

The Bihar Intermediate Education Council Repeal Act, 2007

Preamble

An Act to repeal, the Bihar Intermediate Education Council Act, 1992.

Whereas with a view to restructure Intermediate level education it has become necessary to repeal the Bihar Intermediate Council Act, 1992 (Bihar Act, 26, 1992);

Whereas Bihar School Examination Board is also in the process of reorganization in order to implement the National Policy on Education, 1986 (as modified in 1992) for following the 10+2+3 pattern of education;

Be it enacted by the legislature of the State of Bihar in the fifty eighth year of Republic of India as follows:

1. Short title and commencement. - 1. This Act may be called the Bihar Intermediate Education Council Repeal Act, 2007.

2. It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Repeal of the Bihar Intermediate Education Council Act 1992. - The Bihar Intermediate Education Council Act 1992, (Bihar Act, 26, 1992) as amended from time to time, is hereby repealed.

3. Adjustment of employees of the Bihar Intermediate Education Council. – (1) On and from the date of repeal of the Bihar Intermediate Council Act 1992, all employees of the Council, shall remain in employment, as if the Act has not been repealed and they shall continue to be paid same salary and allowances as was payable on the date of repeal of the Act till such time State Government has taken such final decision as is provided hereinafter.

(2) The State Government shall constitute a Committee of Secretaries consisting of three Secretaries who shall prepare a detailed scheme of absorption, retirement, compulsory retirement or voluntary retirement, screening appointment and other service conditions of employees of the Council. The scheme prepared by the Committee of Secretaries shall be placed before the Government within four months from the date of enforcement of the present Act.

Provided that it shall be open to the Government to modify, amend or suggest modifications or amendment in the scheme and the scheme thereafter shall be made operational in such form and intent as finally approved by the Government. Scheme approved by the Government shall be considered as statutory scheme framed under this Act.

- (3) After the scheme approved by the Government is enforced it shall be fully implemented in its approved form and intent within three months from the date of its enforcement.
- (4) The Committee of Secretaries constituted under Sub-section (2) of section 3 above shall be competent to decide utility and deployment of employees of the Council during transition period and it shall not be open to any employee to question decision of Committee of Secretaries.

Provided that the State Government shall be competent to amend, modify, alter or substitute the scheme so framed for removal of any difficulty in its implementation.

4. Assets and Liabilities. - All the assets and properties of Bihar Intermediate Council whether movable or immovable including lands, building, stores, vehicles, Books, cash balance, reserve fund, investments, furnitures and others and all liabilities shall stand transferred to and vested on, and be deemed to have come into the possession of the Bihar School Examination Board. All the liabilities and obligations of the council under any agreement or contract entered into bonafide before the commencement of this Act shall devolve and shall be deemed to have been devolved on the Bihar School Examination Board.

5. Contract in bad faith may be cancelled or varied. - The Bihar School Examination Board may cancel or vary any contract or agreement entered into any time before the commencement of this Act between the council and any person if it is satisfied that such contract or agreement were malafide and entered into in bad faith and was detrimental to the interest of the council.

6. Bar of Law Suit. - No law suits and proceeding shall lie in Civil Court with respect to the implementation of the provisions of this Act.

7. Saving. - Notwithstanding such repeal, anything done or any action taken in exercise of any powers conferred by or under the said Act shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing or action was done or taken.