

GOVERNMENT OF MEGHALAYA
EDUCATION DEPARTMENT

NOTIFICATION

Dated Shillong the 18th June, 2012

NO. EDN. 36/2010/148: In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Meghalaya is pleased to make the following rules for regulating the recruitment and conditions of service of persons appointed to the Meghalaya School Education Service.

THE MEGHALAYA SCHOOL EDUCATION SERVICE RULES, 2012.

1. Short title and commencement:

- (a) These Rules may be called the Meghalaya School Education Service Rules, 2012.
- (b) They shall come into force from the date of their notification in the official Gazette.

2. Definitions:

- (a) **'Appointing Authority'** means the Governor of Meghalaya;
- (b) **'Commission'** means the Meghalaya Public Service Commission;
- (c) **'Committee'** means the Departmental Promotion Committee constituted under Rule 7;
- (d) **'Government'** means the Government of Meghalaya;
- (e) **'Governor'** means the Governor of Meghalaya;
- (f) **"Grade"** means a grade of the service;
- (g) **'Member of the Service'** means member of the Meghalaya School Education Service;
- (h) **"Rules"** means the Meghalaya School Education Service Rules;
- (i) **"Schedules"** means the Schedule appended to these Rules;
- (j) **"Select List"** means the list prepared by the Committee;
- (k) **"Service"** means the Meghalaya School Education Service, and
- (l) **'Year'** means a Calendar Year;

3. Constitution of the Service:

There shall be constituted a Service consisting of the following persons, namely;

- (a) persons appointed to different posts in the service on or after 21st January 1972 but before the commencement of these Rules.
- (b) persons appointed to different posts in the service in accordance with the provisions of these Rules.

4. Composition and Strength of the Service:

(1)

(a) The service shall consist of the following Grades, namely,

- i. Selection Grade : Director (Cadre post of IAS/MCS).
- ii. Senior Grade I : Additional Director.
- iii. Senior Grade II : Joint Director.
- iv. Senior Grade III : Deputy Director/ District School Education Officer.
- v. Junior Grade I : Additional District School Education Officer/ Special Officer (Sc)/ Principal (Higher Secondary Schools)
- vi. Junior Grade II : Sub-Divisional School Education Officer/ Headmaster/ Headmistress/ Special Officer

(b) Each of the categories of posts shall form an independent cadre. Members of the lower cadre shall have no claim for appointment to any of the higher cadre except in accordance with the provisions made in these Rules.

(2) The Strength and composition of the Service and the nature of posts therein shall be as determined by the Governor from time to time.

(3) At the commencement of these Rules, the strength and composition of the Service and the nature of the posts therein shall be as shown in Schedule I and Schedule II.

5. Status: The status of the service shall be Gazetted.

6. Method of recruitment:

(1) Appointment to any post in Senior Grade I of the Service shall be made by promotion from amongst the members of the Service holding the next lower post(s) in the grade and those belonging to Senior Grade II as specified in the Schedule II and included in the Select List approved under sub-rules (d) and (e) of Rule 8.

Provided that if sufficient number of Officers who have rendered not less than 3 (three) of service in Senior Grade I are not available for filling up the vacancy or vacancies in Senior Grade-I, appointment may also be made by promotion from amongst the Officer(s) of Senior Grade II who have rendered not less than 5/7 years of service in Senior Grade II and Grade III combined together.

(2) Appointment to any post(s) in the Senior Grade II of the Service shall be made by Promotion from amongst the members of the Service holding the next lower post(s) in the grade and those belonging to Senior Grade III as specified in Schedule II and included in the Select List approved under sub-rules (d) and (e) of Rule 8.

Provided that if sufficient number of Officers who have rendered not less than 3 (three) years of service in Senior Grade III are not available for filling up the vacancy or vacancies in the Senior Grade II, appointment may also be made from amongst the Officer(s) of Senior Grade III who have rendered not less than 5 (five) years of combined service in Grade III and Junior Grade I combined together.

Provided further where sufficient number of Officers as specified in the Proviso above are not available, the Officers having the combined service of 20 (twenty) years at the Junior Grade-I having the Post Graduate qualification of recognised University/Institutes, may also be considered for the purpose of appointment/promotion to Senior Grade-II.

- (3) Appointment to any post(s) in Senior Grade III of the Service shall be made by promotion from amongst the members of the Service holding the next lower post(s) in the grade and those belonging to Junior Grade I as specified in Schedule II and included in the Select List approved under sub-rules (d) and (e) of Rule 8.

Provided that if sufficient number of Officers who have rendered not less than three years of service in Junior Grade I are not available for filling up the vacancy or vacancies in the Senior Grade III, the appointment may also be made from amongst the Junior Grade I who have rendered not less than 5(five) years of combined service in Junior Grade I and Junior Grade II.

- (4) Appointment to the post(s) Junior Grade I of the Service shall be made by promotion from amongst the members of the Service holding the next lower post(s) in the grade and those belonging to Junior Grade II as specified in Schedule and included in the Select List approved under sub-rules (d) and (e) of Rule 8.

Provided that if sufficient number of Officers who have rendered not less than 3 (three) years of service in Junior Grade II are not available for filling up the vacancy or vacancies in the Junior Grade I, the appointment may also be made from amongst the Junior Grade II who have rendered not less than 6/8 years of combined service in Junior Grade II and Vice-Principals of Higher Secondary Schools and/or Assistant Headmaster of Secondary Schools.

- (5) Appointment to Junior Grade II of the Service shall be made by the following methods:

(i) By promotion from amongst the members of Grade I of the Meghalaya School Service. The proportion of vacancies to be filled up in any year shall be as prescribed by the Government.

7. Departmental Promotion Committee:

(1) For the purpose of appointment by promotion under sub-rules (1) to (5) of rule 6 there shall be a Departmental Promotion Committee consisting of the following members:

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|--|-------------------|
| (1) Chief Secretary | -Chairman. |
| (2) Principal Secretary/ Commissioner & Secretary, Finance | -Member. |
| (3) Principal Secretary/ Commissioner & Secretary, Personnel | -Member. |
| (4) Director, School Education & Literacy | -Member. |
| (5) Director, Higher & Technical Education | -Member. |
| (6) Principal Secretary/ Secretary, Education | -Member Secretary |

(2) The Committee may invite any other persons to attend its meeting if and when considered necessary.

8. Procedure for preparing the Select List:

(a) At the beginning of each year the Appointing Authority shall refer to the Committee the approximate number of vacancies likely to occur in each cadre of the Service during the year. To enable the Committee to prepare the lists for promotion to those grade, the Appointing Authority shall furnish the Committee with the following documents, namely:

- i. A list of members of the Service drawn up in order of seniority and consisting three times the number of vacancies referred to in sub-rule (a),

Provided that such restriction shall not apply in respect of post where the total number of eligible persons is less than three times the number of vacancies and in such a case the Committee shall consider all the eligible officers.

- ii. The Character Rolls and Service Records of such members.
- iii. Any other documents and information as may be considered necessary by the Appointing Authority or required by the Committee.

(b) The Committee after examining the Character Roll, Service Records and other documents in respect of all such person, shall prepare a list based on seniority with due regards to individual merit and suitability. The number of persons to be included in the Select List shall be according to the actual number of vacancies available at the particular grade. The list shall be forwarded by the Committee to the Appointing Authority.

(c) The names of persons in the list shall be placed in order of preference for promotion. In every case where a junior member is selected in preference to his seniors the Committee shall record in writing the reasons for doing so.

(d) For the purpose of appointment by promotion under rule 6, the Appointing Authority shall consider and approve the list prepared by the Committee along with the Character Roll and

Service Records and other documents in respect of each person in the list unless it considers that any change is necessary. If the Appointing Authority considers that it is necessary to make any change in the list received from the Committee, it shall inform the Committee of changes proposed and after taking into account the comments, if any, of the Committee approve the list finally with or without modification as may in its opinion to be just and proper.

- (e) The list approved under rule (d) above shall form the Select List for the purpose of appointment by promotion under Rule 6.

9. Validity of the Select List:

- (a) The Select List shall remain in force for a period of one year unless its validity is extended by the Appointing Authority with the approval of the Commission;

Provided that such an extension shall not be for a total period exceeding six months;

Provided further, that in the event of any great lapse in the conduct of duties on the part of any person from the Select List, the Appointing Authority may, if it thinks fit, remove the name of such persons from the Select List in consultation with the Commission. The reasons for doing so shall be recorded in writing.

- (b) The Committee shall meet once a year to review the Select List.

10. Disqualification for appointment to the Service:

- i. No person who, after such medical examination as the Government may prescribe is not found to be in good mental or bodily health and free from any physical defects or infirmity which may render him unfit in the discharge of his duties shall be appointed to the service.

- ii. No person who has been convicted for any offence involving moral turpitude shall be appointed to the service.

- iii. No person who has more than one spouse living shall be eligible for appointment to the service;

Provided that the Governor may if he is satisfied that there are special grounds for doing so, exempt any person from the operation of sub-rule (iii).

- iv. No person who attempts to enlist support for his candidature either directly or indirectly by any recommendation either written or oral or by other means, shall be appointed to a post in the Service.

11. Appointment to posts in the Service:

- i. Appointment to any post in the Service under Rule 6 shall be made by the Appointing Authority and shall be published in the Meghalaya Gazette.

- ii. Appointment under Sub-Rules (1), (2), (3), (4), (5) & (6) of the Rule 6 shall be made in the order the names of candidates appear in the Select List approved under sub-rule (d) of Rule 8.

12. Probation:

Every person appointed under Rule 6 shall be on probation for a period of 2 (two) years;

Provided that the period of probation may for good and sufficient reasons be extended by the Appointing Authority in any individual case by a period not exceeding two years;

Provided further that where a person appointed to the post in the Service could not be placed under probation for want of permanent vacancy, any period which he has rendered in a temporary capacity may, having regard to his performance, be counted towards the period of probation.

13. Departmental Examination and Training:

- (a) Such persons referred to in sub-rule (b) of rule 3 and who have not passed the Departmental Examination conducted by the Commission and or have not undergone the training prescribed from time to time shall within a period of two years from the date of commencement of these rules shall complete successfully such prescribed training.
- (b) Every person appointed to posts in the Service after commencement of these Rules shall during the period of probation, shall complete successfully such training as may be prescribed by the Appointing Authority.

14. Discharge or reversion of a probationer:

A probationer shall be liable to be discharged from the post he/she holds in the service or reverted to the permanent post in which he holds a lien had he/she not been suspended under the rules applicable to him prior to his appointment to the post as the case may be, if:

- (a) He/she fails to make sufficient use of the opportunities given during the training or fails to give satisfactory performance during the period of probation, or
- (b) He/she fails to pass the Departmental Examination unless the Appointing Authority permits him to sit for re-examination in the subject or subjects in which he failed, or
- (c) On any information received relating to his/her nationality, age, health, character and antecedents, the Appointing Authority is satisfied that the probationer is ineligible or otherwise unfit for being a member of the Service.

15. Seniority:

- (a) The seniority in any group, of persons brought from the Central Government or from other State Governments on deputation and subsequently absorbed permanently under the Government of Meghalaya before or after the commencement of these Rules shall be determined with effect from the date such persons started serving continuously in that group as deputationist and will rank junior to the junior most person in position in that particular group at that particular time.

- (b) The interse seniority of the members of the Service appointed to different cadres shall be determined in the order in which their names appeared in the Select List approved under sub-rule (d) of Rule 8;
- (c) If confirmation of any member of the Service is delayed on account of his/her failure to qualify for such confirmation, he shall lose his position in order of seniority in that cadre vis-à-vis such of his juniors who may be confirmed earlier than him/her. His original position in that particular cadre shall, however, be restored on his/her confirmation subsequently.

16. Confirmation:

- (a) Confirmation of member of the Service appointed by promotion to Senior Grade I, Senior Grade II, Senior Grade III, Junior Grade I and Junior Grade II shall be made in the respective cadre according to his/her seniority in that cadre subject to the following conditions, namely:-
 - i. that he/she has served not less than one year in the post in which he/she is to be confirmed or in a similar post with identical pay scale.
 - ii. that his/her performance is satisfactory (to be judged on the basis of Annual Confidential Reports and other relevant records).
 - iii. that there is no departmental proceeding or vigilance enquiry against him/her.
 - iv. that the vacancy is available and no Officer holds a lien on it.
- (b) Confirmation of a probationer in a service shall be made according to his/her seniority in the service subject to the following conditions, namely:-
 - i. that he/she has completed the period of probation to the satisfaction of the Appointing Authority.
 - ii. that he/she has successfully undergone the training courses as may be prescribed by the Appointing Authority from time to time.
 - iii. that vacancy is available and no Officer holds a lien on it.

Provided that where a person is not given an opportunity to undergo the prescribed training during the period of probation his confirmation shall not be held up for reasons of not successfully undergoing the said training but such persons shall, when called upon by the Appointing Authority and opportunity given, successfully undergo that said training, failing which he shall be liable to be removed from service unless the Appointing Authority allows him other chances.

Provided further, that the Appointing Authority may, for good and sufficient reasons, exempt a member of the service from passing any one or more of the prescribed Departmental Examination and Training and confirm him in the respective cadre of the Service.

17. Gradation List:

There shall be prepared and published annually an up-to-date gradation list as on 1st January consisting of the names of all members of the service cadre-wise and drawn up in order of

seniority and other particulars relating to the date of birth and appointment to the service and such other details relevant to the service career shall be indicated against each name.

18. Time Scale of Pay:

- (1) Time Scale of pay admissible to the members of the service shall be as shown in Schedule I subject to revision by Government from time to time.

19. Increment:

- (a) The first increment admissible to a probationer shall accrue on the expiry of one year from the date of his joining the post but subsequent increment shall be allowed only on his passing the Departmental Examination completely and on his successful completion of the training courses as may be prescribed.
- (b) Such persons referred to in sub-rules (a), (b) and (c) of Rule 16 who have not passed the Departmental Examination or have not undergone the prescribed training shall be allowed to draw increment becoming due within a period of two years from the date of commencement of these Rules but further increments shall be allowed only on their passing of the Departmental Examination completely and on successful completion of the training course.
- (c) The pay of a member of the Service on his passing the Departmental Examination and/ or the prescribed training course shall be fixed at such a stage as if they had been allowed his usual annual increments due but he shall not be entitled to any arrear in pay on account of withholding of due increment during the period prior to the date of passing the Departmental Examination and/ or the prescribed training course.
- (d) The increment admissible to a member of the Service promoted from one post to another shall accrue as admissible under the relevant Rules.

20. Leave, pension etc. and other conditions of service:

Except as provided under these rules, all matters generally relating to leave, pension, discipline and other conditions of service shall be regulated by rules and orders made by the Government from time to time and applicable to other State Government from time to time and applicable to other State Government servants holding corresponding status.

21. Power of the Governor to dispense with or relax any Rule:

The Governor, if satisfied that the operation of any of the provisions of these Rules causes undue hardship in any particular case or cases or results in any particular post or posts being left unfilled for want of person(s) possessing the minimum experience as specified by these rules for promotion to such post(s), may dispense with or relax the requirement of any of these rules to such

extent and subject to such condition as he may consider necessary for dealing with the case in a just and equitable manner, or, for meeting the exigencies of public interest.

22. Interpretation:

If any question arises relating to the interpretation of these rules the decision of the Government in the Education Department with the approval of the Personnel & AR Department shall be final.

23. Repeal and saving:

All rules, orders, or notifications corresponding to and in force immediately before the commencement of these rules are hereby repealed:

Provided that all orders made or action taken under the rules, order or notification so repealed or any action taken in pursuant thereto shall be deemed to have been validly made or taken under the corresponding provisions of these rules.

SCHEDULE - I

[Rule 4(3)]

1. Selection Grade	1.
2. Senior Grade I	1.
3. Senior Grade II	2.
4. Senior Grade III	8.
5. Junior Grade I	25.
6. Junior Grade II	43.
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			80.
7. Deputation Reserve at 20 percent:			16.
8. Leave Reserve at 10 percent:			8.
9. Training Reserve at 10 percent:			8.
			<hr/>
Total authorised strength:			112.

SCHEDULE II-

[Rule 4(3)]

Sl. No.	Service/Post	Time scale of pay
1	<u>Selection Grade</u> Director:	` 31300-940-37880-1110-46760/-
2	<u>Senior Grade - I</u> Additional Director:	` 28700-860-35580-1050-43980/-
3	<u>Senior Grade - II</u> Joint Director:	` 26700-800-33100-1000-42100/-
4	<u>Senior Grade III</u> Deputy Director: District School Education Officer:	` 23300-700-27500-830-32480-970-39270/-
5	<u>Junior Grade - I</u> Addl. District School Education Officer: Special Officer (Sc. Education) / Principal (HSS): (other than Principal, Pine Mount School)	` 18300-500-21800-EB-650-27000-810-35100/-
6	<u>Junior Grade - II</u> Sub-Divisional School Education Officer/ Headmaster/ Headmistress of Secondary School/ Special Officer	` 17000-470-20290-EB-560-25330-760-33690/-

Sd/-
(P. S. Thangkhiew)
Principal Secretary, Education

Copy for information and necessary action to:-

1. P.S. to the Chief Minister, Government of Meghalaya, Shillong.
2. P.S. to the Education Minister, Government of Meghalaya, Shillong.
3. P.S. to the Chief Secretary to the Government of Meghalaya, Shillong.
4. P.S. to the Additional Chief Secretary to the Government of Meghalaya, Planning Department.
5. P.S. to the Additional Chief Secretary to the Government of Meghalaya, Finance Department.
6. P.A. to the Principal Secretary to the Government of Meghalaya, Education Department.
7. Commissioner & Secretary to the Government of Meghalaya, Personnel & AR (A), (Service Rules Cell) Department.
8. Accountant General (A & E), Meghalaya, Shillong.
9. Director of Printing and Stationeries for favour of publication in the Meghalaya Gazette.
10. Secretary, Meghalaya Public Service Commission, Meghalaya, Shillong.
11. Director of School Education & Literacy, Meghalaya, Shillong.
12. Director of Higher & Technical Education, Meghalaya, Shillong.
13. Director of Educational Research & Training, Meghalaya, Shillong.

(L. R. Sangma)
Secretary to the Government of Meghalaya
Education Department