

# Patna University Act, 1976

BIHAR

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### Act 24 of 1976

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Patna University Act, 1976(Act No. 24 of 1976)Last Updated 15th January, 2020An Act to establish and incorporate a teaching University at Patna in the State of Bihar.Be it enacted by the Legislature of the State of Bihar in the twenty seventh year of the Republic of India as follows: -

#### 1. Short title and commencement.

(1)This Act may be called the Patna University Act, 1976.(2)It shall come into force at once.

#### 2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context -(a)"annual meeting" means one of the meetings of the Senate to be held every year under sub-section (1) of Section 21 and declared by the Statutes to be the annual meeting of the Senate;(b)"autonomous institution" means any institution declared as such under this Act, and includes a College also;(c)"Academic Council" means the Academic Council of the University;(d)"Chancellor" means the Chancellor of the University;(e)[ "College" means an institution maintained or controlled by the University or maintained by the State Government in which instruction is given to the Students of the University upto the Post-graduate Standard or below under conditions prescribed in the Statutes:] [Substituted by Act 18 of 1993.][Provided that till separate arrangement is made for Intermediate Education teaching of this standard also shall continue to be imparted in the same college, under the general direction of the Intermediate Education Council and that college shall be deemed to be an institution imparting education in Intermediate standard also;] [Inserted by Act 67 of 1982.](f)"Head of a College Department" means the head of any department of a college;(g)"Head of a University Department" means the head of any department maintained by the University for imparting instruction to the students of the University in the post-graduate standard under conditions prescribed in the Statutes. It includes Director of any institute maintained by the University. [or the Government for the promotion of research or for imparting instruction to the students of the University in the postgraduate standard;] [Inserted by Act 67 of 1982.](h)"Hostel"

means a place of residence for the students of the University maintained or recognised by the University either as part of or separate from a College, in accordance with the provisions of this Act;(i)"Institute" means an institution maintained or recognised by the University;(j)"prescribed" means prescribed by this Act or by the Statutes, the Ordinances, the Regulations, or the Rules framed thereunder;(k)"Principal" means the head of a college.(l)"Professor" means a teacher of a College possessing such qualifications as may be prescribed by the Statutes;(m)"registered graduate" means a graduate of the University who has received a degree of the University and whose name has been entered, in the register of registered graduates maintained under the provisions of this Act on payment of a registration fee of rupees ten to the University. It also includes a graduate of the Patna University established and incorporated under the Patna University Act, 1917 (Bihar Act XVI of 1917) or the Patna University Act, 1961 (Bihar Act no. III of 1962) who has made a proper application together with a fee of rupees ten for being registered as a registered graduate of the University:Provided that a person, who was or deemed to be registered graduate under the Bihar State Universities (Bihar, Bhagalpur and Ranchi Universities) Act, 1960 (Bihar Act XIV of 1960), shall be deemed to be registered graduate of the University subject to the condition that the College from which he graduated falls within the jurisdiction of the University.Explanation. - A person, who has received more than one degree from the University, shall not be required to pay such registration fee more than once;(n)"Reader" means a teacher of a College or the University possessing such qualifications as may be prescribed by the Statutes;(o)"Lecturer" means a teacher of a college or the University possessing such qualifications as may be prescribed by the Statutes;(p)"Senate" means the Senate of the University;(q)"Statutes", "Ordinances", "Regulations" and "Rules" means respectively the Statutes, the Ordinances, the Regulations, and the Rules of the University for the time being in force;(r)"Teacher" includes Principal, University Professor, College Professor, Reader, Lecturer, Demonstrator and other persons imparting instruction in any department, or in any College or institute maintained by the University;(s)"University Professor" means a teacher engaged in giving instruction in any department or institute maintained by the University for imparting instruction to the students of the University in the Post Graduate standard or for guiding research work or both and possessing such qualification as may be prescribed by the Statutes;(ss)[ "Subject" means subject or subjects assigned to each faculty by the Statutes in respect of which the faculties shall appoint Board of courses and studies;] [Inserted by Act 67 of 1982.](t)"Syndicate" means the Syndicate of the University;(u)"University" means the University established and incorporated under Section 3 of this Act;(v)"University Fund" means the fund of the University established under Section 46 of this Act;(w)"Vice-Chancellor" means the Vice-Chancellor of the University;(x)"Pro-Vice-Chancellor" means the Pro-Vice-Chancellor of the University; (y) "Deans of student's welfare" means the Dean appointed for that purpose by the University,(z)[ "other equivalent post" means any other post the scale of pay of which is equivalent or as the State Government may declare equivalent] [Inserted by Act 67 of 1982.](za)"Commission" means [\*\*\*] [Inserted by Act 18 of 1993.] constituted by the State Government for making recommendations for appointments etc., of teachers and officers of the Universities and Constituent Colleges.(zb)"Other Backward Classes" shall have reference to extremely Backward, Backward Classes and Women of Backward Classes.]

### **3. Establishment and incorporation of University.**

- There shall be established with effect from the date of commencement of this Act, a University by the name of Patna University with headquarters at Patna.(2)The first Chancellor, the first Vice-Chancellor, every member of the Senate, the Syndicate and the Academic Council and all persons who may hereafter becomes such officers or members and so long as they continue to hold such office or membership shall together constitute a body corporate by the name of the University specified in sub-section (1).(3)The University shall have perpetual succession and a common seal and shall issue and be sued by the said name.(4)With effect from the commencement of this Act all educational institutions admitted to the privileges of the Patna University established under Patna University Act, 1961 (Bihar Act III of 1962) shall be deemed to be College admitted to the privileges of this University.(5)On the commencement of this Act, any such College and its attached hostels and other buildings, forming part of that College including furniture, library, books, laboratories, stores, instruments, apparatus, appliances and equipments, which were transferred to the Patna University established under Bihar Act no. Ill of 1962, and such Colleges which lie within the jurisdiction of the University are transferred on the same terms and conditions which were applicable before the commencement of this Act.

### **4. Jurisdiction of the University.**

(1)The jurisdiction of the University shall extend to the colleges namely the Patna College, the Patna Science College, Bihar College of Engineering, the Patna Law College, the Patna Training College, the Magadh Mahila College, the Patna Women's College, the Women's Training College, Patna, the Bihar National College and the Vanijya Mahavidyalaya and attached hostels and other buildings forming parts of such colleges and hostels, and all the Departments maintained by the Patna University established under the Patna University Act, 1961 (The Bihar Act no. 3 of 1962) together with its building and other buildings forming parts of the University.(2)The State Government may, by a notification published in Official Gazette, transfer any teaching institution situated within the limit of Patna Development Authority on such conditions as the State Government and the University may deem fit to impose, and on such a transfer having been made such a college shall be admitted to the privileges of the University.(3)The State Government may by a notification published in the Official Gazette, withdraw any educational institution from the jurisdiction of the University on such conditions as the State Government and the University may think fit to impose.(4)Persons of Indian nationality residing within the territories of the Indian Union shall be entitled to seek admission in the correspondence courses conducted by the University.

### **5. Purposes and powers of the University.**

- There shall be the following purposes and powers of the University(1)To provide -(i)for instruction in such branches of learning as the University may think fit including professional studies and technology; and(ii)for research and for the advancement and dissemination of knowledge.(2)To hold examination and to grant and confer degrees, diplomas, certificates and other academic distinction to and upon persons who-(a)have pursued an approved course of study in the University and have passed the examinations of the University, under conditions laid down in the Statutes, the

Ordinances or the Regulations;(b)are teachers, librarians and laboratory assistants in educational institutions or any other person, under such conditions as may be prescribed in the Statutes, the Ordinances and the Regulations and have passed the examinations of the University under like conditions:(c)have carried on independent research under conditions laid down in the Statutes, the Ordinances or the Regulations;(3)to confer honorary degrees or other distinctions upon persons approved in the manner prescribed in the Statutes;(4)to provide such lectures and instruction for, and to grant such diplomas to persons not being members of the University, as the University may determine;(5)to inspect all colleges, University departments and hostels;(6)to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine;(7)to institute Professorships, Readerships, Lecturerships, and any other teaching posts required by the University and to appoint qualified persons to such posts of Professors, Readers, Lecturers and Teachers;(8)to recognise teachers as qualified to give instruction in Colleges;(9)to institute and award fellowships including travelling Fellowships, scholarships, exhibitions, medals and prizes in accordance with the Statutes, the Ordinances and the Regulations:(10)to establish, maintain and manage Colleges and hostels and to recognise Colleges and hostels not maintained by the University :[Provided that after promulgation of the Intermediate Education Council Ordinance, 1976, recognition of intermediate Colleges shall be granted by the Intermediate Education Council:] [Inserted by Act 67 of 1982.](11)to demand and receive such fees as may be prescribed by the Ordinance :(12)to supervise and control the residence and discipline of students of the Colleges and the University:(13)to make arrangement for promoting the health and general welfare of the students and for that purpose to have powers to appoint and constitute such committees as may be prescribed in the Ordinance;(14)to enter into agreement with other bodies and persons for promoting the purpose of this Act and to assume the management of any institution and to take over its properties and liabilities under them.(15)to hold and manage, endowments, bequests, donations or other transfer of properties made to and for the benefit of Colleges either itself or through such agencies as were administering the said endowments, donations and other properties immediately before the commencement of this Act, subject to such conditions and restrictions as may be prescribed by the Statutes;(16)to undertake the conduct of post-graduate teaching, research and work in departments maintained by the University;(17)it shall be necessary for the University to arrange and provide for postgraduate teaching in any College at any time and to utilise for the said purpose, the building of that College or any portion thereof, and such members of the staff and the articles of furniture, library, books, stores, instruments and other equipments of that College as may be prescribed.(18)to centralise the conduct of under-graduate teaching of any standard in any subject or subjects and where the University decides to centralise the conduct of such under-graduate teaching, it shall be lawful for the University to arrange and provide centrally for the delivery of lectures in such subject or subjects and to utilise, for the said purpose, the building of one or more colleges and such members of the staff and articles of furniture, libraries, books, laboratories, stores and instruments and other equipments of such college or colleges as may be prescribed by the statutes;(19)to declare existing colleges and institutes, subject to conditions as may be prescribed in the Statutes as autonomous Colleges or institutes, as the case may be;(20)to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University as a teaching and examining body and to cultivate and promote arts, science and other branches of learning.

## **6. University open to all classes, castes and creeds.**

- No person shall be excluded from membership of any of the authorities of the University or from admission to any degree or course of study on the sole ground of sex, race, descent, class, caste or political belief. It shall not be lawful for the University to adopt or impose on any person any test whatsoever relating to religious or political belief or dogma in order to entitle him to be admitted thereto as a teacher or student, or to hold any office or appointment therein, or to graduate thereat, or to enjoy or exercise any privilege thereof, except where in respect of any particular benefaction accepted by the University, such test is made a condition thereof by any testamentary or other instrument creating such benefaction : Provided that nothing contained in this Section shall prevent the University from making any provision for reservation of posts and appointment in favour of members of the '[scheduled castes, scheduled tribes, backward classes, women and economically weaker section],

## **7. Teaching of the University.**

(1) All recognised teaching in connection with the University courses shall be conducted through the colleges and through departments maintained by the University, subject to general control of the Vice-Chancellor and shall include lecturing, work in laboratories or workshops, and other teaching work conducted in the University and the colleges by the university professors, professors, readers, lecturers and the teachers in accordance with any syllabus prescribed by the Regulations. (2) The authorities responsible for organising such teaching shall be prescribed by the statutes. (3) The Courses and curricula shall be prescribed by the regulations. (4) In addition to recognised teaching, tutorial and other supplementary instructions shall be given in the colleges subject to the control of the University, or in the department maintained by the University. (5) (i) It shall not be lawful for the University or for any college to maintain classes for the purposes of preparing students for admission to the University. (ii) [ In the Faculties of Arts, Science and Commerce, the University shall prescribe the Syllabus, conduct teaching, hold examinations and publish results of Graduate and above standards: [Substituted by Act 18 of 1993.] Provided that until separate arrangement for Intermediate Education is made, the College shall, under the general direction of the Bihar Intermediate Education Council continue the teaching work etc, of this standard. (iii) The graduate course shall be of three years duration.]

## **8. [ Officers of the University. [ Substituted by Act 67 of 1982.]**

- The following shall be the officers of the University : (1) The Chancellor, (2) The Vice Chancellor, (3) The Pro-Vice Chancellor, (4) The Financial Adviser, (5) The Dean, Student's Welfare, (6) Proctor, (7) Registrar, (8) College Inspector, (9) Finance Officer and (10) Such other persons as may be declared officers of the University by the Statutes.]

## **9. [ Transfer of Officers. [Inserted by Act 67 of 1982.]**

(1) The officers of the University (excluding the Chancellor, the Vice-Chancellor, the

Pro-Vice-Chancellor, the Dean, Student's Welfare and Proctor) may be transferred by the Chancellor on the recommendation of the Vice-Chancellor or otherwise to an equivalent post in another University.(2)The Vice-Chancellor may transfer officers mentioned in serial (5) to (8) in sub-section (1) of Section 8 to any equivalent post or revert them to their substantive post in the same University.]

## 10. The Chancellor.

(1)The Governor of Bihar shall be the Chancellor and shall by virtue of his office, be the head of the University and the President of the Senate, and at any convocation of the University.(2)The Chancellor shall have the right to inspect the University, its buildings, laboratories, workshops and equipments, any college or hostel, the teaching or examinations conducted, or any act done by the University and to get such inspection done by such person or persons who may be directed by him, and to enquire or to cause an enquiry to be made in like manner, in respect of any matter connected with the University [and it shall be the responsibility of the authorities of the concerned University and the college to give full co-operation in the enquiry:] [Inserted by Act 67 of 1982.]Provided that the Chancellor shall, in every case, inform the Vice-Chancellor of his intention to inspect or inquire or to get the inspection or enquiry conducted and the University shall be entitled to be represented thereat.(3)(a)The Chancellor may send the results of such inspection or enquiry to the Vice-Chancellor and the Vice-Chancellor shall communicate the views of the Chancellor to the Syndicate and the Academic Council.(b)[ The Syndicate and the Academic Council shall report the Chancellor within the specified period, such action, if any, as has been taken or is proposed to be taken upon the results of such inspection or enquiry.] [Substituted by Act 67 of 1982.](c)Where the Syndicate and the Academic Council do not within a reasonable time, take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation furnished or representation filed by [ x x x x ] [Omitted by Act 67 of 1982.] the Syndicate and the Academic Council, issue such direction as he may think fit, and the Syndicate and the Academic Council shall at once comply :[Provided that notwithstanding anything contained in sub-section (3) the Chancellor, if he deems necessary, on the basis of report received from the Vice-Chancellor or otherwise, may call for explanation from any teacher or officer of the University and after due hearing on the charges, may issue such directions as he deems fit, and the Vice-Chancellor, the Syndicate, the Academic Council, as the case may be, shall comply with it within the specified period.] [Substituted by Act 67 of 1982.](4)[ The Chancellor may by order in writing annul any proceeding or orders of the University, which are not consistent with this Act, Statutes, Ordinance or regulation or for which there are not sufficient reasons;Provided that before issuing any such order or directives, he shall call upon the University to show cause within the period specified by him why such order or directive should not be issued and if any cause is shown within the specified period he shall consider the same.] [Substituted by Act 67 of 1982.](4a)[ The Chancellor may review or recall any order passed by him, if such review or recall is, in the opinion of the Chancellor, necessary in the interest of justice as he thinks fit and proper or on account of a mistake which is apparent from the record.] [Substituted by Act 67 of 1982.](5)Every proposal for the conferment of an honorary degree shall be subject to the confirmation of the Chancellor.(6)Where power is conferred upon the Chancellor by this Act or the statutes to nominate persons to authorities and bodies of the University, the Chancellor shall, to the extent necessary and without prejudice to such

powers nominate persons to represent interest not otherwise adequately represented.(7)The Chancellor shall have such other powers as are conferred on him by this Act or the Statues.

## 11. The Vice-Chancellor.

(1)No person shall be deemed to be qualified to hold the office of the Vice-Chancellor, unless he -  
 (i)is an educationist having experience of administering the affairs of any University of India for not less than six years, or  
 (ii)is or has been Principal or Head of the Department of any University or College, and has a teaching experience of not less than 10 years in the University or in any other University or in any college.  
 (2)The Vice-Chancellor shall be appointed by Chancellor, in consultation with the State Government from amongst persons having qualification as mentioned in sub-section (1) [and he shall hold office during the pleasure of the Chancellor.] [Added by Act 67 of 1982.](3)[ Subject to the foregoing provisions of this Section the Vice-Chancellor shall be whole-time officer and shall hold office for a period of three years with effect from the date on which he assumed charge. On the expiry of the said period, he may be re-appointed for another term not exceeding three years.] [Inserted by Act 18 of 1993.](4)(i)[x x x x x] [Omitted 'the Vice-Chancellor shall be paid a salary of Rs. 3,000/- per month' by Act 18 of 1993.] Other terms and conditions of his appointment shall be determined by the Chancellor in consultation with the State Government.(ii)[ Where the person appointed as Vice-Chancellor gets pension from the Central or the State Government or any University or from any other source, the amount of pension due to him from such source shall be deemed to be the part of his salary as Vice-Chancellor.] [Substituted by Act 18 of 1993.](5)The Vice-Chancellor shall be the principal executive and academic officer of the University, Chairman of the Syndicate and of the Academic Council, and shall be entitled to be present and speak at any meeting of any authority or other body of the University and shall, in the absence of the Chancellor, preside at meetings of the Senate and any convocation of the University;Provided that the Vice-Chancellor shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.(6)The Vice-Chancellor shall, subject to the provisions of this Act, the Statutes and the Ordinances, made thereunder, have power to make appointment to posts within the sanctioned grades and scales of pay and within the sanctioned strength of the ministerial staff and other servant of the University, not being teachers and officers of the University, and have control and full disciplinary powers over such staff and servants.(7)[ dqiYfr dks flusV] mldh lfeFr;ksa ,oa mi&lfeFr;ksa] fIUM+hdsV mldh lfeFr;ksa ,oa mi&lfeFr;ksa] fo}r ifj"kn~ ,oa fo'ofO|ky; ds vU; izkf/kdkjksa dh cSBd cqykus dh 'kfDr gksxh ,oa og mu cSBdksa dk insu lHkkifr gksxk rFkk viuh vyH;rk ds dkj.k fdLh vU; vf/kdkjh dks cSBd cqykus ,oa mldk lHkkifrRo djs gsrq izkf/kd`r dj ldsxka [Substituted by Act 67 of 1982.](8)The Chancellor shall have the right to visit and inspect the Colleges and building, laboratories, workshops, and equipments thereof and any other institutions associated with the University.(9)The Vice-Chancellor shall carry out the orders of the Syndicate in respect of appointment, transfer, discharge or suspension of officers and teachers of the University, and shall exercise general control over the educational arrangement of the University, and shall be responsible for the discipline of the University.(10)If any time, except when the Syndicate or the Academic Council is in session, the Vice-Chancellor is satisfied that an emergency has arisen requiring him to take immediate action involving the exercise of any power vested in '[the Syndicate or the Academic Council by or under this Act, the Vice-Chancellor shall take such action as he deems fit, and shall report the action taken by him to such authority which

may either confirm the action so taken or disapprove of it.(11)Subject to the provision of this Act, it shall be the duty of the Vice-Chancellor to see whether the proceedings of the University are carried out in accordance with the provisions of this Act, the Statutes, the Ordinances, the Regulations and the Rules or not, and the Vice-Chancellor shall report to the Chancellor every such proceeding which is not in conformity with such provisions.Till such time as the orders of the Chancellor are not received on the report of the Vice-Chancellor that the proceedings of the University is not in accordance with this Act, the Statutes, the Ordinances, the Regulation and the Rules, the Vice-Chancellor shall have the powers to stay the proceeeding reported against.(12)[ dgyifr dks fo'ofolky; }kjk ?kksf"kr fdlh foHkx ;k egkfo|ky; ds fdlh f'k{kd dks dgykf/kifr }kjk Lohd`r ekxZ funsZ'kd fl)kar ds vuqlkj ml fo'ofolky; }kjk ?kksf"kr fdlh vU; foHkx ;k egkfo|ky; ds fdlh led{k in ij LFkkukUrfjr djus dh 'kfDr gksxhA [Inserted by Act 67 of 1982.]](13)[ [Renumbered by 67 of 1982.] The Vice-Chancellor shall exercise such other powers and perform such other duties as are conferred or imposed on him by this Act, the Statutes, the Regulations or the Rules.(14)[ The Vice-Chancellor shall have over all responsibility in maintaining good academic standard and promoting the efficiency and good order of the University.(15)Save as otherwise provided in the Act, or the Statutes the Vice-Chancellor shall appoint officers (other than the Pro-Vice-Chancellor) with the approval of the Chancellor, and teachers and shall define their duties.(16)The Vice-Chancellor shall have power to take disciplinary action against officers, teachers and all employees of the University.(17)An appeal shall lie to the Chancellor against the order of the Vice-Chancellor imposing the penalty of dismissal, removal from service or reduction in rank.] [Inserted by Act 18 of 1993.]

## **12. [ Removal of the Vice-Chancellor. [Restored by Act 67 of 1982 and shall be deemed to have been always there.]**

(1)If any time and after such enquiry as may be considered necessary, it appears, to the Chancellor that the Vice-Chancellor -(i)has failed to discharge any duty imposed upon him, by or under this Act, the Statutes, the Ordinance, or(ii)has acted in a manner prejudicial to the interest of the University, or(iii)has been incapable of managing the affairs of the University, the Chancellor may, notwithstanding the fact that the term of office of the Vice-Chancellor has not expired, require the Vice-Chancellor, by an order in writing stating the reasons therefor, and after consulting the State Government, to resign his post from the date as may be specified in the order.(2)No orders under sub-section (1) shall be passed unless a notice stating the specific grounds on which such action is proposed has been served and a reasonable opportunity to show cause against the proposed order has been given to the Vice-Chancellor.(3)On and from the date specified in sub-section (1), it shall be deemed that the Vice-Chancellor has resigned his post and office of the Vice-Chancellor shall be deemed vacant.]

## **13. [ Arrangement of work during temporary absence of the Vice-Chancellor. [Substituted by Act 67 of 1982.]**

(1)During the temporary absence of the Vice-Chancellor, by reason of leave, illness or for an other cause, the information of which shall be immediately communicated to the Chancellor by the



Vice-Chancellor, the Pro-Vice-Chancellor or the Registrar, the Chancellor may make such arrangements for the performance of the duties of the office of the Vice-Chancellor, as he deems fit: Provided that until such arrangement is made, in case the temporary absence of the Vice-Chancellor, it shall be lawful for the Pro-Vice-Chancellor to perform the duties of the Vice-Chancellor. (2) In case of vacancy of the post of the Vice-Chancellor caused due to resignation, death, completion of the term or any other reason, the Chancellor on the basis of the information received from the Pro-Vice Chancellor or Registrar or any other source, may make such arrangements for the performance of duties of the office of the Vice-Chancellor, as he deems fit.]

#### **14. [ Pro-Vice-Chancellor. [Substituted by Act 67 of 1982]**

(1) The Chancellor shall appoint the Pro-Vice Chancellor in consultation with the State Government. (2) The Pro-Vice-Chancellor shall be a whole time officer of the University. He shall hold office for a period not exceeding three years during the pleasure of the Chancellor on such conditions as may be determined by the Chancellor in consultation with the State Government. (3) [Where the person appointed as Pro-Vice-Chancellor gets pension from the Central or the State Government or any University or from any other source, the amount of pension due to him from such source shall be deemed to be the part of his salary as Pro-Vice-Chancellor.] [Inserted by Act 18 of 1993.] (4) [ [Re-numbered by Act 18 of 1993.] Subject to the provisions of this Act, the Pro-Chancellor shall exercise such powers and perform such duties as may be prescribed or as may be conferred or imposed on him from time to time by the Vice-Chancellor. (5) [ The Pro-Vice-Chancellor shall be responsible for admission and conduct of examination up to Bachelor course and the publication of the result of the examination conducted by the University up to Bachelor Course and he shall be responsible for student welfare also.] [Added by Act 18 of 1993.]

#### **14A. [ Financial Adviser. [Inserted by Act 67 of 1982.]**

(1) The Financial Adviser shall be a wholetime officer. He shall be appointed by the Chancellor either on deputation or by reemployment from amongst the officers of the Indian Audit and Account Services or from any other Accounts Service of Government of India. Until such an officer is appointed the present incumbent may continue to work as the Financial Adviser. (2) The terms and conditions of service of the Financial Adviser shall be determined by the Chancellor in consultation with the State Government and he shall ordinarily hold the post for three years. (3) In all proposals having financial implications, the advice of the Financial Adviser shall be mandatory. (4) The Financial Adviser shall be ex-officio member of the Finance Committee. (5) The Financial Adviser shall work under the administrative control of the Vice-Chancellor and the Finance Officer shall work directly under the control of the Financial Adviser. (6) It shall be the responsibility of the Registrar to obtain the advice of the Financial Adviser on all matters having financial implication. Moreover, it shall also be the responsibility of the Registrar to mention specifically at the time of placing such proposal before the Syndicate, that the concurrence of the Financial Adviser has been obtained or that he has not concurred in the proposal. (7) If in any financial proposal the Vice-Chancellor or Syndicate takes a decision contrary to the advise of the Financial Adviser, such decision shall not be implemented and shall be forwarded by the Vice -Chancellor to the Chancellor, whose decision in the matter shall be final and binding. (8) Preparation of the University Budget,

maintenance of accounts, audit of accounts from time to time, compliance of audit objection, timely receipt of grants from the State Government in accordance with the approved budget and also of grants from the University Grants Commission, arrangements for keeping the same properly and timely submission of utilisation certificates of the University grants in the prescribed manner shall be the responsibility of the Financial Adviser.(9)It shall also be the responsibility of the Financial Adviser to see that all financial matters of the University are dealt with in accordance with the Act, the Ordinance, the Statutes, the University Ordinances, Regulations and Rules framed thereunder.]

## **15. The Dean of Students Welfare.**

(1)The [Dean, Students, Welfare] [Substituted by Act 67 of 1982.] shall be appointed by the Vice-Chancellor for a period of two years from amongst the University Professors, Readers or Principals :[Provided that if the Vice-Chancellor thinks it necessary for administrative reasons, he may revert the Dean, Student's Welfare, to his original post and appoint another person as Dean for the unexpired period of his term.] [Inserted by Act 67 of 1982.](2)The duties, powers and functions of the [Dean, Students, Welfare] [Substituted by Act 67 of 1982.] shall be prescribed by the Statutes.(3)The teacher who is appointed as the [Dean, Students, Welfare] [Substituted by Act 67 of 1982.] under subsection (1) shall continue to hold lien on his substantive post, and he shall be eligible for all the benefits which would have otherwise accrued to him, but for his appointment as the [Dean, Students, Welfare] [Substituted by Act 67 of 1982.],

## **16. [ The Registrar. [Substituted by Act 13 of 1995.]**

(1)Notwithstanding anything contained in provisions of the Act, if the Chancellor thinks fit, he may request the State Government, Central Government, University Grants Commission or any University to send names of suitable officers for the post of Registrar and in that case the State Government, Central Government, University Grants Commission or any University may send names of one or more officers for consideration for appointment as Registrar under such terms and conditions of service as he may consider fit and then the Chancellor shall appoint the Registrar from amongst them.(2)The Registrar shall be a wholetime officer of the University and he shall act as Secretary to the Senate, the Syndicate and the Academic Council and he shall: -(a)be the custodian of the records, the common seal and such other properties of the University as the Vice-Chancellor and the Syndicate shall commit to his charge;(b)conduct the official correspondence of the University and shall maintain the proper investment of the University;(c)perform such other duties as may be specified in the Statutes or prescribed by the Act or the Regulation or as may be required from time to time by the Vice-Chancellor, Pro-Vice-Chancellor or the Syndicate;(d)represent the University in suits or proceedings by or against the University, sign Powers of Attorney and verify pleadings or depute his representative for the purpose;(e)render assistance to the Vice-Chancellor and Pro-Vice-Chancellor in discharge of their duties in regard to the conduct of the examination and the publication of the results;(f)look after the proper functioning of the Constituent Colleges and the Department of the University and to report to the Vice-Chancellor;(g)have power to take disciplinary action against the ministerial staff and to suspend them pending inquiry and to administer warning to them or to impose on them the penalty to ensure or withholding of increment, provided that no such penalty shall be imposed unless the person concerned has been

given a reasonable opportunity of showing cause against the action proposed to be taken against him.(3)(a)An appeal shall lie to the Vice-Chancellor against the order of the Registrar imposing the penalty of withholding the increment;(b)In case where the enquiry discloses that a punishment beyond the powers of the Registrar is called for the Registrar shall, upon conclusion of the enquiry, make a report to the Vice-Chancellor along with his recommendation for such actions as the Vice-Chancellor may deem fit;(c)The Register may be transferred by the Chancellor from one University to another University, on the same or on any equivalent post or within the same University on any other equivalent post.]

## **16A. [ Proctor. [Inserted by Act 67 of 1982.]**

(1)The Vice-Chancellor shall appoint Proctor from amongst such teachers of the University as are not below the rank of Reader.(2)His tenure shall be of two years and on the expiry of his tenure, he may again be appointed:Provided that if at any time the Vice-Chancellor thinks it proper on administrative grounds, he may send the Proctor back to his original post and appoint another person as Proctor for the unexpired period of his term.(3)In case of vacancy for the post of Proctor caused due to resignation or illness or any other reason, his duties shall be discharged by a person appointed for the purpose by the Vice-Chancellor.(4)Duties of the Proctor shall be determined by the Statutes.]

## **17. The Finance Officer.**

- The Finance Officer shall be wholetime officer of the University and shall act as Secretary to the Finance Committee, and shall exercise such powers and perform such duties as may be prescribed by the Statutes, the Ordinance, the Regulations and the Rules, or as may, from time to time, be conferred or imposed on him by the Senate, the Syndicate, [the Financial Adviser,] [Substituted by Act 67 of 1982.] or the Registrar.

## **18. Authorities of the University.**

- The following shall be the authorities of the University, namely:-(1)The Senate;(2)The Syndicate;(3)The Academic Council;(4)The Faculties;(5)The Examination Board;(6)The Finance Committee;(7)The Planning and Evaluation Committee; and(8)Such other authorities as may be declared to be the authorities of the University by the Statutes.

## **19. The Senate.**

- The Senate shall consist of the following persons, namely-Ex-officio-members(1)The Chancellor;(2)The Vice-Chancellor;(3)The Pro-Vice-Chancellor;(4)[Commissioner and Secretary Higher Education.] [Substituted by Act 18 of 1993.](5)The Director of Higher Education, Bihar;(6)The Director of Health Service, Bihar;(7)The Director of Technical Education, Bihar;(8)The Deans of Faculties;(9)Such of the Head of University Departments as are not Deans;(10)Such of the Principals of Colleges maintained by the University as are not Deans and the Principals of the Patna

Medical College and the Dental College.(10A)[ Director, Correspondence Course Patna University Patna.] [Inserted by Act 18 of 1993.](11)All ex-Vice-Chancellors of the University.Explanation. - For the purpose of this clause, the expression ex-Vice-Chancellor does not include any ex-Vice-Chancellor who was appointed to fill a casual or temporary vacancy.(12)Every person who has given to the satisfaction of the Chancellor, whether in one or more instalments, a sum of not less than one lakh rupees in cash or in the shape of property of the equivalent value to or for the purposes of the University or of a College:Representative members(13)[ Ten persons, to be elected by and from amongst the members of the Bihar Legislative Assembly in such manner as may be prescribed by the Speaker of the Assembly, one of whom shall be from Scheduled Castes, one from Scheduled Tribes and three from Other Backward Classes;] [Substituted by Act 18 of 1993.](14)Four persons, to be elected by and from amongst the members of the Bihar Legislative Council in such manner, as may be prescribed by the Chairman of the Council;(15)[ Fifteen teachers other than Deans, Principals and Head of University Departments having not less than five year's teaching experience to be elected by and from amongst the teachers of the College and the University Departments, two of whom shall be from scheduled Castes, two from Scheduled Tribes and three from other Backward classes;] [Substituted by Act 18 of 1993.](16)[ Bihar State lawyer's association shall be substituted by Bihar State Bar Council.] [Substituted by Bihar Act No. 15 of 2008.](17)[ One from amongst the employees of the University and the Colleges to be elected by them in the manner prescribed by the Statutes;] [Substituted by Act 18 of 1993.](18)[ Five students from amongst the students of the University to be elected in the manner prescribed in the statutes, by the members of the Union Council of the University Student's Union;] [Substituted by Act 67 of 1982.]Nominated Members(19)Three persons nominated by the Chancellor, for their academic interest;(20)One meritorious student to be nominated by the Vice-Chancellor in the manner prescribed in the statutes and whose tenure will be one year;(21)One student who has distinguished himself in sports and other extracurricular activities to be nominated by the Vice-Chancellor in the manner prescribed in the statutes and whose term of office will be one year.(22)One person who has distinguished himself in sports to be nominated by the State Sports Council;(23)[ Six such registered graduates, other than the teachers of the University or its colleges, as have completed a period of five years after graduation, to be nominated by the Chancellor from the panel of registered graduates prepared by the Vice-Chancellor, one of whom shall be from Scheduled Castes, one from Scheduled Tribes and one from Other Backward Classes;] [Substituted by Act 18 of 1993.](24)[ Such members of the Syndicate as are not members of the Senate under the above provisions.] [Substituted by Act 67 of 1982.](25)[ Ten persons to be nominated by the State Government who are known for their academic interest, one of whom shall be from Scheduled Castes, one from Scheduled Tribes and three from Other Backward Classes.] [Inserted by Act 18 of 1993.]

## **20. Term of office of members of the Senate.**

- [(1) The term of office of members of the Senate, other than the ex-officio members and the members whose term has been specified under this Act and the life members, shall be three years from the date of their election or nomination, as the case may be, and shall include any further period which may elapse between the expiration of the said three years and the date of the next succeeding election or nomination not being a election or nomination to full up any casual vacancy under Section 61:] [Re-numbered by Act. 18 of 1993 as Sec. 20(1).]Provided that a member elected,

or nominated as representative or any body shall be deemed to vacate office with effect from the date on which he ceases to be a member of the body which elected or nominated him :[Provided further that the tenure of office of the elected members under subsection (18) of Section 19 shall be one year with effect from the date of their election.] [Substituted by Act 67 of 1982.](2)[ The Senate shall have perpetual succession and any of its acts or proceeding shall not be invalid merely because of any vacancy or vacancies in its membership.] [Inserted by Act 18 of 1993.]

## **21. Meetings of the Senate.**

- [(1) The Senate shall meet twice in a year on dates to be fixed by the Vice-Chancellor which shall be called ordinary meetings of the Senate and one of them shall be declared by the Statutes to be the Annual meeting of Senate in which the budget of the University for the next year shall be passed.] [Substituted by Act 67 of 1982.](2)The Vice-Chancellor, may, whenever he thinks fit, and shall upon a requisition in writing signed by not less than one-third of the total number of members of the Senate, [convene only one special meeting of the Senate in a year.] [Substituted by Act 67 of 1982.]

## **22. Powers and duties of the Senate.**

- Subject to the provisions of this Act and Statutes, the Senate shall be the supreme governing body of the University, and shall exercise control over all the affairs and properties of the University, and shall exercise all such powers as are not otherwise specified by this Act.(2)In particular and without prejudice to the generality of the foregoing powers, the Senate shall exercise the following powers and perform the following functions namely: -(a)of making the Statutes, and amending or repealing the same;(b)of considering the Statutes and the Regulations, and amending or repealing the same;(c)of passing resolution after having considered the annual reports, the annual account, the financial estimates and audit report on such accounts;(d)of exercising the powers for the purpose of control in College and of superintendence;(e)of instituting and conferring such degrees, titles, diplomas and other academic distinction as may be prescribed by the Statutes; and(f)of exercising such other powers and of performing such other duties as are conferred or imposed upon it by this Act.

## **23. The Syndicate.**

- [(1) The Syndicate shall be the Executive Council of the University and it shall consist of the following members : -(a)Vice-Chancellor;(b)Pro-Vice-Chancellor;(c)Commissioner-cum-Secretary of Higher Education or his representative not below the rank of Joint Secretary;(d)Director, Higher Education.(e)Dean, Students, Welfare and Proctor;(f)Two Heads of the University Departments to be nominated by rotation as prescribed by the Statutes whose term of office shall be for one year from the date of nomination.(g)Two Principals of colleges maintained by the University to be nominated by rotation as prescribed by the Statutes whose term of office shall be for one year from the date of nomination;(h)Two from amongst Professors and Readers of the University other than the University Heads of Departments and two such lecturers as have a minimum of five-years of teaching experience, to be elected by the teacher members of the Senate by single transferable vote in accordance with the system of proportionate representation, one of whom shall be from other

Backward Classes from the rank of Professors and readers, and one from Scheduled Castes Scheduled Tribes from the rank of lecturers;(i)Four from amongst the members of the Senate other than teachers, students and employees of the University and Colleges, to be elected by the non-teacher members of the Senate by single transferable vote, in accordance with the system of proportionate representation, one of whom shall be from Scheduled Castes/Scheduled Tribes and one from the Other Backward Classes;(j)One reputed Educationist nominated by the Chancellor;(k)Three persons to be nominated by the State Government one of whom shall be from Scheduled Castes/Scheduled Tribes/other Backward Classes and one from Women having academic interest and attainments in social work.](2)[ The term of office of members, other than the ex-officio members, shall be for a period of three years with effect from the date of their respective election or nomination except otherwise provided and shall include any further period which may elapse between the expiry of the said period of three years and the date of the succeeding election or nomination, except in case of an election or nomination to fill up any casual vacancy:Provided that a member elected or nominated shall be deemed to have vacated office with effect from the date on which he ceases to be a member of the body which had elected or nominated him.] [Substituted by Act 67 of 1982.](3)[ flafM+dsV dh cSBd] vodk'k vof/k dks NksM+dj] eghus esa ,d ckj lk/kkj.kr% gksxh% ijUrq ;fn dqyifr mfpr le>s rks flaM+hdsV dh fo'ks"k cSBd cqyk ldrs gSA mi&lfevr dh cSBd flaM+hdsV dh cSBd ds rqjr igys vFkok ckn esa gksxhA [Inserted by Act 67 of 1982.]] [Substituted by Act 18 of 1993.](4)[ The Syndicate shall have perpetual succession and any of its acts or proceedings shall not be invalid merely because of any vacancy or vacancies in its membership.] [Inserted by Act 18 of 1993.]

## 24. Powers and duties of the Syndicate.

- The Syndicate-(a)shall hold, control and administer the property and funds of the University including endowments, bequests, donations and other transfers of property made to and for the benefit of Colleges;(b)shall determine the form, provide for the custody and regulate the use of the common seal of the University;(c)shall, subject to the power conferred by or under this Act on the Vice-Chancellor and the Academic Council, determine and regulate all matters concerning the University in accordance with this Act, the statutes, the Ordinances and the Regulations;(d)shall manage any funds placed at the disposal of the University for specific purposes;(e)save as otherwise provided in this Act or the statutes, shall appoint [x x x] [Ommitted by Act 67 of 1982.] officers (other than the Vice-Chancellor and the Pro-Vice-Chancellor) and teachers of the University and shall define their duties and provide for the filling up of temporary vacancies to the posts of such officers and teachers;(f)shall have power to accept on behalf of the University transfer of any movable or immovable property made to and for the benefit of the University or a college.(g)shall exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or the Statutes; and(h)[ shall take appropriate decision consistent with the Act, on all matters having financial implication only after obtaining the advice of the Financial Adviser.] [Substituted by Act 67 of 1982.]

## **25. The Academic Council.**

- The Academic Council shall consist of the following persons, namely :-(a)The Vice-Chancellor;(b)The Pro-Vice-Chancellor;(c)The Deans of Faculties;(d)The Director, Higher Education, Bihar;(e)All Heads of University Departments, Principals of all Colleges maintained by the University, who are not Deans;(f)All Principals of colleges maintained by the State Government;(g)Four teachers, other than Deans, Professors and Heads of University Department, who shall in the manner prescribed by the statutes, be elected by the Senate in such a way that each Faculty may get representation;(h)Not more than two experts from outside the University service, to be co-opted by the Academic Council for specific purposes according to need;(i)The President of the University Student's Union elected under subsection (1) of Section 44.(2)The term of office of members other than the ex-officio, shall be for three years with effect from the date of their respective election or nomination and shall include any further period which may elapse between the expiration of the said period of three years and the date of the next succeeding election or nomination, as the case may be, not being an election or nomination to fill up any casual vacancy :Provided that any member elected or nominated shall be deemed to vacate office with effect from the date on which he ceases to be a member of the body which elected or nominated him.

## **26. Powers and duties of the Academic Council.**

- The Academic Council shall be the Chief academic body of the University and shall -(a)subject to the powers conferred by or under this Act on the Vice-Chancellor and on the Syndicate, determine and regulate all academic matters concerning the University in accordance with Ordinances and the Statutes;(b)have the powers of superintendence and control over and be responsible for the maintenance of standards of instruction and education including the conduct of post-graduate teaching and the promotion of research work in the University;(c)exercise supervision and control over the teaching in the colleges in such manner as may be prescribed by the Statutes;(d)subject to provision of Section 29, have powers of general control over the Examination Board, and may review the results of University Examinations; and(e)exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

## **27. The Faculties.**

(1)The University may include the Faculties of Art, Science, Commerce, Medicine, Law, Education, Agriculture, Engineering and such other Faculties under it, as may be prescribed by the Statutes;Provided that Senate cannot create a Faculty for the subject of such branch of learning for which there is no arrangement in any department of the University or any college thereof.(2)Each Faculty shall, subject to the control of the Academic Council, have charge of the courses of studies, teaching and research work in such subjects as may be assigned to such Faculty by the [statutes] [Substituted by Act 18 of 1993.],(3)The total number of members of each Faculty shall not exceed such as may from time to time, be prescribed by the Statutes.(4)Subject to the provisions of sub-section (3) each Faculty shall consist of following members :-(a)such number of members of the Senate as are teachers and as may be assigned to each Faculty by the Senate keeping in view the qualifications of such teacher members;(b)such members of the Senate as are not teachers, their

number in any Faculty not being more than one-fourth of the total number of members of that Faculty, and as are elected, in the manner prescribed by the Statutes, by and from amongst the members of the Senate ; and(c)such number of members, to be co-opted as experts by the Academic Council from amongst persons who are not members of the Senate, as may be prescribed by the Statutes :Provided that no person can be a member of more than two Faculties.(5)[(a) The Dean of Faculty. - The Dean of Faculty shall be appointed by the Vice-Chancellor from amongst the University Professors and the Principals of the rank of University Professors, for two years by rotation in the concerned Faculty in the manner prescribed by the Statutes :Provided that where there is no teacher or Principal of the rank of University Professor in the Faculty, the Dean of Faculty shall be appointed by the Vice-Chancellor by rotation for a term of two years from amongst the Heads of Departments and the Principals of the rank of Readers in the manner prescribed by the Statutes :Provided further that where there is no University Department in the Faculty, the Vice-Chancellor shall appoint a principal of a College of a rank lower than the University Professor to be the Dean of Faculty by rotation for a term of two years, in the manner prescribed by the Statutes.] [Substituted by Act 18 of 1993.](b)For being appointed Dean of the Faculty it shall be necessary for the person concerned to be a teacher in the Faculty.(c)A teacher appointed in accordance with the above provisions shall not be eligible for re-appointment as Dean, unless the cycle of rotation prescribed according to the Statutes is completed and there is no other teacher eligible for appointment as Dean.(d)The term of such Dean as are not eligible according to the provisions of this Section shall cease with the enforcement of this Act and for that faculty a new Dean shall be appointed.(6)(a)Each Faculty shall comprise of such departments of teaching as may be prescribed by the Regulations.(b)[ subject to the provisions of this Act and the provisions of the statute made thereunder the Head of the department shall be appointed by the Vice-Chancellor by observing, as far as possible, the principle of rotation. Such appointment's shall be reported to the syndicate of the University.] [Substituted by Act 15 of 2008.](c)[ The Head of the Department shall hold office for a period of three years. A person shall not ordinarily be appointed as Head of the Department for a second consecutive term.] [Added by Act 15 of 2008.](d)[ The principal shall hold office for a maximum period of five years in one college.] [Added by Act 15 of 2008.](7)Subject to the provisions of this Act, each Faculty shall have the following powers, namely: -(a)to constitute the Board of courses of study in department assigned to it; and(b)to exercise such powers and perform such duties as may be prescribed by the Statutes.

## **28. The Departmental Council.**

(1)There shall be a Departmental Council for each University Department and each college consisting of the following members, namely: -(i)the Head of the Department;(ii)all teachers of the Department;(iii)two students one to be nominated by the Vice-Chancellor and the other to be nominated by the Head of the Department for each academic year.(2)The Departmental Council shall, from time to time, review the activities of the Department and suggest measures for improvement.(3)This Council shall meet at least thrice in a year on dates to be fixed by the Head of the Department. In between its two meetings, there shall not be an interval of more than three months.



## **29. The Examination Board.**

- [(1) Subject to the provisions of the Regulation, advice shall be given in respect of conduct of examinations by the Examination Board. The Examination Board shall consist of the Vice-Chancellor as Chairman and Deans of the Faculties of Arts, Science and Commerce as members ;Provided that if the examination concerns any other faculty, then the Dean of that Faculty shall be co-opted as a member for that meeting.] [Substituted by Act 67 of 1982.](2)The Examination Board shall render advice to the Vice-Chancellor on conduct of examinations and appointment of examiners, setting and moderating question papers, preparation, moderation and publication of examination results, submission of report of such examination result to the Academic Council and generally regulating the methods of improvement in the procedure of correct evaluation of achievement of students and the Vice-Chancellor shall be competent to take final decision :Provided that the Vice-Chancellor shall appoint the question setters and examiners from the panel of names submitted by the Examination Board.

## **30. Holding of examination.**

(1)The examination of the University shall be held from such date, as the State Government may by notification in the official Gazette appoint:Provided that where the State Government is satisfied that it is not possible to hold examinations according to the said notification, it shall fix revised dates of the examination in consultation with Vice-Chancellor and the dates shall be notified in the official Gazette.(2)Results of examinations shall be published within sixty days of the termination of the concerned examination which may be extended fo further period of sixty days for reasons to be recorded in writing.(3)[ Person appointed for invigilation or any other related work in connection with the conduct of College or University examinations shall be deemed to be a public servant within the meaning of the Indian Penal Code, 1860.] [Substituted by Act 67 of 1982.]

## **31. The Planning and Evaluation Committee.**

- There shall be a Planning and Evaluation Committee for the purpose of preparing plan and programme for development and improvements of the University and in its courses of study, for reviewing and evaluating, from time to time, the progress achieved in such plans and programme; 1[testing and evolving new methods of teaching, and for consultation and exchange of information with similar organisation, other Universities and research institutes for all or any of these purposes.(2)The Committee shall consist of the following members :-(a)The Vice-Chancellor;(b)The Pro-Vice-Chancellor;(c)One person to be nominated by the State Government;(d)Three Deans of Faculties to be appointed in the manner as prescribed by the Statutes,(e)Two members of the Syndicate to be nominated by it;(f)Two members of the Academic Council to be nominated by it;(g)Three heads of Departments to be nominated by the Vice-Chancellor every year, by rotation;(h)Two such members representing academic interests and professions as may be co-opted by the Committee either by rotation every year or according to subject or subjects as may be required,(3)The Registrar shall act as the Secretary to the Committee.(4)The term of office of members, other than ex-officio members, shall be of three year's duration, except where otherwise provided.

### **32. The Research Council.**

- [(1) There shall be a separate Post-Graduate Research Council in each faculty of the University for the registration and proper guidance of research work which shall work under the general control of the Academic Council.] [Substituted by Act 67 of 1982.](2)The Post-Graduate Research Council shall consist of the following persons, namely :-(a)The Vice-Chancellor;(b)The Pro-Vice-Chancellor;(c)The Dean of the Faculty concerned :(d)All University Professors and Fleads of those Departments, which have no University Professors, of the concerned Department:(e)Four teachers of the concerned Faculty to be nominated by the Vice-Chancellor in each academic year.

### **33. Other authorities of the University.**

- The constitution, powers and duties of such other authorities, as may be declared by the Statutes to be authorities of the University, shall be prescribed by the Statutes.Statues, Ordinances, Regulations and Rules

### **34. The Statutes.**

- Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely :-(a)the institution of Fellowship, scholarships, exhibitions, medals and prizes;(b)The designations and powers of the officers of the University;(c)the constitutions, powers, functions and duties of the authorities of the University;(d)the establishment of colleges and hostels and their maintenance and management;(e)the classification of teachers of the University, the manner of their appointment and their re-organisation;(f)the constitution of pension, insurance or provident fund for the benefit of the officers, teachers and other servants of the University, and the teachers of Colleges;(g)the maintenance of the register of registered graduates;(h)the number, qualifications, grades, pay, reservation of posts for [scheduled castes, scheduled tribes, backward classes, women and economically weaker Sections] [Substituted by Act 67 of 1982.] and conditions of services of teachers, officers, and other servants of the University including the creation of new posts after considering, as the case may be, the recommendations of the Academic Council and the Syndicate, in the case of creation of other posts, and the recommendation of the Syndicate in the case of posts of officers and servants of the University :[Provided that the quota for reservation in aforesaid case shall be determined, according to the provisions of the Bihar Act, 3,1991, (as amended from time to time) and in this regard Model Roster of one hundred points, issued from time to time by the Department of Personnel and Administrative Reforms Bihar, shall be applicable.] [ 'Proviso' Inserted by Act, 11 of 2004.](i)the maintenance of accounts of the income and expenditure of the University including the income and expenditure of Colleges and the forms and registers in which such accounts shall be kept:(j)the maintenance of a register of teacher:(k)the conferments of honorary degrees and distinction :(l)all other matters which are or may be prescribed by the Ordinance or the Statutes.

### **35. Post for appointment shall not be created without prior sanction of the State Government.**

(1)Notwithstanding anything contained in this Act, no University or constituent college of such University, except a college which-(a)is established, maintained or governed by the State Government, or(b)is a college established by religious or linguistic minority-(i)[ shall, after the commencement of this Act, create any teaching or nonteaching post involving financial liability without the prior approval of the State Government;] [Substituted by Act 67 of 1982.](ii)shall increase the pay or allowances attached to any post, or sanction any new allowance:Provided that the State Government may, by an order, revise pay-scale attached to such post or sanction any new allowance;(iii)shall grant any special pay or allowance or other remuneration under any description whatsoever ex-gratia including payment or any other benefits having financial implication to any person holding a teaching or non-teaching post;(iv)shall incur expenditure of any kind on any development scheme without the prior approval of the State Government.(2)Notwithstanding anything contained in this Act, no College, other than any of the college mentioned in clauses (a) and (b) of sub-section (1) shall after the commencement of this Act, appoint any person to any post without the prior sanction of the State Government:Provided that no sanction of the State Government shall be necessary for filling up any sanctioned post of a teacher, for a period not exceeding six months, by a candidate who possesses, the prescribed qualifications.(3)[ Any appointment or promotion made contrary to the provisions of this Act, or Statutes Rules or Regulations made thereunder or made in irregular or unauthorised manner shall be invalid and shall be terminated at any time. The expenditure incurred by the University against such appointment or promotion shall be realised from the officer making such appointment or promotion as a public demand under the provisions of the Public Demand Recovery Act, 1914.] [Inserted by Act 18 of 1993.]

### **36. Statutes, how made.**

(1)The Senate may, either on its own motion or on submission by the Syndicate, make statutes, or amend or repeal it:Provided that -(i)the Senate shall not consider the number of posts of teachers, officers and other servants of the University unless such draft is recommended by the Chancellor for the consideration of the Senate;(ii)the Syndicate shall not propose any such statutes, as may affect the status, powers and constitution of any authority of the University, unless such authority has been given an opportunity of expressing an opinion upon the proposed changes, and the Senate shall have to consider such opinion expressed in writing; and(iii)on matters relating to status, powers, functions and constitution of the Academic Council, it shall be lawful for the Academic Council to initiate such statutes and forward it to the Syndicate, which shall submit it to the Senate with such recommendations as it may like to make.(2)If the draft of any statute or a portion thereof, after being presented by the Syndicate before the Senate is sent back to the Syndicate for re-consideration, and the Syndicate does not agree, after reconsideration, to the amendments suggested by the Syndicate that it shall be lawful for the Senate to pass the Statutes or a portion of the Statutes in such form as it may deem appropriate, and the decision of the Senate shall, subject to the provision contained in sub-section (3) and subsection (4), be final.(3)[ Where the Senate has passed the draft of any Statutes, it shall be submitted to the Chancellor who shall declare that he

assents thereto as passed by the Senate or with such amendments as he deems proper:] [Substituted by Act 67 of 1982.] Provided that the Chancellor may, as soon as possible, after the presentation to him of the draft of the Statute so passed for assent, return the draft together with a message requesting that the Senate will reconsider the draft and when the draft is so returned, the Senate shall re-consider the draft accordingly and if the draft is passed again by the Senate with or without any amendment and is presented to the Chancellor for assent, the Chancellor shall declare either that<sup>1</sup> [he assents thereto with such amendments as he deems proper] or that he withholds assent therefrom.[Omitted by Act 67 of 1982.](4)Where any member of the Senate proposes to the Senate the draft of any Statutes, the Senate may refer the same to the Syndicate, and it shall thereupon be the duty of the Syndicate to consider the draft and the Syndicate may either recommend to the Senate that the proposal be rejected or submit the draft to the Senate in such form as the Syndicate may approve, and the provisions of this Section shall apply in the case of any draft so proposed as they apply in the case of the draft proposed to the Senate by the Syndicate.(5)A Statute passed by the Senate shall have no validity until it has been assented to by the Chancellor.(6)[ Notwithstanding anything contained in the above sub-sections, if at any time when the Senate is not in session and the Chancellor is satisfied that it is necessary to frame Statutes on any subject, the Chancellor after obtaining the advice of the Inter-University Board shall send the draft Statutes for opinion to the Syndicate of the University and it shall be binding on the Vice-Chancellor to convene a meeting of the Syndicate for consideration of the draft Statutes within 10 days of receipt of the said draft. The Chancellor shall then give his assent to the Statutes with such amendments as he may deem necessary in the light of the opinion of the Syndicate. The Statutes shall be deemed to have come into force in the University from the date of assent. Statutes framed in this manner shall be placed before the next meeting of the Senate for confirmation :] [Inserted by Act 67 of 1982.][Provided that if there be any financial implication which may arise under the statute, it shall not be enforceable unless prior approval of State Government has been obtained.] [Substituted by Act 15 of 2008.](7)[ Notwithstanding anything contained in the above clause, if at any time, the Chancellor is satisfied that it is necessary to frame Statute of any subject of common interest, after obtaining the advice of the Committee of three Vice-Chancellors constituted by the Chancellor, shall send the Draft Statute to all the Vice-Chancellors for opinion, who shall send their opinion within ten days from the receipt of draft. The Chancellor shall give assent to the Statute with such amendment as he may deem necessary in the light of the opinion of the Vice-Chancellors. The Statute shall be deemed to come into force in the Universities from the date of assent:Provided that the State Govt, may also suggest the Chancellor to frame Statute on any subject for the Patna University.] [Inserted by Act 15 of 2008.]

### **37. Ordinance.**

- The Syndicate may, subject to the provisions of this Act and Statutes, make Ordinance to provide for all or any of the following matters, namely: -(a)the admission of students to the University and their enrolment as such :(b)the conditions of the students of the University, the levying of fees for residence in hostels maintained by or recognised by the University, and the recognition of hostels not maintained by the University, including the suspension or withdrawal of such recognition;(c)the fees to be charged for courses of study in the University and for admission to the examination, degrees and diplomas of the University;(d)the constitution, powers and duties of the Committees of

the University;(e)all other matters which by this Act or the Statutes are to be or may be provided for by the Ordinance.

### **38. Ordinance, how made.**

(1)An Ordinance made by the Syndicate under Section 37 shall be submitted, as soon as may be, to the Senate, and thereupon it shall be the duty of the Senate to consider the Ordinance at its next meeting and the Senate may, by resolution passed by a majority of the member present and voting at such meeting, either reject the Ordinance or approve it with such modifications, if any, and from such date as it may direct,(2)Ordinance so approved by the Senate shall be submitted to the Chancellor who shall declare that he assents to the Ordinance.(3)An Ordinance shall have no validity until it has been assented to by the Chancellor under sub-section(2).[Provided that any ordinance having financial implication shall not be enforceable unless prior approval of State Government has been obtained.] [Inserted by Act 15 of 2008.](4)Notwithstanding anything contained in sub-sections (1),(2) and (3), if at any time, except when the Senate is in session, the Syndicate makes an Ordinance and considers its immediate enforcement necessary, the Syndicate may recommend to the Chancellor accordingly and the Chancellor shall thereupon by order published in the official Gazette, direct that the Ordinance shall come into immediate effect, but such Ordinance shall cease to have effect on the expiry of seven days from the date of the next meeting of the Senate unless confirmed by it.

### **39. Regulations, how made.**

(1)Subject to the provisions of this Act, the Statutes and the Ordinance, Regulations may be made to provide for all or any of the following matters, namely : -(a)the courses of study to be laid down for all degrees and diplomas of the University ;(b)the conditions under which students shall be admitted to the degree or diploma courses and to the examinations of the University and shall be eligible for such degrees and diplomas ;(c)the creations of departments of teaching in the Faculties ;(d)the conditions and mode of appointment and duties of examiners and the conduct of examination ;(e)constitution of the Examination Board, its powers, duties and functions; and(f)all other matters which by this Act, the Statues or the Ordinances are to be or may be provided for by Regulations.(2)(i)A Regulation made by the Academic Council under sub-section (1) shall be forwarded, as soon as may be, to the Syndicate for transmission to the Senate, and the Syndicate shall duly forward the same to the Senate with such recommendations if any, as it may wish to make and shall have no power to return it to the Academic Council for recommendation, unless such Regulation, in the opinion of the Syndicate, relates to matters which, directly affect the interest of the University.(ii)[ such a Regulation shall have effect from the date on which it has been assented to by the Chancellor on being passed by the Senate with or without amendment, or from any date fixed by the Chancellor: [Substituted by Act 67 of 1982.]]Provided that at any time except when the Senate is in session, if the Academic Council make a Regulation and considers its immediate enforcement necessary, the academic Council may recommend through the Syndicate to the Chancellor accordingly and the Chancellor with such amendment as he thinks proper shall direct by a notification published in the Gazette, that the Regulation shall come into immediate effect but such a Regulation shall cease to be effective on the expiry of seven days from the date of the next

meeting of the Senate, unless confirmed by the Senate ;Provided further that if any Regulation made by the Academic Council under the preceding proviso, involves expenditure from the University funds, the Regulation shall be forwarded to the Chancellor with the advice of the Financial Adviser.][Provided that any regulations having financial implication shall not be enforceable unless prior approval of State Government has been obtained.] [Inserted by Act 15 of 2008.](3)Where the Syndicate has returned to the Academic Council a Regulation made by it and the Academic Council, on reconsideration of the matter, does not agree with the Syndicate, the Academic Council may refer the matter to the Senate through the Syndicate and thereupon the Senate may either confirm the Regulation or amend or reject it.

#### **40. Rules.**

(1)The authorities and the Boards of the University, constituted either under this Act or under the Statutes made thereunder, may make Rules, consistent with this Act, the Statutes, the Ordinances and the Regulations for following matters, namely-(a)laying down the procedure to be observed at their meetings and the number of members required to form a quorum;(b)laying down the procedure to be observed by committees subordinate to any such authority and the Boards at their meetings and the number of members required to form a quorum;(c)providing for all matters which by this Act, the Statutes, the Ordinances or the Regulations are to be prescribed by Rules; and(d)providing for all other matters exclusively concerning such authorities, committees and Board and not provided for by this Act, the Statutes, the Ordinances or the Regulations.(2)Every authority of the University shall make Rules providing for the giving of notice to the members of such authority of the date of meeting and of the business to be considered at meetings and for the keeping of a record, of the proceedings of the meetings.(3)The Senate may direct the amendment, in such manner as it may specify, of any Rules made under this Section or the annulment of any Rules made under sub-section (1).

#### **41. [ Deleted by Amendment Act 22 of 2007.]**

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#### **42. Residence.**

- Every students of the University shall reside in a hostel or in a residence subject to superintendence, control and conditions presented in Statutes or Ordinances.

#### **43. Hostels.**

- Hostels shall be maintained by the University or Colleges or shall be approved and recognised by the Syndicate on general or specific conditions, including conditions of residence in hostels as prescribed by the University.

#### **44. The Students Union.**

(1) There shall be a union of the students of the University consisting of all the students of Colleges and departments of the University. (2) [The organisation and functions of the University Students Union shall be prescribed by the Statutes.] [Substituted by Act 67 of 1982.]

#### **45. Annual report of the University.**

(1) The annual report on the working of the University shall be prepared under the direction of the Syndicate and shall include the annual accounts of the University. It shall be submitted to the Senate on or before such date, as may be prescribed by the Statutes. It shall be considered by the Senate at its annual meeting and the Senate may pass resolutions thereon and communicate the same to the Syndicate for such action, if any, as may be specified in such resolutions: Provided that no decision shall be taken in respect of the annual accounts nor shall there be anything in the resolution on the annual report which may have the effect of anticipating the report of the audit on the annual accounts. (2) The annual report and the annual account of the University together with the resolution of the Syndicate (if any) relating thereto shall be placed before the next ensuing session of the State Legislature for consideration. Finance, Accounts and the Audit of the University.

#### **46. The University Fund.**

(1) There shall be established a Fund for the University to be called the Patna University Fund which shall be vested in the University for the purposes of this Act, subject to the provisions contained therein, and the following shall be placed to the credit of the University Fund namely- (a) all sums contributed or granted to the University from the Consolidated Fund of the State of Bihar for the purpose of the University or for the purposes of the Colleges and all sums borrowed by the University for the purpose of carrying out the provisions of this Act and the Statutes, Ordinances, Regulations and Rules made thereunder; (b) all moneys received by and on behalf of the institutions and departments established and maintained by the University including all sums paid to the University under any provision of this Act and the Statutes, Ordinances, Regulations and Rules made thereunder; (c) the balance if any standing, to the credit of the Patna University established and incorporated under Patna University Act, 1961 (Bihar Act III of 1962) immediately before commencement of this Act; (d) all interests and profits arising from endowments made to the University and all contributions, donations and subsidies received from any local authority or private persons; (e) all fees payable and levied under this Act and the Statutes, Ordinances and Regulations made thereunder; and (f) all other sums received by the University, not included in clauses (a), (b), (c), (d), or (e) above. (2) The University Fund shall be kept in such scheduled bank within the meaning of the Reserve Bank of India Act, 1934 (II of 1934), or invested in such securities authorised by the Indian Trust Act, 1882 (Act II of 1882), as may from time to time, be approved by the State Government. (3) Nothing contained in this Section shall in any way affect any obligations accepted by or imposed upon the Patna University, under the Patna University Act, 1961 (II of 1962), by any declaration of trust executed by or on its behalf or by any scheme settled under the Charitable Endowments Act, 1890 (VI of 1890) for the administration of the trust, in so far as such trust or scheme relates to the University or its Colleges.

#### **47. Contribution by Government to the University.**

(1)The State Government shall contribute annually to the University Fund a recurring grant out of the Consolidated Fund of the State which shall include all expenses of recurring nature. ..(2)The sum of the annual recurring grant shall be worked out by the State Government in consultation with the Vice-Chancellor, and shall be revised every five years.(3)The State Government may, contribute from time to time such additional grants to the University Fund, as it may having regard to the need of expansion and development of the colleges.

#### **48. Annual estimates of income and expenditure of Colleges and University.**

(1)Every college shall prepare in the prescribed form an estimate of its probable income including income from endowments and bequests, if any, and expenditure for the next ensuing financial year and shall submit it to the Syndicate on or before such date as may be prescribed by the Statutes.(2)On receipt of the estimate under sub-section(1) the Syndicate shall refer it to the Finance Committee for examination and report.(3)The Finance Committee shall prepare the annual estimate of income and expenditure of the University for the next ensuing financial year and shall on or before such date as may be prescribed, forward the same together with memorandum containing explanatory notes thereon to the Syndicate which may approve the estimates either without alteration or with such alterations as it thinks fit and the estimates so approved by the Syndicate shall be laid before the Senate at its annual meeting.(4)Every estimate prepared under sub-section (3) shall in accordance with the direction given by the State Government make provisions for the due fulfilment of all the liabilities of the University including that of colleges and University Department and for the efficient administration of the Act and the Statutes, the Ordinances, the Regulations and the Rules made thereunder.(5)Every estimate under this Section shall be prepared in such form and shall contain such details as may be prescribed by the Statutes.

#### **49. [ The Budget shall be approved by the State Government. [Substituted by Act 67 of 1982.]**

(1)Notwithstanding anything contained in this Act, Statutes, University Ordinance or Regulations made thereunder, the University shall send its budget for the next financial year to the State Government not less than four months prior to the end of the financial year. The University shall show therein estimates of receipts and disbursement for the ensuing year. The State Government shall return the budget to the University with such modification as it may deem fit and the University shall act in conformity with such a modified and approved budget.(2)At any time during the financial year, the University may send a supplementary budget to the State Government and the State Government shall return the budget to the University with such modifications and approval as it may deem proper.(3)No expenditure shall be incurred by the University unless such expenditure has become part of the budget as finally approved under sub-sections (1) or (2).]



## **50. Consideration of estimates by the Senate.**

(1)The Senate shall consider every estimate laid before it under sub-section (3) of Section 4 and shall sanction the same, either without alteration or with such alterations as it may think fit.(2)One copy of the estimate passed by the Senate shall be forwarded to the State Government.

## **51. Restriction on expenditure in the Budget.**

(1)No sum shall be spent by or on behalf of the University unless the expenditure thereof is included in the current budget estimate or can be met with the previous approval of the State Government, by re-appropriation or by drawing upon the closing balance.(2)The closing balance shall not be reduced below such amount as may be prescribed by the Statutes.

## **52. Objects to which the University Fund may be applied.**

- The University Fund shall be applicable to the following objects.: -(a)to their payment of debts incurred by the University for the purpose of this Act and the Statutes, the Ordinances, the Regulations and the Rules made thereunder;(b)to the upkeep of departments established by the University, Colleges, residence and hostels;(c)to the payment of the salaries and allowances of officers, teachers and other servants of the University, and provident fund contributions to any such officers, teachers and other servants;(d)to the payment of the travelling and other allowances of the members of the Senate, the Syndicate, the Academic Council and any other authorities of the University or the members of any Committee or Boards appointed in pursuance of any provisions of this Act and the Statutes, the Regulations and the Rules made thereunder;(e)to the payment of the cost of the University fund;(f)to the payment of expenses of any suit or proceeding to which the University is a party;(g)to the payment of any expense incurred by the University in carrying out the provisions of this Act and the Statutes, the Ordinances, the Regulations and the Rules made thereunder;(h)to the payment of any other expense, though not specified in any of preceding clauses, but declared by the Senate to be the expense for the purpose of the University.

## **53. Audit and account of the University.**

- [(1) (a) Financial Adviser of the University shall prepare the Annual Budget according to the direction of the Vice-Chancellor. In the Annual Budget of the University there shall be mention of income from all sources and all items of expenditure.(b)The audit of Annual Budget of the University shall be done every year by the auditors appointed by Auditor-General, Bihar.](2)A copy of the annual accounts of the University together with the auditor's report thereon shall be submitted by the Syndicate within six months from the receipt of the report, to the State Government, the Chancellor and the Senate and the Chancellor shall cause the same to be published in the Official Gazette.(3)(i)Within six months of the receipt of the auditor's report under sub-section (2) the Senate shall appoint an ad-hoc Committee consisting of the Examiner of Local Accounts, Bihar, and eight such members of the Senate as are not members of the Syndicate.(ii)The said Committee shall be known as the University Audit Committee and shall have power, for the

purpose of examining the auditor's report to call for explanations from the controlling and disbursing officers and it may-(a)suggest ways and means to avoid in future any misuse of the University Fund or irregularity in the account of the University,(b)suggest the recovery of any sum on account of any payment made contrary to law from a University authority, officer or servant or from any person making or authorising such payment, or the recovery of the amount of any loss or deficiency from the person responsible therefor or any amount which ought to have been but which is not brought into accounts from the person failing to account for such amount.(4)The auditor's report together with the report of the University Audit Committee thereon shall be submitted to the Senate and the State Government for such action as they think fit.(5)It shall be lawful for the State Government, either on the suggestion of the University Audit Committee or its own motion, to require any authority, officer or servant of the University or any other person who is found to have spent or authorised the expenditure of any amount in excess of the amounts provided in the budget or in violation of any provision of the Act, the Statutes, Ordinances, Regulations or Rules or is found to have failed to account for any amount, to reimburse the amount in the manner prescribed in the Statutes:Provided that no order for reimbursement shall be made until the authority, officer, servant or the person concerned has been given a reasonable opportunity of making a representation and the same has been considered by the State Government.(6)If the State Government is satisfied that an amount has been paid in an irregular manner and if the amount is not re-imbursed within a specified period, then this amount shall be deemed to be a public demand and shall be recoverable according to the provisions of the Bihar Public Demands Recovery Act, 1914.] [Inserted by Act 67 of 1982.]

#### **54. Power of the State Government to have accounts of the University audited.**

- If it so considers necessary, the State Government may cause the accounts of the University to be audited by such agency, as it thinks fit, and on receipt of the audit report it may, after calling for a report from the University or College on the points raised therein, and after considering the same, issue such directions, as it thinks fit and thereupon, the University shall comply with such directions within the time specified therein.

#### **55. Finance Committee.**

(1)The Finance Committee shall consist of [the Vice-Chancellor as Chairman and Financial Adviser as member] [Substituted by Act 67 of 1982.], an officer of the State Government not below the rank of a Deputy Secretary to be nominated by the State Government and four such other members, as are not members of the Syndicate, to be elected by and from amongst the members of the Senate in the manner prescribed by the Statutes.(2)The term of office of members other than the ex-officio members shall be for a peirod of three years from the respective dates of their election, and shall include any further period which may elapse between the expiration of the said three years and the date of the next succeeding election to fill up any casual vacancy.(3)The Finance Committee shall -(a)advice the University on any question affecting its finances:(b)prepare the annual estimates of income and expenditure of the University and of the Colleges maintained by it;(c)subject to Statutes, have power to scrutinise the estimates of the Colleges;(d)subject to Statutes, have power to

scrutinise every item of new expenditure not provided in the Budget estimates of the University;(e)be responsible for the strict observance of the Statutes relating to the maintenance of accounts of income and expenditure of the University ; and(f)discharge such other functions of financial nature as may, from time to time, be prescribed by the Statutes or entrusted to it by the Senate or the Syndicate.

## **56. [ Appointment of teachers and officers. [Substituted by Act 18 of 1993.]**

- [(1) Subject to the provisions of this Act and the statute made thereunder appointment to the post of teachers and officers (other than Vice Chancellor, Pro Vice Chancellor, Registrar and the Dean of Faculty) of the University shall be made by the University on the recommendation of the Selection Committee consisting of the following members: -(1)The Vice-Chancellor.(2)One member to be nominated by the Chancellor.(3)One member to be nominated by the Government.(4)Three experts not connected with the University to be nominated by the Vice-Chancellor from a panel of not less than seven names approved by the Academic Council for each post, out of which at least one member should belong to scheduled castes/scheduled tribes and two shall be from outside the State.(5)The head of the department of the discipline concerned.(ii)The selection committee shall prepare a merit list for appointment of teachers and officers from amongst the eligible candidates and make recommendation for their appointment according to merit in conformity with the reservation roster prepared by the university in accordance with law relating to reservation in appointment in force in the State.(iii)Quorum for meeting of the selection committee. - Quorum for meeting of the selection committee shall be five in which presence of at least two experts shall be necessary.][Provided that if there is no representation of Woman or extremely backward class (Schedule-1) or both in the selection committee then it may be open to the State Government to nominate additional members from amongst Woman or extremely backward class(Schedule-1) or both as the case may be.][Added by Act 15 of 2008.](2)[ (a) The Bihar State Universities (Constituent Colleges) Service Commission shall hold every year a qualifying test for appointment of Lecturers in the University/ Constituent Colleges which shall be known as the Bihar Eligibility Test. For this purpose, it shall invite subject wise application from only such candidates who fulfil the prescribed qualifications as laid down in the Statute framed in this regard.However, such test shall be conducted having regard to any regulation framed or direction issued by the University Grants Commission in this regard;(b)For appointment of lecturers in the University and the Constituent Colleges the Commission shall invite applications from candidates who have passed the Bihar Eligibility Test and/or have cleared the Eligibility Test for lecturership/Junior Research Fellow conducted by the University Grants Commission/Council for Scientific and Industrial Research and/or have already been awarded Ph.D. degree in the relevant subject 'and/or have already submitted Ph.D. thesis up to 31st December, 1993 and/or have already been awarded M.Phil. degree by 31st December, 1992 and on the basis of interviews shall prepare subject wise merit list against the vacancies notified by the University/Constituent Colleges and such list shall remain valid for a period of one year from the date of its approval. The subject wise merit list shall consist of twice the number of vacancies, but the Commission shall send in order of merit only one name at a time to the University for appointment against a single vacancy:Provided that the Commission shall recommend names to the University from the merit list in conformity with the reservation roster prepared and sent by the University in accordance with the law relating to reservation in

appointment in force in the State;(c)The vacancies including the likely vacancies in the next calender year along with the reservation roster shall be intimated to the Commission by the University by 31st of December every year.](3)In making recommendations for appointment to every post of teacher and officer, [\*\*\*] [Deleted 'The Bihar State University (Constituent Colleges) Service Commission' by Bihar Act No. 22 of 2007.] shall comply with the conditions as provided in Section 57 of the Act.(4)[ Three expert not connected with the University to be nominated by the Vice-Chancellor from a panel of not less than ten names approved by the Academic Council for each post out of which, at least one member should belong to Scheduled Caste/Scheduled Tribes and two members shall be from out-side the State. The Academic Council shall send name of not less than two members belonging to Scheduled Caste/Scheduled Tribes category.] [Substituted by Act 15 of 2008.]] [Substituted by Act 13 of 1995.]

## **56B. [ Procedure of selection to be prescribed by the Statute. [Added by Act 22 of 2007.]**

- Notwithstanding anything contained in any provision of this Act, Rule, Statute, Ordinance, or any other law for the time being in force, the Selection Committee constituted under section 56 of this Act shall be bound by the procedure of selection to be prescribed by Statute to be framed by the University in accordance with procedure prescribed under the Act.] [Substituted by Act 67 of 1982.].

## **57. [ [Deleted by Act No. 22 of 2007.]**

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57. [fo'ofok; ds f'k{kdksa ,oa inkf/kdkfj;ksa dh fu;qfDr  
[Substituted by Act No. 67 of 1982.].&(1)bl vf/kfu;e vkSj bls  
v/khu cus ifjfu;eksa ds v/khu jgrs gq, fo'ofok; ds f'k{kdksa ,oa  
inkf/kdkfj;ksa dh fu;qfDr[fegkj jkT; fo'ofok; vaxhHkwr  
egkfo|ky; lsok vk;ksxdh vuq'kalk dj dgyifr }kjk dh  
tk;sxhA(2)dkWystksa ,oa fo'ofok;ksa ds f'k{kdksa ,oa  
inkf/kdkfj;ksa dh fu;qfDr ds fy;s flQkf'k fuEufyf[kr ijUrqdksa ds  
v;/khu dh tk;sxh fuEufyf[kr fo'ks"kk vk;ksx dks ijke'kZ  
nsaxs%&(d)fo'ofok; izkpk;Z ;k fo'ofok; izkpk;Z dh dksfV ds  
iz/kkukpk;Z dh fu;qfDr ds fy;s&(i)fo'ofok; ikpk;Z ls vU;wu  
iafdr dkIEcfu/kr fo"k; dk ojh;re f'k{kdk tks fo'ofok; vkpk;Z ls  
vU;wu dksfV dk ugha gksxk]ijUrq fo'ofok; esa ,slk dksbZ  
f'k{kdk ugha gks rks vU; fo'ofok; ds ml fo"k; dk foHkkxk/;{k}  
tks fo'ofok; izkpk;Z ls vU;wu dksfV dk gks;[ijUrq ;g vkSj fd  
fo'ofok; vkpk;Z dksfV ds iz/kkukpk;Z dh fu;qfDr ds fy, fo'ofok;  
vkpk;Z dksfV ds iz/kkukpk;Z fo'ks"kk jgsaxsA [Substituted by  
Act No. 67 of 1982.]](ii)dqykf/kiFr }kjk uke funsZf'kr fo'ofok;  
ls ckgj dk fo'ofok; izkpk;Z ls vU;wu iafdr ds lEcf/kr fo"k; ds  
rhu fof'k"V fo}ku@fo'ks"kk;[ijUrq ;g fd fo'ofok; vkpk;Z

;wfuoflZVh izksQslj dh dksfV ds izk/kkukpk;Z dh fu;qfDr ds fy, mDr rhu fof'k"V fo}kuksa@fo'ks"Kkksa esa ls ,d fo'ofu|ky; ls ckgj ds dqyifr@HkwriwoZ dqyifr jgsaxsA [Substituted by Act No. 67 of 1982.](iii)mij 1 vkjs 2 esa vafdr fo'ks"Kkksa esa de&ls de rhu fo'ks"KK lnL; vk;ksx dh cSBd esa vo'; mifLFkr jgsaxsA([k]izkpk;Z@mikpk;Z@mikpk;Z dksfV ds iz/kkukpk;Z@fo'ofu|ky; iqLrdk/;{k@izk/;kid dh fu;qfDr ds fy, &(i)fo'ofu|ky; izkpk;Z ls vU;wu iafDr dk[lacaf/kr fo'k; dk ojhr; f'k{kdk tks fo'ofu|ky; vkpk;Z ls U;wu dksfV dk ugha gksxkA [Substituted by Act No. 67 of 1982.]]ijUrq ;fn fo'ofu|ky; esa dksbZ ,slk f'k{kdk ugha gks rks vU; fo'ofu|ky; ls ml fo'k; dk foHkkxk/;{k tks fo'ofu|ky; izkpk;Z ls vU;wu iafDr dk gks][Provided further that in the case of appointment of lecturer if teacher in the concerned subject of the rank of professor (University Professor) of that University or any other University is not available, teacher of the concerned subject of that University or any other University not below the rank of Reader.] [Inserted by Act 7 of 1998.][ijUrq ;g vkSj fd mikpk;Z dksfV ds iz/kkukpk;Z dh fu;qfDr ds fy, fo'ofu|ky; vkpk;Z dksfV] ds iz/kkukpk;Z fo'ks"KK jgsaxsA [Substituted by Act 18 of 1993.](ii)dqykf/kifr }kjk uke funsZf'kr fo'ofu|ky; ls ckgj ds fo'ofu|ky; ds vkpk;Z ls vU;wu iafDr ds lEcU/kr fo'k; ds rhu fof'k"V fo}ku fo'ks"KK] mij 1 vkSj 2 esa vafdr fo'ks"Kkksa esa ls de&ls&de nks fo'ks"KK vk;ksx dh cSBd esa vo'; mifLFkr jgsaxsA(x)fo'ofu|ky; ds inkf/kdkfj;ksa dh fu;qfDr ds fy, &(i)dqykf/kifr }kjk uke&funf'kr vius fo'ks"K Kku ,oa vfHk:fp ds fy, iz[;kr ,d O;fDr tks fo'ofu|ky; lsok esa u gksA(ii)dqykf/kifr }kjk uke&funf'kr nks fo'ks"KKA(iii)mij 1 vkSj 2 esa O;fDr fo'ks"Kkksa esa ls de&ls&de nks fo'ks"KK vk;ksx dh cSBd esa vo'; mifLFkr jgsaxsA[Deleted by Act 18 of 1993 and (M) made (?k)](3) [ If the Vice-Chancellor does not accept the recommendation made by the Commission, he shall record his reasons in writing and forward the case for order to the Chancellor and order of the Chancellor shall be final and binding.] [Substituted by Act 18 of 1993.](4) [ Except as otherwise provided in this Act appointment to the post of teachers and officers shall be made on the recommendations of the Commission.] [Substituted by Act 18 of 1993.](5)vf/kfu;e esa fdllh ckr ds gksrs gq, Hkh[Vice-Chancellor] [Substituted by Act 18 of 1993.]fo'ofu|ky; izkpk;Z ;k fo'ofu|ky; izkpk;Z dh dksfV ds iz/kkukpk;Z ds in ij lEcU/kr fo'k; esa fdllh [;kfr izkIr fof'k"V fo}ku~ dh fu;qfDr okrkZ ds tfj;s vkSj dqykf/kifr dk iwoZ vuqeksnu izkIr djds] dj ldsxhA(6)dqyifr[\*\*\*] [Deleted by Act 18 of 1993.]ds fy, fo'ofu|ky; ds f'k{kdksa ,oa inkf/kdkfj;ksa dh

inP;wfr] vilkj.k ,oa inkoufr ds vfrfjDr muds lEcU/k esa vU;  
dksbZ dkjZokZ djus ds fy;s vk;ksx ls ijke'kZ djuk vko';d ugha  
gksxkA(7)fo'ofok; ds f'k{kdksa ,oa inkf/kdkfj;ksa dh vU; lsok  
'krsZa] vuq'kklfud dkjZokbZ lfgr] ifjfu;eksa }kjk vo/kkfjr dh  
tk;sxA(8)o'ofok; ds f'k{kdksa ,oa inkf/kdkfj;ksa dh fu;qfDr  
esa vk;ksx dh lgk;rk djus gsrq dpyifr }kjk uke funsZf'kr  
O;fDr;ksa dk p;u vUrj fo'ofok; cksM+Z }kjk izLrq ukfedk ls  
gh fd;k tk;sxA(9) [ (a) Notwithstanding anything contained in  
the Act, a purely temporary appointment on a post of lecturer,  
duly sanctioned by the State Government may be made for a  
maximum period of six months or till the end of the Session  
(whichever is earlier) by the following Selection Committee  
constituted under the Chairmanship of Vice-Chancellor: -{  
Members of the Selection Committee

- |       |   |          |
|-------|---|----------|
| (i)   | Vice-Chancellor<br>.....  | Chairman |
|       | Seniormost teacher<br>of the rank of  |          |
| (ii)  | UniversityProfessor/Head<br>of the Department<br>of the subject<br>concerned.     | Member   |
|       | An expert of the<br>rank of University  |          |
| (iii) | Professor to be<br>nominated by the<br>Chancellor.                                | Member   |
|       | A member of the<br>Scheduled<br>Castes/Scheduled Tribes/Other<br>Backward Classes |          |
| (iv)  | having academic<br>interest, to<br>benominated by<br>the State<br>Government.     | Member   |

(b) In any case the lecturer appointed on temporary basis as aforesaid shall neither continue in service nor be re-appointed on the expiry of the said period of six months.(10) Notwithstanding anything to the contrary contained in this Act or Statutes, Rules or Regulations made thereunder promotion given on temporary basis to the post of Reader or Professor or Officer of the University shall not be voided for a period exceeding six months unless recommended by[\*\*\*] [Inserted by Act 18 of 1993.] ]Enrolment and degrees

## **58. [ Enrolment of students In the University. [Inserted by Act 18 of 1993.]**

(1) No student shall be enrolled as a student in the University unless he has passed the Intermediate or equivalent examination held by a body incorporated by any law for the time being in force and recognised by the University. (2) The State Government may determine the maximum numbers of seats for enrolment of students in the Faculties and Departments of the University and the Colleges under its jurisdiction and the directions issued thereto shall be binding on the University. (3) [ The quota for reservation of seats in each faculty, department and College under the Patna University for admission of students to different courses, shall be determined by the State Government as follows which shall be binding on the University: -

|                                |                                     |
|--------------------------------|-------------------------------------|
| (a) Scheduled Castes           | 16 percent of the sanctioned seats. |
| (b) Scheduled Tribes           | 01 percent of the sanctioned seats. |
| (c) Extremely Backward Classes | 18 percent of the sanctioned seats. |
| (d) Backward Classes           | 12 percent of the sanctioned seats. |
| (e) Women of Backward Classes  | 03 percent of the sanctioned seats. |
| Total 50 percent               |                                     |

Reservation of seats for admission of students shall not exceed more than 50 percent of the sanctioned seats. However, a reserved category student, who is selected on the basis of his/her merit shall be countered against 50 per cent seats of open merit category, and not against seats of reserved category. (4) [ The State Government may by notification direct the University to prescribe entrance examination for admission into the graduate courses in the Colleges specified in this behalf and to commence such entrance examination annually from the academic session notified by the State Government in this behalf. ] [Inserted by Act 15 of 1996. (Sub-section 3 renumbered as 4).] Provided that students having passed the Higher Secondary or Pre-University Examinations shall continue to be enrolled in the manner as provided in the Ordinances and Regulations.]

## **58A. [ Constitution of Advisory Committee. [Inserted by Act 67 of 1982.]**

- For each college maintained and administered by the University, there shall be an Advisory Committee constituted in accordance with the Statutes and shall function.]

## **59. Appointment of Commission.**

(1) The State Government may at any time by an order published in the Official Gazette, constitute a Commission. (2) The Commission constituted, under sub-section (1) shall inquire into and report on the following ; (a) the working of the University ; (b) the financial condition of the University, its colleges and other academic institutions ; (c) any changes to be made in the provisions of this Act, the Statutes, the Ordinances and the Regulations with a view to bringing about improvements; (d) Such other matters as may be referred to it by the State Government, the Commission shall make such recommendation as it may deem fit. (3) On receipt of the recommendations under sub-section (2), the State Government may send the same to the appropriate authority of the University for

consideration and report thereon, and on receipt of this report, may pass such order thereon as it may consider fit. It shall cause the said order published in the official Gazette. Thereupon the University shall comply with order within such time as may be specified by the State Government.

## **60. Disputes as to constitution of University authorities and bodies.**

- If any question arises whether any person has been duly elected, or is entitled to be member of the Senate, the Syndicate or the Academic Council, the matter shall be referred to the Chancellor whose decision thereon shall be final.

## **61. Filling of vacancies.**

- All vacancies among the members (other than exofficio members) of any authority or other body of the University by reason of death, resignation or otherwise shall be filled, as soon as conveniently may be, by the person or body who appointed, nominated, elected or co-opted the member whose place has become vacant, and the person so appointed, nominated, elected or co-opted shall be a member of such authority or body for the unexpired portion of the prescribed term: Provided that pending the filling up of such vacancies by appointment, nomination in the manner aforesaid, the vacancies (other than a vacancy in the Senate) may, if the authority or body of the University so decides, be filled by the cooption of any person qualified to fill such vacancy under the provisions of this Act, and any person so co-opted shall hold office as a member of such authority or body until a person is appointed, nominated or elected thereto in accordance with the provisions of this Act.

## **62. Proceedings of University authority and bodies not invalidated due to vacancies.**

- No Act or proceedings of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

## **63. Conditions of services of officers and teachers of the University.**

- Every salaried officer of the University and every teacher employed in a University department, other than officers and the teachers who are members of the public services in India and whose services have been lent to the University under clause (1) of sub-section (2), shall be appointed on a written contract which shall be lodged with the Registrar of the University and a copy thereof shall be furnished to the officer or teacher concerned. Every teacher of the University shall, in the absence of any agreement to the contrary, be governed by the conditions and restrictions as specified in the Statutes. (2) Any member of the public services in India whom it is proposed to appoint to a post in the University, shall subject to the approval of such appointment by the Government concerned and the terms thereto have the option-(i) of having his services lent to the University and remaining, at any time, liable to recall to the service of the Government at the option of the Government concerned; or (ii) of resigning service of the Government of entering the service of the University: Provided that where the University, after consultation with the Public Service



Commission, is satisfied that an officer or teacher, being a servant of the Government, whose services have been lent to the University, deserves the punishment of dismissal, removal or reduction in rank, the University shall forward to the Government the proceedings instituted against such officer or teacher together with all connected papers including the findings of Public Service Commission, and thereupon the Government shall forthwith cause the said officer or teacher to be reverted to the service of the Government and take such action against him as it thinks fit.(3)Notwithstanding anything contained in any law or contract, the following provisions shall apply to all such officers, teachers and other servants, as were under employment immediately before the commencement of this Act of the Patna University established under Bihar Act no. 3 of 1962.(4)[ It shall be lawful for the University to depute teachers of the University Service for the Intermediate College, delinked from any college, according to the procedure prescribed in the Rules.] [Substituted by Act 67 of 1982.]

#### **64. [ Retirement from service. [Restored by Act 67 of 1982 and shall be deemed never to have been amended or repealed.]**

- [(a) Notwithstanding anything to the contrary contained in any Act, Rules, Regulation, Statutes or Ordinance, the date of retirement of a teaching employee of the University or of a College shall be the date on which he attains the age of sixty two years. The date of retirement of a teaching employee will be the same which would be decided by the University Grant Commission in future. The date of retirement of non-teaching employee (other than the inferior servants) shall be the date on which he attains the age of sixty two years: Provided that the University shall, in no case, extend the period of service of any of the teaching or non-teaching employee after he attains the age of sixty two years, as the case may be : Provided further also that re-appointment of teachers after retirement may be made in appropriate cases up to the age of sixty five years in the manner laid down in the statutes made in this behalf in accordance with the guide lines of the University Grants Commission].(b)The University may require any teaching or non-teaching employee, who, reckoned from the date of his first appointment, has completed the qualifying service of 23 years or a total service of 27 years, to retire from the University service, if it considers that his conduct or efficiency is such as does not justify his continuation in the service.(c)(i)Notwithstanding anything contained in the preceding sub-sections any teaching or non-teaching employee may, after giving at least three months prior notice in writing to concerned appointing authority, retire from such date on which such a teaching or non-teaching employee has completed 32 years of qualifying service or has attained 52 years of age or from such date thereafter as may be specified in the notice : Provided that no employee of the University under orders of suspension shall retire except without a specific approval of the Syndicate.(ii)The University may, in the public interest, require any teaching or nonteaching employee, after giving at least three months prior notice in writing or after paying an amount equivalent to pay and allowances of three months in lieu of such notice, to retire from such date on which he completes 32 years of qualifying service or attains 52 years of age, or from such date thereafter as may be specified in the notice.]

## 65. [ (Aachar Sahinta) vkpkj lafgrk%& [Substituted by Act No. 67 of 1982.]

(1)fo'ofok|ky; deZpkfj;ksa ds fy;s vkpkj lafgrk ifjfu;eksa }kjk fofgr dh tk;sxhA]

**2. [ fo'ofok|ky; }kjk fu;af=r fo'ofok|ky;@egkfo|ky;@laLFku ds f'k{kd ,oa f'k{kdsRrj in] tc rd vU;Fkk vafdr u gksa] lk/kkj.kr% iw.kZdkfyd in gSA fo'ofok|ky;@egkfo|ky;@laLFkku }kjk iznRr f'k{k.k ,oa vU; drZO;ksa dk ikyu bu inkSa ij**

fu;qDr O;fDr;ksa dks iw.kZdky rd djuk gSA ;fn fo'ofok|ky; }kjk fu;af=r fo'ofok|ky;@egkfo|ky;@laLFkku dk dksbZ f'k{kd ;k deZpkjh fdllh laLFkku ds fuokZfpr vFkok xSj&fuokZfpr in ;k mldh lnL;rk xzg.k djrk gS] ftlls fo'ofok|ky; ds f'k{k.k vFkok vU; dk;ksZa esa ck/kk mRiUu gksrh gS] rks osls f'k{kd@deZpkjh dks fo'ofok|ky;@egkfo|ky;@laLFkku ls vuqefr ysuh gksxh vkSj vius fu;ksDrk ls ,d fufpr vof/k ds fy, loSrfud@voSrfud vodk'k ysuk gksxkAfo'ofok|ky;@egkfo|ky;@laLFkku ds f'k{kd vkSj deZpkjh futh jkstxkj] m|ksx&/ka/kk] futh vuqf'k{k.k rFkk vU; dk;Z] tks fo'ofok|ky;@egkfo|ky;@laLFkku dh jk; esa mudh fu;qfDr ds fgr esa ugha gks] djus dh vuqefr ugha gksxhA f'k{kd@deZpkjh tks vlk/kkj.k NqV~Vh ij tk,axs os fo'ofok|ky;@egkfo|ky;@laLFkku dh fuf/k ls osru vFkok HkRrk ikus ds vf/kdkjh ugha gksaxs vkSj ogka ls x' fgr lsok dh izd`fr dks ij[krs gq, fo'ofok|ky; }kjk fy, x, fu.kZ; ds vuqlkj okf'kZd osruo`f] vftZr dj ldsaxs] vftZr ugha dj ldsaxsA ,sls vlk/kkj.k vodk'k ifjfu;eksa ds }kjk fofgr fd;k tk,xk vkSj fo'ofok|ky;@egkfo|ky;@laLFkku ds }kjk Lohd`r fd;k tk ldsxAijarq fo'ofok|ky;@egkfo|ky;@laLFkku ds f'k{kd@deZpkjh ;fn jkT; vFkok dsUnzh; fo/kku eaMy ds lnL; gks tk,a rks mDr inkSa ij 'kiFk ysus dh frfFk ls jkT;@dsUnzh; fo/kku eaMy dh lnL;rk dh iwjh vof/k ds fy fo'ks"k vodk'k ij le>s tk;saxsA fo'ks"k vodk'k ifjfu;eksa }kjk fofgr fd;k tk,xkA fo'ks"k vodk'k ij x;s f'k{kdksa@deZpkfj;ks ds lsok fgrksa dks iwjh lqj{kk nh tk,xh vkSj os okf'kZd osru o`f] izksUufr] lsok dh oj;rk vftZr djrs jgsaxsA jkT; vFkok dsUnzh; fo/kku eaMy dh lnL;rk dh vof/k dh lekfr ij os ;FkkfLFkfr fo'ofok|ky;@egkfo|ky;@laLFkku esa iqu% viuk inHkkj xzg.k dj ldsaxsAijarq fo'ofok|ky; vFkok egkfo|ky; vFkok laLFkku ds ,sls f'k{kd@deZpkjh tks jkT; vFkok dsUnzh; fo/kku eaMy dh lnL;rk izkIr dj ys] os 'kiFk xzg.k dh frfFk vFkok bl vf/kfu;e ds ykxw gksus dh frfFk] tks Hkh igys gks] ls ;g fodYi nsaxs fd os osru egaxkbZ HkRrk vkfn fo'ofok|ky; ds ysxs ;k fo/kku eaMy lsA ,sls f'k{kd@deZpkjh jkT; vFkok dsUnzh; fo/kku eaMy ds lnL; ds :i esa rRlaca/kh vf/kfu;e ds v/khu le; & le; ij iznRr vU; lqfo/kk,a izkIr djus ds Lor% gdnkj gksaxsAijarq ;g Hkh fd bl /kkjk dk dksbZ mica/k jkT; vFkok dsUnzh; fo/kku eaMy ds ,rRlaca/kh fdllh mica/k dks izHkkfor ugha djsxskA] [Substituted by Act No. 13 of 1998.]

## 66. [ Effect of detention. [Substituted by Act 67 of 1982.]

(1)If any teaching or non-teaching employee of the University or a Constituent College is detained in custody under any law for a period upto 48 hours whether on a criminal charge or otherwise on security grounds, he shall with effect from the date of detention be deemed to have been suspended by the order of the appointing authority.(2)On being released from detention, he shall not be entitled to any remuneration other than the subsistence allowance for the period of suspension.(3)Any employee proceeded against on a criminal charge or detained under any other

law providing for preventive detention shall be deemed to be suspended for the period during which he is kept under detention in custody or undergoes the sentence of imprisonment, and shall not be permitted to draw any pay or allowance for the said period other than subsistence grant payable according to the principles contained in the Statutes, unless the proceeding initiated against him is closed or, as the case may be, he is released from detention and permitted to resume duty. The adjustment of his allowance for such periods shall be made according to the circumstances of the case. Full amount shall be paid only when he is acquitted or the detention is found to be unjustified by a competent officer.(4)An employee against whom proceedings on a criminal charge are pending shall, by special order to this effect, be kept under suspension during the period when he is not actually detained in custody or imprisoned (that is, when he is released on bail), if the charges made or the proceedings initiated against him are related to his status as an employee or in this manner may cause trouble in the discharge of this duties, or involves the question on moral turpitude. The provisions aforesaid shall apply in respect of his pay and allowances.]

## **67. [ Deleted by Act 67 of 1982.]**

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## **67A. [ Deleted by Act 18 of 1993.]**

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## **68. Pension, gratuity, insurance and provided fund.**

(1)The University shall, subject to such manners and conditions as may be prescribed by the Statutes, constitute any pension, gratuity, insurance or provident funds, as it may deem fit, for the benefit of its officers, teachers and other employees (excluding those who are members of public service of India and whose services are lent to the University under section 63.(2)Where any such pension, gratuity, insurance or provident fund is constituted in this manner, the State Government may declare that the provisions of the Provident Funds Act, 1925 (Act No. 19 of 1925) shall apply to the said Fund as if that fund is State Provident Fund.

## **69. Transitory provisions for Patna Women's College and Bihar National College.**

- Notwithstanding anything to the contrary contained in this Act-(a)the properties, bequests and endowments pertaining to Patna Women's College and Bihar National College as were created for the benefit of these Colleges, shall vest in these colleges, and their maintenance and control shall be, subject to such conditions and restrictions, as may be agreed upon between the State Government and the governing body of these colleges.(b)the governing body of Patna Women's College, if it so desires may retain such portion of the income arising out of the bequests and endowments made to the college for its benefit, as it may consider necessary for the maintenance of such teachers of the college who belong to any particular religious creed;(c)the powers of controlling appointment

including determination of conditions of service of such teachers of Patna Women's College as belong to any particular religious creed shall vest in the governing body of the college, subject to the condition that such teacher possesses qualifications as determined in the Statutes, Ordinances and Regulations.

## **70. Transfer of the Prince of Wales Medical College and its attached hostels etc. to State Government.**

(1)The Prince of Wales Medical College, Patna and its attached hostels, and other buildings which are part of the said College and hostels, together with departments of the college, furniture of the said college and departments, library, books, laboratories, stores, instruments, apparatus, appliances and equipments as were transferred to the maintenance and control of the Patna University as its colleges and departments under section 53 of the Patna University Act, 1961 as it stood prior to amendment by the Bihar Ordinance no. 62 of 1971, are hereby re-transferred to the maintenance and control of the State Government.(2)As consequence of such transfer, the State Government may, notwithstanding anything to the contrary contained in the Patna University Act, 1961, reduce its contribution to the University Fund established under the Patna University Act, 1961.(3)Notwithstanding such transfer or anything to the contrary contained in the Patna University Act, 1961 or the Statutes, Ordinances or Regulations made or deemed to have been made thereunder the Patna University shall perform the functions relating to teaching, examinations and conferment of degrees of the Prince of Wales Medical College and its department.

## **71. Conduct of examination etc. of the Government Dental College by the Patna University.**

- Notwithstanding anything to the contrary contained in this Act or in the Statutes, Ordinances and Regulations made thereunder, the Patna University shall perform the functions relating to teaching, examinations and conferment of degrees to the students of Government Dental College, Patna.

### **71A. [ Conduct of examination etc. of the Government Dental College by the Patna University. [Inserted by Act 4 of 2001.]**

- Notwithstanding anything to the contrary contained in this Act or in the Statutes, and Regulations made thereunder, the Patna University shall perform the functions relating to teaching, examinations and conferment of degrees to the students of Government Dental College, Patna. Provided the expenses incurred shall be borne by the concerned administrative Department.

### **71B. [ Conduct of examination etc. of the Bihar College of Physiotherapy and Occupational therapy, Patna by the Patna University, Patna. [Inserted by Act 4 of 2001.]**

- Notwithstanding anything to the contrary contained in this Act or in the Statutes, and Regulations

made thereunder, the Patna University shall perform the functions relating to teaching, examination and conferment of degrees to the students of Bihar College of Physiotherapy and occupational therapy, Patna and Art and Craft College, Patna. Provided the expenses incurred shall be borne by the concerned administrative department.]

## **72. Condition of service of teaching staff and other servants of the Prince of Wales Medical College, Patna.**

(1) Notwithstanding anything to the contrary contained in the Patna University Act, 1961 (Bihar Act 3 of 1962) or in the Statutes, Ordinances or Regulations made or deemed to have been made thereunder—(a) all such teaching staff and other servants appointed by the State Government and later on employed by the Patna University in the Prince of Wales Medical College and its departments as were not above the age of 58 years on the date of commencement of the Patna University (Amendment) Ordinance, 1971 (Bihar Ordinance no. 62 of 1971) shall cease to be the employee of the Patna University from the said date and shall become the employee of the State Government; (b) all such teaching staff and other servants, whether permanent or temporary, appointed by the Patna University and employed in the Prince of Wales Medical College Patna, or its departments shall cease to be either permanent or temporary staff of the Patna University from the said date and shall become permanent or temporary, as the case may be, staff of the State Government; (c) the members of the teaching staff and servants of the Prince of Wales Medical College and its department appointed by the Patna University in any year in its temporary or permanent cadre shall on being an employee of the State Government under clause (b), be placed below the last man appointed by the State Government in that year in an equivalent temporary or permanent cadre, as the case be, and their inter-se place shall remain the same as were assigned to them in their respective cadres under the Patna University, and—(i) their salaries shall be fixed at the corresponding stage of the time-scale of pay applicable to equivalent services under the State Government, and if there be no such stage in the Government time-scales of pay, the difference shall be paid to them in the form of reducible personal pay; (ii) they shall become members of the General Provident Fund and may without the amount standing to their credit under contributory provident fund in the Patna University, or may transfer the amount to the General Provident Fund as its opening balance. (iii) they shall be entitled to pension and gratuity admissible under the Rules framed by the State Government; and (iv) their age of superannuation will be fifty-eight (58) years; and (v) such medical officer, as were working in the University service and had joined State Service after taking extra-ordinary leave, and again reverted back to their original post in the Patna University on deputation from the State Service, shall be entitled to the benefits provided in clauses (b) and (c). (2) If any dispute arises, as a consequence of implementation of sub-section (1), as to which teacher or servant should hold which post or designation under the State Government, the matter shall be referred to the Chancellor of the Patna University whose decision thereon shall be final.

## **73. Autonomous College or Institute.**

- Notwithstanding anything contained in any provision of this Act, the University may subject to its adequate supervision and the manner prescribed in the relevant statutes, confer upon any College or

institute, or outstanding calibre and fulfilling the prescribed conditions, the powers to make changes or modifications in the courses of studies prescribed by the University for its students, and the privilege to take examination in such modified courses of study and management thereof and such other powers in respect of other matters, as it may deem appropriate; and such institute or College, as the case may be, shall be declared autonomous Institute or College.

#### **74. Removal of difficulties by the Chancellor at the commencement of this Act.**

- If any difficulty arises in respect of establishment of the University, or in the first implementation of this Act or Statutes, or otherwise, the Chancellor may at any time, before the constitution of all the authorities of the University by order, consistent with the provisions of this Act and Statutes, as far as possible, make any appointment or perform any other function, which seems necessary or proper to him for the removal of the said difficulty; and all such orders shall take effect in the manner as if the said appointment or functions has been done in the manner provided in this Act :Provided that before making such an order, the Chancellor shall elicit the opinion of the Vice-Chancellor and of such appropriate authority of the University, as may have been constituted, on the proposed order and give considerations thereon.

#### **75. Continuance of Statutes, Ordinances, Regulations and Rules.**

- Until Statutes, Ordinances, Regulations and Rules are made under the appropriate provisions of this Act, such Statutes, Ordinances, Regulations and Rules made or deemed to have been made under the Patna University Act, 1961, as were in force immediately before the commencement of this Act, shall, in so far as they are not inconsistent with the provisions of this Act and subject to such adaptations and modifications, if any, as may be made therein by the Vice-Chancellor with the approval of the Chancellor; remain in force and shall be deemed to be Statutes, Ordinances, Regulations, and Rules made under the corresponding provisions of this Act.

#### **76. Transitory Provisions.**

- Notwithstanding anything contained in this Act, the Vice-Chancellor may for a period not exceeding six months from the commencement of this Act and with the previous approval of the Chancellor subject to the provisions of funds by the State Government or otherwise discharge all or any of the functions of the University for the purpose of carrying out the provision of this Act, and for that purpose may exercise any powers or perform any duties which by this Act are to be exercised or performed by any officer or authority of University not being an officer or authority of the University in existence at the time when such powers are exercised or such duties are performed.

**76A. (Working arrangement in the absence of University Nicarayo)[ d fo'ofok; fudk;ksa ds xfBr u gksus ij dk;Z O;oLFkk + [Substituted by Act 67 of 1982.]**

- (1) ;fn fdlh dkj.ko'k fo'ofok|ky; dh flusV vFkok flUMhdsV vFkok fo}r ifj"kn~ vFkok vU; fdUgha fudk; dk xBu u gks lds rks tc rd bu fudk;ksa dk xBu ugha gks tk;] rc rd bl vf/kfu;e ds micU/kksa dks dk;kZfUor djus ds iz;kstukFkZ] insu ,oe~ uke funsZf'kr lnL; feydj lacaf/kr fudk; dh] fdUgha 'kfDr;ksa dk iz;ksx rFkk fdUgha drZO;ksa dk ikyu dj ldsaxsA(2)iVuk fo'ofok|ky; ds fudk; }kjk fjfDr;ka jgus ds dkj.k muds }kjk pquko voS/k ugha gksxkA]

## **77. Election for the purpose of constituting the Senate, the Syndicate, and the Academic Council.**

- The Vice-Chancellor shall make such arrangements for holding elections under the Act that the newly elected, appointed, nominated and co-opted members of the Senate, the Syndicate and the Academic Council, as constituted under this Act, assume charge of their respective offices from the date following the expiry of the period specified in Section 76; and the term of office of the members of the said authorities shall be deemed to have commenced from the said date.

## **78. Powers of nomination by the Chancellor.**

- Notwithstanding anything contained in the preceding sections of this Act, the Chancellor shall, if the Vice-Chancellor reports, that, in his opinion, the election is not immediately possible fill up the vacancies by nomination.

## **79. Repeal and Savings.**

(1)The Patna University Act, 1961 (Bihar Act 3 of 1962), all provisions of parts 1,2,3, and 4, (sections 2 to 47 of the Bihar State University Laws and Schools Law (Second Amendment and Repeal) Ordinance, 1976 (Bihar Ordinance no. 93 of 1976), the Patna University (Second Amendment) Ordinance, 1976 (The Bihar Ordinance no. 88 of 1976) and the Patna University Second Ordinance, 1976 (The Bihar Ordinance no. 208 of 1976) are hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken in exercise of the powers conferred by or under the said Acts or Ordinances shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act, as if this Act were in force on the date on which such thing was done or action taken.