

In exercise of power Under Sub-Section (1) of Section 19 of the Uttar Pradesh Basic Education Act 1972 (U.P. Act 34 of 1972), the Governor is pleased to make the following rules with a view to amending the Uttar Pradesh Reorganised Basic Schools (Junior High Schools)(Recruitment and Conditions of Service of Teachers) Rules, 1978.

1. Short title and commencement.—(1) These rules may be called the Uttar Pradesh Recognised Basic Schools (Junior High Schools) (Recruitment and Conditions of Service of Teachers) (Seventh Amendment) Rules, 2019.

(2) These rules shall come into force with effect from the date of their publication in the Gazette.

1. In the Uttar Pradesh Recognised Basic Schools (Junior High Schools) (Recruitment and Conditions of Service of Teachers) Rules, 1978, hereinafter referred to as the said rules, for Rule 2, the following shall be *substituted*, namely—

2.

'2. Definitions.—In these rules unless the context otherwise requires—

- (a) "Academic Session" means the year commencing on April 1 and ending on March 31, in the next following calendar year;
- (b) "Act" means the Uttar Pradesh Basic Education Act, 1972;
- (c) "Board" means the Uttar Pradesh Board of Basic Education constituted under Section 3 of the Act;
- (d) "District Basic Education Officer" means the District Basic Education Officer appointed by the State Government
- (e) "Junior High Schools" means an Institution other than High School or Intermediate College imparting education to boys or girls or to both from Classes VI to VIII (inclusive);
- (f) "Management" in relation to a recognised school means the managing committee or other body managing the affairs of that school and recognised as such by the Board;
- (g) "Minority institution" means an institution established and administered by a minority, referred to in clause (1) of Article 30 of the Constitution;
- (h) "Qualifying marks in Teacher Eligibility Test" Qualifying marks in Teacher Eligibility Test will be such as may be prescribed from time to time by the National Council for Teacher Education, New Delhi;

- (i) "Recruitment Examination" means a written test conducted by the State Government for recruitment of a person in Aided Junior High School as a Assistant Teacher or Head Master;
- (j) "Recruitment Examination Qualifying marks" means such marks as may be determined from time to time by the State Government;
- (k) "Recognised Schools" means any Junior High School not being an institution belonging to or wholly maintained by the Board or any local body recognised by the Board as such;
- (l) "Selection Committee" means the Selection Committee constituted under Rule 9;
- (m) "Teacher's eligibility test" means test conducted by the State Government or by the Government of India."

3. Amendment of Rule 3.—In the said rules, for Rule 3, the following rule shall be *substituted*, namely—

"3. *Vacancies.*—(1) It shall be the responsibility of the Management or Controller, as the case may be, of the aided junior high school to send information of vacancies falling on the end of academic session, i.e., 31st March, of the post of Headmaster or Assistant Teacher as the case may be, category wise and subject wise at least before six months, every year.

It shall be the responsibility of the Management to fill a vacancy of the post of Headmaster or Assistant Teacher as the case may be, of a recognised unaided and minority school by 30th April, every year."

4. Amendment of Rule 4.—In the said rules, for Rule 4, the following rule shall be *substituted*, namely—

"4. *Minimum qualification.*—(1) The minimum qualifications for the post of Assistant Teacher of recognised Junior High School shall be a Graduation Degree from a University recognised by U.G.C. and a teacher training course recognised by the State Government or National Council for Teacher Education as follows—

Two year Diploma in Elementary Education (by whatever name called)

Or

Graduation with at least 50% marks and Bachelor of Education (B.Ed.),

Or

Basic Teaching Certificate (B.T.C.)

Or

Four Year Degree in Elementary Education (B.E1.Ed.),

Or

Four Year B.A./B.Sc. Ed. or B.A. Ed./B.Sc. Ed.

Or

B.A./B.Sc. with at least 50% marks and 1 year B.Ed. (Special Education).

And

Teacher Eligibility Test (Upper Primary Level) passed conducted by the State Government or by the Government of India.

(2) The minimum qualifications for the appointment to the post of Headmaster of a recognised schools shall be as follows—

- (a) a graduation degree from a recognised University or an equivalent examination recognised as such;
- (b) a teacher's training course recognised by the State Government or National Council for Teacher Education as follows—

Two years Diploma in Elementary Education (by whatever name called)

Or

Graduation with at least 50% marks and Bachelor of Education (B.Ed.)

Or

Basic Teaching Certificate (B.T.C.)

Or

Four year Degree in Elementary Education (B.E1.Ed.)

Or

Four year B.A./B.Sc. Ed or B.A. Ed./B.Sc. Ed.

Or

B.A.M.Sc. with at least 50% marks and 1 year B.Ed. (Special Education)

and

Teacher Eligibility Test (Upper Primary Level) passed conducted by the State Government or by the Government of India.

and

Five years teaching experience in a recognised Junior High School or

Senior Basic School of Basic Education Board."

5. Amendment of Rule 7.—In the said rules, for Rule 7, the following shall be *substituted*, namely—

"7. *Advertisement of vacancy.*—(1) Non-Government Aided Junior High School—

- (a) It shall be the responsibility of the Management of Aided Junior High School to send requisition for filling vacancies of the post of Headmaster or Assistant Teacher to the Director of Education (Basic) through Basic Education Officer at least 6 months before the date of vacancy.
- (b) Basic Education Officer shall send requisition for filling vacancies to the Director of Education (Basic) in case of failure from management.
- (c) The Director of Education (Basic) shall proceed for selection after scrutinising the requisition sent by the management under clause (a) or (b).

(2) Minority and Non-Aided Junior High School—

- (a) management of the Junior High School after explaining the sanctioned posts of the institution shall send information of vacant post during the calendar year compulsorily to the District Basic Education Officer by the 30th April for permission of Advertisement to fill them;
- (b) after scrutinising the proposal within 15 days the District Basic Education Officer shall direct the manager to remove the objections, if any, within one week;
- (c) within one month of removal of the objections, the District Basic Education Officer shall accord permission to advertise the post according to law. The District Basic Education Officer shall be duty bound to accord permission for advertisement or to reject the permission with reasoned speaking order during the stipulated time;
- (d) an appeal may be performed before the Regional Assistant Director of Education (Basic) against the decision of the District Basic Education Officer. The decision of the Regional Assistant Director of Education (Basic) shall be final;
- (e) no vacancy shall be filled, except its advertisement is published in at least 2 daily newspapers, one of whom must have adequate circulation all over the State and the other in locality of the school situated;
- (f) in every advertisement and intimation under clause (a), the management shall give particulars as to the name of the post, the minimum qualifications and age limit, if any, prescribed for such post and the last date for receipt of applications in pursuance of such advertisement."

6. Amendment of Rule 8.—In the said rules, for Rule 8, the following rule shall be *substituted*, namely—

"8. *Age limit.*—(1) *Assistant Teacher.*—A Candidate for recruitment of Assistant Teacher must have attained the age of twenty one years and must not have attained the age of more than forty years on the date of advertisement:

Provided that the upper age limit shall in the case of a candidate belonging to the Scheduled Castes, Scheduled Tribes, Other Backward Classes be greater by five years or as provided by the State Government from time to time:

Provided further that the upper age limit shall in case of a candidate, who is ex-servicemen, be greater by three years or as provided by the State Government from time to time:

Provided also that the upper age limit shall be greater by fifteen years in the case of a handicapped candidate.

(2) In relation to the post of Headmaster minimum age limit is 30 years."

7. Amendment of Rule 9.—In the said rules, for Rule 9, the following rule shall be *substituted*, namely—

"9. *Selection Committee.*—The Management of minority Institutions and unaided Junior High Schools shall Constitute a Selection Committee consisting of:

(i) For the post of Headmaster;

(1) Manager;

(2) Two nominees of Management;

(ii) For the post of Assistant Teacher

(1) Manager;

(2) Headmaster of the recognised school in which the appointment is to be made;

(3) A nominee of the Management."

8. Amendment of Rule 10.—In the said rules, for Rule 10, the following rule shall be *substituted*, namely—

"10. *Procedure for selection.*—(1) Non-Government Aided Junior High School-

(a) On the basis of requisition received from management the Director of Education (Basic) shall determine the number of district wise vacancies as also the number of vacancies to be reserved for candidates belonging to Scheduled Castes, Scheduled Tribes, Backward Classes, and other categories and an advertisement for recruitment will be published in at least two leading daily newspapers having adequate circulation in the State inviting

online applications from candidates possessing prescribed educational and training qualification. In advertisement there shall be detail of the post, qualification, as may be be, and last date of submissions of qualifications.

- (b) A recruitment examination shall be conducted before every recruitment of Headmaster and Assistant Teacher of non-Government Aided Junior High School. Recruitment Examination shall be conducted by the authority prescribed by the State Government.
- (c) The names of candidates passed in recruitment examination shall be arranged in accordance with the quality points as specified in the appendix:

Provided that if two or more candidates obtain equal marks, the candidate senior in age shall be placed higher:

Provided that if two or more candidates having the same date of birth then the name of candidates shall be arranged in accordance with the English alphabet.

- (d) The Director of Education (Basic) shall send the list of candidates passed under clause (c) to the Basic Education Officer after allotment of district/school by software as per their marks and choice within two weeks through registered post- mai 1.
- (e) Basic Education Officer shall send the list of selected candidates for verification within a week after receiving from the Director of Education (Basic).
- (f) After receiving the verification from Director of Education (Basic) the Basic Education Officer shall examine the academic documents of selected candidates then the name of candidate shall be send to the concerned management of schools for appointment.

(2) Minority and Non-Aided Junior High School—

- (a) The Selection Committee shall scrutinise the applications received in pursuance of the advertisement under Rule 7 and prepare a merit list of such person as appear to possess the prescribed academic qualification and be eligible for appointment.
- (b) The Selection Committee shall after interviewing such candidates as appear before it on a date to be fixed by it in this behalf, for which due intimation shall be given to all the candidates, prepare a list containing as far as possible the names, in order of preference of three candidates found to be suitable for appointment.
- (c) The list prepared under clause (a) shall also contain particulars regarding the date of birth, academic qualifications and teaching experience of the candidates and shall be signed by all the members of the Selection Committee.
- (d) The Selection Committee shall, as soon as possible, forward such list together with the minutes of the proceedings of the Committee to the management.

- (e) The Manager shall within one week from the date of receipt of the papers under clause (d) send a copy of the list to the District Basic Education Officer.
- (f) (i) If the District Basic Education Officer is satisfied that the candidates recommended by the Selection Committee possess the minimum qualifications prescribed for the post; and the procedure laid down in these rules for the selection of Headmaster or Assistant Teacher, as the case may be, has been followed he shall accord approval to the recommendations made by the Selection Committee and shall communicate his decision to the management within two weeks from the date of receipt of the papers under clause (ii) If the District Basic Education Officer is not satisfied as aforesaid, he shall return the papers to the management with the decision that the matter shall be reconsidered by the Selection Committee.
 - (ii) If the District Basic Education Officer does not communicate his decision within one month from the date of receipt of the papers under clause (e), he shall be deemed to have accorded approval to the recommendations made by the Selection Committee."

9. Amendment of Rule 11.—In the said rules, for Rule 11, the following rule shall be substituted, namely—

"11. *Appointment by the Management.*—(1) Non-Government Aided Junior High School—

- (a) *Appointment.*—On receipt of the name of selected candidate from District Basic Education Officer under of sub-rule (1) of Rule 10, the management shall send the appointment letter by registered post to the selected candidate within two weeks.
- (b) The appointment letter shall clearly specify the name of post, the pay scale and the nature of appointment, whether permanent or temporary, and shall also specify that if the candidate does not join within 15 days from the date of receipt of the appointment letter his appointment shall be cancelled.
- (c) A copy of the appointment letter shall also be sent to the District Basic Education Officer.

(2) Minority and Non-Aided Junior High School—

- (a) On receipt of communication of approval from the District Basic Education Officer the appointment letter shall be sent under the signature of the manager by registered post to the selected candidate.

- (b) The appointment letter shall clearly specify the name of post, the pay scale and the nature of appointment, whether permanent or temporary, and shall also specify that if the candidate does not join within 15 days from the date of receipt of the appointment letter his appointment shall be cancelled.
- (c) A copy of the appointment letter shall also be sent to the District Basic Education Officer."

10. Amendment of Rule 14.—In the said rules, for Rule 14, the following rule shall be substituted, namely—

"14. *Superannuation.*—(1) Every Headquarter or assistant teacher of a recognized school shall retire in the afternoon of the last day of the month in which he attains the age of sixty two years, provided that a Headmaster or Assistant Teacher who retires during an academic session, not being Headmaster or assistant teacher retiring on March 31, shall continue to work till the March 31 following next year after the date of retirement and such period of service shall be deemed as extended period of employment.

(2) The District Basic Education Officer may in the case of a Headmaster or a assistant teacher of a recognised school, being the recipient of a National or State award, permit him to be retained in service for two more years."

11. Amendment of Rule 15.—In the said rules, for Rule 15, the following rule shall be *substituted*, namely-

"15. *Disciplinary proceeding.*-1. Except with the written approval of District Basic Education Officer, suspension of Headmaster or Assistant teacher of a recognised school may not be effective after 60 days.

2. No Headmaster or Assistant Teacher of a recognised school may be removed or dismissed from service or subjected to any deduction in emoluments except with the prior approval in writing of the District Basic Education Officer:

Provided that in the case of the Headmaster or an Assistant Teacher of a minority institution the approval of the District Basic Education Officer shall not be necessary."

12. Amendment of Rule 16.—In the said rules, for Rule 16, the following rule shall be *substituted*, namely—

"16. *Applicability of Rule in Relation to Disciplinary Proceeding.*—In respect of disciplinary proceedings and the punishment to be inflicted in such proceedings a Headmaster or Assistant

teacher as the case may be, of a recognised school shall be governed by the rules applicable to Headmaster and Assistant Teacher of a Basic School established or maintained by the Board."

13. Amendment of Rule 18.—In the said rules, for Rule 18, the following rule shall be *substituted*, namely—

"18. *Transfer.*—(1) A Permanent Headmaster or Assistant Teacher of a Aided Junior High School may, on application in this behalf, be transferred to another Aided Junior High School in which he may be lawfully employed under these rules or a Permanent Headmaster or Assistant Teacher of a Non-Aided Junior High School may, on application in this behalf, be transferred to another Non-Aided Junior High School in which he may be lawfully employed under these rules.

(2) Such application shall be given by the Headmaster or Assistant Teacher as the case may be, to the District Basic Education Officer through the manager of the school from which the transfer is sought.

(3) The manager shall along with the application for transfer, forward copies of service book and character roll of such Headmaster or Assistant Teacher, as the case may be, to the District Basic Education Officer.

(4) No transfer shall take effect unless it is agreed to by the managements of the concerned recognised schools and is approved under clause (5).

(5) The approval for the transfer of a Headmaster or Assistant Teacher of a recognised school shall be accorded by:

(i) The District Basic Education Officer, in case of transfer from one Aided Junior High School to another Aided Junior High School and Non-Aided Junior High School to another Non-Aided Junior High school within the District;

(ii) The Regional Assistant Director (Basic) of Education in case of transfer from one Aided Junior High School to another Aided Junior High School and Non-Aided Junior High School to another Non-Aided Junior High School situated in different districts but within the same division;

(iii) Additional Director (Basic), U.P. Prayagraj, in case of transfer from one Aided Junior High School to another Aided Junior High School and Non-Aided Junior High School to another Non-Aided Junior High School situated in different divisions."

14. Amendment of Rule 19.—In the said rules, for Rule 19, the following rule shall be *substituted*, namely—

"19. *Provident Fund.*—*Provident* fund shall be payable by the management of a recognised school to every Headmaster or teacher employed in such school in accordance with the scheme applicable to aided institutions as laid down in Appendix 8 of the Education Code (1958 Edition):

Provided that these provisions shall not be effective on the employees appointed after 1-4-2005."

15. Omission of Rule 20.—In the said rules, for Rule 20, the following rule shall be *substituted*, namely—

16.

Omitted

15. Insertion of new rules.—In the said rules, after Rule 20, the following rule shall be *inserted*, namely—

16.

"21. *Reservations.*—*Reservation* for the candidates belonging to the Scheduled Castes, Scheduled Tribes, Backward Classes, dependants of freedom fighters, ex-servicemen and other categories shall be in accordance with the Uttar Pradesh Act and the orders of the State Government in force at the time of recruitment.

22. Duties to be performed by Teachers.—A teacher shall—

- (a) be accountable to respective local authority and School Management Committee in regard to maintaining regularity and punctuality in attending school, regular teaching, regular correction of the written work of the Students and completion of entire curriculum within the specific time;
- (b) monitor the regular attendance, learning ability and progress of every child in school thereof, share students' performance with parents on a regular basis;
- (c) cooperate in managing the affairs of School Management Committee, where required;
- (d) help the local authority for admission of all children in school, as require within the jurisdiction of local authority;
- (e) maintain a file containing the pupil cumulative record for every child to check child's understanding of knowledge and his or her ability to apply the same and for continuous evaluation and on the basis of which shall award the completion certificate;
- (f) participate in training programs, participation in curriculum formulation and development of syllabi training modules and test book development;
- (g) cooperate in internal and external school assessment initiatives;

(h) assess the learning ability of each child and accordingly supplement additional instruction, if any, as required.

23. *Applicability.*—Every recognised school shall be bound by the conditions and restrictions provided by the State Government from time to time.

24. *Duty of the management to comply with conditions of recognition.*—It shall be the duty of the managing body or other person managing the affairs of a recognised school to comply with the provisions of the Act and these rules and such other lawful directions as may from time to time be issued by a person authorised by the Board.

24. *Duty of the management to comply with conditions of recognition.*—It shall be the duty of the managing body or other person managing the affairs of a recognised school to comply with the provisions of the Act and these rules and such other lawful directions as may from time to time be issued by a person authorised by the Board.

25. *Withdrawal of recognition.*—(1) Where the Board is satisfied that any breach of the provisions of the Act or these rules has been committed in respect of any recognised school, the Board may, after affording an opportunity of being heard to the managing body or other person managing such school, withdraw its recognition.

(2) In case of Administrative irregularities that affect this provision of quality education to children, the Assistant Director, Basic with the recommendation of Basic Shiksha Adhikari may, with notice, appoint a controller by suspending this management of the aided School.

26. *Power to inspect.*—(1) The Education Officer may, at any time, for the purpose of this Act inspect or cause to be inspected any institution or call for such information and records (including registers, books of accounts and vouchers) from its management with regard to the payment of salaries to its teachers or employees or give its management any direction for the observance of such canons of financial propriety (including any direction for retrenchment of any teacher or employee for prohibition of any wasteful expenditure) as he thinks fit.

(2) Where a direction under sub-section (1), given for retrenchment of any teacher or employee, it shall be complied with, as far as possible in accordance with the provisions of the Uttar Pradesh Basic Education Act, 1972 and the rules made thereunder, or as the case may be, the conditions of service of such teacher or employee.

[APPENDIX]

[Rule 10(1)(c)]

Quality Points for Selection of Candidates

	Name of Examination/Degree	Quality Points

1	High School	Percentage of marks in the examination x 10
		100
2	Intermediate	Percentage of marks in the examination x 10
		100
3	Graduation Degree	Percentage of marks in the examination x 10
		100
4	Training Qualification	Percentage of marks in the examination x 10
		100
5	Recruitment Examination	Percentage of marks in the examination x 60
		100".