

The Meghalaya School Education Act, 1981

MEGHALAYA

India

The Meghalaya School Education Act, 1981

Act 16 of 1981

- Published on 9 November 1981
- Commenced on 9 November 1981
- [This is the version of this document from 9 November 1981.]
- [Note: The original publication document is not available and this content could not be verified.]

The Meghalaya School Education Act, 1981Meghalaya Act 16 of 1981Last Updated 19th February, 2020Vide Notification No. LL 131/79/112, dated the 9th November, 1981, published in the Gazette of Meghalaya, Extraordinary, dated the 10th November, 1981.An Act to provide for better organisation management and development of School Education in the State of Meghalaya and for matters connected therewith or incidental thereto.Be it enacted by the Legislature of Meghalaya in the thirty-second year of the Republic of India as follows :

Chapter I Preliminary

1. Short title, extent application and commencement.

(1)This Act, may be called the Meghalaya School Education Act, 1981.(2)It extends to and applies to the whole of the State of Meghalaya :Provided that this Act shall not apply to Primary Schools and Primary Education within the areas of the Autonomous District.(3)It shall come into force on such date as the State Government may, by notification appoint and different date may be appointed for different areas or provisions of this Act, and any reference to the commencement of the Act in relation to any area or provision thereof shall be construed as reference to the date on which the Act is extend to that area or any provision of the Act comes into force.

2. Application of the Act to Primary School and Primary education in autonomous Districts.

- Notwithstanding anything contained in Section 1, or any other law for the time being in force, the State Government may, on the recommendation of the District Council apply this act to Primary schools and Primary Education in the Autonomous District concerned.

3. Definitions.

- In this Act, unless the context otherwise requires-(i)"Aid or grant in aid" means any sum of money paid by the State Government to any educational institution ;(ii)"Aided School" means a recognised private school which receives aid in the form of maintenance and/or development grant from the State Government or any other authority designated buy the State Government;(iii)"Appropriate Authority" means the Director of Public Instruction or any other officer authorised by the Government in this behalf;(iv)"Competent Authority" means any person, officer or authority authorised by the Government, by notification to perform the functions of the competent authority under this act for such area or in relation to such class of educational institutions as may be specified in the notification ;(v)"Constitution" means the Constitution of India ;(vi)"Director" means the Director of Public Instruction of Meghalaya or any other officer authorised by the Government to perform all or any of the functions of the Director under this Act;(vii)"Employees" means a teacher and every employee working in a recognised school;(viii)"Existing employee" means an employee of an existing school who is employed in such school immediately before the commencement of this Act, and includes an employee who has been employed in such school of r a period of not less than twelve months prior to the commencement of this Act;(ix)"Existing school" means a recognised private school which is in existence a the commencement of this Act;(x)"Educational institution" means a recognised school or an institution (including a boarding house or hostel or all other premises attached to it), other than a school or an institution imparting religious education only, by whatever name called, the management of which is carried on, either exclusively or among other activities, the activity of imparting education therein :(xi)"Government" means the Government of the State of Meghalaya ;(xii)"Head of School" means the principal academic officer, by whatever name called, of a recognised school;(xiii)"Inspection" includes the security of records, and registers in buildings, libraries, laboratories, playgrounds and other allied matters and overall appraisal of the educational institution and its functionaries. It also includes supervision and examination of academic work, discipline and except in the case of a minority school, of internal administration of the institution ;(xiv)"Meaning Committee" means the body of individual who are entrusted with the management of any recognised private school;(xvi)"Prescribed" means prescribed by Rules made under this Act;(xvii)"Prescribed Authority" means any authority prescribed by Rules made under this Act;(xviii)"Private school" means a school which is not run by the Central Government, State Government, a District Council or any other authority designated or sponsored by the State Government;(xix)"Public Examination" means an examination conducted by the Meghalaya Board of School Education, Council for Indian School certificate Examination or any other Board/Body recognised or which may be recognised by the Government or any other officer authorised by the Government in this behalf;(xx)"Recognised School" means a school recognised by the appropriate authority;(xxi)"School" includes pre-primary, primary, middle and high school or any institution which imparts technical or vocational education or training up to certificate or diploma level;(xxii)"School property" means all movable and immovable property belonging to, or in the possession of the school and all other rights and interest in, or arising out of such property and includes land, building ana its appurtenances, playgrounds, hostels, furniture, books apparatus, maps, equipments, utensil cash, reserve funds, investments and bank balances.(xxiii)"Teacher" includes the Head of School.(xxiv)"Unaided Minority School" means a recognised minority school which does not receive an aid.

Chapter II

Establishment, Recognition, Management of, and Aid to School

4. Power of the Government to regulate education in schools.

(1)The Government may, subject to the provisions of Clause (1) of Article 30 of the Constitution, regulate education in all the schools in Meghalaya in accordance with the provisions of this Act and the rules made thereunder.(2)The Government may establish and maintain nay school in Meghalaya, may permit any person or authority to establish and maintain any school in Meghalaya subject to compliance with provisions of this Act and the rules made thereunder.(3)On and from the commencement of this Act, the establishment of a new school or the closing down of an existing school or the opening of a higher class or the closing down of an existing class in any existing school shall be subject to the provisions of this Act and the rules made thereunder.

5. Recognition of schools.

(1)Every application for recognition shall be addressed to the appropriate authority in such form and manner as may be prescribed.(2)No recognition shall be given by the appropriate authority unless-(a)the institution has adequate financial provision for continued and efficient maintenance of the institution regarding payment of salary and allowances to its employees, as prescribed ;(b)the area has the need for providing educational facilities to the people in the locality ;(c)the institution provides for approved course of study and efficient instruction;(d)the institution has teachers with prescribed qualifications ;(e)the institution has the prescribed facilities for physical education, library service, laboratory work, workshop practice or co-curricular activities; and(f)the institution satisfies the other requirements laid down by this Act and the rules and order made thereunder.(3)Every application under this section shall be considered by the appropriate authority and the decision thereon shall be communicated to the applicant within a period of four months from the date or except of the application and in case recognition is not granted the reasons thereof also shall be communicated to the applicant within the said period.(4)Any person aggrieved by any decision under sub-section (3) may, within thirty days, from the date the decision is communicated to him appeal against such decision to the prescribed authority in the prescribed manner and the decision of the prescribed authority thereon shall be final:Provided that prescribed authority may, if it is satisfied that the appellant was prevented y sufficient cause from preferring the appeal within the said period of thirty days, extend for reasons to be recorded by it in writing the said period by a further period of sixty days.(5)Where a school obtains recognition by fraud, misrepresentation or suppression of material particulars or where after obtaining recognition the school fails to continue to comply with any of the conditions specified in sub-section (2), the appropriate authority may, after giving the managing committee of the school one month notice to show cause against the proposed, action, withdraw the recognition.(6)The recognition granted under this Act, shall not, by itself entitled any school to receive aid.(7)Every existing recognised school shall be deemed to have been recognised under this Act and shall be subject to the provisions of this Act and the rules made thereunder :Provided that where any such does not satisfy any of the condition specified in sub-section (2), the appropriate authority may require the school to satisfy such conditions within a

specified period and if such conditions are not satisfied, recognition may be withdrawn from such school.(8)Every school whose recognition is withdrawn under sub-section (7), may appeal, within one month from the date of communication of the order of withdrawal of recognition, to the prescribed authority, who shall dispose of the appeal within six months from the date of presentation of the appeal in such manner as may be prescribed, and if the appeal is not disposed of within that period, the order for the withdrawal of recognition shall, on the expiry of the said period of six months, stand cancelled.(9)The appellate authority under sub-section (4) or sub-section (8) may after giving the appellant a reasonable opportunity of being heard, pass such order as it may deem fit and proper.

6. Scheme of management.

(1)Notwithstanding anything contained in any other law for the time being in force or in any instrument having effect by virtue of any such law, the managing committee of every recognised school shall make in accordance with the rules made under this Act and with the previous approval of the appropriate authority, a scheme of management for school:Provided that in the case of a recognised private school which does not receive any aid, the scheme of management shall apply with such variations and modifications as may be prescribed ;Provided further that so much of this sub-section as relates to the previous approval of the appropriate authority, and the particulars of the scheme of management shall not apply in the case of a minority school.(2)A scheme may be made in like manner, to add to, vary or modify any scheme made under sub-section (1).

7. Aid to recognised schools.

(1)The State Government may, subject to such conditions and in such manner as may be prescribed, pay to the Director, for distribution of aid to recognised private schools, such sum of money as Government may consider necessary :Provided that no existing school, receiving aid immediately before the commencement of this act, shall be eligible for the continuance of such aid unless it complies within such period as may be specified by the Director, with the conditions specified in the proviso to sub-section (2) of Section 5.(2)The authority competent to grant the aid may stop, reduce or suspend aid for violation of any of the conditions governing such aid as prescribed.(3)The aid may cover such part of the expenditure of the school as may be prescribed.(4)No payment out of the aid given for salary, allowances and provident fund of the employees of the school shall be made for any any other purpose.(5)No aid shall be given to a school the management of which has been taken over under Section 20.(6)No unrecognised school shall be eligible to receive any aid or other financial assistance from the Government.

Chapter III

School Property

8. School property.

(1) On and from the commencement of this Act, the management of every aided school shall furnish to the appropriate authority annually, a statement containing a list of school property together with such particulars as may be prescribed. (2) Without prejudice to the generality of the provisions contained in any other law for the time being in force, no transfer, mortgage or lease of any movable or immovable property of an aided school not being the property specified in the rules, shall be made except with the previous permission of the appropriate authority : Provided that such movable or immovable property was acquired, constructed or developed with financial assistance received from the Government ; Provided further that where the appropriate authority omits or fails to dispose of the application for such permission within sixty days from the date of receipt of the application in this behalf, the permission shall, on the expiry of the said period of sixty days, be deemed to have been granted. (3) Any person aggrieved by the grant or refusal of permission under sub-section (2) may prefer, in such form and within such time as may be prescribed, appeal to the prescribed authority against such grant or refusal of permission and the decision of the said authority shall be final. (4) Any transaction made in contravention of the provisions of sub-section (2) shall be void.

Chapter IV

Terms and Conditions of Service of Employees of Recognised Private Schools

9. Terms and conditions of service of employees of recognised private schools.

(1) The State Government may make rules regulating the minimum qualifications for recruitment and the conditions of service of employees of recognised schools : Provided that neither the salary nor the service conditions of an employee in the employment of an existing recognised school at the commencement of this Act shall be varied to the disadvantage of such employee. (2) Subject to any rule that may be made in this behalf no employee of a recognised private school shall be dismissed removed or reduced in rank nor shall his service be otherwise terminated except with the prior approval of the competent authority. (3) Any employee of a recognised private school who is dismissed, removed or reduced in rank may, within three months from the date of communication to him of the order of such dismissal, removal or reduction in rank, appeal against such order to the prescribed authority. (4) Where the managing committee of a recognised private school intends to suspend any of its employees, such intention shall be communicated to the competent authority and no such suspension shall be made except with the prior approval of the competent authority : Provided that the managing committee may suspend an employee with immediate effect and without the prior approval of the competent authority if it is satisfied that such immediate suspension is necessary by reason of gross misconduct, within the meaning of the code of conduct prescribed under Section 10 of the Act; Provided further that no such immediate suspension shall remain in force for more than a period of thirty days from the date of suspension unless it has been

communicated to the competent authority and approved by it before the expiry of the said period.(5)Nothing contained in sub-sections (2), (3) and (4) shall apply in the case of a minority school.(6)Where the intention to suspend or the immediate suspension of an employee is communicated to the competent authority, it may, if it is satisfied that, there are adequate and reasonable grounds for such suspension accord its approval to such suspension.

10. Employees to be governed by the Code of conduct.

- Every employee of a recognised school shall be governed by such code of conduct as may be prescribed and on the violation of any provision of such code of conduct, the employee shall be liable to such disciplinary action as may be prescribed.

11. Salaries of employees.

(1)The scale of pay and allowances and other prescribed benefits of the employees of a recognised private school shall be determined by the State Government by general or special order issued from time to time in this behalf.(2)The managing committee of every aided school shall deposit its shares towards pay and allowances and other prescribed benefits with the prescribed authority in such manner within such time as may be prescribed, and the prescribed authority shall disburse, or cause to be disbursed, within the first week of every month, the salaries and allowances to the employees of the aided schools.

12. Chapter not to apply to unaided minority schools.

- Nothing contained in this Chapter shall apply to unaided minority schools.

Chapter V

Provisions Applicable to Unaided Minority Schools

13. Power to prescribe minimum qualifications for recruitment.

- The Government may make rules regulating minimum qualifications for teachers of unaided minority schools :Provided that no qualifications shall be varied to the disadvantage of an existing employee of such school.

14. Power to prescribe code of conduct.

- Every employee of an unaided minority school shall be governed by such code of conduct as may be prescribed :Provided that such a code of conduct shall not infringe upon the distinctive character or interfere with the management of unaided minority schools.

15. Contract of service.

(1)The managing committee of every unaided minority school shall enter into a contract of service with every employee of such school:Provided that if, at the commencement of this Act, there is no contract of service in relation to any existing employee of unaided minority school the managing committee of such school shall enter into such contract within a period of three months from such commencement;Provided further that no contract referred to in the foregoing proviso shall vary to the disadvantage of any existing employee the terms of any contract between him and the school subsisting at the commencement of this Act.(2)Every contract of service referred to in sub-section (1), shall be forwarded by the managing committee of the concerned, unaided minority school to the Director for record in such manner as may be prescribed.(3)Every contract of service referred to in sub-section (1) may provide for the following matters namely :(a)the terms and conditions of service of the employee including the scale of pay and other allowances to which he shall be entitled ;(b)the leave of absence, age of retirement, pension and gratuity or contributory provident fund in lieu of pension and gratuity, and medical and other benefits to which the employee shall be entitled ;(c)the penalties which may be imposed on the employee for the violation of any code of conduct or the breach of any term of the contract entered into by him ;(d)the manner in which disciplinary proceeding in relation to the employee shall be conducted and the procedure which shall be followed before any employee is dismissed, removed from service or reduced in rank;(e)arbitration of any dispute arising out of any breach of contract between the employee and the managing committee ; and(f)any other matter which, in the opinion of the managing committee, ought to be, or may be specified in such contract.

Chapter VI

Admission to School and Fees

16. Admission to recognised school.

(1)A child who has not attained the age of six years, shall not be admitted to Class I or an equivalent class or any class higher than Class I, in a recognised school.(2)A student seeking admission for the first time in a recognised school in a class higher than Class I, shall not be admitted to that class if his age reduced by the number of years of normal study between that class and Class I or an equivalent class, falls short of six years.(3)Admission to a recognised school or to any class thereof shall be regulated by rules as may be prescribed.

17. Fees and other charges.

(1)No aided school shall levy any fee or collect any other charge or receive any other payment except those as may be prescribed including those listed under Section 18 of the Act.(2)Every aided school having different rates of fees or other charges or different funds shall obtain prior approval of the prescribed authority before levying such fees or collecting such charges or creating such funds.(3)The managing committee of every recognised school shall before the commencement of each academic session, file with the appropriate authority a full statement of the fees to be

prescribed and levied by such school during the ensuing academic session, and except with the prior approval of the Director no such school shall charge during the academic session, any fee in excess of the fee so prescribed.

18. School Fund.

(1) In every aided school, there shall be a fund, to be called the "School Fund" and there shall be credited thereto—(a) any aid granted by the Government; (b) income accruing to the school by way of fees, charges or other payments; and (c) any other contributions, endowments and the like made to the school. (2) The School Fund and all other funds, established with the approval of the Director, shall be accounted for and operated in accordance with the rules as may be prescribed. (3) In every recognised unaided school, not being a minority school there shall be a fund to be called the Recognised Unaided School Fund, and there shall be credited thereto income accruing to the school by way of—(a) fees; (b) any charges and payments which may be realised by the school for other specific purposes; and (c) any other contributions, endowments, gifts and the like made to the school. (4) (a) Income derived by recognised unaided schools by way of fees shall be utilised only for such educational purposes as may be prescribed; and (b) Charges and payments realised and all other contributions, endowments and gifts received by the school shall be utilised only for the specific purpose for which they were realised or received. (5) The managing committee of every aided school shall file every year with the appropriate authority such financial and other returns as may be prescribed and every such return shall be audited by such authority as may be prescribed.

19. Affiliations.

(1) For the purposes of the public examination every recognised high school shall be affiliated to one or more of the Boards or Councils conducting such examination and shall fulfill the conditions specified by the Board or Council in this behalf. (2) The student of every recognised high school, middle school and primary school shall be prepared for, and presented to the public examination or such other form of evaluation as may be held by recognised Boards or Councils conducting such examinations, or by the Director or by such authority as may be approved by the State Government: Provided that if any student is physically, academically or otherwise found to be unfit to appear at such public examination he may not be presented to such examination.

Chapter VII

Taking over The Management of Schools

20. Taking over the management of schools.

(1) Whenever the Government is satisfied that the managing committee of any schools, whether recognised or not, has neglected to perform any duties imposed on it by or under this act or any Rule made thereunder and that it is expedient in the interest of school education to take over the management of such school, the Government may, after giving the managing committee of such school, a reasonable opportunity of showing cause against the proposed action, take over the

management of such school for a limited period not exceeding three years.(2)Whenever the management of any school is taken over under sub-section (1) every person in charge of the management of such school immediately before its management is taken over, shall deliver possession of the school property to the Government or any officer authorised in this behalf.(3)After taking over the management of any school under this section the Government may arrange to manage the school through any person or officer authorised by the Government in this behalf, hereinafter referred to as the Authorised Officer.(4)Where the management of any school has been taken over under sub-section (1) the managing committee of such school may, within one month from the date of taking over, appeal to the State Government who may after considering the representation made by the managing committee, pass such orders, including an order for the restoration of the management or for the reduction of the period during which the management of such school shall remain vested in the Government as it may deem fit.(5)Where the management of school has been taken over under this section, the Government shall pay such rent as may be payable for the building/buildings of the school to the person entitled to receive it as was being paid by the managing committee immediately before the management of such school was taken over.(6)During such period as any school remains under the management of the Government-(a)the service conditions, as approved by the Government of the employees of the school who were in employment immediately before the date on which the management was taken over, shall not be varied to their disadvantage ;(b)all educational facilities which the school has been affording immediately before such management was taken over, shall continue to be afforded ;(c)the School Fund and all other existing funds shall continue to be available to the Authorised Officer for being spent for the purposes of the school; and(d)no resolution passed at any meeting of the managing committee of such school shall be given effect to unless approved by the Government.

21. Act not to apply to minority schools.

- Nothing contained in Section 20 shall apply to any minority school.

Chapter VIII Miscellaneous

22. Meghalaya School Education Advisory Board.

(1)There shall be an Advisory Board for School Education to be called the Meghalaya School Education Advisory Board for the purpose of advising the Government on matters of policy relating to education in Meghalaya.(2)The Advisory Board shall be constituted by the Government and shall consist of a Chairman, Secretary and fifteen other members to be nominated by the Government.(3)The Advisory Board constituted under sub-section (2) shall include- (f) the Secretary to the Government in the Education Department as Chairman,(b)the Director of Public Instruction as member- Secretary, and(c)fifteen other members to be nominated from amongst the following :(i)heads of recognised schools ;(ii)representatives of recognised organisation of teachers of recognised schools;(iii)representatives of the Managing Committee of recognised schools ;(iv)representatives of parents or guardians of students of recognised schools ; and(v)eminent

Educationists.(4)The Advisory Board shall regulate its own procedure.(5)The term of office of every member of the Board shall be as may be prescribed.

23. Delegation of powers.

(1)The State Government may delegate all or any of its powers duties and functions under this Act to the Director or any other officer.(2)Every person to whom any power is delegated under sub-section (1), may exercise chart power in the same manner and with the same effect as if such power had been conferred on him directly by and under this Act and not by way of delegation.

24. Inspection of schools.

(1)Every recognised school shall be subjected to inspection as may be prescribed.(2)The Director may also arrange special inspection of any school on such aspects of its working as may, from time to time be considered necessary by him.(3)The Director may also give direction to the Managing Committee requiring the management to rectify any defect or deficiency found at the time of inspection or otherwise in the working of the school.(4)If the managing committee fails to comply with any direction given under sub-section (3), the Director may after considering the explanation or report, if any, given or made by the managing committee, take such action as he may think fit including-(a)stoppage of aid,(b)withdrawal of recognition, or(c)except in the case of a minority school, taking over of the management under Section 20 ;

25. Jurisdiction of civil Courts barred.

- No civil Court shall have jurisdiction in respect of any matter in relation to which the Government or the Director or any other person authorised by the Government or Director or any other officer of authority appointed or specified by or under this Act, is empowered by or under this act to exercise any power and no injunction shall be granted by any civil Court in respect of anything which is done or intended to be done by or under this Act.

26. Protection of actin taken in good faith.

- No suit prosecution or other legal proceeding shall lie against the Government Director or any other person authorised by the Government or Director for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

27. Liability of member of the managimg committee.

- If the managing committee of any recognised private school-(a)omits or fails without any reasonable excuse to carry out any orders made by the competent authority, or(b)present any student for any public examination without complying with the provisions of Section 19 read with proviso, or(c)omits or fails to deliver any school property to the prescribed authority under sub-section (2) of Section 20, except in case of school under Section 21,every person constituting the

managing committee be punished with simple imprisonment for a term which may extend to three months or with fine which may extend to two thousand rupees, or with both :Provided that nothing contained in this section shall render the Secretary or any member of the managing committee liable to any punishment if he proved that the offence was committed without his knowledge or that he exercised due diligence and precaution to prevent the crime.

28. Penalty of obstructing officer or other person exercising powers under this Act.

- Any person who wilfully obstructs an officer of the Government in the exercise of any power conferred on him, or in the performance of any function entrusted to such officer in the exercise of such power or in the performance of such function or who fails to comply with any law full direction made by such officer or person shall on conviction be punished with fine may extend to two hundred and fifty rupees.

29. Power of Government to give direction.

- The Government may, subject to other provisions of this Act by order, direct the Director or any subject to other provisions of this Act by order, direct the Director or any other officer to make an enquiry or to take appropriate proceedings under this Act in respect of any matter specified in the said order, and the Director or the other officer as the case may be, shall report to the Government in due course the result of the enquiry made or the proceeding taken by him.

30. Power to enter and inspect.

- An officer authorised in this behalf and not below the rank of a Deputy Inspector of Schools shall be competent to enter at any time during the normal working hours of any educational institution and to inspect any record or other documents or any movable or immovable property relating to such institution of the purpose of exercising his powers and performing his functions as prescribed in this behalf.

31. Power to make rules.

(1)The State Government, may, subject to the condition of previous publication, make rules to carry out the provisions of this Act.(2)In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :(i)the manner in which education may be regulated and restructured in the State of Meghalaya ;(ii)the conditions which every existing school shall be required to comply with :(iii)establishment of a new school or the opening of higher class or the closing down of an existing school or the closing down of an existing class in any of the existing schools ;(iv)the minimum qualifications for, and method of recruitment and the terms and conditions of service of employees ;(v)the authorities to be specified for the purposes of the different provisions of this Act;(vi)the particulars which a scheme of management shall contain, and the manner in which such a scheme shall be made ;(vii)variations

and modifications which may be made in the scheme of management for a recognised school which does not receive any aid :(viii)the conditions under which aid may be granted to recognised schools, and on the violation of which aid may be stopped, reduced or suspended :(ix)the part of the expenditure of a recognised school which is to be covered by aid :(x)particulars of school property which should be furnished to the appropriate authority;(xi)the form in which, and the time within which, an appeal shall be preferred to the appropriate authority against an order made in relation to the transfer, mortgage or lease of any school property ;(xii)the form and manner, including fees, for preferring any other appeal under this Act;(xiii)the code of conduct for employees and the disciplinary action to be taken for the violation thereof;(xiv)the benefits which should be granted to the employees of aided schools ;(xv)the regulation for admission into educational institutions of pupils for the academic course, private study and other special courses and the attendance thereat;(xvi)fees and other charges which may be collected by an aided or unaided recognised school ;(xvii)the inspection of recognised schools ;(xviii)the terms of office, travelling and other allowances payable to the members of the Advisory Board ;(xix)the financial and other returns to be filled by the managing committee of aided schools and the authority by which such returns shall be audited ;(xx)the educational purposes for which the income derived by way of fees by recognised unaided schools shall be spent;(xxi)the registers, statements reports, and other information to be maintained or furnished by the managing committees in respect of school fund ;(xxii)the manner of accounting and operation of school funds and other funds of aided schools and also the auditing authority thereof;(xxiii)the manner in which any enquiry under this Act shall be held ;(xxiv)the powers and functions of the officers and other subordinate staff of the Education Department ;(xxv)the declaration as to what constitutes pre-primary, primary, middle and higher school education, professional education, vocational education, technical education, special education and other types of education ;(xxvi)the maintenance and administration of aided schools under this Act, and the constitution and function of their managing committees other than those of minority schools ;(xxvii)the preparation and sanction of plans and estimates of a new school building or extensions to be constructed with Government aid, and the requirements to be fulfilled by the managing committee of the school in this regard ;(xxviii)the purpose for which educational institutions may be used and the restrictions and conditions subject to which such educational institutions may be used for any other purpose ;(xxix)the regulation of the use of text-books, maps, plans, instruments and other laboratory and sports equipments in the institutions ;(xxx)the opening of special morning or night classes and the conditions for their working and of parallel sections or classes in the institutions for linguistic minorities :(xxxi)the scale of fees or charges, or the manner of fixing fees or charges payable in respect of any certificate, permission mark-sheet or other document for which such fees may be collected ; and(xxxii)all matters expressly required or allowed by this Act to be prescribed or in respect of which this Act makes no provision, or makes insufficient provisions is, in the opinion of the Government, necessary for the proper implementation of this Act.

32. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order not inconsistent with the provisions of this Act remove the difficulty :Provided that no such order shall be made after the expiry of a period of three years from the commencement of this Act.

33. Members of the managing committee, teachers, etc. to be public servants.

- Every member of the managing committee of any educational institution and every member of the teaching and non-teaching staff of such institution shall be deemed to be a public servant within the meaning of Section 21 of the Indian Public Examination or any other examination conducted under this Act.