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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 Health & Family Welfare

MERT Branch

NOTIFICATION

No. HF/O/MERT/770/HAD/12D-03-2006.—Dated: Kolkata, the 31st May, 2010.— In exercise of the power conferred by section 22, read with section 12, of the West Bengal State Dental Service Act, 2009 (West Ben. Act V of 2009), the Governor is pleased hereby to make the following rules, namely:—

Rules

1. Short title and commencement. (1) These rules may be called the West Bengal State Dental Service (Option) Rules, 2010.
(2) They shall come into force on the date of their publication in the *Official Gazette*.

2. Application.

These rules shall apply to the following categories of persons:—

Persons who hold posts included in the cadre of the former West Bengal (Senior Grade) Dental Service (Principal-cum-Superintendents of Dental Colleges, Professors and Associate Professors), persons who hold posts in the teaching group of the former West Bengal (Basic Grade) Dental Service (Assistant Professors) and persons who hold teaching posts in the general group of the former West Bengal (Basic Grade) Dental Service (Dental Surgeon-cum-Clinical Tutors, Registrar and Demonstrators), posted in Medical and Dental Colleges, immediately before the coming into force of the West Bengal State Dental Service Act, 2009 :

Provided that the persons holding posts of Readers and Lecturers in the teaching group of the former West Bengal (Basic Grade) Dental Service shall also be eligible to exercise option under these rules.

Provided further that such persons who are presently prosecuting postgraduate courses on being sponsored by the State Government before coming into force of these rules, and have held posts included in the teaching group and posts of Dental Surgeon-cum-Clinical Tutors, Registrar and Demonstrators included in the general group of the former West Bengal (Basic Grade) Dental Service immediately prior to proceeding to prosecute such course, shall also be allowed to exercise options under these rules.

3. Terms and conditions for exercising option.

- (1) Any person who has held, or any person who holds immediately before the coming into force of these rules, a post included in the former West Bengal (Senior Grade) Dental Service (Principal-cum-Superintendents of Dental Colleges, Professors and Associate Professors), or a post included in the teaching group of the former West Bengal (Basic Grade) Dental Service (Readers and Assistant Professors) or a teaching post in the general group of the former West Bengal (Basic Grade) Dental Service (Dental Surgeon - cum - Clinical Tutors, Registrar and Demonstrators), and are posted in Medical and Dental Colleges, immediately before the coming into force of the West Bengal State Dental Service Act 2009, on terms and conditions for practice or non-practice, may exercise an option for the West Bengal Dental Education Service or the West Bengal Dental Service in such manner as appearing hereinafter, and thereupon such person shall be appointed to a post included in the West Bengal Dental Education Service or the West Bengal Dental Service, as the case may be:

Provided that the persons holding any of such posts as described in this sub rule, in the former West Bengal Dental Service immediately before the coming into force of these rules, who do not exercise any option under this rule, shall be deemed to have exercised option for the West Bengal Dental Service and such persons, shall, on transfer from such posts, be appointed in posts included in the cadre of the West Bengal Dental Service in phases within a period of eighteen months from the date of coming into force of the West Bengal State Dental Service Act, 2009 :

Provided further that such persons who are presently prosecuting postgraduate courses being nominated or sponsored by the State Government before coming into force of these rules, and have held posts as described in this sub rule, in the former West Bengal Dental Service immediately prior to proceeding to prosecute such course, shall also be allowed to exercise options under these rules, and upon exercising such option be absorbed in the Trainee Reserve posts included in the cadre of West Bengal Dental Education Services.

Provided also that a person exercising option for the West Bengal Dental Education service and absorbed or appointed to the West Bengal Dental Education Service shall, upon appointment to this Service, be required to perform duties in a Hospital in addition to his duties as Teacher of the discipline concerned having such designation as may be assigned.

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- (2) The option shall be exercised in writing in the proforma (Annexure 1 or Annexure II, as may be applicable) within six months of coming into force of these rules.
 - (3) The option, once exercised, shall be final and shall in no circumstances be revoked at any subsequent date.
4. Option to revert back to the West Bengal Dental Service.
- (1) Notwithstanding anything contrary contained in rule 3, any person absorbed, by way of exercising option, in the tier of Basic Teacher (Dental Surgcon-cum-Clinical Tutors/Demonstrators) in the West Bengal Dental Education Service, subject to provisions of and in terms of this rule, shall be eligible for opting out to a post in the West Bengal Dental Service if he fails to be promoted or recruited to the post of Assistant Professor within five years of such absorption. The option so exercised shall not automatically entitle him to a post in the West Bengal Dental Service and actual reversion of such person to the West Bengal Dental Service shall be made in phased manner :

Provided that, upon such reversion, to the West Bengal Dental Service, the concerned person shall have to forego the additional pay scale benefits accredited to him consequent to his absorption in the West Bengal Dental Education Service as per the provisions of these rules and thereupon his pay would be refixed in such a manner, that he would have been entitled to, had he was all along serving in the West Bengal Dental Service or as would be determined by the State Government.
 - (2) The option, under sub-rule (1), once exercised, shall be final and shall in no circumstances, be revoked at any subsequent date.

OPTION FORM**ANNEXURE-1**

(See rule 3)

Option Form to be filled up by an Officer holding a post included in the former West Bengal Dental Service who is eligible under rule 2 of the West Bengal State Dental Service (Option) Rules, 2010 and now elects to be absorbed and appointed in the West Bengal Dental Education Service (to be submitted in triplicate):

To

- (1) The Principal Secretary to the Government of West Bengal and Secretary, Department of Health and Family Welfare, Government of West Bengal.
- (2) The Director of Medical Education and Ex-officio Secretary, Department of Health and Family Welfare, Government of West Bengal.

Sir,

I, Dr. _____, now holding the post of _____ in the former West Bengal Dental Service, do hereby opt for a post in the corresponding tier of the cadre of the West Bengal Dental Education Service on terms and conditions as prescribed under the West Bengal State Dental Service (Option) Rules, 2010.

2. The option, hereby, exercised, is final and will not be modified or withdrawn at any subsequent date.

Signature in full _____

Date _____

Designation _____

OPTION FORM**ANNEXURE- II**

(See rule 3)

Option Form to be filled up by an Officer holding a post included in the former West Bengal Dental Service who is eligible under rule 2 of the West Bengal State Dental Service (Option) Rules, 2010 and now elects to be absorbed and appointed in the West Bengal Dental Service (to be submitted in triplicate):

To

- (1) The Principal Secretary to the Government of West Bengal and Secretary, Department of Health and Family Welfare, Government of West Bengal.
- (2) The Director of Health Services and Ex-officio Secretary, Department of Health and Family Welfare, Government of West Bengal.

Sir,

I, Dr. _____, now holding the post of _____ in the former West Bengal Dental Service, do hereby opt for a post in the cadre of the West Bengal Dental Service on terms and conditions as prescribed under the West Bengal State Dental Service (Option) Rules, 2010.

2. The option, hereby, exercised, is final and will not be modified or withdrawn at any subsequent date.

Signature in full _____

Date _____

Designation _____

By order of the Governor,

M. N. ROY,*Principal Secretary to the Government of West Bengal*