

## **KARNATAKA PRIVATE EDUCATIONAL INSTITUTIONS (DISCIPLINE AND CONTROL) RULES, 1978**

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## **KARNATAKA PRIVATE EDUCATIONAL INSTITUTIONS (DISCIPLINE AND CONTROL) RULES, 1978**

Whereas, a draft of the Karnataka Private Educational Institutions (Model) Rules, 1976 which the Government of Karnataka proposes to make in exercise of the powers conferred by Sections 3 and 15 of the Karnataka Private Educational Institutions (Discipline and Control) Act, 1975 (Karnataka Act 10 of 1975) was published as required by sub-section (1) of said sections in Notification No. GSR 104 (ED 112 SLB 73, dated 24th March, 1976 in Part IV, Section 2-C(i) of the Karnataka Gazette, dated 25th March, 1976, inviting objections and suggestions from all persons likely to be effected thereby on or before 30th April, 1976. And whereas, the said Gazette was made available to the public on 25th March, 1976. And whereas, the objections and suggestions received under the said draft have been considered by the Government. Now, therefore, in exercise of the powers conferred by Sections 3 and 15 of the Karnataka Private educational Institutions (Discipline and Control Act, 1975) (Karnataka Act 10 of 1975) the Government of Karnataka hereby make the following model rules, namely:-

### CHAPTER 1

#### Preliminary

#### **1. Title and commencement :-**

(1) These rules may be called the Karnataka Private Educational Institutions (Discipline and Control) Rules, 1978.

(2) They shall come into force at once.

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

In these rules unless the context otherwise requires.

(a) "Appointing Authority" in relation to an employee means the Management or such other authority as the Management may, by order, authorise in that behalf.

(b) "Commuted Leave" means leave taken under rule;

(c) "Completed years of service" and "one year's continuous service" means a continuous service of the specified duration and includes periods spent on duty as well as on leave including extraordinary leave.

- (d) "Disciplinary Authority" in relation to the imposition of a penalty on an employee means the authority competent under rules to impose on him that penalty;
- (e) "Earned Leave" means leave earned in respect of period spent on duty;
- (f) "Enquiry Committee" means the Committee constituted under Rule 17(2);
- (g) "Half-pay Leave" means leave earned in respect of completed year of service;
- (h) "Head of the Department" means.
- (i) the Director of Technical Education, Bangalore, if the private educational institution is an engineering or other technical institution;
- (ii) the Director of Pre-University Education, Bangalore, if such institution is an independent junior College;
- (iii) the Director of Collegiate Education, Bangalore, if such institution is an Arts, Science, Commerce, Home Science or Law College or any other degree college (excluding Medical and Agriculture Colleges);
- (iv) the Director of Public Instruction, Bangalore, if such Institution is a Secondary School, Junior College with High School sections or special Institutions such as a Commerce Institution or an Art Institution;
- (v) the Additional Director of Public Instruction (Primary Education), if such an institution is a primary or pre-primary school;
- (vi) the Additional Director of Public Instruction and Director, Educational Research and Training, if such an institution is a College of Education or a Teacher's Training Institute;
- (vii) the authority specified in this behalf by the State Government if such institution is an Institution or College other than those referred to in clauses (i) to (vi);
- (i) "Institution" means Private Educational Institution;
- (j) "Leave" includes earned leave, half-pay leave, commuted leave, not due and extraordinary leave;

(k) "Part-time employee" means an employee appointed on hourly remuneration for a period less than a year.

## CHAPTER 2

### Service Conditions of Employees

#### **3. Qualifications :-**

No employee shall be eligible for an appointment to any post in any institution unless he possesses the minimum qualifications prescribed to corresponding posts in Government Educational Institutions or such higher qualifications as may be prescribed by the affiliating University where there are no Government Institutions.

#### **4. Age :-**

(1) No employee, who is not within the age limit prescribed for recruitment to corresponding posts in the Government Educational Institutions, shall ordinarily be eligible for appointment to any post in any Institution:

Provided that the age limit shall not apply to person appointed in accordance with the proviso to Rule 6(1).

(2) Date of compulsory retirement of an employee is the date on which he attains the age of fifty-five years.

#### **5. Scale of Pay :-**

The scale of pay of an employee of an institution shall not be lower than the scale of pay of an employee of a corresponding post in the Government Educational Institutions.

#### **6. Method of recruitment :-**

(1) Any appointment arising for a period of more than three months in any institution shall be made by selection from among persons who had applied in pursuance of an advertisement in news papers:

Provided that an employee in one institution may be appointed in another institution under the same or different Management in accordance with rules approved by Government in respect of each category of institution.

(2) For the purpose of recruitment under sub-rule (1) the Board of Management shall constitute.

(a) a selection committee for the appointment of the teaching and

non-teaching posts other than the post of the head of the institution consisting of.

(i) the President or the Head of the Board of Management or his nominee;

(ii) the Head of the Department or his nominee;

(iii) the Head of the Institution;

(iv) an educationist or an expert in the subject to which recruitment is to be made, to be selected by the Board of Management from a panel of names furnished by the Head of the Department.

(b) a selection committee for the appointment of the Head of the Institution consisting of.

(i) the President or the Head of the Management or his nominee;

(ii) the Head of the Department or his nominee;

(iii) an educationist to be selected by the Management from a panel of names furnished by the Head of the Department:

Provided that the Selection Committee for appointment of teaching posts in an Engineering or Technical Institution shall be constituted in the manner prescribed by the All India Council of Technical Education;

(3) The selection committee shall select and recommend in the order of merit a panel of three names eligible for appointment to each post.

(4) The Board of Management shall make the appointment in the order of merit out of the panel containing the names recommended by the selection committee.

(5) Any appointment for a period of three months or less or any part-time appointment for a period less than a year in an Institution shall be made subject to approval of the Head of the Department within one month from the date of appointment, by the Board of Management of such authority as the Board of Management by order may specify in that behalf. The Head of the Department may for reasons to be recorded in writing refuse approval for the said appointment and services of the person so appointed shall be terminated forthwith.

## **7. Period of Probation :-**

A person appointed under Rule 6(i) shall be on probation for a period of one year:

Provided that the Board of Management may extend the period of probation by a further period of six months.

## **8. Seniority :-**

The Manager shall prepare and maintain every year a separate seniority list of employees of each category of posts in the institution.

## **9. Termination and Resignation :-**

(1) The services of an employee employed for a specified period not exceeding three months or a part-time employee employed for a specified period less than a year on probation for a specified period may be terminated at the end of the specified period without assigning any reasons.

(2) Any employee appointed under Rule 6(1) may resign from service by giving one month's notice in writing to the Appointing Authority or one month's salary in lieu thereof. A copy of such notice shall be sent to the Head of the Department. The Head of the Department or a person authorised by him shall call the employee to appear before him for verifying the contents of the resignation notice and shall forward it to the Appointing Authority for acceptance, if the resignation is found to be voluntary, the Appointing Authority shall not accept the resignation until the notice is forwarded to it by the Head of the Department.

## **CHAPTER 3**

### **Discipline**

## **10. 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, in the case of peons and attenders only;

(ii) censure;

(iii) withholding of increments;

(iv) recovery from pay of the employee in whole or part of any pecuniary loss caused by negligence or breach of orders to the

Board of Management, the State Government, the Central Government, to any other State Government, any person, body or authority to whom the services of the employee had been lent;

(v) reduction to a lower stage in a time-scale 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;

(vi) reduction to a lower time scale of pay, grade, post or service which shall, unless otherwise directed, be a bar to the promotion of the employee to the time-scale 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 or post of service from which the employee was reduced and his seniority and pay on such restoration to the scale of pay, grade, post or service;

(vii) compulsory retirement;

(viii) removal from service which shall not be a disqualification for future employment:

(ix) dismissal from service which shall ordinarily be a disqualification for future employment: Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the order of the disciplinary authority, no penalty other than those specified in clauses (vi) to (viii) shall be imposed for an established charge of corruption.

Explanation 1. For purposes of this proviso, the expression "corruption" shall have the meaning assigned to the expression "criminal misconduct in discharge of official duty" in sub-section (1) of Section 5 of the Prevention of Corruption Act, 1974 (Central Act 2 of 1974) or the meaning assigned to the expressions "taking gratification other than legal remuneration in respect of an official act" and "obtaining valuable thing without consideration" in Sections 161 and 165 respectively of the Indian Penal Code.

Explanation 2. The following shall not amount to a 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 orders governing the service or post or terms of his appointment;
- (ii) stoppage of pay of the employee at the efficiency bar in the time-scale on the ground of 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 a lower service, grade or post of an employee officiating in a higher service, grade or post on the ground that he is considered after trial to be unsuitable for such higher service, grade or post or on administrative grounds connected with his conduct (such as the return of the permanent incumbent from leave or deputation availability of a more suitable officer);
- (v) reversion to his permanent service, grade or post of an employee appointed on probation to another service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing probation;
- (vi) compulsory retirement of an employee in accordance with the provision relating to his superannuation or retirement;
- (vii) termination of service.
  - (a) of an employee appointed for three months or less;
  - (b) of a part-time employee appointed for a period less than a year;
  - (c) of a person employed under an agreement in accordance with the terms of such agreement;
  - (d) of an employee appointed on probation at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing such probation.

## **11. Disciplinary Authorities :-**

- (1) The Board of Management may impose any of the penalties specified in Rule 10 on any employee.
- (2) Without prejudice to the provision of sub-rule (1) but subject to the provisions of sub-rule (3).



(a) the Head of the Institution may impose any of the penalties specified in clauses (i) and (ii) of Rule 10;

(b) the Board of Management may impose any of the penalties specified in clauses (iii) to (v) of Rule 10.

(3) The Board of Management shall be competent to impose penalties

(i) to (ix).

(4) Notwithstanding anything contained in these rules, no penalty specified in clauses (vi) to (ix) of Rule 10 shall be imposed by any authority lower than the Appointing Authority.

## **12. 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 police 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 offence involves one or more of the following misdemeanour.

(i) moral turpitude;

(ii) corruption, embezzlement or misappropriation of the institution's money, possession of assets disproportionate to one's known sources of income, misuse of official powers for personal gain;

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

(iv) desertion of duty;

(v) refusal or deliberate failure to carry out written orders of superior authority; and

(c) the continuance in office of the employee.

(i) will prejudice the disciplinary proceeding, criminal investigation or trial; or

(ii) is likely to seriously subvert discipline in the office in which he is working; or

(iii) is likely to lead to a public scandal.

(2) An employee shall be deemed to have been placed under suspension by an order of 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 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.

Explanation. The period of forty-eight hours referred to in clause (b) of this sub-rule (2) shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee under suspension is set aside in his 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, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, 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, removal 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, 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 and 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 or is deemed to have made the order or by any authority to which that authority is subordinate.

### **13. Subsistence allowance during suspension :-**

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

(a) Subsistence allowance at an amount equivalent to seventy-five per cent of the pay drawn immediately prior to the date of suspension, the additional dearness allowance, if admissible, on the basis of the amount of such subsistence allowance:

Provided that where the period of suspension exceeds twelve months, the authority made or deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of first twelve months as follows:

(i) the amount of subsistence allowance may be increased to an amount equal to ninety per cent of the pay drawn immediately prior to the date of suspension if in the opinion of the said authority the period of suspension has been prolonged for reasons to be recorded in writing not direct attributable to the employee;

(ii) the amount of subsistence allowance to be reduced by suitable amount not exceeding fifty per cent of the subsistence allowance admissible during the period of first twelve months, if in the opinion of the said authority the period of suspension has been prolonged due to the reasons to be recorded in writing directly attributable to the employee;

(iii) the rates of dearness allowance will be based on the increased or as the case may be the decreased amount of subsistence allowance admissible under sub-clause (i) or (ii):

(a) Provided further that when an employee is convicted by a Competent Court and sentenced to imprisonment, the subsistence allowance shall, pending the result of an appeal to a higher Court, be reduced to the nominal amount of one rupee per month and the question of paying him pay or allowances either in full or in part for the period of conviction and sentence till the decision of the Appellate Court in the event of an appeal being filed may be considered by the Board of Management after the appeal is decided;

(b) Each claim for subsistence allowance should be supported by a certificate by the employee concerned to the effect that he was not engaged in any employment, business profession or vocation during the period to which the claim relates.

(2) Where an employee who has been dismissed, removed, 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 allowances 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 on superannuation, as the case may be; and

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

(2) 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.

(3) 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 allowances under sub-rule (2) or (3) shall be subject to all other conditions under which such allowances are admissible:

Provided further that such proportion of such pay and allowances shall not be less than subsistence allowance and other allowances admissible under these rules.

(4) 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 deemed to be period of duty and the employee shall be entitled to full pay and allowance as if he had not been placed under suspension;

(ii) makes an order imposing any penalty other than the penalty of compulsory retirement, removal 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 his 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, removal from service or dismissal, 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.

#### **14. Leave while under suspension :-**

(1) Leave of absence for a definite period is not admissible to an employee who has been suspended from duty without obtaining

the permission of the authority competent to fill up the appointment of 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.

**15. Authority to institute proceedings :-**

The Board of Management or any other authority empowered by it by general or special order may institute disciplinary proceedings against any employee.

**16. Procedure for imposing minor penalties :-**

(1) No order imposed on any employee or any of the penalties specified in clauses (i) to (v) of Rule 10 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 employee 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 representation, of any;

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

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

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

**17. Procedure for imposing major penalties :-**

(1) No order imposing any of the penalties specified in clauses (vi) to (ix) of Rule 10 shall be made except after an enquiry is held, as far as may be in the manner provided in this rule.

(2) Whenever the Management 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 V against an employee, it may appoint an Enquiry Committee consisting of one or more persons not having any dealings of whatever nature with the Management or any member thereof or with any employee in the institution or elsewhere. When an Enquiry Committee consists of two or more members, the quorum shall be two.

(3) Where an order of suspension has been made, the Enquiry Committee shall, before proceeding with the enquiry, record in writing, whether the said suspension is "prima facie" in accordance with sub-rule (1) of Rule 12.

(4) The Disciplinary Authority shall frame definite charges on the basis of the allegations on which the enquiry is proposed to be held. Such charges, together with 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.

(5) 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, for reasons to be recorded in writing in the opinion of the Enquiry Committee such records are not relevant for the purpose and it is against the interest of the institution to allow his access thereto.

(6) 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.

(7) 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 is a legal practitioner or the Enquiry Committee having regard to the circumstances of the case so permit.

(8) The Enquiry Committee shall, in the course of the enquiry, 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 Enquiry Committee declines to examine any witness on the ground that his evidence is not relevant or material, it shall record its reasons in writing.

(9) At the conclusion of the inquiry, the Enquiry Committee shall prepare a report of the enquiry, record its findings on each of the charges together with the reason therefor. If in the opinion of the Enquiry Committee, the proceedings of the enquiry establish charges different from those originally framed, it may record findings on such charges:

Provided that findings as such charges shall not be recorded unless the employee had an opportunity of defending himself against them.

(10) The record of enquiry 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 oral evidence taken in the course of the enquiry;

(iv) the documentary evidence considered in the course of the enquiry;

(v) the orders, if any, made by the Disciplinary Authority and the Enquiry Committee in regard to the enquiry;

(vi) a report setting out the findings on each charge and the reasons therefor; and

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



(11) The Board of Management shall consider the report of enquiry and record its findings on each charge.

(12) If the Board of Management having regard to its findings on the charges is of the opinion that any of the penalties specified in clauses (vi) to (ix) of Rule 10 should be imposed, it shall, furnish to the employee, a copy of the report of the Enquiry Committee and a statement of its findings, if any.

(13) The Board of Management 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.

(14) If the Board of Management having regard to its findings is of the opinion that any of the penalties specified in clauses (i) to (v) shall be imposed, it shall pass appropriate orders in the case.

(15) Orders passed by the Board of Management shall be communicated to the employee who shall also be supplied with a copy of the report of Enquiry Committee and statement of its findings if they have not been already supplied to him. Any appeal against any of the penalties imposed by the Disciplinary Authority shall lie to the Educational Appellate Tribunal.

#### **18. Communication of Orders :-**

Every order of the Disciplinary Authority or Board of Management imposing any penalty or otherwise affecting his conditions of service to his prejudice, shall be communicated to the employee by the Manager by registered post acknowledgement due, and a copy of the order be sent to the prescribed authority at the same time.

#### **CHAPTER 4**

##### **Leave Rules**

#### **19. General Rules :-**

(1) Leave of any kind cannot be claimed as of right. Discretion is reserved to the authority competent to grant leave to refuse, or to revoke leave at any time in the interests of the institution.

(2) Any leave under these rules may be granted in combination with or in continuation of any other kind of leave, except casual leave.

(3) No leave shall be granted beyond the date on which an employee must compulsorily retire.

## **20. Earned Leave :-**

(1) Earned leave admissible to a permanent employee is 1/11th of the period spent on duty:

Provided that an employee shall cease to earn such leave when the earned leave due amount to one hundred and eighty days.

## **21. Half-pay leave :-**

(1) The half-pay leave admissible to a permanent employee in respect of each completed year of service is twenty days.

(2) Half-pay leave may be granted to a temporary employee provided that the authority competent to sanction leave is satisfied that the employee will return to duty on the expiry of such leave.

(3) Half-pay leave due may be granted to an employee on medical certificate or on private affairs.

(4) An employee on half-pay leave is entitled to leave salary equal to half the amount he would be entitled if he were on leave on full pay.

## **22. Commuted Leave :-**

(1) Commuted leave not exceeding half the amount of half-pay leave may be granted on medical certificate or on private affairs to an employee subject to the following conditions, namely.

(a) Commuted leave that may be granted during the entire service of an employee shall be limited to maximum of two hundred and forty days;

(b) The maximum commuted leave on private affairs that may be granted at a time shall be one hundred and twenty days;

(c) If commuted leave on private affairs is combined with earned leave, the total period shall not exceed one hundred and eighty days;

(d) The total duration of earned leave combined with commuted leave granted on medical certificate shall not exceed two hundred and forty days;

(e) No commuted leave should be sanctioned under this rule unless the authority competent to sanction leave has reason to believe that the employee will return to duty on its expiry;

(f) When commuted leave is granted, twice the amount of such leave shall be debited against the half-pay leave due.

(2) When an employee to whom commuted leave has been granted intends to retire on the expiry of such leave, the commuted leave granted shall be converted into half-pay leave and the difference between the leave salary in respect of commuted leave and half-pay leave shall be recovered. But if the retirements compulsorily thrust upon him by reason of ill-health, incapacitating him for further service, no refund should be taken.

(3) When an employee who had been granted commuted leave either by itself or in combination with other kinds of leave, dies while on such leave, the commuted leave need not be converted into half-pay leave and the difference in leave salary in respect of commuted leave and half-pay leave shall not be recovered.

### **23. Extraordinary leave :-**

(1) Extraordinary leave may be granted to an employee when no other leave is by rule admissible, or when other leave is admissible but the employee applies in writing for the grant of extraordinary leave.

(2) The duration of extraordinary leave shall not exceed three months on any occasion. The duration shall not exceed six months where the application for the grant of such leave is supported by medical certificate and two years for the purpose of prosecuting studies certified to be in the professional interest.

(3) An employee under extraordinary leave is not entitled to any leave salary.

### **24. Maternity leave :-**

(1) Maternity leave on full pay may be granted to married women employees for a period which shall not ordinarily exceed two months but which may be extended to three months at the discretion of the sanctioning authority on production of medical certificate. In no case shall maternity leave extend beyond six weeks from the date of confinement. No maternity leave shall be granted to married women employees having three or more living children.

(2) Maternity leave may be combined with leave of any kind, but any leave applied for in continuance of maternity leave may be

granted only on production of medical certificate.

(3) Leave in continuation of maternity leave may be granted in the case of illness of a new born baby, subject to the production of a medical certificate to the effect that personal attention and presence of the mother is absolutely necessary.

(4) Maternity leave may be combined with vacation provided that no extra cost is involved for the period of the vacation so combined.

(5) Maternity leave for a period not exceeding six weeks may be granted in cases of miscarriage, including abortion, provided the application is supported by a medical certificate from a registered medical practitioner.

**25. Casual leave :-**

The amount of casual leave and special casual leave admissible to the employee shall be the same as that admissible to the employees in Government service.

**26. Vacation pay :-**

The rules governing the payment of vacation pay to similar category of employees in Government Educational Institutions, shall also apply to the employees of the institution.

**27. Compensation :-**

An employee of the institution who has been confirmed and whose services are terminated by the management for reasons other than as a measure of punishment, shall be entitled to compensation at the rate of 15 days salary for every completed year of service, subject to minimum of three months salary and maximum of fourteen months salary.

**CHAPTER 5**

Rules in respect of matters relating to Code of Conduct of Employees

**28. Employees shall be governed by the Code of Conduct :-**

Every employee whether aided or not shall be governed by the Code of Conduct, as specified in this Chapter, and every such employee shall be liable to the disciplinary action specified in Rule 10, for the breach of any provision of the Code of Conduct:

Provided that in the case of an employee of an unaided institution, the penalties for the breach of any provision of the Code of Conduct shall be such as may be specified in the contract of service between the Board of Management and the concerned employee.

## **29. Code of Conduct for employees :-**

(1) The Code of Conduct for employees shall be as follows.

(a) An employee at all times, shall maintain absolute integrity and devotion to duty;

(b) No employee shall.

(i) knowingly or wilfully neglect his duties;

(ii) propagate communal or sectarian outlook or incite or allow any student to indulge in communal or sectarian activity;

(iii) discriminate against any person on the ground of caste, creed, language, place of origin, social and cultural background or any of them;

(iv) indulge in or encourage, any form of malpractice connected with examination or any other school activity;

(v) show any sustained neglect in correcting class work or home-work done by student;

(vi) while on duty in the institution, absent himself (except with the previous permission of the Head of the Institution) from the institution;

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

(viii) behave in a manner unbecoming of an employee of an Educational Institution;

(ix) accept private tuition other than in accordance with the same conditions and restrictions as are applicable to a Government teacher;

(x) prepare or publish any book or books commonly known as keys or assist, whether directly or indirectly, in their publication without the permission of the Board or Management;

(xi) enter into any monetary transactions with any student or parent; nor shall he exploit his influence for personal ends; nor shall he conduct his personal matter in such a manner that he has to incur a debt beyond his means to repay;

(xii) accept, or permit any member of his family or any other person acting on his behalf to accept, any gift from any student,

parent or any person with whom he has come into contact by virtue of his position in the Institution.

Explanation.

(a) The expression 'gift' shall include free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person other than a near relation or personal friend having no dealings with him in connection with the school.

(b) On occasions, such as weddings, anniversaries, funerals or religious functions when the making of a gift is in conformity with the prevailing religious or social practice, an employee may accept gift if the value thereof does not exceed twenty-five rupees.

(xiii) practice or incite any student to practice, casteism, communalism or untouchability;

(xiv) cause, or incite any other person to cause, any damage to school property;

(xv) behave, or encourage, or incite any student, teacher or other employee to behave in a rowdy or disorderly manner in the premises of the institution;

(xvi) indulge in any violence, or any conduct which involves moral turpitude;

(xvii) misbehave with or show cruelty towards any parent, guardian, student, teacher or other employee of the institution;

(xviii) organise or attend any meeting during the working hours of the Institution except when he is required or permitted by the Head of the Institution to do so;

(xix) such other matters that may be agreed to between the Management and the employee;

(c) Every employee shall.

(i) be punctual in attendance and in respect of his work and also for any other work connected with the duties assigned to him by the Head of the Institution;

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

(2) Nothing contained in sub-rule (1) shall be deemed to take away

or abridge the right of an employee.

(a) to appear at any examination to improve his/her qualification;

(b) to become or to continue to be a member of any literary, scientific or professional organisation; and

(c) to make any representation for the redressal of any bona fide grievance, subject to the condition that such representation is not made in any trade or indecorate language.