

The U.P. Secondary Education Services Selection Board Act, 1982

UTTAR PRADESH

India

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Act 5 of 1982

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The U.P. Secondary Education Services Selection Board Act, 1982 (U.P. Act No. 5 of 1982) Last Updated 6th June, 2019 Statement of Objects and Reasons. - The Uttar Pradesh Secondary Education Services Selection Board Act, 1982 (U.P. Act No. 5 of 1982) has been enacted to provide for the Establishment of a secondary education services selection board for the selection of teachers in institutions recognised under the Intermediate Education Act, 1921. With a view to absorbing the persons appointed as subject experts in various secondary schools in the State the Uttar Pradesh Secondary Education Services Selection Board (Amendment) Act, 2006 (U.P. Act no. 37 of 2006) was enacted in which it was inter alia provided that such subject expert who are working in private aided schools and possessed prescribe educational and training qualifications including the subject experts who have received honorarium and worked for minimum period of two academic sessions and were working on September 30, 2006 shall be absorbed in the institutions where any substantive vacancy in the post of teacher is to be filled by the direct recruitment. It was decided to provide also by inserting a new section 21-G that the services rendered as subject expert in private aided secondary schools shall be added to the services after adjustment on substantive vacancy to be filled by direct recruitment in notional way (without any financial gain) for administrative interest, Services rendered by a subject expert on contractual basis shall in no way be reckoned as qualifying service for retirement benefits. Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Secondary Education Services Selection Board (Amendment) Ordinance, 2014 (U.P. Ordinance No. 9 of 2014) was promulgated by the Governor on August 20, 2014. This Bill is introduced to replace the aforesaid Ordinance. (As passed by the Uttar Pradesh Legislature) Substituted by U.P. Act No. 25 of 1998 (w.e.f. 20.4.1998). Published in the U.P. Gazette vide Notification No. 755(2)/VII - V - 1-101 dated 26.2.1982. An Act to establish [Secondary Education Services Selection Board] [Substituted for 'Services Commission' by U.P. Act No. 25 of 1998 (w.e.f. 20.4.1998).] for the selection of teachers in institutions recognized under the Intermediate Education Act, 1921. It is hereby enacted in the

Thirty-third Year of the Republic of India as follows :

Chapter I

Preliminary

1. Short title and commencement

. - (1) This Act may be called the Uttar Pradesh Secondary Education [Services Selection Board] [Substituted by U.P. Act No. 25 of 1998 (w.e.f. 20.4.1998).] Act, 1982.(2) It shall be deemed to have come into force on July 14, 1981, except Section 21 which shall come into force on such date as the State Government may, by notification, appoint in this behalf.

2. Definitions

. - In this Act -(a) ['Board' means the Uttar Pradesh Secondary Education Services Selection Board established under section 3; [Substituted by U.P. Act No. 25 of 1998 (w.e.f. 20.4.1998).](b)'Chairman' means the Chairman of the Board, and includes any other person performing, in the absence of the Chairman, for the time being, the functions of the Chairman;](c)[* * *] [Omitted by U.P. Act No. 25 of 1998 (w.e.f. 20.4.1998).](d)'Director' means the Director of Education, Uttar Pradesh and includes an Additional Director of Education, Uttar Pradesh;(dI) ['Inspector' means the District Inspector of Schools and in relation to an institution for girls, the Regional Inspectress of Girls Schools;] [Inserted by U.P. Act No. 1 of 1993 (w.e.f. 7.8.1993).](e)'Institution' means an Intermediate College or a Higher Secondary School or a High School recognised under the Intermediate Education Act, 1921, and includes institution maintained by a local authority but does not include an institution maintained by the State Government;(f)'Management' in relation to an institution means the committee of management or person or authority vested with the power to manage and conduct the affairs of that institution;(g) ['Member' means a member of the Board and includes its Chairman;] [Substituted by U.P. Act No. 31 of 1999 (w.e.f. 20.5.1999)](h) [* * *] [Deleted by U.P. Act No. 15 of 1995 (w.e.f. 28.12.1995).](hh) ['other backward classes of citizens' means the backward classes of citizens specified in Schedule I of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and other Backward Classes) Act, 1994; [Inserted by U.P. Act No. 15 of 1995 (w.e.f. 28.12.1995).](i)'regulation' means any regulation made under section 34;](j) [* * *] [Clause (j) omitted by U.P. Act No. 1 of 1993 (w.e.f. 7.8.1993).];(k)'Teacher' means a person employed for imparting instruction in an institution and includes a Principal or a Headmaster.(k1) [* * *] [Omitted by U.P. Act No. 31 of 1999 (w.e.f. 20.5.1999).](l) ['Year of recruitment' means a period of twelve months commencing from first day of July of a calendar year.] [Inserted by U.P. Act No. 1 of 1993 (w.e.f. 7.8.1993).]

Chapter II

Establishment And Functions Of The Board

[3. Establishment of the Board. - (1) With effect from such date as the State Government may, by notification, appoint in this behalf, there shall be established a Commission to be called the "Uttar Pradesh. Secondary Education Services Selection Board." (2) The Board shall be a body corporate. It shall exercise powers throughout Uttar Pradesh and its headquarters shall be at Allahabad. (3) The Uttar Pradesh Secondary Education Services Commission established under Section 3 of this Act as it stood immediately before the commencement of the Uttar Pradesh Secondary Education Services Commission (Amendment) Act, 1998 shall upon the establishment of the Board under sub-section (1), stand dissolved, and upon such dissolution - (a) all properties and assets of that Commission shall stand transferred to, and vest in the Board; (b) all debts, liabilities and obligations of that Commission whether contractual or otherwise, shall stand transferred to the Board; (c) the services of every whole-time employee of that Commission shall stand transferred to the Board; (d) any matter pending before that Commission under this Act, as it stood immediately before establishment of the Board under sub-section (1), shall stand transferred to the Board.] [4. Composition of the Board. - (1) The Board shall consist of a Chairman and ten members who shall be appointed by the State Government. (2) A person shall not be qualified for appointment as Chairman unless he, - (a) is or has been a Vice-Chancellor of any University established by law; or (b) is or has been in the opinion of the State Government an outstanding officer of the Administrative Service not below the rank of Secretary to the State Government or Director of Education, Uttar Pradesh; (c) [is in the opinion of the State Government, an eminent person having made valuable contribution in the field of education.] [Inserted by U.P. Act No. 28 of 2004 (w.e.f. 28.5.2004).] (3) Of the Members, - (a) two shall be persons who are educationist having made significant contribution in the field of education. (b) two shall be persons who are or have been, in the opinion of the State Government, an outstanding officer of the State Education Service not below the rank of Additional Director; (c) other shall be persons, who, - (i) have worked as a Professor in any University established by law in Uttar Pradesh or as a Reader of any Degree College recognised by, or affiliated to, such University for a period of not less than ten years; or (ii) have worked as a Principal of any institution recognised under the Intermediate Education Act, 1921 for a period not less than ten years; or (iii) are, in the opinion of the State Government, an eminent educationist having made valuable contribution in the field of education. (iv) [is in the opinion of the State Government, an eminent person having made valuable contribution in the field of education.] [Inserted by U.P. Act No. 28 of 2004 (w.e.f. 28.5.2004).] (4) Every appointment under this section shall take effect from the date on which it is notified by the State Government. [5. Term of office and conditions of service of members. - (1) Subject to the provisions of this Act, every member shall hold office for a term of] [Substituted by U.P. Act No. 25 of 1998 (w.e.f. 20.4.1998).] [two years] [Substituted by U.P. Act No. 22 of 2007 (w.e.f. 15.6.2007).] (2) No person shall be a member for more than two consecutive terms. (3) A member may resign his office by writing under his hand addressed to the State Government, but he shall continue in office until his resignation is accepted by the State Government. (4) The office of the members shall be whole time and the terms and conditions of their service shall be such as the State Government may, by order, direct. (5) Notwithstanding anything contained in this section, no person shall be appointed or continue as a member, if he has attained the age of sixty-two years. (6) [The provisions of sub-section (1) as amended by the Uttar Pradesh Secondary Education Services Board (Second Amendment) Act, 2007 shall apply also to every member holding office immediately before the commencement of the said Act and the members who have completed two years term of office

before the commencement of the said Act, shall cease to hold office on the date of commencement of the said Act.] [Substituted by U.P. Act No. 22 of 2007 (w.e.f. 15.6.2007).][6. Powers of the State Government to remove the Member. - (1) The State Government may, by order, remove from office any member, if he -(a)is adjudged an insolvent; or(b)engages, during his term of office, in any paid employment outside the duties of his office; or(c)is, in the opinion of the State Government, unfit to continue in office by reason of infirmity of mind or body or of proved misconduct; or(d)incurs any disqualification under this Act or the rules made thereunder.Explanation. - (1) Where a member becomes in any way concerned or interested in any contract or agreement made by or on behalf of any institution or participates in any way in the profits thereof or in any benefit or emolument arising therefrom, otherwise than as a member, he shall, for the purpose of clause (c), be deemed to be guilty of misconduct.(2)The procedure for the investigation and proof of misconduct under this section shall be such as may be prescribed.] [Substituted by U.P. Act No. 25 of 1998 (w.e.f. 20.4.1998).][7. Power to associate. - The Board may associate with itself, in such manner and for such purpose as may be determined by regulations made under Section 34, any person whose assistance or advice it may desire to have in carrying out any of the provisions of this Act.] [Substituted by U.P. Act No. 25 of 199S (w.e.f. 20.4.1998).][8. Staff of the Board. - (1) The Secretary of the Board shall be appointed by the State Government on deputation for a term not exceeding five years and other conditions of his service shall be such as the State Government may, by order, determine.(2)Subject to such directions as may be issued by the State Government in this behalf, the Board may appoint such other employees as it may think necessary for the efficient performance of its functions under this Act and on such terms and conditions of service as the Board thinks fit.] [Substituted by U.P. Act No. 25 of 1998 (w.e.f. 20.4.1998).][9. Powers and duties of the Board. - The Board shall have The following powers and duties, namely -(a)to prepare guidelines on matters relating to the method of recruitment and promotion of teachers;(b)to conduct examination, where necessary and hold interviews and make selection of candidates for being appointed as teachers;(c)to select and invite experts and to appoint examiners for the purposes specified in clause (b);(d)to make recommendations regarding the appointment of selected candidates;(e)to advise the Management in matters relating to dismissal, removal or reduction in rank of teachers;(f)to obtain periodical returns or other informations from institutions regarding strength of the teaching staff and the appointment, promotion, dismissal, removal, termination or reduction in rank of teachers;(g)to fix the emoluments and travelling and other allowances of the experts;(h)to administer the funds placed at the disposal of the Board;(i)to perform such other duties and exercise such other powers as may be prescribed or as may be incidental or conducive to the discharge of its functions under this Act or the rules or regulations made thereunder.][10. Procedure of selection by direct recruitment. - (1) For the purpose of making appointment of a teacher, by direct recruitment, the management shall determine the number of vacancies existing or likely to fall vacant during the year of recruitment and in the case of a post other than the post of lead of the Institution, also the number of vacancies to be reserved for the candidates belonging to the Scheduled Castes, the Scheduled Tribes and other Backward Classes of citizens in accordance with the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994, and notify the vacancies to the Board in such manner and through such officer or authority as may be prescribed.(2)The procedure of selection of candidates for direct recruitment to the posts of teachers shall be such as may be prescribed :Provided that the Board shall, with a view to inviting talented persons, give wide publicity in the State to the vacancies notified under

sub-section (1).] [Substituted by U.P. Act No. 25 of 1998 (w.e.f. 20.4.1998).][11. Panel of candidates. - (1) The Board shall, as soon as may be, after the vacancy is notified under sub-section (1) of Section 10, hold examinations, where necessary, and interviews of the candidates and prepare a panel of those found most suitable for appointment.(2)The panel referred to in sub-section (1) shall be forwarded by the Board to the officer or authority referred to in sub-section (1) of Section 10 in such manner as may be prescribed.(3)After the receipt of the panel under sub-section (2) the officer or authority concerned shall, in the prescribed manner, intimate the Management of the Institution the names of the selected candidates in respect of the vacancies notified under sub-section (1) of Section 10.(4)The management shall, within a period of one month from the date of receipt of such intimation issue appointment letter to such selected candidate.(5)Where such selected candidate fails to join the post of a teacher in such Institution within the time allowed in the appointment letter or within such extended time as the Management may allow in this behalf, or where such candidate is otherwise not available for appointment, the officer or authority concerned may, on the request of the Management, intimate in the prescribed manner, fresh name or names from the panel forwarded by the Board under sub-section (2).] [Substituted by U.P. Act No. 25 of 1998 (w.e.f. 20.4.1998).][CHAPTER III] [Section 12 inserted by U.P. Act No. 25 of 1998 (w.e.f. 20.4.1998).] Procedure Of Selection By Promotion

12. Procedure of Selection by Promotion

. - (1) For each region, there shall be a Selection Committee, for making selection of candidates for promotion to the post of a teacher, comprising -(i)Regional Joint Director of Education - Chairman.(ii)Senior most Principal of Government Inter College in the region - Member.(iii)Concerned District Inspector of Schools - Member-Secretary.(2)The procedure of selection of candidates for promotion to the post of a teacher shall be such as may be prescribed.[12A.

12B.

12C.

13.

14.

15.

15A.

15B.

[[Omitted by U.P. Act No. 15 of 1995 (w.e.f. 28.12.1994).]

Chapter IV

Appointment Of Selected Teachers

16. [Appointments to be made only on the recommendations of the Board. [Substituted by U.P. Act No. 1 of 1993 (w.e.f. 7.8.1993).]

(1)Notwithstanding anything to the contrary contained in the Intermediate Education Act, 1921 or the regulations made thereunder but subject to the provisions of] [Substituted by U.P. Act No. 25 of 1998 (w.e.f. 20.4.1998).] [section 12, 18, 21-B, 21-C, 21-D, 21-E, 21-F, 21-G] [Substituted 'Sections 12, 18, 21-B, 21-C, 21-D, 21-E, 21-F, 33, 33-A, 33-B, 33-C, 33-D and 33-F' by U.P. Act No. 21 of 2014.], every appointment of a teacher shall on or after the date of the commencement of the Uttar Pradesh Secondary Education Services Selection Board (Amendment) Act, 2001 be made by the Management only on the recommendation of the Board :Provided that in respect of retrenched employees, the provisions of Section 16-EE of the Intermediate Education Act, 1921, shall mutatis mutandis apply :Provided further that the appointment of a teacher by transfer from one Institution to another may be made in accordance with the regulations made under clause (c) of sub-section (2) of Section 16-G of the Intermediate Education i Act, 1921 :[Provided also that the dependent of a teacher or other employee of an Institution dying-in-harness who possess the qualifications prescribed under the Intermediate Education Act, 1921 may be appointed as teacher in Trained Graduate's Grade in accordance with the regulations made under sub-section (4) of Section 9 of the said Act.] [Inserted by U.P. Act No. 15 of 1995 (w.e.f. 28.12.1994).](2)Any appointment made in contravention of the provisions of sub-section (1) shall be void.

17. Inquiry by Director

. - (1) Where any person is entitled to be appointed as a teacher in any institution in accordance with [Chapter II] [Substituted by U.P. Act No. 15 of 1995 (w.e.f. 28.12.1994).], but he is not so appointed by the management within the time provided therefor, he may apply to the Director or any officer authorised by him for a direction under subsection (2).(2)[As far as may be within one month from the date of receipt] [Substituted by U.P. Act No. 1 of 1993 (w.e.f. 7.8.1993).] of an application under sub-section (1), the Director or the officer authorised by him may hold an inquiry, and if he is satisfied that the management has failed to appoint the applicant as a teacher, in contravention of the provisions of this Act, he may, by order, direct -(a)the management to appoint the applicant as a teacher forthwith, and to pay him salary from the date specified in the order; and(b)the Head of the Institution concerned to take work from him as a teacher.(3)The amount of salary, if any, due to such teacher shall, on a certificate issued by the Director or the officer authorised by him, be recoverable by the Collector as arrears of land revenue from the property belonging to or vested in the society or body running the institution.[18. Ad hoc Principals or Headmasters. - (1) Where the management has notified a vacancy to the Board in accordance with sub-section (1) of Section 10 and the post of the Principal or the Headmaster actually remained vacant for more than two months, the Management shall fill such vacancy on purely ad hoc basis by promoting the senior most teacher, -(a)in the lecturer's grade in respect of a vacancy in the post of the Principal;(b)in the trained graduate's grade in respect of a vacancy in the post of the Headmaster.(2)Where the

Management fails to promote the senior most teacher under sub-section (1), the Inspector shall himself issue the order of promotion of such teacher and the teacher concerned shall be entitled to get his salary as the Principal or the Headmaster, as the case may be, from the date he joins such post in pursuance of such order of promotion.(3)Where the teacher to whom the order of promotion is issued under sub-section (2) is unable to join the post of Principal or the Headmaster, as the case may be, due to any act or omission on the part of the Management, such teacher may submit his joining report to the Inspector, and shall thereupon be entitled to get his salary as the Principal or the Headmaster, as the case may be, from the date he submits the said report.(4)Every appointment of an ad hoc Principal or Headmaster under subsection (1) shall cease to have effect from the date when the candidate recommended by the Board joins the post.] [Substituted by U.P. Act No. 5 of 2001 (w.e.f. 30.12.2000).][19. Power to call for information etc. -] [Substituted by U.P. Act No. 1 of 1993 (w.e.f. 7.8.1993).] The [Board] [Substituted by U.P. Act No. 25 of 1998 (w.e.f. 20.4.1998).] may require the Management of an Institution to furnish such information or return regarding the matters referred to in [Section 9] [Substituted by U.P. Act No. 15 of 1995 (w.e.f. 28.12.1994).] as it thinks fit, and the Management shall be bound to comply with the same.

20. Power to inspect, record register etc

. - [The Secretary of the] [Substituted by U.P. Act No. 15 of 1995 (w.e.f. 28.12.1994).] [Board] [Substituted by U.P. Act No. 25 of 1998 (w.e.f. 20.4.1998).] or any other person authorised by the [Board] [Substituted by U.P. Act No. 25 of 1998 (w.e.f. 20.4.1998).], shall have access to every record, register or document in possession of the Management and he may enter at any reasonable time any premises where he believes such record, register or document to be and may inspect and take copies of relevant record or document.[21. Restriction on dismissal etc. of teachers. - The Management shall not, except with the prior approval of the] [Substituted by U.P. Act No. 1 of 1993 (w.e.f. 7.8.1993).] [Board] [Substituted by U.P. Act No. 25 of 1998 (w.e.f. 20.4.1998).] dismiss any teacher or remove him from service or serve on him any notice of removal from service, or reduce him in rank or reduce his emoluments or withhold his increment for any period (whether temporarily or permanently) and any such thing done without prior approval shall be void.[CHAPTER IV-A] [Inserted by U.P. Act No. 19 of 1985 (w.e.f. 12.6.1985)] Reserve Pool Teachers

21A. Definitions

. - In this chapter, -(a)'Director' means the Director of Education, Uttar Pradesh and includes any other officer authorised by him in this behalf;(b)the expressions 'Inspector', 'Institution', 'Management' and 'Teacher' shall have the meaning respectively assigned to them in the Uttar Pradesh High School and Intermediate Colleges (Payment of Salaries of Teachers and Other Employees) Act, 1971, provided that 'teacher' shall not include a Principal or a Headmaster.

21B. Absorption of reserve pool teachers

. - (1) The Inspector shall maintain in the prescribed manner a register of "reserve pool teachers" consisting of subject-wise lists of persons who were appointed as teachers in any institution situated

in the district, either by the Management or by the Inspector under sub-section (4) of Section 4 of the Uttar Pradesh High Schools and Intermediate Colleges (Payment of Salaries of Teachers and Other Employees) Act, 1971, while the Uttar Pradesh High Schools and Intermediate Colleges (Payment of Salaries of Teachers and Other Employees) (Amendment) Ordinance, 1977, was in force, and who had actually joined their duties in pursuance of the said provision between January 9, 1978 and January 19, 1978 (both days inclusive). (2) Every reserve pool teacher, who having been appointed to the post of a teacher in any institution in accordance with the provisions of the Uttar Pradesh High School and Intermediate Colleges (Reserve Pool Teachers) Ordinance, 1978 (U.P. Ordinance No. 10 of 1978) or the Uttar Pradesh High School and Intermediate Colleges (Reserve Pool Teachers) (Second) Ordinance, 1978 (U.P. Ordinance No. 22 of 1978), continues to be in service by reason of any order of any Court or by any other reason shall be deemed to have been regularly appointed to such post and shall be entitled to be confirmed in such post with effect from the date on which he would have been confirmed in the normal course. (3) Where any substantive vacancy in the post of a teacher in an Institution is to be filled by direct recruitment, such post shall at the instance of the Inspector be offered by the Management to a teacher other than a teacher referred to in sub-section (2) whose name is entered in the register referred to in sub-section (1). (4) If any teacher is offered appointment in accordance with the provisions of sub-section (3) and he fails to join the post within the time allowed therefor which shall not be less than seven days, his name shall be removed from the register referred to in sub-section (1) and the appointment shall be offered to the next reserve pool teacher of the same district in the subject. (5) If such other teacher to whom offer of appointment is made also fails to join then the same process shall be repeated until the list of reserve pool teachers of the district in the subject is exhausted. (6) No appointment of any teacher to an Institution shall be made under Section 16 until the list of reserve pool teachers of that district in the subject concerned is exhausted in accordance with sub-section (5). Explanation. - For the removal of doubts, it is hereby declared that no teacher shall by virtue of the provisions of this section be entitled to claim appointment to any particular post which he had joined in the manner referred to in sub-section (1) or to any other post carrying the same or a higher grade. [21C. Power of Director regarding transfer. - (1) Where the vacancies available for teaching in any subject are less than the number of reserve pool teachers available for appointment in any district, or where it is otherwise necessary or expedient so to do, the Director may, notwithstanding anything contained in Section 21-B, direct that the name of any such teacher be excluded from the register maintained in one district and be included in the register maintained in another district. (2) Where the name of a reserve pool teacher is included in the register of another district in accordance with the provisions of sub-section (1), the provision of Section 21-B shall mutatis mutandis apply to such a teacher, except that the requirement of service as a teacher in such district shall not be necessary.] [Inserted by U.P. Act No. 19 of 1985 (w.e.f. 12.6.1985).]

21D. [Appointment of teachers on default by management [Inserted by U.P. Act No. 19 of 1985 (w.e.f. 12.6.1985).]

. - (1) Where the management fails to offer any post to a teacher in accordance with the provisions of sub-section (3) of Section 21-B within the time specified by the Inspector, the Inspector may, himself issue the letter of appointment to such teacher and the teacher concerned shall be entitled to get his salary from the date he joins the post in pursuance of such letter of appointment. (2) Where

the teacher to whom the letter of appointment is issued under sub-section (1) is unable to join the post due to any act or omission on the part of the management, such teacher may submit his joining report to the Inspector, and shall thereupon be entitled to get Iris salary from the date he submits the said report.] [Substituted by U.P. Act No. 14 of 2001 (w.e.f. 3.3.2001).][21E. Absorption of subject experts. - (1) There shall be a list of subject experts working in private aided secondary schools possessing prescribed educational and training qualification including the subject experts who have received honorarium and worked for a minimum period of two academic sessions and were working on September 30, 2006. The list shall be maintained by the Director in such manner as may be prescribed.(2)Where any substantive vacancy in the post of a teacher in an institution is to be filled by direct recruitment, such post shall, at the instance of the Inspector, be offered by the Management to a subject expert whose name is included in the list referred to in sub-section (1).(3)Where any subject expert is offered an appointment in accordance with the provision of sub-section (2) fails to join the post within the time allowed, which shall not be less than seven days, his name shall be removed from the list, referred to in sub-section (1).(4)No appointment of any teacher to an institution shall be made under Section 16 unless the list referred to in sub-section (1) is exhausted.(5)The subject experts included in the list referred to in sub-section (1) shall be absorbed in those institutions where any substantive vacancy is to be filled by direct recruitment. No subject expert shall have claim for appointment to any particular post.Explanation. - For the purpose of this Section, -(a)"Director" means the Director of Secondary Education, Uttar Pradesh and includes any other officer authorized by him in this behalf;(b)the words "Inspector", "Institution", "Management" and "teacher" shall have the meaning respectively assigned to them in the Uttar Pradesh High School and Intermediate College (Payment of Salaries of Teachers and Other Employees) Act, 1971;Provided that "teacher" shall not include a Principal or Headmaster;(c)"subject experts" mean, persons working in aided Secondary Schools on a fixed honorarium appointed in the prescribed manner on a contractual basis.][21F. Appointment of teachers on default by management. - (1) Where the management fails to offer any post to a subject expert in accordance with the provisions of sub-section (3) of Section 21-E within the time specified by the Inspector, the Inspector, may himself issue the letter of appointment to such subject expert and the subject expert concerned shall be entitled to get his salary as teacher from the date he joins the post in pursuance of such letter of appointment.(2)Where the subject expert to whom the letter of appointment is issued under sub-section (1), is unable to join the post due to any act or omission on the part of the Management such subject expert may submit his joining report to the Inspector, and shall thereupon be entitled to get his salary from the date he submits the said report.] [Inserted by U.P. Act No. 37 of 2006.]

21G. [Reconing of services rendered as subject expert in certain cases. [Inserted by U.P. Act No. 21 of 2014.]

- The services rendered as subject expert in private aided secondary Schools, shall be added to the services after adjustment on substantive vacancy to be filled by direct recruitment in notional way (without any financial gain) for administrative interest. Services rendered by subject expert on contractual basis shall in no way be reckoned as qualifying service for retirement benefits.] [Inserted by U.P. Act No. 37 of 2006.]

Chapter V

Penalties

22. Punishment for appointment of teachers in contravention of the provisions of the Act

. - Any person who fails to comply with the recommendations of the [Board] [Substituted by U.P. Act No. 25 of 1998 (w.e.f. 20.4.1998).] or fails to comply with the order or direction of the Director under section 17, or appoints a teacher in contravention of the provisions of this Act shall on conviction, be punished with imprisonment for a term which may extend to three years or with fine which may extend to five thousand rupees or with both.

23. Punishment for failure to furnish information or willful obstruction

. - If any person -(a)willfully withholds or fails to furnish any return or information lawfully required by [* * *] [Deleted by U.P. Act No. 1 of 1993 (w.e.f. 7.8.1993).] the [Board] [Substituted by U.P. Act No. 25 of 1998 (w.e.f. 20.4.1998).] within the time allowed therefor; or(b)willfully obstructs any person from duly carrying out all or any of the provisions of this Act, he shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

24. Offences by societies

. - (1) If the person committing the offence under section 22 or section 23 is a society registered under the Societies Registration Act, 1860, the society as well as every person in charge of and responsible to the society for the conduct of its business at the time of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :Provided that nothing contained in this section shall render any suet person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.(2)Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by registered society and it is proved that the offence has been committed with the consent or connivance of, or that the commission of offence is attributable to any neglect on the part a any member of the society, such member shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

25. Bar against prosecution

. - No prosecution for an offence under this Act shall be instituted except with the previous sanction of the Director o: such officer or authority as the State Government may, by general or special order, specify in this behalf.

Chapter VI

Miscellaneous

26. Certain proceeding not to be invalidated

. - No act or proceeding of the [* * *] [Omitted by U.P. Act No. 1 of 1993 (w.e.f. 7.8.1993).] [Board] [Substituted by U.P. Act No. 25 of 1998 (w.e.f. 20.4.1998).] shall be deemed to be invalid merely on the ground of -(a)any vacancy or defect in the constitution of the [* * *] [Omitted by U.P. Act No. 1 of 1993 (w.e.f. 7.8.1993).] [Board] [Substituted by U.P. Act No. 25 of 1998 (w.e.f. 20.4.1998).]; or(b)any defect or irregularity in the appointment of a person acting as a member thereof;(c)any defect or irregularity in such act or proceeding not affecting the substance.

27. [Authentication of the orders.] [Substituted by U.P Act No. 15 of 1995 (w.e.f. 28.12.1994).]

- All orders and decisions of the [Board] [Substituted by U.P Act No. 25 of 1998 (w.e.f. 20.4.1998).] shall be authenticated by the signature of the Secretary appointee under Section 8 or any officer authorised by the [Board] [Substituted by U.P Act No. 1998 (w.e.f. 20.4.1998).].

28. Provisions of Chapter IV of U.P. Act 16 of 1980 to apply

. - The provisions of Chapter IV of the Uttar Pradesh Higher Education Service; Commission Act 1980 shall matatis mutandis apply to the [Board] [Substituted by U.P. Act No. 25 of 1998 (w.e.f. 20.4.1998).] established under this Act as they apply to the [Board] [Substituted by U.P Act No. 25 of 1998 (w.e.f. 20.4.1998).] established under that Act.[29. Delegation. -] [Inserted by U.P. Act No. 15 of 1995 (w.e.f. 28.12.1994).] The [Board] [Substituted by U.P Act No. 25 of 1998 (w.e.f. 20.4.1998).] may, by regulation made under Section 34, delegate to the Chairman or any of its members or officers, its power of general superintendence and direction over the business transacted by, or in the [Board] [Substituted by U.P Act No. 25 of 1998 (w.e.f. 20.4.1998).] including the powers with regard to the expenditure incurred in connection with the maintenance of the office and internal administration of the Commissioner.

30. Exemption to Minority Institutions

. - Nothing in this Act shall apply to an institution established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India.

31. Protection of action taken in good faith

. - No suit, prosecution or other proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

32. Applicability of U.P. Act No. II of 1921

. - The provisions of the Intermediate Education Act, 1921 and the Regulation made thereunder in so far as they are not inconsistent with the provisions of this Act [or the rules or regulations made thereunder] [Substituted by U.P Act No. 15 of 1995 (w.e.f. 28.12.1994).] shall continue to be in force for the purposes of selection, appointment, promotion, dismissal, removal, termination or reduction in rank of a teacher.

33. Power to remove difficulties

. - (1) The State Government may, for the purposes of removing any difficulty, by a notified order, direct that the provisions of this Act shall, during such period as may be specified in the order, have effect subject to such adaptations, whether by way of modification, addition or omission as it may deem to be necessary or expedient :[Provided that no such order shall be made after two years from the date of commencement of the Uttar Pradesh Secondary Education Services Boards (Amendment) Act, 1995.] [Substituted by U.P. Act No. 15 of 1995 (w.e.f. 28.12.1994).](2)Every order made under sub-section (1) shall be laid down before both the Houses of State Legislature.(3)No order under sub-section (1) shall be called in question in any Court on the ground that no difficulty as is referred to in sub-section (1) existed or required to be removed.[33A. Regularisation of certain appointment. - (1) Every teacher directly appointed before the commencement of the Uttar Pradesh Secondary Education Services Commission and Selection Boards (Amendment) Ordinance, 1985, on ad hoc basis against a substantive vacancy in accordance with paragraph 2 of the Uttar Pradesh Secondary Education Services Commission (Removal of Difficulties) Order, 1981, as amended from time to time, who possesses the qualifications prescribed under, or is exempted from such qualification in accordance with the provisions of the Intermediate Education Act, 1921, shall, with effect from the date of such commencement, be deemed to have been appointed in a substantive capacity provided such teacher has been continuously serving the Institution from the date of such appointment up to the date of such commencement.] [Inserted by U.P. Act No. 19 of 1985 (w.e.f. 28.12.1994).](1A)[Every teacher appointed by promotion on ad hoc basis against a substantive vacancy in accordance with paragraph 2 of the Uttar Pradesh Secondary Education Services Commission (Removal of Difficulties) Order, 1981, as amended from time to time, who possesses the qualifications prescribed under or, is exempted from such qualifications in accordance with the provisions of the Intermediate Education Act, 1921 shall, with effect from the date of commencement of the Uttar Pradesh Secondary Education Services Commission and Selection Boards (Amendment) Act, 1991, be deemed to have been appointed in a substantive capacity, provided such teacher has been continuously serving the Institution from the date of such ad hoc appointment to the date of such commencement.(1B)Every teacher directly appointed after June 12, 1985 and before May 13, 1989 on ad hoc basis against a substantive vacancy in the Certificate of Teaching Grade in accordance with paragraph 2 of the Uttar Pradesh Secondary Education Services Commission (Removal of Difficulties) Order, 1981 as amended from time to time who possesses the qualifications prescribed under, or is exempted from such qualification in accordance with the provisions of the Intermediate Education Act, 1921 shall with effect from the commencement of the Uttar Pradesh Secondary Education Services Commission and Selection Boards (Amendment) Act, 1991, be deemed to have been appointed in substantive capacity provided such teacher has been

continuously serving the Institution from the date of such ad hoc appointment to the date of such commencement.(1C)Every teacher appointed by promotion or by direct recruitment before July 31,1988 on ad hoc basis against a substantive vacancy in accordance with Section 18, who possesses the qualifications prescribed under, or is exempted from such qualification in accordance with the provisions of the Intermediate Education Act, 1921, shall, with effect from the date of commencement of the Uttar Pradesh Secondary Education Services Commission and Selection Boards (Amendment) Act, 1991, be deemed to have been appointed in a substantive capacity, provided such teacher has been continuously serving the Institution from the date of such ad hoc appointment to the date of such commencement.] [Inserted by U.P. Act No. 26 of 1991 (w.e.f. 6.4.1991).](2)[Every teacher deemed to have been appointed in a substantive capacity under sub-section (1) or (1-A) or (1-B) or (1-C), shall be deemed to be on probation from the date of commencement referred to in sub-section (1) or (1-A) or (1-B) or (1-C) as the case may be.] [Substituted by U.P. Act No. 26 of 1991 (w.e.f. 6.4.1991).](3)Nothing in this Section shall be construed to entitle any teacher to substantive appointment -(a)if on the date of [commencement referred to in sub-section (1) or (1-A) or (1-B) or (1-C) such post had already been filled or selection for such post had already been made in accordance with this Act, or [Substituted by U.P. Act No. 26 of 1991 (w.e.f. 6.4.1991).](b)if such teacher was related to any member of the Committee of Management or the Principal or Head Master of the Institution concerned.Explanation. - For the purposes of this sub-section a person shall be deemed to be related to another if -(i)they are members of a Hindu undivided family; or(ii)they are husband and wife; or(iii)the one is related to the other in the manner indicated in the Second Schedule to the Intermediate Education Act, 1921.][33B. Regularisation of certain other appointments. - (1) Any teacher other than the Principal or Headmaster, who -(a)(i)was appointed by promotion or by direct recruitment in the lecturer grade or Trained Graduate grade on or before May 14, 1991 or in the Certificate of Teaching grade on or before May 13, 1989 against a short term vacancy in accordance with paragraph 2 of the Uttar Pradesh Secondary Education Services (Removal of Difficulties) (Second) Order, 1981 and such vacancy was subsequently converted into a substantive vacancy; or(ii)was appointed by direct recruitment on or after July 14, 1981 but not later than June 12, 1985 on ad hoc basis against substantive vacancy in the Certificate of Teaching grade through advertisement and such appointment was approved by the Inspector; or(iii)was appointed by promotion or by direct recruitment on or after July 31, 1988 but later than May 14, 1991 on ad hoc basis against a substantive vacancy in accordance with Section 18] [as it stood before its substitution by the Uttar Pradesh Secondary Education Services Commission and Selection Boards (Amendment) Act, 1992] [Substituted by U.P. Act No. 15 of 1995 (w.e.f. 28.12.1994).];(b)possesses the qualification prescribed under or is exempted from such qualification in accordance with the provisions of the Intermediate Education Act, 1921;(c)has been continuously serving the Institution from the date of such appointment up to the date of the commencement of the Act referred to in sub-clause (iii) of clause (a);(d)is not related to any member of the management or the Principal or Head Master of the Institution concerned in the manner specified in the explanation to sub-section (3) of Section 33-A;(e)has been found suitable for appointment in a substantive capacity by a Selection Committee constituted under sub-section (2), shall be given substantive appointment by the Management.(2)(a)For each region, there shall be a Selection Committee comprising -(i)Regional Deputy Director of Education of that region, who shall be the Chairman,(ii)One officer holding a Group "A" post (specified as such by the State Government from time to time) in any department

other than Education Department, to be nominated by the State Government,(iii)Regional Inspectress of Girls Schools of that region :Provided that the Inspector of the district shall be co-opted as a member while considering the case for regularisation of that district.(b)The Selection Committee constituted under clause (a) shall consider the case of every such teacher and on being satisfied about his eligibility and suitability in view of the provision of sub-section (1) shall, subject to the provisions of sub-section (3) recommend his name to the management for appointment under sub-section (1) in a substantive vacancy.(3)(a)The names of the teachers shall be recommended for substantive appointment in order of seniority as seniority from the date of their appointment.(b)If two or more such teachers are appointed on the same date, the teacher who is older in age shall be recommended first.(4)Every teacher appointed in a substantive capacity under sub-section (1) shall be deemed to be on probation from the date of such substantive appointment.(5)A teacher who is not found suitable under sub-section (1) and a teacher who is not eligible to get a substantive appointment under that subsection shall cease to hold the appointment on such date as the State Government may by order specify.(6)Nothing in the Section shall be construed to entitle any teacher to substantive appointment if on the date of commencement of the Act referred to in sub-section (iii) of clause (a) of sub-section (1), such vacancy had already been filled or selection for such vacancy has already been made in accordance with this Act.[33C. Regularisation of certain more appointments. - (1) Any teacher who -(a)(i)was appointed by promotion or by direct recruitment on or after May 14, 1991 but not later than August 6, 1993 on ad hoc basis against substantive vacancy in accordance with section 18, in the Lecturer grade or the Trained Graduate grade;(ii)was appointed by promotion on or after July 31,1988 but not later than August 6,1993 on ad hoc basis against a substantive vacancy in the post of a Principal or Head Master in accordance with Section 18;(b)possesses the qualification prescribed under, or is exempted from such qualification in accordance with, the provisions of the Intermediate Education Act, 1921;(c)has been continuously serving the Institution from the date of such appointment up to the date of the commencement of the Uttar Pradesh Secondary Education Services Commission (Amendment) Act, 1998;(d)has been found suitable for appointment in a substantive capacity by a Selection Committee constituted under sub-section (2);shall be given substantive appointment by the Management.(2)(a)For each region, there shall be a Selection Committee comprising, -(i)Regional Joint Director of Education of that region, who shall be the Chairman;(ii)Regional Deputy Director of Education (Secondary) who shall be member;(iii)Regional Assistant Director of Education (Basic) who shall be a member.In addition to above members, the District Inspector of Schools of the concerned district shall be co-opted as member while considering the cases for regularisation of that district.(b)The Procedure of selection for substantive appointment under sub-section (1) shall be such as may be prescribed.(3)(a)The names of the teachers shall be recommended for substantive appointment in order of seniority as determined from the date of their appointment.(b)If two or more such teachers are appointed on the same date, the teacher who is elder in age shall be recommended first.(4)Every teacher appointed in a substantive capacity under sub-section (1) shall be deemed to be on probation from the date of such substantive appointment.(5)A teacher who is not found suitable under sub-section (1) and a teacher who is not eligible to get a substantive appointment under that sub-section shall cease to hold the appointment on such date as the State Government may by order specify.(6)Nothing in this Section shall be construed to entitle any teacher to substantive appointment, if on the date of commencement of the Ordinance referred to in clause (c) of sub-section (1) such vacancy had already been filled or selection for such vacancy has already been

made in accordance with this Act.] [Inserted by U.P. Act No. 25 of 1998 (w.e.f. 20.4.1998).][33D. Special provision for Certificate of Teaching grade teachers. - Every teacher in the Certificate of Teaching grade, who is a trained graduate and -(a)has completed ten years' continuous satisfactory service in the said grade on or before January 1,1986 shall, with effect from January 1, 1986; or(b)completes the said service of ten years after January 1,1986 shall, with effect from the date of completion of the said service of ten years;be deemed to have been appointed in the Trained Graduate grade.] [Inserted by U.P. Act No. 25 of 1998 (w.e.f. 20.4.1998).][33E. Rescission of Orders. - The Uttar Pradesh Secondary Education Services Commission (Removal of Difficulties) Order, 1981, the Uttar Pradesh Secondary Education Services Commission (Removal of Difficulties) (Second) Order, 1981, the Uttar Pradesh Secondary Education Services Commission (Removal of Difficulties) (Third) Order, 1982 and the Uttar Pradesh Secondary Education Services Commission (Removal of Difficulties) (Fourth) Order, 1982 are hereby rescinded.] [Inserted by U.P Act No. 13 of 1999 (w.e.f. 25.1.1999).][33F. Regularisation of appointments against short term vacancies. - (1) Any teacher who, -(a)was appointed by promotion or by direct recruitment in the lecturer's grade or trained graduate's grade on or after May 14,1991 but not later than August 6,1993 against a short term vacancy in accordance with paragraph 2 of the Uttar Pradesh Secondary Education Services Commission (Removal of Difficulties) (Second) Order, 1981, as amended from time to time, and such vacancy was subsequently converted into a substantive vacancy.(b)possesses the qualification prescribed under, or is exempted from such qualifications in accordance with, the provisions of the Intermediate Education Act, 1921.(c)has been continuously serving the Institution from the date of such appointment up to the date of the commencement of the Uttar Pradesh Secondary Education Services Selection Board (Amendment) Act, 2001.(d)has been found suitable for appointment in a substantive capacity by the Selection Committee referred to in clause (a) of sub-section (2) of Section 33-C in accordance with the procedure prescribed under clause (b) of the said sub-section;shall be given substantive appointment by the Management.(2)(a)The names of the teachers shall be recommended for substantive appointment in order of seniority as determined from the date of their appointment.(b)If two or more such teachers are appointed on the same date, the teacher who is elder in age shall be recommended first.(3)Every teacher appointed in a substantive capacity under sub-section (1) shall be deemed to be on probation from the date of such substantive appointment.(4)A teacher who is not found suitable under sub-section (1) and a teacher who is not eligible to get a substantive appointment under that sub-section shall cease to hold the appointment on such date as the State Government may by order specify.(5)Nothing in this section shall be construed to entitle any teacher to substantive appointment, if on the date of commencement of the Ordinance referred to in clause (c) of sub-section (1) such vacancy had already been filled or selection for such vacancy has already been made in accordance with this Act.] [Inserted by U.P Act No. 5 of 2001 (w.e.f. 30.12.2000).][34. Power to make regulations. -] [Inserted by U.P. Act No. 15 of 1995 (w.e.f. 28.12.1994).] (1) The [Board] [Substituted by U.P. Act No. 25 of 1998 (w.e.f. 20.4.1998).] may, with the previous approval of the State Government, make or amend regulations prescribing fees for holding selections, for holding interview's and laying down the procedure to be followed by the [Board] [Substituted by U.P Act No. 25 of 1998 (w.e.f. 20.4.1998).] for discharging its duties and performing its functions under this Act :Provided that the first Regulation under this sub-section shall be made by the State Government by notification in the official Gazette.(2)The Regulations made under sub-section (1) shall not be inconsistent with the provisions of this Act or the rules made under Section 35.

35. Power to make rules

. - The State Government may, by notification, make rules for carrying out the purposes of this Act.

36. Repeal and savings

. - (1) The Uttar Pradesh Secondary Education Services Commission and Selection Boards (Second) Ordinance, 1981 (U.P. Ordinance No. 23 of 1981) is hereby repealed.(2)Notwithstanding such repeal, anything done or any action taken under the Ordinance referred to in sub-section (1) of the Uttar Pradesh Secondary Education Services Commission and Selection Boards Ordinance, 1981 (U.P. Ordinance No. 8 of 1981) shall be deemed to have been done or taken under this Act, as if this Act were in force at all material times.The Schedule(See Section 9)[* * *] [Schedule omitted by U.P. Act No. 1 of 1993 (w.e.f. 7.8.1993).][Inserted by U.P. Act No. 1 of 1993 (w.e.f. 7.8.1993).][Substituted by U.P. Act No. 25 of 1998 (w.e.f. 20.4.1998).]