



RAGHUNATH GIRLS' POST GRADUATE COLLEGE

Western Kutchery Road, Meerut-250001

Re-Accredited 'B+' Grade by NAAC (CPE Status since 2006)

College of Excellence 2014

AISHE Code: C-28817



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6.2.2 - The functioning of the institutional bodies is effective and efficient as visible from policies, administrative setup, appointment and service rules, procedures, etc.

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1. Permanent Teacher
2. Self Finance Teachers
3. Non-teaching Staff



PART-III

Higher Education

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION ACT, 1980

(U.P. Act No. 16 of 1980)

(As passed by the Uttar Pradesh Legislature)

An Act to establish a Service Commission for the selection of teachers for appointment to the colleges affiliated to or recognised by and University, and for matters connected therewith or incidental thereto.

No. 2753(2)/XVII-V-1-71-80

Dated Lucknow, October 3, 1980

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Uchchatar Shiksha Sewa Ayog Adhiniyam, 1980 (Uttar Pradesh Adhiniyam Sankhya 16 of 1980) as passed by the Uttar Pradesh Legislature and assented to by the Governor on October 1, 1980 :

It is hereby enacted in the Thirty-first Year of the Republic of India, as follows :

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(1) This Act may be called, the Uttar Pradesh Higher Education Services Commission Act, 1980.

(2) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

2. Definitions.—In this Act—

¹“(a) ‘Appointment’ in relation to a teacher means the appointment of a person to a sanctioned post described under Section 60-E of the Uttar Pradesh State Universities Act, 1973, excluding the appointment in a grant-in-aid college established and administered by a minority referred to in clause (1) of Article 30 of the Constitution or a college exclusively maintained by the State Government.”.

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

¹“(c) ‘College’ means an affiliated or associated college to which the privilege of affiliation has been granted by a University governed by the Uttar Pradesh State Universities Act, 1973, excluding a college established and administered by a minority referred to in clause (1) of Article 30 of the Constitution or a college exclusively maintained by the State Government or a college running self-finance course as defined in clause (18) of Section 2 of the Uttar Pradesh State University Act, 1973.”.

¹ Clause (a) & clause (c) Subs. by U.P. Act No. 30 of 2004, published in U.P. Gazette Extra Part I Section (Ka) Dated 6 December, 2004 (w.e.f. 11-10-2004).

- (d) 'Commission' means the Higher Services Commission established under Section 3;
- (e) 'Director' means the Director of Education (Higher Education) and includes Joint Director of Education or Deputy Director of Education authorised by him in this behalf;
- (f) 'Member' means a member of the Commission and includes its Chairman;
- (g) other words used and not defined in this Act but defined in the Uttar Pradesh State Universities Act, 1973, shall have the meanings respectively assigned to them in that Act.

CHAPTER II

ESTABLISHMENT OF THE COMMISSION

3. Establishment of the Commission.—(1) With effect from such date as the State Government may, by notification appoint in this behalf, there shall be established a Commission to be called the "Uttar Pradesh Higher Education Services Commission".

(2) The Commission shall be a body corporate.

4. Composition of the Commission.—(1) The Commission shall consist of a Chairman and not less than two and [not more than six other members] to be appointed by the State Government.

²[(2) No person shall be qualified for appointment as Chairman unless he—

- (a) is or has been a member of Uttar Pradesh Higher Judicial Service who has held the post of District Judge or any other post equivalent thereto; or
- (b) is or has been 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) is or has been a Vice-Chancellor of any University; or
- (d) is or has been a Professor in any University; or
- (e) is in the opinion of the State Government an eminent person having made valuable contribution in the field of education.

²[(2-a) No person shall be qualified for appointment as member unless he—

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

1. Sub-section (1) for the words "not more than four other members" the words "not more than six other members" substituted by U.P. ordinance No. 19 of 2007. Published in U.P. Gazette Extra Part 2 Section (Ka) dated 7 August, 2007 [w.e.f. 15-6-2007].

2. Sub-section (2) and (2-a) substituted by U.P. Act No. 24 of 2004, published in the U.P. Gazette Extra Part I Section (Ka) dated 19th August, 2004 [w.e.f. 28 May, 2004].

- (c) is or has been a Vice-Chancellor of any University, or
- (d) is or has been a Professor in any University; or
- (e) is or has been a Principal of a Post Graduate College for a period of not less than five years; or
- (f) is or has been a Principal of Degree College for a period of not less than ten years; or
- (g) is in the opinion of the State Government an eminent person having made valuable contribution in the field of education."

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

5. Terms of office and conditions of service members.—(1) Every member shall, unless he becomes disqualified for continuing as such under the rules that may be made under this Act hold office for a term of [five years].

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

(3) A member of the Commission 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 the terms and conditions of their service shall be such as the State Government may, by order direct.

²[(5) Notwithstanding anything contained in this Section, no person, shall be appointed or continue—

- (a) as Chairman of the Commission if he has attained the age of sixty eight years, or
- (b) as a member of the Commission, if he has attained the age of sixty-five years.

²[(6) The provisions of sub-section (1) as amended by the Uttar Pradesh Higher Education Services Commission (Second Amendment) Act, 2014 shall apply also to every member including the Chairman holding office immediately before the commencement of the said Act."

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.

³[* * *]

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

1. Sub-section (1) for the words "two years" substituted by U.P. Act No. 12 of 2014. Published in U.P. Gazette, Extra, Part I, Sec. (Ka), dated 18 July, 2014.

2. Sub-section (5) and (6) substituted by U.P. Act No. 12 of 2014. Published in U.P. Gazette, Extra, Part I, Section (Ka), dated 18 July, 2014.

3. Explanation omitted by U.P. Act No. 10 of 1997 (w.e.f. 26-5-1997).

(3) The State Government may suspend from office any member in respect of whom any action is contemplated under this Section.

7. Power to associate.—The Commission may associate with itself, in such manner and for such purposes as may be determined by regulations made under Section 31, any person whose assistance or advice it may desire to have in carrying out any of the provisions of this Act.

8. Proceedings of the Commission not to be invalidated.—No act or proceeding of the Commission shall be deemed to be invalid merely on the ground of—

- (a) any vacancy or defect in the constitution of the Commission; or
- (b) any defect or irregularity in the appointment of a person acting as a member thereof; or
- (c) any defect or irregularity in such act or proceeding not affecting the substance.

9. Staff of the Commission.—(1) The Secretary of the Commission 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, from time to time, determine.

(2) Subject to such directions as may be issued by the State Government in this behalf, the Commission 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 Commission thinks fit.

COMMENTS

If it is assumed that the selection suffered from any infirmity, same could have been assailed in proper Court of Law, but under the provisions contained in Section 2 of the Corporation Act, neither the process of selection could be stopped by the State Government, nor any enquiry in the matter of selection could be initiated by the State Government, because no such power has been vested to the State Government.

The State Government was vested with the power to stop the statutory function of the Commission, nor can interfere into the manner in which the selection was made by the Commission and it has unnecessarily dragged on the appointment of the petitioners without any justifiable reasons.¹

10. Authentication of the orders of the Commission.—All orders and decisions of the Commission shall be authenticated by the signature of the Secretary, or any other officer authorised by the Commission in this behalf.

CHAPTER III

FUNCTIONS OF THE COMMISSION

11. Powers and duties.—The Commission shall have the following powers and duties, namely—

- (a) to prepare guidelines on matter relating to the method of recruitment of teachers in colleges;
- (b) to conduct examinations where considered necessary, hold interviews and make selection of candidates for being appointed as such teachers;

1. *Sury Pal Shukla v. State of U.P.*, (2000)2 UPLBEC 1104(AII)

- (c) to select and invite experts and to appoint examiners for the purposes specified in clause (b);
- (d) to make recommendation to the management regarding the appointment of selected candidates;
- (e) to obtain periodical returns or other informations from colleges regarding strength of the teaching staffs and the appointment, dismissal, removal, termination or reduction in rank of teachers therein;
- (f) to fix the emoluments and travelling and other allowance of the experts and examiners;
- (g) to administer the funds placed at the disposal of the Commission;
- (h) 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 the above functions.

[11A. Additional Powers and duties of the Commission.—The Commission shall also have Powers and duties of the Selection of Candidates for appointment to the Posts of librarians of the College and with respect to the selection of Candidates for appointment to the Post of librarians of the Colleges the provisions of Section 11, sub-section(1) (excluding the proviso), sub-sections (2), (3) and (4) of Section 12, Section 13, Section 14, Section 15, Section 17, and Section 18 shall *mutatis mutandis* apply.]

[12. Procedure for appointment of teachers.—(1) Every appointment as a teacher of any college shall be made by the management in accordance with the provisions of this Act and every appointment made in contravention thereof shall be void.

“(1) Provided that a permanent teacher of an affiliated or associated college, who has been appointed in accordance with the provisions of this Act and has completed “[five years] service as such and who wishes to be transferred to any other college, may be transferred in the manner prescribed by rules from one college to another, only when the respective management of the colleges concerned give their consents in writing”.

“(1-a) Notwithstanding any decree or order of a court, a teacher who has been appointed as such by transfer from one college to another in pursuance of the Government Orders No. 429 Shiksha Mantri/Sattar-6-98-15-95, dated August 17, 1998 or No. 393/Sattar-1-99-15(6)-99, dated October 28, 1999 shall be deemed to have been validly appointed as if the provisions of the principal Act as amended by the Uttar Pradesh Higher Education Services Commission (Second Amendment) Act, 2004 were in force at all material times.”

1. Section 11-A Inserted by U.P. Act No. 12 of 2015, Published in U.P. Gazette Extra, Part-I, Section (Ka) dated 9 September, 2015.
 2. Subs. by U.P. Higher Education Service Commission, Amendment Act, 1992. (U.P. Act No. 2 of 1992) w.e.f. November 22, 1991.
 3. Proviso & sub-section (1-a), Ins. by U.P. Act No. 30 of 2004, published in U.P. Gazette, Extra, Part I, Section (Ka), dated 6 December, 2004 (w.e.f. 11 October, 2004).
 4. Subs. by U.P. Act No. 14 of 2008, Published in U.P. Gazette Extra, Part I, Section (ka), dated 1st May, 2008.

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¹ Clause (a) & clause (c) Subs. by U.P. Act No. 30 of 2004, published in U.P. Gazette Extra Part I Section (Ka) Dated 6 December, 2004 (w.e.f. 11-10-2004).

sub-section (3) of Section 12, [hold written examination and interview of the candidates] and sent to the Director a list recommending such number of names of candidates found most suitable in each subject as may be, so far as practicable, twenty-five per cent more than the number of vacancies in that subject. Such names shall be arranged in order of merit shown in the interview, or in the examination and interview if an examination is held.

(2) The list sent by the Commission shall be valid till the receipt of a new list from the Commission.

(3) The Director shall having due regard in the prescribed manner, to the order of preference if any indicated by the candidates under the second proviso to sub-section (4) of Section 12, intimate to the management the name of a candidate from the list referred to in sub-section (1) for being appointed in the vacancy intimated under sub-section (2) of Section 12.

(4) Where a vacancy occurs due to death, resignation or otherwise during the period of validity of the list referred to in sub-section (2), and such vacancy has not been notified to the Commission under sub-section (3) of Section 12 the Director may intimate to the management the name of a candidate from such list for appointment in such vacancy.

(5) Notwithstanding anything in the preceding provisions, where the abolition of any post of teacher in any college, services of the person substantively appointed to such post is terminated the State Government may make suitable order for his appointment in suitable vacancy, whether notified under sub-section (3) of Section 12 or not, in any other college, and thereupon the Director shall intimate to the Management accordingly.

(6) The Director shall send a copy of the intimation made under sub-section (3) or sub-section (4) or sub-section (5) to the candidate concerned.]

COMMENTS

Sub-section (4) of Section 13 of the U.P. Higher Education Service Commission Act, 1980, will be attracted where a vacancy occurs due to death, resignation or otherwise during the period of validity of the list referred to in sub-section (2) and such vacancy has not been notified to the Commission.

The select-list prepared and sent to the Director of Education (Higher Education) under Section 13(1) of the Act shall be valid till the receipt of a new list from the Commission:

The list referred to in sub-section (1) of Section 13 will lapse only upon a new list being drawn in the manner prescribed by law, i.e., in the manner indicated in sub-section (1) of Section 13 read with Section 12 of the Act and related provisions contained in the U.P. Higher Education Service Commission Regulations, 1983. This necessarily follows that if the unforeseen vacancy referred to in sub-section (4) was not included in any subsequent advertisement on the basis of which a new list is drawn, it would not be taken as 'new list' for the purpose of sub-section (2) of Section 13.

Notwithstanding the validity of the list till receipt of a new-list, it will be unavailing in respect of an unforeseen vacancy referred to in sub-section (4)

which has been notified to the Commission in accordance with Section 12 of the Act and the provisions contained in the Regulation; and

The view taken by the Division Bench in the case of Dr. Yogesh Kumar Gupta that the list prepared under sub-section (1) of Section 12 will be "confined to the academic year" and the supporting reason that "continuing the old list beyond one academic year, would be permitting to include the second or many subsequent academic years which will be clearly in violation of Section 12 of the Act" have been impliedly reversed by the observations of their Lordships of the Supreme Court that the list would not come to an end after a period of one year.

So long as all the selected candidates of the list prepared under sub-section (2) are not appointed, the list would remain valid for the purpose of Section 13(4) of the Act unless the unforeseen vacancy occurring due to death, resignation or otherwise is notified to the Commission before invoking the power under Section 13(4) of the Act.

The circumstances visualised by sub-section (4) of Section 13 are firstly, that the vacancy occurs for the unforeseen reason of death or resignation or otherwise; secondly, that such vacancy must occur during the period of validity of the list referred to in Section 13(2); and thirdly, such vacancy has not been notified to the Commission under sub-section (3) of Section 12. The validity of the list, as held by the Supreme Court is not confined to the particular academic year. The word used 'otherwise' in Section 13(4) of the Act has to be read as 'ejusdem generis', i.e., in group similar to death, resignation, long leave vacancy, invalidation or person not joining after being duly selected.¹

The regulation which would result in all vacancies of Class III post being made available to dependants of those who die in harness and others will be excluded because such a construction will be violative of the right to equality.²

A committee of management does not become defunct merely for the reason that its term has expired. The petitioner has not become defunct on 3-9-1999. It will continue till new committee of management takes charge of the A.K. Society.³

No order for single operation can be passed without affording any opportunity to the committee of management and no opportunity was given to the petitioner before passing this order. The order of the Director dated 14-10-1999 and the consequential order of the DIOS, dated 27-10-1999 are illegal.³

The term of a Governing Body (Committee of Management) of a society starts from the date when it gets charge of that society. In a society, if elections take place before expiry of period, then its committee of management may get charge of the society after the term of the earlier one is over or on the same day and in any other case on the same day. It varies from case to case. The Societies Registration Act governs the A.K. Society. The term of the petitioner is of five years. It should start from the day the petitioner took charge of the A.K. Society.³

The effect of Statute 12.05 is only this that there are few other *ex-officio* members. This difference, between an intermediate College and a Degree College as material bearing so far as the terms and other consequences relating to their committees of management are concerned, there is one committee of management for both of them.³

No factual controversy is involved and facts are admitted; the contenting respondents have not chosen to file any counter affidavit. Same question of law

¹ Dr. M.C. Yadav v. Director of Education (Higher Education) CM. St. John's College v. Giridhar Singh, 2001(2) AWC 1424 (SC).

² Anuradi Prasad Singh v. State of U.P., (1999)1 UPLBEC (Sum) 12.

³ Committee of Management, A.K. College, Shikohabad v. State of U.P., (2000)1 UPLBEC 177 (All)

¹ Subs. by U.P. Act No. 18 of 2008. Published in U.P. Gazette the Extra., Part 1, Section (8a), dated 29th August, 2008 (w.e.f. 17-6-2008).

on the basis of same facts are to be argued and when one writ petition is proper, then there is no justification to dismiss this writ petition on the ground of alternative remedy.¹

Neither the Registrar is a party in the writ petition, nor any such relief is asked for. The Registrar is an officer of the State and the High Court has heard the Standing Council for the State of Uttar Pradesh, a party in the writ petition. This lapse has come to its knowledge and it would be failing in its duty if it does not bring it to the notice of the Registrar, who should proceed in accordance with law.²

14. Duty of Management—(1) The Management shall within a period of one month from the date of receipt of intimation under sub-section (3) or sub-section (4) or sub-section (5) of Section 11, issue appointment letter to the person whose name has been intimated.

(2) Where the person referred to in sub-section (1) fails to join the post within the time allowed in the appointment letter or within such extended time as the Management may allow in this behalf, or where such person is otherwise not available for appointment, the Director shall on the request of the Management intimate fresh name from the list sent by the Commission under sub-section (1) of Section 13 in the manner prescribed.]

15. Inquiry by Director—(1) Where any person is entitled to be appointed as a teacher in any college in accordance with Sections 12 to 14, but he is not so appointed by the Management within the time provided therefor, he may apply to the Director for a direction under sub-section (2).

(2) On receipt of an application under sub-section (1), the Director may hold an inquiry, and if he is satisfied that the Management has failed to appoint the applicant as a teacher in contravention of the provisions of this Act, he may by order, require—

(a) the Management to appoint the applicant as a teacher forthwith and to pay him salary from the date specified in the order; and

(b) the Principal of the College concerned to take work from him as a teacher.

(3) The amount of salary, if any, due to such teacher shall, on a certificate issued by the Director, be recoverable by the Collector as arrears of land revenue.

16. [* * *]

17. Power to call for information—The Commission may require the Management of any college to submit such information or return regarding the matters referred to in Section 11 as it thinks fit, and the Management shall be bound to comply with the same.

18. Power to inspect records, register etc—The Secretary or any other officer authorised by the Commission shall have access to every record, register or document in possession of the Management and he may enter at any reasonable time, any premises where he believes such record, register or document to be, and may inspect and take copies of relevant records or documents.

1. *Committee of Management, A.K. College, Sakinshah v. State of U.P.*, (2000) 1 UPLBEC 777 (All).
2. Subs. by U.P. Higher Education Services Commission, Amendment Act, (U.P. Act No. 2 of 1992, w.e.f. November 22, 1991).

CHAPTER IV

ANNUAL REPORTS AND ACCOUNTS

19. Payment to the Commission—The State Government may, after due appropriation made by law in this behalf, pay to the Commission in each financial year such sum as may be considered necessary for the performance of the functions of the Commission under this Act.

20. Fund of the Commission—(1) The Commission shall have its own Fund, and all sums paid to it by the State Government and all receipts of the Commission shall be carried to the Fund and all payments by the Commission shall be made therefrom.

(2) All moneys belonging to the Fund shall be deposited in such banks or invested in such manner as may, subject to the approval of the State Government, be decided by the Commission.

(3) The Commission may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the fund of the Commission.

21. Annual Reports—The Commission shall prepare once every year, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year, and copies thereof shall be forwarded to the State Government, and the State Government shall cause the same to be laid before both the Houses of the State Legislature.

22. Accounts and Audit—(1) The Commission shall cause to be maintained such books of accounts and other books in relation to its account, in such form and in such manner as the State Government may, by general or special order direct.

(2) The Commission shall as soon as may be after closing its annual accounts, prepare, statement of accounts in such form and forward the same to the Accountant General, by such date as the State Government may, in consultation with the Accountant General determine, for audit under Section 14 of the Comptroller and Auditor General's (Duties, Powers and Conditions of Service) Act, 1941.

(3) The annual accounts of the Commission together with the audit report thereon shall be forwarded to the State Government and the Government shall cause the same to be laid before both Houses of the State Legislature.

CHAPTER V

MISCELLANEOUS

23. Delegation—The Commission may, by regulations made under Section 31, delegate to its Chairman or any of its members or officers, its power of general superintendence and direction over the business transacted by, or in, the Commission including the powers with regard to the expenditure incurred in connection with the maintenance of the office and internal administration of the Commission.

24. Exemptions to minority Institutions—Notwithstanding anything to the contrary contained in any other law for the time being in

1. Section 24 Subs. by U.P. Act No. 30 of 2004, published in U.P. Gazette, Extra., Part I, Section (Ka), dated 6 December, 2004 (w.e.f. 11 October, 2004).

force, no appointment of a teacher in a college established and maintained by a Minority based on religion or language made otherwise than in accordance with the provisions of this section as it was in force immediately before the commencement of the Uttar Pradesh Higher Education Services Commission (Second Amendment) Act, 2004 shall be deemed to be invalid or ever to have become invalid merely on the ground that such appointment was not made in accordance with the provisions of this section, as it was in force immediately before the commencement of the said Act as if the provisions of this Act as amended by the said Act were in force at all material times.

25. Punishment for contravention of the provisions of the Act—Any person who fails to comply with the recommendations of the Commission or with the orders of the Director made in accordance with the provisions of this Act, or appoints a teacher in contravention of the provisions of this Act, shall, on conviction, be punished with imprisonment for a term which may extend to three years or with fine which may extend to five thousand rupees or with both.

26. Punishment for failure to furnish information or wilful obstruction—If any person—

- (a) wilfully withholds or fails to furnish any return or information lawfully required by the Commission within the time allowed therefor;
- (b) wilfully obstructs any person from duly carrying out all or any of the provisions of this Act, shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

27. Offences by societies—(1) If the person committing the offence under Section 25 or Section 26 is a society registered under the Societies Registration Act, 1860, the society as well as every person in charge of and responsible to the Society for the conduct of its business at the time of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a registered society and it is proved that the offence has been committed with the consent or connivance of, or that the commission of offence is attributable to any neglect on the part of any member of the society, such member shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

28. Bar against prosecution—No prosecution of the offence under this Act shall be instituted except with the previous sanction of the Director or such officer or authority as the State Government may, by general or special orders, specify in this behalf.

29. Protection of action taken in good faith—No suit, prosecution or other proceeding shall lie against any person for anything which is in good-faith done or intended to be done under this Act.

30. Act to have overriding effect—The provisions of this Act, shall have effect notwithstanding to the contrary contained in the Uttar Pradesh State Universities Act, 1973 or the Statutes or Ordinances made thereunder.

31. Power to make regulations—(1) Commission may, with the previous approval of the State Government, make regulations prescribing fees for holding selections, conducting examinations where necessary, holding interviews and laying down the procedure to be followed by the Commission for discharging its duties and performing its functions under this Act.

(2) The regulations made under sub-section (1) shall not be inconsistent with the provisions of this Act or the rules made under Section 32.

31-A. Power to remove difficulties—(1) The State Government may, for the purposes of removing any difficulty, by a notified order direct that the provisions of this Act shall, during such period as may be specified in the order, have effect subject to such adaptations, whether by way of modification, addition or omission, as it may deem to be necessary or expedient:

Provided that no such order shall be made after the expiry of two years from the date of commencement of the Uttar Pradesh Higher Education Service Commission (Amendment) Act, 1992.

(2) Every order made under sub-section (1) shall be laid before both Houses of the State Legislature.

(3) No order under sub-section (1) shall be call in question in any Court on the ground that no difficulty, as is referred to in sub-section (1), existed or required to be removed.

31-B. Regularisation of certain ad hoc appointments—(1) Every teacher, other than a Principal, directly appointed on or before January 3, 1984, on *ad hoc* basis, against a substantive vacancy in accordance with the provisions of the Uttar Pradesh Higher Education Services Commission (Removal of Difficulties) Order, 1982 or the Uttar Pradesh Higher Education Services Commission (Removal of Difficulties) Order, 1983, who possesses the qualifications prescribed under, or is exempted from such qualifications in accordance with the provisions of the concerned Statutes, shall with effect from the date of commencement of the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 1985, be deemed to have been appointed in a substantive capacity provided that such teacher has been continuously serving the College from the date of such *ad hoc* appointment up to the date of such commencement.

1. Ins. by U.P. Act No. 9 of 1982, w.e.f. December 4, 1981

2. Subs. by U.P. Act No. 2 of 1992 (w.e.f. 22.11.1992)

3. Ins. by U.P. Higher Education Services Commission, Amendment Act, 1985 (U.P. Act No. 22 of 1985 w.e.f. 22-6-1985)

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

[(2-A) A teacher other than a Principal directly appointed on or before January 3, 1984 on *ad hoc* basis in a vacancy referred to in clause (iv) or clause (v) of sub-para (1) of paragraph 2 of the Uttar Pradesh Higher Education Services Commission (Removal of Difficulties) Order, 1982 or in clause (iv) or clause (v) of sub-para (1) of paragraph 2 of the Uttar Pradesh Higher Education Services Commission (Removal of Difficulties) Order, 1983 in accordance with the provisions of such orders and continuously serving the college from the date of such *ad hoc* appointment till September 2, 1989, who possesses the qualifications prescribed under, or is exempted from such qualifications in accordance with the provisions of the concerned Statutes, may be given substantive appointment by the Management of the college, if—

(a) any substantive vacancy of the same cadre and grade in the same departments is available on September 2, 1989; and

(b) the work and conduct of the teacher is found satisfactory.]

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

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

(b) such teacher was related to any member of the Management or the Principal of the College concerned.

Explanation—For the purpose of this sub-section a person shall be deemed to be related to another if they are related in the manner mentioned in the Explanation to Section 20 of the Uttar Pradesh State Universities Act, 1973.

§31-C. Regularisation of other *ad hoc* appointments—(1) Any teacher, other than a Principal who—

(a) was appointed on *ad hoc* basis after January 3, 1984 but not later than 31 November 22, 1991] on a post—

(i) which after its due creation was never filled earlier; or

(ii) which after its due creation was filled earlier and after its falling vacant, permission to fill it was obtained from the Director; or

(iii) which came into being in pursuance of the terms of new affiliation or recognition granted to the College and has been continuously serving the college from the date of such *ad hoc* appointment up to the date of commencement of the

1. Subs. by U.P. Act No. 26 of 1989, dated October 6, 1989.
2. Ins. by U.P. Higher Education Services Commission, Amendment (U.P. Act No. 2 of 1992) w.e.f. November 22, 1991.
3. Subs. by U.P. Act No. 10 of 1997 (w.e.f. 26.5.1997).

Uttar Pradesh Higher Education Services Commission
(Amendment) Act, 1992;

[(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.]

(c) possessed on the date of such commencement, the qualifications required [or was given relaxation from such qualifications] under the provisions of the relevant statutes in force on the date of such *ad hoc* appointment;

[(d) * * *]

(e) has been found suitable for regular appointment by a Selection Committee constituted under sub-section (2);

may be given substantive appointment by the management of the college, if any substantive vacancy of the same cadre and grade in the same department is available on the date of commencement of the Act referred to in Clause (a).

(2) The Selection Committee consisting, the following members namely—

(i) a member of the Commission nominated by the Government who shall be the Chairman;

(ii) an officer not below the rank of Special Secretary, to be nominated by the Secretary to the Government of Uttar Pradesh in the Higher Education Department;

(iii) the Director;

shall consider the cases of every such *ad hoc* teacher and on being satisfied about his eligibility in view of the provisions of sub-section (1), and his work and conduct on the basis of his record, recommend his name to the management of the college for appointment under sub-section (1).

(3) Where a person recommended by the Commission under Section 13 before the commencement of the Act referred to in sub-section (1) does not get an appointment because of the appointment of another person under sub-section (1) in the vacancy for which he was so recommended, the State Government shall make suitable order for his appointment in a suitable vacancy in any college and the provisions of sub-sections (5) and (6) of Section 13 and Section 14 shall *mutatis mutandis* apply.

(4) A teacher appointed on *ad hoc* basis referred to in sub-section (1) who does not get a substantive appointment under that sub-section and a teacher appointed on *ad hoc* basis who is not eligible to get a substantive appointment under sub-section (1) shall cease to hold the *ad hoc* appointment after 31 June 30, 1992].

1. Subs. by U.P. Act No. 10 of 1997 (w.e.f. 26-5-1997).
2. Ins. by U.P. Act No. 10 of 1997 (w.e.f. 26.5.1997).
3. Clause (d) omitted by U.P. Act No. 10 of 1997 (w.e.f. 25-5-1997).
4. Subs. by U.P. Act No. 2 of 1992 for the words 30th June, 1992.

¹[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), of 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 sub-section (1), and shall be deemed never to have ceased to hold appointment.]

²[31-D. (1) Any person who,—

- (a) was engaged to teach in the B.Ed. course of study under self-finance course in a grant-in-aid college and the said course has been taken on grant-in-aid; and
- (b) has been engaged on or before August 31, 2003 and continuously serving the college up to the date of commencement of the Uttar Pradesh Higher Education Services Commission (Third Amendment) Act, 2006 and possesses the qualifications determined by the State Government on the date of consideration by the selection committee constituted under sub-section (2); and
- (c) has been found suitable for regular appointment by the Selection Committee constituted under sub-section (2);

may be given substantive appointment by the management of the college to the post created by the State Government.

(2) The Selection Committee referred to in sub-section (1) shall consist of,—

- (a) a member of the Commission nominated by the State Government who shall be the Chairman;
- (b) an officer not below the rank of Special Secretary, to be nominated by the Secretary to the Government of Uttar Pradesh in the Higher Education Department;
- (c) the Director.

(3) The Selection Committee constituted under sub-section (2) shall consider the case of each candidate and on being satisfied about his eligibility in view of the provisions of sub-section (1), recommend his name to the management of the college for appointment.

31-E. Absorption of teacher on honorarium—(1) Subject to the provisions contained in Sections 12 and 13, if any vacancy exists, which ³[could not be] filled under the provisions of said sections, a teacher on honorarium shall be absorbed in the manner prescribed under sub-section (2), who is working in grant-in-aid college, possessing educational qualifications determined by the State Government,

1. Sub-section (5) Ins. by U.P. Act No. 10 of 1997 (w.e.f. 26-5-1997).

2. Section 31-D and 31-E subs. by U.P. Act No. 42 of 2006. Published in U.P. Gazette, Extra, Part-4, Section (ka), dated 28 December, 2006.

3. Subs. by U.P. Ordinance No. 8 of 2014 (Amendment) (Second) Ordinance 2014. Published in U.P. Gazette, Extra, Part II, Section (ka), dated 30th July, 2014 (w.e.f. 26-5-2014).

receiving honorarium, thereby working for a minimum period of three academic sessions and has been working till the date of commencement of the Uttar Pradesh Higher Education Services Commission (Third Amendment) Act, 2006.

(2) Where any substantive vacancy in the post of a teacher in a grant-in-aid college is to be filled by direct recruitment, such post shall, at the instance of the Director, be offered by the management to teacher on honorarium referred to in sub-section (1).

(3) Where any teacher on honorarium who has been offered appointment in accordance with the provisions of sub-section (2) fails to join the post within the time allowed, which shall not be less than fifteen days, his further claim shall cease automatically.

Explanation.—For the purposes of this section—

"teacher on honorarium" means a person working in grant-in-aid college and is engaged in teaching a course of study and receiving payment from the Funds of State aid on a fixed honorarium appointed on a contractual basis with the prior approval of the Director.

(4) Where the Management fails to offer any post to a teacher on honorarium in accordance with the provisions of sub-section (2) within the time specified by the Director, the Director, may himself issue the letter of appointment to such teacher on honorarium and the teacher on honorarium concerned shall be entitled to get his salary as teacher, from the date, he joins the post in pursuance of such letter of appointment.

COMMENTS

The post of Principal is specifically excluded in the provision for granting benefit of regularization. Held that there have been several cases coming before the Court where person is selected as Principal by the Higher Education Service Commission but the Management of the Institution does not permit him to join the institution for which he has been selected. Held that it is wholly illegal because if the selected person is not allowed to join as Principal of the institution then the very purpose of the Commission becomes redundant.

The Allahabad High Court issued a general mandamus that if a person has been selected as Principal of a Degree College by the U.P. Higher Education Service Commission, he must be appointed as Principal within one month of production of the recommendation by him before the Manager of the Institution concerned unless the non-appointment can be justified by the Management on some legal grounds and the violation of this mandamus will make Manager or other person controlling the institution liable to contempt proceedings.¹

32. Power to make Rules—The State Government may, by notification, make rules for carrying out the purposes of this Act.

COMMENTS

Rule framed under Article 309 of the Constitution of India are a piece of Legislation. No legislation can be challenged on the ground of *mala fide*.²

1. *Indra Pal Singh v. State of Uttar Pradesh*, 1993 LCD 40.

2. *Captain R.D. Gupta v. State of U.P.*, 1990(5) SLR 304 (SC).

The administrative instructions may fill in the gaps where statutory are silent. The administrative instructions cannot supercede, curtail or impugn upon the scope and ambit of statutory rules.¹

In 1991(1) SLR P&H 236, it was held that the competent authority has the power to frame rules to regulate, the conditions of service under Article 309 of the Constitution of India, but such retrospective operation must satisfy the tests of Article 14 of the Constitution.

The executive powers of the State are co-terminus with its Legislature forms but it is not necessary for finding of the State Government in respect of a matter that there be a law in existence relating to that subject.²

(4) उपरोक्त मानकों के आधार पर योजना का निदेशक, उच्च शिक्षा द्वारा व्यापक प्रचार-प्रसार कर उपरोक्त मानकों के आधार पर महाविद्यालयों के खोले जाने के सम्बन्ध में आवश्यक कार्यवाही की जायेगी।

(5) यह आदेश वित्त विभाग के अशासकीय संख्या-ई-11/1401/दस-99 दिनांक 14 मई, 1999 में प्राप्त उनकी संहमति से जारी किये जा रहे हैं।

भवदीय,
शंकर दत्त तिवारी
विशेष कार्याधिकारी।

संख्या : 35/सत्तर-6/99-77/98 तद्दिनांक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित—

- (1) महालेखाकार, उत्तर प्रदेश, इलाहाबाद।
- (2) समस्त मण्डलायुक्त, उत्तर प्रदेश।
- (3) समस्त जिलाधिकारी, उत्तर प्रदेश।
- (4) समस्त क्षेत्रीय उच्च शिक्षा अधिकारी, उत्तर प्रदेश।
- (5) समस्त जिला विद्यालय निरीक्षक/जिला विद्यालय निरीक्षक, उत्तर प्रदेश।
- (6) अध्यक्ष, राज्य उच्च शिक्षा परिषद।
- (7) संयुक्त निदेशक, उत्तराखण्ड, हल्द्वानी।

भवदीय,
(शंकर दत्त तिवारी)
विशेष कार्याधिकारी।

3

संख्या: 1753/70-4/99-7(7)/94 ✓

प्रेषक,

डॉ. एस.डी. तिवारी, विशेष कार्याधिकारी, उत्तर प्रदेश शासन।
सेवा में,

1. कुलपति, समस्त राज्य विश्वविद्यालय, उत्तर प्रदेश।
2. शिक्षा निदेशक (उच्च शिक्षा), उत्तर प्रदेश, इलाहाबाद।

उच्च शिक्षा अनुभाग-4

लखनऊ : दिनांक : 28 जून, 1999

विषय : विश्वविद्यालयों/सहायता प्राप्त महाविद्यालयों में स्ववित्त पोषित पाठ्यक्रमों के अन्तर्गत विभिन्न शैक्षिक/शिक्षणेत्तर पदों के संबंध में मानक।

महोदय,

विश्वविद्यालयों/सहायता प्राप्त महाविद्यालयों में स्ववित्त पोषित पाठ्यक्रमों के लिये शैक्षिक/शिक्षणेत्तर पदों के सम्बन्ध में शासन द्वारा सम्यक विचारोपरान्त मानक निर्धारित किये गये हैं जिसके अनुसार ही स्ववित्त पोषित पाठ्यक्रमों के लिये शैक्षिक/शिक्षणेत्तर पदों पर नियुक्तियां की जायेंगी।

2. निर्धारित मानकों की प्रति संलग्न करते हुये मुझे यह कहने का निदेश हुआ है कि कृपया तदनुसार आवश्यक कार्यवाही करने का कष्ट करें।

3. ये आदेश वित्त विभाग में प्राप्त उनके अशासकीय सं.ई-11/1694/दस-1999, दिनांक 23 जून, 1999 में प्राप्त सहमति से जारी किये जा रहे हैं।

भवदीय,
(एस.डी. तिवारी)
विशेष कार्याधिकारी।

संख्या : 1753/70-4/99-7(7)/94 तद् दि०

प्रतिलिपि निम्नलिखित को सूचना एवं आवश्यक कार्यवाही हेतु प्रेषित—

- (1) कुल सचिव, समस्त राज्य विश्वविद्यालय, उत्तर प्रदेश।
- (2) वित्त अधिकारी, समस्त राज्य विश्वविद्यालय, उत्तर प्रदेश।
- (3) निदेशक, स्थानीय निधि लेखा परीक्षा विभाग, उत्तर प्रदेश, इलाहाबाद।
- (4) वित्त ई-11 अनुभाग।
- (5) उच्च शिक्षा अनुभाग-2/6.

आज्ञा से,
(एस.डी. तिवारी)
विशेष कार्याधिकारी।

शासनादेश संख्या : 1753/70-4/99-7(7)/94, दिनांक 28 जून, 1999 का संलग्नक

विश्वविद्यालयों/सहायता प्राप्त महाविद्यालयों में स्ववित्त पोषित पाठ्यक्रमों के अन्तर्गत विभिन्न शैक्षिक/शिक्षणेत्तर पदों की नियुक्ति के सम्बन्ध में मानक—

1. स्ववित्त पोषित पाठ्यक्रमों के लिये शिक्षक/शिक्षणेत्तर पदों का सृजन शासन द्वारा नहीं किया जायेगा और इस हेतु अनुदान स्वीकृत नहीं किया जायेगा।
2. विश्वविद्यालय में स्ववित्त पोषित पाठ्यक्रमों के संचालन हेतु आवश्यकतानुसार तथा मानकानुसार संविदा पर शिक्षण/शिक्षणेत्तर कर्मचारियों की नियुक्ति की जायेगी।
3. यदि प्रश्नगत पाठ्यक्रम वर्तमान अथवा भविष्य में स्ववित्त पोषण के आधार पर संचालित किया जाना सम्भव न हो तो इस पाठ्यक्रम को समाप्त कर दिया जाय तथा संविदा पर रखे गये शिक्षण/शिक्षणेत्तर कर्मचारियों की सेवायें स्वतः समाप्त हो जायेंगी।
4. संविदा पर रखे गये शिक्षक/शिक्षणेत्तर कर्मचारियों को दिया जाने वाला मानदेय पुनरीक्षित वेतनमान के मध्य स्तर (मिडिल प्वाइंट) के बराबर होगा तथा इस पर कोई अन्य भत्ते देय नहीं होंगे।
5. स्ववित्त पोषित पाठ्यक्रम से होने वाली आय का अलग लेखा रखा जायेगा। विश्वविद्यालयों की यह आय उनके मूल आय में जमा होगी तथा विश्वविद्यालयों की वार्षिक आय में इसे सम्मिलित किया जायेगा।
6. संविदा पर रखे जाने वाले शिक्षकों/शिक्षणेत्तर कर्मचारियों के पदों के सृजन के सम्बन्ध में वित्त समिति तथा कार्य परिषद का अनुमोदन प्राप्त किया जाना आवश्यक होगा। वित्त समिति तथा कार्य परिषद की संस्तुति पर सृजित पदों के सम्बन्ध में शासन के प्रशासकीय विभाग की अनुमति प्राप्त की जायेगी।

7. स्ववित्त पोषित पाठ्यक्रमों से होने वाली आय का 60 प्रतिशत व्यय संविदा पर रखे गये शिक्षक/शिक्षणेत्तर कर्मचारियों के मानदेय तथा आकस्मिक व्यय मद में अनुमन्य होगा तथा 40 प्रतिशत आय विश्वविद्यालय के प्रशासनिक व्यय, भवन, पुस्तकालय आदि के रख-रखाव पर व्यय के उपयोग में लाया जायेगा तथा डेफिसिट निकालते समय इन प्राप्तियों को ध्यान में रखा जायेगा।
8. स्ववित्त पोषित लेखों का संचालन एवं आहरण वितरण का कार्य वित्त अधिकारी द्वारा सम्पादित किया जायेगा।
9. स्ववित्त पोषित पाठ्यक्रमों से प्राप्त आय में से कोई भी वाहन एयर कंडिशनर, सेल्यूलर फोन आदि के क्रय की अनुमति नहीं होगी।
10. इन पाठ्यक्रमों में विश्वविद्यालय के नियमित अध्यापकों से कार्य नहीं कराया जायेगा। इन पाठ्यक्रमों में केवल संविदा में ही नियुक्तियों की जायेंगी। प्रदेश तथा प्रदेश के बाहर के विश्वविद्यालयों के ख्याति प्राप्त प्रोफेसर को आमंत्रित किया जा सकता है। इस प्रकार गेस्ट लेक्चर/विजिटिंग प्रोफेसर के लिये मानदेय दिया जायेगा। उक्त मानदेय वित्त समिति द्वारा अनुमोदित दरों पर देय होगा। विभिन्न विश्वविद्यालयों के प्रोफेसर को गेस्ट लेक्चर देने हेतु आमंत्रित किये जाने की अनुमति होगी।
11. इन पाठ्यक्रमों से होने वाली आय में से किसी प्रकार का मानदेय विश्वविद्यालय के नियमित शिक्षक तथा शिक्षणेत्तर कर्मचारियों को नहीं दिया जायेगा।

4

संख्या : 4228ए/सत्तर-2-99-2(85)/97

प्रेषक,

श्री, आर.एन.त्रिवेदी, प्रमुख सचिव, उत्तर प्रदेश शासन।

सेवा में,

कुल सचिव, समस्त राज्य विश्वविद्यालय, उत्तर प्रदेश।

उच्च शिक्षा अनुभाग-2

लखनऊ : दिनांक : 30 अक्टूबर, 1999

विषय : उच्च शिक्षा के क्षेत्र में स्ववित्त पोषित पाठ्यक्रम प्रारम्भ करने हेतु मानकों का निर्धारण।

महोदय,

उपर्युक्त विषय पर मुझे आपका ध्यान शासनादेश संख्या-1960/सत्तर-2-97-2(85/97) दिनांक 11.11.97 की ओर आकृष्ट करने का निदेश हुआ है, जिसमें कुलपति, महात्मा ज्योतिबा फुले रूहेलखण्ड, विश्वविद्यालय, बरेली की अध्यक्षता में गठित समिति की संस्तुतियों पर समुचित विचारोपरान्त स्ववित्त पोषित पाठ्यक्रमों को प्रारम्भ करने के लिये मानक निर्धारित किये गये हैं। इन मानकों में अखिल भारतीय तकनीकी शिक्षा परिषद के क्षेत्रान्तर्गत आने वाले प्रबन्धकीय पाठ्यक्रमों और इसके परिक्षेत्र के बाहर के पाठ्यक्रमों के लिये अलग-अलग मानक निर्धारित हैं। परिषद के परिक्षेत्र के बाहर के पाठ्यक्रमों यथा-बी.बी.ए./बी.सी.ए./बी.बी.एम./बी.एस.सी./बी.ए./बी.काम. आदि पाठ्यक्रमों को संचालित करने हेतु नये महाविद्यालयों एवं निजी संस्थाओं के लिए भूमि, भवन तथा वित्तीय संसाधन आदि की उपलब्धता के वही मानक रखे गये हैं जो नये महाविद्यालयों के खोले जाने तथा वर्तमान महाविद्यालयों में स्नातक/स्नातकोत्तर स्तर के अतिरिक्त विषयों को प्रारम्भ करने हेतु मानकों

प्रपत्र,

मोनिजा एस. गर्ग,
प्रमुख सचिव,
उत्तर प्रदेश शासन।

संग में,

कुलसचिव,
समस्ता राज्य विश्वविद्यालय,
उत्तर प्रदेश।

उच्च शिक्षा अनुभाग-2

लखनऊ : दिनांक: 13 मार्च, 2020

विषय:- उच्च शिक्षा विभाग के अधीन उत्तर प्रदेश राज्य विश्वविद्यालयों एवं अशासकीय अनुदानित महाविद्यालयों में संचालित स्ववित्तपोषित योजनान्तर्गत पाठ्यक्रमों में तथा अशासकीय अनानुदानित स्ववित्तपोषित महाविद्यालयों में कार्यरत शिक्षकों एवं शिक्षणोत्तर कर्मचारियों के वेतन एवं सेवा शर्तों के मानक आदि के संबंध में।

महोदय,

उच्च शिक्षा विभाग के अधीन संचालित स्ववित्तपोषित योजनान्तर्गत कार्यरत शिक्षकों एवं शिक्षणोत्तर

शासनादेश सं०-4228ए/सत्तर-2-99-2(85)/97, दिनांक 30 अक्टूबर, 1999.	कर्मचारियों के वेतन एवं सेवा शर्तों आदि के निर्धारण के समन्वय में शासनादेश (पार्श्वोक्ति) तथा शासनादेश संख्या-1960/सत्तर-2-97-2(85)/1997.
शासनादेश सं०-2443/सत्तर-2-2000-2(85)/97, दिनांक 09 मई, 2000	
शासनादेश सं०-195/सत्तर-2-2006-2(85)/19, दिनांक 06 फरवरी, 2006	
शासनादेश सं०-5599/सत्तर-2-2007-2(85)/97, दिनांक 11 जनवरी, 2008.	
शासनादेश सं०-1726/सत्तर-2-2011-16(409)/2010, दिनांक 15 जुलाई, 2011.	
शासनादेश सं०-2218/सत्तर-2-2011-16(409)/2010, दिनांक 23 अगस्त, 2011.	
शासनादेश सं०-968/सत्तर-2-2013-18(99)/2013, दिनांक 30 मई, 2013.	
शासनादेश सं०-174/सत्तर-2-2014-2(85)/97टीसी-1, दिनांक 12 मार्च, 2014.	
शासनादेश सं०-12/2015/450/सत्तर-2015-16(33)/2015, दिनांक 12 जून, 2015	

कर्मचारियों के वेतन एवं सेवा शर्तों आदि के निर्धारण के समन्वय में शासनादेश (पार्श्वोक्ति) तथा शासनादेश संख्या-1960/सत्तर-2-97-2(85)/1997.

दिनांक 11 नवम्बर, 1997 पूर्व में जारी किये गये हैं।

2- रिट याचिका संख्या-729 (एस0बी0)/2012, डॉ० सुरेश कुमार पाण्डेय बनाम उत्तर प्रदेश सरकार व अन्य में गा० उच्च न्यायालय द्वारा पारित आदेश दिनांक 01.03.2013 का सुसंगत अंश निम्नवत् है:-

53. (iii) All those courses which are open under self-financing scheme, the universities as well as colleges shall at least pay minimum pay scale admissible to teachers in accordance with Rules. The services of teachers appointed under the self-financing scheme, should be permitted to continue till continuance of course or satisfactory discharge of duty.

(iv) Since 2000 and onward, the Government has stopped the grant-in-aid and sanction of new course, even then Government shall ensure that Committee of Managements do not exploit the teachers and pay reasonable salary in contractual and ad hoc appointments in the recognised and affiliated colleges.

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वैश्विक संख्या-725 (संशोधित)/2012 में पारित आदेश दिनांक 01/03/2013 के अनुमति में
शासनादेश संख्या-992/संशोधित-02-2013-18(99)/2013 दिनांक 30 नवंबर, 2013 द्वारा दिशा-निर्देश
दिए गए हैं।

3- नए उच्च न्यायालय के आदेशों के समाहर में प्रदेश में समस्त स्ववित्तपोषित पाठ्यक्रमों की
व्यवस्था को अधिक सुचारु एवं सुदृढ़ बनाने के उद्देश्य से प्रस्ताव-1 के प्रायोगिक समस्त शासनादेशों
का अद्यतन करते हुए शासनादेश संख्या-1960/संशोधित-2-97-2(25)/97 दिनांक 11 नवंबर, 1997
के क्रम में कार्यान्वयन नई व्यवस्था लागू की जा रही है, जिसका उल्लेख निम्नलिखित प्रस्तावों में किया जा
रहा है।

4- स्ववित्तपोषित योजनान्तर्गत पाठ्यक्रमों के सम्बन्ध में :-

- (1) स्ववित्तपोषित योजनान्तर्गत पाठ्यक्रम संचालन हेतु सम्बद्धता दिये जाने/नर्दीनीकरण
किये जाने के समय बाजार की भांग और पाठ्यक्रम की प्रसंगिकता एवं सामयिक
आवश्यकता को ध्यान में रखते हुए नियमानुसार सम्बद्धता के प्रस्ताव पर विश्वविद्यालय
द्वारा नियमों/परिनियमों के अन्तर्गत सम्बद्धता प्रदान की जायेगी।
- (2) पाठ्यक्रमों में सीटों की संख्या का निर्धारण विश्वविद्यालय/शासन द्वारा निर्धारित मानकों
के अनुरूप किया जायेगा।
- (3) शैक्षणिक मानकों में विश्वविद्यालय की भूमिका सर्वाधिक होती है। स्ववित्तपोषित पाठ्यक्रमों
में प्रवेश, पाठ्यक्रम, परीक्षा, मूल्यांकन एवं अन्य क्रिया-कलाप सम्बन्धित विश्वविद्यालय
द्वारा निर्धारित मानकों एवं निर्देशों के अधीन होंगे।
- (4) पाठ्यक्रम के संचालन एवं पर्यवेक्षण का दायित्व सम्बन्धित विश्वविद्यालय एवं महाविद्यालय
का होगा।
- (5) विश्वविद्यालय द्वारा स्ववित्तपोषित पाठ्यक्रमों के लिये एक पोर्टल का निर्माण कराया
जायेगा और यह सुनिश्चित किया जायेगा कि प्रत्येक महाविद्यालय उस पर छात्र एवं
शिक्षकों से सम्बन्धित समस्त सूचनाएँ अपलोड करे। पोर्टल का निरन्तर प्रभावी अनुभवण
विश्वविद्यालय द्वारा किया जायेगा।

5- शिक्षकों/शिक्षणेत्तर कर्मचारियों की नियुक्ति के सम्बन्ध में मानक:-

- (1) स्ववित्तपोषित पाठ्यक्रम के लिये शिक्षकों के पद की संख्या का निर्धारण शिक्षक-छात्र
अनुपात के विहित मानकानुसार किया जायेगा और इस हेतु सरकार द्वारा कोई अनुदान
स्वीकृत नहीं किया जायेगा।
- (2) शिक्षकों एवं शिक्षणेत्तर कर्मचारियों की नियुक्ति विश्वविद्यालय/विश्वविद्यालय अनुदान
आयोग/सम्बन्धित रेगुलेंटरी संस्था/शासन द्वारा समय-समय पर निर्धारित न्यूनतम
शैक्षिक योग्यता/अर्हता के आधार पर की जायेगी। शिक्षकों का अनुमोदन विहित प्रक्रिया
अनुसार सम्बन्धित विश्वविद्यालय से प्राप्त किया जायेगा।
- (3) शिक्षक/शिक्षणेत्तर कर्मचारियों का चयन उत्तर प्रदेश राज्य विश्वविद्यालय अधिनियम
1973/सम्बन्धित विश्वविद्यालय की परिनियमावली/विश्वविद्यालय अनुदान आयोग/

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सम्बन्धित रेगुलेटरी संस्था/शासन द्वारा निर्धारित मानक/प्रक्रिया के अनुसार किया जायेगा।

शिक्षकों/शिक्षणेत्तर कर्मचारियों के वेतन एवं परिलब्धियों के सम्बन्ध में :-

- (1) स्ववित्तपोषित पाठ्यक्रमों की समृद्धता, छात्रों की संख्या, प्रवेश प्रक्रिया, शिक्षकों की भर्ती, शुल्क निर्धारण एवं परीक्षा आदि से संबंधित कार्य विश्वविद्यालयों के स्तर से व्यवहृत किया जाता है। कार्यरत शिक्षकों एवं शिक्षणेत्तर कर्मचारियों के न्यूनतम वेतन का निर्धारण सम्बन्धित विश्वविद्यालय द्वारा अनिवार्यतः किया जायेगा। किसी पाठ्यक्रम में छात्रों के शिक्षण शुल्क से प्राप्त होने वाली आय का कम से कम 75 प्रतिशत अंश उस पाठ्यक्रम विशेष के शिक्षकों एवं शिक्षणेत्तर कर्मचारियों के वेतन आदि पर खर्च किया जायेगा। शिक्षकों एवं शिक्षणेत्तर कर्मचारियों को देय वेतन उस पाठ्यक्रम के लिये निर्धारित शिक्षण शुल्क तथा सीटों की संख्या पर निर्भर करेगा। इस सम्बन्ध में प्रतिवर्ष ऑडिट सम्पन्न कराकर ऑडिट आख्या में इस आशय का विशेष उल्लेख किया जाय कि आय का 75 प्रतिशत अंश शिक्षकों/शिक्षणेत्तर कर्मचारियों के वेतन आदि पर खर्च किया जा रहा है।
- (2) शिक्षकों एवं शिक्षणेत्तर कर्मचारियों को दिये जाने वाले वेतन का भुगतान उनके बैंक खाते में ऑनलाइन कराया जायेगा।

7- **शिक्षकों/शिक्षणेत्तर कर्मचारियों की सेवा शर्तों के सम्बन्ध में :-**

- (1) शिक्षकों एवं शिक्षणेत्तर कर्मचारियों की सेवा सम्बन्धित विषय के पाठ्यक्रम के चलते रहने अथवा संतोषजनक सेवा रहने तक जारी रहेगी। असन्तोषजनक सेवा होने की स्थिति में सेवा सम्बन्धी सविदा का विखण्डन करने से पूर्व नैसर्गिक न्याय के सिद्धान्तों का अनुपालन सुनिश्चित करते हुये सम्बन्धित विश्वविद्यालय के कुलपति का अनुमोदन प्राप्त किया जाना अनिवार्य होगा।
- (2) शिक्षकों एवं शिक्षणेत्तर कर्मचारियों को आकस्मिक अवकाश, प्रसूति अवकाश, कर्तव्य अवकाश, शिकित्सीय अवकाश एवं अन्य अवकाश, सम्बन्धित विश्वविद्यालय द्वारा निर्धारित मानकों के अनुसार अनुमन्य होंगे।
- (3) स्ववित्तपोषित योजनान्तर्गत कार्यरत शिक्षकों के कार्यकारी घण्टे एवं शिक्षक छात्र अनुपात परिनिर्णयमावली/विश्वविद्यालय अनुदान आयोग/सम्बन्धित रेगुलेटरी संस्था/शासन द्वारा समय-समय पर निर्धारित मानकों के अनुरूप होंगे।
- (4) शिक्षकों एवं शिक्षणेत्तर कर्मचारियों से परीक्षा सम्बन्धी कार्य कराया जा सकता है तथा इन शिक्षकों को रिफ्रेशर/ओरिएन्टेशन/वर्कशॉप/सेमीनार/कॉन्फ्रेंस में प्रतिभाग करने हेतु अनुमति प्रदान की जा सकती है।
- (5) शिक्षकों एवं शिक्षणेत्तर कर्मचारियों को दिये जाने वाले वेतन तथा अवकाश आदि का स्पष्ट उल्लेख अन्य शर्तों के साथ अनुबन्ध-पत्र में किया जाय। अनुबन्ध-पत्र की एक प्रति शिक्षक/शिक्षणेत्तर कर्मचारी तथा एक-एक प्रति महाविद्यालय एवं सम्बन्धित विश्वविद्यालय में जमा करायी जाय।

8- उक्त शर्तों का पालन सुनिश्चित करवाना सम्बन्धित विश्वविद्यालय का उत्तरदायित्व होगा। विश्वविद्यालय अपने स्तर से स्ववित्तपोषित पाठ्यक्रमों में अनुश्रवण एवं मूल्यांकन हेतु सुदृढ व्यवस्था विकसित करेगा। उक्त शर्तों का अनुपालन न किये जाने की दशा में विश्वविद्यालय द्वारा

4.
सम्बन्धित संस्था के विरुद्ध कार्यवाही की जायेगी, जिसमें उस पाठ्यक्रम विशेष की सम्बद्धता समाप्त किये जाने पर भी विचार किया जा सकता है।

9- यह आदेश उत्तर प्रदेश राज्य विश्वविद्यालय अधिनियम, 1973 की धारा 50(6) में राज्य सरकार को प्रदत्त शक्तियों का प्रयोग करते हुये इस निर्देश के साथ निर्गत किये जा रहे हैं कि समस्त स्ववित्तपोषित पाठ्यक्रमों के सम्बन्ध में विश्वविद्यालय की नीति/नियम/परिनियम आदि में यथावश्यक प्राविधान करके उक्त निर्देशों का अनुपालन सुनिश्चित कराया जाएगा।

10- कृत कार्यवाही की आख्या शासन को 15 मई, 2020 तक कृपया अनिवार्यतः उपलब्ध करायी जाय ताकि प्रचलित अवमाननावाद संख्या-2604/2018, डॉ० नीरज श्रीवास्तव वनाम श्री नवीन अग्रवाल, प्रमुख सचिव व अन्य में मा० उच्च न्यायालय को तदनुसार सूचना उपलब्ध करायी जा सके।

भवदीया,

(मोनिका एस. गरी)
प्रमुख सचिव।

संख्या-226(1)/सत्तर-2-2020, तददिनांक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1- कुलपति, समस्त राज्य विश्वविद्यालय, उ०प्र० ।
- 2- निदेशक, उच्च शिक्षा उ०प्र० इलाहाबाद को इस निर्देश के साथ कि वे सभी महाविद्यालयों को अनुपालन हेतु निर्देशित कर दें।
- 3- समस्त क्षेत्रीय उच्च शिक्षा अधिकारी, उ०प्र० को भी इस निर्देश के साथ कि उक्त निर्देशों का अनुपालन सुनिश्चित करायें।
- 4- उच्च शिक्षा विभाग के समस्त अधिकारी/अनुभाग।
- 5- गार्ड फाईल।

आज्ञा से,

(अब्दुल समद)
विशेष सचिव

MEERUT UNIVERSITY

HANDBOOK

Volume I

PART - A

THE UTTAR PRADESH STATE UNIVERSITIES ACT, 1973

As re-enacted and amended by :
U.P. Act No. 29 of 1974; and

Further amended by :
U.P. Act No. 21 of 1975
U.P. Act. No. 5 of 1977 and
U.P. Ordinance No. 14 of 1977

PART - B

FIRST STATUTE OF THE UNIVERSITY OF MEERUT

(as amended upto date)

Part B

First Statutes

of the

University of Meerut

**(Published vide notification
no. 469/xv-10-77-39 (9)-76 of 20.4.77)**

Section 7.

21.03. Subject to the provisions of section 7, the University may allow any person to appear as a private candidate at any examination conducted by the University provided that—

(a) such person fulfils the requirement laid down in Ordinances; and

(b) such examination does not relate to a subject or course of study in which practical examination is a part of the curriculum.

Section 7.

21.04. The provision of Statute 21.03 shall *mutatis mutandis* apply to correspondence course,

CHAPTER XXII*

QUALIFICATIONS AND CONDITIONS OF SERVICE OF NON-TEACHING STAFF OF THE AFFILIATED COLLEGES

22.00. In this Chapter unless the context otherwise requires the expressions defined in the succeeding Statutes shall be construed accordingly.*

22.01. 'Class Four' means a post carrying a pay scale lower than a pay scale of a Routine Clerk and the expressions 'Class Four' employee and 'Class Four' staff shall be construed accordingly.

22.02. 'College' means a college affiliated to the University in accordance with the provision of the Act or the Statutes of the University but does not include a college maintained exclusively by the State Government or a Local Authority.

22.03. 'Employee' means a salaried employee not being a teacher of a college and its grammatical variations and cognate expressions shall be construed accordingly.

22.03-A. 'Armed forces of the Union' means the Naval, Military or Air Forces of the Union and includes the Armed forces of the former Indian States.

22.03-B. 'Disabled ex-serviceman' means an ex-serviceman who while serving in the 'Armed forces of the Union' was disabled in the course of operation against the enemy or in disturbed areas.

22.03-C. 'Ex-serviceman' means a person who had served in any rank (whether as a combatant or non-combatant) in the Armed Forces of the Union for a continuous period of not less than six months, and—

* Added vide notification No 4089/XV-77 (1) UPA-74/1974 Statutes 1977 Dated Lucknow, May 11, 1977 and came into force the same day.

(i) has been released (otherwise than by way of dismissal or discharge on account of misconduct or inefficiency) or has been transferred to the reserve pending such release, or

(ii) has to serve for not more than six months for completing the period of service requisite for becoming entitled to be so released or transferred to the reserve.*

22.04. Words and expressions used but not defined in the Statutes shall have the respective meaning assigned to them in the Act.

23.01. Subject to the provisions of these Statutes the appointment to the posts of Class Three employees shall be made by the Management of the college** and appointment to the posts of Class Four employees shall be made by the Principal.

Appointing authority.

23.02. The Appointing Authority referred to in Statutes 23.01*** shall have the power to take disciplinary action and award punishment against the class of employee of which he is appointing authority.

23.03. Every decision of the appointing authority referred to in Statute 23.02 shall, before it is communicated to the employee, be reported to the District Inspector of Schools and shall not take effect unless it has been approved by him in writing :

Provided that nothing in this clause shall apply to any termination of service on the expiry of the period for which the employee was appointed :

Provided further that nothing in this clause shall apply to an order of suspension pending enquiry, but any such order may be stayed, revoked or modified by the District Inspector of Schools.

23.04. An appeal against the order of the District Inspector of schools under Statute 23.03 shall lie to the Regional Deputy Director of Education.

24.01. Appointment to the post of Librarian, Deputy Librarian, Physical Education Instructor, Pharmacist, Routine Clerk or any other post either in the pay scale of, or in a pay scale higher than that of Routine Clerk other than the posts mentioned in Statute 24.02 and Statute 24.03 shall be made by direct recruitment on the recommendation of a Selection

* Meerut University (Eleventh Amendment) First Statute 1982 deemed to have come into force on May 11, 1977 (Published on 17-12-1982).

** Meerut University (Fourth Amendment) Statutes 1979 w. e. f. 12-6-1979.

*** Statute 23.01, substituted for clause (1), Ibid.

Committee in the manner provided in Statute 24.06 after advertisement of the vacancy in the newspapers :

Provided that the post of Librarian shall be filled by promotion from the post of Deputy Librarian if the incumbent of latter post possesses the prescribed minimum qualification for the post of Librarian.

24.02. Appointment to the post of Assistant shall be made by promotion according to seniority subject to suitability and fitness from amongst Routine Clerks.

24.03. Appointment to the post of Head Clerk-cum-Accountant, Head Clerk, Accountant, Office Superintendent and Bursar shall be made by promotion on the basis of the recommendation of the Selection Committee in the manner provided in Statute 24.06 according to seniority, subject to suitability and fitness from amongst the existing employees having required qualifications. In case of non-availability of qualified and suitable candidates from amongst the existing staff, appointments on such posts may be made by direct recruitment on the basis of the recommendation of the Selection Committee in the manner provided in Statutes 24.06 after advertisement of the vacancy in newspapers.

24.04. Appointment of employees shall be subject to the approval of the Director of Education (Higher Education), or an officer authorised by him in this behalf. If the approving authority does not withhold its disapproval or does not send any intimation in respect of such proposal* to the Appointing Authority, the approving authority shall be deemed to have approved the appointment.

24.05. Appointment of permanent posts shall be made on probation for one year. The period of probation may be extended if the candidate's work is not found to be satisfactory provided that the total period of probation shall not exceed three years. The extended period of probation shall not count for increment

24.06. (1) The Selection Committee for appointment to the post of Librarian, Deputy Librarian or physical Training Instructor shall consist of :

- (i) The Head of the management or a member of the management nominated by him, who shall be the Chairman:

- (ii) the Principal of the college;
- (iii) one officer to be nominated by the Director of Education (Higher Education).

(2) The Selection Committee for the appointment to the remaining posts referred to in Statute 24.01 or Statute 24.03 either by direct recruitment or by promotion shall consist of—

- (i) The Head of the Management or a member of the management nominated by him who shall be the Chairman;
- (ii) the Principal of the College;
- (iii) the District inspector of Schools;
- (iv) the District Employment Officer or an Officer authorised by him in this behalf.

(3) For purposes of direct recruitment to the posts referred to in Statutes 24.01 and 24.03, the vacancy shall be advertised in at least two newspapers having adequate circulation in Uttar Pradesh and names of suitable candidates, shall also be obtained from the concerned District Employment Officer.

(4) Names of candidates for appointment to a post in class four shall be obtained from the concerned District Employment Officer. In the event of non-availability of suitable candidate in such manner post may be advertised.

(5) No employee shall be eligible for payment of salary from the salary payment Account unless the permission, as contemplated by sub-clause (b) of clause (iii) of section 60-A of the Act has been accorded.

(6) If the management does not agree with the recommendations of the Selection Committee, it shall refer the matter to the approving authority alongwith reasons of its disagreement, and the decision of the said authority shall be final.

25.00. Reservation shall be made for Scheduled Caste Scheduled Tribe candidates for appointment to the posts referred to in Statute 27. The percentage of such reservation shall be equal to the percentage prescribed for appointment in Government service. Reserva

25.01. Ten percent of vacancies in Class III services and posts and five percent of the vacancies in Class IV services and posts, including temporary vacancies which are likely to be made permanent or to continue for a period of more than one year, to be filled by direct recruitment in any year, shall be reserved for being filled by ex-servicemen :

Provided that the vacancies so reserved shall be utilised first for the appointment of disabled ex-servicemen so long as the duties of the post to be so filled are not such as the disabled ex-servicemen are incapable of performing due to disability ; and if any such vacancies still remain unfilled, the same shall then be utilised for appointment of other ex-servicemen.*

Nationality. 26.00. A candidate for employment in a college must be —

- (a) a citizen of India, or
- (b) a Tibetan refugee who came over to India before January 1, 1962, with the intention of permanently settling in India, or
- (c) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon and East African Countries of Kenya, Uganda and United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India :

Provided that a candidate belonging to category (b) or category (c) must be a person in whose favour a certificate of eligibility has been issued by the State Government :

Provided further that a candidate belonging to category (b) will also be required to obtain a certificate of eligibility from the Deputy Inspector General of Police, Intelligence Branch, U. P.

Educational Qualification 27.01. For appointment in a college to the posts specified below, the minimum qualification shall be as noted against each category—

(i) *Clerical Staff*—For the post of routine clerks, assistants, head clerk-cum-accountant and head clerk, Intermediate or an examination recognized by the State Government as equivalent thereof;

Provided that in the case of head-clerk-cum-accountant and head clerk experience on the post of routine clerk or assistant in a post-graduate or degree or intermediate college for a period of at least ten years shall be necessary.

* Meerut University (Eleventh amendment) First Statutes 1982 deemed to have come in force on May 11, 1977 (Published in 17-12-1982).

(ii) *Laboratory Assistant*—For the post of laboratory assistants, Intermediate or an examination recognized by the State Government as equivalent thereto, in subject with which the laboratory is concerned, or High School or an examination recognized by the State Government as equivalent thereto, with at least five years' experience as laboratory bearer in the laboratory of the subject concerned.

(iii) *Librarian/Deputy Librarian*—First or a Second Class Bachelors' degree in Arts, Science or Commerce and First or Second Class M.Lib. (2 years course), or First or Second class Masters degree in Arts, Science or Commerce and First or Second Class B.Lib. (1 year course) :

Provided that in the case of a college where the number of scholars does not exceed five hundred the requirement of M. Lib. or B. Lib. may be relaxed and a candidate holding certificate or diploma in library science may be appointed.

(iv) *Office Superintendent* For the post of Office Superintendent degree from a recognized university established by law together with at least ten years' working experience as head clerk or accountant in a college affiliated to or associated with a university or in any other similar institution.

(v) *Accountant*—For the post of Accountant, a degree in Commerce from a recognized university established by law, together with at least ten years' working experience as accounts clerk.

(vi) *Bursar*—For the post of Bursar a degree from a recognized university established by law with at least ten years' working experience as Office Superintendent or Accountant in a degree or post-graduate college.

(vii) *Class Four Staff*—For Class IV posts, passed Class V from a recognized school :

Provided that no educational qualification shall be required for the post of sweeper but preference will be given to a person who is educated or is at least able to read and write Hindi in Devnagri script.

(viii) *Other Posts*—For any other posts not covered by the preceding clauses, such minimum qualification as may be specified by the State Government by general or special orders.*

27.01-A. Notwithstanding anything contained in Statute 27.01—

(i) the minimum qualification for appointment of an ex-serviceman to reserved vacancies in Class III services and posts shall be Intermediate wherever the qualification prescribed in this Statute is a degree of University, and High School or any other qualification recognised as equivalent thereto wherever the qualification prescribed in this Statute is Intermediate, and there shall be no relaxation where the prescribed qualification is High School or a qualification equivalent thereto.

(ii) for class IV services and posts the educational qualification shall be required for ex-servicemen otherwise considered suitable in the reserved vacancies in such services and posts.

27.02. No employee who does not possess the qualifications prescribed in clause (i) shall, after the commencement of these Statutes, be eligible for promotion or confirmation unless he attains the aforesaid qualifications :

Provided that nothing contained in clause (i) shall affect the promotions and confirmations made prior to commencement of these Statutes.

Age

28.01. For appointment of an employee in a College through direct recruitment, the minimum age of the candidate shall be 18 years and the maximum age for the post of a routine clerk or a post in equivalent scale of pay, shall be 27 years, and for any other posts referred to in statutes 24.01 and 24.03 shall be 40 years. The maximum age shall be higher by five years in the case of a candidate belonging to a Scheduled Caste or a Scheduled Tribe :

Provided that with the prior consent of Director of Education (Higher Education), the condition of maximum age limit of 40 years referred to above may be relaxed :

Provided further that the maximum age-limit

*Proviso added by Meerut University (Fourth Amendment, Statutes, 1979 w. e. f. 12.6.1979).

shall not apply to an employee referred to in Statute 37.00.

Provided also that for appointment to a vacancy reserved for ex-serviceman, the maximum age shall be higher by the period of service of the candidate in the Armed Forces plus three years.

28.02. The age on the first day of July in the year in which the recruitment is made, shall be the age for the purpose of clause (1).

28.03. In the case of Class IV employee, who has put in a continuous service of three years or more and has the prescribed qualifications, for appointment to the post of a routine clerk or an equivalent post to be filled in by direct recruitment the maximum age-limit may be relaxed up to 40 years. In special circumstances, relaxation beyond the age of 40 years may be made with the prior approval of the Director (Higher Education).

29.00. It shall be the duty of the Appointing Authority to satisfy himself that the character of a candidate for employment by direct recruitment is such as to render him suitable in all respects of employment in a college. Character

NOTE—Persons dismissed by the State Government the Union Government or by any other State Government or a local authority shall be deemed ineligible.

30.00. No candidate shall be employed in a college unless he is in good mental and physical health and free from any physical defect likely to interfere with the efficient performance of his duties. Before a candidate is finally approved for appointment he shall be required to produce a medical certificate of fitness from a Medical Officer Incharge of a hospital established by the State Government. Physical fitness

31.00. The employee shall be given the scale of pay and allowances as may be prescribed by the State Government from time to time. Scale of pay and allowances

Explanation—An ex-serviceman appointed in a vacancy reserved for ex-serviceman shall not be entitled to any higher pay merely on account of his past service in the Armed Forces of the Union.

32.01. Every employee shall maintain highest order of integrity with regard to his work and conduct. Conduct and other matters

32.02. Every employee shall comply with the orders or directions of the Management/the Principal (including the orders or directions issued in the implementation of the orders of the State Government or the University).

32.03. The Principal of the college will maintain the character roll of every employee in which the confidential report about his work and conduct shall be recorded every year. Adverse entries shall be communicated to the employee concerned as soon as possible so that he may improve his work and conduct accordingly.

32.04. An employee aggrieved by an adverse entry may represent to the Manager of the college through the Principal for the expunction of the adverse entry. The power of expunge the adverse entry on the basis of justification therefore shall vest in the Managing Committee of the college concerned.

32.05. A Service Book of every employee shall be maintained under the control of the Principal.

Disciplinary action

33.00 An employee who disobeys any one or both of the provisions of clauses (1) and (2) of Statute 32 shall be liable to disciplinary action.

Termination of service and registration.

34.01. An employee shall be liable to be removed from service on any one or more of the following grounds, namely—

- (a) Gross negligence of duties;
- (b) Misconduct;
- (c) Insubordination or disobedience;
- (d) Physical or mental unsuitability in the discharge of duties;
- (e) Prejudicial conduct or activity against the Government or the university or the college concerned;
- (f) Conviction by a Court of Law on charge involving moral turpitude.

34.02. If temporary employee resigns from service he shall give notice to this effect in writing to the Management of the College one month in advance otherwise he shall have to deposit one month's salary with the college in lieu of the notice. Similarly if the Management of a college decides to terminate the service of an employee the Management shall give one month's notice to the employee or one month's salary in lieu thereof.

34.03. The services of a permanent employee

may be dispensed with on the ground of abolition of post after giving him three months' notice in writing or three months' salary in lieu thereof. A post can be abolished on any one of the following grounds—

- (a) retrenchment on account of financial stringency;
- (b) fall in enrolment of students; or
- (c) discontinuance of the teaching in the subject to which the post relates.

35.00 The age of superannuation of an employee shall be sixty years. An employee who have attained the age of sixty years on or before the date of commencement of these Statutes shall be retired forthwith. Age of super-annuation.

36.01. The leave rules applicable to the Government servants from time to time shall *mutatis mutandis* apply to the employees of like status. Leave.

36.02. The Principal shall be the authority to sanction all kinds of leave to Class IV employees and casual leave to other employees.

36.03. Application of an employee other than Class IV for leave (other than casual leave) shall be forwarded by the Principal with his recommendation to the Manager of the college who shall be the authority to sanction the same.

36.04. All records relating to leave will be maintained by the Principal who shall send copies of the orders sanctioning leave (other than casual leave) to the Regional Deputy Director of Education or the authority authorised by him to disburse the salaries of the employees. The Principal shall also mention the period and nature of leave in the salary bill.

37.00. A whole-time employee of one college appointed to another college receiving maintenance grant from the State Government shall, after regular selection, be entitled to receive salary not less than what he was getting in the college in which he was previously working, if the employee— Miscellaneous.

(a) was permanent on his post in the previous college and such college was on the grant-in-aid list ;

(b) has obtained the permission of the Manager of the previous college for service in the new college and the Management of the previous college has no objection in relieving him;

(c) furnishes a certificate from the Manager

of the previous college to the effect that there were no unusual and adverse circumstances in which the employee left that college;

(d) furnishes the last pay certificate from the previous college duly countersigned by the District Inspector of Schools, concerned.

Explanation—(1) On being appointed in the new college the service rendered in the previous college shall not count towards seniority. Seniority in the new college shall be reckoned from the date of appointment in the new college and the annual increment shall fall due after completing one year's service in the new college from the date of taking over charge of the duties in that college.

(2) The employee shall not be entitled to receive any travelling allowance for journeys performed by him to join his duties in the new college. He shall, however, be allowed journey time at following rates—

(a) one day for each 500 kms. of places connected by Train;

(b) one day for each 150 kms. for places not connected by Train but connected by Bus ;

(c) one day for each 25 kms. for places neither connected by Train nor by Bus.

38.00. Where a confirmed employee or an employee who had been holding a temporary post continuously for not less than three years dies while in service, one dependant of the deceased employee, who applies for a vacant non-teaching post in the college and possesses the minimum educational qualifications for such post may, with prior approval of the Director (Higher Education), be appointed by the Management in relaxation of the procedure for selection and of the maximum age-limit.

Explanation—For the purposes of this Statute—

(1) 'dependant' means the son, unmarried or widowed daughter, widow or widower of the deceased.

(2) 'employee' includes teacher employed in the institution.

प्रेषक,

प्रमोद कुमार उपाध्याय,
विशेष सचिव,
उत्तर प्रदेश शासन।

सेवा में,

निदेशक,
उच्च शिक्षा, उत्तर प्रदेश,
इलाहाबाद।

उच्च शिक्षा अनुभाग-2

लखनऊ: दिनांक: 03 नवम्बर, 2015

विषय: वेतन समिति, 2008 के 11वें प्रतिवेदन के माध्यम से सहायता प्राप्त शिक्षण संस्थाओं/प्राविधिक शिक्षण संस्थाओं के शिक्षणोत्तर कर्मचारियों के सामान्य संवर्ग तथा अन्य संवर्ग के संबंध में की गयी संस्तुतियों पर लिये गये निर्णयों के कार्यान्वयन के संबंध में।

महोदय,

उपर्युक्त विषयक आपके पत्रांक-डिग्री अर्थ-1/1131/2015-16, दिनांक 30-06-2015 की ओर आपका ध्यान आकृष्ट करते हुए मुझे यह कहने का निदेश हुआ है कि वेतन समिति, 2008 के 11वें प्रतिवेदन के माध्यम से सहायता प्राप्त शिक्षण संस्थाओं/प्राविधिक शिक्षण संस्थाओं के शिक्षणोत्तर कर्मचारियों के सामान्य संवर्ग तथा अन्य संवर्ग के संबंध में प्राप्त संस्तुतियों पर वित्त (वेतन आयोग) अनुभाग-2 के शासनादेश संख्या-वे0आ0-2-665(1)/दस-54(एम)/2008 टी सी दिनांक 26 सितम्बर, 2013 में दी गयी व्यवस्था के क्रम में अशासकीय सहायता प्राप्त महाविद्यालयों में लिपिकीय संवर्ग एवं पुस्तकालय लिपिक संवर्ग के संबंध में सम्यक विचारोपरान्त पूर्व व्यवस्था में संशोधन करते हुए निम्नानुसार व्यवस्था दिनांक 26 सितम्बर, 2013 से लागू किये जाने की श्री राज्यपाल सहर्ष स्वीकृति प्रदान करते हैं:-

1- लिपिकीय संवर्ग-

क्र०	पूर्व व्यवस्था		वर्तमान व्यवस्था		
	पद नाम	वेतन बैंड एवं ग्रेड वेतन	पदनाम	वेतन बैंड एवं ग्रेड वेतन	शैक्षिक अर्हता एवं भर्ती की विधि
1	2	3	4	5	6
1	कनिष्ठ लिपिक-सह टंकक कनिष्ठ सहायक कार्यालय, सहायक, रुटीन लिपिक	वेतन बैंड-1 रु05200-20200 एवं ग्रेड वेतन रु0 1900/-	कनिष्ठ सहायक	वेतन बैंड-1 रु0 5200-20200 एवं ग्रेड वेतन रु0 2000/-	80 प्रतिशत सीधी भर्ती द्वारा। अर्हता इन्टरमीडिएट के साथ-साथ कम्प्यूटर संचालन का डोक्य (DOEACC) सोसाइटी परिवर्तित नाम नाइलेट द्वारा प्रदत्त सी0सी0सी0 प्रमाण पत्र तथा हिन्दी/ अंग्रेजी में कम से कम क्रमशः 25/30 शब्द प्रति मिनट की टंकण गति। 15 प्रतिशत चतुर्थ श्रेणी के ऐसे कार्मिकों से पदोन्नति द्वारा जो हाई स्कूल हों तथा टंकण ज्ञान रखते हों। 05 प्रतिशत चतुर्थ श्रेणी के ऐसे कार्मिकों से पदोन्नति द्वारा जो इन्टर मीडिएट हों तथा टंकण ज्ञान रखते हों।

2	वरिष्ठ लिपिक, कनिष्ठ आलेखक प्रालेखक, वरिष्ठ आलेखक प्रालेखक, सहायक कार्यालय अधीक्षक अथवा लिपिकीय संवर्ग में अन्य किसी नाम से	वेतन बैंड-1 रु0 5200-20200 एवं ग्रेड वेतन रु0 2000/- अथवा 2800/-	वरिष्ठ सहायक	वेतन बैंड-1 रु0 5200-20200 एवं ग्रेड वेतन रु0 2800/-	शत-प्रतिशत पदोन्नति द्वारा 05 वर्ष की सेवा वाले कनिष्ठ सहायक के पदों से।
3	कार्यालय अधीक्षक, प्रधान सहायक, हेड असिस्टेंट	वेतन बैंड-2 रु0 9300-34800 एवं ग्रेड वेतन रु0 4200/-	प्रधान सहायक	वेतन बैंड-2 रु0 9300-34800 एवं ग्रेड वेतन रु0 4200/-	शत-प्रतिशत पदोन्नति द्वारा 05 वर्ष की सेवा वाले वरिष्ठ सहायक के पदों से।

2- पुस्तकालय लिपिक:-

क्र0	पूर्व व्यवस्था		वर्तमान व्यवस्था		
	पद नाम	वेतन बैंड एवं ग्रेड वेतन	पदनाम	वेतन बैंड एवं ग्रेड वेतन	शैक्षिक अर्हता एवं भर्ती की विधि
1	2	3	4	5	6
1	पुस्तकालय लिपिक	वेतन बैंड-1 रु0 5200-20200 एवं ग्रेड वेतन रु0 1900/-	पुस्तकालय सहायक	वेतन बैंड-1 रु0 5200-20200 एवं ग्रेड वेतन रु0 2000/-	पुस्तकालय सहायक के पद पर भर्ती की अर्हता इन्टरमीडिएट तथा भारत सरकार/राज्य सरकार द्वारा मान्यता प्राप्त संस्था से पुस्तकालय विज्ञान में 06 माह का प्रमाण पत्र एवं डीयक सोसाइटी परिवर्तित नाम नाइलेट से सी0सी0सी0 लेबल का प्रमाण-पत्र निर्धारित किया जाता है।

2- उक्तानुसार उच्चकृत वेतन बैंड/ग्रेड वेतन में सम्बन्धित पद धारकों का वेतन निर्धारण शासनादेश संख्या-वे0आ0-2-841/दस-2009-59(एम्) /2008 दिनांक 24 दिसम्बर, 2009 की व्यवस्थानुसार किया जायेगा।

3- यह आदेश वित्त विभाग के अशासकीय संख्या-वे0आ0-2-1345/दस-2015 दिनांक 09-10-2015 में प्राप्त उनकी सहमति से जारी किये जा रहे हैं।

भवदीय,

(प्रमोद कुमार उपाध्याय)

विशेष सचिव।

संख्या-19/2015/581/सत्तर-2-2015-तददिनांक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- (1) महालेखाकार, उ0प्र0, इलाहाबाद।
- (2) वित्त नियंत्रक/वित्त अधिकारी, उच्च शिक्षा निदेशालय, इलाहाबाद ।
- (3) कुलसचिव, समस्त राज्य विश्वविद्यालय, उत्तर प्रदेश ।
- (4) समस्त क्षेत्रीय, उच्च शिक्षा अधिकारी, उत्तर प्रदेश ।
- (5) उच्च शिक्षा विभाग के समस्त अधिकारी/अनुभाग ।
- (6) वित्त (व्यय नियंत्रण) अनुभाग-11/वित्त (वेतन आयोग) अनुभाग-2/बजट-2
- (7) गार्ड फाइल।

आज्ञ से,

(डा0 ध्रुव पाल)

अनु सचिव।