



RASHTRASANT TUKADOJI MAHARAJ NAGPUR UNIVERSITY

*Established by Government of Central Provinces Education Department by Notification No. 513 dated the 1st of August, 1923
& presently a State University governed by Maharashtra Public Universities Act, 2016 (Mah. Act No. VI of 2017)

Direction No. 34 of 2022

PROCEDURE TO GOVERN TRANSFER OF TEACHERS AND PRINCIPALS OF AFFILIATED COLLEGES/RECOGNISED INSTITUTIONS, DIRECTION, 2022.

(Issued u/s 12(8) of the Maharashtra Public Universities Act, 2016)

Whereas, the Maharashtra Public Universities Act, 2016 (Maharashtra Act No. VI of 2017) (hereinafter the "Act") has come into force in the State of Maharashtra, with effect from 1st March 2017, repealing the Maharashtra Universities Act, 1994;

AND

Whereas, the Academic Council in its meeting dated 26th April 2016 had constituted a committee under the Chairmanship of Dr. Anil Dhage vide item No. 24 to submit a comprehensive report regarding the preparation of a legislation relating to the transfer of teachers/principals from one affiliated college to the another one under the same management after taking into consideration the appropriate legislation existing in other universities and also to recommend a draft of the Direction within a month.

AND

Whereas, the committee has submitted its report on the subject matter on 2nd May 2018.

AND

Whereas, the subject matter of transfer of teachers being the part of service conditions of teachers the matter needs to be governed by the Statute of the University under sub-section (20) of section 71 of the Act;

AND

Whereas, there is no Statute in existence in the university relating to this subject matter and since the statute making is a time consuming process and there was an urgent need to frame the rules of procedure to govern the transfer of teacher from one affiliated college/recognized institution to the other affiliated college/recognized institution;

AND

Whereas a Committee under the Chairmanship of Prof. Niranjan Deshkar was constituted by the Vice Chancellor with the mandate to examine the provisions of Clause (7) of the Direction no. 1/2020 entitled "PROCEDURE TO GOVERN TRANSFER OF TEACHERS AND PRINCIPALS OF AFFILIATED COLLEGES / RECOGNISED INSTITUTIONS, DIRECTION, 2020", with a view to explore the possibility of expansion of the ambit of the said section so as to cover the cases of transfer of teachers including Principals of colleges/institutions affiliated/recognised by Universities other than R.T.M. Nagpur University governed by Maharashtra Public Universities Act 2016 and the committee having submitted its report on 21st January 2022 and the same has been duly approved by the Vice Chancellor;

AND

Whereas, the Direction No. 1 of 2020 entitled **PROCEDURE TO GOVERN TRANSFER OF TEACHERS AND PRINCIPALS OF AFFILIATED COLLEGES / RECOGNISED INSTITUTIONS, DIRECTION, 2020** then in force was also lapsed by virtue of the provisions of the proviso to section 12 (8) of the Act (VI of 2017) and taking into consideration the report of the committee, a fresh Direction No. 8 of 2022 entitled "PROCEDURE TO GOVERN TRANSFER OF TEACHERS AND PRINCIPALS OF AFFILIATED COLLEGES/RECOGNISED INSTITUTIONS, DIRECTION, 2022" was issued as making of a statute is a time consuming process;

AND

Whereas, the Management Council in its meeting dated 15.7.2022 has taken decision regarding retention/continuation of approval granted to a

 

teacher/principal even after transfer in another college/institution within the jurisdiction of the University;

AND

Whereas, Direction No. 8 of 2022 entitled "PROCEDURE TO GOVERN TRANSFER OF TEACHERS AND PRINCIPALS OF AFFILIATED COLLEGES/RECOGNISED INSTITUTIONS, DIRECTION, 2022" has been lapsed by virtue of provisions of the proviso to Section 12(8) of the Act, necessitating issuance of a fresh Direction incorporating the provisions of the said (lapsed) Direction with necessary modification ;

Now, therefore, I, **Dr. Subhash R. Chaudhari**, Vice-Chancellor, Rashtrasant Tukadoji Maharaj Nagpur University, Nagpur in exercise of the powers conferred upon me under provision of section 12(8) of the Maharashtra Public Universities Act, 2016, do hereby issue the following Directions: -

1. This Direction may be called, "PROCEDURE TO GOVERN TRANSFER OF TEACHERS AND PRINCIPALS OF AFFILIATED COLLEGES / RECOGNISED INSTITUTIONS, DIRECTION, 2022."
2. This Direction shall come into force with effect from the date of its issuance.
3. In this Direction, unless the context otherwise requires:-
 - i) "Act" means the Maharashtra Public Universities Act, 2016.
 - ii) "Competent Authority" means managing body of an affiliated college/recognized institution.
 - iii) "Management" means the management as defined under section 2 (37) of the Act;
 - iv) "Principal" means a teacher who is duly approved as a Principal by the University;
 - v) "Teacher" means a teacher as defined under section 2(61) of the Act;

 

4. Subject to the provisions of this Direction and notwithstanding anything to the contrary in any other Direction, Statute or Ordinances of the University the Competent Authority of an affiliated college/recognized institution may transfer any teacher/Principal from one affiliated college/recognized institution under its management to the other affiliated college/recognized institution under the same Management. Such transfer may be made:
 - (a) on administrative exigencies
 - (b) as a routine periodical transfer, or
 - (c) on the specific request of the teacher/Principal.

5. The transfer of a teacher/Principal from an aided affiliated college/recognized institution shall be made to the other aided affiliated college/ recognized institution of the same management. Similarly, the transfer of a teacher/Principal from an unaided affiliated college/recognized institution shall be made to the another un-aided affiliated college/recognized institution of the same management.

6. While making the transfer of the teacher/Principal, the Management of the college/institution shall observe the following principles:
 - (a) Ordinarily, a teacher on probation shall not be transferred.
 - (b) the transfer shall not be made during the academic year and shall be made only before the beginning of the summer vacation.
 - (c) the transfer order shall be issued to the teacher/Principal at least one month in advance.
 - (d) subject to the other rules or regulations regarding service conditions of a teacher/Principal, the service condition of a teacher/Principal shall not be altered to his/her disadvantage by virtue of his transfer.

P.T. *[Signature]*

- (f) if the spouse of the transferee also is in the employment of another employer and both are working at the same place or nearby place, the transfer should be made as far as possible considering this fact.
- (g) Ordinarily the transfer shall be made not before a period of seven years, from the date of appointment.
- (h) The teacher/Principal, if he/she so desires, in the last seven years of his/her service, shall be posted to his/her native place or a place of his/her choice.
- (i) Ordinarily, transfer of a teacher/Principal shall not be made for more than four occasions during his/her entire service.
- (j) Ordinarily, a physically handicapped teacher shall not be transferred.
- (k) The transfer of a teacher/Principal is a prerogative of the management to be exercised for good governance and improvement of quality of higher education keeping in mind the interests of students. Therefore, it shall not be used with vindictive approach and for purposes which are not germane to the above purposes.
- (l) The management of a college/institution shall always take the concerned person in confidence before effecting his/her transfer.
7. (a) Where a teacher is to be transferred to a place which is outside the jurisdiction of the University, then the Management shall take prior permission of both the Universities before effecting such transfer. Provided, however, that it shall be ensured that such transfer does not adversely affect any person in the service of the affiliated college or recognized institution where the transfer is proposed.
- (b) Where an approved teacher/Principal working in any college/institution affiliated / recognized by any public University within the state of Maharashtra and governed by the provisions of the Act VI of 2017 and which is established by any society/Trust/any other organization having a



college / institution affiliated / recognized by R.T.M. Nagpur University, is sought to be transferred to any college / institution within the jurisdiction of R.T.M. Nagpur University, the permission of both the concerned Universities shall be obtained. The permission from R.T..M. Nagpur University shall be sought by making application in prescribed format and accompanied by the prescribed fee. The transfer of teacher/principal in terms of this Direction shall not affect adversely the seniority of the teaching staff in the college/institution affiliated to R.T.M. Nagpur University.

8. Where an approved teacher/principal is transferred from one college/institution to another college/institution within the jurisdiction of the University as per the provisions of this Direction the approval granted to such teacher/principal by the University shall be continued in the college/institution so transferred.
9. Mutual transfer on the express request of the teachers shall be made only at the beginning of the term or at the end of the academic year.
Provided that, in case of such mutual and request transfer, teachers shall not be entitled to travelling, daily and transport allowances.
10. If the teacher is elected, nominated or co-opted as a member of the authorities or bodies of the University and/or the College Development Committee of the College or Recognized Institution, as the case may be, then he/she shall not be transferred during the period for which he/she is elected, nominated or co-opted or appointed.
11. Where the transfer of a teacher/Principal is by way of harassment, malafide, punitive, arbitrary, perverse or in any other way violative of the provisions of this Direction, the transfer shall not be effected unless on an appeal being preferred by the affected teacher/Principal and the Grievance Committee has decided the case or has allowed the transfer by an interim order.





12. The salary and all the allowances payable to the transferred teacher/Principal shall not be withheld by the management of the college/institution merely because he/she has been transferred to other college/institution and the matter is pending before the Grievance Committee of the University.
13. Joining Time on Transfer: -
when the transfer involves change from one station to another, joining time and transport charges shall be granted to the teacher as per Government rules made in this respect, from time to time.

Nagpur
Date - 06-9-22


(Dr. Subhash R. Chaudhari)
Vice-Chancellor

J.P.

