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DEPARTMENT OF HIGHER EDUCATION

NOTIFICATION

The 11th November 1999

S. R. O. No. 801/99—Whereas the draft of the Orissa Non-Government Aided Colleges Ministerial Service (Method of Recruitment and Conditions of Service) Rules, 1999 was published, as required by sub-section (1) of Section 27 of the Orissa Education Act, 1969 (Orissa Act 15 of 1969), in the extra ordinary issue No. 1060 of the *Orissa Gazette*, dated the 27th July 1999, under the notification of the Government of Orissa in the Higher Education Department No. 34294.H.E., dated the 24th July 1999 inviting objections and suggestions from all persons likely to be affected thereby, till the expiry of a period of fifteen days from the date of publication of the said notification in the *Orissa Gazette*;

And whereas, no objection or suggestion has been received during the stipulated period in respect of the said draft for consideration by the State Government;

Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 27 of the said Act, the State Government do hereby make the following rules, namely:—

Short title
and
commence-
ment

1. (1) These rules may be called the Orissa Non-Government Aided Colleges Ministerial Service (Method of Recruitment and Conditions of Service) Rules, 1999.

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

Application

2. These rules shall apply to all ministerial employees, such as Junior Clerks, Senior Clerks, Junior Accountants, Office Superintendent working in the Non-Government Aided College.

Definition

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

(a) "Appointing Authority" means the Governing Body of the concerned College;

(b) "Government" means the Government of Orissa in the Department of Higher Education;

(c) "College" means Non-Government Aided Colleges having +2, +3 Course and Post-graduate Courses under the control of Director, Higher Education, Orissa;

(d) "Committee" means Departmental Promotion Committee constituted under sub-rule (1) of rule 11;

(e) "Common Cadre" means common cadre of ministerial employees of the Non-Government Aided Colleges in respect of a revenue district;



(f) "Departmental Examination" means the Preliminary and Final Examination conducted by the Board of Revenue, Orissa, Cuttack or Madhusudan Institute of Accounts and Finance, as the case may be.

(g) "Scheduled Castes and Scheduled Tribes" shall mean such Castes and Tribes as notified by the President of India under articles 341 and 342 of the Constitution of India respectively.

(h) "Socially and Educationally Backward Class" means such class, as mentioned in the notification No. 25455 (IV), dated the 10th September 1993, issued by Government of Orissa in the erstwhile Welfare Department and as amended from time to time;

(i) "State" means the State of Orissa; and

(j) "Year" means calendar year.

(2) Words and expressions used but not defined herein shall have the same meaning as are respectively assigned to them in the Act.

Common
cadre.

4. All Ministerial employees such as Junior Clerk, Cashier, Junior Accountant, Senior Clerk and Head Clerk of all Non-Government Aided Colleges situated within the Revenue district shall form a separate cadre.

Recruitment

5. Recruitment to the post of Junior Clerk shall be made through direct recruitment by means of competitive examination to be conducted every year by the Collector of the concerned district.

Intimation
for Recruitment.

6. (1) The Principals of all Non-Government Aided Colleges shall every year in the month of January report to their respective Collectors indicating the number of vacancies in the post of Junior Clerks.

(2) The Collector shall conduct recruitment examination as per Orissa Ministerial Services (Method of Recruitment to the posts of Junior Clerks in the district offices) Rules, 1985.

Select List
and its
validity.

7. The list of candidates suitable for appointment shall be equal to the number of vacancies indicated under rule 6 and shall remain valid for a period of one year from the date of publication of the name or withdrawal of the next year's list whichever is earlier.

Allotment of
candidates.

8. (1) The Collector shall forward the list of candidates drawn in order of merit to the Director of Higher Education as per the vacancy position intimated under rule 6.

(2) The Director shall allot such candidates in respect of Non-Government Aided Colleges where the vacancies have occurred, keeping the reservation quota in view for Scheduled Castes/Scheduled Tribes/Physically and Educationally Backward Class.

(3) Formal orders of appointment shall be issued to such allotted candidates by the Principals concerned.

Probation

9. (1) All appointments against vacancies shall be made on probation for a period of two years with effect from the date of appointment.

Provided that during the period of probation if the candidate's work and conduct is found to be unsatisfactory or there is reason to believe that the candidate may not become efficient, the appointing authority may extend the period of probation for such period as he may deem necessary.

Provided further that if during or at the end of the said period he is found unfit to continue further—

(i) his service shall be terminated if he is a direct recruitee; and

(ii) he shall be reverted to his former post if he is a promotee.

(2) The following period shall not count towards probation:—

(i) Period of extraordinary leave;

(ii) Period of unauthorised absence; and

(iii) Any other period during which the candidate is not on actual duty.



10. (1) Promotion to the posts of Senior Clerk shall be made from amongst the Junior Clerks of the Common cadre who have—

- (i) rendered at least four years of continuous service as such; and
- (ii) passed the preliminary accounts examination.

(2) Promotion to the post of Head Clerk shall be made from amongst the Senior Clerks of the Common cadre who have—

- (i) rendered at least four years of service as Senior Clerk; and
- (ii) passed the final accounts examination.

(3) Senior most Senior Clerks of a Non-Government College shall be entitled to work as Junior Accountant and Cashier of that College.

11. (1) There shall be constituted a Departmental Promotion Committee consisting of the following members, namely:—

Director, Higher Education Chairman

Deputy Secretary/Joint Secretary to Government in Higher Education Department dealing with matters relating to Degree Colleges. .. . Member

Two Principals of Non-Government Aided Colleges to be nominated by the Director of Higher Education. .. . Members

Deputy Director (Non-Government Aided Colleges Branch) of the Directorate of Higher Education. .. . Member-Correspondent

(2) The Committee shall meet once a year to decide the cases of promotion to various posts in Ministerial Cadre on the basis of merit and suitability in all respects with due regard to seniority:

Provided that the Committee at the time of consideration of the case for promotion shall follow—

(i) The Orissa Reservation of Vacancies in posts and services for Scheduled Castes and Scheduled Tribes Act, 1975 and the Rules framed thereunder and notification for reservation for Socially and Educationally Backward Class;

(ii) Orissa Civil Services (Zone of Consideration) Rules, 1988

(iii) Orissa Civil Services (Criteria for Promotion) Rules, 1992; and

(iv) General Administration Department Office Memorandum Nos. 3928-Gen, dated the 18th February 1994, No. 14640, dated the 4th July 1995 and No. 29699, dated the 1st November 1997.

(3) The Director shall issue orders appointing in promotional posts strictly in accordance with the merit list recommended by the Committee against the vacancies available in the cadre in any Non-Government Aided College.

12. (1) The *inter se*-seniority of Ministerial employees shall be determined according to their position in the select list drawn up in a particular year by the Collector of the respective district or by the Committee as the case may be.

(2) The *inter se*-seniority of existing employees of each grade in the common cadre shall be determined according to their date of joining in the post:

Provided that if the date of joining of two or more persons are same, their seniority shall be determined on the basis of their educational qualification. The person having higher educational qualification, shall be senior:

Departmental
Promotion
Committee

Seniority
and
Gradation
list.



Provided further that if educational qualification of two or more persons are same their seniority shall be determined on the basis of their age. The person whose date of birth is earlier shall be senior.

(3) Gradation List of Ministerial employees in each cadre shall be prepared by the Director of Higher Education and shall be revised by 15th January of every year.

Transfer

13. (1) The Director shall have the power to transfer Ministerial employees of Non-Government Aided Colleges borne in the Common Cadre from one Non-Government Aided College to another as and when deemed necessary.

(2) No employee having less than three year of service in a particular non-Government Aided College shall ordinarily be transferred.

Provided that such an employee may be transferred before completion of three years of service in the Non-Government Aided College in the public interest and/or on administrative exigencies.

Savings

14. All orders of appointment made, action taken before commencement of these rules, shall be deemed to have been made, taken or done under these rules.

Relaxation

15. Where the Government are of the opinion that it is necessary or expedient to do so, they may, by order and for reasons to be recorded writing relax any of the provisions of these rules in respect of any class or category of persons in public interest.

Interpretation

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

[No. 55470—IV-H.E.-C(1)-9/99-H.E.]

By order of the Governor

S. C. HOTA

Principal Secretary to Government

