



GOVERNMENT OF MAHARASHTRA
LAW AND JUDICIARY DEPARTMENT

Maharashtra Act No. XLI of 1965

The Maharashtra Secondary Education Boards Act, 1965

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**THE MAHARASHTRA SECONDARY EDUCATION BOARDS
ACT, 1965.**

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FIRST SCHEDULE

SECOND SCHEDULE

MAHARASHTRA ACT No. XLI of 1965¹.

[THE MAHARASHTRA SECONDARY EDUCATION BOARDS ACT, 1965]

[13th September 1965]

An Act to provide for the establishment of a State Board and Divisional Boards to regulate certain matters pertaining to secondary education in the State of Maharashtra.

WHEREAS, it is expedient to provide for the establishment of a State Board and Divisional Boards to regulate certain matters pertaining to secondary education in the State of Maharashtra and for other purposes hereinafter appearing ; It is hereby enacted in the Sixteenth Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Secondary Education Board Act, 1965. Short Title,
Extent and
Commence-
ment.

(2) It extends to the whole of the State of Maharashtra.

(3) This section shall come into force at once ; and the remaining provisions of this Act shall come into force on such ²date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appointed day” means the date on which the remaining provisions of this Act come into force under sub-section (3) of section 1 ;

(b) “Board” means the State Board or a Divisional Board, as the case may be ;

(c) “by-laws” means by-laws made by the State Board under section 38 ;

(d) “corresponding Divisional Board” in relation to the Maharashtra Secondary School Certificate Examination Board means the Board established under this Act for the Poona Division and in relation to the Vidarbha Board of Secondary Education means the Board so established for the Nagpur Division ;

(e) “Division” means the areas comprised in each of the three Divisions as specified in the First Schedule to this Act ;

(f) “Divisional Board” means a Board established for a Division under this Act ;

(g) “final examination” means one or more examinations conducted by a Divisional Board on behalf of the State Board ;

(h) “headmaster” or “headmistress” means the head of the teaching staff of a secondary school recognised by a Divisional Board, by whatever style designated ;

(i) “institution” means an institution imparting secondary education ;

(j) “prescribed” means prescribed by regulations ;

(k) “primary education” means education imparted in a primary school as defined by the State Government in this behalf or education equivalent thereto ;

¹ For Statement of Objects and Reasons see *Maharashtra Government Gazette*, 1965, Part V, Extra, pp. 371-372.

² 1st day of January 1966, vide G.N., E. & S. W.D., No. SSC. 1765-G-(1), dated 20th December 1965.

(l) "recognised by a Divisional Board", with reference to a secondary school, means recognised by a Divisional Board for the purposes of admission to the privileges of that Board, and "recognised by the Education Department" means recognised either by the Directorate of Education or the Directorate of Technical Education under the Secondary Schools Code, and the expression "recognition", with all its grammatical variations and cognate expressions, shall be construed accordingly ;

(m) "regulations" means the regulations made by the State Government under section 37 and by the State Board under section 36 ;

(n) "revenue division" means the Bombay revenue division, the Poona revenue division, the Nagpur revenue division or the Aurangabad revenue division, as the case may be, formed under the relevant Land Revenue Code or Act, and the Bombay revenue division shall include Greater Bombay and the Nagpur revenue division shall include the Rajura district ;

(o) "secondary education" means such general, technical, vocational or special education (including any combined course thereof), which is designed to meet the needs of the period of adolescence and which follows immediately primary education and precedes immediately education controlled by Universities established by law in India :

(p) "State Board" means the Maharashtra State Board of Secondary Education established under this Act ;

(q) "teacher" means a member of the teaching staff (other than headmaster or headmistress) of a secondary school recognised by a Divisional Board ;

(r) "text-book" in relation to a final examination means any book prescribed or recommended or otherwise sanctioned for use for that examination by the State Board, and in relation to any other examination held in a secondary school recognised by a Divisional Board means any book sanctioned for use for such examination by the State Board.

Establishment of State and Divisional Boards.

3. (1) The State Government shall, by notification in the *Official Gazette*, establish a Board for the whole State by the name of "the Maharashtra State Board of Secondary Education".

(2) The State Government shall likewise, by notification in the *Official Gazette*, establish a Board for each of the three Divisions under such name as may be specified in the notification.

Incorporation of State Board.

4. The State Board shall be a body corporate by the name mentioned aforesaid and shall have perpetual succession and a common seal, and shall have power to acquire, hold and dispose of property, and to enter into contracts, and may by the said name sue and be sued.

Constitution of State Board.

5. (1) The State Board shall consist of a Chairman appointed by the State Government, and of the following members, that is to say—

Class A—Ex-officio Members.

(i) The Director of Education, or any other officer of the Department of Education designated by the State Government.

(ii) The Chairmen of the Divisional Boards.

(iii) The Director of Technical Education, or any other officer of the Department of Technical Education designated by the State Government.

(iv) The Director of Agriculture, or any other officer of the Agriculture Department designated by the State Government.

(v) The Principal of the State Institute of Education.

(vi) One Inspectress of Girls' Schools, designated by the State Government.

(vii) One Education Inspector or *Parishad* Education Officer of a *Zilla Parishad* designated by the State Government.

vi) Dir. of Art is also now a member
Class B—Elected Members.

(i) One member from each University in the State established by law, who shall be the person elected by the Academic Council, or other designated authority, of that University to be a member of a Divisional Board, and until first such election is held the person (if any) nominated to represent that University on the Divisional Board.

(ii) Two members elected by the Maharashtra Legislative Assembly, from amongst its members.

(iii) One member elected by the Maharashtra Legislative Council, from amongst its members.

Class C—Nominated Members.

(i) Four members designated by the State Government, one from each revenue division, from amongst the headmasters and headmistresses nominated as members of the Divisional Boards.

(ii) Eight members designated by the State Government, two from each revenue division, from amongst the teachers nominated as members of the Divisional Boards.

(iii) One member nominated by the State Government, from amongst the Principals of Secondary Training Colleges in the State.

(iv) Four members designated by the State Government, one from each revenue division, from amongst representatives of the managing bodies of secondary schools nominated as members of the Divisional Boards.

(v) Four members designated by the State Government, one from each revenue division, from amongst members of the Divisional Boards nominated by reason of their having special knowledge or practical experience in matters connected with secondary education, of whom not less than one shall be a woman, and, where there is no woman amongst such members of the Divisional Boards, the State Government shall nominate a woman, who in its opinion has such special knowledge or experience, as an additional member.

(vi) Two members nominated by the State Government, from amongst persons who in the opinion of that Government have special knowledge or practical experience in matters connected with primary education.

(vii) Four members, who shall be the persons nominated as members of the Divisional Boards, from amongst the Chairmen of the Education Committees of the *Zilla Parishads* :

Provided that, a person shall cease to hold office as a member of the Board if he ceases to belong to the Academic Council, authority, Legislative Assembly or Legislative Council, the members of which elected him ; or ceases to be a headmaster, headmistress or teacher or Principal of a Secondary Training College or representative of the managing body or Chairman of the Education Committee, where he is nominated or designated from amongst such persons.

(2) The names of persons (not being *ex-officio* members) who have been elected or nominated or designated, from time to time, as members of the State Board shall be published by that Board in the *Official Gazette*.

(3) Notwithstanding anything contained in sub-section (1), on the first constitution of the State Board, the State Government may also nominate all or any of the members to be elected under Class B, paragraphs (ii) and (iii); but in such case the member so nominated shall vacate office as soon as the corresponding member is duly elected by the electing body. The member so elected shall then hold office only for the remaining period of the term.

Constitution
of Divisional
Boards.

- 6. (1) A Divisional Board shall consist of a Chairman appointed by the State Government, and of the following members, that is to say—

Class I—Ex-officio Members.

(i) All Regional Deputy Directors of Education in the Division.

(ii) Two Education Officers designated by the State Government, from amongst officers serving in the Division as *Parishad* Education Officers of the *Zilla Parishads*, the Educational Inspector, Greater Bombay, and the Inspectresses of Girls' Schools.

Class II—Elected Members.

One member from each University in the Division established by law, to be elected by the Academic Council of the University, and if the University has no Academic Council then by such other authority of the University as the State Government may designate, from amongst the members of such Council or, as the case may be, such authority.

Class III—Nominated Members.

(i) Three members from each revenue division nominated by the State Government, from amongst the headmasters and headmistresses in that division.

(ii) Four members from each revenue division nominated by the State Government, from amongst teachers in that division.

(iii) One member from each revenue division nominated by the State Government, from amongst the Principals of Secondary Training Colleges in that division.

(iv) Two members from each revenue division nominated by the State Government, from amongst the representatives of the managing bodies of secondary schools recognised by the Divisional Boards in that division.

(v) Two members from each revenue division (other than headmasters, headmistresses and teachers) nominated by the State Government, from amongst persons who in the opinion of that Government have special knowledge or practical experience in matters connected with secondary education.

(vi) One member from each revenue division nominated by the State Government, from amongst the Chairmen of the Education Committees of the *Zilla Parishads* in that division :

Provided that, a person shall cease to hold office as a member of the Board if he ceases to belong to the Academic Council or authority, the members of which elected him; or ceases to be a headmaster, headmistress or teacher or Principal of a Secondary Training College or representative of the managing body or Chairman of the Education Committee, where he is nominated from such persons.

(2) The names of persons (not being *ex-officio* members) who have been elected or nominated, from time to time, as members of a Divisional Board shall be published by the State Board in the *Official Gazette*.

(3) Notwithstanding anything contained in sub-section (1), on the first constitution of a Divisional Board, the State Government may also nominate all or any of the members to be elected under Class II ; but in such case the member so nominated shall vacate office as soon as the corresponding member is duly elected by the electing body. The member so elected shall then hold office only for the remaining period of the term.

7. (1) The Chairman of the State Board, and a Chairman of a Divisional Board shall hold office for a term of four years from the date of his appointment. Term of office and conditions of service of Chairmen of Boards.

(2) The State Government may from time to time extend the term of office of a Chairman, provided that the term shall not exceed in the aggregate eight years.

(3) The Chairman of the State Board and Chairmen of the Divisional Boards shall be the servants of the State Government and they shall draw their salary and allowances from the Consolidated Fund of the State. The salary and allowances and other conditions of service of Chairmen shall be such as may be determined by the State Government.

(4) Where a temporary vacancy of a Chairman occurs, by reason of leave, illness or other cause, the State Government may appoint another person to be Chairman on such salary, allowances and other conditions of service as shall be determined by the State Government.

8. (1) The members of the State Board and of each of the Divisional Boards, not being members *ex-officio*, shall hold office for a term of four years from the date on which their names are published in the *Official Gazette* : Term of office of, and allowances to, members of Boards.

Provided that, the term of office of outgoing members shall extend to, and expire with, the day immediately preceding the date on which the names of their successors are published in the *Official Gazette*.

(2) The members shall be entitled to such compensatory allowance as may be determined by by-laws made by the State Board.

9. A person shall be disqualified for being appointed, elected, nominated or designated as, or for continuing as, a Chairman or member of the State Board and of a Divisional Board or of any Committee appointed under this Act— Disqualification of Chairmen and members.

(a) if he directly or indirectly, by himself or his partner,—

(i) has or had any share or interest in any text-book published, or

(ii) has any share or interest in any work done by order of, or in any contract entered into on behalf of, the State Board or a Divisional Board :

Provided that, a person who had any share or interest in any text-book referred to in sub-clause (i) shall not be deemed to have incurred the disqualification under that sub-clause, if five years have elapsed from the date of publication of such book ;

(b) if he is a person against whom an order of removal from office has been made under sub-section (1) of section 15 :

Provided that, a person against whom such order is made shall not be deemed to be disqualified under this clause, if five years (or such lesser period as the State Government may specify) has elapsed from the date of his removal from office.

Explanation.—For the purposes of sub-clause (i) of clause (a)—

(A) the publication of a text-book shall include its republication ;

(B) a person shall be deemed to have incurred disqualification by reason of his having any share or interest in the business of the publisher of such text-book.

Vacancy of
Chairman or
member
owing to
disqualifica-
tion.

10. If the Chairman or a member of the State Board or a Divisional Board or any Committee becomes subject to any of the disqualifications mentioned in the last preceding section, his office shall thereupon become vacant.

Vacancy of
member
owing to
absence
without
permission.

11. If a member elected or nominated or designated to the State Board or a Divisional Board remains absent without permission of the Board from three consecutive meetings thereof, his office shall thereupon become vacant.

Decision on
questions
as to
vacancy.

12. If any question arises as to whether the office of the Chairman or a member has become vacant under section 10 or 11, the question shall be referred for the decision of the State Government, and its decision shall be final.

Vacancy
to be
notified.

13. Any vacancy under section 10 or 11 shall be notified by the State Board in the *Official Gazette*.

Resignation
of member.

14. A member of the State Board or a Divisional Board, not being a member *ex-officio*, may resign his office at any time by tendering his resignation in writing to the Chairman of the Board ; and such member shall be deemed to have vacated his office as soon as the Chairman has received his resignation.

Removal of
member.

15. (1) The State Government may on the recommendation of the Board concerned and after making such further inquiry, if any, as it may think fit to make, remove any member of the State Board or a Divisional Board or of any Committee of any Board from office, if such member has been convicted of an offence involving moral turpitude, or has been guilty of any disgraceful conduct, which in the opinion of the Board renders him unfit to be continued as a member :

Provided that, no such recommendation shall be made by the Board, unless the member to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made.

(2) The name of any member who has been removed from office under sub-section (1) shall be published by the State Board in the *Official Gazette*.

Meetings of
Boards.

16. (1) The State Board and each Divisional Board shall meet not less than twice in every year, and six months shall not intervene between two successive meetings.

(2) The Chairman of the State Board or a Divisional Board may at any time, and shall upon the written request of not less than one-third of the total number of members of the Board (excluding the *ex-officio* members) call a special meeting of the Board, on a date not later than twenty-one days after the receipt of such request by the Chairman.

17. A Board may invite any person who in its opinion is an expert in the field of education or any of the following officers or any other officer of the State Government, to attend its meeting or of its Committee, if a subject with which the expert or officer is concerned is likely to come up or comes up for discussion or consideration at such meeting :—

Power to invite experts and officers at meeting.

- (i) The Director of Art Education,
- (ii) The Director of Public Health,
- (iii) The Director of Employment,
- (iv) The Principal, Institute of Vocational Guidance,
- (v) The Inspector of Visual Education,
- (vi) The State Inspector of Physical Education,
- (vii) The Inspector of Commercial Schools,
- (viii) The Director, National Cadet Corps.

18. Subject to the provisions of this Act, the powers and duties of the State Board shall be as follows, namely :—

Powers and duties of State Board

(a) to advise the State Government on matters of policy relating to secondary education in general, and on the following matters in particular :—

- (i) ensuring a uniform pattern of secondary education ;
- (ii) maintenance of uniform standard of education in secondary schools ;
- (iii) co-ordination between national policies and State policies in secondary education ;
- (iv) co-ordination between secondary education, university education and primary and basic education ;

(b) to lay down guiding principles for determining curricula and syllabi for entire secondary course, to approve the detailed syllabi prepared by the Divisional Boards for all standards except the final standard and to determine the curricula and detailed syllabi for the final examination ;

(c) to formulate general principles for recommending text-books by the Divisional Boards for sanction of the State Board, and to sanction such books from amongst those recommended by the Divisional Boards, subject to such conditions, if any, as the State Board may deem fit to impose ;

(d) to prescribe standard requirements in respect of staff, buildings, furniture, equipment, stationery and other things required for secondary schools ;

(e) to prescribe and prepare text-books for the standards leading to the final examination ;

(f) to prescribe conditions for admissions to the final examination, for regular and private candidates ;

(g) to award certificates to candidates passing the final examination ;

(h) to institute and award scholarships, stipends, medals, prizes and other rewards, and to prescribe conditions therefor ;

(i) to receive bequests, donations, endowments, trusts and other transfers of any property, or interest therein, or right thereto ;

(j) to hold any property, interest or right referred to in clause (i) above, and to manage and deal with the same ;

(k) to demand and receive such fees as may be prescribed, from secondary schools recognised by the Divisional Boards ;

(l) to call for special reports and information from the Director of Education or other officers of the Education Department, and any information from any secondary school recognised by a Divisional Board to ensure maintenance of academic standards in secondary education ;

(m) to recommend measures to promote physical, moral and social welfare of students in institutions recognised by the Divisional Boards, and to prescribe conditions of their residence and discipline ;

(n) to appoint officers and servants of the State Board (other than the Chairman, Secretary, Joint Secretary or Assistant Secretary) in its office and in the offices of the Divisional Boards, and to regulate the terms and conditions of their service ;

(o) to constitute provident fund for the benefit of the officers and servants of the State Board ;

(p) to approve the annual financial statements (excluding those of the Divisional Boards) and to recommend to the State Government for sanction, the annual budget ;

(q) to inspect and supervise generally the working of the Divisional Boards and to inspect periodically the accounts thereof ;

(r) to conduct statistical and other research for the purpose of evaluation and reform of the curricula, instruction and examination system ;

(s) to appoint such Committees as it may think necessary for the efficient discharge of its functions under this Act ;

(t) to make regulations for the purpose of carrying into effect the provisions of this Act ;

(u) to make by-laws relating to matters such as procedure to be followed by the State Board and the Divisional Boards, their Committees, compensatory allowance to be drawn by the members of the Boards and Committees and any other matter solely concerning the State Board and Divisional Boards and their Committees that are not provided for by this Act and the regulations made thereunder ;

(v) to exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this Act ;

(w) to do all such acts and things as may be necessary to carry out the purposes of this Act.

Powers and duties of a Divisional Board.

19. Subject to the provisions of this Act, the powers and duties of a Divisional Board shall be as follows, namely :—

(a) to advise the State Board on matters of Divisional importance, either referred to it or on its own initiative, for the purposes of implementation of recommendations by the State Board regarding standard requirements in secondary schools ;

(b) to prepare for the consideration of the State Board detailed syllabi for all standards, except the final standard, and make suggestions for the syllabi for the final examination, on the basis of the guiding principles and broad outlines prepared and laid down by the State Board ;

(c) to recommend to the State Board for sanction text-books for all standards, except the final standard ;

(d) to demand and receive such fees as may be prescribed for candidates admitted to the final examination ;

(e) to prepare an annual financial statement and forward it to the State Board for submission to the State Government, after incorporating it in the budget of that Board ;

(f) to conduct in the area of its jurisdiction the final examination on behalf of the State Board ;

(g) to appoint paper-setters, translators, examiners, moderators, supervisors and other necessary personnel for conducting the final examination in the area of its jurisdiction, for evaluation of candidates' performance and for compiling and release of results ;

(h) to admit candidates for the final examination according to the regulations made by the State Board in this behalf ;

(i) to open centres within its jurisdiction for the final examination conducted by it ;

(j) to declare the results of the candidates appearing at the final examination conducted by it ;

(k) to forward a list of candidates according to merit to the State Board for the purpose of award of scholarships, stipends, medals, prizes and other rewards ;

(l) to deal with cases of use of unfair means according to the procedure laid down by the State Board ;

(m) to generally evaluate the performance of students in all examinations in secondary schools including the final examination and make necessary recommendations to the State Board in that behalf ;

(n) to grant recognition to secondary schools or withdraw the same in the prescribed manner ;

(o) to call for any information from any secondary school recognised by it to ensure maintenance of academic standard and to call for special reports and information either on being referred to by the State Board or on its own initiative, from the Regional Deputy Director of Education concerned on secondary schools recognised by it not maintaining the required academic standard, to withdraw recognition granted by it, and to recommend to the Directorate of Education or the Directorate of Technical Education, as the case may be, withdrawal of recognition granted under the Secondary Schools Code also, in cases of poor academic results and grave academic irregularities ;

(p) to forward with its remarks the recommendations of its Committees to the State Board for necessary action ;

(q) to require institutions recognised by it and the Education Department to extend their co-operation in the conduct of the final examination ;

(r) to exercise such other powers as may be delegated to it by the State Board.

20. (1) It shall be the duty of the Chairman of the State Board and of each Divisional Board to ensure that the provisions of this Act and the regulations and by-laws made thereunder are faithfully observed, and he shall have all powers necessary for this purpose. Powers and duties of Chairmen of Boards.

(2) In an emergency which, in the opinion of the Chairman of the State Board or a Divisional Board, requires that immediate action should be taken, the Chairman shall take such action as he deems necessary and shall thereafter report his action to the Board at its next meeting.

(3) Each Chairman shall exercise such other powers and perform such other duties, as may be prescribed.

Appoint-
ment,
powers and
duties of
Secretaries,
Joint and
Assistant
Secretaries.

21. (1) The State Board and each Divisional Board shall have a Secretary, who shall be appointed by the State Government.

(2) Each Secretary shall, subject to the control of the Chairman, be the Executive Officer of the Board, and all other officers and servants for the time being serving under the Board shall be subordinate to him.

(3) The Secretary shall be entitled to be present at the meetings of the Board, but shall not be entitled to vote.

(4) Each Secretary shall exercise such other powers and perform such other duties as may be prescribed.

(5) The State Government may appoint one or more Joint and Assistant Secretaries for the State Board or a Divisional Board on the recommendation of the State Board and the Divisional Board concerned (if any).

(6) A Joint Secretary and Assistant Secretary shall exercise such powers and perform such duties of the Secretary as are, respectively, assigned to him by the Secretary under the general or special orders of the Board.

(7) The Secretaries, Joint Secretaries and Assistant Secretaries appointed under this Act shall be the servants of the State Government, and they shall draw their salaries and allowances from the Consolidated Fund of the State. The salaries and allowances and other conditions of service of these officers shall be such as may be determined by the State Government.

Other
officers and
servants
of the
Boards.

22. (1) The State Board may appoint such other officers and servants as it considers necessary for the efficient performance of its functions and the functions of the Divisional Boards, under this Act.

(2) The salaries and allowances and other conditions of service of the officers and servants appointed by the State Board under sub-section (1) shall be such as may be determined by it by regulations made under this Act.

Appointment
of
Committees.

23. (1) The State Board shall appoint Committees designated as follows :—

- (a) Executive Council.
- (b) Academic Council.
- (c) Finance Committee.
- (d) Examinations Committee.
- (e) Board or Boards of Studies.

(2) The State Board may appoint such other Committees as it thinks necessary for the efficient performance of its functions.

(3) Each Divisional Board shall appoint Committees designated as follows :—

- (a) Standing Committee.
- (b) Academic Committee.
- (c) Finance Committee.
- (d) Examination Committee.
- (e) Recognition Committee.

(4) A Divisional Board may appoint such other Committees as may be prescribed for the efficient performance of its functions.

(5) The constitution of every Committee appointed by the State Board or a Divisional Board, the term of office of its members and the duties and functions to be discharged by it shall be such as may be prescribed.

24. All casual vacancies among the members of the State Board or a Divisional Board or of any Committee of a Board shall be filled as soon as may be, by election or nomination or appointment or designation, as the case may be ; and the person elected, nominated or appointed or designated in a casual vacancy shall hold office so long only as the member in whose place he is elected, nominated or appointed or designated would have held it, if the vacancy had not occurred.

Casual vacancies.

25. No act or proceeding of the State Board or a Divisional Board or any Committee of a Board shall be invalid merely by reason of any vacancy in, or any defect in the constitution of, such Board or Committee.

Acts and proceedings not invalidated by vacancies or defects in constitution.

26. (1) The State Board shall have its own Fund, and the following moneys shall be credited thereto :—

State Board's Fund, its custody and investment.

- (a) fees, royalties and charges (including prescribed penalties) levied by it ;
- (b) grants, assignments, contributions and loans, if any, made to it by the State Government ;
- (c) bequests, donations and endowments, or other contributions, if any ;
- (d) interest on, and sale proceeds of, any securities vested in it ;
- (e) all rents and profits from the property vested in it ;
- (f) other moneys received by or on behalf of it.

II of 1934.
II of 1882.

(2) The Fund shall be kept in any Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or at the discretion of the State Board, be invested in securities authorised by the Indian Trusts Act, 1882.

27. The State Board shall pay every year out of its Fund to the State Government such amount as that Government may determine on account of the salary, pension, leave and other allowances of the Chairmen, Secretaries, Joint Secretaries and Assistant Secretaries of the Boards.

State Board to pay costs from the Fund on account of salary, pension, etc., of Chairmen, Secretaries, Joint Secretaries and Assistant Secretaries.

28. Subject to the provisions of this Act, the Fund of the State Board shall be applicable only to the payment of charges and expenses incidental to the matters specified in this Act and for any other purpose for which by or under this Act powers are conferred or duties are imposed upon the Boards established under this Act.

General application of the Fund.

29. No payment shall be made by a Bank out of the State Board's Fund, except upon a cheque or letter of credit signed by an officer serving under the State Board or a Divisional Board duly authorised by the State Board in this behalf.

How the Fund shall be drawn against.

30. (1) The State Board shall in such manner as it may determine pay to each Divisional Board every year a sum not less than two-thirds of the total amount of the fees, royalties and charges collected by that Board in the last preceding year, as the annual allotment for discharging the functions imposed on the Divisional Board by or under this Act.

Annual and other allotments to Divisional Board.

(2) In addition to such annual allotment, the State Board may, from time to time, pay to a Divisional Board such further sums for discharging its functions or for completion of works or development schemes within its jurisdiction not inconsistent with this Act, as the State Board may deem fit.

Preparation
of annual
budget
estimates.

31. (1) The State Board shall prepare, before such date and in such manner as may be prescribed, the budget estimates of the income and expenditure of that Board for the next financial year.

(2) Each Divisional Board shall also prepare, before such date and in such manner as may be prescribed, the budget estimates of its income and expenditure from the annual allotment to be made to it for the next financial year.

(3) Each Divisional Board shall consider the budget estimates so prepared and approve them with or without modifications, and forward them as approved to the State Board, before such date as may be prescribed, for submission to the State Government, after incorporating them in the budget estimates of that Board.

(4) The State Board shall, on or after the date referred to in sub-section (1), consider the budget estimates prepared by it (excluding those received from the Divisional Boards) and approve them with or without modifications and submit them as approved, together with such estimates received from the Divisional Boards, to the State Government for its sanction. The State Government may pass such orders with reference to the budget estimates of the State Board and Divisional Boards as it thinks fit, and communicate the same to the State Board and to each of the Divisional Boards concerned, and the Boards shall give effect to such orders.

Annual
accounts
and audit.

32. The State Board shall prepare annual accounts of receipts and expenditure, after incorporating therein such accounts of the Divisional Boards, and forward them to the State Government for audit. The State Government shall cause the accounts to be audited, and the State Board shall pay such charges for the audit as that Government may determine.

Information,
returns, etc.,
to be
furnished
by the
Boards.

33. (1) The State Board and each Divisional Board, shall furnish to the State Government such reports, returns and statements as may be required by the State Government and such further information relating to any matter connected with its work as the State Government may call for.

(2) The State Government may, after considering any such report, returns or statements or information furnished, give such directions consistent with this Act as may be necessary, and the State Board or the Divisional Board, as the case may be, shall comply with such directions.

Powers of
State
Government
to issue
directions.

34. (1) The State Government shall have the power, after considering the advice (if any) tendered by the State Board, to issue to that Board or a Divisional Board such directions as it may consider necessary in regard to all or any of the matters specified in clause (a) of section 18. The Board concerned shall comply with such directions.

(2) The State Government shall have also the right to address the State Board or any Divisional Board with reference to anything it has conducted or done, or is conducting or doing, or intends to conduct or do, and to communicate to the Board concerned its views in the matter.

(3) The Board concerned shall report to the State Government such action, if any, as it proposes to take or has taken upon the communication, and shall furnish an explanation if it fails to take action.

(4) If such Board does not within a reasonable time take action to the satisfaction of the State Government, the State Government may, after considering any explanation furnished or representation made by the Board, issue such directions consistent with this Act as it may think fit, and the Board shall comply with such directions.

(5) In an emergency which, in the opinion of the State Government, requires that immediate action should be taken, the State Government may take such action consistent with this Act as it deems necessary without previous consultation with the Board concerned and shall forthwith inform it of the action taken.

(6) The State Government may, by order in writing, specifying the reasons thereof, suspend the execution of any resolution or order of any Board and prohibit the doing of the action ordered to be or purporting to be ordered to be done by such Board if the State Government is of the opinion that such resolution, order or act is in excess of the powers conferred by or under this Act upon such Board.

(7) When, under this section or the last preceding section, any direction, order or other communication is issued by the State Government to a Divisional Board, or any report, explanation or other communication is submitted by a Divisional Board to the State Government, a copy thereof shall be sent to the State Board.

35. All matters relating to the exercise by the State Board of powers conferred upon it by this Act, which have by regulation been delegated by that Board to a Divisional Board or a Committee, shall stand referred to that body, and the State Board before exercising any such powers shall receive and consider the report of the body with respect to the matter in question. Manner of exercise of powers delegated to a Board or a Committee.

36. (1) The State Board may make regulations for the purpose of carrying into effect the provisions of this Act. power of State Board to make regulations.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely :—

(a) the constitution, powers and duties of the Committees appointed under section 23 ;

(b) the subjects and curricula for the final examinations ;

(c) the admission of candidates to the final examinations and conditions governing such admission ;

(d) the marks required for passing in any subject and the final examination as a whole, and for exemption, credit and distinction in any subject ;

(e) the fees for admission to the final examinations and other fees and charges payable in respect of other matters connected with those examinations ;

(f) the arrangements for the conduct of final examinations by the Divisional Boards and publication of results ;

(g) the appointment of examiners, their powers and duties in relation to the final examinations and their remuneration ;

(h) the qualifications and disqualifications of examiners ;

(i) the award of certificates ;

(j) the appointment of officers and servants of the State Board in its own office and in the offices of the Divisional Boards and the conditions of their service ;

(k) the constitution of provident fund for the benefit of the said officers and servants of the State Board ;

(l) the control, administration, safe custody and management in all respect of the finances of the State Board ;

(m) the date before which and the manner in which the Boards shall prepare their budget estimates ;

(n) any other matter which is to be or may be prescribed under this Act.

(3) No regulation made under this section shall have effect until the same has been sanctioned by the State Government.

First regulations.

37. Notwithstanding anything contained in the last preceding section, the first regulations shall be made by the State Government and they shall continue to be in force until new regulations are duly made and sanctioned under the said section.

Power of State Board to make by-laws.

38. The State Board may make by-laws consistent with this Act and the regulations made thereunder to provide for all or any of the following matters :—

(a) the procedure to be followed at the meetings of the State Board and the Divisional Boards and the Committees appointed by any of them and the number of members required to form a quorum at such meetings ;

(b) the compensatory allowance which may be drawn by members of the Boards and the Committees appointed by them ;

(c) any other matter solely concerning the Boards and their Committees not provided for by this Act and the regulations made thereunder.

Interpretation in case of doubt.

39. If any question arises regarding the interpretation of any provision of this Act or of any regulations or by-laws made thereunder, the matter may be referred for decision to the State Government and shall be so referred to the State Government if not less than three members of a Board so require. The decision of the State Government shall be final.

Repeals and savings.

40. (1) On the appointed day,—

(a) the Bombay Secondary School Certificate Examination Act, 1948 ; and

(b) the Madhya Pradesh Secondary Education Act, 1951,

shall stand repealed ; and the Maharashtra Secondary School Certificate Examination Board and the Vidarbha Board of Secondary Education constituted thereunder (hereinafter in this section referred to as "the dissolved Boards") shall stand dissolved and all members thereof shall vacate office.

(2) Notwithstanding the repeal of the said Acts—

(a) all property, movable and immovable, and all rights, interest of whatever kind, powers and privileges of the dissolved Boards shall on the appointed day stand transferred to the State Board and shall without further assurance vest in the State Board, and shall thereafter be applied to the objects and purposes for which the State Board is constituted ;

(b) all benefactions accepted or received by the dissolved Boards shall be deemed to have been accepted or received by the State Board under this Act and all conditions on which such benefactions were accepted or received shall be deemed to be valid under this Act, notwithstanding that such conditions are inconsistent with the provisions of this Act ;

(c) any will, deed or other document made before the appointed day which contains any bequest, gift, terms or trust in favour of a dissolved Board shall, on and from the appointed day, be construed as if the State Board is named therein instead of the dissolved Board ;

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of
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XII of
1951.

(d) all institutions recognised and admitted to the privileges of any dissolved Board immediately before the appointed day shall be deemed to be recognised and admitted to the privileges of the corresponding Divisional Board established under this Act, save in so far as such recognition or privilege may be withdrawn, restricted or modified by or under the provisions of this Act ;

(e) all debts, liabilities and obligations incurred before the appointed day and lawfully subsisting against any dissolved Board shall be discharged and satisfied by the State Board ;

(f) all references in any enactment or other instruments issued under an enactment to a dissolved Board shall be construed as reference to the State Board or the corresponding Divisional Board, as the case may be ;

(g) all officers and servants of the State Government (other than Class I and Class II officers) serving under the Maharashtra Secondary School Certificate Examination Board immediately before the appointed day shall, from the said day, be taken over and employed by the State Board for the purposes of this Act, and they shall, subject to general or special orders made by the State Government regarding their absorption and seniority, continue to hold office on the same conditions of service as changed circumstances may permit, until such conditions are duly altered by a competent authority under this Act :

Provided that, the conditions of service applicable immediately before the appointed day to the case of any such officer or servant shall not be varied to his disadvantage, except with the previous approval of the State Government :

Provided further that, any service rendered by such officer or servant under the State Government shall be deemed to be service under the State Board.

Nothing in the foregoing provisions of this paragraph shall apply to any officer or servant of the State Government who is to be taken or taken over by the State Board, who by notice in writing given to the State Government before the appointed day, or such later date as may be determined by the State Government, intimates his option in writing not to become or continue as an officer or servant of that Board ; and thereupon he shall be permitted to retire from Government service and shall be entitled to all such terminal benefits as compensation, pension, gratuity or the like, as may be determined by the State Government (which terminal benefits shall not be less favourable than the benefits he would have been entitled to had his service under the Government ceased on the appointed day) ;

(h) the officers and servants duly appointed by and serving under the Vidarbha Board of Secondary Education immediately before the appointed day shall be deemed to be officers and servants appointed by the State Board on the appointed day for the purposes of this Act, and they shall, subject to the general or special orders made by the State Government regarding absorption and seniority, continue to hold office on the same conditions of service as changed circumstances may permit, until such conditions are duly altered by a competent authority under this Act :

Provided that, the conditions of service applicable immediately before the appointed day to the case of any such officer or servant shall not be varied to his disadvantage, except with the previous approval of the State Government :

Provided further that, any service rendered by such officer or servant under the aforesaid Board shall be deemed to be service under the State Board.

Amendments
of certain
enactments.

41. The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

Power
to remove
difficulties.

42. If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing the difficulty :

Provided that, no order shall be made under this section after the expiry of two years from the appointed day.

FIRST SCHEDULE

[See clauses (e) and (n) of section 2.]

I. POONA DIVISION

- | | | |
|--------------------------|---|--------------------------|
| (1) Greater Bombay. | } | Bombay revenue division. |
| (2) Dhulia District. | | |
| (3) Jalgaon District. | | |
| (4) Kolaba District. | | |
| (5) Nasik District. | | |
| (6) Ratnagiri District. | | |
| (7) Thana District. | | |
| (8) Ahmednagar District. | } | Poona revenue division. |
| (9) Kolhapur District. | | |
| (10) Poona District. | | |
| (11) Sangli District. | | |
| (12) Satara District. | | |
| (13) Sholapur District. | | |

II. NAGPUR DIVISION

- | | | |
|------------------------|---|--------------------------|
| (1) Akola District. | } | Nagpur revenue division. |
| (2) Amravati District. | | |
| (3) Bhandara District. | | |
| (4) Buldhana District. | | |
| (5) Chanda District. | | |
| (6) Rajura District. | | |
| (7) Nagpur District. | | |
| (8) Yeotmal District. | | |
| (9) Wardha District. | | |

III. AURANGABAD DIVISION

- | | | |
|--------------------------|---|------------------------------|
| (1) Aurangabad District. | } | Aurangabad revenue division. |
| (2) Bhil District. | | |
| (3) Nanded District. | | |
| (4) Osmanabad District. | | |
| (5) Parbhani District. | | |

SECOND SCHEDULE

(See section 41)

Year	No.	Short title	Extent of Amendments
1	2	3	4
1948	... XX	The Poona University Act, 1948.	<p>1. In section 16, in sub-section (1), under the heading "Class I—<i>Ex-officio</i> members.", in paragraph (B), for clause (iii-a), the following clause shall be substituted, namely:—</p> <p>"(iii-a) The Chairman of the Maharashtra State Board of Secondary Education, or the Chairman of a Divisional Board nominated by him,".</p> <p>2. In section 21, in sub-section (1), under the heading "Class I—<i>Ex-officio</i>.", for clause (ii-a), the following shall be substituted, namely:—</p> <p>"(ii-a) The Chairman of the Maharashtra State Board of Secondary Education, or the Chairman of a Divisional Board nominated by him,".</p> <p>3. In section 41, in clause (i), after the words "the Secondary School Certificate Examination conducted by the Secondary School Certificate Examination Board" the following shall be inserted, namely:—</p> <p>" , or any Examination held by a Divisional Board established under the Maharashtra Secondary Education Boards Act, 1965, ".</p>
Mah. XLI of 1965.	1949	... LI	<p>The Shreemati Nathibai Damodar Thackersey Women's University Act, 1949.</p> <p>1. In section 15, in sub-section (1), under the heading "Class I—<i>Ex-officio</i> members.", in paragraph (B), for clause (ii-a), the following clause shall be substituted, namely:—</p> <p>"(ii-a) The Chairman of the Maharashtra State Board of Secondary Education, or the Chairman of a Divisional Board nominated by him,".</p> <p>2. In section 34, in clause (i), after the words "the Secondary School Certificate Examination conducted by the Secondary School Examination Board", the following shall be inserted, namely:—</p> <p>" , or any Examination held by a Divisional Board established under the Maharashtra Secondary Education Boards Act, 1965, ".</p>
Mah. XLI of 1965.	1953	... XXXI	<p>The Bombay University Act, 1953.</p> <p>1. In section 16, in sub-section (1), under the heading "I—<i>Ex-officio</i> Fellows", in paragraph (B), for clause (xiv), the following shall be substituted, namely:—</p> <p>"(xiv) The Chairman of the Maharashtra State Board of Secondary Education, or the Chairman of a Divisional Board nominated by him,".</p> <p>2. In section 26, in sub-section (1), for clause (3A), the following clause shall be substituted, namely:—</p> <p>"(3A) The Chairman of the Maharashtra State Board of Secondary Education, or the Chairman of a Divisional Board nominated by him ;".</p> <p>3. In section 38, in clause (ii), after the words "the Secondary School Certificate Examination conducted by the Secondary School Certificate Examination Board" the following shall be inserted, namely:—</p> <p>" , or any Examination held by a Divisional Board established under the Maharashtra Secondary Education Boards Act, 1965, ".</p>
Mah. XLI of 1965.			

SECOND SCHEDULE—*contd.*

Year	No.	Short title	Extent of Amendments
1	2	3	4
1958	.. XXX-IX.	The Marathwada University Act, 1958.	<p>1. In section 16, in sub-section (1), under the heading "I—<i>Ex-officio members.</i>", in paragraph (B), for clause (v), the following clause shall be substituted, namely :—</p> <p>"(v) The Chairman of the Maharashtra State Board of Secondary Education, or the Chairman of a Divisional Board nominated by him."</p> <p>2. In section 21, in sub-section (1), for clause (ii-a), the following shall be substituted, namely :—</p> <p>"(ii-a) The Chairman of the Maharashtra State Board of Secondary Education, or the Chairman of a Divisional Board nominated by him."</p> <p>3. In section 42, in clause (i), after the words "the Secondary School Certificate Examination conducted by the Secondary School Certificate Examination Board" the following shall be inserted, namely :—</p> <p>" , or any Examination held by a Divisional Board established under the Maharashtra Secondary Education Boards Act, 1965, "</p> <p>Mah. XLI of 1965.</p>
1962	.. XXV-III.	The Shivaji University Act, 1962.	<p>1. In section 17, in sub-section (1), under the heading "Class I—<i>Ex-officio Members.</i>", in paragraph (B), for clause (vi), the following shall be substituted, namely :—</p> <p>"(vi) The Chairman of the Maharashtra State Board of Secondary Education, or the Chairman of a Divisional Board nominated by him."</p> <p>2. In section 22, in sub-section (1), for clause (vi), the following shall be substituted, namely :—</p> <p>"(vi) The Chairman of the Maharashtra State Board of Secondary Education, or the Chairman of a Divisional Board nominated by him."</p> <p>3. In section 43, in clause (i), after the words "the Secondary School Certificate Examination conducted by the Maharashtra Secondary School Certificate Examination Board" the following shall be inserted, namely :—</p> <p>" , or any Examination held by a Divisional Board established under the Maharashtra Secondary Education Boards Act, 1965, "</p> <p>Mah. XLI of 1965.</p>
1964	.. XXII	The Nagpur University Act, 1963.	<p>1. In section 16, in sub-section (1), under the heading "Class I—<i>Ex-officio Members.</i>", in paragraph (B), for clauses (vii) and (viii), the following clause shall be substituted, namely :—</p> <p>"(vii) The Chairman of the Maharashtra State Board of Secondary Education, or the Chairman of a Divisional Board nominated by him."</p> <p>2. In section 19, in sub-section (1), for clause (iii), the following shall be substituted, namely :—</p> <p>"(iii) The Chairman of the Maharashtra State Board of Secondary Education, or the Chairman of a Divisional Board nominated by him."</p>

SECOND SCHEDULE—*concl'd.*

Year	No.	Short title	Extent of Amendments
1	2	3	4

1964— XXII—*cont'd.*
cont'd.

3. In section 21, in sub-section (I), for clauses (vi) and (vii), the following clause shall be substituted, namely :—

“(vi) The Chairman of the Maharashtra State Board of Secondary Education, or the Chairman of a Divisional Board nominated by him.”

4. In section 41,—

(a) after clause (iii), the following clause shall be inserted, namely :—

“(iii-a) any Examination held by a Divisional Board established under the Maharashtra Secondary Education Boards Act, 1965, in such subjects, and with such standards of attainments, as may be prescribed by the Statutes, or”;

(b) in clause (v), after the brackets and figures “(iii)”, the brackets, figures and letter “(iii-a)” shall be inserted.

Mah.
XLI
of
1965.