

Management of Recognized Non Government Institutions (Aided and Unaided) Rules, 1969 with all Amendments

Rules for Management of Recognized Non-Government Institutions (Aided and Unaided) 1969, as per Government Notification No. 1598-Edn(S) dated 15th July, 1969, published in the Extraordinary issue of the Calcutta Gazette dated July 15, 1969, including the amendments made thereto in State Government Notification No. 41-Edn(S)/8B-12/72 dated 8th January 1974 published in the Extraordinary issue of the Calcutta Gazette dated 11th January, 1974, Government Notification No. 1541-Edn(S) dated December 15, 1977 and Government's Notification No. 2675-Edn(S) dated December 19, 1978 and amendments made under State Government's Notification No. 855-Edn(S) dated December 23, 1980 and published in the Extraordinary issue of Calcutta Gazette dated January 5, 1981, Notification No. 640 Edn(S) dated June 26, 1981. Notification No. 114-Edn(S) dated 3rd March 1982 and Notification No. 777-Edn(S) dated 9th August, 1984.

1. SHORT TITLE

These rules may be called the Management of Recognized Non Government Institutions (Aided and Unaided) Rules, 1969.

2. DEFINITIONS

In these rules unless there is anything repugnant to the context-

(a) "the Act means the West Bengal Board of Secondary Education Act, 1963 9West Bengal Act V of 1963), as amended;

(b) Institution means an institution as defined in clause (c) of Section 2 of the Act and recognized under the Act or within the meaning of the West Bengal Secondary Education Act, 1950 (West Bengal Act XXXVII of 1950);

(c) "Committee" means Managing committee as defined in clause (d) of Section 2 of the Act;

(d) The expression 'Board and Head of institution' shall have the same meaning as in the Act;

(e) "Director" means the Director of School Education, West Bengal;

(ee) "Executive Committee" means the Committee Constituted under clause (aa) of Section 18 of the Act;

(f) "Non-Government" in relation to an Institutions means an Institution which is not maintained or managed by the State Government, the Union Government or the Railway Board;

(ff) 'Sanctioned post' means the post of teaching or non-teaching staff sanctioned by the Director or by an officer authorized by him in this behalf;

(g) "Sponsored Institution" mean an Institution which is declared as such by the State Government by a Notification published in Official Gazette;

Provided that an institution shall not be declared as a sponsored institution unless it is -

(i) Established by the State Government with or without aid or co-operation from others, or

(ii) taken over by the State Government with the constant of the majority of persons for the time being in charge of its management for its being maintained by the State Government insofar as its financial deficit is concerned, completely by grant-in-aid.

3. COMMITTEE

Every recognized Non-Government Institution shall have a Committee to be constituted in the manner for the purpose here in after appearing.

NOTE: Higher Secondary Classes, namely Class XI and XII recognized by the West Bengal Council of Higher Secondary Education shall be treated as an integral part of the Institution under one and the same Committee and shall be governed by the rules prescribed hereunder.

4. REGISTER OF VOTERS

(1) A register of eligible voters for the constitution of the Committee shall be prepared by the Head of an Institution in consultation with the members of the existing Committee, if there is any, in a meeting to be convened by the Head of the Institution for the purpose, with clear days' notice to be served by registered post with acknowledgement due and shall after such consultation, be revised annually. The register shall provisionally closed on the 15th day of March every year. It shall be open to public inspection for at least one month from that date and shall be finally closed on the last day of April every year with such revision as may be made by the head of Institution in consultation with the members of the Committee. In case there be any dispute between the Head of Institution and the majority of the members of committee, the matter shall be referred to the District Inspector/Inspectress of Schools concerned and his/her decision in the matter shall be final.

(2) In the year which an election for the constitution or reconstitution of the Committee falls due, such register of eligible voters shall be provisionally closed and the electoral rolls published simultaneously on the notice board of the institution not less than one month before the date of selection. The register of eligible voters shall be finally closed not less than fifteen days before the date of election with such revision as may be made by the Head of Institution in consultation with the member of Committee. In case of dispute between the Head of Institution and majority of the members of the Committee, the procedure laid down in sub rule (1) shall be followed,

(2a) The programme in detail for the purpose of holding election for constitution or reconstitution of the Committee shall be prepared by the Head of the Institution and got approved by the Committee. The election programmed and provisional voters 'list shall be got approved by the Committee in the meeting to be convened by the Head of the Institution for the purpose.

(2b) in case Head of the Institution fails or neglects to convene the meeting for the purpose of approving the election programmed in detail for holding election for the reconstitution of the Committee or to conduct election as per approved election programmed, the Secretary, with approval of the Committee, shall forthwith report the matter District Inspector of Schools concerned. The District Inspector of the Schools may, after due consideration, entrust all work pertaining to the election of the Committee including the preparation of voter's list, duties of Scrutiny officers, or appointment of Election Officers, etc. to the Assistant Headmaster/ Assistant Headmistress, or if there be no Assistant headmaster/ Assistant Headmistress, to the senior most approved Assistant teacher of the Institution, and in that event actions may be taken against the Head of Institution by the Committee in terms of Clause (via) of sub rule (9) of Rule 28:

Provided that where Head of Institution fails to get the election programmed and/or voters' list approved by the Committee in time due to lack quorum or for other reasons beyond his/her control, the election program and the voters 'list may be get approved by the District Inspector of Schools concerned. The District Inspector of Schools, before approving the election programme, shall satisfy himself about the correct position of the case.

(2c) In the event case referred to in sub rule (2b), the Board shall have the power to appoint a Scrutiny Officer, and/or Election Officer, if necessary, to perform the work relating to the election for reconstitution of the Committee at all stages and shall give such direction, as may be necessary, for the holding of election for constitution or reconstitution of the Committee of the Secondary Schools.

(3) After the election has been completed the register shall be reopened for making fresh entries.

5. PARTICULARS IN THE REGISTER OF VOTERS

The Register of eligible voters shall contain the names of (i) all guardians whose names are entered as such in the Admission Register (ii) founders of the Institution who been recognized as such from the inception of the institution.

Explanation – For the purpose of this rule -

(1) An employee of the institution who is also a guardian, or founder shall be entitled to have his name registered as a guardian or as a founder, as the case may be, but shall not be eligible to stand for election to any of the categories other than category (v) referred to in Rule 6, although he/she shall have the right to vote as guardian or under, as the case may be;

(2) [Omitted Vide Notification No. 777 Edn(S) dt. 9.8.1984]

Note: (a) the term “guardian” means father or mother, or, in the absence of both by death or disappearance, one of the following relations in the order stated, namely grandfather, grandmother, brother, sister, paternal uncle and maternal uncle. In the absence of all such relations, any other relation with whom ward is actually residing shall be the guardian. But no one shall be the guardian if he/she is below 21 years of age and whose name does not occur in the admission Register.

(b) the term ‘founder’ means a person who has been recognized as such by the First Committee of the Institutions constituted according to the rules after recognition by the appropriate authority, and his/her name has occurred as founder in the voters’ list for constitution and successive reconstitution, if any, of the Committee since its inception and on the death of founder, his/her son or other heir shall not be entitled to be treated as founder unless his/her right to be so treated has been recognized in any registered deed executed by the founder and accepted by the First Committee as aforesaid and approved by the University of Calcutta or the West Bengal Board of Secondary Education. In case of any dispute, the matter shall be referred to the executive Committee whose decision thereon shall be final.

6. COMPOSITION OF THE COMMITTEE OF AN INSTITUTION OTHER THAN THAT SPONSORED BY THE STATE GOVERNMENT

The Committee shall consist of the following members:-

(i) one founder to be chosen in the manner provided in Rule 6A;

(ii) one Life –Member, if any, to be selected or nominated in the manner laid down in Rule 6A;

(iii) four guardians in the case of institutions having classes XI and XII recognized by the West Bengal Council of Higher Secondary Education and/or X-Class High Schools and two guardians in the case of Junior High Schools, to be elected or nominated, as the case may be, in the manner laid down in sub-rule (2) of Rule 6A;

(iv) one person interested in education (to be opted) in the manner laid down in clause (i) of sub rule (3) of Rule 6A:

Provided that in case of an institution located within the jurisdiction of a Panchayat, one person interested in education shall be nominee of the local Panchayat Samity. The person so nominated shall be resident of the locality within the jurisdiction of the said Panchayat Samity;

(v) three teaching staff except Head of an institution and one non-teaching staff in case of an institution with Higher Secondary Classes (XI and XII) recognized by the West Bengal Council of Higher Secondary Education and/or a X-class High School and two members from among the teaching and non-teaching staff in the case of Junior High School, to be elected in the manner prescribed in Clause (i) of sub-rule (4) of Rule 6A;

(vi) one member of the Committee shall be nominated by the Director or by an officer authorized by him in this behalf;

(vii) Head of the institution (ex-officio).

Provided that no person shall be eligible to represent more than one category.

6A. MANNER OF INFORMATION OF COMMITTEE

(1) Person whose names are entered in the register of eligible persons as founder shall be the member of the Committee, one at a time by rotation, according to the procedure to be determined by the Director or by an officer authorized by him in this behalf:

(i) If a person has paid not less than Rs. 20000/- or its equivalent to the Institution, he shall be Life-member of the Committee during his life time or shall have right of nominating a person as a member on the Committee. But a person who has donated Rs. 10,000/- or more in case or kind immediately preceding the date of issue of Notification No. 855-Edn(S), dated the 23rd December, 1980, Shall, however, continue as a Life-Member of the Committee :

Provided that when there are more than Life-Member and the Life-member selected by the rotation by the director or by an officer authorized by him in this behalf, declines to serve on the Committee, the Director or the officer authorized by him in this behalf may select any other Life-member from the panel, who is willing to serve on the committee;

(ii) A person nominated by a Life-Member shall cease to be a member of the Committee on the death of the Life-Member;

(iii) [omitted vide notification No. 777-Edn(S) dt. 9.8.1984]

(2) Persons whose names are entered in the register of eligible voters as guardians shall elect from among themselves to the Committee four members in case of Schools with Higher Secondary Classes (Classes XI and XII) recognized by the west Bengal Council of Higher Secondary Education and or X-class High Schools and two members in the case of Junior High Schools:

Provided that incase of Girls' Institution, one of the seats for guardians, where there is one or more female guardians, shall be reserved for a woman and if no female guardian is elected, the seat shall be filled up by nomination from among the female guardian included in the voters 'list in the category of guardians by the District Inspector of Schools concerned.

Provided further that the member to be nominated by the District Inspector of Schools under the first proviso shall be placed by the District Inspector of Schools concerned within thirty days from the date of election of members from different categories. The head of the institution shall, in case of default on the part of the District Inspector of Schools, inform the Executive Committee of the matter immediately after the expiry of the period referred to above and, in that event the Executive Committee shall take such action in consultation with the Director as it deems fit.

(3) (i) one person interested in education shall co-opted in the meeting convened for the purpose of co-option by the elected, nominated and ex-officio-members and the Life-Member, if any of the newly-constituted Committee provided that the person concerned expresses his/her consent before such co-option in writing to the Head of Institution for serving on the Committee as co-opted member. Such co-opted member shall enjoy all the rights of duly-elected member of the Committee and shall be eligible for election as office-bearer.

Provided that in the case of an Institution situated within the jurisdiction of a Panchyat, a person interested in education shall be nominated by the Local Panchyat Samity.

Provided further that the member to be nominated by the Local Panchayat Samiti under the first proviso shall be placed by the Local Panchayat Samiti within thirty days from the date of election of the member from different categories. The Head of Institution shall, in case of default on the part of the Local Panchayat Samiti, inform the Executive Committee of the matter immediately after the expiry of the period referred to above and, in that event the Executive Committee shall take such action as it deems fit.

(ii) the Head of newly recognized institution shall prior to the election of office bearers, convene a meeting of the elected, nominated and ex-officio members and the Life member, if any, of the newly constituted Committee and consider the name(s) of founder(s) of the institution as required clause (b) of the Note below rule 5:

Provide that in case of an institution in an urban area, the Head of newly recognized institute shall, prior to the date of election of office bearers, also consider the name(s) of founder(s) of the institution and approve the same as indicated in clause (b) of Note below rule 5, at a meeting of the elected, nominated and ex-officio members and Life member, if any, convened for the purpose of cooption of a person interested in education as provided in clause (i) of sub rule (3) of rule 6A.

(4) (i) The members of teaching and non-teaching staff of an Institution shall elect jointly three members from among the teaching staff (except the Head of an Institution and one member from among the non-teaching staff to the Committee, if it is an Institution with Higher Secondary Classes (XI and XII) recognized by the West Bengal Council of Higher Secondary Education and or a X class High School, and those of a Junior High School shall elect jointly two members from among the teaching staff to the Committee.

Explanation:-

Members of the teaching and non-teaching staff mean whole time members of the teaching and non-teaching staff working against sectioned post or additional sanctioned post, including probationers who have completed at least four months' continuous service on the date of election.

(ii) Immediately after the election, the same electorate shall elect to the Finance Sub-Committee one member from among the members elected to the Committee under clause of sub rule (4).

(5) In case of any dispute the matter shall be referred to the Executive committee whose decision in the matter shall be final.

Rule 7 Omitted.

8. POWER OF THE EXECUTIVE COMMITTEE TO APPROVE AND SUPERSEDE COMMITTEE, APPOINT ADMINISTRATOR OR ADHOC COMMITTEE AND TO GRANT SPECIAL CONSTITUTION

(1) The constitution of committee shall be subject to the approval of the Executive Committee and the Executive Committee shall have the power to supersede a Committee that has, in its option, not been

functioning properly and to appoint an Administrator or an Ad-hoc Committee to exercise the powers and perform the function of the Committee:

Provide that before superseding Committee under this rule the Executive Committee shall have due regard to the report of the Director and shall afford a reasonable opportunity to the Committee to present its case before the Executive Committee:

(1a) The Executive Committee shall have also power to appoint an Administrator or ad-hoc Committee in respect of any institution where the term of the Committee has expired, but the Committee has not been reconstituted for any reason whatsoever.

(2) An Administrator or ad-hic Committee, appoint under sub-rule (1) or sub-rule (1a), shall exercise the power and perform the functions of the superseded Committee or of the Committee whose term has expired, as the case may be, ordinarily for one year and the Executive Committee may, by order, extend in special circumstances, the term of office of the Administrator or the Ad-hoc Committee, as the case may be, by a further period, not exceeding six months at a time so, however, that the total period shall not exceed two years and the Administrator or the Ad-hoc Committee, as the case may be, shall take steps to reconstitute the Committee under these rules before expiry of the term of office of the administrator or the Ad-hoc Committee, as the case may be.

In exceptional circumstances which are beyond the control of the Administrator or the Ad-hoc Committee, the term may, on the application of the Administrator or the Ad-hoc Committee, be extended by the Executive Committee for such period as the Executive Committee deems fit.

(3) Notwithstanding anything contained in these rules, the Executive Committee shall have the power to approve. On the application of any institution or class of Institutions, of the special constitution of a Committee in favour of such Institution or class or Institutions and in approving the special constitution of a Committee. The Executive Committee shall pay due regard to the recommendations of the Director, if any. While granting special constitution in favour of an Institution or a class of Institutions, the Executive Committee shall ensure that representation of the members of the teaching and the non-teaching staff, guardians and the member nominated by the Director or an office authorized by him in this behalf, is made according to clause (iii), clause (v) and clause (vi) of Rule 6:

Provided that if Executive Committee is of opinion that a school enjoying special constitution has not been functioning properly, the Executive Committee may, after paying due regard to the recommendation of the Director, if any, amend or withdraw such special constitution of Committee and in that event, the Executive Committee may, by order, appoint an Administrator or an Ad-hoc Committee, as the case may be, to exercise the powers and perform the functions of the Committee for such period as may be specified in the order.