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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
DEPARTMENT OF HIGHER EDUCATION
(INTEGRATED LAW CELL)
BIKASH BHABAN, SALT LAKE,
KOLKATA-700091

No. 404-L/OM-143L/2019

Date: 09.12.2019

NOTIFICATION

In exercise of the powers conferred by section 17 of the West Bengal Universities and Colleges (Administration and Regulation) Act, 2017 (West Ben Act VII of 2017), the Governor is pleased hereby to make the following rules:—

Rules

1. Short title and Commencement :—

- (1) These Rules may be called the West Bengal State Universities (Terms and Conditions of Service of the Vice Chancellors & the Manner and Procedure of Official Communication) Rules, 2019.
- (2) They shall come into force on the date of the publication in the *Official Gazette*.

2. Definitions:—

- (1) In these Rules, unless the context otherwise requires:—

- (a) “Act” means the West Bengal Universities and Colleges (Administration and Regulation) Act, 2017;
- (b) “appointing authority” shall mean the Vice Chancellor for teachers and the Registrar, for non-teaching employees;
- (c) “Chancellor” means the Chancellor of the University, as defined under the provisions of the Constituting Act of the University;
- (d) “Constituting Act” means an Act passed by the Legislature of the State of West Bengal for the purpose of incorporation and establishment of a State-aided University;

- (e) "Court" means the Court of a University and includes the Senate of a University;
- (f) "Department" means the Higher Education Department, Government of West Bengal;
- (g) "employee" means an employee of a University which includes a teacher, librarian, officer, and non-teaching employee for the purpose of these rules;
- (h) "Executive Council" means the Executive Council of a University and includes the Syndicate;
- (i) "Governing Board" means the Governing Board of a University constituted in the manner provided in the Constituting Act of a University;
- (j) "Minister" means the Minister-in-Charge of the Higher Education Department, Government of West Bengal;
- (k) "Secretary" includes the Additional Chief Secretary or the Principal Secretary or the administrative Head of the Department, as the case may be;
- (l) "State" means the State of West Bengal;
- (m) "Statutes, Ordinances and Regulations" shall respectively mean the Statutes, Ordinances and the Regulations of the University concerned;
- (n) "University" means a State-aided University constituted by an Act of State Legislature;
- (o) "Vice Chancellor" includes the first Vice Chancellor and the Pro-Vice Chancellor of the University.
- (2) Any word or expression used in these rules but not defined shall have the same meaning assigned to them in the Act or any other Constituting Act of the University.

3. Office of the Vice Chancellor/ Pro-Vice Chancellor:—

- (1) The Office of the Vice Chancellor shall be deemed to be a Public Office and shall remain open on all week days, except holidays.
- (2) The Vice Chancellor may, in his discretion keep open his office on any holiday if he considers that an urgent business in relation to the University is required to be done.
- (3) All employees of the University shall assist to the Vice Chancellor and the Pro-Vice Chancellor in performing all his works and duties as prescribed under the Act as and when the Vice Chancellor and the Pro-Vice Chancellor so requires.
- (4) During the absence of Vice Chancellor from his Office, either by reasons of leave, illness or otherwise, the charge of the Office of the Vice Chancellor shall be given to a Pro-Vice Chancellor, and if not available, the charge shall be given to another Vice Chancellor or Pro-Vice Chancellor of a nearby State-aided University with the approval of the State Government. If they are not available, the charge shall be given to the senior most Dean of the University, and if he is not available, to the senior most Professor of the University, with the intimation to the Department.
- (5) The person holding charge of the Office of the Vice Chancellor shall only discharge to do the routine functions of the University but shall not hold any meeting of the Senate/Court/ Governing Board or the Syndicate/ Executive Council of the University without prior permission of the State Government.
- (6) All decisions taken by the person holding the charge of the Office of the Vice Chancellor under sub-rule (4), shall require ratification by the Vice Chancellor, failing which such decision shall cease to have effect.
- (7) During absence of the Pro-Vice Chancellor from his Office either by reasons of leave, illness or otherwise, the Vice Chancellor shall handover charge of the Office of the Pro-Vice Chancellor to the senior most Dean of the University, and if he is not available, to the senior most Professor of the University, with an intimation to the Department.

4. Duties and functions of the Pro-Vice Chancellor:—

- (1) The emoluments and terms and conditions of service of the Pro- Vice Chancellor shall be as per the Government orders for the time being in force.
- (2) Subject to the provisions of the Constituting Act, the Pro-Vice Chancellor shall:—
 - (a) assist the Vice Chancellor in the academic administration pertaining to the Postgraduate and Undergraduate studies and research;
 - (b) suggest proper measures to be taken for efficient management of Postgraduate and Undergraduate studies and draw up specific schemes for its improvement and expansion;
 - (c) have the right to be present at and address any meeting of the academic bodies or committees relating to the Postgraduate and Undergraduate studies but he shall not be entitled to vote in such meeting unless he is a member in such body;
 - (d) coordinate the activities in respect of moderation of question papers pertaining to Postgraduate and Undergraduate examinations and take necessary steps for printing the same;
 - (e) assist the Vice Chancellor in such other matters as may be specified by the Vice-Chancellor. He shall also exercise such powers and perform such duties as may be delegated to him by the Vice-Chancellor;
- (3) Where the Vice-Chancellor is the Chairman of any body or committee of the University and he is absent for any reason whatsoever from any meeting of such body or committee, the Pro- Vice Chancellor shall preside over such meeting;
- (4) On being authorized by the Vice-Chancellor in that behalf, he shall be entitled to be present at and to address any meeting of any authority, body or committee of the University but shall not be entitled to vote in such meeting unless he is a member of such body or authority or committee:

Provided that if the Pro- Vice Chancellor is a member of such authority, body or committee, such Pro- Vice Chancellor shall have all the rights and privileges of a member thereof.

5. Terms and condition of service of the Vice Chancellors and the Pro-Vice Chancellors of State- aided Universities:-

- (1) There shall be a Service Book to be maintained in the University and a copy of which shall be kept in the Department for all the Vice Chancellors and the Pro-Vice Chancellors of the University and shall be updated periodically, both in the University and in the Department.
- (2) The Service Book shall contain the details regarding joining in the post of Vice Chancellor, or a Pro- Vice Chancellor, as the case may be, emolument received, leave taken, details regarding academic and administrative performances, details regarding visit to various academic and administrative programme, details regarding foreign visit and such other things as may be directed by the State Government from time to time.
- (3) The Service Book maintained for the period of the tenure of a Vice Chancellor or a Pro-Vice Chancellor shall be part of his original Service Book maintained with his parent employer and shall be taken into account for all purposes.
- (4) The Vice Chancellor shall on his attaining the age of usual superannuation from his parent service may at his option, receive pension and other retirement benefits from the University where he is so appointed.
- (5) After expiry of the period of usual superannuation, if a person appointed or reappointed as the Vice Chancellor, his pay and allowances shall be fixed in a manner similar to that of the employees of the State Government who has been reemployed after attaining the date of usual superannuation.
- (6) Every Vice Chancellor and the Pro-Vice Chancellor shall be entitled to thirty days Earned Leave and fourteen days Casual Leave in a Calendar year.

- (7) The Vice Chancellor and the Pro-Vice Chancellor shall also be entitled to all other leaves as enjoyed by other Officers of the University.
- (8) All kinds of leave enjoyed by a Vice Chancellor or the Pro-Vice Chancellor shall be recorded in their Service Book.
- (9) All application for leave, except casual leave, shall be made at least seven days prior to the intended days of leave sought either in writing, or in electronic form to the Department.

6. Obligations of the Vice Chancellor:—

- (1) No prior permission of the Department shall be necessary if the Vice Chancellor or the Pro Vice Chancellor of any State-aided University desires to move beyond the territorial jurisdiction of the State of West Bengal for any official business or otherwise for a period not more than seven days including holidays:

Provided that the Vice Chancellor or the Pro Vice Chancellor concerned shall be required to send an intimation in advance, in writing to the Department for his intended visit:

Provided further that in every case prior permission of the State Government is necessary if such movement is for more than seven days including holidays.

- (2) In every case, prior permission of the Chief Minister to the Government of West Bengal shall be necessary if any Vice Chancellor or the Pro Vice Chancellor desires to move outside India for any reasons whatsoever.
- (3) No Vice Chancellor shall execute or sign or cause to be signed by any person associated with the University, any Memorandum of Understanding (MOU) or agreement with any person or any Institute of Learning or with any other authority on behalf of the University without the prior approval of the Department.
- (4) Every Vice Chancellor visiting any Indian or foreign University or any Institute of Learning for any academic or administrative purpose for and on behalf of the University with which he is associated, shall submit a detailed report to the Department with the copy to Minister immediately after his return.

7. Procedure regarding conducting enquiry, issuing show cause or taking any penal measures against the Vice Chancellor and the pro-Vice Chancellor:—

- (1) On receipt of a complaint against any Vice Chancellor or Pro-Vice Chancellor, the Department may, if it considers necessary, constitute a one man Enquiry Committee by the Vice Chairman (Academic) of the West Bengal State Council of Higher Education or the Vice Chancellor of any other State-aided University to conduct a preliminary enquiry into the allegations levelled against the Vice Chancellor or the Pro Vice Chancellor concerned.
- (2) The Committee so constituted shall submit its report to the Department within thirty days from its constitution, in respect of such complaint.
- (3) If upon consideration of the preliminary enquiry report, the Department proposes to initiate disciplinary proceeding against a Vice Chancellor or Pro Vice Chancellor, the Department shall draw up a Charge sheet containing the article of charges, statement of imputation of charges, list of documents proposed to be relied upon, and a list of witness to prove the charges and serve the same upon the charged official.
- (4) On receipt of the written statement of defence, if the Department is not satisfied with the reply, the Department shall appoint an Enquiry Officer to conduct an inquiry into the charges leveled against the Vice Chancellor or Pro-Vice Chancellor. If the Department is satisfied with the written statement of defence, no further steps need to be taken.
- (5) Other procedure of conducting Disciplinary proceedings shall be similar to that of the procedure followed in case of Government employees in the rank of Group 'A'.
- (6) The findings of the Inquiry Officer shall be submitted to the Department as early as possible for consideration.

- (7) If the Inquiry Officer returns a finding that the charges are proved, the Department shall record reasons for accepting or not accepting such finding partially or in its entirety. However, if the Inquiry Officer returns findings of innocence in favour of the Vice Chancellor or the Pro-Vice Chancellor and the Department disagree with the finding, the Department shall give its reasons for such disagreement.
- (8) The Department may thereafter communicate its decision on the findings of the Inquiry Officer to the Chancellor for taking necessary action.
- (9) If the Chancellor expresses his disagreement with the decision of the Department, he shall submit his reasoning of such disagreement in writing and revert back to the Minister for reconsideration.
- (10) The Minister shall again communicate his recommendation to the Chancellor's reference made under sub-rule (8), with or without modification, as he deems fit and such decision of the Minister shall be approved by the Chancellor.
- (11) If the decision approved by the Chancellor goes against the Vice Chancellor or Pro Vice Chancellor, the report of the Inquiry Officer, reasons recorded by the Department on the inquiry report, the reasons for disagreement of the Chancellor and the recommendation of the Minister shall be served upon the Vice Chancellor or the Pro-Vice Chancellor, calling upon him to submit his written submission on all the documents and to show cause within fifteen days as to why he shall not be removed as the Vice Chancellor or Pro Vice Chancellor of the University.
- (12) If the Department is satisfied with the reply of the Vice Chancellor or Pro Vice Chancellor, all further proceedings will be dropped and he shall be informed accordingly. In case of dissatisfaction, the Department shall issue appropriate order as it deems fit.
- (13) If the Vice Chancellor or the Pro Vice Chancellor is not satisfied with the action taken, he may prefer an appeal before a Tribunal to be constituted by the State Government for this purpose.
- (14) The constitution, powers and functions of such Tribunal mentioned under sub-rule (13) shall be such as may be determined and notified by the State Government, from time to time.

8. Mode of communication by the Chancellor and Vice Chancellors with the State Government:-

- (1) Notwithstanding anything contained in any Statutes, Ordinances, and Regulations or in any rules, customs or usages to the contrary for the time being in force, in every case, all communications proposed to be made to the Chancellor by the Vice Chancellor, of a State-aided University, shall be addressed to the Secretary of the Department.
- (2) Notwithstanding anything contained in any Statutes, Ordinances, Regulations, rules, customs or usages to the contrary for the time being in force, the meeting of the Senate/ Court or the Syndicate/ Executive Council or the Governing Board or of any other Bodies or authorities of the University, as the case may be, shall be convened by the Vice Chancellor with an intimation to the Department and the Department, may intimate the same wherever necessary, to the Chancellor for record.
- (3) Notwithstanding anything contained in any Statutes, Ordinances, Regulations, rules, customs or usages to the contrary for the time being in force, all notice regarding Convocation shall be brought to the notice of the Department.
- (4) Notwithstanding anything contained in any Statutes, Ordinances, Regulations, rules, customs or usages to the contrary for the time being in force, all proposals for conferring any Honorary Degree to any person shall be placed before the Department for concurrence the Department shall send the list of awardees to the Chancellor for his confirmation.
- (5) Every communication proposed to be made by the Chancellor to any State-aided University shall be routed through the Department and action on such communication shall be taken once the same is endorsed by the Department. However, there shall be no Chancellor's Secretariat.

- (6) Any complaint received by the Chancellor regarding the affairs of any State-aided University shall be forwarded to the Department and the Department, if deems fit, may cause an enquiry or investigation on such complaint and may recommend appropriate action to be taken in this regard as per procedure prescribed in rule (7).

9. Mode of consultation by the Chancellor with the State Government/Minister: –

For nominating any person in any Body or Authority or Committee of any University the mode of consultation by the Chancellor with the State Government/Minister shall be as follows:–

- (a) The Minister shall suggest at least three names for each nomination amongst which the Chancellor shall select one as his nominee in any Body or Authority or Committee of the University and shall communicate the same to the Minister in return.
- (b) If the Chancellor disagrees with the names proposed by the Minister, he shall record reasons in writing and revert back to the Minister.
- (c) The Minister shall communicate his views in writing as he considers necessary and in such case the Chancellor shall finalize his nominee from amongst the names provided by the Minister.
- (d) In case of appointment of the Vice Chancellor of a University, the Chancellor shall maintain the order of preference of names placed before him.
- (e) Notwithstanding anything contained in any Statutes, Ordinances and regulations of any University, the Chairman of any Body or Authority or Committee of any University shall be decided by the University in consultation with the State Government unless the same has been specifically provided in the Constituting Act of the University.

10. Interpretation:–

- (1) The State Government shall reserve its right to interpret any of provisions of these rules as and when considered necessary.
- (2) The State Government shall also reserve its right to do anything which it considers necessary to do, not inconsistent with the provisions of the Act; even in cases where these rules are silent.

By Order of the Governor,

Sd/-

Shri Manish Jain

Principal Secretary

To the Government of West Bengal.