

# **Bihar State Recognised Non-Government Sanskrit Schools (up to Madhyama Standard) Managing Committee Constitution Rules, 2015**

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## **Bihar State Recognised Non-Government Sanskrit Schools (up to Madhyama Standard) Managing Committee Constitution Rules, 2015**

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Bihar State Recognised Non-Government Sanskrit Schools (up to Madhyama Standard) Managing Committee Constitution Rules, 2015 Published vide Notification No. 10/Mu 1-53/2014-101, dated 13.02.2015 Last Updated 6th February, 2020 No. 10/Mu 1-53/2014-101. - In exercise of the power conferred under Section-22 of the Bihar Sanskrit Shiksha Board Act 1981 (Bihar Act No. 31 of 1982), the Governor of Bihar is pleased to make the following rules for the constitution of the Managing Committee of the Schools : -

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

(1) These rules may be called The Bihar State Recognised Non-Government Sanskrit Schools (up to Madhyama Standard) Managing Committee Constitution Rules, 2015. (2) It shall extend to the whole of the State of Bihar and it will be binding on all the recognised Non-Government Sanskrit Schools (up to Madhyama Standard). (3) It shall come in to force at once and constitution of the Managing Committee shall be started under these rules. From the date of constitution of the New Managing Committees under these rules, the old Committees or Ad-hoc Committees shall automatically stand dissolved.

### **2. Definitions.**

- In these Rules, unless there is anything repugnant in the subject or context -(i)'Government' means Bihar Government;(ii)'Department' means Education Department;(iii)'the Act' means the Bihar Sanskrit Shiksha Board Act, 1981;(iv)'Board' means Bihar Sanskrit Board, constituted under Bihar Sanskrit Shiksha Board Act, 1981;(v)'Chairman' means Chairman of Bihar Sanskrit Shiksha Board;(vi)'Secretary' means Secretary of Bihar Sanskrit Shiksha Board;(vii)'Recognition' means

Recognised Non-Government Sanskrit School by the Government of Bihar, Education Department, Patna;(viii)'School' means Recognized Non-Government Sanskrit Schools (up to Madhyama Standard) by the Education Department;(ix)'Headmaster' means the Headmaster of recognized Non-Government Sanskrit Schools (up to Madhyama Standard);(x)'Assistant teacher' means Assistant teacher of a recognized Non-Government Sanskrit Schools (up to Madhyama Standard);(xi)'Managing Committee' means School Managing Committee of Non- Government Sanskrit Schools (up to Madhyama Standard) constituted under The Managing Committee Rules 2015.(xii)'Recognised Non-Government Sanskrit Schools (up to Madhyama Standard)' means-(i)Non-Government Recognised Primary Sanskrit School - From Class I to V(ii)Non-Government Recognised Middle Sanskrit School - From Class VI to VIII(iii)Non-Government Recognised Primary cum Middle Sanskrit School - From Class I to VIII(iv)Non-Government Recognised Madhyamik Sanskrit School - From Class VI to X(v)Non-Government Recognised Primary Cum High Sanskrit School - From Class I to X(xiii)'Non teaching staff' means all other full time employees except teachers of Non-Government Recognised Sanskrit Schools (Up to Madhyama Standard)(xiv)Modern subject means-(a)Manviki subject group(b)Science subject group(c)Mathematics(d)Vocational subject group(e)Lalit Kala(f)Home Science

### **3. Constitution of the School Managing Committee.**

- A School Managing Committee will be constituted consisting of the following members for every Recognised Non-Government Sanskrit School (up to Madhyama Standard):- (i) Headmaster of the School-Ex-Officio; (ii) A teacher representative nominated by the headmaster who is senior amongst the teachers in the concerned School according to the annual rotation; (iii) Local Member of the Legislative Assembly/Member of the Council (if any from that constituency)/ Member of the Lok Sabha/ Member of the Rajya Sabha (if any from that constituency)/Block Education Officer; (iv) Two Donor members who have donated as movable or immovable property in both ways minimum of 10,000/- (ten thousand) to the School, but the donated amount in the shape of movable property must have been deposited in the pass book/account of the School or the immovable property worth minimum 10,000/- (ten thousand) must have been utilized in the School. Declaration of the Donor (Lifetime Donor and General Donor) shall be made by the Chairman of the Sanskrit Shiksha Board after necessary verification; (v) Two Guardian Representatives (one male and one female) who are the guardians of those regular boy/girl students who have been studying in that Recognised School for at least two years and have secured highest marks in the school examination. The Guardian Representative shall not be a teacher, a non-teaching staff or any relative of the Headmaster/Teacher/Non-teaching staff of the said school; (vi) Two Educationists in which one should be eminent Sanskrit Scholar. If eminent Sanskrit Scholar is not available then any person having interest in Sanskrit subject shall be taken in their places; (vii) Inclusion of a female member and a Schedule Caste/Schedule Tribe member in the committee will be compulsory. School Managing Committee will be constituted from the above members.

#### **4. Donor Member.**

(1)Where there are more than two donors, the Donor members shall be selected in every three years by rotation firstly according to the maximum donated amount by the Donor and if donated amount is equal or the date is same then the members shall be selected by lottery method.(2)Where Donor member is not available, the post shall remain vacant until availability of Donor of that category.(3)Such persons shall also be the members who have donated minimum 10,000/- (ten thousand) in maximum four instalments within a period of two years with proof thereof to the School, but they shall be entitled to be the members only after donating whole amount.

#### **5. Lifetime Member.**

- A person, who has donated at least 25,000/- (Twenty five thousand) in shape of movable, immovable or both property to the School with proof thereof, shall be a Lifetime Member of the School Managing Committee after the date of commencement of these Rules.Lifetime member may be more than one. Donor Member shall not be hereditary. After the death of Donor Member, his legal heirs shall not be the Donor members. If they wants to be a Donor Member, they will have to donate with proof to the School then. They may be included in the doner list.

#### **6. Process of constitution of Managing Committee.**

(1)After publication of this Notification in the Bihar Gazette and within fifteen days information of order by the Bihar Sanskrit Shiksha Board to this respect, the headmaster of the school will send total three names of the members of teacher representative, Member of the Legislative Assembly/Member of the Parliament/ Block Education Officer,where one Donor member is available, names of total four members and where two Donor members, name of five members will be sent to Bihar Sanskrit Shiksha Board for approval. If the post of headmaster is vacant, the senior most teacher of the School shall send those names.(2)Within 15 days of receipt of approved nomination from the Bihar Sanskrit Shiksha Board, the Headmaster of the concerned school shall convene a meeting of the Managing Committee by giving seven days prior notice with proof to the approved members at the school building wherein two Guardian Representatives and two Educationist Members shall be selected. Amongst the Educationist Members, one member must be an eminent Sanskrit scholar. If an eminent Sanskrit scholar is not available, in that place a person having interest in Sanskrit may be selected.(3)In the said meeting, one of the members from the approved list shall preside over the meeting and under whose chairmanship selection work would be done. In case of three or five approved members on equal vote the vote of The Chairman will be casting vote. In case of four approved members, the Chairman could not utilize his vote.(4)Within 15 days of completion of the aforesaid selection process, the headmaster shall convene a meeting of all the members in School building by giving minimum one week prior notice with proof thereof. The meeting shall be headed by any of the members present in the meeting wherein selection of the Chairman and Secretary of the Managing Committee shall be made unanimously or by majority of votes. Presence of minimum five members in this meeting shall be compulsory. Headmaster and teacher representative shall not be selected as Chairman or Secretary of the School Managing Committee.(5)The Headmaster/Headmaster in-charge (senior most teachers) shall send the list of

officers and members of the constituted School Managing Committee to the Sanskrit Shiksha Board for its approval. The constituted Managing Committee shall start functioning only after approval of the Board. If the Board did not approve the constitution of the Managing Committee and the Managing Committee started its functioning, then the work done by the Managing Committee shall be deemed to be illegal.(6)The tenure of the approved Managing Committee (after approval by the Board) shall be of three years. The Managing Committee constituted properly and approved by the Board shall not be dissolved before its tenure A new Managing Committee shall be constituted after every three years.(7)If the Managing Committee does not work according to the provisions of the rules or does not follow the instructions of the Government, the Bihar Sanskrit Shiksha Board shall dissolve the Managing Committee after receiving the investigation report from the concerned District Education Officer.(8)Until the School Managing Committee or in that place ad-hoc committee is constituted under this notification, the old Managing Committee shall be in function after getting approval/permission of the Sanskrit Shiksha Board but the tenure of the old Managing Committee shall be extended maximum for a period of six months only.

## **7. Functions and Powers of the School Managing Committee.**

- The Managing Committee shall have all the powers under rules, orders and instructions issued, from time to time, by the Education Department of the State Government as well as Bihar Sanskrit Shiksha Board and it shall exercise its all such powers which may be necessary for proper management, administration and development of the school. In addition to above, the Managing Committee shall have following functions :-(i)To take donation, to purchase or to take on lease any movable or immovable property, essential for the purpose of the School or otherwise raise money and utilize the same for construction of school building, renovation of the constructed building and other developmental works as also protect the school properties;(ii)to take donation, subscription for the purposes of the School;(iii)to keep proper books of accounts in respect of all such properties/money which is received through donations or from other sources for the school and prepare annual statement of the account and to get the same audited yearly.(iv)to regularize the expenditure within the available fund;(v)to arrange money for scholarship, prize etc. in addition to Government grant.(vi)to make proper arrangement for establishment of hostel, play ground furniture and library for the School;(vii)to constitute such Sub-committees which it may deem necessary for the development of students of the school;(viii)to do all the statutory/legal/legitimate works on behalf of the School and to protest the improper allegations;(ix)To keep discipline in the School and to give proper advice to the headmaster to enhance the educational standards of the School;(x)To make appointment of the school headmaster, teachers and non-teaching staff, to grant leave, to give promotion to the teachers etc. in light of the Service Condition Notification 2015 notified for the teachers of Non- Government Sanskrit School (up to madhyama standard) by the Education Department, Government of Bihar.(xi)To do all such works which deem necessary in the interest of the School.

## **8. Functions and powers of the Secretary of the School Managing Committee.**

(1)Functions and powers of the Secretary of the School Managing Committee will be such which are described in Rule 7 of those Rules performed and exercised and which may be with the advice of the

Managing Committee by the Secretary.(2)The Secretary shall convene meeting of the Managing Committee of the School after giving prior notice of at least 10 days. In Special circumstances, Special meeting shall be convened by serving prior notice of three days. "General or Special Meeting" of the Committee shall be held in the School Building with prior notice with fixed date and time.(3)The secretary may sanction different type of leaves relating to the Head master in light of the rules provided in Rule14 of the Bihar State Non-Government Sanskrit High School (up to madhyama standard) Teacher Service Condition Rules, 2015.

## **9. Functions and powers of the Chairman of the School Managing Committee.**

(1)The Chairman of the Managing Committee shall preside over General/Special kinds of all meetings of the School Managing Committee.(2)On equal vote on an issue in the meeting of the Committee, the Chairman shall exercise his voting right which will be casting vote.(3)If the Secretary does not convene the meeting of the School Managing Committee in time and if it appears to be essential to convene the meeting in the interest of the School, the Chairman may convene the meeting in consultation with the headmaster.(4)In the absence of the Chairman of the managing committee, an Acting Chairman shall be elected amongst the members present in the meeting who will preside over the meeting.

## **10. Ad-hoc Committee.**

(1)After publication of these rules in the Bihar Gazette and within 90 days from the after intimation of the order of constitution of the Managing Committee of the schools by the Board, the Constitution of the School Managing Committee will be essential.If the School Managing Committee is not constituted within prescribed period then the Board shall issue show cause notice to the School by giving one month time and on not receiving explanation within the said period or in want of satisfactory explanation, The Board shall have right to constitute Adhoc Committee in place of School Managing Committee.(2)Without adherence to the aforesaid provision, no Ad-hoc Committee shall be constituted. If any does so it will not be as per rule. Without adherence to the aforesaid provision, the Board (not Chairman) (Secretary, Bihar Sanskrit Shiksha Board) will not constitute Ad-hoc Committee. No Ad-hoc Committee shall commence its work without having prior approval of the Board and if such an act is done without approval, it deemed to be illegal.(3)The powers and functions of the Ad-hoc Committee will be the same which are specified in the Notification for the School Managing Committee, but the Ad-hoc Committee will not have the power to make any appointment/promotion.(4)There shall be three or five members in total in the Ad-hoc Committee among which there will be one Secretary and one Chairman. The headmaster must be its member, but he will not be Secretary or Chairman. The tenure of the Ad-hoc Committee will be maximum for six months. In special circumstances, the Board may extend its tenure twice for six months.

## **11. Taking over of the management of the School.**

(1) Notwithstanding of anything contrary to any law for the time being in force when it appears to the Board that Managing Committee of any School has disobeyed the rules and sub rules specified in this Notification or shows negligence in performance of imposed duties or fails in proper Management of the School and has become essential to take over the Managing Committee of the school in the public interest, the Board shall issue show cause notice to the Managing Committee against the proposed proceeding by giving notice of maximum 30 days and on receipt of written statement and on finding the clarification unsatisfactory, after dissolution of the Managing Committee of such School he shall constitute the Ad-hoc Committee and will decide that in how many period the new Managing Committee will take charge of the management but such period shall not be more than total one and half years. (2) In special circumstances, if the Board considers necessary, it may suspend the Managing Committee of such School until the decision for the dissolution of that Managing Committee is taken. Management of such school will be made by the person or persons deputed by the Board.

## **12. Disposal of the disputes with regard to constitution of the School Managing Committee and the decisions taken by the Managing Committee.**

- Any party aggrieved with change or negligence with regard to any rules in constitution of the school Managing Committee, mentioned in Rule 3 of these Rules may file a complaint before the Board within 60 days from the date of its constitution. After that period no complaint shall be heard. After recruiting of the complaint filed within the prescribed period and after hearing the parties, The Board shall take a decision, which shall be final. If any teacher/non-teaching staff of the School is aggrieved by any order of punishment/decision of the Managing Committee, he may file an appeal within 60 days before the Chairman of the Bihar Sanskrit Shiksha Board, who shall pass appropriate order after hearing the parties and if any person aggrieved with the decision of the Board or Chairman of the Board he may prefer an appeal within 60 (Sixty) days before the Special Director, Secondary Education and the Special Director after giving full opportunity to hear the aggrieved and concerned person shall deliver his decision.

## **13. Meeting of Managing Committee of the School.**

- Normally there shall be four meetings of the School Managing Committee in every year it must be held in every three months compulsorily. Presence of minimum five members in the meeting will be compulsory. If any member of the committee except Ex-officio member, Donor member and lifetime member, is absented himself in three consecutive meetings of the committee without there being any valid & proper reason, he ceased to be member of the committee automatically and new member shall be appointed against the said vacancy. The committee itself competent to take a decision on the vacancy caused by such absence and that shall be final.

#### **14. Representation by the Donor members.**

- If a Donor member so desires, he can depute/authorize any person on his behalf/place for the entire period of the School Managing Committee, till his lifetime but this deputation will admission till the life time of the doner member.

#### **15. Exchange and sale of permanent property of the School.**

- If it is desirable or essential in the interest of the School to exchange or sale its permanent property, the Managing Committee of the school shall do so after taking prior approval of the Board but the profit accrued from its exchange or sale shall have to be intimated to the Board with proof thereof and all the records/register shall be kept and maintained in the office of the School.

#### **16. Registration.**

- It will be essential for the School Managing Committee to register itself under the Society Registration Act, 1860.

#### **17. Repeal and Savings.**

(1)From the date of commencement of these Rules, all pervious Rules, Resolutions, Orders, and Instructions etc. relating to Managing Committee are hereby repealed.(2)Not with standing such repeal, any action taken or any thing done under the previous Rules, Resolutions, Orders, Instructions prior to commencement of these rules will be deemed to be taken or done under these rules as at these Rules come in to force on that day on which such action was taken or such thing was done.