



GOVERNMENT OF MAHARASHTRA  
**State Common Entrance Test Cell**

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**Information Brochure**

**{Academic Year 2020-21}**

For Admission to

**Full Time Professional Undergraduate Technical  
Courses**

- First Year and Direct Second Year of Engineering and Technology (B.E./B.Tech.)
- First Year and Direct Second Year of Pharmacy (B.Pharm.)
- First Year of Pharm. D.
- First Year of Architecture (B.Arch.)
- First Year and Direct Second Year of Hotel Management & Catering Technology (B.HMCT)
- First year of Planning (B.Planning)

**DIRECTOR,**

Annasaheb Dange College of  
Engineering & Technology, Ashta.  
Tal. Walwa, Dist. Sangli. 416 301

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## 1. Introduction, -

In exercise of the powers conferred by section 23 of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 (Mah. XXVIII of 2015), the Government of Maharashtra has published the rules on 24.04.2017 and its amendments on 05.06.2018, 04.06.2019 and 09.07.2020 to regulate the admissions to the **First year of Full Time Professional Undergraduate Technical Courses** (Engineering and Technology, Pharmacy, Architecture and Hotel Management and Catering Technology) **and Direct Second Year** (Engineering and Technology, Pharmacy and Hotel Management and Catering Technology). These rules also includes the admissions in first year of degree in Planning.

**These rules are also applicable for admissions in Government and Government Aided professional educational institutions** vide Government Resolution of Higher & Technical Education Department No. TEM-2016/CR (473/16)/ TE-4 Dated 25<sup>th</sup> April 2017 and amendments vide Gr No. TEM-2019/CR 46/ TE-4 dated 04<sup>th</sup> June 2019.

This brochure gives information regarding the eligibility and rules of admission to First and Second year of various technical professional undergraduate degree courses in the State of Maharashtra. This also provides information about invitation of applications for admission, preparation of merit list, distribution of seats, details of reservation, various rounds and stages of Centralised Admission Process (CAP), admissions in Institutional Quota seats and vacant seats after CAP, supernumerary seats, refund of fees, etc.

## 2. Definitions. -

- (a) "Act" means the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 (Mah. Act XXVIII of 2015);
- (b) "Admission Reporting Centre" means a centre where the Candidate shall report for confirmation of admission by verification of documents and payment of fees;
- (c) "All India Seats" means seats available to an eligible Indian National Candidate;
- (d) "Application Form" means prescribed form filled up online by the Candidate for admission;
- (e) "Autonomous Institution" means the institution to which autonomy is granted by the University Grants Commission;
- (f) "CAP" means Centralised Admission Process;
- (g) "CAP Seats" means the seats filled in through the centralized process of admission carried out by the Competent Authority;
- (h) "CET" means Common Entrance Test;
- (i) "Competent Authority" means the Commissioner of State CET appointed by the Government under section 10 of the Act, for conducting CET through CAP for the admissions into Private Professional Educational Institutions;
- (j) "Courses" means the full time Undergraduate technical courses in

- (z) "Qualifying Examination" means examinations on the basis of which a candidate becomes eligible for admission or its equivalent examination;
- (aa) "SSC" means the Secondary School Certificate (Standard X) examination conducted by Maharashtra State Board of Secondary and Higher Secondary Education or its equivalent certificate awarded by a recognised Board;
- (bb) "Supernumerary Seats" means seats which are over and above the Sanctioned Intake approved by the appropriate authority and the Government, from time to time;
- (cc) "TFWS" means the Tuition Fee Waiver Scheme of All India Council for Technical Education.

### 3. Invitation of Application.

(1) The Competent Authority shall invite Online Applications from Candidates for participating in CET and / or CAP for seeking admission to the Professional Courses for which State CET or alternative entrance examination is required for the academic year.

(2) The Competent Authority shall invite online applications in the prescribed form, from the eligible candidates for participating in Centralized Admission Process (CAP) for seeking admission to the undergraduate technical courses, which are exempted from CET as per provisions of the Act.

(3) The Competent Authority shall invite online application form, from the eligible candidates for participating in Centralized Admission Process (CAP) to the undergraduate technical courses for which the entrance test is conducted by the appropriate authority under any Central Act and shall be applicable for seeking admission to such professional courses, as per the provisions of the Central Act, rules and regulations made there under.

(4) The Candidates seeking admissions to the professional courses for the seats provided in -

- (a) 7(1)-Maharashtra State Candidature Seats, 7(2)- All India Candidature Seats, 7(3)- Minority Quota Seats and 7(5)(b)- Supernumerary Seats for Union Territory of Jammu and Kashmir and Union Territory of Ladakh Migrant Candidature- For these seats the candidates shall apply to the Competent Authority for admission through Centralised Admission Process(CAP).
- (b) 7(4)- Institutional Quota Seats and 7(5)(a) Supernumerary Seats for OCI/ PIO, Foreign Students and the Children of Indian Workers in Gulf Countries Candidates -For these seats the candidates shall initially apply to the Competent Authority for verification of documents and then to respective institutes, to enable the institutions to give admissions to such eligible applicants on the basis of inter-se merit. It is pre-requisite and mandatory to apply for verification of documents to the Competent Authority to be eligible for admission under these quota.

### (III) Admissions Procedure

These seats are allotted by the Competent Authority as per inter-se merit. For this purpose, the Competent Authority shall invite applications, prepare a separate merit list for this category by following the same criteria as for Maharashtra State Candidature Candidates. In the event of non-availability of students in this category the same shall not be given to any other category of applicants.

#### (d) Jammu and Kashmir Candidates and North East States:

- (i) The admission to the candidates as per *Prime Minister's Special Scholarship Scheme (PMSSS) for the students belonging to Jammu and Kashmir and the scheme of Government of India of allocation of supernumerary seats in AICTE approved colleges to North Eastern States and UTs (NEUT) which lack in such facilities of technical education* shall be done by the competent authority appointed by the Central Government as per their eligibility criteria.
- (ii) The fee for the students belonging to Union Territory of Jammu and Kashmir and Union Territory of Ladakh admitted under the Prime Minister's Special Scholarship Scheme (PMSSS) to the Private Unaided Institutes shall be the minimum of the fee prescribed by the Fee Regulatory Authority (FRA) for that institute and the maximum fee ceiling amount prescribed by All India Council for Technical Education(AICTE).
- (iii) The fee for the students admitted under the scheme of Government of India of allocation of supernumerary seats in AICTE approved colleges to North Eastern States and UTs (NEUT) which lack in facilities of technical education shall be same as that for the Non Autonomous Government Institutes.

#### (6) Reservations:

All the reservations given below shall be applicable to **candidates belonging to Maharashtra State only** subject to the fulfilment of the eligibility criteria specified by respective authorities from time to time.

##### (a) Reservation for Backward Class category Candidates:

The percentage of seats reserved for candidates of backward class categories belonging to Maharashtra State is as given below. The percentage of reservation is the percentages of the seats available for Maharashtra candidates, coming under the CAP. Backward class candidates shall claim the category to which they belong to at the time of submission of application form for CAP.

Sr.No.	Category of Reservation	Percentage of seats Reserved
01	Scheduled Castes and Schedule Caste converts to Buddhism (SC)	13.0 %
02	Schedule Tribes (ST)	7.0%
03	Vimukta Jati (VJ)/De Notified Tribes(DT) (NT-A)	3.0%
04	Nomadic Tribes 1 (NT-B)	2.5%
05	Nomadic Tribes 2 (NT-C)	3.5%
06	Nomadic Tribes 3 (NT-D)	2.0%
07	Other Backward Classes (OBC)	19.0%
	Total	50.0%

**(b) Reservation for sons/daughters of Defence service personnel:**

Five percent (5%) seats of the total seats for Maharashtra candidates coming under CAP per course shall be reserved for Children of ex- service personnel who are Domiciled in Maharashtra State (DEF-1), Children of active service personnel who are Domiciled in Maharashtra State (DEF-2), Children of active service personnel (DEF-3) who are transferred to Maharashtra State but are not domiciled in Maharashtra State, or who are not domiciled in Maharashtra State but their families are stationed in Maharashtra State under the provision of retention of family accommodation at the last duty station on grounds of children's education provided further that, such candidate should have appeared and passed the HSC examination from a school/college situated in the State of Maharashtra.

- (i) These seats are within the sanctioned intake and are available as **State Level seats**.
- (ii) A combined single merit list of all eligible DEF1, DEF2 and DEF3 candidates shall be prepared.
- (iii) Candidates claiming these seats shall produce additional documents in Proforma C, D and/or E as applicable.
- (iv) This provision is NOT available to the children of **CIVILIAN STAFF** who is working /who has worked in the Indian Defence Service.

**(c) Reservation for Persons with Disability Candidate:**

Five percent (5%) seats of total seats for Maharashtra candidates per course coming under CAP shall be reserved for Candidates having any of the following minimum 40% benchmark disability.

Locomotor disability	Intellectual disability
Leprosy cured person	Specific learning disabilities
Cerebral palsy	Autism spectrum disorder

Dwarfism	Mental illness
Muscular dystrophy	Multiple sclerosis
Acid attack victims	Parkinson's disease
Blindness	Haemophilia
Low-vision	Thalassemia
Deaf	Sickle cell disease
Hard of hearing	Multiple Disabilities
Speech and language disability	

A single merit list of all eligible candidates shall be prepared. The allotment of seats reserved for the Candidates with Disability shall be done on the basis of an inter-se merit. **These seats are available for Maharashtra domiciled candidates in HU / SL seats.**

The candidates claiming reservation under this category shall submit the certificates from the authority competent for issuing such certificate. The certificate (Pro-forma) should clearly state that the extent of disability is not less than 40% (Forty percent) and the disability is permanent in nature.

**Note: -**

Candidates with Disability should note that on admission to degree course they will not be given any exemptions or additional facility in the academic activities other than those which may be provided by the respective Universities.

**(d) Reservation for EWS Candidate:** As per the provisions in Government Resolution No. राआधो -4019/प्र.क्र.31/16-अ, dated 12<sup>th</sup> February, 2019, 10% seats shall be reserved for Economically Weaker Section (EWS) candidates. These seats shall be filled by the Competent Authority through CAP as per the policies of the Government declared from time to time. These 10% seats shall be over & above the sanctioned intake for the respective course.

**(e) Reservations for Orphan Candidates -** One percent (1%) seats of CAP Seats (excluding Minority institutions, All India Seats, if any) shall be reserved for Orphan Candidates. These seats shall be filled by the Competent Authority through CAP as per Government Resolution, Women and Child Welfare Department, No. AMJ-2011/C.R. 212 / Desk 3 dated 2<sup>nd</sup> April 2018 and the policies of the Government declared from time to time.

**(f) Reservation for female candidates:** As per the provisions in Government Resolution No. GEC-1000/ (123/2000)/ Tech. Edu.-1, dated 17<sup>th</sup> April, 2000, 30% seats shall be reserved for female candidates. There shall be no reservation for Female candidates under Defence, Persons with Disability and Orphan categories.



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Un-Aided -Autonomous		CAP Seats : 54																		
Choice Code	Course Name	SI	MS Seats			Minority Seats			All India			Institute Seats			Orphan					
628300210	Aeronautical Engineering	60	45			0			9			6			0					
Category	OPEN	SC	ST			VJ/DT			NTC			NTD			Total					
			G	L	G	L	G	L	G	L	G	L	G	L						
General / Ladies			15	6	4	2	3	1	1	0	1	0	1	1	0	0	0	2	43	
State Level																				
PWD	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
PWD Common Reserved Seats :- 1																				
DEF	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Defence Common Reserved Seats :- 1																				
Economically Weaker Section (EWS) Seats :6															Tuition Fee Waiver Scheme Choice Code : 628300211T					Seats: 3

  
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Un-Aided -Autonomous

Choice Code	Course Name	SI	MS Seats		Minority Seats		All India		Institute Seats		Orphan	
			OPEN	SC	NTB	NTC	NTD	OBC	Total			
628324210	Computer Science and Engineering	120	84	0	18	18	18	1				
General / Ladies	G	L	G	L	G	L	G	L	G	L	G + L	
												26
State Level												
PWD			2	0	0	0	0	0	0	0	2	
PWD Common Reserved Seats :- 2												
DEF			2	0	0	0	0	0	0	0	2	
Defence Common Reserved Seats :- 2												
Economically Weaker Section (EWS) Seats :12												
Tuition Fee Waiver Scheme Choice Code : 628324211T Seats: 6												

  
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Un-Aided -Autonomous		CAP Seats : 120													
Choice Code	Course Name	SI	MS Seats	Minority Seats	All India	Institute Seats	Orphan								
628329310	Electrical Engineering	120	102	0	18	0	1								
Category	OPEN	SC	VJ/DT	NTB	NTC	NTD	OBC								
General / Ladies	G	L	G	L	G	L	G	L	G	L	G	L	Total		
State Level	31	9	4	2	3	1	2	0	3	1	2	0	13	6	95
PWD	3	0	0	0	0	0	0	0	0	0	0	0	0	0	3
PWD Common Reserved Seats :- 2															
DEF	3	0	0	0	0	0	0	0	0	0	0	0	0	0	3
Defence Common Reserved Seats :- 2															
Economically Weaker Section (EWS) Seats :12															
Tuition Fee Waiver Scheme Choice Code : 628329311T Seats: 6															

  
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Un-Aided -Autonomous

Choice Code	Course Name	SI	CAP Seats : 60						Orphan	
			MS Seats	Minority Seats	All India	Institute Seats				
Category	OPEN	SC	ST	VJ/DT	NTB	NTC	NTD	OBC	Total	
628350310	Food Technology	60		51	0	9		0	1	
General / Ladies	G L	G L	G L	G L	G L	G L	G L	G L	G + L	
State Level	14 7	2 5	2 1	1 1	1 0	1 0	1 1	7 3	46	
PWD	2	0	0	0	0	0	0	0	2	
PWD Common Reserved Seats :- 1										
DEF	2	0	0	0	0	0	0	0	2	
Defence Common Reserved Seats :- 1										
Economically Weaker Section (EWS)			Seats :6		Tuition Fee Waiver Scheme Choice Code : 628350311T					Seats: 3

  
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## महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष १, अंक ४९(४)]

सोमवार, ऑगस्ट १७, २०१५/श्रावण २६, शके १९३७

[ पृष्ठे १४, किंमत : रुपये २७.००

असाधारण क्रमांक ९४

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 (Mah. Act No. XXVIII of 2015), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

N. J. JAMADAR,  
I/c. Secretary (Legislation) to Government,  
Law and Judiciary Department.

### MAHARASHTRA ACT No. XXVIII OF 2015.

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 17th August 2015).

An Act to provide for regulation of admissions and fees by Unaided Private Professional Educational Institutions in the State of Maharashtra and for matters connected therewith or incidental thereto.

WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to provide for regulation of admissions and fees by Unaided Private Professional Educational Institutions in the State of Maharashtra and for matters connected therewith or incidental thereto; and, therefore, promulgated the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Ordinance, 2015 on the 12th May 2015;

Mah.  
Ord. VII  
of 2015.

(१)

भाग आठ-९४-१

  
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AND WHEREAS it is expedient to replace the said Ordinance, by an Act of the State legislature, with certain minor modification; it is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :—

## CHAPTER I

### PRELIMINARY

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015.

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

(3) It shall be deemed to have come into force on the 12th May 2015.

Definitions.

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

(a) "Admissions Regulating Authority" means the Authority constituted under section 7 for regulating the admissions in Unaided Private Professional Educational Institutions and conducting CETs;

(b) "appropriate authority" means the authorities declared by the State or Central Government which approve and regulate the professional courses or educational disciplines;

(c) "Centralized Admission Process (CAP)" means the centralized process of admission carried out by the competent authority through single window system in a transparent manner for admitting the students for various professional courses in educational institutions ;

(d) "Common Entrance Test (CET)" means the entrance test conducted for determination of merit of the candidates by Centralized Admission Process (CAP) for the purpose of admission to professional education courses through a single window system;

(e) "Competent Authority" means the Commissioner of State CET appointed by the Government under section 10, for conducting CET through CAP for the admissions into Private Professional Educational Institutions ;

(f) "Director" means the Director of Higher Education or, of Technical Education or, of Medical Education and Research or, of any other Directorate or Commissioner of any Commissionarate of the State Government, entrusted with the task of supervision of the Private Professional Educational Institution;

(g) "Fees" means the amount fixed as fee which includes tuition fee, library fee, gymkhana fee, examination fee, development fee or amount payable for any curricular or co-curricular activities, laboratory fee, information brochure fee and any other amount collected from the students, by whatsoever name called, and accepted in whichever manner, that is made payable to a Private Professional Educational Institution, for whatever purpose, by any candidate admitted to a professional course at such institution, but excludes any charges payable towards use of any optional hostel accommodation, mess charges and Students Insurance Fees;

(h) "Fees Regulating Authority" means the authority constituted under section 11 for determination and regulation of fee in unaided institutions;

(i) "Foreign Student" means a student who is not a citizen of India;

(j) "Government" or "State Government" means the Government of Maharashtra;



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(k) "lateral entry" means admission of students in second year of the course against seats as per the guidelines of the appropriate authorities;

(l) "management" means the managing committee or the governing body, by whatever name called, of the Private Professional Educational Institution to which the affairs of such Institution are entrusted and where such affairs are entrusted to any person, by whatever name or designation called, includes such person;

(m) "Minority Educational Institution" means a Private Professional Educational Institution notified as such by the State Government, established and administered for and by the persons belonging to the minority community, domiciled in the State of Maharashtra, having right to do so under clause (1) of article 30 of the Constitution of India;

43 of  
1961.

(n) "Non-Resident Indian (NRI)" means a person who is "not ordinarily resident" under sub-section (6) of section 6 of the Income Tax Act, 1961, and includes a person resident outside India under clause (w) of section 2 of the Foreign Exchange Management Act, 1999, and also includes his child or ward;

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1999.

(o) "Person of Indian Origin (PIO)" means a person who is a citizen of a country other than India but who, at any time, was a citizen of India; or in whose case either parent or any grandparent was a citizen of India by virtue of the provisions of Part II of the Constitution of India or under the Citizenship Act, 1955;

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1955.

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

(q) "Private Professional Educational Institution" means any college, school, institute, institution or other body, by whatever name called, conducting any professional course or courses approved or recognized by the appropriate authority and affiliated to any university, but shall not include,—

(i) any such institution established, maintained or administered by the Central Government, any State Government or any local authority;

(ii) institution declared to be a deemed university under section 3 of the University Grants Commission Act, 1956 ; or

3 of  
1956.

(iii) a university to which the provisions of the University Grants Commission (Establishment and Maintenance of Private Universities) Regulations, 2003 are applicable;

(r) "Professional Education" means any educational course of study declared and notified as such, from time to time by the Government which includes a course leading to the award of an Under Graduate or Post-Graduate degree, diploma, by whatever name called and recognized by the appropriate authority;

(s) "profiteering" means any amount accepted in cash or kind, directly or indirectly which is in excess of the fee approved as per the provisions of this Act;

(t) "regulations" means the regulations framed by the Regulating Authorities;

(u) "Regulating Authority" means the Admissions Regulating Authority under section 7 or the Fees Regulating Authority under section 11, as the case may be ;



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(v) "sanctioned intake" means the total number of seats sanctioned or approved by the appropriate authority for admitting candidates in a single academic year in each professional course of study or discipline in a Private Professional Educational Institution at the appropriate level of entry;

(w) "Stake-holders" means the management, the students studying in the respective institution and their parents;

(x) "unaided institution" means Private Professional Educational Institution, which is not receiving aid or grant-in-aid from the Central Government, the State Government or the local authority;

(y) "University" shall have the same meaning as assigned to it in clause (f) of section 2 of the University Grants Commission Act, 1956.

3 of  
1956.

## CHAPTER II

### REGULATION OF ADMISSIONS

Eligibility for  
admission.

3. (1) The eligibility conditions and requirements for admission to a professional course at any Private Professional Educational Institution shall be such as may be notified by the Government from time to time, but shall not be less than, those stipulated by the appropriate authority.

(2) No student shall be admitted to a Private Professional Educational Institution unless the student possesses such educational or equivalent qualification as may be notified.

(3) Unaided institution shall admit students through a process as may be prescribed.

Manner of  
admission.

4. The admissions to seats for professional course in every unaided institution shall be carried out in the following manner :—

(a) admission to seats in a Private Professional Educational Institution excluding institutional quota declared by Government from time to time, shall be made on the basis of merit by following the procedure of Common Entrance Test (CET) conducted in the manner, as may be prescribed by rules:

Provided that, the admission to institutional quota shall be on the basis of merit and after following the procedure specified by the appropriate authority :

Provided further that, the State Government may by order issued from time to time exempt any professional courses, from requirement of the Common Entrance Test (CET) thereto.

(b) admissions to such institution shall be carried out by the competent authority through the Centralized Admission Process on the basis of Common Entrance Test (CET) and Centralized Admission Process (CAP);

(c) the Competent Authority shall supervise and guide the entire Centralized Admission Process in such manner as it may specify with a view to ensuring that the process is fair, transparent, merit-based and non-exploitative.

Irregular  
admissions  
void.

5. Any admission made in contravention of the provisions of this Act or the rules made thereunder shall be void.

Allocation and  
reservation of  
seats.

6. (1) The allocation of seats under different categories in an unaided institution, not being a Minority Educational Institution, shall be in accordance with the Maharashtra Private Professional Educational Institutions (Reservation of seats for admission for Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes and Other Backward Classes) Act, 2006 and as per the Government policy declared from time to time, including the NRI quota.

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Dist. Solapur, Maharashtra

(2) In an unaided Minority Educational Institution, the admissions shall be made as per the policy of the State Government and not less than fifty-one per cent. of the sanctioned intake shall be filled by minority students from within the State, belonging to the minority community to which the institution belongs on the basis of inter-se merit of the Common Entrance Test (CET) and Centralized Admission Process (CAP) :

Provided that, if any seats earmarked for the minority category in an unaided Minority Educational Institution remain to be filled in a academic year or where the students leave the institution after selection, the unfilled vacant seats shall be surrendered to the Competent Authority of the State Government for being filled up from the minority to which the minority institution belongs, on the basis of *inter-se* merit list prepared on the basis of the Common Entrance Test (CET) conducted in accordance with the provisions of sub-section (4) of section 10 and Centralized Admission Process (CAP):

Provided further that, if any seats remain unfilled even thereafter, such unfilled seats shall be filled from the student belonging to the general category on the basis of merit of the Common Entrance Test (CET) conducted by the Competent Authority and Centralized Admission Process (CAP):

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Provided also that, if such institution fails to admit minimum fifty-one per cent. of its sanctioned intake from the persons belonging to the concerned minority, for period of three consecutive years the Competent Authority shall inform the State Government to refer such institution for taking action under section 12C of the National Commission for Minority Educational Institutions Act, 2004.

### CHAPTER III

#### ADMISSIONS REGULATING AUTHORITY AND STATE COMMON ENTRANCE TEST CELL

7. (1) There shall be an Authority to be known as "the Admissions Regulating Authority" to exercise the powers conferred on, and discharge the functions assigned to it, under this Act.

Constitution of Admissions Regulating Authority and its functions.

(2) The State Government may, by notification in the *Official Gazette*, constitute the Authority under sub-section (1). The said Authority shall be a body corporate by the name aforesaid having perpetual succession and common seal and shall have power to acquire, hold, and dispose off property both movable and immovable, and to do all things necessary for the purpose of this Act, and may sue or be sued by its name.

(3) The authority shall consist of,—

- |   |    |             |
|---|----|-------------|
| (a) a retired Judge of High Court or retired officer of the Government of the rank of Chief Secretary | .. | Chairperson |
| (b) an eminent educationist who has worked as Vice-Chancellor of University                           | .. | Member      |
| (c) an expert of repute from the field of Professional Education                                      | .. | Member      |
| (d) the Registrar, Maharashtra University of Health Sciences, Nashik                                  | .. | Member      |
| (e) the Director of Technical Education   | .. | Member      |
| (f) the Director of Higher Education  | .. | Member      |
| (g) the Member-Secretary of the Maharashtra Council of Agricultural Education and Research            |    | Member      |
| (h) the Commissioner of State CET   | .. | Secretary.  |

(4) The appointment of Chairperson and of members under clauses (a), (b) and (c) of sub-section (3) shall be made by the State Government.

  
DIRECTOR,

(5) No person who is associated with any private aided or unaided Professional Educational Institution shall be eligible for being a member of Admissions Regulating Authority.

(6) A member of the Admissions Regulating Authority shall cease to be so, if he does any act which in the opinion of the State Government is unbecoming of a member of the Authority.

(7) The Chairperson shall preside over the meetings of the Admissions Regulating Authority and the authority may adopt its own procedure by regulations, as it deem fit.

(8) No act or proceeding of the Admissions Regulating Authority shall be deemed to be invalid by reason merely of any vacancy in, or any defect in the constitution thereof.

8. (1) The term of Office of the Chairperson and members of the Admissions Regulating Authority, shall be of five years from the date of their nomination and in the case of any vacancy arising earlier for any reason, such vacancy shall be filled for the reminder period of the term.

Term of Office  
and Conditions  
of Service of  
Chairperson  
and members  
of Admissions  
Regulating  
Authority.

(2) The Chairperson and members of the Admissions Regulating Authority shall not be eligible for re-appointment.

(3) The Chairperson or a Member may resign from the office in writing addressed to the Government and on such resignation being accepted, his office shall become vacant and the vacancy may be filled in within a period of three months from the date of occurrence of the vacancy.

(4) The Chairperson or a Member of the Admissions Regulating Authority may be removed, if he does any act which, in the opinion of the Government, is unbecoming of the Chairperson or a Member of such Authority. The Chairperson or a Member so removed shall not be eligible for re-appointment on such Authority:

Provided that, no Chairperson or Member may be removed from the Admissions Regulating Authority without giving him a reasonable opportunity of being heard.

(5) The salaries and allowances to be paid to the Chairperson and members of the Admissions Regulating Authority shall be such as may be notified, either prospectively or retrospectively, by the Government, from time to time.

(6) A person shall be disqualified for appointment as the Chairperson or Member of the Admissions Regulating Authority, if such person,—

(i) is holding any office, post or is in any way directly or indirectly connected or associated with any unaided institution;

(ii) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Government, involves moral turpitude;

(iii) is an undischarged insolvent;

(iv) is of unsound mind and stands so declared by a Competent Court;

(v) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government;

(vi) has, in the opinion of the Government such financial or other interest as is likely to affect prejudicially the performance of the functions and the discharge of his duties as such Chairperson or a Member; or

(vii) has such other disqualifications as may be prescribed.

(7) The other terms and conditions of service of the Chairperson and the members shall be such as may be prescribed.

**DIRECTOR,**

Annasahab Dange College of  
Engineering & Technology, Aneta,  
Tal. Walwa, Dist. Sangli. 416 307

9. (1) The functions of the Admissions Regulating Authority shall be, — Functions, powers and procedure of Admissions Regulating Authority.
- (i) conducting and monitoring CET through CET Cell established under this Act;
  - (ii) verification of admission proposals and final approval thereof;
  - (iii) cancellation of admission if found contrary to the provisions of this Act;
  - (iv) redressal of grievances from the Stake-holders.

(2) The Admissions Regulating Authority, for the purpose of exercise of its functions under this Act, shall have the following powers, namely: —

- (i) to adjudicate the dispute amongst the Stake-holders regarding admission of the students in the unaided institutions;
- (ii) to prescribe its own procedure regarding scrutiny of admission proposals and grievance redressal mechanism as it deem fit;
- (iii) to declare that the admission process of the unaided institution that is unfair, non-transparent and exploitative and therefore invalid, after giving a reasonable opportunity of being heard to those who are likely to be adversely affected by the decision of the Authority;
- (iv) to recommend to the concerned affiliating University, Board or such other authority for withdrawal of affiliation or recognition of the Institution for admissions those are made in contravention of this Act.

(3) Notwithstanding anything contained in sub-sections (1) and (2) the *Pravesh Niyanttran Samiti* existing on to the date of commencement of this Act shall continue to exercise the powers of the Admissions Regulating Authority till such Authority is duly constituted under this Act.

5 of 1908. (4) In the discharge of its functions, and, for the purpose of making any inquiry under this Act, the Admissions Regulating Authority shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely: —

- (i) the summoning and enforcing the attendance of any witness and examining him on oath;
- (ii) the discovery and production of any document;
- (iii) the reception of evidence on affidavits;
- (iv) the issue of commission for the examination of the witness.

(5) In carrying out its functions under this Act, the Authority and every unaided Institution shall follow the following procedure, namely: —

- (i) every unaided institution shall submit the ' admission-approval proposals ' to the concerned Directorate within fifteen days from the cut-off date of admission;
- (ii) every institution shall submit such proposal certified by the concerned Directorate to the Admissions Regulating Authority within two months from the date of such certification;
- (iii) every such proposal received from the Institution by Admissions Regulating Authority shall be scrutinized and approved before the 31st January of every year;
- (iv) any grievance regarding admission may be admitted before the Authority and shall be decided within a fortnight and before the cut-off date for admission;
- (v) the Admissions Regulating Authority shall have power to review its own order after recording the reasons therefor;
- (vi) no act or proceeding of the Admissions Regulating Authority shall be deemed to be invalid by reason merely of any vacancy in, or any defect in the constitution thereof;
- (vii) the Admissions Regulating Authority shall by regulations, prescribe its procedure regarding scrutiny of admission proposals and grievance redressal mechanism as it deem fit.

State Common  
Entrance Test  
Cell and its  
functions.

10. (1) There shall be a State Common Entrance Test Cell.

(2) The State Common Entrance Test Cell shall be headed by an officer working under the control of the Admissions Regulating Authority, not below the rank of the Joint Secretary, nominated as the Commissioner of State CET.

(3) The Commissioner shall be assisted by officers of the rank of Joint Director of the State Government, in the fields of the Medical, Technical, Agriculture, Higher Education, etc.

(4) The Common Entrance Test for admissions to Unaided Institution shall be conducted by the Competent Authority:

Provided that, the State Government may allow such admissions through CET conducted by the authorities of the Central Government.

(5) The Cell shall have such powers and shall discharge such functions and conduct the examination in such manner as may be prescribed.

(6) The Cell shall take all decisions in respect of conduct of the Common Entrance Test in a fair manner maintaining the required confidentiality. It shall appoint examiners, evaluators, moderators and persons for assignment of software development required for the conduct of examination, evaluation and result processing, and also appoint persons as service providers required for the conduct of the online or off-line examination and shall undertake printing of various documents, etc. It shall exercise financial powers for execution of all activities related to conduct of CETs.

(7) Admission to every seat excluding institutional quota shall be made on the basis of merit secured at the Common Entrance Test (CET) followed by Centralized Admission Process of the State, subject to the reservation policy of the State :

Provided that, nothing in this sub-section shall apply to the Centralized Admission Process, being conducted for the academic year 2015-2016.

#### CHAPTER IV

##### REGULATION OF FEES

Fees  
Regulating  
Authority.

11. (1) There shall be an Authority to be known as "the Fees Regulating Authority" to exercise the powers conferred on, and discharge the functions assigned to it, under this Act.

(2) The State Government may, by notification in the *Official Gazette*, constitute the Authority under sub-section (1). The said Authority shall be a body corporate having perpetual succession and common seal and shall have power to acquire, hold, and dispose off property both movable and immovable, and to do all things necessary for the purpose of this Act, and may sue or be sued by its name.

(3) The Authority shall consist of, —

(a) a retired Judge of High Court or retired .. Chairperson  
officer of the Government of the rank of Chief Secretary

(b) an eminent educationist who has worked as .. Member  
Vice-Chancellor of University

(c) a Chartered Accountant of repute who is .. Member  
a Member of the Institute of Chartered Accountants  
of India, for a period of not less than ten years

(d) a Cost Accountant of repute who is a .. Member  
Member of the Institute of Cost and Works  
Accountants of India for a period of not less  
than ten years, or a financial expert of repute

  
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- (e) an expert of repute from the field of Professional Education .. Member
- (f) the Registrar, Maharashtra University of Health Sciences, Nashik .. Member
- (g) the Director of Technical Education .. Member
- (h) the Director of Higher Education .. Member
- (i) the Member-Secretary of the Maharashtra Council of Agricultural Education and Research .. Member
- (j) an Officer of the State Government not below the rank of Joint Secretary. .. Secretary.

(4) The Chairperson and of members under clauses (a), (b), (c), (d) and (e) of sub-section (3) shall be appointed by the Government.

(5) No person who is associated with any private aided or unaided Professional Educational Institution shall be eligible for being a member of the Fees Regulating Authority.

(6) A Member of the Fees Regulating Authority shall cease to be so, if he does any act which in the opinion of the State Government is unbecoming of a member of the Authority.

(7) The Chairperson shall preside over the meeting of the Fees Regulating Authority and the Authority may adopt its own procedure, by regulations as it may deem fit.

(8) No act or proceeding of the Fees Regulating Authority shall be deemed to be invalid by reason merely of any vacancy in, or any defect in the constitution thereof.

12. The provisions of section 8 shall *mutatis mutandis* apply in respect of the term of Office and Conditions of Service of Chairperson and members of the Fees Regulating Authority.

Term of Office and Conditions of Services of Chairperson and members of Fees Regulating Authority.

13. (1) The Fees Regulating Authority shall perform the following functions, namely :—

Functions, powers and procedure of Fees Regulating Authority.

(i) to determine the reasonableness of fees levied by unaided institutions on the basis of the factors specified in section 15; and to verify whether the fees so levied does not amount to profiteering or charging of capitation fees within the meaning of clause (a) of section 2 of the Maharashtra Educational Institutions (Prohibition of Capitation Fees) Act, 1987 ;

(ii) scrutiny and verification of fee proposals of the unaided institutions and final approval thereof ;

(iii) to evolve the mechanism for verification of infrastructure facilities and amenities and to undertake the verification of such facilities and amenities ;

(iv) to undertake research studies, at such intervals as the Fees Regulating Authority may deem fit, for determining the professional coursewise expenses required to be made per student, for the unaided

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institutions in accordance with the mandatory guidelines of the appropriate authority concerned; and

(v) to undertake measures for the redressal of grievances of the Stake-holders.

(2) In the discharge of its functions under sub-section (1), the Fees Regulating Authority shall have the following powers, namely:—

(i) scrutiny and verification of 'fee proposals' and final approval thereof;

(ii) to evolve mechanism for verification of infrastructure facilities, amenities and verification thereof in unaided institutions;

(iii) redressal of grievances of the Stake-holders.

(3) Notwithstanding anything contained in sub-sections (1) and (2) the *Shulka Niyanttran Samiti* existing on to the date of commencement of this Act shall continue to exercise the powers of the Fees Regulating Authority till such Authority is duly constituted under this Act.

(4) In the discharge of its functions, and, for the purpose of making any inquiry under this Act, the Fees Regulating Authority shall have all powers of a civil court under the Code of Civil Procedure, 1908 while trying a suit, in respect of the following matters, namely: —

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(i) the summoning and enforcing the attendance of any witness and examining him on oath;

(ii) the discovery and production of any document;

(iii) the reception of evidence on affidavits;

(iv) the issue of commission for the examination of the witness.

(5) The Fees Regulating Authority may constitute an enquiry committee of officers to verify the infrastructure facilities and amenities provided by the institutions as against the fee recovered from the students.

Procedure to  
be adopted by  
Fees  
Regulating  
Authority.

14. (1) In determining the reasonableness of fee structure, the following provisions shall apply:—

(a) the Management of the Unaided Institution shall submit the details of the proposed fee alongwith the audited accounts of the preceding financial year, the proposed budget in respect of the current financial year and the relevant record and evidence to the Fees Regulating Authority for its approval not later than 31st October of previous academic year;

(b) in the event of non-submission of proposal for upward revision of fees to the Fees Regulating Authority within the time-limit specified by the Authority, the fees structure as approved by the Authority and applicable during the previous academic year shall continue to apply;

(c) the Fees Regulating Authority shall establish a separate scrutiny cell for the scrutiny of proposals submitted;

(d) after considering all the relevant factors, the Fees Regulating Authority shall approve the fees within a period of one hundred and twenty days from the date of receipt of the details of the proposed fee and communicate the details of the fee so approved;

(e) if the fee approved by the Fees Regulating Authority is not acceptable to the unaided institution, it may file review application with detail reasoning before the Fees Regulating Authority for reviewing its decision, within fifteen days from the date of communication. It shall be mandatory for the Fees Regulating Authority to decide such review



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application before the 31st March of every year and shall communicate its decision to the concerned institution accordingly;

(f) the Fees Regulating Authority may prescribe its procedure regarding scrutiny of fee proposals and grievance redressal mechanism as it deem fit.

(2) Pending the decision of the Fees Regulating Authority, the management shall be at liberty to collect the interim or *ad hoc* fee as the case may be, till the final determination for the particular academic year.

(3) The Fees Regulating Authority shall indicate the different heads under which the fees may be levied.

(4) Every unaided institution shall display on its notice board, the course-wise fees as approved by the Fees Regulating Authority and on its website in Marathi and English, provided that, in case of linguistic minority institutions, the display shall also be in the language of the minority to which such, institution belongs and shall be binding on the students and the institution.

(5) No institution shall collect fee amounting to more than one year fee from a candidate in an academic year and collection of fees for more than one year in an academic year shall be construed as collection of capitation fee and such institution shall be liable to be proceeded against.

(6) The fees approved and communicated by the Fees Regulating Authority shall be applicable in respect of the candidate who is admitted to the unaided institution in that academic year and shall not be revised till the completion of the course of such student in the concerned institution:

Provided that, an unaided institution may, with the prior approval of the Fees Regulating Authority, revise the fees in respect of the second or subsequent years, on the grounds such as revision in taxes, sudden revision in regular expenditure, etc.

15. The Fees Regulating Authority shall determine the reasonableness of the fee structure proposed by every unaided institution, in respect of each professional course or group of courses, considering following factors :—

Factors for determination of fee structure.

(i) the location (Urban or Rural) of the institution;

(ii) the cost of land and building ;

(iii) minimum mandatorily required infrastructure or facilities, as specified by the appropriate authority ;

(iv) the expenditure proposed or incurred on the facilities and amenities that are not mandatory as per the guidelines of the appropriate authority ;

(v) available number of qualified regularly appointed teaching and non-teaching staff as per the prescribed norms of the appropriate authority ;

(vi) expenses on the prescribed salaries of the teaching and non-teaching staff ;

(vii) the expenditure on administration and the maintenance;

(viii) the reasonable revenue surplus required for growth and development of the institution with particular reference to the professional course conducted by it, which shall not be more than fifteen



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per cent. of educational revenue in the respective professional course or group of courses;

(ix) facilities provided by the Government, such as lease of land at concessional rates and use of its infrastructure, for the conduct of the professional courses;

(x) depreciation or contribution for asset replacement fund;

(xi) rent of building or usage charges;

(xii) incentives for quality enhancement, such as—

(a) faculty strength with Ph. D. qualifications and Research publications in International Journals and Patent filed by the institution;

(b) faculty training and placement of students;

(c) accreditation of eligible programmes or the Institute such as NBA, NABET, NAAC, etc.;

(xiii) rate of inflation;

(xiv) any other relevant factor, as may be determined by the Fees Regulating Authority.

Funds of  
Regulating  
Authorities.

**16.** (1) There shall be a separate fund of each of the Regulating Authority.

(2) The funds of the said authorities shall consist of,—

(i) process fees payable by a Private Professional Educational Institution;

(ii) interest on deposits;

(iii) grants from the State Government, Central Government and the University Grants Commission and other Institutions (if any).

(3) The Regulating Authorities may charge process fee for conduct of CET and charges for fixation of fees, etc., as may be decided from time to time by the said authorities. The process fee for each year may be decided by the concerned authorities considering their day to day expenditure including salaries, allowances, administrative expenses, honorarium, infrastructural needs and any other activity in pursuance of its function, etc.

(4) The concerned authorities shall open separate bank account in nationalized bank and meet their expenses from the receipts.

## CHAPTER V

### ACCOUNTS AND MAINTENANCE OF RECORDS OF AUTHORITIES

Maintenance  
of Accounts.

**17.** The Regulating Authorities shall maintain their respective accounts in such form as may be prescribed.

Audit.

**18.** The Accounts of the Regulating Authorities shall be audited every year by the Comptroller and Auditor General of India and the report thereof shall be placed before both Houses of the State Legislature in the session immediately held thereafter.

Report of  
activities of  
Regulating  
Authorities.

**19.** The Regulating Authorities shall, in such form and within such time as may be prescribed, submit its report annually in respect of its activities in the previous financial year to the State Government. The State Government shall cause such report to be placed before each House of the State Legislature in the session held immediately thereafter.

  
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## CHAPTER VI

### PENALTIES

20. (1) The Regulating Authority if, of the opinion that any person has contravened any of the provisions of this Act or the rules made thereunder, may direct such person to pay a penalty—

(a) for the first contravention, which shall not be less than one lakh rupees but which may extend to five lakh rupees or twice the amount taken in excess of the fee as determined under this Act, whichever is higher;

(b) for the second or subsequent contravention, which shall not be less than two lakh rupees but which may extend to ten lakh rupees or twice the amount taken in excess of the fee as determined under this Act, whichever is higher.

(2) Whoever, provides incorrect information, fabricated and fake books of accounts, fraudulent documents, and such other evidence etc., to the authorities, whether or not the act is done for profit or gain, is said to have committed an offence and shall, on conviction be punished with imprisonment for a term which may extend to six months.

(3) The offence under sub-section (2) shall be cognizable.

(4) If during the course of enquiry under this section, it is found that the unaided institution has charged the fees in excess of those approved by the Authority; such fees shall be returned to the concerned student.

(5) On repetition of contravention or irregularity, the name of the institution shall be recommended for the withdrawal of affiliation or approval from concerned authority.

(6) Where the offence or irregularity under this Act or rules made thereunder is committed by a Management, every person designated by the management, from such management, for the purpose, who, at the time when the offence or irregularity was committed, was in charge of, and responsible to, the management for the conduct of the business of the management, as well as the management, shall be deemed to be guilty of the offence and shall be proceeded against and punished accordingly:

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

(7) Notwithstanding anything contained in sub-section (6), where any offence under this Act or the rules made thereunder has been committed by a management and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any office bearer, officer or servant, such office bearer, officer or servant concerned shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

## CHAPTER VII

### MISCELLANEOUS

21. No suit, prosecution or other legal proceedings shall lie against any authority or employees working in the office of authorities for anything done or purported to have been done in good faith in pursuance of the provisions of this Act or rules and regulations made thereunder.

Protection of  
action taken  
in good faith.



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Power of State  
Government  
to issue  
directions.

**22.** The State Government may issue such general or special directions to the Regulating Authorities, consistent with the provisions of this Act and the rules made thereunder, as in its opinion are necessary or expedient for carrying out the purposes of this Act or for giving effect to any of the provisions contained therein or in any rules or orders made thereunder.

Power to  
make rules.

**23.** (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

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

Power to  
make  
regulations.

**24.** The Regulating Authorities may, for performing their functions under this Act, make regulations consistent with the provisions of this Act and the Rules made thereunder.

Power to  
remove  
difficulty.

**25.** (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for removing the difficulty:

Provided that, no such order shall be made after expiry of a period of two years from the date of commencement of this Act.

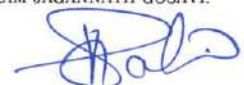
(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Repeal of  
Mah. Ord. VII  
of 2015 and  
saving.

**26.** (1) The Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Ordinance, 2015, is hereby repealed.

Mah.  
Ord. VII  
of 2015.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of this Act.



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Engineering & Technology, Ashta,  
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GOVERNMENT OF MAHARASHTRA

LAW AND JUDICIARY DEPARTMENT

## MAHARASHTRA ACT No. XXX OF 2006

**THE MAHARASHTRA PRIVATE PROFESSIONAL EDUCATIONAL INSTITUTIONS (RESERVATION OF SEATS FOR ADMISSION FOR SCHEDULED CASTES, SCHEDULED TRIBES, DE-NOTIFIED TRIBES (*VIMUKTA JATIS*), NOMADIC TRIBES AND OTHER BACKWARD CLASSES) ACT, 2006.**

*(As modified upto 13th December 2018)*

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2006 : Mah. XXX]

**THE MAHARASHTRA PRIVATE PROFESSIONAL EDUCATIONAL  
INSTITUTIONS (RESERVATION OF SEATS FOR ADMISSION  
FOR SCHEDULED CASTES, SCHEDULED TRIBES, DE-NOTIFIED  
TRIBES (*VIMUKTA JATIS*), NOMADIC TRIBES AND OTHER  
BACKWARD CLASSES) ACT, 2006.**

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**MAHARASHTRA ACT No. XXX OF 2006<sup>1</sup>.**

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TRIBES, DE-NOTIFIED TRIBES (*VIMUKTA JATIS*), NOMADIC TRIBES AND OTHER  
BACKWARD CLASSES) ACT, 2006.]**

(This Act received the assent of the Governor on the 29th July 2006; assent was first published in the *Maharashtra Government Gazette*, Extraordinary, Part IV, on the 1<sup>st</sup> August 2006.)

An Act to make special provisions for reservation of seats for admission for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes in Private Professional Educational Institutions; and for matters connected therewith or incidental thereto.

WHEREAS, the Supreme Court, in the case of P. A. Inamdar and Others *versus* State of Maharashtra (reported in (2005) 6 SCC 537), has held that neither can the policy of reservation be enforced by the State nor can any quota or percentage of admission be carved out to be appropriated by the State in Private Professional Educational Institutions;

AND WHEREAS in order to protect the interests of any socially and educationally backward classes of citizens or the Scheduled Castes or the Scheduled Tribes, article 15 of the Constitution of India has been amended by the Constitution (Ninety-third Amendment) Act, 2005, by adding clause (5) thereto, which empowers the State to make, by law, a special provision for the advancement of those classes, castes and tribes, in so far as such special provisions relate to their admission to educational institutions, including private educational institutions, whether aided by the State or not, other than the minority educational institutions referred to in clause (1) of article 30 of the Constitution;

AND WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to make, by law, special provisions for reservation of seats for admission for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes in Private Professional Educational Institutions; and for matters connected therewith or incidental thereto; and, therefore, promulgated the Maharashtra Private Professional Educational Institutions (Reservation of seats for admission for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes) Ordinance, 2006, on the 16th June 2006;

Mah. Ord. V  
of 2006.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Fifty-seventh Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Private Professional Educational Institutions (Reservation of seats for admission for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes) Act, 2006.

Short title,  
extent and  
commence-  
ment.

(2) It shall extend to the whole of the State of Maharashtra.

(3) It shall be deemed to have come into force on the 16th June 2006.

<sup>1</sup> For Statement of Objects and Reasons (English), see *Maharashtra Government Gazette*, Extraordinary, No. 42, Part V-A, dated the 3rd July 2006, p.283.

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*Maharashtra Private Professional Educational Institutions (Reservation of Seats for admission for Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis) Nomadic Tribes and Other Backward Classes) Act, 2006.*

Definitions.

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

(a) “Aided Private Professional Educational Institution” means a Private Professional Educational Institution, excluding a Minority Educational Institution referred to in clause (1) of article 30 of the Constitution, receiving recurring financial aid or assistance in whole or in part from the Government, or from any body under the control of the Government;

(b) “Appropriate Authority” means, the Medical Council of India, the Dental Council of India, the Central Council of Indian Medicine, the All India Council of Technical Education, and includes any other authority established by law that governs or controls the conduct of a particular professional course or educational discipline;

(c) “Creamy Layer” means the category of ‘Creamy Layer’ as declared by the Social Justice, Cultural Affairs and Special Assistance Department of the Government, on the basis of income, by general or special orders, issued from time to time;

(d) “De-notified Tribes (*Vimukta Jatis*)” means the Tribes declared as such by the Government, from time to time;

(e) “Government” means the Government of Maharashtra;

(f) “Minority Educational Institution” means a Private Professional Educational Institution administered, managed and controlled by a minority and shall include any such educational institution declared by the Government to be an institution entitled to enjoy the protection granted under clause (1) of article 30 of the Constitution;

(g) “Nomadic Tribes” means the Tribes wandering from place to place in search of their livelihood, as declared by the Government, from time to time;

(h) “Other Backward Classes” means any socially and educationally backward classes of citizens as declared by the Government and includes Other Backward Classes declared by the Government of India in relation to the State of Maharashtra;

(i) “Private Professional Educational Institution” means any College, School, Institute, Institution or other body, by whatever name called, conducting any professional course or courses approved or recognized by the Appropriate Authority and affiliated to any University, but shall not include any such institution established, maintained or administered by the Central Government, any State Government, any local authority or institution declared to be Deemed University under section 3 of the University Grants Commission Act, 1956;

3 of 1956.

(j) “Professional Course” means any educational course of study notified as such, from time to time, by the Government in the *Official Gazette*;

(k) “prescribed” means prescribed by the rules framed by the Government under this Act;

(l) “Reserved Category” means the category of candidates belonging to—

(i) the Scheduled Castes and the Scheduled Tribes;



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(ii) the De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, and Other Backward Classes and who are not falling in Creamy Layer;

(iii) "Sanctioned Intake" means the total number of seats sanctioned or approved by the Appropriate Authority for admitting candidates in a single academic year in each Professional Course of study or discipline in a Private Professional Educational Institution;

(n) "Scheduled Castes" and "Scheduled Tribes" shall have the meanings respectively assigned to them in clauses (24) and (25) of article 366 of the Constitution;

(o) "Unaided Private Professional Educational Institution" means a Private Professional Educational Institution, not being an Aided Private Professional Educational Institution;

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1999.  
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of 1994.  
3 of 1956.

(p) "University" means the Maharashtra University of Health Sciences constituted under the Maharashtra University of Health Sciences Act, 1998, or any other University constituted or deemed to have been constituted under the Maharashtra Universities Act, 1994, but does not include any institution declared to be Deemed University under section 3 of the University Grants Commission Act, 1956.

3. This Act shall apply to all Private Professional Educational Institutions in the State, excluding the Minority Educational Institutions. Applicability.

4. (1) In every Aided Private Professional Educational Institution, seats equal to fifty per cent. of the Sanctioned Intake of each Professional Course shall be reserved for candidates belonging to the Reserved Category. Reservation  
in Aided  
Private  
Professional  
Educational  
Institutions.

(2) The seats reserved for candidates belonging to the Reserved Category under sub-section (1) shall be filled in by admitting candidates belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes, respectively, in the proportion specified in the Table below :-

TABLE

Description of Caste/Tribe/Category/Class of Reserved Category	Percentage of reservation
(1) Scheduled Castes and Scheduled Castes converts to Buddhism	13%
(2) Scheduled Tribes	7%
(3) De-notified Tribes (A)	3%
(4) Nomadic Tribes (B)	2.5%
(5) Nomadic Tribes (C)	3.5%
(6) Nomadic Tribes (D)	2%
(7) Other Backward Classes	19%
Total . .	50%

  
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*Note.* — The candidates belonging to the Special Backward Category shall be considered from and out of their respective original/parent Reserved Category such as Other Backward Classes :

Provided that, if candidates belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (A), Nomadic Tribes (B), Nomadic Tribes (C), Nomadic Tribes (D) or Other Backward Classes are not available to fill in the seats reserved for the said Castes, Tribes or Classes, in the same academic year, the seats shall be filled in, in such manner as may be specified, by Government by issuing an Order in the *Official Gazette*, from time to time.

*Explanation.* — For the purposes of this section,—

(i) “De-notified Tribes (A),” “Nomadic Tribes (B),” “Nomadic Tribes (C)” and “Nomadic Tribes (D)” shall mean such Tribes or sub-Tribes, declared by Government, by general or special orders issued in this behalf, from time to time, to be “the De-notified Tribes (A),” “Nomadic Tribes (B)” “Nomadic Tribes (C)” and “Nomadic Tribes (D)”;

(ii) “Special Backward Category” means socially and educationally backward classes of citizens declared as “Special Backward Category” by the Government.

Reservation  
in Unaided  
Private  
Professional  
Educational  
Institutions.

5. (1) In every Unaided Private Professional Educational Institutions, the seats to be reserved for candidates belonging to the Reserved Category shall be such as may be notified by the Government from time to time in the *Official Gazette*, but shall not exceed fifty per cent. of the Sanctioned Intake of any particular Professional Course.

(2) Out of the seats reserved under sub-section (1) for the candidates belonging to the Reserved Category, the seats to be filled in by admitting candidates belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes, respectively, shall be in the same *inter se* proportion, and in the manner, specified in sub-section (2) of section 4.

Irregular  
admissions  
void.

6. Any admission made in contravention of the provisions of this Act shall be void.

Penalty.

7. Whoever contravenes the provisions of this Act or the rules made thereunder shall, on conviction, be punished with an imprisonment which may extend to three years and with a fine which shall not be less than twenty lakh rupees but which may extend to one crore rupees.

Protection of  
action taken  
in good  
faith.

8. No suit, prosecution or other legal proceedings shall lie against any authority or person for anything done or purported to have been done in good faith in pursuance of the provisions of this Act or the rules made thereunder.

Power to  
make rules.

9. (1) The Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

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

  
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10. The provisions of this Act shall be in addition to and not in derogation of the provisions contained in any other law for the time in being in force.

Provisions of the Act to be in addition to any other law.

11. Notwithstanding anything contained in any other provisions of this Act, any Minority Educational Institution, whether aided or not, may provide for reservation in admissions to Professional Courses for candidates belonging to the Reserved Category.

Provisions not to prohibit Minority Educational Institutions from making reservations.

12. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion arises, by an order published in the *Official Gazette*, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for removing the difficulty;

Power to remove difficulty.

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

Mah. Ord. V of 2006.

13. (1) The Maharashtra Private Professional Educational Institutions (Reservation of seats for admission for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes) Ordinance, 2006, is hereby repealed.

Repeal of Mah. Ord. V of 2006 and saving.

(2) Notwithstanding such repeal anything done or any action taken (including any notification or order issued), under the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of this Act.

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