

EDUCATION DEPARTMENT

Recognition of and grant-in-aid to Private Schools Amended Rules for the

Short title and commencement.—These rules may be called the **Bombay Primary Education (Amendment) Rules, 1974** and shall come into force from **8th February 1974**.

In the **Bombay Primary Education Rules, 1949** (hereinafter referred to as the principal rules) in **Part B—Recognition of and grant-in-aid to private schools—**before rule 105, the following new rule shall be inserted, namely :—

“104A. *Interpretation.*—In this **Part B**, unless the context requires otherwise,—

(a) “**Competent Authority**” means in relation to private school within the jurisdiction of—

(i) an authorised municipality, the **Administrative Officer**, and

(ii) a **Zilla Parishad**, the **Education Officer**.

(b) “**Correspondent**” means a person duly authorised in writing by the **Management** of a private school for the purposes of carrying on any correspondence for the purposes of rules in this **Part B** ;

(c) “**Department**” means the **Department of Education** of the **Government of Maharashtra** ;

(d) “**District Fund**” means the district fund of a **Zilla Parishad** ;

(e) “**Deputy Director**” means the **Deputy Director of Education** in-charge of an education division ;

(f) “**Education Committee**” means the **Education Committee** of a **Zilla Parishad** ;

(g) “**Educational Division**” means a division jurisdiction of which is set out in the **Government Resolution** in the **Education, Sports and Social Welfare Department**, No. **DPI. 3668/62248-D**, dated **22nd April 1971** ;

(h) “**Inspecting Officer**” means an officer appointed as such under section 39 of the Act.”.

(i) “**Private School**” means an approved school referred to in section 39 of the Act”.

“105. *Maintenance of a Register of approved Schools.*—Every **School Board** or **Zilla Parishad** shall maintain in such form as may be specified by **Government** from time to time a register of private schools which have been recognised as approved schools.”.

“105A. A private school which on the day on which this rule comes into operation has already been recognised or has been recognised and

aided either by the State Government or by a school board or a Zilla Parishad shall be deemed to have been recognised, or as the case may be, recognised and aided under these rules.”.

“106. *Application for recognition.*—(1) Subject to the provisions of this rule, an application for recognition of a new private school shall be made to the Competent Authority not later than the first day of November, of any year.

(2) Such application shall be made after the school has actually stated functioning and has been in existence for a period of not less than three months.

(3) The application shall be accompanied by a statement in the Form ‘A’ set out in Appendix ‘C’ to these rules together with an undertaking in writing that the conditions of employment of teachers in such private school shall be as near as possible to those specified in schedule ‘F’ appended to these rules.

(4) The application shall state the name and address of the Correspondent, and the Management shall report any change in such name and address of the correspondent to the Competent Authority as soon as possible.”.

“107. *Recognition of private school.*—(1) As soon as may be after the receipt of an application under rule 106, the Competent Authority shall arrange for the inspection of the school referred to in the application and shall forward the Inspection report to the School Board, or as the case may be, the Education Committee, together with its recommendations relating to the recognition of, and the grant-in-aid, if any payable to such private school.

(2) The Inspecting Officer shall, in making his report to the Competent Authority, take the following matters into account, namely :—

(a) Whether there is genuine need in the locality for opening of the proposed primary school ;

(b) Whether the management is registered, under the Society’s Registration Act, 1860, under the Maharashtra Public Trusts Act, 1950, or under both ;

(c) Whether the site and premises occupied for the purposes of the school are congenial for educational purposes and are kept neat and clean ;

(d) Whether the staff engaged is adequate, qualified and competent ;

(e) Whether the resources of the school are adequate to meet the expenses of the school.

(3) The Inspecting Officer shall *inter alia* state in his inspection report—

(a) Whether the conditions on which the school is to be recognised are duly fulfilled ;

(b) Whether the attendance of pupils at the school is regular and satisfactory ;

(c) Whether the school building is well ventilated and provision is made for playground, craft shed, work-experience ; and whether the furniture, books, educational appliances and teaching aids are provided according to the syllabus ;

(d) Whether the arrangement for registering the admission, attendance and age of the pupils are adequate and satisfactory ;

(e) Whether adequate arrangement is made for maintaining accounts of income and expenditure up to date, and in accordance with the instructions issued by the Department from time to time ;

(f) Whether the teaching staff is adequate, competent, qualified according to the standards prescribed by the State Government and is not changed unduly, frequently.

(g) Whether the pay-scales and other conditions of service as laid down by the State Government, or as the case may be, by the local authority are made applicable to the teaching and non-teaching staff engaged in the Schools ;

(h) Whether the quality of education imparted in the school is considered by the Inspecting officer as of desirable standard and is proved to be satisfactory ;

(i) Whether the records are properly maintained, and all statistical returns and formal certificates given by the School are trust-worthy ;

(j) Whether the discipline and behaviour of pupils, and in particular, their conduct and regularity of attendance are satisfactory ;

(k) Whether the Head Master appointed by the managements qualified, trained, experienced and is proved to be efficient for maintaining the school in accordance with the instructions issued by the Department from time to time.

(4) The School Board, or as the case may be, the Education Committee shall consider the inspection report and the recommendations of the Competent Authority thereon ordinarily at its next meeting, and may, if it is satisfied about the need of the school in the locality, the standard of work in, and the general management of, the private school, recognise the private school as approved school ; and may, if the school has also applied for grant-in-aid, direct that it should be treated as eligible for the grant-in-aid from the primary education fund or as the case may be, from the district fund.

(5) The school board or as the case may be, the Education Committee may, for reasons to be recorded in writing, reject an application for recognition ; and thereupon, the Competent Authority shall forthwith communicate the decision to the Management or Correspondent of the school.

(6) The Management of the school which has been refused recognition may, within 45 days from the date of receipt of the decision, prefer an appeal to the Deputy Director of the Educational division concerned.

(7) Nothing in this rule shall be deemed to prevent the Management of a school which has been refused recognition from submitting a fresh application in the next academic year.”.

108. *Benefits of Recognition.*—(1) Subject to the provisions of rules 110 and 111 a private school, recognised as an approved school, shall, unless it denies admission to pupils on grounds only of religion, race, caste, language or any of them or declines to employ any person on the ground only of religion, race, caste, language or any of them, be eligible for grant-in-aid on application made in that behalf under rule 110 in accordance with the rules hereinafter contained

(2) Recognition as an approved school shall also entitle the Management of the School—

(a) to present its pupils at any public examination conducted by the Department ;

(b) to present its pupils as candidates for scholarships and to admit scholarship holders ; and

(c) to claim such other benefits as Government may, from time to time, declare in this behalf.

109. *Withdrawal of Recognition.*—(1) Private school which is once recognised as an approved school shall continue to be so recognised unless its recognition is withdrawn under sub-rule (2).

(2) Such recognition may at any time be withdrawn by the School Board or Education Committee on the recommendations of the Inspecting Officer, if any of the conditions on which the school was recognised is not observed or if the standard of instruction in the school falls materially below the level obtaining in public schools or for other reasonable and sufficient cause :

Provided that the due warning has been given to the managers of the school and that reasonable time has been allowed to them to carry out the requirements of the School Board or Education Committee :

Provided further that a school which is aggrieved by the decision of the School Board or Education Committee withdrawing recognition may submit an appeal to the Deputy Director of Educational Division concerned whose decision shall be binding.

110. *Application for grant-in-aid to a private school.*—(1) Application for the grant-in-aid to a private school may be made simultaneously with the application for recognition or after the receipt of recognition. Such application shall be addressed to the Competent Authority. No application which is made after the 1st November shall be entertained for the year.

(2) As soon as may be convenient after the receipt of such application, the Competent Authority shall forward to the School Board or as the case may be, the Education Committee an Inspection Report on the School

together with its recommendations about the amount of grant-in-aid to be paid to it.

(3) The School Board or as the case may be, the Education Committee shall consider the Inspection Report and the Competent Authority's recommendations ordinarily at the next meeting and shall unless the school in subject to the disqualifications enumerated in sub-rule (2) or (3) of rule 111 ordinarily direct that it should be aided from the Primary Education Fund or the District Fund :

Provided that the School Board or the Education Committee may refuse to grant such aid to any school if there is already in the locality an approved school classified as a Public School which meets the needs of that locality or if there is no adequate provision in the school budget of the School Board or in the budget estimates of the Zilla Parishad for the purpose ;

Provided further that a school which is aggrieved by the decision of the School Board or the Education Committee under the first provision may submit an appeal to the Deputy Director of Educational Division concerned whose decision shall be binding on the school.

111. *Refusal of grant-in aid.*—(1) An approved private primary school which is once aided from the Primary Education Fund or District Fund shall continue to be so aided unless the School Board or as the case may be. The Education Committee on the recommendations of the Inspecting Officer, directs that such aid should cease.

(2) Such direction may be given by the School Board or the Education Committee on any one or more of the following grounds :—

(a) that the school is conducted for profit.

Explanation.—A *bona fide* teacher conducting a school and receiving reasonable remuneration for his services as a teacher in the school shall not be deemed to be conducting the school for profit ;

(b) that it does not pay to its teachers the minimum scales of pay and allowances laid down by the Director from time to time subject to such instructions as may be issued by him in that behalf ;

(c) that it does not as nearly as possible observed the conditions of employment of teachers of private school as laid down in Schedule F, appended to these rules ;

(d) that it does not produce at the time of inspection a certificate from a registered accountant that its accounts have been verified and found correct provided that this certificate shall not be demanded from a school which is in receipt of a grant-in-aid of less than Rs. 500 a year ;

(e) that having been awarded grants for 3 consecutive years it does not maintain at least the first four standards, unless it serves as a feeder school in the same locality, village or town or it is exempted from this requirement by the Deputy Director of the Educational Division concerned in special circumstances which shall be stated in writing ;

(f) that the teachers or pupils in the school take part in, or subscribe to or assist any political or communal movements which leads directly or indirectly to excite disaffection against or embarrases Government or promotes feelings of hatred or enmity between different classes or disturb public peace or embarrases the School Board or the Zilla Parishad ;

(g) that no pupil attending any approved school shall be required to take part in religious instruction that may be imparted in such school or to attend any religious worship that may be conducted in such school or in any premises attached thereto unless such pupil or if such pupil is a minor, his guardian has given his consent thereto ;

OR

(h) that school either denies admission to any pupil or declines to employ any persons on grounds only of religion, race, caste, language or any of them ;

(i) that an association conducting the school is not registered under the Act, XXI of 1860 :

Provided that before giving any direction that the aid should cease due warning shall be given to the school and reasonable opportunity given to its to carry out the requirements laid down by the School Board or the Education Committee :

Provided further that a school which is aggrieved by the direction of the School Board or the Education Committee stopping grant-in-aid on the grounds specified in the above sub-rules (f), (g), (h) and (i) may submit an appeal to the Deputy Director of Educational division whose decision shall be binding.

112. *Allotment of grant-in-aid.*—All grants to approved private schools shall be subject to the provision made for the purpose in the budget of School Board or the Zilla Parishad.

113. *Assessment and payment of grant.*—(1) The Grant payable to an approved private school shall be assessed by the Inspecting Officer.

(2) The actual amount of grant to be paid to an approved private school other than a practising school shall be determined by the Competent Authority after considering the recommendations of the Inspecting Officer. Such grants shall be paid by the Competent Authority on behalf of the School Board or as the case may be, of the Zilla Parishad. The cases of the Schools which are being considered for grant-in-aid for the first time or which are to be removed from the list of aided approved schools shall be placed before the School Board or Education Committee.

114. *Conditions for assessment of grants.*—In assessing the grant payable to an approved private school, the inspecting officer shall consider with due regard to the special circumstances of the school and its locality---

(a) Whether the instruction given is sufficient in range and quality ;

(b) The extent to which the conditions on which the school was recognised are filled ;

(c) Whether the registers and records are duly maintained as required in rule 139 of the Bombay Primary Educational Rules, 1949 ;

(d) Whether the teaching staff is adequate and qualified.

Explanation.—The teaching staff should be deemed to be adequate if on an average, there are not more than 40 pupils per full-time teacher, in Standards I to IV and there are 1.3 teachers for each division of Standards V to VII ;

(e) Whether the members of the staff are paid regularly in accordance with the scales of pay and allowances laid down by the Director from time to time subject to such instruction as may be issued by him in that behalf.

115. *Determination of grant.*—(1) Normally grant paid to an approved private school in any year is the grant for that year and shall be calculated on the basis of the total admissible expenditure of the preceding year :

Provided that no grant for approved schools shall be paid in any year unless the average attendance of the pupils is 25 and above in Standards I to IV, and 20 or above each in Standards V and VI, and 15 and above in Standard VII during preceding year.

(2) The maximum maintenance grant for an approved private school shall be $66\frac{2}{3}$ per cent. of the admissible expenditure on approved items of the preceding year or net deficit, whichever is less.

(3) For the purposes of sub-rule (2) the admissible expenditure includes---

(a) the actual expenditure on salaries of approved pay-scales laid down from time to time by the Department on the number of admissible teaching and non-teaching staff applicable to similar employees in the service of the State Government.

Explanation.—For the purposes of clause (a) the admissible teaching staff shall be determined as follows namely :—

(i) For private primary schools running Standards I to IV only, the number of teachers admissible should be decided according to the average number of students on roll per month in the preceding year. One teacher should be held admissible for an average of 40 students on roll. If 11 students exceed the average of 40, one additional teacher should be held admissible. If the average students on roll exceed 200 one additional teacher should be held admissible. For example, if the average number of students on roll is 200 to 210, then 6 teachers should be held admissible (5 teachers according to the ratio of 1 teacher for 40 students and 1 additional teacher for the reason that the average strength exceeds 200).

(ii) For private Primary Schools running Standards I to V, I to VI or I to VII, 1 teacher should be held admissible for an average of 40 students in standards I to IV and for each division of Standards V to VII 1.3 teachers should be held admissible. In such schools no extra teacher should be held admissible when the average number of students of roll exceeds 200.

(iii) If the condition of average attendance prescribed for Standards V to VII is not fulfilled in any of these Standards, the admissible number of teachers for all the Standards from I to VII may be determined on the basis of one teacher per 40 students on the total average monthly enrolment and one additional teacher if the total average monthly enrolment of the school exceeds 200.

(b) Salaries of one Junior Clerk and one Class IV servant in the approved pay-scale applicable to similar employees in the service of the State Government in case of school having strength of 500 or more.

(c) Leave salaries, that is to say, the expenditure incurred by the management of a school on account of leave salaries paid to its employees provided the leave granted is within the limits of leave rules.

(d) Provident Fund contribution, that is to say, the contribution paid by the management of a school to the approved Provident Fund Scheme in respect of its employees ;

(e) the amount of rent, taxes and insurance—

(a) Rent

(i) Reasonable rent for the school building provided the rent is actually paid, and a certificate regarding reasonableness is obtained from the Ex-Engineer of the Buildings and Communications Department within whose jurisdiction the school building is situated.

(ii) Charges on account of taxes on school buildings provided these are actually paid by the management in respect of school building for which no rent is paid.

Example.—The total cost of a school building is Rupees one lakh. Assuming that a building grant of Rs. 20,000 was paid by Government to the school for construction of the school building and the remaining amount of Rs. 80,000 was collected from donations as their own fund or loans from Government or from any other source. The amount of Rs. 80,000 is thus exclusive of the building grant. $7\frac{1}{2}$ per cent of this cost (Rs. 80,000) would be admissible as rent for maintenance grant, provided the Executive Engineer of the area concerned certifies that the amount of rent so charged is reasonable.

(iii) In the case of a building owned by a school, the reasonable nominal rent to be calculated on the following basis namely :—

(a) $7\frac{1}{2}$ per cent of the capital value of the building plus municipal taxes ;

(b) Six per cent of the cost of the site on which the building is constructed ; and

(c) $10\frac{1}{2}$ per cent of the cost of sanitary fittings and water supply fittings of the building :

Provided that the Executive Engineer certifies that the amount of rent charged is reasonable. Where site for construction of a school building is granted by Government to the management of

a school free of charge, that is, without charging any occupancy price, the question of any rent on the cost of the site does not arise ;

(iv) Where a school is located in a building owned by the management and the building is built from donations, its own funds or from loans and Government has not paid any grant towards the cost of construction, an amount not exceeding $7\frac{1}{2}$ per cent of the cost incurred as is certified by the Executive Engineer as reasonable rent.

(v) Expenditure on account of the rent of school building for which loan has been advanced by Government according to the usual rates in that behalf during the repayment of loan and also thereafter.

(b) Taxes

(i) Charges on account of taxes on school building, provided these are actually paid by the management, in respect of school buildings for which no rent is paid.

(ii) In the case of rented buildings where certificate regarding the reasonableness of rent issued by the Executive Engineer does not include municipal and other taxes, the expenditure on a payment of such taxes.

(c) Insurance of buildings

Insurance charges on account of school buildings owned by the school and even built partly from Government funds.

(d) Rent of the school play-ground

Reasonable rent for the school play-ground provided the rent is actually paid and a certificate regarding its reasonableness is obtained from the Executive Engineer.

(4) *Office Contingency*.—(a) Reasonable charges on this account. (b) The expenditure on printing letter-head, circular, rules, regulations, prospectus, etc., and other reasonable printing charges upto a reasonable limit, each case being considered on its merits. (c) Printing charges on account of advertisements for recruitment of employees and those on account of forms, registers, etc.

(5) *Furniture and Equipments*.—Expenditure on school equipment, such as, school furniture, library, laboratory, workshops and other actual teaching aids, including craft equipments, etc., will be shown under normal admissible expenditure for the year provided it is upto the limit of 6 per cent of the total actual admissible expenditure.

(6) *Repairs to school buildings*.—Charges on account of ordinary repairs to school buildings, which are not rented to the extent of 3 per cent of the total admissible expenditure.

(7) *Electricity Charges*.—Reasonable expenditure incurred on the supply of electric energy for school purpose only.

(8) *Telephone charges.*—Charges for telephone calls including trunk calls are calculated in two ways :—

(a) Fixed charges irrespective of the number of calls.

(b) Fixed rent *plus* charges for calls :—

(i) In respect of (a), the actual expenditure incurred by schools on payment of fixed charges.

(ii) In respect of (b) the expenditure limited to Rs. 260 per annum excluding the trunk calls. The expenditure on trunk calls will be admissible if the Competent Authority is convinced of the expenditure being unavoidable.

(9) *Medical charge.*—Reasonable expenditure in connection with medicine, such as, Iodine, Boric Powder, First-aid material, etc.

(10) *Audit of School Accounts.*—The expenditure incurred by a School on audit of its accounts by registered accountants in accordance with the scale given below :—

Admitted expenditure		Audit fee	
Rs.			Rs.
Up to 5,000	75
10,000	110
20,000	125
30,000	150
40,000	175
50,000	200
60,000	250 to 300

(11) *Sales Tax and General Tax.*—The expenditure incurred on payment of sales tax and general tax if it is actually incurred by the school and supported by necessary vouchers.

(12) *Scholarships.*—Expenditure on merit Scholarships, provided these scholarships are paid by the School directly from the school fund and from donations, endowments, etc.

(13) *Fees.*—(a) A recognised school may charge tuition fees not exceeding Rs. 5 per month at the following rates so as to cover the deficit in their budget, namely :—

	Rs. P.		Rs. P.
Std. I	2·00	Std. V	4·00
Std. II	2·50	Std. VI	4·50
Std. III	3·00	Std. VII	5·00
Std. IV	3·50		

(b) Admission fee equal to the amount of one month's tuition fee at the time of admission may be charged.

(c) The term fee equal to the amount of the tuition fee mentioned above may be charged in each term.

The amount of term fees may be spent on the following items :—

- (1) Medical expenses on pupils,
- (2) School Magazines—Manuscripts,
- (3) Examination expenses, i.e. cyclostyling of question papers,
- (4) School functions and festivals,
- (5) Sports,
- (6) Prizes,
- (7) Curricular activities.

Note.—(1) The total expenditure on items other than salaries, rent and taxes should not exceed 8 per cent of the total admissible expenditure of the preceding year.

(2) The term fee account should be maintained separately.

(3) The prevailing rates of fees should not be reduced without the prior approval of the Director of Education.

(4) In calculating deficit only the income from admissible and tuition fees charged shall be taken into account.

116. *Opening of Higher Standards.*—(1) New schools shall not open standards for which permission has not been granted. No recognised school shall teach a standard or standards higher than those for which it has been recognised, without the previous permission of the Competent Authority.

(2) Application for the opening of a higher standard or standards shall be submitted to the Competent Authority not less than six months before the beginning of the school year in which it is proposed to open the higher standard or standards.

(3) No new additional division of a standard already recognised shall be opened unless the school makes adequate provision for additional accommodation, staff and equipment and the Competent Authority is informed about the arrangements made for opening of the new division, ordinarily at least two months before the opening of such new division. The Competent Authority may ask the management to close down such division, if the conditions for opening the additional new division are not satisfactorily fulfilled.

(4) The provisions of sub-rule (3) shall also apply in cases where the sole subject of dividing a class is better internal organisation, except when such division does not increase the total number of divisions in the school, already sanctioned.

117. *deleted.*

118. *deleted.*

119. *Manner of payment of grants.*—(1) Grant due to an approved private school under these rules shall be paid to it before March 31st of the year in which the grant is due.

(2) Grant payable to approved private schools may, at the discretion of the Competent Authority, be paid in three instalments. The first instalment of grant not exceeding one-half of the previous year's grant may be paid in August. The second instalment not exceeding 25 per cent of the total grant likely to be earned by the school may be paid in November. The balance of the total grant earned during the year may be paid before March when the inspection report on it is received :

Provided that no such advance grant shall be paid unless the managers of the schools execute before hand an agreement to refund the amount in case the school is closed or the recognition of the school is withdrawn before the end of the year. The agreement shall be in Form B accompanying these rules.

(3) No portion of a grant-in-aid shall be paid to an approved private school if it ceases to exist or to be an approved school before it is inspected.

(4) The amount of grant payable to an approved private school shall be reduced in proportion to the number of months in the year during which the approved school ceases to exist or to be an approved school.

120. *Grant to practising School.*—(1) The grant payable to a practising school shall be calculated by the Deputy Director of the educational division.

(2) The grant shall be paid by the Deputy Director of the Educational division from the allotment placed at his disposal for the purpose by the Director.

Explanation.—For the purposes of this rule, a “practising School” means a primary school which is maintained as part of a training institution aided by Government.

121. *deleted.*

FORM 'A'

[*Vide* rules (5) and (9) of these rules.]

Statement to accompany the application for recognition for grant-in-aid to a private primary school.

1. Locality
2. Name of the Proprietor Society or Controlling Body.
3. Date of establishment
4. No. of pupils in average attendance in each standard during the year.

5. Name, age, qualifications and the departmental certificates, if any, of the Head Teacher and assistants.
6. Other employment, if any, of the teacher/s.
7. Rates of fees charged, if any ...
8. Name and postal address of the Managers or Correspondent who will be responsible for correspondence.
9. Annual expenditure and how it is proposed to be met.
10. General remarks including whether the school intends to apply for grant-in-aid.

Date.

Signature.

FORM ' B '

[Vide rule (16) (2) of the rules for recognition of and grant in aid to private schools].

Form of Agreement.

In consideration of the sum of Rs. _____ paid on behalf of the
 School Board of _____ to me/us as grant in aid in
 advance for the year 19 _____ 19 _____ for the _____ School,
 I/We do hereby agree to refund to the said School Board in full the amount
 of the said grant if for any reason the school is closed before the end of the
 said year or if the recognition of the school is withdrawn by the said School
 Board before the end of the said year for any reason which the said School
 Board in its absolute discretion may deem sufficient.

Manager (S).

Dated _____ 19 _____

Place :

In the presence of—

1.

2.

FORM 'C'

(Vide rule 6 in Schedule)

Agreement to be entered into between permanent Teachers and Managers of approved private schools.

An agreement made the _____ day of _____
 One thousand nine hundred and _____ between _____ hereinafter
 called the Teacher of the one part and _____ hereinafter
 called the (Committee) of the other part whereby it is agreed by and between
 the parties as follows :—

1. That the Teacher shall devote his whole time and attention to the duties of his office and discharge them effectively, diligently and to the best of his ability and shall abide by the rules of conduct and general conditions of service framed by the Management and shall not engage in any other employment and shall not (except in case of accident or sickness certified by competent medical authority) absent himself from duties without having first obtained the permission of the Head of the School ;

(But) if he absents himself from the said service without first obtaining permission or in case of sickness without furnishing the requisite medical certificate, as aforesaid, he shall forfeit all claims to any pay during such absence.

2. That the (Committee) shall pay the Teacher for so long as he shall remain in service and actually perform his duties as remuneration for his services a salary of Rupees.

(Rs. _____) per month during the first and Rupees.

(Rs. _____) per month during the second year and Rs.

(Rs. _____) per month in subsequent years.

3. That the Teacher shall subscribe to the Provident Fund in accordance with the rules in force regulating the same.

4. That this agreement may be terminated at any time by either party giving to the other _____ month's notice in writing and on the expiration of the period of such notice this Agreement shall be determined.

5. That in the event of misconduct on the part of the Teacher or breach by him of any of the conditions herein specified with the services of the Teacher without notice.

6. The Head Teacher of the School may suspend the Teacher pending inquiry into any charge brought against him.

7. All Communications of whatever nature from the Teacher to the (Committee) shall be forwarded through the Head Teacher of the School.

In Witness whereof—

of and on behalf of

the

and

have hereinto set their hands the day and the year first before written

Signed by the said in the presence of

Signed by the said in the presence of

“ SCHEDULE F ”

[Vide rules 106 (3), 111 (2)(c) of the Bombay Primary Education Rules, 1949]

Model conditions of employment of Teachers in Private Schools.

N.B.—The conditions of employment given in this Schedule are in respect of teachers employed in approved private schools. Unless the management of the schools prescribed other conditions with the approval of the Deputy Director of educational division these model conditions shall be applied.

1. *Pay.*—The scales of pay including the allowances should be in accordance with the instructions issued by the State Government from time to time.

2. *Provident Fund.*—All the teaching and non-teaching staff in recognised private school shall subscribe to the Provident Fund according to the rules in force.

3. *Vacation Pay.*—If a teacher is appointed for a major part of the term, he shall be entitled to vacation pay at the end of the term, provided that if the temporary appointment is in post which is not permanently vacant and some other teacher is drawing pay for the vacation and the temporary teacher has been duly informed of the position the latter shall not be entitled to the vacation pay.

4A. *Discipline.*—All teachers shall be subject to the general rules of discipline and conduct and such other rules and instructions as may be issued by the management.

4B. *Age.*—Persons to be appointed on the teaching or non-teaching staff shall ordinarily be over 18 years of age and not exceeding 25 years of age. In the case of Backward class candidates the maximum age limit will be 30 years. Cases of persons whose age exceeds the prescribed age limit may be considered by the Deputy Director of Education of the educational division.

5. *Period of Probation.*—Unless it is a purely temporary vacancy, a teacher professionally qualified shall be on probation for a period of 2 years from the date of his first taking over charge of his appointment.

6. *Permanent teacher.*—If a teacher is professionally qualified and appointed to a permanent vacancy, he will be regarded as a permanent teacher after a service of 2 years

7. *Teaching qualifications.*—All untrained teachers shall be required to get such teaching qualifications as may be laid down by Government within a specific period. Failure to get such qualifications may entail discharge from service.

8. *Leave.*—8.1. Leave cannot be claimed as of right. Discretion to refuse or revoke leave is reserved to the Head of the School, the school committee or the management, as the case may be.

Casual Leave.—8.2 (i) Casual leave may be given by the Head up to a maximum period of 15 days in an academic year subject to the condition that ordinarily not more than three days casual leave can be enjoyed at a time to be extended to ten days only in exceptional circumstances.

(ii) Not more than two holidays can be enjoyed in conjunction which any spell of casual leave whether by prefixing or by suffixing or by both and the total period of casual leave and holidays enjoyed continuously at one time shall not exceed 7 days save only in circumstances which in the opinion of the Head of the school as exceptional when it may be extended up to 10 days.

(iii) The number of holidays in excess of 2 prefixed or suffixed or both to the casual leave will be treated as casual leave. Sundays and holidays interposed between two periods of casual leave should, however, be treated as part of casual leave.

(iv) Casual leave cannot ordinarily be prefixed or suffixed to vacations except with the previous permission of the Head of the school, the school Committee or the management, as the case may be.

(v) It is permissible to enjoy half day's casual leave if the period of absence is half or less than half of a working day, or any other day if observed by the school as a half working day is not to be treated as a half day's casual leave but casual leave for a full day.

Half Pay Leave.—8.2(1) (a). Half pay leave to the extent of 20 days may be granted for each completed year of service to permanent employees of a school on private affairs or on medical certificate. Every application for leave on medical certificate made by an employee shall be accompanied by a medical certificate given by a registered medical practitioner, stating as clearly as possible the nature and probable duration of the illness.

(b) The authority competent to sanction leave may, at its discretion, secure a second medical opinion by requesting the Presidency or Civil Surgeon or District Medical Officer to have the applicant medically examined. Should it decide to do so, it must arrange for the second examination to be made,

on the earliest possible date after the date on which the first medical opinion was given. It should forward the original medical certificate produced by the applicant to the Medical Officer by whom he is to be re-examined.

(c) This re-examination, if necessary, be arranged by the management at their own cost, if any and that, any expenditure on this account, will not be held admissible for grant.

(d) The maximum period of half pay leave should be limited to four months at a time.

Commuted Leave.—8.3 (2) Commuted leave not exceeding half the amount of half pay leave due may be granted (i) on medical certificate from the Civil Surgeon or a registered medical practitioner named by the authority competent to sanction leave or (ii) for any valid reasons approved by the said authority. School Committee or management subject to the following conditions :—

(a) Commuted leave during the entire service shall be limited to a maximum of 240 days ;

(b) When commuted leave is granted twice the amount of such leave shall be debited against the half pay leave due ; and

(c) The total duration of earned leave and commuted leave taken in conjunction shall not exceed 240 days :

Provided that no commuted leave may be granted under this rule unless the authority competent to sanction leave has reason to believe that the employee will return to duty on its expiry.

Extraordinary Leave.—8.4. Extraordinary leave may be granted to an employee in special circumstances when no other leave is, by rule admissible or when other leave is admissible but the employee applies in writing for the grant of extraordinary leave. Except in the case of a permanent employee, the duration of extraordinary leave shall not exceed three months on any one occasion. The authority competent to sanction leave may commute retrospectively periods of absence without leave, into extraordinary leave.

Maternity Leave.—8.5. (i) Maternity leave may be granted to female employees who have put in more than one year's service. It may be granted for a period which may extend up to the end of three months from the date of its commencement or to the end of six weeks from the date of confinement, whichever, it earlier.

8.5. (ii) Maternity leave under Rule 8.5(i) above shall be granted on half pay to an employee who has put in less than two year's service before the commencement of such leave.

8.5. (iii) Maternity leave under Rule 8.5(i) above shall be granted on full pay to an employee who has put in two years' service on the day of commencement of such leave.

8.5. (iv) Maternity leave shall not be debited to the leave account. Leave of any other kind be granted in continuation of maternity leave, if the request for granting it is supported by medical certificate.

Note.—Leave under the rule is admissible in case of miscarriage and abortion also.

Earned Leave.—8.6. (i) The earned leave admissible to permanent teaching employees in respect of any year in which they are prevented from availing themselves of the full vacations, is in such proportion of 30 days a year as the number of days of vacation not taken bear to the full vacation, provided that such an employee will cease to earn such leave when the earned leave due amounts to 180 days.

8.6. (ii) The non-teaching staff belongs to non-vacation department and is, therefore, prevented from enjoying vacation. The members of the non-teaching staff shall, therefore, earned leave per year of duty at the rate of 30 days for a completed year of service. The employee will cease to earn such leave when the earned leave accumulates to 180 days.

Combination of Leave.—8.7. Any kind of leave except casual leave may be granted in combination with or in continuation of any kind of leave.

Leave to Non-permanent Employees.—8.8. Non-permanent employees will not be entitled to any leave with pay other than casual and maternity leave. A non-permanent employee when appointed substantively to a permanent post will be credited with the leave which would have been admissible if his previous continuous duty was as permanent employee. Half pay leave at the rate of 20 days for each complete year may be granted to the non-permanent employees provided the authority competent to sanction leave has reason to believe that the employee concerned will return to duty on its expiry.

Calculation of leave Salary.—8.9 (i) An employee on full pay leave, is entitled to leave salary equal to the greater of the amounts specified below :—

(a) The substantive pay on the day before the leave commences, or in respect of the first 60 days of the leave, the average monthly pay earned during the 12 complete months preceding the month in which the leave commences ;

(b) and thereafter the average monthly pay earned during the 36 complete months proceeding the month in which the leave commences.

(ii) An employee on half pay is entitled to leave salary equal to half the substantive pay or half the amount specified in clause (b) of Rule 8.9(i) above, whichever amount is greater.

(iii) An employee on commuted leave is entitled to leave salary equal to twice the amount admissible under Rule 8-9 (i) above.

(iv) An employee on extraordinary leave is not entitled to any leave salary.

8.10. Leave to the credit of an employee shall lapse on the date of his superannuation provided that if in sufficient time before that date he has formally applied for leave and it has been refused in the interest of the school, this refused leave upto a maximum of four months can be granted after the date of superannuation or after the period of his extension is over. An employee retained in service beyond the age of superannuation shall earn leave for the period of his extension at the rate mentioned in Rule 8.3(1)(a) above which he can enjoy before the period of extension is over.

8.11. The leave account of every employee should be maintained properly.

8.12. An employee on leave, with full or half pay, shall not accept any service with pay or remuneration during the period of leave, without first obtaining specific permission from his employer.

8.13. An application for leave or extension of leave or to proceed on leave after vacation, should ordinarily be made in good time before the date from which the leave or its extension is sought. If an employee does not apply for leave or for further leave, within seven days of the expiry of vacation or of leave, as the case may be, he/she may be deemed to have abandoned his/her service.

8.14. An employee on leave may not be allowed to return to duty before the expiry of the leave except with the permission of the sanctioning authority.

8.15. Under exceptional circumstances of administrative necessity, the authority competent to sanction leave may call back to duty an employee who is on leave, explaining the nature of the emergency, and it will be incumbent on the employee to return to duty. If, however, the employee cannot return to duty as directed, he should satisfy the said authority about the *bona fide* circumstances of his inability.

9. *Termination of Employment.*—9.1. The service of a non-permanent employee may be terminated by the management at any time without assigning any reason after giving one calendar month's notice or by paying one month's salary (Pay and allowances, if any) in lieu of notice. The notice should not, however, be given during vacation or so as to cover any part of the vacation or within a month after the vacation.

N.B.—A calendar month means one of the 12 months in which the year is divided according to calendar, also the spare of time from any day of any such month to the corresponding day of the next month as opposed to the lunar month of four weeks. In computing time of calendar months time must be reckoned by looking at the calendar and not by counting days. Thus "One calendar month's notice" will be calculated from the day of notice to the day numerically corresponding in the following month, less one. However, when there is no corresponding day

in the last month of notice the employee's service will be terminated on the last day of such last month, so that an employee who was served with a notice of discharge will not be retained in service or the management will not be required to pay him salary for a greater number of days than there are in the month in which he was served with the notice of discharge. Accordingly, the calendar month's notice given on the 23rd February 1971, will terminate on the 22nd March which would only amount to 28 days.

9.2. (1) The services of a permanent employee may be terminated by the management without assigning any reason on giving compensation as follows :—

(i) Twelve months' salary (pay and allowances, if any), to the employee if he/she has been in the service of the School for ten years or more ;

(ii) Six months' salary (pay and allowances, if any) to the employee, if he/she has been in the service of the school for less than ten years.

No employee should be removed under this rule without the prior approval of the Deputy Director of the region.

9.2. (2) The management shall immediately inform the appropriate authority concerned of the action regarding the discharge of and payment made to such an employee. The said authority shall satisfy himself as the time of his visit or inspection that the payment to the employee was made forthwith. In cases falling under this rule, no employee should be relieved by the management without making payment of the prescribed compensation and failure to do so may entail such cut in grant-in-aid due to the school and other action against the management as the Deputy Director may consider appropriate.

9.3 (1) In all cases of termination of services of permanent employees excepting those mentioned above, an inquiry shall be held through a properly constituted Inquiry Committee. Such an inquiry can be held only in the case of insubordination, neglect of duties or misconduct in each case of a serious nature.

Composition of the Inquiry Committee.—(i) If the inquiry is against the employee who is not the Head of the school the Committee shall consist of—

(a) the Head of the school concerned ;

(b) a person nominated by the employee concerned from amongst the members of the Executive or the Governing Council or from amongst the teachers in the same school as the case may be ; and

(c) a person nominated by the Management from amongst the members of the Executive or Governing Council.

N.B.—If the person nominated by the employee from amongst the members of the Executive or the Governing Council or from amongst the teachers in the same school is not available the employee may nominate an outsider.

(ii) If the enquiry is against the Head of the school the Committee shall consist of a member nominated by him, from amongst the members of the Executive or Governing Council, the remaining two members being nominated by the Management out of the remaining members of the Executive or Governing Council.

N.B.—If no member from the Executive or Governing Council as nominated by the Head of the school is available he may nominate an outsider.

9.3. (2) The management may suspend an employee during the course of the inquiry and if this is done, the employee shall have to be given full pay and allowances, if any, during the period of suspension.

9.3. (3) *Procedure of Inquiry.*—(1) If an employee of a school is allegedly guilty of insubordination, neglect of duties or misconduct (in each case of a serious nature), the Secretary on behalf of the management shall communicate to the employee the allegations and demand from him a written explanation within a week.

(ii) If the Secretary finds that the explanation is not satisfactory, he shall if authorised by the management proceed to constitute an Inquiry Committee and direct the employee concerned to nominate a person on the Committee on his own behalf within a fortnight, as provided for in sub-rule (i) or (ii) of Rule 9.3 (1) above.

(iii) The Inquiry Committee shall go through the allegations and the employee's explanation, if any, and if it feels that there is a case for inquiry, frame a charge-sheet and communicate it to the employee within a week of its constitution.

(iv) The Inquiry Committee shall then hold an inquiry after giving ten days' notice to the Secretary and the employee. The employee shall have the right to be heard in person and to lead evidence, if any. He shall also have the right to cross-examine the witnesses examined on behalf of the management. The management also shall have the right to lead evidence and a right to cross-examine the witnesses examined on behalf of the employee. The evidence thus collected shall be recorded in writing and endorsed both by the employee and the Secretary in token of its authenticity.

(v) The Inquiry Committee shall give the employee a summary of the proceedings and allow him to take copies, statements of witnesses, if any, and allow him seven days to offer his further explanation, if any.

(vi) On receipt of the further explanation of the employee or, if no explanation is offered within 7 days, the Inquiry Committee shall complete the inquiry and record its findings and decision in writing within a week after the date fixed for receipt of further explanation and

communicate the same to the Secretary and the employee immediately. The management shall communicate in three weeks' time to the Deputy Director concerned the charges levelled against the employee the explanation given by him thereon, the Inquiry Committee's findings and the decision arrived at. If the employee does not take part in the inquiry deliberately or remains absent at the inquiry, *ex-parte* findings may be arrived at and recorded by the Committee.

(vii) Either party shall have the right to prefer an appeal to the Deputy Director within 15 days of the receipt of the decision. If no appeal is preferred by either side, the decisions of the Committee shall be treated as final and binding on both the parties and shall be executed forthwith.

(viii) If an appeal is preferred, the Deputy Director shall take a decision on the appeal within two months of the receipt of the appeal after hearing both the parties, if they so desire, and communicate it to both the parties by Registered Post A. D. His decision shall be treated as final and binding on both the parties.

(ix) In cases of proved misconduct of a teacher, the Deputy Director shall stipulate the period during which the teacher concerned will not be re-employed in any other educational institution.

9.4. In cases of reduction of establishment owing to the reduction in the number of classes or fall in the number of pupils affecting the income of the school or a change in the curriculum affecting the number of certain category of teachers or closure of a course of studies or of the school itself or any other *bona fide* reasons of similar nature, management may terminate the service of a permanent employee after giving three months' notice or three months' pay in lieu of notice. In such cases, the principle of seniority shall ordinarily be observed, but if for any special reasons, this principle is proposed to be departed from by the management and a senior member of the staff is proposed to be retrenched when a junior member should have been retrenched, they shall obtain the prior approval of the appropriate authority. He shall, in all such cases, be bound to give his decision within one month of the receipt of the reference. If posts retrenched are revised or additional posts are created within one year from the date of any retrenchment as above, the permanent employee retrenched shall be given the first opportunity of rejoining service in the school. He shall be restored to his original position in pay and seniority. If no written reply is received from any employee within a fortnight from the date of acknowledgement, or refusal to receive by post such offer made by Registered Post A. D. is received by the management, the latter shall be free to fill the post or posts otherwise. For this purpose, the retrenched employee shall register his address in the school before he is relieved.

9.5. A management shall not delegate to any subordinate authority, other than the principal executive officer of the general body in the case of

a registered society, power to terminate the service of an employee or to reduce his pay. The power to impose any other penalty may be delegated at the discretion of the management to the Head of the school, subject to such limitation as the management may consider desirable.

9.6. The expenditure incurred by the management on payment of compensation under rule 9.2. (1) above, and salary (pay plus allowances, if any) in lieu of notice period under rules 9.1 and 9.4 of this rule should not be held admissible for purposes of grant except in cases where the discharge of the employee is at the instance of Government.

9.7. No non-permanent employee shall leave service without giving one calendar month's notice or without paying one month's salary (pay and allowances, if any) in lieu of notice of the management. Similarly, no permanent employee shall leave service without giving three calendar months notice or without paying three months salary (pay and allowances, if any) in lieu of notice to the management. In either cases, the notice should not be given during the vacation or so as to cover any part of the vacation or within a month after the vacation.

9.8. The managements of schools should pay all legitimate dues to the employees as and when directed by the Department.

9.9. An employee dismissed or removed from service for misconduct under sub-rule (3) (ix) of rule 9.3. by a school or from Government service or by a local body shall not be re-employed by any other recognised institution for such period as may be specified by the Deputy Director concerned or by the Director provided that the officer concerned is satisfied about the serious nature of the misconduct and has notified accordingly to that effect.

10. *Duties.*—All employees shall during the period of their service employ themselves honestly and efficiently under the orders of the Head Masters/Management and shall make themselves in all respect generally useful to the school. They shall devote their whole time to the duties of the school and shall not on their account or otherwise either directly or indirectly carry on or be concerned in any trade or business or undertake private work without obtaining the permission of the Head Master/Manager.

11. *Absence.*—No employee shall absent himself from his duties without first having obtained the permission of the Head Master/Manager in this behalf and in the case of ill-health without producing such Medical Certificate from a recognised Medical Practitioner.

12. *Other Activities.*—Every employee shall carry out such duties pertaining to the school as may be assigned to him from time to time by the Head Master/Management including duties connected with co-curricular activities.

13. *Breach of service condition Rules.*—If an employees of a school commits a breach of any of the service condition rules, the school authorities will hold an enquiry and if the breach is proved, the school authorities shall be free to warn the employee or to withhold his increment for a period not exceeding a year or to withhold his promotion.

14. *Representations.*—All representations of whatever nature from an employee in connection with the employment or in connection with his school to the school authority shall always be addressed through the Head of the school.

15. *Superannuation.*—(A) *Teaching and non-teaching staff.*—15.1—Any member of the teaching and non-teaching staff shall compulsorily retire on the date on which he attains the age of 58 years. Under no circumstances he should be granted extension in service beyond the age of 58 years.

15.2. If a management desires to retain in service any member of the staff beyond the age of 58 years, it may do so, provided the member concerned is physically and mentally fit and his continuance is clearly necessary in the interest of the school. Such a member may, however, be re-employed in service. Re-employment should not be granted as a matter of routine or merely on compassionate grounds.

15.3. If the management, for reasons to be recorded in writing, desire to extend the period of re-employment of any member on the staff even after he has attained the age of 60 years, it should approach the Deputy Director well in advance, for his previous permission to do so. The said authority should grant permission for such further re-employment after satisfying himself that the conditions mentioned in rule 15.2 above, have been fulfilled, but for a period not exceeding one year at a time. Any member, who has attained the age of 65 years should not, however, be continued in service under any circumstances."