GONDWANA UNIVERSITY, GADCHIROLI.

DIRECTION NO. 30 OF 2018

PROCEDURE FOR CONDUCT OF ELECTIONS, AT THE MEETTINGS OF THE AUTHORITIES, TO THE OTHER OR THE SAME AUTHORITY OF THE UNIVERSITY, DIRECTION, 2018.

(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 referred to as 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, the said Act has been made applicable to the Gondwana University, Gadchiroli with effect from 1st March 2018;

AND

Whereas, section 26 of the said Act has provided different authorities of the university;

AND

Whereas, the authorities of the university have a power to form the bodies;

AND

Whereas, the authorities namely – Senate, Academic Council and Boards of Studies are formed in the university on the basis of elections at the polling centers the respective authorities;

AND

Whereas, Section 67 of the said Act provides that every election to any authority or body of the university shall be held by ballot in accordance with the system of proportional representation by means of the single transferable vote and as prescribed by the statute;

AND

Whereas, Direction No. 9 of 2017 in respect of Prescribing procedure to conduct elections to the authorities of the University namely, the Senate, the Academic Council, and the Boards of Studies at the Polling centers appointed by the University, Direction, 2017 has been issued by the Vice-Chancellor under provision of Sub-section (8) of section 12 of the Act;

AND

Whereas, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Maharashtra was pleased to promulgate Ordinance No. XXVIII OF 2017, namely – The Maharashtra Public Universities (Amendment) Ordinance, 2017 on 28/11/2017;

AND

Whereas, in section 30 of the Maharashtra Public Universities Act, 2016, after sub-section (4) the following proviso was added by the Maharashtra Public Universities (Amendment) Ordinance, 2017;

"Provided that, for the election of the candidate from the reserved categories, under clauses (f), (g), (h) and (i), for the initial term of Management Council, immediately after the commencement of this Act, point of rotation for reserved categories under the said clauses shall be decided by drawing of lots by Vice-Chancellor, and while drawing of lots, it shall be ensured that the person belonging to each reserved category shall have representation on the Management Council.";

AND

Whereas, in the light of addition of above mentioned proviso under section 30 (4) of the Maharashtra Public Universities Act, 2016, the Vice-Chancellor had drawn of lots for the election of the candidate from the reserved category, under clauses (f), (g), (h) and (i) for the initial term of Management Council and decided the point of rotation for reserved categories under clauses (f), (g), (h) and (i) of sub-section (4) of section 30 of the Maharashtra Public Universities Act, 2016. The said lots were drawn on 28/12/2017 at 11.30 AM in the university in presence of the interested persons;

AND

Whereas, upon the re-assembly of the State Legislature on the 11th December 2017, the Maharashtra Public Universities (Amendment) Bill, 2017 (L.A. Bill No. LXVIII of 2017), for converting the Maharashtra Public Universities (Amendment) Ordinance, 2017, into an act of the State Legislature, was passed by the Maharashtra Legislative Assembly on 21st December 2017 and was transmitted to the Maharashtra Legislative Council;

AND

Whereas, thereafter, as the session of the Maharashtra Legislative Council was prorogued on the 22nd December 2017, the said Bill could not be passed by the Maharashtra Legislative Council;

AND

Whereas, as provided by Article 213 (2) (a) of the Constitution of the India, the Maharashtra Public Universities (Amendment) Ordinance 2017 shall ceased to operate at the expiration of six weeks from the re-assembly of the State Legislature, i.e. after the 21st January 2018;

AND

Whereas, both houses of the State Legislature were not in session, and the Governor of Maharashtra was satisfied that circumstances exist which rendered it necessary for him to take immediate action to continue the operation of the provisions of the Maharashtra Public Universities (Amendment) Ordinance, 2017 has promulgated, the Maharashtra Public Universities (Amendment & continuance) Ordinance, 2018, on 20th January 2018;

AND

Whereas, sub-section (13) of section 71 of the Act provides that the procedure for conduct of elections to various authorities and bodies of the university is a subject matter of the Statutes;

AND

Whereas, no statute was passed by the Senate and assented to by the Hon'ble Chancellor for conduct of elections at the meetings of the authorities or bodies of the university;

AND

Whereas, procedure for conduct of elections to the authorities or bodies at the meetings was a matter required to be regulated by the Statute;

AND

Whereas, making of the Statute in respect of procedure for conduct of elections to the authorities or bodies at the meetings was time consuming process;

AND

Whereas, for conduct of elections at the meetings of the authorities to the other or same authority of the university, the procedure was prescribed by issuing Direction No. 3 of 2018 by the Vice-Chancellor on 03/02/2018 under provision of section 12 (8) of the Maharashtra Public Universities Act, 2016.

AND

Whereas, Direction No. 3 of 2018 was converted into the Draft Statute which was placed before the meeting of the Management Council vide Draft Statute No. 3 of 2018 which was recommended by the Management Council for consideration of the Senate.

AND

Whereas, Draft Statute No. 3 of 2018 recommended by the Management Council was considered by the Senate in its meeting held on 27/03/2018 Vide item No. 6 on the agenda for the meeting and the senate resolved to pass the said Draft Statute No. 3 of 2018 for its onwards submission to the Honorable Chancellor for his excellence's assent to the said Draft Statute.

AND

Whereas, Draft Statute No. 3 of 2018 is yet to be submitted to the Honorable Chancellor for his excellence's assent to the said Draft Statute.

AND

Whereas, Direction No. 3 of 2018 in respect of Procedure for conduct of elections at the meetings of the authorities to the other or the same authority of the university Direction, 2018 shall automatically lapse on 02/08/2018 as provided under the proviso of section 12 (8) of the Maharashtra Public Universities Act, 2016.

AND

Whereas, Special meeting of the senate is convened to hold on 23/08/2018 under which items relating to elections by the senate to the management council are to be taken on the agenda of the said special meeting.

AND

Whereas, last date for submitting nomination papers for the elections at the special meeting of the senate, for the elections by the senate to the management council, is provided as 12/08/2018.

AND

Whereas, Governor of Maharashtra has promulgated the Maharashtra Public Universities (amendment and continuance) Ordinance, 2018, (Hereinafter referred to as the said continuance ordinance), on the 20 Jan. 2018.

AND

Whereas, it was expedient to replace the said continuance ordinance by an Act of the state legislature. It was enacted the Maharashtra Public Universities (amendment) Act, 2017 to come into force on 28th Nov. 2017 i.e. Maharashtra Act No. XXVII of 2018 which has amended the provision made under section 30 of the Maharashtra Public Universities Act, 2016.

AND

Whereas, because of the lapse of the provisions made under Direction No. 3 of 2018 on 2/8/2018, the said Direction No. 3 of 2018 is required to be revived.

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

- 1. This Direction may be called "Procedure for conduct of elections at the meetings of the authorities to the other or the same authorities of the university, Direction, 2018."
- 2. This Direction shall come into force with effect from 3rd August 2018.
- 3. In this Direction, unless the context otherwise requires. :
 - i) 'Academic Council' means an authority constituted as per provision made under sub-section (3) of section 32 of the Act;
 - ii) 'Act' means the Maharashtra Public Universities Act, 2016 (Maharashtra Act No. VI of 2017.) (hereinafter referred to as the Act)
 - iii) 'Affiliated college' means a college which has been granted affiliation by the university.
 - **iv)** 'Authorities' means the authorities of the university as specified under section 26 of the Act.
 - v) 'Autonomous college', 'Autonomous institution' or 'Autonomous Department' means college, institution or department to which autonomy is granted and is designated to be so by the Statute.
 - vi) 'Bodies' means the bodies of the university formed by the respective authorities.
 - **vii)** 'Board of Studies' means an authority constituted as per provision made under clauses (a),(b), & (c) of sub-section (2) of section 40 of the Act for the purposes of election to the Chairperson of the Board of Studies in the subject or a group of subjects;
 - viii) 'Chancellor' and 'Vice-Chancellor' means, respectively, the Chancellor and the Vice-Chancellor of the university.
 - **ix) 'Conducted college'** means a college maintained and managed by the university.
 - x) 'De-notified Tribes (Vimukta Jatis)' means tribes declared as such by the State Government, by time to time.
 - **xi)** 'Department' means a department teaching a particular subject or a group of subjects in a college or institutions as prescribed in the Statutes.
 - xii) 'Head of the university department', 'Head of the Institution' and 'Head of the college Department; means respectively, a head of the university department, a head of the recognized institution and the head of the college department, as prescribed in the Statute.
 - **xiii) 'Institution'** means an academic intuition of higher learning, not being a college, associate with and admitted to the privileges of the university.

xiv) 'Management' means the trustees or the managing or governing body, by whatever name called, of any trust registered under the Maharashtra Public Trusts Act, or any society 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.

Provided that, in relation to any college or institution established or maintained by the Central Government or the State Government or a local authority like a Zilla Parishad, Municipal Council or Municipal Corporation, it means, respectively, the Central Government or State Government or Zilla Parishad or the Municipal Council or the Municipal Corporation, as the case may be;

- **xv)** 'Management Council' means the authority constituted as per provision made under sub-section (4) of section 30 of the Act;
- xvi) 'Nomadic Tribes' means tribes wandering from place to place in search of their livelihood, as declared by the state government from time to time;
- **xvii) 'Other Backward Classes'** means any socially and educationally backward classes of citizens as declared by the state government and includes other backward classes declared by the government of India in relation to the state of Maharashtra;
- **xviii) 'Principal'** means a teacher who is duly approved as a principal by the university;
- ***XiX) 'Recognized Institutions'** means an institution of higher learning, research or specialized studies, other than a college, and recognized to be so by the university;
- **'Registered Graduate'** means a graduate of a university registered or deemed to be registered by or under the Act with one of the universities;
- **'Scheduled Caste'** means such caste, races or tribes or part of, or groups within, such castes, races or tribes as are deemed to be scheduled caste, in relation to the state of Maharashtra under article 341 of the constitution of the India;
- **'Scheduled Tribes'** means such tribes or tribal communities or part of, or groups within, such tribes tribal communities as are deemed to be scheduled tribes, in relation to the state of Maharashtra under article 342 of the constitution of the India residing any part of the state of Maharashtra;
- **'Senate'** means the authority constituted as per provision of Subsection (2) of section 28 of the Act;
- **'Teacher'** means full time approved Professor, Associate Professor, Assistant Professor/ Reader, Lecturer, Librarian, Principal, Director of an Institution, Director of Knowledge Resource Center, Director of Center of Life-Long Learning and Extension, Deputy or Assistant Librarian in the University, College Librarian, Director or Instructor of Physical Education in any university Department, Conducted, affiliated or autonomous college, autonomous

institution or department or recognized institution of the University;

'University' means the Gondwana University, Gadchiroli.

xxvi) 'University Area' means Districts of Gadchiroli and Chandrapur.

****xvii) 'University Department'** means a department established and maintained by the university as prescribed by the Statutes;

****XXVIII) 'University Grants Commission'** means the University Grants Commission established under the University Grants Commission Act, 1956;

'University institution' means a center, a school, or an institute established and maintained by the university as prescribed by the Statutes;

'University teacher' means a full time teacher appointed by the university.

- 4. The Registrar shall be the returning officer to conduct the elections at the meetings of the Senate or Academic Council or Chairperson of the Board of Studies in the subject or a group of Subjects comprised in each faculty, in the university.
- 5. The Registrar, being the returning officer to conduct the elections at the meetings of the Senate, Academic Council and for Chairperson of the Board of Studies in the subject or a group of Subjects comprised in each faculty in the university, shall prepare electoral roll of the Senate, Academic Council and Board of Studies, as the case may be, before issuing the notice for the meeting of the respective authority.
- 6. Notice for the meeting of the Senate shall be of at least 35 clear days and for the meeting of Academic Council and for the meeting of Board of Studies shall be at least 21 clear days respectively.
- 7. (a) Details regarding elections of person at the meeting by the Senate, Academic Council and the Chairperson of the Board of Studies in the Subject or a group of Subjects comprised in each faculty in the university shall be as shown under the TABLE provided under Appendix A appended with this Direction.
 - (b) For the election of the candidate from the reserved categories, under clauses (f), (g), (h) and (i) of sub-section (4) of section 30 of the Maharashtra Public Universities Act, 2016, for the initial term (commenced on 1/9/2017) of Management Council, point of rotation for reserved categories under the above said clauses shall be as mentioned under Column No. 6 of the TABLE under Appendix A appended with this Direction.
- **8.** Program to conduct the elections at the meetings shall be as provided in the Schedule under Appendix B appended with this Direction.

- **9. a)** There shall be common nomination paper for nominating the candidate to the election at the meeting which is provided under Appendix C appended with this Direction.
 - b) Nomination paper shall be dated and signed by two electors entitled to vote, and shall contain dates, names in full, addresses of the candidates and voter numbers of signatories and of the candidate nominated.
 - c) No person shall be nominated as a candidate for the election unless he/she signifies his/her consent under his/her signature and date on the nomination paper.
 - d) No person shall either propose or second his/her own nomination. Provided that, in case there are less than three voters, a candidate himself/herself may propose and second his/her own nomination.
 - e) The same elector may sign as proposer and/or seconder as many nomination/s as there are vacancies to be filled.
 - 1) Nomination papers signed by the same proposer and/ or the same seconder for the same candidate shall be treated as one.
 - g) A nomination paper which does not comply with all requirement herein mentioned shall be invalid and it shall be rejected.
 - h) Each candidate shall be nominated by a separate nomination paper.
 - i) Every nomination paper shall be submitted in person or through a person authorized by him/her in writing to the Registrar so as to reach him not later than the time and the last date fixed for receiving nomination of candidates.
 - j) Nomination paper received by the Registrar later than the time on the last date fixed shall be rejected.
 - **k)** The Registrar shall issue the receipt of nomination paper mentioning the date and time.
- 10.a) on the date and time appointed for scrutinee of the nomination papers, a candidate, his/her proposer and or seconder may attend at the office of the Registrar, who shall allow them to inspect the nomination paper of all the candidates so received in the said category.
 - b) The Registrar or a person(s) nominated by him shall scrutinize the nomination papers and shall decide all objections, if any, to the nomination papers. The Registrar shall reject either sue-moto or on such objections, any nomination papers which does not comply with the provisions of this Direction and attracts the provision of section 64 of the Act. While considering the rejection of nomination paper under the provision of section 64 of the Act, there should be returned proof duly authenticated by the competent legal authority in that behalf. The decision of the Registrar shall be endorsed on the nomination paper. Any appeal against the decision of the Registrar shall be addressed to the Vice-Chancellor whose decision shall be final.
- 11. immediately after the nomination papers for an election have been scrutinized and decision accepting and rejecting them has been recorded, the Registrar shall prepare a list of validly nominated candidates and publish it on the election portal of the university and on the designated notice board of his office.

- 12.a) Any candidate may withdraw his/her candidature by notice in writing signed by him/her in person or through a person authorized by him/her in writing and shall deliver to the Registrar in the Proforma provided under Appendix D appended with this Direction before the time and last date fixed for submitting the notice of withdrawal of the candidature.
 - b) No person who has submitted a notice of withdrawal of his/her candidature shall be allowed to cancel the said notice of withdrawal.
- 13. Immediately after the expiry of the time and the date for withdrawal of the candidature, the Registrar shall publish a list of contesting candidates, that is to say, candidates who are included in the list of validly nominated candidates and who have not withdrawn their candidature within the period provided for the said purpose.
- 14. a) If the number of candidates is equal to or less than the number of vacancies to be filled, all such candidates shall be declared elected with the approval of the Chairperson of the meeting.
 - b) If the number of candidates exceeds the number of vacancies, voting shall take place in the manner prescribed under Uniform Statute No. 1 of 2017 in respect of 'The Maharashtra Public Universities (Procedure for Conduct of Elections to Various Authorities and Bodies of the University) Uniform Statute, 2017'.
 - c) Voting paper to conduct the election shall be as provided under Appendix E appended with this Direction.
- 15. a) All the proceedings of counting of votes shall be conducted in the presence of a committee of three persons appointed by the Vice-Chancellor.
 - b) Every candidate and/ or his/her proposer and/ or his/her seconder shall have the right to be present at the proceedings, provided that no disturbance of the proceedings is caused thereby.
 - c) Every contesting candidate or his duly authorized counting agent shall have a right to be present at the time of counting.
 - d) Every election where poll is taken, the votes shall be counted by or under the supervision and direction of the returning officer and the committee appointed by the Vice-Chancellor.
 - e) The result of the election(s) shall be declared in the meeting by the returning officer with the approval of the Chairperson/ Working Chairperson of the meeting.

Gadchiroli.

Date: 24/07/2018

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

Appendix - A

Table showing the details regarding election of persons by the authorities of the university, at the meetings, to the other or the same authority of the university.

TABLE

Sr. No.	Section of the Maharashtra Public Universities Act, 2016	Provision of the Section	Elected	Elected to	Point of rotation for reserved category for the election of the candidate from the reserved categories for the initial term of the Management Council commenced on 1/9/2017
1	2	3	4	5	6
01	30 (4) (f) Management Council	Two principals to be elected by the Senate from amongst the principals who are the members of the Senate, out of whom one shall be elected from amongst the principals who have been elected from Scheduled Castes or Scheduled Tribes or Denotified Tribes (Vimukta Jatis) or Nomadic Tribes or Other Backward Class categories, by rotation;	Senate	Management	Scheduled Castes Schedule Tribes De-notified Tribes (Vimukta Jatis) Nomadic Tribes Other Backward Class
	30 (4) (g) Management Council	Two teachers who are not principals or directors of recognized institutions to be elected by the Senate from	Senate	Management Council	Nomadic Tribes Other Backward Class Scheduled Castes Scheduled Tribes De-notified Tribes (Vimukta Jatis)

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		amongst the teachers and university teachers who are the members of the Senate, out of whom one shall be elected from amongst the			
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02	30 (4) (i) Management Council	Two registered graduates elected by Senate from amongst elected graduate members of Senate, out of whom one shall be elected from amongst the registered graduates who have been elected from Scheduled Castes or Scheduled Tribes or Denotified Tribes (Vimukta Jatis) or Nomadic Tribes or Other Backward Class categories, by rotation;		Management	De-notified Tribes (Vimukta Jatis) Nomadic Tribes Other Backward Class Scheduled Castes Scheduled Tribes
03	30 (4) (j) Management Council	Two members elected by the Academic Council form amongst its members, one of whom shall be from amongst the elected teachers who are members of the Council and another shall be a woman;	Academic Council	Management Council	
04	40 (2) d) (i)	Subject to the provisions of	Board of Studies.	Board of Studies.	

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	students.	

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GONDWANA UNIVERSITY, GADCHIROLI.

Schedule of the program for the elections at the meetings of the Senate, Academic Council and Board of Studies in the subject or a group of subjects for Chairperson.

Schedule

(To be published on official website of the university, under "Election Portal" in addition to be displayed on designated notice board).

Sr.No.	Particulars	Day				
1	2	3				
1	Preparation of electoral rolls of the Senate, Academic Council and the Board of Studies in a subject or a group of subjects on or before the date of issuance of the notice of the meeting respectively.	As the case may be				
2	Notice(s) of meetings for election(s) from the Senate, Academic Council and in the Board of Studies in a subject or a group of subjects detailing at below: (i) Last date and time fixed for receiving					
	nominations.	10 th Day Till 05:00 P. M.				
	(ii) Scrutiny of nominations.	11 th Day				
	(iii) Publication of names of validly nominated candidates.	12 th Day				
	(iv) Submission of appeal to the Vice- Chancellor against the scrutiny of nominations.	13 th Day Till 05:00 P. M.				
	(v) Decision of the Vice-Chancellor on appeal(s) submitted to him/her.	15 th Day				
	(vi) Last date for withdrawal of nomination (s)	16 th Day Till 05:00 P. M.				
(vii) Declaration of list of contesting candidate(s).	17 th Day Till 05:00 P. M.				
(viii) Date of election.	21st Day				
(Counting of votes and declaration of results (s) of the election(s).	21st Day				

Notes: 1. Days mentioned in Column No.3 of the Schedule are inclusive of all holidays and Sundays.

GONDWANA UNIVERSITY, GADCHIROLI. NOMINATION PAPER

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the ** I nominate as a candidate for	the above election held	nging to	the cat	egory of		17 7 7
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GONDWANA UNIVERSITY, GADCHIROLI. NOTICE OF WITHDRAWAL

To,

The Registrar and Returning Officer, Gondwana University, Gadchiroli.

Subject: Notice for Withdrawal of Candidature from the election to the * Management Council or * Chairperson of the Board of Studies.

**Senate (Name as per the ele	•
**Senate / **Academic Co and a candidate belonging to the Category	
#Open / #S.C. / #S.T. /	#D.T. / #N.T. / #O.B.C
at the election in the category of	
@Principal/ @Teacher/ @Representative of OR	
%Teacher Member of the Academic Council Council,	/ %Woman member of the Academic
Council,	
Council, OR	
Council, OR Chairperson of the Board of Studies in _	

Date:

(Signature of the Candidate)

Tick any one by the Sign '√'.

^{**} Tick any one by the Sign '√'.

[#] Tick any one by the Sign 'V' applicable for the Senate.

[@] Tick any one by the Sign '\' applicable for the Senate.

[%] Tick any one by the Sign 'V' applicable for the Academic Council.

GONDWANA UNIVERSITY, GADCHIROLI.

Voting Paper

Election of *	
from the @	
to the category of	

- 1) A voting paper is invalid if: -
 - (a) the digit 1 standing alone, indicating a first preference, is not placed, or
 - (b) the digit 1 standing alone, indicating a first preference, is placed opposite the names of more than one candidates; or
 - (c) the digit 1 standing alone, indicating a first preference, and some other digits are placed opposite the name of the same candidate, **or**
 - (d) the first preference or subsequent preference are indicated in words or roman numbers or in digits of any other language except English or Marathi; **or**
 - (e) it cannot be determined for which candidate the first preference of the vote is recorded, or
 - (f) in an election by ballot any mark is placed by the voter by which he/she may after words be identified, **or**
 - (g) preference is indicated in any ink other than blue ink, or
 - (h) there is any scratching, overwriting or alteration in the digits indicating the voter's preference.
- 2) A valid ballot paper with next preference given to more than one candidate shall become invalid for such immediately subsequent preference.

Sr. No.	Name of Candidates	Order of Preference
1	2	3
01		
02		
02 03 04 05		
04		
05		

(Sd/-) Registrar & Returning officer

- * Select any one of the following, as applicable.
 - One Principal to the Management Council in Open category u/s 30 (4) (f) of the Act. or
 - One Principal to the Management Council in S.C./S.T./D.T./N.T./O.B.C. Category as applicable, u/s. 30 (4) (f) of the Act. or
 - One teacher to the Management Council in open category u/s. 30 (4) (g) of the Act. or
 - One teacher to the Management Council in S.C./S.T./D.T./N.T./O.B.C. Category as applicable, u/s. 30 (4) (g) of the Act. or
 - One representative of Management to the Management Council in Open category u/s 30 (4) (h) of the Act. or
 - One representative of Management to the Management Council in S.C./S.T./D.T./O.B.C. Category as applicable, u/s. 30 (4) (h) of the Act. or
 - One Registered Graduate to the Management Council in Open category u/s 30 (4) (i) of the Act. or
 - One Registered Graduate to the Management Council in S.C./S.T./D.T./N.T./O.B.C. Category as applicable, u/s. 30 (4) (i) of the Act. or
 - One elected teacher of Academic Council to the Management Council u/s 30 (4) (j) of the Act or
 - One-woman member of the Academic Council to the Management Council u/s 30 (4) (j) of the Act or
- Select any one of the following, as applicable.
 - Senate or
 - Academic Council or
 - Board of Studies.