

Power of Managing Committee of Schools

Power of the Managing Committee relating to Appointment, Confirmation, Suspension etc. under Rule 28 & 28A of Management of Recognized Non- Government Institutions (Aided and Unaided) Rules, 1969.

Powers of Committee

(1) In an aided institution the Committee shall, subject to the provisions of any Grant-in-aid Scheme or Pay Revision Scheme or any order or direction or guide-lines issued by the State Government or the Director in connection therewith and in force for the time being, have the power

(i) to appoint on the recommendation of the West Bengal Regional School Service Commission in respect of the region concerned, teachers on permanent or temporary basis against permanent or temporary vacancies, if and when available, within the sanctioned strength of teachers and on approval by the Director or any Officer authorized by him, such approval being sought for within a fortnight from the date of decision of the committee in this behalf;

(ia) to appoint in accordance with the directions given by the Director or in his behalf, teachers and other employees against the leave /lien/ deputation vacancies, if available, within the sanctioned strength;

(ii) to appoint non-teaching employees on permanent or temporary basis against permanent or temporary vacancies, if and when available, within the sanctioned strength of non-teaching employees and on approval by the Directors or any Officer authorized by him, such approval being sought for within a fortnight from the date of decision of the committee in this behalf;

(iii) to extend, if it thinks fit, the service of any teacher or other employee, who was in service on the 31st December, 1985, but did not opt for the revised scales of pay introduced with effect from the 1st January, 1986, or having opted for such revised scale of pay, subsequently withdraws such option in terms of any order of the State Government in this behalf, beyond the age of 60 years, being the age of superannuation, on a year to year basis, but not beyond the age of 65 years;

Provided that the teacher or the employee concerned is physically fit and mentally alert and that the approval for such extensions shall be sought for from the Director or any other Officer authorized by him, within a period of 15 days from the date of decision of the Committee;

Provided further that the teacher or other employee, who withdraws his option for the revised scales of pay introduced with effects from the 1st January, 1986, in terms of any order of the State Government in this behalf, shall be deemed to have not opted for the said revised scales of pay;

Provided also that not with withstanding anything contained in this clause, such teacher or employee may opt for any revised scale of pay under any subsequent Pay Revision Scheme, if he agrees to retire in accordance with the terms of such schemes or at the age of superannuation for the time being in force, where there is no such term.

(2) If the officer authorized by the Director under sub-rule(1) does not approve the appointment or extension of service in any case coming under clause(i) or clause (ii) or clause (iii) of such rule (1),

as the case may be, he shall refer the case to the Director in the case of disapproval of any appointment or extension of service, the Director or the Officer authorized by him shall communicate to the Committee the reasons therefore.

(3) where the committee does not recommend extension of the service of a teacher or an employee under clause (iii) of sub-rule(1), it shall record specific reasons therefore and the person concerned may make his representation to the Director through the District Inspector/ Inspectress of schools concerned and so far as the committee is concerned, the decision of the Director is final.

(4) In an unaided Institution the Committee shall, subject to the approval of the Board, have the power

(i) to appoint in accordance with the directions given by the Director, or in his behalf, teachers and other employees on permanent or temporary basis, approval of such appointment being thereafter sought for from the Board through the Director ordinarily within a fortnight from the date of decision of the committee:

(ii) to extend as per condition laid down by the Director the services of teachers and other employees beyond the date of superannuation, approval for such extension being thereafter sought for from the Board ordinarily within a week from the date of decision of the committee.

(5) if any case coming under clause(i) or clause(ii) of sub-rule(4) the Board does not approve the appointment the appointment or extension of service, as the case may be, it shall communicate to the committee the reasons for disapproval.

(6) where the committee does not recommend extension of service of a teacher under clause(ii) of sub-rule(4) it shall record specific reason therefore and the person concerned may make his representation to the board and the decision of the board in the matter shall be final so far as the committee is concerned.

(7) in all cases of appointment, both permanent and temporary, the committee shall issue the letters of appointment, specifying the terms and conditions of such appointment. In the case of a permanent appointment, a teacher or an employee appointed on probation shall be confirmed on the expiry of the period of probation unless an order to the contrary is issued at least 6 weeks before the date on which confirmation normally falls due. In the case of an appointment on temporary basis against a permanent post the teacher or the employee so appointed shall be confirmed on completion of 2 years' continuous satisfactory service in the institution:

Provided that no appointment shall be made in a vacancy which is not against a sanctioned post, permanent or temporary.

(8) Both in aided and un-aided Institutions the committee shall have the power, subject to the prior approval of the board, to remove or dismiss permanent or temporary teachers and other employees. For this purpose the committee shall first draw up formal proceedings and issue charge-sheet to the teacher or the employee concerned, and offer him reasonable facility for defending himself. The teacher or the employee proposed to be proceeded against shall submit his explanation, ordinarily, within a fortnight of the receipt of the charge-sheet, the committee shall send to the Board all relevant papers including the charge-sheets, explanations submitted by the teachers or the employee concerned and the reason for which the Committee decides in favour of taking disciplinary action. If the Board considers that there are sufficient grounds for taking disciplinary action the Committee shall issue formal notice calling upon the teacher or the

employee concerned to show cause, ordinarily within a fortnight, why he should not be dismissed or removed from service. The committee shall, then, send again to the Board all relevant papers including the explanations submitted by the teacher or the employee concerned and the recommendations of the committee for the action proposed to be taken. So far as the Committee is concerned, the decision of the Board shall be final:

Provided that the Board may delegate to any committee constituted under section 24 of the act the powers and functions conferred on the Board by this sub-rule.

(8.a) in case of lapses on the permanent or temporary teachers or other employees of an institution, which do not warrant removal or dismissal of the persons concerned, the Committee may impose minor penalties, like 'stoppage of one to three increments in pay, reduction of pay in the timescale and censure, with the prior approval of the Board. In all such cases the Committee shall observe the procedure laid down in sub-rule (8).

(8.b) in the case of teaching and non-teaching staffs of an institution detained in custody for a period exceeding 48 hours under any law providing for preventive detention or as a result of proceeding for preventive, detention or as a result of a proceeding either on a criminal charge or otherwise, such staffs 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.

(9) in aided and un-aided Institutions the Committee shall have the power

(i) to grant leave other than casual leave which shall be granted by the Head of the Institutions and by the Secretary of the Committee in the case of the Head of the Institution 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 increment is regulated by grant-in-aid rules; in accordance with such rules;

(ii) to grant free or half free studentship to students in accordance with the procedure laid down from time to time, but ordinarily with the consent of the Head of the Institution.

(iii) to manage funds of the institutions as per direction given by the Director from time to time.

(iv) to frame annual report;

(v) to deal with all schemes of development of the institutions and such other manners;

(vi) to allocate the total failure to allocate the total period of holidays in a year but special holiday for a day or a portion thereof on account of date of any prominent person or for any special occasion concerning the institution may be granted by the Secretary or the Head of the Institution at his discretion;

(vii) to grant deputation of teachers, where such deputation is in the interest of the institution provided that a teacher affected by the decision of the Committee may make his representation to the Director;

(vii) to suspend a teacher or an employee where such suspension is in the interest of the institution, pending drawal of proceedings against the person concerned within 90 days from the date of suspension and during the period of suspension, the person concerned shall be paid pay and allowances equal to the 50% of the pay and allowances drawn by him immediately before such suspension. Such steps shall be referred to the Board within 7 days of such action for approval. The person affected by the decision of the Committee may, however, make his/ her representation to the Board. The order of suspension shall automatically stand withdrawn in case proceeding are not drawn within a period of 90 days, provided that in exceptional circumstances this time limit may be waived by the Board after due consideration of the facts of the case, but under no circumstances the time limit shall be waived beyond the limit of 1 year;

Provided that where the period of suspension exceeds 90days, the amount of subsistence allowance shall be increased after the expiry of 90 days to 75% of the pay and allowances drawn immediately before such suspension;

Provided that the person concerned shall not be entitled to any subsistence allowance if he/ she accepts employment during the period of suspension elsewhere.

(viii) to deal with other matters brought to the Committee in the interest of the Institution.

Note: After clause (i) of sub-rule (9) of Rule 28, add the following note:

“The Committee shall grant leave according to rules shown in the appendix.”

Note: An Institution receiving recurring financial assistance in any shape or form the State Government either for maintenance or for payment of salary and/ or allowances of teachers and/ or other employees thereof shall be treated as an aided Institution for the purposes of these rules.

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, who, in the opinion of the State Government, commits financial irregularity or acts against the interest of the institution.

Source: G.O. No. 1598-Edn(S) dated 15.07.1969
No. 458-Edn(S)/ 10R – 1/90 Pt dated 27.04.1992
No. 900-SE(S)/ 10R – 1/97 dated 22.10.1997
No. 2009-SE(S) dated 03.11.2000