

Minutes of Meeting of the **Pravesh Niyantran Samiti (Higher and Technical Education)** held under the Chairmanship of **Justice D.K. Deshmukh (Retd.)** on Thursday, the **1st October, 2015 at 3.00 p.m.** in the Conference Hall, Office of the Regional Centre, Maharashtra University of Health Sciences, 4th Floor, Government Dental College Building, St. Georges Hospital Campus, Near CST, Fort, Mumbai – 400 001.

Following Members and Officers were present:

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

Invitees:

Shri. V.D. Daware : Officer on Special Duty Degree (MT-CET) of Director, Technical Education, (MS) Mumbai.

Dr. Sushilkumar Chaudhari : Asst. Director, of Shikshan Shulk Samiti Higher Education Pune on behalf of Director Higher Education

Shri. Dr. Sanjay Chahande, Member Secretary and Secretary, Higher and Technical Education Department, Govt. of Maharashtra, and Shri. N. K. Deshmukh, I.A.S. Office Secretary (holding Additional Charge) Pravesh Niyantran Samiti, Mumbai was unable to attend the meeting.

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

Item No.1: **To approve and confirm the Minutes of the Meeting of Pravesh Niyantran Samiti (Higher & Technical Education) held on Tuesday, the 11th August 2015 at Regional Office of Maharashtra University of Health Sciences, Mumbai.**

Minutes of Meeting of Pravesh Niyantran Samiti (Higher & Technical Education) held on Tuesday, the 11th August 2015 in Conference Hall, Office of the Regional Centre, Maharashtra University of Health Sciences, 4th Floor, Government Dental College Building, St. Georges Hospital Campus, Near CST, Fort, Mumbai – 400 001 are approved and confirmed.

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

Action taken by office on the decisions taken by Pravesh Niyrantran Samiti (Higher & Technical Education) in its previous meeting held on 11th August 2015, details of which are as below:-

Meeting on 11th Aug. 2015	Actionable Points	Action taken
Item No. 1	To convey the approval and confirmation of the Minutes of the Samiti.	Minutes of Meeting are displayed on the Website and Notice Board of Samiti on <u>20/8/2015.</u>
Item No. 2	To review action taken by the office on the decisions arrived at in the previous meeting.	Minutes of Meeting are displayed on the Website and Notice Board of Samiti on <u>20/8/2015.</u>
Item No. 3	Letter dated 3rd August 2015 received from Higher and Technical Education Department, Government of Maharashtra in respect of the decision taken by the Samiti in its meeting held on 17th July 2015 regarding Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Ordinance published on 12th May 2015.	Decision is conveyed to Principal Secretary Higher and Technical Education Department, Mantralaya, Mumbai by a separate letter dated <u>24/8/2015.</u>
Item No. 4 (a)	Letter dated 18th June 2015 received from Director, Higher Education, Pune submitting their remarks on Draft Boucher of B.Ed./M.Ed. Asso – CET 2015-16 [Ref. Minutes of Meeting held on 30th April 2015 Item no. 5 (a)]	Decision is conveyed to Director Higher Education, Pune and Respective Association by a separate letter dated <u>24/8/2015.</u>
Item No. 4 (b)	Letter dated 10th June 2015 received from Director Technical Education Mumbai submitting remarks on Draft Brochure submitted by Maharashtra Association of Schools of Architecture, Pune (MASA) letter no. MASA/2014-15/15/202 dated 28/5/2015 for admission process of Academic Year 2015-16.	Decision is conveyed to Director Technical Education, Mumbai and Respective Association by a separate letter dated <u>24/8/2015.</u>

Meeting on 11th Aug. 2015	Actionable Points	Action taken
Item No. 4 (c)	Letters dated 28th April 2015 and Ref. No. B-348/2015 received from Degree College of Physical Education, Amaravati submitting Compliance there on Decision of the Samiti Meeting held on 27th March 2015 in respect of permission to conduct own/separate CET for B.P.Ed./ M.P.Ed. Courses for Academic Year 2015-16.	Decision is conveyed to Respective Association by a separate letter dated <u>24/8/2015.</u>
Item No. 4 (d)	Letter dated Nil received from Maharashtra Sharirik Shikshan Shastra Mahavidyalaya Vyavasthapan Mahasangha, Jalgaon requesting to grant permission to draft brochure of B.P.Ed./ M.P.Ed. Courses for Academic Year 2015-16.	Decision is conveyed to Director Higher Education, Pune and Respective Association by a separate letter dated <u>24/8/2015.</u>
Item No. 5 (a)	Letter dated 15th July 2015 received from Vinaanudan Adhyapak Mahavidyalaya Sansthachalak Association, Aurangabad submitting Scheduled of B.Ed./ M.Ed. CET-2015 for Academic Year 2015-16.	Decision is conveyed to Respective Association by a separate letter dated <u>24/8/2015.</u>
Item No. 6 (a)	Letter dated 16th July 2015 received from Ayojan School of Architecture and Design, Pune requesting for Approval of admissions done in B. Architecture Course for Academic Year 2015-16. (120 Students instead of 80)	Decision is conveyed to Director Technical Education, Mumbai and Respective College/Institute by a separate letter dated <u>24/8/2015.</u>
Item No. 6 (b)	Letter dated 2nd Nov. 2012 received from Rachana Sansad Academy of Architecture, Mumbai requesting for Approval of Admissions of Architecture Course for Academic Year 2010-11 and 2011-12. (Ref. Hon'ble High Court order of Judicature at Bombay ordinary original Civil Jurisdiction in Review Petition No. 48 of 2014 in Writ Petition No. 760 of 2013 dated 3rd July 2015.)	Decision is conveyed to Respective College/Institute by a separate letter dated <u>24/8/2015.</u>
Item No. 6 (c)	Letter dated 22nd July 2015 received from Aditya College of Architecture, Borivali requesting for Approval of admissions done for Academic Year 2014-15 in B. Architecture course.	Decision is conveyed to Respective College/Institute by a separate letter dated <u>24/8/2015.</u>

Samiti noted and approved the action initiated by the office.

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Item No. 3: To discuss and decide on the Letters / representations received from Associations:-

Item No. 3 (a): Letter dated 29th August 2015 received from Maharashtra Association of Schools of Architecture, Pune (MASA) submitted information of the Common Admission Process Conducted by them for B. Architecture / M. Architecture Academic Year 2015-16. [Ref: Minutes of the Meeting held on 11th August 2015 Item no. 4(b)]

Samiti perused the Letter under reference. Samiti further perused the Chart submitted by aforesaid Association vide above letter.

A) B.Arch. MASA CAP 2015-16

Sr. No.	No. of Students Appeared	No. of Qualified Students in CAP	No. of Participating Colleges	Total No. of Seats	No. of Allottees for Round-I	No. of Vacancies after Round - I	No. of Allottees for Round-II	No. of Vacancies after Round - II
1	6768 (Round 1-5 = 4505 & Round 6 = 2263)	6741 (Round 1-5 = 4493 & Round 6 = 2248)	47	2557 (2423 for Round 1 – 5 & 134 Minority vacant seat for Round 6)	2418	848	848	297

B) M.Arch. MASA CAP 2015-16

Sr. No.	No. of Students Appeared	No. of Qualified Students in CAP	No. of Participating Colleges	Total No. of Seats	No. of Allottees for Round-I	No. of Vacancies after Round - I	No. of Allottees for Round-II	No. of Vacancies after Round - II
1	159	150	20	438	147	291	Nil	Nil

As far as chart reproduced at A is concerned Samiti directs the Association to explain as to why it did not allot the candidates upto 2557 in round I. As far as chart reproduced in B is concerned. Samiti directs to the Association to explain as to why it did not allot all qualified students in round I.

After receipt of the explanations they be placed before the Samiti for its consideration.

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Item No. 3 (b): Letter dated 9th Sept. 2015 received from Director Higher Education, Pune Submitting their remarks on Draft broucher of B.P.Ed. /M.P.Ed. Asso. CET 2015-16. [Ref: Minutes of the meeting held on 11th August 2015 Item no. 4(d)]

Samiti perused the remarks of Expert Committee i.e. Director, Higher Education, Pune appointed by the Samiti; vide letter no. अमवि/बी.पी.एड./२०१५/मवि-२/९०१८ दि. ९/९/२०१५. as under _____

- १) बी.पी.एड. (शारीरिक शिक्षण) व एम.पी.एड. (शारीरिक शिक्षण) याचे प्रवेश उच्च व तंत्रशिक्षण विभागाच्या शासन निर्णय क्र. शाशिम ४५१४/प्र. क्र. १५१/आस्था-१ दि. २८/५/२०१४ प्रमाणे करण्यात यावेत.
- २) एनसीटीईच्या प्रवेश पात्रतेनुसार करण्यात यावेत.
- ३) महाराष्ट्र शासनाच्या आरक्षण धोरणानुसार आरक्षण ठेवण्यात यावे.
- ४) प्रवेश प्रक्रियेत शारीरिक शिक्षण महाविद्यालयांचा समावेश करताना त्यास एन.सी.टी.ई. सुधारित मान्यता शासनाची परवानगी व विद्यापिठांचे संलग्निकरण तपासून नियमाप्रमाणे प्रवेश देण्यात यावे. या पैकी जरी एकही परवानगी अपात्र असेल तर अशा शारीरिक शिक्षण महाविद्यालयांना आपल्या प्रवेश प्रक्रियेतून वगळण्यात यावे.
- ५) न्यायालयाच्या आदेशानुसार प्रक्रियेत येणाऱ्या शारीरिक शिक्षण महाविद्यालयांना शासनाच्या परवानगीशिवाय प्रवेश दिले जावू नयेत. अथवा या बाबतीत प्रवेश नियंत्रण समितीने वेगळे निर्णय घेतले असल्यास त्याबाबतची माहिती शासनाला द्यावी.
- ६) शासनपत्र क्र. बीएड-४६१५/प्र.क्र.२६२(२)/मशि-२, दि. ३०/५/२०१५ मध्ये राज्यात एनसीटीई रेग्युलेशन २०१४ ची अंमलबजावणी करण्याबाबत कळविले आहे. त्यानुसार शारीरिक शिक्षण अभ्यासक्रमाची सीईटी घेउन प्रवेश प्रक्रिया राबविली जावी.
- ७) प्रवेशाची सद्यःस्थिती वेळोवेळी शिक्षण संचालनालय, उच्च शिक्षण यांना सादर करण्यात यावी. उपरोक्त अटीच्या अधिन राहुन प्रवेशास मान्यता देण्यात येत आहे.
- ८) एनसीटीईच्या नाहरकत पत्रात नमुद केलेल्या विद्यार्थी प्रवेश क्षमतेपेक्षा जास्त विद्यार्थी प्रवेशीत केले जाणार नाहीत याची जबाबदारी महासंघावर राहिल.

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- ९) महासंघावर न्यायालयीन आदेश असल्यास त्यांची उल्लंघन करु नये नियमबाह्य प्रवेश केलेस, संपुर्ण जबाबदारी व्यवस्थापन महासंघाची राहिल.

Samiti decides to approve the Draft Broucher subject to modification suggested by Expert Committee i.e. Director, Higher Education, Pune and allows Maharashtra Sharirik Shikshanshastra Mahavidyalaya Vavsasthapan Mahasangh to conduct CET/CAP for B.P.Ed./M.P.Ed. Course for Academic Year 2015-16.

Considering the suggestions of Expert Committee on the draft brochure Samiti directs as under-

- a) CET/CAP should be conducted in fair and transparent manner and admission process to be on the basis of Merit.
- b) CET examinations should be conducted at the centers located in non related Colleges and staff of examination i.e. Supervisor, Invigilator, Center In-charge and other staff should be drawn from non related faculty.
- c) List of notified centers with details of seating arrangement made in each such centers and list of eligible candidates appearing for examination to be provided to Samiti. No. of seats available college wise to be provided to Samiti.
- d) All admissions to be done as per the norms/rules/regulations/conditions laid down by Hon'ble Supreme Court of India, Respective Councils, Government of Maharashtra and University.
- e) Result of CET should be displayed on website and the notice boards of participating Colleges/Institutes and of Association. Result of CET-2015 to be submitted to Samiti office, within two days from the date of declaration of result.
- f) Aforesaid association should ensure to that all allotment of students to colleges is made strictly as per merit and as per the options of choices exercised. Association should also ensure that colleges abide by the provisions of National council for Teacher Education (Guidelines for Regulation of Tution fees & other fees chargeable by unaided Teacher Education Institutions) Amendment regulation 2010 duly published in Official Gazette-The Gazette of India, Extra ordinary, Part III, section-4 on 25th August 2010. It should also to be ensured that allotment of students is done only to the colleges who are affiliated to universities for the academic year concerned. It should be ensured that colleges submit the list of admissions within two days form the cut off date to Samiti's office.
- g) Institute/Organization conducting CET/ CAP should communicate to Samiti's office vacancy details immediately after the last round is over but within 7 days.
- h) Competent Authority will be the grievance redressal authority who will take care of all complaints of students/parents during CET examinations and admission process.

Association should further ensure appointment of appellate authority to hear and decide and dispose of grievances against the decisions of said competent authority.

- i) Samiti further directs the Association/Colleges to submit the following information to the Samiti office from time to time.
 - i) No. of students appeared
 - ii) No. of students qualified in the Exam.
 - iii) No. of participating Colleges with their sanctioned intake capacity.
 - iv) Course/Subject/category wise seat matrix of each round, before and after round.
 - v) List of selected candidates of each round.
 - vi) Details of complaints received during the process and nature of action to taken on the complaints.

Samiti further directs, to incorporate the following changes in final Rules and Information Brochure of CET-2015, as follows:-

- j) The Rule of eligibility, Tie breaker, etc. is at par with CET-2015 conducted by Directorate of Higher Education, Pune or Concern University.
 - k) Where seats are likely to be increased, Association to publish the details before hand in Local as well State Level News papers, notice boards and websites of association and respective Colleges also and invite/call the fresh preferences / choices from the candidates for such seats.
 - l) Association should submit detailed information in respect of appointments of moderators/examiners their names qualifications, etc to Samiti immediately.
- 1) **Refund of Fees** : The Colleges/Institutes are directed to follow the following rule in the matter of refund of fees and incorporate the same clause as follows:
- i) "If a candidate cancels his admission before the cut-off-date, then College/Institute has deduct only Rs. 1,000/- as administrative charges and balance amount of fees paid by a student be refunded within two days, otherwise the same will amount to profiteering and charging of capitation fees. Samiti further directs that the College/Institute should also return the original documents / certificates collected from the students within two days.
 - ii) If a candidate expires within three months from the date of admission full refund shall be made after deducting Rs. 1,000/- as administrative charges.

or

- iii) After cut-off-date except in (ii) above no refund shall be made.

After deliberation, Samiti directs the Association to incorporate the changes and/or conditions, grants its approval to the draft brochure of CET-2015 of Maharashtra Sharirik Shikshanshastra Mahavidyalaya Vyavasthapan Mahasangh to conduct CET for B.P.Ed./M.P.Ed. Course for Academic Year 2015-16.

Item No. 4 : To discuss and decide on the Letters /representations –

Item No. 4 (a): Letter dated 7th August 2015 received from Joint Director Technical Education, Nashik submitted Verification Report of Samrat Ashok Institute of Computer and Management Studies, Jalgaon MCA Course for Academic Year 2011-12. [Ref: Minutes of the meeting held on 12th December 2014 Item no. 6(i)]

Samiti perused the verification report of Expert Committee Joint Director, Technical Education, Nashik vide letter no. तंशि/विकाना/तांशा/२०१५/२१५३ दि. ७/८/२०१५.

- 1) Samrat Ashok Institute of Computer and Management Studies, Jalgaon has submitted its list of admitted students for verification to Expert Committee i.e. Director, Technical Education, Mumbai.
- 2) Joint Director, Technical Education, Nashik has verified the Admission list on 30/6/2014.
- 3) Aforesaid Institute has Submitted the Proposal for Approval of admission to Samiti vide letter no. SAMCA/2013-14/257 Dated 30 July 2014.
- 4) Samiti in its Meeting held on 12th Dec. 2014 vide Item no. 6(i) has decided as under_____

"Samiti directs the Expert Committee i.e. Director Technical Education, M.S. Mumbai to submit an Explanation as to the reasons for late submission of the Verification Report of Merit List of aforesaid College/Institute for Academic Year 2011-12. After receipt from Director Technical Education, M.S. Mumbai it be placed before Samiti for its consideration."

- 5) Thereafter Joint Director, Technical Education, Nashik has submitted his report vide his letter no. तंशि/विकाना/तांशा/२०१५/२१५३ दि. ७/८/२०१५, recommending to approve the admissions.

Samiti went through all the communications and the decisions it took herein before. After deliberations, Samiti decides to approve the eligibility and selection process of

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respective college/Institute in Technical Education for Academic Year 2011-12, subject to the Expert Committee – Director, Technical Education, Mumbai or his Officers or the Competent Authorities sorting out and disposing off with the discrepancies after appropriate compliances from respective institutions for the Academic Year 2011-12.

Sr. No	Institute Code	Name of the Institute	Sanctioned Intake	Total No. of Admissions	No. of Admissions Approved	No. of Admissions with Discrepancies /Conditional approval
1	MC5329	Samrat Ashok Institute of Computer and Management Studies, Jalgaon	60	26	14	12

Item No. 4 (b): Letter dated 17th August 2015 received from Shikshan Shulk Samiti, Mumbai forwarding letter dated 23rd March 2015 of Association of the Management of Unaided Colleges along with the decision taken by Shikshan Shulka Samiti in its meeting held on 13th August 2015.

Samiti perused the letter under reference.

After deliberation, Samiti directs office to send the matter to the Expert Committee i.e. Office of Director, Technical Education, Mumbai M. S. for comments/ remarks. After receipt of said comments/ remarks from the Office of the Directorate of Technical Education, Mumbai, the same to be placed before Samiti for its consideration.

Item No. 4 (c): Letter dated 24th August 2015 received from Rachna Sansad's Academy of Architecture, Mumbai requesting to waive Penalty of Rs. 10,000/- charged for late submission of proposal for approval for Academic Year 2009-10. (Ref. Hon'ble High Court order of Judicature at Bombay ordinary original Civil Jurisdiction Writ Petition No. 760 of 2013 dated 19th March 2014.)

Samiti perused the letter under reference.

Samiti observes that the said College/Institute had submitted the Merit List for Approval, with the Penalty of Rs. 10,000/- for late Submission of Admission details online. Samiti further observe the Hon'ble High Court order of Judicature at Bombay ordinary

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original Civil Jurisdiction in Writ Petition No. 760 of 2013 dated 19th March 2014 quoted as under__

"The decision, therefore, was taken by the Samiti in the said meeting that penalty will be charged if the proposal was submitted before 28th February every year, penalty of Rs. 10,000/- per course will be charged and if the proposal was submitted upto 31st March, then penalty of Rs. 50,000/- per course will be charged. A perusal of the said decision taken by PNS clearly discloses that the order limit of charging penalty was maintained in the said decision, By the impugned order, however, PNS directed the petitioners to pay penalty of 50% of the fees collected for the academic Year 2010-11 and 2011-12 and further penalty of Rs. 10,000/- was charged for academic Year 2009-10. This is clearly the impugned order passed by PNS is wholly without jurisdiction and hence is liable set aside. Reliance placed by the learned counsel appearing on behalf of the respondent No. 3 on the decision of the Apex Court and Division Bench of this court and the Division Bench of this Court clearly are not relevant for the purpose of deciding the issue involved in this case."

After deliberations, Samiti therefore decides to refund the penalty Rs. 10,000/- already paid by colleges/institutes charged for late submission of the Proposal for Approval of admissions for Academic Year 2009-10.

Item No. 4 (d): Letter dated 24th August 2015 received from Rachna Sansad's Academy of Architecture, Mumbai requesting to waive Penalty of Rs. 10,000/- charged for late submission of proposal for approval for Academic Year 2014-15. [Ref: Minutes of the meeting held on 27th March 2015 Item no. 3 and 17th July 2015 Item no. 6(c)]

Samiti perused the letter under reference.

Samiti observes that the said College/Institute has submitted the Merit List for Approval, with the Penalty of Rs.10,000/- on account of late Submission of Admission details online. Samiti further observes the decision taken in its Meeting held on 27th March 2015 Item no. 3 and 17th July 2015 Item no. 6 (c) as under respectively__

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

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

Samiti therefore, after deliberations, directs the office to refund the penalty Rs. 10,000/- already paid by colleges/institutes charged for late submissions of Proposal for Approval of admissions for Academic Year 2014-15.

Item No. 5 : To discuss, decide and approve disposal of records related to admission Process of Various Courses.

After deliberation, Samiti directs as under –

- 1) Office to sort out papers yearwise, coursewise.
- 2) Office to keep the papers related to admission process for three preceding years immediately before the current academic year.
- 3) Office to sort out papers related to admission process for the academic years prior to three preceding academic years immediately before the current academic year and keep the papers related to decisions separately alongwith the lists.
- 4) Remaining 'D' papers after being so classified to be destroyed after listing under the supervision of a Desk officer.
- 5) Papers involved in litigations in various courts not to be destroyed until further decision.

Item No. 6 : Any other matter with the permission to the Chair.

Item No. 6 (a) : To discuss and decide on the letter dated Nil received from Maharashtra Sharirik Shikshan Shastra Mahavidyalaya Vyavasthapan Mahasangha, Jalgaon requesting to grant permission to conduct CET for Rajarshi Shahu Maharaj Sharirik Shikshanshastra Mahavidyalaya, Bramhapuri Newly enlisted College in Gondwana University for B.P.Ed. Course for Academic Year 2015-16.

Samiti perused the letter under reference.

After deliberation, Samiti accedes to the request made by Mahasangh to conduct CET for Rajarshi Shahu Maharaj Sharirik Shikshanshastra Mahavidyalaya Bramhapuri. Samiti further directs the college to follow the rules/regulations laid down by the Hon'ble Supreme

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court, NCTE Government of Maharashtra, Concerned University and the appropriate authorities concerned.

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

Date:

13 OCT 2015



(D.K. DESHMUKH)
CHAIRMAN