

# **Bihar Secretariat Service Rules, 2010**

BIHAR

India

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### **Rule BIHAR-SECRETARIAT-SERVICE-RULES-2010 of 2010**

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Bihar Secretariat Service Rules, 2010Published vide Notification No. 15 / BSS-02-02 / 2008 ka-862, dated 25.02.2010Last Updated 8th February, 2020No. 15 / BSS-02-02 / 2008 ka-862. - In exercise of powers conferred by subsection (1) of Section 19 of the Bihar Secretariat Service Act, 2007 (Bihar Act 3, 2008), State Government makes following rules for implementation of the provisions of the said Act-

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

(1)These rules may be called The Bihar Secretariat Service Rules 2010.(2)It shall extend to the Departments of the Secretariat and its Attached Offices of the State government.(3)It shall come into force at once.

#### **2. Definitions.**

- In these rules, unless the context otherwise requires :-(i)'Act' means Bihar Secretariat Service Act, 2007 (Bihar Act 3, 2008).(ii)'Service' means Bihar Secretariat Service.(iii)'Appointing authority' means Secretary, Personnel and Administrative Reforms Department in respect of Assistants and Governor of Bihar in respect of all higher grades or posts.(iv)'Attached Offices' means attached offices as specified in Annexure-I.(v)'Annexure' means annexure attached to these rules.(vi)'Cadre Controlling Authority' means Personnel and Administrative Reforms Department of Government of Bihar in relation to any grade for all purposes.(vii)'Government' means the Personnel and Administrative Reforms Department of Government of Bihar.(viii)'Grade' means any grade specified in rule 4 of these rules.(ix)'Appointed day' means the date of coming into effect of the Act.(i.e.04.01.08).(x)'Direct Recruitment' means recruitment on the basis of competitive examination held by Bihar Staff Selection Commission.(xi)'Limited competitive examination' means a limited competitive examination held by Bihar Public Service Commission in accordance with the regulations made by cadre controlling authority for this purpose.(xii)Words or references used in these rules and not defined shall have the meaning respectively assigned to them in the Act.

### 3. Authorised strength.

- (i) The grade wise combined authorized strength shall be according to the strength specified in Annexure-II in respect of subsection (1) of the section-6 of the Act just prior to coming into effect of this Act (dated 04.01.2008) and shall be deemed to be revised automatically according to the creation or abolition or otherwise of posts as may be necessary from time-to-time. (ii) On the basis of sanctioned strength of the service determined under subsection (1), the identification of posts in the different departments as-well-as in the attached offices may be done by the cadre controlling authority through a notification published in the gazette in this regard.

### 4. Grades and posts of the service.

(1) In accordance with the section 4 of the Act, the different grades of posts of the service, their classification and appointing authority will be as follows:-

Sl. No.	Name of the post	Pay Scale(Unrevised/ Revised)	Classification	Gazetted/ Non-Gazetted	Appointing Authority	Remarks
1.	Assistant	5500-9000/ Pay Band- 2(9300-34800) Grade Pay-4600	Group- B	Non- Gazetted	Secretary, Personnel and Adm.Reforms Deptt.	
2.	Section Officer and equivalent	6500-10500/ Pay Band- 2(9300-34800) Grade Pay-4800	Group- B	Gazetted	Governor of Bihar	Pay Band- 3(15600-39100) with Grade Pay-5400 after four years of service
3.	Under Secretary and equivalent	10000-15200/ Pay Band- 3(15600- 39100) Grade Pay- 6600	Group- A	Gazetted	Governor of Bihar	
4.	Deputy Secretary and equivalent	12000-16500/ Pay Band- 3(15600- 39100) Grade Pay- 7600	Group- A	Gazetted	Governor of Bihar	

(2) The pay scales mentioned in sub rule-1 above shall be automatically revised / modified according to the revision / modification by State Government.

## **5. Delegation of powers of Cadre controlling authority.**

(1) Cadre controlling authority may delegate some of his powers to Commissioner-cum-Secretary / Principal Secretary / Secretary or Head of the departments by notification in gazette. (2) The member of the service of any grade shall remain under the operational control of the departments / offices in which they are posted and their retirement benefits, permanent / temporary advance from provident fund according to powers delegated by Finance Department from time-to-time, all leaves, L.T.C, reimbursement of medical expenditure, transport allowance etc. shall be sanctioned and payment will be made by that department / office. (3) Application submitted to respective Commission / office by member of any grade of service for appointment to any other post shall be forwarded by their operational controlling department / office. But only cadre controlling authority will be competent to relieve from the service after selection for appointment.

## **6. Appointment in Assistant grade.**

(1) In the grade of Assistant, 75% of posts shall be filled by direct recruitment on the basis of competitive examination held from time-to-time by Bihar Staff Selection Commission for this purpose. The educational and other qualification, syllabus etc. for the competitive examination shall be determined by a regulation made by the cadre controlling authority in consultation with the Bihar Staff Selection Commission in pursuance of subsection (2) of Section-9 and subsection (2) of section 19 of the Act. (2)(i) In the grade of Assistant, remaining 25% of posts shall be filled by promotion from upper division clerks of the Bihar Secretariat Clerical Service. Such promotion shall be given on the basis of seniority and recommendation of departmental promotion committee constituted for this purpose in accordance with reservation roster. It will be essential to complete the minimum qualifying service i.e Kalawadhi as determined from time-to-time by Personnel and Administrative Reforms Department for promotion. (ii) Following will be the members of departmental promotion committee for consideration of appointment by promotion to Assistant grade- (a) Special / Additional / Joint Secretary of Personnel and Administrative Reforms Department - Chairman (b) Representative of Finance Department (Not below the rank of Deputy Secretary) - Member (c) Officer-in-Charge of establishment of Human Resources Department (Not below the rank of Deputy Secretary) - Member (d) Officer of SC/ ST category nominated by Personnel and Administrative Reforms Department. - Member (e) Officer-in-Charge of establishment of Bihar Secretariat Service - Member (3) Persons appointed and working as Assistants of the Joint Cadre of Assistants of the Secretariat and attached offices on the appointed day shall be deemed to be automatically included in this grade; Provided that from amongst such Assistants who have been deemed to be automatically included in this service on the appointed day, the Assistants having age below 45 years shall be required to pass the test of competency in typing on computer within two years from the appointed day. In case such competency is not obtained within the said period, they will not become eligible for further annual increments.

## **7. Training.**

(1) During probation, the person appointed by direct recruitment may be required to undergo such training and to pass such departmental examination as the cadre controlling authority may, from

time-to-time, prescribe.(2)The members of service would not be considered for further promotion if they have not undergone a training course organized at the Administrative Training Institute or such other institute;Provided that the cadre controlling authority may relax this requirement if, for some reasons, it is not possible to organize such training or such departmental examination.(3)Syllabus of training for persons appointed by direct recruitment on probation in accordance with section-11 of the Act will be determined by a regulation made for this purpose in accordance with subsection-(2) of section-19 of the Act by cadre controlling authority.

## **8. Departmental Examination / Computer Competency Test.**

- The competency test for typing on computer in accordance with proviso of subsection(3) of section-9 and subsection (1) of section-12 and departmental examination in accordance with section-12 shall be organized by Board of Revenue as per regulation made by cadre controlling authority for this purpose.

## **9. Confirmation.**

(1)A person appointed on probation, after satisfactory completion of the probation period as-well-as on completion of required training and on passing of required departmental examination and passing the test of competency in typing on computer, shall be confirmed by the appointing authority.(2)No increment after the first initial increment shall be admissible to a person appointed on probation without passing the test of computer competency.

## **10. Promotion in different grades of service.**

(1)The promotion to the different grades in the service shall be admissible from the date of vacancy of the post of concerned grade.(2)The procedure for promotion shall be made so reasonable that whole procedure of promotion shall be completed before probable vacancy. For this purpose, calculation of expected vacancies for next year due to retirement etc. as well as clearance of roster, minimum qualifying period i.e. Kalawadhi, updating of confidential remarks, updating the register regarding clearance etc will be completed at the beginning of each year and recommendation of departmental promotion committee shall be obtained in time and advance panel shall be prepared.(3)The principle for eligibility of candidates for promotion in the service shall be 'seniority-cum-merit.'(4)The criterion of eligibility for candidates of Scheduled Caste and Scheduled Tribe shall be determined along with the candidates of general category at the time of promotion, meaning there by the criteria of eligibility for all candidates shall be similar.(5)The promotion in different grades of service shall be given on the recommendation of departmental promotion committee constituted by State government.(6)The minimum qualifying service i.e. Kalawadhi for such promotion shall be as determined by the Personnel and Administrative Reforms Department from time-to-time.

## **11. Promotion / Appointment to the grade of Section Officer.**

(1) In accordance with section-14 of the Act, 80% of the posts in the grade of Section Officer shall be filled by promotion from the grade of Assistant on the recommendation of departmental promotion committee and remaining 20% of posts shall be filled through a limited competitive examination conducted by Bihar Public Service Commission amongst such Assistants who are confirmed in the service and have rendered continuous service of more than five years. (2) Bihar Public Service Commission will organize and conduct the limited competitive examination in accordance with a regulation for this purpose notified by cadre controlling authority. Cadre controlling authority shall determine the procedure, syllabus etc for the limited competitive examination through a regulation notified in consultation with the Bihar Public Service Commission. (3) Their shall be following members in departmental promotion committee for filling of 80% of posts of Sections Officer by promotion from the grade of Assistant :- (i) Member / Additional Member, Board of Revenue - Chairman. (ii) Principal Secretary / Secretary, Personnel and Administrative Reforms Department. - Member. (iii) An Officer of Finance Department not below the rank of Joint Secretary - Member. (iv) Senior In-Charge of establishment of Bihar Secretariat Service, Personnel and Administrative Reforms Department - Member. (v) An Officer of SC / ST nominated by Personnel and Administrative Reforms Department. - Member. (4) Persons appointed and working as Section Officer of Joint Cadre of Assistants of Secretariat and Attached Offices on the appointed day shall be deemed to be automatically included in this grade.

## **12. Promotion / Appointment to the grade of Under Secretary.**

(1) Vacancies in the grade of Under Secretary shall be filled by promotion from the grade of Section Officer. (2) Persons appointed and working as Under Secretary of the Joint Cadre of Assistant of Secretariat and Attached Offices on the appointed day shall be deemed to be automatically included in this grade. (3) Their shall be following members in departmental promotion committee for considering and recommending for promotion to the grade of Under Secretary from the grade of Section Officers- (i) Member, Board of Revenue - Chairman. (ii) Principal Secretary / Secretary, Personnel and Administrative Reforms Department - Member. (iii) An Officer of Finance Department not below the rank of Joint Secretary - Member. (iv) Senior In-Charge of establishment of Bihar Secretariat Service, Personnel and Administrative Reforms Department - Member. (v) An Officer of SC / ST nominated by Personnel and Administrative Reforms Department - Member.

## **13. Promotion / Appointment to the grade of Deputy Secretary and / or the highest grade of Bihar Secretariat Service.**

(1) Vacancies in the grade of Deputy Secretary shall be filled by promotion from the grade of Under Secretary. Promotion to higher grade from Deputy Secretary shall be given from the grade of Deputy Secretary. (2) Persons appointed and working as Deputy Secretary of Joint Cadre of Assistants of Secretariat and Attached Offices on the appointed day shall be deemed to be automatically included in this grade. (3) Their shall be following members in the departmental promotion committee for considering and recommending for promotion to the grade of Deputy Secretary and / or other

higher grade from the grade of Under Secretary-

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|--|-------------|
| (i) Chairman, Bihar Public Service Commission or Member of Commission nominated by him                               | - Chairman. |
| (ii) Principal Secretary / Secretary, Personnel and Administrative Reforms Department.                               | - Member.   |
| (iii) An Officer of Finance Department not below the rank of Joint Secretary   | - Member.   |
| (iv) Senior In-Charge of establishment of Bihar Secretariat Service, Personnel and Administrative Reforms Department | - Member.   |
| (v) An Officer of SC / ST nominated by Personnel and Administrative Reforms Department.                              | - Member.   |

#### **14. Notification of Appointments, Posting etc.**

- Appointments, promotions, postings, deputation etc on all gazetted posts of the service shall be notified in State gazette. Office order shall be issued in respect of posts of non-gazetted grade; but publication of appointments / promotion in non-gazetted grade in State Gazette shall be essential.

#### **15. Seniority.**

(1) The inter-se seniority of members of the service appointed to any grade before the appointed day shall be regulated by their seniority/inter-se as determined before that day; Provided that if the seniority of any such member or members of the service had not been specifically determined before that day, it shall be determined by cadre controlling authority. (2) All officers automatically included in a grade shall rank senior to officers appointed to that grade with effect from any date after the appointed day. (3) The seniority of persons appointed to any grade after the appointed day shall be regulated in the following manner- (i) Assistant grade- (a) The direct recruit shall be ranked inter-se only in order of merit in which they are placed in the merit list of Bihar Staff Selection Commission. The direct recruit shall be ranked junior to the persons appointed through promotion against vacancies in a particular year. (b) The inter-se seniority of persons appointed by promotion shall be determined according to their date of promotion. (ii) Section Officer grade- (a) The Officer appointed through limited competitive examination shall be ranked inter-se in the order of merit in which they are placed at the competitive examination on the result of which they are appointed, the appointee of an earlier examination being ranked senior to those of a later examination. (b) The inter-se seniority of the officer appointed by promotion after the appointed day shall be regulated by such order in which they are so appointed and shall be determined according to their seniority in the Assistant grade. (c) The officers appointed through limited competitive examination shall rank senior to the officers appointed by promotion against vacancies in a particular year. (iii) Under Secretary / Deputy Secretary etc- The inter-se seniority of officers promoted to this grade after the appointed day shall be regulated by such order under which they are so promoted. (4) In case of undue delay in the conduct of examination, receipt of recommendation or overlap of such examinations or recommendations, the seniority may be determined by the cadre controlling authority.

## 16. Combined Gradation List.

(1) There shall be a combined gradation list of Bihar Secretariat Service in accordance with section-5 of the Act, which will be prepared and maintained by cadre controlling authority in exercise of the powers conferred under proviso of subsection-1 of section-18 of the Act. (2) Irrespective of the date of initiation of the process of appointment / promotion, if necessary notification or order was not issued on or before the 30th August 1988, the same shall be deemed to have been lapsed and promotion shall be given in accordance with the provisions of the Act and rules / regulations made there under. (3) Combined gradation list of Assistant grade shall be the legal basis for the purpose of determination of seniority in service, which will be prepared according to the following principles-

(a) Inter-se seniority of direct recruit Assistants shall be determined in order of merit of the concerned examination and inter-se seniority of Assistants appointed from other sources shall be determined according to their date of probation. (b) For determination of inter-se seniority among the direct recruit Assistants appointed on the basis of examination and Assistant appointed through other sources, date of appointment / allotment order shall be treated as unit for direct recruit Assistants appointed on the basis of examination. The Assistants appointed through other sources whose date of probation is earlier from that date, shall be ranked senior to the Assistants appointed on the basis of aforesaid allotment order. The Assistants appointed through other sources, whose date of probation lies after the date of issuance of aforesaid allotment order shall be ranked junior to Assistants appointed from that allotment order. (c) The gradation of meritorious sportsperson appointed to the post of Assistant under the provisions of circulars / resolutions issued by Personnel and Administrative Reforms Department shall be determined after declaring them probationer from their date of appointment. But their gradation shall be determined just below the Assistant appointed in that year on the basis of competitive examination. (d) The seniority of Assistants, who had joined within one year from the date of issue of allotment order / appointment order, shall be in order of their merit but seniority of Assistant, who instead of joining within one year had joined after one year from the date of issue of allotment order / appointment order, shall be on the basis of their date of joining in their joining year according to their merit. (e) The inter-se seniority of those candidates, whose recommendation had been received from Bihar Public Service Commission / Bihar Staff Selection Commission but their merit was not mentioned, shall be determined on the basis of their educational qualification and if their educational qualification are same, their inter-se seniority shall be determined on the basis of age. But their seniority shall be determined below those candidates who were recommended / appointed with their merit by same transaction and in same year. (f) If the date of appointment of Assistants on the basis of any examination is before the date of issue of allotment order by Personnel and Administrative Reforms Department, then their seniority shall be decided according to their merit taking date of issuance of allotment order as their date of appointment.

## 17. Maintenance of Annual Confidential Report.

- Annual confidential report shall be written in two copies to avoid the probable delay in promotion of the members of the service. One copy shall be made available to cadre controlling authority for maintenance and second copy shall be maintained by their department / office where the member of the service is posted. Annexure-II List of Attached Offices (See rule 2(iv))

- 1. Office of the Transport Commission.**
- 2. Directorate of Health Services.**
- 3. Jail Inspectorate.**
- 4. Office of the Director, Higher Education.**
- 5. Office of the Director, Secondary Education.**
- 6. Office of the Director, Primary Education.**
- 7. Office of the Director, Mass Education (Jan Shiksha)**
- 8. Office of the Director, Animal Husbandry.**
- 9. Office of the Labour Commissioner.**
- 10. Office of the Inspector General, Registration.**
- 11. Office of the Excise Commissioner.**
- 12. Office of the Director, Industries.**
- 13. Office of the Director, Technical Development (Industries).**
- 14. Office of the Director, Handicrafts and Silk.**
- 15. Office of the Registrar, Co-Operative Societies.**
- 16. Office of the Director, Dairy Development.**
- 17. Office of the Director, Fisheries Development.**
- 18. Office of Engineer-in-Chief / All Chief Engineers, Energy.**
- 19. Office of Engineer-in-Chief / All Chief Engineers, Building.**



- 20. Office of Engineer-in-Chief / All Chief Engineers, Housing.**
- 21. Office of Engineer-in-Chief / All Chief Engineers, Water Resources.**
- 22. Office of Engineer-in-Chief / All Chief Engineers, Road Constructions.**
- 23. Office of Engineer-in-Chief / All Chief Engineers, Public Health & Engineering.**
- 24. Office of Engineer-in-Chief / All Chief Engineers, Minor Water Resources.**
- 25. Office of Engineer-in-Chief / All Chief Engineers, Rural Works Department.**
- 26. Office of the Director, Science and Technology.**
- 27. Office of the Director, Information and Public Relation.**
- 28. Office of the Director, Soil Conservation.**
- 29. Office of the Board of Revenue.**
- 30. Chief Minister Secretariat.**
- 31. Office of Finance Audit.**
- 32. Office of the Director, Archeology.**
- 33. Office of the Director, Museum.**
- 34. Office of the Director, Statistics and Evaluation.**
- 35. Office of Director General-cum-Inspector General of Police.**
- 36. Headquarters of Home guard.**
- 37. Office of Commercial tax Tribunal.**

- 38. Office of the Advocate General.**
- 39. Forensic Science Laboratory.**
- 40. Office of Crime Investigation.**
- 41. Office of the Principal Chief Conservator of Forest.**
- 42. Office of the Director, Survey and Land Records.**
- 43. Office of the Director, Consolidation.**
- 44. Office of the State Consumer Forum.**
- 45. Office of the Director, Agriculture.**
- 46. Office of the Director, Revenue (Water Resources).**
- 47. Office of the Commissioner / Additional Commissioner, Departmental Inquiries.**
- 48. Office of the Director, Rajbhasha.**
- 49. Office of the Director, Tourism.**
- 50. Office of the Director, Employment and Training.**
- 51. Office of the Director, Social Security.**
- 52. Office of the Director, Social Welfare.**
- 53. Office of the Director, Integrated child Development Scheme.**
- 54. Office of the Director, Civil Aviation.**
- 55. Office of Bihar State Citizen Council.**

**56. Office of Bihar State Planning Council.**

**57. Prosecution Directorate.**

**58. Office of Resident Commissioner (Including Bihar Bhawan).**

**59. Office of All Divisional Commissioners.**

**60. Tribunal, Bihar State Religions Trust Council.**

**61. List of Commissions-**

(1)Bihar Staff Selection Commission (P & A.R Department).(2)State Information Commission (P & A.R Department).(3)State Commission for Backward Classes (P & A.R Department).(4)State Commission for Most Backward Classes (P & A.R Department).(5)Rajya Mahadalit Aayog (P & A.R Department).(6)Bihar State Election Authority (P & A.R Department).(7)State Election Commission (Panchayati Raj Department).(8)Child Labour Commission (Labour Resources Department).Annexure-II Grade wise Combined Sanctioned Strength(See rule-3)

Sl. No.	Grade	Sanctioned Strength (on 04.01.08)	
On 15.11.2000	New created that posts after	Total	
1.	Assistant	2989	120 3109
2.	Section Officer and equivalent	531	33 564
3.	Under Secretary and equivalent	96	09 105
4.	Deputy Secretary and equivalent	23	02 25

Posts Equivalent to Under Secretary :-

**1. Assistant chief Electoral Officer-Cum-Assistant Secretary, Election Department.**

**2. Assistant Secretary, Cabinet Co-Ordination Department. (Chief Minister Secretariat).**

**3. Assistant Secretary, Home Department.**

**4. Assistant Secretary, Personnel and Administrative Reforms Department.**

**5. Accounts Officer, Finance Department.**

- 6. Planning Officer, Planning and Development Department.**
- 7. Special Officer, Urban Development and Housing Department.**
- 8. Planning Officer, Welfare Department.**
- 9. Budget Officer, Health Department.**
- 10. Special Officer (Confidential Character Roll), Health Department.**
- 11. Budget Officer, Human Resources Development Department.**
- 12. Budget Officer Cum-Under Secretary, Agriculture Department.**
- 13. Budget Officer, Co-operative Department.**
- 14. Special Officer (Consumer), Co-operative Department.**
- 15. Accounts Officer, Co-operative Department.**
- 16. Under Secretary-Cum-Special Officer, Law Department.**