

The U.P. Secondary Education Services Commission Rules, 1983

UTTAR PRADESH

India

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Rule

THE-U-P-SECONDARY-EDUCATION-SERVICES-COMMISSION-RULES of 1983

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The U.P. Secondary Education Services Commission Rules, 1983Published Vide Notification No. Ma-Shee-6 - 1-(2)/15-81 U.P.A.-5-82 - Rules 1983, dated 10.1.1983Notification No. Ma-Shee-6 - 1-(2)/15-81 U.P.A.-5-82 - Rules 1983, dated 10.1.1983. - In exercise of the powers under Section 35 of the Uttar Pradesh Secondary Education Services Commission and Selection Boards Act, 1982, the Governor is pleased to make the following rules :

1. Short title and commencement

(1)These rules may be called the Uttar Pradesh Secondary Education Services Commission Rules, 1983.(2)They shall come into force at once.

2. Definitions

. - In these rules, unless there is anything repugnant in the subject or context :-(a)'Act' means the Uttar Pradesh Secondary Education Services Commission and Selection Boards Act, 1982;(b)'Commission' means the Uttar Pradesh Secondary Education Services Commission established under Section 3 of the Uttar Pradesh Secondary Education Services Commission and Selection Boards Act, 1982;(c)'Deputy Director' means the Deputy Director of Education in charge of a region;(d)'Director' means the Director of Education, Uttar Pradesh and includes Additional Director of Education, Uttar Pradesh;(e)'Inspector' means District Inspector of Schools and in relation to an institution for girls, the Regional Inspectress of Girls School;(f)'Institution' means an Intermediate College or a Higher Secondary School or a High School recognised under the

Intermediate Education Act, 1921, and includes institution maintained by a local authority but does not include an institution maintained by the State Government;(g)'Management' in relation to an institution means the Committee of Management or person or authority vested with the power to manage and conduct the affairs of that institution;(h)'Teacher' means a person employed for imparting instruction in an institution and includes a Principal or a Headmaster;(hh)['Vacancy' means a vacancy arising out as a result of death, retirement, resignation, termination, dismissal, creation of new post or appointment, promotion of the incumbent to any higher post in a substantive capacity;] [Inserted by Notification No. Ma-1461/XV - 7-2(15)-81-U.P.A.-5-82-Rules 83, dated 1.7.1983.](i)'Year of recruitment' means a period of twelve months commencing from July 1 of a calendar year.

3. Qualifications and experience etc. for appointment as teacher

. - (1) The minimum academic qualification for appointment as teacher shall be as given in Regulation 1 under Chapter II of the Regulations, framed under the Intermediate Education Act, 1921.(2)No male person shall be eligible for appointment to the post of the head of an institution or teacher in a girls institution :Provided that nothing contained in this sub-rule shall apply in relation to :-(i)a teacher already working in a permanent capacity in a girls institution for promotion or appointment to any higher post of a teacher, not being the post of the head of an institution in the same institution;(ii)appointment as a teacher for the subject of music in an institution to a person who is blind :Provided further that when a suitable lady candidate is not available for appointment in a girls institution on the post of a teacher, not being the post of head of institution, or for any other sufficient reason, the Commission is satisfied that it is in the interest of the students so to do, it may recommend a male candidate for such post :Provided also that, before recommending a male candidate in accordance with the preceding proviso, the Commission may obtain and consider the view of the Director and Management.[4. Determination and intimation of vacancies. - (1) (i) The Management shall determine and intimate to the Commission, in the pro forma given in Appendix 'A' and in the manner hereinafter specified, the number of vacancies existing or likely to fall vacant during the year of recruitment and, in the case of any post, other than the post of the head of an institution, also the number of vacancies to be reserved for the candidates belonging to the Scheduled Caste, Scheduled Tribes and other category of persons in accordance with the rules or orders issued by the Government in this behalf in regard to the educational institutions.(ii)In regard to the post of head of an institution, the Management shall also forward, mutatis mutandis, in the manner hereinafter specified, the names of two senior most teachers, copies of their service records (including character rolls) and such other record or particulars as the Commission may require from time to time.Explanation. - For the purpose of this sub-rule 'senior most teachers' means the senior most teachers in the post of the highest grade in the institution, irrespective of total service put in the institution.(iii)Where an institution is raised from High School to an Intermediate College, the post of Principal of such a college shall, with the approval of the Commission, be filled by promotion of the Headmaster of such High School if he was duly appointed as Headmaster in substantive capacity in accordance with law for the time being in force and possesses a good record of service and the minimum qualifications prescribed in that behalf or has been granted exemption from such qualifications by the Board. Proposal for promotion shall be submitted by the Management to the Commission, mutatis mutandis, in the manner hereinafter specified, along with the service-book,

character roll and the educational and other qualifications of the Headmaster concerned.(2)The statement of vacancies shall be sent by the Management to the Inspector in quadruplicate by 15th September of the year of recruitment and the Inspector shall, after verification, forward two copies of the same to the Deputy Director by October 15 with a copy to the Commission.(3)The Deputy Director shall, after keeping a copy, forward the statement received by him under sub-rule (2), alongwith a consolidated subjectwise statement of various categories of vacancies to the Commission by November 15.(4)Notwithstanding anything contained in sub-rule (1), (2) and (3), the time schedule mentioned in the said sub-rules shall not apply in respect of recruitment year 1982 and, unless any other date or schedule is notified to the Government, the Director shall ensure that the vacancies are notified to the Commission by February 28, 1983 :Provided that where the Government is satisfied that there are sufficient reasons for doing so, it may relax or modify the time schedule in respect of any year generally or in respect of any particular institution.(5)Where a vacancy occurs at any time during the session or after the requisition has already been sent in accordance with sub-rules (2), (3), (4) or (5) of this rule, the Management shall notify the vacancy to the Inspector within 15 days of its occurrence and the Inspector and the Deputy Director shall deal with it in the manner mentioned in sub-rules (3) and (4) within ten days of its receipt by them.(6)(i)Where the Management has, for any recruitment year, failed to notify the vacancy or the vacancies by the date specified in sub-rules (2), (4) or (5) or has failed to notify the vacancy or the vacancies in the manner prescribed in Rule 4 or Rule 9, the Commission may require the Inspector to notify the vacancy or the vacancies in the institutions under his jurisdiction to the Commission by such date as the Commission may specify.(ii)Where the Commission requires the Inspector to notify the vacancy or vacancies under paragraph (1) of this sub-rule the Inspector shall notify the same in accordance with Rule 4 or, as the case may be, Rule 9 of these rules and the vacancy or the vacancies so notified shall be deemed to be notified by the Management.]

5. Notification of vacancies

. - The Commission shall, in respect of vacancies to be filled by direct recruitment, advertise the vacancies in at least two newspapers having wide circulation in the State and shall also notify the same to the Deputy Director. Such advertisement or notification shall, inter alia mention the names of the institutions and places where they are situated and shall require the candidate to give, if he so desires, the choice of not more than five institutions in order of preference. Where a candidate wishes to be considered for particular institution or institutions only and for no other institution, he shall mention the fact in his application.

6. Procedure for recruitment

. - The Commission shall scrutinise the applications and having regard to the need of securing due representation of candidates belonging to the Scheduled Castes and Scheduled Tribes and other categories, referred to in Rule 4, call for interview such number of candidates as it may consider proper :Provided that, in respect of the post of the head of an institution, the Commission shall also call for interview two senior most teachers of the institution, whose names are forwarded by the Management under sub-rule (1) of Rule 4 :Provided further that, if on account of excess number of applications or for any other reason, the Commission considers it desirable to limit the number of

candidates to be called for interview, it may -(i)in the case of the post of a teacher, not being the post of the head of an institution, either hold preliminary screening on the basis of academic record and teaching experience or hold a competitive examination; and(ii)in the case of the post of the head of an institution, hold preliminary screening on the basis of academic record, teaching and administrative experience:Provided also that the number of candidates to be called for interview for any category of post shall, as far as possible, be not less than five times the number of vacancies.

7. Preparation of Panel

. - The Commission shall prepare an institution-wise panel of those found most suitable for appointment and arrange them in order of merit, inter alia mentioning -(i)the name of the institution and where it is situate;(ii)the subject in which vacancy existed and selection made;(iii)names of selected persons in order of merit and with due regard to their preference for appointment in a particular institution.(2)The panel, prepared under sub-rule (1), shall hold good for one year from the date of its notification by the Commission.

8. Notification of selected candidate

. - (1) The Commission shall forward the panel, referred to in Rule 7, in quadruplicate, to the Deputy Director and shall also notify the same on its notice board publish it in such other manner as it may consider proper.(2)Within 15 days of the receipt of the panel by him, the Deputy Director shall notify it on his notice board and send two copies thereof to the Inspector.(3)Within 10 days of the receipt of the panel by him, the Inspector shall -(i)notify it on the notice board;(ii)intimate the name of selected candidates, standing first in order of merit and where there are more than one vacancies as many names in order of merit as there are vacancies, to the Manager of the concerned institution with directions that, on authorisation under resolution of the Management, an order of appointment, in the pro forma given in Appendix 'B' be issued to the candidate by registered post, within one month of the receipt of intimation, requiring him to join duty within 10 days of the receipt of the order or within such extended time, as may be allowed to him by the Management and also intimating him that, on his failure to join within the specified time, his appointment will be liable to be cancelled.(iii)send an intimation to the candidate, referred to in clause (ii), with direction to report to the Manager within 10 days of the receipt of the order of appointment by him from the Manager or within such extended time as may be allowed to him, by the Management,(4)The Manager shall comply with the direction, given under sub-rule (3), and report compliance to the Commission through the Inspector.(5)When the candidate, referred to in sub-rule (3), fails to join the post within the time allowed in the letter of appointment or within such extended time as the Management may allow in this behalf or where such candidate is not available for appointment, the Inspector may on the request of the Management, send fresh name or names standing next in order of merit on the panel under intimation to the Deputy Director and the Commission, and the provisions of sub-rules (3) and (4) shall mutatis mutandis apply.

9. Procedure for appointment by promotion

. - (1) Where any vacancy is to be filled by promotion, all teachers working in L.T. or C.T. grade, who possess the minimum qualifications and have put in at least 5 years continuous service as teacher on the date of occurrence of vacancy shall be considered for promotion to the Lecturer or L.T. grade, as the case may be, without their having applied for the same. Note. - For the purpose of this sub-rule, service rendered in any other recognised institution shall count for eligibility, unless interrupted by removal, dismissal or rendered to a lower post. (2) The criterion for promotion shall be seniority subject to the rejection of unfit. (3) The management shall prepare a list of teachers, referred to in sub-rule (1), and forward it to the Commission through the Inspector with a copy of seniority list service records (including the character rolls) and a statement in the pro forma given in Appendix 'A'. (4) Within three weeks of the receipt of the list from the Management under sub-rule (3), the Inspector shall verify the facts and forward the list to the Commission. (5) The Commission shall, after calling for such additional information as it may consider necessary, intimate the name of selected candidate or candidates to the Inspector with a copy to the Manager of the institution. (6) Within 10 days of the receipt of the intimation from the Commission under sub-rule (5), the Inspector shall send the name of the selected candidate(s) to the Manager of the concerned institution and the provisions of sub-rules (3) and (4) of Rule 8 shall mutatis mutandis apply.

10. Canvassing

. - No recommendation either written or oral, other than those required under these Rules, applicable to the post will be taken into consideration. Any attempt on the part of the candidate to enlist support directly or indirectly for the candidature will disqualify him for appointment. [11. Investigation of misconduct. - The procedure for the investigation and proof of misconduct, referred to in sub-section (2) of 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 option either to resign the office unconditionally or to face investigation; (b) If no unconditional resignation is received within fifteen days from giving such option, the State Government may appoint an Inquiry Officer who shall be a sitting Judge of the High Court or a person eligible to be appointed Judge of a High Court; (c) The Inquiry Officer shall, after giving the member concerned reasonable opportunity of being heard and after taking such evidence as he may consider necessary, submit his findings to the State Government within fifteen days of the completion of the inquiry; (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 inquiry; (e) The provisions of the Uttar Pradesh Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1976 (U.P. Act No. 4 of 1976) shall apply 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 deciding whether the inquiry should be conducted in public or in camera.] APPENDIX A (See Rules 4 and 9) Requisition for the Recruitment of Candidates for

appointment to the post of Teacher/Head of Institutions (To be sent in quadruplicate)

1. (i) Name of Institution.

(ii) Place - (iii) District - (iv) No of Students : Class Section No. (v) Names of Subjects : High School/Inter (vi) No. of Teachers. (2) (i) Name(s) of the post(s) for which selection is to be made - (ii) Number of posts - (iii) Qualification for the post(s) (iv) Pay scale of the post -

3. Where the post for which selection is to be made, is of Lecturer or L.T. grade-

(i) Total number of sanctioned posts - (ii) Number of posts already filled by - (a) direct recruitment (b) promotion (iii) Total number of vacancies determined by the Management to be filled by - (a) direct recruitment (b) promotion

3A. [Where the post for which selection is to be made is of Principal, names of two senior most teachers, possessing requisite qualifications for the post of Principal, in order of seniority and their -

(a) educational qualifications, (b) teaching experience, (c) administrative experience, if any.] Note. - Copies of the service records (including character rolls) shall be sent with the requisition.

4. Number of posts, if any, reserved for -

(a) Scheduled Caste (b) Scheduled Tribe (c) Backward Class

5. [Names of all candidates eligible for promotion, their qualification and length of service from the date of regular appointment in the grade from which promotion is to be made] [Inserted by Notification Number Ma-1461/XV-7-2(15)-81-U.P.A.-5-82- Rules-83 dated 1.7.1983.]

[To be filled in only where the post is to be filled by promotion.] [Inserted by Notification Number Ma-1461/XV-7-2(15)-81-U.P.A.-5-82- Rules-83 dated 1.7.1983.]

6. Any other information that the Commission may desire to have -

Certified that the above information is correctly recorded and verified from the relevant documents. Manager Verified and forwarded to the Regional Deputy Director of Education..... Region. District Inspector of Schools/Regional Inspector of Girls Schools. Forwarded to the Secretary, U.P. Secondary Education Services Commission, Allahabad. Deputy Director of Education..... Region. APPENDIX B (See Rules 8 and 9) (Under registered cover) Name of Institution..... No..... Place..... Date..... District..... Subject. - Appointment of

Teacher/Head of Institution.Sir/Madam,I am pleased to inform you that you have been selected for the post of.....by the Uttar Pradesh Secondary Education Services Commission. The Committee of Management of the Institution, vide their resolution no..... dated have appointed you as a in the scale of Rs..... with a starting salary of Rs.....plus D.A. and such other allowances as may be admissible under the rules/orders on one year probation/temporarily upto.....You are called upon to report to the Head of the Institution/Manager within 10 days of the receipt of the letter and join duty. In case you fail to join within the specified time, the appointment will be liable to be cancelled.Yours faithfully,Manager.Copy forwarded to the -(1)Secretary, Uttar Pradesh Secondary Education Services Commission, Allahabad.(2)Regional Deputy Director of Education.....(3)District Inspector of Schools/Regional Inspectress of Girls Schools....[Inserted by Notification No. Ma-1461/XV-7-2(15)-81-U.P.A.-5-82- Rules-83 dated 1.7.1983.][Inserted by Notification No. Ma-1461/XV-7-2(15)-81-U.P.A.-5-82-Rules-83, dated 1.7.1983.][Substituted by Notification No. Ma-1461/XV - 7-2(15)-81-U.P.A.-5-82-Rules 83, dated 1.7.1983.]