

**Gujarat Educational Institutions Services Tribunal  
(Amendment And Validation) Act, 2014**

**22 OF 2014**

**[28 November 2014]**

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**Gujarat Educational Institutions Services Tribunal  
(Amendment And Validation) Act, 2014**

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**[28 November 2014]**

AN ACT

further to amend the Gujarat Educational Institutions Services Tribunal Act, 2006.

It is hereby enacted in the Sixty-fifth Year of the Republic of India as follows :-

**1. Short title and commencement. :-**

(1) This Act may be called the Gujarat Educational Institutions Services Tribunal (Amendment and Validation) Act, 2014.

(2) It shall be deemed to have come into force on the 25th September, 2014.

**2. Amendment of section 2 of Guj. 20 of 2013. :-**

In the Gujarat Educational Institutions Services Tribunal Act, 2006 (hereinafter referred to as "the principal Act"), in section 2,-

(i) after clause (j), the following clause shall be inserted, namely:

"(jj) "Schedule" means Schedule appended to this Act;"

(ii) for clause (m), the following clause shall be substituted, namely: -

"(m) "University" means the University established by an Act of the State Legislature as specified in Schedule I and such other Universities as may be included in the said Schedule by the notification published in the Official Gazette, by the State Government."

### **3. Amendment of section 4 of Guj. 20 of 2013. :-**

In the principal Act, in section 4, in sub-section (1), to clause (a), the following proviso shall be inserted, namely:-

"Provided that no appointment of a judicial member shall be made except with the concurrence of the Chief Justice of the High Court of Gujarat;"

### **4. Amendment of section 6 of Guj. 20 of 2013. :-**

In the principal Act, in section 6, to sub-section (2), the following proviso shall be added, namely:-

"Provided that in case of a judicial member, no other duly qualified person shall be appointed except with the concurrence of the Chief Justice of the High Court of Gujarat."

### **5. Amendment of section 7 of Guj. 20 of 2013. :-**

In the principal Act, in section 7, -

(i) in clause (v), in the proviso, for the words "no member", the words "no administrative member" shall be substituted;

(ii) after the existing proviso, the following provisos shall be inserted, namely:-

"Provided further that the State Government shall not terminate the appointment of any judicial member except with the concurrence of the Chief Justice of the High Court of Gujarat for any of the reasons provided in clauses (i) to (iv):

Provided also that no judicial member shall be removed from his office on the ground of proved misbehavior except after an inquiry made by the Judge of the High Court of Gujarat, to be nominated

by the Chief Justice in which such member had been informed of the charge against him and given reasonable opportunity of being heard in respect of such charge."

**6. Substitution of section 9 of Guj. 20 of 2013. :-**

In the principal Act, for section 9, the following section shall be substituted, namely: -

"9. Jurisdiction of Tribunal.

The Tribunal shall have jurisdiction to entertain and decide application made under section 11 and section 12 and the cases transferred to it under section 23."

**7. Substitution of section 11 of Guj. 20 of 2013. :-**

In the principal Act, for section 11, the following section shall be substituted, namely: -

"11. Application.

(1) An employee aggrieved by the order or decision of the educational institution which is connected with the conditions of service of such employee or, as the case may be, the educational institution, may within a period of sixty days from the date of such order or decision, make an application to the Tribunal for the redressal of the grievance.

(2) Notwithstanding anything contained in sub-section (1), the Tribunal may entertain an application made to it after the expiry of the period of sixty days, if it is satisfied that the applicant has sufficient cause for not making the application within the said period."

**8. Insertion of new section 11A in Guj. 20 of 2013. :-**

In the principal Act, after section 11, the following section shall be inserted, namely: -

"11A. Application not to be entertained unless other remedies exhausted.

(1) The Tribunal shall not entertain an application referred to in section 11 unless it is satisfied that the applicant had availed of all the remedies available to him under any law or under the relevant service rules as to the redressal of grievances.

(2) For the purposes of sub-section (1), the applicant shall be deemed to have availed of all the remedies available to him-

(a) if a final order has been made by the authority competent to

pass such order rejecting any representation made or appeal preferred by such applicant in connection with the grievance; or  
(b) where no final order has been made by the authority competent to pass such order with regard to the representation made or appeal preferred by such applicant, if a period of six months from the date on which such representation was made or appeal was preferred has expired:

Provided that such period of six months, in case of appeal or representation which is pending before the concerned authority for decision on the date of commencement of the Gujarat Educational Institutions Services Tribunal (Amendment and Validation) Act, 2014, shall commence from the date of coming into operation of the said Act."

### **9. Amendment of section 24 of Guj. 20 of 2013. :-**

In the principal Act, in section 24, for the word "Schedule", the word and figures "Schedule II" shall be substituted.

### **10. Insertion of new Schedule in Guj. 20 of 2013. :-**

In the principal Act, the existing Schedule shall be renumbered as Schedule II and before Schedule II, as so renumbered, the following Schedule shall be inserted, namely:-

"SCHEDULE I ( See section 2 (m))		
Sr. No.	Act of State Legislature	No. and Year of Act
(1)	(2)	(3)
1.	The Gujarat University Act, 1949.	Bom. L of 1949.
2.	The Maharaja Sayajirao University of Baroda Act, 1949.	Baroda Act No. XVII of 1949.
3.	The Sardar Patel University Act, 1955.	Bom. XL of 1955.
4.	The Veer Narmad South Gujarat University Act, 1965.	Guj. 38 of 1965.
5.	The Saurashtra University Act, 1965.	Guj. 39 of 1965.
6.	The Maharaja Krishnakumarsinhji Bhavnagar University Act, 1978.	Guj. 26 of 1978.
7.	The Hemchandracharya North Gujarat University Act, 1986.	Guj. 22 of 1986.
8.	The Dr. Babasaheb Ambedkar Open University Act, 1994.	Guj. 14 of 1994.

9.	The Krantiguru Shyamji Krishna Verma Kachchh University Act, 2003.	Guj. 5 of 2003.
10.	The Shree Somnath Sanskrit University Act, 2005.	Guj. 25 of 2005.
11.	The Gujarat Technological University Act, 2007.	Guj. 20 of 2007.
12.	The Childrens University Act, 2009	Guj. 15 of 2009.
13.	The Indian Institute of Teacher Education, Gujarat Act, 2010.	Guj. 8 of 2010.
14.	The Institute of Infrastructure, Technology, Research And Management Act, 2012.	Guj. 5 of 2013."

**11. Validation of appointment of, and judgments or orders delivered by the judicial member. Repeal and savings. :-**

(1) Notwithstanding any judgment, decree or order of any court, no appointment of any person as a judicial member of the Tribunal made before the commencement of this Act without the concurrence of the Chief Justice of the High Court of Gujarat, shall be deemed to be illegal or void or ever to have become illegal or void by reason only of the fact that such appointment was not made in accordance with the provisions of the principal Act as amended by this Act.

(2) No jurisdiction exercised, no judgment or order passed or made, and no other act or proceeding done or taken, before the commencement of this Act by, or before, any person appointed, posted, as a Judicial Member of the Tribunal otherwise than in accordance with the provisions of this Act, shall be deemed to be illegal or invalid or ever to have become illegal or invalid by reason only of the fact that such appointment or posting, was not made in accordance with the provisions of the principal Act as amended by this Act.

**12. Repeal and savings. :-**

(1) The Gujarat Educational Institutions Services Tribunal (Amendment and Validation) Ordinance, 2014 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.