

**L. A. BILL No. XLI OF 2021.**

*A BILL*

*to provide for the reservation of posts in appointments by direct recruitment of persons belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Special Backward Category, Other Backward Classes and Economically Weaker Sections to teachers' cadre in certain Educational Institutions established, maintained or aided by the State Government and for the matters connected therewith or incidental thereto.*

**10 (As passed by the Legislative Assembly on the 28th December 2021.)**

WHEREAS it is expedient to provide for the reservation of posts in appointments by direct recruitment of persons belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic

Tribes, Special Backward Category, Other Backward Classes and Economically Weaker Sections to teachers' cadre in certain Educational Institutions established, maintained or aided by the State Government and for the matters connected therewith or incidental thereto; it is hereby enacted in the Seventy-second Year of the Republic of India, as follows:- 5

- Short title and commencement. 1. (1) This Act may be called the Maharashtra Educational Institutions (Reservation in Teachers' Cadre) Act, 2021.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
- Definitions. 2. In this Act, unless the context otherwise requires,— 10
- (a) "branch of study" means a branch of study leading to four principal levels of qualifications at diploma, bachelors (under graduate), masters (post graduate) and doctoral (Ph.D.) levels;
- (b) "De-notified Tribes (*Vimukta Jatis*)" means the Tribes declared as such by the Government from time to time; 15
- (c) "direct recruitment" means the process of appointing faculty by inviting applications against public advertisement from persons eligible to teach in an Educational Institution;
- (d) "Economically Weaker Sections" means such weaker sections as are referred to in *Explanation* to clause (6) of article 15 of the Constitution of India; 20
- (e) "Educational Institution" means,—
- (i) a university established or incorporated by or under a State Act and receiving aid from the State Government;
- (ii) an institution, declared as an institution deemed to be 25 3 of  
university under section 3 of the University Grants Commission 1956.  
Act, 1956 and maintained by or receiving aid from the State Government;
- (iii) an institution or college or group of institutions or colleges maintained by or receiving aid from the State Government and 30  
affiliated to an institution referred to in sub-clause (i) or a constituent unit of an institution referred to in sub-clause (i) or sub-clause (ii); or
- (iv) an institution or college or a group of institutions or colleges maintained by a society or trust or private management 35  
body and receiving aid from the State Government, whether directly or indirectly and affiliated to an institution referred to in sub-clause (i); or
- (v) an educational institution established by the State 21 of  
Government under the Societies Registration Act, 1860; 40 1860.
- (f) "faculty" means the faculty of an Educational Institution;
- (g) "Government" or "State Government" means the Government of Maharashtra;
- (h) "minority educational institution" means the Government approved institution established and administered by the minority 45  
having right to do so under clause (1) of article 30 of the Constitution of India;
- (i) "Nomadic Tribes" means the Tribes wandering from place to place in search of their livelihood as declared by the Government, from time to time ; 50

(j) "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 ;

5 (k) "sanctioned strength" means the number of posts in teachers' cadre approved by the State Government;

(l) "Scheduled Castes" means the Scheduled Castes notified under article 341 of the Constitution of India;

10 (m) "Scheduled Tribes" means the Scheduled Tribes notified under article 342 of the Constitution of India;

(n) "Special Backward Category" means socially and educationally backward classes of citizens declared as Special Backward Category by the Government;

15 (o) "teachers' cadre" means a class of all the teachers of an Educational Institution, regardless of the branch of study or faculty, who are remunerated at the same grade of pay, excluding any allowance or bonus.

20 **3.** (1) Notwithstanding anything contained in any other law for the time being in force, there shall be reservation of posts in direct recruitment out of the sanctioned strength in teachers' cadre in an Educational Institution to the extent and in the manner as may be specified by the State Government by notification in the *Official Gazette*. Reservation of posts in recruitments in Educational Institutions.

(2) For the purpose of reservation of posts, an Educational Institution shall be regarded as one unit.

25 **4.** The provisions of section 3 shall not apply to,—

(a) the Minority Educational Institution;

(b) such institutions of excellence or research institutions, as may be declared by the State Government by notification in the *Official Gazette*.

Act not to apply in certain cases.

30 **5.** Every notification issued by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of 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 immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification Laying of notifications.

35 in the notification or both Houses agree that the notification should not be made, the notification shall thereafter 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 under that notification.

40 **6.** (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 difficulties.

45 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.



## STATEMENT OF OBJECTS AND REASONS

As per the existing reservation policy in direct recruitment in teachers' cadre in Educational Institutions in the State, reservation is applicable subject-wise in the relevant teachers' cadre. Due to small size of subject-wise cadre all reserved categories are not represented adequately in teachers' cadre. Also in some cases where there are subject-wise single post no reservation is applicable.

2. The Government has received various representation from several organizations to adopt the cadre-wise reservation policy of the Central Government provided in the Central Educational Institutions (Reservation in Teachers' Cadre) Act, 2019 (10 of 2019).

3. In order to ensure adequate representation of reserved categories in the direct recruitment in teachers' cadre in Educational Institutions, the Government considers it expedient to enact a law on the lines of the said Central Act. It is proposed to provide for the reservation of posts in appointments by direct recruitment of persons belonging to the Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Special Backward Category, Other Backward Classes and Economically Weaker Sections, to teachers' cadre in certain Educational Institutions established, maintained or aided by the State Government. It is also proposed to provide that, there shall be reservation of posts in direct recruitment out of the sanctioned strength in teachers' cadre in an Educational Institution to the extent and in the manner as may be specified by the State Government by notification in the *Official Gazette*. For the purpose of reservation of posts in teachers' cadre in university or college or group of institutions or colleges maintained by the State Government or private body and receiving aid from the State Government, is regarded as one unit.

4. The Bill seeks to achieve the above objectives.

Mumbai,

Dated the 28th December, 2021.

UDDHAV BALASAHEB THACKERAY,

Chief Minister.



## MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposals for delegation of legislative power, namely:—

*Clause 1(2).*—Under this clause power is taken to the State Government, to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

*Clause 3(1).*—Under this clause power is taken to the State Government, to specify, by notification in the *Official Gazette*, the extent and the manner of reservation of posts in direct recruitment to teachers' cadre in the Educational Institutions.

*Clause 4(2).*—Under this clause power is taken to the State Government, to declare by notification in the *Official Gazette*, the institution of excellence or research institutions, to which the provisions of Clause 3 shall not apply.

*Clause 6.*—Under this clause power is taken to the State Government, to remove by an Order published in the *Official Gazette*, any difficulty which may arise in giving effect to the provisions of the Act, within a period of two years from the commencement of the Act.

**2.** The above-mentioned provisions for delegation of legislative powers are of normal character.

**MAHARASHTRA LEGISLATURE  
SECRETARIAT**

**[L. A. BILL No. XLI OF 2021.]**

**[A Bill to provide for the reservation of posts in appointments by direct recruitment of persons belonging to the Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Special Backward Category, Other Backward Classes and Economically Weaker Sections to teachers' cadre in certain Educational Institutions established, maintained or aided by the State Government and for the matters connected therewith or incidental thereto.]**

[SHRI UDDHAV BALASAHEB THACKERAY,  
Chief Minister.]

**[As passed by the Legislative Assembly  
on the 28th December 2021.]**

RAJENDRA BHAGWAT,  
Principal Secretary,  
Maharashtra Legislative Assembly.