

THE UNIVERSITY LAWS (AMENDMENT) ACT, 1989

(Act 17 of 1989)

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THE UNIVERSITY LAWS (AMENDMENT) ACT, 1989*

(Act 17 of 1989)

An Act further to amend the Kerala University Act, 1974, the Calicut University Act, 1975 and the Mahatma Gandhi University Act, 1985.

Preamble — WHEREAS it is expedient further to amend the Kerala University Act, 1974, the Calicut University Act 1975 and the Mahatma Gandhi University Act, 1985, for the purposes hereinafter appearing.

BE it enacted in the Fortieth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the University Laws (Amendment) Act, 1989.

(2) It shall be deemed to have come into force on the 6th day of May 1989.

2. *Amendment of Act 17 of 1974.*— In the Kerala University Act 1974 (17 of 1974), for sub-section (6) of section 57, the following sub-section shall be substituted, namely —

“(6) Notwithstanding anything contained in this Act, the statutes, Ordinances and Regulations made thereunder,—

(a) a person appointed as teacher in a private college in a temporary vacancy on or after the 14th day of March, 1974 and continuing as such, shall be appointed as teacher in any permanent vacancy or any temporary vacancy of longer duration that may arise, after such appointment in the temporary vacancy, in the private college or, as the case may be, any of the private colleges under the management of the educational agency within the University area;

(b) a teacher relieved from a private college on or after the 14th day of March, 1974 due to the abolition of a course of study in that private college or the cessation of the period for which he was appointed or for any other reason except disciplinary action against him, shall be given preference in the matter of future appointments in the private college or, as the case may be, any of the private colleges under the management of the educational agency within the University area,

(c) any dispute arising or pending between the management of a private college and the teacher of that college, in respect of any matter coming under clause (a) or (b) shall be decided in accordance with the provisions of this Act and the Statutes made thereunder

* Received the assent of the governor on the 29th day of June 1989 and published in the Kerala Gazette Extraordinary No. 608 dt. the 29th June 1989.

Explanation —Where the number of claimants under clause (a) or clause (b) is more than the number of vacancies, the order of preference for appointment shall be in accordance with the date of first appointment of the claimants' under the educational agency within the University area".

3 *Amendment of Act 5 of 1975.*—In the Calicut University Act, 1975 (5 of 1975), for sub-section (6) of section 57, the following sub-section shall be substituted, namely.—

“(6) Notwithstanding anything contained in this Act, the Statutes Ordinances and Regulations made thereunder,—

(a) a person appointed as teacher in a private college in a temporary vacancy on or after the 14th day of March, 1974 and continuing as such, shall be appointed as teacher in any permanent vacancy or any temporary vacancy of longer duration that may arise, after such appointment in the temporary vacancy, in the private college or, as the case may be any of the private colleges under the management of the educational agency within the University area;

(b) a teacher relieved from a private college on or after the 14th day of March, 1974 due to the abolition of a course of study in that private college, or the cessation of the period for which he was appointed or for any other reason except disciplinary action against him, shall be given preference in the matter of future appointments in the private college or, as the case may be, any of the private colleges under the management of the educational agency within the University area,

(c) any dispute arising or pending between the management of a private college and the teacher of that college, in respect of any matter coming under clause (a) or (b), shall be decided in accordance with the provisions of this Act and the Statutes made thereunder

Explanation.—Where the number of claimants under clause (a) or clause (b) is more than the number of vacancies, the order of preference for appointment shall be in accordance with the date of first appointment of the claimants' under the educational agency within the University area".

4. *Amendment of Act 12 of 1985.*—In the Mahatma Gandhi University Act, 1985 (12 of 1985),—

(1) in section 27, after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Notwithstanding anything contained in sub-section (1), where a University Department has not been started under a faculty, the Dean of such faculty shall be nominated by the Chancellor in consultation with the Vice-Chancellor, from among the Heads of Departments or Professors of other Universities in the State or affiliated Government Colleges for professional courses, in the University area ”,

(ii) in section 58, in sub-section (2), after the existing proviso, the following further proviso shall be added, namely.—

“Provided further that where an application for affiliation in a new course in an affiliated college could not be considered by the Syndicate within the time prescribed by the Statutes on the ground that the application was not sent by the Educational Agency in time and that the period could not also be extended under the preceding proviso, the Chancellor may, in public interest, by notification in the Gazette, direct that the Syndicate shall consider the application within such period as may be specified in the notification not exceeding one year from the date of commencement of the University Laws (Amendment) Act, 1989.”,

(iii) in section 62, in sub section (2),—

(a) for clause (a), the following clause shall be substituted, namely:—

“(a) a person appointed as teacher in a private college in a temporary vacancy on or after the 14th day of March, 1974 and continuing as such, shall be appointed as teacher in any permanent vacancy or any temporary vacancy of longer duration that may arise, after such appointment in the temporary vacancy, in the private college or, as the case may be, any of the private colleges under the management of the educational agency within the University area,”,

(b) after clause (b), the following clause shall be inserted, namely:—

“(c) any dispute, arising or pending between the management of a private college and the teacher of that college in respect of any matter coming under clause (a), or (b), shall be decided in accordance with the provisions of this Act and the Statutes made thereunder.

Explanation.—where the number of claimants under clause (a) or clause (b) is more than the number of vacancies, the order of preference for appointment shall be in accordance with the date of first appointment of the claimants under the educational agency within the University area”.

5. *Repeal and saving.*—(1) The University Laws (Amendment) Ordinance, 1989 (1 of 1989), is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Kerala University Act, 1974 (17 of 1974), or the Calicut University Act, 1975 (5 of 1975) or the Mahatma Gandhi University Act, 1985 (12 of 1985); as amended by the said Ordinance shall be deemed to have been done or taken under the Kerala University Act, 1974, or the Calicut University Act, 1975 or the Mahatma Gandhi University Act, 1985 as the case may be as amended by this Act.