

**Uttar Pradesh Higher Education Services Commission
(Amendment) Act, 1997**

10 of 1997

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**Uttar Pradesh Higher Education Services Commission
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An Act further to amend the Uttar Pradesh Higher Education Services Commission Act, 1980 It is hereby enacted in the Forty-eighth Year of the Republic of India as follows :--

1. Short Title And Commencement :-

- (1) This Act may be called the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 1997.
- (2) It shall be deemed to have come into force on May 26, 1997.

2. Amendment Of Section 4 Of U.P. Act No. 16 Of 1980. :-

In Section 4 of the Uttar Pradesh Higher Education Services Commission Act, 1980, hereinafter referred to as the principal Act, for Sub-section (2), the following Sub-sections shall be substituted, namely :--

"(2) No person shall be qualified for appointment as Chairman unless he is or has been,--

(a) a member of the Uttar Pradesh Higher Judicial Service who has held the post of District Judge or any other post equivalent thereto; or

(b) a member of the Indian Administrative Service who has held the post of a Secretary to the State Government or any other post under the State Government equivalent thereto; or

(c) a Vice-Chancellor of any University; or

(d) a Professor in any University.

(2-a) No person shall be qualified for appointment as member unless he is or has been,--

(a) a member of the Uttar Pradesh Higher Judicial Service who has held the post of District Judge or any other post equivalent thereto; or

(b) a member of the Indian Administrative Service who has held the post of a Secretary to the State Government or any other post under the State Government equivalent thereto; or

(c) a Vice-Chancellor of any University; or

(d) a Professor in any University; or

(e) a Principal of a Post-Graduate College for a period of not less than ten years; or

(f) a Principal of a Degree College for a period of not less than fifteen years. "

3. Amendment Of Section 6 :-

In Section 6 of the principal Act, in Sub-section (1) the Explanation shall be omitted.

4. Amendment Of Section 31-C :-

In Section 31-C of the principal Act,--

(a) in Sub-section (1),--

(i) in Clause (a), for the word and figures "June 30, 1991" the word and figures "November 22, 1991" shall be substituted.

(ii) for Clause (b), the following Clause shall be substituted, namely :--

"(b) was appointed on ad hoc basis under Sub-section (1) of Section 16 as it stood before its omission by the Act referred to in Clause (a), whether or not the vacancy was notified to the Commission."

(iii) in Clause (c), after the words "for regular appointment to the post," the words "or was given relaxation from such qualifications" shall be inserted;

(iv) Clause (d) shall be omitted;

(b) after Sub-section (4), the following Sub-section shall be inserted, namely :--

"(5) Notwithstanding anything to the contrary in Sub-section (4), the selection committee constituted under Sub-section (2), shall in view of the amendments made in Clauses (b) to (d) of Sub-section

(1), by the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 1997 reconsider the case of every teacher who ceased to hold appointment under Sub-section (4) and if as a result of reconsideration any such teacher is found suitable for substantive appointment, he may be given substantive appointment as provided in Subsection (1), and shall be deemed never to have ceased to hold appointment."

5. Repeal And Savings :-

(1) The Uttar Pradesh Higher Education Services Commission (Amendment) Ordinance, 1997 (U.P. Ordinance No. 5 of 1997) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Principal Act as amended by the Ordinance referred to in Sub-section (1) shall be deemed to have done or taken under the corresponding provisions of the Principal Act as amended by this Act, as if the provisions of the Act were in force at all material times.