

Bihar Non-Government Secondary School (Taking over Management and Control) (Amendment) Act, 2011

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India

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Act 5 of 2011

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Bihar Non-Government Secondary School (Taking over Management and Control) (Amendment) Act, 2011(Bihar Act 5 of 2011)Last Updated 31st January, 2020An Act be it enacted by the Legislature of the State of Bihar in the Sixty-second year of the Republic of India as follows: -

1. Short title, Extent and commencement.

(1)This Act may be called the Bihar Non-Government Secondary School (Taking over Management and Control) (Amendment) Act, 2011.(2)It shall extend to the whole of the State of Bihar.(3)It shall come into force at once.

2. Amendment of Section 2 of Bihar Act, 33,1982.

- Sub-section (g) and (h) of Section 2 of Bihar Non-Govt. Secondary (Taking over of Management and Control) Act, 1981 (Bihar Act 33,1982) shall be substituted by the following: "(g) "Headmaster" includes the head of the teaching staff of a Nationalised /Minority Secondary School.(h)"Teacher" means the teacher of a Nationalised/ Minority Secondary

3. Amendment of Section 18 of Bihar Act 33,1982.

- The clauses (b), (c) (d) and (f) of sub-section (3) of Section 18 of the Bihar Non-Government Secondary School (Taking over Management and Control) Act, 1981, (Bihar Act 33,1982) shall be substituted by the following respectively and the following new clause (ff) shall be inserted after clause (f). "(b)-(i)The Managing Committee of Minority School may appoint Headmaster against

post sanctioned by the State Govt, as per eligibility and criteria, prescribed for the nationalised secondary school after obtaining approval of Director Secondary Education through District Education Officer. Disposal of all pending cases for approval may also be made by the Director, Secondary Education.(ii)The Managing Committee of the minority secondary school may appoint teachers against posts sanctioned by the state Govt, as per eligibility and criteria, prescribed under the Bihar Nagar Nikay Secondary and Higher Secondary teachers (Employment) Rules, 2006 (as amended from time to time) and The Bihar Zila Parishad Secondary and Higher Secondary Teachers (Employment) Rules, 2006 (as amended from time to time) after obtaining approval of Director, Secondary Education through District Education Officer. Disposal of all pending cases for approval may also be made by the Director, Secondary Education.(c)There shall be rules regarding service conditions of Head Master, Teachers and Non Teaching Staff of the Minority secondary schools based on natural justice in and the prevailing law, whereby in addition to other provision there will be a provision of appeal by aggrieved Head master, teachers or non teaching staff against the decision of managing committee as well as provision of review and one copy of the same shall be sent to State Government.(d)The Managing Committee may terminate from service, dismiss or demote Head Master, Teachers of the school with the approval of the Director, Secondary Education.(f)In case of appointment of or continuance in service of school of any Head Master, Teacher or non-teaching staff beyond 60 (sixty) years of age, the school will not be entitled to get any grants for such Head Master, Teaching or Non-Teaching staff.(ff)Any complaint against the decision of Director, Secondary Education under this Section will be filed before the Principal Secretary/Secretary, Human Resources Development Department within maximum period 30 days and his decision will be considered as final."(2)Clause (e) of sub-section (3) of Section 18 of the Bihar Non-Government Secondary (Taking over of Management and Control) Act, 1981 (Bihar Act, 33, 1982) shall be deemed to be deleted.