

**Direction No. 8 of 2019**

**PRESCRIBING THE PROCEDURE TO BE FOLLOWED BY THE UNIVERSITY FOR GRANT OF APPROVAL TO ISSUE NOTICE OF TERMINATION UNDER STATUTE 53, DIRECTION, 2019.**

(Issued u/s 12(3) of the Maharashtra Public Universities Act, 2016)

**Whereas**, the Maharashtra Public Universities Act, 2016 (Maharashtra Act No. VI of 2017) has come into force w.e.f. 1<sup>st</sup> March 2017;

**AND**

**Whereas**, the Maharashtra Universities Act, 1994 came to be repealed as per the provisions of section 147 (1) of the M.U. Act, 1994, however, by virtue of the provisions of section 147(2)(I) of the Maharashtra Public Universities Act, 2016, it is provided that all Statutes made under the repealed Act will be in force to the extent to which they are not inconsistent with the provisions of the Maharashtra Public Universities Act, 2016;

**AND**

**Whereas**, as per the provision of Statute 53 framed under the Nagpur university Act, 1974, prior approval of the Executive Council of Nagpur University was made mandatory for issuing notice of termination to a confirmed teacher in affiliated college;

**AND**

**Whereas**, the Maharashtra Public Universities Act, 2016 does not contemplate the existence of the Executive council, however, under Section 30 (4) of the Act, Management Council is constituted with regard to the powers and duties prescribed under section 31 of the said Act;

**AND**

**Whereas**, in terms of the provision prescribed under section 72 (20) of the Act, the power is vested with the Management Council for prescribing and recommending by the colleges affiliated to the university and also to prescribe the terms and conditions of their service and rules & procedures for their

appointments and therefore granting of approval for termination of a confirmed teacher would fall within the ambit of terms & conditions of the services of the teachers of the affiliated colleges;

**AND**

**Whereas**, after coming into force the Maharashtra Public Universities Act, 2016 keeping in view the letter and spirit of the provisions of section 71 (20) of the Act, it would be necessary that the decisions with regard to grant of approval for issuing notice of termination to a confirmed teacher contemplated under para 5 of Statute 53 are taken by the Management Council in its collective wisdom;

**AND**

**Whereas**, the Vice-Chancellor Nagpur university, Nagpur on 9/8/2002, under provision of section 14 (8) of the Maharashtra Universities Act, 1994, had issued Direction No. 22 of 2002 in respect of Direction prescribing the procedure to be followed by the university for grant of approval to issue notice of termination under Statute 53;

**AND**

**Whereas**, Direction No. 22 of 2002 of Nagpur university, Nagpur was applicable to Gondwana University, Gadchiroli as per provision made under Maharashtra universities Act, 1994;

**AND**

**Whereas**, after coming into force of the Maharashtra Public Universities Act, 2016, from 1/3/2017, the Direction No. 22 of 2002 automatically lapsed as per provision made under the proviso of section 12 (8) of the said Act;

**AND**

**Whereas**, it is expedient to prescribe procedure for grant of approval to issue notice of termination to the confirmed teachers of affiliated colleges as per para 5 of Statute 53,

**Now**, therefore, I, Dr. N. V. Kalyankar, Vice-Chancellor, Gondwana University, Gadchiroli do hereby issue the following Directions by exercising powers vested in me under provision of section 12 (8) of the Maharashtra Public Universities Act, 2016: -