



The Maharashtra Employees of Private Schools (Condition of Service)
Regulation Act, 1977

Act 3 of 1978

Keyword(s):

Coaching Class, College, Department, Deputy Director, Director, Employee, Existing Private School, Head of School, Junior College of Education, Management, Minority School, Municipal Corporation, Municipal Council, Pre-School Centre, Primary Education, Pr

Amendments appended: 14 of 2007, 9 of 2012

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

**THE MAHARASHTRA EMPLOYEES OF PRIVATE SCHOOLS
(CONDITIONS OF SERVICE) REGULATION ACT, 1977**

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Application of Act.
4. Terms and conditions of service of employees of private schools.
5. Certain obligations of Management of private schools.
6. Obligations of Head of a private school.
7. Procedure for resignation by employees of private schools.
8. Constitution of School Tribunals.
9. Right of appeal to Tribunal to employees of private schools.
10. General powers and procedure of Tribunal.
11. Powers of Tribunal to give appropriate reliefs and directions.
12. Decision of Tribunal to be final and binding.
13. Penalty to Management for failure to comply with Tribunal's directions.
14. Legal practitioners excluded from appearance.
15. Transfer of pending appeals to Tribunal.
16. Rules.

MAHARASHTRA ACT No. III OF 1978.¹

[THE MAHARASHTRA EMPLOYEES OF PRIVATE SCHOOLS (CONDITIONS OF SERVICE)
REGULATION ACT, 1977.]

[20th March 1978]
(Assented to by the President)

**An Act to regulate recruitment and conditions of service of employees
in certain private schools.**

WHEREAS it is expedient to regulate the recruitment and conditions of service of employees in certain private schools in the State, with a view to providing such employees security and stability of service to enable them to discharge their duties towards the pupils and their guardians in particular, and the institution and the society in general, effectively and efficiently;

AND WHEREAS it is further expedient in the public interest to lay down the duties and functions of such employees with a view to ensuring that they become accountable to the Management and contribute their mite for improving the standard of education;

AND WHEREAS it is also necessary to make certain supplemental, incidental and consequential provisions; It is hereby enacted in the Twenty-eighth year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977.

(2) It extends to the whole of the State of Maharashtra.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title,
extent and
commence-
ment.

2. In this Act, unless the context otherwise requires,—

(1) “appointed date” means the date on which this Act comes into force;

(2) “coaching class” means any institution, other than a recognised school conducted by any person or body of persons, by whatever name called and established and administered with the object of preparing its students for any certificate or diploma or degree or any college or school courses;

(3) “college” means a college conducted by, or affiliated to, a University established by law in the State;

(4) “Department” means the Education Department of the Government of Maharashtra;

(5) “Deputy Director” means the Deputy Director of Education of the educational region or the Deputy Director of Technical Education of the revenue division, as the case may be, appointed as such by the State Government;

Explanation.—For the purposes of this clause, educational region means the region recognised as such by the Department for the purposes of administration pertaining to education in the State;

(6) “Director” means the Director of Education or the Director of Technical Education, as the case may be, appointed as such by the State Government;

(7) “employee” means any member of the teaching and non-teaching staff of a recognised school;

Definitions.

¹ For Statement of Objects and Reasons, See *Maharashtra Government Gazette*, 1977, Part. V, Extra, p. 319.

(8) "existing private school" means a recognised private school which is in existence on the appointed date;

(9) "Head of a school" or "Head" means the person, by whatever name called, in charge of the academic and administrative duties and functions of a school conducted by any Management and recognised or deemed to be recognised under this Act, and includes a principal, vice-principal, head master, head mistress, assistant head master, assistant head mistress or superintendent thereof;

(10) "Junior College of Education" means a school imparting teacher education to persons for being appointed as teachers in pre-school centres or primary schools;

(11) "local authority" means a *Zilla Parishad*, a Municipal Corporation, or a Municipal Council, as the case may be;

(12) "Management", in relation to a school, means,—

(a) in the case of a school administered by the State Government, the Department;

(b) in the case of a school administered by a local authority, that local authority; and

(c) in any other case, the person or body of persons, whether incorporated or not and by whatever name called, administering such school;

(13) "minority school" means a school established and administered by a minority having the right to do so under clause (1) of article 30 of the Constitution of India;

(14) "Municipal Corporation" means a Municipal Corporation established or constituted under the Bombay Municipal Corporation Act, or the Bombay Provincial Municipal Corporations Act, 1949, or the City of Nagpur Corporation Act, 1948;

Bom.
III of
1888.
Bom.
LIX
of
1949.
C. P.
and
Berar
II of
1948.

(15) "Municipal Council" means a Municipal Council established or constituted under the Maharashtra Municipalities Act, 1965;

Mah.
XL of
1965.

(16) "pre-school centre" means an institution, by whatever name called, which provides education for children who have attained the age of three years but have not attained the age of six years,

(17) "prescribed" means prescribed by rules;

(18) "primary education" means education imparted in such subjects and up to such standards as may be determined by the State Government, from time to time, located either in a primary or a secondary school;

(19) "primary school" means a recognised school, or a part of such school, in which primary education is imparted;

(20) "private school" means a recognised school established or administered by a Management, other than the Government or a local authority;

(21) "recognised" means recognised by the Director or an officer authorised by him or by the State Board;

Mah.
XLI
of
1966.

(22) "revenue division" means the Bombay revenue division, the Pune revenue division, the Nagpur revenue division or the Aurangabad revenue division, as the case may be, constituted under the Maharashtra Land Revenue Code, 1966;

(23) "rules" means the rules made by the State Government under this Act;

(24) "school" means a primary school, secondary school, or higher secondary school, or any part of any such school, a Junior College of Education, or any other institution or part thereof which imparts education or training below the degree level including any institution which imparts technical or vocational education;

Mah.
XLI
of
1965.

(25) "State Board" means the Maharashtra State Board of Secondary and Higher Secondary Education established under the Maharashtra Secondary Education Boards Act, 1965;

(26) "teacher" means a member of the teaching staff, and includes the Head of a school;

Mah.
V of
1962.

(27) "Zilla Parishad" means a *Zilla Parishad* established or constituted under the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.

3. (1) The provisions of this Act shall apply to all private schools in the State of Maharashtra, whether receiving any grant-in-aid from the State Government or not. Application of Act.

(2) Notwithstanding anything contained in sub-section (1), the provisions of this Act shall not apply to the recruitment, conditions of service and conduct and discipline of the Head of a minority school or any other persons (not exceeding three) who are employed in such school and whose names are notified by the Management to the Deputy Director for this purpose.

4. (1) Subject to the provisions of this section, the State Government may make rules providing for the minimum qualifications for recruitment (including its procedure), duties, pay, allowances, post-retirement and other benefits, and other conditions of service of employees of private schools and for reservation of adequate number of posts for members of the backward classes : Terms and conditions of service of employees of private schools.

Provided that, neither the pay nor the rights in respect of leave of absence, age of retirement and post-retirement benefits and other monetary benefits of an employee in the employment of an existing private school on the appointed date shall be varied to the disadvantage of such employee by any such rules.

(2) Every employee of a private school shall be governed by such Code of Conduct as may be prescribed. On the violation of any provision of such Code of Conduct the employee shall be liable to disciplinary action after conducting an enquiry in such manner as may be prescribed.

(3) If the scales of pay and allowances, post-retirement and other benefits of the employees of any private school are less favourable than those provided by the rules made under sub-section (1), the Director shall direct in writing the Management of such school to bring the same up to the level provided by the said rules, within such period or extended period as may be specified by him.

(4) Failure to comply with any direction given by the Director in pursuance of sub-section (3) may result in the recognition of the school concerned being withdrawn, provided that the recognition shall not be withdrawn unless the Management of the school concerned has been given a reasonable opportunity of being heard.

(5) No employee working in a private school shall work in any coaching class. If any employee, in contravention of this provision, works in any coaching class, his services shall be liable to be terminated by the Management, provided that no such order of termination shall be issued unless the employee concerned has been given a reasonable opportunity of being heard.

(6) No employee of a private school shall be suspended, dismissed or removed or his services shall not be otherwise terminated or he shall not be reduced in rank by the Management, except in accordance with the provisions of this Act and the rules made in that behalf.

Certain obligations of Management of private schools. 5. (1) The Management shall, as soon as possible, fill in, in the manner prescribed, every permanent vacancy in a private school by the appointment of a person duly qualified to fill such vacancy.

(2) Every person appointed to fill a permanent vacancy shall be on probation for a period of two years. Subject to the provisions of sub-sections (3) and (4), he shall, on completion of this probation period of two years, be deemed to have been confirmed.

(3) If in the opinion of the Management, the work or behaviour of any probationer, during the period of his probation, is not satisfactory, the Management may terminate his services at any time during the said period after giving him one month's notice.

(4) If the services of any probationer are terminated under sub-section (3) and he is reappointed by the Management in the same school or any other school belonging to it within a period of one year from the date on which his services were terminated, then the period of probation undergone by him previously shall be taken into consideration in calculating the required period of probation for the purposes of sub-section (2).

(5) The Management may fill in every temporary vacancy by appointing a person duly qualified to fill such vacancy. The order of appointment shall be drawn up in the form prescribed in that behalf, and shall state the period of appointment of such person.

Obligations of Head of a private school. 6. (1) If the Head of a private school or any person duly authorised by him in that behalf,—

(a) makes unauthorised alteration in the date of birth of any student recorded in the General Register of the school or gives a school leaving certificate with the date of birth different from that recorded in the General Register; or

(b) admits any student from an unrecognised educational institution without a written order of the Deputy Director; or

(c) gives accelerated promotion to any student in contravention of the rules made in that behalf;

then the Director may, after making such enquiries as he thinks fit, by an order in writing debar the Head or such authorised person from holding that post for a period of five years from the date of the order. If after the said period of five years, the Head or such authorised person is found to have committed any of the acts aforesaid again, then he may, after giving him a reasonable opportunity of being heard, be permanently debarred by the Director from holding such post in any private school.

(2) After making any order under sub-section (1), the Director shall cause the name of such Head or authorised person to be entered in a Black List Register maintained for the purpose, and communicate the name of the Head or such person to all the Managements of private schools in the State.

7. If any employee intends to resign his post in any private school, at any time after the appointed date, he shall draw up a letter of resignation in duplicate and sign both the copies of that letter and put the date thereon. He may then forward one copy to the Management by registered post and keep the other copy with him.

Procedure for resignation by employees of private schools.

8. (1) The State Government shall, by notification in the *Official Gazette*, constitute one or more Tribunals to be called "School Tribunals" and define the jurisdiction of each Tribunal in such notification.

Constitution of School Tribunals.

(2) A Tribunal shall consist of one person only to be appointed by the State Government.

(3) A person shall not be qualified for appointment as a Presiding Officer of a Tribunal, unless,—

(a) he is holding or has held a judicial office not lower in rank than that of Civil Judge (Senior Division),

(b) he has practised as an Advocate or Attorney for not less than seven years, or

(c) he is holding or has held an office not lower in rank than that of Under Secretary to Government, Assistant Commissioner of Labour or Deputy Director of Education in the State.

(4) The appointment of a person as a Presiding Officer of a Tribunal may be on a fulltime or part-time basis, and may be for such period or periods, but not exceeding five years in the aggregate, as the State Government may, from time to time, in each case decide.

(5) The remuneration and other conditions of service of the Presiding Officer shall be determined by the State Government.

(6) The State Government shall make available to the Tribunal such ministerial staff as may be necessary for the discharge of its functions under this Act.

(7) All expenditure on account of the remuneration, pension or provident fund contribution, leave allowance and other allowances and facilities, which may be admissible to the Presiding Officer and the staff placed at his disposal, shall be met from the Consolidated Fund of the State.

(8) If any vacancy, other than a temporary vacancy, occurs, in the office of the Presiding Officer of a Tribunal, the State Government shall, as soon as possible, appoint another qualified person to fill the vacancy. Any proceedings pending before the former Presiding Officer may be continued and disposed of by his successor from the stage at which they were, when the vacancy occurred.

9. (1) Notwithstanding anything contained in any law or contract for the time being in force, any employee in a private school who is dismissed or removed or whose services are otherwise terminated or who is reduced in rank, by the Management and who is aggrieved, shall have a right of appeal and may appeal against any such order to the Tribunal constituted under section 8 :

Right of appeal to Tribunal to employees of private schools.

Provided that, no such appeal shall lie to the Tribunal in any case where the matter has already been decided by a Court of competent jurisdiction or is pending before such Court, on the appointed date or where the order of dismissal, removal, otherwise termination of service or reduction in rank was passed by the Management at any time before the 1st July 1976.

(2) Such appeal shall be made by the employee to the Tribunal, within thirty days from the date of receipt by him of the order of dismissal, removal, otherwise termination of service or reduction in rank, as the case may be :

Provided that, where such order was made before the appointed date, such appeal may be made within sixty days from the said date.

(3) Notwithstanding anything contained in sub-section (2), the Tribunal may entertain an appeal made to it after the expiry of the said period of thirty or sixty days, as the case may be, if it is satisfied that the appellant has sufficient cause for not preferring the appeal within that period.

(4) Every appeal shall be accompanied by a fee of fifty rupees, which shall not be refunded and shall be credited to the Consolidated Fund of the State.

General powers and procedure of Tribunal.

10. (1) For the purposes of admission, hearing and disposal of appeals, the Tribunal shall have the same powers as are vested in an Appellate Court under the Code of Civil Procedure, 1908, and shall also have the power to stay the operation of any order against which an appeal is made, on such conditions as it may think fit to impose and such other powers as are conferred on it by or under this Act. V of 1908.

(2) The Presiding Officer of the Tribunal shall decide the procedure to be followed by the Tribunal for the disposal of its business including the place or places at which and the hours during which it shall hold its sittings.

(3) Every appeal shall be decided as expeditiously as possible. In every case, endeavour shall be made by the Tribunal to decide an appeal within three months from the date on which it is received by the Tribunal. If the Tribunal is unable to dispose of any appeal within this period, it shall put on its record the reasons therefor.

Powers of Tribunal to give appropriate reliefs and directions.

11. (1) On receipt of an appeal, where the Tribunal, after giving reasonable opportunity to both parties of being heard, is satisfied that the appeal does not pertain to any of the matters specified in section 9 or is not maintainable by it, or there is no sufficient ground for interfering with the order of the Management it may dismiss the appeal.

(2) Where the Tribunal, after giving reasonable opportunity to both parties of being heard, decides in any appeal that the order of dismissal, removal, otherwise termination of service or reduction in rank was in contravention of any law (including any rules made under this Act), contract or conditions of service for the time being in force or was otherwise illegal or improper, the Tribunal may set aside the order of the Management, partially or wholly, and direct the Management,—

(a) to reinstate the employee on the same post or on a lower post as it may specify ;

(b) to restore the employee to the rank which he held before reduction or to any lower rank as it may specify ;

(c) to give arrears of emoluments to the employee for such period as it may specify ;

(d) to award such lesser punishment as it may specify in lieu of dismissal, removal, otherwise termination of service or reduction in rank, as the case may be ;

(e) where it is decided not to reinstate the employee or in any other appropriate case, to give such sum to the employee, not exceeding his emoluments for six months, by way of compensation, regard being had to loss of employment and possibility of getting or not getting suitable employment thereafter, as it may specify ; or

(f) to give such other relief to the employee and to observe such other conditions as it may specify, having regard to the circumstances of the case.

(3) It shall be lawful for the Tribunal to recommend to the State Government that any dues directed by it to be paid to the employee, or in case of an order to reinstate the employee any emoluments to be paid to the employee till he is reinstated, may be deducted from the grant due and payable, or that may become due and payable in future, to the Management and be paid to the employee direct.

(4) Any direction issued by the Tribunal under sub-section (2) shall be communicated to both parties in writing and shall be complied by the Management within the period specified in the direction, which shall not be less than thirty days from the date of its receipt by the Management.

12. Notwithstanding anything contained in any law or contract for the time being in force, the decision of the Tribunal on an appeal entertained and disposed of by it shall be final and binding on the employee and the Management : and no suit, appeal or other legal proceeding shall lie in any Court, or before any other Tribunal or authority, in respect of the matters decided by the Tribunal. Decision of Tribunal to be final and binding.

13. (1) If the Management fails, without any reasonable excuse, to comply with any direction issued by the Tribunal under section 11 within the period specified in the direction, or within such further period as may be allowed by the Tribunal, the Management shall, on conviction, be punished,— Penalty to Management for failure to comply with Tribunal's directions.

(a) for the first offence, with fine which may extend to one thousand rupees :

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, the fine shall not be less than one hundred rupees, and

(b) for the second and subsequent offences, with fine which may extend to two thousand rupees :

Provided that, in the absence of special and adequate reasons to the contrary to be mentioned in the judgement of the Court, the fine shall not be less than five hundred rupees.

(2) (a) Where the Management committing an offence under this section is a society, every person, who, at the time the offence was committed, was in charge of and was responsible to, the society, for the conduct of the affairs of the society, as well as the society, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

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

(b) Notwithstanding anything contained in clause (a), where the offence has been committed by a society and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any president, chairman, secretary, member, Head or manager or other officer or servant of the society, such president, chairman, secretary, member, Head or manager or other officer or servant concerned shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section, “society” means a society registered under the Societies Registration Act, 1860, or a public trust registered under the Bombay Public Trusts Act, 1950, or any other body corporate, and includes an association or body of persons, by whatever name called, under whose management one or more private schools are conducted.

Legal practitioners excluded from appearance. 14. Notwithstanding anything contained in any law for the time being in force, a legal practitioner shall not be entitled to appear on behalf of any party in any proceedings before the Tribunal, except with the special permission of the Tribunal.

Transfer of pending appeals to Tribunal. 15. All appeals of employees of private schools relating to the matters specified in section 9, which may be pending on the appointed date before the Department or the Director or an Officer subordinate to him, as the case may be, in accordance with the provisions of the Secondary Schools Code, shall be transferred to the Tribunal as soon as it is constituted. The Tribunal shall hear and dispose of every such appeal, as if it were made under section 9, provided that the prescribed fee of Rs. 50 is paid by the employee within one month of the receipt of a notice given to him by the Tribunal for that purpose.

Rules. 16. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the minimum qualifications for recruitment of employees of private schools (including its procedure);

(b) their scales of pay and allowances;

(c) their post-retirement and other benefits;

(d) the other conditions of service of such employees including leave, superannuation, re-employment and promotion;

(e) the duties of such employees and Code of Conduct and disciplinary matters;

(f) the manner of conducting enquiries;

(g) any other matter which is required to be or may be prescribed.

(3) All rules made under this Act shall be subject to the condition of previous publication.

(4) Every rule made under this Act shall be laid, as soon as as may be, after it is made before each House of the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

सोमवार, एप्रिल ३०, २००७/वैशाख १०, शके १९२९

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Primary Education and the Maharashtra Employees of Private Schools (Conditions of Service) Regulation (Amendment) Act, 2007 (Mah. Act No. XIV of 2007), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. XIV OF 2007.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 30th April 2007).

An Act further to amend the Bombay Primary Education Act, 1947 and the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977.

Bom. WHEREAS it is expedient further to amend the Bombay
LXI of Primary Education Act, 1947 and the Maharashtra
1947. Employees of Private Schools (Conditions of Service)
Mah. Regulation Act, 1977, for the purposes hereinafter
III of
1978.

(२८८)

appearing; it is hereby enacted in the Fifty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title. 1. This Act may be called the Bombay Primary Education and the Maharashtra Employees of Private Schools (Conditions of Service) Regulation (Amendment) Act, 2007.

CHAPTER II

AMENDMENTS TO THE BOMBAY PRIMARY EDUCATION ACT, 1947

Amendment of section 2 of Bom. LXI of 1947. 2. In section 2 of the Bombay Primary Education Act, 1947 (hereinafter, in this Chapter, referred to as "the Bombay Primary Education Act"), after clause (19), the following clauses shall be added, namely:—

Bom.
LXI
of
1947.

"(20) "*shikshan sevak*" means a member of base teaching cadre appointed on honorarium and subject to such terms and conditions as specified in the Government Resolution, published in the *Maharashtra Government Gazette, Extraordinary*, No. 12, Part I-Central, Sub-Section, dated the 15th February 2007, for eventual appointment as a teacher;

(21) "teacher" means a member of the teaching staff and includes the head of a school."

Amendment of section 13 of Bom. LXI of 1947. 3. In section 13 of the Bombay Primary Education Act, in sub-section (2), in clause (d), after the word "teachers," the words "*shikshan sevaks*," shall be inserted.

Amendment of section 16 of Bom. LXI of 1947. 4. In section 16 of the Bombay Primary Education Act, in sub-section (2), after the word "teachers" the words "*shikshan sevaks*" shall be inserted.

Amendment of section 17 of Bom. LXI of 1947. 5. In section 17 of the Bombay Primary Education Act, in sub-section (1), in clause (c), after the word "teachers," the words "*shikshan sevaks*," shall be inserted.

Amendment of section 19 of Bom. LXI of 1947. 6. In section 19 of the Bombay Primary Education Act,—

(a) in sub-section (1), after the word "teacher" the words "*shikshan sevak*" shall be inserted;

(b) in sub-section (3), after the word "teachers" the words "*shikshan sevaks*" shall be inserted.

Amendment of section 20 of Bom. LXI of 1947. 7. In section 20 of the Bombay Primary Education Act,—

(a) in sub-section (1), after the word "Teachers" the words "*Shikshan sevaks*" shall be inserted;

(b) in sub-section (2), for the word "pay," the words "honorarium, pay," shall be substituted;

(c) in sub-section (3),—

(i) for the word “pay” the words “honorarium, pay” shall be substituted;

(ii) after the words “school teachers” the words “and *shikshan sevaks*” shall be inserted.

8. In section 23 of the Bombay Primary Education Act,— Amendment of section 23 of Bom. LXI of 1947.

(a) in sub-section (6), after the word “teachers” the words “and *shikshan sevaks*” shall be inserted;

(b) in the marginal note, after the word “teachers” the words “and *shikshan sevaks*” shall be inserted.

9. In section 27 of the Bombay Primary Education Act, in clause (d), after the word “teachers” the words “, *shikshan sevaks*” shall be inserted. Amendment of section 27 of Bom. LXI of 1947.

CHAPTER III

AMENDMENTS TO THE MAHARASHTRA EMPLOYEES OF PRIVATE SCHOOLS (CONDITIONS OF SERVICE) REGULATION ACT, 1977.

Mah. III of 1978. 10. In section 2 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 [hereinafter, in this Chapter, referred to as “the Employees of Private Schools (Conditions of Service) Regulation Act”],— Amendment of section 2 of Mah. III of 1978.

(a) in clause (7), after the words “recognised school” the words “and includes *shikshan sevak*” shall be inserted;

(b) in clause (10), after the word “teachers” the words “and *shikshan sevaks*” shall be inserted;

(c) after clause (24), the following clause shall be inserted, namely:—

“(24A) “*shikshan sevak*” means a member of base teaching cadre appointed on honorarium and subject to such terms and conditions as specified in the Government Resolution published in the *Maharashtra Government Gazette*, Extraordinary, No. 12, Part I—Central Sub-Section, dated the 15th February 2007, for eventual appointment as a teacher;”.

11. In section 5 of the Employees of Private Schools (Conditions of Service) Regulation Act,— Amendment of section 5 of Mah. III of 1978.

(a) in sub-section (2), after the words “permanent vacancy” the words “except *shikshan sevak*” shall be inserted;

(b) to sub-section (2), the following proviso shall be added, namely:—

“ Provided that, every person appointed as *shikshan sevak* shall be on probation for a period of three years.”;

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) Subject to the provisions of sub-sections (3) and (4), *shikshan sevak* shall, on completion of the probation period of three years, be deemed to have been appointed and confirmed as a teacher.”;

(d) in sub-section (3), after the words “or salary” the words “or honorarium” shall be inserted.

CHAPTER IV

SAVING

Regularisation
of
appointments
of *shikshan*
sevaks and
savings.

12. (1) Notwithstanding anything contained in the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977, all *shikshan sevaks* appointed in accordance with the provisions of the Government Resolution published in the *Maharashtra Government Gazette*, Extraordinary, No. 12, Part I—Central Sub-Section, dated the 15th February 2007, shall be deemed to have been appointed as base cadre *shikshan sevak* under the said Act, for appointment as teachers on completion of three years service as such *shikshan sevak* rendered heretobefore or heretoafter, as the case may be.

Mah.
III of
1978.

(2) The terms and conditions prescribed by Government for appointment of *shikshan sevak*, by issuing Government Resolutions; from time to time, before the date of commencement of the Bombay Primary Education and the Maharashtra Employees of Private Schools (Conditions of Service) Regulation (Amendment) Act, 2007, shall continue to be in force unless modified or revoked.

Mah.
XIV of
2007.



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ४, अंक १५]

सोमवार, मे १४, २०१२/वैशाख २४, शके १९३४

[पृष्ठे ३, किंमत : रुपये १८.००

असाधारण क्रमांक २७

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Bombay Primary Education and the Maharashtra Employees of Private Schools (Conditions of Service) Regulation (Amendment) Act, 2011 (Mah. Act No. IX of 2012), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Secretary to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. IX OF 2012.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette" on the 14th May 2012).

An Act further to amend the Bombay Primary Education Act, 1947 and the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977.

Bom. LXI
of 1947.
Mah. III of 1978.
WHEREAS it is expedient further to amend the Bombay Primary Education Act, 1947 and the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-second Year of the Republic of India as follows :—

(१)

CHAPTER I

PRELIMINARY

Short title. 1. This Act may be called the Bombay Primary Education and the Maharashtra Employees of Private Schools (Conditions of Service) Regulation (Amendment) Act, 2011.

CHAPTER II

AMENDMENTS TO THE BOMBAY PRIMARY EDUCATION ACT, 1947.

- Amendment of section 2 of Bom. LXI of 1947. 2. In section 2 of the Bombay Primary Education Act, 1947 (hereinafter, in this Chapter, referred to as "the Primary Education Act"), in clause (20), for the words "*shikshan sevak*" the words "Assistant Teacher (Probationary)" shall be substituted. Bom. LXI of 1947.
- Amendment of section 13 of Bom. LXI of 1947. 3. In section 13 of the Primary Education Act, in sub-section (2), in clause (d), for the words "*shikshan sevaks*" the words "Assistant Teachers (Probationary)" shall be substituted.
- Amendment of section 16 of Bom. LXI of 1947. 4. In section 16 of the Primary Education Act, in sub-section (2), for the words "*shikshan sevaks*" the words "Assistant Teachers (Probationary)" shall be substituted.
- Amendment of section 17 of Bom. LXI of 1947. 5. In section 17 of the Primary Education Act, in sub-section (1), in clause (c), for the words "*shikshan sevaks*," the words "Assistant Teachers (Probationary)," shall be substituted.
- Amendment of section 19 of Bom. LXI of 1947. 6. In section 19 of the Primary Education Act,—
(a) in sub-section (1), for the words "*shikshan sevak*" the words "Assistant Teacher (Probationary)" shall be substituted ;
(b) in sub-section (3), for the words "*shikshan sevaks*" the words "Assistant Teachers (Probationary)" shall be substituted.
- Amendment of section 20 of Bom. LXI of 1947. 7. In section 20 of the Primary Education Act,—
(a) in sub-section (1), for the words "*Shikshan sevaks*" the words "Assistant Teachers (Probationary)" shall be substituted ;
(b) in sub-section (3), for the words "*shikshan sevaks*" the words "Assistant Teachers (Probationary)" shall be substituted.
- Amendment of section 23 of Bom. LXI of 1947. 8. In section 23 of the Primary Education Act,—
(a) in sub-section (6), for the words "*shikshan sevaks*" the words "Assistant Teachers (Probationary)" shall be substituted ;
(b) in the marginal note, for the words "*shikshan sevaks*" the words "Assistant Teachers (Probationary)" shall be substituted.
- Amendment of section 27 of Bom. LXI of 1947. 9. In section 27 of the Primary Education Act, in clause (d), for the words "*shikshan sevaks*" the words "Assistant Teachers (Probationary)" shall be substituted.

CHAPTER III

AMENDMENTS TO THE MAHARASHTRA EMPLOYEES OF PRIVATE SCHOOLS (CONDITIONS OF SERVICE) REGULATION ACT, 1977.

Mah. III of 1978. 10. In section 2 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (hereinafter, in this Chapter, referred to as "the Employees of Private Schools (Conditions of Service) Regulation Act"),—

Amendment of section 2 of Mah. III of 1978.

(a) in clause (7), for the words "*shikshan sevak*" the words "Assistant Teacher (Probationary)" shall be substituted;

(b) in clause (10), for the words "*shikshan sevaks*" the words "Assistant Teachers (Probationary)" shall be substituted;

(c) in clause (24A), for the words "*shikshan sevak*" the words "Assistant Teacher (Probationary)" shall be substituted.

11. In section 5 of the Employees of Private Schools (Conditions of Service) Regulation Act,—

Amendment of section 5 of Mah. III of 1978.

(a) in sub-section (2),—

(i) for the words "*shikshan sevak*" the words "Assistant Teacher (Probationary)" shall be substituted;

(ii) in the proviso, for the words "*shikshan sevak*" the words "Assistant Teacher (Probationary)" shall be substituted;

(b) in sub-section (2A), for the words "*shikshan sevak*" the words "Assistant Teacher (Probationary)" shall be substituted.

CHAPTER IV

SAVING.

Mah IX of 2012. 12. The terms and conditions prescribed by the Government for the appointment of *shikshan sevaks*, by issuing Government Resolutions or orders, from time to time, before the date of commencement of the Bombay Primary Education and the Maharashtra Employees of Private Schools (Conditions of Service) Regulation (Amendment) Act, 2011, shall continue to be in force unless they are modified or revoked by the Government.

Saving.

