

The Orissa Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 1709 CUTTACK, THURSDAY, NOVEMBER 26, 2009/MARGASIRA 5, 1931

HIGHER EDUCATION DEPARTMENT

NOTIFICATION

The 19th October 2009

S.R.O. No. 483/2009—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Orissa is pleased to make the following rules to regulate the method of recruitment and conditions of service of persons appointed to the Orissa Education Service, namely :—

CHAPTER I

GENERAL

1. Short Title and Commencement—(1) These rules may be called the Orissa Education Service in State's Scale of Pay (Method of Recruitment and Conditions of Service) Rules, 2009.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*.

2. Definition—(1) In these rules unless the context otherwise requires,—

(a) "Autonomous College" means a college defined as such in Clause (c) of Section 2 of the Orissa Universities Act, 1989;

(b) "College" means an Educational Institution imparting instruction in higher general education beyond 10+2 level leading to any degree conferred by any of the Universities established under the Orissa Universities Act, 1989;

(c) "Commission" means the Orissa Public Service Commission;

(d) "Committee" means the Departmental Promotion Committee constituted under Rule 9.

(e) "Discipline" means a subject in which the teaching is imparted in a Junior College/ College;

(f) "Ex-servicemen" means a person as defined in the Orissa Ex-servicemen (Recruitment .to Sate Civil Services and Posts) Rules, 1985;

(g) "Government" means the Government of Orissa;

(h) "Junior College" means the educational institutions imparting teaching of Higher Secondary Courses framed by the Council of Higher Secondary Education, Orissa either having independent existence or constituting a separate entity called "Junior College" of a College or an Autonomous College;

(i) "Lead College" means any college declared as such by Government from time to time.

(j) "Persons with Disabilities (or Physically Handicapped Persons)" means a person who would be granted a disability certificate by competent authority as per the provisions under Rule 4 of the Persons with Disabilities (Equal Opportunities, Protection of Right and Full Participation) Orissa Rules, 2003;

(k) "Scheduled Castes and Scheduled Tribes" means such Castes and Tribes as notified by the President of India from time to time under Articles 341 and 342 of the Constitution of India, respectively;

(l) "SEBC" means the Socially and Educationally Backward Classes of citizens other than the Schedule Castes and Scheduled Tribes as may be specified by the State Government from time to time in the list under the Orissa State Commission for Backward Classes Act, 1993;

(m) "Service" means the Orissa Education Service in State's scale of pay ;

(n) "University" means a University incorporated by or under an Act of Central or State Legislature or a foreign University recognized as equivalent ;

(o) "Sportsmen" means a person who would be issued with identity card as sportsmen by the Director, Sports as per Resolution No.24808/Gen., dated 18th November 1985 of General Administration Department; and

(p) "Year" means Calendar year.

(2) All other words and expressions used in these rules but not specifically defined shall, unless the context otherwise require, have the same meaning as respectively assigned to them in the Orissa Service Code.

3. Constitution of Service—The service shall comprise of Group 'A' Senior Grade, Group 'A' Junior Grade and Group 'B' consisting of the following posts namely :—

(a) Group 'A' Senior Grade—(1) Principals (State Scale) of Degree Colleges other than a lead college or Autonomous College, Vice-Principals (State Scale) of Lead and Autonomous Colleges, Deputy Directors (State Scale) in the Directorate of Education and Secretary (State Scale), Selection Board in the scale of pay of Rs.15,600—39,100 with Grade Pay of Rs. 6,600

(a-i) Readers (State Scale) in the scale of pay of Rs.15,600—39,100 with Grade Pay of Rs. 6,600

(b) Group 'A' Junior Grade—Lecturers in Group 'A' (State Scale), Assistant Directors (State Scale) in the Directorate of Education in the scale of pay of Rs.9,300—34,800 with Grade Pay of Rs.5,400.

(c) Group 'B'—Junior Lecturers in the scale of pay of Rs.9,300—34,800 with Grade Pay of Rs.4,600. and

(d) such other posts in such State scale of pay as may be declared by Government from time to time with concurrence of Finance Department :

Provided that the scale of pay may be revised by State Government as and when the scales of pay of the State Government employees are revised.

CHAPTE R II**RECRUITMENT**

4. Method of Recruitment—Subject to the provisions of these rules, recruitment to the different posts in the service shall be made by the following methods :—

(a) In respect of Junior Lecturers by direct recruitment through the Commission by open advertisement in accordance with Rule 7;

(b) In respect of other posts by promotion in accordance with Rule 9; and

(c) In respect of the posts of Principals (State Scale), Higher Secondary Schools, by way of transfer of Lecturers of Group 'A' (State Scale) or Readers (State Scale) in the service as the case may be.

5. Reservations—Notwithstanding anything contained in these rules reservation of vacancies for—

(a) Scheduled Castes and Scheduled Tribes shall be made in accordance with the provisions of the Orissa Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made thereunder or any other Law or Rule in force at the relevant time.

(b) SEBC, women, sportsmen, Ex-servicemen and Physically Handicapped Persons shall be made in accordance with the provisions made under such rules, orders or instructions issued in this behalf by the Government from time to time .

6. Eligibility Criteria for recruitment to the posts of Junior Lecturers—In order to be eligible for recruitment to the posts of Junior Lecturers in the Service, a candidate shall,—

(a) be a citizen of India;

(b) be able to speak, read and write Oriya;

(c) have passed M.E. School Examination with Oriya; as language subject;

or

have passed High School Certificate or equivalent examination with Oriya as medium of examination in non-language subject;

or

have passed in Oriya as language subject in the final examination of Class-VII or above;

or

have passed a test in Oriya in M.E. standard conducted by the Department of School and Mass Education;

(d) be not below the age of 21 years and above 32 years :

Provided that the upper age limit in respect of reserved categories of candidates referred in Rule 5 shall be relaxed in accordance with the provisions of the Act, rules, orders or instructions, for the time being in force, for the respective categories :

Provided further that a person who comes under more than one category shall be eligible for only one benefit of relaxation which shall be considered most beneficial to him/her;

(e) be of good character;

(f) not have more than one spouse living; and

- (g) have possessed Master's Degree in the concerned subject from a recognized University with at least 55% of marks or its equivalent grade and a consistently good academic record; or Ph. D., D.Sc., D.Litt., M. Phil. & M. Litt. with at least 50% marks in Master's Degree :

Provided that candidates belonging to the Scheduled castes and Scheduled Tribes shall possess a Master's Degree in the concerned subject from a recognized University with at least 50% marks or its equivalent grade.

- (h) A candidate possessing Ph. D. or M. Phil. Degree from a recognized University in the concerned discipline at the time of his/her recruitment as a Junior Lecturer (Group-B) under these rules will be sanctioned three and one advance increments respectively, in the prescribed scale of pay of Junior Lecturer along with the benefit of corresponding year of service for the purpose of promotion to the grade of Lecturer (State Scale) and Reader (State Scale).

7. Procedure for direct recruitment—(1) The vacancies including the anticipated vacancies in the cadre of Junior Lecturers in a year shall be notified by the Government to the Commission by the end of December every year. The Commission shall thereupon invite applications through open advertisement in leading local daily newspapers from eligible candidates. The Commission shall conduct a written test in General English, General Knowledge and the subject concerned for which vacancies have been notified. The standard and syllabus for the examination shall be such as may be specified by the Commission.

(2) The examination in General English, General Knowledge will be covered in one paper consisting of 100 marks. The examination in the concerned subject will cover 400 marks consisting two papers having 200 marks each.

(3) The candidates shall be called for interview by the Commission in order of merit equal to three times the number of vacancies in any subject if the vacancies are up to 50 and such numbers not less than twice and no more than thrice the numbers of vacancies as the Commission may determine, when the vacancies exceed 50:

Provided that for the vacancies up to 2, ten candidates and for vacancies between 3 to 5, fifteen candidates shall be called by the Commission for *viva voce* test. The Commission shall conduct the *viva voce* for 50 marks.

(4) The order of merit shall be determined on the basis of aggregate marks secured by a candidate in written examination and *viva voce* test under sub-rules (1), (2) and (3) taken together, the Commission shall forward to Government in respect of each subject, a list of suitable candidates equal to the number of vacancies in order of merit for which requisitions have been made.

(5) The list recommended by the Commission under sub-rule (4) shall be placed before the Government for approval and upon such approval shall form the select list and appointment order shall be issued from the said list by the Government in the same order in which the names appear and the *inter-se* seniority of the Junior Lecturers shall be determined as per the select list.

(6) Every list furnished by the Commission to the Government shall remain valid for a period of one year from the date of its approval by the Government.

CHAPTER III**PROMOTION**

8. Eligibility Criteria for Promotion—(1) In order to be eligible for promotion to the grade of Lecturer on Junior Class-I (State Scale), a Junior Lecturer must have—

- (a) completed atleast 8 (eight) years of service as such, and
- (b) satisfactory performance as a Junior Lecturer .

(2) A Lecturer in Junior Class-I (State Scale) in order to be eligible for consideration for promotion to the post of Reader (State Scale) must have completed atleast—

(a) a minimum Ph.D., D.Sc. or D.Litt. Degree either from an Indian University or from a foreign University recognized equivalent thereto ;

(b) ten years of service in the grade of Lecturer in Junior Class-I (State Scale) ; or

(c) eighteen years of service combining the service as Junior Lecturer and Lecturer in Junior Class-I (State Scale) taken together after regular appointment subject to the stipulation that out of 18 years of satisfactory service rendered both as Junior Lecturer and Lecturer in Junior Class-I (State Scale) he/she must have completed atleast 2 years as Lecturer in Group 'A' (State Scale);

(d) consistently good performance appraisal reports; and

(e) participated in two refresher courses or Summer Institutes each of approximately four weeks duration, or engaged in other appropriate continuing education programme of comparable quality as may be specified by the University Grants Commission on being sponsored by Government or Director, Higher Education.

(3) A Reader (State Scale) in order to be eligible for promotion to the post of Principal (State Scale) must have—

(a) completed at least eight years of service in the post of Reader (State Scale), and

(b) the post of Principal (State Scale) shall be filled up by way of promotion from amongst the eligible Readers (State Scale). The *inter se* seniority of Readers of all disciplines shall be done as per *inter se* ranking in the grade of Reader (State Scale). In case two or more Readers have been promoted to the rank of Reader, on the same date, their *inter se* seniority shall be decided on the length of service as Lecturer, Group-A (State Scale).

9. (1) Constitution of Departmental Promotion Committee—There shall be a Committee consisting of the following members for selection of persons for appointment in the posts of Lecturer Graup 'A' (State Scale), Reader (State Scale) and to the Principal post of (State Scale), namely :—

- (a) Secretary to Government, Higher Education Department . . . Chairman
- (b) Director, Higher Education, Orissa . . . Member
- (c) Chairperson, Council of Higher Secondary Education, Orissa . . . Member
- (d) Additional Secretary/Joint Secretary/Deputy Secretary, Higher Education Department dealing with Higher Secondary Education Branch. . . Member-Secretary

(2) The Chairman shall preside over all the meetings of the Committee.

(3) The recommendation of the Committee shall be valid and can be operated upon notwithstanding the absence of anyone of its members other than the Chairman:

Provided that the member so absenting was duly invited to attend the meeting of the Committee and the majority of members of the Committee attended the meeting.

10. Procedure for Selection by the Committee—(1) The Committee shall meet once in a year preferably in the month of January to prepare a list of Junior Lecturers/Lecturers in Group 'A' (State Scale)/Readers (State Scale) suitable for promotion to the next higher grade taking into account the existing vacancies and the anticipated vacancies of the year.

(2) The Committee while considering the promotion cases of suitable Junior Lecturers/Lecturers in (State Scale)/Readers (State Scale) shall follow the provisions of—

(a) the Orissa Reservation of Vacancies in Posts of Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made thereunder or any other law or rule in force at the relevant time :

Provided that, if as a result of reclassification or readjustment, there are no additional posts which are created and it is a case of upgradation, then the principle of reservation will not be applicable.

(b) the Orissa Civil Services (Zone of Consideration for Promotion) Rule, 1988,

(c) the Orissa Civil Services (Criteria for Promotion} Rules, 1992, and

(d) the Orissa Civil Services (Criteria for Selection for Appointment including Promotion) Rules, 2003 as amended from time to time.

11. Consultation with the Commission—(1) The list of the eligible persons prepared by the Committee under Rule 10 shall be forwarded to the Commission along with the following documents, namely :—

(a) record of all eligible Junior Lecturers, Lecturers (State Scale) or Readers (State Scale), as the case may be considered by the Committee;

(b) attested gradation list of eligible Junior Lecturers, Lecturers (State Scale) or Readers (State Scale), as the case may be;

(c) Annual Confidential Reports/Performances /Appraisal Reports of Junior Lecturers, Lecturers (State Scale) or Readers (State Scale), as the case may be, whose cases have been taken into consideration for promotion;

(d) indication about the pending representation against adverse remarks in the Annual Confidential Reports, if any;

(e) indication about detail status on departmental/criminal proceedings, if any;

(f) vigilance clearance certificates of Junior Lecturers or Lecturers (State Scale) or Readers (State Scale), as the case may be, in the list of zone of consideration.

(2) Sealed cover procedure as prescribed by General Administration Department from time to time shall be followed in case of an officer eligible for promotion who is placed under suspension, and against whom disciplinary/Criminal proceedings are pending.

(3) The Commission shall consider the list prepared by the Committee along with the documents received from the Government under sub-rule (1) and shall furnish its recommendations to the Government.

12. Select List—(1) The recommendation of the Commission furnished under sub-rule (3) of Rule 11 shall be considered by Government and the list approved by the Government shall form the select list.

(2) The select list shall remain valid for one year from the date of its approval by Government.

(3) Appointment to the posts of Lecturers (State Scale), Readers (State Scale) or Principal Grade (State Scale), as the case may be, shall be made in the order in which their names appear in the select list, subject to the condition that promotions to the posts of Readers (State Scale) and Principal Grade (State Scale) shall be done subject to vacancies available in the sanctioned posts and subject to the Orissa Reservations of Vacancies in Posts and Services (for Schedule Castes & Schedule Tribes) Act, 1975.

13. *Inter se* seniority—The *inter se* seniority of the employees appointed to the service in a particular year shall be in the order in which their names appear in the select list.

CHAPTER IV

OTHER CONDITIONS OF SERVICE

14. Probation and Confirmation—(1) Every person appointed to the service shall be on probation for a period of two years in case of appointment made by direct recruitment and one year in case of appointment made by promotion, from the date of joining the post :

Provided that the appointing authority may, if thinks fit in any case or class of cases, extend the period of probation :

Provided further that such period of probation shall not include—

- (a) extraordinary leave;
- (b) period of unauthorized absence; or
- (c) any other period held to be not being on actual duty.

(2) On completion of the period of probation, including the extended period, if any, under sub-rule (1), the performance of the person appointed to the post shall be reviewed and if he/she is found unfit—

- (a) his/her services shall be terminated in case he/she is a direct recruit; or
- (b) he/she shall be reverted to his/her former post in case of a promotee.

(3) A probationer after completing the period of probation to the satisfaction of Government shall be eligible for confirmation subject to the availability of substantive vacancy in the service.

15. Other Conditions of Service—The conditions of service in regard to matters not covered by these rules shall be the same as are or as may from time to time be prescribed by the State Government.

16. Interpretation—If any question arises relating to the interpretation of these rules, it shall be referred to the Government in the Higher Education Department for decision.

17. Relaxation—Where the State Government are of the opinion that it is necessary and expedient to do so, they may, by order, and for reasons to be recorded in writing, in consultation with the Commission, relax any of the provisions of these rules in the interest of public service.

18. Repeal and Savings—(1) The Orissa Education Service (Higher Secondary Branch) Method of Recruitment and Conditions of Service Rules, 1991, regulation, instructions or orders in force prior to the date of commencement of these rules in respect of matters relating to the service and covered by these rules are hereby repealed :

Provided that any order or appointment made, action taken or things done under the rules, regulations, instructions or orders so repealed shall be deemed to have been made, taken or done under these rules.

(2) From the date of commencement of these rules there shall be no direct recruitment to the posts of Lecturers under the provisions of the Orissa Education Service (College Branch) Recruitment Rules, 1990.

(3) Notwithstanding anything contained in these rules the services of the Lecturers in the Lecturers (Senior Scale) and Readers, who are continuing as such on the date of coming into force of these rules shall continue to be governed by the Orissa Education Service (College Branch) Recruitment Rules, 1990 till the extinction of the said Cadre.

[No. 29599—IIHE/JAP-6/2009-HE.]

By order of the Governor

M. S. PADHI

Commissioner-*cum*-Secretary to Government