

West Bengal Secondary Teachers Manual

An eBook of Acts, Rules, Govt. Notifications etc. compiled by WBXPress.com

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Table of Contents

West Bengal School Service Commission (State Level Selection Test for Appointment to the posts of Teachers) Rules, 2015	13
1. Short title and commencement	13
2. Definitions	13
3. Method of recruitment	15
4. Names of post, qualification and age.....	15
5. Additional essential qualification of candidate.....	15
6. Disqualification.....	16
7. Manner of selection of Teacher	16
8. Information regarding vacancies	16
9. Advertisement.....	17
10. Form of application	17
11. Submission of applications.....	17
12. Selection of candidates and preparation of panel for the posts of Assistant Teachers	17
13. Selection of candidates and preparation of panel for the post of Headmaster/ Headmistress.....	18
14. Duties of the Central Commission in regard to selection of persons to the posts of Teachers	20
15. Duties of the Regional Commissions in regard to selection of persons to the posts of Teachers.....	20
16. Validity of panel and waiting list.....	21
17. Recommendation of candidates for appointment to post of Teacher	21
18. Bar on recommendation	22
19. Carry forward of vacancy	22
20. Interpretation.....	22
21. Savings.....	22
22. Preservation of written examination answer scripts.....	23
West Bengal School Service Commission Act, 1997 with all Amendments	35
1. Short Title & Commencement	35
2. Definitions	35
3. Constitution of Commission.....	36
4. Appointment and Terms & Conditions of Service of Members.....	37
5. Removal of Member	38
6. Staff of Commission	38
7. Functions of Regional Commission	38
8. Manner and Scope of selection of persons and procedures for conduct of business of Commission.....	38
9. Effect of Recommendation of Commission	39
10. Protection of Teachers.....	39
10A. Mutual transfer on joint application	39
10B. General transfer on application.....	39

11. Power of Commission to call for records etc.	40
12. Report of Central Commission	40
13. Members etc. to be Public Servant.....	40
14. Validation:-	40
15. Act not to apply in relation to certain schools.....	40
15A. Special provision for making exemption to school or certain schools	41
16. Functions of Central Commission	41
17. Power to make Rules	41
18. Power to make Regulations	42
19. Directions by State Government.....	42
20. Dissolution of Commission.....	42
21. Repeal.....	42
<i>Reference:</i>	42
West Bengal Board of Secondary Education Act, 1963 with all Amendments.....	43
<i>Preliminary</i>	44
1. Short title, extent and commencement.....	44
2. Definitions	45
<i>The Board</i>	46
3. Establishment and incorporation of the West Bengal Board of Secondary Education	46
4. Composition of the Board	46
5. Appointment in default in election.....	47
6. Publication of the names of elected, nominated or appointed members of the Board	47
7. Term of office of elected, nominated or appointed member of the Board	47
8. Casual vacancies.....	47
9. Appointment, term of office, salary and allowances of the President	48
10. Temporary and acting arrangement for the office of the President	48
11. Disqualifications for membership	48
12. Disputes relating to the eligibility or the manner of election of members	49
13. Resignation and removal of members	49
14. Conduct of meeting.....	49
15. Restriction on voting	49
16. Provisions in the service of the Board.....	49
17. Travelling Allowance	50
<i>Committees and Regional Councils</i>	50
18. Committees.....	50
19. Recognition	50
19A. Executive Committee.....	51
20. Syllabus Committee	52

21. Examination Committee	53
22. Appeal Committee	54
23. Finance Committee	54
24. Other Committee	55
25. Regional Council.....	55
26. Term of office of members of the Committees and Councils.....	55
<i>Powers and duties of the Board and President</i>	<i>56</i>
27. Powers and duties of the Board.....	56
28. Power and duties of President.....	56
<i>Meetings</i>	<i>57</i>
29. Meetings of the Board and the Executive Committee.....	57
30. Meetings of Committees and Regional Councils	58
<i>Finance and Audit</i>	<i>58</i>
31. Annual report and budget estimate	58
32. Payment to the Board by the State Government	59
33. West Bengal Board of Secondary Education Fund.....	59
34. Application of the West Bengal Board of Secondary Education Fund	60
35. Accounts.....	60
36. Audit.....	60
37. Audit report.....	60
<i>Supplemental Provisions</i>	<i>61</i>
38. Board to furnish information	61
39. Power of State Government to suspend proceedings.....	61
40. Certain persons to be deemed to be public servants	61
41. Indemnity	61
42. Power of Tribunals	61
43. Savings.....	61
44. Transitory Provisions.....	61
45. Power of State Government to make rules	61
46. Repeal and continuance.....	62
47. Board to be guided by directions of the State Government.....	63
48. Power to remove difficulties.....	63
49. Supersession of the Board	63
50. Consequences of supersession	63
51. Board to continue as a body corporate	64
52. Re-establishment of the Board	64
West Bengal Schools (Recruitment of Teacher on Vacancy Caused by Leave or Deputation) Rules, 2006	65
1. Short title and commencement	65

2. Definitions	65
3. Appointing authority	65
4. Qualification	66
5. Method of recruitment	66
6. Selection Committee	66
7. Sanction of post against part-time vacancy	66
8. General procedure for selection	67
9. Allotment of marks	67
10. Preparation of panel	68
11. Validity of panel	68
12. Appointment	68
13. Interpretation.....	68
West Bengal Recognised Non-Government Educational Institution Employees' (Management of General Provident Fund Accounts) Scheme, 1995.....	69
The Scheme	70
2. Application	70
3. Extent of applicability.....	70
4. Definitions	70
10. Rate of Subscription	72
11. Interest.....	73
12.A Withdrawal	73
14. Final withdrawal.....	75
THE SCHEDULE	76
1. Allotment of Account number	77
2. Deduction from salaries	77
3. Authority empowered to sanction advance	78
4. Accounting	78
5. Deposit and withdrawals	78
6. Calculation of interest and posting	79
7. Auditing	79
8. Furnishing of statement of Account	79
9. Miscellaneous Provisions	80
West Bengal School Service Commission (Mutual Transfer) Rules, 2012	81
1. Short title and commencement	81
2. Definition.....	81
3. Eligibility for Mutual Transfer of a teacher	82
4. Procedure for submission of application for Mutual transfer in respect of teacher	82
5. Area / region for mutual transfer	84

6. Admissibility of mutual transfer.....	84
7. Procedures of submissions of application of mutual transfer in respect of non-teaching staff or librarian.....	84
8. Report of mutual transfer to be maintained by Central Commission	84
9. Incorrect or false or fabricated application	84
10. Application in other rules.....	84
11. Non-compliance of these rules by School Managing Committee or Administrator of the school concerned, as the case may be	84
West Bengal School Service Commission (General Transfer) Rules, 2013	88
1. Short title and commencement	88
2. Definitions	88
3. Primary condition of General Transfer	89
4. Eligibility for General Transfer	89
5. Procedure for submission of application for General Transfer in respect of a teacher	89
6. Area/region for General Transfer	92
7. Admissibility of General Transfer	92
8. Procedure of submission of application of General Transfer in respect of non-teaching staff including librarian.....	92
9. Report of General Transfer to be maintained by Central Commission.....	92
10. Incorrect false or fabricated application.....	92
11. Application of the rules.....	92
12. Non-compliance of these rules by School Managing Committee or Administrator of the school concerned, as the case may be	93
Clarification regarding General and Mutual Transfer Rules	94
West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015	96
1. Short title and commencement	96
2. Definitions	96
3. Primary condition of General Transfer	97
4. General Transfer on Special ground.....	98
5. Eligibility for General Transfer	98
6. Procedure for submission of application for General Transfer in respect of a teacher under rule 3 and 4(1)(c)	99
7. Procedure for General Transfer on Special ground under rule 4(1)(a) and rule 4(1)(b).....	103
8. Area/region for General Transfer	103
9. Admissibility of General Transfer	103
10. Procedure of submission of application of General Transfer in respect of non-teaching staff including librarian	103
11. Report of General Transfer to be maintained by Central Commission	103
12. Incorrect, false or fabricated application.....	103

13. Application of the rules	103
14. Non-compliance of these rules by School Managing Committee or Administrator of the school concerned, as the case may be	104
15. Interpretation.....	104
West Bengal Board of Secondary Education (Conduct and Discipline of Teachers and Non-teaching staff) Regulations, 2004 with all Amendments	105
1. Short Title, Application and Commencement.....	105
2. Definitions	105
3. General.....	106
4. Improper and unbecoming conduct	106
5. Prohibition relating to gambling or consumption of intoxicant	106
6. Case in which teacher or non-teaching staff has personal interest.....	106
7. Private trade or employment.....	107
8. Bar to private tuition.....	107
9. Employment of official subordinates.....	107
11. Collective functioning	107
12. Guardian meeting	107
13. Conduct towards guardian and students.....	107
14. Attendance and sincere discharge of duties etc.	108
15. Unauthorised absence to be treated as misconduct	108
16. Conduct pertaining to Examinations of Institution.....	108
17. Conduct pertaining to Secondary Examination and Higher Secondary Examination	108
18. Conduct pertaining to other Examination	108
19. Disciplinary proceeding for non-participation in conduct of examination	108
20. Participation in programmes launched by Central or State Government or by Board or Council or Institution	109
21. Inflicting punishments to students	109
22. Maintenance of respectful environment.....	109
23. Appearance before authority and production of records	109
24. Submission of petitions to higher authorities to express grievances	109
25. Submission of applications for appearing at any examination	110
26. Participation in democratic processes	110
27. Initiation of disciplinary proceeding	110
28. Penalties.....	110
29. Appeal	111
30. Prosecution under Prevention of Corruption Act, 1988	111
31. Interpretation.....	111
32. Savings.....	111

<i>Reference:</i>	111
Management of Recognized Non Government Institutions (Aided and Unaided) Rules, 1969 with all Amendments	112
1. SHORT TITLE	112
2. DEFINITIONS.....	112
3. COMMITTEE	113
4. REGISTER OF VOTERS	113
5. PARTICULARS IN THE REGISTER OF VOTERS	114
6. COMPOSITION OF THE COMMITTEE OF AN INSTITUTION OTHER THAN THAT SPONSORED BY THE STATE GOVERNMENT.....	114
6A. MANNER OF INFORMATION OF COMMITTEE	115
8. POWER OF THE EXECUTIVE COMMITTEE TO APPROVE AND SUPERSEDE COMMITTEE, APPOINT ADMINISTRATOR OR ADHOC COMMITTEE AND TO GRANT SPECIAL CONSTITUTION	116
Management of Sponsored Institutions (Secondary) Rules, 1972	118
1. Short Title.....	118
2. Application	118
3. Definition.....	118
4. Committee	118
5. Composition of the Committee	118
6. Election.....	119
7. Nomination of guardians' representatives	119
8. Secretary	119
9. Casual vacancy	119
10. The term of the Committee	119
11. Vacancy caused by absence	119
12. Meeting and quorum	119
13. Audit.....	120
14. Special meeting.....	120
15. Special meeting convened by requisition	120
16. Emergency meeting	120
17. Place of meeting.....	120
18. Agenda	120
19. President to preside	120
20. Casting vote.....	120
21. Auditor's Report.....	121
22. Duties of the Secretary	121
23. Powers of the Committee	121
23A. Suspension for Preventive Detention	122
26. Staff Council	122

27. Academic Council	122
28. Meeting with guardians	123
29. Number of days instructional work	123
30. Holding of classes on regular basis etc.	123
31. Invigilation duties etc. performed by teachers	124
West Bengal Recognised Non Government Educational Institution Employees (Death-cum-Retirement Benefit) Scheme, 1981	125
<i>Preliminary</i>	127
<i>Definitions</i>	128
<i>Eligibility for Pensions</i>	133
<i>Rate of Pensions</i>	134
<i>Gratuity</i>	136
<i>Death Gratuity and Family Pension</i>	136
<i>Determination of Pension during Re-employment</i>	139
<i>Procedure relating to application for and sanction of pension</i>	139
<i>Commutation of Pension</i>	140
West Bengal Schools (Control of Expenditure) Act, 2005	144
1. Short title, extent and commencement	144
2. Definitions	144
3. Application	146
4. Previous sanction of State Government for appointment etc.	146
5. Void appointment	147
6. Unaided School not to get financial assistance	147
7. Appointment on part time or contract basis	147
8. Constitution of District Level Inspection Team	147
9. Selection of sites for setting up new school, etc.	147
10. Power of State Government to sanction additional post	148
11. Power to inspect and hold enquiry	148
12. Power to de-recognise schools or abolish post	148
13. Power to determine fixation of pay and age of superannuation	149
14. Scale of Pay etc. of Teacher	149
15. Option of Contributory provident fund	149
16. Protection of teacher and non teaching staff	149
17. Penalty	149
18. Cognizance of offenses	150
19. Protection of action taken in good faith	150
20. Act to have overriding effect	150
21. Power to remove difficulties	150

22. Power to make rules	150
District and Sub-Divisional Council for School Games and Sports Regulations, 2013	151
1. Short title, extent and commencement	151
2. Power to amend the Regulations.....	151
3. Definition.....	151
4. The establishment and constitution of the District Council for School Games and Sports	152
11. POWERS AND FUNCTIONS OF THE DISTRICT COUNCIL FOR SCHOOL GAMES AND SPORTS	154
12. Membership	154
13. Fund	155
15. Quorum of the meeting	155
16. Management.....	155
17. Audit:-.....	155
18. Dissolution of the District Council:-	155
19. MANNER OF FORMATION OF SUB-DIVISIONAL COUNCIL FOR SCHOOL GAMES AND SPORTS UNDER THE DISTRICT COUNCIL	155
21. Membership.....	156
22. Fund	156
23. Quorum	156
24. Audit.....	156
25. Dissolution.....	157
26. POWERS AND FUNCTIONS OF THE SUB-DIVISIONAL COUNCIL	157
Code of Regulations for Anglo-Indian and other Listed Schools, 1993.....	158
<i>Preliminary</i>	158
1. Short title and commencement	158
2. Application	158
3. Power to amend the Code	158
4. Interpretation.....	158
5. Definitions	158
7. Deputy Director to be responsible.....	160
8. Recognition of schools	160
9. Application for recognition	160
10. Eligibility for sending pupils for examination.....	161
11. Conduct of schools	161
12. No Grant for religious subject.....	161
13. Withdrawal of recognition	161
<i>Management & Administration</i>	162
15. Management of schools.....	162
16. Notification to D. D. S. E.....	162

17. Meeting of Managing Committee.....	162
18. Power of the Managing Committee.....	162
19. Internal management	162
<i>Terms & Conditions of Service of Staff</i>	163
20. Payment of salary, etc.....	163
21. Appointment	163
22. Termination of service	164
23. Termination of appointment of confirmed staff.....	164
24. Procedure for disciplinary action against confirmed staff.....	164
25. Suspension of staff	164
26. Procedure for dismissal.....	165
27. Communication to staff	165
28. Forms to be incorporated in rules etc.....	165
<i>Benefit</i>	165
29. Provident Fund and Gratuity.....	165
30. Leave	165
31. Superannuation.....	166
32. Number of working days/hours	167
33. Maximum number of teaching period in a week.....	167
34. Provisions of existing Code to continue.....	167
Child Care Leave for Employees of Educational Institutions	168
Appointed Hour, Commencement of Class Teaching, Daily Assembly, Late Attendance and Hour of Absence of Staff in Schools	170
Granting of 2 (two) additional increments in favour of teacher(s) working in non-Government aided Secondary Schools having Ph.D Degree.....	171
Schedule of Madhyamik Pariksha (Secondary Examination), 2016.....	172
Higher Secondary Examination Programme (Old Syllabus), 2016	174
Higher Secondary Examination Programme (New Syllabus), 2016	176
Annual Examination Programme of Class XI (New Syllabus), 2016	177
National Child Award for Exceptional Achievement.....	178
INTRODUCTION	178
GUIDELINES	178
SCOPE	178
NATURE OF AWARDS	178
SELECTION COMMITTEE.....	178
RECOMMENDING AUTHORITIES	179
DATE OF RECEIPT OF RECOMMENDATION	179
CRITERIA FOR SELECTION.....	179

DATE OF AWARD.....	179
State Level National Talent Search Examination, 2016	181
Information on National Talent Search Examination, 2015-16	183
General Information	183
Examination Pattern for Stage-I Examination	183
Language Test	183
Syllabus	183
Qualifying Marks	184
Eligibility Criteria	184
Scholarships	184
State Quota	184
Fees	184
Reservation	184
Application Form.....	184
National Means-cum-Merit Scholarship Examination, 2015	185

West Bengal School Service Commission (State Level Selection Test for Appointment to the posts of Teachers) Rules, 2015

GOVERNMENT OF WEST BENGAL
SCHOOL EDUCATION DEPARTMENT
Secondary Branch

No. 165-SE(S)/1S-26/2010 (Part-II) dated the 3rd March, 2015

NOTIFICATION

In exercise of the power conferred by clause (d) of sub-Section (2), read with sub-section (1) of section 17 of the West Bengal School Service Commission Act, 1997 (West Ben. Act IV of 1997), and in supersession of the West Bengal School Service Commission (Selection of Persons for Appointment to the Posts of Teachers) Rules, 2007, issued with this Department Notification No. 1228-SE(S)/1S-20/2007 dated the 21st September, 2007, published in Kolkata Gazette, Extraordinary, Part-1, dated the 26th September, 2007, the Governor is pleased hereby to make the following rules regulating the manner and scope of selection of persons for appointment to the posts of Teachers, namely:-

Rules

1. Short title and commencement

(1) These rules may be called the West Bengal School Service Commission (State Level Selection Test for Appointment to the posts of Teachers) Rules, 2015.

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

2. Definitions

(1) In these rules, unless the context otherwise requires:-

(a) "Act" means the West Bengal School Service Commission Act, 1997 (West Ben. Act IV of 1997);

(b) "Central Commission" means the West Bengal Central School Service Commission constituted under clause (a) of sub-section (1) of section 3 of the Act;

(c) "Category" means reservation category, gender category, medium of instruction category, subject category, post category.

(d) "Concerned subject", in relation to a post, means a subject against which a vacancy has been reported for the purpose of selection of a person to the post:

Provided that the Central Commission may determine equivalence of any subject vis-a-vis the concerned subject, and may, by order, declare that subject as equivalent of concerned subject;

(e) "Degree or Diploma" means,-

(i) Bachelor with Honours or Master's degree, or any diploma, obtained through regular course as a regular or private or external candidate from a University, recognised by the University Grants Commission,

(ii) Bachelor with Honours or Master's degree, or any diploma, obtained, through distance education system or correspondence course from a University recognised by the University Grants Commission,

(iii) For Physical Education and Work Education degree, or any diploma, obtained, through distance education system or correspondence course from a University recognised by the University Grants Commission;

(f) "Honours / Post Graduate vacancy" means a vacancy for the post of a teacher in a School against which only the person holding a Bachelor degree with Honours or a Post graduate degree can be appointed;

(g) "Panel" means a list published by the Commission for Schools containing the names of candidates equal to number of vacancies in respect of each category declared for a Selection Test found fit for appointment strictly in order of merit;

(h) "Physical Education/Work Education vacancy" means vacancy for the post of a teacher in a school for the purpose of pertaining teaching in Physical Education/ Work Education.

(i) "Post" means a whole-time sanctioned post of –

(i) Assistant Teacher against Honours/ Postgraduate vacancy in School

(ii) Assistant Teacher against Work Education/ Physical Education

(iii) Headmaster/ Headmistress in Jr. High School

(iv) Headmaster/ Headmistress in High/Higher Secondary School;

(j) "Reallocation of post" means the service of a teacher withdrawn from a school with or without post and the service reallocated to any other school.

(k) "Regional Commission" means the West Bengal Regional School Service Commission constituted under clause (b) of sub-section (1) of Section 3 of the Act;

(l) "Reserved Category" means category of reservation in respect of Schedule Caste, Scheduled Tribe, Other Backward Classes, Physically Handicapped candidates;

(m) "Schedule" means Schedules appended to these rules;

(n) "State" means the State of West Bengal;

(o) "State Government" means the Government of West Bengal in the School Education Department;

(p) "State Level Selection Test" means the test to be conducted by the School Service Commission for recruitment of teachers of the categories stated in this rules within its jurisdiction of the State without excluding or excluding any area or school/schools;

(q) "sub-rule" means sub-rule of a rule in which the word or expression occurs;

(r) "Teacher" means Assistant Teacher in Honours / Post Graduate category, Assistant Teacher in Work Education and Physical Education includes Headmaster, Headmistress of Junior High/High/Higher Secondary schools;

(s) "vacancy" means a vacancy in the post of a teacher caused by

- (i) creation of a new post,
- (ii) superannuation of a teacher,
- (iii) death of a teacher.
- (iv) resignation tendered by a teacher,
- (v) transfer or reallocation of service of a teacher,
- (vi) removal or dismissal of a teacher, or
- (vii) any other reason, as the State Government may, by order, determine;

(t) “waiting list” means

(1) category-wise list of rest of the candidates qualified after personality test but not included in the panel.

(2) Words and expressions used and not defined in these rules but defined in the Act shall have the same meanings as respectively assigned to them in the Act.

3. Method of recruitment

The appointment of persons to the post mentioned in column (2) of Schedule I shall be made by selection (direct recruitment) through the West Bengal School Service Commission in the manner as specified in Rule 7.

4. Names of post, qualification and age

(1) The name of the post, and its qualification shall, subject to rule 5, be such as specified respectively in columns (2) and (3) of Schedule I:

(2) The age-limit for the post referred to in column (2) shall be such as specified in column (4) of Schedule I:

(3) The State Government, may, by notification earmark upto 10% of the total posts with a view to provide adequate representation of the candidates of various categories without disturbing the 100 point roster as notified by the State Government from time to time.

Provided that the person who is already in service save and except disqualifications as stated in sub-rule (4) of Rule 6 on the approved post of Teacher or non-teaching staff of any School may apply for the post of Assistant Teacher with maximum age of 55 years as on 1st January of the year of advertisement.

5. Additional essential qualification of candidate

A candidate willing to be selected as a Teacher in any School having Bengali or English or Hindi or Nepali or Oriya or Santhali or Telegu or Urdu as the medium of instruction, shall have Bengali or English or Hindi or Nepali or Oriya or Santhali or Telegu or Urdu, as the case may be, as first or second or third language at any of the Secondary or Higher Secondary or Graduation level –

(a) at Secondary level of the Board or equivalent; or

(b) at Higher Secondary level of the Council or equivalent; or

(c) at any subsequent higher level of education in that language paper.

6. Disqualification

(1) No person shall be eligible for selection for appointment to the post of Teacher in any School within its territorial jurisdiction unless he is a citizen of India.

(2) No person shall be eligible for selection for appointment to the post of Teacher in any School if he has accepted or offered dowry in any form at the time of his marriage or his son's or daughter's marriage.

(3) Any person who is under suspension from any institution or removed from service from any institution shall not be eligible for selection for appointment in the post of teacher. A declaration to that effect is to be submitted by the candidate during verification of academic certificates.

(4) Any in-service honours or postgraduate teacher shall not be eligible for selection for appointment to the post of a honours or postgraduate teacher in any School under these Rules.

7. Manner of selection of Teacher

(1) Selection to the post of the Teacher shall be made on the basis of the results of the State Level Selection Test comprising written examination conducted by the Central Commission, evaluation of academic qualifications and personality tests of the candidates in the manner as specified in Schedule II.

(2) The Central Commission may, in its discretion, fix qualifying marks, to be scored by the candidates, in written examination or in aggregate or in both and/or relax the qualifying marks on reasonable grounds for reasons to be recorded in writing.

8. Information regarding vacancies

(1) The District Inspectors of Schools (Secondary Education) shall prepare a report regarding the number of vacancies in approved posts, subject wise, medium wise, gender wise and reservation category wise for the post of Assistant Teacher and medium wise and post wise for the post of Headmaster/Headmistress, which exists or is expected to occur within the 1st day of January of the year specified for advertisement and shall furnish the same to the Directorate of School Education.

(2) On receipt of report under sub-rule (1), Directorate of School Education with due approval of the Government shall send the subject wise, medium wise, gender wise and reservation category wise compiled vacancy report for the post of Assistant Teacher to the Central Commission and medium wise and post wise for the post of Headmaster/Headmistress to the Central Commission.

(3) The report as mentioned in sub-rule (2), shall be sent to the Central Commission in the following manner:-

- a) Firstly, thirty days before the date of publication of the advertisement inviting application; and
- b) Secondly fifteen days before the date of publication of the result of the written examination.

Explanation- For removal of doubt, it is hereby declared that only the vacancy reported within the time specified in sub-rule (2) shall be considered for recommendation by the Central Commission for the particular State Level Selection Test and any vacancy reported thereafter shall be taken into account in the next State Level Selection Test.

9. Advertisement

(1) The Central Commission shall, on receipt of the report of vacancies under rule 8, issue an advertisement through newspapers in the State in English, Bengali or in any other languages, if necessary, and also through the website of the Commission.

(2) Such advertisement shall be issued specifying the vacancies, qualifications, age as on the 1st day of January of the year of advertisement, and other necessary information relating to such posts, details of which may be obtained through the website of the Commission and from the Offices of Central Commission and Regional Commissions.

(3) While specifying the vacancies in the advertisement, the Central Commission shall for the post of Assistant Teacher or Headmaster/Headmistress, as the case may be, publish a tentative number of vacancy at the time of inviting application for State Level Selection Test by declaring the tentative vacancies that have been reported under clause (a) of sub-rule (2) of rule 8 and a second vacancy list at the time of publication of the result of the written examination declaring the actual vacancies that have been reported under clause (b) of sub-rule (2) of rule 8.

10. Form of application

(1) The form of application for State Level Selection Test for appointment of the post shall be such, as may be determined by the Central Commission from time to time and may be saleable.

(2) The form of application may be published in the Newspapers or the Commission's Website as may be determined by the Central Commission.

(3) The price of the form of application shall be such as may be fixed by the Central Commission.

11. Submission of applications

The applications shall be submitted within such time and in such manner as may be specified by the Central Commission in the advertisement.

12. Selection of candidates and preparation of panel for the posts of Assistant Teachers

(1) The Secretary of Central Commission shall arrange for proper custody of all forms of applications which may be received by it against the vacancies.

(2) (a) The Central Commission after receiving application forms shall prepare the list of eligible candidates for the purpose of preparation of a computer generated database of all the candidates.

(b) The admit cards for written examination shall be issued by the Central Commission by Speed post or in such other mode as may be determined by the Central Commission from time to time and a candidate can also download admit card from the website of the Commission.

(3) The Central Commission shall arrange written examination.

(4) The Central Commission shall determine number of papers for written examinations, contents of each paper, duration of examination and other matters relating to the State Level Selection Test.

(5) The Central Commission shall decide the procedure and the manner of conducting the State Level Selection Test.

(6) After the evaluation of the answer sheet of the written examination, the Central Commission shall prepare a subject-wise, medium-wise, category-wise and gender-wise list of the candidates, who shall be qualified for personality test on the basis of the marks obtained by him in the written examination

and evaluation of academic qualification (to be calculated on the basis of statement made in regard to academic qualification by a candidate at the time of submission of the application form) taken together:

Provided that the number of qualified candidate to be called for the personality test shall not exceed 1.1 times the number of actual vacancies published at the time of declaration of the result of written examination under clause (b) of sub-rule (3) of rule 8:

Provided further that if the marks at the last position of the qualified list of candidates shall be same for more than one candidate, all such candidates at that position shall be called for the personality test.

(7) After preparation of the list of qualified candidate, the Central Commission shall call the candidates for personality test through registered post or speed post mentioning the date, time and venue of personality test:

Provided that the candidate can also obtain such information through the website of the Commission and from the Offices of Central Commission and the Regional Commissions.

(8) The Central Commission shall, on the basis of the marks obtained in the written examination, evaluation of the academic qualification as stated in sub-rule (6) and marks obtained in the personality test, all added together, prepare

(a) a panel of candidates found fit for appointment to the posts of Assistant Teacher, strictly in order of merit under a specific category and each such panel shall include names equal to the number of vacancies referred to in sub-rule (1) of rule 8, and

(b) a waiting list containing names of rest of the candidates appeared in the personality test and not disqualified and subsequent vacancies, if any, reported under clause (b) of subrule (3) of rule 8 may be filled up from the suitable candidates available in the waiting list till the panel remains valid: Provided that there may be separate medium-wise, subject-wise, category-wise or gender-wise sets sub-panel or waiting list, as may be necessary, for Honours/ Post graduate category and Physical Education, Work Education vacancies, as may be decided by the Central Commission from time to time.

(9) If more than one candidate obtain the same aggregate (total marks) the merit position of the candidates shall be determined according to their date of birth, i.e. candidates with earlier date of birth shall be preferred and if the aggregate and date of birth shall also be same, the candidates obtaining higher academic score shall be preferred and if the aggregate, date of birth and academic score shall be same, the candidates obtaining higher marks in written examination shall be preferred.

(10) The Central Commission shall publish such panel and waiting list of candidates in the website of the Commission as well as the Offices of the concerned Regional Commissions. A copy of the same will be submitted to the Directorate of School Education.

13. Selection of candidates and preparation of panel for the post of Headmaster/ Headmistress

(1) The Central School Service Commission shall, on receipt of the information about vacancies of posts of Headmaster/Headmistress, advertise in terms of rule 9, post wise with qualification, age and other requirements as per Schedule I.

(2) (a) The Central Commission shall, after receiving application forms, prepare a list of eligible candidates for the purpose of preparation of a computer generated database of all the candidates.

(b) The admit cards for written examination shall be issued by the Central Commission by speed post or in such other mode as may be determined by the Central Commission from time to time and a candidate may download admit card from the website of the Commission.

(3) The Central Commission shall arrange written examination.

(4) The Central Commission shall determine number of papers for written examinations, contents of each paper, duration of examination and other matters relating to the State Level Selection Test.

(5) The Central Commission shall decide the procedure and the manner of conducting the State Level Selection Test, and shall issue detailed instructions in this regard in accordance with the provisions of the Act and the rules made thereunder:

(6) After the evaluation of the answer sheet of the written examination, Central Commission shall prepare a medium-wise list of the candidates, who shall be qualified for personality test on the basis of the marks obtained by him in the written examination, evaluation of academic and professional qualification, and teaching experience (to be calculated on the basis of statement made in these regard by a candidate at the time of submission of the application form) taken together:

Provided that the number of qualified candidates to be called for the personality test shall not exceed 1.5 times the number of actual vacancies published at the time of declaration of the result of written examination under clause (b) of sub-rule (3) of rule 8:

Provided further that if the marks of the last position of the qualified list of candidates shall be same for more than one candidate all such candidates obtaining same marks at that position shall be called for the personality test.

(7) After preparation of the list of qualified candidates, the Central Commission shall call the candidates for personality test through speed post or any other manner mentioning the date, time and venue of Personality Test:

Provided that the candidate may obtain such information through the website of the Commission and from the Offices of Central Commission and the Regional Commissions.

(8) The Central Commission shall, on the basis of the marks obtained in the written examination, evaluation of the academic qualification and teaching experience, if any, as stated in sub-rule (6), and marks obtained in the personality test, all added together, prepare strictly in order of merit-

(a) a panel of candidates found fit for recommendation, and each such panel shall include names equal to the number of vacancies referred to in sub-rule (1) of rule 8, and

(b) a waiting list containing names of rest of the candidates appeared in the personality test and not disqualified and vacancies which could not be filled up due to various reasons may be filled up from the suitable candidates available in the waiting list till the waiting list remains valid.

(9) If more than one candidate obtain the same aggregate (total marks), the merit position of the candidates shall be determined according to their date of birth, i.e. candidates with earlier date of birth shall be preferred and if the aggregate and also the date of birth shall be the same, the candidates obtaining higher academic score shall be preferred; and if the aggregate, date of birth and also the academic score shall be the same, the candidates obtaining higher marks in written examination shall be preferred.

(10) The Central Commission shall publish such panel and waiting list of candidates in the Commission's Website and the notice board of the Regional Commissions and a copy of the same shall be submitted to the Directorate of School Education.

14. Duties of the Central Commission in regard to selection of persons to the posts of Teachers

(1) Save as otherwise provided under these rules, the Central Commission shall perform the following functions in general:-

- (i) to keep liaison with the department to resolve different issues and chalk out the programme for conducting State Level Selection Test;
- (ii) to finalize the details of the programme for recruitment of teachers in State Level Selection Test;
- (iii) to appointment the qualified paper setters;
- (iv) to issue notification for conducting State Level Selection Test;
- (v) to determine the format of application along with brochure and mode of distribution thereof;
- (vi) to appoint district observers for conduct of State Level Selection Test;
- (vii) to constitute Personality Test Board consists of members as specified in Schedule in for candidates declared qualified for Personality Test.
- (viii) to determine the procedure for preparation of Merit List;
- (ix) to fix up the mode of publication of notice, merit list, vacancies, etc.;
- (x) to do such other act as may be necessary for proper conduct of the State Level Selection Test;
- (xi) to counselling of suitable candidates as determined by the Central Commission;
- (xii) to recommend the name of one candidate along with his details to the appointing authority for appointment against each vacancy reported on the basis of the Final Merit List and after selection of a School, as the case may be, by the candidate through counselling;
- (xiii) other duties as may be required to perform in connection with the selection test;

(2) The Central commission may assign any of the above functions to the Regional Commissions and may take assistance of Regional Commissions in conducting the State Level Selection Test.

15. Duties of the Regional Commissions in regard to selection of persons to the posts of Teachers

Save as otherwise provided in other provisions of these rules, each Regional Commission shall, in the process of selection of Persons for appointment to the post of Teachers, perform the following functions:-

- (i) to assist to process application forms received at the Central Commission;
- (ii) to assist in preparing of Common Merit List;
- (iii) to assist in counselling of suitable candidates;
- (iv) to do such other duties as may be assigned to it by the Central Commission.

16. Validity of panel and waiting list

(1) Each panel and waiting list prepared by the Central Commission shall remain valid for one year from the date of publication of the panel and waiting list, or the date of advertisement for the next State Level Selection Test whichever is earlier:

Provided that the waiting list may remain valid till the specific category wise vacancy would be available from the vacancy list published under sub-rule (3)(b) of rule (8) since no circumstance the names of candidates will be recommended against any post other than the post applied for or against any vacancy which has not been published in the said rule.

(2) Notwithstanding anything contained in sub-rule (1), a panel, waiting list, merit list prepared by the Regional Commissions before coming into force of these rules, such panel, waiting list, merit list shall remain valid according to the rules prevalent at that material point of time.

17. Recommendation of candidates for appointment to post of Teacher

(1) The Central Commission shall hold counselling with a view to recommending the name of the candidate from the panel for appointment against each vacancy.

(2) Thereafter, the Central Commission shall recommend the name of only one candidate against each vacancy depending on his position in the panel and availability of requisite vacancy and a copy of the letter recommending the name shall be sent through speed post or in such other mode to the candidate as well as to the concerned authority of the School where the particular vacancy exists.

(3) A recommendation letter shall remain valid for a period of ninety days from the date of its despatch through post:

Provided that the Commission may, if it thinks expedient to extend the validity of the recommendation beyond the period of ninety days for any reasonable cause, for the reasons to be recorded in writing, extend the period of validity of such recommendation letter for a further period not exceeding sixty days.

(4) The concerned School authority shall on the basis of the recommendation of the Commission, issue the letter of appointment to the candidate through registered post with acknowledgement due and upon receipt of appointment letter from the concerned school authority the candidate shall join the post within the stipulated period as mentioned in the appointment letter:

Provided that if the School authority has any doubt about the vacancy position, it shall intimate the same to the Central Commission, District Inspector of Schools (Secondary Education) and Director of School Education.

(5) If-

(a) a candidate refuses to accept his allotment of post during counselling for the post of Teacher, or

(b) the Central Commission gets information from any school from the District Inspector of Schools (Secondary Education), or otherwise, that a candidate recommended for appointment has not accepted the offer of appointment within the stipulated period, or

(c) such a candidate refuses to accept appointment, or

(d) on further scrutiny it appears that the candidate has misrepresented the facts, the Central Commission may do away with his name from the panel and recommend the name of a candidate from the waiting list strictly within the validity period of the panel and waiting list.

(6) If a candidate, whose name has been recommended by the Commission for appointment, cannot be appointed to the vacancy for which he was recommended for the reason that such vacancy ceased to exist, the managing committee, by whatever name it is called, or the ad-hoc committee or the administrator or the concerned District Inspector of Schools (Secondary Education), as the case may be, shall send an information in this regard to the Central Commission and Central Commission may, on receipt of such information in consultation with the School Education Department, recommend his name for any other appropriate vacancy in the post of Teacher.

(7) If the managing committee, by whatever name it is called, or ad-hoc Committee or the administrator, if any, of any School does not appoint the candidate on the recommendation of School Service Commission having jurisdiction, the Central Commission shall forward the matter to the School Education Department with recommendation for causing enquiry and to take action against a member or all members of the Managing Committee, by whatever name it is called, in accordance with law in force and shall issue direction to the Central Commission for recommendation of the name to a suitable post in the same school or to other school.

18. Bar on recommendation

Notwithstanding anything contained in these rules, the Central Commission shall not recommend the name of a person under rule 17, –

(a) who, at the time of submission of application or after submission of application, is appointed to the post of a Teacher in a School on the basis of recommendation made by the West Bengal School Service Commission in any region and continues his service as such Teacher, but has not completed continuous two years approved service in the said post;

(b) who, while in-service, having obtained required degree for being considered for the post applied for fails to submit before the Central Commission the requisite document of his approved study leave, or any kind of leave for the purpose of relevant higher studies, or permission from the appropriate authority for prosecuting the studies for the said degree.

19. Carry forward of vacancy

The vacancies, which are not filled up for unsuitability of candidates or for any other reasons, as the Central Commission may by order mention, shall be carried forward and be included with the vacancies of next year:

Provided that if the Central Commission considers it necessary so to do, it may re-advertise those vacancies to be filled up in accordance with the provisions of these rules.

20. Interpretation

(1) If any question arises regarding any decision of Central Commission, a reference may be made to the State Government and the decision taken by it shall be final.

(2) In regard to the interpretation of any provision of these rules, the decision of the State Government shall be final.

21. Savings

(1) Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes, Scheduled Tribes, Other Backward Classes and other special categories of persons in accordance with the orders issued by the State Government from time to time in this regard.

(2) Nothing in these rules shall affect any act done or cause to be done in accordance with the provisions of the earlier rules made or notifications or orders issued under the Act.

22. Preservation of written examination answer scripts

The written answer scripts of examinations for Assistant Teachers/Headmaster/ Headmistress shall be destroyed by the Commission after 1 year from the date of publication of the panel.

SCHEDULE I [See rules 3 and 4]

Sl. No.	Name of posts	Educational qualification including professional qualifications	Age limit
1.	Headmaster/ Headmistress of High School/Higher Secondary School	Essential(i) Master's Degree from a UGC recognized University with at least 45% marks both at the Secondary Level and Higher Secondary Level, 40% marks in the Honours subject at the Honours Level or 45% marks at the Pass Level for a candidate without having Honours Degree and 40% marks at the Post Graduate Level, with degree in Bachelor of Teaching/Bachelor of Education/Post Graduate Basic Training from any recognized University or any training recognized by the State Government as equivalent to Bachelor of Teaching / Bachelor of Education / Post-Graduate Basic Training from a Teachers' Training Institution duly recognized by the National Council for Teacher Education (NCTE) / Rehabilitation Council of India (RCI) in the relevant academic session; Provided that the above criteria of marks shall not apply to a Head Master/ Head Mistress in approved service in Jr. High/High/Higher Secondary School.(ii) Ten years continuous teaching experience on the date of advertisement in approved service in a Higher Secondary School/High School/Junior High School recognized by the West Bengal Council of Higher Secondary Education/West Bengal Board of Secondary Education or equivalent.	Upto 55 years
2	Headmaster/ Headmistress of Junior High School	Essential:(i) Master's Degree from a UGC recognized University with at least 45% marks both at the Secondary Level, and Higher Secondary Level, 40% marks in the Honours subject at the Honours Level or 45% marks at the Pass Level for a candidate without having Honours at the Pass Level for a candidate without having Honours Degree and 40% marks at the Post-Graduate Level, with, Degree in Bachelor of Teaching/Bachelor of Education/Post-Graduate Basic Training from any recognized University or any training recognized by the State Government of West Bengal as equivalent to Bachelor of Teaching/Bachelor of Education/ Post-Graduate Basic Training from a	Upto 55 years

		Teachers' Training Institution duly recognized by the National Council for Teacher Education (NCTE) / Rehabilitation Council of India (RCI) in the relevant academic session;	
		Provided that the above criteria of marks shall not apply to a Head Master/Head Mistress in approved service in Jr. High/High/Higher Secondary School;ii) Five years continuous teaching experience on the date of advertisement in approved service in a Higher Secondary School/High School/Junior High School recognized by the West Bengal Council of Higher Secondary Education/West Bengal Board of Secondary Education or equivalent.	
3	Assistant Teacher for the post of Honours/Post graduate Teacher	Essential:Honours/Master's Degree in relevant or its equivalent subject from a UGC recognized University with at least 45% marks both at the Secondary Level and Higher Secondary Level, 40% marks in the Honours subject at the Honours Level or 45% marks at the Pass Level for a candidate without having Honours Degree and 40% marks at the Post Graduate Level in relevant subject or its equivalent subject, equivalency of subjects to the relevant subject has been decided by the School Service Commission from time to time.Desirable:(i) Degree in Bachelor of Teaching/Bachelor of Education/Post-Graduate Basic Training from any recognized University or any training recognized by the State Government as equivalent to Bachelor of Teaching/Bachelor of Education/Postgraduate Basic Training from a Teachers' Training Institution duly recognized by the National Council for Teacher Education (NCTE) / Rehabilitation Council of India (RCI) in the relevant academic session;	Minimum 20 years and maximum 40 years. Upper age limit is however relaxable by 5 years for Scheduled Caste/Scheduled Tribe candidates, 3 years for Backward Class candidates and 8 years for the Physically Handicapped Candidates.
4	Assistant Teacher for the post of pass graduate Work Education in School	Essential:Bachelor's Degree in General Stream in Arts/ Science/Commerce from a UGC recognized University with Post Graduate Basic Training or Work Education as a subject in Bachelor of Education in regular course from a Teachers' Training Institution duly recognized by the National Council for Teacher Education (NCTE) in the relevant academic session; orBachelor's Degree in General-Stream in Arts/ Science/Commerce with Degree or Diploma in Art and Craft from any UGC recognised University/ any UGC recognised educational Institution affiliated to any University; orBachelor's Degree in General Stream in Arts/ Science/ Commerce with Degree or Diploma in Tailoring and needle work from any Institution duly recognised by any UGC recognised University / from any UGC recognised	Minimum 20 years and maximum 40 years. Upper age limit is however relaxable by 5 years for Scheduled Caste/Scheduled Tribe candidates, 3 years for Backward Class candidates and 8 years for the Physically Handicapped Candidates.

		<p>University ;or</p> <p>(iv) Bachelor's Degree in General Stream in Arts/Science/Commerce with at least two years Degree or Diploma in the Work Education curriculum awarded by any University or any Department of the State Government; or</p> <p>v) Bachelor's Degree in Home Science or Agriculture or Bachelor of Science in Computer Science or Information Technology or Software systems from any UGC recognized University; or</p> <p>(vi) Bachelor's Degree in General Stream in Arts/Science/Commerce with Computer Science or Computer Application as a subject of at least 300 marks at the degree level from any UGC recognized University.</p> <p>Desirable:</p> <p>(i) Degree in Bachelor of Teaching/Bachelor of Education/Post-Graduate Basic Training from any recognized University or any training recognized by the State Government as equivalent to Bachelor of Teaching/Bachelor of Education/Post Graduate Basic Training from a Teachers' Training Institution duly recognized by the National Council for Teacher Education (NCTE)/ Rehabilitation Council of India (RCI) in the relevant academic session;</p>	
5	Assistant Teacher for the post of pass graduate Physical Education in School.	<p>Essential: Bachelor's Degree in General Stream of Arts/ Science/ Commerce with degree/diploma in Physical Education from a Teachers' Training Institution duly recognized by the National Council for Teacher Education (NCTE)/ Rehabilitation Council of India (RCI) in the relevant academic session;</p>	<p>Minimum 20 years and maximum 40 years.</p> <p>Upper age limit is however relaxable by 5 years for Scheduled Caste/Scheduled Tribe candidates, 3 years for Backward Class candidates and 8 years for the Physically Handicapped Candidates.</p>

SCHEDULE II
[See Rule 7]

PART A

Selection to the post of Headmaster or Headmistress of High School or Higher Secondary School shall be made on the basis of written examination, evaluation of qualifications and experience of the candidates in teaching, personality tests to be determined by the Commission in the following manner:

(a) Written Examination – 50 marks

(b) Academic qualifications including professional qualifications – 25 marks

(c) Experience in teaching (marks to be allotted as per the break-up detailed below) – 5 marks

Experience : Marks

(i) ten years : Nil

(ii) above ten years but upto twenty years : 3 marks

(iii) above twenty years : 5 marks

(d) Personality Test – 20 marks

(Appearance before the Personality Test Board is compulsory)

Note 1. – The academic qualifications including professional qualification for selection to the post of Headmaster or Headmistress of High School, or Higher Secondary School shall be evaluated in accordance with Table 1 of Part D of this Schedule.

PART B

Selection to the post of Headmaster or Headmistress of Junior High School shall be made on the basis of written examination, evaluation of qualifications and experience of the candidates in teaching, personality tests to be determined by the Commission in the following manner:

(a) Written Examination – 50 marks

(b) Academic qualifications including professional qualifications – 25 marks

(c) Experience in teaching (marks to be allotted as per the break-up detailed below) – 5 marks

Experience : Marks

(i) ten years : Nil

(ii) above ten years but upto twenty years : 3 marks

(iii) above twenty years : 5 marks

(d) Personality Test – 20 marks

(Appearance before the Personality Test Board is compulsory)

Note – The academic qualifications including professional qualification for selection to the post of Headmaster or Headmistress of Junior High School shall be evaluated in accordance with Table 1 of Part D of this Schedule.

PART C

Selection to the Post of Assistant Teacher in School shall be made on the basis of written examination, evaluation of qualifications of the candidates and personality tests to be determined by the Commission in the following manner:

(a) Written Examination : 55 marks

(b) Academic qualifications including professional qualifications : 25 marks

(c) Personality Test : 20 marks

(Appearance before the Personality Test Board is compulsory)

Note 1 – The academic qualifications including professional qualification for selection to the Assistant Teacher for the post meant for Honours / Post Graduate vacancy in School shall be evaluated in accordance with Table 2 of Part D of this Schedule.

Note 2 – The academic qualifications including professional qualification for selection to the post of pass graduate Assistant Teacher in Work Education in School shall be evaluated in accordance with Table 3 of Part D of this Schedule.

Note 3 – The academic qualifications including professional qualification for selection to the post of pass graduate Assistant Teacher in Physical Education in School shall be evaluated in accordance with Table 4 of Part D of this Schedule.

PART D

PROVISION RELATING TO EVALUATION OF ACADEMIC QUALIFICATIONS INCLUDING PROFESSIONAL QUALIFICATION FOR SELECTION TO THE POST OF HEADMASTER/HEADMISTRESS TEACHERS

Table1

Manner of evaluation of academic qualifications including professional qualification for the selection of Headmaster/ Head mistress in School

Sl. No.	Examination passed	Full marks 25	Award of Marks			Remarks
1	School Final/Madhyamik equivalent	5	5[For 1st Div/Class]	4[For 2nd Div/Class]	3[For Other Div/Class]	
2	H.S.(+2 stage)/Pre University/ Intermediate / University Entrance or its equivalent	5	5[For 1st Div/Class]	4[For 2nd Div/Class 1	3[For Other Div/Class]	
3	Old H.S. [in lieu of School Final/ Madhyamik or its equivalent and H.S.(+2 stage)/ Pre University/ Intermediate/ University Entrance or its equivalent]	10	10 [For 1st Div/Class]	8[For 2nd Div/Class]	6[For Other Div/Class]	
4	a) Bachelor’s degree in Honours as regular/ external/ private candidate or through distance mode of education/ correspondence course	6	6[For 1st Div/Class]	5[For 2nd Div/Class]	4[For Other Div/Class]	Holders of Degree with Spl. Hons./ Condensed Hons./ Approved
	orb) Bachelor’s degree in Pass course			4 marks (fixed)		

	orc) Degree with Spl. Hons./ Condensed Hons./ Approved Proficiency courses		5 marks (fixed)			Proficiency courses shall not be allotted any additional marks for their pass course degree.
5	Post Graduate degree as regular/ external/ private candidate or through distance mode of education/ correspondence course	6	6[For 1st Div/Class]	5[For 2nd Div/Class]	4[For Other Div/Class]	
6	Diploma in Teachers Training (B.T/B. Ed./P.G.B.T/ P.G.T or its equivalent) in regular course or through distance mode of education/correspondence course from a Teachers' Training Institution duly recognized by the National Council of Teachers Education (NCTE)/ Rehabilitation Council of India (RCI) in the relevant academic session	3	3[For 1st Div/Class]	2[For 2nd Div/Class]	1[For Other Div/Class]	

Table 2

Manner of evaluation of academic qualifications including professional qualification for the selection of Assistant Teacher for the post meant for Honours/ Post-Graduate vacancy in School

Sl. No.	Examinations	Full marks 20	Award of Marks			Remarks
1	School Final/ Madhyamik or its equivalent	4	4[60% and above]	3[Below 60% to 45%]	2[Below 45%]	
2	H.S.(+2 stage)/ Pre University/ Intermediate / University Entrance or its equivalent	4	4[60% and above]	3[Below 60% to 45%]	2[Below 45%]	
3	Old H.S. [in lieu of School Final/ Madhyamik or its equivalent and H.S.(+2 stage)/ Pre University/ Intermediate/ University Entrance or its equivalent]	8	8[60% and above]	6[Below 60% to 45%]	4[Below 45%]	
	a) Bachelor's degree in Honours as regular/ external/ private candidate or through distance mode of education/ correspondence course		4[60% and above]	3[Below 60% to 45%]	2[Below 45%]	Holders of Degree with Spl. Hons./ Condensed Hons./Approved

4	orb) Bachelor's degree in Pass course or in non-concerned subject	4	4[60% and above]	3[Below 60% to 45%]	2[Below 45%]	Proficiency courses shall not be allotted any additional marks for their pass course degree.
	orc) Degree with Spl. Hons./ Condensed Hons./ Approved Proficiency courses		4[60% and above]	3[Below 60% to 45%]	2[Below 45%]	
5	Post Graduate degree as regular/ external/ private candidate or through distance mode of education/ correspondence course	5	5[60% and above]	4[Below 60% to 45%]	3[Below 45%]	
6	Teachers Trg. (B.T/B. Ed./P.G.B.T/ P.G.T/B.P.Ed or its equivalent) in regular course or through distance mode of education/correspondence course from a Teachers' Training Institution duly recognized by the National Council of Teachers Education (NCTE) /Rehabilitation Council of India (RCI) in the relevant academic session	3	3[60% and above]	2[Below 60% to 45%]	1[Below 45%]	

Table 3

Manner of evaluation of academic qualifications including professional qualification for the selection of pass graduate Assistant Teacher in Work Education

Sl. No.	Examinations	Full marks	Award of Marks			
1	School Final/Madhyamik or its equivalent	4	4[60% and above]	3[Below 60% to 45%]	2[Below 45%]	
2	H.S.(+2 stage)/Pre University/Intermediate / University Entrance or its equivalent	4	4[60% and above]	3[Below 60% to 45%]	2[Below 45%]	
3	Old H.S. [in lieu of School Final/ Madhyamik or its equivalent and H.S. (+2 stage)/ Pre University/ Intermediate/ University Entrance or its equivalent]	8	8[60% and above]	6[Below 60% to 45%]	4[Below 45%]	
4	Bachelor's degree in General Stream in Arts/ Science/ Commerce as regular/external/ private candidate or through distance mode of education/correspondence course;Or,Bachelor's degree in General Stream in Arts/Science/Commerce as regular/external/ private candidate or through distance mode of education/correspondence course with degree/diploma	9	9[60% and above]	7[Below 60% to 45%]	5[Below 45%]	

	<p>in Art & Craft from any UGC recognised University/ any UGC recognised educational Institution affiliated to any University;Or,</p> <p>Bachelor's degree in General Stream in Arts/Science/Commerce as regular/external/ private candidate or through distance mode of education/ correspondence course with Degree or Diploma in Tailoring and needle work from any Institution duly recognised by any UGC recognised University;/from any UGC recognised University;</p> <p>Or,</p> <p>Bachelor's degree in General Stream in Arts/Science/Commerce as regular/external/ private candidate or through distance mode of education/</p>				
	correspondence course with degree/diploma in Work Education curriculum awarded by any University or any Department of the State Govt. or, Bachelor's Degree in Home Science or Agriculture or Computer Science/ Information Technology/ Software Systems from any UGC recognised University;Or,Bachelor's Degree in Arts/ Science/ Commerce with Computer Science/ Computer Application as a subject of at least 300 marks from any UGC recognised University				
5	Teachers Trg. (B.T./B.Ed./P.G.B.T/P.G.T. or its equivalent) in regular course or through distance mode of education /correspondence course from a Teachers' Training Institution duly recognized by the National Council of Teachers Education (NCTE) in the relevant academic session/ Rehabilitation Council of India (RCI).	3	3[60% and above]	2[Below 60% to 45%]	1[Below 45%]

Table 4
Manner of evaluation of academic qualifications including professional qualification for the selection of pass
graduate Assistant Teacher in Physical Education

Sl. No.	Examinations	Full marks 25	Award of Marks		
1	School Final/Madhyamik or its equivalent	5	5[60% and above]	4[Below 60% to 45%]	3[Below 45%]
2	H.S.(+2 stage)/Pre University/Intermediate / University Entrance or its equivalent	5	5[60% and above]	4[Below 60% to 45%]	3[Below 45%]

3	Old H.S. [in lieu of School Final/Madhyamik or its equivalent and H.S. (+2 stage)/ Pre University/Intermediate/ University Entrance or its equivalent]	10	10[60% and above]	8[Below 60% to 45%]	6[Below 45%]
4	Bachelor's degree in General Stream in Arts/Science/ Commerce as regular/ external/ private candidate or through distance mode of education/correspondence course	12	12[60% and above]	10[Below 60% to 45%]	8[Below 45%]
5	Physical Education from a Teachers' Training Institution duly recognized by the NCTE in the relevant academic session.	3	3[60% and above]	2[Below 60% to 45%]	1[Below 45%]

SCHEDULE III [See rule 14(vii)]

PROVISIONS RELATING TO CONSTITUTION OF PERSONALITY TEST BOARD

1. For the purpose of holding personality test in the State Level Selection Test for the post of Headmaster/ Headmistress, the Personality Test Board, to be constituted by the Central Commission, shall comprise the following members:

(a) one member of the Regional Commission, presiding, For any exigency, member of Central Commission may also preside, if the concerned Regional Commission desires so;

(b) an expert having administrative experience, either as Principal of any recognized College or as an Officer not below the rank of Deputy Registrar of a recognized University West Bengal, to be appointed by the Central Commission;

(c) a nominee of the Central Commission, having experience as Principal of a recognized College and in case of a having knowledge in-Islamic Studies and Culture also.

2. For the purpose of holding personality test in the State Level Selection Test for the post of Assistant Teacher-; the Personality Test Board, to be constituted by the Central Commission, shall comprise the following members: –

(a) one member of the Regional Commission, presiding, For any exigency, member of Central Commission may also preside, if the concerned Regional Commission desires so;

(b) an expert of concerned subject having a minimum of 10 years teaching experience in a recognised College/ University to be appointed by the Regional Commission;

(c) a nominee of thee Central Commission not below the rank of Principal Reader/Section Grade Lecturer with adequate knowledge in the concerned subject.

SCHEDULE IV [See rule 17(1)]

PART A

Provision relating to counselling for recommendation of name to the post of Headmaster or Headmistress

1. For the post of Headmaster/ Headmistress there shall be State Level Counselling for the purpose of recommendation of a person to the post within the territorial jurisdiction of the Central Commission after publication of the panel and waiting list on the basis of the combined rank position of the empanelled candidate in respect of relevant posts mentioned in sub-clause (iii) and (iv) of clause (b) of rule 2, medium-wise in the School.

2. The Central Commission shall publish the details of each vacancy in schools category of postwise and medium-wise separately on the basis of which panel has been prepared. The Central Commission shall publish such list of vacancies in the Commission's Website. Such relevant list shall be displayed in the counselling venue on the respective counselling date with regular updation during counselling for exercising option for selection of School as the case may be, by the candidates at the material point of time as per his choice.

3. The empanelled candidates for the post of Headmaster/ Headmistress qualified for counselling shall be informed of their rank category of post-wise, medium-wise through speed post mentioning the date, time and venue of counselling. Candidates can also obtain such information from the Commission Website and/or the Newspapers and/or Notice Board of the Central and Regional Commission. In case a qualified candidate does not receive the counselling letter, the candidate must appear for counselling on the date and time specified in the counselling schedule available on the website of the Commission or the news paper and at the offices of the Central and Regional Commissions.

4. The candidates called for counselling are required to bring with them the original as well as attested copies of valid age-proof document, requisite testimonials, teaching experience proof as per the provision of Act and rules for final verification along with the intimation Letter for Counselling, Call Letter for Personality Test and Admit Card for the Written Examination.

In case of unavoidable circumstances a candidate may authorize one of his near relatives in the manner as will be decided by the Commission to represent him/her at the time of counselling.

5. During counselling the candidate shall exercise option for selection of School as the case may be, in his relevant category of post and medium for being recommended to a post of Headmaster/Headmistress against his/her category of post-wise rank on the basis of availability of vacancies of same nature at the material point of time displayed at the counselling venue on the basis of query regarding allotment of vacancies. The Central Commission shall arrange to display each allotment of vacancy against empanelled candidates' category of post-wise, medium-wise in the counselling venue.

6. If a candidate misses his turn while his name is called for counselling during the counselling session he may not get the opportunity of availing the number of Schools which would have been available to him normally in the category, subject and medium against which he has been empanelled.

But he may get his turn at the end of the day after counselling of last member attending serially.

7. The candidate shall have to sign a declaration of

(a) selection and acceptance of the School as per his choice available at the time of his turn during the counselling session; or

(b) refusal to exercise his option in respect of selection and acceptance of any School available at the time of his turn during the counselling session.

8. The qualified absentee candidate shall have to exercise option for selection of School to a part of Headmaster/Headmistress from amongst the residue of the allotted vacancies of the relevant

counselling in his respective empanelled category of post and medium on the date and time and venue to be intimated through speed post and Commission website or Newspaper or the notice board of the Central and Regional Commission. If such a candidate remains absent on the intimated specified date, time and venue, his candidature shall be treated as cancelled.

9. The candidates in the waiting list, if necessary, may be recommended for the post on the basis of counselling and in such case, the relevant provisions of this Part shall apply mutatis mutandis.

10. Commission will declare the end of counselling. Under no circumstances the counselling process will be reopened for any vacancy after declaration issued.

PART B

Provision relating to counselling for recommendation of name to the post of Assistant Teacher

1. For the post of Assistant Teacher there shall be State Level Counselling for the purpose of recommendation of a person to the post within the territorial jurisdiction of the Central Commission after publication of the panel and waiting list on the basis of the combined rank position of the empanelled candidate in relation to the category of vacancy against which they have been empanelled, subject-wise and medium-wise.

2. The Central Commission shall publish the details of each vacancy in schools subject wise, medium wise, gender wise and reservation category wise separately on the basis of which panel has been prepared. The Central Commission shall publish such list of vacancies in the Commission's Website. Such relevant list shall be displayed in the counselling venue/s on the respective counselling date with regular updation during counselling for exercising option for selection of School as the case may be, by the candidates at the material point of time as per his/her choice.

3. The empanelled candidates for the post of Assistant Teachers in a State Level Selection Test qualified for counselling shall be informed of their rank medium-wise, subject-wise irrespective of gender and reservation category as well as their rank in relation to the subject wise, medium wise, gender wise and reservation category wise according to merit against which they have been empanelled through speed post mentioning the date, time and venue of counselling. Candidates can also obtain such information from the website of the Commission or the news paper and from the offices of the Central and Regional Commissions. In case a qualified candidate does not receive the counselling letter, the candidate must appear for counselling on the date and time specified in the counselling schedule available on the website of the Commission or the news paper and from the offices of the Central and Regional Commissions.

4. The candidates called for counselling are required to bring with them the original as well as attested copies of valid age-proof document, requisite testimonials, caste certificate (if applicable), Physically Handicapped certificate (if applicable) for final verification along with the Intimation Letter for Counselling, Call Letter for Personality Test and Admit Card for the Written Examination.

In case of unavoidable circumstances a candidate may authorize one of his near relatives in the manner as will be decided by the Commission to represent him/her at the time of counselling.

5. During counselling the candidate shall exercise option for selection of School in his concerned subject, empanelled category and medium for being recommended to a post of Assistant Teacher against his category-wise rank serial on the basis of the list on availability of vacancies of same nature at the material point of time displayed at the counselling venue on the basis of query regarding allotment of vacancies. The Central Commission shall arrange to display each allotment of vacancy against empanelled candidates subject wise, medium wise, gender wise and reservation category wise in the counselling venue.

Further, at the time of counselling the candidates whose names occur in more than one lists i.e., reserved and unreserved lists, vacancies of all the lists will be shown to them for selection.

6. If a candidate misses his turn while his name is called for counselling during the counselling session he may not get the opportunity of availing the number of Schools which would have been available to him normally in the category, subject and medium against which he has been empanelled. But he may get his turn at the end of the day after counselling of last member attending serially.

7. The candidate shall have to sign a declaration of

(a) selection and acceptance of the School as per his choice available at the time of his turn during the counselling session; or

(b) refusal to exercise his option in respect of selection and acceptance of any School available at the time of his turn during the counselling session.

8. The qualified absentee candidate shall have to exercise option for selection of School to a post of Assistant Teacher from amongst the residue of the allotted vacancies of the relevant counselling in his respective empanelled category of post and medium on the date and time and venue to be intimated through speed post and Commission's website or Newspaper or the notice board of the Central and Regional Commission. If such a candidate remains absent on the intimated specified date, time and venue, his candidature shall be treated as cancelled.

9. The candidates in the waiting list, if necessary, may be recommended for the post on the basis of counselling and in such case, the relevant provisions of this Part shall apply mutatis mutandis.

By order of the Governor

Secretary to the Govt. of West Bengal

West Bengal School Service Commission Act, 1997 with all Amendments

An Act to provide for the constitution of Regional School Service Commissions and a Central School Service Commission in West Bengal and for matters connected therewith or incidental thereto.

1. Short Title & Commencement

- (1) This Act may be called the West Bengal School Service Commission Act, 1997.
- (2) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions

In this Act, unless the context otherwise requires,—

- (a) “Board” means the West Bengal Board of Secondary Education established under the West Bengal Board of Secondary Education Act.
- (b) Board of Madrasah” means the West Bengal Board of Madrasah Education established under the West Bengal Board of Madrasah Education Act, 1994;
- (c) “Central Commission” means the West Bengal Central School Service Commission constituted under section 3;
- (d) “Chairman” means the Chairman of the Commission:
- (e) “Commission” means the Central Commission or the Regional Commission;
- (f) “Council” means the West Bengal Council of Higher Secondary Education established under section 3 of the West Bengal Council of Higher Secondary Education Act, 1975;
- (g) “Headmaster” or “Headmistress” means the head of the teaching staff of a school, by whatever name he or she may be designated;
- (h) “Madrasah” means an educational institution imparting instruction in-
 - (i) High Madrasah Education System within the meaning of sub-clause (i), or
 - (ii) Senior Madrasah Education System within the meaning of sub-clause (ii), of clause (g) of section 2 of the West Bengal Board of Madrasah Education Act, 1994, and includes a Junior High Madrasah.

Explanation.—“Junior High Madrasah” shall have the same meaning as in clause (e) of section 2 of the West Bengal Board of Madrasah Education Act, 1994;

- (i) “member” means a member of the Commission, and includes the Chairman:
- (j) “notification” means a notification published in the Official Gazette;
- (k) “prescribed” means prescribed by rules made under this Act;
- (l) “Regional Commission” means the West Bengal Regional School Service Commission constituted under section 3;

(m) “regulations” means the regulations made by the Central Commission under this Act;

(n) “school” means a recognised non-Government aided-

(i) secondary school, or educational institution, or part or department of such school or institution, imparting instruction in a secondary education, or

(ii) higher secondary school, or educational institution (other than a college), or part or department of such school or institution, imparting instruction in higher secondary education, or

(iii) Madrasah,

and includes a sponsored school.

Explanation I.—“Recognised” with its grammatical variations, used with reference to a school, shall mean—

(a) recognised or deemed to have been recognised under the West Bengal Board of Secondary Education Act, 1963. or

(b) recognised under the West Bengal Council of Higher Secondary Education Act, 1975. or

(c) recognised or deemed to have been recognised under the West Bengal Board of Madrasah Education Act, 1994.

Explanation II.—“Aided” with its grammatical variations, used with reference to a school, shall mean aided by the State Government in the shape of financial assistance towards the basic pay of the teachers of that school.

Explanation III.—“Basic pay” shall mean the monthly pay of a teacher of a school which corresponds to a stage in the time-scale of pay of the post held by the teacher in that school.

Explanation IV.- “Secondary Education” shall have the same meaning as in clause (1) of section 2 of the West Bengal Board of Secondary Education Act, 1963.

Explanation V. – “Higher secondary education” shall have the same meaning as in clause (d) of section 2 of the West Bengal Council of Higher Secondary Education Act, 1975.

Explanation VI.—“Sponsored school” shall mean a school declared as a sponsored school by the State Government by notification;

(o) “Secretary” means the Secretary of the Commission;

(p) “Teacher” means an Assistant Teacher or any other person, holding a teaching post of a school and recognised as such by the Board or the Council or the Board of Madrasah, as the case may be, and includes the Headmaster or the Headmistress.

3. Constitution of Commission

(1) The State Government shall, with effect from such date as it may, by notification, appoint, constitute-

(a) a Central Commission by the name of the West Bengal Central School Service Commission, and

(b) a Regional Commission by the name of the West Bengal Regional School Service Commission, in respect of each of the regions referred to in sub-section (2).

(2) For the purposes of clause (h) of sub-section (1), the territory of the State of West Bengal shall comprise five regions to be called the Eastern Region, the Southern Region, the Western Region, the Northern Region and the Hill Region; each such region shall comprise such district or districts or part of a district as the State Government may, by notification, determine, and the territorial jurisdiction of a Regional Commission shall be construed accordingly.

Explanation I.—Calcutta as defined in clause (9) of section 2 of the Calcutta Municipal Corporation Act, 1980, shall, for the purposes of this Act, be deemed to be a district.

Explanation II.—Part of a district shall ordinarily mean a sub-division, or two or more, but not all, sub-divisions taken together, of that district as may be specified in the notification under this sub-section;

Provided that if the area of a district, or any part of a district, other than Calcutta, overlaps any part of the area included in Calcutta, such overlapping area shall be excluded from the territorial jurisdiction of the Regional Commission in respect of such district and shall be included within the territorial jurisdiction of the Regional Commission in respect of Calcutta.

(3) The State Government may, at any time, by notification enlarge or reduce the territorial jurisdiction of a Regional Commission constituted under clause (b) of sub-section (I).

(4) (a) The Commission shall consist of five members of whom one shall be the Chairman.

(b) Of the five members as aforesaid, one shall be a person who, not being an educationist, occupies or has occupied, in the opinion of the State Government, a position of eminence in public life or in judicial or administrative service, and the others shall have teaching experience, either as a Teacher of a University or as a Principal of a college for a period of not less than ten years, or as a teacher, other than Principal of a college, or as a Headmaster or Headmistress, for a period of not less than fifteen years.

4. Appointment and Terms & Conditions of Service of Members

(1) (a) The Chairman and other members shall be appointed by the State Government.

(b) The Chairman and other members shall hold office for a term of four years:

Provided that a person who has held office as Chairman or other member shall, on the expiration of the term of his office be eligible for further appointment as Chairman or other member:

Provided further that no person who has attained the age of sixty-two years shall be eligible to hold office as Chairman or other member.

(2) If the office of the Chairman or any other member becomes vacant by reason of resignation or otherwise or if the Chairman is, by reason of absence or for any other reason, unable to perform the duties of his office, then, until a Chairman or other member is appointed under sub-section (I) or until the Chairman resumes his duties, as the case may be, the duties of the Chairman or the other member, as the case may be, shall be performed by such other member as the State Government may appoint in this behalf.

(3) The Chairman or any other member may resign his office by writing under his hand addressed to the State Government, but he shall continue in office until his resignation is accepted by the State Government.

(4) (a) The office of the Chairman shall be whole-time; the other members shall be honorary.

(b) The salary of the Chairman and the honorarium of the other members shall be such as may be determined by the State Government.

(c) Subject to the foregoing provisions of this sub-section, the other terms and conditions of service of the Chairman and other members shall be such as may be prescribed.

5. Removal of Member

The State Government may, after making inquiry in such manner as may be prescribed, remove the Chairman or any other member from his office on the ground of-

(a) misconduct involving moral turpitude, or

(b) insolvency, or

(c) infirmity of body or mind.

6. Staff of Commission

(1) The staff of the Commission shall consist of-

(a) a Secretary who shall be appointed by the State Government, and

(b) such other employees as the Commission may, with the previous approval of the State Government, appoint from time to time.

(2) The salary of the Secretary and of the other employees of the Commission shall be such as may be determined by the State Government.

(3) The other terms and conditions of service-

(a) of the Secretary shall be such as may be prescribed, and

(b) of the other employees of the Commission shall be such as may be provided for by regulations.

7. Functions of Regional Commission

Notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage to the contrary, it shall be the duty of the Regional Commission to select persons for appointment to the posts of Teachers in schools within its territorial jurisdiction.

8. Manner and Scope of selection of persons and procedures for conduct of business of Commission

(1) The manner and scope of selection of persons for appointment to the posts of Teachers shall be such as may be prescribed.

(2) The procedure for the conduct of business of the Commission shall be such as may be provided for by regulations.

(3) The Commission shall preserve the documents relating to examination including answer scripts for such period, and in such manner, as may be prescribed.

9. Effect of Recommendation of Commission

(1) Notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage to the contrary, appointments to the posts of Teachers in a school shall be made by the managing committee, by whatever name called, or by the ad-hoc committee, or by the administrator, if any (where there is no managing committee), of that school on the recommendation of the Regional Commission having jurisdiction.

(2) Any appointment of a Teacher made on or after the commencement of this Act in contravention of the provisions of this Act shall be invalid and shall have no effect and the Teacher so appointed shall not be a Teacher within the meaning of clause (p) of section 2.

10. Protection of Teachers

Notwithstanding anything contained elsewhere in this Act, the terms and conditions of service of Teachers in the employment of a school immediately before the commencement of this Act shall not be varied to the disadvantage of such Teachers in so far as such terms and conditions relate to the appointment of such Teachers to the posts held by them immediately before the commencement of this Act.

10A. Mutual transfer on joint application

(1) Notwithstanding anything contained in any other law for the time being in force or in any contract to the contrary, the Central Commission may, on the basis of joint application made to it in the prescribed proforma by two confirmed Teachers of same category, make recommendation for placing their services from one school to another on mutual transfer basis, in such manner, on such condition and within such period, as may be prescribed:

Provided that only the two Teachers who have been appointed against the same category of vacancies, holding the same category of post and teaching same subject shall be eligible for such transfer.

(2) Notwithstanding anything contained in any other law for the time being in force or in any contract to the contrary, the Central Commission may, on the basis of joint application made to it in the prescribed proforma by two confirmed non-teaching staff, make recommendation for placing their services from one school to another on mutual transfer basis, in such manner, on such condition and within such period, as may be prescribed:

Provided that only the two non-teaching staff who have been appointed against the same category of vacancies and holding the same category of post shall be eligible for such transfer.

10B. General transfer on application

(1) Notwithstanding anything contained in any other law for the time being in force or in any contract to the contrary, the Central Commission may, on the basis of application made to it in the prescribed proforma by an eligible Teacher, make recommendation for placing his service from one school to another school having same category of vacant post, on general transfer basis, in such manner, on such condition and within such period, as may be prescribed:

Provided that such general transfer of an eligible teacher shall be made between two posts of same category of vacancies, posts and subjects in schools with same medium of instruction.

(2) Notwithstanding anything contained in any other law for the time being in force or in any contract to the contrary, the Central Commission may, on the basis of application made to it in the prescribed proforma by an eligible non-teaching staff, make recommendation for placing his service from one

school to another having same category of vacant post, on general transfer basis, in such manner, on such condition and within such period, as may be prescribed:

Provided that such general transfer of an eligible non-teaching staff shall be made between two posts of same category of vacancies and posts in schools with same medium of instruction.

Explanation.—For the purpose of this section, the expression “an eligible Teacher or an eligible non-teaching staff” means a confirmed Teacher, or a confirmed nonteaching staff, who have completed five years of satisfactory service in the post of Teacher or non-teaching staff, as the case may be, and does not include a Teacher or non-teaching staff who shall avail mutual transfer under section 10A after coming into force of this section.’.

11. Power of Commission to call for records etc.

The Commission may call for any record, report or other information from any school or the Board or the Council or the Board of Madrasah if, in its opinion, such record, report or other information is necessary for efficient discharge of its functions, and the school or the Board or the Council or the Board of Madrasah, as the case may be, shall furnish such record, report or other information to the Commission.

12. Report of Central Commission

It shall be the duty of the Central Commission to present annually to the State Government a report as to the work done by the Central Commission and each Regional Commission and. on receipt of such report, the State Government shall cause a copy thereof to be laid before the State Legislature.

13. Members etc. to be Public Servant

The Chairman and other members and persons appointed under this Act shall, while acting or purporting to act under this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

14. Validation:-

The proceedings of the Commission shall not be invalid by reason of any vacancy in the office of the Chairman or any other member.

15. Act not to apply in relation to certain schools

The provisions of this Act shall not apply to-

- (a) a school established and administered by a minority, whether based on religion or language, or
- (b) a school under any trust, established and administered by a minority, whether based on religion or language, or
- (c) a school not in receipt of any financial assistance from the State Government, or
- (d) a school in receipt of a financial assistance from the State Government towards dearness allowance only of Teachers of such school, or
- (e) a Government school.

Explanation.—“Government school” shall mean a school maintained and managed by the State Government or the Government of India or the Railway Board under the Ministry of Railway, Government of India.

15A. Special provision for making exemption to school or certain schools

Notwithstanding anything contained in section 15, the State Government may, by general or special order, exempt from the purview of the Act a school or certain schools established and administered by such charitable organisation, and subject to such conditions and restrictions, and for such period, as may be specified in that order.

Explanation.— For the purpose of this section, the expression “charitable organisation” means an organisation rendering humanitarian services to the society, donation to which shall qualify for deduction under section 80G of the Income Tax Act, 1961.’.

16. Functions of Central Commission

(1) The Central Commission shall monitor, supervise, control and co-ordinate the activities of the Regional Commission which shall be subordinate to the Central Commission.

(2) The Central Commission may call for any record, report or other information from a Regional Commission if, in the opinion of the Central Commission, such record, report or other information is necessary for efficient discharge of its functions, and the Regional Commission shall furnish such record, report or other information to the Central Commission.

(3) It shall be the duty of the Central Commission to advise the State Government on such matters as may be referred to it by the State Government.

17. Power to make Rules

(1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters:-

(a) the terms and conditions of service of the Chairman and other members under clause (c) of sub-section (4) of section 4;

(b) the manner in which an inquiry is to be made for removal of the Chairman or any other member under section 5;

(c) the terms and conditions of service of the Secretary under clause (a) of sub-section (3) of section 6;

(d) the manner and scope of selection of persons for appointment to the posts of Teachers under sub-section (1) of section 8;

(da) the proforma of joint application, the manner and other condition, for mutual transfer under section 10A;

(db) the proforma of application, the manner and other condition, for general transfer under section 10B;

(e) any other matter which may be, or is required to be, prescribed.

18. Power to make Regulations

(1) The Central Commission may, with the previous approval of the State Government, make regulations, not inconsistent with the provisions of this Act or the rules made thereunder, for discharging the functions of the Commission under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters:

(a) the terms and conditions of service of the employees of the Commission under clause (b) of sub-section (3) of section 6;

(b) the procedure for the conduct of business of the Commission under sub-section (2) of section 8.

19. Directions by State Government

In the discharge of its functions the Commission shall be guided by such directions as may be given to it by the State Government from time to time in conformity with the provisions of this Act.

20. Dissolution of Commission

(1) If the State Government is of the opinion that the Commission has failed to discharge its functions under this Act in accordance with the provisions of this Act, the State Government may, by an order published in the Official Gazette, and stating the reasons therefore, dissolve the Commission with effect from such date as may be specified in the order.

(2) Upon the dissolution of the Commission under sub-section (1), all the members of the Commission shall be deemed to have vacated their respective offices with effect from the date of such dissolution.

(3) The State Government may, at any time after the dissolution of the Commission under sub-section (1), reconstitute the Commission in accordance with the provisions of this Act.

21. Repeal

The West Bengal School Service Commission Ordinance, 1955 is hereby repealed.

By order of the Governor

Sd/- S. MAITRA
Special Officer & ex officio
Jt. Secy. to the Govt. of West Bengal

Reference:

1. No. 936-L dated 01.04.1997
2. No. Nil dated 20.05.1999
3. No. 233-L dated 01.03.2011
4. Ordinance dated 03.09.2012
5. No. 1097-L dated 11.07.2013

West Bengal Board of Secondary Education Act, 1963 with all Amendments

An Act to establish a Board of Secondary Education in the State of West Bengal, to define the powers and functions of such Board and to provide for certain other matters connected therewith.

CHAPTER I. Preliminary.

Section.

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II. The Board.

3. Establishment and incorporation of the West Bengal Board of Secondary Education.
4. Composition of the Board.
5. Appointment in default of election.
6. Publication of the names of elected, nominated or appointed members of the Board,
7. Term of office of elected, nominated or appointed member of the Board. 8. Casual vacancies.
9. Appointment, term of office, salary and allowances of the President.
10. Temporary and acting arrangement for the office of the President.
11. Disqualifications for membership.
12. Disputes relating to the eligibility or the manner of election of members.
13. Resignation and removal of members.
14. Conduct of meetings.
15. Restriction on voting.
16. Persons in the service of the Board.
17. Travelling allowance.

CHAPTER III. Committees and Regional Examination Councils.

18. Committees.
19. Recognition Committee.
- 19A. Executive Committee.
20. Syllabus Committee.
21. Examination Committee.
22. Appeal Committee.
23. Finance Committee.
24. Other Committees,
25. Regional Council.

CHAPTER IV. Powers and Functions of the Board and President.

Section.

27. Powers and duties of the Board.
28. Powers and duties of President.

CHAPTER V. Meetings.

- 29. Meetings of the Board and the Executive Committee.
- 30. Meetings of Committees and Regional Councils.

CHAPTER VI. Finance and Audit.

- 31. Annual report and budget estimate.
- 32. Payment to the Board by the State Government.
- 33. West Bengal Board of Secondary Education Fund.
- 34. Application of the West Bengal Board of Secondary Education Fund.
- 35. Accounts.
- 36. Audit.
- 37. Audit report.

CHAPTER VII. Supplemental Provisions.

- 38. Board to furnish information.
- 39. Power of State Government to suspend proceedings.
- 40. Certain persons to be deemed to be public servants.
- 41 Indemnity.
- 42. Power of Tribunals.
- 43. Savings.
- 44. Transitory provisions.
- 45. Power of State Government to make rules.
- 46. Repeal and continuance.
- 47. Board to be guided by directions of the State Government.
- 48. Power to remove difficulties.
- 49. Supersession of the Board.
- 50. Consequences of supersession.
- 51. Board to continue as a body corporate.
- 52. Re-establishment of the Board.

It is hereby enacted in the Fourteenth Year of the Republic of India, by the Legislature of West Bengal, as follows:-

CHAPTER I.

Preliminary

1. Short title, extent and commencement

- (1) This Act may be called the West Bengal Board of Secondary Education Act, 1963.
- (2) It extends to the whole of West Bengal:

Provided that any institution situated in any other State or in any Union Territory may also, with the sanction of the Government of such State or Union Territory, as the case may be, apply to the Board for recognition and the Board may, subject to such conditions or restrictions as it may, with the approval of the State Government, think fit to impose, grant recognition to such institution.

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

2. Definitions

In this Act, unless the context otherwise requires,—

- (a) “Board” means the West Bengal Board of Secondary Education establishment under this Act;
- (aa) “by-law” means a by-law made by the Executive Committee under this Act;
- (b) “Head of Institution” means the head of the teaching staff of an Institution, by whatever name she or he may be designated;
- (c) “Institution” means a Secondary School or an educational Institution or part or department of such school or Institution imparting instruction in Secondary Education;
- (d) “Managing Committee” used in reference to an Institution includes the Governor or the Governing Body of such an Institution;
- (e) “notification” means a notification published in the Official Gazette;
- (f) “prescribed” means prescribed by rules made under this Act;
- (g) “President” means the President of the Board;
- (h) “Primary Education” means education imparted in a primary school as defined in any Bengal Act or West Bengal Act or education equivalent thereto;
- (i) “recognised” with its grammatical variations, used with reference to Institutions, means recognised under this Act or within the meaning of the West Bengal Secondary Education Act, 1950;
- (j) “regulation” means a regulation made by the Board under this Act;
- (k) “rule” means a rule made by the State Government under this Act;
- (l) “Secondary Education” means general education above the primary education stage provided for students with a view to qualifying them for admission to a certificate, diploma or degree course instituted by a University or by Government or by a Statutory Body, and includes, subject to any general or special order of the State Government,—
 - (i) technical education,
 - (ii) agricultural education,
 - (iii) commercial education,
 - (iv) education for the physically handicapped,
 - (v) education for the mentally retarded and defectives,
 - (vi) education in Reformatory schools and jails, or
 - (vii) any other types of education which the State Government may, in consultation with the Board, specify.

CHAPTER II.

The Board

3. Establishment and incorporation of the West Bengal Board of Secondary Education

(1) The State Government shall, as soon as may be after this Act comes into force, establish a Board named the West Bengal Board of Secondary Education.

(3) The Board shall be a body corporate with perpetual succession and a common seal, shall be entitled to acquire, hold and dispose of property, to enter into contracts and to do all other things necessary for the purposes of this Act, and shall by its name sue and be sued.

4. Composition of the Board

The Board shall consist of the following members:—

(1) the President;

(2) the President of the West Bengal Council of Higher Secondary Education, ex officio;

(3) the Director of School Education, Government of West Bengal, ex officio;

(5) the Director of Technical Education, Government of West Bengal, ex officio;

(6) the Deputy Director of Secondary Education (for women), Government of West Bengal, ex officio;

(7) the Deputy Director of Secondary Education (I), Government of West Bengal, ex officio;

(8) two persons elected in the manner prescribed from amongst the teaching staff of training colleges for teachers of Secondary Schools affiliated to or recognised by any of the Universities in West Bengal;

(9) the Dean of the Faculty of Arts and the Dean of the Faculty of Science of the Calcutta University, ex officio;

(10) the Dean of the Faculty of Engineering and Technology, Jadavpur University, ex officio;

(11) the Adhyaksha, Kala Bhabari, Viswa Bharati, Saniiniketan, ex officio;

(12) a Dean nominated by each of the Universities of Burdwan, Kalyani and North Bengal and the Bidhan Chandra Krishi Viswa Vidyalaya;

(13) one person nominated by the Madrasha Education Board from amongst the members of the Madrasha Education Board;

(14) (a) two heads of recognised Secondary Schools nominated by the State Government,
(b) thirty-four whole-time and permanent teachers of recognised secondary schools, whose appointment has been approved in accordance with the rules and of whom one shall be from the hill areas, elected in the manner prescribed.

Explanation.—“Hill areas” shall have the same meaning as in the Darjeeling Gorkha Hill Council Act, 1988;

(c) three whole-time and permanent members of the non-teaching staff of recognised Secondary Schools, elected in the manner prescribed, of whom—

- (a) one shall be from the Presidency Division,
- (b) one shall be from the Burdwan Division, and
- (c) one shall be from the Jalpaiguri Division;

(15) Two representatives of the West Bengal Legislative Assembly selected in the manner prescribed;

(16) five persons interested in education nominated by the State Government, one of whom shall be a woman and at least one shall be a member of the Managing Committee of a recognised Institution;

(17) one person elected by the employees of the Board from amongst themselves in the manner provided by regulations; and

(18) (a) one whole time and permanent member of the teaching staff of primary schools recognised by the District School Board or the Director of Public Instruction or the Director of Primary Education, nominated by the State Government;

(b) one whole time and permanent member of the teaching staff or colleges affiliated to any of the Universities in West Bengal nominated by the State Government.

5. Appointment in default in election

(1) If by such date as may be prescribed any of the authorities, other than the State Government, fails to elect or nominate a member or members as provided in section 4, the State Government shall appoint member or members qualified for election or nomination by such authority:

Provided that in the case of the State Legislative Assembly in the said Assembly has been dissolved, the State Government shall appoint a suitable person to be a member to hold office until the said Assembly is reconstituted and a representative is elected by the members thereof.

(2) A person appointed under this section shall be deemed to be a member of the Board duly elected or nominated under section 4.

6. Publication of the names of elected, nominated or appointed members of the Board

The name of every person elected or nominated under section 4 or appointed under section 5 as a member of the Board shall be published in the Official Gazette as soon as may be after his election or nomination or appointment, as the case may be.

7. Term of office of elected, nominated or appointed member of the Board

(1) Subject to the provisions of this Act, an elected, nominated or appointed member of the Board shall hold office for a term of five years from the date on which his name is published under section 6, and may, on expiration of such term, be re-elected, re-nominated or reappointed.

(2) Notwithstanding the expiration of the term of five years specified in sub-section (1), an elected, nominated or appointed member of the Board shall continue to hold office until the vacancy caused by the expiration of the said term has been filled in accordance with the provisions of this Act.

8. Casual vacancies

If any member dies or resigns his office or ceases to be a member for any other reason the vacancy shall be filled up by a fresh nomination or election under section 4 and the member so nominated or elected shall hold office for the unexpired portion of the term of the member whose place he fills.

9. Appointment, term of office, salary and allowances of the President

- (1) The President shall be appointed by the State Government.
- (2) The term of office of the President shall be five years from the date of his appointment.
- (3) The President shall cease to hold office if at any time he becomes subject to any of the disqualifications referred to in sub-section (1) of section 11.
- (4) The President may resign his office by giving notice in writing to the State Government.
- (5) The President shall receive such salary and allowances, if any, From the West Bengal Board of Secondary Education Fund as the State Government may determine.

10. Temporary and acting arrangement for the office of the President

- (1) If the President dies or resigns his office or ceases to hold office or is temporarily absent the Stale Government shall authorise a member of the Board to exercise the powers and perform the duties of the office of the President until the President resumes office or a new President is appointed, as the case may be.
- (2) A President appointed to fill a casual vacancy, under sub-section (I), shall hold office for the unexpired portion of the term of the President whose place he fills.

11. Disqualifications for membership

- (1) A person shall be disqualified for being elected, nominated or appointed a member of the Board if he—
 - (a) has been adjudged by a competent Court to be of unsound mind;
 - (b) is an undischarged insolvent;
 - (c) being a discharged insolvent, has not obtained from the Court a certificate that his insolvency was caused by misfortune without any misconduct on his part;
 - (d) has been convicted by a Court of an offence which is; declared by the State Government to be an offence involving moral turpitude, unless—
 - (i) such disqualification is condoned by the State Government, or
 - (ii) the term of his sentence of imprisonment, or a period of five years from the date of his conviction, whichever is longer, has expired;
 - (e) directly, or indirectly, by himself or his partner,—
 - (i) has or had any share or interest in any text-book approved by the Board or published by or under the authority of the Board, or
 - (ii) has any interest in any work done by order or, or in any contract entered into on behalf of, the Board:

Provided that a person who had any share or interest in any text-book referred to in sub-clause (i) shall not be deemed to have incurred the disqualification under the said sub-clause if five years have elapsed from lhc dale of the publication or republication of such text-book.

(2) If an elected, nominated or appointed member of the Board becomes after his election, nomination or appointment, as the case may be, subject to any of the disqualifications specified in sub-section (I), his membership shall thereupon cease with effect from such date as the State Government may direct.

12. Disputes relating to the eligibility or the manner of election of members

(1) If any question arises relating to—

(i) the eligibility of any person for election as a member of the Board, of any Committee or of a Regional Council under this Act, or

(ii) the manner in which any such election has been held, or

(iii) the disqualification of any member of the Board, of any Committee or of a Regional Council continuing as such member, such question shall be referred for decision to a Tribunal consisting of a Judicial Officer not below the rank of a District Judge or an Additional District Judge, appointed by the State Government.

(2) The procedure to be followed by the Tribunal shall be such as may be prescribed.

(3) The decision of the Tribunal under sub-section (I) shall be final and no suit or proceeding shall lie in any Civil or Criminal Court in respect of any matter which has been or may be referred to, or has been decided by, the Tribunal under that sub-section.

13. Resignation and removal of members

(1) An elected, nominated or appointed member of the Board may resign his seat by giving notice in writing to the President, and when such resignation is accepted by the Board, such member shall be deemed to have vacated his seat.

(2) The State Government may, by notification, and after giving the member concerned an opportunity of being heard, remove any elected, nominated or appointed member of the Board if, without obtaining the consent of the President, he is absent from three consecutive meetings of the Board.

14. Conduct of meeting

The President, or in his absence, one of the members of the Board elected from amongst those present, shall preside at meetings of the Board, and the President or such member shall be entitled to vote on any matter and shall have a second or casting vote in every case of equality of votes.

15. Restriction on voting

(1) No member of the Board shall vote on any matter in which he has any personal or pecuniary interest or if it relates to any Institution of which he is either a teacher or a member or the Managing Committee.

(2) The President or the member presiding at a meeting of the Board shall decide any question arising under sub-section (I) and his decision thereon shall be final.

16. Provisions in the service of the Board

(1) The Board shall have a Secretary who shall be appointed by the State Government.

(2) The Board may appoint such other officers and servants as it considers necessary for carrying out the purposes of this Act.

(3) The method of recruitment and the conditions of service (including the scales of pay and allowances, if any) shall,—

(a) as respects the Secretary, be such as may be prescribed, and

(b) as respects the other officers and servants, be such as may, subject to the approval of the State Government, be determined by regulations published in the Official Gazette.

(3A) Anything done or any action taken under sub-section (3) before the publication of the West Bengal Board of Secondary Education (Amendment) Act, 1990, in the Official Gazette, shall be deemed to have been validly done or taken under sub-section (3) as amended by the West Bengal Board of Secondary Education (Amendment) Act, 1990, as if the West Bengal Board of Secondary Education (Amendment) Act, 1990, were in force when such thing done or such action was taken.

(4) Subject to the general control and supervision of the President the Secretary shall be the principal administrative officer of the Board. He shall be entitled to attend and speak at any meetings of the Board, but shall not be entitled to vote.

17. Travelling Allowance

Such members of the Board or of any Committee, Sub-Committee or Council constituted under this Act as are not in the service of the State Government, shall, in respect of expenses incurred by them in attending meetings of the Board, or of any such Committee, Sub-Committee or Council, or in exercising any powers or performing any duties conferred or imposed upon them by or under this Act, be paid by the Board such allowances and at such rates as may be prescribed.

CHAPTER III.

Committees and Regional Councils

18. Committees

As soon as may be after the Board is established the Board shall constitute the following Committees, namely:—

- (a) the Recognition Committee;
- (aa) the Executive Committee;
- (b) the Syllabus Committee;
- (c) the Examination Committee;
- (d) the Appeal Committee;
- (e) the Finance Committee.

19. Recognition

(1) The Recognition Committee shall consist of the following members:—

(a) the President;

(b) the Director of School Education, Government of West Bengal, ex officio;

(c) four persons elected by the Board in the manner provided by regulations from amongst the members referred to in clause (14), clause (15) and clause (16) of section 4;

(d) the Deputy Director of Secondary Education (for women), Government of West Bengal, ex officio; and

(e) the Deputy Director of Secondary Education (I), Government of West Bengal, ex officio.

(2) The President shall be the Chairman of the Recognition Committee and the Secretary to the Board shall be the Secretary to the said Committee.

(3) It shall be the duty of the Recognition Committee to advise the Executive Committee on all matters concerning the recognition of Institutions and the Executive Committee shall not accord recognition to any Institution except on the recommendation of the Recognition Committee.

19A. Executive Committee

(1) The Executive Committee shall consist of the following members:—

(a) the President;

(aa) the President, West Bengal Council of Higher Secondary Education, ex officio;

(b) the Director of School Education, Government of West Bengal, ex officio;

(d) the Deputy Director of Secondary Education (I), Government of West Bengal, ex officio;

(e) the Deputy Director of Secondary Education (for Women), Government of West Bengal, ex officio;

(f) five persons elected by the Board in the manner provided by regulations from amongst the members referred to in clauses (8), (9), (10), (II) and (12) of section 4;

(g) five persons elected by the Board in the manner provided by regulations from amongst the members referred to in clause (14) of section 4;

(h) one person elected by the Board in the manner provided by regulations from amongst the members referred to in clause (15) of section 4;

(i) two persons elected by the Board in the manner provided by regulations from amongst the members referred to in clause (16) and clause (18) of section 4;

(j) member referred to in clause (17) of section 4;

(2) The President shall be the Chairman of the Executive Committee and the Secretary to the Board shall be the Secretary to the said Committee.

(3) Subject to any general or special orders of the State Government, the provisions of this Act and any rules or regulations made thereunder, the Executive Committee shall have the power] to-

(a) advise the Board on all matters relating to development of Secondary Education;

(b) take such steps as may be necessary to carry out, as directed by the Board, the policy in accordance with the provisions of this Act;

(c) subject to any directions of the State Government regard to the number, location and manner of selection—

(i) grant or refuse recognition to Institutions, and

(ii) withdraw recognitions granted to Institutions, after considering the recommendation of the Recognition Committee;

(d) (i) amalgamate two or more Institutions into one Institution,

(ii) split one Institution into two or more Institutions, and

(iii) shift an Institution from one site to another;

(e) (i) supervise the functions of the managing committees,

(ii) approve or withhold approval of the constitution of the managing committees,

- (iii) approve special constitution of the managing committees;
 - (iv) supersede a managing committee and appoint Administrator or ad hoc committee to manage the affairs of an Institution;
- (f) maintain a register of recognised Institutions;
- (g) provide, after considering the recommendations, if any, of the Syllabus Committee, the syllabus, the courses of studies to be followed and the books to be studied in recognised institutions and for examinations instituted by the Board;
- (h) undertake, if necessary, with the approval of the State Government, the preparation, publication or sale of textbooks and other books for use in recognised Institutions;
- (i) (a) approve or prescribe books either for being studied in recognised institutions or for examinations instituted by the Board or for both, and
(b) publish list of books so approved or prescribed and revise such list from time to time;
- (j) set down the conditions to be fulfilled by candidates presenting themselves for examinations instituted by the Board;
- (k) provide, after considering the recommendations, if any, of the Examinations Committee and the Regional Councils and with the approval of the State Government, the rates of remuneration to be paid to paper-setters, moderators, tabulators, examiners, invigilators, supervisors and other persons employed in connection with the examinations instituted by the Board and the rates of fees to be paid by candidates for such examinations-
- (l) (i) grant permission to candidates to appear at the examinations instituted by the Board, and
(ii) refuse or withdraw such permission, if it thinks fit, stating the reasons of such refusal or withdrawal.
- (4) The Executive Committee shall submit to the Board half-yearly reports on the action taken by it on matters specified in this section and such other reports, returns, statements and information on any matter relating to the duties of the Executive Committee as the Board may require from time to time.
- (5) The Executive Committee may, if it thinks necessary, make bylaws, not inconsistent with this Act or the rules or the regulations made thereunder, for, discharging its functions under this Act:
- Provided that any decision or action taken or any order made by the Executive Committee in the discharge of its functions under this Act shall not be invalid merely on the ground that no by-law has been made under this sub-section.*
- (6) No by-law shall be valid unless it is approved by the State Government. The Executive Committee shall submit by-law to the Board and the Board shall examine the same and submit the by-law to the State Government with its report. The State Government, after considering the report of the Board may approve the by-law and, if necessary, make such additions, alterations or modifications as it thinks fit.
- (7) All by-laws approved by the State Government shall be published in the Official Gazette.

20. Syllabus Committee

(1) The Syllabus Committee shall consist of the following members:—

- (a) the President;

- (aa) the President, West Bengal Council of Higher Secondary Education, ex officio;
 - (b) the Dean of the Faculty of Arts of the University of Calcutta, ex officio;
 - (c) the Dean of the Faculty of Science of the University of Calcutta, c.v officio;
 - (d) a Dean nominated by each of the Universities of Burdwan, Kalyani and North Bengal;
 - (e) the Dean of the Faculty of Engineering, Jadavpur University, ex officio;
 - (f) one person elected by the Board in the manner provided by regulations from amongst the members referred to in clause (8) of section 4;
 - (g) five persons elected by the Board in the manner provided by regulations from amongst the members referred to in clause (14) of section 4;
 - (h) three persons having special knowledge of scientific or technical education, who may or may not be members of the Board, elected by the Board in the manner provided by regulations.
- (2) The President shall be the Chairman of the Syllabus Committee and the Secretary to the Board shall be the Secretary to the said Committee.
- (3) It shall be the duty of the Syllabus Committee to-
- (a) advise, by way of recommendation the Executive Committee about the syllabus and courses of studies to be followed and the books to be studied in recognised Institutions as well as far examinations instituted by the Board;
 - (b) advise, by way of recommendation, the Executive Committee on any matter relating to the syllabus, courses of study or books to be studied, as may be referred to it by the Executive Committee.
- (4) The Syllabus Committee may appoint such Sub-Committee or Sub-Committees as it may consider necessary to advise it upon any matter referred to in sub-section (3) and it shall not be necessary for any member of such a Sub-Committee to be a member of the said Committee or the Executive Committee.

21. Examination Committee

- (1) The Examinations Committee shall consist of the following members:-
- (a) the President;
 - (b) the Director of School Education, Government of West Bengal, ex officio;
 - (c) one person nominated by the State Government from amongst the members of the Board referred to in clauses (9), (10), (11) and (12) of section 4;
 - (d) one person elected by the Board in the manner provided by regulations from amongst the members referred to in clauses (9), (10), (11) and (12) of section 4;
 - (e) the Director of Technical Education, Government of West Bengal, ex officio; and
 - (f) the Deputy Director of Secondary Education (1), Government of West Bengal, ex officio.
- (2) The President shall be the Chairman of the Examinations Committee and the Secretary to the Board shall be the Secretary to the said Committee.
- (3) It shall be the duty of the Examinations Committee to—

- (a) arrange for the holding of examinations instituted by the Board including the fixing of centres for such examinations;
- (b) appoint Paper-setters and Moderators for such examinations;
- (c) appoint Examiners, Tabulators, Supervisors and Invigilators for such examinations;
- (d) consider, approve and publish the results of such examinations; and
- (e) disqualify candidates for presenting themselves at examinations for any reason considered to be adequate or for being declared as having passed any such examination on the ground of misconduct.

(4) The Examinations Committee shall advise—

(a) the Executive Committee on—

- (i) the rates of remuneration to be paid to the paper-setters, moderators, tabulators, examiners, invigilators, supervisors and other persons employed in connection with examinations,
- (ii) the fees to be paid by the candidates for examinations; and

(b) the Board On any matter relating to examinations which may be referred to it for advice by the Board.

(5) The Examinations Committee may appoint such Sub-Committee or Sub-Committees as it may consider necessary to advise it upon any matter referred to in sub-sections (3) and (4) and it shall not be necessary for any member of such a Sub-Committee to be a member of the Examinations Committee or the Executive Committee or the Board.

22. Appeal Committee

(1) The Appeal Committee shall consist of the following members:-

(a) three persons elected by the Board in the manner provided by regulations from amongst the members referred to in clause (14) of section 4;

(b) a person, who is or has been a member of the judicial service of the State Government, nominated by the State Government;

(c) the Director of School Education, Government of West Bengal, ex officio;

(d) a member of a managing committee of a recognised Institution nominated by the President.

(2) The person referred to in clause (b) of sub-section (1) shall be the Chairman of the Appeal Committee and the Secretary to the Board shall be the Secretary to the said Committee.

(3) It shall be the duty of the Appeal Committee to hear and decide appeals by teachers and other employees against decisions of Managing Committees of Institutions adversely affecting them, in accordance with regulations made in this behalf.

(4) The decision of the Appeal Committee under sub-section (3) shall be final and no suit or proceeding shall lie in any Civil or Criminal Court in respect of any matter which has been or may be referred to, or has been decided by, the Appeal Committee.

(5) The honorarium or remuneration, if any, of the member nominated under clause (b) of sub-section (1) may be fixed by the State Government by an order made in this behalf.

23. Finance Committee

(1) The Finance Committee shall consist of the following members:-

- (a) the President;
- (b) the Director of School Education, Government of West Bengal, ex officio;
- (c) two members of the Board elected by the Board in the manner provided by regulations; and
- (d) one person having knowledge of, or experience in, financial matters, appointed by the State Government.

(2) The President shall be the Chairman of the Finance Committee and the Secretary to the Board shall be the Secretary to the said Committee.

(3) It shall be the duty of the Finance Committee to prepare the budget of the Board and to perform such other functions as the Board may direct.

24. Other Committee

(1) The Board may, with the approval of the State Government, constitute such other Committee or Committees as it may think fit and any such Committee may be composed wholly or in part of members of the Board.

(2) The Board may, with the approval of the State Government, delegate to any such Committee any of its powers or functions and may in like manner withdraw from it any such power or function.

25. Regional Council

(1) The Board may, with the approval of the State Government, constitute such Regional Council or Councils as it may deem fit. The number, composition and territorial jurisdiction of a Regional Council shall be determined by the Board with the approval of the State Government.

(2) The Board may, with the approval of the State Government, delegate to a Regional Council such powers or duties of the Board, the Executive Committee or the Examinations Committee, conferred or imposed by or under this Act, except those referred to in clause (b) of sub-section (3), clause (b) of sub-section (4), and sub-section (5), of section 21, as it may deem fit, and may at any time withdraw from such Regional Council the powers or duties so delegated and dissolve the Regional Council.

26. Term of office of members of the Committees and Councils

(1) An elected, nominated or appointed member of any Committee or Council constituted under this Act, who is also a member of the Board, shall continue to hold office until he ceases to be a member of the Board.

(2) An elected, nominated or appointed member of any Committee or Council constituted under this Act, who is not a member of the Board, shall hold office for such term as may be specified by the Board, and may on expiration of such term be re-elected, re-nominated or re-appointed:

Provided that, notwithstanding the expiration of the said term, an elected, nominated or appointed member of a Committee or Council shall continue to hold office until the vacancy caused by the expiration of (he said term has been filled in accordance with the provisions of this Act.

(3) The provisions of section 5 and of sections 8, 11 and 13 shall apply mutatis mutandis to members of any Committee or of a Regional Council constituted under this Act as if references to the Board or the President were references to such Committee or Regional Council or the Chairman of such Committee or Regional Council.

CHAPTER IV.

Powers and duties of the Board and President

27. Powers and duties of the Board

(1) It shall be the duty of the Board to advise the State Government on all matters relating to Secondary Education referred to it by the State Government.

(2) Subject to any general or special orders of the State Government, the provisions of this Act and any rules made thereunder, the Board shall have generally the power to direct, supervise and control Secondary Education, and in particular the power-

(a) to lay down the general policy for development of Secondary Education in West Bengal;

(b) to conduct periodical survey to assess the educational needs of West Bengal with particular reference to such needs of the Scheduled Castes, the Scheduled Tribes and other backward Communities and of the hill areas in West Bengal;

(d) to institute Secondary Examinations and such other examinations as it may think fit and to make regulations in this behalf;

(e) to administer the West Bengal Board of Secondary Education Fund;

(f) to institute and administer such Provident Funds as may be prescribed;

(g) to make regulations relating to the conduct, discipline and appeal in respect of the members of its staff;

(h) to decide any appeal preferred against any decision of the Executive Committee or, subject to the provisions of this Act, any other Committee constituted under this Act; and

(i) to award diplomas, certificates, prizes and scholarships in respect of any examinations instituted by the Board.

(3) Subject to the provisions of sub-section (2), the Board may, if it thinks necessary, make regulations in respect of any matter for the proper exercise of its powers under this Act:

Provided that any decision or action taken or any order made by the Board in exercise of its powers under this Act shall not be invalid merely on the ground that no regulation has been made under this sub-section.

(4) No regulation shall be valid unless it is approved by the State Government and the State Government may, in giving such approval, make such additions, alterations and modifications therein as it thinks fit and also specify the date or dates from which the regulations shall come into force or shall be deemed to have come into force:

Provided that before making any such addition, alteration or modification the State Government shall give the Board an opportunity to express its views thereon within such period not exceeding one month as may be specified by the State Government.

(5) All regulations approved by the State Government, shall be published in the Official Gazette,

(6) Subject to the provisions of sub-sections (2) and (3), the Board shall have the power to require the Executive Committee, from time to time, to submit reports, returns, statements and other information on any matter relating to the duties of the Executive Committee referred to in sub-sections (3) and (4) of section 19 A.

28. Power and duties of President

(1) The President shall be responsible for carrying out and giving effect to the decisions of the Board and of any Committee or Council constituted under this Act.

(2) The President may, in any emergency, exercise any of the powers of the Board or the Executive Committee provided however that he shall not act contrary to any decision of the Board or the Executive Committee and shall, as soon thereafter as may be, place a full report before the Board or the Executive Committee as the case may be, of the action taken by him stating reasons therefor.

(3) The President shall-

- (a) exercise general supervision over the Secretary and the staff appointed by the Board, and post and transfer the members of the staff;
- (b) sanction all claims of travelling allowance; and
- (c) take such other action not inconsistent with any decisions of the Board or the Executive Committee as he considers necessary for the proper functioning of the Board or the Executive Committee under this Act.

CHAPTER V.

Meetings

29. Meetings of the Board and the Executive Committee

(1) The annual meeting of the Board shall be held in the month of July in each year.

(2) The Board shall meet at such other times, not less than twice a year, as may be appointed by the President on the advice of the Executive Committee.

(3) The President shall, except in the case of an emergency meeting referred to in sub-section (6), give to each member not less than seven days' notice of each meeting including the annual or a special meeting:

Provided that the President shall, on receipt of a requisition signed by not less than twenty members of the Board, call a meeting within fifteen days from the date of receipt of such requisition and no business other than that on account of which the requisition has been received shall be transacted at such a meeting.

(4) On receipt of a requisition signed by not less than fifteen members of the Board, the President shall place before a meeting of the Board for discussion any decision of any Committee other than the Executive Committee constituted under this Act in which such requisition relates, and the Board may revise any such decision if not less than two-thirds of the total number of members of the Board are in favour of such.

(5) No matter which has been decided by the Board shall, within the period of six months from the date of such decision, be reconsidered except at a special meeting of the Board convened for the purpose upon the requisition of twenty members and unless not less than two-thirds of the total number of members of the Board vote in favour of such reconsideration.

(6) In case of an emergency, the President may call a meeting, after giving not less than clear two days' notice thereof.

(7) No business shall be transacted at any meeting of the Board unless a quorum of twenty members is present.

(8) (a) The Executive Committee shall meet at least once in every two months and at least six times a year.

(b) The President shall give to each member not less than seven days notice of each meeting. Provided that the President may call an emergency meeting after giving not less than two days' notice to each member.

(c) No business shall be transacted at any meeting of the Executive Committee unless there is a quorum of fifty percent of the existing members of the Executive Committee, fraction, if any, being computed as one.

30. Meetings of Committees and Regional Councils

The Board shall make regulations relating to meetings of any Committee other than the Executive Committee or of any Regional Council constituted by it and the procedure to be followed at such meetings.

CHAPTER VI.

Finance and Audit

31. Annual report and budget estimate

(1) The President shall place before the annual meeting of the Annual Board held in the year following the year in which it is constituted and before every annual meeting thereafter a report on the working or the estimate. Board during the last preceding financial year.

(2) The report shall be forwarded to the State Government within one month of the presentation thereof before the annual meeting of the Board together with such comments thereon as the Board may think fit to make.

(3) (a) The Board shall hold a special meeting by the 31st October of every financial year and shall place before the said meeting a budget estimate showing, in such form as may be prescribed, the anticipated income and expenditure of the Board for the next financial year.

(b) The budget estimate as aforesaid shall, after confirmation by the Board, be forwarded to the State Government by the 30th November of the financial year in which the special meeting referred to in clause (a) is held.

(4) (a) The State Government shall within two months of the receipt of the budget estimate either accord its approval to the same or return it to the Board with such comments and suggestions as it deems necessary if in its opinion such estimate-

(i) is not reasonably accurate with reference to ascertainable facts or shows a deficit in the closing balance;

(ii) includes new items of recurring expenditure which are likely to impose upon the Board in the future financial liabilities which the Board is not likely to be able to meet from its income; or

(iii) includes provisions for expenditure which are not in accordance with the provisions of this Act.

(b) If the budget estimate is returned under clause (a), the Board shall consider the comments and suggestions made by the State Government and may, if it thinks fit, revise the said estimate. The Board shall then resubmit the budget estimate as so revised to the State Government, or, the Board shall, if it does not think fit to revise the estimate, resubmit it in its original form to the State Government within one month of receiving it together with its replies on the comments and suggestions made by the State Government.

(c) If the State Government does not approve of the budget estimate as revised by the Board or if the budget estimate is returned by the Board without revision, the State Government may amend the budget estimate by making-

- (i) such modifications as are in its opinion necessary to render the estimate reasonably accurate with reference to ascertainable facts or to balance the income and the expenditure;
- (ii) additions, alterations or modifications in any provision relating to new expenditure of a recurring nature;
- (iii) any alteration or modification in any provision for expenditure which, in its opinion, is not in accordance with the provisions of this Act; and shall forward the budget estimate as so amended to the Board.

(5) If the State Government does not accord its approval to the budget estimate under clause (b) of sub-section (3) within two months of the receipt; hereof, or if the State Government does not communicate its approval of the budget estimate to the Board under clause (c) of sub-section (4) within the 31st March of the financial year immediately preceding the financial year to which the budget estimate relates, the budget estimate as forwarded to the State Government by the Board under clause (b) of sub-section (3) or as resubmitted to the State Government by the Board under clause (b) of sub-section (4), as the case may be, shall be deemed to have been approved by the State Government and shall be the budget estimate of the Board for the financial year to which it relates.

(6) Notwithstanding anything contained in the foregoing provisions of [his section, the budget estimate of the Board for the financial year 1986-87 shall be submitted to [he State Government and the approval or otherwise of the said estimate shall be accorded by the State Government in accordance with the provisions of this Act as in force immediately before the coining into force or the West Bengal Board of Secondary Education (Amendment) Act, 1986.

32. Payment to the Board by the State Government

The State Government may, after considering the budget estimates, the accounts of the Board and such other reports as it may call for, make such annual or periodical grants to ii as ii may think fit.

33. West Bengal Board of Secondary Education Fund

(1) The Board shall have a fund to be called the West Bengal Board of Secondary Education Fund to which shall be credited—

- (a) all sums which may be paid by the State Government under section 32;
- (b) all fees realised under any of the provisions of this Act;
- (c) all sums representing income from endowments or from property owned or managed by the Board; and
- (d) all other sums received by or on behalf of the Board from any other source whatsoever.

(2) The Fund shall vest in the Board and shall be under its control and shall be held by it in trust for the purposes of this Act.

(3) All monies payable to the credit of the Fund shall forthwith be paid into the Reserve Bank of India or into the State Bank of India or any branch thereof or into the United Bank of India or any branch thereof to the credit of the Fund, and all cheques drawn on the Fund shall be signed by the President or by such other person as he may authorise in writing in this behalf.

34. Application of the West Bengal Board of Secondary Education Fund

No expenditure shall be incurred from the Fund except for the purposes of this Act, and unless such expenditure is provided for in the budget as approved under this Act or can be met by reappropriation sanctioned in the prescribed manner.

35. Accounts

The Board shall keep an account of all its receipts and expenditure in the manner prescribed.

36. Audit

(1) The accounts of the Board shall be examined and audited annually in such manner as may be prescribed by an auditor or auditors appointed by the State Government.

(2) For the purpose of examination and audit under sub-section (1) an auditor appointed under that sub-section may—

(a) require in writing the production before him of any document relating to the Board or the assets thereof which he considers to be necessary for the proper conduct of the audit;

(b) require in writing the personal appearance before him of any person accountable for, or having the custody or control of, any such document to answer any question relating thereto; and

(c) require any person so appearing before him to submit a statement in writing in respect of any such document.

(3) It shall be the duty of the Board, and of every member thereof, and of the Secretary and the members of the staff in the service of the Board to afford to the auditor every Facility for the examination and audit of the accounts of the Board and to comply with any requisition made by the auditor under sub-section (2) and with the requirement of any rule made in this behalf.

(4) Any person who wilfully neglects or refuses to comply with a requisition made under sub-section (2) or with the requirement of any rule made in this behalf shall, on conviction, be punishable with fine which may extend to one hundred rupees.

(5) No complaint in respect of any offence punishable under subsection (4) shall be made except with the previous sanction of the State Government.

(6) No Magistrate other than a Presidency Magistrate or a Magistrate of the first or second class shall try an offence punishable under subsection (4).

37. Audit report

(1) Not more than fourteen days after completion of the audit the auditor shall submit to the State Government a report on the accounts audited, and shall send a copy thereof to the Board which shall forward it to the State Government together with its observations thereon.

(2) The State Government shall take such action on the audit report as it thinks fit.

CHAPTER VII.

Supplemental Provisions

38. Board to furnish information

The Board shall furnish to the State Government such reports, returns and statements as may be prescribed and such further information on any matter relating to the Board, as the State Government may require.

39. Power of State Government to suspend proceedings

The State Government may, by order in writing specifying the reasons thereof, suspend the execution of any resolution or other of the Board or any Committee or any Regional Council constituted under this Act and prohibit the doing of any act which purports to be done or intended to be done under this Act, if the State Government is of opinion that such resolution, order or act is in excess of the powers conferred by or under this Act upon the Board or the Committee or the Council, as the case may be.

40. Certain persons to be deemed to be public servants

The members of the Board of every Committee or Council constituted under this Act, persons in the service of the Board and any person appointed under this Act to audit the accounts of the Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

41. Indemnity

No suit, prosecution or other legal proceeding whatever shall lie against any person for anything in good faith done or intended to be done under this Act.

42. Power of Tribunals

A Tribunal appointed under this Act shall have all the powers of a Civil Court for (he purposes of receiving evidence, administering oaths, and enforcing the attendance of witnesses and compelling the discovery and production of documents, and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure.

43. Savings

No act or proceeding taken under this Act shall be invalid on the ground merely of—

- (a) the existence of any vacancy in, or defects in the initial or subsequent constitution of the Board or any Committee or any Regional Council constituted under this Act,
- (b) any member of the Board having voted on any matter in contravention of the provisions of section 15, or
- (c) any defect or irregularity not affecting the merits of the case.

44. Transitory Provisions

Every matter or thing required to be provided by regulations under this Act shall, until such regulations are made, be provided by rules made under this Act.

45. Power of State Government to make rules

(1) The State Government may, after previous publication, make rules for carrying out the purposes or this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the acquisition, possession and disposal of property by the Board, the conditions of such acquisition, possession and disposal, and the performance by the Board of any function referred to in sub-section (2) of section 3;
- (b) the manner of election of the members of the Board specified in clause (8) and sub-clause (b) of clause (14) of section 4, the constitution of electorates for such elections and the dates by which such elections shall be held;
- (c) the manner of election of the members of the Board specified in clause (15) of section 4 and the dates by which such election shall be held;
- (d) the composition, powers and functions of Managing Committees of Institutions;
- (e) the procedure to be followed by a Tribunal in determining disputes referred to in sub-section (1) of section 12;
- (f) the terms and conditions of appointment, the scale of pay and the rules of discipline relating to the Secretary of the Board;
- (g) the rates at which the Board shall pay travelling allowance to persons referred to in section 17;
- (h) the Provident Funds referred to in clause (e) of subsection (2) of section 27 as may be instituted and administered by the Board;
- (i) the form in which the budget estimate of the Board shall be prepared;
- (j) the manner in which all pay menus to and from the West Bengal Board of Secondary Education Fund shall be made;
- (k) the manner of reappropriation under section 34;
- (l) the manner and form in which accounts of receipts and expenditure shall be kept under section 35;
- (m) the manner in which examination and audit of the accounts of the Board shall be made;
- (n) the reports, returns and statements to be furnished by the Board under section 38 and the forms of such report, returns and statements;
- (o) any other matter required to be prescribed or provided or made by rules.

46. Repeal and continuance

(1) The West Bengal Secondary Education Act, 1950 (hereinafter referred to as the said Act), and the West Bengal Secondary Education (Temporary Provisions) Act, 1954, are hereby repealed.

(2) Upon such repeal,

(a) all property and assets vested in the Board of Secondary Education and all rights, liabilities and obligations acquired or incurred by such Board before the commencement of this Act shall stand transferred to the State Government:

Provided that the State Government may by order made in this behalf retransfer all or any of such property or assets to the Board and thereupon such property or assets shall vest in the Board,

(b) all legal proceedings or remedies instituted or enforceable by or against the Board of Secondary Education before the commencement of this Act may be continued or enforced, as the case may be, by or against the Board, or until the Board is established by or against such officer or authority as the State Government may by order specify,

(c) all officers and oilier persons in the employment of the Board of Secondary Education immediately before the commencement of this Act shall, until oilier provision is made, continue in die service of the Board,

(d) all recognised schools shall be deemed to have been recognised under this Act until (he expiration of [he period of recognition subject, however, to the power of the Board to withdraw recognition in accordance with the provisions or this Act,

(e) all syllabuses, courses of studies and text-books in force shall, until other provision is made under this Act, continue to be followed, and

(f) all appeals, referred to in sub-section (3) of section 30 of the said Act and pending immediately before the commencement of this Act, shall be continued and be heard and determined by the Appeal Committee constituted under section 18 of this Act, and, until such Appeal Committee is constituted, by the Director of Public Instruction, Government of West Bengal and for the purpose of disposal of such appeals the regulations made under the said sub-section (3) of section 30 of the said Act shall be deemed to continue in force.

47. Board to be guided by directions of the State Government

The Board shall, in exercising its powers and performing its duties under this Act, be guided by such directions, as the State Government may by notification in the Official Gazette give from time to lime, regarding the scope and content of Secondary Education.

48. Power to remove difficulties

If any difficulty arises in giving effect to the provisions of this Act, the State Government may make such order or do such thing, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for removing the difficulty.

49. Supersession of the Board

(1) If in the opinion of the State Government the Board—

(a) has persistently made default in the performance of the duties imposed upon it, or

(b) has exceeded or abused its powers, the State Government may, by an order published in the Official Gazette and staling the reasons therefor, supersede the Board, for such period not exceeding two years, as may be specified in the order and take such steps as may be necessary to re-establish the Board immediately on the expiry of the period of supersession.

(2) The State Government may, if it considers necessary so to do, by order, extend or modify from lime to lime the period of supersession of the Board subject to the condition that the aggregate period of such supersession shall in no case exceed three years.

50. Consequences of supersession

(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, with effect from the date of an order of supersession made under section 49,—

(a) all the members of the Board, the Committees and the Subcommittees constituted under this Act, and the President shall vacate their offices,

(b) all the powers, duties and functions which, under the provisions of this Act or any rule or regulation made hereunder or of any law for the time being in force, may be exercised or performed by the Board or any of the Committees or Sub-Committees or the President, shall be exercised or performed by an Administrator to be appointed by the State Government in this behalf;

Provided that an Administrator appointed under this clause may delegate any of his powers, duties or functions to such person as he may think fit or to such body as may be constituted by him,

(c) the representatives of the Board on every body, statutory or otherwise, shall vacate their offices as such representatives and the Administrator may nominate such person or persons, as he may think fit, to represent the Board on that body.

(3) The State Government may, by an order published in the Official Gazette, cancel an order made under section 49 and re-establish the Board.

(4) On the re-establishment of the Board under sub-section (3) the Administrator shall cease to exercise its powers and perform his duties.

(5) The terms and conditions of service of the Administrator shall be such as may be fixed by the State Government by order made in this behalf.

51. Board to continue as a body corporate

For the avoidance of doubts it is hereby declared that an order of supersession made under section 49 shall not effect or imply in any way the dissolution of the Board as a body corporate.

52. Re-establishment of the Board

(1) The State Government shall, by an order published in the Official Gazette, specify the date on which the Board is re established in accordance with the provisions of section 4.

(2) The State Government shall, by an order published in the Official Gazette, specify the dates by which the authorities (other than the State Government) shall elect or nominate members referred to in section 4.

If such member or members are not elected or nominated, as the case may be, by the specified dates the State Government shall appoint such member or members from amongst persons qualified for such election or nomination, as the case may be.

(3) Until election of members referred to in section 4 is held, the State Government shall appoint such member or members from amongst persons qualified for election under clause (8) and sub-clause (b) of clause (14) of section 4.

(4) (i) Members appointed under sub-section (2) shall hold office until nomination of members under section 4 is made;

(ii) members appointed under sub-section (3) shall hold office until election of members referred to in section 4 is held and the result of such election is published in the Official Gazette in this behalf.

West Bengal Schools (Recruitment of Teacher on Vacancy Caused by Leave or Deputation) Rules, 2006

GOVERNMENT OF WEST BENGAL
School Education Department
(Secondary Branch)

NOTIFICATION

No. 605-SE(S) - 20th June, 06 — In exercise of the power conferred by sub-section (2) of section 4, read with sub-section (1) of section 22, of the West Bengal Schools (Control of Expenditure) Act, 2005 (West Ben. Act XIV of 2005), and, in supersession of all previous orders and directions in so far as these rules provide for the subject, the Governor is pleased hereby to make the following rules:-

Rules

1. Short title and commencement

- (1) These rules may be called the West Bengal Schools (Recruitment of Teacher on Vacancy Caused by Leave or Deputation) Rules, 2006.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions

- (1) In these rules, unless the context otherwise requires, -

- (a) "Act" means the West Bengal Schools (Control of Expenditure) Act, 2005 (West Ben. Act XIV of 2005);
- (b) "casual vacancy" means a vacancy caused by leave for a period of thirty-one days to one hundred thirty-five days;
- (c) "District Inspector of Schools", in relation to a school, means the District Inspector of Schools (Secondary Education) exercising jurisdiction in respect of the school;
- (d) "Headmaster" in relation to a school, means the approved Headmaster, Headmistress or Teacher-in-Charge of the school;
- (e) "panel" means a list, prepared by a Selection Committee, for the post of a teacher against casual or part-time vacancy in the post;
- (f) "part-time vacancy" means a vacancy caused by leave or deputation for a period of more than one hundred thirty-five days but not more than a period of one year or any other vacancy as the State Government may, by order, specify;
- (g) "Secretary of the school authority", in relation to a school, means the secretary of a governing body or managing committee or adhoc committee or any other body, by whatever name it is called, which is charged with the management of the affairs of the school and includes the Administrator of the school;
- (h) "Selection Committee" means the Selection Committee constituted under rule 7 for selection of a person as teachers against casual or part-time vacancy in the school;
- (i) "sub-rule" means a sub-rule of the rule in which the word occurs;

- (2) The words and expressions used and not defined in these rules but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. Appointing authority

- (1) In relation to the appointment of a teacher in the casual vacancy or part-time vacancy, the school authority shall be the appointing authority.

(2) Nothing in sub- rule (1) shall be construed as holding the Drawing and Disbursing Officer of a school as the appointing authority.

4. Qualification

No person shall be appointed as teacher by a school authority unless the person -

(a) is a citizen of India;

(b) has completed the age of twenty years and has not completed the age of thirty seven years on the first day of January of the year in which the advertisement is made inviting applications for the post; *Provided that the upper age limit shall be relaxable for a candidate belonging to reserved category in accordance with the Government Order issued from time to time;*

(c) possess the same qualifications as are prescribed for the post under sub-section (1) of section 8 of the West Bengal School Service Commission Act, 1997 (West Ben. Act IV of 1997).

5. Method of recruitment

(1) All recruitment in casual vacancy or part-time vacancy shall be made on the basis of selection (direct recruitment):

Provided that no recruitment shall be made against any vacancy of less than thirty days.

6. Selection Committee

(1) There shall be a Selection Committee for selection of a person for the post of teacher against a casual vacancy or part-time vacancy.

(2) The Selection Committee shall consist of the following Members, namely —

(i) Headmaster,

(ii) Secretary of the school authority:

Provided that the Headmaster and the Secretary of the school authority are one and same person, the President of the school authority shall be the member of the Selection Committee.

Provided further that nothing in the first proviso shall be applicable in case there is an Administrator of the school,

(iii) an external expert to be selected by the school authority from amongst the person who is a Professor or Lecturer of a College in the relevant subject, or approved teacher of Aided High or Higher Secondary School having 5 years teaching experience in the relevant subject.

Note 1. – An external expert shall be selected from the institution situated within the sub-division.

Note 2. – Educational and professional qualification of the external expert must not be below the qualification as specified for the post;

(iv) one teacher representative to be selected by the teachers of the school from amongst themselves.

(3) Notwithstanding anything contained in sub-rule (2), no person shall be a Member of the Selection Committee who is personally or economically related to any person to be interviewed and in such case the position of that Member in the Selection Committee shall remain vacant.

7. Sanction of post against part-time vacancy

(1) No appointment of a teacher in part-time vacancy shall be made without previous sanction of the District Inspector of Schools.

(2) When a part-time vacancy is occurred in a school, the school authority shall make an application with relevant papers to the District Inspector of Schools, and the District Inspector of Schools shall, on receipt of the application, accord sanction to fill up such vacancy.

8. General procedure for selection

(1) (a) In case of selection against a casual vacancy, the school authority shall invite application through advertisement to be affixed on the public notice board of the concerned school, concerned office of the District Inspector of Schools (Secondary Education), Block Development Officer, Municipal Corporation, Municipality, Sabhapati of the Panchayat Samiti, and Sabhadipati of Zilla Parishad, having jurisdiction over the area where the school is situated.

(b) In case of selection against a part-time vacancy, the school authority shall invite application through advertisement in State level daily news paper.

(2) There must be a margin of at least 10 clear days between the date of advertisement and the last date of receipt of application by the school.

(3) The advertisement relating to casual vacancy or part-time vacancy shall contain the following particulars:-

(i) Name of the school with address;

(ii) Name of post;

(iii) Nature of vacancy with period;

(iv) Category of post (General/ Schedule Caste / Scheduled Tribes/ Other Backward Classes);

(v) Qualification for the post;

(vi) Other particulars relevant for filling up such vacancy;

(vii) Last date of submission of application (not applicable for casual vacancy);

(viii) Date, time and venue of interview in case of casual vacancy.

(4) If the number of applications received against a single vacancy are more than ten, a preliminary screening shall be made on the basis of marks obtained by the candidate in different examination to be evaluated in accordance with the marks as are prescribed for the corresponding post under the rules framed under sub-section (1) of section 8 of the West Bengal School Service Commission Act, 1997 (West Ben. Act IV of 1997), by a team consisting of Headmaster, Secretary of the School Authority, and the teacher representative as specified in sub-rule (2) of rule 6.

(5) All casual vacancies or part-time vacancies shall be filled up as per the reservation rules prevailing in the State for the time being in force.

(6) The candidates shall be called for interview by Registered Post with acknowledgement due with a margin of at least 15 days between the date of posting of call letter and the date of interview.

(7) Once the date of interview has been fixed up and communicated to the concerned candidates, the interview shall not be postponed except for the reason of a severe emergency or natural calamity.

Provided that if the interview is postponed for the reason of a severe emergency or natural calamity, the Selection Committee shall forthwith communicate the fact to the District Inspector of Schools and shall obtain his approval (but not for his sanction afresh) for holding the interview on any day.

(8) All the candidates who turn up for the interview shall, before the interview, are required by the Selection Committee to accord their attendance on a sheet of paper.

(9) The Selection Committee shall put its signature on the call letter of every candidate who appeared at the interview and shall, along with every panel, submit a certificate to that effect to the District Inspector of Schools.

(10) No claim or evidence regarding qualification or age of any candidates shall be accepted after the interview.

9. Allotment of marks

The Selection Committee shall evaluate the qualifications of the candidate and award marks in accordance with the marks as are prescribed for the corresponding post under the rules framed under sub-section (1) of section 8 of the West Bengal School Service Commission Act, 1997 (West Ben. Act IV of 1997):

Provided that the Selection Committee shall not award any extra marks to any candidate possessing any qualification above the qualification mentioned in the advertisement of such vacancy.

10. Preparation of panel

- (1) The Selection Committee shall, after the interview, prepare the panel consisting of three candidates in order of merit and submit the same to the appointing authority within three days from the date of interview.
- (2) The Appointing authority shall, within fifteen days from the date of submission of the panel, by the Selection Committee, examine the panel and, along with all relevant papers, submit the same to the District Inspector of Schools for his approval.
- (3) The District Inspector of Schools shall, within seven days from the date of receipt of the panel, convey his decision thereon to the school authority:
Provided that the District Inspector of School shall, while sending the approval letter specifically mention the name, qualification, scale of pay, period of approval, nature of vacancies etc. and in no case the School Authority shall allow the concerned incumbent to continue beyond the period of vacancy for which the approval was accorded.
- (4) In case the sufficient Scheduled Caste or Scheduled Tribe candidates shall not be available, then one man panel for such candidates may be approved.
- (5) Panel shall be prepared with average of marks awarded by each of the members of the Selection Committee and if any of the members want to keep his opinion resumed, result or average shall be calculated on the marks awarded by other members.

11. Validity of panel

The panel shall be remained valid for the unexpired period of the vacancy but in no case such period shall exceed one year from the date of approval of the panel and any panel prepared without maintaining the prescribed norms shall be invalid.

12. Appointment

- (1) On getting approval of a panel from the District Inspector of Schools, the appointing authority shall, within fifteen days from the date of getting the approval, issue appointment letter by registered post with acknowledgement due to the first empanelled candidate.
- (2) If the appointed candidate fails to join the service within fifteen days from the date of receipt of the appointment letter or abandons the offer of the appointment his name shall be struck off from the panel and the next empanelled candidate shall, if the validity period of the panel has not expired, be offered the appointment for the unexpired period of vacancy.
- (3) The appointing authority shall, within seven days of joining the service by a candidate, submit all relevant papers relating to that service to the District Inspector of Schools for approval.
- (4) The District Inspector of Schools shall, within one month, convey his approval, specifying the name and qualifications of the candidate, the scale of pay other entitlement relating to the post.

13. Interpretation

If any question arises regarding any decision of the District Inspector of Schools, the school authority may refer the question to the Director of School Education, West Bengal, and his decision thereon shall be final.

By order of the Governor,

Sd/- Debaditya Chakraborti
Principal Secretary to the Govt. of West Bengal.

West Bengal Recognised Non-Government Educational Institution Employees' (Management of General Provident Fund Accounts) Scheme, 1995

GENERAL PROVIDENT FUND SCHEME, 1995
GOVERNMENT OF WEST BENGAL
School Education Department
Budget Branch, Salt Lake, Kolkata - 700 091

No. 134-SE(B), Calcutta the 26th Sept, 1995

MEMORANDUM

1. The West Bengal Non-Government Educational Institution and Local Authorities (Control of Provident Fund of Employees) Act, 1983 and Rules made thereunder became effective from 15th March, 1984 for all Primary schools of which the District School Boards / District Primary School Councils or District Inspectors of Schools (Primary Education) are the Controlling Authorities and 1st June, 1984 for all Secondary Schools recognised as such under the W.B. Board of secondary Education Act, 1963 and all Higher Secondary Schools recognised as such under the W.B. Council of Higher Secondary Education Act, 1975. It has been observed that in absence of effective Management Schemes in respect of General Provident Fund of the Employees, there is some misunderstanding among the employees of the Non-Government Educational Institutions.
2. After careful consideration of the circumstances explained above the Governor has been pleased to direct that a scheme under the name 'West Bengal Recognised Non-Government Educational Institution Employees (Management of General Provident Fund Accounts) Scheme, 1995 be introduced as enclosed in the Annexure to this Memorandum.
3. This order issues with the concurrence of Finance Department vide their U.O.No .515 Group J dated 15.11.94.

By order of the Governor
Sd/- J. R. Saha
Secretary to the Government of West Bengal.

ANNEXURE

The Scheme

1. This Scheme may be called **West Bengal Recognised Non-Government Educational Institution Employees' (Management of General Provident Fund Accounts) Scheme, 1995.**

2. Application

It shall come into force with effect from the 1st day of November, 1995.

3. Extent of applicability

This scheme shall be applicable to all employees covered by the provisions of the West Bengal recognized Non-Government Educational Institution Employees (Death-Cum-Retirement Benefit) Scheme, 1981 (as contained in this Department's Memo No. 136-Edn.(B) dated 15.5.85) as may be amended from time to time as indicated in Statement-I referred to in paragraph 3 of the West Bengal Recognised Non-Government Educational Institutions Employees (Death-Cum-Retirement Benefit) Scheme, 1981 and who have opted for pension (including family pension)-cum-gratuity in terms of para 4 of the said scheme of 1981.

4. Definitions

In this Scheme unless there is anything repugnant to the subject or context—

(a) 'Approved/ Affiliated Institution' shall mean those educational which are recognised by the West Bengal Board of Secondary Education/West Bengal Council of Higher Secondary Education/ West Bengal Board of Madrasah Education/ West Bengal Board of Primary School Education/District Primary School Council or any such authority specifically authorized by the State Government in this respect.

(b) 'Approved teaching/ Non-teaching Employees' shall mean a whole time teaching/ Non-teaching employee attached to the institutions included in the Statement - I referred to in paragraph 3 of the Memo No. 136-Edn(B) dated 15.5.85 duly recruited by a competent appointing authority in accordance with approved recruitment rules/ norms framed by a competent authority and such appointment approved by competent authority, wherever necessary.

(c) 'Pay' in this scheme shall mean basic pay and includes personal pay, special pay and dearness pay, if any.

(d) 'State Government' shall mean Government of West Bengal in the Education Departments and in charge of matters of School Education, Higher Education, Mass Education Extension and Technical Education & Training and where necessary, in consultation the Finance Department.

(e) 'Subscriber' shall mean an employee who subscribes to the General Provident Fund.

(f) Family means –

(i) in the case of a male subscriber, the wife or wives and children of a subscriber and the widow or widows and children of deceased son of the subscriber, provided that, if a subscriber proves that his wife been judicially separated from him or has ceased under the customary law of the community to which she belongs to be no entitled to maintenance, she shall thenceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently indicates by express notification in writing to the Head of the Institution that she shall continue to be so regarded;

(ii) in case of a female subscriber, the husband and children of a subscriber, and the widow or widows and children of deceased son of the subscriber:

Provided that if a subscriber by notification in writing to the Head of the Institutions expresses her desire to exclude her husband from her family, the husband shall thenceforth be deemed to be no longer a member of the subscriber's family in matters to which these rules relate, unless the subscriber subsequently cancels formally in writing her notification excluding him.

Note-1. 'Children' means legitimate Children.

Note-2. An adopted child shall be considered to be child when the Head of the Institution, or if any doubt arises in the mind of the Head of the Institution, the Government is satisfied that under the personal law of the subscriber adoption is legally recognized as conferring the status of a natural child, but in this case only.

(g) 'Fund' shall mean General Provident Fund.

(h) 'Year' shall mean the financial year followed by the State Government, with 'paid months' meaning the months from March to February next year and 'credited months' meaning the months from April to March next year.

(i) 'Subscription' shall mean the amount subscribed by an employee at a fixed rate for each month of a year.

(j) 'Advance' shall mean amount as may be withdrawn by a subscriber on specific by a competent authority.

(k) 'Refund of Advance' shall mean amount repaid on a fixed monthly rate for the purpose of a repayment of the amount withdrawn temporarily.

(l) The 'Act', for the purpose of this Scheme and schedule there under shall mean West Bengal Non-Government Educational Institutions and Local Authority (Control of Provident Fund of Employees) Act, 1983 as may be amended from time to time.

(m) The 'Rules' referred to in this scheme and schedule thereunder shall mean West Bengal Non-Government Educational Institution and Local Authorities (Control of Provident Fund of Employees) Rules, 1984 as may be amended from time to time.

(n) The 'authorised officer', for the purpose of appreciation and interpretation of the Scheme and schedule thereunder shall mean the officer in whose name Provident Fund Deposit Account is to be opened in the Treasury for making transactions of General Provident Fund of Employees of the Non-Government Educational Institution in accordance with act and rules thereunder.

(o) 'Natural heir' means all members of the family.

5. All approved employees of the Recognised Non-Government Educational Institution shall be **required to subscribe** to the General Provident Fund **on completion of one year's continuous service**.

N.B. *Employees recruited against deputation/ leave/ short-term vacancies shall not be eligible to subscribe to the General Provident Fund.*

6. A subscriber on being eligible to subscribe to the General Provident Fund shall have to submit application in prescribed form for allowing him to subscribe to the General Provident Fund. In case an

eligible employee fails to submit required application form within one month from the date of attaining eligibility the Head of the institution shall suo-motu fill up the form and commence deduction of subscription from the salary of the eligible employee at the minimum rate prescribed in para 10 of this Scheme.

NOTE: Sometimes communication of approval is issued with retrospective effect from an earlier date. The employee concerned shall have to subscribe to the fund with commensurate retrospective effect. Head of the institution shall realise the subscription out of arrear claim.

7. All subscriber shall have to submit nominations in prescribed form conferring right to receive the amount that may stand to his credit in the fund in the event of his death before that amount has become payable or having become payable has not been paid.

Provided a subscriber shall not make any nomination in favour of a person who is not member of his family. A subscriber having no family may, however, nominate any person provided further that the nomination shall become invalid on subsequently acquiring a family.

8. A subscriber shall be allotted an account number by the Head of the Institution immediately after the starts subscribing to the General Provident Fund.

9. Account in respect of each account number of each individual subscriber shall be maintained by the respective Head of the Institution in the manner prescribed in the schedule annexed to this Scheme.

10. Rate of Subscription

(a) Subscriber shall be eligible to subscribe to the General Provident Fund at the minimum rate of 6% (six per cent) of his pay as on 31st March of the year and not more than his pay subject to the following provisions:

(i) if an employee on the said date was under suspension or on leave and elected not to subscribe during the period of such leave, his pay shall be the pay to which he was entitled on the first day after his return to duty;

(ii) if the subscriber was on deputation out of India or on leave on the said date and elected to subscribe during such leave, his pay shall be the pay to which he might have been entitled had he been duty;

(iii) in case of a subscriber who was not in employment on the preceding 31st March, his pay shall be the pay to which he was entitled on the first day of his employment.

(b) Subscription shall be paid monthly except during the period an employee is under suspension.

(c) A subscriber willing to enhance or reduce his monthly subscription shall intimate in writing in the month of March of the year specifying his rate of monthly subscription to the Head of the Institution. The Head of the Institution shall realize the amount from the salary for the month of March for deposition the amount to the fund, provided that in case of reduction, the reduced rate shall not be below the prescribed minimum rate.

(d) The rate of subscription commenced from the salary of the month of March shall remain unchanged throughout the year. In no case rate shall be changed except in the following cases.

(i) An employee who has been placed under suspension shall not subscribe to the General Provident Fund during the period of such suspension. But on reinstatement he shall have the option of paying any sum not exceeding the maximum amount of arrear subscription in one lump or in installments.

(ii) Where the rate of subscription falls short of 6% of pay.

(e) A subscriber may discontinue his subscription for the last six months of his service on serving a notice to the Head of the Institution well before the commencement of such discontinuance.

11. Interest

(a) Interest on the balance of a subscriber shall be allowed to his credit as such rate as may be prescribed by the State Government.

(b) Interest shall be credited with effect from the 1st day of the financial year.

(c) Interest shall be allowed only on the balance standing at the credit of the subscriber on the last day of a particular month. Detailed procedure of calculation of interest has been set forth in the schedule annexed hereto.

(d) In case of existing subscribers when the balance standing at the credit of the subscriber with interest up to date under the present system has been transferred to the Treasury under the provision of the Act and rules there under, it shall be treated as transferred to the newly opened amount of the subscriber.

(e) In cases where the existing balance of subscriber with up to date interest has not been deposited to the Treasury under the provision of the Act and rules there under, the same shall be taken into account for the purpose of calculation of interest only when the said amount is deposited into Treasury.

12.A Withdrawal

A temporary advance may be granted to a subscriber from the amount standing to his credit in the fund on the following grounds as conditions:

(a) To pay expenses incurred in connection with medical treatment of the subscriber or a member of his family actually dependent on him/ her.

(b) To pay obligatory expenses that may be required to maintain social status of the subscriber connection with marriages in respect of persons solely dependent on him/ her, funerals and other religious ceremonies in accordance with the prevailing customs of the community to which the subscriber belongs and also to meet expenses in connection with marriage and other ceremonies of the subscriber himself/ herself.

(c) Sanctioning authority shall record the reasons for such sanction in writing.

(d) The amount of advance shall not exceed three month's pay of the subscriber or three-fourth of the balance standing at the credit of the subscriber, whichever is less, provided that the amount of monthly recovery together with monthly subscription shall not exceed three-fourth of monthly pay of the subscriber.

(e) The amount of temporary advance shall be recovered in equal monthly instalments from the salary of the subscriber, the number of such instalments being not less than ten and not more than twentyfour in any case.

12.A (ii) A second temporary advance shall be admissible during the pendency of the first temporary advance subject to the condition laid down, in para 12A (i) (d) provided the unrecovered amount of the first advance together with the amount of fresh advance shall be computed and will be treated as fresh advance and shall be recovered in the manner prescribed in para 12(A) (i) (e).

12B. A subscriber on completion of twenty years of service or within ten years before the date of his retirement on superannuation, whichever is earlier, may be allowed non-refundable advance on the following terms and conditions:

(a) The amount of non- refundable advance shall not exceed three-fourth, of the balance standing at the credit of the subscriber on the last day of previous year.

(b) The non- refundable advance shall be allowed on the following grounds.

(i) Medical treatment of self and/ or any member of the family actually dependent on him/ her. The amount of advance shall cover the expenses of medical consultation fees, cost of medicine etc., cost of other para-medical services, including cost of equipments, cost of pathological, radiological and electronic examinations required and recommended by physician, cost of journey to a place and back for specialized treatments not available in the locality.

(ii) for incurring expenditure in connection with marriage or other religious ceremonies of daughters and sons whether dependent on the subscriber or not and / or any other relation actually dependent on the subscriber.

(iii) for purchase of a house/ flat for residential purpose of his own and his family.

(iv) for purchase of a suitable house-site for the purpose of construction of a house for use as residence of his own and/ or his family.

(v) for construction of a house for use as residence of his own and/ or his family.

(vi) for incurring expenditure in connection with Higher Education like Medical, Engineering and other technical Education of a duration of not less than three years for children of the subscriber.

(c) A second advance shall be sanctioned except for the reasons specified in b(iii) b(iv), b(v) above.

(d) In case of non-refundable advance sanctioned in favour of a subscriber, the subscriber shall have to furnish utilization certificate within a specified period.

13. Sanctioning authority in respect of advances mentioned in para 12 of the scheme has been specified in the schedule annexed hereto. 10. Rate of Subscription:

(a) Subscriber shall be eligible to subscribe to the General Provident Fund at the minimum rate of 6% (six per cent) of his pay as on 31st March of the year and not more than his pay subject to the following provisions:

(i) if an employee on the said date was under suspension or on leave and elected not to subscribe during the period of such leave, his pay shall be the pay to which he was entitled on the first day after his return to duty;

(ii) if the subscriber was on deputation out of India or on leave on the said date and elected to subscribe during such leave, his pay shall be the pay to which he might have been entitled had he been duty;

(iii) in case of a subscriber who was not in employment on the preceding 31st March, his pay shall be the pay to which he was entitled on the first day of his employment.

(b) Subscription shall be paid monthly except during the period an employee is under suspension.

(c) A subscriber willing to enhance or reduce his monthly subscription shall intimate in writing in the month of March of the year specifying his rate of monthly subscription to the Head of the Institution. The Head of the Institution shall realize the amount from the salary for the month of March for deposit the amount to the fund, provided that in case of reduction, the reduced rate shall not be below the prescribed minimum rate.

(d) The rate of subscription commenced from the salary of the month of March shall remain unchanged throughout the year. In no case rate shall be changed except in the following cases.

(i) An employee who has been placed under suspension shall not subscribe to the General Provident Fund during the period of such suspension. But on reinstatement he shall have the option of paying any sum not exceeding the maximum amount of arrear subscription in one lump or in installments.

(ii) Where the rate of subscription falls short of 6% of pay.

(e) A subscriber may discontinue his subscription for the last six months of his service on serving a notice to the Head of the Institution well before the commencement of such discontinuance.

14. Final withdrawal

The amount standing at the credit of a subscriber shall become payable on the following eventualities:

(a) When a subscriber ceases to be in employment on superannuation.

(b) When a subscriber resigns from service, and after such resignation is accepted, provided that if the subscriber joins an employment having General Provident Fund Scheme regulated by the provision of Acts or regulations of Govt. of India or State Govt. or any statutory authority under the Central and State Govt. or authority constituted by Central or State Government, the balance standing at his credit may be transferred to the account of the subscriber to be opened at his new place of appointment, if the new employee agrees to such transfer.

(c) A subscriber may be allowed to withdraw 90% of the balance standing at his credit on the closing date of the previous year (less amount already withdrawn, if any) at any time prior to one year from the date of retirement.

(d) In the event of the death of the subscriber before the amount standing at his credit becomes payable normally.

(e) In the event of dismissal of the subscriber from service provided that if the subscriber is re-instated after the dismissal the amount shall have to be refunded by the subscriber to his Account/ newly-opened account.

15. On the death of a subscriber before the amount standing to his credit has become payable, or where the amount has become payable, before payment has been made -

(i) When the subscriber leaves a family -

(a) if a nomination made by the subscriber in accordance with the provisions of para 7 of or of the corresponding para heretofore in force in favour of a member or members of his family subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates shall become payable to his nominee or nominees in the proportion

specified in the nomination;

(b) if no such nomination in favour of a member or members of the family of the subscriber subsists or if such nomination relates only to a part of the amount standing to his credit in the Fund, the whole amount or the part thereof to which the nomination does not relate, as the case may be, shall, notwithstanding any nomination purporting to be in favour of any person or persons other than a member or members of his family, become payable to the members of his family in equal shares:

Provided that no share shall be payable to -

(1) sons who have attained legal majority;

(2) sons of a deceased son who have attained legal majority;

(3) married daughters whose husbands are alive;

(4) married daughters of a deceased son whose husbands are alive;

If there is any member of the family other than those specified in clauses (1), (2), (3) and (4): Provided further that the widow or widows and the child or children of a deceased son shall receive between them in equal parts only the share which that son would have received if he had survived the subscriber and had been exempted from the provisions of clause (1) of the first proviso.

(ii) When the subscriber leaves no family, if a nomination made by him in accordance with the provisions of para 7 or of the corresponding para heretofore in force in favour of any person or persons subsists, the amount standing to his credit in the Fund or the part thereof to which the nomination relates, shall become payable to his nominee or nominees in the proportion specified in the nomination.

16. Detailed procedures to be followed from the very beginning of the allotment of account number and till the balance standing at the credit of the subscriber have been finally paid have been specified in the schedule annexed hereto.

17. When the amount standing to the credit of the subscriber in the Fund becomes payable, it shall be the duty of the Authority to make payment as provided in the paras 14 and 15.

18. The employees or Members of an organization who have obtained interim orders from the Hon'ble Court, Calcutta relating to the application of the Act and rules thereunder shall not be covered with the provisions of the scheme and scheduled thereunder provided that each employee shall have to submit documentary evidence to the effect that he is covered by the order of the Hon'ble Court, and provided further that any such employee may apply to come under the Scheme with the leave of the Hon'ble Court.

19. The State Government may from time to time, issue such instructions as considered necessary, for proper implementation of the scheme or for any other matter in connection with the scheme.

20. If any question arises relating to the interpretation of any provision of this scheme, it shall be referred to the State Government, whose decision shall be final.

THE SCHEDULE

1. Allotment of Account number

(a) The subscriber shall apply to the Institution where he is working for allotment of an account number in Form No. I annexed hereto along with nomination in Form No. II annexed hereto duly filled in and submitted in duplicate at least three months before he becomes eligible to subscribe to the General Provident Fund.

(b) In case the subscriber fails to submit application, the Head of the institution shall suo motu allot an account number and ask the employee concerned to submit nomination in the prescribed Form No. II.

Note: At the time of the General Provident Fund account number to a subscriber, the Head of the Institution must put his signature on the nomination paper if already submitted and if it is properly filled in.

(c) The account number shall be allotted in such a manner that the identity of the subscriber i.e. the name of institution, Type of institution and District in which it is situated can be identified by the prefix of the number.

Example: Account number of an employee of Rahara High School of North 24 Parganas shall be prefixed with 'N24 Pgs./SE/Rahara H.S. /.....', placing a serial number at the end.

Similarly Account number of an employee of a Primary School of Barrackpore Circle of North 24 Parganas District shall be like 'N 24 Pgs/ Barrackpore/PE/ (name of the school/a serial number)'

(d) In case of employees of the approved State-aided Non-Government Primary Schools, the Secretary of the District Primary School Council shall act as Head of the Institution for the purpose of allotment of account number etc., wherever the term, 'Head of the Institution' has been used; similarly District Library Officer shall act as Head of the Institution in respect of Non-Government aided Libraries and sponsored Libraries in the District and District Social Education Officer shall act as Head of the Institution in respect of employees whose grant-in-aid/ contribution towards salaries are controlled by him.

(e) Head of the Institution shall maintain an Index register in Form No. III annexed hereto.

(f) The application for enrolment as subscriber and nomination form duly filled in and accepted after proper security of each entry shall be kept in the safe custody of the Head of the Institution. The Head of the Institution shall also acknowledge the receipt of nomination form in prescribed proforma (Form IV) annexed herewith. One copy of the accepted nomination form shall be kept pasted in the Service Book of the employee.

2. Deduction from salaries

(a) Deduction shall commence from the salary for the month in which the subscriber becomes eligible to subscribe.

Provided, however, when a subscriber becomes eligible from a retrospective date for any reason whatsoever, the subscription shall commence from the date of eligibility and subscription shall be recovered in one lump, or, in instalments in a number of months at the option of the subscriber where salary for the earlier period has already been drawn and disbursed and the recovery of current subscription and the arrear subscription, if any, shall run simultaneously.

(b) The Head of the Institution shall prepare a schedule of recovery in duplicate in each month for the purpose of deduction in Form V annexed hereto.

3. Authority empowered to sanction advance

(a) The Head of the Institution shall sanction advance in accordance with the provisions in para 12 of the scheme on receipt of application in Form VI annexed hereto.

(b) The Head of the Management Board/ Committee/ Council shall disposed of the similar application for advance as may be submitted by the Head of the Institution himself.

4. Accounting

(a) The Head of the Institution shall maintain a Broadsheet in Form VII annexed hereto.

(b) Posting in the Broadsheet shall be made from the entries in the schedule of recovery (Form V).

(c) The Head of the Institution shall maintain a ledger account in respect of each individual subscriber in Form VIII. Posting herein shall be made from the entries in the Broadsheet.

(d) Each entry in the ledger account shall be initiated by The Head of the Institution.

(e) By the 15th day of following month The Head of the Institution shall submit to the grant-in-aid disbursing authority a statement of debits and credits under the following columns:

- (i) Credit on account of subscription,
- (ii) Credit on account of additional subscription, if any,
- (iii) Credit on account of refund of advance,
- (iv) Total credit,
- (v) Debits on account of withdrawals,
- (vi) Balance at the Credit of the Institution.

(f) The disbursing authority shall check the figures with reference to the record maintained in his office and take steps for reconciliation forthwith, if necessary.

5. Deposit and withdrawals

(a) The Head of the Institution shall submit the schedule of recovery in duplicate along with Treasury challan in quadruplicate in the manner prescribed in the West Bengal Non-Government Educational Institution and Local Authorities (Control Provident Fund of Employees) Act, 1983 and Rules thereunder to the grant-in-aid disbursing authority by the 20th of each month. The grant-in-aid disbursing authority shall issue advice of release of grant-in-aid deducting the amount to be credited to the Government account on account of General Provident Fund. A second advice along with duly filled Treasury challan in quadruplicate shall also have to be submitted to the Treasury by the tenth of the month following one in respect of which the salary has been drawn for crediting the amount in the General Provident Fund Account of the school. The Treasury Officer shall retain one copy of the challan and return three copies with his seal and countersignature as proof of deposit of the amount to the grant-in-aid disbursing authority. The grant-in-aid disbursing authority shall return one copy challan together with one copy of schedule duly countersigned by the Institution to the head of the Institution who shall make entries in the Broadsheet from the duly countersigned schedule. Necessary action with the remaining copies of challans shall be taken in accordance with the provision of the act and Rules thereunder.

(b) In the case where salaries are disbursed out of Local Fund Account of an Institution/ Body maintained with the Treasury, deposit have to be made through cheques drawn on the Treasury, other procedures remaining the same.

(c) The amount deducted out of salary of an employee shall have to be shown in the acquittance roll.

(d) The sanctioning authority in respect of temporary advance and non-refundable advance communicate the sanction on receipt of an application from the subscriber in prescribed Form No. VI to the authorized officer in terms of the provision of the Act and Rules thereunder with a certificate to the effect that the fact of withdrawal of the amount (to be mentioned specifically) has been recorded in the ledger Account and Broadsheet maintained by the Institution. The Officer concerned shall release the amount in favour of the Institution who will disburse the amount on proper acquittance. Final withdrawal on superannuation etc. as provided in para 14 of the Scheme shall be allowed by the authority competent to sanction an advance on receipt of an application in the prescribed Form IXA or IXB, as the case may be, annexed hereto. A certificate shall have to be incorporated in the sanction order to the effect that necessary entries in the Index register, Broadsheet against the name and account number as well as in the Ledger account have been made. The authorized officer concerned as mentioned in the para above shall release the amount in favour of the institution where the employee was attached before the amount became payable and the Head of the Institution shall arrange payment of proper acquittance.

6. Calculation of interest and posting

(a) The interest on the balance at credit of the subscriber shall be calculated at the rate as may be prescribed by the State Government in the Finance deptt. And on the basis of the balance as on the last date of each month and posted to the credit of the subscriber in the Broadsheet and the ledger account of the subscriber. A copy of the Broadsheet shall be submitted to the Officer entrusted with maintenance of Institution-wise account under the Act for verification and crediting the total interest in favour of the Institution.

(b) Interest shall be allowed upto 6 (six) month from the date on which the balance standing at the credit of the subscriber becomes payable.

N.B. Interest upto 50 paise shall be ignored and from 51 paise and above shall be rounded up to the next rupee.

7. Auditing

All the postings in respect of General Provident Fund account shall be audited cent-per cent. The audit firm after completing auditing shall specifically add a certificate to the following effect "The entries in the ledger account of each subscriber to the General Provident Fund have been verified with reference to entries in the Broadsheet and entries in the Broadsheet have been checked with reference to withdrawals and challans showing the deposit for the period from.....to.....and calculations of interest in respect of each individual subscriber have been checked and found correct or the following discrepancies have been observed which have been reconciled in our presence.

- 1.
- 2.
- 3.

8. Furnishing of statement of Account

After the appointed audit firm furnishes the required certificate, the Officer authorized to operate General Provident Fund of Non-Government Educational Institution under the Act and the Rules thereunder shall issue instructions to the Head of the Institution to issue statement of account for the financial year upto which the audit of the accounts has been completed in Form X to the subscriber and the Head of the Institution/ Management Board will accordingly issue Statement of accounts to the subscriber.

9. Miscellaneous Provisions

(a) In the event of transfer of an employee where the service is transferable, such as employees of the Primary Schools, on appointment in an institution covered by the scheme, the Head of the Institution in the place of new posting will allot a fresh Account number and notify the same to the Head of the Institution where the subscriber was employed before transfer/appointment.

The Head of the former Institution shall intimate the fact to the officer authorized under the Act and Rules thereunder, who will withdraw the balance of the subscriber at his old place of posting, transmit the same to the concerned Treasury Officer through an account payee demand draft to be drawn in favour of the concerned officer of the District/ Sub-Division authorized under the Act and Rules thereunder and the last will deposit the same to the Provident Fund Deposit Account through treasury challan in quadruplicate and also furnish advice to the Head of the Institution of the new place of posting for crediting the amount in new account of the subscriber.

N.B. The transfer of amount through demand draft and deposit shall not be required where there will be no change of Treasury and the authorized officer under the Act and Rules thereunder in respect of the employee after his transfer/ new appointment.

(b) The balance standing at the credit of a subscriber covered by paragraph 14(b) of the scheme shall be transferred through a demand draft to be drawn in favour of the new employer under intimation to the subscriber.

West Bengal School Service Commission (Mutual Transfer) Rules, 2012

Government of West Bengal
School Education Department,
Secondary Branch,
Bikash Bhawan, Salt Lake City, Kolkata-700091.

NOTIFICATION

No. 348-SE/S/1S-06/2012, Dated: 21.02.2012.

In exercise of the power conferred by Section 17, read with Sub-Section (1) and subsection-(2) of 10A, of the West Bengal Central School Service Commission Act, 1997 (West Ben, Act IV of 1997), as subsequently amended, the Governor is, hereby, pleased to make the following rules, namely:-

Rules

1. Short title and commencement

(1) These rules may be called the West Bengal School Service Commission (Mutual Transfer) Rules, 2012.

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

2. Definition

(1) In these rules, unless the context otherwise requires,-

a) “Act” means the West Bengal Central School Service Commission Act, 1997 (West Ben, ACT IV of 1997);

b) “Central Commission” means West Bengal Central School Service Commission Constituted under clause (a) of sub-section (1) of Section 3 of the Act;

c) “Category” means Assistant Teachers or the Librarian or Clerical Staff and includes Clerk, Group-D, peon or laboratory Attendant or Night Guard or Matron of a school.

d) “Confirmed” means Confirmation in service by the School Managing Committee or the Administrator of a school of an employee who has rendered satisfactory service after being appointed in a normal vacancy and in the case of an additional post, if the Managing Committee of the School or the Administrator confirms the service of the employee after receipt of retention order of the post from the District Inspector of Schools (SE) or the Director of School Education, West Bengal;

e) “Form” means a Form appended to these rules;

f) “Hearing Committee” means a committee to be constituted under Sub- rule (5) of rule 4;

g) “Incumbent” means a teacher of a school of any category including non-teaching staff and librarian of a school for mutual transfer;

h) “Joint Application” means, application signed by two incumbents individually and separately seeking interchange of their places of posting;

i) "Mutual Transfer" means replacement of any incumbent with an incumbent of same category from reciprocal places of their posting;

j) "Non-Teaching Staff" means an employee who is not directly involved in teaching but acts as a part of supporting system to the teaching and includes librarian;

k) "Same Subject" means a subject which is taught by two different Assistant Teachers at their respective places of posting;

(2) Words and expression used and not defined in these rules but defined in the Act shall have the same meanings as respectively assigned to them in the Act.

3. Eligibility for Mutual Transfer of a teacher

(1) An incumbent teacher shall be eligible for transfer under the provision of these rules subject to fulfillment of all the following conditions:-

a) mutual Transfer shall be made between two teachers who have been appointed against the same category of vacancies and holding the same category of posts and teaching the same subject;

b) a male incumbent shall not be eligible for mutual transfer with a female incumbent of a girls' school;

c) the service of the incumbents concerned shall be confirmed at their respective places of posting;

d) the Incumbents concerned opting for mutual transfer shall be from the same category of schools, having same medium of instruction i.e. Bengali or English or Hindi or Nepali or Oriya or Santhali or Telegu or Urdu or Bengali- Urdu;

e) mutual transfer shall be made between two teachers against whom no Judicial or Departmental proceeding is pending or is being contemplated.

(2) No incumbent shall be allowed to apply for mutual transfer when his/her date of superannuation is within a period of two years from the date of application for mutual transfer.

4. Procedure for submission of application for Mutual transfer in respect of teacher

(1) An incumbent teacher desirous of mutual transfer under the provisions of these rules shall apply to the Central Commission in the Form along with a requisite fees of Rs. 1000/- to be paid by Bank Draft drawn in favour of the West Bengal Central School Service Commission.

(2) The application so submitted shall contain the "No Objection and Declaration of the School", as mentioned in PART-II of the Form under the signature and seal of the Secretary, Managing Committee or the Administrator of the School and the Head Master or Head Mistress or Teacher-in-charge, as the case may be.

(3) For the purpose of sub-rule (2), the school Managing Committee shall, after receiving Part-I filled up Form from the incumbent, place and consider such application in its immediately next meeting and fill up the PART-II of the Form.

(4) On receipt of such application, the Central Commission shall place it before the Hearing Committee and on receiving the report of the Hearing Committee, the Central Commission may, within a period of three months from the date of receipt of such application, recommend for mutual transfer of the two incumbents to their reciprocal places of posting.

(5) The Hearing Committee shall consist of three members selected by the Chairman of the Central Commission and the qualifications and allowances to be paid to the members of the Hearing Committee shall be decided by the Central Commission.

(6) The report of the Hearing Committee shall be made within 30 days from the date of receiving the application by the Hearing Committee from the Central Commission.

(7) The Hearing Committee shall scrutinize the applications for mutual transfer and shall call the respective incumbents and the Secretary or the Head Master/ Head Mistress/ Teacher-in-charge, as the case may be, of the concerned schools and the respective District Inspectors of Schools (Secondary Education) or the authorized representatives of the District Inspectors of Schools (Secondary Education) on the date of hearing. After hearing, the Hearing Committee shall prepare a gist, in writing, of the hearing of each application for mutual transfer and shall obtain full signature thereon of all of the persons mentioned above and shall submit a report in respect of each application separately by seven days from the date of hearing to the Central Commission.

(8) For the purpose of hearing before the Hearing Committee, the Central Commission shall, by giving notice in writing to all of the persons mentioned above by registered post with acknowledgement due, intimate the date and time of hearing as mentioned in sub-rule (7).

(9) The recommendation of mutual transfer made by the Central Commission under sub-rule (4), shall be communicated to the incumbents, respective Secretaries of School Managing Committees or the Administrator of the concerned schools, as the case may be and the concerned District Inspector of Schools, within 30 days from the date of receiving the report of the Hearing Committee.

(10) While recommending the mutual transfer, the Central Commission shall mention clearly between the two incumbents who shall be released first by the concerned School Managing Committees or the Administrator of the concerned schools, as the case may be.

(11) The incumbent who is released first from his or her post by the Secretary of the Managing Committee or the Administrator of the concerned school, as the case may be, shall join the post of his or her counterpart incumbent, within 3 days from the date of such release.

(12) On the date of joining of the first released incumbent teacher to the post of his/ her counterpart teacher, the other incumbent teacher shall be released first by the Secretary of the School Managing Committee or the Administrator of the concerned school, as the case may be and the incoming incumbent shall then join in the place of the released incumbent.

(13) Being released from his/her post, the other incumbent shall join the post of his/her counterpart within 3 days from the date of his/her release.

(14) The period between the release from one school and the joining to the other school on mutual transfer, shall be treated as joining leave which shall be recorded in the relevant part of Service Books of the incumbents. This joining leave shall not be more than 3(three) days.

(15) The salary for the joining leave shall be claimed by the concerned Head of the Institution of the respective school where the incumbent joins on mutual transfer.

(16) No claim for any additional financial benefits like Traveling allowance or allowance for transporting belongings etc. shall be made by the incumbents.

(17) The District Inspector of Schools (SE) concerned shall, after obtaining papers of mutual transfer from the School Managing Committee or the Administrator of the school, as the case may be, issue fresh approval of appointment to the incumbents who join in the post of the respective school. The

joining leave shall be recorded in the approval memo issued by the District Inspector of Schools (SE) and the salary for the transit leave shall be allowed by the District Inspector of Schools (SE).

5. Area / region for mutual transfer

A mutual transfer between two incumbents shall be intra region or inter regions or intra district or inter districts, as the case may be, covering the whole part of the State of West Bengal, excepting the Hill areas of Darjeeling District.

6. Admissibility of mutual transfer

Such mutual transfer shall be admissible only once during the entire service period of an incumbent.

7. Procedures of submissions of application of mutual transfer in respect of non-teaching staff or librarian

In case of the non-teaching staff and the librarian, desirous of mutual transfer under the provision of these rules, the provisions of these rules shall, mutatis mutandis, apply.

8. Report of mutual transfer to be maintained by Central Commission

A status report of such Mutual Transfer shall be maintained by the Central Commission and an annual statement may be forwarded by the Central Commission to the School Education Department, Government of West Bengal.

9. Incorrect or false or fabricated application

If at any point of time it is found by any of the concerned authorities that the particulars given in the application is/are not correct or false and fabricated, appropriate action against the concerned applicant(s) shall be taken by any of the authorities relating to his/her service and his/her service can also be terminated as a result of such action.

10. Application in other rules

The Rules for Managing of Recognized Non-Government Institutions (Aided and Unaided), 1969 particularly, rules relating to leave for the teaching and non-teaching staff of a school shall be deemed to have been amended in respect of the matter covered under these rules from the date of commencement of these rules.

11. Non-compliance of these rules by School Managing Committee or Administrator of the school concerned, as the case may be

The School Managing Committee or Administrator of the school concerned, as the case may be, shall consider the Form of the incumbent within the period mentioned in subrule (3) of rule 4 and allow an incumbent to join in the school once a recommendation to that effect received from the Central Commission and noncompliance of the provisions of these rules, shall attract the provisions as laid down in section 9A of the Act.

FORM

Application for Mutual Transfer

[See rule 5 of the West Bengal School Service Commission (Mutual Transfer) Rules, 2012]

PART I

To,
The Secretary,
West Bengal Central School Service Commission,
Acharya Sadan, 11 & 11/1, Block EE, Salt Lake,
Kolkata – 700 091.

I do hereby apply for my mutual transfer in terms of the West Bengal School Service Commission (Mutual Transfer) Rules, 2012 giving the following particulars:-

1. Name of the applicant :
(in Capital letters)

2. i) Name of the post, in which he/she is now working:
(in case on the both Assistant Teacher & non-teaching staff)
ii) Pay in the Pay Band and Grade Pay (Pay Scale) :
iii) Pay in the Pay Band and Grade Pay on the date of application:

3. i) Name of school where
he/she is employed at present
(in Capital letters):
ii) Address of the school
(in Capital letters)
iii) Telephone number of the school with STD code:
iv) Category of post(whether General/S.C./S.T./O.B.C./PH):
v) Nature/type of the school(Boys'/Girls'/ Co-education) :
vi) Status of the School(Jr.High/High/Higher Secondary) :
vii) Medium of instruction against which appointment has been made:
viii) Working Shift (Morning/Day):

4. i) Date of Birth of the applicant as per service records:
ii) Date of joining the present school:
iii) Date of retirement on superannuation:
iv) Academic qualifications as considered by the School Service Commission/or
any other authority:

5. Whether appointment has been made through the recommendation of the West Bengal School Service Commission:

a) if yes, mention the year of Regional Level Selection Test in which he/she was selected:
b) if yes, mention the Memo Number of Recommendation Letter of West Bengal Regional School Service Commission:

6. Subject taught at present
(in case of Assistant Teacher):

7. The reason, in brief, for seeking such a transfer:

8. Name of the Bank with branch and date and Number of the Bank Draft:

9. Name of the person with whom mutual transfer is sought for :
(in Capital letters)

(Enclose a complete copy of the application of the person, as without this application for mutual transfer shall not be processed).

10. Name of the post, in which he/she is now working :
(in case on the both Assistant Teacher & non-teaching staff)

11) i) Name of the school where he/she is employed at present :
(in Capital letters)

ii) Address of the school :
(in Capital letters)

iii) Telephone number of the school with STD Code:

iv) Category of post (whether General/S.C./S.T./O.B.C./PH):

v) Nature/type of the school (Boys/Girls/Co-Education) :

vi) Status of the School(Jr.High/High/Higher Secondary) :

vii) Medium of instruction against which appointment has been made:

viii) Working Shift (Morning/ Day):

12. i) Date of Birth as per service records of the person with whom mutual transfer is sought for:

ii) Date of joining the present school:

iii) Date of retirement on superannuation:

iv) Academic qualifications as considered by the School Service Commission/ or any other authority:

13. Whether appointment has been made through the recommendation of the West Bengal School Service Commission:

c) if yes, mention the year of Regional Level Selection Test in which he/she was selected:

d) if yes, mention the Memo Number of Recommendation Letter of West Bengal Regional School Service Commission:

14. Subject taught at present
(in case of Assistant Teacher):

Declaration of the applicant :

I, the applicant of above-named do, hereby, declare that all particulars given in this Application Form are true and correct and if at any point of time it is found by any of the authorities that the particulars given in this application is not correct or false and fabricated, appropriate action against me can be taken by any of the authorities relating to my service and my service can also be terminated as a result of such action against me by the appropriate authority.

I sign PART I of this application Form and the above declaration, being conscious about the particulars mentioned in this Form and the effect of the above declaration.

(Signature with full name of the applicant)

PART II

NO OBJECTION AND DECLARATION OF SCHOOL

This school has no objection if Sri/Smt.....designation.....Subject taughtis transferred as prayed for and we the undersigned: 1. Secretary of Managing Committee/ Administrator of the School and 2. Headmaster/Headmistress/ Teacher-in-charge of the school declare that the particulars mentioned in paragraphs 2,3 and 4 of PART I of this application Form are true and correct as per the records maintained by the school and no such particulars are incorrect.

*Signature with full name and official seal of the
Secretary of the Managing Committee or Administrator of the School.*

*Signature with full name and official seal of the
Headmaster/Head Mistress/Teacher-in-charge of the School.*

.....
(Office copy)

I do hereby submit this application to the Office of the West Bengal Central School Service
Commission, Acharya Sadan, 11 & 11/1, Block-EE, Salt Lake, Kolkata-700091.

Date:

(Full name and full signature of the applicant).
(Signature & Office Seal)

.....
(Applicant's copy)

I do hereby submit this application to the Office of the West Bengal Central School Service
Commission, Acharya Sadan, 11 & 11/1, Block-EE, Salt Lake, Kolkata-700091.

Date:

(Full name and full signature of the applicant).
(Signature & Office Seal)

By order of the Governor.
(Vikram Sen)
Pr. Secy. to the Govt. of West Bengal

West Bengal School Service Commission (General Transfer) Rules, 2013

Government of West Bengal
School Education Department

No. 1325-SE/S/1S-4/95 dt. 03.10.2013

NOTIFICATION

In exercise of the power conferred by section 17, read with sub-section (1) and sub-section (2) of section 10B, of the West Bengal Central School Service Commission Act, 1997 (West Ben, Act IV of 1997), as subsequently amended, the Governor is hereby pleased to make the following rules, namely:-

Rules

1. Short title and commencement

- (1) These rules may be called the West Bengal School Service Commission (General Transfer) Rules, 2013.
- (2) They shall come into force on the date of publication in the Official Gazette.

2. Definitions

- (1) In these rules, unless the context otherwise requires-
- (a) "Act" means the West Bengal School Service Commission Act, 1997 (West Ben. Act IV of 1997);
- (b) "Central Commission" means the West Bengal Central School Service Commission constituted under clause (a) of sub-section (1) of section 3 of the Act;
- (c) "Confirmed" means confirmation in service by the School Managing Committee or the Administrator of a school of an employee who has rendered satisfactory service after being appointed in a normal vacancy and in the case of an additional post, if the Managing Committee of the school or the Administrator confirms the service of the employee after receipt of retention order of the post from the district inspector of school (SE) or the Director of School Education, West Bengal;
- (d) "Form" means a Form appended to these rules;
- (e) "General Transfer" means transfer of an employee of a school from his present place of posting in a school to another place in same category of vacancy, subject and post in another school;
- (f) "incumbent" means a teacher or a non-teaching staff of a school of any category including librarian of a school;
- (g) "non-teaching staff" means, an employee who is not directly involved in teaching but, acts as a part of supporting system to the teaching and includes librarian;
- (h) "Regional Commission" means the West Bengal Regional School Service Commissions constituted under clause (b) of sub-section (1) of section 3 of the Act;

(i) "Same category of post" means same post like Assistant Teacher or the Librarian or Clerical Staff and includes Clerk or Group-D or Peon or Laboratory Attendant or Night Guard or Matron, as the case may be;

(j) "Same Category of vacancy" means vacancy in same type of posts like Scheduled Caste, Scheduled Tribe, Other Backward Class, General, Physically Handicapped or Reserved for women (only for girls' school) and includes the same group under the staff pattern or same subject and same qualification, such as, Pass Graduate or Honours/Post Graduate post etc., and also medium of instruction;

(k) "Teacher" means an Assistant Teacher of a school recognized as such by the Board or Council, as the case may be, and includes the Headmaster or Headmistress, Assistant Headmaster or the Assistant Headmistress for the purpose of these rules.

(2) Words and expressions used and not defined in these rules but defined in the Act or in the West Bengal School Service Commission (Selection of Persons for Appointment to the Post of Teachers) Rules, 2007 or in the West Bengal School Service Commission (Selection of Persons for Appointment to the Post of Non-Teaching Staff) Rules, 2009, shall have the same meanings as respectively assigned to them in the Act or in the said rules.

3. Primary condition of General Transfer

An incumbent shall be eligible for General Transfer only if he/she is confirmed in service and completed 5 (five) years of satisfactory service in that particular school from which he/she seeks General Transfer.

4. Eligibility for General Transfer

(1) Any Teacher or non-teaching staff qualified as per provision of rule 3 of this Rules may be eligible for transfer to a post of Teacher or non-teaching staff of another school of same category of vacancy, same category of post and for a Teacher of same subject (Honours/Post Graduate or Pass), as the case may be.

(2) An incumbent opting for General Transfer shall be transferred to the same category- of schools having Bengali or English or Hindi or Nepali or Oriya or Santhali or Telugu or Urdu, as the medium of instruction, Junior High/Secondary Higher Secondary level, as the case may be.

(3) A male incumbent shall not be eligible for General Transfer in a girl's school.

(4) No incumbent shall be eligible to apply for a General Transfer who is left with less than two years of service from the date of his/her retirement on superannuation.

(5) The General Transfer shall be allowed to an incumbent against whom no Judicial or Departmental proceeding is pending or contemplated.

(6) The school authority of a particular school shall not forward applications received from more than 25% of total number of teachers of that school seeking General Transfer against each notification. Priority shall be given to the senior teachers first.

5. Procedure for submission of application for General Transfer in respect of a teacher

(1) The Central Commission shall publish a region-wise list of vacant posts once in a year mentioning the category, subject and medium of instruction for every particular post and other particulars in the website of the Central Commission and simultaneously, byway of notice in the Offices of the Central Commission and the Regional Commission for the purpose of General Transfer.

(2) An incumbent desirous of General Transfer within the meaning of these rules, shall apply in the For (containing Part A and Part B) as appended to these rules together with requisite fees of Rs. 2,000/- payable in favour of the West Bengal Central School Service Commission, within 15 days from the date of such publication of vacant post by submitting application Form. One incumbent may submit only one application for maximum 05 (five) of such vacant post as per his/ her priority of choice in application forms as prescribed. Handwritten or online applications will be accepted. Application submitted without fees shall be rejected.

(3) The application shall be submitted to the concerned District Inspector of Schools through the Head Master or Secretary, Managing Committee or the Administrator, as the case may be, of the concerned school. In case of on line application extract of application so filled up shall be printed and the same shall be submitted to the concerned District Inspector of Schools through the Head Master or Secretary, Managing Committee or the Administrator. as the case may be, of the concerned school.

(4) The District Inspector of Schools shall, after verification of all particulars given in the application form by an applicant, forward the same to the concerned Regional Commission within a period of fifteen days from the last date of receipt of such application.

(5) On receipt of such forwarded applications, the Regional Commission shall, after careful consideration of the applications, recommend for transfer of the incumbent to the Central Commission for approval and necessary order within 30 days from the date of receipt of the application from the District Inspector of Schools.

(6) On the basis of recommendation of the Regional Commission, the Central Commission shall be the final authority to decide upon the matter and may either reject such recommendation of the Regional Commission by passing an order and after giving reasons to be recorded in writing, or issue recommendation letter to the school concerned in the manner-

(a) if there is one application for one vacant post mentioned in the list as published sub-rule (1) of rule 5, the Central Commission may issue recommendation of transfer of such incumbent to such vacant post opted by such incumbent;

(b) if there is more than one application for one vacant post mentioned in the list as published sub-rule (1) of rule 5, the Central Commission may consider all such applications and issue recommendation of transfer in favour of that applicant who will secure highest marks amongst the applicants for that particular vacant post and the marks shall be allotted in the manner mentioned in column (3), in case of Teacher, or in column (4), in case of non-teaching staff of the Table below:-

SL. NO.	PARTICULARS	TEACHER	NON-TEACHING STAFF
(1)	(2)	(3)	(4)
1.	Seniority of each completed year after the date of introduction of procedure of counseling-(a) in case of Teacher, after 1.1.2006; or(b) in case of non-teaching staff, after 1.1.2013	1 (one) mark for each completed year	1 (one) mark for each completed year
2.	Seniority of each completed year the date of introduction of procedure of counseling-(a) in case of Teacher, before 1.1.2006; or(b) in case of non-teaching staff, before 1.1.2013	2 (two) marks for each completed year	2 (two) marks for each completed year

3.	Female Teacher or non-teaching staff	3 (three) marks in addition to the marks awarded in serial No. 1 or serial No. 2, as the case may be	3 (three) marks in addition to the marks awarded in serial No. 1 or serial No. 2. as the case may be
4.	Female Teacher or non-teaching staff having first or second child below the age of 10 years	5 (five) marks in addition to the marks awarded in serial No. 1 or serial No. 2, as the case may be	5 (five) marks in addition to the marks awarded in serial No. 1 or serial No. 2, as the case may be
5.	Physically handicapped (disability 40% or more) Teacher or non-teaching staff	3 (three) marks in addition to the marks awarded in above-mentioned serial Nos., whichever is applicable	3 (three) marks in addition to the marks awarded in above-mentioned serial Nos., whichever is applicable
6.	Female physically handicapped (disability 40% or more) Teacher or non-teaching staff	3 (three) marks in addition to the marks awarded in above-mentioned serial Nos., whichever is applicable	3 (three) marks in addition to the marks awarded in above-mentioned serial Nos., whichever is applicable
7.	In case of two or more Teachers or non-teaching staff securing same marks under the above-mentioned serial Nos.	senior in age shall get priority	senior in age shall get priority

Note- If one candidate shall secure highest marks in case of two or more vacant post, he/she shall be allowed transfer only for one post strictly as per his/her priority of choice for vacant post given in his/her application. In this case, his/her right of transfer in rest cases where he/she may get highest marks shall be ceased automatically.

(7) The recommendation of the Central Commission or its order of rejection, as the case may be, mentioned in subrule (6) of rule 5, shall be communicated by the Central Commission to the incumbent concerned, to the Regional Commission, to the Secretaries of the Managing Committees of the Schools concerned or the Administrators of the Schools concerned, as the case may be, and to the concerned District Inspector of Schools.

(8) The Secretary of the Managing Committee or the Administrator of the concerned school, as the case may be, shall, on receipt of recommendation of the Central Commission through the District Inspector of Schools, release the incumbent in whose favour the recommendation has been made, preferably within a period of 15 (fifteen) days from the date of receipt of such recommendation and shall communicate to the Central commission about such release within one month of such release.

(9) After receiving such communication from the school as mentioned in sub-rule (8), the Central Commission shall recommend for appointment of a newly recruited candidate for such school and post preferably within 6 (six) months from the date of receipt of such communication from the school.

(10) A leave for a maximum period of 3 (three) days including holiday, if any. shall be granted by the school concerned where the incumbent will join on General Transfer.

(11) The Head Master, the Secretary of Managing Committee or the Administrator, as the case may be, of the concerned school, shall allow an incumbent to be recommended for General Transfer under these regulations.

(12) No claim whatsoever for financial assistance towards traveling allowance or cost of transportation etc., shall be made by the incumbent in whose favour of a recommendation of transfer has been made by the Central Commission.

(13) The salary for the joining leave shall be claimed by the concerned Head of the Institution of the respective school, where incumbent joins on General Transfer.

(14) The District Inspector of Schools (Secondary Education) concerned shall, after obtaining papers of General Transfer from the School Managing Committee or the Administrator of the school, as the case may be, issue fresh approval of appointment to the incumbents who join in the post of the respective school. The joining time shall be recorded in the approval memo issued by the District Inspector of Schools (Secondary Education) and salary for the transit period shall be allowed by the District Inspector of Schools (Secondary Education).

6. Area/region for General Transfer

A General Transfer of a candidate may be intra region, or inter region, or intra district, or inter district, as the case may be, covering the whole of the State of West Bengal.

7. Admissibility of General Transfer

Such General Transfer shall be effected only once during the entire service period of an incumbent.

8. Procedure of submission of application of General Transfer in respect of non-teaching staff including librarian.

In case of non-teaching staff and librarian desirous of General Transfer under the provisions of these rules, the provision of this rule shall, mutatis mutandis, apply.

9. Report of General Transfer to be maintained by Central Commission

A status report of such General Transfer may be maintained by the Central Commission and an annual statement may be forwarded by the Central Commission to the School Education Department, Government of West Bengal.

10. Incorrect false or fabricated application

If at any point of time it is found by any of the concerned authorities that the particulars given in the application is/ are not correct or false and fabricated, appropriate action against the concerned applicant s) shall be taken by any of the authorities relating to his/her service and his/ her service can also be terminated as a result of such action.

11. Application of the rules

The rules for Managing of Recognized Non- Government Institution (Aided and Unaided) 1969, for the Teachers and non-teaching staff of a school shall be deemed to have been amended in respect of the matter covered under these rules from the date commencement of these rules.

12. Non-compliance of these rules by School Managing Committee or Administrator of the school concerned, as the case may be

It shall be mandatory for the Managing Committee or the Administrator, as the case may be, of the concerned schools to allow an incumbent to be released and join in the concerned school once a recommendation of transfer has been made by the Central Commission, non-compliance of which may render action as laid down under section 9A of the Act.

By Order of the Governor,

Sd/- ARNAB ROY
Secretary to the Govt. of West Bengal

Clarification regarding General and Mutual Transfer Rules

Government of West Bengal
School Education Department
(Secondary Branch)
Bikash Bhavan, 5th floor, Salt Lake, Kolkata-700091

No. 164(2)-SE(S)/10M-67/14 Date: 03/03/2015

From: Asim Kumar Bhattacharya
Joint Secretary to the Govt. of West Bengal

To: 1. The Commissioner of School Education, West Bengal, Bikash Bhavan, 7th Floor, Salt Lake

2. The Chairman, West Bengal Central School Service Commission
Acharya Sadan, Sector-II, 11 & 11/1, E.E. Block, Salt Lake, Kolkata-91

A teacher transferred from one school to his desired school by way of the West Bengal School Service Commission (General Transfer) Rules, 2013 and the West Bengal School Service Commission (Mutual Transfer) Rules, 2012 (hereinafter referred to as the said transfer), is facing confusions in respect of their past service, leave, confirmation etc.

Having considered the above facts, following clarifications are issued to remove confusions in the following manner:-

Sl No.	Queries	Explanation
1.	Whether a teacher transferred from one school to his desired school will undergo a probation period of 2 years further in the new school.	As a confirmed teacher is only eligible for the said transfer no further period of probation in the new school will require.
2.	Whether the deputation facility will be provided to a teacher transferred from one school by way of the above rules.	The teacher will avail the opportunity as per existing norms. However, his seniority shall be counted from the date of joining in the 1st school.
3.	Whether the part salary will have to be refunded if the teacher is released before completion of the month.	A teacher may be released before completion of the month in that case the old school will pay due salary for the entire month which is to be noted in the LPC and the new school will draw salary for the next month even he/she joins in the new school before expiry of previous month.
4.	Whether the leave in credit will be carried forward to the new place of posting.	Any type of leave in credit mentioned in the LPC will be carried forward in the new school.
5.	Whether the old school will issue release order on the basis of recommendation made by the SSC. Whether resolution of Managing Committee will be required. Whether the new school will issue appointment letter with	As the candidate applied with the approval of the Managing Committee for transfer, hence, further resolution of the Managing Committee is not required to move one school to another school on the basis of recommendation made by the SSC. The teacher will be released by the Headmaster/ Secretary of the school after

	effect from the date of joining of the teacher.	receiving instruction from the DIS (SE) of the concerned district. The new school on the basis of release order, recommendation of the WBSSC and direction of the DIS (SE) concerned will issue appointment letter.
6.	Whether a teacher is under leave, on deputation, on suspension will be allowed to join after returning from leave, deputation, suspension. Whether he has to join within 03 (three) days.	In the rule there is no binding for a teacher to join within 03 (three) days or so after release from the old school to join in the new school. If the teacher does not join within 03 days, the rest period of absence will be deducted from leave account. The teachers already in leave or deputation or suspension will join after availing of leave or after completion of deputation. But the teacher has to submit his/her leave statement and other documents relating to transfer alongwith a prayer for continuation of leave and release salary w.e.f a certain date the Headmaster/ Headmistress of the new school where he/she has been recommended to join on transfer. The new school will draw salary w.e.f the date of reporting of the teacher. The teacher suspended after receiving recommendation for transfer will not be released till the teacher is reinstated or the disciplinary proceedings are completed.
7.	Whether the new roster point will be created when a teacher is transferred.	When a teacher is released from a school but without receiving any substitute the vacancy will be considered as a new vacancy and will be placed at the new roster point.

Sd/- Asim Kumar Bhattacharya
Joint Secretary to the Govt. of West Bengal

West Bengal School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015

GOVERNMENT OF WEST BENGAL
School Education Department
Secondary Branch

No. 159-SE/S/1S-4/95 (Part) – 27th February, 2015

NOTIFICATION

In exercise of the power conferred by section 17, read with sub-section (1) and sub-section (2) of section 10B, of the West Bengal School Service Commission Act, 1997 (West Ben. Act IV of 1997), and in supersession of the West Bengal School Service Commission (General Transfer) Rules, 2013, issued with this Department notification No. 1325-SE/S/1S-4/95, dated the 3rd October, 2013, published in the Kolkata Gazette, Extraordinary, PART-I, dated the 8th October, 2013, 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 School Service Commission (General Transfer, Transfer on Special Grounds and Reallocation) Rules, 2015.

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

2. Definitions

(1) In these rules, unless the context otherwise requires,-

(a) “Act” means the West Bengal School Service Commission Act, 1997 (West Ben. Act IV of 1997);

(b) “Central Commission” means the West Bengal Central School Service Commission constituted under clause (a) of sub-section (1) of section 3 of the Act;

(c) “Confirmed” means confirmation in service by the School Managing Committee or the Administrator of a school of an employee who has rendered satisfactory service after being appointed in a normal vacancy and in the case of an additional post, if the Managing Committee of the school or the Administrator confirms the service of the employee after receipt of retention order of the post from the District Inspector of Schools (Secondary Education) or the Director of School Education, West Bengal;

(d) “Distance” means radial distance in kilometers from the place of residence and to the place of posting recorded in the recommendation letter issued by the West Bengal School Service Commission or recorded in the Service Book;

(e) “Form” means a Form appended to these rules;

(f) “General Transfer” means transfer of an employee of a school from his present place of posting in a school to another place in same category of vacancy, subject and post in another school;

(g) "Incumbent" means a teacher or a non-teaching staff of a school of any category including librarian of a school;

(h) "Non-teaching staff" means an employee who is not directly involved in teaching but, acts as a part of supporting system to the teaching and includes librarian;

(i) "Reallocation of service" means withdrawal of service on special ground for transfer and to place the service with or without post in a new school;

(j) "Regional Commission" means the West Bengal Regional School Service Commissions constituted under clause (b) of sub-section (1) of section 3 of the Act;

(k) "Same category of post" means same post like Assistant Teacher or the Librarian or Clerical Staff and includes Clerk or Group-D or Peon or Laboratory Attendant or Night Guard or Matron, as the case may be;

(l) "Same Category of vacancy" means vacancy in same type of posts like reserved for women (only for girls' school) and includes the same group under the staff pattern or same subject and same qualification, such as, Pass Graduate or Honours/Post Graduate post etc., and also medium of instruction;

(m) "Teacher" means an Assistant Teacher of a school recognized as such by the Board or Council, as the case may be, and includes the Headmaster or Headmistress, Assistant Headmaster or the Assistant Headmistress for the purpose of these rules. However Assistant Headmaster/Assistant Headmistress may seek transfer as Assistant Teacher.

(2) Words and expressions used and not defined in these rules but defined in the Act, shall have the same meanings as respectively assigned to them in the Act or in the said rules thereunder.

3. Primary condition of General Transfer

(1) An incumbent shall be eligible for General Transfer only if he/she is confirmed in service and completed 5 (five) years of satisfactory service in that particular school and in particular post from which he/she seeks General Transfer. Experience, if any, in the previous school and in the previous post except the experience in the post and school from which he/she is applying, shall not be considered while counting the experience in terms of score.

(2) No application under General Transfer shall be entertained if he/she intends to get transferred to a school within a distance of 25 KMs from the present school.

(3) Where an incumbent refuses to join his/her preferred school after due recommendation by the Commission, such incumbent concerned shall not be allowed to submit application for three subsequent terms of General Transfer including intra-regional and inter-regional transfer:

Provided that an incumbent whose name has been recommended for General Transfer before coming into force of these rules, the application of such an incumbent for General Transfer shall not be disallowed under these rules.

(4) The General Transfer under these rules shall be available once in a year and a list shall be published in the website of the Central Commission and the remaining vacancies due to non-joining after publication of the list shall not be included in the list of the General Transfer under these rules for the next year and such vacancies may be considered for the purpose of General Transfer afresh.

4. General Transfer on Special ground

1) An incumbent belonging to the following categories may apply for transfer on any of the special grounds, namely:-

a) Any teacher or non-teaching staff or his/her son/daughter or spouse suffering from malignant diseases, heart diseases, renal failure, thalassemia, replacement of organ, serious gynecological disorder or physically disablement of 40% or more or to assist in proper treatment of self or his/her son/daughter or spouse;

b) Any women teacher or non-teaching staff whose husband died prematurely or divorced or is a victim of crime;

c) Teachers or non-teaching staff serving in Aided/Sponsored schools where the serving places of the spouses are away beyond 50 KMs.

(2) In respect of special ground mentioned in clause (a) of sub-rule (1), the State Government may cause medical enquiry for satisfaction on urgency of transfer of a teacher.

(3) In respect of special ground Victim of crime mentioned in clause (b) of sub-rule (1), the application may be considered, where FIR has been lodged and case has been instituted.

(4) In respect of special ground mentioned in clause (c) of sub-rule (1), 10% of the applications on this special grounds shall be considered by the West Bengal School Service Commission for recommendation in a year on receiving applications after publication of notice of General Transfer and Only one member of the spouse may apply for general transfer under this special ground and priority shall be given to the senior most applicant serving maximum period in the present place of posting at a maximum distance to the proposed place of posting in comparison to others.

5. Eligibility for General Transfer

(1) Any Teacher or non-teaching staff qualified as per provision of rule 3 of this Rules may be eligible for transfer to a post of Teacher or non-teaching staff of another school of same category of post and for a Teacher of same subject under same category of reservation (Honours/ Post Graduate or Pass) and Post, as the case may be.

(2) An incumbent opting for General Transfer shall be transferred to the same category of schools having Bengali or English or Hindi or Nepali or Oriya or Santhali or Telugu or Urdu, as the medium of instruction, as the case may be.

(3) A male incumbent shall not be eligible for General Transfer in a female vacancy and a female incumbent can prefer male/Co-ed/female vacancy.

(4) No incumbent shall be eligible to apply for a General Transfer who is left with less than two years of service from the date of his/her retirement on superannuation.

(5) The General Transfer shall be allowed to an incumbent, against whom no Judicial or Disciplinary proceeding is pending or contemplated and, who is not under suspension.

(6) The school authority of a particular school shall not forward applications received from more than 10% (rounded up to next higher digit) of total number of teachers of that school. Priority shall be given first to the teachers senior in age.

6. Procedure for submission of application for General Transfer in respect of a teacher under rule 3 and 4(1)(c)

(1) The Central Commission shall publish a region-wise list of vacant posts once in a year mentioning the category, subject and medium of instruction for every particular post and other particulars in the website of the Central Commission and simultaneously, by way of notice in the Offices of the Central Commission and the Regional Commissions for the purpose of General Transfer and General Transfer on Special ground mentioned under 4(1)(c).

(2) An incumbent desirous of General Transfer/General Transfer on Special Ground within the meaning of these rules shall apply in the Form (containing Part A and Part B) as appended to these rules. The filled up form with requisite fees of Rs. 2,000/- payable in favour of "The West Bengal Central School Service Commission", within the period as will be notified by the School Service Commission by submitting application Form. One incumbent may submit only one application for maximum 03 (three) of such vacant posts as per his/her priority of choice in application forms as prescribed. Handwritten or online applications may be accepted. Application submitted without fees shall be rejected. Change of preference/preferences after making application by the incumbent, shall not be entertained.

(3) The Head of the Institution, the Secretary of Managing Committee or the Administrator, as the case may be, of the concerned school, shall issue No Objection Certificate to an incumbent to be recommended for General Transfer under these regulations. The No Objection Certificate will not exceed the number as stated under Rule 5(6) of these rules.

(4) The application shall be submitted to the concerned District Inspector of Schools (Secondary Education) through the Head of the Institution or Secretary, Managing Committee or the Administrator, as the case may be, of the concerned school. In case of online application, extract of application so filled up shall be printed and the same shall be submitted to the concerned District Inspector of Schools (Secondary Education) through the Head of the Institution or the Secretary, Managing Committee or the Administrator, as the case may be, of the concerned school.

(5) The District Inspector of Schools (Secondary Education) shall, after verification of all particulars given in the application form by an applicant, forward the same to the concerned Regional Commission within a period of fifteen days from the last date of receipt of such application.

(6) On receipt of such forwarded applications, the Regional Commission shall, first take up the cases within the category mentioned in rule 4(1)(c) and thereafter the category mentioned in rule 3 of these rules in the following manner:-

(a) in case of inter-regional General Transfer, the Regional Commission shall, after careful consideration of the applications, purpose to recommend for transfer of the incumbent to the Central Commission within 30 days from the date of receipt of the application from the District Inspector of Schools (Secondary Education), in accordance with the provisions of Section 10B of the Act and the Central Commission shall be the final authority to decide upon the matter;

(b) in case of intra-regional General Transfer, the Regional Commission shall, after careful consideration of the applications, be the final authority to decide upon the matter in accordance with the provisions of sub-rule (8) and shall send Intra Regional transfer applications to the Central Commission within 30 days from the date of receipt of the application from the District Inspector of Schools (Secondary Education) to obtain formal recommendation in accordance with the provisions of Section 10B of the Act;

(c) In case of both, the applications of the left out candidates under rule 4 (1) (c) shall be considered for General Transfer with other candidates under rule 3.

(7) In case of inter-regional General Transfer on the basis of recommendation of the Regional Commission, under sub-rule (6) (1) (c), the Central Commission shall be the final authority to decide upon the matter and may either reject such recommendation of the Regional Commission by passing an order and after giving reasons to be recorded in writing, or issue recommendation letter to the school concerned.

(8) In case of intra-regional or inter-regional General Transfer as mentioned in sub-rule (6), the Regional Commission or the Central Commission, as the case may be, shall dispose the matter in the following manner:-

(a) if there is one application for one vacant post mentioned in the list as published under sub-rule (1) of rule 6, –

(i) in case of intra-regional transfer, the Regional Commission shall finally decide the matter and forward the name of the incumbent to the Central Commission for formal recommendation, to such vacant post opted by such incumbent,

(ii) in case of inter-regional Transfer, the Central Commission shall finally decide the matter and recommend for transfer of the incumbent to such vacant post opted by such incumbent;

(b) if there is more than one application for one vacant post mentioned in the list as published under sub-rule (1) of rule 6,-

(i) in case of intra-regional transfer, the Regional Commission may consider all such applications and finally decide the matter in favour of that applicant who will secure highest marks amongst the applicants for that particular vacant post and the marks shall be allotted in the manner mentioned in column (3), in case of Teacher, or in column (4), in case of non-teaching staff, of the Table below and forward the name of the incumbent to the Central Commission for formal recommendation, to such vacant post opted by such incumbent,

(ii) in case of inter-regional transfer, the Central Commission shall finally decide the matter of transfer in favour of that applicant who will secure highest marks amongst the applicants for that particular vacant post and the marks shall be allotted in the manner mentioned in column (3), in case of Teacher, or in column (4), in case of non-teaching staff, of the Table below and recommend for transfer of the incumbent to such vacant post opted by such incumbent:-

Sl. No.	Particulars	Teacher	Non-teaching Staff
(1)	(2)	(3)	(4)
1.	Seniority of each completed year in case of Teacher, experience in present school and post till last date of application; or in case of non-teaching staff, experience in present school and post till last date of application;	2 (two) marks for each completed year till 31 -12-2005 not exceeding 20 marks and 1 (one) mark for each completed year after that fraction of 6 months will be awarded by half of the marks allotted for the year.	2 (two) marks for each completed year till 31 -12-2012 not exceeding 20 marks and 1 (one) mark for each completed year after that fraction of 6 months will be awarded by half of the marks allotted for the year.
2.	Female Teacher or non-teaching staff without children bellow 10 years of age; or Female Teacher or non-teaching staff having	3 (three) marks in addition to the marks awarded in serial No. 15 (five) marks in addition to the marks awarded in serial No.1	3 (three) marks in addition to the marks awarded in serial No. 15 (five) marks in addition to the marks awarded in serial No.1

	child below the age of 10 years (age till last date of application)		
3.	Physically handicapped (disability 40% or more) Teacher or non-teaching staff	05 (five) marks in addition to the marks awarded in above categories (Certificate to be attached with the Application Form)	05 (five) marks in addition to the marks awarded in above categories (Certificate to be attached with the Application Form)
4.	Distance from present Posting for a Teacher or non-teaching staff	<p>Distance in kilometers from the place of residence and to the place of posting recorded in the recommendation letter issued by West Bengal School Service Commission or recorded in the Service Book will be taken into account for awarding 1 (one) marks for every 50 KMs distance. However, total marks will not exceed more than 6(six) marks. Any change in the Service Book in this regard will be required to be supported with any one of the following documents in the name of the teacher or his/her spouse.1) EPIC (Voter Card)2) Aadhaar Card</p> <p>3) Passport</p> <p>4) Landline or postpaid bill of mobile telephone</p> <p>5) Electricity bill</p> <p>6) Bank Passbook</p> <p>7) Driving License</p> <p>Distance calculated by the West Bengal School Service Commission will be final and no appeal for fresh calculation will be entertained.</p>	<p>Distance in kilometers from the place of residence and to the place of posting recorded in the recommendation letter issued by West Bengal School Service Commission or recorded in the Service Book will be taken into account for awarding 1 (one) marks for every 50 KMs. distance. However, total marks will not exceed more than 6(six) marks. Any change in the Service Book in this regard will be required to be supported with any one of the following documents in the name of the teacher or his/her spouse.1) EPIC (Voter Card)2) Aadhaar Card</p> <p>3) Passport</p> <p>4) Landline or postpaid bill of mobile telephone</p> <p>5) Electricity bill</p> <p>6) Bank Passbook</p> <p>7) Driving License</p> <p>Distance calculated by the West Bengal School Service Commission will be final and no appeal for fresh calculation will be entertained.</p>
5.	In case of two or more Teachers or non-teaching staff securing same marks under the above- mentioned serial Nos.	Senior in age shall get priority over seniority in service.	Senior in age shall get priority over seniority in service.

Note — If one candidate shall secure highest marks in case of two or more vacant posts, he/she shall be allowed transfer only for one post as the Commission may decide strictly as per his/her priority of choice for vacant posts given in his/her application. In this case, his/her right of transfer in rest cases where he/she may get highest marks shall be ceased automatically.

(9) The recommendation/order of rejection of the Central School Service Commission, as the case may be, mentioned in sub-rule (7) of rule 6, shall be communicated by the Central Commission to the incumbent concerned, to the Regional Commission, to the Secretaries of the Managing Committees of the Schools concerned or the Administrators of the Schools concerned, as the case may be, and to the concerned District Inspector of Schools (Secondary Education) with a copy to the Director of School Education.

(10) The Secretary of the Managing Committee or the Administrator of the concerned school, as the case may be, shall, on receipt of recommendation of the Central Commission through the District Inspector of Schools (Secondary Education) with specific instruction to release the incumbent in whose favour the recommendation has been made, preferably within a period of 30 (thirty) days from the date of receipt of such recommendation and shall communicate to the Central Commission and the Regional Commission about such release within one month of such release.

The concerned District Inspector of Schools (Secondary Education) may, under any unavoidable circumstances, extend the joining time for further 30 days. The Central Commission shall have the power to extend the joining time for a further period on receiving application from the candidate who is under approNote — If one candidate shall secure highest marks in case of two or more vacant posts, he/she shall be allowed transfer only for one post as the Commission may decide strictly as per his/her priority of choice for vacant posts given in his/her application. In this case, his/her right of transfer in rest cases where he/she may get highest marks shall be ceased automatically.

(11) When the teacher is released and the joining time has been extended, the teacher shall submit one communication for joining, report of leave status and other documents required for joining in the new school. Otherwise, the salary will remain stopped till the teacher joins physically.

(12) After release of a teacher or non teaching staff the concerned releasing school shall intimate the nature of the vacancy to the concerned District Inspector of Schools (Secondary Education) within 15(fifteen) days maintaining 100 point roster and District Inspector of Schools (Secondary Education) shall inform the vacancy to the Director of School Education within 30(thirty) days. The West Bengal School Service Commission shall arrange for recruitment of Teacher/ Nonteaching staff as per recruitment rules. There shall not be any lien in the previous post.

(13) A leave with pay for a maximum period of 5 (five) days including holiday, if any, shall be granted by the school concerned where the incumbent will join on General Transfer. The new school will issue appointment letter to the teacher and will inform the West Bengal School Service Commission within 15(fifteen) days of joining. The salary for the leave period will be drawn by the new school if it was not drawn by the old school.

(14) No claim whatsoever for financial assistance towards traveling allowance or cost of transportation etc., shall be made by the incumbent in whose favour a recommendation of transfer has been made by the Commission.

(15) The District Inspector of Schools (Secondary Education) concerned shall, after obtaining papers of General Transfer from the School Managing Committee or the Administrator of the school, as the case may be, issue fresh approval of appointment to the incumbents who join in the post of the respective school. The joining time shall be recorded in the approval memo issued by the District Inspector of Schools (Secondary Education).

(16) The School Education Department shall issue order clarifying procedure for adjustment of leave, salary and other service matters in relation to the General Transfer.

7. Procedure for General Transfer on Special ground under rule 4(1)(a) and rule 4(1)(b)

(1) The teacher shall submit application with sufficient documents for consideration of the Managing Committee in connection with the transfer on medical ground.

(2) The Managing Committee may, after examination of the prayer and after receiving views of the Medical practitioner of the committee, forward the prayer with resolution to the District Inspector of Schools (Secondary Education) who will forward after verification of vacancy as per option submitted by the teacher and non-teaching staff where he/she may desire to be transferred, to the School Education Department.

(3) The School Education Department may, after proper examination, recommend the prayer to the West Bengal School Service Commission and in case of inter-district reallocation of service, the Department shall cause necessary enquiry on vacancy report.

8. Area/region for General Transfer

A General Transfer of a candidate may be intra-region, or inter-region, or intra-district, or inter-district, as the case may be, covering the whole of the State of West Bengal.

9. Admissibility of General Transfer

Every teacher and non-teaching staff will get the benefit of General Transfer/Mutual Transfer once in his/her entire service period.

10. Procedure of submission of application of General Transfer in respect of non-teaching staff including librarian

In case of non-teaching staff and librarian desirous of General Transfer under the provisions of these rules, the provision of this rule shall apply, mutatis mutandis.

11. Report of General Transfer to be maintained by Central Commission

A status report of such General Transfer will be maintained by the Central Commission and an annual statement will be forwarded by the Central Commission to the School Education Department, Government of West Bengal.

12. Incorrect, false or fabricated application

If at any point of time it is found by any of the concerned authorities that the particulars given in the application is/are not correct or false and fabricated, appropriate action against the concerned applicant(s) shall be taken by any of the authorities relating to his/her service and his/her service can also be terminated as a result of such action.

13. Application of the rules

The rules for Managing of Recognized Non- Government Institution (Aided and Unaided) 1969 and rules for Management of Sponsored Institutions (Secondary) Rules, 1972 for the Teachers and non-teaching staff of a school shall be deemed to have been amended in respect of the matter covered under these rules from the date of commencement of these rules.

14. Non-compliance of these rules by School Managing Committee or Administrator of the school concerned, as the case may be

It shall be mandatory for the Managing Committee or the Administrator, as the case may be, of the concerned schools to issue No Objection Certificate to eligible applicant and to allow an incumbent to be released and join in the concerned school once a recommendation of transfer has been made by the Commission. Under non-compliance of the order the Department may direct the Head of the Institution to comply the order. Failure in compliance may cause removal of the Head of the institution from the membership of the Management Committee of the school for a period, as may be specified.

15. Interpretation

Any dispute in this regard shall be referred to School Education Department by the West Bengal School Service Commission and decision of Government of West Bengal in the School Education Department, shall be final.

By Order of the Governor.

Sd/- ARNAB ROY
Secretary to the Government of West Bengal

West Bengal Board of Secondary Education (Conduct and Discipline of Teachers and Non-teaching staff) Regulations, 2004 with all Amendments

In exercise of the power conferred by clause (gg) of sub-section (2), read with sub-section (3), of section 27 of the West Bengal Board of Secondary Education Act, 1963 (West Ben. Act. V of 1963) (hereinafter referred to as the said Act), and in supersession of all earlier notification, orders or circulars issued on the subject, the West Bengal Board of Secondary Education, with the previous approval of the State Government, hereby makes the following regulations relating to conduct and discipline of teachers and non-teaching staff of recognized Institutions, namely:

Regulations

1. Short Title, Application and Commencement

(1) These regulations may be called the West Bengal Board of Secondary Education (Conduct and Discipline of Teachers and Non-teaching staff) Regulations, 2004.

(2) They shall apply to all teachers and non-teaching staff of recognized Institutions.

(3) They shall come into force from the date of their publication in Official Gazette.

2. Definitions

(1) In these regulations, unless there is anything repugnant in the subject or context:

(a) "The Act" means the West Bengal Board of Secondary Education Act, 1963 (West Bengal Act V of 1963);

(b) "appointing authority" means the authority empowered to declare a post of a teacher and non-teaching staff vacant and also to fill-up such under the Acts or rules or regulations framed thereunder;

(c) "approved" means the post of teacher and non-teaching staff duly sanctioned and approved by the director or by an officer authorised by him in this behalf, or as the case may be, by the Board;

(d) "Board" means the West Bengal Board of Secondary Education established under the West Bengal Board of Secondary Education Act, 1963 (West Ben. Act V of 1963);

(e) "Committee" means the Managing Committee of the Institution as defined in clause (d) of section 2 of the Act;

(f) "Council" means the West Bengal Council of Higher Secondary Education established under West Bengal Council of Higher Secondary Education Act, 1975 (West Bengal Act VIII of 1975);

(g) "disciplinary authority" means the authority empowered or entrusted under the Management of Recognized Non-Government Institutions (Aided and Unaided) Rules, 1969, to draw up disciplinary proceedings against a teacher or non-teaching staff for misconduct or dereliction of duty and includes the appointing authority;

(h) "dereliction of duty" means proved incompetence or misbehaviour of, or indifference to or wilful negligence of duties by a teacher or non-teaching staff;

(i) "Director" means the Director of School Education, West Bengal;

(j) “Government” means the Government of West Bengal in the School Education Department;

(k) “misconduct” includes dereliction of duty and any act or omission which runs counter to the code of conduct and discipline of teacher and non-teaching staff under these regulations;

(l) “non-teaching staff” means approved member of the staff other than teachers of an Institution;

(m) “State” means the State of West Bengal;

(n) “teacher” means any member of the teaching staff whose appointment has been approved and includes the Head of Institution.

(2) Words and expressions used and not defined in these regulations, but defined in the Act or any rules framed thereunder, shall have same meaning as respectively assigned to them in the said Act or the rules.

3. General

Every teacher and non-teaching staff of the recognized Institutions shall, at all times, maintain a very high standard of integrity, impartiality and devotion to duty having full regard to the high position held by them in the society and to set a standard of dress, speech and behaviour worthy of example to the students.

Note 1.—Devotion to duty implies obedience, Sincerity, carefulness and reasonable competence in the discharge of duties.

Note 2.—Integrity implies honesty and uprightness.

4. Improper and unbecoming conduct

No teacher or non-teaching staff shall behave in a manner, which is improper and unbecoming of a teacher or a non-teaching staff and derogatory to the prestige of the Institution, the State and the Nation.

5. Prohibition relating to gambling or consumption of intoxicant

Every teacher and non-teaching staff shall:

(a) strictly abide by law relating to gambling;

(b) strictly abide by law relating to intoxicating drinks or drugs, or smoking during the course of his duty in the premises of the Institution or in any public place;

(c) not be under the influence of any intoxication drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug;

6. Case in which teacher or non-teaching staff has personal interest

No teacher or non-teaching staff shall, in discharge of his official duties, be guided by his personal interest, if any, affecting discharge of such official duties.

7. Private trade or employment

(1) Save as otherwise provided under these regulations, no teacher or non-teaching staff shall engage in any business, trade undertaking or money lending agency and undertake any employment other than his service directly or indirectly, or use his position to help such business, agency or undertaking.

(2) A teacher or non-teaching staff may undertake any honorary work of social and charitable nature without hampering his duties towards the Institution.

(3) A teacher or non-teaching staff may, with the permission of his appointing authority, undertake writing or publication of books or take part in any performing art or in any work of scientific character by himself or jointly with others and may receive reasonable remuneration for such work of which proper account shall be furnished before the authority to whom he is subordinate:

Provided that such work shall not include publication of key or note or help books, by whatever names these may be called, in respect of textbooks approved by the Board or the Council.

8. Bar to private tuition

No teacher shall engage himself in any sort of private tuition for personal gain within or outside the premises and working hours of the Institution, excepting participation in a coaching or special camp organised by the Institution for further development of students for scholastic and co-scholastic activities.

9. Employment of official subordinates

No teacher shall employ any official subordinate staff on regular domestic work or for his personal service.

11. Collective functioning

Every teacher shall practise, promote and encourage collective functioning in the interest of academic and administrative efficiency of the Institution and achievement of national goal.

12. Guardian meeting

Every teacher shall attend guardians meeting provided he/she is directed to do so by the Head of Institution and shall account for any matter raised by guardians.

13. Conduct towards guardian and students

(1) No teacher shall ask a student to participate in any private programme without permission of his guardian, if the same is held on holidays, and without the permission of the Head of Institution, if the same is held on working days.

Provided that if the guardian or the Head of Institution, as the case may be, permits such participation, the concerned teacher shall be responsible for safety, security and well being of the student till the student returns to his guardians.

(2) No teacher shall force any student against his desire to participate in any programme in which the Institution is taking part.

14. Attendance and sincere discharge of duties etc.

Every teacher and non-teaching staff shall abide by the orders or circulars issued by the concerned authority as to punctuality, regular attendance, attendance at assembly prayer, taking allotted classes, completion of syllabus and other instructions contained in such orders or circulars.

15. Unauthorised absence to be treated as misconduct

Absence without leave, overstay after expiry of leave, leaving the Institution without permission from the Head of Institution during working hours, by the teachers and non-teaching staff may be treated as misconduct.

16. Conduct pertaining to Examinations of Institution

(1) Every teacher shall, to the best of his abilities, perform his duties as may be assigned to him by the competent authority pertaining to the examinations held by the Institution, including preparation of question papers, evaluation of answer scripts preparation of mark sheets and invigilation.

(2) Every non-teaching staff shall sincerely render his services for holding such examinations of the institution.

(3) Inducement by any teacher or non-teaching staff to any unfair practices by students in any dishonest activity shall be construed as dereliction of duty by such teacher or non-teaching staff, as the case may be.

17. Conduct pertaining to Secondary Examination and Higher Secondary Examination

(1) Every teacher and non-teaching staff shall perform such duties as may be entrusted to him by the concerned Officer-in-charge of the Centre committee pertaining to Secondary Examination and Higher Secondary Examination.

(2) Every teacher shall, if so entrusted by the Board or, by the Council, as the case may be, evaluate answer scripts of the examinations instituted by such Board, or the Council and shall strictly follow the guidelines prescribed by it.

18. Conduct pertaining to other Examination

(1) A teacher or non-teaching staff shall, if and when desired by the Head of Institution, perform such duties for the conduct of public examinations other than the examinations referred to in regulation 16 and regulation 17, as may be entrusted to him by the concerned authority pertaining to such examinations.

(2) A teacher or non-teaching staff shall be entitled to receive such remuneration as may be provided for conducting the public examination referred to in sub-regulation (1).

19. Disciplinary proceeding for non-participation in conduct of examination

Non participation of a teacher or non-teaching staff in the conduct of any examination, which may:

(a) cause suffering to the students, or

(b) tarnish sanctity of examination and the education system, or

(c) cause financial loss or any other loss to the Institution, the Board or the Council, or the Government

(d) may tantamount to dereliction of duty by such teacher or non-teaching staff and shall be liable to disciplinary proceedings.

20. Participation in programmes launched by Central or State Government or by Board or Council or Institution

(1) Every teacher or non-teaching staff may, if permitted by the concerned school authority, participate in programmes organized by the Government of India or the State Government or the Board or the Council or the Institution for promotion of education or cultural or moral value and may also attend events like workshop or seminar etc. as and when organised by them.

(2) Every teacher and non-teaching staff shall participate collectively and individually in national programmes or events like Republic Day, Independence Day, and cultural events like drama, sports, and exhibitions etc., held within the Institutions, and extend his support to the best of his ability in the interest of joyful learning by the students and to generate a congenial atmosphere in the Institution.

21. Inflicting punishments to students

(1) No teacher or non-teaching staff shall inflict any punishment on a student, which is barred by the Government or by the Head of Institution.

(2) Every teacher and non-teaching staff shall be extremely careful in handling student's behaviour so that mental and physical injury to the student is avoided.

(3) Every teacher shall, if necessary, make endeavour to take remedial approach towards the students with the help of co-teachers, Head of Institution and guardians, so that a student's learning process is not disturbed.

22. Maintenance of respectful environment

(1) Every teacher and non-teaching staff shall endeavour to attain and maintain a cordial atmosphere in and outside the institution with respect to one another and also with the members of the Managing Committee.

(2) Every teacher and non-teaching staff shall endeavour to attain and maintain a cordial relation with students.

(3) No teacher and non-teaching staff shall indulge in any activity, which may cause disaffection amongst the teachers, non-teaching staff and students on the basis of religion, caste, gender, community, profession etc.

(4) No teacher and non-teaching staff shall induce or influence any colleague or a student to participate, directly or indirectly, in violent, hateful, secessionist, terrorist or communal activity.

23. Appearance before authority and production of records

Every teacher and non-teaching staff shall abide by the instructions of any authority, legally authorised to do so, to appear before him and to produce records with permission of the Head of the Institution, if these pertain to matters of the Institution.

24. Submission of petitions to higher authorities to express grievances

Every teacher and non-teaching staff shall submit any petition to the Head of Institution first and if the request mentioned in such petition is not redressed within a reasonable time, it may be brought to the knowledge of the appointing authority or to the concerned higher authority.

25. Submission of applications for appearing at any examination

Every teacher or non-teaching staff shall submit an application for appearing at any examination to the appointing authority and seek prior approval of the concerned District Inspector of Schools (SE), if there is any financial involvement.

26. Participation in democratic processes

(1) Every teacher or non-teaching staff may, subject to the rules, regulations or orders for the time being in force, take part in any democratic process, including contesting election to the Parliament, Legislative Assembly, Local government, Statutory body, or voluntary organization without hampering his/her duties towards the institution.

(2) Every teacher or non-teaching staff may from association for their academic, professional or service interest.

27. Initiation of disciplinary proceeding

(1) (a) If a teacher or a non-teaching staff is found responsible for any misconduct, the disciplinary authority may, where the misconduct is not grave or criminal in nature, give him reasonable opportunity for rectification of such misconduct.

(b) The teacher or non-teaching staff may, if necessary in the process of rectification, take assistance of the Staff Council of the Institution.

(c) In case the misconduct is grave or criminal in nature, the disciplinary authority may draw up disciplinary proceeding in the manner prescribed under the Management of Recognized non-Government Institutions (Aided and Unaided) Rules, 1969.

(2) Notwithstanding anything contained in these regulations the Board may direct the disciplinary authority of any Institution to initiate disciplinary proceeding against a teacher or a non-teaching staff for dereliction of duty or misconduct committed by him in the course of holding of any examination conducted by the Board and if the disciplinary authority fails to do so, the Board may, of its own motion, take steps for drawing up disciplinary proceedings against him and its decision shall be binding upon the concerned teacher or non-teaching staff as well as on the concerned disciplinary authority.

(3) The Council may, with suitable evidence, request the Board to proceed against a teacher or non-teaching staff of an Institution for dereliction of duty or misconduct committed by him in the course of holding of any examination by the Council and the Board shall proceed under sub-Regulation (2) of this regulation.

28. Penalties

The disciplinary authority may inflict any one of the penalties, as mentioned below, upon a teacher or a non-teaching staff after going through the process as prescribed for disciplinary proceedings:

(a) Censure ; or

(b) withholding of one or more (not exceeding three) annual increments ; or

(c) Compulsory retirement with appropriate rate of pensionary benefits ; or

(d) dismissal from service.

Note 1.—Penalties should be proportionate to the gravity of misconduct.

Note 2.—Penalties inflicted, excepting censure, with clearance from the Board shall be recorded in the Service Book of a teacher or non-teaching staff held guilty of misconduct.

29. Appeal

An appeal against any order of penalty inflicted upon a teacher or non-teaching staff shall be made to the Appeal Committee of the Board in the manner prescribed under the West Bengal Board of Secondary Education (Manner of Hearing and Deciding Appeals by Appeal Committee) Regulations, 1964 and in case of sponsored institutions, appeal should be preferred to the Director of School Education.

30. Prosecution under Prevention of Corruption Act, 1988

Notwithstanding anything contained in any other provisions of these regulations, if any teacher or non-teaching staff commits any misconduct as laid under the provisions of the Prevention of Corruption Act, 1988 (49 of 1988), he shall be liable to be prosecuted as per the provisions of that Act.

31. Interpretation

If any question arises relating to the interpretation of any provision of these regulations, such question shall be referred to the Board and the decision of the Board shall be final:

Provided that the Board may, if it considers necessary, seek the opinion of the Government on such question.

32. Savings

Any action taken in relation to the misconduct of any teacher or non-teaching staff under any Act, rules or orders for the time being in force before commencement of these regulations shall be treated as valid and duly enforceable.

Sd/- DIBYENDU BIKAS HOTA
President, West Bengal Board of Secondary Education.

Reference:

1. S/18 dated 14.01.2005
2. S/120 dated 30.05.2005

Management of Recognized Non Government Institutions (Aided and Unaided) Rules, 1969 with all Amendments

Rules for Management of Recognized Non-Government Institutions (Aided and Unaided) 1969, as per Government Notification No. 1598-Edn(S) dated 15th July, 1969, published in the Extraordinary issue of the Calcutta Gazette dated July 15, 1969, including the amendments made thereto in State Government Notification No. 41-Edn(S)/8B-12/72 dated 8th January 1974 published in the Extraordinary issue of the Calcutta Gazette dated 11th January, 1974, Government Notification No. 1541-Edn(S) dated December 15, 1977 and Government's Notification No. 2675-Edn(S) dated December 19, 1978 and amendments made under State Government's Notification No. 855-Edn(S) dated December 23, 1980 and published in the Extraordinary issue of Calcutta Gazette dated January 5, 1981, Notification No. 640 Edn(S) dated June 26, 1981. Notification No. 114-Edn(S) dated 3rd March 1982 and Notification No. 777-Edn(S) dated 9th August, 1984.

1. SHORT TITLE

These rules may be called the Management of Recognized Non Government Institutions (Aided and Unaided) Rules, 1969.

2. DEFINITIONS

In these rules unless there is anything repugnant to the context-

(a) "the Act means the West Bengal Board of Secondary Education Act, 1963 9West Bengal Act V of 1963), as amended;

(b) Institution means an institution as defined in clause (c) of Section 2 of the Act and recognized under the Act or within the meaning of the West Bengal Secondary Education Act, 1950 (West Bengal Act XXXVII of 1950);

(c) "Committee" means Managing committee as defined in clause (d) of Section 2 of the Act;

(d) The expression 'Board and Head of institution' shall have the same meaning as in the Act;

(e) "Director" means the Director of School Education, West Bengal;

(ee) "Executive Committee" means the Committee Constituted under clause (aa) of Section 18 of the Act;

(f) "Non-Government" in relation to an Institutions means an Institution which is not maintained or managed by the State Government, the Union Government or the Railway Board;

(ff) 'Sanctioned post' means the post of teaching or non-teaching staff sanctioned by the Director or by an officer authorized by him in this behalf;

(g) "Sponsored Institution" mean an Institution which is declared as such by the State Government by a Notification published in Official Gazette;

Provided that an institution shall not be declared as a sponsored institution unless it is -

(i) Established by the State Government with or without aid or co-operation from others, or

(ii) taken over by the State Government with the constant of the majority of persons for the time being in charge of its management for its being maintained by the State Government insofar as its financial deficit is concerned, completely by grant-in-aid.

3. COMMITTEE

Every recognized Non-Government Institution shall have a Committee to be constituted in the manner for the purpose here in after appearing.

NOTE: Higher Secondary Classes, namely Class XI and XII recognized by the West Bengal Council of Higher Secondary Education shall be treated as an integral part of the Institution under one and the same Committee and shall be governed by the rules prescribed hereunder.

4. REGISTER OF VOTERS

(1) A register of eligible voters for the constitution of the Committee shall be prepared by the Head of Head of an Institution in consultation with the members of the existing Committee, if there is any, in a meeting to be convened by the Head of the Institution for the purpose, with clear days' notice to be served by registered post with acknowledgement due and shall after such consultation, be revised annually. The register shall provisionally closed on the 15th day of March every year. It shall be open to public inspection for at least one month from that date and shall be finally closed on the last day of April every year with such revision as may be made by the head of Institution in consultation with the members of the Committee. In case there be any dispute between the Head of Institution and the majority of the members of committee, the matter shall be referred to the District Inspector/Inspector of Schools concerned and his/her decision in the matter shall be final.

(2) In the year which an election for the constitution or reconstitution of the Committee falls due, such register of eligible voters shall be provisionally closed and the electoral rolls published simultaneously on the notice board of the institution not less than one month before the date of selection. The register of eligible voters shall be finally closed not less than fifteen days before the date of election with such revision as may be made by the Head of Institution in consultation with the member of Committee. In case of dispute between the Head of Institution and majority of the members of the Committee, the procedure laid down in sub rule (1) shall be followed,

(2a) The programme in detail for the purpose of holding election for constitution or reconstitution of the Committee shall be prepared by the Head of the Institution and got approved by the Committee. The election programmed and provisional voters 'list shall be got approved by the Committee in the meeting to be convened by the Head of the Institution for the purpose.

(2b) in case Head of the Institution fails or neglects to convene the meeting for the purpose of approving the election programmed in detail for holding election for the reconstitution of the Committee or to conduct election as per approved election programmed, the Secretary, with approval of the Committee, shall forthwith report the matter District Inspector of Schools concerned. The District Inspector of the Schools may, after due consideration, entrust all work pertaining to the election of the Committee including the preparation of voter's list, duties of Scrutiny officers, or appointment of Election Officers, etc. to the Assistant Headmaster/ Assistant Headmistress, or if there be no Assistant headmaster/ Assistant Headmistress, to the senior most approved Assistant teacher of the Institution, and in that event actions may be taken against the Head of Institution by the Committee in terms of Clause (via) of sub rule (9) of Rule 28:

Provided that where Head of Institution fails to get the election programmed and/or voters' list approved by the Committee in time due to lack quorum or for other reasons beyond his/her control, the election program and the voters 'list may be get approved by the District Inspector of Schools concerned. The District Inspector of Schools, before approving the election programme, shall satisfy himself about the correct position of the case.

(2c) In the event case referred to in sub rule (2b), the Board shall have the power to appoint a Scrutiny Officer, and/or Election Officer, if necessary, to perform the work relating to the election for reconstitution of the Committee at all stages and shall give such direction, as may be necessary, for the holding of election for constitution or reconstitution of the Committee of the Secondary Schools.

(3) After the election has been completed the register shall be reopened for making fresh entries.

5. PARTICULARS IN THE REGISTER OF VOTERS

The Register of eligible voters shall contain the names of (i) all guardians whose names are entered as such in the Admission Register (ii) founders of the Institution who been recognized as such from the inception of the institution.

Explanation – For the purpose of this rule -

(1) An employee of the institution who is also a guardian, or founder shall be entitled to have his name registered as a guardian or as a founder, as the case may be, but shall not be eligible to stand for election to any of the categories other than category (v) referred to in Rule 6, although he/she shall have the right to vote as guardian or under, as the case may be;

(2) [Omitted Vide Notification No. 777 Edn(S) dt. 9.8.1984]

Note: (a) the term “guardian” means father or mother, or, in the absence of both by death or disappearance, one of the following relations in the order stated, namely grandfather, grandmother, brother, sister, paternal uncle and maternal uncle. In the absence of all such relations, any other relation with whom ward is actually residing shall be the guardian. But no one shall be the guardian if he/she is below 21 years of age and whose name does not occur in the admission Register.

(b) the term ‘founder’ means a person who has been recognized as such by the First Committee of the Institutions constituted according to the rules after recognition by the appropriate authority, and his/her name has occurred as founder in the voters’ list for constitution and successive reconstitution, if any, of the Committee since its inception and on the death of founder, his/her son or other heir shall not be entitled to be treated as founder unless his/her right to be so treated has been recognized in any registered deed executed by the founder and accepted by the First Committee as aforesaid and approved by the University of Calcutta or the West Bengal Board of Secondary Education. In case of any dispute, the matter shall be referred to the executive Committee whose decision thereon shall be final.

6. COMPOSITION OF THE COMMITTEE OF AN INSTITUTION OTHER THAN THAT SPONSORED BY THE STATE GOVERNMENT

The Committee shall consist of the following members:-

(i) one founder to be chosen in the manner provided in Rule 6A;

(ii) one Life –Member, if any, to be selected or nominated in the manner laid down in Rule 6A;

(iii) four guardians in the case of institutions having classes XI and XII recognized by the West Bengal Council of Higher Secondary Education and/or X-Class High Schools and two guardians in the case of Junior High Schools, to be elected or nominated, as the case may be, in the manner laid down in sub-rule (2) of Rule 6A;

(iv) one person interested in education (to be opted) in the manner laid down in clause (i) of sub rule (3) of Rule 6A:

Provided that in case of an institution located within the jurisdiction of a Panchayat, one person interested in education shall be nominee of the local Panchayat Samity. The person so nominated shall be resident of the locality within the jurisdiction of the said Panchayat Samity;

(v) three teaching staff except Head of an institution and one non-teaching staff in case of an institution with Higher Secondary Classes (XI and XII) recognized by the West Bengal Council of Higher Secondary Education and/or a X-class High School and two members from among the teaching and non-teaching staff in the case of Junior High School, to be elected in the manner prescribed in Clause (i) of sub-rule (4) of Rule 6A;

(vi) one member of the Committee shall be nominated by the Director or by an officer authorized by him in this behalf;

(vii) Head of the institution (ex-officio).

Provided that no person shall be eligible to represent more than one category.

6A. MANNER OF INFORMATION OF COMMITTEE

(1) Person whose names are entered in the register of eligible persons as founder shall be the member of the Committee, one at a time by rotation, according to the procedure to be determined by the Director or by an officer authorized by him in this behalf:

(i) If a person has paid not less than Rs. 20000/- or its equivalent to the Institution, he shall be Life-member of the Committee during his life time or shall have right of nominating a person as a member on the Committee. But a person who has donated Rs. 10,000/- or more in case or kind immediately preceding the date of issue of Notification No. 855-Edn(S), dated the 23rd December, 1980, Shall, however, continue as a Life-Member of the Committee :

Provided that when there are more than Life-Member and the Life-member selected by the rotation by the director or by an officer authorized by him in this behalf, declines to serve on the Committee, the Director or the officer authorized by him in this behalf may select any other Life-member from the panel, who is willing to serve on the committee;

(ii) A person nominated by a Life-Member shall cease to be a member of the Committee on the death of the Life-Member;

(iii) [omitted vide notification No. 777-Edn(S) dt. 9.8.1984]

(2) Persons whose names are entered in the register of eligible voters as guardians shall elect from among themselves to the Committee four members in case of Schools with Higher Secondary Classes (Classes XI and XII) recognized by the west Bengal Council of Higher Secondary Education and or X-class High Schools and two members in the case of Junior High Schools:

Provided that incase of Girls' Institution, one of the seats for guardians, where there is one or more female guardians, shall be reserved for a woman and if no female guardian is elected, the seat shall be filled up by nomination from among the female guardian included in the voters 'list in the category of guardians by the District Inspector of Schools concerned.

Provided further that the member to be nominated by the District Inspector of Schools under the first proviso shall be placed by the District Inspector of Schools concerned within thirty days from the date of election of members from different categories. The head of the institution shall, in case of default on the part of the District Inspector of Schools, inform the Executive Committee of the matter immediately after the expiry of the period referred to above and, in that event the Executive Committee shall take such action in consultation with the Director as it deems fit.

(3) (i) one person interested in education shall co-opted in the meeting convened for the purpose of co-option by the elected, nominated and ex-officio-members and the Life-Member, if any of the newly-constituted Committee provided that the person concerned expresses his/her consent before such co-option in writing to the Head of Institution for serving on the Committee as co-opted member. Such co-opted member shall enjoy all the rights of duly-elected member of the Committee and shall be eligible for election as office-bearer.

Provided that in the case of an Institution situated within the jurisdiction of a Panchayat, a person interested in education shall be nominated by the Local Panchayat Samity.

Provided further that the member to be nominated by the Local Panchayat Samiti under the first proviso shall be placed by the Local Panchayat Samiti within thirty days from the date of election of the member from different categories. The Head of Institution shall, in case of default on the part of the Local Panchayat Samiti, inform the Executive Committee of the matter immediately after the expiry of the period referred to above and, in that event the Executive Committee shall take such action as it deems fit.

(ii) the Head of newly recognized institution shall prior to the election of office bearers, convene a meeting of the elected, nominated and ex-officio members and the Life member, if any, of the newly constituted Committee and consider the name(s) of founder(s) of the institution as required clause (b) of the Note below rule 5:

Provide that in case of an institution in an urban area, the Head of newly recognized institute shall, prior to the date of election of office bearers, also consider the name(s) of founder(s) of the institution and approve the same as indicated in clause (b) of Note below rule 5, at a meeting of the elected, nominated and ex-officio members and Life member, if any, convened for the purpose of cooption of a person interested in education as provided in clause (i) of sub rule (3) of rule 6A.

(4) (i) The members of teaching and non-teaching staff of an Institution shall elect jointly three members from among the teaching staff (except the Head of an Institution and one member from among the non-teaching staff to the Committee, if it is an Institution with Higher Secondary Classes (XI and XII) recognized by the West Bengal Council of Higher Secondary Education and or a X class High School, and those of a Junior High School shall elect jointly two members from among the teaching staff to the Committee.

Explanation:-

Members of the teaching and non-teaching staff mean whole time members of the teaching and non-teaching staff working against sectioned post or additional sanctioned post, including probationers who have completed at least four months' continuous service on the date of election.

(ii) Immediately after the election, the same electorate shall elect to the Finance Sub-Committee one member from among the members elected to the Committee under clause of sub rule (4).

(5) In case of any dispute the matter shall be referred to the Executive committee whose decision in the matter shall be final.

Rule 7 Omitted.

8. POWER OF THE EXECUTIVE COMMITTEE TO APPROVE AND SUPERSEDE COMMITTEE, APPOINT ADMINISTRATOR OR ADHOC COMMITTEE AND TO GRANT SPECIAL CONSTITUTION

(1) The constitution of committee shall be subject to the approval of the Executive Committee and the Executive Committee shall have the power to supersede a Committee that has, in its option, not been

functioning properly and to appoint an Administrator or an Ad-hoc Committee to exercise the powers and perform the function of the Committee:

Provide that before superseding Committee under this rule the Executive Committee shall have due regard to the report of the Director and shall afford a reasonable opportunity to the Committee to present its case before the Executive Committee:

(1a) The Executive Committee shall have also power to appoint an Administrator or ad-hoc Committee in respect of any institution where the term of the Committee has expired, but the Committee has not been reconstituted for any reason whatsoever.

(2) An Administrator or ad-hic Committee, appoint under sub-rule (1) or sub-rule (1a), shall exercise the power and perform the functions of the superseded Committee or of the Committee whose term has expired, as the case may be, ordinarily for one year and the Executive Committee may, by order, extend in special circumstances, the term of office of the Administrator or the Ad-hoc Committee, as the case may be, by a further period, not exceeding six months at a time so, however, that the total period shall not exceed two years and the Administrator or the Ad-hoc Committee, as the case may be, shall take steps to reconstitute the Committee under these rules before expiry of the term of office of the administrator or the Ad-hoc Committee, as the case may be.

In exceptional circumstances which are beyond the control of the Administrator or the Ad-hoc Committee, the term may, on the application of the Administrator or the Ad-hoc Committee, be extended by the Executive Committee for such period as the Executive Committee deems fit.

(3) Notwithstanding anything contained in these rules, the Executive Committee shall have the power to approve. On the application of any institution or class of Institutions, of the special constitution of a Committee in favour of such Institution or class or Institutions and in approving the special constitution of a Committee. The Executive Committee shall pay due regard to the recommendations of the Director, if any. While granting special constitution in favour of an Institution or a class of Institutions, the Executive Committee shall ensure that representation of the members of the teaching and the non-teaching staff, guardians and the member nominated by the Director or an office authorized by him in this behalf, is made according to clause (iii), clause (v) and clause (vi) of Rule 6:

Provided that if Executive Committee is of opinion that a school enjoying special constitution has not been functioning properly, the Executive Committee may, after paying due regard to the recommendation of the Director, if any, amend or withdraw such special constitution of Committee and in that event, the Executive Committee may, by order, appoint an Administrator or an Ad-hoc Committee, as the case may be, to exercise the powers and perform the functions of the Committee for such period as may be specified in the order.

Management of Sponsored Institutions (Secondary) Rules, 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:

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 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.

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 fulfill 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

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;
- (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 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 cooperation 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 Ab-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 setup 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.

West Bengal Recognised Non Government Educational Institution Employees (Death-cum-Retirement Benefit) Scheme, 1981

MEMORANDUM

No. 136-Edn. (B), Dated: 15.05.1985

1. The Second Pay Commission, set up by the Government of West Bengal in terms of Finance Department Resolution No. 9716-F, dated, 16.11.77 made recommendations for allowing retirement benefits to the teaching and non-teaching employees of different educational institutions.

2. After careful consideration of the recommendations, the Governor is pleased to direct that retirement benefits at the rates described in the West Bengal Recognised Non-Government Educational Institution Employees (Death-cum-Retirement Benefit) Scheme, 1981 enclosed as Annexure-I will be admissible to all wholetime approved teaching and non-teaching employees of the non-Government / Sponsored / Aided Institutions as shown in Statement-I. who were in active service on or after 1.4.81 to the following conditions. Persons who retired from service prior to 1.4.81 will not get these benefits.

3. (a) Same as provided in para 5(a) of this Memo. Persons recruited on or after 1.4.81 will automatically be governed by this West Bengal Recognised Non-Government Educational Institution Employees (Death-cum-Retirement Benefit) Scheme, 1981.

(b) Persons who were in service on 1.4.81 will have an option, either

(i) to continue to be governed by the existing rules governing retirement benefits, or
(ii) to come under the West Bengal Recognised Non-Government Educational Institution Employees (Death-cum-Retirement) Scheme. 1981.

4. (a) Persons willing to come under clause 3 (b)(ii) and opting for the benefit of pension-cum gratuity shall apply in writing to the head of the Institution / Organisation stating that he / she is willing to refund to Government the employer's share of contribution together with interest accrued thereon, credited against his / her Contributory Provident Fund Account and that his / her own share of contribution with interest thereon transferred to the General Provident Fund Account. The Head of the Institution / Organisation will take necessary action and intimate the Director after transferring the amount. The Head of the Institution / Organisation will maintain the General Provident fund / Contributory Provident Fund Account as the case may be. The entire fund relating to Contributory Provident Fund will be made available to the Director, the employers' share with interest would be credited to the Revenue head of Government and the employee's share will be credited to his newly opened General Provident Fund Account.

The amount of employers' share of contribution to the General Provident Fund together with interest required to be refunded or actually refunded shall have to be recorded in an appropriate space in the Service Book under proper attestation.

The Director or any Government Officer authorised by him will attest the entry in the Service Book. The period of contribution to Contributory Provident Fund should also be recorded in the Service Book.

(b) Some persons have already drawn the employer's share of contribution together with interest accrued thereon and are not able to refund the same in cash. In order to enable them to avail

themselves of the benefit of pension etc. in such cases, the employer's share of contribution together with interest accrued thereon should be refunded with interest at 5% simple on the amount actually drawn, calculated from the date of drawal of the said amount to the date of refund / adjustment, and the said amount should be adjusted against the amount of gratuity reported admissible. If there is some amount still remaining due, it should be adjusted against the amount of arrear pension to be paid to such employees of Non-Government / Sponsored/ Aided Institutions, as shown in Statement-I and thereafter, if necessary, by non-payment of pension till recovery of the total amount to be refunded.

The date of drawal, the amount of employers' share together with interest thereon should be recorded in the Service Book and the same should be attested by the Director or any Government Officer authorised by him after due verification. After full recovery of the dues including interest, the incumbents may be allowed their monthly pension. The incumbents concerned will have to give a written undertaking to the effect that they have no objection to such recovery in a form prescribed for this purpose in consultation with the Legal Remembrancer West Bengal A model form for such declaration will be forwarded to the directors in due course. The following paragraph should be added to the pension sanctioning memo:

"The pensioner having already drawn an amount of Rs. (in words) only from the Contributory Provident Fund and / or gratuity, if any, the amount along with simple interest 5% p.a. from the date of drawal of the Contributory Provident Fund money and / or gratuity to the date of deposit / adjustment has been recovered" at his / her own request, from his / her monthly pension for the period from to and the pensioner may be allowed to draw a pension of Rs. (in words) only for the month of of the year and thereafter @ Rs. (in words) per month only as sanctioned in para of the memo."

(c) The period of service for which contribution towards Contributory Provident Fund was not paid by the employer will also be taken account as qualifying service for pensionary benefits.

5. (a) The existing employees appointed prior to 1.4.81 shall be required to opt within 90 days from the date of issue of this Scheme amongst the Non-Government / Sponsored / Aided Institutions for either of the two retirement benefits mentioned in para 3 (b) above and also opt within the same period which of the benefits referred to in para 4 of the West Bengal Recognised Non-Government Educational Institution Employees (Death-cum-Retirement Benefit) Scheme, 1981, they intend to elect. Those who were appointed on 1.4.81 or after but before the circulation of the Scheme, shall also opt for the benefit referred to in para 4 of the Scheme within the same period. The employee who would be appointed after the circulation of the Scheme shall, however, opt for the said benefit at the time of their appointment. In case of the employees who may be on leave on the date of circulation of this order, the time limit of 90 days will count from the date of their return from the leave. Option once exercised, is final.

(b) The employees who were covered by Scheme but already ceased to be in employment except on the ground of dismissal, may also opt for either or the two retirement benefits and their claim for retirement benefit would be settled according to the provisions of the Scheme subject to the condition that any amount drawn by them from their respective employers on account of retirement benefits as per rules in force at the material time shall be adjusted against the retirement benefits as may be admissible under this Scheme.

The option to be exercised by the employees shall be in the enclosed form.

(c) If any employee does not opt or fail to opt within prescribed time limit, the pensionary benefits as admissible prior to 1.4.81 would be applicable to their ease.

6. In case of an employee who dies on or after 1.4.81 but before issue of this order and before

exercising an option, the pension sanctioning authority will allow the more advantages of 3 (b) (i) or 3 (b) (ii) to him / her.

7. The employee who is covered by this Scheme but who has retired from service, otherwise than on invalid pension prior to issue of this order, will be eligible to commute a portion of his pension without medical examination, provided he applies within one year from the date of publication of this Scheme. The amount of commuted value of pension in such cases will be calculated at the rate corresponding to the age on the date of receipt of the application for communication by the sanctioning authority.

8. The amount which is required to be refunded to Government shall be credited to the head "066-Contributions and recoveries towards pension and other retirement benefits-II-Other receipts-Other items" in the State Budget.

9. The charge on account of payment of Pension including Family Pension-cum-Gratuity under the above mentioned scheme will be debited to the head "266-Pension and other retirement benefits-X-Pension to Employees of State aided Educational Institutions—

(a) Pension to Employees of Primary Schools-Pensions.

(b) Pension to Employees of Secondary Schools-Pensions.

(c) Pension to Employees of other Educational Institutions / Organisations / Pensions", the opening of the head under (c) above is hereby sanctioned.

Necessary fund under the above heads will be provided in due course.

The expenditure will initially be met from Contingency Fund of the State and these transferred to Consolidated Fund under the Major head-'266-Pension etc.'

10. The Accountant General, West Bengal and the Pay & Accounts Officer, Calcutta Pay & Accounts Officer, and the Director of Pension, Provident Fund and Group Insurance, West Bengal are being informed.

11. The Government Order No. 437-Edn.(S.E) dt. 9.8.82 is hereby cancelled.

12. This order issues with the concurrence of the Finance Department vide their U.O. No. 318/Gr. J. dated 7.1.85.

By order of the Governor

Sd/- M. M. Sinha Roy
Deputy Secretary

ANNEXURE - I
SCHEME
CHAPTER I

Preliminary

1. This Scheme may be called the West Bengal Recognised Non Government Educational Institution Employees (Death-cum-Retirement Benefit) Scheme, 1981.

2. It shall be deemed to have come into force with effect from 1st April, 1981.

3. This Scheme shall apply to employees of State Government Sponsored or Aided educational

institutions (excluding D. A getting schools), as indicated in Statement-I, who were in service on 1.4.81 and also to those who were appointed after that date, provided they draw pay in the scales of pay prescribed by Government for such category of employees;

Provided further their appointments were / are duly approved by the competent authority but shall not apply to employees appointed on part-time basis or those appointed on a contract basis for specified periods or to Government servants who have been permitted lien on posts under Government or who have already retired from Government service.

4. The following retirement benefits shall be admissible under this Scheme:

Their Pension (including Family Pension)-cum-Gratuity at rates as laid down in this Scheme or Contributory Provident Fund at the rate of 8.33% (from 1.4.81)-cum-Gratuity according to option.

CHAPTER II

Definitions

5. In this Scheme unless there is anything repugnant in the subject or context —

(a) (i) "Affiliated / Approved" means recognised by the West Bengal Board of Secondary Education / West Bengal Madrasa Education Board / Dist. School Boards / West Bengal Council of Higher Secondary Education / District Inspector of Schools/ Director of Public Instruction / Director of School Education/ Director of Technical Education / Director of Library Services as the case may be—

(ii) "Approved teaching and non-teaching employees" means "employees of recognised educational Institution whose services have been approved by the authorities referred to in sub-para 5 (a) (i) above or by any officer / officer authorised by them."

(b) "Educational Institution" means Institutions approved affiliated by the West Bengal Board of Secondary Education / West Bengal Council of Higher Secondary Education / Director of Technical Education, West Bengal / Director of Library Services, West Bengal / West Bengal Madrasa Education Board / District School Board / Director of Public Instruction / Director of School Education and whose pay and allowances are borne by the State Government.

(c) "West Bengal Board of Secondary Education" means the West Bengal Board of Secondary Education established under the West Bengal Secondary Education Act, 1963.

(d) "West Bengal Council of Higher Secondary Education" means the West Bengal Council of Higher Secondary Education, established under the West Bengal Higher Secondary Council Act, 1972.

(e) "District School Board" means the Board established under the Bengal Rural Primary Education Act. 1930.

(f) "West Bengal Madrasa Education Board" means the West Bengal Madrasa Education Board Established under G.O. No. 211-Edn.(M) dt. 2.2.73.

(g) "Director" means (1) Director of Public Instruction, West Bengal (2) Director of School Education, West Bengal (3) Director of Technical Education, West Bengal (4) Director of Library Services. West Bengal.

(h) "Basic Pay" means the pay which is drawn by an employee, monthly and which corresponds to a stage in the time scale of pay attached to the post held by him.

(i) "Competent authority" means the appointing authority and also the Director and the State Government in the Education Department as the case may be.

(j) "Pension sanctioning authority" means the Director or any Officers) authorised by Government in this behalf.

(k) "Employee" means a teaching or a non-teaching staff of an educational institution, the appointment of whom has duly been approved by the Director or an Officer authorised by him or the authorities referred to in Sub-para 5(a)(i).

(l) "State Government" means the Government of West Bengal.

(m) "Leave" means any kind of leave admissible to an employee under the rules applicable to him.

(n) "Service Book" means the document which contains the record of service of an employee, as prescribed under Government Order No 804-Edn. (S) dt. 9.10.70 and No. 1980-Edn. (S) dt. 15.12.71.

(o) "Pension" except when the term "Pension" is used in contra distinction to gratuity, pension includes gratuity.

(p) "Emolument" means the emoluments which the employee was receiving immediately before his retirement and includes (I) Basic Pay, (II) Personal pay, (III) Special pay, (IV) Dearness Pay. "Pay" means the amount of remuneration drawn monthly by an employee as the pay which has been sanctioned for the post held by him substantively or in an officiating capacity. Personal Pay means additional Pay granted to an employee.

(i) to save him from loss of pay due to revision or reduction of pay otherwise than as a disciplinary measure; and

(ii) in exceptional circumstances on other personal consideration;

(iii) Dearness pay.

Note: If an employee before his retirement or death, has been absent from duty on leave with allowances, his emoluments for the purpose of calculating pensionable service, gratuity and / or death — cum — retirement gratuity should be taken at what they would have been had he not been absent from duty. Provided that this amount of pension and / or gratuity is not increased on account of increase in pay not actually drawn and that the benefit of higher officiating or temporary pay is given only, if it is certified that he would have continued to hold the higher officiating or temporary appointment but for his proceeding on leave.

Provided that if the emoluments which count towards pension, are increased from a specified date with financial benefit from a subsequent date such portion of emoluments though not actually drawn will form part of emoluments for the purpose of pension and gratuity. "Dearness Pay" means such portion of Dearness Allowance as has been declared by Government as Dearness pay.

(q) "Average emoluments" means average calculated upon the last ten months of service immediately proceeding the date of retirement up to 31.8.82. From 1.9.82 average emoluments means last emoluments drawn at the time of retirement.

(r) "Governing Body / Managing Committee / Administrator / Ad-hoc Committee" means the body or person charged with the management of the affairs of an Educational Institution duly recognised by the Competent Authority.

(s) "Family" includes the following relatives of an employee namely— (1) For the purpose of a death gratuity

- (i) wife in the case of a male employee
- (ii) husband in the case of a female employee
- (iii) sons including step sons
- (iv) unmarried and widowed daughters including step daughters
- (v) adopted sons / daughters
- (vi) brothers below the age of 18 years and unmarried or widowed sisters
- (vii) father
- (viii) mother.

(2) For the purpose of family Pension—

- (i) wife in the case of a male employee
- (ii) husband in the case of a female employee
- (iii) minor sons including adopted sons
- (iv) unmarried minor daughters including adopted daughters
- (v) dependant parents.

Note: Adopted or marriage after retirement will not be recognised for the purpose of family pension.

(i) “Age of superannuation” is the age on attaining of which an employee must retire compulsorily and should be sixty completed years of his age provided that in the case of an employee of an educational institution who was in service on 31st March, 1981 and did not opt for the revised pay scales, introduced with effect from 1.4.81, the age of superannuation should be such age as prescribed under rules / orders, governing his service.

(ii) The employees who would get extension of service as per conditions laid down in para 6 of the government Order No. 372-Edn. (B) 31.7.81 read with Government Order No. 497 (5)-Edn. (B) dt. 13.12.83, will retire on the terms and conditions laid down therein or any order subsequent order / orders.

CHAPTER III

6. Service Record — The full record of an employee’s service rendered in different educational institutions from the date of first entry into regular service till the date of retirement shall be maintained by the institutions in the Service Book.

7. Service qualifying for pension—

(a) except for compensation gratuity, the service rendered by an employee before the completion of the age of 18 years shall not qualify for pension,

(b) continuous service of a wholetime approved employee in any educational institution, shall count as qualifying service,

(c) war service rendered between 3rd September, 1939 and 1st April. 1946 by an employee shall count as qualifying for pension under this Scheme provided the employee concerned was absorbed as an employee on or before 1st January, 1984 and the service would have otherwise qualified for pension,

(d) service rendered before partition, i.e. during the period up to 14th August, 1947, by an employee in any affiliated institutions in areas included in East Pakistan (now Bangladesh) shall qualify for

pension and the period of break from the date of leaving the institutions in East Pakistan (now Bangladesh) and the date of appointment in any institution in West Bengal is to be treated as automatically condoned. Affiliation of a school will be verified on the basis of documentary evidence. In the absence of documentary evidence, contemporary evidence duly signed by Director or any Officer authorised by him, will be accepted.

Service rendered by an employee under Government if any will count towards pension. The service in an institution before its recognition will not count.

(e) (i) The Head of an institution in which an employee is serving or has served shall open a Service Book for such employee and record his service therein. In the case of an employee having previous services in some other institutions, the Head of the Institution opening the Service Book shall record his previous services on the basis of certificates and other relevant documents obtained from the institutions where the employee was previously employed and shall keep these certificates and documents relied upon pasted in the Service Book at an appropriate space or otherwise ensure retention of documents along with the Service Book. Where the past service of an employee cannot be clearly established by producing certificates from that institution such collateral evidence as may be collected from contemporaries having personal knowledge of the services of the employees may be accepted if the same is countersigned by District authorities. If the services of any employee whose service before the 15th August, 1947 in an institution or in a school which is now in East Pakistan (Bangladesh) cannot be established by documentary evidence, the employee shall file a written statement on plain paper stating that he had in fact rendered that period of service and shall at the foot of the statement make and subscribe a declaration as to the truth of that statement and shall in support of such declaration produce all documentary evidence and furnish all information which is in his power to produce or furnish. The authority competent to sanction pension to that employee shall after taking into consideration the facts in the written statement and the evidence produce and the information furnished by the employee in support of the said period of service, if satisfied admit that portion of service as having been rendered for the purpose of calculating pension of that employee. But services in East Pakistan or Bangladesh after the 14th August, 1947 shall not be taken into account in calculating the pension admissible. In the case of the Head of the Institution the Service Book shall be opened and maintained by the Head of the Institution, who shall, get the Service Book countersigned by the Director of Education or any officer authorised by him. The service of an employee shall be verified annually by the Head of the Institution and in the case of the Head of the Institution by the Director or any officer authorised by him with reference to the acquittance rolls and other relevant records and a certificate of such verification shall be recorded in the Service Book under the dated signature of the verifying authority.

(ii) Service rendered in other States shall not count as qualifying service. Services rendered in territories which have since been merged in West Bengal and service rendered in East Pakistan now Bangladesh up to 14.8.1947 shall however, count towards pension.

(iii) Approved temporary service including approved service on leave or deputation vacancy in one or more institutions shall count towards pension subject to fulfilment of other conditions for grant of pensions.

Fractions of a year equal to six months and above shall be treated as a completed six monthly period for the purpose of calculation of any pension under this Scheme.

(iv) Upon any condition which it may think fit to impose. Government may condone a deficiency of six months in the qualifying service of the employees of non-Government / Sponsored / Aided Educational Institutions / Organisations.

Note: The deficiency should not be condoned with a view to make up the minimum prescribed qualifying service for the purpose of death gratuity or family pension. In other cases power should be restricted to

the employees drawing pay not exceeding Rs. 425.00 per month at the time of retirement on invalid or compensation pension.

(f) All periods of authorised leave other than extra-ordinary leave without pay shall count as qualifying service.

Extra-ordinary leave granted on medical certificate, shall however, count as qualifying service.

Provided that in the case of extra-ordinary leave other than extraordinary leave granted on medical certificate, the appointing authority may, at the time of granting such leave, allow the period of that leave to count as qualifying service if such leave is granted to an employee—

(i) due to his inability to join or rejoin duty on account of civil commotion, or,

(ii) for prosecuting higher scientific and technical studies.

(g) Period of suspension followed by reinstatement shall count as qualifying service provided it is treated as duty, otherwise it shall not count as qualifying service.

(h) The period of break in service even though condoned shall not count as qualifying service.

(i) Break in qualifying service of an employee for a period exceeding 12 months shall entail forfeiture of his past service unless this break is condoned by the competent authority (i.e. Director or any officer authorised by him). Break in service not exceeding 12 months would be treated as automatically condoned.

Note: Before sanctioning any condonation, the following condition is required to be fulfilled, namely (a) the interruption has been caused by reasons beyond the control of the employee concerned.

(j) The period of the break in service of an employee between the date of dismissal or removal and the date of reinstatement shall not count as qualifying service unless such period is treated as duty or leave other than extra-ordinary leave by a specific order of the authority which passed the order of reinstatement.

(k) Resignation tendered by an employee or his dismissal or removal entail forfeiture of past service—provided that resignation of an employee for taking another appointment under any educational institution with proper permission shall not entail forfeiture of past service

(l) Vacations shall count as qualifying service provided as employees is paid for that period and further provided that he is present on both the closing date and the re-opening date and if on leave on either of the dates, the absence is regularised by sanction of leave by the competent authority.

(m) Qualifying service for pension shall be counted up to the age of superannuation or the date preceding the date of voluntary retirement. The period of service rendered, on approved extension, after attaining the age of superannuation shall also be considered as qualifying service.

Note: For the purpose of this Scheme, the date of superannuation shall be reckoned from the date of birth on the basis of the Madhyamik/Higher Secondary/ Matriculation/School Final Pass Certificate or other equivalent Pass Certificate. In the case of those employees whose date of birth entered in the Service Book on the basis of an affidavit shall be taken into account for the purpose of determining the date of superannuation.

(n) Period of absence under duress as per Government Order No. 1071-Edn. (S) dated 19.8.77 and Government Order No. 477-End.(S) dated 18.6.80 and also of subsequent orders, if any, shall count as

qualifying service.

(o) Date of retirement: When an employee is required to retire on attaining a specific age, the date on which he attains that age, shall be reckoned as a non-working day and the employee shall retire with effect from and including that day.

N.B.: If the date of retirement of a superannuated employees falls on any date other than the first day of the month he/she will be allowed to retire on the last day of the month (afternoon).

CHAPTER IV

Eligibility for Pensions

8. Subject to satisfactory service, an employee shall be entitled to pension provided that in case of (i), (iii) and (iv) below, the employee concerned has completed at least ten years of qualifying services :

(i) on attaining the age of superannuation, or thereafter on the expiry of the period of approved extension, or

(ii) on voluntary retirement after completing 20 years of qualifying services, or

(iii) on being declared permanently incapacitated for further service by the Chief Medical Officer of the State Government in the district concerned or any Medical Officer of equivalent status authorised by the pension sanctioning authority, or

(iv) on termination of service due to abolition of the post, or closure of the Institution concerned due to withdrawal of recognition or other valid reasons.

9. Pensions are divided into the following four classes, namely:

- (a) compensation pension
- (b) invalid pension
- (c) superannuation pension, and
- (d) retiring pension.

10. If an employee is discharged on abolition of the permanent post held by him, he shall, unless he is appointed to another comparable post, have the option—

(a) of taking any compensation pension or gratuity to which he may be entitled for service he has rendered ; or

(b) of accepting another appointment even on a lower pay, if offered, and continuing to count his previous service for pension.

Note: 1. No pension is admissible to an employee for loss appointment of discharge after the completion of a special term of service.

2. No pension may be awarded for the loss of any special pay or local allowance.

3. Reasonable notice, for not less than three months, should be given to an employee before he is discharged on abolition of the post held by him. If in any case, notice of at least three months is not given and the employee has not been provided with any alternative employment, then a gratuity not exceeding his emoluments for the period by which the notice given to him falls short of three months, may be paid to him in addition to his pension but no pension shall be payable for the period for which he receives a

gratuity in lieu of notice.

11. An invalid pension is awarded on retirement from service to an employee who by bodily or mental infirmity is permanently incapacitated for service. An employee applying for a invalid pension shall submit a medical certificate from the Chief Medical Officer of the State Government in the concerned district or from any other Medical Officer of equivalent status nominated or authorised by the pension sanctioning authority.

12. The form of the Medical Certificate to be given in respect of an employee applying for invalid pension has been shown in Appendix I.

13. No invalid pension is admissible to an employee if it is certificated by the Medical Officer that the incapacity is directly due to irregular or intemperate habits, which refer to incapacity on account of drug habit or on account of diseases resulting from immoral habits.

14. A superannuation pension is granted to an employee who is required to retire at a particular age in accordance with the service conditions applicable to him.

Note: If only the year or birth of an applicant for pension is known but the exact date of birth in that year is not known, the first day of July of that year is to be taken as the date of birth. Similarly if only the month and the year of birth are known, the 16th of the Month is taken to be the exact date of birth.

15. A retiring pension is admissible to an employee who is permitted to retire after completing qualifying service for 20 years or more.

Note: The Pension will commence from the date following the date of retirement under any of the four classes of pension mentioned in para 9 of this Scheme.

CHAPTER V

Rate of Pensions

16. (i) The amount of pension shall be determined in accordance with the following slabs:

	Amount of monthly pension
(a) Upto Rs. 1,000/- of the average amount reckonable for pension	(a) 50% of the amount
(b) Next Rs. 500/- of the average amount reckonable for pension	(b) 45% of the amount
(c) Balance of the average amount reckonable for pension	(c) 40% of the amount

Note: 'Average amount reckonable for pension' means Basic pay and Dearness pay and Special Pay, if any, and the portion of Additional Dearness Allowance that has been allowed to count for the purpose of pension but has not yet been declared as Dearness Pay.

Note: The amount of pension arrived at on the basis of the above slabs will be related to the maximum qualifying service for 33 years. For those employees, who at the time of retirement have rendered qualifying service of 10 years or more but less than 33 years, the amount of their pension will be such

proportion of the maximum admissible pension as the qualifying services rendered by them bears to the maximum qualifying services of 33 years.

In no case the maximum monthly pension will exceed Rs. 1,500/-. (ii) In addition to pension as above, an employee is entitled to relief as admissible to the State Government pensioners from time to time. Relief will be payable to the pensioners with effect from 1.11.82 and prior to that date i.e. during 1.4.81 to 31.10.82 only the ad-hoc increase @ Rs. 15/- per month will be admissible. The relief will also be payable on Family Pension. The conditions for admissibility and rate of relief in pension shall be the same as one and will be applicable to State Government Employees.

17. The amount of pension payable monthly shall be expressed in whole of a rupee and where the pension calculated according to this scheme contains a fraction of rupee, it shall be rounded off to the next higher rupee, provided that the maximum annual pension prescribed above shall not be increased thereby.

18. A pension admissible to an employee shall be fixed and paid in rupee and in India.

19. (1) The full pension admissible under this Scheme is not to be given as a matter of course or unless the services rendered have really been approved by the competent authority.

(2) If the service has not been thoroughly satisfactory, the authority sanctioning the pension should make such reduction in the amount as it thinks proper.

Proper that in cases where the authority sanctioning pension is other than the appointing authority, no order regarding reduction of the amount of pension shall be made without the approval of the appointing authority.

Note: No pension shall be liable to seizure, attachment or sequestration by process of Court in India at the instance of the creditor for any demand against the pensioner.

(3) The measure in the reduction in the amount of pension under this Scheme should be the extent by which the employee's service as a whole has failed to reach a thoroughly satisfactory standard, and any attempt to equate the amount of reduction with the amount of loss caused to the Institutions is incorrect.

(4) The service of an employee against whom a charge of corruption has been proved whether in a specific case or by any presumption based on recorded facts cannot be considered to be thoroughly satisfactory within the meaning of this Scheme. Any action under this Scheme should, however, be taken only after a charge of corruption has been proved.

(5) Final pension, gratuity etc. shall not be sanctioned to an employee against whom department/judicial proceedings have been instituted/ continued. In case of misconduct of the pensioner, the pension sanctioning authority has the power to withhold pension or reduce the pension.

Where any department or judicial proceeding is instituted or where a departmental proceeding is continued against an employee who has retired on attaining the 'age of compulsory retirement or otherwise, he shall be paid during the period commencing from the date of his retirement to the date on which, upon conclusion of such proceeding final orders are passed, a provisional pension not exceeding the maximum pension which would have been admissible on the basis of his qualifying services upto the date of retirement, or if he was under suspension on the date of retirement upto the date immediately preceding the date on which he was placed on suspension, but no gratuity or death-cum-retirement gratuity shall be paid to him until the conclusion of such proceeding and the issue of final orders thereon. Payment of this provisional pension shall be adjusted against the final

retirement benefits sanctioned to such employee upon conclusion of the aforesaid proceeding but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period.

Note: The grant of pension under this sub-para shall not prejudice the operation of sub-para 2 when final pension is sanctioned upon conclusion of the proceeding.

CHAPTER VI

Gratuity

20. (a) For service of 10 years or more the date of gratuity is 1/4th of the amount reckonable for pension for each six monthly period of service, subject to a maximum of 16 & 1/2 months' emoluments. The maximum amount is however, Rs. 36,000/-

(b) For service of less than 10 years the rate of gratuity is half-month's of the amount reckonable for pension for every completed six monthly period of service.

CHAPTER VII

Death Gratuity and Family Pension

21. Death gratuity—When the employee who has completed five years' qualifying service dies while in service, a death gratuity shall be paid to the nominee or nominees of the deceased employee or to the surviving members of his family as defined in paragraphs 5S(1) of Chapter II in equal shares, if there be no nominee, subject to a minimum of 12 times of the amount reckonable for pension and a maximum of 16 & 1/2 times of the amount reckonable for pension.

The death gratuity will be admissible at the rate of 1/4 th of the emoluments last drawn for each six monthly period of service.

When an employee who has become eligible for pension and retiring gratuity under paragraph 20 dies within five years from the date of retirement and the same actually received or payable to the members of his/her family on account of retiring gratuity, is less than the amount that would have been admissible as death gratuity under paragraph 21, had he died on the date of retirement, this balance shall be paid as gratuity to the person on whom the right to received the gratuity is conformed under paragraph 22 or if there is no such person to the members of his family.

22. Nomination—

(1) Any employee to whom this scheme applies may, provided he has completed five years' qualifying service, make a nomination in writing in the prescribed form shown in Appendix II conferring on one or more persons the right to receive the death gratuity that may be sanctioned under paragraph 21 and also the gratuity that may be payable under the same paragraph.

Provided that if, at the time of making nomination the employee has a family, the nomination shall not be in favour of any person or persons other than the members of his family.

(2) If an employee nominates more than one persons under sub-paragraph (1), he shall specify in the nomination the amount of share payable to each of the nominees in such manner as to cover the whole amount of the gratuity.

(3) An employee may provide in a nomination—

(a) That in respect of any specified nominee, in the event of his/her predeceasing the employee, the right conferred upon that nominee shall pass to such other member of the employee's family as may be specified in the nomination ; and

(b) That the nomination shall become invalid in the event of the happening of a contingency specified therein.

(4) The nomination made by an employee who has no family shall become invalid on his subsequently acquiring a family.

(5) Every nomination shall be in such one of the Forms A to D in Appendix-II as may be approved in the circumstances of the case.

(6) An employee may at any time cancel a nomination by sending a notice in writing and the employee shall along with such notice send a fresh nomination made in accordance with this Scheme.

(7) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (a) of sub-paragraph (3) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (b) of that sub paragraph (4), the employee shall send a notice in writing formally cancelling the nomination, together with a fresh nomination made in accordance with this paragraph.

(8) Every nomination made, and every notice of cancellation given, by an employee under this paragraph shall be sent, to the appointing authority or Head of the Institution/Organisation as the case may be who shall ; immediately on receipt a nomination, countersign in indicating the date of receipt and get the same pasted in the Service Book.

(9) Every nomination made, and every notice of cancellation given by an employee, shall, to the extent that it is valid, take effect on the date on which it is received by the authority mentioned in Sub-paragraph (8).

23. Family Pension—

(1) Family pension is admissible to the members of the family of an employee who dies while in service after rendering at least one year's service.

(2) The benefit shall also be admissible in case of death of an employee after retirement if at the time of death he was in receipt of a compensation, invalid, retiring or superannuation pension or gratuity.

24. Rate of family pension—Family pension at the following rates will/be admissible to the members of the family of an employee.

Pay of the employee p.m	Amount of monthly pension
(i) Rs. 1.200/- and above	(i) 12% of pay subject to a minimum of Rs.160/- and a maximum of Rs.250/-
(ii) Rs. 400/- an above but below Rs. 1,200/-	(ii) 15% of pay subject to a minimum of Rs.100/- and a maximum of Rs.160/-
(iii) Below Rs.400/-	(iii) 30% of pay subject to a minimum of Rs. 60/- and a

	maximum of Rs.100/-
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25. Family pension at enhanced rate—

(a) In the event of death of an employee while in service, the rate of family pension will be 50% of the pay last drawn subject to a maximum of twice the family pension ordinary admissible in the rates shown above, provided the employee concerned has put in not less than 7 years' continuous service prior to his death. The family pension at enhanced rate is payable for a period of 7 years' from the date following the date of death or till the date on which the employee concerned would have attained the age of 65 years had he survived, whichever period is less.

(b) In the event of death after retirement the family pension at enhanced rate shall be payable up to the date on which the deceased employee concerned would have attained the age of 65 years had he survived or for 7 years, whichever period is less; but in no case the amount of enhanced family pension shall exceed the pension sanctioned to the employee concerned at the time of retirement. However, in cases when the amount of normal family pension exceeds the amount of pension sanctioned at the time of retirement, the enhanced family pension shall not be less than the amount of normal family pension. The pension sanctioned at the time of retirement shall be the pension inclusive of the part of pension which the retired employee may have commuted before death.

After the period for payment of family pension at enhanced rate is over, family pension at normal rate will commence.

Note: The method of determining the amount of family pension payable under the above principle should be calculated in the following manner.

Pension admissible should first be calculated by applying the minimum and maximum limits and doubled. The resultant amount or 50% of the pay last drawn, whichever is less, is the amount of family pension admissible under this Schemes;

26. Period during which family pension is admissible.

Subject to the following conditions, the family pension shall be admissible—

(a) in the case of widow/widower up to the date of death or re-marriage, whichever is earlier;

(b) in the case of minor son, until he attains the age of 18 years ;

(c) in the case of unmarried daughter, until she attains the age of 21 years or marriage whichever is earlier;

(d) in the case dependent parents up to the date of their death or re-marriage, whichever is earlier.

Note: Where an employee is survived by more than one widow, the family pension shall be paid to them in equal shares. On the death of widow, her share of the pension shall become payable to her eligible minor children. If at the time of her death a widow leaves no eligible minor child, the payment of her share of the pension shall cease.

27. Date of effect of Family Pension—A family pension shall take effect from the day following the death of an employee.

28. Pension payable to one member of the family—

Subject to the provision contained in the note under paragraph 26, the pension awarded under this Scheme shall not be payable to more than one member of the employee's family at the same time. It shall first be admissible to the widow(s)/widower and then to the first eldest minor son, thereafter next minor sons according to seniority and when there will be no minor son, eldest minor daughter and so on and thereafter to mother and lastly to father. Payments to minor will be made through natural legal guardian.

Note: Payment of family pension will not be any bar if at the time of entitlement, the widow or widower, or unmarried daughter or son happens to be employed anywhere.

CHAPTER VIII

Determination of Pension during Re-employment

29. No employee shall draw pension in addition to any pay, that may be given to him if he is re-employed after retirement in the same post as held by him immediately before retirement. If, however, he is re-employed in any other post, the authority competent to sanction his pension shall determine the amount of pension, if any, that may be admissible to him in addition to the pay given to him during re-employment.

CHAPTER IX

Procedure relating to application for and sanction of pension

30. List of employees due to retire : The authorities of each Institution/ Organisation shall have a list prepared every six months, i.e. on the 1st January and the 1 st July each year of all employees who are to retire within the next 12 to 18 months of that date. A copy of every such list in the form shown in Annexure I shall be sent to the Director concerned and the Education Department, Government of West Bengal and Director of Pension, Provident Fund and Group Insurance, Government of West Bengal not later than the 31 st January of the 31st July as the case may be of that year. In case of the persons retiring for reasons other than by way of superannuation, the Institutions/ Organisation's authority shall promptly inform the Director concerned and the Director of Pension, Provident Fund and Group Insurance or any officer nominated by him as soon as the impending retirement becomes known to him.

31. An employee, who is eligible for pension under this Scheme, shall submit to his appointing authority a formal application for pension in the form an prescribed in Appendix-IV and other documents as mentioned in the application form and other particulars, required in Appendix-V preferable one year in advance of the date of anticipated retirement.

32. The authorities of the Institutions/Organisations, on receipt of the formal application for pension, shall immediately prepare the pension papers after due scrutiny and verification of the service claimed and the emoluments actually drawn and forward the same along with the following documents to the respective Director or to the Officer(s) authorised by him in this behalf through the District authorities concerned:

(a) The Service Book duly completed and the entries duly verified and signed by the Head of the Institutions/Organisations in the case of an employee of the educational institutions including libraries; by the District Inspector of the District, in the case of the employees of District School Board and by the Director concerned or any officer authorised by him in the case of the Head of the Institution/Organisation.

(b) A certificate to be given by the appointing authority stating that the services claimed have been verified and that the average emoluments have been correctly calculated.

(c) Recommendation of the appointing authority stating whether the pension should be admitted or not.

33. The concerned Director or an officer(s) authorised by him on his behalf shall scrutinise the pension papers and forward the same to the Director of Pension, Provident Fund and Group Insurance or any officer authorised by him along with sanction in general terms in the forms as prescribed in Appendix VI at least three months before the date of retirement of the employee concerned for issue of pension payment order.

34. Where pension papers are detained for some reasons, provisional pension at the rate or 100 per cent of pension calculated on the basis of available information and provisional gratuity, after withholding of 10 per cent or Rs. 1,000/- of the gratuity, whichever is less, should be sanctioned immediately to the retiring employee of Non-Govt./Aided/Sponsored Institutions/Organisation by the Director concerned or any officer authorised by him, subject to the furnishing a written undertaking by the pensioner concerned in the enclosed form. In no case the provisional pension will continue beyond twelve months. The issue of last pay certificate should not be insisted upon before the payment of provisional pension. But the amount of gratuity withheld will be released only after production of last pay certificate.

While forwarding the pension papers, a copy of the order sanctioning the payment of provisional pension (including gratuity) shall be sent to the Director of Pension, Provident fund and Group Insurance, Government of West Bengal, along with the pension papers.

Such provisional pension (including gratuity) shall be subject to adjustment against the amount of final pension (including gratuity/relief or by short payment of pension). All outstanding dues shall be adjusted in the same manner as above.

35. The pension sanctioning authority will sanction provisional pension and gratuity and issue an order. The same will be drawn and disbursed by the Head of the Institution/Organisation or by the Drawing and Disbursing Officer, if there is any.

CHAPTER X

Commutation of Pension

36. An employee who is eligible for the benefit of pension under this Scheme shall be entitled to commute for a lump sum payment at the rate determined by Government from time to time any portion not exceeding one-third of any pension which has been or may be granted to him under this Pension Scheme, provided that an employee against whom a judicial or departmental proceeding has been instituted or a pensioner against whom any such proceeding has been instituted or continued shall not be permitted to commute any portion of his pension during the pendency of such proceeding.

37. Sanctioning authority: The sanctioning authority means the Director or any officer(s) authorised

by him.

38. Rate of commuted value of pension: The rates of commuted value of pension payable under this scheme have been shown in Appendix VII.

39. Application for commutation: An application for commutation of pension shall be submitted by an employee after he has retired, to the sanctioning authority as mentioned in paragraph 37 in the form as prescribed in Appendix VIII.

40. An employee of the non-Government educational institution, shown in Statement-I shall apply to the Competent Authority (Director or any officer authorised by him) in Form A for commutation of a portion of his pension including provisional pension, through the Head of the Institution, of if he/ she is or was himself/herself the Head of the Institutions, the application shall be sent to the Competent authority direct.

(1) The Competent Authority shall, on receipt of application in Form A—

(a) acknowledge the receipt of Form A in Part II of that Form and despatch the same to the applicant ;

(b) forward Form A in original to the Audit Officer in Part III of that Form with the request that Part IV of that Form may be competed and returned to him as early as possible so that action for getting the applicant examined by the appropriate medical authority can be taken.

(2) The Audit Officer shall, on receipt of Form A from the Competent Authority complete Part IV of that Form and transmit the same to the Competent Authority as early as possible.

(3) The Competent Authority shall, on receipt of Form A from the Audit Officer intimate the applicant in Part V(1) of Form A if the applicant desires to commute a sum not exceeding Rs.25/- or in Part V(2) of Form A if the applicant desired to commute a sum exceeding Rs.25/- the lump sum amount payable on commutation in the event of his being reported by such Medical Authority/Medical Boards as the Competent Authority may consider fit for commutation and shall at the same time instruct him to appear for examination before the Medical Authority/Medical Board within three weeks from the date his retirement within three months from the date of order but in case earlier than the date of retirement and shall supply a copy of Part I of Form B to the applicant. If the applicant appears before the Medical Authority/Medical Board, he shall be deemed to have accepted the amount authorised to be commuted.

(4) A copy of Part V(1) or Part V(2) of Form A, as the case may be shall be endorsed by the Competent Authority to the Appropriate Medical Authority/Medical Board through the Director of Health Service (for cases in Calcutta)/ the Chief Medical Officer of Health (for any other case) with :

(i) Part II and Part III of Form B ;

(ii) Form A with Part IV of that Form duly completed in original ;

(iii) Two copies of the applicants photograph of which one copy shall be attested by an officer belonging to Group 'A' service of the State Government.

(5) (i) If the applicant, after receipt of communication from the competent Authority under sub-para (3) fails to appear for Medical examination before the Medical Authority/Medical Board tin the date and at the time communicated to him (including any charge therein either at the request of the applicant or due to administrative reasons) and there is no reasonable ground for his failure, the Medical Authority/Medical Board shall report the fact to the competent Authority concerned and return to him the documents received under sub-para (4).

(ii) With the return of documents to the Competent Authority under clause (i) the applications for commutation shall be deemed to have been withdrawn.

(6) The Director of Health Services, West Bengal/The Chief Medical Officer of Health shall, on receipt of documents referred to in sub-para (4) :

(a) arrange for the medical examination of the applicant by the Medical Authority at the nearest available station from the residence of the pensioner ;

(b) transmit the documents referred to in sub-para (4) to the Medical Authority with the direction to examine the applicant ;

(c) inform the applicant as to the place and date of his medical examination and direct the Medical Authority to communicate to the applicant the time of such examination.

Note : In fixing the date of medical examination, it shall be ensured that the medical examination is held before the applicant's next birth day.

41. (1) The Certifying Medical Authority shall, after obtaining from the applicant a statement in Part I of Form B which must be signed in their presence, subject to strict examination enter the results in Part II of Form B and record their opinion as to the accuracy with which the pensioner has answered the questions in Part I of Form B regarding his medical history and habits, attest the unattested copy of the photograph of the applicant, complete the certificate contained at the end of Part II of Form B and forward in to the Audit Officer, who has already completed Part IV of Form A, with the following documents:

- (i) Part II or Part III of Form B in original ;
- (ii) Attested Copy of applicants photograph ;
- (iii) Part I of Form B in original ; and
- (iv) Part IV of Form A duly completed in original.

(2) The Medical Authority/Medical Board shall also send to the applicant a Certified copy of Part III of Form B and forward a Certified Copy of Part III of Form B to the Competent Authority who has signed Part V (1) or Part V (2) of Form A.

(3) If the Medical Authority/Medical Board/Special Board, as the case may be directs that his age for the purpose of commutation shall be assumed to be greater than his actual age, the applicant may withdraw his application by written notice despatched within a period of two weeks from the date on which he receives intimation of the finding after Examination of Medical Authority and of the revised sum payable on commutation. The Pension Sanctioning Authority will communicate the adverse medical report and revised sum payable as commuted value.

(4) If the applicant does not withdraw in writing his application within the said period of two weeks, he shall be deemed to have accepted the revised sum offered.

42. The employee who applied for commutation of pension within one year from the date of his retirement, will not be subjected to medical examination for the purpose of payment of commuted value of pension, provided this benefit will not be admissible to the person retired on ground of invalidation application for commutation of pension without medical examination will be made after the date of retirement and the commutation shall become absolute, that is, the retired pension shall become absolute, that is, the retired person shall become entitled to receive the commuted value of pension on the date on which his application is received by the Competent authority. An employee

who has applied for Commutation of pension without medical examination will have no option in withdraw his application.

Persons retired on ground of invalidation and those who have applied for commutation of pension after one year from the date of retirement shall be subjected to medical examination.

Such persons shall become entitled to receive the commuted value of pension on the basis of next birthday following the date on which the medical authority signs the medical certificate.

43. In case of application for commutation of pension from an employee drawing invalid pension, the Medical Board shall, after examination in the manner as stated above, record his opinion in Part-III of the Form B.

44. The Medical Authority examining an employee applying for commutation of pension, shall be competent to charge fee at rates as prescribed by the State Government in the Health Department.

CHAPTER XI

45. In respect of matters for which provisions has not been made in this Scheme, the relevant provisions in the West Bengal Services (Death-cum-Retirement Benefit) Rules, 1971 (amended from time to time) shall apply mutatis mutandis subject to the approval of the State Government.

West Bengal Schools (Control of Expenditure) Act, 2005

GOVERNMENT OF WEST BENGAL
LAW DEPARTMENT
Legislative

No. 2053-L, Dated: 19.08.2005.

NOTIFICATION

The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

West Bengal Act XIV of 2005
THE WEST BENGAL SCHOOLS (CONTROL OF EXPENDITURE) ACT, 2005
[Passed by the West Bengal Legislature.]

[Assent of the Governor Was first published in the Kolkata Gazette, Extraordinary, of the 19th August, 2005.]

An Act to provide for the control of expenditure in the schools in West Bengal.

Whereas it is expedient to provide for the control of expenditure in the schools in West Bengal and the matter connected therewith or incidental thereto;

It is hereby enacted in the Fifty-sixth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. Short title, extent and commencement

(1) This Act may be called the West Bengal Schools (Control of Expenditure) Act, 2005.

(2) It extends to the whole of West Bengal.

(3) This section shall come into force at once and the remaining sections shall come into force on such date or dates and in such area or areas as the State Government may, by notification, appoint and different dates may be appointed for different sections or for different areas.

2. Definitions

In this Act, unless the context otherwise requires,—

(a) “approved” means approved by the Director or his authorised officer;

(b) “Board” means the West Bengal Board of Secondary Education established under the West Bengal Board of Secondary Education Act, 1963;

(c) “Board of Madrasah” means the West Bengal Board of Madrasah Education established under the West Bengal Board of Madrasah Education Act, 1994;

(d) “Council” means the West Bengal Council of Higher Secondary Education established under the West Bengal Council of Higher Secondary Education Act, 1975;

(e) “Director” means the Director of School Education, West Bengal;

(f) “District Level Inspection Team” means the District Level Inspection Team constituted under sub-section (1) of section 8;

(g) “Madrasah” shall have the same meaning as defined in clause (h) of section 2 of the West Bengal School Service Commission Act, 1997;

(h) “non-teaching staff” means a member of the staff other than a teacher of a school;

(i) “notification” means notification published in the Official Gazette;

(j) “prescribed” means prescribed by rules made under this Act;

(k) “recognised” with its grammatical variations, used with reference to a school, shall mean recognised or deemed to have been recognised under—

(i) the West Bengal Board of Secondary Education Act, 1963, or

(ii) the West Bengal Primary Education Act, 1973, or

(iii) the West Bengal Council of Higher Secondary Education Act, 1975, or

(iv) the West Bengal Board of Madrasah Education Act, 1994;

(l) “region” means a region as specified under sub-section (2) of section 3 of the West Bengal School Service Commission Act, 1997;

(m) “school” means—

(i) a recognised non-Government aided—

(A) secondary school, or educational institution, or part or department of such school or institution, imparting instruction in secondary education, or

(B) higher secondary school, or educational institution (other than a college), or part or department of such school or institution, imparting instruction in higher secondary education, or

(C) Madrasah, or

(D) Primary Teachers’ Training Institution; or

(ii) a recognised non-Government institution which has been imparting instruction in secondary education or higher secondary education or madrasah education and receiving grant from the State Government in the form of dearness allowance for its teachers and non-teaching staff.

Explanation I.—“Aided” with its grammatical variations, used with reference to a school, shall mean aided by the State Government in the shape of financial assistance towards the basic pay of the teachers and non-teaching staff of that school.

Explanation II.—“Basic pay” shall mean the monthly pay of a teacher or non-teaching staff of a school, which corresponds to a stage in the time-scale of pay of the post held by the teacher or non-teaching staff in that school.

Explanation III.—“Secondary Education” shall have the same meaning as in clause (1) of section 2 of the West Bengal Board of Secondary Education Act, 1963.

Explanation IV.—“Higher Secondary Education” shall have the same meaning as in clause (d) of section 2 of the West Bengal Council of Higher Secondary Education Act, 1975;

(n) school authority”, in relation to a school, means the governing body, managing committee, ad hoc committee, administrator or any other body, by whatever name it is called, which is charged with the management of the affairs of the school;

(o) “State Government” means the Government of West Bengal in the School Education Department;

(p) “teacher” means an Assistant Teacher or any other person, holding a teaching post in a school on a regular and whole-time basis and is paid from the fund under the control of the State Government and includes a Headmaster or a Headmistress;

(q) “unaided school” means a recognised unaided school to which no financial assistance has been sanctioned by the State Government;

(r) “West Bengal Board of Primary Education” means the West Bengal Board of Primary Education established under the West Bengal Primary Education Act, 1973.

3. Application

This Act shall apply to schools other than,—

(a) a school not in receipt of any financial assistance from the State Government; or

(b) a Government school:

Provided that the State Government may, if it considers necessary in the exigencies of public service, exempt any school from the operation of this Act for such period as it may think necessary.

Explanation.—“Government school” means a school maintained and managed by the State Government, the Government of India, or the Railway Board under the Ministry of Railway, Government of India.

4. Previous sanction of State Government for appointment etc.

(1) Save as otherwise provided in sub-section (2), no school authority shall,—

(i) create any teaching or non-teaching post involving any financial liability on the State exchequer; or

(ii) appoint or engage any teacher or non-teaching staff; or

(iii) regularise the service of any person, who has rendered service on any casual or part-time, vacancy on contract or any other basis, against any permanent teaching or non-teaching post of a school; or

(iv) revise the pay or allowances of any teacher or non-teaching staff; or

(v) grant any special pay or allowance or other remuneration under any description whatsoever including ex gratia payment or any other benefit, having financial implication, to any person holding a teaching or nonteaching post; or

(vi) incur, except as prescribed, expenses for any development scheme, without previous sanction of the State Government.

(2) Notwithstanding anything contained in sub-section (1), the school authority may fill up, in the manner as may be prescribed, a vacancy of a teacher caused by leave or deputation for a period not exceeding one year without previous sanction of the State Government:

Provided that no such person who has been appointed on such vacancy in a school, shall be appointed in any sanctioned post or by creating any new post in that school, only for rendering such service.

5. Void appointment

(1) No school authority shall appoint any teacher in a school in contravention of the provisions of this Act, or the provisions of the West Bengal School Service Commission Act, 1997, or any rules, orders, procedures or directions issued thereunder.

(2) No school authority shall appoint any non-teaching staff in a school excepting in the manner as may be prescribed.

(3) Any appointment made by a school authority in contravention of sub-section (1) or sub-section (2) shall be void.

6. Unaided School not to get financial assistance

No unaided school shall be entitled to get any financial assistance from the State Government.

7. Appointment on part time or contract basis

Notwithstanding anything contained in any other law for the time being in force or any rules or orders issued thereunder or any contract, customs or usages to the contrary, no person, who. has been appointed as teacher or non-teaching staff on any casual or part-time vacancy or on contract basis in a school, shall have any right to be appointed on permanent basis in any sanctioned post or by creating any new post only for rendering such service.

8. Constitution of District Level Inspection Team

(1) The State Government may, by order, constitute a District Level Inspection Team for each district.

(2) The District Level Inspection Team shall consist of the following members:—

- (a) a nominee of the Board;
- (b) a nominee of the Council;
- (c) a nominee of the Board of Madrasah;
- (d) the District Inspector of Schools (Secondary Education).

(3) The District Inspector of Schools (Secondary Education) shall be the Member-convenor of the said District Level Inspection Team.

(4) The District Level Inspection Team shall inspect and enquire into facts and records of the schools, which are under consideration of the State Government for recognition or upgradation, and shall discharge such other duties and perform such other functions as the State Government may, by order, direct for carrying out the purposes of this Act.

9. Selection of sites for setting up new school, etc.

(1) The State Government may,—

- (a) select the site for setting up a new school,
- (b) set up a new school,
- (c) upgrade an existing school, .
- (d) determine the strength of teacher and non-teaching staff in a school, in such manner as may be prescribed.

(2) Notwithstanding anything contained in sub-section (1), the State Government shall not set up a new school or upgrade an existing school unless,—

- (a) the District Level Inspection Team recommends so to do, and
- (b) due appropriation is made in the Budget of the State by the State Legislature in this behalf.

Explanation I.—For the purposes of this section, the expression “upgrade” means upgradation of a Junior High School to a Secondary School, or as the case may be, from a Secondary School to a Higher Secondary School.

Explanation II— The expression “Junior High School” means a school imparting instruction in Secondary Education from class V to class VIII.

10. Power of State Government to sanction additional post

The State Government may, if it considers necessary so to do, sanction additional post of teacher or non-teaching staff in a school in such manner as may be prescribed:

Provided that no such additional post of teacher or non-teaching staff shall be sanctioned, unless due appropriation is made in the Budget of the State by the State Legislature in this behalf.

11. Power to inspect and hold enquiry

(1) The State Government may, if it considers necessary so to do, by general or special order, authorize the Director or any other officer not below the rank of a Sub-Inspector of schools in this behalf to—

- (a) inspect any school, its buildings, laboratories, libraries, records and equipments;
- (b) make an enquiry into any financial irregularities by any school;
- (c) make an enquiry into the income, expenditure, properties, assets and liabilities of any school.

(2) The State Government may, after considering the report of such inspection or inquiry, direct the school authority to take such action in the matter concerned, as may, in the opinion of the State Government, be necessary.

(3) If the school authority omits or fails to comply with the direction of the State Government, as stated in sub-section (2), the State Government may take action against such school authority in accordance with the provisions of section 12.

12. Power to de-recognise schools or abolish post

If the State Government has reason to believe that the number of students studying in a particular school has fallen below the prescribed number, or the school authority has failed to take action as directed by the State Government under section 11, it may, after giving the concerned school authority an opportunity of being heard and for the reasons to be recorded in writing,—

- (a) direct the Board, West Bengal Board of Primary Education, Council, Board of Madrasah, or such other authority to derecognise the school; or
- (b) abolish any teaching or non-teaching post of such school; or
- (c) order shifting of teaching and non-teaching staff from such school to any other school within the region; or
- (d) take such action as may appear to the State Government to be necessary and proper.

13. Power to determine fixation of pay and age of superannuation

The State Government may,—

- (a) determine and approve the case of fixation of pay of the teacher or nonteaching staff of a school in the manner, as may be prescribed;
- (b) determine the age of superannuation and the benefits payable after superannuation to the teachers and non-teaching staff of a school in the manner as may be prescribed.

14. Scale of Pay etc. of Teacher

- (1) Every teacher of a school shall, if appointed in the post of Undergraduate teacher category, be entitled to draw pay in the scale of pay in which he is appointed and shall not be entitled to claim any additional increment or higher scale of pay for acquiring any qualification other than the qualifications specified for such post.
- (2) Every teacher of a school shall, if appointed in the post of Graduate teacher category, be entitled to draw pay in the scale of pay in which he is appointed and shall not be entitled to claim any additional increment or higher scale of pay for acquiring any qualification other than the qualifications specified for such post.
- (3) Every teacher of a school shall, if appointed in the Honours Graduate or Postgraduate teacher category, be entitled to draw pay of Post-graduate teacher category, upon acquiring Post-graduate degree, in the manner as may be specified by order.

15. Option of Contributory provident fund

Notwithstanding anything contained in the West Bengal Non-Government Educational Institutions and Local Authorities (Control of Provident Fund of Employees) Act, 1983, or in any rules made thereunder, or in any other law for the time being in force,—

- (a) if a teacher or a non-teaching staff, who had been a subscriber to the Contributory Provident Fund scheme and opted for remaining subscriber to the said scheme instead of being a subscriber to the General Provident Fund scheme, such option shall be treated as final and no change in such option shall be allowed thereafter;
- (b) if a teacher or a non-teaching staff, who had been a subscriber to the Contributory Provident Fund scheme and opted for shifting from Contributory Provident Fund Scheme to General Provident Fund scheme, such teacher or non-teaching staff shall not be entitled to get the employers' contribution made to his credit in the Contributory Provident Fund scheme.

16. Protection of teacher and non teaching staff

Notwithstanding anything contained elsewhere in this Act, the terms and conditions of service of a teacher or a non-teaching staff in the employment of a school, immediately before the commencement of this Act, shall not be varied to his disadvantage in so far as such terms and conditions relate to the appointment of such teachers and non-teaching staff to the posts held by them immediately before the commencement of this Act.

17. Penalty

Whoever contravenes the provisions of section 4 or section 5, shall be punishable with imprisonment for a term not exceeding two years, or with fine, or with both.

18. Cognizance of offenses

No prosecution shall be instituted under this Act without the previous sanction of the State Government.

19. Protection of action taken in good faith

No suit, prosecution or other legal proceeding shall lie against any officer of the State Government for anything which is in good faith done or intended to be done in the discharge of his duties under this Act or the rules or orders made thereunder.

20. Act to have overriding effect

The provisions of this Act or any rules or orders made thereunder shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force or in any contract, custom or usages to the contrary.

21. Power to remove difficulties

If any difficulty arises in giving effect to the provisions of this Act, the State Government may take such steps or issue such orders not inconsistent with the provisions of this Act, as the State Government may consider necessary for removing such difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

22. Power to make rules

(1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for any matter, which may be or is required to be prescribed.

(3) Every rule made under this section shall, as soon as may be after it is made, be laid before the State Legislature.

By order of the Governor

MD. HESAMUDDIN
Secy.-in-charge to the Govt. of West Bengal
Law Department

District and Sub-Divisional Council for School Games and Sports Regulations, 2013

Government of West Bengal
School Education Department

NOTIFICATION

No. 268-Phy.Edn./TS/Phy/11/07/11-12/SSC(Pt.3) Dated: 16.08.2013

Whereas it is expedient to provide for the regulation, control and development of School Games and Sports:

And whereas for the purpose District Level and Sub-Divisional level Councils are to be formed;

Now, therefore, in supersession of all previous orders governing the Councils/ Associations / Committees, by whatever names formed, at the District and Sub-Divisional Level for conduct of School Sports and Games, the Governor is pleased hereby to make the following regulations:

REGULATIONS:

1. Short title, extent and commencement

(1) These regulations may be called the District and Sub-Divisional Council for School Games and Sports Regulations, 2013.

(2) These regulations shall extend to the whole of the State, and the Govt, may exclude any district by order, if necessary for the time being.

(3) The regulations shall come into force from such date as the Government may notify.

2. Power to amend the Regulations

(1) The State Government may modify or repeal these regulations as and when necessary by issuing Government Orders.

3. Definition

In these regulations, unless the context otherwise requires:-

(1) "District" – means a revenue district and Siliguri Education District which shall also mean a district for the purposes of these Regulations.

(2) "District Council" – means District Council for School Games and Sports.

(3) "Government" – means the Government of West Bengal in the School Education Department.

(4) "School"- means a school recognized by the West Bengal Board of Secondary Education, West Bengal Council of Higher Secondary Education, West Bengal Board of Madrasah Education, Central Board of Secondary Education and Council for the Indian School Certificate Examinations.

(5) “State Council” – means the West Bengal State Council for School Games and Sports as constituted from time to time.

(6) “Student” – means regular students of schools as recognized by the West Bengal Board of Secondary Education, West Bengal Council of Higher Secondary Education, West Bengal Board of Madrasah Education, Central Board of Secondary Education and Council for the Indian School Certificate Examinations.

(7) “Sub-Divisional Council” – means Sub-Divisional Council for School Games and Sports.

4. The establishment and constitution of the District Council for School Games and Sports

(1) It shall be a body constituted from time to time at the district level and under the Government and West Bengal State Council for School Games and Sports.

(2) Each District Council shall consist of the following persons as office bearers and members

Sl. No.	Post	Number	Description
1	President	1 (One)	1. (a) District Magistrate of the District. (b) For Kolkata District Councils – Commissioner, Kolkata Mpl Corpn. (c) For G.T.A., Darjeeling only- Principal Secretary of G.T.A. (d) For Siliguri Education District only - Additional Executive Officer, Siliguri Mahakuma Parishad
2	Executive Vice President	1 (One)	To be nominated by the West Bengal State Council for School Games and Sports from amongst the persons having experience in school education and sports.
3	Convener-cum-Treasurer	1 (One)	Ex-officio District Officer for Physical Education and Youth Welfare
4	General Secretary	1 (One)	Assistant Master/ Assistant Mistress /Assistant Teacher (in – service) in Physical Education to be selected by the President.
5	Jt. Secretary	2 (two)	Assistant Master/Assistant Mistress/Assistant Teacher (in – service) in Physical Education to be selected by the President.
7	Assistant Secretaries	4 (four)	Assistant Master/Assistant Mistress/Assistant Teacher (in-service) in Physical Education to be selected by the President
8	Executive Members		(a) Ex-Officio Members :- i) Chairman, District Primary School Council/Kolkata Primary School Council/Dist. School Board, as the case may be ii) District Youth Officer iii) Karmadhakhya, Siksha-o-Krira Sthayee Samity of Z.P. / M.P. as the case may be iv) District Mass Education Extension Officer.

			<p>v) District Inspector of Schools (S.E.) vi) District Inspector of Schools (P.E.) vii) District Project Officer, S.S.A. and viii) District Organiser of Physical Education (b) Other than Kolkata, G.T.A. & Siliguri i) Co-ordinator of Nehru Yuba Kendra, ii) Secretary, District Sports Association and iii) Secretaries of all Sub-Divisional Councils for School Games and Sports shall be the Ex-Officio Members. (c) For Kolkata District Councils i) Co-ordinator of Nehru Yuba Kendra, Kolkata, ii) Secretary of East Kolkata Sports Development Council, iii) Secretary of South Kolkata Sports Development Council and iv) Secretary of District Sports Association of North Kolkata. (d) For G.T.A., Darjeeling :- An official of G.T.A. nominated by the Secretary, Education. (e) For Siliguri Education District: An official nominated by Secretary, Dist. Sports Association. (f) Nominated Members To be selected by the District Council by a resolution in the second meeting of the term i) One Headmaster of a secondary school, ii) One Headmistress of a secondary school, iii) One Principal of CBSE/ICSE school, iv) One A.I. of Schools (S.E.) & one S.I. of Schools (P.E.) to be nominated by the D.I. of Schools (S.E.) and D.I. of Schools (P.E.) respectively. v) (10) Ten Asst. Masters / Mistresses / Teachers in Physical Education to be nominated by the President.</p>
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(3) In the first meeting of the District Council Executive Vice President and ex-officio members will prepare a list of remaining office bearers and members to be nominated in the District Council (category-f) for consideration of the President.

5. The Headquarters of the District Council shall be the Headquarters of the administrative/ education district concerned.

6. The calendar year and the financial year as observed in the State of West Bengal shall be applicable for all its business in the regulations.

7. The term of the District Council shall be of three (3) years.

8. If any vacancy of nominated members arise for any reason during the period of three years' term of the District Council, the President of the District Council take necessary steps to fill up the resultant vacancy for the remaining period of the term.

9. A nominated member of the State Council or District Council or the Sub-Divisional Council shall not hold office simultaneously in more than one Council as under these regulations.

10. The District Council may invite persons to remain present in a particular meeting but may not induct them in the council.

11. POWERS AND FUNCTIONS OF THE DISTRICT COUNCIL FOR SCHOOL GAMES AND SPORTS

- (1) To undertake actions according to the policy and programme of the Government.
- (2) To prepare development plans for students in sports and games.
- (3) To arrange programmes related to welfare activities for students in sports and games.
- (4) To constitute small working groups (programme, finance etc.), if necessary.
- (5) To arrange and hold competitions in various sports disciplines, coaching camps for school students or as may be directed by the Government/State Council including to organize State School Games, National School Games and other tournaments, if allotted.
- (6) To select school team(s) through competitions and send the same parties patron in State Level Competitions as per the programmes of the State Council
- (7) To receive financial aid from the Government and other sources with the full knowledge of the State Council and the Government for school games and sports and students welfare activities to oversee the functions of its Sub-Divisional Council for School Games and Sports.
- (8) To furnish activity reports, statement of receipt and expenditure of funds, utilization certificates thereof, and other supporting documents in relation to the activities of the District Council, as may be directed by the Government or the State Council from time to time.
- (9) To constitute working groups from amongst the members of the District Council to carry out smoothly the duties and responsibilities given to it which may include Programme Sub Committee, Finance Sub Committee etc.
- (10) To approve a committee temporarily for the purpose of these regulations for working at the Sub-Divisional Level for conduct of sports and games under the Sub-Divisional Council for School Games and Sports.
- (11) To oversee and supervise the functions of the Sub-Divisional Councils for School Games & Sports.
- (12) To offer suggestions to the State Government through the State Council with regard to school sports and games and other students welfare activities for the purpose of these regulations.
- (13) To strengthen liaison between various Governments and non-Government recognized organizations in relation to the smooth functioning of the District Council and in carrying out its activities.
- (14) To carry out such other responsibilities assigned to the District Council for School Games and Sports by the Government from time to time.

12. Membership

District Councils are the associated members of the State Council. Such District Councils shall be represented by its Convener (District Officer for Phy. Edn. & Youth Welfare) and the General Secretary.

13. Fund

(i) Financial transactions of the District Councils shall be conducted by means of banking accounts. District Councils in its first meeting will pass a resolution for opening of a bank account with any Govt. Sector Bank in the name of “ DISTRICT COUNCIL FOR SCHOOL GAMES & SPORTS..... DISTRICT ”.

(ii) Cheque Signing Authority : Convener-cum-Treasurer (DOPE & YW) and either of the two of the following : President (District Magistrate) & Hony. General Secretary of the Dist. Council.

(iii) Assets and liabilities, including the account maintained with any bank or post office with all its cash as well as cash in hand of such organization having “similar objectives” and funded in any occasion by the State Council etc. out of the grants received from the School Education Department, West Bengal shall be transferred to the present District Council and shall be consolidated with its assets and liabilities for accounting, reporting or any other purpose.

(iv) Dist. Inspector of Schools (S.E.), in consultation with Dist. Officer for Phy. Edn. & Youth Welfare shall complete the process of transfer of such assets & liabilities etc. and furnish a detailed report thereof to the President of the Dist. Council (Dist. Magistrate/Commissioner, Kolkata Municipal Corporation/Principal Secretary, G.T.A., Darjeeling / Additional Executive Officer, Siliguri Mahakuma Parishad, as the case may be).

(v) The School Education Department, W.B. will contribute to the fund of the District Councils directly or through its State Council. Grants shall be exclusively used for normal functioning of the District Council for School Games and Sports.

14. Annual General Meeting of the District Council shall be held once in every financial year. The Convener of the District Council may call general meeting as and when necessary under orders of the President. The District Council shall ordinarily meet after every three months.

15. Quorum of the meeting

For annual general meeting/general meeting 50% of the total members are present.

16. Management

Regular business of the District Council shall be carried out as per the directions of the President of the District Council.

17. Audit:-

Audit of accounts shall be made by a qualified Auditor approved by the District Council and that shall be subject to audit by the internal auditing by the Finance Department, Government of West Bengal and Accountant General, West Bengal.

18. Dissolution of the District Council:-

The Government may, by order, dissolve the Councils under these regulations as it may deem necessary.

19. MANNER OF FORMATION OF SUB-DIVISIONAL COUNCIL FOR SCHOOL GAMES AND SPORTS UNDER THE DISTRICT COUNCIL

The Sub-Divisional Council shall consist of the following members:-

1. President	1. Sub-Divisional Officer (S.D.O)
2. Working President (1)	2. One Deputy Magistrate & Deputy Collector (nominated by S.D.O.)
3. Vice-President (4)	3. (i) Asst. Inspector of Schools (SE) of the Sub- Division (ex-officio), (ii) Sub-Divisional Youth Officer (ex-officio), (iii) One Headmaster / Headmistress of Secondary School of the Sub-Division, and (iv) one Head-teacher of a recognized primary school - to be selected by President.
4. Secretary (1)	4. Assistant Master/Assistant Mistress/Assistant Teacher in Physical Education (in-service) of a school selected by the President.
5. Joint Secretaries (2)	5. Assistant Masters/Assistant Mistresses/Assistant Teachers in Physical Education (in-service) of a school selected by the President.
6. Assistant Secretaries (2)	6. Assistant Masters/Assistant Mistresses/Assistant Teachers in Physical Education (in-service) of a school selected by the President.
7. Treasurer (1)	7. Assistant Master/Assistant Mistress/Assistant Teacher in Physical Education (in-service) of a school selected by the President.
8. Executive Members	8. Two Headmasters & two Headmistresses of secondary schools and seven (7) Physical Education Teachers to be selected by the President.

20. In the first meeting of the sub-divisional council ex-officio members of the said council, in consultation with a representative of the District Council shall prepare a list of remaining office bearers and members to be nominated in the sub-divisional council for consideration of the President of the sub-divisional council.

21. Membership

Sub-Divisional Councils shall be the affiliated members of District Council.

22. Fund

(1) The fund of the Sub-Divisional Council be raised from Government grants, grants from aided institutions, registration fees and any other sources in accordance with law. Such fund shall be utilized for the purpose of Sub-Divisional Council for School Games & Sports. For any other matters provisions as laid down in respect of District Council (clause-13) shall be followed.

(2) Cheque Signing Authority : Working President and any one of the Secretary & Treasurer to be decided in the first meeting by the President of the Sub-divisional Council.

23. Quorum

50% members shall form a quorum.

24. Audit

In the same manner as in the case of District Council.

25. Dissolution

The Sub-Divisional Council may be dissolved by the Government any time as the Government may deem fit.

26. POWERS AND FUNCTIONS OF THE SUB-DIVISIONAL COUNCIL

(i) To receive financial aids from Government, Government aided institutions and District Council.

(ii) To constitute small working groups (programme, finance etc.), if necessary.

(iii) To suggest the District Council in any matter from time to time. To carry out responsibilities assigned to the Sub-Divisional Council by the State Council, District Council or the Government from time to time.

(iv) The Headquarters of the Sub-Divisional Council shall be the Headquarters of the Sub-Division.

(v) The official year of the Sub-Divisional Office shall be the calendar year and also the financial year of the State of West Bengal.

(vi) The Term of Sub-Divisional Council shall be of 3 (three) years.

27. If any difficulty arises in giving effect to any of the provisions of these Regulations, or a question arises at any stages, the matter may be referred to the Government, and the Government may issue orders and the decision of the Government shall be the final.

By order of the Governor

Sd/- Arnab Roy
Secretary to the Government of West Bengal
School Education Department

Code of Regulations for Anglo-Indian and other Listed Schools, 1993

Government of West Bengal
Education Department
Secondary Branch

No. 877-Edn(S) Dated: 24.12.93

NOTIFICATION

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:-

(a) all Anglo-Indian Schools ;

(b) all listed schools ; and

c) 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 fulfill 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-

(a) Anglo-Indians, or

(b) Founders of existing recognised Anglo-Indian Schools, provided that such school fulfills 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 fulfills 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 undergraduate training college or other institution ;

(15) "State Board" means the State Board for Anglo-Indian Education, West Bengal.

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 ;

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 fulfills 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.

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

CHAPTER III

Management & Administration

15. 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.

16. 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.

17. 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, (A) 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, also (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.

18. 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.

19. 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

20. 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.

21. 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, allowances, 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 I 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, ail 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 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 period 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
Total 118 days

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,

Sd/- J. R. Saha
Secretary, to the Govt. of West Bengal

Child Care Leave for Employees of Educational Institutions

Government of West Bengal
Finance (Audit) Department
'Nabanna',
Howrah-711 102

No. 5560-F(P) Dated, the 17th July, 2015.

MEMORANDUM

The matter regarding extension of benefit of the Child Care Leave for a maximum period of 2 (two) years i.e. 730 days to the regular female teaching and non-teaching employees of Government sponsored/ Non-Govt. aided Schools, Boards, District Primary School Councils, School Service Commission as well as to the regular female employees of Panchayat Raj and other Local Bodies, Undertakings, Corporations, Statutory Bodies was under active consideration of the State Government.

Now after careful consideration, the Governor is hereby pleased to decide to extend the said benefit to the regular female employees of the educational institutions, establishments, organizations, entities etc. as mentioned above subject to the following conditions –

- i) The same will be admissible during the entire period of service for taking care of upto 2 (two) children upto 18 years of their age whether for rearing or to look after any of their needs like examination, sickness etc.
- ii) During the period of such leave, the female employees shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.
- iii) It may not be granted in more than 3 (three) spells in a calendar year.
- iv) It may not be granted for less than 15 days in a spell.
- v) Child Care Leave shall not be debited against the leave account.
- vi) It may be combined with leave of the kind due and admissible.
- vii) Child Care Leave should not ordinarily be granted during the probation period except in case of certain extreme situations where the leave sanctioning authority is fully satisfied about the need of Child Care Leave to the probationer. It may also be ensured that the period for which such leave is sanctioned during probation is minimal.
- viii) Other terms and conditions as applicable to sanctioning Earned Leave shall be applicable in the matter of sanctioning Child Care Leave.
- ix) An account for the purpose shall have to be maintained under proper attestation by the leave sanctioning authority.

2. This order shall take effect from 1st August, 2015.

3. Necessary amendments in the relevant rules or regulations or bye-laws as applicable may be made by the concerned administrative department in due course.

Sd/- A. K. Das
O.S.D. & E.O. Joint Secretary to the
Government of West Bengal

Appointed Hour, Commencement of Class Teaching, Daily Assembly, Late Attendance and Hour of Absence of Staff in Schools

West Bengal Board of Secondary Education
"Nivedita Bhaban", DJ-8, Sec-II, Salt Lake City, Kolkata – 700091

Memo No. N/S/212, Date: 20.03.2013

From: The Secretary, W.B.B.S.E.

To : The Heads of all recognised Secondary Institutions in West Bengal

Sub: Appointed Hour, Commencement of class teaching, Daily Assembly, Late Attendance and Hour of Absence of staff in Schools.

Dear Sir/Madam,

In continuation of Board's Memo No. Admin/139 dt 29.1.2013 all the Heads of Institutions are requested to be guided by the following instructions of the Board regarding above noted points.

Head of an Institution and all members of the Staff, teaching and non-teaching, should attend School at the appointed hour and shall not leave before the School closes for the day.

The appointed hour of a School shall be 15 (fifteen) minutes before the commencement of the class teaching. (i.e. 10.35 A.M.)

Daily Assembly shall start at 10 (ten) minutes before class teaching Attendance of Daily Assembly shall be compulsory for all teaching and non teaching staff including the Head of the Institution.

Late attendance shall be counted from the start of class teaching (i.e. 15 minutes after appointed hour) and up to half an hour from appointed hour and no staff will be allowed to record his or her attendance after half an hour from the appointed hour (i.e. 11.05 A.M.)

Head of an Institution may condone such late attendance if he or she is satisfied with the explanation offered by the staff concerned.

One day's Casual Leave will be deducted for every 3 (three) days' Late attendance in a Calendar month In case the Casual Leave account of a staff is exhausted and the incumbent concerned comes late he/she shall be asked to apply for one day's 'Half Average Pay' leave for each three days' late attendance in a Calendar month If he/she fails or declines to apply for such leave or if there is no such leave to his/her credit then he/she will be granted 'leave without pay' – one days' leave for each 3 (three) days' late attendance in a Calendar month.

Yours faithfully,

Sd/- Secretary

Granting of 2 (two) additional increments in favour of teacher(s) working in non-Government aided Secondary Schools having Ph.D Degree

Government of West Bengal
School Education Department
Secondary Branch
Bikash Bhavan, Salt Lake, Kolkata – 700 091

No. 37-SE/ES(S)/5P-37/2010, dated 05.01.2012

From: Shri N.N. Dutta
Joint Secretary to the Govt. of West Bengal.

To: The Director of School Education, West Bengal,
Bikash Bhavan, 7th Floor, Salt Lake, Kolkata – 700 091.

Sub: Granting of 2 (two) additional increments in favour of teacher(s) working in non-Government aided Secondary Schools having Ph.D Degree.

With reference to above, the undersigned is directed to say that it has come to the notice of this Department that 2 (two) additional increments are not being granted to some teachers who entered into service in the Secondary Schools (s) despite their having Ph.D Degree in the relevant subject taught in the school(s) and, as such, the question of granting such benefit to a number of teachers appointed either through SSC or on the basis of rules prescribed before coming into effect of the Control of Expenditure Act, 2005 had been under consideration of the State Government for some time past. In this connection, attention is invited to Clause 5 of Rule 16 dealing with Career Advancement Scheme laid down in ROPA Rules, '98 which provides that all secondary teachers / Headmasters / Headmistress with Doctorate Degree in the subject taught or in an allied subject shall get two additional increments from the date of the convocation on which such degree is / was awarded.

In view of this provision and in order to accord opportunity to all such teachers / Headmasters / Headmistress in the academic interest without any privilege and prejudice to any one of them, Government in the School Education Department has decided that the teachers acquiring Post Graduate Degree after having had the basic qualification of Honours Degree in the relevant subject and subsequently improving their qualification by acquisition of Ph.D Degree in the relevant subject or those who are appointed with such higher degree in the above noted subject in their possession after having acquired Honours Degree in the regular course and then P.G. Degree in the relevant subject shall get 2 (two) additional increments from the date of convocation on which such degree is / was awarded. This benefit in terms of Rule 12(5) of G.O. No. 25-SE(B)/1M-102/98, dated 12.02.1999 under ROPA Rules, '98 is extended up to 18th August, 2005 as a cut-off date, i.e. till before the publication of the Control of Expenditure Act, 2005. All such pending cases can be disposed of accordingly.

This order issues with the concurrence of F.D. vide their U.O. No. 3426-Gr.P(Service), dated 07.12.2011.

Sd/- N.N. Dutta
Joint Secretary

Schedule of Madhyamik Pariksha (Secondary Examination), 2016

WEST BENGAL BOARD OF SECONDARY EDUCATION
NIVEDITA BHAWAN, DJ-8, SECTOR – II, SALT LAKE, KOLKATA – 91

No. EMU/C/35 Date: 05.06.2015

NOTIFICATION

It is notified for all concerned that the Madhyamik Pariksha (Secondary Examination), 2016 (both Regular & External) will be held as per the following programme.

The examination will be held in only one paper on each day from 11.45 a.m. to 3 p.m. (First 15 minutes for reading the Question Papers only). The dates & corresponding subjects are as under.

PROGRAMME

DAY	DATE	SUBJECT
MONDAY	1st FEBRUARY, 2016	FIRST LANGUAGES *
TUESDAY	2nd FEBRUARY, 2016	SECOND LANGUAGES **
WEDNESDAY	3rd FEBRUARY, 2016	GEOGRAPHY
FRIDAY	5th FEBRUARY, 2016	HISTORY
SATURDAY	6th FEBRUARY, 2016	PHYSICAL SCIENCE
MONDAY	8th FEBRUARY, 2016	MATHEMATICS
TUESDAY	9th FEBRUARY, 2016	LIFE SCIENCE
WEDNESDAY	10th FEBRUARY, 2016	OPTIONAL ELECTIVE SUBJECTS

N.B.: The dates for Physical Education & Social Service & Work Education will be announced later.

First Languages: Bengali, English, Gujarati, Hindi, Modern Tibetan, Nepali, Odia, Gurumukhi (Punjabi), Telugu, Tamil, Urdu and Santali.

Second languages: 1) English, if any language other than English is offered as First Language.

2) Bengali or Nepali, if English is the First Language.

(a) Examination in shorthand & Typewriting will be held at Kolkata and Siliguri only. The venue and date will be announced later

(b) Examination in Sewing and Needle Work will be of four hours duration.

(c) Examination in Music Vocal & Music Instrumental will be of two hours duration for Theoretical Portion. The venue, date and hour of the Practical Examination in these subjects (which will be held at Kolkata, Burdwan & North Bengal Regions only) will be announced later.

(d) Examination on Computer Application will be of two and half hours duration on theoretical Examination. Practical Examination on this subject will be taken by individual schools.

(e) Examination on RStr, SStr, AStr & IT/ITES will be of 1 and half hours duration on theoretical Examination. Oral, Portfolio, Project and Direct Observation on these 4 (four) subjects will be taken by the individual schools.

Sd/- SAMIR KUMAR SAHA
DEPUTY SECRETARY (EXAMINATION)

Higher Secondary Examination Programme (Old Syllabus), 2016

WEST BENGAL COUNCIL OF HIGHER SECONDARY EDUCATION
VIDYASAGAR BHAVAN 9/2, BLOCK-DJ, SECTOR-II, SALT LAKE KOLKATA-700091

Memo No. DS(Exam)/25(3)/2015 Date: 6 June, 2015

Examination Programme
Higher Secondary Examination: 2016
OLD SYLLABUS

Date	Day	From 10.00 a.m. to 1.15 p.m.(MORNING)
15.02.2016	MONDAY	Bengali (A), Hindi (A), Nepali (A), Bengali (B), Hindi (B), Nepali (B), Santhali, Urdu, Tamil, Telugu, Malayalam, Oriya, Marathi, Gujrati, Punjabi, Assamese, Modern Tibetan, Alternative English.
17.02.2016	WEDNESDAY	English (A), English (B)
18.02.2016	THURSDAY	Statistics, *Classical Languages, @Modern Foreign Language, Agronomy
19.02.2016	FRIDAY	Physics, Nutrition, Education, Business Organisation & Management
20.02.2016	SATURDAY	Computer Science, Modern Computer Application
22.02.2016	MONDAY	Mathematics, Philosophy
24.02.2016	WEDNESDAY	History, Chemistry, Accountancy
25.02.2016	THURSDAY	Anthropology, Economics, # Fine Arts & Crafts, # Music, Environmental Education [2.30 pm – 3.30 pm]
26.02.2016	FRIDAY	Biological Science, Home Management & Home Nursing, Business Economics including Business Mathematics
27.02.2016	SATURDAY	Psychology, Geography, Economic Geography
29.02.2016	MONDAY	Political Science, Geology, Sociology

The Examination will be held in only one paper on each day from 10 a.m. to 1.15 p.m. (3 hours and 15 minutes time is allotted both for reading question paper and writing answer) except Environmental Education, Fine Arts & Crafts and Music.

* Classical Languages: Sanskrit, Pali, Persian, and Arabic

@ Modern Foreign Language: French

The Examination of this subject will be of two hours duration.

H.S. Music and Fine Arts & Crafts Practical Examination (Date: December 14 to 19 of 2015)

Date Schedule of Other H.S. Practical Examinations

- a) PHYS, NUTN, PSYC (Date: December 01 to 05 of 2015)
- b) CHEM, GEGR, HOMN (Date: December 07 to 12 of 2015)
- c) BIOS, COMS, AGNM, FACR, COMA, GEOL, FRNC (December 14 to 19 of 2015)
- d) STAT (December 21 of 2015)

The Council may, if necessary, change the above dates with due intimation to all concerned.

Sd/- Kalyan Sengupta
Deputy Secretary (Examination)

Higher Secondary Examination Programme (New Syllabus), 2016

WEST BENGAL COUNCIL OF HIGHER SECONDARY EDUCATION
VIDYASAGAR BHAVAN 9/2, BLOCK-DJ, SECTOR-II, SALT LAKE KOLKATA-700091

Memo No. DS(Exam)/25(3)/2015 Date: 6th June, 2015

Examination Programme
Higher Secondary Examination: 2016
NEW SYLLABUS

Date	Day	From 10.00 a.m. to 1.15 p.m.(MORNING)
15.02.2016	MONDAY	Bengali (A), English (A), Hindi (A), Nepali (A), Urdu, Santhali, Odia, Telugu, Gujrati, Punjabi
17.02.2016	WEDNESDAY	English (B), Bengali (B), Hindi (B), Nepali (B), Alternative English
19.02.2016	FRIDAY	Physics, Nutrition, Education, Accountancy
20.02.2016	SATURDAY	Computer Science, Modern Computer Application, Environmental Studies, #Health & Physical Education, #Music, #Visual Arts
22.02.2016	MONDAY	Mathematics, Psychology, Anthropology, Agronomy, History
24.02.2016	WEDNESDAY	Chemistry, Economics, Journalism & Mass Communication, Sanskrit, Persian, Arabic, French
26.02.2016	FRIDAY	Biological Sciences, Business Studies, Political Science
27.02.2016	SATURDAY	Statistics, Geography, Costing and Taxation, Home Management and Family Resource Management
29.02.2016	MONDAY	Commercial Law and Preliminaries of Auditing, Philosophy, Sociology

The Examination will be held in only one paper on each day from 10.00 a.m. to 1.15 p.m. (3 hours and 15 minutes time is allotted both for reading question paper and writing answer) except Health & Physical Education, Visual Arts & Music.

#The Examination of these subjects will be of two hours duration.

H.S. Music and Visual Arts Practical Examination (Date: December 14 to 19 of 2015) & H.S. Health & Physical Education Practical Examination (Date: December 14 to 23 of 2015) Date Schedule of Other H.S. Practical Examinations

- a) PHYS, NUTN, PSYC (Date: December 01 to 05 of 2015)
- b) CHEM, GEGR, HMFR (Date: December 07 to 12 of 2015)
- c) BIOS, COMS, AGNM, COMA (Date: December 14 to 19 of 2015)
- d) STAT (Date: December 21 of 2015)

Council may, if necessary, change the above dates with due intimation to all concerned.

Sd/- Kalyan Sengupta
Deputy Secretary (Examination)

Annual Examination Programme of Class XI (New Syllabus), 2016

WEST BENGAL COUNCIL OF HIGHER SECONDARY EDUCATION
VIDYASAGAR BHAVAN 9/2, BLOCK-DJ, SECTOR-II, SALT LAKE KOLKATA-700091

Memo No. DS(Exam)/25(3)/2015 Date: 6th June, 2015

Examination Programme
Annual Examination: 2016 [CLASS-XI]
NEW SYLLABUS

Date	Day	From 2.00 p.m. to 5.15 p.m.(AFTERNOON)
15.02.2016	MONDAY	Bengali (A), English (A), Hindi (A), Nepali (A), Urdu, Santhali, Odia, Telugu, Gujrati, Punjabi
17.02.2016	WEDNESDAY	English (B), Bengali (B), Hindi (B), Nepali (B), Alternative English
19.02.2016	FRIDAY	Physics, Nutrition, Education, Accountancy
20.02.2016	SATURDAY	Computer Science, Modern Computer Application, Environmental Studies, #Health & Physical Education, #Music, #Visual Arts
22.02.2016	MONDAY	Mathematics, Psychology, Anthropology, Agronomy, History
24.02.2016	WEDNESDAY	Chemistry, Economics, Journalism & Mass Communication, Sanskrit, Persian, Arabic, French
26.02.2016	FRIDAY	Biological Sciences, Business Studies, Political Science
27.02.2016	SATURDAY	Statistics, Geography, Costing and Taxation, Home Management and Family Resource Management
29.02.2016	MONDAY	Commercial Law and Preliminaries of Auditing, Philosophy, Sociology

The Examination will be held in only one paper on each day from 2 p.m. to 5.15 p.m. (3 hours and 15 minutes time is allotted both for reading question paper and writing answer) except Health & Physical Education, Visual Arts & Music.

#The Examination of these subjects will be of two hours duration.

All Practical Examinations will be held between 14.03.2016 to 13.04.2016.

The Council may, if necessary, change the above dates with due intimation to all concerned.

Sd/- Kalyan Sengupta
Deputy Secretary (Examination)

National Child Award for Exceptional Achievement

INTRODUCTION

The Government of India from time to time has been instituting awards for individuals and organizations who have done outstanding work for the welfare and development of children. Awards have also been instituted for honouring children who have been shown exemplary courage at the risk of their own lives.

The Ministry has for some time been thinking of instituting Awards to give recognition to children with exceptional abilities and who have achieved outstanding status in various fields including academics, arts, culture and sports etc.

The Awards will be known as the “**NATIONAL CHILD AWARD FOR EXCEPTIONAL ACHIEVEMENT**”.

GUIDELINES

SCOPE

Children between the age of 4 to 15 years who have shown in exceptional achievement in any field including academics, arts and culture and sports etc. will be considered for this Award. One Gold Medal and 35 Silver Medals (one for each State/U.T) are to be given annually.

NATURE OF AWARDS

The Awards for the child with exceptional achievement shall consists of:-

(A) Gold Medal – 1 (One)

1. Cash prize of Rs. 20,000/-
2. Citation and certificates, and
3. Gold Medal

(B) Silver Medals – 35 (Thirty five)

1. Award money @ Rs.10,000/- for each awardee
2. Citation and certificate for each awardee, and
3. Silver Medal for each awardee

SELECTION COMMITTEE

A National Selection Committee out of the cases recommended by various bodies will make the selection.

The National Selection Committee will consist of the following persons: –

1. Minister of State I/C in the M/O of Women& Child Development. ... Chairperson
2. Secretary, WCD ... Member
3. Secretary or his nominee in the M/o Social Justice & Empowerment ... Member
4. Secretary or his nominee in the Dept. of Education ... Member
5. Secretary or his nominee in the Dept. of Culture ... Member
6. Secretary of his nominee in the M/O of YA & Sports ... Member
7. Jt. Secretary (CW), M/O WCD ... Member
8. Dy. Secretary (CW), M/O WCD ... Member

RECOMMENDING AUTHORITIES

The application should be recommended by recommended by State/U.T Deptts., any Deptt. of Govt. of India/District Authority, Local Self Govt. (Panchayat, Zila Parishad, Municipal Corporation etc.). Experts in the field, Member of Parliament, Member of Legislative Assemblies/Legislative Councils and reputed Voluntary Organizations.

DATE OF RECEIPT OF RECOMMENDATION

Particulars of the child recommended for the Award should be furnished in the proforma given at Annexure. Recommendations received after **31st July** may not be considered.

The National Selection Committee may, at its discretion, also consider individuals other than recommended by a State Governments/U.T. Administration, for the Award.

CRITERIA FOR SELECTION

(i) The child is to be selected for the Award should unusual talent and exceptional achievement in any field including academics, arts, culture and sports etc.

(ii) Age certificate (Date of birth) duly attested by a Gazetted Govt. office may be attached.

(iii) Tributes/traits, which are claimed to be possessed by the child extraordinary or exceptional, should be reported in the Press, or have been tested by experts in the field. It should also be possible to subject the claim to an objective test.

DATE OF AWARD

The Award will be announced on **14th November** each year and will be given away in New Delhi on a date and time convenient to the Minister for Women & Child Development.

The child will receive the Award personally. The Ministry of Women & Child Development will pay the Awardees and his/her guardian/escort (maximum number 2) expenditure involved in traveling and daily allowances as per rules.

Annexure

Particulars of the individual recommended for “National Child Award for Exceptional Achievement”

2 passport size
photograph duly attested

1. (i) Name (in Hindi & English)
(ii) Date of birth (duly attested)
(iii) Place of birth
(iv) Educational qualifications (with certificates, if applicable)
(v) Telephone No. (with code)
(iv) Present address (with father's name)
2. Field of Achievement
3. How is the performance of the individual adjudged as exceptional achievement
4. A brief life sketch of the child including press clippings etc./certificates etc.

5. Sponsored by (Govt., other agencies etc. with details)

6. Remarks of the State/UT Govt/recommending authority.

State Level National Talent Search Examination, 2016

Government of West Bengal
Directorate of School Education
Bikash Bhavan, 7th Floor
Salt Lake City, Kolkata-91

State Level National Talent Search Examination, 2016

State level National Talent Search Examination, 2016, for the students of class X or for those who will appear at the 10th level examination, 2016 through ODL mode will be held on **November 8, 2015** (Sunday) in the different centres in the state of West Bengal. The students of class X studying in schools/ Madrasahs/Institution/Institute recognised by WBBSE / WBBME / Central Board of Secondary Education or Council for the Indian School Certificate Examination, New Delhi securing 50% and above marks (40% and above marks for SC/ST/Physically disabled candidates) in the previous Annual Examination of class IX or pre-10th level examination, or credited corresponding to the said marks in grading system in last annual examination of Class IX or equivalent are eligible to appear at the examination. Students who have registered under Open Distance Learning (ODL) will also be eligible for Scholarship provided that the student is below the age of 18 years (as on 1st July 2015), the student is not employed and he/she will appear at 10th level examination for the 1st time. Three categories of physically challenged groups of children (namely hearing, physically and visually) having valid certificates with 40% and above disability & studying in class 10th standard may appear at the State level National Talent Search Examination, 2016. There is no income bar in applying for this scholarship. State Government does not charge any fee for the said Examination. Application Forms will be available on the website, www.wbsed.gov.in on and **from 12.08.2015**. The filled-in application form duly signed, authenticated along with photocopy of relevant certificates like result of last annual examination or pre-10th level examination, SC/ST certificates (issued by Competent Authority)/ Disability certificates (issued by competent Medical Board of State Govt. or Central Govt.), wherever it is necessary, must be submitted to the District Inspector of Schools (Secondary Education) concerned by 11th September, 2015. The application may be done by the students individually or from the schools concerned. In case of Study Centres under ODL mode, the Coordinator or Authorised person shall authenticate the required particulars mentioning approval number, code etc. of the Study Centre.

Commissioner, School Education,
West Bengal

Postal Address of the 22 Offices of District Inspector of Schools (Secondary Education) including Two Educational Districts of West Bengal

1.	District Inspector of Schools (Secondary), Bankura, Bidya Bhawan, Court Compound, P.O. & Dist: Bankura, Pin:722101	12.	District Inspector of Schools (Secondary), Kolkata, Siksha Bhawan, 27A, Bosepurkur Road, 5th Floor, Kolkata-700 042
2.	District Inspector of Schools (Secondary), Barrackpur, 60, Barasat Road, P.O. Nonachandanpukur, Dist- North 24 Parganas, Pin-743102	13.	District Inspector of Schools (Secondary), Malda, Siksha Bhawan, Atul Chandra Market, Mahesh Mati Road, P.O.- Malda, Dist-Malda, Pin-732101
3.	District Inspector of Schools (Secondary), Birbhum, Vidya Sagar Bhavan, P.O. Suri, Dist-Birbhum, Pin-731101	14.	District Inspector of Schools (Secondary) Murshidabad, Siksha Bhawan, Panchantala, P.O. Berhampore, Dist- Murshidabad, Pin-

			742 101
4.	District Inspector of Schools (Secondary), Burdwan, Netaji Bhawan, Kachari Road, P.O. & Dist-Burdwan, Pin-713 101	15.	District Inspector of Schools (Secondary) Nadia, Siksha Bhawan, P.O. Krishnanagar, Dist:-Nadia, Pin-741101
5.	District Inspector of Schools (Secondary), Coochbehar, P.O. & Dist- Coochbehar, Pin- 736 101	16.	District Inspector of Schools (Secondary) North 24 Parganas, Siksha Bhawan, 16/1, K.K. Mitra Road, P.O. Barasat, Dist:- North 24 Parganas, 700 124
6.	District Inspector of Schools (Secondary), Dakshin Dinajpur, Beltala Park, P.O. Balurghat, Dist- Dakshin Dinajpur, Pin-733 103	17.	District Inspector of Schools (Secondary) Paschim Medinipur, Siksha Bhawan, P.O. Midnapore, Dist:- Paschim Medinipur, Pin-721101
7.	District Inspector of Schools (Secondary), Darjeeling, GTA, Old Secretariat Building, P.O.& Dist:-Daijeeling Pin-734 101	18.	District Inspector of Schools (Secondary), Purba Medinipur, P.O. Tamluk, Dist:- Purba Medinipur, Pin- 721636
8.	District Inspector of Schools (Secondary), Hooghly, Pankhatuli Road, P.O. Pipulpati, Dist- Hooghly, Pin:-712103	19.	District Inspector of Schools (Secondary), Purulia, Siksha Bhawan, P.O. Purulia, Dist:- Purulia, Pin:- 723101
9.	District Inspector of Schools (Secondary), Howrah, Siksha Bhawan, 18, Nityadhan Mukheijee Road, P.O. & Dist- Howrah, Pin- 711101	20.	District Inspector of Schools (Secondary), Siliguri, Alo Bhavan, 250/183, Nandalal Bose Sarani, Collegepara, P.O. Siliguri, Dist:- Darjeeling, Pin:-734001
10.	District Inspector of Schools (Secondary), Jalpaiguri, Mohanta para, P.O. & Dist:- Jalpaiguri, Pin-735 101	21.	District Inspector of Schools (Secondary) South 24 Parganas, Administrative Buildings, Alipore, Kolkata, Pin-700 027
11.	District Inspector of Schools (Secondary), Uttar Dinajpur, P.O. Karnojora-via-Raiganj Dist:- Uttar Dinajpur, Pin- 733130	22.	District Inspector of Schools (Secondary), Alipurduar, College Para, Alipurduar, Pin-736121

Information on National Talent Search Examination, 2015-16

General Information

With a view to identify the talented students and to nurture their talents, Government of India (GOI) has introduced National Talent Search Scheme (NTSS) in the year 1963. The NCERT conducts the National Talent Search Examination for students who are presently studying in class X.

It is a two-stage selection process. The first stage selection i.e. Stage-I State level NTS Examination is conducted by the state by way of a written examination. The date for the said examination for this year has been fixed on **8th November, 2015** (Sunday). The number of students as per State quota in order of Merit among the successful ones in the Stage-I Examination, will be eligible to appear at the Stage-II Examination (National Level). Stage-II NTS Examination will be conducted and held on **8th May, 2016** (Sunday) by the N.C.E.R.T.

Examination Pattern for Stage-I Examination

State level Examination will be conducted in three session on the same day as per details given below:-

1) Mental Ability Test (MAT)

2) Language Test (LT)

3) Scholastic Aptitude Test (SAT)

Name of the Tests	Type	Marks	No. of items	Duration (in minutes)
Mental Ability Test	Objective/MCQ	50	50	45 Minutes
Language Test	Objective/MCQ	50	50	45 Minutes
Scholastic Aptitude Test	Objective/MCQ	100	100	90 Minutes

Language Test

The Language Test is of qualifying nature and marks for Language Test will not be counted for deciding the final merit list of the students.

The candidate who will obtain the qualifying marks in the LT is eligible to be considered for preparation of the merit list, based on the marks obtained in SAT & MAT. Candidates will choose any one language out of 5 languages, i.e., English, Bengali, Hindi, Urdu and Nepali.

Syllabus

Subject: There is no prescribed syllabus for NTS Examination. The standard of items shall conform to the level of classes IX & X.

Scholastic Aptitude Test: The test comprises the subjects given below:

1) Mathematics, 2) Physics, 3) Chemistry, 4) Biology, 5) History, 6) Geography, 7) Political science, and 8) Economics

All questions in the booklet for Stage-I examination are of multiple choice type. One mark will be awarded for the right answer for each question. There is no negative marking in the said State Level examination.

Qualifying Marks

Qualifying marks for the candidates is 40% for General Category and 35% for candidates of Schedule Caste, Schedule Tribe and Physically disabled in each paper.

Eligibility Criteria

All Students of class X, studying in recognised schools/Madrasah/Institution and Open Distance Learning Study Centre under West Bengal Council of Rabindra Open Schooling/ NIOS with 50% and above marks for unreserved category and 40% for SC/ST/PH candidates in previous annual exam or pre-10th standard examination [provided the student is below the age of 18 years [as on 1st July 2015), is not employed and will appear at 10th standard examination for the first time in case of ODL only] are eligible to appear at the stage-I NTS examination.

Scholarships

On the basis of Stage-II NTS Examination 1000 Scholarships throughout India will be awarded up to Ph.D Level The amount of scholarship at present, is as follows:-

- a) Scholarship of Rs. 1250/- per month for class XI-XII
- b) Scholarship of Rs. 2000/- per month for undergraduate and post graduates.
- c) Amount of Scholarship for Ph.D. to be fixed in accordance with the UGC norms.

State Quota

State Quota for appearing Stage-II Examination is 276+ tie-up cases (with last cut off marks)

Fees

Govt. Of West Bengal does not charge any fee for State level National Talent Search Examination.

Reservation

15% Scholarships will be reserved for students belonging to the SC category, 7.5% Scholarships for the students belonging to the ST category and 3% for physically challenged group of students both for State level and National Level examination.

Application Form

Application form will be available in the website of School Education Department (www.wbsed.gov.in) from 12/08/2015. The filled-in application form should be submitted to the concerned District Inspector of Schools (S.E) of the districts after duly signed, authenticated by the Head of the Institution/ Teacher-in-charge of the concerned school / coordinator of the study centre or any authorised person in case of ODL along with the copy of the necessary certificates, like photocopy of the mark sheet of previous annual exam or pre-10th standard examination, copy of SC/ST/ Disability certificates bearing with the photograph of the students latest by **11th September, 2015**.

Commissioner, School Education
West Bengal

National Means-cum-Merit Scholarship Examination, 2015

Applications are invited from 12-08-2015 to 11-09-2015 from the meritorious students of Class-VIII studying in Govt., Govt. Sponsored, Govt. Aided and Local Body managed schools or madrasahs having 55% (50% in case of SC/ST) marks in the previous annual examination (examination of class VII) and whose parental income is less than Rs. 1.5 lac per annum. For detailed information and application form, the willing students may visit School Education Department's website www.wbsed.gov.in. The filled-in application form along with duly signed, authenticated and attested Annual Income Certificate of the parents (mandatory for all), Mark-sheet of Class VII Annual Examination, Caste and Disability Certificate(s) (if applicable) must be submitted to the concerned District Inspector of Schools (Secondary Education) by **11th September, 2015** for appearing at the NMMS Examination 2015. No fee is charged.

The Admission (Admit) cards would have to be collected by the candidates in person from the office of the District Inspector of Schools (Secondary Education) of the concerned District.

Sd/- Avanimdra Singh
Commissioner of School Education
West Bengal

Postal Address of the 22 Offices of District Inspector of Schools (Secondary Education) including Two Educational Districts of West Bengal

1.	District Inspector of Schools (Secondary), Bankura, Bidya Bhawan, Court Compound, P.O. & Dist: Bankura, Pin:722101	12.	District Inspector of Schools (Secondary), Kolkata, Siksha Bhawan, 27A, Bosepurkur Road, 5th Floor, Kolkata-700 042
2.	District Inspector of Schools (Secondary), Barrackpur, 60, Barasat Road, P.O. Nonachandanpukur, Dist- North 24 Parganas, Pin-743102	13.	District Inspector of Schools (Secondary), Malda, Siksha Bhawan, Atul Chandra Market, Mahesh Mati Road, P.O.- Malda, Dist-Malda, Pin-732101
3.	District Inspector of Schools (Secondary), Birbhum, Vidya Sagar Bhavan, P.O. Suri, Dist-Birbhum, Pin-731101	14.	District Inspector of Schools (Secondary), Murshidabad, Siksha Bhawan, Panchantala, P.O. Berhampore, Dist- Murshidabad, Pin-742 101
4.	District Inspector of Schools (Secondary), Burdwan, Netaji Bhawan, Kachari Road, P.O. & Dist-Burdwan, Pin-713 101	15.	District Inspector of Schools (Secondary), Nadia, Siksha Bhawan, P.O. Krishnanagar, Dist:-Nadia, Pin-741101
5.	District Inspector of Schools (Secondary), Coochbehar, P.O. & Dist- Coochbehar, Pin-736 101	16.	District Inspector of Schools (Secondary), North 24 Parganas, Siksha Bhawan, 16/1, K.K. Mitra Road, P.O. Barasat, Dist:- North 24 Parganas, 700 124
6.	District Inspector of Schools (Secondary), Dakshin Dinajpur, Beltala Park, P.O. Balurghat, Dist- Dakshin Dinajpur, Pin-733 103	17.	District Inspector of Schools (Secondary), Paschim Medinipur, Siksha Bhawan, P.O. Midnapore, Dist:- Paschim Medinipur, Pin-721101
7.	District Inspector of Schools (Secondary), Darjeeling, GTA, Old Secretariat Building,	18.	District Inspector of Schools (Secondary), Purba Medinipur, P.O. Tamluk, Dist:- Purba Medinipur, Pin-

	P.O.& Dist:-Darjeeling Pin-734 101		721636
8.	District Inspector of Schools (Secondary), Hooghly, Pankhatuli Road, P.O. Pipulpati, Dist- Hooghly Pin:-712103	19.	District Inspector of Schools (Secondary), Purulia, Siksha Bhawan, P.O. Purulia, Dist:- Purulia, Pin:- 723101
9.	District Inspector of Schools (Secondary), Howrah, Siksha Bhawan, 18, Nityadhan Mukherjee Road, P.O. & Dist- Howrah, Pin- 711101	20.	District Inspector of Schools (Secondary), Siliguri, Alo Bhavan, 250/183, Nandalal Bose Sarani Collegepara, P.O. Siliguri, Dist:- Darjeeling, Pin:-734001
10.	District Inspector of Schools (Secondary), Jalpaiguri, Mohanta para, P.O. & Dist:- Jalpaiguri, Pin-735 101	21.	District Inspector of Schools (Secondary), South 24 Parganas, Administrative Buildings, Alipore, Kolkata, Pin-700 027
11.	District Inspector of Schools (Secondary), Uttar Dinajpur, P.O. Karnojora-via-Raiganj Dist:- Uttar Dinajpur, Pin-733130	22.	District Inspector of Schools (Secondary), Alipurduar, College Para, Alipurduar, Pin-736121

Instructions for Centrally Sponsored National Means-Cum-Merit Scholarship Examination, 2015

1. Date of Examination: **08.11.2015**
2. Name and address of state Agency: Directorate of School Education, West Bengal, Bikash Bhavan, 7th floor, Salt Lake City, Kolkata – 700091.
3. Students of class VIII who secured 55% and above marks in the annual examination of class VII are eligible to appear in the centrally sponsored NMMS Examination, 2015 for class VIII. 5% relaxation to SC, ST, Disabled candidates.
4. Students of Kendriya Vidyalaya, Jawahar Navodaya Vidyalaya and State Government run residential schools are not entitled to get Scholarship. The students must be studying in Government Schools/Government Aided School/ Local Body and Government Sponsored Schools including Madrasah.
5. Parental Income should be below Rs. 1,50,000/- (One lakh fifty thousand) per annum from all sources. Income certificate to be attached as per G.O.I. guideline.
 - i. For salaried person Employer Certificate for the period from 01.04.2014 to 31.03.2015 in original to be attached to the hard copy of Application Form.
 - ii. For non-salaried person Salary Certificate for the period from 01.04.2014 and 31.03.2015 must be obtained from any Gazetted Officer not below the rank of Jt. B.D.O. / Executive Officer (In case of Corporation and Municipality area).
6. The application form along with necessary certificates duly signed by the concerned School Authority must be submitted to the District Inspector of Schools (Secondary Education) office of his/her district latest by 11.09.2015 failing which candidature of the student will be cancelled.
7. Students are requested to enclose copy of Mark-sheet of last annual examination of class VII, copy of SC/ST certificate, issued by the Competent Authority and Disability Certificate (40% and above disability must be certified by the Competent Medical Board of the State Govt. / Central Govt.), wherever it is necessary. This is mandatory.
8. Every applicant must have a bank A/c in his/her name. This A/c may be single or a joint A/c. In case of Joint bank A/c, he must be the first holder of that A/c. Once the bank details is submitted it is final. No request regarding change in the bank A/c No. will be entertained.
9. Incomplete or defective application form is liable to be rejected.

INSTRUCTIONS TO THE CANDIDATE (For the Students Studying in Class VIII)

1. Reach the Examination Centre with Admit Card, Black Ball Pen at least half an hour before the commencement of the examination; and occupy the seat that bears your Roll Number.

2. Without the Admit Card none will be allowed to sit for the Examination.
3. DO NOT take calculator, mathematical and physical table or any other kind of ready reckoner to the Examination Hall.
4. The examination will be conducted in two sessions on the same day.
5. You have to sit for the examination in two PARTS:
 - (i) Part I is confined to Mental Ability Test.
 - (ii) Part II is confined to Scholastic Aptitude Test. The SAT will consist items from Science, Social Studies & from Mathematics.
6. Each question carries one (1) mark.
7. Write and encode your name and Roll Number as given in the Admit Card on the OMR Answer sheet as per instruction in the OMR Sheet & Roll Number on the cover page of the question booklet in the space provided.
8. Do not write your name in any part of the Question Booklet.
9. All questions in the booklet are objective type. For each question four possible answers are given, but only one is correct. Your task is to find out the correct answer and mark your choice in the OMR Answer sheet.
10. Record your answer using black ball point pen only. You have to indicate your answer on the OMR Answer sheet by darkening the circle as per instruction in the OMR Answer sheet.
11. During the examination follow the instruction of the invigilator strictly.
12. Hand over your OMR Answer sheet positively only to the Invigilator before you leave the Examination Hall.

Name of the Tests	Type	Marks	No. of items	Duration (in minutes)
Mental Ability Test	Objective/MCQ	90	90	90 (10:30 am to 12 noon)
Scholastic Aptitude Test	Objective/MCQ	90	90	90 (1 pm to 2:30 pm)