

The Rajasthan Universities Teachers (Absorption of Temporary Lecturers) Act, 1979

RAJASTHAN

India

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Act 7 of 1979

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The Rajasthan Universities Teachers (Absorption of Temporary Lecturers) Act, 1979 Act No. 7 of 1979 Statement of Objects and Reasons (28 of 2008). - A large number of teachers were appointed in the Universities of Rajasthan under Section 3(3) of the Rajasthan Universities Teachers and Officers (Selection for Appointment) Act, 1974, and majority of them are still working. Some of them have even crossed, the maximum age limit prescribed by the State Government for the appointment in the State Service. Section 3 (3) of the Rajasthan Universities' Teachers and Officers (Selection for Appointment) Act, 1974 has been repealed with effect from 1.1-2003. Hon'ble Courts have given directions not to remove the temporary teachers from service till regular selections are made. The Advocate General of the State Government has opined to regularise the service of the teachers who had been appointed under Section 3(3) of the 1974 Act, after due public advertisement. Large number of teaching posts are lying vacant in the universities and academic environment is adversely affected due to shortage of teachers in the universities. Therefore, it is proposed that the services of teachers who had been appointed under Section 3 (3) of the Rajasthan Universities' Teachers and Officers (Selection for Appointment) Act, 1974, after due public advertisement of vacancies in news papers be regularised. The Bill seeks to achieve the aforesaid objects. [Published in the Rajasthan Gazette, Part IV-A, Extraordinary, dated the 20th April, 1979.] [Received the assent of the Governor on the 17th day of April, 1979.] An Act to provide for the absorption of temporary lecturers of long/standing, working in the Universities in Rajasthan. Be it enacted by the Rajasthan State Legislature in the Thirtieth Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Rajasthan Universities Teachers (Absorption of Temporary Lecturers) Act, 1979. (2) It extends to the whole of the State of Rajasthan. (3) Except section 10, which shall come into force at once, the other provisions of this Act shall be deemed to have come into force on the

8th day of June, 1978.

2. Definition.

- In this Act, unless the subject or context otherwise requires, -(i) "department concerned" means the department of the University concerned in which the vacancy of a lecturer exists; (ii) "relevant law" means the Rajasthan Universities Teachers and Officers (Special Conditions of the Service) Act, 1974 and any enactment of the Rajasthan State Legislature establishing a University in Rajasthan, and it includes the statutes, Ordinances, bye-law, rules, notifications or orders made thereunder and as amended from time to time; (iii) "Screening Committee" means a Committee appointed under the provisions of this Act to scrutinise the academic record and report(s) about the work and conduct of the temporary lecturers; (iv) "temporary lecturer" means a lecturer appointed in the pay scale prescribed by the University concerned for lecturers and on temporary basis as stop-gap arrangement but shall not include lecturers appointed on contract basis or those in foreign service and serving the University concerned on deputation; (v) "university concerned" means the University in which the temporary lecturers are working; and (vi) "Vice-Chancellor" means the Vice-Commissioner of the University concerned, and includes any person who for the time being performs the functions of the Vice-Commissioner of the University concerned according to the relevant law. (2) All other expressions used but not defined in this Act shall have the meaning respectively assigned to them under the relevant law.

3. Substantive appointment of temporary lecturers.

- All temporary lecturers as were appointed as such on or before the 25th day of June, 1975 and were continuing as such at the commencement of the Rajasthan Universities Teachers (Absorption of Temporary Lecturers) Ordinance, 1978 (Ordinance No. 5 of 1978) shall be considered by the University concerned for their absorption and substantive appointment on the recommendation of the Screening Committee constituted under section 4 or section 5, as the case may be subject to their fulfilling the conditions of eligibility including minimum qualifications prescribed by the University concerned under the relevant law as applicable on the respective dates of their temporary appointments and subject also to the availability of substantive vacancies of lecturers in the department concerned.

4. Constitution of the Screening Committee.

- The Screening Committee shall consist of the following: -(i) Vice-Chancellor of the University concerned who shall be Chairman of the Committee; (ii) The Head of the Department concerned of the University; (iii) The Dean of the faculty concerned; (iv) The senior-most Professor/Reader of the Department If he is not the Head of the Department; and (v) One expert, not connected with the University and having special knowledge In the subject In which the lecturer is to be screened, to be nominated by the Chancellor.

5. Re-Screening.

(1) Notwithstanding anything contained in section 7 or any other provision of the Rajasthan Universities Teachers (Absorption of Temporary Lecturers) Ordinance, 1978 (Ordinance No. 5 of 1978), the services of temporary lecturer, who was considered for substantive appointment by a Screening Committee but was not found suitable, shall be deemed not to have terminated and he shall continue to be a temporary lecturer till he is again considered for substantive appointment under section 3 after his re-screening under sub-section (2) of this section. (2) A temporary lecturer who was considered for substantive appointment by the Screening Committee referred to in section 4, but was not found suitable shall be again considered by the Screening Committee reconstituted in the same manner as it provided in that section.

6. Appointment to be under the Act No. 18 of 1974.

- The lecturers appointed to the substantive posts in pursuance of the provisions of the Rajasthan Universities Teachers (Absorption of Temporary Lecturers) Ordinance, 1978 (Ordinance No. 5 of 1978) or of this Act, shall be deemed to have been appointed under the provisions of the Rajasthan Universities Teachers and Officers (Special Conditions of Service) Act, 1974 (Act No. 18 of 1974).

7. Last date of making substantive appointments.

- No appointment in pursuance of this Act shall be made after the expiry of the 31st day of August, 1979.

8. Termination of the services of the temporary lecturers not substantively appointed.

- The services of a temporary lecturer who is considered for substantive appointment under sections 3, 4 and 5 but is not substantively appointed on or before the 31st day of August, 1979 shall stand terminated on the expiry of that day.

9. Act to have overriding effect.

- The provisions of this Act shall have effect notwithstanding anything contained in the relevant law.

10. Repeal and Savings.

(1) The Rajasthan Universities Teachers (Absorption of Temporary Lecturers) Ordinance, 1978 (Ordinance No. 5 of 1978) and the Rajasthan Universities Teachers (Absorption of Temporary Lecturers) (Amendment) Ordinance, 1978 (Ordinance No. 8 of 1978) are hereby repealed. (2) Notwithstanding such repeal but subject to the provisions of sub-section (1) of section 5 of this Act anything done or any action taken under the said Ordinances shall be deemed to have done or taken under the Act.