



तंत्र शिक्षण संचालनालय, महाराष्ट्र राज्य,

३, महापालिका मार्ग, पत्र पेटी क्रमांक १९६७, मुंबई ४०० ००९.

दूरध्वनी २२६२०६०१, २२६९०६०२, २२६४११५०/५१, फॅक्स २२६९२१०२.

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Internet : <http://www.dte.org.in>

क्रमांक-२/एनजीसी/अंमलबजावणी/२००९/२३

दिनांक : १२ जून २००९

प्रति,

सहसंचालक,

तंत्रशिक्षण विभागीय कार्यालय,

मुंबई, पुणे, नाशिक, औरंगाबाद,

अमरावती व नागपूर.

विषय:- रिट याचिका क्र.२२१६/२००६ बाबत मा.मुंबई उच्च न्यायालयाने दिलेल्या
आदेशाची अंमलबजावणी होणेबाबत.

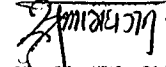
उपरोक्त विषयाबाबत मा.मुंबई उच्च न्यायालय, नागपूर खंडपीठ, नागपूर यांनी दि.०३.१२.२००८ रोजी पारित केलेल्या आदेशाची प्रत सोबत जोडली आहे.

मा.मुंबई उच्च न्यायालय, नागपूर खंडपीठ, नागपूर यांनी विना-अनुदानित तत्वावर सुरु असलेल्या सर्व महाविद्यालयांमध्ये प्राचार्यांची पदे दि.३१मे, २००९ पर्यंत भरणे आवश्यक आहे असे नमूद केले आहे. ही बाब लक्षात घेऊन राज्यातील सर्व अभियांत्रिकी/ औषधनिर्माणशास्त्र/वास्तुशास्त्र/ हॉटेल मॅनेजमेंट अँड कॅटरिंग टेक्नॉलॉजी पदवी अभ्यासक्रम तसेच एमबीए/एमएमएस/एमसीए पदव्युत्तर पदवी अभ्यासक्रम चालविणा-या महाविद्यालयांमध्ये रिक्त असलेल्या प्राचार्य/संचालकांची पदे दि.३१मे, २००९ पर्यंत किंवा शैक्षणिक वर्ष २००९-१० चे प्रथम वर्ष सुरु होण्यापूर्वी भरणे अत्यंत आवश्यक आहे.

तरी आपणास कळविण्यात येते की, आपल्या विभागांतर्गत सुरु असलेल्या सर्व पदवी व पदव्युत्तर पदवी अभ्यासक्रम चालविणा-या संस्थांना सोबत जोडलेल्या आदेशामधील परिच्छेद क्र.७ मधील "अ ते ई" व "ई" मधील पोट विभाग "अ ते फ" पर्यंतच्या सर्व आदेशांचे काटेकोरपणे पालन करून त्याची पूर्तता त्वरीत करण्यास तसेच त्यांच्या संस्थेत दि.३१ मे, २००९ पर्यंत किंवा शैक्षणिक वर्ष २००९-१० चे प्रथम वर्ष सुरु होण्यापूर्वी प्राचार्य/संचालक यांची रिक्त पदे भरून त्याबाबतचा अहवाल एकत्रित करून त्वरीत या कार्यालयास सादर करावा. तसेच संस्थांनी वरील विहित केलेल्या तारखेपर्यंत प्राचार्य किंवा संचालक यांची रिक्त पदे भरलेली नसतील तर उच्च न्यायालयाच्या आदेशाप्रमाणे संबंधित विद्यापीठामार्फत शैक्षणिक वर्ष २००९-१० साठी विद्यार्थ्यांचे प्रवेश थांबविले जातील. व डिफॉल्टिंग कॉलेजची नांव स्थानिक वृत्तपत्रात प्रसिध्द केली जातील. तसेच मा.मुंबई उच्च न्यायालयाने दिलेल्या आदेशाचा अवमान होऊन पुढील होणा-या सर्व परिणामास संस्था जबाबदार राहिल, अशी सूचना सर्व संस्थांना त्वरीत देण्यात यावी.

यावावत पुढे आपणास असे कळविण्यात येते की, मा. मुंबई उच्च न्यायालयाने दिलेल्या आदेशाची अंमलबजावणी त्वरीत होण्याच्या दृष्टीने आपल्या विभागांतर्गत मुरु अमलेल्या संस्था ज्या ज्या विद्यापीठाशी संलग्न आहेत, त्यांच्याकडे संचालक/प्राचार्यांची रिक्त पदे त्वरित भरण्याबाबतचा प्रस्ताव सादर करण्यास कळवावी. तसेच संबंधित विद्यापीठांना मा.मुंबई उच्च न्यायालयाने दिलेल्या आदेशाबाबत त्वरीत कार्यवाही करून संबंधित संस्थांमध्ये संचालक/प्राचार्यांच्या पदांना विद्यापीठाकडून मान्यता दिल्याबाबतची मंथानिहाय माहिती आपण आपल्या स्तरावर संकलीत करून या कार्यालयाम पाठवावी.

आपण केलेल्या कार्यवाहीचा अहवाल या कार्यालयाम त्वरित सादर करावा.



(जी.सू.का. महाजन)

प्र. संचालक, तंत्रशिक्षण, म.रा., मुंबई.

प्रत,

मा.प्रधान सचिव, महाराष्ट्र शासन, उच्च व तंत्रशिक्षण विभाग, मंत्रालय मुंबई ३२ यांना मुंबई उच्च न्यायालय, नागपूर खंडपीठ नागपूर यांनी गिट याचिका क्र.२२१६/२००६ मध्ये दिलेल्या आदेशाच्या प्रतीसह माहितीसह सादर.

प्रत मांडणी व पुढील योग्य त्या कार्यवाहीसाठी सादर.

१. मा.कुलसचिव, मुंबई विद्यापीठ, एम.जी.रोड, फोर्ट, मुंबई-२३.
२. मा.कुलसचिव एस.एन.डी.टी.वूगेन्स विद्यापीठ, मुंबई.
३. मा.कुलसचिव, पुणे विद्यापीठ, पुणे.
४. मा.कुलसचिव, डॉ.बाबासाहेब आंबेडकर तंत्रशास्त्र विद्यापीठ, लोणेरे.
५. मा.कुलसचिव, शिवाजी विद्यापीठ, कोल्हापूर
६. मा.कुलसचिव, सोलापूर विद्यापीठ, सोलापूर.
७. मा.कुलसचिव, उत्तर महाराष्ट्र विद्यापीठ, जळगाव.
८. मा.कुलसचिव, डॉ.बाबासाहेब आंबेडकर मराठवाडा विद्यापीठ, औरंगाबाद.
९. मा.कुलसचिव, संत गाडगेबाबा अमरावती विद्यापीठ, अमरावती.
१०. मा.कुलसचिव, स्वामी रामानंदतिर्थ मराठवाडा विद्यापीठ, नांदेड
११. मा.कुलसचिव, राष्ट्रसंत तुकडोजी महाराज नागपूर विद्यापीठ, नागपूर.
१२. कार्यासन क्र.२-अ, ३, यांना मा.मुंबई उच्च न्यायालयाने दिलेल्या आदेशाच्या प्रतीसह माहिती व पुढील कार्यवाहीसाठी. कार्यासन क्र.३, सिस्टिम मॅनेजर यांना कळविणत येते की, सदर पत्र व न्यायालयीन आदेशाची प्रत संचालनालयाच्या संकेतथळावर (वेबसाईट) त्वरित प्रसिध्द करण्यात यावी. जेणेकरून पदवी व पदव्युत्तर पदवी अभ्यासक्रम चालविणा-या महाविद्यालयांना डाऊनलोड करून संचालक/प्राचार्य यांची पदे भरण्याबाबतची कार्यवाही त्वरित करणे सुलभ होईल.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Writ Petition No. 2216/2006

Court on its own motion vs. State of Maharashtra through its Secretary, Education Department, Mantralaya, Mumbai 32 and others.

Office Notes, Office Memoranda of Coram
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's Orders

Mr. Anand Parchure, Amicus Curiae for petitioner.
Mrs. **B.H. Dangre**, Addl. G.P. For respondents 1 to 3.
Mr. **B.G. Kulkarni**, Advocate for respondent no.4.

Coram : B.H. Marlapalle and A.H. Joshi, JJ.

Dated : 3rd December, 2008.

This suo motu public interest litigation petition
prays for the following reliefs;

A) to direct the respondent State to forthwith approach the Maharashtra Public Service Commission (respondent no. 3) to fill in the vacancies for the post of Directors/ Principals in the Institutes/ Colleges run by the State Government within a time bound period.

B) to direct the respondent no.4 University to forthwith take steps to ensure filling up the post of

Principals and Lecturers in private Colleges within a time bound period.

2. Interlocutory orders were passed from time to time in this petition and the State Government as well as the University filed affidavits in compliance of these orders. As of now, out of the 14 posts of Principals / Directors of Government Colleges/ Institutes, the selection for 11 posts has been completed by the Maharashtra Public Service Commission and the names have been forwarded to the State Government. The State Government has issued appointment orders to 10 candidates and verification of the antecedents of one appointee recommended by the Maharashtra Public Service Committee is in progress. For the remaining three posts the Maharashtra Public Service Commission is required to initiate fresh steps.

3. So far as the Principals of the State run B.Ed. Colleges are concerned, the affidavit filed by the Joint

Director Higher Education states that there are five B.Ed. Colleges run by the State Government all over the State of Maharashtra and the Maharashtra Public Service Commission has completed the selection process for all these five posts. The select list has already been received by the State Government and the process of verification of antecedents is presently in progress.

4. So far as the appointment of the Directors in the four Institutes of Science located at Nagpur, Aurangabad, Bombay and Amravati is concerned, the issue was for some time pending for consideration before the Maharashtra Administrative Tribunal in a number of writ petitions filed in the year 1988 and all these petitions, on their transfer to the Maharashtra Administrative Tribunal, have been dismissed in the year 2001. It appears that during the last seven years the State Government did precious little to fill in these posts in the prime Institutes of Science.

5. Though in the petition there is no relief prayed for filling up of all other academic posts lying vacant in the Government run colleges/ institutes other than the Medical Colleges which subject is being dealt with by us in P.I.L. No. 3427/01, it goes without saying that the State Government is required to fill in these posts as well (Lecturers / Associate Professors/ Readers and Professors) expeditiously.

6. So far as the appointments to the posts of lecturer and Principal in the Private Colleges are concerned, the University has filed its affidavit regarding the steps proposed to fill in the post of Principal in all the affiliated colleges where the said posts are lying vacant and various measures have been proposed by the University and we record our satisfaction for the same.

7. We, therefore, direct as under:

A) The Maharashtra Public Service Commission will initiate fresh process to fill in the vacant three posts of Principal for the Government Colleges in Maharashtra as expeditiously as possible so as to ensure that these posts are filled in by 31st May, 2009.

B) The State of Maharashtra through the Principal Secretary Higher and Technical Education will take appropriate steps so as to issue appointment orders to fill in the posts of Principal in the B.Ed. Colleges by 31st January, 2009.

C) The Government of Maharashtra through the Principal Secretary in the Department of Higher and Technical Education will send requisition for the post of Director Institute of Science to the Maharashtra Public Service Commission within four weeks from today and the Maharashtra Public Service commission will publish proclamation / advertisement for the said posts before 15th February, 2009 and will take further steps to ensure that these selections are finalised and the select list is submitted to the Government of Maharashtra by 15th May, 2009. We suggest that the proclamation / advertisement so released shall be published in at least two national english

newspapers so as to have wide circulation at the National level to fill in these prime posts. The State Government will in turn issue the appointment order by 30th June, 2009.

D) The State Government will approach the Maharashtra Public Service Commission to fill in the vacant posts of lecturers in the Government run colleges (other than Medical Colleges) by sending requisition within six weeks from today and the Maharashtra Public Service Commission in turn will take all the due steps to finalise the selection by 31st May 2009. Undoubtedly, the posts of Associate Professor and Professor either by nomination or by promotion will also be filled in, in the like manner so as to ensure that these vacant posts are also filled in by 30th June, 2009.

E) So far as the posts of Principal in the private colleges are concerned, we approve the following measures proposed by the University by noting that the University has already issued a circular to all such colleges directing their managements for taking prompt and immediate steps to fill in these posts by 31st March, 2009 and every Management has been directed to submit an undertaking to that effect.

a) Each individual case of such private colleges would be evaluated as on 15th March, 2009 so as to note down the steps taken to fill in the post of Principal and if the recruitment process is seen to be in progress, the University may consider extending the dead line up to 31st May, 2009.

b) The Colleges which fail to fill in the post of Principal by 31st May, 2009, the University will issue orders in the first week of June, 2009 prohibiting admissions in the first year of the respective faculties for the academic year 2009-2010 and the names of such defaulting colleges would be notified in the local newspapers at the state level as well as the regional level.

c) If the students are admitted despite these prohibitory orders in the first year, the University will not grant enrolment to such un-authorised students nor would it permit the unauthorised students to appear for the examination.

d) The Colleges which would continue to be the defaulters in the next academic year (2010-2011), the University will prohibit the admissions for the first year and second year in that academic year and if the defaults continue at the end of the academic year 2010-2011, the

University will be left with no option than to withdraw/ cancel the affiliation of such Colleges. Undoubtedly the University will follow the due process of issuing a show cause notice etc. when it proceeds to withdraw/ cancel the affiliation.

e) The names of the colleges where admissions have been prohibited as mentioned hereinabove will be intimated in writing to the Joint Director of Higher Education every year with a request to take appropriate stringent measures which the Government may direct.

f) The University will prepare data bank of all the lecturers/ professors who are eligible for appointment to the post of Principal and such list shall be circulated to all the private colleges (aided and non-aided) on or before 31st January, 2009.

We clarify that the names so circulated by the University will be in addition to the applications that the Colleges may receive in response to the advertisement released by them. The circulation of such names by the University may not leave any scope for the Colleges

concerned to take a position that suitable candidates are not available.

8. Before we dispose off the petition in terms of the above directions, we deem it appropriate and in the interest of the higher education in the State of Maharashtra to make the following suggestions to the University as well as to the State Government.

a) The calender to fill in the future vacancies in the posts of lecturer, associate professor, professor and principal is prepared and followed so that within a period of three months (if the post is required to be filled in by promotion) and within six months (if the post is required to be fill in by nomination) these vacancies are filled in.

b) The State Government should take appropriate penal measures against the defaulting private aided colleges whose names would be submitted by the University to the Joint director of Higher Education from time to time.

c) The State Government as well as the University should consider some disciplinary measures in respect of the teaching faculty in the Government run as well as Government aided Colleges/ Institutes all over the State of Maharashtra so as to ensure that they devote their full time for education research, training, art and literature and that they do not engage themselves in any other vocation or source of earning while in service. Some steps in this regard which may be considered could be on par with the Government employees like submission of the details of movable/ immovable properties every year and to submit a written undertaking while joining the services that he/ she will devote full time for teaching, training, research, literature and art and will not engage in any other business/ source of income. These are only some of the examples and it is for the State Government as well as the University to formulate such measures to ensure that the highest academic standards are maintained by these institutes as public money is spent to run these institutes.

9. Undoubtedly, the measures sought to be taken by the respondent no.4 University which are exemplary are also required to be taken by all the Universities in the State

of Maharashtra and we, therefore, expect the Director of Higher Education (the Respondent no.2) to call upon other universities to adopt the same at the earliest so as to ensure that in the next academic year teaching faculty posts as well as the posts of Principal are filled in in the private colleges (aided as well as un-aided).

10. The petition is disposed off accordingly.
11. Certified copy to be issued on priority.

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