

# **Bihar State University (Constituent Colleges) Service Commission Act, 1987**

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India

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### **Act 18 of 1987**

- Published on 4 August 1987
- Commenced on 4 August 1987
- [This is the version of this document from 4 August 1987.]
- [Note: The original publication document is not available and this content could not be verified.]

Bihar State University (Constituent Colleges) Service Commission Act, 1987(Bihar Act 18 of 1987)Last Updated 25th January, 2020[Dated 04.08.1987]An Act to establish University Service Commission for the Recruitment of the Officers and teachers of the Universities and Constituent Colleges of the State.Be it enacted by the Legislature of the State of Bihar in the Thirty-eighth year of the Republic of India as follows : -

### **1. Short title, extent and commencement.**

(1)This Act may be called the Bihar State University (Constituent Colleges) Service Commission Act, 1987.(2)It shall extend to whole of the State of Bihar.(3)It shall come into force at once.

### **2. Constitution of the Commission.**

(1)The State Government shall, by a notification published in the official Gazette, set up the Bihar State University (Constituent Colleges) Service Commission (hereinafter referred to as the "Commission").(2)The Commission will be a body corporate, having its head office in Patna, which will have perpetual heritance and there will be a common seal and will sue or will be sued in the said name.(3)[ The Commission will make recommendations for the appointment of Officers (excluding Chancellor, Vice-Chancellor, Pro Vice-Chancellor, Dean, Student Welfare, and Proctor) and teachers of the Universities and Constituent Colleges as prescribed in the Patna University Act, 1976 (Bihar Act 24, 1976) and Bihar State Universities Act, 1976 (Bihar Act 22, 1976) and in respect of appointment/promotion of the said officers and teachers it shall discharge such functions as prescribed for the Commission under the said Acts and statutes made thereunder.] [Substituted by Act 22 of 1992.]

### **3. Appointment of Chairman and members of the Commission.**

(1)The Commission will have a Chairman and maximum of six members and they shall be whole-timer.(2)The Chairman and the Members of the Commission shall be appointed by the Governor and they shall hold office for a period of three years.(3)The Governor shall have the power to re-appoint the Chairman or any member on the expiry of his term but in no case the tenure of the appointed or re-appointed Chairman or Member will continue after he attains the age of 62 years.

### **3A. [ Cessation of office of Chairman and members. [Inserted by Act 5 of 1994.]**

- Notwithstanding anythings contrary contained in section 3, the present members including the Chairman of the Commission shall, with effect from the date of coming into force of Bihar State University (Constituent Colleges) Service Commission (Amendment) Act, 1993, cease to hold office.]

### **4. Resignation or removal of Chairman or member of the Commission.**

(1)The Chairman or Member of the Commission may, by writing under his hand addressed to the Governor, resign his office. The Chairman or Members of the Commission may be removed from the office by the order of Governor, if he-(a)Is adjudged an insolvent; or(b)engages himself during his term of office in any paid employment outside the duties of his officer; or(c)is in the opinion of the Government, unfit to continue in office.(2)The Chairman or any other member of the Commission may be removed from his office by the order of the Governor on the ground of misbehaviour alter an enquiry is held in the manner prescribed by the Governor in the rules to be framed under Section 13.

### **5. Recommendation of the Commission for appointment.**

- [ x x x x ] [Deleted by Act 22 of 1992.]

### **6. [ Qualification of Chairman and members. [Substituted by Act 5 of 1994.]**

(1)A person appointed to the post of Chairman should have a minimum of five year's experience as a University Professor.(2)Half of the members excluding the Chairman shall not be below the rank of University Professor and the other half shall not be below the rank of Additional- Secretary of State or Central Government.]

### **7. Determination of pay and allowances by the State Government.**

- The State Government will determine the terms and conditions of service including the pay and allowance etc. for the Chairman, Members, Secretary and staff according to the prescribed Rules.[Provided that the service conditions of officers and staff of the Commission shall be the same as have been determined for officers and staff of the University.] [Inserted by Act 5 of 1994.]

## **8. Secretary.**

- There will be a Secretary of the Commission, who will be a full time officer and whose appointment will be made by the State Government from the officers of the rank of Additional Director of Education or of equivalent rank. He shall work under the administrative control of the Commission.

## **9. Panel.**

- [ x x x x x ] [Deleted by Act 22 of 1992.]

## **10. Duty of the Universities to consult the Commission In certain matters.**

- It shall be the duty of the Universities to consult the Commission in respect of.-(a)all disciplinary matters affecting the officers and teachers of the Universities in respect of dismissal, removal or reduction in rank;(b)the principle, to be followed in making promotion, as also, the suitability of the candidates for such promotion.

## **11. Recommendation of the Commission where not needed.**

- Notwithstanding anything contained in the Patna University Act, 1976 and the Bihar State University Act, 1976 the appointment of lecturer, if it is essential in the Interest of the College or the University may be made by the Vice Chancellor of the University concerned as against sanctioned posts for six months only for which no, recommendations of the Commission will be needed.

## **12. Annual Report.**

- It will be the duty of the Commission to submit an annual report to the Chancellor with copies to the Universities in connection with the action taken in respect of teachers or officers and the University concerned, will place it before the Syndicate at its next meeting. The University, in such cases in which Commission's recommendations have not been accepted will forward reasons for non-acceptance to the Chancellor who will forward the same to the State Government for being placed before the Legislature.

## **13. Power to make Rules.**

- The State Government may with the previous approval of the Governor by notification published in the Official Gazette make Rules consistent with the provisions of this Act.

## **14. Repeal and Saving.**

(1)The Bihar State University (Constituent Colleges) Service Commission Ordinance 1987 (Bihar Ordinance No. 14, 1987) is hereby repealed.(2)Notwithstanding such repeal anything done or any action taken in exercise of any power conferred by or under the said Ordinance or notwithstanding

anything contained in this Act, anything done or any action taken in exercise of any power conferred by or under the Bihar State University Act, 1976 and the Patna University Act, 1976 shall be deemed to have been done or taken in exercise of powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action taken.