

The Maharashtra Private Professional Educational Institutions (Reservation Of Seats For Admission For S. C., S. T., De-Notified Tribes (Vimukta Jatis), N.T. And O.B.C.) Act, 2006

MAHARASHTRA

India

The Maharashtra Private Professional Educational Institutions (Reservation Of Seats For Admission For S. C., S. T., De-Notified Tribes (Vimukta Jatis), N.T. And O.B.C.) Act, 2006

Act 30 of 2006

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The Maharashtra Private Professional Educational Institutions (Reservation Of Seats For Admission For S. C., S. T., De-Notified Tribes (Vimukta Jatis), N.T. And O.B.C.) Act, 2006. Maharashtra Act No. XXX OF 2006 An Act to make special provisions for reservation of seats for admission for Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes and Other Backward Classes in Private Professional Educational Institutions; and for matters connected therewith or incidental thereto. WHEREAS the Supreme Court, in the case of P. A. Inamdar and Others vs. State of Maharashtra, reported in (2005) 6 SCC 537, has held that neither can the policy of reservation be enforced by the State nor can any quota or percentage of admission be carved out to be appropriated by the State in Private Professional Educational Institutions; AND WHEREAS in order to protect the interests of any socially and educationally backward classes of citizens or the Scheduled Castes or the Scheduled Tribes, Article 15 of the Constitution of India has been amended by the Constitution (Ninety-third Amendment) Act, 2005, by adding clause (5) thereto, which empowers the State to make, by law, a special provision for the advancement of those classes, castes and tribes, insofar as such special provisions relate to their admission to educational institutions, including private educational institutions, whether aided by the State or not, other than the minority educational institutions referred to in clause (1) of Article 30 of the Constitution; 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, by law, special provisions for reservation of seats for admission for Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes and Other Backward Classes

in Private Professional Educational Institutions; and for matters connected therewith or incidental thereto; and, therefore, promulgated the Maharashtra Private Professional Educational Institutions (Reservation of seats for admission for Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes and Other Backward Classes) Ordinance, 2006, on the 16th June, 2006; AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Fifty-seventh Year of the Republic of India as follows: --

1. Short title and commencement.

(1) This Act may be called the Maharashtra Private Professional and Educational Institutions (Reservation of seats for admission for Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes and Other Backward Classes) Act, 2006. (2) It shall extend to the whole of the State of Maharashtra. (3) It shall be deemed to have come into force on the 16th June, 2006.

2. Definitions.

In this Act, unless the context otherwise requires, --(a) "Aided Private Professional Educational Institution" means a Private Professional Educational Institution, excluding a Minority Educational Institution referred to in clause (1) of Article 30 of the Constitution, receiving recurring financial aid or assistance in whole or in part from the Government, or from anybody under the control of the Government; (b) "Appropriate Authority" means, the Medical Council of India, the Dental Council of India, the Central Council of Indian Medicine, the All India Council of Technical Education, and includes any other authority established by law that governs or controls the conduct of a particular professional course or educational discipline; (c) "Creamy Layer" means the category of 'Creamy Layer' as declared by the Social Justice, Cultural Affairs and Special Assistance Department of the Government, on the basis of income, by general or special orders, issued from time to time; (d) "De-notified Tribes (Vimukta Jatis)" means the Tribes declared as such by the Government, from time to time; (e) "Government" means the Government of Maharashtra; (f) "Minority Educational Institution" means a Private Professional Educational Institution administered, managed and controlled by a minority, and shall include any such educational institution declared by the Government to be an institution entitled to enjoy the protection granted under clause (1) of Article 30 of the Constitution; (g) "Nomadic Tribes" means the Tribes wandering from place to place in search of their livelihood, as declared by the Government, from time to time; (h) "Other Backward Classes" means any socially and educationally backward classes of citizens as declared by the Government and includes Other Backward Classes declared by the Government of India in relation to the State of Maharashtra; (i) "Private Professional Educational Institution" means any College, School, Institute, Institution or other body, by whatever name called, conducting any professional course or courses approved or recognized by the Appropriate authority and affiliated to any "University, but shall not include any such institution established, maintained or administered by the Central Government, any State Government, any local authority or institution declared to be Deemed University under section 3 of the University Grants Commission Act, 1956; (j) "Professional Course" means any educational course of study notified as such, from time to time, by the Government in the Official Gazette; (k) "prescribed" means prescribed by the rules framed by the

Government under this Act;(l)"Reserved Category" means the category of candidates belonging to --(i)the Scheduled Castes and the Scheduled Tribes;(ii)the De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, and Other Backward Classes and who are not falling in Creamy Layer;(m)"Sanctioned Intake" means the total number of seats sanctioned or approved by the Appropriate Authority for admitting candidates in a single academic year in each Professional Course of study or discipline in a Private Professional Educational Institution;(n)"Scheduled Castes" and "Scheduled Tribes" shall have the meanings respectively assigned to them in clauses (24) and (25) of Article 366 of the Constitution;(o)"Unaided Private Professional Educational Institution" means a Private Professional Educational Institution, not being an Aided Private Professional Educational Institution;(p)"University" means the Maharashtra University of Health Sciences constituted under the Maharashtra University of Health Sciences Act, 1998, or any other University constituted or deemed to have been constituted under the Maharashtra Universities Act, 1994, but does not include any institution declared to be Deemed University under section 3 of the University Grants Commission Act, 1956.

3. Applicability.

This Act shall apply to all Private Professional Educational Institutions in the State, excluding the Minority Educational Institutions.

4. Reservation in Aided Private Professional Educational Institutions.

(1)In every Aided Private Professional Educational Institution, seats equal to fifty per cent, of the Sanctioned Intake of each Professional Course shall be reserved for candidates belonging to the Reserved Category.(2)The seats reserved for candidates belonging to the Reserved Category under sub-section (1) shall be filled in by admitting candidates belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes and Other Backward Classes, respectively, in the proportion specified in the Table below: --