



ST. XAVIER'S TECHNICAL INSTITUTE, MAHIM

Government Aided Autonomous Minority Institute, Approved by A.I.C.T.E. New Delhi

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Date: 15th May 2023

Revised Penalties to the Examinees for various instances of malpractice

Regarding the 'Revised Penalties to the Examinees for various instances of malpractice', the new revised penalties regarding malpractices of MSBTE will be implemented from Summer 2023 onwards (with due consideration for the following changes such as 'St. Xavier's Technical Institute, Mahim' or 'the institute' in place of 'MSBTE', 'L.A.C' in place of 'R.A.C', 'course' in place of 'subject', 'SPN' in place of 'Roll Number / Enrollment Number').

Sd/-

Dr. S. B. Ghungrad

Principal



महाराष्ट्र राज्य तंत्र शिक्षण मंडळ

(स्वायत्त) (ISO ९००१:२०१५) (ISO/IEC २७००१:२०१३)

शासकीय तंत्रनिकेतन इमारत, ४ था मजला, ४९, खेरवाडी, वांद्रे (पूर्व), मुंबई - ४०० ०५१

दू.क्र.: ०२२-६२५४२११०/१८८

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जा. क्र.मरातंशिमं/का-४०/वि.स./२०२३/१९१


दिनांक - 13 APR 2023

कार्यालयीन आदेश :

संदर्भ : मंडळाची परीक्षा नियमावली Examination Regulations २०१८-१९, नियम आर. जी. १२.

मंडळातर्फे पदविका अभ्यासक्रमाच्या प्रत्येक शैक्षणिक वर्षामध्ये दोन परीक्षा घेण्यात येतात. परीक्षा केंद्रांवर गैरप्रकाराचा अवलंब करणाऱ्या विद्यार्थ्यांबाबत, गुणमुल्यांकन केंद्रांकडून प्राप्त होत असलेल्या गैरप्रकरणांबाबत तसेच मंडळाच्या नियमांचे पालन न करणा-या संस्थांबाबत मंडळाच्या परीक्षाविषयक नियमावलीतील नियम आर. जी. १२ अन्वये नियमावलीतील Annexure-I व Annexure-II मध्ये नमूद शिक्षांच्या निकषानुसार कार्यवाही करण्यात येत असते. सदर Annexure I-'THE PENALTIES TO THE EXAMINEES, STAFF AND INSTITUTIONS FOR VARIOUS INSTANCES OF MALPRACTICE' व Annexure II-'THE PENALTY/PUNISHMENT FOR THE MALPRACTICE & NEGLIGENCE IN THE PROCESS OF EXAMINATION' मध्ये सुधारणा करण्यात आल्या असून मंडळाच्या ५४ व्या बैठकीमध्ये ५४.३ या मुद्द्यान्वये मंजूर करण्यात आलेल्या आहेत. सदर सुधारीत बदलांची अंमलबजावणी उन्हाळी परीक्षा २०२३ पासून करण्यात येत आहे.

सदर प्रपत्रामध्ये नमूद करण्यात आलेल्या शिक्षांनुसार गैरप्रकाराचा अवलंब करणा-या विद्यार्थ्यांबाबत तथा मंडळाच्या नियमावलीचे पालन न करणा-या संस्थांबाबत कारवाई करण्यात येईल, असे या आदेशाद्वारे निर्देशित करण्यात येत आहे. सदर आदेश सचिव, महाराष्ट्र राज्य तंत्र शिक्षण मंडळ, मुंबई हे मंडळाचा अधिनियम ३८/१९९७ मधील कलम २०(२) व (४) आणि २२ ('य' मधील 'यच') अन्वये त्यांना प्रदान करण्यात आलेल्या अधिकारांनुसार निर्गमित करित आहेत.


(डॉ. महेंद्र. रा. चितलांगे)
सचिव

म. रा. तंत्र शिक्षण मंडळ, मुंबई-५१.

प्रत :

१. मा. संचालक, म.रा. तंत्र शिक्षण मंडळ, मुंबई, यांना माहितीसाठी.
२. उपसचिव, म.रा. तंत्र शिक्षण मंडळ, मुंबई, परीक्षा विभाग, यांना कार्यवाहीकरीता.
३. उपसचिव, म.रा. तंत्र शिक्षण मंडळ, मुंबई, सी. डी. सी. विभाग, यांना माहितीसाठी.
४. उपसचिव, म.रा. तंत्र शिक्षण मंडळ, विभागीय कार्यालय, मुंबई/पुणे/नागपूर/औरंगाबाद, यांना आवश्यक कार्यवाहीसाठी.
५. प्राचार्य, सर्व संबंधीत संस्था, विद्यार्थ्यांना अवगत करण्याकरीता.

Annexure I

THE PENALTIES TO THE EXAMINEES, STAFF AND INSTITUTIONS FOR VARIOUS INSTANCES OF MALPRACTICE

Category	Sr. No.	NATURE OF MALPRACTICE	QUANTUM OF PUNISHMENT
A	1	Examinee/s making marks /signs, Writing examination seat numbers, name or using any other means of disclosing identity with a clear intent of getting illegal / undue benefits	Cancellation of the result /performance of the guilty examinee in the subject/course during the examination of which, he/she is caught. (Subject/Course)
A	2	Examinee frequently changing ink without supervisor's permission.	Cancellation of the result /performance of the guilty examinee in the subject/course during the examination of which, he/she is caught. (Subject/Course)
A	3	Examinee making an appeal to the examiner revealing his/her name and address.	Cancellation of the result /performance of the guilty examinee in the subject/course during the examination of which, he/she is caught. (Subject/Course)
A	4	Examinee writing in the answer book in a language which is provocative/abusive and /or threatening.	Cancellation of the result /performance of the guilty examinee in the subject/course during the examination of which, he/she is caught. (Subject/Course)
A	5	Examinee(s) communicating or talking with another Examinee/s during examination session.	Cancellation of the result /performance of the guilty examinee in the subject/course during the examination of which, he/she is caught. (Subject/Course)
A	6	Examinee's behaviour in the examination block indicating mischief or causing deliberate disturbance to the conduct of examination. (e.g., making noise, distracting others etc.)	Cancellation of the result /performance of the guilty examinee in the subject/course during the examination of which, he/she is caught. (Subject/Course)
A	7	Examinee tampering with answer book of self or other examinee /tearing pages.	Cancellation of the result /performance of the guilty examinee in the subject/course during the examination of which, he/she is caught. (Subject/Course)



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Category	Sr. No.	NATURE OF MALPRACTICE	QUANTUM OF PUNISHMENT
A	8	Examinee attaching currency notes to his/her answer book with /without a request for favours from the examiner.	Cancellation of the result /performance of the guilty examinee in the subject/course during the examination of which, he/she is caught. (Subject/Course)
A	9	Examinee caught during the examination for the possession and/or copying from matter scribbled on articles / clothes/ body parts.	Cancellation of the result /performance of the guilty examinee in the subject/course during the examination of which, he/she is caught. (Subject/Course)
A	10	Examinee possessing mobile phone or any electronics communication gadget or I-pod or any similar device in examination hall.	Cancellation of the result /performance of the guilty examinee in the subject/course during whose examination he/she caught. (Subject/Course)
B	1	Examinees found exchanging any copy material or question papers with answers / formulae / sketch written on it.	Cancellation of the performance of the guilty examinee in the subjects/courses for which he/she has appeared in the current examination with the examination seat number under which his/her malpractice case is booked. (1+0) (Applied on the Seat Number of the examinee.)
B	2	Examinee or his/her associate/s influencing the Examiner/ Moderator / similar Authority connected with the examination with a clear intent of getting illegal /undue benefits	Cancellation of the performance of the guilty examinee in the subjects/courses for which he/she has appeared in the current examination with the examination seat number under which his/her malpractice case is booked. (1+0) (Applied on the Seat Number of the examinee.)
B	3	Examinee found inserting previously written pages smuggled in from outside, in the answer book.	Cancellation of the performance of the guilty examinee in the subjects/courses for which he/she has appeared in the current examination with the examination seat number under which his/her malpractice case is booked. (1+0) (Applied on the Seat Number of the examinee.)



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Category	Sr. No.	NATURE OF MALPRACTICE	QUANTUM OF PUNISHMENT
B	4	Examinee caught during the examination session while in possession and/or copying from the copying material in the form of written or printed material	Cancellation of the performance of the guilty examinee in the subjects/courses for which he/she has appeared in the current examination with the examination seat number under which his/her malpractice case is booked. (1+0) (Applied on the Seat Number of the examinee.)
B	5	Examinee caught during the examination session while in possession and/or copying from the copying material in the form of stored in electronic gadget like mobile phone, smart watch, I pad etc.	Cancellation of the performance of the guilty examinee in the subjects/courses for which he/she has appeared in the current examination with the examination seat number under which his/her malpractice case is booked. (1+0) (Applied on the Seat Number of the examinee.)
B	6	Cases of mass copying during the examination period, reported from examination centre.	Detailed enquiry in to the matter. Cancellation of the performance of the guilty examinee in the subjects/courses for which he/she has appeared in the current examination with the examination seat number under which his/her malpractice case is booked. (1+0) (Applied on the Seat Number of the examinee.)
B	7	Cases of mass copying reported by the assessors from Regional Assessment Centres (RAC).	Detailed enquiry in to the matter. Cancellation of the performance of the guilty examinee in the subjects/courses for which he/she has appeared in the current examination with the examination seat number under which his/her malpractice case is booked. (1+0) (Applied on the Seat Number of the examinee.)
B	8	Cases of copying reported by the assessors from Regional Assessment Centres (RAC).	Detailed enquiry in to the matter. Cancellation of the performance of the guilty examinee in the subjects/courses for which he/she has appeared in the current examination with the examination seat number under which his/her malpractice case is booked. (1+0) (Applied on the Seat Number of the examinee.)



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Category	Sr. No.	NATURE OF MALPRACTICE	QUANTUM OF PUNISHMENT
C	1	Examinee 'X' found in possession of answer-book/ supplement of another examinee 'Y', taken without the knowledge of "Y" or taken with the consent of "Y" or taken with force from "Y". (exchanging of answer book and/or supplement)	Cancellation of the performance of the examinee 'X' in all the subjects/courses for which he/she has appeared in the current examination with the enrollment number under which his/her malpractice case is booked. (1+0) (Applied on the enrollment Number of the examinee.) Examinee 'Y' has to be exonerated provided he/she has not connived with 'X'.
C	2	Examinee destroying his/her own answer book or supplement/s or any copy material in possession after being caught under malpractice.	Cancellation of the performance of the guilty examinee in all the subjects/courses for which he/she has appeared in the current examination with the enrollment number under which his/her malpractice case is booked. (1+0) (Applied on the enrollment Number of the examinee.)
C	3	Examinee found with answer-book/s having two or more different handwritings reported from EC OR RAC	Detailed enquiry in to the matter. Cancellation of the performance of the guilty examinee in all the subjects/courses for which he/she has appeared in the current examination with the enrollment number under which his/her malpractice case is booked. (1+0) (Applied on the enrollment Number of the examinee.)



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Category	Sr. No.	NATURE OF MALPRACTICE	QUANTUM OF PUNISHMENT
D	1	Examinee smuggling out his/her own answer book or supplement or blank answer book/s and/or supplement/s.	Cancellation of the performance of the guilty examinee in all the subjects/courses for which he/she has appeared in the current examination with the enrollment number under which his/her malpractice case is booked + Debarring from appearing in the immediate next examination after the current examination. (1+1) (Applied on the enrollment Number of the examinee.)
D	2	Impersonation: i) Person who impersonates (Impersonator).	Following actions shall be taken: a) In case impersonator is a bona fide examinee of MSBTE Cancellation of the performance of the guilty examinee in all the subjects/courses for which he/she has appeared in the current examination with the enrollment number under which his/her malpractice case is booked + Debarring from appearing in the immediate next examination after the current examination. (1+1) (Applied on the enrollment Number of the examinee.) b) Matter shall be communicated to the impersonator's examination body if he/she is pursuing education outside the purview of MSBTE. c) Matter shall be communicated to the employer of the impersonator if he/she is employed with some organization.
		ii) Bona fide examinee who is impersonated	Cancellation of the performance of the guilty examinee in all the subjects/courses for which he/she has appeared in the current examination with the enrollment number under which his/her malpractice case is booked + Debarring from appearing in the immediate next examination after the current examination. (1+1) (Applied on the enrollment Number of the examinee.)

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Category	Sr. No.	NATURE OF MALPRACTICE	QUANTUM OF PUNISHMENT
D	3	Examinee attempting to send Question Paper or its contents out of Examination Hall by any means.	Cancellation of the performance of the examinee(s) in all the subjects/courses for which he/she appeared simultaneously, as regular/ex-student in the current examination plus debarment of the guilty examinee from appearing in the next one examination. (1+1) (Applied on the enrollment Number of the examinee.)
D	4	The examinees threatening/intimidating the staff associated with examination.	Cancellation of the performance of the guilty examinee in all the subjects/courses for which he/she has appeared in the current examination with the enrollment number under which his/her malpractice case is booked + Debarring from appearing in the immediate next examination after the current examination. (1+1) (Applied on the enrollment Number of the examinee.)
E	1	Examinee possessing any weapon, explosives, similar material and/or under the influence of any narcotic drugs etc. in examination hall or bringing any of them in the examination hall or causing any kind of violence in the examination hall.	Cancellation of the performance of the guilty examinee in all the subjects/courses for which he/she has appeared in the current examination with the enrollment number under which his/her malpractice case is booked + Debarring from appearing in the immediate next three examination after the current examination. Further, he/she should be handed over to police and FIR be lodged against the examinee by the officer-in-charge of the Examination Centre. (1+3) (Applied on the enrollment Number of the examinee.)
E	2	All other cases not covered above.	All such cases shall be dealt independently on the basis of severity of the cases reported to M.S.B.T.E., and all such cases to be placed before Special Committee and punishment be awarded as deemed fit.



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NOTE: The term granted to the alleged examinee and term-work marks, sessional/test marks etc. allotted to him/her shall remain unaffected, unless specifically cancelled by the penalty awarded.

Further, the candidate shall not be allowed to join any course/programme of this Board during the period of punishment imposed on him/her.

A Police Complaint may be lodged against the examinee or a person who is found involved in destroying or attempting/facilitating to destroy the evidence of the malpractices or answer books and/or supplements or any relevant documents.



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Annexure II

**THE PENALTY/PUNISHMENT FOR THE MALPRACTICES & NEGLIGENCE
IN THE PROCESS OF EXAMINATION**

A] Delay in Submission of the Necessary Documents Required for Declaration of Result, Issue of Diploma Certificates, Preparation of Pre-Examination Documents etc.:

The cases in this type are delay in submission of mark sheets of sessional/test, practical, oral, term work, project and/or theory as well as main seating charts and any other such relevant document which affects the matter as stated above.

Punishment / Penalty :-

- Withholding/forfeiting entire remuneration of concerned persons for that examination. If remuneration is already paid, it shall be recovered from concerned person/s. And/or
- Imposing a penalty up to Rs. 5,000/- as decided by MSBTE to the person guilty of negligence. And /Or
- Imposing a penalty as decided by MSBTE up to Rs. **25,000/-** per course/programme from the Institute. And/Or
- Debarring the concerned persons from the Board work for one year and communicating his/her controlling authority to make a mention in this regard in his/her yearly Confidential Report.

B] Submission of Documents with Incorrect or False Information:

In this type of malpractice, the cases include scratching the serial number on mark sheets and putting different serial numbers to the mark sheets, scratching the proper subject/course code on the mark sheets and putting wrong subject/course code, filling the marks of candidates in improper mark sheet, giving marks to the candidates without conducting the sessional/test examinations. Putting the wrong noting on the mark sheets, e.g. exemption instead of absent; absent instead of present and vis-à-vis; disallowed instead of exemption; wrong entry of marks in mark sheet, tampering with already written marks, intentionally changing marks, etc.

Punishment / Penalty :-

- Withholding/forfeiting entire remuneration of concerned persons for that examination. If remuneration is already paid, recovering the same from concerned person And/Or
- Imposing penalty up to Rs. 5,000/- per case to the person involved in such malpractice. And/Or
- Imposing penalty as decided by MSBTE up to Rs. 25,000/- to the Institute involved in such malpractices and/or negligence .And/Or
- Debarring the concerned Officer-in-charge from Board work for a period up to two years and issuing directions to his/her controlling authority to initiate disciplinary proceedings against him/her.



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C) Submission of Forged & Fabricated Documents pertaining to the Result Declaration, Award of Diploma etc. :

The cases under this category are filling the mark sheets without conducting practical , oral, or term work or any other type of prescribed examination; giving marks for continuous assessment without maintaining proper records prescribed by Board from time to time; intentionally giving/ awarding marks more than the maximum marks to some of the candidates to create confusion in Board work; changing the seat number written by the examinee or making some kind of marking on the answer books and/or putting the seat number of another examinee; deliberately neglecting the wrongly recorded examination seat number on the answer books by the candidate and accepting the answer books to create trouble in further processing; issuing orders to the examiners other than those appointed by Board for conducting practical examination, without any information to Board; deliberately marking examinee who are present for examination as absent in the records of practical examinations; changing the practical examination center without approval of Board and managing for the favorable allotment of marks to the examinees; admitting examinees to the examination without valid hall tickets or without any receipt for payment of examination fees; allowing examinees to examination without submission of examination form and/or fees; deliberately avoiding the signature on answer books by the invigilators during the conduct of examinations to cause trouble to the examinees.

Punishment / Penalty :-

- Withholding/forfeiting entire remuneration of concerned staff for that examination. If remuneration is already paid, recovering the same from the concerned persons. And/Or
- Debarring the concerned Internal & External Examiner from Board work for a period up to Two Years and issuing directions to his/her controlling authority to initiate disciplinary proceedings against him/her. And/Or
- Imposing up to Rs. 5,000/- per case from the person involved in such malpractice
- Imposing and recovering fine of up to Rs. 25,000/- per case from the Institute involved in such malpractice. And/Or
- Forwarding all such cases to Director of Technical Education or Government for further suitable action.

D) Breach of Rules or Instructions:

In this category, fall the cases like non-maintenance of the record of continuous assessment and awarding the sessional/test marks, practical marks, term work marks and/or oral marks at will, without following the norms given by Board; breach of rules/instructions by internal and external examiners; not following the scheme prescribed by Board for a particular course/programme; not maintaining the record of blank answer books and other examination stationery provided to the Institution; attempting to motivate candidates to create indiscipline; to support misconduct during the course of examination at examination centre; to support examinee for adopting malpractices during the course of examination at examination centre; to threaten the examination staff such as controller, vigilance squad member/s; causing physical violence to examination staff &

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damaging property; submitting wrong documents or not submitting the documents to clear the withheld results and motivating candidates to rush to the Board Office & cause disturbance in office work; not submitting the examiner's mark sheets in the prescribed time period given by the Board.

Punishment / Penalty:-

- Withholding/forfeiting entire remuneration of concerned staff for that examination. If remuneration is already paid, recovering the same from the concerned persons. And/Or
- Imposing up to Rs. 5,000/- per case from the person involved in such malpractice. And/Or
- Imposing penalty up to Rs. 100,000/- to the Institute involved in such malpractices. And/Or
- Cancellation / Shifting of Examination Center to other Institute for certain period and charging Examination Centre fee. And/Or
- Demanding affidavit from management giving undertaking that due care shall be exercised to avoid recurrence of such events in future. And/Or
- Debarring entire staff of Institute including Principal/Head of Institute etc. those are involved in such malpractice from Board work, for a period up to two years and issuing directions to his/her controlling authority to initiate disciplinary proceedings against him/her. And/Or
- Affiliation cancellation/suspension for specific period.

E) Mass Copying at the Examination center reported from Examination Center and/or reported from Regional Assessment Centers.

In this category, fall the cases of mass copying at the Examination center reported from Examination Center during the examination and/or reported from Regional Assessment Centers during assessment of answer books.

Regional Assessment Centers (RACs) report certain cases wherein the answers written by students of a particular examination center in particular subjects raise the suspicion of students involving in unfair practices like copying from a common source. Such incidences are reported by concerned assessor followed by primary verification and confirmation of the assessor's view by a three member committee at Regional Assessment Center (RAC).

Such a thing may happen by circulation of common copying material among students in the block or by dictating / writing answers on the board in the examination block. Incidences like this can happen only with covert involvement of the staff involved in examination work with or without the support/pressure of the management of the institute.

Inaction about such unfair practices may encourage other Examination Centers (ECs) to indulge in such unfair practices which in turn affect the credibility of MSBTE examination system. Hence it is necessary to verify the details of the reports of malpractice cases

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reported from RACs and/or examination centers through detailed enquiry followed by proper corrective steps like punishing all involved entities.

Punishment / Penalty:-

Detailed enquiry shall be carried out in to the matter, based on enquiry findings

- Withholding/forfeiting entire remuneration of concerned staff for that examination. If remuneration is already paid, recovering the same from the concerned persons. And/Or
- Imposing penalty up to Rs. 5,000/- per case from the person involved in such malpractice. And/Or
- Imposing penalty up to Rs. 100,000/- to the Institute involved in such malpractices. And/Or
- Cancellation / Shifting of Examination Center to other Institute for certain period and charging Examination Centre fee. And/Or
- Demanding affidavit from management giving undertaking that due care shall be exercised to avoid recurrence of such events in future. And/Or
- Debarring entire staff of Institute including Principal/Head of Institute etc. those are involved in such malpractice from Board work, for a period up to two years and issuing directions to his/her controlling authority to initiate disciplinary proceedings against him/her. And/Or
- Affiliation cancellation/suspension for specific period.

F) Nature of Malpractice observed in the Assessment Centers:

The cases under this category are:

- 1) Breach of Government Resolution/s, Board Examination regulations rules/norms, instructions by the examiner assessing answer book/s, amounting to malpractice/misconduct.
- 2) Not maintaining consistency in the assessment of the answer books; leaving certain questions un-assessed; deliberately making mistakes in summing up the marks; allotting marks arbitrarily and freely, beating all logic, without actually assessing the answer paper.
- 3) Reporting as "No Change" without actually carrying out due verification.
- 4) Incorrect transfer of marks from inner pages of answer books to their face sheets.
- 5) Not transferring marks correctly from the face sheets of answer books to examiners' mark sheets.
- 6) Not duly putting his/her initials for the corrections in allotted marks, made by the examiner, either in mark sheets or answer books.
- 7) Assessing the answer books without knowledge of the subject/course.
- 8) Intentionally reporting change in marks in verification even though there is no change in marks to give undue benefit to candidate.

Punishment / Penalty:-

- Withholding/forfeiting entire remuneration of officer-in-charge, examiners & all concerned

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staff for that examination. If remuneration is already paid, it shall be recovered from concerned persons. And/Or

- Imposing penalty up to Rs. 5,000/- per case to the person involved in such malpractice. And/Or
- Debarring the concerned examiner/s & staff for 1 to 3 year period considering extent of negligence/malpractice. And/Or
- Submitting the matter to the Governing Board with recommendations of taking severe action against the concerned Staff, by the appropriate authority.

G) Unfair Practice, Breach of Rules and Breach of Instructions by the Officer-In-Charge:

The cases under this category are:

- 1) Not appointing the additional supervisor for checking the total and transfer of marks from the answer books to mark sheets,
- 2) Not moderating the initial sample of the new examiner, appointing in-experienced examiner without observing the quality parameters prescribed by Board.
- 3) Not moderating the initial sample to judge in depth, knowledge of the examiner about the subject/course concerned, and not moderating samples at the end or during the course of assessment for ensuring maintenance of consistency in the assessment by the examiner.
- 4) Not following the quality assurance parameters as prescribed by Board during the process of assessment of answer books.
- 5) Not following norms as prescribed by Board during the process of assessment of answer books.

Punishment / Penalty:-

- Warning to the Principal & Officer-in-charge to follow Board norms. And/Or
- Withholding & forfeiting entire remuneration of all concerned persons for that examination. If the remuneration is already paid, recovering it from concerned persons. And/Or
- Imposing penalty up to Rs. 5,000/- to the person involved. And/Or
- Reporting the matter to Director of Technical Education / Government for appropriate action against the concerned persons for not following Quality Parameters prescribed by Board.

H) Breach of Rules or Breach of Instructions amounting to Malpractice by other staff such as Supervisor, Sealing Supervisor etc. in the RAC:

The cases under this category are:

- 1) Loss of answer books, changing the examination seat numbers of the candidates, hiding or removing the content from the answer papers or adding to the contents to answer book.
- 2) Not maintaining the statistical record of answer books received in the RAC, (assessed / un-assessed).

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- 3) Not submitting the examiners' mark sheets in the prescribed time period to Board.

Punishment / Penalty:-

- Withholding forfeiting entire remuneration of all concerned persons for that examination. If remuneration is already paid, it shall be recovered from concerned persons. And/Or
- Imposing penalty up to Rs. 5,000/- per case to the person involved. And/Or
- Debarring the concerned Officer-in-Charge, Examiners & Staff for period of 1 to 3 years from Board work. And/Or
- Reporting the matter to Director of Technical Education for taking appropriate action against concerned persons & Institute. And/Or
- Submitting the matter to the Governing Board with recommendations to withdraw the affiliation of the errant Institute.

I) Not Following the Decision of Special Committee of the Board:

The cases of misconduct/irregularities in this type are

- 1) Not following or implementing the decisions of Special Committee within a prescribed/ reasonable time limit.
- 2) Avoiding the payment of financial penalty imposed on the Institute.
- 3) Consistently failing to create and maintain atmosphere conducive to smooth conduct of examination, in the institute.
- 4) Instigating the candidates to boycott or protest or cause disturbance in smooth conduct of examinations in the Institute.
- 5) Non-cooperation with Board or its officers or any person appointed by Board.

Punishment / Penalty:-

- Considering institutes attitude as conflicting, challenging and arrogant towards Board and Impose additional financial penalty of any amount that Board may deem fit. And/Or
- Withhold the results of entire Institute for the present/current examination without assigning any reasons thereof. And/Or
- Issue a Show-Cause Notice to explain why the enrollment of candidates for the next academic year should not be withheld? And/Or
- Require the institute to furnish an affidavit before "First class Judicial Magistrate" stating that in future the Institute shall follow scrupulously all the Rules, Regulations, Norms, Quality parameters and Instructions given by Board. And/Or
- Submitting a proposal to the Governing Board to recommend withdrawal of affiliation of the Institute, to the Government.

For the clauses as mentioned below from J through N, the committee recommends the punishment/ penalty as per Maharashtra Government Act XXXI of 1982 (The Maharashtra prevention of Malpractices of University, Board and Other specified

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Examination Act 1982).

J) Duties of Paper Setters and Punishment for Contravention

Any person who is appointed as a paper setter at any examination shall not supply or cause to be supplied the question paper drawn by him or a copy thereof or communicate the contents of such paper to any person or give publicity thereto in any manner.

Punishment / Penalty:-

Any person who contravenes the provision shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees, or with both.

K) Duties of Persons Entrusted with Printing etc. of Question Paper and Punishment for Contravention

Any person who is entrusted with the work of printing, cyclostyling, typing or otherwise producing copies of any question paper set for the purpose of any examination shall not supply or cause to be supplied a copy thereof or communicate the contents thereof to any person or give publicity thereto in any manner, except in accordance with instructions given to him in writing by the authority which entrusted the work to him.

Punishment / Penalty:-

Any person who contravenes the provisions shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees or with both.

L) Duties of Persons Entrusted with Custody of Question Paper and Punishment for Contravention

Any person who is entrusted with the custody or is otherwise in possession of any question paper set up for the purposes of any examination shall not supply or distribute or cause to be supplied or distributed any copy thereof or communicate the content thereof to any person or give publicity thereto in any manner except in accordance with the instructions given to him in writing by the authority which entrusted the custody or gave possession thereof to him.

Punishment / Penalty:-

Any person who contravenes the provisions shall on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees or with both.

M) Prohibition of Supply or Publication of Any Question Paper before Examination is held

Whoever has in his/her possession any question paper set or purported to be set for any examination, and



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supplies or causes to be supplied or offers to supply a copy thereof, or communication or offers to communicate the contents thereof to any person, whether for any consideration or otherwise or gives publicity thereto in any manner, except in accordance with the instructions issued in writing by an authorized officer of the Board or other authority concerned with the examination.

Punishment / Penalty:-

Any person who contravenes the provisions at any time before the examination is held, shall, on conviction be punished with imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand rupees or with both.

N) The Institutes and/or the Staff not accepting shouldering responsibilities assigned by the Board and Contravene the Provisions mentioned under Clauses and their Respective Subsections as below:

- 1) As per clause 25(g) of Maharashtra Act :XXXVIII of 1997, the services of all teaching and nonteaching employees and the facilities of the Institution shall be made available for conducting examinations and promoting other activities of the Board.
- 2) As per clause 46(0), Board is empowered to appoint officers and staff from Government and Aided and unaided Institute or polytechnic for smooth conduct of examination.
- 3) As per clause 50, All affiliated and Autonomous Diploma Level Institutions shall render such help and assist the Board as the Board may require to perform and discharge its duties and functions under the Act.

The actions shall be as follows:

- a) Affiliation of any Institute which contravenes above said provision/s shall on conviction be withdrawn partly or fully. Such institution shall be given sufficient opportunity to present its case.
- b) Any autonomous Institute which contravenes above said provision/s shall on conviction be denied equivalence for certain period.
- c) Name of any teaching and /or non-teaching staff from Government and aided Institute who contravenes above said provisions shall be communicated to Director of Technical Education with a copy to Government of Maharashtra for disciplinary action as per provisions available in Maharashtra Civil Services Rules.
- d) Name of any teaching and /or non-teaching staff from unaided Institute who contravenes above said provisions shall be communicated to the Management of the Institute with copy to Director of Technical Education for disciplinary action as per prevailing act and Board shall withdraw approval of the teacher.

