

Bihar Finance Service (Recruitment By Selection) Act, 1990

16 of 1990

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Bihar Finance Service (Recruitment By Selection) Act, 1990

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PREAMBLE

An Act to regulate the appointment in the Bihar Finance Service through selection from amongst persons serving in the office under the State Government;

Whereas, it is necessary to provide for a competitive and objective mode of appointment to Bihar Finance Service, other than by way of direct appointment;

And whereas the State Government has provided for reservation for backward classes in appointment in Government services under Article 16(4) of the Constitution of India to implement the Directive Principles of the State Policy as enshrined in the Constitution;

And whereas, the provision of said reservation for backward classes is not available in appointments in Bihar Finance Service to persons selected from amongst persons serving in various offices of the Government, while the provision of said reservation is available in matters of direct appointments;

And whereas, it is necessary to remove the said anomaly regarding reservation in the two modes of appointments;

Now, therefore, be it enacted by the Legislature of the State of Bihar in the Forty-first Year of the Republic of India as follows:-

1. Published in Bihar Gazette (Ex-ord) dated 1.11.1990.

CHAPTER 1 CHAPTER-I

1. Short title and commencement :-

(1) This Act may be called the Bihar Finance Service (Recruitment by Selection) Act, 1990.

(2) It shall come into force at once.

(3) it shall be applicable to the whole of the State of Bihar.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context:-

(a) "Appendix" means the appendix appended to this Act,

(b) "Backward Classes" and "Extremely Backward Classes" means the Backward Classes and Extremely Backward Classes as incorporated in Government of Bihar, Personnel and Administrative Reforms Departments Resolution No. 11/v 1&1-501/78-756, dated 10th of November, 1978, as amended from time to time;

(c) "Commission" means the Bihar Public Service Commission;

(d) "Government" means the Government of Bihar;

(e) "Governor" means the Governor of Bihar;

(f) "Member of the Service" means a member of the Bihar Finance Service;

(g) "Rules" means the Bihar Finance Service Rules, 1953;

(h) "Scheduled Castes" means the castes specified in Part-III of the Constitution (Scheduled Castes) Order, 1950;

(i) "Scheduled Tribes" means the castes specified in Part-III of the

Constitution (Scheduled Tribes) Order 1950;

(j) "Service" means the Bihar Finance Service;

(k) "Year" means the financial year;

(l) "Vacancy during the year" means the vacancy in service accruing due to creation of new post, or retirement/death/removal and dismissal from service, or any unfilled vacancy of the previous years;

(m) "Limited Competitive Examination" means competitive examination for selection of candidates from amongst persons in Government service.

CHAPTER 2 CHAPTER-II

3. Fixation of vacancies :-

(1) The State Government shall fix in each year the number of vacancies accruing up to 31st March in the service to be filled separately by direct recruitment and by recruitment through selection from amongst the persons serving under the Government: Provided that the vacancies determined to be filled up by appointment through selection shall not exceed 25 percent of the total vacancies determined for that year.

(2) The Policy of the State Government regarding reservation shall apply in appointments against vacancies determined under sub-section (1).

4. Appointments to be made through limited competitive examination :-

The vacancies shall be filled from successful candidates from amongst persons in Government service through a limited competitive examination conducted by the Commission.

5. Eligibility of the candidates :-

The candidates for appointment to the service through limited competitive examination:-

(a) (i) Should be a graduate from a recognised University;

(ii) Should be in Government service continuously for the last ten years on a class III post as on 1st day of April of the year inviting application and should be confirmed on the post;

(iii) Should not be more than 45 years of age on the 1st day of April of the year of invitation of the application;

(b) Shall not be eligible for appearing in the limited competitive

examination for more than three occasions

6. Syllabus for limited competitive examination :-

Examination shall be held according to the syllabus specified in Appendix-A provided that the State Government amend the Appendix-A from time to time by notification published.

7. Viva-voce Test :-

There shall be no viva-voce test in the limited competitive examination.

8. Minimum qualifying marks in the limited competitive examination :-

For a candidate to be successful in this limited competitive examination it shall be necessary to obtain a minimum qualifying marks of forty percent of the total marks of the examination which may be relaxed up to 5 percent in the case of Scheduled Castes and Scheduled Tribes:

Provided that in the event of the total vacancies of that year not being filled up through successful candidates obtaining minimum qualifying marks the remaining vacancies shall be added to the vacancies of the next year.

CHAPTER 3 CHAPTER-III

9. Communication of Vacancies to the Commission :-

(1) The Government shall after determining the vacancies to be filled through the limited competitive examination inform the Commission about the vacancies by the 30th of June each year.

(2) The applicant shall send the application in the form prescribed by the Commission through the head of his office.

(3) The Commission may prescribe reasonable fee for the examination.

10. Recommendation of the Commission to the Government :-

The Commission shall prepare a merit list of successful candidates for filling up the vacancies. The merit list accordingly prepared shall be made available to the Finance (Commercial Taxes) Department.

CHAPTER 4 CHAPTER-IV

11. Special procedure for filling up the accumulated vacancies :-

(1) Notwithstanding anything contrary to the provisions in any rule, regulation, sub-rule or anything contained in any judgment, decree, order, direction or stay order of any Court, Tribunal or Authority the vacancies declared till date of enforcement of this Act shall be deemed to be vacancies for the year 1990.

(2) No Court shall enforce any judgment, degree or order to fill up the vacancies through nomination for the years 1982 to 1987 under Rule 20 of the Rules.

12. Applicability of the Bihar Finance Service Rules, 1953 :-

The provisions of Bihar Finance Service Rules, 1953 contrary to the provisions of this Act, if any, shall not apply.

13. Protection against the provisions of the Act :-

Notwithstanding anything contrary contained in this Act, all candidates nominated for the vacancies for the years 1982 to 1987 shall be entitled for appearing at the limited competitive examination and appointments on selection.

APPENDIX A

APPENDIX 'A'

APPENDIX A

The Syllabus for the Limited Competitive Examination for appointment by selection in the Bihar Finance Service.

There shall be two papers in the examination and each shall be of 200 marks. The duration of examination shall be of three hours for each paper.

1st paper

In the first paper there will be questions relating to accounts and it will be in two parts. Each part shall be of 100 marks. The first part shall be relating to commercial accounts and the second part shall relate to the main principles of Government Accounts.

SUBJECT

| Part-I | Commercial Accounts (Matriculation standards) | Full marks: 100 |
|--------|---|-----------------|
| 1. | Double Entry Book-keeping | |
| 2. | Single Entry Book-keeping | |
| 3. | Partnership Account | |
| 4. | Profit and Loss Account | |

| | | |
|---------|-------------------------------------|-----------------|
| 4. | Profit and Loss Account | |
| 5. | Reconciliation of Accounts | |
| 6. | Balance Sheet. | |
| Part-II | Government Accounts | Full marks: 100 |
| 1. | Bihar Treasury Code, Vols. I and II | |
| 2. | Bihar Financial Rules | |
| 3. | Bihar Service Code | |
| 4. | Budget Manual | |
| 5. | Bihar Travelling Allowance Rules | |
| 6. | General Provident Fund Rules | |
| 7. | Pension Rules | |
| 8. | Board Miscellaneous Rules | |
| 9. | Secretariat Instructions | |

2nd paper

In the second paper, there shall be questions relating to Law. It shall be in two parts and each part shall be of 100 marks.

| | |
|-------------|--|
| Law Part-I | Full marks: 100 |
| 1. | Bihar Finance Act, 1981 and the Rules notified thereunder. |
| 2. | Central Sales-Tax Act, 1956 and the Rules notified thereunder. |
| 3. | Bihar Entertainment Tax Act, 1948 and the Rules notified thereunder. |
| 4. | Bihar Electricity Duty Act, 1948 and the Rules notified thereunder. |
| Law Part-II | Full marks: 100 |
| 1. | Indian Company Act, 1913 |
| 2. | The Indian Contract Act, 1872 |
| 3. | Sale of Goods Act, 1930 |
| 4. | Bihar and Orissa Public Demands Recovery Act, 1914 |
| 5. | Partnership Act, 1932 |