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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
(Elementary Branch)

NO. 580-SE(EE)/10M-6/09(Pt)

Date: 14th July, 2015

NOTIFICATION

NO. 580-SE(EE)/10M-6/09(Pt) Date: 14th July, 2015. —The following draft of amendments which the Governor, in exercise of the power conferred by sub-section (1) and clause (k) of sub-section (2) of section 106, read with clause (k) of sub-section (I) of section 60, of the West Bengal Primary Education Act, 1973 (West Ben. Act XLIII of 1973) (hereinafter referred to as the said Act) and in supersession of previous rules under notification no. 57-SE (Pry)/10R-1/91 dated 15.01.2002 amended from time to time, is hereby published as required by section 106 of the said Act, for the information of persons likely to be affected thereby.

These draft rules will be taken into consideration on or after expiry of a period of 15 days from the date of its publication in the *Official Gazette* and any objection or suggestion with respect thereto, which may be received by the undersigned before the said date, shall be duly considered:—

Draft rules

CHAPTER 1

Preliminary

1. Short title and commencement.— (1) These rules may be called the West Bengal Primary School Teachers Recruitment Rules, 2015.

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

2. Definitions.— In these rules, unless there is anything repugnant in the subject or context,—

(a) “Act” means the West Bengal Primary Education Act, 1973 (West Ben. Act XLIII of 1973);

(b) “Appointment” means appointment of teachers of primary schools in accordance with the provisions of the Act and the rules;

- (c) "authorised officer" means, unless otherwise specified, an officer not below the rank of Deputy Director of School Education, West Bengal, duly authorized by the Director of School Education, West Bengal;
- (d) "Board" means the West Bengal Board of Primary Education established under the Act;
- (e) "Council" means a Primary School Council established under the Act;
- (f) "deputation" means deputation of teachers of primary schools to the Training Institute by the Council;
- (g) "Director" means the Director of School Education, West Bengal and includes the Commissioner of School Education, West Bengal;
- (h) "Head Teacher" means the teacher of a Primary School appointed as Head Teacher of the primary school by the Council in accordance with these rules;
- (i) "primary school" means a school or a department of a school set up under the Act for imparting such primary education as the State Government may prescribe, and includes a primary school or a Junior Basic School recognized under the Act and in existence on the date of coming into force of the West Bengal Primary Education (Amendment) Act, 1996;
- (j) "panel" means a list of names of the eligible and selected candidates for appointment as teacher in Primary Schools, published by the Board according to rules;
- (k) "rule" means any rule made under section 106 of the Act;
- (l) "State Government" means the Government of West Bengal in the School Education Department;
- (m) "superannuation" means the date of retirement of a teacher from the service on completion of sixtieth year of his age;
- (n) "teacher" means a person who holds a teaching post in a primary school or in a Junior Basic School on a regular and whole time basis, and is paid either wholly or in part from the funds under the control of the State Government in the Education Department;
- (o) "trained candidate" means a candidate who has obtained Diploma in Elementary Education;
- (p) "training" means two years Diploma in Elementary Education (by whatever name known) from an institute recognized by the National Council for Teacher Education (NCTE);
- (q) "vacancy" means vacant post of a primary school teacher arising by way of—
- (i) creation of a new post by the Council with prior sanction from the State Government,
 - (ii) retirement of a teacher,
 - (iii) death of a teacher or declaration by the competent Medical Board for incapacitation of a teacher,
 - (iv) resignation tendered by a teacher and accepted by the Council,
 - (v) removal or dismissal of a teacher.

CHAPTER II

General

3. Roll strength for a teacher.— (1) The roll strength for a teacher of a primary school under the jurisdiction of the Council shall be determined as per the Schedule annexed to the Right of Children to Free and Compulsory Education Act, 2009.

(2) No Council shall appoint teacher in primary schools within its jurisdiction beyond the number of teachers sanctioned by the State Government for the district or the sub-division.

(3) A Council may propose to the Director for sanction of additional posts of primary teachers due to increase in roll strength in primary schools of the district or the sub-division, as the case may be. The Director of School Education will send the said proposal with his views to the School Education Department for necessary sanction of such additional post.

4. Information regarding vacancies.— (1) The District Primary School Council shall prepare a report regarding the number of vacancies in sanctioned posts, medium-wise and category-wise for the post of assistant teachers of primary school under its jurisdiction plus vacancies anticipated to occur against the sanctioned strength within the next 12 months from the date of advertisement.

(2) On receipt of report under sub-rule (1), the Director of School Education after due verification and with due approval of the Government shall send the vacancy report to the West Bengal Board of Primary Education.

(3) On receipt of the vacancy report for all the District Primary School Councils under sub-rule (2), from the Director of School Education, the Board shall, for filling up such vacancies, make an advertisement through widely published daily newspapers in the State in English, Bengali or any other languages, if necessary and also through the website of the Board.

(4) The advertisement for filling up vacancies shall, *inter alia*, contain—

- (a) the date, place and time for collection of application form;
- (b) the manner of submission of application form;
- (c) date and time of *viva-voce*/interview;
- (d) *quota* for reservation with due consideration of the reservation policy of the Government of West Bengal;
- (e) the manner of payment of application fee;
- (f) any other particulars as may be approved by the State Government;
- (g) terms and conditions of the recruitment.

(5) With the prior approval of the State Government, the Board shall have the following power to lay down the modalities, procedures or guidelines, as the case may be,—

- (a) for selection of candidates for preparation of panels for appointment;
- (b) co-ordinate the entire procedural formalities relating to the recruitment; and
- (c) engage any specialized agency for the purpose.

(6) The application form shall be obtained on payment such fee which is non-refundable and in such manner as mentioned in the time of advertisement:

Provided that the candidates belonging to Scheduled Castes or Scheduled Tribes or Physically challenged shall be required to pay such non-refundable fee at reduced rate as may be mentioned in the said advertisement.

CHAPTER III

Selection and Appointment

(1) Teacher

5. Appointing Authority.— The Chairperson, the concerned District Primary School Council, the Kolkata Primary School Council, or the Siliguri Primary School Council, shall be the appointing authority.

6. Qualifications.— (1) No person shall be appointed by the Council as a teacher unless he is a citizen of India and has completed the age of 18 years as on 1st day of January of the year of advertisement and has not completed the age of 40 years on the 1st day of January of the year of advertisement of the Teacher Eligibility Test (TET).

(2) The candidate shall possess the minimum educational qualifications specified by the National Council for Teacher Education, *read* with the notification relating to eligibility of candidates with the relaxed qualification issued by the Ministry of Human Resource Development, Department of School Education and Literacy, Government of India, from time to time.

(3) In the matter of appointment, priority shall be given to those eligible candidates who possess the minimum qualifications as specified by the National Council for Teacher Education and thereafter, the eligible candidates with the relaxed qualification specified by the Ministry of Human Resource Development, Department of School Education and Literacy, Government of India, may be considered, and if candidates with relaxed qualifications are considered as teachers, such teachers under the relaxed qualification norms shall be appointed with an undertaking to acquire the minimum qualifications specified in the National Council for Teacher Education within a period of 2 years from the date of appointment.

Note 1. — Any candidate seeking appointment to the post of primary school teacher shall have studied and passed in the specific language as the first or the second language in the Higher Secondary Level or equivalent for which medium of instruction, the candidate is seeking appointment:

Provided that in case of *Santhali* as medium of instruction, the candidate shall only be required to possess proficiency of reading, writing and speaking in *Santhali*. Here, *Santhali* means *Santhali* in *Ol-Chiki* Script. It shall not be obligatory for the candidates seeking appointment to the post of primary school teacher in *Santhali* medium schools to have passed in the specific language as the first or the second language in the Higher Secondary Level or its equivalent for which medium of instruction, the candidate is seeking appointment.

Note 2.— In case of the certificate issued by the authority other than the West Bengal Council of Higher Secondary Education, the said certificate issuing authority shall either be set up as a statutory authority or the said certificate issuing authority shall be authorized by the Government of India or by the State Government of the concerned State, as the case may be, for issuing Higher Secondary Level certificates.

Note 3.— All candidates must have studied and obtained Madhyamik (Secondary) Pass Certificate or its equivalent with Mathematics and English as subjects.

Note 4.— The equivalent of Madhyamik certificate means the said certificate issuing authority shall either be set up on the basis of provisions of a legislation passed by the Government of India or by the State Government of the concerned State and or as the said statutory authority must be authorized by the Government of India or by the State Government of the concerned State, as the case may be, for issuing Secondary Level certificates.

Note 5.— The decision of State Government on the question of equivalence shall be final.

Note 6.— Candidates belonging to reserved categories viz. candidates belonging to the Scheduled Castes (SC), Scheduled Tribes (ST), Other Backward Classes (OBC-A and OBC-B), Exempted Categories (EC), Ex-Servicemen and for Physically Handicapped (PH) candidates, shall be allowed relaxation up to 5% in the qualifying marks.

Note 7.— The State Government may, by notification, earmark up to 10% of the total posts, with a view to providing adequate representation of the candidates of some categories without disturbing the 100-point roster as notified by the State Government from time to time:

Provided that the qualifications for such categories of candidates shall be the same as mentioned in this rule:

Provided further that notwithstanding anything contained in this rule, the upper age-limit of candidates to be appointed as teachers by earmarking 10% of the total posts with a view to providing adequate representation of the candidates of some categories as mentioned in this note, shall be 55 years of age as on the 1st day of January of the year of the advertisement, shall be considered.

Note 8.— The reservation quota for the candidates belonging to the Scheduled Castes (SC), Scheduled Tribes (ST), Other Backward Classes (OBC-A and OBC-B), Exempted Categories (EC), Ex-Servicemen and for Physically Handicapped (PH) candidates, shall be maintained as per the existing reservation rules as framed by the competent authority.

7. Selection Committee.— (1) The Board shall constitute Selection Committee for each district for the purpose of selection of eligible candidates and preparation of panel or panels of such candidates for appointment of teachers in primary schools within the jurisdiction of the Board.

(2) The Selection Committee shall normally function for a period of two years from the date of its first meeting:

Provided that the Board may, during the said period, reconstitute the Committee for the reason to be recorded in writing.

(3) Any member of the Committee, other than an *ex-officio* member, may resign with one month notice to the Chairman. The Board may remove any member, other than an *ex-officio* member at any times, subject to the condition that such member has been informed of the reason of his removal and has been given an opportunity of being heard.

8. Procedures of selection.— (1) The Selection Committee shall make *prima facie* scrutiny of the duly filled application forms submitted by the candidates having qualification as mentioned in rule 6.

(2) The Selection Committee shall call all qualified candidates as mentioned in sub-rule (1), for the *viva-voce* or interview and Aptitude Test. The performance of the candidates who will be called for *viva-voce* or interview and Aptitude Test, shall be assessed separately by the Interview Board formed for the specific purpose.

(3) Academic qualifications, training, TET-score, Extra Curricular activities and performance in *viva-voce* or interview and Aptitude test, shall be computed in the manner as mentioned in Table A below:-

Table A

SI. No.	Item for evaluation	Maximum Marks
(i)	Madhyamik pass under the West Bengal Board of Secondary Education or its equivalent	05
(ii)	Higher Secondary pass under the West Bengal Council of Higher Secondary Education or its equivalent	10
(iii)	Training as specified by NCTE	15
(iv)	Teacher Eligibility test (TET)	05
(v)	Extra Curricular Activities	05
(vi)	<i>Viva-Voce</i> or Interview	05
(vii)	<i>Aptitude Test</i>	05
	Total	50

Note 1.— The percentage of marks obtained by the candidate in the Madhyamik Examination or its equivalent excluding additional marks, if any, shall be reduced proportionately to marks obtained out of 5.

Note 2.— The percentage of marks obtained by the candidate in the Higher Secondary Examination or its equivalent excluding additional marks, if any, shall be reduced proportionately to marks obtained out of 10.

Note 3.— The percentage of marks obtained by the candidate in the relevant Teacher Training shall be reduced proportionately to marks obtained out of 15.

Note 4.— The percentage of marks obtained by the candidate in the TET Examination shall be reduced proportionately to marks obtained out of 5.

Note 5.— Marks out of maximum five (5) Marks shall be awarded to the candidates in the Extra Curriculum Activities on the following Extra Curriculum Activities:-

1	Games and Sports	1
2	National Cadet Corps (NCC)	1
3	Arts and Literature	1
4	Performing Art (Drama)	1
5	Music	1
	Total	5

(4) The marks shall be allotted as follows:-

- a certificate of representation in the State/National/International level Games or Sports issued by the Competent State Government or Central Government Authorities or agencies, shall be awarded (01) mark;
- Minimum 'A' certificate of National Cadet Corps (NCC) shall be awarded (01) mark;
- a certificate that any essay, story, short story, drama, poetry written by the candidate selected for publication in State Level or National Newspaper or Magazine (Certificate alongwith a copy of publication shall be submitted), shall be awarded (01) mark;
- a certificate that the candidate has obtained proficiency in Performing Art (Drama) issued by National School of Drama or by the State Government or Central Government shall be awarded (01) mark;
- a certificate that the candidate has obtained proficiency in Music or Instrumental Music issued by the State Government or Central Government shall be awarded (01) mark.

- (5) The Selection Committee shall prepare separate district-wise panels as per procedure below:-
- (a) a panel of all selected candidates in a district, namely, unreserved Category comprising of the names of the candidates belonging to General Category and reserved candidates of Scheduled Caste Category, Scheduled Tribe Category, OBC Category-A, OBC Category-B and PH Category serially according to descending order of merit as per existing vacancies medium wise;
 - (b) a panel of selected reserved category candidates in a district, namely, Scheduled Castes, Scheduled Tribes, OBC Category-A, OBC Category-B and Physically Handicapped (PH) candidates in the respective category as per statutory reservation rules, from amongst the remaining candidates of such categories, serially according to descending order of merit as per existing vacancies medium wise;
 - (c) a panel of selected candidates belonging to Exempted Category, Ex-servicemen and Physically Handicapped (PH) in a district, separate panels category wise, for vacancies reserved for the respective categories;
 - (d) an alternative set of panel of selected candidates for each category in a district serially according to descending order of merit as per existing vacancy medium wise;

Note.- Such an alternative set of panel of selected candidates for each category in a district shall be prepared for the purpose of providing option to the reserved category candidates during counselling to opt for posting as per position in unreserved category or as per position in the reserved category.

(6) An additional panel of 5% of General, Scheduled Castes, Scheduled Tribes, OBC Category-A and OBC Category-B, Exempted Category, Ex-Servicemen and Physically Handicapped candidates shall be prepared in the same manner as referred to in sub-rule 4(d):

Provided that additional panel of General Category shall not include the candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes category. However, in case of appointment to the post of General Category from additional panel, if any reserved candidate secures higher marks than the candidate belonging to General Category in the left out merit list then the said reserved candidate shall be selected for appointment:

Provided further that in case of non-availability of suitable qualified Ex-servicemen candidates belonging to General, Scheduled Castes, Scheduled Tribes and Other Backward Classes, the said vacancy of Exempted Category candidates shall be filled up by non-exempted category candidates belonging to General, Scheduled Castes, Scheduled Tribes, and Other Backward Classes, as the case may be:

Provided also that in case of non-availability of suitable qualified Exempted-Category(EC) candidates belonging to General, Scheduled Castes, Scheduled Tribes and OBC Category-A and OBC Category-B, the said vacancy shall be filled up by non Ex-Servicemen candidates belonging to General, Scheduled Castes, Scheduled Tribes and Other Backward Classes, as the case may be.

(7) While preparing the panels mentioned in sub-rule (4) and sub-rule (5) for any category for appointment to the post of Primary School Teachers, two sets of panels shall be prepared, one for the Trained Candidates and other for the un-trained Candidates in each category.

(8) Notwithstanding anything contained in any of these rules, the Selection Committee shall at first divide all the candidates who will be found eligible after the interview into two categories. Trained and Untrained and thereafter, panels (district-wise) shall be made.

(9) A bunch of all trained candidates, regardless of their categories (unreserved), while a second set is of the same trained eligible candidates category-wise and the empanelled trained candidates shall be absorbed first against the sanctioned vacancies and thereafter the untrained empanelled candidates shall be absorbed against the remaining vacancies.

(10) If in the process of recruitment or even after recruitment at any stage, it is detected or proved that a candidate has achieved success by way of unfair means or by suppression of some material facts, his or her appointment shall summarily be cancelled.

9. Approval of the panel.— The panels, after being prepared, shall be accorded approval by the Board and thereafter, shall be sent to the respective District Primary School Councils (DPSCs) with all necessary papers for appointment.

10. Appointment letters.— (1) The District Primary School Councils on receipt of the approved panels, shall call the empanelled trained candidates first for counseling for posting in accordance with the vacancies (medium-wise) in terms of the options exercised by the empanelled trained candidates and thereafter the empanelled untrained candidates in the manner mentioned in sub-rule (2) to sub-rule (6).

(2) if a reserved category candidate opts for an unreserved post on the basis of his/her position in the general merit list/panel, he/she shall not be taken into account for the reserved category post. If, however, this reserved category candidate opts for a reserved category post as per his/her position in the respective reserved category merit list/panel, he/she shall be considered as a candidate filling a reserved category post/vacancy of that category and his/her candidature in the unreserved category the resultant vacancy in the unreserved post shall be filled up from the general (unreserved) panel/merit list.

(3) After such counseling of eligible empanelled candidates, appointment letters shall be issued to the candidates from the approved panels serially and appointment letters shall be issued under the signature of the Chairman of the Council or by an officer, not below the rank of the Secretary of the Council, authorized by the Council to sign such appointment letters. No appointment made otherwise shall be considered valid.

(4) In case of non-joining of candidates within stipulated time from out of the normal panel, the Council may issue appointment letter from the aforesaid additional panel of 5% of vacancies in excess of the panel provided the normal panel is exhausted and the vacancies as worked out remain unfilled.

(5) Appointment letters shall be sent to the candidates' address by registered post immediately after the counselling or otherwise to be decided by the appropriate government. Provided that appointment shall be made from the panel for vacancies as referred to in rule 4.

(6) No appointment shall be made beyond notified vacancy for which the panel is to be prepared and the inclusion of name in the panel shall not constitute a claim for appointment.

11. Observance of statutory provisions for reservation.— In every case of selection and appointment under Chapter III, the statutory provisions for reservation, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, Scheduled Tribes, Other Backward Classes (Group A and Group B) and Physically Handicapped candidates, shall be properly observed.

12. Validity of the panel.— An approved panel shall remain valid normally for one year from the date of approval by the Board:

Provided that the Board may extend the validity of such panel by six months at a time, but the total period of such extension shall not exceed for a period of one year.

13. Posting on appointment.— (1) The primary teachers shall be posted in primary schools or junior Basic Schools within the jurisdiction of the Council according to vacancies determined by the Council under rule 4.

(2) The teachers shall be asked to join their posts within a specified period, failing which their names may be struck off from the panel and the appointments shall be cancelled without further communication to the candidates and the next eligible candidates in the panel shall be offered appointment.

(2) Head Teacher

14. Appointment of Head teachers.— The Council shall appoint Head teachers in every primary school within the jurisdiction of the Council, from a panel of senior-most primary teachers possessing requisite minimum educational qualifications and professional qualifications as specified by the National Council for Teacher Education from time to time:

Provided that primary school teachers appointed before the 3rd September, 2001, may be appointed as Head Teacher with *Madhyamik* Pass qualification or equivalent and 1 year Junior Basic Training Certificate or Primary Teacher's Training Certificate or equivalent.

15. Preparation of panel.— A circle-wise panel of head teachers shall be prepared by the Council between January and April of every year on the basis of vacancies occurred or due to occur within 31st December of the said year:

Provided that, if due to circumstances beyond the control of the Council, any teacher from the aforesaid panel is not appointed against the vacancies for that year, the panel shall continue in the following year in so far as such teacher is concerned and the name of such teacher may be placed at the top of the panel to be prepared in the following year.

16. Posting.— The Head teacher may be posted in such primary schools where no head teacher is posted or the post of the Head Teacher is vacant.

A Head teacher shall join his post within a period specified by the Council, failing which his appointment as head teacher may be cancelled and his name may be struck off from the panel of head teachers without any further communication, and the person whose name appears next in the panel of head teachers, shall be appointed and posted as head teacher in that post.

17. Appointment of Teacher-in-charge.— The Council may utilize the services of the seniormost primary teacher in a primary school as the teacher-in-charge, temporarily for a maximum period of six months at a time, when a panel of head teachers is not ready or the post of a head teacher is lying vacant for a considerable period of time:

Provided that such teacher-in-charge shall hand over the charge or the office to the head teacher from the date the head teacher assumes the charge.

CHAPTER IV Miscellaneous

18. Retirement.— A primary teacher shall retire from the service on completion of his sixtieth year of age:

Provided where the date of birth of the retiring teacher falls other than the 1st day of the month, the date of retirement shall be on the last date of that month and where the date of birth falls on the 1st day of the month, the date of retirement shall be on the last date of that previous month.

19. Premature retirement.— Having satisfied to the prayer of a teacher seeking early retirement, upon completion of 20 years of qualifying service, after considering all aspects, the Council may allow the teacher to retire before completion of his sixtieth year of age. No member of the family of the retired teacher shall be allowed any employment in this respect.

20. Confirmation.— (1) Subject to the provisions of sub-rule (2), sub-rule (3), sub-rule (4) and sub-rule (5), a teacher may be confirmed by the concerned Council against a sanctioned post with effect from the date following the date of completion of two years of service from the date of joining in a primary school.

(2) On expiry of the said period of two years and within a period of three months thereafter, the Council shall, by a letter ask the Sub-Inspector of Schools of the concerned Circle to furnish a report on the continuous and satisfactory services of the teacher during the said period of two years.

(3) The report shall be furnished by the Sub-Inspector of Schools within a period of three months from the date of issue of such letter or within such extended period, not exceeding three months as the Council may determine, and the Sub-Inspector of Schools shall be informed, by a letter, of such extension.

(4) Before confirmation of the teacher, the report shall be considered by the Council and if satisfied, shall issue an order of confirmation of the teacher.

(5) The teacher shall be confirmed with effect from the date following the date of completion of two years of service.

(6) If—

(a) no report is furnished by the Sub-Inspector of Schools within the period or extended period mentioned in sub-rule (3); or

(b) the report of the Sub-Inspector of Schools is not considered by the Council within a period of three months from the date of receipt of the letter, as the case may be, the teacher shall be deemed to have been confirmed with effect from the date following the date of completion of two years of service.

21. Appeal.— An appeal shall lie, in respect of any action taken by the Council under rule 10 to the West Bengal Board of Primary Education, if made within thirty days of such action, and the decision of the Board in this regard shall be final.

22. Reference to the Board.— If any difficulty arises in implementing any provisions of these rules, the matter shall be referred to the Board and the Board may take decision with intimation to the State Government.

If however, in the opinion of the Board, the matter need to be referred to the State Government, such reference to the State Government shall be made by the Board and the decision of the State Government shall be final.

23. Interpretation.— The power of interpreting these rules shall be reserved to the State Government and if any question arises relating to the interpretation of these rules, it shall be referred to the State Government whose decision thereon shall be final.

By order of the Governor,

sd/-

Secretary to the Government of West Bengal.