



GONDWANA UNIVERSITY, GADCHIROLI.

DIRECTION NO. 23 OF 2019

NORMS FOR CLOSURE, CHANGE OF SITE/LOCATION, CHANGE OF NAME, CHANGE OF MANAGEMENT AND MERGING OF THE COLLEGE/COURSE OR RECOGNIZED INSTITUTE, DIRECTION, 2019.

(Issued under Section 12(8) of the Maharashtra Public Universities Act, 2016.)

Whereas, the Maharashtra Public Universities Act, 2016 has come into force with effect from 1stMarch2017(hereinafter referred to as the Act);

AND

Whereas, the above said Act is applicable to the Gondwana University, Gadchiroli;

AND

Whereas, clause(i) of sub-section (1) of Section 108 of the above said Act provides that there shall be no change or transfer of the Management or shifting of location of college or institution without prior permission of the University;

AND

Whereas, clause (j) of sub-section(1) of Section 108 of the above said Act provides that the college or institution shall not be closed without prior permission of the University;

AND

Whereas, sub-section (1) of section 121 of the Act provides that no management of an affiliated college or recognized / institution shall be allowed to close down the affiliated college or recognized institution without prior permission of the State Government;

AND

Whereas, sub-section(18) of Section 71 of the Act provides that norms of grant and withdrawal of affiliation of the college or institution is a matter to be regulated by the Statute;

AND

Whereas, section 119 of the Act provides that the Management council of the university shall consider the proposals for transfer of Management of colleges and institutions, as prescribed in the statutes, subject to the permission of the State Governments;

AND

Whereas, sub-section (24) of Section 2 of the Act provides the definition of the word 'prescribed' which means prescribed by statute made by or under the Act;

AND

Whereas, the matter is required to be regulated by the statute;

AND

Whereas, no statute was made in the university to regulate the matter;

AND

Whereas, Direction No. 43 of 2017 in respect of "Norms for closure, change of Site/Location, change of name, change of management and merging of the college/course or recognized institution Direction,2017." Was issued by the Vice-Chancellor under provision of section 12(8) of the Act, on 21/12/2017;

AND

Whereas, matter was regulated by issuing Direction No. 43 of 2017 by the Vice Chancellor;

AND

Whereas, Direction No. 43 of 2017 was required to be converted into the Draft Statute within a period of six month from the date of its issuance;

AND

Whereas, Draft Statute No. 32 of 2017 was placed before the Management Council meeting held on 19/12/2017 vide item No. 8 on the Agenda paper;

AND

Whereas, Management Council had recommended Draft Statute No. 32 of 2017 to the Senate for its passing;

AND

Whereas, the Senate in its meeting held on 27/03/2018 vide item No. 6 on the Agenda paper had passed Draft Statute No. 32 of 2017 for its onwards

Submission to the Hon'ble Chancellor for his assent to Draft Statute No. 32 of 2017;

AND

Whereas, Draft Statute No. 32 of 2017 in respect of "Norms for closure, change of Site/Location, change of name, change of management and merging of the college/course or recognized institution Statute,2017" was submitted to the Hon'ble Chancellor for his assent to the Draft Statute vide letter No. G.U./Regi./9218/2018 Date: 12/11/2018;

AND

Whereas, Draft Statute No. 32 of 2017 is yet to be assented to by the Hon'ble Chancellor for its implementation;

AND

Whereas, Direction No. 43 of 2017 is promulgated on dated 21/12/2017 as provided under the provision of the section 12(8) of the Act;

AND

Whereas, Direction No. 43 of 2017 dated 21/12/2017 is automatically lapsed on 20/06/2018 as provided under the proviso of section 12(8) of the Act;

AND

Whereas, Direction No. 2 of 2019 is promulgated on dated 11/01/2019 as provided under the provision of the section 12(8) of the Act;

AND

Whereas, Direction No. 2 of 2019 dated 11/01/2019 is automatically lapsed on 10/07/2019 as provided under the provision of the section 12(8) of the Act;

AND

Whereas, it is necessary to provide sub-ordinate legislation to regulate the matter in absent of Statute in that behalf;

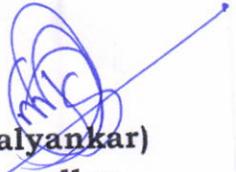
Now, therefore, I, Dr. N.V. Kalyankar, Vice-Chancellor, Gondwana University, Gadchiroli, in exercise of the powers vested in me under provision of Section 12(8) of the Maharashtra Public Universities Act, 2016, do hereby issue following Directions:-

1. This Direction shall be called "Norms for closure, change of Site/Location, change of name, change of management and merging of the college/course or recognized institution Direction, 2019."
2. This Direction shall come into force with effect from the date of lapse of the preceding Direction No. 2 of 2019 viz 10/07/2019.
3. In this Direction, unless the context otherwise requires:-
 - (a) "Act" means the Maharashtra Public Universities Act, 2016 (Maharashtra Act No. VI of 2017);
 - (b) "Academic council" means the Academic Council constituted as per section 32(3) of the Act;
 - (c) "Administrative Staff" means the staff engaged purely in discharging administrative functions;
 - (d) "Affiliated College" means a college which has been granted affiliation by the university;
 - (e) "Department" means a department teaching a particular subject or a group of subjects in a college as prescribed in the statutes;
 - (f) "Management Council" means the Management Council constituted as per section 30 (4) of the Act;
 - (g) "Management" means the trustees or the managing or governing body; by whatever name called; of any trust recognised under the Maharashtra Public Trust Act, or any society registered under the Societies Registration Act, 1860 or a company registered under section 8 of the companies Act, 2013 under the management of which one or more colleges or recognized institutions or other institutions of higher learning are conducted and admitted to the privileges of the university;
 - (h) "Non-Vocational Academic Staff" means such staff as the Government may classify to be non-vocational academic staff and includes all such staff which is complimentary to academic staff but, shall not include the staff engaged purely in discharging administrative functions;
 - (i) "Principal" means a teacher who is duly approved as a principal by the university;

- (j) "Recognised Institution" means an institution of higher learning; research or specialized studies, other than a college, and recognized to be so by the university;
- (k) "Schedule" means the schedule of the Act;
- (l) "State Government" means the Government of Maharashtra;
- (m) "Teacher" means full time approved teacher of the affiliated college or recognized institution as defined under sub-section(61) of section 2 of the Act;
- (n) "University area" means the area specified against the name of the university in the schedule of the Act;
- (o) "University" means any of the universities mentioned in the Schedule of the Act at sr. No. 11;
- (p) "University Grants Commission" means the University Grants Commission established under the University Grants Commission Act 1956;
- (q) "Vice-Chancellor" means the Vice-Chancellor of Gondwana University, Gadchiroli appointed, under provision of section 11(4) of the Act, by the Chancellor.

4. Norms for closure, change of Site/Location, Change of Name, Change of Management and merging of the college/course or recognized institution, as may be applicable, are provided under **Appendix-I** appended with this Direction.

Place:-Gadchiroli
Date: 15/10/2019


(Dr. N. V. Kalyankar)
Vice-Chancellor

Norms for closure, change of Site/Location, Change of Name, Change of Management and Merging of the College/Course or recognized Institute

I. Closure of the Course/College or recognized institution:-

- (1) No management of a college or recognized institution shall be allowed to close down the course/college or recognized institution without prior permission of the State Government;
- (2) The management desirous of closing down the course/college or recognized institution shall apply to the University on or before the first day of August of the preceding year with prescribed fees as per Annexure-I stating fully the grounds for closure, and pointing out the assets in the form of building and equipments, their original cost, the prevailing market value and the grants so far received by it either from the University Grants Commission, or the State Government or public funding agencies;
- (3) On receipt of such an application, the Academic Council shall cause to make enquiries as it may deem fit by appointing an Expert Committee, to assess and determine whether the college or recognized institution be permitted to effect the closure.
The Academic Council may examine, whether the closure should be avoided by providing necessary assistance or taking over of the college or institution by the university or transferring it to another management by appointing an Expert Committee.

A) Conditions for closure:-

The course/college or Institute shall be closed completely in one instance No partial or progressive closure shall be allowed at the first year level. However the subsequent years of working shall lapse at the end of each academic year respectively.
There shall be no Charge sheet filed or Pending court case/s against the college/Institute.

B) Procedure for Closure:-

The University affiliated College/Institution seeking closure of course or college or institution shall apply for the closure as per the Direction. An expert Committee appointed by the University shall visit the location of college/institution to verify-

- 1) Status of students already studying in the college/institution.
 - 2) Status of Faculty and staff in the college/institution.
 - 3) Any other liabilities of the college/institution.
- (4) If the Academic Council decides to recommend the closure, it shall prepare and submit to the Management Council, a report on the extent of damages or compensation to be recovered from the management and whether the assets created utilizing the funds provided by the University Grants Commission, the State Government or other public funding agencies be transferred to the University or other management, and the payment of compensation to the teachers and the staff retrenched;
- (5) The Academic Council shall, with prior concurrence of the Management Council and approval of the state Government then decide whether the affiliated college or recognized institution be permitted for the closure;
- (6) The University may take over college or a recognized institution or transfer the same to another Management with prior approval of the State Government and after following the procedure prescribed in that behalf;
- (7) The procedure to effect the closure shall be in phases, so as to ensure that the students already admitted to the college or recognized institution are not affected and that the first year shall be closed first and no new admission shall be effected. The procedure to phase out the closure shall be such as may be prescribed; and

- (8) The closure of the college shall be affected only on receipt of approval of the University;

II. Change of Site/Location of College or recognized Institute:-

- (1) No management of a college or recognized institution shall be allowed to change the site/location of college or recognized institute without prior permission of the State Government;
- (2) The management desirous of change of site/location of the college or recognized institution shall apply to the university on or before the first day of August of the preceding year with prescribed fees as per Annexure-I stating fully the grounds for change of site/location of college or recognized institution;
- (3) On receipt of such an application, the Vice-chancellor shall cause to make enquiries as he may deem fit by appointing an Expert Committee, to assess and determine whether the college or recognized institution be permitted to affect the change of Site/Location;
- (4) The application shall be processed as per procedure of approval for new college/Institution. It shall be necessary to provide built up area as per norms required to conduct all existing courses;
- (5) In the event of approval by the University for change of Site/Location, the equipments, library and other movable property in the exiting college/Institute may be shifted to new site/location and the approval for activities on existing location shall cease;
- (6) The change of site/location shall be effected only on receipt of approval in respect of new location;
- (7) Request for approval for partial shifting shall not be considered;
- (8) On approval of new location, all activities of College/Institute shall necessarily/compulsorily carried out at newly approved location;

(9) Any violation in this respect may lead to withdrawal of approval and College/Institute shall not be allowed to continue its activities in either locations;

(10) Applicant shall need to submit all documents as required for approval of new College/Institution. Following additional documents shall be necessary while seeking approval for change of site/location of the existing College/Institute:-

(i) Resolution of the Society/Trust seeking approval for change of site/location of the existing Institute/college.

III. Change of Name of College/Institute:-

(1) No management of a college or recognized institution shall be allowed to change name of the college or recognized institution without prior permission of the State Government;

(2) The management desirous of changing name of the college/recognized institution shall apply to the university on or before the first day of August of the preceding year with notified fees as per Annexure-I prescribing the grounds for change of name;

(3) Applicant shall submit the following documents along with application form for change of name of College/Institute:-

(a) Resolution by Governing Board Members approving change in name, duly signed by the Chairman of the Society/Trust;

(4) The Academic Council shall, recommend to the State Government whether the affiliated college or recognized institution be permitted for change of name of College/Institute; and

(5) On approval of new name all correspondence of the College/Institute shall necessarily/compulsorily come out with new name of the College/Institute.

IV. Change of Management:-

(1) No change in management of the College or recognized Institution shall be allowed without prior permission of the State Government;

- (2) The management desirous of changing the management of the college or recognized institution shall apply to the University on or before the first day of August of the preceding year with prescribed fees as per Annexure-I, stating fully the grounds for change of management.
- (3) Applicant shall submit the following documents along with application form for change of management of the College/Institute:-
- (i) Resolution of present Governing Board members approving change in management, duly signed by the Chairman of the Society/Trust;
- (4) On receipt of such an application, the Academic Council shall cause to make enquiries as it may deem fit by appointing an Expert Committee, to assess and determine whether the college or recognized institution be permitted to affect the Change of Management.
- (5) An Expert Committee appointed by the University shall visit the location of college/institution to verify-
- 1) Status of students already studying in the college/institution.
 - 2) Status of Faculty and staff in the college/institution.
 - 3) Any other liabilities of the college/institution.
 - 4) Pending Court cases and serious charges, violation of norms, pending ragging cases against the college/institution.
- (6) On approval of report of the expert committee by the Academic Council, the Management Council will recommend it to the State Government and after receiving approval by the state Government the university should notify.
- (7) The change of management of the college/institution shall be effected only on receipt of notification issued by the University.

V. Merging of the College or recognized Institute.

- (1)** No management of a college or recognized institution shall be allowed to merge the college or recognized institution managed by the same management without prior permission of the State Government;
- (2)** The management desirous of merging the college or recognized institution shall apply to the university on or before the first day of August of the preceding year with prescribed fees as per Annexure-I stating fully the grounds for merging and pointing out the assets in the form of buildings and equipment's, their original cost, the prevailing market value and grants so far received by it either from the University Grants Commission, the State Government or from public funding agencies for individual college/Institute.
- (3)** On receipt of such an application, the Vice-chancellor shall cause to make enquiries as he may deem fit by appointing an Expert committee, to assess the feasibility or merging of college/institution.

A) Conditions for Merger:

- The junior and senior college managed by the same Management and conducted in same building can be merged.
 - The senior college of conventional courses and senior college of professional courses managed by the same Management and conducted in same building or in the same premises can be merged.
 - The other terms and conditions laid down in Government resolution No: NGC - 2010/(184/10)/CE -4, dated 31st August, 2010 shall be followed for merging the colleges of same management.
- (4)** The Academic Council shall, with concurrence of the Management Council and approval of the State Government

then decide whether the management be permitted for merging of its colleges/institutions.

(5) The merging of the colleges/institutions shall be effected only on receipt of approval of the University.

Annexure-I**Processing fees for various Applications**

Type of Application	Non Professional College / course	Professional College / Course
Closure	Rs. 50,000.00	Rs.1,00,000.00
Change of Site/Location	Rs. 50,000.00	Rs.1,00,000.00
Change of Name	Rs. 25,000.00	Rs. 50,000.00
Change of Management	Rs. 50,000.00	Rs.1,00,000.00
Merging of College/institution	Rs. 50,000.00	Rs.1,00,000.00