

**Uttar Pradesh Secondary Education Services Commission
And Selection Boards (Amendment) Act, 1985**

19 of 1985

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**Uttar Pradesh Secondary Education Services Commission
And Selection Boards (Amendment) Act, 1985**

19 of 1985

AN act

to amend the Uttar Pradesh Secondary Education Services Commission and Selection Boards Act, 1982.

It is hereby enacted in the Thirty-sixth 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 and Selection Boards (Amendment) Act, 1985.

(2) It shall be deemed to have come into force on June 12, 1985.

2. Amendment of section 16 of U. P. Act no. 5 of 1982 :-

In section 16 of the Uttar Pradesh Secondary Education Services Commission and Selection Boards Act, 1982, hereinafter referred to as the principal Act, in sub-section (1), for the words and figures "sections 18 and 33" the words and figures, "sections 18, 21-B, 21-C, 21-D, 33 and 33-A" shall be substituted.

3. Amendment of section 21 :-

In section 21 of the principal Act,-

(a) in sub-section (1), the following proviso shall be inserted at the end, namely :-

"Provided that, where reference for prior approval of the Inspector was made in accordance with sub-section (3) of section 16-G of the Intermediate Education Act, 1921, before January 1, 1984, no prior approval of the Commission shall be necessary and such reference shall be dealt with in accordance with the provisions of that Act as if this Act had not come into force.";

(b) in sub-section (2), the following proviso shall be inserted at the end, namely :-

"Provided that where reference for prior approval of the Inspector was made in accordance with sub-section (3) of section 16-G of the Intermediate Education Act, 1921 before the commencement of this subsection, no prior approval of the Board shall be necessary and such reference shall be dealt with in accordance with the provisions of that Act as if this Act had not come into force."

4. Insertion of new Chapter IV-A :-

After section 21 of the principal Act, the following Chapter shall be inserted, namely :-

"Chapter IV-A

Reserve Pool Teachers

21-A. Definitions

In this Chapter,-

(a) Director means the Director of Education, Uttar Pradesh and includes any other officer authorised by him in this behalf:

(b) the expressions Inspector, Institution, Management and Teacher shall have the meanings respectively assigned to them in the Uttar Pradesh High Schools and Intermediate Colleges (Payment of Salaries of Teachers and other Employees) Act, 1971, provided that teacher shall not include a Principal or a Headmaster.

21-B. Absorption of reserve pool teachers.

(1) The Inspector shall maintain in the prescribed manner, a register of reserve pool teachers consisting of subject-wise lists of persons who were appointed as teachers in any institution situated in the district, either by the Management or by the Inspector under sub-section (4) of section 4 of the Uttar Pradesh High Schools and Intermediate Colleges (Payment of Salaries of Teachers and other Employees) Act, 1971, while the Uttar Pradesh High Schools and Intermediate Colleges (Payment of Salaries of Teachers and other Employees) (Amendment) Ordinance, 1977, was in force,

and who had actually joined their duties in pursuance of the said provision between January 9, 1978 and January 19, 1978 (both days inclusive).

(2) Every reserve pool teacher, who having been appointed to the post of a teacher in any institution in accordance with the provisions of the Uttar Pradesh High School and Intermediate Colleges (Reserve Pool Teachers) Ordinance, 1978 or the Uttar Pradesh High School and Intermediate Colleges (Reserve Pool Teachers) (Second) Ordinance, 1978, continues to be in service by reason of any order of any Court or by any other reason, shall be deemed to have been regularly appointed to such post and shall be entitled to be confirmed in such post with effect from the date on which he would have been confirmed in the normal course.

(3) Where any substantive vacancy in the post of a teacher in an institution is to be filled by direct recruitment, such post shall, at the instance of the Inspector, be offered by the Management to a teacher other than a teacher referred to in sub-section (2), whose name is entered in the register referred to in sub-section (1).

(4) If any teacher is offered appointment in accordance with the provisions of sub-section (3) and he fails to join the post within the time allowed therefor, which shall not be less than seven days, his name shall be removed from the register, referred to in sub-section (1), and the appointment shall be offered to the next reserve pool teacher of the same district in the subject.

(5) If such other teacher to whom offer of appointment is made also fails to join, then the same process shall be repeated until the list of reserve pool teachers of that district in the subject is exhausted.

(6) No appointment of any teacher to an institution shall be made under section 16 until the list of reserve pool teachers of that district in the subject concerned is exhausted in accordance with sub-section (5).

Explanation -For the removal of doubts, it is hereby declared that no teacher shall, by virtue of the provisions of this section, be entitled to claim appointment to any particular post which he had joined in the manner referred to in sub-section (1), or to any other post carrying the same or a higher grade.

21-C. Power of Director regarding transfer.

(1) Where the vacancies available for teaching in any subject are less than the number of reserve pool teachers available for appointment in any district, or where it is otherwise necessary or expedient so to do, the Director may, notwithstanding anything

contained in section 21-B, direct that the name of any such teacher be excluded from the register maintained in one district and be included in the register maintained in another district.

(2) Where the name of a reserve pool teacher is included in the register of another district in accordance with the provisions of sub-section (1), the provision of section 21-B shall mutatis mutandis apply to such a teacher, except that the requirement of service as a teacher in such district shall not be necessary.

21-D. Appointment of teachers on default by management.

(1) Where the Management fails to offer any post to a teacher in accordance with the provisions of sub-section (3) of section 21-B within the time specified by the Inspector, the Inspector, may himself issue the letter of appointment to such teacher and the teacher concerned shall be entitled to get his salary from the date he joins the post in pursuance of such letter of appointment.

(2) Where the teacher to whom the letter of appointment is issued under sub-section (1), is unable to join the post due to any act or omission on the part of the Management, such teacher may submit his joining report to the Inspector, and, shall thereupon be entitled to get his salary from the date he submits the said report."

5. Insertion of new section 33A :-

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

"33-A. Regularisation of certain appointments.

(1) Every teacher directly appointed, before the commencement of the Uttar Pradesh Secondary Education Services Commission and Selection Boards (Amendment) Ordinance, 1985, on ad hoc basis against a substantive vacancy in accordance with paragraph 2 of the Uttar Pradesh Secondary Education Services Commission (Removal of Difficulties) Order, 1981, as amended from time to time, who possesses the qualifications prescribed under, or is exempted from such qualifications in accordance with, the provisions of the Intermediate Education Act, 1921, shall, with effect from the date of such commencement, be deemed to have been appointed in a substantive capacity provided such teacher has been continuously serving the institution from the date of such appointment up to the date of such commencement.

(2) Every teacher deemed to have been appointed in a substantive capacity under sub-section (1), shall be deemed to be on probation from the date of such commencement.

(3) Nothing in this section shall be construed to entitle any teacher to substantive appointment-

(a) if on the date of such commencement, such post had already been filled or selection for such post had already been made in accordance with this Act, or

(b) if such teacher was related to any member of the Committee of management or the Principal, or Head Master of the institution concerned.

Explanation-For the purposes of this sub-section a person shall be deemed to be related to another if -

(i) they are members of a Hindu undivided family; or

(ii) they are husband and wife; or

(iii) the one is related to the other in the manner indicated in the Second Schedule to the Intermediate Education Act, 1921."

6. Repeal and savings :-

(1) The Uttar Pradesh Secondary Education Services Commission and Selection Boards (Amendment) Ordinance, 1985, 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 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.