

**Uttar Pradesh Secondary Education Services Commission  
(Amendment) Act, 1998**

**75 of 1998**

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**Uttar Pradesh Secondary Education Services Commission  
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An ACT

further to amend the Uttar Pradesh Secondary Education Services Commission Act, 1952.

It is hereby enacted in the Forty-ninth Year of the Republic of India as follows :-

**1. Short title and commencement :-**

- (1) This Act may be called the Uttar Pradesh Secondary Education Services Commission (Amendment) Act, 1998.
- (2) It shall be deemed to have come into force on April 20, 1998.

**2. Amendment of long title of U.P. Act no. 5 of 1982 :-**

In the long title of the Uttar Pradesh Secondary Education Services Commission Act, 1982, hereinafter referred to as the principal Act, for the words "Service Commission" the words Services Selection Board" shall be substituted,

### **3. Amendment of section 1 :-**

In section 1 of the principal Act, in sub-section (1), for the words "Services Commission" the words Services Selection Boards shall be substituted.

### **4. General Amendment :-**

In sections 19, 20, 21, 22, 23, 26, 27, 28, 29 and 34 of the principal Act, for the word "Commission" wherever occurring the word "Board" shall be substituted.

### **5. Amendment of section 2 :-**

In section 2 of the principal Act,-

(a) for clause (6), the following clauses shall be substituted; namely :-

"(a) Board means the Uttar Pradesh Secondary Education Services Selection Board established under section 3 ;

(b) Chairman means the Chairman of the Board and includes any other person performing in the absence of the Chairman, for the time being, the functions of the Chairman ;"

(b) clause (c) shall be omitted ,

(c) for clause (g), the following clause shall be substituted, namely ;-

"(g) Member means a member of the Board and includes its Chairman and Vice-Chairman; "

(d) after clause (k) the following clause shall be inserted, namely :-

"(k-1) Vice-Chairman means the Vice-Chairman of the Board;

### **6. Substitution of Chapter II and sections 3 to 11 :-**

For Chapter II containing sections 3 to 11 of the principal Act, the following chapter containing sections 3 to 11 shall be substituted, namely :-

"CHAPTER II

ESTABLISHMENT AND FUNCTIONS OF THE BOARD

3. Establishment of the Board

(1) With effect from such date as the State Government may, by notification, appoint in this behalf, there shall be established a Board to be called the Uttar Pradesh Secondary Education Services Selection Board.

(2) The Board shall be, a body corporate. It shall exercise powers

throughout Uttar Pradesh and its headquarters shall be at Allahabad.

(3) The Uttar Pradesh Secondary Education Services Commission established under section 3 of this Act as it stood immediately before the commencement of the Uttar Pradesh Secondary Education Services Commission (Amendment) Act, 1998 shall upon establishment of the Board under sub-section (1), stand dissolved, and upon such dissolution-

(a) all properties and assets of that Commission shall stand transferred to, and vest in the Board ;

(b) all debts, liabilities and obligations of that Commission whether contractual or otherwise, shall stand transferred to the Board ;

(c) the services of every whole-time employee of that Commission shall stand transferred to the Board ;

(d) any matter pending before that Commission under this Act as it stood immediately before establishment of the Board under sub-section (1) shall stand transferred to the Board.

#### 4. Composition of the Board

(1) The Board shall consist of a Chairman, a Vice-Chairman and nine Members who shall be appointed by the State Government.

(2) A person shall not be qualified for appointment as Chairman, unless he,-

(a) is or has been a Vice-Chancellor of any University established by law ; or

(b) is or has been, in the opinion of the State Government an outstanding officer of the Administrative Service not below the rank of Secretary to the State Government or Director of Education, Uttar Pradesh.

(3) A person shall not be qualified for appointment as Vice-Chairman, unless he is, in the opinion of the State Government, an eminent educationist having made valuable contribution in the field of education.

(4) of the Members,-

(a) Two shall be persons, who are educationist having made significant contribution in the field of education;

(b) Two shall be persons who are or have been in the opinion of the State Government, an outstanding officer of the State Education Service not below the rank of Additional Director ;

(c) Other shall be persons who,-

(i) have worked as a Professor in any University established by law in Uttar Pradesh or as a Reader of any Degree College recognised by or affiliated to such University for a period of not less than ten

years;

(ii) have worked as a Principal of any Institution recognised under the Intermediate Education Act, 1921 for a period of not less than ten years ;

(iii) are, in the opinion of the State Government, an eminent educationist having made valuable contribution in the field of education.

(5) Every appointment under this section shall take effect from the date on which it is notified by the State Government.

5. Term of office and conditions of service of Members.

(1) Subject to the provisions of this Act, every Member shall hold office for a term of four years,

(2) No person shall be a member for more than two consecutive terms.

(3) A member may resign, his office by writing under his hand addressed to the State Government, but he shall continue in office until his resignation is accepted by the State Government.

(4) The office of the members shall be whole time and terms and conditions, of their service shall be, such as the State Government may by order, direct.

(5) Notwithstanding anything contained in this section, no person shall be appointed or continue as a member if he has attained the age of sixty two years.

6. Powers of the State Government to remove the Member.

(1) The State Government may, by order, remove from office any member, if he-

(a) is adjudged an insolvent; or

(b) engages, during his term of office, in any paid employment outside the duties of his office; or

(c) is, in the opinion of the State Government, unfit to continue in office by reason of infirmity of mind or body or of proved misconduct; or

(d) incurs any disqualification under this Act or the rules made thereunder.

Explanation-Where a member becomes in any way concerned or interested in any contract or agreement made by or on behalf of any Institution or participates in any way in the profits thereof or in any benefit or emolument arising therefrom, otherwise than a members shall, for the purpose of clause (c), he deemed to be guilty of misconduct.

(2) The procedure for the investigation and proof of misconduct under this section shall be such as may be prescribed.

## 7. Power to associate.

The Board may associate with itself, in such manner and for such purposed as may be determined by regulations made under section 34, any person whose assistance or advice it may desire to have in carrying out any of the provisions of this Act.

## 8. Staff of the Board.

(1) The Secretary of the Board shall be appointed by the State Government on deputation for a term not exceeding five years and other conditions of his service shall be such as the State Government may, by order, determine.

(2) Subject to such directions as may be issued by the State Government in this behalf, the Board may appoint such other employees as it may think necessary for the efficient performance of its functions under this Act and on such terms and conditions of service as the Board thinks fit.

## 9. Powers and duties of the Board.

The Board shall have the following powers and duties namely ;-

(a) to prepare guidelines on matters relating to the method of direct recruitment of teachers;

(b) to conduct examinations, where necessary, and hold interviews and make selection, of candidates for being appointed as teachers;

(c) to select and invite experts and to appoint examiners for the purposes specified in clause (b);

(d) to make recommendations regarding the appointment of selected candidates;

(e) to advise the Management in matters relating to dismissal, removal or reduction in rank of teachers;

(f) to obtain periodical returns or other informations from institutions regarding strength of the teaching staff and the appointment, dismissal, removal, termination or reduction in rank of teachers;

(g) To fix the emoluments and travelling and other allowances of the experts;

(h) to administer the funds placed at the disposal of the Board;

(i) to perform such other duties and exercise such other powers as may be prescribed or as may be incidental or conducive to the discharge of its functions under this Act or the rules of regulations made thereunder.

## 10. Procedure of selection by direct recruitment

(1) For the purpose of making appointment of a teacher, by direct recruitment, the management shall determine the number of vacancies existing or likely to fall vacant during the year of

recruitment and 10 tae case of a post other than the post of Head of the Institution, also the number of vacancies to be reserved for the candidates belonging to the Scheduled Castes, the Scheduled Tribes and other Backward Classes of citizens in accordance with the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 and notify the vacancies to the Board in such manner and through such officer or authority as may be prescribed.

(2) The procedure of selection of candidates for direct recruit. meat to the post of teachers shall be such as may be prescribed :

Provided that the Board shall, with a view to inviting talented persons, give wide publicity in the State to the vacancies notified under sub-section (1).

#### 11. Panel of candidates

(1) The Board shall, as soon as may be, after the vacancy is notified under sub-section (1) of section 10, hold examinations, where necessary, and interviews, of the candidates and prepare a panel of those found most suitable for appointment.

(2) The panel referred to in sub-section (1) shall be forwarded by the Board to the officer or authority referred to in sub-section (1) of section 10 in such manner as may be prescribed.

(3) After the receipt of the panel under sub-section (2), the officer or authority concerned shall in the prescribed manner intimate the Management of the Institution the names of the selected candidates in rsspst of the vacancies aotified ander sub-section (1) of section 10.

(4) The management shall, within a period of one month from the date of receipt of such intimation, issue appointment letter to such selected candidate.

(5) Where such selected candidate fails to join the post in such Institution within the time allowed in the appointment letter or within such extended time as tee Management may allow in this behalf, or where such candidate is otherwise not available for appointment, the officer or authority concerned may, on the request of the Manage ment, intimate, in the prescribed manner, fresh name or names from the panel forwarded by the Board under sub-section (2)."

#### **7. Insertion of new Chapter III and section 12 :-**

After section 11 of the principal Act, the following Chapter containing section 12 shall be inserted, namely :-

## "CHAPTER III

### PROCEDURE OF SELECTION BY PROMOTION

#### 12. Procedure of selection by promotion

(1) For each region, there shall be a Selection Committee, for making selection of candidates for promotion to the post of a teacher, comprising : -

(i) Regional Joint Director of Education; - Chairman

(ii) Senior most Principal of Government Inter College in the region;  
- member

(iii) Concerned District Inspector of School. - member/secretary

(2) The procedure of selection of candidates for promotion to the post of a teacher shall be such as may be prescribed."

#### **8. Amendment of section 16 :-**

In section 16 of the principal Act, in sub-section (1), for the words and figures "sections 18, 21-B, 21-C, 21-D, 33, 33-A and 33-B, every appointment of a teacher, shall on or after the date of commencement of the Uttar Pradesh Secondary Education Services Selection Boards (Amendment) Act, 1995, be made by the Management only on the recommendation of the Commission" the words and figures "sections 12, 18, 21-B, 21-C, 21-D, 33, 33-A, 33-B, 33-C and 33-D, every appointment of a teacher, shall on or after the date of the commencement of the Uttar Pradesh Secondary Education Services Commission (Amendment) Act, 1998 be made by the Management only on the recommendation of the Board" shall be substituted.

#### **9. Amendment of section 18 :-**

In section 18 of the principal Act :-

(a) in sub-section (1) for the word "Commission" the word "Board" shall be substituted;

(b) in sub-section (a), for clause (a) the following clause shall be substituted, namely :-

"(a) For each region there shall be a Selection Committee for selection of candidates for ad hoc appointment by direct recruitment comprising-

(i) Regional joint Director of Education ;

(ii) Regional Deputy Director of Education (Secondary);

(iii) Regional Assistant Director of Education (Basic).

The Regional Joint Director of Education shall be the Chairman."

(c) in sub-section (9) for the word "Commission" the word "Board"

shall be substituted.

**10. Insertion of new sections 33-C and 33-D :-**

After section 33-B of the principal Act, the following section shall be inserted, namely:-

"33-C Regularisation of certain more appointments

(1) Any teacher who,-

(a) (i) was appointed by promotion or by direct recruitment on or after May 14 1991 but not later than August 6, 1993 on ad hoc basis against substantive vacancy in accordance with section 18, in the Lecturer grade or Trained Graduate grade;

(ii) was appointed by promotion on or after July 31, 1988 but not later than August 6, 1993 on ad hoc basis against a substantive vacancy in the post of a Principal or Headmaster in accordance with section 18;

(b) possesses the qualifications prescribed under, or is exempted from such qualifications in accordance with, the provisions of the intermediate Education Act, 1921;

(c) has been continuously serving the Institution from the date of such appointment up to the date of the commencement of the Uttar Pradesh Secondary Education Services Commission (Amendment) Act, 1998;

(d) has been found suitable for appointment in a substantive capacity by a Selection Committee constituted under subsection (2);

shall be given substantive appointment by the Management.

(2) (a) For each region, there shall be a Selection Committee comprising,-

(i) Regional Joint Director of Education of that region, who shall be the Chairman;

(ii) Regional Deputy Director of Education (Secondary) who shall be member;

(iii) Regional Assistant Director of Education (Basic) who shall be member;

In addition to above members the District Inspector of Schools of the concerned district shall be Co-opted as member while considering the cases for regularisation of that district.

(b) The procedure of selection for substantive appointment under sub-section (1) shall be such as may be prescribed.

(3) (a) The names of the teachers shall be recommended for substantive appointment in order of seniority as determined from



the date of their appointment,

(b) If two or more such teachers are appointed on the same date, the teacher who is elder in age shall be recommended first.

(4) Every teacher appointed in a substantive capacity under subsection (1) shall be deemed to be on probation from the date of such substantive appointment.

(5) A teacher who is not found suitable under sub-section (i) and a teacher who is not eligible to get a substantive appointment under that sub-section shall cease to hold the appointment on such date as the State Government may by order specify.

(6) Nothing in this section shall be construed to entitle any teacher to substantive appointment, if on the date of commencement of the Ordinance referred to in clause (c) of sub-section (1) such vacancy had already been filled or selection for such vacancy has already been made in accordance with this Act.

33-D Special provision for Certificate of Teaching grade teachers.

Every teacher in the Certificate of Teaching grade, who is a trained graduate and,-

(a) has completed ten years continuous satisfactory service in the said grade on or before January 1, 1986 shall, with effect from January 1, 1986; or

(b) completes the said service of ten years after January 1, 1986 shall, with effect from the date of completion of the said service of ten years ;

be deemed to have been appointed in the Trained Graduate Grade."

## **11. Repeal and saving :-**

(1) The Uttar Pradesh Secondary Education Services Commission (Amendment) ordinance, 1998 and the Uttar Pradesh Secondary Education Services Selection Board (Amendment) ordinance, 1998 are 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 been done or taken under the corresponding provisions of the principal Act, as amended by this Act as if the, provisions of this Act were in force at all material times.