

Haryana School Teachers Selection Board Act, 2011

HARYANA

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Act 21 of 2011

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Haryana School Teachers Selection Board Act, 2011(Haryana Act No. 21 of 2011)Last Updated 21st January, 2020[Dated 31.10.2011.]Haryana Government, Law and Legislative DepartmentNo. Leg. 26/2011. - The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 31st October, 2011, and is hereby published for general information :-An Act to establish a Board for the selection of teachers for appointment to the Government schools, and selection of teacher educators, educational supervisors for School Education Department in the State of Haryana and for matter connected therewith or incidental thereto.Be it enacted by the Legislature of the State of Haryana in the Sixty-second Year of the Republic of India as follows :-

1. Short title and commencement.

(1)This Act may be called the Haryana School Teachers Selection Board Act, 2011.(2)It shall come into force on such date, as the Government may, by notification, appoint in this behalf.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"Board" means Haryana School Teachers Selection Board established under section 3;(b)"Chairman" means the Chairman of the Board and includes any other person performing, in the absence of the Chairman, for the time being, the functions of the Chairman;(c)"Director" means the Director, School Education Department and includes Additional Director, Joint Director or Deputy Director as authorized by him in this behalf;(d)"Education Board" means the Board of School Education, Haryana;(e)"Educational Supervisor" means teachers appointed to such posts with various designations to man school, block, district and head quarter office dealing with school education;(f)"Government" means the Government of the State of Haryana;(g)"Head of Institution" means the Head Teacher, Head Master or the Principal of a School, as the case may be;(h)"member" means a member of the Board and includes its Chairman;(i)"prescribed" means prescribed by rules made under this Act;(j)"recognized

university / institution" means -(i)any university/institution established by law in India; or(ii)any other university/ institution which is declared by the Government to be a recognised university/institution for the purposes of these rules;(k)"School" means an institution established by the Government imparting education from primary to senior secondary level;(l)"Teacher" means such persons appointed to regular teaching posts with various designations in school;(m)"Teacher Educator" means teachers with various designations appointed as such in District Institute of Education and Training/State Council of Education and Research Training or any other Government Teacher Training Institution as established by the Government.(n)"Teacher Training Institute" means a Government Training Institute imparting pre-service/in-service training to school teacher.

3. Establishment of Board.

- With effect from such date, as the Government may, by notification appoint in this behalf, there shall be established a Board to be called the Haryana School Teachers Selection Board.

4. Composition of Board.

- The Board shall consist of a Chairman and four other members.

5. Mode of appointment of chairman and members.

(1)The appointment of Chairman and members shall be made by the Government on the recommendations of the collegium which shall consist of, the Chief Secretary to Government, Haryana, Principal Secretary/Commissioner School Education, Haryana and a Vice Chancellor of any of the State Universities to be co-opted by the Chief Secretary. The collegium shall evolve its own procedure in recommending the name/ names of Chairman/ Members to the Chief Minister, who shall make the final selection for the purpose of making the appointment by the Government.(2)No person shall be qualified for appointment as Chairman unless he -(a)possesses a post-graduate degree from any recognized university/institution or have any other equivalent academic qualifications; or(b)has worked on Class-I post under any State or Central Government for five years; or(c)is or has been a Principal, Associate Professor or Professor of any College or University; or(d)is an eminent educationist; or(e)has been a Member of the Board for one term.(3)No person shall be qualified for appointment as a member unless he -(a)possesses a post-graduate degree from any recognized university/ institution or have any other equivalent academic qualifications; or(b)has worked on Class-II post under any State or Central Government for five years; or(c)is an eminent academician :Provided that all the incumbents shall not be from one category.(4)Every appointment under this section shall take effect from the date on which it is notified by the Government.

6. Terms and service conditions of members.

(1)Every member shall, unless he becomes disqualified for continuing as such, hold office for a term

of three years or until he attains the age of 72 years, whichever is earlier :Provided that a member may, by writing under his hand, addressed to the Government, may resign his office, but shall continue in office until his resignation is accepted by the Government.(2)A person who holds office as a member shall, on the expiration of his term of office, be eligible for reappointment to that office for another term.(3)The office of the members shall be whole-time and the terms and conditions of their service shall be such, as may be prescribed.(4)The salary, allowances and perks of Chairman/members shall be the same as prescribed for Haryana Staff Selection Commission.

7. Power of Government to remove members.

(1)The member shall be removed from his office by the order of Government on the grounds of misbehaviour, after an inquiry by a retired High Court Judge when it is held that he ought to be removed on such ground.(2)Notwithstanding anything contained in sub-section (1), the Government may, by order remove from office any member if he, -(a)is adjudged an insolvent; or(b)engages, during his term of office, in any paid employment outside the duties of his office; or(c)in the opinion of the Government is unfit to continue his office by reason of infirmity of mind or body; or of proved misconduct.

8. Proceeding of Board not to be invalidated.

- No act or proceeding of the Board shall be deemed to be invalid merely on the ground of -(i)any vacancy or defect in the constitution of the Board; or(ii)any defect or irregularity in the appointment of a member thereof; or(iii)any defect or irregularity in such act or proceeding not affecting the substance.

9. Staff.

(1)The Secretary shall belong to the cadre of Haryana Civil Services and shall be appointed by the Government on deputation for a term not exceeding five years, and other conditions of his service shall be such, as the Government may, from time to time, determine.(2)Subject to such directions, as may be issued by the Government in this behalf, the Board may appoint such other employees, as it may think necessary, for the efficient performance of its functions under this Act and on such terms and conditions of service as the Board thinks fit.

10. Authentication of orders.

- All orders and decisions of the Board shall be authenticated by the signature of the Secretary or any other officer authorized by the Board in this behalf.

11. Powers and duties.

(1)The Board shall exercise the following powers and perform the following duties, namely
:- (i)prepare guidelines on matter relating to the method of direct recruitment of teachers, teacher

educators and education supervisors for School Education Department;(ii)conduct examinations, hold interviews and make selection of candidates for being appointed as teachers, teacher educators and education supervisors :Provided that the Haryana Public Service Commission shall continue the process of recruitment for the posts which have been notified and already advertised;(iii)select and invite experts and to appoint examiners or examination agencies for the purposes specified in clause (ii);(iv)make recommendations to the Director, Elementary Education, Secondary Education or Government regarding the appointment of selected candidates Group A, B and C (excluding ministerial staff in Government schools/ Teacher Training Institutions/ offices of School Education Department;(v)fix the emoluments and travelling and other allowances of the experts and examiners;(vi)administer the funds placed at the disposal of the Board;(vii)perform such other duties and exercise such other powers as may be prescribed.(2)It shall not be necessary to consult the Board for suitability of candidates for appointment to -(a)a temporary post, the necessity for which is declared at the time of its creation to be unlikely to continue for more than six months;(b)a permanent post of a person temporarily for a period not exceeding six months, owing to emergent circumstances having arisen, if it is necessary in public interest to fill the vacancy immediately and there is likely to be undue delay in making appointment in consultation with the Board; and(c)a post to be filled in by promotion or transfer.

12. Headquarter.

- The headquarter of the Board shall be at Panchkula or at such place, as the Government may, notify from time to time.

13. Power to make rules.

(1)The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.(2)Every rule made under this section shall be laid as soon as may be after it is made before the House of the State Legislature while it is in session.

14. Payment.

- The Government may, after due appropriation made by law in this behalf, pay to the Board in each financial year, such sum, as may be considered necessary, for the performance of the functions of the Board.

15. Fun.

(1)The Board shall have its own fund, and all sums paid to it by the Government and all receipts of the Board shall be carried to the fund and all payments by the Board shall be made therefrom.(2)All moneys belonging to the fund shall be deposited in such banks or invested in such manner, as may subject to the approval of the Government, be decided by the Board.(3)The Board may spend such sums as it thinks fit for performing its functions and such sums shall be treated as expenditure payable out of the fund.

16. Annual Report.

- The Board shall prepare once every year, in such form and at such time, as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Government and the Government shall cause the same to be laid before the State Legislature.

17. Accounts and Audi.

(1)The Board shall cause to be maintained such books of accounts and other books in relation to its account, in such form and in such manner, as the Government may, by general order direct.(2)The Board shall as soon as may be after closing its annual accounts, prepare statement of accounts in such form and forward the same to the Accountant General, by such date, as the Government may, in consultation with the Accountant General determine, for audit under section 14 of the Comptroller and Auditor Generals' (Duties, Powers and Conditions of Service) Act, 1971 (56 of 1971).(3)The Annual accounts of the Board together with the audit report thereon shall be forwarded to the Government and the Government shall cause the same to be laid before the State Legislature.

18. Delegation.

- The Board may, by regulations made under section 20, delegate to Chairman or any of its members or officers, its power of general superintendence and direction over the business transacted by or in the Board including the powers with regard to the expenditure incurred in connection with the maintenance of the office and internal administration of the Board.

19. Protection of action taken in good faith.

- No suit, prosecution or other proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

20. Power to make regulations.

- The Board may, with the previous approval of the Government, make regulations not inconsistent with the provisions of this Act or the rules made thereunder regulating fees for holding selections, conducting examination and holding interviews and laying down the procedure to be followed by the Board for discharging its duties and performing its functions.

21. Power to remove difficulties.

(1)If any difficulty arises in giving effect to the provisions of this Power to remove Act, the Government may, by order published in the Official Gazette, make such provisions or give such directions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.(2)Every order made under sub-section (1) shall be laid before

the State Legislature.(3)No order under sub-section (1) shall be called in question in any Court on the ground that no difficulty, as is referred to in sub-section (1), existed or was required to be removed.

22. Repeal and saving.

(1)The Haryana School Teachers Selection Board Ordinance, 2011 (Haryana Ordinance No. 5 of 2011), is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under this Act.