

Uttar Pradesh Education Service Selection Commission Act, 2019

UTTAR PRADESH

India

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Act 22 of 2019

- Published on 27 December 2019
- Commenced on 27 December 2019
- [This is the version of this document from 27 December 2019.]
- [Note: The original publication document is not available and this content could not be verified.]

Uttar Pradesh Education Service Selection Commission Act, 2019(U.P. Act 22 of 2019)Last Updated 5th March, 2020Statement of Objects and Reasons (U.P. Act 22 of 2019). - The Uttar Pradesh Higher Education Service Commission has been established for selection of teachers of non-Government aided colleges affiliated and associated by an University established under the Uttar Pradesh State University Act, 1973, the Uttar Pradesh Board of Secondary Education, Prayagraj has been established under the Intermediate Education Act, 1921 for the selection of teachers of non-Government aided intermediate colleges, higher secondary schools, high schools and attached primary schools and for the selection of teachers of basic and junior high schools are made in accordance with the rules framed under the Uttar Pradesh Basic Education Act, 1972, the above mode of selection are not conducive to public good. Apart from this, the selection of teachers are not made timely due to which there are many vacancy of teachers are existing in various institutions, which affect adversely the education of students in the State. It has, therefore, been decided to make a common law to provide for the establishment of a Commission by the name of the Uttar Pradesh Education Service Selection Commission for the selection of teachers and nonteaching employees of the institutions as aforesaid, instead of the prevailing mode of selection.The Uttar Pradesh Education Service Selection Commission Bill, 2019 is introduced accordingly.Received the assent of the Governor on December 26, 2019 and published in the U.P. Gazette, Extra., Part 1, Section (Ka), dated 27th December, 2019, pp. 9-17An Act to provide for the establishment of an Education Service Selection Commission in the State for selection of the teachers and non-teaching employees of non-government aided colleges affiliated and associated by an University governed by the Uttar Pradesh State Universities Act, 1973, non-government aided intermediate colleges, higher secondary schools, high schools and attached primary schools, basic and junior high schools recognised by the Uttar Pradesh Board of Secondary Education, Prayagraj and the Uttar Pradesh Basic Education Board, Prayagraj established under the Intermediate Education The Act, 1921 and the Uttar Pradesh Basic Education Act, 1972 respectively.It is hereby

enacted in the Seventieth Year of the Republic of India as follows-

Chapter I

Preliminary

1. Short title and commencement.

(1) This Act may be called the Uttar Pradesh Education Service Selection Commission Act, 2019. (2) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

2. Definitions.

(1) In this Act, unless the context otherwise requires,-(a) "Board" means the Board of Secondary Education, Uttar Pradesh Prayagraj or the Basic Education Board, Uttar Pradesh, Prayagraj in relation to the institutions of secondary education and basic education respectively; (b) "Commission" means the Uttar Pradesh Education Service Selection Commission established under Section 3; (c) "Chairperson" means the Chairperson of the Commission, and includes any other person performing, in the absence of the Chairperson for the time being, the functions of the Chairperson; (d) "Director" means the Director of Higher Education, or the Director of Secondary Education, or the Director of Basic Education as the case may be and includes Joint Director of Higher Education and an Additional Director of Secondary/ Government/ Basic Education authorised by him; (e) "Authorised Officer" means the Director or any other person authorised by the State Government; (f) "Institution" means any of the following, institutions other than an institution established and administered by a minority referred to in clause (1) of Article 30 of the Constitution-(1) an affiliated or associated non-government aided college to which the privilege of affiliation has been granted by a University established under the Uttar Pradesh Universities Act, 1973; (2) a non-government aided Intermediate College or a Higher Secondary School or a High School and an attached primary school recognised by the Board established under the Intermediate Education Act, 1921; (3) a school of the Uttar Pradesh Basic Education Board or an aided junior high school and includes an aided attached primary school recognised by the Board established under the Uttar Pradesh Basic Education Act, 1972. (g) "Management" in relation to an institution means the committee of management or a person or an authority vested with the powers to manage and conduct the affairs of that institution; (h) "Member" means a member of the Commission; (i) "Non-Teaching Employees" means a person employed in an institution for purposes other than teaching; (j) "Other Backward Classes of Citizens" means the backward classes of citizens specified in Schedule I to the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994; (k) "Regulations" means the regulations made under Section 26; (l) "Teacher" means a person employed for imparting instructions in an institution and includes a Principal or a Headmaster but does not include Principal of a Government Inter College and Headmaster of a Government High School; (m) "Year of recruitment" means a period of twelve months commencing on the first day of July of a calendar year. (2) Words and expressions used and not defined in this Act but defined in the Uttar Pradesh State Universities Act,

1973, the Intermediate Education Act, 1921 or the Uttar Pradesh Basic Education Act, 1972, shall have the meanings respectively assigned to them in the respective Act.

Chapter II

Establishment And Functions Of The Commission

3. Establishment of the Commission.

(1)The State Government shall, by notification in the Gazette, and with effect from a date to be specified therein, establish a Commission by the name of the Uttar Pradesh Education Service Selection Commission.(2)The Commission shall be a body corporate.(3)The headquarter of the Commission shall be at Prayagraj.

4. Transfer of assets and liabilities.

- On and from the commencement of this Act.-(a)all properties and assets of the Uttar Pradesh Higher Education Services Commission and the Uttar Pradesh Secondary Education Services Selection Board shall stand transferred to, and vest in the Commission;(b)all debts, liabilities and obligations of the Uttar Pradesh Higher Education Services Commission and the Uttar Pradesh Secondary Education Services Selection Board whether contractual or otherwise, shall stand transferred to the Commission;(c)the services of every whole-time employee of the Uttar Pradesh Higher Education Services Commission and the Uttar Pradesh Secondary Education Services Selection Board shall stand transferred to the Commission;(d)any matter pending before the Uttar Pradesh Higher Education Services Commission and the Uttar Pradesh Secondary Education Services Selection Board established under the Uttar Pradesh State Universities Act, 1973 as it stood immediately before establishment of the Commission shall stand transferred to the Commission.

5. Constitution of the Commission.

(1)The Commission shall consists of the following Chairperson and members to be appointed by the State Government-(a)the Chairperson shall be a person who,-(i)is or has been a member of Indian Administrative Service who has held the post of Principal Secretary or equivalent thereto in the State Government: or(ii)is or has been a Vice-Chancellor of any University established by law; or(iii)is or has been a Professor of any University established by law for at least ten years and have at least three years of administrative experience;(b)One member shall be a person who is or has been a member of Indian Administrative Service who has held the post of Secretary or any other equivalent post under the State Government;(c)One member shall be a person who is or has been not less than a Joint Director, Higher Education, whose services have been of excellent category;(d)One member shall be a person who is or has been not less than a Joint Director, Secondary Education or Basic Education, whose services have been of excellent category;(e)Four members shall be educationists, whose services has been of excellent category, who in the opinion of the State Government, have made significant contribution in the field of education.(2)Every appointment under this section shall take effect from the date on which it is notified by the State Government.

6. Term of office and conditions of service of Chairperson and members.

(1) Subject to the provisions of this Act, the Chairperson and a member shall hold office for a term of five years, from the date of assumption of office thereof or till he/she attains the age of sixty five years whichever is earlier. (2) No person shall hold office of the Chairperson or a member for more than two consecutive terms. (3) The Chairperson or a member may resign his office by writing under his/her hand addressed to the State Government, but he/she shall continue in office until his/her resignation is accepted by the State Government. (4) The office of the Chairperson or the members shall be whole time and the terms and conditions of service of the Chairperson or the member, shall be such as the State Government may, by order, direct.

7. Powers to remove.

(1) The State Government may, by order, remove from office the Chairperson or any member, if he/she, - (a) is adjudged an insolvent; or (b) engages, during his/her term of office, in any paid employment outside the duties of his/her office; or (c) is, in the opinion of the State Government, unfit to continue in office by reason of infirmity of mind or body or of proved misconduct; or (d) incurs any disqualification under this Act or the rules made thereunder. Explanation. - (1) Where the Chairperson or a member becomes in any way concerned or interested in any contract or agreement made by or on behalf of any institution or participates in any way in the profits thereof or in any benefit or emolument arising therefrom, otherwise than as a member, he shall, for the purpose of clause (c), be deemed to be guilty of misconduct. (2) The procedure for the investigation and proof of misconduct under this section shall be such as may be prescribed.

8. Power to associate.

- The Commission may associate with itself, in such manner and for such purpose, any person whose assistance or advice it may consider necessary in carrying out any of the provisions of this Act.

9. Officers and employees of the Commission.

(1) The Secretary, the Exam Controller, the Finance Controller and the Deputy Secretary of the Commission shall be appointed by the State Government on deputation for a term not exceeding three years and other conditions of his service shall be such as the State Government may, by order, determine.