

GOVERNMENT OF WEST BENGAL
Education Directorate (Secondary)

No. 264-Edn.(S)

Dated : 8th March, 1972.

NOTIFICATION

In exercise of the power conferred by Sub-Section (i) and in particular by clause (d) of Sub-Section (2), of Section 45 of the West Bengal Board of Secondary Education Act, 1963 (West Bengal Act, V of 1963), the Governor is pleased hereby to make after previous publication as required by sub-section (1) of the said section, the following rules, namely :

**'RULES FOR MANAGEMENT OF SPONSORED
INSTITUTIONS (SECONDARY), 1972**

1. Short Title – These rules may be called the Management of Sponsored Institutions (Secondary) Rules, 1972.

2. Application – These rules will apply to the Sponsored Institution (Secondary) in West Bengal.

3. Definition – The words and expressions used in these rules shall have the same meanings as are assigned to them in the Management of Recognised Non-Government Institutions (Aided and Unaided) Rules, 1969.

4. Committee – Every Sponsored Institution shall have a Committee to be constituted in the manner and for the purposes hereinafter appearing.

5. Composition of the Committee – The committee shall consist of the following members :-

(i) a President to be appointed by the Department of School Education of the State Government ;

(ii) two representatives of the Body/Organisation/Society aiding or co-operating with the State Government in setting up the Institution ;

(iii) one Government official to be nominated by the Director of School Education, West Bengal ;

(iv) two persons interested in education to be nominated by the Director of School Education, West Bengal ;

(v) one medical practitioner to be nominated by the Director of School Education, West Bengal ;

(vi) the Head of the Institution concerned ;

(vii) three representatives of the teachers of the Institution to be elected in the manner prescribed in rule 6 ;

(viii) two representatives of guardian of whom one shall be a woman in the case of a girls' school, to be nominated by the President in the manner prescribed in rule 7 ;

(ix) One representative of the whole-time non-teaching staff of the Institution to be elected in the same manner and according to the same procedure as laid down in the management of Recognised No-Government Institutions (Aided and Unaided) Rules, 1969.

Provided that the State Government shall have the power to approve of a special constitution of a Committee in respect of schools sponsored by Trusts or religious or linguistic minority.

6. Election – The representatives of the teachers shall be elected to the Committee in the same manner and according to the same procedure as laid down in the management of the Recognised Non-Govt. Institutions (Aided and Unaided) Rules, 1969.

7. Nomination of guardians' representatives – As soon as the members referred to in items (i) to (x) of rule 5 are appointed, nominated, or elected, as the case may be, the President of the Committee shall, in consultation with the Head of the Institution, nominate two representatives of the guardians referred to in items (xi) and (xii) of the said rule. In case of difference of opinion between the President of the Committee and the Head of the Institution, the matter shall be referred to the Director whose decision thereon shall be final.

8. Secretary – There shall be a secretary of the committee who shall be appointed by the Director of School Education, West Bengal from amongst the members of the Committee other than those referred to in clauses (i), (ix) and (x) of rule 5. Where any member other than the Head of the Institution is appointed as Secretary, the Head of the Institution shall be appointed as Joint Secretary.

9. Casual vacancy – Casual vacancies, except the vacancies in the office of the teacher-member, shall be filled up by nomination or appointment, as the case may be, by the authorities competent to fill the vacancy in the original committee. Any casual vacancy in the office of the teacher-member shall be filled by election in the manner laid down in rule 6. If any member of the Committee ceases at any time to fulfil the qualifications in respect of which he was elected or nominated, he shall cease to be a member and a vacancy shall be created which shall be filled by appointments, nomination or election as the case may be. Any member appointed, nominated or elected to fill the casual vacancy shall hold office for the unexpired portion of the term of office of the member whose place he fills.

10. The term of the Committee – The term of the office of the Committee shall be 3 years from the date of the first meeting of the Committee, provided that such term may be extended by the State Government :

Provided that the representatives of the guardians referred to in items (xi) and (xii) of rule 5 shall hold office for a period of one year only.

11. Vacancy caused by absence – Any member of the Committee absenting himself from four consecutive meetings shall cease to be such member unless the Committee otherwise directs. The vacancy shall be filled up as provided in rule 9.

12. Meeting and quorum – A meeting of the Committee shall be called by the Secretary at least once in every two months except during the vacation of the Institution. Not less than 7 days' notice of the meeting shall ordinarily be given. Seven members shall form a quorum.

13. Audit – The Director shall annually appoint, from the panel maintained by him, an Auditor who shall examine the accounts of the Institution for the year and submit his report to the Committee, on or before 31st day of March; and two copies of such report shall be forwarded to the Director who shall send one copy to the State Government. The Director may call for explanation of the Committee on the irregularities pointed out in the audit report and the Committee shall submit to the Director within six weeks of receipt of the communication its explanation indicating the action taken or proposed to be taken on the irregularities. If the explanation is not considered satisfactory, the Director may move the State Government for supersession of the Committee.

14. Special meeting – A special meeting shall be convened by the Secretary within a fortnight when a requisition for such a meeting is made by not less than four members of the Committee, not less than seven days' notice of such meeting shall be given.

15. Special meeting convened by requisition – If the Secretary fails to convene a special meeting, the requisitionists shall refer the matter to the President who shall convene the meeting. In the event of the President failing to convene the meeting within ten days after reference to him, the requisitionists, not being less than one-half of the total number of members, shall have power to convene the meeting after giving seven days' notice.

16. Emergency meeting – Emergency meeting may be convened by the President, if necessary, with not less than twenty-four hours' notice to consider a matter of emergent nature requiring immediate attention. All resolutions passed at an emergency meeting shall be subject to confirmation or revision at the next ordinary meeting.

17. Place of meeting – All meetings shall be held in the premises of the Institution, unless the members of the Committee decide unanimously to the contrary.

18. Agenda – The notice of each meeting shall set forth the business to be transacted at the meeting the agenda being drawn up by the Secretary of the Committee in consultation with President of the Committee and, except with the consent of three-fourths of the members present, no business other than that so stated shall be transacted, provided that no matter involving the appointment or deputation or dismissal or removal of a teacher or other employee shall be taken up unless the matter has been placed on the agenda of the meeting issued with the notice, and evidence of service of such notice is maintained and preserved for inspection by any member of the Committee or any person authorised by the Board or Director of the Education Department of the State Government.

19. President to preside – The President shall preside at meeting of the Committee. In the absence of the President, the members present shall elect one amongst themselves who shall preside.

20. Casting vote – The person presiding at the meeting shall have a casting vote in addition to his ordinary vote when votes of the members present are equally divided.

21. Auditor's Report – The Auditor's report on the accounts of the Institution shall be taken into consideration at the first ordinary meeting after the report has been received. A copy of the report, along with the observations of the Committee shall, thereafter, be sent to the Board and the Director who may call for additional information or explanation in the matter as laid down in rule 13.

22. Duties of the Secretary – Under the direction of the Committee the Secretary shall carry out correspondence with the proper authorities on behalf of the Committee. He shall

also keep a record of the proceedings of the meetings of the committee in a book maintained for the purpose. The record of each meeting shall be confirmed at the subsequent such meeting.

23. Powers of the Committee – Subject to approval of the Director and subject to further such direction as the State Government may from time to time issue, the Committee shall have the powers to—

- (i) appoint teachers and other employees on permanent and temporary basis ;
 - (ii) extend the services of teachers and other employees beyond the dates of superannuation ;
 - (iii) remove or dismiss teachers and other employees after offering such teachers and employees concerned reasonable opportunity of representing their cases ;
 - (iv) grant leave other than casual leave which shall be granted by the Head of the Institution and by the President of the Committee in the case of the Head of the Institution, and increments of pay to teachers and other employees, according to the rules in force ;
 - (v) grant free studentship or half-free studentship in accordance with the procedure laid down from time to time, but ordinarily with the consent of the Head of the Institution ;
 - (vi) manage funds of the Institution ;
 - (vii) frame annual reports ;
 - (viii) deal with all schemes of development of the Institution and allied matters ;
 - (ix) allocate the total period of holidays in a year, but special holiday for a day or a part thereof on account of death of any prominent person or for any special occasion concerning the Institution may be granted by the Head of the Institution at his discretion ;
 - (x) grant deputation of teachers, where such deputation is in the interest of the Institution in conformity with rules and order on the subject ;
- Provided that a teacher affected by the decision of the Committee may make his representation to the Director ;
- (xi) deal with other matters that are brought to the Committee in the interest of the Institution ;

²(xii) impose minor penalties, like stoppage of one to three increments in pay, reduction of pay in the time scale and ensure, with the prior approval of the Board, in case of lapses on the part of permanent or temporary teachers and other employees of an Institution which do not warrant removal or dismissal of the persons concerned. In all such cases the committee shall observe the procedure laid down in sub rule (8) of rule 28 in the Management of Recognised Non-Government Institutions (Aided and Unaided) Rules, 1969.

23A. Suspension for Preventive Detention – In the case of teaching and non-teaching staff of an institution detained in custody for a period exceeding 48 hours under any law providing for preventive detention or as a result of a proceeding for a preventive detention either on a criminal charge or otherwise, such staff shall be deemed to have been suspended by an order of the appointing authority, with effect from the date of detention and shall remain under suspension until further orders.

A teaching or non-teaching staff who is undergoing a sentence of imprisonment shall also be dealt with in the same manner, pending a decision on the disciplinary action to be taken against him.

24. Notwithstanding anything contained in these rules, the Institutions sponsored in co-operation with the Ramakrishna Mission shall be managed until other provisions are made in accordance with the Special Rules for the management of Ramakrishna Mission Schools.

25. If, on consideration of a report by the Director, the State Government is of the opinion that the Committee for the management of any Sponsored Institution has not been functioning properly, it may supersede such Committee and appoint an Administrator or an Ad-hoc Committee to exercise the powers and perform the functions thereof.

26. **Staff Council** – The Committee of each institution shall constitute a Staff Council composed of all whole-time teaching and non-teaching staff, permanent and temporary, working against sanctioned posts or sanctioned additional posts for not less than two years, with the Head of the Institutions as its President. The Secretary of the Council shall be elected from amongst its members. The Council may discuss all matters of academic interest and other problems relating to the development of the institution and may recommend to the Committee, measures for improvement of the institution. The Committee shall record the action taken on the recommendation indicating reasons in the case of its non-implementation. The Head of the Institution shall convene the meeting of the Staff Council once in every three months in an academic year.

27. Academic Council :

(1) The Committee of each Institution shall constitute an Academic Council composed of the Head of the Institution, the Assistant Headmaster or Assistant Headmistress, if there be any, as the case may be, and not more than 3 members elected from amongst the members of the teaching staff including the Librarian and the Assistant Librarian where there is one, working against sanctioned posts or sanctioned additional posts for not less than two years.

The Head of the Institution and the Assistant Headmaster or the Assistant Headmistress, as the case may be, shall be the President and the Secretary of the Council respectively. Where there is no Assistant Headmaster or Assistant Headmistress, one from amongst the elected members shall be elected Secretary of the Academic Council. In case of any casual vacancy, it shall be filled up by election at a meeting convened for the purpose. The Head of the institution shall preside over the meeting.

In case of an Institution with Higher Secondary Classes (Class XI and XII) recognised by the West Bengal Council of Higher Secondary Education, the total number of members of the Academic Council including the President and the Secretary shall, in no case, exceed 5.

(2) The Head of the Institution shall convene a meeting within one month from the first meeting of the newly constituted or reconstituted Managing Committee and the teacher members including Librarian, Assistant Librarian, if any, of the Academic Council shall be elected in that meeting. Where there is an Ad-hoc Committee or an Administrator, the Academic Council shall be constituted as per Provisions of this rule as and when directed by the Executive Committee and shall continue to function for the period determined by the Executive Committee from time to time. The Head of the Institution shall convene the meeting of the Academic Council once in every two months in an academic year.

(3) The Council may discuss matters connected with (i) admission, (ii) promotion, (iii) selection of books, (iv) time table of School hours and (v) measures relating to the improvement of teaching and co-curricular activities. The Head of the Institution shall, ordinarily, be guided by the advice of the Council in matters specified above. But the Head of the Institution may, for reasons to be recorded in writing, overrule the advice of the Council, in which case any member of the Council who may be in disagreement with the decision taken by the Head of the Institution, may refer the matter to the Committee whose decision thereon shall be final. Selection of books shall be made in consultation with the subject teachers of the institution. In selecting books, schools should exercise the greatest care and a book, once prescribed, shall be allowed to continue at least for 3 years, unless there are compelling reasons for a change.

28. Meeting with guardians :

The Head of the Institution shall convene meeting with guardians twice in an academic year. The Head of the Institution shall convene meeting class-wise with subject-teachers and guardians twice in an academic year without hampering the studies of the pupils. In every Institution, "Guardians' Week" shall be observed once in a year.

29. Number of days instructional work :

(1) The total number of days including Saturdays which will be half-holidays, available for instructional work of an educational institution shall not fall below 200 days in an academic year. The days on which class-examinations and other school activities are held shall not be included within the period of 200 days earmarked for instructional work of the institution.

(2) Classes will not be kept suspended in the school on account of holding examination, other than the examination conducted by the West Bengal Board of Secondary Education and the West Bengal Council of Higher Secondary Education.

(3) No classes shall be kept suspended in the school for giving free time to the student to prepare for their annual examination or for any other school activities.

30. Holding of classes on regular basis etc. :

All teachers shall regularly take classes allotted to them in the time-table and complete the prescribed syllabus within the stipulated period of the academic year. To monitor and maintain the prescribed rate of progress of the students in their course of studies, teachers should go by the announced programme of periodical examinations of the school, to set-up question papers, perform invigilation duty in the examination halls, and take up evaluation of answer-scripts and recording of marks, writing of progress reports, publication of results thereof in time, and submission of the progress reports to the Head of the institutions for transmission of the same to the guardians for their knowledge, signature and comments, if any. Schools shall also so arrange that the students can take home the examined answer-scripts of all the periodical examinations, and except annual examination for perusal of their guardians for knowledge in respect of attainments of their wards on condition that they return the scripts with the signature of the guardians to their schools seven days from the date of receiving of the scripts from the school.

31. Invigilation duties etc. performed by teachers :

Invigilation duties and evaluation answer-scripts in examinations conducted by the West Bengal Board of Secondary Education and the West Bengal Council of Higher Secondary Education shall fall within the bounden duties and functions of a teacher in a Secondary School and Higher Secondary School and the non-teaching staff shall perform other duties as may be allotted to them.

By order of the Governor,
J. C. Sengupta, Secy. to the Govt. of West Bengal.

GOVERNMENT OF WEST BENGAL
School Education Department
Secondary Branch
NOTIFICATION

No. 779-SE(S)

Dated : Cal. the 8th October, 1998.

In Exercise of the power conferred by sub-section (1), and the Particular, by clause (d) of sub-section (2), of section 45 of the West Bengal Board of Secondary Education Act, 1963 (West Bengal Act.-V of 1963) the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of the said section, the following amendment in the Management of Sponsored Institutions (Secondary) Rules, 1972, published with this department notification no. 264-Edn(S), dated the 8th March, 1972, at pages 537 to 540 of part I of the Calcutta Gazette, Extraordinary, dated the 9th March, 1972, as subsequently amended (hereinafter referred to as the said rules) :-

AMENDMENT

For rule 5 of the said rules, substitute the following rule :

"5. Composition of the Committee. - The Committee shall consist of the Following members :-

(i) a President to be appointed by the Department of School Education of the State Government ;

(ii) two representatives of the Body/Organisation/Society aiding or co-operating with the State Government in setting up the Institution ;

(iii) one Government official to be nominated by the Director of School Education, West Bengal ;

(iv) two persons interested in education to be nominated by the Director of School Education, West Bengal ;

(v) one medical practitioner to be nominated by the Director of School Education, West Bengal ;

(vi) the Head of the Institution concerned ;

(vii) three representatives of the teachers of the Institution to be elected in the manner prescribed in rule 6 ;

(viii) two representatives of guardian of whom one shall be a woman in the case of a girls' school, to be nominated by the President in the manner prescribed in rule 7 ;

(ix) one representative of the whole-time non-teaching staff of the Institution to be elected in the same manner and according to the same procedure as laid down in the management of Recognised non-Government Institutions (Aided and Unaided) Rules, 1969.

Provided that the State Government shall have the power to approve of a special constitution of a Committee in respect of schools sponsored by Trusts or religious or linguistic minority.

By order of the Governor,

Sd/- Nikhilesh Das.

Secy. to the Govt. of West Bengal.

GOVERNMENT OF WEST BENGAL
School Education Department
Secondary Branch
NOTIFICATION

No. 663-SE(S)/IOR-3/95

Kolkata, the 2nd May, 2001.

In exercise of the power conferred by sub-section (1) and in particular, by clause (d) of subsection (2) of section 45 of the West Bengal Board of Secondary Education Act, 1963 (West Bengal Act, V of 1963) the Governor is pleased hereby to make, after previous publication as required by sub-section (1) of the said section, the following amendment in the Management of sponsored Institutions (Secondary) Rules, 1972, published with this Department Notification No. 264-Edn.(S) dated the 8th March, 1972, at pages 537 to 540 of Part-I of the Calcutta Gazette, Extraordinary dated the 9th March, 1972, as subsequently amended (hereinafter referred to as the said rules) :-

AMENDMENT

In the said rules—

(1) after sub-rule (xi) of rule 23, insert the following sub-rule :

“(xii) impose minor penalties, like stoppage of one to three increments in pay, reduction of pay in the time scale and ensure, with the prior approval of the Board, in case of lapses on the part of permanent or temporary teachers and other employees of an Institution which do not warrant removal or dismissal of the persons concerned. In all such cases the committee shall observe the procedure laid down in sub rule (8) of rule 28 in the Management of Recognised Non-Government Institutions (Aided and unaided) Rules, 1969.”

(2) after rule 23, insert the following rule :— “23A SUSPENSION FOR PREVENTIVE DETENTION—

In the case of teaching and non-teaching staff of an institution detained in custody for a period exceeding 48 hours under any law providing for preventive detention or as a result of a proceeding for a preventive detention either on a criminal charge or otherwise, such staff shall be deemed to have been suspended by an order of the appointing authority, with effect from the date of detention and shall remain under suspension until further orders.

“A teaching or non-teaching staff who is undergoing a sentence of imprisonment shall also be dealt with in the same manner, pending a decision on the disciplinary action to be taken against him.”

(3) after rule 25, insert the following rules :

“26. Staff Council :

The Committee of each institution shall constitute a Staff Council composed of all whole-time teaching and non-teaching staff, permanent and temporary, working against sanctioned posts or sanctioned additional posts for not less than two years, with the Head of the Institutions as its President. The Secretary of the Council shall be elected from amongst its members. The Council may discuss all matters of academic interest and other problems relating to the development of the institution and may recommend to the Committee, measures for improvement of the institution. The Committee shall record the action taken on the recommendation indicating reasons in the case of its non-implementation. The Head of the Institution shall convene the meeting of the Staff Council once in every three months in an academic year.

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In case of an Institution with Higher Secondary Classes (Class XI and XII) recognised by the West Bengal Council of Higher Secondary Education, the total number of members of the Academic Council including the President and the Secretary shall, in no case, exceed 5.

(2) “The Head of the Institution shall convene a meeting within one month from the first meeting of the newly constituted or reconstituted Managing Committee and the teacher members including Librarian, Assistant Librarian, if any, of the Academic Council shall be elected in that meeting. Where there is an Ad-hoc Committee or an Administrator, the Academic Council shall be constituted as per Provisions of this rule as and when directed by the Executive Committee and shall continue to function for the period determined by the Executive Committee from time to time. The Head of the Institution shall convene the meeting of the Academic Council once in every two months in an academic year.”

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(1) The total number of days including Saturdays which will be half-holidays, available for instructional work of an educational institution shall not fall below 200 days in an academic year. The days on which class-examinations and other school activities are held shall not be included within the period of 200 days earmarked for instructional work of the institution.

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All teachers shall regularly take classes allotted to them in the time-table and complete the prescribed syllabus within the stipulated period of the academic year. To monitor and maintain the prescribed rate of progress of the students in their course of studies, teachers should go by the announced programme of periodical examinations of the school, to set up question papers, perform invigilation duty in the examination halls, and take up evaluation of answer scripts and recording of marks, writing of progress reports, publication of results thereof in time, and submission of the progress reports to the Head of the institutions for transmission of the same to the guardians for their knowledge, signature and comments, if any. Schools shall also so arrange that the students can take home the examined answer-scripts of all the periodical examinations, and except annual examination for perusal of their guardians for knowledge in respect of attainments of their wards on condition that they return the scripts with the signature of the guardians to their schools seven days from the date of receiving of the scripts from the school.

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By order of the Governor,
Nikhilesh Das
Secy. to the Govt. of West Bengal.