

## **Gujarat Nagar Panchayat Secretaries (Departmental Examination) Rules, 1992.**

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## **Gujarat Nagar Panchayat Secretaries (Departmental Examination) Rules, 1992.**

In exercise of the powers conferred by section 323 read with subsection (3) of section 203 of the Gujarat Panchayats Act, 1961 (Guj. VI of 1962), the Government of Gujarat hereby makes the following rules, namely:

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

(i) These rules may be called the, Gujarat Nagar Panchayat Secretaries (Departmental Examination) Rules, 1992.

(ii) They shall come into force with immediate effect.

(iii) They shall apply to all Secretaries, Head Clerks and Accountants appointed in the Nagar Panchayats.

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

In these rules, unless the context otherwise requires,

(a) "Appendix" means an appendix appended to these rules;

(b) "Examination" means the departmental examination prescribed under these rules for the promotion to the post of Secretary in the Nagar Panchayats.

(e) "Existing Secretary" means a Secretary appointed by direct selection or by promotion before commencement of the Gujarat Nagar Panchayats Secretaries (Recruitment and conditions of service) Rules, 1988 and continued as a Secretary on the date of commencement of these rules;

(d) "Board" means the Gujarat Panchayats Service Selection Board;

(e) "Secretary" means the Secretary of the Nagar Panchayat;

(f) "Specified chances" means the number of chances specified in these rules within which an employee is required to pass the examination;

(g) "Specified period" means the period specified in these rules within which an employee is required to pass the examination.

### **3. Requirement of Passing Examination for Promotion to the Post of Secretary. :-**

(1) Subject to the provisions of these rules, every existing Secretary shall be required to pass the examination within three chances (four chances in a case of a person belonging to Scheduled Castes or Scheduled Tribes) and within a period of three years (four years in a case of a person belonging to Scheduled Castes or Scheduled Tribes) from the date of his appointment as Secretary or from the date of commencement of these rules, whichever is later.

(2) Every person appointed as a Head Clerk or Accountant other than a person who has completed the age of 50 years on the 1st January, 1988 shall be required to pass the Examination within three chances (four chances in case of a person belonging to Scheduled Castes or Scheduled Tribes) and within three years (four years in case of a person belonging to Scheduled Castes or Scheduled Tribes) from the date of his appointment as Head Clerk or Accountant or from the date of commencement of these rules whichever is later.

### **4. Consequences of failure to pass the Examination If an existing Secretary fails to pass the examination within the period and chances specified in rule. :-**

(a) if he is appointed by promotion from lower post he shall be reverted to his original post, and

(b) if he is appointed by direct selection before commencement of the said rules, his services shall be terminated :

Provided that if in the case of any such person, the Development Commissioner is satisfied that he would not pass the examination under rule 3 at which he had his last chance, for reasons beyond his control or that he failed to pass the examination by a very narrow margin of marks, the Development Commissioner may, after recording reasons in writing, given him one additional chance to appear at the next examination.

#### **5. Protection of Seniority. :-**

If a person passes the examination within specified period and in specified chances, he shall, on his promotion, to a higher post, be assigned seniority over a person if any, who although being junior to him may have been promoted earlier by reason of such person having passed the examination earlier :

Provided that person who fails to pass the departmental examination for promotion within specified chances and time limit, shall, if he so desires be eligible to appear at examination held thereafter on remittance of fee of Rs. 30:

Provided further that he shall not be entitled to claim seniority over those who have been promoted before he became eligible for promotion on account of such persons having passed the examination earlier than him notwithstanding that such person was senior to the persons who have been promoted earlier than him in the cadre from which such employees were promoted.

#### **6. Provisional Promotion. :-**

If a qualified person is not available for promotion, an unqualified person whose specified chances to pass the Examination are not exhausted may be promoted to officiate as a Secretary subject to the condition that he shall be reverted on the availability of a qualified person for promotion or on his failure to pass the examination within specified period and chances whichever event occurs earlier : Provided that such unqualified person shall not be granted increments in the time scale for the post of the Secretary.

Explanation. In this rule 'a qualified person' means a Head clerk or an Accountant who has passed the Examination or person who is

exempted from passing the said examination and the expression "an unqualified person" shall be construed accordingly.

**7. Holding of the Examination. :-**

The examination shall be held by the Board twice in a year ordinarily in the month of April and October.

**8. Admission to the Examination. :-**

(I) A candidate who intends to appear at the Examination shall send his application for enlisting his name as a candidate for such examination to the Secretary of the Board in the form in Appendix-A through the District Development Officer who shall scrutinise the application with regard to his eligibility for appearing at the examination and forward it to the Secretary of the Board. If the applicant subsequently decides not to appear at the examination for which his name has been enlisted by the Board, he shall give intimation thereof to the Secretary of the Board through the District Development Officer, concerned at least thirty days before the date of commencement of the examination. In the event of any person failing to appear at the examination after enlisting his names as a candidate for appearing at the examination without intimating withdrawal intimation as aforesaid, he shall be deemed to have exhausted one chance for passing the examination:

Provided that the District Development Officer concerned may condone the failure on the part of a person to give intimation as aforesaid and the consequences arising there from if he is satisfied that such person had reasons beyond his control which led to his failure to give intimation within the prescribed time.

(2) The Board shall admit the candidate to the examination on the strength of a certificate given by the District Development Officer concerned.

**9. Syllabus for the Examination. :-**

The examination shall comprise of the papers specified in Appendix- B appended to this rules,

**10. Standard of passing the Examination :-**

(I) The standard for passing the Examination shall be 50 percent of the total marks assigned in each paper irrespective of whether they are to be answered with or without the help of books.

(2) An unsuccessful candidate who secures 60 percent or more

marks in any one or more papers may by an application, claim exemption for appearing in those papers at the subsequent examination.

(3) If a candidate fails to secure in only one paper, the minimum number of marks required for passing, he may be allowed condonation of deficiency of marks in that paper, provided such deficiency does not exceed five percent of the total number of marks assigned to that paper. The benefit of this condonation shall be available to any candidate irrespective of the fact whether he has availed the exemption in any paper or not.

(4) If a candidate secures more than 50 percent marks in the aggregate but fails to secure in only one paper, minimum number of marks required for passing in that paper, he shall be given, for that paper, grace marks at the rate of one mark for each one percent of marks in the grand total secured by him above 50 percent of the total marks assigned to all the papers for the examination subject to a maximum of Ten grace marks. The benefit of such grace marks shall not be available to candidate who has availed the benefit of exemption in any paper or papers.

(5) A candidate shall be entitled to only one of the benefits available to him under sub-rules (3) and (4) which is advantageous to him.

Explanation. For the purposes of sub-rules (3) and (4), a fraction of one percent being one half or exceeding one half shall be rounded off to one percent.

### **11. Appointment of Examiner and Conduct of Examination.**

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The Board shall decide all matters relating to the appointment of examiners and conduct of examination.

### **12. Intimation of Examination. :-**

The intimation regarding place and programme of the examination shall be communicated in time by the Secretary of the Board to the District Development Officer.

### **13. Declaration of result. :-**

The Board shall declare the result of the Examination in the Gujarat Government Gazette and communicate the same to the Government.

