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Part I -- Orders and Notification by the Governor of West Bengal,  
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Government of West Bengal

Education Department  
Higher Secondary Branch

## NOTIFICATION

No. 250-SE (HS)

Dated : 20.11.96

In exercise of the power conferred by Sub-section (1) and in particular by clause (d) of Sub-section (2) of Section 40 of the West Bengal Council of Higher Secondary Education Act, 1975, (West Ben. Act VIII of 1975), the Governor is pleased hereby to make, after previous publication as required by Sub-Section (1) of the said Section, the following rules :-

### **RULES OF MANAGEMENT OF RECOGNIZED INDEPENDENT HIGHER SECONDARY INSTITUTIONS, 1996**

#### **1. SHORT TITLE AND COMMENCEMENT :**

- (a) These Rules may be called the Management of Recognized Independent Higher Secondary Institutions, 1996.

- (b) These Rules shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

## 2. DEFINITIONS :

In these Rules, unless there be something repugnant in the subject or context, --

- (a) 'the Act' means the West Bengal Council of Higher Secondary Education Act, 1975 (West Bengal Act VIII of 1975, as amended).
- (b) 'Committee' means the Managing Committee duly constituted to maintain and manage an independent Higher Secondary institution.
- (c) 'Council' means the West Bengal Council of Higher Secondary Education.
- (d) 'D.I.' means the District Inspector of Schools (Secondary Education).
- (e) 'Director' means the Director of School Education, West Bengal.
- (f) 'Employee' means a person (a teacher a member of the non-teaching staff) duly appointed as such by the institution.
- (g) 'Head of the institution' means the head of an independent Higher Secondary institution by whatever name he or she is called.
- (h) 'Independent Higher Secondary institution' means an institution set up for imparting instruction in Higher Secondary Courses (+2) only and recognized as such by the Council.
- (i) 'Institution' means an independent Higher Secondary institution.
- (j) 'Joint Secretary' means the Joint Secretary of the Committee.
- (k) 'Non-teaching staff' means the members of staff not holding any teaching post and duly appointed as such.
- (l) 'President' means the President of the Committee.
- (m) 'Recognized' means recognized by the Council.
- (n) 'Sanctioned post' means any post of teaching/non-teaching staff sanctioned by the Director.
- (o) 'Secretary' means the Secretary of the Committee.
- (p) 'Teacher' includes Headmaster/Headmistress/Principal/Rector, Assistant Headmaster/Assistant Headmistress or any other person duly appointed to a sanctioned post of teaching staff.

(q) 'Vice-President' means the Vice-President of the Committee.

### **3. COMPOSITION OF THE MANAGING COMMITTEE :**

**The Committee of an institution shall consist of the following members :**

- (i) The head of the institution (ex-officio);
- (ii) Three guardians to be elected in the manner laid down in Rule 4 (i);
- (iii) two members of the teaching staff other than the head of the institution and one member of the non-teaching staff to be elected in the manner indicated in Rule 4(ii);
- (iv) one member to be nominated by the Director;
- (v) one member to be nominated by the Council;
- (vi) one member to be nominated by the President of the Council from among doner(s)/ founder(s) included in the list of doner(s)/founder(s) to be prepared in the manner laid down in Rule 4(iii); provided that no teacher or other employee of the institution who is a doner/founder shall be nominated as such member.
- (vii) one person interested in education to be co-opted in the manner laid down in Rule 4(iv); provided that in the case of an institution located within the jurisdiction of a Corporation/Municipality/Panchayat, the person interested in education shall be the nominee of the Corporation/Municipality/Panchayat; provided further that he/she shall neither be a teacher nor a member of the non-teaching staff of the institution concerned.

Provided that no Person shall be eligible to represent more than one category.

### **4. PROCEDURE FOR FORMATION OF THE COMMITTEE :**

- (i) Persons whose names are entered in the register of eligible voters as guardians shall elect from among themselves three members to the Committee, of whom at least one shall be a woman in the case of a girls' institution.
- (ii) Members of the teaching and the non-teaching staff of an institution shall jointly elect two members from among the teaching staff (except the head of the institution) and one member from among the non-teaching staff to the Committee.



**Explanation :**

- (a) Members of the teaching and the non-teaching staff shall mean whole-time members holding sanctioned posts.
- (b) Immediately after the election noted at (ii) above, the same electorate shall elect to the Finance Sub-Committee one member from these teaching and non-teaching employees who have been elected to the committee.
- (iii) The head of the institution shall convene a meeting of all the elected, nominated and ex-officio members of the Committee to finalize a list, to be forwarded to the President of the Council, of founders and/or donors from among claimants, if any. Persons whose names are accepted as such at this meeting held before the election of office-bearers shall be treated as founders and/or donors;

Provided that on the death of a founder/donor, his/her son or any other heir shall not be entitled to be treated as a founder/donor;

Provided further that a person who has donated not less than Rs. 25,000/- (Rupees Twenty five thousand) or its equivalent to the institution shall be treated as a donor.

**Explanation :**

If a donor/founder declines to serve on the Committee, the President of the Council may nominate from the list of found/doners a person willing to serve in that capacity.

- (vi) At a meeting convened for the purpose by the head of the institution, the elected, nominated, ex-officio members and the founder/donor member, if any, of the newly constituted Committee shall co-opt a person interested in education as provided under Rule 3(vii).

**5. COMMITTEE TO BE CONSTITUTED WITHIN SIX MONTHS :**

The Committee of an institution shall be constituted in accordance with the provision of the Rules within a period of six months from the date of publication of these Rules in the Official Gazette;

Provided that the extension of time may, for good and sufficient reasons, be granted by the Council, and if an institution fails or neglects to constitute the Committee within the period specified or within the period extended by the Council, then the Council shall appoint an Administrator or an Ad-hoc Committee for a period not exceeding 18



(eighteen) months, who/which shall have all powers and functions of the Managing Committee until a new Committee assumes charge within that specified period.

#### **6. TENURE OF THE COMMITTEE :**

The tenure of the office of the Committee to be constituted as under the rules shall be 2 (two) years with effect from the date of election of its President; provided that such terms may, in exceptional circumstances, be extended by the Council and if the Committee is not reconstituted within the extended term of the outgoing Committee, the Council shall appoint an Administrator.

#### **7. FILLING OF CASUAL VACANCIES :**

- (i) Casual vacancies in the committee, except a vacancy in the office of a teaching or a non-teaching employee elected to the Committee, shall be filled by nomination/co-option of person/persons from the relevant category/categories;

Provided that in the event of a mid-term vacancy under the category of guardians, the Committee shall co-opt a member from the list of guardians of students reading in Class XI; provided further that in the event of a mid-term vacancy of a seat reserved for a woman guardian in a girls' institution where there is one woman guardian or more such vacancy shall be filled by the Committee through co-option from among the woman guardians of students reading in Class XI.

- (ii) Any causal vacancy in the office of a teaching or a non-teaching employee elected to the committee shall be filled by election in the manner laid down in Rule 4(ii);
- (iii) Any member elected, nominated or co-opted to fill a casual vacancy shall hold office for the unexpired portion of the term of office of the representative whose place he/she fills.

#### **8. ACTIONS OF THE COMMITTEE NOT TO BE INVALIDATED BY REASON OF VACANCY :**

No action of the committee shall be invalidated by reason of vacancy in the office of any member of the committee.

#### **9. CESSATION OF MEMBERSHIP :**

The office of an elected, nominated or co-opted member of the committee shall become vacant if -

- (a) he/she absents himself/herself from three consecutive meetings without prior intimation to the President; or
- (b) he/she is mentally unsound or convicted of any offence; or
- (c) he/she ceases to be a member of the category from which he/she has been elected or nominated or co-opted.

Provided that a vacancy caused by cessation of membership shall be filled by co-option/nomination election, as the case may be, and as provided under Rule 7(i) & (ii).

## **10. PROCEDURE FOR ELECTION :**

- (i) The date of election of a committee for the purpose of its constitution/reconstitution shall be fixed at a meeting of the committee at least 60 (sixty) days before the expiry of the tenure of the existing committee.
- (ii) The member referred to in Rule 3(iv) shall be placed by the Director or by an officer authorised by him ordinarily within 30(thirty) days from the date of election of members from the category of guardians.
- (iii) The member referred to in Rule 3(v) will be nominated by the Council ordinarily within 30 (thirty) days from the date of election of members from the category of guardians.
- (iv) The member referred to in Rule 3(vi) will be nominated by the President of the Council ordinarily within 90 (ninety) days from the date of election under the category of guardians.

## **11. REGISTER OF VOTERS :**

- (i) A register of guardians eligible to participate in the election as laid down in Rule 4(i) shall be prepared by the head of the institution in consultation with the members of the existing committee, if there is any, at a meeting convened by him/her for the said purpose with 7 (seven) clear days' notice served by Registered post with acknowledgement due and shall, after consultation, be revised annually. The register shall be provisionally closed on the fifteenth day of December every year. It shall be open to inspection for at least one month from that date and shall be finally closed on the last day of January every year with such revisions as may be made by the head of the institution in consultation with the members of the committee.

(ii) In the year in which an election for the constitution or reconstitution of the committee falls due, such register of guardians eligible to participate in the election process shall be provisionally closed, and the provisional electoral rolls published simultaneously on the notice-boards of the institution at least one month before the date of election. After due consideration of claims and objections, if any, the register of guardians eligible to participate in the election shall be finally closed and the revised electoral rolls be published at least 15 (fifteen) days before the date of election by the head of the institution in consultation with the members of the Committee.

(iii) a) The programme in detail for holding the election for constitution or reconstitution for the committee shall be prepared by the head of the institution and has to be approved by the committee at a meeting held at least 30 (thirty) days prior to the date of publication of the provisional voters' list. The provisional voters' list and subsequently the final voters' list shall also have to be got approved by the committee at meetings to be convened for the purpose by the head of the institution.

b) In case the head of the institution fails or neglects to convene the meeting for approval of the election programme or to convene the meeting for approval of the provisional/final voters' list or to conduct the election in accordance with the approved programme, the Secretary, with the approval of the Committee, shall forthwith, under intimation to the Council, entrust all work pertaining to the election of the Committee, including preparation of the voters' list, assignment of duties to the scrutiny Officer or appointment of the Election Officer, etc. to the Assistant Headmaster/Assistant Headmistress or, if there be no Assistant Headmaster/Assistant Headmistress, to the seniormost approved Assistant Teacher of the institution.

(c) If, however, the head of the institution fails to get the election programme and or the voters' list approved by the Committee in time for lack of quorum or for some other reasons beyond his/her control, the election programme and/or voters list shall have to be got approved by the President of the Committee, under intimation to the Council.

## 12. PARTICULARS IN THE REGISTER OF VOTERS :

The register of eligible voters shall contain the name of all the guardians whose names are entered as such in the Admission Register.



Provided that the right of a guardian to participate in the election process shall cease from the date on which his/her ward or wards leave the institution. Provided further that in case a pupil of the institution is sent up for the Higher Secondary Examination conducted by the Council in a particular year, the guardianship of that ward shall cease from the first day of July that year. Provided further that if the Attendance Register shows a student to be absent from the institution for 3 (three) consecutive months without knowledge and permission of the head of the institution till the date of the preparation of the provisional voters' list, the student shall be deemed to have left the institution and the guardian of such student shall cease to be guardian for the purpose of election of the Committee.

**Explanation :**

- (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 the ward is actually residing shall be the guardian. But no one shall be guardian if he/she is below 21 (twentyone) years of age and whose name does not figure in the Admission Register.
- (b) An employee of the institution, who is also a guardian, shall be entitled to have his/her name registered as a guardian but shall not be eligible to seek election under the category of guardians, although he/she shall have the right to vote as guardian. This will not affect his right to seek election under the category of employees.

**13. OFFICE BEARERS :**

- (i) The committee shall ordinarily consist of not more than 11 (eleven) members as specified under Rule 3 including the President, the Vice-President and the Secretary who shall be elected by the members of the Committee from among themselves.

**Explanation :**

- (a) Provided that no member of the teaching or the non-teaching staff shall be eligible for election to the office of the President or the Vice President of the Committee.
- (b) Provided further that from among the teaching and the non-teaching

employees, only the head of the institution shall be eligible for election to the office of the Secretary of the Committee.

(c) Provided further that if the head of the institution is not elected Secretary of the Committee, he shall be the Joint Secretary of the Committee.

(ii) Any elected office bearer may be removed from office by a majority of votes.

#### **14. MEETINGS AND QUORUM :**

##### **(i) Ordinary Meeting :**

An ordinary meeting of the Committee shall be convened by the Secretary at least once in every two months except during a vacation. Not less than 7 (seven) days' notice of the meeting shall ordinarily be given.

##### **(ii) Special Meeting :**

A special meeting of the Committee shall be convened by the Secretary within a fortnight when a requisition in writing for such a meeting is made by not less than 4 (four) members of the Committee. Not less than 7 (seven) days' notice of such a meeting shall be given.

Provided that if the Secretary fails to convene a special meeting, the requisitionists shall refer the matter to the President who shall convene the meeting, and further that in the event of the President's failure to convene the meeting within 15 (fifteen) days (inclusive of the period of notice of at least seven days) from the date on which the matter is referred to him/her, the requisitionists, being not less than half of the total number of members, shall have the power to convene the meeting with at least 7 (seven) days' notice thereof.

##### **(iii) Emergency Meeting :**

An emergency meeting of the Committee may be convened, if necessary, by the President, with not less than 24 (twentyfour) hours' notice thereof, to consider an urgent matter demanding immediate attention.

(iv) In the temporary absence of the Secretary and of the Joint Secretary who is to perform the duties of the Secretary in the latter's absence, the President may convene a meeting of the Committee.

##### **(v) Place of Meeting :**

All meeting shall be held on the premises of the institution.

(vi) **Agenda :**

The notice of each meeting of the Committee shall set forth the items of business to be transacted at the meeting, the agenda being drawn up by the Secretary in consultation with the head of the institution and the President. Except with the consent of three-fourths of the members present, no business other than the items on the agenda shall be transacted, provided that no matter involving the appointment or deputation or removal or dismissal of a teaching or a non-teaching employee shall be taken up unless the matter has been placed on the agenda for 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 Director or by the Council.

(vii) **President to Chair the Meeting :**

The President shall chair the meeting of the Committee. In the absence of the President, the Vice-President, should there be any, shall preside. In the absence of both, the members present shall elect, from amongst themselves, the Person who shall preside.

(viii) **Casting Votes :**

The President of the meeting shall have a casting vote in addition to his ordinary vote, when votes cast by the members present are equally divided.

(ix) **Quorum :**

Fifty percent of the total number of members shall form a quorum for a meeting of the Committee.

**Explanation :**

Where the total number of members is an odd one, one shall be added to the total number for determining the number required for a quorum.

**15. DUTIES OF THE SECRETARY AND THE JOINT SECRETARY :**

- (i) Under the directions of the Committee the Secretary shall carry on correspondence with the different authorities on behalf of the Committee. He shall also keep a record of the proceedings of meetings in a book maintained for the purpose. The proceedings of each meeting shall be placed for confirmation at the next meeting.
- (ii) The Joint Secretary shall perform such duties as may be assigned to him by the



Committee and shall perform the duties of the Secretary in the event of continued absence of the latter and during the casual vacancy caused by the latter's death or resignation or suspension or removal or dismissal.

(iii) **Documents :**

The Secretary shall be in charge of the invested funds, title deeds and other legal documents belonging to the institution. All papers, documents and accounts shall be kept on the premises of the institution. However, the Committee of an institution not having a pucca building may decide to keep the relevant documents in some other safe place(s) which is/are not within the premises of the institution. All such documents shall be made available for inspection, after due notice, by the Auditor, or by the member of the Committee or a member authorised by the Committee, or by a person authorised by the Director or the State Government or the Council.

(iv) the Accounts of an institution shall be operated jointly by the Secretary and the Joint Secretary. All Bank transactions shall be made over their joint signatures. In the event of a vacancy in either of the two offices, the President and, in the absence of the President, any other member of the Committee, authorised by the Committee through a resolution, shall operate the Bank account on behalf of the incumbent absent. Provided that the State Government may, by order in writing.

(a) authorise any other person or persons to operate the accounts of the institution and/or to carry out Bank transactions, or

(b) authorise the Director to appoint an officer under him to operate such accounts and/or to carry out such transactions.

(v) If the Director satisfied that circumstances exist in which payment of grant-in-aid through the fund of the institution is not expedient, the Director may authorise, with intimation to the Council, an officer under him/her to draw and disburse the grant-aid in such manner as the Director deems fit.

Provided that such Drawing and Disbursing Officer shall cease to function as soon as an Administrator or an Ad-hoc Committee duly appointed by the Council assumes charge of office.

**16. ACADEMIC COUNCIL :**

(i) The Committee of each institution shall constitute an Academic Council



composed of the head of the institution, the Assistant Headmaster or Assistant Headmistress, if any, and not more than three members elected from among themselves by the members of teaching staff including the Librarian and the Assistant Librarian, if any, working against sanctioned posts or sanctioned additional posts.

- (ii) The head of the institution shall be the President of the Academic Council.
- (iii) One of the members elected as under sub-rule (i) of this Rule shall be elected Secretary of the Academic Council.
- (iv) The Academic Council may discuss matters connected with
  - (a) admission.
  - (b) framing of time-tables,
  - (c) conduct of Annual and Test Examinations and consideration of examination results, and
  - (d) measures to improve the standards of teaching and cocurricular activities, and to promote students' welfare and discipline.
- (v) For a meeting of the Academic Council, fifty per cent of the total number of members shall form a quorum. Where the total number of members is an odd number, one shall be added to the total number for determining the number required for a quorum.
- (vi) The head of the institution shall normally act in accordance with the decisions taken at the meetings of the Academic Council. If, however, the head of the institution is unable to concur with any such decision, he shall formally ask the Academic Council to reconsider the decision at a meeting to be convened specially for this purpose. Should the Academic Council stick to the decision with which the head of the institution continues to be in disagreement, the issue shall be referred to the Committee whose decision thereon shall be final.

## 17. STAFF COUNCIL :

The Committee of each institution shall constitute a Staff Council comprising teachers, librarians, clerks and other non-teaching employees working against sanctioned posts, with the head of the institution as its President. The Secretary of the Staff Council shall be elected from among its members. For a meeting of the Staff Council, one-third of the total number of members to the nearest whole number shall form a quorum.

The Council shall consider such matters of academic interest as may be referred to it by the Academic Council, or if the Staff Council feels it necessary, it may refer any matter of academic interest to the Academic Council for discussion and decision thereon. The Staff Council shall also discuss other problems relating to the development of the institution and 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.

#### **18. FINANCE SUB COMMITTEE :**

The Committee of each institution shall have a Finance Sub-Committee consisting of

- (i) the Secretary of the Committee, or, where the head of the institution is the Secretary, the President of the committee.Chairman.
- (ii) the head of the institution - Secretary; and
- (iii) a member of the teaching and the non-teaching staff elected under Explanation (b) of Rule 4 (ii) member.

Subject to the general supervision of the committee, it shall be the duty of the Finance Sub-committee to (i) prepare the annual budget estimate of the institution, (ii) consider audit report, (iii) check bills, (iv) invite tenders, (v) place work orders, etc.

#### **19. AUDIT :**

The Director shall annually appoint, from the panel maintained by him, an Auditor to examine the accounts of the institution. The Auditor shall submit a copy of his/her report to the Committee on or before 31 December of the year following the financial year in respect of which the accounts have been examined. He/she shall forward another copy of the report to the Director. The Auditor's report shall be taken into consideration at the first ordinary meeting of the committee after the report has been received and considered by the Finance Sub-Committee. A copy of the report, along with the observations of the Committee, shall thereafter be sent to the Director. 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 from the date 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 Council for supersession of the committee.



## 20. POWERS AND FUNCTIONS OF THE COMMITTEE :

The Committee of an independent Higher Secondary institution shall have the following powers and functions;

- (i) The Committee shall encourage and provide for imparting instruction in the subjects approved by the Council in favour of the institution in General and/or Vocational Stream course (s) according to the curricula and syllabi prescribed by the Council.
- (ii) The Committee shall maintain and manage the institution in accordance with the Act, Rules, Regulations and guidelines of the Council.
- (iii) The Committee shall appoint, in accordance with the rules framed by the State Govt. teachers and non-teaching employees within the limits of the sanctioned posts of teaching and non-teaching staff. The Committee shall seek prior approval of the D.I. before issuing appointment letter.
- (iv) The Committee shall manage and administer all properties and funds of the institution as per instructions issued by the State Govt./Council from time to time.
- (v) The Committee shall prepare the Annual Report.
- (vi) The Committee shall make provisions for the Provident Fund and other Funds, as per Government Rules, for the teaching and the non-teaching staff of the institution.
- (vii) The Committee shall deal with all schemes of development of the institution and such other matters.
- (viii) The Committee shall accept grants as sanctioned by the Government, State or Central, from time to time for furtherance of the objectives of the institution.
- (ix) All information, returns, reports and other papers as may be required by the Council/State Govt. shall be duly prepared and sent by the Committee to the Council/State Govt.
- (x) The Committee shall have the power to take such disciplinary steps as may be called for against teachers and other employees in accordance with the procedures stated hereinbelow.
  - (a) If an allegation is received against an employee, teaching or non-teaching, the Committee shall arrange a preliminary inquiry into the allegation. If, upon the inquiry, the allegation is established *prim facie*, the Committee shall draw



up formal proceedings and issue a charge-sheet to the employee concerned and offer him/her reasonable opportunity to defend himself/herself. He/She shall submit his/her reply within 15 (fifteen) days from the date of receipt of the charge-sheet. If necessary the Committee may extend the time by 7 (seven) days at the most. The Committee shall examine the reply and decide whether disciplinary action should be taken against the employee concerned. Should the Committee decide in favour of taking disciplinary action, it shall communicate to the Council such decision assigning reasons thereof and send to the Council all relevant papers including an attested copy of the charge-sheet as well as an attested copy of the reply submitted by the employee concerned. If the Council endorses the decision of the Committee, the latter shall issue, ordinarily within a fortnight of the date of receiving the Council's decision, a formal notice calling upon the employee concerned to show cause, within 15 (fifteen) days from the date of receipt of the notice, why disciplinary action should not be taken against him/her. If, on consideration of the employee's reply to the show cause notice, the Committee decides against taking any disciplinary action, such decision should be communicated to the Council. But in case the Committee, on consideration of the reply from the employee concerned, decides in favour of taking disciplinary action, it shall propose a specific punishment and seek the Council's approval thereof. While seeking such approval, the Committee shall send to the Council all relevant papers and documents including an attested copy of the employee's reply the show cause notice. On receipt of the Council's approval, the Committee shall meter out the punishment so approved.

- (b) The Committee shall have the right to suspend an employee, teaching or non-teaching, even before drawing up formal proceedings against him/her in cases when such a step, in the opinion of the Committee, is required to be taken in order to safeguard the interests of the institution and/or to ensure smooth conduct of the inquiry. Proceedings shall have to be drawn up against the employee concerned within 90 (ninety) days from the date of his/her suspension, failing which the order or suspension shall automatically be cancelled.

**Note 1** = Within 7 (Seven) days from the date of placing an employee under suspension, the Committee shall send to the Council all relevant papers and documents seeking the Council's approval of such action. The suspended



employee may make his/her representation to the Council within 7 (Seven) days from the date of his/her suspension. Should such action of the Committee be disapproved by the Council, the order of suspension shall be revoked though this revocation shall not prevent the initiation or continuation, as the case may be, of proceedings against the employee concerned.

**Note 2** = During the first 90 (ninety) days of the period of suspension, the employee placed under suspension shall be paid a subsistence allowance equal to 50% (fifty per cent) of the pay and allowances drawn by him/her immediately before the date of suspension. Where the period of suspension exceeds 90 (ninety) days, the amount of subsistence allowance shall be increased, after the expiry of 90 (ninety) days, to 75% (seventyfive percent) of the pay and allowances drawn immediately before the date of suspension. However, if the employee concerned accepts employment elsewhere at any point of time during the period of suspension, no subsistence allowance shall be paid to him/her from the date on which he/she accepts such employment.

- (xi) The Committee shall have the power to grant deputation to teachers, for a period not exceeding one year, where such deputation is commensurate to his/her assigned duties. However, no teacher shall be entitled to deputation more than once during his employment in the institution.
- (xii) The Committee shall prepare a list of holidays inclusive of vacations during a calendar year. The total period of holidays and vaction in a calendar year shall not exceed 87 (eighty-seven) days.
- (xiii) The Committee shall have the power to grant leave, other than casual leave, as may be authorised or approved by the State Government from time to time, Casual leave shall be granted by the head of the instituion and, in the case of the head of the institution, by the Secretary of the Committee.

## **21. APPROVAL AND SUPERSESSION OF THE COMMITTEE BY THE COUNCIL :**

- (i) The constitution of a Committee shall be subject to the approval of the Council which shall have the power to supersede a Committee that has, in its opinion, not been functioning properly and to appoint an Administrator or an Ad-hoc Committee to exercise the powers and functions of the Committee.



Provided that before superseding a Committee under this sub-rule the Council shall afford a reasonable opportunity to the Committee to present its case before the Council.

- (ii) An Administrator or an Ad-hoc Committee as appointed under sub-rule (i) above shall exercise the powers and perform the functions of the superseded Committee ordinarily for a period of six months and the Council may, by order, extend, in special circumstances, the term of the office of the Administrator or of the Ad-hoc Committee, as the case may be, by a further period not exceeding six month at a time and also, by order, extend the period even.

Further, however, the total period of the term of an Administrator/Adhoc Committee shall not exceed 2 (two) years, and the Administrator or the Adhoc Committee, as the case may be, shall constitute a Committee under these Rules within the period specified.

- (iii) Notwithstanding anything contained in these Rules, the Council shall have the power to approve, on the application of an institution, the special constitution of a committee in favour of such an institution, and in approving the special constitution of a committee, the Council shall pay due regard to the recommendations, if any, of the Director. While granting such special constitution in favour of an institution, the Council shall see that representation of the members of the teaching and the non-teaching staff, guardians and the member nominated by the Director or by an officer authorised by him in this behalf remains unaffected.

Provided that if the Council is of the opinion that an institution enjoying special constitution has not been functioning properly, the Council may amend or withdraw such special constitution of a committee and may, by order appoint an Administrator or an Adhoc Committee, as the case may be, to exercise the powers and perform the functions of the Committee for such period as specified in the order.

## **22. 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 interests of the institution.



## **ANNEXURE - I**

### **EXECUTION OF THE ELECTION PROGRAMME**

1. The programme shall contain precise dates and hours of elections under the category or guardians and the category of teaching and non-teaching employees.
2. No part of the Election Programme shall fall within a long vacation unless otherwise directed by the Council.
3. If any election becomes due within a long vacation, arrangements shall be made for holding the election before such vacation commences. In case it is not possible to hold the election prior to the commencement of a long vacation, the matter shall be referred to the Council well in advance for obtaining its approval thereof.

## **ANNEXURE - II**

### **ELECTION UNDER THE CATEGORY OF GUARDIANS :**

1. Publication of the provisional voters' list at least 30 (thirty) days before the date of election ..... between 11 a.m. and 2 p.m.
2. Submission of claims for inclusion or objections to omission or inclusion of any name (s) in the provisional voters' list within 8 (eight) days from the publication of the publication of the provisional voters' list ..... between 11 a.m. and 2 p.m.
3. Publication of the final voters' list not less than 15 (fifteen) days before the date of election ..... between 11 a.m. and 2 p.m.
4. Submission of nomination paper (s) by the person (s) seeking election ..... at least 7 (seven) days before the date of election ..... between 11 a.m. and 2 p.m.
5. Scrutiny of nomination paper(s) and declaration of name(s) of the eligible candidate(s) not less than 5 (five) days before the date of election ..... by 2 p.m.
6. Withdrawal of nomination paper(s) within 24 (twentyfour) hours of the scrutiny of nomination papers.
7. Holding of election of member(s) to the Committee on the scheduled date from 9 a.m. to 12 noon and from 1 p.m. to 4 p.m., if necessary.

#### **Note :**

- (a) In the case of a school sitting in the morning shift, suitable time for the election



programme shall be fixed by the head of the institution in consultation with the Committee.

- (b) Election under the category of guardians shall be held by ballot.
- (c) Where the number of contestants is the same as the number of members to be elected as laid down in Rule 3 (ii), the contestants shall be declared elected uncontested. Should the number of contestants fall short of the number of members to be elected, such contestants shall be declared elected uncontested and the remaining vacancy/vacancies shall be filled by fresh election on the basis of the identical voters' list within 30 (thirty) days from the date of election will a notice of 7 (seven) clear days.
- (d) The election shall be held on a public holiday preferably on a Sunday, but not on a day during a long vacation.

### **ANNEXURE - III**

#### **1. Election Officer**

Election Officer means a person who has been selected as such at a meeting of the Committee from a panel prepared by the head of the institution, of three persons who are not in any way connected with the management of the institution and who are not voters under any category. The Election Officer shall be entrusted with the responsibility of conducting the election.

Provided that, under exceptional circumstances, the Secretary may, with the approval of the Committee and under intimation to the Council, authorise a person other than the head of the institution to appoint an Election Officer as provided under Rule 11 (iii) (b).

#### **2. Scrutiny Officer**

Scrutiny Officer means generally the head of institution unless any other person is authorised to in that capacity as provided under Rule 11 (iii) (b).

The following may be indicated as duties of scrutiny Officer :

- (i) The Scrutiny Officer will issue nomination paper(s) to, and receive the same from, person(s) seeking election.
- (ii) The Scrutiny Officer will scrutinise the nomination paper(s) of person(s) seeking election, and his/her decision on the validity of invalidity of a nomination paper shall be final.

- (iii) If any person wants to withdraw his/her nomination paper, he/she will do so by writing to the Scrutiny Officer.

### **3. Counting of Votes**

The counting of votes shall be completed on date of election. If that is not possible for any unavoidable reason to be recorded in writing by the Election Officer, he/she shall seal the ballot-boxes in the presence of the contesting candidates or their authorised agents, informing them of the time of counting of votes on the following day, and shall keep such sealed ballotbox(es) in the custody of the head of the institution or of the person authorised by the Secretary under Rule 11 (iii) (b).

### **4. Declaration of elections results :**

Immediately after the counting of votes, the Election Officer shall declare the names of the elected members in the persence of all contesting candidates or their authorised agents and submit a written report to the head of the institution or to a person authorised by the Secretary under Rule 11 (iii) (b).

#### **Note (a) :**

In case the Election Officer fails to be present on the date of election in time, the head of the institution or the person authorised under Rule 11 (iii) (b) shall perform the duties of the Election Officer.

#### **Note (b) :**

The counterfoil of each ballot paper to be used for the purpose of election shall be serially numbered and each ballot paper shall bear the names of the contesting candidates in the alphabetical order on the basis of the first name. No symbol shall be used on the ballot paper. Each ballot paper shall be signed by the Election Officer before issue.

#### **Note (c) :**

In case a voter casts votes in excess of the total number of seats, the entire ballot paper shall be cancelled. If a voter uses the seal in a way causing confusion in specifically determining the candidate(s) in whose favour the vote(s) have been cast, only the confusing portion shall be cancelled.

#### **Note (d) :**

When contesting candidates poll equal number of votes, a dcision shall be made by the Election Officer by drawing lots, for once only, in the presence of the contesting candidates or their authorised agents.



**5. Nomination by the Corporation/Municipality/Panchayat :**

At least 15 (fifteen) days prior to the date holding of election of the guardian members, the head of the institution or the person authorised by the Secretary under Rule 11 (iii) (b) shall write, by Registered Post with acknowledgement due, to the Corporation/Municipality/Panchayat, as the case may be, requesting it to send the name of its nominee who is a person interested in education. In case of non-receipt of the name of the nominee of the local Panchayat Samity within 30 (thirty) days of the date of election of the guardian members to the Committee, the matter shall be reported to the Council.

**6. Director's Nominee :**

Within 3 (three) days from the date of declaration of results of the election under the category of guardians the head of the institution shall write to the Director to send the name of his/her nominee to the Committee.

**7. The Council's Nominee :**

Within 3 (three) days from the date of declaration of results of the election under the category of guardians, the head of the institution shall write to the Secretary of the council to send the name of the Council's nominee to the Committee.

**8. Nominee of the President of the Council :**

With 45 (forty-five) days from the date of declaration of results under the category of guardians, the head of the institution shall send a list of donors and/or founders to the President of the Council, who will nominate one of them to the Committee.

**Note :** The election of officer-bearers shall not be held until the constitution or reconstitution of the Committee has been completed by election, co-option and nomination under different categories, unless otherwise directed by the Council.

## **ANNEXURE - IV**

**1. ELECTION OF OFFICER-BEARERS :**

- (a) The first meeting of the elected, co-opted, nominated and ex-officio members shall be convened by the head of the institution for the purpose of election of officer-bearers within 15 (fifteen) days from the date of receipt of the names of the Director's and the Council's nominees and the name of the nominee of the President of the Council.

- (b) If an elected/co-opted/nominated member resigns or dies or loses his/her qualification as member for any reason before the election of office-bearers, the remaining members shall first elect the office-bearers, and thereafter the vacancy shall be filled by co-option/nomination/election under Rule 7 (i), (ii) and (iii).

## **2. RESIGNATION AND ELECTION OF A NEW SECRETARY :**

If at any time and for any reason the Secretary resigns his/her Secretaryship, the Joint Secretary shall perform the duties of the Secretary until a new Secretary is elected at a meeting convened by the Joint Secretary. If, however, the Secretary resigns his/her membership of the Committee or his/her membership ceases for any reason, the Joint Secretary shall convene a meeting of the remaining members for co-option in the said vacancy.

After the vacancy in the Committee has been filled by co-option as indicated above, the Joint Secretary shall convene another meeting of the Committee for the purpose of election of a new Secretary. The two meetings for such purposes shall be held within 60 (sixty) days from the date of resignation or cessation of the membership of the Secretary of the Committee.

In case of any difficulty in filling the vacancy caused by the resignation or cessation of membership of the Secretary, the matter shall be referred to the Council whose decision thereon shall be final.

## **ANNEXURE - V**

### **1. ELECTION OF TEACHERS AND NON-TEACHING STAFF**

- (a) The election of the representatives of the teaching and the non-teaching staff shall be held jointly by the teachers and the non-teaching employees of the institution at least 7 (seven) days before the election under the category of guardians.
- (b) The head of the institution, or an approved teacher temporarily authorised to function as the head of the institution, or the person authorised by the Secretary under Rule 11 (iii) (b), shall conduct the election of the representatives of the teaching and the non-teaching employees on a date fixed by him/her with 7 (seven) clear days notice to all members of the teaching and the non-teaching staff eligible to participate in the election. The election shall be held by ballot, and the nomination papers as prescribed by the head of the institution for the purpose shall be submitted to him/her at least 72 (seventy two) hours before the election.



Nomination papers shall be scrutinized by the head of the institution, in the presence of persons seeking election or their representatives authorised from among the teaching/non-teaching employees of the institution, at least 48 (forty eight) hours before the election. The decision of the head of the institution, with sufficient reasons assigned therefor, on the validity or invalidity of a nomination paper shall be final. Nomination paper(s) may be withdrawn within 24 (twenty four) hours of the scrutiny of the same.

- (c) Since the head of the institution has no casting vote he/she shall, in the event of a tie, give a decision by drawing lots, for once only, in the presence of the contesting candidates on their agents authorised from among the teaching/non-teaching employees of the institution.

**2. MEMBERS TO VACATE :**

Unless the statutory term of 2 (two) years of the Committee has been extended by the Council, every member of the Committee shall have to vacate on the expiry of its statutory term or on the date of assumption of charge by the newly constituted Committee, whichever is later.

**3. REPORT ON THE CONSTITUTION/RECONSTITUTION OF THE COMMITTEE:**

The head of the institution or, in his/her absence, the teacher temporarily authorised to function as the head of the institution shall submit to the Council 3 (three) copies of the report on the constitution/reconstitution of the Committee after it has assumed charge as per specimen of Form-3 (MC) given below through the Director and the D.I., with an advance copy to the Council within 7 (seven) days.

**4. REPORT ON THE CO-OPTION OF A MEMBER ON TO THE COMMITTEE :**

The head of the institution or, in his/her absence, the teacher temporarily authorised to function as the head of the institution shall submit to the Council 3 (three) copies of the report on the co-option of a member on to the Committee as per specimen of Form-4 (MC) given below through the Director and the D.I., with an advance Copy to the Council within 7 (seven) days.

5. In case of any doubt or dispute in the matter of holding election at any stage, the matter shall be referred to the Council whose decision thereon shall be final.

## ANNEXURE - VI

### Form - 1 (MC)

### Nomination Paper

(In connection with the Election of Members of the Managing Committee of .....  
..... to be held on .....)

1. Name of the person seeking election :  
(In Block Letters) .....
2. Voter's number in the list of voters : .....  
..... in the category of guardians.
3. Proposed by (full signature) .....
4. Proposer's Voter No. ....
5. Seconded by (full signature) .....
6. Secunder's Voter No. ....
7. Signature in full of the person seeking election .....
8. Date and time of issue of the nomination paper .....
9. Date and time of receipt of the nomination paper from the person seeking election .....

Signature of the head of the institution  
or the person authorised by the  
Secretary under Rull 11 (iii) (b)

#### Note :

- (a) It should be carefully noted that the name of the person seeking election as well as of the proposer and the Secunder should tally with those recorded in the final voters' list.



- (b) Minor defects like spelling errors in the name(s) should be ignored.
- (c) In case of any major discrepancy causing confusion about the identity of the person seeking election or of the proposer or of the Secunder, the nomination paper is liable to be rejected. Of course, the decision of the Serutiny Officer in this respect shall be binding.

**Form - 2 (MC)**  
**LETTER OF INTEMATION TO BE ISSUED**  
**TO THE GUARDIAN VOTERS**  
**(Under Certificate of Posting)**

No. ....

Date : .....

To

Shri/Shrimati .....  
.....  
.....

Sub : Constitution/Reconstitution of the Managing  
Committee of .....

Sir/Madam

You are hereby informed that the constitution/reconstitution of the Managing Committee of the above-named instituion will be held on ..... according to the Election Programme, a copy of which is enclosed.

You are requested to contact the undersigned if you require any detailed information in this regard.

Thanking you

Yours faithfully,

**Encl : As stated**

Signature of the head of the institution  
or the person authorised by the  
Secretary under Rule 11 (iii) (b), with seal

**Enclosure**

**ELECTION PROGRAMME**

Date

Time

1. Publication of the provisional Voters' list
2. Submission of claims for inclusion or objections to omission or inclusion of any name(s) in the provisional voters' list.
3. Publication of the final voters' list
4. Last date for submission of the nomination paper(s) to the head of the institution or the person authorised by Rule 11 (iii) (b)
5. Scrutiny of nomination paper(s) and declaration of the name(s) of the eligible candidate(s)
6. Withdrawal of nomination paper(s)
7. Holding of election

Name of the Ward : Shri/Shrimati .....

Class ..... Section .....

Year and date of admission of the Ward .....

..... Serial number of the admission in the Admission Register .....

Signature of the head of the institution  
or the person authorised by the  
Secretary under Rule 11 (iii) (b), with seal



**Form - 3 (MC)**  
**LETTER OR REPORT ON THE CONSTITUTION/  
RECONSTITUTION OF THE MANAGING COMMITTEE  
TO BE SUBMITTED TO THE COUNCIL THROUGH THE  
DIRECTOR AND THE D.I., WITH AN ADVANCE  
COPY TO THE COUNCIL**

No. .... Date : .....

To

The Secretary,  
West Bengal Council of Higher Secondary Education  
Vidyasagar Bhavan,  
9/2, Block DJ, Sector II, Salt Lake  
Calcutta - 700 091

Sub : Constitution/Reconstitution of the Managing Committee of .....

Sir,

I am furnishing below a report on the constitution/reconstitution of the Managing Committee of our institution.

1. The date of election of members under the category of guardians .....
2. The date of election of the representatives of the teaching and the non-teaching employees .....
3. a) The name of the Director's nominee .....
- b) The date of receipt of the name of the Director's nominee, quoting the number and date of the letter from the Director or a person authorised by him/her in this behalf .....
4. a) Name of the person interested in education co-opted on to the Committee .....
- b) Date of such co-option .....
5. a) Name of the nominee of the Corporation/Municipality/Panchayat .....

- b) The date of receipt of the name of the nominee of the Corporation/Municipality/Panchayat, quoting the number and date of the letter .....
6. a) The name of the Council's nominee .....
- b) The name of the person nominated by the President of the Council .....
7. a) The dates of receipt of the names of the Council's nominee and the person nominated by the President of the Council, quoting the numbers and dates of the letters from the Council .....
- b) Name, occupation and address of each member of the Committee and the category under which he/she is an elected/co-opted/nominated/ex-officio member.

| Sl No. | Name | Occupation | Address | Category |
|--------|------|------------|---------|----------|
|--------|------|------------|---------|----------|

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

11.

8. Date of election of the office-bearers .....

9. Name, occupation and address of each office-bearer and the office he/she holds

| Sl No. | Name | Occupation | Address | Category |
|--------|------|------------|---------|----------|
|--------|------|------------|---------|----------|

10. a) Whether the election has been held under a special constitution approved by the Council : Yes/No.



b) If Yes, the number and date of the order of the Council :

Number ..... Date .....

11. Total number of voters under the category of guardians .....

12. Whether nomination paper(s) have been invited and election has been held by ballot :  
Yes/No.

13. Whether the head of the institution has been elected Secretary : Yes/No.

Thanking you,

Yours faithfully

Signature of the head of the  
institution with seal

**Enclosures :**

(i) An attested copy of the resolution of the Managing Committee approving the Election Programme, selecting the Election Officer and approving the provisional and the final voters' list.

N.B. Where the institution is under an Administrator, an attested copy of an order of the administrator approving the Election Programme, selecting the Election Officer and approving the provisional and the final voters' list should be enclosed.

(ii) An attested copy of the letter of intimation of the Election Programme to the guardian-voters.

(iii) An attested copy of the report of the Election Officer.

(iv) The date of holding of election of office-bearers of the outgoing Committee and the date of expiry of the term of the said Committee.

Signature of the head of the  
institution with seal

**Form - 4 (MC)**

**LETTER OR REPORT ON THE CO-PTION OF A  
MEMBER ONTO THE COMMITTEE TO BE  
SUBMITTED TO THE COUNCIL THROUGH  
THE DIRECTOR AND THE D.I., WITH AN  
ADVANCE COPY TO THE COUNCIL**

No. ....

Date : .....

To  
The Secretary,  
West Bengal Council of Higher Secondary Education  
Vidyasagar Bhavan,  
9/2, Block DJ, Sector II, Salt Lake  
Calcutta - 700 091

Sub : Co-option of Shri/Shrimati .....  
onto the Managing Committee of .....

Sir,  
I am furnishing below a report on the co-option of a member onto the Managing Committee of our institution.

1. Date of assumption of charge after constitution/reconstitution of the existing Managing Committee .....
2. Whether the existing Managing Committee was approved by the Council. If so, the number and date of the letter of approval should be quoted .....
3. The date up to which the institution is recognised by the Council .....
4. The name of the outgoing member .....
5. Circumstances in which the seat has fallen vacant .....
6. Name of the co-opted member .....
7. Whether the name of the co-opted member is included in the original voters' list on the basis of which the election of members of the existing Committee was held : Yes/No.
- 8.a) Whether the co-opted member (guardian member) has any ward still reading in the institution : Yes/No.



- b) If yes, the name of the pupil and the class in which he/she is reading .....
- c) The date of admission of the pupil to the institution .....
- d) The relationship of the pupil with the co-opted member .....
- e) If the co-opted member is other than father or mother of the ward, it should be stated whether the parents of the pupil are living and whether the pupil lives with the Parents .....

Thanking you

Yours faithfully

**Encl. :**

Attested copy of the resolution of the  
Managing Committee in regard to the  
Co-option.

Signature of the head of the  
institution with seal

**Note :**

In case of a vacancy occurring in the seat of a representative of the teaching and non-teaching employees, it should be filled by a fresh election by the teaching and the non-teaching employees from among themselves as per provisions under the Rules.

By order of the Governor.

NIKHILESH DAS

Secy. to the Govt. of West Bengal.



## WEST BENGAL COUNCIL OF HIGHER SECONDARY EDUCATION

### VIDYASAGAR BHAVAN

9/2, Block-DJ, Sector-II, Salt Lake

Kolkata - 700 091

Memo No. DS/ACA/0093/14

Date: 03.11.2014

### NOTIFICATION

Detailed guidelines and date(s) regarding Practical Examination on Health and Physical Education for Class XII Higher Secondary Examination, 2015 will be uploaded very shortly in our website ([www.wbchse.nic.in](http://www.wbchse.nic.in))

The syllabus and total marks (60) for PHED practical examination was mentioned earlier in the text book for Class XII and in the syllabus book.

Given below is the marks break-up of PHED practical examination for Class XII.

|           |   |          |
|-----------|---|----------|
| Group A : | Formal Activities in Group                                      | 10 marks |
|           | Marching  | 5 marks  |
|           | Brotochari  | 5 marks  |
|           | Calisthenics  | 5 marks  |
|           | (ANY TWO OF THE THREE)  |          |
| Group B : | Atheletics  | 10 marks |
|           | Running Event   | 4 marks  |
|           | Throwing Event  | 3 marks  |
|           | Jumping Event   | 3 marks  |
| Group C : | Yogasana & Gymnastics   | 10 marks |
|           | Yogasana  | 5 marks  |
|           | Gymnastics  | 5 marks  |
| Group D : | Team Game   | 10 marks |
|           | (any one from the list of games mentioned in the syllabus book) |          |
|           | Skill Test  | 5 marks  |
|           | Application of skill in the game                                | 5 marks  |
|           | Project (included in practical. Details given in website)       | 20 marks |

*Subrata Ghosh*

Secretary

West Bengal Council of Higher Secondary Education