

# The Uttar Pradesh State Universities Act, 1973<sup>1</sup>

[President's Act 10 of 1973]<sup>2</sup>

*An Act to amend and consolidate the law relating to certain Universities*

[It is hereby enacted as follows :]<sup>3</sup>

**Prefatory Note : Reasons for the Enactment.**—With a view to toning up the academic and financial administration of higher education in State of U.P., a comprehensive Bill applicable to all the State Universities (except the Roorkee University and Govind Ballabh Pant Agricultural University), was prepared in the light of the recommendations made by various Commissions and Committees appointed by the Government of India and the State Government and also the views of the Vice-Chancellors and other educationists.

2. The Bill, *inter alia*, provides for the reorganization of the Court, the Executive Council, the Academic Council, the Finance Committee and the Selection Committees for the appointment of teachers in the Universities with a view to making them more effective and compact bodies. It also provides for the constitution of Examination and Admission Committees. The Bill also provides for the appointment of Pro-Vice-Chancellors in certain Universities and a whole-time Finance Officer in place of honorary Treasurer in all Universities.

3. The Bill also contains provisions for the following matters, namely :

- (i) Security of service of teachers of degree colleges.
- (ii) Constitution of Selection Committee for the appointment of Principals and teachers of degree colleges.
- (iii) Introduction of correspondence courses and allowing persons to appear as private candidates.
- (iv) Opening of postgraduate classes in associated colleges of Allahabad and Lucknow Universities with the previous approval of the Chancellor.
- (v) Provision for autonomous colleges and working men's colleges.
- (vi) Provision for gratuity for teachers killed or wounded in incidents arising out of their duties connected with the conduct or examinations.
- (vii) Disqualifications of members of the Executive Council from participation in matters in which their personal interest is involved.
- (viii) Supersession of the Executive Council in case of failure to discharge functions properly.
- (ix) Students' participation in the University administration.
- (x) Penalty for charging capitation fees (whether in the form of donations or otherwise) for admission of students to degree colleges.
- (xi) Regulation of the administration of degree colleges.
- (xii) Barring suits in civil courts in respect of day to day functioning of the Universities.

1. Enacted by the President on 2-9-1973 and amended and re-enacted by U.P. Act 29 of 1974 (1974 LLT-IV-152).

2. Amended and re-enacted by U.P. Act 29 of 1974.

3. *Subs.* for the words "Enacted by the President in the Twenty-fourth year of the Republic of India" by U.P. Act 29 of 1974, S. 3.

imparting tutorial and other supplementary instructions;

- (11) 'hostel of a University' means a unit of residence for students maintained or recognised by the University, other than a hall, and 'hostel of an affiliated or associated college' means a unit of residence for students of that college;
- (12) 'Institute' means an Institute established by the University under Section 44 ;
- (13) 'management' in relation to an affiliated or associated college, means the managing committee or other body charged with managing the affairs of that college and recognised as such by the University;

<sup>15</sup>[Provided that in relation to any such college maintained by a Municipal Board or a Nagar Mahapalika, the expression 'management' means the education committee of such Board or Mahapalika as the case may be and the expression 'Head of the Management' means the chairman of such committee.]

**Recognition.**—Where the Management Committee was recognised under Statute 27-A of the Agra University statutes and the action taken by such committee was approved by the Chancellor and Vice-Chancellor that is sufficient recognition for the purposes of Section 2(13) of the Act. *P.C. Sikand v. Chancellor, Agra University*, 1979 ALJ (NOC) 81.

- (14) 'prescribed' means prescribed by the Statutes ;
- (15) 'principal', in relation to an affiliated, associated or a constituent college, means the head of such college ;
- (16) 'registered graduate' means a graduate of the University registered under the provisions of this Act or under any enactment repealed by this Act ;
- (17) 'Statutes', 'Ordinances' and 'Regulations' means respectively the Statutes, Ordinances and Regulations of the University ;
- <sup>16</sup>[(18) 'Self finance course' means a course with respect to which all financial liabilities shall be borne by the Management of an associated or affiliated college or by a University;
- (19) 'teacher' in relation to the provisions of this Act except Chapter XI-A, means a person employed in a University or in an institute or in a constituent or affiliated or associated college of a University for imparting instructions or guiding or conducting research in any subject or course approved by that University and includes a Principal or Director;]
- (20) 'University' means an existing University or a new University established after the commencement of this Act under Section 4 ;
- (21) 'Working Men's College' means an affiliated or associated college recognised as such in accordance with the provisions of Section 43.

15. *Ins.* by U.P. Act 12 of 1978, S. 2.

16. *Subs.* by U.P. Act 1 of 2004, S. 2 (w.e.f. 11-7-2003).

CHAPTER II  
THE UNIVERSITIES

**3. Incorporation of Universities.**—(1) The Chancellor, the Vice-Chancellor and the members of the Executive Council, the Court and the Academic Council for the time being holding office as such in any University shall constitute a body corporate by the name of that University.

(2) Each University shall have perpetual succession and a common seal and shall sue and be sued by its name.

**4. Establishment of new Universities and alteration of the areas or names of Universities.**—(1) With effect from such date as the State Government may by notification in the Gazette appoint in that behalf, there shall be established a University of Kumaun at Naini Tal and a University of Garhwal <sup>17</sup>[which shall from April 25, 1989 be called the Hemvati Nandan Bahuguna Garhwal University] at Srinagar (District Garhwal) for the areas respectively specified in the Schedule.

<sup>18</sup>[(1-A) With effect from such date or dates as the State Government may by notification in the Gazette appoint in this behalf, there shall be established—

(a) a University of Bundelkhand at Jhansi ;

(b) a University of Avadh at Faizabad <sup>19</sup>[which shall be called the Doctor Ram Manohar Lohia University, Faizabad with effect from June 18, 1994, and the Doctor Ram Manohar Lohia Avadh University, Faizabad with effect from July 11, 1995]; [\* \* \*]<sup>20</sup>

(c) a University of Rohilkhand at Bareilly <sup>21</sup>[which shall with effect from the date of the commencement of the Uttar Pradesh State Universities (Second Amendment) Act, 1997 be called Mahatma Jyotiba Phule Rohilkhand University, Bareilly];

<sup>22</sup>[(d) a University to be known as Purvanchal University at Jaunpur, which shall, with effect from the date of commencement of the Uttar Pradesh State Universities (Amendment) Act, 1999, be called "Vir Bahadur Singh Purvanchal University, Jaunpur]

for the areas respectively specified in the Schedule.

(1-B) in relation to the Universities to be established under sub-section (1-A)—

(a) the State Government shall appoint interim officers of the Universities (other than the Chancellor) and shall constitute interim authorities of such Universities in such manner as it thinks fit ;

<sup>23</sup>[(b) the officers appointed and members of the authorities constituted under

17. *Ins.* by U.P. Act 26 of 1989, S. 2 (w.e.f. 24-4-1989).

18. *Ins.* by U.P. Act 29 of 1974, S. 6.

19. *Subs.* by President's Act 4 of 1996, S. 3(a) (w.e.f. 11-7-1995).

20. *Omitted* by U.P. Act 19 of 1987.

21. *Ins.* by U.P. Act 18 of 1997, S. 3 (w.e.f. 16-8-1997).

22. *Subs.* by U.P. Act 11 of 1999, S. 2 (w.e.f. 8-1-1999).

23. *Subs.* by U.P. Act 12 of 1978, S. 3.

clause (a) shall hold office [\* \* \*]<sup>24</sup> until the appointment of officers or the constitution of the authorities in accordance with clause (c)<sup>25</sup>[or such other earlier date as may be specified by the State Government in this behalf] :

<sup>26</sup>[Provided that the State Government may, by notification extend the term of the members of such authorities for a period not exceeding one year.]

(c) the State Government shall take steps for the appointment of officers and constitution of authorities of such Universities in accordance with the provisions of this Act, so that the same may be completed before the expiry of the respective terms of the interim officers and members under clause (b).]

(2) With effect from such date as the State Government may, by notification in the Gazette, appoint in that behalf the institution known as Kashi Vidyapith at Varanasi shall be deemed to be a University established under the provisions of this Act <sup>27</sup>[which shall be called Mahatma Gandhi Kashi Vidyapith, Varanasi with effect from July 11, 1995].

(3) As from the date appointed under sub-section (2)—

- (i) the society known as the Kashi Vidyapith, Varanasi shall be dissolved, and all property moveable and immovable, and rights, powers and privileges of the society shall be transferred to and vest in the University and shall be applied to the objects and purposes for which the University is established ;
- (ii) all debts, liabilities and obligations of the said society shall be transferred to the University and shall thereafter be discharged and satisfied by it ;
- (iii) all references in any enactment to the said society shall be construed as reference to the University ;
- (iv) any will, deed or other document, whether made or executed before or after the commencement of this Act which contains any request, gift or trust in favour of the said society shall be construed as if the University was therein named instead of such society ;
- (v) subject to the provisions of this Act, every person employed immediately before the said date in the said society shall with effect from that date, become an employee of the University by the same tenure and upon the same conditions of service or conditions as similar thereto as changed circumstances may permit, as he would have held under the said society, if such notification had not been issued.

(4) The State Government may, by notification in the Gazette—

- (a) increase the area of a University ;
- (b) diminish the area of a University ; or

24. Deleted by U.P. Act 19 of 1987.

25. Sub. by U.P. Act 19 of 1987.

26. Ins. by U.P. Act 5 of 1977, S. 2.

27. Ins. by President's Act 4 of 1996, S. 3(b) (w.e.f. 11-7-1995).

(c) alter the name of a University :

Provided that no such notification shall be issued except with the previous approval by resolution, of both the Houses of the State Legislature.

(5) Any notification under this section may contain such provision for the amendment of the Schedule, and the Statutes, Ordinances and Regulations of the University or Universities affected by such notification as may be necessary to give effect to the provisions of the notification, and thereupon the Schedule and such Statutes, Ordinances and Regulations shall stand amended accordingly.

(6) Without prejudice to the generality of the provisions of sub-section (5), any notification under this section may provide for the following matters namely—

- (a) provisions in respect of representation of various interest or classes of persons in the authorities of the University or Universities affected by the said notification ;
- (b) provisions for exercise of option by registered graduates of any then existing University to continue to remain registered graduates of same University or to get registered with a newly-established University so, however, that no person shall be registered graduate of more than one University ;
- (c) such other supplement, incidental and consequential provisions as the State Government may deem necessary.

*Explanation.*—For the purposes of this section and Section 5 ‘Kashi Vidyapith’ means the institution known as Kashi Vidyapith at Varanasi established and administered by the Society known as Kashi Vidyapith registered under the Societies Registration Act, 1860 (21 of 1860), in respect of which the Nirikshak Sabha of the said Society has passed a resolution on 28th May, 1972 requesting the State Government to take over the entire moveable and immovable properties of the said institution and to convert it into a State University.

**5. Territorial exercise of powers.**—(1) Save as otherwise provided by or under this Act, the powers conferred on each University (other than the Sampurnanand Sanskrit Vishvavidyalaya and the Kashi Vidyapith) shall be exercisable in respect of the area for the time being specified against it in the Schedule.

(2) The Sampurnanand Sanskrit Vishvavidyalaya may affiliate institutions situated in any part of the territory of India and recognize teachers of, and admit to its examinations candidates from such territory or abroad :

Provided that the Vishvavidyalaya shall not—

- (a) affiliate an institution outside Uttar Pradesh ; or
- (b) recognize any teacher employed in an institution situated outside Uttar Pradesh and maintained by any Government ;

except upon the recommendation of the Government concerned.

(3) Nothing in this Act relating to affiliation or recognition of colleges shall apply to the Kashi Vidyapith ;

(4) Notwithstanding anything contained in sub-section (1), the powers conferred on the <sup>28</sup>[<sup>29</sup>[Chhatrapati] Shahu Ji Maharaj University, Kanpur] in respect of institution and research in the Ayurvedic and Unani systems of medicine and advancement and dissemination of knowledge thereof shall be exercisable throughout Uttar Pradesh.

<sup>30</sup>[(5) Notwithstanding anything contained in sub-section (1) the homoeopathic educational or instructional institutions throughout Uttar Pradesh may be affiliated to the <sup>31</sup>[Doctor Bhimrao Ambedkar University, Agra or [Chhatrapati]<sup>29</sup> Shahu Ji Maharaj University, Kanpur].]

<sup>32</sup>[(6) Notwithstanding anything contained in sub-section (1) or sub-section (1) of Section 37, the institutions established or proposed to be established for imparting education or instruction in Western Medical Science as defined in the Indian Medical Degrees Act, 1916, engineering technology or management anywhere in Uttar Pradesh may, subject to such directions as may be issued by the State Government in this behalf, be affiliated to any University.]

**6. University open to all classes and creed.**—The University shall be open to all persons irrespective of class or creed, but nothing in this section shall be deemed to require the University to admit to any course of study a larger number of students than may be determined by the Ordinances :

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for admission of students belonging to <sup>33</sup>[the Scheduled Castes, the Scheduled Tribes or Other Backward Classes of citizens].

**7. Powers and duties of the University.**—The University shall have the following powers and duties, namely—

- (1) to provide for instruction in such branches of learning as the University may think fit, and to make provision for research and for the advancement and dissemination of knowledge ;
- (2) to admit any college to the privileges of affiliation or recognition or to enlarge the privileges of any college already affiliated or recognised, as the case may be, or to withdraw or curtail any such privilege and to guide and control the work of affiliated and associated colleges ;
- (3) to institute degrees, diplomas and other academic distinctions ;
- (4) to hold examinations for, and to grant and confer degrees, diplomas and other academic distinctions to and on persons, who—
  - (a) have pursued a course of study in the University, a constituent college or an affiliated college, or associated college ; or

28. Subs. by President's Act 4 of 1996, S. 4(a) (w.e.f. 23-9-1995).

29. Subs. for "Shri" by U.P. Act 12 of 1997, S. 3.

30. Ins. by U.P. Act 14 of 1977, S. 9.

31. Subs. by President's Act 4 of 1996, S. 4(b) (w.e.f. 23-9-1995).

32. Ins. by President's Act 4 of 1996, S. 4(c) (w.e.f. 25-8-1995).

33. Subs. by U.P. Act 20 of 1994, S. 4 (w.e.f. 15-7-1994).

- (b) have carried on research in the University or in an institution recognised in that behalf by the University or independently, under conditions laid down in the Statutes and the Ordinances ; or
  - (c) have pursued a course of study by correspondence whether residing within the area of the University or not, and have been registered by the University, subject to such conditions as may be laid down in the Statutes and Ordinances as external candidates ; or
  - (d) are teachers or other employees in the University or in an Institute or in a constituent or affiliated or associated college or in any other educational institutions under conditions laid down in the Statutes and the Ordinances or are inspecting officers permanently employed in the Department of Education of the State Government, and have carried on private studies under conditions laid down in the Statutes and the Ordinances ; or
  - (e) are women residing within the area of the University and have carried on private studies under conditions laid down in the Statutes and Ordinances ; or
  - (f) are blind and are residing within the area of the University and have carried on private studies under conditions laid down in the Statutes and the Ordinances ;
- (5) to hold examinations for and to grant the degree of Bachelor of Arts or Commerce or Master of Arts or Commerce to persons residing within the area of the University who have carried on private studies under conditions laid down in the Statutes and the Ordinances ;
  - (6) to confer honorary degree or other academic distinction in the manner and under conditions laid down in the Statutes ;
  - (7) to grant such diplomas to, and to provide such lectures and instructions for persons, not being students of the University, as the University may determine ;
  - (8) to co-operate or collaborate with other Universities and authorities in such manner and for such purposes as the University may determine ;
  - (9) to institute teaching posts required by the University and to appoint persons to such posts ;
  - (10) to recognize teachers for giving instruction in halls ;
  - (11) to lay down the conditions of affiliation or recognition of colleges and to satisfy itself by periodical inspection and otherwise that those conditions are satisfied ;
  - (12) to institute and award scholarships, fellowships (including travelling fellowship), studentships and prizes in accordance with the Statutes and the Ordinances ;
  - (13) to institute and maintain halls and hostels and to recognize places of residence for students of the University, the Institutes or the constituent or associated colleges affiliated ; or
  - (14) to demand and receive such fees and other charges as may be fixed by the Ordinances ;

- (15) to supervise and control the residence and to regulate the discipline of students of the University, the Institute and the constituent or affiliated or associated colleges and to make arrangements for promoting their health ;
- (16) to create administrative, ministerial and other necessary posts and to make appointments thereto ; and
- (17) to do all such acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University.

<sup>34</sup>[7-A. **Additional powers and duties of certain University.**—Upon being authorised by the State Government by notification under the Uttar Pradesh Homoeopathic Medicine Act, 1951, <sup>35</sup>[Doctor Bhimrao Ambedkar University, Agra or [Chhatrapati]<sup>36</sup> Shahu Ji Maharaj University, Kanpur], as the case may be, shall—

- (a) hold examinations for and grant diplomas in Homoeopathy ;
- (b) take over the functions of holding of examinations for courses prescribed by the Board of Homoeopathic Medicine constituted under the said Act and granting diplomas and shall exercise and perform all the powers and functions of such Board under the said Act with respect to holding of such examinations and granting of diplomas.]

### CHAPTER III INSPECTION AND INQUIRY

**8. Visitation.**—(1) The State Government shall have the right to cause an inspection to be made by such person or persons as it may direct, of the University or any constituent college or any Institute maintained by the University, including its buildings, libraries, laboratories, workshops and equipment and also of the examinations, teaching and other work conducted or done by the University or such colleges or Institute or to cause an inquiry to be made in the like manner in respect of any matter connected with the administration and finances of the University or such college or such Institute.

(2) Where the State Government decides to cause an inspection or inquiry to be made under sub-section (1), it shall inform the University of the same through the Registrar, and any person nominated by the Executive Council may be present at such inspection or inquiry as representative of the University and he shall have the right to be heard as such :

Provided that no legal practitioner shall appear, plead or act on behalf of the University at such inspection or inquiry.

(3) The person or persons appointed to inspect or inquire under sub-section (1) shall have all the powers of a civil court, while trying a suit under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath and enforcing the attendance of witnesses and compelling production of documents and material

34. *Ins.* by U.P. Act 14 of 1977, S. 10.

35. *Subs.* by President's Act 4 of 1996, S. 5 (w.e.f. 23-9-1995).

36. *Subs.* for "Shri" by U.P. Act 12 of 1997, S. 3.

'(6) A meeting of the Executive Council shall be held at least once every two months' ;

(b) in Section 21, in sub-section (1), after the words 'subject to the provisions of this Act', the words 'and subject also to the control of the Chancellor' shall be deemed inserted ;

(c) in Section 24, in sub-section (2), the words 'and shall upon a requisition in writing signed by not less than one-fourth of the total membership of the Court' shall be deemed omitted.

(12) A fresh Executive Council shall be constituted in accordance with the provisions of Section 20 with effect from the expiration of the period of operation of an order under sub-section (8).

(13) Any Statute, Ordinance, Regulation or other rules made during the period of operation of an order under sub-section (8), in accordance with the provisions of this Act, as deemed modified by virtue of the provisions of sub-section (11) shall, notwithstanding the expiration of such period, continue in force until amended, repealed or rescinded in accordance with the provisions of this Act.

#### CHAPTER IV

#### OFFICERS OF THE UNIVERSITY

**9. Officers of the University.**—The following shall be the officers of the University—

- (a) the Chancellor ;
- (b) in the case of Sampurnanand Sanskrit Vishvavidyalaya only, the Pro-Chancellor ;
- (c) the Vice-Chancellor ;
- (d) in the case of Universities referred to in sub-section (1) of Section 14, the pro-Vice-Chancellor ;
- (e) the Finance officer ;
- (f) the Registrar ;
- <sup>38</sup>(ff) the Controller of Examinations, if any, appointed ;]
- (g) the Deans of the Faculties ;
- (h) the Dean of Students Welfare ;
- (i) such other officers as may be declared by the Statutes to be the officers of the University.

**10. The Chancellor.**—(1) The Governor shall be the Chancellor of the University. He shall, by virtue of his office, be the Head of the University and the President of the Court and shall, when present, preside at meeting of the Court and at any convocation of the University.

(2) Every proposal for the conferment of an honorary degree shall be subject to the confirmation of the Chancellor.

38. *Ins.* by U.P. Act 14 of 1995, S. 2 (w.e.f. 25-2-1995).

(3) It shall be the duty of the Vice-Chancellor to furnish such information or records relating to the administration of the affairs of the University as the Chancellor may call for.

(4) The Chancellor shall have such other powers as may be conferred on him by or under this Act or the Statutes.

**11. Pro-Chancellor.**—(1) Maharaja Vibhuti Narain Singh of Varanasi shall continue to be the Pro-Chancellor for life of the Sampurnanand Sanskrit Vishvavidyalaya.

(2) The Pro-Chancellor shall, in the absence of the Chancellor, preside at meetings of the Court and at any convocation of the Vishvavidyalaya.

(3) The Pro-Chancellor shall have such other powers as may be conferred upon him by or under this Act or the Statutes.

**12. The Vice-Chancellor.**—(1) The Vice-Chancellor shall be whole-time salaried officer of the University and shall be appointed by the Chancellor except as provided by sub-section (5) or sub-section (10) from amongst the persons whose names are submitted to him by the Committee constituted in accordance with the provisions of sub-section (2).

(2) The Committee referred to in sub-section (1) shall consist of the following members, namely—

- (a) one person (not being a person connected with the University, an Institute, a constituent college, an associated or affiliated college or a hall or hostel) to be elected by the Executive Council <sup>39</sup>[at least three months before the date on which a vacancy in the office of the Vice-Chancellor is due to occur by reason of expiry of his term];
- (b) one person who is or has been a Judge of the High Court of Judicature at Allahabad including the Chief Justice thereof nominated by the said Chief Justice; and
- (c) one person to be nominated by the Chancellor who shall also be the convenor of the Committee:

<sup>40</sup>[Provided that where the Executive Council fails to elect any person in accordance with clause (a), then the Chancellor shall nominate in addition to the person nominated by him under clause (c), one person in lieu of the representative of the Executive Council.]

(3) The Committee, shall, as far as may be, at least sixty days before the date on which a vacancy in the office of the Vice-Chancellor is due to occur by reason of expiry of term or resignation under sub-section (7), and also whenever so required and before such date as may be specified by the Chancellor; submit to the Chancellor the names of not less than three and not more than five persons suitable to hold the office of the Vice-Chancellor. The Committee shall, while submitting the names, also forward to the Chancellor a concise statement showing the academic

39. Ins. by U.P. Act 5 of 1977, S. 4.

40. Ins. by U.P. Act 5 of 1977, S. 4.

qualifications and other distinctions of each of the persons so recommended, but shall not indicate any order of preference.

(4) Where the Chancellor does not consider any one or more of persons recommended by the Committee to be suitable for appointment as Vice-Chancellor or if one or more of the persons recommended is or are not available for appointment and the choice of the Chancellor is restricted to less than three persons, he may require the Committee to submit a list of fresh names in accordance with sub-section (3).

(5) If the Committee in the case referred to in sub-section (3) or sub-section (4) fails or is unable to suggest any names within the time specified by the Chancellor,<sup>41</sup>[or if the Chancellor does not consider any one or more of the fresh names recommended by the Committee to be suitable for appointment as Vice-Chancellor] another Committee consisting of three persons of academic eminence shall be constituted by the Chancellor which shall submit the names in accordance with sub-section (3).

(6) No act or proceeding of the Committee shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members or by reason of some person having taken part in the proceedings who is subsequently found not to have been entitled to do so.

(7) The Vice-Chancellor shall hold office for a term of three years from the date on which he enters upon his office :

Provided that the Vice-Chancellor may by writing under his hand addressed to the Chancellor resign his office, and shall cease to hold his office on the acceptance by the Chancellor of such resignation.

(8) Subject to the provisions of this Act, the emoluments and other conditions of service of the Vice-Chancellor shall be such as may be determined by the State Government by general or special order in that behalf.

(9) The Vice-Chancellor shall not be entitled to the benefit of any pension, insurance or provident fund constituted under Section 33 :

<sup>42</sup>[Provided that when any teacher or other employee of any University or any affiliated or associated college is appointed as Vice-Chancellor, he shall be allowed to continue to contribute to the provident fund to which he is a subscriber and the contribution of the University shall be limited to what it had been contributing immediately before his appointment as Vice-Chancellor.]

(10) In any of the following circumstances (of the existence of which the Chancellor shall be the sole judge), the Chancellor may appoint any suitable person to the office of Vice-Chancellor for a term not exceeding six months as he may specify—

- (a) where a vacancy in the office of Vice-Chancellor occurs or is likely to occur by reason of leave or any other cause, not being resignation or expiry of term of which a report shall forthwith be made by the Registrar to the Chancellor ;

41. *Ins.* by U.P. Act 5 of 1977, S. 4 and shall be deemed always to have been inserted.

42. *Ins.* by U.P. Act 21 of 1975, S. 3 and shall be deemed always to have been inserted.

(b) where a vacancy in the office of Vice-Chancellor occurs and it cannot be conveniently and expeditiously filled in accordance with the provisions of sub-sections (1) to (5) ;

(c) any other emergency :

Provided that the Chancellor may, from time to time, extend the term of appointment of any person to the office of Vice-Chancellor under this sub-section, so however, that the total term of such appointment (including the term fixed in the original order) does not exceed one year.

(11) Until a Vice-Chancellor appointed under sub-section (1) or sub-section (5) or sub-section (10) assumes office, the Pro-Vice-Chancellor, if any, or where there is no Pro-Vice-Chancellor, the seniormost Professor of the University in the case of the University of Gorakhpur and any University mentioned in or specified under Section 38, or the seniormost Principal of an affiliated college in the case of any other University shall discharge the duties of the Vice-Chancellor as well.

<sup>43</sup>[(12) If in the opinion of the Chancellor, the Vice-Chancellor wilfully omits or refuses to carry out the provisions of this Act or abuses the powers vested in him, or if it otherwise appears to the Chancellor that the continuance of the Vice-Chancellor in office is detrimental to the interest of the University, the Chancellor may, after making such inquiry as he deems proper, by order, remove the Vice-Chancellor.

(13) During the pendency or in contemplation, of any inquiry referred to in sub-section (12) the Chancellor may order that till further orders—

(a) such Vice-Chancellor shall refrain from performing the functions of the office of Vice-Chancellor, but shall continue to get the emoluments to which he was otherwise entitled under sub-section (8);

(b) the functions of the office of the Vice-Chancellor shall be performed by the person specified in the order.]

**13. Powers and duties of the Vice-Chancellor.**—(1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall—

(a) exercise general supervision and control over the affairs of the University including the constituent colleges and the Institutes maintained by the University and its affiliated and associated colleges ;

(b) give effect to the decisions of the authorities of the University ;

(c) in the absence of the Chancellor, preside at meetings of the Court and at any convocation of the University ;

(d) be responsible for the maintenance of discipline in the University ;

<sup>44</sup>[(e) be responsible for holding and conducting the University examinations properly and at due times and for ensuring that the results of such examinations are published expeditiously and that the academic session of the University starts and ends on proper dates.]

(2) He shall be an *ex officio* member and Chairman of the Executive Council, Academic Council and the Finance Committee.

43. Ins. by U.P. Act 20 of 1994, S. 5 (w.e.f. 15-7-1994).

44. Ins. by U.P. Act 5 of 1977, S. 5.

(3) He shall have the right to speak in and otherwise to take part in the meeting of any other authority or body of the University but shall not by virtue of this sub-section be entitled to vote.

(4) It shall be the duty of the Vice-Chancellor to ensure the faithful observance of the provisions of this Act, the Statutes and the Ordinance and he shall, without prejudice to the powers of the Chancellor <sup>45</sup>[under Sections 10 and 68] possess all such powers as may be necessary in that behalf.

(5) The Vice-Chancellor shall have the power to convene or cause to be convened meetings of the Executive Council, the Court, the Academic Council and the Finance Committee :

Provided that he may delegate this power to any other officer of the University.

(6) Where any matter <sup>46</sup>[other than the appointment of teacher of the University] is of urgent nature requiring immediate action and the same could not be immediately dealt with by any officer or the authority or other body of the University empowered by or under this Act to deal with it, the Vice-Chancellor may take such action as he may deem fit and shall forthwith report the action taken by him to the Chancellor and also to the officer, authority, or other body who or which in the ordinary course would have dealt with the matter :

Provided that no such action shall be taken by the Vice-Chancellor without the previous approval of the Chancellor, if it would involve a deviation from the provisions of the Statutes or the Ordinances :

Provided further that if the officers, authority or other body is of opinion that such action ought not to have been taken, it may refer the matter to the Chancellor who may either confirm the action taken by the Vice-Chancellor or annul the same or modify it in such manner, as he thinks fit and thereupon, it shall cease to have effect or, as the case may be, take effect in the modified form, so however, that such annulment or modification shall be without prejudice to the validity of anything previously done by or under the order of the Vice-Chancellor :

Provided also that any person in the service of University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section, shall have the right to appeal against such action to the Executive Council within three months from the date on which decision on such action is communicated to him and thereupon, the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.

(7) Nothing in sub-section (6) shall be deemed to empower the Vice-Chancellor to incur any expenditure not duly authorised and provided for in the budget.

(8) Where the exercise of the power by the Vice-Chancellor under sub-section (6) involves the appointment of an officer [\* \* \*]<sup>47</sup>, such appointment shall terminate on appointment being made in the prescribed manner or on the expiration of a period of six months from the date of the order of the Vice-Chancellor, whichever is earlier.

45. Subs. by U.P. Act 29 of 1974, S. 7.

46. Ins. by U.P. Act 1 of 1992, S. 2 (w.e.f. 22-11-1991).

47. The words "or a teacher of the University" omitted by U.P. Act 1 of 1992, S. 2 (w.e.f. 22-11-1991).

(9) The Vice-Chancellor shall exercise such other powers as may be laid down by the Statutes and the Ordinances.

**Powers of Vice-Chancellor.**—The Vice-Chancellor cannot exercise the power of the State Government under Section 8(2) to suspend the management of an affiliated college under Section 13(6). *Committee of Management v. Vice-Chancellor of Meerut University*, 1987 All 374 (FB). Overruling *Committee of Management v. Vice-Chancellor, Meerut University*, AIR 1983 All 128.

The Vice-Chancellor has the power to appoint an Administrator under Section 13(1)(a) of the Act in exercise of his emergency powers. The question as to whether the power has been exercised validly by the Vice-Chancellor has to be considered on its own merits. *Digamber Jain High School Association v. Chancellor, Meerut University*, 1983 ALJ 1255; *Committee of Management v. Vice-Chancellor, Meerut University*, AIR 1983 All 128.

The power conferred by Section 13(1) and (6) can be exercised by the V.C. only in urgent cases needing immediate action. *Deep Kumar v. Allahabad University*, 1984 Lab IC 918 : 1984 UPLBEC 293; *Committee of Management v. Vice-Chancellor, Meerut University*, AIR 1983 128 (DB). The essence of sub-section (6) is the existence of urgency requiring immediate action where the action could not be dealt with by the authority concerned. *Anrit Chand v. University of Allahabad*, 1986 ALJ 1485. See also *Rahmatullah v. Chancellor of Bundelkhand University*, 1984 ALJ 1119.

Entrance test prescribed by resolution for admission to Degree Course quashed as no urgency shown. *Anrit Chand v. University of Allahabad*, 1986 ALJ 1485.

The transfer of a teacher from constituent college to another does not involve any change of employers or alteration in the terms and conditions of service of the teacher. *Hanuman Prasad v. Vice-Chancellor*, 1984 ALJ 637.

Acceptance of resignation by the Vice-Chancellor in anticipation of Executive Council's approval without 3 months' notice as provided under Rules is improper and without jurisdiction. *Rahmatullah v. Chancellor*, 1984 ALJ 1119.

**14. The Pro-Vice-Chancellor.**—(1) This section applies only to the Universities of Lucknow, Allahabad and Gorakhpur and to any other University specified in that behalf by the State Government by notification in the Gazette<sup>48</sup>.

(2) The Vice-Chancellor, if he considers necessary, may appoint a Pro-Vice-Chancellor from amongst the Professors of the University.

(3) The Pro-Vice-Chancellor appointed under sub-section (2) shall discharge his duties in addition to his duties as a Professor.

(4) The Pro-Vice-Chancellor shall hold office at the pleasure of the Vice-Chancellor.

(5) The Pro-Vice-Chancellor shall get an honorarium of rupees three hundred per month.

(6) The Pro-Vice-Chancellor shall assist the Vice-Chancellor in respect of such matters, as may be specified by the Vice-Chancellor in this behalf from time to time and shall preside over the meetings of the University in the absence of the Vice-Chancellor and shall exercise such powers and perform such duties as may be assigned or delegated to him by the Vice-Chancellor.

**15. The Finance Officer.**—(1) There shall be a Finance Officer for the University, who shall be appointed by the State Government by a notification published in the Official Gazette, and his remuneration and allowances shall be paid by the University.

48. See notification on p. 96, below

(2) The Finance Officer shall be responsible for presenting the budget (annual estimates) and the statement of accounts to the Executive Council and also for drawing and disbursing funds on behalf of the University.

(3) He shall have the right to speak in and otherwise to take part in the proceedings of the Executive Council but shall not be entitled to vote.

(4) The Finance Officer shall have the duty—

- (a) to ensure that no expenditure, not authorised in the budget, is incurred by the University (otherwise than by way of investment) ;
- (b) to disallow any proposed expenditure which may contravene the provisions of this Act or the terms of any Statutes or Ordinances ;
- (c) to ensure that no other financial irregularity is committed and to take steps to set right any irregularities pointed out during audit ;
- (d) to ensure that the property and investments of the University are duly preserved and managed.

(5) The Finance Officer shall have access to and may require the production of such records and documents of the University and the furnishing of such information pertaining to its affairs as in his opinion may be necessary for the discharge of his duties.

(6) All contracts shall be entered into and signed by the Finance Officer on behalf of the University.

(7) Other powers and functions of the Finance Officer shall be such as may be prescribed.

**16. The Registrar.**—(1) The Registrar shall be a wholetime Officer of the University.

(2) The Registrar shall be appointed in accordance with, and his conditions of service shall be governed by, rules made under Section 17.

(3) The Registrar shall have the power to authenticate records on behalf of the University.

(4) The Registrar shall be responsible for the due custody of the records and the common seal of the University. He shall be *ex officio* Secretary of the Executive Council, the Court, [the Academic Council and the Admissions Committee]<sup>49</sup> and of every Selection Committee for appointment of teachers of the University, and shall be bound to place before these authorities all such information as may be necessary for transaction of their business. He shall also perform such other duties as may be prescribed by the Statutes and Ordinances or required, from time to time, by the Executive Council or the Vice-Chancellor but he shall not, by virtue of this sub-section be entitled to vote.

[\* \* \*]<sup>50</sup>

49. Subs. by U.P. Act 14 of 1995, S. 3 (w.e.f. 25-2-1995).

50. Omitted by U.P. Act 14 of 1995, S. 3 (w.e.f. 25-2-1995).

(6) The Registrar shall not be offered nor shall he accept any remuneration for any work in the University save such as may be provided for by rules made under Section 17.

<sup>51</sup>[16-A. **The Controller of Examination.**—(1) This section applies only to the Universities of Lucknow, Allahabad, Gorakhpur and Kanpur and to any other University specified in that behalf by the State Government by notification in the Official Gazette.

(2) The Controller of Examinations shall be a whole time officer of the University.

(3) The Controller of Examinations shall be appointed by the State Government by a notification published in the Official Gazette and his remuneration and allowances shall be paid by the University.

(4) The Controller of Examinations shall be responsible for the due custody of the records pertaining to his work. He shall be *ex officio* Secretary of the Examinations Committee of the University and shall be bound to place before such Committee all such information as may be necessary for transaction of its business. He shall also perform such other duties as may be prescribed by the Statutes and Ordinances as required, from time to time, by the Executive Council or the Vice-Chancellor but he shall not, by virtue of this sub-section, be entitled to vote. He may require, from any office or institute of the University, the production of such return or the furnishing of such information as may be necessary for the discharge of his duties.

(5) The Controller of Examinations shall have administrative control over the employees working under him and have, in this regard all the powers of the Registrar.

(6) Subject to the Superintendence of the Examinations Committee the Controller of Examinations shall conduct the Examinations and make all other arrangements therefor and be responsible for the due execution of all processes connected therewith.

(7) The Controller of Examinations shall not be offered nor shall he accept any remuneration for any work in the University, except in accordance with the order of the State Government.

(8) While the Controller of Examinations is for any reason is unable to act or the office of Controller of Examinations is vacant, all the duties of the office shall be performed by such person as may be appointed by the Vice-Chancellor, until the Controller of Examinations resumes his duties or, as the case may be, the vacancy is filled.]

<sup>52</sup>[16-B. **Duties of Registrar with respect to examinations in certain Universities.**—In the Universities to which the provisions of Section 16-A do not apply, the duties of the Controller of Examinations shall be discharged by the Registrar and with respect to such Universities the Registrar shall be deemed to be the Controller of Examinations for the purposes of this Act.]

51. *Ins.* by U.P. Act 14 of 1995, S. 4 (w.e.f. 25-2-1995).

52. *Ins.* by U.P. Act 14 of 1995, S. 4 (w.e.f. 25-2-1995).

**17. Centralisation of services of Registrars, Deputy Registrars and Assistant Registrars.**—(1) The State Government shall by rules made by notification in the Official Gazette, provide for the creation of a separate service of Registrars, Deputy Registrars and Assistant Registrars, common to all the Universities and regulate the recruitment to and conditions of service of persons appointed to any such service :

<sup>53</sup>[Provided that any rules made under this sub-section may be made retrospectively to a date not earlier than October 31, 1975.]

(2) When any such service is created, the persons then serving on <sup>54</sup>[the administrative posts of Registrars, Deputy Registrars, and Assistant Registrars] if confirmed before May 14, 1973 shall be absorbed in the service finally, and other persons serving on the said posts may, if found suitable, be absorbed in such service either provisionally or finally, and if, in the latter case, any person is not absorbed finally, then his services shall be deemed to have been terminated on payment of one month's salary as compensation.

(3) Where any person referred in sub-section (2) is absorbed in the service, the conditions of service applicable to him shall not be less advantageous than those applicable to him before his absorption, except that he shall be liable to transfer from one University to another :

<sup>55</sup>[Provided that such absorption in the service shall not operate as a bar against holding or continuing to hold any disciplinary proceeding against a member of the service in respect of any act committed before the date of such absorption.]

(4) All rules made under this section shall, as soon as may be after they are made, be laid before each House of the State Legislature, while it is in session for a total period of not less than thirty days extending in its one session or more than one successive sessions and shall unless some later date is appointed, take effect from the date of their publication in the Gazette subject to such modifications or annulments as the two Houses of the Legislature may during the said period agree to make, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

**18. Other Officers.**—The powers of officers of the University other than the Chancellor, the Pro-Chancellor, the Vice-Chancellor, the Pro-Vice-Chancellor, the [Finance Officer, the Registrar and the Controller of Examinations, if any appointed,]<sup>56</sup> shall be such as may be laid down by the Statutes and the Ordinances.

#### <sup>57</sup>[CHAPTER IV-A

#### CO-ORDINATION COUNCIL AND CENTRAL BOARD OF STUDIES

**18-A. Co-ordination Council.**—(1) There shall be a Co-ordination Council which shall consist of the Chancellor as its Chairman, and the following other members, namely :—

53. *Ins.* by U.P. Act 5 of 1977, S. 6.

54. *Subs.* by U.P. Act 29 of 1974, S. 8.

55. *Ins.* by U.P. Act 5 of 1977, S. 6 and to be deemed to have always been inserted.

56. *Subs.* by U.P. Act 14 of 1995, S. 5 (w.e.f. 25-2-1995).

57. Chapter IV-A *ins.* by President's Act 4 of 1996, S. 6 (w.e.f. 11-7-1995).

- (i) the Vice-Chancellors of the Universities;
- (ii) the Chairman of the Uttar Pradesh State Council of Higher Education;
- (iii) the Secretary to the State Government in the Judicial Department;
- (iv) the Secretary to the State Government in the Finance Department;
- (v) the Secretary to the Governor;
- (vi) the Secretary to the State Government in the Higher Education Department who shall be *ex officio* of the Co-ordination Council.

(2) Subject to the recommendations of, or guidelines issued by, the University Grants Commission, the powers and functions of the Co-ordination Council shall be as follows, namely :—

- (a) to recommend common courses of study for a Bachelor's Degree;
- (b) to recommend in respect of the constitution of a Central Board of Studies for the foundation course or for each subject or group of subjects;
- (c) to recommend ways and means of cooperation in academic programmes amongst the Universities;
- (d) to consider and recommend matters of common interest to the Universities.

(3) The Co-ordination Council shall meet at Lucknow or at such other place and at such intervals as the Chancellor may determine.

**18-B. Central Board of Studies.**—(1) There shall be Central Board of Studies for the foundation course or such other subjects or group of subjects as the Chancellor may, on the recommendation of the Co-ordination Council, by order, direct.

(2) The Central Board of Studies for the foundation course shall consist of—

- (i) one teacher from each University not below the rank of a Reader or a Principal of an affiliated or associated college, nominated by the Vice-Chancellor; and
- (ii) five educationists who are on the Eminent Professors' lists of the University Grants Commission nominated by the Chancellor on the recommendation of the Co-ordination Council.

(3) The Central Board of Studies for other subjects or group of subjects shall consist of—

- (i) the Convenor, Board of Studies of each University in respect of the subject or group of subjects for which the Central Board of Studies is to be constituted:

Provided that if a University does not have a Board of Studies in the subject or group of subjects, the Vice-Chancellor may nominate any teacher not below the rank of a Reader in the University or a Principal of an affiliated or associated college;

- (ii) one Head of the Department in an affiliated or associated college nominated by the Chancellor, teaching the subject up to the postgraduate level;

- (iii) one Head of Department in an affiliated or associated college nominated by the Chancellor, teaching the subject up to the degree level;
- (iv) three experts on the subject who are on the Eminent Professors' list of the University Grants Commission, nominated by the Chancellor on the recommendation of the Co-ordination Council; and
- (v) two other experts on the subject from outside the State nominated by the Chancellor.

(4) The Chancellor shall nominate the Chairman of the Central Board of Studies,—

- (i) for foundation course from amongst the members referred to in clause (i) of sub-section (2); and
- (ii) for other subject or group of subjects, from amongst the members referred to in clauses (i) and (ii) of sub-section (3).

(5) The constitution of the Central Board of Studies and the nomination of the Chairman and the members thereon, other than ex officio members, shall be notified by the State Government.

(6) The term of the Central Board of Studies shall be three years from the date of notification referred to in sub-section (5) and the term of the Chairman and the members shall be coterminous with it :

Provided that the term of office of a member nominated to fill a casual vacancy shall be for the remainder of his predecessor's term.

(7) Subject to the recommendations of, or guidelines issued by, the University Grants Commission, the functions of the Central Board of Studies shall be as follows, namely :—

- (a) subject to the recommendations of the Co-ordination Council and the approval of the Chancellor, to prescribe the courses of study and examinations, and the academic calendar, and to recommend text-books and other books for under-graduate level;
- (b) to consider and report on any matter referred it by the Co-ordination Council, or the Chancellor; and
- (c) to perform such other functions consistent with this Act within such time as the Chancellor may, by an order in writing, require it to perform.

(8) In carrying out its functions, the Central Board of Studies may consult such experts also who are not its members.

(9) The recommendations of the Central Board of Studies approved by the Chancellor shall come into force in respect of all Universities in the State with effect from the date as may be specified by the Chancellor.

(10) The Chancellor may at any time suspend, modify or amend any decision of the Central Board of Studies on the ground that it does not fulfil the objectives set out in this section and may direct such Board to consider the matter afresh.

**18-C. Secretarial assistance.**—The Uttar Pradesh State Council of Higher Education constituted under the Uttar Pradesh State Council of Higher Education

Act, 1995, shall provide secretarial assistance to the Co-ordination Council and the Central Boards of Studies.]

CHAPTER V  
AUTHORITIES OF THE UNIVERSITY

**19. Authorities of the University.**—The following shall be the authorities of the University—

- (a) the Executive Council ;
- (b) the Court ;
- (c) the Academic Council ;
- (d) the Finance Committee ;
- (e) the Boards of Faculties ;
- (f) the Selection Committees for appointment of teachers of the University ;
- (g) the Admissions Committee ;
- (h) the Examinations Committee ; and
- (i) such other authorities as may be declared by the Statutes to be authorities of the University.

**20. Constitution of the Executive Council.**—(1) The Executive Council shall consist of—

- (a) the Vice-Chancellor, who shall be the Chairman thereof ;
- (b) the Pro-Vice-Chancellor, if any ;
- (c) the Deans of two Faculties, by rotation in the manner prescribed ;
- <sup>57a</sup>[(cc) two members from amongst the Professors or Readers belonging to the Scheduled Castes or Scheduled Tribes and two members from amongst the Professors or Readers belonging to other backward classes of citizen;]
- <sup>58</sup>[(d) in the case of Universities of Kumaun and Bundelkhand and the Doctor Bhimrao Ambedkar University, Agra, the Chhatrapati Shahu Ji Maharaj University, Kanpur, the Hemvati Nandan Bahuguna Garhwal University, the Chaudhary Charan Singh University, Meerut, the Doctor Ram Manohar Lohia Avadh University, Faizabad and the Mahatma Jyotiba Phule Rohilkhand University, Bareilly,—

  - (i) one Professor other than the Pro-Vice-Chancellor or a Dean referred to in clause (c) above, one Reader and one Lecturer of the University to be selected in the manner prescribed;
  - (ii) three Principals and two other teachers of affiliated colleges, to be selected in the manner prescribed ;

- and in the case of any other University notified under sub-section (1) of Section 37, four Principals and four other teachers of affiliated colleges to be selected in the manner prescribed ;

<sup>57a</sup> Ins. by U.P. Act 1 of 2004, S. 3 (w.e.f. 11-7-2003).

<sup>58</sup> Subs. for cl. (d) by U.P. Act 20 of 1999, S. 2.

(dd) in the case of the Deen Dayal Upadhaya Gorakhpur University, Gorakhpur,—

- (i) one Professor other than the Pro-Vice-Chancellor or a Dean referred to in clause (c) above, one Reader and one Lecturer of the University to be selected in the manner prescribed ;
  - (ii) one representative of Maharana Pratap Shiksha Parishad, Gorakhpur to be elected by the said parishad from amongst its members ;
  - (iii) three Principals and two other teachers of affiliated colleges, to be selected in the manner prescribed ;]
- (e) in the case of University mentioned in or notified under sub-section (1) Section 38—
- (i) two Professors [other than the Pro-Vice-Chancellor or a Dean referred to in clause (c) above], two Readers and two Lecturers of the University, to be selected in the manner prescribed ;
  - (ii) one Principal of an associated college to be selected in the manner prescribed ;
- (f) four persons to be elected by members of the Court from among such of them as are not enrolled as students of or in the service of the University or an Institute or of a constituent college or an affiliated or associated college or hall or hostel ;
- (g) four persons of academic eminence to be nominated by the Chancellor ;
- <sup>59</sup>[(h) one person, from amongst the reputed industrialists who have made valuable contribution in the field of higher education to be nominated by the State Government:]

<sup>60</sup>[Provided that one of the persons so nominated shall be a person who is or has been a Judge of the Supreme Court or High Court.]

<sup>61</sup>[(2) The term of office of members mentioned in—

- (i) clauses (c), <sup>61a</sup>[(cc),] (d) and (e) of sub-section (1) shall be one year ;
- (ii) clause (f) of sub-section (1) shall be three years ; and
- (iii) [clause (g) or clause (h)]<sup>62</sup> of sub-section (1) shall be two years.]

(3) No person shall be a member of the Executive Council under clause (f) or clause (g) [or clause (h)]<sup>63</sup> of sub-section (1) for more than two consecutive terms.

(4) Notwithstanding anything in sub-section (1), no person shall be elected or nominated as a member of the Executive Council unless he is a graduate.

59. *Ins.* by U.P. Act 14 of 1995, S. 6 (w.e.f. 25-2-1995).

60. *Ins.* by U.P. Act 9 of 1988, S. 2 (w.e.f. 15-1-1988). In this regard S. 4 of U.P. Act 9 of 1988 (w.e.f. 15-1-1988) provides :

“4. *Certain existing members of the Executive Council to cease.*—With effect from the commencement of this section a person nominated as a member of the Executive Council under clause (g) of sub-section (1) of Section 20 of the principal Act before such commencement shall cease to be a member of such Executive Council.”.

61. *Subs.* by U.P. Act 10 of 1982 (w.e.f. 8-7-1981).

61a. *Ins.* by U.P. Act 1 of 2004, S. 3 (w.e.f. 11-7-2003).

62. *Subs.* by U.P. Act 14 of 1995, S. 6 (w.e.f. 25-2-1995).

63. *Ins.* by U.P. Act 14 of 1995, S. 6 (w.e.f. 25-2-1995).

(5) A person shall be disqualified for being chosen as, and for being, a member of the Executive Council if he or his relative accepts any remuneration for any work in or for the University or any contract for the supply of goods to or for the execution of any work for the University :

Provided that nothing in this sub-section shall apply to the acceptance of any remuneration by a teacher as such or for any duties performed in connection with an examination conducted by the University or for any duties as Superintendent or Warden of a training unit or any hall or hostel or proctor or tutor for any duties of a similar nature in relation to the University.

*Explanation.*—In this section 'relative' means the relations defined in Section 6 of the Companies Act, 1956 and includes the wife's (or husband's) brother, wife's (or husband's) father, wife's (or husband's) sister, brother's son and brother's daughter.

**21. Powers and duties of Executive Council.**—(1) The Executive Council shall be the principal executive body of the University and subject to the provisions of this Act, have the following powers, namely—

- (i) to hold and control the property and funds of the University ;
- (ii) to acquire or transfer any movable or immovable property on behalf of the University ;
- (iii) to make, amend or repeal Statutes and Ordinances ;
- (iv) to administer any funds placed at the disposal of the University for specific purposes ;
- (v) to prepare the budget of the University ;
- (vi) to award scholarship, fellowships, bursaries, medals and other rewards in accordance with the Statutes and Ordinances ;
- (vii) to appoint officers, teachers and other employees of the University and to define their duties and the conditions of their service, and to provide for the filling of temporary casual vacancies in their posts ;
- (viii) <sup>64</sup>[\* \* \*] to fix the fees, emoluments and travelling and other allowances of the examiners ;
- (ix) <sup>65</sup>[Subject to the provisions of Section 37] to admit any college to the privileges of affiliation or recognition or enlarge the privileges of any college already affiliated, recognised or withdraw or curtail any such privilege ;
- (x) to arrange for and direct the inspection of Institutes, affiliated, associated or constituent colleges, halls, hostels and other places of residence of students ;
- (xi) to direct the form and use of the common seal of the University ;
- (xii) to regulate and enforce discipline among members of the teaching, administrative and other staff of the University in accordance with the

64. Omitted by U.P. Act 5 of 1977, S. 8.

65. Ins. by U.P. Act 5 of 1977, S. 8.

Statutes and the Ordinances ;

- (xiii) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University, and for that purpose, to appoint such agents as it may think fit ;
- (xiv) to invest any money belonging to the University (including any income from trust and endowed property) in such stocks, funds, shares or securities as it shall from time to time think fit or in the purchase of immovable property in India, with the like power of varying such investment from time to time ;
- (xv) to provide the buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University ;
- (xvi) to enter into, vary, carry out, and cancel contracts on behalf of the University ;
- (xvii) to regulate and determine all other matters concerning the University as well as Institutes, constituent, affiliated and associated colleges in accordance with this Act, the Statutes and the Ordinances.

(2) No immovable property of the University shall, except with the prior sanction of the State Government, be transferred (except by way of letting from month to month in the ordinary course of management) by the Executive Council by way of mortgage, sale, exchange, gift or otherwise nor shall any money be borrowed, or advance taken on the security thereof except as a condition of receipt of any grant-in-aid of the University from the State Government, or, with the previous sanction of the State Government, from any other person.

(3) No expenditure in respect of which approval of the State Government is required by this Act or the Statutes or Ordinances shall be incurred except with such approval previously obtained, and no post shall be created either in the University or in any Institute or constituent college maintained by the University except with the prior approval of the State Government <sup>66</sup>[or except in accordance with any general or special order of the State Government].

<sup>67</sup>[(3-A) The Executive Council may, with the prior approval of the University Grants Commission and the State Government create supernumerary post of teacher of the University with a view to enabling a teacher who is for the time being holding a responsible position of national importance in India or abroad in educational administration or other similar assignments, to retain his lien and seniority as such teacher and also to continue to earn increments in his pay scale during the period of his assignment and to contribute towards provident fund and earn retirement benefits, if any, in accordance with the Statutes :

Provided that no salary shall be payable to such teacher by the University for the period of such assignment.]

(4) The pay and other allowances to various categories of the employees of the University or of any Institute or constituent college or affiliated or associated college shall be such as may be approved by the State Government.

66. Ins. by U.P. Act 21 of 1975, S. 4.

67. Ins. by U.P. Act 5 of 1977, S. 8.

(5) The Executive Council shall not exceed the limits of recurring and non-recurring expenditure to be incurred in each financial year fixed by the Finance Committee.

(6) The Executive Council shall not take any action in regard to the number, qualifications and emoluments of teachers, and the fees payable to examiners, except after considering the advice of the Academic Council and the Boards of Faculties concerned.

(7) The Executive Council shall give due consideration to every resolution of the Court, and take such action thereon as it shall deem fit and report to the Court, the action taken or, as the case may be, the reasons for non-acceptance of the resolution.

(8) The Executive Council may, subject to any conditions laid down in the Statutes, delegate such of its powers as it deems fit to an officer or any other authority of the University, or to a Committee appointed by it.

**22. The Court.**—(1) The Court shall consist of the following members, namely—

*Class I—Ex officio Members*

- (i) the Chancellor ;
- (ii) the members of the Executive Council ;
- (iii) the Finance Officer ;

*Class II—Life Members*

- (iv) in the case of an existing University, every person who was a life member of the Court or Senate immediately before the commencement of this Act;

*Class III—Representatives of teachers, etc.*

- (v) all heads of departments of the University and of constituent colleges maintained by it ;
- (vi) the Deans of Faculties of Medicine and Engineering, if they are not members of the Executive Council ;
- (vii) two representatives of provosts and wardens of hostels and halls of the University and of its constituent colleges and Institutes to be selected by rotation in the manner prescribed ;
- (viii) all Principals of constituent colleges maintained by the State Government;
- (ix) fifteen teachers to be selected in the manner prescribed ;
- (x) two representatives of the managements of the affiliated or associated colleges to be selected by rotation in the manner prescribed ;

*Class IV—Registered Graduates*

- (xi) fifteen representatives of registered graduates to be elected, by registered graduates of such standing as may be prescribed from amongst such of them as are not in the service of the University or of an Institute or of a constituent college or in the service or connected with the management of affiliated college, associated college, hall or hostel ;

*Class V—Representation of Students*

- (xii) one student from each of the Faculties, who having secured the highest marks in that Faculty at the preceding degree examination of any University is pursuing a course of study for a postgraduate degree or a law or a medical or engineering degree in the University (including an affiliated or associated college);

*Class VI—Nominees of Chancellor*

- (xiii) <sup>68</sup>[\* \* \*]

*Class VII—Representatives of the State Legislature*

- (xiv) two members of the Legislative Council to be elected by it ;  
 (xv) five members of the Legislative Assembly to be elected by it.

(2) The term of office of members of each class, except Classes I, II and V, mentioned in sub-section (1) shall be three years and the term of the members of the said class V shall be one year.

**23. Powers and duties of the Court.**—The Court shall be an advisory body subject to the provisions of this Act, it shall have the following powers and functions, namely—

- (a) to review, from time to time, the broad policies and programmes of the University and to suggest measures for the improvement and development of the University ;  
 (b) to consider and pass resolutions on the annual report and the annual accounts of the University and the audit report thereon ;  
 (c) to advise the Chancellor in respect of any matter which may be referred to it for advice ; and  
 (d) to perform such other duties and exercise such other functions as may be assigned to it by this Act or the Statutes or by the Chancellor.

**24. Meeting of the Court.**—(1) The Court shall meet once a year on a date to be fixed by the Vice-Chancellor and such meeting shall be called the annual meeting of the Court.

(2) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than one-fourth of the total membership of the Court, convene a special meeting of the Court.

**25. Academic Council.**—(1) The Academic Council shall be the principal academic body of the University and subject to the provisions of this Act, the Statutes and the Ordinances—

- (a) shall have the control and general regulation of, and be responsible for the maintenance of standard of instruction, education and research carried on or imparted in the University ;  
 (b) may advise the Executive Council on all academic matters including matters relating to examinations conducted by the University ; and

68. Omitted by U.P. Act 29 of 1974, S. 10.

(c) shall have such powers and duties as may be conferred or imposed upon it by the Statutes.

(2) The Academic Council shall consist of the following members, namely—

- (i) the Vice-Chancellor ;
- (ii) the Deans of all Faculties, if any ;
- (iii) all Heads of Departments of the University and where there is no department in a subject in the University, the seniormost teacher from affiliated colleges representing that subject on the Faculty concerned ;
- (iv) all Professors of the University who are not Heads of Departments ;
- (v) the Principals of constituent colleges and the Directors of Institutes, if any ;
- (vi) two Professors, from each constituent college, if any, by rotation in order of seniority to be determined in the manner prescribed ;
- (vii) three Principals of affiliated or associated colleges to be selected by rotation in the manner prescribed ;
- (viii) fifteen teachers to be selected in the manner prescribed ;
- (ix) the Dean of Students Welfare ;
- (x) the Librarian of the University ; and
- (xi) five persons of academic eminence to be co-opted in the manner prescribed:

<sup>68a</sup>[Provided that if there is no member belonging to the Scheduled Castes or Scheduled Tribes or the other backward classes of citizen in the Academic Council constituted under this sub-section, the Vice-Chancellor may nominate two members belonging to the Scheduled Castes or Scheduled Tribes and two members belonging to other backward classes or citizen from amongst the teachers of the University by rotation in the manner prescribed.]

(3) Subject to the provisions of Section [65]<sup>69</sup> the term of office of members other than *ex officio* members shall be such as may be prescribed.

**26. The Finance Committee.**—(1) The Finance Committee shall consist of—

- (a) the Vice-Chancellor ;
- <sup>70</sup>[(aa) the Secretary to the State Government in the Higher Education Department;
- (aaa) the Secretary to the State Government in the Finance Department;]
- (b) the Pro-Vice-Chancellor, if any ;
- (c) the Registrar ;
- [(cc) the Controller of Examinations;]<sup>71</sup>
- (d) one person, not being a member of the Executive Council or the Academic Council or a person in the service of the University or an Institute or of a constituent college, or a member of the Managing Committee of any affiliated or associated college, or a person in the service of such college, to be elected by the Executive Council ; and
- (e) the Finance Officer who shall also be the Secretary of the Committee.

68a. *Ins.* by U.P. Act I of 2004, S. 4 (w.e.f. 11-7-2003).

69. *Subs.* for '60' by U.P. Act No. 5 of 1977, S. 9.

70. *Ins.* by President's Act 4 of 1996, S. 8(a) (w.e.f. 11-7-1995).

71. *Ins.* by U.P. Act 14 of 1995, S. 7 (w.e.f. 25-2-1995).

<sup>72</sup>[(1-A) A member referred to in clause (aa) or clause (aaa) of sub-section (1) may, instead of attending any meeting of the Finance Committee himself, depute an officer not below the rank of a Joint Secretary to the State Government and an officer so deputed shall also have the right to vote.]

(2) The Finance Committee shall advise the Executive Council on matters relating to the administration of property and funds of the University. It shall, having regard to the income and resources of the University, fix limits for the total recurring and non-recurring expenditure for the ensuing financial year and may, for any special reasons, revise during the financial year the limits of expenditure so fixed and the limits so fixed shall be binding on the Executive Council.

(3) The Finance Committee shall have such other powers and duties as may be conferred or imposed on it by this Act or the Statutes.

<sup>73</sup>[(4) Unless a proposal having financial implication has been recommended by the Finance Committee, the Executive Council shall not take a decision thereon, and if the Executive Council disagrees with the recommendations of the Finance Committee, it shall refer the proposal back to the Finance Committee with reasons for the disagreement and if the Executive Council again disagrees with the recommendation of the Finance Committee the matter shall be referred to the Chancellor whose decision thereon shall be final.]

**27. The Faculties.**—(1) The University shall have such Faculties as may be prescribed.

(2) Each Faculty shall comprise such departments of teaching as may be prescribed and each department shall have such subjects of study as may be assigned to it by the Ordinance.

(3) There shall be a Board of each Faculty, the constitution (including the term of office of its members) and powers and duties of which shall be such as may be prescribed.

(4) There shall be a Dean of each Faculty who shall be chosen from amongst the Professors by rotation in order of seniority and shall hold office for three years :

<sup>74</sup>[Provided that in the case of a Medical, Engineering, Ayurvedic or Fine Arts College, the Principal of such college shall be the *ex officio* Dean of Medical, Engineering, Ayurvedic or Fine Arts Faculty, as the case may be:]

Provided further that where there is more than one such college, the Deanship of each such Faculty shall rotate amongst the Principals of such colleges :

<sup>75</sup>[Provided also that if there is no Professor in the Faculty, the office of Dean shall be held by Readers, and if there are no Readers, then by other teachers in that Faculty, by rotation in order of seniority.]

(5) The Dean shall be the Chairman of the Board of Faculty and be responsible for—

(a) the organization and conduct of the teaching and research work of departments comprised in the Faculty ; and

72. Ins. by President's Act 4 of 1996, S. 8(b) (w.e.f. 11-7-1995).

73. Ins. by President's Act 4 of 1996, S. 8(c) (w.e.f. 11-7-1995).

74. Subs. by U.P. Act 29 of 1974, S. 11.

75. Subs. by U.P. Act 5 of 1977, S. 10.

(b) the due observance of the Statutes, Ordinances and Regulations relating to the Faculty.

<sup>76</sup>(6) In each Department of teaching in the University, there shall be a Head of the Department whose appointment shall be regulated by Statutes :

Provided that every person holding the office of Head of Department immediately before the date of commencement of this sub-section shall, subject to the provisions of this Act and the Statutes, continue to hold office on the same terms and conditions as he held immediately before the said date.]

(7) The Head of Department shall be responsible to the Dean for the organisation of teaching in the department and have such other powers and duties as may be provided in the Ordinances.

(8) There shall be constituted in accordance with the provisions of the Ordinances, Boards of Studies in respect of different subjects of study and more than one subject may be assigned to one Board of Studies.

**28. Admissions Committee.**—(1) There shall be an Admissions Committee of the University, the constitution of which shall be such as may be provided for in the Ordinances.

(2) The Admissions Committee shall have the power to appoint such number of sub-committees as it thinks fit.

(3) Subject to the superintendence of the Academic Council and to the provisions of sub-section (5), the Admissions Committee shall lay down the principles or norms governing the policy of admission not various courses of studies in the University and may also nominate a person or a sub-committee as the admitting authority in respect of any course of study in an Institute or a constituent college maintained by the University.

(4) Subject to the provisions of sub-section (5) the Committee may issue any direction as respects criteria or methods of admissions <sup>77</sup>[(including the number of students to be admitted)] to constituent colleges maintained by the State Government and affiliated or associated colleges, and such directions shall be binding on such colleges.

<sup>78</sup>(5) Notwithstanding anything contained in any other provision of this Act,—

(a) reservation of seats for admission in any course of study in University, Institute, constituent college, affiliated college or associated college for the students belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes of citizens may be made and regulated by such orders as the State Government may, by notification, make in that behalf :

Provided that reservation under this clause shall not exceed fifty per cent of the total number of seats in any course of study :

76. Subs. by U.P. Act 29 of 1974, S. 11.

77. Ins. by U.P. Act 21 of 1975, S. 5.

78. Subs. by U.P. Act 20 of 1994, S. 6 (w.e.f. 15-7-1994).

Provided further that reservation under this clause shall not apply in the case of an institution established and administered by minorities referred to in clause (1) of Article 30 of the Constitution :

Provided also that the reservation under this clause shall not apply to the category of Other Backward Classes of citizens specified in Schedule II to the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994,—

- (b) admission to medical and engineering colleges and to courses of instruction for degrees in education and Ayurvedic or Unani systems of medicine (including the number of students to be admitted), shall subject to clause (a), be regulated by such orders (which if necessary may be with retrospective effect, but not effective prior to January 1, 1979) as the State Government may by notification, make in that behalf :

Provided that no order regulating admission under this clause shall be inconsistent with the rights of minorities in the matter of establishing and administering educational institutions of their choice;

- (c) in making an order under clause (a), the State Government may direct that any person who wilfully acts in a manner intended to contravene, or defeat the purposes of the order shall be punishable with imprisonment for a term not exceeding three months or with fine not exceeding one thousand rupees, or with both, as may be specified in the order.

(5-A) Every order made under clause (a) of sub-section (5) shall be laid, as soon as may be, before both Houses of the State Legislature and the provisions of sub-section (1) of Section 23-A of the Uttar Pradesh General Clauses Act, 1904 shall apply as they apply in respect of rules made by the State Government under any Uttar Pradesh Act.]

(6) No student admitted to any college in contravention of the provisions of this section shall be permitted to take up any examination conducted by the University, and the Vice-Chancellor shall have the power to cancel any admission made in such contravention.

**Sub-section (3).**—Clause 1 of the Ordinances authorising Head of the Departments to make admission to M.B.A. Class is not inconsistent with Section 28(3) of the Act. *Pradip Tripathi v. University of Allahabad*, 1981 ALJ 355.

**Sub-section (5) mandatory.**—Sub-section (5) is mandatory. *Sukhpal Singh Sharma v. Vice-Chancellor, Gorakhpur University*, 1982 ALJ 1021.

**Postgraduate Course in Medical Colleges.**—Government order dated 3-12-1980 laying down policy and procedure to be followed in admission in postgraduate course in medical colleges is consistent with tenor and spirit of Rules framed by the Medical Council of India under Section 33 of Medical Council Act, 1956 and is binding. *Krishna Priya Ganguly v. University of Lucknow*, (1984) 1 SCC 307.

In view of Government Order dated 27-12-1977 regularising admissions to postgraduate degree course of medical college, the appointment as House Officer, Resident, Demonstrator, Register, etc., has to be made from amongst those who have been admitted to the postgraduate degree courses of medical college purely on the basis of merit. Thus, where the candidate who did his MBBS from outside the State but irregularly selected to M.D. Course in Allahabad Medical College can also claim the job of Resident. *Shashi Singhal v. State*, 1978 ALJ 762.

The State Government is competent to prescribe qualification for admission to post-degree course of medical college. *Young Doctors' Association v. State*, 1983 ALJ 889.

**Pre-medical test—Multiple choice objective test.**—Where answer given by the candidate is wrong he is not entitled to benefit of marks thereon even if the key answer is also found to be wrong. Where, however, the candidate's answer is correct and the key answer is wrong, the candidate must get full marks assigned to that answer. *Abhijit Sen v. State of U.P.*, (1984) 2 SCC 319.

**Article 14 of Constitution.**—Admission made bona fide in consonance with Rules and Order on the basis of merits depending on marks obtained in M.B.B.S. course is not open to interference by the High Court on ground of violation of Article 14. *Krishna Priya Ganguly v. University of Lucknow*, (1984) 1 SCC 307.

**Number of Students.**—Admission Committee is competent to prescribe number of students to be admitted in each session. *Ramesh v. Vice-Chancellor*, 1985 ALJ 290.

**Discontinuance of study.**—There is complete bar to readmission of a student who discontinued his studies in earlier session. He cannot claim vested right of admission. However, he can seek fresh admission. *Kamal Singh v. Vice-Chancellor, Allahabad University*, 1986 ALJ 135.

**Admission Quota.**—Where quota for admission to M.D. course was fixed for internal and external candidates, eligibility of external candidates should not be compared with the internal candidates already selected against their quota. *G.P. Tewari v. State of U.P.*, 1984 ALJ 151.

**29. Examinations Committee.**—(1) There shall be an Examinations Committee in the University, the constitution of which shall be as may be provided for in the Ordinances.

(2) Except as provided in sub-section (2) of Section 42, the Committee shall supervise generally all examinations of the University, including moderation and tabulation, and perform the following other functions, namely—

- (a) to appoint examiners and moderators and, if necessary, to remove them ;
- (b) to review from time to time the results of University examinations and submission of reports thereon to the Academic Council ;
- (c) to make recommendations to the Academic Council for the improvement of the examination system ;
- (d) to scrutinise the list of examiners proposed by the Board of Studies, finalise the same and declare the result of the University.

(3) The Examinations Committee may appoint such number of sub-committees as it thinks fit, and in particular may delegate to any one or more persons or sub-committees the power to deal with and decide cases relating to the use of unfair means by the examinees.

<sup>79</sup>(4) Notwithstanding anything contained in this Act, it shall be lawful for an Examinations Committee or, as the case may be, for a sub-committee or any person to whom the Examinations Committee has delegated its power in this behalf under sub-section (3), to debar an examinee from future examinations of the University, if in its or his opinion, such examinee is guilty of using unfair means at any such examination.]

**Use of unfair means.**—Proceedings pertaining to use of unfair means are quasi-judicial proceedings. *Sharad Kumar v. Kanpur University*, 1987 ALJ 465.

A personal hearing to the candidate against whom action is proposed to be taken by the Examination committee is not necessary. *Sanjeev Misra v. University of Allahabad*, 1985 ALJ 376 ; *Triambak Pati Tripathi v. Board of High School and Intermediate Education, U.P.*, AIR 1973 All 1.

A notice issued to the student found using unfair means alleging that "you were found using/attempting to use unfair means at the examination" is not vague. *Sanjeev Misra v. University of Allahabad*, 1985 ALJ 376.

79. Ins. by U.P. Act 5 of 1977, S. 11.

Procedure for deduction of marks for copying should be fair, just and reasonable. *Madhulika Mathur v. Gorakhpur University*, 1984 ALJ 618 (FB).

Where examination itself is cancelled, a student cannot be punished for using unfair means. *Shri Prakash v. Vice-Chancellor*, 1983 ALJ 690.

Where the result of a student of B.Sc. Part I was withheld for using unfair means but he managed to take admission and appeared in B.Sc. Part II examination and when he failed in one of papers he was not allowed for supplementary examination, it was held that no estoppel could be pleaded against the university. *Israr Ahmad v. Gorakhpur University*, 1982 ALJ 1089.

The Examination Committee has no jurisdiction to debar a candidate from appearing at future examination in exercise of power under Section 29(3). *Agra University v. Ashok Kumar*, 1976 ALJ 183.

**Appointment of examiner.**—Jurisdiction to recommend and appoint examiner vests in Board of Studies, Faculty, Academic Council and Executive Council have no such jurisdiction. In the absence of Examination Committee, the V.C. has authority to make appointments of examiners. *N.D. Tahillani v. R.P. Misra*, 1987 ALJ 860.

**30. Other Authorities.**—(1) The constitution, powers and duties of other authorities of the University shall be such as may be prescribed.

#### CHAPTER VI

#### APPOINTMENT AND CONDITIONS OF SERVICE OF TEACHERS AND OFFICERS

**31. Appointment of Teachers.**—(1) Subject to the provisions of this Act, the teachers of the University and the teachers of an affiliated or associated college (other than a college maintained exclusively by the State Government <sup>80</sup>[\* \* \*]) shall be appointed by the Executive Council or the Management of the affiliated or associated college, as the case may be, on the recommendation of a Selection Committee in the manner hereinafter provided. <sup>81</sup>[The Selection Committee shall meet as often as necessary.]

(2) The appointment of every such teacher, Director and Principal not being an appointment under sub-section (3), shall in the first instance be on probation for one year which may be extended for a period not exceeding one year :

Provided that no order of termination of service during or on the expiry of the period of probation shall be passed—

- (a) in the case of a teacher of the University, except by order of the Executive Council made after considering the report of the Vice-Chancellor and (unless the teacher is himself the Head of the Department), the Head of the Department concerned;
- (b) in the case of Principal of an affiliated or associated college, except by order of the Management; and
- (c) in the case of any other teacher of an affiliated or associated college, except by order of the Management made after considering the report of the Principal and (unless such teacher is the seniormost teacher of the subject), also of the seniormost teacher of the subject :

80. Words "or by a local authority" omitted by U.P. Act 12 of 1978, S. 10 and wherever occurring in Chapter VI.

81. Ins. by U.P. Act 1 of 1992, S. 3 (w.e.f. 22-11-1991).

<sup>82</sup>[Provided further that no such order of termination shall be passed except after notice to the teacher concerned giving him an opportunity of explanation in respect of the grounds on which his services are proposed to be terminated:

Provided also that if a notice is given before the expiry of the period of probation or the extended period of probation, as the case may be, the period of probation shall stand extended until the final order of the Executive Council under clause (a) of the first proviso or, as the case may be, until the approval of the Vice-Chancellor under Section 35 is communicated to the teacher concerned.]

(3) (a) In the case of teacher of the University other than a Professor, the Vice-Chancellor in consultation with the Dean of the Faculty and the Head of the Department concerned and an expert nominated by the Chancellor in that behalf and in the case of a teacher of an affiliated or associated college, the Management in consultation with an expert nominated by the Vice-Chancellor in that behalf may make officiating appointment in a vacancy caused by the grant of leave to an incumbent for a period not exceeding ten months without reference to the Selection Committee, but shall not fill any other vacancy or post likely to last for more than six months without such reference.

<sup>83</sup>(b) Where before or after the commencement of this Act, any teacher is appointed (after reference to a Selection Committee) to a temporary post likely to last for more than six months, and such post is subsequently converted into a permanent post or to a permanent post in a vacancy caused by the grant of leave to an incumbent for a period exceeding ten months and such post subsequently becomes permanently vacant or any post of same cadre and grade is newly created or falls vacant in the same department, then unless the Executive Council or the Management, as the case may be, decides to terminate his services after giving an opportunity to show cause, it may appoint such teacher in a substantive capacity to that post without reference to a Selection Committee :

Provided that this clause shall not apply unless the teacher concerned holds the prescribed qualifications for the post at the time of such substantive appointment, and he has served continuously, for a period of not less than one year after his appointment made after reference to a Selection Committee :

Provided further that appointment in a substantive capacity under this clause of a teacher who had served, before such appointment, continuously for a period of less than two years, shall be on probation for one year which may be extended for a period not exceeding one year, and the provisions of sub-section (2) shall apply accordingly.]

<sup>84</sup>(c) Any teacher of the University who was appointed as Lecturer/part time Lecturer on or before December 31, 1997 without reference to the Selection Committee by way of a short term or part time arrangement in accordance with the provisions for the time being in force for such appointment, may be given substantive appointment by the Executive Council, if any substantive vacancy of the same cadre and grade in the same department is available if such teacher—

82. *Ins.* by U.P. Act 5 of 1977, S. 12.

83. *Subs.* by U.P. Act 5 of 1977, S. 12.

84. *Subs.* by U.P. Act 23 of 2004, S. 2 (w.e.f. 20-5-2004).

- (i) is serving as such on December 31, 1997 continuously since such initial appointment by way of short term/part time arrangement;
- <sup>84a</sup>[(ii) possessed the qualifications required for regular appointment to the post under the provisions of the relevant Statutes in force on the date of the substantive appointment;
- (iii) has been found suitable for regular appointment by the Executive Council.

A teacher appointed by way of short term/part time arrangement as aforesaid who does not get a substantive appointment under this clause shall cease to hold such post on such date as the Executive Council may specify.]

(4) (a) The Selection Committee for the appointment of a teacher of the University (other than the Director of an Institute and the Principal of a constituent college), shall consist of—

- (i) the Vice-Chancellor who shall be the Chairman thereof,
- (ii) the Head of the Department concerned :

Provided that the Head of the Department shall not sit in the Selection Committee, when he is himself a candidate for appointment or when the post concerned is of a higher rank than his substantive post and in that event his office shall be filled by the Professor in the Department and if there is no Professor by the Dean of the Faculty :

<sup>85</sup>[Provided further that where the Chancellor is satisfied that in the special circumstances of the case, a Selection Committee cannot be constituted in accordance with the preceding proviso, he may direct the constitution of the Selection Committee in such manner as he thinks fit.]

- (iii) in the case of a Professor or Reader, three experts, and in any other case, two experts be nominated by the Chancellor;
- (iv) in the case of appointment of teachers in a department of a constituent medical college upgraded under any scheme sanctioned by the Central Government, one nominee each of the Central Government and the State Government;
- (v) in the case of appointment of teachers of an Institute or constituent college, the Director of the Institute or the Principal of the constituent college, as the case may be.

(b) The Selection Committee for the appointment of the Director of an Institute or the Principal of a constituent college shall consist of—

- (i) the Vice-Chancellor, who shall be the Chairman thereof;
- (ii) two experts to be nominated by the Chancellor.

(c) The Selection Committee for the appointment of the Principal of an affiliated or an associated college (other than a college maintained exclusively by the State Government <sup>86</sup>[\* \* \*]) shall consist of—

<sup>84a</sup>. Sub-clause (ii) came into force, w.e.f. 7-6-2004.

<sup>85</sup>. Ins. by U.P. Act 5 of 1977, S. 12.

<sup>86</sup>. Words "or by a local authority" omitted by U.P. Act 12 of 1978, S. 10.

- (i) the Head of the Management, or a member of the Management nominated by him who shall be the Chairman;
- <sup>87</sup>[(ii) one of the Deans or Professors of those Faculties which comprise subjects taught in the college, to be nominated by the Vice-Chancellor;]
- (iii) one member of the Management nominated by the Management; and
- (iv) two experts to be nominated by the Vice-Chancellor :

Provided that in the case of appointment of the Principal of an affiliated college, the Dean of Faculty shall not sit in the Selection Committee, if he is himself a teacher of that college :

Provided further that in the case of colleges established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India, the experts shall be nominated by the Management from out of a panel of five experts by the Management suggested and approved by the Vice-Chancellor.

<sup>88</sup>[Provided also that in the case of colleges referred to in the preceding proviso, the Dean or Professor who shall be the member of the Selection Committee under sub-clause (ii) shall also be nominated by the Management from out of a panel of five Deans or Professors suggested by the Management and approved by the Vice-Chancellor, and if the requisite number of such Deans or Professors is not so available, the panel may include the names of Principals of affiliated or associated colleges.]

(d) The Selection Committee for the appointment of other teachers of an affiliated or associated college (other than a college maintained exclusively by the State Government [\* \* \*])<sup>89</sup> shall consist of—

- (i) the Head of the Management or a member of the Management nominated by him who shall be the Chairman;
- (ii) the Principal of the college and another teacher of the college nominated by the Principal;
- (iii) two experts to be nominated by the Vice-Chancellor :

<sup>90</sup>[Provided that in the case of a college where there is no Principal or other teacher available for being a member of the Selection Committee under sub-clause (ii), the remaining members referred to in this clause shall constitute such Selection Committee:]

Provided further that in the case of colleges established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India, the experts shall be nominated by the Management from out of a panel of five experts suggested by the Management and approved by the Vice-Chancellor.

(5) (a) A panel of six or more experts in each subject of study shall be drawn up by the Chancellor after consulting the corresponding Faculty in Indian Universities or such academic bodies or research institutions in or outside Uttar Pradesh as the

87. Ins. by U.P. Act 12 of 1978.

88. Proviso inserted by U.P. Act 5 of 1977, S. 12.

89. Words "or by a local authority" omitted by U.P. Act 12 of 1978, S. 10.

90. Ins. by U.P. Act 29 of 1974, S. 12 and shall be deemed always to have been inserted.

Chancellor may consider necessary. Every expert to be nominated by the Chancellor under sub-section (4) shall be a person whose name is borne on such panel.

(b) The Board of each Faculty shall maintain a standing panel of sixteen or more experts in each subject of study, and every expert to be nominated by the Vice-Chancellor under sub-section (4) shall be a person whose name is borne on the panel.

(c) A panel referred to in clause (a) or clause (b) shall be revised after every three years.

*Explanation I.*—For the purposes of this sub-section, a branch of subject in which a separate course of study is prescribed for a postgraduate degree or for Part I or Part II thereof shall be deemed to be a separate subject of study.

*Explanation II.*—Where the post of teacher to be selected is common to more than one subject of study, the expert may belong to either of such subjects of study.

<sup>91</sup>[(d) The Chancellor or the Vice-Chancellor, as the case may be, may intimate in a specified order, a larger number of names of experts than required under sub-section (4) for serving as his nominees on the Selection Committee. In such case, on any person whose name appears higher in the specified order not being available for a meeting of the Selection Committee, a person whose name appears nearest lower in the specified order shall be requested to serve on the Committee.]

(6) No recommendation made by a Selection Committee referred to in sub-section (4) shall be considered to be valid unless one of the experts had agreed to such selection.

(7) Subject to the provisions of sub-section (6), the majority of the total membership of any Selection Committee shall form the quorum of such Committee :

<sup>92</sup>[Provided that in the case of a Professor or a Reader, the persons present to form the quorum must include at least two experts.]

<sup>93</sup>[(7-A) It shall be open to the Selection Committee to recommend one or more but not more than three names for each post.]

(8) (a) In the case of appointment of a teacher of the University, if the Executive Council does not agree with the recommendation made by the Selection Committee, the Executive Council shall refer the matter to the Chancellor along with the reasons of such disagreement, and his decision shall be final :

<sup>94</sup>[Provided that if the Executive Council does not take a decision on the recommendations of the Selection Committee within a period of four months from the date of the meeting of such Committee, then also the matter shall stand referred to the Chancellor, and his decision shall be final.]

<sup>95</sup>[(aa) Where the failure of the Executive Council to take a decision within the period specified in the proviso to clause (a) is not attributable to any fault of the Executive Council, the Chancellor may require the Executive Council to take a

91. Ins. by U.P. Act 29, 1974, S. 12.

92. Ins. by U.P. Act 4 of 1995, S. 2 (w.e.f. 17-12-1994).

93. Ins. by U.P. Act 29 of 1974, S. 12 and shall be deemed always to have been inserted.

94. Ins. by U.P. Act 5 of 1977, S. 12.

95. Ins. by U.P. Act 4 of 1995, S. 2 (w.e.f. 17-12-1994).

decision within such time as the Chancellor may, from time to time, allow and may direct the Vice-Chancellor to call a meeting of the Executive Council for the purpose :

Provided that—

- (i) if the Executive Council does not agree with the recommendations made by the Selection Committee, the Executive Council shall refer the matter to the Chancellor along with the reasons of such disagreement and his decision shall be final;
- (ii) if the Executive Council does not take a decision within the time allowed by the Chancellor, the Chancellor shall decide the matter and his decision shall be final.]

(b) In the case of appointment of a teacher of an affiliated or associated college, if the Management does not agree with the recommendation made by the Selection Committee, the Management shall refer the matter to the Vice-Chancellor along with the reasons of such disagreement, and his decision shall be final :

Provided that in the case of appointment of a teacher of an affiliated or associated college, established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India, if the Management does not agree with the recommendation made by a Selection Committee, the Management shall have the right to appoint another Selection Committee and the decision of that Committee shall be final.

(9) The disqualification of members of Selection Committee for appointment of teachers of the University and the Principals and other teachers of such affiliated or associated colleges on the ground of interest for participating in the deliberations of such Committees and other matters relating to appointment of such Principals and teachers shall be prescribed by the Statutes.

(10) No selection for any appointment under this section shall be made except after advertisement of the vacancy in at least three issues of two newspapers having adequate circulation in Uttar Pradesh.

<sup>96</sup>(11) (a) No teacher recommended by the Selection Committee shall be appointed by the Management of an affiliated or associated college (other than a college maintained exclusively by the State Government) unless prior approval of the Vice-Chancellor has been obtained.

(b) The Management shall, as soon as possible, after the meeting of the Selection Committee, submit the recommendations of the Committee, along with other relevant documents to the Vice-Chancellor for approval.

(c) The Vice-Chancellor, if he is satisfied that the candidate recommended by the Selection Committee does not possess the minimum qualifications or experience prescribed, or that the procedure laid down in the Act for the selection of the teacher has not been followed, shall convey to the Management his disapproval :

Provided that if the Vice-Chancellor does not convey his disapproval within a period of one month from the date of receipt of the documents referred to in clause

(b), or does not send to the Management any intimation in connection therewith, he shall be deemed to have approved of the proposal.

(12) Notwithstanding anything contained in this section, the Executive Council, with the prior approval of the Chancellor, or the Management with the prior approval of the Vice-Chancellor, may appoint on deputation on the post of a teacher any government servant who possesses the qualifications prescribed for the post.]

<sup>97</sup>(13) [\* \* \*]

<sup>98</sup>**[31-A. Personal promotion to Teachers of University.—**(1) Notwithstanding anything to the contrary contained in any other provision of this Act, <sup>99</sup>[a Lecturer in the University appointed under Section 31, or a Reader in the University appointed under Section 31 or promoted under this Section], who has put in such length of service and possesses such qualifications, as may be prescribed, may be given personal promotion, respectively to the post of Reader or Professor.

(2) Such personal promotion shall be given on the recommendation of the Selection Committee, constituted under clause (a) of sub-section (4) of Section 31, in such manner and subject to such conditions as may be prescribed.

(3) Nothing contained in this section shall affect the posts of the teachers of the University to be filled by direct appointment in accordance with the provisions of Section 31.]

**Recommendation of Selection Committee.**—The Vice-Chancellor is under a mandatory duty to consider the recommendation of the Selection Committee in the matter of appointment of teacher. He cannot delegate his function to Executive Committee. *A.N. Vishnoi v. Chancellor*, 1981 ALJ 23.

Where the Executive Council disagreed with the recommendation of Selection Committee and the matter is referred to the Chancellor, disregard the recommendations of Selection Committee by the Chancellor could not be restricted only to the existence of circumstances mentioned in Section 68. *Mathura Prasad v. Chancellor*, 1984 ALJ 21.

The Executive Council can agree with the recommendation of the Selection Committee wholly or in part only. *Mathura Prasad v. Chancellor*, 1984 ALJ 21.

Candidate appearing before the Selection Committee without any objection as to its validity cannot turn round and challenge its validity when the Committee recommended against him. *Rajendra v. Civil Judge*, 1980 ALJ 1115.

In the matter of appointment of teachers the recommendation of the Selection Committee does carry weight and may not be lightly brushed aside, but the Act does not make it conclusive. *Mathura Prasad v. Chancellor*, 1984 ALJ 21.

**Appointment of principal.**—If the management disagrees with the recommendation of the Selection Committee on question of appointment of Principal, the Vice-Chancellor must apply his mind to the grounds raised by the management before exercising his powers under Section 31(8)(b). The Committee cannot withhold its recommendation in favour of a particular candidate on ground of his claim in higher start of salary. *Rajendra v. Civil Judge*, 1980 ALJ 1115.

For appointment of Principal of a composite college viz. having both degree as well as postgraduate classes the Master's degree should be in a subject which is taught both in the degree classes as well as in the postgraduate classes. *P.S. Malik v. Chancellor*, 1982 ALJ 774.

Section 31(3)(b) is not applicable to a case of appointment of a teacher to a temporary post likely to last for more than six months. *Pramod Kumar v. Vice-Chancellor*, 1981 ALJ 853.

97. Sub-sec. (13) omitted by U.P. Act No. 10 of 1983 (w.e.f. 18-7-1981).

98. Ins. by U.P. Act 9 of 1985 (w.e.f. 10-10-1984).

99. Subs. by President's Act 4 of 1996, S. 9 (w.e.f. 11-7-1995).

**Reference to Vice-Chancellor.**—The reference to the Chancellor would be competent only if the Executive Council does not agree with the recommendation of the Selection Committee. The Executive Council has to refer the matter along with the reasons for such disagreement. *Devendra Dutta Tewari v. Chancellor*, 1978 ALJ 844.

Direction by the Chancellor to appoint candidates selected only for temporary post against permanent posts and fresh selection out of available candidates for temporary posts is not beyond the jurisdiction of the Chancellor. *Nirmala Nautiyal v. Chancellor*, 1984 ALJ 882.

The Chancellor while exercising jurisdiction under Section 31(8)(a) exercises powers of a quasi-judicial nature and the matter should be disposed of by a speaking order and he should observe principles of natural justice. *L.N. Mathur v. Chancellor*, 1985 ALJ 650 (FB). Overruling *Prabha Gupta v. Lucknow University*, 1981 Lawyers' Law Times (Services) 51.

**Relaxation under Statute 11.01.**—The relaxation which is permissible under Para 2 of Statute 11.01 is not available to a candidate who does not possess Masters' degree in the subject concerned. *Ram Yatra Shukla v. Chancellor*, 1982 ALJ 826.

**Probationer.**—A probationer is not entitled to hearing before his services are terminated during or on the expiry of the period of probation. Second proviso added by U.P. Act 5 of 1977 is not retrospective. *P.C. Bagla v. Vice-Chancellor*, 1980 ALJ 785; 1980 Lab IC 853 (FB). Overruling *Vidya Niwas Misra v. University of Gorakhpur*, AIR 1967 All 426.

**Clause (10).**—Clause (10) of Section 31 is mandatory. *R.C. Gupta v. Chancellor*, 1982 ALJ 899.

The second part of sub-section (10) which lays down the manner of publication of the advertisement is directory in nature. *Arun Kumar Shukla v. Chancellor*, 1984 ALJ 427.

**[31-AA. Promotion to the Post of Associate Professor and Professor.—(1)** Notwithstanding anything contained in any other provision of this Act, an Assistant Professor substantively appointed in the Faculty of Medicine or Dental Sciences of the University of Lucknow or an Associate Professor, substantively appointed, or promoted under this section, in the said Faculties of the said University, who has put in such length of service and possesses such qualifications as may be prescribed, may be given personnel promotion respectively to the post of Associate Professor or Professor.

(2) The promotion under sub-section (1) shall be given on the recommendation of the Selection Committee, constituted under clause (a) of sub-section (4) of Section 31, in such manner and subject to such conditions as may be prescribed.

*Explanation.*—With regard to the Faculty of Medicine or Dental Sciences of the University of Lucknow, the word "Reader" referred to in clause (a) of sub-section (4) of Section 31 shall be construed as "Associate Professor."]

<sup>2</sup>(3) Notwithstanding anything contained in sub-section (1) or sub-section (2) or in any other provisions of this Act, every person who was promoted to the post of Associate Professor or Professor in a Faculty referred to in sub-section (1) in accordance with the order No. 842/15-10-97-11(7)/96, dated April 11, 1997 issued by the State Government and is continuing in service as such on the date of the commencement of the Uttar Pradesh State Universities (Third Amendment) Act, 1999 shall be deemed to have been promoted to such post under sub-section (1) from the date of such promotion.]

1. *Ins.* by U.P. Act 9 of 1998, S. 2 (w.e.f. 19-9-1997).

2. *Ins.* by U.P. Act 21 of 1999, S. 2.

<sup>3</sup>[31-B. Special provision with regard to appointment.—(1) Notwithstanding anything to the contrary contained in any other provision of this Act or in the Uttar Pradesh Higher Education Services Commission Act, 1980, appointment to the post of principal or teacher of the Motilal Nehru Regional Engineering College, Allahabad shall be made in accordance with the rules and bye-laws of the Motilal Nehru Regional Engineering College Society, Allahabad.

(2) All appointments made before the commencement of the Uttar Pradesh State Universities (Amendment) Act, 1998 in accordance with the provisions of sub-section (1) shall be deemed to have been made under the said sub-section as if the provisions of the said sub-section were in force at all material times.”]

**32. Contract of appointment of teachers of the University.**—(1) Except as otherwise provided by Statutes, no salaried officer and teacher of the University shall be appointed except under a written contract which shall be consistent with the provisions of this Act, the Statutes and Ordinances.

(2) The original contract shall be lodged with the Registrar and a copy thereof shall be furnished to the officer or teacher concerned.

(3) In the case of an officer or teacher employed before the commencement of this Act, all contracts in force, immediately before such commencement, shall, to the extent of any inconsistency with the provisions of this Act or the Statutes or the Ordinances be deemed to have been modified by the said provisions.

(4) Notwithstanding anything contained in any contract or other instrument, teachers of any constituent medical college shall not have right of private practice, except to such extent, if any, and subject to such conditions and restrictions as the State Government may, by general or special order specify.

**33. Pensions, Provident Fund, etc.**—The University and every affiliated or associated college shall constitute, for the benefit of its officers, teachers and other employees, in such manner and subject to such conditions <sup>4</sup>[as may be specified by general or special order by the State Government] such pension, insurance or provident fund, as it may deem fit including a fund from which such teachers or their heirs, as the case may be, shall be paid pension or gratuity in the event of their incurring disability, wound or death in connection with the discharge of their duties as Superintendent of a Centre or invigilator as defined in Uttar Pradesh Universities (Provisions regarding Conduct of Examinations) Act, 1965.

**34. Limits of additional remunerative work permissible to teachers.**—(1) The conditions regarding payment of remuneration to the teachers of the University or for an affiliated or an associated college for any duties performed in connection with any examination conducted by an Indian University or any body other than Public Service Commission <sup>5</sup>[\* \* \*] shall be such as may be prescribed.

(2) No teacher of the University or of an affiliated or associated college shall at any time, hold more than one remunerative office carrying duties other than teaching or duties connected with any examination.

3. *Ins.* by U.P. Act 9 of 1998, S. 3 (w.e.f. 12-2-1998).

4. *Subs.* by U.P. Act No. 21 of 1975, S. 6.

5. Words “and the holding of remunerative offices by them” omitted by U.P. Act 29 of 1974, S. 13.

*Explanation.*—The words 'remunerative offices' include the offices of Warden or Superintendent of a Hall or Hostel, Proctor, Games Superintendent, Librarian, and any office in the National Cadet Corps, National Sports Organisation, National Social Service Scheme and University Employment Exchange.

**35. Conditions of service of teachers of affiliated or associated colleges other than those maintained by Government or local authority.**—(1) Every teacher in an affiliated or associated college (other than a college maintained exclusively by the State Government) <sup>6</sup>[\* \* \*] shall be appointed under a written contract which shall contain such terms and conditions as may be prescribed. The contract shall be lodged with the University and a copy thereof shall be given to the teacher concerned, and another copy thereof shall be retained by the college concerned.

(2) Every decision of the Management of such college to dismiss or remove a teacher or to reduce him in rank or to punish him in any other manner shall before it is communicated to him, be reported to the Vice-Chancellor and shall not take effect unless it has been approved by the Vice-Chancellor:

Provided that in the case of colleges established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India, the decision of the management dismissing removing or reducing in rank or punishing in any other manner any teacher shall not require the approval of the Vice-Chancellor, but, shall be reported to him and unless he is satisfied that the procedure prescribed in this behalf has been followed, the decision shall not be given effect to.

(3) The provisions of sub-section (2) shall also apply to any decision to terminate the services of a teacher, whether by way of punishment or otherwise but shall not apply to any termination of service on the expiry of the period for which the teacher was appointed :

Provided that in the case of colleges established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India, the decision of the Management terminating the service of any teacher shall not require the approval of the Vice-Chancellor, but shall be reported to him and unless he is satisfied that the procedure prescribed in this behalf has been followed, the decision shall not be given effect to.

(4) Nothing in sub-section (2) shall be deemed to apply to an order of suspension pending inquiry, but any such order may be stayed, revoked or modified by the Vice-chancellor :

Provided that in the case of colleges established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India, such order may be stayed, revoked or modified by the Vice-Chancellor only if the conditions prescribed for such suspension are not satisfied.

(5) Other conditions of service of teachers of such colleges shall be such as may be prescribed.

Where dismissal order is passed by the College management, the approval order of Vice-Chancellor need not be speaking order. *P.C. Sikand v. Chancellor*, 1979 ALJ (NOC) 81.

6. Words "or by a local authority" omitted by U.P. Act 12 of 1978, S. 10.

**36. Tribunal of Arbitration.**—(1) Any dispute arising out of a contract of appointment referred to in Section 32 or Section 33 shall be referred to a Tribunal of Arbitration which shall consist of the following members, namely—

- (a) in the case of an officer or teacher of the University, one member nominated by the Executive Council, one member nominated by the officer or teacher concerned and one member (who shall act as convener) nominated by the Chancellor;
- (b) in the case of a teacher of an affiliated or associated college, one member nominated by the management of the college, one member nominated by the teacher concerned, and one member (who shall act as convener) nominated by the Vice-Chancellor :

Provided that in the case of colleges established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India, the Convener shall be selected by the nominees of the management and the teacher concerned out of a panel of five persons suggested by the management and approved by the Vice-Chancellor :

Provided further that in the event of their failure to appoint the Convener within the time prescribed, the Vice-Chancellor shall nominate a Convener out of the panel.

(2) If for any reason, a vacancy occurs in the office of a member of the Tribunal, the appropriate person or body concerned shall nominate another person in accordance with provisions of sub-section (1) to fill the vacancy and the proceedings may be continued before the Tribunal from the stage at which the vacancy is filled.

(3) The decision of the Tribunal shall be final and binding on the parties and shall not be questioned in any court.

(4) The Tribunal of Arbitration shall have the power—

- (i) to regulate its own procedure;
- (ii) to order re-instatement of the officer or teacher concerned; and
- (iii) to award salary to the officer or teacher concerned, after deducting therefrom such income which such officer or teacher might have otherwise derived during his suspension, removal, dismissal or termination from service.

(5) Nothing contained in any law for the time being in force relating to arbitration shall apply to an arbitration under this section.

(6) No suit or proceedings shall lie in any court in respect of any matter which is required by sub-section (1) to be referred to the Tribunal of Arbitration :

Provided that every decision of the Tribunal referred to in sub-section (3) shall be executable by the lowest court having territorial jurisdiction, as if it were a decree of that court.

#### CHAPTER VII

#### AFFILIATION AND RECOGNITION

**37. Affiliated Colleges.**—(1) This section shall apply to the Universities of Agra, Gorakhpur, Kanpur and Meerut and such other Universities (not being the Universities of Lucknow and Allahabad) as the State Government may, by notification in the Gazette, specify.

(2) The Executive Council may, with the previous sanction of the Chancellor, admit any college which fulfils such conditions of affiliation, as may be prescribed, to the privileges of affiliation or enlarge the privileges of any college already affiliated or subject to the provisions of sub-section (8), withdraw or curtail any such privilege:

<sup>7</sup>[Provided that if in the opinion of the Chancellor, a college substantially fulfils the conditions of affiliation, the Chancellor may sanction grant of affiliation to that college or enlarge the privileges thereof in specific subjects for one term of a course of study on such terms and conditions as he may deem fit:

Provided further that unless all the prescribed conditions of affiliation are fulfilled by a college, it shall not admit any student in the first year of the course of study for which affiliation is granted under the foregoing proviso after one year from the date of commencement of such affiliation.]

(3) It shall be lawful for an affiliated college to make arrangement with any other affiliated college situated in the same local area, or with the University, for cooperation in the work of teaching or research.

(4) Except as provided by this Act, the management of an affiliated college shall be free to manage and control the affairs of the college and be responsible for its maintenance and upkeep, and its Principal shall be responsible for the discipline of its students and for the superintendence and control over its staff.

(5) Every affiliated college shall furnish such reports, returns and other particulars as the Executive Council or the Vice-Chancellor may call for.

(6) The Executive Council shall cause every affiliated college to be inspected from time to time at intervals not exceeding five years by one or more persons authorised by it in that behalf, and a report of the inspection shall be made to the Executive Council.

(7) The Executive Council may direct an affiliated college so inspected to take such action as may appear to it to be necessary within such period as may be specified.

(8) The privileges of affiliation of a college which fails to comply with any direction of the Executive Council under sub-section (7) or to fulfil the conditions of affiliation may, after obtaining a report from the Management of the college and with the previous sanction of the Chancellor, be withdrawn or curtailed by the Executive Council in accordance with the provisions of the Statutes.

<sup>8</sup>[(9) Notwithstanding anything contained in sub-sections (2) and (8), if the Management of an affiliated college has failed to fulfil the conditions of affiliation, the Chancellor may, after obtaining a report from the Management and the Vice-Chancellor, withdraw or curtail the privileges of affiliation.]

<sup>8a</sup>[(10) Notwithstanding anything to the contrary contained in any other provisions of this Act, a college, which has already been given affiliation to a University before the commencement of the Uttar Pradesh State Universities (Amendment) Act, 2003 in specific subjects for a specified period shall be entitled to continue the course of study for which admissions have already taken place but it shall not admit any student in the first year of such course of study without obtaining affiliation under sub-sections (2).]

**38. Associated Colleges.**—(1) This section shall apply to the Universities of Lucknow and Allahabad and such other Universities (not being the Universities of Agra, Gorakhpur, Kanpur or Meerut or the Sampurnanand Sanskrit Vishwavidyalaya) as the State Government may, by notification in the Gazette, specify.

7. Ins. by U.P. Act 1 of 2004, S. 5 (w.e.f. 11-7-2003).

8. Ins. by U.P. Act 5 of 1977, S. 13.

8a. Ins. by U.P. Act 1 of 2004, S. 5 (w.e.f. 11-7-2003).

(2) Associated colleges shall be such as may be named by the Statutes.

(3) It shall be lawful for an associated college to make arrangements with any other associated college or colleges or with the University for cooperation in the work of teaching.

(4) The conditions of recognition of an associated college shall be prescribed by the Statutes or imposed by the Executive Council, but no associated college shall except with the previous approval of the Chancellor, be authorised to impart instruction for post-graduate degrees :

Provided that if an associated college is refused recognition for imparting instruction for post-graduate degrees, such college may, with the approval of the Chancellor, be granted affiliation by any University referred to in Section 37, anything in Section 5 notwithstanding, and thereupon, such college shall cease to be an associated college.

(5) Except as provided by this Act, the Management of an associated college shall be free to manage and control the affairs of the college and be responsible for its maintenance and upkeep. The Principal of every such college shall be responsible for the discipline of its students and for the superintendence and control over its staff.

(6) The Executive Council shall cause every associated college to be inspected from time to time at intervals not exceeding three years by one or more persons authorised by it in this behalf and a report of the inspection shall be made to the Executive Council.

(7) The recognition of an associated college may, with the previous sanction of the Chancellor, be withdrawn by the Executive Council, if it is satisfied after considering any explanation furnished by the management, that it has ceased to fulfil the conditions of its recognition or that it persists in making default in the performance of its duties under this Act or in the removal of any defect in its work pointed out by the Executive Council.

<sup>9</sup>[(8) Notwithstanding anything in this section or in Section 5, any associated college situated within the area of any University to which this section applies, may, subject to such directions, as may be issued by the State Government in this behalf, be admitted to the privileges of affiliation by any University to which Section 37 applies.]

**39. Disqualification for membership of Management.**—A person shall be disqualified for being chosen as, and for being, a member of the Management of an affiliated or associated college (other than a college maintained exclusively by the State Government or by local authority), if he or his relative accepts any remuneration for any work in or for such college or any contract for the supply of goods to or for the execution of any work for such college :

Provided that nothing in this section shall apply to the acceptance of any remuneration by a teacher as such or for any duties performed in connection with an examination conducted by the college or for any duties as Superintendent or Warden of a training unit or of a hall or hostel of the college or as a proctor or tutor or for any duties, of a similar nature in relation to the college.

*Explanation.*—The term 'relative' shall have the meaning assigned to it in the Explanation to Section 20.

*Relative.*—The word "relative" as used in Section 39 only refers to relatives of the persons i.e. persons who are related by blood or marriage to the person who is said to be disqualified. It has the same meaning as assigned to it in the Explanation to Section 20. *Raj Kishore v. Kishan Shiksha Samiti*, 1978 ALJ 1007.

Relative of a teacher who accepts remuneration from an affiliated college in U.P. is disqualified for being elected as a member of the Management of that college. Such disqualification would also apply to

relative of the teacher who had been appointed on remuneration prior to coming into force of the Act. *Executive Committee, Meerut University v. Vice-Chancellor*, (1983) 2 SCC 397. Overruling 1982 U.P. LBEC 148, approving 1981 UPLT (NOC) 187.

The Chairman of a cooperative society which supplied goods to a college is not disqualified for being a member of the Management Committee of the said college. *Raj Kishore v. Kishan Shiksha Samiti*, 1978 ALJ 1007.

**40. Inspection, etc., of Affiliated and Associated Colleges.**—(1) The State Government shall have the right to cause an inspection to be made by such person or persons as it may direct, of any affiliated or associated college, including buildings, laboratories and equipments thereof and also of the examinations, teaching and other work conducted or done by it, or cause an inquiry to be made in respect of any matter connected with the administration and finances of such college.

(2) Where the State Government decides to cause an inspection or inquiry to be made under sub-section (1), it shall inform the Management of the same and a representative appointed by the Management and where the Management fails to appoint a representative, the Principal of the college may be present at such inspection or inquiry and shall have the right to be heard on behalf of the Management but no legal practitioner shall appear, plead or act on behalf of the college at such inspection or inquiry.

(3) The person or persons appointed to inspect or inquire under sub-section (1) shall have all the powers of a civil court while trying a suit under the Code of the Civil Procedure, 1908, for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and compelling production of documents and material objects, and shall be deemed to be a civil court within the meaning of Sections 480 and 482 of the Code of Criminal Procedure, 1898<sup>10</sup> and any proceedings before him or them shall be deemed to be judicial proceedings within the meaning of Sections 193 and 228 of the Indian Penal Code.

(4) The State Government may communicate to the Management, the result of such inspection or inquiry and may issue direction as to the action to be taken and the Management shall forthwith comply with such directions.

(5) The State Government shall inform the Vice-Chancellor about any communication made by it to the Management under sub-section (4).

(6) The State Government may, at any time, call for any information from the Management or Principal of an affiliated or associated college in connection with such inspection or inquiry.

**41. Constituent colleges.**—(1) Constituent colleges shall be such as may be named by the Statutes.

(2) The Principal of a constituent college shall be responsible for the discipline of the students enrolled in the college and shall have general control over the ministerial and inferior staff allotted to the college. He shall exercise such other powers as may be prescribed by the Statutes.

**42. Autonomous college.**—(1) The University may grant in the manner prescribed, to an affiliated or associated college which satisfies the conditions

10. See now CrPC, 1973 (2 of 1974).

prescribed in that behalf, the privileges of varying, for the students receiving instruction in such college, the courses of study prescribed by the University, and holding examination in the courses so varied.

(2) The extent to which the courses may be varied and the manner of holding the examination conducted by such college shall be determined in each case by the University.

(3) Such a college shall be declared in the manner prescribed as an autonomous college.

**43. Working Men's colleges.**—The University may, under such conditions as may be prescribed, recognize, an affiliated or associated college as a 'Working Men's College' for the purpose of providing courses for degrees to persons, otherwise eligible for admission to such courses, who may be, unable to be enrolled as whole-time students by reasons of being engaged in business, trade, agriculture or industry or employed in any other form of service.

(2) The courses for such students shall extend over a period which shall not be less than one and a half time the duration prescribed for such courses for other students.

(3) Each such course shall be organized separately.

**44. Institutes.**—The University may establish one or more Institutes to organize and conduct teaching and research in any subject.

#### CHAPTER VIII

#### ADMISSIONS AND EXAMINATIONS

**45. Admission of Students.**—(1) No student shall be eligible for admission to the course of study for a degree unless—

(a) he has passed—

- (i) the Intermediate Examination of the Board of High School and Intermediate Education, Uttar Pradesh, or of any University or Board incorporated by any law for the time being in force; or
- (ii) any examination, or any degree conferred by any other University, being an examination or degree recognized by the University as equivalent to the Intermediate Examination or to a degree of the University; and

(b) he possesses such further qualifications, if any, as may be specified in the Ordinances :

Provided that the University may prescribe by Ordinances any lower qualifications for admission to a degree in Fine Arts.

(2) The conditions under which students may be admitted to the diploma courses of the University shall be prescribed by the Ordinances.

(3) The University shall have the power to recognize (for the purposes of admission to a course of study for a degree), as equivalent to its own degree, any degree conferred by any other University or, as equivalent to the Intermediate

Examination of any Indian University, any examination conducted by any other authority.

(4) Any student whose work or conduct is unsatisfactory may be removed from the University or an Institute or a constituent college or an affiliated or associated college in accordance with the provisions of the Ordinances.

A student can voluntarily give up his studentship. The studentship may also come to an end by abandonment. *Dinesh Kumar v. Principal M.L.N. Medical College*, 1986 ALJ 428.

Sub-section (4) is not exhaustive. *Dinesh Kumar v. Principal M.L.N. Medical College*, 1986 ALJ 428.

**46. Bar of charging any donation, etc., for admission to a college.**—No person connected with the management of an affiliated or associated college and no Principal or other teacher or other employee thereof shall directly or indirectly take or receive or cause to be taken or received any contribution, donation, fees or any other payment of any sort, either in cash or in kind, except the fees at the rates laid down in the Ordinances, from or on behalf of any pupil <sup>11</sup>[as a condition for granting him admission to or permitting him after such admission to continue in such college].

<sup>12</sup>[**46-A. Contribution and donations to Colleges.**—Where a contribution or donation, either in cash or in kind is taken or received by any affiliated or associated college maintained exclusively by the State Government or a local authority, the contribution or donation so received shall be utilised only for the purpose for which it was given to it and in the case of a college maintained exclusively by the State Government any cash contribution or donation shall be credited to the personal ledger account of such institution which shall be operated in accordance with the general or special orders of the State Government.]

**47. Halls, hostels and delegacy of the University.**—(1) This section shall apply to the University of Lucknow, Allahabad, Gorakhpur and such other University the State Government may by notification specify.

(2) The halls and hostels of the University shall be—

- (a) those maintained by the University and named in the Statutes;
- (b) those recognised by the Executive Council on such general or special conditions as may be provided by the Ordinances.

(3) The warden and other staff of the halls and hostels shall be appointed in the manner provided by the Ordinances.

(4) The Executive Council shall have power to suspend or withdraw the recognition of a hall or hostel which is not maintained in accordance with the conditions referred to in clause (b) of sub-section (2) :

Provided that no such action shall be taken without giving to the management of such hall or hostel an opportunity of making a representation against the proposed action.

11. *Subs.* by U.P. Act 5 of 1977, S. 14.

12. *Ins.* by U.P. Act 5 of 1977, S. 15.

(5) There shall be a Delegacy to supervise the arrangements relating to the residence, health and welfare of students of the University not residing in or under the care of any constituent college or hall. The constitution, power and duties of the Delegacy shall be prescribed by the Statutes.

**48. Examinations.**—Subject to the provisions of this Act and the Statutes, the Examinations Committee shall direct the arrangements for the conduct of examinations.

#### CHAPTER IX

#### STATUTES, ORDINANCES AND REGULATIONS

**49. Statutes.**—Subject to the provisions of this Act, the Statutes may provide for any matter relating to the University and shall in particular, provide for—

- (a) the constitution, power and duties of the authorities of the University;
- (b) the election, appointment and term of office of the members of the authorities of the University, including the continuance in office of the first members, and the filling in of vacancies in their membership and all other matters relating to these authorities for which it may be necessary to provide;
- (c) the powers and duties of the officers of the University;
- <sup>13</sup>(d) the classification and recruitment (including minimum qualifications and experience) of Principals and other teachers of the University and of affiliated and associated colleges, the maintenance by them of their annual academic progress report, the rules of conduct to be observed by them and their emoluments and other conditions of service (including provisions relating to compulsory retirement);
- (e) the recruitment (including minimum qualifications and experience) and their emoluments and other conditions of service (including provisions relating to compulsory retirement) of persons appointed to other posts under the University;]
- (f) the constitution of a pension or provident fund or the establishment of an insurance-scheme for the benefit of officers, teachers and other employees of the University;
- (g) the institution of degrees and diplomas;
- (h) the conferment of honorary degrees;
- (i) the withdrawal of degrees and diplomas, certificates and other academic distinctions;
- (j) the establishment, amalgamation, abolition and reorganisation of Faculties;
- (k) the establishment of departments of teaching in the Faculties;
- (l) the establishment, abolition and reorganisation of halls and hostels maintained by the University;

13. *Subs.* by U.P. Act 5 of 1977, S. 16 and shall be deemed always to have been substituted.

- (m) the conditions under which colleges and other institutions may be admitted to the privileges of affiliation or recognition by the University and the conditions under which any such privilege may be withdrawn;
- (n) the recognition of the Management of any affiliated or associated college;
- <sup>14</sup>[(o) the number, minimum qualifications and experience, the emoluments and other conditions of service, including the age of retirement and provisions relating to compulsory retirement of salaried employees (not being teachers) of the University or an affiliated or associated college, and the preparation and maintenance of record of their service;]
- (p) the institution of scholarships, fellowships, studentships, medals and prizes;
- (q) the qualifications, conditions and manner of registration of graduates and the maintenance of a register of registered graduates;
- (r) the holding of convocation, if any; and
- (s) all other matters which by this Act are to be or may be provided for by the Statutes.

**Statute 11.02 as amended by Allahabad University.**—A candidate who has secured at least a second division in his entire academic career must be held to possess a good academic record. *D.C. Pandey v. Chancellor, Allahabad University*, 1983 ALJ 152.

**Agra University Statute—Statute 30(3).**—Where application for review of dismissal order was not made, no question of holding subsequent meeting for confirmation of resolution would arise. *P.C. Sikand v. Chancellor*, 1979 ALJ (NOC) 81.

**Meerut University Statute—Statute 13.34.**—Statute 13.34 does not apply to a dispute between office bearers of the Managing Committee of a College. It applies only to disputes between two managements. *Digamber Jain High School Association v. Chancellor*, 1983 All LJ 1255.

**50. Statutes how made.**—The First Statutes of the University shall be made by the State Government by notification in the Gazette and in the case of any existing University, for so long as the First Statutes are not so made, the Statutes as in force immediately before the commencement of this Act, insofar as they are not inconsistent with the provisions of this Act, shall, subject to such adaptations and modifications whether by way of repeal, amendment or addition as may be necessary or expedient, as the State Government may, by notification in the Gazette provide, continue in force, and any such adaptation or modification shall not be called in question.

<sup>15</sup>[(1-A) The State Government may by notification in the Gazette amend whether by way of addition, substitution or omission, the First Statutes at any time <sup>16</sup>[up to December 31 1990]<sup>17</sup> and any such amendment may be retrospective to a date not earlier than the date of such commencement.]

14. *Subs.* by U.P. Act 5 of 1977, S. 16.

15. *Ins.* by U.P. Act 29 of 1974, S. 15.

16. *Subs.* by U.P. Act 5 of 1977, S. 17 and U.P. Act 12 of 1978, S. 4.

17. '1978' *subs.* by '1981' (w.e.f. 1-1-1979) by U.P. Act 15 of 1980, '1981' *subs.* by '1982' (w.e.f. 29-12-1981) by U.P. Act 25 of 1982; '1982' *subs.* by '1984' (w.e.f. 1-1-1983) by U.P. Act 6 of 1983; '1984' *subs.* by '1985' (w.e.f. 31-12-1984) by U.P. Act 9 of 1985; '1985' *subs.* by '1987' by U.P. Act 15 of 1986 and shall be deemed always to have been substituted; "1987" *subs.* by "1990" by U.P. Act 9 of 1988, S. 3 (w.e.f. 1-1-1988).

<sup>18</sup>[(1-B) Until the First Statutes of the Purvanchal University are made under this section, the Statutes of the University of Gorakhpur, as in force immediately before the establishment of the said University shall apply to it subject to such adaptations and modifications as the State Government may, by notification, provide.]

<sup>19</sup>[(2) The Executive Council may, at any time [after December 31, 1990]<sup>20</sup>, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (1) or sub-section (1-A).]

(3) The Executive Council shall not propose the draft of any Statute affecting the status, power or constitution of any authority of the University until such authority has been given an opportunity of expressing its opinion upon the proposal and any opinion so expressed shall be in writing and shall be submitted to the Chancellor.

(4) Every new Statute or addition to a Statute or any amendment or repeal of Statute shall be submitted to the Chancellor who may assent to it or withhold his assent therefrom or remit it to the Executive Council for further consideration.

(5) A Statute passed by the Executive Council shall have effect from the date it is assented to by the Chancellor or from such later date as may be specified by him.

<sup>21</sup>[ <sup>22</sup>(6) Notwithstanding anything contained in the foregoing sub-section the State Government may in order to implement any decision taken by it in the interest of learning, teaching or research or for the benefit of teachers, students or other staff or on the basis of any suggestion or recommendation of the University Grants Commission or the State or National Education Policy with regard to the qualifications of the teachers, require the Executive Council to make new or additional Statutes or amend or repeal the Statutes referred to in sub-section (1) or sub-section (1-A) within a specified time and if the Executive Council fails to comply with such requirement the State Government may, with the assent of the Chancellor, make new or additional Statutes or amend or repeal the Statutes referred to in sub-section (1) or sub-section (1-A).]

(7) The Executive Council shall have no power to amend or repeal the Statutes made by the State Government under sub-section (6) or to make new or additional Statutes inconsistent with such Statutes.]

The selections which were held on 1st of August, 1975 would be governed by the first statutes which came into force from 1st August, 1975 and the candidates selected on that date will have to fulfil the qualifications laid down in those statutes. The subsequent amendment did not at all affect their position. *Dr (Miss) Raj Kumari Sharma v. Chancellor, Meerut University*, 1978 ALJ 831.

Clause (8) does not refer to any university other than the University of Meerut or to any affiliated college other than college affiliated to Meerut University. *Ram Avtar v. Meerut University*, 1986 ALJ 205.

18. Ins. by U.P. Act 19 of 1987.

19. Subs. by U.P. Act 29 of 1974, S. 15.

20. '1978' subs. by '1981' w.e.f. 1-1-1979 by U.P. Act No. 15 of 1980. '1981' subs. by '1982' w.e.f. 29-12-1981 by U.P. Act No. 25 of 1982; '1982' subs. by '1984' w.e.f. 1-1-1983 by U.P. Act 6 of 1983; '1984' subs. by 1985 (w.e.f. 31-12-1984) by U.P. Act 9 of 1985; '1985' subs. by '1987' by U.P. Act 15 of 1986; '1987' subs. by '1990' by U.P. Act 9 of 1988, S. 3 (w.e.f. 1-1-1988).

21. Ins. by U.P. Act 4 of 1995, S. 3 (w.e.f. 17-12-1994).

22. Subs. by U.P. Act 9 of 1998, S. 4 (w.e.f. 19-9-1997).

**Statute 25.04.**—Appeal under Statute 25.04 against an order setting aside appointment of a Lab-bearer is incompetent. *Nambardar Singh v. Director of Education*, 1985 ALJ 920.

Order of approval of appointment of Lab-bearer alleged to have been obtained by fraud can be reviewed by the approving Authority. *Ibid.*

Provision in Clause 4 of the First Statute as to the superannuation age is not violative of Article 16. *Kishori Lal v. State of U.P.*, 1978 ALJ 271.

The U.P. Universities Statutes, 1975 read the Ordinances of Sampurnanand Sanskrit Vishwavidyalaya, Varanasi prescribes preferential qualifications for selection of Professors of Education for Sampurnanand Vishwavidyalaya. Such qualification may be relaxed by the Selection Committee. *Devendra Dutta Tewari v. Chancellor*, 1978 ALJ 844.

**51. Ordinances.**—(1) Subject to the provisions of this Act and the Statutes the Ordinances may provide for any matter which by this Act or the Statutes is to be or may be provided for by the Ordinances.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Ordinance shall provide for the following matters, namely—

- (a) the admission of students to the University and their enrolment and continuance as such;
- (b) the courses of study to be laid down for all degrees, diplomas and other academic distinctions of the University;
- (c) the conditions under which students shall be admitted to the examinations, degrees and diplomas of the University and shall be eligible for the award of such degrees and diplomas;
- (d) the conditions of the award of scholarships, fellowships, studentships, bursaries, medals and prizes;
- (e) the conditions of residence of students at the University and the management of halls and hostels maintained by the University;
- (f) the recognition and management of halls and hostels not maintained by the University;
- (g) the maintenance of discipline among the students of the University;
- (h) all matters relating to correspondence courses and private candidates;
- <sup>23</sup>[(i) the formation of parent-teachers association];
- (j) the fees which may be charged by the University or by an affiliated or associated college for any purpose;
- (k) the conditions subject to which persons may be recognised as qualified to give instructions in halls and hostels;
- (l) the conditions and mode of appointment and the duties of examining bodies, examiners, moderators, invigilators and tabulators;
- (m) the conduct of examinations;
- (n) the remuneration and allowances including travelling any daily allowances to be paid to persons employed on the business of the University;

23. Subs. by U.P. Act 5 of 1977, S. 18.

- (o) all other matters which by this Act or the Statutes are to be or may be provided for by the Ordinances.

Power vested in the academic body to frame Ordinances prescribing courses of study can be repeatedly exercised under the General Clauses Act. *Avadesh Kumar v. Agra University*, 1981 ALJ 237.

Implementation of new curriculum as recommended by Medical Council in 1977 with effect from December 1980 but not prior thereto does not offend Article 14 of the Constitution. *Avadesh Kumar v. Agra University*, 1981 ALJ 237.

**52. Ordinance how made.**—(1) The first Ordinances of each existing University shall be the Ordinances as in force immediately before the commencement of this Act insofar as they are not inconsistent with the provisions of this Act :

Provided that for the purpose of bringing the provisions of any such Ordinances into accord with the provisions of this Act and the Statutes, the Chancellor may by order make such adaptations and modifications of the Ordinances whether by way of repeal, amendment or addition as may be necessary or expedient and, provide that the ordinances shall as from such date as may be specified in the order have effect subject to the adaptations and modifications so made and any such adaptation or modification shall not be called in question.

(2) The First Ordinances of the Universities of Kumaun and Garhwal and of any other University to be established after the commencement of this Act shall be made by the State Government by notification in the Gazette.

<sup>24</sup>[(2-A) Until the First Ordinances of the Purvanchal University are made under sub-section (2), the Ordinances of the University of Gorakhpur, as in force immediately before the establishment of the said University, shall apply to it subject to such adaptations and modifications as the State Government may, by notification, provide.]

(3) Save as otherwise provided in this section, the Executive Council may, from time to time, make new or additional Ordinances or may amend or repeal the Ordinances referred to in sub-sections (1) and (2) :

Provided that no Ordinance shall be made—

- (a) affecting the admission of students, or prescribing examinations to be recognized as equivalent to the University examinations or the further qualifications mentioned in sub-section (1) of Section 45 for admission to the degree courses of the University, unless a draft of the same has been proposed by the Academic Council; or
- (b) effecting the conditions and mode of appointment and duties of examiners and the conduct or standard of examinations or any course of study except in accordance with a proposal of the Faculty or Faculties concerned and unless a draft of such Ordinance has been proposed by the Academic Council; or
- (c) effecting the number, qualifications and emoluments of teachers of the University or the income or expenditure of the University, unless a draft of the same has been approved by the State Government.

24. *Ins.* by U.P. Act 19 of 1987.

(4) The Executive Council shall not have power to amend any draft proposed by the Academic Council under sub-section (3) but may reject it or return to the Academic Council for reconsideration either in whole or in part together with any amendments which the Executive Council may suggest.

(5) All Ordinances made by the Executive Council shall have effect from such date as it may direct and shall be submitted as soon as may be to the Chancellor.

(6) The Chancellor may, at any time signify to the Executive Council his disallowance of such Ordinances other than those referred to in clause (c) of the proviso to sub-section (3) and from the date of receipt by the Executive Council of intimation of such disallowance, such Ordinances shall become void.

(7) The Chancellor may direct that the operation of any Ordinance other than those referred to in clause (c) of the proviso to sub-section (3) shall be suspended until he has an opportunity of exercising his power of disallowance. An order of suspension under this sub-section shall cease to have effect on the expiration of one month from the date of such order.

The validity of an Ordinance passed by the Executive Council providing for revaluation cannot be attacked on the ground that principles of natural justice were violated. *Jitendra Pratap v. Registrar*, 1985 ALJ 590.

Where the Executive Council abolished the revaluation system from the examination of 1984 contrary to the recommendation of Academic Council, which sought abolition from the examination of 1983, held, the Executive Council travelled beyond its powers. *Jitendra Pratap v. Registrar*, 1985 ALJ 590.

Discontinuance of revaluation scheme only in Engineering Faculty and not in other Faculties is not violative of Article 14. *Jitendra Pratap v. Registrar*, 1985 ALJ 590.

The Executive Council passing the Ordinance has power to give them retrospective effect. *Ram Bilas v. University of Allahabad*, 1982 ALJ 1132.

**53. Regulations.**—(1) Subject to the provisions of this Act, the Statutes and the Ordinances, an authority or other body of the University may make Regulations—

- (a) laying down the procedure to be followed at its meeting and the number of members required to form the quorum;
- (b) providing for all matters which by this Act, the Statutes or the Ordinances are to be provided by Regulations; and
- (c) providing for any other matter solely concerning such authority or body and not provided for by this Act, the Statutes and the Ordinances.

(2) The Regulations made by any authority or other body of the University shall provide for the giving of notice to its members of the dates of meetings and the business to be transacted thereat and for the keeping of record of the proceedings of such meetings.

(3) The Executive Council may direct any authority or other body of the University other than the Court to cancel or to amend in such form as may be specified in the direction, any Regulation made by such authority or body and such authority or body shall thereupon cancel or amend the Regulation accordingly :

Provided that any authority or other body of the University, if dissatisfied with any such direction may appeal to the Chancellor who may after obtaining the views of the Executive Council pass such orders as he thinks fit.

(4) The Academic Council may subject to the provisions of the Ordinances, make Regulations providing for the course of study for any examination, degree or diploma of the University only after the Board of Faculty concerned has proposed a draft of the same.

(5) The Academic Council shall not have power to amend or reject any draft proposed by the Board of Faculty under sub-section (4), but may return it to the Board for further consideration together with its own suggestions.

#### CHAPTER X

#### ANNUAL REPORTS AND ACCOUNTS

**54. Annual Report.**—(1) The Annual Report of the University shall be prepared under the direction of the Executive Council and shall be submitted to the Court a month before its annual meeting and the Court shall consider it in its annual meeting.

(2) The Court may, by resolution make recommendations on such report and communicate the same to the Executive Council which may take such action thereon as it thinks fit.

**55. Accounts and audit.**—(1) The annual accounts and balance-sheet of the University shall be prepared under the direction of the Executive Council and all money accruing to or received by the University from whatever source and all amounts disbursed or paid shall be entered in the accounts maintained by the University.

(2) A copy of the annual accounts and the balance-sheet shall be submitted to the State Government which shall cause the same to be audited.

(3) The annual accounts and the balance-sheet audited shall be printed and copies thereof shall, together with copies of the audit report be submitted by the Executive Council, to the Court and the State Government.

(4) The Executive Council shall also prepare, before such date as may be prescribed, the budget for the ensuing year.

(5) Every item of new expenditure above such amount as may be prescribed which it is proposed to include in the budget shall be referred by the Executive Council to the Finance Committee which may make recommendations thereon.

(6) The Executive Council shall, after considering the recommendations if any, of the Finance Committee approve the budget finally.

(7) The annual accounts, the balance-sheet and the audit report shall be considered by the Court at its annual meeting and the Court may, by resolution, make recommendations with reference thereto and communicate the same to the Executive Council.

(8) It shall not be lawful for the Vice-Chancellor or the Executive Council to incur any expenditure—

(a) either not sanctioned in the budget, or in the case of funds granted to the

University, subsequent to the sanction of the budget, by the State Government or the Government of India or the University Grants Commission or any international organisation or Foundation, save in accordance with the terms of such grant :

Provided that notwithstanding anything in sub-section (7) of Section 13, the Vice-Chancellor may, in the case of fire, flood, excessive rainfall or other sudden or, unforeseen circumstances, incur non-recurring expenditure not exceeding rupees five thousand not sanctioned in the budget and he shall immediately inform the State Government in respect of all such expenditure;

(b) on any litigation in opposition to <sup>25</sup>[any order of the Chancellor or of the State Government purporting to be made under this Act].

<sup>26</sup>[55-A. **Surcharge.**—(1) An officer specified in any of the clauses (c) to (i) of Section 9 shall be liable to surcharge for the loss, waste or misapplication of any money or property of the University, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct.

(2) The procedure of surcharge and the manner of recovery of the amount involved in such loss, waste or misapplication shall be such as may be prescribed.]

#### CHAPTER XI

#### REGULATION OF DEGREE COLLEGES

**56. Definitions.**—In this Chapter, unless the context otherwise requires—

(a) 'property', in relation to an affiliated or associated college, includes all property, movable and immovable, belonging to or endowed wholly or partly for the benefit of the college, including lands, buildings (including hostels), works, library, laboratory, instruments, equipment, furniture, stationery, stores, automobiles and other vehicles, if any, and other things pertaining to the college, cash on hand, cash at bank, investments, and book debts and all other rights and interests arising out of such property as may be in the ownership, possession, power or control of the college and all books of account, registers, and all other documents of whatever nature relating thereto, and shall also be deemed to include all subsisting borrowings, liabilities and obligations of whatever kind of the college;

(b) 'salary' means the aggregate of the emoluments including dearness or any other allowance for the time being payable to a teacher or other employee after making permissible deductions.

**57. Power of the State Government to issue notice.**—If the State Government receives information in respect of any affiliated or associated college (other than a college maintained exclusively by the State Government or a local authority)—

(i) that its Management has persistently committed wilful default in paying the salary of the teachers or other employees of the college by the

25. Subs. by U.P. Act 12 of 1978, S. 5.

26. Ins. by U.P. Act 12 of 1978, S. 6.

twentieth day of the month next following the month in respect of which or any part of which it is payable; or

- (ii) that its Management has failed to appoint teaching staff possessing such qualifications as are necessary for the purpose of ensuring the maintenance of academic standards in relation to the college or has appointed or retained in service any teacher in contravention of the Statute or Ordinances <sup>26a</sup>[or has failed to comply with the orders of the Director of Education (Higher Education) made on the basis of the recommendation of the Uttar Pradesh Higher Education Services Commission under the Uttar Pradesh Higher Education Services Commission Act, 1980,] or
- (iii) that any dispute with respect to the right claimed by different persons to be lawful office-bearers of its Management has affected the smooth and orderly administration of the college; or
- (iv) that its Management has persistently failed to provide the college with such adequate and proper accommodation, library, furniture, stationery, laboratory, equipment, and other facilities, as are necessary for efficient administration of the college; or
- (v) that its Management has substantially diverted, misapplied or misappropriated the property of the college to the detriment of the college;

it may call upon the Management to show cause why an order under Section 58 should not be made :

Provided that where it is in dispute as to who are the office-bearers of the Management, such notice shall be issued to all persons claiming to be so.

Action under Sections 57 and 58 against a Management Committee cannot be taken for faults of previous committee. *Committee of Management v. D.A.V. Degree College*, 1985 ALJ 1136.

Where the college which made default in payment of salaries of its teachers was receiving grant from State Government and was affiliated college of Kanpur University, it was held that the State Government was liable to pay salaries of the teachers. *Board of Trustees v. State of U.P.*, 1982 ALJ 698.

The word "persistent" used in clauses (i) and (iv) of Section 57 connotes something more than once. *Board of Trustees v. State of U.P.*, 1982 ALJ 698.

For supersession of Managing Committee on ground of diversion of funds both ingredients, namely, that there had been a diversion and it was to the detriment of college must exist. *Nathimal Ramsai Mal Edward Coronation College Association v. State of U.P.*, 1979 ALJ 1103.

Suspension of a Principal by the Management Committee in contemplation of disciplinary proceedings against him is not a good ground for action under Sections 57 and 58 of the Act. *Committee of Management v. D.A.V. Degree College*, 1985 ALJ 1136.

State Government should record reasons for suspension of Management Committee. *Ch. C.R. College v. Meerut University*, 1976 ALJ 680.

Mere pendency of a suit challenging validity of the election of office-bearers could not be a ground for issuing suspension order pending enquiry. *Ch. C.R. College v. Meerut University*, 1976 ALJ 680.

The word "information" in Section 57 indicates that State Government can act on any information received by it and it need not be only after it gets the college inspected as provided under Section 40 of the Act. *Board of Trustees v. State of U.P.*, 1982 ALJ 698.

**58. Authorised Controller.**—(1) If the State Government after considering the explanation, if any, submitted by the Management under Section 57 is satisfied

26a. Ins. by U.P. Act 9 of 1998, S. 5 (w.e.f 19-9-1997).

that any ground mentioned in that section exists, it may, by order, authorise any person (hereinafter referred to as the Authorised Controller) to take over, for such period not exceeding two years as may be specified, the Management of the college and its property to the exclusion of the Management and whenever the Authorised Controller so takes over the Management, he shall, subject only to such restrictions as State Government may impose, have in relation to the Management of the college and its property all such powers and authority as the Management would have if the college and its property were not taken over under this sub-section :

Provided that if the State Government is of opinion that it is expedient so to do in order to continue to secure the proper Management of the college and its property, it may, from time to time, extend the operation of the order for such period, not exceeding one year at a time, as it may specify, so however, that the total period of operation of the order, including the period specified in the initial order under this sub-section does not exceed <sup>27</sup>[five years] :

<sup>28</sup>[Provided further that if at the expiration of the said period of five years, there is no lawfully constituted Management of the college the Authorised Controller shall continue to function as such, until the State Government is satisfied that the Management has been lawfully constituted :

Provided also that the State Government may, at any time, revoke an order made under this sub-section.]

(2) Where the State Government while issuing a notice under Section 57 is of opinion, for reasons to be recorded, that immediate action is necessary in the interest of the college, it may suspend the Management, which shall thereupon cease to function, and make such arrangement as it thinks proper for managing the affairs of the college and its property till further proceedings are completed :

Provided that no such order shall remain in force for more than six months from the date of actual taking over the Management in pursuance of such order :

Provided further that in computation of the said period of six months, the time during which the operation of the order was suspended by any order of the High Court passed in exercise of jurisdiction under Article 226 of the Constitution or any period during which the Management failed to show cause in pursuance of the notice under Section 57, shall be excluded.

(3) Nothing in sub-section (1), shall be construed to confer on the Authorised Controller the power to transfer any immovable property belonging to college (except by way of letting from month to month in the ordinary course of management or to create any charge thereon) except as a condition of receipt of any grant-in-aid of the college from the State Government or the Government of India.

(4) Any order made under this section shall have effect notwithstanding anything inconsistent therewith contained in any other enactment or in any instrument relating to the management and control of the college or its property :

Provided that the property of the college and any income therefrom shall continue to be applied for the purposes of the college as provided in any such instrument.

27. 'Four years' substituted by 'five years' (w.e.f. 25-6-1982) by U.P. Act 4 of 1983.

28. Subs. by U.P. Act 4 of 1983 (w.e.f. 25-6-1982).

twentieth day of the month next following the month in respect of which or any part of which it is payable; or

- (ii) that its Management has failed to appoint teaching staff possessing such qualifications as are necessary for the purpose of ensuring the maintenance of academic standards in relation to the college or has appointed or retained in service any teacher in contravention of the Statute or Ordinances <sup>26a</sup>[or has failed to comply with the orders of the Director of Education (Higher Education) made on the basis of the recommendation of the Uttar Pradesh Higher Education Services Commission under the Uttar Pradesh Higher Education Services Commission Act, 1980,] or
- (iii) that any dispute with respect to the right claimed by different persons to be lawful office-bearers of its Management has affected the smooth and orderly administration of the college; or
- (iv) that its Management has persistently failed to provide the college with such adequate and proper accommodation, library, furniture, stationery, laboratory, equipment, and other facilities, as are necessary for efficient administration of the college; or
- (v) that its Management has substantially diverted, misapplied or misappropriated the property of the college to the detriment of the college;

it may call upon the Management to show cause why an order under Section 58 should not be made :

Provided that where it is in dispute as to who are the office-bearers of the Management, such notice shall be issued to all persons claiming to be so.

Action under Sections 57 and 58 against a Management Committee cannot be taken for faults of previous committee. *Committee of Management v. D.A.V. Degree College*, 1985 ALJ 1136.

Where the college which made default in payment of salaries of its teachers was receiving grant from State Government and was affiliated college of Kanpur University, it was held that the State Government was liable to pay salaries of the teachers. *Board of Trustees v. State of U.P.*, 1982 ALJ 698.

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Suspension of a Principal by the Management Committee in contemplation of disciplinary proceedings against him is not a good ground for action under Sections 57 and 58 of the Act. *Committee of Management v. D.A.V. Degree College*, 1985 ALJ 1136.

State Government should record reasons for suspension of Management Committee. *Ch. C.R. College v. Meerut University*, 1976 ALJ 680.

Mere pendency of a suit challenging validity of the election of office-bearers could not be a ground for issuing suspension order pending enquiry. *Ch. C.R. College v. Meerut University*, 1976 ALJ 680.

The word "information" in Section 57 indicates that State Government can act on any information received by it and it need not be only after it gets the college inspected as provided under Section 40 of the Act. *Board of Trustees v. State of U.P.*, 1982 ALJ 698.

**58. Authorised Controller.**—(1) If the State Government after considering the explanation, if any, submitted by the Management under Section 57 is satisfied

26a. Ins. by U.P. Act 9 of 1998, S. 5 (w.e.f 19-9-1997).

that any ground mentioned in that section exists, it may, by order, authorise any person (hereinafter referred to as the Authorised Controller) to take over, for such period not exceeding two years as may be specified, the Management of the college and its property to the exclusion of the Management and whenever the Authorised Controller so takes over the Management, he shall, subject only to such restrictions as State Government may impose, have in relation to the Management of the college and its property all such powers and authority as the Management would have if the college and its property were not taken over under this sub-section :

Provided that if the State Government is of opinion that it is expedient so to do in order to continue to secure the proper Management of the college and its property, it may, from time to time, extend the operation of the order for such period, not exceeding one year at a time, as it may specify, so however, that the total period of operation of the order, including the period specified in the initial order under this sub-section does not exceed <sup>27</sup>[five years] :

<sup>28</sup>[Provided further that if at the expiration of the said period of five years, there is no lawfully constituted Management of the college the Authorised Controller shall continue to function as such, until the State Government is satisfied that the Management has been lawfully constituted :

Provided also that the State Government may, at any time, revoke an order made under this sub-section.]

(2) Where the State Government while issuing a notice under Section 57 is of opinion, for reasons to be recorded, that immediate action is necessary in the interest of the college, it may suspend the Management, which shall thereupon cease to function, and make such arrangement as it thinks proper for managing the affairs of the college and its property till further proceedings are completed :

Provided that no such order shall remain in force for more than six months from the date of actual taking over the Management in pursuance of such order :

Provided further that in computation of the said period of six months, the time during which the operation of the order was suspended by any order of the High Court passed in exercise of jurisdiction under Article 226 of the Constitution or any period during which the Management failed to show cause in pursuance of the notice under Section 57, shall be excluded.

(3) Nothing in sub-section (1), shall be construed to confer on the Authorised Controller the power to transfer any immovable property belonging to college (except by way of letting from month to month in the ordinary course of management or to create any charge thereon) except as a condition of receipt of any grant-in-aid of the college from the State Government or the Government of India.

(4) Any order made under this section shall have effect notwithstanding anything inconsistent therewith contained in any other enactment or in any instrument relating to the management and control of the college or its property :

Provided that the property of the college and any income therefrom shall continue to be applied for the purposes of the college as provided in any such instrument.

27. 'Four years' substituted by 'five years' (w.e.f. 25-6-1982) by U.P. Act 4 of 1983.

28. Subs. by U.P. Act 4 of 1983 (w.e.f. 25-6-1982).

(5) The Director of Education (Higher Education) may give to the Authorised Controller such directions as he may deem necessary for the proper management of the college or its property, and the Authorised Controller shall carry out those directions.

Where the inspection report of the Deputy Director was not furnished or disclosed to the college management, the order of appointment of Authorised Controller was not sustainable. *Board of Trustees v. State of U.P.*, 1982 ALJ 698.

Extension of the term of the Authorised Controller on the ground that the Management had, during the period the Authorised Controller was in charge of the property of college, failed to remove certain defects is not valid. *Committee of Management v. State of U.P.*, 1982 ALJ 1403.

Order suspending committee of Management without giving opportunity of hearing is not illegal. *Swami Devanand Snatak Mahavidyalaya v. State of U.P.*, 1979 ALJ (NOC) 23.

For passing an order taking over management of a private college and appointment of an Authorised Controller, the Vice-Chancellor is not required to give opportunity to the Managing Committee to rectify the defects. *Nathimal Ramsai Mal Edward Coronation College Association v. State of U.P.*, 1979 ALJ 1103.

**59. Clause 58 not applied to minority colleges.**—Nothing contained in Section 58, shall apply to a college established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India.

**60. Duty to deliver possession to the Authorised Controller.**—(1) Where an order has been passed under Section 58 in respect of a college, every person in whose possession or custody or under whose control any property of the college may be, shall deliver the property to the Authorised Controller forthwith.

(2) Any person who on the date of such order has in his possession or under his control any books or other documents relating to the college or to its property shall be liable to account for the said books and other documents to the Authorised Controller and shall deliver them up to him or to such person as the Authorised Controller may specify in this behalf.

(3) The Authorised Controller may apply to Collector for delivery of possession and control over the college or its property or any part thereof, and the Collector may take all necessary steps for securing possession to the Authorised Controller of such college or property, and in particular, may use or cause to be used such force as may be necessary.

#### <sup>29</sup>[CHAPTER XI-A

#### PAYMENT OF SALARY TO TEACHERS AND OTHER EMPLOYEES OF DEGREE COLLEGES

**60-A. Definitions.**—In this Chapter, unless the context otherwise requires—

- (i) 'College' means any college affiliated to or recognised by any University in accordance with the provision of this Act or the Statutes made thereunder and for the time being receiving maintenance grant from the State Government (but does not include a college maintained exclusively by the State Government or a <sup>30</sup>[Nagar Mahapalika];

29. Chapter XI-A *ins.* by U.P. Act 21 of 1975, S. 9.

30. Words "local authority" *subs.* by "Nagar Mahapalika" by U.P. Act 15 of 1980 (w.e.f. 26-9-1979).

- (ii) 'Deputy Director' means the Regional Deputy Director of Education and includes any other officer authorised by the State Government to perform all or any of the functions of the Deputy Director under this Chapter;
- (iii) 'employee', in relation to a college, means a non-teaching employee of such college :
  - (a) in respect of whose employment maintenance grant was being paid by the State Government during the financial year 1974-75; or
  - (b) who was appointed to a post with the permission of the Director of Education (Higher Education);
- (iv) 'maintenance grant' means such grant-in-aid of a college as the State Government by general or special order in that behalf directs to be treated as maintenance grant appropriate to the level of that college;
- (v) 'salary' shall have the meaning assigned to it, in clause (b) of Section 56;
- (vi) 'teacher', in relation to a college, means a teacher in respect of whose employment maintenance grant was being paid by the State Government during the financial year 1974-75, or who is employed with the approval of the Vice-Chancellor of the University concerned—
  - (a) to a post created, before April 1, 1975, with the permission of the Vice-Chancellor concerned; or
  - (b) to a post created, after March 31, 1975, with the permission of the Director of Education (Higher Education).

In fixing salary of a lecturer whose temporary service as well as regular appointment has been approved by the V.C. his temporary service also has to be counted. *Ram Anugrah v. Director of Education*, 1986 ALJ 1138.

**60-B. Payment of salary within time and without unauthorised deductions.**—(1) Notwithstanding any contract to the contrary, the salary of a teacher or other employee of any college in respect of any period after the 31st day of March, 1975, shall be paid to him before the expiry of the 20th day or such earlier day as the State Government may, by general or the month in behalf, appoint, of the month next following special order in that respect of which or any part of which it is payable.

(2) The salary shall be paid without deductions of any kind except those authorised by this Act, the Statutes or the Ordinances, or by any other law for the time being in force.

**60-C. Power to inspect.**—(1) The Deputy Director may at any time, for the purposes of this Chapter, inspect or cause to be inspected any college or call for such information and records (including registers, books of account and vouchers) from its management with regard to the payment of salaries to its teachers or employees or give to its management any direction for the observance of such canons of financial propriety (including any direction for retrenchment of any teacher or employee or for prohibition of any wasteful expenditure) as he thinks fit.

(2) Every direction for retrenchment under sub-section (1) shall be issued after obtaining the prior approval of the Director of Education (Higher Education) and shall specify a future date on which such retrenchment shall become operative.

(3) Where any direction for retrenchment is issued in accordance with sub-sections (1) and (2), the teacher or the employee concerned shall, with effect from the date specified in such direction, cease to be a teacher or employee of the college for the purposes of the maintenance grant payable under this Chapter.

<sup>31</sup>[**60-CC. Supernumerary post of teachers.**—The Vice-Chancellor may with the prior approval of the State Government create any supernumerary post with a view to enabling a teacher who is for the time being holding responsible position of a national importance in India or abroad in educational administration or other similar assignment to retain his lien and seniority as such teacher and also to continue to earn increments in his pay scale during the period of his assignment and to contribute towards provident fund and earn retirement benefits, if any, in accordance with the Statutes :

Provided that no salary shall be payable to such teacher by the college for the period of such assignment.]

**60-D. Procedure for payment of salary in case of certain colleges.**—(1) The management of every college shall for the purposes of disbursement of salaries to its teachers and employees open in a scheduled bank or a co-operative bank or post office, a separate account (hereinafter in this Chapter called 'Salary Payment Account') to be operated jointly by a representative of the management and by the Deputy Director or such other officer as may be authorised by the Deputy Director in that behalf :

Provided that after the Salary Payment Account is opened, the Deputy Director may, if he is, subject to any rules made under Section 60-H satisfied that it is expedient in the public interest so to do, instruct the bank that the account shall be operated by the representative of the management alone, and may at any time revoke such instruction :

Provided further that in the case referred to in sub-section (3), or where in any other case after giving to the Management an opportunity of showing cause, the Deputy Director is of opinion that it is necessary or expedient so to do, the Deputy Director may instruct the bank that the Salary Payment Account shall be operated only by himself, or by such other officer as may be authorised by him in that behalf and may at any time revoke such instruction.

(2) The State Government may, from time to time, require by general or special order that the Management of a college shall deposit in the Salary Payment Account, such portion of the amount received from students as fees and also such portion, if any, of the income received from any property, movable or immovable belonging to or endowed wholly or partly for the benefit of the college, and by such date, as may be specified in that order, and thereupon, the Management shall be bound to comply with such direction.

(3) Where the Deputy Director is of opinion that the Management has failed to deposit the fees in accordance with the provisions of sub-section (2) or the orders issued thereunder, the Deputy Director may, by order, prohibit the Management from realising any fees from the students and thereupon, the Deputy Director may

31. *Ins.* by U.P. Act 5 of 1977, S. 19.

realise the fees (either through the teachers of the college or in such other manner as he thinks fit) directly from the students and shall deposit the fees so recovered in the Salary Payment Account.

(4) The State Government shall also pay into the Salary Payment Account such amount as maintenance grant, which, after taking into consideration the amounts deposited under sub-sections (2) and (3), is necessary for making payment in accordance with sub-section (5).

(5) No money credited to the Salary Payment Account shall be applied for any purpose except the following, namely—

- (a) for payment of salary to the teachers and other employees of the college falling due for any period after March 31, 1975;
- (b) for crediting the Management's contribution, if any to the provident fund accounts of teachers and employees of the college concerned.

(6) The salary of a teacher or employees shall be paid by transfer of the amount from the Salary Payment Account to his account, if any, in the same bank, or if he has no account in that bank, then by cheque.

**60-E. Liability in respect of Salary.**—<sup>31a</sup>(1) The State Government shall be liable for payment of salaries against such posts of teachers and employees of every such college that was taken in grant-in-aid list by the State Government on or after March 31, 1975:

Provided firstly that the Director of Higher Education or an officer authorized by him to sanction grant-in-aid to the college has paid the salary against such posts within one year after the college was taken in grant-in-aid list:

Provided secondly that the posts in a grant-in-aid college which were created after the college was taken in grant-in-aid list with the permission of the Director, Higher Education or by the State Government and were duly filled with the approval of the Director of Higher Education or an officer authorized by him after March 31, 1975:

Provided thirdly that the State Government shall not be liable for payment of salaries of teachers and employees of a college where permission to create posts was granted by the Director of Higher Education or by the State Government on the condition that the management of the respective college shall bear the liability of payment of salary against the posts so created:

Provided fourthly that the colleges in which affiliation for certain number of subjects of undergraduate and post-graduate courses has been accorded by the Chancellor under self-financing scheme, the State Government shall not be liable to pay salary of teachers and employees appointed in connection with imparting instruction in such course.]

(2) The State Government may recover any amount in respect of which any liability is incurred by it under sub-section (1) by attachment of the income from the property belonging to or vested in the college as if that amount were an arrear of land revenue due from such college.

(3) Nothing in this section shall be deemed to derogate from the liability of the college for any such dues to the teacher or employee.

**60-F. Punishment, penalties and procedure.**—(1) If any default is committed in complying with any direction under Section 60-C, or with the provisions of Section 60-B or Section 60-D, every person who at the time the default was committed was manager or any other person vested with the authority to manage and conduct the affairs of the college shall, unless he proves that the default was committed without his

31a. Subs. by U.P. Act 1 of 2004, S. 6 (w.e.f. 11-7-2003).

knowledge or that he exercised all due diligence to prevent the commission of the default, be punishable, in the case of a default in complying with the provisions of Section 60-B with fine which may extend to one thousand rupees, and in the case of any other default with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

(2) No court shall take cognizance of any offence punishable under this section except with the previous sanction of the Deputy Director.

(3) Every offence under this section shall be cognizable, but no police officer below the rank of a Deputy Superintendent shall investigate any such offence without the order of a Magistrate of the first class or make arrest therefor without a warrant.

(4) No court below the rank of a Magistrate of the first class shall take cognizance of an offence under this section.

**60-G. Finality of orders.**—No order made or direction given by the State Government, the Director of Education (Higher Education), the Deputy Director or other officer in exercise of any power conferred by or under this Chapter shall be called in question in any court.

**60-H. Rule-making power.**—(1) The State Government may by notification in the Gazette, make rules for carrying out the purposes of this Chapter.

(2) All rules made under this Chapter shall, as soon as may be after they are made, be laid before each House of the State Legislature while it is in session for a total period of thirty days comprised in its one session or more than one successive sessions and shall, unless some later date is appointed, take effect from the date of their publication in the Official Gazette, subject to such modifications or annulments as the two Houses of Legislature may during the said period agree to make, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.]

## CHAPTER XII

### PENALTIES AND PROCEDURE

**61. Penalties.**—(1) Whoever contravenes the provisions of Section 46 shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to one thousand rupees or both.

(2) Any person who—

- (a) having in his possession, custody or control any property of a college in respect of which an order has been made under Section 58 wrongfully withholds such property from the Authorised Controller appointed under that section or from any person authorised by him in that behalf; or
- (b) wrongfully obtains possession of any property of such college; or
- (c) wilfully withholds or fails to furnish the Authorised Controller or any person specified by him as required by sub-section (2) of Section 60 any books or other documents which may be in his possession, custody or control; or
- (d) wilfully obstructs any person from duly carrying out all or any of the provisions of this Act;

shall, on conviction be punished with imprisonment for a term which may extend to one year, or with fine or with both :

Provided that the Court trying any offence under clause (a) or clause (b) of this sub-section may at the time of convicting the accused person, order him to deliver up or refund within a time to be fixed by the Court any property wrongfully withheld or wrongfully obtained or any books or other documents wilfully withheld.

**62. Cognizance by Courts.**—No court shall take cognizance of an offence punishable under Section 61 except with the previous sanction of the Director of Education (Higher Education).

**63. Offences by registered societies.**—(1) If the person committing the offence under Section 61 is a society registered under the Societies Registration Act, 1860, the society as well as every person in charge of and responsible to the society for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he 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 has been committed by a registered society and it is proved that the offence has been committed with the consent or connivance of, or that the commission of offence is attributable to any neglect on the part of any member of the society, such member shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

#### CHAPTER XIII

#### MISCELLANEOUS

**64. Manner of appointment of officers and members of authorities.**—(1) Except as expressly provided by this Act or the Statutes, officers of the University and members of authorities of the University shall so far as may be, be chosen by methods other than election.

(2) Where a provision is made in this Act or the Statutes for any appointment by rotation or according to seniority or other qualifications the manner of rotation and determination of seniority and other qualifications shall be such as may be prescribed.

(3) Where a provision for an election is made in this Act, such election shall be conducted according to the system of proportional representation by means of the single transferable vote, and where provision for an election is made in the Statutes it shall be held in such manner as the Statutes may provide.

(4) Except as expressly provided by this Act, no officer or employee of the University shall be eligible to seek election to any authority or other body of the University.

**65. Filling of casual vacancies.**—(1) Any casual vacancy among the members, other than *ex officio* members, of any authority or body of the University shall be filled in the same manner in which the members whose vacancy is to be filled up was chosen, and the person filling the vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

(2) A person, who is a member of any authority of the University as a representative of another body, whether of the University or outside, shall retain his seat on such authority for so long as he continues to be the representative of such body [\* \* \*]<sup>32</sup>.

The member of the Executive Council retains his seat even after expiry of 3 years till his successor is appointed. *Sunit Vyas v. Vice-Chancellor, Allahabad*, 1986 ALJ 1383.

32. Words "and thereafter till his successor is duly appointed" omitted by U.P. Act 9 of 1998, S. 6 (w.e.f. 19-9-1997).

**66. Proceeding not to be invalidated by vacancies, etc.**—No act or proceeding, of any authority or body or committee of the University shall be invalid merely by reason of—

- (a) any vacancy or defect in the constitution thereof, or
- (b) some person having taken part in the proceedings who was not entitled to do so, or
- (c) any defect in the election, nomination or appointment of a person acting as member thereof, or
- (d) any irregularity in its procedure not affecting the merits of the case.

Readmission to a student who discontinued his studies in earlier session is illegal which cannot be cured under Section 66. *Kamal Singh v. Vice-Chancellor, Allahabad University*, 1986 ALJ 135.

Incomplete quorum does not invalidate decision taken by Board of Studies on merits. *N.D. Tahiliani v. R.P. Misra*, 1987 ALJ 860.

<sup>32a</sup>**66-A.** The State Government may issue such directions from time to time to a University on policy matters, not inconsistent with the provisions of this Act as it may deem necessary such direction shall be complied with by the University.]

**67. Removal from membership of the University.**—The Court may, by a two-third majority of the members present and voting remove any person from membership of any authority or other body of the University upon the ground that such person has been convicted of an offence which, in the opinion of the Court, is an offence involving moral turpitude or upon the ground that he has been guilty of scandalous conduct or had behaved in a manner unbecoming of a member of the University and may upon the same grounds withdraw from any person any degree, or certificate conferred or granted by the University.

**68. Reference to the Chancellor.**—If any question arises whether any person has been duly elected or appointed as, or is entitled to be, member of any authority or other body of the University, or whether any decision of any authority or officer of the University <sup>33</sup>[(including any question as to the validity of a Statute, Ordinance or Regulation, not being a Statute or Ordinance made or approved by the State Government or by the Chancellor)] is in conformity with this Act or the Statutes or the Ordinance made thereunder, the matter shall be referred to the Chancellor and the decision of the Chancellor thereon shall be final :

Provided that no reference under this section shall be made—

- (a) more than three months after the date when the question could have been raised for the first time;
- (b) by any person other than an authority or officer of the University or a person aggrieved :

Provided further that the Chancellor may in exceptional circumstances—

- (a) act *suo motu* or entertain a reference after the expiry of the period mentioned in the preceding proviso;
- (b) where the matter referred relates to a dispute about the election, and the eligibility of the person so elected is in doubt, pass such orders of stay as he thinks just and expedient;

32a. *Ins.* by U.P. Act 1 of 2004, S. 7 (w.e.f. 21-1-2003).

33. *Ins.* by U.P. Act 21 of 1975, S. 10.

(c) <sup>34</sup>[\* \* \*]

Civil suit against recommendations made by Selection Committee or an order passed by the Vice-Chancellor or Chancellor is not maintainable. *Rajendra v. Civil Judge*, 1980 ALJ 1115.

For the appointment to the post of a reader in Sampurnanand Sanskrit University, it is mandatory to have a doctorate in the subject of study concerned. *Paras Nath v. Chancellor*, 1982 ALJ 961.

Where there is unanimity of opinion on first choice of a candidate between the Selection Committee and the Management Committee the Chancellor has no jurisdiction to interfere with such decision. *Kamal Kanti v. Chancellor*, 1985 ALJ NOC 6.

Writ against the decision of Examination Committee without availing remedy under Section 68 is not maintainable. *Atul Goel v. Registrar*, 1985 ALJ 968.

Recommendation of the Selection Committee under Section 3 is a "decision" within the meaning of Section 68. Hence representation against such recommendation is maintainable. *Mathura Prasad Singh v. Chancellor*, 1984 ALJ 21.

Representation against appointment of teachers can be filed by a candidate for the post in question. *P.S. Malik v. Chancellor*, 1982 ALJ 774.

The Chancellor acts quasi-judicially when passing an order under Section 68. An order relating to disputed claim of seniority passed without hearing the affected party is illegal. *Ganga Sharan v. Chancellor*, 1978 ALJ 92.

<sup>35</sup>**[68-A. Power of Vice-Chancellor to enforce his order against Management.]—(1)** Where a decision of the Management of an affiliated or associated college to dismiss, remove or to reduce a teacher in rank or to punish him in any other manner or to terminate his services, has not been approved by the Vice-Chancellor or where an order of suspension of such teacher has been stayed, revoked or modified by the Vice-Chancellor in accordance with the provisions of this Act or of an Act repealed by Section 74, and the management has committed default in paying the salary of such teacher which became due to him in consequence of the Vice-Chancellor's order, the Vice-Chancellor may pass an order, requiring the management to pay the amount of salary as may be specified in the order and during the period of suspension, may also require the management to pay the suspension allowance at the rate of one-half of the salary payable, if the said amount has not been paid.

(2) In any such case as is referred to in sub-section (1), the Vice-Chancellor may also order reinstatement of the teacher concerned subject to such terms and the conditions as he thinks fit.

(3) The amount of salary or suspension allowance required to be paid under an order of the Vice-Chancellor under sub-section (1) shall on a certificate issued by him to the effect, be recoverable by the Collector as arrears of land revenue.

(4) Every order of the Vice-Chancellor under sub-section (2) shall be executable by the lowest civil court having territorial jurisdiction, as if it were a decree of that court.

(5) No suit shall lie against any management or teacher in respect of any matter for which a relief can be granted by the Vice-Chancellor under this section.]

34. Omitted by U.P. Act 5 of 1977, S. 20.

35. Ins. by U.P. Act 5 of 1977, S. 21.

<sup>36</sup>[69. **Bar of suit.**—No suit or other legal proceedings shall lie against the State Government or the Director of Education (Higher Education) or the Deputy Director (as defined in Section 60-A) or the Authorised Controller or the University or any officer, authority or body thereof in respect of anything done or purported or intended to be done in pursuance of the Act or the rules or the Statutes or the Ordinances made thereunder.]

**70. Mode of proof of University record.**—(1) A copy of any receipt, application, notice, order, proceeding, or resolution of any authority or committee of the University or other documents in possession of the University or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as *prima facie* evidence of such receipt, application, notice, order, proceedings, resolution or document or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein recorded where the original thereof would, if produced, have been admissible in evidence.

(2) No officer or servant of the University shall in any proceeding to which the University is not a party, be required to produce any document, register or other record of the University the contents of which can be proved under sub-section (1) but a certified copy, or to appear as a witness to prove the matters and transactions recorded therein unless by order of the court made for special cause.

#### CHAPTER XIV TRANSITORY PROVISION

**71. Continuation of existing Officers of the University.**—Subject to the provisions of this Act, every person holding office as an officer of an existing University on the date immediately before the commencement of this Act shall continue to hold office on the same terms and conditions until the expiration of his term of office.

**72. Constitution of authorities.**—<sup>37</sup>[(1) Every authority of an existing University shall, as soon as may be after the commencement of this Act, be constituted in accordance with the provisions of this Act, and every person holding office as member of such authority immediately before the commencement of this Act shall, on the date of such commencement, cease to be such member.]

(2) Until any authority of the University is constituted under sub-section (1), the State Government may, by order direct from time to time by whom and in what manner the powers, duties and functions exercisable or dischargeable under this Act by any authority of University shall be exercised or discharged :

Provided that no such direction shall be issued after December 31, <sup>38</sup>[[[1981]]]<sup>39</sup>.

(3) The Administrative Committees and the Academic Committees constituted, in pursuance of sub-section (2) of Section 67 of the Uttar Pradesh State Universities

36. Subs. by U.P. Act 21 of 1975, S. 11.

37. Subs. by U.P. Act 21 of 1975, S. 12.

38. Subs. by U.P. Act 5 of 1977, S. 22 and U.P. Act 12 of 1978, S. 7.

39. '1978' substituted by '1981' w.e.f. January 1, 1979 by U.P. Act 15 of 1980.

Ordinance, 1973, shall, on 15th September 1973, stand dissolved except as respect things done or omitted to be done by such Committees before that date, but nothing in this sub-section shall be deemed to preclude the State Government from taking, as from that date, such action under sub-section (2) as it thinks fit.

<sup>40</sup>[72-A. **Transitory provisions regarding Kashi Vidyapith.**—Notwithstanding anything contained in this Act—

(a) every person holding office as an officer (other than the Chancellor) of the Kashi Vidyapith on the date immediately before its establishment as a University shall continue to hold office as such on the same terms and conditions except as respect tenure as he held on the said date until fresh appointments are made under clause (b);

(b) as soon as may be after the commencement of this section, the State Government may appoint interim officers of the said University (other than the Chancellor) and shall constitute interim authorities of the said University in such manner as it thinks fit, upon which the corresponding officers referred to in clause (a) shall cease to hold office and the corresponding authorities, shall stand dissolved forthwith;

<sup>41</sup>[(c) the officers appointed and the members of the authorities constituted under clause (b) shall hold office up to [December 31, 1981]<sup>42</sup>, or until the appointment of the officers or the constitution of the authorities in accordance with clause (d) whichever be earlier;

(d) the State Government shall take steps for the appointment of officers and constitution of authorities of the said University in accordance with the provisions of this Act, so that the same may be completed before the expiry of the respective terms of the interim officers and members under clause (c).]

<sup>43</sup>[72-B. **Transitory provision on change of name of Garhwal University.**—With effect from April 25, 1989 any reference to the University of Garhwal in this Act or any rules, statutes, ordinances, statutory instruments, or any other law for the time being in force or in any documents or proceedings shall be construed as a reference to the Hemvati Nandan Bahuguna Garhwal University.]

<sup>44</sup>[72-C. **Transitory provisions on change of name of University of Meerut.**—With effect from January 17, 1994 any reference to the University of Meerut in this Act, or any rules, statutes, Ordinances, statutory instruments or any other law for the time being in force or in any document or proceedings shall be construed as a reference to the Chaudhary Charan Singh University, Meerut.]

<sup>45</sup>[72-D. **Transitory provisions on the change of name of the University of Avadh.**—[(1)]<sup>46</sup> With effect from June 18, 1994 any reference to the University of

40. *Ins.* by U.P. Act 29 of 1974, S. 16.

41. *Subs.* by U.P. Act 12 of 1978, S. 8.

42. '1978' *subs.* by '1981' (w.e.f. 1-1-1979) by U.P. Act No. 15 of 1980.

43. *Ins.* by U.P. Act 26 of 1989, S. 3 (w.e.f. 24-4-1989).

44. *Ins.* by U.P. Act 5 of 1994, S. 3 (w.e.f. 17-1-1994).

45. *Ins.* by U.P. Act 20 of 1994, S. 7 (w.e.f. 18-6-1994).

46. *Renumbered* by President's Act 4 of 1996, S. 10 (w.e.f. 11-7-1995).

Avadh in this Act or any rules, statutes, Ordinances, statutory instruments or any other law for the time being in force or in any document or proceedings shall be construed as a reference to the Dr Ram Manohar Lohia University, Faizabad.]

<sup>47</sup>[(2) With effect from July 11, 1995 any reference to the University of Avadh, or to the Doctor Ram Manohar Lohia University, Faizabad, in this Act or any rules, statutes, Ordinance, statutory instruments or any other law for the time being in force or in any document or proceedings shall be construed as a reference to the Doctor Ram Manohar Lohia Avadh University, Faizabad.]

<sup>48</sup>[72-E. **Transitory provision on the name of the Kashi Vidyapith.**—With effect from July 11, 1995 any reference to the Kashi Vidyapith in this Act or any rules, statutes, Ordinance, statutory instruments or any other law for the time being in force or in any document or proceedings shall be construed as a reference to the Mahatma Gandhi Kashi Vidyapith, Varanasi.]

<sup>49</sup>[72-F. **Transitory provision on the name of the Universities of Agra and Kanpur.**—[1]<sup>50</sup> With effect from September 24, 1995 any reference to the University of Agra and Kanpur University in this Act or any rules, statutes, Ordinance, statutory instruments or any other law for the time being in force in any document or proceedings shall be construed as a reference to Doctor Bhimrao Ambedkar University, Agra and Shri Shahu Ji Maharaj University, Kanpur respectively.]

<sup>51</sup>[(2) With effect from the date of commencement of the Uttar Pradesh State Universities (Amendment) Act, 1997, any reference to the Kanpur University, or to Shri Shahu ji Maharaj University, Kanpur in this Act or any rules, Statutes, Ordinance, statutory instruments or any other law for the time being in force or in any document or proceedings shall be construed as a reference to Chhatrapati Shahu ji Maharaj University, Kanpur.]

<sup>52</sup>[72-G. **Transitory provisions on the change of names of University of Gorakhpur and University of Rohilkhand.**—With effect from the date of the commencement of the Uttar Pradesh State Universities (Second Amendment) Act, 1997 any reference to the University of Gorakhpur and the University of Rohilkhand in this Act, or any rules, Statutes, Ordinances, statutory instruments, or any other law for the time being in force or in any document or proceedings shall be construed as a reference to Deen Dayal Upadhyaya, Gorakhpur University, Gorakhpur and Mahatma Jyotiba Phule Rohilkhand University, Bareilly respectively.]

<sup>53</sup>[72-H. **Transitory provision of change of name of the purvanchal University.**—With effect from the date of commencement of the Uttar Pradesh State Universities (Amendment) Act, 1999 any reference to the Purvanchal University in this Act or any rules, Statutes, Ordinances, statutory instruments, or any other law for the time being in force or in any document or proceeding shall be construed as a reference to Vir Bahadur Singh Purvanchal University, Jaunpur.]

47. *Ins.* by President's Act 4 of 1996, S. 10 (w.e.f. 11-7-1995).

48. *Ins.* by President's Act 4 of 1996, S. 11(a) (w.e.f. 11-7-1995).

49. *Ins.* by President's Act 4 of 1996, S. 11(b) (w.e.f. 23-9-1995).

50. *Ins.* by U.P. Act 12 of 1997, S. 4.

51. *Ins.* by U.P. Act 12 of 1997, S. 4.

52. *Ins.* by U.P. Act 18 of 1997, S. 4.

53. *Ins.* by U.P. Act 11 of 1999, S. 3 (w.e.f. 8-1-1999).

**73. Power to remove difficulties.**—(1) The State Government may, for the purpose of removing any difficulty, particularly in relation to the transition from the provisions of the enactments repealed by Section 74 to the provisions of this Act, by order published in the Official Gazette direct that the provisions of this Act, shall during such period as may be specified in the order, have effect subject to such adaptations whether by way of modification, addition or omission as it may deem to be necessary or expedient :

Provided that no such order shall be made <sup>54</sup>[after December 31, [1982]<sup>55</sup>].

(2) Every order made under sub-section (1) shall be laid before both the Houses of the State Legislature.

(3) No order under sub-section (1) shall be called in question in any court on the ground that no difficulty as is referred to in sub-section (1) existed or required to be removed.

**74. Repeal of certain enactments.**—(1) The following enactments are hereby repealed, with effect from the respective dates on which this Act is brought into force in relation to the existing University concerned, namely—

- (a) the Lucknow University Act, 1920;
- (b) the Allahabad University Act, 1921;
- (c) the Agra University Act, 1926;
- (d) the Gorakhpur University Act, 1956;
- (e) the Varanaseya Sanskrit Vishwavidyalaya Act, 1956; and
- (f) the Kanpur and Meerut Universities Act, 1965.

<sup>56</sup>(2) Notwithstanding such repeal—

- (a) all appointments made, orders issued, degrees or diplomas conferred or certificates issued, privileges granted or other things done (including registration of graduates) under any such enactment, shall be deemed to have been respectively made, issued, conferred, granted or done under the corresponding provisions of this Act, and except as otherwise provided by or under this Act continue in force unless and until they are superseded by any order made under this Act :
- (b) all proceedings of Selection Committee which took place before the commencement of this Act and all actions by the Management or by the Executive Council, as the case may be, in respect of the recommendation of such Selection Committees, where no orders of appointment on the basis thereof were passed before the commencement of this Act, shall, notwithstanding that the procedure for selection has been modified by this Act, be deemed to have been valid but further proceeding in connection with such pending selections shall be taken in accordance with the

54. Subs. by U.P. Act No. 5 of 1977, S. 24 and U.P. Act 12 of 1978, S. 9.

55. '1978' subs. by '1981' w.e.f. 1-1-1979 by U.P. Act 15 of 1980; '1981' subs. by '1982' (w.e.f. 29-12-1981) by U.P. Act 25 of 1982.

56. Subs. by U.P. Act 21 of 1975, S. 13 and be deemed always to have been substituted.

provisions of this Act and be continued from the stage where they stood immediately before such commencement.]

(3) Notwithstanding anything in sub-sections (1) and (2), or in any other provisions of this Act—

- (a) <sup>57</sup>[\* \* \*];
- (b) <sup>58</sup>[\* \* \*];
- (c) where any institution has applied for affiliation to the University of Agra in accordance with the provisions of the Agra University Act, 1926, before June 18, 1973 and such application was pending on the said date, and the place where the institution is situated lies under this Act outside area of the University of Agra, such application may be disposed of by the competent authorities of the University of Agra as if the institution would be affiliated to that University, and upon the grant of such application by the Chancellor, the institution would stand affiliated to the University within whose territorial jurisdiction as specified in Section 5, the institution would lie;
- (d) until fresh panels of experts are drawn up under sub-section (5) of Section 31, the Chancellor or the Vice-Chancellor, as the case may be, may nominate experts to a Selection Committee under that section from out of the panels in existence immediately before the commencement of this Act:
 

<sup>59</sup>[Provided that the provisions of Explanations I and II to the said sub-section (5) shall apply also to the panels of experts referred to in this clause and to nominations made from such panels under this clause;]
- (e) until a Finance Officer is appointed in a University, the functions of the Finance Officer under this Act shall be performed by a Dean of Faculty nominated by the Chancellor in that behalf;
- (f) until rules are made under Section 17, any vacancy in a post of Registrar, Deputy Registrar or Assistant Registrar may be filled on a provisional basis by the Chancellor, in the case of the post of Registrar and by the Vice-Chancellor in the case of the post of Deputy Registrar or Assistant Registrar;
- <sup>60</sup>(g) every student of the Kashi Naresh Government Degree College, Gyanpur, or the Government Degree College, Jakhni, situate in district Varanasi, or the Government Degree College, Rishikesh, situate in district Dehra Dun, who—
  - (1) immediately before the commencement of Uttar Pradesh State Universities Ordinance, 1973, was studying for a degree of the University of Agra; or
  - (2) was admitted as a student of any of the said colleges during the academic year 1973-74 for a degree of the said University; or

57. Omitted by U.P. Act 29 of 1974, S. 17.

58. Omitted by U.P. Act 5 of 1977, S. 25.

59. Ins. by U.P. Act 21 of 1975, S. 13 and shall be deemed always to have been inserted.

60. Ins. by U.P. Act 29 of 1974, S. 17.

- (3) is eligible to appear at any degree examination of the said University in the year 1974 or in the year 1975 <sup>61</sup>[or in the year 1976] as an ex-student;

shall be permitted to complete his course in accordance with the syllabus of the University of Agra, and necessary arrangements for the instruction and examination of such students shall be made by the University of Agra and on the results of such examination, the degree may be conferred by that very University;

- (h) until the Faculties are constituted in the Universities referred to in sub-section (1) or sub-section (1-A) of Section 4, the Selection Committee referred to in clause (c), of sub-section (4) of Section 31 shall consist of the following members, namely—

- (1) the Head of the Management or a member of the Management nominated by him, who shall be the Chairman;
- (2) one member of the Management nominated by the Management; and
- (3) three experts to be nominated by the Vice-Chancellor;]

- <sup>62</sup>(i) every person residing within the area of the University of Gorakhpur who was permitted by the Agra University to appear in B.A. Part I or M.A. Part I Examination of 1974 from the Kashi Naresh Government Degree College, Gyanpur, Varanasi Centre and who, on the result of the examination, has been declared successful, shall be permitted by the University of Agra to appear in the B.A. Part II or M.A. Part II Examination, as the case may be, of the said University from the Kashi Naresh Government Degree College, Gyanpur, Varanasi Centre, during the academic years 1974-75 and 1975-76 and on that results of such examination the degree may be conferred by that very University, and such examination shall be deemed to be valid :

- (j) any person residing within the area of the University of Allahabad or the University of Lucknow may be permitted by the University of Kanpur (hereinafter in this clause referred to as the said University) to appear in an examination referred to in clause (5) of Section 7, and on the result of such examination a degree may be conferred by the said University notwithstanding that such person was not residing within the area of the said University.]

**75. Amendment of U.P. Act XXIV of 1965.**—In Section 3 of the Uttar Pradesh Universities (Provisions regarding Conduct of Examinations) Act, 1965, for the words 'two months' the words 'six months' shall be substituted.

**76. Repeal and Savings.**—(1) The Uttar Pradesh State Universities Ordinance, 1973 (U.P. Ordinance 1 of 1973), is hereby repealed.

(2) Notwithstanding any such repeal, anything done or any action taken under the said Ordinance shall, subject to the provisions of sub-section (3) of Section 72, be deemed to have been done or taken under this Act as if this Act had commenced on the 18th day of June, 1973.

61. *Ins.* by U.P. Act 21 of 1975, S. 13.

62. *Ins.* by U.P. Act 5 of 1977, S. 25 and shall be deemed always to have been inserted.

## THE SCHEDULE

(See Section 5)

Serial No.	Name of the University	Areas within which the University shall exercise jurisdiction
1	2	3
1.	The University of Lucknow	Area within a radius of sixteen kilometres from the Convocation Hall of the University.
2.	The University of Allahabad	Area within a radius of sixteen kilometres from the Convocation Hall of the University.
<sup>63</sup> [3.	<sup>64</sup> [Doctor Bhimrao Ambedkar University, Agra]	
	(i) until the establishment of the University of Rohilkhand	Districts of Agra, Aligarh, Bareilly, Bijnor, Badaun, Etah, Mainpuri, Mathura, Moradabad, Pilibhit, Rampur and Shahjahanpur.
	(ii) upon the establishment of the University of Rohilkhand.	Districts of Agra, Aligarh, Etah, Mainpuri and Mathura.
<sup>65</sup> [4.	<sup>66</sup> [Deen Dayal Upadhyaya, Gorakhpur University, Gorakhpur—	
	(i) until the establishment of the Purvanchal University	Districts of Azamgarh, Ballia, Basti, Deoria, Ghazipur, Gorakhpur, Jaunpur, Mirzapur and Varanasi.
	(ii) upon the establishment of the Purvanchal University.	Districts of Basti, Deoria and Gorakhpur.]
<sup>67</sup> [5.	<sup>68</sup> <sup>69</sup> [Chhatrapati] Shahu Ji Maharaj University, Kanpur]	
	(i) until the establishment of the Universities of Bundelkhand and Avadh.	Districts of Allahabad, Banda, Bara Banki, Etawah, Farrukhabad, Fatehpur, Hamirpur, Hardoi, Jalaun, Jhansi, Kanpur, Lakhimpur-Kheri, Lalitpur, Lucknow, Rae Bareli, Sitapur and Unnao, excepting the area which lies within the limits of the Universities of Allahabad and Lucknow.
	(ii) upon the establishment of the University of Avadh, but until the establishment of the University of Bundelkhand	Districts of Allahabad, Banda, Etawah, Farrukhabad, Fatehpur, Hamirpur, Hardoi, Jalaun, Jhansi, Kanpur, Lakhimpur-Kheri, Lalitpur, Lucknow, Rae Bareli, Sitapur, and Unnao, excepting the area which lies within the limits of the Universities of Allahabad and Lucknow.

63. Entries 3 to 11 *subs.* by Act 29 of 1974, S. 18.64. *Subs.* by President's Act 4 of 1996, S. 12(a) (w.e.f. 23-9-1995).65. *Subs.* by U.P. Act 19 of 1987.66. *Subs.* by U.P. Act 18 of 1997, S. 5.67. *Subs.* by U.P. Act 21 of 1975, S. 14.68. *Subs.* by President's Act 4 of 1996, S. 12(a) (w.e.f. 23-9-1995).69. *Subs.* for "Shri" by U.P. Act 12 of 1997, S. 5.

- (iii) upon the establishment of the University of Avadh and also the University of Bundelkhand.
- District of Allahabad, Etawah, Farrukhabad, Fatehpur, Hardoi, Kanpur, Lakhimpur-Kheri, Lucknow, Rae Bareli, Sitapur and Unnao, excepting the area which lies within the limits of the Universities of Allahabad and Lucknow.]
6. [Chaudhary Charan Singh University, Meerut]<sup>70</sup> Districts of Bulandshahr, Meerut, Muzaffarnagar and Saharanpur.
7. The University of Kumaun Districts of Almora, Naini Tal and Pithoragarh.
8. [Hemvati Nandan Bahuguna Garhwal University]<sup>71</sup> Districts of Chamoli, Dehra Dun, Garhwal, Tehri-Garhwal and Uttar Kashi.
9. The University of Bundelkhand Districts of Banda, Hamirpur, Jalaun, Jhansi and Lalitpur.
10. [Doctor Ram Manohar Lohia Avadh University, Faizabad]<sup>72</sup> Districts of Bahraich, Bara Banki, Faizabad, Gonda, Pratapgarh and Sultanpur.
11. <sup>73</sup>[Mahatma Jyotiba Phule Rohilkhand University, Bareilly Districts of Budaun, Bareilly, Bijnor, Moradabad, Pilibhit, Rampur and Shahjahanpur.]
- <sup>74</sup>[12. <sup>75</sup>[Vir Bahadur Singh Purvanchal University, Jaunpur.] Districts of Azamgarh, Ballia, Ghazipur, Jaunpur, Mirzapur and Varanasi.]

70. Subs. by U.P. Act 5 of 1994, S. 4 (w.e.f. 17-1-1994).

71. Subs. by U.P. Act 26 of 1989, S. 4 (w.e.f. 24-4-1989).

72. Subs. by President's Act 4 of 1996 S. 12(b) (w.e.f. 11-7-1995).

73. Subs. by U.P. Act 18 of 1997, S. 5.

74. Ins. by U.P. Act 19 of 1987.

75. Subs. by U.P. Act 11 of 1999, S. 4 (w.e.f. 8-1-1999).