

# **Bihar Taken over Elementary School Teachers' Promotion Rules, 1993**

BIHAR

India

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### **Rule**

### **BIHAR-TAKEN-OVER-ELEMENTARY-SCHOOL-TEACHERS-PROMOTION of 1993**

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Bihar Taken over Elementary School Teachers' Promotion Rules, 1993Published vide Notification No. G.S.R. 28, dated 9th July 1993G.S.R. 28, dated 9th July 1993. - In exercise of the powers conferred by proviso to Article 309 of the Constitution of India and consequent upon the implementation of the Central Pay Scale with effect from 1st January 1986, the Governor of Bihar is pleased to make the following Rules for promotion of the teachers of the elementary schools taken over by Government.

### **1. Short title and commencement.**

(1)These Rules may be called the [Bihar Taken over Elementary School Teachers' Promotion Rules, 1993] [Published in the Bihar Gazette (Extraordinary) dated 9.7.1993.](2)It shall be deemed to have come into force with effect from 1st January 1986.

### **2. Definitions.**

- In these Rules, unless there is anything repugnant in the subject or context-(1)"Establishment Committee" means the committee constituted under Rule 3.(2)"Grade" means scale.(3)"Grade-1" means Matric Trained Basic Scale - (1200-2040)(4)"Grade-2" Means Matric Trained Senior Scale - (1400-2600)(5)"Grade-3" means Matric Trained Selection Scale - (1640-2900)(6)"Grade-4" means trained Arts Graduate Scale Rs. (1640-2900) or Trained Science Graduate Scale (1640-2900)(7)"Grade-5" means Trained graduate Senior Scale Rs. (2000-3500)(8)"Grade-6" means Trained graduate Selection Scale Rs. (2200-4000)(9)"Grade-7" means Middle School's

Headmaster basic Scale Rs. (2000-3500)(10)"Grade-8" means Middle School's Headmaster Senior Scale Rs. (2200-4000)(11)"Untrained" means those who are not trained as under clause (12)(12)"Trained" means those who have undergone and passed the following examinations-(i)Two years' Teachers Training, or(ii)Dip-in-Ed/B.Ed. Training, or(iii)One year training in service tenure.(13)"Matric Trained" means those persons who have passed matriculation or equivalent examination and are trained.(14)"Trained graduate" means those persons who are graduates or possess equivalent qualification and are trained.(15)"Trained post Graduate" means those persons who are post graduates or possess equivalent qualification and are trained.(16)"Fundamental Rules" means the Fundamental Rules framed by Government of India for Central Government Employees.

### **3. Establishment Committee.**

(1)There shall be constituted a District Establishment Committee at district level for promotion of teachers consisting of the following members:(i)District Magistrate - Chairman.(ii)Dy. Development Commissioner - Member.(iii)District Superintendent of Education - Member Secretary.(iv)District Education Officer - Member.(v)District Inspectress of Schools - Member.(vi)District Welfare Officer - Member:Provided that if none of the officers mentioned at serial (i) to (vi) belong to SC or ST, in that case District Magistrate shall nominate one officer belonging to SC or ST in this committee.(2)The Establishment Committee shall take all decisions regarding promotion under these Rules.

### **4. Conditions for promotion.**

- The promotion of a teacher may only be considered on fulfilling the following :(1)He fulfills the minimum prescribed period of service for promotion;(2)He possesses minimum prescribed educational qualification and training for promotion;(3)There must be a vacancy meant for the category to which he belongs S.C., S.T. or general according to latest rules regarding reservation;(4)He must be eligible for consideration for promotion on the basis of the Seniority list against the available vacancies;(5)His service is satisfactory.

### **5. Minimum educational and training qualifications and minimum tenure of service.**

(1)For promotion to Grade 3-Trained graduate and minimum 12 years of service in grade-2 or Matric trained and minimum 18 years of service in Grade-2.(2)For promotion to Grade-4-Trained graduate and minimum 8 years of service in Grade-I in the event of promotion from grade-1 to the grade-4 in case of non-availability of teachers in grade-3 and grade-2.(3)For promotion to Grade-6.-Trained post-graduate and minimum 12 years of service in Grade-5, or trained graduate and minimum 18 years of service in Grade-5.(4)For promotion to Grade-7-Trained post-graduate, in the event to promotion from grade-4 to grade-7 in case of non-availability of teachers in Grade-6 and Grade-5 minimum five years of service in grade-5;Provided trained graduate teachers belonging to S.C. and S.T may also be considered for promotion to Grade-7 till 31st March, 1995, if trained post-graduate teachers of these categories are not available.

## **6. Availability of posts.**

- Establishment Committee shall calculate for each year the vacant posts as on 1st April of that year for promotion. The Establishment Committee shall also calculate the vacant posts, for S.C., S.T. and General category according to the Rules for reservation :Provided that - (1) Promotion from grade-1 to grade-2 from grade-4 to grade-5 and from grade-7 to grade-8, minimum 12 years of satisfactory service shall be necessary in each of grade-1, grade-4 and grade-7 respectively and there shall be no restriction of availability of posts and of reservation rules.(3)For promotion from grade-2 to grade-3 and from grade-5 to grade-6, 20% posts of the total number of teachers working in grade-2 and grade-5 respectively on 31st March, shall be available.(4)For promotion to grade-4 and to grade 7, posts sanctioned by State Government for different districts shall be available.

## **7. Draft of seniority list for promotion.**

- By the end of the month of January of each year, the draft of the following seniority list, based on the position that existed on 31st of December of the previous year, shall be prepared according to the standard laid down in Rule-8 by District Superintendent of Education in the following manner:(1)Seniority list no. 1 (which shall be for promotion to grade-3) In this list, firstly those trained graduate teachers who have completed minimum 12 years of service in grade-2, shall be placed; thereafter those matric trained teachers, who have completed minimum 18 years of service in grade-2 shall be placed;(2)Seniority list no. 2 (which shall be for promotion to Grade-4) - (i) This list shall be prepared separately for arts and science teachers.(ii)The teachers shall be placed in this list in the following order:(a)Trained graduate working in Grade-3;(b)Trained graduate working in Grade-2;(c)Trained graduate working in Grade-1 and who have completed minimum 8 years of service in Grade-1.(3)Seniority list no. 3 (which shall be for promotion to Grade-6) - (i) This list shall not be prepared separately for arts and science teachers but for both a consolidated list shall be prepared.(ii)In this list, firstly those trained Post-graduate teachers who have completed minimum 12 years of service in Grade-5 shall be placed. Thereafter those trained graduate teachers who have completed 18 years of service in Grade-5 shall be placed.(4)Seniority list no. 4 (which shall be for promotion to grade-7 and to grade-8)-(i)This list shall not be prepared separately for Arts and Science teachers but for both a consolidated list shall be prepared.(ii)In this list teachers shall be placed in the following order:(a)Trained Post-graduate teachers working in Grade-6;(b)Trained post-graduate teachers working in Grade-5;(c)Post graduate trained teachers working in Grade-4 and who have completed minimum 5 years of service in Grade-4 :Provided graduate trained teachers of SC and ST category shall be placed after post graduate teachers if post-graduate teachers of these categories are not available upto 31st December, 1994;(iii)From this list teachers working in Grade-4 and Grade-5 may be promoted to Grade-7 and teachers working in Grade-6 may be promoted direct to Grade-8.

## **8. Inter-se Seniority in the same grade.**

- Inter se Seniority of teachers working in the same grade shall be decided under the following standard-(1)The date of getting the said grade shall be the basis for determining the seniority. If the date of getting the grade is the same, then date of getting lower grade shall be the basis and

accordingly date of getting lowest grade, wherever required, shall be the basis.(2)In case of the date of getting the grade is the same, date of birth shall be the basis;(3)In case of date of birth being the same, in that case Inter-se seniority shall be determined according to the alphabetical order of their names in Roman script.

## **9. Approval of seniority list.**

(1)The draft seniority list shall be published and its copy shall be available in the office of D.M./D.D.C./D.S.E. and D.D.O. for perusal of the teachers. Objections or suggestions can be sent to D.S.E. within 30 days of publication.(2)Approval of the Establishment Committee shall be obtained on the seniority list which shall be prepared after due consideration of the objections duly received by the D.S.E. in time. The seniority list shall finally be approved by R.D.D.E.

## **10. Order of promotion.**

(1)The decision for promotion shall be taken after due consideration by the Establishment Committee against the vacant posts. The order of promotion shall be issued under joint signature of D.D.C. and D.S.E.(2)A copy of the order of promotion will be sent to Treasury Officer alongwith advice of D.D.C.

## **11. Working Arrangement.**

- The period of a teacher, working on a post of higher grade by working arrangement, shall not be counted for any benefit for the purposes of promotion to the higher grade.

## **12. Pay fixation.**

(1)D.S.E. may fix the pay after promotion.(2)Consequent upon the following promotion the pay shall be fixed according to rule 22(1)(a)(1) of "the Fundamental Rules" (Schedule 1) and orders issued from time to time by Government of India for their teachers :(a)Promotion to grade 4.(b)Promotion to grade 7.(c)Promotion to grade 8 from grade 6.(3)In the following promotion, the benefit of rule 22(1)(a)(1) of the "the Fundamental Rules" shall not be admissible for fixation of pay, but pay in the pay-scale admissible after promotion shall be fixed at the same stage which was being paid before promotion:(a)Promotion to grade 2(b)Promotion to grade 3(c)Promotion to grade 5(d)Promotion to grade 6(e)Promotion to grade 8 from grade 7.

## **13. Untrained Teachers.**

(1)An untrained teacher shall not be eligible for promotion to any of the Grade that is 1 to 8.(2)An untrained teacher may be given time bound promotion according to the orders issued by the State Government from time to time like other employees of the State Government.(3)An untrained teacher may be given Grade 1 from the date of which he becomes trained.

## **14. Appeal.**

- A teacher aggrieved by an order issued under Rule 10 of these rules may file an appeal before Divisional Commissioner within 30 days from the date of the order.

## **15. Repeal and Savings.**

(1) All rules/orders, regarding promotion of teachers, shall be deemed to have been repealed from the date of these rules. (2) Notwithstanding such repeal, anything done or any action taken under such rules and orders, shall be deemed to have been done or taken under these Rules, as if these Rules were in force on the date on which such thing was done or action taken.

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Fundamental Rules-Rule 22(1)(a)(1)(1) The initial pay of a Government servant who is appointed to a post on a timescale of pay is regulated as follows : (a)(1) Where a Government servant holding a post, other than tenure post, in a substantive or temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity as the case may be subject to the fulfilment of the eligibility conditions as prescribed in the relevant Recruitment Rules, to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him, his initial pay in the time-scale of the higher post shall be fixed at the stage next above the notional pay arrived at by increasing his pay in respect of the lower post held by him regularly by an increment at the stage at which such pay has accrued or rupees twenty-five only, whichever is more. Save in cases of appointment on deputation to an ex-cadre post, or to a post on ad hoc basis, the Government servant shall have the option, to be exercised within one month from the date of promotion or appointment, as the case may be, to have the pay fixed under this rule from the date of such promotion or appointment or to have the pay fixed initially at the stage of the time-scale of the new post above the pay in the lower grade or post from which he is promoted on regular basis, which may be refixed in accordance with this Rule on the date of accrual of next increment in the scale of the pay of the lower grade or post. In cases where an ad hoc promotion is followed by regular appointment without break, the option is admissible as from the date of initial appointment-promotion, to be exercised within one month from the date of such regular appointment: Provided that where a Government servant is immediately before his promotion or appointment on regular basis to a higher post, drawing pay at the maximum of the time-scale of the lower post, his initial pay in the time-scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post held by him on regular basis by an amount equal to the last increment in the time scale of the lower post or rupees twenty-five, whichever is more.