

# **The Assam Aided Higher Secondary, High and Middle Schools Management Rules, 1976**

ASSAM

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### **Rule**

### **THE-ASSAM-AIDED-HIGHER-SECONDARY-HIGH-AND-MIDDLE-SCHOOLS-MANAGEMENT-RULES-1976**

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The Assam Aided Higher Secondary, High and Middle Schools Management Rules, 1976Published vide Notification Assam Gazette, Extraordinary, dated 25th August, 1978Last Updated 10th February, 2020

#### **1.**

These Rules may be called the Assam Aided Higher Secondary, High and Middle Schools Management Rules, 1976.

#### **2.**

These rules shall come into force from such [date] [[Vide Notification No. ESS 149/76/2, dated 19th August, 1976 which runs as under:'In exercise of the powers conferred under Rule 2 of the Assam Aided Higher Secondary, High and Middle Schools Management Rules, 1976, the Governor of Assam is pleased to fix 1st September, 1976 as the date from which the Assam Aided Higher Secondary, High and Middle Schools Management Rules, 1976 shall come into force.']] as the Government by notification, appoint and publish in the official Gazette. The Managing Committee of Aided Higher Secondary, Higher and Middle Schools constituted or reconstituted under Section 11 of Chapter III of the Education Department Rules and Orders shall stand dissolved from the date the Assam Aided Higher Secondary, High and Middle Schools Management Rules, 1976 come into force.

### 3.

Every Higher Secondary School, High School and Middle School shall be governed by a managing committee the constitution of which has been approved by the Inspector of Schools save in cases where the Director of Public Instruction allows an exception under special circumstances.

### 4.

Save in cases where the Director of Public Instruction sanctions a Special Committee under special circumstances each managing committee shall consist of the following members, viz., (a)(i) President. (ii) One Secretary. (iii) Two teacher-members except in case of middle schools where the number will be one, to be elected by the teaching staff (excluding Assistant Headmaster/Vice-Principal/Headmaster/Principal) of the school from among themselves. (iv) Two representatives to be elected by the guardians. (v) One member to be elected by the donors of not less than Rs. 500 and subscribers of Rs. 25 or above annually. (vi) Three members to be nominated by the government In Girls' schools, one of the nominated members shall be a lady. (vii) Assistant Headmaster/Vice-Principal - Ex-officio. (b) The President shall be nominated by the Government. (c) The Principal of the Higher Secondary Schools, the Headmaster of the High School or the Headmaster of the Middle School shall be nominated by the Government as ex-officio Secretary of the managing committee of the School, unless there is any specific allegation against any Principal or Headmaster of Higher Secondary Schools or High Schools and Middle Schools. (d) One of the non-official members shall be nominated as Joint Secretary. He will be allowed by the Government to function at the Secretary when the Secretary is unable to function due to illness, long leave or any limitation imposed under Clause (c) above. (e) When special circumstances so justify not more than two additional members in excess of the number prescribed in this rule may be nominated by the Government. Note - The power of nomination under this rule is delegated to Inspector of Schools is not ultra vires the Article 30 (1) of the Constitution. The teas however observed that where minority characteristics are present. The, Government should form a special committee in the interest of the minority for managing the minority school.

### 5.

Appointment of Government Officers to managing committees of aided schools will be ex-officio so far as practicable, for such appointments prior approval of the authority under whose administrative control the officer concerned works is to be obtained. One appointment of a certain Government officer as a member of a particular managing committee is approved under this rule, this approval will be presumed to apply to all his successors in that office unless the authority according the approval desires otherwise.

### 6.

The Inspector of Schools may dissolve and reconstitute a managing committee at any time, if circumstances so demand subject to the approval of the Director save in cases where such approval

may be presumed to have been obtained under any general or special orders of the Director.

**7.**

Subject to Rule 6 above the term of a managing committee will ordinarily expire after a period of 3 years from the date of the first sitting of that Committee with the required quorum or on its being re-constituted, but the members will be eligible for re-appointment or re-election as the case may be. Not later than 3 months before the expiry of the term, the Secretary of the committee shall intimate to the Inspector of Schools, the actual date on which the term of the existing Committee expires and shall forward along with it the names of the newly elected members the election being held well ahead of time. If the names of the elected members are not received in time, the managing committee shall be re-constituted by the Inspector of Schools with the nominated members and the Principal/Head Master without any reference from or to the school's authority. The quorum for such a Committee shall be mentioned in order of re-constitution. The names of the elected members may be subsequently included in the reconstitution when received.

**8.**

Subject to Rules 6 and 7 above an ex-officio member of managing committee shall automatically cease to be a member as soon as he vacates the particular office during the tenure of and by virtue of which he was appointed as such, and his successor will be deemed to be appointed as ex-officio member of that managing committee in the capacity of his predecessor. Such changes should be reported immediately by the Secretary of the Committee.

**9.**

An ex-officio member shall not resign his membership of a managing committee. He may, however, be relieved of his office in the exigencies of public service by the President of the Committee when the District or the Sub-divisional Officer is the President and in other cases by the Inspector of Schools in consultation with the authority with whose prior approval he was appointed to the Committee under Rule 5 of this Part.

**10.**

No member of a managing committee being an employee of the institution shall attend any meeting at which any matter relating to his pay, promotion or conduct is under discussion. But it will be open to the President to call him for making any statement or representation on the subject but he shall leave the meeting immediately after doing so.

**11.**

No member of a managing committee who is not a member of the staff, shall apply for appointment under the managing committee without first resigning his membership.

**12.**

No member of managing committee shall enter into an contract for work, or supply of materials or for any sale or purchase with the managing committee except with the previous permission of the President of the Committee where he is the District or Sub-divisional Officer. If the President be not a District or Sub-divisional Officer the previous permission of the Inspector of Schools shall have to be obtained.

**13.**

Any member who absents himself from three consecutive meetings of a managing committee without the consent of the Committee shall cease ipso facto to be member of that Committee and the Secretary shall report this fact immediately to the Inspector of Schools for confirmation. Further, the office of a member of a managing committee other than an ex-officio member shall be vacated subject to the confirmation by the Inspector of Schools-(i)if he becomes insolvent;(ii)if by reason of his physical or mental disability he becomes incapable of acting as such ;(iii)on death or on resignation ;(iv)on his being convicted of a criminal offence which in the opinion of the Inspector of Schools is of a serious nature.

**14.**

Occurrence of any vacancy in a managing committee shall be reported forthwith by the secretary of the Committee to the Inspector of Schools who shall take steps to fill up the vacancy in the manner in which it was originally filled up. The proceedings of a managing committee during the continuance of such vacancy of vacancies shall not be void provided there is the required quorum.

**15.**

Five members shall form a quorum except in cases of Committee with less than eight members where four shall form a quorum.

**16.**

A meeting of the Committee will be called by the Secretary at least once a quarter. Not less than seven day's notice should be given of the meeting. The notice will set forth the business to be transacted at the meeting and no business other than that so stated will be transacted except with the consent of three-fourths of the members present. When any business of which notice has not been given is considered at a meeting, the decision recorded on resolution adopted in regard to such business at the meeting will be communicated forthwith to all the members and action on it will be held in suspense pending re-consideration at a subsequent meeting which may be convened on a requisition made by not less than three members of the committee within seven days of the communication of the original resolution. Failing such a requisition the resolution of decision will be validated.

**17.**

In the absence of the President one of the members other than members of the teaching staff present will be elected to preside.

**18.**

The President of the meeting will have a casting vote in addition to his ordinary vote when the votes of the members present are equally divided.

**19.**

Under the direction of the Committee the Secretary will carry on correspondence with the proper authority on behalf of the Committee ; provided that no correspondence shall be made direct to the Board of Secondary Education, Assam or the Government who can be addressed only through the Inspector of Schools and the Director.

**20.**

Subject to the rules in this regard the managing committee may frame further rules of business that may be necessary under intimation to the Inspector of Schools.

**21.**

An annual report of the school will be prepared by the Secretary which shall be submitted to the Inspector of Schools, as the case may be, in case of Higher Secondary or High Schools and to the Deputy Inspector of Schools in case of Middle Schools for boys and to the Assistant Inspectress of Schools in case of Middle Schools for Girls, after being approved by the managing committee.

**22.**

The managing committee will have the general direction and control of the current business of the school which will be conducted by the Principal/Headmaster in accordance with the rules and orders prescribed by Government.

**23.**

The following particular duties are assigned to the managing committee : (1) To see that the property of the school does not suffer from preventable causes. (2) To undertake the financial management of the schools to collect authorised subscription to see that the fees are realised and that exemption from payment of fees are not granted except in accordance with the rules in force. (3) To arrange for the maintenance of the school house, furniture and equipments in proper repair and in sufficiency for the enrolment and where their resources are inadequate, to take such steps as are necessary to

supplement them by obtaining contributions in money, labour or kind and by applying for grant-in-aid.(4)To grant leave to the teachers subject to the prescribed rules. The grant of leave other than casual leave and the arrangement made to fill the vacancy being reported to the Inspector of Schools in the case of Higher Secondary and High Schools and the Deputy Inspector of Schools, in the case of Middle Schools.(5)To appoint persons in connection with the affairs of the schools, all such appointments being, however, made with the prior approval of the Inspector of Schools and subject to the rules in force.No such approval is necessary in case of appointment of persons in the menial staff.(6)To arrange for half-yearly internal audit of all school funds and verification of stock and furniture, These duties should ordinarily be entrusted to one or two members of the managing committee other than the office bearers and teacher-members. If there is no such member in the Committee competent to take up these duties, the Committee may employ an outsider for the purpose on reasonable payment if funds permit.

## **24.**

The following are the duties and functions of the Secretary of the managing committee :(i)He is to receive and draw all grants sanctioned by the Inspector of Schools or the Director.(ii)To utilise the grants for the purpose for which it is sanctioned and submission of utilisation certificate to the authority sanctioning such grants in time.(iii)To disburse the deficit grant sanctioned for payment towards salary of the teaching and other non-teaching sanctioned staff of the school within a week from the date of receipt of such grant with intention to the Inspector of Schools concerned.(iv)To assist the auditors while auditing the school fund.(v)To place the audit report together with replies to audit objections with necessary explanation before the managing committee within 7 days from the date of receipt of such audit report and to submit the same to the authority concerned and the Inspector of Schools.

## **25.**

If it is found that the Principal of a Higher Secondary or a Head master of a High or Middle who is the ex-officio Secretary of the managing committee has committed any serious lapse and his continuance as Secretary of the managing committee will jeopardise the very purpose of nominating him as Secretary of the School Managing Committee, the Inspector of Schools may replace him as per rules and allow the Joint Secretary to function as Secretary till such time as the charges on which he is replaced is finalised and he is acquitted of all charges honourably. The Secretary will be subject to disciplinary action against him under relevant provisions of Assam Service (Discipline and Appeal) Rules, 1964 and any other rules framed from time to time in this behalf.

## **26.**

Except where it is ordered otherwise by general or special orders, the managing committee will leave to the Principal/Headquarter all routine questions in connection with arrangement of classes, admission and transfer of pupils, settlement of the class routine, periodical examination, awarding of class promotion and all matters of routine relating to instruction, administration and discipline and control of the pupils and the staff. It will be open to the managing committee, however, to

depute one or more of their members to make enquiry into any of these matters and to report thereon to the department. Except as provided under these rules all matters relating to disbursement of money on account of scholarships/stipends to students, the Principal or Headmaster of the school concerned shall be held directly responsible to the Government for any omission/commission in this regard and the Government shall have the power of appointing authority for placing them under suspension and of the disciplinary authority for taking disciplinary action against them under relevant provisions of Assam Service (Discipline and Appeal) Rules, 1964 and any other rules framed by the Government from time to time in this behalf.

## **27.**

The managing committee will further perform the duties assigned to them by any special or general orders which have been issued and may hereafter be issued under the sanction of the Government or the Director.