Direction

No. 28/2023 Dated : 27/04/2023

Subject :- **Norms for determining the seniority amongst the teachers in each Teaching Department of the University, conducted colleges, affiliated colleges, model, autonomous colleges and recognized institutions and for assigning addl. Charge of Principal's post- Direction 2023.**

Whereas, it is necessary to prescribe the norms to determine the seniority amongst teachers defined u/s 2.(61) of Maharashtra Public Universities Act, 2016 for the purpose of nomination as Head in each Teaching Department of the University, conducted colleges, affiliated colleges, model, autonomous colleges and recognized institutions and to assign the Additional Charge of Post of the Principal;

AND

Whereas, Section 2 (31) and Section 2(61) of the Maharashtra Public Universities Act, 2016 respectively provide the definition of 'Head of Department' and 'teacher' and Section 2(24) provides definition of the "Department";

AND

Whereas, the University Grants Commission's Regulation – 2018 as accepted by the Government of Maharashtra vide Government Resolution dated 8th March 2019 prescribe the qualifications and eligibility for the appointment of the teachers in respective cadres i.e. Assistant Professor, Associate Professor, Professor, Sr. Professor in the University Teaching Departments and the same cadres (excluding senior Professor) for affiliated colleges and Principal of the College. So also, Academic Levels in these cadres have been prescribed;

AND

Whereas, at present Statute No. 55 vide Para-3 for designating Head of Department in the University Departments is in existence but it further needs to be more specific. Further, there is no Statute on this subject for colleges/Institutions. Further the provisions vide para-17 of original Ordinance No. 122 on Seniority regarding college/University Teachers also needs to be more specific;

AND

Whereas, the Govt. Resolution dated 30 July, 2010 provides that the Professor shall be the Head of the Department as he holds the higher Post than the Associate Professor;

AND

Whereas, the Academic Council in its meeting held on 04.12.2020 vide Item No. 96(A) directed to study at administrative level and issue the Direction regarding Head of Teaching Departments in affiliated Colleges referring the said G.R. dated 30.07.2010 and Direction of Kavayitri Bahinabai Choudhari North Maharashtra University, Jalgaon;

AND

Whereas, the Govt. has issued the G.R. dated 15th March, 2012 for handing over the additional charge of the post of Principal of the college as per seniority if there is no teacher available in the college fulfilling requisite qualification for the post of Principal, or there are more than one teacher possessing requisite qualification for the post of Principal;

AND

Whereas, it is necessary to prescribe norms for determining the seniority of teachers for the purpose of nomination as Head of the Teaching Department in University and affiliated colleges/Institutions and for assigning additional charge of the Principal's post in college/Institution;

AND

Whereas, the Management Council vide Item No. 104, in its meeting held on 23rd July, 2022 has considered the draft norms, and authorized the Vice-Chancellor to finalise the same;

AND

Whereas, the Vice-Chancellor has finalized the norms and issued the Direction No. 38/2022 u/s 12(8) of Maharashtra Public Universities Act 2016, as the matter is to be prescribed by Statute and process of prescribing the same, takes time. The said Direction has been approved by the Management Council vide Item No. 158 in its meeting held on 29.8.2022 , with corrections, which is being carried out in this Direction;

AND

Whereas, as per Section -12(8) of the Act, the Direction No. 38/2022 is lapsed on Completion of 6 months period, and fresh Direction is to be issued, to continue the legislation further under the said section 12(8) of the Act, with correction as directed by the Management Council,

Therefore, I, Prof. (Dr.) Pramod Yeole, I/e Vice-Chancellor, Sant Gadge Baba Amravati University, in exercise of powers vested in me U/s 12(8) of the Act, do hereby issue the following Direction:-

1. This Direction may be called as **"Norms for determining the seniority amongst the teachers in each Teaching Department of the University, conducted colleges, affiliated colleges, model, autonomous colleges and recognized institutions and for assigning addl. Charge of Principal's post- Direction 2023."**
2. This Direction deemed to have come into force with effect from 10/02/2023.
3. In this Direction, unless the context otherwise requires :
   (a) "Act" means the Maharashtra Public Universities Act, 2016.
   (b) "Government Resolutions (GR)" mean Government Resolutions (1) No NGC-2010/(415/10)UN-1 dated 30th July, 2010", (2) No. Misc. 2018/CR-56/18/UNI-1 date 8th March, 2019 and (3) No. Niyukti-2011/pra.kra.344/11/Mashi.-5 dated 15 March, 2012 of Higher and Technical Education Department.
   (c) "Head of the Department" means as defined u/s 2 (31) of the Maharashtra Public Universities Act, 2016 and "Department" as defined u/s 2(24) of the Act.
   (d) "Seniority" means the seniority amongst the teachers in the University and the Colleges as prescribed vide Para-21.0 (c) of Government Resolution date 8th March, 2019 mentioned at (b) above.
   (e) "Teacher" means Teacher as defined u/s 2 (61) of the Maharashtra Public Universities Act, 2016.
   (f) "UGC Regulation" means the UGC Regulation 2018 as accepted by Government of Maharashtra vide Government Resolution date 8th March, 2019 mentioned in (b) above.
   (g) "Cadre" means cadre of Senior Professor, Professor, Associate Professor, Assistant Professor, other equivalent teaching posts in Department of Library & Information Science and Physical Education & Sports, and the Principal, as provided in para -4.2 of G.R. date 8th March, 2019, mentioned in (b) above.
4. For the purpose of nominating the teacher as defined u/s 2(61) of the Act in University, colleges, Institutions as Head of the Department (HOD), it shall be on the basis of seniority determined, as per the following norms :-
   (1) Nomination shall be made by the Vice-Chancellor / Management of the College / Institution/Principal/Director of the College/Institution, as the case may be.
   (2) **For University Teaching Department / Conducted College of University –** Seniority of the teachers in the respective cadres in each teaching department of the University and conducted College of University shall be-
      a. Sr. Professor shall be senior to the Professor
      b. Professor shall be senior to the Associate Professor :
      c. Associate Professor shall be senior to the Assistant Professor
   (3) **For Teaching Department of affiliated College/recognized Institutions –** Seniority of the teachers in the respective cadres in each teaching department of the affiliated College/Institution shall be-
      (i) Professor shall be senior to the Associate Professor.
      (ii) Associate Professor shall be senior to the Assistant Professor.
      (iii) Principal in Professor grade shall be senior to the Principal in Associate Professor grade.
      (iv) Principal in Professor grade shall be senior to the Professor.

(v) Principal in Associate Professor grade shall be senior to the Associate Professor.
(vi) Professor shall be senior to the Principal of Associate Professor grade

Provided that, in all administrative matters, the Principal /Director of the college/Institution shall be considered senior over all the teachers in the college/Institution.

(4) For the purpose of assigning additional charge of the post of Principal it shall be subject to provisions in the GR dated 15 March, 2012 by following the criteria of qualification and to a senior most teacher amongst all teachers in the concerned college/Institution.

(5) The college/Institution should maintain the seniority list of teachers having regard to the provision vide Para 21.0(c) of G.R. dated 8th March 2019 mentioned in Para 3(b) above.

(6) In case of equal length of service, the seniority of the teacher :
(A) Within the Department/colleges/Institutes, it shall be considered on the basis and in order of
i) Teacher having prior date of joining in that cadre shall be senior.
ii) If the date of joining is same, teacher having prior date of birth shall be senior.
iii) In case of same date of birth, the higher API score as certified by IQAC shall be considered.
iv) In case the identical API, the higher marks obtained by the teacher in the interview of that respective cadre shall be considered.
v) In case of similarity of the marks, the seniority will be as determined by the Vice-Chancellor in respect of Teachers n University Teaching Department/Conducted College or the Management of the College/Principal/Director in respect of affiliated college/recognized institution teachers, as the case may be.
(B) The same Criteria mentioned vide (6) (i) to (v) above, shall also be followed in respect of assigning the additional charge of Principal post.

(7) While determining the seniority of the teachers, only teachers appointed on any substantive post of teacher shall be considered.

(8) The respective higher position held by the teacher as in-charge, additional charge, temporary position assigned, shall not be taken into consideration to determine the seniority.

(9) The teacher disqualified under any of the rules of the University that makes him/her disqualified to be the part of university authority shall not be considered for the purpose under this Direction.

(10) All the relevant information for determining the seniority shall be taken from the service book of teacher.

(11) After nomination as per seniority as mentioned above, if the teacher of higher position in seniority in the cadre is available subsequently, then he/she shall be the Senior, for the purpose under this Direction.

(12) If any punishment or disqualification accrued to the Head of the Department subsequently, he/she shall be deemed to be removed from the date of such Notification, and next senior teacher shall be nominated by the Vice-Chancellor or Management of the College/Institution/Principal/Director of college/Institution as the case may be.

(13) No teacher shall be nominated under this Direction, as Head of the Department for more than one Department. However, in exceptional case, the Vice-Chancellor or Management of the College may assign additional charge of other Department to any teacher. However, this additional charge shall not accrue any further nomination on any other University authority.

(14) In case of any dispute or interpretation of the clause to determine the seniority, the same shall be referred to the Vice-Chancellor whose decision shall be final and conclusive.

5. As soon as this Direction come into force, the provisions made in it shall prevail and the provisions made hereinbefore in the Original Statute No. 55 and the Original Ordinance No. 122 or in any other Statutes, Ordinances, Directions, etc shall to the extent to which they are inconsistent with the provisions of this Direction, be void.
6. Direction No. 38/2022 stand lapsed on completion of its 6 months period.

Sd/-
Dated: 20/04/2023 Prof. (Dr.) Pramod Yeole
I/c Vice-Chancellor,
Sant Gadge Baba Amravati University.