English translated letters along with regional language letters issued by State Govt. or Central Government Indicating the reserved categories to be considered as per the state rule

Anjuman Khairul Islam's

POONA COLLEGE OF ARTS, SCIENCE & COMMERCE

• Affiliated to Savitribai Phule Pune University: ID No PU/PN/ASC/023/1970
• Junior College Index No: J-11.15.004
• Government of Maharashtra and Savitribai Phule Pune University Recognized Minority Institute
• UGC - 2(f) & 12 (B) Status • NAAC Re-accreditated College • DST - FIST Funded College

1970 - 2020

K. B. Hidayatullah Road, Camp, Pune - 411001. (MS), India
+91-20-2645 4240 / 2644 6319.
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Professor (Dr.) Aftab Anwar Shaikh
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PRINCIPAL

+91 98226 21579
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CRITERION- II	
KEY INDICATOR	2.1 Student Enrolment and Profile
METRIC NO.	2.1.2

- **Average percentage of seats filled against seats reserved for various categories (SC, ST, OBC, Divyangjan, etc. as per applicable reservation policy) during the last five years**

LETTERS ISSUED BY STATE GOVT. OR CENTRAL GOVERNMENT INDICATING THE RESERVED CATEGORIES TO BE CONSIDERED AS PER THE STATE RULE

Certificate of Minority Recognition

Yatimkhana and Madarsa Anjuman Khairul Islam Trust, Baitul Aman Cooperative Housing Society, Maulana Azad Road, Nagpada, Mumbai had submitted an application on behalf of their institution to get the certificate of recognition as a religious and linguistic minority educational institution on 07.10.2008. On the basis of the presentation made by the office bearers of the organization during the hearing held before me on 7.2.2009, the organization was formed by the persons belonging to the religious (Muslim) and linguistic (Urdu) minorities as declared by the State Government on 04th July 2008 under the criteria 2008/133/2008/1 prescribed by the Minority Development Department. I am satisfied with the organization being established and operated by the community. As a result, it is being declared as a religious (Muslim) and linguistic (Urdu) Minority Educational Institution.

This Certificate is applicable only to the State of Maharashtra. The religious and linguistic minority status granted to the institute will be applicable to all the academic branches operating the institute.

The religious and linguistic minority status granted to the above educational institution will be valid from the academic year 2008-2009. It will be mandatory for the concerned organization to consistently and specifically fulfil the criteria and conditions prescribed under the government resolution 2008/133/2008/1 dated on 4th of July 2008 by the Minority Development Department, Government of Maharashtra.

T. F. Thekekara
Competent Officer and Principal Secretary
Minority Development Department, Government of Maharashtra
Ministry, Mumbai – 400 032

POONA COLLEGE OF ARTS, SCIENCE & COMMERCE * AKI *
Camp, Pune-411001

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महाराष्ट्र शासन

सक्षम प्राधिकारी तथा प्रधान सचिव

अल्पसंख्याक विकास विभाग,

मंत्रालय, मुंबई - ४०० ०३२.

क्रमांक:अशैसं-२००९/५८४/प्र.क्र.३९/२००९/का.१, दिनांक :- ९ फेब्रुवारी, २००९.

अल्पसंख्याक दर्जाच्या मान्यतेचे प्रमाणपत्र

यतिमखाना व मदरसा अंजुमन खैरुल इस्लाम ट्रस्ट, बैतुल अमन को.ऑ.हौसिंग सोसायटी, मौलाना आझाद रोड, नागपाडा, मुंबई या शैक्षणिक संस्थेने त्यांच्या संस्थेस धार्मिक व भाषिक अल्पसंख्याक शैक्षणिक संस्था म्हणून दर्जाच्या मान्यतेचे प्रमाणपत्र मिळण्यासाठी दि.७.१०.२००८ रोजी अर्ज सादर केला होता. दि.७.२.२००९ रोजी माझ्या समक्ष संबंधित संस्थेसोबत झालेल्या सुनावणी दरम्यान संस्थेच्या पदाधिकाऱ्यांनी केलेल्या सादरीकरणाच्या आधारे सदर संस्था ही अल्पसंख्याक विकास विभाग, शासन निर्णय, क्र.अशैसं-२००८/प्र.क्र.१३३/२००८/का.१, दि.४ जुलै, २००८ अन्वये विहित करण्यात आलेल्या निकषांतर्गत राज्य शासनाने घोषित केलेल्या धार्मिक (मुस्लिम) व भाषिक (उर्दू) अल्पसंख्याकामधील व्यक्तींकडून अथवा व्यक्तींच्या समुदायाकडून स्थापित व संचालित करण्यात येत असल्याबाबत माझे समाधान झाले आहे. परिणामत: सदर संस्था ही धार्मिक (मुस्लिम) व भाषिक (उर्दू) अल्पसंख्याक शैक्षणिक संस्था असल्याचे याद्वारे घोषित करण्यात येत आहे.

हे प्रमाणपत्र केवळ महाराष्ट्र राज्यापुरते लागू असेल. सदर संस्थेस प्रदान करण्यात आलेला धार्मिक व भाषिक अल्पसंख्याक दर्जा हा संस्था संचालित करत असलेल्या सर्व शैक्षणिक शाखांना लागू राहील.

उपरोल्लेखित शैक्षणिक संस्थेस याद्वारे प्रदान करण्यात आलेला धार्मिक व भाषिक अल्पसंख्याक दर्जा हा शैक्षणिक वर्ष २००८-०९ पासून विधिग्राह्य असेल. संबंधित संस्थेने अल्पसंख्याक विकास विभाग, शासन निर्णय, क्र.अशैसं-२००८/प्र.क्र.१३३/२००८/का.१, दि.४ जुलै, २००८ अन्वये विहित करण्यात आलेल्या निकष व अटींची सातत्याने व विनिर्देशपूर्वक पूर्तता करणे बंधनकारक राहील.

अल्पसंख्याक विकास विभाग

महाराष्ट्र शासन

टी.एफ. थेकेकरा

(टी. एफ. थेकेकरा)

सक्षम प्राधिकारी तथा प्रधान सचिव

अल्पसंख्याक विकास विभाग, महाराष्ट्र शासन

मंत्रालय, मुंबई - ४०० ०३२.

SAYEEDA M. S. DADARKAR

General Secretary,

Y & M Anjuman Khairul Islam,

Baitul Aman C. H. S. Ltd.

Procedure, Terms and Conditions for
Prescribing the Status of Educational Institutions run by
Minorities in the State of Maharashtra as Religious / Linguistic Minority
Institutions

GOVERNMENT OF MAHARASHTRA
Minority Development Department
Government Resolution/Ruling: 2008/133/2008/1
Ministry, Mumbai – 400 032
Dated on 04th July 2008

References:
1) National Minority Educational Institutions Commission Act 2004
2) General/Public Administration Department
3) General/Public Administration Department
4) Government Notification, General/Public Administration Department
5) Government Notification, Minority Development Department

Government Resolution/Ruling:

The matter of simplification of the existing procedure for granting status as a religious / linguistic minority institution to educational institutions run by minorities in the State had been under consideration of the State Government for some time. Accordingly, in consultation with the knowledgeable stakeholders in the field and considering the directions given by the Hon'ble Supreme Court from time to time in this regard, the Government of Maharashtra, in compliance to the regulating conditions laid by the Department of Public Administration in its G.R. 2006/634/63/2006/35, prescribes the following procedures, terms and conditions for granting religious / linguistic minority status to educational institutions run by minorities in the State.

1) **Authority authorized to grant Minority Status Recognition:**

The Government of Maharashtra, in accordance with the Government Notification 2008/149/08/1, has declared the Principal Secretary, Minority Development Department, Ministry, Mumbai, as the Competent Authority to grant religious / linguistic minority status to educational institutions run by minorities in the State.

2) **Eligibility Criteria for Recognition of Religious / Linguistic Minority Status:**

i) Educational Institutions which have been recognized as Minority Educational Institutions by a special order or letter

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before June 11, 2007 or by Government Resolution 2006/634/63/2006/35, are not required to re-apply for Minority Status Recognition. However, the conditions laid down in the following **paragraph 5** shall apply to all such organizations.

ii) The applicant minority organization must be registered under 'Institution Registration Act 1860' or 'Mumbai Public Trust Act 1950' or other relevant statutes. The by-laws or rules should indicate that the concerned minority organization is a religious / linguistic minority community established to protect the interests of the minority community.

iii) Institutions of all religions notified as minorities by the Central Government and the Government of Maharashtra will be eligible to apply for recognition of their educational institutions as religious minority educational institutions.

iv) Educational Institutions of speakers whose mother tongue is an(y) Indian language other than Marathi will be eligible to apply for recognition as a Linguistic Minority Educational Institution.

v) At least two-thirds of the trustees / members on the Management Committee of the Applicant Organization must belong to the respective minority community.

3) **Procedure(s) for Recognition of Religious/Linguistic Minority Educational Institutions:**

i) The competent authority, clearly stating in the application form prescribed in Form-A that the institution is interested in obtaining the status of linguistic or religious minority, must submit the photocopies of the relevant documents shown in paragraph **4** to the Competent Authority.

ii) An unjust court fee-stamp of Rs.500 (Five Hundred Rupees Only) or the amount as may be prescribed from time to time should be applied on the application.

iii) Non-refundable fee of Rs.5000 / - (Five Thousand Rupees only) or any amount which may be prescribed from time to time along with each application must be paid in the name of Under Secretary, Department of General Administration, Ministry, Mumbai.

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iv) In the form of affidavit prescribed in Form-B attached with this G.R., the applicant organization will be required to file notarized affidavit along with the application on unjust stamp paper of Rs.100 / -.

v) During the preliminary scrutiny of the application, if the application is not in the prescribed format or has incomplete information or the court fee stamp of the prescribed amount has not been affixed or the non-refundable fee has not been paid and the required documents are not attached with the application, such application will be rejected and the applicant organization will be informed accordingly.

vi) After this all, the completed application will be considered as per the provisions prescribed by this GR and the applicant organization will be informed about it within 90 days from the receipt of the application. If no decision is taken within this period, the applicant organization will be deemed to have been granted Minority Status.

vii) Before deciding on the application, the Competent Authority through its Authorized Representative will give at least 10 day-prior-notice to the concerned organization and hold a hearing with the applicant organization. The applicant organization will be required to submit the original copy of the documents attached with the application at the time of hearing of the application, as shown in paragraph 4 below.

viii) After hearing with the office-bearers of the Institute, if the Competent Authority grants recognition to the concerned applicant educational institution as a Minority Educational Institution, then the Certificate of Recognition of Minority Status will be issued to the applicant institution accordingly.

ix) If the application of the applicant organization is rejected, then the government orders will be issued to that effect on behalf of the Competent Authority.

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4) Copies of the documents to be attached with the application by the minority educational institution for obtaining religious / linguistic minority status:

i) A Copy of the Deed of Trust or Certificate of Registration of the Institution

ii) Copy of Schedule-1 provided by the Charity Commissioner showing the names of the existing Trustees / Members of the Management Committee of the Society.

iii) A Copy of The Change Report provided to the organization by the Charity Commissioner in case of change in the names of the Trustees / Members of the Management Committee of the Organization.

iv) Evidence of religious affiliation or background of Trustees / Members of the Management Committee of the Organization (for example: Baptism Certificate, School Leaving Certificate, etc.)

v) Evidence that the Institute is running educational courses

5) Terms and Conditions of Recognition as a Religious / Linguistic Minority Organization:

i) Recognition of status as a Minority Educational Institution shall apply only to the State of Maharashtra as well as to all the Departments of Government dealing with educational matters.

ii) Minority status accreditation will be granted to the original trust, institution or association and this minority status will be applicable to all educational institutions running or starting in the parent institution.

iii) The applicant organization must consistently meet all the criteria mentioned above in paragraph 2. In case of any change in the composition of the Management Committee of the Trustee or Organization, the Competent Authority must be notified within 15 days from the date of such change.

iv) Except for the Minority Educational Institutes which run higher, technical or vocational courses, all the Minority

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Educational Institutes which have been granted minority status under the provisions of this GR –

a) In the case of non-granted institutions and non-granted and granted linguistic minority organizations whose medium is recognized minority language, they must, within the prescribed time and through fair and transparent admission process, admit all eligible minority students who have applied for admission. The Institution should not reject the application of any eligible minority students. Such institutions may also admit non-minority students as per local requirements.

b) In the case of granted-institutions (excluding grated-linguistic minority institutions which have a recognized minority language as its medium of instruction), such institutions must admit all eligible minority students who have applied for admission within the prescribed time and through a fair and transparent admission process, and the application of any eligible minority students should not be rejected by the institution. Such institutions should also admit a reasonable number of non-minority students according to local needs.

v) Minority educational institutions conducting higher, technical or vocational courses, which have been granted minority status under the provisions of this Govt. –

a) 50% of sanctioned admission capacity in case of granted institutions

b) 51% of sanctioned admission capacity in case of non-granted institutions

Eligible candidates from the minority community for which recognition has been granted should be admitted following the following procedure.

i. In the case of granted minority educational institutions, through a common entrance test conducted by the state government for vocational and technical courses, or through a shared admission process, and through merit-based selection for other courses, including a diploma course in education.

ii. In the case of non-granted minority educational institutions, either for the vocational and technical courses, either through a common entrance test conducted by such institutions

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themselves or through a common entrance test conducted by the state government or through a shared admission process and merit-based selection process for other courses including education diploma courses.

vi) In case of not getting 50% / 51% students from the minority category by the procedure prescribed in the above 5, Institutions that have conducted their own Common Entrance Test, students from minority communities who have been recognized as an institution of the Minority Community, will advertise to get it from the students who have passed the Common Entrance Test of the Government and such minority students will be selected on merit-basis.

vii) The remaining seats will be filled as follows:

i. Through a Common Entrance Test conducted by the State Government for granted minority educational institutions or through a common admission process - in the absence of either - through a merit-based admission process. While filling these vacancies among the non-minority students in the open category, the seats reserved for the weaker sections of the society, such as the Scheduled Castes, Scheduled Tribes, Nomadic Castes, Deprived Castes, Special Backward Classes and Other Backward Classes, etc., should be taken into consideration by the concerned educational departments of the State Government; and

ii. In the case of non-granted minority educational institutions, either through a common entrance test conducted by them or through a merit-based process or through a common entrance test conducted by the state government or through a state government admission process. Non-granted Minority Educational Institutions running vocational courses may voluntarily admit students from Scheduled Castes, Scheduled Tribes, Deprived Castes, Special Backward Classes, Nomadic Tribes and Other

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Backward Classes, along with Open Class students.
But,

If 50% / 51% of the students are not available from the minority quota, then the concerned institution is required to obtain the specified permission of the Minority Development Department to fill these vacancies from non-minority candidates through a merit-based process.

Similarly, the names of all the students selected through this open merit-based admission process should be displayed on the notice boards of the institute along with the marks obtained by them.

6) **Statement to be submitted by Minority Educational Institutions: -**

All educational institutions which have been accorded minority status under the provisions of this GR, should submit the details of student-admissions to Director of Education, School Education; Director of Education Technical Education; Director of Education, Director of Medical Education and Education, Ayurveda Education, within 15 days after completion of the admission process as per the syllabus run by the educational institution. Also, the details of the admitted students along with the marks obtained by the students in the admission process should be published. The concerned Director of Education should then submit to the Competent Authority within two months the details of admission, including the division / categorization of boys and girls and minority and non-minority students in these minority educational institutions.

7) **Right to inspect, verify records, conduct inquiries and pass orders: -**

If the competent authority receives a complaint regarding the veracity of the minority status of the educational institution which has been granted minority status under the provisions of this ruling, or if any unjust or unfair treatment to any minority student is observed in the admission process or any such irregularity is observed by the competent authority, then the competent authority can hold a hearing and start an inquiry into the matter or depending on the nature of the curriculum being run by the minority educational institutions, the matter may be investigated by the concerned Director of Education (School Education, Technical Education, Medical Education, Ayurveda Education). And for this purpose, the government may issue orders in such cases by examining the records of the concerned

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institution, giving instructions to all the concerned parties, hearing the side of the minority educational institutions, taking evidence from the affected party, completing the inquiry etc.

8) The basis for withdrawing recognition of Minority Status: -

Recognition of religious or linguistic minority status granted to a minority educational institution may be revoked on the following grounds:

i) If the organization has gained religious / linguistic minority status by submitting false / misleading information to the competent authorities,

ii) If any provision mentioned in paragraphs 4 and 5 of this ruling has been violated,

iii) If the Government has received a complaint regarding the veracity of the minority educational institution or the admissions process by the institution which is detrimental to the educational interests of the students belonging to the concerned minority community and, such a complaint is proved true post-inquiry.

However, before passing any order to revoke the recognition of minority status, the competent authority will need to hear the side of the concerned organization.

9) Appeal against the order of Competent Authority: -

An appeal can be lodged with the National Commission for Minority Educational Institutions, New Delhi, against the order issued by the Competent Authority regarding denial of minority status to educational institutions in Maharashtra or withdrawal of recognition of minority status of educational institutions.

10) This ruling/GR will come into effect from the academic year 2008-2009. Paragraphs under the provisions of this ruling in lieu of their previous certificates by handing over the certificates submitted by the competent authority to all the minority educational institutions in the state which have been granted minority status as per Government Resolution, General Administration Department of General Administration, 2006/634/63/ 2006/35 dated 11th June, 2007.

11) This Government Resolution is being issued with the concurrence of the Department of School Education, Department of Higher and Technical Education and Department of Medical Education and Medicine, Government of Maharashtra.

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12) This Government Resolution is available on the website of Government of Maharashtra and its computer code number is 200080704163607001.

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

SAVITRIBAI PHULE PUNE UNIVERSITY

CIRCULAR

Subject: Regarding admission to post graduate course for the Academic year 2015-2016

All the Heads of Academic Departments of the University are informed by this Circular that while admitting students for various Post Graduate Courses in the Academic Departments, admissions should be made in accordance with Government Order, University Ordinance 181 as per the percentage of reservation mentioned below.

१.	सर्वसाधारण (खुले)	OPEN	५०%	50%
२.	अनुसूचित जाती	S.C.	१३%	13%
३.	अनुसूचित जमाती	S.T.	७%	7%
४.	विमुक्त जाती (अ)	DT-A	३%	3%
५.	भटक्या जमाती (ब)	NT-B	२.५%	2.5%
६.	भटक्या जमाती (क)	NT-C	३.५%	3.5%
७.	भटक्या जमाती (ड)	NT-D	२%	2%
८.	इतर मागास वर्ग	OBC	१९%	19%

1. As per government order, 3% seats should be reserved for the disabled in admission.

2. If any of the seats reserved for any backward class are left vacant after the admission process as per the merit list, then special backward class candidates should be given preference for admission up to a maximum of 2% of the total admission capacity.

3. In cases where seats are not available for all categories, reservation should be reserved for SCs, STs, Deprived Castes (A), Nomadic Castes (B), (C), (D), and Other Backward Classes in the order of reservation mentioned above.

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4. The above reservation will be course-wise in the department, non-reserved seats coming through the education department should be filled first. This will also include the backward class students who are of merit.
   These students should not be included in the reservation, the remaining seats should be filled as per the reservation.

5. According to the reservation policy of the Government of Maharashtra, the principle of creamy-layer will be applicable to all the categories except Scheduled Castes and Scheduled Tribes.

6. Backward Class Candidates from outside the State of Maharashtra will not receive any reservation concessions / benefits.

7. The above reservation percentage should be observed even in the academic department where admissions are given according to specialization for the second year. Admission process should be done keeping in view the quality, preference and reservation.

8. Government Resolutions and Circulars regarding reservation in academic admissions have been published from time to time on the website of this department. Reservation policies should be strictly enforced during the admission process.

Backward class teachers should be called as backward class representatives on the admission committee. Attaching a list of backward class representatives for reference. For more information on reservation rules, please contact the reservation cell as required.

It is requested to submit the information of admission after the admission process to this office in the attached form.

Vice Chancellor
(Reservation Cell)

Principal

Principal
AKI'S Poona College of Arts,
Science & Commerce
Camp, Pune.

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महाराष्ट्र राज्यातील अल्पसंख्याकांकडून
चालविण्यात येणाऱ्या शैक्षणिक संस्थांना
धार्मिक/भाषिक अल्पसंख्याक संस्था
म्हणून दर्जाची मान्यता देण्यासाठी
कार्यपध्दती, अटी व शर्ती विहित करणेबाबत.

महाराष्ट्र शासन

अल्पसंख्याक विकास विभाग

शासन निर्णय, क्रमांकः अशैसं-२००८/प्र.क्र.१३३/२००८/का.१

मंत्रालय, मुंबई - ४०० ०३२.

दिनांक :- ४ जुलै, २००८.

संदर्भ :-१) राष्ट्रीय अल्पसंख्यांक शैक्षणिक संस्था आयोग अधिनियम, २००४.

२) सामान्य प्रशासन विभाग, शासन निर्णय क्रमांक :असंस-२००६/ ६३४/ प्र.क्र.६३/२००६/३५, दिनांक २७ जुलै, २००६

३) सामान्य प्रशासन विभाग, शासन निर्णय क्रमांकःअसंस-२००६/ ६३४/ प्र.क्र.६३/२००६/३५, दिनांक ११ जून, २००७.

४) शासन अधिसूचना, सामान्य प्रशासन विभाग, क्रमांक : शाकानि-१००८/प्र.क्र. ४/२००८/१८ (रवका), दिनांक २१ फेब्रूवारी, २००८

५) शासन अधिसूचना, अल्पसंख्याक विकास विभाग, क्रमांकःअसंस-२००८/प्र.क्र.१४९/०८/का.१, दि.४ जुलै, २००८.

शासन निर्णय :-

राज्यातील अल्पसंख्याकांकडून चालविल्या जाणाऱ्या शैक्षणिक संस्थांना धार्मिक / भाषिक अल्पसंख्याक संस्था म्हणून दर्जाची मान्यता प्रदान करण्याबाबतची विद्यमान कार्यपध्दती सुलभ करण्याची बाब राज्य शासनाच्या काही काळ विचाराधीन होती. त्यानुसार या क्षेत्रातील जाणकार हितसंबंधितांशी सल्लामसलत करून आणि यासंबंधात मा.सर्वोच्च न्यायालयाने वेळोवेळी दिलेले निर्देश विचारात घेऊन, सा.प्र.वि., शासन निर्णय क्रमांक. असंस-२००६/६३४/प्र.क्र.६३/२००६/३५, दिनांक ११ जून, २००७ अधिक्रमित करून महाराष्ट्र शासन याद्वारे राज्यातील अल्पसंख्याकांकडून चालविण्यात येणाऱ्या शैक्षणिक संस्थांना धार्मिक / भाषिक अल्पसंख्याक दर्जाची मान्यता प्रदान करण्यासाठी खालीलप्रमाणे कार्यपध्दती, अटी व शर्ती विनियमित करीत आहे.

(१) अल्पसंख्याक दर्जाची मान्यता प्रदान करण्यासाठी सक्षम प्राधिकारी :-

राज्यातील अल्पसंख्याकांकडून चालविण्यात येणाऱ्या शैक्षणिक संस्थांना धार्मिक / भाषिक अल्पसंख्याक दर्जाची मान्यता प्रदान करण्यासाठी राज्य शासनाने प्रधान सचिव / सचिव, अल्पसंख्याक

विकास विभाग, महाराष्ट्र शासन यांना शासन अधिसूचना क्रमांक क्रमांक:असंस-२००८/प्र.क्र.१४९/ ०८/का.१, दि.४ जुलै, २००८ अन्वये सक्षम प्राधिकारी म्हणून घोषित केले आहे.

(२) धार्मिक / भाषिक अल्पसंख्याक दर्जाच्या मान्यतेसाठी पात्रतेचे निकष :-

१) ज्या शैक्षणिक संस्थांना दि.११ जून, २००७ पूर्वी विशिष्ट आदेश किंवा पत्राद्वारे अथवा सामान्य प्रशासन विभाग, शासन निर्णय क्र.असंस-२००६/६३४/प्र.क्र.६३/ २००६/३५, दिनांक ११ जून, २००७ अन्वये अल्पसंख्याक शैक्षणिक संस्था म्हणून मान्यता प्रदान करण्यात आली आहे, अशा शैक्षणिक संस्थांनी अल्पसंख्याक दर्जाच्या मान्यतेसाठी पुन्हा अर्ज सादर करावयाची आवश्यकता नाही. तथापि, खालील **परिच्छेद (५)** मध्ये विहित केलेल्या अटी अशा सर्व संस्थांना लागू असतील.

२) अर्जदार अल्पसंख्याक संस्था ही "संस्था नोंदणी अधिनियम १८६०" अथवा "मुंबई सार्वजनिक विश्वस्त अधिनियम, १९५०" किंवा इतर संबंधित संविधी खाली नोंदणीकृत असणे आवश्यक आहे. संबंधित अल्पसंख्याक संस्था ज्या धार्मिक / भाषिक अल्पसंख्याक समाजाची असेल त्या अल्पसंख्याक समाजाच्या हिताचे संरक्षण करण्यासाठी स्थापन करण्यात आली आहे, असे त्या संस्थेने तिच्या उपविधि किंवा नियमामध्ये दर्शविले पाहिजे.

३) केंद्र शासनाने व महाराष्ट्र शासनाने अल्पसंख्याक म्हणून अधिसूचित केलेल्या सर्व धर्माच्या संस्था त्यांच्या शैक्षणिक संस्थांना धार्मिक अल्पसंख्याक शैक्षणिक संस्था म्हणून दर्जाची मान्यता मिळण्यासाठी अर्ज करण्यास पात्र असतील.

४) ज्यांची मातृभाषा मराठी भाषेव्यतिरिक्त इतर भारतीय भाषा आहे अशा भाषिकांच्या शैक्षणिक संस्था भाषिक अल्पसंख्याक शैक्षणिक संस्था म्हणून मान्यता मिळण्याकरिता अर्ज करण्यास पात्र असतील.

५) अर्जदार संस्थेच्या व्यवस्थापन समितीवरील किमान २/३ (दोन तृतियांश) विश्वस्त / सदस्य संबंधित अल्पसंख्याक समाजाचे असणे आवश्यक आहे.

(३) धार्मिक / भाषिक अल्पसंख्याक शैक्षणिक संस्था म्हणून मान्यता देण्यासाठीची कार्यपध्दती :-

१) धार्मिक / भाषिक अल्पसंख्याक शैक्षणिक संस्था म्हणून मान्यता मिळण्यासाठी इच्छूक असलेल्या संस्थेने या शासन निर्णयासोबतच्या प्रपत्र-अ नुसार विहित केलेल्या अर्जाच्या नमून्यात संबंधित संस्था भाषिक अथवा धार्मिक अल्पसंख्याक दर्जा मिळविण्यास इच्छूक आहे, याचा स्पष्ट उल्लेख करून खालील परिच्छेद **(४)** मध्ये दर्शविण्यात आलेल्या संबंधित कागदपत्रांच्या छायांकित प्रतीसह सक्षम प्राधिकारी यांच्याकडे अर्ज सादर करणे आवश्यक राहील.

२) रुपये ५००/- (रुपये पाचशे फक्त) किंवा वेळोवेळी ज्याप्रमाणे रक्कम विहित केली जाईल, एवढया रकमेच्या किंमतीचे अन्यायीक कोर्ट फी स्टॅम्प अर्जावर लावणे आवश्यक आहे.

३) प्रत्येक अर्जासोबत रुपये ५०००/- (रुपये पाच हजार फक्त) किंवा अशी रक्कम जी वेळोवेळी विहित केली जाईल, एवढ्या रकमेच्या किंमतीचे ना परतावा संस्करण शुल्क म्हणून धनाकर्षाच्या स्वरुपात अवर सचिव, सामान्य प्रशासन विभाग (कार्यासन-२६), मंत्रालय, मुंबई यांच्या नांवे भरणे आवश्यक आहे.

४) या शासन निर्णयासोबतच्या प्रपत्र-ब मध्ये विहित केलेल्या प्रतिज्ञापत्राच्या नमून्यात अर्जदार संस्थेने रु.१००/- (रुपये शंभर फक्त) एवढया किंमतीच्या अन्यायिक स्टॅम्प पेपरवर नोटराईज्ड प्रतिज्ञापत्र अर्जासोबत दाखल करणे आवश्यक राहील.

५) अर्जांच्या प्राथमिक छाननीदरम्यान असे अर्ज जे विहित नमून्यात नसतील अथवा अपूर्ण माहिती असलेले असतील अथवा विहित किंमतीचे कोर्ट फी स्टॅम्प लावलेले नसतील अथवा संस्करण शुल्क भरले नसेल आणि अर्जासोबत आवश्यक कागदपत्र जोडलेले नसतील तर असे अर्ज फेटाळण्यात येतील व तसे अर्जदार संस्थेस कळविण्यात येईल.

६) यानंतर सर्व परिपूर्ण अर्ज या शासन निर्णयाद्वारे विहित केलेल्या तरतूदीनुसार विचारात घेतले जातील आणि अर्ज प्राप्त झाल्यापासून ९० दिवसाच्या आत अर्जदार संस्थेस त्याबाबत कळविले जाईल. या कालावधीत निर्णय घेण्यात आला नाही तर अर्जदार संस्थेस अल्पसंख्याक दर्जाची मान्यता प्रदान केल्याचे समजण्यात येईल.

७) अर्जावर निर्णय घेण्यापूर्वी सक्षम प्राधिकारी त्यांच्या प्राधिकृत प्रतिनिधीमार्फत संबंधित संस्थेस किमान १० दिवसाची आगाऊ सूचना देऊन अर्जदार संस्थेसोबत सुनावणी घेईल. खालील परिच्छेद **(४)** मध्ये दर्शविल्याप्रमाणे अर्जदार संस्थेने अर्ज सादर करतांना अर्जासोबत जोडलेल्या कागदपत्रांच्या मूळ प्रती संस्थेच्या अर्जाच्या सुनावणी प्रसंगी सादर करणे आवश्यक राहील.

८) संस्थेच्या पदाधिकाऱ्यांसोबतच्या सुनावणीनंतर, सक्षम प्राधिकाऱ्यांनी संबंधित अर्जदार शैक्षणिक संस्थेस अल्पसंख्याक शैक्षणिक संस्था म्हणून दर्जाची मान्यता प्रदान केली तर, त्याप्रमाणे अल्पसंख्याक दर्जाच्या मान्यतेचे प्रमाणपत्र अर्जदार संस्थेस प्रदान केले जाईल.

९) जर अर्जदार संस्थेचा अर्ज नाकारण्यात आला तर सक्षम प्राधिकाऱ्यामार्फत अर्ज नाकारतांना तशा आशयाचे शासन आदेश दिले जातील.

(४) <u>धार्मिक / भाषिक अल्पसंख्याक दर्जा मिळण्यासाठी अल्पसंख्याक शैक्षणिक संस्थेने अर्जासोबत जोडावयाच्या कागदपत्रांच्या प्रती</u> :-

१) न्यास विलेख किंवा संस्था नोंदणीकृत असल्याबाबतच्या प्रमाणपत्राची प्रत.

२) संस्थेच्या व्यवस्थापन समितीच्या विद्यमान विश्वस्त / सदस्य यांची नावे दर्शविणाऱ्या धर्मादाय आयुक्तांमार्फत प्रदान करण्यात आलेल्या अनुसूची-I ची प्रत.

३) संस्थेच्या व्यवस्थापन समितीच्या विश्वस्त /सदस्यांच्या नावात बदल झाला असल्यास धर्मादाय आयुक्तांनी संस्थेस प्रदान केलेल्या फेरफार अहवालाची प्रत.

४) संस्थेच्या व्यवस्थापन समितीच्या विश्वस्त /सदस्यांच्या धार्मिक संबध्दतेबाबत अथवा भाषिक पार्श्वभूमीबाबत पुरावा. उदा. बाप्तिस्मा प्रमाणपत्र, शाळा सोडल्याचा दाखला इत्यादी.

५) संस्था शैक्षणिक अभ्यासक्रम चालवित असल्याबाबतचा पुरावा.

(५) <u>धार्मिक / भाषिक अल्पसंख्याक संस्था म्हणून मान्यतेच्या अटी व शर्ती</u> :-

१) अल्पसंख्याक शैक्षणिक संस्था म्हणून दर्जाबाबतची मान्यता केवळ महाराष्ट्र राज्यापुरती तसेच शैक्षणिक बाबी हाताळणाऱ्या शासनाच्या सर्व विभागांच्या बाबतीत लागू असेल.

२) अल्पसंख्याक दर्जाची मान्यता मूळ न्यास, संस्था किंवा संघटनेला प्रदान करण्यात येईल आणि हा अल्पसंख्याक दर्जा मूळ संस्था चालवित असलेल्या किंवा भविष्यात सुरु करणाऱ्या सर्व शैक्षणिक संस्थांना लागू असेल.

३) उपरोक्त परिच्छेद **(२)** मध्ये नमूद केलेल्या सर्व निकषांची अर्जदार संस्थेने सातत्याने पुर्तता केली पाहिजे. विश्वस्तांच्या अथवा संस्थेच्या व्यवस्थापन समितीच्या रचनेमध्ये काही बदल झाल्यास, असा बदल झाल्यापासून १५ दिवसांच्या आत सक्षम प्राधिकाऱ्यांना त्याबाबत कळविणे आवश्यक आहे.

४) उच्च, तांत्रिक अथवा व्यावसायिक अभ्यासक्रम चालविणाऱ्या अल्पसंख्याक शैक्षणिक संस्था खेरीज ज्या अल्पसंख्याक शैक्षणिक संस्थांना या शासन निर्णयाच्या तरतूदी अंतर्गत अल्पसंख्याक दर्जाची मान्यता प्रदान करण्यात आलेली आहे, अशा सर्व संस्थांनी -

अ) विनाअनुदानित संस्था आणि विनाअनुदानित व अनुदानित भाषिक अल्पसंख्याक संस्था, ज्यांचे माध्यम मान्यताप्राप्त अल्पसंख्याक भाषा आहे अशा संस्थांच्या बाबतीत त्यांनी, विहित कालमर्यादेत आणि रास्त व पारदर्शक प्रवेश प्रक्रियेद्वारे, ज्या पात्र अल्पसंख्याक विद्यार्थ्यांनी प्रवेशासाठी अर्ज केले असतील अशा सर्व विद्यार्थ्यांना प्रवेश दिले पाहिजेत आणि कोणत्याही पात्र अल्पसंख्याक विद्यार्थ्याचा अर्ज संस्थेने नाकारता कामा नये. स्थानिक गरजांनुसार अशा संस्था बिगर अल्पसंख्याक विद्यार्थ्यांना देखील प्रवेश देऊ शकतील.

ब) अनुदानित संस्थांच्या बाबतीत (ज्यांचे शैक्षणिक माध्यम मान्यताप्राप्त अल्पसंख्याक भाषा आहे अशा अनुदानित भाषिक अल्पसंख्याक संस्था वगळून), अशा संस्थांनी विहित कालमर्यादेत आणि रास्त व पारदर्शक प्रवेश प्रक्रियेद्वारे, ज्या पात्र अल्पसंख्याक विद्यार्थ्यांनी प्रवेशासाठी अर्ज केले असतील अशा सर्व विद्यार्थ्यांना प्रवेश दिले पाहिजेत आणि कोणत्याही पात्र अल्पसंख्याक विद्यार्थ्याचा अर्ज संस्थेने नाकारता कामा नये. स्थानिक गरजांनुसार अशा संस्थांनी वाजवी प्रमाणात बिगर अल्पसंख्याक विद्यार्थ्यांना देखील प्रवेश द्यावेत.

५) या शासन निर्णयाच्या तरतूदीअंतर्गत अल्पसंख्याक दर्जाची मान्यता प्रदान करण्यात आलेल्या सर्व उच्च, तांत्रिक अथवा व्यावसायिक अभ्यासक्रम चालविणाऱ्या अल्पसंख्याक शैक्षणिक संस्थांनी खालील मर्यादेपर्यंत -

अ) अनुदानित संस्थांच्या बाबतीत मंजूर प्रवेश क्षमतेच्या ५०%,

ब) विनाअनुदानित संस्थांच्या बाबतीत मंजूर प्रवेश क्षमतेच्या ५१%,

इतक्या ज्या अल्पसंख्याक समाजाकरिता मान्यता प्रदान करण्यात आली आहे त्या समाजाच्या पात्र उमेदवारांना खालील कार्यपध्दतीचे पालन करुन प्रवेश दिले पाहिजेत.

i) अनुदानित अल्पसंख्याक शैक्षणिक संस्थांच्या बाबतीत व्यावसायिक आणि तांत्रिक अभ्यासक्रमाकरिता राज्य शासन आयोजित करत असलेल्या सामायिक प्रवेश चाचणीद्वारे किंवा सामायिक प्रवेश प्रक्रियेद्वारे आणि शिक्षण पदविका अभ्यासक्रमासह इतर अभ्यासक्रमाकरिता गुणवत्तेवर आधारित निवडीद्वारे ; आणि

ii) विनाअनुदानित अल्पसंख्याक शैक्षणिक संस्थांच्या बाबतीत व्यावसायिक आणि तांत्रिक अभ्यासक्रमाकरिता एकतर अशा संस्थांनी स्वतः आयोजित केलेल्या सामायिक प्रवेश चाचणीद्वारे किंवा राज्य शासनाने आयोजित केलेल्या सामायिक प्रवेश चाचणीद्वारे किंवा सामायिक प्रवेश प्रक्रियेद्वारे आणि शिक्षण पदविका अभ्यासक्रमासह इतर अभ्यासक्रमाकरिता गुणवत्तेवर आधारित निवड प्रक्रियेद्वारे.

६) उपरोक्त ५ मध्ये विहित केलेल्या कार्यपध्दतीद्वारे ५०% / ५१% इतके विद्यार्थी अल्पसंख्याक प्रवर्गामधून न मिळण्याच्या परिस्थितीत, ज्या संस्थांनी त्यांची स्वतःची सामाईक प्रवेश चाचणी पार पाडली असेल अशा संस्था, संस्थेस ज्या अल्पसंख्याक समाजाची संस्था म्हणून मान्यता मिळाली असेल त्या अल्पसंख्याक समाजाचे विद्यार्थी शासनाची सामाईक प्रवेश चाचणी उत्तीर्ण झालेल्या विद्यार्थ्यांमधून मिळविण्याकरिता जाहिरात देतील आणि असे अल्पसंख्यांक विद्यार्थी गुणवत्तेनुसार निवडतील.

७) उर्वरित जागा खालीलप्रमाणे भरण्यात येतील :-

i) अनुदानित अल्पसंख्याक शैक्षणिक संस्थांनी राज्य शासनाकडून आयोजित करण्यात येणाऱ्या सामाईक प्रवेश चाचणीद्वारे किंवा सामाईक प्रवेश प्रक्रियेद्वारे - या दोहोंच्या अस्तित्वात नसण्याच्या परिस्थितीत - गुणवत्तेवर आधारित प्रवेश प्रक्रियेद्वारे. या जागा खुल्या प्रवर्गातील बिगर अल्पसंख्याक विद्यार्थ्यांमधून भरताना राज्य

शासनाच्या संबंधित शैक्षणिक विभागांनी समाजातील अनुसुचित जाती, अनुसुचित जमाती, भटक्या जाती, विमुक्त जाती, विशेष मागास प्रवर्ग आणि इतर मागास वर्ग इ. दुर्बल घटकांसाठी आरक्षित केलेल्या जागा देखील प्रवेश देताना विचारात घेतल्या पाहिजेत; आणि

ii) विनाअनुदानित अल्पसंख्याक शैक्षणिक संस्थांच्या बाबतीत एकतर त्यांनी स्वत: आयोजित केलेल्या सामाईक प्रवेश चाचणीद्वारे किंवा गुणवत्तेवर आधारित प्रक्रियद्वारे किंवा राज्य शासन आयोजित सामाईक प्रवेश चाचणीद्वारे किंवा राज्य शासनाच्या सामाईक प्रवेश प्रक्रियेद्वारे. व्यावसायिक अभ्यासक्रम चालविणाऱ्या विनाअनुदानित अल्पसंख्याक शैक्षणिक संस्था त्यांच्या स्वेच्छेने अनुसुचित जाती, अनुसुचित जमाती, विमुक्त जाती, विशेष मागास प्रवर्ग, भटक्या जमाती आणि इतर मागासवर्गीय इत्यादि प्रवर्गातील विद्यार्थ्यांना, खुल्या प्रवर्गातील विद्यार्थ्यांबरोबरच प्रवेश देऊ शकतील.

परंतु,

जर ५०% / ५१% इतके विद्यार्थी अल्पसंख्याक कोट्यामधून उपलब्ध होऊ शकले नाहीत तर या जागा गुणवत्तेवर आधारित प्रक्रियेद्वारे बिगर अल्पसंख्याक उमेदवारांमधून भरण्याकरिता संबंधित संस्थेने अल्पसंख्याक विकास विभागाची विनिर्दिष्ट परवानगी घेणे आवश्यक आहे.

त्याचप्रमाणे या खुल्या गुणवत्तेवर आधारित प्रवेश प्रक्रियेद्वारे निवड केलेल्या सर्व विद्यार्थ्यांची नांवे त्यांनी मिळविलेल्या गुणांसह संस्थेच्या सूचना फलकांवर प्रदर्शित केली पाहीजे.

(६) <u>अल्पसंख्याक शैक्षणिक संस्थांनी दाखल करावयाचे विवरणपत्र</u> :-

या शासन निर्णयाच्या तरतुदीअंतर्गत ज्या अल्पसंख्याक शैक्षणिक संस्थांना अल्पसंख्याक दर्जाची मान्यता प्रदान करण्यात आली आहे, अशा सर्व शैक्षणिक संस्थांनी प्रवेश पक्रिया पूर्ण झाल्यानंतर शैक्षणिक संस्था चालवित असलेल्या अभ्यासकमाच्या स्वरुपानुसार शिक्षण संचालक, शालेय शिक्षण; शिक्षण संचालक, तंत्रशिक्षण; शिक्षण संचालक, वैद्यकीय शिक्षण आणि शिक्षण संचालक, आयुर्वेद शिक्षण यांच्याकडे शैक्षणिक संस्था चालवित असलेल्या शैक्षणिक अभ्यासक्रमांकरिता प्रवेश दिलेल्या विद्यार्थ्यांच्या प्रवेशाबाबतच्या तपशिलाबाबतचे विवरणपत्र १५ दिवसांच्या आत दाखल केले पाहिजे. तसेच प्रवेश प्रक्रियेत विद्यार्थ्यांनी प्राप्त केलेल्या गुणांसह प्रवेश दिलेल्या विद्यार्थ्यांचा तपशील प्रसिध्द केला पाहिजे. तद्‌नंतर संबंधित शिक्षण संचालकांनी या अल्पसंख्याक शैक्षणिक संस्थामधील मुले व मुली आणि अल्पसंख्याक व बिगर अल्पसंख्याक विद्यार्थी यांच्या विभागणी / विगतवारीसह प्रवेशाच्या तपशिलाचे विवरण सक्षम प्राधिकारी यांना दोन महिन्याच्या आत सादर केले पाहीजे.

(७) निरीक्षणाचा अधिकार, अभिलेखाची पडताळणी, चौकशी पार पाडणे आणि आदेश पारित करणे :-

ज्या शैक्षणिक संस्थांना या शासन निर्णयाच्या तरतूदीअंतर्गत अल्पसंख्याक दर्जाची मान्यता प्रदान करण्यात आली आहे अशा संस्थेच्या अल्पसंख्याक दर्जाबाबतच्या सत्यासत्यतेबाबत सक्षम प्राधिकाऱ्यांना तक्रार प्राप्त झाली किंवा प्रवेश प्रकियेत एखाद्या अल्पसंख्याक विद्यार्थ्यावर अन्याय झाला किंवा अशी कोणतीही अवैध बाब राज्य शासनाच्या निदर्शनास आली तर, सक्षम प्राधिकारी सुनावणी आयोजित करुन प्रकरणाची चौकशी करु शकतील किंवा अल्पसंख्याक शैक्षणिक संस्था चालवित असलेल्या अभ्यासक्रमाच्या स्वरुपानुसार संबंधित शिक्षण संचालक (शिक्षण संचालक, शालेय शिक्षण; शिक्षण संचालक, तंत्रशिक्षण; शिक्षण संचालक, वैद्यकीय शिक्षण आणि शिक्षण संचालक, आयुर्वेद शिक्षण) यांच्याकडून प्रकरणाची चौकशी करवून घेऊ शकतील आणि याकरिता संबंधित संस्थेच्या अभिलेखांची तपासणी करणे, सर्व संबंधित पक्षांना सूचना बजावणे, अल्पसंख्याक शैक्षणिक संस्थांची बाजू ऐकून घेणे, बाधित पक्षाकडून पुरावा घेणे, चौकशी पूरी करणे इ. प्रक्रिया पार पाडून अशा प्रकरणी शासन आदेश देऊ शकतील.

(८) अल्पसंख्याक दर्जाची मान्यता मागे घेण्याचे आधार :-

अल्पसंख्याक शैक्षणिक संस्थेस प्रदान केलेली धार्मिक अथवा भाषिक अल्पसंख्याक दर्जाची मान्यता खालील आधारांवर मागे घेता येऊ शकेल.

i) संस्थेने सक्षम प्राधिकाऱ्यांना चुकीची / दिशाभूल करणारी माहिती सादर करुन धार्मिक/ भाषिक अल्पसंख्याक दर्जाची मान्यता मिळविली असेल,

ii) या शासन निर्णयाच्या परिच्छेद **(४) आणि (५)** मधील कोणत्याही तरतूदींचा भंग करण्यात आला असेल,

iii) अल्पसंख्याक शैक्षणिक संस्थेच्या सत्यतेबाबत किंवा संबंधित अल्पसंख्याक समाजातील विद्यार्थ्यांच्या शैक्षणिक हितास मारक अशी गैरव्यवहारी / लबाडीची प्रवेशप्रक्रिया संस्थेने अंगिकारल्याबाबत शासनास तक्रार प्राप्त झाली असेल आणि चौकशीअंती अशी तक्रार सत्य असल्याचे निष्पन्न झाले असेल.

मात्र अल्पसंख्याक दर्जाची मान्यता मागे घेण्याचे कोणतेही आदेश पारित करण्यापूर्वी सक्षम प्राधिकाऱ्यांनी संबंधित संस्थेची बाजू ऐकून घेणे आवश्यक राहील.

(९) सक्षम प्राधिकाऱ्यांच्या आदेशाविरुध्द दाद :-

सक्षम प्राधिकाऱ्यांनी महाराष्ट्रातील शैक्षणिक संस्थेस अल्पसंख्याक दर्जाची मान्यता नाकारल्याबाबत किंवा शैक्षणिक संस्थेची अल्पसंख्याक दर्जाची मान्यता मागे घेतल्याबाबत जारी

केलेल्या आदेशांविरुध्द राष्ट्रीय अल्पसंख्याक शैक्षणिक संस्था आयोग, नवी दिल्ली यांच्याकडे दाद मागता येऊ शकेल.

(१०) हा शासन निर्णय शैक्षणिक वर्ष २००८-०९ पासून अंमलात येईल. शासन निर्णय, सामान्य प्रशासन विभाग, क्रमांक :- असंस-२००६/ ६३४/ प्र.क्र.६३/२००६/३५, दिनांक ११ जून, २००७ अन्वये राज्यातील ज्या अल्पसंख्याक शैक्षणिक संस्थांना अल्पसंख्याक दर्जाची मान्यता प्रदान करण्यात आली आहे व त्यांना तशा आशयाची प्रमाणपत्रे प्रदान करण्यात आली आहेत अशा सर्व संस्था सदर प्रमाणपत्रे सक्षम प्राधिकाऱ्यांच्या स्वाधीन करुन व सक्षम प्राधिकाऱ्यांच्या नावे साध्या कागदावर अर्ज करुन त्यांच्या पूर्वीच्या प्रमाणपत्राच्या बदल्यात या शासन निर्णयाच्या तरतूदीअंतर्गत परिच्छेद **(३)** मध्ये नमूद केल्याप्रमाणे अल्पसंख्याक दर्जाच्या मान्यतेची प्रमाणपत्रे प्राप्त करुन घेऊ शकतील.

(११) हा शासन निर्णय महाराष्ट्र शासनाच्या शालेय शिक्षण विभाग, उच्च व तंत्रशिक्षण विभाग आणि वैद्यकीय शिक्षण व औषधी द्रव्ये विभाग यांच्या सहमतीने निर्गमित करण्यात येत आहे.

(१२) हा शासन निर्णय महाराष्ट्र शासनाच्या संकेतस्थळावर उपलब्ध असून त्याचा संगणक सांकेतांक क्रमांक २००८०७०४१६३६०७००१ असा आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

सही/-
(टी. एफ. थेक्केकरा)
प्रधान सचिव
अल्पसंख्याक विकास विभाग,
महाराष्ट्र शासन.

प्रति,

मा. राज्यपालांचे सचिव,
मा. मुख्यमंत्र्यांचे प्रधान सचिव,
मा. उप मुख्यमंत्र्यांचे सचिव,
मा. मंत्री / मा. राज्यमंत्री यांचे खाजगी सचिव
मा. मुख्य सचिव, महाराष्ट्र शासन
अपर मुख्य सचिव / प्रधान सचिव / सचिव, सर्व मंत्रालयीन विभाग
* प्रबंधक, मूळ न्याय शाखा, उच्च न्यायालय, मुंबई
* प्रबंधक, अपील शाखा, उच्च न्यायालय, मुंबई
* प्रबंधक, उच्च न्यायालय, मुंबई, नागपूर खंडपीठ, नागपूर
* प्रबंधक, उच्च न्यायालय, मुंबई, औरंगाबाद खंडपीठ, औरंगाबाद
* प्रबंधक, लोक आयुक्त कार्यालय, मुंबई
धर्मादाय आयुक्त, मुंबई / सर्व सहायक धर्मादाय आयुक्त,
महालेखापाल, महाराष्ट्र राज्य, मुंबई / नागपूर
अधिदान व लेखा अधिकारी, मुंबई
निवासी लेखा परीक्षा अधिकारी, मुंबई

सर्व विभागीय आयुक्त,
सर्व जिल्हाधिकारी
सर्व जिल्हा परिषदांचे मुख्य कार्यकारी अधिकारी
सर्व मंत्रालयीन विभाग
संचालक, उच्च शिक्षण, मुंबई
संचालक, तंत्रशिक्षण, मुंबई
संचालक, वैद्यकीय शिक्षण, मुंबई
संचालक, समाजकल्याण संचालनालय, पुणे
शिक्षण संचालक, (माध्यमिक व उच्चमाध्यमिक),
* सचिव, महाराष्ट्र विधानमंडळ सचिवालय, विधान भवन, मुंबई
* सचिव, महाराष्ट्र लोकसेवा आयोग, मुंबई
महासंचालक, माहिती व जनसंपर्क महासंचालनालय (प्रसिध्दीसाठी)
निवडनस्ती.

* पत्राने.

सावित्रीबाई फुले पुणे विद्यापीठ

(पूर्वीचे पुणे विद्यापीठ)

दूरध्वनी क्र. : २५६०११८९/९०
फॅक्स क्र. : ०२०-२५६९७३८८
संकेतस्थळ : www.unipune.ac.in

आरक्षण कक्ष
गणेशखिंड, पुणे - ४११००७.
ई-मेल: arakshan_ar@unipune.ac.in

संदर्भ क्र.:- आरक्षण /ओ-२२/ 775

दिनांक : 16-6-15

परिपत्रक

विषय - पदव्युत्तर अभ्यासक्रमाच्या प्रवेशाबाबत - शैक्षणिक वर्ष २०१५-१६

विद्यापीठातील सर्व शैक्षणिक विभाग प्रमुखांना या परिपत्रकाद्वारे कळविण्यात येते की, शैक्षणिक विभागामध्ये वेगवेगळया पदव्युत्तर अभ्यासक्रमासाठी विद्यार्थ्यांना प्रवेश देताना शासन आदेश, विद्यापीठ अध्यादेश १८१ यांची अंमलबजावणी करून खाली नमूद केलेल्या आरक्षणाच्या टक्केवारीनुसार प्रवेश देण्यात यावेत.

१.	सर्वसाधारण (खुले)	OPEN	५०%
२.	अनुसूचित जाती	S.C.	१३%
३.	अनुसूचित जमाती	S.T.	७%
४.	विमुक्त जाती (अ)	DT-A	३%
५.	भटक्या जमाती (ब)	NT-B	२.५%
६.	भटक्या जमाती (क)	NT-C	३.५%
७.	भटक्या जमाती (ड)	NT-D	२%
८.	इतर मागास वर्ग	OBC	१९%

१. शासन आदेशानुसार प्रवेशामध्ये अपंगासाठी ३ % जागा राखीव ठेवण्यात याव्यात.

२. गुणवत्ता यादीनुसार प्रवेश प्रक्रिया केल्यानंतर जर कोणत्याही मागासवर्गीय प्रवर्गासाठी आरक्षित असलेल्या जागांपैकी काही जागा रिक्त राहिल्या तर त्या जागेवर एकूण प्रवेश क्षमतेच्या जास्तीत जास्त २% पर्यंत विशेष मागास प्रवर्गीय उमेदवारांना प्रवेशासाठी प्राधान्य देण्यात यावे.

३. ज्या विषयात सर्व प्रवर्गासाठी जागा उपलब्ध होत नसतील तेथे आरक्षणामध्ये वर उल्लेख केलेल्या आरक्षण क्रमानुसार प्रथम अनु.जाती, अनु.जमाती, विजा (अ), भज (ब), (क), (ड), व इमाव या क्रमाने आरक्षण टक्केवारी विचारात घेवून जागा आरक्षित ठेवण्यात याव्यात.

४. उपरोक्त आरक्षण हे विभागामध्ये अभ्यासक्रमनिहाय असेल, शैक्षणिक विभागामार्फत येणा-या बिगर राखीव जागा या प्रथमतः भरण्यात याव्यात. यामध्ये गुणवत्तेनुसार असणा-या मागासवर्गीय विद्यार्थ्याचा देखील समावेश असेल. या विद्यार्थ्याचा समावेश आरक्षणामध्ये करण्यात येवू नये, उर्वरित जागा आरक्षणानुसार भरण्यात याव्यात.

शैक्षणिक विभागात प्रवेश देताना एखादया प्रवर्गाचा उमेदवार न मिळाल्यास मागासवर्गीयांच्या इतर गटातील अनुसूचित जाती, अनुसूचित जमाती, विमुक्त जाती, भटक्या जमाती व इतर मागासवर्ग यामधून शासन निर्णयानुसार अंतर्गत बदलाने उमेदवारांना प्रवेश देवून आरक्षण पूर्ण करण्यात यावे.

५. महाराष्ट्र शासनाच्या आरक्षण धोरणानुसार क्रिमीलेअरचे तत्व अनुसूचित जाती, अनुसूचित जमाती वगळता इतर सर्व प्रवर्गाना लागू राहील.

६. महाराष्ट्र राज्याबाहेरील मागासवर्गीय उमेदवांराना आरक्षणाच्या कोणत्याही सवलती / फायदे प्राप्त होणार नाहीत.

७. ज्या शैक्षणिक विभागात द्वितीय वर्षासाठी स्पेशलायझेशननुसार प्रवेश देण्यात येतात त्या ठिकाणीही वरील आरक्षणाची टक्केवारी पाळणे आवश्यक आहे. स्पेशलायझेशननुसार प्रवेश देताना गुणवत्ता, पसंती व आरक्षण विचारात घेवून प्रवेश प्रक्रिया करण्यात यावी.

८. शैक्षणिक प्रवेशामध्ये ठेवावयाच्या आरक्षणासंदर्भात शासन निर्णय व त्या संबंधीचे परिपत्रक वेळोवेळी या विभागाच्या संकेतस्थळावर प्रसिध्द करण्यात आलेले आहे. प्रवेश प्रक्रिया करताना आरक्षण धोरणांची काटेकोरपणे अंमलबजावणी व्हावी.

प्रवेश समितीवर मागासवर्गीय शिक्षकास मागासवर्गीय प्रतिनिधी म्हणून बोलाविण्यात यावे. संदर्भासाठी मागासवर्गीय प्रतिनिधींची यादी सोबत जोडत आहे. आरक्षणाच्या नियमांच्या अधिक माहितीसाठी आवश्यकतेनुसार आरक्षण कक्षाशी संपर्क साधावा.

प्रवेश प्रक्रियेनंतर झालेल्या प्रवेशाची माहिती सोबत जोडलेल्या प्रपत्रात या कार्यालयास सादर करावी, ही विनंती.

(स्वाक्षरी)
उपकुलसचिव
(आरक्षण कक्ष)

गणेशखिंड, पुणे ४११००७
संदर्भ- आरक्षण/ओ-२२/ ७२५
दिनांक- 16-6-15

प्रत :-

१) मा.विभाग प्रमुख, सर्व शैक्षणिक विभाग, सावित्रीबाई फुले पुणे विद्यापीठ, पुणे ४११००७
२) मा.आरक्षण प्रतिनिधी, सर्व शैक्षणिक विभाग, सावित्रीबाई फुले पुणे विद्यापीठ, पुणे ४११००७
३) सहायक कुलसचिव, शैक्षणिक प्रवेश विभाग, सावित्रीबाई फुले पुणे विद्यापीठ, पुणे ४११००७

RNI No. MAHENG/2009/35528

Reg. No. MH/MR/South-344/2014-16

महाराष्ट्र शासन राजपत्र
असाधारण भाग आठ

वर्ष ६, अंक ४९] शुक्रवार, जानेवारी ९, २०१५/पौष १९, शके १९३६ [पृष्ठे ९, किंमत : रुपये २७.००

असाधारण क्रमांक १

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments or posts in the public services under the State) for Educationally and Socially Backward Category (ESBC) Act, 2014 (Mah. Act No. I of 2015), is hereby published under the authority of the Governor.

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

DR. MANGALA THOMBARE,
I/c. Draftsman-*cum*-Joint Secretary
to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. I OF 2015.

(First published, after having received the assent of the Governor in the "*Maharashtra Government Gazette*", on the 9th January 2015).

An Act to provide for reservation of seats for admission in educational institutions in the State and of appointments or posts in public services under the State to Educationally and Socially Backward Category (ESBC) in the State of Maharashtra for their advancement and for matters connected therewith or incidental thereto.

WHEREAS the policy of reservation for the educational and social advancement of people belonging to the backward classes of citizens in admissions to educational institutions in the State and for reservation of appointments or posts in public services under the State has been under implementation in the State of Maharashtra since formation of the Maharashtra State;

AND WHEREAS the two notifications, providing for reservation of seats in public employment were issued in the Karveer State (Kolhapur) in the year 1902, on the 26th July 1902 and the 2nd August 1902, respectively, by Rajarshi Shahu Maharaj, who is known as the father of the concept of reservation in India, and from whom Dr. Babasaheb Ambedkar got inspiration to make provisions for reservation in the Constitution of India, and in the said two notifications of 1902, reservation was provided to Backward Classes wherein Maratha community was also included;

AND WHEREAS by Resolution of the then Government of Bombay, dated the 23rd April 1942, about 228 communities including Maratha and other castes were declared as intermediate and Backward community and Maratha community is shown at serial number 149 in the list annexed to the said Resolution;

AND WHEREAS the matter of Maratha reservation was referred to the Maharashtra State Commission for Backward Classes for their recommendations in the year 2004 and the State Backward Classes Commission had submitted its 22nd Report on the 28th July 2008 stating therein that such reservation cannot be given to the Maratha community in the category of "Other Backward Classes";

AND WHEREAS the Cabinet Sub-Committee after detailed discussion referred the matter back to the State Backward Classes Commission asking for its report on inadequacy of the quantifiable data on educational and social backwardness of the Maratha community and also was requested to give its opinion on whether Maratha community could be given reservation without touching the present structure of reservation;

AND WHEREAS after repeated request to submit the report, the State Backward Classes Commission insisted only on taking decision as per sub-section *(2)* of section 9 of the Maharashtra State Commission for Backward Classes Act, 2005 on the 22nd Report of the State Backward Classes Commission; Mah. XXXIV of 2006.

AND WHEREAS the Government appointed the Rane Committee who had submitted adequate quantifiable data pertaining to the backwardness of Maratha community and thereafter the State Backward Classes Commission was again requested to offer its remarks on the issue of providing reservation to Educationally, Socially and Economically Backward Maratha community without affecting the present reservation of Other Backward Classes;

AND WHEREAS the State Backward Classes Commission by its letter dated the 20th May 2014 requested the Government to take decision on the 22nd Report of the Commission;

AND WHEREAS on the above backdrop there was a scope to believe that the State Backward Classes Commission was reluctant to take decision in the matter and hence, the Government decided to take decision after waiting for almost a decade and the Government, in its Cabinet meeting held on the 25th June 2014 decided, to partly reject the 22nd report of the Commission and with certain modifications accepted that Maratha community is Educationally and Socially Backward and hence, eligible for reservation, by virtue of sub-section *(2)* of section 9 of the Maharashtra State Commission for Backward Classes Act, 2005; Mah. XXXIV of 2006.

AND WHEREAS the Government of Maharashtra was of the view on the basis of material and data collected by the Rane Committee that Maratha community is Socially, Educationally and Economically Backward and inadequately represented in services under the State, hence, require reservation in employment and reservation for admissions in the educational institutions ;

AND WHEREAS clause (4) of Article 15 of the Constitution of India enables the State to make any special provision for the advancement of any socially and educationally backward classes of citizens;

AND WHEREAS clause (5) of Article 15 of the Constitution of India enables the State to make any special provision, by law, for the advancement of any socially and educationally backward classes of citizens in so far as such special provision relate to their admission to educational institutions including private educational institutions, whether aided or un-aided by the State, other than the minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India;

AND WHEREAS clause (4) of Article 16 of the Constitution of India enables the State to make any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State;

AND WHEREAS even otherwise Articles 15(4), 15(5), 16(4) and 46 of the Constitution of India enable the State to provide reservation to a separate class;

Mah. VIII of 2004.

AND WHEREAS the State of Maharashtra has enacted the Maharashtra State Public Services (Reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes *(Vimukta Jatis)*, Nomadic Tribes, Special Backward Category and Other Backward Classes) Act, 2001 in pursuance of clause (4) of Article 16 of the Constitution;

AND WHEREAS the Maharashtra State was of the view that on the basis of material and data collected by the Rane Committee that Maratha community is Socially, Educationally and Economically Backward and inadequately represented in services under the State, hence, require special provision for their advancement;

AND WHEREAS the State Government had, after careful consideration, taken a policy decision to create a new category namely Educationally and Socially Backward Category (ESBC) and, there should be a separate sixteen percent reservation for such newly created Educationally and Socially Backward Category (ESBC) and, the Maratha community was included in the said category, without affecting the then existing fifty-two percent reservation applicable in the State, in admissions to educational institutions including private educational institutions, whether aided or un-aided by the State, other than minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India, and in appointments or posts in public services under the State, excluding reserved in favour of the Scheduled Tribes candidates in the Scheduled Areas of the State under the Fifth Schedule to the Constitution of India, as per the notification issued on the 9th June 2014 in this behalf ;

AND WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to make a law to create a new Educationally and Socially Backward Category (ESBC) and to provide sixteen percent separate reservation for Educationally and Socially Backward Category (ESBC) in which Maratha community is included under this category, without affecting the then existing fifty-two percent reservation applicable in the State, in admissions to educational institutions including private educational institutions, whether aided or un-aided by the State, other than minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India,

and in appointments or posts in public services under the State, excluding reservation in favour of the Scheduled Tribes candidates in the Scheduled Areas of the State under the Fifth Schedule to the Constitution of India, as per the notification issued on the 9th June 2014 in this behalf, for their advancement and for the matters connected therewith or incidental thereto; and, therefore, promulgated the Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments or posts in the public services under the State) for Educationally and Socially Backward Category (ESBC) Ordinance, 2014, on the 9th July 2014 ; Mah. Ord. XIII of 2014.

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-fifth Year of the Republic of India as follows :—

Short title, extent and commencement.

1. *(1)* This Act may be called the Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments or posts in the public services under the State) for Educationally and Socially Backward Category (ESBC) Act, 2014.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall be deemed to have come into force on the 9th July 2014.

Definitions.

2. *(1)* In this Act, unless the context otherwise requires,—

(a) "admission authority" in relation to admissions to educational institutions means the authority having supervisory and controlling powers over the educational institutions responsible for admissions to particular educational institutions;

(b) "appointing authority" in relation to public services and posts means the authority empowered to make appointment to such services or posts;

(c) "Competent Authority" means the Competent Authority appointed under section 6;

(d) "educational institutions" means the educational institutions in the State of Maharashtra owned and controlled by the Government, which receives grant-in-aid from the Government including a University established by or under the relevant Maharashtra Acts, including private educational institutions, whether aided or un-aided by the State, other than the minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India.

Explanation.—For the purposes of this clause, the expression "private educational institutions" means institutions which have been given either prior to coming into force of this Act or thereafter, aid in the form of Government land at concessional rates or any other monetary concessions by the Government, or are recognized, licensed, supervised or controlled by the Government;

(e) "Educationally and Socially Backward Category (ESBC)" means such category or categories of citizens who are Educationally and Socially Backward Class of citizens and declared by the Government as Educationally and Socially Backward Category (ESBC), from time to time;

(f) "establishment" means any office of the Government or of a local authority or statutory authority constituted under any Act of the State Legislature for the time being in force, or a University or a Company or a Corporation or a Co-operative Society in which share capital is held by the Government or any Government aided institutions.

Explanation.—For the purposes of this clause, the expression "Government aided institutions" shall also include institutions or industries which have been given either prior to coming into force of this Act or thereafter, aid in the form of Government land at concessional rates or any other monetary concessions by the Government or is recognized, licensed, supervised or controlled by the Government;

(g) "Government" or "State Government" means the Government of Maharashtra;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "public services and posts" means the services and posts in connection with the affairs of the State and includes services and posts in—

(*i*) a local authority;

Mah. XXIV of 1961.

(*ii*) a co-operative society established under the Maharashtra Co-operative Societies Act, 1960, in which the Government is a share holder;

(*iii*) a Board or a Corporation or a statutory body established by or under a Central or a State Act which is owned and controlled by the Government, or a Government company as defined in the Companies Act, 1956 or the Companies Act, 2013;

1 of 1956. 18 of 2013.

(*iv*) an educational institution owned and controlled by the Government, which receives grant-in-aid from the Government including a University established by or under a Maharashtra Act; and

(v) any other establishment in respect of which reservation was applicable by Government orders on the date of commencement of this Act and which are not covered under sub-clauses *(i)* to *(iv)*;

(j) "reservation" means the reservation of seats for the members of Educationally and Socially Backward Category (ESBC) for admission in educational institutions in the State and for appointments or posts in the services under the State.

Mah. VIII of 2004.

(2) The words and expressions used in this Act, but not defined, shall have the same meanings respectively assigned to them in the Maharashtra State Public Services (Reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes *(Vimukta Jatis)*, Nomadic Tribes, Special Backward Category and Other Backward Classes) Act, 2001 and in any other relevant Act.

Applicability.

3. *(1)* This Act shall apply to all the direct recruitments, appointments or posts made in public services under the State except,—

(a) the super specialized posts in Medical, Technical and Educational field;

(b) the posts to be filled by transfer or deputation;

(c) the temporary appointments of less than forty-five days duration; and

(d) the post which is single (isolated) in any cadre or grade.

(2) This Act shall also apply, for the Educationally and Socially Backward Category (ESBC), for admission in educational institutions including private educational institutions, whether aided or un-aided by the State, other than the minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India.

(3) The State Government shall, while entering into or renewing an agreement with any educational institution or any establishment for the grant of any aid as provided in the explanation to clauses *(d)* and *(f)* of section 2 respectively, incorporate a condition for compliance with the provisions of this Act, by such educational institution or establishment.

Reservation of seats for admission in educational institutions, appointments or posts in public services under State for Educationally and Socially Backward Category (ESBC).

4. *(1)* Notwithstanding anything contained in the Maharashtra State Public Services (Reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes *(Vimukta Jatis)*, Nomadic Tribes, Special Backward Category and Other Backward Classes) Act, 2001 and notwithstanding anything contained in any judgment, decree or order of any Court or other authority, and subject to the other provisions of this Act, sixteen percent of the total seats in educational institutions including private educational institutions, whether aided or un-aided by the State, other than minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India, and sixteen percent of the total appointments or posts in direct recruitment in public services under the State, shall be separately reserved for the Educationally and Socially Backward Category (ESBC) in which the Maratha community is included:

Mah.VIII of 2004.

Provided that, the above reservation shall not be applicable to posts reserved in favour of the Scheduled Tribes candidates in the Scheduled Areas of the State under the Fifth Schedule to the Constitution of India as per the notification issued on the 9th June 2014 in this behalf.

(2) The principle of Creamy Layer shall be applicable to the Educationally and Socially Backward Category (ESBC).

Explanation.—For the purposes of this sub-section, the expression "Creamy Layer" means the person falling in the category of Creamy Layer as declared by the Government in the Social Justice and Special Assistance Department, by general or special orders issued in this behalf, from time to time.

Reservation not to be affected.

5. Notwithstanding anything contained in section 4, the claims of students or members belonging to Educationally and Socially Backward Category (ESBC) shall also be considered for the unreserved seats, appointments or posts which shall be filled on the basis of merit, and where a student or member belonging to such category is selected on the basis of merit, the number of seats, appointments or posts reserved for the Educationally and Socially Backward Category (ESBC), as the case may be, shall not in any way be affected.

Competent Authority.

6. *(1)* The Government may, by notification in the *Official Gazette*, appoint any officer not below the rank of District Social Welfare Officer to be the Competent Authority for the purposes of carrying out the provisions of this Act and the rules made thereunder.

(2) The Competent Authority shall exercise such powers and perform such functions as may be prescribed.

Power of Government to give directions.

7. *(1)* The Government may, in public interest, by order, direct the Competent Authority, from time to time, to make an enquiry or to take appropriate proceedings under this Act specified in the order, and the Competent Authority shall report to the Government, the result of the enquiry made or the proceedings taken by him within such period as may be prescribed.

(2) On receipt of the report from the Competent Authority under sub-section *(1)*, the Government shall give such directions as it deems fit and such directions shall be final.

Carrying forward of reserved vacancies.

8. *(1)* If in respect of any recruitment year, any vacancy reserved for Educationally and Socially Backward Category (ESBC) of persons remains unfilled, such vacancy shall be carried forward up to five years in case of direct recruitment:

Provided that, on the date of commencement of this Act, if any Government Order, Resolution, Circular and Office Memorandum regarding filling of posts is in force then, the same shall continue to be in force unless modified or revoked by the Government and the Government is empowered to revise such Government Orders, Resolutions, Circulars and Office Memorandums :

Provided further that, notwithstanding anything contained in section 17 of this Act, the Government Departments are hereby empowered to give effect to the provisions of this Act including revision of roster prescribed for direct recruitment, as may be necessary, by the Government orders for enforcement and implementation of this reservation:

Provided also that, if the sanctioned posts are not adequate to allocate atleast one post for each reserved category, then the reserved post shall be filled in by applying the principle of rotation in accordance with the Government roster orders or rules as may be prescribed or modified in this behalf and the Government is empowered to revise the roster points and orders or rules accordingly.

(2) When a vacancy is carried forward as provided in sub-section *(1),* it shall not be counted against the quota of the vacancies reserved for the concerned category of persons for the recruitment year to which it is carried forward :

Provided that, the appointing authority may, at any time undertake a special recruitment drive to fill up such unfilled vacancies and if such vacancies remain unfilled even after such special recruitment drive then, it shall be filled up in the manner prescribed by the Government.

Responsibility and powers for compliance of Act.

9. *(1)* The Government may, by order in writing, entrust upon every admission authority or appointing authority or any officer under such authority, with the responsibility of ensuring the compliance with the provisions of this Act.

(2) The Government may, in the like manner, invest the admission authority or appointing authority or officer with such powers or authority as may be necessary for such authority or officer, to effectively discharge such duty assigned to such authority or officer.

Penalty.

10. *(1)* Any admission authority or appointing authority or officer or employee entrusted with the duty or responsibility who wilfully acts in a manner intended to contravene or defeat the purpose of this Act shall, on conviction, be punished with imprisonment for a term which may extend to

ninety days or fine which may extend to five thousand rupees, or with both.

(2) No court shall take cognizance of an offence punishable under this section except with the previous sanction of the Government or officer authorized in this behalf by the Government.

Power to call for records.

11. When it comes to the notice of the Government or is brought to its notice that any person belonging to Educationally and Socially Backward Category (ESBC) is adversely affected, on account of non-compliance with the provisions of this Act or the rules made thereunder or the Government orders issued in this behalf, by any admission authority or appointing authority, it may call for such records and pass such appropriate orders as it deems fit.

Representation in selection committee.

12. *(1)* The Government may, by an order, provide for nomination of officers belonging to Educationally and Socially Backward Category (ESBC) in selections, screening and Department Committee for the purpose of selecting persons for appointment to public services and posts.

(2) The Government may, by an order, grant such monetary or other concessions as may be considered necessary in favour of the Educationally and Socially Backward Category (ESBC).

Irregular admissions and appointments void.

13. Any admissions or appointments made in contravention of the provisions of this Act shall be void.

Competent Authority to be public servant.

14. The Competent Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. 45 of 1860.

Protection of action taken in good faith.

15. No suit, prosecution or other legal proceeding shall lie against the Competent Authority or its officers, for anything which is in good faith done or intended to be done under this Act or the rules or orders made thereunder.

Provisions of Act to be in addition to any other law for the time being in force.

16. The provisions of this Act shall be in addition to and not in derogation of the provisions contained in any other Act, for the time being in force.

Power to make rules.

17. *(1)* The State Government may, by notification in the *Official Gazette,* make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in any rule or both Houses agree that the rule should not be made, and notify their decision to that effect in the *Official Gazette,* the rule shall, from the date of publication of notification of such decision have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

18. *(1)* The provisions of this Act shall not apply to the cases in which selection process has already been initiated before the commencement of this Act, and such cases shall be dealt with in accordance with the provisions of law and the Government orders as they stood before such commencement. Savings.

Explanation.—For the purposes of this section, the selection process shall be deemed to have been initiated where, under the relevant service rules,—

(i) recruitment is to be made on the basis of written test or interview only, and such written test or the interview, as the case may be, has started; or

(ii) recruitment is to be made on the basis of both, written test and interview and such written test has started.

(2) The provisions of this Act shall not apply to admissions in educational institutions and the cases in which the admission process has already been initiated before the commencement of this Act and such cases shall be dealt with in accordance with the provisions of law and the Government orders, as they stood before such commencement.

Explanation.—For the purposes of this section, the admission process shall be deemed to have initiated where,—

(i) admission is to be made on the basis of any entrance test, and procedure for such entrance test has started; or

(ii) in case of admission to be made other than on the basis of entrance test, the last date for filling up the application form is lapsed.

19. *(1)* If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion arises, by an order published in the *Official Gazette,* do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty : Power to remove difficulty.

Provided that, no such order shall be made after expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under sub-section *(1)* shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Mah. Ord. XIII of 2014. **20.** (*1*) The Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments or posts in the public services under the State) for Educationally and Socially Backward Category (ESBC) Ordinance, 2014 is hereby repealed. Repeal of Mah. Ord. XIII of 2014 and saving.

(*2*) Notwithstanding such repeal, anything done or any action taken (including any notification, order, resolution, circular, office memorandum issued or appointments made) under the said Ordinance shall be deemed to have been done, taken, issued or made, as the case may be, under the corresponding provisions of this Act.

ON BEHALF OF GOVERNMENT PRINTING, STATIONERY AND PUBLICATION, PRINTED AND PUBLISHED BY SHRI PARSHURAM JAGANNATH GOSAVI, PRINTED AT GOVERNMENT CENTRAL PRESS, 21-A, NETAJI SUBHASH ROAD, CHARNI ROAD, MUMBAI 400 004 AND PUBLISHED AT DIRECTORATE OF GOVERNMENT PRINTING, STATIONERY AND PUBLICATION, 21-A, NETAJI SUBHASH ROAD, CHARNI ROAD, MUMBAI 400 004, EDITOR : SHRI PARSHURAM JAGANNATH GOSAVI.