

Minutes of Meeting of the **Pravesh Niyran Samiti (Higher and Technical Education)** held under the Chairmanship of **Justice D.K. Deshmukh (Retd.)** on Friday, the **17th July, 2015 at 1.30 p.m.** in the Conference Hall, Office of the Regional Centre, Maharashtra University of Health Sciences, 4th Floor, Government Dental College Building, St. Georges Hospital Campus, Near CST, Fort, Mumbai – 400 001.

Following Members and Officers were present:

Dr. R.B. Mankar : Member
Dr. K.M. Kulkarni : Member
Shri. P.E. Gaikwad : Member

Invitees:

S. R. Patil : Principal, Govt. B.Ed. College Mumbai.
on behalf of Director Higher Education.

Shri. Dr. Sanjay Chahande, Member Secretary and Secretary, Higher and Technical Education Department, Govt. of Maharashtra and Shri. N. K. Deshmukh, I.A.S. Office Secretary (holding Additional Charge) Pravesh Niyran Samiti, Mumbai were unable to attend the meeting, However Mrs. K.V. Sane, Desk Officer, Pravesh Niyran Samiti, Mumbai represented the office of Pravesh Niyran Samiti, Mumbai.

Samiti observes that the Member Secretary of the Samiti has been unable to attend the meetings of the Samiti continuously since long. He being the head of the department concerned and also being the Member Secretary of the Samiti his attendance in the meetings would help Samiti to arrive at the just; proper and reasoned decisions. Samiti further observes that the office secretary functions under the guidance and control of the Samiti. Agenda of the meeting is being signed by him and also sent by him to all the concerned. Thus defacto impliedly he works as the Member Secretary in absence of Member secretary. Present office secretary has been keeping away from the meetings since he took over. He never kept the chairman or the Samiti informed of his inability to attend and the grounds thereof. Samiti therefore thinks it fit; proper; just and reasonable to resolve for the intervention of Principal secretaries concerned and also of the general administration department ensuring the attendance of the concerned officer in the meetings of the Samiti.

Copies of Agenda along with copies of relevant documents were circulated to the Members.

The next meeting after 30th April 2015 was to take place on 26th June 2015. But it could not be held due to intervening Ordinance No. VII of 2015, dated 12th May 2015 issued

by Government of Maharashtra. Thereafter Notification dated 8th July 2015 came to be issued by the Government of Maharashtra. Hence this meeting is called.

Item No.1: **To approve and confirm the Minutes of the Meeting of Pravesh Niyantran Samiti (Higher & Technical Education) held on Thursday, the 30th April 2015 at Regional Office of Maharashtra University of Health Sciences, Mumbai.**

Minutes of Meeting of Pravesh Niyantran Samiti (Higher & Technical Education) held on Thursday, the 30th April 2015 in Conference Hall, Office of the Regional Centre, Maharashtra University of Health Sciences, 4th Floor, Government Dental College Building, St. Georges Hospital Campus, Near CST, Fort, Mumbai – 400 001 are approved and confirmed.

Item No.2 : **To review action taken by the office on the decisions arrived at in the previous meeting.**

Action taken by office on the decisions taken by Pravesh Niyantran Samiti (Higher & Technical Education) in its previous meeting held on 30th April 2015, details of which are as below:-

Meeting on 30 th April 2015	Actionable Points	Action taken
Item No. 1	To convey the approval and confirmation of the Minutes of the Samiti.	Minutes of Meeting are displayed on the Website and Notice Board of Samiti on <u>12/5/2015.</u>
Item No. 2	To review action taken by the office on the decisions arrived at in the previous meeting.	Minutes of Meeting are displayed on the Website and Notice Board of Samiti on <u>12/5/2015.</u>
Item No. 3 (a) & (b)	To consider, discuss and decide about approval of the admissions to Higher & Technical Education courses for the Academic Year 2014-15. a) To consider, discuss and decide on proposals received for approval of admissions where there are no discrepancies considering the criteria on triple test as laid down by the Hon'ble Supreme Court of India. b) To consider, discuss and decide on proposals received for approval of admissions where there are discrepancies.	Minutes of Meeting are displayed on the Website and Notice Board of Samiti on <u>12/5/2015.</u>

Meeting on 30 th April 2015	Actionable Points	Action taken
Item No. 4 (a)	Rajiv Gandhi Institute of Technology, Mumbai and Anuja Bivalkar regarding Refund of Admission Fees for First Year Engineering course for Academic Year 2014-15.	Decision is conveyed to Respective Principal and Candidate by a separate letter dated <u>13/5/2015</u> .
Item No. 4 (b)	<p>Shah and Anchor Kutchhi Engineering College, Mumbai and Mr. Shreyas Vikas Gavali and Mr. Hardik Parag Khimani regarding Refund of Admission Fees for First Year Engineering course for Academic Year 2014-15.</p> <p>i) Shah and Anchor Kutchhi Engineering College, Mumbai and Mr. Shreyas Vikas Gavali.</p> <p>ii) Shah and Anchor Kutchhi Engineering College, Mumbai and Mr. Hardik Parag Khimani.</p>	Decision is conveyed to Respective College and candidates by a separate letters dated <u>13/5/2015</u> .
Item No. 5 (a)	To discuss and decide on the letters dated 20th April 2015 received from Maharashtra Vinaanudan Adhyapak Mahavidyalaya Sansthachalak Association, Aurangabad and 24th April 2015 received from Maharashtra Vinaanudan Adhyapak Mahavidyalaya Sansthachalak Association, Pune respectively submitting copy of resolutions appointing the competent authority to conduct CET and CAP for B.Ed. and M.Ed. courses for the Academic Year 2015-16. [Ref. Minutes of the Meeting held on 27th March 2015, Agenda Item no. 4 (a and b)]	Decision is conveyed to Director, Higher Education, Pune by a separate letter dated <u>13/5/2015</u> .

Samiti noted and approved the action initiated by the office.




Item No. 3: **To consider, discuss and decide about approval of the admissions to Higher & Technical Education courses for the Academic Year 2014-15.**

Item No. 3(a): **To consider, discuss and decide on proposals received for approval of admissions where there are no discrepancies considering the criteria on triple test as laid down by the Hon'ble Supreme Court of India.**

TECHNICAL EDUCATION

Samiti perused the observations of Expert Committee appointed by Samiti i.e. Office of the Director, Technical Education, Mumbai for Academic year 2014-15. After going through it and office of Director, Technical Education, Mumbai, having found no discrepancies in admission process of following **2** Colleges/Institutes conducted through Maharashtra Association Schools of Architecture, Samiti, on the basis of fulfillment of the conditions of triple test, as laid down by Hon'ble Supreme Court and having found no discrepancy, decides to approve the eligibility and selection process of these institutes for Academic Year 2014-15.

Office brought it to the notice of Samiti that the colleges not having uploaded the admission details online within the prescribed time limits needed to pay penalties as specified earlier. Samiti directs the colleges accordingly. After recovering the penalties office to initiate actions for release of approvals.

Sr. No.	Course	No. of Colleges/Institutes
1	B. Architecture	2
	Total	2

(List attached -**Annexure-A**)

HIGHER EDUCATION

After deliberation, on the basis of fulfillment of the conditions of triple test, as laid down by Hon'ble Supreme Court and the Expert Committee i.e. Director Higher Education, Pune having found no discrepancy, Samiti decides to approve the eligibility and selection process of following **30** Colleges/Institutes in Higher Education for Academic Year 2014-15.

Office brought it to the notice of Samiti that the colleges not having uploaded the admission details online within the prescribed time limits needed to pay penalties as specified earlier. Samiti directs the colleges accordingly. After recovering the penalties office to initiate actions for release of approvals.

Sr. No.	Course	No. of Colleges/Institutes
1	B.P.Ed.	24
2	M.P.ED.	6
	Total	30

(List attached - **Annexure-A**)

Item No. 3(b): To consider, discuss and decide on proposals received for approval of admissions where there are discrepancies.

TECHNICAL EDUCATION

Samiti perused observations of Expert Committee appointed by Samiti. After going through it and Director, Technical Education, Mumbai, having found certain discrepancies in admission process of 2 colleges/Institutes conducted through Maharashtra Association Schools of Architecture, Samiti after deliberation decides to approve eligibility and selection process of following 2 colleges/Institutes in Technical Education for AY 2014-15, Subject to the Expert Committee - i.e. Director, Technical Education or his Officers or the Competent Authorities sorting out and disposing off with the said discrepancies after appropriate compliances from respective institutions for Academic Year 2014-15, within four weeks.

Sr. No.	Course	No. of Colleges/Institutes
1	B. Architecture	2
	Total	2

(List attached - **Annexure-B**)

Item No. 4 : **To discuss and decide on the orders of Hon'ble High Court, Bombay.**

Item No. 4 (a): **The order of Hon'ble High Court of Judicature at Bombay ordinary original Civil Jurisdiction in Review Petition No. 48 of 2014 in Writ Petition No. 760 of 2013 dated 3rd July 2015.**

Samiti perused the order of Hon'ble High Court of Judicature at Bombay ordinary original Civil Jurisdiction in Review Petition No. 48 of 2014 in Writ Petition No. 760 of 2013 dated 3rd July 2015 and noted.

Item No. 4 (b): The order of Hon'ble High Court of Judicature at Bombay, Nagpur Bench, Nagpur in Writ Petition No. 1457 of 2015 dated 29th June 2015.

Samiti perused the order of Hon'ble High Court of Judicature at Bombay, Nagpur Bench, Nagpur in Writ Petition No. 1457 of 2015 dated 29th June 2015.

After deliberations Samiti decides to file an affidavit before Nagpur bench of Hon'ble High court of judicature at Bombay. Samiti authorizes Mrs. K V Sane; desk officer; Pravesh Niyrantran Samiti to file the affidavit for the chairman and members of the Samiti. Samiti also resolves to engage the services of a senior counselor for the purpose.

Item No. 5: To discuss and decide on the Letters / representations received from Associations:-

Item No. 5 (a): Letter dated Nil received from Maharashtra Sharirik Shikshan Shastra Mahavidyalaya Vyavasthapan Mahasangha, Jalgaon requesting to issue list of admitted students through CET conducted by Association B.P.Ed./M.P.Ed. Course for the Academic Year 2014-15. (Ref. Minutes of Meeting held on 27th March 2015 item no. 3 (a & b)

Samiti perused the letter under reference.

Office brought it to the notice of Samiti that the colleges not having uploaded the admission details online within the prescribed time limits needed to pay penalties as specified earlier. Samiti directs the colleges accordingly. After recovering the penalties office to initiate actions for release of approvals.

Item No. 5 (b): Letter dated 18th June 2015 received from Director, Higher Education, Pune submitting their remarks on Draft Boucher of B.Ed./M.Ed. Asso – CET 2015-16 [Ref. Minutes of Meeting held on 30th April 2015 Item no. 5 (a)]

and

Item No. 5 (c): Letter dated 10th June 2015 received from Director Technical Education Mumbai submitting remarks on Draft Brochure submitted by Maharashtra Association of Schools of Architecture, Pune (MASA) letter no. MASA/2014-15/15/202 dated 28/5/2015 for admission process of Academic Year 2015-16.

and

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Item No. 5 (d) : **Letters dated 28th April 2015 and Ref. No. B-348/2015 received from Degree College of Physical Education, Amaravati submitting Compliance there on Decision of the Samiti Meeting held on 27th March 2015 in respect of permission to conduct own/separate CET for B.P.Ed./ M.P.Ed. Courses for Academic Year 2015-16.**

And

Item No. 5 (e) : **Letter dated Nil received from Maharashtra Sharirik Shikshan Shastra Mahavidyalaya Vyavasthapan Mahasangha, Jalgaon requesting to grant permission to draft brochure of B.P.Ed./ M.P.Ed. Courses for Academic Year 2015-16.**

Samiti carefully went through the contents of Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and fees) ordinance published on 12-5-2015. Samiti also went through an order for removal of difficulties issued under section 25. Respective samit's have been accordingly authorized to discharge their functions under sections 9 and 13. In light of these provisions; Samiti after deliberations comes to the conclusion that it was beyond the competence of the Samiti to grant or refuse permissions to hold CETs followed by CAP admissions process being conducted by various associations of colleges. However Samiti feels it proper to seek guidance / response from Government.

Office of Pravesh Niyantran Samiti, should send a communication to Government through Secretary, Higher and Technical Education Dept, M.S. and Secretary Medical Education and Drugs Department, asking therein the guidance/response from state Government as to whether the Samiti should proceed to give decide as to giving permission to hold CET to be followed by CAP by the respective association for the Academic Year 2015-16 as was preciously being done by the Samiti or not; Samiti fees that such a permission can not be granted by Samiti at this juncture, when the Ordinance dated 12th May 2015 has come into force with immediate effects from the date of publication in the official Government Gazette.

It is further resolved to seek the response from the Government as to whether the CET's conducted by respective directorate of Government after 12th May 2015 shall be treated as valid or not in so far admissions to Private Unaided Colleges are concerned.

After receipt of the response from the Government of Maharashtra above Item no. 5 (b), (c), (d) and (e) should be take place before the Samiti in next Meeting. Office to communicate.

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Item No. 6 : **To discuss and decide on the Letters / representations –**

Item No. 6 (a) : **Letter dated 6th May 2015 received from Shah and Anchor Kutchhi Engineering College, Mumbai and affidavit submitted by parent of Shreyas Gavali regarding Refund of Admission Fee against cancelled of admission for Academic Year 2014-15. [Ref. Minutes of Meeting held on 30/04/2015 Agenda Item no. 4(b)].**

Samiti perused the contents of letter under reference.

Samiti went through the affidavit filed by the student complainant.

Samiti directs the college to submit its reply in the form of an affidavit quoting reasons therein as to why it thinks it proper; fit; just and reasonable not to refund the fees in light of Receipt cum Acknowledgement of cancellation of admission already issued to the complainant and also the decision of Samiti dated 30-4-2015. After receipt; it be placed before the Samiti for its consideration.

Item No. 6 (b) : **Letter dated 7th May 2015 received from Atharva College of Engineering Mumbai asking for approval of admitted list for Enrolment/Eligibility of students in concerned University for Academic Year 2014-15 – Ref.: Minutes of the meeting held on 27th March 2015 in Item No. 3.**

And

Item No. 6 (c) : **Letter dated 28th May 2015 received from Fr. Conceicao Rodrigues College of Engineering Mumbai asking for approval of admitted list for Enrolment/Eligibility of students in concerned University for Academic Year 2014-15 – Ref.: Minutes of the meeting held on 27th March 2015 in Item No. 3.**

Samiti perused the contents of the letter under reference.

Samiti in its meeting dated 27-3-2015 at agenda item 3 has decided as under__

"A] *Attention is drawn to the mandate of the Hon'ble Supreme Court's in (2003) 6 Supreme Court cases 697 Islamic Academy of Education v/s. State of Karnataka Para. No. 19 as re-produced hereunder:*

"We now direct that the respective State Governments do appoint a permanent Committee which will ensure that the tests conducted by the association

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of colleges is fair and transparent. For each state a separate Committee shall be formed. The Committee would be headed by a retired Judge of the High Court. The Judge is to be nominated by the Chief Justice of that State. The other Member, to be nominated by Judge, would be a doctor or an engineer of eminence (depending on whether the institution is medical or engineering/technical) The Secretary of the State in charge of Medical or Technical Education, as the case may be, shall also be a member and act as the Secretary of the Committee. The Committee will be free to nominate/ co-opt an independent person of repute in the field of education as well as one of the Vice-Chancellors of the University in that State so that the total number of persons on the Committee do not exceed five. The Committee shall have powers to oversee the tests to be conducted by the association. This would include the powers to call for the proposed question paper(s), to know the names of the paper setters and examiners and to check the method adopted to ensure papers are not leaked. The Committee shall supervise and ensure that the test is conducted in a fair and transparent manner. The Committee shall have the power to permit an institution, which has been established and which has been permitted to adopt its own admission procedure for the last, at least, 25 years, to adopt its own admission procedure and if the Committee feels that the needs of such an institute are genuine, to admit, students of their community, in excess of the quota allotted to them by the State Government. Before exempting any institute or varying in percentage of quota fixed by the State, the State Government must be heard before the Committee. It is clarified that different percentage of quota for students to be admitted by the management in each minority or non-minority unaided professional college(s) shall be separately fixed on the basis of their need by the respective State Governments and in case of any dispute as regards fixation of percentage of quota, it will be open to the management to approach the Committee. It is also clarified that no institute, which has not been established and which has not followed its own admission procedure for the last, at least, 25 years, shall be permitted to apply for or be granted exemption from admitting students in the manner set out hereinabove."

In view of the above quoted direction of the Hon'ble Supreme court, Samiti can only oversee the admission procedure of Unaided Private Professional Colleges which have opted for the Common Entrance Test conducted by the Association of Managements. The college which opts for the Common Entrance Test not conducted by the Association of Private Unaided Professional colleges need not approach this committee for approval of the admission done by them."

In view of the above; after deliberations Samiti feels that the approval of admissions done otherwise than through Association CET need not be sought from Pravesh Niyantran Samiti. Colleges to note accordingly.

The next meeting of the Pravesh Niyantran Samiti (Higher & Technical Education) would be decide in due course of the time.

Date:

12 8 JUL 2015



(D.K. DESHMUKH)
CHAIRMAN