

ORISSA ACT 15 OF 1969
THE ORISSA EDUCATION ACT, 1969

CONTENTS

PREAMBLE

SECTIONS

1. Short title, extent and commencement
 2. Act not to apply to certain institutions
 3. Definitions
 4. Establishment and recognition of educational institutions
 5. Permission for establishment of educational institution
 6. Recognition of educational institution
 - 6-A. Condition for recognition
 - 6-B. Withdrawal of recognition
 7. Managing Committee or governing body of educational institution
 - 7-A. Supersession and reconstitution of Managing Committee or governing body
 - 7-B. Appointment of qualified teacher
 - 7-C. Grant-in-aid
 - 7-D. Withdrawal of grant-in-aid
 - 7-E. ~~Prohibition of establishment and recognition of certain institution~~
 - 7-F. ~~Government not bound to accord permission for establishment of or recognise certain training Schools and College.~~
 8. Management to send list of properties
 9. Restriction on alienation of property of aided institutions
 10. Conditions of service of the staff of aided institutions
 - 10-A. Services of teachers of aided institutions not to be terminated without approval
 - 10-B. Certain institutions not entitled to aid
 - 10-C. Constitution of common cadre and its consequences
 - 10-D. Government's power to issue orders during the period of transition
 11. Pupils strength
 12. Accounts and audits
 13. Management not to discontinue institution
 14. Inspection of institutions
 15. State Advisory Council of Education
 16. District School Board
 17. Incorporation
 18. Resignation of membership
 19. Filling up casual vacancy
 20. Executive Officer of the Board
 21. Functions of the Board
 22. Board's fund
 23. Orissa Education Development Fund
 - 23-A. Recovery of dues
 24. Formation of Co-ordination Committee
 - 24-A. Constitution of Tribunal
 25. Vacancy not to invalidate proceedings of the Board
 26. Indemnity
 27. Power to make rules
 28. Savings
- ANNEXURE- I
ANNEXURE -II

ORISSA ACT 15 OF 1969
[THE ORISSA EDUCATION ACT, 1969]

[Received the assent of the Vice-President acting as President on the 28th May 1969, first published in an extraordinary issue of the Orissa Gazette dated the 21st June 1969]

AN ACT TO PROVIDE FOR THE BETTER ORGANISATION AND DEVELOPMENT
OF EDUCATIONAL INSTITUTIONS IN THE STATE

BE it enacted by the Legislature of the State of Orissa in the Twentieth Year of the Republic of India, as follows:-

CHAPTER-1
PRELIMINARY

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Orissa Education Act, 1969.
- (2) It extends to the whole of the State of Orissa.
- (3) It shall come into force on such date as the State Government may, by ²notification, appoint in that behalf.

Act not to
apply to
certain
institutions.

2. Nothing contained in this Act shall apply to educational institutions of their choice established and administered by minorities having the right under clause (1) of Article 30 of the Constitution :

³[Provided that the State Government may by notification apply or adapt to an educational institution established and administered by minorities, such of the provisions of the Act, so however that the rights under Article 30 of the Constitution are not infringed"]

Definitions

- ⁴[3. In this Act, unless the context otherwise requires,-
- (a) "Advisory Council" means the State Advisory Council of Education established under section 15;
 - ⁵[(b) "Aided educational institution" means private educational institution which is eligible to, and is receiving grant-in-aid from the State Government, and includes an educational institution which has been notified by the State Government to receive grant-in-aid ;]
 - (c) "Board" means the District School Board established under section 16 ;
 - (d) "College" means an educational institution imparting instructions in higher general education leading to any degree conferred by any of the Universities established under the Orissa Universities Act, 1989 ;

Orissa Act
5 of 1989.

1. For Statement of Objects and Reasons, see *Orissa Gazette*, extraordinary, dated the 1st July 1968 (No.722) and for Report of the Select Committee, see *ibid*, dated the 26th February 1969 (No.550).

2- Came into force w.e.f. 15th October 1969-vide Education Department Notification No. VEMG., 205/68-24757, dated the 15th October 1969, published in the *Orissa Gazette*, dated the 31st October 1969, Pt. III, P. 981.

3. Added by the Orissa Act 6 of 1984, s. 2

4. Substituted by the Orissa Act, 15 of 1989, s. 2

5. Substituted by the Orissa Act, 13 of 1994, s. 2(i)

Sec. 3-Contd.

- (e) "Director" means the Director of Higher Education, Orissa, the Director of Elementary Education, Orissa, the Director of Secondary Education, Orissa or the Director of the State Council of Educational Research and Training, as the case may be, having jurisdiction¹ as determined by the State Government from time to time over the concerned educational institutions and includes any other officer not below the rank of a Deputy Director who may be authorised by the State Government from time to time by general or special order to perform all or any of the functions and exercise all or any of the powers of the Director under, this Act as the State Government may, by notification, specify in that behalf ;
- ¹[(e-1) "Education Circle" means an area as the State Government may, by notification, declare as such for the purposes of this Act ;]
- ²[(f) "Educational Institution" means any College or a Junior College or a Higher Secondary School or any other School defined in this Act or any institution imparting technical and professional education, special education and includes all movable and immovable properties of such School or College, as the case may be ;]
- (g) "Existing Educational Institution" means an educational institution which has been recognised by the State Government before the commencement of the Orissa Education (Amendment) Act, 1989 and is continuing as such at such commencement ;
- (h) "Governing Body" means any body of individuals, by whatever name designated, in which the management of a College ³[or a Junior College or a Higher Secondary School, as the case may be] vests ;
- (i) "High School" means an educational institution imparting instructions in standards or classes VIII to X leading to the High School Certificate Examination and may have the standards or classes of Upper Primary School attached to it ;
- (j) "Higher Secondary School" means an educational institution imparting instructions in higher secondary course as defined in the Orissa Higher Secondary Education Act, 1982 and may have standards or class VIII, IX and X attached ;
- ⁴[(j-1) "Junior College" means an educational institution imparting instructions in Higher Secondary courses as defined in the Orissa Higher Secondary Act, 1982;]
- (k) "Managing Committee" means any body of individuals, by whatever name designated, in which the management of a school vests ;

Orissa Act
19 of 1982.

1. Inserted by the Orissa Act 2 of 1994, s. 2
 2. Substituted by the Orissa Act, 13 of 1994, s. 2(ii)
 3. Inserted by *ibid*, s. 2(iii)
 4. Inserted by the Orissa Act, 13 of 1994, s. 2 (iv)

Sec. 4

- (l) "Upper Primary School" means an educational institution imparting instructions in standards or classes VI and VII and may have the standards of Primary School attached to it ;
- (m) "Prescribed" means prescribed by rules ;
- ¹[(m-1) "Prescribed authority" means the authority to be notified by the State Government from time to time in the official Gazette ;]
- (n) "Primary School" means an educational institution imparting elementary standard of education comprised in standards or classes I to V ;
- (o) "Private Educational Institution" means any educational institution which is not established and managed by Government of Orissa, the Union Government or the Government of any other State;
- (p) "Recognised Educational Institution" means any private educational institution which is, or has been, recognised ²[under this Act]
- (q) "Rules" means rules made under this Act ;
- (r) "Tribunal" means the Tribunal or a Tribunal, as the case may be, constituted ³[under section 24-A"]
- ⁴[(s) "Technical and Professional Education" means any courses of study in engineering, technology, architecture, mining, fine arts law, management library science, or any other subject which may be notified by the State Government in this behalf ;

Explanation:- An Educational institution imparting Shastri, up Shastri, Madhyama and Prathama courses of Shri Jagannath Sanskrit University shall be deemed to be a College, a Higher Secondary School/Junior College, a High School and an Upper Primary School respectively for the purposes of this Act].

CHAPTER -II

ESTABLISHMENT, MANAGEMENT AND CONTROL OF EDUCATIONAL INSTITUTIONS

- 4.(1) The State Government may regulate the primary and other stages of education in Government and private educational institutions.
- (2) The State Government shall take, from time to time, such steps as they may consider necessary or expedient for the purpose of providing facilities for general education, special education, ⁵[technical and professional education] and for training of teachers.

"Establishment and recognition of educational institutions.

1. Inserted by the Orissa Act 16 of 1991, s. 2(ii)
 2. Substituted by the Orissa Act 13 of 1994, s. 2 (v)
 3. Added by *ibid*, s. 2 (vi)
 4. Substituted by the Orissa Act 15 of 1989, s. 3
 5. Inserted by the Orissa Act 13 of 1994, s. 3 (i)

(Sec. 5)

- (3) The State Government may, for the purposes of providing such facilities,-
- (a) establish and maintain educational institutions;
 - (b) permit any person or body of persons, to establish and maintain educational institutions and recognise such institutions when so established in accordance with the provisions of this Act.
 - ¹[(4) The prescribed authority shall communicate the orders granting permission and recognition to the concerned person or body of persons].
 - (5) After the commencement of the Orissa Education (Amendment) Act, 1989, the establishment and recognition of any private educational institution shall be subject to the provisions of this Act and the rules made thereunder.
 - (6) All existing educational institutions shall be deemed to have been established in accordance with this Act].

²[* * * * *]

Permission
for esta-
blishment
of educa-
tional
institution.

- ³[5.(1) No private educational institution which requires recognition, shall be established except in accordance with the provisions of this Act or the rules made thereunder.
- (2) Any person or body of persons intending to,-
- (a) established a private educational institution; or
 - (b) open higher classes, new streams new optional subjects, additional sections or increase the number of students to be admitted or introduce Honours Courses in new subjects in a recognised private educational institution; or
 - (c) upgrade any such institution,

may make an application to the prescribed authority within such period and in such manner as may be prescribed for grant of permission therefor:

Provided that in respect of applications which were pending on the date of commencement of the Orissa Education (Amendment) Act, 1994, the applicants shall be allowed a period of thirty days to submit revised applications in accordance with the provisions of this Act.

(3) The applicant along with the application for permission, shall furnish an undertaking that in the event of permission being granted,-

- (i) adequate financial provision shall be made for continued and efficient maintenance of the institution ;
- (ii) the institution shall be located on the lands specified in the application and that such lands are located in sanitary and healthy surroundings;
- (iii) the building, playground, furniture, fixtures and other facilities shall be provided in accordance with the provisions of this Act and rules prescribed therefor; and

1. Substitute by the Orissa Act 13 of 1994 s. 3 (ii)

2. Omitted by the Orissa Act 15 of 1989, s. 4

3. Substituted by the Orissa Act 13 of 1994, s. 4

(Sec. 6)

(iv) all the requirements laid down by the Act, the rules and orders, if any, issued thereunder shall be complied.

(4) Every such application shall be supported by an affidavit attesting the fact that all information furnished therein are true and correct to the best of knowledge of the applicant.

(5) The prescribed authority shall scrutinise each application, consider the applications which are found complete in all respect and have been made in conformity with the Act and rule made thereunder and thereafter may make such inquiry as he may deem necessary. He shall make a report in respect of each application with his recommendations which shall be placed before the Committee constituted in this behalf by the State Government.

(6) If the Committee is satisfied that the educational needs of the local area justify the establishment of an educational institution that the place where the educational institution is proposed to be established is likely to best serve the educational needs of that area, that the location of the educational institution is not otherwise objectionable and that permission may be granted to any person or body of persons, the Committee shall make an order to that effect specifying the conditions to be fulfilled by such agency.

(7) The order made by the Committee shall be communicated to the applicant by the prescribed authority in such manner as may be prescribed.

(8) Any applicant aggrieved by an order refusing to grant permission may within one month from the date of receipt of such order, prefer an appeal before the State Government whose decision thereon shall be final and binding;

Provided that provisions of sub-sections (3), (4), (5), (6), (7) and (8) shall mutatis mutandis, apply to applications for purposes specified in clauses (b) and (c) of sub-section (2)

(9) When a new private educational institution is established in accordance with the permission granted under this section the fact of such establishment shall be reported by the Agency to the prescribed authority forthwith and in any case not later than forty-five days from the date on which the institution starts functioning.

(10) Where a new private educational institution in relation to which permission has been accorded under this section fails to start functioning within 45 days from the date of commencement of the academic year following the date on communication of the order of permission, the permission so accorded, shall lapse:

Provided that the prescribed authority may, for good and sufficient reasons extend, on application, the date from which the educational institution shall start functioning for such period not exceeding beyond the first day of the following academic year]."

[6. (1) An application for recognition of a private educational institution shall be made to the prescribed authority on or before the 30th November of the academic year in which the institution starts functioning :

Recognition
of educa-
tional insti-
tution.

(Sec. 6-contd.)

Provided that no application for recognition filed before commencement of the Orissa Education (Amendment) Act, 1994 shall be rejected only on the ground that it has not been filed within the date specified in this sub-section.

Explanation:- Academic year means a period of twelve months beginning with the 1st day of June and ending with the 31st day of May of the next calendar year.

(2) No private educational institution shall be eligible for recognition unless it has been established with prior permission under this Act.

(3) Every application for recognition shall be made in the prescribed form accompanied by such documents and information as may be prescribed. The applicant shall furnish a statement indicating the extent to which conditions specified in the order granting permission and conditions for recognition as specified under Section 6-A have been fulfilled. Every such application shall be supported by an affidavit attesting the fact that all information furnished therewith are true and correct to the best of the knowledge of the deponent.

(4) The prescribed authority shall scrutinise the applications. Such of the applications as are found to be complete in all respects and have been submitted in conformity with the provisions of the Act and the rules framed thereunder shall be considered, and thereafter the prescribed authority shall inspect or cause to be inspected the educational institution in respect of which recognition has been applied for, and shall make a report with his recommendations which shall be placed before a committee constituted by the State Government in this behalf.

(5) The State Government may constitute one or more committees for consideration of applications for recognition and such Committee may be constituted for the whole State or for any part thereof or for different categories of private educational institution and may make regulations for conduct of business of such committees.

(6) The Committee shall consider the application for recognition together with the report and the recommendation of the prescribed authority and may call for such additional information or may direct such further inspection as it deems necessary. The Committee having considered all aspect shall make an order either granting recognition, or temporary recognition with or without conditions, or rejecting the application for reasons to be recorded. The prescribed authority shall communicate the order made by the Committee in such manner and with such particulars if any, as may be prescribed.

(7) If the permission to establish a private educational Institution is found to have been obtained by fraud or by misrepresentation of facts or through false declaration, the Committee constituted under sub-section (4) may refuse to recognise such institution.

(8) The Committee may refuse to recognise a private educational institution which has been permitted to be established if it is found guilty of improper competition with other educational institutions or of deliberate violation of any provision of this Act, the rules or any direction duly issued by the State Government or the Director.

(Sec. 6-Contd.)

(9) Where a private educational institution has not fulfilled the conditions for recognition in regard to land, building and furniture but the committee is satisfied that it has made reasonably adequate provisions for accommodation and imparting education, it may decide to grant temporary recognition for a period not exceeding one year at a time and not exceeding five years in aggregate. The application for extension of temporary recognition shall be made and considered in the same manner as an application for recognition and no extension of temporary recognition shall be granted unless the committee is satisfied that applicant has taken reasonable measures to fulfil the conditions for recognition and that there has been no deterioration in the standard of facilities during the year for which temporary recognition was granted;

Provided that in computing the total period for which a private educational institution may be eligible for grant of temporary recognition, the number of years for which temporary recognition has been granted prior to the commencement of the Orissa Education (Amendment) Act, 1994 shall be taken into account:

Provided further that any Private educational institution which has received temporary recognition for a period of 4 years or more prior to the date of commencement of the Orissa Education (Amendment) Act, 1994 but has not been recognised may be granted temporary recognition for a period not exceeding one year at a time and two years in the aggregate after commencement of the Orissa Education (Amendment) Act, 1994 so as to enable such institution to fulfil all conditions for recognition.

(10) Any applicant aggrieved by an order refusing to accord recognition, may within one month from the date of communication of such order file a review petition before the committee constituted under sub-section (4). The committee after calling for such information and causing such further inquiry as may be necessary and after giving an opportunity of being heard to the petitioner shall take decision and dispose of the petition.

(11) Grant of recognition may be restricted to any standard or class or any stream or subjects or may extend to the whole institution. The procedure laid down for grant of recognition shall mutatis mutandis apply to applications for recognition in respect of increase in seats, opening of new faculties or courses, starting new subjects or opening additional sections.

(12) No educational institution shall be eligible for affiliation or recognition by the Board of Secondary Education constituted under the Orissa Secondary Education Act, 1952 or the Council of Higher Secondary Education constituted under the Orissa Council of Higher Secondary Education Act, 1982 or any of the Universities established under the Orissa Universities Act, 1989 unless it has received recognition under this Act and continues to be so recognised. When the recognition granted to any private educational institution is withdrawn or suspended, the recognition or affiliation granted by the Board of Secondary Education, Council of Higher Secondary Education or any one of the Universities, as the case may be, shall be deemed to have been withdrawn or suspended:

(Sec. 6-A)

Provided that any educational institution which has received temporary recognition for a year under the Act shall only be eligible for temporary affiliation, or recognition, as the case may be, for that year.

(13) No recognition shall be accorded to an educational institution imparting technical and professional education which does not fulfil the conditions specified in any other law for the time being in force as are applicable to such institutions.

Condition
for recogni-
tion.

6-A. (1) No educational institution shall be eligible for recognition under section 6 unless it fulfils the following conditions, namely:-

- (a) such extent of land as may be prescribed has been provided for the educational institution under a valid title and the institution is under lawful and valid possession of that land;
- (b) the institution has been provided with a fire-proof building of its own with adequate ventilation and lighting consisting of such accommodation as may be prescribed for class-rooms, laboratories, libraries, office accommodation, staff and students common-room and toilets for men and women ;
- (c) adequate land is available and has been earmarked for playground and sufficient facilities have been provided for physical education, games and sports ;
- (d) land has been provided for cycle stands for High Schools, Higher Secondary Schools, Junior Colleges and Colleges, as the case may be;
- (e) adequate provision have been made for supply of clean drinking water and sanitation ;
- (f) the land and the buildings of the educational institution are located in sanitary and healthy surroundings with suitable access from public roads ;
- (g) qualified teachers and non-teaching employees selected in accordance with the prescribed procedure as per the prescribed yardstick have been appointed ;
- (h) laboratory or laboratories where necessary have been provided together with required consumables;
- (i) such equipments and teaching aids as are required have been provided ;
- (j) required furniture including Black Boards have been provided ;
- (k) the educational institution has been provided with library with such number of books and in such subjects as may be directed from time to time ; and
- (l) the educational institution has adequate financial resources for its continuance and efficient management.

(Sec. 6-B)

(2) Every application for recognition shall be accompanied by an undertaking that the institution has adequate financial resources to meet the salary and other costs of the educational institution and that it shall not claim grant-in-aid from the State Government.

(3) The State Government may by order, relax any one or more of the conditions of recognition specified under sub-section (1) relating to land, building and furniture in respect of educational institution situated in an educationally backward district :

Provided that no relaxation shall be made which would adversely affect the academic standards or quality of education.

Explanation- The expression "educationally backward district" shall for the purposes of this sub-section mean a district in which the percentage of literacy is less than fifty per cent of the total population of the district as per the latest census.

Withdrawal of
recognition.

6-B. (1) Recognition accorded under the Act may be withdrawn on one or more of the following grounds, namely:-

- (a) the educational institution no longer fulfils the conditions for recognition ;
- (b) the educational institution, its Managing Committee or the Governing Body, as the case may be, contravenes any of the provisions of the Act or the rules or directions of the State Government or of the prescribed authority ;
- (c) the educational institution fails to maintain proper standard of education and discipline ;
- (d) the educational institution fails to maintain required students strength as provided under section 11 ;
- (e) the educational institution or its Managing Committee or the Governing Body, as the case may be, misutilises the funds of the institution or utilises it for any purpose other than for management of the educational institution ;
- (f) the percentage of students passing the annual and supplementary examinations conducted by the Board of Secondary Education or the Council of Higher Secondary Education or the concerned University, as the case may be, falls short of half of the percentage of students passing such examinations for the entire Board, Council or University, as the case may be, for three consecutive years ;
- (g) the educational institution fails to conduct examinations held by the Board, Council or the University or any other examining body of the State fairly and properly or the management or any of its employee assists or abets in malpractice in such examination or fails to prevent malpractices ;
- (h) the educational institution is found to have admitted students, in excess of the recognised or affiliated strength or, in classes courses or stream or subjects in regard to which no permission has been received ;

(Sec. 7)

- (i) except as otherwise permitted the educational institution admits students on criteria other than merit, which in the context of reserved seats shall mean inter se merit within the reserved category;
- (j) the educational institution does not admit fresh students for two consecutive years or shifts to another locality or to different premises without prior permission ; and
- (k) the educational institution has obtained recognition by fraud or misrepresentation of facts or through a false declaration.

(2) Where the prescribed authority is satisfied on own information or otherwise that circumstances exit for taking action for withdrawal of recognition of any educational institution, he shall make an enquiry or cause an enquiry to be made into the grounds on which recognition is proposed to be withdrawn and give an opportunity to the management to make representation within a period of thirty days against the proposed action. The prescribed authority shall furnish his report and recommendation to the Committee constituted under subsection (4) of section (6).

(3) The Committee after considering the records, report and recommendation of the prescribed authority and after affording an opportunity to the management of being heard pass an order either withdrawing of suspending the recognition granted to the said institution.

(4) Not withstanding the withdrawal or suspension of recognition under sub-section (3), the students admitted to that educational institution till the date of such withdrawal or suspension shall be allowed to continue as if the said educational institution continues to be recognised till that batch of students appear in the examination conducted by the Board, the Council or the University, as the case may be . The educational institution shall not admit fresh students during the period of suspension or after withdrawal of recognition.

(5) Any educational institution aggrieved by an order of the Committee withdrawing or suspending the recognition of any educational institution may prefer an appeal within a period of thirty days of the receipt of the order before the State Government whose decision thereon shall be final.

Managing Committee or Governing Body of educational institution. ¹[7. (1) Every private educational institution shall have a managing committee or governing body, as the case may be constituted in accordance with the rules.

(2) The managing committee or the governing body, as the case may be, constituted for any private educational institution, shall obtain the approval of its constitution by the prescribed authority in the prescribed manner failing which the institution shall not be eligible for recognition.

1. Substituted by the Orissa Act 15 of 1989, section-7

(Sec. 7-contd.)

- (3) The Managing Committee or the Governing Body, as the case may be, shall be responsible for the proper management of the institution and shall exercise such powers and perform such functions as may be prescribed.
- (4) A Managing Committee or the Governing Body, as the case may be, shall continue in office for a term of ¹[three years] from the date of its approval by the prescribed authority under sub-section (2) ²[and shall be reconstituted in accordance with the rules.]²
- ³(5) The existing Managing Committees or the Governing Bodies, as the case may be, of aided or recognised educational institutions, which were constituted prior to the date of commencement of the Orissa Education (Amendment) Act, 1991 including those, if any, which are under suppression on the said date, shall be reconstituted in accordance with the rules that may be made under this Act for carrying out the provisions of this section as amended by the Orissa Education (Amendment) Act, 1989, within a period of ⁴[two years] from the date of commencement of the said rules and every such existing Managing Committee or Governing Body, as the case may be, shall cease to continue in office on and from the date on which it is so reconstituted.]
- ⁵[(6) The prescribed authority may allow the Governing Body or the Managing Committee, as the case may be whose term has expired under sub-section (4) or sub-section (2) of section 7-A to continue in office till the Governing Body or the Managing Committee is reconstituted, or appoint any person or persons to exercise the powers and discharge the functions of the Governing Body or the Managing Committee during the intervening period :

Orissa Act
15 of 1989

Provided that the State Government may reconstitute the Governing Body or the Managing Committee as the case may be, notwithstanding that the term of such Governing Body or Managing Committee has not expired and on such reconstitution, the existing Managing Committee or Governing Body, as the case may be shall stand dissolved.]

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1. Substituted by the Orissa Act, 15 of 1991, Section 3(i)
 2. Substituted by the Orissa Act 13 of 1994, Section 6 (i)
 3. Inserted by the Orissa Act 16 of 1991 Section 3 (ii)
 4. Substituted by the Orissa Act 14 of 1993, Section 2
 5. Added by the Orissa Act 13 of 1994, Section 6 (ii)

(Secs. 7-A to 7-C)

Supersession and reconstitution of managing committee or governing body.

7-A.(1) Whenever the prescribed authority is satisfied that the Managing Committee or, as the case may be, the governing body of any private educational institution has neglected or failed to perform any of the duties imposed by or under this Act or the rules or to give effect to the order or direction issued by the Tribunal under Section 24-A or has acted in excess of the authority vested in it or in any manner which is prejudicial to the interest of the educational institution, he may, after giving the Managing Committee or the Governing Body, as the case may be, a reasonable opportunity of showing cause, supersede the Managing Committee or the Governing Body, as the case may be.

(2) As soon as possible, after supersession of a Managing Committee or Governing Body, as the case may be, the prescribed authority shall reconstitute the Managing Committee or the Governing Body, as the case may be, and the Managing Committee or the Governing Body, so reconstituted shall, subject to the provision in sub-section (1), continue for a term of '[three years] from the date of such reconstitution.

(3) During the period intervening the supersession or expiry of the term of a Managing Committee or Governing Body, as the case may be, and its reconstitution, the powers and functions of the Managing Committee or the Governing Body, as the case may be, shall be exercised by such person or persons as the prescribed authority may appoint.

(4) Any Managing Committee or Governing Body, aggrieved by the order of supersession made under sub-section (1) may prefer an appeal before the State Government within thirty days from the date of the order and the decision of the State Government taken in the appeal shall be final.

Appointment of qualified teachers.

7B. (1) The State Government or any officer or authority authorised by it may prescribe the qualifications to be possessed by persons for appointment as teachers including the norms relating to the requirement of such teachers in different categories of private educational institutions.

2[(2) Every private Educational Institution shall appoint qualified teachers and non-teaching staff by making selection in accordance with the procedure and criteria prescribed by the State Government.]

³[Grant-in-aid.]

7-C. (1) The State Government shall within the limits of its economic capacity, set apart a sum of money annually for being given as grant-in-aid to private Educational Institution in the State.

(2) No order according permission or approval or recognition under this Act, whether prior to or after the commencement of the Orissa Education (Amendment) Act, 1994, shall entitle any private educational institution to receive grant-in-aid.

1. Substituted by the Orissa Act 14 of 1993, s. 3

2. Substituted by the Orissa Act 13 of 1994, s. 7

3. Substituted by ibid, s. 8

(Sec. 7-B to 7-C-contd.)

(3) Save as otherwise provided, no private Educational Institution which has not been recognised by the State Government under this Act shall be entitled to receive any aid from the State Government.

(4) Notwithstanding anything contained in any law, rule, executive order or any judgment, decree or order of any Court, no grant-in-aid shall be paid and no payment towards salary costs or any other expense shall be made to any Private Educational Institution or for any post or to any person employed in any such institution after the commencement of the Orissa Education (Amendment) Act, 1994, except in accordance with an order or rule made under this Act. Grant-in-aid where admissible under the said rule or order as the case may be, shall be payable from such date as may be specified in that rule or order or from such date as may be determined by the State Government :

Provided that pending framing of such rule or issue of order, the State Government may, without prejudice to such rule or order, direct that private educational institutions which were receiving grant-in-aid and the post in such educational institutions in respect of which grant-in-aid was being released shall continue to be paid such amount as grant-in-aid as was being paid to them immediately prior to commencement of the Orissa Education (Amendment) Act, 1994.

(5) Notwithstanding anything contained in any law, rule, executive order or any judgment, decree or order of any Court the following categories of private educational institutions shall only be eligible for consideration for payment of grant-in-aid:-

- (a) Upper Primary Schools imparting instructions or course prescribed by the State Government in standards or classes VI and VII or Sanskrit Tolls and Madrasas imparting equivalent courses.
- (b) High Schools imparting instructions or course for High School Certificate Examination conducted by the Board of Secondary Education, Orissa or institutions imparting Madhyama Course of Shri Jagannath Sanskrit University and Madrasas imparting equivalent course.
- (c) Higher Secondary Schools or Junior Colleges imparting instructions or course for Higher Secondary Examination conducted by the Council of Higher Secondary Education Orissa or institutions imparting Upasastri course of Shri Jagannath Sanskrit University and Madrasas imparting equivalent course.
- (d) Colleges imparting courses for B.A., B.Sc. or B.Com. degrees of the Utkal, Berhampur and Sambalpur Universities and Shastri courses of Shri Jagannath Sanskrit University.

(6) No educational institution imparting any other courses of studies except those provided in sub-section (5) shall be eligible for grant-in-aid from Government. Educational Institutions established and/or managed by Urban Local Bodies, Zilla Parishads, Panchayat Samitis and Grama Panchayats, Public Sector Undertakings or Companies or Statutory bodies shall not be eligible for grant-in-aid under this Act.

(Sec. 7-D)

(7) A Governing Body or Managing Committee desirous of availing the facility of grant-in-aid shall make an application for the purpose within such period and shall furnish such information and documents including audited statement of accounts of the institution as may be prescribed. It shall furnish with the application an undertaking to the effect that grant-in-aid sanctioned for the purpose or meeting part or whole of the salary costs shall be disbursed directly to employees concerned and to refund any excess or inadmissible payment that may have been made.

Withdrawal
of grant-in-
aid.

7-D. (1) The prescribed authority may withdraw the grant-in-aid of a private educational institution, if-

- (i) The recognition of the institution has been suspended or withdrawn;
- (ii) The percentage of students passing the Annual and Supplementary examinations conducted by the Board of Secondary Education or the Council of Higher Secondary Education or the concerned University, as the case may be, falls short of half of the percentage of students passing such examination for the entire Board or the Council or the University, as the case may be, for three consecutive years;
- (iii) The Governing Body or the Managing Committee, as the case may be, defaults in furnishing the statement under sub-section (1) of Section 8 or furnishes statement which is false or incorrect;
- (iv) The Managing Committee or the Governing Body, as the case may be, or the Secretary of an aided educational institution acts in contravention of the provisions of sub-section (1) of Section 9, or of any order passed under sub-section (2) of Section 9;
- (v) The Governing Body or the Managing Committee, as the case may be, or the Secretary is found to be misutilising the funds of the educational institution concerned including grant-in-aid received, if any, or utilising it for any purpose other than meeting the legitimate cost of running the educational institution, development of the educational institution, or welfare of the students or employees of that institution;
- (vi) There has been persistent default in maintaining correct accounts of the receipts and expenditure of the educational institution or there has been persistent default in submitting audited statement of its accounts within the specified period;
- (vii) The educational institution fails to conduct the examinations of the Board, the Council, or any of the Universities or any other examining bodies of the State fairly and properly or if the Governing Body or the Managing Committee, as the case may be, or any of its employees assists or abets in adoption of malpractices in such examinations or fails to prevent adoption of malpractices;

(Secs. 7-E-7 -F)

- (viii) Unless otherwise permitted, the educational institution is found to be admitting students on any criteria other than merit ;

Explanation- In the context of merit of students belonging to reserved categories it shall mean *inter se* merit within the respective category ;

- (ix) The private educational institution utilises the grant-in-aid for any purpose other than the purpose for which such grant-in-aid was paid specifically or fails to render satisfactory and timely account of its proper utilisation ;
- (x) The private educational institution has secured grant-in-aid by fraud or by misrepresentation of facts or by submission of incorrect facts through false declaration or by concealing any relevant information ;
- (xi) The aided educational institution refuses to accept a teacher posted on transfer or continues to retain the services of a teacher who has been transferred by the competent authority ; and
- (xii) The aided educational institution makes appointment in a manner not consistent with the Act and the Rules :

Provided that where the prescribed authority is satisfied that prima facie circumstances exist for action under this sub-section, he may make an order suspending payment of grant-in-aid for such period not exceeding three months as he may deem fit.

(2) Before withdrawing the grant-in-aid, the Managing Committee or the Governing Body, as the case may be, shall be given a notice of the action proposed to be taken and required to show cause within a period of thirty days from the date of receipt of the notice as to why such action shall not be taken.

(3) The Managing Committee or the Governing Body, as the case may be, aggrieved by an order of the prescribed authority withdrawing grant-in-aid, may, in such manner and within such period not exceeding sixty days, as may be prescribed, prefer an appeal before the State Government, whose decision thereon shall be final.

¹[Prohibition of establishment and recognition of certain institution.

7-E. Notwithstanding anything to the contrary contained in this Act, on and after the commencement of the Orissa Education (Amendment) Act, 1989; the State Government shall not accord permission for establishment of any, Private Secondary Training School or Private Training College or recognise any such School or College established, if any, prior to the said date.]

²[Government not bound to accord permission for establishment of or recognise Certain, Training Schools & College.

7-F. Notwithstanding anything contained in this Act or the rules made there under or in any judgement, decree or order of any Court the State Government shall not be bound to accord permission for establishment of any private Secondary Training School or Private Training College, or recognise any such school or College established, if any, prior to the 14th day of August, 1989, and non-recognition of such school or college shall not be questioned in any Court of Law or otherwise be open to challenge.]

1. Substituted by the Orissa Act 15 of 1989, Section 7

2. Inserted by the Orissa Act 16 of 1991, Section 5

(Secs. 8-10)

Management to send list of properties.

8. (1) Within the first week of June every year the managing committee or as the case may be, the Governing Body of every aided educational institution shall furnish to such officer as may be authorised by the State Government in that behalf a statement containing a list of all movable and immovable properties of the institution with such particular as may be prescribed.

¹[X X X X]

(3) The Secretary of an aided educational institution shall perform such functions as may be prescribed.

Restriction on alienation of property of aided institution.

9. (1) Notwithstanding anything to the contrary contained in any law for the time being in force, no sale, mortgage lease, pledge, charge or transfer of possession in respect of any property of an aided educational institution shall be created or made except with the previous permission in writing of such officer as may be authorised by the State Government in this behalf. The officer shall grant such permission applied for unless the grant of such permission will, in his opinion, adversely affect the working of the institution.

(2) Any person aggrieved by an order of the officer refusing or granting permission under sub-section (1) may, in such manner and within such time as may be prescribed, appeal to the State Government.

(3) Any transaction made in contravention of sub-section (1) shall be null and void.

²[X X X X]

Conditions of service of the staff of aided institutions.

10. (1) The qualifications required for appointment as teachers and other members of the staff of aided educational institutions and their conditions of service relating to salary, leave, pension, provident fund age of retirement, disciplinary action and other matters shall be as may be prescribed :

³[Provided that the terms and conditions of service prescribed in respect of teachers and other members of the staff who, on the constitution of a common cadre, have been absorbed in such cadre, shall not in any way be less favourable than the terms and conditions which were applicable to them immediately prior to such constitution].

⁴[(2) The State Government shall by notification constitute a Selection Board for the State to select teachers for ⁵[aided] Private Higher Secondary Institutions and Colleges and one such Board for each ⁶[education circle] to select teachers for ⁵[aided] Private High Schools and Upper Primary Schools. Such Boards may consist of such members as may be specified by such notification].

1. Deleted by the Orissa Act, 13 of 1994, Section 9

2. Deleted by the Orissa Act 13 of 1994, Section 10

3. Added by the Orissa Act 13 of 1978, Section 2

4. Substituted by the Orissa Act 15 of 1989, Section 8

5. Substituted by the Orissa Act 13 of 1994, Section 11

6. Substituted by the Orissa Act 2 of 1994, Section 3

(Secs. 10-A-10-C)

(3) The Selection Board shall prepare in the prescribed manner a list of candidates for appointment as teachers in aided educational institutions and all such appointments shall be made in accordance with the rules made in that behalf from out of the candidates included in the list so prepared.

Services of teachers of aided institutions not to be terminated without approval.

¹[10-A. (1) The services of a teacher ²[and other members of the staff] of an aided educational institution shall not be terminated without obtaining the prior approval in writing of the-

(a)³ [Director], in the case of a teacher ⁴[and other members of the staff] of a college and

(b) Circle Inspector of Schools having jurisdiction, in the case of teacher ⁵[and other members of the staff] of a School.

(2) Every order passed by the Director or Circle Inspector, as the case may be, either according approval or refusing to accord approval under sub-section (1) shall be communicated to the parties concerned within three months of the reference.

(3) Any person aggrieved by an order passed under sub-section (1) may prefer an appeal to the Tribunal within one month from the date of receipt of the order.]

Certain Institutions not entitled to aid.

⁶[10 B. Without prejudice to any other provision of this Act, no educational institution shall be entitled to receive any aid or grant from the State Government if its managing committee or Governing Body or Secretary acts in contravention of the Provisions of sections 10-C and 10-D or of any order issued thereunder and the recognition granted to the educational institution may, on such contravention, be withdrawn by the State Government.

Constitution of common cadre and its consequences.

10-C. (1) The State Government may, by order, constitute a common cadre in relation to all or any class of employees of all or any category of aided educational institutions, as may be specified in the order :

⁷["Provided that the State Government may constitute a common cadre in relation to all or any class of employees of all or any category of aided High Schools or Upper Primary Schools for the whole State or for any education circle as may be specified in the order..]

(2) Before constitution of a common cadre under sub-section (1), the director in cases of Colleges, and the Inspector of Schools having jurisdiction, in cases of schools, shall furnish detailed information relating to the terms and conditions of service prescribed for such cadre to every employee belonging to that cadre with a notice requiring him to exercise his option within such period, not being less than thirty days and more than fortyfive days, as may be specified therein, for absorption or otherwise in such cadre.

1. Inserted by the Orissa Act 17 of 1974, Section 3

2. Inserted by the Orissa Act 6 of 1984, Section 5(i)

3. Substituted by the Orissa Act 31 of 1978, Section 3

4. Inserted by the Orissa Act 6 of 1984, Section 5(ii)

5. Inserted by the Orissa Act 6 of 1984, Sections. 5 (iii)

6. Inserted by the Orissa Education (Amendment) Act, 1978 (or. Act 13 of 1978), S. 3.

7. Substituted by the Orissa Act 2 of 1994 Section 4.

(Sec. 10C-Contd.)

(3) The option shall be exercised in writing and shall be filed with the Director or the Inspector of Schools, as the case may be.

(4) Any employee who fails to exercise his option within the aforesaid period shall be deemed to have opted for being absorbed in the common cadre.

(5) Where an employee of an educational institution exercises his option for not being absorbed in the common cadre, the managing committee or, as the case may be, the governing body of the institution shall terminate the services of such employee within fifteen days from the date of receipt of an intimation to that effect from the Director or as the case may be, the Inspector of Schools; and the provisions of section 10-A shall not apply to any such termination.

(6) An employee belonging to a common cadre may be transferred from one institution to another by the prescribed authority and in the prescribed manner.

(7) Whenever an employee belonging to a common cadre is posted or transferred to an institution, the managing committee or, as the case may be, the governing body of that institution shall be bound to employ him in the service of the institution and to pay all amounts due to such employee on account of his pay, allowances and other dues from out of its fund or from the aid received, directly or otherwise, from the State Government, and he shall be deemed to be an employee of such institution for all purposes.

(8) Where the services of any person have been terminated under sub-section (5), he shall, without prejudice to his claims to any leave, provident fund, gratuity or other benefits, if any, as an employee of an aided educational institution to which he may be entitled on his retirement or termination of service had the common cadre not been constituted, be paid by the managing committee, or as the case may be, the governing body of the aided educational institution in which he last served, an amount determined in the following manner:-

- | | | |
|----|--|--|
| 1. | In case of a permanent employee- | Amount to be paid |
| | (a) Where the continuous service rendered by him by the date of termination exceeds ten years. | Pay for the remaining period of service or for six months, whichever is less ; |
| | (b) Where such service does not exceed ten years. | Pay for the remaining period of service or for three months, whichever is less ; |
| 2. | In the case of a temporary employee. | Pay for one month. |

Explanation:- For the purposes of this sub-section, "Pay" shall include dearness allowance and other *ad hoc* additions to pay by way of interim relief that may be admissible.

(Secs. 10- D-11)

(9) For the purposes of calculating gratuity, if any, payable to any permanent employee whose services have been terminated under sub-section (5), the period of qualifying service of such employee shall be increased by the period calculated on the basis provided hereunder:-

	Period to be added
(i) Where the period of actual qualifying service does not exceed five years.	One year
(ii) Where such period exceeds five years but does not exceed ten years.	Two years
(iii) Where such period exceeds ten years but does not exceed fifteen years.	Three years
(iv) Where such period exceeds fifteen years.	Four years

Government's power to issue orders during the period of transition.

10-D. The State Government may, if satisfied that the expediency of the circumstances so requires, by general or special order, provide for any matter necessary, ancillary or incidental to the constitution and working of the common cadre for which this Act makes no provision or makes insufficient provision:

Provided that no such order shall be issued after expiry of two years from the date of constitution of the said common cadre.]

[Pupils' strength.]

11. (1) The private educational institutions shall have the minimum roll strength of pupils for each standard or class as hereinafter provided.

(2) In the case of Colleges and Higher Secondary Schools the minimum roll strength of pupils in each standard or class, or a section thereof, shall be-

- (i) Sixty-four in relation to the Faculty of Arts;
- (ii) Forty-eight in relation to the Faculty of Commerce;
- (iii) Thirty-two in relation to the Faculty of Science:

Provided that in the case of Colleges and Higher Secondary Schools located in Scheduled Areas, such minimum roll strength shall be half the respective minimum roll strength as specified in this sub-section.

(3) In the case of High Schools, the minimum roll strength of pupils for each standard or class shall be forty which shall be twenty-five if such Schools are located in Scheduled Areas.

Explanation- The expression "Scheduled Areas" shall have the same meaning as assigned to it in Part C of the Fifth Schedule to the Constitution of India.

1. Substituted by the Orissa Act 15 of 1989, S. 9.

(Secs. 12-15)

[* * * * *]

Accounts
and audit.

12. (1) The accounts of aided educational institutions shall be maintained in the prescribed manner and shall be subject to yearly audit.

(2) The provisions contained in the Orissa Local Fund Audit Act 1948 shall, *mutatis mutandis*, apply for the purposes of audit of the accounts of aided educational institutions.

Orissa Act
5 of 1948

(3) For the purposes of the said Act, the State Government may appoint any officer to be the Examiner of Local Accounts.

Management
not to dis-
continue
institution.

13. No educational agency or managing committee or, as the case may be, governing body of any recognised educational institution shall close down the institution at any time within an academic session and without giving notice in writing of its intention so to do to the State Government atleast twelve months before the date, with effect from which the institution is proposed to be closed down.

Inspection
of institu-
tions.

14. (1) The State Government may authorise any officer or officers to inspect educational institutions in the State.

(2) The officer authorised under sub-section (1) shall exercise general powers of inspection and supervision over the working of the institution and the discharge of duties and performance of functions by the managing committee or, as the case may be, the governing body of the institution.

(3) The managing committee or, as the case may be, the governing body and the employees of a recognised educational institution shall, at all reasonable times, be bound to afford to the aforesaid officer all assistance and facilities as may be necessary and reasonably required for the purposes of such inspection and supervision.

(4) The managing committee or, as the case may be the governing body of a recognised educational institution shall make every effort for the improvement or removal of deficiencies in the management of the institution in accordance with the directions or suggestions given by the said officer.

CHAPTER- III

ADVISORY COUNCIL AND DISTRICT SCHOOL BOARD

State
Advisory
Council of
Education.

15. (1) The State Government may, by notification, establish a State Advisory Council of Education to advise the State Government on matters pertaining to educational policy and administration.

(2) The Advisory Council shall consist of the following members, namely:-

- (a) the Chairman to be nominated by the State Government;
- (b) the Vice-Chancellors of all the *Ex Officio* Member Universities established under any law in the State;

(Sec. 16)

¹ [(b-1) the Secretary to Government, Higher Education Department;	<i>Ex officio</i>	Member
(b-2) the Secretary to Government, School and Mass Education Department	<i>Ex officio</i>	Member
(b-3) the Chairmah of Council of Higher Secondary Education;	<i>Ex officio</i>	Member
(b-4) a representative of the Harijan Welfare Department;		Member
(b-5) a representative of the Tribal Welfare Department;	...	Member
(b-6) Director, Mass Education	...	Member.]
² [(c) the Director of Higher Education, Orissa;	<i>Ex officio</i>	Member
(c-1) the Director of Elementary and Adult Education, Orissa;	<i>Ex officio</i>	Member
(c-2) the Director of Secondary Education, Orissa;	<i>Ex officio</i>	Member]
(d) the 3[President] of the Board of Secondary Education;	<i>Ex officio</i>	Member
(e) Six non-official members to be nominated by the State Government from among persons who are distinguished educationists or who have experience in the administration of education ;		Members
(f) one non-official member to be nominated from among Sanskrit scholars;		Member
(g) two representatives each of the primary School Teachers' Association, Secondary School Teachers' Association and the College Teachers' Association to be elected in the prescribed manner.		Members

(3) The term of office of the members specified in clauses (a), (e), (f) and (g) of sub-section (2) shall be three years.

(4) The business of the advisory Council shall be conducted in such manner as may be prescribed.

(5) The Secretary to the Advisory Council shall be nominated by the State Government.

(6) No act or proceeding of the Advisory Council shall be invalid merely by reason of any vacancy among its members or defect in the constitution of the Advisory Council.

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1. Inserted by the Orissa Act 13 of 1994 S. 13
 2. Substituted by the Orissa Act 6 of 1984 S 7(i) (a)
 3. Substituted by the Orissa Act 6 of 1984, S. 7 (b)
 4. Substituted by the Orissa Act 6 of 1984, S. 7 (ii)

(Sec. 17)

(7) Notwithstanding anything contained in sub-section (2), on the failure of any of the associations mentioned in clause (g) to elect member or members in the prescribed manner, the Director shall give notice in writing to the concerned association to elect member or members in the prescribed manner within a date to be specified therein and if the association fails to elect member or members within the date so specified the Director shall nominate a person or persons, as the case may be, on behalf of the association as member or members of the Advisory Council.]

District
School
Board

16. (1) For every district there shall be a District School Board established by the State Government which shall consist of the following members, namely:-

- (a) The Chairman to be nominated by the State Government;
- (b) Inspector or Inspectors of Schools having jurisdiction over the district; Members
- (c) District Inspectors of Schools having jurisdiction in the district ; Members
- (d) Two representatives of the Primary School Teachers' Association elected Members
in the prescribed manner;
- (e) Five non-official members to be nominated by the State Government from Members
among persons who are distinguished educationists.

(2) The Secretary to the Board shall be nominated by the State Government.

(3) The term of office of the members specified in clauses (a), (d) and (e) of sub-section (1) shall be three years.

"[(4) No person shall be eligible for nomination or election as a non-official member of the Board, if he-

- (i) has been a member of the Board for six years ; or
- (ii) has directly or indirectly by himself or by his partner any share or interest in-
 - (a) any book intended to be prescribed or recommended as a text-book for the primary school course.
 - (b) the business of the publisher of any such book; or
 - (c) any work done by order of the Board or in any contract entered into on behalf of the Board."]

(5) The business of the Board shall be conducted in such manner as may be prescribed.

Incorporation

17. The Board shall be a body corporate having perpetual succession and a common seal, with power, subject to the provisions of this Act and the Rules made thereunder, to acquire, hold and dispose of property and to contract and do all other things necessary for the purposes of this Act and may by its corporate name sue and be sued.

1. Substituted by the Orissa Act 6 of 1984 S. 8.

(Secs. 18-23)

Resignation of
Membership.

18. Any non-official member of the Advisory Council or of the Board may resign his office as such member by writing under his hand addressed to the Chairman.

Filling up
casual
vacancy.

19. In the case of a casual vacancy in the office of any non-official member of the Advisory Council or of the Board occurring otherwise than by efflux of time the vacancy shall be filled up by nomination and the person so nominated shall hold office for the residue of the term of office of the member in whose place he is nominated.

Executive
Officer of
the Board.

20. The Secretary of the Board shall be its Executive Officer and shall give effect to the decisions of the Board.

Functions of
the Board.

21. Subject to the provisions of this Act and the Rules made thereunder, the Board shall have the following powers and functions in respect of primary schools within the district, namely:-

- (a) administration, control and management of all primary schools transferred to it for the said purposes by the State Government or by any local authority and of the schools established by it;
- (b) preparation of plans for the development of education in primary schools;
- (c) implementation of such of the aforesaid plans as are approved by the State Government;
- [X X X]
- (e) such other functions as may be prescribed.

Board's fund

22. (1) The Board shall have a fund called the District School Board Fund to which shall be credited-

- (a) all contributions received by the Board from the State Government and donations and grants received from other sources; and
- (b) all sums received by the Board on any other account whatsoever.

(2) The fund shall be expended for the purposes of carrying on the functions of the Board in accordance with the rules made in that behalf.

CHAPTER- IV
MISCELLANEOUSOrissa
Education
Development
Fund.

²[23. (1) The State Government may establish a fund called the "Orissa Education Development Fund" which shall vest in and be administered by a Committee to be constituted in the prescribed manner.]

(2) All sums received by the Committee as contributions from the State Government or as donations from other sources shall be credited to the Fund.

1. Deleted by the Orissa Act 13 of 1994, S. 14

2. Substituted by *ibid*, S. 15

(Secs. 23- A-24-A)

(3) Subject to the rules made in that behalf, the Fund shall be utilised for the following purposes, namely:-

- (a) grants in favour of educational institutions for implementation of improvement schemes;
- (b) grant of interest free loans to educational institutions; and
- (c) such other purposes as may be prescribed.

¹[Recovery of dues.]

23. A. All amounts due on account of any loan granted under Section 23 shall, if not paid within the date fixed therefor, be recoverable as public demand on requisition made by the authority prescribed on that behalf].

Formation of Co-ordination Committee.

24. (1) The State Government may constitute a Co-ordination Committee consisting of the following members, namely:-

- (a) the Chairman to be nominated by the State Government;
- (b) the Vice-Chancellors of all the Universities established under any law in the State; Members
- (c) four non-official members nominated by the State Government from among persons who are distinguished educationists; Members
- ²[(d) the Secretary to Government, Higher Education Department] Member
- ³(e) the [Director, Higher Education Orissa] Member]

(2) It shall be the duty of the Co-ordination Committee to recommend methods for maintaining a uniform standard of instruction given and examinations held by the different Universities established under law in the State and also in regard to matters of common interest to such Universities and send its recommendations to the Universities concerned.

(3) The procedure for the conduct of business of the Co-ordination Committee and the term of office of the members specified in clauses (a) and (c) shall be such as may be prescribed.

Constitution of Tribunal.

⁴[24-A. (1) The State Government may, by notification, constitute one or more Tribunals having such local jurisdiction as may be specified in the notification.

(2) The Tribunal shall consist of one person only to be appointed by the State Government from among the officers of the Orissa Superior Judicial Service (senior branch).

(3) The Tribunal shall have the power to call for the records of all proceedings relating to the dispute and shall, after giving the parties concerned a reasonable opportunity of being heard, dispose of the appeals preferred to it.

1. Inserted by the Orissa Act 6 of 1984, S. 9

2. Substituted by the Orissa Act 13 of 1994, S. 16

3. Substituted by the Orissa Education (Second Amendment) Act, 1978 (Or. Act 31 of 1978), S.6.

4. Substituted by the Orissa Act 6 of 1984, S. 10

5. Inserted by the Orissa Education (Amendment) Act, 1974 (Or. Act 17 of 1974), S.6.

(Secs. 25-28)

(4) In disposing of an appeal the Tribunal may make such consequential orders and issue such directions as it may deem necessary for giving effect to its decision.

(5) The decision of the Tribunal shall be final and binding on all parties and shall not be called in question in any Court of Law.]

'[24-B. Adjudication by Tribunal - (1) The Tribunal shall have jurisdiction, power and authority to adjudicate all disputes and differences, between the Managing Committee or, as the case may be, the Governing Body of any private educational institution and any teacher or employees of such institution or the State Government or any officer or authority of the said Government, relating to or connected with the eligibility, entitlement, payment or non-payment of grant-in-aid.

(2) Any person, aggrieved by an order pertaining to any matter within jurisdiction of the Tribunal, may make an application to the Tribunal for the redressal of his grievance.

(3) On receipt of an application under Sub-section (2), the Tribunal shall, if satisfied after such inquiry as it may deem necessary that the application is a fit case for adjudication by it, admit such application, but where the Tribunal is not so satisfied, it may summarily reject the application after recording its reasons :

Provided that no application before the Tribunal seeking a claim of grant-in-aid against the State Government or any officer or authority of the said Government shall be admitted, unless the applicant has served a notice on the State Government or concerned officer or authority furnishing the details of the claim and a period of two months has expired from the date of receipt of the said notice by the State Government or, as the case may be, the concerned officer or authority.

(4) The Tribunal shall not admit an application under Sub-section (2), unless it is made within one year from the date of expiry of the period of two months referred to in Sub-section (3).

(5) The Tribunal shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908, but shall be guided by the principles of natural justice and, subject to any rules made by the Government, shall have power to regulate its own procedure.

(6) All the proceedings before the Tribunal shall be deemed to be judicial proceedings within the meaning of Sections 193, 219 and 228 of the Indian Penal Code, 1860.

24-C. Appeal to High Court - Any person aggrieved by an order or decision or judgment of the Tribunal may prefer an appeal before the high Court within a period of sixty day's from the date of such order or decision or judgment."]

Vacancy not
to invalidate
proceedings
of the Board.

25. No act or proceedings of the Board shall be deemed to be invalid by reason merely of the existence of any vacancy in or defect in the constitution of the Board.

Indemnity

26. No suit, prosecution or other legal proceedings shall lie against the State Government or any authority or Officer for anything done under this Act in good faith or for any damage caused by any action taken in good faith in carrying out the provisions of this Act or the Rules made thereunder.

Power to
make rules.

27. (1) The State Government may, after previous publication, make rules for carrying out all or any of the purposes of this Act.

1 [(2) In particular and without prejudice to the generality of the foregoing powers the State Government may make rules-

(a) to regulate the establishment, recognition and management of private educational institutions 2 [X X X];

(b) in respect of all matters expressly required or allowed by this Act to be prescribed. ']

(3) All rules made under this section shall, as soon as may be after they are made, be laid before the State Legislature for a total period of fourteen days which may be comprised in one session or in two or more successive sessions and if during the said period the State Legislature makes modifications, if any, therein, the rules shall thereafter have effect only in such modified form; so however that such modifications shall be without prejudice to the validity of anything previously done under the rules.

(4) Until rules are made under this section, the rules contained in the Orissa Education Code which were in force immediately prior to the coming into force of this Act shall, in so far as they are not inconsistent with the provisions of this Act or of the Constitution, be deemed to be rules made under this Act.

Savings

28. The provisions contained in this Act shall be in addition to and not in derogation of the provisions contained in the Orissa Secondary Education Act, 1952 or in any law regarding University Education for the time being in force and in the case of any inconsistency or repugnancy the provisions of this Act shall prevail.

Orissa Act
10 of 1953

1. Substituted by the Orissa Act 15 of 1989, Section 10.

2. Deleted by the Orissa Act 13 of 1994, Section 17.

ANNEXURE- I

[Provisions of the Orissa Education (Amendment) Act, 1974(Or Act 17 of 1974), not incorporated in the Original Act]

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Savings in
respect of
part cases.

7. (1) Notwithstanding anything in any judgement, decree or order of any Court, but subject to the provisions hereinafter contained, the termination of the services of any teacher of an aided educational institution as defined in the Principal Act made after the 3rd May, 1972 and before the date of commencement of this Act shall, if made without the approval of the Director of Public Instruction (Higher Education) in the case of a college teacher and of the Director of Public Instruction (Schools) in the case of a school teacher, be inoperative.

(2) The Managing Committee of the Governing Body of the concerned institution shall refer the case of the said teacher to the Director of Public Instruction (Higher Education) or the Director of Public Instruction (Schools), as the case may be, within one month from the date of commencement of this Act for obtaining his approval and thereupon the provisions of Section 10-A of the principal Act as amended by this Act shall, *mutatis mutandis* apply :

Provided that where the Managing Committee or the Governing Body, as the case may be, fails to make a reference in accordance with this sub-section, the order of termination of the services of the teacher shall become void and the teacher shall be deemed to have been reinstated in service with effect from the day following the date of expiry of the aforesaid period of one month.

(3) Where any such termination as is referred to in sub-section (1) was made with the approval of the Director of Public Instruction (Higher Education) or the Director of Public Instruction (Schools), as the case may be, the concerned teacher may prefer an appeal to the Tribunal constituted under the Principal Act as amended by this Act within one month from the date of constitution of the Tribunal.

(4) Where, on a reference made under sub-section (2) the Director refuses to accord approval and no appeal is preferred to the Tribunal against the order of refusal, the concerned teacher shall be reinstated with effect from the date of such order.

(5) For removal of doubt it is hereby declared that on reinstatement, a teacher shall not be entitled to any emoluments for the period intervening between the date of termination of his service and the date on which he is reinstated but the said period shall be counted towards service.

ANNEXURE- II

[Provisions of the Orissa Education (Amendment) Act, 1975 (Or Act 53 of 1975), not incorporated in the Original Act.]

* * *

Validation of
certain
actions.

3. Notwithstanding anything contained in the Principal Act or in any judgment, decree or order of any Court, no notice for showing cause issued under Section 11 of the Principal Act prior to the commencement of this Act by the joint Director of Public Instruction (Schools) exercising or purporting to exercise the powers of the Director of Public Instruction (Schools) shall be questioned in any Court of law or shall otherwise be open to challenge merely on the ground that the Joint Director was not authorised to exercise the said powers and all such notices and actions, if any, taken in pursuance thereof shall be deemed to have been validly issued or taken under the Principal Act.

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