



കേരളം KERALA

BM 457403

**DIRECT PAYMENT AGREEMENT EXECUTED BY THE
GOVERNMENT AND THE EDUCATIONAL AGENCY**

Articles of Agreement made and entered into on this the 20th day of July, 2017 at Thiruvananthapuram between the GOVERNOR OF KERALA (hereinafter referred to as "the Government" which expression shall unless it be repugnant to the context or meaning thereof be deemed to mean and include its successors and assigns) represented by Shri. MG RANJITH KUMAR Joint Secretary to Government, Higher Education Department of the ONE PART and Mala Araya Educational Trust, (Register No.IV/136/13 dated 25/11/2013), Thodupuzha P.O., Idukki District (hereinafter referred to as "the Educational Agency" which expression shall unless it be repugnant to the context or meaning thereof be deemed to mean and include also its legal heirs, representatives executors, administrators and assigns represented by Sri. K.K. Vijayan (Secretary, Mala Araya Educational Trust) of the OTHER

M.G. Ranjith Kumar
M.G. RANJITH KUMAR

Joint Secretary to Government
Higher Education Department
Government of Kerala
Thiruvananthapuram

K.K. Vijayan
K.K. VIJAYAN

Secretary
Mala Araya Educational Trust
Reg No: IV/136/13
Thodupuzha, Idukki

9324 0311 do 7-2017
Value Rs. 100/-
Issued To *K.K. Vijayan*
Secretary, M.E.T. Thodupuzha

S. Ushakumary
S. USHAKUMARY
STAMP VENDOR
PUTHEN CHANTHAI
THIRUVANANTHAPURAM





കേരളം KERALA

BM 457404

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WHEREAS, the Educational Agency is the owner of and is in full control and management of the college, mentioned and described in the schedule hereto (hereinafter called the 'Institution' together with all properties movable and immovable belonging or appertaining to the Institution.

AND WHEREAS, as per GO (MS) No.183/17/H.Edn. Dated 07.07.2017, Government had accorded Administrative sanction in principle to Mala Araya Educational Trust for starting an Aided Arts and Science College by name SREE SABAREESA COLLEGE, Murukkumvayal, Karinilam P.O., Mundakkayam, Kottayam District, PIN 686513 (hereinafter referred to as 'the College') with the following courses from the academic year 2017-18, namely:-

- | | |
|--------------------------------------|---------------|
| 1. B.A. English (Literature) | - 30 students |
| 2. B.C.A. | - 30 students |
| 3. B.Com. with Computer Applications | - 40 students |

Mananjith

M.G. RANJITH KUMAR
Joint Secretary to Government
Higher Education Department
Government Secretariat

9325 Date 20-7-2017
Value Rs. 100/-
Issued To K.K. Vijayan
Secretary, Mala Araya Educational Trust

K.K. Vijayan

K.K. VIJAYAN
Secretary
Mala Araya Educational Trust
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AND WHEREAS, the Educational Agency and the Government have agreed to certain terms and conditions with regard to the appointment of staff, admission of students, collection of fees, and some other matters relating to the conduct and management of the affairs of the Institution, as herein contained.

NOW THESE PRESENTS WITNESSES AND IT IS HEREBY MUTUALLY AGREED AS FOLLOWS:

1. The Educational Agency shall cause to collect tuition fees including fines, if any, from the students admitted or to be admitted to the Institution only at the rates prescribed by the Government/ University from time to time.
2. The Educational Agency shall cause to collect through the Principal of the Institution on or before the date prescribed according to the rules, in each month, the tuition fees prescribed and the fines imposed on students and remit all such amounts to the credit of the Government in the Sub-Treasury, Mundakkayam, Kottayam District in such manner as may be prescribed by the Government from time to time. The amounts collected on a day shall be remitted into the said treasury within the next four working days.
3. The Educational Agency shall cause to collect from the students such special fees at such rates as may be prescribed by the University from time to time.
4. (i) The Educational Agency shall cause to remit all fee collections other than those mentioned in clauses 1 and 2 in the Sub-Treasury at Mundakkayam in a separate account opened in the name of the Principal of the Institution. Such remittance shall be made within the next four working days after collection. The Principal shall be competent to withdraw money from this account and incur necessary expenditure on the items for which such fees were collected.
(ii) The special fee collected for a purpose shall be utilized only for the purpose for which it is intended and for no other purposes.
(iii) The special fee collected from the students of a college under the Educational Agency shall be utilized only for the purpose of that college and not for the purpose of any other college.
5. No fees other than those authorized under this agreement shall be collected from the students of the Institution.


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6. There shall be a Committee for the selection of Teaching Staff for the Institution (hereinafter referred to as 'the Committee' for selection of Teaching Staff').

7. (i) All future appointments to the teaching staff of the Institution, whether provisional or permanent shall be made by the Educational Agency only from the list of candidates prepared by the Committee for selection of Teaching Staff.

(ii) The Committee for selection of Teaching Staff shall consist of the following members namely;

a) two representatives of the Educational Agency

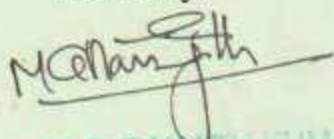
b) one member nominated by the Educational Agency from amongst the categories of Principals or Heads of Departments or Professors in the Institution with the concurrence of the Mahatma Gandhi University (hereinafter referred to as 'the University').

c) one member chosen by the Educational Agency from among officers of the Government of the category of Secretaries to Government and/ or District Collectors, provided however that, if for any reason the Government consider that the officer chosen by the Educational Agency cannot be deputed to the Committee, the Educational Agency shall choose another officer from the same category.

d) one expert to be chosen by the Educational Agency from a subject wise list of experts prepared by the University consisting of not less than five members. The list of experts shall be made available to the Educational Agency on its request at the beginning of each academic year. If the Educational Agency considers that the list is insufficient, it may request for more names from the University and the University shall as far as possible, furnish more names.

8. A representative of the Educational Agency appointed under sub-clause (a) of clause 7 (ii) or the member nominated under sub-clause (b) thereof as may be decided by the Educational Agency shall be the Chairman and the Convener of the Committee for selection of Teaching Staff.

9. The Committee for selection of Teaching Staff shall meet as often as if necessary.


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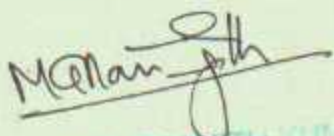
10. The quorum for the meeting of the Committee for selection of Teaching Staff shall be three and shall include the Government Officer chosen under sub-clause (ii) (c) of clause 7 and the University expert under sub-clause (ii) (d) of clause 7. If the meeting fixed for a day cannot be held for want of quorum or owing to the absence of one or both of the aforesaid members, the meeting shall stand adjourned and shall be held on the same day in the following week in the same place and time and the meeting shall then be considered valid even if either or both of the aforesaid members is not present. If the Government Officer or the University representative is likely to be absent on leave or otherwise, so as to make him likely to be unable to attend two consecutive meetings of the Committee, he shall intimate the Educational Agency and the Government / University sufficiently earlier and it shall be the duty of the Educational Agency to nominate substitute/s in the Committee in the manner prescribed under clause 7(ii) (b) or clause 7 (ii) (c) as the case may be and no further meeting of the Committee shall be held until such substitute/s are nominated and notice of the next meeting is given to the substitute/s so nominated.

11. The members of the Committee for selection of Teaching Staff shall hold office for a period of one academic year commencing from 1st June and ending on 31st May.

12. The Educational Agency shall have the option to have all members of the teaching staff selected purely on merit from candidates of all communities or to reserve every alternate vacancy or fifty percent of the vacancies for being filled on the basis of merit from among candidates of the Scheduled Castes/ Scheduled Tribes and all Other Backward Communities as per the GO(P)No.208/66/Edn. Dated 02.05.1966

13. There shall be a Committee for selection of Non-Teaching Staff for the Institution (hereinafter referred to as 'the Committee for selection of Non-Teaching Staff').

14. All future appointments to the non-teaching staff of the Institution, whether provisional or permanent shall be made by the Educational Agency only from a list of candidates prepared by the Committee for selection of Non-Teaching Staff.



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15. The Committee for selection of Non-Teaching Staff shall consist of the following members namely,

a) two representatives of the Educational Agency and

b) one member chosen by the Educational Agency from the officer of the Government of the cadre of Revenue Divisional Officers or Deputy Collectors, provided however that, if for any reason Government consider that the officers chosen by the Educational Agency cannot be deputed to the Committee, the Educational Agency shall choose another officer to the Committee from among the same cadre.

16. One of the representatives of the Educational Agency under sub-clause (a) of clause 15, as may be decided by the Educational Agency shall be the Chairman. The Committee shall meet as often as necessary. The decision of the Committee will be valid only if at least two member of the Committee are present, of which one shall be the member deputed by the Government.

17. The members of the Committee for selection of Non-Teaching Staff shall hold office for a period of one academic year from the date of their assumption of office as such.

18. All future admission of students to the Institution shall be on the following basis, namely;-

a) Twenty percent of the total number of students in each college under the Educational Agency shall be reserved for students belonging to the Scheduled Castes and Scheduled tribes. These seats which cannot be filled on this basis shall be filled on the basis of merit from among backward minority communities in case the College is run by backward minority community and from among Other Backward Communities in all other cases.

b) Ten percent of the seats shall be reserved for the Scheduled Castes, Scheduled Tribes and Other Backward Communities.

c) These seats will be filled strictly on the basis of merit from among the students of the said community.

d) Fifty percent of the seats will be filled by open selection on the basis of merit.



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e) The remaining seats will be filled by the Educational Agency by candidates of its choice.

Explanation I: Backward minority community under this sub-clause means the communities mentioned as item II, III and IV of the Annexure to the GO (P) No.208/66/Edn. Dated 02.05.1966.

Explanation II: Backward community means all the communities included in the Annexure to the GO (P) No.208/66/Edn. Dated 02.05.1966.

Explanation III: Other Backward Community means the communities included as item IV and V in the Annexure to the GO(P)No.208/66/Edn. Dated 02.05.1966.

19. The list of students selected on the basis of merit shall be published on the notice board of the Institution specifying also the marks secured by each student.

20. The Government shall pay the Educational Agency a grant towards contingency expenditure for each academic year. The grant for each college or group of colleges shall be fixed by the Government calculated on a per capita figure with a ceiling both to be worked out and fixed for each category of students namely,

Degree	Arts
Degree	Science
Degree	Commerce

Of this grant, fifty percent will be paid in advance in April or May and the rest paid before the end of the year. If on audit, it is found out later that any excess is paid on this account, such excess will be adjusted in the grant to be paid for the subsequent period.

21. The Government shall pay the Educational Agency every academic year a grant towards maintenance and repairs for each college or group of colleges calculated on the basis of a per capita figure with the help of the Public Works Department, with a ceiling to be worked out and fixed by the Government separately with reference to the Arts section, Commerce section and the Science section and Degree classes. Of this grant, fifty percent will be paid in advance in April or May and the rest paid before the end of the year. If on audit, it is found out later that any excess is paid on this account, such excess will be adjusted in the grant to be paid for the subsequent period.



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22. The Government shall pay a grant towards Library and Laboratory based on the norms worked out in consultation with the University.
23. The decision of the Government regarding the amount payable to the Educational Agency under clause 20 shall be final and binding on the Educational Agency.
24. The Educational Agency shall be responsible and liable for the due and prompt observance of and compliance with all the terms and conditions of this Agreement, except those which are to be observed by the Government.
25. In case, the Educational Agency commits breach of all or any of the terms and conditions, herein contained, the Government shall have the power and authority to stop, discontinue or withhold all or any of the payments to the Educational Agency and/or to the staff under these presence and also to recover from the Educational Agency, the amount found due to the Government under this agreement.
26. If it is found at any time that any wrong payment has been made by the Government to the Educational Agency by mistake or otherwise, the Educational Agency shall refund the same to the Government immediately on demand.
27. (a) In this agreement, the term 'Institution' wherever it is used, shall unless the context otherwise requires, means and included all Arts and Science Colleges which are and which may hereinafter come under the ownership or management or control of the Educational Agency.
- (b) In this agreement, the term 'Educational Agency' means any person or body of persons who or which owns, controls, maintains and manages one or more private colleges.
28. All sums found due to the Government under or by virtue of this agreement shall be recoverable from the Educational Agency and its properties movable or immovable under the provisions of the Kerala Revenue Recovery Act, 1968 for the time being in force, as though such sums are arrears of land revenue, also in any other manner as the Government may deem fit.
29. This agreement is executed in duplicate, the original shall be with the Government and the duplicate copy with the Educational Agency.


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