

# The Uttar Pradesh Education Laws Amendment Act, 1977 Act 5 of 1977

Keyword(s): Education, Universities, Vice-Chancellor, Teacher, Affiliated Colleges, Dean

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## THE UTTAR PRADESH EDUCATION LAWS AMENDMENT ACT, 1977

[U. P. Act No. 5 of 1977]

[\*Authoritative English text of the Uttar Pradesh Shiksha Vidhi Sanshodhan Adhiniyam, 1977]

further to amend the Uttar Pradesh State Universities Act, 1973, the Uttar Pradesh Basic Education Act, 1972, the Intermediate Education Act, 1921 and the Uttar Pradesh Universities (Re-enactment and Amendment) Act,

It is hereby enacted in the Twenty-eighth Year of the Republic of India as follows:-

#### CHAPTER 1 **Preliminary**

1. (1) This Act may be called the Uttar Pradesh Education Laws Amendment Act, 1977.

Short title and commencement.

(2) It shall be deemed to have come into force on April 21, 1977.

#### CHAPTER II

# Amendment of the Uttar Pradesh State Universities Act, 1973

In section 4 of the Uttar Pradesh State Universities Act, 1973, as reenacted and amended by the Uttar Pradesh Universities (Re-enactment and Amendment) Act, 1974, hereinafter in this Chapter referred to as the principal Act, in sub-section (1-B), in clause (b), the following proviso shall be inserted, amended namely:-

Amendment section President's Act as and by 29 re-enacted U. P. of 1974.

"Provided that the State Government may, by notification, extend the term of the members of such authorities for a period not exceeding one year."

In section 8 of the principal Act, in sub-section (3), for the words and figures "sections 480 and 482 of the Code of Criminal Procedure, 1898", the section 8. words and figures "sections 345 and 346 of the Code of Criminal Procedure. 1973" shall be substituted.

Amendment of

# 4. In section 12 of the principal Act-

(a) in sub-section (2) –

(i) in clause (a), the words "at least three months before the date on which a vacancy in the office of the Vice-Chancellor is due to occur by reason of expiry of his term" shall be inserted at the end:

(ii) after clause (c), the following proviso shall be inserted.

namely:

"Provided that where the Executive Council fails to elect any person in accordance with clause (a), then the Chancellor shall nominate in addition to the person nominated by him under clause (c), one person in lieu of the representative of the Executive Council,";

(b) in sub-section (5), after the words "within the time specified by the Chancellor", the words "or if the Chancellor does not consider any one or more of the fresh names recommended by the Committee to be suitable for appointment as Vice-Chancellor" shall be inserted and be deemed always to have been insertea.

5. In section 13 of the principal Act, in sub-section (1), after clause (d),

the following clause shall be inserted, namely:-

"(e) be responsible for holding and conducting the University examina tions properly and at due times and for ensuring that the results of such examinations are published expeditiously and that the academic session of the University starts and ends on proper dates.'

Amendment of section 12.

Amendment f section 13.

<sup>\*(</sup>For Statement of Objects and Reasons, please see Utter Pradesh Gazette Extraordinary, dated July 13 1977.)

<sup>(</sup>Passed in Hindi by the Uttar Pradesh Legislative Council on July 15, 1977 and by the Uttar Pradesh Legislative Assembly on July 21, 1977.)

<sup>(</sup>Received the assent of the Governor on July 24, 1977 under Article 200 of the Constitution of India and was published in Part 1(a) of the Legislative Supplement of the Uttar Pradesh Gazette Extraordinary, dated July 24, 1977.)

Amendment of Section 17.

- 6. In section 17 of the principal Act,-
  - (a) in sub-section (1), the following proviso shall be inserted, namely:

"Provided that any rules made under this sub-section may be made retrospectively to a date not earlier than October 31, 1975.";

(b) in sub-section (3), the following proviso shall be inserted and be deemed always to have been inserted, namely:—

"Provided that such absorption in the service shall not operate as a bar against holding or continuing to hold any disciplinary proceeding against a member of the service in respect of any act committed before the date of such absorption."

Amendment of 7. In section 20 of the principal Act, in sub-section (1), for clause (d), section 20. the following clause shall be substituted, namely:—

- "(d) in the case of Universities of Agra, Gorakhpur, Meerut, Kumaun and Garhwal—
  - (i) one Professor other than the Pro-Vice-Chancellor or a Dean referred to in clause (c) above, one Reader and one Lecturer of the University to be selected in the manner prescribed;
  - (ii) three Principals and two other teachers of affiliated colleges to be selected in the manner prescribed,

and in the case of any other University mentioned in or notified under sub-section (1) of section 37, four Principals and four other teachers of affiliated colleges to be selected in the manner prescribed;".

Amendment of section 21.

- 8. In section 21 of the principal Act, in sub-section (1) -
- (a) in clause (viii), the words "to direct the holding of examinations and publication of results, and" shall be omitted;
- (b) in clause (ix), the words "subject to the provisions of section 37", shall be inserted in the beginning;
- (c) after sub-section (3), the following sub-section shall be inserted, namely:—
  - "(3-A) The Executive Council may, with the prior approval of the University Grants Commission and the State Government, create supernumerary post of a teacher of the University with a view to enabling a teacher who is for the time being holding a responsible position of national importance in India or abroad in educational administration or other similar assignments, to retain his lien and seniority as such teacher and also to continue to earn increments in his pay scale during the period of his assignment and to contribute towards provident fund and earn retirement benefits, it any, in accordance with the Statutes:

Provided that no salary shall be payable to such teacher by the University for the period of such assignment."

Amendment of section 25.

9. In section 25 of the principal Act, in sub-section (3), for the figures '60', the figures '65' shall be substituted.

Amendment of section 27.

10. In section 27 of the principal Act, in sub-section (4), for the third proviso thereto, the following proviso shall be substituted, namely:—

"Provided also that if there is no Professor in the Faculty, the office of Dean shall be held by Readers, and if there are no Readers, then by other teachers in that Faculty, by rotation in order of seniority."

Amendment of section 29.

- 11. In section 29 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—
  - "(4) Notwithstanding anything contained in this Act, it shall be lawful for an Examinations Committee or, as the case may be, for a sub-committee or any person to whom the Examinations Committee has delegated its power in this behalf under sub-section (3), to debar an examinee from future examinations of the University, if in its or his opinion, such examinee is guilty of using unfair means at any such examination."

(i) in sub-section (2). after the existing proviso, the following proviso shall be inserted, namely:—

"Provided further that no such order of termination shall be passed except after notice to the teacher concerned giving him an opportunity of explanation in respect of the grounds on which his services are proposed to be terminated:

Provided also that if a notice is given before the expiry of the period of probation or the extended period of probation, as the case may be, the period of probation shall stand extended until the final order of the Executive Council under clause (a) of the first proviso or, as the case may be, until the approval of the Vice-Chancellor under section 35 is communicated to the teacher concerned."

- (ii) in sub-section (3), for clause (b), the following clause shall be substituted, namely:—
  - "(b) Where before or after the commencement of this Act, any teacher is appointed (after reference to a Selection Committee) to a temporary post likely to last for more than six months, and such post is subsequently converted into a permanent post or to a permanent post in a vacancy caused by the grant of leave to an incumbent for a period exceeding ten months and such post subsequently becomes permanently vacant or any post of same cadre and grade is newly created or falls vacant in the same department, then unless the Executive Council or the Management, as the case may be, decides to terminate his services after giving an opportunity to show cause, it may appoint such teacher in a substantive capacity to that post without reference to a Selection Committee:

Provided that this clause shall not apply unless the teacher concerned holds the prescribed qualifications for the post at the time of such substantive appointment, and he has served continuously for a period of not less than one year after his appointment made after reference to a Selection Committee:

Provided further that appointment in a substantive capacity under this clause of a teacher who had served, before such appointment, continuously for a period of less than two years, shall be on probation for one year which may be extended for a period not exceeding one year, and the provisions of sub-section (2) shall apply accordingly.";

# (iii) in sub-section (4) -

(1) in clause (a), after the proviso, the following proviso shall be inserted, namely:—

"Provided further that where the Chancellor is satisfied that in the special circumstances of the case, a Selection Committee cannot be constituted in accordance with the preceding proviso he may direct the constitution of the Selection Committee in such manner as he thinks fit.";

- (2) in clause (c)
  - (a) for sub-clause (ii), the following sub-clause shall be substituted, namely:—
    - "(ii) one of the Deans or Professors of those Faculties which comprise subjects taught in the college, to be nominated by the Vice-Chancellor;"
  - (b) after the second proviso, the following proviso shall be inserted, namely:—

"Provided also that in the case of colleges referred to in the preceding proviso, the Dean or Professor who shall be the member of the Selection Committee under sub-clause (ii) shall also be nominated by the Management from out of a panel of five Deans or Professors suggested by the Management and approved by the Vice-Chancellor, and if the requisite number of such Deans or Professors is not so available, the panel may include the names of Principals of affiliated or associated colleges."

(iv) in sub-section (8), in clause (a), the following proviso shall be inserted, namely:—

"Provided that if the Executive Council does not take a decision on the recommendations of the Selection Committee within a period of four months from the date of the meeting of such Committee, then also the matter shall stand referred to the Chancellor, and his decision shall be final."

- (v) for sub-section (11), the following sub-sections shall be substituted, namely:
  - "(11) (a) No teacher recommended by the Selection Committee shall be appointed by the Management of an affiliated or associated college (other than a college maintained exclusively by the State Government) unless prior approval of the Vice-Chancellor has been obtained.
  - (b) The Management shall, as soon as possible, after the meeting of the Selection Committee, submit the recommendations of the Committee, alongwith other relevant documents to the Vice-Chancellor for approval.
  - (c) The Vice-Chancellor, if he is satisfied that the candidate recommended by the Selection Committee does not possess the minimum qualifications or experience prescribed, or that the procedure laid down in the Act for the selection of the teacher has not been followed, shall convey to the Management his disapproval:

Provided that if the Vice-Chancellor does not convey his disapproval within a period of one month from the date of receipt of the documents referred to in clause (b), or does not send to the Management any intimation in connection therewith, he shall be deemed to have approved of the proposal.

- (12) Notwithstanding anything contained in this section, the Executive Council, with the prior approval of the Chancellor, or the Management with the prior approval of the Vice-Chancellor, may appoint on deputation on the post of a teacher any Government servant who possesses the qualifications prescribed for the post.
- (13) The Principal of the King George's Medical College, Lucknow shall be appointed on the recommendation of the Selection Committee constituted under clause (b) of sub-section (4) from amongst the Professors of the said College, and the provisions of sub-section (10) shall not apply in relation to such selection."

Amendment of section 37.

- 13. In section 37 of the principal Act, after sub-section (8), the following sub-section shall be inserted, namely:—
  - "(9) Notwithstanding anything contained in sub-sections (2) and (8), if the Management of an affiliated college has failed to fulfil the conditions of affiliation, the Chancellor may, after obtaining a report from the Management and the Vice-Chancellor, withdraw or curtail the privileges of affiliation."

Amendment of section 46.

14. In section 46 of the principal Act, for the words "as a condition for granting him admission to such college", the words "as a condition for granting him admission to or permitting him after such admission to continue in such college" shall be substituted.

Insertion of new section G6-A.

15. After section 46 of the principal Act, the following section shall be inserted, namely:-

Contribution taken or received by any affiliated or associated college, including and donations to colleges ment or a local authority, the contribution or donation ment or a local authority, the contribution or donation given to it and in the case of a college maintained exclusively by the State Government any cash contribution or donation shall

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be credited to the personal ledger account of such institution which shall be operated in accordance with the general or special orders of the State Government."

# 16. In section 49 of the principal Act-

Amendment of section 49.

- (i) for clauses (d) and (e), the following clauses shall be substituted and be deemed always to have been substituted, namely:—
  - "(d) the classification and recruitment (including minimum qualifications and experience) of Principals and other teachers of the University and of affiliated and associated colleges, the maintenance by them of their annual academic progress report, the rules of conduct to be observed by them and their emoluments and other conditions of service (including provisions relating to compulsory retirement);
  - (e) the recruitment (including minimum qualifications and experience) and their emoluments and other conditions of service (including provisions relating to compulsory retirement) of persons appointed to other posts under the University;";
  - (ii) for clause (o), the following clause shall be substituted, namely:—
    "(o) the number, minimum qualifications and experience, the emoluments and other conditions of service, including the age of retirement and provisions relating to compulsory retirement of salaried employees (not being teachers) of the University or an affiliated or associated college, and the preparation and maintenance of record of their service;".

### 17. In section 50 of the principal Act-

Amendment of

- (i) in sub-section (1-A), for the words "within a period of one year section 50. from the date of commencement of such Statutes", the words and figures "up to December 31, 1977" shall be substituted and be deemed always to have been substituted;
- (ii) in sub-section (2), for the words "after the expiration of a period of one year from the date of commencement of the First Statutes", the words "after December 31, 1977" shall be substituted and be deemed always to have been substituted.
- 18. In section 51 of the principal Act, in sub-section (2), for clause (i), A the following clause shall be substituted, namely:—

Amendment of section 51.

- "(i) the formation of parent-teacher association;".
- 19. After section 60-C of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 60-CC.

"60-CC. The Vice-Chancellor may with the prior approval of the State Supernumerary post of teachers. Covernment, create any supernumerary post with a view post of teachers. to enabling a teacher who is for the time being holding responsible position of national importance in India or abroad in educational administration or other similar assignment to retain his lien and seniority as such teacher and also to continue to earn increments in his pay scale during the period of his assignment and to contribute towards provident fund and earn retirement benefits, if any, in accordance with the Statutes:

Provided that no salary shall be payable to such teacher by the college for the period of such assignment."

20. In section 68 of the principal Act, in the second proviso, clause (c) shall be omitted.

Amendment of section 68.

21. After section 68 of the principal Act, the following section shall be inserted, namely:

Insertion of new section 68-A.

"68-A. (1) Where a decision of the Management of an affiliated or associated college to dismiss, remove or to reduce a teacher in rank or to punish him in any other manner or to terminate his services, has not been approved by the Vice-Chancellor or where an order of suspension of such teacher has been stayed, revoked or modified by the Vice-Chancellor

in accordance with the provisions of this Act or of an Act repealed by section 74, and the Management has committed default in paying the salary of such teacher which became due to him in consequence of the Vice-Chancellors order, the Vice-Chancellor may pass an order, requiring the Management to pay the amount of salary as may be specified in the order and during the period of suspension, may also require the Management to pay the suspension allowance at the rate of one-half of the salary payable, if the said amount has not been paid.

(2) In any such case as is referred to in sub-section (1), the Vice-Chancellor may also order re-instatement of the teacher concerned subject to such terms and conditions as he thinks fit.

- (3) The amount of salary or suspension allowance required to be paid under an order of the Vice-Chancellor under sub-section (1) shall on a certificate issued by him to that effect, be recoverable by the Collector as arrears of land revenue.
- (4) Every order of the Vice-Chancellor under sub-section (2) shall be executable by the lowest civil court having territorial jurisdiction, as if it were a decree of that court.
- (5) No suit shall lie against any management or teacher in respect of any matter for which a relief can be granted by the Vice-Chancellor under this section."

Amendment of 22. In section 72 of the principal Act, in sub-section (2), in the proviso section 72. thereto, for the figures "1976", the figures "1977" shall be substituted.

Amendment of section 72-A.

23. In section 72-A of the principal Act, in clause (c), for the words "two years", the words "three years" shall be substituted and be deemed always to have been substituted.

Amendment of section 73 of the principal Act, in sub-section (1) in the proviso thereto, for the words "after two years from the commencement of this Act" the words and figures "after December 31, 1977" shall be substituted.

Amendment of 25. In section 74 of the principal Act, in sub-section (3),—section 74.

(1) clause (b) shall be omitted;

(2) after clause (h), the following clauses shall be inserted, and be deemed always to have been inserted, namely:—

"(i) every person residing within the area of the University of Gorakhpur who was permitted by the Agra University to appear in B. A. Part I or M. A. Part I Examination of 1974 from the Kashi Naresh Government Degree College, Gyanpur, Varanasi Centre, and who, on the result of that examination, has been declared successful, shall be permitted by the University of Agra to appear in the B. A. Part II or M. A. Part II Examination, as the case may be, of the said University from the Kashi Naresh Government Degree College, Gyanpur, Varanasi Centre, during the academic years 1974-75 and 1975-76 and on the results of such examination the degree may be conferred by that very University, and such examination shall be deemed to be valid:

(j) any person residing within the area of the University of Allahabad or the University of Lucknow may be permitted by the University of Kanpur (hereinafter in this clause referred to as the said University) to appear in an examination referred to in clause (5) of section 7, and on the result of such examination, a degree may be conferred by the said University notwithstanding that such person was not residing within the area of the said University."

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#### CHAPTER III

Amendment of the Uttar Pradesh Basic Education Act, 1972

In section 4 of the Uttar Pradesh Basic Education Act, 1972, hereinafter in this Chapter referred to as the principal Act,-

Amendment of section 4 of U.P. Act 34 of 1972.

- (a) in sub-section (2)
  - (i) after clause (c), the following clause shall be inserted and be deemed always to have been inserted, namely:
    - "(cc) to take over the Management of all basic schools, which before the appointed day, belonged to any local body;";
  - (ii) at the end, the following proviso shall be inserted and be deemed always to have been inserted, namely:

"Provided that the courses of instruction and books prescribed and institutions recognised before the commencement of this Act shall be deemed to be prescribed or recognised by the Board under this Act.";

- (b) after sub-section (2), the following sub-section shall be inserted and be deemed always to have been inserted, namely:-
  - "(3) for the purposes of exercising powers of Management, supervision and control over the basic schools under clause (cc) or clause (d) of sub-section (2), which before the appointed day belonged to a local body, the powers and functions of a local body in respect of such schools shall stand transferred to the Board.'
- 27. In section 9 of the principal Act, in sub-section (3), in the proviso thereto, for the words "belonging to a local body", the words "which before section 9. the appointed day belonged to a local body" shall be substituted.

Amendment of

28. In section 12 of the principal Act-

Amendment of section 12.

- (i) in sub-section (1), the words and brackets "(whether belonging to a local body or to any other person or body)" shall be omitted;
- (ii) for sub-sections (2) to (9), the following sub-sections shall be substituted, namely:-
  - "(2) The Director may direct the Management of a basic school to remove any defect or deficiency found on inspection or otherwise.
  - (3) If the Management of a basic school fails to comply with any direction made under sub-section (2) the Director may, after considering the explanation or representation, if any, given or made by the Management, refer the case to the Board for withdrawal of recognition of such school.
  - (4) On receipt of a recommendation under sub-section (3) in respect of any basic school, the Board may withdraw the recognition of that school."
- 29. In section 17 of the principal Act, in sub-section (2), for the words "after the expiration of a period of one year from the commencement of this section 17. Act", the words and figures "after December 31, 1977" shall be substituted.

Amendment of

In section 18 of the principal Act, in sub-section (3), for clause (b), the following clause shall be substituted and be deemed always to have been section 18. substituted, namely:-

Amendment of

- "(b) section 73 shall cease to apply in relation to basic schools;"
- 31. After section 18 of the principal Act, the following section shall be inserted and be deemed always to have been inserted, namely:

of Insertion section 18-A

"18-A. (1) Where any building or part thereof was on the appointed Board to become day occupied as tenant by any local body for the tenant in respect purpose of any basic school, the tenancy in respect of of certain buildsuch building or part shall, with effect from the said day, stand transferred in favour of the Board.

- (2) Where any building or part thereof belonging to a local body was on the appointed day occupied by it for the purposes of any basic school, the Board shall, with effect from the said day, be deemed to have become licensee on behalf of the local body in respect of such building or part on such terms and condition as the State Government may by general or special order determine.
- (3) The provisions of this section shall have effect, notwithstanding anything contained in any contract, lease or other instrument, or any law for the time being in force."

#### CHAPTER IV

Amendment of the Intermediate Education Act, 1921

Amendment of section 7-C of U. P. Act 2 of 1921.

- 32. In section 7-C of the principal Act, for the words "as a condition for granting him admission to such institution", the words "as a condition for granting him admission to or permitting him after such admission to continue in such institution" shall be substituted.
- Insertion of 33. After section 7-D of the principal Act, the following section shall be new section 7-E. inserted, namely:—
  - "7-E. Where a contribution or donation, either in cash or in kind, Proper utilization is taken or received by an institution including an institution of donation of donation institution maintained exclusively by the State Government or a local authority, the contribution or donation so received shall be utilised only for the purpose for which it was given to it, and in the case of an institution maintained exclusively by the State Government, the cash contribution or donation shall be credited to the personal ledger account of such institution which shall be operated in accordance with the general or special orders of the State Government."

Amendment of 34. In section 15 of the principal Act, in sub-section (2), after clause (1). section 15. the following clause shall be inserted, namely:—

- "(m) the formation of parent-teacher association."
- Insertion of new 35. After section 16-G of the principal Act, the following section shall be section 16-GG. inserted, namely:—
  - "16-GG. (1) Notwithstanding anything contained in sections 16-E, Regularization 16-F and 16-FF, every teacher of an institution appointed of appointment between August 18, 1975 and September 30, 1976 (both of ad hoc teachers. dates inclusive) on ad hoc basis against a clear vacancy and possessing prescribed qualifications or having been exempted from such qualifications in accordance with the provisions of this Act, shall, with effect from the date of commencement of this section, be deemed to have been appointed in a substantive capacity, provided such teacher has been continuously serving the institution from the date of his appointment up to the commencement of this section.

Explanation—For the purposes of this sub-section, the period during which any break in service of teacher has occurred between the date of his ad hoc appointment and the date of commencement of this section for any reason not arising out of his misconduct or his own volition shall be disregarded:

Provided that nothing in this section shall be construed as entitling such teacher to any pay or allowance for any such period of break in his service.

- (2) Every teacher deemed to have been appointed in a substantive capacity under sub-section (1) shall be deemed to be on probation from the date of commencement of this section.
- (3) Nothing in this section shall be construed to entitle any teacher to-
  - (a) substantive appointment on any post if on the date of commencement of this section, such post has already been filled or

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selection for such post has already been made in accordance with this Act or the regulations made thereunder; or

(b) substantive appointment if such teacher was related to any member of the Committee of Management or the Principal or Headmaster of the institution concerned.

Explanation—For the purposes of this sub-section, a person shall be deemed to be related to another if—

- (a) they are members of a Hindu Undivided family; or
- (b) they are husband and wife; or
- (c) the one is related to the other in the manner indicated in the Schedule."
- 36. In section 16-H of the principal Act, in sub-section (2), the words "and the provisions, if any, so made applicable, shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force" shall be *inserted* at the end.

Amendment of section 16-H.

of

37. After section 22 of the principal Act, the following Schedule shall be Insertion inserted, namely:—

#### "SCHEDULE

# (See SECTION 16-GG) List of Relatives

- 1. Father.
- 2. Mother (including step-mother).
- 3. Son (including step-son).
- 4. Son's wife.
- 5. Daughter (including step-daughter).
- 6. Father's father.
- 7. Father's mother.
- 8. Mother's mother.
- 9. Mother's father.
- 10. Son's son.
- 11. Son's son's wife.
- 12. Son's daughter.
- 13. Son's daughter's husband.
- 14. Daughter's husband.
- 15. Daughter's son.
- 16. Daughter's son's wife.
- 17. Daughter's daughter.
- 18. Daughter's daughter's husband.
- 19. Brother (including step-brother).
- 20. Brother's wife.
- 21. Sister (including step-sister).
- 22. Sister's husband.
- 23. Wife's (or husband's) brother.
- 24. Wife's (or husband's) father.
- 25. Wife's (or husband's) sister.
- 26. Brother's son.
- 27. Brother's daughter."

#### CHAPTER V

Amendment of the Uttar Pradesh Universities (Re-enactment and Amendment) Act, 1974

Amendment of section 28 of U.P. Act 29 of 1974.

38. In section 28 of the Uttar Pradesh Universities (Re-enactment and Amendment) Act, 1974, in sub-section (1), in the proviso, for the words "two years from the date of commencement of this Act", the word and figures "December 31, 1977" shall be substituted and be deemed always to have been substituted.

#### CHAPTER VI

#### Miscellaneous

Repeal and savings.

40. (1) The Uttar Pradesh Education Laws Amendment Ordinance, 1977, is hereby repealed.

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(2) Notwithstanding such repeal, anything done or any action taken under any of the principal Acts mentioned in Chapters II, III, IV and V, as amended by the Ordinance referred to in sub-section (1), and the Uttar Pradesh Education Laws Amendment Ordinance, 1976, shall be deemed to have been done or taken under the corresponding provisions of the principal Acts, as amended by this Act, as if the provisions of this Act, were in force at all material times.

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