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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. 982-SE/S/1A-10/2017.—The following draft of amendments, which the Governor, in exercise of the power conferred by sub-section (1), and clauses (d) and (o) of sub-section (2) of section 45, read with clause (j) of sub-section (2) 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), proposes to make in the Rules for Management of Sponsored Institutions (Secondary), 1972, issued with this Department notification No. 264-Edn(S), dated 8th March, 1972, published in the *Calcutta Gazette, Extraordinary*, dated the 8th March, 1972, (hereinafter referred to as the said rules), is hereby published for the information of persons likely to be affected thereby.

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

Draft of amendments

In the said rules,—

(1) in rule 5,—

(a) in clause (i), for the words "Department of School Education of the State Government", substitute the words "Commissioner of School Education, Government of West Bengal";

(b) omit clause (ii);

(2) after the first proviso of rule 10, add the following proviso:—

"Provided further that notwithstanding anything contained in any other rule, the appointing or nominating authority may recall any person or may appoint or nominate, as the case may be, any person as President or Person Interested in Education on the Committee of an Institution, before the expiry of the term of the Committee without

assigning any reason if such authority is satisfied on the basis of any formal or informal information that the replacement of such person is in the better academic or administrative interest of the concerned institution.";

(3) for rule 23, *substitute* the following rule:—

"23. Powers and duties of Committee or Administrator of an institution.— The Committee or the Administrator of an 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, in such cases, 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 in 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 other than casual leave as per Leave Rules;
- (e) depute teachers for valid teacher training courses duly approved by the National Council for Teacher Education 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) not move against the Government or the Director of School Education or the Board or the District Inspector of Schools (Secondary Education) or the Additional District Inspector of Schools (Secondary Education) of concerned Sub-Division, as the case may be, to any court of law, without service of written representation upon him or them, as the case may be, and affording reasonable opportunity to dispose of the same;
- (h) 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;
- (i) prepare and publish academic calendar and list of holidays of the institution;
- (j) maintain accounts of funds of the institution and the said account and funds shall be operated jointly by the President of the Committee and the Head of Institution;
- (k) frame annual reports;
- (l) 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, provision for safety of children against natural calamity etc.;

- (m) 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;
 - (n) 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.
- (4) for rule 23A, *substitute* the following rules:—

"23A. Powers and duties of the Head of Institution of an institution.—The Head of Institution of an 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 the Additional District Inspector of Schools (Secondary Education), as the case may be, for approval of service, 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 to teachers and non-teaching staff on satisfactory service;
- (d) to forward 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 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 the Additional District Inspector of Schools (Secondary Education) of the concerned Sub-Division in the interest of education.

23B. Powers and duties of Assistant Headmaster or Mistress of an institution.—(1) The Assistant Headmaster or the Assistant Headmistress of an 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 clause (I), in absence of Assistant Headmaster or Assistant Headmistress in an institution.

23C. Power of the State Government to take action against a member of the Committee.— Notwithstanding anything contained elsewhere in these rules, the State Government shall have the right to proceed against any member of the Committee or the Administrator of an institution, who, in the opinion of the State Government, commits financial irregularity or acts against the interest of the institution.

By order of the Governor,

DUSHYANT NARIALA

Principal Secretary to the Government of West Bengal.