

CHANCELLOR

C8/SRTMU/37/07/C6550/2491

RAJ BHAVAN
MUMBAI 400 035

21 July 2009

ORDER

Subject : Regarding formation of the Board of Studies in the Management Sciences and Business Administration in Swami Ramanand Teerth Marathwada University, Nanded under Section 37 of the Maharashtra Universities Act, 1994

Reference: 1) Appeal dated 23 April 2007 under Section 108 of the Maharashtra Universities Act, 1994 from Dr. D. L. Jamge.

2) Letter No. VC/Election/2007-08/ 214 dated 11 August 2007 from the Vice-Chancellor, Swami Ramanand Teerth Marathwada University,, Nanded

3) Letter No. VC/Election/BOS/2007-08/475 dated 18/20 January 2008 from the Vice-Chancellor, Swami Ramanand Teerth Marathwada University, Nanded.

4) Letter No. VC/Election/2007-08/480 dated 18/20 January 2008 from the Vice-Chancellor, Swami Ramanand Teerth Marathwada University, Nanded

5) Letter No, VC/2008-09/15 dated 12 April 2008 from the Vice-Chancellor, Swami Ramanand Teerth Marathwada University, Nanded.

6) Letter No. VC/2008-09/98 dated 7 July 2008 from the Vice-Chancellor, Swami Ramanand Teerth Marathwada University, Nanded.

Dr. D. L. Jamge, Head of the Department of Management Sciences & Business Administration at Yashwant Mahavidyalaya, Nanded has submitted an Appeal under Section 108 of the M.U. Act, 1994 (hereinafter referred as the "Act") challenging the decision of the Vice-Chancellor and

Registrar, Swami Ramanand Teerth Marathwada University (hereinafter referred as the "University") to cancel the formation of the Board of Studies in Management Sciences and Business Administration stating that,-

- i) the process of election of the Board was initiated.
- ii) the names of Heads of Departments were invited and were scrutinized.
- iii) the names of the nominations were displayed on the Notice-Board of the University.
- iv) the valid nominations were only six which was requisite number for formation of the Board unanimously.
- v) as the action taken by the concern authority is biased, the proceedings have been vitiated.
- vi) the condition precedent for taking such impugned action was not there.
- vii) the Vice-Chancellor and Registrar have acted malafidely, arbitrarily, without justification and without authority of law.
- viii) the action taken by the Vice-Chancellor is in violation of principles of Natural Justice.
- ix) there is no application of mind while taking the action.

Dr. Jamge has therefore requested me to give directions to the Vice-Chancellor and Registrar to declare that six Heads of Departments whose nomination forms were declared valid, as elected unopposed.

2. I called for a detailed report from the Vice-Chancellor, Swami Ramanand Teerth Marathwada University, Nanded (hereinafter referred as "The Vice-Chancellor) in the matter. The Vice-Chancellor has submitted his

report vide his letter at References 2 to 6 above. The facts in brief, as reported by the Vice-Chancellor, are as follows:-

There was a common Faculty of Commerce and Management Sciences since 1999 in the University. The said Faculty had two Boards of Studies viz. one Board of Studies in Management Sciences and another Board of Studies in Commerce. The Faculty was bifurcated in to two separate Faculties viz. (i) Faculty of Commerce and (ii) Faculty of Management Studies as per the decisions of the Academic Council and Management Council at their meetings held on 18 May 2006 and 8 August 2006 respectively.

As per the Direction issued under Section 14 (7) of the Act by the Vice-Chancellor on 1 November 2006, the Boards of Studies included under the aforesaid bifurcated Faculties are as under :-

- I) Faculty of Commerce
 - i) Accounts & Applied Statistics
 - ii) Commercial & Mercantile Law
 - iii) Business Studies
 - iv) Business Economics

- II) Faculty of Management Studies
 - i) Management Sciences & Business Administration
 - ii) Hospitality Studies.

The Electoral Roll prepared for the election of Six Heads of Departments to the Board of Studies in Management Sciences and Business Administration has names of the seven Heads of Departments in the Colleges. When the said Electoral Roll was being prepared their names were sent by their respective Colleges as they were teaching the subject

under the B.Com./M.Com. course. This was noticed after the nominations forms of the six contesting candidates amongst them were scrutinized and accepted. The Registrar vide letter dated 24 February 2007 sought the clarification from the respective Colleges for recommending their names to include in the Electoral Roll. The Principals of their Colleges clarified that as the said Heads of Departments were teaching some papers of Management at Under Graduate and Post Graduate Classes of Commerce and Diploma in Marketing Management Course, their names were nominated presuming that they are eligible to become the members of the Board of Studies in Management Sciences & Business Administration. However, they were not entitled for the Faculty of Management Studies as they are teaching the subject of Business Management under Faculty of Commerce. The subject of Management Studies was being taught in the following four Colleges from the academic year 2006-07.

- i) I. T. M. Nanded
- ii) Jai Jawan Shikshan Prasarak Mandal's B.B.A. College, Nanded.
- iii) Rajiv Gandhi College, Nanded.
- iv) Maharashtra Academic College of Engineering & Education Research Pune's MIT College of Commerce & Management Studies, Latur.

The appointment of teachers in the above Colleges was just being made. The Heads of Departments of the said subject in the aforesaid Colleges could have been included in the Electoral Roll. However, other six affiliated Colleges where no Bachelor of Business Administration & Master of Business Administration Course are conducted sent the names of Heads of Departments who were teaching the subject under Faculty of Commerce. Therefore inclusion of their names in the Electoral Roll was incorrect and

not as per the provision in the Section 37 (2) (b) of the Act and the Direction dated 1 November 2006 issued by the Vice-Chancellor under Section 14 (7) of the Act. In view of this, the nomination papers filed by them were not valid. Therefore, the Registrar decided to cancel further process of election by not declaring the results as they are elected as unopposed.

Even though University did not declare the result of the election, the news of the said result was published in the News Paper "Lokmat" on 27 March 2007 and it cannot be treated as official.

3) After carefully examining the records of this case, I have found that,-

i) As the six Heads of Departments whose nominations were held valid were not full time teachers teaching the subject/s of Management Sciences & Business Administration under the Faculty of Management Studies, they were not eligible to be included in the Electoral Roll and therefore they were also not eligible for contesting the election to the Board of Studies in Management Sciences & Business Administration under Section 37(2) (b) of the Act


ii) From the date of bifurcation of Faculty of Commerce & Management Sciences into i) Faculty of Commerce and ii) Faculty of Management Studies, it is necessary that the Heads of Departments must be from the Faculty of Management Studies to be eligible to include their names in the Electoral Roll and not from Faculty of Commerce. Therefore, the decision of the Vice-Chancellor and Registrar to cancel the election is proper.

4) In the light of the facts stated above, I have come to the conclusion that the decision of the Vice-Chancellor and Registrar to cancel the elections of the Board of Studies in Management Sciences and Business

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Administration from the category of "Heads of Departments" under Section 37(2)(b) of the Act is legal and valid. I therefore, do not find any justification to interfere with the election of Heads of Departments on the Board of Studies in Management Sciences and Business Administration under Section 108 of the Act.


(S. C. Jamir)
Chancellor,

Swami Ramanand Teerth Marathwada University

21-7-2009.