

The Assam Secondary Education (Provincialisation) (Service and Conduct) Rules, 1979

ASSAM

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Rule

THE-ASSAM-SECONDARY-EDUCATION-PROVINCIALISATION-SERVICE of 1979

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The Assam Secondary Education (Provincialisation) (Service and Conduct) Rules, 1979 Last Updated 11th February, 2020

Part I

1. Short title, extent and commencement.

- (i) These rules may be called the Assam Secondary Education (Provincialisation) (Service and Conduct) Rules, 1979. (ii) These rules shall extend to areas where the Act applies. (iii) These rules shall come into force with immediate effect.

2. Definitions.

- In these rules unless there is anything repugnant in the subject or context- (i) "Act" means the Assam Secondary Education (Provincialisation) Act, 1977; (ii) "Government" means Government of Assam; (iii) "Sanctioned post" means a post sanctioned by Government in a particular Secondary School; (iv) "Period of service" means the period of continuous service against a sanctioned post and approved by the Schools Authority; (v) "Date of recognition" (in case of employees of deficit schools) means the date from which the school in which an employee is serving has come under the Deficit System of Grant-in-aid; provided that the service of the employee has been regularised by the School Authority with effect from such date or that school coming under the deficit system of grants-in-aid; (vi) "Date of recognition" (in case of employees of schools provincialised directly

without bringing them under deficit system of grants-in-aid) means the date from which the services of such employees are provincialised under the Act;(vii)"Assam Lower School Service" means the service to which Intermediate/Matric scale of pay is admissible ;(viii)"Assam School service Class II (Junior)" means the service to which Graduate Scale of Pay is admissible ;(ix)"Assam School Service Class II (Senior)" means the service to which Senior Grade Pay-scale is admissible ;(x)"Assam School Service Class I" means the service to which the Principals of Higher Secondary Schools shall belong ;(xi)All other words and expressions shall have the same meaning as is assigned to them in the Act.

Part II

3. Service conditions.

- (i) All employees shall get such (emoluments) salary and allowances at the rates as applicable to similar categories of employees under the Government Schools under the Rules and Orders for the time being in force.(ii)The total emoluments of employees shall be so paid that no employee shall get less than the amount he was getting immediately before the appointed day in the pay-scale applicable to such employees.(iii)Subject to the provisions of Rule 7 of these Rules, service of an employee shall be encadred in the respective cadre of the existing school service with effect from the date of its recognition.(iv)For the purpose of pension or gratuity or both on Superannuation as provided in the Act and for the purpose of fixation of pay the date of recognition shall be the basis.(v)The inter se seniority of an employee belonging to a cadre or class shall be on the basis of its date or recognition ; provided that-(a)when more than one employee has the same date of recognition, the inter se seniority shall be determined-(1)on the basis of the time and hour of joining the service of a Secondary School and where the joining time is not ascertainable the date of birth shall be the criterion.(2)in case of any dispute, the Director shall refer the dispute in details to the State Government who shall determine the seniority on the basis of such evidence as may be deemed necessary.(vi)The cadre of the employees shall be the cadre held on the date of provincialisation in the cadre shown in Schedule I.

4. Manner of exercising option.

- An existing employee shall exercise option under sub-sections (3) and (4) of Section 4 of the Act in the form given at Schedule II.

5. Mode of selection of Principals/Vice-Principals/Headmasters/ Assistant Headmasters.

(a)Subject to the provisions of Rule 8 Principal/Vice Principal/Headmaster/Assistant Headmaster shall be selected on seniority-cum-merit basis as per Rule 3(u).(b)Assistant Teachers of Assam School Service (Provincialised) shall be selected by the Assam School Service Selection Board either on written test or oral interview or both.(c)Assistant Teachers of Lower School Service (Provincialised) shall be selected by the Lower School Service Selection Board either on written test

or oral interview or both.

6. Modes of appointment.

(a) For Principal, Vice-Principal, Head Master, Assistant Headmaster lists for appointment shall be prepared by the Department and approved by the Government as in the case of Government Schools. (b) Assistant Teachers of Lower School Service (Provincialised) shall be selected District-wise by a Selection Board meant for the purpose of such selection for Government Schools. (c) Assistant Teachers of Lower School Service (Provincialised) shall be selected Sub-division-wise by a Selection Board meant for the purpose of Government Schools. (d) Office Assistant and 4th Grade Officers shall be selected as in the case of other Government servants for similar Government Schools.

7. Regularisation of services.

(a) All employees whose services had been conferred and approved (by School Authorities) prior to 22nd July, 1977 shall be deemed to have been duly confirmed with effect from the date of such confirmation. (b) All temporary appointment not confirmed prior to 22nd July, 1977 and all appointments made after Provincialisation shall have to be regularised as per Rule 5 of these Rules. (c) All appointments on permanent basis shall be made from amongst the lists prepared in order of merit by the Selection Board concerned. (d) The select list shall remain valid till it is reviewed or a new select list is prepared. (e) When the select list of a particular cadre is fully exhausted the vacancy arising in that cadre shall be filled up temporarily by the Additional Director of Public Instruction in case of Assam School Service posts, by Inspector of Schools in the Lower School Service posts and by the Head of Institute in case of Office Assistants and 4th Grade post, till a new select list is prepared. (f) The Gazetted/non-Gazetted status of an employee shall be the same as in the case of an employee of the corresponding rank in a Government School.

8. Eligibility.

(a) The minimum qualification for a Head of the Institution shall be graduation in Science, Arts or Commerce and B.T. with a least 5 years teaching experience ; or graduation in Science, arts or Commerce with at least 15 years teaching experience. (b) The Assistant Teachers of Assam School Service (Provincialised) cadre shall be promoted to Assistant Headmaster as per list prepared under sub-rule (b) of Rule 4. Similarly, Assistant Headmaster will be promoted to Vice-Principal and Vice-Principal to Headmaster and Headmaster to Principal. (c) Assistant Teacher in Assam School Service (Provincialised) cadre shall possess minimum graduate degree while those of Lower School Service (Provincialised) shall be at least Matriculate.

9. Managing Committee.

- (i) The existing rules and procedure for constitution of the Managing Committee will continue. (ii) The administration, management and control of all employees of the Secondary Schools

falling under these rules shall vest in the Government from the appointed day.(iii)The Managing Committee will function as Advisory Committee of a Secondary School to look after all round development of the school building play-ground, hostel, gardens etc. and may suggest Government any matter regarding staff of the school when the Committee thinks it necessary in the interest of the school.

10. Suits and proceedings.

- No suit, prosecution or other legal proceedings shall lie for anything done in good faith under these rules except with the previous sanction of the State Government.

11. Duties and responsibilities of the employees.

- (i) Supervision and control over the employees, shall be on the Headmaster/Principal of the School (Headmaster of the School) who will also be the drawing and disbursing Officer.(ii)The principal/Headmaster of the School will have the power to allot duties and responsibilities to employees under his control for management of the School and to maintain discipline in the School.(iii)The Principal/Headmaster of the School will obtain option in writing in duplicate from the employees as required under sub-section (4) of Section 4 of the Act duly witnessed and received by him and send one copy to the appointing authority as per Schedule II.

12. Provident fund, pension and gratuity.

- (i) The employees other than Grade IV employees who opt to continue to serve up to the age of 60 years shall continue to contribute to their Contributory Provident Fund and they will not be entitled to pensionary benefit.(ii)The employees retiring at the age of 58 years will be entitled to pension and gratuity as may be admissible under the rules prescribed in the Assam Service (Pension) Rules, 1969. Contributory Provident Fund of this category of employees will discontinue with effect from the appointed day. Such employees will open fresh General Provident Fund account and deposit the amount of their own contribution along with the interest accrued thereon into the General Provident Fund account so appended in the procedure applicable to Government servants.(iii)For opening General Provident Fund account an employee shall apply in the form at Schedule III to the accountant General through the Inspector of Schools after being forwarded by the Head of the School.(iv)The manner of paying back of the Government contribution with interest accrued in the General Provident Fund of an employee will be as below :Under sub-rule (ii) above an employee will open General Provident Fund account first and then the Head of the School, who is the drawing and disbursing officer shall deposit the employees contribution in their General Provident Fund account by Treasury Challan and General Provident Fund Schedule as required under the existing Rules and procedure and will refund the Government contribution by Treasury Challan under Government Revenue Head of Account under intimation to the employees as well as the School Authority.Note. - The adjustment of accounts will be done within the current year of publication of this Rule.

13. Preparation and maintenance of Service Records.

- The Headmaster/Principal of the School shall maintain Service Books, leave accounts and other records as may be necessary about the employees working under him in the prescribed forms as required for other Government employees. Attested copies of appointment letters against sanctioned posts and approval thereof and age certificate are to be kept along with the Service Books/Service Records. It is the responsibility of the Headmaster/Principal of the School for correctness of the entries in the Service Books/Service Records, Service Books of Gazetted (Provincialised) employees shall be maintained by the Accountant-General, Assam.

14.

Where the Government is satisfied that operation of any of these rules may cause undue hardship in any particular case, it may dispense with or relax the requirement of that rule to such extent and subject to such condition as it may consider necessary for dealing with such a case in a just and equitable manner ; provided that the case of any person shall not be dealt with in any manner less favourable to him than that provided in any of these rules.

15.

If any dispute arises about the interpretation of any provision of these rules, the interpretation of the Government shall be final.

16.

Government may, at any time for the greater interest of the Public Service, alter modify, add or delete any of the rules in the manner prescribed in the Act.

I

	Posts in Assam School Service	Requisite Qualification	Method of Appointment
1.	Class 1.-Principal of Higher Secondary and Multipurpose School(Gazetted)	M.A./M.Sc./M.Com. 2nd Class with B.T./B.Ed.	By selection on seniority-cum-merit
2.	Class II.-Vice-Principal of Higher Secondary and MultipurposeSchool (Gazetted)	M.A./M.Sc./M.Com. 2nd Class with B.T./B.Ed.	Ditto.
3.	Class II-Subject Teacher of Higher Secondary and MultipurposeSchool (Gazetted)	M.A./M.Sc./M.Com. 2nd Class	By selection
4.	Class II.-Demonstrator of Higher Secondary and MultipurposeSchool (Gazetted)	M.Sc./B.Sc. (Hons.)	Ditto.

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| 5. | Class II-Headmaster of Higher School
High Madarssa (Gazetted) | B.A./B.Sc./B.Com with
B.T. B.Ed. | By selection on
seniority-cum-merit |
| 6. | Class II.-Asstt. Headmaster of Higher
School | High Madarssa
(Non-Gazetted) | B.A./B.Sc./B.Com with
B.T. B.Ed. |
| 7. | Class II.-Asstt. Graduate Teacher (Junior)
(Non-Gazetted) | B.A./B.Sc./B.Com | By selection |
| 8. | A.L.S.S.-Teacher in Secondary School | Normal Passed under
Graduate Sr. Basic
Training | Ditto |
| 9. | Other-Language/Craft/Classical Teacher of
Secondary Schools | As prescribed by
Government | Ditto. |
| 10. | U.D.A. | | |
| 11. | L.D.A.-cum Typist | | |
| 12. | Chowkidar | | |
| 13. | Peons etc. | | |

II

A model form for exercising option under sub-section (4) of the Assam Secondary Education (Provincialisation) Act, 1977I, Shri..... (holding the post of..... in the M.E./M.E., Madrassa/High Madrassa/High Secondary School/Officer, do hereby exercise my option as provided under sub-section (4) of Section 4 of the Assam Secondary Education (Provincialisation) Act, 1977 to continue in service till the completion of the age of 60 years (sixty years).I hereby declare that my age on 1st October, 1977 is..... years months..... days according to Matriculation/School Leaving Certificate/Certificates obtained by passing equivalent examination from recognised Institution/Affidavit duly sworn and accepted by the Authority and decree obtained thereof from any Court.I shall not claim the benefit of pension and gratuity admissible as per the Pension Rules applicable to Government servants.I hereby declare that substantive/officiating/temporary post is that of in the M.E./M.E. Madrassa/High Madrassa/Higher Secondary School/Office under..... circle.I hereby declare that my option exercised is final and binding on me.DatePlace

Signature

Witness Name in full

Designation Designation

Address Institute in which serves

Received this form of option exercised and signed before me by on day of
19.....Receiving Officer(Head of School)SignatureDesignation

III

[Assam Schedule II (I) F. No. III] Application for Admission to the General Provident Fund (To be submitted in duplicate)

Account No. to be allotted by the Accounts Officer	Name of the applicant	Whether European, Anglo Indian or Indian	Official Designation	Office to which attached	Whether post is permanent and whether the applicant on probation to a permanent post	If temporary whether it will last at least for 3 years
Rate of emoluments per mensem	Rate of subscription per mensem (G.P. Rules)	Whether compulsory or optional subscription	If subscribed to any other fund name of such fund	Whether the applicant has a family or not	Remarks	

Signature of the Applicant Station..... Date..... Signature of the Head of the Office
 Designation Office of the No..... Dated..... the..... 19..... Returned with Account No.
 allotted. The number should be quoted in all correspondence/connected to herewith a form of
 Notification sent herewith should be returned duly filled in as soon as
 possible. Designation..... Signature.....