

AGENDA

of the General Body Meeting of
NAGPUR UNIVERSITY TEACHERS' ASSOCIATION
to be held at 12.00 noon on **SUNDAY, the
15th May, 2016 at**
Bar. Sheshrao Wankhede Mahavidyalaya,
MOHPA,
Tq. Kalmeshwar Dist. Nagpur

Agenda of the General Body Meeting of Nagpur University Teachers' Association to be held at 12.00 noon on Sunday, 15th May, 2016 at Bar. Sheshrao Wankhede Mahavidyalaya, Mohpa, Tq. Kalmeshwar Dist. Nagpur is as follows :-

ITEM NO. 665 :

CONFIRMATION OF MINUTES :

TO CONFIRM the minutes of the General Body meeting of Nagpur University Teachers' Association held at 12.00 noon on Sunday, 11th October, 2015 at Bharatiya Mahavidyalaya Rajapeth, Amravati.

Notes :- 1) Copy of the minutes was Circulated on pages 141 to 144 of 2015 NUTA Bulletin.

2) Corrections, if any, were invited in the copy of the Minutes of the General Body Meeting of Nagpur University Teachers' Association held at 12.00 noon on Sunday, 11th October, 2015 at Bharatiya Mahavidyalaya Rajapeth, Amravati vide No. CIM/40 Dated 1st November, 2015 published on page 144 of 2015 NUTA Bulletin. No correction is received.

ITEM NO. 666 :

APPROVAL TO THE ANNUAL REPORT :

TO CONSIDER AND APPROVE the Annual Report regarding the working of the Association for the calendar year ending on 31st December, 2015.

Notes : (i) As per Article VI (b) (iii) of the Constitution of NUTA, the Annual Report of the working of the Association is prepared by the Executive Committee (vide item No.2 of 2016) and is now placed for the approval of the General Body.

(ii) The Copy of the Annual Report is circulated in this NUTA Bulletin on page 72 to 75

(iii) Dr. A. W. Dhage, Secretary will present the Annual Report on behalf of the Executive Committee.

ITEM NO. 667 :

APPROVAL TO THE ANNUAL BUDGET :

TO APPROVE the Annual Budget of the Association for the Financial year commencing on 1st April, 2016.

Notes : (i) Dr. B. T. Gawande, Treasurer, NUTA, will present the Budget on behalf of the Executive Committee.

(ii) The copy of the Budget is circulated on page No. 73 of 2016 NUTA Bulletin.

(iii) If any honourable member has a query, regarding the Annual Budget, he should make it, within a week from the date of posting of this Bulletin, to Dr. B.T.Gawande, Treasurer, NUTA, Uday Colony, V.M.V.Road, Amravati 444 604 specifying the

exact point on which he seeks information/ clarification. A copy of the query also be sent to Prof. P.B. Raghuwanshi, President NUTA, Buty Plot, Near Mahajan wadi, Rajapeth, Amravati 444 601 .

ITEM NO. 668 :

APPOINTMENT OF THE AUDITORS :

TO CONSIDER AND APPROVE the following resolution for the appointment of Auditors for the Financial year ending on 31st March, 2016 namely :-

"C.R.Sagdeo & Co. Chartered Accountant "Prabha Niwas" Nagpur be appointed as auditor for the Financial year ending on the 31st March 2016"

Notes :

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

(ii) The Executive Committee resolved to recommend the

NAGPUR UNIVERSITY TEACHERS' ASSOCIATION

MEETING NOTICE : 2

Date : 01.05.2016

From :

Dr. A.W.DHAGE

Secretary, NUTA Sankalp Sahaniwas,
Khare Town, Dharampeth,
Nagpur-444 010

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. P.B. Raghuwanshi, President NUTA, Buty Plot, Near Mahajan wadi, Rajapeth, Amravati 444 601

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

Yours faithfully

Sd/- **Dr.A.W.DHAGE,**
Secretary, NUTA.

**Date and Place of the
meeting**

**at 12.00 Noon on, Sunday, the
15th May, 2016 at**

**Bar. Sheshrao Wankhede Mahavidyalaya,
Mohpa, Tq. Kalmeshwar Dist. Nagpur**

above resolution, (Vide item No. 4 of 2016) which is now placed before the General Body for its approval.

(iii) Dr. B. T. Gawande, Treasurer, on behalf of the Executive Committee, will move the resolution.

ITEM NO. 669 :
SUBMISSION OF STATEMENTS OF AUDITED ACCOUNTS FOR THE YEAR ENDING ON 31ST MARCH 2015

TO NOTE the submission of statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2015 to The Deputy Charity Commissioner Nagpur region, Nagpur by The Secretary NUTA, Dr. Anil Dhage vide his letter No. NUTA/CC/01/2016 Dated 21/03/2016.

Notes : (1) Copy of the letter No. NUTA/CC/01/2016, Dated 21/03/2016 regarding Submission of Audited Accounts is circulated on page 70 of 2016 NUTA Bulletin.

(2) Statement of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2015 were approved by the **Executive Committee** in its meeting held on 23rd August, 2015 vide item no. 16, Agenda on page 37, Minutes on page 45, Enclosures on pages 30 to 32 of 2015 Ex-file.

(3) Statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2015 were approved by **General Body** in its meeting held on 11th October, 2015 vide item no. 657, Agenda on page 125, Minutes on page 143, Enclosures on pages 126 & 128 of 2015 Nuta

Bulletin.

(4) After the approvals mentioned at notes 2 & 3 above the Statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2015 were submitted to the Deputy Charity Commissioner, Nagpur region, Nagpur by the secretary as mentioned at note 1 above.

(5) Reference of previous submission for information:-

Details of the submission of statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2014 to The Deputy Charity Commissioner Nagpur region, Nagpur by The Secretary NUTA, Dr. Anil Dhage vide his letter No. NUTA/CC/02/2014 Dated 22/01/2015

Notes : (1) Copy of the letter No. NUTA/CC/02/2014, Dated 22/01/2015 regarding Submission of Audited Accounts is circulated on page 22 of 2015 NUTA Bulletin.

(2) Statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2014 were approved by the Executive Committee in its meeting held on 21st September 2014 vide item No. 27, Agenda on page 31, Minutes on page 42, Enclosure on pages 37 to 39 of 2014 Ex-File.

(3) Statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2014 were approved by General Body in its meeting held on 19th October 2014 vide item No. 637, Agenda on page 169, Minutes on page 177, Enclosures on page 170 & 171 of 2014 NUTA Bulletin.

(4) After the approvals mentioned at notes 2 & 3 above the Statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2014 were submitted to the Deputy Charity Commissioner, Nagpur region, Nagpur by the secretary as mentioned at note 1 above.

By Registered A/D
NAGPUR UNIVERSITY TEACHERS' ASSOCIATION
(B.P.T.A.Reg.No F-1564.& Soc. Regn- Act)
(Regn. No. MAH/15/73(NGP)
DR. ANIL DHAGE
Secretary, Sankalp Sahniwas, Khare Town, Dharampeth,
NAGPUR- 440 010

Ph. 0712-2539852 Mob. No. 9158129842

Ref. No. NUTA/CC/01/2016 : 21 March, 2016

To,
The Deputy Charity Commissioner, Nagpur Region,
Nagpur

Sub. : Submission of Statement of Accounts of Nagpur University Teachers' Association, Nagpur for the year ending on 31st March, 2015

R/Sir,

Statement of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2015 were approved by the Executive Committee in its meeting held on 23rd August, 2015 vide item no. 16, Agenda on page 37, Minutes on page 45, Enclosures on pages 30 to 32 of 2015 Ex-file.

(2) Statements of Audited Accounts of Nagpur University Teachers' Association for the year ending on 31st March, 2015 were approved by General Body in its meeting held on 11th October, 2015 vide item no. 657, Agenda on page 125, Minutes on page 143, Enclosures on pages 126 & 128 of 2015 NUTA Bulletin.

(3) Please find herewith enclosed original audited Statements of accounts of Nagpur University Teachers' Association Nagpur for the year ending on 31st March, 2015.

(4) Kindly do the needful at your end and oblige.

Yours faithfully,

(Dr. A. W. Dhage)

Copy to : (1) Dr. P. B. Raghuvanshi, President, NUTA, Amravati (2) Dr. B. T. Gawande, Treasurer, NUTA, Amravati (3) Prof. B. T. Deshmukh, Amravati for publication in NUTA Bulletin

Note : This letter (along with enclosure) was sent to the Deputy Charity Commissioner by Registered Post from Hanuman Nagar Post Office, Nagpur-440024 A-RM 409587434 IN Counter No. 1, OP- code: AJF Wt. 62 grams, Amount 40.00 on 21.03.2016

ITEM NO. 670 :
DEVELOPMENTS (NET-SET CASES) IN SUPREME COURT OF INDIA

To Note (A) Record of Proceedings in Supreme Court of India on 14/03/2016 in Petition(s) for Special Leave to Appeal (C).....CC No(s). 4534/2016 (Arising out of impugned final judgment and order dated 23/12/2015 in WP No. 2082/2013 passed by the High Court of Bombay) Asha Ramdas Bidkar and Ors. Petitioner(s) **VERSUS** State of Maharashtra and Ors. Respondent(s)

(B) Record of Proceedings in Supreme Court of India on 08/03/2016 in Petition(s) for I.A. 17/2016 in Civil Appeal No(s). 10759/2013 STATE OF MAHARASHTRA & ORS. Appellant(s) **VERSUS** ASHA RAMDAS BIDKAR & ORS. Respondent(s) (apln(s) for impleadment)

(C) Record of Proceedings in Supreme Court of India on 08/04/2016 in Petition(s) for I.A. 17/2016 in Civil Appeal No(s). 10759/2013 STATE OF MAHARASHTRA & ORS. Appellant(s) **VERSUS** ASHA RAMDAS BIDKAR & ORS. Respondent(s) (for impleadment)

Note : (A), (B) & (C) will be circulated separately.

ITEM NO. 671 :
NET-SET SLPS IN SUPREME COURT OF INDIA

TO NOTE the following details submitted by the President NUTA, regarding the filing of SLPs in the Supreme Court of India in respect of NET-SET Teachers:-

Special Leave Petitions have been filed on 28.03.2016, on behalf of Non-NET/SET lecturers. The details are as follows :

(1) Ramesh S. Sontakke & Ors. Vs. State of Maharashtra & Ors.- Diary No. 10582 of 2016.

(2) Vilas Thakre & Ors. Etc. Vs. State of Maharashtra & Ors. Etc.- Diary No. 11055 of 2016.

(3) Anil S. Dahat & Ors. Etc. Vs. State of Maharashtra & Ors. Etc.- Diary No. 10910 of 2016.

(4) Tanaji S. Morey & Ors. Etc. Vs. State of Maharashtra & Ors. Etc.- Diary No. 10839 of 2016.

There are total 742 petitioners, 55 Writ Petitions in which order has been challenged. Total 4 SLPs have been filed.

ITEM NO. 672 :
SELECTION GRADE LECTURER'S
RETIRED BEFORE 2006 -
WRIT PETITION

TO NOTE the details submitted by Dr. Anil Dhage, Secretary NUTA, regarding the filing of Writ Petition of those teachers who retired before 1 January, 2006 after 3 years or more service in Selection Grade seeking the benefit of proper pension fixation.

(1) A meeting of those teachers who retired before 1 January, 2006 after 3 years or more service in Selection Grade was held at Shikshak Bhavan, Amravati on 20 September, 2015 in which it was decided to file a Writ Petition seeking the fixation of pension that will be subject to the provision that the revised pension, in no case, shall be lower than fifty percent of the sum of the

ACKNOWLEDGEMENT NO. 31
regarding
CHANGE OF ADDRESS

Requests for changes in address for the purpose of mailing and correspondence, have been reaching us frequently from the members. So to record these changes in Life Member's Register systematically, and to follow up these changes effectively, steps have been taken by The President.

2. We hereby acknowledge the receipt of the requests for change in address from members whose Life Membership Numbers and changed addresses are included in List No. 37 of Changed Addresses of Life Members of NUTA. Details of the said list are as follows:-

LIST NO. 37 :- Serialized Nos. of the changed Addresses from 1645 to 1672 (Notified in 2016 Ex. File on Page 08). The Life membership Numbers of those requesting members are as follows :-

245, 599, 695, 700, 702, 703, 705, 706, 707, 709, 731, 787, 801, 1054, 1510, 1861, 2117, 2351, 2668, 2905, 3733, 3918, 4168, 4280, 4411, 4917, 4918, 9650 = Total 28

3. No separate and individual acknowledgement shall be issued in this regard.

4. Hereafter requests for change in address shall be sent only to the president NUTA on his e-mail address which is as follows :-

pbraghuwanshi@gmail.com

Every such e-mail communication must contain (1) Life Member No. and (2) New (changed) address of the requesting member.

5. Members may please note that such requests sent by any other mode and to any other office bearer of NUTA Executive may not be speedily and effectively followed up. We hope that the members shall continue to co-operate with us to serve them better.

6. Acknowledgement No. 30 was published on page No 130 of 2015 NUTA Bulletin, containing address changes from 1637 to 1644 in List No. 36 of changed addresses.

21.03.2016

Dr. Pravin
Raghuwanshi
President, NUTA

minimum of the pay in the pay band and the grade pay thereon corresponding to the pre-revised pay scale from which the pensioner had retired w.e.f. 01.06.2006 as a result of 6th pay.

(2) As per the decision in this meeting a Writ Petition consisting of 56 paras has been filed in the High Court of Judicature at Bombay, Nagpur Bench on 19-03-2016. The Stamp Number of the petition is 6576/16. The petition has been filed on behalf of NUTA and 110 petitioners.

(3) The prayers in the petition are as below-

"It is therefore, most humbly and respectfully prayed that this Hon'ble Court may kindly be pleased to issue suitable writ, order or direction and be pleased to....."

(a) *Command the respondent no. 2 State of Maharashtra to extend the pensionary benefits to the petitioners as per the Government of India's Scheme dated 31.12.08 (Annexure-E) as adopted through Government Resolution dated 12.08.09;*

(b) *Hold and declare that the impugned Government Resolution dated 05.05.2009 (Annexure-K) is not applicable to the class of Petitioners in this petition in particular and Teachers working in the Universities and the Colleges in the State of Maharashtra in general;*

(c) *Hold and declare that the Superannuated Lecturers retired in the Selection Grade/Readers Scale after completing 3 years of service in the Selection Grade prior to 01.01.2006 are entitled for the fixation of pension that will be subject to the provision that the revised pension, in no case, shall be lower than fifty percent of the sum of the minimum of the pay in the pay band and the grade pay thereon corresponding to the pre-revised pay scale from which the pensioner had retired w. e. f. 01.06.2006 as a result of 6th Pay and further direct the respondent State to take immediate action for fixation of pay and pensions of the petitioners accordingly and release the same alongwith interest within a stipulated period;*

(d) *Hold and declare that recommendation of Hakeem Committee are not applicable for deciding pensionary benefits of the teachers working in the Universities and the Colleges in the Maharashtra;*

(e) *Grant any other relief, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in the interest of justice and equity."*

4. In all 27 Annexures marked as A to ZA have been annexed to the Petition.

ITEM NO. 673 :
SELECTION GRADE LECTURER'S
RETIRED AFTER 2006 -
WRIT PETITION

The details, regarding the filing of Writ Petition of those teachers who retired after 1 January, 2006 and before 27th February 2009 after 3 years or more service in Selection Grade seeking the benefit of proper pension fixation, will be circulated separately.

ITEM NO. 674 :
ANNOUNCEMENT IN RESPECT OF
CHANGE OF ADDRESS :

TO NOTE the announcement in respect of Change of address : Acknowledgment No. 31

Note : Announcement in respect of Change of address : Acknowledgment No. 31 is circulated on page 71 of 2016 NUTA Bulletin.

ITEM NO. 675 :
REPORT OF GENERAL SECRETARY OF
AIFUCTO

TO NOTE the Report of AIFUCTO Demonstration on 14th March at Jantar Mantar & Meeting with HRD Minister and NEC meeting on 15th March 2016.

Note : (1) Report of AIFUCTO Demonstration is circulated on Page 78 of 2016 NUTA Bulletin.

SECRETARY'S REPORT ON THE WORKING OF THE ASSOCIATION FOR THE YEAR ENDING ON 31 st DECEMBER, 2015

*Prepared by the Executive Committee of NUTA under article (VI)(b)(ii) of the
Constitution of NUTA and presented by Secretary on
behalf of the NUTA Executive Committee*

Dear Friends,

(1) It gives me immense pleasure to extend very warm welcome to you on behalf of the Executive Committee of NUTA and on my own behalf. It is indeed a proud privilege for me to place before this august body a brief account of our activities and achievements during the year 2015.

(2) Right from its inception, NUTA has been committed to the cause of welfare of the teaching community and their professional betterment. In keeping with this commitment, the Association took up several issues concerning the teachers during the period of this report which witnessed significant developments and had major achievements. This particular year was again the year of continuous struggle for major issues.

ISSUE OF NET-SET AFFECTED TEACHERS

(3) This year the main focus obviously remained on the issue of net-set affected teachers. The govt. however, remained callous. It preferred not to implement several decisions in Writ Petitions decided in favour of the teachers on the basis of Supreme Court interim order of 18 Nov. 2013. As a matter of fact, the ongoing agitation in the state was unilaterally withdrawn by the MFUCTO following a tweet by the Minister for Higher and Technical Education shri Vinod Tawade on 8 December, 2014 “*One day CL of college teachers for their demands. I am positive for them would appeal them to give us some time for, We hardly have completed a month!*”

(4) Interestingly, the Department of Higher Education had sought an explanation through a communication dated 11 November, 2014 from the Director of Education, Pune and the Joint Directors of Aurangabad, Nanded and Jalgaon as to why implementation of orders in W. P. nos. 3448/2014, 3552/2014, 1704/2014, 394/2014, and 4173/2014 was not done when it was mandatory to implement the orders subject to supreme court judgement and instead why did they submit proposals to the Director for guidance who instead of taking a proper decision submitted them to the Mantralaya. It was obvious that this exercise was a mere show and the High Court Orders were never sought to be implemented.

(5) At the Supreme Court level, the MFUCTO and NUTA had filed intervention applications in the matter of Special Leave Petition filed by the State Government against the decision in respect of Asha Ramdas Bidkar & others and had also sought to make submissions to strengthen the ongoing battle. The Supreme Court passed a significant order on 25-03-2015 in respect of intervention applications while dealing with Civil Appeal No. 10759/2013 with C. A. No. 10760/2013 changing the course of battle at the apex court. The following is the extract from the Order:

“ 1) On the taking up of Civil Appeal No. 10760 of 2013 we have come to learn that several Respondents as well as other Lecturers /Assistant Professors similarly placed who are vitally affected by the core issue which has now been canvassed before us have neither been impleaded nor have been heard by the High Court of Judicature at Bombay. We are further informed that as on date there are over hundred Writ Petitions pending in the Principal Bench and the Benches at Nagpur and Aurangabad of the

High Court of Judicature at Bombay. It has been pointed out by the Learned Senior Counsel that Maharashtra Federation of University & College Teachers Organisation, (MFUCTO), Respondent in Civil Appeal No. 10759/2013, had filed a Writ Petition which is pending before the Principal Bench. This Association is also seeking to be heard in the proceedings before us.

2) In these circumstances the course which commends itself to us is to stay the operation of the Impugned Order without, in any manner, causing any disadvantage to any of the parties who are the beneficiaries to the impugned Judgement.

3) Accordingly, we request Hon'ble the Chief Justice of the High Court of Judicature at Bombay to constitute or nominate a Bench at the Principal Bench, to which all pending Writ Petitions should be transferred, and which Bench should forthwith take up the matters, in expedition and decide all the Writ Petitions preferably within a period of six months from today.

6) Mr. B. H. Marlapalle learned Senior Counsel for the State of Maharashtra assures the Court that no adverse action shall be taken against the Respondents in the Appeal before us.

7) Liberty is also granted to affected persons to seek in the High Court of Judicature at Bombay ad interim orders which may place them on parity with other Lecturers/Assistant Professors similarly placed.”

(6) According to the Supreme Court Order all the Writ Petitions including Contempt matters at Principal seat and other Benches falling within the purview of this order were transferred to Bombay where a special Bench comprising Hon'ble Justice Anoop Mohata and Hon'ble Justice A. A. Sayyad was constituted.

(7) The hearing at the Special Bench started on 16th July, 2015. MFUCTO engaged the services of Senior Lawyer Adv. Mihir Desai who ably presented the case of NET-SET affected teachers. NUTA also engaged Senior Lawyer Adv. Firdos Mirza who argued on behalf of the petitioners from this region. He also submitted Notes of Arguments based on legal positions and documents aptly replying the questions raised during the course of hearing. Unfortunately, in a complete turnaround, the State Government took a hostile position conveniently forgetting that it had accepted on the floor of the House that the Net-Set qualification was never prescribed through a lawful instrument during the period in question, and had agreed on affidavit to act once the UGC informed about the date from which to count service for the purpose of CAS which the UGC had done.

(8) Contrary to expectations, in a sudden development Hon'ble Court delivered its Judgement on 23 December, 2015 dismissing the petitions and upholding the Government resolution of 27 June, 2013 which was shocking and disappointing for the teaching fraternity in the state. MFUCTO examined and analysed the Court Order and has identified several issues which need to be pointed out to the Hon'ble Supreme Court along with documentary evidences. It has been decided by MFUCTO that 3 Special Leave Petitions would be filed. The first will be filed by MFUCTO on the basis of W. P. No. 2082 of 2013, another

will be filed by NUTA based on W. P. No. 8026 of 2015 and the third to be filed on the basis of one of the petitions filed by PUCTO & SUTA. The teachers do hope that justice will prevail in Supreme Court.

(9) The Association had held two meetings of Net-Set affected teachers on 8 February, 2015 and on 26 April, 2015 to ensure their participation in the Writ Petitions filed in the Court seeking benefit as per the Supreme Court Interim order of 18 November, 2013. A meeting of those Net-Set affected teachers who were appointed as Principals was also held on 24 January, 2015. Curiously, after the 25 March, 2015 Supreme Court Order, in as many as 9 petitions the orders were obtained in favour of these teachers. We are now looking forward to the Supreme Court to deliver justice.

OTHER COURT MATTERS :

(10) A meeting of those teachers who retired before 1 January, 1996 after completing 5 years service in Selection Grade was held on 25 January, 2015. As decided in the meeting Writ Petition nos. 5647 of 2015 and 6516 of 2015 with 11 petitioners seeking the benefit of pension fixation on the basis of 14940/-for such teachers were filed which are in progress.

(11) In a meeting of those teachers who retired before 1 January, 2006 after 3 years or more service in Selection Grade which was held on 20 September, 2015, it was decided to file Writ Petition in this matter because denial of pension less than 50% of the minimum of the revised pay band introduced by the pay commission for the post last held by the employee at the time of his retirement amounted to discriminatory treatment. In Writ Petition No. 4292 of 2013 filed at Aurangabad Bench the Hon'ble Court on 8-5-2015 had directed the Respondent State

Government to reconsider the entire issue keeping in view all the relevant documents and take the fresh decision within four months which the government failed to do. **As such, a Writ Petition with 110 petitioners has been filed.**

(12) Another section of pensioners who were subjected to discriminatory treatment were those who retired between 1 January, 2006 and 27 February, 2009 after putting in 3 years or more service in Selection Grade. After their meeting on 4 October, 2015 **a Writ Petition is being filed at the High Court of Judicature at Bombay, Nagpur Bench.**

APATHETIC ATTITUDE OF THE STATE GOVERNMENT

(13) The State Government all along continued with its apathetic attitude towards the issues faced by the teachers. There was no discussion with MFUCTO after 19 November, 2014 when Shri Vinod Tawade met the Association with no action following up. In the matter of Net-Set Court Orders the Joint Director of Jalgaon region had also to tender an unconditional apology in an affidavit filed on 10-06-2015 in Contempt Petition No. 266 of 2014 in W. P. No. 642 of 2014 for not complying with the Court Order. Nevertheless, the Government continued with its policy of non-compliance of Court Orders in utter disregard to the Court of Law and the interests of teachers.

ISSUES OF SOCIAL WORK COLLEGE TEACHERS

(14) Although 100% arrears on account of sixth pay revision were disbursed to the teachers under the Department of Higher Education by the end of 2013, there was no development in respect of the payment of arrears

BUDGET FOR THE FINANCIAL YEAR - 2016-2017

OFFICIAL ACCOUNTING YEAR OF THE TRUST : 2015-2016 (AS PER SCHEDULE VII-A OF THE B.P.T.A. 1950)

Name of the Trust : NAGPUR UNIVERSITY TEACHERS' ASSOCIATION.

Regn. of the Trust : B.P.T.A. Regn. No. F-1564 & Soc. Regn. Act. Regn. No. MAH-15-73(NGP)

ESTIMATED RECEIPTS	RS. P.	ESTIMATED DISBURSEMENTS	Rs. P
I. OPENING BALANCE :		A)NON-RECURRING :	
i) Cash in hand ... ..	...	i) Major Repairs or rebuilding of the assets etc. ... ..	...
ii) Cash in Bank	45,000.00	ii) Net purchase of immovable property ... ..	...
II. ESTIMATED RECEIPTS :		B)RECURRING :	
(A) NON RECURRING		i) Rents, rates taxes etc. ...	10,000.00
i) Ordinary Donations to be received for specific earmarked objects (permanent subscription to NUTA Bulletin) ... ..	...	ii) Administrative Expenses ... ..	...
ii) Ordinary Donations... ..	...	a) Stationery, Typing , Cyclostyling & Printing	4,50,000.00
(B) RECURRING :		b) Travelling Expenses	30,000.00
i) Rent etc. on immovable property ... ..	...	c) Postage and Telephone. ...	15,000.00
ii) Interest on Fixed Deposits	6,50,000.00	d) Misc. expenses	15,000.00
iii) Dividend shares etc ... ..	...	e) Bank commission	2,000.00
iv) Income from Agri. land ... ..	...	f) Meeting Expenses	15,000.00
v) Other revenue Receipt ... ..	...	g) Audit fees	8427.00
vi) Legal Aid Fund ... ..	...	h) Affiliation fees ... ..	...
III. REALISATION FROM DISPOSAL OF ASSETS :		i) MFUCTO	40,000.00
IV EXCESS OF EXPENDITURE OVER INCOME :		ii) AIFUCTO	7,000.00
TOTAL Rs.	6,95,000.00	iii) Contribution to public trust\ admn. Fund ... ..	...
		vi) Books Library ... ..	...
		iii) Payment of Salaries	60,000.00
		iv) Transfer of Depreciation Fund	30,000.00
		v) Special & Current repairs of building Furniture etc	10,000.00
		vi) Excess of income over expenditure	2573.00
		TOTAL Rs.	6,95,000.00

NOTE : Estimated enrolment of members during the year is expected to be 10. On this account the Association will receive an estimated amount of Rs. 1,00,010/- However this amount cannot be included in the estimated receipts because this amount is to be invested in fixed deposit receipts or any other Govt. Securities as per Article III of the Constitution . - Sd. **B. T. Gawande**, Treasurer, NUTA

to the teachers of Social Work colleges under the Department of Social Justice. Consequently the **present** Secretary of NUTA & 37 other teachers in R. T. M. Nagpur University area had filed a Writ Petition No.4377 of 2013 in the High Court of Judicature at Bombay Nagpur Bench after which the arrears for the period 01-04-2010 to 31-03-2012 were released sometime in the month of April 2014; but no assurance was forthcoming on the release of arrears for the period 01-01-2006 to 31-03-2010. And hence the petition at the Court was pursued further. After **arm-twisting** by the Court the Department of Social justice was required to deposit 25% of the arrears in the Court which were released in favour of the petitioners on 20-07-2015 after due formalities and remaining 75% amount was credited to the accounts of the respective petitioners by 5 October, 2015 after an undertaking was elicited by the court on 2 July, 2015 when the petition was disposed off.

(15) As far as pension to the teachers of Social work colleges was concerned, it may be stated that although the G. R. was issued on 29th October, 2014 following a contempt petition, the follow-up action was not taken up in right earnest by the Department and the process continued at a slow pace. As a result, the pension cases kept oscillating between A. G. office and the Department and they were at the stage of final approval only by the end of this year. Now it is learnt that the pension amount has begun to be credited to the accounts of respective

pensioners in a couple of cases. It indeed marks a landmark achievement.

ISSUES OF AYURVED COLLEGE TEACHERS

(16) Although it was a common Court Order of 10 June, 2013 directing the State Government to extend the benefit of pension scheme to Social Work as well as Ayurved college teachers, the Department of Medical Education and Drugs brought out a Government Resolution extending this benefit on 17 January, 2015 only after the filing of Contempt Petition no. 102 of 2014. The Government Order extended the benefit of pension cum Gratuity scheme with effect from 21-11-2011 to the teachers of four petitioner Ayurved colleges. The Assistant Director of Ayurved Nagpur also issued a circular dated 13-03-2015 regarding implementation of the G. R. However, subsequently the Department indulged in hostile interpretation of the provisions of G. R. forcing the teachers to once again approach the Court of Law which has delayed the benefit of pension scheme to this segment of teachers.

COLLEGE UNIT ELECTIONS

(17) The college unit elections of NUTA were held on 9 February, 2015 simultaneously at all the colleges under the jurisdiction of Rashtrasant Tukdoji Maharaj Nagpur University, Sant Gadge Baba Amravati University and Gondwana University, Gadchiroli.

SPECIAL ISSUE ON KELKAR COMMITTEE REPORT

(18) In discharge of its commitment and duty towards the society at large, the Association brought out a special issue titled '*Kelkari Karasthan Visheshank*' which is an in-depth study and analysis of the report of the committee under the chairmanship of Dr. Vijay Kelkar appointed by the State Government to assess the state of backlog in the state. It is a compilation of the articles authored by Prof. B. T. Deshmukh, former Member of the Legislative Council which were published in Daily '*Hindusthan*' between 18 January, 2015 and 7 June, 2015. Now it has been published as a special issue of NUTA Bulletin bearing page nos.157 to 208 of 2015. The issue has been widely appreciated for its content, rare insight and reference value.

AIFUCTO ACTIVITIES

(19) The attitude of the Central Government towards the issues of the teachers has been equally apathetic and strange. The H. R. D. ministry has not granted a single meeting to the All India Federation of University & College Teachers' Organisations (AIFUCTO) ever since the new government came to power. This is in sharp contrast with the earlier government which used to have regular dialogue with the Association. Being left with no other choice the AIFUCTO had to resort to a Massive Demonstration and Court Arrest Programme at Jantar Mantar New Delhi on 13 March, 2015. The demands were (a) Immediate MHRD approval of UGC decisions on 3rd amendment of UGC Regulations, 2010 and Ph. D. Regulations (b)HRM appointment to AIFUCTO to discuss the long standing professional demands (c) Allocate 6 percent GDP to education in the budget of 2015-2016 (d)Immediately

ALL INDIA FEDERATION OF UNIVERSITY & COLLEGE TEACHERS' ORGANISATIONS (AIFUCTO)

404, Devkunj Apartment, Road No :- 06, North Patel Nagar (Near Baba Chowk), P.O. :- Keshri Nagar, Patna-800024 Mobile : + 91 - 9431617320 /+91 - 9525622524, E-mail : akancphy@gmail.com/aifucto.generalsecretary@gmail.com; Website : www.aifucto.org (Regd. Under Act XXI of 1860)

To,

Hon'ble Member of Parliament

Esteemed Sir,

We wish to draw your kind attention to the fact that teachers working in the Universities and Colleges of India have been struggling for redressal of their grievances through the Federation. However, the Govt. of India has not responded to our letters as well as democratic protests. It seems that MHRD is deliberately avoiding meeting with teachers. This has made teachers of the country very restive.

We seek your support as parliamentarian to take up our demands on the floor of the House and also with Prime Minister of India and the Ministry of Human Resource Development.

Please find enclosed memorandum of demands submitted by AIFUCTO to Smt. Smriti Irani, Minister HRD, Govt. of India with a request to forward it to the Prime Minister and HRD Minister with your kind favourable comments.

With profound regards.

Enclosed as above.

Yours sincerely

With Regards.



Kesab Bhattacharya
President

Prof. Arun Kumar
General Secretary

Email : aifucto.generalsecretary@gmail.com
Mob:9431617320

नुटाच्या आमसभेच्या वेळी करावयाच्या व्यवस्थेसंबंधी सूचना

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

constitute VII pay revision Committee. (e) Strengthen public funded education (f) Regulate private sector institution (g) Ensure regular pension scheme & reject pension scheme-2004 (h) Consult teachers' organization on education policies including RUSA.

(20) Since there was no response AIFUCTO launched an 'All India Signature Campaign'. Lakhs of teachers all over the country sent communications addressed to Minister HRD with a copy to PMO Office reiterating the demands and stressing the need for their solution through dialogue. In the next phase of agitation, AIFUCTO organized demonstrations at UGC office on 19th June 2015. As per its call to hold action at State capital, MFUCTO also organized demonstrations at Azad Maidan, Mumbai on 5th October, 2015.

(21) With no response forthcoming from HRD, AIFUCTO in association with FEDCUTA once again organized a 'Jail Bhara Programme' on 24 November, 2015. At the statutory conference of AIFUCTO held at Ambaji in Gujarat from 18 to 20 December, 2015, AIFUCTO has given a call to the teachers in the country to get prepared for a nationwide cease work which will be inevitable if the government fails to wake up from its deep slumber and initiate measures to address the issues through dialogue in accordance with democratic practices.

PARTICIPATION IN ACTION PROGRAMMES

(22) I am happy to inform this August body that the teachers from Rashtrasant Tukdoji Maharaj Nagpur University, Sant Gadge Baba Amravati University and Gondwana University participated in large numbers in all the programmes of agitation launched by NUTA, MFUCTO and AIFUCTO and made them successful. Nevertheless, the struggle has not ended. The Association is keeping a vigilant eye on the developments at all levels leaving nothing to chance. I have absolutely no doubt that the success will come our way since our demands are lawful and are based on strong legal footing.

TASKS AHEAD

(23) Friends, it is true that some of our demands are nearing fulfillment because of the struggle of NUTA under the able leadership of MFUCTO. However, some of the old issues have remained to be resolved and in the meantime new issues have been thrown up which the teachers have to face such as introduction of The Maharashtra Universities Act giving more thrust on nominations in the Authorities of the Universities at the cost of democratic functioning and practices and doing away with better service conditions, contractual appointments, commercialization of education, starting of self-financing courses and institutions and exploitation of teachers and non-teaching staff in the system. You are aware that NUTA is committed to taking up the problems of every section of the teaching community irrespective of their number and strength in the organization. NUTA has therefore several tasks ahead viz.

RULES FOR PROPOSING AMENDMENTS

(Reproduced from page 97 of 1977 NUTA Bulletin)

1. Any proposal before the meeting may be amended
 - (a) by leaving out a word or words or
 - (b) by leaving out a word or words in order to add or insert a word or words or
 - (c) by adding or inserting a word or words.
2. An amendment to be in order shall :
 - (a) not constitute a direct negative to the original resolution :
 - (b) be relevant to and within the scope of the resolution to which it is moved.

a) Full and faithful implementation of the decisions of the Supreme Court and different benches of Bombay High Court in respect several issues pertaining to working and retired teachers.

b) To ensure the release of salary for the period of 'non-cooperation in exam-related work' agitation in 2013 unlawfully withheld by the State Government.

c) To ensure immediate and faithful implementation of the Government Resolution dated 17 January, 2015 extending the benefit of pension-cum-Gratuity scheme to the teachers of Ayurved colleges and subsequent Court orders

d) Payment of sixth pay arrears to the teachers in colleges of Physical Education

e) Issuance of GR implementing sixth pay revision for the teachers in unaided colleges of Engineering in the state.

f) Stopping arbitrary functioning at the office of the Joint Directors.

g) Compelling the government to withdraw orders on contractual appointments and till such withdrawal to pay them the salary on par with their counterparts in Government colleges.

h) To take up the problems of engineering college teachers including the issue of withdrawal of their arrears for 55 months from 1-1-1996 to 31-7-2000.

i) Fight against anti-teacher attitude of the Government.

j) Enactment of suitable legislation for providing penalties for non-compliance of the university Grievance committee recommendations.

k) Oppose the move of the Central Government towards privatization of Pension and Gratuity and demand of extending old triple benefit scheme to those appointed after 1-1-2004 as recommended by UGC.

l) Making SET examination more transparent including unambiguous minimum percentage of marks.

m) Ensure that all the benefits which teachers are given under the central orders are extended to Librarians and Directors of Physical Education.

n) Faithful implementation of the central sixth pay revision 'package scheme'.

o) To take all the ongoing cases in the Courts to their logical end

MEMBERSHIP OF NUTA

(24) The NUTA membership has reached 5485 by the end of the year. This year the increase in membership is 26. I am glad to announce that NUTA Bulletin has completed 40th year of its purposeful existence. This year we have circulated 208 pages of NUTA Bulletin. On going through the pages of the NUTA Bulletin one finds that the Executive Committee has made an attempt to include relevant developments and documents and keep the members updated about the issues concerning their professional life.

(25) I am grateful to the media and their representatives from Nagpur, Amravati and Gadchiroli areas for wide coverage of various events, programmes and the press-notes issued from time to time. This report shall not be complete unless I acknowledge the active cooperation and support of all the members of NUTA and other colleagues as well as the members of teaching profession at different levels to the activities of the Association and response given by them to various calls given by NUTA from time to time.

Yours,
(Dr. Anil Dhage)
Secretary, NUTA

(Adhyapakon Tatha Anya Karmcharyon Ke Vetno Ka Sandaya) Sanshodhan Adhiniyam, 2000 (for short “the Amended Act”) shall not be made applicable to the respondents and other similarly situated persons.

(See Para 6 of the Supreme Court Order dated 07.01.2014 on Page 77 of 2016 NUTA Bulletin)

ITEM NO.301

COURT NO.3

SECTION IV

SUPREME COURT OF INDIA

(Record of Proceedings)

CIVIL APPEAL NO.6362 OF 2004

STATE OF M.P. & ANR. Appellant(s)

VERSUS

SHARIQUE A. ALI & ORS. Respondent(s)

(With appln. for directions and with office report)

Civil Appeal NO. 6415 of 2004CONTEMPT PETITION (C) NO. 147 OF 2013 IN
C.A. NO. 6415 OF 2004**Date : 12/12/2013**

These Appeals/petition were called on for hearing today.

CORAM :**HON'BLE MR. JUSTICE H.L. DATTU****HON'BLE MR. JUSTICE SUDHANSU JYOTI****MUKHOPADHAYA****HON'BLE MR. JUSTICE C. NAGAPPAN**

For Appellant(s) : Mr. Vivek K Tankha, Sr. Adv.* Mr.U.U.Lalit, Sr.Adv.* Mr. Mishra Saurabh, Adv.* **For Respondent(s) :** Mr. Nitin S Tambwekar, Adv.* Mr. B.S. Sai, Adv.* Mr. K. Rajeev, Adv.* Mr.Shanti Bhushan, Sr.Adv.* Mr.Prashant Bhushan, Adv.* Mr.Rohit K.Singh, Adv.* Mr.Kartik Seth, Adv.* Mr.Siddharth Seth, Adv.* Mr. Mohit Paul, Adv.* For Mr. Anip Sachthey, Adv.* Mr.Shiv Sagar Tiwari, Adv.* Mr.Dhirendra Singh, Adv.* Mr.M.S.Mangla, Adv.* Mr.Praval Tripathi, Adv.* Mr. Ashok Mathur, Adv.* Mr. Shanti Bhushan, Sr. Adv.* Mr. Siddharth S.Seth, Adv.* Mr. Kartik Seth, Adv.* Mr. Guntur Prabhakar, Adv.* Mr.M.N.Krishnamani, Sr.Adv.* Mr. Parvesh Khanna, Adv.* Mr. R.C. Kohli, Adv.(NP)* Mr. Santosh Aggarwal, Adv.* Mr. Bhargava V. Desai, Adv.* Mr. Shreyas Mehrotra, Adv.* Mr. Akshat Shrivastava, Adv.* Ms. Manjeet Kirpal, Adv.* Mr.Akshat Shrivastava, Adv.* Mr.Siddharth Shrivastava, Adv.* Mr.Inderjeet Yadav, Adv.* For Ms.Manjeet Kirpal, Adv.* Mr. Chander Shekhar Ashri, Adv.(NP)* Ms. Rekha Pandey, Adv.* Mr.Shiv P.Pandey, Adv.* Mr. B.K. Satija, Adv.(NP)* Mr. Anil Kumar Jha, Adv.(NP)* Mr. Nikhil Nayyar, Adv.(NP)* Ms. Pratibha Jain, Adv.(NP)* Mr. Kuldip Singh, Adv.(NP)* Mr. S. Ravi Shankar, Adv.(NP)* Mr. S.C. Birla, Adv.(NP)* Mr. Shiv Prakash Pandey, Adv.* Mr. Niraj Sharma, Adv.* Mr.Somit Kumar Sharma, Adv.* Mrs. Sudha Gupta, Adv.* Mr. Sunil Kumar Jain, Adv.* Mr. Sarvesh Singh Baghel, Adv.* Mr. Rajesh, Adv.(NP)* Ms. Binu Tamta, Adv.(NP)* Ms. Sujata Kurdukar, Adv.(NP)* Mr.B.S.Banthia, Adv.(NP)* Mr.C.L.Sahu, Adv.(NP)* Mr.Sunil Kumar Jain, Adv.(NP)* Mr.Sanjay Jain, Adv.(NP)*

UPON hearing counsel the Court made the following

ORDER

This batch of appeals is before us at the instance of the State of Madhya Pradesh. They have called in question the common judgment and order passed by the High Court of Madhya Pradesh in **Writ Petition No.1104 of 2000 etc., dated 11.01.2002**, whereby and whereunder the High Court, after a detailed consideration of the arguments advanced by both the parties has come to the conclusion that the Madhya Pradesh Ashaskiya Shikshan Sanstha Adhiniyam, 1978 (for short ‘the Act’) as amended by Madhya Pradesh Ashaskiya Shikshan Sanstha

(Adhyapakon Tatha Anya Karmcharyon Ke Vetno Ka Sandaya) Sanshodhan Adhiniyam, 2000 (Amendment Act No.26 of 2000) is **ultra vires being hit by Articles 14 and 21 of the Constitution of India and issued certain directions in respect of grant of pay scale as per the norms of the University Grants Commission.**

On the last date of hearing, keeping in view the plight of the teachers/lecturers/non-teaching staff working in private aided educational institutions in the State of Madhya Pradesh, we had requested Mr.Tankha, learned senior counsel, to get appropriate instructions and file an appropriate affidavit before this Court. Though two or three adjournments were taken by Mr.Tankha to seek appropriate instructions for filing an appropriate affidavit, today, has filed two affidavits duly sworn in by Mr. Alok Khare, S/o. Shri J.P. Khare, Assistant Director, Department of Public Instructions, Government of Madhya Pradesh and by Dr. S.K. Pare, S/o. Shri K.C. Pare, Officer on Special Duty, Department of Higher Education, Government of Madhya Pradesh.

The said affidavits of the aforesaid officers are taken on record. In conclusion, in the affidavits so filed, it is stated as under:

“A. The State Government proposes to pay the arrears at the existing approved scale from the next financial year i.e. April 2014 onwards;

B. The arrears shall be paid after adjusting the tuition fee charged by private schools and colleges as per Circular dated 31.1.2000. The State Government shall ascertain the tuition fee charged by each school or college within 6 months;

(i) After following the procedure in Clause B, in case of employees (teachers and other staff) who have expired, the State Government proposes to pay 100% arrears to their nominee at lump sum;

(ii) After following the procedure in Clause B, in case of employees (teachers and other staff) who have retired but are alive, the State Government proposes to pay arrears in at least three equal annual installments;

(iii) After following the procedure in Clause B, in case of employees (teachers and other staff) who are still in service, the State Government proposes to pay arrears in at least five equal annual installments;

C. The State Government proposes to give grant in aid to the employees (teachers and other staff) who are still in service at the existing approved scale till their superannuation.”

Clause A is not objected to by the respondents-teachers/lecturers/non-teaching staff. Insofar as Clause B is concerned, the learned counsel appearing for the respondents-teachers/lecturers/non-teaching staff, though have some reservations, have not expressed the same before this Court.

In so far as Clause C is concerned, **Shri Shanti**

It is further clarified that the Amended Act is applicable to those Teachers/Lecturers/ Non-Teaching staff, who are appointed by the private aided educational institutions in the State of Madhya Pradesh, after promulgation of the amended Act.

(See Para 7 of the Supreme Court Order dated 07.01.2014 on Page 77 of 2016 NUTA Bulletin)

Bhushan, learned senior counsel, is of the view that the State Government has not placed the respondents-teachers/lecturers/non-teaching staff to the existing approved scales till their age of superannuation. Further according to the learned senior counsel, the pay scales that are being adopted for the teaching and non-teaching staff employed in government schools/colleges, should be extended to the teaching and non-teaching staff employed in the private aided schools/colleges as well. **In our view, the submission of the learned senior counsel appears to be reasonable.** Therefore, we now once again request Mr. Tankha to seek appropriate instructions on the aforesaid submissions made by Shri Bhushan.

We place on record our deep appreciation for the efforts made by Mr. Tankha and adjourn the matter to 7th January, 2014 at 3.30 p.m. as part- heard.

(G.V.Ramana)
Court Master

(Vinod Kulvi)
Asstt.Registrar

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 6362 of 2004

State of M.P. & Anr...Appellant(s)
Versus
Sharique A. Ali & Ors...Respondent(s)

Civil Appeal NO. 6415 of 2004
S.L.P.(C) No. 19188 of 2008 AND CONTEMPT PETITION (C)
NO. 147 OF 2013 IN CIVIL APPEAL
NO. 6415 OF 2004

ORDER
C.A. No. 6362 of 2004
NEW DELHI : JANUARY 07, 2014.

1. This order is in continuation of our earlier order dated 12.12.2013. Both the orders should be read together.

2. By order dated 12.12.2013 we had requested Shri Tankha, learned senior counsel to get appropriate instructions/clarification from the State Government insofar as Clause 'C' of the affidavit dated 26.11.2013.

3. Today learned senior counsel, Shri Tankha has filed an affidavit on behalf of the State of Madhya Pradesh. **In the said affidavit they have pleaded their inability to extend the 6th Pay Commission Scales to the Teachers/Lecturers/non-teaching staff working in private aided educational institutions in the State of Madhya Pradesh though their appointment is approved by the State Government.**

4. After hearing Shri Tankha, Shri Shanti Bhushan and Dr. Rajeev Dhawan and other learned counsel appearing for the parties, **we are of the opinion that the request of Shri Shanti Bhushan for extending the 6th Pay commission scales to the Teachers/**

Lecturers/non-teaching staff working in the private aided educational institutions should be accepted and granted. We are also of the view that whatever amount that is being paid pursuant to the orders passed by this court on 12.12.2013 and 07.01.2014 shall not be recovered from the Teachers/Lecturers/Non-Teaching staff working in the private aided educational institutions.

5. Accordingly, while setting aside the judgment and order passed by the High Court, we direct that the 6th Pay commission scales shall be given to the Teachers/Lecturers/non-teaching staff working in the private aided educational institutions in the State of Madhya Pradesh. We further direct that the amount that is already paid pursuant to the orders passed by this Court on 12.12.2013 and 07.01.2014 shall not be recovered from the Teachers/Lecturers/non-teaching staff working in the private aided educational institutions in the State of Madhya Pradesh.

6. It is clarified that the Madhya Pradesh Ashaskiya Shikshan Sanstha Adhiniyam, 1978, as amended by Madhya Pradesh Ashaskiya Shikshan Sanstha (Adhyapakon Tatha Anya Karmcharyon Ke Vetno Ka Sandaya) Sanshodhan Adhiniyam, 2000 (for short "the Amended Act") shall not be made applicable to the respondents and other similarly situated persons.

7. **It is further clarified that the Amended Act is applicable to those Teachers/Lecturers/Non-Teaching staff, who are appointed by the private aided educational institutions in the State of Madhya Pradesh, after promulgation of the amended Act.**

Ordered accordingly.

In rest of the matters.

All the matters are disposed of in the same terms, observations and directions as in Civil Appeal No. 6362 of 2004.

(H.L. DATTU) J.
(SUDHANSU JYOTI MUKHOPADHAYA) J.
(C. NAGAPPAN) J.
NEW DELHI : JANUARY 07, 2014.

ITEM NO.301 COURT NO.3 SECTION IV
SUPREME COURT OF INDIA
(Record of Proceedings)
CIVIL APPEAL NO.6362 OF 2004

STATE OF M.P. & ANR.....Appellant(s)
VERSUS

SHARIQUE A. ALI & ORS.....Respondent(s)
Civil Appeal NO. 1041 of 2006 (With appln. for directions and office report) Civil Appeal NO. 5597 of 2006 (With office report) SLP(C) No. 19188 of 2008 (With appln. for exemption from filing O.T. and stay and impleadment and impleadment as party respondent and

Report of AIFUCTO Demonstration on 14th March at Jantar Mantar & Meeting with HRD Minister and NEC meeting on 15th March 2016.

Friends, greetings and congratulations to all of you,

Our continuous efforts & movements finally broke the ice. University level protest across the country by college and university teachers in the month of Feb 2016 and state level protest programs on 29th Feb 2016 in several state centers culminated in massive Dharna at Jantar Mantar on 14th March in Delhi. Thousands of teachers from across the country held massive protest & dharna under the banner of AIFUCTO, which was supported by FEDCUTA demanding immediate constitution of VII UGC Pay Review Committee, scrapping of API, amendment of Ph.D regulations to end the distinction between pre-2009 regulations and post-2009 regulations Ph.D degrees, expedite filling up thousands of vacancies on regular basis as per Govt. reservation policy, resolution of anomalies of Sixth Pay Commission, dialogue with elected leaders of AIFUCTO and FEDCUTA on professional demands of university & college teachers of the country. AIFUCTO GS Prof. Arun Kumar, addressing the large gathering of protesting teachers flayed Govt. of India for its failure to constitute UGC Pay Review till date. He demanded immediate scrapping of API, end contractual appointments and amendments of Ph.D regulations 2009. President, FEDCUTA Prof. Nandita Narain condemned the commercialization of education and

demanding earliest resolution of the demands raised by AIFUCTO & FEDCUTA.

Speakers from various states and central universities highlighted the plight of teachers languishing without regular appointment, promotions & pensions for many years and violation of the long established principle of parity with All India services by not fixing proper salary of teachers in various grades and denying upward mobility. The catastrophic role played by the unacademic API (Academic Performance Indicator), that weighs quantity rather than quality, in destroying teaching learning and research was repeatedly emphasized. The sorry state of infrastructure, not the least of which is the filling up of teaching and nonteaching posts, is further exacerbated by the continuous reduction in funding due to decreasing budgetary allocation. Increasing privatization and profit mongering in the higher education sector has resulted in the denial of access to affordable, quality education for the vast majority of Indians. This has led to severe frustration, depression and an alarming suicide rate among the young, especially from marginalized sections. The attack on the autonomy of universities through continuous interference of the Govt. in the matter of courses, examination & evaluation system, has also led to a steep decline in the quality of education imparted, and emotional alienation of both students & teachers from the entire educational process. The meek surrender of successive governments to the dictates of WTO-GATS for reduction of subsidy to higher education has also severely eroded the sovereignty of the country in formulating its own education policy in keeping with the needs of vast majority of people.

Addressing the gathering leaders also cited the recent incidents in Hyderabad Central University, Jawaharlal Nehru University, Allahabad University as the examples of a concerted attack on the democratic student movement in the country that has been highlighting the above concerns through a sustained country wide struggle. The gathering decried the attempts to crush the democratic space for dialogue and discussion that is essential for the promotion of critical & creative thinking and is the essence of university and college education. Leaders appealed to the teachers to beware of attempts to raise divisive issues that could weaken the united teachers' movement & polarize society. Teachers reaffirmed their commitment to core constitutional values of secularism, pluralism, equity, social justice, liberty and unity integrity of the country.

The historical Dharna was addressed and supported by leaders of various political parties, such as Dr Thokchom meinya, MP(INC), Dr Dharamveer Gandhi, MP (AAP), Com. D Raja, MP(CPI), Com. Nilotpal Basu, Ex-MP (CPM), Com. Aziz Pasha, Ex-MP (CPM), Shri Ali Anwar, MP(JDU), Prof. Kiran Walia, Ex- minister, Delhi Govt., Com Amarjeet kaur (CPI), Com Biswajeet (AISF), Shri prabhakar Arde, National leader of Elementary teachers, Prof. V K Tiwari (FISE) who promised their whole hearted support to teachers. President AIFUCTO Prof. Kesab Bhattacharya presided over the meeting held at Dharna Sthal. Our veteran leaders Prof. T Mukhopadhyaya, Prof. V P Singh along with our national secretaries, vicepresidents & zonal secretaries also addressed the gathering.

Meeting & Dialogue with HRD Minister:

On 14th March in early hours a deputation of AIFUCTO was invited for a meeting by Prof. Upendra Kushwaha, Minister of State, HRD. A five delegation of AIFUCTO led by its President Prof. Kesab Bhatta charya met the Minister and explained the demands of the federation. Honourable Minister assured the delegation that the govt. will look into the demands at the earliest.

Later in the evening a delegation of AIFUCTO &

with prayer for interim relief and office report)

CONTEMPT PETITION (C) NO. 147 OF 2013 IN
C.A. NO. 6415 OF 2004

Date: 07/01/2014

These Appeals/petition were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU

**HON'BLE MR. JUSTICE SUDHANSU JYOTI
MUKHOPADHAYA**

HON'BLE MR. JUSTICE C. NAGAPPAN

For Appellant(s) : Mr. Vivek K Tankha, Sr. Adv.* Mr. Mishra Saurabh, Adv.* Mr. K. Shukla, Adv.* **For Respondent(s) :** Mr. Nitin S Tambwekar, Adv.* Mr. B.S. Sai, Adv.* Mr. K. Rajeev, Adv.* Mr. Shanti Bhushan, Sr. Adv.* Mr. Prashant Bhushan, Adv.* Mr. Rohit K Singh, Adv.* Mr. Siddharth Seth, Adv.* Mr. Karthik Seth, Adv.* Ms. Manjeet Kirpal, Adv.* Mr. Akshat Shrivastava, Adv.* Mr. Siddharth Shrivastava, Adv.* Mr. Harmeet Ruprah, Adv.* For Ms. Manjeet Kirpal, Adv.* Mr. Chandar Shekhar Ashri, Adv.* Dr. Rajev Dhawn, Sr. Adv.* Ms. Rekha Pandey, Adv.* Mr. Shiv P. Pandey, Adv.* Mr. R.S. Nagar, Adv.* Mr. B.K. Satija, Adv.* Mr. Anil Kumar Jha, Adv.* Mr. Nikhil Nayyar, Adv.* Ms. Pratibha Jain, Adv.* Mr. Kuldeep Singh, Adv.* Mr. S. Ravi Shankar, Adv.* Mr. S.C. Birla, Adv.* Mr. Niraj Sharma, Adv.* Mr. Sumit Kumar Sharma, Adv.* Mrs. Sudha Gupta, Adv.* Mr. Sunil Kumar Jain, Adv.* Mr. Sarvesh Singh Baghel, Adv.* Mr. Rajesh, Adv.* Ms. Binu Tamta, Adv.* Ms. Sujata Kurdukar, Adv.* Mr. B.S. Banthia, Adv.* Mr. C.L. Sahu, Adv.* Mr. Sunil Kumar Jain, Adv.* Mr. Sanjay Jain, Adv.* Mr. Anip Sachthey, Adv.* Ms. Shagun Matta, Adv.* Mr. Mahabir Singh mangla, Adv.* Mr. Aakansha tiwari, Adv.* Mr. Praval Tripathi, Adv.* Mr. Shiv Sagar Tiwari, Adv.*

UPON hearing counsel the Court made the following

ORDER

C.A. No. 5597 of 2006 Delinked.

C.A. No. 6362 of 2004 The civil appeal is disposed of in terms of the signed order.

In rest of the matters All the matters are disposed of in the same terms, observations and directions as in Civil appeal No. 6362 of 2004.

All Applications are disposed of in terms of order passed in C.A. No. 6362 of 2004.

(Charanjeet Kaur)
Court Master

(Vinod Kulvi)
Asstt. Registrar

(Signed order is placed on the file)

ALL INDIA FEDERATION OF UNIVERSITY & COLLEGE TEACHERS' ORGANISATIONS

FEDCUTA met the Hon'ble Minister HRD Smt. SmIriti Zubin Irani and submitted a memorandum to her. She apprised the delegation about the steps taken by the Ministry on the setting up of the UGC Pay Review Committee, withdrawal of API, NET exemption of Ph.D, permanent appointments etc and the Minister assured positive action on all issues raised by teachers' representatives.

Six members delegation included Prof. Kesab Bhattacharya, President, Prof. Arun Kumar, General Secretary, Prof. Asok Barman, former GS, Prof. D Kumar, Treasurer, Prof. Jagwant Singh, Vice President all from AIFUCTO and Prof. Nandita Narain, President FEDCUTA along with Dr Dharamveer Gandhi, MP, AAP. The delegation expressed thanks to the Hon'ble Minister for holding talks and also requested to continue this process in future also.

NEC Meeting on 15th March 2016 :

Next day on 15th March NEC meeting held in Hindi Bhawan. Members were very much happy and curious to know the details of the talk with HRD Minister. Prof. Arun Kumar, GS, AIFUCTO put the details of the talk held with the HRD Minister. NEC expressed satisfaction over the positive assurances given by the Hon'ble Minister Smt. Irani and thanked AIFUCTO leadership for breaking the ice.

AIFUCTO leadership called upon the teachers not to be restive only on the assurances of the govt. we should take wait & watch policy and decided to evaluate the situation in next NEC expected to be held in last June.

Decisions taken in NEC :

1. Every State Unit will write appraisal letter to HRD Minister for holding talk and positive assurances & demand to impement her assurance at the earliest. Letters from state to the Minister must be sent by speed post as well as through E mails cc to AIFUCTO.

2. To prepare a draft of Alternative Documents within a month and to take its approval from secretariat, then from NEC. On the basis of this approved drafts every state shall organize state level Seminar/Meetings on New Education Policy and will send finally their suggestions for publishing a final draft of Alternative policy.

3. Every state will generate struggle fund as call given by AIFUCTO and will deposit before next NEC. NEC appreciated & thanked Mizoram College Teachers' Association and Purvanchal Teachers' Association for sending a handsome amount in struggle fund.

4. NEC decided to form a small committee and prepare a documents for Pay Review Committee.

5. NEC invited proposal from States for next academic conference and also for next NEC expected to be held in last June this year.

6. Every state organization shall organize meetings and shall invite new leadership in them.

After lunch in a separate meeting of the alternative Draft Committee, two sub committees constituted for preparation of the documents.

1. Prof. Tapti Mukhopadaya - Convenor, Prof. Madhu Pranjape, Prof. D Kumar and Prof. Viveka nandan

2. Prof. Asok Barman, Convenor, Prof. Tarun Patra, Prof. Kesab Bhattacharya, Prof. Biswajeet Bhunya & Prof V P Singh

Committee for Pay Review:

1. Prof. Jagwant Singh, Convenor, Prof. Asok Barman, Prof. Jayagandhi and Prof. Arun Kumar Sinha

Many resolutions regarding attack on autonomy of univerites, democracy, tolerance, democratic movements etc moved by the various members of NEC and authorized secretariat to take decision on it.

Arun Kumar, GS, AIFUCTO

(AIFUCTO)

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CIRCULAR NO : 02/2015-16
DATED : 01.02.2016

Dear Friends,

Greetings to all the members of AIFUCTO. 28th Statutory Ambaji conference has given us a very big responsibility upon us. We have not only to carry over the great traditions of our organisation but also to maintain the historical role of AIFUCTO in the field of higher education across the country. You know well the education system in India, specially the higher education is passing through a crucial phase. Teachers in higher education sector are very much concern with the grave situations developing in this field and the fast changing scenario at central and states level are compelling teachers across the country to be ready and prepare themselves not only to face the challenges but also to protest for saving public funded education system in the country.

Friends, first meeting of new elected NEC was held on 28th Jan'2016 at Gandhi Peace Foundation, New Delhi with grand success. The new NEC of AIFUCTO expressed hearty thanks to all the members for their active support in holding NEC. A large number of state leaders/representatives with many former leaders were also present in the meeting. The meeting was presided by Prof. Kesav Bhattacharya, President, AIFUCTO.

The meeting first condoled the forced suicide of Rohith Vemula, a JRF research scholar in the university of Hyderabad exposes the sad discriminative condition that prevailing the campuses of higher education in India. The NEC also condemned the terrorist attack in Basha Khan University which claimed the lives of a teacher and no. of students in that university. Meeting expressed concerned over three women students of a private medical college in TamilNadu who committed suicide recently. NEC paid homage and respect to all of them by holding one minute silence.

Action /Movement Programme

The NEC decided to intensify our struggle to fulfil the following demands:

1. Immediately constitute UGC VII Pay Review Committee.

2. Grant MHRD approval of the UGC decisions on the 3rd Amendment of the UGC Regulations- 2010 and Amendment to PH.D Regulations-2009.

3. Ensure meeting of the Minister-HRD with AIFUCTO-FEDCUTA to discuss and resolve the long standing professional demands and fix an appointment for the same.

4. Scrap API.

5. Withdraw CBCS and Central University Bill, 2013.

6. Expedite promotions and filling of lakhs of vacant posts as per the GOI Reservation Policy for SC/ST/OBC/PWD to ensure access of inclusive quality higher education.

7. Resolve CPF-GPF issue and grant pension to all appointed before 1.1.1986 as per the GOI Policy. Withdraw New Pension Scheme-2004 and ensure regular pension to all.

8. Extend Dates for RC and OC Up to Dec 2015.
9. Grant UGC pay scales to all categories of teachers, librarians, DPEs & other academic staff
10. Resolve anomalies of Vith Pay Commission and ensure stepping -up.
11. Consult AIFUCTO-FEDCUTA and Other Teachers' Organizations on educational policies.
12. Stop commercialization of Higher Education& stop opening Higher Education to private foreign and domestic capital as per WTO/GATTS.

The action programmes are :-

1. All the affiliates shall organise one day programme at University level in the third/ fourth week of Feb'2016 in the form of Protest March or Massive Dharna. Each and every college/university unit must be made aware of anti-teacher and undemocratic attitudes of the govt. towards the education sector in general and higher education in particular.

2. State Level one day massive protest program on 29 Feb'2016 across the country exposing autocratic and apathetic attitude of the govt. The present govt. have respect to democratic movements and there is a complete break of tradition of regular dialogues with teachers democratic teachers organisations like AIFUCTO and FEDCUTA.

3. Regional Meeting and Seminars for involving grass root teachers.It is awareness program to our demands. We should expose the central govt.'s different steps and policies for commercialization&marketization of higher education as sailable commoditythrough WTO/GATT which is most dangerous and against the interest of public funded education. Teacher representatives should make aware of the present divisive, discriminative andintolerant policy of thecentral govt.Vice presidents, National Secretaries and Zonal Secretaries of the concerned region are given responsibilities for organising such meetings/seminars with consultation to the general secretary and president before 14th March' 2016.

4. Massive Dharna and Protest March on 14th March 2016 at JantarMantar in Delhi involving maximum number of teachers from every state.

5. Representatives /Teacher leaders in states have been requested to approach and convince maximum number of MPs irrespective of political parties for AIFUCTO demands and anti-teacher attitude of the govt.MPs should be requested to raise questions related to our different demands in parliament during budget session.

Contents of the letter to MPs & representation to HRD minister are being uploaded on AIFUCTO website for convenience.State unit may download & take print out for their purposes.

Committee for preparing alternative document on higher education policy:

In light of the continuous attack on higher education by corporate sectors and fascist forces to dismantle and downsizing our public funded education,promoting private education,destroying creative thought,critical studies &

quality,neglect of fundamental research. NEC resolved to constitute a 12 members committee to prepare an alternative documents on New Education Policy related to higher education.Members of committee are as follows:

1. President 2.General Secretary 3.Treasurer 4. Prof.Ashok Barman, Ex-GS 5.Prof.Tarun Patra,Ex-President 6.Prof. Tapoti Mukhapadhyay, Ex- Vice President 7.Prof. V P Singh Ex- National Secretary 8. .Prof. Jagwant Singh, Vice President 9.Prof. Vivekanandan, National Secretary 10.Prof.Biswajit Bhunyan, National Secretary 11.Prof. Sadanand Bhattacharya, Life member & Member of NEC, 12. Prof. Madhu Pranjepe, National Secretary.

General Secretary, AIFUCTO Prof. Arun Kumar will be the convenor the committee.

Committee has been given three months time to submit their report before NEC.

Struggle Fund :

Friends, you know that AIFUCTO has been in continuous struggle & took different forms of movements from last one year and eight months. After Ambaji conference we are on a critical juncture of our movements.We are going to lunch again our next phase of programs to build sufficient pressure on the govt. for positive results in coming future.The fund position is very poor.It seems difficult to go ahead without fund for future course of action.so NEC gave urgent call for struggle fund Rs100/- per teacher .Every state unit has been requested to send its contribution urgently.

Invitation of our Ex- President &General Secretary to NEC and Secretariat :

Friends we are fortunate enough that we have all types of cooperation & support from our former leaders. On demand from many members present in NEC and feeling their great contribution in AIFUCTO we decided to invite our former President Prof. TarunPatra& GS Prof. Asok Barman to our secretariat to take benefit of their long experiences in our organisation.We understand this is the need of the hour to have our two big leaders with us for strengthening our future course of action.

New Affiliation

The NEC approves the affiliation of Gauhati University Teachers' Association (GUTA) as a new affiliate of AIFUCTO. Gauhati University is one of the pioneers University of the country in the state sector. The joining of GUTA in AIFUCTO shall give a new dimension to our movement in Assam and entire North-East.

Best Wishes



(Arun Kumar)
General Secretary
Mobile: 09431617320

NUTA BULLETIN (Official Journal of NAGPUR UNIVERSITY TEACHERS' ASSOCIATION) **EDITOR :** Prof. Vivek S. Deshmukh, Balaji Society, Yavatmal 445 001. **PUBLISHER :** Prof. Vivek S. Deshmukh, Balaji Society, Yavatmal 445 001. Published at NUTA Bulletin Office, Shikshak Bhavan, Sant Gadge Baba Amravati University Campus, **Amravati- 444 602. PRINTED AT** Bokey Printers, Gandhi Nagar, Amravati. (M.S) **REGD NO. MAHBIL/2001/4448** Postal Registration No. ATI/RNP/078/2015-17 (Uploaded on www.nuta.in on 20.04.2016) Price : Rs. Five / Name of the Posting office : **R.M.S. Amravati.** Date of Posting : **01.05.2016**

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