

KARNATAKA EDUCATIONAL INSTITUTIONS (RECRUITMENT AND TERMS AND CONDITIONS OF SERVICE OF EMPLOYEES IN PRIVATE AIDED PRIMARY AND SECONDARY EDUCATIONAL INSTITUTIONS) RULES, 1999

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KARNATAKA EDUCATIONAL INSTITUTIONS (RECRUITMENT AND TERMS AND CONDITIONS OF SERVICE OF EMPLOYEES IN PRIVATE AIDED PRIMARY AND SECONDARY EDUCATIONAL INSTITUTIONS) RULES, 1999

Whereas, the draft of the Karnataka Education Institutions (Terms and Conditions of Service of Employees in Private Educational Institutions) Rules, 1999, was published as required by sub-section (1) of Section 145 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995), in Notification No. ED 52 VIVIDA 99, dated 10-12-1999 in Part-IV, 2-C(i) of the Karnataka Gazette, Extraordinary dated 10-12-1999, inviting objections and suggestions from the persons likely to be affected thereby. Whereas, the said Gazette was made available to the public on 10-12-1999. And whereas, the objections and suggestions received in this regard have been considered by the Government. Now therefore, in exercise of the powers conferred by Sections 87 to 101 read with Section 145 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995), the Government of Karnataka hereby makes the following rules, namely:-

1. Title, Application and Commencement :-

(1) These rules may be called the Karnataka Educational Institutions (Recruitment and Terms and Conditions of Service of Employees in Private Aided Primary and Secondary Educational Institutions) Rules, 1999.

(2) These rules shall apply to the Primary and Secondary Educational Institutions receiving grant-in-aid.

(3) They shall come into force from the date of their publication in the Official Gazette.

2. Definitions :-

(1) In these rules unless the context otherwise requires

(a) "Act" means the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995).

(b) "Annexure" means an annexure" appended to these rules.

(c) "Appointing Authority" means

(i) in respect of all the employees of the aided Primary and Secondary Educational Institution, other than the Head of the Institution, the Managing Committee of the Institution.

(ii) in respect of the Head of the Institution, the Governing Council.

(d) "Disciplinary Authority" means the Managing Committee or as the case may be, the Governing Council.

(e) "Form" means a form appended to these rules.

(f) "Head of the Department" means

(i) the Commissioner for Public Instruction.

(ii) the Director of Public Instruction (Secondary) in respect of Secondary Schools.

(iii) the Director of Public Instruction (Primary) in respect of Primary Schools.

(g) "Institution" means a Private Aided Primary or Secondary Educational Institution.

(h) "Local body" means a duly constituted Zilla Panchayat, Taluk Panchayat, Grama Panchayat or Municipal Corporation or Municipal Council or a Town Panchayat or any other body notified by the Government from time to time as a local body for purposes of grant-in-aid under these Rules.

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

(2) Words used but not defined in these rules shall have the meaning assigned to them in the Act or as the case may be in the Karnataka Civil Services Rules or the rules made or deemed to have been made under the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990).

3. Qualification and conditions of service of employees :-

(1) Subject to the other provisions in these rules:

(a) The categories of posts, the staffing pattern and the qualifications for recruitment to posts in an Institution shall be as specified in Annexures-III, IV and V. In respect of employees other than teachers, the prescribed qualifications for recruitment, etc. in Institutions shall be the same as those applicable for the corresponding category of employees in Government Educational

Institutions. The procedure for selection of candidates to posts identified for recruitment shall be as specified in Annexure-I appended to these rules.

(b) Subject to the financial capacity of the State Government the salary of employees in respect of posts admitted into aid in recognised private Educational Institutions receiving aid from the State Government shall generally be the same as those applicable for the corresponding category of employees in Government Educational Institutions as per orders issued by the State Government in respect of this category of employees from time to time:

Provided that no employees of an aided Institution shall be entitled to the benefits enumerated in Annexure-II.

(c) Subject to the financial capacity of the State Government pensionary benefits is admissible to aided employees of aided institution as per the provisions of Triple Benefit Scheme Rules and gratuity is admissible as per the orders issued by the Government from time to time:

Provided that in respect of employees appointed prior to 1-1-1986, pension and gratuity is admissible if management contribution of 3% is paid upto the period of 4-9-1986.

(2) The State Government may vary the qualification, method of recruitment and conditions of service from time to time.

4. Age :-

No employee who is not within the age limit prescribed for recruitment to the corresponding posts in Government Educational Institutions shall be eligible for appointment to any post in any institution.

5. Schedule of employment :-

(a) Every private Educational Institution shall maintain a schedule of employment as per seniority indicating therein the name, qualification, scale of pay and other particulars in respect of each employee, in Form-I.

(b) In case the management is running more than one institution the schedule of employment shall be maintained management-wise also as per seniority and roster.

6. Constitution of Selection Committee :-

For the purpose of recruitment to teaching and non-teaching posts, other than the post of Head of the Institution, to an Institution, the Managing Committee shall constitute a "selection committee" consisting of.

- (i) The President of the Head of the Managing Committee or his nominee.
- (ii) The Competent Authority or his nominee other than in Institutions to which minority status is given by the Government.
- (iii) The Head of the Institution.
- (iv) An educationist or an expert in the subject to which recruitment is to be made, selected by the Governing Council.

CHAPTER 2

Service conditions in respect of employees of Aided Institutions

7. Period of probation :-

A person appointed under these rules shall be on probation for a period of two years: Provided that the Appointing Authority may for the reasons to be recorded in writing extend the period of probation by a further period of six months.

8. Seniority :-

- (a) The Managing Committee shall cause to be prepared and maintained every year a separate seniority list of employees for each category of posts in the Institution.
- (b) In case the Managing committee is running more than one Institution, the Managing Committee shall cause to prepare a common seniority list for all the institution under its control.

9. Resignation :-

Any employee appointed under these rules may resign from service by giving one month's notice in writing in Form I to the Governing Council or surrendering one month's salary in lieu thereof. A copy of such notice shall be sent to the Competent Authority or a person, or an authority authorised by him for verifying the contents of the resignation notice and forward it to the Governing Council for acceptance, if the resignation is found to be voluntary. The Governing Council shall not accept the resignation until the notice is forwarded to it by the Competent Authority:

Provided that the employee who has submitted resignation may withdraw the same if he so desires within the intended period of resignation or before resignation is accepted whichever is earlier.

10. Retrenchment of employees :-

(1) An employee in an institution may be retrenched by the Governing Council on the following grounds:

(a) Where the teacher pupil ratio falls below the Standard Staffing Pattern specified in Annexures-IV and V, as the case may be.

(b) Due to changes relating to curriculum or student strength the workload of a teacher in a particular subject does not warrant his continuation in a particular institution.

(c) Closure of school due to lack of infrastructural facilities, dispute within the management or between management and teachers or any other reasons which may be recorded in writing.

(d) The employee does not possess the required educational qualification.

(e) Where the Competent Authority or the Government deletes the post from salary grant for the reasons to be recorded in writing.

(f) For any of the above or for any other reason as the Government may deem fit which may be recorded in writing.

(2) The procedure to be followed by the Governing Council for retrenchment of an employee of a Institution shall be as follows:

(a) No employee of an Institution whose appointment has been approved with aid by the Department shall be retrenched by a Governing Council except for reasons specified in sub-rule (1) or Section 98 of the Karnataka Education Act, 1983.

(b) Where retrenchment is due to the employees becoming surplus, the junior- most employee in terms of seniority list maintained in accordance with the Rule 8 in the particular cadre and subject, shall be retrenched.

(c) A notice shall be issued to the employee proposed to be retrenched stating the reasons in writing for such retrenchment, giving the employee an opportunity to submit his written statement of objection if any within fifteen days from the receipt of such notice.

- (d) On receipt of the written objection received from the employee, he shall be afforded an opportunity to explain his stand in person if such request has been made by him/her in the written statement.
- (e) The Governing Council shall on the basis of grounds so established send proposals to the Competent Authority.
- (f) The Competent Authority shall on receipt of the proposal verify the same and after ascertaining the facts, that.
- (i) the reason stated in the proposal are in conformity with the reasons stated in sub-rule (1);
- (ii) that the employee is junior-most as per the seniority list maintained by the management in the particular subject and cadre;
- (iii) accord approval to the Governing Council to retrench the employee so proposed by giving one month's notice or one month's salary in lieu of the same.
- (g) The Competent Authority shall thereafter withdraw salary grant in respect of such excess/retrenched staff.
- (3) If the Governing Council does not send the proposal, in accordance with clause (e) of sub-rule (2) the Competent Authority may give directions to the Governing Council to send proposals within a period of one month, failing which salary grants in respect of the entire institution shall be withdrawn forthwith.

11. Procedure to be followed by Competent Authority under Section 98 :-

- (1) The Competent Authority may either suo motu after personally ascertaining facts or on the report of one of the subordinate officers initiate action to retrench an employee by following as far as may be the procedure under Rule 10 and pass an order giving necessary directions to the Governing Council after having fully satisfied that retrenchment is called for due to any one or more of the reasons specified in Rule 10 or Section 98.
- (2) The Competent Authority shall cause a list of all eligible and qualified retrenched employees to be maintained at the State level. The list of teachers shall be prepared subject-wise and cadre-wise, the list shall be prepared on the basis of seniority, taking the date of approval of appointment with aid as the basis. The details of category of reservation and roster of such an employee shall also

be recorded.

(3) The Competent Authority shall submit periodically and every time an employee is retrenched, the details of such retrenchment to the Head of the Department.

(4) The Competent Authority shall also submit the vacancy position in respect of each of the institution, district-wise, category-wise and in case of teachers subject-wise with details of roster to the Head of the Department.

(5) The Competent Authority shall publish periodically during every quarter the details of candidates enlisted as per sub-rule (1).

(6) On receipt of the vacancy position, the Government or Competent Authority shall without prejudice to initiating action under sub-rule (1) allot through computerized counselling, the retrenched employee on the basis of seniority and after taking into consideration the subject requirement and reservation and roster point, to any other institution where a regular sanctioned vacancy exists and direct the concerned management to issue appointment order to such candidates and direct such candidates to report for duty in the said institution:

Provided that in all cases where no person is available in the reservation category and roster as per the requirement of the institution, then the senior-most candidate irrespective of reservation and roster shall be allotted:

Provided further that no recruitment shall be made by any aided institution, until the list of retrenched teachers are exhausted:

Provided also that the retrenched employee so appointed in the new institution will get seniority in the new institution from the date of joining the institution. However, the services rendered in the earlier institution will count for pay, leave and pensionary benefits:

Provided also further that the retrenched employee who is allotted to a new institution shall not be entitled to any compensation provided under the Act:

Provided also that no retrenched employee/staff shall be allotted to a minority institution for being appointed against a vacancy:

Provided also that insofar as minority institutions are concerned,

the Competent Authority on his own verification or on the report of his subordinate officers finds that there is an excess strength of teachers/staff on account of reasons mentioned in the above rules, shall take action to retrench the excess teachers/staff following the same procedure as specified under these rules. The Competent Authority shall withdraw salary grants in respect of such excess/retrenched staff.

12. Transfer of employees from one aided institution to another aided institution :-

(1) Transfer of an employee can be permitted by the Competent Authority subject to the following conditions:

(a) that there is need for the post so vacant in accordance with subject, strength and attendance.

(b) that the vacancy so proposed for transfer is a clear vacancy and is in accordance with the staffing pattern.

(c) the management has clearly mentioned the nature and cause of vacancy supported by facts.

(d) that an employee receiving salary grant from Government earlier is proposed for transfer in the place of another employee or post which is also included in salary grant and no employee occupying a post receiving salary grant is proposed for transfer to an unaided post.

(e) that consent of both the management is there.

(2) The Competent Authority may grant permission to transfer in the following cases:

(a) in the case of a request by the management or the employee for a transfer within the institutions of the same management;

(b) in the case of a request by management or the employee for a transfer to an institution of different management, with the consent of both the management:

Provided that in case of request by the management or the employee for a transfer within the schools of the same management or request by an employee for a transfer to an institution belonging to a different management, the head of the department may accord permission for the same, subject to the condition that in respect transfer involving different management,

the employee earns the seniority in the concerned institution from the date of reporting for duty in the new institution. However, his service in the previous aided institution will count for the purpose of salary, leave and pensionary benefits. In all other cases of transfer effected within the same management the services in the previous institution shall count for seniority in the new institution and his service in the previous institution of the same management shall count for salary, leave and pensionary benefits. Transfer orders of the employees within the institution of the same management or different management shall be issued only by Director of Public Instruction (Primary) in respect of Primary and the Director of Public Instruction (Secondary) in respect of Secondary Schools.

13. Closure of Institutions :-

(1) Institutions not having the prescribed student strength among other factors shall be ordered to be closed down by the Competent Authority.

(2) Where an institution is so ordered to be closed, the teaching and non-teaching staff working in such institution, shall be retrenched in the manner specified in Rules 10 and 11.

(3) Students undergoing course of study in such institutions shall be accommodated in other institutions located nearby the closed institution, as the Competent Authority may by order direct.

CHAPTER 3

Discipline

14. Nature of penalties :-

One or more of the following penalties for good and sufficient reasons and as hereinafter provided may be imposed on the employees namely:

(i) fine;

(ii) censure;

(iii) withholding of increments;

(iv) withholding of promotions;

(v) recovery from pay of the employees in whole or part of any pecuniary loss caused by negligence or breach of orders to the Governing Council, the State Government or the Central

Government;

(vi) reduction to a lower stage in a timescale of pay for a specified period with further direction as to whether or not the employee will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;

(vii) reduction to a lower timescale of pay, grade, post of service which, shall, unless otherwise directed, be a bar to the promotion of the employee to the timescale of pay, grade, post or service from which he was reduced with or without further directions regarding:

(a) seniority and pay in the scale of pay, grade, post or service to which the employee is reduced;

(b) conditions of restoration to the scale of pay grade of post of service from which the employee was reduced and his seniority and pay or such restoration to the scale of pay, grade, post or service.

(viii) compulsory retirement;

(ix) removal from service;

(x) dismissal from service: Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the order of disciplinary authority, no penalty other than those specified in clauses (viii) to (x) shall be imposed for any established charge of corruption:

Provided further that every order of private management receiving aid from Government keeping employees admitted to grant-in-aid under suspension from service, etc., shall be confirmed by the Competent Authority who has approved the appointment.

Explanation. The following shall not amount to be penalty within the meaning of this rule:

(i) withholding of increments of an employee for failure to pass a departmental examination in accordance with the rules or order governing the service or post or terms of his appointment;

(ii) stoppage of pay of the employee at the efficiency bar in the timescale on the ground of his unfitness to cross the efficiency bar;

(iii) non-promotion, whether in a substantive or officiating capacity

of an employee after consideration of his case to a grade or post for promotion to which he is eligible;

(iv) reversion to his permanent service, grade or post of an employee appointed on probation to another service, grade or post during or the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing probation;

(v) compulsory retirement of an employee in accordance with the provision relating to superannuation or retirement;

(vi) termination of services:

(a) of an employee appointed for three months or less;

(b) of a person employed under an agreement in accordance with the terms of such agreement;

(vii) retrenchment of an employee.

15. Disciplinary authorities :-

(1) The disciplinary authority may impose, any of the penalties specified in Rule 14 on any employee.

(2) Without prejudice to the provision of sub-rule (1) the head of the institution may impose any of the penalties specified in clauses (i) and (ii) of Rule 14.

16. Suspension :-

(1) The appointing authority may place an employee under suspension under the following circumstances and conditions.

(a)

(i) a disciplinary proceeding against an employee is pending; or

(ii) a case against an employee in respect of any criminal offence is under investigation or Court Trial; or

(iii) a preliminary inquiry against an employee has made out a "prima facie" case which would justify disciplinary proceeding or criminal prosecution against him and the proceedings are likely to end in his conviction and or dismissal or removal from service; and

(b) the disciplinary proceeding or criminal offences involves one or more of the following misdemeanour:

(i) mortal turpitude;

(ii) corruption, embezzlement or misappropriation;

(iii) negligence and dereliction of duty resulting in considerable pecuniary loss to the institution;

(iv) desertion of duty;

(v) refusal or deliberate failure to carry out written orders of superior authority: Competent Authority.

(2) Any employee shall be deemed to have been placed under suspension by an order of the appointing authority:

(a) with effect from the date of his detention, if he is detained in custody whether on criminal charge or otherwise, for a period exceeding forty-eight hours;

(b) with effect from the date of his conviction, if in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

(3) Where a penalty of dismissal or removal or compulsory retirement from service imposed upon an employee under suspension is set aside in Appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal or removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a Court of law and the disciplinary authority on a consideration of the circumstances of the case, decides to hold further inquiry against him on the allegations on which the penalty of dismissal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal or removal or compulsory retirement and shall continue to remain under suspension until further orders.

(5)

(a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) Where an employee is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise) any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may for reasons to be recorded by him in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.

(c) An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority which made on or is deemed to have made the order or by any authority to which that authority is subordinate.

17. Subsistence allowance during suspension :-

(1) Every employee placed under suspension shall be entitled to the following payment, namely:

(a) Subsistence allowance at an amount equivalent to fifty per cent of the pay drawn immediately prior to the date of suspension: Provided that where the period of suspension exceeds six months, the employee shall be entitled to subsistence allowance equivalent to seventy-five per cent of the pay drawn immediately prior to the date of suspension subject to conditions contained in sub-rule (6):

Provided further that when an employee is convicted by a competent Court and sentenced to imprisonment, no subsistence allowance shall be payable.

(2) Where an employee who has been dismissed or removed or compulsorily retired or suspended is reinstated or would have been reinstated but for his retirement on superannuation while under suspension, the authority competent to order the reinstatement shall consider and make a specific order,

(a) regarding the pay and allowance to be paid to the employee for the period of his absence from duty or for the period of suspension ending with the date of retirement or superannuation, as the case may be; and

(b) whether or not the said period shall be treated as the period spent on duty.

(3) Where such Competent Authority holds that the employee has been fully exonerated, the employee shall be given the full pay to which he would have been entitled had he not been dismissed or removed from service and the period of absence from duty shall be treated as a period spent on duty for all purposes.

(4) In other cases, the employee shall be given such proportion of such pay and allowance, as the Competent Authority may prescribe and the period of absence from duty shall not be treated as period spent on duty unless the "Competent Authority specifically directs that it shall be so treated for any specified purpose:

Provided that the payment of allowance under sub-rule (2) or (3) shall not be less than subsistence allowance and other allowance admissible under these rules.

(5) Where on the conclusion of the inquiry against an employee placed under suspension, the authority competent to impose any punishment:

(i) makes an order fully exonerating or acquitting him, the period during which he was under suspension pending the enquiry shall be entitled to full pay and allowance as if he had not been under suspension;

(ii) makes an order imposing penalty other than the penalty of compulsory retirement from service or dismissal from service, the employee shall be paid for the period of suspension such proportion of his pay and allowances as the said authority may in its discretion specify and where no such proportion is specified, the employee shall be entitled to subsistence allowance admissible under these rules and the period of suspension shall count as duty unless the said authority has otherwise directed;

(iii) makes an order imposing the penalty of compulsory retirement from service or dismissal or removal shall be paid for the period of suspension such proportion of his pay and allowances as the said authority may in its discretion specify and where no such proportion is specified, the subsistence allowance admissible under these rules and the period of suspension shall not count as duty for any purpose unless the said authority has otherwise directed.

(6) The subsistence allowance under these rules and consequential amount to be paid under sub-rule (5) shall be paid from the management from its own funds, except in respect of employees working in aided posts where the suspension is approved by the Competent Authority: Provided further that the disciplinary authority shall complete the enquiry within a period of 6 months. In cases, where enquiry other than in criminal cases continue beyond 6 months, management is liable to pay subsistence allowance:

Provided further that the delay in enquiry beyond six months is attributable to the employee the subsistence allowance may be restricted to 50% or below as deemed fit by the disciplinary authority.

18. Leave while under suspension :-

(1) Leave of absence for a definite period is not admissible to an employee who has been suspended from duty and without obtaining the permission of the authority competent to fill up the appointment, an employee under suspension should not leave the station where his office is situated.

(2) No payment of subsistence allowance shall be made unless the employee continues to reside in the station where his office is situated or in the station in which he is permitted by the authority which made or which is deemed to have made the order of suspension.

19. Authority to institute proceedings :-

(1) The Managing Committee may impose on the employee any of the penalties specified in clauses (i) to (vii) of the Rule 14 except after:

(a) informing the employee in writing of proposal to take action against him and of imputation of misconduct or misbehavior on which it is proposed to be taken and giving him a reasonable opportunity for making such representation as he may make against the proposals; and

(b) such representation or explanation, if any, is considered by the Head of the Institution, as the case may be.

(2) The record or proceedings in all cases should be a "speaking order".

20. Procedure for imposing minor penalties :-

(1) No order imposed on any employee of any of the penalties specified in clauses (i) to (v) of Rule 14 shall be made except after:

(a) informing the employee in writing of proposal to take action against him and of imputation of misconduct or misbehaviour on which it is proposed to be taken and giving him a reasonable opportunity making such representation as he may make against the proposal; and

(b) such representation or explanation, if any is considered by the Board of Management, Manager or the Head of the Institution, as the case may be.

(2) The record of proceeding in such cases shall include:

(i) a copy of the intimation to the employees of the proposal to take action against him;

(ii) a copy of the statement of imputations of misconduct or misbehaviour communicated to him;

(iii) his/her representations if any;

(iv) the evidence produced during the inquiry, if any;

(v) the finding on each imputation of misconduct or misbehaviour; and

(vi) the orders on the case together with reasons therefor.

21. Procedure for imposing major penalties :-

(1) No order imposing any of penalties specified in clauses (iii) to (ix) of Rule 13 shall be made except after an inquiry is held, in the manner provided in these rules.

(2) Wherever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour or breach of any provision of the Code of Conduct specified in Chapter IV against an employee, it may itself inquire into, or appoint an enquiry officer or an enquiry committee consisting of more than one or more persons.

(3) The disciplinary authority shall frame definite charges on the basis of the allegations on which the inquiry is proposed to be held. Such charges, which shall include a statement of allegations on

which they are based shall be communicated in writing to the employee and he shall be required to submit within such time as may be specified by the enquiry committee, a written statement of his defence and also to state whether he desires to be heard in person.

(4) The employee shall for the purpose of preparing defence be permitted to inspect and take extracts from such records as he may specify: Provided that such permission may be refused if the record for reasons to be recorded are not relevant for the purpose and it is against the interest of the institution to allow his access thereto.

(5) On receipt of the statement of defence in writing by the employee or if no such statement is received within the time specified, the enquiry committee shall proceed with the enquiry.

(6) The disciplinary authority may nominate any person to present its case before the enquiry committee. The employee may present his case with the assistance of any other person approved by the enquiry committee, but may not engage a legal practitioner for the purpose unless the person nominated by the disciplinary authority to present its case as a legal practitioner or the inquiry committee having regard to the circumstances of the case so permits.

(7) The inquiry committee shall, in the course of the inquiry, consider such documentary evidence and take such other evidence as may be relevant or material in regard to the charges. The employee shall be entitled to cross-examine witnesses examined in support of the charges and to give evidence in person. The person presenting the case in support of the charges shall be entitled to cross-examine the employee and the witnesses examined in his defence. If the inquiry committee declines to examine any witness on the ground, that his evidence is not relevant or material, it shall record its reasons in writing.

(8) At the conclusion of the inquiry, the inquiry committee shall prepare a report of the inquiry, record its findings on each of the charges together with the reason thereon. If in the opinion of the inquiry committee, original charges differ from those framed, it may record findings on such charges: Provided that findings on such charges shall not be recorded unless the employee has had an opportunity of defending himself against them:

(1) The record of inquiry shall include:

(i) the charges framed against the employee and the statement of allegations furnished to him;

(ii) his written statement of defence, if any;

(iii) the documentary evidence considered in the course of the inquiry;

(iv) the orders, if any, made by the disciplinary authority and the inquiry committee in regard to the inquiry;

(v) the oral evidence taken in the course of the inquiry;

(vi) a report setting out the finding on each charge and the reasons thereof; and

(vii) any suggestion of the inquiry committee, if it considers necessary, for the imposition of any penalty.

(9) The disciplinary authority shall consider the report of inquiry and record its findings on each charge.

(10) If the disciplinary authority having regard to its findings on the charges is of the opinion that any of the penalties specified in clauses (iii) to (ix) of Rule 14 should be imposed, it shall, furnish to the employee a copy of the report of inquiry committee and a statement of its findings, if any.

(11) The disciplinary authority shall consider the representation, if any, made by the employee in response to the notice and determine what penalty, if any, should be imposed on the employee and pass appropriate orders in the case.

(12) If the disciplinary authority having regard to its findings is of the opinion that any of the penalties specified in clauses (i) to (vi) shall be imposed, it shall pass appropriate orders in the case.

22. Non-payment of salary arrears in certain cases :-

If the orders of the disciplinary authority imposing penalty of dismissal or removal or compulsory retirement or reduction in rank etc., is subsequently set aside by the Court or Appellate Authority, the Government shall not be liable to pay salary arrears and such arrears of salary shall be paid by the management only.

23. Communication of orders and appeal :-

Orders passed by the disciplinary authority shall be communicated to the employees who shall also be supplied with a copy of the

report of inquiry committee and statement of its findings if they have not been already been supplied to him. Any appeal against any of the penalties imposed by the disciplinary authority except those specified under Section 94 of the Act and also subject to provisions contained in Section 94 of the Karnataka Education Act, shall lie to the Director of Public Instruction (Primary) and Director of Public Instruction (Secondary) as the case may be. Every order of the disciplinary authority imposing any penalty or otherwise affecting his conditions of service to his prejudices, shall be served in person or communicated to the employees by registered post acknowledgement due, and copy of the order sent to the Competent Authority at the same time.

CHAPTER 4

Code of Conduct

24. Code of conduct for employees of Educational Institutions :-

Maintain absolute integrity, devotion to duty and do nothing which is unbecoming of an employee of an Educational Institution.

25. Professional Duties :-

(1)

(a) Every employee shall:

(i) be punctual in attendance in respect of his work and any other work connected' with the duties assigned of him by the end of the institution;

(ii) abide by the rules and regulations of the institution and show due respect to constituted authority.

(b) No employee shall:

(i) knowingly or willfully neglect his duties;

(ii) remain absent from the institution without leave or without the previous permission of the Head of the Institution;

(iii) include in, or encourage, any form of malpractice connected with examinations or any other school activity;

(iv) accept private tuition.

(2) The following also constitute misconduct:

(a) indulging in communal activities or propagating casteism;

- (b) ill-treatment of students, other employees and indulging in rowdy or disorderly behaviour or violence;
- (c) taking part in politics or elections;
- (d) joining an Association, the object of which is prejudicial to the interest of the country;
- (e) participation in a demonstration or strike;
- (f) criticising in public and current policies of State or Central Government;
- (g) accepting contribution or raising collection without previous sanction of the management;
- (h) bringing or attempt to bring political or other influence for furtherance of his own interest;
- (i) accepting any gift except a casual meal, lift or other social hospitality. However, on social occasions a gift could be accepted if its value is less than Rs. 100/- or on other occasions, if it is less than Rs. 250/-;
- (j) giving, taking or abetting the giving or taking of dowry;
- (k) engaging in any private trade or employment;
- (l) writing or editing any textbook while being a member of the textbook committee;
- (m) speculating in stock, share or investment;
- (n) becoming insolvent and/or getting into habitual indebtedness;
- (o) non-submission of Annual Assets and Liability Returns;
- (p) acquisition, disposal of movable or immovable properties without previous sanction of management or entering into any transaction with any foreigner or foreign organisation/Government for acquisition and disposal of property;
- (q) acting as a legal guardian of minor other than his dependant without the previous sanction of management;
- (r) contracting another marriage without obtaining permission of the management or entering into a bigamous marriage against the personal law of employee;

(s) consumption of intoxicating drugs or drinks.

CHAPTER 5

Leave Rules

26. General Rules :-

(1) The leave rules applicable to both teaching and non-teaching staff in Government Educational Institutions shall mutatis mutandis be applicable to the teaching and non-teaching staff or the aided Education Institutions.