

**DR. BABASAHEB AMBEDKAR MARATHWADA UNIVERSITY
AURANGABAD**



CIRCULAR NO. LO/LAWOFFICE/2021-22/2/2021

It is hereby inform to all concerned that, as per provisions of Sub-section 8 of section 12 of the Maharashtra Public Universities Act 2016 the Hon'ble Vice Chancellor has pleased to issue the Direction No. 2 of 2021 "ADMISSION TO FULL TIME POST-GRADUATE COURSES IN UNIVERSITY'S TEACHING DEPARTMENTS, CONDUCTED COLLEGES AND INSTITUTIONS DIRECTION 2021" on dated 09/09/2021. The copy of this Direction is enclosed herewith.

The copy of this circular and above direction is also made available on official website of University – www.bamu.ac.in

All concerned are requested to note the contents of present circular.

University Campus,
Aurangabad -431004
Ref. No. LO/2021-22/ 60-66
Date: 09/09/2021

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Law Officer

Copy forwarded with compliments to :-

1. The office of P.A. to the Hon'ble Vice Chancellor
2. The office of P.A. to the Pro-Vice Chancellor
3. The office of P.A. to the Registrar
4. The Director, Sub-center-Osmanabad
5. The Finance and Accounts officer
6. The Director, University Network & Information Centre, UNIC, with a request to upload the Circular and the Direction No. 2 of 2021, annexed herewith on University website.

**DR. BABASAHEB AMBEDKAR MARATHWADA UNIVERSITY,
AURANGABAD.**



'Established by Government of Central Provinces Education Department by Notification dated on 23rd August 1958 & Presently a State University governed by Maharashtra Public Universities Act, 2016 (Mah. Act. No. VI of 2017)

DIRECTION NO 02 OF 2021

**ADMISSION TO FULL TIME POST-GRADUATE COURSES IN
UNIVERSITY'S TEACHING DEPARTMENTS, CONDUCTED
COLLEGES AND INSTITUTIONS DIRECTION 2021.**

Whereas, the government of Maharashtra vide its G.R. No. T.E.M.-2015/Pra Kra 325/Tashi-4, dt 20th July 2016 has directed the Universities in the state of Maharashtra to introduce the system of on-line Centralised Admission Process (CAP) for the Under-Graduate and Post-Graduate courses in the University and its conducted colleges;

AND

Whereas, section 75 (1) (c) of the Maharashtra Public Universities Act, 2016 (hereinafter called "the Act") provides for framing of the Regulations laying down conditions for admission of students for various courses of the University;

AND

Whereas, as per provisions of section 75 (1) of the Act, these Regulations are required to be made by the Academic Council of the University.

AND

Whereas, the academic council of this University has given its approval to this direction in its meeting dated 27-07-2021

AND

Whereas, the process of admission of students in the University and conducted colleges are going to start very soon creating necessity for issuing a direction.

Now, therefore, I, Dr. Pramod Govindrao Yeole, Vice-Chancellor, Dr. Babasaheb Ambedkar Marathwada University, Aurangabad in exercise of my powers under section 12 (8) of the Act, do hereby issue the following Directions.

1. This Direction shall be called **“ADMISSION TO FULL TIME POST-GRADUATE COURSES IN UNIVERSITY’S TEACHING DEPARTMENTS AND CONDUCTED COLLEGES AND INSTITUTIONS DIRECTION, 2021.**
2. This Direction shall come into force with effect from the date of its issuance;
3. Notwithstanding anything to the contrary in any other Directions of the University, the admission to post graduate degree courses in all the four faculties, except those courses for which admissions are regulated by the centralized admission process of the State Government of Maharashtra, in the entire post graduate teaching departments, conducted colleges and institution of the University shall be regulated by this Direction.
4. **Definitions:** - In this Direction Unless the Context requires otherwise, the words and phrases shall have the meaning given hereunder.
 - (a) “Act” means the Maharashtra Public University Act 2016;
 - (b) “Allotted institution” means University Department / College / Institution where the Candidate shall report for confirmation of admission by verification of documents and payment of fees;
 - (c) “Application Form” means prescribed form filled up online by the Candidate for admission;
 - (d) “CAP Seats” means the seats filled through the centralized admission process carried out by the Competent Authority;
 - (e) “College” means conducted college of the University.

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 - (c) “Application Form” means prescribed form filled up online by the Candidate for admission;
 - (d) “CAP Seats” means the seats filled through the centralized admission process carried out by the Competent Authority;
 - (e) “College” means conducted college of the University.

- (f) "Competent Authority" means the officer appointed by the Vice-Chancellor, for conducting admissions through CAP into University Departments / Conducted Colleges / Institution;
- (g) "Courses" means the full time Post graduate courses in the University;
- (h) "Department" means Post Graduate Department of the University;
- (i) "Eligible Candidate" means the candidate who is eligible for different post graduate courses as notified by the University;
- (j) "EWS" – Economically Weaker Section as per the definition of Govt. of Maharashtra
- (k) "Facilitation Centre" means a centre where the facilities like sale of application kits, filling online forms, verification of documents and grievances, etc., are provided;
- (l) "Foreign student" means a person who is citizen of a country other than India.
- (m) "Home University (HU)" means the Dr. Babasaheb Ambedkar Marathwada University, Aurangabad;
- (n) "HSC" means the Higher Secondary School Certificate (Standard XII) examinations conducted by Maharashtra State Board of Secondary and Higher Secondary Education or its equivalent certificate awarded by a recognized Board;
- (o) "Institution" means Gopinathrao Mundhe National Institute of Rural Development;
- (p) "Inter-Se-Merit" means the order of merit declared by the Competent Authority in respect of various classes/category of Candidates;
- (q) "Non-Resident Indian (NRI)" means a person as defined in Indian Income Tax Act, 1961, and Foreign Exchange Management Act, 1999 and includes his child or ward.
- (r) "Other than Home University (OHU)" means the area Outside Home University;
- (s) "Other State University (OS)" means universities other than Maharashtra state
- (t) "Person of Indian Origin (POI)" means a person who is a citizen of a country other than India but who was at any time the citizen of India or whose parents or either of whom or an grandparent was a citizen of India by virtue of the provisions of Part II of the Constitution of India or Under the Citizenship Act, 1955.

- (u) "Qualifying Examination" means examinations on the basis of which a candidate becomes eligible for admission or its equivalent examination;
 - (v) "SSC" means the Secondary School Certificate (Standard X) examination conducted by Maharashtra State Board of Secondary and Higher Secondary Education or its equivalent certificate awarded by a recognized Board;
 - (w) "Supernumerary Seats" means seats which are over and above the Sanctioned Intake approved by the appropriate authority and the Government, from time to time;
5. In order to conduct the online centralised admission process for admitting students to various post graduate programmes in the post graduate teaching departments, conducted colleges and institutions of the University (Hereinafter, Unless the context requires Otherwise, collectively referred to as places of learning) the Vice Chancellor shall appoint, by order, Chairman, PG Admission Process 2021-22 as the "Competent Authority."
 6. The competent authority shall constitute a committee consisting of not more than five members, including the competent authority, who shall not be below the rank of Associate Professor. As far as possible the committee shall represent all the four faculties of the University. The competent authority shall be the chairman of the committee.
 7. The university shall provide the necessary dedicated infrastructure like room, staff, furniture, internet, computer, printer, scanner, photocopying facility and stationary to the competent authority for discharging its function in a smooth and efficient manner.
 8. The University shall provide the competent authority the necessary financial assistance for meeting the expenditure which is incidental to the process of centralised admissions under this Direction.
 9. The competent authority shall appoint adequate facilitation center in each departments having necessary infrastructure facilities are available.
 10. University shall provide the necessary assistance to the facilitation centres.
 11. At the beginning of every academic session the competent authority shall publish on its website as well as through the information brochure the list of the places of learning, where admission to the said

courses are offered along with the intake capacity, reservation of seats for various categories of the students, the fees structure and also the supernumerary seats. The competent authority shall also publish the schedule for various activities relating to the centralised admissions on its website, and also the information brochure.

12. Unless specifies otherwise every publication by the competent authority shall be on its website and on the notice board of its office.
13. A student aspiring to take admission in the post graduate courses through the centralised admission process hereunder shall first graduate his/her login ID, by providing the necessary details, on the website of the competent authority and by paying the prescribed fees online. After obtaining the login ID the candidate shall apply, online, in the prescribed form along with uploading necessary documents like mark sheets of SSC, HSC and qualifying degree examination, college leaving certificate from the last attended college / institution, caste certificate/validity certificate, non-creamy layer certificate (if applicable), and other certificates in support of his/her claim for consideration against special category/quota.
14. The in-charge of the facilitating center shall verify the information supplied by the candidate in his/her online application form from the uploaded documents and confirm the application form Once the application form has been confirmed by the in-charge of the facilitation center the applicant candidate shall not be allowed to make any change in his/her application form.
15. The competent authority shall prepare the merit list of the candidate courses wise by the following the procedure as below:-
 - 15.1 All the eligible candidates who have submitted online application form on or before the specified last date shall be assigned a merit number. The merit list shall be prepared on the basis of the score/marks obtained by the candidate at the qualifying examination and the specific eligibility as per the relaxant Direction/Ordinance, governing the courses.
 - 15.2 Where the marks in the qualifying examination are modified due to verification and the same is duly certified by the concerned competent authority or University, the same shall be reported to the Competent Authority, conducting the CAP, hereunder, or his designated representative, immediately. However, the effect of such change will be taken into

consideration only for the subsequent round (s) of admission if the change is reported after publication of the final merit list for starting the first CAP round.

15.3 For calculating marks at qualifying examination, for deciding eligibility and merit, following procedure shall be adopted;

- i. Where letter grades are assigned at SSC, HSC, Diploma, degree examination or its equivalent examination, the candidate must submit the certificate of conversion of letter grades into equivalent marks from the concerned competent authority or Board, at the time of submission of application form. The eligibility shall be decided on the basis of equivalent marks.
- ii. Where a candidate has reappeared for the qualifying examination with all subjects then the marks obtained in the last examination with all subjects then the marks obtained in the last examination shall only be considered.

15.4 The comparative merit of the applicant student shall be determined on the basis of the marks secured by him/her in the qualifying examination. Incentive marks secured by the candidate shall also be taken in to consideration in determining the merit. Where two or more number of students have secured equal number of marks the candidate with higher percentage of marks in the HSC examination shall be given the preference. Where two or more students have equal marks even in the HSC examination then the candidate with higher percentage of marks in the SSC examination shall be given the preference and where even in the SSC examination the candidates have secure equal marks then date of birth shall be the decide factor. The elder candidate will be preferred over the younger one. Finally, if, even the dates of birth of the candidates are identical then the competent authority shall draw the a lot and decide who shall get preference over whom.

16. There shall be supernumerary seats for the below mentioned candidates as per the direction received from the central and state governments and other competent authorities from time to time:-

- i. NRI Candidates
- ii. Foreign Candidates

- iii. Person of Indian Origin (P.I.O)
- iv. Jammu and Kashmir (J & K) candidates

17. Allocation of Seats:-

The percentage of allocation of seats for various types of candidates i.e. for the Home University and University other than Home University shall be in accordance with the policy of the University for Admission in various entry level Post Graduate Courses.

17.1 There shall be reservation of seats in each place of learning for the candidates belonging to the Home University, subject to the fulfillment of the eligibility criteria specified by respective authorities from time to time. This reservation shall be as per the following chart:

01	Scheduled Castes and Schedule Caste converted to Buddhism (SC)	13%
02	Schedule Tribes (ST)	7%
03	Vimukta Jati (A)	3%
04	Nomadic Tribes (NT-B / NT-1) (Prior to January 1990, (28 Va Tatsam Jamati)	2.5 %
05	Nomadic Tribes (NT-C /NT-2) (Dhangar Va Tatsam Jamati)	3.5 %
06	Nomadic Tribes (NT-D / NT-3) (Vanjari Va Tatsam Jamati)	2 %
07	Other Backward Classes (OBC)	19%
08	Economically Weaker Section (EWS)	10%
	Total	60%

Note:

- i. The above reservation is exclusive of the number of students belonging to the above categories who secure admission on merit.
- ii. If any, of the Backward class categories mentioned above, do not get the required number of candidates for the percentage(s) laid down, the seats so remaining vacant shall be filled in from among the candidates from the other reserved categories on inter-se-merit as per University Circular No. SCT/M/S/224, dated 28th June 2002.
- iii. The valid Non-Creamy Layer Certificate issued by the competent authorities is essential for all categories of

- reservation except SC and ST candidates as per Govt. Circular No. dated 15th June, 2006.
- iv. Candidate claiming to, belong to the Backward Classes of the State must attach a certificate from the Chief Metropolitan Magistrate and the District Magistrate or the Executive Magistrate authorized by them in other areas; or Special Welfare Officer of Zilla Parishad or Special Welfare Officer of Bombay. If no certificate is produced it would be classified as Non-Backward.
 - v. The admission of students from Reserved Category to the Post Graduate Courses will be made on merit basis, based on the marks obtained by them in qualifying examination, relaxed by 5% in the minimum percentage of marks.
 - vi. Students should submit Govt. of India Scholarship forms at the time of admission.
 - vii. Reservation for backward class candidate i. e. 60% as stated above shall be available for the seats (excluding All India Seats) under the preview of the competent Authority in Government Aided, and Unaided Non-Minority Institution.
 - viii. If Backward Class Category seats remain vacant such seats shall be considered for allotment to the candidates of special Backward Class (SBC) category limited to the extent 2% seats.
 - ix. Admission of Backward Class candidates on Reserved Seats shall be subject to verification of his/her caste/Tribe Certificate and validity certificate. Caste validity certificate is mandatory for the Candidates belonging to Schedule Tribe to get admission for Professional Course.
- 17.2 In addition to the above reservation there shall be further reservation of seats as mentioned below:
- i. Reservation for EWS Candidate: As per the provision in Government Resolution No. रआधो - 4019 / प्र.क्र. 31/16-अ, dated 12th February, 2019, 10% seats shall be reserved for EWS candidates. Their seats shall be filled by the Competent Authority through CAP as per the policies of the Government declared from time to time.
 - ii. 5% seats will be reserved at each place of learning for the person with specially abled (P.W.D.) students as per the Right of Persons with Disabilities Acts 2016, Act No. 49 of 2016. The

candidates claiming reservation under this category shall submit the certificates strictly as per the prescribed Proforma.

- iii. 5% seats will be reserved for Ex-Serviceman/Military personnel or their wards as per Govt. Resolution no. TCM 1204(167/85) MC, dated 13/06/1985 and University Letter No. GA/D/ G/745 dated 07/02/1986.
- iv. 1% seat is reserved for Orphans student from General seats.
as per Govt. Resolution महिला व बाल विकास अमुजा/२००१/प्रक/२१२/का-३, दि. ०२ एप्रिल २०१८

17.3 Weightage:

- i. Weightage for admission in the P.G. Departments, Conducted Colleges and Institution for the admission of Sportsperson / women will be calculated as per the norms vide University letter No. CIR.NO.ACAD/NP/Physical Education/New Ord.824/Addnl.25 Mark/134/2012.
 - ii. *Freedom Fighter Quota*: Five marks are added to the aggregate total marks of an applicant who is a direct dependent of the Freedom Fighter for the purposes of admission to the Post Graduate Teaching Departments of the University, Conducted Colleges and Institution. (As per decision of the Executive Council, dated 18th September, 1976).
18. The Competent authority shall publish the provisional merit list of the eligible candidates on its website, notice board of the office of the competent authority and also at the facilitation centres. The candidate must prefer objection in writing to the merit list, if he/she has any within the specified time. The objection shall be lodged at the facilitation centre where the candidate had submitted his/her application form. The competent authority shall dispose of the objections within the specified time and thereafter the final merit list shall be prepared and displayed on the website and notice board of the competent authority and also at the facilitation centres.
19. After the publication of the final merit list the candidate shall fill the online option form, specifying the choice of his course and the place of learning, for Counseling Round. The candidate can give maximum 25 (Twenty Five) choices of the courses. The candidate may fill the option

form, online, either through their long in or at the facilitation centre. Once the options are confirmed no change in the option shall be entertained.

20. The competent authority shall publish the provisional allotment of the Counseling Round indicating the allotment of the place of learning to the student.
21. The candidate shall download the letter of allotment in the CAP Counseling Round and report to the allotted place of learning along with all the original documents for taking admission in the allotted course. The candidate shall take admission at the allotted place by paying the fee prescribed for the course.
22. If the candidate does not report to the allotted place of learning within the time specified he/she shall loose the right to participate in the CAP Round-II. However, if the candidate is not satisfied with the allotment of the courses or the place of learning then he/she may by taking provisional admission for the allotted course and at the allotted place of learning participate in CAP Round-II the candidate will have to apply online, again by filling the option form afresh the vacancies are notified by the competent authority. If the candidate decides to take provisional admission he/she shall pay the prescribed fees which shall be refunded to the candidate in the event he/she decides to cancel the admission due to allotment of the conducted college/institution in CAP Round-II.
23. The competent authority shall publish the available category wise seats (seat matrix) and courses for CAP Round-II.
24. The competent authority shall publish the provisional allotment of the CAP Round-II indicating the allotment of the courses and the place of learning to the participating student.
25. The candidate shall download the letter of allotment in the CAP Round-II and report to the place of learning along with all the original documents for taking admission in the allotted course.
26. The competent authority shall publish the available category wise seats (seat matrix) and courses for Spot Admission in Department level.
27. Departmental Round (Spot Admission)- If any seat for any course in any department remains vacant after the CAP Round-II all such seats shall be filled by the concerned department / conducted colleges / Institution directly by them. However, such vacant seats shall be filled

only form amongst the students who have registered under the centralised admission process. Therefore, the department/ conducted colleges/ institution must obtain from the applicant student his/her acknowledgement of receipt of the application form issued by the facilitation centre.

28. Notwithstanding anything to the contrary in any Direction, Ordinance, Statute, Regulations or notifications, no department/conducted colleges/institution shall admit any student for the post graduate programme admissions to which are governed by this Direction after the last date of admission notified by the competent authority for the centralised admission process.
29. The fees for the courses and the concession in fees shall be as prescribed by the University and the resolutions of the State Government issued from time to time.
30. If any dispute involving student arises out of the process of centralised admission under this Direction the same shall be referred to the university students Grievance Redressal Cell under Section 87 of the Act.

Aurangabad

Date: - - -2021

Prof. (Dr.) Pramod Govindrao Yeole,
Vice-Chancellor

09 SEP 2021



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

मंगळवार, ऑगस्ट १, २००६/श्रावण १०, शके १९२८

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Private Professional Educational Institutions [Reservation of seats for admission for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes] Act, 2006 (Mah. XXX of 2006), is hereby published under the authority of the Governor.

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

A. M. SHINDEKAR,

Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XXX OF 2006.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 1st August 2006).

An Act to make special provisions for reservation of seats for admission for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes in Private Professional Educational Institutions; and for matters connected therewith or incidental thereto.

WHEREAS the Supreme Court, in the case of P. A. Inamdar and Others *versus* State of Maharashtra (reported in (2005) 6 SCC 537), has held that neither can the policy of reservation be enforced by the State nor can any quota or percentage of admission be carved out to be appropriated by the State in Private Professional Educational Institutions;

AND WHEREAS in order to protect the interests of any socially and educationally backward classes of citizens or the Scheduled Castes or the Scheduled Tribes, article 15 of the Constitution of India has

(५९५)

been amended by the Constitution (Ninety-third Amendment) Act, 2005, by adding clause (5) thereto, which empowers the State to make, by law, a special provision for the advancement of those classes, castes and tribes, in so far as such special provisions relate to their admission to educational institutions, including private educational institutions, whether aided by the State or not, other than the minority educational institutions referred to in clause (1) of article 30 of the Constitution ;

AND WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to make, by law, special provisions for reservation of seats for admission for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes in Private Professional Educational Institutions ; and for matters connected therewith or incidental thereto ; and, therefore, promulgated the Maharashtra Private Professional Educational Institutions (Reservation of seats for admission for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes) Ordinance, 2006, on the 16th June 2006 ;

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AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Fifty-seventh Year of the Republic of India as follows :—

Short title, extent and commencement. 1. (1) This Act may be called the Maharashtra Private Professional Educational Institutions (Reservation of seats for admission for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes) Act, 2006.

(2) It shall extend to the whole of the State of Maharashtra.

(3) It shall be deemed to have come into force on the 16th June 2006.

Definitions. 2. In this Act, unless the context otherwise requires,—

(a) "Aided Private Professional Educational Institution" means a Private Professional Educational Institution, excluding a Minority Educational Institution referred to in clause (1) of article 30 of the Constitution, receiving recurring financial aid or assistance in whole or in part from the Government, or from any body under the control of the Government ;

(b) "Appropriate Authority" means, the Medical Council of India, the Dental Council of India, the Central Council of Indian Medicine, the All India Council of Technical Education, and includes any other authority established by law that governs or controls the conduct of a particular professional course or educational discipline ;

(c) "Creamy Layer" means the category of 'Creamy Layer' as declared by the Social Justice, Cultural Affairs and Special Assistance Department of the Government, on the basis of income; by general or special orders, issued from time to time;

(d) "De-notified Tribes (*Vimukta Jatis*)" means the Tribes declared as such by the Government, from time to time;

(e) "Government" means the Government of Maharashtra;

(f) "Minority Educational Institution" means a Private Professional Educational Institution administered, managed and controlled by a minority, and shall include any such educational institution declared by the Government to be an institution entitled to enjoy the protection granted under clause (1) of article 30 of the Constitution;

(g) "Nomadic Tribes" means the Tribes wandering from place to place in search of their livelihood, as declared by the Government, from time to time;

(h) "Other Backward Classes" means any socially and educationally backward classes of citizens as declared by the Government and includes Other Backward Classes declared by the Government of India in relation to the State of Maharashtra;

(i) "Private Professional Educational Institution" means any College, School, Institute, Institution or other body, by whatever name called, conducting any professional course or courses approved or recognized by the Appropriate Authority and affiliated to any University, but shall not include any such institution established, maintained or administered by the Central Government, any State Government, any local authority or institution declared to be Deemed University under section 3 of the University Grants Commission Act, 1956;

(j) "Professional Course" means any educational course of study notified as such, from time to time, by the Government in the *Official Gazette*;

(k) "prescribed" means prescribed by the rules framed by the Government under this Act;

(l) "Reserved Category" means the category of candidates belonging to—

(i) the Scheduled Castes and the Scheduled Tribes;

(ii) the De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, and Other Backward Classes and who are not falling in Creamy Layer;

(m) "Sanctioned Intake" means the total number of seats sanctioned or approved by the Appropriate Authority for admitting candidates in a single academic year in each Professional Course of study or discipline in a Private Professional Educational Institution ;

(n) "Scheduled Castes" and "Scheduled Tribes" shall have the meanings respectively assigned to them in clauses (24) and (25) of article 366 of the Constitution ;

(o) "Unaided Private Professional Educational Institution" means a Private Professional Educational Institution, not being an Aided Private Professional Educational Institution ;

(p) "University" means the Maharashtra University of Health Sciences constituted under the Maharashtra University of Health Sciences Act, 1998, or any other University constituted or deemed to have been constituted under the Maharashtra Universities Act, 1994, but does not include any institution declared to be Deemed University under section 3 of the University Grants Commission Act, 1956.

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Applicability. 3. This Act shall apply to all Private Professional Educational Institutions in the State, excluding the Minority Educational Institutions.

Reservation in Aided Private Professional Educational Institutions. 4. (1) In every Aided Private Professional Educational Institution, seats equal to fifty per cent. of the Sanctioned Intake of each Professional Course shall be reserved for candidates belonging to the Reserved Category.

(2) The seats reserved for candidates belonging to the Reserved Category under sub-section (1) shall be filled in by admitting candidates belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes, respectively, in the proportion specified in the Table below :—

TABLE

Description of Caste/Tribe/Category/ Class of Reserved Category	Percentage of reservation
(1) Scheduled Castes and Scheduled Castes converts to Buddhism	13 %
(2) Scheduled Tribes	7 %
(3) De-notified Tribes (A)	3 %
(4) Nomadic Tribes (B)	2.5 %
(5) Nomadic Tribes (C)	3.5 %
(6) Nomadic Tribes (D)	2 %
(7) Other Backward Classes	19 %
Total ..	50 %

Note.—The candidates belonging to the Special Backward Category shall be considered from and out of their respective original/parent Reserved Category such as Other Backward Classes :

Provided that, if candidates belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (A), Nomadic Tribes (B), Nomadic Tribes (C), Nomadic Tribes (D) or Other Backward Classes are not available to fill in the seats reserved for the said Castes, Tribes or Classes, in the same academic year, the seats shall be filled in, in such manner as may be specified, by Government by issuing an Order in the *Official Gazette*, from time to time.

Explanation.—For the purposes of this section,—

(i) “De-notified Tribes (A)”, “Nomadic Tribes (B)”, “Nomadic Tribes (C)” and “Nomadic Tribes (D)” shall mean such Tribes or sub-Tribes, declared by Government, by general or special orders issued in this behalf, from time to time, to be “the De-notified Tribes (A)”, “Nomadic Tribes (B)”, “Nomadic Tribes (C)” and “Nomadic Tribes (D)”;

(ii) “Special Backward Category” means socially and educationally backward classes of citizens declared as “Special Backward Category” by the Government.

5. (1) In every Unaided Private Professional Educational Institutions, the seats to be reserved for candidates belonging to the Reserved Category shall be such as may be notified by the Government from time to time in the *Official Gazette*, but shall not exceed fifty per cent. of the Sanctioned Intake of any particular Professional Course.

Reservation in Unaided Private Professional Educational Institutions.

(2) Out of the seats reserved under sub-section (1) for the candidates belonging to the Reserved Category, the seats to be filled in by admitting candidates belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes, respectively, shall be in the same *inter se* proportion, and in the manner, specified in sub-section (2) of section 4.

6. Any admission made in contravention of the provisions of this Act shall be void.

Irregular admissions void.

7. Whoever contravenes the provisions of this Act or the rules made thereunder shall, on conviction, be punished with an imprisonment which may extend to three years and with a fine which shall not be less than twenty lakh rupees but which may extend to one crore rupees.

Penalty.

Protection of action taken in good faith. 8. No suit, prosecution or other legal proceedings shall lie against any authority or person for anything done or purported to have been done in good faith in pursuance of the provisions of this Act or the rules made thereunder.

Power to make rules. 9. (1) The Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify their decision to that effect in the *Official Gazette*, the rule shall, from the date of publication of such decision in the *Official Gazette*, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

Provisions of the Act to be in addition to any other law. 10. The provisions of this Act shall be in addition to and not in derogation of the provisions contained in any other law for the time being in force.

Provisions not to prohibit Minority Educational Institutions from making reservations. 11. Notwithstanding anything contained in any other provisions of this Act, any Minority Educational Institution, whether aided or not, may provide for reservation in admissions to Professional Courses for candidates belonging to the Reserved Category.

Power to remove difficulty. 12. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for removing the difficulty :

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Mah. 13. (1) The Maharashtra Private Professional Educational Repeal of
Ord. Institutions (Reservation of seats for admission for Scheduled Castes, Mah. Ord.
V of Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes V of 2006
2006. and Other Backward Classes) Ordinance, 2006, is hereby repealed. and
saving.

(2) Notwithstanding such repeal anything done or any action taken (including any notification or order issued), under the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of this Act.

**GUIDELINES
FOR**

**STRICT IMPLEMENTATION OF
RESERVATION POLICY OF THE GOVERNMENT
IN UNIVERSITIES,
DEEMED TO BE UNIVERSITIES, COLLEGES
AND OTHER GRANT-IN-AID INSTITUTIONS
AND CENTERS**



ज्ञान-विज्ञानं विमुक्तये

**UNIVERSITY GRANTS COMMISSION
NEW DELHI
2006**

UNIVERSITY GRANTS COMMISSION

UGC GUIDELINES FOR STRICT IMPLEMENTATION OF RESERVATION POLICY OF THE GOVERNMENT IN UNIVERSITIES, DEEMED TO BE UNIVERSITIES, COLLEGES AND OTHER GRANT-IN-AID INSTITUTIONS AND CENTERS.

1. Central Government has been issuing various instructions from time to time for implementing the Reservation Policy of the Government; and UGC being an autonomous statutory body, under the administrative control of the Ministry of Human Resource Development, is under directions from the Government to strictly implement the said instructions by all grant-in-aid institutions.
2. Central Government, Ministry of Human Resource Development (Dept. of Secondary & Higher Education), vide their Order No. F.No.6-30/2005 U-5 dated 6th December, 2005 issued the following directions to the University Grants Commission:-

WHEREAS Article 46 of the Constitution states that, "The State shall promote, with special care, the education and economic interests of the weaker sections of the people, and, in particular of the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of social exploitation.

AND WHEREAS, the policy of the Central Government is that in the Central Universities and Institutions which are Deemed to be Universities receiving grants-in-aid from the public exchequer, the percentage of reservation in admissions and recruitments in teaching and non-teaching posts is to be 15% for Scheduled Castes and 7.5% for Scheduled Tribes.

AND WHEREAS, the University Grants Commission, New Delhi hereinafter referred to as UGC, is a statutory autonomous organization responsible for implementation of policy of the Central Government in the matter of admissions as well as recruitment to the teaching and non-teaching posts in the Central Universities and Institutions which are Deemed to be Universities;

And WHEREAS, the UGC has failed to ensure effective implementation of the reservation policy in the Central Universities and grantee Institutions which are deemed to be Universities.

NOW, THEREFORE, in exercise of the powers vested under Section 20(1) of the University Grants Commission Act, 1956 the Government hereby directs the UGC to ensure effective implementation of the reservation policy in the Central Universities and those of Institutions Deemed to be Universities receiving aid from the public funds except in minority institutions under Article 30(1) of the Constitution.

3. The instructions issued by the Government are statutory in nature, as per the judgment of the Hon'ble Supreme Court in the case of *Indira Sahney v. Union of India & Ors* (AIR 1993 SC 447), since these instructions are issued for the purposes of implementing Constitutional [Article 16 (4)] provisions.
4. UGC with the mandate of maintaining the standards of higher education has been issuing guidelines from time to time, regarding adequate representation of teaching and non-teaching staff as well as of students [Article 15 (4), 16 (4), 46 & 253], belonging to SC/ST communities, in all the Universities, Deemed to be Universities, Colleges, and other grant-in-aid or research Institutions and Centers. It has now become necessary to consolidate these guidelines, the following policy Guidelines are issued.
5. All the Universities, Deemed to be Universities, Colleges, and other grant-in-aid or research Institutions and Centers are hereby directed to adopt these guidelines by appropriate resolution by the respective Governing/Executive Bodies/Syndicate/Senate etc. for effective implementation of these guidelines.
6. **Coverage and Applicability:**
 - (a) Reservation is applicable to all teaching posts such as the posts of Lecturers, Readers, Professors, or by whatever other nomenclature the posts are known, and to all posts of non-teaching staff of all the Universities, Deemed to be Universities, Colleges, and other grant-in-aid or research Institutions and Centers;
 - (b) Reservation is also applicable to all admissions to Undergraduate, Postgraduate, M.Phil and Ph.D courses of educational Institutions referred to in clause (a) above;
 - (c) In the cases of reservations referred to in clause (a) above, the Instructions issued by the Central Government for grouping of posts shall be resorted to wherever applicable, especially when more than one University functions under a single Act, or several colleges function under one University; grouping of posts are mandatory if the posts concerned are transferable on an inter-university or inter-college levels. The practice of creating department-wise cadres, which tends to create single posts or cadres with artificially reduced number of posts in order to avoid reservation, is strictly forbidden;
 - (d) In the cases of reservations referred to in clause (b) above, the Instructions issued by the Central Government with regard to reservation for implementing Article 16 (4) of the Constitution of India are strictly applicable to all central or any other special quota, permitted under any existing rules all the educational Institutions referred to in clause (a) above, shall also apply to admissions of candidates to those Institutions.
 - (e) Relaxation & concession in respect of educational qualification, age, experience and qualifying marks/standard etc. will be as per existing government rules in all cases of admissions, recruitments, appointments, promotions and other assignments of entitlements to the members of SC/ST.
7. **Extent of Reservation:**
 - (a) In all the educational Institutions referred to in clause 6 (a) above, the extent of reservation applicable is 15% for SC and 7.5% for ST;
 - (b) Without prejudice to the provisions contained in the clause (a) above, in all the educational Institutions referred to in clause (a) above, and functioning within any State shall follow the percentage of reservation prescribed by the respective State Government.

- (c) No restriction of percentage is applicable while filling-up of back-log/short-fall vacancies of SC/ST.

8. **Procedure to be followed in matters of reservation for teaching as well as non-teaching staff:**

- (a) Without prejudice to any procedure prescribed under various Instructions from the Central Government from time to time, the following guidelines are to be followed:
 - (i) SC/ST candidates should be interviewed separately;
 - (ii) One member of the interview Committee shall belong to the SC/ST category;
 - (iii) All the SC/ST candidates selected according to their position in the combined general merit list shall not be counted for covering the prescribed percentage of reservation;
 - (iv) Rules of reservation are applicable both for direct recruitment as well as for promotion. If in internal promotion in feeder cadre candidates are not available, in that situation such positions be declared open and advertised in order to fill up the posts and fulfill reservation.
 - (v) The Roster, 40-point or 100-point as the case may be, shall be applied to the total number of posts in cadre only, (*R.K. Sabharwal v. State of Punjab*, (AIR 1995 SC 1371); cadre is best indicated by seniority list governing the members with the same pay-scale;
 - (vi) Total number of vacancies shall be calculated, and Roster as referred above shall be applied only excluding the back-log vacancies, if any;
 - (vii) Percentage of reservation shall be applied separately for each recruitment year, and not whenever the vacancies arise, or interviews take place, or recruitment/ appointment is made;

9. **Procedure to be followed in matters of reservation for admission:**

- (a) All the procedures prescribed under various instructions from the Central Government from time to time, as referred to in sub-clause (a) of clause 8 above, shall be applicable *mutatis mutandis* to matters of admission of students referred to in all the educational institutions referred to in clause 6(a) above.
- (b) In cases of admissions, sub-clauses (i) to (iii) of clause (a) above would only be applicable; and sub-clauses, (iv) to (vii) are not applicable;
- (c) In cases of admissions, the following procedures are also to be followed:
 - (i) No SC/ST student can seek admission or claim reservation, unless he/she appears in national or State/common or University/Institution tests held for the purpose, in order to avail the quota of seats reserved for them, by the educational Institutions referred to in sub-clause (a) of clause 6 above;
 - (ii) In cases, where National or Common/State or University/Institution test is not prescribed as necessary for selecting candidates for admission, the SC/ST candidates seeking admissions, shall be arranged in the order of merit among themselves, as per the merit position obtained in the qualifying examination;

- (iii) Rules of reservation are applicable for under-graduate as well as post-graduate levels and research degrees;
- (iv) Percentage of reservation shall be applied separately for each academic year, and not whenever interviews take place, or recruitment is made;
- (v) Rules of interchangeability among SC-s and ST-s are applicable, wherever necessary to fill-up the number of vacant seats;
- (vi) In case no eligible reserved candidates are available, the vacant seats in the reserved quota shall not be filled by any non SC/ST candidates. Every effort shall be made to re-advertise for wider publicity in the leading national news papers;
- (vii) Advance special (short term) coaching with assistance from UGC may be introduced for prospective SC/ST students;
- (viii) In the Universities where central Registration for admission of SC/ST students has been introduced, all admission process must be completed at the central level itself, and the assigned Colleges, Institutes or Centers as the case may be only permitted to make attempts to fill in the vacant SC/ST seats, at their instance;
- (ix) All institutions referred to in sub-clause (a) of clause (6) should give the maximum possible encouragement and support to girls of SC/ST in admission.

10. **Annual Report:**

- (a) All the Institutions referred to in sub-clause (a) of clause 6 above shall submit reports about the implementation of these guidelines annually by 15th February of the following year in the prescribed format, attached to these Guidelines to the Deputy Secretary, SCT Division, University Grants Commission, New Delhi with a copy each to the Ministry of Human Resource Development or the Department of Education of the concerned State Government.
- (b) All applications for grant-in-aid, shall be accompanied by the reports on the implementation of these guidelines during the previous recruitment or academic year, as the case may be;
- (c) Reports as referred to in sub-clause (a) should assist UGC to re-adjust or reduce the extent of demand for grant-in-aid for the following academic year, at least in proportion to the deficiency in implementation of these guidelines during the previous recruitment/academic year.
- (d) A separate chapter in the annual report published by the Institutions should be provided to explain the steps undertaken and the results accomplished for bringing the level of performance of SC/ST to general level during the year.

11. **Admission to Hostel Accommodations:**

The percentage of reservation referred above under the head 'percentage' shall be strictly observed for admission to the hostels. Additional percentage of seats may be provided for the girl students of these communities. No rent shall be charged from the students of these communities;

12. **Staff Houses:**

The percentage of reservation for Staff Quarters, transit Houses, teacher's hostels etc. shall be commensurate with the quantum of reservation as prescribed in paragraph 7 above.

13. **Liaison Officer:**

Each University/Institution shall appoint a Liaison Officer, who is not below the rank of a Deputy Secretary of the concerned State or Central Government and will be responsible for monitoring the implementation of reservation under these guidelines.

14. **SC/ST Cell:**

All the Universities/Institutions referred to in sub-clause (a) of paragraph 6 above shall establish an SC/ST Cell in order to process the grievances of the members of these communities. The SC/ST Cell shall function under the overall supervision of the Liaison Officer.

15. **Advisory Committees:**

Advisory Committees with Vice Chancellor/ Principal as Chairman be constituted to review the implementation of reservation policy in admission and capacity building programmes for SC/ST for their successful passing in examinations. The Committee should meet at least once in a quarter and action taken on decisions reviewed in the next meeting.

16. **Amendments to existing University Acts and Statutes:**

Action should be initiated by the Universities so as to effect necessary amendments to their Acts/Statutes for the statutory support for reservation in admission, appointments to teaching and non-teaching posts and representation of SC/ST in their bodies like Syndicate Executive Council, Academic Council, Selection Committees, etc.

17. **Miscellaneous:**

The above policy guidelines are minimum prescribed for observation of the reservation policy for SC/ST. The University/Institutions are free to provide additional benefits to these categories with the approval of their Board of Governors/Executive Councils etc.

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