

The U.P. Higher Education (Group A) Service Rules, 1985

UTTAR PRADESH

India

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Rule

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The U.P. Higher Education (Group A) Service Rules, 1985 Published Vide Notification No. 3353/15-2-85-100-72 Dated 2.7.1985, published in the U.P. Gazette, Extraordinary, Dated 2.7.1985. In exercise of the powers conferred by the proviso to Article 309 of the Constitution and in supersession of all existing rules and orders on the subject, the Governor is pleased to make the following rules regulating recruitment and conditions of service of persons appointed to the Uttar Pradesh Higher Education (Group A), service :

Part I – General

1. Short title and commencement. -

(1) These rules may be called The Uttar Pradesh Higher Education (Group A) Service Rules, 1985. (2) They shall come into force at once.

2. Status of the service. -

The Uttar Pradesh Higher Education (Group A) Services is a State Service comprising Group "A" posts.

3. Definitions. -

In these rules, unless there is anything repugnant in the subject or context -(a) "appointing authority" means the Governor. (b) "citizen of India" means a person who is or is deemed to be a

citizen of India under Part II of the Constitution;(c)"Commission" means the Public Service Commission Uttar Pradesh;(d)"Constitution" means the Constitution of India;(e)"Degree College" means an affiliated or associated College maintained exclusively by the Government or imparting instruction up to the first degree level;(f)"Government" means the State Government of Uttar Pradesh;(g)"Governor" means the Governor of Uttar Pradesh;(h)"member of the service" means a person substantively appointed under these rules or the rules or orders in force prior to the commencement of these rules to a post in the cadre of the Service;(i)"post-graduate college" means an affiliated or associated College maintained exclusively by the Government for imparting instruction up to the post-graduate level in one or more subjects or faculties;(j)"service" means the Uttar Pradesh Higher Education(Group A) Service;(k)"substantive appointment" means an appointment, not being an ad hoc appointment, on a post in the cadre of the service, made after selection in accordance with the rules and, if there are no rules in accordance with the procedure prescribed for the time being by executive instruction issued by the Government;(l)"year of recruitment" means a period of twelve months commencing from the first day of July of a calendar year.

Part II – Cadre

4. Cadre of Service. -

(1)The strength of the service and of each category of posts therein shall be such as may be determined by the Government from time to time.(2)[The strength of the service and of each category of posts therein shall until orders varying the same are passed under sub-rule (1) be as under :

Category	Designation	No. of Posts
1	2	3
I	Director of Higher Education	1
II	(a) Principal of Post-graduate Colleges	23
	(b) Joint Director of Higher Education	2
III	(a) Principal of Degree Colleges	94
	(b) Regional Higher Education Officer	8
IV	Assistant Director of Higher Education	3
V	Lecturer	1606

Provided that :(i)the appointing authority may leave unfilled or the Governor may hold in abeyance any vacant post, without thereby entitling any person to compensation; or(ii)the Governor may create such additional permanent or temporary posts as he may consider proper.]

- No new appointments under the designation of Professor, Assistant Professor, Head of degree Department or Senior Lecturer shall be made hereinafter and the existing posts under these designations, should they fall vacant, shall be filled by appointment of lecturers only, who held any of these posts on November 30,1977 shall continue as such and retain the designation of the post

held by them on that date as a personal designation irrespective of their subsequent transfer to a post under a different designation in the same scale of pay. Nothing however, herein contained shall prevent the Governor from reviving the aforesaid designations in respect of future appointees to any of these posts.

Part III – Recruitment

[5. Source of recruitment. - Recruitment to the various categories of posts in the services shall be made from the following sources :Category I - Director of Higher Education. - By promotion through the Departmental Selection Committee from amongst members of the service specified in Category II of Rule 4(2).Category II - (a) Principal of Postgraduate Colleges. -(i)Fifty per cent by direct recruitment through the Commission.(ii)Fifty per cent by promotion through the Commission from amongst members of the service specified in Category III of Rule 4(2).(b)Joint Director of Higher Education. - By transfer from amongst the members of the service specified in Category 11(a).Category III-(a) Principal of Degree Colleges. -(i)Fifty per cent by direct recruitment through the Commission.(ii)Fifty per cent by promotion through the Commission from amongst members of the service specified in Category V of Rule 4(2).(b)Regional Higher Education Officer. - By transfer from amongst the members of the service specified in Category III(a).Category IV - Assistant Director of Higher Education. - By transfer from amongst the Officers in Category V of Rule 4(2) provided that such Officer possess fifteen years of teaching experience in Government Degree or Postgraduate Colleges.Category V - Lecturer. - By direct recruitment through the Commission.] [Substituted by Notification No. 836/70-5-2006-49-2004 Dated 20.3.2006 published in the U.P. Gazette Part I-Ka Dated 25.3.2006 (w.e.f. 25.3.2006).][6. Reservation. - Reservation for the candidates belonging to the Scheduled Castes, Scheduled Tribes and other categories shall be in accordance with the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 and the Uttar Pradesh Public Service (Reservation for Physically Handicapped, Dependent of Freedom Fighters and Ex-Servicemen) Act, 1993, as amended from time to time and the orders of the Government in force at the time of recruitment.] [Substituted by Notification No. 836/70-5-2006-49-2004 Dated 20.3.2006 published in the U.P. Gazette Part I-Ka Dated 25.3.2006 (w.e.f. 25.3.2006).]

Part IV – Qualifications

7. Nationality. -

A candidate for direct recruitment to a post in the service must be :-(a)a citizen of India; or(b)a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India; or(c)a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka, or any of the East African countries or Kenya, Uganda and the United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India :Provided that a candidate belonging to Category (b) or (c) above must be a person in whose favour a certificate of eligibility has been issued by the State Government:Provided further that a candidate belonging to Category (b) will also be required to obtain a certificate of eligibility granted by the

Deputy Inspector General of Police, Intelligence Branch, Uttar Pradesh. Provided also that if a candidate belongs to Category (c) above, no certificate of eligibility will be issued for a period of more than one year and the retention of such a candidate in service beyond a period of one year, shall be subject to his acquiring Indian citizenship. Note. - A candidate in whose case a certificate of eligibility is necessary but the same has neither been issued nor refused may be admitted to an examination or interview and he may also be provisionally appointed subject to the necessary certificate being obtained by him or issued in his favour. [8. Academic qualifications. - (1) A candidate for direct recruitment to the post of Lecturer must possess the qualifications prescribed by the statutes of the various State Universities governed by the U.P. State Universities Act, 1973. (2) A candidate for direct recruitment to the post of Principal of Degree College must possess the qualifications prescribed by the statutes of the various State Universities governed by the U.P. State Universities Act, 1973. (3) A candidate for direct recruitment to the post of Principal of Postgraduate College must possess the qualifications prescribed by the statutes of the various State Universities governed by the U.P. State Universities Act, 1973.] [Substituted by Notification No. 836/70-5-2006-49-2004 Dated 20.3.2006 published in the U.P. Gazette Part I-Ka Dated 25.3.2006 (w.e.f. 25.3.2006).]

9. Preferential qualification. -

A candidate who has :-(i) Served in the territorial Army for a minimum period of two years, or (ii) Obtained a 'B' certificate of the National Cadet Corps. (iii) Shown high proficiency in debates, seminars, games and sports and other co-curricular activities indicating ability to participate with credit in campus programmes of a College shall, other things being equal, be given preference in the matter of direct recruitment. [10. Age. - A candidate for direct recruitment for the post of Lecturer must have attained the age of 21 years and must not have attained the age of more than 40 years on the first day of July of the calendar year in which vacancies for direct recruitment are advertised : Provided that the upper age limit in the case of candidates belonging to the Scheduled Castes, Scheduled Tribes and such other categories as may be notified by the Government from time to time shall be greater by such number of years as may be specified.] [Substituted by Notification No. 836/70-5-2006-49-2004 Dated 20.3.2006 published in the U.P. Gazette Part I-Ka Dated 25.3.2006 (w.e.f. 25.3.2006).]

11. Character. -

The character of a candidate for direct recruitment to a post in the service must be such as to render him suitable in all respects for employment in Government Service. The appointing authority shall satisfy itself on this point. Note. - Persons dismissed by the Union Government or by a State Government or by a Local Authority or a Corporation or Body owned or controlled by the Union Government or a State Government shall be ineligible for appointment to any post in the service. Persons convicted of an offence involving moral turpitude shall also be ineligible.

12. Marital Status. -

A male candidate who has more than one wife living or a female candidate who has married a man already having a wife living shall not be eligible for appointment to a post in the service :Provided that the Government may, if satisfied that there exist special grounds for doing so, exempt any person from the operation of this rule.

13. Physical Fitness. -

No candidate shall be appointed to a post in the service unless he be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his duties. Before a candidate is finally approved for appointment he shall be required to pass an examination by a Medical Board :Provided that a medical certificate of fitness shall not be required from a candidate recruited by promotion.

Part V – Procedure For Recruitment

[14. Determination of vacancies. - The appointing authority shall determine the number of vacancies to be filled during the course of the year of recruitment as also the number of vacancies to be reserved for candidates belonging to Scheduled Castes, Scheduled Tribes and other categories under Rule 6. The vacancies to be filled through the Commission shall be intimated to them.] [Substituted by Notification No. 836/70-5-2006-49-2004 Dated 20.3.2006 published in the U.P. Gazette Part I-Ka Dated 25.3.2006 (w.e.f. 25.3.2006).][15. Procedure for direct recruitment. - (1) Applications for being considered for selection shall be called by the Commission in the form published in the advertisement issued by the Commission.(2)The Commission shall having regard to the need for securing due representation of candidates belonging to the Scheduled Castes, Scheduled Tribes and other categories in accordance with Rule 6, call for interview such number of candidates, who fulfil the requisite qualifications, as they consider proper.(3)The Commission shall prepare a list of candidates in order of their proficiency as disclosed by the marks obtained by each candidate in the interview. If two or more candidate obtain equal marks, the Commission shall arrange their names in order of merit on the basis of their general suitability for the service. The Commission shall forward the list to the appointing authority.] [Substituted by Notification No. 836/70-5-2006-49-2004 Dated 20.3.2006 published in the U.P. Gazette Part I-Ka Dated 25.3.2006 (w.e.f. 25.3.2006).][15A. Procedure for recruitment by promotion through the Commission. - Recruitment by promotion to the posts of Principal of Postgraduate Colleges and Principal of Degree Colleges shall be made on the basis of merit in accordance with the Uttar Pradesh Promotion by Selection in Consultation with Public Service Commission (Procedure) Rules, 1970, as amended from time to time.] [Inserted by *ibid.*][16. Procedure for recruitment by promotion through the Departmental Selection Committee. - (1) Recruitment by promotion to the post of Director of Higher Education shall be made on the basis of the criterion laid down in the Uttar Pradesh Government Servants Criterion for Recruitment by Promotion Rules, 1994, as amended from time to time through the Selection Committee constituted in accordance with the provisions of the Uttar Pradesh Constitution of Departmental Promotion Committee for Posts Outside the Purview of the

Service Commission Rules, 1992, as amended from time to time. Note. - Nomination of officers for giving representation to the Scheduled Castes, Scheduled Tribes and Other Backward Classes of Citizens in the Selection Committee shall be made in accordance with the order made under Section 7 of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994, as amended from time to time. (2) The appointing authority shall prepare eligibility lists of the candidates in accordance with the Uttar Pradesh Promotion by Selection (On Posts Outside the Purview of the Public Service Commission) Eligibility List Rules, 1986, as amended from time to time and place the same before the Selection Committee along with their Character Rolls and such other records, pertaining to them, as may be considered proper. (3) The Selection Committee shall consider the cases of candidates on the basis of records, referred to in sub-rule (2), and, if it considers necessary, it may interview the candidates also. (4) The Selection Committee shall prepare a list of selected candidates in order of seniority as it stood in cadre from which they are to be promoted and forward the same to the appointing authority.] [Substituted by Notification No. 836/70-5-2006-49-2004 Dated 20.3.2006 published in the U.P. Gazette Part I-Ka Dated 25.3.2006 (w.e.f. 25.3.2006).] [16A. Combined select list. - If in any year of recruitment appointments are made both by direct recruitment and by promotion, a combined select list shall be prepared by taking the names of the candidates from the relevant lists, in such manner that the prescribed percentage is maintained, the first name in the list being of the person appointed by promotion.] [Inserted by Notification No. 836/70-5-2006-49-2004 Dated 20.3.2006 published in the U.P. Gazette Part I-Ka Dated 25.3.2006 (w.e.f. 25.3.2006).]

Part VI – Appointment, Probation, Confirmation And Seniority

[17. Appointment. - (1) Subject to the provisions of sub-rule (2) the appointing authority shall make appointment by taking the names of candidates in the order in which they stand in the list prepared under Rules 15, 15-A, 16 or 16-A as the case may be. (2) Where, in any year of recruitment, appointment are to be made both by direct recruitment and by promotion, regular appointments shall not be made unless selections are made from both the sources and a combined list is prepared in accordance with Rule 16-A. (3) If more than one order of appointment are issued in respect of any one selection, a combined order shall also be issued, mentioning the names of the persons in order of seniority as determined in the selection or, as the case may be, as it stood in the cadre from which they are promoted. If the appointments are made both by direct recruitment and by promotion, names shall be arranged in accordance with the order, referred to in Rule 16-A.] [Substituted by Notification No. 836/70-5-2006-49-2004 Dated 20.3.2006 published in the U.P. Gazette Part I-Ka Dated 25.3.2006 (w.e.f. 25.3.2006).]

18. Probation. -

[(1) A person on substantive appointment to a post in the service shall be placed on probation for a period of two years.] [Substituted by Notification No. 836/70-5-2006-49-2004 Dated 20.3.2006 published in the U.P. Gazette Part I-Ka Dated 25.3.2006 (w.e.f. 25.3.2006).] (2) The appointing authority may, for reasons to be recorded extend the period of probation, in individual cases specifying the date up to which the extension is granted : Provided that save in exceptional circumstances, the period of probation shall not be extended beyond one year and in no

circumstance beyond two years.(3)If it appears to the appointing authority at any time during or at the end of the period of probation or extended period of probation that a probationer has not made sufficient use of his opportunities or has otherwise failed to give satisfaction, he may be reverted to his substantive post, if any, and if he does not hold a lien on any post, his services may be dispensed with.(4)A probationer who is reverted or whose services are dispensed with under sub-rule (3) shall not be entitled to any compensation.(5)The appointing authority may allow continuous service, rendered in an officiating or temporary capacity in a post included in the cadre or any other equivalent or higher post, to be taken into account for the purpose of computing the period of probation.[19. Confirmation. - (1) Subject to the provisions of sub-rule (2), a probationer shall be confirmed in his appointment at the end of the period of probation or the extended period or probation if :(a)his work and conduct is reported to be satisfactory;(b)his integrity is certified; and(c)the Appointing Authority is satisfied that he is otherwise fit for confirmation.(2)Where, in accordance with the provisions of the Uttar Pradesh State Government Servants Confirmation Rules, 1991, confirmation is not necessary, the order sub-rule (3) of Rule 5 of those rules declaring that the person concerned has successfully completed the probation shall be deemed to be the order of confirmation.] [Substituted by Notification No. 836/70-5-2006-49-2004 Dated 20.3.2006 published in the U.P. Gazette Part I-Ka Dated 25.3.2006 (w.e.f. 25.3.2006).][20. Seniority. - The seniority of persons substantively appointed in any category of posts in the service shall be determined in accordance with the Uttar Pradesh Government Servants Seniority Rules, 1991, as amended from time to time.] [Substituted by Notification No. 836/70-5-2006-49-2004 Dated 20.3.2006 published in the U.P. Gazette Part I-Ka Dated 25.3.2006 (w.e.f. 25.3.2006).]

Part VII – pay etc.

[21. Scales of pay. - (1) The scales of pay admissible to persons appointed to the various categories of posts in the service shall be such as may be determined by the Government from time to time.(2)The scales of pay at the time of the commencement of the Uttar Pradesh Higher Education (Group A) Service (First Amendment) Rules, 2006 are given as follows :-] [Substituted by Notification No. 836/70-5-2006-49-2004 Dated 20.3.2006 published in the U.P. Gazette Part I-Ka Dated 25.3.2006 (w.e.f. 25.3.2006).]

Name of posts	Scale of pay
1. Director of Higher Education	Rs. 18.000-500-22.400
2. Post in Category-II	Rs. 16.400-450-20.900-500-22.400
3. Post in Category-III	Rs. 12.000-420-18,300
4. Post in Category-IV and Category V	Rs. 8.000-275-13,500.

22. Pay during probation. -

(1)Notwithstanding any provision in the Fundamental Rules, to the contrary, a person on probation, if he is not already in permanent Government Service, shall be allowed his first increment in the time scale when he has completed one year of satisfactory service, has passed departmental examination and undergone training, where prescribed, and second increment after two years service when he has completed the probationary period and is also confirmed :Provided that if the

period of probation is extended on account of failure to give satisfaction such extension shall not be count for increment unless the appointing authority directs otherwise.(2)The pay during probation of person who was already holding a post under the Government, shall be regulated by the relevant Fundamental Rules :Provided that, if the period of probation is extended on account of failure to give satisfaction, such extension shall not count for increment unless the appointing authority directs otherwise.(3)The pay during probation of a person already in permanent Government service shall be regulated by the relevant rules, applicable to Government servants generally serving in connection with the affairs of the State.

23. Criterion for crossing efficiency bar. -

[x x x] [Omitted by Notification No. 836/70-5-2006-49-2004 Dated 20.3.2006published in the U.P. Gazette Part I-Ka Dated 25.3.2006 (w.e.f. 25.3.2006).]

Part VIII – Other Provisions

24. Canvassing. -

No recommendations, either written or oral, other than those required under the rules applicable to the post or service will be taken into consideration. Any attempt on the part of a candidate to enlist support directly or indirectly for his candidature will disqualify him for appointment.

25. Regulation of other matters. -

In regard to the matters not specially covered by those rules or special orders, persons appointed to the service shall be governed by the rules, regulations and order applicable generally to Government servants serving in connection with the affairs of the State.

26. Relaxation in the conditions of service. -

Where the State Government is satisfied that the operation of any rule regulating the conditions of service of a person appointed to the service causes undue hardship in any particular case it may, notwithstanding anything contained in the rules applicable to the case, by order, dispense with or relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner :Provided that where a rule has been framed in consultation with the Commission that body shall be consulted before the requirements of the rule are dispensed with or relaxed.

27. Savings. -

Nothing in these rules shall affect reservations and other concessions required to be provided for the candidates belonging to the Scheduled Castes, Schedule Tribes and other special categories of persons in accordance with the orders of the Government issued from time to time in this

regard. Appendix [See Rule 8(2)]

1. The following shall be the minimum qualifications for the post of Lecturer in the Faculties of Arts, Science and Commerce :-

(a) An M. Phil Degree or a recognised degree beyond the Master's level or published work indicating the capacity of the candidate for independent research work; and (b) consistently good academic record with at least first or high second class Master's degree or an equivalent degree of a foreign University, in the relevant subject.

2. The following shall be the minimum qualification for the post of Lecturer in the Faculty of Education :-

(a) An M. Phil Degree or a recognised degree beyond the Master's level or published work indicating the capacity of the candidate for independent research work; and (b) a consistently good academic record with at least first or high second class Master's degree in Education and also Master's degree or an equivalent degree of a foreign University, in the relevant subject.

3. The minimum qualifications for the post of Lecturer in the Faculty of Law shall be a degree in Master of Law with consistently good academic record.

4. If the Selection Committee is of the view that the research work of a candidate as evident either from his thesis or from his published work is of a very high standard, it may relax any of the qualifications prescribed in sub-clause (b) of clause (1), or sub-clause (b) of clause (2), as the case may be.

5. Where no candidate possessing the qualifications prescribed in sub-clause (a) of clause (1) or sub-clause (a) of clause (2) is available or considered suitable, the College on the recommendations of the Selection Committee may appoint a person possessing a consistently good academic record on the condition that he obtains such qualifications within five years of his appointment failing which he shall not be able to earn future increments until he fulfils the requirements.

6. For the purpose of this Statute :-

(a) marks above the mid-point between the minimum percentage of marks fixed by the University for award of first and second divisions are said to be high second class marks; (b) a candidate for lecturership in the Faculty of Education having obtained either an average of 50 per cent marks in

the two examinations prior to the Master's Degree, that is to say the Intermediate and Bachelor's Degree examinations as also in the examination for B.Ed. Degree (irrespective of the marks obtained in any of the three examinations) or 50 per cent marks in each of the three examinations separately, is said to have a consistently good academic record;(c)A candidate for lecturership in the Faculty of Law having obtained either an average of 55 per cent marks in the two examinations prior to the LL.M. Degree that is to say examinations for LL.B. and the examination for any other Bachelor's Degree (irrespective of the marks obtained in any of the two examinations) or 50 per cent marks in each of the two examinations separately, is said to have a consistently good academic record;(d)A candidate (other than a candidate for lecturership in the Faculty of Education and the Faculty of Law) having obtained either an average of 55 per cent marks in the two examinations prior to Master's degree that is to say Intermediate and Bachelor's degree examination (irrespective of the marks obtained in any of the two examinations), or 50 per cent marks in each of the two examinations separately is said to have a consistently good academic record.[Sub-rule (2) Substituted by Notification No. 836/70-5-2006-49-2004 Dated 20.3.2006 published in the U.P. Gazette Part I-Ka Dated 25.3.2006 (w.e.f. 25.3.2006).]