

 **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 1st 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.