

The U.P. Secondary Education (Removal of Difficulties) (Fifth) Order, 1976

UTTAR PRADESH

India

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Rule

THE-U-P-SECONDARY-EDUCATION-REMOVAL-OF-DIFFICULTIES-FIFTH OF 1976

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The U.P. Secondary Education (Removal of Difficulties) (Fifth) Order, 1976Published Vide Notification No. Ma-8170/15 - (7)-76(2)(18)1975, dated 27.11.1976.Whereas a large number of teachers employed prior to the coming Into force of the Uttar Pradesh Secondary Education Laws (Amendment) Act, 1975 (U.P. Act No. 26 of 1975), in the interest of studies were re-appointed or allowed to continue in service temporarily or appointed on ad hoc basis under the Removal of Difficulties Orders issued under Section 22 of that Act, and it is necessary to make provision for safeguarding their services;And, whereas, certain other difficulties have arisen in giving effect to the provision of Section 14 of the aforesaid Act;Now, therefore, in exercise of the powers conferred by Section 22 of the aforesaid Act and all other powers enabling him in this behalf, the Governor is pleased to make the following orders ;

1.

(1)This order may be called the Uttar Pradesh Secondary Education (Removal of Difficulties) (Fifth) Order, 1976.(2)It shall come into force at once.

2.

In this Order, unless the context otherwise requires, -(a)"Act" means the Intermediate Education Act, 1921 (U.P. Act No. II of 1921);(b)"Committee of Management" includes an authorised Controller or any other person vested with the Authority to manage the Institution under any law for the time being in force;(c)"Teacher" means a teacher (not being the Head of Institution) of a recognised

Intermediate College, Higher Secondary or High School and includes a male teacher appointed in an Institution for girls and a lady teacher appointed in an institution for boys.

3.

Where any person was appointed by the Committee of Management as a teacher on or before June 30, 1975 for any period as a temporary measure with the approval or permission of the Inspector and such person has worked thereafter up to November 15, 1976, he shall be deemed to have been appointed in a substantive capacity -(a) in case the appointment was initially made in a clear vacancy, from the date of appointment; (b) in case the appointment was initially made in a leave vacancy or a vacancy occurring for a part of the session or otherwise than in a clear vacancy, from the date when such vacancy assumed the character of clear vacancy. (c) in case the appointment was initially made on a post, the creation of which was sanctioned subsequently by a competent authority in that behalf, from the date of such sanction; (d) in case he did not possess the prescribed training qualifications at the time of initial appointment, from the date of acquisition of such training qualification : Provided that in a case referred to in sub-clauses (a), (b) and (c), such person possesses the prescribed qualification or has been exempted from the requirements of minimum qualifications and was duly selected and appointed in accordance with law for the time being in force. Explanation. - The period during which any such teacher has, between the date of his appointment and November 15, 1976, ceased to work for any reason not arising out of his own request shall not constitute a break into service for purposes of this clause.

4.

Any teacher deemed to have been appointed in a substantive capacity under clause 3 shall be deemed to be on probation from the date of substantive appointment and subject to the provision of the Act and the Regulation made thereunder shall be confirmed.

5.

Nothing in this Order shall be construed as entitling any teacher to any pay or allowance for any period for which his services were discontinued.

6.

Nothing in clause 3 shall entitle any teacher to substantive appointment on any post if on the date of publication of this order such post has already been filled or selection for such post has already been made in accordance with the Act and the Regulations made thereunder.

7.

Where the Committee of Management has filled a post by appointment of a person under U.P. Secondary Education (Removal of Difficulties) Order, 1975, such post shall be held until December

31, 1976, or regular appointment in accordance with the Act and the Regulation made thereunder whichever is earlier -(a)if such person was holding that post on November 15, 1976, by him;(b)if such person was not holding that post or such post was otherwise vacant on November 15, 1976, by such other person as is appointed by the Committee of Management as a temporary measure.