

GULAB BAI YADAV SMRITI SHIKSHA MAHAVIDYALAYA, BORAWAN



TEH-KASRAWAD, DISTRICT-KHARGONE (M.P.)
Recognized by NCTE, Affiliated by Devi Ahilya Vishwavidyalaya Indore



APPOINTMENT AND SERVICE RULES,
PROCEDURES, ETC.

AT GBYSSM


AS PER THE RULES OF AFFILIATING
UNIVERSITY

DEVI AHILYA UNIVERSITY, INDORE

STATUTE NO. 28

COLLEGE CODE




Prof. S.K. Tiwari
Principal
Swa. Gulab Bai Yadav Smriti
Shiksha Mahavidyalaya
BORAWAN (M.P.)

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The Statue No. 28 of Affiliating University, Devi Ahilya University is about College code. The statue is divided into following eight parts:

- PART I - Definitions and applicability:
- PART II - The Foundation Society:
- PART III - Governing Body:
- PART IV - The College Council:
- PART V - The Powers and Duties of the Principal:
- PART VI - The Teachers of the College:
- PART VI - Suspension, penalties and Disciplinary Authority
- PART VII - Provident fund and Leave:
- PART VIII – Miscellaneous

The following functioning are followed by GBYSSM for its effective and efficient management of policies, administrative setup, appointment and service rules, procedures, etc.




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1. In this Statute unless there is anything repugnant in the subject or context :

- (a) "College" means an educational institution admitted to the privileges of the University.
- (b) "Foundation Society" means a body of persons, registered or incorporated under any law for registration or Statutory incorporation, which founds and maintains as educational institution admitted to or seeking admission to the privileges of University and where the Governing body of the Society is superceded under Section 33 of the Madhya Pradesh Society Registrickaran Adhiniyam 1973 the person or persons appointed by the State Government to manage the affairs of the Society. In case of educational institutions maintained and run by Local Bodies, the Foundation Society shall be the Council of the Local Body and in case the Local Body is superceded the person who acts for the Body.
- (c) "Governing Body" means the Governing Body constituted in accordance with the Provisions of this Statute.
- (d) " Teachers" means members of the teaching staff of a college and includes the Principal.
- (e) "President of the Foundation Society" means a person who is duly elected as its President (by whatever name called) by the Foundation Society and is the Executive head thereof and where the Society is superceded under Section 33 of the M.P. Society Registrickaran Adhiniyam 1973, the person or the head of the body of persons appointed by the State Government to manage the affairs of the Society.
- (f) "Donor" means an individual, firm, association, charitable trust or any other institution other than the Foundation society giving a donation of not less than twenty-five thousand rupees in cash or immovable property for the use of the college.

Provided that if the donation is given by any firm association, trust or institution, the representative nominated by such donor from time to time shall be deemed to be the donor for the purpose of this Code.

2. The College Code shall, apply to all colleges admitted to the privileges of the University excepting the colleges maintained or managed by the State Government or a Municipal Corporation/Council or the University.

PART II - The Foundation Society :

3. (1) The Foundation Society of a college shall be responsible for providing the necessary funds for the maintenance and upkeep of the college upto the standard required by the University.
- (2) No employee of the college except an honorary or part-time teacher who is paid an honorarium shall be an office bearer or member of the Foundation Society.
- (3) (i)* The Foundation Society of every college shall deposit endowment fund for an amount Rs. One Lac with the University in the form of fixed deposit receipts in the joint names of the Registrar and the college.
- (ii) Where the college does not have its own building which is considered satisfactory for its purposes by the University the foundation Society shall make an annual contribution of an amount not less than Rs. 25,000/- towards a building fund to be maintained with the University in the name of the college till the college constructs or acquires permanently a building adequate for its purposes.
- (iii)* (A) In case of colleges established before coming in to force of the above amendments the foundation society shall :
- (a) deposit with the University in every academic year commencing from the Year 2000-2001 an amount equal to one fifth of the value of the Endowment Fund necessary till the Endowment fund as required in clause (i) above is deposited in full.
- (b) Where the college does not have its own building considered satisfactory for its purposes by the University, contributes towards the Building Fund in accordance with clause (ii) above.


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(iv) The deposit for creating the Endowment Fund or the Contribution towards the building Fund shall not be made from the receipts of the college in the form of fees from students or grants received by the college or from the staff of the college.

(4) (i) The income from the Endowment Fund shall be made available to the college for its use.
(ii) When the salary due to the teachers is not paid for three months, the University, may permit the use of the Endowment Fund and require the Foundation Society to deposit back the amount drawn therefrom.

(iii) In the event of the closure of the college or in the event of the college being taken over by the Government the caution money and the salary due to the employee (including teachers) of the college shall be the first charge on the Endowment Fund.

(iv) On a request from the Governing Body, the amount in the Building Fund will be released to the Governing Body for the construction of the college building or purchase of a building for the college.

(5) The Foundation Society shall carry out all lawful directions of the University and shall maintain and run the college in accordance with M.P. Vishwavidyalaya Adhiniyam and the Statutes, Ordinances and Regulations made thereunder.

(6) (i) If the Executive Council, after giving reasonable opportunity to the Foundation Society to state its case, is satisfied that the Foundation Society has failed to meet all or any of its obligations as laid down in the code, it may (take any of the following actions)

* Vide amendmend approved by the co-ordination Committee at its meeting Dated 20th Dec. 2000.

(a) Withdrawal of the right to have its appointees other than the chairman of the Governing Body on the Governing body of the college.

(b) Withdrawal of the powers vested in the Foundation Society by this statute.

(c) Withdrawal of the affiliation of the college.

(ii) Where any action is taken by the Executive Council under the foregoing clause, the Foundation Society may appeal to the M.P. Uchcha Shiksha Anudan Ayog against the decision of the Executive Council. The decision of the Ayog in the matter shall be final.

(7) The Foundation Society Shall have the following powers, namely :

(a) to appoint the first Principal and other member of the teaching staff of the college in accordance with the provisions of this Code till the governing Body is constituted or till the expiry of the period of ninety days from the date on which the college is first admitted to the privileges of the University whichever is earlier.

(b) to sanction on the recommendation of the Governing Body the opening of a new department of studies or the creation of new teaching posts as involve additional financial obligation on the Foundation Society.


Provided that where the Foundation Society does not take a decision on the proposal made by the Governing body within period of sixty days from the date on which the Governing Body submits its proposal the Foundation Society shall be deemed to have concurred in the proposal.

(e) to appoint the Auditors of the college from out of a panel of names approved by the Registrar of Firms and Societies.

(f) to call for information regarding the functioning of the college from the Governing Body and to suggest to the Governing Body measures for the improvement and development of the college.

Provided that the foundation Society shall not interfere with the day to day administration of the colleges.

(2) In case of any difference of opinion between the Foundation Society and the Governing Body, any of them may refer the matter to the Executive Council whose decision shall be binding.


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5. In case the college is maintained and run by an individual the obligations and powers of the Foundation Society shall vest in such individual.

PART III - Governing Body :

6. (1) There shall be a Governing Body for the management of the college, it shall consist of :

(a) The Chairman of the Governing Body appointed by the Foundation Society from amongst its member or by the individual maintaining the college.

(b) Two persons appointed by the Foundation Society from amongst its members or by the individual maintaining the college.

(c) Two representatives of the University other than members of the Foundation Society of the college, nominated by the Executive Council atleast one of whom shall be form amongst the teachers of the University as for as possible working in institutions not located in the same town as the college.

(d) One representative of the donors of the college to be elected by the donor.

(e) One nominee of the Government of Madhya Pradesh.

(f) Two representatives elected by the teachers of the college who have completed two years of service other than the Principal, from amongst themselves in such manner as may be prescribed by the College Council.

Provided that the restriction regarding two years of service shall not apply for the first three years of the existence of a college.

(g) The principal of the college-Ex Officio Member Secretary.

Provided that the following shall not be eligible to be a member of the Governing Body under clauses (a) to (e) above.

(i) a person who is related to any member of the staff of the college except a part-time teacher who is paid an honorarium, or who works on an honorary basis.

(ii) a person having pecuniary interest in the affairs of the college and

(iii) an employee of the college.

(2) (i) The chairman and member of Governing Body other than Ex-Officio member shall hold office for a period of two years.

Provided that the Chairman and members appointed by the Foundation Society before the supersession of its Governing Body under the M.P. Society Registrikaran Adhiniyam 1973 shall cease to hold office on the supersession of the Governing Body of the Society and their places shall be filled by the appointees of the person\persons appointed by the State Government to manage the affairs of the Society.

(ii) The Ex-officio member shall forthwith cease to the member of the Governing Body if he ceases to hold the office by virtue of which he has become a member.

(iii) An Office-bearer or member of the Governing Body may resign from the Governing Body through a letter of resignation addressed to the Secretary of the governing Body and the resignation shall take effect as soon as the letter is received by the secretary. The Secretary of the Governing body shall take steps to fill all vacancies as soon as they occur.

(iv) When a vacancy occurs in the office of a member other than an Ex-officio member, before the expiry of his term, the vacancy shall be filled, as soon as may be, by the election, nomination or appointment, as the case may be of a member who shall hold office so long only as the member in whose place he has been elected, nominated or appointed, would have held it if the vacancy had not occurred.

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(v) Every change in the office-bearers or membership of the Governing Body of a college shall be reported immediately to the University by the Secretary.

7. (1) The Governing Body shall meet atleast thrice a year. Five members of the Governing Body shall form a quorum. No. quorum shall be necessary for an adjourned meeting. If the quorum is not present within thirty minutes of the time given in the notice no meeting shall be held.

(2) Meeting of the Governing Body shall be convened by the Secretary in consultation with the Chairman. In case the Secretary does not call a meeting when directed by the Chairman to do so, the Chairman may call the meeting.

(3) (a) The Secretary shall give atleast ten days notice of an ordinary meeting of the governing Body.

(b) An emergent meeting of the Governing Body can be convened on three clear days notice.

(c) On a requisition signed by not less than four members specifying the business to be transacted, a special meeting of the governing Body shall be convened within twenty days of the receipt of such requisition. At least ten days notice of a special meeting shall be given.

(d) The agenda of every meeting shall be sent with the notice to the members. Proposals from any member received by the Secretary before the issue of notice shall be included in the agenda. The agenda of a special meeting shall include only the business indicated in the requisition.

(e) No business other than that included in the agenda shall be transacted at a meeting except with the consent of the Chairman and unless permission is given to introduce it by the majority of the members present.

(4) The Chairman shall, when present, preside at meeting of the Governing body. In the absence of the Chairman from any meeting the members present shall elect one of the members other than a teacher to preside at the meeting. Except as provided otherwise all acts of the Governing Body and all questions coming or arising at its meeting shall be done and decided by the majority of such members thereof as are present and vote at the meeting.

(5) The minutes of every meeting of the Governing Body shall be drawn up by the Secretary and after approval by the Chairman circulated among the members within fifteen days of the meeting.

(6) It shall be the duty of the representatives of the University on the Governing Body to report to the Kulapati decisions affecting adversely the smooth working of the college and violation, if any, of the Statutes, Ordinances, Regulations or instructions of the University.

(7) No act of proceeding of the Governing Body shall be invalid merely by reason of any vacancy in its membership or any defect or irregularity in the appointment, nomination or election of a member :


8. (1) The governing Body shall be responsible for the general administration of the college including :

(a) Management and regulation of the finances, accounts investments, property and other assets of the college.

Provided that no property of the college shall be disposed of without the approval of the Foundation Society and the Foundation Society on its part shall not withdraw or dispose of any property or asset used by the college or managed by the governing Body without the consent of the Governing Body.

(b) adoption with or without modification of the budget submitted by the Principal of the college after considering the observations, if any, of the Foundation Society.

(c) the institution and abolition of new department of Studies or new teaching and non-teaching posts in the college.


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Provided that if the institution of a new department or a new teaching post involves additional, financial obligation on the Foundation Society, exercise of this power shall be subject to the provisions of paragraph 4 of the Code.

Provided also that no teaching Department or teaching post shall be abolished without the prior approval of the Executive Council.

(d) Appointment, promotion, suspension and punishment of the teachers of the college and any other action affecting their services.

Provided that the services of a teacher other than one appointed in a leave vacancy or temporarily for a specified period shall not be terminated, for any reason whatsoever, without the prior approval of the Executive Council.

Provided also that such approval shall not be necessary in case of discharge of a teacher (who is appointed on probation) during or on the expiry of the period of such probation on the ground that his work during such period was not satisfactory.

Provided further that the power of appointment shall be subject to the provision of clauses (a) of subparagraph (1) of paragraph 4.

(e) Maintenance of the College upto the academic standard required by the University and compliance by the college of the M.P. Vishwavidyalaya Adhinyam, Statutes, Ordinances, Regulations and Directions issued by the University from time to time.

(2) In the matter of the management of the college the governing Body shall be the final authority bound by Statutes, Ordinances, Regulations and directions of the University and such rules as are framed by the governing Body and which are not inconsistent with the Adhinyam, the Statutes, Ordinances and Regulations of University.

9. The Governing Body shall submit to the Foundation Society :

(i) Not later than the 31th July of each year a Statement of Annual Accounts of the college for the financial year immediately preceding together with the audit report by an auditor appointed by the Foundation Society and an annual report on the work and progress of the college for the academic year ending 30th June immediately preceding.

(ii) Not later than 31st September each year the budget estimates of the college for the following financial year.


(iii) Proposals for such items of new expenditure exceeding Rs. 10,000/- in the case non-recurring expenditure and exceeding Rs. 4,000/- in the case of recurring expenditure which involve additional financial obligation on the Foundation Society.

10. The Governing Body may make consistent with the provisions of the Adhinyam, Statutes, Ordinances, with regard to :

(a) the procedure to be observed at its meetings.

Provided that no decision affecting service conditions of teachers shall be taken at a meeting of the Governing body in which atleast one teacher representative and one University representative are not present.

(b) the management of the college; and


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(c) the manner in which its decisions shall be given effect to.

11. The Governing body shall exercise all powers not otherwise provided for in this code and not inconsistent with the provisions of the Adhiniyam, Statutes and Ordinances.

12. The T.A. and D.A. of a nominee of the University or the State Government attending a meeting of the Governing body shall be paid by the college at the rates admissible to a member of the authorities of the University under the rules made by the University.

13. (1) The Governing Body shall be constituted in accordance with provisions of this Statute within a period of ninety days from the date of admission of the college to the privileges of the University.

(2) The Governing Body in existence on the date immediately preceding the date of enforcement of this Statute shall continue to function till the new Governing Body is constituted in accordance with the provisions of the Statute such period shall not extend beyond a period of ninety days from the date of enforcement of this Statute.

Provided that if, for any reason, the governing Body is not constituted in accordance with the provisions of this Statute within the afore period, the Executive Council may extend the period by a further period not exceeding sixty days.

PART IV - The College Council :

14. (1) There shall be for each college, a College Council consisting of the Principal and all teachers of the college. The Principal and the Vice-Principal, if any, of the college shall respectively be the ex-officio President and Vice-President of the Council.


(2) The Secretary shall be elected by the Council from amongst its members. He shall hold office for one year, but for not more than two consecutive terms. He shall convene meetings of the College Council under the direction of the Principal.

(3) The Council shall meet at least thrice during the academic year. It shall perform the following duties namely :

- (a) to discuss the progress of studies in the college;
- (b) to bring to the notice of the Governing Body the needs of the students and teachers;
- (c) to make recommendations to the Principal or the Governing Body for improvement of the academic efficiency of the college ;
- (d) to advise the Principal on such matters relating to the internal management of the college and discipline of its students as may be referred to it from time to time;
- (e) to advise and assist the Principal in the preparation of the time table, allocation of teaching work and for the organisation, of the extra-curricular activities of the college;
- (f) to consider and to bring to the notice of the Governing Body matters affecting the interests, rights and privileges of the teachers as a class.

PART V - The Powers and Duties of the Principal :

15. (1) The Principal shall be the Chief Executive Officer and the academic head of the college and he shall participate in the teaching work of the college.


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(2) Subject to the general control of the Governing Body the Principal shall be responsible for :

- (a) the administration of the college generally as an institution admitted to the privileges of the University.
- (b) the management of the college library and hostels;
- (c) maintenance of the accounts, receipts and expenditure of the college;
- (d) correspondence of the college and custody of the records of the college;
- (e) administration of the amalgamated fund;
- (f) execution of the decisions of the Governing Body.

(3) The Principal shall have the following powers namely :

- (a) to admit students to the college;
- (b) to assign duties in respect of teaching, administrative work and extra-curricular activities to the teaching and other staff of the college and see to the proper performance thereof;
- (c) to appoint, promote, grant leave, suspend and take disciplinary action against the class III and class IV employees of the college;

Provided that where disciplinary action is taken by the Principal, an appeal shall lie with the governing Body.

- (d) to maintain discipline in the college;

Provided that disciplinary action taken by the Principal against any student shall be final and shall not be liable to be revised by any other authority except where such revision is permitted by the Statutes and Ordinances of the University .

Provided also that in the case of rustication of a student from the college, the college council may review the decision of the Principal;

- (e) to exercise all such other powers as may be conferred on him by the Statutes, ordinances and Regulations.

PART VI - The Teachers of the College :

16. (1) No appointment to any teaching post in the college, including the post of the Principal but excluding part-time appointments, temporary appointments which are not to continue for more than six months and appointments to posts which are to be filled by promotion, shall be made except;

(a) after duly and widely advertising the post together with the minimum qualifications therefor and the emolument of the post and allowing reasonable time within which the applicants may, in response to the advertisements, submit their applications.

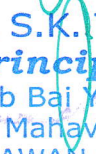
(b) On the recommendation of the Selection Committee constituted in accordance with the provisions of paragraph 17 below.

(2) No appointment to the post of Principal shall be made except with the prior approval of the Executive Council.

(3) Notwithstanding any thing provided in Statute No. 22 no person shall be appointed to any teaching post including that of the Principal unless he/she possesses the following minimum qualifications;

A. LECTURERS

For Lecturer in various subjects the candidate should possess the minimum qualifications prescribed by the U.G. C. from time to time.


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Note: The above rule will be subject to modifications from time to time by the Executive Council in keeping with the orders issued by the Government under the Madhya Pradesh Ashaskiya Shikshan Sanstha (Adhyapakon Tatha Anya Karmachariyon Ke Vetano ke Sanday) Adhiniyam, 1978.

(Approved by the Co-ordination Committee on 8-11-1985 and effective from 1-5-1985)

A. COLLEGE PROFESSORS :

- (a) A Doctor's degree or published work of an equivalent high standard; and
- (b) (i) A 2nd class Master's degree in the concerned subject with atleast 50% marks (B in the seven point scale) or an equivalent degree of a foreign University and;

Note: (While taking into account the marks/grade obtained in internal assessment, if any, shall be excluded).

- (ii) At least 50% marks at the Bachelor's degree examination on the basis of which division is awarded at the degree level by the University, and
- (iii) At least 50% marks at the higher Secondary/Intermediate Pre-University examination, as the case may be and
- (c) (i) The experience of teaching of post-graduate classes shall be atleast 5 years and
- (ii) Atleast three years experience of guiding research;


Provided that if the Selection Committee is of the view that the research work of a candidate as evident either from his thesis or from his published research work is of very high standard, it may relax any of the qualifications prescribed in (b) above.

Note: The requirement regarding minimum percentage of marks shall be relaxed upto 5% in case of Scheduled Castes/Scheduled Tribes candidates.

(4) Every change in the teaching staff of the college shall be immediately reported to the University by the Principal.

17. (1) For every non-government Educational Institution for higher Educational there shall be Selection Committee Consisting of :

- (i) in the case of teaching post :
- | | |
|--|------------------|
| (a) Kulpati or his nominee | Chairman |
| (b) One nominee of the management from amongst its Members who are not teachers | Member |
| (c) One expert in the subject concerned nominated by the kulapati | Member |
| (d) One expert in the subject concerned nominated by the M.P. Uchcha Shiksha Anudan Ayog | Member |
| (e) Principal of the Institution | Member-Secretary |
- (ii) in the case of principal :
- | | |
|---|----------|
| (a) Kulapati or his nominee | Chairman |
| (b) One nominee of the Management | Member |
| (c) Co-ordinator/Dean/Director of College Development Council | Member |
| (d) One nominee of the M.P. Uchcha Shiksha Anudan Ayog | Member |
- (iii) in the case non-teaching post :


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(a)	Kulapati or his nominee	Chairman
(b)	One nominee of the Management	Member
(c)	One nominee of the M. P. Uchcha Shiksha Anudan Ayog	Member
(d)	Principal of the Institution	Member-Secretary

“Provided further that where for selection to any of the posts mentioned above the nominee of the management is himself an Hon’ble Minister of the State Govt. and if he is present in the meeting of the Selection Committee then in place of Kulapati’s nominee the concerned minister will provide over the meeting of the selection committee. The nominee of the Kulapati in such a case can attend the meeting of the Selection Committee as member of the Selection Committee.”

(2) In the case of a Committee constituted under clause (i) sub-rule (1) no business shall be transacted at a meeting of such committee unless the Chairman, one expert and two other members be present thereat and in the case of the Committee constituted under clause (ii) or (iii) of that sub-rule no business shall be transacted at a meeting of the Committee unless the Chairman and three members be present thereat.

(3) The Committee shall, having regard to the nature of duties of the post, select candidates by any one of the methods prescribed under the said rule and shall prepare a list of such candidates.

(4) The candidates shall be selected on the basis of merit and the panel as well as the order of the names in the panel recommended by the selection committee should have the full concurrence of atleast one expert.

(5) The list prepared under sub-rule (3) shall contain the names of candidates five times the number of posts proposed to be filled up.

(6) The list prepared under sub-rule (3) shall be submitted to the Institution.

(7) Appointment to any post of a teacher or other employees shall be made in order of merit from the list prepared under sub-rule (3).

The above rules will be subject to modifications from time to time by Executive Council in keeping with the orders issued by the Government under the Madhya Pradesh Ashaskiya Sikshan Sanstha (Adhyapakon Tatha Anya karmachariyon Ke Vetano ke Sanday) Adhiniyam 1978.

(8) “If in an Institution the post of Principal is vacant and regular appointment to the post of Principal is not made within 6 months from the date of vacancy, then the State Govt. shall have the power to nominate or to appoint a person to the post of Principal under intimation to the Governing Body”.

(2) The Majority of total membership of any Selection Committee shall form the quorum of such Committee. The Selection Committee shall interview, adjudge the merits of each candidate in accordance with the qualifications advertised and report to the appointing authority of the names arranged in order merit, of the person or persons, if any, whom it recommends for appointment to the post advertised.

Provided that in case of an appointment of a teacher other than the Principal, no recommendation made by a Selection Committee shall be considered to be valid unless atleast one of the experts in the subject is present in the meeting of the Selection Committee in which the recommendation is decided upon.

18. (1) No person shall be appointed to a full time and salaried teaching post in the College except on the recommendation of the Committee of Selection constituted in accordance with the provisions of this Statute.

Provided that if the appointment to a teaching post and expected to continue for more than six months and can not delayed without detriment to the interests of the institution, Governing Body may make such appointment without obtaining recommendation of the Committee of Selection but the person so appointed shall not be retained on the same post for a period exceeding six months or appointed to another post in the service of the college except on the college except on the recommendation of the Committee of Selection.

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(2) Appointments to part-time teaching post may be made by the Foundation society or the Governing body, as the case may be on the recommendation of the Principal from amongst persons who possess the minimum qualifications prescribed for a lecturer.

Provided that where a part-time Principal of a Law College is to be appointed, the appointee shall possess the minimum qualifications prescribed for a Principal and his appointment shall be made with the prior approval of the Executive Council.

19. The appointment of every teacher made prior to the coming into force of this Statute in accordance with the statutes and Ordinances in force at the time the appointment was made, shall be deemed to be validly made.

20. (1) (i) The Principal and the other members of the teaching staff except those appointed in leave vacancies, on part-time basis or on temporary basis shall be appointed initially on probation for one year. The period of probation shall not be extended by more than one year so that the total period of probation does not exceed two years.

(ii) Where an appointment is made on temporary basis whether in a leave vacancy or otherwise, the reasons for such temporary appointment shall be communicated by the Principal to the University.

(2) Unless the work of the probationer is found to be unsatisfactory and he is informed by the Governing body at least one month before the expiry of the period of probation of its intention not to continue him in service, the probationer shall be deemed to have been confirmed in his appointment on the expiry of the period of probation.

(3) (i) Every teacher other than one appointed on part-time or temporary basis, shall be appointed on written contract in the form prescribed in the Appendix stating therein the post to which he is appointed, the initial salary and the scale of pay and other conditions of service. A copy of the contract shall be given to the teacher and a copy shall be lodged with the University.

(ii) It shall be the duty of Governing body to get such contract executed within a period of one month from the date on which the appointee join the post.

Provided that the Governing body shall get the contract executed :

(a) Within a period of one month from the date on which the Governing Body starts functioning in case of appointments made by the Foundation Society;


(b) Within a period of two months from the date on which this Statute comes into force in the case of all appointments made prior to such date.

(iii) In case of any conflict between the contract in the form prescribed in the Appendix and any other contract between a teacher and the college or its Governing body, the terms and conditions laid down in the contract as in the Appendix shall be deemed to apply.

21. The posts of Professors shall ordinarily be filled by promotion from amongst the qualified teachers in the college on the basis of seniority-cum-merit.

Provided when no teacher of the college in the immediately lower cadre from which promotion is to be made possesses the requisite qualifications, the post of Professor may be filled by direct recruitment on the recommendation of the Selection Committee.

22. (i) The Scales of pay for different categories of teachers in the college including the Principal shall be such as are prescribed from time to time by the State Government for similar categories in Government colleges.


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(ii) A part-time Principal shall be paid an honorarium of Rs. 400/- per month and every part-time teacher other than the Principal shall be paid an honorarium of Rs 300/- per month if he delivers 12 lectures per week and Rs. 200/- if he delivers atleast 8 lectures per week.

(iii) Salary of every teacher shall be paid by cheque drawn in his favour latest by the 5th of the month following the month to which the salary relates.

(iv) The Governing Body or the Foundation Society shall not require or accept any donation or loan from the employees including the teachers of the college.

(v) Every teacher other than a part-time teacher shall be entitled to annual increment in the prescribed pay-scale on the due date as a matter of course unless it is withheld after due enquiry.

23. In calculating the period of service of a teacher of the college for any purpose, including the application of time scale, service shall be counted from the date of the first appointment, if there be no break of service during the period preceding the substantive appointment. Short breaks of service not exceeding 7 days shall be condoned. The period of college vacation shall be counted as period spent on duty.

24. A temporary teacher who has been in the service of a college for a full academic year, shall be entitled to full pay for the ensuing vacation. If such teacher is in the service of a college for less than a full academic year but for more than three months he shall be entitled to salary for the ensuing vacation in the same proportion as the period of his service bears to the total period in the academic year, provided that such teacher shall not be entitled to any pay for the summer vacation where such teacher is officiating in place of another teacher on leave entitled to draw pay for the said vacation.

25. (1) Every teacher including the Principal shall at all times maintain absolute integrity and devotion to duty and shall do nothing which is unbecoming of a teacher.

(2) No member of the teaching staff except a part-time teacher of a college shall apply for any post under any other authority except through the Principal and in the case of the principal through the Chairman of the Governing Body.

(3) A teacher, other than a part-time teacher, shall be a whole-time employee of the college and shall not without the previous approval of the Governing Body, engage himself in private tuition or in any trade or business or take up any occupation or work (other than as an examiner or author of books) which is likely to interfere with the duties of his appointment.


(4) No teacher shall, except with the prior written sanction of the governing body, participate in the editing or management of any newspaper or periodical other than learned journals.

Provided that Part-time teachers of Journalism shall be exempted from the operation of this sub-paragraph.

(5) (a) A teacher shall obey all lawful directions of the Principal and the Governing Body of the College. He shall, in addition to the ordinary duties as a teacher perform such other duties as may be entrusted to him by the Principal in connection with the co-curricular and extra-curricular activities in the college or duties in connection with examination, administration and the keeping of discipline in the college.

(b) No teacher shall be required to teach for more than twenty four periods (including those for tutorial week) in a week.

Provided that no part-time teacher shall be required to teach for more than twelve periods in a week.


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(iv) Incompetence provided that the plea of incompetence shall not be used against a teacher after two years of his confirmation.

(v) Abolition of the post with the prior approval of the Executive Council.

Provided that termination of service on any ground following under (i) or (iv) above shall not be ordered without holding an inquiry in which the teacher is given a statement of charges against him and is afforded reasonable opportunity to defend himself.

Provided also that action to terminate the service of a teacher on the ground of physical or mental unfitness shall not be taken except on the basis of a report of a medical Board to be appointed by the Governing Body.

(2) Except where the services of a teacher are terminated on the ground of misconduct including neglect of duty or breach of the terms of the contract neither the Governing Body nor the teacher shall terminate the agreement except by giving to the other party three calendar month's notice or by paying to the other party a sum equal to thrice the monthly salary which the teacher concerned is then earning. The period of notice shall not include the summer vacation or any part thereof.

PART VI - Suspension, penalties and Disciplinary Authority :

30. (1) The appointing authority may by an order place an employee, including a teacher of the college under suspension :

OR (a) where a disciplinary proceeding against him is contemplated or is pending :

(b) Where a case against him in respect of any criminal offence involving moral turpitude is under investigation, inquiry or trial.

Note: In case of teachers the Governing Body and in case of other employees the Principal shall be deemed to be the appointing authority.

(2) An employee of the college shall be deemed to have been placed under suspension by an order of the appointing authority :

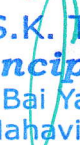
(a) with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise for a period exceeding forty eight hours;

(b) with effect from the date of his conviction, if in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty eight hours and is not forth with dismissed or removed or compulsorily retired consequent to such conviction.

(3) An order of suspension made or deemed to have been made shall continue to remain in force until it is modified or revoked by the appointing authority, but in cases other than criminal proceedings it shall not operate for more than six months.

(4) During the period of suspension, the employee shall be allowed subsistence allowance equal to fifty percent of the emolument last drawn by him.

(5) If the employee is exonerated from the charge or charges are subsequently withdrawn he shall be reinstated in his post and shall be paid full salary for the period of his suspension after deducting the subsistence allowance already paid to him.


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31. (1) The appointing authority may, for good and sufficient reasons, impose on an employee of the College (including a teacher) the following penalties.

- (a) Censure;
- (b) Recovery from his pay of the whole or part of any pecuniary loss caused by him to the college by negligence or breach of orders;
- (c) With-holding of increments of pay;
- (d) Reduction to lower time scale of pay, grade or post;
- (e) Compulsory retirement;
- (f) Removal from service;
- (g) Dismissal from service which shall ordinarily be a disqualification for future employment in the college.

Besides the above, the penalty of fine not exceeding Rupees Five may be imposed on a Class IV employee of the college for petty carelessness, unpunctuality, idleness or similar misconduct of a minor nature.

(2) The appointing authority may institute disciplinary proceedings against an employee of the college.

(3) No order imposing any of the penalties specified in sub-paragraph (1) above than fine shall be made except in accordance with the procedure for imposing penalties on Government servant prescribed by the Madhya Pradesh Government and in force at the time the appointing authority orders an inquiry against the college employee concerned.

Provided that no proposal to reduce in rank or pay a teacher confirmed in the Service of the College or to remove or dismiss him from Service or to retire him compulsorily shall be deemed to have been passed by the Governing Body unless it is supported by a majority of two-thirds of the members present at the meeting of the Governing Body in which it comes up for consideration and where a decision is duly taken it shall not be given effect to unless it is approved by the Executive Council.

(4) The following lapses would constitute misconduct on the part of teacher of the College, including the Principal :

(i) Failure to perform his academic duties such as lectures, demonstrations assessment, guidance, invigilation, etc.


(ii) Gross partiality in assessment of students, deliberately over-making/under-marking or attempts at victimization on any grounds.

(iii) Inciting students against other students, colleagues or administration. This does not interfere with the right of a teacher to express his difference on principles in seminars or other places where students are present.

(iv) Raising questions of caste, creed, religion, race or sex in his relationships with his colleagues and trying to use the above considerations for improvement of his prospects.

(v) Refusal to carry out the decision by the appropriate officers/bodies of the University and / or the Governing Body/Principal of the College. This will not inhibit his right to express his differences with their policies or decision.

32. (1) Where any penalty is imposed on an employee of the college by the Principal, the employee concerned may prefer an appeal to the governing Body of the college within thirty days from the date on which a copy of the order appealed against is delivered to the appellent.


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(2) Where an penalty other than reduction in rank or pay or removal or dismissal or compulsory retirement from service is imposed on a teacher, he may prefer an appeal to the Executive Council within thirty days from the date on which a copy of the order appealed against is delivered to the appellant.

(3) (i) An appeal against an order of the Governing Body imposing on a teacher the penalty of reduction in rank or pay or removal or dismissal or compulsory retirement from service shall lie to a Tribunal consisting of :

(a) A nominee of the Kulapati, other than a member of the Executive Council who will act as the Chairman.

(b) The aggrieved teacher's nominee to be named by the appellant in his appeal, and

(c) A nominee of the Governing Body;

“Provided that in case a person in (c) above is not nominated by the body concerned within three months, the Kuladhipati shall have the powers to appoint on behalf of the body concerned, a nominee not connected with the University in any manner”.

Provided that an appeal under this sub-paragraph shall be submitted to the Kulapati not later than forty five days from the date on which a copy of the order appealed against is delivered to the appellant.

(4) The appeal shall except where provided otherwise, be presented to the authority to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against. It shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language and shall be complete in itself.

(5) The authority which made the order appealed against shall on receipt of a copy of the appeal, forward the same with its comments thereon together with the relevant records to the appellate authority without any avoidable delay and without waiting for any direction from the appellate authority.

(6) (i) The appellate authority may confirm, enhance, reduce or set aside the penalty or remit the case to the authority which imposed the penalty with such directions as it may deem fit in the circumstances of the case.

(ii) The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

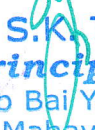
PART VII - Provident fund and Leave :

33. (1) The Governing Body shall maintain a Provident Fund for the benefit of its employees.

(2) Every wholetime teacher and employee of the college other than one whose services have been lent to the college by Government or another institution, permanently appointed to a substantive post shall, as a condition of his service become a depositor of the provident Fund in the College.

Note: A teacher/employee of the college who has held a temporary/probationary appointment followed immediately without break of service by a permanent appointment to a substantive post shall in respect of such temporary / probationary appointment be deemed to have held a permanent appointment for the purpose of the Provident Fund rule, provided that subscription to the Fund shall be optional for the teacher/employee for the period of his temporary/probationary appointment.

(3) The contribution of each depositor to the fund shall be eight percent of the salary of the depositor, such contribution shall be deducted monthly from the salary of the depositor and the amount so deducted together


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with an equal amount to be contributed by the college shall be deposited in the Saving Bank of any Post Office or Scheduled Commercial Bank in a Separate Provident Fund Account in the joint name of the teacher/employee and the Principal of the college.

Provided that in the case of the account of the Principal, it shall be in the joint name of the Principal and the Chairman of the governing body.

Provided also that the depositor may raise, at his option, his contribution to the Provident Fund to any amount not exceeding fifteen percent of his monthly salary. Even when the contribution is so raised, the contribution of the college shall be eight percent of the salary of the depositor.

(4) (i) An employee on leave on full average pay shall continue to subscribe to the Provident Fund during the period of such leave.

(ii) A teacher/employee under suspension shall not contribute to the Provident Fund during the period of suspension nor shall the contribution of college be due in this case.

(5) The Governing Body may, under such conditions as may be laid down by it, permit the payment of life assurance policy or policies on the life of the depositor out of his personal contribution to the Provident Fund. The amount to be deposited in the Saving Bank Account of the depositor shall be reduced to the extent of such premia. In all such cases, the life Insurance Policy for which the premia are so paid shall be assigned in favour of the college.

On retirement of the depositor from the service of the College Policy shall be reassigned to him by the college. In case of maturity of the policy during the service of the depositor in the college, the full amount of the policy shall be credited to the Provident Fund account of the depositor. In the event of the death of the depositor during his service in the college the full amount of the policy shall be paid to the legal successor of the deceased to the Provident Fund.

(6) When a depositor's service in the college comes to an end by his retirement, resignation or otherwise he shall be entitled to receive the entire amount standing to his credit in the Provident Fund.

Provided that a depositor whose service have been dispensed with for what in the opinion of the Governing body is gross misconduct or who has been in the service of the college for a continuous period of less than two years from the date from which he was allowed to subscribe to the provident Fund shall not be entitled to any part of the contribution made by the college or to the interest accrued thereon.

Provided also that in the event of the death of depositor during his service in the college,, the entire amount standing to his credit shall be paid to the legal successor of the deceased.

Note: The provisions of the first proviso shall not be invoked in the case of an employee who is prevented from rendering the minimum two years service by reason of death, disability which in the opinion of the Governing Body prevents him from rendering further service or any scheme of retrenchment affecting such employee.

(7) The Governing Body shall frame rules for temporary advances from the Provident Fund, which shall, interalia include the following as the legitimate objects for such advance.

(i) To meet expenses in connection with the prolonged illness of the subscriber or any person actually dependent on him;

(ii) To pay for overseas passage for reason of health or education of the subscriber or any person actually dependent on him;


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(iii) For meeting obligatory expenses, on a scale appropriate to the applicant's status, in connection with marriages, funerals and religious ceremonies;

(iv) To purchase land or building for his residence or for the construction of a residential house.

34. (i) The employees including the teachers of the college shall be entitled to leave in accordance with the leave rules of the Government of Madhya Pradesh in force and as applicable to Government Servants in vacation and non-vacation departments. All posts of teachers other than the Principal shall be vacation posts.

(ii) In case of teachers leave other than casual leave shall be sanctioned by the Governing Body. Casual leave in case of the Principal shall be sanctioned by the Chairman of the Governing Body and in case of other teachers by the principal.

PART VIII - Miscellaneous :

35. (1) The College shall have its own Fund and all receipts of the college such as fees, donations, grants, interest on investments and Endowment Fund and borrowing shall be credited to the Fund.

(2) All moneys belonging to the Fund shall be deposited in such Bank or invested in such manner as the Governing Body may decide.

(3) All expenditure, as may be sanctioned by the Governing Body, for the Purpose of the College, shall be met from the Fund.

(4) The fund of the college shall not be used for meeting any expenditure of or giving any loan to the Foundation society or any other Institution run by the Foundation Society.

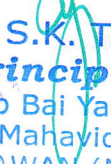
36. (1) In addition to such registers and records as the Governing Body may require to be maintained, every college shall maintain such registers and records as may be prescribed by the Executive Council.

(2) Accounts, registers, proceedings of meetings and other records of the college shall be open to inspection, on all working days during office hours, by members of the Governing body and persons appointed by the Executive Council to conduct any inspection.

37. No person connected with the management of the college and no Principal or, other teacher or other employee thereof shall directly or indirectly take or receive or cause to be taken or received any contribution, donation, fees or any payment of any sort either in cash or in kind, other than or in excess of the fees prescribed by the University, from or on behalf of any pupil as a condition for granting him admission to the college or pursuing a course of study therein and all such amounts paid by the students shall form part of the receipts of the college.

38. Any dispute arising out of the contract of service between the Governing Body of the College and any of its teachers shall at the request of the teacher or the Governing Body be referred by the Kulapati to a tribunal consisting of one nominee of the Kulapati other than a member of the Executive Council who shall be the Chairman and one nominee each of the teacher and the Governing Body and the decision of the tribunal shall be final.


39. Notwithstanding the provisions of this Statute a Non-Government College of Engineering/Technology or a Regional College of Education may be administered by the Executive Body of the institution (by whatever name called) constituted in accordance with the by-laws/regulations of the institution;


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Provided that :

(i) The Executive Body of the institution shall have amongst its members two representative elected from amongst themselves by the teachers of the institution, other than the Principal who have completed atleast two years service in the institution.

(ii) All appointments to teaching posts in the institution, not lower than that of a Lecturer and other than those which are to be filled by promotion, shall be made on the recommendation of a Selection committee which shall have amongst its members atleast one expert in the subject concerned nominated by the Kulapati.


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APPENDIX

FORM OF AGREEMENT OF SERVICE FOR TEACHERS

An Agreement made him.....day of.....19.....between Shri.....(here-in-after called the Teacher) of the first part, and the Governing Body of theCollege (here-in-after) called the (governing Body, through its Chairman/Secretary, of the Second part,

Whereas the Governing Body has appointed Shri.....as a member of the Teaching Staff of the.....College upon the term and conditions hereinafter set out and as provided in the College Code. Now this agreement witnesses that the party of the first part and the Governing Body hereby contract and agree as follows :

(1) That this agreement shall begin from the..... day of 19..... and shall be determinable as hereinafter provided.

(2) That the party of the first part is employed on probation for a period of one year and shall be paid a monthly salary of Rs.....in the Payscale of Rs.....

The period of probation may be extended by such further period as the party of second part may deem fit; but the total period of probation shall, in no case, exceed two years. The teacher shall be deemed to have been confirmed in his appointment unless not later than one month before the expiration thereof, the Governing Body informs him in writing of its intention not to continue him.

(3) That on confirmation the Governing body shall pay to the teacher during the continuance of this engagement salary in the pay scale of Rs.....and no increment shall be withheld without the approval of the Governing Body.

(4) The Teacher shall during the continuance of his engagement be entitled to the benefit of the Provident Fund maintained by the Governing Body in accordance with the provisions laid down in the College Code.

(5) That the date of birth of the party of the first part is..... and the age of superannuation will be sixty years, the actual date of retiring shall be the last day of the academic year in which he attains the age of sixty unless extension is granted as provided in part 26 of the College Code.


(6) That the Teacher shall be entitled to leave in accordance with the provisions of the College Code.

(7) That the Teacher shall devote his whole time to the service of the College, and shall not, without the permission of the Governing Body, engage directly or indirectly in private tuition or any trade or business or other remunerative work which may interfere with the proper discharge of his duties; but this prohibition shall not apply to such benefits as accrue to him as an Examiner or author of Books or due to his academic achievements.

(8) That the party of the first part shall, in addition to the ordinary duties, perform such other duties as may be assigned to him by the Principal of the College in connection with the Social intellectual or athletic activities of the college or examinations or administration or the keeping of discipline in the college.

(9) After confirmation, the services of the party of the first part can be terminated only on the following grounds :

- (a) Misconduct including willful neglect of duty;
- (b) Breach of any of the terms of contract;
- (c) Physical or mental unfitness;
- (d) Incompetence;


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(e) Abolition of post.

Provided that :

(i) the plea of incompetence shall not be used against the party of the first part after he has served the party of the second part for two years or more after his confirmation.

(ii) the services of the party of the first part shall not be terminated under subclause (c) without obtaining a certificate to that effect from a Medical Board to be appointed by the Governing Body.

(iii) The services of the party of the first part shall not be terminated on any account without the previous approval of the Executive Council.

(10) Except when termination of service has taken place under sub-clause (a) or (b) of clause 9 neither the party of the first part nor the party of the second part shall terminate this Agreement, except by giving to the other party three month's notice in writing or by paying to the other party a sum equal to three months salary, which the party of the first part is then earning. The period of notice referred to above does not include the Summer vacation or any part thereof.

(11) Nothing in this agreement shall affect the right of the party of the first part to apply for referring any difference or dispute arising out of this agreement to the Tribunal constituted under paragraph 39 of the College Code.

(12) On the termination of this agreement from whatever clause, the teacher shall deliver up to the Governing Body All books, apparatus, records and such other articles belonging to the College or to the University as may be in his possession.


The Governing Body shall clear the account of the teacher in respect of arrears of salaries, if any, and other dues that may be payable to him from the college within three months of the termination of this Agreement.

Singnature..... day of..... 19.....

1. (Party of the first Part)
2. (Party of the Second Part)

In the presence of

1. (Witness 1)
2. (Witness 2)


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Principal
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Shiksha Mahavidhyalaya
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