

# The West Bengal School Service Commission Act, 1997

WEST BENGAL

India

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### Act 4 of 1997

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The West Bengal School Service Commission Act, 1997 West Bengal Act 4 of 1997 [1st April, 1997.] Assent of the President of India was first published in the Calcutta Gazette, Extraordinary, dated the 1st April, 1997. An Act to provide for the constitution of Regional School Service Commissions and a Central School Service Commission in West Bengal and for matters connected therewith or incidental thereto. Whereas it is expedient to provide for the constitution of Regional School Service Commissions and a Central School Service Commission in West Bengal and for matters connected therewith or incidental thereto; It is hereby enacted as follows :-

### 1. Short title and commencement.

(1) This Act may be called the West Bengal School Service Commission Act, 1997. (2) It shall come into force on such date as the State Government may, by notification, appoint.

### 2. Definitions.

- In this Act, unless the context otherwise requires, -(a) "Board" means the West Bengal Board of Secondary Education established under the West Bengal Board of Secondary Education Act, 1963; [\* \* \* \* \*] [(Clause (b) omitted by W.B. 31 of 2008, which was as under :- '(b) Board of Madrasah' means the West Bengal Board of Madrasah Education established under the West Bengal Board of Madrasah Education Act, 1994;'.]] (c) "Central Commission" means the West Bengal Central School Service Commission constituted under section 3; (d) "Chairman" means the Chairman of the Commission; (e) "Commission" means the Central Commission or the Regional Commission; (f) "Council" means the West Bengal Council of Higher Secondary Education established under section 3 of the West Bengal Council of Higher Secondary Education Act, 1975; (g) "Headmaster" or "Headmistress" means the head of the teaching staff of a school, by whatever name he or she may be designated; [\* \* \* \* \*] [(Clause (h) omitted by W.B. Act 31

of 2008, which was as under : (h) 'Madrasah' means an educational institution imparting instruction in - (i) High Madrasah Education System within the meaning of sub-clause (i), or (ii) Senior Madrasah Education System within the meaning of sub-clause (ii), of clause (g) of section 2 of the West Bengal Board of Madrasah Education Act, 1994, and includes a Junior High Madrasah. Explanation. - 'Junior High Madrasah' shall have the same meaning as in clause (e) of section 2 of the West Bengal Board of Madrasah Education Act, 1994; ] (i) "member" means a member of the Commission, and includes the Chairman; (ia) [ "non-teaching staff" means a member of the staff other than an Assistant Teacher, or any other person holding a teaching post of a school and recognised as such by the Board or the Council, as the case may be, or the Headmaster, or the Headmistress, or the Assistant Headmaster, or the Assistant Headmistress, or the teacher holding a post against short term vacancy caused by deputation, leave or lien; ] [ Clause (ia) inserted by W.B. 31 of 2008. ] (j) "notification" means a notification published in the Official Gazette; (k) "prescribed" means prescribed by rules made under this Act; (l) "Regional Commission" means the West Bengal Regional School Service Commission constituted under section 3; (m) "regulations" means the regulations made by the Central Commission under this Act; (n) "school" means a recognised non-Government aided - (i) secondary school, or educational institution, or part or department of such school or institution, imparting instruction in a secondary education, or (ii) higher secondary school, or educational institution (other than a college), or part or department of such school or institution, imparting instruction in higher secondary education, or [ \* \* \* ] [ Sub-clause (iii) omitted by W.B. Act 31 of 2008, which was as under : - (iii) Madrasah, ] and includes a sponsored school. Explanation I. - "Recognised" with its grammatical variations, used with reference to a school, shall mean - (a) recognised or deemed to have been recognised under the West Bengal Board of Secondary Education Act, 1963, or (b) [ recognised under the West Bengal Council of Higher Secondary Education Act, 1975. ] [ Clause (b) Substituted by W.B. Act 31 of 2008, which was earlier as under : - '(b) recognised under the West Bengal Council of Higher Secondary Education Act, 1975, or'. ] [ \* \* \* ] [ Clause (c) omitted by W.B. Act 31 of 2008, which was earlier as under : - '(c) recognised or deemed to have been recognised under the West Bengal Board of Madrasah Education Act, 1994.' ] Explanation II. - "Aided" with its grammatical variations, used with reference to a school, shall mean aided by the State, Government in the shape of financial assistance towards the basic pay of the teachers of that school. Explanation III. - "Basic pay" shall mean the monthly pay of a teacher of a school which corresponds to a stage in the time-scale of pay of the post held by the teacher in that school. Explanation IV. - "Secondary Education" shall have the same meaning as in clause (1) of section 2 of the West Bengal Board of Secondary Education Act, 1963. Explanation V. - "Higher secondary education" shall have the same meaning as in clause (d) of section 2 of the West Bengal Council of Higher Secondary Education Act, 1975. Explanation VI. - "Sponsored school" shall mean a school declared as a sponsored school by the State Government by notification; (o) "Secretary" means the Secretary of the Commission; (p) [ "Teacher" means an Assistant teacher or any other person, holding a teaching post of a school and recognised as such by the Board or the Council, as the case may be, and includes the Headmaster or the Headmistress but shall not include the Assistant Headmaster or the Assistant Headmistress or the Teacher holding a post against short term vacancy caused by deputation, leave or lien. ] [ Clause (p) Substituted by W.B. Act 31 of 2008, which was earlier as under : (p) 'Teacher' means an Assistant Teacher or any mother person, holding a teaching post of a school and recognised as such by the Board or the Council or the Board of Madrasah, as the case may be, and includes the Headmaster or the Headmistress, but shall not include the Assistant

Headmaster or the Assistant Headmistress or the Teacher holding a post against short-term vacancy caused by deputation, leave or lien.'.]

### 3. Constitution of Commission.

- [There shall be -(a)a Central Commission by the name of the West Bengal Central School Service Commission, and(b)a Regional Commission by the name of West Bengal Regional School Service Commission, in respect of the regions referred to in sub-section (2).](2)[ For the purposes of clause (b) of sub-section (1), the territory of the State of West Bengal shall comprise seven regions to be called the Eastern Region, the Southern Region, the South-Eastern Region, the Western Region, the Northern Region, the North-Eastern Region and the Hill Region; each such region shall comprise such district or districts or part of a district as the State Government may, by notification, determine, and the territorial jurisdiction of a Regional Commission shall be construed accordingly.] [[Sub-Section (2) Substituted by W.B. Act 28 of 2003, which was earlier as under :'(2) For the purposes of clause (b) of sub-section (1), the territory of the State of West Bengal shall comprise five regions to be called the Eastern Region, the Southern Region, the Western Region, the Northern Region, and the Hill Region; each such region shall comprise such district or districts or part of a district as the State Government may, by notification, determine, and the territorial jurisdiction of a Regional Commission shall be construed accordingly.]]Explanation I. - Kolkata as defined in clause (9) of section 2 of the Kolkata Municipal Corporation Act, 1980, shall, for the purposes of this Act, be deemed to be a district.Explanation II. - Part of a district shall ordinarily mean a sub-division, or two or more, but not all, sub-divisions taken together, of that district as may be specified in the notification under this sub-section:Provided that if the area of a district, or any part of a district, other than Kolkata, overlaps any part of the area included in Kolkata, such overlapping area shall be excluded from the territorial jurisdiction of the Regional Commission in respect of such district and shall be included within the territorial jurisdiction of the Regional Commission in respect of Kolkata.(3)The State Government may, at any time, by notification enlarge or reduce the territorial jurisdiction of a Regional Commission constituted under clause (b) of sub-section (1).(4)The Central Commission shall consist of seven members of whom -(a)one shall be the Chairman;(b)one shall be an educationist who occupies or has occupied in the opinion of the State Government, a position of eminence in public life or in judicial or administrative service;(c)one shall be from amongst the Chairmen of the Regional Commissions as an ex officio member;(d)four shall be the persons having teaching experience, either as a Teacher of a University or as a Principal of a College for a period of not less than ten years, or as a Teacher, other than Principal of a College or as a Headmaster or Headmistress for a period of not less than fifteen years:Provided that at least one of such members must be a woman.(5)The Regional Commission shall consist of seven members of whom -(a)one shall be the Chairman;(b)one shall be a person who, not being an educationist, occupies or has occupied, in the opinion of the State Government, a position of eminence in public life or in judicial or administrative service;(c)one shall be a person belonging to Minority of West Bengal;(d)four shall be the persons having teaching experience, either as a Teacher of University or Principal of a College for a period of not less than ten years, or as a Teacher, other than Principal of a College or as a Headmaster or Headmistress for a period of not less than fifteen years:Provided that at least one of such members must be a woman.[Words substituted for the word "The State Government shall, with effect from such date as it may, by notification, appoint,

constitute -' by W.B. Act 26 of 2005.]

Sub-sections (4) and (5) Substituted for previous sub-Section (4) by W.B. Act 31 of 2008. Previous sub-Section (4) was as under: Explanation I.- Calcutta as defined in clause (9) of section 2 of the Calcutta Municipal Corporation Act, 1980, shall, for the purposes of this Act, be deemed to be a district. Explanation II.- Part of a district shall ordinarily mean a sub-division, or two or more, but not all, sub-divisions taken together, of that district as may be specified in the notification under this sub-section: Provided that if the area of a district, or any part of a district, other than Calcutta, overlaps any part of the area included in Calcutta, such overlapping area shall be excluded from the territorial jurisdiction or the Regional Commission in respect of such district and shall be included within the territorial jurisdiction of the Regional Commission in respect of Calcutta." (4) (a) A regional Commission shall consist of five members of whom one shall be the Chairman, and the Central Commission shall consist of seven members of whom one shall be the Chairman. (b) Of the five members of a Regional Commission, one shall be a person who, not being an educationist, occupies or has occupied, in the opinion of the State Government, a position of eminence in public life or in judicial or administrative service, and the others shall have teaching experience, either as a Teacher of a University or as a Principal of a college for a period of not less than ten years, or as a teacher, other than Principal of a college, or a Headmaster or Headmistress, for a period of not less than fifteen years. (c) Of the seven members of the Central Commission, - (i) one shall be an educationist who occupies or has occupied in the opinion of the State Government, a position of eminence in public life or in judicial or administrative service; (ii) one shall be from amongst the Chairmen of the Regional Commissions as an ex officio member; (iii) the others shall have teaching experience, either as a Teacher of a University or as a Principal of a college for a period of not less than ten years, or as a Teacher, other than Principal of a college, or as a Headmaster or Headmistress, for a period of not less than fifteen years."

#### **4. Appointment and terms and conditions of service of members.**

(1)(a) The Chairman and other members shall be appointed by the State Government: [Provided that from amongst such Chairmen of the Regional Commissions so appointed, one shall be appointed ex officio member of the Central Commission by the State Government on rotational basis.] [Proviso inserted by W.B. Act 5 of 2001.] (b) The Chairman and other members shall hold office for a term of four years [but in the case of ex officio member such term shall be one year] [Words inserted by W.B. Act 5 of 2001.]: Provided that a person who has held office as Chairman or other shall, on the expiration of the term of his office, be eligible for further appointment as Chairman or other member: Provided further that no person who has attained the age of [sixty eight years] [Substituted 'sixty-two years' by Act No. 44 of 2017, dated 2.11.2017.] shall be eligible to hold office as Chairman or other member. (1A) [Notwithstanding anything contained in sub-section (1) or elsewhere in this Act, if the State Government is of opinion that it is necessary so to do in the exigencies of the public service, it may, by order, extend the term of appointment of any person holding the office of the Chairman or other member, who has attained the age of [sixty eight years] [Sub-Section (1A) inserted by W.B. Act 18 of 2000.] for such period, not exceeding one year, as may be specified in the order.] (2) If the office of the Chairman or any other member becomes vacant by reason of resignation or otherwise or if the Chairman is, by reason of absence or for any other reason, unable to perform the duties of his office, then, until a Chairman or other member is appointed under

sub-section (1) or until the Chairman resumes his duties, as the case may be, the duties of the Chairman or the other member, as the case may be shall be performed by such other member as the State Government may appoint in this behalf.(3)The Chairman or any other 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)(a)The office of the Chairman shall be whole-time; the other members shall be honorary.(b)[ Of the five members as aforesaid, - [[Clause (b) Substituted by W. B. Act 21 of 2007, which was earlier as under:'(b) The salary of the Chairman and the honorarium of the other members shall be such as may be determined by the State Government.' ]](i)one shall be a person who, not being an educationist, occupies or has occupied, in the opinion of the State Government, a position of eminence in public life or in judicial or administrative service,(ii)one shall be a person belonging to Minority of West Bengal, and(iii)three shall be the persons having teaching experience, either as a Teacher of a University or as a Principal of a college for a period of not less than ten years, or as a teacher, other than Principal of a college, or as a Headmaster or Headmistress, for a period of not less than fifteen years.](c)Subject to the foregoing provisions of this sub-section, the other terms and conditions of service of the Chairman and other members shall be such as may be prescribed.

## **5. Removal of member.**

- The State Government may, after making inquiry in such manner as may be prescribed, remove the Chairman or any other member from his office on the ground of -(a)misconduct involving moral turpitude, or(b)insolvency, or(c)infirmity of body or mind.

## **6. [ Staff of Commission. [[Section 6 Substituted by W.B. Act 31 of 2008, which was earlier as under :**

'6. Staff of Commission. - (1) The staff of the Commission shall consist of-(a)a Secretary who shall be appointed by the State Government, and(b)such other employees as the Central Commission may, with the previous approval of the State Government, appoint from time to time.(2)The salary of the Secretary and of the other employees of the Commission shall be such as may be determined by the State Government.(3)The other terms and conditions of services -(a)of the Secretary shall be such as may be prescribed, and(b)of the other employees of the Commission shall be such as may be provided for by regulations.]](1)The staff of the Commission shall consist of -(a)a secretary and any such other officers who shall be appointed by the State Government, and(b)such other employees as the Central Commission may, with the previous approval of the State Government, appoint from time to time.(2)The salary of the Secretary, any such other officers and of the other employees of the Commission shall be such as may be determined by the State Government.(3)The other terms and conditions of services -(a)of the Secretary and any such other officers shall be such as may be prescribed, and(b)of the other employees of the Commission shall be such as may be provided for by the regulations.]

## **7. [ Functions Regional Commission. [[Section 7 Substituted by W.B. Act 31 of 2008, which was earlier under :**

'7. Functions of Regional Commission. - Notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage to the contrary, it shall be the duty of the Regional Commission to select persons for appointment to the posts of Teachers in schools within its territorial jurisdiction.'.] - Notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage to the contrary, it shall be the duty of the Regional Commission [to recommend persons] for appointment to the posts of Teachers or non-teaching staff in school within its territorial jurisdiction under the supervision and control of the Central Commission [on the basis of result of the State Level Selection Test] [Substituted 'on the basis of the result of the examination' by Act No. 13 of 2016, dated 20.1.2017.] conducted by the Central Commission.]

## **8. Manner and scope of selection of persons and procedure for conduct of business of Commission.**

(1)The manner and scope of selection of persons for appointment to the [post of Teachers and non-teaching staff] [Words Substituted for the words 'posts of Teacher' by W.B. Act 31 of 2008.] shall be such as may be prescribed.(2)[ Any appointment of a Teacher or a non-teaching staff made on or after the commencement of this Act in contravention of the provisions of this Act shall be invalid and shall have not effect and the teacher or the non-teaching staff so appointed shall not be a Teacher or a non-teaching staff within the meaning of clause (p) or clause (ia) of section 2, as the case may be.] [[Sub-Section (2) Substituted by W.B. Act 31 of 2008, which was earlier as under :-](2)The procedure for the conduct of business of the Commission shall be such as may be provided for by regulations.'.]

## **9. Effect of recommendation of Commission.**

- Notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage to the contrary, [appointments to the posts of the Teachers and non-teaching staff in school shall be made by the Board or the ad-hoc committee or the administrator of the Board] [Substituted 'appointments to the posts of Teachers in a school shall be made by the managing committee, by whatever name called, or by the ad hoc committee, or by the administrator, if any (where there is no managing committee), of that school' by West Bengal Act No. 18 of 2017, dated 17.4.2017.] on the recommendation of the Regional Commission having jurisdiction.(2)Any appointment of a Teacher made on or after the commencement of this Act in contravention of the provisions of this Act shall be invalid and shall have no effect and the Teacher so appointed shall not be a Teacher within the meaning of clause (p) of section 2.(3)[ The Commission shall preserve the documents relating to examination including answer scripts for such period, and in such manner, as may be prescribed.] [Inserted by West Bengal Act No. 12 of 2013, dated 11.7.2013.]

**9A. [ Power of State Government in case of wilful failure to issue appointment to the post of Teacher or non-teaching staff by the Board etc. [Substituted by West Bengal Act No. 18 of 2017, dated 17.4.2017.]**

- If the State Government is of the opinion that the Board or the ad hoc committee, or the administrator, wilfully fails to discharge its function to issue appointment to the post of Teacher or non-teaching staff in such school on the recommendation of the Commission or any other recommendation made by the Commission, the State Government may take such action as it deems fit.]

**10. [ Protection of Teachers and non-teaching staff. [[Section 10 Substituted by W.B. Act 31 of 2008, which was earlier as under:**

'10. Protection of Teachers. - Notwithstanding anything contained elsewhere in this Act, the terms and conditions of service of Teachers in the employment of a school immediately before the commencement of this Act shall not be varied to the disadvantage of such Teachers in so far as such terms and conditions relate to the appointment of such Teachers to the posts held by them immediately before the commencement of this Act.'.] - Notwithstanding anything contained elsewhere in this Act, the terms and conditions of service of Teachers, and non-teaching staff in the employment of a school immediately before the commencement of this Act shall not be varied to the disadvantage of such Teachers or non-teaching staff in so far as such terms and conditions relate to the appointment of such Teachers or non-teaching staff to the posts held by them immediately before the commencement of this Act.]

**10A. [ Mutual transfer on joint application. - (1) Notwithstanding anything contained in any other law for the time being in force or in any contract to the contrary, the Central Commission may, on the basis of joint application made to it in the prescribed proforma by two confirmed Teachers of same category, make recommendation for placing their services from one school to another on mutual transfer basis, in such manner, on such condition and within such period, as may be prescribed:**

Provided that only the two Teachers who have been appointed against the same category of vacancies, holding the same category of post and teaching same subject shall be eligible for such transfer.(2)Notwithstanding anything contained in any other law for the time being in force or in any contract to the contrary, the Central Commission may, on the basis of joint application made to it in the prescribed proforma by two confirmed non-teaching staff, make recommendation for placing their services from one school to another on mutual transfer basis, in such manner, on such condition and within such period, as may be prescribed:Provided that only the two non-teaching staff who have been appointed against the same category of vacancies and holding the same category of post shall be eligible for such transfer.] [Section 10A inserted by W.B. Act 36 of 2010.]

**10B. [ General transfer on application. [Inserted by West Bengal Act No. 12 of 2013, dated 11.7.2013.]**

(1)Notwithstanding anything contained in any other law for the time being in force or in any contract to the contrary, the Central Commission may, on the basis of application made to it in the prescribed proforma by an eligible Teacher, make recommendation for placing his service from one school to another school having same category of vacant post, on general transfer basis, in such manner, on such condition and within such period, as may be prescribed:Provided that such general transfer of an eligible teacher shall be made between two posts of same category of vacancies, posts and subjects in schools with same medium of instruction.(2)Notwithstanding anything contained in any other law for the time being in force or in any contract to the contrary, the Central Commission may, on the basis of application made to it in the prescribed proforma by an eligible non-teaching staff, make recommendation for placing his service from one school to another having same category of vacant post, on general transfer basis, in such manner, on such condition and within such period, as may be prescribed:Provided that such general transfer of an eligible non-teaching staff shall be made between two posts of same category of vacancies and posts in schools with same medium of instruction.Explanation. - For the purpose of this section, the expression an eligible Teacher or an eligible non-teaching staff means a confirmed Teacher, or a confirmed nonteaching staff, who have completed five years of satisfactory service in the post of Teacher or non-teaching staff, as the case may be, and does not include a Teacher or non-teaching staff who shall avail mutual transfer under section 10A after coming into force of this section.]

**10C. [ State Government to issue guidelines to the Commission. [Inserted by West Bengal Act No. 18 of 2017, dated 17.4.2017.]**

- Notwithstanding anything contained in any other law for the time being in force or in any contract to the contrary, the State Government in the interest of education or in the interest of public service for administrative reasons may direct the Commission through guidelines or general instructions to make recommendation for placing the service of any teacher including the Assistant Headmaster or the Assistant Headmistress or any non-teaching staff from one school to another school against any sanctioned post.]

**11. Power of Commission to call for records etc.**

- The Commission may call for any record, report or other information from any school or the Board or the Council or the Board of Madrasah if, in its opinion, such record, report or other information is necessary for efficient discharge of its functions, and the school or the Board or the Council or the Board of Madrasah, as the case may be, shall furnish such record, report or other information to the Commission.



## **12. Report of Central Commission.**

- It shall be the duty of the Central Commission to present annually to the State Government a report as to the work done by the Central Commission and each Regional Commission and, on receipt of such report, the State Government, shall cause a copy thereof to be laid before the State Legislature.

## **13. Members etc. to be public servants.**

- The Chairman and other members and persons appointed under this Act shall, while acting or purporting to act under this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

## **14. Validation.**

- The proceedings of the Commission shall not be invalid by reason of any vacancy in the office of the Chairman or any other member.

## **15. Act not to apply in relation to certain schools.**

- The provisions of this Act shall not apply to -(a)a school established and administered by a minority, whether based on religion or language, or(b)a school under any trust, established and administered by a minority, whether based on religion or language, or(c)a school not in receipt of any financial assistance from the State Government, or(d)a school in receipt of a financial assistance from the State Government towards dearness allowance only of Teachers of such school, or(e)a Government school.Explanation. - "Government school" shall mean a school maintained and managed by the State Government or the Government of India or the Railway Board under the Ministry of Railway, Government of India.

## **16. Functions of Central Commission.**

- [(1) The Central Commission shall prepare panel by conducting the State Level Selection Test in respect of appointment to the posts of Teachers and non-teaching staff in schools and also monitor, supervise, control and co-ordinate the activities of the Regional Commission which shall be subordinate to the Central Commission.] [Substituted by Act No. 13 of 2016, dated 20.1.2017.](2)The Central Commission may call for any record, report or other information from a Regional Commission if, in the opinion of the Central Commission, such record, report or other information is necessary for efficient discharge of its functions, and the Regional Commission shall furnish such record, reporter other information to the Central Commission.(3)It shall be the duty of the Central Commission to advise the State Government on such matters as may be referred to it by the State Government.

## **17. Power to make rules.**

(1)The State Government may, by notification, make rules for carrying out the purposes of this Act.(2)In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters :-(a)the terms and conditions of service of the Chairman and other members under clause (c) of sub-section (4) of section 4;(b)the manner in which an inquiry is to be made for removal of the Chairman or any other member under section 5;(c)the terms and conditions of service of the [Secretary and any such other officer] [Words Substituted for the word 'Secretary' by W.B. Act 31 of 2008. ] under clause (a) of sub-section (3) of section 6;(d)the manner and scope of selection of persons for appointment to the posts of [Teachers and non-teaching staff] [Words Substituted for the word 'Teachers' by W.B. act 31 of 2008.] under sub-section (1) of section 8;(da)[ the proforma of joint application, the manner and other condition, for mutual transfer under section 10A;] [Clause (da) inserted by W.B. Act 36 of 2010.](db)[ the proforma of application, the manner and other condition, for general transfer under section 10B;] [Inserted by West Bengal Act No. 12 of 2013, dated 11.7.2013.](e)any other matter which may be, or is required to be, prescribed.

## **18. Power to make regulations.**

(1)The Central Commission may, with the previous approval of the State Government, make regulations not inconsistent with the provisions of this Act or the rules made thereunder, for discharging the functions of the Commission under this Act.(2)In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters :-(a)the terms and conditions of service of the employees of the Commission under clause (b) of sub-section (3) of section 6;(b)the procedure for the conduct of business of the Commission under sub-section (2) of section 8.

## **19. Directions by State Government.**

- In the discharge of its functions the Commission shall be guided by such directions as may be given to it by the State Government from time to time in conformity with the provisions of this Act.

## **20. Dissolution of Commission.**

(1)If the State Government is of the opinion that the Commission has failed to discharge its functions under his Act in accordance with the provisions of this Act, the State Government may, by an order published in the Official Gazette, and stating the reasons therefor, dissolve the Commission with effect from such date as may be specified in the order.(2)Upon the dissolution of the Commission under sub-section (1), all the members of the Commission shall be deemed to have vacated their respective offices with effect from the date of such dissolution.(3)The State Government may, at any time after the dissolution of the Commission under sub-section (1), reconstitute the Commission in accordance with the provisions of this Act.

## **21. Repeal.**

- The West Bengal School Service Commission Ordinance, 1995, is hereby repealed.