

# Maharashtra College Teachers (Temporary Postponement of Confirmation) Act, 1973

MAHARASHTRA

India

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### Act 33 of 1973

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Act No. 33 of 1973 Statement of Objects and Reasons. - The new education system of 10+2+3 was approved by the State and Central Government at the level of Chief Ministers conference.

Introduction of this system involved the colleges only as in-charge of the three or more years Bachelors Degree Courses and POst-Graduate education. With this new system, a certain number of lecturers and teachers were likely to be rendered surplus, resulting into joining higher secondary schools or classes run by the colleges, as higher secondary school teachers. But according to statutes and rules of the some of the Universities in the State, a tutor, lecturer or a professor in the non-Government affiliated colleges is confirmed automatically after completion of two years of service. After the introduction of 10+2+3 system, as the surplus teachers were likely to be retrenched or persuaded to be absorbed in the staff of higher secondary classes, the postponement of confirmation of the teachers already serving became incumbent. As the academic year was to begin since June, and the House of Legislatures were not in session the Ordinances was promulgated. [Dated 8th September, 1973] For Statements of Objects and Reasons, see Maharashtra Government Gazette, 1973, Part V, page 208. An Act to provide for the postponement of confirmation in service of teachers in affiliated and constituent colleges if certain Universities in view of proposed revision of the pattern of education Whereas at present courses for the degree of Bachelor of Arts, Science, Commerce or Engineering take four years and courses in the school in the State ten or eleven years. And Whereas it is proposed to revise the pattern of education in schools and colleges in the State, so as to have a ten years course for secondary education, two years course for higher secondary education, and three or more years courses for the degrees of Bachelor of Arts, Science, Commerce or Engineering; And Whereas it is proposed to introduce in colleges and selected higher secondary schools, a two years course of higher secondary education; And Whereas as a consequence of the aforesaid the number of teachers in the affiliated or constituent colleges under certain Universities may have to be reduced, and it is necessary to provide for the postponement of

the confirmation in service of teachers of colleges ;And Whereas it is expedient to make a law for the purposes aforesaid and for matters connected therewith or incidental thereto; It is hereby enacted in the Twenty-fourth Year of the Republic of India as follows :-

## **1. Short title and commencement.**

(1)This Act may be called the Maharashtra College Teachers (Temporary Postponement of Confirmation) Act, 1973.(2)It shall be deemed to have come into force on the 31st day of May 1973.

## **2. Definitions.**

- In this Act, unless the context otherwise requires,-(a)"college" means an affiliated or constituent college (but does not include a Government college) ;(b)"relevant Act" means the Poona University Act, 1948, the Shreemati Nathibai Damodar Thackersey Women's University Act, 1949, the Bombay University Act, 1953, the Marathwada University Act, 1958, the Shivaji University Act, 1962 or the Nagpur University Act, 1963, as the case may be, under which the particular University is established ;(c)"University", in relation to a college, means the University of Poona, the Shreemati Nathibai Damodar Thackersey Women's University, the University of Bombay, the Marathwada University, the Shivaji University or the Nagpur University, as the case may be, to which it is affiliated or of which it is a constituent college;(d)words and expressions used in this Act and not defined shall have the meanings assigned to them in the relevant Act.

## **3. Temporary postponement of confirmation of teachers in colleges.**

- Notwithstanding anything contained in the relevant Act (and in the Statutes, Ordinances, Regulations and Rules made thereunder), or in any other law for the time being in force, or in any contract, a teacher of a college, who is a temporary employee or on probation and not confirmed immediately before the commencement of the Maharashtra College Teachers (Temporary Postponement of Confirmation) Ordinance, 1973, shall not be confirmed until such date as the State Government may by notification in the Official Gazette appoint; and his services shall be liable to be terminated at any time by the management of the college by giving him one month's notice, or salary in lieu thereof :Provided that, where the confirmation of any teacher is postponed or the services of any teacher are terminated, any such teacher shall be given first preference when any equivalent or lower post of a teacher, to the post held by him immediately before the commencement of the said Ordinance, is to be filled in the college or under the same management for higher secondary education. If the teacher accepts such offer, he shall be appointed by the management to such post on a salary, which shall be not less than the salary he was drawing immediately before the commencement of the said Ordinance, but the scale of pay and other conditions of service (including workload) shall be as attached to the post accepted by him :[Provided further that, as soon as may be after the date aforesaid is appointed by the State Government by notification in the Official Gazette, a teacher of a college, who was a temporary employee or on probation and not confirmed immediately before the commencement of the said Ordinance and whose services were continued upto that date, shall be confirmed by the management of the college from the date on which he would have been otherwise confirmed, but for the provisions of this Act.] [This proviso was

deemed always to have been added by Maharashtra 25 of 1975, section 2.]

#### **4. Repeal of Maharashtra Ordinance IX of 1973 and saving.**

(1)The Maharashtra College Teachers (Temporary Postponement of Confirmation) Ordinance, 1973, is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken by or under the said Ordinance, shall be deemed to have been done or taken by or under the corresponding provisions of this Act.