



डॉ. बाबासाहेब आंबेडकर तंत्रशास्त्र विद्यापीठ, लोणेरे

Dr. Babasaheb Ambedkar Technological University, Lonere

(Established by Government of Maharashtra and Governed by Dr. Babasaheb Ambedkar Technological University Act No. XXIX of 2014)

विद्याविहार, लोणेरे-रायगड ४०२ १०३ (महाराष्ट्र) Vidyavihar, Lonere - Raigad 402 103 (Maharashtra)

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डॉ. भगवान फ. जोगी

कुलसचिव

दिनांक : १८/०६/२०२२

परिपत्रक

विषय : डॉ. बाबासाहेब आंबेडकर तंत्रशास्त्र विद्यापीठ, लोणेरे या विद्यापीठाचे प्रथम परिनियम प्रसिध्द करणेबाबत...

संदर्भ : शासन निर्णय क्रमांक तंशावि-३७११/(१०५/१६)/तांशि-२, दिनांक २३/०५/२०२२.

डॉ. बाबासाहेब आंबेडकर तंत्रशास्त्र विद्यापीठ अधिनियम २०१४, दिनांक ०१ मार्च, २०१६ पासून अंमलात आला आहे. सदर दिनांकापासून डॉ. बाबासाहेब आंबेडकर तंत्रशास्त्र विद्यापीठ, लोणेरे हे संलग्नता प्रदान करणारे विद्यापीठ म्हणून कार्यरत झालेले आहे. डॉ. बाबासाहेब आंबेडकर तंत्रशास्त्र विद्यापीठ अधिनियम २०१४ मधील कलम ३९ व कलम ४० (१) नुसार परिनियम तयार करण्याबाबतची तरतूद विहित करण्यात आली आहे. तसेच या अधिनियमाच्या कलम १०६ (२) मधील विहित तरतूदीस अधिन राहून तसेच कुलपतींच्या पूर्वमान्यतेने, कुलगुरु या अधिनियमाच्या तरतूदी अंमलात आणण्याकरिता व विद्यापीठाचे कामकाज कार्यक्षम रितीने चालण्याकरिता आवश्यक असतील, असे पहिले परिनियम तयार करील, अशी तरतूद आहे. त्यानुसार विद्यापीठाने मा. कुलपती महोदय यांना सादर केलेल्या प्रथम परिनियमाच्या मसूद्यास मा. कुलपती महोदयांनी मान्यता दिली आहे. यास अनुसरून मा. कुलपती महोदयांनी मान्यता दिलेल्या डॉ. बाबासाहेब आंबेडकर तंत्रशास्त्र विद्यापीठ, लोणेरे या विद्यापीठाच्या प्रथम परिनियमास संदर्भाधिन शासन निर्णयान्वये शासनाची मान्यता प्रदान करण्यात आली आहे. सदर परिनियमांची प्रत महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आली असून त्याचा सांकेतांक २०२२०५२३१६४३५२२३०८ असा आहे. तसेच ही प्रत या विद्यापीठाच्या www.dbatu.ac.in या संकेतस्थळावर उपलब्ध करून देण्यात आली आहे. तरी विद्यापीठाशी संबंधितांनी यापुढील सर्व कामकाज (प्रशासकीय, शैक्षणिक इत्यादी कामकाज) विद्यापीठ कायदानुसार व परिनियमानुसार अनुपालन करावे.



प्रत :

०१. मा. कुलगुरु, डॉ. बाबासाहेब आंबेडकर तंत्रशास्त्र विद्यापीठ, लोणेरे
०२. मा. संचालक, तंत्रशिक्षण संचालनालय, म.रा., मुंबई
०३. विद्यापीठ कार्यकारी परिषद, डॉ. बाबासाहेब आंबेडकर तंत्रशास्त्र विद्यापीठ, लोणेरे

(डॉ. भगवान फ. जोगी)

कुलसचिव
कुलसांचव

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(Dr. D. B. Waghmare)

०४. विद्यापीठ विद्याशास्त्र परिषद, डॉ. बाबासाहेब आंबेडकर तंत्रशास्त्र विद्यापीठ, लोणेरे
०५. विद्यापीठाशी संलग्नित संस्थांचे सर्व प्राचार्य यांना सूचित करण्यात येते की, सदर परिणयमांचे अवलोकन करुन अंमलबजावणी करण्यात यावी.
०६. मा. सहसंचालक, तंत्रशिक्षण विभागीय कार्यालय, मुंबई, पुणे, नागपूर, औरंगाबाद, अमरावती, नाशिक
०७. सर्व विभागप्रमुख/विभाग नियंत्रक/कक्ष प्रमुख, डॉ. बाबासाहेब आंबेडकर तंत्रशास्त्र विद्यापीठ, लोणेरे
०८. निवड नस्ती
०९. www.dbatu.ac.in या विद्यापीठ संकेतस्थळावर प्रसारित करण्यासाठी

01/01



हस्ताक्षर

आचार्य विद्यापीठ, लोणेरे
२०१९-२०

डॉ. बाबासाहेब आंबेडकर तंत्रशास्त्र विद्यापीठ,
लोणेरे या विद्यापीठाच्या प्रथम परिनियमास
मान्यता देणेबाबत...

महाराष्ट्र शासन
उच्च व तंत्रशिक्षण विभाग
शासन निर्णय क्रमांक - तंशावि-३७११/(१०५/१६)/तांशि-२
मादाम कामा मार्ग, हुतात्मा राजगुरु चौक,
मंत्रालय, मुंबई-४०० ०३२.
दिनांक :- २३ मे, २०२२

- पहा :-** १. डॉ. बाबासाहेब आंबेडकर तंत्रशास्त्र विद्यापीठ अधिनियम २०१४ दिनांक १ मार्च, २०१६
२. उपसचिव, मा. राज्यपाल यांचे कार्यालय यांचे दिनांक ७ जून, २०१६ रोजीचे पत्र.
३. सहयोगी अधिष्ठता, डॉ. बाबासाहेब आंबेडकर तंत्रशास्त्र विद्यापीठ, लोणेरे यांचे दिनांक ४
ऑगस्ट, २०२० रोजीचे पत्र.
४. प्रधान सचिव, मा. राज्यपाल यांचे कार्यालय यांचे दिनांक २१ डिसेंबर, २०२० रोजीचे
अर्धशासकीय पत्र.
५. प्रभारी कुलसचिव, डॉ. बाबासाहेब आंबेडकर तंत्रशास्त्र विद्यापीठ, लोणेरे यांचे दिनांक ८
फेब्रुवारी, २०२१ रोजीचे पत्र.

प्रस्तावना:-

डॉ. बाबासाहेब आंबेडकर तंत्रशास्त्र विद्यापीठ अधिनियम २०१४ संदर्भ क्र. १ येथे नमूद केल्यानुसार दिनांक १ मार्च, २०१६ पासून अंमलात आला आहे. त्या दिनांकापासून डॉ. बाबासाहेब आंबेडकर तंत्रशास्त्र विद्यापीठ, लोणेरे हे संलग्नता प्रदान करणारे विद्यापीठ म्हणून कार्यरत झालेले आहे. डॉ. बाबासाहेब आंबेडकर तंत्रशास्त्र विद्यापीठ अधिनियम २०१४ मधील कलम ३९ व कलम ४०(१) नुसार परिनियम तयार करण्याबाबतची तरतुद विहित करण्यात आली आहे. तसेच, या अधिनियमाच्या कलम १०६(२) मधील विहित तरतुदीस अधिन राहून तसेच कुलपतींच्या पूर्वमान्यतेने, कुलगुरु या अधिनियमाच्या तरतुदी अंमलात आणण्याकरिता व विद्यापीठाचे कामकाज कार्यक्षम रितीने चालण्याकरिता आवश्यक असतील, असे पहिले परिनियम तयार करील, अशी तरतुद आहे. डॉ. बाबासाहेब आंबेडकर तंत्रशास्त्र विद्यापीठ अधिनियम, २०१४ मधील वरील विहित तरतुदीनुसार सादर करण्यात आलेल्या प्रथम परिनियमांस मान्यता देण्याची बाब शासनाच्या विचाराधीन होती.

शासन निर्णय :-

मा. कुलपती महोदयांनी मान्यता दिलेल्या, “डॉ. बाबासाहेब आंबेडकर तंत्रशास्त्र विद्यापीठ, लोणेरे” या विद्यापीठाच्या प्रथम परिनियमांस शासनाची मान्यता प्रदान करण्यात येत आहे. सदर परिनियमांची प्रत सदर शासन निर्णयासोबत जोडण्यात आली आहे.

सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या संकेतस्थळावर उपलब्ध करण्यात आला असून त्याचा सांकेतांक २०२२०५२३१६४३५२२३०८ असा आहे. हा शासन निर्णय डिजीटल स्वाक्षरीने साक्षांकित करून काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

Digitally signed by Nitin Jotiram Dangare
Date: 2022.06.13 16:55:53 +05'30'

(नितिन जो. डंगारे)

अवर सचिव, महाराष्ट्र शासन

प्रत:

१. मा. कुलपती तथा राज्यपाल महोदयांचे प्रधान सचिव, राजभवन, मुंबई
२. मा. मुख्यमंत्री यांचे प्रधान सचिव.
३. मा. उप मुख्यमंत्री यांचे खाजगी सचिव
४. मा. मंत्री उच्च व तंत्रशिक्षण विभाग, यांचे खाजगी सचिव
५. मा. राज्यमंत्री, उच्च व तंत्रशिक्षण विभाग यांचे खाजगी सचिव
६. अध्यक्ष, विद्यापीठ अनुदान आयोग, नवी दिल्ली
७. अध्यक्ष, अखिल भारतीय तंत्रशिक्षण परिषद, नवी दिल्ली
८. अध्यक्ष, फार्मसी कौन्सिल ऑफ इंडिया, नवी दिल्ली.
९. अध्यक्ष, कौन्सिल ऑफ आर्किटेक्चर, नवी दिल्ली.
१०. हॉटेल ऑफ मॅनेजमेंट अॅण्ड कॅटरिंग टेक्नॉलॉजी.
११. सर्व विद्यापीठाचे कुलगुरु
१२. कुलगुरु, डॉ. बाबासाहेब आंबेडकर तंत्रशास्त्र विद्यापीठ, लोणेरे.
१३. संचालक, तंत्रशिक्षण संचालनालय, महाराष्ट्र राज्य, मुंबई.
१४. सहसंचालक, तंत्रशिक्षण विभागीय कार्यालय, मुंबई, पुणे, नागपूर, औरंगाबाद, अमरावती, नाशिक
१५. उच्च व तंत्रशिक्षण विभागातील सर्व कार्यासने
१६. निवड नस्ती.

Adoption leave may be provided as per the rules of the State Government

S9.46 Special Medical Leave for Tuberculosis, AIDS, Cancer and Heart Surgery

The teacher shall be entitled to avail leave up to twelve months, if he/she is suffering from Tuberculosis, Leprosy, Cancer, Malignant diseases, AIDS, Heart Surgery or Brain ailment or such other diseases, which may be specified by the Competent Authority, from time to time and is undergoing treatment in a recognized Clinic or under a Specialist recognized by the Government, from time to time.

Provided that, such leave shall only be admissible to the teacher if he/she has no other leave to his/her credit.

Provided further that, the teacher who is suffering from Heart disease shall be entitled to a maximum of three months full-pay leave in addition to any other leave on medical/health ground shall be granted to the teacher, as per the rules made by Government from time to time.

S9.47 Special Provisions for the Female Teachers

In addition to the other provisions of these Statutes, special provision(s) laid down by Central and State Government from time to time shall be applicable to the female teachers working in the College

S9.48 Appointment against vacant post due to leave

The post falling vacant for more than six months due to leave of taken by a permanent teacher may be filled on a purely temporary /contractual basis for a period of the sanctioned leave by the following the procedure laid down in these Statutes.

V. CODE OF CONDUCT AND ETHICS OF UNIVERSITY TEACHERS

S9.49 Code of Conduct and Ethics of university Teachers

- (1) The teacher shall be available for the University Department or conducted Institute fulltime and shall serve in such capacity and at such place, as he/she may, from time to time, be so directed.
- (2) The teacher shall conform to and abide by the provisions of the Act, Statutes, Ordinances, Regulations, and Rules and Directives and decisions of the Competent Authority.
- (3) The teacher shall also observe, comply with and obey all orders and instructions which may, from time to time, be given to him/her by authority.

S9.50 Teachers and the Students

The teacher shall:-

- (1) respect the right and dignity of the student in expressing his/her opinion;
- (2) deal justly and impartially with students regardless of their religion, caste, sex, political, economic, social and physical status;
- (3) recognize the difference in aptitude and capabilities among students and strive to meet their individual needs;
- (4) encourage students to improve their attainments, develop their personalities and at the same time contribute to community welfare;
- (5) inculcate among students scientific, progressive and rational outlook and respect for physical labour and ideals of democracy, patriotism and peace;
- (6) be affectionate to the students and not behave in a vindictive manner towards any of them for any reason;
- (7) pay attention to only the attainment of the student in the assessment of merit;
- (8) make himself available to the students even beyond their class hours and help and guide them without any remuneration or reward;
- (9) aid students to develop an understanding of our national heritage and national goals, and
- (10) refrain from inciting students against other students, colleagues or administration.

S9.51 Teachers and Colleagues:

The teacher shall:-

- (1) always treat other members of the profession in the same manner as he/she himself/herself wish to be treated;
- (2) speak respectfully to and of other teachers;
- (3) render assistance for professional betterment;
- (4) refrain from lodging unsubstantiated allegations against colleagues to higher authorities;
- (5) refrain from exploiting considerations of caste, creed, religion, race or gender in their professional endeavour;
- (6) be thoroughly social and humane, democratic and rational, towards other teachers;
- (7) strive at any cost to remove and wash out the local tensions and controversies and disputes;
and
- (8) believe in union and unity of the colleagues.

S9.52 Teachers and Authorities:

The teachers shall -

- (1) discharge the professional responsibilities according to the existing rules and adhere to procedures and methods consistent with the profession in initiating steps through his/her own institutional bodies and/or professional organizations for change of any such rule detrimental to the professional interest;
- (2) co-operate in the formulation of policies of the institution by accepting various offices and discharge responsibilities which such offices may demand;
- (3) co-operate with the authorities for the betterment of the institutions keeping in view the interest and in conformity with dignity of the profession;
- (4) adhere to the conditions of contract;
- (5) give and expect due notice before a change of position is made; and
- (6) refrain from availing themselves of leave except on unavoidable grounds and as far as practicable with prior intimation, keeping in view their particular responsibility for completion of academic schedule.

S9.53 Teachers and Non-teaching employees

The teacher should-

- (1) treat the non-teaching employees as colleagues and equal partners in a co-operative undertaking, within every educational institution; and
- (2) help in the function of joint staff-council covering both teachers and the non-teaching employees.

S9.54 Teachers and Guardians

The teachers shall try to see through teachers' bodies and organizations that institutions maintain contact with the guardians of their students, send report of their performance to the guardians whenever necessary and meet the guardians in meetings convened for the purpose for mutual exchange of ideas and for the benefit of the institution.

S9.55 Teachers and Society

The teachers shall

- (1) recognize that education is a public service and strive to keep the public informed of the educational programmes which are being provided;
- (2) work to improve education in the community and strengthen the community's moral and intellectual life;

- (3) be aware of social and economical problems and take part in such activities as would be conducive to the progress of society and hence the country as a whole;
- (4) perform the duties of citizenship, participate in community activities and shoulder responsibilities of public office;
- (5) refrain from taking part in or subscribing to or assisting in any way, activities which tend to promote feeling of hatred or enmity among different communities, relations or linguistic groups but actively work for National Integration.

VI. CONDUCT AND DISCIPLINE

S9.56 Misconduct of teachers in the University, and conducted Colleges/ institutes

- (1) The following acts shall be deemed as misconduct on the part of the teacher:
 - (a) any breach of or any action contrary to the provisions of the Statutes, Ordinances, Regulations and Rules, Code of Conduct.
 - (b) refusal to accept order or other communication served according to the Statutes, Ordinances, Regulations and Rules.
 - (c) refusal to carry out the decisions of appropriate authorities, officers, administrative and academic bodies of the Institution. This will not inhibit his/her right to express his/her difference with their policies or decisions, expression, provided that he/she will not use the facilities or forum of the Institution to propagate his/her own ideas or beliefs for or against a particular political party or alignment of political or religious activities.
 - (d) obtaining employment/promotion or any other benefit in the Institution or in prior employment by misrepresenting facts or fraudulent means.
 - (e) misappropriation of any amount and/or movable and immovable property of the Institution.
 - (f) wilful and persistent negligence of duty.
 - (g) incompetence in Teaching.
 - (h) failure to perform his/her academic duties such as lecturing, demonstrating, assessing, invigilating, etc.
 - (i) gross partiality in assessment of students, deliberately over/under marking or attempt of victimization on any grounds.
 - (j) indulging in or promoting unfair practices in the conduct of examinations.
 - (k) theft, fraud or dishonesty.

- (l) Performing unethical practices in the conduct of teaching, research, consultancy, advice, examinations, IPR, etc
- (m) wilful or negligent damage of the University property.
- (n) any action involving moral turpitude and attracting conviction in court of law.
- (o) attending the duties in an intoxicated state and committing nuisance during working hours.
- (p) misbehaviour with students, another teacher, staff, parents.
- (q) insubordination: Refusal to obey the order of controlling Authority, wilful act/communication by ignoring immediate controlling authority.
- (r) raising or exploiting questions of castes, creed or religion, race or gender in his/her relationships with the students and his/her colleagues and trying to use the above considerations for improvement of his/her prospects.
- (s) sexual harassment within the meaning of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, Redressal) Act, 2013 and the amendments made from time to time.
- (t) going on illegal strike, abetting including instigation or action in furtherance thereof.
- (u) riotous or disorderly behaviour, threatening, intimidating or coercing in connection with or relating to any duties or working of the Institution.
- (v) stopping work either singly or with other employee or inciting anyone else not to work.
- (w) allowing anyone within the prohibited premise of the Institution or allowing any person or persons whose entry is prohibited without the permission of the Competent Authority.
- (x) falsification or tampering any paper or record of the Institution,
- (y) approaching the press in any matter which is against the interests of the University
- (z) indulgence in any act that brings disrepute to the University

Explanation:

- (1) The wilful negligence of duty shall amongst other things include the following:
 - (i) dereliction of duties like not engaging the allotted classes or not completing the prescribed syllabi as expected under circumstances not beyond his control.
 - (ii) negligence of academic or extracurricular, co-curricular duties assigned to the teacher by the Vice-Chancellor/Head of the Department, which are consistent with the Act, Statutes, Ordinances, Regulations or Rules.
- (2) Incompetence shall include such other incapacities in teaching as would lead to failure in imparting of instruction to the students.

S9.57 Disciplinary Authority

- (1) The Disciplinary Authority in respect of the teacher working in a University Schools, University Departments, University Conducted Colleges and University Institutions shall be the Vice Chancellor.

S9.58 Penalties

- (1) Without prejudice to the provisions of any law for the time being in force, the following penalties may, for good and sufficient reasons, and as herein after provided, be imposed on the teacher found guilty of misconduct. The penalty to be imposed shall essentially be commensurate with the severity or gravity of the misconduct committed and shall be imposed only after sufficient opportunity is provided to the employee for being heard and to defend himself/herself.
- (2) Minor Penalties:
- (a) censure,
 - (b) fine,
 - (c) withholding of increment of pay for specific period,
 - (d) recovery from his pay or such other amount as may be due *to/from him of any pecuniary loss caused by him to the University by negligence or by breach of orders.*
- (3) Major penalties :
- (a) stoppage of increment with or without effect on future increments,
 - (b) reduction to a lower scale of pay, grade, post or service,
 - (c) compulsory retirement,
 - (d) removal from service,
 - (e) termination of service.
 - (f) dismissal from service,

Explanation (1): The order under (3) (a) of withholding increment shall not affect subsequent increment(s).

Explanation (2): The order under sub-clause (2) (d) for recovery shall expressly state the amount of the whole or part of any pecuniary loss caused by him/her to the Institution by negligence or by breach of orders.

Explanation (3): Reduction under sub-clause (3) (b) shall ordinarily be a bar to the placement of the teacher to the higher scale of pay, grade, post or service from which he was reduced, with or without further directions regarding condition of restoration to the scale of pay, grade, post or service from which he was reduced, and seniority and pay on such restoration.

Explanation (4): The order of penalty of reduction, under sub-clause (3) (b) shall expressly state whether the period of reduction shall be exclusive of any interval spent on leave or otherwise.

Explanation (5): Removal under sub-clause (3) (d) and termination under sub-clause (3) (e) shall not be a disqualification for future employment under the Institution.

Explanation (6): Dismissal under sub-clause (3) (f) shall be a disqualification for future employment under the Institution.

S9.59 Procedure for imposing Minor Penalty

- (1) If the Disciplinary Authority is satisfied that the misconduct committed by the teacher is serious enough to inflict any of the minor penalties, the Disciplinary Authority shall -
 - (a) issue a notice to the teacher in writing along with the imputation(s) of misconduct and require him/her to show cause as to why the action proposed be not taken against him/her;
 - (b) give reasonable opportunity to the teacher to furnish explanation;
 - (c) take into consideration the explanation of the teacher and record findings on each imputation of misconduct;
 - (d) issue the order imposing one or many of the minor penalties, or if satisfied, drop the imputation(s) and exonerate him/her of the charge(s);
- (2) the appeal against the minor penalty imposed by the Disciplinary Authority shall lie with the Grievances Committee.

S9.60 Action not Amounting to Penalty

- (1) The following shall not amount to penalty within the meaning of Statute, namely:
 - (i) non-placement of teacher in various stages of promotion prescribed by regulating bodies and accepted by the state government from time to time;
 - (ii) reversion of the teacher already appointed as the Head of the Department;
 - (iii) compulsory retirement of the teacher in accordance with the provision relating to his superannuation or retirement;

S9.61 Termination of Services:

- (1) the teacher appointed on probation shall be liable to be terminated during or at the end of the period of probation in accordance with terms and conditions of his/her appointment with proper justification in that regard;

- (2) the teacher appointed on a temporary or ad-hoc basis may be terminated in accordance with the provisions made in that behalf;
- (3) termination of service of a teacher appointed under agreement in accordance with the terms and conditions of such agreement;
- (4) repatriation of the service of the teacher whose service has been borrowed from outside authority or recalling the teacher from foreign employment to such authority;
- (5) termination of the service due to abolition of the post(s).

S9.62 Suspension

- (1) The Disciplinary Authority may, by an order in the form prescribed by the University, place the teacher under suspension under the following circumstances :
 - (a) where disciplinary proceedings against him/her are contemplated or are pending and are likely to result into imposing any of the major penalties,
 - (b) wherein the opinion of the Competent Authority, he/she has engaged himself in activities prejudicial to the interests of the University and
 - (c) where there is a strong reason(s) to believe that his continuance in service is likely to cause embarrassment or to tamper with the investigation of the case, or likely to tamper with the official record or document(s).
- (2) where the case against the teacher in respect of any criminal offense is under investigation, enquiry or trial, in a court of law; the teacher shall be deemed to have been placed under suspension,
 - (a) with effect from the date of his detention, in police or judicial custody, on a criminal charge, for a period exceeding forty-eight hours;
 - (b) with effect from the date of his conviction, if, in the event of a conviction for an offense, he is sentenced to a term of imprisonment exceeding forty eight hours and is not forthwith dismissed or removed or compulsorily retired, consequent to such conviction and shall remain under suspension until the order of suspension is modified or revoked by the Competent Authority.
- (3) While under suspension, the teacher shall not be allowed to resign.
- (4) If the teacher under suspension attains the age of superannuation, the departmental or judicial proceedings pending against him/her shall continue even after his retirement.
- (5) If the Disciplinary Authority finds that a teacher is alleged to be guilty of a lapse or an offence of a serious nature and if there is a reason to believe that in the event of the offence being proved against him, he would deserve to be removed or dismissed from service, the

competent Authority/Officer shall first decide whether the person concerned should be placed under suspension.

- (6) When the teacher under suspension is reinstated, after undergoing the punishment or paying the penalty under these Statutes, unless the Competent Authority has already passed such orders at the time of inflicting the punishment, the Competent Authority may by order state (i) whether the said period be treated as duty leave or leave not due, and (ii) the nature of pay and allowances to be paid for the period.
- (7) The substitute teacher appointed in place of the teacher under suspension shall be paid the salary as per rules.
- (8) If the teacher under suspension is exonerated and/or it is observed that the suspension was wholly unjustified, the teacher shall receive full pay and allowances to which he would have been entitled had he not been so suspended.
- (9) The teacher under suspension shall not be entitled to pay and allowance as prescribed in these rules. The Competent Authority shall pay to the employee under suspension or deemed to have been placed under suspension by an order in writing, a subsistence allowance as per the rules framed by the Government from time to time.

S9.63 Preliminary Enquiry

- (1) If a teacher is alleged to be guilty of misconduct, a Preliminary Enquiry of such alleged teacher shall be held by the following Committee appointed by the Vice-chancellor:
 - (a) The committee for a University teacher shall consists of the following members, namely
 - (i) The Dean of the concerned Faculty- Chairperson
 - (ii) The Head of the Department
Provided that where there is no regular Head of the Department or when Head of the Department is himself / herself involved in the matter, Vice Chancellor shall appoint Head of any other University Department.
 - (iii) The member of the Executive council to be nominated by the Vice- Chancellor
 - (iv) A representative of the teacher whose inquiry is to be conducted.
- (2) The Committee, after going through all the documents and evidence(s), shall see whether there is a *prima facie* case against the teacher; *provided that* while holding the preliminary enquiry, full opportunity shall be given to the teacher, to defend his/her case before the Committee.

- (3) The Committee, after going through all the documentary evidence(s) and giving a full opportunity to the teacher, as the case may be, shall prepare their report and submit the same to the Vice-chancellor.
- (4) The Vice-Chancellor after scrutinising the report of the Committee may give permission to hold full-fledged enquiry of the teacher.

Provided further that if the Vice-Chancellor after scrutinising the report, feels that the report is incomplete or requires some more documents/ evidences, then he/she shall call for such additional documents/evidences and if necessary may appoint another Committee.

S9.64 Procedure of Enquiry

- (1) Whenever the Disciplinary Authority is of the opinion, based on the reports of the Preliminary Enquiry committee, that there are grounds for enquiry into the facts of the case and/or substance of imputation(s) of misconduct on the part of the teacher(s), which may result in major penalty, Disciplinary Authority may through an Enquiry Committee constituted of
 - (i) *a Retired Judge not below the rank of District Judge as Chairman*
 - (ii) *a nominee of the college management,*
 - (iii) *nominee of the charge sheeted teacher and*
 - (iv) *a nominee of the University who is well versed in service law*
 to enquire into the facts of the case.
- (2) Where it is proposed to hold enquiry against the teacher, the Disciplinary Authority shall draw up or cause to draw up
 - (a) the substance of imputation(s) of misconduct into definite and distinct article(s) of charge(s).
 - (b) a statement of imputation(s) of misconduct in support of each article of charge(s) which shall contain
 - (c) a statement of all relevant facts including any admission or confession by the teacher, and
 - (d) a list of documents by which and a list of witnesses by whom, the article(s) of charge(s) are proposed to be sustained.
- (3) The Disciplinary Authority shall deliver or cause to deliver to the teacher, in the Form as prescribed by the University, a copy of the article(s) of charge(s), the statement of imputation(s) of misconduct and a list of document(s) and of the witness(es) by which, each article of charge is proposed to be sustained, and shall by a written notice require the teacher

to submit to it, within fifteen clear days, a written statement of his defence and to state whether he desires to be heard in person.

- (4) On receipt of written statement of defense and on admission of any or all article(s) of charge(s) by the teacher, the Disciplinary Authority shall record its findings on each charge admitted, after taking such evidence into account as it may think fit and shall act in the manner as prescribed.
- (5) On receipt of written statement of defense of any or all of the article(s) of charge(s) by the teacher or on its non receipt, the Disciplinary Authority may further enquire or cause to enquire into the charge(s) not admitted in the manner as prescribed.
- (6) Where the Disciplinary Authority appoints the Enquiry Committee, it may by an order appoint another teacher or any other suitable person to present the case in support of the article(s) of the charge(s) before the Enquiry Committee. The charge-sheeted teacher may take assistance of any other teacher or any other suitable person to represent the case on his behalf. In case the Enquiry Committee permits the teacher to engage a legal practitioner to represent on his behalf, the Disciplinary Authority may appoint a legal practitioner as Presenting Officer.
- (7) The Disciplinary Authority shall forward to the Enquiry Committee :
 - (a) a copy of each of the article(s) of charge(s) and the statement of imputation(s) of misconduct,
 - (b) a copy of the order appointing the Presenting Officer, if any,
 - (c) copies of the statements of witnesses,
 - (d) evidence proving the delivery of documents to the teacher, and
 - (e) a copy of the written statement of defense by the teacher, if any.
- (8) The teacher shall appear in person before the Enquiry Committee on such day and at such time within ten working days from the date of receipt by the teacher of the article(s) of charge(s) and the statement of imputation(s) of misconduct as the Enquiry Committee may, by notice in writing specify or such further time not exceeding ten days as the Enquiry Committee may allow.
- (9) The Disciplinary Authority may, *suomotu* or on being moved by the teacher against whom enquiry is instituted, for just and sufficient reasons, transfer the proceedings to another Enquiry Committee constituted for the purpose.
- (10) If the teacher, who has not admitted any of the article(s) of charge(s), in his written statement of defense or has not submitted any written statement of defence, appears before Enquiry Committee, it shall ask him/her whether he is guilty or has any defense to make and

if he pleads guilty of any of the article(s) of charge(s), it shall be so recorded under the signature of the teacher and of that Authority.

- (11) The Enquiry Committee shall return to the Disciplinary Authority the findings in respect of those article(s) of charge(s) which the teacher pleads guilty. However if he pleads not guilty, the Enquiry Committee shall proceed to enquire further.
- (12) If the teacher fails to appear within the specified time or refuses to plead or admits to plead, the Enquiry Committee shall require the Presenting Officer to produce the evidence by which he/she proposes to prove article(s) of charge(s), and shall adjourn the case to a later date not exceeding fifteen days, after recording the order that the teacher may, for the purpose of his/her defense
- (a) inspect within five days of the order or within such further time not exceeding five days as the Enquiry Committee may allow, the documents specified in the list,
 - (b) submit a list of witnesses to be examined on his behalf,
 - (c) give a notice within ten days of the order or within such further time not exceeding ten days as the Enquiry Committee may allow, for the discovery or production of any document(s), but not mentioned in the list, indicating the relevance of such document(s).
- (13) The teacher may apply orally or in writing, for supply of copies of the statements of witnesses, if any, mentioned in the list and the Enquiry Committee shall furnish him/her such copies as early as possible, and in any case not later than three days before the commencement of the examination of the witness on behalf of the Disciplinary Authority.
- (14) (a) The teacher may, by notice to the Enquiry Committee, require copies of certain document(s) in possession of Appointing Authority or Disciplinary Authority. In that case, the Enquiry Committee shall forward the same or copies thereof to the Authority in whose custody or possession the documents are kept, with a requisition for the production of the document(s) by a specified date.
- (b) On receipt of the requisition, the Authority having the custody or possession of the requisitioned document(s), shall produce the same before the Enquiry Committee; *provided that*, the Enquiry Committee may, for reasons to be recorded in writing, decline the requisition of any such documents, as are not relevant in the case and the Enquiry Committee may withdraw the requisition or press for the same; *Provided further that*, if the Authority, having the custody or possession of the requisitioned document(s), is satisfied, for the reasons to be recorded in writing that the production of all or any of such document(s) would be against the public interest, it shall, by providing copies of the documents, thus inform the Enquiry Committee

and the Enquiry Committee shall, on being so informed, withdraw the requisition and communicate the information to the teacher.

- (15) The enquiry shall commence on the date fixed by the Chairman of the Enquiry Committee and shall continue thereafter on the dates as may be fixed from time to time.
- (16) The oral evidence shall be recorded or caused to be recorded by the Enquiry Committee in a question-answer form, on the completion of which it shall be read out to be correct and signed and dated by the teacher concerned, witness and the Enquiry Committee members. The copy (copies) of the deposition(s) may be made available to the Disciplinary Authority and to the teacher(s) on request.
- (17) The oral and documentary evidence by which the article(s) of charge(s) are proposed to be proved shall be produced by the presenting officer appointed by the Disciplinary Authority. The witnesses may be examined by the presenting officer and cross-examined by the teacher or his assistant. The presenting officer shall be entitled to re-examine the witness, on any point(s) on which he has been cross-examined. The Enquiry Committee members may also put questions to the witnesses.
- (18) Before the closure of the case the Enquiry Committee may allow the Presenting Officer to produce fresh evidence and include the same in the list or may itself call for the new evidence or recall and re-examine any witnesses and in such cases, the teacher shall be entitled to a copy of the list of further evidence. The Enquiry Committee shall give the teacher an opportunity of inspection of document(s) before they are taken on record;
Provided that, no new evidence shall be permitted unless there is inherent lacuna (e) or defect(s) in evidence originally produced.
- (19) When the part of the enquiry-proceeding of the Presenting officer is closed, the teacher shall state his defense orally and/or in writing. The teacher or the assistant may examine the witnesses himself and they may be cross-examined by the presenting officer, re-examined by the teacher and examined by the Enquiry Committee.
- (20) The Enquiry Committee may also allow the teacher to produce new evidence if it is in the natural justice
- (21) After the teacher closes his part of the enquiry proceeding and if the teacher has not examined himself, the Enquiry Committee may generally question him/her on the circumstances appearing against him/her, for the purpose of enabling the teacher to explain any circumstances appearing in the evidence against him/her.
- (22) The Enquiry Committee may, after the completion of production of evidence, hear the Presenting Officer and the teacher and/or permit them to file written statements of argument of their respective case.

(23) If the teacher, to whom a copy of the article(s) of charge(s) has been served, does not submit a written statement of defense on or before the date specified or does not appear in person before the Enquiry Committee or otherwise fails or refuses to comply with the provisions of this Statute, the Enquiry Committee may hold the enquiry ex-parte.

(24) (a) Wherever the Enquiry Committee after having heard and recorded the whole or part of the evidence, ceases to exercise jurisdiction thereon and is succeeded by another Enquiry Committee, it shall act on the evidence so recorded by its predecessor and partly recorded by itself;

Provided that, if the succeeding Enquiry Committee is of the opinion that further examination of any of the witnesses, already recorded, is necessary in the interest of natural justice, Committee may recall, examine, cross-examine and re-examine him/her;

Provided further that, if the witness is recalled, he may be cross- examined and/or re-examined by the teacher or the Presenting Officer.

(b) Where in the opinion of the Enquiry Committee, the proceedings of the enquiry establish any article(s) of charge(s) different from original article(s) of charge(s); Committee may record its findings on such article(s) of charge(s);

Provided that, the findings on such article(s) of charge(s) shall not be recorded, unless the teacher has either admitted the facts on which such article(s) of charge(s) is based or has been provided a reasonable opportunity of defending himself/herself against such article(s) of charge(s).

S9.65 Enquiry Report

(1) After the conclusion of enquiry, the Enquiry Committee shall prepare a report. Such report shall contain

- (a) article(s) of charge(s) and the statement of imputation(s) of misconduct;
- (b) the defense of the teacher in respect of each article of charge;
- (c) an assessment of the evidence in respect of each article of charge; and
- (d) the findings on each article of charge and the reasons thereof.

(2) The Enquiry Committee, shall forward to the Disciplinary Authority the record of enquiry which shall include

- (a) the report prepared by Enquiry Committee;
 - (b) the written statements of defense submitted by the teacher;
 - (c) the oral and documentary evidence produced in the enquiry;
 - (d) the written statements of argument filed by the Presenting Officer and the teacher, if any;
- and

- (e) the orders, made by the Disciplinary Authority and Enquiry Committee in regard to the enquiry
- (3) The Enquiry Committee may provide a pointer to the kind of penalty, if so directed by the Disciplinary Authority in writing.
- (4) The Disciplinary Authority, to which the record is forwarded may act on the evidence of the record or may, if it is of the opinion that further examination of any of the witnesses is necessary, recall the witnesses and examine, cross-examine, and re-examine the witnesses and impose on the teacher such quantum of penalty as it may deem fit in accordance with these Statutes;
- Provided that*, if any witness is so recalled, he may be cross-examined by the teacher.

S9.66 Action on Enquiry Reports

- (1) The Disciplinary Authority shall consider the report of Enquiry Committee and its findings on each charge.
- (2) The Disciplinary Authority, itself not being the Enquiry Committee, shall consider the enquiry report and if it disagrees with the Enquiry Committee on any article(s) of charge(s), it shall record its reasons for such disagreement and refer the case back to the Enquiry Committee for further enquiry and report. The Enquiry Committee shall thereon proceed to hold further enquiry according to the provisions of the preceding Statutes.
- (3) The Disciplinary authority, having regard to the findings on the charges, comes to the decision that no penalty be imposed or that the teacher be exonerated, it shall order accordingly.
- (4) If the Disciplinary Authority, having regard to the findings, comes to the conclusion that any of the minor penalties be imposed on the teacher, it shall notwithstanding anything contained in these Statutes, determine what penalty shall be imposed, it shall order accordingly. The order shall be issued in the form as prescribed by the University.
- (5) (a) If the Disciplinary Authority, having regard to its findings on all or any of the articles of charge, comes to the conclusion that any of the major penalties be imposed on the teacher, it shall
- (i) furnish to the teacher, a copy of the Enquiry Report and its findings on each article of charge, expressly stating whether he/ she agrees with the findings of the Enquiry Committee or otherwise, together with brief reasons for its disagreement, if any, within a week; and thereafter give to the teacher
 - (ii) a show-cause notice in the form as prescribed by the University, stating the quantum of penalty proposed to be imposed on him/her by calling upon him/her, to submit

within fifteen days of receipt of the notice or such further time not exceeding fifteen days, as may be allowed, such representation as he may wish to make on the proposed penalty and the cause as to why the penalty be not imposed on him/her.

- (b) The Disciplinary authority shall consider the representation, if any, made by the teacher and determine afresh the quantum of penalty to be imposed on him/her on the basis of the evidence adduced.
- (6) The final orders made by the Disciplinary Authority under this Statute shall be communicated to the teacher and the Enquiry Committee.

S9.67 Appeal

- (1) Notwithstanding anything contained in these Statutes no appeal shall lie against any order of an interlocutory nature or of the nature of a step-in-aid or the final disposal of a disciplinary proceeding, other than an order of suspension; any order passed by Disciplinary Authority in the case of an enquiry under these Statutes.
- (2) Subject to the provisions of Clause (1) above, the teacher may prefer an appeal/representation to the Disciplinary Authorities against all or any of the following orders, namely :
 - (a) an order of suspension or deemed suspension made under these Statutes
 - (b) an order which denies or varies to his disadvantage his pay, allowances or any other conditions of service;
 - (c) denies placement to which he is otherwise eligible according to the recruitment rules;
 - (d) interprets to his disadvantage the provisions of any such Statutes;
 - (e) reverts him/her while officiating in a higher service, to a lower service, grade or post, otherwise than as a penalty;
 - (f) reduces or withholds the post-retirement benefits, if any;
 - (g) determines the subsistence and other allowances to be paid to him/her for the period of suspension or for the period during which he is deemed to have been under suspension or for any portion thereof;
 - (h) determines his pay and allowances, for the period of suspension or for the period of his dismissal, removal or compulsory retirement from service, or from the date of his reduction to a lower service, grade, post, time-scale or stage in a scale of pay, to the date of his reinstatement or restoration to his service, grade or post, as the case may be;
 - (i) determines the nature of the period from the date of his suspension or from the date of his dismissal, removal, compulsory retirement or reduction to a lower service, grade,

post, scale of pay or stage in a scale of pay or the date of his reinstatement or restoration to his service, grade or post, etc., as the case may be.

S9.68 Appellate Authority

(as per the Section 14(15-17) of the Act)

- (1) The teacher aggrieved by the decision of the Disciplinary Authority, may prefer appeal to the Executive Council.
- (2) The teacher aggrieved by the decision of the Executive Council, may prefer appeal to the Chancellor of the University

S9.69 Service of Order, Notices, etc.

- (1) Every order, notice and other process made or issued under these Statutes shall be served in person on the teacher concerned or shall be communicated to him/her by registered post or electronic mail.
- (2) In case the registered post is not effectively served the notice shall be pasted on the door of his residence and published in at least one leading local newspaper.

VII- RETIREMENT

S9.70 Age of superannuation

The age of superannuation of the Teachers shall be as prescribed by Government from time to time.

S9.71 Voluntary Retirement, Retirement on Medical Grounds and Compulsory Retirement

For Voluntary Retirement, Retirement on Medical Grounds and Compulsory Retirement the MCSR (pension) 1982 rules (a,-g) be followed


S9.72 Extension in Service to a teacher after superannuation

The Competent Authority may, consider an extension of service to the teacher of the University beyond the age of superannuation, on academic grounds only, as per the norms laid down by the Government.

S9.73 Re-employment of a teacher


REGISTRAR

Dr. Babasaheb Ambedkar Technological University


(D. D. B. Waghmare)