



सहसंचालक, तंत्र शिक्षण संचालनालय,

दुरध्वनी क्र. ०७१२-६४६५१४५/१४६

E-mail: ronagpur.dte@gmail.com

फॅक्स क्र. ०७१२-२५६१६६३

Web Site : rdtenagpur.org.in

त्वरीत

क्रमांक :- तंशिस/प्राकाना/शैवि-३/तक्रार/२०१३/ 1334

दि.

9 MAY 2013

प्रति,

प्राचार्य

(सर्व पदवी, पदविका, पदव्युत्तर पदवी संस्था)

विषय :- प्रवेश रद्द करण्याबाबत व मुळ शैक्षणिक प्रमाणपत्रे परत मिळणेबाबत.

- संदर्भ :- १) उच्च व तंत्रशिक्षण विभाग, शासन निर्णय क्र. टीईएम-२००४/(५४५/०४)/
तांशि-१, दि. ११ जानेवारी २००५.(महाराष्ट्र एज्युकेशनल इन्स्टिटयुशन अॅक्ट १९८७)
२) मा. राष्ट्रीय मानवाधिकार आयोग, नवी दिल्ली यांचे पत्र क्र. ३५४२/१३/
१७/२०१२/ओएच, दि. १४.१२.२०१२.
३) मा. राष्ट्रीय मानवाधिकार आयोग, नवी दिल्ली यांचे पत्र क्र. ३५४२/१३/
१७/२०१२/ओएच, दि. १४.०२.२०१३.

उपरोक्त संदर्भांकित विषयान्वये आपणांस कळविण्यांत येते की, उपरोक्त संदर्भिय पत्र क्र. १ ते ३ यासोबत जोडण्यांत येत आहे.

आपले संस्थेतील व्यावसायिक शिक्षण संस्थांतर्गत येणा-या अभियांत्रिकी व इतर व्यावसायिक अभ्यासक्रमांसाठी शिक्षण शुल्क समितीने मान्य केलेल्या शिक्षण शुल्कापेक्षा अधिकचे शुल्क आकारणी करणा-या शिक्षण संस्थांची/महाविद्यालयांची "महाराष्ट्र एज्युकेशनल इन्स्टिटयुशन" (प्रोहिबिशन ऑफ कॅपिटेशन फी) अॅक्ट १९८७ अंतर्गत संस्था दोषी आढळल्यास त्यांच्यावर उपरोक्त नियमांतर्गत कडक कार्यवाहीचे प्रयोजन आहे व त्यांचे अनुपालन सर्व संस्थांनी काटेकोरपणे पाळावे व प्रवेशाकरीता अनुज्ञेय असलेली फी च आकारावी इतर कोणतीही फी आकारू नये असे स्पष्ट केलेले आहे. तसेच मा. राष्ट्रीय मानवाधिकार आयोग, नवी दिल्ली यांनी मागील एका प्रवेशाचे प्रकरणात निर्देश दिलेले आहे की, प्रवेश प्रकीर्णित व प्रक्रियेनंतर विद्यार्थ्यांचे प्रवेश नियमानुसार रद्द झाल्यानंतर त्यांचे मुळ प्रमाणपत्रे व देय रक्कम त्वरीत परत करावी. यासंबंधित कोणत्याही विद्यार्थ्यांस पुढील शिक्षणाकरीता व नोकरीसंबंधीत कामाकरीता मुळ कागदपत्रा अभावी अडचण येणार नाही याची योग्य ती खबरदारी घ्यावी, अशा प्रकारच्या तक्रारी, तक्रारकर्ते मा. राष्ट्रीय मानवाधिकार आयोग, नवी दिल्ली यांच्याकडे लावून धरतात त्यामुळे संस्था प्रमुख व संबंधित नियंत्रण कार्यालय अडचणीत येवून पत्रव्यवहार व कार्यवाहीची प्रक्रिया विनाकारण वाढते.

तरी सदरहू येणा-या विविध विद्यार्थ्यांच्या तक्रारी अर्जावर वेळीच कार्यवाही करून नियमानुसार प्रवेश रद्द करण्याबाबत व मुळ प्रमाणपत्रे परत करण्यात यावी व केलेल्या कार्यवाहीचा अहवाल अर्जदारास परस्पर त्वरीत कळविण्यांत यावा व त्याची प्रत या कार्यालयास उलट टपाली सादर करण्यांत यावी, विद्यार्थ्यांची प्रवेशासंबंधी व देय रक्कम परत करण्याप्रकरणी तक्रार या कार्यालयाकडे येणार नाही याची सुध्दा दक्षता घेण्यांत यावी.

सहपत्र : वरीलप्रमाणे

(गुलाबराव ठाकरे)

सहसंचालक,
तंत्रशिक्षण प्रादेशिक कार्यालय,
नागपूर.

प्रत : मा. संचालक, तंत्रशिक्षण संचालनालय, म.रा.,मुंबई (का.क्र.२/२अ) यांना माहितीकरीता सादर.

Complaint letter 13-14

राज्यातील उच्च व तंत्र शिक्षण विभागाच्या अधिपत्याखाली
व्यावसायिक शिक्षण संस्थांतर्गत येणा-या अभियांत्रिकी व इतर
व्यावसायिक अभ्यासक्रमांसाठी शिक्षण शुल्क समितीने मान्य
केलेल्या शिक्षण शुल्कापेक्षा अधिकचे शुल्क आकारणी करणा-या
शिक्षण संस्थांची / महाविद्यालयांची "महाराष्ट्र एज्युकेशनल
इन्स्टिट्यूशन" (प्रोहिबीशन ऑफ कॅम्पिटेशन फी) अक्ट १९८७
अंतर्गत तपासणी व त्यांच्यावरील कारवाई बाबत.-

२१-२२०
२८/०१/०५

महाराष्ट्र शासन

उच्च व तंत्र शिक्षण विभाग,

शासन निर्णय क्रमांक : टीईएम-२००४/(५४५/०४)/ताशि-१

मंत्रालय विस्तार भवन, मुंबई ४०० ०३२

दिनांक : ११ जानेवारी २००५

- संदर्भ : १) शासन निर्णय क्र. वुएसजी-२००३/(८५/०३)/विशि-४, दि. २४ सप्टेंबर, २००३
२) संचालक, तंत्रशिक्षण, महाराष्ट्र राज्य, मुंबई यांचे क्र. १०(२)/एनडीजी/एडीएम
/२००३/१२४९, दि. १९.९.२००३ ची जाहीर नोटीस.
३) संचालक, तंत्रशिक्षण, महाराष्ट्र राज्य, मुंबई यांची क्र. १०/एडीजी/शिक्षण शुल्क
/२००४/८६९, दि. १५ जुलै, २००४ ची जाहीर नोटी (प्रेस नोट)
४) संचालक, तंत्रशिक्षण, महाराष्ट्र राज्य, मुंबई यांचे क्र. १०/एडीएम/२००४/१५१०,
दि. १५ सप्टेंबर २००४ चे पत्र.
५) मा. सर्वोच्च न्यायालयाने दि. २२/९/२००४ रोजी याचिका क्र. ३५६/२००४ व
इतर याचिका व विशेष अनुज्ञा याचिका क्र. १७४६४/२००४ व इतर विशेष
अनुज्ञा याचिकेवर दिलेला निकाल.

प्रस्तावना :- टि.एम.ए.पी. फौंडेशन व इतर विरुद्ध कर्नाटक राज्य व इतर या न्यायालयीन प्रकरणी
(याचिका क्र. ३१७/१९९३ व अन्य) तसेच इस्मालिक अॅकॅडमी ऑफ एज्युकेशन व इतर या प्रकरणी
मा. सर्वोच्च न्यायालयाने दि. ३१/१०/२००२ व १४.८.२००३ रोजी दिलेल्या निकालानुसार राज्यातील सर्व
खाजगी व्यावसायिक शैक्षणिक संस्थांनी ठरविलेल्या व लागू केलेल्या शिक्षण शुल्काची रितसर तपासणी /
छाननी करून प्रमाणित करण्यासाठी तथा अंतिम शुल्क ठरविण्यासाठी शासनाने संदर्भ क्र. (१) मध्ये नमूद
केलेल्या दि. २४.९.२००३ च्या शासन निर्णयान्वये मा. उच्च न्यायालयाच्या निवृत्त न्यायाधीशाच्या
अध्यक्षतेखाली "शिक्षण शुल्क समिती" स्थापन केली आहे.

२. त्याप्रमाणे सदर शिक्षण शुल्क समितीने सन २००३-०४ पासून राज्यातील विविध खाजगी
संस्थांमधील अभियांत्रिकी व इतर अभ्यासक्रमांसाठी संस्थानिहाय व अभ्यासक्रमनिहाय शिक्षण शुल्क निश्चित
केले आहे. शिक्षण शुल्क निश्चित करतांना, संस्थेकडून विहित निकषानुसार संबंधित अभ्यासक्रमासाठी
येणारा खर्च व विद्यार्थ्यांना देण्यात येणा-या सुविधा याबाबींचा समितीने विचार केला आहे.

३. त्या अनुषंगाने शासनाच्या वतीने संचालक, तंत्रशिक्षण यांनी संदर्भ क्र. (२) व (३) येथील
जाहीर नोटीसीद्वारे पुढीलप्रमाणे सूचना दिल्या आहेत :-

अ) " शिक्षण शुल्क समितीने खाजगी विना अनुदानित संस्थांमधील व्यावसायिक भटकी /
पदविका अभ्यासक्रमांचे जे शिक्षण शुल्क जाहीर केलेले आहे त्या निर्धारित केलेल्या शुल्काच्या व्यतिरिक्त

५.६.२०५

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कुठलेही शुल्क आकार नये. तथापी, विद्यापीठाने ठरविलेले परिक्षा व एनरॉलमेंट फी घेण्याची सु
मिल.

ब) " एखादी संस्था विहित शुल्कापेक्षा अधिक शुल्क आकारत असेल व त्यासंबंधी तंत्रशिक्षण
संचालनालयास अथवा विभागीय कार्यालयास तक्रार प्राप्त झाल्यास सदरचे जास्तीचे शुल्क हे कॅंपिटेशन फी
म्हणून समजण्यात येईल व आपल्या संस्थेची मान्यता रद्द करण्याबाबतचा प्रस्ताव शासनास तसेच अखिल
भारतीय तंत्रशिक्षण परिषदेस दाखल करण्यात येईल याची नोंद घ्यावी."

शिक्षण शुल्क समितीने अंतीमंतः विहित शुल्क ठरवून देऊन ते लागू करण्यास मान्यता दिली
असतांना व संचालक, तंत्रशिक्षण यांनी वरोलप्रमाणे सूचना देऊनही खाजगी व्यावसायिक/तांत्रिक व शिक्षण
शास्त्र अभ्यासक्रम चालविणा-या काही शिक्षण संस्था शिक्षण शुल्क समितीने निर्धारित केलेल्या
शुल्कापेक्षाही अधिकचे शुल्क विद्यार्थ्यांकडून आकारत असल्याचे शासनाच्या निदर्शनास आले आहे.

शासनाने याची गंभीर दखल घेतली असून, अशा प्रकरणी प्राप्त तक्रारीनुसार " महाराष्ट्र
एज्युकेशनल इन्स्टिट्यूशन (प्रोहिबीशन ऑफ कॅंपिटेशन फी) अॅक्ट १९८७ " अंतर्गत संबंधित संस्थांची
तपासणी करण्याची व त्यात संस्था दोषी आढळल्यास त्यावर कारवाई करण्याची बाब शासनाच्या विचाराधीन
होती.

शासन निर्णय : वरीलप्रमाणे प्रस्तावनेत नमूद केलेल्या बाबीस अनुसरून शासन आता या शासन निर्णयान्वये

पुढीलप्रमाणे कार्यवाही करण्याचे आदेश देत आहे .-

प्रत्येक विद्यार्थ्यांकडून संस्थेने/महाविद्यालयने पुढीलप्रमाणे शिक्षण शुल्क आकारावे.

- १) शिक्षण शुल्क समितीने निर्धारित केलेले शिक्षणशुल्क ✓
- २) विद्यापीठामार्फत आकारण्यात येणारे नोंदणी शुल्क (रजिस्ट्रेशन फी) व परिक्षा शुल्क
(एक्झामिनेशन फी)
- ३) ज्या संस्थेत वसतीगृह व भोजन व्यवस्था उपलब्ध आहे, व त्यात ज्या विद्यार्थ्यांनी
प्रवेश घेतला असेल त्यांना त्या साठीचे वसतीगृह शुल्क.

या व्यतिरिक्त कुठल्याही प्रकारचे शुल्क संस्था स्तरावर आकारण्यात येऊ नये. ✓

❖ जर एखाद्या संस्थेने कोणत्याही कारणास्तव उपरोक्त नमूद केलेल्या शुल्का व्यतिरिक्त
अधिकचे शैक्षणिक शुल्क व इतर शुल्क आकारले असले तर सदर अधिकची रककम
विद्यार्थ्यांना परत करणे संस्थाना बंधनकारक राहिल.

❖ सदर शुल्क परत करतांना ते ठोक रकमेच्या स्वरूपात परत करण्यात येईल
किंवा

❖ पुढील वर्षाच्या शुल्कामध्ये संनयोजित करण्यात येईल अशा आशयाचे लेखी हमीपत्र
संस्थेमार्फत विद्यार्थ्यांना देण्यात येईल.

❖ सदर आदेश ज्या शैक्षणिक वर्षापासून शिक्षण शुल्क समितीने शिक्षण शुल्क निश्चित
केले आहेत त्या वर्षापासून लागू राहिल.

उपरोक्त कार्यवाही संबंधित संस्थेने प्रतिवर्षी डिसेंबर अखेरपर्यंत पूर्ण करावयाची आहे.

२. जर संस्थानी उपरोक्त कार्यवाही डिसेंबर अखेरपर्यंत पूर्ण केली नाही तर अशा संस्थांविरुद्ध
महाराष्ट्र एज्युकेशनल इन्स्टिट्यूशन (प्रोहिबीशन ऑफ कॅंपिटेशन फी) अॅक्ट १९८७ च्या कलम (३) च्या
कलम (३) व (४) मधील तरतुदीनुसार कार्यवाही करण्यात येईल.

याकरिता संस्थांची तपासणी करून त्यांचा तपासणी अहवाल शासनास सादर करण्याकरिता याच
कायद्याच्या कलम ६ च्या उपकलम (१) मधील तरतुदीनुसार संबंधित विभागीय सहसंचालक, तंत्रशिक्षण
/उच्च शिक्षण यांची " तपासणी अधिकारी " म्हणून नियुक्ती करण्यात येत आहे :-

- (१) शासनाच्या वतीने सदर तपासणी अधिका-यास कलम (६) मधील तरतुदीनुसार शैक्षणिक शुल्का संबंधी आवश्यक त्या कगदपत्रांची तपासणी करता येईल तसेच शुल्काच्या तक्रारीची शहानिशा करतांना कलम (४) मधील तरतुदीनुसार विहित शिक्षण शुल्क विषयक बाबींची खात्री करता येईल
- (२) याप्रमाणे विभागीय सहसंचालक, तंत्रशिक्षण / उच्च शिक्षण तथा " तपासणी अधिकारी " यांच्याकडून शासनास तपासणी अहवाल प्राप्त झाल्यानंतर जर त्यात संस्था दावी आढळल्यास संबंधीत संस्थेविरुद्ध शासन स्तरावर प्रथम कलम ३ मधील उपकलम (३) च्या पोटकलम (ए) व (बी) व उपकलम (४) मधील तरतुदीनुसार कार्यवाही करण्यात येईल.
- (३) तसेच वरीलप्रमाणे केलेल्या कार्यवाहीस सदर कायदांच्या कलम (११) नुसार शासनाच्या / शासनाच्या तपासणी अधिका-याच्या विरोधात कोणताही दावा खटला किंवा इतर कोणतीही कारवाई दाखल करता येणार नाही.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

(मनीषा शिन्डे)

उप सचिव, महाराष्ट्र शासन

प्रति,

मा. कुलपतीचे सचिव, राजभवन, मलबार हिल, मुंबई ३५

मा. कुलगुरु / कुलसचिव (सर्व अकृषी विद्यापीठे)

संचालक, तंत्रशिक्षण, महाराष्ट्र राज्य, मुंबई

संचालक, उच्च शिक्षण, महाराष्ट्र राज्य, पुणे

संचालक, कलाशिक्षण, महाराष्ट्र राज्य, मुंबई

संचालक, व्यवसाय शिक्षण (व्यवसाय शिक्षण व प्रशिक्षण) संचालनालय, महाराष्ट्र राज्य, मुंबई

संचालक, प्रशिक्षण, व्यवसाय शिक्षण व प्रशिक्षण संचालनालय, महाराष्ट्र राज्य, मुंबई

संचालक, प्रशासन, महाराष्ट्र राज्य, मुंबई

सहसंचालक, तंत्रशिक्षण, विभागीय कार्यालय, मुंबई / पुणे / नागपूर / औरंगाबाद / अमरावती / नाशिक

सर्व विभागीय सहसंचालक उच्च शिक्षण

सर्व व्यवसायिक शिक्षण संस्थांना (संचालक, तंत्रशिक्षण / उच्च शिक्षण यांच्यामार्फत)

कार्यालयात सचिव शिक्षण शुल्क समिती व प्रवेश नियंत्रण समिती, शासकीय तंत्र निकेतन बांद्रा (पूर्व) मुंबई-५१.

मा. मंत्री, तंत्रशिक्षण यांचे खाजगी सचिव, मंत्रालय, मुंबई

मा. मंत्री, उच्च शिक्षण यांचे खाजगी सचिव, मंत्रालय, मुंबई

मा. राज्यमंत्री, उच्च व तंत्रशिक्षण यांचे खाजगी सचिव, मंत्रालय, मुंबई

मा. प्रधान सचिव, उच्च व तंत्रशिक्षण यांचे स्वीय सहाय्यक, मंत्रालय, मुंबई

मा. सचिव, (विद्यकीय शिक्षण) मंत्रालय, मुंबई

मा. सचिव, शालेय शिक्षण विभाग, मंत्रालय, मुंबई

मा. सचिव, सामाजिक न्याय विभाग, मंत्रालय, मुंबई

मा. सचिव, आदिवासी विकास विभाग, मंत्रालय, मुंबई

संभागातील सर्व उपसचिव

उच्च व तंत्र शिक्षण विभागातील सर्व कार्यासने

निवडनस्ती (तांशि-१)

MAHARASHTRA ACT No. VI OF 1988¹[THE MAHARASHTRA EDUCATIONAL INSTITUTIONS
(PROHIBITION OF CAPITATION FEE) ACT, 1987]

[This Act received the assent of the Governor on the 13th April 1988; assent first published in the *Maharashtra Government Gazette*, Part IV, Extraordinary, on the 15th April 1988.]

An Act to prohibit collection of capitation fee for admission of students to, and their promotion to a higher standard or class in, the educational institutions in the State of Maharashtra and to provide for matters connected therewith.

WHEREAS the practice of collecting capitation fee for admitting students into educational institutions and at the time of promoting students to a higher standard or class at various stages of education is on the increase in the State;

AND WHEREAS this undesirable practice has been contributing to large scale commercialisation of education which is not conducive to the maintenance of educational standards;

AND WHEREAS the National Policy on Education 1986 envisages that the commercialisation of technical and professional education should be curbed and that steps should be taken to prevent the establishment of institutions set up to commercialise education;

AND WHEREAS with a view to effectively curb this evil practice, it is expedient in the public interest to prohibit collection of capitation fee for admission of students to, and their promotion to a higher standard or class in, the educational institutions in the State of Maharashtra and to provide for matters connected therewith; It is hereby enacted in the Thirty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Maharashtra Educational Institutions (Prohibition of Capitation Fee) Act, 1987. Short title and extent.

(2) It extends to the whole of the State of Maharashtra.

2. In this Act, unless the context requires otherwise, —

(a) "capitation fee" means any amount, by whatever name called, whether in cash or kind, paid or collected, directly or indirectly, in excess of the prescribed or, as the case may be, approved, rates of fees regulated under section 4; Definitions.

(b) "educational institution" or "institution" means a school (including Kindergarten, Pre-primary, *Balwadi* or Nursery School), a college or an institution, by whatever name called, or a part thereof, whether managed by Government, local authority, a University or a private management including educational institution established and administered by any minority, and imparting education and training, exclusively or as one of the various activities, whether technical, professional, vocational or otherwise, and includes any other institution, or a part thereof, as the State Government may, by notification in the *Official Gazette*, specify; but excludes coaching class, by whatever name called;

(c) "Local Authority", —

(i) in relation to an educational institution managed by a *Zilla Parishad*, means the *Zilla Parishad* constituted under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961;

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1962.

¹ For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1987, Part V, Extraordinary, p. 166; for Joint Committee Report see *Maharashtra Government Gazette*, 1988, Part V, Extraordinary, pages 6-8.

(ii) in relation to an educational institution managed by a Municipal Corporation, Means the Municipal Corporation constituted under the Bombay Municipal Corporation Act, the City of Nagpur Corporation Act, 1948 or, as the case may be, the Bombay Provincial Municipal Corporations Act, 1949;

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and
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1950.
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of
1949.

(iii) in relation to an educational institution managed by a Municipal Council, means the Municipal Council constituted under the Maharashtra Municipalities Act, 1965;

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1965.

(d) "management", —

(i) in the case of an institution managed by the State Government, means the State Government;

(ii) in the case of an institution managed by a local authority, means that local authority;

(iii) in the case of an institution managed by a University, means that University; and

(iv) in any other case, means the managing committee or the governing body, by whatever name called, of an educational institution to which the affairs of that institution are entrusted and, where such affairs are entrusted to any person whether called as Secretary, Correspondent or by any other name or designation, includes such person;

(e) "minority educational institution" means an institution established and administered by a minority having a right to do so under clause (1) of article 30 of the Constitution of India;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "rules" means the rules made under this Act;

(h) "University" means a university constituted under any law for the time being in force.

3. (1) Notwithstanding anything contained in any law for the time being in force, no capitation fee shall be collected by or on behalf of any educational institution or by any person who is in charge of, or is responsible for, the management of such institution, from or in relation to, any student in consideration of his admission to, and prosecution of, any course of study, or of his promotion to a higher standard or class in, such institution.

Collection of
capitation
fee
prohibited.

(2) Notwithstanding anything contained in sub-section (1), the management may in good faith collect or accept donations in cash or kind, in the prescribed manner, from benevolent persons or organisations or public trusts or any other association of persons, for opening of new educational institution or for development or expansion of educational facilities in the existing educational institutions or for creation of endowment fund for award of scholarships, prizes or the like, but while collecting or accepting such donations the management shall not reserve any seats in any educational institution run by it in consideration of such donations. All money and articles received in donation shall be accounted for in the institution and

the money shall be deposited in the name of the institution in any scheduled or co-operative bank and shall be applied or expended for the purpose for which such donations are collected or accepted or shall be applied towards the objects of the institution :

Provided that, where in consideration of accepting such donations any seat is reserved for admission to any student in such institution such acceptance of donation shall be deemed to be collection of capitation fee :

Provided further that, nothing in this section shall apply to or affect any donation accepted by any institution before the commencement of this Act in consideration of which any seat is reserved for admission to student in such institution.

(3) Where the State Government, on receipt of any complaint or otherwise, is satisfied that the management of any institution or any person who is in charge of or is responsible for the management of such institution, has contravened the provisions of this Act or the rules made thereunder, the State Government may, in addition to any prosecution that may be instituted under this Act, after giving a reasonable opportunity of being heard, direct such institution or person responsible that the capitation fee collected in contravention of this Act shall be refunded to the person from whom it was collected and on its or his failure to do so, the amount together with interest thereon shall--

(a) in the case of an aided educational institution, be deducted from the grant-in-aid payable by the State Government to such institution; and then the same be paid to the person from whom such capitation fee was collected; and

(b) in the case of an un-aided educational institution, be recovered as arrear of land revenue; and when so recovered be paid to the person from whom such capitation fee was collected.

(4) The management of any educational institution or any person who is in charge of or who is responsible for the management of such institution collecting or accepting donations under sub-section (2) in connection with or in relation to any student in consideration of his admission to, and prosecution of, any course of study or his promotion to a higher standard or class in institution, shall be deemed to have contravened the provisions of sub-section (1) and shall be liable to be proceeded against and punished accordingly.

4. (1) It shall be competent for the State Government to regulate the tuition fee or any other fee that may be received or collected by any educational institution for admission to, and prosecution of study in any class or standard or course of study of such institution in respect of any or all classes of students. ^{Regulation of fees.}

(2) The fees to be regulated under sub-section (1) shall--

(a) in the case of the aided institutions, be such as may be prescribed by a university under the relevant University Law for the time being in force in the State or, as the case may be, by the State Government; and

(b) in the case of the un-aided institutions, having regard to the usual expenditure excluding any expenditure on lands and buildings or on any such other item as the State Government may notify, be such as the State Government may approve :

Provided that, different fees may be approved under clause (b) in relation to different institutions or different classes or different standards or different courses of studies or different areas.

(3) The fees, to be prescribed or approved under sub-section (2) shall include the following items, namely :--

- (a) Tuition fee, whether on term basis or monthly or yearly basis;
- (b) Term fee per academic term;
- (c) Library fee and deposit as security per year or for the entire course;
- (d) Laboratory fee and deposit as security per year or for the entire course;
- (e) Gymkhana fee on yearly basis;
- (f) Caution money for the entire course;
- (g) Examination fee, if any, per year or for the entire course;
- (h) Hostel fee, Messing charges, if these facilities are provided, whether on term basis or on monthly or yearly basis;
- (i) Any such other fee or deposit as security or amount (or any other item), as the State Government may approve

(4) The fees regulated under this section shall ordinarily remain in force for a period of three years and the State Government shall appoint a Committee of persons who, in the opinion of the State Government, are experts in educational field, for taking the review of the fee structure and may, after considering the report of the Committee, revise the fees if it considers it expedient to do so.

(5) Every educational institution or, as the case may be, management shall issue an official receipt for the fees or deposits or any other amounts collected for any purpose, which shall be specified in such receipt.

5. (1) If the State Government has reason to believe that there is or there has been any contravention of the provisions of this Act or the rules made thereunder by any educational institution or its management, it may direct any officer not below the rank of a Gazetted Officer to hold enquiry into the affairs of such educational institution or management thereof and to submit his report in that behalf.

(2) Any officer, servant or member (including the office bearers of the management) of any educational institution shall furnish such information in his possession in regard to the affairs or proceedings of the institution, management or any committee or sub-committee of such institution as the officer referred to in sub-section (1) may require him so to do.

(3) An officer referred to in sub-section (1) holding an enquiry shall have powers to summon and enforce the attendance of any officer, servant or member as aforesaid and to compel him to give evidence and to produce documents by the same means and as far as possible in the same manner as is provided in the case of a civil court by the Code of Civil Procedure, 1908.

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1908.

(4) On receipt of the report under sub-section (1), it shall be competent for the State Government to invoke the provisions of sub-section (3) of section 3.

6. (1) Any Officer not below the rank of District Education Officer specially authorised by the State Government in this behalf, may at any time during the normal working hours of any educational institution enter such institution or any premises thereof or any premises belonging to the management of such institution in relation to such institution, if he has reason to believe that there is or

Power to
enter and
inspect

has been any contravention of the provisions of this Act or the rules made thereunder, and search and inspect any records, accounts, registers or other documents belonging to such institution or of the management in so far as such records, accounts, registers or other documents relate to such institution and seize any such records, accounts, registers or other documents for the purpose of ascertaining whether there is or has been any such contravention.

11 of 1974 (2) The provisions of the Code of Criminal Procedure, 1973 relating to searches and seizures shall apply, so far as may be, to searches and seizures under sub-section (1).

7. Whoever contravenes any provision of this Act, or the rules made thereunder, shall, on conviction, be punished with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine which may extend to five thousand rupees. Penalties.

8. (1) Where an offence under this Act, or the rules made thereunder, is committed by a company, every person, who at the time when the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. Offences by companies.

Provided that, nothing contained in this sub-section shall render any person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act, or the rules made thereunder, has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer or servant of the company, such director, manager, secretary or other officer or servant concerned shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section,—

(a) "company" means any body corporate and includes a trust, a firm, a society or other association of individuals; and

(b) "director" in relation to—

(i) a firm, means partner in the firm;

(ii) a society, a trust or other association of persons or body of individuals, means the person who is entrusted under the rules of the society, trust or other association or body with the management of the affairs of the society, trust or other association or body, as the case may be.

9. Where in a trial of an offence under this Act, the Magistrate is of opinion that there was no reasonable ground for making the accusation he may proceed to take action against the complainant or the informant under section 250 of the Code of Criminal Procedure, 1973. Compensation for accusation without reasonable cause.

11 of 1974.

10. The provisions of this Act or the rules and orders made or issued thereunder, shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of such law. Act to have overriding effect.

Protection
of action
taken under
this Act.

11. No suit, prosecution or other legal proceeding shall lie against the State Government or any officer of Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder. //

Rules

12. (1) The State Government may, by notification in the *Official Gazette*, and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid as soon as may be, after it is made before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rules or both Houses agree that the rules shall not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

Savings.

13. Notwithstanding anything contained in this Act, all orders, circulars, resolutions, directions, rules, notifications, ordinances, statutes, schemes or appointments made or issued and all powers which were vested or exercisable by any person or authority in respect of the matters referred to in this Act, whether in accordance with any law for the time being in force or otherwise, and in force immediately before the commencement of this Act shall, so far as they are not inconsistent with the provisions of this Act, continue in force or continue to be so vested and be deemed to have been made or issued or vested under the provisions of this Act unless and until superseded by anything done or any action taken under this Act.

Speed Post

NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
FARIDKOT HOUSE
COPERNICUS MARG, NEW DELHI - 110 001

उच्च न्यायालय विभाग
मकील २०१३/प्रकरण
कॉम्प्लेंट नं० सी३-५
दिनांक २७/१२/१२
आवक नं० ३७०२
२८/१२/१२

Tel. No.: 011-2338 5368
Fax No.: 011-2338 6521
Telegraphic Add.: "HUMANRIGHTS"
Home page : <http://nhrc.nic.in/>

Case No. 3542/13/17/2012/OH

NOTICE

To

THE PRINCIPAL SECRETARY, HIGHER
EDUCATION, GOVT. OF MAHARASHTRA,
MUMBAI - 400032

WHEREAS the complaint/intimation dated 10/11/2012 received from SACHIN CHARANDAS RAMTEKE in respect of SACHIN CHARANDAS RAMTEKE was placed before the Commission on 17/12/2012.

AND WHEREAS upon perusing the complaint the Commission has passed the following order.

The complainant, a Scheduled Caste student, has stated that he has been admitted for MBA course after qualifying entrance test. He is eligible for 100% scholarship and exemption from fee. However, his college is not extending the benefits to him.

Issue notice to Principal Secretary, Higher Education, Govt. of Maharashtra directing him to submit a detailed report along with English translation in the matter within four weeks. The case shall be taken up in the open hearing at Nagpur.

NOW THEREFORE TAKE NOTICE that you are required to submit the requisite information / Report within 4 weeks from the date of receipt of this notice.

३/११/१२

TAKE FURTHER NOTICE that in default the Commission may proceed to take such action as it deems proper.

Given under my hand and seal of the Commission, this the day of 17 December 2012.



(BY ORDER)

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

ASSISTANT REGISTRAR(LAW)

Encl: Copy of the complaint.

Note → 1. The information / report shall be furnished only by the authority which is called upon to do so.

2. Please quote the **Case No.** referred above in all future correspondence / reports.

CC to.

SACHIN CHARANDAS RAMTEKE
120, PANCIISHIBEL NAGAR, BINAKI LAYOUT,
NAGPUR, MAHARASHTRA.

A handwritten signature in black ink, consisting of a long, sweeping horizontal stroke with a slight curve at the end.

ASSISTANT REGISTRAR(LAW)

Assistant Registrar(LAW)

Tel. No.: 011-2338 5368

Fax No.: 011-2338 6521

Telegraphic Add.: "HUMANRIGHTS"

Home Page : <http://nhrc.nic.in>

Case No. 3542/13/17/2012/OH
NATIONAL HUMAN RIGHTS COMMISSION
(LAW)

FARIDKOT HOUSE

COPERNICUS MARG, NEW DELHI - 110 001

उच्च व तंत्र शिक्षण विभाग
कार्यालय ... ११०४
दिनांक ... २७/२/१३
आवक क्रमांक ... २७३/१३

To
Dated 14/02/2013
18 FEB 2013

THE PRINCIPAL SECRETARY, DEPARTMENT OF
HIGHER EDUCATION, GOVT. OF MAHARASHTRA,
MUMBAI

Sub : Complaint / Intimation from

SACHIN CHARANDAS RAMTEKE
120, PANCHSHEEL NAGAR, BINAKI LAYOUT,
NAGPUR, MAHARASHTRA.

Sir/Madam,

With reference to your letter no. _____ dated _____, I am directed to say that the matter was considered by the Commission on 29/01/2013 and the Commission has directed as follows.

The petitioner passed his MBA in September, 2011. He wanted all original certificates but the institute is not returning his original certificates on the ground that he has to pay a certain fee. He approached the government pointing out the demand made by the institute not in accordance with law.

Today, the officer representing the government has stated that process is being undertaken to initiate action against the institute and government will take such appropriate action in the matter as it may deem fit and proper. It is hoped that within a period of six weeks action will be taken and it is ensured that the certificates will be handed over to the petitioner by the institute. In many cases it is reported that the private institute are detaining the certificates with them on such flimsy grounds. The concerned officers shall see that immediate action is taken and students get back their certificates.

The other grievance made by the students, who have completed their education, is that scholarship is not being given to them to which the officer present submitted that it has already been forwarded to the institute. As a matter of fact, the scholarship should be given to the students and not to the institute. The officer will take appropriate action with a view to see that the amount of scholarship is returned to the students by the institute concerned. A report in this regard to be submitted to the Commission within a period of six weeks without fail, failing which a coercive action may be taken.

2. It is therefore, requested that the additional/complete report as directed by the Commission in the matter be sent latest by 04/04/2013, for further consideration by the Commission.

Adrf.
1/2/13

Yours faithfully,
ASSISTANT REGISTRAR (LAW)