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GOVERNMENT OF ORISSA

**The Orissa Education (Establishment, Recognition
and Management of Private Junior Colleges /
Higher Secondary Schools) Rules, 1991**

EDUCATION DEPARTMENT

The Orissa



Gazette

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EDUCATION DEPARTMENT

NOTIFICATION

The 18th December 1991

S. R. O. No. 1274/91—Whereas the draft of the Orissa Education (Establishment, Recognition and Management of Private Junior Colleges/Higher Secondary Schools) Rules, 1991 was published as required by, sub-section (1) of section 27 read with sub-section (1) of section 7 of the Orissa Education Act, 1969 (Orissa Act 15 of 1969), in the extraordinary issue No. 819 of the *Orissa Gazette* dated the 11th July, 1991, under the notification of the Government of Orissa in the Education Department No. 30612, dated the 4th July, 1991 as S. R. O. No. 460/91 inviting objections and suggestions from all persons likely to be affected thereby, till the expiry of a period of thirty days from the date of publication of the said notification in the *Orissa Gazette* ;

And whereas, objections and suggestions received during the stipulated period in respect of the said draft were duly considered by the State Government ;

Now, therefore, in exercise of the powers conferred by section 27 of the said Act, the State Government do hereby make the following rules, namely:—

CHAPTER I

Preliminary

Short title
and commen-
cement.

1. (1) These rules may be called the Orissa Education (Establishment, Recognition and Management of Private Junior Colleges/Higher Secondary Schools) Rules, 1991.

(2) They shall come into force on the date of their publication in the official Gazette.

Definition

2. (1) In these rules, unless the context otherwise requires,

(a) "Act" means the Orissa Education Act, 1969 (Orissa Act 15 of 1969);

(b) "Council" means the Council of Higher Secondary Education, Orissa;

(c) "Department" means the Education Department;

(d) "Director" means the Director, Secondary Education, Orissa and includes any Officer not below the rank of Deputy Director who may be authorised by the State Government in that behalf 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 these rules;

(e) "Donor" means a person who has donated to the Junior College/Higher Secondary School at least a sum of rupees twenty-five thousand in cash or movable or immovable property of an equivalent value ;

- (f) "Educational Agency" means any person or body of persons who have made an application under sub-section (1) of section 5 of the Act for permission for establishment of a private Higher Secondary School;
- (g) "Form" means a form appended to these rules;
- (h) "Institution" means a private Junior College or a Private Higher Secondary School;
- (i) "Junior College" means any private Junior College which is not established and maintained by the Government of Orissa, the Union Government or the Government of any other State;
- (j) "Member" means a member of the Governing Body and also includes its President and Secretary;
- (k) "Private Higher Secondary School" means any Higher Secondary School which is not established and maintained by the Government of Orissa, the Union Government or the Government of any other State;
- (l) "Section" means a section of the Act;
- (m) "Year" means an academic year beginning with the 1st day of June and ending with the 31st day of May of the immediately following calendar year.

(2) All other words and expressions used but not defined in these rules, unless the context otherwise requires, shall have the same meaning as respectively assigned to them in the Act and in the Higher Secondary Education Act, 1932.

CHAPTER II

Establishment of Private Junior Colleges/Higher Secondary Schools

Preparation
of Master
Plan.

3. (1) The Director shall prepare for the State a Master Plan each year by the end of September listing out the Blocks, in which there is no Junior College or Higher Secondary School and the Municipalities and Notified Area where establishment of Junior Colleges or Higher Secondary Schools is justified in conformity with the provisions of sub-section (5) of section 5. The Master Plan shall also project the requirement of additional seats or new streams or subjects in the existing institutions within a Block, Notified Area or Municipality. The Master Plan so prepared shall be placed before the Government for approval.

(2) The grant of permission for starting any new institution in the State or introduction of new streams or subjects during the next academic session shall be in conformity with the Master Plan prepared under sub-rule (1) and approved by the Government.

(3) The permission and recognition of a new institution under sub-section (3) of section 4 shall be accorded by the Director on behalf of the State Government.

Application
for permi-
ssion.

4. (1) Any Educational Agency desirous of establishing a new institution in a particular year shall make an application to the Director between the 1st day of October and the 30th day of November of the year immediately preceding the particular year. Applications received prior to or after this period shall not be taken into consideration.

Provided that the State Government may, for good and sufficient reasons, extend the last date of receiving applications in any particular year.

(2) Applications for permission to establish new institutions shall be made in duplicate on Form No. I

(3) The application shall be accompanied with a fee of Rs. 200 (Rupees two hundred) only to be deposited in Government Treasury.

(4) Applications, received by the Director within the period specified under sub-rule (1) shall be entered in an index Register to be maintained for the purpose and the receipt of the applications shall be duly acknowledged.

Documents accompanying the application.

5. Every application made under rule 4 shall be accompanied by:

- (a) The challan receipt of the fee paid;
- (b) A sketch map of the Block or the Municipality or the Notified Area as the case may be showing the location of the proposed institution along with other existing institutions, if any, and the High Schools located within the Block, the Notified Area or the Municipality;
- (c) A sketch plan of the site of the proposed institution.

Content of the application.

6. The application in respect of a proposed institution shall *inter alia* specify the following:—

- (a) The number of students to be for enrolled in each stream, viz., Arts, Science or Commerce in which teaching is proposed to be imparted;
- (b) The names of the subjects, both compulsory and optional proposed to be introduced under each stream with the number of students to be permitted for being offered with each optional subject;
- (c) The anticipated annual income of the institution from different sources.

Grants of permission.

7.(1) The Director shall scrutinise each individual application and may make such enquires as may be deemed necessary. After necessary enquiry if the Director is satisfied that there is need for establishing a Junior College or Higher Secondary School in any particular area, he shall after obtaining prior concurrence of the Government make an order under sub-section (4) of section 5 granting permission in favour of any one of the applicants who, in his opinion is likely to best serve the educational needs of that area.

(2) The order of the Director granting permission to an Educational Agency for establishment of a new institution shall specify the following:—

- (a) The Educational Agency in whose favour the permission is granted;
- (b) The exact location of the institution;
- (c) The date from which the institution is to start functioning;
- (d) The streams and optional subjects under each stream in which instructions may be imparted alongwith the permitted strength of students under each subject;
- (e) The conditions to be fulfilled by the institution in respect of the following :—]
 - (i) Site;
 - (ii) Building and accommodation;
 - (iii) Laboratory equipments and teaching aid;
 - (iv) Staff;
 - (v) Fixed deposit to be made and pledged in favour of the Council; and
- (f) Such other matter as the Director may specify.

Date of functioning of institution.

8.(1) When permission is accorded for establishing a new institution, it shall start functioning from the date specified in the order made by the Director under rule 7.

(2) Subject to the proviso to sub-section (9) of section 5 the Director may extend this date by a period not exceeding thirty days on an application made by an educational Agency in whose favour permission has been granted.

Report by the Educational agency after establishment of an institution.

9. (1) The Educational Agency immediately after establishing the institution for which permission has been granted shall report the fact to the Director.

(2) This report shall *inter alia* mention:—

- (a) The place of location of the said institution;
- (b) The classes opened and the subjects under each stream in which teaching have been started and the roll strength actually admitted under each stream and subject.
- (c) The date on which the said institution started functioning.

Opening of new stream or subject an existing institution increase of seats thereto.

Application for recognition.

10. The provisions contained in the rules 4 to 9 regarding for establishment of a new institution shall *if so far* to apply to cases of adding any new streams or optional subjects in any existing institution or cases of adding to the permitted roll strength in existing streams or subjects.

CHAPTER III

Recognition

11. (1) The application for recognition under sub-section (1) of section 6 shall be made in duplicate to the Director in Form No. II within three months from the date of functioning of an institution.

(2) A fee of Rs.800-00 (Rupees eight hundred) only shall be paid along with every application for recognition in shape of Treasury Challan

(3) Every application for recognition shall indicate the particulars of the Governing Body constituted for the management of the institution in accordance with the provision of the Act and these rules and be accompanied by the following documents, namely:—

- (a) A copy of the letter of Government permitting the establishment of the institution;
- (b) A site plan of the institution drawn to scale;
- (c) Copies of the documents proving the title of the institution over the site;
- (d) The ground plan of the building of the institution drawn to scale showing the class rooms, laboratory, library, office, common room, etc;
- (e) A sketch plan of the Block or the area with location of the institution;
- (f) Document proving that a fixed deposit of the required amount has been made and pledged to the Secretary, Council;
- (g) A proposal regarding constitution of the Governing Body of the institution in Form No. III;
- (h) A list of teachers appointed by the institution with full particulars;
- (i) A statement showing the extent of fulfillment of the conditions stipulated in the order granting permission under Section 5.

Inspection for recognition.

12. (1) The Director shall on receiving an application for recognition of a new institution shall arrange for an inspection of the said institution.

(2) The officer (s) inspecting the institution shall submit a report to the Director which shall among other things mention:—

- (a) about the correctness of the information furnished by the institution;
- (b) extent of fulfillment of the condition mentioned in the letter granting permission;
- (c) any other matter as he/they would like to bring to the notice of the Director and shall make specific recommendation about the desirability of according recognition to the institution.

(3) If the Director is satisfied on the basis of the report of the inspecting officer that the institution has fulfilled all or some of the conditions necessary for recognition to the Junior College or Higher Secondary School he shall after obtaining prior concurrence of the Government make an order granting recognition under sub-section (4) of section 6:

Provided that this procedure shall be followed for opening new faculty/ new subject/ increase of seats.

Eligibility of recognition.

13. An institution shall be eligible for recognition only if it has—

- (a) made provision for accommodation and other facilities in accordance with the norms laid down by the Council in this behalf;
- (b) employed teachers in different subjects possessing the requisite qualification and as per the yard stick laid down by the Council in this behalf;
- (c) made provision for Laboratory, equipments and teaching aids as per the norms laid down by the Council in this behalf;
- (d) fulfilled all other conditions laid down in the letter granting permission for establishing the institution.

Temporary recognition.

14. (1) If one or more of the conditions necessary for recognition of a Junior College or Higher Secondary School as the case may be, have not been fulfilled by the institution, permanent recognition shall not accorded to it.

(2) Temporary recognition for a period not exceeding one year may be granted under sub-section (6) of section 6 in case the institution has employed less than the required number of teachers or has accommodation or facility less than the minimum requirement of a full-fledged Junior College or Higher Secondary School or all the classes not having been started at the beginning.

(3) Extension to the temporary recognition may be accorded in the following years only if the institution is found upon a fresh inspection to have provided requisite accommodation and staff required for opening of all the classes in accordance with the norms laid down by the Council in this behalf.

(4) If the institution is found not to have provided with the requisite facilities, accommodation or appointed required strength of teachers as required for a full-fledged Junior College or Higher Secondary School having the streams and subjects permitted to it, the temporary recognition shall be restricted only to the higher class into which the students have been enrolled and the institution shall not be permitted to enroll fresh students in the first year class.

Recognition not to be granted in certain case.

15. (1) The Director shall not accord recognition, permanent or temporary as the case may be, to any institution which has not been permitted to be established by Government in accordance with the provisions contained in sub-section (4) of section 5 or does not have the minimum roll strength as required under sub-section (2) of section 11.

(2) Any new stream or subjects introduced in existing institutions or any addition to the permitted roll strength in the existing streams or subjects shall not be recognised unless the same has been introduced or the seat strength added with the prior permission of the Director.

Old institutions.

16. (1) Colleges having been accorded recognition by the Director in respect of Higher Secondary Classes, immediately prior to the coming into force of these rules shall, for the purposes of these rules, be deemed to have been permitted under sub section (4) of section 5 and shall be recognised as Higher Secondary Schools on an application made in this behalf by the Governing Body of the said institution.

(2) The Higher Secondary sections in Colleges recognised by Government prior to coming into force of these rules shall, for the purposes of these rules, be deemed to have been permitted under sub-section (4) of section 5 and shall be recognised as a Higher Secondary School if the college concerned physically separates out the Higher Secondary Classes by providing separate land, building, accommodation and other facilities and constitutes these into a separate institution under a separate management with separate staffs as distinct from a degree college and thereafter the new management makes an application to the Director in this behalf.

(3) (i) The recognition granted under the foregoing sub-rules shall be effective from the date from which the College or the Higher Secondary section of the College, as the case may be, had been recognised by the Director.

(ii) The permitted strength under the different streams and different optional subjects in the institution subsequent to its recognition shall be such as may be determined by the Director.

Conditions
of the order
of recogni-
tion.

17. (1) The order of the Director granting recognition to an institution shall specify among other things—

- (i) the name of the institution;
- (ii) the Governing Body of the institution with the name of the President and Secretary thereof as approved by the Director, and in whose favour the order of recognition is granted;
- (iii) the location of the institution;
- (iv) the date from which the recognition shall take effect and the period for which the recognition is valid;
- (v) the streams under which student may be enrolled along with permitted roll strength in respect of each stream;
- (vi) the optional subjects permitted under each stream along with the permitted number of students in respect of each subject.

(2) When the Director makes an order according recognition either permanent or for a temporary period to an institution under the foregoing sub-rules he shall communicate the concurrence of Government for the affiliation of the institution to the Council:

Provided that the concurrence shall be for limiting the affiliation to the same period of time, stream, subjects and permitted strength in respect of which recognition has been accorded.

Approval of
teachers.

18. (1) While granting recognition to any institution the Director shall communicate his approval of the teachers appointed by the said institution:

Provided that the appointment of any teacher shall not be approved unless—

- (i) he possesses the qualifications prescribed by the Council; and
- (ii) his name finds place in the panel of person prepared by the Selection Board for appointment as teachers in Junior College/Higher Secondary Schools.

(2) Any teacher duly appointed by the institution against any vacancy within the prescribed strength shall be reported immediately to the Director for his approval.

With hold-
ing of
Grant-in-
aid.

19. (1) If at any time the enrolment in an institution is found to fall short of the minimum effective strength as required under sub-section (2) of section 11 or any of the conditions of recognition are violated by the institution under any stream, the Director on receiving information to that effect may withhold the grant-in-aid in respect of the said stream or the institution wholly as the case may be.

(2) The Director on receipt of information from any source to the above effect may start proceeding for withholding the grant-in-aid payable to an institution.

(3) Before the grant-in-aid is withheld the Director shall serve a notice on the Governing Body pointing out the violation committed and directing the institution to take suitable steps to correct the error within a stipulated time or to show cause as to why action under sub-rule (2) shall not be taken.

(4) If the institution fails to comply with the directions of the Director within the time allowed he may, after taking into consideration the causes shown by the Governing Body if any, and hearing the Secretary of the Governing Body in the matter if he desires to be so heard, pass orders with holding grant-in-aid from the institution wholly or in part.

(5) The appeal against any order of the Director withholding grants-in-aid, shall be addressed to the Secretary of the Department.

CHAPTER IV

Transitory Provisions

Approval of an institution which has already been established.

20. (1) Any institution desirous of receiving approval under sub-section (2) of section 5 shall make an application to the Director in Form I.

(2) The application under sub-rule (1) shall be accompanied by a sketch map of the area of the Block or Notified Area or Municipality as the case may be showing the location of the institution, the location of other Junior Colleges or Higher Secondary Schools imparting Higher Secondary Education within the area and their distance from the applicant institution.

(3) The Director after verifying the correctness of the facts and on being satisfied that the institution fulfils the conditions stipulated in clause (ii) of sub-section (5) of section 5 he may make an order under sub-section (4) of section 5 granting approval to the institution.

(4) the order granting approval shall among other things specify the following, namely :—

(a) name of the institution;

(b) specific location of the institution, i.e. name of the village or such other local limits that may appropriately be specified in case of an urban area;

(c) the name of the Block/Notified Area/Municipality where it is located ;

(d) conditions to be fulfilled by an institution for being recognised in respect of all the matters stated in clause (e) sub-rule (2) of rule 7.

Application for recognition of an institution which has already received the approval.

21 (1) Any institution which has received the approval of the Director under sub-section (4) of section 5 may make an application to the Government in Form II for recognition under sub-section (4) of section 6.

(2) The application shall be accompanied by the documents specified in sub-rule (3) of rule 11 besides an attested copy of the order of Government granting approval to the College.

(3) The applications received under sub-rule (1) shall be disposed of by the Director in the same manner as provided under Chapter III of these rules and the orders granting recognition shall specify all the particulars specified for in sub-rule (1) of rule 17.

Application pending for recognition the Director.

22 (1) Applications for recognition pending before the Government in respect of Institutions eligible for recognition under sub-section (8) of section 6 shall be considered and disposed of by the Director.

(2) In case of colleges granted recognition by the Director in sub-rule (1) which would not have received approval under sub-section (4) of section 5, the order granting recognition shall specify that recognition is granted under sub-section (8) of section 6 and that the institution recognised as a Higher Secondary School shall not be eligible to receive grant-in-aid admissible to aided colleges.

(3) The order granting recognition under sub-rule (1) shall also specify all the particulars provided in sub-rule (1) of rule 17.

CHAPTER V

Management

Constitution of the Governing Body.

23 (1) Soon after a Junior College/Higher Secondary School has been established in accordance with these rules, the educational agency who has been permitted to establish the institution shall constitute a Governing Body for managing the affairs of the Private Higher Secondary School or the Junior College, as the case may be under section 7.

(2) The Governing Body shall consist of a minimum of 9 and a maximum of 13 members as follows :—

(a) The Principal of the Junior College/Higher Secondary School or the Teacher in-charge of Principal for the time being in his *ex officio* capacity.

(b) Two representatives of the teachers to be duly elected by the approved teachers of the Junior College Higher Secondary School ; and

(c) Not less than five and more than seven other members to be nominated by the Educational Agency from among themselves or from among the persons in the local area interested field of education:

Provided that out of the members so nominated the local M.L.A. shall be an *ex officio* member, at least one donor, if any, shall be a member and at least one member shall belong to Scheduled Castes or Scheduled Tribes community and one member shall be a woman :

Provided further that a teacher serving in another school or college shall not be nominated as a member;

Provided also that a Government servant shall not be nominated as a member without prior permission of the Government.

(d) One person from the locality interested in the field of Education, to be nominated by the Chairman of the Council at the time of admitting the institution to the privileges of the Council.

(e) Not exceeding two persons, may be nominated by the Director at the time of according approval to the Governing Body under rule 24.

(3) The Governing Body so constituted shall elect a President and Secretary from among themselves except from the members belonging to categories (a) and (b) of sub-rule (2) above:

Provided that a person who is the Secretary of the Governing Body of any other institution shall not be elected as President or Secretary.

Approval of the Governing Body. 24 (1) The Educational Agency having established the institution in accordance with the permission of the Director shall, along with the application for recognition of the institution furnish the details of the Governing Body constituted in accordance with the provisions of these rules in Form III, for approval of the Director.

(2) The Director shall be competent to approve the Governing Body after making any changes in its constitution if deemed necessary:

Provided that if any substitution of members nominated under clause (c) of sub-rule (2) of rule 23 is contemplated, he shall consult the Educational Agency in the matter before making such substitution.

(3) The order of approval shall clearly mention:—

(a) the name of the President;

(b) the names or offices of the other members;

(c) the name of the Secretary of the Governing Body; and

(d) the date of approval.

(4) The name of the member who is nominated under clause (d) of sub-rule (2) of rule 23 by the Chairman of the Council to the Governing Body at the time of admitting the institution to the privileges of the council.

Reconstitution of the Governing Body. 25 (1) Not less than ninety days prior to the date of expiry of the term of a Governing Body a resolution shall be made in a meeting of the Governing Body nominating five to seven members in accordance with clause (c) of sub-rule (2) of rule 23 from among themselves or other persons in the local area interested in the field of education to be members of the Governing Body to succeed it on the expiry of its term and to be its President and Secretary:

Provided that where a Charitable trust had established the College, the trust shall nominate the above persons to be members President and Secretary of the Governing Body:

Provided further that no person shall be Secretary for more than two terms and no person shall be a member of the Governing Body for more than two consecutive terms except for *ex officio* members, donors and those nominated by a Charitable Trust in case of such Trust established the institution :

Provided also that if the outgoing Governing Body or the Charitable Trust does not pass a resolution nominating members, the Director shall be competent to reconstitute the Governing Body.

(2) The outgoing President shall then furnish the Director for his approval the names of the proposed Governing Body members along with other details including the name of two representatives to be elected by the teachers and the name of the Principal of the Junior College/Higher Secondary School along with the name of the persons to be the President and the Secretary.

(3) The Director shall be competent to substitute any name in the proposed Governing Body to bring it in conformity with the provision of these rules or with a view to improve the efficiency of the management of the institution:

Provided that he shall consult the outgoing Governing Body in the matter before making any such substitutions.

Approval
of the
reconstituted
Governing
Body.

26. (1) The Director shall there upon communicate his approval of the reconstituted Governing Body indicating the date from which its term shall begin and direct the Secretary of the outgoing Governing Body, if he is not re-elected as a Secretary of the reconstituted Governing Body, to handover charge to the Secretary of the reconstituted Governing Body on expiry of the term of the outgoing Governing Body.

(2) The Secretary of the reconstituted Governing Body shall as soon as inform the Director the fact of taking charge from the outgoing Secretary.

Governing
Body of
Aided
Higher
Secondary
School
(Junior
College).

27. (1) Notwithstanding anything contained in these rules as soon as a Junior College/Private Higher Secondary School becomes an aided one the Governing Body shall be reconstituted in the following manner:—

(i) The Collector/Additional District Magistrate/Sub-Collector of the District/Sub-division in which the college is situated shall be *ex officio* President of the Governing Body and the Principal of the College or the teacher in-charge of the Principal shall be its *ex officio* Secretary:

Provided that Government may nominate any eminent educationist to be the President who shall continue as such during the pleasure of the Government. In such cases Collector/Additional District Magistrate/Sub-Collector shall be a member:

Provided further that in case of a college established and managed by a Trust, Government shall appoint a nominee of the Trust as President of the Governing Body and in such cases the Collector/Additional District Magistrate/Sub-Collector shall be a member of the Governing Body.

(ii) Two senior most teachers of the college, local M. L. A., Chairman, Panchayat Samiti/Municipality/Notified Area as the case may be, in which the college is situated shall be the *ex officio* members.

(iii) The Member of the Parliament of the constituency in which the college is situated, the Vice-Chancellor of the University concerned and the Director, shall nominate one person each who shall hold office as member of the Governing Body during their pleasure.

(iv) Four persons of the locality interested in the field of education which may include the donor donating rupees fifty thousand or more, if any, one person from the Scheduled Tribes/Scheduled Castes community and one woman shall be nominated by the President of the Governing Body to be members of the Governing Body.

(2) The constitution of the Governing Body and any change in the membership shall be intimated by the Secretary of the Governing Body to the Director.

(3) The Director, on receipt of the intimation from the Secretary may either approve the list or suggest change with reasons within thirty days from the date of its receipt. If no communication is received from the Director, Secondary Education in this regard within a period of Thirty days, it shall be deemed to have been approved:

Provided that change, if any, suggested by the Director, shall be considered by the President of the Governing Body who shall resubmit the list either accepting the change or not, to the Director, within 15 days from the date of receipt of the communication after which the Director, shall approve the same:

Provided further that no meeting of the Governing Body convened during the intervening period (from the date of intimation till the date of final ratification by the Director) shall be invalid for the reason of any vacancy in membership or any defect in the constitution of the Governing Body.

Cessation
of
membership.

28. (1) Any member as specified in clause (iv) of sub-rule (1) of rule 27 may resign from the Governing Body by sending a letter of resignation to the President and the resignation shall be effective from the date it is accepted by the Governing Body.

(2) In case of casual vacancy arising out of death or resignation or cessation of membership the Governing Body may by a resolution in that behalf nominate a member and seek the approval of the Director thereto.

(3) Any member nominated against a casual vacancy shall hold office for the remaining term of the office of the member in whose vacancy he has been nominated and his nomination will be effective from the date of approval by the Director.

Disqualifi-
cation for
membership
of the
Governing
Body.

29. A person shall be disqualified to become a member of the Governing Body or to continue as such if he :—

- (a) is of unsound mind; or
- (b) is an applicant to be adjudicated as an insolvent or an undischarged insolvent; or
- (c) is convicted of an offence involving moral turpitude under any law for the time being in force; or
- (d) has been dismissed from the service of the State or the Central Government or of any public undertaking; or
- (e) has been found guilty and a major penalty imposed under departmental proceedings against him either by the State or the Central Government; or
- (f) is not a citizen of India.

Powers and
functions
of the
Governing
Body.

30. Subject to the provisions of the Act and these rules the Governing Body shall exercise the powers and discharge the functions as follows :—

- (a) to ensure proper management, maintenance and custody of the institution relating to land, building, equipment, funds of institution including loans and grants sanctioned by Government or any other authority;
- (b) to ensure sanitary conditions of the buildings and premises of the institution;
- (c) to ensure that instructions are imparted according to the standards prescribed by the Council and concerned authorities;
- (d) to ensure the appointment of teaching and non-teaching staff in accordance with the provision contained in the Act rules and instructions of the Department;
- (e) to ensure implementation of the provisions of the Act rules and instructions issued by the Department or the Director in the matter of conditions of service of staff relating to their appointment, salary, leave, pension, provident fund, age of retirement and disciplinary action;
- (f) to ensure observance and compliance of instruction issued by Government, the Council and other concerned authorities regarding smooth management of the institution in all respects from time to time;
- (g) to maintain discipline in the institution;
- (h) to make proper arrangement regarding collection of fees and fines from the students and arrange for deposit of fees and fines in the Treasury/Bank, whenever required;
- (i) award free-studentship, scholarships, stipends, prizes, rewards and punishments to students and staff in accordance with rules and instructions of the Department or the Council;
- (j) to observe holidays and vacations according to instructions of the Department;
- (k) to ensure that the buildings premises, furniture and equipments of the institutions are not used for any non-educational purpose nor for holding any meeting of political character or any special or other character for which the feelings of the community is likely to be divided or excited;
- (l) to ensure continued fulfilment of the conditions of recognition;
- (m) to submit report and returns required by Government or the Director and the Council from time to time;
- (n) to provide reasonable facilities to the authorities appointed by Government for inspection;

Meetings
of the
Governing
Body.

31. (1) The Governing Body shall meet as often as considered necessary for the efficient management of the affairs of the institution subject to a minimum of four general meetings in a year. The date of such meetings shall be fixed by the Secretary in consultation with the President of the Governing Body. A special meeting may be convened at any time by the Secretary on receipt of a requisition in writing from not less than five members of the Governing Body at least seven clear days notice shall be given to the members of the Governing Body both in case of general and special meetings. An emergent meeting may, however be convened by the Secretary by giving a shorter notice when so required by the President of the Governing Body or the Director as the case may be. No member of the Governing Body shall take part in a meeting if such member or any of his near relation is interested in the matter under discussion in such meeting.

(2) Any urgent resolution may be approved by the Governing Body by circulation and such a resolution shall be deemed to have been approved by the Governing Body if it is approved by at least five members thereof. A resolution so approved by circulation, shall be placed before the Governing Body in its next meeting for confirmation.

(3) The quorum for the meeting of the Governing Body shall be five. Mere existence of any casual vacancy in membership shall not invalidate the proceedings of the Governing Body.

(4) The President shall preside over all meetings of the Governing Body and in the absence of the President one of the members other than the Secretary shall be elected to preside. The President in addition to his vote as a member shall have a casting vote in case of a tie.

(5) The Secretary of the Governing Body shall record the proceedings of the meeting and shall obtain the approval of the President thereon. The proceedings shall be placed for confirmation in the next meeting of the General Body. Minutes of the proceedings of every meeting shall be recorded serially for each academic session in a register containing pages continually machine numbered and certified to that effect by the Secretary of Governing Body.

President
of the
Governing
Body.

32. (1) The President shall ensure that the decisions taken in the Governing Body are implemented by the Secretary, and the Governing Body functions properly and holds its meeting regularly.

(2) In case the Secretary defaults in calling a meeting of the Governing Body as directed by the President, the President shall have power to make such arrangements as he deems appropriate so that the meeting may take place.

Secretary
of the
Governing
Body.

33. The Secretary of the Governing Body of a Junior College or Higher Secondary School shall be its Principal executive and shall be competent to—

- (a) make correspondence on behalf of the Governing Body;
- (b) convene meetings of the Governing Body with the approval of the President and draw up the proceedings of each meeting and forward a copy of the same to the Director after confirmation;
- (c) give effect to the decision of the Governing Body and subject to its control, do all things incidental thereto;
- (d) remain in charge of the properties, title deeds, documents and papers related to the needs of the institution;
- (e) make all payments, and sign receipt other than receipts from fees and fines on behalf of the Governing Body;
- (f) operate any account of the institution in any Bank or Post Office;
- (g) receive donations if so authorised by the Governing Body; and
- (h) exercise such other powers and perform such other functions as may from time to time be assigned by Government.

Duty of
the out-
going Secre-
tary of a
Governing
Body.

34. Until such times as the Governing Body of the aided institution has been reconstituted by the Director in accordance with this rule the existing Governing Body of the Junior College/Higher Secondary School shall continue to function:

Provided that as soon as the Junior College/Higher Secondary School became an aided institution the Secretary of the existing Governing Body shall cease to hold office as such and the Principal, or the teachers in-charge of Principal shall become the Secretary of the Governing Body and shall discharge all the functions of the Secretary under these rules;

Provided further that the outgoing Secretary shall continue to be a member of the Governing Body until its reconstitution.

Repeal and Savings. 35. The Orissa Education (Management of Private Schools) Rules, 1980, the Orissa Education (Management of Private Colleges) Rules, 1979 and the Orissa Education (Establishment and Recognition of Private High Schools) Rules, 1979 so far they relate to the matters covered by these rules are hereby repealed :

Provided that notwithstanding such repeal any orders made, action taken or things done under the rules so repealed shall be deemed to have been made, taken or done under these rules.

Relaxation 36. Where the State Government are of the opinion that it is necessary or expedient so to do in the interest of public, they may, by order, relax any of the provisions of these rules.

Interpretation. 37. If, any question arises relating to the interpretation of these rules, it shall be referred to Government in the Education Department for decision.

FORM I

Form of application for permission for opening of Junior College/Higher Secondary Schools [See rule 4 (2) and rule 20]

PART I

1. Name of the Junior College or the Higher Secondary School
2. Whether a new Higher Secondary School or Upgraded from a High School?
3. (i) Whether Governing Body formed? (Yes/No)
(ii) If so, name of the President and Secretary
4. (i) Whether G. B. is registered under the Society Registration Act, 1860? (Yes/No)
(ii) If so, registration number and date of registration
5. Postal address at which correspondence can be made

PART II

6. Name of the Block/Notified Area/Municipality in which the school is proposed to be located.
7. (i) Whether there is any Government/recognised private institution offering the Higher Secondary (+2) courses located in the Block/Notified Area/Municipality.
(Yes/No)
(ii) If yes, name (s) of such institutions
8. Specific location of the proposed institution (Name of the village with G. P. or Ward No. in case of an Urban Area).
9. Names of the feeder Higher Schools

PART III

10. (i) Streams proposed to be opened (Arts/Science/Commerce)
(ii) Proposed roll strength in each stream (Arts/Science/Commerce)
11. (i) Whether the institution has its own—
(a) Land (Yes/No)
(b) Building (Yes/No)
(ii) What is the area of the site on which the school is proposed to be located?
(iii) Particulars of classrooms and other rooms if building has been constructed
12. Any special claim
13. Treasury Challan No. and date (if token of depositing rupees 200 a xerox copy of the challan to be enclosed)

Signature of the Sponsor(s) with full name(s) and address(es)

FORM II

Form of application for recognition of Junior College/Higher Secondary School

[See rule 11 (1)]

1. Name of the Junior College/Higher Secondary School applying for recognition.
2. Place of location
3. Session from which recognition is sought for
4. The classes opened and subjects under each stream in which instructions have been started and the toll strength of students actually admitted under each stream and subject.
5. The date on which the institution was started
6. Whether documents, as required under rule 11(2) and (3) of the rules have been furnished and if so, details of the documents:—
 - (a) Treasury Challan No. and date (in token of depositing Rs. 800 a xerox copy of the challan to be enclosed).
 - (b) Copy of permission letter
 - (c) Site Plan
 - (d) Land particulars (Xerox copy to be enclosed)
 - (e) Building Plan
 - (f) Sketch Plan of the Block/Urban area
 - (g) Fixed deposit certificate (Xerox copy to be enclosed)
7. Equipment for teaching (The details of equipment are to be furnished)
8. Teachers appointed for the Junior College / Higher Secondary School. Detailed information in respect of all teachers of the Junior College/Higher Secondary School is to be furnished as per *pro forma* below:—

Sl. No.	Designation	Name of the teachers	Date of birth	Detailed qualification with % of marks	Salary now drawing with scale of pay	Nature of appointment	Whether selected by Selection Board	REMARKS
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Matric/ Intermediate /B.A.
 B.Sc./ B.Com.
 M.A. /M.Sc./
 M. Com.
 Degree M.
 Phil/ Ph. D/
 D. Litt./
 D.Sc.

9. (a) Has the Junior College/Higher Secondary School made adequate provision for residence of its students not residing with parents or recognised guardians?
- (b) If so, the number of hostels managed by the Junior College/Higher Secondary School
- (c) The specification of the hostel buildings with number of students accommodated in each hostel are to be furnished.
- (d) Are there any approved lodgings for the students?
- (e) If yes, specifications of the buildings or the approved lodgings with number of students accommodated in each lodging are to be furnished.
10. (a) Has the Junior College/Higher Secondary School got its play fields?
- (b) If yes, specification of each field is to be given
11. Residence allotted to the teaching staff and non-teaching staff—
- (a) For the Principal/Headmaster
- (b) For other teaching staff
- (c) For non-teaching staff
12. Financial provision made for efficient maintenance of the Junior College/Higher Secondary School—
- (a) Details of permanent endowment or fixed deposits, if any
- (b) Details of undertaking given by a person or persons or body providing for adequate and continuous finance of the Junior College/Higher Secondary School.
- (c) Details of current monthly or annual financial provision alongwith fees proposed to be collected
- (d) The annual statement of proposed expenditure on the following heads:—
- (i) Capital expenditure on building
- (ii) On equipment
- (iii) On continued maintenance of the Junior College/Higher Secondary School.
13. The working hours of the Junior College/Higher Secondary School
14. Whether proposal for constitution of Governing Body as per Form III enclosed
15. (a) Is the Junior College/Higher Secondary School providing co-education?
- (b) If so, has the Junior College/Higher Secondary School provides separate reading rooms, common rooms and other necessary facilities for the women students?
- (c) The details of above rooms are to be furnished.
16. (a) Has the Junior College/Higher Secondary School got a library?
- (b) If so, the total number of books available and the number of books in each subject
- (c) The total number and titles of journals and periodicals subscribed annually and the stock position
- (d) Annual financial provision for purchase of books or journals and periodicals

I/We the undersigned after establishing a Junior College/Higher Secondary Schools, hereby make this application for recognition of the institution described above and undertake to abide by the provisions of the Act and Rules made thereunder, the orders and instructions issued by the State Government/Director, from time to time and such conditions as may be imposed by the authority granting recognition. I/We further undertake that the authority granting recognition shall have the right to withdraw recognition of the information furnished in this application are subsequently found to be false.

Signature of Sponsor (s) with
full name (s) and address (es)

FORM III

(See rule 23)

Composition of the Governing Body of the Junior College/Higher Secondary School

1. The Principal or the teacher in-charge of the post of Principal:
2. Two representatives of teachers elected by the teachers of the institution
 - (1).....
 - (2).....
3. Other members to be nominated as per rule 23(2) (c)
4. Person nominated by the Council Orissa under rule 23(2) (d)
5. Not exceeding two members to be nominated by the Director under rule 23(2) (e)
6. Name and address of the President and Secretary elected under rule 23(3)

Signature of the Sponsor (s) with
full name (s) and address (es)

[No. 58912—XE/Codes-10/91-E.]

By order of the Governor

B. B. MOHANTY

Deputy Secretary to Government

