



The Bihar State Universities Act, 1976

Act 23 of 1976

Amendments appended: 68 of 1982, 3 of 1990, 9 of 1992, 17 of 1993, 12 of 1995, 16 of 1996, 14 of 1998, 12 of 2004, 4 of 2006, 21 of 2007, 14 of 2013, 17 of 2013, 13 of 2016, 1 of 2017, 11 of 2017, 14 of 2017, 20 of 2017, 10 of 2021

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PART I : ACTS, RULES, REGULATIONS

THE BIHAR STATE UNIVERSITIES ACT, 1976

[BIHAR ACT XXIII OF 1976]¹

AN ACT

To establish and incorporate Affiliating-cum-Teaching Universities at Muzaffarpur, Bhagalpur, Ranchi, Gaya (Bodhgaya) and Darbhanga in the State of Bihar.

Be it enacted by the Legislature of the State of Bihar in the twenty-seventh year of the Republic of India as follows :—

[Comments.—This Act has undergone various changes from time to time. While some amendments have been brought by the Act of Legislature, many amendments were introduced through Ordinances and continued for a long period, before being given the shape of an Act of Legislature. Reference may be made to Amending Acts 68 of 1982, 3 of 1990, 9 of 1992, 17 of 1993, 12 of 1995, 16 of 1996, 8 of 1998 & 14 of 1998, while some of the Amending Acts were in both, Hindi and English languages, some of them were published only in Hindi, since some of the Ordinances preceding such Acts as were published only in Hindi. Where having both the texts Hindi and English, by comparing the Hindi text of the Act with the Hindi text of the Ordinance English text could be extracted, where the two Hindi texts tallied exactly or involved minor translation. But where the two texts did not tally, Hindi version of the amendment has been incorporated.]

1. Short title and commencement.—(1) This Act may be called the Bihar Universities Act, 1976.

(2) It shall come into force at once.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context :—

- (a) "annual meeting" means one of the meetings of the Senate to be held every year under sub-section (1) of section 18 and declared by the statutes to be the annual meeting of the Senate;
- (b) "autonomous institution" means any institution declared as such under this Act and includes a College also;
- (c) "affiliated College" means educational institution having received privileges of the University according to the provisions of this Act and University Statutes relating thereto;
- (d) "Academic Council" means the Academic Council of the University;
- (e) "Chancellor" means the Chancellor of the University;
- ²[(f) "College" means an institution maintained or controlled by the University or maintained by the State Government in which instruction is given subject to the provisions contained in clause (16) of section 4 to the students of the University up to or below the post-graduate standard under conditions prescribed in the Statutes;]

³[Provided that till separate arrangement is made for Intermediate Education, teaching of this standard also shall continue to be

1. Published in Bihar Gazette (ex-ord.) dated 16-5-1977.
2. Subs. by Act 3 of 1990.
3. Subs. by Act 68 of 1982.

imparted in the same College, under the general direction of the Intermediate Education Council and that College shall be deemed to be an institution imparting education of Intermediate standard also.]

- (g) "Head of College Department" means the head of any department of the College;
- (h) "Head of a University Department" means the head of any department maintained by the University for imparting instruction to the students of the University in the post-graduate standard under conditions prescribed in the Statutes and includes the Director of any institute maintained by the University ¹[or the Government] for the promotion of research or for imparting instruction to the students of the University in the post-graduate standard;
- (i) "Constituent College" means a teaching institution maintained or controlled by the University;
- (j) "Hostel" means a place of residence for students of the University maintained or recognised by the University either as part of or separate from a College, in accordance with the provisions of this Act;
- (k) "Institution" means an institution maintained or recognised by the University;
- (l) "Prescribed" means prescribed by this Act or by the Statutes, the Ordinance, the Regulations or the Rules framed thereunder;
- (m) "Principal" means the head of a College;
- (n) "Pro-Vice-Chancellor" means the Pro-Vice-Chancellor of the University;
- (o) "Professor" means a teacher of a College possessing such qualification as may be prescribed by the Statutes;
- ²[(p) "Commission" means Bihar University Service Commission.]
- (q) "Registered graduate" means a graduate of the University who has received a degree from the University and whose name has been entered in the register of registered graduates maintained under the provisions of his Act on payment of a registration fee of rupees ten to the University. It also includes a graduate of the Patna University established and incorporated under the Patna University Act, 1917 (Bihar Act XVI of 1917) who has made a proper application together with a fee of rupees ten for being registered as a registered graduate of the University :

Provided that a person, who was or was deemed to be a registered graduate under the Bihar State Universities (Bihar, Bhagalpur and Ranchi Universities) Act, 1960 (Bihar Act XIV of 1960), the Magadh University Act, 1961 (Bihar Act IV of 1962) or the Lalit Narain Mithila University (second) Ordinance, 1976 (Bihar Ordinance No. LXXXVII of 1976), shall be deemed to be a registered graduate of the University subject to the condition that the College from which he graduated falls within the jurisdiction of the University.

1. Ins. by Act 68 of 1982.
2. Subs. by Act 11 of 2017

Explanation.— A person, who has received more than one degree of the University, shall not be required to pay such registration fee more than once ;

- (r) "Reader" means a teacher of a College or the University possessing such qualifications as may be prescribed by the Statutes;
- (s) "Lecturer" means a teacher of a College or University possessing such qualification as may be prescribed by the Statutes;
- (t) "Senate" means the Senate of the University;
- (u) "Statutes", "Ordinances", "Regulations" and Rules means respectively the Statutes, the Ordinances, the Regulations and the Rules of the University for the time being in force;
- ²[(v) "Teacher" means person holding the post of only University Professor/ Professor, Principal, Associate Professor (Reader) and Assistant Professor (Lecturer) and such sanctioned post in the teacher's grade on the basis of regulations issued by the U.G.C. from time to time.
- (w) "University Professor" means a teacher engaged in giving instruction in any department or institute maintained by the University for imparting instruction to the students of the University in the post-graduate standard or for guiding research work or both and possessing such qualifications as may be prescribed by the Statutes ;
- (x) "Syndicate" means the Syndicate of the University ;
- (y) "University" means the University established and incorporated under section 3 of this Act;
- (z) "University Fund" means the fund of the University established under section 45 of this Act ;
- (aa) "Vice-Chancellor" means the Vice-Chancellor of the University ;
- (ab) "Acharya" means a person on whom a degree of Acharya has been conferred by the University, and includes a person possessing any such degree conferred by the Bihar Sanskrit Association or any equivalent degree recognised by the University ;
- (ac) "Bihar Sanskrit Association" means the Sanskrit Association constituted by the State Government as referred to in Chapter 8 of the Bihar Education Code (Seventh Edition) ;
- (ad) "Sanskrit Education Board" means the Board constituted by the State Government for control and supervision of ¹[Sanskrit Schools/ Tol] for conducting examinations ¹[upto Madhyama standard];
- (ae) "Director" means head of any institute ;
- (af) "Faculty" means a faculty of the University ;
- (ag) "recognition" with all its grammatical variations, and cognate expressions means recognitions according to the provisions of this Act and Statutes ;
- (ah) "registered acharya" means a person registered as such according to provision of this Act and Statutes and includes an Acharya registered as such under the Kameshwar Singh Darbhanga Sanskrit University Act, 1962 (Bihar Act 21 of 1965);
- (ai) "University student" means a person enrolled in any College, institute or recognised institute for the purpose of entry in any course

1. Ins. by Act 68 of 1982.

2. Subs by Act, 14 of 2017.

of study for acquiring any degree, diploma or other academic distinction ;

- (aj) "Tol" means a Sanskrit institute recognised by the Bihar Sanskrit Association or the University for imparting instruction of Madhyama, Shastri or Acharya standard ;
- ¹[(ak) "The Bihar State University (Constituent Colleges) Service Commission" means the Bihar State University (Constituent Colleges) Service Commission to be constituted by the State Government for making recommendations for appointments, etc., of teachers and officers of Universities and Constituent Colleges;]
- (al) "Dean of Student's Welfare" means the officer appointed under section 16 of this Act ;
- ²[(am) "Other equivalent post" means any other post the scale of pay of which is equivalent or as may be declared so by the State Government ;]
- ³[(an) "Other Backward Classes" shall have reference to Extremely Backward, Backward Classes and Women of Backward Classes.]

Legislative changes (after 1982)—Clauses (f) of this section originally read as follows:—

"2. (f) 'Mahavidyalaya or College' means an institution affiliated under the privileges of this Act or maintained or controlled by the University or institution maintained by the State Government, in which, instruction is given, subject to the provisions contained in clause (16) of Section 4 to the students of the University of graduate standard under conditions prescribed in the Statutes:

Provided that till separate arrangement is made for Intermediate Education, teaching of this standard also shall continue to be imparted in the same College, under the general direction of the Intermediate Education Council and that college shall be deemed to be an institution imparting education of Intermediate standard also."

It was first amended by Ordinance 35 of 1986 which was continued by successive promulgations of different Ordinances and finally by Act 3 of 1990.

All the above amendments have not carried with it the "Proviso" which was attached with the original clause (f). However since separate arrangement for imparting teaching up to Intermediate Standard has not been fully made till now, therefore it seems that "Proviso" needs to be there with clause (f).

Clause (p) was deleted by Act 17 of 1993, although Act 17 of 1993 broke the chain of preceding Ordinances the deletion of this clause was first taken up in Act 17 of 1993 and none of the preceding Ordinances contained its deletion. Therefore the effective date of deletion of this clause is the date of Act 17 of 1993.

Clause (ak) as originally introduced and prior to its substitution by Ordinance 4 of 1985 and finally by Act 3 of 1990 read as follows:—

(ak) "College Service Commission" means the College Service Commission constituted under the College Service Commission Act 1976."

Clause (an) was inserted by Act 17 of 1993, so the effective date from which clause (an) came into existence is the date when Act 17 of 1993 came in to force.

¹**[3. Establishment and incorporation of Universities.**—⁴[(1) The following Universities shall be established from the date of commencement of this Act :—

- (a) Baba Saheb Bhimrao Ambedkar Bihar University having the headquarters at Muzaffarpur and the jurisdiction over the whole of the Tirhut Division.

1. Subs. by Act 3 of 1990.
2. Ins. by Act 68 of 1982.
3. Ins. by Act 17 of 1993.
4. Subs. by Act 9 of 1992.

- (b) Jai Prakash University having the headquarter at Chapra and the jurisdiction over the whole of the Saran Division.
- (c) Tilka Manjhi Bhagalpur University having the headquarters at Bhagalpur and the jurisdiction over the whole of the Bhagalpur Division.
- ¹[(d) "The Magadh University headquarters of which will be at Bodhgaya (Gaya) and territorial jurisdiction of which will be the whole of the Magadh Division."
- ²[(e) Vir Kunwar Singh University having the headquarters at Arrah and the jurisdiction over the remaining parts of the Patna Division excluding Patna and Nalanda Districts.
- ²[(f) Lalit Narain Mithila University having the headquarters at Darbhanga and the jurisdiction over the whole of the Darbhanga Division.
- ³[(f) The Bhupendra Narain Mandal University headquarters of which will be at Madhepura and territorial jurisdiction of which will be the whole of the Koshi Division."
- (g) ²[x x x]
- ⁴[(h) Kameshwar Singh Darbhanga Sanskrit University having the headquarters at Darbhanga and the jurisdiction over the whole of the State of Bihar.
- ⁴[(i) Maulana Mazharul Haque Arabic and Persian University having the headquarters at Patna and the jurisdiction over the whole of the State of Bihar, shall, for development of higher standard studies in Arabic and Persian be established by the State Government with effect from the date of notification in the Official Gazette :
- ⁵[(j) Patliputra University may be established from the date notified in the official gazette by the State Government, by notification, headquarters of which will be at Patna and territorial jurisdiction of which will be territorial jurisdiction of Patna and Nalanda district of Patna Division except the colleges falling within the jurisdiction of the Patna University."
- ⁵[(k) Purnia University may be established from the date notified in the official gazette by the State Government, by notification, headquarters of which will be at Purnia and the territorial jurisdiction of which will be the whole of territorial jurisdiction of Purnia Division."
- ⁶[(L) Munger University may be established by division of Tilka Manjhi Bhagalpur University, Bhagalpur from the date notified in the Official Gazette by the State Government, by notification, headquarters of which will be at Munger and the territorial jurisdiction of which will be effective in the whole of Munger Division."

Provided that the State Government may, by notification, in the Official Gazette, determine the functions and other duties of this University :

Provided further that the State Government may, by notification, in the Official Gazette, change the territorial jurisdiction of the Universities.]

(2) The first Chancellor or the first Vice-Chancellor, first member of the Senate, the Syndicate and the Academic Council and all persons who may hereafter become such officers or members and so long as they continue to hold such office or membership shall together constitute a body corporate by the name of the University specified in sub-section (1).

(3) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(4) No educational institution beyond the territorial jurisdiction of the University, shall, except by an order of the State Government published in the official gazette, form a part of or be admitted to the privileges of the University. And no such institution within the said territorial jurisdiction shall similarly form part of or be recognised by or seek admission to any privileges of any other University incorporated by law in India, and any such recognition granted by any such other

1. Ins. by Act 13 of 2016.
2. (h & i renumbered as e - f) *ibid*.
3. (j renumbered as f) *ibid*.
4. (k & l renumbered as h - i) *ibid*.
5. Ins. by *ibid*.
6. Ins by Act 1 of 2017.

University to any such institution within the said territorial jurisdiction prior to the commencement of this Act shall be deemed to have been withdrawn on the commencement of this Act.

अधिसूचना

¹[अधिसूचना सं० 15/ एम० 1-160/1990-मा०-884 दि० 22.11.1990]—बिहार विश्वविद्यालय (संशोधन) अधिनियम, 1990 (बिहार अधिनियम सं० 3, 1990) की धारा 3 (छ) में किए गये प्रावधान के अन्तर्गत बिहार विश्वविद्यालय, मुजफ्फरपुर की प्रादेशिक अधिकारिता में परिवर्तन करते हुए अधिसूचना निर्गत करने की तिथि से जय प्रकाश विश्वविद्यालय छपरा की स्थापना की जाती है जिसकी अधिकारिता सम्पूर्ण सारण प्रमण्डल पर होगी। इसके फलस्वरूप बिहार विश्वविद्यालय की अधिकारिता केवल तिरहुत प्रमण्डल पर रह जायेगी।

²[सं० 15/ व 3 - 109/92 - मा० सं० वि० 502 दिनांक 3.8.1992]—बिहार राज्य विश्वविद्यालय अधिनियम, 1976 (बिहार अधिनियम 23, 1976 तथा बिहार अधिनियम, 9/1992 द्वारा संशोधित) की उप-धारा 3 के अधीन स्थापित बिहार विश्वविद्यालय, मुजफ्फरपुर एवं भागलपुर विश्वविद्यालय, भागलपुर को क्रमशः बाबा साहेब भीमराव अम्बेदकर बिहार विश्वविद्यालय, मुजफ्फरपुर एवं तिलका मांझी भागलपुर विश्वविद्यालय, भागलपुर के रूप में आदेश निर्गत की तिथि से नाम परिवर्तित किया जाता है।

सं० 15/व 3 - 29/91 - मा० सं० वि० 512 दिनांक 6 अगस्त 1992]—बिहार राज्य विश्वविद्यालय अधिनियम, 1976 (बिहार अधिनियम 23/1976) तथा बिहार राज्य विश्वविद्यालय (संशोधन) अधिनियम, 1991 (बिहार अधिनियम 9/1992 द्वारा संशोधित) की धारा 3 के अन्तर्गत स्थापित भागलपुर विश्वविद्यालय, भागलपुर की प्रादेशिक अधिकारिता में परिवर्तन करते हुए दिनांक 10 जनवरी 1992 से सिद्धू कान्हू विश्वविद्यालय, दुमका की स्थापना की जाती है, जिसकी अधिकारिता सम्पूर्ण दुमका प्रमण्डल पर होगी। इसके फलस्वरूप भागलपुर विश्वविद्यालय, भागलपुर की अधिकारिता दुमका प्रमण्डल को छोड़कर रह जायेगी।

सं० - 15/व 3 - 37/91 मा० सं० वि० 513 दिनांक 6 अगस्त 1992]—बिहार राज्य विश्वविद्यालय अधिनियम 1976 (बिहार अधिनियम 23/1976 तथा बिहार राज्य विश्वविद्यालय (संशोधन) अधिनियम, 1991 (बिहार अधिनियम 9/1992) (द्वारा संशोधित) की धारा 3 के अन्तर्गत स्थापित ललित नारायण मिथिला विश्वविद्यालय, दरभंगा की प्रादेशिक अधिकारिता में परिवर्तन करते हुए दिनांक 10 जनवरी 1992 से भूपेन्द्र नारायण मंडल विश्वविद्यालय, मधेपुरा की स्थापना की जाती है, जिसकी अधिकारिता सम्पूर्ण कोशी एवं पूर्णिया प्रमण्डल पर होगी। इसके फलस्वरूप ललित नारायण मिथिला विश्वविद्यालय की अधिकारिता कोशी एवं पूर्णिया प्रमण्डल को छोड़कर रह जायेगी।]

Legislative changes (after 1982)—This section originally read as follow:—

"3. *Establishment and incorporation of Universities.*—(1) With effect from the commencement of this Act, there shall be established the following Universities, namely:—

- (a) the Bihar University with head-quarters at Muzaffarpur and territorial jurisdiction over the whole of the Tirhut and Saran Divisions;

1. बिहार राजपत्र (असाधारण) दि० 12 सितम्बर, 1990 में प्रकाशित।
2. बिहार राजपत्र (असाधारण) दि० 17 अगस्त, 1992 में प्रकाशित।

- (b) the Bhagalpur University with head-quarters at Bhagalpur and territorial jurisdiction over the whole of the Bhagalpur Division;
- (c) the Ranchi University with headquarters at Ranchi and territorial jurisdiction over the whole of the North and South Chhotanagpur Divisions;
- (d) the Magadh University with headquarters at Both Gaya (Gaya) and territorial jurisdiction over the whole of Patna and Magadh Divisions excluding the Colleges falling within the territorial jurisdiction of the Patna University as defined in section 4 of the Patna University Act, 1976;
- (e) the Lalit Narain Mithila University with headquarters at Darbhanga and territorial jurisdiction over the whole of the Darbhanga and Kosi Divisions ;
- (f) the Kameshwer Singh Darbhanga Sanskrit University with headquarters at Darbhanga and territorial jurisdiction over the whole of the State of Bihar:

Provided that the State Government may, by notification in the official *gazette*, alter the territorial jurisdiction of the University.

(2) The first Chancellor or the first Vice-Chancellor, first member of the Senate, the Syndicate and the Academic Council and all persons who may hereafter become such officers or members and so long as they continue to hold such office of membership shall together, constitute a body corporate by the name of the University specified in sub-section (1).

(3) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(4) No educational institution beyond the territorial jurisdiction of the University, shall, except by an order of the State Government published in the official *gazette*, form a part of or be admitted to the privileges of the University. And no such institution within the said territorial jurisdiction shall similarly form part of or be recognised by or seek admission to any privileges of any other University incorporated by law in India, and any such recognition granted by any such other University to any such institution within the said territorial jurisdiction prior to the commencement of this Act shall be deemed to have been withdrawn on the commencement of this Act."

By Act 3 of 1990 this section was again substituted as follows :

3. *Establishment and incorporation of Universities.*—राज्य मे निम्नलिखित विश्वविद्यालय स्थापित किए जायेंगे :—

(क) बिहार विश्वविद्यालय जिसका मुख्यालय मुजफ्फरपुर में होगा और जिसकी अधिकारिता सम्पूर्ण तिरहुत प्रमण्डल पर होगी;

(ख) भागलपुर विश्वविद्यालय जिसका मुख्यालय भागलपुर में होगा और जिसकी अधिकारिता सम्पूर्ण भागलपुर प्रमण्डल पर होगी;

(ग) राँची विश्वविद्यालय जिसका मुख्यालय राँची में होगा और जिसकी अधिकारिता सम्पूर्ण दक्षिण छोटानागपुर प्रमण्डल पर होगी;

(घ) मगध-विश्वविद्यालय जिसका मुख्यालय बोधगया (गया) में होगा और जिसकी अधिकारिता सम्पूर्ण मगध प्रमण्डल और पटना प्रमण्डल के पटना और नालन्दा जिलों पर होगी;

(ङ) ललित नारायण मिथिला विश्वविद्यालय जिसका मुख्यालय दरभंगा में होगा और जिसकी अधिकारिता सम्पूर्ण दरभंगा प्रमण्डल पर होगी;

(च) कामेश्वर सिंह दरभंगा संस्कृत विश्वविद्यालय जिसका मुख्यालय दरभंगा में होगा और जिसकी अधिकारिता सम्पूर्ण बिहार राज्य पर होगी;

(छ) जय प्रकाश विश्वविद्यालय जिसका मुख्यालय छपरा में होगा और जिसकी अधिकारिता सम्पूर्ण सारण प्रमण्डल पर होगी;

(ज) संथाल पराना विश्वविद्यालय जिसका मुख्यालय दुमका में होगा और जिसकी अधिकारिता सम्पूर्ण दुमका प्रमण्डल पर होगी;

(झ) विनोबा भावे विश्वविद्यालय जिसका मुख्यालय हजारीबाग में होगा और जिसकी अधिकारिता सम्पूर्ण उत्तरी छोटानागपुर प्रमण्डल पर होगी;

(ञ) वीर कुंवर सिंह विश्वविद्यालय जिसका मुख्यालय आरा में होगा और जिसकी अधिकारिता पटना प्रमण्डल के भोजपुर और रोहतास जिलों पर होगी; और

(ट) भारती-मंडल विश्वविद्यालय जिसका मुख्यालय सहरसा में होगा और जिसकी अधिकारिता सम्पूर्ण कोशी एवं पूर्णिया प्रमण्डल पर होगी;

परन्तु राज्य सरकार शासकीय गजट में अधिसूचना द्वारा विश्वविद्यालयों की प्रादेशिक अधिकारिता में परिवर्तन कर सकेगी।

(ठ) मौलाना मजहूरूल हक अरबी एवं फारसी विश्वविद्यालय जिसका मुख्यालय पटना में होगा और जिसकी अधिकारिता सम्पूर्ण बिहार राज्य पर होगी;

परन्तु राज्य सरकार शासकीय गजट में इस विश्वविद्यालय के कृत्य, विषयवस्तु का विवरण एवं अन्य कार्यों को निर्धारित कर सकेगी।

(2) The first Chancellor or the first Vice-Chancellor, first member of the Senate, the Syndicate and the Academic Council and all persons who may hereafter become such officers or members and so long as they continue to hold such office or membership shall together constitute a body corporate by the name of the University specified in sub-section (1).

(3) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(4) No educational institution beyond the territorial jurisdiction of the University, shall except by an order of the State Government published in the official *gazette*, form a part of or be admitted to the privileges of the University. And no such institution within the said territorial jurisdiction shall similarly form part of or be recognised by or seek admission to any privileges of any other University incorporated by law in India, and any such recognition granted by any such other University to any such institution within the said territorial jurisdiction prior to the commencement of this Act shall be deemed to have been withdrawn on the commencement of this Act.¹

However it may be noticed that while all the sections of Amendment Act 3 of 1990 were enforced from 3.1.1990 its section 3 was to come into force from a date to be notified. This section was again substituted by Act 9 of 1992.

4. Purposes and powers of the University.—(1) There shall be the following purposes and powers of the University :—

(1)(a) to provide for imparting instruction in such branches of learning as the University may think fit including professional studies and technology; and

(b) to provide for research and for the advancement and dissemination of knowledge.

(2) to conduct examinations and to grant and confer degrees, diploma, certificate and other academic distinctions to and upon persons who—

(a) have pursued an approved course of study in the University and passed the examination of the University, under the conditions laid down in the Statutes, the Ordinances or the Regulation ;

(b) are teachers, librarians and laboratory assistants in educational institutions or any other persons under such conditions as may be prescribed in the Statutes, the Ordinances and the Regulations and have passed the examination of the University under like conditions; or

(c) have carried on independent research under conditions laid down in the Statutes, the Ordinances or the Regulations :

¹[Provided that for the said purpose it shall be lawful for the State Government to get the syllabus prescribed, teaching done, examinations conducted and results published upto Prathama and Madhyama standard under the Sanskrit Education Board with effect from the date of notification in the Gazettee.]

(3) to confer honorary degrees or other distinctions upon person approved in the manner prescribed in the Statutes ;

(4) to provide such lectures and instructions for, and to grant such diplomas to, persons not being members of the University, as the University may determine;

(5) to inspect all colleges, University departments and hostels ;

(6) to co-operate with other Universities and authorities in such manner

and for such purposes as the University may determine ;

(7) to institute Professorships, Readerships, Lecturerships and any other teaching posts required by the University and to appoint qualified persons to such posts of Professor, Reader, Lecturer and teacher ;

(8) to recognise teachers as qualified to give instruction in Colleges ;

(9) to institute and award fellowships including travelling fellowships, scholarships, exhibition, medals and prizes in accordance with the Statutes, the Ordinances and the Regulations ;

(10) to establish, maintain and manage Colleges and hostels and to recognise Colleges and hostels not maintained by the University ;

(11) to demand and receive fees under the Ordinances ;

(12) to supervise and control the residence and discipline of students of Colleges and the University ;

(13) to make arrangement for promoting the health and general welfare of students and for that purpose to have powers to appoint and constitute such committees as may be prescribed in the Ordinances ;

(14) to enter into agreement with other bodies and persons for promoting the purposes of this Act and to assume the management of any institution under them and to take over its assets and liabilities ;

Provided that before entering into such an agreement the University shall obtain the sanction of the State Government, or shall do so upon receiving such a proposal from the State Government :

Provided further that if at any time any irregularity is found in determination and payment of any pay, special pay or allowances, or in any appointment in an institution taken over by the University in its management under such an agreement, then, notwithstanding anything to the contrary contained in this Act, the University shall have the powers to take decisions after reviewing it and such a decision shall be final and binding ;

(15) to hold and manage, subject to conditions and restrictions prescribed by the Statutes, any endowment, bequest, gift or any other transfer of property made to a College for its benefit just before the commencement of this Act or to get it held and managed by such agencies, which were managing the said endowment, bequest, gift or other trust property just before the commencement of this Act ;

(16) to undertake the conduct of post-graduate teaching, research and work in departments maintained by the University or the State Government ;

(17) it shall be necessary for the University to arrange and provide for post-graduate teaching in any College at any time and to utilise for the said purposes, the buildings of that College or any portion thereof, and such members of the staff and the articles of furniture, library, books, stores, instruments and other equipments of that College as may be prescribed ;

(18) to centralise the conduct of undergraduate teaching in any subject or subjects with a particular standard and where the University decides to centralise the conduct of such undergraduate teaching, it shall be lawful for the University to arrange and provide for centralised delivery of lectures in such subject or subjects and to utilise the buildings, staff member, furniture, libraries, books, laboratories, stores, instruments and other equipments of one or more College as may be prescribed for that purpose ;

(19) to affiliate or disaffiliate Colleges according to Statutes subject to prior approval of the State Government :

¹[Provided that after the promulgation of Intermediate Education Council Ordinance, 1979, recognition to Intermediate Colleges shall be granted by the intermediate Education Council;]

(20) to declare, subject to condition as may be prescribed in the Statutes, the existing Colleges or institutes as autonomous College or institute, as the case may be;

(21) to have powers as may be prescribed to constitute or dissolve the administrative body of an affiliated College of the University which is not a Government College ;

(22) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University as teaching and examining body, and to cultivate and promote arts, science and other branches of learning.

(2) Powers and duties of the Kameshwar Singh Darbhanga Sanskrit University.—Subject to conditions imposed by this Act or as provided thereunder, there shall be following powers and duties to the Kameshwar Singh Darbhanga Sanskrit University :—

- (i) to confer or grant degree, diploma, certificate and other academic distinction in Sanskrit, Pali or Prakrit language or in such other branches of learning, as the University may consider fit:
- (ii) to impart instruction in subject and language referred to in clause (i) :
- (iii) to organise examination and to confer or grant degree, diploma, certificate and other academic distinction on or to such persons who fulfil the conditions as specified in the Regulations:
- (iv) to organise an examination other than the examination referred to in clause (iii) considered fit by the University, to prescribe courses of study therefor and to grant certificates on the basis of examination results thereof :
- (v) to confer honorary degrees or other distinction upon persons approved in the manner prescribed in the Statutes:
- (vi) to accept the transfer of properties or funds to the University in the form of gift, donation or trust and to use them and keep accounts thereof in accordance with the conditions of gift, donation or trust :
- (vii) to demand and receive fees as prescribed by or under this Act or the Statutes :
- (viii) to establish the University library according to provisions of the Statutes:
- (ix) to conduct post-graduate teaching and research work in University departments, Colleges and institutes :
- (x) to create posts for teaching and research work according to needs of the University and to appoint persons on such posts in the manner prescribed by or under this Act :
- (xi) to grant fellowships including travelling fellowships, scholarships,

1. Ins. by Act 68 of 1982.

exhibition, rewards, medals, shields, cups and trophies according to provisions of this Act and the Statutes :

- (xii) to run hostels for residence of students of the University and to recognise such residence which are not run by the University ;
- (xiii) to enter into agreement with other bodies or persons for the purpose of promoting the objects of this Act, which includes taking over management of an institution under them and acquisition of its assets and liabilities :
- (xiv) to co-operate with other Universities and Institutions in the manner as may be determined by the University and to do all such other acts and things as may be requisite in order to further the objects of the University :
- (xv) to supervise and control the residence and discipline of students of College and the University and to arrange for promoting their health and general welfare and for that purpose to have powers to appoint and constitute committee as may be prescribed in the Statutes and the Ordinances :
- (xvi) to approve the Regulations and prescribed course of study: and
- (xvii) to prepare and keep the list of books of the Sanskrit literature.

Legislative changes—A proviso each to clause (2) (c) and clause (19) have been inserted by Act 68 of 1982.

5. University open to all classes, castes and creeds.—No person shall be excluded from membership of any of the authorities of the University or from admission to any degree or course of study on the sole ground of sex, race, descent, class, caste or political belief. It shall not be lawful for the University to adopt or impose on any person any test whatsoever relating to religious or political belief or profession, in order to entitle him to be admitted thereto as a teacher or student, or to hold any office or appointment therein, or to graduate thereat, or to enjoy or exercise any privilege thereof, except where in respect of any particular benefaction accepted by the University, such test is made a condition thereof by any testamentary or other instrument creating such benefaction :

Provided that nothing contained in this section shall restrain the University from reserving posts and appointments in favour of [scheduled castes, scheduled tribes, backward classes, women and economically weaker sections.]

Legislative changes—By Act 68 of 1982 for the words "Scheduled Castes & Scheduled Tribes", words "Scheduled Castes, Scheduled Tribes, Backward Classes, Women and Economically Weaker Sections" were substituted.

6. Teaching of the University.—(1) All recognised teaching in connection with University courses shall be conducted through the Colleges and through departments maintained by the University, subject to general control of the Vice-Chancellor, and shall include lecturing, work in laboratories or workshops, and other teaching work conducted in the University and the College by the University Professors, Readers, Lecturers and other teachers in accordance with any syllabus prescribed by the Regulations.

(2) The authorities responsible for organising such teaching shall be prescribed by the Statutes.

1. Subs. by Act 68 of 1982.

(3) The courses and curricula shall be prescribed by the Regulations.

(4) In addition to recognised teaching, tutorial and other supplementary instruction shall be given in the colleges subject to the control of the University or in the department maintained by the University.

(5)(i) It shall not be lawful for the University or for any College to maintain classes for the purposes of preparing students for admission to the University.

¹[(ii) In the Faculties of Arts, Science and Commerce, the University shall prescribe the syllabus, conduct teaching, hold examinations and publish results of graduate and above standards :

Provided that until separate arrangement for Intermediate Education is made, the college shall under the general direction of the Bihar Intermediate Education Council continue the teaching work etc., of this standard.

(iii) The graduate course shall be of three years' duration.]

(6) ²[x x x x]

Legislative changes (after 1982)—Clauses II and III of sub-section 5 of this section are the only provisions which has undergone changes in this section. Clauses II & III originally read as follows:—

Clause II— "In the faculties of Arts, Science and Commerce, the University shall prescribe the syllabus, conduct teaching, hold examinations and publish results upto Intermediate Standard till the Intermediate Education Council is established and notification in that respect is published in the official *Gazette*:

Provided that until separate arrangement is made for Intermediate Education the college shall continue the teaching work etc. of this standard as before, under the general direction of the Intermediate Education Council"

Clause III— "The graduate course shall be of two year's duration at the end of which there shall be a public examination."

Clause III— was substituted by Ordinance 14 of 1993 as follows:—

"(iii) The graduate course shall be of three years' duration. The Courses of studies and the conduct of examination shall be in accordance with statutes, rules and regulations made in this regard from time to time".

Act 17 of 1993 which repealed Ordinance 14 of 1993 substituted clause II and retained clause III (as substituted by Ordinance 14 of 1993) with some changes.

Sub-section 6 of section 6 deleted by Act 68 of 1982.

³[7. **Officers of the University.**—The following shall be the officers of the University :—

- (1) The Chancellor,
- (2) The Vice-Chancellor,
- (3) The Pro Vice-Chancellor,
- (4) The Financial Adviser,
- (5) The Dean, Students' Welfare,
- (6) Proctor,
- (7) Registrar,
- (8) Inspector of Colleges,
- (9) Finance Officer, and
- (10) Such other person or persons as may be declared officers of the University by the Statutes.]

Legislative changes—This section was substituted by Act 68 of 1982. Prior to its substitution this section read as follows:—

"7. **Officers of the University.**—The following shall be the Officers of the University, namely:—

1. Subs. by Act 17 of 1993.
2. Omitted by *ibid*.
3. Subs. by Act 68 of 1982.

- (1) the Chancellor,
- (2) the Vice-Chancellor,
- (3) the Pro-Vice-Chancellor,
- (4) the Dean, faculty of Student Welfare,
- (5) the Registrar,
- (6) the Inspector of Colleges,
- (7) the Finance Officer,
- (8) such other persons as may be declared by the statutes to be the officers of the University."

1[8. Transfer of Officers.— Officers of the University under serial nos. 4 to 9 of section 7, may be transferred by the Chancellor to another University on the same or any other equivalent post or within the University on any other equivalent post.]

Legislative changes (after 1982)—This section was substituted by Bihar Ordinance 39 of 1986 and continued till finally Act 3 of 1990 was passed breaking the chain of Ordinances. Prior to its substitution this section read as follows :

"8. *Transfer of Officers*—(i) The officers of the University (excluding the Chancellor, the Vice-Chancellor, the Pro-Vice Chancellor, Dean, Students' Welfare and Proctor) may be transferred by the Chancellor on the recommendation of the Vice-Chancellor or otherwise, to an equivalent post in another University.

(ii) The Vice-Chancellor may transfer officers mentioned in serials (5) to (8) in subsection (1) of section 7 to any equivalent post or revert them to their substantive post in the same University."

9. The Chancellor.—(1) The Governor of Bihar shall be the Chancellor and shall, by virtue of his office, be the head of the University and the President of the Senate, and shall, when present, preside over meetings of the Senate, and at any convocation of the University.

(2) The Chancellor shall have the powers to inspect the University, its buildings, laboratories, workshops and equipment, any College or hostel, the teaching or examinations conducted, or any act done by the University, and to get such inspection done by such person or persons who may be directed by him and to inquire or to cause an inquiry made, in like manner, in respect of any matter connected with the University ²[and it shall be the duty of the officers of the concerned University and College to render necessary assistance in such inspection :]

Provided that the Chancellor shall, in every case, inform the Vice-Chancellor of his intention to inspect or inquire or to get the inspection or inquiry conducted and the University shall be entitled to representation therein.

(3)(a) The Chancellor may send the results of such inspection or inquiry to the Vice-Chancellor and the Vice-Chancellor shall communicate the views of the Chancellor to the Syndicate and the Academic Council.

³(b) The Syndicate and the Academic Council shall report to the Chancellor within the specified period, such action, if any as has been taken or is proposed to be taken upon the results of such inspection or enquiry.]

(c) Where the Syndicate and the Academic Council fail to take action up to the satisfaction of the Chancellor within a reasonable time, the Chancellor may, after considering the explanation furnished or representation filed by ⁴[xxx] the Syndicate and the Academic Council, give such direction as he considers fit and

1. Subs. by Act 3 of 1990.

2. Ins. by Act 68 of 1982.

3. Subs. by 68 of 1982.

4. Omitted by *ibid*.

the Syndicate and the Academic Council shall at once comply :

¹[Provided that notwithstanding any thing contained in sub-section (3) the Chancellor, if he deems necessary, on the basis of report received from the Vice-Chancellor or otherwise, may call for explanation from any teacher or officer of the University or colleges affiliated to it and after the consideration on the charges, issue such direction as he deems fit, and the Vice-Chancellor, the Syndicate and the Academic Council or the Governing body or Ad hoc committee, as the case may be shall comply with it within the specified period.]

²[(4) The Chancellor may, by order in writing, annul any proceeding or order of the University which is not in conformity with this Act, the Statutes, the Ordinance or the Regulation or for which adequate reason is lacking :

Provided that before making any such order or direction he shall call upon the University to show cause within the time specified why such order or direction should not be made, and if any cause is shown within the said time limit, he shall consider the same.]

¹[(4क) कुलाधिपति अपने द्वारा पारित किसी आदेश को पुनर्विलोपित कर सकेगा अथवा वापस ले सकेगा यदि वह ऐसा पुनर्विलोपन या वापसी न्याय की दृष्टि से उचित समझे अथवा अभिलेखों के आधार पर पूर्व में पारित आदेश को गलत पाये।]

(5) Every proposal for the conferment of an honorary degree shall be subject to confirmation of the Chancellor.

(6) Where power is conferred upon him by this Act or the Statutes to nominate persons to authorities and bodies of the University, the Chancellor shall, to the extent necessary and without prejudice to such power, nominate persons to represent interests not otherwise represented.

²[(7)(i) The Chancellor shall have power to transfer the officers and teachers of the Universities from one University to another or in the same University on the same post or on any other equivalent post; the transferees shall retain their respective seniority.

(ii) The Chancellor shall have the power to issue direction to the Universities in the administrative or academic interest of the Universities which he considers to be necessary. The direction issued by the Chancellor shall be implemented by the Vice-Chancellor, Syndicate, Senate and other bodies of the Universities as the case may be.

(iii) Any person aggrieved by such order of the Chancellor may file representation to the Chancellor, who on consideration of the representation shall have the power to affirm, modify or rescind his earlier order and pass such other order or orders which he may deem fit and proper.]

²[(8) The Chancellor shall have such other powers as are conferred on him by this Act or the Statutes.]

Legislative changes (after 1982)—Sub-section 7 of this section was inserted and existing sub-section 7 re-numbered as sub-section 8 by Ordinance 39 of 1986 which was continued by successive ordinances till the enactment of Act 3 of 1990.

10. ³[(1)(i) Persons of the highest level of competence, integrity, morals and institutional commitment are to be appointed as Vice-Chancellors. The Vice-Chancellor to be appointed should be a distinguished academician, with a minimum of ten years of experience as Professor in a University system or ten years of experience in an equivalent position in a reputed research and/or academic administrative organization.

(ii) The selection of Vice-Chancellor should be through proper identification of a Panel of 3-5 names by a Search Committee through a public notification or nomination or a talent search process or in combination. The members of the above Search Committee shall be persons of eminence in the sphere of higher education and shall not be connected in any manner with the University concerned or its colleges. While preparing the panel, the search committee must give proper weightage to academic excellence, exposure to the higher education system in the country and abroad, and

1. Ins. by Act 68 of 1982.

2. Ins. by Act 3 of 1990 and Sub-Sec. (7) renumbered as Sub-Section (8).

3. Subs by Act 14 of 2013.

adequate experience in academic and administrative governance to be given in writing along with the panel to be submitted to the Chancellor.

(iii) Following shall be the constitution of the Search Committee.

- (a) A member nominated by the Chancellor, who shall be an eminent Scholar/Academician of national repute or a recipient of Padma Award in the field of education and shall be the Chairman.
- (b) The Director or Head of an institute or organization of national repute, such as, Indian Institute of Technology, Indian Institute of Science, Indian Space Research Organization, National Law University or National Research Laboratory or Vice-Chancellor of a statutory University nominated by the Chancellor as Member.
- (c) A member nominated by the State Government who shall be an eminent Academician and have full knowledge of the academic structure and problems of higher education of the State."

(2) The Vice-Chancellor shall be appointed by the Chancellor in consultation with the State Government.

¹[(3) (a) The Vice-Chancellor shall be wholetime officer and shall hold office during the pleasure of the Chancellor.

(b) Subject to the foregoing provisions of this section the Vice-Chancellor shall ordinarily hold office for a term of three years and on the expiry of the said term he may be reappointed by the Chancellor in consultation with the State Government and he shall hold office at the pleasure of the Chancellor for a term not exceeding three years.]

¹[(4) (i) उनकी नियुक्ति के अन्य बन्धेज और शर्तें राज्य सरकार के परामर्श से कुलाधिपति अवधारित करेंगे।]

(ii) जहाँ कुलपति के रूप में नियुक्त व्यक्ति केन्द्र या राज्य सरकार या किसी विश्वविद्यालय से या किसी अन्य श्रोत से पेंशन पाता हो वहाँ उसे देय पेंशन की राशि को उसे देय पेंशन का अंश माना जायेगा।]

(5) The Vice-Chancellor shall be the principal executive and academic officer of the University, the Chairman of the Syndicate and of the Academic Council and shall be entitled to be present and speak at any meeting of any authority or other body of the University and shall in the absence of the Chancellor preside over meetings of the Senate and of any convocation of the University :

Provided that the Vice-Chancellor shall not vote in the first instance but shall have and exercise a casting vote in the case of an equality of votes.

(6) The Vice-Chancellor shall subject to the provisions of this Act, the Statutes and the Ordinances have power to make appointment to posts within the sanctioned grades and scales of pay and within the sanctioned strength of the ministerial staff and other servants of the University not being teachers and officers of the University and have control and full disciplinary powers over such staff and servants.

²[(7) कुलपति को सिनेट, उसकी समितियों एवं उप-समितियों, सिन्डिकेट, उसकी समितियों एवं उप-समितियों, विद्वत परिषद एवं विश्वविद्यालय के अन्य प्राधिकारों की बैठक बुलाने की शक्ति होगी एवं वह उन बैठकों का पदेन सभापति होगा तथा अपनी अलभ्यता के कारण किसी अन्य अधिकारी को बैठक बुलाने एवं उसका सभापतित्व करने हेतु प्राधिकृत कर सकेगा।]

(8) The Vice-Chancellor shall have the powers to visit and inspect the Colleges and buildings, laboratories, workshops and equipments thereof and any other institution associated with the University, and he shall have the right of making an inquiry or causing an inquiry to be made, in like manner in respect of any matter connected with such Colleges and institutions.

(9) The Vice-Chancellor shall address the Principal of such College with reference to the result of such inspection or inquiry and, thereupon, it shall be the duty of such Principal to communicate the views of the Vice-Chancellor to the

1. Subs. by Act 3 of 1990.

2. Subs. by Act 68 of 1982.

governing body of the College and to report to the Vice-Chancellor such action if any, taken or proposed to be taken upon the result of such inspection or inquiry.

(10) It shall be lawful for the Vice-Chancellor to issue, from time to time any direction to the Principal of a College in which post-graduate teaching conducted under clause (16) of section 4 and such Principal shall comply with such directions accordingly.

¹[(11) The Vice-Chancellor shall exercise general control over the educational arrangement of University and shall be responsible for the discipline of the University. It shall be lawful for the Vice-Chancellor to take all steps which are necessary for maintaining the academic standard and administrative discipline of the University.]

(12) If at any time, except when the Syndicate or the Academic Council is in session, the Vice-Chancellor is satisfied that an emergency has arisen requiring him to take such immediate action involving the exercise of any power vested in the ²[Syndicate or Academic Council] by or under this Act, the Vice-Chancellor shall take such action as he deems fit, and shall report the action taken by him to such authority which may either confirm the action so taken or disapprove of it.

(13) It shall be the duty of the Vice-Chancellor to see whether the proceedings of the University are carried on in accordance with the provisions of this Act, the Statutes, the Ordinance, the Regulations and the Rules or not and the Vice-Chancellor shall report to the Chancellor every proceeding which is not in conformity with such provisions.

For so long as the orders of the Chancellor are not received on the report of the Vice-Chancellor that the proceeding of the University is not in accordance with this Act, the Statutes, the Ordinance, the Regulation and the Rules, the Vice-Chancellor shall have the powers to stay the proceeding reported against.

³[(14) कुलपति को विश्वविद्यालय द्वारा घोषित किसी विभाग या महाविद्यालय के किसी शिक्षक को कुलाधिपति द्वारा स्वीकृत मार्ग निर्देशक सिद्धान्त के अनुसार उस विश्वविद्यालय द्वारा घोषित किसी अन्य विभाग या महाविद्यालय के किसी समकक्ष पद पर स्थानान्तरित करने की शक्ति होगी।]

⁴[Illustration-'equivalent post' means Reader and Principal in the pay-scale of Reader, Professor and Principal in the pay-scale of Professor.]

³[(15) The Vice-Chancellor shall exercise such other powers and perform such other duties as are conferred or imposed on him by this Act, the Statutes, the Regulations or the Rules.]

⁴[(16) The Vice-Chancellor shall have overall responsibility in maintaining good academic standard and promoting the efficiency and good order of the University.

(17) Save as otherwise provided in the Act, or the Statutes the Vice-Chancellor shall appoint officer (other than the Pro-Vice-Chancellor) with the approval of the Chancellor, and teachers and shall define their duties;

(18) The Vice-Chancellor shall have power to take disciplinary action against all employees of the University including officers and teachers of the University;

(19) An appeal shall lie to the Chancellor against the order of the Vice-Chancellor imposing the penalty of dismissal, removal from service or reduction in rank.]

1. Subs. by Act 3 of 1990.
2. Subs. by Act 68 of 1982.
3. Ins. by ibid and existing sub. sec. (14) made (15) thereof.
4. Ins. by Act 3 of 1990.

Legislative changes (after 1982)—This section has registered following changes;

- (i) Substitution of sub-sections (3), (4), (11),
- (ii) Insertion of illustration to sub-section (14), and
- (iii) Insertion of sub-sections (16) to (19).

The amendments having started from Ordinance 39 of 1986 till Act 3 of 1990 provides different date of effect to the different amendments made in the section.

The date of effect for the substitution of sub-section (11), insertion of illustration to sub-section (14) and insertion of sub-sections (16) to (19) is 17.12.1986 when Ordinance 39 of 1986 was promulgated. The substitution of sub-section (3) is effective from 18.4.1987 when Ordinance 13 of 1987 was promulgated.

The substitution of sub-section (4) is effective from 30.1.1990 being the date of enactment of Act 3 of 1990.

Sub-sections—(3), (4) and (11) originally read as follows:—

- “(3) The Vice-Chancellor shall be a whole time officer and shall hold office for a period of three years with effect from the date on which he assumed charge. On the expiry of the said period, he may be re-appointed for another term not exceeding three years.”
- “(4) (i) The Vice-Chancellor shall be paid a salary of three thousand rupees per mensem. Other terms and conditions of his appointment shall be determined by the Chancellor in consultation with the State Government.
(ii) Where the person appointed as Vice-Chancellor is in receipt of a pension from Central or State Government the amount of the pension payable to him shall be treated as part of the salary specified in clause (i).”
- “(11) The Vice-Chancellor shall give effect to the orders of the Syndicate regarding the appointment, transfer, dismissal or suspension of an officer or teacher of the University and shall exercise general control over the educational arrangements of the University and shall be responsible for the discipline of the University.”

11. Removal of the Vice-Chancellor.—(1) If at any time and after such inquiry as may be considered necessary, it appears to the Chancellor that the Vice-Chancellor—

- (i) has failed to discharge any duty imposed upon him by or under this Act, the Statutes, the Ordinances, or
- (ii) has acted in a manner prejudicial to the interests of the University, or
- (iii) is incapable in managing the affairs of the University, then the Chancellor may, notwithstanding the fact that the term of office of the Vice-Chancellor has not expired, require, the Vice-Chancellor, by an order in writing stating the reason therefor, and after consulting the State Government, to resign his post from the date, as may be specified in the order.

(2) No orders under sub-section (1) shall be passed unless a notice stating the specific grounds on which such action is proposed has been served and a reasonable opportunity to show cause against the proposed order has been given to the Vice-Chancellor.

(3) On and from the date specified in sub-section (1), it shall be deemed that the Vice-Chancellor has resigned his post and the office of the Vice-Chancellor shall be deemed vacant.

12. Pro-Vice-Chancellor.—¹“(1) The Pro-Vice-Chancellor shall be appointed by the Chancellor in consultation with the State Government in the same manner as prescribed for appointment of Vice-Chancellor.”

(2) The Pro-Vice-Chancellor shall be a whole-time officer of the University. He shall hold office, on such conditions as may be determined, by the Chancellor, in consultation with the State Government, for a period not exceeding three years

during the pleasure of the Chancellor.

¹[(3) Where the person appointed as Pro-Vice-Chancellor gets pension from the Central or the State Government or any University or from any other source, the amount of pension due to him from such source shall be deemed to be the part of his salary as Pro-Vice-Chancellor.]

¹[(4) Subject to the provisions of this Act, the Pro-Vice-Chancellor shall exercise such powers and perform such duties as may be prescribed or as may be conferred or imposed on him, from time to time, by the Vice-Chancellor.]

¹[(5) ²[The Pro-Vice-Chancellor shall be responsible for admission and conduct of the examination up to Bachelor course and the publication of the result of the examination conducted by the University up to Bachelor course and shall be responsible for student welfare.]

³**[12A. Financial Adviser.—**(1) The Financial Adviser shall be a whole time officer. He shall be appointed by the Chancellor either on deputation or by re-employment from amongst the officers of the Indian Audit and Accounts Services or from any other Accounts Service of Government of India. Until such an officer is appointed the present incumbent may continue to work as the Financial Adviser.

(2) The terms and conditions of service of the Financial Adviser shall be determined by the Chancellor in consultation with the State Government and he shall ordinarily hold the post for three years.

(3) In all proposals having financial implication the advice of the Financial Adviser shall be mandatory.

(4) The Financial Adviser shall be *ex-officio* member of the Finance Committee.

(5) The Financial Adviser shall work under the Administrative control of the Vice-Chancellor and Finance Officer shall work directly under the control of the Financial Adviser.

(6) It shall be the responsibility of the Registrar to obtain the advice of the Financial Adviser on all matters having financial implication. Moreover, it shall be the responsibility of the Registrar to mention specifically at the time of placing such a proposal before the Syndicate that the concurrence of the Financial Adviser has been obtained or that he has not concurred in the proposal.

(7) If in any financial proposal the Vice-Chancellor or the Syndicate takes a decision contrary to the advice of the Financial Adviser, such a decision shall not be implemented and shall be forwarded by the Vice-Chancellor to the Chancellor, whose decision in the matter shall be final and binding.

(8) Preparation of the University Budget, maintenance of accounts, audit of accounts from time to time, compliance of the audit objections, timely receipt of grants from the State Government in accordance with the approved budget and also of grants from the University Grants Commission, arrangements for keeping the same property and timely submission of utilisation certificate of the University grants in the prescribed manner shall be the responsibility of the Financial Adviser.

1. Ins. by Act 17 of 1993, and sub-secs. 3 & 4 renumbered as sub-secs. 4 & 5 *ibid*.
2. Ins. by Act 3 of 1990.
3. Subs. by Act 68 of 1982.

(9) It shall also be the responsibility of the Financial Adviser to see that all financial matters of the University are dealt with in accordance with the Act, the Ordinance, the Statutes, the University Ordinances, Regulations and Rules framed thereunder.]

13. Arrangement of work during temporary absence of the Vice-Chancellor.—(1) During the temporary absence of the Vice-Chancellor by reason of leave, illness or for any other cause, the information of which shall immediately be communicated to the Chancellor by the Vice-Chancellor, the Pro-Vice-Chancellor or the Registrar, the Chancellor may make such arrangement for the performance of the duties of the office of the Vice-Chancellor as he deems fit :

Provided that until such arrangement is made, in case of the temporary absence of the Vice-Chancellor, it shall be lawful for the Pro-Vice-Chancellor, to perform the duties of the Vice-Chancellor.

(2) In case of vacancy of the post of the Vice-Chancellor caused due to resignation, death, completion of the term or any other reason the Chancellor on the basis of the information received from the Pro-Vice-Chancellor or Registrar or any other source, may make such arrangements for the performance of the duties of the office of the Vice-Chancellor, as he deems fit.]

14. The Dean of Students' Welfare.—(1) The Dean of Students' Welfare shall be appointed by the Vice-Chancellor for a period of two years from amongst the University Professors, Readers or Principals :

[Provided that if the Vice-Chancellor thinks it necessary for administrative reasons he may revert the Dean to his original post and appoint another person as Dean for the unexpired period.]

(2) The duties, powers and functions of the Dean of Students' Welfare shall be prescribed by the Statutes.

(3) The teacher appointed as the [Dean, Students' Welfare] under subsection (1) shall hold lien on his original post, and he shall be eligible for all the benefits which would have otherwise accrued to him, in case he would not have been appointed as [Dean, Students' Welfare].

14A. Proctor.—(1) The Vice-Chancellor shall appoint 'Proctor' from amongst such teachers of the University as are not below the rank of Reader.

(2) His tenure shall be of two years and on the expiry of his tenure, he may again be appointed :

Provided that if at any time the Vice-Chancellor thinks it proper on administrative grounds, he may send the Proctor back to his original post and appoint another person as Proctor for the unexpired period of his term.

(3) In case of vacancy of the Proctor caused due to resignation or illness or any other reason his duties shall be discharged by person appointed for the purpose by the Vice-Chancellor.

(4) Duties of the Proctor shall be determined by the Statutes.]

14B. समायोजक (को-आर्डिनेटर) कॉलेज विकास परिषद :—(i) कुलपति विश्वविद्यालय के ऐसे शिक्षकों के बीच से, जो उपाचार्य की पंक्ति से नीचे के न हों को-आर्डिनेटर कॉलेज विकास परिषद की नियुक्ति कर सकेगा ।

1. Subs. by Act 68 of 1982.

2. Ins. by ibid.

(ii) उसकी पदावधि तीन वर्षों की होगी और पदावधि समाप्त होने के बाद दो वर्षों से अनधिक अवधि के लिए पुनर्नियुक्ति का पात्र हो सकेगा; परन्तु यदि कुलपति किसी समय प्रशासनिक कारणों से उचित समझें तो को-ऑर्डिनेटर को अपने मौलिक पद पर लौटा सकेगा अथवा यदि वह सेवा निवृत्ति की उम्र प्राप्त कर चुके हों तो उनकी सेवा समाप्त कर सकेगा तथा अनवसित अवधि के लिए किसी दूसरे व्यक्ति की नियुक्ति की जायेगी।

(iii) को-ऑर्डिनेटर की सेवा शर्तों, उनके कर्तव्य तथा वेतन परिनियमों द्वारा अवधारित किए जायेंगे]

1[15. The Registrar.—²(1) Notwithstanding any provisions of the Act, if the Chancellor thinks fit, he may request the State Government, Central Government, University Grants Commission or any University to send names of suitable officers including the retired officers of Bihar Administrative Services for the post of Registrar, and in that case State Government, Central Government, University Grants Commission or any University may send the name of one or more officers for consideration for appointment as Registrar under such terms and conditions of service, as he may consider fit, and then the Chancellor shall appoint the Registrar from amongst them.

(2) The Registrar shall be wholetime officer of the University and he shall act as Secretary to the Senate, the Syndicate and the Academic Council and shall :—

- (a) be the custodian of the records, the common seal and such other properties of the University as the Vice-Chancellor and the Syndicate shall commit to his charge ;
- (b) conduct the official correspondence of the University, and shall maintain the proper investment of the University ;
- (c) perform such other duties as may be specified in the Statutes or prescribed by the Ordinance or the Regulation or as may be required from time to time by the Vice-Chancellor, Pro-Vice-Chancellor or the Syndicate ;
- (d) represent the University in suits or proceedings by or against the University, sign powers of Attorney and verify pleadings or depute his representative for the purpose ;
- (e) render assistance to the Vice-Chancellor and Pro-Vice-Chancellor in discharge of their duties in regard to the conduct of the examination and the publication of the results ;
- (f) look after the proper functioning of the institutions affiliated to the other than the Constituent Colleges and the Departments of University and shall report to the Vice-Chancellor ;
- (g) have power to take disciplinary action against the employees belonging to the Ministerial staff and to suspend them pending inquiry to administer warning to them or to impose on them the penalty of censure or the withholding of increment :

Provided that no such penalty shall be imposed unless the person concerned has been given a reasonable opportunity of showing cause against the action proposed to be taken against him.

(3) (a) An appeal shall lie to the Vice-Chancellor against any order of the

1. Subs. by Act 3 of 1990.

2. Subs. by Act 14 of 2017.

- Registrar imposing the penalty of withholding the increment.
- (b) In a case where the inquiry discloses that a punishment beyond the powers of the Registrar is called for, the Registrar shall, upon conclusion of the enquiry make a report to the Vice-Chancellor alongwith his recommendation for such action as the Vice-Chancellor may deem fit.
- (c) The Registrar may be transferred by the Chancellor from one University to another University, on the same or on any equivalent post or within the same University on any other equivalent post.]

Legislative changes (after 1982)—This section originally read as follows:—

"15. *The Registrar*:—Registrar shall be a whole-time officer of the University and he shall act as Secretary to the Senate, the Syndicate and the Academic Council and he—

- (a) shall manage the property and investment of the University;
- (b) shall sign all contracts made on behalf of the University;
- (c) shall exercise and perform such other powers and duties as may be prescribed by the Statutes, the Ordinance, the Regulations or the Rules, or as may, from time to time, be conferred and imposed on him by the Senate, the Syndicate and the Academic Council;
- (d) shall generally render such assistance to the Vice-Chancellor as may be desired by him in the performance of his duties; and.
- (e) The Registrar may, on the recommendation of the Vice-Chancellor or otherwise, be transferred by the Chancellor from one University to another University on the same or any other equivalent post, or within the same University to any other equivalent post."

The first change in this section was brought by Ordinance 29 of 1986 (w.e.f. 1.10.1986) by which a new clause (f) was inserted which reads as follows:—

- "(f) Notwithstanding any provisions of the Act, if the Chancellor thinks fit, he may request the State Government, Central Government, University Grant Commission or any University to send names of suitable officers for the post of Registrar, and in that case the State Government, Central Government, University Grants Commission or any University may send the names of one more officer for consideration for appointment of Registrar under such terms and conditions of service as he may consider fit and then, the Chancellor may appoint the Registrar from amongst them."

By Ordinance 39 of 1986 (w.e.f. 17.12.1986) the whole section was substituted and it read as follows:—

"15. *The Registrar*:—(i) The Registrar shall be a wholetime officer of the University and he shall act as Secretary to the Senate, the Syndicate and the Academic Council and shall,—

- (a) be the custodian of the records, the common seal and such other properties of the Universities as the Vice-Chancellor and the Syndicate shall commit to his charge;
- (b) conduct the official correspondence of the University and shall maintain the proper investment of the University;
- (c) perform such other duties as may be specified in the Statutes or prescribed in the Statutes or prescribed by the Ordinance or the Regulation or as may be required from time to time by the Vice-Chancellor, Pro-Vice-Chancellor or the Syndicate;
- (d) represent the University in suits or proceedings or against the University sign Powers of Attorney and verify pleadings or depute his representative for the purpose;
- (e) render assistance to the Vice-Chancellor and Pro-Vice-Chancellor in discharge of their duties in regard to the conduct of the examination and the publication of the results;
- (f) look after the proper functioning of the institutions affiliated to the University other than the Constituent Colleges and the Department of University and shall report to the Vice-Chancellor;
- (g) have power to take disciplinary action against the employees belonging to the ministerial staff and to suspend them pending inquiry, to administer warning to them or to impose on them the penalty of censure or the withholding of increment :

Provided that no such penalty shall be imposed unless the person concerned has been given a reasonable opportunity of showing cause against the action proposed to be taken against him;

- (ii) (a) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing the penalty of the withholding of increment;
- (b) In a case where the inquiry discloses that a punishment beyond the powers of the Registrar is called for, the Registrar shall, upon conclusion of the enquiry make a report to the Vice-Chancellor along with his recommendation for such action as the Vice-Chancellor may deem fit.
- (c) The Registrar may be transferred by the Chancellor from one University to another University, on the same or on any equivalent post or within the same University on any other equivalent post.¹

The next Ordinance in the series i.e. 13 of 1987 (w.e.f. 18.4.1987) again substituted this section and it continued till Act 3 of 1990 was passed and exists till today.

16. The Finance Officer.—The Finance officer shall be a whole-time officer of the University and shall act as Secretary to the Finance Committee, and shall exercise such powers and perform such duties as may be prescribed by the Statutes, the Ordinance the Regulations and the Rules or as may, from time to time, be conferred, or imposed on him by the Senate, the Syndicate, the Vice-Chancellor, the ¹[Financial Adviser] or the Registrar.

17. Authorities of the University.—The following shall be the authorities of the University, namely:—

- (1) the Senate;
- (2) the Syndicate;
- (3) the Academic Council;
- (4) the Faculties;
- (5) the Examination Board;
- (6) the Finance Committee;
- (7) the Planning and Evaluation Committee; and
- (8) such other authorities as may be declared to be the authorities of the University by the Statutes.

18. The Senate.—The Senate shall consist of the following persons, namely:—

Ex-Officio Members.

- (1) the Chancellor;
- (2) the Vice-Chancellor;
- (3) the Pro-Vice-Chancellor;
- (4) ³[Commissioner and Secretary Higher Education]
- (5) the Director of Higher Education, Bihar;
- (6) the Director of Health Services, Bihar;
- (7) the Director of Technical Education, Bihar;
- (8) the Deans of Faculties;
- ²[(9) Half of such of the Heads of University Departments as are not Deans shall be nominated by the Chancellor in rotation.]
- ²[(10) Ten Principals of Colleges maintained by the University as are not Deans to be nominated by the Chancellor in rotation.]
- ²[(11) Five Professors/Readers admitted to the privileges of the Univer-

1. Subs. by Act 68 of 1982.
2. Subs. by Act 3 of 1990.
3. Subs. by Act 17 of 1993.

sity in the manner prescribed in the Statutes, are not Deans shall be nominated by the Chancellor in rotation.]

Life Members.

(12) all ex-Vice-Chancellors of the University;

Explanation.—¹[For the purpose of the clause, the expression -Vice-Chancellor does not include any ex-Vice-Chancellor who was appointed to fill a casual or temporary vacancy ;

(13) every person who has given to the satisfaction of the Chancellor whether in one or more instalments, a sum of not less than one lac rupees in cash or in the shape of property of the equivalent value to or for the purposes of the University or of a College:

Provided that for being a life member of the Kameshwar Singh Darbhanga Sanskrit University, the fixed amount shall be twenty-five thousand rupees;

Representative Members.

¹[(14) Ten persons to be elected by and from amongst the members of the Bihar Legislative Assembly in such manner as may be prescribed by the Speaker of the Assembly, one of whom shall be from Scheduled Castes, one from Scheduled Tribes and three from other Backward Classes;]

(15) four persons, to be elected by and from amongst the members of the Bihar Legislative Council in such manner as may be prescribed by the Chairman of the Council ;

¹[(16) Fifteen teachers other than Deans, Principals and Heads of University Departments having not less than five years' teaching experience, to be elected by and from amongst the teachers of the colleges and the University Departments, two of whom shall be from Scheduled Castes, two from Scheduled Tribes and three from other Backward Classes ;]

(17) One person to be elected by each of the Bihar Secondary Teachers' Association, Bihar Hindi Sahitya Sammelan, Bihar Anjuman Taraquie-Urdu, Indian Medical Association (Bihar branch), Institution of Engineers, Bihar Branch and Bihar State Lawyers' Association from the area of the concerned University ;

Provided that in the case of the Lalit Narain Mithila University and the Kameshwar Singh Darbhanga Sanskrit University, there shall be one representative of Maithili Sahitya Parishad in place of one representative of the Institution of Engineers ;

²(18) परिनिियम में विहित रीति से विश्वविद्यालय एवं महाविद्यालय के कर्मचारियों द्वारा निर्वाचित विश्वविद्यालय एवं महाविद्यालय के कर्मचारियों में से एक कर्मचारी;

²[(19) Five students from amongst the students of University to be elected in the manner prescribed in the Statutes, by the members of the Union Council of the University Students' Union;]

(20) five persons, other than *ex-officio* and teacher members of the Governing Body of Colleges, shall be elected by and from amongst

1. Subs. by Act 17 of 1993.

2. Subs. by Act 68 of 1982.

3. Subs. by Act 16 of 2008.

members of the governing bodies of the University in the manner as may be prescribed in the Statutes;

Nominated Members.

- (21) three persons to be nominated by the Chancellor who are persons of scholarly pursuits;
- (22) one meritorious student to be nominated by the Vice-Chancellor in the manner prescribed in Statutes, whose tenure will be of one year;
- (23) one student to be nominated by the Vice-Chancellor in the manner prescribed in the Statutes, who has achieved distinction in sports and extra-curricular activities, whose tenure will be of one year;
- (24) one person to be nominated by the State Sports Council, who has achieved a distinction in sports;
- ¹[25] Six such registered graduates, other than the teachers of the University or its colleges, as have completed a period of five years after graduation, to be nominated by the Chancellor from the panel of registered graduates prepared by the Vice-Chancellor, one of whom shall be from Scheduled Castes, one from Scheduled Tribes and one from other Backward Classes.]
- ¹[26] Such members of the Syndicate as are not members of the Senate under the above provisions.]
- ²[(27) Ten persons to be nominated by the State Government who are known for their academic interest, one of whom shall be from Scheduled Castes, one from Scheduled Tribes and three from other Backward Classes.]

Legislative changes (after 1982)—The first change in this section was brought by Ordinance 39 of 1986 (w.e.f. 17.12.1986) by which sub-sections (9), (10), (11), and (16) were substituted and this continued by successive Ordinances till Act 3 of 1990 was passed by which the substitution was accorded permanency. Originally these sub-sections read as follows:—

"(9) such of the Head of University Departments as are not Deans;

(10) Such of the Principals of Colleges maintained by the University as are not Deans;

(11) half of the total number of Principals of Colleges admitted to the privileges of the University in the manner prescribed in the statutes, who are not Deans, shall be nominated by rotation.

(16) thirty teachers, other than Deans, Principals and Heads of University Departments having not less than five years' teaching experience, to be elected from and by the teaching staff of colleges, and University Departments in such manner, as may be prescribed by the statutes, so that the teaching staff of every College and the teaching staff of every University/Department may be represented on the Senate under this sub-head in such number and at such intervals, as may be prescribed by the Statutes:

Provided that for the Kameshwar Singh Darbhanga Sanskrit University seven registered Acharyas of the University, seven representative teachers of the recognised institutions of Madhyama standard, four representative teachers of Tols nominated by the Chancellor, and two representatives of the Sanskrit Literature Association recognised by the State Government, shall be elected in the manner as prescribed in the Statutes;"

Thereafter a series of Ordinances amending different sections of this Act were promulgated but none had anything to do with this section. But Act 17 of 1993 which broke the chain of such Ordinances did touch this section also and substitution of some words in sub-section (4), substitutions of sub-sections (14), (16) and (25) and insertion of sub-section (27) were introduced. Prior to their substitution by Act 17 of 1993 which exist till today, these sub-sections, read as follows:—

"(14) ten persons, to be elected by and from amongst the members of the Bihar Legislative Assembly in such manner as may be prescribed by the Speaker of the Assembly;"

1. Ins. by Act 68 of 1982.
2. Ins. by Act 17 of 1993.

"(16) fifteen teachers other than Deans, Principals and Heads of University Departments having not less than five years teaching experience to be nominated by the Chancellor in such manner as may be prescribed by the Statutes;"

"(25) five such registered graduates, other than the teachers of the University or its colleges, as have completed a period of five years after graduation to be nominated by the Chancellor from the panel of registered graduates prepared by the Vice-Chancellor:

Provided that for the Kameshwar Singh Darbhanga Sanskrit University not more than three persons, out of which two having rendered notable service for Sanskrit Education, shall be nominated by the Chancellor in the manner, as may be prescribed in the Statutes;"

19. Term of office of members of the Senate.—¹[(1) The term of office of members of the Senate other than the *ex-officio* members, the members whose terms has been specified under this Act and the Life members, shall be three years from the date of their election or nomination, as the case may be, and shall include any further period which may elapse between the expiration of the said three years and the date of the next succeeding election or nomination not being an election or nomination to fill up any casual vacancy under section 64 :

Provided that a member elected, or nominated as a representative of any body shall be deemed to have vacated office with effect from the date on which he ceases to be a member of the body which elected or nominated him:

²[Provided that the tenure of office of the elected members under sub-section (19) of section 18 shall be one year with effect from the date of their election.]

³[(2) The Senate shall have perpetual succession and any of its acts or proceedings shall not be invalid merely because of any vacancy or vacancies in its membership.]

Legislative changes (after 1982)—By Act 17 of 1993 sub-section (2) was added to this section. Since none of the preceding Ordinances chain of which was broken by this Act contained such insertion, Sub-section (2) is to take effect from the date of passing of Act 17 of 1993.

20. Meetings of the Senate.—³[(1) The Senate shall meet twice a year, on dates to be fixed by the Vice-Chancellor, which shall be called ordinary meetings of the Senate and one of them shall be declared by the Statutes to be the annual meeting of the Senate in which the Budget of the University for the next year shall be passed.

(2) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than one-third of the total number of members of the Senate, ³[convene only one special meeting of the Senate in a year.]

21. Powers and duties of the Senate.—(1) Subject to the provisions of this Act and Statutes, the Senate shall be the supreme governing body of the University, and shall exercise control over all the affairs and properties of the University, and shall exercise all such powers as are not otherwise specified by this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, the Senate shall exercise the following powers and perform the following duties, namely—

- (a) of making the Statutes and amending or repealing the same;
- (b) of considering the Statutes and the Regulations, and amending or repealing the same;

1. Re-numbered by Act 17 of 1993.
 2. Ins. by Act 68 of 1992.
 3. Subs. by *ibid*.

- (c) of passing resolution after having considered the annual report, the annual account, the financial estimates and audit report on such accounts;
- (d) of exercising the powers for the purpose of control in Colleges and Tols, and of superintendence which include affiliation and disaffiliation of Colleges:

Provided that affiliation or disaffiliation of Colleges or Tols shall not take effect, unless it is approved by the State Government :

Provided further that no medical college shall be affiliated except without the prior approval of the State Government.

Before granting such an approval, the State Government shall consider the financial viability of the College, the nature and form of the proposed management of the college, the viability of the academic standard and all other conditions which are likely to have adverse effect on the interests of students admitted to such a College;

- (e) of instituting and conferring such degrees, titles, diplomas and other academic distinctions as may be prescribed by the Statutes; and
- (f) of exercising such other powers and of performing such other duties as are conferred or imposed upon it by this Act or the Statutes.

¹[22. The Syndicate.—(1) The Syndicate shall be the Executive Council of the University and it shall consist of the following members :—

- (a) Vice-Chancellor;
- (b) Pro-Vice-Chancellor;
- (c) Commissioner-cum-Secretary of Higher Education or his representative not below the rank of the Joint Secretary;
- (d) Director, Higher Education;
- (e) Dean, Students' Welfare, and Proctor;
- (f) Two Heads of the University Departments, to be nominated by rotation as prescribed by the Statutes, whose term of office shall be for one year from the date of nomination;
- (g) Two Principals of Colleges maintained by the University, to be nominated by rotation as prescribed by the Statutes, whose term of office shall be for one year from the date of nomination;
- (h) Two from amongst Professors and Readers of the University other than the University Heads of Departments and two such Lecturers as have a minimum of five years of teaching experience, to be elected by the teacher members of the Senate by single transferable vote in accordance with the system of proportionate representation, one of whom shall be from other Backward Classes from the rank of Professors and Readers, and one from Scheduled Castes/Scheduled Tribes from the rank of Lecturers;
- (i) Four from amongst the members of the Senate other than teachers, students and employees of University and Colleges, to be elected by the non-teacher members of the Senate by single transferable vote in accordance with the system of proportionate repre-

sentation, but one of whom shall be from Scheduled Castes/Scheduled Tribes and one from the other Backward Classes;

- (j) One reputed educationist nominated by the Chancellor;
 (k) Three persons to be nominated by the State Government one of whom shall be from Scheduled Castes/Scheduled Tribes/other Backward Classes and one from women having academic interest and in social work elected in aforesaid manner.]

The following is as per the Hindi Text of the Gazette dated 22.8.1993—
 राज्य सरकार द्वारा नाम निर्देशित पाँच व्यक्ति जिनमें से एक अनुसूचित जाति/अनुसूचित जनजाति/अन्य पिछड़ा वर्ग से तथा एक विद्यानुरागी और ख्याति प्राप्त समाज सेवी महिला होगी।

(2) The term of office of members, other than the *ex-officio* member shall be for a period of three years with effect from the date of their respective election or nomination except otherwise provided and shall include any further period which may elapse between the expiry of the said period of three years and the date of the succeeding election or nomination, except in case of an election or nomination to fill up any casual vacancy:

¹[Provided that any member elected or nominated shall be deemed to vacate office with effect from the date on which he ceases to be member of the category from which he has been elected or nominated.]

(3) सिंडीकेट की बैठक अवकाश अवधि को छोड़कर महीने में एक बार साधारणतः होगी। परन्तु यदि कुलपति उचित समझें तो सिंडीकेट की विशेष बैठक बुला सकते हैं। उप-समिति की बैठक सिंडीकेट की बैठक के तुरत पहले अथवा बाद में होगी।]

²[(4) The Syndicate shall have perpetual succession and any of its acts or proceedings shall not be invalid merely because of any vacancy or vacancies in its membership.]

Legislative changes (after 1982)—Ordinance 39 of 1986 brought some changes in this viz. words "Chief Executive Body" in sub-section (1) was substituted to "Executive Council" and clauses (g) and (h) of sub-section (1) and proviso to sub-section (2) were substituted. These changes continued by successive Ordinances till Act 3 of 1990 was passed. Prior to their substitution clauses (g), (h) of sub-section (1) and proviso to sub-section (2) read as follows:—

- "(g) One Reader or College Professor of the University or College and two such Lecturers having at least 10 years' teaching experience, to be elected by the Teacher Members of the Senate in accordance with the system of proportional representation by means of single transferable votes."
 "(h) Three members other than teachers, students and other employees of a college or the University, to be elected in accordance with the system of proportional representation by means of single transferable vote by the members of the Senate:

परन्तु सिनेट इसके अन्तर्गत होने वाले निर्वाचन के स्थान पर मनोनयन का अधिकार कुलपति को नहीं दे सकती है तथा यदि निर्वाचन के स्थान पर कुलपति द्वारा मनोनयन हुआ हो तो कुलाधिपति इसका पुनर्विलोकन करेंगे और इस विषय में उनका आदेश अंतिम एवं बन्धनकारी होगा।"

The section again underwent changes when Act 17 of 1993 (w.e.f.5.8.1993) substituted the whole of sub-section (1). Prior to substitution sub-section (1) (as amended by Ordinance. 39 of 1986 followed by successive Ordinances and Act 3 of 1990) read as follows:—

- "(1) The Syndicate shall be the Executive Council of the University and shall consist of the following persons, namely:

Ex-officio Members

- (a) The Vice-Chancellor;
 (b) The Pro-Vice-Chancellor;
 (c) The Education Commissioner, Bihar, or his representative who shall at least be of the rank of Director (Higher Education) or Joint Secretary of the State Government;

1. Subs. by Act 3 of 1990.

2. Ins. by Act 17 of 1993.

- (d) Dean, Students' Welfare, Proctor and Co-ordinator, College Development Council;

Other Members

- (e) Two Heads of University Department as prescribed by the Statutes and their tenure shall be one year with effect from the date of their nomination;
- (f) Two Principals of colleges under the University by rotation as prescribed by the Statutes and their tenure shall be one year;
- (g) Two from amongst the University Professors, Professors and Readers, other than heads of Departments and two such Lecturers having teaching experience of at least 10 years shall be nominated by the Chancellor;
- (h) Three from amongst the members of the Senate, other than students and employees of College or University shall be nominated by the Chancellor;
- (i) One reputed educationist nominated by the Chancellor;
- (j) If in the foregoing clauses from (a) to (i) there be no *ex-officio*, nominated and elected Scheduled tribe or Scheduled Caste member, the Chancellor shall nominate a Scheduled Tribe member having academic interest each for the Ranchi and the Bhagalpur University and a Scheduled Caste member having academic interest each for the Lalit Narayan Mishra Mithila, Bihar, Magadh and Kameshwar Singh Darbhanga Sanskrit University;

Provided that if at a later stage a Scheduled Tribe or Scheduled Caste member is available, the term of the Scheduled Tribe or Scheduled Caste member nominated by the Chancellor shall be deemed to have automatically ceased."

1[23. Powers and duties of the Syndicate.—The Syndicate shall—

- (a) hold, control and manage the property and funds of the University;
- (b) regulate the use of the common seal of the University;
- (c) subject to the powers conferred, by or under this Act, on the Vice-Chancellor and the Academic Council, determine and regulate all matters concerning the University in accordance with this Act, the Statutes and the Regulation;
- (d) manage any funds placed at the disposal of the University for specified purpose;
- (e) have power to accept transfers on behalf of the University of any movable or immovable property to and for the benefit of the University or a College;
- (f) make Ordinances, and shall amend or repeal them, and
- (g) exercise such other powers and perform such other duties as are conferred or imposed on it by this Act, or the Statutes.]

Legislative changes (after 1982)—This section was substituted by Ordinance 39 of 1986 and the substitution continued by successive Ordinances till Act 3 of 1993 was enacted

Prior to its substitution this section read as follows :

"23. Powers and duties of the Syndicate—The Syndicate—

- (a) shall hold, control and manage the property and funds (together with endowments, bequests and donations) of the University and other transfer of property made to colleges for their benefit;
- (b) shall regulate the form, provided for the custody and regulate the use of the common seal of the University;
- (c) shall, subject to the powers conferred by or under this Act on the Vice-Chancellor and the Academic Council, determine and regulate all matters concerning the University in accordance with this Act, the Statutes, and the Regulations;
- (d) shall manage any funds placed at the disposal of the University for specific purposes;
- (e) save as otherwise provided in this Act or the statutes, shall appoint officers (other than the Vice-Chancellor and the Pro-Vice-Chancellor) and teachers of the University and shall define their duties and provide for the filling of temporary vacancies to the posts of such officers.

and teachers.

(f) shall have power, to accept transfers on behalf of the University of any movable or immovable property to and for the benefit of the University or a college;

(g) shall make the Ordinance, and shall amend or repeal them; and

(h) shall exercise such other powers and perform such other duties as are conferred or imposed on it by this Act or the Statutes;

(i) shall take appropriate decision consistent with the Act and, on all matters having financial implication only after obtaining the advice of the Financial Adviser."

24. The Academic Council.—(1) The Academic Council shall consist of—

- (1) the Vice-Chancellor;
- (2) the Pro-Vice Chancellor;
- (3) the Deans of Faculties;
- (4) the Director, Higher Education, Bihar;
- (5) all Heads of University Departments;
- ¹[(6) 50 per cent of the Principals maintained by the University to be nominated by the Vice-Chancellor in rotation;]
- (7) all Principals of colleges maintained by the State Government;
- ¹[(8) Five Principals of affiliated colleges to be nominated by the Vice-Chancellor in rotation.]
- (9) ¹[Six]teachers, other than Deans, Professors and Heads of University Departments, who shall in the manner prescribed by the Statutes, be elected by the Senate in such a way that each Faculty may get representation;
- (10) not more than two experts outside the University service, to be co-opted by the Academic Council for specific purposes according to need;
- (11) the President of the University Students' Union elected under sub-section (1) of section 43.

(2) The term of office of members, other than the *ex-officio* members, shall be for a period of three years with effect from the dates of their respective election or nomination and shall include any further period which may elapse between the expiration of the said period of three years and the date of the next succeeding election or nomination, as the case may be, not being an election or nomination to fill up any casual vacancy :

Provided that any member elected or nominated shall be deemed to vacate office with effect from the date on which he ceases to be a member of the body which elected or nominated him.

Legislative changes (after 1982)—The following changes were introduced in this section by Ordinance 39 of 1986 (w.e.f.17.12.1986) :—

- (a) Substitution of clause (6)
- (b) Substitution of clause (8)
- (c) Substitution of clause (9)

While clauses (6) & (8) prior to their substitution read as follows:—

- "(6) Seven Principals of Colleges maintained by the University who shall be nominated by rotation in the manner prescribed;
- (8) Two Principals of affiliated colleges to be nominated by the Senate by rotation."

Continued by successive Ordinances till Act 3 of 1993 was enacted the substitution of figure "6" (six) from "12" by Ordinance 39 of 1986 was again substituted to "5" by Ordinance 13 of 1987 (w.e.f.18.4.1987), but again substituted to "6" by the next Ordinance. 21 of 1987 (w.e.f.7.8.1987) and finally the last amendment continued till Act 3 of 1993 was enacted.

1. Subs. by Act 3 of 1990.

25. Powers and duties of the Academic Council.—The Academic Council shall be the Chief academic body of the University and shall—

- (a) subject to the powers conferred by or under this Act on the Vice-Chancellor and on the Syndicate, determine and regulate all academic matters concerning the University in accordance with this Act and the Statutes;
- (b) have the powers of superintendence and control over and be responsible for the maintenance of standards of instruction and education including the conduct of post-graduate teaching and the promotion of research work in the University;
- (c) exercise supervision and control over the conduct of teaching in the colleges in such manner as may be prescribed by the Statutes;
- (d) subject to provision of section 29, have powers of general control over the Examination Board, and may review the results of University Examinations; and
- (e) exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

26. The Faculties.—(1) The University, other than the Kameshwar Singh Darbhanga Sanskrit University, may include the Faculties of Arts, Science, Commerce, Medicine, Law, Education, Engineering and such other Faculties as may be prescribed by the Statutes:

Provided that no Faculty shall be created by the Senate in respect of any branch of learning for the instruction of which no provision exists in any department of the University or any of its colleges.

(2) Each Faculty shall, subject to the control of the Academic Council, have charge of the courses of studies, teaching and research work in such subjects as may be assigned to such Faculty by the Statutes.

(3) The total number of members of each Faculty shall not exceed such as may, from time to time, be prescribed by the Statutes.

(4) Subject to the provisions of sub-section (3) each Faculty shall consist of—

- (a) such number of members of the Senate as are teachers and as may be assigned to each Faculty by the Senate keeping in view the qualifications of such teacher members.
- (b) such members of the Senate as are not teachers, their number in any faculty not exceeding one-fifth of the total number of members of that Faculty, other than the Faculty of Agriculture, Engineering, Law, Medicine, Commerce or Veterinary Science and as may be elected from amongst and by the Senate in the manner prescribed by the Statutes:

Provided that in the case of the Faculty of Agriculture, Engineering, Law, Medicine, Commerce or Veterinary Science, the number of members of the Senate who are not teachers shall be such as may be prescribed by the Statutes; and

- (c) such number of members, to be co-opted as experts by the Academic Council from amongst persons who are not members of the Senate, as may be prescribed by the Statutes:

Provided that no person shall be a member of more than two Faculties.

¹(5) (i) *Dean of Faculty*.—(a) The Dean of Faculty shall be appointed by the Vice-Chancellor from amongst the University Professors and the Principals of the rank of University Professors for two years by rotation in the concerned faculty in the manner prescribed in the Statutes:

Provided that where there is no teacher or Principal of the rank of University Professor in the Faculty, the Dean of Faculty shall be appointed by the Vice-Chancellor in rotation for a term of two years from amongst the Heads of Department and the Principals of the rank of Readers in the manner prescribed by the Statutes:

Provided further that where there is no University Department in the Faculty, the Vice-Chancellor shall appoint a Principal of a College of a rank lower than the University Professor to be the Dean of Faculty by rotation for a term of two years in the manner prescribed in the Statutes.]

(b) For being appointed Dean of the Faculty it shall be necessary for the person concerned to be a teacher in the Faculty.

(c) A teacher appointed in accordance with the above provisions shall not be eligible for re-appointment as Dean unless the cycle of rotation prescribed according to the Statutes is completed and there is no other teacher eligible for appointment as Dean.

(d) The term of such Deans as are not eligible according to the provisions of this section shall cease with the enforcement of this Act and for that faculty a new Dean shall be appointed.

(ii) The Dean of Faculty shall be responsible to the Vice-Chancellor for teaching and research work in that Faculty.

(6) (i) Each Faculty shall comprise of such department of teaching as may be prescribed by the Regulations.

²[(ii)- subject to the provisions of this Act and the provisions of the statute made thereunder the Head of the Department shall be appointed by the Vice-Chancellor by observing, as far as possible, the principle of rotation. Such appointment's shall be reported to the syndicate of the University.]

³[(iii)- The Head of the Department shall hold office for a period of three years. A person shall not ordinarily be appointed as Head of the Department for a second consecutive term.

(iv)- The principal shall hold office for a maximum period of five years in one college.]

(7) Subject to the provisions of this Act, each Faculty shall have the following powers :-

(a) to constitute the Board of courses of study of the departments allotted to it, and

(b) to exercise such powers and perform such duties as may be prescribed by the Statutes.

Legislative changes (after 1982)—By Ordinance 29 of 1986 clause (i) of sub-section (5) of section 26 was substituted which continued by successive Ordinances till the passing of Act 3 of 1990. Prior to its substitution this clause read as follows:—

“(5) (i) *Dean of Faculty*.—(a) The Dean of Faculty shall be appointed by the Vice-Chancellor, by rotation in the manner prescribed by the Statutes from amongst University Professors or Principals in the rank of University Professor, for a period of two years:

Provided that if there be no University Professor or Principal in the rank of University Professor in the Faculty concerned, Head of a University Department in the rank of Reader may be appointed Dean of the Faculty by the Vice-Chancellor, by rotation in the manner prescribed by Statutes.

1. Subs. by Act 3 of 1990.
2. Subs. by Act 16 of 2008.
3. Ins. by *ibid*.

In case where there is no University Department, Principal of a college, below the rank of University Professor shall be appointed Dean of the Faculty, by the Vice-Chancellor, by rotation in the manner prescribed by the Statutes.

(b) For being appointed Dean of the Faculty it shall be necessary for the person concerned to be a teacher in the Faculty.

(c) A teacher appointed in accordance with the above provisions shall not be eligible for re-appointment as Dean unless the cycle of rotation prescribed according to the Statutes is completed and there is no other teacher eligible for appointment as Dean.

(d) The term of such Deans as are not eligible according to the provisions of this section shall cease with the enforcement of this Act and for that faculty a new Dean shall be appointed."

Subsequently in clause (ii) of sub-section (6) of section 26 words "Bihar Public Service Commission" were substituted by the words "Bihar State University (Constituent Colleges) Service Commission" by Ordinance 14 of 1993 and subsequently incorporated in Act 17 of 1993 which repealed Ordinance 14 of 1993.

27. Faculties of the Kameshwar Singh, Darbhanga Sanskrit University.—(1) The Kameshwar Singh Darbhanga Sanskrit University may include the following Faculties and such other Faculties, as may be prescribed by the Statutes—

- (i) Faculty of Vedas including *Agam, Tantra and karmkand*;
- (ii) Faculty of ¹[*Darshan*] including Budha, Jain and Western Philosophy;
- (iii) Faculty of astrology;
- (iv) Faculty of Ayurved including modern medicine;
- (v) Faculty of *Purans* including *Dharmshashtra*, History and Geography;
- (vi) Faculty of literature and linguistics and Faculty of Grammer together with languages other than Sanskrit;

(vii) Faculty of Sociology including Economics, Political Science and music: Provided that the Senate shall not create any Faculty in respect of any such branch of learning for which no teaching arrangement is available in any department of the University or in any of its colleges.

(2) Each Faculty shall, subject to the control of the Academic Council, have charge of the courses of studies, teaching and research work in such subjects as may be assigned to such Faculty by the Regulations.

(3) The total number of members of each Faculty shall not exceed such as may, from time to time, be prescribed by the Statutes.

(4) Subject to the provisions of sub-section (3) each Faculty shall consist of—

- (a) such number of members of the senate as are teachers and as may be assigned to each faculty by the Senate in accordance with the qualification of such teacher-members;
- (b) such number of members of the Senate, not exceeding one fifth of the total number of members of each Faculty as may be elected by or from the Senate in the manner prescribed by the Statutes; and
- (c) such number of members to be co-opted by the Academic Council from amongst persons who are not members of the Senate, as may be prescribed by the Statutes:

Provided that no person shall be a member of more than two Faculties.

(5) (i) *The Dean of Faculty*.—The Dean of Faculty shall be appointed by the Vice-Chancellor by rotation, in the manner prescribed by the Statutes, for a period of two years in the Faculty concerned from amongst ¹[University Professors and Principals, Directors in the rank of University Professors]. He shall not be eligible for re-appointment, unless there is only one University Department/college:

1. Subs. by Act 68 of 1982.

Provided that it shall not be necessary for appointment of a Principal, as the Dean of the Faculty, to be a teacher in the same Faculty.

Provided further that if there be no such Principal, then the senior teacher of that Faculty may be appointed as the Dean of Faculty.

(ii) The Dean of Faculty shall be responsible to the Vice-Chancellor for teaching and research work in that Faculty.

(6) There shall be as many teaching departments in each Faculty as may be prescribed by the regulations.

(7) Subject to the provisions of this Act, each Faculty shall have the following powers :—

- (a) to constitute Board of courses of study for the departments assigned to it;
- (b) to exercise such other powers and perform such other duties, as may be prescribed by the Statutes.

28. Departmental Council.—(1) There shall be a Departmental Council for each University Department and each college consisting of the following members—

- (i) the Head of the Department :
- (ii) all teachers of the Department :
- (iii) two students—one nominated by the Vice-Chancellor and the another by the Head of the Department for each academic year.

(2) The Departmental Council shall, from time to time, review the activities of the Department and suggest ways of its improvement.

This Council shall meet at least thrice in a year on dates to be appointed by the Head of the Department. In between its two meetings, there shall not be an interval of more than three months.

29. The Examination Board.—¹[(1) Subject to the provisions of the Regulation, advice shall be given in respect of conduct of examinations by the Examination Board. The Examination Board shall consist of the Vice-Chancellor as Chairman and Deans of the Faculties of Arts, Science and Commerce as members.

Provided that if the examination concerns any other faculty, the Dean of that Faculty shall be co-opted as a member for that meeting.]

(2) The Examination Board shall render advice to the Vice-Chancellor on conduct of examinations and appointment of examiners, setting and moderating question papers, preparation, moderation and publication of examination results, submission of such examination results to the Academic Council, and generally regulating the methods of improvement in the procedure of correct evaluation of achievements of students, and the Vice-Chancellor shall be competent to take final decision :

Provided that the Vice-Chancellor shall appoint the question setters and examiners from the panel submitted by the Examination Board.

²[Provided further that the Vice-Chancellor shall have power to order for re-evaluation of the answer books and in case he is satisfied that the evaluation of the answer or answer book has not been fairly done or evaluation has been done in violation of the University Statutes, Regulations, Rules or Orders.]

1. Subs. by Act 68 of 1982.

2. Ins. by Act 3 of 1990.

Legislative changes (after 1982)—Second Proviso was added to sub-section (2) of this section by Ordinance 39 of 1986 which continued by successive Ordinances till Act 3 of 1990 was enacted.

30. Holding of examinations.—(1) The examination of the University shall be held from such date, as may be appointed by the State Government by a notification in the official Gazette :

Provided that where the State Government is satisfied that it is not possible to hold examinations in accordance with the said notification, it shall, in consultation with the Vice-Chancellor, appoint revised dates of examinations and the revised dates shall be notified in the official Gazette.

(2) Results of examinations shall be published within sixty days of the completion of the concerned examination, which may be extended to a period beyond sixty days for reasons to be recorded in writing.

¹[(3) Person appointed for invigilation or any other related work in connection with the conduct of college or University examinations shall be deemed to be a public servant within the meaning of the Indian Penal Code, 1860.]

31. The Planning and Evaluation Committee.—(1) There shall be a Planning and Evaluation Committee for the purposes of preparing plan programme of development and improvements of the University and in its courses of study, examining and evaluating, from time to time, the progress achieved in such plans and programmes, testing and evolving new methods of teaching, and for consultation and exchange of informations with similar organisations, other Universities and research institutes for any of these purposes.

(2) The Committee shall consist of the following members :

- (a) Vice-Chancellor;
- (b) Pro-Vice-Chancellor;
- (c) one person to be nominated by the State Government;
- (d) three Deans of Faculties to be appointed in the manner as prescribed by the Statutes;
- (e) two members of the Syndicate to be nominated by it;
- (f) two members of the Academic Council to be nominated by it;
- (g) three heads of Departments to be nominated by the Vice-Chancellor every year, by rotation; and
- (h) two such members representing academic interests and professions, as may be co-opted by the Committee, either by rotation every year or according to subject or subjects, as may be required.

(3) The Registrar shall act as the Secretary to the Committee.

(4) The term of office of members, other than *ex-officio*-members, shall be of three year's duration, except where otherwise provided.

32. The Research Council.—²[(1) There shall be a separate Post-Graduate, Research Council in each faculty of the University for the registration and proper guidance of research work which shall work under the general control of the Academic Council.]

(2) The Post-Graduate Research Council shall consist of the following persons :—

- (a) the Vice-Chancellor;

1. Ins. by Act 68 of 1982.

2. Subs. by *ibid*.

- (b) the Pro-Vice-Chancellor;
- (c) the Dean of the concerned Faculty;
- (d) all University Professors of the concerned Faculties and heads of those Departments which have no University Professors; and
- (e) four teachers of the concerned Faculty to be nominated by the Vice-Chancellor in each academic year.

33. Other authorities of the University.— The constitution, powers and duties of such other authorities, as may be declared by the Statutes to be authorities of the University, shall be prescribed by the Statutes.

STATUTES, ORDINANCES, REGULATIONS AND RULES

34. The Statutes.— Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely;

- (a) the institution of Fellowship, Scholarships, exhibitions, medals and prizes ;
- (b) the designations and powers of the officers of the University ;
- (c) the constitution, powers, functions and duties of the authorities of the University;
- (d) the admission of educational institutions as colleges and the withdrawal of privileges from Colleges so admitted ;
- (e) the institution of Colleges and hostels and their maintenance and management ;
- (f) the classification of teachers of the University, the manner of their appointment and their recognition;
- (g) the constitution of pension, insurance or provident fund for benefit of the officers, teachers and other servants of the University, and the teacher of Colleges ;
- (h) the maintenance of the register of registered graduates ;
- (i) the number, qualification, grade, pay, reservation of posts for [scheduled castes, scheduled tribes, Backward Classes, women and economically weaker sections] and conditions of service of teachers, officers and other servants of the University including the creation of new posts after considering, as the case may be, the recommendations of the Academic Council and the Syndicate, in the case of creation of other posts, and the recommendation of the Syndicate, in the case of posts of officers and servants of the University;

²["Provided that the quota for reservation in aforesaid cases shall be determined, according to the provisions of the Bihar Act, No. 3, 1991 as amended from time to time) and in this regard Model Roster of one hundred points, issued from time to time by the Department of Personnel and Administrative Reforms Bihar shall be applicable."

- (j) the maintenance of accounts of the income and expenditure of the University including the income and expenditure of Colleges and the forms and registers in which such accounts shall be kept ;
- (k) the maintenance of a register of teachers;
- (l) the conferment of honorary degrees and distinctions;
- (m) all other matters which are or may be prescribed by the Ordinance or the Statutes.

35. No post for appointment shall be created without the prior sanction of the State Government.— Notwithstanding anything contained in this Act, no University or any College affiliated to such a University, except such College—

1. Subs. by Act 68 of 1982.
2. "Proviso" ins. by Act 12 of 2004.

(a) as is established, maintained or governed by the State Government; or

(b) as is established by a religious or linguistic minority;

¹[(i) After the commencement of this Act no teaching or non-teaching post involving financial liabilities shall be created without the prior approval of the State Government.]

(ii) shall either increase the pay or allowance attached to any post, or sanction any new allowance;

Provided that the State Government may, by an order, revise the pay scale attached to such post or sanction any new allowance.

(iii) shall sanction any special pay or allowance or other remuneration of any kind including *ex-gratia* payment or any other benefit having financial implication to any person holding a teaching or non-teaching post;

(iv) shall incur expenditure of any kind on any development scheme without the prior approval of the State Government.

(2) Notwithstanding anything contained in this Act, no College other than one mentioned in clauses (a) and (b) of sub-section (1), shall, after the commencement of this Act, appoint any person on any post without the prior approval of the State Government.

Provided that the approval of the State Government shall not be necessary for filling up a sanctioned post of a teacher for a period not exceeding six months, by a candidate possessing the prescribed qualification.

²(3) Any appointment or promotion made contrary to the provisions of this Act, or Statutes, Rules or Regulations made thereunder or made in irregular or unauthorised manner shall be invalid and shall be terminated at any time. The expenditure incurred by the University against such appointment or promotion shall be realised from the officer making such appointment or promotion as a public demand under the provisions of the Public Demands Recovery Act, 1914.]

Legislative changes (after 1982)—By Ordinance 4 of 1985 sub-clause (i) of clause (b) of sub-section (1) of this section was substituted which continued by successive Ordinances till Act 3 of 1990 was enacted. Prior to its substitution this sub-clause read as follows:—

“(i) shall, after the commencement of this Act, create any teaching or non-teaching post involving financial liability without the prior approval of the State Government;”

This section underwent amendments when sub-section (3) was added by Ordinance 14 of 1993 which read as follows:—

“(3) Any appointment or promotion made contrary to the provisions of the Act, Statutes, Rules or Regulations or in any irregular or unauthorised manner shall be invalid and shall be terminated at any time without notice. All expenditures incurred by the University in regard to such appointment or promotion shall be realised from the appointing officer as a public demand under the provisions of the Public Demand Recovery Act, 1914.”

Act 17 of 1993 which repealed Ordinance 14 of 1993 also retained the addition of Sub-section (3) but with certain changes.

36. Statutes how made.— (1) The Senate may, either on its own motion or on submission by the Syndicate, make Statutes, or amend or repeal it :

Provided that—

(a) the Senate shall not consider any statute having the effect of changing the number of post of teachers, officers and servants of the University, their pay scales or pay order; unless such a draft is recom-

1. Subs. by Act. 3 of 1990.

2. Ins. by Act 17. of 1993.

- mended by the Chancellor for the considerations of the Senate;
- (b) the Syndicate shall not propose any such statutes, as may affect the status, powers and constitution of any authority of the University, unless that authority has been allowed an opportunity to furnish written opinion upon the proposed changes, and the Senate shall have to consider such opinion expressed in writing; and
- (c) in matters relating to status, powers, functions and constitution of the Academic Council, it shall be lawful for the Academic Council to initiate such Statutes and forward it to the Syndicate, which shall submit it to the Senate with such recommendations as it may like to make.

(2) If the draft of any Statutes or a portion thereof, after being presented by the Syndicate before the Senate is sent back to the Syndicate for reconsideration, and the Syndicate does not agree, after reconsideration, to the amendments suggested by the Senate, then it shall be lawful for the Senate to pass the Statutes or a portion of the Statutes in such form as it may deem appropriate, and the decision of the Senate shall, subject to the provision contained in sub-section (3) and sub-section (4), be final:

¹[(3) Where the Senate has passed the draft of any Statute it shall be submitted to the Chancellor who shall declare that he assents thereto as passed by the Senate or with such amendments as he deems proper :]

Provided that the Chancellor may as soon as possible after the presentation to him of the draft of the Statute so passed for assent, return the draft together with a message requesting that the Senate shall reconsider the draft and when the draft is so returned, the Senate shall reconsider the draft accordingly and if the draft is passed again by the Senate with or without any amendment and is presented to the Chancellor for assent, the Chancellor shall declare either that ¹[he assents thereto with such amendments which he deems proper] or that he withholds assent therefrom :

²[x x x x]

(4) Where any member of the Senate proposes to the Senate of the draft of any Statute, the Senate shall refer the same to the Syndicate, and it shall thereupon be the duty of the Syndicate to consider the draft and the Syndicate may either recommend to the Senate that the proposal be rejected or submit the draft to the Senate in such forms as the Syndicate may approve, and the provisions of this section shall apply in the case of any draft so submitted as they apply in the case of the draft proposed to the Senate by the Syndicate.

(5) A Statute passed by the Senate shall have no validity until it has been assented to by the Chancellor.

³[(6) Notwithstanding anything contained in the above clauses, if at any time when the Senate is not in session and the Chancellor is satisfied that it is necessary to frame Statutes on any subject, the Chancellor after obtaining the advice of the Inter-University Board shall send the draft Statutes for opinion to the

1. Subs. by Act 68 of 1982.

2. Omitted by *ibid.*

3. Ins. by *ibid.*

Syndicate of the University and it shall be binding on the Vice-Chancellor to convene a meeting of the Syndicate for consideration of the drafts statutes within 10 days of receipt of the said draft. The Chancellor shall then give his assents to the Statutes with such amendments as may deem necessary in the light of the opinion of the Syndicate. The Statutes shall be deemed to have come into force in the University from the date of assent. Statutes framed in this manner shall be placed before the next meeting of the Senate for confirmation :

¹[Provided that if there be any financial implication which may arise under the statute, it shall not be enforceable unless prior approval of State Government has been obtained.]

²[(7) Notwithstanding anything contained in the above clause, if at any time, the Chancellor is satisfied that it is necessary to frame Statute of any subject of common interest, after obtaining the advice of the Committee of three Vice-Chancellors constituted by the Chancellor, shall send the Draft Statute to all the Vice-Chancellors for opinion, who shall send their opinion within ten days from the receipt of draft. The Chancellor shall give assent to the Statute with such amendment as he may deem necessary in the light of the opinion of the Vice-Chancellors. The Statute shall be deemed to come into force in the Universities from the date of assent:

Provided that the State Govt. may also suggest the Chancellor to frame Statute of any subject of common interest of all the Universities.]

37. Ordinances.— The Syndicate may, subject to the provision of this Act and Statutes, make Ordinance to provide for all or any of the following matters namely :—

- (a) the admission of students of the University and their enrolment as such ;
- (b) the conditions of residence of the students of the Colleges and the University, the levying of fees for residence in hostels maintained by the Colleges or recognised by the University and the recognition of hostels not maintained by the University, including the suspension or withdrawal of such recognition;
- (c) the fees to be charged for courses of study in the University and for admission to the examinations, degrees and diplomas of the University;
- (d) the constitution, powers and duties of the Committee of the University;
- (e) the inspection of colleges by any agency; and
- (f) all other matters which by this Act or the Statutes are to be or may be provided for by the Ordinance.

38. Ordinances, how made.— (1) An Ordinance made by the Syndicate under section 37 shall be submitted as soon as may be to the Senate, and thereupon it shall be the duty of the Senate to consider the Ordinance at its next meeting and the Senate may, by resolution passed by a majority of the members present and voting at such meeting, either reject the Ordinance or approve it with such modifications, if any, and from such date, as it may direct.

(2) Such an Ordinance approved by the Senate shall be submitted to the Chancellor who shall declare that he assents to the Ordinance.

(3) An Ordinance shall have no validity until it has been assented to by the Chancellor under sub-section (2).

1. Subs. by Act 16 of 2008.
2. Ins. by *ibid*.

¹[Provided that any ordinance having financial implication shall not be enforceable unless prior approval of State Government has been obtained.]

(4) Notwithstanding anything contained in sub-sections (1), (2) and (3), if at any time, except when the Senate is in session, the Syndicate makes an Ordinance and considers its immediate enforcement necessary, the Syndicate may recommend to the Chancellor accordingly and the Chancellor shall thereupon, by order published in the official *Gazette*, direct that the Ordinance shall come into immediate effect, but such Ordinance shall cease to have effect on the expiry of seven days from the date of the next meeting of the Senate unless confirmed by it.

39. Regulations, how made.—(1) Subject to the provisions of this Act, the Statutes and the Ordinance, Regulations may be made to provide for all or any of the following matters, namely—

- (a) the courses of study to be laid down for all degrees and diplomas of the University;
- (b) the condition under which students shall be admitted to the degree or diploma courses and to the examinations of the University and shall be eligible for such degrees and diplomas;
- (c) the formation of departments of teaching in the Faculties;
- (d) the conditions and mode of appointment and duties of examiners and the conduct of examinations;
- (e) the standard of teaching to be maintained in the colleges; and
- (f) all matters which by this Act, the Statutes or the Ordinances are to be or may be provided for by Regulations.

(2) (i) A Regulation made by the Academic Council under sub-section (1) shall be forwarded, as soon as may be, to the Syndicate for transmission to the Senate, and the Syndicate shall duly forward the same to the Senate with such recommendations, if any, as it may wish to make and shall have no power to return it to the Academic Council for reconsideration, unless such Regulation, in the opinion of the Syndicate relates to matters which directly or indirectly, affect the finances of the University.

²(ii) Such a regulation shall have effect from the date on which it has been assented to by the Chancellor on being passed by the Senate with or without amendment, or from any date fixed by the Chancellor :

Provided that at any time except when the Senate is in session, if the Academic Council makes a Regulation and considers its immediate enforcement necessary, the Academic Council may recommend through the Syndicate, to the Chancellor accordingly and Chancellor with such amendment as he think proper shall direct by a notification published in the *Gazette* that the Regulation shall come into immediate effect, but such a Regulation shall cease to be effective on the expiry of seven days from the date of the next meeting of the Senate, unless confirmed by the Senate :

Provided further that if any Regulation made by the Academic Council under the preceding proviso, involves expenditure from the University funds, the Regulation shall be forwarded to the Chancellor with the advice of the Financial Adviser.

¹[Provided that any regulation having financial implication shall not be Enforceable unless prior approval of State Government has been obtained.]

(3) Where the Syndicate has returned to the Academic Council a Regulation made by it and the Academic Council on reconsideration of the matter does not agree with the Syndicate the Academic Council may refer the matter to the Senate through the Syndicate and thereupon the Senate may either confirm the Regulation or amend or reject it.

1. Ins. by Act 16 of 2008.

2. Subs. by Act 68 of 1992.

40. Rules.—(1) The authorities and the Boards of the University constituted either under this Act or under the Statutes made thereunder may make Rules consistent with this Act, Statutes, the Ordinances and the Regulation for the following matters, namely :—

- (a) laying down the procedure to be observed at their meeting and the number of members required to form a quorum;
- (b) laying down the procedure to be observed by committees subordinate to any such authorities and the Board at their meeting and the number of members required to form a quorum;
- (c) providing for all matters which by this Act, the Statutes, the Ordinances or the Regulations are to be prescribed by Rules; and
- (d) providing for all other matters exclusively concerning such authorities, committees and Boards and not provided for by this Act, the Statutes, the Ordinances or the Regulations.

(2) Every authority of the University may make Rules providing for the giving of notice to the members of such authority of the dates of meetings and of the business to be considered at meetings and for the keeping of a record of the proceedings of the meetings.

(3) The Senate may direct the amendment, in such manner as it may specify, of any Rules made under this section or the annulment of any Rules made under sub-section (1).

41. ³[x x x]

42. Hostels.—Every hostel maintained by a College or approved and recognised by the University shall conform to such general and special conditions, as may be prescribed by the Ordinances.

43. The Students' Union.—(1) There shall be a union of students of the University consisting of all the students of Colleges and departments of the University.

¹[(2) The organisation and function of the University Students' Union shall be prescribed by the Statutes.]

44. Annual report of the University.— The annual report on the working of the University shall be prepared under the direction of the Syndicate and shall include the annual accounts of the University and shall be submitted to the Senate on or before such date, as may be prescribed by the Statutes, and shall be considered by the Senate at its annual meeting and the Senate may pass resolutions thereon and communicate the same to the Syndicate for such action, if any, as may be specified in such resolution :

Provided that no decision shall be taken on the annual accounts nor shall there be anything in the resolution on the annual report which have the effect of antcipating the report of the auditors on the annual accounts :

Provided futher that the report of annual account together with resolution, if any, of the Syndicate relating thereto shall be placed before the Legislature for consideration in its next session.

FINANCE, ACCOUNTS AND THE AUDIT OF THE UNIVERSITY.

45. Establishment of the University Fund. — ²[(1) There shall be a Fund in the name of the University referred in Section 3 of the Act to be called after the name of that University and the said Fund shall vest in the said University for the

1. Subs. by Act 68 of 1982.

2. Subs. by Act 17 of 1993.

3. Deleted by Act 21 of 2007

purposes of the Act, subject to the provisions contained therein, and the following amounts shall be credited to it, namely :—

- (a) all sums contributed or granted to the University from the Consolidated Fund of the State of Bihar by the State Government for the purposes of the University or for the purposes of the Colleges and all sums borrowed by the University for the purpose of carrying out the provisions of this Act and the Statutes, Ordinances, Regulations and Rules made thereunder;
- (b) all money received by and on behalf of the institution and departments established and maintained by the University including all sums paid to the University under any provision of this Act and the Statutes, Ordinances, Regulations and Rules made thereunder;
- (c) the balance amount as respectively standing, immediately before the commencement of this Act, to the credit of the Bihar University, the Bhagalpur University, the Ranchi University, the Magadh University, the Kameshwar Singh Darbhanga Sanskrit University, and the Lalit Narain Mithila University constituted and incorporated under the Bihar State Universities (the Bihar University, Bhagalpur and Ranchi) Act, 1960 (Bihar Act 14 of 1960), Bihar Act 4 of 1962, Bihar Act 21 of 1965 and the Lalit Narain University (Second) Ordinance, 1976;
- (d) all interests and profits arising from endowments made to the University and all contributions, donations and subsidies received from any local authority or private person;
- (e) all fees payable and levied under this Act and the Statutes, Ordinance and Regulations made thereunder; and
- (f) all other sums received by the University, not included in clauses (a), (b), (c), (d) or (e).

(2) The University Fund shall be kept in such scheduled bank within the meaning of the Reserve Bank of India Act, 1934 (II of 1934), or invested in such securities authorised by the Indian Trusts Act, 1882 (II of 1882), as may from time to time, be approved by the State Government.

(3) Nothing contained in this section shall in any way affect any obligation accepted by or imposed upon the Bihar University, the Bhagalpur University and the Ranchi University established by the Bihar Act 14 of 1960, or the Magadh University established by the Bihar Act 4 of 1962, or the Kameshwar Singh Darbhanga Sanskrit University established by the Bihar Act 21 of 1965, or Lalit Narain Mithila University established by the Bihar Ordinance no. 89 of 1976, by any declaration of trust executed by or on its behalf or by any scheme settled under the Charitable Endowments Act, 1890 (VI of 1890) for the administration of the trust in so far as such trust or scheme relates to the University or the College.

Legislative changes (after 1982)—Ordinance 14 of 1993 substituted sub-section (1) of this section which prior to its substitution read as follows:—

"(1) There shall be a Fund to be called the Bihar University Fund for the Bihar University, (2) a Fund to be called the Bhagalpur University Fund for the Bhagalpur University, (3) a fund to be called the Ranchi University Fund for the Ranchi University, (4) a fund to be called the Magadh University for the Magadh University, (5) a Fund to be called the Lalit Narain Mithila University Fund for the Lalit Narain Mithila University, and (6) a Fund to be called the Kameshwar Singh Darbhanga Sanskrit University Fund for the Kameshwar Singh Darbhanga Sanskrit Uni-

versity, and this Fund shall vest in the University for the purpose of this Act, subject to the provisions contained therein, and the following amounts shall be credited thereto, namely:—

(a) all sums contributed or granted to the University from the Consolidated Fund of the State of Bihar by the State Government for the purpose of the University or for the purposes of the College and all sums borrowed by the University for the purpose of carrying out the provisions of this Act and the Statutes, Ordinances, Regulations and Rules made thereunder;

(b) all money received by and on behalf of the institution and departments established and maintained by the University including all sums paid to the University under any provision of this Act and the Statutes, Ordinances, Regulations and Rules made thereunder;

(c) the balance amount as respectively standing, immediately before the commencement of this Act, to the credit of the Bihar University, the Bhagalpur University, the Ranchi University, the Magadh University, the Kameshwar Singh Darbhanga Sanskrit University, and the Lalit Narain Mithila Universities (the Bihar University, Bhagalpur and Ranchi) Act, 1960 (Bihar Act 14 of 1960), Bihar Act 4 of 1962, Bihar Act 21 of 1965 and the Lalit Narain Mithila University (Second) Ordinance, 1976.

(d) all interests and profits arising from endowments made to the University and all contributions, donations and subsidies received from any local authority or private person;

(e) all fees payable and levied under this Act and the Statutes, Ordinance and Regulations made thereunder; and

(f) all other sums received by the University, not included in clauses (a), (b), (c), (d) or (e)."

The substitution was retained by Act 17 of 1993 which repealed Ordinance 14 of 1993 with certain changes instead of naming various Universities the expression "Universities referred in Sec. 3" has been used).

46. Contribution by Government to the University.—(1) The State Government shall contribute annually to the University fund a recurring grant out of the Consolidated Fund of the State which shall include all expenses of recurring nature.

(2) The State Government shall calculate the amount of annual recurring grant in consultation with the Vice-Chancellor and the amount may be revised at the expiry of a period of every five years.

(3) The State Government may, from time to time, contribute such additional grants to the University funds, as it may deem fit having regard to the need of expansion and development of the University or the College.

47. Annual estimates of income and expenditure of Colleges and University.— (1) The Principal of every College shall prepare in the prescribed form an estimate of its probable income including income from endowments and bequests, if any, expenditure for the next ensuing financial year and the same shall be considered and sanctioned by the Governing body or managing committee of the College either without alteration or with such alteration, as it thinks fit and copy of the estimate so sanctioned shall be submitted by the College to the Vice-Chancellor on or before such date as may be prescribed by the Statutes.

(2) (i) On receipt of the estimate under sub-section (1) it shall forthwith be referred by the Syndicate to the Finance Committee for scrutiny and report. Thereupon the Finance Committee shall scrutinise every item of estimate and in particular the portion of the estimate relating to grants-in-aid to the College and submit alongwith a report to the Syndicate, as may be prescribed by the Statutes.

(ii) The Syndicate shall forthwith consider the estimate and the report of the Finance Committee and return the estimate to the College for rectification of defects therein, if any.

(3) The Finance Committee shall prepare the annual estimate of income and expenditure of the University for the next ensuing financial year and shall, on

or before the date as may be prescribed, forward the same together with the memorandum containing explanatory notes thereon to the Syndicate which may approve the estimates either without alteration or with such alteration as it thinks fit and the estimates so approved by the Syndicate shall be laid before the Senate at its annual meeting.

(4) Every estimate prepared under sub-section (3) shall in accordance with the direction given by the State Government, make provisions for the due fulfilment of all the liabilities of the University including the allotment of grants to the Colleges and for the efficient administration of the Act and the Statutes, the Ordinances, the regulations and the Rules made thereunder.

(5) Every estimate under this section shall be prepared in such form and shall contain such details as may be prescribed by the Statutes.

[48. Approval of the Budget by the State Government.—(1) Notwithstanding anything contained in this Act or the Statutes, University Ordinance or Regulation made thereunder, every University shall send its budget for every financial year to the State Government. The University shall show therein estimates of receipts and disbursement for the ensuing year. The State Government shall return the budget to the University with such modification as it may deem fit and the University shall act in conformity with such a modified and approved budget.

(2) At any time during the financial year, the University may send a supplementary budget to the State Government and the State Government shall return the budget to the University with such modifications and approval as it may deem proper.

(3) No expenditure shall be incurred by any University unless such an expenditure has become a part of the budget as finally approved under sub-section (1) or (2)]

[संकल्प सं० 14/बी 104-86 शि० - 575 दिनांक 31 मार्च 1986]

विषय :— विश्वविद्यालय के वार्षिक आवर्ती आय-व्यय की जाँच सम्बन्धी प्रक्रिया का निर्धारण ।

विश्वविद्यालयों के वार्षिक आवर्ती आय-व्ययकों को वर्तमान में बिहार राज्य विश्वविद्यालय एवं पटना विश्वविद्यालय अधिनियम, 1976 में विहित प्रावधानों के अन्तर्गत वित्त समिति, सिंडीकेट एवं सिनेट के अनुमोदन से बनाया जाता है एवं इस प्रकार तैयार किया गया आय-व्ययक राज्य सरकार के अनुमोदनार्थ प्रस्तुत किया जाता है ।

(2) चूँकि राज्य सरकार को प्राप्त आय-व्ययक की सम्यक जाँच पूर्व अभिलेखों के अभाव में करने में कठिनाइयों का अनुभव करना पड़ता है तथा विश्वविद्यालयों द्वारा तैयार किये गये आय-व्ययक में कई तकनीकी खामियाँ रहती हैं, अतः निर्णय लिया गया है कि वार्षिक आवर्ती आय-व्ययक सिंडीकेट से पारित होने के पूर्व एवं सिनेट में उपस्थापित करने के पूर्व निर्मांकित त्रिसदस्यीय समिति के समक्ष समीक्षार्थ उपस्थापित किया जायगा :—

1. सचिव, वित्त विभाग, बिहार सरकार, पटना ।
2. सचिव, शिक्षा विभाग, बिहार सरकार, पटना ।
3. सम्बन्धित विश्वविद्यालय के कुलपति ।

(3) उपर्युक्त त्रिसदस्यीय समिति द्वारा प्रारूप आय-व्ययक की समीक्षा के लिये राज्य सरकार या सम्बन्धित विश्वविद्यालय के किसी भी कर्मचारी या अधिकारी से सहायता प्राप्त कर किया जा सकेगा ।

(4) त्रिसदस्यीय समिति के समीक्षोपरान्त तथा संशोधित तथा उपान्तरित आय-व्ययक को

सिंडिकेट, सिनेट के सामने अनुमोदनार्थ रखा जायगा एवं सिनेट के द्वारा पारित बजट अधिनियम की धारा 48 के तहत राज्य सरकार के अनुमोदनार्थ यथावत भेजा जायगा। राज्य सरकार प्राप्त आय-व्ययकों को यथावत अथवा ऐसे उपान्तरणों के साथ जो वह करना उचित समझती है, विश्वविद्यालय को वापस कर देगी और विश्वविद्यालय इस प्रकार यथा अनुमोदित अथवा उपान्तरित बजट के अनुरूप कार्य करेगा।]

49. Consideration of estimates by the Senate.— The Senate shall consider every estimate laid before it under sub-section (3) of section 47 and shall sanction the same, either without alteration or with such alterations as it may think fit.

50. Restriction on expenditure not included in the Budget.—(1) No sum shall be spent by or on behalf of the University unless the expenditure thereof is included in the current budget estimates or can be met, with the previous approval of the State Government, by reappropriation or by drawing upon the closing balance.

(2) The closing balance shall not be reduced below such amount as may be prescribed by the Statutes.

51. Objects to which the University fund may be applied.— The University Fund shall be applicable to the following objects—

- (a) to the re-payment of debits incurred by the University for the purposes of this Act and the Statutes, the Ordinance, the Regulations and the Rules made thereunder;
- (b) to the upkeep of department established by the University, hostels maintained by it and Colleges transferred to it;
- (c) to the payment of the salaries and advances of officers, teachers and other servants of the University, and of any provident fund contributions to any such officers, teachers and other servants;
- (d) to the payment of the travelling and other allowances of the members of the Senate, the Syndicate, the Academic Council and any other authorities of the University, or the members of any Committee or Boards appointed in pursuance of any provisions of this Act and the Statutes, the Regulations and the Rules made thereunder;
- (e) to the making of grants to the Colleges and other institutions;
- (f) to the payment of the cost of audit of the University fund under section 52 and of the cost of audit of the accounts of any College under section 53.
- (g) to the payment of expenses of any suit or proceeding to which the University is party;
- (h) to the payment of any expense incurred by the University in carrying out the provisions of this Act and the Statutes, the Ordinance, the Regulation and the Rules made thereunder; and
- (i) to the payment of any other expense, though not specified in any of the preceding clauses, but declared by the Senate to be the expense for the purpose of the University.

52. Account and audit of the University Fund. —¹[(1) (a) Financial Adviser of the University shall prepare the Annual Budget according to the direction of the Vice-Chancellor. In the annual budget of the University, there shall be mention of income from all sources and all items of expenditure.

1. Subs. by Act 68 of 1982.

(b) The audit of the annual budget of the University shall be done every year by the auditors appointed by Accountant-General, Bihar.]

(2) A copy of the annual accounts of the University together with the auditor's report thereon shall be submitted by the Syndicate, within six months of the receipt of the report, to the State Government, the Chancellor and the Senate and the Chancellor shall cause the same to be published in the official gazette.

(3) (i) Within six months of the receipt of the auditor's report under subsection (2) the Senate shall appoint an ad-hoc- Committee consisting of the Examiner of Local Accounts, Bihar, and eight such members of the Senate as are not members of the Syndicate.

(ii) The said Committee shall be known as the University Audit Committee and shall have power, for the purpose of examining the auditor's report to call for explanations from the controlling and disbursing officers and it may—

(a) suggest ways and means to avoid in future any misuse of the University Fund or irregularity in the accounts of the University;

(b) suggest the recovery of any sum on account of any payment contrary to law from a University authority, officer or servant or from any person making or authorising such payment, or the recovery of the amount of any loss or deficiency from the person responsible therefor or any amount which ought to have been but which is not brought into account from the person failing to account for such amount.

(4) The auditor's report together with the report of the University Audit Committee thereon shall be submitted to the Senate and the State Government for such action as they think fit.

(5) It shall be lawful for the State Government either on the suggestion of the University Audit Committee or on its own motion to require any authority, officer or servant of the University or any person who is found to have spent or authorised the expenditure of any amount in excess of the amounts provided in the budget or in violation of any provision of the Act, the Statutes, Ordinances, Regulations or Rules or is found to have failed to account for any amount, to reimburse the amount in the manner prescribed in the Statutes :

Provided that no order for reimbursement shall be made until the authority, officer, servant or the person concerned has been given a reasonable opportunity, of making a representation and the same has been considered by the State Government.

¹[(6) If the State Government is satisfied that an amount has been paid in an irregular manner and if the amount is not reimbursed within a specified period, this amount shall be deemed to be a public demand and shall be recoverable according to the provisions of the Bihar Public Demands Recovery Act, 1914.]

53. Audit of accounts of Colleges.—(1) The accounts of every College shall be audited and examined annually by a qualified accountant appointed as auditor by the Syndicate.

(2) The auditor may, by written notice, require any person responsible for the preparation of accounts either to appear before him in person or to produce any document to enable the auditor to obtain such information as he may consider

necessary for the proper conduct of the audit.

(3) After completing the audit, the auditor shall submit his report to the Syndicate :

Provided that the Auditor may submit an interim report at any time he thinks fit.

(4) The cost of the audit of the accounts of a College shall be met from the University Fund.

54. Power of the State Government to have accounts of the University or College audited.— If it considers necessary, the State Government may cause the accounts of the University or any College to be audited by such agency as it thinks fit and on receipt of the audit report it may, after calling for a report from the University or College on the points raised therein and after considering the same, issue such directions as it thinks fit and thereupon the University or the College, as the case may be, shall comply with such directions within the time specified therein.

55. The Finance Committee.—(1) The Finance Committee shall consist of ¹[the Vice-Chancellor as Chairman and Financial Adviser as member], an officer of the State Government not below the rank of a Deputy Secretary to be nominated by the State Government and four such other members, as are not members of the Syndicate, to be elected by and from amongst the members of the Senate in the manner prescribed by the Statutes.

(2) The term of office of members other than the *ex-officio* members shall be for a period of three years with effect from the respective dates of their election and shall include any further period which may elapse between the expiration of the said three years and the date of the next succeeding election not being an election to fill up any casual vacancy.

(3) The Finance Committee shall—

- (a) advice the University on any question affecting its finances;
- (b) prepare the annual estimates of income and expenditure of the University including the estimates of the departments of the University and of the Colleges maintained by it;
- (c) subject to statutes, have power to scrutinise the estimates of the colleges;
- (d) subject to Statutes, have power to scrutinise every item of new expenditure not provided for in the Budget estimates of the University;
- (e) be responsible for the strict observance of the Statutes relating to the maintenance of accounts of income and expenditure of the University; and
- (f) discharge such other functions of financial nature as may, from time to time, be prescribed by the Statutes or entrusted to it by the Senate or the Syndicate.

56. Inspection of Colleges.—(1) Every affiliated College shall furnish such reports, returns and other information as the Syndicate, after consulting the Academic Council, may require, to enable it to evaluate the efficiency of the College.

(2) The Syndicate shall cause every such College to be inspected from time to time.

1. Subs. by Act 68 of 1982.

(3) The Syndicate may call upon any College so inspected to take, within a specified period, such action as may appear to it to be necessary in respect of any of the matters specified in any Statutes made under clause (d) of section 22 or under section 34.

¹["57 Appointment to the post of teachers in Universities and their constituent Colleges.

(1) (i) Subject to the provision mentioned in this Act and Statutes as far as possible the Commission shall perform the same function in respect of the appointments to the sanctioned posts of the teachers of Universities as are assigned to it by Article 320 of the Constitution of India in relation to the State Service.

(ii) The Commission on the recommendation of the State Government may organise an eligibility test to be called "State Eligibility Test" for appointment to the posts of Teacher (Assistant Professor) in the Universities and Constituent/Affiliated colleges under them. In this behalf, Commission shall invite subjectwise applications only from such candidates who have obtained the qualifications prescribed in the UGC Regulations, 2010 or as may be prescribed by the University Grants Commission from time to time;

Provided that, such test shall be conducted by the Commission in the light of the order issued by the State Government in conformity with the Regulations made by the University Grants Commission.

(iii) Every year the Commission shall invite subject wise applications for appointment to the posts of Teacher (Assistant Professor) in the Universities and their constituent College only from such candidates who have passed the National Eligibility Test Conducted by the University Grants Commission/Council for Scientific and Industrial Research/State Eligibility Test and obtained minimum qualifications prescribed by the University Grants Commission Regulations, 2010 or as may be prescribed from time to time;

²[x x x]

(iv) The subject wise vacancies including the presumed vacancies of the next calendar year alongwith the Reservation roster shall be forwarded to the Commission by the Universities upto thirty first December every year.

(v) The University shall make appointments to the posts of Teacher, duly sanctioned and communicated by the State Government, only on the recommendation of the Commission and no appointment to the post of teachers shall be made by the University without the recommendation of the Commission. Commission shall comply with the conditions laid down in this Section for making recommendations for appointment to the posts of teachers of the University according to their need.

(vi) The commission shall prepare a subjectwise merit list against the vacancies communicated by the University on the basis of the interview from among the

1. Ins. by Act 17 of 2013.

2. Deleted by Act 11 of 2017.

candidates applied for under clause (iii). The subject wise list shall contain the names of the candidate in order of merit double in number of the vacancies, however the commission shall forward only one name at a time to the University for appointment against vacancy;

Provided that, the commission shall recommend the names to the University in order of merit and on the basis of reservation roster sent by the University in conformity with the laws applicable to reservation in appointments in the State. Notwithstanding anything contrary to provision of this Act, Statute, the reservation policy prevalent in the Bihar State shall be applicable to all the appointments.

(vii) All the proceeding of the Commission shall be completed on daily-basis itself, which includes minutes of the meeting, the list of the candidates on the basis of merit. The records pertaining to the merit list shall be signed by the commission and the merit list of subject concerned shall be finalized on the last day of the interview of that subject.

(viii) The merit list prepared by the Commission shall be valid for one year from the date of its issue. On receipt of the recommendations of the Commission under clause (vi) the University shall make appointments per the recommendations of the commission within six months from the date of its receipt.

(ix) In respect of appointment, dismissal, removal, termination of service or demotion of teacher of the University and Constituent College, the University shall take action in consultation with the Commission in prescribed manner.

(x) The Board for selection of candidates for appointments to the posts of teachers of the University Departments and constituent Colleges shall be constituted by the commission in view of the directions communicated by the State Government in conformity with the provisions prescribed in the regulations and circulated by the U.G.C. from time to time;

Provided that at least three experts of the subjects concerned shall attend the meeting of Board organised for making recommendations for appointment.

¹[(2) (i) Subject to the provisions of this Act and the Statutes, the Bihar State University (Constituent Colleges) Service Commission shall, as far as may be, perform, in respect of appointment to the post of ⁴[Principal] and officers (other than Vice-Chancellor, Pro-Vice-Chancellor and the Dean of Faculty) of the University the same functions as are assigned to the State Public Service Commission in respect of the State Services under Article 320 of the Constitution of India.

³[Provided that if there is no representation of Woman or extremely backward class (Schedule-1) or both in the selection committee then it may be open to the State Government to nominate additional members from amongst Women or extremely backward class (Schedule-1) or both as the case may be.]

²[(2) (a) The Bihar State Universities (Constituent Colleges) Service Commission shall hold every year a qualifying test for appointment of

1. Subs. by Act 3 of 1990 (Renumbered as (2) by Act 17 of 2013).

2. Subs by Act 12 of 1995.

3. Ins. by Act 16 of 2008.

4. Subs by Act 17 of 2013.

Lecturers in the University/Constituent Colleges/ Affiliated Colleges which shall be known as the Bihar Eligibility Test. For this purpose it shall invite subjectwise application from only such candidates who fulfil the prescribed qualifications as laid down in the Statute framed in this regard.

However, such test shall be conducted having regard to any regulation framed or direction issued by the University Grants Commission in this regard;

- (b) For appointment of lecturers in the University and the Constituent Colleges the Commission shall invite applications from candidates who have passed the Bihar Eligibility Test and/or have cleared the Eligibility Test for lecturership/Junior Research Fellow conducted by the University Grants Commission/Council for Scientific and Industrial Research and/ or have already been awarded Ph.D. degree in the relevant subject and/or have already submitted Ph.D. thesis upto 31st December, 1993 and/or have already been awarded M.Phil. degree by 31st December, 1992 and on the basis of interview shall prepare subjectwise merit list against the vacancies notified by the University/Constituent Colleges and such list shall remain valid for a period of one year from the date of its approval. The subjectwise merit list shall consist of twice the number of vacancies, but the Commission shall send in order of merit only one name at a time to the University for appointment against a single vacancy :

Provided that the Commission shall recommend names to the University from the merit list in conformity with the reservation roster prepared and sent by the University in accordance with the law relating to reservation in appointment in force in the State:

- (c) The vacancies including the likely vacancies in the next calendar year along with the reservation roster shall be intimated to the Commission by the University by 31st of December every year.
- (3) In making recommendations for appointment to every post of³[Principal] and officer, the Bihar State University. (Constituent Colleges) Service Commission shall fulfil conditions contained in Section 58 of the Act.

¹[(4)- "Three expert not connected with the University to be nominated by the Vice-Chancellor from a panel of not less than ten names approved by the Academic Council for each post out of which, at least one member should belong to Scheduled Caste/Scheduled Tribes and two members shall be from out-side the State. The Academic Council shall send name of not less than two members belonging to Scheduled Caste/Scheduled Tribes category.]

²[(5) Notwithstanding anything to the contrary contained in this Act, or Statutes, Rules or Regulations made under it, the law relating to reservation in force in the State shall apply to all appointments.]

1. Subs. by Act 16 of 2008

2. Ins by Act 17 of 1993

3. Subs by Act 17 of 2013.

Legislative changes (after 1982)—This section prior to its substitution by Ordinance 4 of 1985 read as follows:—

“ शिक्षकों और पदाधिकारियों के पदों पर नियुक्ति—(1) इस अधिनियम और परिनियमों के उपबन्धों के अधीन रहते हुए राज्य लोक-सेवा आयोग (कुलपति, प्रतिकुलपति और संकायाध्यक्ष से भिन्न) विश्वविद्यालय के शिक्षकों और पदाधिकारियों के पदों पर नियुक्ति के सम्बन्ध में यथासंभव उन्हीं कृत्यों का पालन करेगा, जो उसे राज्य सेवाओं के सम्बन्ध में भारत-संविधान के अनुच्छेद 320 द्वारा सुपुर्द किए गये हैं ।

(2) बिहार लोक सेवा आयोग सभी विश्वविद्यालयों में प्राध्यापकों की नियुक्ति हेतु लिखित प्रतियोगिता परीक्षा के आधार पर एक पैनल (नामिका) तैयार करेगा और उसी पैनल (नामिका) से प्राध्यापकों की नियुक्ति की जाएगी ।

(3) विश्वविद्यालय के शिक्षक अथवा पदाधिकारी के प्रत्येक पद पर नियुक्ति के लिए अनुशंसा करने में राज्य लोक सेवा आयोग इस अधिनियम की धारा 58 में अन्तर्विष्ट शर्तों का पालन करेगा ।

(4) ऐसे शिक्षकों की नियुक्ति जिसके लिए इस अधिनियम में दूसरा प्रावधान नहीं किया गया है, उसकी नियुक्ति बिहार कालेज सेवा आयोग की अनुशंसा पर की जायेगी ।”

The above substitution continued by successive Ordinances till the passing of Act 3 of 1990. Later on in 1993 by Ordinance 14 of the 1993 the existing sub-sections (3) & (4) were renumbered as sub-sections (4) & (5) and a new sub-section (3) was inserted as follows:—

“(3) Notwithstanding anything to the contrary contained in the Act, Statutes, Rules or Regulations, the policy of reservation in the State of Bihar shall apply to all appointments.”

Act 17 of 1993 which repealed Ordinance 14 of 1993 while substituted sub-section (2) it re-arranged the sub-sections according to which the earlier added new sub-section (3) by Ordinance was repositioned as no. (5) as sub-section (5). Thereby the existing sub-sections (3) & (4) which were re-numbered as (4) & (5) by Ordinance took back their original position by Act 17 of 1993.

Sub-section (2) (as it existed after substitution of sec. 57 by Act 3 of 1990) read as follows:—

“(2) बिहार राज्य विश्वविद्यालय (अंगीभूत महाविद्यालय) सेवा आयोग सभी विश्वविद्यालयों तथा उनके अंगीभूत महाविद्यालयों में विभिन्न कोटि के शिक्षकों एवं पदाधिकारियों की नियुक्ति हेतु आयोजित साक्षात्कार के आधार पर प्रत्येक विश्वविद्यालय के लिये एक-एक पैनल (नामिका) तैयार करेगा । शिक्षकों के लिए विषयानुसार यह पैनल बनाया जायेगा और उसी पैनल से विभिन्न विश्वविद्यालयों एवं महाविद्यालयों के शिक्षकों तथा पदाधिकारियों की नियुक्ति की जायेगी ।”

Vide Act 17 of 1993 this sub-section (2) read as follows:—

“(2) (a) The Bihar State University (Constituent Colleges) Service Commission shall invite subjectwise applications for appointment of teachers in the University, and on the basis of examination and interview held, shall prepare subjectwise Merit List of candidates for appointment against vacancies in all the Universi-

ties and its Colleges. The list so prepared shall be valid for a period of one year from the date of its approval by the Commission. The subjectwise merit list shall consist of one and half times the number of vacancies notified by the Commission. The vacancies including the likely vacancies in the next calendar year along with its reservation roster shall be intimated to the Commission by the University by 31st of December every year. The Commission shall recommend names from the merit list in conformity with the reservation roster prepared and sent by the Universities in accordance with the law relating to reservation in appointments in force in the State. Such names shall be recommended to the University in order of preference of the candidates, to the extent possible.

- (b) The Officers of the Universities, unless otherwise expressly provided under this Act, shall be appointed from the list recommended to the Universities by the Commission as provided in clause (a)."

Subsequently by Ordinance 6 of 1994 the word "teacher" in clause (a) of sub-section (2) was substituted by the word "lecturer".

Yet another Ordinance 22 of 1994 was promulgated at that time by which sub-sections (2) & (4) were substituted and it continued by successive Ordinances till the passing of Act 12 of 1995. Sub-section (4) prior to its substitution by Act 12 of 1995 read as follows:—

"(4) संबद्ध महाविद्यालयों के शिक्षकों की नियुक्ति बिहार कालेज सेवा आयोग के अनुरासा पर की जायगी।"

¹[**"57 A-Procedure of selection to be prescribed by the statute—**(1) Subject to the provisions of this Act and Statutes made thereunder, for appointment of teachers in such affiliated Colleges, which are not governed by the State Government or not funded by the Universities, the applications from the candidate fulfilling the qualifications prescribed under clause (iii) of sub-section (1) of section 57 of this Act shall be invited by the Governing Body of the College concerned. The selection shall be processed by the Selection Committee constituted by the University under the provisions contained in section 57B of this Act.

(2) In making recommendations on the basis of interview of the candidates

holding the above mentioned qualifications the rules or reservation shall be adhered by the Selection Committee.

(3) The recommendation made by the Selection Committee shall remain valid for one year from the date of the recommendation. Within six months from the date of recommendation of the Selection Committee; the College administration shall process the appointment/promotion in order of preference laid down by the Selection Committee.

(4) With regard to the appointment, promotion, dismissal, discharge, removal from service and termination of service or demotion of teachers in affiliated Colleges, the action shall be taken in the manner prescribed after making consultation with the above mentioned Selection Committee.

(5) The appointments, promotions, dismissal, removal and termination of service of teachers in the minority colleges affiliated on the basis of religion and language may be made and disciplinary action against them shall be taken by the governing body of those colleges with the approval of the Selection Committee constituted by the University;

Provided that, where the order concerned is limited to only ensure, withholding increment, against a teacher or his/her suspension till the investigation of charges, in such cases the consultation with the Selection Committee shall not be necessary.

²“(6) Subject to this Act, the Selection Committee shall complete the scrutiny of the cases of the teacher's appointed without the recommendation of the Bihar College Service Commission prior to 19.4.2007 in the Affiliated Degree Colleges on the basis of the qualifications enforced at time of the appointment of such teachers till 31.3.2018. Otherwise such appointments will not be treated valid. Thereafter the Governing Body of the college will accept the names recommended by the Selection Committee, which shall be finally approved by the concerned University.

Distribution of grant amount sanctioned by the State Government till 31.3.2018 shall be made amongst the teachers working in the concerned Affiliated Degree Colleges by its Governing Body.”

Legislative changes (after 1982)—In this section clause (c) of sub-section (2) was substituted by Ordinance 4 of 1985 which continued by successive Ordinances till Act 3 of 1990 was enacted. Prior to its substitution, this clause read as follows:—

“(c) The consent of University Service Commission shall not be required for the merger of services of teacher of affiliated colleges appointed against the posts created by the Governing Bodies before the formation of the College Service Commission and whose services are approved by the Governing Bodies on the recommendation of University Service Commission/College Service Commission. Service of such teachers shall be merged in the University Service, as they are, from the date of conversion shall be determined in accordance with the procedure laid down in the Statutes.”

1. Ins. by Act 16 of 2015.

2. Subs. by Act 20 of 2017.

1["57 B. Constitution of Selection Committee.

(1) The Selection Committee for appointment to the posts of Assistant Professor, Principal in affiliated colleges shall be constituted by the University as follows:—

(i) The Chairman of the governing body of the college or the person nominated by the governing body, who being one of its members, shall be the Chairman of the Selection Committee.

(ii) Principal of the College.

(iii) Head of the department of the faculty concerned in the College.

(iv) Three experts, not below the rank of professor and two out of them should be experts of the subject, shall be nominated by the Vice-chancellor of the concerned University. In case of such colleges, which have been notified/declared as minority educational institution, three persons nominated on behalf of the Chairman of the College who shall be from the list of five persons preferably from the minority community and who have been recommended by the Vice-Chancellor of the University concerned from the panel of experts proposed by the Academic Council of the University concerned and three persons out of them should be subject experts.

(v) The Governing body of the College may nominate two such subject experts who are not connected with that college and those persons have been recommended by the Vice-Chancellor out of the panel of Subject Experts approved by the Academic Council of the University Concerned.

(vi) An academician representing SC/ST/OBC/Minority/Women/Differently-abled categories, if any of candidates representing these categories is the applicant, to be nominated by the Vice-Chancellor, if any of the above members of the selection committee do not belong to that category.

(vii) presence of five members of the Selection Committee, which shall include three subject experts, shall form the quorum for the meeting or the Selection Committee.

1["58. Implementation of Selection Procedure:—Notwithstanding any thing contained in any provisions of this Act, Statute or any other laws for the time being in force, the Selection Committee constituted under section 57(i) and 57B shall be bound to follow the procedure under this Act."

Legislative changes (after 1982)—Ordinance 4 of 1985 (w.e.f.6.2.1985) brought following changes in this section:

(1) Substitution of sub-sections (2) (a) (i), (2) (b) (i) and (3) (b) ;

(2) for the words "Bihar Public Service Commission" and "Commission" the words "Bihar University (Constituent Colleges) Service Commission" shall be substituted;

(3) Insertion of new sub-section (9)

Prior to their substitution by Ordinance 4 of 1985 sub-sections (2) (a) (i), (2) (b) (i) and (3) (b) read as follows:

"(2) (a) (i) विश्वविद्यालय प्राचार्य से अन्यून पॉक्त का सम्बन्धित विषय का विभागाध्यक्ष :

परन्तु विश्वविद्यालय में ऐसा कोई शिक्षक नहीं हो तो अन्य विश्वविद्यालयों के उस विषय का विभागाध्यक्ष जो विश्वविद्यालय प्राचार्य से अन्यून कोटि का हो ।"

"(2) (b) (i) विश्वविद्यालय प्राचार्य से अन्यून पॉक्त का सम्बन्धित विषय का विभागाध्यक्ष :

परन्तु विश्वविद्यालय में ऐसा कोई शिक्षक नहीं हो तो अन्य विश्वविद्यालय के उस विषय का विभागाध्यक्ष जो विश्वविद्यालय प्राचार्य से अन्यून कोटि का हो ।"

"(3) (b) आयोग का यह कर्तव्य होगा कि महाविद्यालय के सम्बन्ध में किये कृत्यों का वार्षिक प्रतिवेदन विश्वविद्यालय को भेजेगा। प्रतिवेदन की प्रति सिनेट की आगामी बैठक में प्रस्तुत की जाएगी और विश्वविद्यालय सिनेट की टीका टिप्पणी के समय यदि कोई हो तो, उसे राज्य सरकार को अग्रसारित करेगा और राज्य सरकार उसे विधान मंडल के समक्ष प्रस्तुत करेगी ।"

After their substitution by Ordinance 4 of 1985 the above clauses and sub-section (9) read as follows:—

"(2) (a) (i) "Seniormost teacher of the subject concerned not below the rank of University Professor."

"Provided further that the expert shall be Principal of the rank of University Professor for the appointment of Principal of the rank of University Professor."

"Provided that for the appointment of Principal of the rank of University Professor, one shall be a Vice-Chancellor/ex-Vice Chancellor of the outside University from amongst the said three Specialists/Experts."

"(2) (b) (i) Seniormost teacher of the subject concerned not below the rank of University Professor."

"Provided further that the expert shall be a Principal of the rank of University Professor for the appointment of the Principal of the rank of Reader."

"If the Syndicate/Governing Body does not accept the recommendation made by the Commission it shall record its reasons in writing and forward the case for order to the Chancellor and the order of the Chancellor shall be final and binding."

"(9) Notwithstanding anything contained in the Act purely temporary appointment on a post of Lecturer, duly sanctioned by the State Government may be made for a maximum period of six months or till the end of session (whichever is earlier) on the recommendations of the following Selection Committee constituted under the chairmanship of Vice-Chancellor:—

(1) Vice-Chancellor—*Chairman.*

(2) University Professor of the subject concerned (the seniormost teacher of the rank of University Professor) *Member*.

(3) An expert of the rank of the University Professor to be nominated by the Chancellor-*Member*.

(b) In any case the lecturer appointed on temporary basis as aforesaid, shall neither continue in service nor be re-appointed on the expiry of the said period of six months. Such appointment shall be made only once and for a maximum period of six months."

Ordinance 39 of 1986 (w.e.f.17.12.1986) brought further changes as follows:—

"Amendment of section 58 of Bihar Act 23, 1976.—In the said Act in section 58.—

(i) in sub-sections (1) and (5) for the word, "Syndicate" the word "Vice-Chancellor" shall be substituted.

(ii) in sub-section (6) for the word "Vice Chancellor/Syndicate" the word "Vice-Chancellor" shall be substituted."

The above changes continued till enactment of Act 3 of 1990.

Again in 1993 by Ordinance 14 of 1993 changes were introduced in this section as follows:—

"(10) Notwithstanding anything to the contrary contained in the Act or Statutes, rules or regulations all promotions given on temporary basis to the post of Readers or Professors or Principals or the Officers of the University shall be valid for not more than six months unless recommended by the Bihar State University (Constituent Colleges) Service Commission :

Provided that all relevant records and papers concerning such promotions shall be sent to the Commission by the University within a period of one month from the date of such temporary promotion, otherwise, it shall cease to be operative after lapse of one month from the date of such promotion."

However, Act 17 of 1993 which replaced Ordinance 14 of 1993 introduced new amendments and retained insertion of sub-section (10) but without its proviso, as follows:—

"Amendment of Section 58 of Bihar Act 23 of 1976—In Section 58 of the said Act:—

(i) In sub-section (2) clause (d) shall be deleted and clause (e) shall be renumbered as clause (d).

(ii) In sub-section (3), clause (a) shall be deleted and clause (b) shall be renumbered as sub-section (3).

(iii) For sub-section (4) the following shall be substituted namely:—

"(4) Appointment to the posts of teachers and officers shall be made on the recommendations of the Commission unless otherwise provided under the Act"

(iv) After sub-clause (3) of Clause (a) of sub-section (9), the following new sub-clause shall be inserted, namely:—

"(4) A member of the Scheduled Castes/Scheduled Tribes/Other Backward Classes having academic, entrest to be nominated by the State Government—*Member*."

(v) After sub-section (9), the following new sub-section shall be added, namely:—

"(10) Notwithstanding to the contrary contained in this Act or Statutes, Rules or Regulations made thereunder promotion given on temporary basis to the post of Reader or Professor or Officers of the University shall not be valid for a period exceeding six months unless recommended by the Bihar State University (Constituent College) Service Commission."

In 1996 by Ordinance 6 of 1996 (w.e.f.6.8.1996) a new second proviso was inserted in clause (i) of clause (b) of sub-section (2) and this continued by successive Ordinances and finally Act 8 of 1998 was enacted to give this insertion permanency.

1[58A. Constitution of Advisory Committee.—For each College maintained and administered by the University, there shall be an Advisory Committee which shall be constituted and shall function in accordance with the manner prescribed by the Statutes]

3["58-B Constitution of Bihar State University Service Commission.—The State shall constitute a separate Bihar State University Service Commission for making recommendation for the appointment of University teacher."

59. Relation of affiliated College with the University.—The relations of the affiliated Colleges with the University shall be governed by the Statutes to be made in that behalf, and such Statutes shall provide in particular for the exercise by the University of the following powers in respect of the Colleges affiliated to the University:—

(1) to lay down minimum educational qualifications for the different classes of teachers and tutorial staff employed by such Colleges;

(2) to approve the action taken by the governing bodies of such colleges in regard to creation of posts of teachers, their appointments, dismissal, discharge, removal from service, termination of service and determination of term of post ¹[and to approve the deputation of teachers to the Intermediate College delinked from the affiliated College;]

(3) to co-ordinate and regulate the facilities provided and expenditure incurred by such Colleges, in regard to libraries, laboratories and other equipments for teaching and research;

(4) to require such Colleges, when necessary, to confine the enrolment of students to certain specific subjects;

(5) to regulate conditions of service of teachers of such colleges including the grant of leave with or without allowances and the constitution of pension, insurance, and provident funds for the benefit of such teachers; and

(6) to require satisfactory arrangements for tutorial and similar other work in such Colleges and to inspect such arrangements from time to time :

Provided that such colleges shall supplement such teaching by tutorial or other instruction of training in a manner to be prescribed by the Regulation to be made by the Academic Council.

60. The Governing body.—(1) There shall be a governing body for the management and administration of each affiliated College other than a College owned and maintained by the State Government or a College established and administered by a minority community on the grounds of religion or language or an affiliated technical or medical college.

It shall consist of following members—

- (i) Principal of the College—*Ex-Officio*,
- (ii) a member elected by and from amongst the teachers of the College,
- (iii) a representative of the University nominated by the ²[Vice-Chancellor]
- (iv) an officer of the State Government posted in the district, being ~~not below~~ the rank of a sub-divisional magistrate, nominated by the ³[Vice-Chancellor]

1. Ins. by Act 68 of 1982.

2. Subs. by Act 3 of 1990.

3. Ins. by Act 11 of 2017.

- (v) a member elected by such donors from amongst themselves as have donated at least twenty five thousand rupees to the College,
- (vi) One member to be nominated by the ¹[Vice-Chancellor], who is a member of the Parliament or the State Legislature and mainly resides in the district of the area in which the College is situated; and
- (vii) One member co-opted by the Governing body from amongst such educationists or persons residing in the district where the College is situated as are reputed for their academic interest.

(2) The term of office of the members of the Governing body, their powers and functions shall be such as are prescribed by the Statutes.

(3) Any act or proceedings of the Governing body of affiliated Colleges shall not be invalid merely because of any vacancy or vacancies in its membership.

(4) The ¹[Vice-Chancellor shall constitute an adhoc committee for the management of the College so long as Governing body is not constituted in accordance with the provisions contained in sub-section (1).

(5) The Governing body/ Managing Committee for the management and administration of a College owned and maintained by the Government, or established and administered by a minority community, on the ground of religion or language and declared, from time to time, as such by the State Government according to yard stick laid down by it, or of any affiliated technical or medical college, shall be constituted in accordance with the provisions prescribed in the Statues.

ENROLMENT AND DEGREES

²[61. Enrolment of students in the University :—(1) No student shall be enrolled as a student in the University unless he has passed the Intermediate or equivalent examination held by a body incorporated by any law for the time being in force and recognised by the University.

(2) The State Government may determine the maximum numbers of seats for enrolment of students in the Faculties and Departments of the University and the colleges under its jurisdiction and the directions issued thereto shall be binding on the University.

³[(3) The quota for reservation of seats in each faculty, department and college under the Bihar State University for admission of students to different courses, shall be determined by the State Government as follows which shall be binding on the University:—

(a) Scheduled Castes	16 percent of the sanctioned seats.
(b) Scheduled Tribes	01 percent of the sanctioned seats.
(c) Extremely Backward Classes	18 percent of the sanctioned seats.
(d) Backward Classes	12 percent of the sanctioned seats.
(e) Women of Backward Classes	03 percent of the sanctioned seats.
Total	50 percent

Reservation of seats for admission of students shall not exceed more than 50 per cent of the sanctioned seats. However, a reserved category student, who is selected on the basis of his/her merit shall be counted against 50 percent seats of open merit category and not against seats of reserved category.

1. Subs. by Act 3 of 1990.
2. Subs. by Act 17 of 1993.
3. Subs. by Act 12 of 2004.

(4) The State Government may by notification direct the University to prescribe entrance examination for admission into the graduate courses in the Colleges specified in this behalf and to commence such entrance examination annually from the academic session notified by the State Government in this behalf.]

Legislative changes (after 1982)—Act 17 of 1993 substituted this section. However the preceding Ordinances which ultimately culminated in the passing of Act 17 of 1993 did not contain any amendment to this section. Prior to its substitution this section read as follows:—

"Qualification for enrolment of students of the University.—No student shall be enrolled as a student of the University unless he has passed the Secondary School Examination or any other equivalent examination held by the University or any other University or body [incorporated by any law for the time being in force and recognised by the University:

Provided that students having passed the Higher Secondary or Pre-University Examination shall continue to be enrolled in the manner as prescribed in the Ordinance and Regulations."

Later on by Act 16 of 1996 a new sub-section (3) providing for reservation in admission was added and the existing sub-section was renumbered as sub-section (4).

62. Appointment of the Commission.—(1) The State Government may at any time, by an order published in the official Gazette, constitute a Commission.

(2) The Commission constituted under sub-section (1) shall inquire into and report on the following—

- (i) the working of the University;
- (ii) the financial condition of the University, its college and other academic institutions;
- (iii) any changes to be made in the provisions of this Act, the Statutes, the Ordinances and the Regulations with a view to bringing about improvements;
- (iv) such other matters as may be referred to it by the State Government.

(3) On receipt of the recommendations under sub-section (2), the State Government may send the same to the appropriate authority of the University for consideration and report thereon, and on receipt of his report, may pass such orders thereon as it may consider fit. It shall cause the said order published in the official Gazette. Thereupon the University shall comply with the order within such time as may be specified by the State Government.

63. Disputes as to constitution of University authorities and bodies.—

If a question arises whether any person has been duly elected, or is entitled to be, a member of the Senate, the Syndicate or the Academic Council, the matter shall be referred to the Chancellor whose decision thereon shall be final.

64. Filling of vacancies.—All vacancies among the members (other than *ex-officio* members) of any authority or other body of the University by reason of death, resignation or otherwise shall be filled, as soon as conveniently may be by the person or body who appointed, nominated, elected or co-opted the member whose place has become vacant, and the person so appointed, nominated, elected or co-opted shall be a member of such authority or body for the unexpired portion of the prescribed term :

Provided that pending the filling up of such vacancies by appointment, nomination in the manner aforesaid, the vacancies (other than a vacancy in the Senate may, if the authority or body of the University so decides, be filled by the co-option of any person qualified to fill such vacancy under the provisions of this Act, and any person so co-opted shall hold office as a member of such authority or body until a person is appointed, nominated or elected thereto in accordance with the provisions of this Act.

65. Proceedings of University authorities and bodies not invalidated to vacancies.—No act or proceeding of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

66. Conditions of service of officers and teachers of the University.—

(1) Every salaried Officer of University and every teacher employed in a University Department other than officers and teachers who are members of the public services in India and whose services have been lent to the University under clause (i) of sub-section (2), shall be appointed on a written contract which shall be lodged with the Registrar of the University and a copy thereof shall be furnished to the officer or teacher concerned. Every teacher of the University shall in the absence of any agreement to the contrary, be governed by the conditions and restrictions, as specified in the Statutes.

(2) Any member of the public services in India whom it is proposed to appoint to post in the University, shall subject to the approval of such appointment by the Government concerned and the terms thereto, have the option—

- (i) of having his services lent to the University and remaining, at any time, liable to recall to the service of the Government at the option of the Government concerned; or
- (ii) of resigning the service of the Government on entering the service of the University :

Provided that where the University, after consultations with the ¹[The Bihar State Universities (Constituent College) Service Commission] is satisfied that an officer or teacher, being a servant of the Government whose services have been lent to the University deserves the punishment of dismissal, removal or reduction in rank, the University shall forward to the Government the proceedings instituted against such officer or teacher together with all connected papers including the findings of ¹[the Bihar State Universities (Constituent Colleges) Service Commission] and thereupon the Government shall forthwith cause the said officer or teacher to be reverted to the service of the Government and take such action against him as it thinks fit.

²[(3) It shall be lawful for the University to depute teacher of the University service to the intermediate college, delinked from the college, according to procedure prescribed in the Rules.]

Legislative changes (after 1982)—The words "The Public Service Commission" was substituted by the words "Bihar State University (Constituent Colleges) Service Commission" by Ordinance 4 of 1985 and this was accorded finality after the successive Ordinances, by enactment of Act 3 of 1990

67. Retirement from service.—³[(a) Notwithstanding anything to the contrary contained in any Act, Rules, Statutes, Regulation or Ordinance, the date of retirement of a teaching employee of the University or of a College shall be the date on which he attains the age of sixty two years. The date of retirement of a teaching employee will be the same which would be decided by the University Grant Commission in future.]

1. Subs. by Act 3 of 1990.
2. Ins. by Act 68 of 1982
3. Subs. by Act 4 of 2006.

years. The date of retirement of non-teaching employee or appoint him (other than the inferior servants) shall be the date on which he attains the age of 60 years :

Provided that the date of retirement of such non-teaching employee who is in the services of the University prior to the amendment of the Bihar State Universities Act, 1976 (Bihar Act 23, 1976) shall be the date on which he attains the age of 62 years:

Provided further that the University shall in no case extend the period of service of any of the teaching or non-teaching employee after he attains the age of sixty or sixty-two years, as the case may be:

Provided further also that re-appointment of teachers after retirement may be made in appropriate and deserving cases upto the age of sixty-five years in the manner laid down in the Statutes to be made in this behalf in accordance with the guidelines of the University Grants Commission."

Thereafter Act 17 of 1993 was passed which holds the field even to day. By this Act the nullification of amendments brought by Act 3 of 1990 was also retained as follows:—

"*Repeal and Savings.*—(1) Amendment made in Section 67 of the Bihar State Universities Act, 1976 (Bihar Act 23 of 1976) by the Bihar Act 3 of 1990 is hereby repealed.

(2) The Bihar State Universities (Amendment) Ordinance, 1993 (Bihar Ordinance no. 6 of 1993), the Bihar State Universities (Second Amendment) Ordinance, 1993 (Bihar Ordinance no. 12 of 1993) and the Bihar State Universities (Third Amendment) Ordinance, 1993 (Bihar Ordinance no. 14 of 1993) are hereby repealed:

Provided that notwithstanding such repeal salaries and allowances already paid or payable to a person against actual services rendered after having reached the age of sixty years but prior to the commencement of Bihar Ordinance no.6 of 1993 shall not be affected."

168. आचार संहिता—(1) विश्वविद्यालय कर्मचारियों के लिए आचार संहिता परिणियमों द्वारा विहित की जायगी।

2. विश्वविद्यालय द्वारा नियंत्रित विश्वविद्यालय / महाविद्यालय / संस्थान के शिक्षक एवं शिक्षककेतर पद, जब तक अन्यथा अंकित न हो, साधारणतः पूर्णकालिक पद है। विश्वविद्यालय / महाविद्यालय/संस्थान द्वारा प्रदत्त शिक्षण एवं अन्य कर्तव्यों का पालन इन पदों पर नियुक्त व्यक्तियों को पूर्णकाल तक करना है। यदि विश्वविद्यालय द्वारा नियंत्रित विश्वविद्यालय / महाविद्यालय / संस्थान का कोई शिक्षक या कर्मचारी किसी संस्थान के निर्वाचित अथवा गैर-निर्वाचित पद या उसकी सदस्यता ग्रहण करता है, जिससे विश्वविद्यालय के शिक्षण अथवा अन्य कार्यों में बाधा उत्पन्न होती है, तो वैसे शिक्षक / कर्मचारी को विश्वविद्यालय / महाविद्यालय / संस्थान से अनुमति लेनी होगी और अपने नियोक्ता से एक निश्चित अवधि के लिए सवैतनिक / अवैतनिक अवकाश लेना होगा।

विश्वविद्यालय / महाविद्यालय / संस्थान के शिक्षक और कर्मचारी निजी रोजगार, उद्योग-धंधा, निजी अनुशिक्षण तथा अन्य कार्य, जो विश्वविद्यालय / महाविद्यालय / संस्थान की राय में उनकी नियुक्ति के हित में नहीं हो, करने की अनुमति नहीं होगी। शिक्षक / कर्मचारी जो असाधारण छुट्टी पर जाएंगे वे विश्वविद्यालय / महाविद्यालय / संस्थान की निधि से वेतन अथवा भत्ता पाने के अधिकारी नहीं होंगे और वहां से गृहित सेवा की प्रकृति को परखते हुए विश्वविद्यालय द्वारा लिए गए निर्णय के अनुसार वार्षिक वेतन वृद्धि अर्जित कर सकेंगे / अर्जित नहीं कर सकेंगे। ऐसा असाधारण अवकाश परिणियमों के द्वारा विहित किया जाएगा और विश्वविद्यालय / महाविद्यालय / संस्थान के द्वारा स्वीकृत किया जा सकेगा।

परंतु विश्वविद्यालय / महाविद्यालय / संस्थान के शिक्षक / कर्मचारी यदि राज्य अथवा केन्द्रीय विधान मंडल के सदस्य हो जाएं तो उक्त पदों पर शपथ लेने की तिथि से राज्य / केन्द्रीय विधान मंडल की सदस्यता की पूरी अवधि के लिए विशेष अवकाश पर समझे जाएंगे। विशेष अवकाश परिणियमों द्वारा विहित किया जाएगा। विशेष अवकाश पर गए शिक्षकों / कर्मचारियों की सेवा हितों को पूरी सुरक्षा दी जाएगी और वे वार्षिक वेतन वृद्धि, प्रोन्नति, सेवा की वरीयता अर्जित करते रहेंगे। राज्य अथवा केन्द्रीय

1. Subs. by Act 68 of 1982.

2. Subs. by Act 14 of 1998.

विधान मंडल की सदस्यता की अवधि की समाप्ति पर वे यथास्थिति विश्वविद्यालय / महाविद्यालय / संस्थान में पुनः अपना पदभार ग्रहण कर सकेंगे।

परंतु विश्वविद्यालय अथवा महाविद्यालय अथवा संस्थान के ऐसे शिक्षक / कर्मचारी जो राज्य अथवा केन्द्रीय विधान मंडल की सदस्यता प्राप्त कर लें, वे शपथ ग्रहण की तिथि अथवा इस अधिनियम के लागू होने की तिथि, जो भी पहले हो, से यह विकल्प देंगे कि वे वेतन महंगाई भत्ता आदि विश्वविद्यालय से लेंगे या विधान मंडल से। ऐसे शिक्षक / कर्मचारी राज्य अथवा केन्द्रीय विधान मंडल के सदस्य के रूप में तत्संबंधी अधिनियम के अधीन समय-समय पर प्रदत्त अन्य सुविधाएं प्राप्त करने के स्वतः हकदार होंगे।

परंतु यह भी कि इस धारा का कोई उपबंध राज्य अथवा केन्द्रीय विधान मंडल के तत्संबंधी किसी उपबंध को प्रभावित नहीं करेगा।”

1[69. Effect of detention.—(1) If any teaching or non-teaching employee of the University or a constituent college is detained in custody under any law for a period up to 48 hours whether on a criminal charge or otherwise on security grounds, he shall with effect from the date of detention be deemed to have been suspended by the Appointing authority.

(2) On being released from detention, he shall not be entitled to any remuneration other than the subsistence allowance for the period of suspension.

(3) Any employee proceeded against a criminal charge or detained under other law providing for preventive detention shall be deemed to be suspended for the period during which he is kept under detention in custody or undergoes the sentence of imprisonment, and shall not be permitted to draw any pay or allowance for the said period other than subsistence grant payable according to the principles contained in the Statutes, unless the proceeding initiated against him is closed or, as the case may be, he is released from detention and permitted to resume duty. The adjustment of his allowances for such periods shall be made according to the circumstances of the case. Full amount shall be paid only when he is acquitted or the detention is found to be unjustified by an officer.

(4) An employee against whom proceedings on a criminal charge are pending shall, by a special order to this effect, be kept under suspension during the periods when he is not actually detained in custody or imprisoned (that is, when he is released on bail) if the charge made or the proceedings initiated against him are related to his status as an employee or in this manner may cause trouble in the discharge of his duties, or involves the question of moral turpitude. The provisions aforesaid shall apply in respect of his pay and allowances.

(5) The provisions made in the preceding sub-section shall *mutatis mutandis* apply to teaching or non-teaching employees of an affiliated college.]

70. ²[x x x x].

3[70A. Effect of transfer on seniority etc. — If an employee of a University is transferred under orders of the Chancellor from one University to another University, he shall continue to get the pay and allowances he has been drawing and shall carry his seniority based on the date of his regular appointment to the post.

1. Subs. by Act 68 of 1982.

2. Omitted by *ibid.*

3. Ins. by *ibid.*

1[70B. Apportionment and transfer of Officers, teachers and servants.—(i) Notwithstanding anything to the contrary contained in any law or a contract, the following provisions shall apply to all officers, teachers and other servants of the Universities referred in sub-section (1) of Section 3 of the Act :—

- (a) The State Government shall, as soon as a new University is created, and established, apportion and transfer such officers, teachers and other servants between the different Universities and shall also apportion funds between the Universities.
- (b) The State Government may, on representation made by any officer or teacher or other servant who has been apportioned and transferred under clause (a) reapportion and re-transfer him to any one of the Universities established under the Act :

Provided that before making an order under this clause the State Government shall give a reasonable opportunity to the officer or teacher or servant of the University, to be adversely affected by such transfer, to make a representation and be heard :

Provided further that any officer or teacher or other servant re-apportioned under this clause shall not be allotted a post lower than the post on which he was employed by the University established under the Act.

- (c) On such apportionment or re-apportionment such officer, teacher and servant shall be deemed to have been transferred to the University to which they are allotted under clause (a) or clause (b) with effect from the date of commencement of the Act.
- (d) The University to which such officer, teacher and servants are deemed to have been transferred under clause (c) shall employ them subject to such terms and conditions as were in force with respect to them immediately before transfer from the University concerned and they shall be subject to such disciplinary control as are for the time being applicable to the officers, teachers and other servants of the University to which they are deemed to have been transferred.

(2) If consequent upon a transfer made under sub-section (1) a dispute arises as to the post or rank which the transferred officer or teacher or servant should hold in the University, the matter shall be referred to the Chancellor whose decision thereon shall be final.]

Legislative changes (after 1982)—This section was added in this Act for the first time by Bihar Ordinance 14 of 1993. Act 17 of 1993 which repealed Ordinance 14 of 1993 retained the addition of this section but with changes in sub-section (1) (b). Sub-section (1) (b) as contained in Ordinance 14 of 1993 read as follows:—

"(b)(i) The State Government may on representation made by any officer, or teacher or other servant of the Universities who has been appointed and transferred under clause (a) to an University established under the Act, transfer him to any one of the Universities established under the Act.

Provided that before making an order under this clause the State Government shall give a reasonable opportunity to any officer or teacher or other servant of the University to which the transfer is made who considers himself likely to be adversely affected by the transfer to make a representation.

- (ii) With regard to the officer or teacher or servant who in the opinion of the State

Government is affected by an order of transfer made under clause (a) the State Government may make such order as it may deem proper and the University to which the order is directed shall comply therewith notwithstanding the fact that such University is other than that in which the officer, teacher or servant is employed on the date such direction is made:

Provided that an officer re-appointed under clause (b) shall not be appointed to a post lower than the post on which he was employed by the University established under the Act."

Sub-section (1) (b) vide Act 7 of 1993 read as follows :—

"(b) The State Government may, on representation made by any officer or teacher or other servant who has been apportioned and transferred under clause (a), re-apportion and re-transfer him to any one of the Universities established under the Act :

Provided that before making an order under this clause the State Government shall give a reasonable opportunity to the officer or teacher or other servant of the University, to the officer or teacher or other servant of the University, to be adversely affected by such transfer, to make a representation and be heard :

Provided further that any officer or teacher or other servant re-apportioned under this clause shall not be allotted a post lower than the post on which he was employed by the University established under the Act."

71. Pension, gratuity, insurance and provident fund. — (1) The University shall, subject to such manners and conditions as may be prescribed by the Statutes, constitute any pension, gratuity, insurance or provident fund, as it may deem fit for the benefit of its officers, teachers and other employees (excluding those who are members of public services of India and whose services are lent to the University under section 66.)

(2) Where any such pension, gratuity, insurance or provident fund is constituted in this manner, the State Government may declare that the provisions of the Provident Funds Act, 1925 (Act No. 19 of 1925) shall apply to the said Fund, as if that fund is State Provident Fund.

72. Transfer of Colleges to the University and other provisions related or ancillary to such transfer — (1) With effect from the date of commencement of this Act, any college, transferred to any University established and incorporated under section 3 of this Act, together with attached hostels, other buildings constituent of such a college, the articles of furniture, libraries, book, laboratories, stores, instruments, apparatus, appliance and equipments shall be transferred to the concerned University, and the said College together with attached hostels and other constituent buildings, its furnitures, library books, laboratories, stores, instruments, apparatus, appliances and equipments shall be deemed to have been transferred to the maintenance and control of the concerned University as its own College.

(2) Any thing contained in this Act shall not be so construed as to vest the University with the authority to sell, lease out, exchange, or otherwise dispose of any land or building transferred to the University under sub-section (1).

(3) Notwithstanding anything contained in this Act, when any College is transferred to the maintenance and control of the University by an order under-section (1), the University shall—

(a) employ, such teachers and other servants of the State Government as were serving in or attached to the said College immediately before the commencement of this Act, on such conditions, as may be determined by the State Government ;

(b) consider the claim, in consultation with the State Government, of employment in service, if such a claim is made for appointment against such vacancies in the University service by such teachers who are employed in other teaching institutions falling within or with-

out the territorial jurisdiction of the University and are in Government service immediately preceding such transfer, and if the filling up of vacancies, by appointment or promotion of University teachers who are in Government service immediately before such transfer results in supersession of the claims of teachers of the referred educational institutions.

(4) If at any time the State Government is satisfied that in the existing circumstances it has become necessary to take back any College transferred to the University under sub-section (1), then the State Government may, by an order published in the official Gazette, cancel the transfer of the said college and withdraw it from the maintenance and control of the University.

73. Autonomous College or institute.—Notwithstanding anything contained in any provision of this Act, University, may, subject to its adequate supervision and the manner prescribed in the relevant statutes, confer upon any College or institute, having outstanding caliber and fulfilling the prescribed conditions, the power to make change or modification in the course of study prescribed by the University for its students and the privilege to take examination, in such modified course of study and management thereof, and such other powers in respect of other matters, as it may deem fit; and such institute or college, as the case may be, shall be declared autonomous Institute or College.

74. Removal of difficulties by the Chancellor at the commencement of this Act.—If any difficulty arises in respect of establishment of the University, or in the first implementation of the provisions of this Act or Statutes, or otherwise, the Chancellor may at any time, before the constitution of all the authorities of the University, by order, consistent with the provisions of this Act and Statutes, as far as possible, make any appointment or perform any other function, which seems necessary or proper to him for the removal of the said difficulty; and all such orders shall take effect in the same manner as if the said appointment or function has been done in the manner provided in this Act :

Provided that before issuing such an order, the Chancellor shall elicit the opinion of the Vice-Chancellor and of such appropriate authority of the University, as may have been constituted, on the proposed order and give considerations thereon.

75. Transitory provisions.—Notwithstanding anything contained in this Act, the Vice-Chancellor may, for a period not exceeding six months from the commencement of this Act and with the previous approval of the Chancellor and subject to the provision of funds by the State Government or otherwise, discharge all or any of the functions of the University for the purpose of carrying out the provision of this Act and for that purpose may exercise any powers or perform any duties which by this Act are to be exercised or performed by any officer or authority of the University, not being an officer or authority of the University in existence at the time when such powers are exercised or such duties are performed.

1[75 क विश्वविद्यालय निकायों के गठित न होने पर कार्य व्यवस्था — (1) यदि किसी कारणवश विश्वविद्यालय की सिनेट अथवा अभिषद् अथवा विद्वत् परिषद् अथवा अन्य किन्हीं निकाय का गठन न हो सके तो जब तक इन निकायों का गठन नहीं हो जाय, तब तक अधिनियम के उपबन्धों को

कार्यान्वित करने के प्रयोजनार्थ, पदेन एवम् नाम निर्देशित सदस्य मिलकर सम्बन्धित निकाय की किन्हीं शक्तियों का प्रयोग तथा किन्हीं कर्त्तव्यों का पालन कर सकेंगे।

(2) किसी विश्वविद्यालय द्वारा शक्तियाँ रहने के कारण उनके द्वारा चुनाव अवैध नहीं होगा।]

76. Application of Statutes, Ordinances, and Regulations.—Until Statutes, Ordinances, Regulations and Rules are made under the appropriate provisions of this Act, such Statutes, Ordinances, Regulations and Rules made or deemed to have been made under the Bihar Act 14 of 1960, Bihar Act 4 of 1962, Bihar Act 21 of 1965 and the Lalit Narain Mithila University (second Ordinance), 1976 (Bihar Ordinance no. 37 of 1976), as were in force immediately before the commencement of this Act, shall, in so far as they are not inconsistent with provisions of this Act and subject to such adaptations and modifications, if any, as may be made therein by the Vice-Chancellor with the approval of the Chancellor, remain in force and shall be deemed to be Statutes, Ordinances, Regulations and Rules made under the corresponding provisions of this Act.

77. Election for the purpose of constituting the Senate, the Syndicate, and the Academic Council under the Act.—The Chancellor shall make such arrangements for holding election under the Act that the newly elected, appointed, nominated and co-opted members of the Senate, the Syndicate and the Academic Council, as constituted under this Act, assume charge of their respective offices from the date following the expiry of the period specified in section 75; and the term of office of the members of the said authorities shall be deemed to have commenced from the said date.

78. Powers of nomination by the Chancellor.—Notwithstanding any thing contained in the preceding sections of this Act, the Chancellor shall, if the Vice-Chancellor reports that, in his opinion, either the election is not immediately possible or it is not in the interest of the University, to fill up the vacancies by nominations.

79. Admission of Colleges, Mahavidyalayas etc. recognised by the Bihar Sanskrit Association to the University.—(1) The College which, before the commencement of the Kameshwar Singh Darbhanga Sanskrit University Act, 1962 (Bihar Act 21 of 1965), were recognised by the Bihar Sanskrit Association shall be deemed to have been admitted to the University on the commencement of this Act.

(2) The Tol, schools, or Sanskrit high schools recognised by the Bihar Sanskrit Association before the commencement of the Kameshwar Singh Darbhanga Sanskrit University Act, 1962 (Bihar Act No. 21 of 1965) shall be entitled to send examinees for the Madhyama, Shastri and Acharya Examinations of the University.

(3) Such Sanskrit High Schools were recognised by the Sanskrit Education Board after the commencement of the Kameshwar Singh Darbhanga Sanskrit University Act, 1962 (Bihar Act 21 of 1965) or have been recognised before such commencement by the said Committee shall be entitled to send examinees for the Mathyama Examination of the University.

80. Saving as to certain examinations.—The degree or certificates of any examinations conducted by the Bihar University or the Bhagalpur University on behalf of the Lalit Narain Mithila University, and the marks-sheet or provisional certificate of degrees whereof has been issued by the Bihar University or the Bhagalpur University, shall be issued by the Bihar University or the Bhagalpur

University, as the case may be.

1[80A. Bar of law suit. — No law suits and proceedings shall lie in Civil Courts with respect to the implementation of the provisions of this Act, Statutes, Ordinances or Regulations.]

81. Repeal and Saving. — (1) The Bihar State Universities (Bihar, Bhagalpur and Ranchi University) Act, 1960 (Bihar Act 14 of 1961), the Magadh University Act, 1961 (Bihar Act 4 of 1962), the Kameshwar Singh Darbhanga Sanskrit University Act, 1962 (Bihar Act 21 of 1965), the Lalit Narain Mithila University Second Ordinance, 1976 (Bihar Ordinance No. 87 of 1976), the Magadh University (Second amendment) Ordinance, 1976 (The Bihar Ordinance No. 90 of 1976), the Bihar State Universities (Bihar Ordinance No. 89 of 1976), the Bihar State Universities Laws (Second amendment) Ordinance 1976 (Bihar Ordinance No. 98 of 1976) and the Bihar State Universities Second Ordinance, 1976 (Bihar Ordinance No. 207 of 1976) are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of the powers conferred by or under the said Acts or Ordinances shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act, as if this Act were in force on the date on which such thing was done or action taken.

EXTRACTS OF AMENDING ACTS

BIHAR STATE UNIVERSITIES (AMENDMENT) ACT, 1982 (Bihar Act 68 of 1982)]²

An Act to amend the Bihar Universities Act, 1976.

Be it enacted by the Legislature of the State of Bihar in the Thirtythird year of the Republic of India as follows :—

[*Comments.*—The text of this Act was published only in Hindi. The re-production here at some places in the text of the parent Act in English has been done by comparing the hindi text of this Act with the Hindi text of its earlier Ordinance and taking the english version of that Ordinance and also by minor translations.]

1. Short title and commencement.—(1) This Act may be called the Bihar State Universities (Amendment) Act, 1982.

(2) It shall come into force at once.

2. to 50. Incorporated in the text of the Act at proper places.

51. Repeal and saving.—(1) Bihar State Universities (Amendment) Ordinance, 1982 (Bihar Ordinance no. 40 of 1982) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing or action was done or taken.

1. Ins. by Act 68 of 1982.

2. Assented to on 12th August, 1982 & published in Bihar Gazette (ex. ord.) dated 14th August, 1982.

बिहार राज्य (विश्वविद्यालय) संशोधन अधिनियम, 1990

[बिहार अधिनियम संख्या 3, 1990]¹

1. संक्षिप्त नाम और प्रारम्भ—(1) यह अधिनियम बिहार राज्य विश्वविद्यालय (संशोधन) अधिनियम, 1990 कहा जा सकेगा;

(2) यह तुरन्त प्रवृत्त होगा :

परन्तु, इसकी धारा 3 शासकीय गजट में अधिसूचना जारी करने की तिथि से प्रभावी होगी।

2. to 21. Incorporated in the text of the Act at proper places.

51. निरसन और व्यावृत्ति—(1) बिहार राज्य विश्वविद्यालय (संशोधन) तृतीय अध्यादेश, 1990 (बिहार अध्यादेश संख्या 2, 1990) इसके क्षरा निरसित किया जाता है।

(2) ऐसे निरसन के होते हुए भी उक्त अध्यादेश के द्वारा या के अधीन प्रदत्त किसी शक्ति के प्रयोग में किया गया कोई कार्य या की गयी कोई कार्रवाई उस अधिनियम द्वारा या के अधीन प्रदत्त शक्तियों के प्रयोग में किया गया या की गई समझी जाएगी मानो यह अधिनियम उस दिन प्रवृत्ति था जिस दिन ऐसा कार्य किया गया था या ऐसी कार्रवाई की गयी थी ।

BIHAR STATE UNIVERSITIES (AMENDMENT) ACT, 1991

[Bihar Act, 9 1992]²

An Act to amend the Bihar State Universities Act, 1976.

Be it enacted by the Legislature of the State of Bihar in the Forty-Second year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Bihar State Universities (Amendment) Act, 1991.

(2) It shall come into force on such date as the State Government, may by notification in the Official Gazette, appoint³.

2. Amendment of Section 3 of Bihar Act 23, 1976.—Incorporated in the text of the Act.

THE BIHAR STATE UNIVERSITIES (AMENDMENT) ACT, 1993

[Bihar Act 17 of 1993]

An Act to amend the Bihar State Universities Act, 1976.

Be it enacted by the Legislature of the State of Bihar in the Forty-fourth Year of the Republic of India as follows :

1. Short title and commencement.—(1) This Act may be called the Bihar State Universities (Amendment) Act, 1993.

(2) It shall come into force at once except Section 14 of this Act which shall be deemed to have come into force with effect from 9th February, 1993.

2. to 15. Incorporated in the text of the Act.

16. Repeal and savings.—(1) Amendment made in Section 67 of the Bihar State Universities Act, 1976 (Bihar Act 23 of 1976) by the Bihar Act 3 of 1990 is hereby repealed.

(2) The Bihar State Universities (Amendment) Ordinance, 1993 (Bihar Ordinance no. 6 of 1993), the Bihar State Universities (Second Amendment) Ordinance, 1993 (Bihar Ordinance no. 12 of 1993) and the Bihar State Universities (Third Amendment) Ordinance, 1993 (Bihar Ordinance no. 14 of 1993) are hereby repealed:

Provided that notwithstanding such repeal salaries and allowances already paid or payable to a person against actual services rendered after having reached the age of sixty years but prior to the commencement of Bihar Ordinance no. 6, 1993, shall not be affected.

1. Published in Bihar Gazette (Ex. ord.) dated 30.1.1990.
2. Published in Bihar Gazette (Ex. ord.) dated 25.3.1992.
3. Ed.—Perhaps no notification enforcing this Amendment Act has been published in Bihar Gazette. However, the readers may verify with the Department concerned.

THE BIHAR STATE UNIVERSITIES (AMENDMENT) ACT, 1995

[Bihar Act 12 of 1995]¹

An Act to amend the Bihar State Universities Act, 1976.

Be it enacted by the Legislature of the State of Bihar in the Fortysixth Year of the Republic of India as follows :—

[Aims & Object.]—In Accordance with the guidelines of U.G.C. to conduct examination for the appointment of lecturers in the University/constituent Colleges/Affiliated Colleges, provisions for Bihar Eligibility Test, at par with National Eligibility Test, were made by promulgating the Bihar State University (Amendment) Second Ordinance, 1995. The object of this Bill is to enact provisions of the said Ordinance.]

1. Short title and commencement.—(1) This Act may be called the Bihar State Universities (Amendment) Act, 1995.

(2) It shall come into force at once.

2. Amendment to Section 57.—Incorporated in the text of the Act.

3. Repeal and savings.—(1) The Bihar State Universities (Amendment) Second Ordinance, 1995 (Bihar Ordinance no. 14, 1995) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Act shall be deemed to have been done or taken in the exercise of the powers conferred by or under the Ordinance, as if this Act were in force on the day on which such thing or action was done or taken.

THE BIHAR STATE UNIVERSITIES (AMENDMENT) ACT, 1996

(No. 16 of 1996)

An Act to Amend the Bihar State Universities Act, 1976.

Be it enacted by the Legislature of the State of Bihar in the Forty seventh year of the Republic of India as follows :

1. Short title and commencement.—This Act may be called the Bihar State Universities (Amendment) Act 1996.

(2) It shall come into force at once.

2. Amendment of Sec. 61 of Act 23, 1976.—Incorporated in the text of the Act.

THE BIHAR STATE UNIVERSITIES (AMENDMENT) ACT, 1998

(No. 8 of 1998)

An Act to amend the Bihar State Universities Act, 1976.

Be it enacted by the Legislature of the State of Bihar in the forty ninth year of the Republic of India as follows :

1. Short title and commencement.—(1) This Act, may be called the Bihar State Universities (Amendment) Act, 1998.

(2) It shall be deemed to have come into force with effect from 1st January, 1996.

2. Amendment of Section 58 of Bihar Act 23 of 1976.—Incorporated in the text of the Act.

3. Repeal and Savings.—(1) The Bihar University (Amendment) Third Ordinance, 1998 (Bihar Ordinance no. 7, 1998) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any powers conferred by or under the said Ordinance shall be deemed to have been done or taken in exercise of powers conferred by or under this Act as if this Act were in force on the day on which such thing or action was done or taken.

1. Published in Bihar Gazette (ex. Ord.) dated 15.7.1995.

बिहार राज्य विश्वविद्यालय (संशोधन) अधिनियम, 1998 (बिहार अधिनियम संख्या 14, 1998)

बिहार राज्य विश्वविद्यालय अधिनियम, 1976 का संशोधन करने के लिए अधिनियम
भारत गणराज्य के उन्वासेवें वर्ष में बिहार राज्य विधान-मंडल द्वारा यह निम्न रूप में अधिनियम हो :

- 1998 कहा जा सकेगा;
- (2) यह सदा से प्रवृत्त समझा जायेगा।
2. **बिहार अधिनियम 23, 1976 की धारा 68 का संशोधन**—सम्बद्ध अधिनियम में समाविष्ट।
3. **निरसन एवं व्यावृत्ति**—(1) बिहार राज्य विश्वविद्यालय (यथा अद्यतन संशोधित) अधिनियम, 1976 की धारा-68(2) (बिहार राज्य अधिनियम 23, 1976) इसके द्वारा निरसित की जाती है।
(2) ऐसे निरसन के होते हुए उक्त अधिनियम द्वारा या के अधीन प्रदत्त किसी शक्ति के प्रयोग में किया गया कोई कार्य, की गई कोई कार्रवाई इस अधिनियम के द्वारा या के अधीन प्रदत्त शक्तियों के प्रयोग में किया गया कार्य या की गई कार्रवाई समझी जाएगी, मानो यह अधिनियम उस दिन प्रवृत्ति था जिस दिन ऐसा कार्य किया गया था या ऐसी कार्रवाई की गई थी और उक्त अधिनियम के अधीन किया गया कोई कार्य या की गई कोई कार्रवाई पूर्ववत् चलती रहेगी मानो यह अधिनियम प्रवृत्त नहीं हो।

THE BIHAR STATE UNIVERSITIES (AMENDMENT) ACT, 2004

[Bihar Act, 12, 2004]¹ (Extract)

An Act to amend the Bihar State Universities Act, 1976

Be it enacted by the Legislature of the State of Bihar in the fifty-fifth year of the Republic of India as follows namely;

1. **Short title and commencement.**—This Act may be called the Bihar State Universities (Amendment) Act, 2004.

(2) It shall come into force at once.

2 to 3 : Incorporated in the text.

BIHAR STATE UNIVERSITIES (AMENDMENT) ACT, 2006 (EXTRACT)

(No. 4 of 2006) (Extract)

To amend the Bihar State Universities Act, 1976 (Bihar Act XXIII of 1976)

Be it enacted by the Legislature of the State of Bihar in the fifty seventh year of the Republic of India as follows :-

1. **Short title and commencement** - (1) This Act may be called the Bihar State Universities (Amendment) Act, 2006

(2) It shall come into force at once.

2. Incorporated in the text.

3. **Savings.** - Notwithstanding amendment in Section-67 (a) of The Bihar Act XXIII of 1976. anything already done or any action taken under old Section-67 (a) shall not be called in question and further shall not be open to scrutiny in pursuance of amendment in Section-67 (a) of the Bihar Act XXIII of 1976.

The Bihar State University (Amendment) Act, 2008

[Bihar Act 16, 2008]¹

An Act to amend the Bihar State Universities Act, 1976 (Bihar Act 23, 1976)

Preamble.—Be it enacted by the Legislature of the State of Bihar in the fifty ninth year of the Republic of India as follows:-

1. **Short title and commencement.**—(1) This Act may be called the Bihar State Universities (Amendment) Act, 2008.

(2) It shall come into force at once.

2. to 11. Inserted in body.

12. **Saving.**—Notwithstanding substitution of section-18(17), 26(6)(ii), Proviso in Section-36(6) and 57 (1)(4) of the Act, anything done or decision or action taken or shall be deemed to have been validly taken and shall not be open to question on the ground of substitution of section-18 (17), 26 (6) (ii), proviso in Section-36(6) and 57 (1)(4) of the Act.

The Bihar State Universities Amendment) Act, 2007

[Bihar Act 21, 2007]¹

An, Act, To amend the Bihar State Universities Act, 1976 (Bihar Act 23, 1976).

Preamble—Be it enacted by the Legislature of the State of Bihar in the fifty eighth year of the Republic of India as follows:—

1. Short title, extent and commencement—(1) This Act may be called the Bihar State Universities (Amendment) Act, 2007

(2) It shall come into force at once.

2. Deletion of words 'The Bihar State University (Constituent Colleges) Service Commission' and 'Bihar Inter University Board' used in the Bihar Act 23, 1976—The words 'The Bihar State University (Constituent Colleges) Service Commission' and 'Bihar Inter University Board' used in Bihar State Universities Act, 1976 (Bihar Act 23 of 1976) and in the Statute/Ordinance/Regulation or otherwise references made thereunder shall be deemed to be deleted.

8. Saving—Notwithstanding substitution of sections 57, 57-A and deletion of section 58 of the Act, any thing done or decision or action taken shall be deemed to have been validly taken and shall not be open to question on the ground of substitution or deletion of sections 57, 57-A and section 58 of the Act.



Bihar State Universities (Amendment) Act, 2013

[Bihar Act 14, 2013]²

An

Act

To Amend the Bihar State Universities Act, 1976 (Bihar Act 23, 1976)

Preamble.—WHEREAS, in the educational interest of the State it is most expedient to make the entire provisions of the appointment on the posts of Vice-Chancellor and Pro-Vice-Chancellor in the Universities of the State in consonance with the prescribed standards of University Grants Commission; and in conformity with the provisions laid down in the various regulations issued by the University Grants Commission;

AND, WHEREAS, transparency and harmony in the matter of appointment of the Vice-Chancellors and Pro-Vice-Chancellor is essential;

AND, WHEREAS, in the past appointment of Vice-Chancellors and Pro-Vice-Chancellors have been made without effective consultation with the State Government;

AND, WHEREAS, the functioning of Vice-Chancellor and Pro-Vice-Chancellor appointed vide various notifications have been stayed by the Hon'ble Supreme Court;

1. Published in Bihar Gazette (Ex.-Ord.) dated 19.4.2007.

2. Published in Bihar Gazette (Ex.-Ord.) dated 13.8.2013.

AND, WHEREAS, selection of Vice Chancellors and Pro-Vice-Chancellors through search committee has been envisaged in the University Grants Commission Regulation 2010 and as amended Regulation 2013;

AND, WHEREAS, it is expedient in the interest of Higher Education that Regular Vice-Chancellor and Pro-Vice-Chancellor can be appointed at the earliest in accordance with the norms and standard of University Grants Commission;

Be it enacted by the Legislature of the State of Bihar in the Sixty-fourth Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called Bihar State Universities (Amendment) Act, 2013.

(2) It shall extend to the whole of the State of Bihar.

(3) It shall come into force at once.

Bihar State University (Amendment) Act, 2013 [Bihar Act 17, 2013]¹

An

Act

To amend Bihar State University Act, 1976 (Bihar Act 23, 1976)

Preamble.—Whereas, in the interest of the education in the State it is most expedient to make the entire provisions of the appointment to the posts of teachers in the Universities and Colleges of the Bihar State in conformity with the prescribed standards of University Grants Commission;

And, whereas, it is essential to make appointments to the posts of teachers in the Universities of the State by making the provisions of the appointment of teachers in the Bihar State University Act, 1976 in conformity with the provisions laid down in the various regulations issued by the University Grants Commission.

Hence, it is necessary to amend the Act as per the regulations issued by the University Grants Commission.

Be it enacted by the Legislature of the State of Bihar in the Sixty fourth year of the Republic of India as follows:—

1. Short title and Commencement.—This Act may be called The Bihar State University (Amendment) Act, 2013.

(2) It shall come into force at once.

7. Saving—Notwithstanding the substitution of section 57A and 57 B of this Act, anything done or decision or action taken prior to it shall be deemed to have been validly done or taken and shall not be question on the ground or the substitution or deletion of Section 57A and 57 B.

The Bihar State Universities (Amendment) Act, 2016]¹

[Bihar Act, 13, 2016]*

An Act to Amend The Bihar State Universities Act, 1976 (Bihar Act 23, 1976) for establishment of Patliputra University in Patna and Purnia University in Purnia.

Preamble: For administrative purposes and educational interests of students, it is necessary to establish two new Universities namely Patliputra University in Patna and Purnia University in Purnia by division of two existing Universities namely Magadh University, Bodhgaya and Bupendra Narain Mandal University, Madhepura. It is also necessary to delete certain existing provisions of Bihar State Universities Act, 1976 in view of the reorganisation of Bihar and creation of new Jharkhand State. For these purposes, it is expedient to amend certain provisions, to add certain new provisions and to delete certain existing provisions of Bihar State Universities Act, 1976 .

Be it enacted by the Legislature of the State of Bihar in the Sixty-seventh Year of the Republic of India as follows.

1. Short title, extent and commencement.—(1) This Act may be called The Bihar State Universities (Amendment) Act, 2016.

(2) It shall come into force with effect from the date which the State Government by notification, may fix.

2. Section 2 *inserted* in body.

3. Savings.—Notwithstanding amendment in section 3 of Bihar Act 23, 1976, anything done or any action taken under the said section 3(1) shall be deemed to have been validly done or taken and shall not be opened to question on the ground of amendment in section 3(1) of Bihar Act 23, 1976.

The Bihar State Universities (Amendment) Act, 2016]²

[Bihar Act 1, 2017]

An Act to amend the Bihar State Universities Act, 1976 (Bihar Act 23, 1976).

Preamble.—For administrative purposes and educational interest of students, it is necessary to establish a new University namely Munger University, Munger by division of existing Tilka Manjhi Bhagalpur University, Bhagalpur.

Be it enacted by the Legislature of the State of Bihar in the Sixty-seventh Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Bihar State Universities (Amendment) Act, 2016.

(2) It shall come in force from such date which the State Government, by notification may fix.

2. Section 2 *inserted* in the body.

3. Savings.—Notwithstanding amendment in Section 3 of Bihar Act 23, 1976 anything done or any action taken under the said Section 3(1) shall be deemed to have been validly done or taken and shall not be questioned on the ground of amendment in Section 3(1) of Bihar Act 23, 1976.

1. Published in Bihar Gazette (Ex.-Ord.) dated 17.8.2016.

2. Published in Bihar Gazette (Ex.-Ord.) dated 6.1.2017.

Bihar State University (Amendment) Act, 2017]¹

(Bihar Act 11, 2017)

An Act to amend Bihar State University Act, 1976 (Bihar Act 23, 1976)

Preamble.—Whereas, there shall be a University Service Commission for future appointment to the post of Teachers in the Universities and Colleges of the Bihar State in conformity with the prescribed standards of University Grants Commission.

And, whereas, it is essential to make appointments to the posts of Teachers in the Universities of the State by making the provisions for appointment of teachers in the Bihar State University Act, 1976 in conformity with the provisions laid down in the various guidelines/regulations issued by the University Grants Commission from the time to time.

Hence, it is necessary to amend the Act as per the guidelines/regulations issued by the University Grants Commission.

Be it enacted by the Legislature of the State of Bihar in the Sixty-eighth Year of the Republic of India as follows:—

1. Short title and Commencement.—(1) This Act may be called The Bihar State University (Amendment) Act, 2017.

(2) It shall come into force with effect from the date which the State Government, by notification, may fix.

2. Section 2 to 4 *inserted* in the body.

5. Saving.—Notwithstanding the amendment made in Section 2 and clause (iii) of sub-section (1) of Section 57 of this Act, anything done or decision or action taken prior to it shall be deemed to have been validly done or taken and shall not be questioned on the ground of amendment.

Bihar State University (Amendment) Act, 2017]²

(Bihar Act 14, 2017)

An Act to amend the Bihar State University Act, 1976 (Bihar Act 23, 1976)

Preamble.—Whereas, it is expedient to incorporate Principals of colleges under the Universities of the Bihar within the definition of teachers;

And, whereas, it is essential to take the services of experienced retired officers of Bihar Administrative Service to the post of Registrar in the Universities of Bihar.

Now, therefore, it is necessary to amend Section 2 and Section 15 of Bihar State University Act, 1976.

Be it enacted by the Legislature of the State of Bihar in the Sixty-eighth Year of the Republic of India as follows:—

1. Short title and commencement.—(1) This Act may be called the Bihar State University (Amendment) Act, 2017.

(2) It shall come into force at once.

2. Section 2 & 3 *inserted* in body.

4. Saving.—Notwithstanding the amendment made in Section 2(v) and sub-section (1) of Section 15 of this Act, anything done or decision or action taken prior to it shall be deemed to have been validly done or taken and shall not be questioned on the ground of amendment.

1. Published in Bihar Gazette (Ex.-Ord.) dated 21.4.2017.

2. Published in Bihar Gazette (Ex.-Ord.) dated 19.5.2017.



बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

29 वैशाख 1939 (श0)
(सं0 पटना 422) पटना, शुक्रवार, 19 मई 2017

विधि विभाग

अधिसूचनाएं

18 मई 2017

सं0 एल0जी0-01-14/2017/102लेज: 1-बिहार विधान मंडल द्वारा यथापारित का निम्नलिखित अधिनियम, जिसपर महामहिम राज्यपाल दिनांक 15 मई, 2017 को अनुमति दे चुके हैं, इसके द्वारा सर्व-साधारण की सूचना के लिये प्रकाशित किया जाता है।

बिहार-राज्यपाल के आदेश से,
सुरेन्द्र प्रसाद शर्मा,
सरकार के सचिव।

[बिहार अधिनियम 14, 2017]

बिहार राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2017

बिहार राज्य विश्वविद्यालय अधिनियम, 1976 (बिहार अधिनियम 23, 1976) का संशोधन करने के लिए अधिनियम ।
प्रस्तावना:— चूँकि, बिहार राज्य के विश्वविद्यालयों के अन्तर्गत महाविद्यालयों के प्रधानाचार्यों को शिक्षक पद की परिभाषा में समाहित किया जाना आवश्यक है;
 और, चूँकि, बिहार के विश्वविद्यालयों में कुलसचिव के पद पर बिहार प्रशासनिक सेवा के सेवानिवृत्त अनुभवी पदाधिकारियों की सेवा लिया जाना उचित है;
 अतः बिहार राज्य विश्वविद्यालय अधिनियम, 1976 की धारा-2 एवं धारा-15 में संशोधन किया जाना आवश्यक है।
 भारत गणराज्य के अड़सठवें वर्ष में बिहार राज्य विधान-मंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो:-

1. **संक्षिप्त नाम एवं प्रारंभ** — (1) यह अधिनियम बिहार राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2017 कहा जा सकेगा।

(2) यह अधिनियम तत्काल प्रभाव से प्रवृत्त होगा।

2. **बिहार अधिनियम 23, 1976 की धारा-2 में संशोधन**— बिहार राज्य विश्वविद्यालय अधिनियम, 1976 (बिहार अधिनियम 23, 1976) की धारा-2 (ब) का मुख्य भाग निम्नलिखित द्वारा प्रतिस्थापित किया जायेगा :-

“(ब) इस अधिनियम या किसी अन्य अधिनियम, अध्यादेश, नियम या न्यायालय के किसी निर्णय या डिक्री में किसी बात के प्रतिकूल होते हुए भी “शिक्षक” से अभिप्रेत है केवल विश्वविद्यालय प्राचार्य/प्राचार्य, प्रधानाचार्य, सह-प्राचार्य (रीडर) तथा सहायक प्राचार्य (व्याख्याता) के पद एवं यू0जी0सी0 के द्वारा समय-समय पर निर्गत विनियमों में शिक्षक की श्रेणी में स्वीकार किए गए पद;”

3. **बिहार अधिनियम 23, 1976 की धारा-15 में संशोधन** । — अधिनियम की धारा-15 की उप-धारा (1) को निम्नलिखित के द्वारा प्रतिस्थापित किया जाएगा :-

“(1) इस अधिनियम के किसी प्रावधान के बावजूद यदि कुलाधिपति उचित समझे तो वह राज्य सरकार, केन्द्र सरकार, विश्वविद्यालय अनुदान आयोग अथवा किसी विश्वविद्यालय को कुलसचिव के पद के लिए बिहार प्रशासनिक सेवा के सेवानिवृत्त पदाधिकारियों सहित योग्य व्यक्तियों का नाम भेजने का अनुरोध कर सकेगा तथा वैसी स्थिति में जब राज्य सरकार, केन्द्र सरकार, विश्वविद्यालय अनुदान आयोग तथा किसी विश्वविद्यालय द्वारा एक या एक से अधिक पदाधिकारियों का नाम कुलसचिव के रूप में नियुक्ति के लिए, निर्धारित सेवा शर्तों, जो वे उचित समझे, के अधीन भेजा जाता है, तो कुलाधिपति उनमें से किसी को कुलसचिव के रूप में नियुक्त कर सकेंगे।”

4. **व्यावृत्ति** । — अधिनियम की धारा-2 (ब) एवं धारा-15 की उप-धारा (1) में संशोधन के होते हुए भी, पूर्व में किया गया कुछ भी या विनिश्चय और की गई कार्रवाई विधि पूर्ण किया गया समझा जायेगा या समझी जायेगी और अधिनियम की धारा-2 एवं 15 के प्रतिस्थापन के आधार पर प्रश्नगत नहीं किया जायेगा या की जायेगी।

बिहार-राज्यपाल के आदेश से,
सुरेन्द्र प्रसाद शर्मा,
 सरकार के सचिव।

18 मई 2017

सं0 एल0जी0-01-14/2017/103लेज: ।-बिहार विधान मंडल द्वारा यथापारित और महामहिम राज्यपाल द्वारा दिनांक 15 मई 2017 को अनुमत **बिहार राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2017** का निम्नलिखित अंग्रेजी अनुवाद बिहार-राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय संविधान के अनुच्छेद-348 के खंड (3) के अधीन उक्त अधिनियम का अंग्रेजी भाषा में प्राधिकृत पाठ समझा जायेगा।

बिहार-राज्यपाल के आदेश से,
सुरेन्द्र प्रसाद शर्मा,
 सरकार के सचिव।

[Bihar Act 14, 2017]

Bihar State University (Amendment) Act, 2017

AN

ACT

To amend the Bihar State University Act, 1976 (Bihar Act 23, 1976)

Preamble— Whereas, it is expedient to incorporate Principals of colleges under the Universities of the Bihar within the definition of teachers;

And, whereas, it is essential to take the services of experienced retired officers of Bihar Administrative Service to the post of Registrar in the Universities of Bihar.

Now, therefore, it is necessary to amend section 2 and section 15 of Bihar State University Act, 1976.

Be it enacted by the Legislature of the State of Bihar in the Sixty eighth year of the Republic of India as follows:-

1. Short title and Commencement.—(1) This Act may be called The Bihar State University (Amendment) Act, 2017.

(2) It shall come into force at once.

2. Amendment in Section-2 of Bihar Act, 23, 1976— The main part of section 2 (v) of the Bihar State University Act, 1976 (Bihar Act 23, 1976) shall be substituted by the following :-

“(v) "Teacher" means person holding the post of only University Professor/Professor, Principal, Associate Professor (Reader) and Assistant Professor (Lecturer) and such sanctioned post in the teacher's grade on the basis of regulations issued by the U.G.C. from time to time.

3. Amendment in section-15 of the Bihar Act 23, 1976.- sub-section (1) of section 15 of Bihar State University Act, 1976 shall be substituted by the following :-

"(1) Notwithstanding any provisions of the Act, If the Chancellor thinks fit, he may request the State Government, Central Government, University Grant Commission or any University to send names of suitable officers including the retired officers of Bihar Administrative Service for the post of Registrar, and in that case State Government, Central Government, University Grant Commission or any University may send the name of one or more officers for consideration for appointment as Registrar under such terms and conditions of service, as he may consider fit, and then the Chancellor shall appoint the Registrar from amongst them."

4. Saving - Notwithstanding the amendment made in section-2 (v) and sub-section (1) of section-15 of this Act, anything done or decision or action taken prior to it shall be deemed to have been validly done or taken and shall not be questioned on the ground of amendment.

बिहार-राज्यपाल के आदेश से,
सुरेन्द्र प्रसाद शर्मा,
सरकार के सचिव।

अधीक्षक, सचिवालय मुद्रणालय,
बिहार, पटना द्वारा प्रकाशित एवं मुद्रित।
बिहार गजट (असाधारण) 422-571+400-डी0टी0पी0।
Website: <http://egazette.bih.nic.in>



बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

13 भाद्र 1939 (श0)
(सं0 पटना 801) पटना, सोमवार, 4 सितम्बर 2017

विधि विभाग

अधिसूचनाएं

4 सितम्बर 2017

सं० एल०जी०-01-26/2017/174/लेज: 1—बिहार विधान मंडल द्वारा यथापारित का निम्नलिखित अधिनियम, जिसपर महामहिम राज्यपाल दिनांक 30 अगस्त 2017 को अनुमति दे चुके हैं, इसके द्वारा सर्वसाधारण की सूचना के लिये प्रकाशित किया जाता है ।

बिहार—राज्यपाल के आदेश से,
मनोज कुमार,
सरकार के संयुक्त सचिव।

बिहार राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2017

[बिहार अधिनियम 20, 2017]

बिहार राज्य विश्वविद्यालय अधिनियम, 1976 (बिहार अधिनियम 23, 1976) (समय-समय पर यथा संशोधित) का संशोधन करने के लिए अधिनियम।

प्रस्तावना :- चूँकि, राज्य सरकार ने संकल्प संख्या 1846 दिनांक 21.11.2008 के द्वारा वित्त रहित शिक्षा नीति को समाप्त करने तथा डिग्री महाविद्यालय सहित संस्थानों को अनुदान देने का निर्णय लिया है। कालान्तर में संबद्ध डिग्री महाविद्यालयों के शिक्षकों के बीच अनुदान राशि के वितरण के क्रम में ऐसा देखा गया है कि उक्त कोटि के महाविद्यालयों में लंबी अवधि से कार्यरत अनेक शिक्षकों की नियुक्ति शासी निकाय द्वारा की गई थी। हालांकि, कतिपय कारणों से उक्त कोटि के शिक्षकों के मामले में तत्कालीन बिहार कॉलेज सेवा आयोग की अनुशंसा प्राप्त नहीं की गई थी,

और, चूँकि, तत्कालीन बिहार कॉलेज सेवा आयोग अस्तित्व में नहीं है एवं बिहार राज्य विश्वविद्यालय अधिनियम, 1976 (बिहार अधिनियम 23, 1976) यथा अद्यतन संशोधित में संबद्ध डिग्री महाविद्यालयों में शिक्षकों की नियुक्ति के निमित्त महाविद्यालय स्तर पर अनुशंसा देने हेतु एक नई संस्था यथा "चयन समिति" का प्रावधान किया गया है,

चूँकि, अधिनियम के प्रावधानों को शिथिल किये बगैर, चयन समिति के लिए व्यक्तिवार मामलों की समीक्षा करना व्यावहारिक रूप में संभव नहीं है,

चूँकि, लोकहित में चयन समिति को बिहार कॉलेज सेवा आयोग की अनुशंसा के बगैर सभी कार्यरत शिक्षकों के मामले की जाँच करने हेतु सशक्तिकरण के लिए प्रावधान करना आवश्यक है।

भारत गणराज्य के अड़सठवें वर्ष में बिहार राज्य विधान मंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो:-

1. संक्षिप्त नाम एवं प्रारम्भ।—(1) यह अधिनियम बिहार राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2017 कहा जा सकेगा।

(2) इसका विस्तार संपूर्ण बिहार राज्य में होगा।

(3) यह तुरन्त प्रवृत्त होगा।

2. बिहार अधिनियम 23, 1976 की धारा 57 क में संशोधन — (बिहार अधिनियम 23, 1976 की धारा 57 क की उपधारा—(6) निम्नलिखित द्वारा प्रतिस्थापित की जाएगी :-

"(6) इस अधिनियम के अधीन रहते हुए, चयन समिति, संबद्ध डिग्री महाविद्यालयों में दिनांक 19.04.2007 के पूर्व बिहार कॉलेज सेवा आयोग की अनुशंसा के बगैर नियुक्त शिक्षकों के मामले की समीक्षा, ऐसे शिक्षकों की नियुक्ति के समय लागू अहर्ता के आधार पर दिनांक 31.03.2018 तक पूरी कर लेगी, अन्यथा ऐसी नियुक्तियाँ वैध नहीं मानी जाएगी। तत्पश्चात् महाविद्यालय के शासी निकाय चयन समिति द्वारा अनुशंसित नामों को स्वीकार करेगी, जिसे संबंधित विश्वविद्यालय द्वारा अंतिम रूप से अनुमोदित किया जाएगा।

दिनांक 31.03.2018 तक राज्य सरकार द्वारा स्वीकृत अनुदान की राशि का वितरण, संबंधित संबद्ध डिग्री महाविद्यालयों में कार्यरत शिक्षकों के बीच, उनकी शासी निकाय के द्वारा किया जाएगा।"

बिहार—राज्यपाल के आदेश से,
मनोज कुमार,
सरकार के संयुक्त सचिव।

4 सितम्बर 2017

सं0 एल0जी0—01—26/2017/175/लेज:।—बिहार विधान मंडल द्वारा यथापारित और महामहिम राज्यपाल द्वारा दिनांक 30 अगस्त 2017 को अनुमत बिहार राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2017 का निम्नलिखित अंग्रेजी अनुवाद बिहार—राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय संविधान के अनुच्छेद—348 के खंड (3) के अधीन उक्त अधिनियम का अंग्रेजी भाषा में प्राधिकृत पाठ समझा जायेगा।

बिहार—राज्यपाल के आदेश से,
मनोज कुमार,
सरकार के संयुक्त सचिव।

Bihar State University (Amendment) Act, 2017

[Bihar Act 20, 2017]

AN

ACT

To Amend the Bihar State Universities Act, 1976

(Bihar Act 23, 1976) (as amended from time to time)

Preamble:- Whereas, the State Government has taken a policy decision to abolish the Vitta Rahit Shiksha Niti and to provide grant to the institutions including Degree Colleges vide Resolution No 1846, dated 21-11-2008. In course of distribution of grant amongst the teachers of the Affiliated Degree colleges, it has been noticed that the many of the teachers

working in such colleges for long duration were appointed by the Governing Body of the Colleges. However, erstwhile Bihar College Service Commission's recommendation in respect of them was not obtained for various reasons;

And whereas, since erstwhile Bihar College Service Commission has ceased to exist and a new body namely selection committee at college level has been created for making recommendation with regard to the appointment of teachers of the Affiliated Degree Colleges under The Bihar State University Act, 1976 (Bihar Act 23, 1976) as amended from time to time;

Whereas it is practically not possible for the selection committee to scrutinize individual cases unless relaxation is permitted.

whereas, it is necessary in public interest to provide for empowerment to the selection committee to scrutinize the cases of all those working teachers appointed without the recommendation of the Bihar College Service Commission.

Now, therefore, Be it enacted by the legislature of The State of Bihar in the sixty eight year of the Republic of India as follows:-

1. *Short title, extent and commencement.*— (1) This Act may be called The Bihar State Universities (Amendment) Act, 2017.

(2) It shall extend to the whole of the State of Bihar.

(3) It shall come into force with immediate effect.

2. *Amendment in Section 57A of the Bihar Act 23, 1976.*— Sub-section (6) of Section 57A of The Bihar Act 23 of 1976 shall be substituted by the following:-

“(6) Subject to this Act, The Selection Committee shall complete the scrutiny of the cases of the teacher's appointed without the recommendation of the Bihar College Service Commission prior to 19.04.2007 in the Affiliated Degree Colleges on the basis of the qualifications enforced at time of the appointment of such teachers till 31.03.2018. Otherwise such appointments will not be treated valid. Thereafter the Governing Body of the college will accept the names recommended by the Selection Committee, which shall be finally approved by the concerned University.

Distribution of grant amount sanctioned by the State Government till 31.03.2018 shall be made amongst the teachers working in the concerned affiliated degree colleges by its Governing Body.”

By order of the Governor of Bihar,
MANOJ KUMAR,
Joint Secretary to Government.

अधीक्षक, सचिवालय मुद्रणालय,
बिहार, पटना द्वारा प्रकाशित एवं मुद्रित।
बिहार गजट (असाधारण) 801-571+400-डी0टी0पी0।
Website: <http://egazette.bih.nic.in>



बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

10 चैत्र 1943 (श10)
(सं0 पटना 235) पटना, बुधवार, 31 मार्च 2021

विधि विभाग

अधिसूचना

31 मार्च 2021

सं० एल०जी०-01-11/2021-2157/लेज।—बिहार विधान मंडल द्वारा यथापारित का निम्नलिखित अधिनियम, जिसपर महामहिम राज्यपाल दिनांक 27 मार्च 2021 को अनुमति दे चुके हैं, इसके द्वारा सर्व-साधारण की सूचना के लिये प्रकाशित किया जाता है।

बिहार-राज्यपाल के आदेश से,
पी०सी० चौधरी,
सरकार के सचिव।

31 मार्च 2021

सं० एल०जी०-01-11/2021-2158@yt—बिहार विधान मंडल द्वारा यथापारित और महामहिम राज्यपाल द्वारा दिनांक 27 मार्च 2021 को अनुमत **fcglj jk; fo'ofol by; 1/2vflur; e 2021** का निम्नलिखित अंग्रेजी अनुवाद बिहार राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय संविधान के अनुच्छेद-348 के खंड (3) के अधीन उक्त अधिनियम का अंग्रेजी भाषा में प्राधिकृत पाठ समझा जायेगा ।

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ljdj dsl fpoA

[Bihar Act 10, 2021]

Bihar State University (Amendment) Act, 2021

AN

ACT

To amend Bihar State University Act, 1976 (Bihar Act 23, 1976)

Preamble— Whereas, the state government vide its resolution no. 591 dated 06.03.2019, has decided to make appointments of non teaching staffs of grade III in the universities of Bihar through any Commission.

Whereas, Principal of the constituent colleges under the Universities of Bihar has been categorically declared as teacher in Bihar State University act 1976 and Bihar State University Service Commission has been established to the appointment of teachers in the Universities. Therefore it is logical to make appointment to the post of Principals through Bihar State University Service Commission.

On the above mentioned facts, it is expedient to make amendment in Bihar State University act 1976.

Be it enacted by the Legislature of the State of Bihar in the Seventy second year of the Republic of India as follows:-

1. Short title and Commencement.—This Act may be called The Bihar State University (Amendment) Act, 2021.

(2) It shall come in force from the date of its publication in the official gazette.

2. Amendment in Section-10 of Bihar Act, 23, 1976— The following proviso shall be added after sub-section (6) of section- 10 of the act.

“Provided that the appointments on sanctioned posts of non teaching employees of grade III in the universities/Constituent colleges of state shall be done by the Vice-Chancellor of the university on the recommendation of Commission decided by the State Government through due process. University shall take prior approval of the state government for sending requisition to the concerned Commission for appointment to those posts.

3. Amendment in Section-26 of Bihar Act, 23, 1976— Part (iv) of sub section 6 of section 26 shall be substituted by the following :-

“(iv) The Principal shall hold office for a period of five years in one college.

This period shall be extendable for another term of five years on the basis of performance assessment by a committee appointed by the University.”

4. Amendment in Section-57 of Bihar Act, 23, 1976— Part (i) of sub section 2 of section 57 shall be substituted by the following :-

“57 (2)(i) Subject to the provisions of this Act and the provisions of the statute made thereunder appointment to the post of officers (other than Vice-Chancellor, Pro-Vice Chancellor, Registrar, Dean of faculty and Principal of Contituent Colleges) of the University shall be made by the University on the recommendation of the Selection Committee consisting of the following members :-

- (1) The Vice-Chancellor of the University concerned- Chairman.
- (2) One member to be nominated by the Chancellor.
- (3) One member to be nominated by the Government.\
- (4) Three experts not connected with the University to be nominated by the Vice-Chancellor from a panel of not less than ten names approved by the

Academic Council for each post, out of which, at least one member should belong to scheduled caste/scheduled tribes and two members shall be from outside of state. The academic Council shall send name of not less than two members belonging to the scheduled caste/scheduled tribes category.

(5) The head of the department on the discipline concerned.

Provided that, if there is no representation of Woman or extremely backward class (schedule-1) or both in the selection Committee then it may be open to the State Government to nominate additional members from amongst woman or extremely backward class (Schedule-1) or both as the case may be.

Provided further that, subject to the provisions of this Act and statutes made thereunder the Bihar State University Service Commission shall, as far as may be, perform, in respect of appointment to the post of Principal, the same functions as are assigned to the Bihar Public Service Commission in respect of the State Services under Article 320 of the Constitution of India."

5. *Savings.*— Notwithstanding the amendment made in sub-section (6) of section-10, Part (iv) of sub section 6 of section 26 and Part (i) of sub section 2 of section 57 of this Act, anything done or decision or action taken prior to it shall be deemed to have been validly done or taken and shall not be questioned on the ground of amendment.

P.C. Choudhary,
Secretary to the Government.

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