

Bihar State University Service Commission Act, 2017

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Act 21 of 2017

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Bihar State University Service Commission Act, 2017(Bihar Act No. 21 of 2017)[Dated 4.9.2017.]An Act to provide for the constitution of the the Bihar State University Service Commission for appointment to the post of teachers in the universities and constituent colleges of the State of Bihar.Be it enacted by the Legislature of the State of Bihar in the sixty eighth Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1)This Act may be called the Bihar State University Service Commission Act, 2017.(2)It shall extend to the whole State of Bihar.(3)It shall come into force on such date as the State Government may fix by notification in the official Gazette.

2. Definition.

- In this Act, unless otherwise requires in the subject or context -(i)'Act' means the Bihar State University Service Commission Act; 2017;(ii)'Chairman' means the Chairman appointed under Section -4 of the Act;(iii)'Constituent College' means a teaching institution maintained or controlled by the university or State Government in which education of graduation and above in given;(iv)'Institution' means Institution maintained or recognised by the university;(v)'Prescribed' means prescribed under this Act or Rules or Regulations made thereunder;(vi)'Teacher' means, Professor, Associate Professor and Assistant Professor imparting instruction in department, college or institute maintained by the university or constituent college;(vii)'Professor' means a teacher of a college or university duly appointed or promoted by the competent authority as per the University Grants Commission Regulations/ directives or statutes made by the State Government;(viii)'Associate Professor' means a teacher of a college or university duly appointed or promoted by the competent authority as per the University Grants Commission Regulations/ directives or statutes framed by the State Government;(ix)'Assistant Professor' means a teacher of a college or university duly appointed or promoted by the competent authority as per the University

Grants Commission Regulations/ directives or statutes made by the State Government;(x)'University' includes university established under Bihar University Act, 1976 or Patna University Act, 1976 or any other university to be established in future under any other legal provision but it does not include law, medical, technical teaching universities;(xi)'Government' means State Government of Bihar;(xii)'Department' means Education Department;

3. Constitution of Commission.

(1)The State Government shall, by a notification published in the official gazette, set up the Bihar State University Service Commission (hereinafter referred to as Commission)(2)The Commission will be a body corporate, having its head office in Patna, which will have perpetual heritance and its common seal and may sue or may be sued in the said name,

4. Composition of the Commission.

(1)The Commission will consist of a Chairman and maximum six members and they shall be whole time,(2)The Chairman and the members of the Commission shall be appointed by the State Government as per the prescribed procedure for the period of three years from the date of the notification :Provided that the Maximum age (Retirement) for the post of Chairman shall be 72 years and 70 years (Retirement) for the members. The Chairman and the members shall be eligible for reappointment after expiry of tenure of three years, subject to age restriction as provided above.(3)The senior most Member of the commission shall be empowered to function as chairman in case of any casual vacancy occur to the post of chairman

5. The qualification for appointment to the post of Chairman/ Members.

(1)A person to be appointed to the post of Chairman shall be a person working or retired from the equivalent post of the Chief Secretary of the State Government or person working or retired from the equivalent post of Secretary to Government of India or shall be a person having experience of Vice Chancellor of any university or an eminent academician.(2)Out of six members, minimum half of the members shall be University Professor having at least five years experience as University Professor and half of the members shall be working or retired officers of State Government not below the rank of Joint Secretary or working or retired officers of equivalent rank of Central Government.

6. Resignation and Removal of Chairman and member.

(1)The Chairman or member of the Commission may, by request letter in writing under his hand and addressed to State Government, resign his office which shall come in to force on being accepted by the State Government :Provided that if the acceptance of resignation is not communicated within fifteen days from the date of its receipt, it shall be deemed to have been accepted.(2)The Chairman and members shall be removed from the commission if he/she.(a)is adjudged an insolvent; or(b)engage herself/himself in any employment during duties of her/his office; or(c)she/he is in the

opinion of the Government, unfit to continue to the office due to mental and physical incapacity or on indulging in any act of omission or commission detrimental to the interest of the commission. Provided, that the Chairman and members of the Commission will not be removed from the office on the ground of proved misconduct or misbehaviour without an enquiry made in the manner prescribed under the rules so that such misconduct or mis-behavior may be proved.

7. Secretary of the Commission.

(1) There shall be a secretary of the Commission, who shall be a full time officer. (2) The Secretary of the Commission shall be appointed from amongst the officers of Bihar Administrative Service who is in the pay scale of at least Joint Secretary in the State Government.

8. Function and power of the Commission.

- The Commission will make recommendations for the appointment of teachers in the Universities and Constituent Colleges of Bihar as prescribed under the Patna University Act, 1976 (Bihar act 24, 1976) and the Bihar State University Act, 1976 (Bihar Act 23, 1976) and in respect of appointment of teachers and it shall discharge such functions for the appointment of teacher as prescribed for the Commission, under the said Acts and the Statutes made there under.

9. power of State Government to make rule.

- The state government, by notification in official gazette, may make rules for appointment/ service conditions of the Chairman/ Members/ Secretary/ Officers/ staffs of the Commission and for carrying out objects and purposes of this act, including for any other matter which has to be or may be prescribed.

10. Power of the Commission to frame Regulation.

(1) The Commission may frame regulation for regulating its work and procedure including for the process of selection of eligible candidate. (2) The Regulation made by the Commission shall come in force only after prior approval of the State Government.

11. Repeal and Saving.

- After this Act comes in to force, the power of Bihar Public Service Commission for the appointment of teachers of the Universities and constituent colleges under the Bihar State Universities Act, 1976 and the Patna University Act, 1976 shall be deemed to be repealed. (2) Notwithstanding such repeal, anything done or any action taken on the recommendation of Bihar Public Service Commission under the the Bihar State Universities Act, 1976 and under the Patna University Act, 1976 shall be deemed to have been done or taken under this Act as if this Act was enforced on the day on which such thing was done or such action was taken.