

## **West Bengal Primary School Teachers Recruitment Rules, 2001**

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## **West Bengal Primary School Teachers Recruitment Rules, 2001**

### **CHAPTER 1** Preliminary

#### **1. Short title and Commencement :-**

(1) These rules may be called the West Bengal Primary School Teachers Recruitment Rules, 2001.

(2) They shall come into force on the date of their publication in the Official Gazette.

#### **2. Definitions :-**

In these rules, unless there is anything repugnant in the subject or context,-

(a) the Act means the West Bengal Primary Education Act, 1973;

(b) appointment means appointment of teachers of Primary Schools in accordance with the provisions of the Act and the rules;

(c) authorised officer means, unless otherwise specified, an officer not below the rank of Deputy Director of School Education, West Bengal, duly authorized by the Director of School Education, West Bengal.

(d) Board means the West Bengal Board of Primary Education established under the Act;

(e) Council means a Primary School Council established under the Act;

(g) Director means the Director of School Education, West Bengal;

(i) Government means the Government of West Bengal;

(j) Head Teacher means the teacher of a Primary School appointed as Head Teacher of the primary school by the Council in accordance with these rules;

(j) non-teaching staff shall mean the Librarian, or clerk, or peon, or Laboratory attendant, as the case may be;

(k) primary school means a school or a department of a school set up under the Act for imparting such primary education as the State Government may prescribe, and includes a primary school or a Junior Basic School recognised under the Act and in existence on the date of coming into force of the West Bengal Primary Education (Amendment) Act, 1996;

(l) panel means a list of names of the eligible and selected candidates for appointment as teacher in Primary Schools, published by the Board according to rules;

(m) rule means any rule made under section 106 of the Act;

(n) superannuation means the date of retirement of a teacher from the service on completion of sixtieth year of his age;

(o) teacher means a person who holds a teaching post in a primary school or in a Junior Basic School on a regular and whole time basis, and is paid either wholly or in part from funds under the control of the State Government in the Education Department;

(q) vacancy means vacant post of a Primary School teacher caused by (i) creation of a new post by the Council with prior sanction from the Government, (ii) retirement of a teacher, (iii) death of a teacher, (iv) resignation tendered by a teacher and accepted by the Council, (v) removal or dismissal of a teacher or (vi) deputation of a teacher.

## **CHAPTER 2 General**

### **3. Roll strength for a teacher :-**

(1) A Primary School under the jurisdiction of the Council shall ordinarily have one teacher for every forty pupils or part thereof, not being less than twenty in a hilly, forested other thinly populated area. A second teacher may be admissible when the roll strength exceeds sixty. A third teacher may be admissible when the roll strength exceeds one hundred. Similarly, a fourth teacher may be admissible when the roll strength exceeds one hundred forty and so on. But in no case a primary school is to have less than two teachers.

(2) No Council shall appoint teachers in primary schools within its jurisdiction beyond the number of teacher sanctioned by the State Government for the district or the subdivision.

(3) A council may propose to the Director for sanction of additional posts of primary teachers due to increase in roll strength in primary schools of the district or the subdivision, as the case may be. The Director of School Education will send the said proposal with his views to the School Education Department for necessary sanction of such additional post.

### **4. Filling up vacancies :-**

Subject to the condition that the number of vacancies to be filled

up shall not exceed the number of sanctioned post of teachers, a Council shall-

(a) determine from time to time, the number of vacancies in primary schools within its jurisdiction in accordance with the provisions of sub-rule (1) sub-rule (2) and sub-rule (3) of rule 3 and take steps to fill up the vacancies as and when necessary.

(b) also determine the vacancies in primary schools within its jurisdiction imparting education in any language other than Bengali, as per guidelines issued by the government and fill in those vacancies.

### **CHAPTER 3** Selection and Appointment

#### **5. Appointing Authority :-**

District Primary School Council, Kolkata Primary School Council/ Siliguri Primary School Council shall be the Appointing Authority.

#### **6. Qualifications :-**

(1) No person shall be appointed by the Council as a teacher unless he is a citizen of India and has completed the age of 18 years and has not completed the age of 40 years on the first day of the January 1st of the year of advertisement.

(2) The candidate shall possess the following minimum educational qualifications:-

a) Higher Secondary pass under the West Bengal Council of Higher Secondary Education or its equivalent with at least 50% marks and 2-year Diploma in Elementary Education (by whatever name known); or

b) Higher Secondary pass under the West Bengal Council of Higher Secondary Education or its equivalent with at least 45% marks and 2-year Diploma in Elementary Education (by whatever name known), in accordance with the National Council for Teacher Education (Recognition Norms and Procedure) Regulations 2002; or

c) Higher Secondary pass under the West Bengal Council of Higher Secondary Education or its equivalent with at least 50% marks and 4-year Bachelor of Elementary Education (B. El. Ed.); or

d) Higher Secondary pass under the West Bengal Council of Higher Secondary Education or its equivalent with at least 50% marks and 2-year Diploma in Education (Special Education); or

e) Graduation and two year Diploma in Elementary Education (by whatever name known);

Note 1. - A person with D.Ed. (Special Education) or B.Ed. (Special Education) qualification shall, after appointment, undergo six month special programme in Elementary Education recognized by the National Council for Teacher Education (NCTE).

Note 2. - The persons having qualification of Higher Secondary pass under the West Bengal Council of Higher Secondary Education or its equivalent with at least 50% marks or graduate (irrespective of marks obtained therein) or equivalent without 2-year Diploma in Elementary Education (by whatever name known) or 4-year Bachelor of Elementary Education (B. El. Ed.) or 2-year Diploma in Education (Special Education) shall also be eligible for appearing in the Teacher Eligibility Test (TET) to be conducted for appointment of primary school teachers in the State upto 31st March, 2014, subject to condition that those who are appointed without professional qualification shall acquire the professional qualification as specified in sub-rule (2) of rule 6 above within a period of two (2) years from the year of appointment.

Note 3. - Priority mentioned in sub-rule (8) rule 9, shall be given to the eligible candidates who possess the minimum qualifications as specified in sub-rule (2) of rule 6.

Note 4.- For the purposes of this rule, -

- a) a diploma in teacher education recognized by the National Council for Teacher Education (NCTE) shall be considered;
- b) in case of Diploma in Education (Special Education) and B. Ed (Special Education), a course recognized by the Rehabilitation Council of India (RCI) only shall be considered.

Note 5. - Any candidate seeking appointment to the post of primary school teacher shall have studied and passed in the specific language as the first or the second language in the Higher Secondary Level or equivalent for which medium of instruction, the candidate is seeking appointment:

Provided that in case of Santhali as medium of instruction, the candidate shall only require to possess proficiency of reading, writing and speaking in OLCH1K1 scripts. It shall not be obligatory for the candidates seeking appointment to the post of primary school teacher in Santhali medium schools to have passed in the specific language as the first or the second language in the Higher Secondary Level or equivalent for which medium of instruction, the candidate is seeking appointment.

Note 6. - In case of the certificate issued by the authority other than the West Bengal Council of Higher Secondary Education, the said certificate issuing authority shall be set up a statutory

authority and the said certificate issuing authority shall be authorized by the Government of India or by the State Government of the concerned State, as the case may be, for issuing Higher Secondary Level certificate.

Note 7. - All candidates must have studied and obtained Madhyamik (Secondary) Pass Certificate or equivalent with Mathematics and English as subjects.

Note 8. - The equivalent of Madhyamik certificate means the said certificate issuing authority shall be set up as per Act framed by the Government of India or by the State Government of the concerned State and the said authority shall be authorized by the Government of India or by the State Government of the concerned State, as the case may be, for issuing Secondary Level certificate.

Note 9. - The decision of State Government on the question of equivalence for the purpose of sub-rule (2) of rule 6 shall be final.

Note 10. - Candidates belonging to reserved categories SC/ST/OBC/PH/EC shall be allowed relaxation upto 5% in the qualifying marks.

Note 11. - The State Government may, by notification, declare reservation upto 10% of the total posts newly created, for maintaining pupil-teacher ratio in accordance with the provisions of the Right of Children to Free and Compulsory Education Act, 2009, with a view to providing adequate representation of the candidates of such categories without disturbing the 100-point roster as notified by the State Government from time to time:

Provided that the qualifications for such categories of candidates shall be the same as mentioned in sub rule (2) of rule 6:

Provided further that notwithstanding anything contained in any other rule of these rules, the period of service rendered by any candidate of such categories, shall be available as relaxation of age and no such candidate attaining 55 years of age as on the 1st day January of the year of the advertisement, shall be considered:

Provided also that notwithstanding anything contained in any other rule of these rules, State Government may also issue appropriate order of relaxation of age to a specific category of candidates or some categories of candidates pursuant to order passed by any Court of competent jurisdiction.

Note 12. - The reservation quota for the candidates belonging to the Scheduled Castes(SC), Scheduled Tribes(ST), Other Backward Classes (OBC), Exempted categories (EC), Ex-Service men and for Physically Handicapped (PH) candidates, shall be maintained as per the existing reservation rules as framed by the competent

authority, after deducting 10% from total vacancies for appointment on compassionate ground, with relaxation of the upper age limit as admissible under the Government order:

Provided that in case the notification as mention in Note 11 is declared by the State Government, the total vacancies shall mean the existing vacancies plus newly created vacancies after deducting 10% as per provision of this Note.

## **7. Selection Committee :-**

(1) The Board shall constitute the Selection Committee/Committees for the purpose of selection of eligible candidates and preparation of panel or panels of such candidates for appointment of teachers in primary schools within the jurisdiction of the Board.

(2) The Selection Committee/Committees shall normally function for a period of two years from the date of its first meeting but the Board may, during the said period, reconstitute the Committee for good and sufficient reasons to be recorded in writing. Any member of the Committee, other than an ex-officio member, may resign with one month notice to the Chairman. The Board may remove any member, other than an ex-officio member at any time, subject to the condition that such member has been informed of the reason of his removal and has been given an opportunity of being heard.

(3) The Board may, if necessary, constitute one or more sub-committees for conducting Teacher Eligibility Test (TET) referred to item in sub-rule (3), of rule 9 and Interview referred to item (vi) of Table A of sub-rule (5) of rule 9. The decision of the sub-committee or subcommittees shall be bound by the decision of the Board.

(4) Any seven members of the Committee including the Chairman shall constitute a quorum.

(5) The Selection Committee shall normally function for a period of two years from the date of its first meeting but the Council may, during the said period, reconstitute the Committee for good and sufficient reasons to be recorded in writing. Any member of the Committee, other than an ex-officio member, may resign with one month notice to the Chairman. Similarly, the Council may remove any member, other than an ex-officio member at any time, provided that member has been informed of the reason of his removal and has been given an opportunity of being heard if he so desires.

## **8. Publication of employment notification :-**

(1) The Council shall, with the prior approval of the Government, publish the number of vacancies as determined under rule 4, except the vacancies mentioned in rule 14 and the vacancies to be filled up by inter-council transfer under the provisions of sub-section (k) of section 19 of the Act, together with other particulars with respect to such vacancies in two leading daily newspapers, one of which in the local language and other in English, and may also publish in one local weekly newspaper having adequate circulation in the district in which vacancies have occurred and one national level daily newspaper :

Provided further that the Government may, if it considers necessary to do so, notify the vacancies through such electronic media as it may consider necessary:

Provided that the Government may, direct to notify the vacancies taking together all the vacancies in such manner as it may consider necessary.

Note. - The advertisement for filling up vacancies includes vacancies existing on the date of advertisement plus vacancies anticipated to arise against sanctioned strength, in course of next twelve months.

(2) The detailed particulars which may inter alia consist of the following:-

(a) the date, place and time for collection of application form:

(b) the manner of submission of application form;

(c) date and time of written examination;

(d) quota for reservation with due consideration of the reservation policy of the Government of West Bengal;

(e) the manner of payment of application fee;

(f) any other particulars as may be approved by the State Government;

(g) terms and conditions of the recruitment.

(3) With the prior approval of the Government, the Board shall have the following power to lay down the modalities, procedure or guidelines, as the case may be :-

(a) for selection of candidates for appointment;

(b) co-ordinate the entire procedural formalities relating to the recruitment; and

(c) engage any specialized agency for the purpose of written examination.

(4) Application form shall be obtained on payment of Rs. 100/- (Rupees one hundred only), which is non-refundable and the manner of payment shall be notified at the time of advertisement



provided that the candidates belonging to SC/ST shall require to pay non-refundable fee of Rs. 25/- (rupees twenty five only) for the said purpose.

#### **8A. Fee for application :-**

(1) A candidate shall be required to pay a non-refundable application fee of rupees two hundred in the manner as may be notified under sub-rule (2) of rule 8:

Provided that the candidates belonging to Scheduled Castes and Scheduled Tribes are required to pay the application fee of rupees fifty only:

(2) Notwithstanding anything contained in sub-rule (1), the candidates referred to in the proviso to clause (b) of sub-rule (1) of rule 6, are not required to pay any fee specified in sub-rule (1).

#### **9. Procedure of Selection :-**

(1) (a) The Selection Committee shall, after prima facie scrutiny of the duly filled application forms submitted by the eligible candidates having minimum educational qualifications as per rule 6, call for Teacher Eligibility Test (TET) in the form of written examination as specified in sub-rule (2) below.

Note.- Teacher Eligibility Test (TET) will be conducted by the Board on a single day throughout the State of West Bengal.

(2) The Teacher Eligibility Test (TET) shall be held as per guidelines issued from time to time by the National Council for Teacher Education and a person who will score 60% or above in the Teacher Eligibility Test (TET) examination shall be considered as Teacher Eligibility Test (TET) pass provided relaxation upto 5% marks shall be allowed to the candidates belonging to the reserved categories, such as SC/ST/OBC/PH/EC.

(3) Teacher Eligibility Test (TET) shall held in 100 marks consisting of the following (five) 5 Sections:-

(a) Section 1 - Child Development - 20 Marks - Question 1 to 20.

(b) Section II - Language I - 20 Marks - Questions 21 to 40.

(c) Section III - Language II - 20 Marks - Questions 41 to 60.

(d) Section IV - Mathematics - 20 Marks - Questions 61 to 80.

(e) Section V - Environmental Science - 20 Marks - Questions 81 to 100.

Note 1.- All questions shall be of multiple choice types with four alternatives out of which one option will be correct. All questions shall be compulsory and each item shall carry one mark. But there

will be no negative marking.

Note 2.- First Language of the candidate shall be determined as per the medium of instruction of the primary school for which the vacancy occurred and Second language be English.

(4) The Selection Committee shall call all Teacher Eligibility Test (TET) qualified candidates as mentioned sub-rule (2), for the Viva-Voce/interview. The performance of the candidates who will be called for Viva-Voce/interview shall be assessed out of 10 marks by the Interview Board formed for the specific purpose.

(5) Thereafter academic, training, performance in Teacher Eligibility Test (TET), Extra Curricular Activities and performance in Viva-Voce/interview of the candidates appeared at the Viva-Voce/interview shall be computed in the following manner as mentioned in Table A below :-

Table-A

- (i) Madhyamik pass under the West Bengal Board of Secondary Education or its equivalent 10
- (ii) Higher Secondary pass under the West Bengal Council of Higher Secondary Education or its equivalent 15
- (iii) Training as prescribed in sub-rule (2) of rule 6. 20
- (iv) Teacher Eligibility Test (TET) 40
- (v) Extra Curricular Activities 05
- (v) Total 90
- (vi) Viva-Voce or Interview. 10
- (vii) Total 100

Note 1.-The percentage of marks to the total full marks obtained by the candidate in the Madhyamik Examination or its equivalent excluding additional marks, if any, shall be computed as percentage of 10.

Note 2.-The percentage of marks to the total full marks obtained by the candidate in the H.S. Examination or its equivalent excluding additional marks, if any, shall be computed as percentage of 15.

Note 3.- 70% and above marks obtained by the candidate in Training shall be awarded 20, 50% above but below 70% marks obtained by the candidate in Training shall be awarded 17 and below 50% marks but passed in the Training by the candidate shall be awarded 15.

Note 4.- The percentage of marks to the total full marks obtained by the Teacher Eligibility Test (TET) qualified candidate in Teacher Eligibility Test (TET) shall be computed as percentage of 40.

Note 5.- Maximum five (5) Marks shall be awarded to the candidates in the extra Curriculum Activities on the following extra

Curriculum Activities:-

1 Games & Sports 1

2 National Cadet Crops (NCC) 1

3 Arts & Literature 1

4 Performing Art (drama) 1

5 Music 1

Total

5

A certificate of representation in the State/National/International level Games or Sports issued by the Competent State Govt or Central Government Authorities or agencies shall be awarded (01) mark.

Minimum A certificate of National Cadet Crops (NCC) shall be awarded (01) mark.

A certificate that any essay, story, short story, drama, poetry written by the candidate selected for publication in any State level or National newspaper or Magazine. (Certificate alongwith a copy of publication shall be submitted), shall be awarded (01) mark.

(d) A certificate that the candidate has obtained proficiency in Performing Art (drama) issued by National School of Drama or by the State Government or Central Government shall be awarded (01) mark.

(e) A certificate that the candidate has obtained proficiency in Music or Instrumental Music issued by the State Government or Central Government shall be awarded (01) mark.

(6) (a) The Selection Committee thereafter shall prepare a district wise merit list out of 100 marks as specified as in Table -A of candidates appeared at the for interview under Unreserved Category comprising of the names of the candidates belonging to General Category, Scheduled Caste Category, Scheduled Tribe Category, OBC Category - A, OBC Category -B and PH Category serially according to descending order of merit as per existing vacancy medium wise.

(b) Thereafter, the Selection Committee shall prepare separate district wise merit lists out of 100 marks as specified in Table -A belonging to Scheduled Castes, Scheduled Tribes, OBC Category - A, OBC Category - B and Physically Handicapped (PH) candidates in the respective category as per statutory reservation rules, from amongst the remaining candidates of such categories. Those lists must be prepared serially according to descending order of merit as per existing vacancy medium wise.

(c) In case of the candidates belonging to Exempted Category, Ex-

Servicemen and Physically Handicapped (PH), separate merit lists category wise shall be prepared for vacancies reserved for the respective category.

(7) An additional panel of 5% of General, Scheduled Castes, Scheduled Tribes, OBC Category-A and OBC Category-B, Exempted Category, ex Servicemen and Physically Handicapped candidates shall be prepared in the same manner as referred to in sub-rule (b):

Provided further that additional panel of General Category shall not include the candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes category. However, in case of appointment to the post of General Category from additional panel, if any reserved candidate secures higher marks than the candidate belonging to General Category in the left out merit list then the said reserved candidate shall be selected for appointment:

Provided also that in case of non-availability of suitable qualified Ex-servicemen candidates belonging to General, Scheduled Castes, Scheduled Tribes and Other Backward Classes, the said vacancy of Exempted Category candidates shall be filled up by non-exempted category candidates belonging to General, Scheduled Castes, Scheduled Tribes, and Other Backward Classes, as the case may be:

Provided also that in case of non-availability of suitable qualified Ex-Servicemen candidate belonging to General, Scheduled Castes, Scheduled Tribes and OBC Category - A and OBC Category - B, the said vacancy shall be filled up by non Ex-Servicemen candidates belonging to General, Scheduled Castes, Scheduled Tribes and Other Backward Classes, as the case may be.

(8) While preparing final merit list for any category for appointment to the post of primary school teachers, if the marks of an untrained candidate becomes equal with that of a trained candidate, the trained candidate shall be given preference to the said untrained candidate having obtained equal marks.

(9) If in the process of recruitment or even after recruitment at any stage, it is detected or proved that a candidate has achieved success by way of unfair means or by suppression of some material facts, his or her appointment shall summarily be cancelled.

#### **10. Approval of the panel :-**

(1) The panels passed in the meeting of by the Board, shall be sent in triplicate to the Director with all necessary papers for approval.

(2) The Director or his authorized officer on receipt of such panels passed by the Board shall satisfy himself that the rules and the procedures in this respect have been followed and may approve the panel. Such approval, if made, shall be communicated to the Council immediately, provided that if in the opinion of the Director, there are defects or mistakes in the panel in observing the rules and the procedure, he shall point out the defects and mistakes and ask the Council to rectify the defects and mistakes and to submit the panels to him with correction for approval.

### **11. Appointment letters :-**

(1) On approval of the panel by the Director under rule 10, the Council after verifying the antecedents and original documents of the candidates selected for appointment, issue the appointment letter under the signature of the Chairman or by an officer, not below the rank of the Secretary of the Council, duly authorized in this behalf and any appointment made otherwise shall be invalid:

Provided that in case of non-joining of a candidate within stipulated time from out of the normal panel, the Council may issue appointment letter from the additional panel of 5% referred to in sub-rule (8) of rule 9.

(2) Appointment letters shall be sent to the candidates address by registered post. The names of such appointees shall be marked in the panel preserved in the office of the Council.

Provided that appointment shall be made from the panel for vacancies as referred to in rule 4.

(3) No appointment shall be made beyond notified vacancy for which the panel is to be prepared and the inclusion of name in the panel shall not constitute a claim for appointment.

### **12. Observance of statutory provisions for reservation :-**

In every case of selection and appointment under chapter III, the statutory provisions for reservation, relaxation of age limit and other concessions required to be provided for the Scheduled Castes, Scheduled Tribes, Other Backward Classes and physically handicapped candidates shall be properly observed.

### **13. Validity of the panel :-**

Approved panel shall remain valid normally for one year from the date of approval by the Director or his authorized officer provided

that the Director or his authorized officer may extend the validity of such panel by six months at a time, but the total period of such extension shall not exceed one year.

#### **14. Appointment on compassionate ground :-**

(1) When a teacher or non-teaching staff dies in harness before the date of his superannuation i.e. at the age of 60 years, leaving a family which, in the opinion of the Council, is in extreme financial hardship that it fails to provide two square meals and other essentials to the surviving members of the deceased teachers family who is possessing required educational qualification as laid down in rule 6 and not below 18 years of age and not above 45 years of age and has obtained at least 55% marks in Teacher Eligibility Test (TET) shall be considered for appointment as primary school teacher on compassionate ground, the -

- (i) spouse;
- (ii) son;
- (iii) daughter

Of the deceased teachers family who is possessing required educational qualifications as laid down in clause (a) and (c) of sub-rule (1) of rule 6 and unemployed, and not below 18 years of age and not above 45 years of age and found eligible to teach, may within two years from the date of such death make a prayer in writing to the Council for appointment as primary teacher on compassionate ground.

Provided that only one member of the family of the deceased primary teachers family may be appointed on compassionate ground.

Explanation - The expression "financial hardship", in relation to income of a deceased teacher consisting of up to five members in his family, shall mean an amount of income less than the initial gross salary of Group - D staff of the Council at the material point of time. For computation of income of such family, an income of an amount earned by each family member from any other sources than provident fund, gratuity and 20% of family pension of the first seven years or upon the attainment of sixty-five years of age of the deceased teacher had he been alive, whichever is earlier, at the material point of time, shall be taken into account:

Provided that if the family of the deceased teacher exceeds five members the income so computed under this explanation shall be reduced by 20% for each member exceeding five and the amount

so arrived at shall be taken into consideration in computing the income for the purpose of comparing it with the gross salary income of Group - D staff at the initial stage at the material point of time.

(2) When a primary teacher applies for being declared permanently incapacitated on medical ground, to the Council may direct him for appearing before the Medical Board setup for the purpose according to the procedure laid down in the relevant rules or order of the time being in force, and after receiving the report from the Council, if the Medical Board declares him permanently incapacitated to continue in further service, he may be allowed by the Council to retire on an from the date of submission in such application and by virtue of his early retirement, if his family is in such extreme financial hardship that it fails to provide two square meals and other essentials to the members of the retired teachers family, the

-

(i) spouse;

(ii) son;

(iii) daughter,

o f the prematurely retired teacher, who is possessing required educational qualifications as laid down in clause (a) and (c) of sub-rule (1) or rule 6 and unemployed, and not below 18 years of age and not above 45 years of age and found eligible to teach, may make within two years from the date of such retirement, a prayer in writing to the Council for appointment as primary teacher on compassionate ground:

Provided that only one member of the family of the retired teacher may be appointed under the provisions of sub-rule.

Provided further that if the Medical Board shall not declare the teacher to be permanently incapacitated, the Council may allow him to rejoin the duty and the period of his absence, if any, shall be regularized as per existing leave rules applicable to him.

Explanation - The expression "financial hardship", in relation to income of a teacher, retired under this sub-rule, consisting of up to five members in his family for consideration of appointment under this sub-rule, shall mean an amount of income less than the initial gross salary of Group - D staff of the Council at the material point of time. For computation of income of such family, an income of an amount earned by any other sources by each family member than provident fund and gratuity at the material point of time, shall be taken into account:

Provided that if the family of the teacher exceeds five members, the income so computed under this explanation shall be reduced by

20% for each member exceeding five and the amount so arrived at shall be taken into consideration in computing the income for the purpose of comparing it with the gross salary income of Group - D staff at the initial stage at the materials point of time.

(3) On receipt of the application under sub-rule (1) or sub-rule (2), as the case may be, if the Council considers that the case deserves the compassionate consideration, it may, with the prior approval of the Director or his authorized officer, give appointment to the applicant as primary teacher.

(4) Notwithstanding anything contained in sub-rule (1) and sub-rule (2), the rules, orders or notifications issued by the Government relating to appointment on compassionate ground shall also be taken into account in making appointment under this rule.

(5) Notwithstanding anything contained in this rule, the benefit of appointment of a member of the family of the deceased teacher or non-teaching staff on compassionate ground shall only be applicable to the in-service teacher or non-teaching staff, i.e. up to his attaining the age of superannuation and shall not be applicable for those person who is serving as teacher or non-teaching staff under extension beyond the age of superannuation.

**14A. Provisions of rule 14 to apply with modifications to compassionate appointment of family of teacher or non-teaching staff of aided non-Government Secondary Schools :-**

(1) The Council may, subject to other provisions of this rule, appoint a member of the family of the teacher or non-teaching staff of aided non-Government Secondary Schools as primary teacher on compassionate ground.

(2) The provisions of rule 14 shall apply mutatis mutandis in the cases of appointment under sub-rule (1) of this rule and shall have effect subject to the following modifications in sub-rules (1), (2) and (5) of rule 14, namely:-

(a) references to the teacher or non-teaching staff shall be construed as references to the teacher or non-teaching staff of aided non-Government Secondary Schools;

(b) references to the Council shall be construed as references to the District Inspector of Schools (Secondary Education);

(3) The concerned District Inspector (Secondary Education) shall process the application and forward the same with its recommendation in deserving cases to the Council for disposing of



the application in accordance with sub-rule (3) of rule 14.;

**15. Maintenance of roster :-**

(1) the Council shall maintain separate rosters for the cases as referred to rule 14 and appointment shall be offered, after observing all formalities, according to seniority in such roster. In no case, such appointment on compassionate ground shall be made exceeding ten per cent of the existing vacancies in a calendar year.

(2) In the cases of appointment under rule 14, reference to the employment exchange and preparation of panel shall not be necessary.

**16. Posting on appointment :-**

The primary teachers shall be posted in primary schools within the jurisdiction of the Council according to vacancies determined by Council under rule 4.

Teachers shall be asked to join their posts within a specified period, failing which their names may be struck off from the panel and appointments shall be cancelled without further communication to the candidates and the next eligible candidates in the panel shall be offered appointment.

**16A. Training on Deputation :-**

(1) The Government may, by order, identify any training necessary for a teacher.

(2) The Council may, by an order, send a teacher for such training on deputation basis.

(2) Head Teacher

**17. Appointment of Head Teachers :-**

The Council shall appoint head teachers in every primary school within the jurisdiction of the Council from a panel of senior-most primary teachers possessing requisite qualifications as laid down in sub-rule (1) and sub-rule (2) of rule 6 and who have obtained a Junior Basic Training Certificate or Primary Teachers Training Certificate or equivalent.

**18. Preparation of Panel :-**

A Circle-wise panel of head teachers shall be prepared by the

Council between January and April of every year on the basis of vacancies occurred or due to occur "within 31st" December of the said year:

Provided that, if due to circumstances beyond the control of the Council, any teacher from the aforesaid panel is not appointed against the vacancies for that year, the panel shall continue in the following year in so far as such teacher is concerned and the name of such teacher may be placed at the top of the panel to be prepared in the following year.

### **19. Posting :-**

Head teacher may be posted in such primary schools where no head teacher is posted or the post of the head teacher is vacant.

A head teacher shall join his post within a period specified by the Council, failing which his appointment as head teacher may be cancelled and his name may be struck off from the panel of head teachers without any further communication, and the person whose name appears next in the panel of head teachers, shall be appointed and posted as head teacher in that post.

### **20. Appointment of Teacher-in-Charge :-**

The Council may utilize the services of the senior most primary teacher in a primary school as the teacher-in-charge, temporarily for a maximum period of six months at a time, when a panel of head teachers is not ready or the post of a head teacher is lying vacant for a considerable period of time:

Provided that such teacher-in-charge shall hand over the charge of the office to the head teacher from the date the head teacher assumes the charge.

## **CHAPTER 4 Miscellaneous**

### **21. Retirement :-**

A primary teacher shall retire from the service on completion of his sixtieth year of age.

### **22. Premature retirement :-**

If, on the prayer of a teacher seeking early retirement, the Council is satisfied, after considering all aspects, that such prayer is justified, the Council shall seek approval of the Director for each

such individual case and if the Director or his authorized officer approves, the teacher after such approval shall be allowed to retired before completion of his sixtieth year of age. No member of the family of the retired teacher shall be allowed any employment in this respect.

### **23. Confirmation :-**

(1) Subject to the provisions of sub-rule (2), sub-rule (3), sub-rule (4) and sub-rule (5), a teacher may be confirmed by the concerned Council against a sanctioned post with effect from the date following the date of completion of two years of service from the date of joining in a primary school.

(2) On expiry of the said period of two years and within a period of three months there from the Council continuous and satisfactory services of the teacher during the said period of two years.

(3) The report shall be furnished by the Sub-Inspector of schools within a period of three months from the date of issue of such letter or within such extended period, not exceeding three months as the Council may determine, and the Sub-Inspector of Schools shall be informed, by a letter, of such extension.

(4) Before confirmation of the teacher, the report shall be considered by the Council and if satisfied, shall issue an order of confirmation of the teacher.

(5) The teacher shall be confirmed with effect from the date following the date of completion of two years of service.

(6) If-

(a) no report is furnished by the Sub-Inspector of schools within the period or extended period mentioned in sub-rule (3), or

(b) the report of the Sub-Inspector of schools is not considered by the Council within, a period of three months from the date of receipt of the letter, as the case may be, the teacher shall be deemed to have been confirmed with effect from the date following the date of completion of two years of service.

### **24. Application of the rules :-**

Notwithstanding anything contained in any special rules and orders to the contrary, rule 3, rule 4, rule 6, rule 23 and rule 26 shall apply to all recognized primary schools, irrespective of whether they are managed by religious or linguistic minority or not.

### **25. Appeal :-**

An appeal shall lie, in respect of any action taken by the Council under rule 7, rule 9, sub-rule (1) of rule 10, sub-rule (2) of rule 11 and rule 12 to the West Bengal Board of Primary Education, if made within thirty days of such action, and the decision of the Board in this regard shall be final.

#### **26. Reference to the Board :-**

If any difficulty arises in implementing any provisions of these rules, the matter shall be referred to the Board and may take decision with intimation to the State Government

If, however, in the opinion of the Board, the matter needs to be referred to the Government, such reference to the Government shall be made by the Board and the decision of the Government shall be final.

#### **27. Interpretation :-**

The interpreting these rules is reserved to Government. If any question arises relating to the interpretation of these rules, it shall be referred to the Government whose decision thereon shall be final.

#### **28. Repeal :-**

All rule and orders made under the Bengal (Rural) Primary Education Act, 1930 and the West Bengal Urban Primary Education Act, 1963 and the West Bengal (Rural) Primary Education (Temporary provision) Act. 1969 regarding appointment of teachers and service conditions of primary teachers, contrary to the provisions of these rules, are hereby repealed in the districts where the West Bengal Primary Education Act, 1973 (43 of 1973), has come into force:

Provided that appointment of all teachers made with the approval of the Director or his authorized officer prior to the coming to effect of these rules into force, shall be deemed to have been made under these rules.