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Part I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

EDUCATION DEPARTMENT

(Secondary)

NOTIFICATION

No. 641-Edn(S)/8B-3/69 Pt. VII. ~~23rd May 1974~~ In exercise of the power conferred by rule 33 of Management of Recognised Non-Government Institutions (Aided and Unaided) Rules, 1969, the Governor, on the application of West Bengal Association of Christian Schools, on behalf of a class of Institutions to which the provision of Article 30 of the Constitution of India applies, is pleased hereby to make the following other rules for the composition, powers and functions of the Managing Committees of such class of Institutions, namely:

RULES

1. Short Title, Application and Commencement: (1) These rules shall be called the "Special Rules" for the management of Secondary Schools established and run by a Christian Church/Missionary Society (Board)/Religious Society/Subsidiary Trust, or their successors in law, in the State of West Bengal.

(2) They shall apply to all Junior High, High and Higher Secondary Schools (Aided or Unaided) specified in the Schedule, founded, run and managed by a Christian Church/Missionary Society (Board)/Religious Society/Subsidiary Trust, as the case may be, throughout the State of West Bengal and recognised under the provisions of the West Bengal Board of Secondary Education Act, 1963 (West Bengal Act V of 1963), but not to schools for which special set of rules have been framed and approved by Government.

(3) They shall come into force with effect from the date of publication of the Notification in the "Calcutta Gazette."

2. Definition: In these rules, unless the context otherwise requires,

(a) "Founder Body" means the particular Christian Church/Missionary Society (Board)/Religious Society/Subsidiary Trust, which has founded and manages the school concerned.

(b) "Employee" includes a member of both the teaching and non-teaching staff of the respective schools.

(2)

(c) "Governing Body" means the body/organisation and its successor-in-law duly appointed by the Founder Body, which on behalf of the Founder Body has complete and final authority for its educational institutions.

(d) "School Committee" means the Managing Committee of a School constituted under these rules.

(e) "Headmaster/Headmistress" means the head of the teaching staff by whatever name he or she may be called.

3. **School Committee:** (i) Every school run by a Christian Church/Missionary Society (Board)/Religious Society/Subsidiary Trust, through its local unit in the State, as the case may be and recognised under the provisions of the West Bengal Board of Secondary Education Act, 1963 (West Bengal Act V of 1963), shall have a School Committee.

(ii) The School Committee consisting of members not exceeding twelve shall be a sub-committee appointed by the Founder Body, i.e., the local unit of a Christian Church/Missionary Society (Board)/Religious Society/Subsidiary Trust, as the case may be and approved by the Governing Body.

(iii) The School Committee shall be constituted as follows:—

(a) representatives of the Founder Body, to be nominated by the Founder Body from the category of Founder ...	3
(b) donors, benefactors, persons interested in education and medical practitioners, subscribing to the aims and objects of the Founder Body, to be nominated by the Founder Body ...	3
(c) guardians' representatives to be nominated by the respective President/Chairman of the Governing Body ...	2
(d) teachers' representatives to be elected triennially from amongst the whole-time permanent teachers with a minimum of 4 years' service in the school ...	2
(e) The Headmaster/Headmistress (ex officio) ...	1
(f) One officer of the State Government to be nominated by the Director of Public Instruction, West Bengal or by an Officer authorised by him to nominate ...	1
Total	12

Provided that in case of institutions having students from far-off places, the teachers and wardens looking after the students in their respective hostels may also be nominated as Guardians' representative.

(4) The Founder Body shall appoint from amongst the members of the School Committee nominated by the Founder Body, a President, a Vice-President and a Secretary. The Headmaster or Headmistress of the School shall be ex-officio Joint Secretary.

4. **Term of office of the School Committee:** The School Committee shall be constituted at the end of every three years or earlier if necessary, as may be determined by the Governing Body of the Founder Body.

5. **Casual vacancy:** In case of any vacancy in the School Committee caused by retirement, resignation, death, removal or otherwise, the same shall be filled by nomination or election, as the case may be, by the authority competent to fill the vacancy under rule 3. If any member ceases at any time to fulfil the qualifications by virtue of which he was elected or nominated, shall cease to be a member and the vacancy shall be filled by election or nomination, as the case may be, as provided in rule 3.

Person so appointed shall hold office for the remainder of the term of office of the School Committee.

6. **Power to supersede School Committee:** The Governing Body of the Founder Body may, if in its opinion there are sufficient grounds so to do, supersede the School Committee and appoint an ad hoc Committee or a suitable person to discharge all the functions and to exercise all the powers of the

School Committee pending its reconstitution. The period of supersession shall not exceed six months, during which the School Committee shall be reconstituted. The West Bengal Board of Secondary Education and the Director of Public Instruction, West Bengal, shall be duly informed of such supersession and the reconstitution of the School Committee.

7. Powers of the School Committee: (1) Subject to any rules or orders issued by the State Government or any other authority, competent to do so under the provisions of any Act or rules framed thereunder, the School Committee shall exercise powers in respect of the following matters namely:

- (a) appointment of employees (other than Headmaster or Headmistress and Assistant Headmaster or Assistant Headmistress) and to prescribe scales of pay and allowances;
- (b) confirmation, promotion, extension of service beyond the date of superannuation, and taking disciplinary action against employees.

Provided that in case an employee is not given an extension, he may appeal to the Governing Body against the decision of the School Committee. The decision of the Governing Body shall in such cases be operative. But the Director of Public Instruction, West Bengal, shall have the right to call for all relevant papers relating to an employee who is not given extension and if the Director of Public Instruction, West Bengal, is not satisfied with the decision of the Governing Body, he may then advise the Governing Body for reconsideration of the matter. The final decision, however, shall lie with the Governing Body except in the case of institutions receiving financial assistance from the State Government in any form in which case the decision of the Director of Public Instruction, West Bengal, shall be final;

- (c) grant of leave other than casual leave to the employees, other than the Headmaster or Headmistress, whose leave will be granted by the Governing Body;
- (d) management and regulation of the finances of the school.
- (e) consideration of the audited accounts and preparation of the budget estimates for approval by the Governing Body;
- (f) preparation of annual report;
- (g) selection of text and other books, introduction of new teaching courses, planning and execution of all schemes for the development of the institution and such other matters, subject to the approval of the Governing Body;
- (h) preparation of list of holidays to be observed in the institution;
- (i) sanctioning of deputation facilities to teachers for the purpose of training where such training is in the interest of the institution;
- (j) framing of rules and regulations regarding attendance and conditions of service including age of retirement, subject to the approval of the Governing Body;
- (k) fixation of rates of fees, fines, etc., and realisation of the same for both curricular and co-curricular activities and other purposes relating to the welfare of the students and the institution as a whole;
- (l) dealing with all other matters in respect of which authority has been delegated to the School Committee by the Founder Body of the institution.

(2) Subject to the direction of the State Government, in respect of every aided institution, the School Committee shall have power—

- (i) to determine the number of teachers and non-teaching employees;

- (ii) to prescribe the scales of pay and allowances and qualifications for recruitment;
- (iii) to prescribe the minimum rates of tuition fees;
- (iv) to approve appointment of teachers;
- (v) to frame rules and regulations for payment of pension;
- (vi) to prescribe the age of retirement;
- (vii) to fix the maximum number of students in the institution and in each class.

8. **Quorum:** Five members shall form a quorum for a meeting of the School Committee.

9. **Documents:** (1) The Secretary of the School Committee shall maintain the records, conduct the official correspondence and keep the minutes of the proceedings of the School Committee.

(2) The Secretary of the Governing Body of the Founder Body shall be in charge of the invested funds, title deeds and other legal documents in respect of all properties acquired for the school and vested in the Governing Body.

(3) The Secretary of the School Committee shall be in charge of all other invested funds, title deeds and other legal documents in respect of all properties, acquired for the school and vested directly in the School Committee.

(4) All books, records and registers relating to the school may be open to inspection by the members of the School Committee, or any person authorised by the West Bengal Board of Secondary Education, the Education Directorate or the Education Department, Government of West Bengal.

(5) Unless otherwise directed by the Founder Body, the accounts of the Institution shall be operated jointly by the Secretary and Joint Secretary and all bank transactions shall be operated over the signature of the Secretary.

10. **Headmaster, Assistant Headmaster:** (1) The Headmaster or Headmistress and Assistant Headmaster or Assistant Headmistress shall be appointed by the Founder Body.

(2) Subject to the general control and supervision of the school Committee, the Headmaster or Headmistress shall be responsible for the internal management of the School, including supervision of classes, tone and discipline, School time-table, school library, furniture and equipment, admissions and class-promotions and granting of casual leave to the pupils.

(3) The Assistant Headmaster or Assistant Headmistress shall assist the Headmaster or Headmistress in the internal management of the school, as shall be determined by the School Committee.

11. **Appointment, confirmation, dismissal, appeal and termination:** (1) In all cases of appointments, permanent or temporary, the School Committee shall issue letters of appointment specifying the terms and conditions governing such appointments, when a permanent appointment is made the selected candidate shall be on probation for a specified period, ordinarily not exceeding one year, after which he or she may not be confirmed, as determined by the School Committee. In the absence of communication of any decision to the contrary, an employee shall be deemed to have been confirmed on the expiry of the period of probation.

Where the Committee thinks it necessary, the probationary period of an appointee may be extended up to a period not exceeding one year, or his services terminated if his performance during such extended period is not satisfactory. In either case he or she may appeal to the Governing Body of the respective school. The decision of the Body in such cases shall be final. In any such case the decision of the School Committee shall be notified in writing to the employee on probation, at least six weeks before the expiry of the period of probation.

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(2) No permanent employee shall be dismissed except after giving him or her an opportunity to defend himself or herself and in such cases the employee concerned may appeal to the Governing Body or such body which the Governing Body may appoint, against the decision. The decision of the Governing Body or such Body which the Governing Body may appoint as the case may be, shall be operative. But the Director of Public Instruction, West Bengal, shall have the right to call for all relevant papers relating to an employee who is dismissed. If the Director of Public Instruction, West Bengal, is not satisfied with the decision of the Governing Body, he may then advise the Governing Body for reconsideration of their decision. The final decision, however, shall lie with the Governing Body or such body which the Governing Body may appoint, as the case may be, except in the case of employees of institutions receiving aid from the State Government in any form, in which case the decision of the Director of Public Instruction, West Bengal, shall be final.

(3) The services of a permanent employee may be terminated with three months' notice on either side or in lieu thereof three months' pay. Neither side need show any reason in such cases. For termination of service of a temporary employee or an employee on probation, one month's notice or in lieu thereof one month's pay shall be given. But the Director of Public Instruction, West Bengal, shall have the right to call for all relevant papers relating to such cases and see if the action taken is consistent with the terms and conditions of appointment.

NOTE: These rules shall apply mutatis mutandis in the cases of Headmaster/Headmistress and Assistant Headmaster/Assistant Headmistress.

12. **Suspension:** The School Committee may suspend any employee—

- (a) where a disciplinary proceeding against him or her is contemplated or pending; or
- (b) where, on account of a criminal charge against him or her, an investigation is proceeding or he or she is undergoing trial in a court of law.

NOTE: During the period of suspension the employee shall be allowed pay and allowances as admissible under the West Bengal Payment of Subsistence Allowances Act, 1969 (West Bengal Act XXXIII of 1969).

13. **Assets:** All assets created partly or wholly out of Government grants shall be managed and also disposed of, in accordance with the conditions on which the respective grants were sanctioned.

14. **Sub-Committees:** The School Committee may appoint and delegate all or any powers of the School Committee to Sub-Committees or Committees consisting of such member or members of the School Committee and/or others, as the School Committee may from time to time deem necessary or expedient.

The School Committee may also remove any such Sub-Committee, or any member thereof, as and when considered necessary, by the School Committee.

15. **General application of the rules:** In the matters not specified herein, the School Committee shall exercise powers in conformity with the general directions of the Founder Body, and also in conformity with the provisions of the rules or orders issued by the State Government or any other authority competent to do so under the provisions of any Act or rules framed thereunder.

16. **Amendment of these rules:** These rules may be altered, revised or amended according to the exigencies of the circumstances subject to the mutual agreement between the West Bengal Association of Christian Schools and the State Government.

