

**MINUTES**

**of the General Body Meeting of  
NAGPUR UNIVERSITY TEACHERS' ASSOCIATION  
held at 12.00 noon on SUNDAY, the  
9th December, 2018 at  
Babaji Datey Kala ani Vanijya  
Mahavidyalaya, Yavatmal**

General Body of Nagpur University Teachers' Association met at 12.00 noon on Sunday, the 9th December, 2018 at Babaji Datey Kala ani Vanijya Mahavidyalaya, Yavatmal. Prof.P.B.Raghuwanshi President was in the chair. The membership numbers of the members present at the meeting are as follows :-

0044, 0048, 0058, 0091, 0389, 0432, 0433, 0557, 1121, 1122, 1177, 1213, 1406, 1540, 1624, 1792, 1948, 2149, 2335, 2352, 2375, 2414, 1439, 2867, 3006, 3087, 3234, 3238, 3240, 3299, 3300, 3304, 3341, 3432, 3449, 3471, 3487, 3520, 3621, 3631, 3674, 3750, 3775, 3809, 3835, 3880, 3894, 4036, 4076, 4170, 4334, 4337, 4346, 4437, 4444, 4484, 4492, 4579, 4807, 4808, 4876, 4878, 4911, 4953, 5049, 5085, 5193, 5232, 5277, 5283, 5289, 5297, 5326, 5327, 5369, 5370, 5385, 5500

Signed sheets of papers recording the attendance are included on pages 79 to 84 of and will form part of, the "BOOK OF ATTENDANCE" of General Body meetings.

Agenda of the General Body meeting was circulated on pages 125 to 129 of 2018 NUTA Bulletin.

**ITEM NO. 738 :****CONFIRMATION OF MINUTES :**

**CONFIRMED** the minutes of the General Body meeting of Nagpur University Teachers' Association held at 12.00 noon on Sunday, the 29th April, 2018 at Sardar Patel Mahavidyalaya, Chandrapur.

**Notes :-** (1) Copy of the minutes was Circulated on pages 33 to 40 of 2018 NUTA Bulletin.

(2) Corrections, if any, were invited in the copy of the Minutes of the General Body Meeting of Nagpur University Teachers' Association held at 12.00 noon on Sunday, the 29th April, 2018 at Sardar Patel Mahavidyalaya, Chandrapur, vide No. CIM/ 44 Dated 15.05.2018 published on page 39 of 2018 NUTA Bulletin. No correction was received.

**विषय क्रमांक ७३८ (१)****डॉ. एकनाथ कठाळे यांच्या दुःखद****निधनावहल शोकप्रस्ताव**

डॉ. एकनाथ कठाळे यांच्या दुःखद निधनावहल डॉ. अनिल ढगे यांनी मांडलेला पुढील शोकप्रस्ताव संमत करण्यात आला :-

महाराष्ट्रातील विद्यापीठीय व महाविद्यालयीन शिक्षक संघटनेचे ज्येष्ठ नेते डॉ. एकनाथ हरिभाऊ कठाळे यांचे दिनांक २ ऑक्टोबर २०१८ रोजी वयाच्या ७५ व्या वर्षी नागपूर येथे दुःखद निधन झाले. गेल्या काही महिन्यांपासून ते हृदयविकाराने आजारी होते. अत्यंत प्रतिकूल परिस्थितीत शिक्षण पूर्ण करून अल्पकाळ छोट्या-मोठ्या नोकऱ्या करून ते नागपूर जिल्ह्यातील हरिभाऊ आदमने कला व वाणिज्य महाविद्यालय, सावनेर येथे वाणिज्य विषयाचे अधिव्याख्याता म्हणून रुजू झाले व पुढे नागपूरच्या जी. एस. कॉमर्स कॉलेजमध्ये प्रदीर्घ सेवा देऊन २००३ मध्ये प्रपाठक पदावरून निवृत्त झाले होते.

सावनेर येथील महाविद्यालयात काम करित असतांना विभागातील अन्य महाविद्यालयातील प्राध्यापकांसमोर असलेले अनियमित वेतन, सेवाशाश्वतीचा अभाव इत्यादी प्रश्न त्यांच्या महाविद्यालयातही तेवढ्याच तीव्रतेने जाणवत असल्यामुळे डॉ. कठाळे नुटाच्या चळवळीकडे ओढले गेले व अखेरपर्यंत शिक्षक चळवळीत सक्रीय राहिले. पुढे संघटनेचे सहसचिव व नंतर सलग १७ वर्षे ते नुटाचे सचिव म्हणून कार्यरत होते. महाविद्यालयीन शिक्षकांच्या १९७५ नंतरच्या सर्वच संघर्षामध्ये ते सक्रीयपणे सहभागी होते. त्याशिवाय त्यांनी नागपूर विद्यापीठाच्या विधीसभा, कार्यकारी परिषद व विद्यापरिषद या प्राधिकारीर्णांवरही अनेक वर्षे कार्य केले होते. वाणिज्य विद्याशाखेचे अधिष्ठाता म्हणून त्यांनी केलेले काम उल्लेखनीय होते.

दिनांक १५ सप्टेंबर २००२ रोजी महाराष्ट्र प्राध्यापक महासंघाच्या आमसभेत त्यांची महासंघाचे अध्यक्ष म्हणून एकमताने निवड झाली होती. पुढे ७-८ वर्षे महासंघाचे अध्यक्ष व सरकार्यवाह या दोनही पदावरून त्यांनी महासंघाचे नेतृत्व केले. सन २००९ मध्ये सहाव्या वेतन आयोगासाठी झालेल्या संघर्षाच्या वेळी महासंघाचे सरचिटणीस या नात्याने त्यांनी उत्तम कामगिरी बजावली. महाराष्ट्र प्राध्यापक महासंघाचे अध्यक्ष व सरकार्यवाह या दोनही पदावरून नेतृत्व करणारे नागपूर विद्यापीठ शिक्षक संघाच्या नेतृत्वमंडळातील ते एकमेव नेते होते. डॉ.कठाळे यांच्या निधनाने एक उत्कृष्ट संघटक व धडाडीचा नेता संघटनेने गमावला असून त्यांच्या कुटुंबियांवरही मोठा आघात झाला आहे. त्यांच्या निधनावहल ही सभा तीव्र शोकसंवेदना व्यक्त करित आहे.

**विषय क्रमांक ७३८ (२)****प्राचार्य श्री. शंकरराव सांगळे यांच्या दुःखद****निधनावहल शोकप्रस्ताव**

प्राचार्य श्री. शंकरराव सांगळे यांच्या दुःखद निधनावहल प्रा. विवेक देशमुख यांनी मांडलेला पुढील शोकप्रस्ताव संमत करण्यात आला :-

महाराष्ट्र प्राध्यापक महासंघ आणि नुटाचे ज्येष्ठ नेते प्राचार्य शंकरराव ठकाजी सांगळे यांचे दिनांक ६ नोव्हेंबर २०१८ रोजी वयाच्या ७९ व्या वर्षी हृदयविकाराच्या तीव्र आघाताने दुःखद निधन झाले. बुलढाणा जिल्ह्यातील दुसरवीड येथे ११ सप्टेंबर १९४० रोजी त्यांचा जन्म झाला. यवतमाळ शहरातील नामांकित अशा अमोलकचंद महाविद्यालयात त्यांनी प्रथम राज्यशास्त्राचे प्राध्यापक म्हणून व नंतर प्राचार्य म्हणून काम केले. ते अत्यंत मनमिळावू, विद्यार्थीप्रिय समाजशील शिक्षक होते. 'राष्ट्रीय सेवा योजना' आणि 'नुटा' हे त्यांचे अत्यंत जिद्दाल्याचे विषय होते. संघटनेला ते 'आईची' उपमा देत असत. त्यांनी संघटनेच्या विविध पदांवर तसेच विद्यापीठाच्या विविध प्राधिकरणांवर काम केले होते. नुटा संघटनेचे यवतमाळ जिल्हा अध्यक्ष, नुटा बुलेटीनचे प्रकाशक आणि महाराष्ट्र प्राध्यापक महासंघाचे उपाध्यक्ष म्हणून त्यांनी उत्कृष्टपणे कार्य केले. संत गाडगेबाबा अमरावती विद्यापीठाच्या अभ्यास मंडळ, अधिसभेचे व परीक्षा मंडळाचे ते सदस्य होते. त्यांनी गृहविज्ञान विद्याशाखेचे अधिष्ठाता म्हणून उल्लेखनीय काम केले होते.

यवतमाळ शहरातील विविध शैक्षणिक, सामाजिक व सांस्कृतिक संस्थांशी त्यांचा निकटचा संबंध होता. आज्ञाद गणेश मंडळ, हनुमान व्यायाम प्रसारक मंडळ, जवाहरलाल दर्डा एज्युकेशन सोसायटी, विद्या प्रसारक मंडळ व सिनेकलावंत इत्यादी संस्थांमध्ये त्यांचा सक्रीय सहभाग असायचा. नाट्यक्षेत्र व पत्रकारितेच्या क्षेत्रातही त्यांनी आपल्या कर्तृत्वाचा ठसा उमटविला होता. 'देवकी नंदन गोपाला' आणि 'राघुमैना' इत्यादी चित्रपटांमध्ये त्यांनी भूमिका वठविल्या होत्या. सेवानिवृत्तीनंतर कित्येक वर्षे झाली असतांनाही त्यांचा संघटनेच्या कार्यातील सहभाग व उत्साह एखाद्या तरुण प्राध्यापकाला लाजवेल असा होता. संघटनेच्या प्रत्येक आंदोलनात अगदी सातव्या वेतन आयोगाच्या लढ्यात सुद्धा त्यांचा सक्रीय सहभाग वाखाणण्यासारखा होता. त्यांच्या आकस्मिक निधनामुळे संघटना एका सच्च्या कार्यकर्त्यास, कुशल संघटकास व धडाडीच्या नेत्यास मुकली आहे. त्यांच्या निधनामुळे संघटनेत निर्माण झालेली ही पोकळी कधीही भरून न निघणारी आहे. मृत्यूनंतरही आपला देह समाजाच्या भल्यासाठी उपयोगात यावा या उदात्त हेतूने त्यांनी देहदान करून समाजापुढे एक आदर्श निर्माण केला

आहे. त्यांच्या दुःखद निधनावद्दल ही सभा तीव्र शोकसंवेदना व्यक्त करित आहे.

**विषय क्रमांक ७३८ (३)**

**प्रा. हरिभाऊ हिवरे यांच्या दुःखद**

**निधनावद्दल शोकप्रस्ताव**

प्रा. हरिभाऊ हिवरे यांच्या दुःखद निधनावद्दल प्रा. अनिल राऊत यांनी मांडलेला पुढील शोकप्रस्ताव संमत करण्यात आला :-

प्रा. हरिभाऊ हिवरे यांचे दिनांक ६.६.२०१८ रोजी वयाच्या ८६ व्या वर्षी वृद्धापकाळामुळे निधन झाले. ते श्रीमती राधादेवी गोयनका महिला महाविद्यालय, अकोला येथे मराठी विभाग प्रमुख म्हणून कार्यरत होते. १९९३ साली ते सेवानिवृत्त झाले. त्यांनी शैक्षणिक, सामाजिक व राजकीय अशा तीनही क्षेत्रात

प्रामाणिकपणे कार्य करून लोकप्रियता मिळविली. विद्यापीठाच्या अभ्यास मंडळाचे सदस्य, सिनेट सदस्य व विद्वत सभा सदस्य म्हणून त्यांनी कार्य केले. ते विद्यापीठाच्या ८ व्या मराठी प्राध्यापक परिषदेचे अकोला येथे १९९४ साली स्वागताध्यक्ष होते, तर ९ व्या मराठी प्राध्यापक परिषदेचे मारेगाव येथे अध्यक्ष होते. नागपूर व अमरावती विद्यापीठांतर्गत सुरू झालेल्या राष्ट्रीय सेवा योजनेचे सुरुवातीपासूनच कार्यक्रम अधिकारी होते. तर १९८९ ते १९९३ पर्यंत नुटाचे जिल्हा सचिव म्हणून त्यांनी कार्य केले. विद्यापीठाने राबविलेल्या अनेक सामाजिक व प्रबोधनात्मक उपक्रमांचे ते जिल्हा प्रमुख होते. संपूर्ण जिल्हा साक्षरता अभियान, राष्ट्रीय कार्यात्मक साक्षरता अभियान, चेतना अभियान त्यांनी राबविले तसेच गाडगेबाबा व तुकडोजी महाराजांच्या विचारांचाही प्रसार केला. अनेक वर्षे ते विद्यापीठाच्या राष्ट्रीय सेवा योजनेच्या सल्लागार समितीवर होते. अकोला जिल्हा सर्वोदयाच्या कार्यातही त्यांनी भरपूर योगदान दिले व सचिव म्हणून अधिवेशनांचे

उच्च शिक्षण संचालनालयाच्या अधिपत्याखालील अशासकीय अनुदानित महाविद्यालयातील विविध पदवी व पदव्युत्तर पदवी अभ्यासक्रमांसाठी अभ्यागत/तासिका तत्वावरील अध्यापकांना प्रदान करावयाच्या मानधनाचे दर सुधारित करण्याबाबत...

**महाराष्ट्र शासन : उच्च व तंत्र शिक्षण विभाग,**

शासन निर्णय क्रमांक : संकीर्ण-२०१८/(१८५/१८)/मशि-३, : मंत्रालय विस्तार, मुंबई-४०० ०३२.

दिनांक : १४ नोव्हेंबर, २०१८

वाचा : शासननिर्णय, उच्च व तंत्र शिक्षण विभाग क्र. टीईडी-२००८/(१८३)/०८/तांशि-५, दिनांक ५ नोव्हेंबर, २००८

**प्रस्तावना**

उच्च व तंत्र शिक्षण विभागाच्या अखत्यारीतील उच्च शिक्षण संचालनालयाच्या अधिपत्याखालील पदवी व पदव्युत्तर अभ्यासक्रमांसाठी सैद्धांतिक, प्रात्यक्षिके इत्यादी कामांकरिता संदर्भाधीन शासन निर्णयान्वये अभ्यागत अध्यापकांचे मानधनाचे दर निश्चित करण्यात आले आहेत. संदर्भाधीन शासन निर्णयान्वये लागू करण्यात आलेले मानधनाचे दर सुधारित करण्याची बाब शासनाच्या विचाराधीन होती. याबाबत सर्वांगीण विचार करून खालीलप्रमाणे शासन निर्णय निर्गमित करण्यात येत आहे.

**शासन निर्णय**

उच्च व तंत्र शिक्षण विभागाच्या अखत्यारीतील उच्च शिक्षण संचालनालयाच्या अधिपत्याखालील अशासकीय अनुदानित महाविद्यालयांमध्ये विविध पदवी व पदव्युत्तर पदवी अभ्यासक्रमांसाठी नियुक्त करण्यात येणाऱ्या अभ्यागत/तासिका तत्वावरील अध्यापकांना प्रदान करावयाच्या मानधनाच्या दरात या शासन निर्णयाच्या दिनांकापासून पुढीलप्रमाणे सुधारणा करण्यास मान्यता देण्यात येत आहे.

अ. क्र.	अभ्यासक्रमाचा प्रकार	दिनांक ५.११.२००८ च्या शासन निर्णयान्वये अनुज्ञेय असलेले दर (प्रति तासाकरीता)		सुधारित दर (प्रति तासाकरीता)	
		सैद्धांतिक	प्रात्यक्षिके	सैद्धांतिक	प्रात्यक्षिके
१.	कला, वाणिज्य, विज्ञान (पदवी)	रु.३००/-	रु.१५०/-	रु.५००/-	रु.२००/-
२.	कला, वाणिज्य, विज्ञान (पदव्युत्तर)	रु.३००/-	रु.१५०/-	रु.६००/-	रु.२५०/-
३.	शिक्षणशास्त्र आणि शारीरिक शिक्षण (पदवी/पदव्युत्तर व्यावसायिक अभ्यासक्रम)	रु.३००/-	रु.१५०/-	रु.६००/-	रु.२५०/-
४.	विधि (पदवी/पदव्युत्तर व्यावसायिक अभ्यासक्रम)	रु.३००/-	रु.१५०/-	रु.६००/-	रु.२५०/-

२. वरील सुधारित दर पुढील अटीच्या अधिन राहून मंजूर करण्यात यावे:-

(१) तासिका तत्वावर अध्यापकांची नियुक्ती करण्यापूर्वी संस्थेतील संबंधित विद्याशाखेतील सर्व शिक्षकीय तसेच प्रशासकीय पदावर काम करणाऱ्या शिक्षकांना प्रमाणकानुसार शैक्षणिक भार देण्यात आला आहे याची खात्री करण्यात यावी.

(२) तासिका तत्वावरील अध्यापकांची नियुक्ती करण्यापूर्वी विभागीय सहसंचालक (उच्च शिक्षण) यांचे कार्यालयाकडून संबंधित विषयाचा कार्यभार तपासून ना-हरकत प्रमाणपत्र घेणे आवश्यक राहिल.

(३) एका पूर्णवेळ रिक्त पदाकरिता फक्त दोनच तासिका तत्वावरील अध्यापकांच्या नेमणुका करता येतील. एका अध्यापकाकडे जास्तीत जास्त ९ तासिकांचा कार्यभार सोपविता येईल.

(४) संस्थेने विद्यापीठ मान्यतेने जाहिरात देऊन विद्यापीठ अनुदान आयोग/शिखर संस्था/शासन यांनी वेळोवेळी विहित केलेली शैक्षणिक अर्हता व पात्रताधारक अध्यापकांची स्थानिक निवड समितीमार्फत निवड करावी. ज्यामध्ये संस्थाप्रमुख, प्राचार्य, विभागप्रमुख व एक बाह्य विषय तज्ज्ञ असावा.

(५) तासिका तत्वावरील अध्यापकांची एका शैक्षणिक वर्षासाठी जास्तीत जास्त ९ महिन्यांसाठी तात्पुरत्या स्वरूपात नियुक्ती करण्यात यावी व त्यास विद्यापीठाची मान्यता घेण्यात यावी. त्यानंतर ही नियुक्ती आपोआप संपुष्टात येईल.

(६) तासिका तत्वावरील नियुक्ती ही तात्पुरत्या स्वरूपातील नियुक्ती असल्याने त्यास नियमित सेवेचे कोणतेही हक्क प्राप्त होत नाहीत, त्यामुळे भविष्यात सेवेत कायम करण्याची मागणी/नियमित सेवेच्या कोणत्याही हक्काची मागणी करणार नाही, तसेच त्यास एकावेळी एकाच महाविद्यालयात काम करता येईल, असे हमीपत्र रु. १००/- स्टॅम्प पेपरवर संबंधित अध्यापकाकडून रुजू होते वेळी घेण्यात यावे.

(७) तासिका तत्वावरील कोणत्याही उमेदवारास एकाच महिन्यात त्याच्या दर्जाच्या अनुज्ञेय वेतनश्रेणीतील सुरुवातीच्या वेतनश्रेणीच्या रकमेपेक्षा जास्त मानधन दिले जाणार नाही याची जबाबदारी संबंधित महाविद्यालयाचे प्राचार्य/संस्थेचे संचालक तसेच सहसंचालक, उच्च शिक्षण यांची राहिल.

(८) तासिका तत्वावरील नियुक्त अध्यापकांना त्यांचे मानधन दरमहा नियमित स्वरूपात सेवार्थ/एचटीई सेवार्थ प्रणालीमार्फत अदा करण्यात यावे.

(९) महाविद्यालयात कार्यरत पूर्णवेळ अध्यापकांना तासिका तत्वावरील दिलेली अतिरिक्त नियुक्ती मान्य केली जाणार नाही अथवा मानधन मिळण्यास पात्र होणार नाही.

(१०) अभ्यागत निमंत्रित हे संबंधित अभ्यासक्रमाशी निगडित व्यवसायातील तज्ज्ञ व्यक्ती पुरते मर्यादित राहतील. अशा अनुभव संपन्न व्यक्तींना व्याख्यानासाठी पाचारण करण्यात यावे, मात्र त्यांना अभ्यास पूर्ण करण्याच्या दृष्टीने निमंत्रित करण्यात येऊ नये.

(११) प्रत्यक्ष उपलब्ध कार्यभार आणि तासिका तत्वावरील मानधन अदायगीबाबत काही अनियमितता आढळल्यास त्याची सर्वस्वी जबाबदारी ही संबंधित महाविद्यालयाचे प्राचार्य/संस्थेचे संचालक तसेच सहसंचालक, उच्च शिक्षण यांची राहिल.

३. सदर शासन निर्णय वित्त विभागाच्या अनौपचारिक संदर्भ क्र. ७०८/२०१८/व्यय-५, दि. १.९.२०१८ अन्वये प्राप्त सहमतीस अनुसरून निर्गमित करण्यात येत आहे.

सदर शासन निर्णय महाराष्ट्र शासनाच्या [www.maharashtra.gov.in](http://www.maharashtra.gov.in) या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा संकेतांक २०१८१११४१२२९३९०५०८ असा आहे. हा आदेश डिजिटल स्वाक्षरीने साक्षात्कृत करून काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

(हे.पं.वाविस्कर)

कार्यासन अधिकारी, महाराष्ट्र शासन

आयोजन केले. सहकार क्षेत्रातही त्यांनी भरीव योगदान दिले असून समाजाभिमुख व सृजनशिल व्यक्ती म्हणून त्यांचा लौकिक होता. अकोला जिल्हा मराठा मंडळाचे सचिव, अकोला जिल्हा मध्यवर्ती सहकारी बँकेचे संचालक, श्री. राजेश्वर सहकारी पतसंस्थेचे अध्यक्ष, भारतीय जनसेवा शिक्षण प्रसारक मंडळाचे संस्थापक अध्यक्ष, संत गाडगेबाबा पशुखाद्य निर्माण सहकारी संस्थेचे अध्यक्ष, केळीवेळी सखाराम महाराज शिक्षण संस्थेचे उपाध्यक्ष, केळीवेळी सार्वजनिक वाचनालयाचे संस्थापक म्हणून त्यांनी कार्य केले. संपादक म्हणून त्यांनी विधानपरिषदेचे विरोधी पक्ष नेते स्व. दे.मा.कराळे गौरव ग्रंथ, हनुमान क्रीडा मंडळ केळीवेळी येथील 'वज्रदेही' स्मरणिकेचे संपादन, विद्यापीठाच्या 'युवा झुंज' व रामकृष्ण विवेकानंद सेवा मंडळाच्या 'स्मृतीपुष्प' इत्यादीचे त्यांनी संपादक म्हणून कार्य केले. अकोला जिल्ह्यातील भारतीय शेतकरी कामगार पक्षाचे ते सक्रीय ज्येष्ठ कार्यकर्ते होते, तसेच मध्यवर्ती समिती मुंबईचे ते सदस्य होते. बोरगांव मंजू मतदार संघातून १९८६ साली पुलोद तर्फे निवडणूकही लढविली होती. त्यांनी 'गाडगेबाबा विचारधन' व 'राष्ट्रीय सेवा योजना -

स्वरूप व कार्य' ही दोन पुस्तके लिहील असून त्यांचा 'सांगाती' हा गौरव ग्रंथ २०१६ मध्ये प्रकाशित झाला आहे. त्यांच्या दुःखद निधनावद्दल ही सभा तीव्र शोकसंवेदना व्यक्त करित आहेत.

**विषय क्रमांक ७३८ (४)**

**प्रा. डॉ. रविंद्र जगताप यांच्या दुःखद**

**निधनावद्दल शोकप्रस्ताव**

**प्रा. डॉ. रविंद्र जगताप** यांच्या दुःखद निधनावद्दल प्रा. सतेश्वर मोरे यांनी मांडलेला पुढील शोकप्रस्ताव **संमत करण्यात आला :-**

शिवाजी विद्यापीठ शिक्षक संघटनेचे युवा सदस्य आणि २५ सप्टेंबर २०१८ पासून काम बंद आंदोलनात सहभागी असलेले आंदोलक प्रा.डॉ.रविंद्र जगताप यांना दिनांक ९ ऑक्टोबर २०१८ रोजी संघटनेने आयोजित केलेला मोर्चा संपल्यानंतर अचानक हृदय विकाराचा तीव्र झटका आला आणि त्यातच त्यांचे दुःखद निधन झाले. ते केवळ ४६ वर्षांचे होते. त्यांच्या निधनाने त्यांच्या कुटुंबातीलच नव्हे तर शिक्षक परिवारातील एक अत्यंत दिलदार, तेवढ्याच कृतीशिल आणि निष्ठावान लढवय्या तरुण सैनिक हरवला आहे. प्रा.डॉ.रविंद्र धर्मू जगताप रा. वडुथ जि.सातारा हे यशवंतराव चव्हाण विज्ञान महाविद्यालयात गणित या विषयाचे प्राध्यापक होते. शिक्षक संघटनेच्या आंदोलनात सातत्याने सहभागी असणारे आणि तेवढ्याच हिरिरीने संघटनेसाठी राबणारे ते एक निष्ठावान सहकारी होते.

पदवी आणि पदव्युत्तर परीक्षांमध्ये गुणवत्तेने उत्तीर्ण होऊन, त्यांनी सेट ही प्राध्यापकांच्या नियुक्तीसाठी असणारी पात्रता परीक्षा पास केली होती. गणित या विषयात संशोधन करून आचार्य पदवी प्राप्त केलेले, आपल्या विषयात तज्ञ असलेले एक विद्यार्थीप्रिय प्राध्यापक म्हणून त्यांचा शैक्षणिक क्षेत्रात लौकिक होता. प्रा.डॉ.रविंद्र जगताप यांच्या निधनाने एक उमदा तरुण माणूस, गुणवत्ताधारक तज्ज्ञ प्राध्यापक, विद्यार्थीप्रिय शिक्षक व संघटनेचा एक लढाऊ सैनिक आपण गमावलेला आहे. त्यांच्या निधनावद्दल ही सभा तीव्र शोकसंवेदना व्यक्त करित आहे.

**विषय क्रमांक ७३८ (५)**

**प्रा. डॉ. रामदास प्र. इंगळे यांच्या दुःखद**

**निधनावद्दल शोकप्रस्ताव**

**प्रा. डॉ. रामदास प्र. इंगळे** यांच्या दुःखद निधनावद्दल डॉ. सुभाष गावंडे यांनी मांडलेला पुढील शोकप्रस्ताव **संमत करण्यात आला :-**

राजस्थान आर्य महाविद्यालय, वाशिम येथील मराठी विषयाचे सहयोगी प्राध्यापक डॉ. रामदास प्र. इंगळे यांचे दिनांक २१ जानेवारी २०१८ रोजी सकाळी ११.२० वाजता दीर्घ आजाराने निधन झाले. मृत्यूसमयी त्यांचे वय ५२ वर्षे होते. डॉ. रामदास प्र. इंगळे हे गेले २२ वर्षे राजस्थान आर्य महाविद्यालयात अध्यापनाचे कार्य करित होते. ते नुटा संघटनेचे सक्रीय सदस्य होते. तसेच वाशिम जिल्हा नुटा संघटनेचे कार्यकारिणी सदस्य होते. २०१२ ते २०१७ या दरम्यान संत गाडगेबाबा अमरावती विद्यापीठ मराठी वाणिज्य अभ्यास मंडळाचे ते सदस्य होते. त्यांच्या निधनावद्दल ही सभा तीव्र शोकसंवेदना व्यक्त करित आहे.

शोकप्रस्ताव मांडणाऱ्या सदस्यांनी आपल्या भावना व्यक्त केल्या. सभाध्यक्षांनी सुद्धा आपल्या भावना व्यक्त केल्या. **सभेने दोन मिनिटे स्तब्ध उभे राहून दिवंगत सदस्यांना आपली आदरांजली वाहिली.** संमत केलेल्या शोकप्रस्तावाची प्रत संघटनेच्या वतीने सचिव शोकाकुल कुटुंबियांकडे पाठवतील असे सभाध्यक्षांनी सांगितले.

**ITEM NO. 739 :**

**APPROVAL TO THE AUDITED STATEMENTS :**

**CONSIDERED and APPROVED** the Audited Balance Sheet and Income and Expenditure Account of the Association for the year ended on 31st March, 2018.

**Notes :** (i) The copy of the Audited Balance Sheet and Income and Expenditure Account of the Association for the said Financial year was circulated on page 128 & 129 of 2018 NUTA Bulletin.

(ii) The Audited Balance Sheet and Income and Expenditure Account were placed before the General Body by Dr. Prakash Tayade, Treasurer, on behalf of the Executive Committee.

Most Immediate : : No. F.1-1/2018-U.II

**Government of India : Ministry of Human Resource Development**

**Department of Higher Education : New Delhi, 26th July, 2018**

( This was printed on page 138 of 2018 NUTA Bulletin Format-IV is now printed )

**FORMAT-IV**

There are certain conditions of the Scheme dated 24.07.2018 and UGC Pay Regulations 2018 which need to be confirmed by the respective State Governments before release of Central Share can be recommended. State Governments may please furnish the requisite information as under :-

**SI. No. : Condition : Status of implementation by the State Government : Remarks**

(i) The Scheme allows State Government to introduce Scales of Pay higher than these mentioned in the Scheme. In such cases, Central assistance shall be restricted to the Scheme of pay scales as approved by the Central Government. It needs to be confirmed whether the claim made is in accordance with this principle.

If higher pay scales have been provided, please indicate the comparative variation in the pay scales, average pay fixed etc and quote the amount involved.

(ii) Fixation of pay in each category of posts is to be done in accordance with the guidelines given in the revised pay rules notified by this Ministry for teachers in universities and colleges and the fixation formula circulated subsequently.

It may be confirmed if the pay fixation has been done as per CS(RP) rules. The model/illustrative average fixation done for each category of posts may be indicated and quote the amount of category wise that has been incurred/involved.

(iii) No allowance or pension is admissible for reimbursement. Only revised pay is admissible. This needs to be confirmed.

Confirmed - Yes/No

(iv) The State Governments cannot offer a lower pay package than prescribed by this Ministry and make claim for central assistance.

Please confirm that the pay package offered by the State Government is not lower than the package contained in Scheme dated 31.12.2008

(v) Whether the State Governments have already disbursed the salary based on revised pay scales.

If yes, details thereof may be provided. If not, action proposed to be taken in this regard may be indicated in the Status col. Please indicate the amount involved.

(vi) Whether any changes were required to be made in their statutes, ordinances, rules etc. to incorporate the provisions of the Central Scheme and if yes, whether that has been carried out.

Please furnish a list of statutes, ordinances, rules etc which were required to be changed and also enclose a copy of each of the relevant statutes, ordinances, rules etc.



**ITEM NO. 740 :  
STATEMENT ON FIXED SECURITIES  
POSITION :**

**NOTED** the Statement no. 29 showing the position of the Fixed Securities of the Association as on 31st March, 2018.

*Note : (i) Statement no. 29 regarding the fixed securities of the Association as on 31st March, 2018 was circulated on page 130 of 2018 NUTA Bulletin. (ii) The Statement showing the position of the Fixed Securities of the Association as on 31st March, 2018, was placed before the General Body by Dr. Prakash Tayade, Treasurer, on behalf of the Executive Committee.*

**ITEM NO. 741 :  
ANNOUNCEMENT IN RESPECT OF  
CHANGE OF ADDRESS :**

**NOTED** the announcement in respect of Change of address : Acknowledgment No. 35.

*Notes : Announcement in respect of Change of address : Acknowledgment No. 35 was circulated on page 131 of 2018 NUTA Bulletin.*

*2) List No. 40 of Changed Addresses was hereinbefore circulated on pages 06 of 2018 Ex. file. List No. 40 contains*

*Sr.No. 1702 to 1719 of Changed Addresses.*

*3) Previous publication of change of addresses Acknowledgement in NUTA Bulletin : Change of Addresses Acknowledgement No. 34 was published on page no. 23 of 2018 NUTA Bulletin in respect of List No. 40 of Changed Addresses.*

**विषय क्रमांक ७४२ :  
रिक्त पदे भरण्यावरील निर्वध शिथील  
करण्याबाबतचा शासननिर्णय**

“उच्च शिक्षण संचालनालयाच्या अधिपत्याखालील मान्यताप्राप्त अशासकीय अनुदानित महाविद्यालयांमधील रिक्त पदे भरण्यावरील निर्वध शिथील करणेबाबत” या विषयावरील महाराष्ट्र शासनाच्या उच्च व तंत्र शिक्षण विभागाने निर्गमित केलेल्या दिनांक ३ नोव्हेंबर, २०१८ रोजीच्या शासननिर्णय क्रमांक : आढावा-१५१३/प्र.क्र.१२५/म.शि.५ ची नोंद घेण्यात आली.

*नोंद :- “उच्च शिक्षण संचालनालयाच्या अधिपत्याखालील मान्यताप्राप्त अशासकीय अनुदानित महाविद्यालयांमधील रिक्त पदे भरण्यावरील निर्वध शिथील करणेबाबत” या विषयावरील महाराष्ट्र शासनाच्या उच्च व तंत्र शिक्षण विभागाने निर्गमित केलेला दिनांक ३ नोव्हेंबर, २०१८ रोजीच्या शासननिर्णय क्रमांक : आढावा-१५१३/प्र.क्र.१२५/म.शि.५ सन २०१८ नुटा बुलेटीनच्या पृष्ठ क्रमांक १३७ वर प्रसृत केलेला आहे.*

**Abolish NPS and reinstate Old Pension Scheme  
Resolution Adopted by Delhi Assembly**

Resolution adopted by the Legislative Assembly of NCT of Delhi to abolish National Pension System (NPS) and reinstate the Old Pension System in the interest of lakhs of Government Servants

**LEGISLATIVE ASSEMBLY SECRETARIAT**

NATIONAL CAPITAL TERRITORY OF DELHI  
Old Secretariat, Delhi – 110054

No.F.22(3)/Resolutions/2015/LAS-VI/Leg./Dated: 26/11/2018

To

(1) The Hon'ble Minister of Personnel, Public Grievances and Pensions Government of India North Block, New Delhi – 110 001

(2) The Hon'ble Deputy Chief Minister, Government of NCT of Delhi I.P. Estate, New Delhi – 110002

**Sub:** Resolution adopted by the Legislative Assembly of NCT of Delhi to call the attention of Hon'ble Deputy Chief Minister to abolish National Pension System (NPS) and reinstate the Old Pension System in the interest of lakhs of Government Servants'.

Sir,

The Legislative Assembly of the National Capital Territory of Delhi unanimously adopted the following resolution moved by Shri Ajay Dutt, Hon'ble Member of Legislative Assembly in its sitting held on 26/11/2018:

“The Legislative Assembly in its sitting on 26 November 2018 resolves that:

Taking note of the negative consequences of the anti-employee National Pension System (NPS) that is imposed on the Government Servants by the then NDA Government in 2004 and sustained by the UPA-I, UPA-II and NDA-II Governments, given that fact that, unlike the old pension scheme,

the NPS; does not give any guarantee to the employee either for assured returns on investments or for minimum pension,

does not provide for family pension or social security, does not provide for loan facility when in dire need,

does not provide for annual increments and hike in DA,

does not allow the employees to withdraw enough money from their own pension fund to meet their medical emergencies,

leaves the employees at the mercy of volatile markets and the forces that have notoriously being manipulating the markets,

imposes draconian restrictions on withdrawals from pension fund,

allows the insurance companies to exploit employees by way of forcing them to buy annuity for minimum of ten years even after retirement, and

runs contrary to the spirit of welfare state as enshrined in the Constitution.

Given the fact that the pro-people and welfare oriented Government of NCT of Delhi is strongly in favour of restoring the rights and privileges of its employees by way of replacing the NPS with the time tested old pension scheme.

**RESOLVESTO URGE UPON**

the Government of India to scrap the NPS with immediate effect and bring at once all the Government Servants working under the Government of NCT of Delhi under the old pension scheme and restore to them all the benefits of the old pension scheme wherein the fair and legislative pensions benefits are disbursed through the Constitutional Fund of India, so that the dedicated work force of the Government of NCT of Delhi and their families will be able to lead their lives with sense of security and dignity, and further resolves to urge upon the Government of India to restore the old pension scheme in place of NPS or the benefit of all the Government Servants working under the Government of India and also to activity encourage other States to follow this true welfare measure.”

Yours sincerely,  
(C.Velmurugan)  
Secretary (L.A.)

No.F.22(3)/Resolutions/2015/LAS-VI/Leg./2982

Dated: 27.11.2018

Copy for information and necessary action to: (1) Chief Secretary, Govt. of NCT of Delhi, Delhi. (2) Principal Secretary to Lt. Governor, Govt. of NCT of Delhi, Delhi. (3) Principal Secretary (Services), Govt. of NCT of Delhi, Delhi. (4) Additional Secretary to the Chief Minister, Govt. of NCT of Delhi, Delhi.

sd/- (Shnil Dutt Sharma)  
Deputy Secretary (Legislation)

विषय क्रमांक ७४३ :

**शासकीय कर्मचाऱ्यांना सातवा वेतन आयोग लागू करण्याबाबत शासननिर्णय**

“राज्य वेतन सुधारणा समिती, २०१७ (बक्षी समिती) च्या शिफारशीनुसार ७ व्या वेतन आयोगाच्या अंमलबजावणीस काही कारणास्तव विलंब झाला तर राज्य शासकीय व इतर पात्र कर्मचाऱ्यांना माहे जानेवारी, २०१९ पासून केंद्र शासनाच्या वेतननिश्चितीच्या सूत्रानुसार (२.५७ फिटमेंट फॅक्टर प्रमाणे) वेतन अदा करण्यास तत्त्वतः सहमती देण्यात येत आहे.” अशी तरतूद असलेल्या दिनांक : ६ ऑगस्ट, २०१८ रोजीच्या शासन निर्णय क्रमांक : मभवा-२०१७/प्र.क्र.११/सेवा-९ ची नोंद घेण्यात आली.

**नोट :-** दिनांक : ६ ऑगस्ट, २०१८ रोजीचा शासन निर्णय क्रमांक : मभवा-२०१७/प्र.क्र.११/सेवा-९ सन २०१८ च्या नुटा बुलेटीनच्या पृष्ठ १४० वर प्रसृत करण्यात आलेला आहे.

विषय क्रमांक ७४४ :

**महागाई भत्त्याच्या दरात दि. १ जानेवारी, २०१८ पासून सुधारणा**

राज्य शासकीय व इतर पात्र कर्मचाऱ्यांना मंजूर करण्यात येणाऱ्या महागाई भत्त्याच्या दरात दि. १ जानेवारी, २०१८ पासून सुधारणा करण्याबाबतच्या महाराष्ट्र शासनाच्या वित्त विभागाने दिनांक १६ ऑक्टोबर २०१८ रोजी निर्गमित केलेल्या शासन निर्णय क्रमांक : मभवा-२०१८/प्र.क्र.१८/सेवा-९ ची नोंद घेण्यात आली.

**नोट :-** राज्य शासकीय व इतर पात्र कर्मचाऱ्यांना मंजूर करण्यात येणाऱ्या महागाई भत्त्याच्या दरात दि. १ जानेवारी, २०१८ पासून सुधारणा करण्याबाबतच्या महाराष्ट्र शासनाच्या वित्त विभागाने दिनांक १६ ऑक्टोबर २०१८ रोजी निर्गमित केलेला शासन निर्णय क्रमांक : मभवा-२०१८/प्र.क्र.१८/सेवा-९ सन २०१८ च्या नुटा बुलेटीनच्या पृष्ठ १३४ वर प्रसृत करण्यात आलेला आहे.

**ITEM NO. 745 :**

**DEARNESS RELIEF ON PENSION/ FAMILY PENSION FROM 1ST JANUARY, 2017.**

**NOTED** the Government Resolution No.: DRP-2018/CR.75/SER-4 Dated 13 August, 2018 issued by the Finance

Department Government of Maharashtra regarding the payment of arrears of Dearness Allowance from the period from 1st January 2017 to 31st January 2018 to the pensioners/ Family pensioners.

**NOTE :-** The Government Resolution No.: DRP-2018/CR.75/SER-4 Dated 13 August, 2018 issued by the Finance Department Government of Maharashtra regarding the payment of arrears of Dearness Allowance from the period from 1st January 2017 to 31st January 2018 to the pensioners/ Family pensioners was circulated on page 131 of 2018 NUTA Bulletin.

**ITEM NO. 746 :**

**DEARNESS RELIEF ON PENSION/FAMILY PENSION 142% FROM 1ST JANUARY, 2018.**

**NOTED** the Government Resolution No.: DRP-2018/CR.252/SER-4 Dated 17 October, 2018 issued by the Finance Department Government of Maharashtra regarding Dearness Relief on Pension/Family Pension 142% from 1st January, 2018.

**NOTE :-** The Government Resolution No.: DRP-2018/CR.252/SER-4 Dated 17 October, 2018 issued by the Finance Department Government of Maharashtra regarding Dearness Relief on Pension/Family Pension 142% from 1st January, 2018 was circulated on page 135 of 2018 NUTA Bulletin.

विषय क्रमांक ७४७ :

**कार्यकारी मंडळातील रिक्त पदे भरणे**

(१) कार्यकारी मंडळाने दिनांक ४ नोव्हेंबर, २०१८ रोजीच्या बैठकीत विषय क्रमांक ५२ अन्वये मंजूर केलेला पुढील प्रस्ताव विचारात घेण्यात आला व संमत करण्यात आला. :-

“प्रा. डॉ. संजय देशमुख यांनी नुटाच्या कार्यकारी मंडळाच्या सदस्यत्वाचा राजीनामा दिल्यामुळे रिक्त झालेल्या जागी नुटाच्या घटनेतील खंड ५ (ब) मधील तरतुदीनुसार प्रा. विलास ठाकरे यांना कार्यकारी मंडळाचे सदस्य म्हणून स्वीकृत करावे असे ठरविण्यात येत आहे.”

**Note : (1) Article V (b) of the constitution of NUTA is as follows :- " b) Casual Vacancy : Vacancies on the Executive**

## महाराष्ट्र शासन : उच्च व तंत्र शिक्षण विभाग

शासन निर्णय क्रमांक : न्यायाप्र - २०१७/प्र.क्र. ३१६/१७/विशि-१ : मादाम कामा मार्ग, हुतात्मा राजगुरु चौक,

मंत्रालय, मुंबई - ४०० ०३२ : दिनांक : २४ एप्रिल २०१८

**प्रस्तावना**

शिवाजी विद्यापीठ शिक्षक संघटना (सुटा) यांनी मा. उच्च न्यायालय, मुंबई येथे याचिका क्रमांक ८२५६/२०११ दाखल करून दि. १.१.२००६ ते २७.२.२००९ या कालावधीत सेवानिवृत्त झालेल्या कर्मचाऱ्यांना २० वर्षांच्या अर्हताकारी सेवेवर सेवानिवृत्तीच्या शेवटच्या १० महिन्यांत अर्जित केलेल्या सरासरी वेतनाच्या किंवा शेवटच्या महिन्यात घेतलेल्या वेतनाच्या ५० टक्के यांपैकी जी रक्कम कर्मचाऱ्यास लाभदायक ठरले, ते सेवानिवृत्ती वेतन मिळण्याची मागणी केली आहे. मा.उच्च न्यायालयाने सदर मागणी दि. १३.१०.२०१४ च्या आदेशान्वये मान्य केली आहे. याचिकाकर्ते यांनी मा.उच्च न्यायालयाच्या सदरहू आदेशाची अंमलबजावणी न झाल्याच्या कारणास्तव अवमान याचिका क्र. ४१७/२०१६ दाखल केली आहे.

२. मा. उच्च न्यायालय, खंडपीठ औरंगाबाद येथे दाखल असलेल्या समान विषयाच्या याचिका क्र. ८९८५/२०११, क्र. ८९०८/२०११, क्र. १३५/२०१२, क्र. ८७३४/२०११, क्र. १३२/२०१२, क्र. ३९३४/२०१३ मध्ये दि. ९ मे २०१४ रोजी दिलेल्या आदेशाविरुद्ध राज्यशासनाने मा.सर्वोच्च न्यायालयात विशेष अनुमती याचिका क्र. ६१८६-६१९१/२०१५ (एसएलपी (सी) क्र. १३१४०-१३१५१/२०१५) दाखल केलेल्या होत्या. सदर विशेष अनुमती याचिका मा.सर्वोच्च न्यायालयाने दि. ११.१०.२०१७ रोजी निर्णय देऊन फेटाळल्या आहेत. सदर निर्णयाचे पुनर्विलोकन करण्यासाठी राज्यशासनाकडून मा.सर्वोच्च न्यायालयात पुनर्विलोकन याचिका डायरी क्र. ३६२२०/२०१७, ३६२२७/२०१७, ३६९९६/२०१७ (पुनर्विलोकन याचिका क्र. ४६०-४१७/२०१८) दाखल करण्यात आल्या होत्या. सदरहू पुनर्विलोकन याचिकादेखील मा.सर्वोच्च न्यायालयाने दि. २२ फेब्रुवारी, २०१८ रोजी निर्णय देऊन फेटाळलेल्या आहेत.

वर नमूद केल्याप्रमाणे मा.उच्च न्यायालय, मुंबई यांनी याचिका क्र.

८२५६/२०१३ मध्ये दि. १३ ऑक्टोबर २०१४ रोजी दिलेल्या आदेशाचे अनुपालन करणे आवश्यक आहे.

**शासन निर्णय**

याचिका क्र. ८२५६/२०१३ मध्ये मा. उच्च न्यायालयाने दिनांक १३.१०.२०१४ रोजी दिलेल्या आदेशानुसार शासननिर्णय, वित्त विभाग क्र. : वेपुर ७२०९/प्र.क्र. २०/सेवा-९, दि. २७ फेब्रुवारी, २००९ मधील सेवानिवृत्तीवेतना संदर्भातील तरतुदीनुसार दि. १.१.२००६ ते दि. २६.०२.२००९ या कालावधीतील सेवानिवृत्त याचिकाकर्त्यांचे (याचिका क्र. ८२५६/२०१३ मधील) सेवानिवृत्तीवेतन सुधारित करून फरकासह सेवानिवृत्तीवेतनाच्या लाभाची रक्कम अदा करण्यास खालील अटीच्या अधीन राहून शासन मान्यता देत आहे.

(१) दिनांक १.१.२००६ ते दिनांक २६.२.२००९ या कालावधीत सेवानिवृत्त झालेल्या याचिकाकर्त्यांचे सेवाविषयक तपशील तपासून, पात्र ठरणाऱ्या याचिकाकर्त्यांना देय ठरणाऱ्या रकमेची अचूक परिगणना करून त्यानुसार विहित प्रस्ताव महालेखापाल यांच्याकडे पाठविण्याची कार्यवाही संबंधित विभागीय सहसंचालक, उच्च शिक्षण यांनी तत्काळ करावी.

सदर शासन निर्णय मा.उच्च न्यायालय, मुंबई यांनी याचिका क्र. ८२५६/२०१३ मध्ये दि. १३.१०.२०१४ रोजी दिलेल्या आदेशानुसार व वित्त विभागाच्या अनौपचारिक संदर्भ क्र. ७३/१८, सेवा-४, दि. २३.०४.२०१८ अन्वये दिलेल्या सहमतीनुसार निर्गमित करण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने

सही /-

(विजय सावळे)

अवर सचिव, महाराष्ट्र शासन

Committee shall be filled up by the Executive Committee by Co-option from among the members of the Association. Such co-opted member shall hold office till the next annual General Body meeting."

(२) यापूर्वी आमसभेच्या दिनांक १ मे २००९ रोजी झालेल्या बैठकीत विषय क्रमांक २९३ अन्वये पुढील प्रमाणे निर्णय घेण्यात आला होता. :- **विषय क्रमांक २९३ : कार्यकारी मंडळातील रिक्त पदे भरणे** : नुटाच्या कार्यकारी मंडळाने दिनांक १ मे, २००९ रोजीच्या बैठकीत विषय क्रमांक ४७ अन्वये मंजूर केलेला पुढील प्रस्ताव विचारात घेण्यात आला व **संमत करण्यात आला**:-

"डॉ. अरुण सातपूतळे यांनी नुटाच्या उपाध्यक्ष पदाचा राजीनामा दिल्यामुळे रिक्त झालेल्या उपाध्यक्षपदी (नागपूर) नुटाच्या घटनेतील खंड ५ (ब) मधील तरतुदीनुसार प्रा. अनिल ढगे यांना उपाध्यक्ष म्हणून तसेच प्रा. अनिल ढगे यांच्या सहसचिव पदाच्या रिक्त झालेल्या जागेवर प्रा. व्ही.वी.ढोणे यांना सहसचिव म्हणून स्वीकृत करावे असे ठरविण्यात येत आहे."

**ITEM NO. 748 :  
HIGH COURT JUDGMENT**

**NOTED** the High Court Judgment dated 3rd OCTOBER, 2018 in W.P. No. 13166 of 2017 in the case of Shri Maruti Dattatraya Patil..Petitioner Vs. The State of Maharashtra and ors...Respondents

*Note :- The High Court Judgment dated 3rd OCTOBER, 2018 in W.P. No. 13166 of 2017 in the case of Shri Maruti Dattatraya Patil..Petitioner Vs. The State of Maharashtra and ors...Respondents was circulated on page 120 of 2018 NUTA Bulletin.*

**ITEM NO. 749 :  
HIGH COURT JUDGMENT**

**NOTED** the High Court Judgment dated 19th OCTOBER, 2018 in W.P. No. 1219 of 2017 in the case of Rekha Naresh Pulekar ..Petitioner **VERSUS** Shree Shiv Shahu Mahavidyalay, Sharud, Taluka Shahuwadi, District Kolhapur and others ..Respondents

*Note :- The High Court Judgment dated 19th OCTOBER, 2018 in W.P. No. 1219 of 2017 in the case of Rekha Naresh Pulekar..Petitioner **VERSUS** Shree Shiv Shahu Mahavidyalay, Sharud, Taluka Shahuwadi, District Kolhapur and others ..Respondents was circulated on page 137 of 2018 NUTA Bulletin.*

**विषय क्रमांक ७५० :  
महागाई भत्याची थकवाकी  
अदा करणेबाबत**

"राज्य शासकीय व इतर पात्र कर्मचाऱ्यांना दि. १ जानेवारी, २०१८ ते दि. ३० सप्टेंबर, २०१८ या कालावधीतील महागाई भत्याची थकवाकी देण्याबाबत" या विषयावरील महाराष्ट्र शासनाच्या वित्त विभागाने दिनांक २९ ऑक्टोबर, २०१८ रोजी निर्गमित केलेल्या शासननिर्णय क्रमांक : मभवा-२०१८/प्र.क्र.१८/सेवा-९ ची नोंद घेण्यात आली.

No.CIM/ 45 : : Date 15.12.2018

**CORRECTION**

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

Copy of the Minutes of the General Body Meeting of NAGPUR UNIVERSITY TEACHERS' ASSOCIATION held at 12.00 noon on Sunday, the 9th December, 2018 at Babaji Datey Kala ani Vanijya Mahavidyalaya, Yavatmal is circulated in this NUTA Bulletin.

If you propose to suggest any correction to the Minutes, it may be pointed out to the Secretary (Dr.Vilas Dhone Secretary, NUTA 14, Samruddhi Nagar, Sewagram Road, Wardha-442 001) by letter within 10 days from the date of posting of this Bulletin.

It will not be possible for the corrections received after the due date to be included in the List of corrections for consideration. Please send one copy of your letter to Prof. P. B. Raghuvanshi, President NUTA, Buty Plot, Near Mahajan Wadi, Rajapeth, Amravati. 444 601.

- Dr.Vilas Dhone Secretary

**नोट :-** "राज्य शासकीय व इतर पात्र कर्मचाऱ्यांना दि. १ जानेवारी, २०१८ ते दि. ३० सप्टेंबर, २०१८ या कालावधीतील महागाई भत्याची थकवाकी देण्याबाबत" या विषयावरील महाराष्ट्र शासनाच्या वित्त विभागाने दिनांक २९ ऑक्टोबर, २०१८ रोजी निर्गमित केलेला शासननिर्णय क्रमांक : मभवा-२०१८/प्र.क्र.१८/सेवा-९ सन २०१८ नुटा बुलेटीनच्या पृष्ठ क्रमांक १३८ वर प्रसृत केलेला आहे.

**ITEM NO. 751 :  
PAYMENT OF ARREARS OF  
DA TO PENSIONERS**

**NOTED** the Government Resolution No.: DRP-2018/CR.252/SER-4 dated 29 October, 2018 regarding the payment of arrears of Dearness Allowance for the period from 1st January 2018 to 30th September 2018 to the pensioners/ Family pensioners.

*Note :- The Government Resolution No.: DRP-2018/CR.252/SER-4 dated 29 October, 2018 regarding the payment of arrears of Dearness Allowance for the period from 1st January 2018 to 30th September 2018 to the pensioners/ Family pensioners was circulated on page 133 of 2018 NUTA Bulletin.*

**विषय क्रमांक ७५२ :  
तासिका तत्वावरील अध्यापकांसाठी  
मानधनाचे सुधारित दर**

"उच्च शिक्षण संचालनालयाच्या अधिपत्याखालील अशासकीय अनुदानित महाविद्यालयातील विविध पदवी व पदव्युत्तर पदवी अभ्यासक्रमांसाठी अभ्यांगत/तासिका तत्वावरील अध्यापकांना प्रदान करावयाच्या मानधनाचे दर सुधारित करण्याबाबत..." या विषयावरील महाराष्ट्र शासनाच्या उच्च व तंत्र शिक्षण विभागाने निर्गमित केलेल्या दिनांक १४ नोव्हेंबर, २०१८ रोजीचा शासन निर्णय क्रमांक संकीर्ण-२०१८/(१८५/१८)/मशि-३ अध्यक्षांनी सभागृहासमोर ठेवला. सदरहू शासननिर्णयाची नोंद घेण्यात आली.

**नोट :-** "उच्च शिक्षण संचालनालयाच्या अधिपत्याखालील अशासकीय अनुदानित महाविद्यालयातील विविध पदवी व पदव्युत्तर पदवी अभ्यासक्रमांसाठी अभ्यांगत/तासिका तत्वावरील अध्यापकांना प्रदान करावयाच्या मानधनाचे दर सुधारित करण्याबाबत..." या विषयावरील महाराष्ट्र शासनाच्या उच्च व तंत्र शिक्षण विभागाने निर्गमित केलेला दिनांक १४ नोव्हेंबर, २०१८ रोजीचा शासन निर्णय क्रमांक संकीर्ण-२०१८/(१८५/१८)/मशि-३ आता सन २०१८ च्या नुटा बुलेटीनच्या पृष्ठ क्रमांक १४२ वर प्रसृत केलेला आहे.

**विषय क्रमांक ७५३ :  
नवीन पेन्शन योजना रद्दबादल करणे  
दिल्ली विधानसभेचा ठराव**

नवीन पेन्शन योजना रद्द करून जुनी पेन्शन योजना पुनर्स्थापित करण्याबाबत दिल्ली केंद्रशासित प्रदेशाच्या विधानसभेने दिनांक २६ नोव्हेंबर २०१८ रोजी संमत केलेला ठराव माहितीसाठी अध्यक्षांनी सभागृहासमोर ठेवला. उक्त ठरावाची नोंद घेण्यात आली.

**नोट :-** नवीन पेन्शन योजना रद्द करून जुनी पेन्शन योजना पुनर्स्थापित करण्याबाबत दिल्ली केंद्रशासित प्रदेशाच्या विधानसभेने दिनांक २६ नोव्हेंबर २०१८ रोजी संमत केलेला ठराव आता सन २०१८ च्या नुटा बुलेटीनच्या पृष्ठ क्रमांक १४४ वर प्रसृत केलेला आहे.

**विषय क्रमांक ७५४ :  
गणसंख्या :**

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

**विषय क्रमांक ७५५ :  
आभार**

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

स्वा / प्रा. पी. बी. रघुवंशी  
अध्यक्ष

स्वा / डॉ. विलास ढोणे  
सचिव

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# IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION SPECIAL LEAVE PETITION (CIVIL) NO.31222 OF 2018 (@ D.NO.39715 OF 2018)

**DR. BABLOO SINGH AND ORS. ...Petitioners**

**VERSUS**

**STATE OF U.P. AND ORS. ...Respondents**

WITH SPECIAL LEAVE PETITION (CIVIL) NO.31223 OF 2018 (@ D.NO.40201 OF 2018) (Amar Singh Goutam and Ors. vs. State of U.P. & Ors.) AND SPECIAL LEAVE PETITION (CIVIL) NO.31225 OF 2018 (@ D.NO.41516 OF 2018) (Ravinder Kumar & Ors. vs. State of U.P. & Ors.)

**ORDER : UDAY UMESH LALIT, J.**

**November 27, 2018**

**1.** Permission to file special leave petition granted in all matters. Heard Mr. Shekhar Naphade, Mr. Salman Khurshid and Mr. S.G. Hasnain, learned Senior Advocates in support of the petitions.

**2.** These petitions are directed against the order dated 10.10.2018 passed by a bench of five learned Judges of the High Court of Allahabad in Writ Petition No.51212 of 2010 and other connected matters turning down the reference made to a larger bench and directing that the concerned matters be placed before an appropriate court for disposal of writ petitions and other connected matters.

**3.** Two learned Judges of the High Court, finding themselves unable to agree with the view taken by another bench of two learned Judges in *Dr. Vishwajeet Singh and others. v. State of U.P. and others.*<sup>1</sup> (1 2009 (4) ADJ 373) as well as the view expressed by a Full Bench of the High Court in *Heera Lal v. State of U.P.*<sup>2</sup> (2 2010 (6) ADJ 1 (FB) ) formulated following questions to be considered and decided by a bench of more than three Judges.

*“1. Whether the rules of reservations under the U.P. Act No.4 of 1994 are applicable to appointment on the post of lecturers, by direct recruitment, in the aided postgraduate and undergraduate colleges in the State of UP, affiliated to the State Universities by clubbing all the vacancies as provided under Section 12(3) of the UP Higher Education Service Commission Act, 1980 subject-wise; or the vacancies have to be worked out for applicability of rules of reservation college-wise and subject-wise?”*

*2. Whether there has to be plurality posts in the cadre, for applying the rules of reservation, which means more than one; or there has to be at least five posts in the cadre for applying the rules of reservations?”*

*3. Whether the vacancies arising in any recruitment year under Rule 3(2) of UP Act No.4 of 1994 can be filled up separately even if they have not been advertised earlier, in that recruitment year or in the subsequent recruitment year, or such reserved vacancies have to be advertised at least once to be carried over for the recruitment in the same year or in the subsequent year?”*

*4. What is the meaning of the words ‘unfilled vacancies’ in Section 3(2) of UP Act No.4 of 1994?”*

*5. Whether Dr. Vishwajeet Singh’s case (supra) and the Full Bench decision in Heera Lal’s case (supra) have been correctly decided?”*

**4.** In *Dr. Vishwajeet Singh’s* case (supra), challenge was raised to an advertisement issued by the U.P. Higher Education Service Commission initiating selection process for filling-up 838 posts of lecturers in different subjects in various graduate/post-graduate colleges in the State of Uttar Pradesh. The selection process was described to be a special recruitment drive to clear carry forward and backlog vacancies of the reserved categories and all the posts were said to be reserved for Scheduled Castes, Scheduled Tribes and other backward classes. **Apart from the other questions raised in the matter, the clubbing of vacancies**

**by the Director of Education for the purpose of sending requisition to the Commission was specifically in issue.** The submission as recorded in *Dr. Vishwajeet Singh’s* case (supra) was as under:

*“... .. The clubbing of the vacancies by the Director of Education for the purpose of sending requisition to the Commission for advertisement may be permissible for the purpose of recruitment but the entire vacancies of Lecturers in different post-graduate colleges/graduate colleges cannot be treated to be one unit for applying the rules of reservation. The vacancies have to be advertised subject-wise, college-wise and the roster has to be applied subject-wise and college-wise. Neither the vacancies of Lecturer in different colleges can be clubbed nor the vacancies of Lecturers even in one college can be clubbed together for applying the roster. There is no common cadre of Lecturers in different colleges. The posts are sanctioned by the Director of Higher Education subject-wise, separately for each institution. There is no common cadre of Lecturer throughout the State.”*

**5.** In *Dr. Vishwajeet Singh’s* case (supra), questions 3, 4 and 5 were taken-up for consideration together. After considering provisions of UP Act No.4 of 1994 from paragraph 31 of the judgment, the discussion proceeded with framing a question as to **“what is a unit?” for applying the rules of reservation.** After discussion that the posts of lecturers which had been advertised were posts in different colleges affiliated to different universities in the States it was observed:

*“... .. As noted above, different institutions are separate entities and there being no common service of Lecturers throughout the State, the consolidated list required to be prepared under Section 12(3), is at best preparation of consolidated list of vacancies for the purpose of recruitment and cannot be treated as a unit for applying the reservation.”*

**6.** Analysing the matter in great detail, the Division Bench accepted the challenge and passed following directions in *Dr. Vishwajeet Singh’s* case (supra) :

*“(i) The advertisement No.37 dated 9.7.2003 insofar as it advertised 467 vacancies which arose up to 30.06.2003 due to death, resignation or retirement is quashed. However, the advertisement insofar as it advertises 371 carry forward vacancies which remained unfilled is maintained.*

*“(ii) The Director, Higher Education shall before declaring the result against 371 carry forward vacancies shall re-determine the number of vacancies against which select list be issued by applying reservation and roster subject-wise and college-wise. The declaration shall be confined only to those vacancies which were carry forward vacancies and were advertised earlier by advertisement No.29 and could not be filled-up. The Director may determine on the basis of records available with him or may call for any other reports or record from management or any other competent authority. The candidates whose names are included in the select list shall be given option to give fresh choice of the colleges as required by the second proviso to Section 12(4) which has become necessary in view of quashing the advertisement against 471 vacancies and direction issued by this order to the Director to redetermine the correct number of reserved vacancies out of carry forward vacancies against which select list is to be issued. The Director shall complete the aforesaid exercise within three months from the date of production of certified copy of this order and thereafter take appropriate steps for issuing recommendation for appointment*

in accordance with U.P. Higher Education Services Commission Act, 1980.

(iii) **The Director shall take steps for advertising 471 vacancies** which were covered by advertisement No.37 applying the rules of reservation and roster as per the above directions by taking necessary steps at an early date.

(iv) **The rules of reservation and roster shall be applied college-wise and subject-wise when there are plurality of posts as indicated above.**"

7. The aforesaid view taken by the Division Bench in **Dr. Vishwajeet Singh's** case (supra) was challenged before this Court. After grant of special leave to appeal, Civil Appeal Nos.6385-6396 of 2010 were dismissed by this Court on 19.01.2017 in following terms :

*"We have heard learned counsel for the parties at length.*

*We are in agreement with the view taken in the impugned judgment. The judgment of the High Court is accordingly affirmed.*

*The civil appeals are accordingly dismissed. No costs.*

*Pending applications, if any, shall also stand disposed of."*

8. It appears that in **Dr. Archana Mishra and others. v. State of U.P. and others.** (Writ Petition No.51212 of 2010), a doubt was raised as to the correctness of the decision of the Division Bench in **Dr. Vishwajeet Singh's** case (supra)

as well as the decision of the Full Bench in **Heera Lal's** case (supra) and, **therefore, the matters stood referred to the bench of five learned Judges of the High Court to consider five questions as referred hereinabove.**

9. In view of the fact that the decision of the Division Bench in **Dr. Vishwajeet Singh's** case (supra) was affirmed by this Court, the bench of five Judges considered whether the reference could be entertained by that bench. In the light of the law laid down by this Court in **Kunhayammed & others v. State of Kerala and another**<sup>3</sup> (3 (2006) 6 SCC 359) and **S. Shanmugavel Nadar v. State of Tamil Nadu**<sup>4</sup> (4 (2002) 8 SCC 361) the bench observed :

*"... .. The Supreme Court, while dismissing the appeal has clearly observed that it is in agreement with the view taken in Dr. Vishwajeet Singh and, accordingly, affirmed the same. There is thus a positive and unambiguous expression of approval of the said decision and, therefore, it cannot be said that the order of the High Court did not merge into the order of the supreme Court. Insofar as the case before us is concerned, it is clear from the order that the Supreme Court not only dismissed the Civil Appeals after granting leave but while doing so, clearly observed that it was in agreement with the view taken in the impugned judgment and, accordingly affirmed the judgment of this Court.*

xxx xxx xxx

**Our unequivocal answer therefore to the issue framed would be that the decision in Dr. Vishwajeet Singh stood duly affirmed by the Supreme Court. The terms of the order dated 19.01.2017 clearly establish that the said decision and the view taken by the Division Bench therein was specifically approved. The said decision consequently merged in the order of the Supreme Court. The order of the Supreme Court came to be rendered after grant of leave. Once the decision of this Court stood merged in the order of the Supreme Court, it would not be legally permissible for this Full Bench to consider the correctness or otherwise of Dr. Vishwajeet Singh. ... .."**

10. **The bench of five learned Judges found itself to be bound by the decision of this Court** in Civil Appeal Nos.6385-6386 of 2010 decided on 19.01.2017 and as such held that there was no occasion to rule on the reference. **The reference was accordingly turned down.**

11. Said order turning down the reference is presently under challenge.

12. **It is accepted by the learned counsel appearing for various petitioners that in Civil Appeal Nos.6385-6386 of 2010 questions were specifically raised regarding clubbing of all vacancies in various colleges under different universities in the State. It is, thus, accepted that the discussion and the reasoning of the Division Bench in Dr. Vishwajeet Singh's** case (supra) touching upon said issues including the applicability of the provisions of UP Act No.4 of 1994 definitely arose for consideration before this Court. However, an attempt has been made by the learned counsel to submit that certain aspects were not considered by the Division Bench in **Dr. Vishwajeet Singh's** case (supra) and thus could not arise in Civil Appeals before this Court and the matter may require fuller consideration.

13. We have anxiously considered the submissions and are unable to accept the contentions raised by the learned counsel. In our view, the questions as are sought to be raised now had already been considered in **Dr. Vishwajeet Singh's** case (supra) which view was approved in terms by this Court. **In the circumstances, the larger bench of five Judges of the High Court was right and justified in turning down the reference.** We, therefore, see no reason to entertain these special leave petitions, **which are accordingly dismissed.**

(Uday Umesh Lalit) J.

(R. Subhash Reddy) J.

New Delhi; : November 27, 2018

## UNIVERSITY GRANTS COMMISSION

Secretary

**PROF. RAJNISH JAIN,**

(Ministry of Human Resource Development, Govt. of India)

Bahadur Shah Zafar Marg, New Delhi-110002

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F.No.28-9/2018(PS/Misc.) 7th December, 2018

### PUBLIC NOTICE

**Sub :** Clarification regarding admissibility of non-compounded advance increments and benefit of number of years required for promotion under CAS for the candidates who have enrolled/registered/completed Ph.D. degree before 11th July, 2009.

The University Grants Commission has been receiving a number of queries from the Universities with regard to admissibility of non-compounded advance increments as well as benefit of number of years required for promotion under CAS to such Ph.D. holders, who have enrolled/registered/completed Ph.D degree before 11th July, 2009. The Commission at its meeting held on 14th November, 2018 considered the issue and approved that the non compounded advance increments to such Ph.D. degree holders shall be admissible along with benefit of number of years required for promotion if the following conditions are met :

- Ph.D degree of the candidate was awarded in regular mode only;
  - Evaluation of the Ph.D thesis by at least two external examiners;
  - Open Ph.D. viva voce of the candidate had been conducted;
  - Candidate has published two research papers from his/her Ph. D. work out of which at least one must be in a refereed Journal;
  - Candidate has made at least two presentations in conferences/seminars, based on his/her Ph.D. work
- (a) to (e) above are to be certified by the Vice-Chancellor/Pro-Vice-Chancellor/Dean(Academic Affairs)/Dean(University instructions).

This may be brought to the notice of the colleges under your purview.

(Rajnish Jain)



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

404, Devkunj Apartment, Road No :- 06, North Patel Nagar (Near Baba Chowk), P.O. :- Keshri Nagar, Patna-800024 :

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generalsecretary@gmail.com; Website : www.aifucto.org

(Regd. Under Act XXI of 1860)

**Circular No- 12- 2018/19****Date : 08.12.2018**

Dear Friends,

**WARM GREETINGS AND BEST WISHES.**

The XXXIst Academic conference of AIFUCTO ended with aplomb at the southernmost tip of India in Kanyakumari, Tamil Nadu. A well-attended conference like every year, the coming together of teachers from all over India, voicing their hopes, aspirations, concerns and fears about higher Indian education in general was a testimony of their unflinching support to AIFUCTO and teachers' movements in such hours when gloom and decadence characterise over all Indian socio-economic and political experiences.

**XXXI Academic Conference : 23rd Nov. - 25th Nov. 2018- KanyaKumari , TN**

The XXXI Academic Conference of AIFUCTO was held with much pomp and grandeur in the historic city of KanyaKumari, Tamil Nadu from 23rd Nov- 25th Nov 2018. It was a memorable occasion knightly organized by Joint Council of College Teachers (JACTO) comprising of TNGCTA, MUTA & AUT. Near around fifteen hundred University and College Teachers across the country participated in the conference. The inaugural function was heart touching. After a brief welcome address of Prof. S. Subbaraju, National Secretary AIFUCTO and President organizing committee, Prof. K. Murugan, Vice- Chancellor, Thiruvalluvar University, Vellore, released the souvenir and addressed the conference. He gave a very brief picture of present scenario in the field of higher education and appreciated the efforts of AIFUCTO to bring about reforms in this field. Prof. Rajiv Ray, President FEDCUTA & DUTA, Prof. Kesab Bhattacharya, President AIFUCTO and Prof. Dinesh Verashaney of DUTA addressed on the occasion. The distinguished speakers spoke on impending crisis in the field of education, neoliberal assault on education and attack on democratic ethos of our system. They all appealed for united struggle of all likeminded democratic and progressive forces to "save education, save campus, save nation". Prof. Arun Kumar, General Secretary AIFUCTO introduced the theme of the conference "**Towards Scientific and Equitable education for all**" and put the details of the three days programme. Prof. Rajiv Ray, President FEDCUTA & DUTA was given a rousing felicitation by the organizers. Sri T.K. Rangarajan, Member of Parliament (Rajya Sabha) in his inaugural address vividly presented the detail picture of the deep crisis in the field of education in India threatening the dreams of founding fathers of Indian constitution. He elaborately explained the disastrous impact of neoliberal economic policies pursued by Central Govt. since 1991 in all walks of life. He also called for a united programme of resistance by all democratic forces. Prof. R. Dhamocharan, General Secretary TNGCTA and Secretary organizing committee extended a cordial vote of thanks.

The business session started with the presentation of the General Secretary's report covering all aspects of education policy and present national and international situations, with AIFUCTO's organizational activities, future programme of action and task ahead. The members of AIFUCTO in large number actively took part in the discussions on General Secretary's report with their support and valuable suggestions. The first day programme ended with a Gala cultural programme entertaining profusely to the delegates after a daylong hectic intellectual exercise.

**National Seminar:**

On the occasion of 31st Academic Conference a national seminar on "**Education in India at cross roads: A critical**

**review**" was held on 24th Nov 2018. Prof. J. Gandhiraj, President AUT and Vice President AIFUCTO welcomed the distinguished panelists. Prof. M. Nagarajan, General Secretary MUTA introduced the theme of the seminar. Prof. A. James Williams, former President of AIFUCTO presided over the meeting and in his thought provoking address presented the serious crisis engulfing the present educational system and suggested a pro-people alternative. Prof. Surajit Mazumdar of JNU in his inaugural address hinted at the dynamics of negative economic development in India and explained its horrible impact on education. He said, as a consequence, the democratic space in our system is being seriously marginalized and threatened. Prof. Sudhansu Bhushan, Professor & HOD of Higher & Professional Education NUEPA, in his key-note address deliberated on some recent challenges of higher education and suggested a pragmatic approach towards reform. He also discussed on different implication of market based financing reform, technology best education policy and challenges of governance. Prof. A. Gopalkrishnan, Treasurer TNGCTA extended a vote of thanks.

In the first technical session Prof. T. Veeramani, President TNGCTA presided over the meeting. Prof. Anil Sadgopal, Chairman of All India Forum for Right to Education, Prof. Amiya Kumar Mohanty, Convener JFME, Prof. Hargopal of AIFRTE and Prof. P. Jayagandhi, Former National Secretary of AIFUCTO gave special address. All distinguished speakers stressed on a democratic, secular and scientific education as an alternative to the present neoliberal assault on education. They also championed the cause of upholding the educational values enshrined in the constitution and supported common school system. Prof. V. Ravi, Vice President of AIFUCTO gave the vote of thanks.

A good number scholarly papers on this themes on the seminar were presented by delegates. Prof. V. Swaminatham, former vice president AIFUCTO presided over the technical session and put forward his enlightened views.

**Business Session:**

Members of AIFUCTO in the business session on 24th and 25th Nov. 2018 discussed at length the general secretary report. While broadly pressing the general secretary for a comprehensive report, they also suggested certain addition and alternation in the report. More than sixty members participated in the deliberation. General Secretary AIFUCTO clarified all the doubts raised by the members in course of discussion. The reply of General Secretary was clarificative, explanatory as well as informative. In the absence of treasurer, who was on election duty, General Secretary presented the audited accounts statement. After exhaustive discussion, general secretary report, audited account statement, movement resolution and other resolutions were adopted. The business session also discussed the draft report submitted by the committee for the formation of women cell and decided to refer the matter to the AIFUCTO secretariat.

**Valedictory Session:**

The memorable academic conference came to a happy end in the heart touching valedictory function. Prof. C. Radhakrishnan, conference treasurer gave a the welcome address, Prof. Keshab Bhattacharya, and Prof. Arun Kumar, General Secretary of AIFUCTO in their concluding observations expressed gratitude to the organizers for the success of the conference. They also extended their gratitude to fraternal delegates for inspirational presence. They also appealed to all members to carry forward the message of

the conference to the grass root level and the prepared for a united struggle in the coming days. Prof. R. Dhamothoram, General Secretary TNGCTA and Secretary organizing committee extended a cordial vote of thanks to the delegates and expressed gratitude to all who have contributed to the grand success of the conference. The academic conference came to an end with spirited slogan by the members and singing of national anthem.

#### Life Members Meeting :

On 24th Nov, life members AIFUCTO under the presidentship of Prof. Ram Singh make and discussed on various issues. Prof. Kshab Bhattachray President AIFUCTO, Prof. Arun Kumar, General Secretary AIFUCTO, Prof. Partha Sarathy, General Secretary AIFRUCTO, Prof. Amiya Kumar Mohanty of FISE, Prof. Sadanand Bhattacharya and others participated in the discussion. Prof. Arun Kumar in his speech assured the life members to have closer coordination with them as well as with the leadership of AIFRUCTO on all matters including united struggle. He also assured them to cover the views of life member and activities of AIRFUCTO in the Teachers Movement. Prof. Sadananda Bhattacharya extended a vote of thanks and appealed for concerted effort to strengthen AIFUCTO and AIFRUCTO.

#### Gratitude :

On behalf of AIFUCTO, extend my sincere thanks to

the JAC of TNGCTA, MUTA & AUT for their united effort to make the academic conference memorable. My special gratitude are due to Prof. S. Suba Raju, Prof. R. Dhomatharam, Prof. M. Nagarajan, Prof. A. James Williams, Prof. Partha Sarathy, Prof. A. Gopal Krishnan, Prof. T. Veeramani, Prof. V. Ravi, Prof. P. Jayagandhi, Prof. C. Radhankrishnan, Prof. A James William, Prof. V Swaminathan and their committee a fire brand members for unique exhibition of solidarity and hard work for the success of the conference.

I am also grateful to fraternal guest namely Prof. Rajiv Ray, President FEDCUTA & DUTA, Prof. Partha Sarathy General Secretary AIFRUCTO, Dr. Bhola Paswan, General Secretary AIFETO, Prof. Amiya Kumar Mohanty Convener, JFME for their gracious presence and enlightened speech on the occasion as a mark of solidarity and fraternity.

#### RESOLUTION MOVEMENT RESOLUTION

Prof. Madhu Paranjeppe former National Secretary AIFCUTO moved the movement resolution which was unanimously adopted.

This XXXI academic conference of AIEUCTO was held at Kanyakumari on November 23 to 25, 2018, notes with deep concern the:

i. Aggressive pursuit of reforms dictated by Neo-liberal policies of the central government across all sectors including

## UNIVERSITY GRANTS COMMISSION

Notification on

### Refund of Fees and Non-Retention of Original Certificates : October, 2018

#### 1. Introduction :

The Commission has notified University Grants Commission (Grievance Redressal) Regulations, 2012 on redressal of multifarious grievances of students. But given the sheer volume of the complaints regarding non-refund of fees and retention of original certificates by Higher Educational Institutions (HEI), the Commission felt the need to notify elaborate instructions so as to curb such malpractices and decided to issue appropriate instructions in the form of this Notification to all universities and other HEIs under the purview of the UGC.

#### 2. Objective :

To prohibit coercive and profiteering institutional practices in the matters related to refund of fees in case of withdrawal from the programme and retention of original certificates at the time of and / or after admission.

In exercise of powers conferred by Section 12 (d) read with Section 12(j) of the UGC Act, 1956, the UGC issues this Notification for adoption of standard operating procedures in the matters related to refund of fees in the event of student's withdrawal from the program and non-retention of certificates at the time of admission.

#### 3. Application and Enforcement

3.1. The instructions contained in this Notification shall be in supersession to its earlier Public Notice dated 23.04.2007 and its Notification dated 16th December, 2016. It shall be applicable to Undergraduate, Postgraduate and Research Programs run by universities included under Section 2 (f) of UGC Act, together with all colleges under their affiliating domain and institutions declared as deemed to be universities under Section 3 of the UGC Act.

3.2 The provisions contained in this Notification shall come into force with immediate effect and shall have regulatory force on extant as well as future grievances over issues and matters covered herein.

#### 4. Specific provisions for Mandatory compliance by HEIs:

The Commission herewith lays down specific provisions and consequent mandatory compliance on the issues related to:

(1) Refund of fees by the institution concerned in the event of the withdrawal from the programme by a student; and

(2) Verification and non-retention of academic and personal certificates of student;

For any complaint in respect of (1) & (2) above, the grievance redressal mechanism as prescribed under UGC (Grievance Redressal) Regulations, 2012, shall be followed.

#### 4.1 Refund of Fees

4.1.1 No HEI shall make it mandatory for applicants to purchase the institutional prospectus at any time during the course of the programme of study. Purchasing prospectus shall be the personal choice of the applicant and he/she shall have rights to decide against it in case he/she wishes to access the information from the institutional website. As laid down in the Right to Information Act, 2005, and reiterated in the UGC Guidelines on Students' Entitlement, all HEIs shall disclose on their website and prospectus information regarding the status of the institution, its affiliation, accreditation status, physical assets and amenities, course-wise sanctioned intake of students, various types of fees payable for different programmes, total fees payable for an entire programme, last date of admission, details of faculty, members of governing bodies and minutes of the meetings of bodies like Academic/Executive Council, sources of income, the financial situation and any other information about its functioning, necessary for an applicant to make a fully informed choice.

4.1.2 HEIs shall charge fees in advance only for the semester/year in which a student is to engage in academic activities. Collecting advance fees for the entire programme of study or for more than one semester/year in which a student is enrolled is strictly prohibited.

4.1.3 If a student chooses to withdraw from the programme of study in which he/she is enrolled, the institution concerned shall follow the following five-tier system for the refund of fees\* remitted by the student.

(S. No) : **Percentage of Refund offees\*** : *Point of time when notice of withdrawal of admission is received in the HEI*

education in general, and Higher Education in particular;

ii. Deepening of privatization and commercialization starting with self financing Institutions, autonomous colleges, private Universities and special education zones, most recent being regulations on Graded Autonomy and the Institutions of Eminence;

iii. Adverse impact of "Performance Based" funding by RUSA instead of need-based funding by UGC on the right to higher education of weaker sections - girl students, SC, ST and OBC, rural persons, jeopardizing principle of equity and inclusive education. Expansion of education is also curbed due to stipulation that only universities with A+ grade can offer education by Distance Mode;

iv. Public funded Institutions, especially colleges, are deprived of crucial infrastructure funds from RUSA, as NAAC accreditation is mandatory - only Rs.2233 crores (43% of sanctioned Central share) was distributed by RUSA, at the end of 12th plan;

v. Serious attempt to shift from "Grants" to 'Loans' is seen in the establishment of HEFA – effort to give the final blow by dismantling UGC and replacing with HECI was thwarted by the intervention of democratic forces;

vi. Cutting down the central assistance to 50% for 39 months instead of 80% for 60 months has adversely affected uniform and simultaneous implementation of 7th Pay revision in all the states;

vii. Slashing of funding is also affecting quality education due to non recruitment of regular teachers - nearly 50% of the posts in the higher education Institutions (HEIs) are vacant;

viii. The vacant posts are mostly filled with Adhoc teachers working as contractual / part-time I guest teachers on hourly basis, with very meagre remuneration - in fact below minimum wages;

ix. Working condition of teachers in self financing institutions is equally deplorable due to violation of all service conditions and non-payment of regular salary;

x. Teaching-learning process in HEIs is scuttled due to thrusting of semester pattern and CBCS;

xi. Various regulations introduced hurriedly are adversely affecting research in multiple ways - also violating the spirit of concurrent status of Higher Education and violating the autonomy of state universities and state legislatures;

xii. Democratic, secular, egalitarian and scientific education is under attack. This is manifestation of wider design under WTO-GATS to convert education, a public good, into In the light of the above, this conference resolves to build a strong democratic movement of teachers for demanding the following:

a. 10% of the GDP should be allocated for education in view of the expansion of Higher Education in the country

(1) **100%** : 15 days or more before the formally-notified last date of admission

(2) **90%** : Less than 15 days before the formally-notified last date of admission

(3) **80%** : 15 days or less after the formally-notified last date of admission

(4) **50%** : 30 days or less, but more than 15 days, after formally-notified last date of admission

(5) **00%** : More than 30 days after formally-notified last date of admission

**NOTE: \***

4.1.4 In case of (1) in the table above, the HEI concerned shall deduct an amount not more than 5% of the fees paid by the student, subject to a maximum of Rs. 5,000/- as processing charges from the refundable amount.

4.1.5 Fees shall be refunded by all HEIs to an eligible student within fifteen days from the date of receiving a written application from him/her in this regard.

#### **4.2 Verification and Non-retention of Students' Academic and Personal certificates**

4.2.1 No HEI shall insist upon a student to submit the original academic and personal certificates, like, mark-sheets, school leaving certificates and other such documents, at the time of submitting admission form, but the submission of self-attested copies thereof shall be mandatory.

4.2.2 HEIs shall physically verify the originals at the time of admission of the student in his/her presence and return them immediately after satisfying themselves about their authenticity, keeping the attested copies for their record.

4.2.3 The self-attested certificates of students shall be held valid and authentic by institution concerned and/or the affiliating university for all purposes and administrative requirements and should there be a need for physical verification at any time during the course of the programme of study, such verification shall be undertaken and the original certificates thus used for verification shall be returned immediately to the student concerned.

4.2.4 Taking the certificates into institutional custody under any circumstance or pretext is strictly prohibited.

4.2.5 In case of any suspicion over the authenticity or genuineness of a certificate, reference may be made to university or the Board which issued the certificate to the student and the admission be subjected to the authentication, but original certificate shall not be retained by the HEI under any circumstance.

#### **4.3 Grievance Redressal Mechanism (GRM)**

4.3.1 All HEIs shall mandatorily have a "Grievance Redressal Mechanism" (GRM) as mandated by UGC (Grievance Redressal) Regulations, 2012, as amended from time to time, to address and effectively resolve complaints, representations and grievances related to any of the issues mentioned in this Notification.

4.3.2 The GRM shall be available on HEI website.

4.3.3 HEIs shall ensure that all grievances received are addressed as deemed fit within 30 days.

#### **5. Punitive Actions by Commission against defaulting HEIs**

The Commission, in respect of any HEI which contravenes or fails to comply with the provisions of this Notification, shall proceed to take one or more of the following actions, namely:-

(a) withdrawal of declaration of fitness to receive grants under Section 12B of the UGC Act, 1956;

(b) withholding any grant allocated to the HEI;

(c) declaring the HEI ineligible for consideration for any assistance under any of the general or special assistance programs of the Commission;

(d) informing the general public, including potential candidates for admission, through a notice displayed prominently in the newspapers or other suitable media and posted on the website of the Commission, about the non-compliance by the HEI concerned;

(e) recommend to the affiliating university for withdrawal of affiliation, in case of a college / institute;

(f) recommend to the Central Government for withdrawal of declaration as Institution deemed to be university, in case of an institution deemed to be university;

(g) recommend to the appropriate State Government for appropriate necessary action in case of a university established or incorporated under a State Act;

(h) taking such other action within its powers as the Commission may deem fit.

Provided that no action shall be taken by the Commission under this Notification unless the HEI has been given an adequate opportunity of being heard.

**(Rajnish Jain)**

Secretary



and for strengthening the public funded education system. That should not be any kind of cut in the budgetary allocation for education.

b. The centre must provide 100% assistance to the states for uniform and the simultaneous implementation of 7th UGC pay scales across the country.

c. The Ad-hoc / part time / contractual / block grant teachers should be given pay scales on regular basis with service conditions on the basis of the principle of equal pay for equal work as per the judgements of the apex court.

d. The new pension scheme should be rejected and the old pension scheme should be implemented to provide social security to the Employees after retirement.

e. All the vacant posts should be filled on regular basis. The contractualization of Higher Education must stop.

f. Governments at the Centre and states should introduce strict regulations for Regular payment of salary in self-financing institutions.

g. HEFA and Graded Autonomy must be withdrawn as it will lead to privatization and commercialization of Higher Education.”<sup>1</sup>

h. Government should start dialogue with all stakeholders for developing a new education policy based on the principles of democracy, secularism, equity and scientific temper.

#### **PEOPLES MARCH PROGRAMME- 19TH FEBRUARY 2019**

##### **Programme of Action of Joint Forum for Movement on Education (JFME)**

The conference resolves to widen and strengthen the joint forum for movement on education (JFME) to :

i. Strengthen public funded education system of the country

ii. Promote scientific rational and constitutional values at all levels of education

iii. Reverse communalization in education by promoting secular values at all levels of education

iv. Defeat the design of neo-liberal policy in the field of education.

**The conference further resolves to mobilize all stakeholders from kg to PG to participate in a huge “Peoples March” on 19th February, 2019 at New Delhi.**

##### **Support to Trade Union Movement:**

The Conference also resolves to offer moral and active support to the nationwide strike called by the All India Trade Unions Joint Action Committee (TUJAC) on January 8-9, 2019 throughout the country.

#### **OTHER RESOLUTION**

##### **Organizational Matters :**

a. Increase of subscription (membership)

Resolved to increase subscription (membership) Rs. 20/- per member per year with effect from 2019-20.

b. Resolved to digitalize the publication of Teachers Movement and to have a new website of AIFUCTO. The task is entrusted to Prof. Kesab Bhattacharya President and Prof. Binayak Bhattacharya National Secretary AIFUCTO.

c. Women Cell :

For effective functioning of AIFUCTO with a larger participation of women in organizational activities, it has been resolved to discuss in details the report of the drafting committee for constitutional provision. The drafting committee suggested:

i. Constitutional provision in AIFUCTO should be made for women cell.

ii. All members of women cell should be nominated in NEC of AIFUCTO.

iii. Representation of women cell in the AIFUCTO Secretariat.

The above suggestion will be discussed in the secretariat and NEC of AIFUCTO in future.

##### **Independent Teachers Movement :**

AIFUCTO will observed **one day All India cease work program** on the issues of **“Equal Pay for Equal Work”**. Details including the date will be decided by the AIFUCTO secretariat and communicated to the affiliates.

##### **Support to Teachers Movement of States :**

###### **1. Tamil Nadu :**

Resolved to extend support to the proposed strike from 4th December 2018 by JACTTO- JEO for restoration of old pension scheme for all.

###### **2. Odisha :**

Resolved to extend support and intervene in the agitation of 60,000/- employees and teachers of Odisha on the question of service conditions for block grant teachers. Further resolved to support the demand of all Odisha Non-Govt. College Teachers Association for extension for UGC scales of pay and the demands of Joint Council of Action of university and college teachers of the state for the implementation of 7<sup>th</sup> UGC pay revision.

##### **Resolution on Kerala :**

There has been serious abortive attempt in Kerala to scuttle democratic temper as well as cohesive social progress. Teachers and activist are being threatened and attack for their rational and scientific views. It is a matter of deep it regrets and AIFUCTO condemns the heinous attack on Prof. Sunil. P ilayadiah, a teacher and well known scholar of Sankaracharya Sanskrit University for his progressive views and demands stringent action against the culprit.

##### **Resolution on Engineering Colleges :**

1. Resolved to urge AICTE to bring out its gazette on 7th pay scale as per UGC notification.

2. Resolved that attempt to push model syllabus to all technical institution and universities without considering regional requirements and autonomy is highly condemnable. Further attempt of AICTE to introduce unscientific approach under the name of induction programme for the students and making it compulsory from coming academic year is not appreciated by AIFUCTO and request the govt. to reconsider the matter.

3. It is also resolved that wider discussion and inputs are required to give common credit system rather than giving rigid structure and model not suitable for CBCS.

##### **Resolution on Conduct of SLET / NET :**

Resolved that UGC must conduct SLET / NET examination in the subjects of Botany, Zoology, Micro Biology and Bio Technology separately, not a common subject of life science.

#### **GREETINGS FOR NEW YEAR 2019**

On my behalf and on behalf of AIFUCTO I extend you the best wishes and warm greetings for the New year 2019. Let the new year bring among us more unity, solidarity and fraternity to face the challenges of coming days. Let us all hope that new year 2019 will fulfill our dream of a scientific, secular and democratic education system and a new environment in our country.

With warm regards,

**(Prof.Kesab Bhattacharya)**

**President**

**(Prof.Arun Kumar)**

**General Secretary**

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY : NAGPUR BENCH, NAGPUR  
**WRIT PETITION NO.4048 OF 2013**

Maharashtra Association of Social Work Educators, Sai Sukh Apratim Colony, Jail Road, Camp, Amravati, through its Vice President Dilip Barahate. ... Petitioner **VERSUS** (1) The State of Maharashtra, through Secretary, Department of Social Justice and Special Assistance, Mantralaya, Mumbai 400 032. (2) The State of Maharashtra, through Secretary, Department of Finance, Mantralaya, Mumbai 400 032. (3) Commissioner, Social Welfare, State of Maharashtra, having its office at 3, Church Road, Pune 1.... Respondents Shri P.D. Meghe, Advocate for Petitioner. Shri N.S. Rao, Assistant Government Pleader for Respondents.

**CORAM : R.K. DESHPANDE & M.G. GIRATKAR, JJ.**

**DATE OF RESERVING THE JUDGMENT : 30.11.2017 : DATE OF PRONOUNCING THE JUDGMENT : 5.12.2017**

**JUDGMENT (Per : R.K. DESHPANDE, J.) :**

**1. This petition is filed by the Association of teachers and nonteaching employees** working in the aided Colleges of Social Work in the State of Maharashtra claiming a relief of declaration that the Government Resolution dated 8.3.2011 be declared as illegal to the extent it denies the arrears of payscales of the Sixth Pay Commission to the nonteaching employees in the aided Colleges of Social Work for the period from 1.1.2006 to 31.3.2010. **It further claims a direction to the respondents to release the arrears arising out of the revision as per the Sixth Pay Commission for the period from 1.1.2006 to 31.3.2010.**

**2.** The pay scales of teachers and nonteaching employees working in the aided Colleges affiliated to NonAgricultural Universities were revised as per the recommendations of the Sixth Pay Commission with effect from 1.12.006. Accordingly, a notification was issued by the Higher and Technical Education Department of the State Government on 7.10.2009 publishing the Maharashtra NonAgricultural Universities Standard Code (Revision of Pay of NonTeaching Employees) Rules, 2009, brought into force with effect from 1.1.2006. Rule 16 under the said Rules deals with the entitlement of the nonteaching employees in the aided nonGovernment Colleges affiliated to NonAgricultural Universities to the arrears of the difference in their pay from 1.1.2006 to 31.3.2009 arising

out of revision in the scale of pay with effect from 1.1.2006. The nonteaching employees working in the aided nonGovernment Colleges of Social Work in the State of Maharashtra also expected that they would be getting the arrears arising out of the revision of pay scales with effect from 1.1.2006 till 31.3.2009.

**3.** The Department of Social Justice and Special Assistance in the Government of Maharashtra issued a resolution dated 8.3.2011 making the revision in the scale of pay as recommended by the Sixth Pay Commission applicable to the nonteaching employees working in the nonGovernment aided Colleges of Social Work in the State of Maharashtra subject to two conditions (i) that their pay in the revised scale shall be fixed notionally with effect from 1.1.2006, i.e. the date from which the pay scales recommended by the Sixth Pay Commission were implemented, and (ii) **that they would not be entitled to arrears of difference arising out of the revised pay scales for the period from 1.1.2006 to 31.3.2010.** It is clarified in the said Government Resolution that the revised pay would be actually payable to the nonteaching employees with effect from 1.4.2010.

**4. The challenge is to the denial of arrears of difference arising out of revised pay scales for the period from 1.1.2006 to 31.3.2010.** The case of the petitioner is that this amounts to providing discriminatory treatment to deprive the nonteaching employees in aided Colleges of Social Work, their legitimate claim for arrears of difference arising out of the revision of pay scales, and it violates the guarantee of such employees contained in Article 14 of the Constitution of India. It is specifically averred in the petition that the nonteaching employees in Matru Sewa Sangh Institute of Social Work at Nagpur, which is also an aided College affiliated to NonAgricultural University, were paid the arrears of difference arising out of the revision of pay scales from 1.1.2006. However, the nonteaching employees in other Colleges of Social Work run on grantinaid basis are denied the equal treatment.

**5.** The claim made in the petition is denied by the respondents by filing their common affidavit dated 2162014. The stand taken in the affidavit in paras 3, 4, 5, 7 and 8 is reproduced below :

*“3. It is submitted that by Government Notification High Education Department dated 7.10.2009 thereby making 6th Pay Commission applicable to all non teaching employees of Government aided college under the Higher Education Department. It is submitted that the Respondent no.1 issued resolution dated 8.3.2011 to grant revised Pay scale as per 6th Pay Commission to the non teaching employees of Social work colleges which are run on grant in aid basis. **It is submitted in respect of the financial matters Social Justice and Special Assistance Department and Higher Education Department have their independent policies.**”*

*“4. It is submitted that, the proposal for extending benefit of 6th pay commission to teaching and non teaching employees of Social Welfare College running under Social Justice and Special Assistance Department was submitted before Finance Department, Mantralaya, Mumbai for approval by Respondent no.1. After perusing the proposal, Finance*

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
 NAGPUR BENCH, NAGPUR.  
 WRIT PETITION NO. 7519/2018**

(Anudanit Ayurved or Unani Mahavidyalaya Shikshaketar Karmarchari Sanstha, Pune Vs.State of Maharashtra & ors.)

Shri P. D. Meghe, Advocate for petitioner. Shri N. R. Patil, Assistant Government Pleader for respondent Nos. 1 & 2.

**CORAM : R.K.DESHPANDE &  
 VINAY JOSHI, JJ.  
 DATE : 30.11.2018.**

The claim in this petition for arrears as per 6th Pay Commission for the period from 01.01.2006 to 31.03.2010 which are denied by the Government Resolution dated 24.07.2010. Hence, the same is subject matter of challenge in this petition. Placing reliance upon the decision of the Division Bench of this Court rendered in *Writ Petition No. 4048/2013 (Maharashtra Association of Social Work Educator Vs. The State of Maharashtra and ors.)* delivered on 05.12.2017, it is the contention raised that the members of the petitioner Sanstha are also nonteaching employees in aided affiliated Ayurved College governed by standard Code, hence no discriminatory treatment can be practiced upon them to deny the arrears arising out of revision. It is also informed that the decision in Writ Petition No. 4048/2013 has been implemented by issuing Government Resolution.

Issue notice to the to the respondents returnable on 01.02.2019.

The learned Assistant Government Pleader waives service of notice to the respondent Nos. 1 and 2.

JUDGE

JUDGE



Department comes to the conclusion that, for payment of arrears as per 6th pay commission Rs.610.00 lakhs approximately only are required. By ascertaining the revised pay scale prescribed in Government Resolution, Finance Department has given remark that 6th pay commission is applicable from 1.1.2006 to non teaching employees of Social Welfare colleges and only to give notional fixation of pay benefit of pay scale is to be given from 1.4.2010. **It is also made it clear by Finance Department that arrears will not be admissible for the period 1.1.2006 to 31.3.2010.**"

"5. It is submitted that as per G.R. Dated 8.3.2011 actual benefit of pay scale as per 6th pay is to be given from 1.4.2010 and arrears from 1.1.2006 to 31.3.2010 are not made admissible hence extending benefit of 6th pay commission to the employees who have retired during 1.1.2006 to 31.1.2010 does not arise at all."

"7. ...

It is mentioned in Government Resolution dated 8.3.2011 that, the said G.R. is issued with the consent of the Finance Department."

"8. It is submitted that Matru Seva Sangh Institute of Social Work, Nagpur is under Higher Education Department. As stated in earlier para in the respect of financial matters Social Justice and Special Assistance Department and Higher Education Department have their independent policies."

6. It is a fact that there are several aided Colleges affiliated to twelve NonAgricultural Universities in the entire State of Maharashtra, including the Universities incorporated under Section 3 of the Maharashtra Universities Act ("the said Act"). All such Colleges are getting grantinaid from different Departments of the State Government, like Education and Employment, Higher and Technical Education, Social Justice, Cultural and Sports, Social Justice and Special Assistance, etc. Subsection (3) of Section 8 of the said Act being relevant, is reproduced below :

"8. Control of State Government and universities.

(3) The State Government may in accordance with the provisions contained in this Act, for the purpose of securing and maintaining uniform standards, by notification in the

## UNIVERSITY GRANTS COMMISSION

Secretary

**PROF. RAJNISH JAIN,**

(Ministry of Human Resource Development, Govt. of India)

Bahadur Shah Zafar Marg, New Delhi-110002

Ph.011-23236288/23239337 Fax : 011-2323 8858 E-mail : sacy.ugc@nic.in

D.O.No.F.2-16/2002(PS)Pt.f1.II

**DECEMBER 3, 2018**

Respected Sir/Madam,

A unique initiative of online professional development of in-service teachers' of higher education, using MOOCs platform SWAY AM-Annual Refresher Programme in Teaching (ARPIT) was launched by MHRD on 13th November, 2018. The ARPIT is 40 hour programme with 20 hours of video content offered in a highly flexible format which can be done at one's own pace and time. The programme has built-in assessment exercises and activities as part of the academic progression in the course. At the end of the course, there is a provision for terminal assessment which can be either online or written examination.

It has been decided by the UGC that successful completion of the courses offered under the ARPIT programme with 40 hour of instruction material with a proctored examination will be treated as equivalent to one Refresher Course for the purposes of Career Advancement.

This is for the information of all universities and colleges.

With regards,

Yours sincerely,

(Rajnish Jain)

To the Vice-Chancellors of all Universities

Official Gazette, prescribe a Standard Code providing for the classification, manner and mode of selection and appointment, absorption of teachers and employees rendered surplus, reservation of posts in favour of members of the Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes and Other Backward Classes, duties, workload, pay, allowances, postretirement benefits, other benefits, conduct and disciplinary matters and other conditions of service of the officers, teachers and other employees of the universities and the teachers and other employees in the affiliated colleges and recognised institutions (other than those managed and maintained by the State Government, Central Government and the local authorities). When such Code is prescribed, the provisions made in the Code shall prevail, and the provisions made in the Statutes, Ordinances, Regulations and Rules made under this Act, for matters included in the Code shall, to the extent to which they are inconsistent with the provisions of the Code, be invalid."

The aforesaid provision confers power upon the State Government to prescribe a 'Standard Code' by notification in the Official Gazette for the purpose of securing and maintaining uniform standards and providing for several matters stipulated therein, including pay, allowances and other terms and conditions of the teachers and other employees in the affiliated Colleges. It is made clear that upon issuance of such notification, the provisions made in the Code shall prevail and the other provisions made in the Statutes, Ordinances, Regulations and Rules made under the said Act, for matters included in the Code shall, to the extent to which they are inconsistent with the provisions of the Code, be invalid.

**7. The provision of subsection (3) of Section 8 of the said Act, reproduced above, does not make any distinction between the Colleges functioning under the control and getting grants from the different Departments of the State Government.** The provision does not contemplate framing of multiple 'Standard Codes' by different Departments of the State Government to make separate provisions for the teaching and nonteaching employees working in the Colleges to which they provide the grantinaid. The power to frame a 'Standard Code' by issuing notification under subsection (3) of Section 8 of the said Act is exercised and completely exhausted by the Higher and Technical Education Department of the State Government thereby issuing notification dated 7.10.2009, leaving no scope for the other Departments, like Social Justice, Cultural and Sports or Social Justice and Special Assistance, to encroach upon the subject covered by such notification and to make any provision inconsistent with it in respect of the aided Colleges under their control.

8. Rule 2(1) of the 'Standard Code' stipulates that those Rules apply to the fulltime nonteaching employees of twelve specified NonAgricultural Universities and Affiliated NonGovernment Aided Colleges. Rule 16 of the 'Standard Code' deals with the payment of arrears arising out of revision of pay scales with effect from 112006 to all the employees eligible in terms of the provisions of the 'Standard Code'. Rule 17 deals with the overriding effect of the Rules and it states " Barring unless otherwise providing for in these Rules in cases where pay has been regulated as per the Rules, the provisions in the Maharashtra NonAgricultural Universities and Affiliated Colleges Standard Code (Service and Conditions of the NonTeaching Employees) Rules, 1984 if inconsistent with these Rules, then would not apply up to that limit." **The rules under the 'Standard Code' nowhere provide for framing of different policies by the Departments in respect of the employees working in the Colleges getting grantinaid from them.**

**9. Neither the provision of subsection (3) of Section 8 of the said Act nor the 'Standard Code' brought into force with effect from 1.1.2006 by issuing notification dated 7.10.2009 makes any**



**distinction or reflects different policies in respect of the Colleges getting grantinaid from different Departments of the State Government.** The object and purpose of these provisions is to secure and maintain uniform standards and to provide for several matters stipulated therein, including pay, allowances and other terms and conditions of the teachers and other employees in the Colleges affiliated to twelve NonAgricultural Universities, as is stipulated in the 'Standard Code'. Thus, the object and purpose prohibits applying the different standards and different pay scales and terms and conditions of service of the teachers and other employees working in several aided Colleges affiliated to twelve NonAgricultural Universities in the State of Maharashtra. The provisions make it clear that anything inconsistent with the provisions of the 'Standard Code' shall be invalid.

**10.** The provision of Rule 16 in the 'Standard Code' makes all nonteaching employees working in the aided Colleges affiliated to NonAgricultural Universities in the State of Maharashtra to get the arrears arising out of revision of pay scales with effect from 1.1.2006. This confers a legal right upon the petitionernonteaching employees to receive such arrears with effect from 1.1.2006 arising out of implementation of the revised pay scales as per the recommendations of the Sixth Pay Commission, irrespective of the fact of the source of their grantinaid. **There cannot be a different policy of the Department of Social Justice and Special Assistance, in deviation of the policy published by way of 'Standard Code' in the notification dated 7102009 by the Higher and Technical Education Department of the State Government.** We, therefore, cannot sustain such a reasoning adopted by the State Government in the reply filed in response to the present petition.

**11.** Even otherwise, the nonteaching employees working in all the aided Colleges affiliated to the NonAgricultural Universities are governed by the same terms and conditions, as are prescribed in the 'Standard Code', their duties and responsibilities are the same, they form a single class and, therefore, no discriminatory treatment can be provided to them, as contemplated by the Government Resolution dated 8.3.2011 denying the benefit of arrears for the period from 1.1.2006 to 31.3.2010 to the nonteaching employees working in the aided Colleges of Social Work. **The source of grantinaid to create classification for providing discrimination becomes artificial having no nexus with the object of securing and maintaining uniform standard of education.** It, therefore, violates the guarantee of the nonteaching employees working in the aided Colleges of Social Work affiliated to the NonAgricultural Universities contained in Article 14 of the Constitution of India. The same cannot, therefore, be sustained.

**12.** It is not in dispute that nonteaching employees in Matru Sewa Sangh Institute of Social Works, Nagpur, conducting the courses in social work, like any other Colleges of Social Works and affiliated to NonAgricultural University, are getting arrears as per Rule 16 of the 'Standard Code' merely because it is getting grantinaid from the Department of Higher and Technical Education, but the nonteaching employees in other Colleges of Social Works are deprived of it on the ground that they are getting grantinaid from the Department of Social Works. **This is a micro classification not based upon any valid criteria having any nexus with the object sought to be achieved.** It is unreasonable and arbitrary, violating fundamental right under Article 14 of the Constitution of India of the nonteaching employees in the Colleges of Social Works getting grantinaid from the Social Works Department. It cannot be sustained.

**13.** We may point out at this stage that similar question arose before the Apex Court in Civil Appeal Nos.115-116 of 2017 (*Secretary, Mahatma Gandhi Mission and another v. Bhartiya Kamgar Sena*) decided on 5.1.2017.

Para 74 of the said decision being relevant, is reproduced below :

*"74. At the outset, it must be remembered that the 1999 Rules, which extended the 5th pay commission recommendations to the nonteaching staff of the affiliated colleges, did not make any distinction between the aided and unaided colleges. For the first time, that classification is sought to be made under the 2009 Rules. No doubt aided and unaided colleges ostensibly fall under two separate categories. But for the purpose of Article 14, every classification does not automatically become permissible. Second requirement of the doctrine of reasonable classification is that such classification must bear a nexus to the objects sought to be achieved. Therefore, the object sought to be achieved by the 2009 Rules is required to be identified and that it is required to be examined whether the classification made bears any reasonable nexus to such object."*

Further in the last portion of para 84, the Apex Court has observed as under :

*"84. ...*

*It did deal with the subject under Section 8(3) of the Maharashtra Universities Act. Section 8(3) clearly authorises the State Government to frame rules dealing with the service conditions of the employees (both teaching and nonteaching) of various educational institutions. The power is duly exercised. While exercising such power is that State of Maharashtra drew an artificial distinction between aided and unaided educational institutions."*

**14.** In view of the aforesaid position, this petition needs to be allowed with a direction to the respondents to pay to the petitioner all the arrears arising out of revision in the pay of scale for the period from 1.1.2006 to 31.3.2010.

**15.** In the result, the petition is allowed in the following terms :

(i) The Government Resolution dated 8.3.2011 to the extent it denies to the nonteaching employees working in the aided Colleges of Social Work affiliated to the NonAgricultural Universities the arrears of pay arising out of difference upon implementation of the Sixth Pay Commission recommendations, for the period from 1.1.2006 to 31.3.2010, is held to be illegal and invalid.

(ii) The respondents are directed to pay the arrears of pay arising out of revision of pay scale as per the notification dated 7.10.2009 to the nonteaching employees working in the aided Colleges of Social Work affiliated to the NonAgricultural Universities, including those incorporated under Section 3 of the Maharashtra Universities Act, 1994.

(iii) The direction be complied with within a period of three months from today, failing which, the employees shall be entitled to interest at the rate of 12% per annum on the amount of arrears with effect from 31.3.2010 till the date of payment.

**16.** Rule is made absolute in the aforesaid terms. No order as to costs.

(M.G. Giratkar, J.)

(R.K. Deshpande, J.)

**17.** After pronouncement of this judgment, Shri N.S. Rao, the learned Assistant Government Pleader for the respondents, submits that after hearing was concluded, he was granted time to take instructions from the respondents as to the cutoff date prescribed in the Government Resolution impugned in this petition, for payment of arrears.

**18.** No doubt, we had granted time to take instructions up to 7.12.2017. However, the hearing was concluded and the case was closed for judgment. Keeping in view the law which we have enunciated, we do not think that more time is required to be granted or any consent of the respondents is required for that purpose.

(M.G. Giratkar, J.)

(R.K. Deshpande, J.)

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY : NAGPUR BENCH, NAGPUR  
WRIT PETITION NO. 5421 OF 2017**

Smt. Darshana wd/o Adikrao Gaikwad, Aged about 38 years, Occupation – Household, Resident of C/o Prashant Madhukarrao Bhaizare, Ramabai Chowk, Vidyanagar, Brahmपुर, District Chandrapur....  
Petitioner **VERSUS** (1) State of Maharashtra, through its Secretary, Department of School Education, Mantralaya, Mumbai-32. (2) The accountant General (A & E-II), Maharashtra, Civil Lines, Nagpur. (3) The Education Officer (Secondary), Zilla Parishad, Chandrapur. (3) Mahatma Fule Vidyalaya, through its Head Master, Sindewahi, District Chandrapur....  
Respondents Shri Anand Parchure, Advocate for Petitioner. Ms S.S. Jachak, Assistant Government Pleader for Respondent Nos.1 to 3.

**Coram**

**R.K.Deshpande & Arun D.Upadhye, JJ.  
Dated : 9th July, 2018**

**Oral Judgment (Per R.K. Deshpande, J.) :**

1. Rule, made returnable forthwith. Heard finally by consent of the learned counsels appearing for the parties.

2. The husband of the petitioner, while working as a Full Time Librarian in the private aided School, i.e. the respondent No.4- Mahatma Fule Vidyalaya, Sindewahi, District Chandrapur, expired on 24-10-2016. The petitioner is his widow, who has filed this petition challenging the communication dated 23-5-2017 issued by the respondent No.2- Office of the Accountant General, Nagpur, rejecting her claim for release of pension on the ground that she is not entitled to pension in terms of the Government Resolution dated 31-10-2005. The stand is that the husband of the petitioner worked as a Full Time Librarian from 1-2-2009 till 24-10-2016 and as such he failed to complete the qualifying service of ten years to become entitled for pension.

3. From the stand taken by the respondent No.3- the Education Officer and the respondent No.2 – The Accountant General by filing an affidavit, **the undisputed position emerging is that the husband of the petitioner worked as a Part Time Librarian from 1-7-1998 to 31-1-2009**, i.e. for a period of 10 years and 7 months, and thereafter he was continued as a Full Time Librarian from 1-2-2009 to 28-10-2016 in the same School. After rendering 7 years, 8 months and 23 days’ service as a Full Time Librarian, he expired.

4. We have gone through the Government Resolution dated 31-10-2005 and we do not find that Clause 4(b) therein makes any distinction between the Part Time and Full Time employees. It states that the decision contained in the said Government Resolution shall mutatis-mutandis apply to the employees who are recruited on or before 1-11-2005, to whom the existing Pension Scheme or General Provident Fund Scheme would be applicable. Undisputedly, the husband of the petitioner was recruited on 1-7-1998 as a Part Time Librarian and we find that the stand of the respondents is that Clause 4(b) contains the recruitment as a Full Time employee as on 1-11-2005, is artificial and it is not borne out from the said Government Resolution.

5. We find that the controversy involved in the present matter is covered by several decisions of this Court. The first decision is in the case *Jyoti Prakash Chougule v. State of Maharashtra and others*, delivered by the Division Bench consisting of S.C. Dharmadhikari and K.R. Shriram, JJ. in Writ Petition No.2354 of 2012 on 7-1-2013. Para 2 of the said decision deals with the relief claimed in the petition and the same is reproduced below :

*“2] By this petition under Article 226 of the Constitution of India, the petitioner prays for issuance of a writ of mandamus or any other appropriate writ order or direction directing the respondents Nos.1 to 4 to grant superannuation pension by counting one half of service of 5 years, five months fifteen days part time Assistantteacher along with service of*

*eight years, seven months as full time assistant teacher, so as to enable her to qualify for superannuation pension.”*

After considering several decisions, including the decisions of the Apex Court and the rules applicable, it is held in para 13 as under :

*“13] Once the very State Pension Rules are applicable to teachers in terms of the Rule 19 of the MEPS Rules, then, we are of the view that the above principle will apply in the present case. Hence, we direct the respondent No.2 Accountant General to consider the case of present petitioner for giving pensionary benefits in view of the above rule and to decide the entitlement within four months from the date of receipt of copy of this order. The necessary arrears which the petitioner is entitled to should be accordingly paid. If any monetary benefits have to be refunded, the said Respondent No.2 to make an appropriate order in that behalf and the petitioner to abide by the same.”*

6. The same view is taken by another Division Bench consisting of S.S. Shinde and V.K. Jadhav, JJ. in Writ Petition No.8289 of 2013 [*Shali w/o Asaram Akkarbote v. The State of Maharashtra and others*] decided on 29-4-2014. Para 3 of the said decision deals with the relief claim in the petition, which is reproduced below :

*“3. This Writ Petition is filed with prayer seeking direction to the respondents to count the services of the petitioner as part-time Librarian, as qualifying service for the purpose of grant of pensionary benefits.”*

7. After taking into consideration several decisions, including the aforesaid decision in the case of *Shalini w/o Asaram Akkarbote v. The State of Maharashtra and others*, cited supra, it is held in para 11 as under :

*“11. In the facts of the present case also, indisputably the petitioner herein has rendered services as part-time Librarian with respondent no.4- School from 24.08.1982 to 30.07.1997 and from 01.08.1997 as full-time Librarian till the date of her superannuation i.e. 30.04.2004. Therefore, the services rendered by the petitioner as a part-time Librarian, half of the period of said services will have to be taken into consideration in addition to the period for which the petitioner has worked as full-time Librarian, and accordingly, the petitioner will have to be held entitled for the pensionary benefits.”*

Thereafter, different Benches of this Court have reiterated the same view and the ultimate ratio is that 50% of the part-time service rendered is required to be counted for the purposes of determining the pensionable service along with the full-time service rendered by an employee.

8. In view of above, the petitioner is entitled to the reliefs claimed in the petition, for the reason that 50% of the service rendered by her husband from 1998 to 2009 is to be counted for the purposes of pension along with full-time service rendered from 1-2-2009 to 24-10-2016. Thus, the deceased-employee becomes entitled to pension in accordance with law.

9. In the result, this petition is allowed. The communication dated 23-5-2017 at Annexure-X to the petition, issued by the respondent No.2- Office of the Accountant General, Nagpur, is hereby quashed and set aside. It is declared that the petitioner is entitled to family pension, as her husband had completed the qualifying service of ten years so as to get the pension. **We direct the respondents to calculate the pensionary benefits available to the petitioner within a period of one month from today after taking into consideration the half of the part-time service and complete service as Full Time Librarian in terms of this judgment and to pay her the entire arrears within a period of one month thereafter.**

10. Rule is made absolute in above terms. No order as to costs.  
(Arun D. Upadhye, J.) (R.K. Deshpande, J.)

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