

Uttar Pradesh Secondary Education Services Selection Board (Amendment) Act, 2001

5 of 2001

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Uttar Pradesh Secondary Education Services Selection Board (Amendment) Act, 2001

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AN ACT

further to amend the Uttar Pradesh Secondary Education Services Selection Board Act, 1982.

It is hereby enacted in the Fifty-second 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 Selection Board (Amendment) Act, 2001.

(2) It shall be deemed to have come into force on December 30, 2000.

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

In section 16 of the Uttar Pradesh Secondary Education Services Selection Board Act, 1982, hereinafter referred to as the principal Act, in sub-section (1) for 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" the words and figures "sections 12, 18, 21-B, 21-C, 21-D, 33, 33-A, 33-B, 33-C, 33-D

and 33-F, every appointment of a teacher, shall on or after the date of the commencement of the Uttar Pradesh Secondary Education Services Selection Board (Amendment) Act, 2001 be made by the management only on the recommendation of the Board" shall be substituted.

3. Substitution of section 18 :-

For section 18 of the principal Act, the following section shall be substituted, namely :-

Ad-hoc Principals or Headmasters

"18(1) Where the Management has notified a vacancy to the board in accordance with sub-section (1) of section 10 and the post of the Principal or the Headmaster actually remained vacant for more than two months, the Management shall fill such vacancy on purely ad hoc basis by promoting the senior most teacher,-

(a) in the lecturers grade in respect of a vacancy in the post of the Principal.

(b) in the trained graduates grade in respect of a vacancy in the post of the Headmaster.

(2) where the Management fails to promote the senior most teacher under sub-section (1) the inspector shall himself issue the order of promotion of such teacher and the teacher concerned shall be entitled to get his salary as the Principal or the Headmaster, as the case may be, from the date he joins such post in pursuance of such order of promotion.

(3) Where the teacher to whom the order of promotion is issued under sub-section (2) is unable to join the post of the principal or the Headmaster, as the case may be, 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 as the Principal or the Headmaster, as the case may be, from the date he submits the said report.

(4) Every appointment of an ad-hoc Principal or Headmaster under sub-section (1) or sub-section (2) shall cease to have effect from the when the candidate recommended by the Board joins the post."

4. Insertion of new section 33-F :-

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

"33-F Regularisation of appointments against short term vacancies

(1) Any teacher who,-

(a) was appointed by promotion or by direct recruitment in the lecturers grade or trained graduates grade on or after May 14, 1991 but not later than August 6, 1993 against a short term vacancy in accordance with paragraph 2 of the Uttar Pradesh Secondary Education Services Commission (Removal of Difficulties) (Second) Order, 1981, as amended from time to time, and such vacancy was subsequently converted into a substantive vacancy.

(b) possesses the qualification 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 Selection Board (Amendment) Act, 2001.

(d) has been found suitable for appointment in a substantive capacity by the Selection Committee referred to in clause (a) of sub-section (2) of section 33-C in accordance with the procedure prescribed under clause (b) of the said sub-section;

Shall be given substantive appointment by the Management.

(2) (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.

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

(4) A teacher who is not found suitable under sub-section (t) 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.

(5) Nothing in this section shall be construed to entitle any teacher to substantive appointment, if on the date of the 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."

5. Repeal and savings :-

(1) The Uttar Pradesh Secondary Education Services Selection Board (Amendment) Ordinance, 2000 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 this Act were in force at all material times.