



GONDWANA UNIVERSITY, GADCHIROLI

Direction No. 35 of 2023

PROCEDURE TO GOVERN TRANSFER OF TEACHERS AND PRINCIPALS OF AFFILIATED COLLEGES/RECOGNISED INSTITUTIONS, DIRECTION, 2023.

Whereas, the Maharashtra Public Universities Act, 2016 (Mah. Act No. VI of 2017) (hereinafter the "Act") has come into force in the State of Maharashtra, with effect from 1st March 2017, repealing the Maharashtra Universities Act, 1994, and this Act has been made applicable to the Gondwana University, Gadchiroli (hereinafter the "University")

AND

Whereas, several colleges/institutions are affiliated to the University out of which some colleges/institutions are receiving grant in aid from the state government (aided colleges/institution) and some are not receiving any grant in aid from the state government[unaided colleges/institutions] and each of these colleges/institutions owned by some society or a trust have to appoint teaching and non-teaching staff for furthering their objective of promoting higher education;

AND

Whereas, some of the societies/trusts are owning/conducting more than one college/institution affiliated either to the same University or to more than one University, creating possibility of transfer of its teaching staff from one college to another college situated within the jurisdiction of the Gondwana University or different University;

AND

Whereas, the subject matter of transfer of teachers from one college to another college being the part of service conditions of teachers, the matter is required to be governed by the Statute of the University under entry no. 20 in section 71 of the Act;

AND

Whereas, there is no statute in existence in the university relating to the subject matter of transfer of teachers of affiliated colleges/recognized institutions and since the statute making is a time consuming process therefore the University had issued for the last time Direction No. 02 of 2023 entitled "Procedure to govern transfer of teachers and principals of affiliated colleges/recognized institutions, Direction,2023" by invoking the powers under section 12[8] of Act but as the said Direction has lapsed by virtue of the provisions of proviso to section 12(8) it has become necessary to issue a fresh Direction, incorporating the provisions of the said lapsed Direction, with suitable modifications;

Now, therefore, I, Dr. Prashant S. Bokare, Vice-Chancellor, Gondwana University, Gadchiroli in exercise of the powers conferred upon me under provision of section 12(8) of the Maharashtra Public Universities Act, 2016, do hereby issue the following directions:-

1. This Direction may be called, "Procedure to Govern Transfer of Teachers and Principals of Affiliated College/Recognized Institutions Direction, 2023,"
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 the Maharashtra Public Universities Act, 2016
 - ii) "Affiliated College" means a college which has been granted affiliation by the Gondwana University
 - iii) "Grievances Committee" means the Committee constituted as per the provisions of section 79 of the Act.
 - iv) "Management" means the management as defined under section 2 (37) of the Act;
 - v) "Principal" means a teacher who is duly approved as a "Principal" by the University;

- vi) "Recognised Institution" means an institution which has been granted recognition by the Gondwana University or any other University governed by Maharashtra Public University Act, 2016 (Maharashtra Act No. 06 of 2017), as per the provisions of the said act.
 - vii) "Teacher" means a teacher as defined under section 2(61) of the Act;
 - viii) "University" means Gondwana University, Gadchiroli and include any other Public University governed by Maharashtra Public University Act, 2016 (Maharashtra Act No. 06 of 2017)
4. This Direction shall govern the transfer of principals and teachers of all the colleges/institutions which are affiliated to the University, except the colleges/institutions which are owned by the Central or the State Govt. or by any local authority.
5. Where more than one college/institution are owned by any entity, whether trust, society or a company or otherwise and such colleges/institutions are affiliated or recognised by the university then subject to the provisions of this Direction and notwithstanding anything to the contrary in any other Directions, Statutes or Ordinance of the University, the Management of such entity may transfer any Teacher/principal from one of its affiliated colleges/recognized institutions to its another affiliated colleges/recognized institutions. Such a transfer may be made:-
- (a) For administrative exigency;
 - (b) As a routine periodical transfer, or
 - (c) On the specific request of a Teacher/Principal.

6. The transfer of a teacher/principal from an aided affiliated college/recognized institution shall be made to the other aided affiliated college/ recognized of the same management. Similarly, the transfer of a teacher/principal from an unaided affiliated college/recognized institution shall be made to the another un-aided affiliated college/recognized institution of the same management.
7. While making the transfer of the teacher/Principal, the Management of the college/institution shall observe the following principles:-
 - (a) Ordinarily, a teacher on probation shall not be transferred.
 - (b) The transfer shall not be made during the academic year and shall be made only before the beginning of the summer vacation.
 - (c) The transfer order shall be issued to the teacher/Principal at least one month in advance.
 - (d) Subject to the other rules or regulations regarding service condition of a teacher/principal, the service condition of a teacher/principal shall not be altered to his/her disadvantage by virtue of his transfer.
 - (e) If the spouse of the transferee also is in the employment of another employer and both are working at the same place or nearby places, the transfer should be made as far as possible considering this fact.
 - (f) Ordinarily the transfer shall not be made before a period of seven years from the date of appointment.
 - (g) The teacher/Principal, if he/she so desires, in the last seven years of his/her service, shall be posted to his/her native place or a place of his/her choice.

- (h) Ordinarily, transfer of a teacher/Principal shall not be made on more than four occasions during his/her entire service.
 - (i) Ordinarily, a physically challenged teacher shall not be transferred.
 - (j) The transfer of a teacher/principal is a prerogative of the management to be exercised for good governance and improvement of quality of higher education keeping in mind the interests of students. Therefore, it shall not be used with vindictive approach and for purposes which are not germane to the above purposes.
 - (k) The Management of the college/institution shall always take the concerned person in confidence before affecting his/her transfer.
8. Where a teacher is to be transferred to a place which is outside the jurisdiction of the University, then the Management shall take prior permission of both the Universities before affecting such transfer. Provided, however, that it shall be ensured that such transfer does not adversely affect any person in the service of the affiliated college or recognized institution where the transfer is proposed.
9. Mutual transfer on the express request of the teachers shall be made only at the beginning of the term or at the end of the academic year.
- Provided that, in case of such mutual and request transfer, teachers shall not be entitled to travelling, daily and transport allowances.
10. If the teacher is elected, nominated or co-opted as a member of the authorities or bodies of the University and/or the College Development Committee of the College or Recognized institution, as the case may be, then he/she shall not be

transferred during the period for which he/she is elected, nominated or co-opted or appointed.

11. Where the transfer of a teacher/principal is by way or harassment, mala-fide, punitive, arbitrary, perverse or in any other way violative of the provisions of this Direction, the transfer shall not be effected unless on an appeal being preferred by the affected teacher/principal the Grievances Committee of the University, has decided the case or has allowed the transfer by an interim order.

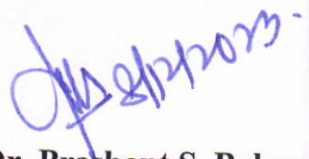
12. The salary and all the allowances payable to the transferred teacher/principal shall not be withheld by the management of the college/institution merely because he/she has been transferred to other college/institution and the matter is pending before the Grievance Committee of the University.

13. Joining Time on Transfer:-

When the transfer involves change from one station to another, joining time and transport charges shall be granted to the teacher as per Government rules made in this regard, from time to time.

14. Any issue relating to the interpretation of the provisions of this Direction shall be referred to the Vice-Chancellor for his decision which shall be final and binding for all the concerned people.

Gadchiroli
Date : 08 /12/2023


(Dr. Prashant S. Bokare)
Vice-Chancellor