

The Maharashtra Educational Institutions (Transfer of Management) Rules, 1972

MAHARASHTRA

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Rule

THE-MAHARASHTRA-EDUCATIONAL-INSTITUTIONS-TRANSFER-OF-1972

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The Maharashtra Educational Institutions (Transfer of Management) Rules, 1972Published vide Notification No. G. N., E. D., No. SSN. 3570/52416-E, dated 22nd January, 1973 (M. G., Part 4B, p. 245)In exercise of the powers conferred by sub-section (1) of section 16 read with clauses (a) and (b) and sub-section (2) of section 4 and sub-section (3) of section 6 of the Maharashtra Educational Institutions (Transfer of Management) Act, 1971 (Maharashtra XLIX of 1971), and of all other powers enabling in that behalf, the Government of Maharashtra hereby makes the following rules, namely :-

1. Short title and commencement.

(1)These rules may be called the Maharashtra Educational Institutions (Transfer of Management) Rules, 1972.(2)They shall come into force on the 1st day of April, 1973.

2. Definitions.

- In these rules, unless the context otherwise requires, -(a)"Act" means the Maharashtra Educational Institutions (Transfer of Management) Act, 1971;(b)"Education Officer" means the Education Officer of a Zilla Parishad constituted under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, or the Educational Inspector or the Additional Inspector, Greater Bombay, as the case may be;(c)"Government treasury" in relation to any educational institution means,-(a)in Greater Bombay, the Reserve Bank of India or the Stale Bank of India or Pay Accounts Office of State Government; and(b)outside Greater Bombay, the treasury or sub-treasury of the district or taluka in

which the educational institution is situated:(d)"salary grant" means such portion of the maintenance grant by the State Government under the Grant-in-aid Code which is paid quarterly to an educational institution, as in the opinion of the Education Officer is necessary for the full payment of the salaries and allowances of employees of the institution, regard being had to the amount of fees realisable by the institution from month to month of in instalments, as the case may be;(e)"Principal Officer" means an officer of an educational institution appointed by it as such and includes the Secretary, Managing Trustee, Superintendent or Head Master, by whatever name called, who is in charge of the administration of the institution.

3. Payment of salary and allowances to employees etc.

(1)Where any directions have been issued under section 4 requiring any educational institution to pay the salaries of its employees as specified in the pay bill,-(a)the Principal Officer shall open an account in the name of the institution in such District Co operative Bank or Nationalised Bank which is near the Principal Office of such institution;(b)the account shall be operated jointly by the Principal Officer and the Education Officer;(c)the Principal Officer shall be responsible to see that every employee of the institution also opens an account in his name in the same Bank in which the Principal Officer has opened the account under clause (a);(d)All fees realised by the institution and the amount of salary grant paid to the institution shall be created by the Principal Officer in such Bank account;(e)All sums so created in the Bank account of the institution shall be utilised exclusively for the purpose of disbursement of monthly salaries and allowances of the employees of the institution.(2)The Principal Officer shall prefer a quarterly bill to the Education Officer for advance salary grant before the 10th day of the month in which the quarter commences, indicating the balance in the bank account of the institution and the fee receipts realisable during the quarter.(3)The Education Officer shall pass the advance salary grant bill after due verification and obtain the necessary payment order from the Government Treasury. He shall then forward the payment order to the Bank concerned in which the institution has its account, for realising the amount of the bill and crediting it to the Bank account of the Educational Institution. If, however, the Education Officer obtains a cheque for the amount of advance salary grant from the Government Treasury, the cheque should be credited into the bank account of the institution in whose favour such cheque has been issued.(4)The institution shall prepare a cheque on the bank where it has opened its account for the monthly salary and allowances of the employees of the institution and forward the same to the Education Officer for his signature on or before the 25th day of the preceding month. The Education Officer shall then forward the cheque to such Bank.(5)The institution shall furnish along with the cheque a statement in quadruplicate giving full particulars about the name of each employee of the institution, the amount of salary and allowances payable to him (after taking into account factors such as leave, provident fund and other deductions, if any) and his individual Bank account number.(6)The Education Officer shall then forward the cheque and the three copies of the statement received from the institution to the Bank concerned together with an advice for transferring and crediting the amount of salary and allowances due to every employee into his individual bank account.(7)The Education Officer shall then request the Bank concerned to return one copy of the Statement to the educational institution and another copy to the Education Officer, after transferring the amount and crediting it to the individual accounts of the employees as indicated in the Statement,Explanation. - For the purpose of this rule "quarter" means

the quarter commencing on the 1st day of April, 1st day of July, 1st day of October and the 1st day of January of any year.

4. Qualifications of employees of educational institutions.

- The qualifications of the teaching staff of educational institution referred to in clause (b) of sub-section (2) of section 4 shall be such as are specified in the Schedule hereto.

5. Publication of substance of notification of transfer of management, etc. of educational institution.

(1)The substance of the notification issued under sub-section (1) of section 6 directing transfer and vesting of the entire management and control of the undertaking of any educational institution in the society shall be published in at least two newspapers circulating within the district in which such institution is located and in at least two newspapers circulating in the whole State.(2)One copy of substance of such notification shall be sent by registered post to the Principal Officer of the educational institutions whose name has been registered with the Educational Officer, and another copy shall be pasted on the door of the building in which the institution is housed.

Schedule

(See rule 4)(1)As far as possible, trained subject-wise teacher shall be appointed in the Schools/Colleges taken over by the Society in the vacancies which will be caused after the taking over of such schools/colleges.(2)An untrained teacher other than a specialist teacher should not be appointed permanently in the School of the Society.(3)Special teacher of outstanding merit who do not possess the necessary academic/professional qualification may be considered for appointment after the approval of the Education Officer is obtained for his appointment.(4)A teacher with the following qualification will be regarded as trained for the purposes of appointment in Schools/Colleges :-(a)Graduate Teachers : (i)Persons holding B.T./B.Ed. degree of any statutory University in the State or its equivalent,(ii)Dip., Ed. of the Nagpur, Bombay and Shivaji Universities only,(iii)D. Ed. of the Education Department of Maharashtra,(iv)Any other Degree or Diploma or certificate which Government may sanction as equivalent to any of the above qualification.(b)For Under Graduate Teachers : (1)Dip., Ed., of the Nagpur, Bombay and Shivaji Universities only.(2)D., Ed., of the Education Department of the State Government,(3)Any other Diploma or certificate approved by the Government of Maharashtra.(c)For Drawing teachers : Drawing Teachers' Certificate or Drawing Masters' Certificate or Art Masters' Certificate or Art Teachers' Diploma or Art Masters' Diploma.(d)For Craft Teachers : (1)S.S.C. plus a certificate of having completed the special course in craft run by the Directorate of Technical Education or any other equivalent course approved by the Department with a minimum duration of six months.(e)For Language Teachers : (Arabic, Hindi, Persian, Sanskrit, etc.) for Graduate Teachers any degree or diploma or certificate which the Government may sanction as equivalent to the professional qualification as stated under (4) (a) above.(5)For various posts in the Technical High Schools - The following qualifications are prescribedQualifications For Teachers in Technical High School Centres

Post	Qualification
1. Head Master.	<p>(a) Bachelor's degree in Mechanical and/or Electrical Engineering in at least 2nd class of a recognised University;</p> <p>or</p> <p>(b) Master's degree in Mechanical and/or Electrical Engineering of a recognised University;</p> <p>or</p> <p>(c) Diploma in Mechanical and/or Electrical Engineering in IIInd class and have passed section A and B of Associate Membership of the Institution of Engineers. Combined professional teaching and research experience for three years;</p> <p>or</p> <p>(d) Diploma in Mechanical and/or Electrical Engineering in IIInd class with professional teaching and research or combined professional teaching and research experience for a period of not less than 7 years. This alternative qualification will be in force upto 4th August, 1974, Age limit 35 years.</p>
2. Engineering Superintendent.	Do.
3. Superintendent, Grade I.	<p>Second class Diploma in Mechanical and/or Electrical Engineering of recognised institute or its equivalent with practical and/or teaching experience for not less than 5 years in Engineering Institution concerned. Age limit 35 years.</p> <p>Diploma in Mechanical Engineering with IIInd Class of the Board of Technical Examinations or its equivalent with professional experience in a position of responsibility in (a) Mechanical or Electrical Engineering concerns or experience as a teacher in recognised technical institution/technical high schools or combined professional and teaching experience of 3 years or diploma in Mechanical or Electrical Engineering or Board of Technical Examinations or its equivalent with professional or teaching or combined or professional and teaching experience of 5 years. Age limit 32 years.</p>
4. Assistant Engineering Superintendent.	
5. Assistant Lecturer in Mechanical and/ or Electrical Engineering.	<p>At least a Second Class Diploma in Mechanical and /or Electrical Engineering of a recognised University or Institute or its equivalent;</p> <p>(a)</p> <p>(b) At least 3 years practical and/ or teaching experience in Engineering Institutions. Age limit 30 years.</p> <p>Diploma in Mechanical and/or Electrical Engineering of a recognised University or an Institute with practical and/or teaching experience of at least one year in Engineering Institutions. Age limit 30 years.</p>
6. Junior Lecturer in Technical Drawing.	

7. Carpenter Instructor. Literate and sufficient experience in the line. A certificate awarded by the Board of Technical Examinations for completing the Course of the trade will be an added qualification. Age limit 30 years.
8. Fitter. Literate and sufficient experience in the line. A certificate awarded by the Board of Technical Examinations for completing the course of the trade will be an added qualification. Age limit 30 years.
9. Turner. Literate and sufficient experience in the line. A certificate awarded by the Board of Technical Examinations for completing the course of the trade will be an added qualification. Age limit 30 years.
10. Electrician. (a) First Class Supervisor's Certificate of the P.W.D. or an equivalent qualification; and
(b) Subsequent practical and/or teaching experience of one year in Electrical Institutions. Age limit 30 years.
11. Moulder. Literate and sufficient experience in the line. Age limit 30 years.
12. Blacksmith. Do
13. Wireman. (a) Certificate of Wireman's Course of a recognised institute; and
(b) Practical and/or teaching experience of at least one year in Electrical Institutions. Age limit 30 years.

N. B. - The posts at Serial Nos. 1 and 2 are required for the full-fledged Technical High Schools in addition to other posts except the post of Superintendent (Grade I). For the Technical High School centres the posts at Serial Nos. 3 to 13 are required.