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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 Education Department, Secondary Branch.**

NOTIFICATION

No. 877-Edn.(S)

Dated : 24/12/93

WHEREAS it is expedient to provide for the regulation of Anglo-Indian and other listed schools in West Bengal ;

NOW, THEREFORE, the Governor is pleased hereby to make the following regulations :—

Regulations**CHAPTER—I***Preliminary***1. Short title and commencement :—**

(1) These regulations may be called the Code of Regulations for Anglo-Indian and other Listed Schools, 1993.

(2) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. Application :— This Code shall apply to :—

- all Anglo-Indian Schools ;
- all listed schools ; and
- all under graduate training colleges and such other institutions imparting either academic or vocational education through the medium of English as the State Government, in consultation with the State Board, may by order specify from time to time.

3. Power to amend the Code :—

The State Government may, after consultation with the State Board, alter or modify any regulation of this code.

4. Interpretation :—

The power to interpret any provision of this code is reserved to the State Government in the Department of Education.

5. Definitions :—

In this Code, unless the context otherwise requires—

(1) "aided school" means a recognised school receiving aid of any kind whatsoever on a recurring basis, whether in the form of Government Grant, or Dearness Allowance or the like :

(2) "Anglo-Indian school" means an institution, including all standards and divisions thereof, established under the Code of Regulations for European (now Anglo-Indian) Schools in Bengal (now West Bengal), 1929 (hereinafter referred to in this Code as the existing Code) and continuing as such on the date of coming into force of this Code, provided that such institution continues to fulfil the conditions for recognition laid down in this Code, and particularly in regulation 8.

Explanation :—For the purposes of this Code, any new school, applying for recognition, shall satisfy the State Board and the Department of Education that it has been established, and is administered, by—

- Anglo-Indians, or
- Founders of existing recognised Anglo-Indian Schools, provided that such school fulfils the conditions for recognition laid down in this Code, and particularly in regulation 8 :

(3) "Board" means the Central Board of Secondary Education or any other Board of Examination recognised by the Government of India or any State Government :

- (4) "Council" means the Council for the Indian School Certificate Examinations, New Delhi.
- (5) "Department of Education" means Department of Education of the Government of West Bengal looking after School Education;
- (6) "Deputy Director" means the Deputy Director of School Education (Anglo-Indian Schools), West Bengal (hereinafter referred to in this Code as the D. D. S. E.);
- (7) "Director" means the Director of School Education, West Bengal;
- (8) "Founder" means the Christian Church, Registered Trust, Registered Society, Founding Body or Founder's Will which founded any Anglo-Indian School or any listed school or any under-graduate training college or other institution and manages the same;
- (9) "Head" means the academic and administrative Head of any Anglo-Indian school or any listed school or any under-graduate training college or other institution by whatever name called;
- (10) "Listed school" means an English medium school which does not come under the purview of the definition of Anglo-Indian School, but is recognised under this Code for the purpose of presenting candidates for the Council/Board Examination under such terms and conditions as the State Board and the Department of Education may prescribe, provided that such school fulfils the conditions laid down in Clauses (a), (b), (c), (d), (f), (g) and (h) of regulation 8;
- (11) "Managing Committee" means the body of individuals entrusted by the Founder with the management of any Anglo-Indian school or any listed school or any under-graduate training college or other institution;
- (12) "recognised school" means a school recognised by the State Government under this Code with or without any financial aid;
- (13) "Secretary" means the Secretary of the Managing Committee;
- (14) "staff" means members of both teaching and non-teaching staff of any Anglo-Indian school or any listed school or any under-graduate training college or other institution;
- (15) "State Board" means the State Board for Anglo-Indian Education, West Bengal.

CHAPTER—II

Grant

6. Grant :—

A sum of money shall be annually granted by the State Government for Anglo-Indian Education in West Bengal. The object of the grant is to aid local exertion in maintaining efficient schools conducted under the provisions of this Code for the education of Anglo-Indian children, and children of other communities, and institutions for training teachers for such schools through the medium of English—the mother tongue of the Anglo-Indian community. The grant shall be administered by the Department of Education in consultation with the State Board.

7. Deputy Director to be responsible :—

The Deputy Director will be the officer responsible to the Department of education in respect of all Anglo-Indian schools, listed schools, under-graduate training colleges and other institutions to which the provisions of this Code apply.

8. Recognition of schools :—

A list of recognised schools shall be maintained by the Department of Education. No school shall be recognised as an Anglo-Indian School or listed School unless it satisfies the State Board and the Department of Education that —

- (a) its financial stability is assured;
- (b) its Managing Body is properly constituted by the Founder;
- (c) it is not run for personal profit;
- (d) it has suitable and adequate accommodation and sanitary arrangements having regard to the number, age and sex of the pupils attending it;
- (e) for the purpose of public examinations, it prepares and presents pupils for one or more of the examinations, conducted by the council, or a similar and equivalent examination approved by the State Board;
- (f) it provides for such courses of study and instructions through the medium of English as approved by the council or the Board;
- (g) it has adequate number of teachers having prescribed qualifications;
- (h) it has proper facilities for physical education, library services, laboratory work, craft work and co-curricular activities;
- (i) it will make available upto 50% annual admissions to eligible Anglo-Indian pupils

whose parents/guardians are prepared to pay full fees ;

- (j) it will offer free studentship or part free-studentship to indigent Anglo-Indian pupils numbering not less than 5% of the total enrolment of the school.

Note :—Clauses (i) and (j) shall not apply to listed schools.

9. Application for recognition :—

- (a) When a school desires recognition, an application has to be made to the D. D. S. E. in the prescribed form.
- (b) The application alongwith all supporting documents will be put before the State Board for considerations. Should the State Board consider that a good prima facie case exists for such recognition, it will nominate a team of three members of the State Board including the D. D. S. E. to visit the school and submit the report to the State Government as to whether such recognition is to be given or not. A copy of this report shall be placed before the State Board for information.
- (c) Every application for recognition will be entertained and considered by the appropriate authority and the decision therein shall be communicated to the applicant within a period of four months from the date of receipt of the application and, where recognition is not granted, the reasons for not granting such recognition shall also be communicated to the applicant within the said period.
- (d) Where recognition to a school is refused, any applicant aggrieved by such refusal may, within thirty days from the date of communication to him of such refusal, appeal against such refusal in the prescribed manner, to the Secretary, Department of Education (School Education), Government of West Bengal, whose decision thereon shall be final and the State Board shall be informed of such decision.

10. Eligibility for sending pupils for examination :—

Only those schools which are recognised under this Code will be eligible to send up pupils to the examinations recognised under this Code or for

receiving scholars who held Government scholarships or to share any benefits under this Code.

11. Conduct of schools :—

Every school recognised by the State Government in any form whatsoever under the provisions of this Code will be conducted in the following manner :—

- (a) no pupil shall be required to take part in any religious instruction that may be imparted in a recognised school or to attend any religious worship that may be conducted in such school or any premises attached thereto unless the parent or the guardian of the pupil has given his/her "no objection" thereto in writing :
- (b) it shall not be a part of the Deputy Director's duties to enquire into any instruction in religious subjects given at any school or examine any pupil therein in religious knowledge or in any religious subject or book.

12. No Grant for religious subject :—

No grant shall be made or be continued on account of instruction in religious subjects.

13. Withdrawal of recognition :—

- (a) If, at any time, the D. D. S. E. considers on account of any deficiencies or defects that any school no longer fulfils the conditions for recognition laid down in this Code, he may, after giving an opportunity to the school to offer its explanation or defence, if any, recommend to the State Board the withdrawal of recognition of the school, giving reasons of such withdrawal of recognition. Provided that if the deficiencies or defects of the school are capable of immediate or early removal, the State Board may recommend suspension of recognition for such period as it may think fit, to enable the managing committee of the school to remedy the deficiencies or defects to the satisfaction of the State Board.
- (b) Notice of withdrawal of recognition together with the reasons thereof shall be communicated to the Managing Committee of the school concerned, fourteen clear days before imposition of the penalty to enable it to examine the charges and correct the irregularities.
- (c) Any Managing Committee aggrieved by withdrawal of recognition of the school managed by it, may, within 30 days from the date of communication to it of the withdrawal,

prefer and appeal against such withdrawal to the Secretary of the Department of Education (School Education), Government of West Bengal.

13. **Inspection :** The school shall be open for inspection in all its departments by the Deputy Director at all reasonable times with or without notice.

CHAPTER III

Management & Administration

14. **Management of schools :** All schools approved and recognised under this Code will be managed by a Managing Committee duly constituted and acting under specific rules which the Department of Education may require the schools to submit for approval. Provision shall be made for the inclusion in the Managing Committee of two confirmed teachers elected by the confirmed teaching staff of the school, provided that such inclusion is not violative of the existing rules of the Founder. If necessary, the existing rules may be amended in favour of inclusion of such teacher representatives in the Managing Committee.

15. **Notification to D. D. S. E :** Whenever a Managing Committee is constituted for a new term of office or whenever any change is made in the constitution of the Managing Committee, the D.D.S.E. shall be notified within four weeks of such change.

16. **Meeting of Managing Committee :** The general procedure for meetings of the Managing Committee shall be in terms of the rules and regulations to be drawn up, if it is not already there, and such rules shall expressly (a) state how meetings are called as well as the procedure to be followed at such meetings, (b) state the number of meetings (which should be at least one in every quarter) which the Managing Committee shall be required to hold, (c) provide a method by which members of the Managing Committee shall be chosen, (d) provide for appointment and removal of Secretary of the Managing Committee, his functions, powers and duties in the academic & administrative interest of the school and, (e) provide for appointment, dismissal and service conditions, not inconsistent with the provisions of Chapter IV, of school teachers and non-teaching staff, including the Principal/Headmaster/Headmistress, in the employ of the school.

17. **Power of the Managing Committee :** The Managing Committee shall have the powers (i) to make rules, not inconsistent with the provisions of this Code, from time to time, for its guidance, (ii) to deal

with all matters in respect of which authority has been delegated to it by the Founder, (iii) to appoint the Principal/Headmaster/Headmistress and the Vice-Principal/Deputy Headmaster/Headmistress, if so empowered by the Founder.

18. **Internal management :** Subject to the general supervision of the Managing Committee, the Principal/Headmaster/Headmistress shall be responsible—

- (a) for the internal management and administration of the school including supervision of classes, the tone and discipline of the school, school timetables, school library and laboratory, furniture and equipment, admission of pupils and class supervisions, grant of casual leave to the teachers and other employees and allocation of duties to the teaching and non-teaching staff, and
- (b) for organising all curricular activities and carrying out the decision of the Managing Committee and dealing with the Government Educational authorities as desired or directed by the school Managing Committee.

CHAPTER IV

Terms & Conditions of Service of Staff

19. **Payment of salary, etc. :** All schools recognised under this Code shall pay their teaching and non-teaching staff pay, house rent and medical allowances, Gratuity and Contributory Provident Fund in the scales not lower than those approved by the State Government in respect of Government aided schools affiliated to the West Bengal Board of Secondary Education or as prescribed under the relevant Provident Fund Act/ rules of the Government of India.

20. **Appointment :**

- (a) Appointment of all categories of staff shall be made as per rules framed by the Founder. Every employee, whether a teaching or a non-teaching staff, shall be engaged by a letter of appointment which shall state clearly the type of employment offered—permanent, temporary or against a leave vacancy. The letter of appointment shall describe the nature of the duties, salary and emoluments, term for which the employment is offered, the period of probation, if any, requirement of training and manner of termination of the appointment.
- (b) The employee must sign the letter (copy to be enclosed) as token of acceptance.
- (c) In the case of an appointment against a permanent vacancy, the terms and conditions

of appointment, salary scales, all wances, initial salary, and retiring benefits shall be stated clearly in writing and shall be signed by both the parties and returned to the school. A copy of the same shall be given to the teacher for future reference.

- (d) A teacher joining another school, who was confirmed in a similar post in a school recognised by an authority acceptable to the Department of Education shall be entitled to advance increments at the rate of one increment for every two years of completed continuous service in a single institution in the scale of pay of the post of the school the teacher is joining. A higher initial salary will be negotiable and will be left to the direction of Managing Committee.
- (e) Ordinarily, a teacher appointed against a permanent vacancy will be placed on probation for one year from the date of appointment and such probation may be extended by NOT MORE than one year thereafter. In all cases of teachers appointed on probation, a letter terminating the service or extending the period of probation, as the case may be, shall be served to him/her, one month before the end of the probationary period failing which, the teacher will be deemed to be confirmed in that appointment.
- (f) Untrained teachers will be entitled to the same scale of pay as trained teachers on condition that they will not earn any increment if they are not trained within five years from the date of appointment.

22. Termination of service :—

The service of a member of staff on probation may be terminated with one month's notice on either side or with one month's salary in lieu of notice without any reason being assigned by either party.

23. Termination of appointment of confirmed staff :—

The service of a confirmed member of staff may be terminated with three months' notice on either side or by the payment of three months' salary by either party in lieu of notice with adequate reasons being assigned by either party, provided that in the case of termination of the service of a confirmed member of staff by a school, the school shall pay the member an amount calculated at the rate of half a month's salary for each completed year of service upto a maximum

of 10 months' salary in addition to Provident Fund and Gratuity as accrued.

24. Procedure for disciplinary action against confirmed staff :

- (a) The Head will frame charges after giving sufficient warning on the basis of the allegation against a staff and will bring it immediately to the notice of Managing Committee. No warning will, however, be necessary for gross misconduct.
- (b) The Chairperson of the Managing Committee will appoint a person to conduct an enquiry.
- (c) The employee shall be supplied with a copy of the charges together with a statement of allegations on which the charges are based.
- (d) He/she will be required to submit within 10 days of the receipt of the charges and the statement of allegations a written statement to the Enquiring Officer in his/her defence and also to state whether he/she desires to be heard in person and adduce witnesses in his/her favour. He/she will have the right to have another person to defend him/her, if so desired, to adduce defence evidence.
- (e) The Enquiring Officer will prepare a report of the enquiry with his findings on each of the charges together with reasons thereof.
- (f) The enquiry report will then be sent to the Chairperson of the Managing Committee who will issue a show-cause notice with proposed penalties, if any, and the employee will be called upon to reply to the show-cause notice within a fortnight of the receipt of such notice. Thereafter, the Managing Committee will take a final decision about the penalty, if any, that should be imposed. Provided that if the staff is aggrieved by the order of any disciplinary action leading to the dismissal or removal from service or reduction in rank, he/she may prefer a reference to an Arbitration Committee which will be appointed by the Chairman of the State Board and the decision of the Arbitration Committee will be final and such decision will be binding upon all concerned.

25. Suspension of staff :—

- (a) A staff may be suspended by the Head pending drawal of disciplinary proceedings in terms of regulation 24 and pending further action by the Managing Committee who should be informed of the action taken by the Head within three days.
- (b) An employee who is placed under suspension shall be entitled to receive from the school a

monthly subsistence allowance at the rate of 50% of total emoluments for a total period of 60 days.

- (c) Should there be a delay on the part of the Managing Committee beyond 60 days in arriving at a decision, the subsistence allowance will continue to be paid at the rate of 75% of the total emoluments until the Managing Committee communicates its decision to the employee concerned.
- (d) The subsistence allowance shall not be payable beyond a period of 2 months, if the delay in arriving at a decision is due to no fault of the Head or the Managing Committee, as for example, a delay caused by the employee or a Court Case initiated by the employee.
- (e) If he / she accepts any other paid employment during the period of suspension, the employee concerned shall not be entitled to any subsistence allowance for the period he/she is thus otherwise employed.
- (f) In the case of an employee being exonerated from all charges, all arrears of pay and allowances will be paid to the employee for a total period of suspension.

26. **Procedure for dismissal** :— The procedure for dismissal of the Principal / Headmaster / Headmistress will be initiated by the Founder and will follow the procedure laid down in regulations 24 and 25.

27. **Communication to staff** :— All communications to the staff in the name of the Managing Committee will be made in writing by the Head/Secretary.

28. **Forms to be incorporated in rules etc.** :— The following forms shall be incorporated in the rules and regulations of each individual school :—

- (a) Form of agreement between the staff and the institution ;
- (b) Form of Charge Sheet ;
- (c) Form of Termination of Service ;
- (d) Form of Dismissal ;
- (e) Form of Appeal ;
- (f) Form of Service Record.

CHAPTER—V

Benefit

29. **Provident Fund and Gratuity** :—

- (a) Every member of the staff will come under the provisions of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 (19 of 1952)

- (b) Gratuity will be paid to a member of the staff according to what the state Government may direct from time to time in respect of staff of the Government aided schools affiliated to the West Bengal Board of Secondary Education.

30. **Leave** :—

- (a) **CASUAL LEAVE** :—14 days' casual leave on full pay in a year is permissible. The casual leave may be prefixed or affixed to any holiday or Sunday but the total period, including the holiday or Sunday, shall not exceed five days at a time. Sundays and holidays falling within the period of casual leave shall be counted as leave. Casual Leave shall not be tagged with any other leave or any long vacation.

- (b) **MEDICAL LEAVE** :—(i) A teacher or a non-teaching employee of a school may be granted 15 days' leave on medical ground for each completed year of Service spent on duty on production of a medical certificate from a Medical Officer or a registered Medical Practitioner with the application for leave and fit certificate at the time of resuming duties. The total period of leave on medical ground which may accrue to the credit of a teacher or a non-teaching employee shall not exceed 365 days during the whole period of service in a school,

- (ii) During the period on leave on medical ground, the teacher or the non-teaching employee will get a salary at the rate of full average pay.
- (iii) Medical leave may be pre-fixed or affixed to a long vacation but not both.

(c) **Maternity Leave** :—

- (i) Maternity leave may be granted to a confirmed teacher / non-teaching employee on full pay for a period which may extend upto the end of 3 months from the date of its commencement or to the end of 6 weeks from the date of confinement, whichever is earlier.
- (ii) Any other kind of leave in continuation of maternity leave may be granted if the request for its grant is supported by a medical certificate.
- (d) **Examination Leave** (inclusive of the periods of actual examination) :

Thirty days' leave on full pay may be granted to a confirmed teacher who is appearing for a first qualifying graduation/post graduation and/or professional examination which, in the opinion of the Managing Committee will contribute to the effectiveness of his work in the school. Such leave may be granted not more than twice for any particular examination. Examination mentioned above may be taken to a limit of once in three years.

(e) **Leave for Probationers :**

- (i) A member of staff on probation may be granted 14 days' leave on pro-rata basis for the first year of probation.
- (ii) Maternity leave may also be granted to a probationary teacher/non-teaching staff on full pay upto 4 weeks prior to the date of confinement and 4 weeks after confinement, provided that she has been in service for at least 9 months immediately preceding the date of delivery.

(f) **Special Leave :**

Under extra ordinary circumstances Special Leave may be sanctioned at the discretion of the Managing Committee to a confirmed member of teaching/non-teaching staff for a maximum period of 2 years during the entire service period of the member, provided that the period shall not exceed one year within the first 10 years of service.

(g) **Other Leave :**

In addition to Casual, Maternity and Medical leave, clerical and non-teaching employees will be entitled to—

Annual leave	....	....	30 days
Full day	....	....	48 days (Sundays)
Half day (48)	....	....	24 days (Saturdays)
Gazetted Holidays	....	....	16 days
			<u>118 days</u>

31. Superannuation :— The age of superannuation of the staff will be at par with the staff of Government aided schools affiliated to the West Bengal Board of Secondary Education.

32. Number of working days/hours :— The number of working days/hours should be as required by the Board of Examination to which the school is affiliated.

33. Maximum number of teaching period in a week :— The maximum number of teaching period in a week should not exceed 25 periods (in a 36-period week) or 28 periods (in a 40-period week).

34. Provisions of existing Code to continue :— Notwithstanding anything contained in this Code, the provisions of Chapters IV, V, VI, VII, VIII, IX, X, XI, XII, and XIII of the existing Code shall, after the coming into force of this Code, continue in force in so far as they are not inconsistent with the provisions of this Code until they are repealed or amended.

By order of the Governor,

J. R. Saha,

Secretary, to the Govt. of West Bengal