

Bihar High Schools (Constitution, Powers and Functions of Managing Committee) Rules, 1964

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Bihar High Schools (Constitution, Powers and Functions of Managing Committee) Rules, 1964 Published vide Notification No. 2601, dated July 27, 1964 [S.O. 69, dated 24th April, 1967.] - The Bihar High Schools (Constitution, Powers and Functions of Managing Committee) Rules, 1964 made by the Governor of Bihar in exercise of the powers conferred by sub-section (1) of Section 8 of the Bihar High Schools (Control and Regulations of Administration) Act, 1960 (Bihar Act XIII of 1960), as modified by the State Legislature under sub-section (iii) of Section 8 of the said Act, are hereby published for information to all concerned:-] No. 2601, dated July 27, 1964. - Published in the Bihar Gazette extraordinary dated August 1, 1964. - In exercise of powers conferred by sub-section (1) of Section 8 of the Bihar High Schools (Control and Regulation of Administration) Act, 1960 (Bihar Act XIII of 1960), the Governor of Bihar is pleased to make the following Rules, the same having been previously published as required by the said Section namely-

Chapter I

General

1. Short title and commencement.

(1) These Rules may be called the Bihar High Schools (Constitution, Powers and Functions of Managing Committee) Rules, 1964. (2) They shall come into force at once.

Chapter II

Definitions

2. Definitions.

(1) In these Rules, unless there is anything repugnant in the subject or context—(1) "The Act" means the Bihar High Schools (Control and Regulation of Administration) Act, 1960 (Bihar Act XIII of 1960); (2) "Committee" means the Managing Committee of School; (3) "Deputy Director" means the Regional Deputy Director of Education of the area; (4) "Director" means the Director of Public Instruction, Bihar; (5) "District Inspectress" means the District Inspectress of Schools; (6) "Donor" means a person who has donated to the satisfaction of the Inspectress in the case of a school for girls and the District Education Officer in other cases, a sum not less than Rs. 5,000 in cash or in Government securities or property of equivalent value certified to be so by the Land Reforms Deputy Collector having jurisdiction over the area concerned, in one or more instalments, to or for the purpose of the school and is declared as such by the Inspectress or the District Education Officer, as the case may be; (7) "Guardian" means a person whose name is recorded as such in the Admission Register of the School at the time of admission; (8) "Headmaster" included Principal, Lady Principal, Head Mistress or any person, appointed as head of a school by the authority competent to appoint; (8-A) "Hereditary member" means a person who has donated, to the satisfaction of the Inspectress in case of school for girls; and Deputy Director in other cases, a sum not less than Rs. 50,000 in cash or in Government Securities or property of equivalent value certified to be so by the Land Reforms Deputy Collector of the area concerned, in one or more instalments, to or for the purpose of the school and includes, after his death, a person nominated by him in writing during his lifetime to be such member from amongst the persons who would have been his heirs had he died intestate at the midnight between the date of nomination and the day just preceding such date; (9) "Inspectress" means the Inspectress of Schools, Bihar; (10) "Life member" means a persons who has donated, to the satisfaction of the Inspectress in case of school for girls, and Deputy Director in other cases, a sum not less than Rs. 10,000 in cash or in Government securities or property of equivalent value certified to be so by the Land Reforms Deputy Collector of the area concerned, in one or more instalments, to or for the purposes of the school and is declared as such by the Inspectress or Deputy Director as the case may be; (11) "President" means the president of the Managing Committee of a school; (12) "Proprietor" means a private individual, a group of individuals, a trust, an association or a corporate body who have been bearing the entire financial responsibility, for the running of a proprietary school and have been declared as such by the Director; (13) "Proprietary School" means a school the entire financial responsibility for the running of which is borne by a private individual, a group of private individuals, a trust, an association or a corporate body, and which is declared as such by the Director; (14) "School" means a recognised High school, not owned by the State Government, imparting instruction in Secondary or Higher Secondary Education; (15) "Section" means a Section of the Act; (16) "Subsidised School" means a school which is in receipt of subsidy from the State Government for the purpose of meeting the entire deficit in its maintenance and which is declared as such by the State Government; (17) All words and expressions used in these Rules but not defined herein shall have the same meanings as are respectively assigned to them in the Act.

Chapter III

Constitution of Managing Committee of a School other than a Proprietary School

3. Constitution of Managing Committee of a School other than a proprietary school.

- The Managing Committee of a school other than a proprietary school shall consist of the following members, namely:-(1)All hereditary members and life members (declared under Rule 4);(2)The Headmaster (ex-officio);(3)A teacher's representative, to be appointed by the Headmaster in the manner laid down in Rule 5;(4)An officer of the Education Department of the State Government to be nominated by the President of the Board of Secondary Education;(5)Two donors, if available, to be elected in the manner laid down in Rule 6;(6)Two guardians, to be elected in the manner laid down in Rule 7;(7)One member of the State Legislature representing or residing in the Assembly constituency in which the school is situated to be co-opted by the members referred to in items (1), (4), (5) and (6) of this Rule;(8)Three persons of the locality, interested in education, of which one shall be a member of the Scheduled Castes or Scheduled Tribes if not otherwise a member, to be co-opted by the members referred to in items (1) to (7) of this Rule.

4. Hereditary member and life-member.

(1)The Inspectress, in the case of a school for girls, in other cases, the Deputy Director shall declare from time to time, the names of hereditary members and life-members.(1)Subject to the provisions of clause (a) of Rule 15, each hereditary member and life member shall become a member of the committee for his lifetime with effect from the date of being declared as such under sub-rule (1).

5. Appointment of teachers' representative and the term of his membership.

(1)The appointment of teachers, representative shall be made by the Headmaster, in rotation strictly in order of seniority according to the length of service, in the school for a period of one year from the date of his appointment.(2)A dispute, if any, regarding the seniority of a teacher shall be referred by the Headmaster or the person aggrieved to the Inspectress, in case of a school for girls and, in other cases, to the District Education Officer of the area, whose decision in the matter shall be final.(3)In the event of a casual vacancy, the teachers' representative shall be appointed by the Headmaster in the manner laid down in sub-rule (1). The teachers' representative so appointed, shall hold office only for the unexpired portion of the term of membership but shall also be eligible for appointment in his turn in rotation.

6. Election of donors.

(1)The Inspectress in case of a school for girls, and the District Education Officer in other cases shall, after such enquiry, if any, as is deemed fit, declare, from time to time the names of donors, and

in case the donor happens to be a company or association or body of individuals, the name of its representative and prepare a list thereof.(2)The District Inspectress in the case of a school for girls and in other cases, the Sub-divisional Education Officer, shall fix a date, time and place for the election of donors' members of the committee.(3)Any person whose name has been entered in the list referred to in sub-rule (1) six months before the date fixed for election under sub-rule (2) shall be eligible to be elected or to vote at such election:Provided that for the purpose of the first election of donors as members of the committee after the coming into force of the Bihar High Schools (Constitution, Powers and Functions of the Managing Committee) Rules, 1964, as modified by the State Legislature any person whose name has been entered in the list referred to in sub-rule (1) one month before the date fixed for election under sub-rule (2), shall be eligible to be elected or to vote at such election.(4)If the names of only two person are entered in the list referred to in sub-rule (1) six months or one month as the case may be, before the date fixed for election under sub-rule (2) they shall be declared elected by the District Inspectress or by the Sub-divisional Education Officer.(5)If the names of more than two persons are entered, in the list referred to in sub-rule (1) six months or one month, as the case may be, before the date fixed for election under sub-rule (2), then the District Inspectress or the Sub-divisional Education Officer, shall hold the election of the donors as members of the committee on the appointed date, time and place by secret ballot and declare the names of donors elected.

7. Selection of Guardian.

(1)The District Inspectress, in the case of a school for girls, and the Sub-divisional Education Officer, in other cases shall fix a date, time and place for selection of guardians as members of the committee.(2)If there are only two guardians as candidates proposed and seconded by guardians for being selected as members of the committee, they will be declared by the District Inspectress or Sub-divisional Education Officers, as the case may be, to be selected as such members.(3)If there are more than two guardians as candidates for being selected as members of the committee, the District Inspectress or Sub-divisional Education Officer, as the case may be, shall in presence of such members referred to in items (1) to (5) of Rule 3 as may be present select two guardians by lot and declare two guardians so selected as members of the committee.

8. Co-option of members.

- Co-option of members under Clause 7 or 8 of Rule 3 shall be made by secret ballot at a special meeting convened and presided over by the District inspectress, in the case of schools for girls, and in other cases, by the Sub-divisional Education Officer. The District Inspectress or the Sub-divisional Education Officer shall not be entitled to vote or to propose the name of any person.

9. Election of the President and the Secretary of the Managing Committee of a School other than a subsidised and proprietary School.

- In case of a school other than subsidised school or proprietary school, after the members mentioned in Rule 3 have been duly elected, selected, nominated, co-opted or declared, as the case

may be, the District inspectress in the case of a school for girls and the Sub-divisional Education Officer in other cases, shall convene the meeting, of such members to elect the President and the Secretary of the Committee.(2)The meeting shall be presided over by the District Inspectress or the Sub-divisional Education Officer as the case may be. The District Inspectress or the Sub-divisional Education Officer shall not be entitled to vote or to propose the name of any candidate.(3)The President and the Secretary of the Managing Committee shall be elected by secret ballot from amongst its members other than the headmaster and the teachers' representative. The election shall be held by the District Inspectress or the Sub-divisional Education Officer, as the case may be, who shall declare the names of the members elected as President and Secretary. No one shall vote for more than one candidate for each of the posts.(4)In case of equality of votes the matter shall be decided by drawing lots.(5)The term of office of the President of the Committee shall be three years from the date of his election or till the date he ceases to be a member of the Committee, whichever is earlier.(6)The vacancy caused in the office of the President of the Committee shall be filled up by election from amongst its members other than the headmaster and the teachers' representative by the members of the Committee for the time being.(7)The term of office of the Secretary of a Committee shall be three years from the date of his election or till the date he ceases to be a member of the Committee whichever is earlier:Provided that-(a)Secretary may at any time resign from the office, in which case, his resignation will be effective from the date if it is accepted by the Committee,(b)the committee may at any time decide, by at least two thirds of the total membership to remove the Secretary. The decision of the Committee shall take effect from the date the resolution in that behalf is passed by the Committee.

10. Appointment of the President and the Secretary of the Managing Committee of a subsidised school and the term of their offices.

(1)The Secretary of Managing Committee of a subsidised school shall be nominated by the President of the Board of Secondary Education from, amongst the members of the committee or from outside, as he deems fit.(2)For the purpose of the nomination of the Secretary of the Committee under sub-rule (1), the District Inspectress in the case of school for girls and the Sub-divisional Education Officer in other cases, as soon it may be after the committee is constituted for the first time, submit to the President of the Board of Secondary Education the name of the members duly nominated, selected or co-opted and thereafter, the committee shall submit the names of the members of the committee for the time being, at least thirty days before the expiration of the terms of the then existing Secretary.(3)A person, appointed by the President of the Board of Secondary Education as the Secretary, shall, if he is not already a member of the committee be deemed to be a member of the committee for the term.(4)The terms of the office of the Secretary appointed by the President of the Board of Secondary Education shall be three years and shall include any further period which may elapse between, the date of the expiration of the said three years and that on which the newly nominated Secretary takes over charge of the office:Provided that-(a)the retiring Secretary may be eligible for being re-appointed for another term;(b)the President of the Board of Secondary Education may remove a Secretary before the expiry of the term, after giving him a reasonable opportunity to explain his conduct;(c)the person, so appointed by the President of the Board of Secondary Education, may at any time resign from the office, in which case his resignation shall take effect from the date he makes over charge of the office to his successor duly nominated by the

President of the Board of Secondary Education, and.(d)if a person so nominated by the President of the Board of Secondary Education is already a member of the Committee, he shall cease to be the Secretary on the expiry of the term of his membership of the Committee but he shall continue to act as Secretary and shall be deemed to be an additional member of the Committee during the period that may elapse between the date of expiration of his term as member and that on which he makes over charge to his successor.(5)After the committee has been constituted for the first time, the person nominated as Secretary thereof by the President of the Board of Secondary Education, shall convene the first meeting of the committee in the premises of the school, to elect the President.(6)Notice of the meeting referred to in sub-rule (5) shall be issued by Secretary nominated by the President of the Board of Secondary Education stating the date, time and place at which the meeting will be held and shall be served on each of the members not less than 15 clear days before the day appointed for the meeting.(7)[Omitted](8)The Secretary, nominated by the President of the Board of Secondary Education shall preside over the meeting referred to in sub-rule (5). he shall not vote in the first instance but shall exercise a casting vote in the case of an equality of votes.(9)Election of the President of the Committee shall be made in the meeting referred to in sub-rule (5) from amongst the members of the committee other than the Headmaster and the teacher's representative. In the event of contest, an election shall be held and the person securing the highest number of votes shall be duly elected as President. No one shall vote for more than one candidate.(10)The term of office of the President of a Committee shall be three years from the date of his election or till the date he ceases to be a member of the Committee, whichever be earlier.(11)Vacancy in the office of President of Committee shall be filled up by election from amongst themselves by the members of the committee for the time being, in the manner specified in sub-rules (5) to (9).

10A. Suspension or removal of the President, Secretary or Members of the Committee.

(1)The President of the Board of Secondary Education, on being satisfied that circumstances exist which render it necessary to take immediate action in the interest of the school may at any time suspend the President, the Secretary or any Member of the Committee other than life-member or hereditary Member and after giving such reasonable opportunity as he may deem proper, to the person concerned to explain his conduct, remove him from his office and in such a case the order of suspension or removal will take effect from the date of the issue of the order by the President to that effect and the person so removed shall not be eligible to be nominated, elected, selected or co-opted, as the case may be, to fill the casual vacancy.(2)As soon as a President or a Secretary is suspended by an order under sub-rule (1) the President of the Board of Secondary Education shall forthwith nominate a person to act as such till the order of suspension is vacated, and in case of removal, till another member is elected to fill the vacancy.

10B. Notice.

- Notice of every meeting for the election, selection or cooption shall be given to the persons concerned at least ten clear days before the day appointed for the meeting, stating therein the date, time and place of such a meeting.

10C. Quorum.

- The quorum for meeting for co-option of members and for election of the President or Secretary of the Committee shall be one half of the number of members entitled to participate and vote at such meetings.

Chapter IV

Constitution of Managing Committee of a Proprietary School

11. Constitution of Managing Committee of a Proprietary School.

- The Managing Committee of a proprietary school shall consist of the following members, namely:-(a)the Headmaster;(b)a teachers' representative to be appointed by the Headmaster;(c)the Deputy Inspectress of Schools (ex-officio) in the case of a school for girls; or an officer of Education Department, to be nominated by the Deputy Director, in other cases;(d)not exceeding four persons to be nominated by the proprietor;(e)two guardians to be elected by the rest of the members in the manner specified in Rule 13.

12. Nominations by the proprietor referred to in clause (d) of Rule 11 and the term of their office.

(1)The nomination made by the proprietor shall be communicated to the Headmaster.(2)The term of office of a nominated member shall be three years, he will be eligible for being re-nominated.(3)The vacancy caused by expiration of the term of a nominated member or otherwise shall be filled up by nomination by the Proprietor.

13. Selection of guardians and the term of their office

(1)The District Inspectress of Schools in case of a school for girls, and the Sub-divisional Educational Officer, in other cases, shall fix a date, time and place for selection of guardians as members of the Committee.(2)If there are only two guardians as candidates for being selected as members of the committee, they will be declared by the District Inspectress or the Sub-divisional Education Officer, selected as such members.(3)If there are more than two guardians as candidates for being selected as members of the committee, the District Inspectress or the Sub-divisional Education Officer, shall in the presence of such members referred to in clauses (a) to (d) of Rule 11, as may be present, select two guardians by lot and declare the two guardians so selected as members of the committee.(4)The term of the guardians selected as members under this Rules shall be three years from the date of selection as such.

14. Appointment of President and Secretary of Managing Committee of a Proprietary School.

(1)The President and the Secretary of Managing Committee of a Proprietary School shall be appointed by the Proprietor.(2)The term of office of the Secretary and the President shall be three years, which shall include any further period which may elapse between the expiration of the said three years and the date on which the newly appointed President or Secretary, as the case may be, takes over charge of his office:Provided that-(a)the retiring President or Secretary may be eligible for being re-appointed for another term;(b)a person so appointed, may be removed before the expiry of his term by the President of the Board of Secondary Education after giving him a reasonable opportunity to explain his conduct;(c)a person, so appointed, may at any time resign his office, in which case his resignation will take effect from the date he makes over charge to the person duly appointed to hold that post;(d)a person shall cease to be the President or Secretary on the expiration of the term of his membership of the committee but in such a case till the time he makes over charge of his office, he shall continue to hold the office and shall be deemed to be an additional member of the committee during the period that may elapse between the date of the expiration of his term as a member and that on which he makes over charge of his office to his successors.

Chapter V

General Provisions Applicable to all Managing Committee

15.

(a)A person shall be disqualified for being nominated, elected or selected or co-opted and for being a member of a committee if he is of unsound mind, or insolvent or is convicted in a criminal offence involving moral turpitude.(b)Members of the Committee other than ex-officio members, hereditary members, life-members, or such members as are members of the State Legislature, shall cease to be such members if they do not attend four consecutive meetings of the committee without leave of the committee.

16.

A member elected or nominated to represent a body or a class of persons shall be deemed to have vacated office with effect from the date on which he ceases to have that representative capacity.

17.

A resignation of membership of the committee shall be tendered to the Secretary and shall not take effect until it has been accepted by the committee.

17A.

(1)The term of office of nominated, elected, selected or co-opted members of a committee shall be three years from the date of constitution of the committee.(2)If such member of a committee is unable by reason of his death, resignation, removal or otherwise to complete his full term of office, the vacancy so caused shall be filled by nomination, election, selection, or co-option, as the case may be, of another person, and the person so nominated, elected, selected or co-opted shall fill such vacancy for the unexpired portion of the term for which the members in whose place such person is nominated, elected, selected or co-opted would have otherwise continued in office.

18.

(a)The first constitution of the committee of a school under these Rules or the election of the President or Secretary thereof shall not be invalidated or called in question merely because a person has not been declared a life-member or the name of any person claiming to be a donor has not been included in the list referred to in sub-rule (1) of Rule 6.(b)Any vacancy in the membership of the committee for whatever reason it might be, or non-participation by any member on the working of the committee for any reason whatsoever, shall not prevent the committee, after it has been constituted for the first time, from exercising its powers and functions and shall not invalidate the actions taken in the exercise of such powers and functions.

19.

No remuneration or travelling allowance shall be payable to any member of the committee, out of the funds of the school, in connection with any business of the committee or for attending any meeting of the committee or that of any subcommittee set up by it.

20.

A meeting of the committee shall ordinarily be called by the Secretary once every month, except during vacations.

21.

All meetings of the committee shall be called by notice under the signature of the Secretary and shall, except with prior approval of the District Education Officer, be held in the premises of the school.

22.

Every notice, calling a meeting of the committee shall state the, time and place at which such a meeting is to be held and shall, except in case of an emergent meeting, be sent through a messenger or by post under postal certificate to every member of the committee not less than ten clear days

before the day appointed for the meeting. In the case of an emergent meeting, the notice shall be served on every member at least twenty four hours before the time appointed for the meeting.

23.

The notice of each meeting shall further set forth the business to be transacted at the meeting and no other business shall be transacted therein except with the consent of three-fourths of the members present.

24.

The Secretary shall convene a special meeting of the committee, when requisition therefor is received by him, signed by at least five members thereof.

25.

If, on the receipt of a requisition, signed by at least five members of the committee, the Secretary fails to convene a special meeting within twelve days of the receipt of the requisition, the matter shall be referred to the President of the Committee, who shall call the meeting.

26.

The quorum in any meeting of the committee shall be one-half of number of the members entitled to participate and vote at such meeting.

27.

If the President is not present at any meeting of the committee, the members present shall elect one from amongst themselves to preside at the meeting.

28.

All disputed questions at the meeting of the committee shall be determined by vote. In the case of equality of votes, the President of the meeting shall exercise a casting vote.

29.

The Secretary shall keep a record of the proceedings of the meeting of the committee which shall be subject to confirmation at the next ordinary meeting. At such ordinary meeting, the first item of business shall be to read and confirm the proceedings of the previous meeting.

30.

No subject once disposed of shall be reconsidered by the committee within six months, unless two-thirds of the members indicate their consent by signing a requisition.

Chapter VI

Powers and Functions of a Managing Committee

31.

(1) A Managing Committee shall have all powers and shall exercise all functions which may be necessary for the proper management and administration of the school. (2) In particular and without prejudice to the generality of the powers, conferred on it under sub-rule (1), a Managing Committee shall have the powers-

- (i) to acquire by gift, purchase, lease or otherwise any property, movable or immovable, which may be necessary for the purposes of the school and to construct, alter and maintain any building or buildings for the purposes of the school;
- (ii) to deal with any property belonging to the school in such manner as it deems fit in the interest of the school;
- (iii) to receive grants, subscriptions, and donations for the purposes of the school;
- (iv) to maintain a fund to which shall be credited-

 - (a) all monies provided by the Government of India and the Government of Bihar;
 - (b) all fees and other charges received from the school;
 - (c) all monies received by it by way of grants, gifts, donations, benefactions, bequests or transfers; and
 - (d) all monies received by it in any other manner from any other source;

- (v) to deposit and invest monies, belonging to the said fund in such manner as may be approved by the Director or as may be prescribed;
- (vi) to regulate the expenditure within the fund available;
- (vii) to maintain proper accounts and other relevant records, and to prepare an annual statement of accounts and to get the accounts of the school audited;
- (viii) to prepare budget estimates for each year;
- (ix) to fix and demand fees and charges consistent with the Rules prescribed in this regard;
- (x) to institute and award scholarships, prizes medals;
- (xi) to establish, maintain and manage hostels and to provide such other accommodations as are necessary for the residence of the students, to supervise and control the residence and to regulate the discipline of the students of the school and to make arrangements for the promotion of their general health, welfare and cultural and community life;
- (xii) to make arrangements for the teaching of different subjects in accordance with the Syllabus laid down by the competent authority and to hold school examinations therein;
- (xiii) to create with the approval of the Board of Secondary Education teaching, administrative, ministerial and inferior posts and to make appointments thereto in accordance with the Rules, laid down in that regard;
- (xiv) to appoint teaching and other staff in vacancies in the existing posts, to grant extension of service and to impose penalties on such members of the staff in accordance with the Rules prescribed in that regard;
- (xv) to exercise, administrative and disciplinary control on the members of the teaching and other staff of the school, subject to the Rules prescribed in that regard;
- (xvi) to constitute such sub-committees as it may deem fit;
- (xvii) to delegate any of its powers to any member or committee constituted by it;
- (xviii) to enter into agreement for and on behalf of the school;
- (xix) to see and defend all legal proceedings on behalf of the school;
- (xx) to appoint, in order to execute any instrument or transact any business of the school, any person as attorney of the school with such powers as it may deem fit; and
- (xxi) to do all

such other acts or things as may be necessary in the interest, of the school.

Chapter VII

Authorities of the Committee and their powers and functions

32. Authorities of the Committee.

- The following shall be the authorities of the Committee:-(1)the President;(2)the Secretary;(3)the Headmaster; and(4)such other authorities as may be constituted by the Committee.

33. Powers and duties of the President.

(1)Whenever present, the President shall preside at the meetings of the Committee.(2)The Committee may, by resolution, delegate to the President such of its powers for the conduct of business as it may deem fit, subject to the condition that the action taken by the President in exercise of the powers so delegated to him shall be reported at the next meeting of the Committee.

34. Powers and duties of the Secretary.

(1)(a)The Secretary shall subject to the control and direction of the committee, be responsible for the proper administration of the affairs of the Committee, and the school. He shall carry on correspondence with proper authorities on behalf of the Committee and shall perform such functions and exercise such powers as may be prescribed by these Rules or may be delegated or assigned to him by the Committee.(b)The Secretary may, with the approval of the Committee, delegate any of his powers and functions to any other officer or authority appointed or established under these Rules, but the ultimate responsibility shall vest in him.(2)In particular and without prejudice to the generality of the foregoing powers, the Secretary shall-(i)prepare and submit to the committee, for its approval, annual statement of accounts, budget estimates;(ii)ensure that monies are expended, within budget estimates approved by the Committee, and for the purpose for which they are granted or allotted;(iii)make all payments except from the allotments which the Headmaster is authorised to spend and shall sign, on behalf of the committee, all receipts except receipt for fees and fines;(iv)be in charge of invested funds, title-deeds and legal and other documents belonging to the school;(v)be competent to spend not more than Rs. 30 a month on unforeseen contingencies over and above the sanctioned scale of expenditure regarding which he shall obtain the approval of the Committee at its next meeting;(vi)receive from the Headmaster daily account of the sums realised in fees and fines or on any other school account;(vii)cause the Savings Bank Account to be kept in joint names of the Secretary and the Headmaster;(viii)subject to general control of the Committee, exercise such supervision and disciplinary control, as may be necessary;(ix)exercise the power of granting leave, other than casual leave, to teachers and ministerial staff in accordance with the Rules in that regard and to make temporary arrangement in place of the absentees;(x)have the power of granting casual leave to the Headmaster in accordance with the Rule in that regard;(xi)have the power to suspend, in consultation with the Headmaster any assistant teacher or a member of ministerial staff, in which case the matter shall immediately be

reported to the Committee for approval;(xii)have the power, on the report of the Headmaster, to appoint, dismiss or punish any menial staff of the school; and(xiii)prepare the annual list of holidays, or make modification in the list in consultation with the Headmaster.

35. Powers and functions of Headmasters.

(1)Subject to general control and direction of the Committee and the Secretary the Headmaster shall be responsible for internal management, including supervision of classes, and discipline, and general progress of the school. He shall draw up the school time-table and properly maintain all registers and statistics. He shall be responsible for ensuring that the assistant masters adequately prepare and teach the lessons.(2)All questions relating to admission of pupils, their periodical examinations, their promotions the grant of transfer certificates and selection of candidates for Secondary/Higher Secondary School Examination shall be decided by the Headmaster according to such orders as are laid down form time to time by the competent authorities.(3)The Headmaster shall report to the Secretary any case of misconduct on the part of any employee of the School and any case of misconduct on the part of a pupil, which appears to him to warrant rustication or expulsion, he.shall have powers to suspend a menial.(4)Subject to such orders as are issued by the Director from time to time, the Headmaster shall draw up a scheme, for the approval of the committee, to regulate the dates on which fees should be paid and the fine to be imposed in case of delay in payment.(5)The Headmaster shall be responsible for the proper upkeep and use of the school library furniture and equipment and subject to such orders as are laid down by the director, he shall draw up Rules, for the approval of the Committee, to regulate the use of the library.(6)Subject to the general control and direction of the committee, the Headmaster shall be competent to spend the sanctioned allotment for prizes, library books and contingencies and the money in athletic fund or any other funds to which the pupils contribute. Such fund shall be subject to periodical audit and the observance of instruction of the Department laid down from time to time.(7)The Headmaster shall receive daily from the class teacher or the clerk according to the system of collection in vogue, the sums received in fees and fines and shall record them in the Fees Register, the Fine Register, and the Cash Book under his signature. He shall then deposit the money in the School account in Postal Savings Bank or at such other place as has been approved by the Committee on the same day or on the next day, unless required for immediate disbursement and report the collection daily to the Secretary.(8)It shall be the responsibility of the Headmaster to point out to the Secretary and the Committee the relevant Rules, Regulations and the departmental instructions and explain their implications before a decision is taken.

Chapter VIII

Miscellaneous and Transitory provisions

36. Constitution of Managing Committee when deemed to be completed.

- The constitution of Managing Committee of a school under these Rules shall be deemed to be completed on the date on which the President and the Secretary of the said committee are elected, appointed or nominated as the case may be.

37.

For each school a Managing Committee shall be constituted in accordance with these Rules, within a period of two years from the date of publication of these Rules in the Official Gazette.

38.

The Managing Committee functioning in schools on the date on which the Bihar High Schools (Constitution, Powers, and Functions of Managing Committee) Rules, 1964, as modified by the State Legislature, are published in the Official Gazette shall cease to function, after a period of two years from the date of publication of the said Rules or the day the Managing Committee is constituted under these Rules.

39.

Where a Managing Committee is not constituted, in accordance with these Rules, within the period specified in the Rule 37, the powers and duties of the Managing Committee, President and Secretary shall, until its constitution in accordance therewith, be exercised and performed by such person as may be appointed by the President of the Board of Secondary Education for the purpose.

40.

If any dispute arises whether any person has been duly declared elected, selected or co-opted as, or is entitled to be a donor, life-member, hereditary member, President, Secretary or a member of the Managing Committee, as the case may be, the matter shall be referred to the President of the Board of Secondary Education whose decision thereon shall be final.

41. Application.

- These Rules shall not apply to the schools established and administered by the minorities whether based on religion or language.