



## **GONDWANA UNIVERSITY, GADCHIROLI.**

**Direction No. 4 of 2019**

### **PROCEDURE TO GOVERN TRANSFER OF TEACHERS AND PRINCIPALS OF AFFILIATED COLLEGES/RECOGNISED INSTITUTIONS, DIRECTION, 2019.**

(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 the "Act") has come into force in the State of Maharashtra, with effect from 1<sup>st</sup> March 2017, repealing the Maharashtra Universities Act, 1994;

**AND**

**Whereas**, there is a need to prepare of a legislation relating to the transfer of teachers/principals from one affiliated college to the another one under the same management after taking into consideration the appropriate legislation existing in other universities;

**AND**

**Whereas**, the subject matter of transfer of teachers being the part of service conditions of teachers, the matter needs to be governed by the Statute of the University under sub-section (20) of section 71 of the Act;

**AND**

**Whereas**, there is no Statute in existence in the university relating to this subject matter and since the statute making is a time consuming process;

**AND**

**Whereas**, there was an urgent need to frame the rules of procedure to govern the transfer of teacher from one affiliated college/recognized institution to the other affiliated college/recognized institution;

**AND**

**Whereas**, there is an urgency for providing the legislation to regulate the matter;

**AND**

**Whereas**, making of the Statute is time consuming process;

**Now**, therefore, I, Dr. N. V. Kalyankar, 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 Colleges/Recognized Institutions Direction, 2019."
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) "Competent Authority" means managing body of a affiliated college/recognized institution.
  - iii) "Management" means the management as defined under section 2 (37) of the Act;
  - iv) "Principal" means a teacher who is duly approved as a Principal by the University;
  - v) "Teacher" means a teacher as defined under section 2(61) of the Act;
4. Subject to the provisions of this Direction and notwithstanding anything to the contrary in any other Direction, Statute or Ordinances of the University, the Competent Authority of an affiliated college/recognized institution may transfer any teacher/Principal from one affiliated college/recognized institution under its management to the other affiliated



college/recognized institution under the same Management. Such transfer may be made:

- (a) on administrative exigencies
- (b) as a routine periodical transfer, or
- (c) on the specific request of the teacher/Principal.

5. The transfer of a teacher/Principal from an aided affiliated college/recognized institution shall be made to the other aided affiliated college/ recognized institution 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.

6. 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 conditions 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 place, the transfer should be made as far as possible considering this fact.
- (f) Ordinarily the transfer shall be made not 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 for more than four occasions during his/her entire service.
  - (i) Ordinarily, a physically handicapped 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 a college/institution shall always take the concerned person in confidence before effecting his/her transfer.
7. 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 effecting 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.
8. 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.
9. 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.

10. Where the transfer of a teacher/Principal is by way of harassment, malafide, 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 and the Grievance Committee has decided the case or has allowed the transfer by an interim order.
11. 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.
12. **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 respect, from time to time.

Gadchiroli.

Date : 25/01/2019

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