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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

Department of School Education

Primary Branch

NOTIFICATION

No. 906-SE (Pry.)

Dated Kolkata, the 9th July, 2001

In exercise of the power conferred by sub-section (1), and in particular by sub-clause (iii) of clause (aa) of sub-section (2) of section 106, and clause (c) of sub-section (1) of section 60, of the West Bengal Primary Education Act, 1973 (West Ben Act XLIII of 1973), the Governor is hereby pleased to make the following rules namely, :—

RULES

1. Short title, extent, commencement and application—

- (1) These rules may be called the West Bengal Primary Education (Conduct of

Service of Teachers of Primary Schools) Rules, 2001.

- (2) They shall extend to the whole of West Bengal except the hill areas as defined in the Darjeeling Gorkha Hill Council Act, 1988 (West Ben. Act XIII of 1988).
- (3) They shall come into force on the 12th day of July, 2001.
- (4) They shall apply to the teachers of primary schools under the control of the Primary School Councils.

2. Definitions :

- (1) In these rules, unless there is anything repugnant to the subject or context —
 - (a) the "Act" means the West Bengal Primary Education Act, 1973 (West Ben. Act XLIII of 1973) ;

- (b) "appointing authority", means, for the purposes of these rules, the Chairman of the respective Primary School Council;
- (c) "Board" has the same meaning as in the Act;
- (d) "disciplinary authority" means, for the purposes of these rules, the Chairman of the respective Primary School Council
- (e) "family" includes husband, wife, unmarried daughter(s), dependant son(s) including legally adopted son(s) or daughter(s), or dependant parent;
- (f) "Primary School Council" has the same meaning as in the Act;
- (g) "school" means a primary school as defined in the Act;
- (h) "teacher" has the same meaning as in the Act;
- (2) Words and expressions used and not defined in the rules, but defined in the Act shall have the same meaning as respectively assigned to them in the Act.
- (3) every teacher shall, in the discharge of his duties, rise above all prejudices and personal and other considerations and maintain integrity, impartiality and devotion to duty;
- (4) every teacher shall always be punctual in attending to the duties of the school;
- (5) every teacher shall perform his duties according to the hours of duty as may be prescribed by the State Government or Board from time to time;
- (6) every teacher shall provide information regularly to parents/guardians regarding the attendance or short comings of their wards;
- (7) every teacher shall accept as a profession the individual responsibility of reporting to the concerned authorities, all matters that are considered to be prejudicial to the interest of the students and the development of the school;
- (8) every teacher shall guide the students in developing their physical, social, intellectual, emotional, moral and aesthetic sense.

3. Duties —

The following shall be the duties of a teacher, namely, :—

- (1) every teacher shall implement the educational policy and programmes of the State Government/Board and attend to all programmes of the school as may be assigned by the council and the programmes prepared by the school itself, or the Village Education Committee, or the Ward Education Committee (in the case of a municipal area) or the Women's Education Committee, or the Vidyalaya Unnayan Committee;
- (2) every teacher shall faithfully discharge

4. Rights —

The following shall be the rights of a teacher :—

- (1) every teacher shall enjoy full democratic rights;
- (2) every teacher shall have the right to form associations/unions/federative bodies of teachers.

5. Obligations —

- (1) No teacher shall, while on leave, accept any service or employment.
- (2) No teacher shall engage himself in any trade or employment, either part-time or whole time, except the honorary work

of social and charitable nature or of the co-operative society. There shall be no bar in seeking election to the Panchayat bodies, municipality and legislature by a teacher.

(3) Every teacher shall treat all students with love and affection and be just and impartial to them irrespective of caste, creed, sex, status, religion, language, or place of birth.

(4) Every teacher shall cooperate with the head of the school and the colleagues in and outside the school in both the curricular and co-curricular activities.

(5) Every teacher shall refrain himself from accepting any remuneration for coaching or tutoring the students.

6. Annual Performance Report —

(1) A self-appraisal report shall be submitted by every teacher annually to the concerned Sub-Inspector of Schools through the Head Teacher of the school concerned. The Head Teacher shall have the authority to give his comments on the performance of the teacher in the self-appraisal report.

(2) An annual academic report of each school and in respect of each teacher shall be submitted by the Head Teacher to the District Inspector of Schools (Primary Education) and the Primary School Council through the Sub-Inspector of Schools (Primary Education) for his comment.

(3) The format of an annual performance report shall be such as the State Government may prescribe.

(4) Before formation of any adverse opinion

the Primary School Council may seek the opinion of the respective Vidyalaya Unnayan Committee.

(5) The Head Teacher shall be the custodian of all movable and immovable properties of the school including all documents.

7. Suspension —

(1) A Primary School Council may place a teacher under suspension —

(a) where an inquiry under sub-rule (1) of rule 9 of these rules against him is contemplated by the Primary School Council or such an inquiry is pending; or

(b) where a case of any criminal offence involving moral turpitude against the teacher is under investigation or trial.

(2) Where a teacher is detained in custody for a period of exceeding 48 hours on a criminal charge or otherwise, he shall be deemed to have been suspended by an order of the appointing authority with effect from the date of his detention and shall remain under suspension until further orders. A teacher who is undergoing a sentence of imprisonment shall also be dealt with in the same manner, pending a decision as to the disciplinary action to be taken against the teacher.

(3) Every order of suspension under sub-rule (1) shall be communicated to the Director of School Education, Government of West Bengal, and the Board.

(4) A teacher under suspension or deemed to have been suspended shall be entitled to the following payments :-

(a) During the first three months of suspension, a monthly subsistence

pay which he would have drawn if he had been on half-pay leave. Provided that where the period of suspension exceeds three months, the appointing authority shall be competent to increase the amount of subsistence allowance for the remaining period of suspension by such amount, not exceeding fifty percent of the subsistence allowance admissible during the first three months of suspension, if, in the opinion of the appointing authority, the period of suspension has been prolonged for reasons to be recorded in writing.

(b) Dearness, medical and other allowances, admissible from time to time on the basis of the subsistence allowance fixed by the competent authority.

(5) No payment under sub-rule (4) shall be made unless the teacher furnishes a certificate to the effect that he is not engaged in any other employment, business, profession or vocation.

8. Penalties —

The following penalties may, for good and sufficient reasons, be imposed on a teacher, namely ;-

- (a) censure;
- (b) withholding of increments or promotion;
- (c) removal from service which shall not be a disqualification for future employment;
- (d) dismissal from service which shall be a disqualification for future employment as a teacher.

9. Procedure for imposing penalties —

- (1) No order imposing any of the aforesaid penalties shall be made without proper enquiry by an enquiring authority to be appointed by the disciplinary authority.

(2) No order imposing any of the penalties provided in these rules shall be made without serving a "show-cause notice" to the teacher and giving him an opportunity of being heard.

(3) Upon completion of the enquiry to be made by an enquiring authority appointed by the disciplinary authority, a report shall be prepared containing the following documents ;-

- (a) the articles of charge in the form as may be prescribed by the State Government and the statement of imputations of misconduct or misbehaviour,
- (b) the defence of the teacher, if any, in respect of each article of charge,
- (c) an assessment of the evidence in respect of each article of charge, and
- (d) the finding of the enquiring authority on each article of charge and reasons thereof.

(4) A report on the findings of the enquiring authority shall be submitted to the disciplinary authority.

10. Actions to be taken by the disciplinary authority —

- (1) The disciplinary authority shall consider the report of the enquiring authority and record its findings on each charge.
- (2) If the Disciplinary Authority having regard to its findings on the charges, is of the opinion that any of the penalties mentioned in rule 8, may be imposed, it shall pass appropriate orders with a copy to the teacher concerned.

11. Appeal —

A teacher may prefer an appeal against an order imposing penalties mentioned in rule 8

to the Appeal Committee, constituted under section 91 of the Act, and the decision of the Appeal Committee shall be final.

12. Implementation of orders of the Appeal Committee —

The authority which passed the order appealed against, shall give effect to the orders passed by the Appeal Committee and, in doing so, it shall furnish to the teacher concerned a copy of the order passed by the Appeal Committee.

13. Pay and allowances on reinstatement —

When the suspension of a teacher is held to have been unjustifiable or not wholly justifiable, or when a teacher who has been dismissed, removed or suspended is reinstated, the disciplinary or appellate authority may grant to him for the period of his absence from duty—

- (a) if he is honourably acquitted, the full pay to which he would have been entitled if he had not been dismissed, removed or suspended, and by an order to be separately recorded, any other

allowance of which he was in receipt of prior to his dismissal, removal, or suspension or,

- (b) if otherwise, such proportion of pay and allowance as the disciplinary, appellate authority may deem fit.

In a case falling under clause (a), the period of absence from duty shall be treated as a period spent on duty. In a case falling under Clause (b), the period may be treated as on duty or leave but it shall not be so treated unless the disciplinary or appellate authority directs accordingly.

The period of absence shall where it is neither treated as on duty nor leave, be treated as a period spent on suspension.

14. Interpretation —

If any question arises relating to the interpretation of these rules, it shall be referred to the State Government in the School Education Department, whose decision shall be final.

By order of the Governor,
NIKHILESH DAS
Principal Secretary to the
Government of West Bengal