

The U.P. Recognised Basic Schools (Junior High Schools) (Recruitment And Conditions Of Service Of Teachers) Rules, 1978

UTTAR PRADESH

India

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Rule

THE-U-P-RECOGNISED-BASIC-SCHOOLS-JUNIOR-HIGH-SCHOOLS-R of 1978

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The U.P. Recognised Basic Schools (Junior High Schools) (Recruitment And Conditions Of Service Of Teachers) Rules, 1978 Published Vide Notification No. 8988/15-6 - 38(11)-72, dated 13.2.1978, published in the U.P. Gazette, Extraordinary, dated 13.3.1978. UP98 In exercise of the powers under sub-section (1) of Section 19 of the Uttar Pradesh Basic Education Act, 1972 (U.P. Act No. 34 of 1972) the Governor is pleased to make the following rules :

1. Short title and commencement. -

(1) These rules may be called the Uttar Pradesh Recognised Basic Schools (Junior High Schools) (Recruitment and Conditions of Service of Teachers) Rules, 1978. (2) These rules shall come into force at once.

2. Definitions. -

In these rules unless the context otherwise requires, -(a) "Academic Session" means the year commencing on July 1 and ending on June 30, in the next following calendar year; (b) "Act" means the Uttar Pradesh Basic Education Act, 1972; (c) "Board" means the Uttar Pradesh Board of Basic Education constituted under Section 3 of the Act; (d) "District Basic Education Officer" means the District Basic Education Officer appointed by the State Government and includes the Additional

Basic Education Officer (Women);(e)"Junior High School" means an Institution other than High School or Intermediate College imparting education to boys or girls or both from Classes VI to VIII (inclusive);(f)"Management" in relation to a recognised school means the managing committee or other body managing the affairs of that school and recognised as such by the Board;(g)["Minority institution" means an institution established and administered by a minority, referred to in clause (1) of Article 30 of the Constitution.] [Inserted by Notification No. 3227/XV-6-10(8)79 - UPA-34-1972-Rule-1978-AM(1)-1981, dated 31.5.1984 (w.e.f. 13.6.1984).](h)"Recognised School" means any Junior High School not being an institution belonging to or wholly maintained by the Board or any local body recognised by the Board as such;(i)"Selection Committee" means the Selection Committee constituted under Rule 9.

3. Appointment. -

(1)It shall be the responsibility of the Management to fill a vacancy in the post of Headmaster or Assistant teacher, as the case may be, of a recognised school by 31st July every year.(2)If any vacancy occurs during an academic session, it shall be filled within two months from the date of occurrence of such vacancy.

Substituted by Notification No. 1512/LXXIX-6-2008 (35)-01, dated 12.6.2006. Published in the U.P. Gazette, Extraordinary, Part 4, Section (Ka), dated 12.6.2008.Prior to substitution, it stood as under:4. Minimum qualification.- (1) The minimum qualifications for the post of Assistant Teacher of recognised school shall be Intermediate Examination of the Board of High School and Intermediate Education, Uttar Pradesh or equivalent examination (with Hindi and a teacher's training course recognised by the State Government or the Board such as Hindustani Teaching Certificate, Junior Teaching Certificate, Basic Teaching Certificate, or Certificate of Training).(2) The minimum qualifications for the appointment to the post of Headmaster of a recognised school shall be as follows:(a) A degree from a recognised University or an equivalent examination recognised as such;(b) A teacher's training course recognised by the State Government or the Board, such as Hindustani Teaching Certificate, Junior Teaching Certificate, Certificate of Training or Basic Teaching Certificate; and(c) Three years teaching experience in a recognised school.

4. Minimum qualification. - (1) The minimum qualifications for the post of Assistant Teacher of a recognised school shall be a Graduation Degree from a University recognised by U.G.C., and a teachers training course recognized by the State Government or U.G.C. or the Board as follows :-

1. Basic Teaching Certificate.

2. A regular B.Ed. degree from a duly recognized institution.

3. Certificate of Teaching.

4. Junior Teaching Certificate.

5. Hindustani Teaching Certificate.

(2)The minimum qualifications for the appointment to the post of head master of a recognized school shall be as follows -(a)A degree from a recognized University or an equivalent examination recognized as such.(b)A teacher's training course recognized by the State Government or U.G.C. or Board as follows :-

1. Basic Teaching Certificate.

2. A regular B.Ed. degree from a duly recognized Institution.

3. Certificate of Teaching;

4. Junior Teaching Certificate.

5. Hindustani Teaching Certificate.

(c)Five years teaching experience in a recognized school].

5. Eligibility for appointment. -

No person shall be appointed as Headmaster or Assistant Teacher in substantive capacity in any recognised school, unless -(a)he possesses the minimum qualifications prescribed for such post;(b)he is recommended for such appointment by the Selection Committee.

6. Disqualification. -

(1)No person who is related to any member of the Management shall be appointed as Headmaster or Assistant Teacher of a recognised school.(2)For the purposes of this rule, a person shall be deemed to be related if he is related to such member in any one of the following ways, namely -(i)Father or mother;(ii)Grandfather, grandmother;(iii)Father-in-law, mother-in-law;(iv)Uncle, aunt, maternal uncle, maternal aunt;(v)Son, daughter, son-in-law, daughter-in-law;(vi)Brother, sister;(vii)Grandson, grand-daughter;(viii)Husband, wife;(ix)Nephew, niece;(x)Cousin;(xi)Wife's brother, or wife's sister, wife's brother's wife, sister's husband;(xii)Husband's brother, husband's brother's wife;(xiii)Brother's or cousin's wife.

7. Advertisement of vacancy. -

[(1) No vacancy shall be filled, except after its advertisement in at least two newspapers one of whom must have adequate circulation all over the State and the other in a locality the school is situated.]

[Substituted by Notification No. M.S.-51/XV-6-99-14(1)-84, dated 20-09-1999, published in the U.P. Gazette, Extraordinary, dated 20.9.1999.](2)In every advertisement and intimation under clause (1), the Management shall give particulars as to the name of the post, the minimum qualifications and age-limit, if any, prescribed for such post and the last date for receipt of applications in pursuance of such advertisement.

Substituted by Notification No. 1512/LXXIX-6-2008 (35)-01, dated 12.6.2006. Published in the U.P. Gazette, Extraordinary, Part 4, Section (Ka), dated 12.6.2008. Prior to substitution, it stood as under: 8. Age-limit.- The minimum age shall on the first day' of July of the academic year following next after the year in which the advertisement of the vacancy is made under Rule 7 be -(i) in relation to the post of Assistant Teachers, 18 years; (ii) in relation to the post of Headmaster, 25 years.

8. Age limit. - The minimum age shall on the first day of July of the academic year following next after the year in which the advertisement of the vacancy is made under Rule 7 be :

(1)In relation to the post of an Assistant Teacher 21 years. (2)In relation to the post of Head Master 30 years.][9. Selection Committee. - For appointment of Headmaster and Assistant Teacher in institutions other than minority institutions and in the minority institutions, the Management shall constitute a Selection Committee as follows :] [Substituted by Notification No. 3227/XV-6-10(8)79 - UPA-34-1972-Rule-1978-AM(1)-1981, dated 31.5.1984 (w.e.f. 13.6.1984).] A - Institutions other than Minority Institutions : (i) For the post of headmaster : (1) Manager; (2) a nominee of the District Basic Education Officer; (3) a nominee of the Management; (ii) For the post of Assistant Teacher; (1) Manager; (2) Headmaster of the recognised school in which appointment is to be made; (3) a nominee of the District Basic Education Officer; B - Minority Institutions : (i) For the post of Headmaster; (1) Manager; (2) two nominees of Management; (ii) For the post of Assistant Teacher; (1) Manager; (2) Headmaster of the recognised school in which the appointment is to be made; (3) [A specialist in the subject nominee by the District Basic Education Officer.] [Substituted by Notification No. M.S.-51/XV-6-99-14(1)-84, dated 20-09-1999, published in the U.P. Gazette, Extraordinary, dated 20.9.1999.]

10. Procedure for selection. -

(1) The Selection Committee shall, after interviewing such candidates as appear before it on a date to be fixed by it in this behalf, of which due intimation shall be given to all the candidates, prepare a list containing as far as possible the names, in order of preference, of three candidates found to be suitable for appointment. (2) The list prepared under clause (1) shall also contain particulars regarding the date of birth, academic qualifications and teaching experience of the candidates and shall be signed by all the members of the Selection Committee. (3) The Selection Committee shall, as soon as possible, forward such list, together with the minutes of the proceedings of the Committee to the management. (4) The Manager shall within one week from the date of receipt of the papers under clause (3) send a copy of the list to the District Basic Education Officer. (5) (i) If the District Basic Education Officer is satisfied that -(a) the candidates recommended by the Selection Committee

possess the minimum qualifications prescribed for the post;(b)the procedure laid down in these rules for the selection of Headmaster or Assistant Teacher, as the case may be, has been followed he shall accord approval to the recommendations made by the Selection Committee and shall communicate his decision to the Management within two weeks from the date of receipt of the papers under clause (4).(ii)If the District Basic Education Officer is not satisfied as aforesaid, he shall return the papers to the Management with the direction that the matter shall be reconsidered by the Selection Committee.(iii)If the District Basic Education Officer does not communicate his decision within one month from the date of receipt of the papers under clause (4), he shall be deemed to have accorded approval to the recommendations made by the Selection Committee.

11. Appointment - Appointment by the Management. -

(1)On receipt of communication of approval or as the case may be, on the expiry of the period of one month under clause (iii) of sub-rule (5) of Rule 10, the Management shall, first offer appointment to the candidate given the first preference by the Selection Committee and on his failure to join the post, to the candidate next to him in the list prepared by the Selection Committee and on the failure of such candidate also, to the last candidate specified in such list.(2)(a)The appointment letter shall be sent under the signature of the Manager by registered post to the selected candidate.(b)The appointment letter shall clearly specify the name of post, the pay scale and the nature of appointment, whether permanent or temporary, and shall also specify that if the candidate does not join within 15 days from the date of receipt of the appointment letter his appointment shall be cancelled.(c)a copy of the appointment letter shall also be sent to the District Basic Education Officer.

12. Confirmation. -

(1)The appointment of every Headmaster or Assistant Teacher, as the case may be, of a recognised school, not being an appointment under Rule 20 shall, in the first instance, be on probation of one year, which may be extended for further period not exceeding one year.(2)If the service of Headmaster or teacher of a recognised school are not terminated before the expiry of the period or the extended period of probation, as the case may be, he shall be deemed to have been automatically confirmed on the expiry of such period.

13. Increments. -

No annual increment in salary shall be admissible during the period of probation to a Headmaster or Assistant Teacher of a recognised school :Provided that if he is confirmed or is deemed to have been confirmed at the expiry of the period of probation, he shall be paid arrears of such increments as might have been payable to him during such period.[14. Superannuation. - Every Headmaster or Assistant Teacher of a recognised school shall retire in the afternoon of the last day of the month in which he attains the age of sixty two years, provided that a Headmaster or Assistant Teacher who retires during an academic session, not being Headmaster and Assistant Teacher retiring on June 30, shall continue to work till June 30, following next after the date of retirement and such period of service shall be deemed as extended period of employment.] [Substituted by Notification No.

1513/LXXIX-6-2005-28(5)-2004, dated 25.10.2005 published in the U.P. Gazette, Extraordinary, Part 4, Section (Kha), dated 25.10.2005.][15. Termination of service. - No Headmaster or Assistant Teacher of a recognised school may be discharged or removed or dismissed from service or reduced in rank or subjected to any diminution in emoluments or served with notice of termination of service except with the prior approval in writing of the District Basic Education Officer :Provided that in the case of the Headmaster or an Assistant Teacher of a minority institution the approval of the District Basic Education Officer shall not be necessary.] [Substituted by Notification No. 3227/XV-6-10(8)79 - UPA-34-1972-Rule-1978-AM(1)-1981, dated 31.5.1984 (w.e.f. 13.6.1984).]

16. Disciplinary proceeding. -

In respect of disciplinary proceedings and the punishment to be inflicted in such proceedings a Headmaster or Assistant Teacher, as the case may be, of a recognised school shall be governed by the rules applicable to a Headmaster and Assistant Teacher of a Basic School established or maintained by the Board.

17. Leave. -

Leave to a Headmaster or Assistant Teacher of a recognised school will be admissible at the same rate as is admissible to such employees of Private Higher Secondary Schools of the State.

18. Transfer. -

(1)A Permanent Headmaster or Assistant Teacher of a recognised school may, on an application in this behalf, be transferred to another recognised school in which he may be lawfully employed under these rules.(2)Such application shall be given by tire Headmaster or Assistant Teacher, as the case may be, to the District Basic Education Officer through tire Manager of the school from which the transfer is sought.(3)The Manager shall along with the application for transfer, forward copies of service book and character roll of such Headmaster or Assistant Teacher, as the case may be, to the District Basic Education Officer.(4)No transfer shall take effect unless it is agreed to by the managements of the recognised schools concerned and is approved under clause (5).(5)The approval for the transfer of a Headmaster or Assistant Teacher of a recognised school shall be accorded by :(i)The District Basic Education Officer in case of transfer from one School to another School within the District;(ii)The Regional Deputy Director of Education in case of transfer from one School to another School situated in different districts but within the same division;(iii)Secretary of the Board, in case of transfer from one School to another School situated in different divisions.

19. Provident Fund. -

Provident Fund shall be payable by the Management of a recognised school to every Headmaster or teacher employed in such school in accordance with the scheme applicable to aided institutions as laid down in Appendix 8 of the Education Code (1958 Edition).

20. Temporary appointment. -

Notwithstanding anything contained in these rules, the Management may, with the previous approval of the District Basic Education Officer, appoint for a period not exceeding six months any person as Headmaster or Assistant Teacher, as the case may be, provided that no person shall be so appointed, unless he possesses the minimum qualification prescribed for the post: Provided further that the District Basic Education Officer may, for reasons to be recorded, extend the aforesaid period of six months for a period co-terminous with the end of the academic session in which extension is granted.