

Patna University (Amendment) Act, 1993

18 of 1993

CONTENTS

1. Short Title And Commencement
2. Amendment Of Section 2 Of Bihar Act, 24 Of 1976
3. Amendment Of Section 7 Of Bihar Act 24 Of 1976
4. Amendment Of Section 11 Of Bihar Act 24 Of 1976
5. Amendment Of Section 14 Of Bihar Act 24 Of 1976
6. Amendment Of Section 19 Of Bihar Act 24 Of 1976
7. Amendment Of Section 20 Of Bihar Act 24 Of 1976
8. Amendment Of Section 23 Of Bihar Act 24 Of 1976
9. Amendment Of Section 27 Of Bihar Act 24 Of 1976
10. Amendment Of Section 35 Of Bihar Act 24 Of 1976
11. Substitution Of Section 56 Of Bihar Act 24 Of 1976
12. Amendment Of Section 57 Of Bihar Act 24 Of 1976
13. Amendment Of Section 58 Of Bihar Act 24 Of 1976
14. Amendment Of Section 64 Of Bihar Act 24 Of 1976
15. Deletion Of Section 67A Of Bihar Act 24 Of 1976
16. Repeal And Savings

Patna University (Amendment) Act, 1993

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An Act to amend the Patna University Act, 1976. Be it enacted by the Legislature of the State of Bihar in the forty-fourth year of the Republic of India as follows:- 1. Published in Bihar Gazette (ex-ord.) dated 22.8.1993.

1. Short Title And Commencement :-

- (1) This Act may be called the Patna University (Amendment) Act, 1993.
- (2) It shall come into force at once save and except Section 14 of this Act which shall be deemed to have come into force with effect from 16th August, 1992.

2. Amendment Of Section 2 Of Bihar Act, 24 Of 1976 :-

In the Patna University Act, 1976 (Bihar Act 24,1976) (hereinafter

referred to as the said Act), in Section 2-

(i) For Clause (e) the following shall be substituted, namely:-

"(e) College means an institution maintained or controlled by the University or maintained by the State Government in which instruction is given to the Students of the University upto the Post-graduate Standard or below under conditions prescribed in the Statutes."

(ii) After clause (z) the following new clauses shall be added, namely:-

"(za) Commission means The Bihar State University (Constituent Colleges) Service Commission constituted by the State Government for making recommendations for appointments etc., of teachers and officers of the Universities and Constituent Colleges.

(zb) Other Backward Classes shall have reference to Extermely Backward, Backward Classes and Women of Backward Classes."

3. Amendment Of Section 7 Of Bihar Act 24 Of 1976 :-

In Section 7 of the said Act, for clauses (ii) and (iii) of sub-section (5) of Section 7, the following shall be substituted, namely:-

"(ii) In the Faculties of Arts, Science and Commerce, the University shall prescribe the Syllabus, conduct teaching, hold examinations and publish results of Graduate and above standards:

Provided that until separate arrangement for Intermediate Education is made, the College shall, under the general direction of the Bihar Intermediate Education Council continue the teaching works etc., of this standard.

(iii) The graduate course shall be of three years duration."

4. Amendment Of Section 11 Of Bihar Act 24 Of 1976 :-

In the said Act in Section 11-

(i) In sub-section (2) the full stop (.) shall be deleted and the following shall be added, namely:-

"and he shall hold office during the pleasure of the Chancellor."

(ii) In sub-section (3) before the words "The Chancellor" the words "Subject to the foregoing provisions of this Section" shall be inserted,

(iii) In Sub-section (4)-

(a) In clause (i) the words and figure "the Vice-Chancellor shall be paid a salary of Rs. 3,000/- per month" shall be deleted.

(b) for clause (ii) the following shall be substituted, namely:-

"(ii) Where the person appointed as Vice-Chancellor gets pension

from the Central or the State Government or any University or from any other source, the amount of pension due to him from such source shall be deemed to be the part of his salary as Vice-Chancellor."

(iv) After sub-section (13), the following new Sub-sections shall be added, namely:-

"(14) The Vice-Chancellor shall have over all responsibility in maintaining good academic standard and promoting the efficiency and good order of the University.

(15) Save as otherwise provided in the Act, or the statutes the Vice-Chancellor shall appoint officers (other than the Pro-Vice-Chancellor) with the approval of the Chancellor, and teachers and shall define their duties.

(16) The Vice-Chancellor shall have power to take disciplinary action against officers, teachers and all employees of the University.

(17) An appeal shall lie to the Chancellor against the order of the Vice-Chancellor imposing the penalty of dismissal, removal from service or reduction in rank."

5. Amendment Of Section 14 Of Bihar Act 24 Of 1976 :-

In the said Act in Section 14-

(ii) Sub-section (3) shall be renumbered as sub-section (4) and the following shall be inserted as sub-section (3), namely:-

"(3) Where the person appointed as Pro-Vice-Chancellor gets Pension from the Central or the State Government or any University or from any other source, the amount of pension due to him from such source shall be deemed to be the part of this salary as Pro-Vice-Chancellor."

(ii) After sub-section (4) the following new sub-section shall be added, namely:-

"(5) The Pro-Vice-Chancellor shall be responsible for admission and conduct of examination up to Bachelor course and the publication of the result of the examination conducted by the University up to Bachelor Course and he shall be responsible for student welfare also."

6. Amendment Of Section 19 Of Bihar Act 24 Of 1976 :-

In Section 19 of the said Act-

(i) In clause (4) the words "Education Commissioner" shall be substituted by the words "Commissioner and Secretary, Higher

Education."

(ii) After clause (10) the following new clause shall be inserted, namely:-

"(10A) Director, Correspondence Course, Patna University, Patna";

(iii) For clause (13), the following shall be substituted, namely:-

"(13) Ten persons, to be elected by and from amongst the members of the Bihar Legislative Assembly in such manner as may be prescribed by the Speaker of the Assembly, one of whom shall be from Scheduled Castes, one from Scheduled Tribes and three from Other Backward classes";

(iv) For clause (15), the following shall be substituted, namely:-

"(15) Fifteen teachers other than Deans, Principals and Heads of University Departments having not less than five years teaching experience to be elected by and from amongst the teachers of the Colleges and the University Departments, two of whom shall be from Scheduled Castes, two from Scheduled Tribes and three from other Backward classes";

(v) For clause (17), the following shall be substituted, namely:-

"(17) One from amongst the employees of the University and the Colleges to be elected by them in the manner prescribed by the statutes":

(vi) For clause (23), the following shall be substituted, namely:-

"(23) Six such registered graduates, other than the teachers of the University or its colleges, as have completed a period of five years after graduation, to be nominated by the Chancellor from the panel of registered graduates prepared by the Vice-Chancellor, one of whom shall be from Scheduled Castes, one from Scheduled Tribes and one from Other Backward Classes";

(vii) After clause (24), a new clause shall be added, namely:-

"(25) Ten persons to be nominated by the State Government who are known for their academic interest, one of whom shall be from Scheduled Castes, one from Scheduled Tribes and three from Other Backward Classes."

7. Amendment Of Section 20 Of Bihar Act 24 Of 1976 :-

Section 20 of the said Act shall be renumbered as sub-section (1) and the following new sub-section shall be added, namely:-

"(2) The Senate shall have perpetual succession and any of its acts or proceedings shall not be invalid merely because of any vacancy or vacancies in its membership,"

8. Amendment Of Section 23 Of Bihar Act 24 Of 1976 :-

In the said Act, in Section 23-

(i) For sub-section (1), the following shall be substituted, namely:-

"(1) The Syndicate shall be the Executive Council of the University and it shall consist of the following members:-

(a) Vice-Chancellor;

(b) Pro-Vice-Chancellor;

(c) Commissioner-cum-Secretary of Higher Education or his representative not below the rank of Joint Secretary;

(d) Director, Higher Education;

(e) Dean, Students, Welfare and Proctor;

(f) Two Head of the University Departments to be nominated by rotation as prescribed by the Statutes whose term of office shall be for one year from the date of nomination;

(g) Two Principals of colleges maintained by the University to be nominated by rotation as prescribed by the Statutes whose term of office shall be for one year from the date of nomination;

(h) Two from amongst Professors and Readers of the University other than the University Heads of Departments and two such lecturers as have a minimum of five-years of teaching experience, to be elected by the teacher-members of the Senate by single transferable vote in accordance with the system of proportionate representation, one of whom shall be from other Backward Classes from the rank of Professors and readers, and one from Scheduled Castes/Scheduled Tribes from the rank of lecturers;

(i) Four from amongst the members of the Senate other than teachers, students and employees of the University and Colleges, to be elected by the non-teacher members of the Senate by single transferable vote, in accordance with the system of proportionate representation, one of whom shall be from Scheduled Castes/Scheduled Tribes and one from the Other Backward Classes;

(j) One reputed Educationist nominated by the Chancellor;

(k) Three persons to be nominate by the State Government one of whom shall be from Scheduled Castes/Scheduled Tribes/other Backward Classes and one from Women having academic interest and attainments in social work."

(ii) After sub-section (3), the following new sub-section shall be added, namely:-

"(4) The Syndicate shall have perpetual succession and any of its acts or proceedings shall not be invalid merely because of any vacancy or vacancies in its membership."

9. Amendment Of Section 27 Of Bihar Act 24 Of 1976 :-

In said Act-

(i) for clause (a) of sub-section (5), the following shall be substituted, namely:-

"(a) The Dean of Faculty shall be appointed by the Vice-Chancellor from amongst the University Professors and the Principals of the rank of University Professors, for two years by rotation in the concerned Faculty in the manner prescribed by the Statutes:

Provided that where there is no teacher or Principal of the rank of University Professor in the Faculty, the Dean of Faculty shall be appointed by the Vice-Chancellor by rotation for a term of two years from amongst the Heads of Departments and the principals of the rank of Readers in the manner prescribed by the Statutes:

Provided further that where there is no University Department in the Faculty, the Vice-Chancellor shall appoint a Principal of a College of a rank lower than the University Professor to be the Dean of Faculty by rotation for a term of two years, in the manner prescribed by the Statutes." (ii) In Clause (b) of sub-section (6) for the words "Bihar Public Service Commission" the words "Bihar State University (Constituent Colleges) Service Commission" shall be substituted.

10. Amendment Of Section 35 Of Bihar Act 24 Of 1976 :-

In the said Act, after sub-section (2) of Section 35, the following new sub-section shall be added, namely:-

"(3) Any appointment or promotion made contrary to the provisions of this Act, or Statutes Rules or Regulations made thereunder or made in irregular or unauthorised manner shall be invalid and shall be terminated at any time. The expenditure incurred by the University against such appointment or promotion shall be realised from the officer making such appointment or promotion as a public demand under the provisions of the Public Demand Recovery Act, 1914."

11. Substitution Of Section 56 Of Bihar Act 24 Of 1976 :-

In the said Act, for Section 56 the following shall be substituted, namely:-

"56. Appointment of teachers and officers.-

(1) Subject to the provisions of this Act and the provisions of the Statutes made under it; the Bihar State University (Constituent

Colleges) Service Commission shall, as far as may be, perform, in respect of appointment to the post of teachers and officers (other than Vice-Chancellor, Pro-Vice-Chancellor and the Dean of Faculty) of the University, the same functions as are assigned to the State Public Service Commission in respect of the State Services under Article 320 of the Constitution of India.

(2) (a) The Bihar State University (Constituent Colleges) Service Commission shall invite subject wise applications for appointment of teachers in the University, and on the basis of examination and interview held shall prepare subject wise Merit List of candidates, for appointment against vacancies in the University and its Colleges. The list so prepared shall be valid for a period of one year from the date of its approval by the Commission. The subject wise merit list shall consist of one and half times the number of vacancies notified by the Commission. The vacancies including the likely vacancies in the next calendar year alongwith its reservation roster shall be intimated to the Commission by the University by 31st of December every year. The Commission shall recommend names to the University from the merit list in conformity with the reservation roster prepared and sent by the University in accordance with the law relating to reservation in appointments in force in the State.

(b) The officers of the University unless otherwise expressly provided under this Act, shall be appointed from the list recommended to the University by the Commission as provided in clause (a).

(3) In making recommendations for appointment to every post of teacher and officer, the Bihar State University (Constituent Colleges) Service Commission shall comply with the conditions as provided in Section 57 of the Act.

(4) Notwithstanding anything to the contrary contained in this Act, or Statutes, Rules or Regulations made under it, the law relating to reservation in force in the State shall be applicable to all appointments."

12. Amendment Of Section 57 Of Bihar Act 24 Of 1976 :-

In Section 57 of the said Act.-

(i) In sub-section (1) for the words "The Syndicate on the recommendation of Bihar Public Service Commission" the words "the Vice-Chancellor on the recommendation of Bihar State University (Constituent Colleges) Service Commission" shall be

substituted.

(ii) In sub-clause (i) of clause (a) of sub-section (2) for the words "Concerned Head of Department" the words "Seniormost teacher of the subject concerned not below the rank of University Professor" shall be substituted.

(iii) In sub-clause (i) of clause (a) of sub-section (2), after the existing proviso, the following new proviso shall be added, namely:-

"Provided further that the expert shall be a Principal of the rank of University Professor for the appointment of a Principal on the rank of University Professor."

(iv) In sub-clause (ii) of clause (a) of sub-section (2) the following new proviso shall be inserted namely:-

"Provided that for the appointment of a Principal of the rank of University Professor, amongst the said three scholars/experts, one shall be a Vice-Chancellor/Ex-Vice-Chancellor of any other University."

(v) In sub-clause (i) of clause (b) of sub-section (2) for the words "concerned Head of Department" the words "Seniormost teacher of the subject concerned not below the rank of University Professor" shall be substituted.

(vi) In sub-clause (i) of clause (b) of sub-section (2) after the existing proviso, the following new proviso shall be added namely:-

"Provided further that the expert shall be a Principal of the rank of University Professor for the appointment of the Principal of the rank of Reader."

(vii) Clause (d) of sub-section (2) shall be deleted and clause (e) shall be re numbered as clause (d).

(vii) For sub-section (3), the following shall be substituted namely:-

"(3) If the Vice-Chancellor does not accept the recommendation made by the Commission, he shall record his reasons in writing and forward the case for order to the Chancellor and order of the Chancellor shall be final and binding."

(ix) For sub-section (4) the following shall be substituted, namely:-

"(4) Except as otherwise provided in this Act appointment to the post of teachers and officers shall be made on the recommendations of the Commission."

(x) In sub-section (5) for the word "Syndicate" the word "Vice-Chancellor" shall be substituted.

(ix) In sub-section (6), the word "Syndicate" shall be deleted.

(xii) After sub-section (8), the following new sub-sections shall be added, namely:-

"(9) (a) Notwithstanding anything contained in the Act, a purely temporary appointment on a post of lecturer, duly sanctioned by the State Government may be made for a maximum period of six months or till the end of the Session (whichever is earlier) by the following Selection Committee constituted under the Chairmanship of Vice-Chancellor:-

Members of the Selection Committee

(i) Vice Chancellor... Chairman

(ii) Seniormost teacher of the rank of University Professor/Head of the Department of the subject concerned. ...Member

(iii) An expert of the rank of University Professor to be nominated by the Chancellor. ...Member

(iv) A member of the Scheduled Castes/Scheduled Tribes/Other Backward Classes having academic interest, to be nominated by the State Government. ...Member

(b) In any case the lecturer appointed on temporary basis as aforesaid shall neither continue in service nor be re-appointed on the expiry of the said period of six months.

(10) Notwithstanding anything to the contrary contained in this Act or Statutes, Rules or Regulations made thereunder promotion given on temporary basis to the post of Reader or Professor or Officer of the University shall not be valid for a period exceeding six months unless recommended by the Bihar State University (Constituent Colleges) Service Commission."

13. Amendment Of Section 58 Of Bihar Act 24 Of 1976 :-

In the said Act for Section 58 the following shall be substituted, namely:-

"58. Enrolment of students in the University.-

(1) No student shall be enrolled as a student in the University unless he has passed the Intermediate or equivalent examination held by a body incorporated by any law for the time being in force and recognised by the University.

(2) The State Government may determine the maximum number of seats for enrolment of students in the Faculties and Departments of the University and the Colleges under its jurisdiction and the directions issued thereto shall be binding on the University.

(3) The State Government may by notification direct the University to prescribe entrance examination for admission into the graduate courses in the Colleges specified in this behalf and to commence such entrance examination annually from the academic session

notified by the State Government in this behalf."

14. Amendment Of Section 64 Of Bihar Act 24 Of 1976 :-

In the said Act for clause (a) of Section 64, the following shall be substituted, namely:-

"(a) Notwithstanding anything to the contrary contained in any Act, Rules or any judgment or decree of a Court, the date of retirement of a teaching employee of the University or of a College shall be the date on which he attains the age of sixty years. The date of retirement of non-teaching employee (other than the inferior servants) shall be the date on which he attains the age of sixty years:

Provided that the date of retirement of such non-teaching employee, who is in the service of the University prior to the commencement of the Patna University Act, 1976 (Bihar Act 24,1976) shall be the date on which he attains the age of sixty-two years:

Provided further that the University shall, in no case extend the period of service of any of the teaching or non-teaching employee after he attains the age of sixty or sixty-two years as the case may be:

Provided further also that re-appointment of teachers after retirement may be made in appropriate cases up to the age of sixty-five years in the manner laid down in the Statutes made in this behalf in accordance with the guidelines of the University Grants Commission."

15. Deletion Of Section 67A Of Bihar Act 24 Of 1976 :-

In the Said Act Section 67A shall be deleted.

16. Repeal And Savings :-

Amendments made in Section 64 of the Patna University Act, 1976 (Bihar Act 24,1976) by Patna University (Second Amendment) Ordinance, 1986 (Bihar Ordinance No. 34, 1986), Patna University (Amendment) Ordinance, 1987 (Bihar Ordinance No. 12, 1987), Patna University (Amendment) Second Ordinance, 1987 (Bihar Ordinance, No. 20, 1987), Patna University (Amendment) Ordinance, 1988 (Bihar Ordinance No. 5, 1988), Patna University (Amendment) Second Ordinance, 1988 (Bihar Ordinance No. 11, 1988), Patna University (Amendment) Second Ordinance, 1989

(Bihar Ordinance No. 17,1989), Patna University (Amendment) Ordinance, 1990 (Bihar Ordinance No. 1, 1990), Patna University (Amendment) Second Ordinance, 1990 (Bihar Ordinance No. 9, 1990), Patna University (Amendment) Third Ordinance, 1990 (Bihar Ordinance No. 13,1990), Patna University (Amendment) Fourth Ordinance, 1990 (Bihar Ordinance No. 22,1990) Patna University (Amendment) Ordinance, 1991 (Bihar Ordinance No. 8,1991), Patna University (Amendment) Second Ordinance, 1991 (Bihar Ordinance No. 17,1991), Patna University (Amendment) Third Ordinance, 1991 (Bihar Ordinance No.32,1991), Patna University (Amendment) Ordinance, 1992 (Bihar Ordinance No. 1,1992), Patna University (Amendment) Second Ordinance, 1992 (Bihar Ordinance No. 15,1992), Patna University (Amendment) Ordinance, 1993 (Bihar Ordinance No. 5,1993), Patna University (Second Amendment) Ordinance, 1993 (Bihar Ordinance No.13, 1993) and Patna University (Third Amendment) Ordinance, 1993 (Bihar Ordinance No. 15,1993) are hereby repealed:

Provided that anything done or any action taken in accordance with the provisions of the aforesaid Ordinances shall not be affected except that any action taken or any act done which are contrary to the provisions of this Act shall not be effective:

Provided further that notwithstanding such repeal and notwithstanding Section 2 of the Bihar Ordinance No.5 of 1993, the salaries and allowances already paid or payable, to a person against actual services rendered after having reached the age of sixty years but prior to the commencement of the Bihar Ordinance No. 5,1993 shall not be affected.