



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ९, अंक ९]

मंगळवार, फेब्रुवारी २८, २०२३/फाल्गुन ९, शके १९४४

[पृष्ठे ४, किंमत : रुपये २७.००

असाधारण क्रमांक १४

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि 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 Dr. Babasaheb Ambedkar Technological University and Maharashtra COEP Technological University (Amendment) Bill, 2023 (L. A. Bill No. III of 2023), introduced in the Maharashtra Legislative Assembly on the 28th February 2023, is hereby published under the authority of the Governor.

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

SATISH WAGHOLE,

I/c. Secretary (Legislation) to Government,
Law and Judiciary Department.

L. A. BILL No. III OF 2023.

A BILL

*to amend the Dr. Babasaheb Ambedkar Technological University Act, 2014
and the Maharashtra COEP Technological University Act, 2022.*

Mah.
XXIX of
2014.
Mah.
XXXV of
2022.

WHEREAS, it is expedient to amend the Dr. Babasaheb Ambedkar Technological University Act, 2014 and the Maharashtra COEP Technological University Act, 2022, for the purposes hereinafter appearing ; it is hereby enacted in the Seventy-fourth Year of the Republic of India, as follows :—

CHAPTER I

PRELIMINARY.

1. This Act may be called the Dr. Babasaheb Ambedkar Technological University and Maharashtra COEP Technological University (Amendment) Act, 2023. Short title .

CHAPTER II

AMENDMENTS TO THE DR. BABASAHEB AMBEDKAR TECHNOLOGICAL
UNIVERSITY ACT, 2014.

Amendment
of section 13
of Mah.
XXIX of
2014.

2. In section 13 of the Dr. Babasaheb Ambedkar Technological University Act, 2014,—

Mah.
XXIX of
2014.

(1) in sub-section (1),—
(a) in clause (a),—

(i) for the words “ a Committee ” the words “ a Search-cum-Selection Committee ” shall be substituted ;

(ii) for sub-clause (i), the following sub-clause shall be substituted, namely :—

“(i) a member nominated by the Chancellor, who shall be a person of eminence in the sphere of higher education and shall be either an eminent scholar of national repute or a recipient of *Padma* Award in the field of education ;”;

(iii) after sub-clause (iii), the following sub-clause shall be inserted, namely :-

“(iv) a member to be nominated by the Chairman, University Grants Commission.”;

(b) for clause (c), the following clause shall be substituted, namely :—

“(c) The members nominated on the Committee shall be persons who are not connected in any manner with the University or any college or any recognized institution of the University ;”;

(c) in clause (d), the word “three” shall be deleted ;

(2) in sub-section (4),—

(a) for clause (b), the following clause shall be substituted, namely :—

“(b) be a person possessing highest level of competence, integrity, morals and institutional commitment; and should be a distinguished academician, with a minimum of ten years of experience as a Professor in any university or ten years of experience in a reputed research or academic administrative organisation with proof of having demonstrated academic leadership ;”;

(b) in clause (e), for the words “ educational qualifications ” the words “ additional educational qualifications ” shall be substituted ;

(3) after sub-section (6), the following sub-section shall be inserted, namely :—

“(6A) If a person selected by the Chancellor does not take over the charge of the post of Vice-Chancellor, the Chancellor may select another suitable person from the remaining persons from a panel or he may call for a fresh panel either from the same Committee or after constitution of a new Committee for the purpose, from such new Committee.”.

CHAPTER III

AMENDMENTS TO THE MAHARASHTRA COEP TECHNOLOGICAL UNIVERSITY ACT, 2022.

Mah.
XXXV of
2022.

4. In section 11 of the Maharashtra COEP Technological University Act, 2022,—

Amendment
of section
11 of Mah.
XXXV of
2022.

(1) in sub-section (3),—

(a) in clause (a),—

(i) for sub-clause (i), the following sub-clause shall be substituted, namely :—

“ (i) a member nominated by the Chancellor, who shall be a person of eminence in the sphere of higher education and shall be either an eminent scholar of national repute or a recipient of *Padma* Award in the field of education ;”;

(ii) after sub-clause (iii), the following sub-clause shall be inserted, namely :—

“ (iv) a member nominated by the Chairman, University Grants Commission.”;

(b) in clause (c), the word “ three ” shall be deleted ;

(c) for clause (d), the following clause shall be substituted, namely :—

“ (d) The members nominated on the committee shall be persons who are not connected in any manner with the university or any college or any recognised institution of the university ; ”;

(d) in clause (f),—

(i) before sub-clause (i), the following sub-clause shall be inserted, namely :—

“ (i-1) be a person possessing highest level of competence, integrity, morals and institutional commitment ;”;

(ii) in sub-clause (iv),—

(I) for the words “ educational qualifications ” the words “ additional educational qualifications ” shall be substituted ;

(II) in the proviso, for the words “ educational qualifications ” the words “ additional educational qualifications ” shall be substituted;

(2) in sub-section (4),—

(a) before the existing proviso, the following proviso shall be inserted, namely :—

“ Provided that, if a person selected by the Chancellor does not take over the charge of the post of Vice-Chancellor, the Chancellor may select another suitable person from the remaining persons from a panel or he may call for a fresh panel either from the same committee or after constitution of a new committee for the purpose, from such new committee :” ;

(b) in the existing proviso, for the words “ Provided that ” the words “ Provided further that ” shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

Section 13 of the Dr. Babasaheb Ambedkar Technological University Act, 2014 (Mah. XXIX of 2014) and section 11 of the Maharashtra COEP Technological University Act, 2022 (Mah. XXXV of 2022) provides for eligibility criteria and constitution of Selection Committee for appointment of the Vice-Chancellor.

2. The provisions of the eligibility criteria and constitution of Selection Committee for appointment of Vice-Chancellor have been modified by the University Grants Commission *vide* the University Grants Commission (Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and other Measures for the Maintenance of Standards in Higher Education) Regulations, 2018 framed under the University Grants Commission Act, 1956 (3 of 1956).

3. The Supreme Court has recently in the cases of Gambhirdan K Gadhvi Vs. State of Gujarat and Ors. (Writ Petition (Civil) No. 1525 of 2019) and Professor (Dr.) Sreejith P.S. v/s Dr. Rajasree M.S. and ors. (Civil Appeal Nos. 7634-7635 of 2022), has held that the eligibility criteria and appointment of Vice-Chancellor shall be always as per the relevant UGC Regulations and the State Act if not on a par with the UGC Regulations, must be amended to bring it on a par with the applicable UGC Regulations and until then it is the applicable UGC Regulations that shall prevail.

4. In view of above, the existing provisions regarding appointments of Vice-Chancellor contained in the Dr. Babasaheb Ambedkar Technological University Act, 2014 and the Maharashtra COEP Technological University Act, 2022, needs to be amended suitably so as to make them in consonance with the UGC Regulations.

5. The Bill seeks to achieve the above objectives.

CHANDRAKANT (DADA) PATIL,

Mumbai,

Dated the 26th February 2023.

Minister for Higher and
Technical Education.