

DIRECTION NO. 30 OF 2018

PROCEDURE FOR CONDUCT OF ELECTIONS, AT THE MEETINGS OF THE AUTHORITIES, TO THE OTHER OR THE SAME AUTHORITY OF THE UNIVERSITY, DIRECTION, 2018.

(Issued u/s. 12 (8) of the Maharashtra Public Universities Act, 2016.)

Whereas, the Maharashtra Public Universities Act, 2016 (Maharashtra Act No. VI of 2017) (hereinafter referred to as the 'Act') has come into force in the State of Maharashtra, with effect from 1st March 2017, repealing the Maharashtra Universities Act, 1994;

AND

Whereas, the said Act has been made applicable to the Gondwana University, Gadchiroli with effect from 1st March 2018;

AND

Whereas, section 26 of the said Act has provided different authorities of the university;

AND

Whereas, the authorities of the university have a power to form the bodies;

AND

Whereas, the authorities namely – Senate, Academic Council and Boards of Studies are formed in the university on the basis of elections at the polling centers the respective authorities;

AND

Whereas, Section 67 of the said Act provides that every election to any authority or body of the university shall be held by ballot in accordance with the system of proportional representation by means of the single transferable vote and as prescribed by the statute;

AND

Whereas, Direction No. 9 of 2017 in respect of Prescribing procedure to conduct elections to the authorities of the University namely, the Senate, the Academic Council, and the Boards of Studies at the Polling centers appointed by the University, Direction, 2017 has been issued by the Vice-Chancellor under provision of Sub-section (8) of section 12 of the Act;

AND

Whereas, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Maharashtra was pleased to promulgate Ordinance No. XXVIII OF 2017, namely – The Maharashtra Public Universities (Amendment) Ordinance, 2017 on 28/11/2017;

AND

Whereas, in section 30 of the Maharashtra Public Universities Act, 2016, after sub-section (4) the following proviso was added by the Maharashtra Public Universities (Amendment) Ordinance, 2017;

“Provided that, for the election of the candidate from the reserved categories, under clauses (f), (g), (h) and (i), for the initial term of Management Council, immediately after the commencement of this Act, point of rotation for reserved categories under the said clauses shall be decided by drawing of lots by Vice-Chancellor, and while drawing of lots, it shall be ensured that the person belonging to each reserved category shall have representation on the Management Council.”;

AND

Whereas, in the light of addition of above mentioned proviso under section 30 (4) of the Maharashtra Public Universities Act, 2016, the Vice-Chancellor had drawn of lots for the election of the candidate from the reserved category, under clauses (f), (g), (h) and (i) for the initial term of Management Council and decided the point of rotation for reserved categories under clauses (f), (g), (h) and (i) of sub-section (4) of section 30 of the Maharashtra Public Universities Act, 2016. The said lots were drawn on 28/12/2017 at 11.30 AM in the university in presence of the interested persons;

AND

Whereas, upon the re-assembly of the State Legislature on the 11th December 2017, the Maharashtra Public Universities (Amendment) Bill, 2017 (L.A. Bill No. LXVIII of 2017), for converting the Maharashtra Public Universities (Amendment) Ordinance, 2017, into an act of the State Legislature, was passed by the Maharashtra Legislative Assembly on 21st December 2017 and was transmitted to the Maharashtra Legislative Council;

AND

Whereas, thereafter, as the session of the Maharashtra Legislative Council was prorogued on the 22nd December 2017, the said Bill could not be passed by the Maharashtra Legislative Council;

AND

Whereas, as provided by Article 213 (2) (a) of the Constitution of the India, the Maharashtra Public Universities (Amendment) Ordinance 2017 shall ceased to operate at the expiration of six weeks from the re-assembly of the State Legislature, i.e. after the 21st January 2018;