

SANT GADGE BABA AMRAVATI UNIVERSITY GAZETTE



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PART- ONE

Thursday, 21 July, 2022

Direction

No. 37/2022

Dated. 21 /07/2022

Subject :- Transfer of Management of College / Institution to other Management maintaining College/Institution (Other than established and maintained by Government., Zilla Parishad, Municipal Corporation/Council) Direction-2022.

Whereas, the Maharashtra Public Universities Act, 2016 has come into force from 1st March, 2017 in place of the Maharashtra Universities Act, 1994 in which u/s 31(z) r/w Section-119, the Management Council of the University may consider the proposal for transfer of Management of Colleges / Institutions, as prescribed in the statute, subject to permission of the State Government.,

AND

Whereas, as per Section-108 (1) (i) of the said Act there shall be no changes or transfer of the management or Shifting of Location of College or Institution, without prior Permission of the University,

AND

Whereas the Norms for transfer of management are governed by Notification No. 54/2012 (b) issued under previous Act, 1994, which are with changes to be made therein, are to be prescribed by Statute as per Section - 119 of Maharashtra Public Universities Act, 2016,

AND

Whereas the Management Council vide item no. 182 in its meeting held on 13th Dec. 2018 has directed to frame Statute on Transfer of Management of colleges as per which the matter was submitted to the Board of Deans. The Board of Deans had constituted a Committee to prepare the Draft norms. These Draft norms had been submitted to the Board of Deans vide item no. 88 of its meeting held on 03.08.2019 which has approved the same,

AND

Whereas the above said Draft norms have been submitted to the Management Council vide Item no. 75 in its meeting held on 09.04.2021, which has approved the Norms, and the Direction No. 46/2021 dated 26/8/2021 was issued u/s 12(8) of Maharashtra Public Universities Act, 2016, which is lapsed after six months as per said section of the Act.

AND

Whereas, the statute is to be prescribed, process of which is time-consuming hence a fresh Direction u/s 12(8) of the Act is to be issued,

Therefore, I, Dr.Dileep Malkhede, Vice - Chancellor, Sant Gadge Baba Amravati, University, in exercise of powers vested in me u/s. 12(8) of Maharashtra Public Universities Act, 2016, here by issue the following Direction.

1. This Direction may be called "Transfer of Management of College / Institution to other Management maintaining College/Institution (Other than established and maintained by Govt., Zilla Parishad, Municipal Corporation/Council) Direction-2022"
2. This Direction shall come into force with effect from the date of its issuance.
3. In this Direction, unless the context otherwise requires.

(i) "Act" Means "Maharashtra Public Universities, Act, 2016".

- (ii) "Transferer" means the Management of the College/Institution who transfers the College/Institution to other Management, the Party on one Part.
- (iii) "Transferee" means the Management of College/Institution to whom the College/Institution is transferred, the party on other part.
- (iv) "Management" means the "Management" as defined in section-2 (37) of Maharashtra Public Universities Act, 2016.

4. The Management of the College/Institution who decides to transfer its College/ Institution to another management shall have to satisfy the following conditions that :-

- a) There shall not be any additional financial burden on Government, by way of the transfer.
- b) The Management on the other part hereinafter referred to as Transferee should have at least 5 years of standing.
- c) The existing Management on one part, hereinafter referred to as Transferer, desires to transfer its college to the Management on the other part, shall have to apply to the University on or before 31st December, of the calendar year as per the proforma supplied by the University, vide Notification, along with the fee prescribed for the said purpose, by the University from time to time,.
- d) The existing Management on one part Transferer shall, along with the application, have to submit a copy of resolutions of both the Managements i.e. of the management on one part and of the other part, regarding transfer and willing to take-over the College/Institution, and N.O.C. from the Charity Commissioner.
- e) The finance and accounts position of the Transferer's college shall be upto date. The Board of Deans shall scrutinise the application and if satisfied, an enquiry committee to inspect the College/Institution and verify the records, factual position etc. by observing the relevant provisions laid down in the Maharashtra Public Universities Act, 2016, Statutes, Ordinances, Regulations, etc. consequence of transfer, reasons of transfer, etc. and submit its report along with specific recommendations, regarding the transfer of management, to the Board of Deans,
- f) The Board of Deans shall consider the report of the Enquiry Committee, and submit its recommendations to the Management Council, for consideration,
- g) The Management Council shall consider u/s. 31 (z) of the Act, and if the proposal of transfer of management, is accepted, it shall be forwarded to the State Government as per section-119 and 108(1)(i) of the Act for grant of permission for transfer of Management.
- h) On receipt of permission from State Government, the existing Management (Transferer) shall be informed for initiating process of handing-over and taking-over.
- i) The process of handing-over and taking-over of all movable /immovable properties, records, etc. shall be by following the requirements mandatory under legal procedure on stamp papers. A copy of the same shall be submitted to the University.

While handing over the College/Institution all existing benefits, future benefits, terminal benefits, etc. to be occurred against the service rendered by the Staff (Teaching and Non-Teaching) should be protected by the transferee by following the legal procedure making an agreement on the stamp paper, with the Transferer.

- j) The permission of State Government received as per (h) with the process done as per (i) be placed before Management Council for noting. The building fund and reserve fund deposited for the College/Institution shall be intact and continue in the account of that College/Institution.

- k) The provisions of the Act and Statutes, Ordinances and Regulations made there-under and the standing orders and directions of the University and State Government shall be complied by the transferee Society.
5. As per Para 4.(c)above, the Notification No.10/2022 has been issued on 27.1.2022 enclosing there -with the Proforma to enable the College Management to apply for the same.
6. The Part- (b) of the Notification No.54/2012 dated 26.04.2012 here by stands repealed.

Dated. 09 /07 /2022

Sd/-
(Dr. Dileep Malkhede)
Vice-Chancellor
Sant Gadge Baba Amravati, University
