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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

School Education Department

* (Secondary Branch)

Bikash Bhavan, Salt Lake, Kolkata-700 091

NOTIFICATION

No.216-SE/S/10M-01/18 dated Kolkata, the 8th March, 2018 – WHEREAS the draft notification of amendments of the Rules for Management of Recognised Non-Government Institutions (Aided and Unaided) 1969, issued with this Department notification No. 1598-Edn(S); dated 15th July, 1969, published in the *Calcutta Gazette, Extraordinary*, dated the 15th July, 1969, (hereinafter referred to as the said rules), was published as required by sub-section (1) of section 45 of the West Bengal Board of Secondary Education Act, 1963 (West Ben. Act V of 1963) (hereinafter referred to as the said Act), *vide* notification No. 983-SE/S/1A-10/2017, in the *Kolkata Gazette, Extraordinary*, PART I, dated the 10th November, 2017, inviting objections and suggestions from all persons likely to be affected thereby, within thirty days from the date of its publication;

AND WHEREAS some objections and suggestions were received from all persons likely to be affected thereby within the given period;

AND WHEREAS all such objections and suggestions have been considered by the State Government;

NOW, THEREFORE, in exercise of the power conferred by sub-section (1), and clauses (d) and (e) of sub-section (2) of section 45, *read* with clause (j) of sub-section (2) of section 27, of the said Act, the Governor is pleased hereby to make, with immediate effect, the following amendments in the said rules, namely:—

Amendments

In the said rules, —

- (1) in the sub-rule(2b) of rule 4, for the words, letters, figures, letters and brackets "by the Committee in terms of clause (vii) of sub-rule (9) of rule 28:", *substitute* the words, figures and brackets "as per provision of the West Bengal Board of Secondary Education (Appointment, Confirmation, Conduct and Discipline of Teachers and Non-Teaching Staff) Rules, 2018:";
- (2) in rule 28,—

- (a) *omit* sub-rules (1), (1a), (2), (3), (4), (5), (6), (7), (8), (8a) and (8b);
- (b) in sub-rule (9),— (I) in item No.(i) *omit* the words "to grant increments in pay to teachers and other employees in accordance with the procedure laid down from time to time or where in aided schools that grant of increments is regulated by grant-in-aid rules; in accordance with such rules;"

(II) *omit* items (ii), (iii), (iv), (v), (vi), (vii), (viii) and (viii)

- (3) rule 28A shall be renumbered as rule 28E and before rule 28E, so renumbered, *insert* the following rules:—

"28A. Powers and duties of Committee or Administrator of a Recognized Non-Government Aided Institution.—The Committee or the Administrator of a Recognized Non-Government Aided Institution, subject to any order of the Government or the Director of School Education or the Board or the District Inspector of Schools (Secondary Education) of the district or the Additional District Inspector of Schools (Secondary Education) of the concerned Sub-Division, shall—

- (a) allow a candidate to join, either on first appointment as such or on transfer, in the post of Headmaster or Headmistress if he or she carries an appointment letter or an order of transfer issued by the Board in pursuance of the provisions of the West Bengal School Service Commission Act, 1997 and the West Bengal Board of Secondary Education Act, 1963, as and when he or she reports for joining;

Provided that if the Committee or the Administrator refuses to allow a candidate to join the post of Headmaster or Headmistress, it shall amount to misconduct on the part of the Committee or the Administrator, and the Board may, with the approval of the Government, take any action, including dissolution of the Committee, or as the case may be, the Government may initiate departmental proceeding against the Administrator;

- (b) appoint, with the prior permission of the District Inspector of Schools (Secondary Education) of the district or the Additional District Inspector of Schools (Secondary Education) of the concerned Sub-Division, teaching or non-teaching staff against part-time vacancies of temporary nature, if available, within the sanctioned strength and as per the norms fixed by the Government or other competent authority in this regard;
- (c) appoint, with the prior permission of the District Inspector of Schools (Secondary Education) of the district or the Additional District Inspector of Schools (Secondary Education) of the concerned Sub-Division, the Assistant Headmaster or the Assistant Headmistress against the vacancy within the sanctioned strength from amongst the approved teachers;
- (d) grant leave as mentioned in the Appendix to 28(9)(i) of these rules, other than the casual leave which shall be granted by the Head of institution and by the Secretary of the Committee, in case of Head of institution;
- (e) depute teachers for teacher's training courses duly approved by the National Council for Teacher Education and duly recognised by the State Government in the interest of the institution;
- (f) give 'No Objection Certificate (NOC)' to transfer applications in the prescribed manner, if the same is required by any law or rules relating to transfer;
- (g) intimate the Board on any matter pertaining to alleged misconduct of any teaching or non-teaching staff of the institution with all relevant records and evidence;
- (h) prepare and publish academic calendar and list of holidays of institution;
- (i) maintain accounts of funds of the institution and the said account and funds shall be operated jointly by the persons as referred to in rule 27 (2);
- (j) frame annual reports;

- (k) implement and/or supervise all schemes of development of the institution and make provision for safe drinking water, sanitation, separate urinal and latrine for boys, girls and transgender, healthy mid-day meal, arrangement of fire safety duly certified by the competent authority and provision for safety of children;
- (l) follow the provisions of the law relating to the right to education as laid down in the Right of Children to Free and Compulsory Education Act, 2009, in respect of elementary education, if the institution imparts elementary education;
- (m) obey any other general or specific order of the Government or the Director of School Education or the Board or the District Inspector of Schools (Secondary Education) of the district or the Additional District Inspector of Schools (Secondary Education) of the concerned Sub-Division in the interest of education.
- (n) to report vacancies, as and when arising, in the permanent sanctioned posts, as per rules.

28B. Powers and duties of Committee of a Recognized Non-Government Unaided Institution.— The Committee of a Recognized Non-Government Unaided Institution, subject to any order of the Government or the Director of School Education or the Board or the District Inspector of Schools (Secondary Education) of the district or the Additional District Inspector of Schools (Secondary Education) of the concerned Sub-Division, shall have the powers and duties—

- (a) to appoint teachers or non-teaching staff as per the norms fixed by the competent authority in this regard;
- (b) to maintain and control the service of such appointed teaching or non-teaching staff as per law or agreement made between the said committee and the concerned teaching or non-teaching staff;
- (c) to intimate the Board on any matter pertaining to misconduct of any teaching or non-teaching staff of institution;
- (d) to formulate academic calendar and list of holidays of institution;
- (e) to maintain accounts of the funds of institution. The said accounts and funds shall be maintained jointly by the persons as referred in rule 27 (2);
- (f) to implement and/or supervise all schemes of development of the institution and shall make provision for safe drinking water, sanitation, separate urinal and latrine for boys and girls, healthy mid-day meal, arrangement of fire safety duly certified by the competent authority and provision for safety of children;
- (g) to follow the provisions of the law relating to the right to education as laid down in the Right of Children to Free and Compulsory Education Act, 2009 in respect of elementary education, if the institution imparts elementary education;
- (h) to obey any other general or specific order of the Government or the Director of School Education or the Board or the District Inspector of Schools (Secondary Education) of the district or the Additional District Inspector of Schools (Secondary Education) of the concerned Sub-Division in the interest of education.

28C. Powers and duties of the Head of Institution of a Recognized Non-Government Aided Institution.— The Head of Institution of a Recognized Non-Government Aided Institution, subject to any order of the Government or the Director of School Education or the Board or the District Inspector of Schools (Secondary Education) of the district or the Additional District Inspector of Schools (Secondary Education) of the concerned Sub-Division, shall be responsible for the overall academic and administrative matters of the institution and his powers and duties shall include —

- (a) to allow a candidate to join, either on first appointment or on transfer, in the post of Assistant Teacher or Librarian or any other non-teaching post, if he carries an appointment letter or an order of transfer issued by the Board in pursuance of the provisions of the West Bengal School Service Commission Act, 1997 and the West Bengal Board of Secondary Education Act, 1963, as and when he reports for joining;

Provided that upon such joining, the Head of Institution shall, within seven (7) days, send the joining report and other necessary papers pertaining to appointment to the District Inspector of Schools (Secondary Education) or Additional District Inspector of Schools (Secondary Education), as the case may be, for approval of appointment, and also to the West Bengal Board of Secondary Education as well as to the concerned Regional Commission of the West Bengal School Service Commission;

- (b) to make requisition of salary of teaching and non-teaching staff;
- (c) to grant annual increments in the pay scale of teachers and non-teaching staff on satisfactory service;
- (d) to forward, with the approval of the Committee or the Administrator, the prayer of confirmation of teaching or non-teaching staff, upon satisfactory service on probation, to the Board through the District Inspector of Schools (Secondary Education) or the Additional District Inspector of Schools (Secondary Education) of the concerned Sub-Division;
- (e) to maintain General Provident Fund of teaching and non-teaching staff and sanction withdrawal thereof;
- (f) to maintain service book of the approved teaching and non-teaching staff and update the same annually;
- (g) to grant career advancement benefit of teaching and non-teaching staff on satisfactory and continuous service as per government policy and orders;
- (h) to serve the required notice and submit pension papers of teaching and non-teaching staff as per rules and orders relating to payment of retirement benefit;
- (i) to act as the custodian of the school records and produce the same as and when required by any superior authority;
- (j) to follow the provision of law relating to the right to education as laid down in the Right of Children to Free and Compulsory Education Act, 2009 in respect of elementary education, if the institution imparts elementary education;
- (k) to obey any other general or specific order of the Government or the Director of School Education or the Board or the District Inspector of Schools (Secondary Education) of the district or Additional District Inspector of Schools (Secondary Education) of the concerned Sub-Division in the interest of education.

28D. Powers and duties of Assistant Headmaster or Assistant Headmistress of a Recognized Non-Government Aided Institution.—(1) The Assistant Headmaster or Assistant Headmistress of a Recognized Non-Government Aided Institution, subject to any order of the Government or the Director of School Education or the Board or the District Inspector of Schools (Secondary Education) of the district or the Additional District Inspector of Schools (Secondary Education) of the concerned Sub-Division, shall, with the approval of the Head of Institution, perform the following functions and discharge the following duties —

- (a) to maintain daily class routine and provisional routine, if required;
- (b) to prepare routine for examination in the institution;
- (c) to conduct the continuous comprehensive evaluation of students;
- (d) to maintain progress reports of students;
- (e) to hold parent-teacher meetings;
- (f) to prepare reports on drop out of students and take remedial measures for checking drop out;
- (g) to conduct remedial teaching for the slow learners;
- (h) to assist the Head of Institution to monitor as to whether Assistant Teachers are taking classes as per syllabus and curriculum;

- (i) to follow the provision of law relating to the right to education as laid down in the Right of Children to Free and Compulsory Education Act, 2009 in respect of elementary education, if the institution imparts elementary education.
- (j) to obey any other general or specific order of the Government or the Director of School Education or the Board or the District Inspector of Schools (Secondary Education) of the district or the Additional District Inspector of Schools (Secondary Education) of the concerned Sub-Division, or the Head of Institution in the interest of education.
- (k) to officiate in the post of Headmaster or Headmistress during the temporary vacancy in the post of Headmaster or Headmistress.

(2) The Head of Institution shall perform the duties as referred in sub-rule (1), in absence of Assistant Headmaster or Assistant Headmistress in an institution."

By order of the Governor,

D. NARIALA

Principal Secretary to the Government of West Bengal.