

GUJARAT SECONDARY EDUCATION TRIBUNAL (PROCEDURE) ORDER, 1974

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GUJARAT SECONDARY EDUCATION TRIBUNAL (PROCEDURE) ORDER, 1974

In exercise of the powers conferred by sub-section (5) of section 39 of the Gujarat Secondary Education Act, 1972 (Guj. 18 of 1973), the Government of Gujarat hereby makes the following Order, namely:-

1. Short title :-

This Order may be called the Gujarat Secondary Education Tribunal (Procedure) Order, 1974.

2. Definitions :-

(1) In this Order, unless the context otherwise requires

(a) "Act" means the Gujarat Secondary Education Act, 1972;

(b) "appeal" means an appeal under sub-section (5) of section 39;

(c) "application" means an application under sub-section (1) of section 38;

(d) "concerned authorised officer" means the officer authorised under clause (b) of sub-section (1) of section 36 against whose order appeal is filed;

(e) "Section" means a section of the Act.

(2) Words and expressions used in this Order but not defined in this Order, shall have the meaning assigned to them in the Act.

3. Place and notice of date of hearing :-

(1) All appeals and applications shall ordinarily be heard at the Tribunal's head quarters:

Provided that the Tribunal may, by reason of the great number of appeals or applications in respect of any area or for any other reason, hear the parties concerned at any other convenient place in the State of Gujarat.

(2) Sufficient notice about the sittings of the Tribunal outside the Tribunal's headquarters shall be given by its publication on the notice board of the Tribunal and by writing to the parties concerned directly or through the District Education Officer concerned.

(3) The date, time, agenda and place of the hearing as fixed by the Tribunal shall be communicated in writing to all the concerned parties by the office of the Tribunal at least 10 days before the date of the hearing. The notice shall also state that if the party concerned does not appear before the Tribunal on the date specified in the notice or any subsequent date to which the hearing may be adjourned, the Tribunal shall hear and decide the appeal or, as the case may be, the application ex parte.

4. Presentation of appeals and applications :-

(1) An appeal or application shall be presented during office hours by the appellant or applicant, as the case may be, in person or by duly appointed agent to any clerk of the office of the Tribunal designated by the Tribunal in this behalf (hereinafter referred to in this Order as "designated clerk") or shall be sent by Registered Post with acknowledgment due.

(2) Where such appeal or application is presented by an agent, it shall be accompanied by a letter of authority appointing him as such.

(3) (a) Every memorandum of appeal or application for the decision

of the dispute shall.

(i) be written legibly in ink or typed in English or Gujarati language on a durable fullscape or other paper similar to it in size and quality;

(ii) contain all material statements and arguments relied on by the appellant or applicant;

(iii) contain no disrespectful or improper language;

(iv) be accompanied by a copy of the order appealed against; and

(v) in all other respect be complete in itself.

(4) Every appeal, if filed after the expiry of the period of limitation specified in sub-section (5) of section 36, shall state why it was not filed in time.

(5) Every appeal or application shall specify the names and addresses of the appellant or applicant and also the names and addresses of the opposite parties.

(6) Every appeal shall be accompanied by the order complained of in original or by one certified copy of such order together with two copies of the Memorandum of the appeal.

Explanation. For the purpose of this clause "certified copy" means the copy certified by the officer authorised under clause (b) of sub-section (1) of section 36 who has made such order.

5. Registration of appeals and applications :-

(1) When an appeal or application is received in the office of the Tribunal, the date of the receipt shall be endorsed thereon by the designated clerk. The designated clerk then shall submit the same to the Tribunal for orders of the Tribunal.

(2) If the Tribunal finds that the appeal or the application does not conform to any provision of this Order, it shall make a note on the appeal or the application to that effect and shall call upon the party concerned or his agent, if any, to remedy the defects within a period of fifteen days of the receipt of notice to do so. The Tribunal may, for good cause, extend the period for the purpose of remedying the defects.

(3) If the defects are remedied within the period allowed under sub-clause (2), the Tribunal shall cause the appeal or the

application, as the case may be, to be registered in the appropriate register.

(4) If the party concerned or his agent fails to remedy the defects within the said period, the Tribunal may after recording the reasons for doing so, reject the appeal or application,

(5) If the appeal or application conforms to the requirement of this Order, the Tribunal shall cause the appeal or application to be registered in the appropriate register.

6. Intimation to Chairman and calling of record and proceedings of officer authorised under clause (b) of sub-section (1) of sec. 36 :-

(1) Where an appeal or application has been registered, the Tribunal shall send an intimation about the same to the Chairman and may call for the record and proceedings relating to the order against which an appeal is filed from the concerned authorised officer.

(2) On completion of proceedings before the Tribunal relating to the appeal, the Tribunal shall return to the concerned authorised officer the record and proceedings called for under this Order.

7. Stay of execution of order :-

(1) Pending a decision of an appeal or application made to the Tribunal, the Tribunal, may direct the execution of any order against which the appeal or application is made, to be stayed on such conditions as it thinks fit.

(2) An order made under sub-clause (1) may be vacated by the Tribunal:

Provided that before such order is vacated a notice shall be given to the party in whose favour such order had been made to show cause why it should not be vacated, and an opportunity shall be given to such party of being heard.

8. Notice of hearing :-

(1) After an appeal or application has been registered a notice shall be delivered in person or sent by registered post to all the concerned parties calling upon each of them to appear before the Tribunal on the date specified in the notice.

(2) The notice shall also declare

(a) that if the appellant or applicant does not appear before the Tribunal either in person or through an agent on the date specified in the notice or any subsequent date to which the hearing may be adjourned, the Tribunal may dismiss the appeal or application for default of appearance or may decide it ex-parte;

(b) that if the respondent or opponent does not appear before the Tribunal either in person or through an agent on the date specified in the notice or on any subsequent date to which the hearing may be adjourned, the Tribunal may decide it ex-parte.

9. Procedure at the hearing :-

On the date fixed or on any other day to which the hearing may be adjourned, the appellant or applicant or his agent shall ordinarily be heard first in support of his appeal or application. The respondent or the opponent or his agent shall, if necessary, be heard next and in such a case the appellant or applicant or his agent shall be entitled to reply.

10. Hearing in the absence of parties :-

(1) If, on the date fixed for hearing or on any other day to which the hearing may be adjourned, the appellant or the applicant does not appear either in person or through his agent when the appeal or application is called on for hearing, the Tribunal may dismiss the appeal or application or may decide it on merits after hearing the respondent or opponent or his agent, if present.

(2) If, on the date fixed for hearing or on any other day to which the hearing may be adjourned, the respondent or the opponent does not appear either in person or through his agent when the appeal or application is called on for hearing, the Tribunal may decide the same ex-parte on merits, after hearing the appellant or applicant or his agent, if present.

11. Adjournment :-

(1) The Tribunal may, at any time on such terms and conditions as it thinks fit, adjourn the hearing of any appeal or application.

(2) Save as otherwise provided, the office of the Tribunal may postpone the hearing of appeal or application if notice of hearing has not been served on either party.

12. Pronouncement of Judgment :-

(1) When the hearing of an appeal or application is complete, the Tribunal may announce the substance of judgment which is intended to be given or fix a date on which the judgment is to be pronounced. Such date shall be notified on the notice board of the Tribunal and also be communicated in writing to the parties concerned.

(2) Every judgment of the Tribunal shall be in writing.

(3) Copies of the decision of the Tribunal of the appeal or application shall be given by the Tribunal to all the parties concerned.

13. Copies of document on payment of fees :-

(1) A person who is a party to an appeal or application before the Tribunal may apply to the Tribunal for a certified copy of any document or statement produced, filed or made before the Tribunal.

(2) The application shall be accompanied by deposit of an amount to cover the cost of preparing copies according to the following scale of copying fees, namely

(a)	For the first 200 words or less in English	Rs. 1.00 ps.
(b)	For Regional language	Rs. 0.75 ps.
(c)	For every additional 100 words or fraction thereof-	
	English	Rs. 0.50 ps.
	Regional language	Rs. 0.40 ps.

Uniform extra coping fees of Rs. 2 per copy shall be charged on an application for a copy required urgently. The amount calculated according to the above scale shall be retained, if any, deposited by the party shall be refunded to him at the time of supplying the copy: Provided that the party shall, if the amount deposited by him is not sufficient to cover copying fees, pay the deficit before taking delivery of the copy.

14. Tribunal to follow provisions of Civil Procedure Code in the matters not provided in this order :-

The Tribunal shall, in any matter not provided for in this order, follow the procedure, as far as it is applicable, laid down in the

Code of Civil Procedure, 1908.