

KARNATAKA SECONDARY EDUCATION EXAMINATION BOARD ACT, 1966

16 of 1966

[]

CONTENTS

1. Short title, extent and commencement
2. Definitions
3. Incorporation of the Board
4. Constitution of the Board
5. Term of office of members
6. Disqualifications of members
7. Disqualifications of co-opted persons
8. Vacancy owing to disqualifications
9. Vacancy owing to absence
10. Vacancy to be published
11. .
12. Resignation of the members of the Board
13. Casual vacancies
14. Temporary association of persons with the Board, etc
15. Powers and duties of the Board
16. Meetings of the Board
17. Powers and duties of the Chairman
18. Appointment, powers and duties of Secretary
19. Appointment of other officers and servants, etc
20. Salary and Allowances of the staff
21. Examiners Committee
22. Other Committees
23. Termination of Examiners appointment for misconduct or negligence
24. Board Fund
25. Annual accounts and financial estimates
26. Power of Board to make regulations
27. Approval of regulations by State Government
28. Making of first regulations and bye-laws
29. First appointment of University representatives
30. Proceedings not invalidated by reason of vacancies, etc
31. Power of the Board to make bye-laws
32. Information, returns, etc., to be furnished by Board
33. Powers of the State Government
34. Power to make rules
35. Responsibility of Chairman, Vice-Chairman and members

36. Chairman, Director or Vice-Chairman], etc., to be public servants
37. Bar of suits, etc., for acts done in good faith
38. Previous notice for suits, etc
39. Removal of difficulties
40. Repeal
41. Amendments of certain enactments

SCHEDULE 1 :- SCHEDULE

KARNATAKA SECONDARY EDUCATION EXAMINATION BOARD ACT, 1966

16 of 1966

[]

STATEMENT OF OBJECTS AND REASONS KARNATAKA ACT No. 9 OF 1976 Karnataka Gazette, Extraordinary, dated 31-1-1976 Under explanation to sub-section (3) of Section 25 of Karnataka Secondary Education Examination Board Act, 1966, the year means the year commencing on first day of August. This does not synchronise with the official year of Government thus causing inconvenience in compiling the accounts of the Karnataka Secondary Education Examination Board. It is, therefore, proposed to adopt the year of the Board from 1st of April of every year to end of March of subsequent year to synchronise with the official year of Government. It is proposed to give effect to this change immediately with a proviso i.e., in respect of the year 1975-76, the year shall mean the period of eight months commencing on the first day of August, 1975 and ending with the thirty-first day of March, 1976. Hence this Bill.

1. Short title, extent and commencement :-

- (1) This Act may be called the Karnataka Secondary Education Examination Board Act, 1966.
- (2) It extends to the whole of the State of Karnataka.
- (3) It shall come into Force on such date as the State Government may, by notification, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires,

- (a) "Board" means the Karnataka Secondary Education Examination Board constituted under this Act;

- (b) "Bye-laws" means bye-laws made by the Board under this Act;
- (c) "Chairman" means the Chairman of the Board;
- (d) "Committee" means a Committee appointed under this Act;
- 1** [(da) "Director" means the Director of the Board;
- (e) "Examination" means an examination conducted by the Board;
- (f) "Examiner" includes the Chief Examiner, the Joint Chief Examiner, the Deputy Chief Examiner and a Paper-setter;
- (g) "Head Master" or "Head Mistress" means the head of the teaching staff of a recognised High School, by whatever name designated;
- (h) "Notification" means a notification published in the Official Gazette;
- (i) "Prescribed" means prescribed by rules made by the State Government under this Act;
- (j) "Recognised High School" means a High School, a Higher Secondary School, a Multi-purpose High School or a Junior Technical School recognised by the Director of Public Instruction in Karnataka or an officer authorised by him in this behalf;
- (k) "Regulations" means regulations made by the Board under this Act
- ;
- (l) "Rules" means rules made by the State Government under this Act;
- (m) "Secretary" means the Secretary of the Board;
- (n) "Supervisor" includes Chief Superintendent, Block Superintendent, Assistant Superintendent, Room Superintendent and Custodian;
- (o) "Vice-Chairman" means the Vice-Chairman of the Board.

1. Clause (da) inserted by Act No. 1 of 1995, w.e.f. 1-6-1995

3. Incorporation of the Board :-

(1) The State Government shall, as soon as may be, establish by notification a Board of Secondary Education Examination with effect

from such date as may be specified in the notification.

(2) The Board shall be a body corporate by the name of the Karnataka Secondary Education Examination Board and shall have perpetual succession and a common seal and may sue and be sued by the corporate name and shall be competent to acquire and hold property, both movable and immovable, and subject to such restrictions and conditions as may be prescribed, to lease, sell or otherwise transfer movable or immovable property which may have been vested in or acquired by it and to contract and do all things necessary for the purposes of this Act.

4. Constitution of the Board :-

(1) The Board shall consist of a Chairman, a Vice-Chairman and members as specified in this section. ¹[The Commissioner for Public Instruction shall ex-officio be the Chairman of the Board]

(2) The Chairman shall be an officer of the Department of Public Instruction, not below the rank of ²[Director and Additional Director], appointed by notification by the State Government. He shall be a

(3) ³[The Director] shall, ex-officio, be the Vice-Chair man.

(4) The Board shall also consist of the following members:

(A) Ex-officio members:

(a) two ⁴[Divisional Joint Directors] of Public Instruction, designated by the State Government;

(b) one ⁵[Deputy Director of Public Instruction], designated by the State Government;

(c) an Officer of the Department of Technical Education, designated by the State Government;

(d) an Officer of the Department of Agriculture designated by the State Government;

⁶[(da) the Director of Text Books or his nominee;]

(e) ⁷ [eight] Officers of the Department of Public Instruction, who are in charge of Commercial Education, Home Science Education, Arts and Crafts, Music, Drama and Dance, Hindi Education, Sanskrit Education ⁶[, 'State Education unit] and Physical Education,

designated by the State Government.

(B) Elected Members: Two members elected in the manner prescribed from amongst themselves by the members of the Academic Councils of each of the Universities established by law in the State.

(C) Nominated Members:

(a) five members nominated by the State Government from amongst Head Masters and Head Mistresses of recognised High Schools;

(b) five members nominated by the State Government from amongst teachers in recognised High Schools who have put in not less than ten years service as teachers;

(c) one of the Principals of the Secondary Teachers' Training Colleges in the State nominated by the State Government;

(d) two of the heads of the Primary Teachers' Training Colleges in the State, nominated by the State Government;

(e) six persons (not being Head Masters, Head Mistresses or teachers in recognised High Schools) who have had experience in matters connected with Secondary Education, nominated by the State Government:

Provided that a member shall cease to hold office as such member,

(i) if he is elected under paragraph (B) and ceases to be the member of the Academic Council concerned;

(ii) if he is nominated under clause (a) or clause (b) of paragraph (C) and ceases to be either a Head Master, or a Head Mistress, or a teacher of a recognised High School, as the case may be; and

(iii) if he is nominated under clause (c) or clause (d) of paragraph (C) and ceases to be a Principal of a Secondary Teachers' Training College or the head of a Primary Teachers' Training College.

(5) The names of persons who have been nominated or elected to be members of the Board in accordance with sub-section (4) shall be published by the State Government by notification in the official Gazette.

1. Inserted by Act No. 1 of 1995, w.e-f-1-6-1995

2. Substituted for the words "the Joint Director" by Act No. 1 of

1995, w.e.f. 1-6-1995.

3. Substituted for the words " The Joint Director of public Institution, incharge of Secondary Education" by Act No. 1 of 1995, w.e.f. 1-6-1995.

4. Substituted for the words "1 Divisional Deputy Directors" by Act No. 19 of 1977.

5. Substituted for the words "District Educational Officer" by Act No. 19 of 1977.

6. Clause (da) inserted by Act No. 1 of 1995, w.e.f. 1-6-1995.

7. Substituted for the words "seven" by Act No. 1 of 1995, w.e.f. 1-6-1995.

5. Term of office of members :-

The members of the Board other than ex-officio members shall hold office for a term of three years from the date of publication of their names under sub-section (5) of Section 4, and on the expiration of such term shall be eligible for being reelected or re-normnated Provided that the term of office of outgoing members shall be deemed to extend to and expire with the date on which the names of their successors elected or nominated, as the case may be, are published under sub-section (5) of Section 4.

6. Disqualifications of members :-

A person shall be disqualified for being appointed, or for being elected, or nominated as, ana for being, a member of the Board 01 for being a member of any Committee under this Act,

(i) if he directly or indirectly by himself or his partner has any share or interest in any work done by order of, or in any contract entered into on behalf of the Board;

(ii) if he is a person against whom an order has been made under sub-section (1) of Section 23:

Provided that where the order has been made on the ground that such person has been guilty of negligence, the disqualification shall cease to have effect after the expiry of the period specified in the order.

7. Disqualifications of co-opted persons :-

A person shall be disqualified for being co-opted to the Examiners Committee or any other committee appointed under Section 21 or Section 22 or for continuing to act after co-option, if he is or becomes subject to any disqualification specified in Section 6.

8. Vacancy owing to disqualifications :-

If any member of the Board or a Committee during the term for

which he has been appointed, elected or nominated, as the case may be, becomes subject to any disqualification under Section 6 or Section 7, his office shall thereupon become vacant.

9. Vacancy owing to absence :-

If any member of the Board during the term for which ho has been elected or nominated absents himself from three consecutive meetings of the Board, without the permission of the Board, his office shall thereupon become vacant.

10. Vacancy to be published :-

Any vacancy occurring under Section 8 or Section 9 shall be published by the Board in the Official Gazette.

11. . :-

(1) The State Government may, on the recommendation of the Board, remove any member of the Board or a Committee, if he has been convicted by a court of law of any offence involving moral turpitude, or if he has been guilty of scandalous conduct.

(2) No recommendation for the removal of any member shall be made by the Board unless the person concerned has been given a reasonable opportunity of being heard.

(3) The name of any member who has been removed from the Board or a Committee under sub-section (1) shall be published in the official Gazette.

12. Resignation of the members of the Board :-

A member of the Board, other than an ex-officio member, may resign his seat at any rime by giving notice thereof in writing to the Chairman and such member shall be deemed to have vacated his seat as soon as the Chairman has received his resignation.

13. Casual vacancies :-

All casual vacancies among the members (other than ex-offido members) of the Board or any Committee constituted under this Act shall be filled up, as soon as may be, by election, nomination or appointment, as the case may be, and the person elected, nominated or appointed to a casual vacancy shall hold office so long only as the member in whose place he is elected, nominated or appointed would have held it, if the vacancy had not occurred.

14. Temporary association of persons with the Board, etc :-

(1) The Board may associate with itself persons not exceeding

three, whose assistance or advice it may desire in performing any of its functions under this Act.

(2) The Board may co-opt persons, not exceeding three in each case to the Examiners' Committee or other committees for special purposes,

(3) A person associated under sub-section (1) or co-opted under sub-section (2) shall not be deemed to be a member of the Board or the committee as the case may be and shall have no right to vote at any meeting thereof, but he may take part in the discussions of the Board or the committee relevant to the purpose for which he was associated or co-opted.

15. Powers and duties of the Board :-

Subject to the provisions of this Act, the powers and duties of the Board shall be as follows, namely:

(a) to hold,

(i) the Karnataka Secondary School Leaving Certificate Examination;

(ii) the Teachers Certificate Examination (Higher);

(iii) the Teachers Certificate Examination (Lower);

(iv) any other examination which the State Government may from time to time by notification specify;

(b) to make regulations for all or any of the matters specified in Section 26;

(c) to make regulations for imposing penalties for acts of misconduct committed by students seeking admission to and appearing for examinations;

(d) to appoint Examiners and Supervisors and to fix their remuneration and to arrange for the conduct of, and for publishing the results of examinations;

(e) to fix, demand and receive such fees and other charges as may be prescribed by regulations;

(f) to award certificates to students passing examinations;

(g) to receive bequests, donations, endowments, trusts and transfers of any property or interest therein or right thereto;

(h) to hold any property, interest or right referred to in clause (g) and to manage or deal with the same;

(i) to borrow moneys with or without security for such purposes as may be approved by the State Government from the Central Government, the State Government or incorporated bodies approved by the State Government, subject to the provisions of this Act;

(j) to award stipends, scholarships, medals, prizes and other rewards;

(k) to exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this Act or as may be prescribed;

(l) to do all such acts and things as may be necessary to carry out the purposes of this Act.

16. Meetings of the Board :-

The Board shall ordinarily meet at least once in every three months. The Chairman may, at any time, and shall, upon the written request of not less than one- third of the members of the Board, and on a date not more than ten days after the receipt of such request, call a special meeting of the Board.

17. Powers and duties of the Chairman :-

(1) The Chairman shall preside over the meetings of the Board and of all the Committees of the Board. He shall have power to convene meetings of the Board and of all its Committees.

(2) The ¹[Director] shall be the principal executive officer of the Board and shall exercise general control, supervision and inspection over its affairs. It shall be his duty to ensure that the provisions of this Act, the rules, regulations and bye-laws are duly observed and he shall have and exercise all powers necessary for the purpose.

(3) The ²[Director] may take action in any emergency which in his opinion calls for immediate action. He shall in such a case, and as soon as may be thereafter, report his action to the Board or the Committee which would ordinarily have dealt with the matter.

(4) Where a difference of opinion arises between the ³[Director] and the Board or a Committee in respect of any action taken under sub-section (3), the ⁴[Director] shall submit the matter to the

State Government through ⁵ [the Chairman] and the decision of the State Government thereon shall be final.

(5) Notwithstanding anything contained in the provisions of this Act, the rules and regulations, it shall be within the competence of the

(6) During the absence of the Chairman on leave, by reason of illness or deputation on other duty connected with the Board or any other cause or pending filling up of the vacancy caused in any manner, his duties shall be performed by the Vice-Chairman and in the absence of the Vice-Chairman by such member as the State Government may direct.

1. Substituted for the word "Chairman" by Act No. 1 of 1995, w.e.f. 1-6-1995.

2. Substituted for the word "Chairman" by Act No. 1 of 1995, w.e.f. 1-6-1995.

3. Substituted for the word "Chairman" by Act No. 1 of 1995, w.e.f. 1-6-1995.

4. Substituted for the word "Chain-nan" by Act No. 1 of 1995, w.e.f. 1-6-1995.

5. Substituted for the words "the Director of Public Instruction" by Act No. 1 of 1995, w.e.f. 1-6-1995.

18. Appointment, powers and duties of Secretary :-

(1) The Board shall have a Secretary who shall be an officer of the Department of Public Instruction not below the rank of a Deputy Director of Public Instruction, appointed by the State Government.

(2) The Secretary shall, subject to the control of the ¹ [Director] exercise such powers and perform such duties as may be prescribed.

(3) He shall be entitled to be present at the meetings of the Board but shall not be entitled to vote thereat.

1. Substituted for the word "Chairman" by Act No. 1 of 1995, w.e.f. 1-6-1995.

19. Appointment of other officers and servants, etc :-

(1) Subject to the general or special orders of the State Government, the Board may appoint officers and servants (other than the ¹ [Director] and the Secretary) from among Government servants of the Department of Public Instruction as may be required to enable the Board to discharge its functions under this

Act,

(2) Every appointment under sub-section (1) shall be made from the list of persons prepared from time to time by a committee of the Board, to be called the Appointment Committee, consisting of the ²[Director], the Vice-Chairman and two members who are not ex officio members.

(3) When the list referred to in sub-section (2) has not been prepared or when prepared is exhausted and a fresh list has not been prepared, the ³ [Director] may make temporary appointments from among Government servants in the Department of Public Instruction for a period not exceeding six months. The ²[Director] shall make a report of such appointments to the Board at its next meeting.

(4) The ³[Director], the Secretary and the other officers and servants of the Board shall be Government servants. The Board may recommend to the State Government the taking of such disciplinary action against- any of them in respect of any misconduct by him.

1. Substituted for the word "Chairman" by Act No. 1 of 1995, w.e.f. 1-6-1995-

2. Substituted for the word "Chairman" by Act No. 1 of 1995, w.e.f. 1-6-1995.

3. Substituted for the word "Chairman" by Act No. 1 of 1995, w.af. 1-6-1995.

20. Salary and Allowances of the staff :-

(1) The salary and allowances of the ¹[Director], the Secretary and the other officers and servants of the Board shall be met from the Consolidated Fund of the State.

² [(2) x x x x x.]

1. Substituted fur the word "Chairman" by Act No. 1 of 1995, w.e.f. 1-6-1995.

2. Sub-section (2) omitted by Act No. 18 of 1995.

21. Examiners Committee :-

(1) There shall be a Committee called the Examiners' Committee for the purpose of drawing up the panel of names of Examiners.

(2) The Examiners' Committee shall consist of

(i) the ¹[Director];

(ii) ten Members appointed by the Board in the manner specified below:

(a) three from amongst the ex-officio members of the Board;

(b) four from amongst the elected members of the Board;

(c) three from amongst the nominated members of the Board.

(3) The Examiners' Committee shall draw up panels of the names of the Examiners. Such panels shall consist of such number as may be prescribed by the regulations.

(4) The ²[Director] shall make appointments of Examiners out of the panel drawn up by the Examiners Committee.

(5) The ³[Director] may in an emergency appoint any Examiner outside the panels drawn up by the Examiners' Committee and when any such appointment is made, he shall report such appointment to the Board.

(6) The members of the Examiners' Committee other than the ⁴[Director], shall hold office for a term of one year from the date of their appointment.

1. Substituted for the word "Chairman" by Act No. 1 of 1995, w.e.f. 1-6-1995

2. Substituted for the word "Chairman" by Act No. 1 of 1995, w,e.f. 1-6-1995

3. Substituted for the word "Chairman" by Act No. 1 of 1995, w.e.f. 1-6-1995

4. Substituted for the word "Chairman" by Act No. 1 of 1995, w,e.f. 1-6-1995

22. Other Committees :-

(1) The Board may in the manner prescribed by bye-laws, appoint such other Committees consisting of the members of the Board as it may think necessary for the efficient discharge of its functions under this Act or the rules or regulations.

(2) The number of members and the duties and functions of such Committees shall be such as may be determined by the Board.

23. Termination of Examiners appointment for misconduct or negligence :-

(1) If at any time it appears to the Board that a person appointed

as an Examiner under this Act, has been guilty of misconduct or negligence, which renders his appointment as an Examiner inexpedient, the Board may make an order terminating his appointment and directing that such person shall not be eligible for appointment as an Examiner at any time or for a specified period. Before making such order, the Board shall observe such procedure as may be prescribed by the regulations.

(2) The name of the person against whom an order has been made under sub-section (1) shall not be included in the panel of names submitted under Section 21 for such period as may be specified in such order.

(3) Any person aggrieved by an order made under sub-section (1) may appeal to the State Government within sixty days from the date of the order. On such appeal being filed, the State Government may, after making such enquiry as it thinks fit, confirm, modify or reverse the order. The order of the State Government on such appeal shall be final.

24. Board Fund :-

(1) The Board shall have its own fund and the following moneys shall be placed to the credit thereof:

- (a) fees and charges levied by the Board;
- (b) contribution, if any, paid by the State Government; and
- (c) any money received by or on behalf of the Board.

(2) The Board Fund shall be kept in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or invested in securities authorised by the Indian Trusts Act, 1882 at the discretion of the Board.

25. Annual accounts and financial estimates :-

(1) The Board shall prepare the annual accounts and submit them to the State Government for audit. The State Government shall cause the accounts to be audited and the Board shall pay such charges for the audit as the State Government may, from time to time, determine.

(2) The Board shall prepare, before such date as may be prescribed, the financial estimates for the ensuing year and forward them to the State Government for its sanction. The State

Government may pass such orders with reference thereto as it thinks fit and communicate the same to the Board and the Board shall give effect to such orders.

(3) The Board shall prepare and forward to the State Government in the prescribed manner within three months from the end of the year an annual report giving a complete account of its activities during the previous year. Every such report shall be laid before each House of the State Legislature, as soon as may be, after it is received by the State Government.

Explanation. In this section 'year' means the official year: Provided that for the purpose of the year 1975-76 the 'year' shall mean the period of eight months commencing on the first day of August 1975 and ending with the Thirty-first day of March, 1976.]

26. Power of Board to make regulations :-

(1) The Board may, from time to time, by notification, make regulations not inconsistent with this Act and the rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely.

(a) appointment of Examiners and their remuneration;

(b) qualifications and disqualifications of Examiners;

(c) arrangements for the conduct of and for publishing the results of examinations;

(d) the admission of candidates to the examinations and the conditions governing such admissions;

(e) the marks required for passing in any subject or the examination as a whole, and for exemption, credit or distinction in any subject;

(f) fixing of fees and charges in respect of examinations;

(g) awarding of certificates to the successful students;

(h) the procedure to be followed at the meetings of the Examiners' Committee, the number of members required to form a quorum at such meetings; and the travelling and other allowances to be drawn by the members of the Examiners' Committee and persons co-

opted to that committee;

(i) the procedure to be observed before making an order under Section 23;

(j) providing for all matters which by this Act are to be or may be provided for by regulations.

27. Approval of regulations by State Government :-

No regulation made under Section 26 shall have effect until it is approved by the State Government.

28. Making of first regulations and bye-laws :-

Notwithstanding anything contained in Section 26 or Section 31, the first regulations and the first bye-laws shall be made by the State Government and they shall continue in force till new regulations or bye-laws are made by the Board under the said sections and approved by the State Government.

29. First appointment of University representatives :-

Notwithstanding anything contained in Section 4, the members under paragraph (B) of sub-section (4) of Section 4 may, on the first constitution of the Board, be nominated by the State Government, but the members so nominated shall hold office only until they can be replaced by members elected as provided in that paragraph and the members so elected shall hold office so long only as the members replaced would have held office had they not been replaced.

30. Proceedings not invalidated by reason of vacancies, etc :-

No act or proceeding of the Board or of the Examiners' Committee or any other committee constituted by the Board shall be invalidated merely by reason of any vacancy in, or any defect in the constitution of, the Board or a committee or any other defect or informality not affecting the merits of the case.

31. Power of the Board to make bye-laws :-

(1) The Board may, by notification, make bye-laws not inconsistent with this Act, the rules and the regulations to provide for all or any of the following matters, namely.

(a) the procedure to be followed at the meetings of the Board and a Committee and the number of members required to form a quorum at such meetings;

(b) the travelling and other allowances which may be drawn by members of the Board and a Committee and of persons temporarily associated with the Board or co-opted to a Committee;

(c) any other matters solely concerning the Board and such committees not provided for by this Act, the rules, or the regulations.

(2) No bye-law made under sub-section (1) shall have effect unless approved by the State Government.

32. Information, returns, etc., to be furnished by Board :-

(1) The Board shall furnish to the State Government or the Director of Public Instruction such reports, returns and statements as may be required by the State Government or the Director, and such further information relating to any matter connected with the work of the Board as the State Government or the Director may require.

(2) The State Government may, after considering any such report, return or statement and any information furnished by the Board, give such directions consistent with this Act as may be necessary and the Board shall comply with such directions.

33. Powers of the State Government :-

(1) The State Government shall have the right to address the Board with reference to anything conducted or done by the Board and to communicate to the Board its views on any matter with which the Board is concerned.

(2) The Board shall report to the State Government such action, if any, as it proposes to take or has taken upon the communication, and shall furnish an explanation if it fails to take action.

(3) If the Board does not within a reasonable time take action to the satisfaction of the State Government, the State Government may, after considering any explanation furnished or representation made by the Board issue such directions consistent with this Act as it may think fit, and the Board shall comply with such directions.

(4) When any emergency in the opinion of the State Government requires that immediate action should be taken, the State Government may take such action consistent with this Act as it deems necessary without previous consultation with the Board, and shall forthwith inform the Board of the action taken.

(5) The State Government may, by order in writing specifying the reasons therefor, suspend the execution of any resolution or order of the Board and prohibit the doing of any act ordered to be or purporting to be ordered to be done by the Board, if the State Government is of the opinion that such resolution, order or act is in excess of the powers conferred by or under this Act upon the Board.

34. Power to make rules :-

(1) The State Government may, by notification and subject to the condition of previous publication, make rules for carrying into effect the purposes of this Act.

(2) Every rule made under this Act, shall be laid, as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the sessions immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

35. Responsibility of Chairman, Vice-Chairman and members :-

The Chairman, the Vice-Chairman and every member of the Board or of any Committee shall be personally responsible for the wilful misapplication of any funds of the Board to which he had been a party or which has happened through, or has been facilitated by, gross neglect of his duty, and, without prejudice to any other action against him, may be sued for the recovery of the moneys so misapplied as if such moneys had been the properties of the State Government: Provided that no person shall be personally liable in respect of any contract or agreement made, or for any expenses incurred by or on behalf of the Board, if the contract or agreement is made or the expenses are incurred in good faith and in the discharge of his duties; and the Board fund shall be liable for, and be charged with, all costs in respect of any contract or agreement and all such expenses.

36. Chairman, Director or Vice-Chairman], etc., to be public

servants :-

¹The Chairman, ² [Director or Vice-Chairman], the members, the Secretary and other officers and servants of the Board, and every person entrusted with any duty connected with the conduct of any examination by the Board shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code.

1. Substituted for the words "Vice-Chairman" by Act No. 1 of 1995, w.e.f. 1-6-1995.

2. Substituted for the words "Vice-Chairman" by Act No. 1 of 1995, w.e.f. 1-6-1995.

37. Bar of suits, etc., for acts done in good faith :-

No suit or other legal proceeding shall lie in respect of anything in good faith done or intended to be done under this Act against the Board or against any Committee constituted under this Act or against the Chairman, or ¹[Director or Vice-Chairman], Secretary or any other officer or servant of the Board or against any person acting under and in accordance with the directions of the Board, a Committee, Chairman, ² [Director or Vice-Chairman], Secretary, Officer or Servant of the Board.

1. Substituted for the words "Vice-Chairman" by Act No. 1 of 1995, w.e.f. 1-6-1995.

2. Substituted for the words "Vice-Chairman" by Act No. 1 of 1995, w.e.f. 1-6-1995.

38. Previous notice for suits, etc :-

(1) No suit shall be instituted against the Board, a Committee, the ¹[Director], the ²[Director or Vice-Chairman], Secretary or other Officer or Servant of the Board, or any person acting under the order or direction of the Board, a Committee, ³[Director], ⁴[Director or Vice-Chairman], Secretary, Officer or Servant in respect of any act done or purporting to have been done in pursuance of this Act or any rule, regulation, bye-law or order made thereunder until the expiration of sixty days next after notice in writing stating the cause of action, the nature of the relief sought, the amount of compensation claimed, the name and place of residence of the intending plaintiff and the relief which he claims has been, in the case of the Board delivered or left at its office, and in the case of the ⁵[Director], ⁶ [Director or Vice-Chairman], Secretary or other Officer, Servant or person, delivered to him or left at his office or place of residence and unless the plaint contains a statement that such notice has been so delivered or left.

(2) Nothing in this section shall be deemed to apply to a suit in which the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the institution of the suit.

1. Substituted for the word "Chairman" by Act No. 1 of 1995, w.e.f. 1-6-1995.
2. Substituted for the words "Vice-Chairman" by Act No. 1 of 1995, w.e.f. 1-6-1995.
3. Substituted for the word "Chairman" by Act No. 1 of 1995, w.e.f. 1-6-1995.
4. Substituted for the words "Vice-Chr, irman" by Act No. 1 of 1995, w.e.f. 1-6-1995.
5. Substituted for the words "Vice-Chairman" by Act No. 1 of 1995, w.e.f. 1-6-1995.
6. Substituted for the words "Vice-Chairman" by Act No. 1 of 1995, w.e.f. 1-6-1995.

39. Removal of difficulties :-

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion requires, by order published in the official Gazette, do anything which appears to it to be necessary for the purpose of removing any difficulty and any such order shall have effect as if enacted in this Act.

(2) Every order published under sub-section (1) shall as soon as may be after it is published be laid before both Houses of the State Legislature.

40. Repeal :-

The Bombay Secondary School Certificate Examination Act, 1948 (Bombay Act 49 of 1948) as in force in the Bombay Area is hereby repealed.

41. Amendments of certain enactments :-

The enactments specified in the Schedule are hereby amended to the extent and in the manner mentioned in column (3) thereof.

SCHEDULE 1

SCHEDULE

SCHEDULE		
[See Section 41]		
Number	Short title	Extent of amendments
(1)	(2)	(3)

1.	Bombay Act XX of 1949	The Karnataka University Act, 1949	In Section 39, for clause (i), the following clause shall be substituted) namely. "(i) the Secondary School leaving Certificate Examination conducted by the Mysore Secondary Education Examination Board, or"
2,	vlysore Act No. 23 of 1956	The Mysore University Act, 1956	For Section 50, the following section shall be substituted, namely, "50. Eligibility for admission of students. No student shall be eligible for admission to the University unless he has passed. (i) the Secondary School Leaving Certificate Examination conducted by the Mysore Secondary Education Examination Board; or
			(ii) any other examination prescribed as equivalent to the examination referred to in clause (i), by the Ordinances or Reglations, and possesses such further qualification, if . any, as may be prescribed by the Ordinances or Regulations."
3.	Vlysore Act No, 26 of 1964	The Bangalore University Act, 1964	For Section 53, the following section shall be substituted, namely. "53. Eligibility for admission of students. No student shall be eligible for admission to the University unless he has passed. (i) the Secondary School Leaving Certificate Examination conducted by the Mysore Secondary Education Examination Board; or (ii) any other examination prescribed as equivalent to the examination referred to in clause (i), by the Ordinances, or Regulations, and possesses such further qualification, if any, as may be prescribed by the Ordinances or . Regulations."