

Bihar Staff Selection Commission Act, 2002

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Act 7 of 2002

- Published on 1 January 2002
- Commenced on 1 January 2002
- [This is the version of this document from 1 January 2002.]
- [Note: The original publication document is not available and this content could not be verified.]

Bihar Staff Selection Commission Act, 2002(Bihar Act No. 7 of 2002)Last Updated 10th February, 2020An act for Constitution of Bihar Staff-Selection Commission For Bringing Uniformity In Selection Procedure of Candidates For Technical and Non-technical Class III Posts Under the Administrative Control of the Government of Bihar.Preamble. - Whereas, the Number of Both the Competitive Examinations and Candidates has increased to a Large Scale and Consequently the Responsibilities of Bihar Public Service Commission Have Increased Manifold and It Has Thus Become Necessary to Constitute A Separate Commission For This Purpose to Relieve the Bihar Public Service Commission From The Responsibility of Selection of Candidates For the Class III Services/posts.And, Whereas, it has been recommended by the fitment committee in its report under paragraph 7.3.13 (d), chapter-7 (Volume IV, Book 2) to consider the possibility of constitution of a Commission like Staff Selection Commission;And, Whereas, under these circumstances it is expedient to enact an Act for the purpose of constitution of Bihar Staff Selection Commission to bring uniformity in selection-process of suitable candidates for appointment to Class HI posts.Now, Therefore, be it enacted by the Legislature of State of Bihar in the fifty-third year of the Republic of India as follows : -

1. Short title, extent and commencement.

(1)This Act may be called the Bihar Staff Selection Commission Act, 2002.(2)It shall extend to the whole of the State of Bihar.(3)It shall come into force at once.

2. Definitions.

- In this Act, unless there is any thing repugnant to the subject or context, -(a)"Act" means Bihar Staff Selection Commission Act, 2002;(b)"State Government" means the Government of Bihar;(c)"Commission" means the Bihar Staff Selection Commission constituted under section-3 of the Act;(d)"Chairman" means the chairman of the Bihar Staff Selection Commission;(e)"Member" means the member of the Bihar Staff Selection Commission;(f)"Rules" means the Rules framed

under this Act.

3. [Constitution of Commission. [Substituted by Bihar Staff Selection Commission (Amendment) Act, 2007 (Act No. 26 of 2007), section 2.]

(1)The Bihar Staff Selection Commission shall be constituted consisting of a Chairman and two Members.(2)Appointment of the Chairman and other Members of the Commission shall be made by the State Government:Provided that the Chairman and other Members of the Commission shall be such persons who, on the dates of their appointments, have held office for at least ten years under the State Government.(3)If the office of the Chairman of the Commission becomes vacant or if the Chairman is, by reason of absence or for any other reason, unable to perform the duties of his office, those duties shall, until some person appointed under clause (2) to the vacant office has entered on the duties thereof or, as the case may be, until the Chairman has resumed his duties, be performed by such one of the other members of the Commission as the State Government may appoint for the purpose.]

4. [Term of office, removal and service conditions of the Chairman and members of the Commission. [Substituted by Bihar Staff Selection Commission (Amendment) Act, 2007 (Act No. 26 of 2007), section 3.]

(1)Term of the Chairman and the members of the Commission shall be of five years with effect from the date of appointment or until he attains the age of sixty five years, whichever is earlier :Provided that -(a)the Chairman and a Member of the Commission may resign his office during his term;(b)the Chairman and a Member of the Commission may be removed from his office, if he -(i)is adjudged an insolvent, or(ii)engages during his term of office in any paid employment outside the duties of his office, or(iii)is in the opinion of the State Government, unfit to continue in office due to any reason.(2)The conditions of service of the Chairman and Members of the Commission shall be determined after framing regulation under the powers conferred by sub-section (1) of section-12 of the Act.]

5. Services/Cadres/Posts for which the Commission may recommend for appointment.

- The Commission may recommend for appointments for all general/technical / non-technical services/cadres/ posts under the State Government and field officers having pay scales less than Rs. 6500-10,500 (or corresponding scale as revised from time to time) and as provided in the Rules.[Provided that in the cases of contractual employments, adjustments of retrenched employees, compassion-ate appointments and appointments of outstanding sportsperson, the appointments may be made without obtaining the recommendation of the Commission.] [Added by Bihar Staff Selection Commission (Amendment) Act, 2007 (Act No. 26 of 2007), section 4.]

6. Subordinate Officers and Employees.

- For the conduct of the business of the Commission, the strength of posts of subordinate officers and employees of the Commission and their service conditions shall be as provided in the Rules made by the State Government under this Act.

7. Headquarters of the Commission and Administrative Department.

- The headquarters of the Commission shall remain in Patna. The Personnel and Administrative Reforms Department shall be the administrative department of the Commission.

8. Selection Procedure.

- The Commission, with the prior approval of the State Government, shall formulate the procedure for selection to different services/posts.

9. Delegation of powers.

(1)The Chairman of the Commission shall exercise the administrative and financial powers of the Head of the Department in the State Government.(2)The Chairman may entrust one member of the Commission the responsibilities of the Controller of the Examinations. Other member may be entrusted the responsibilities of the Administrative section.

10. Transfer of pending selections related to Class III posts.

- All selections for appointment to the posts, as mentioned in section-5 of the Act and not advertised till the commencement of this Act by the Bihar Public Service Commission, shall be held by the Bihar Staff Selection Commission. The selection process for the posts for which advertisement has been issued by the Bihar Public Service Commission will be completed by the Bihar Public Service Commission.

11. Financial Provisions.

- All expenditures to be incurred on the office of the Commission and on execution of work of the Commission shall be borne by the State Government. The Commission may receive examination fees from the candidates for holding different examinations/selections which shall be deposited in the State Treasury by the Commission.

12. Power to make Rules.

(1)The State Government shall have power to make Rules/Regulations for implementing the provisions of this Act.(2)The Commission shall frame Regulations for procedure for publication of Advertisements, conduct of written examinations, publication of results, conduct of viva-voice

test/personality test, if any, and other functions with the approval of State Government.