

The West Bengal Joint Entrance Examinations Board Act, 2014

WEST BENGAL

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Act 14 of 2014

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The West Bengal Joint Entrance Examinations Board Act, 2014 (West Bengal Act 14 of 2014) [Dated 4.9.2014.] Government of West Bengal Law Department The following Act of the West Bengal Legislature, having been assented by the Governor, is hereby published for general information:- An Act to provide for the constitution, re-constitution, administration and regulation of the West Bengal Joint Entrance Examinations Board and for matters connected therewith and incidental thereto. Whereas the State Government, in exercise of the powers conferred under article 162 of the Constitution of India had constituted the West Bengal Joint Entrance Examinations Board pursuant to No. 828-Edn (D) dated 02.03.1962, for the purpose of conducting Joint Entrance Examination for admission to various institutions in West Bengal imparting education in medical, engineering and technological courses; And whereas in view of the growing importance of the workings of the Board a need is felt to confer the Board the status of a statutory body and to streamline its powers and functions; And whereas it is expedient to constitute and re-constitute the Board for the purpose of conducting Joint Entrance Examinations for Selecting Students for admission to the undergraduate courses in engineering and technology and post-graduate professional, vocational and general degree courses in various educational institutions rendering professional, vocational and general education in West Bengal and to provide for its constitution, administration and regulation and for such other matters connected therewith and incidental thereto; It is hereby enacted in the Sixty-fifth Year of the Republic of India, by the Legislature of West Bengal, as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the West Bengal Joint Entrance Examinations Board Act, 2014. (2) It extends to the whole of the State of West Bengal. (3) It shall come into force at once.

2. Definitions.

- In this Act, unless the context otherwise requires.-(i)"Academic year" in relation to a College or a University, comprise a period throughout which academic instruction is being given to the students for a particular year;(ii)"Affiliating University" shall mean the University from which a college obtains affiliation;(iii)"Board" means the West Bengal Joint Entrance Examinations Board constituted under this Act;(iv)"Chairman" means the Chairman of the Board as may be appointed by the State Government, by order;(v)"counselling" means a single-window process of selection of candidates on the basis of merit secured in the concerned Joint Entrance Examinations conducted by the Board;(vi)"Director of Medical Education" means the Director of Medical Education in the Health and Family Welfare Department, Government of West Bengal;(vii)"Director of Technical Education" means the Director of Technical Education appointed by the State Government;(viii)"examination fee" means the fees to be collected by the Board for the purpose of the entrance examination;(ix)"existing Board" means the West Bengal Joint Entrance Examinations Board as constituted pursuant to No. 828-Edn(D) dated 02.03.1962 by the State Government;(x)"General Degree Course" means the course other than the professional and vocational course;(xi)"Government College" means the colleges established and administered by the State Government;(xii)"Joint Entrance Examination" means a common combined competitive examination to be conducted by the Board for the purpose of selection of students for admission to the various undergraduate and post-graduate professional, vocational and general degree courses in various educational institutions rendering professional, vocational and general degree course in West Bengal;(xiii)"management quota" means the number of seats to be filled up by an institution's management as may be decided by the State Government from time to time;(xiv)"merit list" means the list to be prepared and published by the Board on the basis of the Joint Entrance Examination;(xv)"Minority Educational Institution" means an institution administered by any minority as defined under clause(f) of section 2 of the National Commission for Minority Educational Institutions Act, 2004;(xvi)"minority quota" means the number of seats reserved in a minority educational institution for a particular academic year;(xvii)"open merit category" means the category of seats other than the seats reserved for management quota or minority quota;(xviii)"Private College" means a college run and administered by a private body out of their own fund and duly approved by the State Government;(xix)"Private University" means a University constituted and incorporated by an Act of the State Legislature and recognized by the University Grants Commission, but administered and maintained out of private funds;(xx)"professional college" means a college imparting professional courses;(xxi)"professional course" means the course of study in the field of engineering, technology, management, medicine, surgery, nursing, dentistry, pharmaceutical science, veterinary science, agricultural science, fisheries science, dairy, forestry and such other courses including vocational courses as may be determined by the relevant regulatory authority;(xxii)"Prescribed" means prescribed by rules made under this Act;(xxiii)"regulations" means the regulations of the Board;(xxiv)"Regulatory authority" means-(a)a body established by the Central Government for laying down norms and conditions for ensuring academic standards of higher education in its designated areas of coverage, such as University Grants Commission, Council for Scientific and Industrial Research, Department of Science and Technology, Government of India, All India Council for Technical Education, Medical Council of India, Distance Education Council, National Assessment and Accreditation Council. Pharmacy Council of India, Director General of

Shipping. National Council for Teacher Education. Bar Council of India. Council of Architecture. Rehabilitation Council of India and such other statutory body as may be established by the Central Government for the purpose of imparting higher education;(b)the affiliating University; and(c)the Government of West Bengal in the Higher Education Department;(xxv)"State Government" means Government of West Bengal in the Higher Education Department;(xxvi)"Vice-Chairman" means the Vice Chairman of the Board as may be appointed by the State Government, by order;(xxvii)"University" means a University established and incorporated by an Act of State Legislature.

3. Application of this Act.

(1)This Act shall apply to all Colleges and Universities rendering professional, vocational and general degree courses in undergraduate and postgraduate level in the State of West Bengal.(2)The Private Universities and the minority educational institutions providing professional and vocational courses may, at their option, admit students from the merit list prepared by the Board on the basis of the Joint Entrance Examination:Provided that the provisions of this Act shall apply mutatis mutandis to those Private Universities or those Minority Educational Institutions that have opted to admit students from the merit list referred to in this sub-section.

4. Admission in general.

(1)With effect from the date of coming into operation of this Act and subject to the provisions of sub-section (2) of section 3, admission to the undergraduate professional and vocational courses in any College or in any University in West Bengal shall be made on the basis of the concerned Joint Entrance Examinations.(2)The Board shall conduct common, combined, competitive, entrance, examinations referred to in sub-section (1), every year, for such course and in such a manner as may be provided for by the regulations.(3)The State Government may, by notification in the Official Gazette, entrust the Board to conduct separate common, combined, competitive, entrance examination for admission to the post-graduate professional, vocational and general degree courses and from the date of such notification, admission to the post-graduate professional, vocational and general degree courses in all colleges and Universities rendering such courses in West Bengal, shall be made on the basis of such entrance examination.(4)The manner and procedure for conducting separate entrance examination for admission to the post-graduate professional, vocational and general degree courses shall be such as may be provided for by the regulations.(5)The procedure for application and the conditions of eligibility for participating in the examination shall also be provided for by the regulations.(6)For the purpose of conducting the entrance examination, the Board shall charge from every applicant, an application fee as may be notified by the State Government from time to time.(7)On the basis of the examination referred to in sub-section (1) and sub-section (3), the Board shall prepare combined merit lists in terms of the marks secured by the candidate in the concerned entrance examination.(8)Separate merit lists shall be prepared for the candidates belonging to the Scheduled Castes, the Scheduled Tribes, the Other Backward Classes-Category A and Other Backward Classes Category-B following the provisions of the West Bengal State Higher Educational Institutions (Reservation in Admission) Act, 2013 and the rules made thereunder.(9)Selection of candidates shall be made on the basis of counselling process,

online or otherwise adopting a single window approach: Provided that the Board may charge such counselling fees from each candidate participating in the counselling process, as may be determined by regulations. (10) The qualifying marks for selection in the examination shall be determined by the Board in consultation with the State Government from time to time. Note. - The State Government shall have the power to resolve any examination related disputes or issues and also to have the power to issue directions to the Board which the Board shall comply.

5. The Board.

(1) There shall be a Board to be known as the West Bengal Joint Entrance Examinations Board as may be constituted under the provisions of this Act, by the State Government: Provided that the existing West Bengal Joint Entrance Examinations Board constituted pursuant to no. 828-Edn (D) dated 02.03.1962 and its Chairman, members and the employees, shall continue to function as such until a new Board is constituted as per the provisions of this Act. (2) The Board, its members and the employees shall together, constitute a body corporate having perpetual succession with a common seal and shall have power to sue or be sued by the name of the West Bengal Joint Entrance Examinations Board. (3) Every petition or memorandum or other instrument for and on behalf of the Board shall be signed and executed by the Registrar. (4) The headquarter of the Board shall be at Kolkata: Provided that the State Government may for reasons to be recorded in writing, allow the Board to open and maintain regional offices in any part of the State of West Bengal. (5) All properties whether movable or immovable, belonging to the existing Joint Entrance Examinations Board shall, from the date of coming into effect of this Act, vest to the Board and continue to be vested until dissolution of the Board. (6) The Board shall have the power to acquire or to dispose of immovable properties subject to the prior approval of the State Government in writing. (7) Without prejudice to the generality of the provisions of this Act, the State Government may, for reasons to be recorded in writing, vest such other power and function to the Board if, in the opinion of the State Government that such power and function is necessary for the purpose of implementation of the provisions of this Act.

6. Co-position of the Board.

(1) The Board shall consist of not more than twenty members, namely:-(i) the Chairman; (ii) the Vice-Chairman; (iii) Ex officio members, to be nominated by the State Government by order as follows:-(a) Secretaries or their nominees, not below the rank of a Joint Secretary to the Government of West Bengal from amongst the Higher Education Department, Department of Health and Family Welfare. Agriculture Department. Animal Resource Development Department; (b) three Vice-chancellors of the State aided Universities providing professional and vocational courses or their nominees on rotation in alphabetical order of the name of the University, of every two years; (c) the Director of Technical Education; (d) the Director of Medical Education; (iv) the Registrar shall be the Secretary of the Board; (v) two Principals of the Medical Colleges in West Bengal on rotation in alphabetical order of the name of the college, every two years; (vi) two Principals of the Government Engineering Colleges on rotation in alphabetical order of the name of the college, every two years; (vii) one Principal from the Pharmacy Colleges of West Bengal, on rotation in alphabetical order of the name of the college, for every two years; (viii) one Principal or Director from all colleges

of Agriculture, Fisheries, Veterinary and Animal Husbandry, Agricultural Engineering and Forestry taken together on rotation in alphabetical order of the name of the college, for every two years;(ix)two Principals from private professional colleges of West Bengal on rotation in alphabetical order of the name of the college, for every two years of whom one shall be from Minority-administered institution.(2)Notwithstanding anything contained in sub-section (1), the State Government may, by order, appoint more members from amongst the academics or educationists of repute.(3)The terms and conditions of service of the Chairman, the Vice-Chairman, the Registrar and the Controller of Examination, including their salaries and allowances shall be such as may be prescribed by rules made under this Act.(4)The members of the Board representing a particular institution or interest shall cease to be a member as soon the said representation in the institution or interest has ceased.(5)Every meeting of the Board shall be convened in the name of the Chairman and in his absence the Vice-Chairman, who shall have no right to cast vote, unless there is a tie.(6)The Board shall meet for such time as may be required and in such place as the Chairman or the Vice-Chairman, as the case may be, may fix.(7)The procedures of meeting and transaction of business of the Board including its quorum shall be provided for by the regulations.(8)No action or proceedings of the Board shall be deemed to be invalid by reason of any vacancy in the Board, provided the quorum is formed.

7. Committees.

(1)The Board may form Committees and sub-committees for the purpose of discharging the overall functions of the Board.(2)Every such committee or sub-committee shall be headed either by the Chairman or by the Vice-Chairman.(3)The functions of every such Committee or Sub-Committee and their procedures shall be provided for by the regulations.

8. Powers and functions of the Board.

(1)Subject to the provisions of this Act, the Board shall have the following functions, namely:-(i)to conduct common, combined and competitive entrance examination for selection of candidates for admission to undergraduate and post-graduate professional, vocational and general degree courses in the State:Provided that holding of common, combined and competitive entrance examination for admission to the post-graduate professional, vocational and general degree courses shall be conducted by the Board from such date as the State Government may, by notification in the Official Gazette appoint;(ii)to publish information brochures or prospectus and to collect and scrutinize applications from the applicants;(iii)to upload all relevant information regarding number of available seats in each faculty or subject in each institution on the Board's website;(iv)to arrange to set up examination centres and to fix the date and different phases of the entrance examination;(v)to do such other functions as may be necessary for this purpose.(2)The Board shall discharge such other functions as may be provided for by the regulations.

9. The Chairman.

(1)The Chairman shall be a distinguished academician with proven competence and integrity having a minimum of twelve years of teaching with administrative experience.(2)The Chairman of the

Board shall be appointed by the State Government by order: Provided that the existing Chairman of the Board shall continue to function until he is otherwise removed or he attains the age of superannuation, or a new Chairman joins, whichever is earlier. (3) The Chairman appointed under this Act shall hold office for a term of four years or till he attains the age of sixty-five years, whichever is earlier, and shall be eligible for re-appointment for another term of four years or till he attains the age of sixty-five years, whichever is earlier. (4) The State Government may, notwithstanding the expiration of the term of the office of the Chairman or his attaining the age of sixty-five years, allow him to continue in office till a successor assumes office, provided that he shall not continue as such for any period exceeding six months. (5) The Chairman shall be a whole-time Officer of the Board and shall be paid from the Fund of the Board such salary and allowances as the State Government may determine from time to time. (6) The powers and functions of the Chairman shall be such as may be provided for by the regulations. (7) In case a full-time Chairman is not available, an eminent academician or an Administrator may be appointed as Chairman on a contractual basis till a full time Chairman can be appointed. The terms and conditions for such appointment shall be such as may be prescribed. (8) The Chairman may resign from his office by officially writing in his hand to the State Government. (9) If—(a) the Chairman is, by reasons of leave, illness or other cause, temporarily unable to exercise the powers and perform the duties of his office, or (b) a vacancy occurs in the office of the Chairman by reason of death, resignation, removal, expiry of term of his office or otherwise, then, during the period of such temporary inability or pending the appointment of a Chairman, as the case may be, the functions of the Board shall be exercised by the Vice-Chairman. (10) The vacancy in the office of the Chairman occurring by reason of death, resignation or expiry of the term of his office, removal or otherwise shall be filled up by appointment of a Chairman in accordance with the provisions of sub-section (2) within a period of three months from the date of occurrence of the vacancy. (11) The Chairman may be removed from his office by the State Government if it is satisfied that the incumbent—(a) has become insane and adjudged by a competent court to be of unsound mind; or (b) has become an un-discharged insolvent and stands so declared by a competent Court; or (c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability certified by a competent medical board; or (d) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of his appointment or has abused or misused the powers vested in him or if the continuance in the office of the Chairman is detrimental to the interest of the Board; or (e) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety or gross negligence of duty or moral turpitude; or (f) has shown incompetence in performance or has made default in the performance of the duties imposed on him by or under this Act; or (g) has been convicted by a court for any offence under the Code of Criminal Procedure, 1973: Provided that the Chairman shall be given a reasonable opportunity of being heard by the State Government before taking recourse for his removal under clauses (d), (e), (f) and (g). (c) has been physically unfit and incapable of discharging function due to protracted illness or physical disability certified by a competent medical board; or (d) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of his appointment or has abused or misused the powers vested in him or if the continuance in the office of the Vice-Chairman is detrimental to the interest of the Board; or (e) has been proved to be guilty of criminal breach of trust or criminal negligence or gross financial irregularity or impropriety or gross negligence of duty or moral turpitude; or (f) has shown incompetence to perform or has

persistently made default in the performance of the duties imposed on him by or under this Act; or(g)has been convicted by a court for any offence within the concept and meaning of the Code of Criminal Procedure, 1973:Provided that the Vice-Chairman shall be given a reasonable opportunity of being heard by the State Government before taking recourse for his removal under clauses (d), (e), (f) and (g).

10. The Registrar.

(1)The Board shall have a Registrar who shall be appointed by the State Government, by order.(2)The Registrar shall be a whole-time officer of the Board and shall be paid out of the fund of the Board such salaries and allowances as may be determined by the State Government from time to time and shall possess such qualification and experience as may be notified by the State Government from time to time.(3)The powers and functions of the Registrar shall be such as may be provided for by the regulations.

11. The Controller of Examinations.

(1)The Board shall have a Controller of Examinations who shall be appointed by the State Government, by order.(2)The Controller of Examinations shall be a whole-time officer of the Board and shall be paid out of the fund of the Board such salaries and allowances as may be determined by the State Government from time to time and shall possess such qualification and experience as may be notified by the State Government from time to time.(3)The powers and functions of the Controller of Examinations shall be such as may be provided for by the regulations.

12. The Law Officer and the Accounts Officer.

(1)The Law Officer and the Accounts Officer of the Board shall be appointed by the State Government on deputation.(2)The powers and functions of the Law Officer and the Accounts Officer shall be such as may be provided for by the regulations.

13. Other employees.

- Other employees of the Board shall be appointed by the State Government by order:Provided that the terms and conditions of service including procedures of taking disciplinary proceedings and punishment thereof of the employees of the Board shall be such as may be prescribed by the State Government by rules.

14. Funds of Board.

(1)There shall be a fund of the Board to be known as the Board's fund to which shall be credited all grants received from the State Government and all other receipts and incomes, donations etc.(2)The Board's fund shall also be credited with fees as may be received from the sale of information brochure, receipt of application fees, Counselling fees and any other fee for conducting Entrance

Examinations.(3)The Board's fund shall be used in meeting the expenses of the Board including the payment of salaries and allowances of the employees including the Chairman, the Vice-Chairman, the Registrar, the Controller of Examinations, the Law Officer and the Accounts Officer of the Board.(4)The Board's fund shall also be used for meeting the expenses incurred for the purpose of conducting inspection of the Colleges and Universities as may be decided by the State Government from time to time.(5)The State Government shall from time to time release grants to the Board in terms of its requirements indicated in its annual budget.

15. Audit and accounts.

(1)The Board shall maintain proper records of accounts for each and every financial year in such manner and in such form as may be provided for by regulations.(2)The Board shall submit annual statement of accounts to the State Government showing all receipts and payments for the financial year to be audited duly by a qualified chartered accountant as defined under the Chartered Accountants Act, 1949.(3)The State Government shall cause statutory audit in periodical manner of the fund and accounts of the Board.

16. Budget of the Board.

(1)The Board shall submit latest by 15th November every year their annual budget showing estimates of receipts and disbursements for the following year, to the State Government immediately after the same has been finalized by the Board at a meeting specially convened for this purpose.(2)The Board may also submit a revised budget by 30th November within the financial year to the State Government for approval.(3)Notwithstanding anything contained in sub-section (1) or sub-section (2) of this section the State Government may authorize the Board to incur expenditure not forming a part of its budget or revised budget considering the urgency of a situation as may be determined by the State Government.

17. Inspection and enquiry.

(1)The State Government shall have the power to cause an inspection or enquiry by an enquiry committee to be constituted for this purpose, headed by an officer not below the rank of a Joint Secretary to the State Government, into the affairs of the Board in relation to its administrative and financial business as and when necessary.(2)In every case, the State Government shall give notice to the Board of its intention of such inspection or enquiry and the Board shall be entitled to be represented there.(3)The State Government shall communicate to the Board its views with reference to the result of the inspection or enquiry and may direct the Board on the action to be taken.(4)Proceedings of every such enquiry or inspection shall be taken into account before releasing grants to the Board, and irregularities in financial transactions of the Board may result in withholding of grants for such period as may be determined by the State Government.

18. Power to call for records.

- The State Government shall have the power to call for and examine any record or any order passed or decision taken by the Board under the provisions of this Act, for the purpose of satisfying itself of the legality or propriety of such order or decision and pass such order as it may deem fit: Provided no such order shall be made except after giving the Board or the person likely to be effected thereby, a reasonable opportunity of being heard.

19. Power to remove difficulties.

- The State Government shall have the power to remove difficulty that may arise in applying the provisions of this Act.

20. Power to give directions.

- The State Government shall have also powers to give directions to the Board from time to time not inconsistent with the provisions of this Act.

21. Overriding effect.

- Notwithstanding anything contained in any other law for the time being in force, or in any customs or usages to the contrary, the provisions of this Act shall have effect against any provisions of any law for the time being in force, contrary to this Act.

22. Powers to make rules.

(1) The State Government may, by notification in the Official Gazette, make rules for carrying out all or any of the purpose of this Act. (2) Without prejudice to the generality of sub-section (1), the State Government shall in particular have right to make the rules determining the terms and conditions of service including the procedures for discipline and punishment of the employees of the Board. (3) Every rule made under this section shall be laid as soon as may be after it is made, before the State Legislature, while it is in session, for a total period of fourteen days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the State Legislature agrees in, making any modification in the rule or the State Legislature agrees that the rules should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

23. Powers to make regulations.

(1) The Board with the prior approval of the State Government in writing may make regulations not inconsistent with the provisions of this Act. (2) Without prejudice to the generality of sub-section (1),

the Board shall in particular have right to make regulations regarding, -(a)the powers and functions of the Chairman and the Vice-Chairman,(b)the powers and functions of the Registrar, the Controller of Examination, the Law Officer and the Accounts Officer,(c)procedure for holding entrance examination for both undergraduate and post-graduate level,(d)the procedures for conducting the business of the Board.(e)powers and functions of different sub-committees of the Board.

24. Members etc. are Public Servant.

- The Chairman, the Vice-Chairman, the Registrar, the Controller of Examination, the Law Officer, the Accounts Officer and all other persons as may be appointed under this Act, shall, while acting or purporting to act under this Act, be deemed to be Public Servant within the meaning of section 21 of the Indian Penal Code, 1860.

25. Report of the Board.

- It shall be the duty of the Board to present annually to the State Government, within 31st December of every Calendar year, a report on the work done by the Board and on receipt of such report the State Government shall cause a copy thereof to be laid before the State Legislature.

26. Repeal and savings.

(1)With effect from the date of effect of this Act, the Order vide no. 828-Edn (D) dated 02.03.1962 shall stand repealed.(2)So as to ensure continuity in the functions of the Board, every action taken by the existing Joint Entrance Examinations Board shall, unless repugnant to any of the provisions of this Act, be treated as valid and shall be deemed to have been taken under the provisions of this Act. as if this Act was in force.(3)All orders, rules, notification issued by the State Government in respect of the existing Board shall continue to be valid unless repugnant to the provisions of this Act or until modified.(4)The service conditions of the existing employees of the Board shall not be varied to their detriment and shall be spelt out in detail under the rules to be prescribed by the State Government.