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PART I - Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

School Education Department

Primary Branch

NOTIFICATION

No. 106-SE (Pry.)/(P) 4A-38/07 - 28th January, 2008 — In exercise of the power conferred by Sub-section (1) and clause (k) of Sub-section (2) of Section 106, read with clause (k) of Sub-section (1) of Section 60, of the West Bengal Primary Education Act, 1973 (West Bengal Act XLIII of 1973) (hereinafter referred to as the said Act), the Governor is pleased to make the following amendments in West Bengal Primary School Teachers Recruitment Rules, 2001. This will come into effect immediately.

Amendment

For rule 14 of the said Rules, *substitute* the following rule :—

“14. Appointment on compassionate ground — When a teacher dies in harness before the date of his superannuation, i.e. the age of 60 years, leaving a family which is, in the opinion of the Council, in such extreme financial hardship that it fails to provide two square meals and other essentials to the surviving members of the deceased teacher’s family, the —

- (i) spouse;
- (ii) son;
- (iii) daughter

of the deceased teacher’s family who is possessing required educational qualifications as laid down in clause (a) and (c) of sub-rule (1) of rule 6 and unemployed, and not below 18 years of age and not above 45 years of age and found eligible to teach, may within two years from the date of such death make a prayer in writing to the Council for appointment as primary teacher on compassionate ground.

Provided that only one member of the family of the deceased teacher may be appointed under the provisions of this sub-rule.

Explanation — The expression “financial hardship”, in relation to income of a deceased teacher consisting of up to five members in his family, shall mean an amount of income less than the initial gross salary of Group-D staff of the Council at the material point of time. For computation of income of such family, an income of an amount earned by each family member from any other sources than provident fund.

gratuity and 20% of family pension of the first seven years or upon the attainment of sixty-five years of age of the deceased teacher had he been alive, whichever is earlier, at the material point of time, shall be taken into account:

Provided that if the family of the deceased teacher exceeds five members, the income so computed under this explanation shall be reduced by 20% for each member exceeding five and the amount so arrived at shall be taken into consideration in computing the income for the purpose of comparing it with the gross salary income of Group-D staff at the initial stage at the material point of time.

(2) When a teacher applies to the Council for being declared permanently incapacitated on medical ground before attaining 58 years of age and discontinues to attend his duty for the reason of such incapacitation, the Council may direct him for appearing before the Medical Board set up for the purpose according to the procedure laid down in the relevant rules or order of the time being in force, and after receiving the report from the Council, if the Medical Board declares him permanently incapacitated to continue in further service, he may be allowed by the Council to retire on an from the date of submission in such application and by virtue of his early retirement, if his family is in such extreme financial hardship that it fails to provide two square meals and other essentials to the members of the retired teacher's family, the —

- (i) spouse;
- (ii) son;
- (iii) daughter,

of the prematurely retired teacher, who is possessing required educational qualifications as laid down in clause (a) and (c) of sub-rule (1) of rule 6 and unemployed, and not below 18 years of age and not above 45 years of age and found eligible to teach, may make within two years from the date of such retirement, a prayer in writing to the Council for appointment as primary teacher on compassionate ground:

Provided that only one member of the family of the retired teacher may be appointed under the provisions of the sub-rule.

Provided further that if the Medical Board shall not declare the teacher to be permanently incapacitated, the Council may allow him to rejoin the duty and the period of his absence, if any, shall be regularized as per existing leave rules applicable to him.

Explanation — The expression "financial hardship", in relation to income of a teacher, retired under this sub-rule, consisting of up to five members in his family for consideration of appointment under this sub-rule, shall mean an amount of income less than the initial gross salary of a Group-D staff of the Council at the material point of time. For computation of income of such family, an income of an amount earned from any other sources by each family member than provident fund and gratuity at the material point of time, shall be taken into account:

Provided that if the family of the teacher exceeds five members, the income so computed under this explanation shall be reduced by 20% for each member exceeding five and the amount so arrived at shall be taken into consideration in computing the income for the purpose of comparing it with the gross salary income of Group-D staff at the initial stage at the materials point of time.

(3) On receipt of the application under sub-rule (1) or sub-rule (2), as the case may be, if the Council considers that the case deserves the compassionate consideration, it may, with the prior approval of the Director or his authorized officer, give appointment to the applicant as primary teacher.

(4) Notwithstanding anything contained in sub-rule (1) and sub-rule (2), the rules, orders or notifications issued by the Government relating to appointment on compassionate ground shall also be taken into account in making appointment under this rule."

By order of the Governor

N. CHATTERJEE

Principal Secretary to the Government of West Bengal