

The Bihar High Schools (Control and Regulation of Administration) Act, 1960

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Act 13 of 1960

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The Bihar High Schools (Control and Regulation of Administration) Act, 1960 Bihar Act 13 of 1960 [Governor's assent published in the Bihar Gazette, Extraordinary, of the 27th June, 1960] An act to control and regulate administration of high schools other than schools owned by the State Government and matters connected therewith. Be it enacted by the Legislature of the State of Bihar in the Eleventh Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Bihar High Schools (Control and Regulation of Administration) Act, 1960. (2) It extends to the whole of the State of Bihar. (3) It shall come into force at once.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, - (a) "Board" means the Board of Secondary Education established under Section 3; (b) "High school" means a recognised school imparting instruction in Secondary or Higher Secondary education; (c) "Prescribed" means prescribed by Rules made under this Act; and (d) "Recognised" means recognised by the Board under Section 4.

3. Establishment of Board of Secondary Education.

(1) The State Government shall, by notification in the Official Gazette, establish a Board of Secondary Education consisting of a number of members not exceeding fifteen and the term of office of the members shall be three years from the date of publication of their names under this sub-section: Provided that until such Board is established, the Board of Secondary Education

constituted under Government Resolution No. 541, dated the 31st January, 1956, read with Government Orders No. 4708-E., dated the 28th August, 1956, No. 2088-E., dated the 16th May, 1957, No.404-E., dated the 2nd February, 1959, No. 3769-E., dated the 21st September, 1959/3rd October, 1959 and No. 3766-E., dated the 21st September, 1959, shall be deemed to be the Board established under this section.(2)The Director of Public Instruction, Bihar, shall be the President of the Board and the State Government shall appoint one of its officers possessing such qualifications as it may consider fit to be the whole-time Secretary of the Board; and the President and the Secretary shall perform such functions as may be prescribed and as may be delegated to them by the Board under Section 7.(3)If any member of the Board is unable by reason of his death, resignation or otherwise to complete his full term of office, the vacancy so caused may be filled by the State Government by the appointment of another person and the person so appointed shall fill such vacancy for the unexpired portion of the term for which the member in whose place such person is appointed, would otherwise have continued in office.(4)No act or proceeding of the Board shall be questioned by reason merely of the existence of any vacancy in or any defect in the constitution of the Board.

4. Functions of the Board.

- The following shall be the functions of the Board, namely:-(a)The Board may inspect high school either through Boards of Inspectors appointed by it or through the inspecting officers of the Education Department of the State Government.(b)Subject to such conditions and restrictions as may be prescribed, the Board may grant recognition to schools imparting instruction in secondary or higher secondary education and suspend or withdraw such recognition and any recognition granted by the Board to such schools before the date of commencement of this Act and continuing on such date shall be deemed to have been granted under this Act.(c)Subject to Rules made in this behalf, the Board may make grants to High schools.(d)The Board may, with the approval of the State Government and subject to Rules made in this behalf, make Regulations for regulating the conditions of service of the employees of High schools and for the discipline and control of such employees.(e)Subject to the provisions of this Act, the Rules and Regulations made thereunder the Board may issue such directions to the managing committee of any High school as it may consider necessary in the interest of good administration of such school.(f)The State Government may revise any direction issued by the Board under clause (e).(g)The Board shall perform such other functions as may be prescribed.

5. Managing Committees.

(1)For every High school there shall be a Managing Committee constituted in such manner as may be prescribed.(2)If the Board is of the opinion that the Managing Committee of a High school is not functioning in a way conducive to the maintenance of discipline among its teachers and pupils and is not carrying out the directions of the Board or administering the finances of such school properly, it may, by an order, after giving the Managing Committee a reasonable opportunity of being heard, suspend for a period not exceeding six months or dissolve the Managing Committee:Provided that in case of High schools established and administered by minorities based on religion or language, the Board shall not make such order.(3)Where the Board suspends or dissolves a Managing

Committee under sub-section (2), the powers and duties of the Managing Committee shall be exercised and performed by such person or persons as may be appointed by the Board until the expiry of the period of suspension or the reconstitution of the Managing Committee, as the case may be.(4)Where a Managing Committee is dissolved under sub-section (2), a new Managing Committee shall be constituted in accordance with the Rules made in this behalf within one year of such dissolution.

6. Appeal.

- (1) Any person aggrieved by an order made by the Board under clause (b) of Section 4 or under Section 5 may, within sixty days of such order, prefer an appeal to the authority appointed in this behalf by the State Government; and the appeal shall be disposed of in the prescribed manner.(2)The order of the appellate authority under sub-section (1) and, subject to such order, the order of the Board under clause (b) of Section 4 or Section 5, shall be final.

7. Delegation of power.

- The Board may, with the previous approval of the State Government, delegate to its President or Secretary such of its powers or functions as it may think fit.

8. Power to make Rules.

(1)The State Government may, after previous publication and subject to the provisions of articles 29,30 and 337 of the Constitution of India, make rules not inconsistent with this Act for carrying out the purposes of this Act.(2)Until the State Government makes Rules under this Section, the provisions contained in the Bihar Education Code, 7th Edition, as amended from time to time, and all resolutions and orders of the State Government or of the Director of Public Instruction, Bihar, a collection of which was published in the extraordinary issue of the Bihar Gazette, of the 23rd March, 1959 and which are in force on the date of commencement of this Act, shall, in so far as they are not inconsistent with the provisions of this Act and the provisions of the Constitution of India relating to schools established and administered by Anglo-Indians and minorities based on religion or language, be deemed to be the Rules made under this Act for the purposes of this Act.(3)Every Rule made under this Section shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the Rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Rule.

9. Validation of previous actions and orders.

- All actions taken and all orders made before the commencement of this Act in regard to High

schools by the State Government or the Board of Secondary Education referred to in the proviso to sub-section (1) of Section 3 and by any such Board constituted by the State Government at any time before the constitution of that Board shall, in so far as they are not inconsistent with the provisions of the Constitution of India relating to schools established and administered by Anglo-Indians and minorities based on religion or language, be deemed to have been validly taken and made and they shall not be called in question on the ground that the said actions or orders were not taken or made in accordance with any law.

10. Saving

- Nothing in this Act shall apply to any school owned by the State Government.