

महात्मा गाँधी केन्द्रीय विश्वविद्यालय

[संसद के अधिनियम द्वारा स्थापित]

MAHATMA GANDHI CENTRAL UNIVERSITY

[Established by an Act of Parliament]

MINUTES

OF

11TH MEETING OF THE EXECUTIVE COUNCIL

(BY CIRCULATION) dated 4TH JULY 2018

Official Address:

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11TH MEETING OF THE EXECUTIVE COUNCIL (BY CIRCULATION) dated 4TH JULY 2018

MINUTES

The 11th Meeting of the Executive Council of the Mahatma Gandhi Central University was held on 4th July 2018 by Circulation.

The following agenda item was circulated among all the members of the Executive Council.

ITEM FOR CONSIDERATION AND DECISION:

Item No: EC(2018):11:01 **To place before the Executive Council, the request of Dr Amrendra Tripathi, Associate Professor, Department of Hindi for relieving from Mahatma Gandhi Central University, Motihari to enable him to join at University of Allahabad on the post of Associate Professor in the Department of Hindi along with a lien for a period of one year.**

The University is in receipt of request dated 3rd July 2018 [ANNEXURE - 11.01(A)] from Dr Amrendra Tripathi working as Associate Professor in Department of Hindi in Mahatma Gandhi Central University on regular basis w.e.f. 9th November 2016, vide which he has submitted that he has been selected to the post of Associate Professor in Department of Hindi & Modern Indian Languages at University of Allahabad, Uttar Pradesh and keeping in view of his family reasons and unavoidable circumstances, he wants to join at University of Allahabad. As such, he has requested the University to relieve him from the University, to enable him to join University of Allahabad at the earliest possible along with the permission to retain lien for a period of one year at Mahatma Gandhi Central University.

It may kindly be noted that for the aforesaid position at University of Allahabad, Dr Amrendra Tripathi did not get his application forwarded 'Through Proper Channel'. However, he appeared in the Interview, with the due approval of the University. On his request, the University issued him 'No Objection Certificate' [ANNEXURE – 11.01(B)] for appearing in the Interview at University of Allahabad subject to the condition that in case of his selection and appointment at University of Allahabad, he will have to resign from Mahatma Gandhi Central University and no LIEN shall be granted. Now, Dr Amrendra Tripathi vide his aforesaid request dated 3rd July 2018 has submitted that as per Interview Letter No. dated 1st June 2018 [ANNEXURE – 11.01(C)] issued to him by the University of Allahabad against Advertisement No. UoA/Asso. Prof./02/2017 dated 9th September 2017 for the post of Associate Professor – Hindi and Modern Indian Languages, ***his appointment is subject to final decision of Apex Court in SLP filed by UGC and MHRD as communicated by UGC vide letter No.F.1-5/2006 (SCT) dated 20th April 2018.***

Keeping in view the condition laid down by University of Allahabad w.r.t. outcome of the Apex Court in SLP filed by UGC & MHRD, Dr Amrendra Tripathi vide his said request dated 3rd July 2018 has submitted that it would not be possible/feasible to join at University of Allahabad after resigning from Mahatma Gandhi Central University, Motihari without any Lien. Dr Amrendra Tripathi has further stated that as per Offer of Appointment Letter issued to him by the University of Allahabad, he will be initially on probation for a period of One Year from the date of Joining.

Accordingly, keeping in view the condition laid down by the University of Allahabad w.r.t. outcome of the said Apex Court and further his family and health problems, Dr Amrendra Tripathi had requested the University to relieve him from Mahatma Gandhi Central University along with the permission to retain Lien for a period of at least One Year to enable him to join at University of Allahabad at the earliest possible. In addition to above, Dr Amrendra Tripathi has requested the Executive Council to also condone the condition of three months' notice period.

In this connection, it is pertinent to mention here that the Academic Council vide Item No. AC(2018):02:05 in its 2nd Meeting held on 9th May 2018 [ANNEXURE – 11.01(D)], has recommended as under:

The Academic Council considered and ratified the action taken by the Vice-Chancellor with minor modification/

changes in Ordinance dealing with “Rules for forwarding of applications of University Employees when seeking Employment outside and grant of lien in the event of their selection”, which is as under:

“Keeping in view the factual position that the University is in its nascent & early stage, therefore, the Members of the Academic Council felt that it would affect the teaching and academic functioning of the University to relieve a teacher along with Lien/Extra Ordinary Leave at this juncture.

Since the process of recruitment is lengthy and time-taking, therefore, the Members recommended that no faculty or administrative staff should be allowed to avail lien until they have completed five years of regular and continuous service in the University (i.e., excluding the time period spent on Extra Ordinary Leave, Child Care Leave, Study Leave or absence from the University for more than 45 days at a stretch on any Ground) from the date of their joining in the University on regular basis.

Further, an employee of the University who wants to apply for employment anywhere outside the University before completion of five years from the date of his/her joining in the University on regular basis, may be granted “No Objection Certificate” on the condition that if he/she is selected to the said post, then he/she have to resign from the University and for the same he/she shall not be granted Lien/Extra Ordinary Leave under any circumstances.” This provision of not granting lien shall be initially for a period of 5 years from the date of establishment which will be further reviewed by the Statutory Authorities of the University.

The said recommendation of the Academic Council was further placed before the Executive Council vide Item No. EC(2018):09:14 in its 9th Meeting (i.e., last regular meeting) held on 10th May 2018. However, due to paucity of time, the Executive Council deferred the Item No. EC(2018): 09:14 (i.e., Minutes of Academic Council).

Since Dr Amrendra Tripathi is a regular employee of the University and keeping in view the position explained above especially the condition laid down by the University of Allahabad (i.e., *his appointment is subject to final decision of Apex Court in SLP filed by UGC and MHRD as communicated by UGC vide letter No.F.1-5/2006 (SCT) dated 20th April 2018*), it is proposed that if

approved Dr Amrendra Tripathi may be relieved from the services of the University along with the permission to retain Lien for a period of at least one year (*i.e., from the date of relieving*).

The request of Dr Amrendra Tripathi for condonation of the condition of three months' notice period is also placed before the Executive Council for consideration and further necessary decision/orders please.

As per Statute 25(6)(a) of Central Universities Act 2009 [ANNEXURE - 11.01(E)] dealing with "Removal of Employees of University", the Executive Council is the Competent Authority in the matter.

One Member of Executive Council (Dr R.C. Srivastava) has not agreed to the proposal and given his observation in the matter which is as under:

"Observation of Dr R.C. Srivastava:

1. *Dr Tripathi is going on equivalent position. Since it is not a promotion so question of considering his case for his career advancement is not there;*
2. *There is no justification to override existing rules and make an exception;*
3. *University has spent lot of effort and money on recruiting this position. Since this post will remain vacant due to his being on lien it will be problematic for university to run the department*

In view of above points, I recommend rejection of his request to be relieved on lien to join as Associate Prof at University of Allahabad."

Since more than one half of the total members of the Executive Council (*i.e., total 8 out of 10 Members excluding Vice-Chancellor*) have given their consent to the proposed Item, therefore, the Item is deemed to be approved through Circulation.

The Executive Council considered and approved as under through Circulation:

- i. **Dr Amrendra Tripathi may be relieved from the services of Mahatma Gandhi Central University, Motihari by**

retaining LIEN for a period of One Year from the date of his relieving and

- ii. Condone the condition of three months' notice period.

Prof. Asutosh Pradhan

*Ex-Officio Secretary &
OSD (Administration) (I/C), MGCUB*

Confirmed

Prof. (Dr) Arvind Agrawal

*Chairman &
Vice-Chancellor, MGCUB*