



The Uttar Pradesh Higher Education Services Commission (Amendment) Bill,
1982
Act 9 of 1982

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Amendments appended: 2 of 1992, 22 of 1992, 10 of 1997, 24 of 2004, 30 of 2004, 4 of 2006, 22 of 2006, 42 of 2006

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THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION (AMENDMENT) BILL, 1982

(U. P. ACT NO. 9 OF 1982)

(As passed by the Uttar Pradesh Legislature)

AN
ACT

to amend the Uttar Pradesh Higher Education Services Commission Act, 1980.

IT IS HEREBY enacted in the Thirty-third Year of the Republic of India as follows :—

1. (1) This Act may be called the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 1982.

Short title and commencement.

(2) It shall be deemed to have come into force on December 4, 1981.

2. In section 4 of the Uttar Pradesh Higher Education Services Commission Act, 1980, hereinafter referred to as the principal Act, for sub-section (2), the following sub-section shall be substituted, namely :—

Amendment of section 4 of U. P. Act no. 16 of 1980.

“(2) No person shall be qualified for appointment as Chairman or member unless he is or has been—

(a) a person occupying, in the opinion of the State Government, a position of eminence in public life or in judicial or administrative service; or

(b) a Vice-Chancellor of any University; or

(c) a Professor in any University; or

‡ (d) a Principal of a college for a period of not less than ten years; or

(e) a teacher of a college for a period of not less than fifteen years.”

3. After section 31 of the principal Act, the following section shall be inserted, namely :—

Insertion of new section 31-A.

“31-A. (1) The State Government may, for the purposes of removing any difficulty, by a notified order direct that the provisions of this Act shall, during such period as may be specified in the order, have effect subject to such adaptations, whether by way of modification, addition or omission, as it may deem to be necessary or expedient :

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid before both Houses of the State Legislature.

(3) No order under sub-section (1) shall be called in question in any court on the ground that no difficulty, as is referred to in sub-section (1), existed or required to be removed.”

4. (1) The Uttar Pradesh Higher Education Services Commission (Amendment) Ordinance, 1981 is hereby repealed.

Repeal and savings.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,

G. B. SINGH,

Sachiv.

Dated Lucknow, March 3, 1992

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Uchcharat Shiksha Sewa Ayog (Sanshodhan) Adhiniyam, 1992 (Uttar Pradesh Adhiniyam Sankhya 2 of 1992) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 1, 1992.

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION
(AMENDMENT) ACT, 1992

(UTTAR PRADESH ACT NO. 2 OF 1992)

(As passed by the U.P. Legislature)

AN
ACT

Further to amend the Uttar Pradesh Higher Education Services Commission Act, 1980.

IT IS HEREBY enacted in the Forty-third Year of the Republic of India as follows :—

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 1992.

(2) It shall be deemed to have come into force on November 22, 1991.

Substitution of sections 12 to 14 of U. P. Act no. 16 of 1980

2. For sections 12, 13 and 14 of the Uttar Pradesh Higher Education Services Commission Act, 1980, hereinafter referred to as the principal Act, the following sections shall be substituted, namely :—

“12. (1) Every appointment as a teacher of any college shall be made by the management in accordance with the provisions of this Act and every appointment made in contravention thereof shall be void.

(2) The management shall intimate the existing vacancies and the vacancies likely to be caused during the course of the ensuing academic year, to the Director at such time and in such manner, as may be prescribed.

Explanation :—The expression “academic year” means the period of 12 months commencing on July 1.

(3) The Director shall notify to the Commission at such time and in such manner as may be prescribed a subject wise consolidated list of vacancies intimated to him from all colleges.

(4) The manner of selection of persons for appointment to the posts of teachers of a college shall be such, as may be determined by regulations :

Provided that the Commission shall with a view to inviting talented persons give wide publicity in the State to the vacancies notified to it under sub-section (3) :

Provided further that the candidates shall be required to indicate their order of preference for the various colleges, vacancies wherein have been advertised.

13. (1) The Commission shall, as soon as possible, after the notification of vacancies to it under sub-section (3) of section 12, hold interview (with or without written examination) of the candidates and send to the Director a list recommending such number of names of candidates found most suitable in each subject as may be, so far as practicable, twenty-five per cent more than the number of vacancies in that subject. Such names shall be arranged in order of merit shown in the interview, or in the examination and interview if an examination is held.

(2) The list sent by the Commission shall be valid till the receipt of a new list from the Commission.

(3) The Director shall having due regard in the prescribed manner, to the order of preference if any indicated by the candidates under the second proviso to sub-section (4) of section 12, intimate to the management the name of a candidate from the list referred to in sub-section (1) for being appointed in the vacancy intimated under sub-section (2) of section 12.

(4) Where a vacancy occurs due to death, resignation or otherwise during the period of validity of the list referred to in sub-section (2), and such vacancy has not been notified to the Commission under sub-section (3) of section 12, the Director may intimate to the management the name of a candidate from such list for appointment in such vacancy.

(5) Notwithstanding any thing in the preceding provisions, where to abolition of any post of teacher in any college, services of the person substantively appointed to such post is terminated, the State Government may make suitable order for his appointment in a suitable vacancy, whether notified under sub-section (3) of section 12 or not, in any other college, and thereupon the Director shall intimate to the management accordingly.

(6) The Director shall send a copy of the intimation made under sub-section (3) or sub-section (4) or sub-section (5) to the candidate concerned.

14. (1) The management shall, within a period of one month from the date of receipt of intimation under sub-section (3) or sub-section (4) or sub-section (5) of section 13, issue appointment letter to the person whose name has been intimated.

(2) Where the person referred to in sub-section (1) fails to join the post within the time allowed in the appointment letter or within such extended time as the management may allow in this behalf, or where such person is otherwise not available for appointment, the Director, shall on the request of the management intimate fresh name from the list sent by the Commission under sub-section (1) of section 13 in the manner prescribed.

3. Section 16 of the principal Act shall be omitted.

Omission of section 16

4. In section 31-A of the principal Act, in sub-section (1), in the proviso, for the words "of this Act" the words "of the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 1992" shall be substituted.

Amendment of section 31-A

5. After section 31-B of the principal Act, the following section shall be inserted, namely—

Insertion of New section 31-C

"31-C. (1) Any teacher, other than a principal who—
Regularisation (a) was appointed on *ad-hoc* basis after January 3, 1984 but not later than June 30, 1991 on a post—
of other
ad-hoc appointments

(i) which after its due creation was never filled earlier; or

(ii) which after its due creation was filled earlier and after its falling vacant, permission to fill it was obtained from the Director;

(iii) which came into being in pursuance of the terms of new affiliation or recognition granted to the College and has been continuously serving the college from the date of such *ad-hoc* appointment up to the date of commencement of the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 1992 ;

(b) was so appointed after three months of the notification to the Commission under sub-section (1) of section 16 as it stood before its omission by the Act referred to in clause (a), or if appointed within such period, no recommendation was made by the Commission within such period.

(c) possessed on the date of such commencement, the qualifications required for regular appointment to the post under the provisions of the relevant statutes in force on the date of such *ad-hoc* appointment ;

(d) is not related to any member of the management or the principal, of the college concerned in the manner mentioned in the explanation to section 20 of the Uttar Pradesh State Universities Act, 1973 ;

(e) has been found suitable for regular appointment by a Selection Committee constituted under sub-section (2) ;

may be given substantive appointment by the management of the college, if any substantive vacancy of the same cadre and grade in the same department is available on the date of commencement of the Act referred to in clause (a).

(2) The Selection Committee consisting, the following members namely—

(i) a member of the Commission nominated by the Government who shall be the Chairman ;

(ii) an officer not below the rank of Special Secretary, to be nominated by the Secretary to the Government of Uttar Pradesh in the Higher Education Department ;

(iii) the Director ;

shall consider the cases of every such *ad-hoc* teacher and on being satisfied about his eligibility in view of the provisions of sub-section (1), and his work and conduct on the basis of his record, recommend his name to the management of the college for appointment under sub-section (1).

(3) Where a person recommended by the Commission under section 13 before the commencement of the Act referred to in sub-section (1) does not get an appointment because of the appointment of another person under sub-section (1) in the vacancy for which he was so recommended, the State Government shall make suitable order for his appointment in a suitable vacancy in any college and the provisions of sub-sections (5) and (6) of section 13 and of section 14 shall *mutatis mutandis* apply.

(4) A teacher appointed on *ad-hoc* basis referred to in sub-section (1) who does not get a substantive appointment under that sub-section and a teacher appointed on *ad hoc* basis who is not eligible to get a substantive appointment under sub-section (1) shall cease to hold the *ad-hoc* appointment after March 31, 1992."

6. (1) The Uttar Pradesh Higher Education Services Commission (Amendment) Ordinance, 1991 and the Uttar Pradesh Higher Education Services Commission (Second Amendment) Ordinance, 1991 are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the ordinances referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

By order,

N. K. NARANG,

Sachiv.

U.P. Ordinance No. 43 and 43 of 1991

Repeal and saving

Dated Lucknow, November 29, 1992

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Uchhatar Shiksha Sewa Ayog (Dwitiya Sanshodhan) Adhiniyam, 1992 (Uttar Pradesh Adhiniyam Sankhya 22 of 1992) as passed by the Uttar Pradesh Legislature and assented to by the Governor on November 29, 1992.

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION (SECOND AMENDMENT) ACT, 1992

(U. P. ACT NO. 22 OF 1992)

(As passed by the U. P. Legislature)

AN
ACT

furth^r to amend the Uttar Pradesh Higher Education Services Commission Act, 1980.

IT IS HEREBY enacted in the Forty-third Year of the Republic of India as follows :—

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Higher Education Services Commission (Second Amendment) Act, 1992.

(2) It shall be deemed to have come into force on March 31, 1992.

Amendment of section 31-C of U.P. Act no. 16 of 1980

2. In section 31-C of the Uttar Pradesh Higher Education Services Commission Act, 1980 hereinafter referred to as the principal Act, in sub-section (4) for the word and figures "March 31, 1992" the word and figures "June 30, 1992" shall be substituted.

Repeal and saving

3. (1) The Uttar Pradesh Higher Education Services Commission (Amendment) (Second) Ordinance, 1992 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provision of the principal Act as amended by the Ordinance referred to in sub-section (1) or by the Uttar Pradesh Higher Education Services Commission (Amendment) Ordinance, 1992, shall be deemed to have been done or taken under the corresponding provision of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

U. P.
Ordinance
no. 12 of
1992

U. P.
Ordinance
no. 11 of
1992

By order,
N. K. NARANG,
Sachiv.

Dated Lucknow, August 8, 1997

In pursuance of the provisions of clause (3) of article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Uchchatar Shiksha Seva Aayog (Sanshodhan) Adhiniyam, 1997 (Uttar Pradesh Adhiniyam Sankhya 10 of 1997) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 7, 1997.

THE UTTAR PRADESH HIGHER EDUCATION SERVICES
COMMISSION (AMENDMENT) ACT, 1997

(U. P Act No. 10 OF 1997)

(As passed by the Uttar Pradesh Legislature).

AN
ACT

further to amend the Uttar Pradesh Higher Education Services Commission Act, 1980.

IT IS HEREBY enacted in the Forty-eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 1997.

Short title and commencement

(2) It shall be deemed to have come into force on May 26, 1997.

2. In section 4 of the Uttar Pradesh Higher Education Services Commission Act, 1980, hereinafter referred to as the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:—

Amendment of section 4 of U. P. Act no. 16 of 1980

“(2) No person shall be qualified for appointment as Chairman unless he is or has been,—

(a) a member of the Uttar Pradesh Higher Judicial Service who has held the post of District Judge or any other post equivalent thereto; or

(b) a member of the Indian Administrative Service who has held the post of a Secretary to the State Government or any other post under the State Government equivalent thereto; or

(c) a Vice-Chancellor of any University; or

(d) a Professor in any University.

(2—)a) No person shall be qualified for appointment as member unless he is or has been,—

(a) a member of the Uttar Pradesh Higher Judicial Service who has held the post of District Judge or any other post equivalent thereto; or

(b) a member of the Indian Administrative Service who has held the post of a Secretary to the State Government or any other post under the State Government equivalent thereto; or

(c) a Vice-Chancellor of any University; or

(d) a Professor in any University; or

(e) a Principal of a Post Graduate College for a period of not less than ten years; or

(f) a Principal of a Degree College for a period of not less than fifteen years."

Amendment of section 6

3. In section 6 of the principal Act, in sub-section (1) the Explanation shall be *omitted*.

Amendment of section 31-C

4. In section 31-C of the principal Act, —

(a) in sub-section (1),—

(i) in clause (a), for the word and figures "June 30, 1991" the word and figures "November 22, 1991" shall be *substituted*.

(ii) for clause (b), the following clause shall be *substituted*, namely :—

"(b) was appointed on *ad hoc* basis under sub-section (1) of section 16 as it stood before its omission by the Act referred to in clause (a), whether or not the vacancy was notified to the Commission."

(iii) in clause (c), after the words "for regular appointment to the post," the words "or was given relaxation from such qualifications" shall be *inserted*;

(iv) clause (d) shall be *omitted*;

(b) after sub-section (4), the following sub-section shall be *inserted*, namely :—

"(5) Notwithstanding anything to the contrary in sub-section (4), the selection committee constituted under sub-section (2), shall in view of the amendments made in clauses (b) to (d) of sub-section (1), by the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 1997 reconsider the case of every teacher who ceased to hold appointment under sub-section (4) and if as a result of reconsideration any such teacher is found suitable for substantive appointment, he may be given substantive appointment as provided in sub-section (1), and shall be deemed never to have ceased to hold appointment."

Repeal and savings

5. (1) The Uttar Pradesh Higher Education Services Commission (Amendment) Ordinance, 1997 is hereby *repealed*.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have done or taken under the corresponding provisions of the Principal Act as amended by this Act, as if the provisions of the Act were in force at all material times.

U. P.
Ordinance
No. 5 of
1997

By order,
R. D. MATHUR,
Pramukh Sachiv.

Dated Lucknow, August 19, 2004

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Uchchatar Shiksha Seva Ayog (Sanshodhan) Adhiniyam, 2004 (Uttar Pradesh Adhiniyam Sankhya 24 of 2004) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 18, 2004.

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION

(AMENDMENT) ACT, 2004

[U.P. ACT NO. 24 OF 2004]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Uttar Pradesh Higher Education Services Commission Act, 1980.

IT IS HERE BY enacted in the fifty fifth year of the Republic of India as follows:—

1. (1) This Act may called the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 2004.

Short title and commencement

(2) It shall be deemed to have come into force on May 28, 2004.

Amendment of
section 4 of U.P.
Act no. 16 of 1980

2. In section 4 of the Uttar Pradesh Higher Education Services Commission Act, 1980, hereinafter referred to as the principal Act, for sub-sections (2) and (2-a), the following sub-sections shall be *substituted*, namely :—

“(2) No person shall be qualified for appointment as Chairman unless he—

(a) is or has been a member of Uttar Pradesh Higher Judicial Service who has held the post of District Judge or any other post equivalent thereto; or

(b) is or has been a member of the Indian Administrative Service who has held the post of a Secretary to the State Government or any other post under the State Government equivalent thereto; or

(c) is or has been a Vice-Chancellor of any University;
or

(d) is or has been a Professor in any University; or

(e) is in the opinion of the State Government an eminent person having made valuable contribution in the field of education.

(2-a) No person shall be qualified for appointment as member unless he—

(a) is or has been a member of Uttar Pradesh Higher Judicial Service who has held the post of District Judge or any other post equivalent thereto; or

(b) is or has been a member of the Indian Administrative Service who has held the post of a Secretary to the State Government or any other post under the State Government equivalent thereto; or

(c) is or has been a Vice-Chancellor of any University;
or

(d) is or has been a Professor in any University; or

(e) is or has been a Principal of a Post Graduate College for a period of not less than five years; or

(f) is or has been a Principal of a Degree College for a period of not less than ten years; or

(g) is in the opinion of the State Government an eminent person having made valuable contribution in the field of education.”

Repeal and saving

3. (1) The Uttar Pradesh Higher Education services Commission (Amendment) Ordinance 2004 is hereby repealed.

U.P.
Ordinance
no. 4 of
2004.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Higher Education services commission Act, 1980 has been enacted to establish a service commission for the selection of teachers for appointment to the colleges affiliated to or recognised by a university. Section 4 of the said Act provides for the composition of the said Commission. Sub-sections (2) and (2-a) provide for qualifications of persons for appointment as Chairman and members respectively of the said commission. The availability of adequate number of candidates having qualifications provided under the said sub-sections for appointment to the offices of the Chairman and members of the Commission was not possible due to which the selection of candidates for appointment to the posts of teachers was being delayed. It was, therefore, decided to amend the said Act to make necessary changes in the qualifications provided under the said sub-sections for appointment to the offices of the chairman and the members of the commission.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Higher Education services commission (Amendment) Ordinance, 2004 (U.P. Ordinance no. 4 of 2004) was promulgated by the Governor on may 28, 2004.

This bill is introduced to replace the aforesaid Ordinance.

By order,

D. V. SHARMA,

Pramukh Sachiv.

No. 1570/VII-V-1-1(KA) 35-2004

Dated Lucknow, December 6, 2004

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Uchcharat Shiksha Seva Ayog (Diwitiya Sanshodhan) Adhiniyam, 2004 (Uttar Pradesh Adhiniyam Sankhya 30 of 2004) as passed by the Uttar Pradesh Legislature and assented to by the Governor on December 3, 2004 :

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION
(SECOND AMENDMENT) ACT, 2004
(U.P. ACT no. 30 of 2004)
(As passed by the Uttar Pradesh Legislature)

AN

ACT

Further to amend the Uttar Pradesh Higher Education Services Commission Act, 1980.

IT IS HEREBY enacted in the Fifty-fifth Year of the Republic of India as follows :-

Short title and
commencement

1. (1) This Act may be called the Uttar Pradesh Higher Education Services Commission (Second Amendment) Act, 2004.

(2) It shall be deemed to have come into force on October 11, 2004.

Amendment of
section 2 of U. P.
Act no. 16 of 1980

2. In section 2 of the Uttar Pradesh Higher Education Services Commission Act, 1980, hereinafter referred to as the principal Act,—

(a) for clause (a) the following clause shall be substituted, namely:—

“(a) ‘Appointment’ in relation to a teacher means the appointment of a person to a sanctioned post described under section 60-E of the Uttar Pradesh State Universities Act, 1973, excluding the appointment in a grant-in-aid college established and administered by a minority referred to in clause (1) of Article 30 of the Constitution or a college exclusively maintained by the State Government.”

(b) for clause (c) the following clause shall be substituted, namely:—

“(c) ‘College’ means an affiliated or associated college to which the privilege of affiliation has been granted by a University governed by the Uttar Pradesh State Universities Act, 1973, excluding a college established and administered by a minority referred to in clause (1) of Article 30 of the Constitution or a college exclusively maintained by the State Government or a college running self finance course as defined in clause (18) of section 2 of the Uttar Pradesh State University Act, 1973.”

Amendment of
section 12

3. In section 12 of the principal Act,—

(a) in sub-section (1) the following proviso shall be inserted at the end, namely :

“Provided that a permanent teacher of a affiliated or associated college, who has been appointed in accordance with the provisions of this Act and has completed ten years’ service as such and who wishes to be transferred to any other college, may be transferred in the manner prescribed by rules from one college to another, only when the respective management of the colleges concerned give their consents in writing.”

(b) After sub-section (1) the following sub-section shall be inserted, namely:—

“(1-a) Notwithstanding any decree or order of a court, a teacher who has been appointed as such by transfer from one college to another in pursuance of the Government Orders no. 429 Shiksha Mantri/Sattar-6-98-15-95, dated August 17, 1998 or no. 393/Sattar-1-99-15(6)-99, shall be deemed to have been validly appointed

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4. For section 24 of the principal Act the following section shall be substituted, namely :-

Amendment of section 24

“24. Notwithstanding anything to the contrary contained in any other law for the time being in force, no appointment of a teacher in a college established and maintained by a Minority based on religion or language made otherwise than in accordance with the provisions of this section as it was in force immediately before the commencement of the Uttar Pradesh Higher Education Services Commission (Second Amendment) Act, 2004 shall be deemed to be invalid or ever to have become invalid merely on the ground that such appointment was not made in accordance with the provisions of this section, as it was in force immediately before the commencement of the said Act as if the provisions of this Act as amended by the said Act were in force at all material times.”

5. (1) The Uttar Pradesh Higher Education Services Commission (Second Amendment) Ordinance, 2004 is hereby repealed.

Repeal and saving

U.P.
Ordinance
no. 14
of 2004

(2) Notwithstanding such repeal, anything done by any action taken under the provisions of the principal Act as amended by the Ordinance, referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

The appointment of teachers in grant-in-aid degree Colleges of the State is made under the Uttar Pradesh Higher Education Services Commission Act, 1980. On the demand of the teachers associations of the State the teachers of degree colleges were given the facility of mutual/single transfer under certain conditions by issuing a Government order on August 17, 1998. But in a writ petition the said Government order was declared void by the Hon'ble High Court on the ground that there is no provision of transfer in the said Act. Since the State Government was of the opinion that the demand of the teachers associations was reasonable, it was decided to amend the said Act to provide for giving the facility of mutual/single transfer to the teachers of such degree colleges.

In section 24 of the aforesaid Act it was provided that the appointment and conditions of service of teachers in the degree colleges established and maintained by Minorities based on religion or language shall be regulated with the approval of the Commission and the concerned University. Since the appointment of teachers was being delayed in obtaining the approval of the Commission, it was further decided to amend the said section 24 to omit the provision for obtaining the approval of the Commission for the appointment of the said teachers.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decisions, the Uttar Pradesh Higher Education Services Commission (Second Amendment) Ordinance, 2004 (U.P. Ordinance no. 14 of 2004) was promulgated by the Governor on October 11, 2004.

This Bill is introduced to replace the aforesaid Ordinance.

By order,

D. V. SHARMA,
Pramukh Sachiv

No. 244/VII-V-1—1 (ka) 3-2006

Dated Lucknow, March 17, 2006

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of Uttar Pradesh Uchchatar Shiksha Seva Ayog (Sanshodhan) Adhiniyam, 2006 (Uttar Pradesh Adhiniyam Sankhya 4 of 2006) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 14, 2006.

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION
(AMENDMENT) ACT, 2006
(U.P. ACT NO. 4 OF 2006)

[As passed by the Uttar Pradesh Legislature]

AN
ACT

further to amend the Uttar Pradesh Higher Education Services Commission Act, 1980.

IT IS HEREBY enacted in the Fifty-seventh Year of the Republic of India as follows :—

1. This Act may be called the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 2006.

Short title

2. In section 5 of the Uttar Pradesh Higher Education Services Commission Act, 1980,—

Amendment of section 5 of U. P. Act no. 16 of 1980

(a) in sub-section (1) for the words "three years" the words "five years" shall be substituted.

(b) after sub-section (5) the following sub-section shall be inserted, namely :—

“(6) The provisions of sub-section (1) as amended by the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 2006 shall apply also to every member holding office immediately before the commencement of the said Act.”

STATEMENT OF OBJECTS AND REASONS

Sub-section (1) of section 5 of the Uttar Pradesh Higher Education Services Commission Act, 1980 (U.P. Act no. 16 of 1980) provides that every member shall unless he becomes disqualified for continuing as such under the rules that may be made under the Act, hold office for a term of three years. It has been felt that the term of the office of the said members as provided in the said Act is not sufficient for the selection of required number of candidates for the appointment of the teachers of the colleges affiliated or associated with the State University because the reconstitution of the commission takes time. It has, therefore, been decided to amend the said Act to increase the term of the members of the commission from three years to five years so that the required number of teachers may timely be selected.

The Uttar Pradesh Higher Education Services Commission (Amendment) Bill, 2006 is introduced accordingly.

By order,
RAM HARI VIJAY TRIPATHI,
Pramukh Sachiv.

No. 1021/VII-V-1-01(Ka)25-2006

Dated Lucknow, September 4, 2006

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Uchchatar Shiksha Seva Chayan Ayog (Dwitiya Sanshodhan) Adhiniyam, 2006 (Uttar Pradesh Adhiniyam Sankhya 22 of 2006) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 4, 2006.

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION

(SECOND AMENDMENT) ACT, 2006

(U.P. ACT NO. 22 OF 2006)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

Further to amend the Uttar Pradesh Higher Education Services Commission Act, 1980.

It is hereby enacted in the Fifty-seventh Year of the Republic of India as follows :-

1. (1) This Act may be called The Uttar Pradesh Higher Education Services Commission (Second Amendment) Act, 2006.

Short title and commencement

(2) It shall be deemed to have come into force on July 25, 2006.

Insertion of new section 31-D in U.P. Act no. 16 of 1980

2. After section 31-C of the Uttar Pradesh Higher Education Services Commission Act, 1980 hereinafter referred to as the principal Act the following section shall be inserted, namely:—

“31-D-(1) Any teacher, other than a Principal who,—

(a) was appointed in a grant-in-aid college on *ad-hoc* basis to teach in the B. Ed. course of study in accordance with the standards laid down by the State Government, concerned University or the National Council for Teacher Education within the period commencing on November 23, 1991 and ending with August 31, 2003 to a post which was filled by the management on the basis of the said standards after obtaining the permission of the concerned University,

(b) has been continuously serving the college from the date of his appointment up to the date of commencement of the Uttar Pradesh Higher Education Services Commission (Second Amendment) Act, 2006,

(c) possesses the qualifications required for regular appointment to the post under the provision of the relevant statutes in force on the date of selection for regular appointment,

(d) has been found suitable for regular appointment by the Selection Committee constituted under sub-section (2),

may be given substantive appointment by the management of the college, if any substantive vacancy of the same cadre and grade in the respective department is available on the date referred to in clause (c).

(2) The Selection Committee referred to in sub-section (1) shall consist of,—

(a) a member of the Commission nominated by the State Government who shall be the Chairman;

(b) an officer not below the rank of Special Secretary, to be nominated by the Secretary to the Government of Uttar Pradesh in the Higher Education Department;

(c) the Director.

(3) The Selection Committee constituted under sub-section (2) shall consider the cases of every such *ad-hoc* teacher and on being satisfied about his eligibility in view of the provisions of sub-section (1), and his work and conduct on the basis of his record, recommend his name to the management of the college for appointment under sub-section (1).

(4) Where a person recommended by the Commission under section 13 before the commencement of the Ordinance referred to in clause (b) of sub-section (1) does not get an appointment because of the appointment of another person under sub-section (1) in the vacancy for which he was so recommended, the State Government shall make suitable order for his appointment in a suitable vacancy in any college and the provisions of sub-sections (5) and (6) of section 13 and section 14 shall *mutatis-mutandis* apply.

(5) A teacher appointed on *ad-hoc* basis referred to in sub-section (1) who does not get a substantive appointment under this section shall cease to hold such post from such date as the management may specify.”

3. (1) The Uttar Pradesh Higher Education Services Commission (Amendment) Ordinance, 2006 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of the Act were in force at all material times.

Repeal and Saving

U.P.
Ordinance
no. 6 of 2006

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Higher Education Services Commission Act, 1980 (U.P. Act no. 10 of 1980) has been enacted to establish a service commission for the selection of teachers for appointment to the colleges affiliated to or recognized by a University and for matter connected therewith or incidental thereto. In the said Act the word 'College' has been defined in accordance with which college means an affiliated or associated College to which the privilege of affiliation has been granted by a University governed by the Uttar Pradesh State Universities Act, 1973, excluding a College established by a minority referred to in clause (1) of Article 30 of the Constitution or a College exclusively maintained by the State Government or a College resoring self finance course as defined in clause (18) of section 2 of the States Universities Act, 1973. Thus the said Act of 1980 is not applicable to the teachers appointed in self-financing courses of study. In the year 2000 it was decided by the State Government that no financial aid in any form shall be given by the State Government for the payment of salary of teachers/employees of an unaided Non-Government Degree College and of the teachers and employees necessary for opening new subjects in an aided Non-Government College. Due to uncertainty in service the quality of B.Ed. Course was adversely affecting. Therefore with a view to maintaining the quality of B.Ed. Course of study it was decided to amend the said Act of 1980 to provide that a teachers who was appointed in a grant-in-aid College on *ad-hoc* basis to a post to teach in the B.Ed. course of study in accordance with the standards laid down by the State Government, concerned University the National Council for Teacher within the period commencing on November 23, 1991 and ending with August 31, 2003 may be given substantive appointment by the management of the College.

Since the State Legislature was not in session and immediate legislature action was necessary to implement the aforesaid decision the Uttar Pradesh Higher Education Services Commission (Amendment) Ordinance, 2006 (U.P. Ordinance no. 6 of 2006) was promulgated by the Governor on July 25, 2006.

This Bill is introduced to replace the aforesaid Ordinance.

By order,
R. M. CHAUHAN,
Pramukh Sachiv.

पी०एस०यू०पी०-ए०पी०-1068 राजपत्र (हि०)-2006-(1652)-597-(कम्प्यूटर/आफसेट)।

पी०एस०यू०पी०-ए०पी०-126 सा० विधायी-2006-(1653)-850-(कम्प्यूटर/आफसेट)।

NOTIFICATION

MISCELLANEOUS

IN pursuance of the provision of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Uchcharat Shiksha Seva Ayog (Tritiye Sanshodhan) Adhiniyam, 2006 (Uttar Pradesh Adhiniyam Sankhya 42 of 2006) as passed by the Uttar Pradesh Legislature and assented to by the Governor on December 26, 2006 :

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION
(THIRD AMENDMENT) ACT, 2006

(U.P. ACT No. 42 of 2006)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Uttar Pradesh Higher Education Services Commission Act, 1980.

IT IS HEREBY enacted in the Fifty-seventh Year of the Republic of India as follows:-

1. This Act may be called the Uttar Pradesh Higher Education Services Commission (Third Amendment) Act, 2006.

Short title

Substitution of
section 31-D of
U.P. Act no. 16 of
1980

2. For section 31-D of the Uttar Pradesh higher Education Services Commission Act, 1980, the following sections shall be *substituted*, namely :—

“31-D(1) Any person, who,—

(a) was engaged to teach in the B.Ed. course of study under self finance course in a *grant-in-aid* college and the said course has been taken on *grant-in-aid*; and

(b) has been engaged on or before August 31, 2003 and continuously serving the college up to the date of commencement of the Uttar Pradesh Higher Education Services Commission (Third Amendment) Act, 2006 and possesses the qualifications determined by the State Government on the date of consideration by the selection committee constituted under sub-section (2); and

(c) has been found suitable for regular appointment by the Selection Committee constituted under sub-section (2);

may be given substantive appointment by the management of the college to the post created by the State Government.

(2) The Selection Committee referred to in sub-section (1) shall consist of,—

(a) a member of the Commission nominated by the State Government who shall be the Chairman;

(b) an officer not below the rank of Special Secretary, to be nominated by the Secretary to the Government of Uttar Pradesh in the Higher Education Department;

(c) the Director.

(3) The Selection Committee constituted under sub-section (2) shall consider the case of each candidate and on being satisfied about his eligibility in view of the provisions of sub-section (1), recommend his name to the management of the college for appointment.

Absorption of
teacher on
honorary

31-E (1) Subject to the provisions contained in sections 12 and 13, if any vacancy exists, which can not be filled under the provisions of said sections, a teacher on honorarium shall be absorbed in the manner prescribed under sub-section (2), who is working in grant in *aid* college, possessing educational qualifications determined by the State Government, receiving honorarium, Thereby working for a minimum period of three academic sessions and has been working till the date of commencement of the Uttar Pradesh Higher Education Services Commission (Third Amendment) Act, 2006.

(2) Where any substantive vacancy in the post of a teacher in a grant in *aid* college is to be filled by direct recruitment, such post shall, at the instance of the Director, be offered by the management to teacher on honorarium referred to in sub-section (1).

(3) Where any teacher on honorarium who has been offered appointment in accordance with the provisions of sub-section (2) fails to join the post within the time allowed, which shall not be less than Fifteen days, his further claim shall cease automatically.

Explanation :—For the purposes of this section;—

“teacher on honorarium” means a person working in grant-in-aid college and is engaged in teaching a course of study and receiving payment from the Funds of State aid on a fixed honorarium appointed on a contractual basis with the prior approval of the Director.

(4) Where the Management fails to offer any post to a teacher on honorarium in accordance with the provisions of sub-section (2) within the time specified by the Director, the Director, may himself issue the letter of appointment to such teacher on honorarium and the teacher on honorarium concerned shall be entitled to get his salary as teacher, from the date, he joins the post in pursuance of such letter of appointment.

STATEMENT OF OBJECTS AND REASONS

IN the Uttar Pradesh Higher Education Services Commission Act, 1980 (U.P. Act no. 10 of 1980) the word 'College' has been defined. In accordance with the said definition, the said Act is not applicable to the teachers appointed in self-financing courses of study. In the year 2000, it was decided by the State Government that no financial *aid* in any form shall be given by the State Government for the payment of salary of teachers/employees of an unaided Non-Government Degree College and of the teachers and employees necessary for opening new subjects in an aided Non-Government College. Due to uncertainty in service of the teachers the quality of B.Ed. was adversely affecting. Therefore with a view to maintaining the quality of B.Ed. and other Courses of study, it has been decided to amend the said Act to provide for giving substantive appointment by the management of the College to,—

(a) the persons who have been engaged on or before August 31, 2003 to teach in the B.Ed. course of study under self finance course in a *grant-in-aid* college and the said course has been taken on *grant-in-aid*; and

(b) the teachers on honorarium who are working continuously in grant-in-aid college for a minimum period of three academic sessions till the date of commencement of the Uttar Pradesh Higher Education Services Commission (Third Amendment) Act, 2006

The Uttar Pradesh Higher Education Services Commission (Third Amendment) Bill, 2006 is introduced accordingly.

By Order,

VIRENDRA SINGH,

Pramukh Sachiv.

Shiksha Seva Aayog (Dwitiya Sanshadhan) Adhiniyam, 2007 (Uttar Pradesh Adhiniyam Sankhya 14 of 2008) promulgated by the Governor :-

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION

(SECOND AMENDMENT) ACT, 2007

(U.P. ACT No. 14 of 2008)

(As Passed by the Uttar Pradesh Legislature)

AN

ACT

furth^r to amend the Uttar Pradesh Higher Education Service Commission Act, 1980.

IT IS HEREBY enacted in the Fifty-eighth Year of the Republic of India as follows :-

1. This Act may be called the Uttar Pradesh Higher Education Services Commission (Second Amendment) Act, 2007.

Short title

2. In section 5 of the principal Act, -

Amendment of section 5 of U.P. Act no. 16 of 1980

(a) in sub-section (5) for the words "Sixty two years" the words "Sixty five years" shall be substituted.

(b) for sub-section (6) the following sub-section shall be substituted, namely:-

"(6) The provisions of sub-section (5) as amended by the Uttar Pradesh Higher Education Services Commission (Second Amendment) Act, 2007 shall apply also to every member holding office immediately, before the commencement of the said Act."

3. In section 3 of the Uttar Pradesh Higher Education Services Commission Act, 1980 hereinafter referred to as the principal Act, in the proviso, for the words "ten years" the words "five years" shall be substituted.

Amendment of section 12

STATEMENT OF OBJECTS AND REASONS

With a view to motivating the selection of teachers for appointment to the colleges affiliated to or recognised by a University, It was decided to amend the Uttar Pradesh Higher Education Services Commission Act, 1980 (U.P. Act no. 16 of 1980) to provide for,-

(a) increasing the maximum age of the persons to hold office of the chairman and members from sixty two years to sixty five years ; and

(b) reducing the period of service of the teachers of an affiliated or associated college to seek transfer from ten years to five years.

The Uttar Pradesh Higher Education Services Commission (Second Amendment) Bill, 2007 is introduced accordingly.

By Order,
P. V. KUSHWAHA,
Sachiv.

पी०एस०यू०पी०-ए०पी०-67 राजपत्र-(हि०)-(160)-2008-597 प्रतियां-(कम्प्यूटर/आफसेट)।

पी०एस०यू०पी०-ए०पी०-6 सा० विद्यार्थी-(161)-2008-850 प्रतियां-(कम्प्यूटर/आफसेट)।

No. 1724(2)/LXXIX-V-1-08-1(Ka)14-2008

Dated Lucknow, August 29, 2008

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Uchcharat Shiksha Seva Ayog (Sanshodhan) Adhiniyam, 2008 (Uttar Pradesh Adhiniyam Sankhya 18 of 2008) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 27, 2008.

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION
(AMENDMENT) ACT, 2008
(U.P. ACT NO. 18 OF 2008)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

furtherto amend the Uttar Pradesh Higher Education Services Commission Act, 1980.

IT IS HEREBY enacted in the Fifty-ninth Year of the Republic of India as follows :-

1. (1) This Act may be called the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 2008. Short title and commencement

(2) It shall be deemed to have come into force on June 17, 2008.

2. In section 13 of the Uttar Pradesh Higher Education Services Commission Act, 1980, hereinafter referred to as the principal Act, in sub-section (1) for the words 'hold interview (with or without written examination) of the candidates' the words 'hold written examination and interview of the candidates' shall be substituted. Amendment of section 13 of U.P. Act no. 16 of 1980

3. (1) The Uttar Pradesh Higher Education Services Commission (Amendment) Ordinance, 2008 is hereby repealed. U.P. Ordinance no. 2 of 2008

Repeal and Saving

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

The selection of teachers for appointment in the non-government aided degree colleges is made by the Uttar Pradesh Higher Education Services Commission under the provisions of the Uttar Pradesh Higher Education Services Commission Act, 1980. Section 13 of the said Act provides for holding interview (with or without written examination) of the candidate with respect to the selection of teachers. Selection of teachers for appointment to the important posts of Principals and Lecturers only on the basis of interview was adversely affecting the image of the Commission in the general public. It was therefore decided to

amend the said Act to provide for holding written examination and interview for the selection of the candidates for the appointment to the posts of teachers.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Higher Education Services Commission (Amendment) Ordinance, 2008 (U.P. Ordinance no. 2 of 2008) was promulgated by the Governor on June 17, 2008.

This Bill is introduced to replace the aforesaid Ordinance.

By order,
S.M.A. ABIDI,
Pramukh Sachiv.