

Bihar School Examination Board Act, 2019

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Act 10 of 2019

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Bihar School Examination Board Act, 2019(Bihar Act 10 of 2019)Last Updated 17th February, 2020[Dated 30.07.2019]In the seventieth year of Republic of India, it may be enacted by the Legislature of Bihar as follows: -Chapter - I Preliminary

1. Short title, extent and commencement.

(1)This Act may be called as "The Bihar School Examination Board Act, 2019."(2)It shall extend to the whole of the State of Bihar.(3)It shall come into force from the date of its publication in the official Gazette.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, -(a)'Academic Session' means a period of twelve months from the 1st of April of the current year to 31st March of the following year;(b)'Affiliated School' means educational institutions having received privilege of the Board according to the provisions of this Act and rules and regulations thereto up to class XII.(c)'Affiliation committee' means Affiliation Committee constituted under Section 20 of the Act.(d)'Appointing Authority' with respect to all employees above the level of Office Attendant means the Chairman and of the level of Office Attendant employees means the Secretary;(e)'Appellate Authority' with respect to all employees above the level of Office Attendant means the Board and of the level of Office Attendant employees means the Chairman; and(f)'Appendix' means Appendix appended to this Act;(g)'Board' means the Bihar School Examination Board established under Section 3 of the Bihar School Examination Board Act, 1952 and to be established under section-3 of this Act;(h)'Chairman' means the Chairman of the Board;(i)'Department' means Education Department, Government of Bihar;(j)'Examination' means examination conducted by the Board.(k)'Government' means the State Government of Bihar;(l)'Government Teacher Training College' means Teacher Training College established by the Government of Bihar;(m)'Headmaster or Head Mistress' means the Headmaster or Head Mistress

of a Senior Secondary or Secondary School affiliated by the Board.(n)'Head of the Department (HoD)' means the head of different wings as enumerated in section 13 (2) of this Act;(o)'Non-Governmental Organization' means any organization or institution or society or trust or any other body with any such name and registered under Societies Registration Act, 1860 or created under Indian Trusts Act, 1882 or registered under Section 25 of the Companies Act, 1956 for educational and social purposes;(p)'Prescribed' means prescribed by Rules and Regulations made by the Board under this Act;(q)'Regulations' means Regulations made by the Board under this Act;(r)'Rules' means Rules made by the Department under this Act;(s)'School' means secondary and senior secondary schools recognized and affiliated by the Board;(t)'Secondary School' means a school imparting education of courses up to grade 10 as prescribed by the Board and includes institutions duly affiliated by the Board;(u)'Senior Secondary School' means a school imparting education of courses up to Intermediate (+2) grade as prescribed by the Board, and includes institutions of Intermediate (+2) Education, duly affiliated by the Board;(v)'Secretary' means the Secretary of the Board;(w)'State' means the state of Bihar;(x)'State Government' means the State Government of Bihar;(y)'State University' means University established by the State of Bihar under the Bihar State Universities Act-1976, The Patna University Act-1976, Nalanda Open University Act-1995 and Aryabhatta Knowledge University Act-2008;(z)'Vice Chairman' means the Vice-Chairman of the Board.

Chapter - II Board

3. Establishment and incorporation of Board.

(1)There shall be established by the Government a Board known by the name of the Bihar School Examination Board which shall be a body corporate with perpetual succession and a common seal and shall by that name sue and be sued.(2)The Board shall have power to acquire and hold property, both movable and immovable, and, subject to the provisions of this Act and the Rules/Regulations made thereunder, to transfer any property held by it and to contract and to do all other things necessary for the purposes of this Act.(3)The headquarter of the Board shall be situated at Patna, having its regional offices at different places, as per decision of the Board.

4. Constitution of the Board.

(1)The Board shall consist of-(a)Chairman;(b)Vice-Chairman;(c)Director, Secondary Education, Education Department, Bihar (ex-officio);(d)Secretary of the Board as Member-Secretary;(e)Two representatives from any two of the State Universities in Bihar, to be nominated by the State Government;(f)One Principal of a Government Teacher Training College, to be nominated by the State Government.(g)Two persons from any organization under the State Government who, in the opinion of the State Government, possess expert knowledge of the examination system, to be nominated by the State Government.(2)Subject to the provision of Section 5(4) and 6(4), the term of office of the Chairman, Vice-Chairman and the members, shall be for a period of three years from the date of notification or till further orders, as decided by the Government.

5. Appointment of the Chairman and his removal.

(1)The Government shall appoint the Chairman.(2)A person to be appointed to the post of Chairman shall be a working or retired IAS (Indian Administrative Service) Officer not below the rank of the Secretary of the State Government.(3)The pay, allowances and other conditions of service of the Chairman shall be such as may be determined by the Government.(4)The Government may, by notification, remove the Chairman at any time.(5)A person who has been previously appointed as Chairman, shall also be eligible for appointment as Chairman subject to the provision of section 5(2), by the Government.

6. Appointment of the Vice-Chairman and his removal.

(1)The Vice-Chairman shall be appointed by the Government.(2)A person to be appointed to the post of Vice-Chairman shall be an officer of Indian Administrative Service or Group A Central Services or an officer of Additional Secretary level or above of Bihar Administrative Service.(3)The pay, allowances and other conditions of service of the Vice-Chairman shall be such as may be determined by the Government.(4)The Government may, by notification, remove the Vice-Chairman at any time.

7. Vacancy in the office of the Chairman.

(1)If the Chairman, by reason of his death, resignation, removal or otherwise, is unable to complete his full term, the Vice-Chairman or any other person appointed by the Government shall discharge the functions and duties of the Chairman till such time, a Chairman is appointed by the Government under Section 5 (1) of the Act.(2)In the absence of Chairman, the Vice-Chairman shall preside over the meeting of the Board.

8. Appointment of Secretary and his removal.

(1)The Government shall appoint Secretary of the Board with such terms and conditions and for such period as may be prescribed by the Government.(2)A person to be appointed to the post of Secretary shall be an officer of the level of Joint Director or above of Bihar Education Service or an officer of the level of Joint Secretary or above of Bihar Administrative Service.(3)The Government may, by notification, remove the Secretary, at any time.

9. Vacancies in the Board, etc., not to invalidate acts or proceedings.

- No act or proceeding of the Board or of any Committee of the Board shall be called in question on the ground merely of the existence of any vacancy in or defect in the constitution of the Board or Committee, as the case may be.

10. Conduct of business.

- The Board shall, by regulations, prescribe the procedure to be followed in regulating the conduct of business at meetings of the Board and of any Committee constituted by the Board under this Act.

11. Powers & Functions of the Board.

(1)The Board shall make arrangements for the conduct of different examinations held under this Act.(2)The Board -(a)shall conduct Secondary and Senior Secondary Examinations of students duly registered with schools affiliated with the Board;(b)shall conduct examinations for the Diploma in Elementary Education (DI.Ed) of institutions recognized by the National Council of Teachers Education (NCTE) and affiliated by the Board ;(c)shall conduct such other examinations as directed by the Department or as decided by the Board from time to time ;(d)shall publish results and award certificates, diplomas, prizes and scholarships for the examinations conducted by the board;(e)shall grant affiliation to Secondary and Senior Secondary Schools and institutions conducting Diploma in Elementary Education (DI.Ed) courses;(f)shall regulate the schools/institutions affiliated with the Board;(g)shall have the power to suspend or cancel affiliation of the schools/institutions which have been granted affiliation by the Board;(h)shall determine ways and means for conduct of examinations, publication of results and award of certificates and mark sheet;(i)shall determine conditions for admitting students in affiliated schools of the Board and permitting such students to appear in the Secondary and Senior Secondary Examination being conducted by the Board;(j)may debar students/institutions indulging in use of unfair means in the examinations conducted by the Board:(k)shall demand and receive such fees as may be prescribed by the Board;(l)shall encourage and promote curricular and extra-curricular activities.(m)shall try to improve knowledge and awareness among students, teachers, guardians and among such persons as considered necessary by the Board.(n)may render financial assistance to educational institutions for improving their infrastructure and encourage them to perform better.(o)shall evolve improved methods of assessment of the attainments of candidates and carry out experiments in such methods;(p)may arrange inspection of Schools;(q)shall conduct such other departmental examinations and perform such other duties as may be prescribed;(r)may constitute and appoint such committees, for carrying out the functions and duties assigned to it under the Act;(s)shall create such different posts in various offices of the Board, up to the level of Section Officer. The posts above Section Officer shall be created with the prior approval of the Department;(t)may create such other temporary posts for a maximum period of one year as may be deemed necessary for carrying out its duties and functions assigned to it under the Act and may engage persons against such posts on Adhoc basis for a maximum period of one year; and(u)shall have the power to take online admission in the senior secondary and/or secondary schools under its jurisdiction.(3)The Board shall have such financial and administrative powers as are enumerated in Appendix-1.

12. Power of Government to issue direction to the Board.

- The Government may, from time to time, issue such general or special directions to the Board, as it may think fit. The Board shall comply with such directions in performance of its functions.

13. Officers of the Board.

(1)The following shall be the officers of the Board, namely
-(i)Chairman,(ii)Vice-Chairman,(iii)Secretary,(iv)Head of Department (HoD) of different wings, as defined in sub-section (2) of this section,(v)Such other officers as mentioned in Appendix-2,(vi)Such other officers as may be prescribed by Rules made under this Act or as may be decided by the Board, from time to time.(2)The following officers of the Board shall be the Head of the Department (HoD) of their respective wings, namely: -(i)Director (Academics) - Academic Wing(ii)Chief Vigilance Officer - Vigilance Wing(iii)Controller of Examination, Secondary - Secondary Examination Wing(iv)Controller of Examination, Senior Secondary - Senior Secondary Examination Wing(v)Controller of Examination, Miscellaneous, - Miscellaneous Examination Wing(vi)Director (Information Technology) - Information Technology Wing(3)The financial and administrative powers of HoDs of different wings shall be such as enumerated in Appendix-1.Provided that the post of officers of the Board, may be filled up by deputation also from the officers of the State or Central Government.

14. Powers and duties of Chairman.

(1)The Chairman shall have power to convene meetings of the Board and shall preside over the meetings of the Board.(2)In any emergency arising out of the administrative business of the Board, which, in the opinion of the Chairman, requires that immediate action should be taken, the Chairman shall take such action as he deems necessary, and shall thereafter report the action taken by him to the Board at its next meeting.(3)He shall be the appointing and disciplinary authority of all employees above the level of Office Attendant;(4)The financial and administrative powers of the Chairman shall be such as enumerated in Appendix-1.(5)The Chairman shall exercise such other powers as may be conferred upon him by the Rules and Regulations framed under the Act.(6)The Chairman shall also discharge such other duties and functions, as directed by the Government from time to time.

15. Powers and duties of Vice-Chairman.

(1)The Vice-Chairman shall be the presiding officer of the meetings of the Board in the absence of the Chairman.(2)The financial and administrative powers of the Vice-Chairman shall be such as enumerated in Appendix-1. In the absence of Vice-Chairman, the financial and administrative power of the Vice-Chairman may be exercised by the Chairman.(3)The Chairman may delegate any of his power and functions to the Vice- Chairman including his financial and/or administrative powers. In addition, the Chairman may assign any other work or function to the Vice-Chairman.

16. Powers and duties of Secretary.

(1)The Secretary shall, subject to the control of the Board, be the Chief Administrative Officer of the Board. He shall also be responsible for the presentation of the annual estimates and statement of accounts.(2)The Secretary shall be the Member-Secretary of the Board.(3)The Secretary shall be

responsible for ensuring that all moneys are expended for the purpose for which they are granted or allotted.(4)The Secretary shall be responsible for keeping the minutes of the Board meeting.(5)The Secretary shall be the appointing and disciplinary authority of the level of employees of Office Attendant.(6)The financial and administrative powers of the Secretary shall be such as enumerated in Appendix-1.(7)The Secretary shall exercise such other powers as may be prescribed by the Rules and Regulations, framed under the Act.

17. Power & functions of Controllers of Examinations of the Board.

- The Controllers of Examinations shall have following powers and functions namely -(a)To consider, moderate, determine and publish the results of the examinations;(b)To admit candidates to the concerned examinations and disqualify any candidates from appearing in such examinations for any reason which in his opinion is prejudicial to the examination system and the provisions of the Act;(c)To fix examination centers and evaluation centers;(d)To prepare lists of persons suitable for appointment as paper-setters, moderators, examiners, tabulators, supervisions and invigilators for examinations and make appointments as such;(e)Conduct of examination, Publication of Press Communiques, Preparation and publication of result.(f)Matters related to scrutiny and correction/publication of pending result.(g)Such other functions as decided by the Board from time to time.

18. Functions of other officers of the Board.

(1)The functions of Director (Academics), Chief Vigilance Officer and Director (Information Technology) shall be as follows: -(i)Director (Academics). - Director (Academics) shall be the head of the Academic wing and he would be responsible for ensuring that affiliation of institutions for Secondary, Senior Secondary and other training courses are granted in accordance with the provisions of the Act. He would recommend and review the curriculum and syllabus. He shall discharge such other duties and functions as decided by the Board from time to time.(ii)Chief Vigilance Officer. - Chief vigilance officer shall be the head of vigilance wing. His duty shall be to prevent and detect corruption and other malpractices in the head quarter offices and regional offices of the Board and to recommend appropriate action against such employees, found to have indulged in corrupt practices, which are prejudicial to the interest of the Board.(iii)Director (Information Technology). - Director (Information Technology) shall be the head of the Information Technology (I.T) wing and shall be responsible for strategy, management and execution of I.T. related works in the Board including I.T related works in the conduct of different examinations of the Board.(2)The Board shall have the power to confer such other functions as may be deemed necessary, on the officers of the Board.(3)The functions of other officers of the Board, mentioned in Appendix-2 shall be determined by the Board, from time to time.

19. Power to grant and withdraw affiliation.

(1)The Board shall have the power to grant affiliation of Secondary and Senior Secondary Schools or any other school established or to be established by the non-governmental organizations or private persons on the basis of recommendation of the Committee of Affiliation constituted under section

20 of the Act and it shall have power to make regulations in this regard with the approval of the Department; Provided that the Institutions of imparting education of intermediate (+2) standard deemed to have been recognized under Section 39 of the institutions established and recognized or granted permission for establishment under Section 41 of the Bihar Intermediate Education Council Act, 1992 shall be deemed to have been affiliated with Board for the senior secondary examination. Provided further that all such institutions of Intermediate (+2) Education shall reorganize and rename themselves as Senior Secondary Schools with facilities and teachers for imparting education at secondary stage and senior secondary stage as prescribed by the Regulations to be made by the Board in this regard, and within the time frame indicated in it: (2) The Board shall have the power to withdraw/cancel/suspend affiliation of Secondary and Senior Secondary Schools which have been granted affiliation under subsection (1) of Section 19 or deemed to have been affiliated with the Board under first proviso to Section 19 (1) of the Act, if in the opinion of the Board, the affiliated institutions have failed to maintain the requisite standards for grant of affiliation or have in any manner acted in the detriment or prejudicial to the interest of the students, Board or the education system in general. Provided also that before withdrawing/cancelling affiliation, the Board shall give to the schools or the institutions concerned a reasonable opportunity of being heard, and the students admitted into such schools or institutions shall be allowed to complete their academic sessions and appear at the next examination conducted by the Board. (3) When affiliation of Secondary and Senior Secondary Schools which have been granted affiliation under subsection (1) of Section 19 or deemed to have been affiliated with the Board under first proviso to Section 19 (1) of the Act, is liable to be cancelled, pending final decision regarding withdrawn/cancellation of affiliation, the affiliation, may, at the discretion of the Board, be suspended after recording reasons for the same. No prior show cause notice shall be required to be served upon such institutions, before suspending affiliation.

20. Committee of Affiliation.

(1) A Committee shall be constituted by the Board for considering and recommending grant of affiliation of Secondary, Senior Secondary and other Schools, for which it has to take examination, established by nongovernmental organizations or private persons. (2) The recommendation of the Committee of Affiliation shall be placed before the Board for final decision. The recommendation of the Committee of Affiliation shall not be binding upon the Board and the Board shall have the power to constitute such other committees for determining the eligibility of the Secondary and Senior Secondary Schools seeking affiliation with the Board. (3) The Committee of affiliation shall consist of the following: - (i) Secretary of the Board; (ii) Director, Secondary Education, Government of Bihar; (iii) Director (Academics) of the Board; (iv) Chief Vigilance Officer of the Board. (4) The Secretary of the Board shall function as Convener of the Committee,

21. Powers to supersede the Board.

(1) If in the opinion of the Government, the Board is unable to perform the duties imposed upon it by or under the Act or has repeatedly failed in its performance or has not complied with the directions issued under section 12 by the Government or has acted beyond its power or has abused its powers, the Government may by notification supersede the Board for such period which may be specified in

the notification: Provided that before issuing notification under this subsection, the Government shall give reasonable opportunity to the Board to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the Board. (2) Upon the publication of the notification under subsection (1) for the supersession of the Board- (a) All the members of the Board shall vacate their posts as such with effect from the date of supersession; (b) All the powers and duties to be exercised or performed by or on behalf of the Board by or under the provisions of the Act during the period of supersession shall be exercised or performed by such persons as the Government directs; and (c) all the properties vested in the Board, during the period of supersession, shall vest in the Government. (3) On the expiration of the period of supersession specified in the notification issued under subsection (1), the Government- (a) may extend the period of supersession for such further period as it may consider necessary; or (b) may reconstitute the Board as provided in section-4. Chapter - III Fund of Board

22. Fund of Board.

(1) There shall be established a fund for the Board which shall be vested in the Board for the purposes of this Act, subject to the provisions contained therein, to be called the Fund of Board. (2) There shall be placed to the credit of the Fund of Board - (a) all sums allotted to the Board from the Consolidated Fund of the State of Bihar by the Government and all sums borrowed by the Board for the purposes of carrying out the provisions of this Act and the Rules and Regulations made thereunder; (b) all money received by or on behalf of the Board including all fees payable and levied under any provisions of this Act and the Rules and the Regulations made thereunder; and (c) all other sums received by the Board, not included in the preceding clauses. (3) The sums received on account of Fund of Board shall be kept in any scheduled commercial bank/banks (approved by the Reserve Bank of India) and shall be credited to account to be called the Account of the Bihar School Examination Board.

23. Application of Fund of Board.

- Fund of Board shall be applicable to the following objects: - (a) to the repayment of debts incurred by the Board for the purpose of this Act and the Rules and Regulations made thereunder; (b) to the payment of the salaries and allowances of the officers and staff of the Board; (c) to the payment of the travelling and other allowances of the members of the Board and the various Committees constituted under the Act, Rules and Regulations framed thereunder; (d) to the payment of the expenses incurred in conducting the examinations and performing the functions entrusted to the Board under this Act and the Rules and Regulations made thereunder; (e) to the payment of the cost of audit of the Fund of Board; (f) to the payment of grant-in-aid for distribution among schools as subsidies with a view to enable such schools to introduce revised courses of studies and to make other improvements; (g) to payment of grants to any educational institution affiliated with the Board for improving its infrastructure or to encourage it to perform better. (h) To the payment for creation of infrastructure including purchase of land and building; construction of building; payment of rent for land and building; payment for security and rent for hiring vehicle; purchase of machinery, vehicle, equipment, software and hardware etc; (i) to the payment for encouragement and promotion of curricular and extracurricular activities among students; (j) to the payment for improvement of

knowledge and awareness among students, teachers, guardians and among such persons as considered necessary by the Board;(k)to payment for any activity for improving the functioning and/or work culture of the Board, or to improve efficiency of the officers and staffs of the Board;(l)to the expenses of any suit or proceedings to which the Board is a party;(m)to the payment of any other expenses up to rupees five crore, not specified in any of the preceding clauses, declared by the Board, with the approval of Board and above rupees five crore with the prior approval of the Department, to be the expenses for the purposes of the Board; and Provided that the grant of any sum for application to the objects specified in clauses (f) and (g) shall be subject to the approval of the Board.

24. Audit of accounts of the Board.

- The accounts of the Board shall be subject to audit. Chapter - IV Secondary School, Senior Secondary School and Other Examinations

25. Secondary School Examination.

- The Board shall conduct examinations to be called the Secondary School Examinations, at which may be allowed to appear all such duly enrolled candidates who have completed the prescribed course of studies taught at the in Secondary or Senior Secondary Schools affiliated with the Board and, notwithstanding anything contained in any law, a student who has passed the Secondary School Examination shall be eligible for enrollment as a student of Senior Secondary Section of High Schools/Colleges subject to the fulfillment of such conditions as may be prescribed by the Statutes, Ordinances and Regulations made under the law of their incorporation; Provided that the courses of studies shall be in such groups and in accordance with such instructions as may from time to time, be laid down by the Department.

26. Senior Secondary School Examination.

- The Board shall conduct examination to be called the Senior Secondary School Examination at which may be allowed to appear all such duly enrolled candidates who have completed the prescribed courses of studies taught in Senior Secondary Schools/Intermediate Section of College/Colleges and, notwithstanding anything contained in any law, a student who has passed the Senior Secondary Examination shall be eligible for enrollment as a student of any University incorporated by any law for the time being in force subject to the fulfillment of such conditions as may be prescribed by the Statutes, Ordinances and Regulations made by the Universities concerned under the law of their incorporation; Provided that the courses of studies shall be in such groups and in accordance with such instructions as may from time to time, be laid down by the Department.

27. Other Miscellaneous Examinations.

- The Board shall conduct examinations to be called other Miscellaneous Examinations notified by the Department or as decided by the Board, to be conducted by the Board at which all such duly

enrolled candidates may be allowed to appear as per Rules and Regulations prescribed by the Board.

28. The aims and objects of Secondary/Senior Secondary School/Other Miscellaneous Examinations.

- The Secondary/Senior Secondary School/Miscellaneous other Examinations to be conducted by the Board shall aim at testing the competence and accomplishment of such candidates and preparedness for absorption in different vocations or services and/or their suitability for receiving higher education. Chapter - V Regional Offices

29. Regional Offices of the Board.

(1) In addition to the headquarter of Board at Patna, there shall be regional offices of the Board at different places as per decision of the Board. (2) The regional offices of the Board shall also accept the applications regarding students/candidate's grievances and shall take steps for their redressal.

30. Duties & functions of Regional Offices.

- The following shall be the duties and functions of the regional offices, namely -(i) Major corrections pertaining to Senior Secondary and Secondary Examinations. Major corrections are defined as corrections leading to fundamental change, Viz. DOB, gender, category, name, etc. (ii) Minor corrections pertaining to Senior Secondary and Secondary Examinations. Minor corrections are defined as corrections pertaining to spelling related errors. (iii) Issuance of duplicate certificates (viz. Duplicate certificate, English version certificate, Mark sheet etc.) pertaining to Secondary and Senior Secondary Examinations. (iv) Online verification of results pertaining to Secondary and Senior Secondary Examinations. (v) Any other work related to examinations or any other matter as directed by the Board. Provided that the duties and functions of the Regional offices may be amended by the Board, from time to time.

31. Administrative and financial powers of In-charge officer of the regional offices.

- The administrative and financial powers of the In-charge officer of regional office shall be as per Appendix-1. Chapter - VI Miscellaneous

32. Power to make Rules.

- The Government may, by notification in the official gazette, make Rules not inconsistent with the provisions of this Act for carrying out the purpose and objects of this Act.

33. Power of Board to make Regulations.

- The Board may, by notification in the official gazette and subject to confirmation by the Department, make Regulations not inconsistent with the Act and the Rules made thereunder to provide for all or any of the following matters, namely: -(a)the procedure to be followed in regulating the conduct of business at meetings of the Board;(b)for regulating the schools/institutions affiliated with the Board ;(c)for improvement of teaching standards for imparting education in the schools affiliated with the Board;(d)the affiliation/de-affiliation of schools;(e)prescribing the mode and manner of permanent/regular appointment of officers and employees of the Board and qualifications for such posts;(f)the service conditions of the Officers and employees of the Board; and(g)any such matter which by this Act or the Rules made thereunder are to be or may be provided by Regulations.

34. Appeal and Review.

(1)The Chairman shall have the power to revise any order passed by the Secretary or by the Head of Department of the respective wing.(2)Any person being aggrieved from the order of the Chairman, may prefer an appeal before the Board.(3)Any person being aggrieved from the order of the Secretary, may prefer an appeal before the Chairman.(4)There shall be no appeal against the orders of the Board, however the person aggrieved, may prefer a review before the Board.(5)No appeal shall be entertained unless it is submitted within a period of two months from the date on which the appellant receives a copy of the order appealed against, provided that the appellate authority may entertain the appeal after expiry of the said period if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

35. Acquisition of assets and liabilities of the Board.

- All assets and liabilities of the Board acquired in any of its offices such as immovable, movable, land, buildings, stores, vehicles, books, cash, securities, investments, furniture and other shall be deemed to be under control of the Board. All such agreements and contracts done before commencement of this Act and liabilities so created shall be deemed to be under this Act.

36. Contract done not in good faith.

- Before commencement of the Act, any agreement or contract done by any person with the Board, if found to be have been executed not in good faith, the contract or agreement so executed against the interest of the Board may be cancelled or amended to that extent, without any liability on the Board.

37. Savings.

- Until such time as the Board makes Rules & Regulations under the appropriate provisions of this Act, any Rules & Regulations prevailing in the Bihar School Examination Board which were in force, shall continue to be in force so far as they are not inconsistent with the provisions of this Act.

38. Repeal and savings.

(1)The Bihar School Examination Board Act, 1952 (Bihar Act of 1952) including its amending Acts, are hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by or under the said Act shall be deemed to have been done or taken in the exercise of powers conferred by or under this Act, as if this Act was in force on the day on which such thing or action was done or taken.(3)All proceedings pending or otherwise, immediately before the commencement of this Act shall on such commencement be deemed to be proceedings pending under this Act and shall be dealt with accordingly under the provisions of this Act.

39. Rules, Regulations and orders to remain in force.

- Every rule, regulation, order or notification which was made under the Bihar School Examination Board Act, 1952 (Bihar Act of 1952) including its amending Acts by the State of Bihar or by the Board or by the authorities of the Board under those enactments, which was in force immediately before the repeal thereof shall, in so far as such order or notification or rule or regulation is not inconsistent with the provisions of this Act, be deemed to continue in force, as if it has been made under this Act, till such time the Government makes Rules or the Board makes Regulations under the appropriate Provisions of Act.

40. Power of Government to remove difficulties.

- If any difficulty arises in the execution of any provision of this Act, the Government may issue order or instruction to remove such difficulty which would be binding on the Board.

41. Interpretation.

- In case of any ambiguity or difference in interpreting the provisions of the English and the Hindi version of this Act, the provision of the English version of this Act shall be applicable. Appendix - 1 Financial and Administrative Powers (1)The financial and administrative powers of the Board, Chairman, Secretary, HoDs and In-charge of Regional offices shall be redefined as follows: -

Name of Authority	Financial Powers	Administrative Powers	
Leave	Disciplinarily matters		
Board	Above Rs. 25 lakhs	--	Shall be the appellate authority against the order passed by the Chairman
Chairman	More than Rs. 20 lakhs and up to Rs. 25 lakhs	Sanctioning Authority of grant of leave to the Vice-Chairman of the Board.	(i) Shall be the appointing and disciplinary authority of all employees above the level of Office Attendant;(ii) Shall

be the appellate authority against the order passed by the Secretary.

Vice-Chairman	More than Rs. 10 lakhs and up to Rs. 20 lakhs	Sanctioning Authority of grant of leave to the Secretary of the Board.	--
Secretary	Up to Rs. 10 lakhs	(i) Sanctioning Authority of leave of the HoDs of the Board. (ii) Sanctioning Authority of leave (except Casual/Restricted/Compensatory Leave) of all officers and staff.	Shall be the appointing and disciplinary authority of the level of employees of Office Attendant.
HoDs	Up to Rs. 01 lakh	Sanctioning Authority of Casual/Restricted/Compensatory Leave to the officers and staff of their wing as per Rules.	Suspension of officers and staff up to level of Section Officer in their wing, as per Rules and recommending departmental proceedings against officers and employees in their wing;
In charge of Regional offices	Up to Rs. 0.75 lakh	Sanction of casual leaves of officers and staff posted in the regional offices.	-

Note. - (1) The Chairman shall have overall control and supervision over all HoDs and wings. The order of suspension and/or imposition of penalties passed by the Secretary and respective HoDs may be reviewed and modified by the Chairman. The above mentioned financial and administrative power of Vice-Chairman, Secretary and HoDs may be subjected to modifications by the Chairman. (2) The Department may redefine the aforesaid powers, from time to time, and therefore this Appendix may be modified by the Department, from time to time. Appendix - 2 Officers of different wings of the Board The officers of different wings of the Board, shall be as follows, namely -

1. Secretariat Wing: -

(a) Additional Secretary, (b) OSD (Officer on Special Duty) (c) Joint Secretary, (d) Joint Secretary (Regional Office), (e) Joint Secretary (OFSS), (f) Deputy Secretary, (g) Deputy Secretary (OFSS) (h) Finance Officer, (i) Chief Accounts Officer, (j) Assistant Secretary, (k) Assistant Secretary (OFSS) (l) Law Officer, (m) Public Relation Officer, (n) Administrative Officer, (o) Project Manager, (p) Project Manager (OFSS) (q) Assistant Engineer, (r) Accounts Officer.

2. Academics Wing: -

(a) Director (Academics) (b) Assistant Secretary (Affiliation and grants), (c) Assistant Secretary (Teaching and Training), (d) Academic Adviser (Arts/Humanity), (e) Academic Adviser (Science/Mathematics).

3. Vigilance Wing: -

(a)Chief Vigilance Officer,(b)Vigilance Officer.

4. Secondary Examination Wing: -

(a)Controller of Examinations,(b)Deputy Controller of Examinations.

5. Senior Secondary Examination Wing: -

(a)Controller of Examinations,(b)Deputy Controller of Examinations.

6. Miscellaneous Examination Wings: -

(a)Controller of Examinations,(b)Deputy Controller of Examinations.

7. I.T. Wing: -

(a)Director,(b)Deputy Director,(c)Deputy Director (OFSS),(d)System Analyst.Note. - The Board may make changes to the above list from time to time.