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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. : 57-SE(Pry)/10R-1/91

Dated : 15.0

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) and in cancellation of previous rules under notification no. 768-Edn(P) dated 22nd November, 1991 or orders, the Governor is pleased hereby to make the following rules: -

**RULES**

**CHAPTER I**  
**Preliminary**

**1. Short title and Commencement —**

- (1) These rules may be called the West Bengal Primary School Teachers Recruitment Rules, 2001
- (2) They shall come into force on the date of their publication in the *Official Gazette*

**2. Definitions —** In these rules, unless there is anything repugnant in the subject or context, -

- (a) 'the Act' means the West Bengal Primary Education Act, 1973;
- (b) 'appointment' means appointment of teachers of Primary Schools in accordance with the provisions of the Act and the rules;
- (c) 'authorised officer' means, unless otherwise specified, an officer not below the rank of Deputy Director of School Education, West Bengal, duly authorised by the Director of School Education, West Bengal.
- (d) 'Board' means the West Bengal Board of Primary Education established under the Act;
- (e) 'Council' means a Primary School Council established under the Act;
- (f) 'deputation' means deputation of teachers of primary schools to the Training Institute by the Council;
- (g) 'Director' means the Director of School Education, West Bengal;
- (h) 'employment exchange' means an employment exchange of the concerned Revenue District under the Labour

Council in accordance with these rules;

- (k) 'primary school' means a school or a department of a school set up under the Act for imparting such primary education as the State Government may prescribe, and includes a primary school or a Junior Basic School recognised under the Act and in existence on the date of coming into force of the West Bengal Primary Education (Amendment) Act, 1996;
- (l) 'panel' means a list of names of the eligible and selected candidates for appointment as teacher in Primary Schools, prepared by the Council according to rules;
- (m) 'rule' means any rule made under section 106 of the Act;
- (n) 'superannuation' means the date of retirement of a teacher from the service on completion of sixtieth year of his age;
- (o) 'teacher' means a person who holds a teaching post in a primary school or in a Junior Basic School on a regular and whole time basis, and is paid either wholly or in part from the funds under the control of the State Government in the Education Department;
- (p) 'training' means a Junior Basic Training Certificate or Primary Teachers' Training Certificate or equivalent issued under the authority of the Director or any other officer/organisation empowered in this behalf by the Government: Provided that in case of Training Certificate issued from any Institute of other States the decision of the Government shall be final and 'trained candidate' means a candidate who has obtained such Training Certificate.
- (q) 'vacancy' means vacant post of a Primary School teacher caused by (i) creation of a new post by the Council with prior sanction from the Government, (ii) retirement of a teacher, (iii) death of a teacher, (iv) resignation tendered by a teacher and accepted by the Council, (v) removal or dismissal of a teacher or (vi) deputation of a teacher.

## CHAPTER II

### General

#### 3. Roll strength for a teacher –

- (1) A Primary School under the jurisdiction of the Council shall ordinarily have one teacher for every forty pupils or part thereof, not being less than twenty in a hilly, forested or other thinly populated area. A second teacher may be admissible when the roll strength exceeds sixty. A third teacher may be admissible when the roll strength exceeds one hundred. Similarly, a fourth teacher may be admissible when the roll strength exceeds one hundred forty and so on. But in no case a primary school is to have less than two teachers.
- (2) No Council shall appoint teachers in primary schools within its jurisdiction beyond the number of teachers sanctioned by the State Government for the district or the subdivision.
- (3) A council may propose to the Director for sanction of additional posts of primary teachers due to increase in roll strength in primary schools of the district or the subdivision, as the case may be. The Director of School Education will send the said proposal with his views to the School Education Department for necessary sanction of such additional post.

#### 4. Filling up vacancies – subject to the condition that the number of vacancies to be filled up shall not exceed the number of sanctioned post of teachers, a Council shall

- (a) determine from time to time, the number of vacancies in primary schools within its jurisdiction in accordance with the provisions of sub-rule (1), sub-rule (2) and sub-rule-(3) of rule 3 and fill up the vacancies as and when necessary;
- (b) also determine the vacancies in primary schools within its jurisdiction imparting education in any language other than Bengali, as per guidelines issued by the government and fill in those vacancies.

## CHAPTER III

### Selection and Appointment

#### (1) Teacher

#### 5. Appointing Authority – District Primary School Council, Kolkata Primary School Council/Siliguri Primary School Council shall be the Appointing Authority.

#### 6. Qualifications –

- (1) No person shall be appointed by the Council as a teacher unless he -



- (b) has completed the age of 18 years and has not completed the age of 40 years on the first January of the year in which the requisition for sending names of candidates is made to the Employment Exchange concerned; and
- (c) possesses the minimum educational qualifications as mentioned in sub-rule (2).
- 2) The educational qualifications for the post of a teacher shall be –
- (a) School Final/Madhyamik pass under the West Bengal Board of Secondary Education or equivalent with training.
- or
- (b) Erstwhile Higher Secondary pass (XI class) under the West Bengal Board of Secondary Education, or equivalent with training.
- 3) Training qualification may not be compulsory for appointment on compassionate ground against the vacancies prescribed under clause (b) of sub-rule (2) of rule 8.
- 4) The decision of the State Government on the question of equivalence for the purpose of sub-rule (2) shall be final.
- 5) No extra marks shall be given for higher academic qualifications at the time of selection of a teacher:
- Provided that a trained candidate shall be given extra marks in the manner prescribed under clause (d) of sub-rule (2) of rule 9.

#### **Selection Committee –**

- 1) A Council shall constitute a Selection Committee for the purpose of selection of eligible candidates and preparation of panel or panels of such candidates for appointment of teachers in primary schools within the jurisdiction of the Council.
- 2) The Selection Committee shall consist of the following members, namely :–
- (a) Chairman of the Council, *ex-officio*;
- (b) Secretary of the Council, *ex-officio*;
- (c) Special Officer of Scheduled Castes and Scheduled Tribes of the district, *ex-officio*;
- (d) A representative of the District Magistrate, *ex-officio*;
- (e) Seven members to be selected by the Council from amongst the members of the Council.
- 3) The Chairman and the Secretary of the Council shall be the Chairman and the Convenor of the Selection Committee respectively.
- 4) Any seven members of the Committee including the Chairman shall constitute a quorum.
- 5) The Selection Committee shall normally function for a period of two years from the date of its first meeting but the Council may, during the said period, reconstitute the Committee for good and sufficient reasons to be recorded in writing. Any member of the Committee, other than an *ex-officio* member, may resign with one month notice to the Chairman. Similarly, the Council may remove any member, other than an *ex-officio* member at any time, provided that member has been informed of the reason of his removal and has been given an opportunity of being heard, if he so desires.
- 6) The Selection Committee so constituted may, if necessary, constitute one or more sub-committee for conducting written test referred to in clause (b) of sub-rule (2) of rule 9. The decision of the sub-committee/sub-committees shall be got approved by the Selection Committee.

#### **Calling for the names from the Employment Exchange –**

- (1) The number of vacancies as determined under rule 4, except in case the vacancies mentioned in rule 14 and the vacancies to be filled by inter-council transfer under the provisions of sub-section (k) of section 19 of the Act, shall be intimated by the Council to the concerned Employment Exchange. For the purpose of preparation of panel for eligible candidates, the Employment Exchange shall be requested to send names of candidates, who have requisite qualifications prescribed under sub-rule (2) of rule 6:

Provided that in case of non-availability of sufficient number of candidates belonging to the scheduled castes, the scheduled tribes, other backward classes, exempted category, ex-servicemen and physically handicapped persons in the Employment Exchange of the concerned revenue district, a reference shall be made by the Council to the Special Employment Exchange, exempted category cell or the like at the State level for sending further names of candidates of respective categories.

- (2) The letter to the employment exchange mentioned in sub-rule (1) shall contain, among other matters. –
- (a) the required minimum qualifications of candidates; and



appointment on compassionate ground, with relaxation of upper age limit as admissible under Government orders; and

(c) the number of vacancies to be filled up.

(3) vacancies existing on date plus vacancies anticipated to arise against sanctioned strength, in course of next twelve months may be taken up as total vacancies while sending requisition to the Employment Exchange.

#### 9. Selection Procedure –

(1) After the names of candidates for the posts of teachers are obtained from the employment exchange, all candidates shall be communicated in writing to produce testimonials/certificates for computation of their marks in the score sheets to be prepared for the purpose of such selection.

(2) Credit shall be given and computed in the following manner;

(a) there shall be 100 marks in total as full marks;

(b) Out of 100 marks, 90 marks shall be computed and allotted in the following manner :-

(i) Academic qualifications as prescribed in clauses (a) and (b) of sub-rule (2) of rule 6	65 marks
(ii) Training as prescribed in clause (d) of sub-rule (2)	22 marks
(iii) Co-curricular activities as prescribed in clause (f) of sub-rule (2)	3 marks
Total	<u>90 marks</u>

The remaining 10 (ten) marks shall be allotted for written test

(c) the percentage of marks to the total full marks obtained by a candidate in School Final/ Madhyamik Pariksha/ Higher Secondary (XI class) shall be computed as percentage of 65 marks and to be recorded in the score sheet.

(d) the percentage of marks to the total full marks obtained in Junior Basic Training certificate/Primary Teachers' Training Certificate Examination or equivalent shall be computed as percentage of 22 (twenty two) and recorded in the score sheet;

(e) marks obtained in the written test shall be recorded in the score sheet;

(f) in awarding marks for co-curricular activities one mark shall be credited for, -

(i) a certificate that he represented the district in State level games or sports, issued by West Bengal School Sports Association;

(ii) the 'A', 'B' or 'C' level certificate of National Cadet Corps;

Provided that the maximum of such marks to be credited shall not exceed three.

(3) The total marks obtained by each candidate for academic qualification, training and co-curricular activities shall be computed in the manner specified in clause (c), clause (d) and clause (f), and a list of names of all candidates of each category, namely, general, Scheduled Castes, Scheduled Tribes, Other Backward Classes, Exempted Category, Ex-Servicemen and physically handicapped shall be prepared in descending order of total marks obtained by them.

(4) The Selection Committee in its meeting, shall finalise the total number of candidates, from the top of the list of each category mentioned in sub-rule (3), to be called for written test. The number of candidates to be called for written test shall be five times the number of vacancy unless total number of candidates is insufficient for such written test.

(5) The candidates selected for written test shall be intimated the date, time and place for their written test.

(6) If any of the candidates called for written test as per provision of sub-rule (5), does not appear at the written test or does not comply with the instructions issued by the Council of the district or the sub-division, as the case may be, his candidature may be cancelled by the Selection Committee.

(7) After the written test all the marks, obtained by a candidate for academic qualification, training, co-curricular activities and written test, shall be added up and the names of candidates shall be arranged according to total marks obtained, in a descending order.

(8) After the process as laid down in sub-rule (7) is completed, the Selection Committee shall at first prepare a panel of candidates under General category only, with all the general, Scheduled Castes, Scheduled Tribes and Other Backward Classes candidates and shall be arranged serially according to their merit. This is because the number of Scheduled Castes, Scheduled Tribes or Other Backward Classes candidates qualifying on merit for appointment to any unreserved vacancy in a service or post in any establishment to be filled up by direct recruitment shall not be deducted from the quota reserved in service or post for such candidates.

Thereafter the Selection Committee shall prepare separate panels for Scheduled Castes, Scheduled Tribes and Other Backward Classes candidates in the respective category as per statutory reservation rules, from amongst



category, a separate panel shall be prepared for vacancies reserved for the respective category. Additional panel of 5% of General, Scheduled Castes, Scheduled Tribes, Other Backward Classes, Exempted Category, Ex-Servicemen and Physically Handicapped candidates shall be prepared in the same manner as referred to above in sub-rule (7). The additional panel for General category shall not include candidates from Scheduled Castes, Scheduled Tribes and Other Backward Classes category.

In case of non-availability of a suitable qualified Exempted Category candidate belonging to general, scheduled castes, scheduled tribes, other backward classes and physically handicapped, the said vacancy of exempted category candidate shall be filled up by a non-exempted category candidate belonging to general, scheduled castes, scheduled tribes, other backward classes and physically handicapped category as the case may be.

Moreover, in case of non-availability of suitable qualified Ex-Servicemen candidate belonging to General, Scheduled Castes, Scheduled Tribes, Other Backward Classes, the said vacancies of Ex-Servicemen category shall be filled up by non-Ex-Servicemen candidates belonging to General, Scheduled Castes, Scheduled Tribes, Other Backward Classes respectively.

- (9) Thereafter all the panels thus prepared shall be placed in the meeting of the Council for passing and the total number of eligible candidates included in the panel shall be the same as the number of vacancies *plus* 5% of such existing vacancies.

#### 10. Approval of the panel –

- (1) The panels, after being passed in the meeting of the Council, shall be sent in triplicate to the Director with all necessary papers for approval.
- (2) The Director or his authorised officer on receipt of such panels passed by the Council shall satisfy himself that the rules and the procedures in this respect have been followed and may approve the panel. Such approval, if made, shall be communicated to the Council immediately, provided that if in the opinion of the Director, there are defects or mistakes in the panel in observing the rules and the procedure, he shall point out the defects and mistakes and ask the Council to rectify the defects and mistakes and to submit the panels to him with correction for approval.

#### 11. Appointment letters –

- (1) After the panels of eligible candidates are prepared and approved according to these rules, appointment letters shall be issued to the candidates from the approved panel serially for the vacancies as referred in clause (c) of sub-rule (2) of rule 8. Appointment letters shall be issued under the signature of the Chairman of the Council or by an officer, not below the rank of Secretary of the Council, authorised by the Council to sign such appointment letters. No appointment made otherwise shall be considered valid.

In case of non-joining of candidates within stipulated time from out of the normal panel, the Council may issue appointment letter from the aforesaid additional 5% names in excess of the panel provided the normal panel is exhausted and the vacancies as worked out remain unfilled.

- (2) Appointment letters shall be sent to the candidates' address by registered post. The names of such appointees shall be marked in the panel preserved in the office of the Council:

Provided that appointment shall be made from the panel for vacancies as referred to in rule 4.

- (3) No appointment shall be made beyond notified vacancy for which the panel is to be prepared and the inclusion of name in the panel shall not constitute a claim for appointment.

#### 12. Observance of statutory provisions *for reservation* – In every case of selection and appointment under chapter III, the statutory provisions for reservation, *relaxation* of age limit and other concessions required to be provided for the Scheduled Castes, Scheduled Tribes, Other ~~Backward~~ Classes and physically handicapped candidates shall be properly observed.

#### 13. Validity of the panel – Approved panel shall remain valid normally for one year from the date of approval by the Director or his authorised officer provided that the Director or his authorised officer may extend the validity of such panel by six months at a time, but the total period of such extension shall not exceed one year.

#### 14. Appointment on compassionate ground – The Council may appoint primary teachers, with the approval of the Director of School Education, West Bengal or his authorised officer, on compassionate ground in the following cases where, in the opinion of the Council, the cases deserve compassionate consideration:-



other essentials to the surviving members of the deceased teacher's family, the following members of the deceased teacher's family, viz. the

(a) widowed wife, or

(b) widower, or

(c) son, or

(d) unmarried daughter, or

(e) divorcee dependent daughter-divorced before the date of death of the teacher,

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 death, a prayer in writing to the Council for appointment as primary teacher on compassionate ground, provided that only one member of a deceased primary teacher's family may be appointed on compassionate ground.

- (2) When a primary teacher applies for being declared permanently incapacitated on medical ground, to the Council for appearing before the Medical Board set up according to the procedure laid down in the Government Order, before attaining 58 years of age and discontinues to attend the school for such incapacitation, he may be allowed by the Council to retire on and from the date of submission of such application, provided that the Council is satisfied with such incapacitation and other conditions through Enquiry Committee, and

Provided further that, after receiving the report from the Council, the Medical Board set-up for this purpose declares him permanently in-capacitated to continue in further service for a reasonable time and if his family is in extreme financial hardship after such retirement, the

(a) wife, or

(b) husband, or

(c) son, or

(d) unmarried daughter, or

(e) the divorcee dependent daughter- divorced at least one year before submission of application for declaration of permanent incapacitation, of the incapacitated pre-maturely retired primary teacher, possessing requisite 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 be appointed as primary teacher on compassionate ground on submission of prayer in writing within three months from the date of issue of certificate by the competent Medical Board. Only one member of the family of a teacher declared permanently incapacitated teacher may be appointed.

Government orders issued from time to time for appointment on compassionate ground shall also duly be considered in making such appointment.

But if the Medical Board does not declare the teacher to be permanently incapacitated to continue in further service the Council will allow him to rejoin duty:

Provided he does not attain superannuation. In such a case the period of absence will be regularised as per existing leave rules.

#### 15. Maintenance of roster –

- (1) The Council shall maintain separate rosters for the cases as referred to rule 14 and appointment shall be offered, after observing all formalities, according to seniority in such roster. In no case, such appointment on compassionate ground shall be made exceeding ten percent of the existing vacancies in a calendar year.
- (2) In the cases of appointment under rule 14, reference to the employment exchange and preparation of panel shall not be necessary.

#### 16. Posting on appointment – The primary teachers shall be posted in primary schools within the jurisdiction of the Council according to vacancies determined by the Council under rule 4.

Teachers shall be asked to join their posts within a specified period, failing which their names may be struck off from the panel and the appointments shall be cancelled without further communication to the candidates and the next eligible candidates in the panel shall be offered appointment.

#### (2) Head Teacher

#### 17. Appointment of head teachers – The Council shall appoint head teachers in every primary school within the jurisdiction of the Council, from a panel of senior-most primary teachers possessing requisite 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 be appointed as primary teacher on compassionate ground on submission of prayer in writing within three months from the date of issue of certificate by the competent Medical Board. Only one member of the family of a teacher declared permanently incapacitated teacher may be appointed.



18. **Preparation of Panel** – A circle-wise panel of head teachers shall be prepared by the Council between January and April of every year on the basis of vacancies occurred or due to occur within 31<sup>st</sup> December of the said year:

Provided that, if due to circumstances beyond the control of the Council, any teacher from the aforesaid panel is not appointed against the vacancies for that year, the panel shall continue in the following year in so far as such teacher is concerned and the name of such teacher may be placed at the top of the panel to be prepared in the following year.

19. **Posting** – Head teacher may be posted in such primary schools where no head teacher is posted or the post of the head teacher is vacant.

A head teacher shall join his post within a period specified by the Council, failing which his appointment as head teacher may be cancelled and his name may be struck off from the panel of head teachers without any further communication, and the person whose name appears next in the panel of head teachers, shall be appointed and posted as head teacher in that post.

20. **Appointment of Teacher-in-charge** – The Council may utilise the services of the seniormost primary teacher in a primary school as the teacher-in-charge, temporarily for a maximum period of six months at a time, when a panel of head teachers is not ready or the post of a head teacher is lying vacant for a considerable period of time:

Provided that such teacher-in-charge shall hand over the charge of the office to the head teacher from the date the head teacher assumes the charge.

#### CHAPTER IV

##### *Miscellaneous*

21. **Retirement** – A primary teacher shall retire from the service on completion of his sixtieth year of age.

22. **Premature retirement** – If, on the prayer of a teacher seeking early retirement, the Council is satisfied, after considering all aspects, that such prayer is justified, the Council shall seek approval of the Director for each such individual case and if the Director or his authorised officer approves, the teacher after such approval shall be allowed to retire before completion of his sixtieth year of age. No member of the family of the retired teacher shall be allowed any employment in this respect.

23. **Confirmation** –

- (1) Subject to the provisions of sub-rule (2), sub-rule (3), sub-rule (4) and sub-rule (5), a teacher may be confirmed by the concerned Council against a sanctioned post with effect from the date following the date of completion of two years of service from the date of joining in a primary school.
- (2) On expiry of the said period of two years and within a period of three months therefrom the Council shall, by a letter ask the Sub-Inspector of schools of the concerned circle to furnish a report on the continuous and satisfactory services of the teacher during the said period of two years.
- (3) The report shall be furnished by the Sub-Inspector of schools within a period of three months from the date of issue of such letter or within such extended period, not exceeding three months as the Council may determine, and the Sub-Inspector of Schools shall be informed, by a letter, of such extension.
- (4) Before confirmation of the teacher, the report shall be considered by the Council and if satisfied, shall issue an order of confirmation of the teacher.
- (5) The teacher shall be confirmed with effect from the date following the date of completion of two years of service.
- (6) If –
  - (a) no report is furnished by the Sub-Inspector of schools within the period or extended period mentioned in sub-rule (3), or
  - (b) the report of the Sub-Inspector of schools is not considered by the Council within a period of three months from the date of receipt of the letter, as the case may be, the teacher shall be deemed to have been confirmed with effect from the date following the date of completion of two years of service.

24. **Application of the rules** – Notwithstanding anything contained in any special rules and orders to the contrary, rule 3, rule 4, rule 5, rule 23 and rule 26 shall apply to all recognised primary schools, irrespective of whether they are managed by religious or linguistic minority or not.

**26. Reference to the Board** – If any difficulty arises in implementing any provisions of these rules, the matter shall be referred to the Board and the Board may take decision with intimation to the State Government.

If, however, in the opinion of the Board, the matter needs to be referred to the Government, such reference to the Government shall be made by the Board and the decision of the Government shall be final.

**27. Interpretation** – The power of interpreting these rules is reserved to Government. If any question arises relating to the interpretation of these rules, it shall be referred to the Government whose decision thereon shall be final.

**28. Repeal** – All rules and orders made under the Bengal (Rural) Primary Education Act, 1930 and the West Bengal Urban Primary Education Act, 1963 and the West Bengal (Rural) Primary Education (Temporary provision) Act, 1969 regarding appointment of teachers and service conditions of primary teachers, contrary to the provisions of these rules, are hereby repealed in the districts where the West Bengal Primary Education Act, 1973 (43 of 1973), has come into force:

Provided that appointment of all teachers made with the approval of the Director or his authorized officer prior to the coming to effect of these rules into force, shall be deemed to have been made under these rules.

*By order of the Governor,*

**N. L. BASAK**

Principal Secy. to the Govt. of West Bengal.