
Andhra Pradesh College Service Commission Act, 1985

13 of 1985

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Andhra Pradesh College Service Commission Act, 1985

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An Act to provide for the constitution of a Commission for the selection of Teachers for appointment to posts in Colleges and for matters connected therewith and incidental thereto. Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in Thirty-sixth Year of the Republic of India as follows:-

1. Short Title, Application And Commencement :-

(1) This Act may be called the Andhra Pradesh College Service Commission Act, 1985.

(2) It applies,-

(a) in the first instance, to all private colleges, except the colleges established and administered by minorities whether based on religion or language:

(b) to all Government Colleges 1[includes Government Polytechnics] in the State as and when a notification is issued by the Government in this behalf.

(3) It shall come into force on such date as the Government may, by notification, appoint. (Came into force w.e.f. 1-10-1985.)

1. Inserted by A.P. Act 15 of 1995 w.e.f. 8-9-1994.

2. Definitions :-

In this Act, unless the context otherwise requires,-

(a) "Chairman" means the Chairman of the Commission:

(b) "College" means a college affiliated to or associated with or recognised by, any University in the State and [includes Government Polytechnics and] a junior college recognised by or affiliated to the Andhra Pradesh Board of Intermediate Education but does not include-

(i) an engineering or medical college; or

(ii) a college established or maintained and administered by any University in the State.

1[(iii) established and administered or maintained by the Central Government;

(iv) established and administered or maintained by any University established by law;

(v) giving, providing or imparting only religious instruction but not any other instructions; and

(vi) a private college whether received aid from Government or not.]

(c) "Commission" means the Andhra Pradesh College Service Commissioner constituted under sub-section (1) of Section 3;

(d) "Government" means the State Government of Andhra Pradesh;

(e) "notification" means a notification published in the Andhra Pradesh Gazette and the word "notified" shall be construed accordingly;

(f) "prescribed " means prescribed by rules made by the Government under this Act;

(g) 2[x x x x]

(h) "teacher" means any member of the teaching staff in a college appointed to give instruction in that college.

1. Added by A.P. Act 25 of 1990.

2. Clause (g) omitted by A.P. Act 25 of 1990.

3. Constitution Of The College Service Commission :-

(1) The Government may, by notification, constitute a Commission by the name of the Andhra Pradesh College Service Commission.

(2) (a) The Commission shall be a body corporate having perpetual succession and a common seal and shall sue and be sued by the said corporate name.

(b) In all suits and other legal proceedings by or against the Commission the proceedings shall be signed and verified by the Secretary and all processes in such suits and proceedings shall be issued to and served on the Secretary;

(3) The Headquarters of the Commission shall be located at Hyderabad.

4. Composition Of The Commission :-

(1) The Commission shall consist of not less than three and not more than nine members of whom one shall be the Chairman, to be appointed by the Government.

(2) The Chairman and members shall be persons who, in the opinion of the Government are men of ability, integrity and standing and have special knowledge of, or practical experience in education and educational administration.

5. Terms And Conditions Of Service Of Chairman And Members :-

(1) The Chairman or any other Member of the Commission shall be whole time and hold office for a term of three years from the date on which he enters upon his office:

Provided that a person who has held office as Chairman or other Member shall, on the expiration of his term of office, be eligible for appointment for another term of three years only:

Provided further that no person who has attained the age of sixty two years shall be eligible to hold office in any capacity, whether as Chairman or other member.

(2) If the office of the Chairman or any other member becomes vacant by resignation or otherwise, or if the Chairman is by reason

of absence or for any other reason unable to perform the duties of his office, those duties shall until some person is appointed to the vacant office, has entered on duties thereof, or, as the case may be, until the Chairman has assumed his duties, be performed by such one of the other members as the Government may appoint for the purpose.

(3) The Chairman or any other member may resign his office, by writing under his hand, addressed to the Government, but he shall continue in office, until his resignation is accepted by the Government.

(4) The salary of the Chairman and other members shall be such as may be determined by the Government and the other terms and conditions of service shall be such as may be prescribed.

6. Removal Of Members :-

The Government may, after making an inquiry in such manner as may be prescribed, remove the Chairman or any other member from his office on any one of the following grounds,-

- (a) misconduct involving moral turpitude;
- (b) insolvency;
- (c) infirmity of mind or body; or
- (d) engages during his term of office in any paid employment outside the duties of his office.

7. Staff Of The Commission :-

(1) The staff of the Commission shall consist of-

- (a) Secretary, who shall be appointed by the Government; and
- (b) such other employees as the Commission may, with the previous approval of the Government, appoint from time to time.

(2) The salary of the Secretary and other employees of the Commission shall be such as may be prescribed.

(3) The other terms and conditions of service of the Secretary shall be such as may be prescribed and those of the other employees of the Commission shall be such as may be provided for by regulations.

8. Functions Of The Commission :-

(1) Notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage to the contrary, it shall be the duty of the Commission to select persons

for appointment to the posts of teachers in accordance with such rules as may be made by the Government in this behalf.

(2) It shall be the duty of the Commission to advise the Government on such matters as may be referred to them.

9. Directors/Commissioner To Communicate To The Commission Number Of Vacancies :-

1[The Director/ Commissioner of Collegiate Education or the Director of Intermediate Education or the Director of School Education as the case may be shall communicate to the Commission the number of vacancies existing in the colleges under their administrative control including the vacancies which are likely to occur during the unexcused portion of the academic year within one month of the commencement of the academic year.]

1. Substituted by A.P. Act 2 of 1993 w.e.f. 25-11-1992

10. Manner Of Selection Of Persons And Procedure For The Conduct Of The Business Of The Commission :-

(1) The manner of selection of the persons for the appointment to the posts of teachers shall be such as may be provided for by regulations.

1["Provided that the selection to the posts of teachers/faculty positions in Government Polytechnics shall be made in accordance with the norms and standards laid down by the All India Council of Technical Education"]

(2) The procedure for the conduct of business of the commission shall be such as may be provided for by regulations.

1. Proviso inserted by A.P. Act 15 of 1995 w.e.f. 8-9-1994.

11. Duty Of Commission To Make Recommendations :-

It shall be the duty of the Commission to recommend to the concerned Director/Commissioner, a list of candidates selected by it for appointments to fill the vacancies communicated to it under Section 9.

12. Communicated Vacancies To Be Filled Only On The Recommendation Of The Commission :-

(1) Appointments to all the vacancies required to be communicated to the Commission under Section 9 shall, on or from such date as the Commission may notify in respect of vacancies existing in the

colleges under the control of Director/Commissioner concerned shall be made by him only on the recommendation of the Commission.

(2) If in any year, the Commission is unable to make recommendations for appointments to all the vacancies communicated to it under Section 9 or if the Director/Commissioner concerned is unable to make appointments in any year on the basis of the recommendations made by the Commission, the vacancies shall be carried forward to the subsequent year.

13. Effect Of Recommendation Of The Commission :-

Notwithstanding anything contained in any other law for the time being in force, or in any contract, custom or usage to the contrary, appointments to the posts of teachers shall be made on the recommendations of the Commission.

14. Power To Call For Records :-

The Commission may, call for any record, report or any other Information from the concerned Director/Commissioner" if in its opinion, such record, report or other Information is necessary for the efficient discharge of its functions, and the [the concerned Director/Commissioner] shall furnish such record, report or other Information to the Commission.

15. Obligations As To Secrecy :-

The Chairman and members and the Secretary other employees of the Commission shall maintain strictest secrecy regarding the affairs of the Commission and shall not divulge, directly or indirectly, any information of a confidential nature to members of the public unless compelled to do so by any Judicial or other authority or unless instructed to do so by superior officer in the discharge of this duties.

16. Chairman, Members, Etc., To Be Public Servants :-

The Chairman, Members, the Secretary and other employees of the Commission appointed under this Act, shall while acting or purporting to act under this Act be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

17. Proceedings Not To Be Invalidated By Reasons Of Vacancies Etc., In The Commission Or Its Committees :-

No act or proceeding of the Commission or any of its committees shall be deemed to be invalid by reason only of a defect in the constitution of the Commission or such committee or on the ground that the Chairman of the Commission or any member of the Commission or Committee, as the case may be, was not entitled to hold or continue in such office, or by reason of such act or proceeding having been done or conducted during the period of any vacancy in office of the Chairman of the Commission or any of the members of the Commission or Committee, as the case may be.

18. Protection Of Action Taken In Good Faith :-

No suit, prosecution or other legal proceedings shall lie against the Government or the Chairman, Members, Secretary, or other employee of the Commission for anything which is in good faith done or intended to be done under this Act or any rules made there under.

19. Power To Make Rules :-

(1) The Government may, by notification make rules for carrying out all or any of the purposes of this Act.

(2) Every rule made under this Act shall immediately after it is made, be laid before the Legislative assembly of the State if it is in session and if it is not in session in the session immediately following for a total period of fourteen days which may be comprised in one session, or in two successive sessions and if, before the expiration of the session in which it is so laid or the session immediately following the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form, or shall stand annulled, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

20. Power To Make Regulations :-

(1) The Commission may, with the previous approval of the Government make regulations not inconsistent with the provisions of this Act or the rules made there under for discharging its functions under this Act.

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

(a) the terms and conditions of services of the employees of the Commissions under sub-section (3) of Section 7.

(b) the manner of selection of persons for appointment to the posts of teachers under sub-section (1) of Section 10;

(c) the procedure for the conduct of business of the Commission under subsection (2) of sections 10 and 13; or

(d) the income and expenditure, budget, accounts and audit and annual report of the Commission.

21. Repeal Of Ordinance No. 13 Of 1985 :-

The Andhra Pradesh College Service Commission Ordinance, 1985, is hereby repealed.