

Direction No. 26 of 2018

(Issued under provision of section 12(8) of the Maharashtra Public Universities Act, 2016)

Unfairmeans, Malpractices and Lapses on the Part of Students or Persons, Connected with the Conduct of Examination and Evaluation, Direction, 2018.

(As per Section 71(10)(a) of the Maharashtra Public Universities Act, 2016.)

Whereas, the Maharashtra Public Universities Act, 2016 has come into force with effect from 1st March 2017 (hereinafter referred to as the Act);

AND

Whereas, the Act has repealed the Maharashtra Universities Act, 1994 with effect from 1st March 2017;

AND

Whereas, clause (a) of sub section (5) of section (48) of the Maharashtra Public Universities Act, 2016 provides that in order to investigate and take disciplinary action for failure to comply with the order of the University for rendering assistance or service in respect of examinations by or on behalf of the university or evaluation of students or for malpractices and lapses on the part of candidates, paper setters, examiners, moderators, referees, teachers or any other persons connected with the conducted of examinations including the pre-examination stage and the post-examination stage or at any stage whatsoever, the Board of Examinations and Evaluation shall constitute a committee of not more than five persons of whom one shall be the chairperson.

AND

Whereas, clause (b) of sub-section (5) of section 48 of Maharashtra Public Universities Act, 2016 provides that the above said committee shall submit its report and recommendations to the Vice-Chancellor, who may direct the report and recommendations to the Vice-Chancellor, who may direct the Director, Board of Examinations and Evaluation, the disciplinary action to be taken against the person or persons involved in the malpractices, directly or indirectly, and Director, Board of Examinations and Evaluation shall proceed to implement a decision of the Vice-Chancellor.

AND

Whereas, to regulate the matter of unfairmeans, malpractices and lapses on the part of students or persons connected with the conduct of examination and evaluation, the Rashtrasant Tukdoji Maharaj Nagpur university, Nagpur has approved ordinance No. 17 of 2008 in respect or "Ordinance to provide for to enquire into and take disciplinary action for malpractices and lapses on the part of candidates, paper setters, examiners, moderators, member of the subject examination committee, referees, teachers or any other persons connected with the conduct of the university examination;

AND

Whereas, the above mentioned Ordinance No. 17 of 2008 was approved by the Management Council of the Rashtrasant Tukdoji Maharaj Nagpur University, Nagpur under provision of the Maharashtra Universities Act, 1994 as the matter of the said ordinance was required to be regulated by the Statute;

AND

Whereas, Clause (a) of sub-section (10) of section 71 of the Maharashtra Public Universities Act, 2016 provides that the matter relating to use of unfairmeans in an examination, or abetment thereof is required to be regulated by the Statute;

AND

Whereas, Ordinance No. 17 of 2008 which was applicable to the Gondwana University, Gadchiroli from the date of its establishment is itself inconsistency with the provision of clause (a) of sub-section (10) of section 71 of the Maharashtra Public Universities Act, 2016.

AND

Whereas, the matter relating to use of unfair means in an examination is required to be regulated by the Statute;

AND

Whereas, making of statute is time consuming process;

AND

Whereas, following three documents has been accepted by the Vice-Chancellor under provision of section 48 (2) of the Maharashtra Public Universities Act, 2016, on behalf of the Board of examinations and evaluation, on 30/6/2018;