

Government of West Bengal  
Education Department  
Secondary Branch

No. 1541-Edn (S) /21-2/77, dated 15.12.1977

NOTIFICATION

In exercise of the power conferred by Sub-section (1), 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 amendments in the Management of Recognised Non-Government Institutions (Aided and Unaided) Rules, 1969 (hereinafter referred to as the said rules):

AMENDMENTS

In the said rules,

(a) After clause (i) of Sub-rule (9) of rule 28, add the following note, namely:

“Note — The Committee shall grant leave according to rules shown in the appendix;

Appendix

(Vide Note below clause (i) of sub-rule (9) of rule 28)

Rules for the grant of leave to the teaching and the non-teaching staff of recognised non-government Secondary Schools other than Sponsored Schools or any other Schools or Class of School as the State Government may specify.

1. (a) ‘Leave’ means, except in the case of casual leave, absence from duty attached to the tenure of the post. There may be the following kinds of leave admissible to a teacher or a non-teaching employee of an institution:

- (i) Casual leave
- (ii) Leave on half average pay
- (iii) Leave on medical grounds
- (iv) Special leave in exceptional circumstance
- (v) Compensatory leave
- (vi) Extraordinary leave
- (vii) Maternity leave
- (viii) Quarantine leave.

Note: (a) No leave can be claimed as a matter of right.

(b) Absence of a teacher attending duties as Juror in a Law Court or Head Examiners’ Meeting of the Board or having an interview with the Board, if called for by the Board, or if required, to join a seminar organised or sponsored by the All India Council, State Government or by the Board, shall be treated as on duty.

(c) ‘Medical Certificate’ means a certificate granted by a Registered Medical Practitioner in the following form—

“I ..... after careful personal examination of the case certify that ..... whose signature is given above is suffering from ..... and I consider that a period of absence from

duty of ..... is absolutely necessary for the restoration of his or her health.”

Date: ..... Government Medical Officer or Registered Medical Practitioner.

A similar certificate may be necessary when a teacher or a non-teaching employee declared fit to rejoin his duties.

(d) 'Average pay' means the average of basic pay for the period of twelve months immediately preceding the date on which the teacher or the non-teaching employee proceeds on leave.

(e) 'Teacher' means a Headmaster/Headmistress, Assistant Head-master/ Assistant Headmistress and any other approved member of the teaching staff.

## 2. Casual Leave

Casual leave shall not be treated as absence from duty and there shall, consequently, be no interference with the rate of emolument of the teacher or the non-teaching employee concerned. A teacher or a non-teaching employee of the school may have 14 days of casual leave in a calendar year. The casual leave may be affixed or prefixed to any holiday or Sunday but the total period including the holiday or Sunday shall not exceed 7 days at a time. Sundays and holidays falling within the period of casual leave shall not be counted as a part of the casual leave;

PROVIDED casual leave shall not be affixed or prefixed to any long vacation.

## 3. Leave on half average pay

A teacher or a non-teaching employee of school may be granted 15 days leave on half average pay in a year of service;

PROVIDED that the total period of leave on half average pay which may accrue to the credit of the teacher or the non-teaching employee shall not exceed two months;

PROVIDED further that during such period a teacher or a non-teaching employee shall be entitled to a leave salary at the rate of half of the average pay.

## 4. Leave on Medical ground

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 medical certificate from a Medical Officer or a Registered Medical practitioner with the application for leave and a 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 one year, that is, 365 days during the whole period of service in a school or schools.

During the period of leave on medical ground the teacher or the non-teaching employee will get a salary at the rate of full average pay.

## 5. Special leave in exceptional circumstances

In exceptional circumstances a teacher or a non-teaching employee of a school may be granted leave not exceeding 18 months; provided the whole case is reported to the Board with a concrete proposal which shall have to be approved by the Board.

Note : (i) Leave under rule 5 may be granted with the approval of the Board to a teacher or a non-teaching employee of any school suffering from prolonged illness, such as, Tuberculosis, injury to limbs requiring plastering etc. making him or her bed-ridden for a long time, when he or she has exhausted all other leave due to him or her.

(ii) Leave on full pay under rule 5 may be granted to a teacher intending to appear at an examination for the period of examination and a week prior to its Commencement.

A study leave of any other nature shall, however, not be granted to any teacher under this rule.

(iii) Subject to notes (i) and (ii), the period of leave may be granted on half average pay (or full average pay by the Managing Committee with prior approval of the Board).

## 6. Compensatory leave

A teacher or a non-teaching employee of a school may be granted compensatory leave for half the period he or she may be required to attend the school for duty during a long vacation or holidays provided he or she attends the school at least seven days during such vacation or holidays.

## 7. Extraordinary leave

If for any unforeseen reason a teacher or a non-teaching employee of a school fails to attend his or her duties and if there is no other leave due at his or her credit he or she may be granted leave without pay at the discretion of the Managing Committee for a period not exceeding two years.

## 8. Maternity leave

(1) Maternity leave may be granted to a permanent female teacher or a non-teaching employee, on full pay, for a period which may extend upto the end of three months from the date of its commencement or to the end of six weeks from the date of confinement, whichever is earlier.

(2) Maternity leave may also be granted to a temporary female teacher or non-teaching employee, on full pay, upto four weeks prior to the date & confinement, and four weeks after the date of confinement.

PROVIDED that she has been in service for at least nine months immediately preceding the date of delivery.

(3) Maternity leave may also be granted to a female teacher or a non-teaching employee in case of miscarriage or abortion subject to the condition that such leave shall not exceed six weeks and the application for the leave is supported by a certificate from a registered Medical Practitioner of a Government Hospital.

(4) Any other kind of leave, in continuation of maternity leave may be granted if the request for its grants is supported by a medical certificate.

## 9. Quarantine leave

Quarantine leave is a leave of absence from duty necessitated by orders not to attend school in consequence of the presence of infectious disease in the family or household of a teacher or a non-teaching employee of a school. Such leave may be granted on production of a certificate of a Medical or Public Health Officer for a period not exceeding 21 days, or in exceptional circumstances 30 days. Any leave necessary for quarantine purpose in excess of this period shall be treated as

ordinary leave. Quarantine leave may also be granted when necessary in continuation of other leave subject to the above maximum. No substitute shall ordinarily be appointed in place of a teacher or a non-teaching employee absent on a quarantine leave. A substitute may, however, be appointed for the absence of a teacher or a non-teaching employee on quarantine leave, whose duties cannot be arranged otherwise. A teacher or a non-teaching employee on quarantine leave is not treated as absent from duty and his or her pay is not intermitted;

Explanation — For the purpose of granting Quarantine leave under this rule the list of infectious diseases shall include the following:

- (a) (i) Small Pox
- (ii) Scarlet Fever
- (iii) Plague (Bubonic or Bubonic)
- (iv) Typhus
- (v) Cerebro—spinal meningitis.
- (b) For persons employed in the preparation and distribution of food, the additional diseases should also be treated as infectious:
  - (i) Dysentery,
  - (ii) Enteric fever (Typhoid fever),
  - (iii) Malta fever
  - (iv) Paratyphoid fever.

10. (i) No kind of leave except Casual Leave should be availed of without written application and previous sanction except in very exceptional circumstances which should be expanded to the satisfaction of the leave sanctioning authority.

(ii) Any member of teaching and non teaching staff remaining absent for more than 3 days for reasons of illness, shall submit a certificate from a registered medical practitioner.

(iii) Leave for reason of private affairs except Casual Leave must be applied for and got approved before it is availed of. Member of the teaching and non-teaching staff before finalising their private engagement should previously ascertain from the authority concerned as far as practicable whether the leave asked for is likely to be granted.

PROVIDED that in exceptional case of emergency nature in which it was not possible on the part of the staff concerned to apply for the leave and get it sanctioned before proceeding on leave, formal leave application fully stating the facts and circumstances necessitating such leave should be submitted to the authority concerned at the earliest possible opportunity.

11. (i) No permanent teaching or non-teaching employee shall be granted leave of any kind for a continuous period exceeding 5 years. Where such an employee does not resume his or her duty after remaining on leave for a continuous period of 5 years or where such an employee, after the expiry of his or her leave remains absent from duty, otherwise on ground of suspension for any period, which together with the period granted to him or her exceeds 5 years, he or she shall, unless this Board on reference from the school authorities and in view of exceptional circumstances of the case otherwise determines, be deemed to have resigned and shall accordingly cease to be in the employment of the school.

(ii) When an employee who is not in permanent employment, fails to resume his or her duties on the expiry of maximum period of extra-ordinary leave granted to him or her under rule 7 or where such an employee who is granted a shorter period of extraordinary' leave than the maximum period

admissible, remains absent from duty for any period which together with extraordinary leave granted exceeds the limit upto which he or she would have been granted such leave under rule 7, he or she shall, unless the Board on reference from the school authorities and in view of exceptional circumstances of the case otherwise determine, be deemed to have resigned and shall accordingly cease to be in the employment of the school.

12. Excepting Casual Leave and Compensatory Leave, any kind of leave mentioned below, may be granted in combination with or in continuation of any other kind of leave stated below:

1. Leave on half average pay.
2. Leave on medical grounds.
3. Special leave in exceptional circumstances.
4. Extra ordinary Leave.
5. Maternity Leave.

By order of the Governor

Sd/- B. N. Chatterjee  
Special Secretary to the Govt. of West Bengal