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FOR REFERENCE ONLY

The Assam Gazette

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

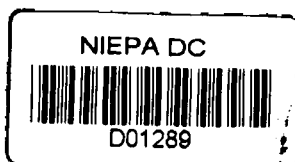
EDUCATION (PERSONNEL) DEPARTMENT

NOTIFICATION

ASSAM RULE IV OF 1982

The 27th May 1982

No.ESS.75/78/Pt.III/27.—In exercise of powers conferred under Section 3(3) of the Assam Secondary Education (Provincialisation) Act, 1977, the Governor of Assam is pleased to frame the following



Sub. National Systems Unit,
National Institute of Educational
Planning and Administration
17-B, SriAurobindo Marg, New Delhi-110016
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rules regulating the Service Conditions of the Teachers and Employees of the Secondary Schools and the same is published in official Gazette for general information of all concerned.

PART I

1. Short Title and Commencement.—(i) These rules may be called 'The Assam Secondary Education (Provincialised) Service Rules, 1982'.

(ii) These rules shall come into force with immediate effect.

2. Definition.—In these rules unless there is anything repugnant in the subject or context.

(a) 'Act' means the Assam Secondary Education (Provincialisation) Act, 1977.

(b) 'Appointing Authority' means (i) Governor of Assam in respect of cadres mentioned against (a) & (b) of Sub-rule 3.

(ii) Director in respect of cadres mentioned against (c) & (d) of Sub-rule (I) of Rule 3.

(c) 'Board' means the Selection Board constituted under Rule 7(2) and 10.

(d) 'Commission' means the Assam Public Service Commission.

(e) 'Director' means the Director of Public Instruction, Additional Director of Public Instruction and Director of Elementary Education as the case may be.

(f) 'Date of Recognition' means the date on which recognition was granted and students were permitted to appear in High School Leaving Certificate Examination by Secondary Board of Education, Assam.

(g) 'Government' means the Government of Assam in the Education Department.

(h) 'Period of Service' means the period of continuous service from the date of appointment as defined in the Act.

(i) 'Recognition' or 'recognised' shall have the same meaning as defined under the Assam Secondary Education Act, 1961.

(j) 'Selection List' means the list prepared by the Selection Board.

(k) 'Service' means the Assam Secondary Education (Provincialised) Service.

3. Class and cadre.—(1) The Service shall consist of the following classes and cadres :—

(a) Class-I (Gazetted).

(i) Principal, Higher Secondary and Multipurpose schools here-in-after called as Principal only.

(b) Class-II (Gazetted).

(i) Headmaster,/Headmistress of High Schools herein after called as Headmaster only.

(ii) Superintendent, High Madrassa herein after called as Superintendent only.

(c) Class II (Non Gazetted).

(i) Vice-Principal, Higher Secondary and Multipurpose schools therein after called as Vice-Principal only.

(ii) Subject teachers of Higher Secondary and Multipurpose schools herein after called as post-Graduate teachers only.

(d) Class-III (Non Gazetted).

(i) Assistant Headmaster/Assistant Headmistress School herein-after called as Assistant Headmaster only.

(ii) Assistant Superintendent, High Madrassa herein after called as Assistant Superintendent only.

(e) Class-III (Non-Gazetted).

(i) Graduate teachers of Higher Secondary and Multipurpose schools, High Schools herein after called Graduate teachers.

(ii) Graduate teacher of High Madrassa.

(iii) Junior teachers of Higher Secondary and Multipurpose schools and High Schools herein after called as Junior teachers.

(iv) Junior teachers of High Madrassa.

2. The posts mentioned in sub-rule (I) of Rules 3 shall form independent cadres. Members of any cadre shall have no claim for appointment in higher cadre except in accordance with provision of these rules.

(3) The Service may also include any post equivalent to post in any of the cadre mentioned in sub-rule (I) and any cadre or post declared to be as cadre of the Service.

4. **Status.**—Status of the members of service shall be as indicated in sub-rule (I) of Rule 3.

5. **Strength of Service.**—The strength of each cadre shall be such as determined by the Governor of Assam from time to time and the present strength of the cadres shall be as in Schedule-I.

PART—II DIRECT RECRUITMENT

6. **Method of Recruitment.**—Recruitment to the cadre of post-graduate teachers, Graduate teachers and Junior teachers shall be made by direct recruitment only on the basis of advertisement, test and interview to be conducted by the Selection Board or the Commission, as the case may be in the manner hereinafter prescribed.

Note.—The extent of jurisdiction of the Selection Board and the Commission shall be determined by general or special orders of Government from time to time. For the time being the posts carrying the scale of pay with maximum Rs. 650 and below shall be within the perview of the Selection Board.

7. **Direct Recruitment.**—(I) Direct recruitment shall be made on the basis of recommendation made by the Commission or the Selection Board, as the case may be with the procedure hereinafter provided.

- (a) Before the end of each year the appointing authority shall make an assessment regarding the likely number of vacancies to be filled up by direct recruitment during the next year and shall intimate the same to the Board together with the details of reservation of candidates belonging to Schedule Caste/Schedule Tribes or any other category as laid down by the Government.
- (b) The appointing authority shall simultaneously request the Board/Commission to recommend a list of candidate for direct recruitment in order of preference.
- (c) The Board or the Commission, as the case may be, shall make selection of candidates holding such test and interview and scrutiny of certificates and other published articles etc. if any published by the candidates, as may be considered necessary.
- (d) The Board or the Commission shall furnish to the appointing authority a list of candidate recommended by it in order of preference. The number of candidates in such a list may be approximately double the number of vacancies.
- (e) The Board or the Commission shall simultaneously publish the list in the Assam Gazette or in such other places as the Board or the Commission may consider fit and proper.

- (f) The list mentioned in Clause (d) and (e) of sub-rule (1) of this rule shall remain valid for one year from the date of publication unless the Government extend the validity of the list for a further period in the public interest in consultation with the Commission, in case where the list is recommended by the Commission or the Board in a case where the list is recommended by the Board.

(2) For the purpose of Selection of Candidates there shall be a Selection Board consisting of the following members.

CHAIRMAN :

- (a) Director of Public Instruction, Assam.

MEMBER-SECRETARY :

- (b) Addl. Director of Public Instruction.

MEMBERS :

- (c) Director of Elementary Education.

- (d) Two deputed Educationists to be nominated by the Director from time to time.

The State Government however reserves the right to entrust the Selection to the State Selection Board constituted under the Assam Education Department Selection Rules, 1977 as amended.

8. Qualification for direct Recruitment.—(a) Age :—A candidate for direct recruitment to the service shall be within the following age limit on the first January of the year of recruitment.

For class (2) (i) (ii) service.

- | | |
|-----------------------------|------------------|
| (i) Post Graduate Teachers— | Minimum 21 years |
| | Maximum 30 years |
| (ii) Graduate Teachers— | Minimum 21 years |
| | Maximum 30 years |
| (iii) Junior Teachers— | Minimum 21 years |
| | Maximum 30 years |

Provided that the age-limits of the Candidates belonging to Scheduled Tribes and Scheduled Castes shall regulated by general orders of the Government issued from time to time.

- (b) The academic qualification of candidate for direct recruitment shall be as prescribed by the appointing authority from time to time. The qualification for direct recruitment as prescribed by the Government at present are given in Schedule II.

(c) **Physical fitness:**—A candidate for direct recruitment shall be:—

(i) of sound health both mentally and physically and free from any organic defect or bodily infirmity likely to interfere with the efficient performance of his duties.

AND

(ii) required to under-go medical examination before appointment to the service.

9. Recruitment by promotion.—Recruitment by promotion to the cadre of Principal, Headmaster, Superintendent of High Madrassa, Vice-Principal, Assistant Headmaster, Assistant Superintendent of High Madrassa shall be made in the manner herein after provided.

- (i) A post of principal shall be filled up from the select list of Headmaster and Vice-Principal having 15 years continuous teaching experience in the service.
- (ii) The post of Headmaster shall be filled up from the select list of Vice-Principal, Assistant Headmaster and post-Graduate teachers having 15 years continuous teaching experience in the service.
- (iii) The post of Superintendent shall be filled up from the select list of Assistant Superintendents having 15 years continuous teaching experience in the Service.
- (iv) The post of Vice-Principal shall be filled up from the select list of post Graduate teachers with 10 years continuous teaching experience and Graduate Teachers with 12 Years Teaching experience.
- (v) The post of Assistant Headmaster shall be filled up from the select list of Graduate teachers having 10 years continuous teaching experience.
- (vi) The post of Assistant Superintendent shall be filled up from the select list of Graduate teachers of High Madrassa having 10 years continuous teaching experience.

10. Selection Board.—For the purpose of Selection of Candidates under rule 9 there shall be a Selection Board consisting of the following members.

CHAIRMAN:

(a) Secretary, Education Department.

MEMBER-SECRETARY:

(b) Director of Public Instruction, Assam.

MEMBERS :

- (c) Director of Elementary Education, Assam.
- (d) A representative of the Education Department.

The State Government reserves the right to entrust the Selection to the State Selection Board established under the Assam Education Selection Rule 1977.

10. (I)(a) General procedure for promotion.—Before the end of each year the appointing authority shall make an assessment of the likely number of vacancies to be filled up by promotion in the next year in each cadre.

- (b) The appointing authority shall then furnish to the Board or the Commission as the case may be the following documents and information with regard to the eligible candidates for promotion :

- (1) Information about the number of vacancies.

- (2) List of candidates, in order of seniority, eligible for promotion (separate lists for promotion to the different cadres shall be furnished) indicating the cadres to which the case of promotion is to be considered.

- (3) Character rolls and other records of any of the candidates.

- (c) Appointing authority shall simultaneously request the Board or the Commission as the case may be to recommend within one month list of candidates found suitable for promotion in order of merit and preference of different cadres. The Board or the Commission should recommend candidates about double of the probable vacancies in order of preference.

- (d) The appointing authority, on receipt of the list of recommended candidates from the Board/or the Commission as the case may be, shall fill up vacancies in order of serials in the list.

IV GENERAL CONDITIONS OF SERVICE

11. Disqualification.—(I) No person shall be eligible for appointment to the service if—

- (a) he is not a citizen of India.
- (b) he has more than one wife living or in case of female candidate who has married a person who has already one wife living :

Provided that the Government may if satisfied that there are special grounds for doing so, exempt any person from the operation of this rule.

(2) No person who attempts to enlist support for his candidature directly or indirectly by any recommendation either written or oral or by other means shall be appointed to the service.

12. Reservation.—There shall be reservation in favour of candidates belonging to Scheduled Castes, Scheduled Tribes in accordance with provisions of the Assam Scheduled Castes and Scheduled Tribes (Reservation of vacancies in services and posts) Act, 1978 both in respect of direct recruitment and promotion.

13. Seniority.—(I) The interse-seniority of the existing employees in the respective cadre shall be determined in relation to the:—

- (a) Date of continuous appointment.
- (b) Date of Joining.
- (c) Date of birth.

(2) In case of any dispute, the Director shall refer the matter in details to the State Government whose decision shall be final.

(3) In case of the members entering into the service on and after the appointed date their interse-seniority shall be determined on the basis of the merit list furnished by the Board or the Commission, as the case may be.

PAY :—

(4) In respect of existing employees the pay and allowances drawn immediately before the appointed day shall be protected.

CONFIRMATION :—

(5) All appointments made prior to the appointed date shall be deemed to be regularly made notwithstanding anything contained in the Assam Public Service Commission (limitation of function) Regulations, 1951 and all members who were confirmed prior to the appointed day shall be deemed to be holding substantive appointment.

(6) Members of the Service who have not been confirmed prior to the appointed day shall be confirmed like the members who have entered into the service after the appointed date subject to rendering of service to the entire satisfaction of the appointing authority.

PENSION :—

(7) In case of all employees retiring on superannuation on attaining the age of 58 years and all grade IV employees retiring on superannuation of attaining the age of 60 years, the entire period of

service from the date of appointment shall be counted towards pension and gratuity notwithstanding anything contained in the Assam Service Pension Rules 1969.

C.P.F./G.P.F. :—

(8) (i) The employees other than grade IV employees who opt to continue to serve upto the age of 60 years as provided under Section 4 of the Act shall continue to contribute to their Contributory Provident Fund, and they will not be entitled to pensionary benefit.

(ii) Employees other than Grade IV employees retiring at the age of 58 years and Grade IV employees retiring at the age 60 years shall open fresh General Provident Fund Account depositing the amount of their own contribution along with interest accrued thereon into the General Provident Fund Account so opened, as per procedure applicable to Government Servants.

14. Other Provision.—Except as provided in the Act and these rules all matters relating to pay and allowances, leave pension, joining time, discipline, transfer, deputation and other conditions of service shall be regulated by the general rules or orders of Government for the time being in force.

15. Relaxation.—When the Government is satisfied that operation of any of these rules may cause undue hardship in any particular case, it may dispense with or relax the requirement of that rule to such extent and under such condition as it may consider necessary for dealing with such a case in just and equitable manner, provided that the case of any person shall not be dealt with in any manner less favourable to him than that provided in any of these rules.

16. Interpretation.—(1) If any dispute arises about interpretation of any provision of these rules, the interpretation of the Government shall be final.

(2) If any difficulty arises in giving effect to the provisions of these Rules the Government, may be order do any thing not inconsistent with the provisions of the Act or these Rules which appear to him to be necessary or expedient for the purpose of removing that difficulty.

17. Repeal and Saving.—The rules corresponding to these rules and in force immediately before commencement of these rules are hereby repealed:

Provided that all orders made or action taken under the rules so repealed or under any general orders ancillary thereto shall be deemed to have been done or taken under the corresponding provision of these rules.

U. C. SARANIA,
Secretary to the Govt. of Assam,
Education Department.

SCHEDULE—I

(See Rule 5)

Sl. No.	Name cadre	Scale of pay	Strength permanent Temp.	Total
1	Principal ...	Rs. 525—35—700—EB—40— 1,000—EB—45—1,325 p.m.	..	54
2	Headmaster ..	Rs. 500—35—745—EB—35— 1,025—EB—40—1,225 p.m.	..	927
3	Superintendent...	Rs. 500—35—745—EB—35— 1,025—EB—40—1,225 p.m.	..	
4	Vice-Principal ...	Rs. 475—30—625—EB—30— 775—EB—35—1,125 p.m.	..	46
5	Post-Graduate ... Teachers.	Rs. 475—30—625—EB—30— 775—EB—35—1,125 p.m.	..	686
6	Asstt. Head- master.	Rs. 400—20—500—EB—25— 750—EB—30—900 p.m.	..	505
7	Asstt. Supdt. ..	Rs. 400—20—500—EB—25— 750—EB—30—900 p.m.	..	
8	Graduate Tea- cher.	Rs. 325—15—400—EB—16— 560—EB—18—650 p.m.	..	13,016
9	Graduate Tea- chers High Madrassa.	Rs. 325—15—400—EB—16— 560—EB—18—650 p.m.
10	Junior Teacher...	Rs. 260—7—295—EB—8—375 —EB—10—425 p.m.	..	1,292
		Rs. 240—5—265—EB—7—335 —EB—9—380 p.m.	..	
11	Junior Teacher... High Madrassa	Rs. 260—7—295—EB—8—375 —EB—10—425 p.m. Rs. 240—5—265—EB—7—335 —EB—9—380 p.m.

SCHEDULE—II

[Rule 6-8(b)]

Cadre	Qualification
1. Post Graduate Teachers ..	At least 2nd Class post Graduate Degree in subject concerned.
2. Graduate teachers, High School	B. A., B. Sc., B. Com., (Bachelor of Arts, Bachelor of Science and Bachelor of Commerce).
3. Graduate Teachers, High Madrassa.	Bachelor of Arts, Bachelor of Science and Bachelor of Commerce.
4. Junior Teachers of High Schools	Intermediate/Pre-University/Pre-Degree/Matriculate/Matric Trainee (In respect of existing Teachers).
5. Junior Teacher, High Madrassa	Intermediate/Pre-University/ Matriculate with Arabic as one of the subject.

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