय प्रणालीचा पाया मजबूत करण्यामध्ये दाखविलेले अग्रेसरत्व, संसदिय प्रणाली भक्कम होण्यासाठी दिलेले भरीव योगदान, सामाजिक जाणिवेची निसर्गदत्त देणगी व उत्कृष्ट धैर्य, लोकांच्या भल्यासाठी निश्चुन व अत्यंत निर्धाराने बाजू मांडणे, लोकसमस्यांचा आवाका आणि व्याप्ती पूर्णपणे समजून घेणे, त्या समस्यांच्या सोडवणूकीसाठी अभ्यास व तपश्चर्येद्वारा वाटचाल करणे, उपजत बुद्धीमत्ता आणि कार्यकुशलता यामुळे बनलेले विशेष व्यक्तिमत्व, विविध विषयांचे अर्थपूर्ण व सुलभ विशदीकरण करण्याची हातोटी, विधीमंडळाचे नियम आणि कार्यपद्धती यावर असलेली उत्तम पकड, संसदिय सभ्याचार व प्रतिष्ठा तसेच समित्यांच्या कामाची उत्तम जाण, या व यासारख्या वैशिष्ट्यांनी समृद्ध असलेल्या व्यक्तीमत्वामुळे नुटाचे अध्यक्ष प्रा.बी.टी.देशमुख यांना राष्ट्रकुल संसदिय मंडळाच्या महाराष्ट्र शाखेने “उत्कृष्ट संसदपटू” हा पुरस्कार देवून गौरवान्वित केल्याबद्दल ही सभा अतीव आनंद व्यक्त करीत आहे आणि त्यांचे मनापासून अभिनंदन करीत आहे.”

विषय क्रमांक २१७

वाहन सुविधेचा प्रस्ताव :

कार्यकारी मंडळाच्या वतीने सचिव प्रा.एकनाथ कठाळे यांनी पुढील प्रस्ताव मांडला :-

“सातत्याने गेले पाव शतक ज्या चिकाटीने, जिद्दीने, निरलसपणे, निस्पृहपणे, धडाडीने व मनःपूर्वक नुटाच्या व महाराष्ट्र प्राध्यापक संघाच्या पातळीवर प्रा.बी.टी.देशमुख यांनी प्राध्यापक चळवळीचे नेतृत्व केले त्याबद्दल या सभागृहाला अतिव अभिमान वाटतो. संघटनेच्या या माध्यमातून प्राप्त झालेल्या विधानपरिषद सदस्यत्वाचा बुद्धीमत्तापूर्ण रितीने वापर करून विदर्भाच्या अनुशेष निर्मूलनाच्या कामासाठी त्याचा जो उपयोग त्यांनी करून घेतला तो अत्यंत स्पृहणीय असून त्यांच्या विधानपरिषदेतील कार्याला “उत्कृष्ट संसदपटू” हा पुरस्कार प्राप्त झाल्याने त्यांच्या या गौरवाबरोबरच ते ज्या संघटनेचे नेतृत्व करतात त्या संघटनेचाहि गौरव झाला आहे, अशी या सभागृहाची भावना आहे. प्रा.बी.टी.देशमुख यांच्या या गौरव प्रसंगाच्या निमित्ताने त्यांना आणखी प्रभावीपणे कार्य करता यावे म्हणून एक डिझेल वाहन भेट देण्याच्या कार्यकारी मंडळाच्या प्रस्तावास हे सभागृह सहर्ष मान्यता देत आहे. संघटनेच्या सदस्यांनी व बीटीच्या चाहत्यांनी या प्रसंगानिमित्त उभारलेल्या स्वेच्छाधिन सहभागातून ही भेट दिली जात आहे. याचा या सभागृहाला विशेष अभिमान वाटतो.”

सचिवांनी प्रस्ताव मांडल्यानंतर अध्यक्षांनी या प्रस्तावाबाबत असे मत व्यक्त केले की, “उक्त प्रस्तावाची पुर्वसूचना देणे शक्य नव्हते हे खरे असले तरी तातडीने निर्णय घेण्याची कसोटी लागू करता आजचा हा प्रस्ताव “वेळेवरचा विषय” म्हणून आज निर्णयार्थ न घेता कामकाजपत्रिकेमध्ये पुर्वप्रसृत करून आमसभेच्या पुढील बैठकीसमोर ठेवणे जास्त योग्य होईल.”

CONSIDERATION POSTPONED, in view of the opinion expressed by the President.

विषय क्रमांक : २१८

सभा व्यवस्थेबद्दल आभार :

सचिवांनी महाविद्यालयाचे प्राचार्य व स्थानिक शाखेच्या इतर प्राध्यापकांनी, जिल्हा नुटाचे अध्यक्ष, सचिव व सदस्य यांनी, ही सभा यशस्वी करण्यासाठी घेतलेल्या परिश्रमांबद्दल आणि दिलेल्या सहकार्याबद्दल त्यांचे मनःपूर्वक आभार मानले. शेवटी सर्व उपस्थित सदस्यांचे आभार मानून सभा संपली असे अध्यक्षांनी जाहीर केले.

स्वा / बी.टी.देशमुख
अध्यक्ष

स्वा / एकनाथ कठाळे
सचिव

अशासकीय कला, विज्ञान, वाणिज्य, शिक्षणशास्त्र महाविद्यालयातील शिक्षकांच्या निवडीबाबत कार्यपद्धती ठरविणे

महाराष्ट्र शासन : उच्च व तंत्रशिक्षण आणि सेवायोजन विभाग
शासन आदेश क्रमांक : युएसजी-११९६/सी-५२६/(४१५२)/विशि-४
मंत्रालय विस्तार भवन, मुंबई - ४०० ०३२. दिनांक : ८ ऑगस्ट १९९६

वाचावे : १) शासन निर्णय, शिक्षण व सेवायोजन विभाग क्र. युएसजी ११८१/(तीन)/विशि-४ दि. २६.२.१९९१

२) शासन निर्णय, शिक्षण व सेवायोजन विभाग क्र. युएसजी - १३९०/(१६७३)/विशि-४ व शुद्धीपत्र दि. १३ सप्टेंबर १९९१

शासन निर्णय : शासन निर्णय, शिक्षण व सेवायोजन विभाग क्र. ११८१/(तीन)/विशि-४ दिनांक २६.२.१९८१ अन्वये असे आदेश निर्गमित करण्यात आले आहेत की, शैक्षणिक वर्ष १९७७-७८ अखेर पर्यंत अशासकीय महाविद्यालयातील जे शिक्षक अंशकालिक शिक्षक म्हणून नियुक्त झाले असून, त्यांना स्थायी करण्यात आले आहे व १९७७-७८ मध्ये असलेल्या निवड पद्धतीद्वारे ज्यांची नियुक्ती करण्यात आली आहे. त्यांना पूर्णकालिन शिक्षक या पदावर नियुक्त करताना पुन्हा निवडीच्या कार्यपद्धतीतून जाणे आवश्यक नाही, असे स्पष्ट करण्यात आले आहे, तथापि हे आदेश १९७७-७८ पर्यंत नियुक्त करण्यात आलेल्या कर्मचाऱ्यांच्या संदर्भात असल्याने, शासन या आदेशान्वये खालीलप्रमाणे अधिक खुलासा करीत आहे :-

अशासकीय महाविद्यालयातून अंशकालीन पदावर काम करणाऱ्या शिक्षकांची नियुक्ती जर विहित कार्यपद्धतीचा अवलंब करून, निवड समितीच्या माध्यमातून झालेली असेल व ते पूर्णवेळ अधिव्याख्याता पदावर मूळ अंशकालीन पदावर नियुक्ती होतांना पूर्णवेळ पदाकरिता असणारी शैक्षणिक पात्रता धारण करीत असतील, तर अंशकालीन पादचे पूर्णकालीन पदात रूपांतर झाल्यानंतर त्या पदावर अंशकालीन शिक्षक कर्मचाऱ्यांची नियुक्ती निवड प्रक्रियेच्या माध्यमातून न जाता करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

सही /- (त्रि.ब.सेन)

उपसचिव, महाराष्ट्र शासन

विदर्भ विभागातील नगरपरिषद चालवित असलेल्या माध्यमिक/उच्च माध्यमिक शाळांमधील

सेवानिवृत्त कर्मचाऱ्यांची सभा

सभा रद्द करण्यात आल्याची सूचना

विदर्भाच्या नऊही जिल्हातील नगरपरिषदेच्या माध्यमिक व उच्च माध्यमिक शाळातून सेवानिवृत्त झालेल्या शिक्षक व शिक्षकेतर कर्मचाऱ्यांची सभा रविवार, दिनांक १२ ऑक्टोबर १९९७ रोजी दुपारी ३.३० वाजता भारतीय महाविद्यालय, अमरावती येथे बोलाविण्यात आली होती.

“नगरपरिषदांनी चालविलेल्या माध्यमिक व उच्च माध्यमिक (कनिष्ठ महाविद्यालय) कोषागारामार्फत अदा करण्याबाबत.” या विषयावरील महाराष्ट्र शासनाच्या शालेय शिक्षण विभागाचा शासन निर्णय क्रमांकपीईएन-१०९४/८२६४७/प्र.क्र. १३५ माशि-६ हा दिनांक १४ ऑगस्ट १९९७ रोजी निर्गमित झालेला आहे. हा शासन निर्णय या बुलेटीनमध्ये पुष्ट १८९ वर प्रसृत केलेला आहे. सगरहू शासन निर्णय निर्गमित झाल्यामुळे आता वरील बैठक रद्द करण्यात आली आहे.

सर्व संबंधितांनी कृपया नोंद घ्यावी.

विनित

एकनाथ कठाळे, सचिव नुटा

ALL INDIA FEDERATION OF UNIVERSITY & COLLEGE TEACHER'S ORGANISATIONS

(Regd.Under Act.XXI of 1860)

19/C NILMANI MITRA STREET. CALCUTTA 700050

Postal Address: 6/6 Kalicharan Ghose Road, Calcutta-700050 : Ref/No.0-188 : Date 18.8.97

Dr. (Miss.) Armaity Desai
Chairperson, UGC

Sub: Critique of the Report of the U.G.C. Committee on pay-revision of College and University teachers.

Madam,

We are thankful for the fruitful meeting between the secretariat of AIFUCTO and the University. Grants Commission held at UGC building New Delhi on 14.8.97. We could make only a verbal presentation of our points of view at the meeting and promised to send a printed note early. following is the note which contains all the points presented by us in the meeting:-

Our estimation of the report is mixed in nature. It has a number of positive and welcome features for which the committee deserves thanks from all of us. It has also a number of short comings-some omissions and also harmful recommendations which need be immediately corrected. Let us begin with its positive features.

1(a) In our first memorandum presented to the Pay Review Committee we emphasised the need to observe the basic principle of parity-

i. between college and university teachers and Class-I officers of the central government, (ii) among colleges irrespective of their management; status and levels of imparting instructions (iii) between colleges and universities and (iv) between univ: system on the one hand and the IIT-IIM-IIS on the other.

The report on the whole has maintained this principle of parity. However there is a prospective danger on point 1-a-iv given above. In View of the existing disparity between IIM-IIT-IIS and University system and setting up of a separate Pay Revision Committee by the AICTE, the prospect of continuance of disparity is real AIFUCTO makes it clear that this is totally unacceptable to us. We expect the UGC to take necessary steps to preempt such a possibility.

1 (b) We have noted with satisfaction that the committee has recommended a **career advancement scheme for the existing Readers** thus breaking the stalemate created in our universities following abrogation of the MPS and PPs in 1987. However, we have important suggestions for modification of this scheme so that the targeted teachers can reliably get benefit of the system.

1 (c) We are happy to note that the report had covered the DPES and librarians along with other teachers together in the same report unlike on the last occasion. However there are some shortcomings on this point as well and we are going to suggest some modifications.

1(e) This is the first ever UGC Pay Review report which has recognised the problems faced by the **Part time teachers**.

1(f) The report has rightly expressed concern about problems connected with accountability of both teachers and educational institutions and made some positive recommendations for its improvement.

We shall now deal with matters which have been left out and those which are not acceptable to us.

2. The report is silent on the crucial issue of **the share of the central government on the cost of implementation** of the revised scales of pay and other recommendations involving additional expenditure.

AIFUCTO is of firm opinion that it is the responsibility of the Central Govt. to ensure that the revised scales of pay are introduced uniformly all over the country. For that purpose, **adequate financial support must be extended to the state governments** to persuade the state government to accept and implement the revised scales.

3. The report is silent about the **pay scales for Demonstrators Tutors and Instructors**. Although appointment in this cadre has stopped long since, obviously it absolutely

necessary that appropriate scales of pay should be recommended for them.

4. The NET/SLET examination as system of recruitment for teachers in higher education has completely failed. AIFUCTO has many times pointed out that **55% at the masters level** as the cut off marks irrespective of subjects and universities are discriminatory and unjust for students of arts and humanities and those coming from universities which are rather conservative in awarding marks. Consequently there are already hundreds of part time and ad-hoc teachers already in service who are debarred from sitting in the NET/SLET.

Besides the percentage of success of candidates in NET/SLET in many subjects is unusually slow. As a result thousands of full time teachers in states like Maharashtra and A.P. are in service who had been receiving only initial of the scale (as in A.P.) In W. Bengal there are more than 5000 part time teachers.

We therefore demand **total overhaul of the system of recruitment** and special relaxation for teachers who are already in service including part -timers plus two teachers and ad-hoc teachers. In the section related to relaxation of 55 p.c. the word " categories" may be added.

5. The **composition of selection committee** suggested in the Report Annexure XI for private colleges shows undue and unwanted preference for the management. The University should be free to nominate experts on the selection committee without any leverage shown to the private management in this respect.

6. The recommendation regarding period of probation is totally unacceptable to us. Any increase in the period of probation can only strengthen the hands of employers and put teachers at their mercy. Moreover with enhanced qualifications and streamlined process of recruitment, we should expect only the highly qualified and motivated candidates to find appointment.

We therefore demand that probation period should not be more than one year and in case of any extension of this probation period in colleges the University authorities must be informed.

We further demand that adequate statutory provisions should be made to prevent victimisation of teachers even during probation periods.

7. It is found that often after appointment young teachers are not allowed by managements to join Orientation course. Yet after some time they are penalised for non-attendance in these courses.

We therefore demand that it should be incumbent on the part of the management to send young teachers for Orientation course immediately after appointment.

8. In the section on scales of pay and career advancement scheme the **D.P.E.s and Librarians**, have not been offered the grade of Reader/Selection Grade Lecturer. Besides the D.P.E.s/ Librarians are required to wait one more year i.e, 8 years as compared to other teachers to get their promotion.

We demand that complete parity should be maintained in terms of facilities for CAS including enabling period of experience. Full benefit like adequate earned leave and other facilities due to non-vacational staff should be extended to Librarians and DPES.

9. While thanking the Committee for extending CAS from Readers to Professor Grade, **we feel that similar scope should be available to selection Grade Lecturers**. We demand that all teachers get their promotions in their career on the basis of normal satisfactory service. Under the proposed scheme of CAS a Lecturer without M.Phil/ Ph.D. joining the profession at the age of 38 years. Under the present dispensation he/she would be in the same grade for the next 22 years. This is obviously unjust.

We therefore demand that there must be **scope for a**

third promotion to Super-Selection grade for all such teachers who render 8 years satisfactory service as selection grade Lecturers. **This grade should have same scales of pay as offered to the professors.**

We feel that the period of experience for a Reader to become Professor by the CAS should be reduced from 10 years to 8 years.

We also feel that the scheme to send all proposals from universities to panel of referees prepared by the UGC is unworkable. It will not only seriously impinge on the autonomy of universities but in view of large number of candidates eligible for **CAS this system would be unworkable.** We therefore suggest instead that two nominees of the UGC, may sit on the Selection Committee. This can ensure that norms for promotion to Professorship are strictly followed. At the same time this will prevent procrastination.

We are also of the opinion that **too much insistence on Research qualification has cheapened research and has devalued good teaching.** We suggest that the CAS to Professorship should not be restricted to Readers and should be available to Selection grade Lecturers naturally those among them who have shown remarkable excellence in teaching.

10. It is found that under the present schemes of CAS at times there is no corresponding stage in the promoted grade. The promoted teacher is placed in the next stage with difference being treated as personal pay which is eroded after a year. This creates often problems in seniority. (At times juniors in service may be placed at higher state)

We therefore demand that least one increment should be given to the promoted teacher as a matter of rule.

11. Some state governments like Punjab, Haryana, Assam, Gujrat etc. have not introduced Readership in colleges in spite of reminders by the UGC. Consequently as per existing report teachers of such states will suffer discrimination.

We request the UGC to prevail in these state governments to implement this provision of the last Pay Revision Scheme.

12. The classification of colleges on the basis of which different **scales of pay have been suggested for Principals is unsatisfactory.** For example of P.G. College may not have adequate size of enrolment to entitle its Principal to get Professors grade. However the heads of the P.G. Department may be enjoying Professors' grade. Moreover, there are many states where all the Principals are already enjoying Professors' grade. If they are now offered replacement scales of Readers obviously this may lead to complications including litigation.

13. AIFUCTO favours observance of annual self-appraisal by teachers. We feel that this may help in identification of good teachers as also few among us who are shirkers. However the pro-forma for this purpose may be modified to suit the type of institutions.

While **admitting that ideally only students can judge** a teachers performance, we are of the opinion that the present socio-political environment in our institutions is not conducive to this process. We therefore suggest that this may be made of optional for teachers. It should be enjoined on the management to provide facilities for self-appraisal of a teacher by students when a teacher voluntarily opts for it.

We have a similar opinion towards appraisal by peers.

14. AIFUCTO is also in favour of the **Code of Professional Ethics.** However, we do not want it to be, as it is, incorporated into Service Conduct Rules since the purpose of its preparation was altogether different. The code needs to be studied in depth and updated.

15. While AIFUCTO is all in favour of our **teachers attending Refresher Courses,** we are opposed to make attendance of such courses conditions for CAS. As a result of (i) inadequate provision in some disciplines (ii) difficulties faced by women teachers to go to far off places to attend them and (iii) refusal by the management to allow teachers to join them hundreds of teachers are facing stoppage of increment for their non-attendance. We feel highly aggrieved at the refusal of the UGC to waive this requirement for CAS beyond 31.12.95. We demand that this requirement be removed until the aforementioned problems are resolved.

We suggest that meanwhile instead of stopping incre-

ment for those who fail to attend, additional increments may be paid to those who do attend.

16. We are **totally opposed to increase in workload of teachers.** There is no justification for increasing teaching hours from the present. This may only provide handle to authorities to reduce number of teaching post.

17. On the issue or **Part-time teachers,** we demand that the UGC, in view of the report of the committee, should recommend scales of pay commensurate with their service. They should also be entitled to other service benefits as are being offered to them by the government of Maharashtra.

18. We appreciate that in the report recommendation has been made for adding **5 years to the qualifying period of service for retirement benefits.** However, there is no justification for restricting it only to Ph.D. degree holders. In view of late entry into teaching profession, many teachers joining our profession from other vocations and in general increased inter-professional mobility, this benefit should be available to all teachers irrespective of their reserach qualifications.

19. We are of the opinion that the existing system CAS has worked quite well with screening committees scrutinising documents submitted by the teacher substantiating his/her satisfactory service of the required length for promotion to sr. Lectureship and selection grade Lectureship. We therefore **do not agree with the recommendation in the report for setting up selection committees** with compulsory provision for personal appearance of candidates for CAS to these grades. However if the teacher concerned volunteers to be present or in case the screening committee wants personal presence of a particular teacher for specific reasons, the teacher concerned may present himself/herself before the committee.

For CAS to Readership and Professorship we agree with the suggested procedure and composition of the selection Committee.

20. While we agree with the **code of Professional ethics, we do not want it to be part of Service conduct Rules.** The code was prepared by AIFUCTO to be adhered to voluntarily by teachers. AIFUCTO will have to study it afresh if there is any proposal for it being made legally enforceable.

21. We have noted that the Govt. of India while accepting. 1.1.96 as the date of introduction of the revised scales of pay for the central govt. Employees as per the recommendations of the Fifth Central Pay Commission, declared that all additional/increased allowances would be payable since August 97. We however insist, along with the J.C.M. of central Govt. employees, that **all allowances also should be payable from 1.1.96.**

22. The recommendations for **introduction of attendance register for teachers** and its submission to the institutional head is totally unacceptable to us. This may seriously impinge on the academic freedom of teachers and may adversely affect the academic atmosphere.

23. The Suggested changes in the leave rules **to curtail study leave and sabbatical leave** also in our opinion may have adverse effect on the pursuit of creative academic initiatives of teachers. Hence these recommendations need be reviewed by the UGC.

24. Certain recommendations e.g.(a) book/ journal grant of Rs. 500/- P.a with teachers spending the same amount (b) computer advance to the tune of Rs. 1 lakh (c) creation of a three-tier Central Educational Tribunal as recommended by the law Commission (d) housing for teachers with the UGC bearing the interest cost only in collaboration with some central organisation providing housing finance (e) medical insurance of teachers through the G.I.C. with the UGC playing the role of mediator-were mentioned by the chairperson of the UGC.

While generally welcoming these recommendations, AIFUCTO representatives wanted further time to examine them in detail.

With kind regards.

Yours sincerely

(**Mrinmoy Bhattacharyya**)

General Secretary.

A G E N D A

of the General Body Meeting of
NAGPUR UNIVERSITY TEACHERS' ASSOCIATION
to be held at 12.00 noon on
SUNDAY, the 19th October, 1997 at
J.M.PATEL COLLEGE, BHANDARA.

Agenda of the General Body Meeting of Nagpur University Teachers' Association to be held at 12.00 noon on Sunday, the 19th October, 1997 at J.M.Patel College, Bhandara, is as follows :-

POSTPONED ITEM

विषय क्रमांक २१७
वाहन सुविधेचा प्रस्ताव :

कार्यकारी मंडळाच्या वतीने सचिव प्रा.एकनाथ कठाळे हे पुढील प्रस्ताव मांडतील :-

“सातत्याने गेले पाच शतक ज्या चिकाटीने, जिद्दीने, निरलसपणे, निस्पृहपणे, धडाडीने व मनःपूर्वक नुटाच्या व महाराष्ट्र प्राध्यापक संघाच्या पातळीवर प्रा.बी.टी.देशमुख यांनी प्राध्यापक चळवळीचे नेतृत्व केले त्याबद्दल या सभागृहाला अतिव अभिमान वाटतो. संघटनेच्या या माध्यमातून प्राप्त झालेल्या विधानपरिषद सदस्यत्वाचा बुद्धिमत्तापूर्ण रितीने वापर करून विदर्भाच्या अनुशेष निर्मूलनाच्या कामासाठी त्याचा जो उपयोग त्यांनी करून घेतला तो अत्यंत स्पृहणीय असून त्यांच्या विधानपरिषदेतील कार्याला “उत्कृष्ट संसदपटू” हा पुरस्कार प्राप्त झाल्याने त्यांच्या या गौरवाबरोबरच ते ज्या संघटनेचे नेतृत्व करतात त्या संघटनेचाहि गौरव झाला आहे, अशी या सभागृहाची भावना आहे. प्रा.बी.टी.देशमुख यांच्या या गौरव प्रसंगाच्या निमित्ताने त्यांना आणखी प्रभावीपणे कार्य करता यावे म्हणून एक डिझेल वाहन भेट देण्याच्या कार्यकारी मंडळाच्या प्रस्तावास हे सभागृह सहर्ष मान्यता देत आहे. संघटनेच्या सदस्यांनी व बीटीच्या चाहत्यांनी या प्रसंगानिमित्त उभारलेल्या स्वेच्छाधिन सहभागातून ही भेट दिली जात आहे. याचा या सभागृहाला विशेष अभिमान वाटतो.”

FRESH ITEMS

ITEM NO. 219 :
CONFIRMATION OF MINUTES :

TO CONFIRM the minutes of the General Body meeting of Nagpur University Teachers' Association held at 9.00 A.M. on Sunday, the 18th May, 1997., Bharatiya Mahavidyalaya, Amravati.

Note :- copy of the minutes is circulated on page no. 194 of 1997 NUTA Bulletin.

ITEM NO. 220 :
APPROVAL TO THE AUDITED STATEMENT.

To consider and to approve the Audited Balance Sheet and Income and Expenditure Account of the Association for the year ended on 31st March, 1997

Notes : (i) The copy of the Audited Balance sheet and Income and Expenditure Account of the Association for the said Financial year is circulated on page 182 & 183 of 1997 NUTA Bulletin.

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

(iii) If any honourable member has a query, regarding the Audited Balance sheet and Income and Expenditure Account, he should make it, within a week from the date of its circulation, to Prof. S.A.Tiwari, Treasurer, NUTA, 42 Shankar Nagar, Amravati-444 606, specifying the exact point on which he seeks information/ clarification. A copy of the query be also sent to prof B.T.Deshmukh, President, NUTA

ITEM NO. 221 :
STATEMENT ON FIXED
SECURITIES POSITION :

To Note the Statement no.8 showing the position of the Fixed Securities of the Association as on 31st March 1997.

Note : statement no.8 regarding the fixed securities of the association as on 31st March 1997. is circulated on page 184 of 1996 NUTA Bulletin.

विषय क्रमांक : २२२
SUBJECT "COMPUTOR APPLICATION"

प्रा.बी.जी कडू हे पुढील प्रस्ताव मांडतील :-

" Be it resolved that the workload of the subject "Computer Application" be included in the Grantable Workload for B.Com. Final Examination in Amravati University.

विषय क्रमांक : २२३
दि. २२ डिसेंबर १९९५ च्या शासननिर्णयानुसार
थांबलेली वेतनवाढ

प्रा.विजय दीक्षीत हे पुढील प्रस्ताव मांडतील :-

दिनांक २२ डिसेंबर १९९५ च्या शासननिर्णयानुसार ज्या प्राध्यापकांची नियुक्ती दि. १९ सप्टेंबर १९९१ नंतर झालेली आहे व नेट/सेट उत्तीर्ण नाहीत, त्यांची वेतनवाढ थांबविण्यात आलेली आहे. हा शासननिर्णय कसा बेकायदेशीर आहे ते विधानपरिषदेमध्ये व नुटा व्यासपीठावरून वेळोवेळी व वारंवार स्पष्ट करण्यात आले आहे. तरी सुद्धा या निर्णयामुळे अनेक महाविद्यालयामध्ये प्राध्यापकांना दिनांक ११ डिसेंबर १९९५ पर्यंत दिलेल्या वेतनवाढी पुढे खंडीत केलेल्या आहे. तरी हे सभागृह शासनास विनंती करते की, हा अन्यायकारक शासननिर्णय त्वरीत रद्द करून प्राध्यापकांची खंडीत केलेली वेतनवाढ नियमित करावी.

विषय क्रमांक : २२४
काही व्यक्तिगत प्रकरणात प्राध्यापकांची
वेतनश्रेणी १९८६ पासून लागू करणे.

प्रा. बी.एन.गर्गे हे पुढील प्रस्ताव मांडतील :-

" " Be it resolved to request sincerely the Government to Maharashtra to sanction profession pay scale of Rs. 4500-7300 to retired professors 1.Shri. B.N.Garge, 2. Shri. S.G. Charde G.S.College of Commerce, Nagpur and 3. Shri. P.A.Patil Dhanwate National College, Nagpur from 1.1.1986 their designation was professor on this date when revised pay-scales for University and College teachers were made applicable, they were in College service even afterwards.

Rules For Proposing Amendmentss (Reproduced from page 97 of 1977 NUTA Bulletin)

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

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

**HON'BLE PRESIDING OFFICER, UNIVERSITY AND COLLEGE
TRIBUNAL, NAGPUR UNIVERSITY, NAGPUR.**

APPEAL NO. : T-A-9/1996.

Vilas s/o Rambhauji Thakare, Aged about 27 Years, Occu: Nil, r/o Near Tapar Hostel, Rajapeth, Amravati, Tq. & Distt. Amravati.... **APPELLANT**

VERSUS

1. Shri Shivaji Education Society, Amravati through its President Shivajinagar Amravati. 2. College of Rural Services Amravati, through its Principal Shri M.A. Mahatme, Shivajinagar, Amravati. 3. Amravati University, Amravati, through its Registrar, Tapovan Road, Amravati. 4. Amravati University, Amravati through its Vice-Chancellor, Amravati.... **RESPONDENTS** :

**(CORAM : Justice D.J. Moharir (Red.),
University & College Tribunal, Nagpur.)**
Date : 26.06.1997

JUDGMENT

1. This appeal originally filed under section 45 of the Amravati University, Act 1983 stands converted or continued as an appeal under Section X 59 of the Maharashtra Universities Act, 1994. The appellant applied for the post of Director of Physical Education in the Respondent No.2 College advertised on 6.8.1993. He was one of the 27 candidates interviewed for the post. The Selection Committee which was duly constituted, placed him at Sr. No.1 in the Order of recommendation after the interviewed on 7.9.1993. He was accordingly given an appointment order on 8.9.1993 and assumed charge of duties on the same day. The appointment order stated that he was appointed on probation of two years and secondly that the appointment was subject to the approval of the Director of Higher Education and the Amravati University. **The Amravati University did not grant the approval** sought by the College and therefore, with no other option, left open, the principal of the Respondent No.2 effected termination of his services from 20.11.1993, by an order dated 19.11.1993. The challenge in the appeal is to this order of termination.

2. It is not in dispute that the Vice-Chancellor of the Amravati University Respondent No.4 did not grant approval to the appointment of the appellant for the reason that the Selection Committee was not unanimous in its opinion as to the placement of the appellant in the list of candidates recommended for appointment. The University informed the Respondent No.2 that approval to the appointment of the appellant could not be granted because there was complaints received by the Vice-Chancellor from some members of the Selection Committee. For that reason, the Vice-Chancellor also cancelled outright the Selection Committee itself as had come to be constituted. **The withholding of approval and the validity of the order in that behalf therefore constitute the main issue in the appeal.**

3. The appellant submitted that he had been appointed against a permanent post and a clear vacancy after selection by a duly constituted Selection Committee. The Withholding of the approval, in the circumstance was entirely illegal and arbitrary and therefore required to be quashed for directing the continuation of the appellant into service. The College Tribunal which was originally seized of the Matter had accordingly also granted the interim relief of continuation of the appellant as the Director of Physical Education in the Respondent No.2 College. The Respondent No.1 and 2 by their detailed reply have only supported the cause of the appellant. These Respondents submitted that the action taken by the Respondent No.4, Vice-Chancellor and the consequential termination of the appellant was the result of undue influence exercised upon some members of the Selection Committee. However, it was also pointed out that the Selection Committee consisted of five members and four out of them had endorsed the panel of candidates recommended for appointment with the appellant on top of the list. In the absence of any statutory provisions in that behalf, the Respondent No.4 Vice-Chancellor could not have passed an order of cancellation of the otherwise duly constituted selection Committee and that action was taken after the Selection Committee had already interviewed the candidates and submitted its report for issuing the necessary appointment order. The Re-

spondent No.1 and 2. in the Circumstances not at all responsible for termination of the appellant. They could not continue the appellant in service in the absence of approval from the Vice-Chancellor and therefore, termination of the services of the appellant had been virtually forced upon them.

4. The Respondent No.3 filed submissions to the effect that the appointment given to the appellant on the basis of the report submitted by the Chairman of the Selection Committee was not in accordance with the law. "Not being in accordance with the Law" appears to be further explained by contending that there was no unanimity amongst the members of the Selection Committee as to the panel of the selected candidates particularly in order of their merit. There were two experts members on the Selection Committee. These two members had given a different preference and in the order of preference given by them, the appellant was placed at Sr. No. 3. i.e. last one. The two experts members, one being the representative of the University and the other one being the nominee of the Vice-Chancellor Shri Anil Deshmukh and Shri Harne respectively had immediately informed the Registrar of the University about their different preferences. It is pointed out that as a matter of fact, a copy of this letter, addressed to the Registrar, was actually given to the Chairman of the Local Management Committee, for being forwarded to the Registrar of the University. Both Shri. Anil Deshmukh and Shri. Harne had addressed the communication to the Vice-Chancellor on 8.09.1993. They had complained that in spite of record of the names needs about the recommending the candidates in preference. The principal of the Respondent No.2 who was the Selection Committee member No.2 had requested Shri Anil Deshmukh and Shri Harne to give three names and to include the name of the appellant Shri V.R. Thakare in that list. Shri Deshmukh and Shri Harne had accordingly given their list of preference, putting the name of the appellant at Sr. No.3 as the preferences given by the others were not acceptable to them. Shri Deshmukh and Shri Harne had pointed out in their letter to the Vice-Chancellor that they had been appointed members of the Selection Committee as experts and therefore the Vice-Chancellor should make the selection of the meritorious candidates. The report of the Selection Committee's proceeding is on record at page 18 and shows that **out of five members of the Selection Committee, four members had given their preferences in favour of the appellant as the most suited and, placing him at the top of the list.** The expert members Shri Anil Deshmukh as the Vice-Chancellor's nominee had remained present through out the proceeding, till all the candidates were interviewed and he had then left without signing this report. He had written independently to the Vice-Chancellor as a protest Shri Harne who was the University nominee as an expert had no doubt signed the report of selection at Page 18. It was contended that his signature was obtained under undue influence as reported by him. It is in these circumstances that the Vice-Chancellor came to the conclusion that the Selection Committee itself should be cancelled.

5. The only question which therefore remains is that whether the basis for the issuance of the order of termination of the appellant services can in the circumstances required to be gone into lift the veil over the order of termination dtd. 19.11.1993. The Respondent No.1 & 2 as the employers of the appellant, have not initiated this action but it flows though under their orders, from the refusal on the part of the Respondent No.4 to grant approval. **Whether this refusal was valid or whether it was illegal and entirely arbitrary and unwarranted thus needs to be gone into** when it is no more

a matter of dispute that whether placed at Sr.No. 1 or at Sr.No.3 as the last one, the appellant was all the same a candidate who had the merit and ability for being appointed as Director of Physical Education.

6. In this behalf learned counsel for the appellant argued that the reasoning put-forth by the Respondent No.3 (the Vice-Chancellor Respondent No.4 did not filed any reply as needs to be pertinently mentioned here) was that the panel as selected, in particular the order of preference therein, could not be acted upon for the reason that there was no unanimity amongst the members of the Selection Committee. So far as the first three members of the Selection Committee, Dr.M.S.Timane as the Chairman, Shri M.A. Mahateme as Principal of the respondent No. 2 College and Dr. Suresh Padhye as the nominee of the Director of Higher Education are concerned, there is no question that they approved of the appellant as the first one in their order of preference for appointment. The fourth member was Shri Anil Deshmukh, the Vice-Chancellor nominee. He has, though he remained present admittedly through out the proceeding of the Selection Committee declined to sign and to record his dissent if he was dissenting from the opinion of the first three members. What he proceeded to do was to complain to the Vice-Chancellor. The Vice-Chancellor obviously acted on his complaint. But that was without making any enquiry into the matter from the others members of the Selection Committee namely Shri Timane, Shri Mahateme and Shri Padhye. It was necessary in my opinion, for the member Shri Anil Deshmukh to endorse on the report at page 18 that he disagreed with the order of preference which latter he appeared to have independently handed-over to the Chairman Dr.Timane. The fifth member Shri Harne has also signed this report of the Selection Committee, thus endorsing the conclusion reached by the three other members. It is only thereafter that a separate letter is written by Shri Deshmukh and Shri Harne jointly to the Vice-Chancellor. The grievance made therein so far as it concerned Shri Harne is that his signature of approval was obtained by exercising undue influence on him, pressuring him also. **In this behalf also the Respondent No.4 Vice-Chancellor does not appear to have made any enquiry.**

7. Thirdly, reference is also made in the written submission of the Respondent No. 3 that another person one Shri Pradip Shetye had also made a complaint to the Vice-Chancellor on 9.9.1993 about these selection. His grievance was that he had applied for the post of Director of Physical Education under an earlier advertisement and was selected by the Selection Committee. At that time the offic. Principal of the College was one Shri K.R.Jadhav. However, when Shri Mahatme was appointed as a regular Principal, he issued the fresh advertisement dtd. 6.9.1993. Though in the earlier selection he (Pradip Shetye) had been selected and placed at Sr. No. 1 in the panel of recommended candidates, his candidature at the time of next selection on 7.9.1993 had been completely washed out and therefore he had 'some doubts' about the Selection Committee's procedure and reliability. This complaint of the said Pradip Shetye could not have been even looked into when he did not state that he had himself actually applied and had been interviewed. Then even assuming that he was so applied and was interviewed. It is not known whether the present appellant was also applied under the earlier advertisement. If that can not be determined then the appellant's selections at this time on 7.9.1993 could not have been legitimately challenged by him, yet, this complaint also appears taken into consideration by the Vice-Chancellor for cancelling outright the Selection Committee itself and its report. For all one knows, the appellant at the time of the interview on 7.9.1993 was found to have

fared most competently in the interview.

8. This brings me to the main contention of the Respondent No. 3, that there was no unanimity amongst the members of the selection panel. The Respondent No. 3 has not shown that there is anything in the Statute and Ordinance and Rules of the Selection Committee constituted under Section 81 of the Act of 1994 or the earlier Act that the report of a Selection Committee can be rejected or has to be rejected unless the members of the panel are unanimous. As earlier remarked, the appellant had in fact been found competent and deserving to be appointed as the Director of Physical Education, the only dissention being about order of preferences to be given. Shri Kothale learned counsel for appellant therefore referred to the decision in R. Tamilmani Vs. Union of India and another; AIR 1992 S.C. 1120 where it was held that rating of a candidate as outstanding by some members and very good by some others did not lead to the conclusion that there was no consensus regarding the ability of candidates. Quite rightly it could be said that in the present case also there was no dispute about the ability of the appellant for appointment to the post, the only difference was about the order of preference to be given.

9. It is the majority opinion in the Selection Committee which therefore, ought to govern the selection and which it would be binding upon the authorities including the Vice-Chancellor. In the present case, having rejected the truth and reliability of Shri Harne's claim of undue influence and pressurisation, the position would be that four out of five members of the Selection Committee selected the appellant as the first one in the panel or the recommended candidates. Could this be so easily disturbed by the Vice-Chancellor? One may therefore usually refer to the decision in Chancellor and another Vs. Bijayanand Kar and others, AIR 1994 S.C. 579:

Their Lordships observed :

"..... normally, it would not be considered a bonafide act on the part of a member of the Selection Committee today, after the Selection is over and he has signed the proceedings, that he overlooked certain qualifications in respect of candidate. The sanctity of the process of selection has to be maintained

Further, the decisions of the academic authorities should not ordinarily, be interfered with by the Courts. Whether a candidate fulfil the requisite qualifications or not is a matter which could be entirely left to be decided by the academic bodies and concerned selection committees which invariably consist of experts on the subjects "

It is therefore needs to be appreciated that amongst the four members of the Selection Committee who placed the appellant at the top in the selection list was also the expert, Shri Harne as a nominee of the University.

In that view of the matter four members including an experts, had in the present case approved the appellant as the first one deserving to be appointed to the post. to restate, the Respondents did not prove that the unanimity of the all five members was an imperative and that the Selection Committee itself could quashed by the Vice-Chancellor for the reason that there was absence of such unanimity amongst the members of that Committee.

10. And it has to be appreciated that the Respondent no.4 cancelled the very Selection Committee under his orders. It needs to be appreciated that the Selection Committee as an adhoc body would go out of existence altogether as soon as it has served its purpose i.e performed its job of making selection and submitted its report to the Vice-Chancellor accordingly. There could be no cancellation of the Selection Committee which had already gone out of

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