

# **The U.P. Higher Education Services Commission Rules, 1981**

UTTAR PRADESH

India

## **The U.P. Higher Education Services Commission Rules, 1981**

### **Rule**

### **THE-U-P-HIGHER-EDUCATION-SERVICES-COMMISSION-RULES-1981 of 1981**

- Published on 10 June 1981
- Commenced on 10 June 1981
- [This is the version of this document from 10 June 1981.]
- [Note: The original publication document is not available and this content could not be verified.]

The U.P. Higher Education Services Commission Rules, 1981Published Vide Notification No.2866/15-10-81-15(85)-79 Dated 10.6.1981.In exercise of the powers under Section 32 of the Uttar Pradesh Higher Education Services Commission Act, 1980 (U.P. Act No. 16 of 1980), the Governor is pleased to make the following rules, namely :

## **Part I – Preliminary**

### **1. Short title. -**

These rules may be called the Uttar Pradesh Higher Education Services Commission Rules, 1981.

### **2. Definitions. -**

In these rules, unless the context otherwise requires : (a) "Form" means a form given in the Appendix to these rules; (b) "Secretary" means Secretary of Uttar Pradesh Higher Education Services Commission.

## **Part II – Constitution Of The Commission And Staff**

### **3. Constitution of the Commission (Section 4). -**

The Commission shall consist of a Chairman and four other members to be appointed by the State

Government.

#### **4. Disqualification (Section 5). -**

A person shall be disqualified for being appointed or continuing to be a member if :-(a)he is convicted of any offence involving moral turpitude;(b)he is engaged in any business or practices may profession;(c)he is a member of the Parliament or of any State Legislature;(d)he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State or is under any acknowledgement of allegiance or adherence to a foreign State.

#### **5. Investigation of misconduct [Section 6(2)]. -**

The procedure for the investigation and proof of misconduct referred to in Section 6 of the Act shall be as follows :-(a)where on complaint or otherwise the State Government is satisfied, whether after making a preliminary enquiry or otherwise, that there is a prima facie case of misconduct it shall give the member concerned an opinion either to resign the office unconditionally or to face investigation;(b)if no unconditional resignation is received within 15 days from giving such option, the State Government may appoint an Inquiry Officer who shall be a sitting or retired Judge of the High Court or a person eligible to be appointed as a Judge of a High Court;(c)the Inquiry Officer shall, after giving the member concerned reasonable opportunity or being heard and after taking such evidence as he may consider necessary, submit his findings to the State Government within 15 days of the completion of the enquiry;(d)in conducting such inquiry the Inquiry Officer shall be guided by rules of inquiry and the principles of natural justice and shall not be bound by formal rules relating to procedure and evidence.(e)the provisions of the Uttar Pradesh Departmental Inquiries (Enforcement to Attendance of Witnesses and Production of Documents) Act, 1976 (U.P. Act No. 4 of 1976) applies to such inquiry;(f)where during the course of the inquiry, the Inquiry Officer is changed for any reason whatsoever, it shall not be necessary for the new Inquiry Officer to commence the inquiry afresh and the inquiry may be continued from the stage at which the change took place;(g)subject to the provisions contained in these rules, the Inquiry Officer shall have power to regulate the procedure of the inquiry including the fixing of place and time of its sitting and deciding whether the inquiry should be conducted in public or in camera.[6. Staff. - The appointment of officers and staff in the Commission shall, for a period of first 5 years from the date of establishment of the Commission, be made by deputation from the Uttar Pradesh Civil Secretariat and Headquarters of the Heads of the Department :Provided that if suitable persons are not available from the Uttar Pradesh Civil Secretariat or Headquarters of the Heads of the Department, the Commission may make direct appointment of staff in the Commission from outside candidates.] [Substituted by Notification No. 5639/15-l-83-3(85)-79 Dated 22.12.1983 (w.e.f. 22.12.1983).]

### **Part III – Procedure For Recruitment**

## **7. Intimation of vacancies (Section 32). -**

The management of the college shall so far as practicable determine and intimate to the Commission in Form-I, the number of vacancies to be filled in by recruitment during the course of the year by May 31, each year.

## **8. Publicity [Sections 12(3) and 32]. -**

Advertisement of the vacancies in three issues of each of any three leading newspapers having adequate circulation in the State shall be deemed sufficiently wide publicity within the meaning of the proviso to sub-section (3) of Section 12 of the Act.

## **9. Concurrence of Expert (Section 32). -**

The regulations made by the Commission to determine the manner of selection of persons for appointment to the posts of teachers shall provide that no candidates shall be recommended unless the expert taking part in the selection, or if there are more than one such experts at least one of them, concurs in the recommendation.

## **10. Copy of recommendation to be sent to Director (Section 32). -**

The Commission shall send a copy of its recommendations for appointments to the Director.

## **11. Intimation to Director of non-appointment (Section 32). -**

A candidate recommended by the Commission for appointment may intimate his non appointment by the Management, if any, in Form II to the Director after the expiry of four months of the intimation of appointment received by him from the Commission.

## **12. Submission of Annual Report (Section 21). -**

The Commission shall furnish a detailed annual report of its activities during the previous year to the State Government by June 30, each year. Appendix Form I (See Rule 7) Intimation of Vacancy To, The Secretary The Uttar Pradesh Higher Education Services Commission, ..... From, The Manager, ..... College, (Address) 1. Requisition for recruitment to the post(s) of.....

## **2. Brief particulars of the posts-**

Designation..... Pay scale..... Job requirements.....

**3. (a) Number of vacancies for which this requisition is being sent.**

Permanent Temporary Total(b)How have the vacancies arisen?(c)If a vacancy is permanent, whether it is to be filled on a permanent or temporary basis.(d)If the vacancy is temporary how long it is expected to last irrespective of the period for which it has been sanctioned.

**4. Period of probation, if any.....**

**5. Where is/are the selected candidate(s) required to join.**

**6. Qualifications as laid down in the Statutes/Ordinances of the University to which the College is affiliated or associated.....**

**7. Any other requirements or conditions not covered by the above columns.....**

It is certified that all vacancies for the academic year to which requirement has to be made by the Commission have been included in the requisition.Place.....Dated.....Signature of the ManagerForm II(See Rule 11)To,The Director of Education (Higher Education),Uttar Pradesh,Allahabad,Sir,The U.P. Higher Education Services Commission has recommended me for appointment to the post of.....in.....college against a permanent/temporary vacancy. The recommendation was intimated to me on.....Even after the expiry of four months from the date of such intimation, the Management has failed to appoint me on the said post. I have made requests to the Management but have not received any satisfactory reply or my non-appointment so far.I, therefore, request you kindly to hold an enquiry and direct the Management and the Principal of the college to pay my salary for which I am entitled and make such other order as may be necessary.Yours faithfully,Signature.....Address.....(Name in full).....Dated.....