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PART IV-B

Rules and Orders (Other than those published in Part I, I-A and I-L) made
by the Government of Gujarat under the Gujarat Acts.

EDUCATION DEPARTMENT

Notification

Sachivalaya, Gandhinagar, 21st June, 2013.

GUJARAT PROFESSIONAL TECHNICAL EDUCATIONAL COLLEGES OR INSTITUTIONS (REGULATION OF ADMISSION AND FIXATION OF FEES) ACT, 2007.

NO.GH/SH/34/2013/PVS/102013/282/S:- In exercise of the powers conferred by sub-section (1) of section 20 read with section 4 of the Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007 (Guj. 2 of 2008), the Government of Gujarat in supersession of all the rules made in this behalf, hereby makes the following rules to regulate admission to the first year of the Master of Business Administration (MBA) Course and payment of fees, as follows; namely:-

1. Short Title and Commencement. - These rules may be called the Master of Business Administration Course (Regulation of Admission and Payment of Fees) Rules, 2013.

2. Definitions. - (1) In these rules, unless the context otherwise requires,—

(a) "Act" means the Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007;

(b) "Admission" for the purpose of these rules, means admission of students in the first year of the Master of Business Administration (MBA) Course;

(c) "Admission Committee" means the Admission Committee constituted by the State Government under section 4 of the Act, for the purpose of admission to the first year of the Master of Business Administration (MBA) Course;

(d) "Common Management Aptitude Test (CMAT)" means the entrance test, conducted by the All India Council of Technical Education, for determination of merit of the candidate for the purpose of admission in the Master of Business Administration (MBA) Course;

(e) "Help Centres" means the centres notified by the Admission Committee for facilitation of the candidates for off campus online admission process;

(f) "Professional Educational Colleges or Institution" means a college or an institution including a University imparting Master of Business Administration (MBA) course, leading

to award a post-graduate degree approved or recognised by the All India Council for Technical Education, New Delhi;

- (g) "Qualifying Examination" means a degree obtained from,-
- (i) a University established or incorporated by Central or State Act, or
 - (ii) any institution declared as deemed to be University under section 3 of the University Grants Commission Act, 1956, or
 - (iii) any other equivalent qualification recognised by the Government;
- (h) "web-site" means the official website of the Admission Committee to carry out off campus online admission process.

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1956.

(2) The words and expressions used in these rules but not defined shall have the meanings as assigned to them in the Act.

3. Admissions to Master of Business Administration (MBA) Course.- (1) Admissions to the First Year of the Master of Business Administration (MBA) Course shall be given as under, namely:-

- (a) All the Government Seats shall be filled on the basis of merit list prepared by the Admission Committee.
 - (b) All the Management Seats shall be filled by the management of the respective Professional Educational College or Institution, on the basis of inter-se merit list of the candidates whose names appear in the merit list prepared by the Admission Committee.
- (2) The Admission Committee shall guide, supervise and control the entire process of admission of candidates to the the first year of the Master of Business Administration (MBA) Course in the Professional Educational Colleges or Institutions.

4. Seats Available for Admission.- (1) For the purpose of admission to the first year of the Master of Business Administration (MBA) courses, available seats shall include,-

A. Government Seats:

- (i) All the sanctioned seats of the Master of Business Administration (MBA) course in the Government Colleges or Institutions of the State,
- (ii) All the sanctioned seats of the Master of Business Administration (MBA) course in the aided Colleges or Institutions,
- (iii) Seventy-five percent of the total sanctioned seats of the Master of Business Administration (MBA) course in the unaided Colleges or Institutions, and
- (iv) All supernumerary seats of the professional courses in the Government colleges or institutions and in the aided and unaided Colleges or Institutions.

B. Management Seats:

- (i) Twenty-five percent seats of the total sanctioned seats of the Master of Business Administration (MBA) course in the unaided Colleges or Institutions, including fifteen percent Non-Resident Indian (NRI) seats,
- (ii) The intimation received, in respect of sanction of seats, by the Admission Committee three days prior to the commencement of the first counselling programme, shall be considered as available seats.
- (iii) If any unaided College or Institution requests to fill up the Management Seats by the Admission Committee, three days prior to the commencement of the counselling program, such Management Seats shall also be considered as available for giving admissions, and
- (iv) If any unaided College or Institution requests to fill up the Management Seats (up to 5% of the sanctioned intake) from the out of State students, such seats shall be filled by the

Admission Committee on the basis of CMAT. Intimation for filling up such seats shall be made by unaided institute three days prior to the commencement of the counselling program. Such seats, if remains vacant after counselling programs, shall be filled as vacant seats by the College or Institution.

5. Eligibility for Admission.- (1) For the purpose of admission, a candidate shall have appeared in the Common Management Aptitude Test (CMAT) as prescribed by AICTE, for the corresponding year.

(2) A candidate shall have passed the qualifying examination with minimum of 50% marks (45% marks in case of SC/ST/SEBC category candidates) from-

- (a) a University situated in the Gujarat State; or
- (b) a University situated outside the Gujarat State provided that the candidate shall have passed the Higher Secondary School Certificate Examination (Standard XII, 10+2 pattern) or its equivalent examination from,-
 - (i) the Gujarat Board; or
 - (ii) the Central Board of Secondary Education:

Provided that,-

- (a) the school in which the candidate has studied, shall have been located in the State of Gujarat; or
- (b) the school in which the candidate has studied, shall have been located in the Union Territories of Daman and Diu or Dadra and Nagar Haveli; or
- (iii) the Council of Indian School Certificate Examination, New Delhi: Provided that,-
 - (a) the school in which the candidate has studied, shall have been located in the State of Gujarat; or
 - (b) the school in which the candidate has studied, shall have been located in the Union Territories of Daman and Diu or Dadra and Nagar Haveli.

(3) Subject to the provisions of sub-rules (1) and (2), a candidate who has appeared in the final year of Bachelor's Degree examination shall also be eligible to apply provided that he shall have passed the qualifying examination with 50% marks (45% marks in case of Scheduled Castes, Scheduled Tribes and SEBC candidates) at the time of admission.

Explanation. - 50% marks (45% marks in case of SC/ST/SEBC category candidates) shall be computed on the basis of grand total or, cumulative grade point average as shown in the final year mark sheet of the University. In case of grade points, the candidate shall be required to produce equivalence percentage certificate from the University.

(4) Notwithstanding anything contained in these rules, admission to the Master of Business Administration course in -

- (i) the Nirma University established under the Nirma University Act, 2003 (Guj. 10 of 2003) shall be granted on the basis of merit order obtained in the Common Admission Test (CAT) conducted by the Indian Institute of Management.
- (ii) the Pandit Deendayal University established under the Pandit Deendayal Petroleum University Act, 2007 (Guj. 14 of 2007) shall be granted on the basis of merit order obtained in the Common Admission Test (CAT) conducted by the Indian Institute of Management; and
- (iii) Amrut Modi School of Management, Ahmedabad, a constituent college of the Ahmedabad University established under the Ahmedabad University Act, 2009 (Guj. 08 of 2009) shall be granted in the following manner, namely:-

- (a) fifty per cent. of the total sanctioned seats shall be filled in by the candidates who have appeared in the Common Admission Test (CAT) conducted by the Indian Institute of Management, on the basis of the merit order of Gujarat State Rank obtained therein;
- (b) remaining Fifty per cent. of the total sanctioned seats shall be filled in by the candidates who have appeared in the Common Admission Test (CAT) conducted by the Indian Institute of Management, on the basis of the merit order of All India Rank obtained therein.

6. **Reservation of Seats.-** (1) For the purpose of admission, the seats shall be reserved for the candidates who are of Gujarat origin and falling under the following categories and in following proportion, namely:-

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|--|-------|
| (a) Scheduled Castes | : 7 % |
| (b) Scheduled Tribes | : 15% |
| (c) Socially and Educationally Backward Classes,
including Widows and orphan of any caste | : 27% |

(2) A candidate seeking admission on reserved seat shall be required to produce a Certificate of Caste:

Provided that the candidate belonging to Socially and Educationally Backward Classes shall be required to produce a certificate to the effect of non-inclusion in Creamy Layer in addition to the caste certificate.

(3) No caste certificate shall be valid unless it is duly stamped, signed and issued by the authority empowered by the Government of Gujarat.

(4) No certificate to the effect of non-inclusion in Creamy Layer shall be valid, unless it is duly stamped, signed and issued by the authority empowered by the Government of Gujarat. Such certificate shall have been issued on or after the 1st April of the academic year in which the candidate is seeking admission.

(5) If a candidate fails to submit the certificates as required under sub-rule (2) within the stipulated time, his candidature shall be considered for admission under unreserved category.

(6) If a candidate of reserved category gets admission on unreserved seat in order of merits, he may be given admission on the unreserved seat according to his preference.

(7) The admission of a candidate of a reserved category on a reserved seat shall be valid subject to the verification of caste certificate issued to him by the authority empowered by the State Government in this behalf. In case the caste certificate is found to be invalid on verification, he shall not have right to claim his admission on reserved seat and if he has already been granted admission, such admission shall be cancelled. Admission of such candidate may be continued in case of availability of vacant unreserved seats, subject to the condition of eligibility of merit.

(8) After granting admission to all the candidates of reserved categories on respective reserved seats, the reserved category seats remaining vacant shall be transferred to the unreserved category seats.

7. **Reservation For Physically Disabled Candidates.-** Three percent of the available seats in each category shall be reserved, in accordance with the provisions of the Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, for the persons with disability who can perform the academic activities in the respective course. A candidate with disability shall have to submit certificate of disability issued and duly signed by the Civil Surgeon. 1 of 1996.

Explanation.-“person with disability” means a person suffering from not less than forty per cent. of any disability as certified by a competent medical authority.

8. Reservation for the Children of Defence Personnel and Ex-Servicemen.- (1) One percent of available seats shall be reserved for the children of Defence personnel and Ex-Servicemen, for admission.

(2) A candidate claiming admission against Ex-Servicemen category shall be required to submit a certificate to that effect duly issued by the Director, Sainik Welfare Board, Gujarat State or by the District Sainik Welfare Officer. In-Service Defence personnel shall be required to submit certificate to that effect duly issued by the Commanding Officer of the respective unit in which they are serving.

(3) The seats remaining vacant against the category of Defence Personnel and Ex-Servicemen shall be filled up from the merit list of unreserved category candidates.

(4) The children of Defence Personnel and Ex-Servicemen of Gujarat origin shall be included under the reserved category specified in this rule, if they have passed the qualifying examination from the college or institute located outside the Gujarat State and have appeared in the Common Management Aptitude Test (CMAT) as prescribed by AICTE, conducted in the corresponding academic year.

9. Supernumerary Seats.- (1) The supernumerary seats shall be filled in accordance with the directions of the All India Council of Technical Education, New Delhi and Ministry of Human Resources Development, Government of India.

(2)(a) Notwithstanding anything contained in these rules, two supernumerary seats in each college or institute shall be filled by the candidates who are migrants of the State of Jammu and Kashmir, in accordance with the directions from the All India Council of Technical Education, New Delhi and Ministry of Human Resources Development, Government of India, subject to the eligibility criteria prescribed in these rules.

(b) Such candidate shall be exempted from appearing in the Common Management Aptitude Test (CMAT) as prescribed by AICTE.

10. Registration for the Admission- (1) A candidate seeking admission shall apply on-line, for the registration of his candidature, on the web-site, within the time limit specified by the Admission Committee.

(2) The Admission Committee shall, by advertisement in the prominent newspapers widely circulated in the State, by web-site and by such other means, as it may consider convenient, publish the date of registration, the list of Help Centres, last date for submission of registration form, courses offered and such other information as may be necessary in this behalf.

(3) For the purpose of registration, a candidate shall be required to make payment of such sum towards the Registration fee, etc. as determined by the Admission Committee.

(4) Where a candidate has made more than one registrations, the registration made at the later stage shall be taken into consideration for admission purpose and the other registration shall be treated as cancelled.

(5) A candidate shall be required to obtain the print out of the registration form and shall sign and submit the same, along with the self-attested copies of the requisite certificates and testimonials as specified in the registration form, at the Help Centre. An acknowledgement receipt for the same shall be given by the person authorised by the Admission Committee.

11. Preparation of Merit List.- The merit list of the candidates who have applied for admission in the manner prescribed by the Admission Committee, within the prescribed time limit and who are found eligible for admission under these rules, shall be prepared in the following manner, namely:-

(1) For the candidates who have passed the Qualifying Examination from any of the Boards mentioned in the sub-rule (2) of rule 5, on the basis of marks obtained in the Common Management Aptitude Test (CMAT).

- (2) The criteria for deciding merit order in case of students having equal merit marks in Common Management Aptitude Test (CMAT) shall be in the following sequence, namely:-
- (i) Marks obtained in QT & Data Interpretation section of CMAT,
 - (ii) Marks obtained in General Awareness section of CMAT,
 - (iii) Marks obtained in Language Comprehension section of CMAT,
 - (iv) Percentage of marks obtained in Mathematics subject of S.S.C. Examination (Std. X (10th)),
 - (v) Percentage of marks obtained in S.S.C. Examination (Std. 10th).

12. Admission Procedure.— The admission procedure shall be off campus online in the following manner, namely:-

- (1) The Admission Committee shall prepare merit lists of the eligible candidates who have applied under sub-rule (1) of rule 10, after verification of the documents submitted under sub-rule (5) of rule 10.
- (2) The merit lists shall be displayed on the web-site of the Admission Committee and by such other means, as the Committee may consider convenient.
- (3) The Admission Committee shall publish the schedule of online counselling program on its web-site, by advertisement in the prominent newspapers widely circulated in the State, and by such other means, as it may consider convenient.
- (4) The candidate shall be required to indicate his order of choices of courses and colleges or institutions, online. Allotment of seats shall be made on the basis of merit, category of the candidate and availability of seats. The allotment of seats shall be published on the web-site of the Committee. The candidates are required to obtain the print out of the Information Letter and bank fee receipt copies from the website.
- (5) The candidate shall be required to pay such fee, as may be determined by the Admission Committee.
- (6) The candidate, for securing his admission, shall produce at the Help Centre, the Information Letter, receipt of fee, all original documents and testimonials, for verification, within the specified time limit. In case, the candidate fails to produce the aforesaid required documents within prescribed time limit, the admission offered to him shall be treated as cancelled. Such candidate shall not be eligible to participate in the successive rounds of counselling.
- (7) Where considerable number of seats fall vacant and it appears to the Committee to fill up the vacant seats, it may conduct the on-line admission process for readjustment (reshuffling) of seats. The candidate, who opts to partake in reshuffling process, shall be considered for such admission. The candidate may either give option for up gradation of choices already given or submit new choices. If the candidate gets the admission on the basis of up-gradation or new choice, then his earlier admission shall be treated as cancelled.

13. Fee.— (1) A candidate who gets admission in the Government or aided college or institution shall have to pay such fees, as may be determined by the Government, at such stages, as may be determined by the Admission Committee.

(2) A candidate who gets admission in unaided colleges or institutions shall have to pay such fees, as may be determined by the Fee Regulatory Committee constituted under section 9 of the Act, for unaided colleges or institutions, at such stages, as may be determined by the Admission Committee.

(3) If a candidate, who has paid the fees after getting admission, gets his admission cancelled, his fees shall be refunded after completion of the admission process, provided that the seat vacated by him is filled by another candidate.

(4) If a candidate who has paid the fees after getting admission and gets his admission changed in another course and/or college or institution in the readjustment (reshuffling) process, he shall pay the difference of fees, if any, at the time of getting admission or, as the case may be, shall be refunded the fees after the completion of admission process.

14. Documents to be attached with the application.- (1) The candidate shall submit the self-attested copies of the following documents along with the print out of the registration form at the Help Centre, namely:-

- (i) S.S.C. Examination (Std. X) Mark-sheet,
- (ii) H.S.C. Examination (Std. XII) Mark-sheet or of equivalent examination,
- (iii) Mark sheets of all semesters / years of degree (graduation),
- (iv) CMAT Score card,
- (v) School Leaving Certificate or Transfer Certificate,
- (vi) Caste certificate for a candidate belonging to Scheduled Castes (SC), Scheduled Tribes (ST) and Socially and Educationally Backward Classes (SEBC), issued by the authority empowered by the State Government in this behalf,
- (vii) Non-Creamy Layer (NCL) certificate of the family, issued after 1st April of the relevant academic year, by the authority empowered by the State Government in this behalf,
- (viii) Certificate of Physical Disability, issued and duly signed by the Civil Surgeon / competent Medical Authority, in case of a Physically Handicapped candidate,
- (ix) Certificate of Ex-Serviceman, duly issued by the Director, Sainik Welfare Board, Gujarat State or by the District Sainik Welfare Officer,
- (x) A copy of certificate of In-Serviceman duly issued by the Commanding Officer of the respective unit in which he is serving,
- (xi) Passport size Photograph of candidate, and
- (xii) Such other certificates as the Admission Committee deems necessary.

(2) After getting the Information Letter, the candidate shall have to produce for verification, the original certificates and testimonies of the documents attached with the registration form, at the Help Centre, within the time-limit as may be specified by the Admission Committee.

(3) The Help Centre may retain any original certificate and testimonials, which it considers necessary until the admission process is completed. Such Help Centre shall return the original certificate(s) or testimonials to the candidate after completion of admission process.

(4) The candidate who is unable to produce original certificates and testimonials necessary for the purpose of admission within the time-limit prescribed in sub-rule (2), he may be granted provisional admission, subject to following conditions, namely:-

- (i) On payment of Rs.10,000/- (Rupees Ten thousand) to the Admission Committee as security deposit by the candidate. If the candidate submits the required documents within a period of three working days, the remaining amount of the security deposit shall, after deducting Rs. 500/- (Rupees Five hundred) towards the administrative expenditure, be refunded.
- (ii) In the event of failure to submit original certificates and testimonials within the time limit as aforesaid, the provisional admission may be cancelled and the security deposit may be forfeited.

15. Ineligibility for admission on production of false documents.- During verification of documents, if the Admission Committee finds any certificate or testimony or information

submitted by any candidate, incorrect or false, the candidature of such candidate shall be cancelled for that year and he shall be disqualified for admission for the period of next two years.

16. Cancellation of Admission and Refund of Fees.- (1) In case of cancellation of admission or transfer of candidate by the Admission Committee, due to administrative reasons, the College or Institution in which the candidate was granted admission shall refund the amount of fees collected by it, to such candidate.

(2) In case of cancellation of admission due to failure of candidate to get himself reported at the Help Centre within the specified time limit as prescribed in sub-rule (6) of rule 12, or for such other reasons as the Admission Committee may consider reasonable, and subject to the condition of such vacated seat being filled up by the Admission Committee, the fees collected from such candidate shall be refunded after completion of admission process, after deduction of such amount as the Admission Committee may determine.

(3)(a) In case of a candidate withdrawing his candidature before completion of admission process, for any reason whatsoever, he may request in writing to the Admission Committee for such withdrawal. In such case, the fees collected, if any, by the Admission Committee shall be refunded to such candidate, subject to the condition of such vacated seat being filled up by the Admission Committee.

(b) In case of a candidate withdrawing his candidature after completion of admission process, for any reason whatsoever, he may request in writing to the College or Institution in which he is granted admission, for refund of fees paid by him. In such case the fees shall be refunded, by such College or Institution, as per the directions of the Admission Committee.

17. Vacant Seats.- (1) After offering admission to all the candidates whose names appear in the merit list or after completion of the admission process, if seats remain vacant, such vacant seats shall be filled by the College or Institute, in accordance with the directions of the Admission Committee and in the manner prescribed in sub-rule (2).

(2) Such College or Institution shall, invite application from the eligible candidates and prepare an inter-se merit-list in the following order, namely:-

- (i) names of the candidates whose name appears in the merit list of the Admission Committee,
- (ii) candidate who are eligible as per sub-rule (2) of rule 5 and have appeared in CMAT/CAT/MAT or any other such test conducted in the corresponding year as prescribed by the AICTE,
- (iii) candidate who have passed the qualifying examination with at least for open category with 50% (45 % for SC/ST/SEBC) marks from any of the Universities or Institutes situated outside the Gujarat State and have appeared in CMAT/CAT/MAT or any other such test conducted in the corresponding year as prescribed by the AICTE, by any agency / body approved by AICTE.

18. Admission to Unaided Colleges or Institutions.- (1) The Management Seats may be filled, by the management of the respective unaided colleges or institutions based on the inter-se merit list of the candidates whose names appears in the merit list prepared by the Admission Committee:

Provided that no candidate shall be admitted against the management seat unless his name appears in the merit list prepared by the Admission Committee:

Provided further that where any Non Resident Indian seat remains vacant, such seat shall be filled in from the Management Seat:

Provided also that where any management seat remains vacant, such seat shall be filled by the Admission Committee as Government Seat.

(2) The admission process for filling up of Management Seats shall be carried out by the management of the respective unaided colleges or institutions in accordance with the procedure as may be determined by the Admission Committee.

(3) The unaided colleges or institutions shall collect the fees, as may be determined under the provisions of the Act, by the Fee Regulatory Committee, constituted under section 9 of the Act and such other fees as provided under the provisions of the Act.

19. Penalty.- Any breach of any of the provisions of the Act, these rules or any direction issued by the Government, the Admission Committee or as the case may be, the Fee Regulatory Committee, by any person, shall be liable to penalty as provided in the Act.

20. Interpretation.- In implementation of the provisions of these rules, if any difficulty or question arises as to the interpretation of any provision, the decision of the Government shall be final.

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

NILESH TRIVEDI,

Deputy Secretary to Government.