



महाराष्ट्र शासन
विधि व न्याय विभाग
मादाम कामा मार्ग, हुतात्मा राजगुरु चौक,
मंत्रालय, मुंबई 400 032.

दूरध्वनी क्र ०२२-२२७९३८२९

ई-मेल -rajesh.wadnerkar @nic.in

क्रमांक :- संकीर्ण २०२४/युआर क्र.४/का.४

दिनांक : ०७ ऑगस्ट, २०२४.

प्रति,

✓ प्रबंधक,
मुळ शाखा,
मुंबई उच्च न्यायालय,
मुंबई.

विषय :- प्रवेश नियामक प्राधिकरणाच्या अध्यक्ष पदावर करावयाच्या
नियुक्तीबाबत...

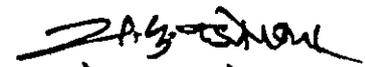
संदर्भ :- उच्च व तंत्र शिक्षण विभागाची शासन अधिसूचना दि.२१.०४.२०२२ व
दिनांक १८.११.२०२२.

महोदय,

महाराष्ट्र विनाअनुदानित खाजगी व्यावसायिक शैक्षणिक संस्था (प्रवेश व शुल्क यांचे विनियमन) अधिनियम, २०१५ च्या कलम ७ अन्वये प्रवेश नियामक प्राधिकरण गठीत करण्यात आले आहे. या प्राधिकरणाचे अध्यक्ष म्हणून उच्च न्यायालयाचा सेवानिवृत्त न्यायाधीश किंवा शासनाचा मुख्य सचिव दर्जाचा सेवानिवृत्त अधिकारी नियुक्त करण्याची तरतूद उक्त नियमाच्या कलम ७ मध्ये आहे. प्रवेश नियामक प्राधिकरणाच्या अध्यक्षांना प्रदान करावयाचे वेतन व भत्ते तसेच, अध्यक्ष व सदस्यांच्या नियुक्तीच्या सेवाशर्ती संदर्भाधीन अधिसूचनांन्वये विहित करण्यात आलेल्या आहेत. सदर दोन्ही अधिसूचना सदर पत्रासोबत जोडल्या आहेत.

२. प्रवेश नियामक प्राधिकरणाच्या अध्यक्षपदावर मा. उच्च न्यायालयाच्या सेवानिवृत्त न्यायाधिकांची नियुक्ती करण्याचा निर्णय उच्च व तंत्र शिक्षण विभागाने घेतला असल्याने अध्यक्ष, प्रवेश नियामक प्राधिकरण या पदावर काम करण्यास इच्छुक असलेल्या, मा. उच्च न्यायालयाच्या सेवानिवृत्त न्यायाधिकांची नांवे, त्यांच्या सेवाविषयक तपशीलासह उच्च व तंत्र शिक्षण विभागास तातडीने उपलब्ध करून द्यावयाची असल्याने सदर माहिती तातडीने दि. १२ ऑगस्ट, २०२४ पर्यंत या विभागास पाठविण्याची विनंती मा. उच्च न्यायालय प्रशासनास करण्यात येत आहे.

आपला,


(राजेश सु. वडनेरकर)

सोबत :- संदर्भाधीन अधिसूचना.

अवर सचिव, महाराष्ट्र शासन

(Translation of a photocopy of a LETTER, typewritten in Marathi)

EMBLEM

GOVERNMENT OF MAHARASHTRA

LAW AND JUDICIARY DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk,

Mantralaya, Mumbai 400032.

Telephone No. 022-22793829

e-mail rajesh.wadnerkar@nic.in

Number :- Miscellaneous 2024/U.R.No. 9/D.4 Date : 07th August, 2024.

To,

The Registrar,

Original Side,

Hon'ble Bombay High Court, Mumbai.

Subject :- **Regarding appointment to made to the post of
Chairman of the Admission Regulating Authority..**

Reference :- Government Notification dated 21.04.2022 and
dated 18.11.2022 issued by the Higher and Technical
Education Department.

Respected Sir,

Admission Regulating Authority has been set up under the provisions of Section 7 of the Maharashtra unaided Private Professional Educational Institutions (Regulation of admission and fees), Act, 2015 and in the said Section 7, there is a provision to appoint Hon'ble retired Judge of the Hon'ble High Court or the retired Officer of the rank of the Chief Secretary of the Government, as the Chairman of the said Authority.

Moreover, the pay and allowances and also the service conditions of the appointments of the Chairman and Members, have been prescribed under the Notifications referred to hereinabove. Both the said Notifications have been enclosed alongwith this letter.

2. The Higher and Technical Education Department has taken a decision to appoint the Hon'ble retired Judge of the Hon'ble High Court to the post of Chairman of the Admission Regulating Authority and therefore, the names of the Hon'ble retired Judges of the Hon'ble High Court who are interested to work as the Chairman of the Admission Regulating Authority, togetherwith their service related details are to be made available to the Higher and Technical Education Department immediately. Hence, the High Court Administration is hereby requested to send the said information immediately to this Department by the date **12th August,2024.**

Yours faithfully,

(Signature Illegible)
(Rajesh S. Vadnerkar)
Under Secretary,
Government of Maharashtra.

Encl : Above-referred Notifications.

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महाराष्ट्र शासन राजपत्र असाधारण भाग चार-ब, एप्रिल २१, २०२२/वैशाख १, शके १९४४

HIGHER AND TECHNICAL EDUCATION DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032, dated the 21st April 2022.

NOTIFICATION

MAHARASHTRA UNAIDED PRIVATE PROFESSIONAL EDUCATIONAL INSTITUTIONS (REGULATION OF ADMISSIONS AND FEES) ACT, 2015.

No. MISC 2021/CR 196/TE-4.— Whereas the Government of Maharashtra *vide* Government Notification, Higher and Technical Education Department, Notification No. Misc. 2015/CR 457/TE-4, dated the 30th November 2015 (hereinafter referred to as the "said Notification"), issued in exercise of the powers conferred by sub-section (5) of section 8 read with section 12 of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 (Mah. XXVIII of 2015), and notified the salary and allowances to be paid to the Chairperson of the Admissions Regulating Authority and Fees Regulating Authority and allowances to be paid to the Members of the said Authorities ;

And whereas the Government of Maharashtra considers it expedient to increase the meeting attendance allowances to be paid to the members of the Admissions Regulating Authority and Fees Regulating Authority ;

Now, therefore in exercise of the powers conferred by sub-section (5) of section 8 read with section 12 of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015, the Government of Maharashtra hereby amends the Government notification, Higher and Technical Education Department, Notification No. Misc. 2015/CR 457/TE-4, dated 30th November 2015, as follows, namely :—

1. For clause 3 of the said Notification, the following clause shall be substituted, namely :—

"3. Members of the Admissions Regulating Authority and Fees Regulating Authority shall be entitled to following allowances, namely :—

- (a) Dearness allowance shall be entitled to as per All India Services Officers ;
- (b) Compensatory allowance shall be entitled to as per All India Services Officers ;
- (c) Travelling allowance shall be entitled to as per All India Services Officers ;
- (d) Meeting attendance allowance at the rate of 7,500 per meeting.

2. The Members of the Admissions Regulating Authority and Fees Regulating Authority shall be entitled to the revised allowances from the date of publication of this notification.

By order and in the name of the Governor of Maharashtra,

SATISH TIDKE,
Deputy Secretary to Government.

HIGHER AND TECHNICAL EDUCATION DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya,
Mumbai 400 032, dated the 18th November 2022.

NOTIFICATION

MAHARASHTRA UNAIDED PRIVATE PROFESSIONAL EDUCATIONAL INSTITUTIONS (REGULATION OF ADMISSIONS AND FEES) ACT, 2015.

No. MIS-2019/C.R.354/TE4.— In exercise of the powers conferred by section 23 read with sub-section (7) of section 8 and section 12 of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act 2015 (XXVIII of 2015), and of all other powers enabling it in that behalf, the Government of Maharashtra, hereby makes the following rules to prescribe the terms and conditions of service of the Chairperson and Members of the Admissions Regulating Authority and Fees Regulating Authority, as follows, namely :—

CHAPTER I

PRELIMINARY

1. *Short title and commencement.*— These rules may be called the Maharashtra Admissions Regulating Authority and Fees Regulating Authority, Chairperson and Members (Appointment and Service Conditions) Rules, 2022.

2: *Definitions.*— (1) In these rules, unless the context otherwise requires,—

(a) “Act” means the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 (XXVIII of 2015) ;

(b) “Authority” means the Admissions Regulating Authority or Fees Regulating Authority established under section 7 and 11 of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 (XXVIII of 2015), as the case may be;

(c) “Form” means the Forms annexed to these rules:

(d) “Higher and Technical Education Department” means the Higher and Technical Education Department of the Government of Maharashtra:

(e) “Selection Committee” means the committee specified in sub-rule (2) of rule 3 of these Rules ;

(f) “State Government” or “Government” means the Government of Maharashtra.

(2) Words and expressions used but not defined herein shall have the same meaning respectively assigned to them in the Act.

CHAPTER II

CONSTITUTION OF SELECTION COMMITTEE AND PROCEDURE THEREOF

3. *Constitution of Selection Committee for appointment of the Chairperson and Members of the Authority.*— There shall be a Selection Committee consisting of the following members to recommend the suitable names of the Chairperson and Members of the Authority to the State Government, namely :—

(a)	Chief Secretary, Government of Maharashtra :	Chairperson
(b)	Additional Chief Secretary or Principal Secretary, General Administration Department :	Member;
(c)	Additional Chief Secretary or Principal Secretary or Secretary, Higher and Technical Education Department :	Member;

(d)	Additional Chief Secretary or Principal Secretary or Secretary, Medical Education and Drugs Department :	Member;
(e)	Principal Secretary and Remembrance of Legal Affair, Law and Judiciary Department :	Member.

4. *Procedure to be followed by the Selection Committee.*— (i) The State Government shall make a reference to the Selection Committee for appointment of the Chairperson and Members of the Authority or when any vacancy in the office of the Chairperson or Member arises or likely to arise in the Authority. The Selection Committee may, for the purpose of selection of the Chairperson or Member of the Authority, follow such procedure as it may as deem fit.

(ii) The Selection Committee shall make a recommendation to the State Government for the consideration in the form of a panel of not more than three persons, in order of preference, separately to fill the vacancy or vacancies referred to by the State Government.

(iii) The Selection Committee shall make its recommendations to the State Government, within, a period not exceeding sixty days from the date of reference made under sub-rule (3).

(iv) The Notice/Agenda, as the case may be, for the meeting of the Selection Committee shall be issued by the Convener after fixing the date and venue for such meeting in consultation with the Chairperson of the Selection Committee.

(v) The Secretary-in-Charge of the Higher and Technical Education Department shall be the convener of the Selection Committee.

(vi) The State Government shall consider the recommendations of the Selection Committee for the appointment of the Chairperson and Members of the Authority or to fill the vacancy in order of preference as recommended by the Selection Committee. If the State Government appoints person not according to the order of preference, the Government shall record reasons in writing therefor.

CHAPTER III

CONDITIONS OF SERVICE OF CHAIRPERSON AND MEMBERS OF AUTHORITY

5. *Leave Intimation.*— (a) The Chairperson of the Authorities shall intimate his leave to the Higher and Technical Education Department; and

(b) Members of the Authorities intimate their leave to the Chairperson of the concerned Authorities.

6. *Tenure of office.*— (1) The term of office of the Chairperson and Members of the Authorities shall be in accordance with the provisions of section 8 and section 12 of the Act, as the case may be.

(2) When the Chairperson of Admissions Regulating Authority is unable to discharge his functions owing to death, resignation, absence, illness or any other cause, the Chairperson of Fees Regulating Authority holding office for the time being shall discharge the functions of the Chairperson until the day on which the Chairperson resumes the charge of his functions or till the vacancy is filled by nomination of a suitable person, under section 7.

(3) When the Chairperson of Fees Regulating Authority is unable to discharge his functions owing to death, resignation, absence, illness or any other cause, the Chairperson of Admissions Regulating Authority holding office for the time being shall discharge the functions of the Chairperson until the day on which the Chairperson resumes the charge of his functions or till the vacancy is filled by nomination of a suitable person, under section 11.

7. *Oath of office and secrecy.*— (1) Every person appointed as the Chairperson of the Authority shall, before entering his office, make and subscribe an Oath of Office and Secrecy, in Form I an

Form II, respectively, appended to these Rules, before the Minister-in-Charge of the Higher and Technical Education Department of the Government.

(2) Every person appointed as a Member of the Authority shall, before entering his office, make and subscribe an Oath of Office and Secrecy, in Form I and Form II, respectively, appended to these Rules, before the Chairperson of the Authority.

8. *Declaration of financial or other Interest.*— Before appointment, the Chairperson and the Member shall give an undertaking in Form III that he does not and will not have any such financial or other interest as is likely to affect prejudicially, his functions as such Chairperson or Member.

CHAPTER IV

PROCEDURE OF INQUIRY AND REMOVAL OF CHAIRPERSON AND MEMBERS

9. *Procedure of inquiry.*— (1) Whenever the State Government is of the opinion that there are reasonable grounds for making an inquiry against the Chairperson or Members on the grounds specified in section 8 or section 12 as the case may be, the Government may, after consultation with Chief Justice of the High Court at Mumbai, appoint a Retired High Court Judge for the purpose of conducting such inquiry.

(2) The State Government shall inform the charges against the Chairperson or such Members, as the case may be, to the Retired High Court Judge so appointed.

(3) The State Government shall forward to the Judge so appointed copies of

(a) The statement of charges against the Chairperson or Members, as the case may be;

(b) Material documents and other evidences relevant to the inquiry.

(4) During the period of inquiry, the Chairperson and such Member against whom the inquiry is conducted shall cease to function his duties until the inquiry is over and final order in such case is issued by the Government. During the inquiry of Chairperson of the Admissions Regulating Authority, the charge of the Authority shall be given to the Chairperson of the Fees Regulating Authority and during the inquiry of Chairperson of the Fees Regulating Authority; the charge of the Authority shall be given to Chairperson of the Admissions Regulating Authority. In case of inquiry against both the Chairpersons are conducted simultaneously or one of the post of Chairperson is vacant, the Government may appoint suitable person to discharge the functions of the Chairperson of such Authority.

10. *Powers of the Judge.*— (1) The Judge so appointed, shall deliver or cause to be delivered to the Chairperson or Member, as the case may be, a copy of the statement of charges and a list of documents, if any, and shall require him to submit within such time as may be allowed, a written reply or statement of his defence.

(2) The Judge shall be guided by the principles of natural justice and shall have power to regulate his own procedure including the fixing of places and time of the enquiry.

(3) The Judge shall have, for the purpose of discharging his functions under these rules, the same powers as vested in a civil court under these rules, the same powers as vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit, in respect of the following matters, namely :—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of document;

(c) receiving evidence on affidavits; and

(d) subject to the provisions of sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), requisitioning any public record or document or copy of such record or document from any office.

(4) Where it is alleged that the Chairperson or Member of the Authority is unable to discharge the duties of his office efficiently due to any physical or mental incapacity and the allegation is denied, the Judge may take necessary action as deemed fit for medical examination of the Chairperson or Member of the Authority.

(5) After the conclusion of the inquiry, the Judge shall submit his report to the State Government stating therein his findings and the reasons thereof on each charge separately with such observations as he thinks fit. The report of inquiry shall be submitted to the State Government along with the finding of the inquiry wherein clearly indicating the allegations are proved or otherwise.

(6) On the basis of the report of the inquiry along with the recommendations so received, the State Government shall by Order decide either to remove or otherwise the Chairperson or Member, as the case may be.

11. *Filling of vacancy.*— The State Government shall initiate necessary action under the rule 4 to fill the vacancy of the Chairperson or Member, as the case may be, caused by such removal.

CHAPTER V

MISCELLANEOUS

12. *Interpretation.*— If any question arises relating to the interpretation of these rules. If when express provision has not been made in these Rules about a particular matter, the same shall be referred to the State Government for its decision. The State Government may take decision after recording reasons within the framework of the Act. The decision of the State Government shall be binding on the Authority.

13. *Residuary provisions.*— Matters relating to the terms and conditions of service of the Chairperson and Members with respect to which no express provision has been made in these rules, shall be referred by the Authority to the State Government for its decision, and the decision of the State Government thereon shall be binding on the Chairperson or Members, as the case may be.

FORM - I

[See rule 7]

Form of Oath of Office for the Chairperson / Members of the Admissions
Regulating Authority and Fees Regulating Authority.

I,-----,-----, having been appointed as the Chairperson / Member (cross the po or not applicable) solemnly affirm and (or) do swear in the name of God, that I will faithfully and conscientiously discharge my duties as the Chairperson/Member (cross the portion not applicable), of the Admissions Regulating Authority/Fees Regulating Authority, to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will.

Dated :

(Name of the Chairperson / Member)

Admissions Regulating Authority/

Fees Regulating Authority

FORM-II

[See rule 7]

**Form of Oath of Secrecy for the Chairperson/Members of the Admissions
Regulating Authority and Fees Regulating Authority**

I,-----,-----, having been appointed as the Chairperson/ Member (cross the portion not applicable) do solemnly affirm and (or) do swear in the name of God that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as the Chairperson/ Member (cross the portion not applicable), of the Admissions Regulating Authority / Fees Regulating Authority except as may be required for the due discharge of my duties as the Chairperson/ Member (cross the portion not applicable).

Dated :

(Name of the Chairperson / Member)

Admissions Regulating Authority/

Fees Regulating Authority

FORM-III

(See rule 8)

Declaration against acquisition of any adverse Financial or other interest

I,-----,-----, having been appointed as the Chairperson/Member (cross the portion not applicable) of the Admissions Regulating Authority / Fees Regulating Authority, do solemnly affirm and declare that I do not have, nor shall have in future any financial or other interest which is likely to affect prejudicially my functioning as the Chairperson/Member (cross the portion not applicable), of the Admissions Regulating Authority / Fees Regulating Authority.

Dated :

(Name of the Chairperson / Member)

Admissions Regulating Authority/

Fees Regulating Authority

By order and in the name of the Governor of Maharashtra,

SATISH TIDKE,

Deputy Secretary to Government.