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महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष २, अंक २४] गुरुवार, जुलै ८, २०१०/आषाढ १७, शके १९३२ [पृष्ठे ७, किंमत : रुपये १९.००

असाधारण क्रमांक ४६

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 Animal and Fishery Sciences University (Amendment) Ordinance, 2010 (Mah. Ord. VIII of 2010), is hereby published under the authority of the Governor.

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

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

[Translation in English of the Maharashtra Animal and Fishery Sciences University (Amendment) Ordinance, 2010 (Mah. Ord. VIII of 2010), published under the authority of the Governor.].

**AGRICULTURE, ANIMAL HUSBANDRY, DAIRY
DEVELOPMENT AND FISHERIES DEPARTMENT**

Mantralaya, Mumbai 400 032, dated the 8th July 2010.

MAHARASHTRA ORDINANCE No. VIII OF 2010.

AN ORDINANCE

*to amend the Maharashtra Animal and Fishery Sciences
University Act, 1998.*

WHEREAS both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Maharashtra Animal and Fishery Sciences University Act, 1998, for the purposes hereinafter appearing ;

Mah.
XVII of
1998.

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

Short title and commencement. 1. (1) This Ordinance may be called the Maharashtra Animal and Fishery Sciences University (Amendment) Ordinance, 2010.

(2) It shall come into force at once.

Amendment of section 16 of Mah. XVII of 1998. 2. In section 16 of the Maharashtra Animal and Fishery Sciences University Act, 1998 (hereinafter referred to as "the principal Act"),—

Mah.
XVII of
1998.

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

"(1) The Vice-Chancellor shall be appointed by the Chancellor in the manner stated hereunder :—

(a) There shall be a Committee consisting of the following members to recommend suitable names to the Chancellor for appointment of the Vice-Chancellor, namely :—

(i) a member nominated by the Chancellor, who shall be the retired Judge of the Supreme Court or retired Chief Justice of a High Court or an eminent scientist of national repute in the field of Animal Husbandry or Dairy Technology or Fisheries or a recipient of *Padma* Award in the field of Agriculture or related field ;

(ii) a member nominated jointly by the Executive Council and the Academic Council of the University in the manner specified by the State Government by an order published in the *Official Gazette*, who shall be the Director or Head of a National Institute or Organisation of repute in the area of a Veterinary Science or Dairy Technology or Fishery Science such as Indian Veterinary Research Institute (IVRI), Izzatnagar, National Dairy Research Institute (NDRI), Karnal or Central Institute of Fisheries Education (CIFE), Mumbai ;

(iii) the Secretary (ADF), in the Agriculture, Animal Husbandry, Dairy Development and Fisheries Department or any officer not below the rank of the Secretary to the Government, nominated by the Government ;

(b) The member nominated by the Chancellor shall be the Chairman of the Committee ;

(c) The members, nominated shall be the persons not connected with the University or any college or any recognised institution of the University ;

(d) No meeting of the Committee shall be held unless all the three members of the Committee are present.” ;

(b) for sub-section (2), the following sub-sections shall be substituted, namely :—

“(2) The process of preparing a panel shall begin at least three months before the probable date of occurrence of the vacancy of the Vice-Chancellor and shall be completed within the time limit fixed by the Chancellor. The Chancellor, however, may extend such time limit if in the exigency of the circumstances, it is necessary so to do, so however, that the period so extended shall not exceed three months in the aggregate.

(2A) The Committee shall recommend a panel of not less than five suitable persons for the consideration of the Chancellor for being appointed as the Vice-Chancellor. The names so recommended shall be in alphabetical order without any preference being indicated. The report shall be accompanied by a detailed write-up on suitability of each person included in the panel.

(2B) The Chancellor may select one of the said persons from such panel for the post of the Vice-Chancellor and appoint the person to such post. If the Chancellor does not approve any of the person in the panel or if the person selected by the Chancellor for the post of Vice-Chancellor is not willing to accept the office of the Vice-Chancellor, the Chancellor may call for a fresh panel, either from the same Committee or after constitution of a new Committee for the purpose, from such new Committee.

(2C) A person recommended by the Committee for the appointment as a Vice-Chancellor shall,—

(a) be an eminent academician and an administrator of high calibre ;

(b) be able to provide leadership by his own example ;

(c) be able to provide vision and have ability to translate the same into reality in the interest of students and society ; and

(d) possess such educational qualifications and experience as may be specified by the State Government, by an order published in the *Official Gazette*, in consultation with the Chancellor.

(2D) The eligibility conditions and the process for recommendation of names for appointment as a Vice-Chancellor shall be given wide publicity to ensure the recommendation of most suitable candidates.” ;

(c) for sub-section (4), the following sub-section shall be substituted, namely :—

“(4) The Chancellor may appoint a person for the post of Vice-Chancellor, from amongst the persons recommended by above-mentioned Committee. The Vice-Chancellor so appointed shall hold office for a term of five years and shall not be eligible for re-appointment.”;

(d) in sub-section (8), in the proviso, for the words “shall not exceed six months”, the words “shall not exceed twelve months” shall be substituted.

Amendment
of section
18 of Mah.
XVII of
1998.

3. In section 18 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) The Registrar of the University shall be a whole time salaried officer of the University. He shall be an officer of the State Government not below the rank of Deputy Secretary to the Government or Additional Collector to the Government, appointed by the State Government on deputation, for such period as the State Government may, from time to time, fix. The terms and conditions of service of the Registrar shall be such as the State Government may determine.”;

(b) sub-sections (2) and (3) shall be deleted ;

(c) for sub-section (4), the following sub-section shall be substituted, namely :—

“(4) The Registrar of the University shall be the custodian of the records including common seal of the University and such other property of the University as the Academic Council may, commit to his charge, from time to time, and it shall be the responsibility of the Registrar to keep up-to-date all land records of the University, and its upkeep, care and maintenance. He shall be *ex officio* Secretary of the Executive Council, the Academic Council and Selection Committees for the academic staff and employees of the University other than the officers of the rank of Assistant Registrar and other officers holding posts equivalent thereto or above, and shall be bound to place before them all available information of the business. He shall receive applications for entrance to the University and shall keep a permanent record of all courses, curricula and other information as may be necessary.”;

(d) sub-section (5) shall be deleted ;

(e) after sub-section (8), the following sub-sections shall be added, namely :—

“(9) The Registrar shall be under the superintendence and control of the Vice-Chancellor. The Registrar shall be the

appointing and the disciplinary authority of the employees of the University, other than the academic staff and officers of the rank of Assistant Registrar and other officers holding posts equivalent thereto or above. An appeal by a person aggrieved by the decision of the Registrar, may be preferred, within thirty days from the date of communication of such decision, to the Vice-Chancellor.

(10) The Registrar shall be responsible for reporting to the Vice-Chancellor the consequences of any decision or action taken by any authority of the University, which he feels is in contravention of the provisions of this Act or the Statutes, Regulations, under intimation to the State Government.”.

4. In section 19 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely :—

Amendment of section 19 of Mah. XVII of 1998.

“(1) The Comptroller of the University shall be whole-time salaried officer of the University. He shall be an officer belonging to the Indian Audit and Accounts Service or the Maharashtra Finance and Accounts Service appointed by the State Government on deputation, for such period as the State Government may, from time to time, fix. The terms and conditions of service shall be such as the State Government may determine.”;

(b) sub-section (4) shall be deleted.

5. After section 25 of the principal Act, the following section shall be inserted, namely :—

Insertion of new section 25A in Mah. XVII of 1998.

“25A. Notwithstanding anything contained in any other provisions of this Act, the State Government may, in consultation with the Chancellor, by an order published in the *Official Gazette*, specify the eligibility conditions for being elected or nominated as a member of any authority of the University.”.

Power of Government to specify eligibility conditions for being member of any authority of University.

6. In section 26 of the principal Act, in sub-section (2), in clause (d), for the words “three years” the words “five years” shall be substituted.

Amendment of section 26 of Mah. XVII of 1998.

STATEMENT

Section 16 of the Maharashtra Animal and Fishery Sciences University Act, 1998 (Mah. XVII of 1998) provides for the appointment of the Vice-Chancellor. Although sub-sections (1) and (2) thereof provide for constitution of the Committee for recommending names of suitable persons for appointment as a Vice-Chancellor, the said Act, nowhere, provides for the eligibility conditions for the appointment as a Vice-Chancellor. Since the process for recommending suitable names for the consideration of the Chancellor for being appointed as a Vice-Chancellor of the Animal and Fishery Sciences University is to commence shortly, it is considered expedient to amend section 16 of the said Act, so as to incorporate therein the provisions for the re-constitution of the said Committee and the eligibility conditions for the appointment as a Vice-Chancellor.

2. It is also considered necessary to amend the provisions of section 16 of the said Act, for extending the term of office of the Vice-Chancellor and an interim Vice-Chancellor, from three years to five years and six months to twelve months, respectively, on the lines of the provisions of sub-section (4) of section 17 of the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) Act, 1983, and also to amend the provisions of section 26 of the said Act for extending the term of office of the members of the Executive Council other than *ex officio* members from three years to five years.

3. An opportunity has also been taken to amend sections 18 and 19 of the said Act, to take power to the State Government regarding appointment of the Registrar of the University and the Comptroller of the University, respectively, on the lines of sections 19 and 20, respectively, of the Maharashtra Agricultural Universities (*Krishi Vidyapeeths*) Act, 1983 (Mah. XLI of 1983). With a view to specify the eligibility conditions for being elected or nominated as a member of any authority of the University, it is also proposed to insert a new section 25A in the said Act, on the lines of section 24A of the Maharashtra Universities Act, 1994 (Mah. XXXV of 1994).

4. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to amend the Maharashtra Animal and Fishery Sciences University Act, 1998 (Mah. XVII of 1998), for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 8th July 2010.

K. SANKARANARAYANAN,
Governor of Maharashtra.

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

RAJESH AGGARWAL,
Secretary to Government.