

Maharashtra Secondary and Higher Secondary Education Boards Act, 1965

MAHARASHTRA

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Act 41 of 1965

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Maharashtra Secondary And Higher Secondary Education Boards Act, 1965. Maharashtra Act No. XLI of 1965 An Act to provide for the establishment of a State Board and Divisional Boards to regulate certain matters pertaining to secondary and higher secondary education in the State of Maharashtra. WHEREAS, it is expedient to provide for the establishment of a State Board and Divisional Boards to regulate certain matters pertaining to secondary and higher secondary education in the State of Maharashtra and for other purposes hereinafter appearing; It is hereby enacted in the Sixteenth Year of the Republic of India as follows: —

1. Short title, extent and commencement.

(1) This Act may be called the Maharashtra Secondary and Higher Secondary Education Boards Act, 1965. (2) It extends to the whole of the State of Maharashtra. (3) This section shall come into force at once; and the remaining provisions of this Act shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.

In this Act, unless the context otherwise requires, — (a) “appointed day” means the date on which the remaining provisions of this Act come into force under sub-section (3) of section 1; (b) “Board” means the State Board or a Divisional Board, as the case may be; (c) “bye-laws” means bye-laws made by the State Board under section 38; (d) “corresponding Divisional Board” in relation to the Maharashtra Secondary School Certificate Examination Board means the Board established under this Act for the Pune Division and in relation to the Vidarbha Board of Secondary Education means the Board so established for the Nagpur Division; (e) “Division” means the areas comprised in each of

the Division as specified in the first Schedule to this Act;(f)“Divisional Board” means a Board established for a Division under this Act;(g)“final examination” means one or more examination conducted at the end of the secondary, or as the case may be, higher secondary stage of education, by a Division Board on behalf of the State Board;(h)“headmaster” or “headmistress” or “principal” means the head of the teaching staff of a secondary school or a junior college recognised by a Divisional Board, by whatever style designated;(h1)“higher secondary education” means such general, technical, vocational or special education (including any combined course thereof), which follows immediately the secondary education and precedes immediately the education controlled by Universities established by law in the State;(i)“institution” means an institution imparting secondary or higher secondary education or both;(i-1) “junior college” means an institution which imparts education in the first year or the second year or both, of the higher secondary education course;(j)“prescribed” means prescribed by regulations;(k)“primary education” means education imparted in a primary school as defined by the State Government in this behalf or education equivalent thereto;(l)“recognised by a Divisional Board” with reference to a secondary school or a junior college, means recognised by a Divisional Board for the purposes of admission to the privileges of that Board, and “recognised by the Education Department” means recognised either by the Directorate of Education or the Directorate of Technical Education under the Secondary Schools Code or any other administrative orders of the Education Department of the State Government and the expression “recognition”, with all its grammatical variations and cognate expressions, shall be construed accordingly;(m)“regulations” means the regulations made by the State Government under section 37 and by the State Board under section 36;(o)“secondary education” means such general, technical, vocational or special education (including any combined course thereof), which is designed to meet the needs of the period of adolescence and which follows immediately primary education and precedes immediately higher secondary education;(p)“State Board” means the Maharashtra State Board of Secondary and Higher Secondary Education established under this Act;(p-1) “secondary school” means an institution which imparts secondary education and is recognised by a Divisional Board;(q)“teacher” means a member of the teaching staff (other than headmaster or headmistress or principal) of a secondary school or a Junior College recognised by a Divisional Board;(r)“text-book” in relation to any standard including the final standard of secondary or higher secondary education, means any book prescribed by the State Board, or prepared or caused to be prepared and prescribed by it, for that standard.

3. Establishment of State and Divisional Boards.

(1)The State Government shall by notification in the Official Gazette, establish a Board for the whole State by the name of “the Maharashtra State Board of Secondary and Higher Secondary Education”.(2)The State Government shall likewise, by notification in the Official Gazette, establish a Board for each of the Divisions under such name as may be specified in the notification.

3A. Power of State Government to amend First Schedule.

The State Government may, from time to time, by notification in the Official Gazette, constitute any new Division under this Act, by such name, for such area and with effect from such date as may be specified by it, and insert necessary entries in the First Schedule; and may for that purpose or any

other purposes specified in that behalf diminish, increase or alter the area of any existing or new Division, by suitably amending the Schedule, by the said notification, and thereupon the entries in the said Schedule shall stand amended accordingly.

4. Incorporation of State Board.

The State Board shall be a body corporate by the name mentioned aforesaid and shall have perpetual succession and a common seal, and shall have power to acquire, hold and dispose of property, and to enter into contracts, and may by the said name sue and be sued.

5. Constitution of State Board.

(1)The State Board shall consist of Chairman appointed by the State Government, and of the following members, that is to say: —Class A—Ex-officio Members.(i)The Director of Education, or any other officer of the Department of Education designated by the State Government.(i-a) The Director of Higher Education or any other officer of the Department of Education designated by the State Government.(ii)The Chairmen of the Divisional Boards.(iii)The Director of Technical Education, or any other officer of the Department of Technical Education designated by the State Government.(iv)The Director of Agriculture, or any other officer of the Agriculture Department designated by the State Government.(iv-a) The Director of Art, or any other officer of the Directorate of Art designated by the State Government.(v)The Director, State Council for Educational Research and Training.Class B—Elected Members.(i)One member from each University in the State established by law, who shall be the person elected by the Academic Council or other designated authority of the University.Class C—Nominated Members.(i)Six members designated by the State Government, from amongst the principals, headmasters and headmistresses nominated as members of the Divisional Boards of whom at least one shall be the principal of a junior college.(i-a) Two members of the Maharashtra Legislative Assembly nominated by the Speaker of the Maharashtra Legislative Assembly.(i-b) One member of the Maharashtra Legislative Council nominated by the Chairman of the Maharashtra Legislative Council.(ii)Six members designated by the State Government, from amongst the teachers nominated as members of the Divisional Boards of whom at least two shall be teachers of junior colleges.(iii)One member nominated by the State Government, from amongst the Principals of College of Education in the State.(iv)Six members designated by the State Government, from amongst representative of the managing bodies of secondary schools and junior colleges nominated as members of the Divisional Boards of whom at least one shall be the representative of the managing bodies of junior colleges.(v)Six members designated by the State Government, nominated by reasons of their having special knowledge, or practical experience in matters connected with primary, secondary or higher secondary education, of whom not less than one shall be a woman.Provided that, the State Government shall designate at least one member from each Division under each of the paragraphs (i), (ii), (iv) and (v) under the heading Class C—Nominated members:Provided further that, a person shall cease to hold office as a member of the State Board, if he ceases to belong to the Academic Council or the authority of the University the members of which elected him, or ceases to be a member of the Legislative Assembly, or Legislative Council, or ceases to be a principal, headmaster, headmistress or teacher, or representative of the managing body where he is

nominated or designated from amongst such persons and any such person shall inform the Chairman in writing under his own hand of his having so ceased to be the member of the Board, within a week therefrom.(2)The names of persons (not being ex-officio members) who have been elected or nominated or designated, from time to time, as members of the State Board shall be published by that Board in the Official Gazette.(3)Notwithstanding anything contained in this Act, all Class C--Nominated Members of the State Board, holding office, immediately before the commencement of the Maharashtra Secondary and Higher Secondary Education Boards (Amendment) Act, 1986, shall cease to be such members and vacate their offices on the date on which new members are designated by the State Government under sub-section (1), as amended by the said Act.

6. Constitution of Divisional Boards.

(1)A Divisional Board shall consist of a Chairman appointed by the State Government, and of the following members, that is to say: --Class I--Ex-officio Members.(i)All Regional Deputy Directors of Education in the Division.(ii)Two Education Officers designated by the State Government amongst officers serving in the Division as Parishad Education Officers of the Zilla Parishads, and the Education Inspector, Greater Bombay.Class III--Nominated Members.(i)Six members nominated by the State Government from amongst the principals, headmasters and headmistresses in the Division, of whom two shall be principals of junior colleges.(ii)Eight members nominated by the State Government, from amongst the teachers in the Division, of whom four shall be teachers in junior Colleges.(iv)Two members nominated by the State Government, from amongst the representatives of the managing bodies of secondary schools and junior colleges recognised by the Divisional Boards in the Division, of whom one shall be the representative of the managing bodies of junior colleges.Provided that, a person shall cease to hold office as a member of the Divisional Board, if he ceases to be a principal, headmaster, headmistress or teacher or representative of the managing body where he is nominated from such persons and such person shall inform the Chairman in writing under his own hand of his having so ceased to be the member of the Board, within a week therefrom.(2)The names of persons (not being ex-officio members) who have been nominated, from time to time, as members of a Divisional Board shall be published by the State Board in the Official Gazette.(3)Notwithstanding anything contained in this Act, all nominated members of every Divisional Board, holding office, immediately before date of commencement of the Maharashtra Secondary and Higher Secondary Education Boards (Amendment) Act, 1986, shall cease to be such members and vacate their offices on the date on which new members are nominated by the State Government under sub-section (1), as amended by the said Act.

7. Term of office and conditions of service of Chairman of Boards

(1)The Chairman of the State Board, and a Chairman of a Divisional Board shall hold office for a term of four years from the date of his appointment.(1A)Nothing in sub-section (1) shall affect the power of the State Government to transfer, in the exigencies of public service, any Chairman to any other post under Government during such term; and if any Chairman is superannuated in the service of Government he shall cease to be the Chairman, unless his services are extended or he is re-employed in the service of Government and he is not transferred to some other post.(2)The State

Government may from time to time extend the term of office of a Chairman, provided that the term shall not exceed in the aggregate eight years.(3)The Chairman of the State Board, and Chairmen of the Divisional Boards shall be the servants of the State Government and they shall draw their salary and allowances from the Consolidated Fund of the State. The salary and allowances and other conditions of service of Chairman shall be such as may be determined by the State Government.(4)Where a temporary vacancy of a Chairman occurs, by reason of leave, illness or other cause, the State Government may appoint another person to be Chairman on such salary, allowances and other conditions of service as shall be determined by the State Government.

8. Term of office of and allowances to members of Board.

(1)The members of the State Board and of each of the Divisional Boards, not being members ex-officio, shall hold office for a term of four years from the date on which their names are published in the Official Gazette.(1A)Notwithstanding anything contained in sub-section (1), the nominated members of the State Board or of the Divisional Boards shall hold office during the pleasure of the Government and their term of office may, at any time, before the expiry of the period of four years, be terminated by the State Government, by an order published in the Official Gazette.(2)The members shall be entitled to such compensatory allowances as may be determined by regulations.

9. Disqualification of Chairmen and members.

A person shall be disqualified for being appointed, elected, nominated or designated as, or for continuing as, a Chairman or member of the State Board and of a Divisional Board or of any Committee appointed under this Act—(a)if he directly or indirectly, by himself or his partner, —(i)has or had any share or interest in any text-book published, or(ii)has any share or interest in any work done by order of, or in any contract entered into on behalf of the State Board or a Divisional Board: Provided that, a person who had any share or interest in any text-book referred to in sub-clause (i) shall not be deemed to have incurred the disqualification under that sub-clause, if five years have elapsed from the date of publication of such book;(b)if he is a person against whom an order of removal from office has been made under sub-section (1) or sub-section (2) of section 15:Provided that, a person against whom such order is made shall not be deemed to be disqualified under this clause, if five years (or such lesser period as the State Government may specify) has elapsed from the date of his removal from office.Explanation. —For the purposes of sub-clause (i) of clause (a)—(i)the publication of a text-book shall include its republication;(ii)a person shall be deemed to have incurred disqualification by reason of his having any share or interest in the business of the publisher of such text-book.

10. Vacancy of Chairman or member owing to disqualification.

If the Chairman or a member of the State Board or a Divisional Board or any Committee becomes subject to any of the disqualifications mentioned in the last preceding section, his office shall thereupon become vacant.

11. Vacancy of member owing to absence without permission.

If a member elected or nominated or designated to the State Board or a Divisional Board remains absent without permission of the Board from three consecutive meetings thereof, his office shall thereupon become vacant.

12. Decision on question as to vacancy.

If any question arises as to whether the office of the Chairman or a member has become vacant under section 10 or 11, the question shall be referred for the decision of the State Government, and its decision shall be final.

13. Vacancy to be notified

Any vacancy under section 10 or 11 shall be notified by the State Board in the Official Gazette.

14. Registration of member.

A member of the State Board or a Divisional Board, not being a member ex-officio, may resign his office at any time by tendering his resignation in writing to the Chairman of the Board; and such member shall be deemed to have vacated his office as soon as the Chairman has received his resignation.

15. Removal of member.

(1)The State Government may, on the recommendation of the State Board or as the case may be, the Divisional Board, and after making such further inquiry if any, as it may think fit to make, by order remove any member of the State Board or Divisional Board or of any Council or Committee thereof, if such member—(a)has been convicted by a Court in India of any offence involving moral turpitude; or(b)is an undischarged insolvent; or(c)has been declared physically disabled by such medical authority as the State Government may specify; or(d)is of unsound mind and stands so declared by a competent Court; or(e)is acting in a way detrimental to the aims and objects of the State Board or the Divisional Board: Provided that, no such recommendation shall be made by the State Board or Divisional Board or no order shall be made under clause(f)unless the member to whom it relates has been given a reasonable opportunity of showing cause why such recommendation or order should not be made.(2)The State Government may suo-motu by order remove any member of the State Board of a Divisional Board or any Council or Committee thereof, elected or nominated or designated, whose activities are, in the opinion of the State Government, detrimental to or obstruct, the proper functioning of the State Board or of the Divisional Board or of any Council or Committee thereof : Provided that, no member shall be removed from office unless he has been given a reasonable opportunity of showing cause why such order should not be made against him.(3)The name of any member who has been removed from office under subsection (1) or (2) shall be published by the State Board in the Official Gazette.

16. Meetings of Boards.

(1)The State Board and each Divisional Board shall meet not less than twice in every year, and six months shall not intervene between two successive meetings.(2)The Chairman of the State Board or a Divisional Board may at any time, and shall upon the written request of not less than one-third of the total number of members of the Board (excluding the ex-officio members) call a special meeting of the Board on a date not later than twenty-one days after the receipt of such request by the Chairman.

17. Power to invite experts and officers at meetings.

A Board may invite any person who in its opinion is an expert in the field of education or any officer of the State Government, to attend its meeting or of its Committee, if a subject with which the expert or officer is concerned is likely to come up or come up for discussion or consideration.

18. Power and duties of State Board.

Subject to the provisions of this Act, the powers and duties of the State Board shall be as follows, namely: --(a)to advice the State Government on matters of policy relating to secondary or higher secondary education in general, and on the following matters in particular: --(i)ensuring a uniform pattern of secondary or higher secondary education;(ii)maintenance of uniform standard of education in secondary schools and junior colleges; (iii) co-ordination between national policies and State policies in secondary or higher secondary education;(iv)co-ordination between secondary or higher secondary education, university education and primary education;(b)to lay down guiding principles for determining curricula and syllabi and also to prepare the detailed syllabi for all standards of secondary and higher secondary education;(c)*** (d)to prescribe standard requirements in respect of staff, buildings, furniture, equipment, stationery and other things required for secondary schools and junior colleges;(e)to prescribe any books as text-books, or to prepare or cause to be prepared any books and prescribe them as text-books, for all standards including the final standard of secondary and higher secondary education;(f)prescribe the general conditions governing admission of regular and private candidates to the final examinations, and to specify the conditions regarding attendance and character, on the fulfilment of which a candidate shall have a right to be admitted to and to appear at any such examination;(g)to award certificates to candidates passing the final examination;(h)to institute and award scholarships, stipends, medals, prizes and other rewards, and to prescribe conditions therefor;(i)to receive bequests, donations, endowments, trusts and other transfer of any property, or interest therein, or right thereto;(j)to hold any property, interest or right referred to in clause (i) above, and to manage and deal with the same;(k)to demand and receive such fees as may be prescribed, from secondary schools and junior colleges recognised by the Divisional Boards;(l)to call for special reports and information from the Director of Education or other officers of the Education Department, and any information from any secondary school or junior college recognised by a Divisional Board to ensure maintenance of academic standards in secondary and higher secondary education;(m)to recommend measures to promote physical, moral and social welfare of students in institution recognised by the Divisional Board, and to prescribe conditions of their residence and discipline;(n)to appoint officers and

servants of the State Board (other than the Chairman, Secretary, Joint Secretary or Assistant Secretary) in its office and in the offices of the Divisional Boards, and to regulate the terms and conditions of their service;(o)to constitute provident fund for the benefit of the officers and servants of the State Board;(p)to approve the annual financial statements pertaining to the State Board and the Divisional Boards and to recommend to the State Government for sanction, the annual budget;(q)to inspect and supervise generally the working of the Divisional Boards and to inspect periodically the accounts thereof;(r)to conduct statistical and other research for the purpose of evaluation and reform of the curricula, instruction and examination system;(r-1) to conduct correspondence and other non-formal courses leading to final examinations through variety of media including open school courses;(s)to appoint such Committees as it may think necessary for the efficient discharge of its functions under this Act;(t)to make regulations for the purpose of carrying into effect the provisions of this Act;(u)to make by-laws relating to matters such as procedure to be followed by the State Board and the Divisional Board, their Committees, and any other matter solely concerning the State Board and Divisional Boards and their Committees that are not provided for by this Act and the regulations made thereunder;(v)to exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this Act;(w)to do all such acts and things as may be necessary to carry out the purposes of this Act.

19. Powers and duties of a Divisional Board.

Subject to the provisions of this Act, the powers and duties of a Divisional Board shall be as follows, namely: —(a)to advice the State Board on matters of Divisional importance, either referred to it or on its own initiative, for the purposes of implementation of recommendations by the State Board regarding standard requirements in secondary schools and junior colleges;***(d)to demand and receive such fees as may be prescribed for candidates admitted to the final examination;***(f)to conduct in the area of its jurisdiction the final examination on behalf of the State Board; (g) to appoint paper setters, translators, examiners, moderators, supervisors and other necessary personnel for conducting the final examination in the area of its jurisdiction, for evaluation of candidates' performance and for compiling and release of results in accordance with such instructions as the State Board may from time to time issue.(h)to admit candidates for the final examination according to the regulations made by the State Board in this behalf;(i)to open centres within its jurisdiction for the final examination conducted by it;(j)to declare the results of the candidates appearing at the final examination conducted by it on such date or dates as may be fixed by the Examinations Committee of the State Board;(k)to forward a list of candidates according to merit to the State Board for the purpose of award of scholarships, stipends, medals, prizes and other rewards;(l)to deal with cases of use of unfair means according to the procedure laid down by the State Board;(m)to generally evaluate the performance of students in all examinations in secondary schools and junior colleges including the final examination and make necessary recommendations to the State Board in that behalf;(n)to grant recognition to secondary schools and junior colleges or withdraw the same in the prescribed manner;(o)to call for any information from any secondary school and junior colleges recognised by it to ensure maintenance of academic standard and to call for special reports and information either on being referred to by the State Board or on its own initiative, from the Regional Deputy Director of Education concerned on secondary schools and junior colleges recognised by it not maintaining the required academic standard, to withdraw

recognition granted by it, and to recommend to the Directorate of Education or the Directorate of Technical Education, as the case may be, withdrawal of recognition granted under the Secondary Schools Code or any other administrative orders of the Education Department of the State Government also, in cases of poor academic results and grave academic irregularities;(p)to forward with its remarks the recommendations of its Committees to the State Board for necessary action;(q)to require institutions recognised by it and the Education Department to extend their co-operation in the conduct of the final examination and to withdraw the privileges of the Board from any institutions which fails to place at its disposal the facilities required to conduct final examinations, after giving it a reasonable opportunity of showing cause why such order should not be made;(q1)to conduct such correspondence and other non-formal courses leading to final examinations as the State Board may specify under clause (r-1) of section 18;(r)to exercise such other powers as may be delegated to it by the State Board.

20. Powers and duties of Chairmen of Boards.

(1)It shall be the duty of the Chairman of the State Board and of each Divisional Board to ensure that the provisions of this Act, and the regulations and by-laws made thereunder are faithfully observed and he shall have all powers necessary for this purpose.(2)In an emergency which, in the opinion of the Chairman of the State Board or a Divisional Board, requires that immediate action should be taken, the Chairman shall take such action as he deems necessary and shall thereafter report his action to the Board at its next meeting.(3)Each Chairman shall exercise such other powers and perform such other duties, as may be prescribed.

21. Appointment, powers and duties of Secretaries, Joint and Assistant Secretaries.

(1)The State Board and each Divisional Board shall have a Secretary, who shall be appointed by the State Government.(2)Each Secretary shall, subject to the control of the Chairman, be the Executive Officer of the Board, and all other officers and servants for the time being serving under the Board shall be subordinate to him.(3)The Secretary shall be entitled to be present at the meetings of the Board, but shall not be entitled to vote.(4)Each Secretary shall exercise such other powers and perform such other duties, as may be prescribed.(5)The State Government may appoint one or more Joint and Assistant Secretaries for the State Board or a Divisional Board on the recommendation of the State Board and the Divisional Board concerned (if any).(6)A Joint Secretary and Assistant Secretary shall exercise such powers and perform such duties of the Secretary as are, respectively assigned to him by the Secretary under the general or special orders of the Board.(7)The Secretaries, Joint Secretaries and Assistant Secretaries appointed under this Act shall be the servants of the State Government, and they shall draw their salaries and allowances from the Consolidated Fund of the State. The salaries and allowances and other conditions of service of these officers shall be such as may be determined by the State Government.

22. Other officers and servants of the Boards.

(1)The State Board may appoint such other officers and servants as it considers necessary for the efficient performance of its functions and the functions of the Divisional Boards, under this Act.(2)The salaries and allowances and other conditions of service of the officers and servants appointed by the State Board under sub-section (1) shall be such as may be determined by it by regulations made under this Act.

23. Appointment, of Committees.

(1)The State Board shall appoint Committees designated as follows: --(a)Executive Council.(b)Academic Council.(c)Finance Committee.(d)Examinations Committee.(e)Board or Boards of Studies.(2)The State Board may appoint such other Committees as it thinks necessary for the efficient performance of its functions.(3)Each Divisional Board shall appoint Committees designated as follows: --(a)Standing Committee.*** (d)Examination Committee.(4)A Divisional Board may appoint such other Committees as may be prescribed for the efficient performance of its functions.(5)The constitution of every Committee appointed by the State Board or a Divisional Board, the term of office of its members and the duties and functions to be discharged by it shall be such as may be prescribed.

24. Casual vacancies.

All casual vacancies among the members of the State Board or a Divisional Board or of any Committee of a Board shall be filled as soon as may be, by election or nomination or appointment or designation, as the case may be; and the person elected, nominated or appointed or designated in a casual vacancy shall hold office so long only as the member in whose place he is elected, nominated or appointed or designated would have held it, if the vacancy had not occurred.

25. Acts and proceedings not invalidated by vacancies or defects in constitution.

No act or proceeding of the State Board or a Divisional Board or any Committee of a Board shall be invalid merely by reason of any vacancy in, or any defect in the constitution of such Board or Committee.

26. State Board's Fund, its custody and investment.

(1)The State Board shall have its own Fund, and the following moneys shall be credited thereto, --(a)fees, royalties and charges (including prescribed penalties) levied by it;(b)grants, assignments, contributions and loans, if any, made to it by the State Government;(c)bequests, donations and endowments, or other contributions, if any;(d)interest on, and sale proceeds of, any securities vested in it;(e)all rents and profits from the property vested in it;(f)other moneys received by or on behalf of it.(2)The Fund shall be kept in any Scheduled Bank as defined in the Reserve Bank of India

Act, 1934, or at the discretion of the State Board, be invested in securities authorised by the Indian Trusts Act, 1882.

27. State Board to pay costs from the Fund on account of salary, pension, etc., of Chairmen, Secretaries, Joint Secretaries and Assistant Secretaries.

The State Board shall pay every year out of its Fund to the State Government such amount as that Government may determine on account of the salary, pension, leave and other allowances of the Chairman, Secretaries, Joint Secretaries and Assistant Secretaries of the Boards.

28. General application of the Fund.

Subject to the provision of this Act, the Fund of the State Board shall be applicable only to the payment of charges and expenses incidental to the matters specified in this Act and for any other purpose for which by or under this Act powers are conferred or duties are imposed upon the Board established under this Act.

29. How the Fund shall be drawn against.

No payment shall be made by a Bank out of the State Board's Fund, except upon a cheque or letter of credit signed by an officer serving under the State Board or a Divisional Board duly authorised by the State Board in this behalf.

30. Allotments to Divisional Boards.

The State Board shall pay from time to time to each Divisional Board such sums as the State Board may determine for enabling the Divisional Board to discharge the duties and functions imposed on it by or under this Act or for completion of works or development schemes within its jurisdiction, which are not inconsistent with this Act.

31. Preparation of annual budget estimates.

(1)The State Board shall prepare, before such date and in such manner as may be prescribed, the budget estimates of the income and expenditure of that Board incorporating therein the income and expenditure of the Divisional Board, for the next financial year.(2)The State Board shall, on or after the date referred to in sub-section (1), consider the budget estimates prepared by it and submit them as approved by it to the State Government for its sanction. The State Government may pass such orders with reference to the budget estimates as it thinks fit, and communicate the same to the State Board. The State Board shall give effect to such orders.

32. Annual accounts and audit.

The State Board shall prepare annual accounts of receipts and expenditure after incorporating therein such accounts of the Divisional Boards and forward them to the State Government for audit. The State Government shall cause the accounts to be audited, and the State Board shall pay such charges for the audit as that Government may determine.

32A. Inspection and Inquiry.

(1)The State Government shall have the right to cause an inspection to be made, by such person or persons as it may direct, of the State Board or a Divisional Board, of the buildings, hostels, laboratories and equipment of any secondary school or Junior College recognised by a Divisional Board of the teaching or other work conducted by any such school or College, and of the conduct of any examination held on behalf of the State Board; and to cause an enquiry to be made in like manner in respect of any matter connected with any Board. The State Government shall, in every case, give due notice to the Board concerned of its intention to cause an inspection or enquiry to be made, and the Board shall be entitled to appoint a representative, who shall have the right to be present and be heard at such inspection or inquiry. (2) The State Government shall communicate to the Board its views with reference to the results of the inspection or inquiry and may, after ascertaining the opinion of the Board thereon, advise it on the action to be taken, and fix a time limit for taking such action.(3)The Board shall report to the State Government such action, if any, as it has taken or proposes to take upon the results of the inspection or inquiry. Such reports shall be submitted, with the opinion of the Board thereon, within such time as the State Government may direct.(4)Where the Board does not within the time fixed take action to the satisfaction of the State Government, the State Government may, after considering any explanation furnished or representation made by the Board, issue such direction as it may think fit, and the Board shall comply with such directions.

33. Information, returns, etc., to be furnished by the Boards.

(1)The State Board and each Divisional Board shall furnish to the State Government such reports, returns and statements as may be required by the State Government and such further information relating to any matter connected with its work as the State Government may call for.(2)The State Government may, after considering any such report, returns or statements or information furnished, give such directions consistent with this Act as may be necessary, and the State Board or the Divisional Board, as the case may be, shall comply with such directions.

34. Powers of State Government to issue directions.

(1)The State Government shall have the power, after considering the advice (if any) tendered by the State Board, to issue to that Board or a Divisional Board such directions as it may consider necessary in regard to all or any of the matters specified in clause (a) of section 18. The Board concerned shall comply with such directions.(2)The State Government shall have also the right to

address the State Board or any Divisional Board with reference to anything it has conducted or done, or is conducting or doing, or intends to conduct or do, and to communicate to the Board concerned its views in the matter.(3)The Board concerned shall report to the State Government such action, if any, as it proposes to take or has taken upon the communication, and shall furnish an explanation if it fails to take action.(4)If such Board does not within a reasonable time take action to the satisfaction of the State Government, the State Government may, after considering any explanation furnished or representation made by the Board, issue such directions consistent with this Act as it may think fit, and the Board shall comply with such directions.(5)In an emergency which, in the opinion of the State Government, requires that immediate action should be taken, the State Government may take such action consistent with this Act as it deems necessary without previous consultation with the Board concerned and shall forthwith inform it of the action taken.(6)The State Government may, by order in writing, specifying the reasons thereof suspend the execution of any resolution or order of any Board and prohibit the doing of the action ordered to be or purporting to be ordered to be done by such Board if the State Government is of the opinion that such resolution, order or act is in excess of the powers conferred by or under this Act upon such Board.(7)When, under this section or either of the last two preceding sections, any direction, order or other communication is issued by the State Government to a Divisional Board, or any report, explanation or other communication is submitted by a Divisional Board to the State Government, a copy thereof shall be sent to the State Board.

35. Manner of exercise of powers delegated to a Board or a Committee.

All matters relating to the exercise by the State Board of powers conferred upon it by this Act, which have by regulation been delegated by that Board to a Divisional Board or a Committee, shall stand referred to that body, and the State Board before exercising any such powers shall receive and consider the report of the body with respect to the matter in question.

36. Power of State Board to make regulations.

(1)The State Board may make regulations for the purpose of carrying into effect the provisions of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely: --(a)the constitution, powers and duties of the Committees, appointed under section 23;(b)the subjects and curricula for the final examinations;(c)the general conditions governing admission of regular and private candidates for the final examination, and any particular conditions regarding attendance and character on the fulfilment of which a candidate shall have a right to be admitted to and to appear at any such examination;(d)the marks required for passing in any subject and the final examination as a whole, and for exemption, credit and distinction in any subject;(e)the fees for admission to the final examinations and other fees and charges payable in respect of other matters connected with those examinations;(f)the arrangements for the conduct of final examinations by the Divisional Boards and publication of results;(g)the appointment of examiners, their powers and duties in relation to the final examinations and their remuneration;(h)the qualifications and disqualifications of examiners;(i)the award of certificates;(j)the appointment of officers and servants of the State Board in its own office and in the offices of the Divisional Boards and the conditions of their

service;(k)the constitution of provident fund for the benefit of the said officers and servants of the State Board;(l)the control, administration, safe custody and management in all respect of the finances of the State Board;(m)the date before which and the manner in which the 2 [State Board] shall prepare 2 [its] budget estimates;(m-1) the compensatory allowance which may be drawn by members of the Boards and the Committees appointed by them;(n)any other matter which is to be or may be prescribed under this Act. (3) No regulation made under this section shall have effect until the same has been sanctioned by the State Government.

37. First regulations.

(1)Notwithstanding anything contained in the last preceding section, the first regulations shall be made by the State Government and they shall continue to be in force until new regulations are duly made and sanctioned under the said section.(2)If it shall at any time appear to the State Government that it is expedient to make any new regulation in respect of any of the matters referred to in section 36 or that any regulations referred to in sub-section (1) or made by the State Board under section 36 need to be modified or repealed, either wholly or in part, the State Government may, after consultation with the State Board and by notification in the Official Gazette, make such regulations or modify or repeal any such regulations, either wholly or in part. The regulations so made, modified or repealed shall take effect from such date as the State Government may in such notification specify or if no such date is specified, from the date of publication of the said notification in the Official Gazette except as respects anything done or omitted to be done before such date.

38. Power of State Board to make by-laws.

The State Board make by-laws consistent with this Act and the regulations made thereunder to provide for all or any of the following matters: --a. the procedure to be followed at the meetings of the State Board and the Divisional Boards and the Committees appointed by any of them and the number of member required to form a quorum at such meetings;c. any other matter solely concerning the Boards and their committees not provided for by this Act and the regulations made thereunder.

39. Interpretation in case of doubt.

If any question arises regarding the interpretation of any provision of this Act or of any regulations or by-laws made thereunder, the matter may be referred for decision to the State Government and shall be so referred to the State Government if not less than three members of a Board so require. The decision of the State Government shall be final.

40. Repeals and savings.

(1)On the appointed day, --a. the Bombay Secondary School Certificate Examination Act, 1948; andb. the Madhya Pradesh Secondary Education Act, 1951, shall stand repealed; and the

Maharashtra Secondary School Certificate Examination Board and the Vidarbha Board of Secondary Education constituted thereunder (hereinafter in this section referred to as “the dissolved Boards”) shall stand dissolved and all members thereof shall vacate office.(2)Notwithstanding the repeal of the said Acts—(a)all property, moveable and immovable, and all right, interest of whatever kind, powers and privileges of the dissolved Boards shall on the appointed day stand transferred to the State Board and shall without further assurance vest in the State Board, and shall thereafter be applied to the objects and purposes for which the State Board is constituted;(b)all benefactions accepted or received by the dissolved Boards shall be deemed to have been accepted or received by the State Board under this Act and all conditions on which such benefactions were accepted or received shall be deemed to be valid under this Act, notwithstanding that such conditions are inconsistent with the provisions of this Act;(c)any will, deed or other document made before the appointed day, which contains any bequest, gift, terms or trust in favour of a dissolved Board shall, on and from the appointed day, be construed as if the State Board is named therein instead of the dissolved Board;(d)all institutions recognised and admitted to the privileges of any dissolved Board immediately before the appointed day shall be deemed to be recognised and admitted to the privileges of the corresponding Divisional Board established under this Act, save in so far as such recognition or privilege may be withdrawn, restricted or modified by or under the provisions of this Act;(e)all debts, liabilities and obligations incurred before the appointed day, and lawfully subsisting against any dissolved Board shall be discharged and satisfied by the State Board;(f)all references in any enactment or other instruments issued under an enactment to a dissolved Board shall be construed as reference to the State Board or the corresponding Divisional Board, as the case may be;(g)all officers and servants of the State Government (other than Class I and Class II officers) serving under the Maharashtra Secondary School Certificate Examination Board immediately before the appointed day shall, from the said day, be taken over and employed by the State Board for the purposes of this Act, and they shall, subject to general or special orders made by the State Government regarding their absorption and seniority, continue to hold office on the same conditions of service as changed circumstances may permit, until such conditions are duly altered by a competent authority under this Act:Provided that, the conditions of service applicable immediately before the appointed day to the case of any such officer or servant shall not be varied to his disadvantage, except with the previous approval of the State Government:Provided further that, any service rendered by such officer or servant under the State Government shall be deemed to be service under the State Board. Nothing in the foregoing provisions of this paragraph shall apply to any officer or servant of the State Government who is to be taken over by the State Board, who by notice in writing given to the State Government, before the appointed day, or such later date as may be determined by the State Government, intimates his option in writing not to become or continue as an officer or servant of that Board; and thereupon he shall be permitted to retire from Government service and shall be entitled to all such terminal benefits as compensation, pension, gratuity or the like, as may be determined by the State Government (which terminal benefits shall not be less favourable than the benefits he would have been entitled to had his service under the Government ceased on the appointed day);(h)the officers and servants duly appointed by and serving under the Vidarbha Board of Secondary Education immediately before the appointed day shall be deemed to be officers and servants appointed by the State Board on the appointed day for the purposes of this Act, and they shall, subject to the general or special orders made by the State Government regarding absorption and seniority, continue to hold office on the same conditions of

service as changed circumstances may permit, until such conditions are duly altered by a competent authority under this Act :Provided that, the conditions of service applicable immediately before the appointed day to the case of any such officer or servant shall not be varied to his disadvantage, except with the previous approval of the State Government:Provided further that, any service rendered by such officer or servant under the aforesaid Board shall be deemed to be service under the State Board.

41. Amendments of certain enactment.

The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

42. Power to remove difficulties.

If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing the difficulty: Provided that, no order shall be made under this section after the expiry of two years from the appointed day.