

Maharashtra Employees Of Private Schools (Conditions Of Service) Rules, 1981

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Maharashtra Employees Of Private Schools (Conditions Of Service) Rules, 1981

In exercise of the powers conferred by sub-sections (1) and (2) of Section 16 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (Mah. III of 1978), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (3) of the said Section 16 namely:-

1. Short title :-

These rules may be called the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Rules, 1981.

2. Definitions :-

- (1) In these rules, unless the context otherwise requires,-
- (a) "Act" means the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (Mah. III of 1978);
 - (b) "aided school" means a school which receives grant-in-aid either from Government or a local authority; but does not include a Primary School recognised by the Municipal Corporation of Greater Bombay;
 - (c) "Chief Executive Officer" means the Secretary, Trustee, Correspondent or a person by whatever name called who is empowered to execute the decisions taken by the Management;
 - (d) "Directorate" means the Directorate of Education or, as the case may be, the Directorate of Technical Education, Maharashtra State;
 - (e) "Education Officer"-
 - (i) In relation to a private secondary or higher secondary school or Junior College of Education in Greater Bombay, means an Educational Inspector,
 - (ii) In relation to a private primary school in the areas of any Municipal Corporation or Municipal Council, means the Education Officer or the Administrative Officer of a Municipal Corporation or a

Municipal School Board, as the case may be, and

(iii) In relation to the private school in areas elsewhere in the State of Maharashtra, means an Education Officer in a Zilla Parishad;

(f) "Government" means the Government of Maharashtra ;

(g) "Girls School" means a school in which only girls are admitted;

(h) "Schedule" means a Schedule appended to these rules;

(i) "School Committee" means a Committee constituted in accordance with the provisions of Schedule "A "

(j) "trained graduate" means a person possessing the qualifications mentioned in sub-clauses (i) to (iv) of clause (1) of item II in Schedule "B";

(k) "trained teacher" means a teacher who has secured a professional certificate, a diploma or a degree recognised by the Department which qualifies him for a teaching post in a school;

(1) "night school" means secondary or higher secondary school which admits pupils who have completed eleven years of age and above, and which teaches the secondary or higher secondary school course for half the daily working hours of a day school to pupils who are unable by their daily avocations to attend day schools.

(2) Words and expressions used but not defined in these rules shall have the meaning respectively assigned to them in the Act.

3. Qualifications and appointment of Head :-

(1) A person to be appointed as the Head-

(a)

(i) of a primary school having an enrollment of students above 200 or having Standards I to VII shall be the seniormost trained teacher who has put in not less than five years service; and

(ii) of any other primary school shall be the seniormost teacher in the school ;

(b) of a secondary school including night school or a Junior College of Education shall be a graduate possessing Bachelors degree in teaching or education of a statutory University or any other qualification recognised by Government as equivalent thereto and possessing not less than five years total full-time teaching experience after graduation in a secondary school or a Junior College of Education out of which at least two years experience shall be after acquiring Bachelors degree in teaching or education: Provided that, in the case of a person to be appointed as the Head of a night secondary school-

(i) he shall not be the one who is holding the post of the Head or Assistant Head of a day school, and

(ii) the experience laid down in clause (b) of sub-rule (1) may be as a part-time teacher.

(2) In the case of appointment to the post of Head of a secondary school including night school or a Junior College of Education if there is no person with the teaching experience mentioned in clause (b) of sub-rule (1) available on the staff of the school or if the qualified persons, though available and eligible, relinquish their claims for the post of Head and if a Management desires to appoint a person, from the teaching staff of the school who does not possess the requisite teaching experience mentioned in clause (b) of sub-rule (1), it shall apply to the Deputy Director for relaxing the requirement. The Deputy Director may, after recording reasons in writing, grant or refuse such relaxation. In such cases, the appointment shall not be made without obtaining the previous approval of the Deputy Director.

(3) The Management of a school including a night school shall fill up the post of the Head by appointing the seniormost member of the teaching staff (in accordance with the guidelines laid down in Schedule "F", from amongst those employed in a school (if it the only school run by Management) or schools (if there are more than one school (excluding night school) conducted by it) who fulfils the conditions laid down in sub-rule (1) and who has a satisfactory record of service .

Explanation:- For the purpose of this rule, the Management shall communicate the occurrence of vacancy of the Head to the senior-most qualified teacher having satisfactory record of service and ask him to submit his willingness for appointment to the post within a period of fifteen days from the date of receipt of the communication. The claim of the senior-most qualified teacher having satisfactory record of service, for appointment to the post of Head, may be disregarded only if he, of his own free will, gives a statement in writing to the Education Officer that he has voluntarily relinquished his claim to the post. This shall not debar him from being considered for subsequent vacancies as and when they occur. Such a teacher shall record his statement in his own handwriting before the Education Officer within a period of fifteen days from the date of receipt of the communication as aforesaid and the Education Officer shall endorse it as having been recorded in his presence. A statement once duly made by such teacher before the Education Officer shall not be allowed to be withdrawn. In the

event of the teacher failing to submit his willingness for appointment to the post or to give a statement to the Education Officer within a period of fifteen days, it shall be assumed that he has relinquished his claim on the said post;

Provided that, where an unforeseen vacancy of Head occurs owing to reasons like resignation without giving due notice, death, termination of services, reduction in rank or otherwise, the senior-most teacher desirous of relinquishing his claim for appointment to the post shall, within seven days from the date of receipt of the communication by him of occurrence of such vacancy from the Management, communicate to the Management in writing about the same so as to enable the Management to finalise the appointment. Such a teacher shall thereafter as soon as possible and in any case within a period of fifteen days from the date of receipt of the communication as aforesaid record his final statement before the Education Officer to enable him to approve the appointment, or as the case may be, to disapprove the appointment if such teacher states in his statement before the Education Officer that the communication sent to him in writing to the Management was obtained from him by the Management under duress. In the event of the teacher failing to record a final statement within a period of fifteen days as aforesaid, it shall be assumed that he has relinquished his claim on the said post." ;]

(4) In the case of a girls secondary school a Junior College of Education for Women, the seniormost lady teacher fulfilling the conditions laid down in clause (b) of sub-rule (1) and having satisfactory record of service, shall be appointed as the Head of that school irrespective of her seniority vis-a-vis the male teachers.

(5)

(a) If a suitable teacher possessing qualifications laid down in the foregoing provisions of this rule is not available to fill in the post of a Head of a school, the Management shall, with the prior permission of the Education Officer in case of primary schools, or of the Deputy Director in the case of other schools, advertise the post and select and appoint a person possessing the requisite qualifications and experience.

(b) The application for permission to advertise the post shall be made at least two months in advance. The period of two months may be relaxed by the Education Officer or the Deputy Director, as the case may be, in the case of new schools or in emergency cases wherein the vacancy could not have been anticipated. The advertisement shall be given after the permission of the Deputy

Director or the Education Officer is received. Management shall ensure that the advertisement appears in at least [two daily newspapers] having wide circulation in the region wherein the primary school or secondary school or Junior College of Education is located.

(6) The Education Officer or the Deputy Director shall direct the Management to cancel the appointments made without following the procedure laid down in this rule. Explanation:- For the purposes of this rule the record of service shall be deemed to be satisfactory if there is nothing adverse in the annual confidential reports of the teacher concerned during the previous five years. Adverse remarks not duly communicated in writing to the teacher concerned, shall be disregarded for this purpose

.

4. Responsibilities of a Head :-

(1) Subject to the provisions of the Act and the rules, the Head as an academic head of the school shall be responsible for -

- (a) improvement of academic standard of the school;
- (b) performing assigned teaching work;
- (c) assisting in planning and conduct of academic programmes such as orientation courses, seminars, in-service and other training programmes organised by agencies such as National Council of Educational Research and Training, the State Institute of Education and other State level institutions;
- (d) admissions of students and maintenance of discipline in the school;
- (e) organisation and supervision of the curricular and co-curricular activities and maintenance of school record;
- (f) observance of the provisions of rules, regulations, the Secondary School Code and other orders issued by Government or the Director from time to time in respect of academic matters;
- (g) supervision and conduct of the examinations including the examinations conducted by the Government, the Maharashtra State Board of Secondary and Higher Secondary Education and the Directorate and the work of internal assessment and such other work pertaining to the examinations as assigned
- (h) assessing work of assistant teachers and other staff and maintenance of service books of the employees of the school;
- (i) any other work relating to organisation and improvement of the

school as may be assigned to him by the Department or the Director from time to time;

(2) Subject to the superintendence and control of the Management, the Head as an administrative head of the school shall be responsible for-

(a) maintenance of accounts;

(b) management of the school library, laboratories, hostel for students exclusively from the school of which he is the Head

(c) correspondence relating to the administration of the school;

(d) observance of the provisions of rules, regulations, the Secondary Schools Code and other orders issued by Government or the Director from time to time and instructions issued by the Management from time to time, in respect of the administration of the school;

(e) any other work relating to the administration of the school as may be assigned to him by the Department, Director or the Management from time to time.]

5. Qualifications and Appointment of Assistant Head and Supervisor :-

:-

(1) Management of secondary school with more than twenty classes shall appoint an Assistant Head to assist the Head in this organizational, administrative and supervisory duties. [Provided that, were in accordance with the rules in force before the commencement of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 the Management has appointed a Supervisor instead of an Assistant Head, then-

(i) on the commencement of the Maharashtra Employees Private Schools (Conditions of Service) (Amendment) Rules, 1984 the Supervisor so appointed shall be appointed as Assistant Head if he is the senior-most teacher eligible for being appointed as Assistant Head; or

(ii) if the Supervisor so appointed is not the senior-most and his term of appointment as such Supervisor is to expire from the commencement of the Maharashtra Employees of Private Schools (Conditions of Service) (Amendment) Rules, 1984, the Management shall appoint the senior-most teacher eligible for being appointed as an Assistant Head under these rules, as the Assistant Head immediately after expiry of the term of appointment of such Supervisor.

(2) Subject to the provisions of sub-rule (5), the provisions of Rule 3 relating to qualifications and appointment of Head shall mutatis mutandis apply to the post of an Assistant Head and Supervisor.

[(3) Every secondary school with more than ten classes shall have one or more Supervisors in accordance with the provisions of sub-rule (4).]

(4) The number of posts of Supervisors in a schools shall be regulated in the following manner, namely:-

(i)	Schools having 10 or less than 10 classes	No Supervisor
(ii)	schools having more than 10 classes but not exceeding 30 classes Supervisor	One post of
(iii)	schools having more than 30 classes but not exceeding 40 classes Supervisor	Two posts of
(iv)	schools having more than 40 classes	Three posts of

Provided that, where a post of Assistant Head is required to be kept vacant for a period of three years or less under sub-clause (ii) of clause (b) of sub-rule (10) of Rule 9, one more post of Supervisor in addition to the posts of Supervisors under clauses (ii), (iii) or (iv) shall be admissible during such period."]

(5) The posts of supervisors shall be filled in only from amongst the permanent staff strictly on the basis of seniority-cum merit. Seniority shall be determined on the basis of guidelines given in Schedule "F". Merit shall be determined in accordance with the record of service within the meaning of that expression in the explanation below sub-rule (6) of Rule 3.

6. Qualifications of teachers :-

:- The minimum qualifications of the post of teachers and the non-teaching staff in the primary schools, secondary schools, Junior Colleges and Junior Colleges of Education shall be as specified in Schedule "B".

Provided that, the Education Officer may allow Management to appoint untrained Science graduate teachers for teaching Mathematics and Science subjects or untrained Arts or Commerce graduates for teaching other subjects in secondary schools in

exceptional circumstances, such as nonavailability of trained graduates. Such appointment shall however, be allowed on an year to year basis, on the clear understanding that they shall have to obtain training qualification at their own cost and further subject to the condition that their services shall be liable for termination as soon as trained graduate teachers become available:

[Provided further that, the untrained graduate appointed as a teacher after obtaining the permission from the Education Officer before the commencement of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 and who continues to be in service in any school on the date of commencement of the Maharashtra Employees of Private Schools(Conditions of Service) (Amendment) Rules, 1984 shall be continued in service on the condition that he obtains the prescribed training qualifications at his own cost before 1st June, 1987, unless he has already obtained such qualifications, failing which his services shall be terminated."]

7. Scales of Pay and Allowances :-

:-

(i) The scales of pay for full- time as well as part-time Heads, Assistant Heads, Supervisors, Teachers and the non-teaching staff in the primary schools, secondary schools, including night schools, Junior Colleges and Junior Colleges of Education, shall be as specified in Schedule "C".

(ii) The allowances such as dearness allowance, compensatory local allowance and house rent allowance admissible from time to time at the place of duty to the full-time employee of a school shall be payable at the rates and according to such rules as are sanctioned by Government specifically to employees of private schools.

(iii) The rates of dearness allowance applicable to part-time teaching and non-teaching staff in schools including night schools shall be such as may from time to time be determined by the Government by general or special order.

8. . :-

determining the pay-scale admissible to the Head and admissibility of posts of Assistant Head, Supervisors, etc..-

(1)Admissibility of-

(a) the scale of pay to the post of Head in any school, and

(b) the post of Assistant Head, and the number of posts of Supervisors and other teaching and non-teaching staff shall be

determined on the basis of the strength of students on the roll or the number of divisions of the school, as the case may be, as on the 1st August of a year.

(2) After the appointments to the teaching and non-teaching posts are made, the names and particulars of qualifications and experience of the persons so appointed shall be forwarded within a fortnight from the date of each such appointment to the Education Officer and in the case of Junior College of Education to the Deputy Director.

9. Appointment of staff :-

(1) The teaching staff of the school shall be adequate having regard to the number of classes in the school and the curriculum including alternative courses provided and the optional subjects taught therein.

(2) Appointments of teaching staff (other than the Head and Assistant Head) and those of non-teaching staff in a school shall be made by the School Committee:

Provided that, appointments in leave vacancies of a short duration not exceeding three months, may be made by the Head, if so authorised by the School Committee.

(3) Unless otherwise provided in these rules for every appointment to be made in a school, for a teaching or a non-teaching post, the candidates eligible for appointment and desirous of applying for such post shall make an application in writing giving full details regarding name, address, date of birth, educational and professional qualifications, experience, etc., attaching true copies of the original certificates. It shall not be necessary for candidates other than those belonging to the various sections of backward communities for whom posts are reserved under sub-rule (7) to state their castes in their applications.

(4) The age-limit for appointment to any post in a school shall be as follows, namely: -

(a) for an appointment to be made to any post in a primary school, a candidate shall not be less than 18 years of age and more than [28] years of age, and the case of candidate belonging to the Backward Classes he shall not be more than [33] years of age: Provided that, upper age-limit may be relaxed in case of women, ex- servicemen and persons having previous experience with the previous permission of the Deputy Director.

(b) for an appointment to be made to any post in any school other than primary school, a candidate shall not be below the age of 18 years.

(5) A letter of appointment order in the Form in Schedule "D" shall be issued to a candidate appointed to the post. A receipt in token of having received the appointment order shall be obtained from the candidate appointed.

(6) Every employee shall, within three months of his appointment under medical examination by a registered medical practitioner named if any, by the Management or otherwise by an registered medical practitioner. The expenses of medical examination shall be borne by the Management. The appointment shall be conditional pending certificate that he is free from any communicable disease and that he is physically fit to be so appointed.

(7) The Management shall reserve 34 per cent of the total number of posts of the teaching as well as non-teaching staff for the members of the Scheduled Castes, Scheduled Castes converts to Buddhism, Scheduled Tribes, Denotified Tribes, Nomadic Tribes and Other Backward Classes as follows, namely:-

(a)	Scheduled Castes and Scheduled Castes converts to Buddhism.	13 per cent
(b)	Scheduled Tribes including those living outside the specified areas.	7 per cent
(c)	Denotified Tribes and Nomadic Tribes	4 per cent
(d)	Other Backward Classes.	10 per cent

(8) For the purpose of filling up the vacancies reserved under sub-rule (7) the Management shall advertise the vacancies in at least one newspaper having wide circulation in the region and also notify the vacancies to the Employment Exchange of the District and to the District Social Welfare Officer 9[and to the associations or organisations of persons belonging to Backward Classes, by whatever names such associations or organisations are called, and which are recognised by Government for the purposes of this sub-rule] requisitioning the names of qualified personnel, if any, registered with them. If it is not possible to fill in the reserve post from amongst candidates, if any, who have applied in response to the advertisement or whose names are recommended by the Employment Exchange or the District Social Welfare Officer 9[of such associations or organisations as aforesaid] or if no such names are recommended by the Employment Exchange or the District

Social Welfare Officer 10[of such associations or organisations as aforesaid] within a period of one month the Management may proceed to fill up the reserved post in accordance with the provisions of sub-rule (9).

(9)

(a) In case it is not possible to fill in the teaching post for which a vacancy is reserved for a person belonging to a particular category of Backward Classes, the post may be filled in by selecting a candidate from the other remaining categories in the order specified in sub-rule (7) and if no person from any of the categories is available, the post may be filled in temporarily on an year-to-year basis by a candidate not belonging to the Backward Classes.

(b) In the case of a non-teaching post, if a person from the particular category of Backward Classes is not available, the Management shall make efforts with regular intervals to fill up the post within the period of five years and the post shall not be filled up during that period by appointing any other person who does not belong to the respective category of Backward Class.

(10)

(a) The Management shall reserve 24 per cent of the total number of posts (or vacancies) of Heads and Assistant Heads for the members of the Scheduled Castes, Scheduled Castes converts to Buddhism, Scheduled Tribes, Denotified Tribes, and Nomadic Tribes as follows, namely:-

(I)	Scheduled Castes and Scheduled Castes converts to Buddhism.	13 per cent
(II)	Scheduled Tribes including those living outside the specified areas.	7 per cent
(III)	Denotified Tribes and Nomadic Tribes	4 per cent

(b) In case it is not possible to fill-in the post of a Head or Assistant Head for which a vacancy is reserved for a person belonging the Castes and Tribes specified in clause (a), the post may be filled in by promoting a candidate from the other remaining categories in the order specified in clause (a), so however that the percentage of filling up such vacancies does not exceed the limit laid down for each such category. If candidates belonging to any of these categories are not available, then the vacancy or vacancies -

(i) of the Head may be filled in by promoting any other teacher on the basis of seniority-cum-merit after obtaining previous approval of the Education Officer;

(ii) of the Assistant Head shall be kept unfilled for a period of three years unless such vacancy or vacancies could be filled in by promotion of any teachers belonging to such Castes or Tribes becoming available during that period.

(11) The provisions of sub-rules (7), (8) and (10) shall not apply to a School having 10 or less than 10 posts (inclusive of both teaching and non- teaching) on its establishment.

10. Categories of Employees :-

- (1) Employees shall be permanent or non-permanent. Non-permanent employees may be either temporary or on probation.
- (2) A temporary employee is one who is appointed to a temporary vacancy for a fixed period. [\X \X \X \X \X \X \X \x]

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12. Seniority List :-

:-

- (1) Every Management shall prepare and maintain seniority list of the teaching staff including Head Master and Assistant Head Master and non-teaching staff in the School in accordance with the guidelines laid down in Schedule "F". The seniority list so prepared shall be circulated amongst the members of the staff concerned and ;their signatures for having received a copy of the list shall be obtained. Any subsequent change made in the seniority list from time to time shall also be brought to the notice of the members of the staff concerned and their signatures for having noted the change shall be obtained.
- (2) Objections, if any, to the seniority list or to the changes therein shall be duly taken into consideration by the Management.
- (3) Disputes, if any, in the matter of inter seniority shall be referred to the Education Officer for his decision.

13. Vacation and Vacation Pay :-

:-

- (1) Subject to the provisions of this rule, all the employees on the teaching staff including Head Masters. Laboratory Assistants and Laboratory Attendants in a school shall be entitled to vacations as follows, namely :-
 - (i) a short vacation which may either commence in the month of October or November every year generally to cover Diwali Festival ;
 - (ii) a Summer vacation which may ordinarily commence in the month of May every year. The dates of commencement and the periods of vacations shall be notified by the Educational Inspector, or as the case may be, the Education officer in Zilla Parishad.
- (2) Non-permanent employee shall be entitled to the salary for the period of vacation if he had served for a major part of respective term and the temporary vacancy such as vacancy on account of

leave, deputation or post created for a specific period, in which he was originally appointed continues to exist beyond the period of vacation and that the employee continues to be in service after the vacation.

(3) If the Management terminates the services of a non-permanent employee soon before the commencement of summer vacation, such non-permanent employee shall also be entitled, in addition to vacation salary, to pay and allowances for the gap between the date of termination of his service and the date of commencement of the vacation if the Education Officer is satisfied that the termination of his service was on the ground other than the possibility of reduction in establishment.

(4) If a permanent employee after due notice, resigns his post in the school on the last working day of the term, he shall be entitled to the vacation salary .

(5) If a permanent employee after due notice, resigns his post in the school in the middle of the term and if the school is required to appoint a substitute who would otherwise be entitled to vacation salary under sub-rule (2), the permanent employee who has resigned shall not be entitled to the vacation salary for the same period.

(6) Untrained teachers appointed in the Secondary Schools or Junior Colleges of Education during the period from the 16th July, 1969 to 6th February, 1974 (both days inclusive) and allowed to get trained at their own cost (by sanctioning leave for the entire period of training) shall be entitled to the vacation salary during the vacation immediately falling after their resuming duties on completion of training.

14. Assessment of Employees work :-

:-

(1) At the beginning of each term, the teacher shall prepare the plan of his academic programme; and at the end of the academic year, prepare a report of the work done by him and submit it to the Head.

(2) Each employee on the teaching and non-teaching staff of a school shall submit the report of self-assessment in the respective Form in Schedule "G" within one month after the end of a year.

15. Writing of confidential reports etc. :-

:-

(1) The confidential reports shall be written annually in the respective Form in Schedule "G". The reporting authorities in respect of the employees and the Head shall be the Head and the Chief Executive Officer, respectively. Confidential reports shall be written in respect of the employee or the Head who had worked for six months or more during an academic year commencing from June. If the Head or a teacher is the Secretary of the Management, the confidential report in his respect shall be written by the President of the Management.

(2) The confidential reports so written in respect of the employees and the Head shall be reviewed by the Chief Executive Officer and the President of the Management, respectively. The confidential report of the Head or a teacher written by the President shall be reviewed by the Managing Committee.

(3) The respective reporting authority shall arrange to communicate confidentially in writing adverse remarks, if any, to the concerned employee or the Head, as the case may be, before the end of August; every year.

(4) Representations, if any, from an employee against the adverse remarks communicated to him in accordance with sub-rule (3) above shall be decided by the School Committee. Similar representation, if any, from the Head shall be decided by the Managing Committee.

(5) Failure to write and maintain confidential reports and to communicate adverse remarks to the employees within the period prescribed in sub-rule (3) shall have the effect that the work of the employee concerned was satisfactory during the period under report.

(6) Performance of an employee appointed on probation shall be objectively assessed by the Head during the period of his probation and a record of such assessment shall be maintained.

16. Leave :-

:-

(1) Leave shall not be claimed as a matter of right. Discretion to grant, refuse or cancel leave (other than casual leave) is reserved - (i) in the case of the teaching and non-teaching staff (other than the Head), with the School Committee and (ii) in the case of the Head, with the Management.

(2) An application for leave other than casual leave or extension of leave or to proceed on leave after vacation shall ordinarily be made

in good time before the date from which the leave or its extension is sought. Even in exceptional cases where it is not possible to apply before hand because of circumstances beyond the control of the employee, the application shall be made within 7 days from the date of absence. A non-permanent employee shall be deemed to have abandoned his service if he fails to apply for leave within seven days from the date of absence.

(3) in the case of a permanent employee who, without sufficient cause, fails to apply for leave within 7 days from the date of absence, it shall be treated as breach of discipline and he shall be liable for suitable disciplinary action after due inquiry. A permanent employee who is absent from duty [without leave continuously for a period exceeding three years], or more, shall be deemed to have voluntarily abandoned his services.

(4) Casual leave may be granted to the teaching and non-teaching staff other than the Head by the Head, and to the Head by the Chief Executive Officer or by the Management if the Head himself is the Chief Executive Officer for a period not exceeding 15 days in an academic year subject to the condition that ordinarily not more than seven days casual leave can be enjoyed at a time which may be extended upto 10 days, only in exceptional circumstances.

(5) Not more than two holidays can be enjoyed in conjunction with any spell of casual leave whether by prefixing or suffixing or by both and the total period of casual leave and holidays enjoyed continuously at one time shall not exceed 7 days save only in exceptional circumstances when it may be extended upto 10 days.

(6) The number of holidays in excess of two holidays prefixed or suffixed or both to the casual leave shall be treated as casual leave. Sundays and holidays interposed between two periods of casual leave shall be treated as part of casual leave.

(7) Casual leave cannot ordinarily be prefixed or suffixed to vacation except with the previous permission of the Head.

(8) It is permissible to enjoy half days casual leave if the period of absence is half or less than half of a working day .

(9) Absence on a Saturday, if it is half working day or on any other day, which is observed by the school as a half working day, shall be treated as casual leave for a full day and not as a half days casual leave.

(10) The following kinds of special casual leave which shall not be debited to the casual leave admissible to an employee shall be granted, namely:-

(a) Special casual Leave under the Family Planning Scheme:-

	Occasion	Special Casual Leave Admissible
(i)	Vasectomy or as the case may be, tubectomy operation.	Not exceeding six working days.
(ii)	Female Employees undergoing non-puerperal sterilisation.	Not exceeding 14 days
	Occasion .	Special Casual Leave Admissible
(iii)	Female employees undergoing I.U.C.D. insertion	For the day subject to production of a medical certificate
(iv)	Employee whose wife undergoes a Gynaec, Sterilisation (non-uerperal tubectomy)	Not exceeding seven days, subject to production of a medical certificate.

(a) Special casual Leave on other occasions mentioned below:-

(i)	Anti-rabic treatment	Upto 3 weeks
(ii)	Participation in national or international sports	Upto 30 days, subject to the provisions of Notes 2 and 4
(iv)	Mountaineering	Upto 30 days, subject to the provisions of Notes 3 and 4
(iv)	Free Blood Donation.	One day (either on the same day or on the very next day nation of blood but not on any other subsequent day).

(1) For participation in sporting events of national or international importance.

(2) When the employee is selected for such participation- (i) in respect of international sporting events by National Sports Federation or Association recognised by the All India Council or Board and approved by Ministry of Education of Government of India, or (ii) in respect of national importance when the sporting event in which participation takes place is held on an Inter-State, Inter-Zonal or Inter- Circle basis and the employee takes part in the event in a team as a duly nominated representative on behalf of the State, Zone or Circle and when he participates in his personal capacity.

(3) When an employee is selected or sponsored for attending, coaching a Training Camp or All India Coaching or Training Schemes or his services are utilised as Umpire for such sporting events.

[(11) An employee, including an employee who is entitled to vacation, shall; be entitled to half pay leave of 20 days in respect of each completed year of service and such leave may be granted on medical certificate or on private affairs. If an

employee is on leave on the day on which he completes a year of service, he shall be entitled to half pay leave without having to return to duty. The period of suspension, if any, finally treated as suspension shall be excluded for counting completed years of service for this purpose]

(12)

(a) Commuted leave not exceeding half the period of half pay leave due may be granted on medical certificate given by a registered

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

(ii) No commuted leave shall be granted under this rule, unless (he authority competent to sanction leave ["is satisfied that there is reasonable prospect of the employee returning to duty on its expiry"].

["(iii) The authority competent to grant leave shall obtain an undertaking from the employee that in the event of his resignation or retiring voluntarily from service he shall refund the difference between the leave salary drawn during commuted leave and that admissible during half pay leave."]

(b) The authority competent to sanction leave may, at its discretion, secure a second medical opinion by requesting the Superintendent in Government Medical Hospitals in Bombay, or Civil Surgeon or District Medical Officer or Medical Officer of Zilla Parishads, Municipal Councils or Municipal Corporations to have the applicant medically examined. If the authority decides to do so, it shall arrange for the second medical examinations to be made on the earliest possible date after the date on which the first medical opinion was given. It shall forward the original medical certificate produced by the applicant to the Medical Officer by whom he is to be re-examined.

(c) The re-examination, if necessary, shall be arranged by the Management at its own cost, if any, and any expenditure on this account shall not be held admissible for grant.

(d) Half pay leave upto a Maximum of 150 days shall be allowed to be commuted during the entire service where such leave is utilised for an approved course of study which is certified to be in the public interest by the authority sanctioning leave on the conditions mentioned in sub-clauses (i) and (ii) of clause (a).

["(e) Where an employee who has been granted commuted leave resigns from his service or at his request is permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as half pay leave and the difference between the leave salary in respect of commuted leave and half pay leave shall be recovered:

Provided that no such recovery shall be made if the retirement is by reason of ill-health incapacitating the employee for further service or in the event of this death."]

(13) Extraordinary leave may be granted to an employee in special circumstances 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. Except in the case of a permanent employee, the duration of extraordinary leave shall not exceed three months on any one occasion. in the case of a permanent employee, the duration of the extraordinary leave shall not exceed three years on any one occasion. The authority competent to sanction leave may commute retrospectively the period of absence without leave, into extraordinary leave.

(14)

(a)] Subject to the provisions of sub-rule (16) maternity leave shall be granted to a female employee who has put in more than one years service. It may be granted for a period not exceeding ninety days from the date of its commencement.

["Explanation"- In the case of a female employee entitled to vacation, if the date of confinement falls during the vacation, the maternity leave shall commence from the date of confinement and it shall run concurrently with the vacation.

(b) The application for maternity leave from an employee shall invariably be supported by medical opinion as to the probable date of confinement, and her undertaking to the effect that she shall communicate the date of confinement supported by a medical certificate. in case of lower grade staff in which insistence

on a regular medical certificate is likely to cause hardship, the authority competent to grant leave may accept such certificate as it may deem sufficient";]

(15) Maternity leave under sub-rule (14) shall be granted on half pay to an employee, who has put in more than one years but less than two years service before the date of commencement of such leave. In the case of employee who has put in two years service or more on the date of commencement of such leave, she shall be granted maternity leave with full pay. In case of a female employee with less than one years service she shall be granted extraordinary leave for a similar period,

(16) Maternity leave shall not be debited to the leave account. Leave of any other kind may be granted in continuation of maternity leave, if the request for granting it is supported by a medical certificate.

(17) Maternity leave shall not be granted to a female employee having three or more living children.

1) The leave shall not exceed six weeks; and

2) The application for the leave shall be supported by a medical certificate.

(18)

(a)] The earned leave admissible to a permanent employee [other than the Head (but not the Assistant Head) of a secondary school] entitled to vacation in respect of any year in which he is prevented from availing himself of the full vacations, or a part thereof, shall be in such proportion of 30 days a year as the number of days vacation not availed of bear to the full vacation, provided that the employee shall cease to earn such leave when the earned leave due is accumulated to 180 days.

["(b) The Head (but not the Assistant Head) of a secondary school shall, for the purpose of compensating the work which he is required to do during vacation, be entitled to earned leave for 15 days for every completed year of service after 1st day of April, 1981 so however that the Head shall cease to earn any such leave when the earned leave in balance, if any, to his credit on that day and the earned leave earned by him after that day is accumulated to 180 days."]

Illustration:- An employee who is prevented from availing himself of the full vacation of 63 days in a year, shall be entitled to earned leave for 30 days. Similarly the employee who is prevented from availing himself of 21 days out of the total vacation shall be entitled to earned leave for 10 days and so on.

[(19) Due to the nature of his duties the Head shall be required to do some school work even during the vacation. In case of any other employee including an Assistant Head who is entitled to vacation, the Head shall obtain previous permission of the Education Officer for preventing him from availing himself of the vacation or part thereof."]

(20) An employee who is not entitled to vacations shall earn leave at the rate of one eleventh of the period spent on duty. The employee shall cease to earn such leave when the earned leave is accumulated to 180 days.

(21) An employee including an employee to whom provision of sub- rule (18) apply shall be entitled to the benefit of encashment of surrendered leave on the following conditions namely:-

(i) Such surrendered leave shall not be availed of in conjunction with vacation.

(ii) The employee who takes earned leave for a period not less than thirty days, shall be allowed to surrender the balance of the earned leave (or any portion thereof) to his credit on the date of commencement of leave, at his option subject to the maximum of 30 days and he shall be granted leave salary, Dearness allowance and Compensatory Local allowance as admissible under the rules for the period of the leave surrendered.

(iii) The authority competent to sanction earned leave shall be competent to accept surrender of earned leave. Application for surrender of earned leave shall be made along with the application for grant of leave.

(iv) The number of days of earned leave surrendered shall be reckoned as surrendered on the date of commencement of actual leave taken and deducted from the leave account of the employee on that date.

(v) The total of earned leave actually availed of and the earned leave surrendered shall not exceed the maximum leave admissible to the employee at any one time.

- (vi) The leave salary and allowances admissible for the leave surrendered shall be at the rate of leave salary and allowances admissible at the commencement of earned leave. For this purpose, a month shall be reckoned as 30 days, irrespective of the month in which the leave is availed of.
- (vii) The amount of leave salary and allowances for the surrendered leave may be paid in advance but not earlier than six days before the commencement of leave. The authority competent to sanction leave shall insert a clause in the sanctioning order itself to the effect that in case the leave is required to be cancelled by the competent authority before the date from which the employee was to proceed on leave, the amount of leave salary and allowance for the surrendered leave shall be refunded forthwith by the employee in one installment or adjusted in full in the first monthly pay or leave salary bill of the employee. No deductions on account of Provident Fund subscriptions, house rent, re-payment of any advances and repayment of any dues to Co-operative Societies etc., shall be made from leave salary for the period of surrendered leave.
- (viii) An employee who is permitted to surrender his leave shall not ordinarily be permitted to rejoin duty before the expiry of the thirty days leave sanctioned to him.
- (ix) In case of compulsory recall to duty, an employee shall be allowed to enjoy the balance of his earned leave before expiry of the period of six months from the date of on which he proceeded on earned leave or before he again proceeds on earned leave with the benefit of surrender of earned leave, whichever is earlier. The authority competent to sanction leave shall grant leave to such employee during the aforesaid period if he applies for it. If the employee concerned by himself does not ask for being allowed to enjoy the same, the balance of the earned leave shall lapse and the said period shall be debited to his leave account as if he had enjoyed it.
- (x) In order to guard against omission to post a debit in the leave account in respect of the leave surrendered, in case of such employees, the details of surrendered leave shall be noted in their service books and in their leave accounts when the leave salary is drawn. A certificate to the effect that the necessary entries have been made in the service book and in their leave accounts when the leave salary is drawn. A certificate to the effect that the necessary entries have been made in the service book and in the leave account shall be furnished by the school in the bill in which the leave salary for the surrendered leave is drawn.
- (xi) The maximum earned- leave that can be surrendered shall be limited to 30 days in a financial year, on the date of commencement of earned leave for a period of not less than 30 days.
- (xii) The benefit of surrender of earned leave shall not be allowed more than once in any financial year.
- (xiii) On return from leave, the employee shall serve the school for a period not less than the period of earned leave surrendered.
- (22) Any kind of leave except casual leave may be granted in combination with or in continuation of any other kind of leave.
- (23) Non-permanent employee shall not be entitled to any leave with pay other than casual and maternity leave. A non-permanent employee when appointed substantively to a permanent post shall be entitled to leave which would have been admissible if his previous continuous duty was as a permanent employee. Half pay leave at the rate of 20 days for each completed year shall be granted to a non-permanent employee provided the authority competent to sanction leave has reason to believe that the employee concerned shall return to duty on its expiry.
- (24) An employee on full-pay leave shall be entitled to leave salary equal to the pay drawn immediately before proceeding on leave .
- (25) An employee on half pay leave shall be entitled to leave salary at the rate equal to half the amount specified in sub-rule (24) above. In addition he shall draw proportionate amount of Dearness allowance based on the amount of leave salary plus Compensatory Local allowance and House Rent allowance at full rates, if admissible.
- (26) An employee on commuted leave shall be entitled to leave salary equal to

twice the amount of pay admissible under sub-rule (25),

(27) An employee suffering from T.B., Cancer or Leprosy shall be entitled to such special leave and allowances as are admissible to Government Servants for this purpose.

(28) An employee on extraordinary leave shall not be entitled to any leave salary.

(29) An employee [including an employee to whom provisions of sub-rule (18) apply] retiring on superannuation shall be eligible to receive payment of cash equivalent to leave salary in respect of a period of earned leave at his credit at the time of retirement limited to a maximum of 180 days

(a) The payment of cash equivalent of leave salary shall be limited to a maximum of 180 days earned leave.

(b) The cash equivalent of leave salary thus admissible shall become payable on retirement and shall be paid in one lump sum as a one time settlement.

(c) The cash payment shall be equal to leave salary as admissible for earned leave and Dearness allowance admissible on that leave salary at the rates in force on the date of retirement. No Compensatory Local allowance and House Rent allowance shall be payable.

(d) The authority competent to grant leave shall suo moto issue orders granting cash equivalent of earned leave at the credit of the employee on the date of retirement.

(30) An employee may also avail of, as leave preparatory to retirement, a part of earned leave to his credit. In that case, he shall be allowed payment of cash equivalent of leave salary for the balance of the earned leave that remains to his credit on the date of retirement in accordance with these rules.

(31) An employee on leave, with full or half or without pay, shall not accept any full-time service with or without pay or remuneration during the period of leave. An employee may accept part-time employment after obtaining specific permission from the Head of the School, the school Committee or the Management as the case may be.

(32) An employee on leave shall not be allowed to return to duty before expiry of the leave except with the permission of the sanctioning authorities.

(33) Under exceptional circumstances of administrative necessity, the authority competent to sanction leave may call back to duty an employee who is on leave explaining the nature of the emergency, and it shall be incumbent on the employee to return to duty. If, however, the employee cannot return to duty as directed, he shall satisfy the said authority about the bonafide circumstances of his inability.

(34) The date of increment of an employee on extraordinary leave shall be postponed by the period of such leave [x x x x x].

17. Superannuation and re-employment :-

:-

(1) An employee, other than Class IV employee, shall retire from service on the date on which he attains the age of 58 years and under no circumstances he shall be granted an extension in service beyond that age. The age of superannuation of a lower grade employee shall be 60 years:

Provided that, a teacher or a Head of a recognised private secondary school in the Vidarbha Region of the State who was permanent in service on the 31st December, 1965 irrespective whether he continues to serve in the same school or has joined [some other school after 31st December, 1965], shall retire on the date on which he attains the age of 60 years.

(2) [" Where a teacher or Head has attained the age of superannuation in the middle of either of the two academic terms and the Management desires to grant him re-employment beyond the age of superannuation, such teacher or Head"] may be granted such re-employment till the end of the particular term only, subject to the condition that he is physically and mentally fit for continuance in service.

(3) On re-employment of a person in the manner specified in sub-rule (2) his pay shall not exceed the last pay (including special pay or additional pay, (if any), drawn by him at the time of his retirement minus pension (including pension equivalent of death-cum-retirement gratuity or gratuity in lieu of pension), such pay plus pension (including pension equivalent of death-cum-retirement gratuity or gratuity in lieu of pension) shall not, however exceed the maximum of the time scale of the post in which he is re-employed. Once the pay is fixed as mentioned above, the incumbent shall be entitled to receive the benefits of annual increment even though the pension (including pension equivalent of death-cum-retirement gratuity or gratuity in lieu of pension) plus pay so fixed exceeds the last pay drawn by him at the time of retirement but the total amount of pay fixed on re-employment plus pension (including pension equivalent of death-cum-retirement gratuity or gratuity in lieu of pension) shall not exceed the maximum of the time scale of the post in which he is re-employed.

(4) Pension shall be drawn as a separate entity and shall not be held in abeyance in any case .

(5) The pay on re-employment of an employee who is governed by the Contributory Provident Fund scheme shall not exceed the last pay, including special pay or a additional pay, if any drawn by him at the time of retirement minus pension equivalent of the Managements and Governments contribution to the Contributory Provident Fund including interest thereon. The pay so fixed shall not, however exceed the maximum of the time scale in which he is re-employed. The incumbent shall get the benefit of increment so, however, that the pay plus pension equivalent of the Managements and Governments contribution to the contributory Provident Fund including interest thereon shall not exceed the maximum of the time scale in which the person is re-employed.

(6) An employee who is neither eligible to the pensionary benefits nor to the Contributory Provident Fund benefits may be re-employed under sub-rule (2) on a starting salary of the scale of pay to which he is entitled or on a higher start but exceeding the pay

(including special pay or additional pay, if any) drawn at the time of retirement with the prior approval of the Education Officer or, in the case of Junior College of Education, the Deputy Director.

18. Discharge Certificate :-

:-

(1) The Head shall issue a Discharge Certificate in the form in Schedule "H" to an employee (other than the Head himself) who leaves service after due notice or to an employee whose services are terminated. In the case of the Head such a Discharge Certificate shall be issued by the Chief Executive Officer, and if the Head himself is the Chief Executive Officer, by the President. The Head, Chief Executive Officer or President shall issue a Discharge Certificate at least within a week from the date of relief of the employee or, as the case may be, the Head concerned. If the Discharge Certificate is refused, reasons for such refusal shall be communicated in writing to the Employee or the Head within one week from the date of relief. In case of refusal to issue the Discharge Certificate by the Head, the Chief Executive Officer or the President, the employee or the Head, may appeal to the Education Officer or in the case of Junior College Education to the Deputy Director of Education. The Education Officer or the Deputy Director of Education may, after considering the reasons recorded by the Head, the Chief Executive Officer or the President, direct the Head, the Chief Executive Officer or the President to issue the Discharge Certificate and on receipt of such direction, the Head, the Chief Executive Officer or the President shall issue the Discharge Certificate.

(2) No employee with previous service in a school shall be employed in other school unless he produces a Discharge Certificate or gives in writing that he is unable to produce a Discharge Certificate despite a written request to the previous Management. Unless the second Management finds out from the previous Management the reasons for the same and unless it is convinced of the bona-fides of the employee regarding satisfactory work and good conduct, the second Management shall not continue the employee in service. In case he is continued in service, the Management of the new school shall report to the Education Officer or in the case of the Junior College of Education to the Deputy Director about the refusal by the previous Management to issue the Discharge Certificate and obtain from him a certificate regarding

the last pay drawn by the employee for the purpose of drawing his pay:

Provided that, where an employee from a day school desires to join a Night School, such Discharge Certificate shall not be necessary. The Head of the Day School shall communicate his consent stating that there is no objection to the said employee taking such part-time employment in addition.

19. Pension :-

:- An employee of an aided secondary school or aided Junior College of Education working on full time basis and retiring on or after the 1st April, 1966 and an employee of an aided primary school working on full time basis and retiring on or after the 1st April, 1979 but who have opted for pension and the employee appointed on or after the above mentioned respective dates shall be eligible for pension at the rates and in accordance with the rules as are sanctioned by Government specifically to the employees of private schools.

20. Providend Fund :-

:-

(1) Every employee (not being an employee who has opted for pension) of an aided or unaided school working on a full-time basis or every employee employed on part-time basis in more than one school run by the same Management and doing full-time load of work in these schools, shall subscribe to the Contributory Providend Fund under Contributory Providend Fund Rules(Bombay) as in force from time to time.

(2) Every employee of an aided private secondary school working on a full time basis who was appointed before the 1st April, 1966 and who had exercised in writing his option for a Contributory Providend Fund scheme shall subscribe to that Fund as per rules made by Government and are in force in this behalf.

21. Work load :-

:-

(1) A full-time teacher shall be present on the school premises during the working hours of the school upto 30 hours a week exclusive of daily recesses according to the requirement of the school.

(2) A full-time teacher in a Secondary School or Junior College or Junior College of Education who is teaching in classes with an average enrollment of 30 or less number of pupils shall do actual teaching work for 19 hours per week. A teacher who is teaching in classes with an average enrollment from 31 to 50 pupils shall do actual teaching work for 18 hours per week. A teacher who is teaching in classes with an average enrollment of more than 50 pupils shall do actual teaching work for 17 hours per week.

(3) For schools having more than 20 classes, the Head, the Assistant Head and the Supervisor shall do teaching work for at least 4, 8 and 10 hours per week, respectively. For schools having 20 or less classes the Head and the Supervisor shall do teaching work for at least 6 and 12 hours per week, respectively.

(4) The hours of working and attendance of non-teaching staff of the school shall be 38-1/2 hours per week (inclusive of lunch recess) in the case of clerical staff, Librarians and Laboratory Assistants etc., and 50 hours per week (inclusive of lunch recess) in the case of lower grade staff such as peons, hamals etc.

22. Duties and Code and Conduct :-

:-

(1) The duties of Head, Assistant Head, Supervisor, teachers and non-teaching staff (clerks) shall be as specified in Schedule "I".

(2) All teachers and employees shall observe the following Code of Conduct namely:-

(a) An employee shall treat all students without discrimination on political ground or for reasons of race, religion, caste, language or sex or any other reason of arbitrary or personal nature and shall refrain from instigating students against other students or other employees or school administration.

(b) A teacher shall not misuse the facilities of the school while exercising freedom of academic thought and expression.

(c) An employee shall not make use of the resources and facilities of the institution or Management for his personal use or for commercial, political or religious purposes.

(d) A teacher shall be impartial in assessment of students and shall not deliberately overmark or undermark or victimise students on any ground.

(e) A teacher shall not conduct or be employed in any private coaching classes or give private tuitions on commercial basis, except as otherwise provided in Rule 23.

(f) An employee shall communicate change in address, if any, during vacation or leave period to the Head, Chief Executive Officer or President, as the case may be.

(g) Full-time teaching staff shall not accept part-time employment on payment or for any consideration in other educational, cultural or literary institution without obtaining prior written permission from the authorities of the school in which he is employed on full-time basis. Such work shall, however, be limited to two hours per day including private tuitions. In respect of a full-time non-teaching employee desirous of working in Night School, he shall be so allowed for the entire working period of the Night School.

(h) The behaviour of an employee with male and female students and employees shall be modest.

(i) An employee shall- .

(i) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;

(ii) not consume any intoxicating drink or be under the influence of any intoxicating drink or drug, during the course of his duty; and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of any such drink or drug;

(iii) refrain from consuming any intoxicating drink or drug in a public place;

(iv) not appear in a public place in a state of infoxication;

(v) not use any intoxicating drink or drug in excess, so that he is unable to control his behaviour.

Explanation:- For the purpose of ;this rule, "Public Place" means any place or premises (including conveyance) to which the public have or are permitted to have access, whether on payment or otherwise.

(3) Failure to conform to any of the rules of Code of Conduct mentioned in sub-rule (2) shall be treated as an act of negligence or misconduct or both.

23. Private Tuition :-

:-

(I) Full-time Teaching Staff-

(a) A Head shall not undertake private tuitions or any part-time job with remuneration excepting the following items of work, namely;

(i) Working as a guide for post-graduate research (with the

approval of the University).

(ii) Working as a part-time Lecturer in a college or in postgraduate Department of Universities.

(iii) Any other educational work of a small nature which does not interfere with his regular work and which shall be undertaken only with prior written permission of the Management.

(b) A teacher shall not do private tuition for more than two hours a day or teach more than five pupils during the whole period of tuition in the day. The expression "five pupils" means the same five pupils and not batches of pupils. Day School teachers working in Night Schools may work for full duration of the Night Schools instead of two hours as mentioned in this rule provided they do not undertake private tuitions.

(c) A teacher shall not associate himself directly or indirectly with any coaching classes to prepare pupils for the internal or external examination of secondary schools or any other examining body. When the number of pupils taking private tuition from a teacher for internal or external examination exceeds five, it shall be deemed to be a coaching class.

(d) The time spent by a teacher for conducting classes in curricular or co-curricular activities with remuneration with prior permission of the Management shall be set off against the limit of two hours of private tuitions as permissible.

(2) Part-time Teaching Staff:-

(a) The total number of hours spent by a part-time teacher in teaching in one or more schools as also the number of hours spent by him in tuitions shall not exceed the total number of hours spent in teaching in a school by a full-time teacher plus the number of hours permitted for undertaking private tuition by a full-time teacher.

(b) A part-time teacher shall intimate the Head before undertaking any tuition.

24. Submission of representations :-

:-

(1) Representation from an employee in connection with his employment or his school to the Management or to the Department shall be addressed through the Head. He may, if he so desires, however, address an advance copy of his representation to the authorities. The receipt of the representation shall be acknowledged by the Head.

(2) Representation by the Head of a School to the Department shall be routed through the Management.

(3) The Head or the Management, as the case may be, shall take final decision on the representation addressed by an employee to him or it within a fortnight from the receipt thereof. If the representation has been addressed to the Departmental authorities, the Head or the Management, as the case may be, shall forward the same to the Departmental authorities to whom it is addressed within 15 days from the date of receipt thereof with his or its remarks under intimation to the employee concerned, failing which the authority to whom the representation is addressed shall directly take action on the advance copy of the representation.

25. Obtaining Higher or Additional Qualifications :-

:

(1) An employee other than the Head shall obtain previous permission of the Head and the Head shall obtain previous permission of the Management in case he intends to obtain higher or additional qualifications by joining courses for which regular attendance is necessary. In other cases he shall intimate the Head or the Management. The Head or the Management may grant such permission provided the normal work of the School does not suffer. The employee so permitted cannot claim as a matter of right any kind of leave for the preparation of examination for obtaining such qualification. He shall, however, be eligible to get leave due and admissible to him for the purpose of appearing for the examination including the period required for journey, if any, for that purpose.

(2) The provisions of sub-rule (1) shall not apply in the case of professional courses, such as B.Ed. or D.Ed., which are pre-requisites of a teacher appointed by granting relaxation of qualifications prescribed in Schedule "B", and also in cases of any similar courses organised by the Department, if the employee intimates immediately after applying to the Head or the Management that he intends to join the course.

25A. Termination of Service on account of abolition of posts

:-

:-

(1) The services of permanent employee may be terminated by the Management on account of abolition of posts due to closure of the school after giving him advance intimation of three months to the

effect that in the event of closure of the school, his services shall automatically stand terminated. In the case of closure of school due to de-recognition, such advance intimation of three months shall be given by the Management to the permanent employees after receipt of a show cause notice from the Deputy Director.

Explanation:- For the purposes of this sub-rule, the expression "closure of the school" shall include, -

(i) voluntary closure by the Management of the entire school if it is imparting instruction through one medium or a part of the school comprising one or more media of instruction if it is imparting instruction through more than one medium; and

(ii) closure of the school due to de-recognition by the Department.

(2) The names of the employees in aided schools, whose services stand terminated in accordance with sub-rule (1) on account of de-recognition and who are not directly responsible for such de-recognition, shall be taken on a waiting list by the Education Officer in the case of Primary and Secondary schools or by the Deputy Director in the case of Higher Secondary Schools or Junior Colleges of Education, and the same shall be recommended by him to the Managements of newly opened aided schools or of the existing aided schools which are allowed to open additional divisions or classes, for consideration".]

26. Retrenchment on account of abolition of posts :-

:-

(1) A permanent employee may be retrenched from service by the Management after giving him 3 months notice, on any of the following grounds, namely:-

(i) reduction of establishment owing to reduction in the number of classes or divisions;

(ii) fall in the number of pupils resulting in reduction of establishment;

(iii) change in the curriculum affecting the number of certain category of employees.

(iv) Closure of a course of studies;

(v) any other bonafide reason of similar nature.

(2) The retrenchment from services under sub-rule (1) shall be subject to the following conditions, namely:-

(i) The principle of seniority shall ordinarily be observed;

(ii) Prior approval of the Education Officer in the case of Primary and Secondary Schools or of the Deputy Director in case of Higher

Secondary Schools and Junior Colleges of Education shall be obtained by the Management in each case of retrenchment including such cases in which the principle of seniority is proposed to be departed from and a senior member, of the staff is proposed to be retrenched when a junior member should have been retrenched, stating the special reasons therefor;

(iii) The employees form aided schools, whose services are proposed to be retrenched, shall be absorbed by the Education Officer in the case of primary and Secondary Schools or by the Deputy Director in the case of Higher Secondary Schools and Junior Colleges of Education. The order of absorption of such employees shall be issued by registered post acknowledgment due letter, and till they are absorbed, the Management shall not be permitted to effect retrenchment on account of any reasons mentioned in sub-rule (1)

(3) In case any employee refuses to accept the alternative employment offered to him under clause (iii) of sub-rule (2), he shall lose his claim for absorption, and the Management of the school shall be allowed to retrench such employee from the services after completion of 3 months notice period.

(4) If the posts retrenched are revived or additional posts for the same subject are created, the Management shall, by a registered post acknowledgment due letter addressed to the employee who is retrenched and absorbed in other school, give him the first opportunity of re-joining services in the school. For this purpose, the employees shall communicate to the Management, his address and availability for the job ever year before April by a letter sent by registered post acknowledgment due .

(5) The retrenched person who may have been absorbed in other school, shall have an option either to get repatriated to his original school or to continue in school in which he has been absorbed.

(6) If the employee opts to continue in the school in which he has been absorbed, or if no written reply is received from the employee within a fortnight from the date of receipt of letter addressed to him by the Management regarding the offer for re-appointment or repatriation to the school or on refusal by him to receive the letter containing such offer, the Management shall be free to fill the post or posts by appointing some other qualified person or persons.

(7) In the event of the employee opting to get repatriated to the original school, he shall be restored to his original position in pay, seniority etc.

(8) In the event of the employee opting to continue in the school in

which he has been absorbed, and even during the intervening period when he has not been given an opportunity to rejoin his previous school, his services shall not be terminated by the Management under sub-rule (1) of Rule 28 by treating him as temporary. If the services of such an absorbed employee are required to be terminated under Rule 25A or he is to be retrenched under the rule, the procedure prescribed under Rule 25A, as the case may be, in this rule, shall apply. However his seniority for the purpose of promotion in the school in which he is absorbed shall be fixed in the respective category from the date of his absorption.

(9) In case, the fall in the number of pupils, classes or divisions affects the scale of the employee or his status, the facility of absorption admissible as per provisions of clause (iii) of sub-rule (2) shall not be admissible to him and he shall have to work on the lower scale or lower post or part-time post, as the case may be. in the event of such an employee showing unwillingness to work on such a post, the authorities mentioned in clause (iii) of sub-rule (2) shall permit the Management to retrench him after giving him three months notice or, as the case may be, after completion of the notice period if already given."]

27. Principles of Termination of Service in the event of retrenchment :-

:- While terminating the services of employees under the preceding rule, the following principles shall also be observed; namely :-

(a) In the case of reduction in the number of classes at the High School stage, i.e. Standards VIII to X, the services of junior-most teacher in the category of trained graduate shall be terminated.

(b) In the case of reduction in the number of classes at the Middle School stage, i.e. Standards V to VII, the services of junior-most teacher in the category of trained undergraduates shall be terminated.

(c) If there are some teachers who entered the service as (i) untrained Matric /S.S.C. or (ii) Matric/S.S.C.,S.T.C. or its equivalent and changed their category on improving qualifications as (i) untrained graduate or (ii) trained graduate, respectively and if the situation demands that their services are required to be terminated under Rule 26, they shall be given option either to go back to the original category of (i) untrained Matric/S.S.C. or (ii) trained Matric/S.S.C. etc. On their doing so, the services of junior-most teacher in that category shall be terminated.

(d) In case the Management runs more than one school and in case the retrenchment is to be enacted under Rule 26 in any one of the schools run by it or in case any one of its schools is required to closed either due to withdrawal of recognition or due to the decision of the Management to close it, while effecting retrenchment, the principle of common seniority of employees working in all the schools conducted by it shall be observed along with the above principles.

(e) When any retrenchment is to be effected, members of Backward Classes already in service shall not be retrenched though liable to retrenchment according to their seniority, if their strength in the school does not exceed the percentage of reservation prescribed in sub-rule (7) of Rule 9. in their place, an equal number of other non-Backward Class members of the staff shall be retrenched subject, however, to the condition that, as between the permanent and temporary employees, the temporary employee shall be retrenched irrespective of fact that he belongs to the Backward Class.

28. Removal or Termination of Service :-

:-

(1) The service of a temporary employee other than on probation may be terminated by the Management at any time without assigned any reason after giving one calendar months notice or by paying one months salary (pay and allowances, if any) in lieu of notice . In the case of an employee entitled to vacation , the notice shall not be given during the vacation or so as to cover any part of the vacation or within month after vacation.

[(2) x xx x]

[(3) xxx x]

(4) If a permanent employee in a secondary school or Junior College of Education who is appointed prior to the 1st April, 1966, or a permanent employee in a primary school who is appointed prior to the 1st April 1979 and who has opted to retain the Contributory Providend Fund scheme, is to be relieved from service in the school for being found medically unfit as certified by the Civil Surgeon or the Superintendent of a Government Hospital, as the case may be, he shall be given gratuity at the rate of half a months salary (pay and allowances) for every completed year of service but not less than 3 months salary (pay and allowances), whichever is higher; Provided that, an employee receiving gratuity under this

sub-rule shall not be held eligible to receive in addition, compensation as provided under sub-rule (2) above.

(5) An employee shall be liable to be punished on one or more of the following grounds, namely:

(a) Misconduct;

(b) Moral turpitude;

(c) Wilful and persistent negligence of duty;

(d) Incompetence. For the purpose of this rule-

(a) "Misconduct" shall include the following acts, namely:-

(i) breach of the terms and conditions of service laid down by or under these rules;

[(ii) violation of the code of conduct; and

(iii) any other act of similar nature;]

[(b) "Moral turpitude" shall include the following acts, namely:-

(i) immodest or immoral behaviour with a female or male student or employee; and

(ii) any other act of similar nature."]

(c) "Wilful negligence of duty" shall include the following acts, namely:-

(i) dereliction in, or failure to discharge, any of the duties prescribed by or under these rules;

(ii) persistent absence from duty without previous permission; and

(iii) any other act of similar nature;

(d) "Incompetence" includes the following acts, namely:-

(i) failure to keep up academic progress and update knowledge in spite of repeated instructions in that behalf and provision of facilities;

(ii) failure to complete the teaching of the syllabus determined for the year within the fixed periods for reasons not beyond his control;

(iii) any other act of similar nature.

29. Penalties :-

:- Without prejudice to the provisions of these rules, any employee guilty of misconduct, moral turpitude, wilful and persistent neglect of duty and incompetence, as specified in Rule 28, shall be liable for any of the following penalties, namely:-

(1) warning, reprimand or censure.

(2) withholding of an increment for a period not exceeding one year.

(3) recovery from pay or from such other amount as may be due to

him, of the whole or part of any pecuniary loss caused to the institution by negligence or breach of orders.

(4) reduction in rank.

(5) termination of service: Provided that an employee of a private school aggrieved with the decision of imposing a minor penalty as specified in clause (1) of Rule 31 may prefer an appeal to the Deputy Director of the region concerned within 45 days from the date of receipt of the order of punishment.

30. a) the period for which it is withheld, and :-

:- When an increment of an employee is withheld, the authority imposing the punishment shall specifically mention in its order-

b) whether the period for which the increment is withheld shall be exclusive of the leave (except casual leave) taken during the period.

31. Classification of penalties :-

:- The penalties shall be classified into minor and major penalties as under:-

(1) minor penalties:-

i) reprimand,

ii) warning,

iii) censure

iv) withholding of an increment for a period not exceeding one year,

v) recovery from pay or such other amount as may be due to him of the whole or part of any pecuniary loss caused to the institution by negligence or breach of orders.

(2) major penalties:-

i) reduction in rank,

ii) termination of service

32. Procedure for imposing minor penalties :-

:- The minor penalties may be imposed for lapses on the part of the employees such as delay in disposal of assignments, negligence of duty, insubordination, disobedience of orders of superiors and other misconduct or misbehaviour of similar nature. Before finally imposing any punishment as contemplated in this rule, the employee concerned shall be given in writing an opportunity to explain within the two weeks why he should not, for good and

sufficient reasons, be punished for the lapses or omission on his part. The nature and quantum of punishment, if any to be imposed on him shall be decided after considering the explanation, if any, given by the employee.

33. Procedure for inflicting major penalties :-

:-

(1) If an employee is alleged to be guilty of 32[any of the grounds specified in sub-rule (5) of Rule 28] and if there is reason to believe that in the event of the guilt being proved against him, he is likely to be reduced in rank or removed from service, the Management shall first decide whether to hold an inquiry and also to place the employee under suspension and if it decides to suspend the employee, it shall authorise the Chief Executive Officer to do so after obtaining the permission of the Education Officer or, in the case of the Junior College of Education and Technical High Schools, of the Deputy Director. Suspension shall not be ordered unless there is a prima facie case for his

(2) If the employee renders resignation while under suspension and during the pendency of the inquiry such resignation shall not be accepted.

(3) The employee under suspension shall not accept any private employment.

(4) The employee under suspension shall not leave the headquarters during the period of suspension without the prior approval of the Chief Executive Officer. If such employee is the Head and also the Chief Executive Officer, he shall obtain the necessary prior approval of the President.

(5) An employee against whom proceedings have been taken on criminal charge or who is detained under any law for the time being in force providing for preventive detention shall be considered as under suspension for any period during which he is under such detention or he is detained in police or judicial custody for a period exceeding forty-eight hours or is undergoing imprisonment, and he shall not be allowed to draw any pay and allowances for such period until the termination of the proceedings taken against him or until he is relieved from detention and is in a position to rejoin duty after producing documentary proof of his release (otherwise than on bail) or acquittal, as the case may be. An adjustment of his pay and allowance for such periods shall be made according to the circumstances of the case, the full amount being given only in the

event of the employee being acquitted of charge or detention being held by the Court to be unjustified.

(6) After the result of the criminal prosecution, a copy of the judgement shall be obtained by the Management and if the judgement is one of conviction for the charges and if an inquiry is also initiated by the Management against the employee on the basis of the same charges, it shall not be necessary to proceed with the inquiry on the same charges and the Management shall take action to terminate the services of the employee. The Management shall not, however pass any order till the period upto which the employee is entitled to prefer an appeal or revision application to the higher Court against the conviction by the lower Court is over. If the appeal or revision application is preferred, the Management shall not take any action till the conviction is finally confirmed by the High Court. When the judgement in the criminal case, appeal or revision application is one of acquittal the Management shall consider in the light of the judgement whether it is necessary to institute or proceed with the inquiry. If the Management agrees that the acquittal is justified, it may drop the inquiry by certifying that it agrees with the findings of the Court. If the Management does not agree with the findings, it may proceed with the inquiry and inflict proper punishment.

34. Payment of subsistence allowance :-

:-

(1)

(a) A subsistence allowance at an amount equal to the leave salary which the employee would have drawn if he had been on leave on half pay and in addition, Dearness allowance based on such leave salary shall be payable to the employee under suspension.

(b) Where the period of suspension exceeds 4 months, the authority which made or is 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 the first 4 months as follows, namely:-

i) The amount of subsistence allowance may be increased by a suitable amount not exceeding 50 percent of the subsistence allowance admissible during the period of first 4 months, if in the opinion of the said authority, the period of suspension has been prolonged for reasons, to be recorded in writing, not directly attributable to the employee.

ii) The amount of subsistence allowance may be reduced by a suitable amount not exceeding 50 percent of the subsistence allowance admissible during the period of first 4 months, if in the opinion of the said authority, the period of suspension has been prolonged for reasons, to be recorded in writing, directly attributable to the employee.

iii) The rate of Dearness allowance shall be based on the increased or the Decreased amount of subsistence allowance, as the case may be, admissible under sub-clause (i) and (ii)

(2) Other compensatory allowances if any, of which the employee was in receipt on the date of suspension shall also be payable to the employee under suspension to such extent and subject to such conditions as the authority suspending the employee may direct: Provided that the employee shall not be entitled to the compensatory allowances unless the said authority is satisfied that the employee continues to meet the expenditure for which such allowances are granted: Provided further that, when an employee is convicted by a competent Court and sentenced to imprisonment, the subsistence allowance shall be reduced to a nominal amount of rupee one per month with effect from the date of such conviction and he shall continue to draw the same till the date of his removal or reinstatement by the competent authority: Provided also that, if an employee is acquitted by the appellate Court and no further appeal or a revision application to a higher Court is preferred and pending he shall draw the subsistence allowance at the normal rate from the date of acquittal by the appellate Court till the termination of the inquiry, if any, initiated under these rules: Provided also that, in cases falling under sub-rules (1) and (2) above, where the Management refuses to pay or fails to start and continue payment of subsistence allowance and other compensatory allowances, if any, to an employee under suspension, payment of the same shall be made by the Education Officer or Deputy Director, as the case may be, who shall deduct an equal amount from the non-salary grant that may be due and payable or may become due and payable to the school.

(3) In case an employee under suspension attains the age of superannuation while under suspension he shall be deemed to have been retired on attaining the age of superannuation and any departmental or Judicial proceedings pending against him shall be continued even after his retirement. A provisional pension not exceeding the maximum pension which would have been admissible on the basis of qualifying service upto the date of

retirement of the employee or if he was under suspension on the date of retirement of the employee or if he was under suspension on the date of retirement upto the date immediately preceding the date on which he was placed under suspension shall be paid to him. But no amount of Death-cum Retirement Gratuity shall be paid till his case is finally decided. Where an employee is acquitted of the charges and he is not proceeded against by the Management under sub-rule (6) of Rule 33 his case shall be regulated by sub-rule (5) if his suspension is held to have been wholly unjustified, and by sub-rule (6) if it is held to have been wholly justified.

(4) When an employee who has been suspended is reinstated 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, and

(b) regarding the said period being treated as a period spent on duty.

(5) Where the authority mentioned in sub-rule (4) is of the opinion that the employee has been fully exonerated or, in the case of suspension, that it was wholly unjustified, the employee shall be given the full pay, allowances and pension to which he would have been entitled had he not been dismissed, removed or suspended, as the case may be. The Management shall bear expenditure on pay and allowances of substitute, if any, appointed in place of the employee under suspension and such expenditure shall not hold admissible for Government grant.

(6) In other cases, the employee shall be given such proportion of pay and allowances and pension as the Management may decide:

Provided that, ;where the amount of provisional pension sanctioned to an employee during the period of suspension is more than the amount of pension finally held admissible, the difference of such amount shall not be recovered or adjusted from the amount of pension payable to him:

Provided further that, the payment of allowances under sub-rules (5) or (6) shall be subject to all other conditions under which such allowances are admissible:

Provided also that in a case falling under sub-rule (5), the period of absence from duty shall be treated as a period spent on duty, after the Management specifically directs that it shall be so treated (for specified purposes)

35. Conditions of suspension :-

:-

(1) In cases where the Management desires to suspend an employee, he shall be suspended only with the prior approval of the appropriate authority mentioned in Rule 33.

(2) The period of suspension shall not exceed four months except with the prior permission of such appropriate authority.

(3) In cases where the employee is suspended with prior approval, he shall be paid subsistence allowance under the scheme of payment through Co-operative Banks for a period of four months only and thereafter, the payment shall be made by the Management concerned.

(4) In case where the employee is suspended by the Management without obtaining prior approval of the appropriate authority as aforesaid, the payment of subsistence allowance even during the first four months of suspension and for further period thereafter till the completion of inquiry shall be made by the Management itself.

(5) The subsistence allowance shall not be withheld except in cases of breach of provisions of sub-rule (3) and (4) or Rule 33.

36. Inquiry Committee :-

:-

(1) If an employee is allegedly found to be guilty of 33[any of the grounds specified in sub-rule (5) of Rule 28] and the Management decides to hold an inquiry, it shall do so through a properly constituted Inquiry Committee. Such a committee shall conduct an inquiry only in such cases where major penalties are to be inflicted. The Chief Executive Officer authorised by the Management in this behalf (and in the case of an inquiry against the Head who is also the Chief Executive Officer, the President of the Management) shall communicate to the employee or the Head concerned by registered post acknowledgment due to the allegations and demand from him a written explanation within seven days from the date of receipt of the statement of allegations.

(2) If the Chief Executive Officer or the President, as the case may be, finds that the explanation submitted by the employee or the Head referred to in sub-rule (1) is not satisfactory, he shall place it before the Management within fifteen days from the date of receipt of the explanation. The Management shall in turn decide within fifteen days whether an inquiry be conducted against the employee and if it decides to conduct the inquiry, the inquiry shall be

conducted by an Inquiry Committee constituted in the following manner, that is to say,-

(a) in the case of an employee-

(i) one member from amongst the members of the Management to be nominated by the Management, or by the President of the Management if so authorised by the Management, whose name shall be communicated to the Chief Executive Officer within 15 days from the date of the decision of the Management;

(ii) one member to be nominated by the employee from amongst the employees of any private school;

(iii) One member chosen by the Chief Executive Officer from the panel of teachers on whom State/National Award has been conferred.

(b) in the case of the Head referred to in sub-rule (1)-

(i) one member who shall be the President of the Management;

(ii) one member to be nominated by the Head from amongst the employees of any private school;

(iii) One member chosen by the President from the panel of Head Masters on whom State/National Award has been conferred".]

(3) The Chief Executive Officer or, as the case may be,, the President shall communicate the names of members nominated under sub- rule (2) by registered post acknowledgment due to the employee or the Head referred to in sub-rule (1), as the case may be, directing him to nominate a person on his behalf on the proposed Inquiry Committee and to forward the name alongwith the written consent of the person so nominated to the Chief Executive Officer or to the President, as the case may be, within fifteen days of the receipt of the communication to the effect."]

(4) If the employee or the Head, as the case may be, communicates the name of the person nominated by him to the Inquiry committee of three members shall be deemed to have been constituted on the date of receipt of such communication by the chief Executive Officer or the President, as the case may be. If the employee or such Head fails to communicate the name of the nominee within the stipulated period, the Inquiry Committee shall be deemed to have been constituted on expiry of the stipulated period consisting of only two members as provided in sub-rule (2).

(5) The Convenor of the respective Inquiry Committee shall be the nominee of the President, or as the case may be, the President who shall initiate action pertaining to the conduct of the Inquiry Committee and shall maintain all the relevant record of the Inquiry."]

(6) The meetings of the Inquiry Committee shall be held in the School premises during normal school hours or immediately thereafter, if the employee agrees and even during vacation.

37. Procedure of Inquiry :-

:-

(1) The Management shall prepare a charge sheet containing specific charges and shall hand over the same together with the statement of allegations and the explanation of the employee or the Head, as the case may be, to the Convener of the Inquiry Committee and also forward copies thereof to the employee or the Head concerned by registered post acknowledgment due, within 7 days from the date on which the Inquiry Committee is deemed to have been constituted.

(2)

(a) Within 10 days of the receipt of the copies of charge sheet and the statement of allegations by the employee or the Head, as the case may be-

(i) If the employee or the Head, as the case may be, desires to tender any written explanation to the chargesheet, he shall submit the same to the Convener of the Inquiry Committee in person or send it to him by registered post acknowledgement due.

(ii) If the Management and the employee or the Head, as the case may be, desire to examine any witnesses they shall communicate in writing to the Convener of the Inquiry Committee the names of witnesses whom they propose to so examine, and

(iii) If the Management desires to tender any documents by way of evidence before the Inquiry Committee, it shall supply true copies of all such documents to the employee or the Head, as the case may be. If the documents relied upon by the Management is a register or record of the school it shall permit the employee or the Head, as the case may be, to take out relevant extracts from such register or record. The employee or the Head, as the case may be, shall supply to the Management true copies of all the documents to be produced by him in evidence.

(b) Within 3 days after the expiry of the period of 10 days specified in clause (a), the Inquiry Committee shall meet to proceed with the inquiry and give 10 days notice by registered post acknowledgment due to the Management and the employee or the Head, as the case may be, to appear for producing evidence, examining witnesses etc., if any.

(c) The Inquiry Committee shall see that every reasonable opportunity is extended to the employee for defending his case.

(d)

(i) The Management shall have the right to lead evidence and the right to cross-examine the witnesses examined on behalf of the employee.

(ii) The employee shall have the right to be heard in person and lead evidence. He shall also have the right to cross-examine the witnesses examined on behalf of the Management.

(iii) Sufficient opportunities shall be given to examine all witnesses notified by both the parties.

(e) All the proceedings of the Inquiry Committee shall be recorded and the same together with the statement of witnesses shall be endorsed by the both the parties in token of authenticity thereof. The refusal to endorse the same by either of the parties shall be recorded by the Convener.

(f) The inquiry shall ordinarily be completed within a period of 120 days from the date of first meeting of Inquiry Committee, or from the date of suspension of the employee, whichever is earlier, unless the Inquiry Committee has, in the special circumstances of the case under inquiry, extended the period of completion of the inquiry with the prior approval of the Deputy Director. In case the inquiry is not completed within the period of 120 days or within the extended period, if any, the employee shall cease to be under suspension and shall be deemed to have rejoined duties, without prejudice to continuance of the inquiry.

(3) The Management and the employee or the Head, as the case may be, shall be responsible to see that their nominees and the witnesses, if any, are present during the inquiry. However if the Inquiry Committee is convinced about the absence of either of the parties to the disputes or any of the members of the Inquiry Committee on any valid ground, the Inquiry Committee shall adjourn that particular meeting of the Committee. The meetings so adjourned shall be conducted even in the absence of person concerned if he fails to remain present for the said adjourned meeting.

(4) The Convener of the Inquiry Committee shall forward to the employee or the Head, as the case may be, summary of the proceedings and copies of statements of witnesses, if any, by registered post acknowledgment due within four days of completion of the above steps and allow him a time of seven days to offer his further explanation, if any.

(5) The employee or the Head, as the case may be, shall submit his further explanation to the Convener of the Inquiry Committee within a period of seven days from the date of receipt of the summary of proceeding etc. either personally or by registered post acknowledgment due.

(6) On receipt of such further explanation or if no explanation is offered within the aforesaid time, the Inquiry Committee shall complete the inquiry and communicate its findings on the charges against the employee and its decision on the basis of these findings to the Management for specific action to be taken against the employee or the Head, as the case may be, within ten days after the date fixed for receipt of further explanation. It shall also forward a copy of the same by registered post acknowledgment due to the employee or the Head, as the case may be. A copy of the findings and decision shall also be endorsed to the Education Officer or the Deputy Director, as the case may be, by registered post acknowledgment due. Thereafter, the decision of the Inquiry Committee shall be implemented by the Management which shall issue necessary orders within seven days from the date of receipt of decision of the Inquiry Committee, by registered post acknowledgment due. The Management shall also endorse a copy of the order to the Education Officer or the Deputy Director, as the case may be.

38. Power to terminate services, etc. :-

:- The Management shall not delegate to any subordinate authority other than the Chief Executive Officer, power to execute the decision of the Inquiry Committee in respect of reduction in rank or termination of services.

39. Procedure for filing Appeals :-

:-

(1) Every memorandum of appeal under sub-section (1) of Section 9 of the Act shall be duly signed by the appellant and shall be submitted to the Presiding Officer of the School Tribunal in triplicate personally or by registered post acknowledgment due.

(2) Every appellant shall submit his appeal separately and no joint appeal shall be entertained: Provided that, the Tribunal may entertain a joint appeal by two or more employees if the appeal arises out of the same inquiry and the grounds raised in the appeal are the same.

(3) Every memorandum of appeal shall contain all material statements and arguments relied upon by the appellant and shall be accompanied by a copy of the order appealed against and copies of all the documents referred to in the appeal.

(4) Every memorandum of appeal shall be accompanied by a crossed Indian Postal Order or Demand Draft of rupees fifty, payable to the "Presiding Officer of the School Tribunal.....". The fee may also be remitted in cash in the office of the Tribunal or by postal Money Order.

(5) Every memorandum of appeal may be submitted in Marathi or in English language.

40. Resignation :-

:-

(1) A permanent employee may leave service after giving three calendar months notice and a non-permanent employee may leave service after giving one calendar months notice. The Management may, however, allow an employee to leave service earlier on payment of pay (excluding allowances) for three months, or as the case may be, on month in lieu of notice by the employee. The amount in lieu of notice shall be restricted to the pay for the period by which the notice period falls short.

(2) If any Management allows an employee to leave service earlier without due notice or without making payment of pay in lieu of notice as specified in sub-rule (1), a proportionate amount of pay in lieu of notice shall be deducted from the grant due to the school concerned .

(3) An employee entitled to vacation shall not give notice of resignation during the vacation or so as to cover any part of the vacation. The notice of resignation shall not be given within a month after the beginning of the first term of the year.

41. Transfer :-

:-

(1) Subject to the provisions of this rule the Management conducting more than one school shall not transfer any of its employees from one school to another except on administrative grounds, promotion or at the request of the employee concerned, if it is administratively convenient to do so.

(2) Save in exceptional cases, and unless reasons are recorded in writing by the Management, such transfers shall not be effected in

the middle of the term.

(3) The Management shall see that the transfers do not adversely affect the pay or pay scale of the employees concerned and that such transfers do not result into loss in the pensionary benefits admissible to them.

(4) The expenditure on Travelling allowance and Daily allowance, if any, at the rates applicable to the Government employees of the comparable status, shall be borne by the Management. If the transfer is at the request of the employee, this expenditure shall be borne by the employee concerned.

Provided that the transfer involves change of headquarters, the joining time to be allowed to an employee shall, be limited to six days (excluding Sunday) and actual days of journey. Subject to this limit, the period of joining time shall be treated as duty for all purposes:

Provided that, an employee shall not be entitled to joining time if transfer is effected during the vacation.

(5) Where a Management runs a secondary school or secondary schools and a Junior College of Education-

(a) Teachers in a Junior College of Education shall not be transferred to a secondary school against their will. Such transfers may, however be made if they are at employees own requests, subject to availability of vacancies in secondary schools. In the event of such a transfer, the pay drawn by the teacher in the Junior College of Education shall not be protected. He shall be deemed to be working in a secondary school during the period he worked in the Junior College of Education, and his pay shall be accordingly refixed on his joining the secondary school,

(b) Teachers in secondary schools shall not be transferred to a Junior College of Education against their will. Such transfers may, however, be made if they are at the employees own requests, subject to the following conditions, namely:-

- (i) Vacancies should be available in the Junior College of Education;
- (ii) The concerned employees shall retain the same place in the common seniority list; and
- (iii) Their pay in the Junior College of Education shall be fixed at the same scale of pay as their existing pay or at the minimum of the scale of pay in the Junior College of Education, whichever is higher.

42. Contesting Elections :-

:-

(1) Subject to the provisions of sub-rules (3) to (6) (both inclusive), an employee may, with previous intimation to the Management in writing, contest elections to the University Senate in accordance with the provisions laid down in the respective non-Agricultural University Act. or as the case may be, to the Maharashtra Legislative Council as provided in sub-clauses (b) and (c) of clause (3) of Article 171 of the Constitution of India.

(2) Subject to the provisions of sub-rules (3) and (6) (both inclusive), an employee may, with the previous permission of the Management in writing, contest election to public offices (other than those mentioned in sub-rule (1)) at the Local, District, State or National level.

(3) Immediately after filing the nomination form for contesting such election and the same being declared as valid, the employee shall proceed on leave due and admissible to him; and if no leave is to his credit, he shall proceed on extraordinary leave, and shall continue to be on leave till the declaration of the election results:

Provided that, the Management may require a temporary employee contesting such election to resign his post even during the election campaign, if in the opinion of the Management, the election campaign is likely to adversely affect the duties of the employee.

(4) The employee contesting such an election shall not involve the Management, employees or students of the Institution in which he is employed, in his election campaign.

(5)

(a) In the event of his being elected the permanent employee shall apply for further extension of leave due and admissible to him and if no leave is at his credit, the extraordinary leave for the period for which he is likely to continue to hold the office; and the same shall be granted by the Management in relaxation of the limit prescribed in sub-rule (13) of Rule 15.

(b) In case, however, if the sessions or meetings of the public office are held at intervals he may be allowed to avail himself of leave due and admissible to him or, as the case may be, the extraordinary leave for the actual periods of the sessions or meetings including the periods of journey and may be allowed to attend the school during the remaining periods.

(c) The period of extraordinary leave availed of for the purpose shall be counted for purposes of annual increments.

(6)

(a) In the event of permanent employee further becoming an

office-bearer such as Chairman, President, Vice-president, Secretary, Joint Secretary, etc. which demands full time attendance or long-time absence from normal duties, he shall apply for keeping his lien on the post which he held, which shall be granted by the Management.

(b) Non-permanent employee on election shall resign from the post. In the case of a non-permanent employee who is on leave till the declaration of election results, in the event of his being elected he shall resign the post he held immediately on his election to the public office.

(7) Provisions of sub-rules (3), (4) and (5) shall mutatis mutandis apply to-

(i) the permanent employees elected to public offices being further elected on the University Senate, or as the case may be, the State Board of Secondary and Higher Secondary Education, by virtue of their office;

(ii) the permanent employees nominated by the State Government on the State Board or the Divisional Board of Secondary and Higher Secondary Education."]

43. Appearance of legal practitioners before the Tribunal :-

: - The Presiding Officer of the School Tribunal may grant special permission for a legal practitioner to appear before him on behalf of any party in any proceedings in the following circumstances, namely:-

(i) complexity of the dispute which may be beyond the apprehension of either of the parties to the dispute.

(ii) a question of law arising in the course of the proceedings:

Provided that, whenever such a permission is granted to one party a similar permission shall also be granted to the other party to the dispute:

Provided further that, where the Management is represented by a person who is a legal practitioner or who has qualifications of a legal practitioner the employee shall be permitted to represent his case through a legal practitioner.]