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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
(Secondary Branch)

NOTIFICATION

No.605 SE (S)–20th June, 06 — In exercise of the power conferred by sub-section (2) of section 4, read with sub-section (1) of section 22, of the West Bengal Schools (Control of Expenditure) Act, 2005 (West Ben. Act XIV of 2005), and, in supersession of all previous orders and directions in so far as these rules provide for the subject, the Governor is pleased hereby to make the following rules:—

Rules

1. Short title and commencement - (1) These rules may be called the West Bengal Schools (Recruitment of Teacher on Vacancy Caused by Leave or Deputation) Rules, 2006.

(2) They shall come into force on the date of their publication in the *Official Gazette*.

2. Definitions - (1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the West Bengal Schools (Control of Expenditure) Act, 2005 (West Ben. Act XIV of 2005);
- (b) “casual vacancy” means a vacancy caused by leave for a period of thirty-one days to one hundred thirty-five days;
- (c) “District Inspector of Schools”, in relation to a school, means the District Inspector of Schools (Secondary Education) exercising jurisdiction in respect of the school;
- (d) “Headmaster”, in relation to a school, means the approved Headmaster, Headmistress or Teacher-in-Charge of the school;

- (e) "panel" means a list, prepared by a Selection Committee, of the candidates for the post of a teacher against casual or part-time vacancy in the school;
- (f) "part-time vacancy" means a vacancy caused by leave or deputation for a period of more than one hundred thirty-five days but not more than a period of one year or any other vacancy as the State Government may, by order, specify;
- (g) "Secretary of the school authority", in relation to a school, means the secretary of a governing body or managing committee or *ad hoc* committee or any other body, by whatever name it is called, which is charged with the management of the affairs of the school and includes the Administrator of the school;
- (h) "Selection Committee" means the Selection Committee constituted under rule 7 for selection of a person as teachers against casual or part-time vacancy in the school;
- (i) "sub-rule" means a sub-rule of the rule in which the word occurs;

(2) The words and expressions used and not defined in these rules but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. (1) Appointing authority - (1) In relation to the appointment of a teacher in the casual vacancy or part-time vacancy, the school authority shall be the appointing authority.

(2) Nothing in sub-rule (1) shall be construed as holding the Drawing and Disbursing Officer of a school as the appointing authority.

4. Qualification - No person shall be appointed as teacher by a school authority unless the person -

- (a) is a citizen of India;
- (b) has completed the age of twenty years and has not completed the age of thirty seven years on the first day of January of the year in which the advertisement is made inviting applications for the post:

Provided that the upper age limit shall be relaxable for a candidate belonging to reserved category in accordance with the Government Order issued from time to time;

- (c) possess the same qualifications as are prescribed for the post under sub-section (1) of section 8 of the West Bengal School Service Commission Act, 1997 (West Ben. Act IV of 1997).

5. Method of recruitment - (1) All recruitment in casual vacancy or part-time vacancy shall be made on the basis of selection (direct recruitment):

Provided that no recruitment shall be made against any vacancy of less than thirty days.

6. Selection Committee - (1) There shall be a Selection Committee for selection of a person for the post of teacher against a casual vacancy or part-time vacancy.

(2) The Selection Committee shall consist of the following Members, namely -

- (i) Headmaster,
- (ii) Secretary of the school authority:

Provided that the Headmaster and the Secretary of the school authority are one and same person, the President of the school authority shall be the member of the Selection Committee.

Provided further that nothing in the first proviso shall be applicable in case there is an Administrator of the school,

- (iii) an external expert to be selected by the school authority from amongst the person who is a Professor or Lecturer of a College in the relevant subject, or approved teacher of Aided High or Higher Secondary School having 5 years teaching experience in the relevant subject.

Note 1. – An external expert shall be selected from the institution situated within the sub-division.

Note 2. – Educational and professional qualification of the external expert must not be below the qualification as specified for the post;

- (iv) one teacher representative to be selected by the teachers of the school from amongst themselves.

(3) Notwithstanding anything contained in sub-rule (2), no person shall be a Member of the Selection Committee who is personally or economically related to any person to be interviewed and in such case the position of that Member in the Selection Committee shall remain vacant.

7. Sanction of post against part-time vacancy - (1) No appointment of a teacher in part-time vacancy shall be made without previous sanction of the District Inspector of Schools.

(2) When a part-time vacancy is occurred in a school, the school authority shall make an application with relevant papers to the District Inspector of Schools, and the District Inspector of Schools shall, on receipt of the application, accord sanction to fill up such vacancy.

8. General procedure for selection - (1) (a) In case of selection against a casual vacancy, the school authority shall invite application through advertisement to be affixed on the public notice board of the concerned school, concerned office of the District Inspector of Schools (Secondary Education), Block Development Officer, Municipal Corporation, Municipality, *Sabhapati* of the *Panchayat Samiti*, and *Sabhadipati* of *Zilla Parishad*, having jurisdiction over the area where the school is situated.

(b) In case of selection against a part-time vacancy, the school authority shall invite application through advertisement in State level daily news paper.

(2) There must be a margin of at least 10 clear days between the date of advertisement and the last date of receipt of application by the school.

(3) The advertisement relating to casual vacancy or part-time vacancy shall contain the following particulars: –

- (i) Name of the school with address ;
- (ii) Name of post ;
- (iii) Nature of vacancy with period ;
- (iv) Category of post (General/ Schedule Caste / Scheduled Tribes/ Other Backward Classes);
- (v) Qualification for the post ;
- (vi) Other particulars relevant for filling up such vacancy ;
- (vii) Last date of submission of application (not applicable for casual vacancy) ;
- (viii) Date, time and venue of interview in case of casual vacancy.

(4) If the number of applications received against a single vacancy are more than ten, a preliminary screening shall be made on the basis of marks obtained by the candidate in different examination to be evaluated in accordance with the marks as are prescribed for the corresponding post under the rules framed under sub-section (1) of section 8 of the West Bengal School Service Commission Act, 1997 (West Ben. Act IV of 1997), by a team consisting of Headmaster, Secretary of the School Authority, and the teacher representative as specified in sub-rule (2) of rule 6.

(5) All casual vacancies or part-time vacancies shall be filled up as per the reservation rules prevailing in the State for the time being in force.

(6) The candidates shall be called for interview by Registered Post with acknowledgement due with a margin of at least 15 days between the date of posting of call letter and the date of interview.

(7) Once the date of interview has been fixed up and communicated to the concerned candidates, the interview shall not be postponed except for the reason of a severe emergency or natural calamity.

Provided that if the interview is postponed for the reason of a severe emergency or natural calamity, the Selection Committee shall forthwith communicate the fact to the District Inspector of Schools and shall obtain his approval (but not for his sanction afresh) for holding the interview on any day.

(8) All the candidates who turn up for the interview shall, before the interview, are required by the Selection Committee to accord their attendance on a sheet of paper.

(9) The Selection Committee shall put its signature on the call letter of every candidate who appeared at the interview and shall, along with every panel, submit a certificate to that effect to the District Inspector of Schools.

(10) No claim or evidence regarding qualification or age of any candidates shall be accepted after the interview.

9. Allotment of marks - The Selection Committee shall evaluate the qualifications of the candidate and award marks in accordance with to marks as are prescribed for the corresponding post under the rules framed under sub-section (1) of section 8 of the West Bengal School Service Commission Act, 1997 (West Ben. Act IV of 1997):

Provided that the Selection Committee shall not award any extra marks to any candidate possessing any qualification above the qualification mentioned in the advertisement of such vacancy.

10. Preparation of panel - (1) The Selection Committee shall, after the interview, prepare the panel consisting of three candidates in order of merit and submit the same to the appointing authority within three days from the date of interview.

(2) The Appointing authority shall, within fifteen days from the date of submission of the panel by the Selection Committee, examine the panel and, along with all relevant papers, submit the same to the District Inspector of Schools for his approval.

(3) The District Inspector of Schools shall, within seven days from the date of receipt of the panel, convey his decision thereon to the school authority:

Provided that the District Inspector of School shall, while sending the approval letter specifically mention the name, qualification, scale of pay, period of approval, nature of vacancies etc. and in no case the School Authority shall allow the concerned incumbent to continue beyond the period of vacancy for which the approval was accorded.

(4) In case the sufficient Scheduled Caste or Scheduled Tribe candidates shall not be available, then one man panel for such candidates may be approved.

(5) Panel shall be prepared with average of marks awarded by each of the members of the Selection Committee and if any of the members want to keep his opinion resumed, result or average shall be calculated on the marks awarded by other members.

11. Validity of panel - The panel shall be remained valid for the unexpired period of the vacancy but in no case such period shall exceed one year from the date of approval of the panel and any panel prepared without maintaining the prescribed norms shall be invalid.

12. Appointment - (1) On getting approval of a panel from the District Inspector of Schools, the appointing authority shall, within fifteen days from the date of getting the approval, issue appointment letter by registered post with acknowledgement due to the first empanelled candidate.

(2) If the appointed candidate fails to join the service within fifteen days from the date of receipt of the appointment letter or abandons the offer of the appointment his name shall be struck off from the panel and the next empanelled candidate shall, if the validity period of the panel has not expired, be offered the appointment for the unexpired period of vacancy.

(3) The appointing authority shall, within seven days of joining the service by a candidate, submit all relevant papers relating to that service to the District Inspector of Schools for approval.

(4) The District Inspector of Schools shall, within one month, convey his approval, specifying the name and qualifications of the candidate, the scale of pay other entitlement relating to the post.

13. Interpretation - If any question arises regarding any decision of the District Inspector of Schools, the school authority may refer the question to the Director of School Education, West Bengal, and his decision thereon shall be final.

By order of the Governor,

DEBADITYA CHAKRABORTI
Principal Secretary to the Govt. of West Bengal.