



**The Uttar Pradesh Secondary Education Services Commission and Selection
Boards Act, 1982**
Act 5 of 1982

Keyword(s):

**Chairman, Commission, Institution, Management, Member, President,
Teacher, Member, Year of Recruitment, Member, Vice-Chairman**

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Dated Lucknow, February 26, 1982

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 Madhyamik Shiksha Sewa Ayog Aur Chayan Board Adhiniyam, 1982 (Uttar Pradesh Adhiniyam Sankhya 5 of 1982) as passed by the Uttar Pradesh Legislature and assented to by the President on February 25, 1982:

**THE UTTAR PRADESH SECONDARY EDUCATION SERVICES
COMMISSION AND SELECTION BOARDS ACT, 1982**

[U. P. ACT NO. 5 OF 1982]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

to establish Secondary Education Services Commission and Selection Boards for the selection of teachers in institutions recognised under the Intermediate Education Act, 1921.

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

CHAPTER I

Preliminary

1. (1) This Act may be called the Uttar Pradesh Secondary Education Services Commission and Selection Boards Act, 1982.

Short title and commencement.

(2) It shall be deemed to have come into force on July 14, 1981, except section 21 which shall come into force on such date as the State Government may, by notification, appoint in this behalf.

Definitions.

2. In this Act,—

- (a) 'Board' means the Secondary Education Selection Boards established under section 12 ;
- (b) 'Chairman' means the Chairman of the Commission, and includes any other person performing, in the absence of the Chairman, for the time being, the functions of the Chairman ;
- (c) 'Commission' means the Uttar Pradesh Secondary Education Services Commission established under section 3 ;
- (d) 'Director' means the Director of Education, Uttar Pradesh and includes an Additional Director of Education, Uttar Pradesh ;
- (e) 'Institution' means an Intermediate College or a Higher Secondary School or a High School recognised under the Intermediate Education Act, 1921, and includes institution maintained by a local authority but does not include an institution maintained by the State Government ;
- (f) 'Management' in relation to an institution means the committee of management or person or authority vested with the power to manage and conduct the affairs of that institution ;
- (g) 'Member' means a member of the Commission and includes its Chairman ;
- (h) 'President' means the President of the Board and includes any other person performing in the absence of President, for the time being, the functions of the President ;
- (i) 'Regulation' means any regulation made under section 34 ;
- (j) 'Schedule' means the Schedule to this Act ;
- (k) 'Teacher' means a person employed for imparting instruction in an institution and includes a Principal or a Headmaster.

CHAPTER II

ESTABLISHMENT AND FUNCTIONS OF THE COMMISSION

Establishment of the Commission.

3. (1) With effect from such date as the State Government may, by notification, appoint in this behalf, there shall be established a Commission to be called the "Uttar Pradesh Secondary Education Services Commission".

(2) The Commission shall be a body corporate. It shall exercise powers throughout Uttar Pradesh and its headquarters shall be at such place as the State Government may direct.

Composition of the Commission.

4. (1) The Commission shall consist of a Chairman and not less than six and not more than eight other members to be appointed by the State Government.

(2) Of the members —

(a) one shall be a person who occupies or has occupied, in the opinion of the State Government, a position of eminence in Judicial Services ;

(b) two shall be persons who occupy or have occupied, in the opinion of such Government, a position of eminence in the State Education Services ; and

(c) others shall have teaching experiences as —

(i) Professor of any University established by law in Uttar Pradesh ; or

(ii) Principal of any college recognised by or affiliated to any such University for a period of not less than ten years ; or

(iii) Principal of any institution recognised under the Intermediate Education Act, 1921 for a period of not less than fifteen years.

(3) Every appointment under this section shall take effect from the date on which it is notified by the State Government.

Terms of office and conditions of service of members.

5. (1) Subject to the provisions of this Act every member shall hold office for a term of six years.

(2) No person shall be a member of the Commission for more than two consecutive terms.

(3) A member of the Commission may resign his office by writing under his hand addressed to the State Government, but he shall continue in office until his resignation is accepted by the State Government.

(4) The office of the members shall be wholetime and the terms and conditions of their service shall be such as the State Government may, by order, direct.

(5) Notwithstanding anything contained in this section, no person shall be appointed or continue as a member of the Commission, if he has attained the age of sixty-two years.

6. (1) The State Government may, by order, remove from office any member, if he—

(a) is adjudged an insolvent ; or

(b) engages, during his term of office, in any paid employment outside the duties of his office ; or

(c) is, in the opinion of the State Government unfit to continue in office by reason of infirmity of mind or body or of proved misconduct ; or

(d) incurs any disqualification under this Act or the rules made thereunder.

Powers of the State Government to remove the member.

Explanation.—Where a member becomes in any way concerned or interested in any contract or agreement made by or on behalf of any institution or participates in any way in the profits thereof or in any benefit or emolument arising therefrom, otherwise than as a member, he shall, for the purpose of clause (c), be deemed to be guilty of misconduct.

(2) The procedure for the investigation and proof of misconduct under this section shall be such as may be prescribed.

7. The Commission may associate with itself, in such manner and for such purposes as may be determined by regulations made under section 34, any person whose assistance or advice it may desire to have in carrying out any of the provisions of this Act.

Power to associate.

8. (1) The Secretary of the Commission shall be appointed by the State Government on deputation for a term not exceeding five years, and other conditions of his service shall be such as the State Government may, by order, determine.

Staff of the Commission.

(2) Subject to such directions as may be issued by the State Government in this behalf, the Commission may appoint such other employees as it may think necessary for the efficient performance of its functions under this Act and on such terms and conditions of service as the Commission thinks fit.

9. The Commission shall have the following powers and duties, namely—

Powers and duties of Commission.

(a) to prepare guidelines on matters relating to the method of recruitment and promotion of such categories of teachers as are specified in the Schedule ;

(b) to conduct examinations where considered necessary, hold interviews and make selection of candidates for being appointed as such teachers ;

(c) to select and invite experts and to appoint examiners for the purposes specified in clause (b) ;

(d) to make recommendations regarding the appointment of selected candidates and their promotion ;

(e) to advise the management in matters relating to dismissal, removal or reduction in rank of teachers specified in the Schedule ;

(f) to obtain periodical returns or other informations from institutions regarding strength of the teaching staff and the appointment, promotion, dismissal, removal, termination or reduction in rank of teachers ;

(g) to fix the emoluments and travelling and other allowances of the experts and examiners ;

(h) to administer the funds placed at the disposal of the Commission ;

(i) to advise the Boards established under section 12 on such matters of policy as the Commission thinks proper ;

(7) to perform such other duties and exercise such other powers as may be prescribed or as may be incidental or conducive to the discharge of its functions under this Act or the rules or regulations made thereunder.

Procedure of selection of teachers specified in the Schedule.

10. (1) For the purposes of making appointment of a teacher specified in the Schedule, the management shall notify the vacancy to the Commission in such manner and through such officer or authority as may be prescribed.

(2) The procedure of selection of candidates for appointment to the posts of such teachers shall be such as may be prescribed :

Provided that the Commission shall, with a view to inviting talented persons, give wide publicity in the State to the vacancies notified under sub-section (1).

Panel of candidates selected by Commission.

11. (1) The Commission shall, as soon as possible, after the notification of vacancy under section 10, hold interviews (with or without examination) of the candidates and prepare a panel of those found most suitable for appointment.

(2) The panel referred to in sub-section (1) shall be forwarded by the Commission to the officer or authority referred to in sub-section (1) of section 10 in such manner as may be prescribed.

(3) After the receipt of the panel under sub-section (2), the officer or authority concerned shall intimate the management of an institution in respect of which the vacancy was notified under sub-section (1) of section 10, the names of candidates selected for appointment as teachers, and for this purpose, the officer or authority shall follow such procedure as may be prescribed.

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

(5) Where the candidate referred to in sub-section (3) fails to join the post of a teacher in such institution within the time allowed in the appointment letter or within such extended time as the management may allow in this behalf, or where such candidate is otherwise not available for appointment as such teacher, the officer or authority concerned may, on the request of the management, intimate fresh name or names from the panel forwarded by the Commission under sub-section (2) in the manner prescribed.

CHAPTER III

Constitution and Functions of Secondary Education Selection Boards

Establishment of Regional Selection Boards.

12. (1) With effect from such date or dates as the State Government may, by notification, appoint in this behalf, there shall be established six or more Secondary Education Selection Boards having jurisdiction over such local area as the State Government may specify in the said notification.

(2) Every such Board shall be a body corporate and its headquarters shall be at such place as may be notified by the State Government.

(3) Every such Board shall consist of the following members, namely—

(a) one whole-time President appointed by the State Government from amongst the persons who fulfil the qualifications specified in sub-section (2) of section 4 :

(b) one of the Regional Deputy Directors of Education serving in the local area over which the Board exercises jurisdiction under sub-section (1), to be nominated by the State Government.

(4) Every appointment under this section shall take effect from the date on which it is notified by the Government.

(5) The provisions of sections 5 and 6 shall, *mutatis mutandis*, apply to the President of the Board as they apply to the Chairman of the Commission.

Staff of the Board.

13. (1) For the efficient discharge of its duties and functions under this Act, every Board shall have such staff as the State Government may, from time to time, determine.

(2) The terms and conditions of service of the members of the staff appointed under sub-section (1) shall be determined by the State Government.

14. (1) Every Board shall have the power to make selection of candidates for being appointed as teachers (other than a teacher specified in the Schedule) in an institution located within the local area over which the Board exercises jurisdiction.

Powers, duties and functions of the Boards.

(2) The Board shall also have the power to review cases of promotion of Junior Training Certificated Teachers or Basic Training Certificated Teachers to Certificate of Teaching grade, where such promotion is made on or after July 10, 1981.

(3) Without prejudice to the generality of the provisions of sub-sections (1) and (2), the Board shall have the power—

(a) to conduct examinations where considered necessary or to hold interview of candidates;

(b) to select and invite experts and to appoint examiners for the purposes specified in clause (a).;

(c) to fix the emoluments and travelling and other allowances of the experts and examiners;

(d) to administer the funds placed at the disposal of the Board;

(e) to perform such other duties and exercise such other powers as may be prescribed or as may be incidental or conducive to the discharge of its functions under this Act or the rules or regulations made thereunder.

15. The provision of sections 10 and 11 shall *mutatis mutandis*, apply to the Board for the purposes of selection and appointment of a teacher (other than a teacher specified in the Schedule) as they apply to the Commission for the purposes of selection and appointment of a teacher specified in the Schedule.

Applicability of sections 10 and 11 to the Boards.

CHAPTER IV

APPOINTMENT OF SELECTED TEACHERS

16. (1) Notwithstanding anything to the contrary contained in the Intermediate Education Act, 1921 or the Regulations made thereunder but subject to the provisions of sections 18 and 33—

(a) every appointment of a teacher specified in the Schedule shall, on or after July 10, 1981; be made by the management only on the recommendation of the Commission.

(b) every appointment of a teacher (other than a teacher specified in the Schedule) shall, on or after July 10, 1981, be made by the management only on the recommendation of the Board:

Appointments to be made only on recommendations of the Commission or the Board.

Provided that in respect of retrenched employees, the provisions of section 16-EE of the Intermediate Education Act, 1921, shall apply with the modification that in sub-section (2) of the aforesaid section, for the words 'six months' the words 'two years' shall be deemed to have been substituted.

(2) Every appointment of a teacher, in contravention of the provisions of sub-section (1), shall be void.

17. (1) Where any person is entitled to be appointed as a teacher in any institution in accordance with Chapter II or Chapter III, as the case may be, but he is not so appointed by the management within the time provided modification that in sub-section (2) of the aforesaid section, for the words 'six a direction under sub-section (2).

Inquiry by Director.

(2) On receipt of an application under sub-section (1), the Director or the officer authorised by him may hold an inquiry, and if he is satisfied that the management has failed to appoint the applicant as a teacher, in contravention of the provisions of this Act, he may, by order, direct—

(a) the management to appoint the applicant as a teacher forthwith, and to pay him salary from the date specified in the order; and

(b) the Head of the Institution concerned to take work from him as a teacher.

(3) The amount of salary, if any, due to such teacher shall, on a certificate issued by the Director or the officer authorised by him, be recoverable by the Collector as arrears of land revenue from the property belonging to or vested in the society or body running the institution.

Ad hoc Teachers.

18. (1) Where the management has notified a vacancy to the Commission in accordance with the provisions of this Act, and—

(a) the Commission has failed to recommend the name of any suitable candidate for being appointed as a teacher specified in the Schedule within one year from the date of such notification; or

(b) the post of such teacher has actually remained vacant for more than two months, then, the management may appoint, by direct recruitment or promotion, a teacher on purely *ad hoc* basis from amongst the persons possessing qualifications prescribed under the Intermediate Education Act, 1921 or the regulations made thereunder.

(2) The provisions of sub-section (1) shall also apply to the appointment of a teacher (other than a teacher specified in the Schedule) on *ad hoc* basis with the substitution of the expression 'Board' for the expression "Commission".

(3) Every appointment of an *ad hoc* teacher under sub-section (1) or sub-section (2) shall cease to have effect from the earliest of the following dates, namely—

(a) when the candidate recommended by the Commission or the Board, as the case may be, joins the post;

(b) when the period of one month referred to in sub-section (4) of section 11 expires;

(c) thirtieth day of June following the date of such *ad hoc* appointment.

Power to call for information etc.

19. The Commission or the Board may require the management of an institution to furnish such information or return regarding the matters referred to in section 9 or section 14, as the case may be, as it thinks fit, and the management shall be bound to comply with the same.

Power to inspect record, register etc.

20. The Secretary of the Commission or any other person authorised by the Commission or the Board shall have access to every record, register or document in possession of the Management, and he may enter at any reasonable time, any premises where he believes such record, register or document to be and may inspect and take copies of relevant records or documents.

Restriction on dismissal, removal or reduction in rank of teachers.

21. (1) No teacher specified in the Schedule shall be dismissed or removed from service or reduced in rank and neither his emoluments may be reduced nor he may be given notice of removal from service by the management unless prior approval of the Commission has been obtained.

(2) No teacher other than a teacher specified in the Schedule shall be dismissed or removed from service or reduced in rank and neither his emoluments may be reduced nor he may be given notice of removal from service by the management unless prior approval of the Board has been obtained.

(3) Every order of dismissal, removal or reduction in rank or removal from service or reduction in emoluments of a teacher in contravention of the provisions of sub-section (1) or sub-section (2) shall be void.

CHAPTER V

PENALTIES

Punishment for appointment of teachers in contravention of the provisions of the Act.

22. Any person who fails to comply with the recommendations of the Commission or the Board, as the case may be, or fails to comply with the order or direction of the Director under section 17, or appoints a teacher in contravention of the provisions of this Act shall, on conviction, be punished with imprisonment for a term which may extend to three years or with fine which may extend to five thousand rupees or with both.

Punishment for failure to furnish information or wilful obstruction.

23. If any person—

(a) wilfully withholds or fails to furnish any return or information lawfully required by the Commission or the Board within the time allowed therefor; or

(b) wilfully obstructs any person from duly carrying out all or any of the provisions of this Act.

he shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or both.

24. (1) If the person committing the offence under section 22 or section 23 is a society registered under the Societies Registration Act, 1860, the society as well as every person in charge of and responsible to the society for the conduct of its business at the time of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly : Offences by societies.

Provided that nothing contained in this section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by registered society and it is proved that the offence has been committed with the consent or connivance of, or that the commission of offence is attributable to any neglect on the part of any member of the society, such member shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

25. No prosecution for an offence under this Act shall be instituted except with the previous sanction of the Director or such officer or authority as the State Government may, by general or special orders, specify in this behalf. Bar against prosecution.

CHAPTER VI MISCELLANEOUS

26. No act or proceeding of the Commission or the Board shall be deemed to be invalid merely on the ground of— Certain proceeding not to be invalidated.

(a) any vacancy or defect in the constitution of the Commission or the Board ; or

(b) any defect or irregularity in the appointment of a person acting as a member thereof ;

(c) any defect or irregularity in such act or proceeding not affecting the substance.

27. (1) All orders and decisions of the Commission shall be authenticated by the signature of the Secretary appointed under section 8 or any other officer authorised by the Commission. Authentication of the orders.

(2) All orders and decisions of the Board shall be authenticated by the signature of the President or any other officer authorised by the Board.

28. The provisions of Chapter IV of the Uttar Pradesh Higher Education Services Commission Act, 1980, shall *mutatis mutandis* apply to the Commission or Board established under this Act as they apply to the Commission established under that Act. Provisions of Chapter IV of U. P. Act 16 of 1980 to apply.

29. The Commission may, by regulation made under section 34, delegate to its Chairman or any of its members or officers, its power of general superintendence and direction over the business transacted by, or in the Commission including the powers with regard to the expenditure incurred in connection with the maintenance of the office and internal administration of the Commission. Delegation.

30. Nothing in this Act shall apply to an institution established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India. Exemption to minority Institutions.

31. No suit, prosecution or other proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act. Protection of action taken in good faith.

32. The provisions of the Intermediate Education Act, 1921 and the Regulations made thereunder in so far as they are not inconsistent with the provisions of this Act or the rules or regulations made hereunder shall continue to be in force for the purposes of selection, appointment, promotion, dismissal, removal, termination or reduction in rank of a teacher. Applicability of U. P. Act II of 1921.

Power to remove difficulties.

33. (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 two years from the date of commencement of this Act.

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

Power to make regulations.

34. (1) The Commission may, with the previous approval of the State Government, make or amend regulations prescribing fees for holding selections, for conducting examinations where necessary, or for holding interviews and laying down the procedure to be followed by the Commission for discharging its duties and performing its functions under this Act :

Provided that the first regulation under this sub-section shall be made by the State Government by notification in the official Gazette.

(2) The regulations made under sub-section (1) shall—

(a) not be inconsistent with the provisions of this Act or the rules made under section 35 ; and

(b) as far as possible, be followed by the Board for discharging its duties and performing its functions under this Act.

Power to make rules.

35. The State Government may, by notification, make rules for carrying out the purposes of this Act.

Repeal and savings.

36. (1) The Uttar Pradesh Secondary Education Services Commission and Selection Boards (Second) Ordinance, 1981 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance referred to in sub-section (1) or the Uttar Pradesh Secondary Education Services Commission and Selection Boards Ordinance, 1981, shall be deemed to have been done or taken under this Act, as if this Act were in force at all material times.

THE SCHEDULE

(See section 9)

Serial no.	Categories of teachers
1	Principal of an Intermediate College.
2	Lecturer of an Intermediate College.
3	Headmaster of a High School.
4	Trained Graduates Grade Teachers of Higher Secondary School.

By order,

G. B. SINGH.

Sachiv.

पी० एस० यू० पी०—ए० पी० 365 सा (विधा०)—27-2-82--(3991)--1982--700 (मेक०)

Dated Lucknow, August 23, 1985

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 Madhyamik Shiksha Sewa Ayog Aur Chayan Board (Sanshodhan) Adhiniyam, 1985 (Uttar Pradesh Adhiniyam Sankhya 19 of 1985) as passed by the Uttar Pradesh Legislature and assented to by the President on August 21, 1985.

**THE UTTAR PRADESH SECONDARY EDUCATION SERVICES
COMMISSION AND SELECTION BOARDS (AMENDMENT)
ACT, 1985**

(U. P. ACT NO. 19 OF 1985)

(As passed by the Uttar Pradesh Legislature)

AN
ACT

*to amend the Uttar Pradesh Secondary Education Services Commission and
Selection Boards Act, 1982.*

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

Short title and
commencement.

1. (1) This Act may be called the Uttar Pradesh Secondary Education Services Commission and Selection Boards (Amendment) Act, 1985.

(2) It shall be deemed to have come into force on June 12, 1985.

Amendment of
section 16 of
U. P. Act no. 5
of 1982.

2. In section 16 of the Uttar Pradesh Secondary Education Services Commission and Selection Boards Act, 1982, hereinafter referred to as the principal Act, in sub-section (1), for the words and figures "sections 18 and 33" the words and figures, "sections 18, 21-B, 21-C, 21-D, 33 and 33-A" shall be substituted.

Amendment of
section 21.

3. In section 21 of the principal Act,—

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

"Provided that, where reference for prior approval of the Inspector was made in accordance with sub-section (3) of section 16-G of the Intermediate Education Act, 1921, before January 1, 1984, no prior approval of the Commission shall be necessary and such reference shall be dealt with in accordance with the provisions of that Act as if this Act had not come into force.";

(b) in sub-section (2), the following proviso shall be inserted at the end, namely :—

“Provided that where reference for prior approval of the Inspector was made in accordance with sub-section (3) of section 16-G of the Intermediate Education Act, 1921 before the commencement of this sub-section, no prior approval of the Board shall be necessary and such reference shall be dealt with in accordance with the provisions of that Act as if this Act had not come into force.”

4. After section 21 of the principal Act, the following Chapter shall be inserted, namely :—

Insertion of new Chapter IV-A.

“CHAPTER IV-A
Reserve Pool Teachers

21-A. In this Chapter,—
Definitions

(a) ‘Director’ means the Director of Education, Uttar Pradesh and includes any other officer authorised by him in this behalf;

(b) the expressions ‘Inspector’, ‘Institution’, ‘Management’ and ‘Teacher’ shall have the meanings respectively assigned to them in the Uttar Pradesh High Schools and Intermediate Colleges (Payment of Salaries of Teachers and other Employees) Act, 1971, provided that ‘teacher’ shall not include a Principal or a Headmaster.

21-B. (1) The Inspector shall maintain in the prescribed manner, a register of ‘reserve pool teachers’ consisting of subject-wise lists of persons who were appointed as teachers in any institution situated in the district, either by the Management or by the Inspector under sub-section (4) of section 4 of the Uttar Pradesh High Schools and Intermediate Colleges (Payment of Salaries of Teachers and other Employees) Act, 1971, while the Uttar Pradesh High Schools and Intermediate Colleges (Payment of Salaries of Teachers and other Employees) (Amendment) Ordinance, 1977, was in force, and who had actually joined their duties in pursuance of the said provision between January 9, 1978 and January 19, 1978 (both days inclusive).

(2) Every reserve pool teacher, who having been appointed to the post of a teacher in any institution in accordance with the provisions of the Uttar Pradesh High School and Intermediate Colleges (Reserve Pool Teachers) Ordinance, 1978 or the Uttar Pradesh High School and Intermediate Colleges (Reserve Pool Teachers) (Second) Ordinance, 1978, continues to be in service by reason of any order of any Court or by any other reason, shall be deemed to have been regularly appointed to such post and shall be entitled to be confirmed in such post with effect from the date on which he would have been confirmed in the normal course.

(3) Where any substantive vacancy in the post of a teacher in an institution is to be filled by direct recruitment, such post shall, at the instance of the Inspector, be offered by the Management to a teacher other than a teacher referred to in sub-section (2), whose name is entered in the register referred to in sub-section (1).

(4) If any teacher is offered appointment in accordance with the provisions of sub-section (3) and he fails to join the post within the time allowed therefor, which shall not be less than seven days, his name shall be removed from the register, referred to in sub-section (1), and the appointment shall be offered to the next reserve pool teacher of the same district in the subject.

(5) If such other teacher to whom offer of appointment is made also fails to join, then the same process shall be repeated until the list of reserve pool teachers of that district in the subject is exhausted.

(6) No appointment of any teacher to an institution shall be made under section 16 until the list of reserve pool teachers of that district in the subject concerned is exhausted in accordance with sub-section (5).

Explanation—For the removal of doubts, it is hereby declared that no teacher shall, by virtue of the provisions of this section, be entitled to claim appointment to any particular post which he had joined in the manner referred to in sub-section (1), or to any other post carrying the same or a higher grade.

U. P. Ordinance no. 10 of 1978

U. P. Ordinance no. 22 of 1978

21-C. (1) Where the vacancies available for teaching in any subject are less than the number of reserve pool teachers available for appointment in any district, or where it is otherwise necessary or expedient so to do, the Director may, notwithstanding anything contained in section 21-B, direct that the name of any such teacher be excluded from the register maintained in one district and be included in the register maintained in another district.

(2) Where the name of a reserve pool teacher is included in the register of another district in accordance with the provisions of sub-section (1), the provision of section 21-B shall *mutatis mutandis* apply to such a teacher, except that the requirement of service as a teacher in such district shall not be necessary.

21-D. (1) Where the Management fails to offer any post to a teacher in accordance with the provisions of sub-section (3) of section 21-B within the time specified by the Inspector, the Inspector may himself issue the letter of appointment to such teacher and the teacher concerned shall be entitled to get his salary from the date he joins the post in pursuance of such letter of appointment.

(2) Where the teacher to whom the letter of appointment is issued under sub-section (1), is unable to join the post due to any act or omission on the part of the Management, such teacher may submit his joining report to the Inspector, and, shall thereupon be entitled to get his salary from the date he submits the said report."

Insertion of new section 33 A.

5. After section 33 of the principal Act, the following section shall be inserted, namely :—

"33-A. (1) Every teacher directly appointed, before the commencement of the Uttar Pradesh Secondary Education Services Regularisation of certain appointments Commission and Selection Boards (Amendment) Ordinance, 1985, on *ad hoc* basis against a substantive vacancy in accordance with paragraph 2 of the Uttar Pradesh Secondary Education Services Commission (Removal of Difficulties) Order, 1981, as amended from time to time, who possesses the qualifications prescribed under, or is exempted from such qualifications in accordance with, the provisions of the Intermediate Education Act, 1921, shall, with effect from the date of such commencement, be deemed to have been appointed in a substantive capacity provided such teacher has been continuously serving the institution from the date of such appointment up to the date of such commencement.

(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 such commencement.

(3) Nothing in this section shall be construed to entitle any teacher to substantive appointment—

(a) if on the date of such commencement, such post had already been filled or selection for such post had already been made in accordance with this Act, or

(b) if such teacher was related to any member of the Committee of management or the Principal, or Head Master of the institution concerned.

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

(i) they are members of a Hindu undivided family; or

(ii) they are husband and wife; or

(iii) the one is related to the other in the manner indicated in the Second Schedule to the Intermediate Education Act, 1921."

Ordi-
no. 12
1985

6. (1) The Uttar Pradesh Secondary Education Services Commission and Selection Boards (Amendment) Ordinance, 1985, is hereby repealed.

Repeal
savings

and

(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,
B. L. LOOMBA,
Sachiv.

Dated Lucknow, March 19, 1991

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 Madhyamik Shiksha Sewa Ayog Aur Chayan Board (Sanshodhan Aur Vadhikaran) Adhiniyam, 1991 (Uttar Pradesh Adhiniyam Sankhya 8 of 1991) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 18, 1991.

**THE UTTAR PRADESH SECONDARY EDUCATION SERVICES
COMMISSION AND SELECTION BOARDS (AMENDMENT AND
VALIDATION) ACT, 1991**

[U. P. ACT NO. 8 OF 1991]

(As passed by the Uttar Pradesh Legislature)

AN
ACT

further to amend the Uttar Pradesh Secondary Education Services Commission and Selection Board Act, 1982 and to validate certain actions and to provide for matters incidental thereto and connected therewith.

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

Short title

1. This Act may be called the Uttar Pradesh Secondary Education Services Commission and Selection Boards (Amendment and Validation) Act, 1991.

Amendment of
section 16 of U.P.
Act no. 5 of 1982

2. In section 16 of the Uttar Pradesh Secondary Education Services Commission and Selection Boards Act, 1982, in sub-section (1), after the existing proviso, the following proviso shall be inserted and be deemed always to have been inserted, namely :—

“Provided further that the appointment of a teacher by transfer from one institution to another, may be made in accordance with the regulations made under clause (c) of sub-section (2) of section 16-G of the Intermediate Education Act, 1921”.

3. Notwithstanding any judgement, decree or order of any court or authority, the appointment of a teacher by transfer from one institution to another made in pursuance of the regulation made under clause (c) of sub-section (2) of section 16-G of the Intermediate Education Act, 1921, on or after July 14, 1981 and before the commencement of this Act, shall be, and deemed always to have been, valid and lawful as if the provisions of this Act were in force at all material times. Validation

By order,
NARAYAN DAS,
Sachiv.

No. 1518 (2)/XVII-V-1-1 (KA)19-1991

Dated Lucknow, August 21, 1991

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 Madhyamik Shiksha Seva Ayog Aur Chayan Board (Sanshodhan) Adhiniyam, 1991 (Uttar Pradesh Adhiniyam, Sankhya 26 of 1991) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 20, 1991.

THE UTTAR PRADESH SECONDARY EDUCATION SERVICES
COMMISSION AND SELECTION BOARDS (AMENDMENT)
ACT, 1991

(U. P. Act No. 26 of 1991)

(As passed by the Uttar Pradesh Legislature)

AN
ACT

further to amend the Uttar Pradesh Secondary Education Services Commission and Selection Boards Act, 1982.

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

1. (1) This Act may be called the Uttar Pradesh Secondary Education Services Commission and Selection Boards (Amendment) Act, 1991. Short title and Commencement

(2) Section 2 shall be deemed to have come into force on April 6, 1991 and the remaining provisions shall come into force at once.

2. In section 33-A of the Uttar Pradesh Secondary Education Services Commission and Selection Boards Act, 1982, hereinafter referred to as the principal Act,— Amendment of section 33-A of U. P. Act no. 5 of 1982

(a) after sub-section (1), the following sub-sections shall be inserted, namely:—

“(1-A) Every teacher appointed by promotion, on *ad-hoc* basis against a substantive vacancy in accordance with paragraph 2 of the Uttar Pradesh Secondary Education Services Commission (Removal of Difficulties) Order, 1981, as amended from time to time, who possesses the qualifications prescribed under, or is exempted from such qualifications in accordance with the provisions of, the Intermediate Education Act, 1921 shall, with effect from the date of commencement of the Uttar Pradesh Secondary Education Services Commission and Selection Boards (Amendment) Act, 1991, be deemed to have been appointed in a substantive capacity provided such teacher has been continuously serving the institution from the date of such *ad-hoc* appointment to the date of such commencement.

(1-B) Every teacher directly appointed after June 12, 1985 and before May 13, 1989 on *ad-hoc* basis against a substantive vacancy in the Certificate of Teaching grade, in accordance with paragraph 2 of the Uttar Pradesh Secondary Education Services Commission (Removal of Difficulties) Order, 1981, as amended from time to time, who possesses the qualifications prescribed under, or is exempted from such qualifications in accordance with the provisions of, the Intermediate Education Act, 1921 shall, with effect from the commencement of the Uttar Pradesh Secondary Education Services Commission and Selection Boards (Amendment) Act, 1991, be deemed to have been appointed in a substantive capacity provided such teacher has been continuously serving the institution from the date of such *ad-hoc* appointment to the date of such commencement.

(1-C) Every teacher appointed by promotion or by direct recruitment before July 31, 1988 on *ad-hoc* basis against a substantive vacancy in accordance with section 18, who possesses the qualifications prescribed

under, or is exempted from such qualifications in accordance with the provisions of the Intermediate Education Act, 1921 shall, with effect from the date of commencement of the Uttar Pradesh Secondary Education Services Commission and Selection Boards (Amendment) Act, 1991 be deemed to have been appointed in a substantive capacity provided such teacher has been continuously serving the institution from the date of such *ad-hoc* appointment to the date of such commencement.”;

(b) for sub-section (2) the following sub-section shall be substituted, namely—

“(2) Every teacher deemed to have been appointed in a substantive capacity under sub-section (1) or (1-A) or (1-B) or (1-C), shall be deemed to be on probation from the date of commencement referred to in sub-section (1) or (1-A) or (1-B) or (1-C) as the case may be.”;

(c) in sub-section (3), in clause (a), for the words “such commencement”, the words “commencement referred to in sub-section (1) or (1-A) or (1-B) or (1-C), as the case may be” shall be substituted.

Repeal and saving

3. (1) The Uttar Pradesh Secondary Education Services Commission and Selection Boards (Amendment) Ordinance, 1991 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 this Act were in force at all material times.

By order,
NARAYAN DAS.
Sachiv.

U. 1
Ordin.
no. 28
199

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 Madhyamik Shiksha Seva Ayog Aur Chayan Board (Sanshodhan) Adhiniyam, 1992 (Uttar Pradesh Adhiniyam Sankhya 24 of 1992) as passed by the Uttar Pradesh Legislature and assented to by the Governor on November 29, 1992.

THE UTTAR PRADESH SECONDARY EDUCATION SERVICES COMMISSION AND SELECTION BOARDS (SECOND AMENDMENT) ACT, 1992

(U. P. Act No. 24 of 1992)

[As passed by the U. P. Legislature]

AN

ACT

further to amend the Uttar Pradesh Secondary Education Services Commission and Selection Boards Act, 1982

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

1. (1) This Act may be called the Uttar Pradesh Secondary Education Services Commission and Selection Boards (Second Amendment) Act, 1992.

Short title and commencement

(2) It shall be deemed to have come into force on July 14, 1992.

Substitution of section 18 of U. P. Act no. 5 of 1982

2. For section 18 of the Uttar Pradesh Secondary Education Services, Commission and Selection Boards Act, 1982 hereinafter referred to as the principal Act, the following section shall be substituted, namely,—

“18. (1) Where the management has notified a vacancy to the Commission in accordance with the provisions of this Act, and the *Ad hoc* teachers post of such teacher has actually remained vacant for more than two months, the management may appoint by direct recruitment or promotion a teacher, on purely *ad hoc* basis, in the manner hereinafter provided in this section.

(2) A teacher, other than a Principal or Headmaster, who is to be appointed by direct recruitment, may be appointed on the recommendation of the Selection Committee referred to in sub-section (9).

(3) A teacher, other than a Principal or Headmaster, who is to be appointed by promotion, may in the manner prescribed be appointed by promoting the senior most teacher possessing prescribed qualifications—

(a) in the trained graduate's grade, as a lecturer, in the case of a vacancy in lecturer's grade;

(b) in the Certificate of Teaching grade, as a teacher in the trained graduate's grade, in the case of vacancy in trained graduate's grade.

(4) A vacancy in the post of a Principal may be filled by promoting the seniormost teacher in the lecturer's grade.

(5) A vacancy in the post of a Headmaster may be filled by promoting the seniormost teacher in the trained graduate's grade.

(6) For the purposes of making appointments under sub-sections (2) and (3), the Management shall determine the number of vacancies, as also the number of vacancies to be reserved for the candidates belonging to the Scheduled Castes, Scheduled Tribes and other categories of persons in accordance with the rules or orders issued by the State Government in this behalf. If in determining the vacancies it is found that persons belonging to such categories are not holding such number of posts as should have been held by them in accordance with such rules or orders, then the vacancies shall be so determined that first and every alternate vacancy shall be reserved for the persons of such categories until the required percentage of posts is held by them.

(7) After determining the number of vacancies as provided in sub-section (6) the Management shall within fifteen days from the date of the commencement of the Uttar Pradesh Secondary Education Services Commission and Selection Board (Second Amendment) Act, 1992 intimate the vacancies to be filled by direct recruitment to the District Inspector of Schools. If the Management fails to intimate such vacancies within the said period of fifteen days, the District Inspector of Schools may, after verification from such institution or from his own records, determine such vacancies himself.

(8) The District Inspector of Schools shall, on receipt of intimation of vacancies or as the case may be, after determining the vacancies under sub-section (7), invite applications, from the persons possessing qualifications prescribed under the Intermediate Education Act, 1921 or the regulations made thereunder, for *ad hoc* appointment to the post of teachers, other than Principal or Head-masters in such manner as may be prescribed.

(9) (a) For each district, there shall be a Selection Committee for selection of candidates for *ad hoc* appointment by direct recruitment comprising—

(i) District Inspector of Schools, who shall be the Chairman;

(ii) Basic Shiksha Adhikari;

(iii) District Inspectress of Girls Schools, and where there is no such Inspectress, the Principal of the Government Girls Intermediate College and where there are more than one such college, the seniormost Principal of such Colleges and where there is no such College, the Principal of the Government Girls Intermediate College as nominated by the State Government.

(b) The Selection Committee constituted under clause (a) shall make selection of the candidates, prepare a list of the selected candidates, allocate them to the institutions and recommend their names to the Management for appointment under sub-section (2).

(c) The criteria and procedure for selection of candidates and the manner of preparation of list of selected candidates and their allocation to the institutions shall be such as may be prescribed.

(10) Every appointment of an *ad hoc* teacher under sub-section (1) shall cease to have effect from the date when the candidate recommended by the Commission or the Board joins the post.

(11) The provisions of sections 21-D shall, *mutatis mutandis*, apply to the teachers who are to be appointed under the provisions of this section."

U. P. Ordinance no. 21 of 1992

3. (1) The Uttar Pradesh Secondary Education services Commission and Selection Boards (Amendment) Ordinance, 1992 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 provision of the principal Act, as amended by this Act, as if the provisions of this Act were in force at all material times. **Repeal and saving**

By order,
N. K. NARANG,
Sachiv.

No. 30 (2) /XVII-V-1—1 (KA) 17-1992

Dated Lucknow, January 6, 1993

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 Madhyamik Shiksha Seva Ayog Aur Chayan Board (Sanshodhan) Adhiniyam, 1992 (Uttar Pradesh Adhiniyam Sankhya 1 of 1993) as passed by the Uttar Pradesh Legislature and assented to by the President on December 17, 1992.

THE UTTAR PRADESH SECONDARY EDUCATION SERVICES
COMMISSION AND SELECTION BOARDS (AMENDMENT) ACT, 1992

(U. P. ACT NO. 1 OF 1993)

[As passed by the Uttar Pradesh Legislature]

AN
ACT

further to amend the Uttar Pradesh Secondary Education Services Commission and Selection Boards Act, 1982.

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 Secondary Education Services Commission and Selection Boards (Amendment) Act, 1992.

(2) It shall come into force on such date as the State Government may, by notification, appoint in this behalf and different dates may be appointed for different provisions.

Amendment of
long title of U.P.
Act no. 5 of 1982

2. In the long title of the Uttar Pradesh Secondary Education Services Commission and Selection Boards Act, 1982, hereinafter referred to as the principal Act, the words "Commission and" shall be *omitted*.

Amendment of
section 1

3. In section 1 of the principal Act, in sub-section (1), the words "Commission and" shall be *omitted*.

Amendment of
Section 2

4. In section 2 of the principal Act,—

(a) clauses (b) and (c) shall be *omitted* ;

(b) after clause (d), the following clause shall be *inserted*, namely—

"(d-1) 'Inspector' means the District Inspector of Schools and in relation to an institution for girls, the Regional Inspectress of Girls Schools ;"

(c) for clause (g), the following clause shall be *substituted*, namely—

"(g) 'member' means a member of the Board and includes the President ;"

(d) clauses (i) and (j) shall be *omitted* ;

(e) after clause (k), the following clause shall be *inserted*, namely—

"(1) 'year of recruitment' means a period of twelve months commencing from first day of July of a calendar year."

Omission of
Chapter II

5. Chapter II containing sections 3 to 11 of the principal Act shall be *omitted*.

Amendment of
section 12

6. In section 12 of the principal Act,—

(a) in sub-section (1), for the words "six or more" the word "four" shall be *substituted* ;

insc

(b) for sub-sections (3), (4) and (5) the following sub-sections shall be substituted, namely—

“(3) Every such Board shall consist of a President and not more than four other members, to be appointed by the State Government, on the recommendation made in the prescribed manner by a Selection Committee comprising,—

- (i) Chief Secretary to the Government of Uttar Pradesh—*Chairman*
- (ii) Secretary to the Government of Uttar Pradesh—*Member* in the Judicial Department.
- (iii) Secretary to the Government of Uttar Pradesh—*Member* in charge of the Secondary Education Department—*Secretary/Convenor*

(4) A person shall not be qualified for appointment as President unless,—

(a) he holds or has held any of the following posts or a post equivalent thereto, namely—

- (i) District Judge ;
- (ii) District Magistrate ;
- (iii) Director of Education ; or

(b) he is, in the opinion of the State Government an eminent educationist having made valuable contribution in the field of education.

(5) A person shall not be qualified for appointment as a member unless,—

(a) he holds or has held any of the following posts or a post equivalent thereto, namely—

- (i) Additional District Judge ;
- (ii) Additional District Magistrate ;
- (iii) Additional Director of Education ;
- (iv) Professor in any University established by law in Uttar Pradesh ;

(v) Principal or Reader of any College recognised by or affiliated to, any such University for a period of not less than ten years ;

(vi) Principal of any Institution for a period of not less than fifteen years ; or

(b) he is, in the opinion of the State Government, an eminent educationist having made valuable contribution in the field of education.”

7. After section 12 of the principal Act, the following sections shall be inserted, namely—

“12-A(1) Subject to the provisions of this Act, every member shall hold office for a term of three years.

(2) No person shall be a member of the Board for more than two consecutive terms.

(3) A member of the Board may resign his office by writing under his hand to the State Government, but he shall continue in office until his resignation is accepted by the State Government.

(4) The office of the members shall be whole time and the terms and conditions of their services shall be such as the State Government may, by order, direct.

(5) Notwithstanding anything contained in this section or section 12, no person shall be appointed as a member, if he is below fifty five years of age, or be appointed or continue as member, if he has attained the age of sixty two years.

Insertion of new sections 12-A, 12-B and 12-C

12-B.(1) The State Government may, by order remove from office any member, if he,—

Power of State Government to remove a member (a) is adjudged an insolvent, or (b) engages, during his term of office, in any paid employment outside the duties of his office, or

(c) is, in the opinion of the State Government, unfit to continue in office by reason of infirmity of mind or body or of proved misconduct, or

(d) incurs any disqualification under this Act or the rules made thereunder.

Explanation—Where a member becomes in any way concerned or interested in any contract or agreement made by or on behalf of any institution or participates in any way in the profits thereof or in any benefit or emolument arising therefrom, otherwise than as a member, he shall for the purpose of clause (c), be deemed to be guilty of misconduct.

(2) The procedure for the investigation and proof of misconduct under this section shall be such as may be prescribed.

12-C. The Board may associate with itself, in such manner and for such purposes as may be prescribed, any person whose assistance or advice it may desire to have, in carrying out any of the provisions of this Act.”

Power to associate

Amendment of section 13

8. In section 13 of the principal Act, in sub-section (1), the following proviso shall be inserted in the end, namely—

“Provided that the Secretary of the Board shall be appointed by the State Government on deputation.”

Amendment of section 14

9. In section 14 of the principal Act,—

(a) in sub-section (1), the brackets and words “(other than a teacher specified in the Schedule)” shall be omitted;

(b) sub-section (2) shall be omitted;

(c) in sub-section (3),—

(i) for the words and figures “sub-sections (1) and (2),” the words and figures “sub-section (1),” shall be substituted;

(ii) in clause (a), the words “to conduct examinations where considered necessary or” shall be omitted;

(iii) in clause (b), the words “and to appoint examiners” shall be omitted;

(iv) in clause (c) the words “and examiners” shall be omitted;

(v) after clause (e), the following clauses shall be inserted, namely—

“(f) to make recommendations regarding the appointment of selected candidates and their promotion;

(g) to advise the management in matters relating to dismissal, removal or reduction in rank of the teachers or reduction in their emoluments or withholding of their increment;

(h) to obtain the periodical returns or other informations from institutions regarding strength of the teaching staff and the appointment, promotion, dismissal, removal, termination or reduction in rank of teachers.”

Substitution of section 15

10. For section 15 of the principal Act, the following sections shall be substituted, namely :—

“15 (1) For the purposes of making appointment of a teacher, the Management shall determine the number of vacancies existing or likely to fall vacant during the year of recruitment and in the case of any post, other than the post of head of Institution, also the number of vacancies to be reserved for the candidate belonging to the Scheduled Castes, Scheduled Tribes and other categories

Procedure for selection of teachers

of persons in accordance with the rules or orders issued by the Government in this behalf in regard to the institution and notify the vacancies to the Board in such manner and through such officer or authority as may be prescribed.

(2) The procedure of selection of candidates for appointment to the post of such teachers shall be such as may be prescribed :

Provided that the Board shall, with a view to inviting talented persons, give wide publicity in the State to the vacancies notified under sub-section (1).

15-A. (1) The Board shall, as soon as possible, after the notification of vacancies under section 15, hold interview of the candidates and prepare and forward to the officer or authority referred to in sub-section (1) of section 15 in the prescribed manner, a panel of those found suitable for appointment.

(2) On receipt of such panel the officer or authority concerned shall, in the prescribed manner, intimate the Management of the Institution, in respect of which the vacancy was notified the name of the selected candidate.

(3) The Management shall, within a period of one month from the date of receipt of such intimation, issue appointment letter to such selected candidate.

(4) Where such selected candidate fails to join the post in such Institution within the time allowed in the appointment letter or within such extended time as the Management may allow in this behalf, or where such candidate is otherwise not available for appointment, the officer or the authority concerned may, on the request of the Management, intimate in the prescribed manner, fresh name or names from the panel forwarded by the Board under sub-section (1).

(5) The panel prepared under sub-section (1) shall remain in force for one year.

15-B. Where after regularisation of appointment of teachers under section 33-B, it is found that in any Institution persons belonging to the Scheduled Castes, Scheduled Tribes, and other categories referred to in sub-section (1) of section 15 are not holding such number of posts as should have been held by persons of such category according to the posts reserved for them, then notwithstanding anything to the contrary contained in any other provision of this Act appointments in such Institution in the Education Services Commission and Selection Boards (Amendment) Act, 1992 shall be so made that the first and every alternate vacancy is filled by the person of such category until the number of post reserved for such category is filled by persons belonging to such category."

11. For section 16 of the principal Act, the following section shall be substituted, namely—

"16. (1) Notwithstanding anything to the contrary contained in the Intermediate Education Act, 1921 or the regulation made thereunder but subject to the provisions of sections 21-B, 21-C, 21-D, 33, 33-A and 33-B, every appointment of a teacher, shall, on or after the date of commencement of the Uttar Pradesh Secondary Education Services Commission and Selection Boards (Amendment) Act, 1992, be made by the Management only on the recommendation of the Board :

Provided that in respect of retrenched employees, the provisions of section 16-EE of the Intermediate Education Act, 1921, shall *mutatis mutandis* apply :

Substitution of section 16

Appointment to be made only on the recommendation of the Board

Special provision for reserve quota backlog

Panel of candidates selected by Board

Provided further that the appointment of a teacher by transfer from one Institution to another, may be made in accordance with the regulations made under clause (c) of sub-section (2) of section 16-G of the Intermediate Education Act, 1921.

(2) Any appointment made in contravention of the provisions of sub-section (1) shall be void."

Amendment of section 17

12. In section 17 of the principal Act,—

(a) in sub-section (1), for the words "Chapter II or Chapter III, as the case may be", the words, "Chapter III" shall be substituted ;

(b) in sub-section (2) for the words "on receipt" the words "As far as may be within one month from the date of receipt" shall be substituted.

Omission of section 18

13. Section 18 of the principal Act, shall be omitted.

Substitution of section 19

14. For section 19 of the principal Act, the following section shall be substituted, namely—

"19. The Board may require the Management of an Institution to furnish such information or return regarding the matters referred to in section 14, as it thinks fit, and the Management shall be bound to comply with the same."

Power to call for information etc.

Amendment of section 20

15. In section 20 of the principal Act, for the words "The Secretary of the Commission or any other person authorised by the Commission or the Board", the words "Any person authorised in this behalf by the Board" shall be substituted.

Substitution of section 21

16. For section 21 of the principal Act, the following section shall be substituted, namely—

"21. The Management shall not, except with the prior approval of the Board, dismiss any teacher or remove him from service, or serve on him any notice of removal from service, or reduce him in rank or reduce his emoluments or withhold his increment for any period (whether temporarily or permanently) and any such thing done without such prior approval shall be void."

Restriction on dismissal etc. of teachers

Amendment of section 22

17. In section 22 of the principal Act, for the words "the Commission or the Board, as the case may be," the words "the Board" shall be substituted.

Amendment of sections 23 and 26

18. In sections 23 and 26 of the principal Act, the words "the Commission or" wherever they occur, shall be omitted.

Amendment of section 27

19. In section 27 of the principal Act, sub-section (1) shall be omitted.

Amendment of section 28

20. In section 28 of the principal Act, for the words "the Commission or Board", the words "the Board" shall be substituted.

Omission of section 29

21. Section 29 of the principal Act shall be omitted.

Amendment of section 32

22. In section 32 of the principal Act, for the words "or the rules or regulations made hereunder," the words "or the rules made hereunder" shall be substituted.

Amendment of section 33

23. In section 33 of the principal Act, in sub-section (1), for the proviso the following proviso shall be substituted, namely :—

"Provided that no such order shall be made after two years from the date of commencement of the Uttar Pradesh Secondary Education Services Commission and Selection Boards (Amendment) Act, 1992."

24. After section 33-A of the principal Act, the following section shall be inserted, namely—

Insertion of new section-33-B

“33-B. (1) Any teacher, other than the Principal or Headmaster, who—

(a) (i) was appointed by promotion or by direct recruitment in the lecturer grade or Trained Graduate grade on or before May 14, 1991 or in the Certificate of Teaching grade on or before May 13, 1989 against a short term vacancy in accordance with paragraph 2 of the Uttar Pradesh Secondary Education Services Commission (Removal of Difficulties) (Second) Order, 1981 and such vacancy was subsequently converted into a substantive vacancy, or

(ii) was appointed by direct recruitment on or after July 14, 1981 but not later than June 12, 1985 on *ad hoc* basis against a substantive vacancy in the Certificate of Teaching grade through advertisement and such appointment was approved by the Inspector, or

(iii) was appointed by promotion or by direct recruitment on or after July 31, 1988 but not later than May 14, 1991 on *ad hoc* basis against a substantive vacancy in accordance with section 18, as it stood before its omission by the Uttar Pradesh Secondary Education Services Commission and Selection Boards (Amendment) Act, 1992 ;

(b) possesses the qualifications prescribed under, or is exempted from such qualifications in accordance with, the provisions of the Intermediate Education Act, 1921 ;

(c) has been continuously serving the Institution from the date of such appointment up to the date of the commencement of the Act referred to in sub-clause (iii) of clause (a) ;

(d) is not related to any member of the Management or the Principal or Head Master of the Institution concerned in the manner specified in the explanation to sub-section (3) of section 33-A ;

(e) has been found suitable for appointment in a substantive capacity by a Selection Committee constituted under sub-section (2), shall be given substantive appointment by the Management.

(2) (a) For each region, there shall be a Selection Committee comprising—

(i) Regional Deputy Director of Education of that region, who shall be the Chairman,

(ii) One officer holding a Group 'A' post (specified as such by the State Government from time to time) in any department other than Education Department, to be nominated by the State Government,

(iii) Regional Inspectress of Girls School of that region :

Provided that the Inspector of the district shall be co-opted as a member while considering the cases for regularisation of that district.

(b) The Selection Committee constituted under clause (a) shall consider the case of every such teacher and on being satisfied about his eligibility and suitability in view of the provisions of sub-section (1) shall, subject to the provisions of sub-section (3) recommend his name to the Management for appointment under sub-section (1) in a substantive vacancy.

(3) (a) The names of the teachers shall be recommended for substantive appointment in order of seniority as determined from the date of their appointment.

(b) If two or more such teachers are appointed on the same date, the teacher who is elder in age shall be recommended first.

(4) Every teacher appointed in a substantive capacity under sub-section (1) shall be deemed to be on probation from the date of such substantive appointment.

(5) A teacher who is not found suitable under sub-section (1) and a teacher who is not eligible to get a substantive appointment under that sub-section shall cease to hold the appointment on such date as the State Government may by order specify.

(6) Nothing in this section shall be construed to entitle any teacher to substantive appointment, if on the date of commencement of the Act referred to in sub-clause (iii) of clause (a) of sub-section (1), such vacancy had already been filled or selection for such vacancy has already been made in accordance with this Act."

Omission of section 34 of the Schedule of Transitory Provisions

25. Section 34 of the principal Act shall be *omitted*.

26. The Schedule to the principal Act shall be *omitted*.

27. The Uttar Pradesh Secondary Education Services Commission constituted as a body corporate under section 3 of the principal Act as it stood immediately before the commencement of this Act, shall upon such commencement stand dissolved, and upon such dissolution—

(a) all properties and assets of that Commission and all debts, liabilities and obligations of that Commission whether contractual or otherwise shall stand transferred to such Board established under section 12 of the principal Act as the State Government may, by notification specify in that behalf;

(b) all persons serving on deputation in that Commission shall revert to their parent departments;

(c) the services of every whole time employee of that Commission shall stand transferred to such Board established under section 12 of the principal Act as the State Government may, by notification, specify in that behalf;

(d) any matter pending before that Commission under Chapter II of the principal Act as it stood before the commencement of this Act and any reference pending before that Commission under section 21 of the principal Act as it stood immediately before such commencement shall stand transferred to the Board established under section 12 of the principal Act, having jurisdiction.

By order,
N. K. NARANG,
Sachiv.

No. 1477 (2)/XVII-V-1-1(KA)12-1995

Dated Lucknow, August 8, 1995

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 Madhyamik Shiksha Seva Chayan Board (Sansodhan) Adhiniyam, 1995 (Uttar Pradesh Adhiniyam Sankhya 15 of 1995) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 4, 1995.

**THE UTTAR PRADESH SECONDARY EDUCATION SERVICES
SELECTION BOARDS (AMENDMENT) ACT, 1995**

(U. P. Act. No. 15 of 1995)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

Further to amend the Uttar Pradesh Secondary Education Services Selection Boards Act, 1982

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

Short title and Commencement

1. (1) This Act may be called the Uttar Pradesh Secondary Education Services Selection Boards (Amendment) Act, 1995.

(2) It shall be deemed to have come into force on December 28, 1994.

Amendment of long title of U.P. Act no. 3 of 1982

2. In the long title of the Uttar Pradesh Secondary Education Services Selection Boards Act, 1982, hereinafter referred to as the principal Act, for the words 'Services Selection Boards' the words 'Services Commission' shall be substituted.

Amendment of section 1

3. In section 1 of the principal Act, in sub-section (1), for the words 'Services Selection Boards' the words 'Services Commission' shall be substituted.

Amendment of section 2

4. In section 2 of the principal Act,—

(a) clause (a) shall be omitted;

(b) after clause (a) as so omitted, the following clauses shall be inserted, namely:—

“(b) ‘Chairman’ means the Chairman of the Commission and includes any other person performing, in the absence of the Chairman, for the time being, the functions of the Chairman;

(c) ‘Commission’ means the Uttar Pradesh Secondary Education Services Commission established under section 3;”;

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

“(g) ‘Member’ means a member of the Commission and includes its Chairman;”;

(d) clause (h) shall be omitted;

(e) after clause (h) as so omitted, the following clauses shall be inserted, namely:—

“(hh) ‘other backward classes of citizens’ means the backward classes of citizens specified in Schedule I of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and other Backward Classes) Act, 1994;

(i) ‘regulation’ means any regulation made under section 34;”.

Insertion of Chapter II and section 3 to 11

5. After section 2 of the principal Act, the following Chapter containing sections 3 to 11 shall be inserted, namely:—

“CHAPTER II

ESTABLISHMENT AND FUNCTIONS OF THE COMMISSION

3. (1) With effect from such date as the State Government may, by notification appoint in this behalf, there shall be established a Commission to be called the “Uttar Pradesh Secondary Education Services Commission”.

(2) The Commission shall be a body corporate. It shall exercise powers throughout Uttar Pradesh and its headquarters shall be at Allahabad.

4. (1) The Commission shall consist of a Chairman and not more than six other members who shall, subject to sub-section (2), be appointed by the State Government.

(2) The Chairman and members shall be appointed from amongst the persons who have—

(a) been in the opinion of the State Government, an eminent educationist or have made valuable contributions in the field of education; or

(b) worked as a Professor in any University established by law in Uttar Pradesh or as a Principal of any College recognised by or affiliated to such University for a period of not less than ten years; or

(c) worked as a senior officer in the Judicial, Administrative or Education Service of the State for a period of not less than ten years; or

(d) worked as a Principal of any Institution for a period of not less than fifteen years.

(3) Every appointment under this section shall take effect from the date on which it is notified by the State Government.

5. (1) Subject to the provisions of this Act, every Member shall hold office for a term of four years.
Term of office and conditions of service of Members

(2) No person shall be a member for more than two consecutive terms.

(3) A member may resign his office by writing under his hand addressed to the State Government, but he shall continue in office until his resignation is accepted by the State Government.

(4) The office of the members shall be whole time and terms and conditions of their service shall be such as the State Government may by order, direct.

(5) Notwithstanding anything contained in this section, no person shall be appointed or continue as a member if he has attained the age of sixty two years.

6. (1) The State Government may, by order, remove from office any member, if he—

(a) is adjudged an insolvent; or
Powers of the State Government to remove Member

(b) engages, during his term of office, in any paid employment outside the duties of his office; or

(c) is, in the opinion of the State Government, unfit to continue in office by reason of infirmity of mind or body or of proved misconduct; or

(d) incurs any disqualification under this Act or the rules made thereunder.

Explanation—Where a member becomes in any way concerned or interested in any contract or agreement made by or on behalf of any Institution or participates in any way in the profits thereof or in any benefit or emolument arising therefrom, otherwise than a member, he shall, for the purpose of clause (c), be deemed to be guilty of misconduct.

(2) The procedure for the investigation and proof of misconduct under this section shall be such as may be prescribed.

7. The Commission may associate with itself, in such manner and for such purposes as may be determined by regulations made under section 34, any person whose assistance or advice it may desire to have in carrying out any of the provisions of this Act.
Power to associate

8. (1) The Secretary of the Commission shall be appointed by the State Government on deputation for a term not exceeding five years and other conditions of his service shall be such as the State Government may, by order, determine.
- (2) Subject to such directions as may be issued by the State Government in this behalf, the Commission may appoint such other employees as it may think necessary for the efficient performance of its functions under this Act and on such terms and conditions of service as the Commission thinks fit.
9. The Commission shall have the following powers and duties:
Powers and duties namely ;—
of Commissions.
- (a) to prepare guidelines on matters relating to the method of recruitment and promotion of teachers;
- (b) to hold interviews and make selection of candidates for being appointed as teachers;
- (c) to select and invite experts for the purposes specified in clause (b);
- (d) to make recommendations regarding the appointment of selected candidates and their promotion;
- (e) to advise the Management in matters relating to dismissal, removal or reduction in rank of teachers;
- (f) to obtain periodical returns or other informations from institutions regarding strength of the teaching staff and the appointment, promotion, dismissal, removal, termination or reduction in rank of teachers;
- (g) To fix the emoluments and travelling and other allowances of the experts;
- (h) to administer the funds placed at the disposal of the Commission;
- (i) to perform such other duties and exercise such other powers as may be prescribed or as may be incidental or conducive to the discharge of its functions under this Act or the rules or regulations made thereunder.
10. (1) For the purpose of making appointment of a teacher, the management shall determine the number of vacancies existing or likely to fall vacant during the year of recruitment and in the case of a post other than the post of Head of the Institution, also the number of vacancies to be reserved for the candidates belonging to the Scheduled Castes, the Scheduled Tribes and other Backward Classes of citizens in accordance with the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 and notify the vacancies to the Commission in such manner and through such officer or authority as may be prescribed.
- (2) The procedure of selection of candidates for appointment to the post of teachers shall be such as may be prescribed :
- Procedure of selection
- Provided that the Commission shall, with a view to inviting talented persons, give wide publicity in the State to the vacancies notified under sub-section (1).
11. (1) The Commission shall, as soon as may be, after the vacancy is notified under sub-section (1) of section 10, hold interviews of the candidates and prepare a panel of those found most suitable for appointment.
- Panel of candidates
- (2) The panel referred to in sub-section (1) shall be forwarded by the Commission to the officer or authority referred to in sub-section (1) of section 10 in such manner as may be prescribed.
- (3) After the receipt of the panel under sub-section (2), the officer or authority concerned shall in the prescribed manner intimate the Management of the Institution the names of the selected candidates in respect of the vacancies notified under sub-section (1) of section 10.

(4) The management shall, within a period of one month from the date of receipt of such intimation, issue appointment letter to such selected candidate.

(5) Where such selected candidate fails to join the post in such Institution within the time allowed in the appointment letter or within such extended time as the Management may allow in this behalf, or where such candidate is otherwise not available for appointment, the officer or authority concerned may, on the request of the Management, intimate, in the prescribed manner, fresh name or names from the panel forwarded by the Commission under sub-section (2)."

6. Chapter III of the principal Act containing sections 12, 12-A, 12-B, 12-C, 13, 14, 15, 15-A and 15-B shall be *omitted*.

Omission of Chapter III and sections 12 to 15-B

Amendment of section 16

7. In section 16 of the principal Act, in sub-section (1),—

(a) for the words and figures "subject to the provisions of section 21-B", the words and figures "subject to the provisions of sections 18, 21-B" shall be *substituted*;

(b) for the words and figures "Uttar Pradesh Secondary Education Services Commission and Selection Boards (Amendment) Act, 1992 be made by the Management only on the recommendation of the Board," the words and figures "Uttar Pradesh Secondary Education Services Selection Boards (Amendment) Act, 1995 be made by the Management only on the recommendation of the Commission," shall be *substituted*;

(c) after the second proviso, the following proviso shall be *inserted*, namely—

"Provided also that the dependent, of a teacher or other employee of an Institution dying in harness, who possesses the qualifications prescribed under the Intermediate Education Act, 1921 may be appointed as teacher in Trained Graduate's Grade in accordance with the regulations made under sub-section (4) of Section 9 of the said Act."

8. In Section 17 of the principal Act, in sub-section (1), for the word and figure "Chapter III" the word and figure "Chapter II" shall be *substituted*.

Amendment of section 17

9. For Section 18 of the principal Act, the following section shall be *substituted*, namely:—

Substitution of section 18

"18. (1) Where the Management has notified a vacancy to the Commission in accordance with sub-section (1) of Section 10 and the post of a teacher actually remained vacant for more than two months, the Management may appoint by direct recruitment or promotion a teacher on purely *ad hoc* basis, in the manner hereinafter provided in this section.

(2) A teacher other than a Principal or Headmaster, who is to be appointed by direct recruitment may be appointed on the recommendation of the Selection Committee referred to in sub-section (8).

(3) A teacher other than a Principal or Headmaster, who is to be appointed by promotion, may in the prescribed manner be appointed by promoting the senior most teacher, possessing prescribed qualifications—

(a) in the trained graduate's grade, as a lecturer, in the case of a vacancy in the lecturer's grade;

(b) in the Certificate of Teaching grade, as teacher in the trained graduate's Grade, in the case of a vacancy in the Trained graduate's grade.

(4) A vacancy in the post of a Principal may be filled by promoting the senior most teacher in the lecturer's grade.

(5) A vacancy in the post of a Headmaster may be filled by promoting the senior most teacher in the trained graduate's grade.

(6) For the purposes of making appointments under sub-sections (2) and (3), the Management shall determine the number of vacancies, as also the number of vacancies to be reserved for the candidates belonging to the Scheduled Castes, the Scheduled Tribes

and Other Backward Classes of citizen in accordance with the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 and, as soon as may be thereafter, intimate the vacancies to be filled by direct recruitment to the District Inspector of Schools and if the Management fails to intimate the vacancies and the post of a teacher has actually remained vacant for more than three months, the District Inspector of Schools may, subject to such directions as may be issued by the Director and after verification from such institution or from his own record, determine such vacancies himself.

(7) The District Inspector of Schools shall, on receipt of intimation of vacancies or as the case may be, after determining the vacancies under sub-section (6), forward the same to the Deputy Director of Education incharge of the Region, who shall invite applications from the persons possessing qualifications prescribed under the Intermediate Education Act, 1921 or the regulations made thereunder, for *ad hoc* appointment to the post of teachers other than Principal or Head Master in such manner as may be prescribed.

(8) (a) For each region there shall be a Selection Committee for selection of candidates for *ad hoc* appointment by direct recruitment comprising—

- (i) Regional Deputy Director of Education ;
- (ii) Regional Deputy Director of Education (Second) ;
- (iii) Regional Assistant Director of Education (Basic).

The Regional Deputy Director of Education who is senior shall be the Chairman.

(b) The Selection Committee constituted under clause (a) shall make selection of the candidates, prepare a list of the selected candidates, allocate them to the Institutions and recommend their names to the Management for appointment under sub-section (2).

(c) The criteria and procedure for selection of candidates and the manner of preparation of list of selected candidates and their allocation to the Institution shall be such as may be prescribed.

(9) Every appointment of an *ad hoc* teacher under sub-section (1) shall cease to have effect from the date when the candidate recommended by the Commission joins the post.

(10) The provisions of section 21-D shall *mutatis mutandis* apply to the teachers who are to be appointed under the provisions of this section."

Amendment of section 19

10. In section 19 of the principal Act,—

(a) for the word "Board" the word "Commission" shall be substituted.

(b) for the word and figure "section 14" the word and figure "section 9" shall be substituted.

Amendment of section 20

11. In section 20 of the principal Act, for the words "Any person authorised in this behalf by the Board" the words "The Secretary of the Commission or any other person authorised by the Commission" shall be substituted.

Amendment of section 21

12. In section 21 of the principal Act, for the word "Board" the word "Commission" shall be substituted.

Amendment of sections 22, 23 and 26

13. In sections 22, 23 and 26 of the principal Act, for the words "the Board" wherever occurring, the words "the Commission" shall be substituted.

Substitution of section 27

14. For section 27 of the principal Act, the following section shall be substituted, namely :—

"27. All orders and decisions of the Commission shall be authenticated by the signature of the Secretary appointed under section 8 or any other officer authorised by the Commission."

Authentication of the orders

15. In section 28 of the principal Act, for the words "the Board" the words "the Commission" shall be substituted. Amendment of section 28

16. After section 28 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 29

"29. The Commission may, by regulation made under section 34, delegate to its Chairman or any of its Members or officers, its power of general superintendence and direction over the business transacted by or in the Commission including the powers with regard to the expenditure incurred in connection with the maintenance of the office and internal administration of the Commission."

17. In section 32 of the principal Act, for the words "or the rules made thereunder" the words "or the rules or regulations made thereunder" shall be substituted. Amendment of section 32

18. In section 33 of the principal Act, in sub-section (1), for the proviso the following proviso shall be substituted, namely:— Amendment of section 33

"Provided that no such order shall be made after two years from the date of commencement of the Uttar Pradesh Secondary Education Services Selection Boards (Amendment) Act, 1995."

19. In section 33-B of the principal Act, in sub-section (1) in clause (a), in sub-clause (iii), for the words and figures "as it stood before its omission by the Uttar Pradesh Secondary Education Services Commission and Selection Boards (Amendment) Act, 1992" the words and figures "as it stood before its substitution by the Uttar Pradesh Secondary Education Services Commission and Selection Boards (Second Amendment) Act, 1992" shall be substituted. Amendment of section 33-B

20. After section 33-B of the principal Act, the following section shall be inserted, namely:— Insertion of new section 34

"34. (1) The Commission may, with the previous approval of the State Government, make or amend regulations prescribing fees for holding selections, for holding interviews and laying down the procedure to be followed by the Commission for discharging its duties and performing its functions under this Act:

Provided that the first regulation under this sub-section shall be made by the State Government by notification in the Gazette.

(2) The regulations made under sub-section (1) shall not be inconsistent with the provisions of this Act or the rules made under section 35."

21. The Secondary Education Selection Boards constituted as body corporate under section 12 of the principal Act as it stood immediately before the commencement of this Ordinance, shall upon such commencement stand dissolved, and upon such dissolution— Transitory provisions

(a) all properties and assets of such Boards and all debts, liabilities and obligations of such Boards, whether contractual or otherwise, shall stand transferred to the Commission established under section 3, of the principal Act;

(b) all persons serving on deputation in such Boards shall revert to their parent departments;

(c) the service of every whole time employee of such Boards shall stand transferred to the Commission established under section 3 of the principal Act;

(d) any matter pending before such Boards under Chapter III of the principal Act as it stood immediately before the commencement of this Act and any reference pending before such Boards under section 21 of the principal Act shall stand transferred to the Commission established under section 3 of the principal Act,

Repeal and savings

22. (1) The Uttar Pradesh Secondary Education Services Selection Boards (Amendment) Ordinance, 1995 is hereby repealed.

U. P. Ordinance no. 11 1995
U. P. Ordinance no. 11 1995

(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) or by the Uttar Pradesh Secondary Education Services Selection Boards (Amendment) Ordinance, 1994, 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,
Pramukh Sachiv

बैठक संख्या 171 साठ (विभागा) - (2596) - 1995 - 950 (निकट)

No. 1414 (2)/XVII-V-1—1 (KA)-11-98

Dated Lucknow, July 27, 1998

IN pursuance of the provisions of clause (3) of article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Madhyamik Shiksha Seva Ayog (Sanshodhan) Adhiniyam, 1998 (Uttar Pradesh Adhiniyam Sankhya 25 of 1998) as passed by the Uttar Pradesh Legislature and assented to by the Governor on July 25, 1998.

THE UTTAR PRADESH SECONDARY EDUCATION SERVICES
COMMISSION (AMENDMENT) ACT, 1998

(U.P. ACT NO. 25 OF 1998)

AN
ACT

*further to amend the Uttar Pradesh Secondary Education Services
Commission Act, 1982.*

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

1. (1) This Act may be called the Uttar Pradesh Secondary
Education Services Commission (Amendment) Act, 1998.

(2) It shall be deemed to have come into force on April 20, 1998.

Short title and
commencement

उत्तर प्रदेश अधिसूचना नं. 27 जुलाई, 1998

Amendment of
long title of U.P.
Act no. 5 of 1982

2. In the long title of the Uttar Pradesh Secondary Education Services Commission Act, 1982, hereinafter referred to as the principal Act, for the words "Services Commission" the words "Services Selection Board" shall be substituted.

Amendment of
section 1

3. In section 1 of the principal Act, in sub-section (1), for the words "Services Commission" the words "Services Selection Boards" shall be substituted.

General Amend-
ment

4. In sections 19, 20, 21, 22, 23, 26, 27, 28, 29 and 34 of the principal Act, for the word "Commission" wherever occurring the word "Board" shall be substituted.

Amendment of
section 2

5. In section 2 of the principal Act,—

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

"(a) 'Board' means the Uttar Pradesh Secondary Education Services Selection Board established under section 3;

(b) 'Chairman' means the Chairman of the Board and includes any other person performing in the absence of the Chairman, for the time being, the functions of the Chairman;"

(b) clause (c) shall be omitted;

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

"(g) 'Member' means a member of the Board and includes its Chairman and Vice-Chairman;"

(d) after clause (k) the following clause shall be inserted, namely:—

"(k-1) 'Vice-Chairman' means the Vice-Chairman of the Board;"

Substitution of
Chapter II and
sections 3 to 11

6. For Chapter II containing sections 3 to 11 of the principal Act, the following chapter containing sections 3 to 11 shall be substituted, namely:—

"CHAPTER II

ESTABLISHMENT AND FUNCTIONS OF THE BOARD

3. (1) With effect from such date as the State Government may, by notification, appoint in this behalf, there shall be established a Board to be called the Uttar Pradesh Secondary Education Services Selection Board.

(2) The Board shall be a body corporate. It shall exercise powers throughout Uttar Pradesh and its headquarters shall be at Allahabad.

(3) The Uttar Pradesh Secondary Education Services Commission established under section 3 of this Act as it stood immediately before the commencement of the Uttar Pradesh Secondary Education Services Commission (Amendment) Act, 1998 shall upon establishment of the Board under sub-section (1), stand dissolved, and upon such dissolution—

(a) all properties and assets of that Commission shall stand transferred to, and vest in the Board;

(b) all debts, liabilities and obligations of that Commission whether contractual or otherwise, shall stand transferred to the Board;

(c) the services of every whole-time employee of that Commission shall stand transferred to the Board;

(d) any matter pending before that Commission under this Act as it stood immediately before establishment of the Board under sub-section (1) shall stand transferred to the Board.

4. (1) The Board shall consist of a Chairman, a Vice-Chairman and nine Members who shall be appointed by the State Government.

(2) A person shall not be qualified for appointment as Chairman, unless he,—

(a) is or has been a Vice-Chancellor of any University established by law ; or

(b) is or has been, in the opinion of the State Government an outstanding officer of the Administrative Service not below the rank of Secretary to the State Government or Director of Education, Uttar Pradesh.

(3) A person shall not be qualified for appointment as Vice-Chairman, unless he is, in the opinion of the State Government, an eminent educationist having made valuable contribution in the field of education.

(4) Of the Members,—

(a) Two shall be persons, who are educationist having made significant contribution in the field of education;

(b) Two shall be persons who are or have been in the opinion of the State Government, an outstanding officer of the State Education Service not below the rank of Additional Director ;

(c) Other shall be persons who,—

(i) have worked as a Professor in any University established by law in Uttar Pradesh or as a Reader of any Degree College recognised by or affiliated to such University for a period of not less than ten years ;

(ii) have worked as a Principal of any Institution recognised under the Intermediate Education Act, 1921 for a period of not less than ten years ;

(iii) are, in the opinion of the State Government, an eminent educationist having made valuable contribution in the field of education.

(5) Every appointment under this section shall take effect from the date on which it is notified by the State Government.

5. (1) Subject to the provisions of this Act, every Member shall hold office for a term of four years.

Term of office and conditions of service of Members

(2) No person shall be a member for more than two consecutive terms.

(3) A member may resign his office by writing under his hand addressed to the State Government, but he shall continue in office until his resignation is accepted by the State Government.

(4) The office of the members shall be whole time and terms and conditions of their service shall be such as the State Government may by order, direct.

(5) Notwithstanding anything contained in this section, no person shall be appointed or continue as a member if he has attained the age of sixty two years.

6. (1) The State Government may, by order, remove from office any member, if he—

(a) is adjudged an insolvent; or
 State Government to remove the Member
 (b) engages, during his term of office, in any paid employment outside the duties of his office; or

(c) is, in the opinion of the State Government, unfit to continue in office by reason of infirmity of mind or body or of proved misconduct; or

(d) incurs any disqualification under this Act or the rules made thereunder.

Explanation—Where a member becomes in any way concerned or interested in any contract or agreement made by or on behalf of any Institution or participates in any way in the profits thereof or in

any benefit or emolument arising therefrom, otherwise than a members he shall, for the purpose of clause (c), be deemed to be guilty of misconduct.

(2) The procedure for the investigation and proof of misconduct under this section shall be such as may be prescribed.

7. The Board may associate with itself, in such manner and for such purposes as may be determined by regulations made under section 34, any person whose assistance or advice it may desire to have in carrying out any of the provisions of this Act.

8. (1) The Secretary of the Board shall be appointed by the State Government on deputation for a term not exceeding five years and other conditions of his service shall be such as the State Government may, by order, determine.

(2) Subject to such directions as may be issued by the State Government in this behalf, the Board may appoint such other employees as it may think necessary for the efficient performance of its functions under this Act and on such terms and conditions of service as the Board thinks fit.

9. The Board shall have the following powers and duties Powers and duties namely ;—
of the Board

(a) to prepare guidelines on matters relating to the method of direct recruitment of teachers;

(b) to conduct examinations, where necessary, and hold interviews and make selection, of candidates for being appointed as teachers;

(c) to select and invite experts and to appoint examiners for the purposes specified in clause (b);

(d) to make recommendations regarding the appointment of selected candidates;

(e) to advise the Management in matters relating to dismissal, removal or reduction in rank of teachers;

(f) to obtain periodical returns or other informations from institutions regarding strength of the teaching staff and the appointment, dismissal, removal, termination or reduction in rank of teachers;

(g) To fix the emoluments and travelling and other allowances of the experts;

(h) to administer the funds placed at the disposal of the Board;

(i) to perform such other duties and exercise such other powers as may be prescribed or as may be incidental or conducive to the discharge of its functions under this Act or the rules or regulations made thereunder.

10. (1) For the purpose of making appointment of a teacher, by direct recruitment, the management shall determine the number of vacancies existing or likely to fall vacant during the year of recruitment and in the case of a post other than the post of Head of the Institution, also the number of vacancies to be reserved for the candidates belonging to the Scheduled Castes, the Scheduled Tribes and other Backward Classes of citizens in accordance with the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 and notify the vacancies to the Board in such manner and through such officer or authority as may be prescribed.

(2) The procedure of selection of candidates for direct recruitment to the post of teachers shall be such as may be prescribed :

Provided that the Board shall, with a view to inviting talented persons, give wide publicity in the State to the vacancies notified under sub-section (1).

11. (1) The Board shall, *as soon as* may be, after the vacancy is notified under sub-section (1) of section 10, hold examinations, where necessary, and interviews, of the candidates and prepare a panel of those found most suitable for appointment.

(2) The panel referred to in sub-section (1) shall be forwarded by the Board to the officer or authority referred to in sub-section (1) of section 10 in such manner as may be prescribed.

(3) After the receipt of the panel under sub-section (2), the officer or authority concerned shall in the prescribed manner intimate the Management of the Institution the names of the selected candidates in respect of the vacancies notified under sub-section (1) of section 10.

(4) The management shall, within a period of one month from the date of receipt of such intimation, issue appointment letter to such selected candidate.

(5) Where such selected candidate fails to join the post in such institution within the time allowed in the appointment letter or within such extended time as the Management may allow in this behalf, or where such candidate is otherwise not available for appointment, the officer or authority concerned may, on the request of the Management, intimate, in the prescribed manner, fresh name or names from the panel forwarded by the Board under sub-section (2)."

7. After section 11 of the principal Act, the following Chapter containing section 12 shall be *inserted*, namely :—

Insertion of new Chapter III and section 12

“CHAPTER III

PROCEDURE OF SELECTION BY PROMOTION

12. (1) For each region, there shall be a Selection Committee, Procedure of for making selection of candidates for selection by promotion to the post of a teacher, comprising :—

- (i) Regional Joint Director of Education; — *Chairman*
- (ii) Senior most Principal of Government — *member*
Inter College in the region;
- (iii) Concerned District Inspector of — *member*/
School. *secretary*

(2) The procedure of selection of candidates for promotion to the post of a teacher shall be such as may be prescribed."

8. In section 16 of the principal Act, in sub-section (1), for the words and figures "sections 18, 21-B, 21-C, 21-D, 33, 33-A and 33-B, every appointment of a teacher, shall on or after the date of commencement of the Uttar Pradesh Secondary Education Services Selection Boards (Amendment) Act, 1995, be made by the Management only on the recommendation of the Commission" the words and figures "sections 12, 18, 21-B, 21-C, 21-D, 33, 33 -A, 33-B, 33-C and 33-D, every appointment of a teacher, shall on or after the date of the commencement of the Uttar Pradesh Secondary Education Services Commission (Amendment) Act, 1998 be made by the Management only on the recommendation of the Board" shall be *substituted*.

Amendment of section 16

9. In section 18 of the principal Act :—

(a) in sub-section (1) for the word "Commission" the word "Board" shall be *substituted*;

Amendment of section 18

(b) in sub-section (a), for clause (a) the following clause shall be *substituted*, namely :—

“(a) For each region there shall be a Selection Committee for selection of candidates for *ad hoc* appointment by direct recruitment comprising—

- (i) Regional joint Director of Education ;

- (ii) Regional Deputy Director of Education (Secondary);
(iii) Regional Assistant Director of Education (Basic).

The Regional Joint Director of Education shall be the Chairman."

(c) in sub-section (9) for the word "Commission" the word "Board" shall be substituted.

Insertion of new sections 33-C and 33-D

10. After section 33-B of the principal Act, the following section shall be inserted, namely:—

"33-C (1) Any teacher who,—

(a) (i) was appointed by promotion or regularisation of certain more appointments by direct recruitment on or after May 14, 1991 but not later than August 6, 1993 on *ad hoc* basis against substantive vacancy in accordance with section 18, in the Lecturer grade or Trained Graduate grade;

(ii) was appointed by promotion on or after July 31, 1988 but not later than August 6, 1993 on *ad hoc* basis against a substantive vacancy in the post of a Principal or Headmaster in accordance with section 18;

(b) possesses the qualifications prescribed under, or is exempted from such qualifications in accordance with, the provisions of the Intermediate Education Act, 1921;

(c) has been continuously serving the Institution from the date of such appointment up to the date of the commencement of the Uttar Pradesh Secondary Education Services Commission (Amendment) Act, 1998;

(d) has been found suitable for appointment in a substantive capacity by a Selection Committee constituted under sub-section (2);

shall be given substantive appointment by the Management.

(2) (a) For each region, there shall be a Selection Committee comprising,—

(i) Regional Joint Director of Education of that region, who shall be the Chairman;

(ii) Regional Deputy Director of Education (Secondary) who shall be member;

(iii) Regional Assistant Director of Education (Basic) who shall be member;

In addition to above members the District Inspector of Schools of the concerned district shall be Co-opted as member while considering the cases for regularisation of that district.

(b) The procedure of selection for substantive appointment under sub-section (1) shall be such as may be prescribed.

(3) (a) The names of the teachers shall be recommended for substantive appointment in order of seniority as determined from the date of their appointment.

(b) If two or more such teachers are appointed on the same date, the teacher who is elder in age shall be recommended first.

(4) Every teacher appointed in a substantive capacity under sub-section (1) shall be deemed to be on probation from the date of such substantive appointment.

(5) A teacher who is not found suitable under sub-section (1) and a teacher who is not eligible to get a substantive appointment under that sub-section shall cease to hold the appointment on such date as the State Government may by order specify.

(6) Nothing in this section shall be construed to entitle any teacher to substantive appointment, if on the date of commencement of the Ordinance referred to in clause (c) of sub-section (1) such

vacancy had already been filled or selection for such vacancy has already been made in accordance with this Act.

33-D Every teacher in the Certificate of Teaching grade, who is a trained graduate and,—

Special provision for Certificate of Teaching grade teachers
(a) has completed ten years continuous satisfactory service in the said grade on or before January 1, 1986 shall, with effect from January 1, 1986; or

(b) completes the said service of ten years after January 1, 1986 shall, with effect from the date of completion of the said service of ten years;

be deemed to have been appointed in the Trained Graduate Grade.”

11. (1) The Uttar Pradesh Secondary Education Services Commission (Amendment) Ordinance, 1998 and the Uttar Pradesh Secondary Education Services Selection Board (Amendment) Ordinance, 1998 are hereby repealed.

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.

By order,
YOGENDRA RAM TRIPATHI,
Pramukh Sachiv.

वी० एच० यू० वी०--ए० वी० 399 राजपत्र (हि०)--(841)--1998--597 (मै०) ।

No. 768 (2)/XVII-V-1-1 (KA)-6-1999

Dated Lucknow, March 24, 1999

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 Madhyamik Shiksha Seva Chayan Board (Sanshodhan) Adhiniyam, 1999 (Uttar Pradesh Adhiniyam Sankhya 13 of 1999) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 24, 1999.

THE UTTAR PRADESH SECONDARY EDUCATION SERVICES
SELECTION BOARD (AMENDMENT) ACT, 1999

(U.P. ACT No. 13 OF 1999)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the Uttar Pradesh Secondary Education Services Selection Board Act, 1982.

IT IS HEREBY enacted in the Fiftieth Year of the Republic of India as follows :—

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Secondary Education Services Selection Board (Amendment) Act, 1999.

(2) It shall be deemed to have come into force on January 25, 1999.

Insertion of new section 33-E in U. P. Act no. 5 of 1982

2. After section 33-D of the Uttar Pradesh Secondary Education Services Selection Board Act, 1982, hereinafter referred to as the principal Act, the following section shall be inserted, namely :—

“33-E—The Uttar Pradesh Secondary Education Services Commission (Removal of Difficulties) Order, 1981, the Uttar Pradesh Rescission of orders Difficulties) (Second) Order, 1981, the Uttar Pradesh Secondary Education Services Commission (Removal of Difficulties) (Third) Order, 1982 and the Uttar Pradesh Secondary Education Services Commission (Removal of Difficulties) (Fourth) Order, 1982 are hereby rescinded.”

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3. (1) The Uttar Pradesh Secondary Education Services Selection Board (Amendment) Ordinance, 1999 is hereby repealed.

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.

By order,
Y. R. TRIPATHI,
Pramukh Sachiv.

No. 1567(2)/XVII-V-1-1 (KA) 26-1999

Dated Lucknow, July 29, 1999

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 Madhyamik Shiksha Seva Chayan Board (Dwitiya Sanshodhan) Adhiniyam, 1999, (Uttar Pradesh Adhiniyam Sakhya 31 of 1999) as passed by the Uttar Pradesh Legislature and assented to by the Governor on July 29, 1999.

THE UTTAR PRADESH SECONDARY EDUCATION SERVICES
SELECTION BOARD (SECOND AMENDMENT) ACT, 1999

[U. P. ACT No. 31 OF 1999]

(As passed by the Uttar Pradesh Legislature)

AN
ACT

furth^r to amend the Uttar Pradesh Secondary Education Services
Selection Board Act, 1982.

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

1. (1) This Act may be called the Uttar Pradesh secondary Education
Services Selection Board (Second Amendment) Act, 1999.

Short title and
commencement

(2) It shall be deemed to have come into force on May 20, 1999.

2- In section 2 of the Uttar Pradesh Secondary Education Services
Selection Board Act, 1982, hereinafter referred to as the principal Act,—

Amendment of
section 2 of U. P.
Act no. 5 of 1982

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

“(g) ‘Member’ means a member of the Board and includes
its Chairman ;”

(b) clause (k-1) shall be omitted.

3. For section 4 of the principal Act, the following section shall be
substituted, namely :—

Substitution of
section 4

“Composition of the Board 4. (1) The Board shall consist of a
Chairman and seven Members who shall be appointed by the State
Government.

(2) A person shall not be qualified for appointment as Chairman,
unless he,—

(a) is or has been a Vice-Chancellor of any University estab-
lished by law; or

(b) is or has been, in the opinion of the State Government, an
outstanding officer of the Administrative Service not below the
rank of Secretary to the State Government or Director of Edu-
cation, Uttar Pradesh.

(3) Of the Members,—

(a) one shall be a person who is or has been in the opinion of
the State Government, an outstanding officer of the State Education
Service not below the rank of Additional Director;

(b) others shall be persons who,—

(i) have worked as a Professor in any University estab-
lished by law in Uttar Pradesh, or as a Reader of any Degree
College recognised by, or affiliated to, such University for a
period of not less than ten years; or

(ii) have worked as a Principal of any institution recog-
nised under the Intermediate Education Act, 1921 for a period
of not less than ten years; or

(ii) are, in the opinion of the State Government, an eminent educationist having made valuable contribution in the field of education.

(4) Every appointment under this section shall take effect from the date on which it is notified by the State Government."

The Vice-Chairman shall cease to hold the office

4. Notwithstanding any Judgment, decree or order of any court, any person holding the office of the Vice-Chairman of the Board referred to in section 3 of the principal Act, immediately before the commencement of this Act, shall, on such commencement, cease to hold such office.

Repeal and savings

5. (1) The Uttar Pradesh Secondary Education Services Selection Board (Amendment) Ordinance, 1999 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 this Act were in force at all material times.

By order,
Y. R. TRIPATHI,
Pramukh Sachiv.

Ord
no.
1

No. 764 (2)/XVII-V-1-1 (KA) 3-2001

Dated Lucknow, March 28, 2001

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 Madhyamik Shiksha Seva Chayan Board (Sanshodhan) Adhiniyam, 2001 (Uttar Pradesh Adhiniyam Sankhya 5 of 2001) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 27, 2001.

THE UTTAR PRADESH SECONDARY EDUCATION SERVICES
SELECTION BOARD (AMENDMENT) ACT, 2001

(U. P. Act, no. 5 of 2001)

[As passed by the Uttar Pradesh Legislature]

AN
ACT

Further to amend the Uttar Pradesh Secondary Education Services
Selection Board Act, 1982.

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

Short title and
commencement

1. (1) This Act may be called the Uttar Pradesh Secondary
Education Services Selection Board (Amendment) Act, 2001.

(2) It shall be deemed to have come into force on December 30, 2000.

Amendment of
section 16 of
U. P. Act no. 5
1982

2. In section 16 of the Uttar Pradesh Secondary Education Services
Selection Board Act, 1982, hereinafter referred to as the principal Act,
in sub-section (1) for the words and figures "sections 12, 18, 21-B 21-C,
21-D, 33, 33-A, 33-B, 33-C and 33-D, every appointment of a teacher shall
on or after the date of the commencement of the Uttar Pradesh Secondary
Education Services Commission (Amendment) Act, 1998 be made by
the management only on the recommendation of the Board" the words
and figures "sections 12, 18, 21-B, 21-C, 21-D, 33, 33-A, 33-B, 33-C,
33-D and 33-F, every appointment of a teacher, shall on or after the
date of the commencement of the Uttar Pradesh Secondary Education
Services Selection Board (Amendment) Act, 2001 be made by the
management only on the recommendation of the Board" shall be
substituted.

Substitution of
section 18

3. For section 18 of the principal Act, the following section shall be
substituted, namely:—

"18 (1) Where the Management has notified a vacancy to the
Ad-hoc Principals Board in accordance with sub-section (1)
or Headmasters of section 10 and the post of the Principal
or the Headmaster actually remained
vacant for more than two months, the Management shall fill such
vacancy on purely *ad hoc* basis by promoting the senior most
teacher,—

(a) in the lecturer's grade in respect of a vacancy in the post
of the Principal.

(b) in the trained graduate's grade in respect of a vacancy in
the post of the Headmaster.

(2) Where the Management fails to promote the senior most
teacher under sub-section (1) the inspector shall himself issue the
order of promotion of such teacher and the teacher concerned shall be
entitled to get his salary as the Principal or the Headmaster, as
the case may be, from the date he joins such post in pursuance of
such order of promotion.

(3) Where the teacher to whom the order of promotion is issued
under sub-section (2) is unable to join the post of the Principal or the
Headmaster, as the case may be, due to any act or omission on the
part of the Management, such teacher may submit his joining report
to the inspector, and shall thereupon be entitled to get his salary as

the Principal or the Headmaster, as the case may be, from the date he submits the said report.

(4) Every appointment of an *ad-hoc* Principal or Headmaster under sub-section (1) or sub-section (2) shall cease to have effect from the when the candidate recommended by the Board joins the post."

4. After section 33-E of the principal Act, the following section shall be inserted, namely :—

Insertion of new section 33-F

"33-F (1) Any teacher who,—

Regularisation of appointments against short term vacancies (a) was appointed by promotion or by direct recruitment in the lecturer's grade or trained graduates grade on or after May 14, 1991 but not later than August 6, 1993 against a short term vacancy in accordance with paragraph 2 of the Uttar Pradesh Secondary Education Services Commission (Removal of Difficulties) (Second) Order, 1981, as amended from time to time, and such vacancy was subsequently converted into a substantive vacancy.

(b) possesses the qualification prescribed under, or is exempted from such qualifications in accordance with, the provisions of the Intermediate Education Act, 1921.

(c) has been continuously serving the institution from the date of such appointment up to the date of the commencement of the Uttar Pradesh Secondary Education Services Selection Board (Amendment) Act, 2001.

(d) has been found suitable for appointment in a substantive capacity by the Selection Committee referred to in clause (a) of sub-section (2) of section 33-C in accordance with the procedure prescribed under clause (b) of the said sub-section;

Shall be given substantive appointment by the Management.

(2) (a) The names of the teachers shall be recommended for substantive appointment in order of seniority as determined from the date of their appointment.

(b) If two or more such teachers are appointed on the same date the teacher who is elder in age shall be recommended first.

(3) Every teacher appointed in a substantive capacity under sub-section (1) shall be deemed to be on probation from the date of such substantive appointment.

(4) A teacher who is not found suitable under sub-section (1) and a teacher who is not eligible to get a substantive appointment under that sub-section shall cease to hold the appointment on such date as the State Government may by order specify.

(5) Nothing in this section shall be construed to entitle any teacher to substantive appointment, if on the date of the commencement of the ordinance referred to in clause (c) of sub-section (1) such vacancy had already been filled or selection for such vacancy has already been made in accordance with this Act."

5. (1) The Uttar Pradesh Secondary Education Services Selection Board (Amendment) Ordinance, 2000 is hereby repealed.

Repeal and savings

U. P.
Ordinance
no. 19 of
2000

(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 this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Secondary Education Services Selection Board Act, 1982 is enacted to establish a Secondary Education Services Selection Board for the selection of teachers in institutions recognised under the Intermediate Education Act, 1921, Section 18 of the said Act of 1982 empowered the management to appoint teachers under certain circumstances on *ad-hoc* basis from amongst the persons possessing qualifications prescribed under the said Act of 1921. Certain *ad-hoc* teachers appointed under the said section 18 had been serving continuously since long. It was, therefore, decided to amend the said Act of 1982 to provide for filling vacant posts of Principals and Headmasters only on *ad-hoc* basis by promotion and to regularise the services of certain teachers fulfilling certain conditions.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Secondary Education Services Selection Board (Amendment) Ordinance, 2000 (U. P. Ordinance no. 19 of 2000) was promulgated by the Governor on December 30, 2000.

This Bill is introduced to replace the aforesaid Ordinance.

By order,
Y. R. TRIPATHI,
Pramukh Sachiv.

No. 992 (2)/XVII-V-1-1 (KA)-11-2001

Dated Lucknow, April 30, 2001

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 Madhyamik Shiksha Seva Chayan Board (Dwitiya Sanshodhan) Adhiniyam, 2001 (Uttar Pradesh Adhiniyam Sankhya 14 of 2001) as passed by the Uttar Pradesh Legislature and assented to by the Governor on April 30, 2001 alongwith the Statement of Objects and Reasons thereto.

THE UTTAR PRADESH SECONDARY EDUCATION SERVICES
SELECTION BOARD (SECOND AMENDMENT) ACT, 2001

(U. P. Act no. 14 of 2001)

[As passed by the Uttar Pradesh Legislature]

AN
ACT

Further to amend the Uttar Pradesh Secondary Education Services Selection Board Act, 1982.

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

1. (1) This Act may be called the Uttar Pradesh Secondary Education Services Selection Board (Second Amendment) Act, 2001.

Short title and commencement

(2) It shall be deemed to have come into force on March 3, 2001.

2. For section 4 of the Uttar Pradesh Secondary Education Services Selection Board Act, 1982, hereinafter referred to as the principal Act, the following section shall be substituted, namely:—

Substitution of section 4 of U. P. Act no. 5 of 1982

*4. (1) The Board shall consist of a chairman and ten members who shall be appointed by the State Government.

Composition of the Board

(2) A person shall not be qualified for appointment as chairman unless he,—

(a) is or has been a Vice-Chancellor of any University established by law; or

(b) is or has been in the opinion of the State Government an outstanding officer of the Administrative service not below the rank of secretary to the State Government or Director of Education, Uttar Pradesh.

(3) Of the Members,—

(a) two shall be persons who are educationist having made significant contribution in the field of education;

(b) two shall be persons who are or have been, in the opinion of the State Government, an outstanding officer of the State Education Service not below the rank of Additional Director;

(c) other shall be persons who,—

(i) have worked as a professor in any university established by law in Uttar Pradesh or as a Reader of any Degree College recognised by or affiliated to such university for a period of not less than ten years; or

(ii) have worked as a Principal of any institution recognised under the Intermediate Education Act, 1921 for a period of not less than ten years; or

(iii) are, in the opinion of the State Government, an eminent educationist having made valuable contribution in the field of education.

(4) Every appointment under this section shall take effect from the date on which it is notified by the State Government."

Repeal and
savings

3. (1) The Uttar Pradesh Secondary Education Services Selection Board (Second Amendment) Ordinance, 2001 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 this Act were in force at all material times.

By order,
Y. R. TRIPATHI,
Pramukh Sachiv.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Secondary Education Services Selection Board Act, 1982 has been enacted to establish a Secondary Education Services Selection Board for the selection of teachers in institutions recognised under the Intermediate Education Act, 1921. The said Act of 1982 provided for the composition of the Board consisting of a chairman and seven members. In view of large number of vacancies of teachers, the number of members of the said Board was insufficient. It was, therefore, decided to amend the said Act of 1982 to increase the number of members of the said Selection Board from seven to ten.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision the Uttar Pradesh Secondary Education Services Selection Board (Amendment) Ordinance, 2001 (U. P. Ordinance no. 7 of 2001) was promulgated by the Governor on March 3, 2001.

This Bill is introduced to replace the aforesaid Ordinance.

Sankhya 28 of 2004] as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 24, 2004 :—

**THE UTTAR PRADESH SECONDARY EDUCATION SERVICES
SELECTION BOARD (AMENDMENT) ACT, 2004**

(U. P. Act No. 28 of 2004)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

Further to amend the Uttar Pradesh Secondary Education Services Selection Board Act, 1982.

It is HEREBY enacted in the Fifty-fifth Year of the Republic of India as follows :—

1. (1) This Act may be called the Uttar Pradesh Secondary Education Services Selection Board (Amendment) Act, 2004.

Short title and commencement

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

2. In section 4 of the Uttar Pradesh Secondary Education Services Selection Board Act, 1982, hereinafter referred to as the said Act,—

Amendment of section 4 of U.P. Act no. 5 of 1982

(a) in sub-section (2) after clause (b) the following clause shall be inserted, namely :—

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

(b) in sub-section (3) in clause (c) after sub-clause (iii) the following sub-clause (iv) shall be inserted, namely:—

“(iv) 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 Secondary Education Services Selection Board (Amendment) Ordinance, 2004 is hereby repealed.

U.P. Ordinance no. 5 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 in force at all material times.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Secondary Education Services Selection Board Act, 1982 (U. P. Act no. 5 of 1982) has been enacted to provide for the establishment of the Secondary Education Services Selection Board for the selection of teachers in institutions recognised under the Intermediate Education Act, 1921. Section 4 of the said Act provides for the composition of the Secondary Education Services Selection Board. The availability of adequate number of candidates for the appointment of the Chairman and members of the said Board was not possible due to the qualifications provided in the said section for the appointment to offices of the Chairman and members of the said Board and hence the selection of teachers was being delayed. It was, therefore, decided to amend the said Act to make necessary changes in the qualifications of candidates for the appointment to the offices of the Chairman and members of the said Board.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Secondary Education Services Selection Board (Amendment) Ordinance, 2004 (U. P. Ordinance no. 5 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.

UTTAR PRADESH SARKAR
VIDHAI ANUBHAG-I

No. 1521/79-V-1-1-(ka)42-2006
Dated Lucknow December 11, 2006

NOTIFICATION
Miscellaneous

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 Madhyamik Shiksha Seva Chayan Board (Sanshodhan) Adhiniyam, 2006, (Uttar Pradesh Adhiniyam Sankhya 37 of 2006) as passed by the Uttar Pradesh Legislature and assented to by the Governor on December 8, 2006:-

THE UTTAR PRADESH SECONDARY EDUCATION SERVICES SELECTION
BOARD (AMENDMENT) ACT, 2006
(U.P. ACT NO. 37 OF 2006)

(As passed by the Uttar Pradesh Legislative Assembly)

A

BILL

further to amend the Uttar Pradesh Secondary Education Services Selection Board Act, 1982.

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 Secondary Education Services Selection Board (Amendment) Act, 2006. Short title

2 In section 16 of the Uttar Pradesh of Secondary Education Services Selection Board Act, 1982, hereinafter referred to as the principal Act, in sub-section (1) for the words and figures "sections 12, 18, 21-B, 21-C, 21-D, 33, 33-A, 33-B, 33-C, 33-D and 33-F" the words and figures, "sections 12, 18, 21-B, 21-C, 21-D, 21-E, 21-F, 33, 33-A, 33-B, 33-C, 33-D and 33-F" shall be *substituted*. amendment of section 16 of U.P. Act no. 5 of 1982

3 After section 21-D of the principal Act, the following sections shall be inserted, namely: - Insertion of new sections 21-E, 21-F

No. 1563/LXXIX-V-1-01 (Ka)44-2006

Dated Lucknow, December 19, 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 Madhyamik Shiksha Seva Chayan Board (Dwitiya Sanshodhan) Adhiniyam, 2006 (Uttar Pradesh Adhiniyam Sankhya 40 of 2006) as passed by the Uttar Pradesh Legislature and assented to by the Governor on December 18, 2006.

THE UTTAR PRADESH SECONDARY EDUCATION SERVICES SELECTION
BOARD (SECOND AMENDMENT) ACT, 2006

(U.P. ACT NO. 40 OF 2006)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the Uttar Pradesh Secondary Education Services Selection Board Act, 1982.

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

Short title

1. This Act may be called the Uttar Pradesh Secondary Education Services Selection Board (Second Amendment) Act, 2006.

2. In section 5 of the Uttar Pradesh Secondary Education Services Selection Board Act, 1982,—

Amendment of
section 5 of U.P.
Act no. 5 of 1982

(a) in sub-section (1) for the words “four years” the words “six 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 Secondary Education Services Selection Board (Second Amendment) Act, 2006 shall apply also to every member holding office on the commencement of the said Act.”

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Secondary Education Services Selection Board Act, 1982 has been enacted to provide for the establishment of the Secondary Education Services Selection Board for the selection of teachers in institutions recognized under the Intermediate Education Act, 1921. Sub-section (1) of section 5 of the said Act provides that every member of the Board shall hold office for a term of four years. With a view to maintaining uniformity in the term of the office of members of the Board with the members of the Uttar Pradesh Subordinate Services Selection Commission, it has been decided to amend the said Act to increase the term of office of members of the Board from four years to six years.

The Uttar Pradesh Secondary Education Services Selection Board (Second Amendment) Bill, 2006 is introduced accordingly.

By order,
VIRENDRA SINGH,
Pramukh Sachiv.

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 Madhyamik Shiksha Seva Chayan Board (Tritiya Sanshodhan) Adhiniyam, 2007 (Uttar Pradesh Adhiniyam Sankhya 4 of 2008) as passed by the Uttar Pradesh Legislature and assented to by the Governor on February 25, 2008.

THE UTTAR PRADESH SECONDARY EDUCATION SERVICES SELECTION BOARD (THIRD AMENDMENT) ACT, 2007

(U.P. ACT NO. 4 OF 2008)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

furth^r to amend the Uttar Pradesh Secondary Education Services Selection Board Act, 1982.

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 Secondary Education Services Selection Board (Third Amendment) Act, 2007.

Short title

2. In section 2 of the Uttar Pradesh Secondary Education Services Selection Board Act, 1982, hereinafter referred to as the principal Act, for clause (g), the following clause shall be substituted, namely :-

Amendment of section 2 of U.P. Act no. 5 of 1982

“(g) ‘member’ means a member of the Board.”

3. In section 4 of the principal Act, in sub-section (3), in clause (c) after sub-clause (iii) the following sub-clause shall be inserted, namely:-

Amendment of section 4

“(iv) is interested in the field of Education and a Graduate from a recognized University.”

4. In section 5 of the principal Act, -

Amendment of section 5

(a) for sub-section (1) the following sub-section shall be substituted, namely:-

“(1) Subject to the provisions of this Act the Chairman shall hold office for a term of five years and every member shall hold office for a term of two years.”

(b) for sub-section (5) the following sub-section shall be substituted, namely :-

“(5) Notwithstanding anything contained in this section, no person shall hold office as the Chairman if he has attained the age of sixty eight years and no person shall hold office as a member if he has attained the age of sixty two years.”

STATEMENT OF OBJECTS AND REASONS

The Chairman of Uttar Pradesh Secondary Education Services Selection Board constituted under the Uttar Pradesh Secondary Education Services Selection Board Act, 1982, has to perform all the works regarding the selection of Principals, Headmasters, Lecturers and Trained Graduate Teachers in aided Schools and Intermediate Colleges of Uttar Pradesh. The present tenure of Chairman is two years,

which is not sufficient to maintain the continuity of the selection process. It has, therefore, been decided to amend the said Act to provide for :-

- (a) amending the definitions of the word "member" to exclude the Chairman therefrom;
- (b) amending the qualification of member to broaden the field of eligibility;
- (c) increasing the term of the Chairman from two years to five years;
- (d) increasing the maximum age to hold office of Chairman from sixty two years to sixty eight years;

The Uttar Pradesh Secondary Education Services Selection Board (Third Amendment) Bill, 2007 is introduced accordingly.

By order,
S.M.A. ABIDI,
Prमुख Sachiv.

पी0एस0यू0पी0-ए0 पी0-1121 राजपत्र-(हिन्दी)-2008-(2505)-597-(कम्प्यू0-टी/आफसेट)।

पी0एस0यू0पी0-ए0 पी0-444 सा0 विचायी-2008-(2506)-850(कम्प्यू0-टी/आफसेट)।