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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

### 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, 29<sup>th</sup> July, 2013

**Gujarat Professional Technical Educational Colleges or Institutions (Regulation of Admission and Fixation of Fees) Act, 2007.**

**NO.GH/SH/45/ 2013/PVS/102013/405/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 hereby makes the following rules to regulate admission from Diploma in Pharmacy to Second Year (Third Semester) of Bachelor of Pharmacy Course and Payment of Fees, namely:-

#### 1. *Short Title and Commencement.*-

- (1) These rules may be called the Diploma in Pharmacy to Second Year (Third Semester) of Bachelor of Pharmacy Course (Regulation of Admission and Payment of Fees) Rules, 2013.
- (2) They shall come into force from the July 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 (Guj. 2 of 2008);
  - (b) "Admission" means admission of candidates of Diploma in Pharmacy to Second Year (Third Semester) of Bachelor of Pharmacy Course;
  - (c) "Admission Committee" means the "Admission Committee for Professional Course" Constituted by the State Government under section 4 of the Act, under Government Notification, Education Department No.GH/SH/7/2008/PVS-102003-639-S dated the 5th May, 2008;

- (d) "B. Pharm." means a Bachelor of Pharmacy Course;
  - (e) Deleted
  - (f) "Pharmacy Course" means the Bachelor of Pharmacy Course in the Professional Educational Colleges or Institutions of the State;
  - (g) "Qualifying Examination" means the two years' Diploma in Pharmacy Course as described in the Education Regulations, 1991, framed under section 10 the Pharmacy Act, 1948 (VIII of 1948);
  - (h) "Pharmacy Council of India" means the Pharmacy Council of India, a Statutory body governed by the provisions of the Pharmacy Act, 1948.
  - (i) "Semester Theory Performance Index (STPI)" means performance index based only on the marks obtained in theory subjects in qualifying examination conducted and evaluated by respective university.
- (2) The words and expressions used in these rules but not defined shall have the same meanings as assigned to them in the Act.

3. **Constitution of B. Pharm. Entrance Test Committee.-**

- 1. Deleted
- 2. Deleted

4. **Admissions to Bachelor of Pharmacy Course.-**

The admissions to the Second Year (Third Semester) of the Bachelor of Pharmacy Course on all the supernumerary seats shall be given on the basis of merit list prepared by the Admission Committee in accordance with the provisions of these rules or, as the case may be, guidelines issued by the All India Council for Technical Education, New Delhi.

5. **Seats Available for Admission.-** For the purpose of admission, available seats shall include,-

- (a) Ten percentage (10%) seats of the sanctioned seats of the previous academic year of each Bachelor of Pharmacy Course, in the,-
  - (i) the Government Colleges or Institutions,
  - (ii) the aided Colleges or Institutions, and
  - (iii) the Unaided Colleges or Institutions of the State, subject to the minimum of two seats; and
- (b) (i) the seats remained vacant in the previous year, or
  - (ii) the seats fallen vacant for any reason during previous year in the first year Pharmacy course.

6. **Eligibility for Admission.-**

- (1) deleted
- (2) A Candidate shall have passed the qualifying examination from the college or an institution approved by the Pharmacy Council of India and/or the All India Council of Technical Education, New Delhi.

Explanation - "Pharmacy Council of India" means the Pharmacy Council of India, a statutory body governed by the provisions of the Pharmacy Act, 1948.

(3) Subject to the provisions of sub-rules (1) and (2), the candidates, from the colleges or an institution situated in other than the Gujarat State shall be eligible for admission provided the seats remain vacant after offering the same to the candidates who have passed the qualifying examination from colleges or institutions situated in the Gujarat State.

7. **Minimum aggregate marks.-** For the purpose of admission, the minimum aggregate marks which a candidate shall have obtained in qualifying examination shall be as per norms and requirements prescribed by the All India Council of Technical Education (AICTE), New Delhi for lateral entry to Second Year Under Graduate Development Programs for current academic year.

**8. Reservation of Seats.-**

(1) For the purpose of admission, the seats shall be reserved for the candidate who are of Gujarat origin State and falling under the following categories and in following proportion namely:-

(a) Scheduled Castes :	7 %
(b) Scheduled Tribes:	15 %
(c) Socially and Educationally Backward Class, including Widows and Orphan of any castes:	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 Class 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 1<sup>st</sup> 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) before 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

**9. Reservation for Physically Disabled Candidates.-**

Three percent (3%) 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 (1 of 1996), for the person with disability who can perform the academic activities in the respective course. A candidate with disability shall have to submit a certificate of disability issued and duly signed by the Civil Surgeon/medical authority.

**Explanation-** "Person with disability" means a person suffering from not less than forty percentage (40%) of any disability as certified by a medical authority.

**10. Reservation for the Children of Defense personals and Ex-Servicemen,-**

(1) One percentage (1%) of available seats shall be reserved for the children of Defence personals 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 a 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 Defense personnel and Ex Servicemen shall be filled up from the merit list of unreserved category candidates.
- (4) The children of Defense 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 institute located outside the Gujarat State.

#### 11 *Preparation of Merit List-*

- (1) The merit list of the candidates who have applied for admission in the prescribed form, within the prescribed time limit and who are found eligible for the admission under these rules, shall be prepared on the basis of theory marks/STPI obtained in the D. Pharm Part I & II examination.
- (2) The criteria for deciding merit order in case of students having equal merit marks in D.Pharm. Part I & II shall be in the following sequence namely,
  - (a) Total theory marks obtained in the subjects of Physics, Chemistry and Biology or Mathematics of the Higher Secondary school Certificate Examination,(Standard XII,10+2 pattern) passed in the Science Stream or equivalent examination.
  - (b) Aggregate marks obtained in the Higher Secondary School Certificate Examination (Standard XII,10+2 pattern ) Science Stream examination or equivalent examination,
  - (c) Marks obtained in English subject in Standard 12 Science Stream examination or equivalent examination,
  - (d) Date of Birth (Candidate who is older in age shall be given priority).

#### 12. *Registration for 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 Centers, 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 authorized by the Admission Committee.

#### 13. *Admission Procedure.-*

1. The Admission Committee shall prepare merit lists of the eligible candidates as per rule (5) and who have applied under sub - rule (1) of rule 12 and after verification of the documents submitted under sub - rule (5) of rule 12.
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 counseling program on the web-site of the admission committee, by advertisement in the prominent newspapers widely circulated in the State, and by such other means, as the committee may consider convenient.
4. The candidate shall be required to give his order of choices of 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 shall be published on the web-site of the committee. The candidates are required to obtain the print out of the allotment offer letter and bank fee receipt copies from the website

5. The candidate shall be required to pay such fee as may be determined by Admission Committee.
6. The candidate, for securing his admission, shall produce at the Help Centre, the allotment letter, receipt of fee, all original documents and testimonials, for verification, within the specified time limit and then report to the institute. In case, the candidate fails to complete aforesaid procedure within prescribed time limit, admission offered to him shall be treated as cancelled. However, such candidate shall be eligible to participate in the successive upgradation/ reshuffling round of counseling provided the candidate has given consent for the same, but shall not be eligible for admission on the seat already allotted to him in previous round/s.
7. Where considerable number of seats falls vacant and it appears to the Admission Committee to fill the vacant seats, it may conduct the on-line admission process for upgradation /reshuffling of seats. The candidate, who opts to take part in such process by giving online consent, shall be considered for such admission. The candidate may up graded by the choices he already given as per (4) above. If the candidate gets the admission on the basis of up-gradation, then his earlier admission shall be treated as cancelled.

**14. 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 Token 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 process, he fee paid to Admission Committee will be adjusted.

**15. Change of College or Institution.-**

Except as provided in these rules, no candidate shall, after getting admission, be allowed to change the college or institution, in which he has been granted admission, in any circumstance.

**16. Requirement of 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 Center, namely:-
  - (i) Mark sheet of Secondary School Certificate Examination (Standard 10<sup>th</sup>),
  - (ii) Mark sheet of Higher Secondary School Certificate Examination (Standard 12<sup>th</sup>),
  - (iii) School Leaving Certificate or Transfer Certificate,
  - (iv) Top Ten or final year mark sheet/CPI result based on which the Class or grade or diploma or degree (for B. Sc) awarded by the Technical Examination Board or the University.
  - (v) 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,
  - (vi) 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,
  - (vii) Certificate of Physical Disability, issued and duly signed by the Civil Surgeon/competent Medical Authority, in case the candidate is a Physically Handicapped,
  - (viii) Certificate of Ex-Serviceman, duly issued by the Director, Sainik Welfare Board, Gujarat State or by the District Sainik Welfare Officer,

- (ix) A copy of certificate of In-Serviceman duly issued by the Commanding Officer of the respective unit in which he is serving,
  - (x) A copy of certificate of income issued by the authority empowered by the State Government in this behalf, if applicable,
  - (xi) Photograph of candidate for other Board/Universities situated out side Gujarat
  - (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 testimonials of the documents attached with the registration form, at the Help Center, within time-limit as may be specified by the Admission Committee.
  - (3) The Help Center may retain any original certificate or testimonial, which it considers necessary until the admission process is completed. Such Help Center shall return the original certificate or testimonial to the candidate after completion of the 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 is required to report to ACPC Ahmedabad help centre where 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.

**17. 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.

**18. Cancellation of Admission and Refund of Fee.-**

- (1) In case of cancellation of admission or transfer of students by the Admission Committee, due to administrative reasons, the college or Institution in which the candidate was granted admission shall refund the amount of fee collected by it, to such candidate.
- (2) In case of cancellation of admission due to failure of candidate to get himself registered to Help Centre and/or report to institute within stipulated time limit declared by Admission Committee, as prescribed in sub-rules (5) and (6) of rule 13, 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 the admission process.
- (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 fee 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 fee paid by him. In such case the fee shall be refunded, by such college or institution, subject to the condition of such vacated seat being filled up by another candidate as per directive of Admission Committee.

**19. Vacant Seats-**

After the completion of admission process or offering admission to all the candidates, if the seats remain vacant, such vacant seats shall be filled in by the institutes, with following priorities accordance with the directions of the Admission Committee.

- (i) candidates who have not registered, but passed qualifying examination from the a college or an institution situated in state of Gujarat and approved by the Pharmacy Council of India and/or the All India Council of Technical Education, New Delhi .

20. **Penalty. -**

Any breach of any of the provisions of the Act, these rules and any directions issued by the Government, the Admission Committee, or as the case may be, the Fee Regulatory Committee, by any person, shall be liable for penalty as provided in the Act.

21. **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.

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