DAAR-UL-REHMAT TRUST's

A.E. KALSEKAR DEGREE COLLEGE

KAUSA, MUMBRA
Permanently Affiliated to the University of Mumbai
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CRITERION II	
KEY INDICATOR	2.1 Student Enrolment and Profile
METRIC NO.	2.1.2

- **Percentage of seats filled against seats reserved for various categories (SC, ST, OBC, Divyangjan, etc. as per applicable reservation policy during the last five years**

MAHARASHTRA GOVERNMENT MINORITY RESEVATION POLICY

महाराष्ट्र राज्यातील अल्पसंख्याकांकडून चालविण्यात येणाऱ्या शैक्षणिक संस्थांना धार्मिक/भाषिक अल्पसंख्याक संस्था म्हणून दर्जाची मान्यता देण्यासाठी कार्यपध्दती, अटी व शर्ती विहित करणेबाबत.

महाराष्ट्र शासन

अल्पसंख्याक विकास विभाग

शासन निर्णय, क्रमांक:अशैसं-२००८/प्र.क्र.१३३/२००८/का.१

मंत्रालय, मुंबई - ४०० ०३२.

दिनांक :- ४ जुलै, २००८.

संदर्भ :-१) राष्ट्रीय अल्पसंख्यांक शैक्षणिक संस्था आयोग अधिनियम, २००४.

२) सामान्य प्रशासन विभाग, शासन निर्णय क्रमांक :असंस-२००६/ ६३४/ प्र.क्र.६३/२००६/३५, दिनांक २७ जुलै, २००६

३) सामान्य प्रशासन विभाग, शासन निर्णय क्रमांक:असंस-२००६/ ६३४/ प्र.क्र.६३/२००६/३५, दिनांक ११ जून, २००७.

४) शासन अधिसूचना, सामान्य प्रशासन विभाग, क्रमांक : शाकानि-१००८/प्र.क्र. ४/२००८/१८ (रवका), दिनांक २१ फेब्रुवारी, २००८

५) शासन अधिसूचना, अल्पसंख्याक विकास विभाग, क्रमांक:असंस-२००८/प्र.क्र.१४९/०८/का.१, दि.४ जुलै, २००८.

शासन निर्णय :-

राज्यातील अल्पसंख्याकांकडून चालविल्या जाणाऱ्या शैक्षणिक संस्थांना धार्मिक / भाषिक अल्पसंख्याक संस्था म्हणून दर्जाची मान्यता प्रदान करण्याबाबतची विद्यमान कार्यपध्दती सुलभ करण्याची बाब राज्य शासनाच्या काही काळ विचाराधीन होती. त्यानुसार या क्षेत्रातील जाणकार हितसंबंधितांशी सल्लामसलत करून आणि यासंबंधात मा.सर्वोच्च न्यायालयाने वेळोवेळी दिलेले निर्देश विचारात घेऊन, सा.प्र.वि., शासन निर्णय क्रमांक. असंस-२००६/६३४/प्र.क्र.६३/२००६/३५, दिनांक ११ जून, २००७ अधिक्रमित करून महाराष्ट्र शासन याद्वारे राज्यातील अल्पसंख्याकांकडून चालविण्यात येणाऱ्या शैक्षणिक संस्थांना धार्मिक / भाषिक अल्पसंख्याक दर्जाची मान्यता प्रदान करण्यासाठी खालीलप्रमाणे कार्यपध्दती, अटी व शर्ती विनियमित करीत आहे.

(१) **अल्पसंख्याक दर्जाची मान्यता प्रदान करण्यासाठी सक्षम प्राधिकारी** :-

राज्यातील अल्पसंख्याकांकडून चालविण्यात येणाऱ्या शैक्षणिक संस्थांना धार्मिक / भाषिक अल्पसंख्याक दर्जाची मान्यता प्रदान करण्यासाठी राज्य शासनाने प्रधान सचिव / सचिव, अल्पसंख्याक

विकास विभाग, महाराष्ट्र शासन यांना शासन अधिसूचना क्रमांक क्रमांक:असंस-२००८/प्र.क्र.१४९/ ०८/का.१, दि.४ जुले, २००८ अन्वये सक्षम प्राधिकारी म्हणून घोषित केले आहे.

(२) धार्मिक / भाषिक अल्पसंख्याक दर्जाच्या मान्यतेसाठी पात्रतेचे निकष :-

१) ज्या शैक्षणिक संस्थांना दि.११ जून, २००७ पूर्वी विशिष्ट आदेश किंवा पत्राद्वारे अथवा सामान्य प्रशासन विभाग, शासन निर्णय क्र.असंस-२००६/६३४/प्र.क्र.६३/ २००६/३५, दिनांक ११ जून, २००७ अन्वये अल्पसंख्याक शैक्षणिक संस्था म्हणून मान्यता प्रदान करण्यात आली आहे, अशा शैक्षणिक संस्थांनी अल्पसंख्याक दर्जाच्या मान्यतेसाठी पुन्हा अर्ज सादर करावयाची आवश्यकता नाही. तथापि, खालील **परिच्छेद (५)** मध्ये विहित केलेल्या अटी अशा सर्व संस्थांना लागू असतील.

२) अर्जदार अल्पसंख्याक संस्था ही "संस्था नोंदणी अधिनियम १८६०" अथवा "मुंबई सार्वजनिक विश्वस्त अधिनियम, १९५०" किंवा इतर संबंधित संविधी खाली नोंदणीकृत असणे आवश्यक आहे. संबंधित अल्पसंख्याक संस्था ज्या धार्मिक / भाषिक अल्पसंख्याक समाजाची असेल त्या अल्पसंख्याक समाजाच्या हिताचे संरक्षण करण्यासाठी स्थापन करण्यात आली आहे, असे त्या संस्थेने तिच्या उपविधि किंवा नियमामध्ये दर्शविले पाहिजे.

३) केंद्र शासनाने व महाराष्ट्र शासनाने अल्पसंख्याक म्हणून अधिसूचित केलेल्या सर्व धर्माच्या संस्था त्यांच्या शैक्षणिक संस्थांना धार्मिक अल्पसंख्याक शैक्षणिक संस्था म्हणून दर्जाची मान्यता मिळण्यासाठी अर्ज करण्यास पात्र असतील.

४) ज्यांची मातृभाषा मराठी भाषेव्यतिरिक्त इतर भारतीय भाषा आहे अशा भाषिकांच्या शैक्षणिक संस्था भाषिक अल्पसंख्याक शैक्षणिक संस्था म्हणून मान्यता मिळण्याकरिता अर्ज करण्यास पात्र असतील.

५) अर्जदार संस्थेच्या व्यवस्थापन समितीवरील किमान २/३ (दोन तृतियांश) विश्वस्त / सदस्य संबंधित अल्पसंख्याक समाजाचे असणे आवश्यक आहे.

(३) धार्मिक / भाषिक अल्पसंख्याक शैक्षणिक संस्था म्हणून मान्यता देण्यासाठीची कार्यपध्दती :-

१) धार्मिक / भाषिक अल्पसंख्याक शैक्षणिक संस्था म्हणून मान्यता मिळण्यासाठी इच्छूक असलेल्या संस्थेने या शासन निर्णयासोबतच्या प्रपत्र-अ नुसार विहित केलेल्या अर्जाच्या नमुन्यात संबंधित संस्था भाषिक अथवा धार्मिक अल्पसंख्याक दर्जा मिळविण्यास इच्छूक आहे, याचा स्पष्ट उल्लेख करून खालील परिच्छेद **(४)** मध्ये दर्शविण्यात आलेल्या संबंधित कागदपत्रांच्या छायांकित प्रतीसह सक्षम प्राधिकारी यांच्याकडे अर्ज सादर करणे आवश्यक राहील.

(४) धार्मिक / भाषिक अल्पसंख्याक दर्जा मिळण्यासाठी अल्पसंख्याक शैक्षणिक संस्थेने अर्जासोबत जोडावयाच्या कागदपत्रांच्या प्रती :-

१) न्यास विलेख किंवा संस्था नोंदणीकृत असल्याबाबतच्या प्रमाणपत्राची प्रत.

२) संस्थेच्या व्यवस्थापन समितीच्या विद्यमान विश्वस्त / सदस्य यांची नावे दर्शविणाऱ्या धर्मादाय आयुक्तांमार्फत प्रदान करण्यात आलेल्या अनुसूची-I ची प्रत.

३) संस्थेच्या व्यवस्थापन समितीच्या विश्वस्त /सदस्यांच्या नावात बदल झाला असल्यास धर्मादाय आयुक्तांनी संस्थेस प्रदान केलेल्या फेरफार अहवालाची प्रत.

४) संस्थेच्या व्यवस्थापन समितीच्या विश्वस्त /सदस्यांच्या धार्मिक संबध्दतेबाबत अथवा भाषिक पार्श्वभूमीबाबत पुरावा. उदा. बाप्तिस्मा प्रमाणपत्र, शाळा सोडल्याचा दाखला इत्यादी.

५) संस्था शैक्षणिक अभ्यासक्रम चालवित असल्याबाबतचा पुरावा.

(५) धार्मिक / भाषिक अल्पसंख्याक संस्था म्हणून मान्यतेच्या अटी व शर्ती :-

१) अल्पसंख्याक शैक्षणिक संस्था म्हणून दर्जाबाबतची मान्यता केवळ महाराष्ट्र राज्यापुरती तसेच शैक्षणिक बाबी हाताळणाऱ्या शासनाच्या सर्व विभागांच्या बाबतीत लागू असेल.

२) अल्पसंख्याक दर्जाची मान्यता मूळ न्यास, संस्था किंवा संघटनेला प्रदान करण्यात येईल आणि हा अल्पसंख्याक दर्जा मूळ संस्था चालवित असलेल्या किंवा भविष्यात सुरु करणाऱ्या सर्व शैक्षणिक संस्थांना लागू असेल.

३) उपरोक्त परिच्छेद (२) मध्ये नमूद केलेल्या सर्व निकषांची अर्जदार संस्थेने सातत्याने पुर्तता केली पाहिजे. विश्वस्तांच्या अथवा संस्थेच्या व्यवस्थापन समितीच्या रचनेमध्ये काही बदल झाल्यास, असा बदल झाल्यापासून १५ दिवसांच्या आत सक्षम प्राधिकाऱ्यांना त्याबाबत कळविणे आवश्यक आहे.

४) उच्च, तांत्रिक अथवा व्यावसायिक अभ्यासक्रम चालविणाऱ्या अल्पसंख्याक शैक्षणिक संस्था खेरीज ज्या अल्पसंख्याक शैक्षणिक संस्थांना या शासन निर्णयाच्या तरतूदी अंतर्गत अल्पसंख्याक दर्जाची मान्यता प्रदान करण्यात आलेली आहे, अशा सर्व संस्थांनी -

अ) विनाअनुदानित संस्था आणि विनाअनुदानित व अनुदानित भाषिक अल्पसंख्याक संस्था, ज्यांचे माध्यम मान्यताप्राप्त अल्पसंख्याक भाषा आहे अशा संस्थांच्या बाबतीत त्यांनी, विहित कालमर्यादेत आणि रास्त व पारदर्शक प्रवेश प्रक्रियेद्वारे, ज्या पात्र अल्पसंख्याक विद्यार्थ्यांनी प्रवेशासाठी अर्ज केले असतील अशा सर्व विद्यार्थ्यांना प्रवेश दिले पाहिजेत आणि कोणत्याही पात्र अल्पसंख्याक विद्यार्थ्याचा अर्ज संस्थेने नाकारता कामा नये. स्थानिक गरजांनुसार अशा संस्था बिगर अल्पसंख्याक विद्यार्थ्यांना देखील प्रवेश देऊ शकतील.

२) रुपये ५००/- (रुपये पाचशे फक्त) किंवा वेळोवेळी ज्याप्रमाणे रक्कम विहित केली जाईल, एवढया रकमेच्या किंमतीचे अन्यायीक कोर्ट फी स्टँम्प अर्जावर लावणे आवश्यक आहे.

३) प्रत्येक अर्जासोबत रुपये ५०००/- (रुपये पाच हजार फक्त) किंवा अशी रक्कम जी वेळोवेळी विहित केली जाईल, एवढ्या रकमेच्या किंमतीचे ना परतावा संस्करण शुल्क म्हणून धनाकर्षाच्या स्वरुपात अवर सचिव, सामान्य प्रशासन विभाग (कार्यासन-२६), मंत्रालय, मुंबई यांच्या नांवे भरणे आवश्यक आहे.

४) या शासन निर्णयासोबतच्या प्रपत्र-ब मध्ये विहित केलेल्या प्रतिज्ञापत्राच्या नमून्यात अर्जदार संस्थेने रु.१००/- (रुपये शंभर फक्त) एवढया किंमतीच्या अन्यायिक स्टॅम्प पेपरवर नोटराईज्ड प्रतिज्ञापत्र अर्जासोबत दाखल करणे आवश्यक राहील.

५) अर्जाच्या प्राथमिक छाननीदरम्यान असे अर्ज जे विहित नमून्यात नसतील अथवा अपूर्ण माहिती असलेले असतील अथवा विहित किंमतीचे कोर्ट फी स्टँम्प लावलेले नसतील अथवा संस्करण शुल्क भरले नसेल आणि अर्जासोबत आवश्यक कागदपत्र जोडलेले नसतील तर असे अर्ज फेटाळण्यात येतील व तसे अर्जदार संस्थेस कळविण्यात येईल.

६) यानंतर सर्व परिपूर्ण अर्ज या शासन निर्णयाद्वारे विहित केलेल्या तरतुदीनुसार विचारात घेतले जातील आणि अर्ज प्राप्त झाल्यापासून ९० दिवसाच्या आत अर्जदार संस्थेस त्याबाबत कळविले जाईल. या कालावधीत निर्णय घेण्यात आला नाही तर अर्जदार संस्थेस अल्पसंख्याक दर्जाची मान्यता प्रदान केल्याचे समजण्यात येईल.

७) अर्जावर निर्णय घेण्यापूर्वी सक्षम प्राधिकारी त्यांच्या प्राधिकृत प्रतिनिधीमार्फत संबंधित संस्थेस किमान १० दिवसाची आगाऊ सूचना देऊन अर्जदार संस्थेसोबत सुनावणी घेईल. खालील परिच्छेद (४) मध्ये दर्शविल्याप्रमाणे अर्जदार संस्थेने अर्ज सादर करतांना अर्जासोबत जोडलेल्या कागदपत्रांच्या मूळ प्रती संस्थेच्या अर्जाच्या सुनावणी प्रसंगी सादर करणे आवश्यक राहील.

८) संस्थेच्या पदाधिकाऱ्यांसोबतच्या सुनावणीनंतर, सक्षम प्राधिकाऱ्यांनी संबंधित अर्जदार शैक्षणिक संस्थेस अल्पसंख्याक शैक्षणिक संस्था म्हणून दर्जाची मान्यता प्रदान केली तर, त्याप्रमाणे अल्पसंख्याक दर्जाच्या मान्यतेचे प्रमाणपत्र अर्जदार संस्थेस प्रदान केले जाईल.

९) जर अर्जदार संस्थेचा अर्ज नाकारण्यात आला तर सक्षम प्राधिकाऱ्यामार्फत अर्ज नाकारतांना तशा आशयाचे शासन आदेश दिले जातील.

शासनाच्या संबंधित शैक्षणिक विभागांनी समाजातील अनुसुचित जाती, अनुसुचित जमाती, भटक्या जाती, विमुक्त जाती, विशेष मागास प्रवर्ग आणि इतर मागास वर्ग इ. दुर्बल घटकांसाठी आरक्षित केलेल्या जागा देखील प्रवेश देताना विचारात घेतल्या पाहिजेत; आणि

ii) विनाअनुदानित अल्पसंख्याक शैक्षणिक संस्थांच्या बाबतीत एकतर त्यांनी स्वत: आयोजित केलेल्या सामाईक प्रवेश चाचणीद्वारे किंवा गुणवत्तेवर आधारित प्रक्रियद्वारे किंवा राज्य शासन आयोजित सामाईक प्रवेश चाचणीद्वारे किंवा राज्य शासनाच्या सामाईक प्रवेश प्रक्रियेद्वारे. व्यावसायिक अभ्यासक्रम चालविणाऱ्या विनाअनुदानित अल्पसंख्याक शैक्षणिक संस्था त्यांच्या स्वेच्छेने अनुसुचित जाती, अनुसुचित जमाती, विमुक्त जाती, विशेष मागास प्रवर्ग, भटक्या जमाती आणि इतर मागासवर्गीय इत्यादि प्रवर्गातील विद्यार्थ्यांना, खुल्या प्रवर्गातील विद्यार्थ्यांबरोबरच प्रवेश देऊ शकतील.

परंतु,

जर ५०% / ५१% इतके विद्यार्थी अल्पसंख्याक कोट्यामधून उपलब्ध होऊ शकले नाहीत तर या जागा गुणवत्तेवर आधारित प्रक्रियेद्वारे बिगर अल्पसंख्याक उमेदवारांमधून भरण्याकरिता संबंधित संस्थेने अल्पसंख्याक विकास विभागाची विनिर्दिष्ट परवानगी घेणे आवश्यक आहे.

त्याचप्रमाणे या खुल्या गुणवत्तेवर आधारित प्रवेश प्रक्रियेद्वारे निवड केलेल्या सर्व विद्यार्थ्यांची नांवे त्यांनी मिळविलेल्या गुणांसह संस्थेच्या सूचना फलकांवर प्रदर्शित केली पाहीजे.

(६) **<u>अल्पसंख्याक शैक्षणिक संस्थांनी दाखल करावयाचे विवरणपत्र</u> :-**

या शासन निर्णयाच्या तरतुदीअंतर्गत ज्या अल्पसंख्याक शैक्षणिक संस्थांना अल्पसंख्याक दर्जाची मान्यता प्रदान करण्यात आली आहे, अशा सर्व शैक्षणिक संस्थांनी प्रवेश पक्रिया पूर्ण झाल्यानंतर शैक्षणिक संस्था चालवित असलेल्या अभ्यासक्रमाच्या स्वरुपानुसार शिक्षण संचालक, शालेय शिक्षण; शिक्षण संचालक, तंत्रशिक्षण; शिक्षण संचालक, वैद्यकीय शिक्षण आणि शिक्षण संचालक, आयुर्वेद शिक्षण यांच्याकडे शैक्षणिक संस्था चालवित असलेल्या शैक्षणिक अभ्यासक्रमांकरिता प्रवेश दिलेल्या विद्यार्थ्यांच्या प्रवेशाबाबतच्या तपशिलाबाबतचे विवरणपत्र १५ दिवसांच्या आत दाखल केले पाहिजे. तसेच प्रवेश प्रक्रियेत विद्यार्थ्यांनी प्राप्त केलेल्या गुणांसह प्रवेश दिलेल्या विद्यार्थ्यांचा तपशील प्रसिध्द केला पाहिजे. तद्नंतर संबंधित शिक्षण संचालकांनी या अल्पसंख्याक शैक्षणिक संस्थामधील मुले व मुली आणि अल्पसंख्याक व बिगर अल्पसंख्याक विद्यार्थी यांच्या विभागणी / विगतवारीसह प्रवेशाच्या तपशिलाचे विवरण सक्षम प्राधिकारी यांना दोन महिन्याच्या आत सादर केले पाहीजे.

ब)	अनुदानित संस्थांच्या बाबतीत (ज्यांचे शैक्षणिक माध्यम मान्यताप्राप्त अल्पसंख्याक भाषा आहे अशा अनुदानित भाषिक अल्पसंख्याक संस्था वगळून), अशा संस्थांनी विहित कालमर्यादेत आणि रास्त व पारदर्शक प्रवेश प्रक्रियेद्वारे, ज्या पात्र अल्पसंख्याक विद्यार्थ्यांनी प्रवेशासाठी अर्ज केले असतील अशा सर्व विद्यार्थ्यांना प्रवेश दिले पाहिजेत आणि कोणत्याही पात्र अल्पसंख्याक विद्यार्थ्यांचा अर्ज संस्थेने नाकारता कामा नये. स्थानिक गरजांनुसार अशा संस्थांनी वाजवी प्रमाणात बिगर अल्पसंख्याक विद्यार्थ्यांना देखील प्रवेश द्यावेत.

५)	या शासन निर्णयाच्या तरतुदीअंतर्गत अल्पसंख्याक दर्जाची मान्यता प्रदान करण्यात आलेल्या सर्व उच्च, तांत्रिक अथवा व्यावसायिक अभ्यासक्रम चालविणाऱ्या अल्पसंख्याक शैक्षणिक संस्थांनी खालील मर्यादेपर्यंत -

अ)	अनुदानित संस्थांच्या बाबतीत मंजूर प्रवेश क्षमतेच्या ५०%,

ब)	विनाअनुदानित संस्थांच्या बाबतीत मंजूर प्रवेश क्षमतेच्या ५१%,

इतक्या ज्या अल्पसंख्याक समाजाकरिता मान्यता प्रदान करण्यात आली आहे त्या समाजाच्या पात्र उमेदवारांना खालील कार्यपध्दतीचे पालन करुन प्रवेश दिले पाहिजेत.

i)	अनुदानित अल्पसंख्याक शैक्षणिक संस्थांच्या बाबतीत व्यावसायिक आणि तांत्रिक अभ्यासक्रमाकरिता राज्य शासन आयोजित करत असलेल्या सामायिक प्रवेश चाचणीद्वारे किंवा सामायिक प्रवेश प्रक्रियेद्वारे आणि शिक्षण पदविका अभ्यासक्रमासह इतर अभ्यासक्रमाकरिता गुणवत्तेवर आधारित निवडीद्वारे ; आणि

ii)	विनाअनुदानित अल्पसंख्याक शैक्षणिक संस्थांच्या बाबतीत व्यावसायिक आणि तांत्रिक अभ्यासक्रमाकरिता एकतर अशा संस्थांनी स्वत: आयोजित केलेल्या सामायिक प्रवेश चाचणीद्वारे किंवा राज्य शासनाने आयोजित केलेल्या सामायिक प्रवेश चाचणीद्वारे किंवा सामायिक प्रवेश प्रक्रियेद्वारे आणि शिक्षण पदविका अभ्यासक्रमासह इतर अभ्यासक्रमाकरिता गुणवत्तेवर आधारित निवड प्रक्रियेद्वारे.

६)	उपरोक्त ५ मध्ये विहित केलेल्या कार्यपध्दतीद्वारे ५०% / ५१% इतके विद्यार्थी अल्पसंख्याक प्रवर्गामधून न मिळण्याच्या परिस्थितीत, ज्या संस्थांनी त्यांची स्वत:ची सामाईक प्रवेश चाचणी पार पाडली असेल अशा संस्था, संस्थेस ज्या अल्पसंख्याक समाजाची संस्था म्हणून मान्यता मिळाली असेल त्या अल्पसंख्याक समाजाचे विद्यार्थी शासनाची सामाईक प्रवेश चाचणी उत्तीर्ण झालेल्या विद्यार्थ्यांमधून मिळविण्याकरिता जाहिरात देतील आणि असे अल्पसंख्यांक विद्यार्थी गुणवत्तेनुसार निवडतील.

७)	उर्वरित जागा खालीलप्रमाणे भरण्यात येतील :-

i)	अनुदानित अल्पसंख्याक शैक्षणिक संस्थांनी राज्य शासनाकडून आयोजित करण्यात येणाऱ्या सामाईक प्रवेश चाचणीद्वारे किंवा सामाईक प्रवेश प्रक्रियेद्वारे - या दोहोंच्या अस्तित्वात नसण्याच्या परिस्थितीत - गुणवत्तेवर आधारित प्रवेश प्रक्रियेद्वारे. या जागा खुल्या प्रवर्गातील बिगर अल्पसंख्याक विद्यार्थ्यांमधून भरताना राज्य

सर्व विभागीय आयुक्त.
सर्व जिल्हाधिकारी
सर्व जिल्हा परिषदांचे मुख्य कार्यकारी अधिकारी
सर्व मंत्रालयीन विभाग
संचालक, उच्च शिक्षण, मुंबई
संचालक, तंत्रशिक्षण, मुंबई
संचालक, वैद्यकीय शिक्षण, मुंबई
संचालक, समाजकल्याण संचालनालय, पुणे
शिक्षण संचालक, (माध्यमिक व उच्चमाध्यमिक).

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निवडनस्ती.

* पत्राने.

(७) <u>निरीक्षणाचा अधिकार, अभिलेखाची पडताळणी, चौकशी पार पाडणे आणि आदेश पारित करणे</u> :-

ज्या शैक्षणिक संस्थांना या शासन निर्णयाच्या तरतूदीअंतर्गत अल्पसंख्याक दर्जाची मान्यता प्रदान करण्यात आली आहे अशा संस्थेच्या अल्पसंख्याक दर्जाबाबतच्या सत्यासत्यतेबाबत सक्षम प्राधिकाऱ्यांना तक्रार प्राप्त झाली किंवा प्रवेश प्रक्रियेत एखाद्या अल्पसंख्याक विद्यार्थ्यांवर अन्याय झाला किंवा अशी कोणतीही अवैध बाब राज्य शासनाच्या निदर्शनास आली तर, सक्षम प्राधिकारी सुनावणी आयोजित करुन प्रकरणाची चौकशी करु शकतील किंवा अल्पसंख्याक शैक्षणिक संस्था चालवित असलेल्या अभ्यासक्रमाच्या स्वरुपानुसार संबंधित शिक्षण संचालक (शिक्षण संचालक, शालेय शिक्षण; शिक्षण संचालक, तंत्रशिक्षण; शिक्षण संचालक, वैद्यकीय शिक्षण आणि शिक्षण संचालक, आयुर्वेद शिक्षण) यांच्याकडून प्रकरणाची चौकशी करवून घेऊ शकतील आणि याकरिता संबंधित संस्थेच्या अभिलेखांची तपासणी करणे, सर्व संबंधित पक्षांना सूचना बजावणे, अल्पसंख्याक शैक्षणिक संस्थांची बाजू ऐकून घेणे, बाधित पक्षाकडून पुरावा घेणे, चौकशी पुरी करणे इ. प्रक्रिया पार पाडून अशा प्रकरणी शासन आदेश देऊ शकतील.

(८) <u>अल्पसंख्याक दर्जाची मान्यता मागे घेण्याचे आधार</u> :-

अल्पसंख्याक शैक्षणिक संस्थेस प्रदान केलेली धार्मिक अथवा भाषिक अल्पसंख्याक दर्जाची मान्यता खालील आधारांवर मागे घेता येऊ शकेल.

i) संस्थेने सक्षम प्राधिकाऱ्यांना चुकीची / दिशाभूल करणारी माहिती सादर करुन धार्मिक/ भाषिक अल्पसंख्याक दर्जाची मान्यता मिळविली असेल.

ii) या शासन निर्णयाच्या परिच्छेद **(४)** आणि **(५)** मधील कोणत्याही तरतूदींचा भंग करण्यात आला असेल.

iii) अल्पसंख्याक शैक्षणिक संस्थेच्या सत्यतेबाबत किंवा संबंधित अल्पसंख्याक समाजातील विद्यार्थ्यांच्या शैक्षणिक हितास मारक अशी गैरव्यवहारी / लबाडीची प्रवेशप्रक्रिया संस्थेने अंगिकारल्याबाबत शासनास तक्रार प्राप्त झाली असेल आणि चौकशीअंती अशी तक्रार सत्य असल्याचे निष्पन्न झाले असेल.

मात्र अल्पसंख्याक दर्जाची मान्यता मागे घेण्याचे कोणतेही आदेश पारित करण्यापूर्वी सक्षम प्राधिकाऱ्यांनी संबंधित संस्थेची बाजू ऐकून घेणे आवश्यक राहील.

(९) <u>सक्षम प्राधिकाऱ्यांच्या आदेशाविरुध्द दाद</u> :-

सक्षम प्राधिकाऱ्यांनी महाराष्ट्रातील शैक्षणिक संस्थेस अल्पसंख्याक दर्जाची मान्यता नाकारल्याबाबत किंवा शैक्षणिक संस्थेची अल्पसंख्याक दर्जाची मान्यता मागे घेतल्याबाबत जारी

केलेल्या आदेशाविरुध्द राष्ट्रीय अल्पसंख्याक शैक्षणिक संस्था आयोग, नवी दिल्ली यांच्याकडे दाद मागता येऊ शकेल.

(१०) हा शासन निर्णय शैक्षणिक वर्ष २००८-०९ पासुन अंमलात येईल. शासन निर्णय, सामान्य प्रशासन विभाग, क्रमांक :- असंस-२००६/ ६३४/ प्र.क्र.६३/२००६/३५, दिनांक ११ जून, २००७ अन्वये राज्यातील ज्या अल्पसंख्याक शैक्षणिक संस्थांना अल्पसंख्याक दर्जाची मान्यता प्रदान करण्यात आली आहे व त्यांना तशा आशयाची प्रमाणपत्रे प्रदान करण्यात आली आहेत अशा सर्व संस्था सदर प्रमाणपत्रे सक्षम प्राधिकाऱ्यांच्या स्वाधीन करुन व सक्षम प्राधिकाऱ्यांच्या नावे साध्या कागदावर अर्ज करुन त्यांच्या पूर्वीच्या प्रमाणपत्राच्या बदल्यात या शासन निर्णयाच्या तरतूदीअंतर्गत परिच्छेद (३) मध्ये नमूद केल्याप्रमाणे अल्पसंख्याक दर्जाच्या मान्यतेची प्रमाणपत्रे प्राप्त करुन घेऊ शकतील.

(११) हा शासन निर्णय महाराष्ट्र शासनाच्या शालेय शिक्षण विभाग, उच्च व तंत्रशिक्षण विभाग आणि वैद्यकीय शिक्षण व औषधी द्रव्ये विभाग यांच्या सहमतीने निर्गमित करण्यात येत आहे.

(१२) हा शासन निर्णय महाराष्ट्र शासनाच्या संकेतस्थळावर उपलब्ध असून त्याचा संगणक सांकेतांक क्रमांक २००८०७०४१६३६०७००१ असा आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने,

सही/-
(टी. एफ. थेक्केकरा)
प्रधान सचिव
अल्पसंख्याक विकास विभाग.
महाराष्ट्र शासन.

प्रति,

मा. राज्यपालांचे सचिव,
मा. मुख्यमंत्र्यांचे प्रधान सचिव,
मा. उप मुख्यमंत्र्यांचे सचिव,
मा. मंत्री / मा. राज्यमंत्री यांचे खाजगी सचिव
मा. मुख्य सचिव, महाराष्ट्र शासन
अपर मुख्य सचिव / प्रधान सचिव / सचिव, सर्व मंत्रालयीन विभाग
* प्रबंधक, मूळ न्याय शाखा, उच्च न्यायालय, मुंबई
* प्रबंधक, अपील शाखा, उच्च न्यायालय, मुंबई
* प्रबंधक, उच्च न्यायालय, मुंबई, नागपूर खंडपीठ, नागपूर
* प्रबंधक, उच्च न्यायालय, मुंबई, औरंगाबाद खंडपीठ, औरंगाबाद
* प्रबंधक, लोक आयुक्त कार्यालय, मुंबई
धर्मादाय आयुक्त, मुंबई / सर्व सहायक धर्मादाय आयुक्त,
महालेखापाल, महाराष्ट्र राज्य, मुंबई / नागपूर
अधिदान व लेखा अधिकारी, मुंबई
निवासी लेखा परीक्षा अधिकारी, मुंबई

RNI No. MAHENG/2009/35528

Reg. No. MH/MR/South-344/2014-16

महाराष्ट्र शासन राजपत्र
असाधारण भाग आठ

वर्ष १, अंक ४१] शुक्रवार, जानेवारी ९, २०१५/पौष १९, शके १९३६ [पृष्ठे ९, किंमत : रुपये २७.००

असाधारण क्रमांक १

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 State Reservation (of seats for admission in educational institutions in the State and for appointments or posts in the public services under the State) for Educationally and Socially Backward Category (ESBC) Act, 2014 (Mah. Act No. I of 2015), is hereby published under the authority of the Governor.

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

DR. MANGALA THOMBARE,
I/c. Draftsman-*cum*-Joint Secretary
to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. I OF 2015.

(First published, after having received the assent of the Governor in the "*Maharashtra Government Gazette*", on the 9th January 2015).

An Act to provide for reservation of seats for admission in educational institutions in the State and of appointments or posts in public services under the State to Educationally and Socially Backward Category (ESBC) in the State of Maharashtra for their advancement and for matters connected therewith or incidental thereto.

WHEREAS the policy of reservation for the educational and social advancement of people belonging to the backward classes of citizens in admissions to educational institutions in the State and for reservation of appointments or posts in public services under the State has been under implementation in the State of Maharashtra since formation of the Maharashtra State;

AND WHEREAS the two notifications, providing for reservation of seats in public employment were issued in the Karveer State (Kolhapur) in the year 1902, on the 26th July 1902 and the 2nd August 1902, respectively, by Rajarshi Shahu Maharaj, who is known as the father of the concept of reservation in India, and from whom Dr. Babasaheb Ambedkar got inspiration to make provisions for reservation in the Constitution of India, and in the said two notifications of 1902, reservation was provided to Backward Classes wherein Maratha community was also included;

AND WHEREAS by Resolution of the then Government of Bombay, dated the 23rd April 1942, about 228 communities including Maratha and other castes were declared as intermediate and Backward community and Maratha community is shown at serial number 149 in the list annexed to the said Resolution;

AND WHEREAS the matter of Maratha reservation was referred to the Maharashtra State Commission for Backward Classes for their recommendations in the year 2004 and the State Backward Classes Commission had submitted its 22nd Report on the 28th July 2008 stating therein that such reservation cannot be given to the Maratha community in the category of "Other Backward Classes";

AND WHEREAS the Cabinet Sub-Committee after detailed discussion referred the matter back to the State Backward Classes Commission asking for its report on inadequacy of the quantifiable data on educational and social backwardness of the Maratha community and also was requested to give its opinion on whether Maratha community could be given reservation without touching the present structure of reservation;

AND WHEREAS after repeated request to submit the report, the State Backward Classes Commission insisted only on taking decision as per sub-section *(2)* of section 9 of the Maharashtra State Commission for Backward Classes Act, 2005 on the 22nd Report of the State Backward Classes Commission; Mah. XXXIV of 2006.

AND WHEREAS the Government appointed the Rane Committee who had submitted adequate quantifiable data pertaining to the backwardness of Maratha community and thereafter the State Backward Classes Commission was again requested to offer its remarks on the issue of providing reservation to Educationally, Socially and Economically Backward Maratha community without affecting the present reservation of Other Backward Classes;

AND WHEREAS the State Backward Classes Commission by its letter dated the 20th May 2014 requested the Government to take decision on the 22nd Report of the Commission;

AND WHEREAS on the above backdrop there was a scope to believe that the State Backward Classes Commission was reluctant to take decision in the matter and hence, the Government decided to take decision after waiting for almost a decade and the Government, in its Cabinet meeting held on the 25th June 2014 decided, to partly reject the 22nd report of the Commission and with certain modifications accepted that Maratha community is Educationally and Socially Backward and hence, eligible for reservation, by virtue of sub-section *(2)* of section 9 of the Maharashtra State Commission for Backward Classes Act, 2005; Mah. XXXIV of 2006.

AND WHEREAS the Government of Maharashtra was of the view on the basis of material and data collected by the Rane Committee that Maratha community is Socially, Educationally and Economically Backward and inadequately represented in services under the State, hence, require reservation in employment and reservation for admissions in the educational institutions ;

AND WHEREAS clause (4) of Article 15 of the Constitution of India enables the State to make any special provision for the advancement of any socially and educationally backward classes of citizens;

AND WHEREAS clause (5) of Article 15 of the Constitution of India enables the State to make any special provision, by law, for the advancement of any socially and educationally backward classes of citizens in so far as such special provision relate to their admission to educational institutions including private educational institutions, whether aided or un-aided by the State, other than the minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India;

AND WHEREAS clause (4) of Article 16 of the Constitution of India enables the State to make any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State;

AND WHEREAS even otherwise Articles 15(4), 15(5), 16(4) and 46 of the Constitution of India enable the State to provide reservation to a separate class;

Mah. VIII of 2004. AND WHEREAS the State of Maharashtra has enacted the Maharashtra State Public Services (Reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes *(Vimukta Jatis)*, Nomadic Tribes, Special Backward Category and Other Backward Classes) Act, 2001 in pursuance of clause (4) of Article 16 of the Constitution;

AND WHEREAS the Maharashtra State was of the view that on the basis of material and data collected by the Rane Committee that Maratha community is Socially, Educationally and Economically Backward and inadequately represented in services under the State, hence, require special provision for their advancement;

AND WHEREAS the State Government had, after careful consideration, taken a policy decision to create a new category namely Educationally and Socially Backward Category (ESBC) and, there should be a separate sixteen percent reservation for such newly created Educationally and Socially Backward Category (ESBC) and, the Maratha community was included in the said category, without affecting the then existing fifty-two percent reservation applicable in the State, in admissions to educational institutions including private educational institutions, whether aided or un-aided by the State, other than minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India, and in appointments or posts in public services under the State, excluding reserved in favour of the Scheduled Tribes candidates in the Scheduled Areas of the State under the Fifth Schedule to the Constitution of India, as per the notification issued on the 9th June 2014 in this behalf ;

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 a law to create a new Educationally and Socially Backward Category (ESBC) and to provide sixteen percent separate reservation for Educationally and Socially Backward Category (ESBC) in which Maratha community is included under this category, without affecting the then existing fifty-two percent reservation applicable in the State, in admissions to educational institutions including private educational institutions, whether aided or un-aided by the State, other than minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India,

and in appointments or posts in public services under the State, excluding reservation in favour of the Scheduled Tribes candidates in the Scheduled Areas of the State under the Fifth Schedule to the Constitution of India, as per the notification issued on the 9th June 2014 in this behalf, for their advancement and for the matters connected therewith or incidental thereto; and, therefore, promulgated the Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments or posts in the public services under the State) for Educationally and Socially Backward Category (ESBC) Ordinance, 2014, on the 9th July 2014 ; Mah. Ord. XIII of 2014.

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

Short title, extent and commencement.

1. *(1)* This Act may be called the Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments or posts in the public services under the State) for Educationally and Socially Backward Category (ESBC) Act, 2014.

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

(3) It shall be deemed to have come into force on the 9th July 2014.

Definitions.

2. *(1)* In this Act, unless the context otherwise requires,—

(a) "admission authority" in relation to admissions to educational institutions means the authority having supervisory and controlling powers over the educational institutions responsible for admissions to particular educational institutions;

(b) "appointing authority" in relation to public services and posts means the authority empowered to make appointment to such services or posts;

(c) "Competent Authority" means the Competent Authority appointed under section 6;

(d) "educational institutions" means the educational institutions in the State of Maharashtra owned and controlled by the Government, which receives grant-in-aid from the Government including a University established by or under the relevant Maharashtra Acts, including private educational institutions, whether aided or un-aided by the State, other than the minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India.

Explanation.—For the purposes of this clause, the expression "private educational institutions" means institutions which have been given either prior to coming into force of this Act or thereafter, aid in the form of Government land at concessional rates or any other monetary concessions by the Government, or are recognized, licensed, supervised or controlled by the Government;

(e) "Educationally and Socially Backward Category (ESBC)" means such category or categories of citizens who are Educationally and Socially Backward Class of citizens and declared by the Government as Educationally and Socially Backward Category (ESBC), from time to time;

(f) "establishment" means any office of the Government or of a local authority or statutory authority constituted under any Act of the State Legislature for the time being in force, or a University or a Company or a Corporation or a Co-operative Society in which share capital is held by the Government or any Government aided institutions.

Explanation.—For the purposes of this clause, the expression "Government aided institutions" shall also include institutions or industries which have been given either prior to coming into force of this Act or thereafter, aid in the form of Government land at concessional rates or any other monetary concessions by the Government or is recognized, licensed, supervised or controlled by the Government;

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

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

(i) "public services and posts" means the services and posts in connection with the affairs of the State and includes services and posts in—

(i) a local authority;

Mah. XXIV of 1961. *(ii)* a co-operative society established under the Maharashtra Co-operative Societies Act, 1960, in which the Government is a share holder;

(iii) a Board or a Corporation or a statutory body established by or under a Central or a State Act which is owned and controlled by the Government, or a Government company as defined in the Companies Act, 1956 or the Companies Act, 2013;

1 of 1956. 18 of 2013.

(iv) an educational institution owned and controlled by the Government, which receives grant-in-aid from the Government including a University established by or under a Maharashtra Act; and

(v) any other establishment in respect of which reservation was applicable by Government orders on the date of commencement of this Act and which are not covered under sub-clauses *(i)* to *(iv)*;

(j) "reservation" means the reservation of seats for the members of Educationally and Socially Backward Category (ESBC) for admission in educational institutions in the State and for appointments or posts in the services under the State.

(2) The words and expressions used in this Act, but not defined, shall have the same meanings respectively assigned to them in the Maharashtra State Public Services (Reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes *(Vimukta Jatis)*, Nomadic Tribes, Special Backward Category and Other Backward Classes) Act, 2001 and in any other relevant Act. Mah. VIII of 2004.

Applicability.

3. *(1)* This Act shall apply to all the direct recruitments, appointments or posts made in public services under the State except,—

(a) the super specialized posts in Medical, Technical and Educational field;

(b) the posts to be filled by transfer or deputation;

(c) the temporary appointments of less than forty-five days duration; and

(d) the post which is single (isolated) in any cadre or grade.

(2) This Act shall also apply, for the Educationally and Socially Backward Category (ESBC), for admission in educational institutions including private educational institutions, whether aided or un-aided by the State, other than the minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India.

(3) The State Government shall, while entering into or renewing an agreement with any educational institution or any establishment for the grant of any aid as provided in the explanation to clauses *(d)* and *(f)* of section 2 respectively, incorporate a condition for compliance with the provisions of this Act, by such educational institution or establishment.

Reservation of seats for admission in educational institutions, appointments or posts in public services under State for Educationally and Socially Backward Category (ESBC).

4. *(1)* Notwithstanding anything contained in the Maharashtra State Public Services (Reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes *(Vimukta Jatis)*, Nomadic Tribes, Special Backward Category and Other Backward Classes) Act, 2001 and notwithstanding anything contained in any judgment, decree or order of any Court or other authority, and subject to the other provisions of this Act, sixteen percent of the total seats in educational institutions including private educational institutions, whether aided or un-aided by the State, other than minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India, and sixteen percent of the total appointments or posts in direct recruitment in public services under the State, shall be separately reserved for the Educationally and Socially Backward Category (ESBC) in which the Maratha community is included: Mah.VIII of 2004.

Provided that, the above reservation shall not be applicable to posts reserved in favour of the Scheduled Tribes candidates in the Scheduled Areas of the State under the Fifth Schedule to the Constitution of India as per the notification issued on the 9th June 2014 in this behalf.

(2) The principle of Creamy Layer shall be applicable to the Educationally and Socially Backward Category (ESBC).

Explanation.—For the purposes of this sub-section, the expression "Creamy Layer" means the person falling in the category of Creamy Layer as declared by the Government in the Social Justice and Special Assistance Department, by general or special orders issued in this behalf, from time to time.

Reservation not to be affected.

5. Notwithstanding anything contained in section 4, the claims of students or members belonging to Educationally and Socially Backward Category (ESBC) shall also be considered for the unreserved seats, appointments or posts which shall be filled on the basis of merit, and where a student or member belonging to such category is selected on the basis of merit, the number of seats, appointments or posts reserved for the Educationally and Socially Backward Category (ESBC), as the case may be, shall not in any way be affected.

Competent Authority.

6. *(1)* The Government may, by notification in the *Official Gazette*, appoint any officer not below the rank of District Social Welfare Officer to be the Competent Authority for the purposes of carrying out the provisions of this Act and the rules made thereunder.

(2) The Competent Authority shall exercise such powers and perform such functions as may be prescribed.

7. *(1)* The Government may, in public interest, by order, direct the Competent Authority, from time to time, to make an enquiry or to take appropriate proceedings under this Act specified in the order, and the Competent Authority shall report to the Government, the result of the enquiry made or the proceedings taken by him within such period as may be prescribed. Power of Government to give directions.

(2) On receipt of the report from the Competent Authority under sub-section *(1)*, the Government shall give such directions as it deems fit and such directions shall be final.

8. *(1)* If in respect of any recruitment year, any vacancy reserved for Educationally and Socially Backward Category (ESBC) of persons remains unfilled, such vacancy shall be carried forward up to five years in case of direct recruitment: Carrying forward of reserved vacancies.

Provided that, on the date of commencement of this Act, if any Government Order, Resolution, Circular and Office Memorandum regarding filling of posts is in force then, the same shall continue to be in force unless modified or revoked by the Government and the Government is empowered to revise such Government Orders, Resolutions, Circulars and Office Memorandums :

Provided further that, notwithstanding anything contained in section 17 of this Act, the Government Departments are hereby empowered to give effect to the provisions of this Act including revision of roster prescribed for direct recruitment, as may be necessary, by the Government orders for enforcement and implementation of this reservation:

Provided also that, if the sanctioned posts are not adequate to allocate atleast one post for each reserved category, then the reserved post shall be filled in by applying the principle of rotation in accordance with the Government roster orders or rules as may be prescribed or modified in this behalf and the Government is empowered to revise the roster points and orders or rules accordingly.

(2) When a vacancy is carried forward as provided in sub-section *(1)*, it shall not be counted against the quota of the vacancies reserved for the concerned category of persons for the recruitment year to which it is carried forward :

Provided that, the appointing authority may, at any time undertake a special recruitment drive to fill up such unfilled vacancies and if such vacancies remain unfilled even after such special recruitment drive then, it shall be filled up in the manner prescribed by the Government.

9. *(1)* The Government may, by order in writing, entrust upon every admission authority or appointing authority or any officer under such authority, with the responsibility of ensuring the compliance with the provisions of this Act. Responsibility and powers for compliance of Act.

(2) The Government may, in the like manner, invest the admission authority or appointing authority or officer with such powers or authority as may be necessary for such authority or officer, to effectively discharge such duty assigned to such authority or officer.

10. *(1)* Any admission authority or appointing authority or officer or employee entrusted with the duty or responsibility who wilfully acts in a manner intended to contravene or defeat the purpose of this Act shall, on conviction, be punished with imprisonment for a term which may extend to Penalty.

ninety days or fine which may extend to five thousand rupees, or with both.

(2) No court shall take cognizance of an offence punishable under this section except with the previous sanction of the Government or officer authorized in this behalf by the Government.

Power to call for records.

11. When it comes to the notice of the Government or is brought to its notice that any person belonging to Educationally and Socially Backward Category (ESBC) is adversely affected, on account of non-compliance with the provisions of this Act or the rules made thereunder or the Government orders issued in this behalf, by any admission authority or appointing authority, it may call for such records and pass such appropriate orders as it deems fit.

Representation in selection committee.

12. *(1)* The Government may, by an order, provide for nomination of officers belonging to Educationally and Socially Backward Category (ESBC) in selections, screening and Department Committee for the purpose of selecting persons for appointment to public services and posts.

(2) The Government may, by an order, grant such monetary or other concessions as may be considered necessary in favour of the Educationally and Socially Backward Category (ESBC).

Irregular admissions and appointments void.

13. Any admissions or appointments made in contravention of the provisions of this Act shall be void.

Competent Authority to be public servant.

14. The Competent Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. 45 of 1860.

Protection of action taken in good faith.

15. No suit, prosecution or other legal proceeding shall lie against the Competent Authority or its officers, for anything which is in good faith done or intended to be done under this Act or the rules or orders made thereunder.

Provisions of Act to be in addition to any other law for the time being in force.

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

Power to make rules.

17. *(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 in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in any 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 notification of such decision 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.

18. *(1)* The provisions of this Act shall not apply to the cases in which selection process has already been initiated before the commencement of this Act, and such cases shall be dealt with in accordance with the provisions of law and the Government orders as they stood before such commencement. Savings.

Explanation.—For the purposes of this section, the selection process shall be deemed to have been initiated where, under the relevant service rules,—

(i) recruitment is to be made on the basis of written test or interview only, and such written test or the interview, as the case may be, has started; or

(ii) recruitment is to be made on the basis of both, written test and interview and such written test has started.

(2) The provisions of this Act shall not apply to admissions in educational institutions and the cases in which the admission process has already been initiated before the commencement of this Act and such cases shall be dealt with in accordance with the provisions of law and the Government orders, as they stood before such commencement.

Explanation.—For the purposes of this section, the admission process shall be deemed to have initiated where,—

(i) admission is to be made on the basis of any entrance test, and procedure for such entrance test has started; or

(ii) in case of admission to be made other than on the basis of entrance test, the last date for filling up the application form is lapsed.

19. *(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 the purpose of removing the difficulty : Power to remove difficulty.

Provided that, no such order shall be made after expiry of the 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.

Mah. Ord. XIII of 2014. **20.** *(1)* The Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments or posts in the public services under the State) for Educationally and Socially Backward Category (ESBC) Ordinance, 2014 is hereby repealed. Repeal of Mah. Ord. XIII of 2014 and saving.

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

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