

PANCHAYAT SERVICES SENIOR CLERK AND AVAL KARKUN QUALIFYING EXAMINATION RULES, 1976

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PANCHAYAT SERVICES SENIOR CLERK AND AVAL KARKUN QUALIFYING EXAMINATION RULES, 1976

In exercise of the powers conferred by section 323 read with sub-section (3) of section 203 of the Gujarat Panchayats Act, 1961 (Guj VI of 1962), the Government of Gujarat hereby makes the following rules for regulating the conditions of service of persons appointed as Senior Clerks and Avalkarkuns in the Panchayat Service, in so far as they relate to the passing of the Departmental Examination, namely;-

1. Short title, commencement and extent :-

(1) These rules may be called the Panchayat Service Senior Clerk and Avalkarkun Qualifying Examination Rules, 1976.

(2) They shall come into force at once.

(3) They shall apply to the recruitment of Senior Clerks and Avalkarkuns recruited in the Superior Panchayat Service:

Provided that where any such person has, before the coming into force of these rules passed or has been exempted from passing, the examination in accordance with the old rules, 'he shall not be required to pass the examination as provided under these rules.

Provided further that where any such person has, before the coming into force of these rules, exhausted all the chance' prescribed under the old rules for passing the examination and has accordingly failed to pass such examination, nothing in these rules, shall, save as expressly provided therein, entitled him to appear at the Departmental Examination, provided under these rules.

2. Definitions :-

In these rules and unless the context otherwise requires:-

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

(b) "Senior Clerk and Avalkarkuns" means the Senior Clerk and the Avalkarkun in the Panchayat Service,

(c) ' Board" means the Gujarat Panchayat Service Selection Board;

(d) "Departmental Examination" means the Panchayat Service Senior Clerk and Avalkarkun qualifying Examination specified in Appendix 'B'

(e) "direct recruit" means a person appointed as a Senior Clerk or an Avalkarkun otherwise than by promotion from a lower post;

(f) "Old rules means the rules of the Revenue Qualifying Examination which were in force immediately before the coming into force of these rules;

(g) "specified chances" means the number of chances specified under these rules in which a person is required to pass the examination.

(h) "Specified period" means the period specified under these rules within which a person is required to pass the examination;

(i) "Superior Panchayat Service" includes persons appointed as Clerks, and Senior Clerks and Advalkarkuns.

3. Passing of Departmental Examination by direct recruits :-

Subject to the provisions of these rules, all direct recruits shall be required to pass the Departmental Examination during the probation period of two years from the date of joining service:

Provided that if the period of passing the Departmental Examination expires before the date of the examination, in the case of candidates who has a last chance at the said examination, the said period shall, in the case of such candidate, be deemed to have been extended upto the date on the declaration of the result of the Department examination so held:-

Provided further that if a direct recruit fails to pass the Departmental Examination within the period specified as aforesaid such. period shall if in the opinion of the Government his service be otherwise satisfactory, be extend to such period not exceeding three years (four years in the case of a direct recruit belonging to the Scheduled Caste or the Scheduled, Tribe) in the aggregate, as may be necessary to enable him to pass the examination in not more than three chances (four chances in the case of a direct recruit belonging to the Scheduled Caste or Scheduled Tribe) in all.

4. Passing of Departmental Examination by person of Superior Panchayat Service :-

Subject to the provisions of rule 5-

(1) every person of the Superior Panchayat Service, who is eligible for appointment to a higher post, shall be required to pass the Departmental Examination after he has completed five years" continuous service and with- in a period of three year from the date he is granted permission to appear at the Departmental Examination for the first time strictly according to his seniority in accordance with the provisions of rules it.

(2) every such person who has already completed five years service- before the coming into force of these rules but was not permitted to appear at the examination shall be required to pass the Departmental Examination during a period of three years from the date he is granted permission-to' appear at the Departmental Examination strictly according to the seniority in accordance with the provisions of rules II, for first time after the coming. into force of these Rules:

Provided that where a person does not seek under clause (1) or (2) permission to appear in the Departmental Examination the period of three years shall be computed from the date of granting such permission to his junior:

Provided further that a person shall not be entitled to appear at the Departmental Examination, unless he passed the Departmental Examination for Clerk and typists of Panchayat Service or has been exempted from passing such examination:

Provided also that if the period of passing the Departmental Examination as provided in this rule expires before the date of passing of the said examination, in the case of a candidate who has a last chance at the said examination, the said period shall, in the case of such a candidate, be deemed to have been extended upto the date of the declaration of the result of the examination so held

5. Departmental Examination to be passed in specified chances and within specified period :-

The Departmental Examination shall have to be passed in not more than three chances within the specified period: Provided that the chances already availed or which should have been availed of before the coming into force of these rules, under the old rules shall be counted as having been availed of under these rules;

Provided further that a person belonging to the Schedule Caste or Scheduled Tribe may be allowed one more chance which shall have to be availed of within a period of one year from the date of declaration of the result of the Departmental Examination at which the last normal chance should have been availed of.

6. Consequences of failure to pass Departmental examination by direct recruit and person of Superior Panchayat Service :-

(1) If a direct recruit fails to pass the Departmental Examination as required under these rules his service shall be terminated:

Provided that if in the case of any such person the State Government or such officer as is authorised by Government in this behalf is satisfied that he could not pass the examination at which he had his last chance, for the reasons beyond his control or that he failed to pass such examination by a very narrow margin of marks, the State Government or such officer as is authorised by

Government in this behalf, may after recording reason in writing give him one more chance to appear at the examination.

(2) Every person of the Superior Panchayat Service who does not pass the Departmental Examination within the prescribed period in specified chances shall lose his seniority as provided in rule 7. He shall not be eligible for promotion to the higher post and for confirmation therein until he passes the examination as provided in rule 7.

7. Eligibility to appear in Departmental Examination on Payment of fee and consequence :-

Where a person who has failed to pass the Departmental Examination within the specified period and in the specified chances, he shall notwithstanding such failure, be eligible to appear at any time in such examination, on payment of an examination fees of rupees fifteen only and if passes the examination, he shall be eligible for confirmation and promotion to the higher post:

Provided that he shall not be entitled to claim seniority over those persons who may have passed the examination earlier than he and promoted to the next higher post before he became eligible for promotion to the said post.

8. Promotion of unqualified person till qualified persons becomes available :-

In the event of a qualified person not being available for promotion to the higher post, and unqualified person whose chances to pass Departmental Examination are not exhausted under rule 4 or 5 may be promoted to officiate in the higher post, subject to the condition that he shall be reverted on the availability of a person qualified for promotion or on his failure to pass the examination within the period and according to the chances specified in rule 4 or 5 whichever is earlier.

Explanation.-In this rule "a qualified person" means a member of the Superior Panchayat service who has passed the Department Examination or a person who is exempted from passing the said examination and the expression "an unqualified person" shall be construed accordingly.

9. Retention of original seniority on passing Departmental Examination in specified chances and within specified period and exceptions :-

A person who passes the Departmental Examination in the specified

chances and within the specified period shall retain his original seniority in the Superior Panchayat Service even if a person junior to him has passed the examination and has also been promoted to the higher post earlier than he.

Provided that the persons permitted to appear at the Departmental Examination under the third proviso to rule 4, the second proviso to rule 5 and the proviso sub-rule (1) of rule 6 shall not rank in seniority higher than those who have already passed the examination under the old rules.

10. Holding of Departmental Examinations :-

The Departmental Examination shall ordinarily be held by the Board twice in year in the months of April and October:

Provided that if the Board is of opinion that the number of candidates desirous of appearing at the Departmental Examination is in excess of the seats available, the Board may hold one or more examinations in addition to the Departmental Examination to be held in April and October:

Provided further that if the Board decided to change the months in which the Departmental Examination is to be held, it shall communicate its decision to the Government and the District Development Officer and also specify the last day which applications of candidates may be forwarded to it by the District Development Officers.

11. District Development Officer to furnish to Board names and particulars of candidates for Departmental Examination

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The District Development Officer shall, from time to time, communicate to the Board the names and particulars of persons belonging to superior Panchayat Service and direct who are eligible to appear at the Dept. Exam. in accordance with these rules and who wish to appear at the examination strictly according to their seniority. The Board shall arrange their names according to their seniority and select 400 senior most persons out of the persons from all Districts who are to be allowed to appear at the Departmental Examination.

12. Application for admission to Departmental Examination

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(1) Candidate who desires to appear at the Departmental

Examination shall send his application for enlisting his name as a candidate of such examination to the Secretary of the Board in the form in appendix A through the District Development Officer concerned at least sixty days before the date of commencement of the Examination. The District Development Officer 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 Departmental 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 an examination after having enlisted his name as a candidate' for appearing there at but without intimating with drawal of his candidature from the examination in time as aforesaid he shall be deemed to have lost one chance to pass 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 therefrom if he is satisfied that the person had failed to give intimation within time for reasons beyond his control.

(2) The Board shall admit the candidate to the examination on the strength of a certificate given by the District Development Officer concerned that they are eligible to appear at the examination.

13. . :-

The total number of candidates who desire to appear at an examination after exhausting the specified chances shall be limited to one third of the total number of candidates so that the two thirds number of seats can be allotted to the candidates desiring to appear at the examination with in the specified period.

14. **Syllabus for Departmental Examination :-**

The syllabus for the Departmental Examination shall be as specified in Appendix B.

15. **Standards of passing Departmental Examination :-**

(1) The standard for passing the Departmental Examination shall be 60 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 shall be exempted from appearing in that or 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 the 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 whether or not he has availed of exception in any paper.

(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 70 percent of the total marks assigned to all the papers for the whole examination, subject to a maximum of 10 grace marks. The benefit of such grace marks shall not be available to a candidate who has availed of any exemption under sub-rule, (2).

(5) A candidate shall be entitled to only one of the benefits available to him under sub-rule (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.

16. . :-

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

17. . :-

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

18. **Declaration of result of Departmental Examination :-**

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