

# The M.P. Madhyamik Shiksha Niyam, 1966

MADHYA PRADESH

India

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## Rule THE-M-P-MADHYAMIK-SHIKSHA-NIYAM-1966 of 1966

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The M.P. Madhyamik Shiksha Niyam, 1966 Published vide Notification No. 728-3549-20-(2), dated 12-12-1966, published in M.P. Rajpatra, Part 4 (Ga), dated 12-1-1968 at pp. 22-26 In exercise of the powers conferred by Section 27 of the Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965 (No. 23 of 1965), the State Government hereby makes the following rules, the same having been previously published as required by sub-section (1) of the said section, namely :-

### 1. Short title.

- These rules may be called the Madhya Pradesh Madhyamik Shiksha Niyam, 1966.

### 2. Definitions.

- In these rules, unless the context otherwise requires :- (a) "Act" means the Madhya Pradesh Madhyamik Shiksha Adhiniyam, 1965 (No. 23 of 1965); (b) "Dependent" means any of the relations of deceased/subscriber as defined in Rule 2(1) (iii) of the Madhya Pradesh Contributory Provident Fund Rules; (c) "Interest" means the interest which is paid on a deposit in the Post Office Savings Bank, as may be determined from time to time for deposits in the Post Office Savings Bank; (d) "Officer" means every whole-time salaried Officer, other than one whose services have been lent to the Board by the Government; (e) "Salary" means monthly salary, and includes all fixed monthly allowances by way of pay, acting or personal allowance, but does not include any other allowance; (f) "Savings Bank" means the Post Office Savings Bank; (g) "Section" means a section of the Act; (h) "State Service" means any service under the Government of Madhya Pradesh; (i) "Subscriber" means an officer on whose behalf a deposit is made under these Rules; (j) "Vice-Chairman" means the Vice-Chairman of the Board appointed under sub-section (1) of Section 16.

### **3. Term and conditions of service of Chairman.**

(1)The Chairman shall hold office for a term of three years from the date on which he enters upon his service and shall be eligible for re-appointment.(2)The Chairman other than an ex officio Chairman shall be a wholetime salaried officer of the Board and shall be appointed on such salary as may be fixed by the State Government in the scale of Rs. 1500-75-1800.(3)If a Government servant serving in the State as member of any of the All India Services or of the State Service is appointed as an ex officio Chairman, he shall not be entitled to any deputation allowance but shall be entitled to a special pay of Rs. 200 per month, in case he is not already in receipt of any special pay for the post he is holding under the State Government.

### **4. Terms and conditions of service of Vice-Chairman.**

(1)The Vice-Chairman shall hold office for a term of three years from the date on which he enters upon his office and shall be eligible for re-appointment.(2)The Vice-Chairman shall be a whole-time salaried officer of the Board and shall be appointed on such salary as may be fixed by the State Government in the scale of Rs. 1100-1100-30-1160-40-1200 plus a special pay of Rs. 150 per month. If an officer belonging to any of the All India Services of the State Service is appointed a Vice-Chairman, he shall not be entitled to any deputation allowance but shall, in addition to his grade pay, be entitled to a special pay of Rs. 150 per month.

### **5. Qualification and conditions of service of the Secretary and Deputy Secretary.**

(1)A Secretary or a Deputy Secretary of the Board shall be a whole-time salaried officer of the Board.(2)The scale of pay attached to each of the said posts shall be as under :-Secretary -Rs. 1,100-1,100-30-1,160-40-1,200.Deputy Secretary -Rs. 550-550-30-700-EB-30-850-25-950.(3)If a Government servant serving in the State as member of the All India Service or of the State Service is appointed as Secretary of the Board, he shall not be entitled to any deputation allowance but shall, in addition to his grade pay, be entitled to a special pay of Rs. 100 per month.(4)(i)A person shall not be qualified for appointment as a Secretary of the Board unless he is or has been or is qualified to be Principal of the Post-Graduate Basic Training College in Madhya Pradesh.(ii)A person shall not be qualified for appointment as a Deputy Secretary of the Board unless he is or has been or is qualified to be a Divisional Superintendent of Education or Deputy Director of Public Instruction or Professor of the Post-Graduate Basic Training College in Madhya Pradesh.

### **6. Terms and conditions of service of the Divisional Chairman.**

(1)The Divisional Chairman shall hold office for a term of three years from the date on which he enters upon his office and shall be eligible for re-appointment.(2)The Divisional Chairman shall be appointed on such salary as may be fixed by the State Government in the scale of pay of Rs. 550-550-30-700-EB-30-850-25-950.

## **7. Terms and conditions of service of the Divisional Secretary of the Board.**

(1)The Secretary of the Divisional Board shall hold office for a term of three years from the date on which he enters upon his office and shall be eligible for re-appointment.(2)The Secretary of the Divisional Board shall be a whole-time salaried officer and shall be appointed on such salary as may be fixed by the State Government in the scale of pay of Rs. 360-15-405-425-25-550-550-EB-25-700.

## **8. Rate of subscription by subscriber.**

- Every officer shall subscribe to the Provident Fund at the rate fixed in the M.P. Contributory Provident Fund Rules for which an account will be opened in the Savings Bank. The deduction shall be made by the Board upon every bill presented. In the calculation of this deduction, fractions of a rupee shall be omitted. Subscriptions by the subscriber, when on leave on less than full pay, will be optional. The amount so deducted together with the contribution by the Board under Rule 9 will be deposited in the Savings Bank. The payments in respect of the monthly deductions and contributions shall, so as far as possible, be made into the Bank within two days of the receipt of the money in order that interest may accrue. The following procedure will be adopted :-The Post Office will open individual accounts for all the subscribers to the Provident Fund. The Board will arrange that all sums to be credited to these accounts shall be sent to the post office accompanied by-(a)the Post Office Savings Bank Pass Book; and(b)a list in such form as may be prescribed by the Executive Committee showing in detail the amount to be credited to each account.Note. - Subscribers to the Provident Fund are given the option of raising their subscriptions to the Provident Fund as provided for in the Madhya Pradesh Contributory Provident Fund Rules.

## **9. Contribution by the Board.**

- The Board shall make a contribution at the rate prescribed in the Madhya Pradesh Contributory Provident Fund Rules.

## **10. Investment of subscription in Post Office Certificates etc.**

(1)Investment in the Post Office Cash Certificates or in Government Securities through the Post Office of the amount to the credit of a subscriber in his Provident Fund is also permissible if the subscriber so desires, on the conditions that no security of the face value of less than Rs. 100 is purchased at one time and that the securities are kept in the custody of the Accountant General, Post and Telegraphs and the custody receipt is kept with the Secretary.(2)The Post Office Cash Certificates if purchased, shall remain in the custody of the Secretary.

## **11. Provident Fund Contribution to be kept in Post Office.**

- Subscribers to the Contributory Provident Fund on whose behalf accounts are opened at the Post Office, under the provisions of these rules, shall not be deprived of their right to open ordinary private account in the Post Office Savings Bank or to purchase Post Office Cash Certificates or

Government securities through the Post Office with personal funds.

## **12. Payment of premia on life insurance out of Provident Fund.**

- The Executive Committee may, under such conditions as may be laid down by it, permit the payment of premia on life insurance policy or policies on the life of the subscriber out of his personal subscription to the Contributory Provident Fund Account under Rule 8. The amount to be deposited in the Post Office in the Provident Fund Account of the subscriber shall be reduced to the extent of such premia.

## **13. Withdrawal from Provident Fund.**

(1)Withdrawal will be permitted when a subscriber's services in the Board come to an end by his retirement, resignation, death or otherwise, provided that-(i)no officer whose services have been dispensed with for what, in the opinion of the State Government, is gross misconduct, shall be entitled to receive the amount of the contribution made by the Board on his behalf and the interest thereupon;(ii)no officer shall be entitled to receive the amount contributed by the Board on his behalf and the interest thereon, unless he had been in the service of the Board, for a continuous period of 12 months from the date he has been allowed to subscribe to the Contributory Provident Fund and has been permitted to resign his appointment.(2)Any contribution and interest thereon withheld under this rule shall belong to the Board and shall be credited to the Board account.

## **14. Maximum amount that can be withdrawn.**

- In the case of severe illness of a subscriber or his dependent, other urgent necessities to be decided by the Executive Committee, the Executive Committee may permit a subscriber to draw temporarily out of the fund from the amount subscribed by him and the interest thereon such amount as it may deem fit ;Provided, that the sum advanced shall not ordinarily exceed nine months pay of the subscriber or one-third of the sum subscribed by the subscriber with the interest accumulated thereon, whichever is less.Note. - The amount advanced under this rule shall be such a sum as it is divisible into thirty-six equal amounts in whole rupees.

## **15. Refund of advance.**

- The amount advanced under Rule 14 shall be refunded in the Fund by thirty-six equal monthly instalments. A subscriber may, however, at his option, make payment in less than thirty-six instalments or may repay two or more instalments at the same time. Recoveries will be made monthly commencing from the first payment of a full month's salary after the advance is granted. The instalments will be paid by compulsory deduction from salary or leave salary and will be in addition to the usual subscription.

## **16. Nominations.**

(1) Each subscriber must file in the office of the Board a declaration in such form as may be prescribed by the Executive Committee showing how he wishes the amount of his accumulation in the fund to be disposed in the event of his death or becoming insane :Provided that if the subscriber has got dependents he shall not be permitted to nominate any outsider :Provided further that where a subscriber has no dependent at the time of the nomination but subsequently comes to have one or more dependents he shall, as soon as may be, change the nomination in favour of such dependent or dependents.(2) The subscriber may, from time to time, change his nominees by a written application, duly witnessed, to the Secretary. A register of such nominees shall be kept in the office of the Board under the personal custody of the Secretary.

## **17. Provident Fund to be free from all liability.**

- Any sum, standing to the credit of any subscriber to the fund at the time of his death and payable to any dependent of the subscriber or to such persons as may be authorised by law to receive payment on his behalf, shall subject to any deductions authorised by these rules, vest in the dependent and shall be free of any debt or other liability incurred by the dependent before the death of the subscriber:Provided that if no nomination has been made by the subscriber, such sum shall be paid to the dependents in order of preference given in clause (b) of Rule 2.

## **18. Other conditions of service.**

- In respect of other matters the conditions of service of the Chairman, Vice-Chairman, Divisional Chairman, Secretary and Deputy Secretary of the Board shall be such as are applicable to a member of a Class I State Service and that of the Secretary of the Divisional Board shall be such as are applicable to a member of a Class II State Service.

## **19. Relaxation in exceptional cases.**

- Where the State Government is satisfied that the operation of any rule or provision in the matter of the conditions of service of a person causes undue hardship in any particular case, the State Government may, by order dispense with, or relax the requirement of that rule or provision to such extent and subject to such conditions as may be considered necessary for dealing with the case in a just and equitable manner.

## **20. Submission of the statement of audited accounts.**

- The accounts of the Board and the Divisional Board shall be audited annually by the Examiner of Local Fund Accounts, Madhya Pradesh, in the month of August and September next failing the financial year to which the accounts relate. A statement of audited accounts and balance sheet shall be submitted to the State Government by 30th November of each year.

## **21. Interpretation.**

- All questions relating to the interpretation of these rules shall be referred to the State Government whose decision thereon shall be final.