



The Patna University Act, 1976

Act 24 of 1976

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THE PATNA UNIVERSITY ACT, 1976

[Bihar Act 24 of 1976]¹

[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 67 of 1982, 18 of 1993, 13 of 1995, 15 of 1996 and 7 of 1998 and 13 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 texts of the Act with 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].

An Act to establish and incorporate a teaching University at Patna 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 :—

1. Short title and commencement.—(1) This Act may be called the Patna University 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 21 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) "Academic Council" means the Academic Council of the University;
- (d) "Chancellor" means the Chancellor of the University;
- ²(e) "College" means an institution maintained or controlled by the University or maintained by the State Government in which instruction is given to the Students of the University upto the Post-graduate Standard or below 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 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 in Intermediate standard also;]
- (f) "Head of a College Department" means the head of any department of a college;
- (g) "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. It includes Director of any institute maintained by the University. ³[or the Government for the pro-

1. Published in Bihar Gazette (ex.-ord.) dated 16.5.1977.
2. Subs. by Act 18 of 1993.
3. Ins. by Act 67 of 1982.


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motion of research or for imparting instruction to the students of the University in the post-graduate standard;

- (h) "Hostel" means a place of residence for the 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;
- (i) "Institute" means an institution maintained or recognised by the University;
- (j) "prescribed" means prescribed by this Act or by the Statutes, the Ordinances, the Regulations, or the Rules framed thereunder;
- (k) "Principal" means the head of a college.
- (l) "Professor" means a teacher of a College possessing such qualifications as may be prescribed by the Statutes;
- (m) "registered graduate" means a graduate of the University who has received a degree of the University and whose name has been entered, in the register of registered graduates maintained under the provisions of this 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) or the Patna University Act, 1961 (Bihar Act no. III of 1962) 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 deemed to be registered graduate under the Bihar State Universities (Bihar, Bhagalpur and Ranchi Universities) Act, 1960 (Bihar Act XIV of 1960), shall be deemed to be registered graduate of the University subject to the condition that the College from which he graduated falls within the jurisdiction of the University.

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

- (n) "Reader" means a teacher of a College or the University possessing such qualifications as may be prescribed by the Statutes;
- (o) "Lecturer" means a teacher of a college or the University possessing such qualifications as may be prescribed by the Statutes;
- (p) "Senate" means the Senate of the University;
- (q) "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;
- (r) "Teacher" includes Principal, University Professor, College Professor, Reader, Lecturer, Demonstrator and other persons imparting instruction in any department, or in any College or institute maintained by the University;
- (s) "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


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- Graduate standard or for guiding research work or both and possessing such qualification as may be prescribed by the Statutes;
- ¹[(ss) "Subject" means subject or subjects assigned to each faculty by the Statutes in respect of which the faculties shall appoint Board of courses and studies;]
- (t) "Syndicate" means the Syndicate of the University;
- (u) "University" means the University established and incorporated under section 3 of this Act;
- (v) "University Fund" means the fund of the University established under section 46 of this Act;
- (w) "Vice-Chancellor" means the Vice-Chancellor of the University;
- (x) "Pro-Vice-Chancellor" means the Pro-Vice-Chancellor of the University;
- (y) "Deans of student's welfare" means the Dean appointed for that purpose by the University,
- ¹[(z) "other equivalent post" means any other post the scale of pay of which is equivalent or as the State Government may declare equivalent]
- ²(za) "Commission" means 'The Bihar State University (Constituent Colleges) Service Commission' constituted by the State Government for making recommendations for appointments etc., of teachers and officers of the Universities and Constituent Colleges.
- (zb) "Other Backward Classes" shall have reference to extremely Backward, Backward Classes and Women of Backward Classes.]

Legislative changes (after 1982)—Clause (e) of this section originally read as follows :

"2 (e) '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) or (17) of Section 5, 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 34 of 1986 which was continued by and finally by Act 18 of 1993 which repealed the preceding Ordinances, while retained clause (e) but with some modifications i.e. words "subject to the provisions contained in clause (16) or (17) of section" have been omitted. All the above amendments have not carried with it the "Proviso" which was attached with the original clause (e). 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 (e).

By Ordinance 5 of 1985, a new clause (ZA) was added to this section which reads as follows :

"(य) बिहार राज्य विश्वविद्यालय (अंगीभूत महाविद्यालय) सेवा आयोग' से अभिप्रेत है विश्वविद्यालयों एवं अंगीभूत महाविद्यालयों में शिक्षकों तथा पदाधिकारियों की नियुक्ति आदि के संबंध में अनुशांसा करने के लिए राज्य सरकार द्वारा गठित किया जानेवाला बिहार राज्य विश्वविद्यालय (अंगीभूत महाविद्यालय) सेवा आयोग।"

The above clause continued till the enactment of Act 18 of 1993.

By Ordinance 15 of 1993 a new clause (cc) to this section was added which reads as follows :

"(cc) 'Commission' means Bihar State University (Constituent Colleges) Service Com-

mission constituted by the State Government for making recommendations for appointments etc. of teachers and officers of the Universities and Constituent Colleges."

3. Establishment and incorporation of University.—There shall be established with effect from the date of commencement of this Act, a University by the name of Patna University with headquarters at Patna.

(2) The first Chancellor, the first Vice-Chancellor, every 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) With effect from the commencement of this Act all educational institutions admitted to the privileges of the Patna University established under Patna University Act, 1961 (Bihar Act III of 1962) shall be deemed to be College admitted to the privileges of this University.

(5) On the commencement of this Act, any such College and its attached hostels and other buildings, forming part of that College including furniture, library, books, laboratories, stores, instruments, apparatus, appliances and equipments, which were transferred to the Patna University established under Bihar Act no. III of 1962, and such Colleges which lie within the jurisdiction of the University are transferred on the same terms and conditions which were applicable before the commencement of this Act.

4. Jurisdiction of the University.—(1) The jurisdiction of the University shall extend to the colleges namely the Patna College, the Patna Science College, Bihar College of Engineering, the Patna Law College, the Patna Training College, the Magadh Mahila College, the Patna Women's College, the Women's Training College, Patna, the Bihar National College and the Vanijya Mahavidyalaya and attached hostels and other buildings forming parts of such colleges and hostels, and all the Departments maintained by the Patna University established under the Patna University Act, 1961 (The Bihar Act no. 3 of 1962) together with its building and other buildings forming parts of the University.

(2) The State Government may, by a notification published in official *Gazette*, transfer any teaching institution situated within the limit of Patna Development Authority on such conditions as the State Government and the University may deem fit to impose, and on such a transfer having been made such a college shall be admitted to the privileges of the University.

(3) The State Government may by a notification published in the official *Gazette*, withdraw any educational institution from the jurisdiction of the University on such conditions as the State Government and the University may think fit to impose.

(4) Persons of Indian nationality residing within the territories of the Indian Union shall be entitled to seek admission in the correspondence courses conducted by the University.

5. Purposes and powers of the University.—There shall be the following purposes and powers of the University :—

(1) To provide—

- (i) for instruction in such branches of learning as the University may think fit including professional studies and technology; and
 - (ii) for research and for the advancement and dissemination of knowledge.
- (2) To hold examination and to grant and confer degrees, diplomas, certificates and other academic distinction to and upon persons who—
- (a) have pursued an approved course of study in the University and have passed the examinations of the University, under conditions laid down in the Statutes, the Ordinances or the Regulations;
 - (b) are teachers, librarians and laboratory assistants in educational institutions or any other person, under such conditions as may be prescribed in the Statutes, the Ordinances and the Regulations and have passed the examinations of the University under like conditions;
 - (c) have carried on independent research under conditions laid down in the Statutes, the Ordinances or the Regulations;
- (3) to confer honorary degrees or other distinctions upon persons approved in the manner prescribed in the Statutes;
- (4) to provide such lectures and instruction 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 Professors, Readers, Lecturers and Teachers;
- (8) to recognise teachers as qualified to give instruction in Colleges;
- (9) to institute and award fellowships including travelling Fellowships, scholarships, exhibitions, 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 :
- ¹[Provided that after promulgation of the Intermediate Education Council Ordinance, 1976, recognition of intermediate Colleges shall be granted by the Intermediate Education Council :]
- (11) to demand and receive such fees as may be prescribed by the Ordinance :
- (12) to supervise and control the residence and discipline of students of the Colleges and the University :
- (13) to make arrangement for promoting the health and general welfare of the students and for that purpose to have powers to appoint and constitute such committees as may be prescribed in the Ordinance;
- (14) to enter into agreement with other bodies and persons for promoting the purpose of this Act and to assume the management of any institution and to take over its properties and liabilities under them.
- (15) to hold and manage, endowments, bequests, donations or other trans-

fer of properties made to and for the benefit of Colleges either itself or through such agencies as were administering the said endowments, donations and other properties immediately before the commencement of this Act, subject to such conditions and restrictions as may be prescribed by the Statutes;

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

(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 purpose, the building 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 under-graduate teaching of any standard in any subject or subjects and where the University decides to centralise the conduct of such under-graduate teaching, it shall be lawful for the University to arrange and provide centrally for the delivery of lectures in such subject or subjects and to utilise, for the said purpose, the building of one or more colleges and such members of the staff and articles of furniture, libraries, books, laboratories, stores and instruments and other equipments of such college or colleges as may be prescribed by the statutes;

(19) to declare existing colleges and institutes, subject to conditions as may be prescribed in the Statutes as autonomous Colleges or institutes, as the case may be;

(20) 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 a teaching and examining body and to cultivate and promote arts, science and other branches of learning.

6. 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 dogma 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 prevent the University from making any provision for reservation of posts and appointment in favour of members of the ¹[scheduled castes, scheduled tribes, backward classes, women and economically weaker section].

7. Teaching of the University.—(1) All recognised teaching in connection with the 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 colleges by the university professors, professors, readers, lecturers and the teachers in accordance with any syllabus prescribed by the Regulations.

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

(3) The Courses and curricula shall be prescribed by the regulations.

(4) In addition to recognised teaching, tutorial and other supplementary instructions 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.]

Legislative changes (after 1982)—Clauses II and III of sub-section (5) of this section which have undergone changes by Act 18 of 1993 or Ordinance 15 of 1993 (in case of clause III) originally read as follows :

"(ii) In the Faculties of Arts, Science, and Commerce, the University shall prescribe the syllabus, conduct teaching, hold examination and publish results upto Intermediate standard till the Bihar intermediate Education Council is established and notification in that respect is published in the official gazette:

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

(iii) Intermediate course shall be of two years' duration at the end of which there shall be a public examination."

Clause III was substituted by Ordinance 15 of 1993 and it reads as follows :—

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

²**[8. 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, Student's Welfare,
- (6) Proctor,
- (7) Registrar,
- (8) College Inspector,
- (9) Finance Officer and
- (10) Such other persons as may be declared officers of the University by the Statutes.]

²**[9. Transfer of Officers.**—(1) The officers of the University (excluding the Chancellor, the Vice-Chancellor, the Pro-Vice-Chancellor, the Dean, Student's 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.

1. Subs. by Act 18 of 1993.

2. Subs. by Act 67 of 1982.

(2) The Vice-Chancellor may transfer officers mentioned in serial (5) to (8) in sub-section (1) of section 8 to any equivalent post or revert them to their substantive post in the same University.]

Legislative changes (after 1982)—By Ordinance 38 of 1986 this section was substituted. The amended section read as follows :

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

10. 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 at any convocation of the University.

(2) The Chancellor shall have the right to inspect the University, its buildings, laboratories, workshops and equipments, 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 enquire or to cause an enquiry to be made in like manner, in respect of any matter connected with the University ¹[and it shall be the responsibility of the authorities of the concerned University and the college to give full co-operation in the enquiry.]

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 enquiry conducted and the University shall be entitled to be represented thereat.

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

²[(b) The Syndicate and the Academic Council shall report 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 do not within a reasonable time, take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation furnished or representation filed by ³[x x x x] the Syndicate and the Academic Council, issue such direction as he may think fit, and the Syndicate and the Academic Council shall at once comply :

²[Provided that notwithstanding anything 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 and after due hearing on the charges, may issue such directions as he deems fit, and the Vice-Chancellor, the Syndicate, the Academic Council, 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 orders of the University, which are not consistent with this Act, Statutes, Ordinance or regulation or for which there are not sufficient reasons;

Provided that before issuing any such order or directives, he shall call upon the University to show cause within the period specified by him why such order or directive should not be issued and if any cause is shown within the specified period he shall consider the same.]

1. Ins. by Act 67 of 1982
2. Subs. by *ibid.*
3. Omitted by *ibid.*

¹[(4a) The Chancellor may review or recall any order passed by him, if such review or recall is, in the opinion of the Chancellor, necessary in the interest of justice as he thinks fit and proper or on account of a mistake which is apparent from the record.]

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

(6) Where power is conferred upon the Chancellor 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 powers nominate persons to represent interest not otherwise adequately represented.

(7) 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 36 of 1986. The new sub-section (7) inserted reads as follows :

"(7) (i) The Chancellor shall have the 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 orders which he may deem fit and proper."

The above amendment continued till the life of Ordinance 15 of 1992, by successive Ordinances. Ordinance 15 of 1992 was repealed by Act 18 of 1993 and the said amendment could not be retained due to a decision by the Hon'ble High Court in *Mrs. Vineeta Prasad v. Vice-Chancellor*, 1991 (2) PLJR 725.

11. The Vice-Chancellor.—(1) No person shall be deemed to be qualified to hold the office of the Vice-Chancellor, unless he—

- (i) is an educationist having experience of administering the affairs of any University of India for not less than six years, or
- (ii) is or has been Principal or Head of the Department of any University or College, and has a teaching experience of not less than 10 years in the University or in any other University or in any college.

(2) The Vice-Chancellor shall be appointed by Chancellor, in consultation with the State Government from amongst persons having qualification as mentioned in sub-section (1) ²[and he shall hold office during the pleasure of the Chancellor.]

²[(3) The Vice-Chancellor shall be 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.]

Amendment by Act 18 of 1993.

[Publishers Note :—The Amendment made by the above Act for Sub-Section 3 of Section 11 of the Patna University Act, 1976 is not clear so we are giving the Amendment in full for the facility of the readers.

"(ii) In Sub-Section (3) before the words "The Chancellor" the words "Subject to the foregoing provisions of this Section" shall be inserted."

1. Subs. by Act 67 of 1982
2. Ins. by Act 18 of 1993.

(4) (i) ¹[x x x x] Other terms and conditions of his appointment shall be determined by the Chancellor in consultation with the State Government.

²(ii) Where the person appointed as 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 Vice-Chancellor.]

(5) The Vice-Chancellor shall be the principal executive and academic officer of the University, 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 at meetings of the Senate and 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, made thereunder, 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 servant of the University, not being teachers and officers of the University, and have control and full disciplinary powers over such staff and servants.

³(7) कुलपति को सिनेट, उसकी समितियों एवं उप-समितियों, सिन्डीकेट उसकी समितियों एवं उप-समितियों, विद्वत परिषद् 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 Chancellor shall have the right to visit and inspect the Colleges and building, laboratories, workshops, and equipments thereof and any other institutions associated with the University.

(9) The Vice-Chancellor shall carry out the orders of the Syndicate in respect of appointment, transfer, discharge or suspension of officers and teachers of the University, and shall exercise general control over the educational arrangement of the University, and shall be responsible for the discipline of the University.

(10) If 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 immediate action involving the exercise of any power vested in ¹(the Syndicate or the 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.

(11) Subject to the provision of this Act, it shall be the duty of the Vice-Chancellor to see whether the proceedings of the University are carried out in accordance with the provisions of this Act, the Statutes, the Ordinances, the Regulations and the Rules or not, and the Vice-Chancellor shall report to the Chancellor every such proceeding which is not in conformity with such provisions.

Till such time as the orders of the Chancellor are not received on the report of the Vice-Chancellor that the proceedings of the University is not in accordance

1. Omitted by Act 18 of 1993.
2. Subs. by *ibid*.
3. Subs. by Act 67 of 1982

with this Act, the Statutes, the Ordinances, the Regulation and the Rules, the Vice-Chancellor shall have the powers to stay the proceeding reported against.

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

²[(13) 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.

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

⁴[(15) Save as otherwise provided in the Act, or the Statutes the Vice-Chancellor shall appoint officers (other than the Pro-Vice-Chancellor) with the approval of the Chancellor, and teachers and shall define their duties.

(16) The Vice-Chancellor shall have power to take disciplinary action against officers, teachers and all employees of the University.

(17) 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.]

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

- (i) Substitution of sub-section (3) and (9)
- (ii) Insertion of illustrations to sub-section (12), and
- (iii) insertion of sub-sections (14) to (17)

The amendments having started from the Ordinances 35 and 38 of 1985 and 1986 respectively lasted till the life of Ordinance 15 of 1992.

Sub-section (3) after its substitution by Ordinance 35 of 1995 read as follows :

"(3) (a) The Vice-Chancellor shall be a whole time 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 re-appointed 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."

By Ordinance 38 of 1986 this section was further amended as per details given above [(i) to (iii)].

Sub-section (9), illustration to sub-section (12) and sub-sections (14) to (17) read as follows :—

"(9) The Vice-Chancellor shall exercise general control over the education arrangement of the 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."

In sub-section (12), the following illustration shall be added, namely :—

"*Illustration.*—'equivalent post' means Reader and Principal in the pay scale of Reader; Professor and Principal in the pay scale of Professor."

After sub-section (13), the following new sub-sections shall be added; namely:

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

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

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

1. Ins. by Act 67 of 1982.
2. Renumbered by ibid.
3. Ins. by Act 18 of 1993.

(17) 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."

Again by Ordinance 15 of 1993 sub-sections (3) and (4) (i) were substituted. The following are the texts of sub-sections (3) & (4) (i) after substitution :—

"(3) The Vice-Chancellor shall be appointed by the Chancellor in consultation with the State Government. He shall be a whole-time Officer and shall hold office during the pleasure of the Chancellor, ordinarily, for a term of three years. On the expiry of the said term, he may be re-appointed by the Chancellor in consultation with the State Government for a term not exceeding three years."

"(4) (i) The terms and conditions of the appointment of the Vice-Chancellor shall be determined by the Chancellor in consultation with the State Government."

By Act 18 of 1993 sub-section (11) was substituted. The following are the text of sub-section (ii) prior to its substitution.

"(11) Subject to the provisions of this Act, it shall be the duty of the Vice-Chancellor to see whether the proceedings of the University are carried out in accordance with the provisions of this Act, the Statutes, the Ordinances, the Regulations and the Rules or not, and the Vice-Chancellor shall report to the Chancellor every such proceeding which is not in conformity with such provisions.

Till such time as the orders of the Chancellor are not received on the report of the Vice-Chancellor that the proceedings of the University are not in accordance with this Act, the Statutes, the Ordinances, the Regulations and the Rules, the Vice-Chancellor shall have the power to stay the proceeding reported against."

[12. Removal of the Vice-Chancellor.—(1) If any time and after such enquiry 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 Ordinance, or
- (ii) has acted in a manner prejudicial to the interest of the University, or
- (iii) has been incapable of managing the affairs of the University, 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 reasons 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 office of the Vice-Chancellor shall be deemed vacant.

[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 an other cause, the information of which shall be immediately communicated to the Chancellor by the Vice-Chancellor, the pro-Vice-Chancellor or the Registrar, the Chancellor may make such arrangements 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 the temporary ab-

1. Restored by Act 67 of 1982 and shall be deemed to have been always there.
2. Subs. by *ibid*.

sence 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 duties of the office of the Vice-Chancellor, as he deems fit.

14. Pro-Vice-Chancellor.—(1) The Chancellor shall appoint the Pro-Vice Chancellor in consultation with the State Government.

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

²(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 this salary as Pro-Vice-Chancellor.]

³(4) Subject to the provisions of this Act, the Pro-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.

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

Legislative changes (after 1982)—Originally this section had three sub-sections. A new sub-section (4) to it by Ordinance 38 of 1986 which was continued by successive Ordinances till enactment of Act 18 of 1993. By this Act a new sub-section (3) was added, the existing sub-section (3) was re-numbered as sub-section (4) and a new sub-section (5) was added.

14A. Financial Adviser.—(1) The Financial Adviser shall be a wholetime officer. He shall be appointed by the Chancellor either on deputation or by re-employment from amongst the officers of the Indian Audit and Account 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 implications, 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 the Finance Officer shall work directly under the control of the Financial Adviser.

1. Subs. by Act 67 of 1982.
2. Ins. by Act 18 of 1993.
3. Re-numbered by *ibid.*
4. Added by *ibid.*
5. Ins. by Act 67 of 1982.

(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 also be the responsibility of the Registrar to mention specifically at the time of placing such 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 Syndicate takes a decision contrary to the advise of the Financial Adviser, such 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 audit objection, 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 properly and timely submission of utilisation certificates of the University grants in the prescribed manner shall be the responsibility of the Financial Adviser.

(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.] ✓

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

²[Provided that if the Vice-Chancellor thinks it necessary for administrative reasons, he may revert the Dean, Student's Welfare, to his original post and appoint another person as Dean for the unexpired period of his term.]

(2) The duties, powers and functions of the ¹[Dean, Students Welfare,] shall be prescribed by the Statutes.

(3) The teacher who is appointed as the ¹[Dean, Student's Welfare] under sub-section (1) shall continue to hold lien on his substantive post, and he shall be eligible for all the benefits which would have otherwise accrued to him, but for his appointment as the ¹[Dean, Students Welfare].

³**16. The Registrar.**—(1) Notwithstanding anything contained in 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 for the post of Registrar and in that case the State Government, Central Government, University Grants Commission or any University may send names 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 a wholetime officer of the University and he shall act as Secretary to the Senate, the Syndicate and the Academic Council and he 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;

1. Subs. by Act 67 of 1982.
 2. Ins. by ibid.
 3. Subs by Act 13 of 1995.

- (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 Act 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 Constituent Colleges and the Department of the University and to report to the Vice-Chancellor;
 - (g) have power to take disciplinary action against the ministerial staff and to suspend them pending inquiry and to administer warning to them or to impose on them the penalty to ensure or 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 the order of the Registrar imposing the penalty of withholding the increment;
- (b) In case where the enquiry 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 actions as the Vice-Chancellor may deem fit;
- (c) The Register 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)—By Ordinance 2 of 1986, a new clause (f) was inserted to this section which continued till Ordinance 2 of 1986 was repealed i.e. clause (f) came in to force w.e.f. the date of Ordinance 2 of 1986. The text of clause (f) is given below :

"(f) 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 for the post of Registrar, and in that case the State-Government, Central Government, University Grants Commission or any University may send name of one or more officers for consideration for appointment as Registrar under such terms and conditions of services as he may consider fit, and then, the Chancellor shall appoint the Registrar from amongst them."

By Ordinance 38 of 1986, the whole section 16 was substituted as follows :

Substitution of Section 16 of Bihar Act 24, 1976.—In the said Act for Section 16, the following shall be substituted, namely :—

"16. *The Registrar.*—(1) The 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 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 result;

(f) look after the proper functioning of the institutions affiliated to the University other than the Constituent Colleges and the Departments of the 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 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.

(2) (a) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing the penalty of withholding 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 actions 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."

Again Ordinance 12 of 1987 was promulgated which repealed Ordinance nos. 28, 34 and 38 of 1986 and substituted section 16 as follows:—

Substitution of Section 16 of Bihar Act 24, 1976.—In the said Act for Section 16, the following shall be substituted, namely:—

"16. *The Registrar.*—(1) Notwithstanding any provision 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 for the post of Registrar, and in that case the State Government, Central Government, University Grants Commission or any University may send 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 shall act as Secretary to the Senate, the Syndicate and the Academic Council and he 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 result;

(f) look after the proper functioning of the institutions affiliated to the University other than the Constituent Colleges and the Department of the 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 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 Registrar imposing the penalty of withholding the increment;

(b) In 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 actions 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."

Thus the so substituted section remained in force till the existence of Ordinance 15 of 1992 and thereafter the original section 16 came back in the same position as it was prior to its substitution in 1986.

This section was again substituted by Ordinance 14 of 1994 and finally Act 13 of 1995 was enacted which approved the amendments done by the Ordinances, This section reads as follows prior to its amendment by Ordinance 14 of 1994 :—

"16. *The Registrar.*—The 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 shall—

- (a) manage the property and investment of the University;
- (b) sign all contracts made on behalf of the University;
- (c) exercise and perform such other powers and duties as may be prescribed by the Statutes, the Ordinances, 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) 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."

1[16A. 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 for the post of Proctor caused due to resignation or illness or any other reason, his duties shall be discharged by a person appointed for the purpose by the Vice-Chancellor.

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

✓**17. The Finance Officer.**—The Finance Officer shall be wholetime 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, ²[the Financial Adviser,] or the Registrar. ✓

18. 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.

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

1. Ins. by Act 67 of 1982.
2. Subs. by *ibid.*

Ex-officio-members

- (1) The Chancellor;
- (2) The Vice-Chancellor;
- (3) The Pro-Vice-Chancellor;
- (4) ¹[Commissioner and Secretary Higher Education]
- (5) The Director of Higher Education, Bihar;
- (6) The Director of Health Service, Bihar;
- (7) The Director of Technical Education, Bihar;
- (8) The Deans of Faculties;
- (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 and the Principals of the Patna Medical College and the Dental College.

²[(10A) Director, Correspondence Course Patna University Patna.]

- (11) All ex-Vice-Chancellors of the University.

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

(12) Every person who has given to the satisfaction of the Chancellor, whether in one or more instalments, a sum of not less than one lakh 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:

Representative members

¹[(13) 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;]

(14) 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[(15) Fifteen teachers other than Deans, Principals and Head of University Departments having not less than five year's teaching experience to be elected by and from amongst the teachers of the College and the University Departments, two of whom shall be from scheduled Castes, two from Scheduled Tribes and three from other Backward classes;]

(16) One person to be elected by each of the Bihar Secondary Teachers Association, Bihar Hindi Sahitya Sammelan, Bihar, Anjuman Taraque-Urdu, Indian Medical Association (Bihar Branch), Institution of Engineers (Bihar Branch) and the ⁴[Bihar State Bar Association];

¹[(17) One from amongst the employees of the University and the Colleges to be elected by them in the manner prescribed by the Statutes;]

³[(18) Five students from amongst the students of the University to be elected in the manner prescribed in the statutes, by the members of the Union Council of the University Student's Union;]

1. Ins. by Act 18 of 1993.
2. Subs. by Act 18 of 1993.
3. Subs. by Act 67 of 1982.
4. Subs. by Act 15 of 2008.

Nominated Members

(19) Three persons nominated by the Chancellor, for their academic interest;

(20) One meritorious student to be nominated by the Vice-Chancellor in the manner prescribed in the statutes and whose tenure will be one year;

(21) One student who has distinguished himself in sports and other extra-curricular activities to be nominated by the Vice-Chancellor in the manner prescribed in the statutes and whose term of office will be one year.

(22) One person who has distinguished himself in sports to be nominated by the State Sports Council;

¹[(23) 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;]

²[(24) Such members of the Syndicate as are not members of the Senate under the above provisions.]

³[(25) 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)—This section was amended for the first time by Ordinance 5 of 1985 which substituted clause (17) only of this section which read as follows prior to its substitution:

"(17) One representative of the Bihar Rajya Vishwavidyalaya Ewam Mahavidyalaya Karmchari Mahasangh;"

Again clauses (9), (10) and 15 of this section were substituted by Ordinance 38 of 1986. Prior to their substitution these Clauses read as follows:

"(9) such of the Heads of University Departments as are not Deans,"

"(10) such of the Principals of Colleges maintained by the University as are not Deans and the Principals of the Patna Medical College and the Dental College;"

"(15) Twenty 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 Colleges 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;"

Again Ordinance 12 of 1987 was promulgated which repealed Ordinance nos. 28, 34 and 36 of 1986 but retained all the substitutions which continued till the life of Ordinance 15 of 1992. After enactment of Act 18 of 1993 certain new changes were brought in this section besides certain modifications in the prior substituted clauses.

Act 18 of 1993 which brought new amendments in this section are as follows :—

(1) In clause (4) words "Education Commissioner" were substituted by the words "Commissioner and Secretary, Higher Education".

(2) A new clause (10A) was added.

(3) Clauses (13) and (23) were substituted and a new clause (25) was added.

Prior to its substitution Clause (13) and (23) read as follows :

"(13) one person, 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;"

"(23) Five such registered graduates, other than the teachers of the University or its colleges who have completed a period of five years after graduation, to be nominated by the Chancellor out of the panel of registered graduates prepared by the Vice-Chancellor;"

1. Subs. by Act 18 of 1993.

2. Subs. by Act 67 of 1982.

3. Ins. by Act 18 of 1993.

20. ¹[(1) Term of office of members of the Senate.—The term of office of members of the Senate, other than the *ex-officio* members and the members whose term 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 a election or nomination to full up any casual vacancy under section 61:

Provided that a member elected, or nominated as representative or any body 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 :

²[Provided further that the tenure of office of the elected members under sub-section (18) of section 19 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 proceeding shall not be invalid merely because of any vacancy or vacancies in its membership.]

Legislative changes (after 1982)—By Act 18 of 1993 sub-section (2) was added to this section and existing text of this section was re-numbered as sub-section (1). Since none of the preceding Ordinances chain of which was broken by this Act contained such insertions, sub-section (2) is to take effect from the date of enactment of Act 18 of 1993.

21. Meetings of the Senate.—²[(1) The Senate shall meet twice in 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 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, ²[convene only one special meeting of the Senate in a year.]

22. Powers and duties of the Senate.—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 functions 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;
- (c) of passing resolution after having considered the annual reports, the annual account, the financial estimates and audit report on such accounts;
- (d) of exercising the powers for the purpose of control in College and of superintendence;
- (e) of instituting and conferring such degrees, titles, diplomas and other academic distinction as may be prescribed by the Statutes; and

1. Re-numbered by Act. 18 of 1993.

2. Subs. by Act 67 of 1982.

3. Ins. by Act 18 of 1993.

- (f) of exercising such other powers and of performing such other duties as are conferred or imposed upon it by this Act.

23. The Syndicate.—¹[(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 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 the 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 representation, 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 attainments in social work.]

²[(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 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;

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

1. Subs. by Act 18 of 1993.
2. Subs. by Act 67 of 1982.

¹[(3) सिंडिकेट की बैठक, अवकाश अवधि को छोड़कर, महीने में एक बार साधारणतः होगी; परन्तु यदि कुलपति उचित समझें तो सिंडिकेट की विशेष बैठक बुला सकते हैं। उप-समिति की बैठक सिंडिकेट की बैठक के तुरंत 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 38 of 1986 brought some changes in it viz. words "Chief Executive Body" in sub-section (1) was substituted to "Executive Council" and clauses (i) and (j) of sub-section (1) and proviso to sub-section (2) were substituted. These changes continued by successive Ordinances till Ordinance 15 of 1992. Prior to this substitution clauses (i) and (j) of sub-section (1) and proviso to sub-section (2) read as follows :—

"(i) One Reader or College Professor, 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;"

"(j) 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 votes 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 अन्तिम एवं बन्धनकारी होगा।"

"23 (2) Proviso.—Provided that a member elected or nominated shall be deemed to have vacated office with effect from the date on which he ceases to be member of the body which had elected or nominated him."

This section again underwent changes when Act 18 of 1993 substituted the whole of sub-section (1). Prior to substitution sub-section (1) read as follows :

"(1) The Syndicate shall be the Chief Executive body 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 Special Secretary of the State Government;
- (d) Dean, Student's Welfare;
- (e) Proctor;

other members

- (f) 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;
- (g) One person nominated by the State Government;
- (h) Two Principals of colleges under the University by rotation as prescribed by the Statutes and their tenure shall be one year;
- (i) One Reader or College Professor, 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;
- (j) 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 votes 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 अन्तिम एवं बन्धनकारी होगा।

- (k) One reputed educationist nominated by the Chancellor;
- (l) If in the foregoing clauses from (a) to (k) there be no *ex-officio*, nominated and elected Scheduled Caste member, then in that case the Chancellor shall nominate a Scheduled Caste member having academic interest:

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

By Amendment Act, 1993 a new sub-section (4) has also been added which has been incorporated in the main text.

A new sub-section (4) has also been added by this Amendment Act.

24. Powers and duties of the Syndicate.—The Syndicate—

- (a) shall hold, control and administer the property and funds of the University including endowments, bequests, donations and other transfers of property made to and for the benefit of Colleges;
- (b) shall determine the form, provide for the custody and regulate the use of the common seal of the University;
- (c) shall, subject to the power 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, the Ordinances 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 ¹[x x x] 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 up of temporary vacancies to the posts of such officers and teachers;
- (f) shall have power to accept on behalf of the University transfer of any movable or immovable property made to and for the benefit of the University or a college.
- (g) shall exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or the Statutes; and
- ²(h) shall take appropriate decision consistent with the Act, on all matters having financial implication only after obtaining the advice of the Financial Adviser.]

Legislative changes (after 1982)—This section was substituted by Ordinance 38 of 1986 and the substitution continued by successive Ordinances till Ordinance 15 of 1992 and the so substituted section 24 read as under:

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

- (a) hold, control and manage the properties 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 fund 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."

Amendment Act 18 of 1993 did not retain any such substitution. Therefore this section remained as it was prior to its substitution by Ordinance 38 of 1986.

25. The Academic Council.—The Academic Council shall consist of the following persons, namely :—

1. Omitted by Act 67 of 1982.
2. Ins. by *ibid*.

- (a) The Vice-Chancellor;
- (b) The Pro-Vice-Chancellor;
- (c) The Deans of Faculties;
- (d) The Director, Higher Education, Bihar;
- (e) All Heads of University Departments, Principals of all Colleges maintained by the University, who are not Deans;
- (f) All Principals of colleges maintained by the State Government;
- (g) Four teachers, other than Deans, Professors and Heads of University Department, who shall in the manner prescribed by the statutes, be elected by the Senate in such a way that each Faculty may get representation;
- (h) Not more than two experts from outside the University service, to be co-opted by the Academic Council for specific purposes according to need ;
- (i) The President of the University Student's Union elected under sub-section (1) of section 44.

(2) The term of office of members other than the *ex-officio*, shall be for three years with effect from the date 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)—Certain changes were made in this section by Ordinance 38 of 1986 i.e. in clauses (e) and (g) which continued till Ordinance 15 of 1992. But due to enactment of Act 18 of 1993 which repealed Ordinance 15 of 1992 did not retain these amendments.

26. 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 Ordinances 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 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.

27. The Faculties.—(1) The University may include the Faculties of Art, Science, Commerce, Medicine, Law, Education, Agriculture, Engineering and such other Faculties under it, as may be prescribed by the Statutes;

Provided that Senate cannot create a Faculty for the subject of such branch of learning for which there is no arrangement in any department of the University or any college thereof.

(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 ¹[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 following members :-

- (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 being more than one-fourth of the total number of members of that Faculty, and as are elected, in the manner prescribed by the Statutes, by and from amongst the members of the Senate ; 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 can be a member of more than two Faculties.

(5) ²[(a) *The Dean of Faculty.*—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 by 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 by rotation for a term of two years from amongst the Heads of Departments 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 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 Dean 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.]

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

1. Subs. by Act 67 of 1982
2. Subs. by Act 18 of 1993.

¹[(b)-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[(c)-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.

³[(d) 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, namely :-

- (a) to constitute the Board of courses of study in department assigned 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 5 of 1985 sub-section (5) (a) and its proviso was amended. Prior to its amendment Clause (a) of sub-section (5) with its proviso to sub-section (5) read as follows :

"(5) (a) *Dean of Faculty*.—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.

In cases, 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."

Subsequently in clause (b) sub-section 6 of section 27 words "Bihar Public Service Commission" were substituted by the words "Bihar State University (Constituent Colleges) Service Commission" by Ordinance 15 of 1993 which was later repealed by Act 18 of 1993. Clause (b) of sub-section (6) was substituted by Ordinance 15 of 1993, so its effective date of validity will commence from the enforcement date of this Ordinance whereas amendments to sub-section (5) (a) will date back to enforcement date of Ordinance 5 of 1985.

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

- (i) the Head of the Department;
- (ii) all teachers of the Department;
- (iii) two students one to be nominated by the Vice-Chancellor and the other to be nominated 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 measures for improvement.

(3) This Council shall meet at least thrice in a year on dates to be fixed 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.—²[(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 :

1. Subs. by Act 15 of 12008.
2. Subs. by Act 67 of 1982.
3. Ins. by Act 15 of 2008.

Provided that if the examination concerns any other faculty, then 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 report of such examination result to the Academic Council and generally regulating the methods of improvement in the procedure of correct evaluation of achievement 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 of names submitted by the Examination Board.

Legislative changes (after 1982)—Proviso to sub-section (2) of this section was added by Ordinance 38 of 1986 which continued till promulgation of Ordinance 15 of 1992. But after passing of Amendment Act 18 of 1993, which repealed Ordinance 15 of 1992, the proviso ceased to exist.

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

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

(2) Results of examinations shall be published within sixty days of the termination of the concerned examination which may be extended to further period of 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.—There shall be a Planning and Evaluation Committee for the purpose of preparing plan and programme for development and improvements of the University and in its courses of study, for reviewing and evaluating, from time to time, the progress achieved in such plans and programme; ¹[testing and evolving new methods of teaching, and for consultation and exchange of information with similar organisation, other Universities and research institutes for all or any of these purposes.

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

- (a) The Vice-Chancellor;
- (b) The 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;
- (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.—¹[(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, namely :—

- (a) The Vice-Chancellor;
- (b) The Pro-Vice-Chancellor;
- (c) The Dean of the Faculty concerned ;
- (d) All University Professors and Heads of those Departments, which have no University Professors, of the concerned Department ;
- (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 constitutions, powers, functions and duties of the authorities of the University;
- (d) the establishment of colleges and hostels and their maintenance and management;
- (e) the classification of teachers of the University, the manner of their appointment and their re-organisation;
- (f) the constitution of pension, insurance or provident fund for the benefit of the officers, teachers and other servants of the University, and the teachers of Colleges;
- (g) the maintenance of the register of registered graduates;
- (h) the number, qualifications, grades, pay, reservation of posts for ¹[scheduled castes, scheduled tribes, backward classes, women and economically weaker sections] and conditions of services 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 case shall be determined, according to the provisions of the Bihar Act, 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.]

- (i) 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 :

1. Subs. by Act 67 of 1982.

2. "Proviso" ins. by Act, 11 of 2004.

- (j) the maintenance of a register of teacher :
- (k) the conferments of honorary degrees and distinction :
- (l) all other matters which are or may be prescribed by the Ordinance or the Statutes.

35. Post for appointment shall not be created without prior sanction of the State Government.—(1) Notwithstanding anything contained in this Act, no University or constituent college of such University, except a college which—

- (a) is established, maintained or governed by the State Government, or
- (b) is a college established by religious or linguistic minority—

¹[(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;]

- (ii) shall increase the pay or allowances attached to any post, or sanction any new allowance :

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

- (iii) shall grant any special pay or allowance or other remuneration under any description whatsoever *ex-gratia* including payment or any other benefits 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 any of the college mentioned in clauses (a) and (b) of sub-section (1) shall after the commencement of this Act, appoint any person to any post without the prior sanction of the State Government :

Provided that no sanction of the State Government shall be necessary for filling up any sanctioned post of a teacher, for a period not exceeding six months, by a candidate who possesses, the prescribed qualifications.

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 relised 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 Act 18 of 1993 sub-section (3) was inserted. This insertion shall be effective from the enforcement date of Act 18 of 1993.

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—

- (i) the Senate shall not consider the number of posts of teachers, officers and other servants of the University unless such draft is recommended by the Chancellor for the consideration of the Senate;
- (ii) the Syndicate shall not propose any such statutes, as may affect the status, powers and constitution of any authority of the Univer-

1. Subs. by Act 67 of 1982.

2. Ins by Act 18 of 1993.

- sity, unless such authority has been given an opportunity of expressing an opinion upon the proposed changes, and the Senate shall have to consider such opinion expressed in writing; and
- (iii) on 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 statute or a portion thereof, after being presented by the Syndicate before the Senate is sent back to the Syndicate for re-consideration, and the Syndicate does not agree, after reconsideration, to the amendments suggested by the Syndicate that 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 Statutes, 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 will reconsider the draft and when the draft is so returned, the Senate shall re-consider 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 as he deems proper] or that he withholds assent therefrom.

²[x x x x x]

(4) Where any member of the Senate proposes to the Senate the draft of any Statutes, the Senate may 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 form as the Syndicate may approve, and the provisions of this section shall apply in the case of any draft so proposed 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 sub-sections, 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 Syndicate of the University and it shall be binding on the Vice-Chancellor to convene a meeting of the Syndicate for consideration of the draft Statutes within 10 days of receipt of the said draft. The Chancellor shall then give his assent to the

1. Subs. by Act 67 of 1982.

2. Omitted by *ibid.*

3. Ins. by *ibid.*

Statutes with such amendments as he 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 on any subject for the Patna University."]

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

- (a) the admission of students to the University and their enrolment as such :
- (b) the conditions of the students of the University, the levying of fees for residence in hostels maintained by 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 examination, degrees and diplomas of the University ;
- (d) the constitution, powers and duties of the Committees of the University ;
- (e) all other matters which by this Act or the Statutes are to be or may be provided for by the Ordinance.

38. Ordinance, 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 member 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) Ordinance so 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).

²[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, ~~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.

1. Subs. by Act 15 of 2008.

2. Ins. by *ibid*.

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 conditions 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 creations of departments of teaching in the Faculties ; DCS DB7
- (d) the conditions and mode of appointment and duties of examiners and the conduct of examination ;
- (e) constitution of the Examination Board, its powers, duties and functions; and
- (f) all other 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 recommendation, unless such Regulation, in the opinion of the Syndicate, relates to matters which, directly affect the interest of the University.

¹[(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 make a Regulation and considers its immediate enforcement necessary, the academic Council may recommend through the Syndicate to the Chancellor accordingly and the Chancellor with such amendment as he thinks 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.

²[Provided that any regulations 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.

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, the Statutes, the Ordinances and the Regulations for following matters, namely—

- (a) laying down the procedure to be observed at their meetings and the number of members required to form a quorum;
- (b) laying down the procedure to be observed by committees subordi-

1. Subs. by Act 67 of 1982.

2. Ins. by Act 15 of 2008

nate to any such authority and the Boards at their meetings 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 Board and not provided for by this Act, the Statutes, the Ordinances or the Regulations.

(2) Every authority of the University shall make Rules providing for the giving of notice to the members of such authority of the date of meeting 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. Consultation with the Bihar Inter-University-Board shall be necessary in the matters relating to making of Statutes, etc.—The University shall send the drafts of all proposed Statutes, Ordinances, Regulations and Rules to the Bihar Inter-University Board for consideration, and shall consider the advice tendered by the said Board.

42. Residence.—Every students of the University shall reside in a hostel or in a residence subject to superintendence, control and conditions presented in Statutes or Ordinances.

43. Hostels.—Hostels shall be maintained by the University or Colleges or shall be approved and recognised by the Syndicate on general or specific conditions, including conditions of residence in hostels as prescribed by the University.

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

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

45. Annual report of the University.—(1) 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. It shall be submitted to the Senate on or before such date, as may be prescribed by the Statutes. It 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 resolutions:

Provided that no decision shall be taken in respect of the annual accounts nor shall there be anything in the resolution on the annual report which may have the effect of anticipating the report of the audit on the annual accounts.

(2) The annual report and the annual account of the University together with the resolution of the Syndicate (if any) relating thereto shall be placed before the next ensuing session of the State Legislature for consideration.

FINANCE, ACCOUNTS AND THE AUDIT OF THE UNIVERSITY.

46. The University Fund.—(1) There shall be established a Fund for the University to be called the Patna University Fund which shall be vested in the University for the purposes of this Act, subject to the provisions contained therein, and the following shall be placed to the credit of the University Fund namely—

- (a) all sums contributed or granted to the University from the Consolidated Fund of the State of Bihar for the purpose 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 moneys received by and on behalf of the institutions 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 if any standing, to the credit of the Patna University established and incorporated under Patna University Act, 1961 (Bihar Act III of 1962) immediately before commencement of this Act;
 - (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 persons;
 - (e) all fees payable and levied under this Act and the Statutes, Ordinances and Regulations made thereunder; and
 - (f) all other sums received by the University, not included in clauses (a),(b),(c),(d), or (e) above.

(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 Trust Act, 1882 (Act 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 obligations accepted by or imposed upon the Patna University, under the Patna University Act, 1961 (II of 1962), 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 its Colleges.

47. 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 sum of the annual recurring grant shall be worked out by the State Government in consultation with the Vice-Chancellor, and shall be revised every five years.

(3) The State Government may, contribute from time to time such additional grants to the University Fund, as it may having regard to the need of expansion and development of the colleges.

48. Annual estimates of income and expenditure of Colleges and University.—(1) Every college shall prepare in the prescribed form an estimate of its probable income including income from endowments and bequests, if any, and expenditure for the next ensuing financial year and shall submit it to the Syndicate on or before such date as may be prescribed by the Statutes.

(2) On receipt of the estimate under sub-section(1) the Syndicate shall refer it to the Finance Committee for examination and report.

(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 such date as may be prescribed, forward the same together with memo-

randum containing explanatory notes thereon to the Syndicate which may approve the estimates either without alteration or with such alterations 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 that of colleges and University Department 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.

49. The Budget shall be approved by the State Government.—(1) Notwithstanding anything contained in this Act, Statutes, University Ordinance or Regulations made thereunder, the University shall send its budget for the next financial year to the State Government not less than four months prior to the end of the financial year. 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 the University unless such expenditure has become part of the budget as finally approved under sub-sections (1) or (2).]

50. Consideration of estimates by the Senate.—(1) The Senate shall consider every estimate laid before it under sub-section (3) of section 4 and shall sanction the same, either without alteration or with such alterations as it may think fit.

(2) One copy of the estimate passed by the Senate shall be forwarded to the State Government.

51. Restriction on expenditure 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 estimate or can be met with the previous approval of the State Government, by re-appropriation 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.

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

- (a) to their payment of debts incurred by the University for the purpose of this Act and the Statutes, the Ordinances, the Regulations and the Rules made thereunder;
- (b) to the upkeep of departments established by the University, Colleges, residence and hostels;
- (c) to the payment of the salaries and allowances of officers, teachers

- and other servants of the University, and 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 payment of the cost of the University fund;
 - (f) to the payment of expenses of any suit or proceeding to which the University is a party;
 - (g) to the payment of any expense incurred by the University in carrying out the provisions of this Act and the Statutes, the Ordinances, the Regulations and the Rules made thereunder;
 - (h) to the payment of any other expense, though not specified in any of preceding clauses, but declared by the Senate to be the expense for the purpose of the University.

53. Audit and account of the University.—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.

(b) The audit of Annual Budget of the University shall be done every year by the auditors appointed by Auditor-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 from 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 account of the University,
- (b) suggest the recovery of any sum on account of any payment made 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 accounts 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 its own motion, to require any authority, officer or servant of the University or any other 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 re-imbursed within a specified period, then 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.]

54. Power of the State Government to have accounts of the University audited.— If it so considers necessary, the State Government may cause the accounts of the University 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 shall comply with such directions within the time specified therein.

55. Finance Committee.—(1) The Finance Committee shall consist of ²[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 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 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 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 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.

1. Ins. by Act 67 of 1982.

2. Subs. by *ibid.*

1[56. Appointment of teachers and officers.—(1) Subject to the provisions of this Act and the provisions of the Statutes made under it; the Bihar State University (Constituent Colleges) Service Commission shall, as far as may be, perform, in respect of appointment to the post of teachers 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 Woman 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 Lecturers in the University/Constituent 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 up to 31st December, 1993 and/or have already been awarded M.Phil. degree by 31st December, 1992 and on the basis of interviews 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 of teacher and officer, the Bihar State University (Constituent Colleges) Service Commission shall comply the conditions as provided in Section 57 of the Act.

⁴[(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 member belonging to Scheduled Caste/Scheduled Tribes category.]

1. Subs. by Act 18 of 1993.
2. Subs. by Act 13 of 1995.
3. Added by Act 15 of 2008.
4. Subs. by *ibid.*

Legislative changes (after 1982)—This section was substituted by Ordinance 5 of 1985. Prior to its substitution this section read as follows :

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

(2) बिहार लोक-सेवा आयोग विश्वविद्यालय में प्राध्यापकों की नियुक्ति हेतु लिखित प्रतियोगिता परीक्षा एवं साक्षात्कार के आधार पर एक पैनल (नामिका) तैयार करेगा और उसी पैनल (नामिका) से प्राध्यापकों की नियुक्ति की जायेगी।

(3) विश्वविद्यालय के शिक्षक अथवा पदाधिकारी के प्रत्येक पद पर नियुक्ति के लिए अनुशांसा करने में राज्य लोक-सेवा आयोग इस अधिनियम की धारा 57 में अन्तर्विष्ट शर्तों का पालन करेगा।”

After its substitution by Ordinance 5 of 1985 this section read as follows :—

“56. शिक्षकों और पदाधिकारियों की नियुक्ति —(1) इस अधिनियम और परिनियमों के उपबंधों के अधीन रहते हुए बिहार राज्य विश्वविद्यालय (अंगीभूत महाविद्यालय) सेवा आयोग विश्वविद्यालय के (कुलपति, प्रतिकुलपति और सहायक से भिन्न) शिक्षकों और पदाधिकारियों के पदों पर नियुक्ति के संबंध में यथासंभव उन्हीं कृत्यों का पालन करेगा जो राज्य सेवाओं के संबंध में भारत-संविधान के अनुच्छेद 320 द्वारा राज्य लोक सेवा आयोग को सुपुर्द किए गए हैं।

(2) बिहार राज्य विश्वविद्यालय (अंगीभूत महाविद्यालय) सेवा आयोग द्वारा सभी विश्वविद्यालयों तथा उनके अंगीभूत महाविद्यालयों में विभिन्न कोटि के शिक्षकों एवं पदाधिकारियों की नियुक्ति हेतु आयोजित साक्षात्कार के आधार पर एक-एक पैनल (नामिका) बनायी जायेगी और उसी पैनल से विभिन्न विश्वविद्यालयों एवं महाविद्यालयों के शिक्षकों तथा पदाधिकारियों की नियुक्ति की जायेगी।

(3) शिक्षकों एवं पदाधिकारियों के प्रत्येक पद पर नियुक्ति के लिए अनुशांसा करने में बिहार राज्य विश्वविद्यालय (अंगीभूत महाविद्यालय) सेवा आयोग इस अधिनियम की धारा 57 में अन्तर्विष्ट शर्तों का पालन करेगा।”

The above substitution continued by successive Ordinances till Ordinance 15 of 1992 which brought the following changes :

(i) Substitution of the words “Bihar State University (Constituent Colleges) Service Commission” for the words “State Public Service Commission” and “Bihar Public Service Commission”.

(ii) Addition of a new sub-section (4) after sub-section (3). The new sub-section (4) read as follows :

(2) After Sub-section (3) a new sub-section shall be added; namely :—

“(4) Notwithstanding anything to the contrary contained in the Act, Statutes, rules, or regulations, the policy of reservation applicable in the State of Bihar shall apply in all appointments.”

Ordinance 15 of 1993 did not substitute the whole of this section as was done by previous ordinances, therefore it can be said that after the repeal of Ordinance 15 of 1992, the original section, as existed prior to its amendment by Ordinance 5 of 1985 reverted back and was subjected to amendments as suggested by Ordinance 15 of 1993. By comparing between the original section as amended by Ordinance 15 of 1993 with what was provided by Ordinances from 1985 to 1992 would reveal a change in its sub-section (2)

Act 18 of 1993 which did retain the substitution of this section but with major changes in sub-section (2) and a minor change in sub-section (3). Sub-section (2) as it appeared prior to its substitution by Act 18 of 1993 but after its substitution by various Ordinances till Ordinance 15 of 1992 mentioned above. The following changes may be found which were introduced by Act 18 of 1993.

In sub-section (3) words “as provided in Section 57” were used while in preceding Ordinances the words used were “as contained in Section 57”.

A new sub-section (4) was also added by Act 18 of 1993 to this section which was not there in any of earlier Ordinances.

Therefore, different dates of effect shall be deemed to be applicable to different sub-sections of this section i.e. those continuing from earlier ordinances shall date back to the date of first ordinance whereas those modified or added anew, from the date of modification/addition by the concerned Ordinance/Act.

Ordinance 7 of 1994 brought a small change in clause (a) sub-section (2) of this section to the extent that word “Teacher” wherever it occurred [in clause (a)] was substituted by the word “Lecturer”.

Ordinance 23 of 1994 substituted the whole of sub-section (2) and the substitution continued till finally Act 13 of 1995 was passed.

Sub-section (2) prior to its substitution by Ordinance 23 of 1994 and finally by Act 13 of 1995, read as follows :

“(2) (a) The Bihar State University (Constituent Colleges) Service Commission shall invite

subjectwise application 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 against vacancies in the University 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 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 appointments in force in the State.

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

1[57. विश्वविद्यालय के शिक्षकों एवं पदाधिकारियों की नियुक्ति।—(1) इस अधिनियम और इसके अधीन बने परिनियमों के अधीन रहते हुए विश्वविद्यालय के शिक्षकों एवं पदाधिकारियों की नियुक्ति ²[बिहार राज्य विश्वविद्यालय (अंगीभूत महाविद्यालय) सेवा आयोग की अनुशंसा कर कुलपति द्वारा की जायेगी ;

(2) कॉलेजों एवं विश्वविद्यालयों के शिक्षकों एवं पदाधिकारियों की नियुक्ति के लिये सिफारिश निम्नलिखित परन्तुकों के अधीन की जायेगी; निम्नलिखित विशेषज्ञ आयोग को परामर्श देंगे :—

(क) विश्वविद्यालय प्राचार्य या विश्वविद्यालय प्राचार्य की कोटि के प्रधानाचार्य की नियुक्ति के लिये —

(i) विश्वविद्यालय प्राचार्य से अन्यून पॉक्ति का ¹[सम्बन्धित विषय का वरीयतम शिक्षक जो विश्वविद्यालय आचार्य से अन्यून कोटि का नहीं होगा]

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

¹[परन्तु यह और कि विश्वविद्यालय आचार्य कोटि के प्रधानाचार्य की नियुक्ति के लिए विश्वविद्यालय आचार्य कोटि के प्रधानाचार्य विशेषज्ञ रहेंगे।]

(ii) कुलाधिपति द्वारा नाम निर्देशित विश्वविद्यालय से बाहर का विश्वविद्यालय प्राचार्य से अन्यून पॉक्ति के सम्बन्धित विषय के तीन विशिष्ट विद्वान/विशेषज्ञ;

¹[परन्तु यह कि विश्वविद्यालय आचार्य (यूनिवर्सिटी प्रोफेसर) की कोटि के प्रधानाचार्य की नियुक्ति के लिए उक्त तीन विशिष्ट विद्वानों/विशेषज्ञों में से एक विश्वविद्यालय से बाहर के कुलपति/भूतपूर्व कुलपति रहेंगे।]

(iii) ऊपर (i) और (ii) में अंकित विशेषज्ञों में कम-से-कम तीन विशेषज्ञ सदस्य आयोग की बैठक में अवश्य उपस्थित रहेंगे।

(ख) प्राचार्य / उपाचार्य / उपाचार्य कोटि के प्रधानाचार्य / विश्वविद्यालय पुस्तकाध्यक्ष / प्राध्यापक की नियुक्ति के लिए —

(i) विश्वविद्यालय प्राचार्य से अन्यून पॉक्ति का ¹[सम्बन्धित विषय का वरीयतम शिक्षक जो विश्वविद्यालय आचार्य से न्यून कोटि का नहीं होगा।]

परन्तु यदि विश्वविद्यालय में कोई ऐसा शिक्षक नहीं हो तो अन्य विश्वविद्यालय से उस विषय का विभागाध्यक्ष जो विश्वविद्यालय प्राचार्य से अन्यून पॉक्ति का हो;

³Provided further that in the case of appointment of lecturer if teacher in the concerned subject of the rank of professor (University Professor) of that University or any other University is not available, teacher of the concerned subject of that University or any other University not below the rank of Reader."

1. Subs. by Act 67 of 1982.

2. Sybs. by Act 18 of 1993.

3. Ins. by Act 7 of 1998

¹[परन्तु यह और कि उपाचार्य कोटि के प्रधानाचार्य की नियुक्ति के लिए विश्वविद्यालय आचार्य कोटि के प्रधानाचार्य विशेषज्ञ रहेंगे।]

(ii) कुलाधिपति द्वारा नाम निर्देशित विश्वविद्यालय से बाहर के विश्वविद्यालय के आचार्य से अन्यून पंक्ति के सम्बन्धित विषय के तीन विशिष्ट विद्वान विशेषज्ञ; ऊपर (i) और (ii) में अंकित विशेषज्ञों में से कम-से-कम दो विशेषज्ञ आयोग की बैठक में अवश्य उपस्थित रहेंगे।

(ग) विश्वविद्यालय के पदाधिकारियों की नियुक्ति के लिए—

(i) कुलाधिपति द्वारा नाम-निर्देशित अपने विशेष ज्ञान एवं अभिरूचि के लिए प्रख्यात एक व्यक्ति जो विश्वविद्यालय सेवा में न हो।

(ii) कुलाधिपति द्वारा नाम-निर्देशित दो विशेषज्ञ।

(iii) ऊपर (i) और (ii) में अंकित विशेषज्ञों में से कम-से-कम दो विशेषज्ञ आयोग की बैठक में अवश्य उपस्थित रहेंगे।

²[x x x x x]

²(घ) आयोग प्रत्येक पद के लिए मात्र एक नाम की अनुशंसा करेगा।

³[(3) If the Vice-Chancellor does not accept the recommendation made by the Commission, he shall record his reasons in writing and forward the case for order to the Chancellor and order of the Chancellor shall be final and binding.]

¹[(4) Except as otherwise provided in this Act appointment to the post of teachers and officers shall be made on the recommendations of the Commission.]

(5) अधिनियम में किसी बात के होते हुए भी ¹[Vice-Chancellor] विश्वविद्यालय प्राचार्य या विश्वविद्यालय प्राचार्य की कोटि के प्रधानाचार्य के पद पर सम्बन्धित विषय में किसी ख्याति प्राप्त विशिष्ट विद्वान् की नियुक्ति वार्ता के जरिये और कुलाधिपति का पूर्व अनुमोदन प्राप्त करके, कर सकेगी।

(6) कुलपति ³[x x x x x] के लिए विश्वविद्यालयों के शिक्षकों एवं पदाधिकारियों की पदच्यूति, अपसारण एवं पदावनति के अतिरिक्त उनके सम्बन्ध में अन्य कोई कार्रवाई करने के लिये आयोग से परामर्श करना आवश्यक नहीं होगा।

(7) विश्वविद्यालय के शिक्षकों एवं पदाधिकारियों की अन्य सेवा शर्तें, अनुशासनिक कार्रवाई सहित, परिनियमों द्वारा अवधारित की जायेंगी।

(8) विश्वविद्यालय के शिक्षकों एवं पदाधिकारियों की नियुक्ति में आयोग की सहायता करने हेतु कुलपति द्वारा नाम निर्देशित व्यक्तियों का चयन अन्तर विश्वविद्यालय बोर्ड द्वारा प्रस्तुत नामिका से ही किया जायेगा।]

⁴[(9) (a) Notwithstanding anything contained in the Act, a 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 the Session (whichever is earlier) by the following Selection Committee constituted under the Chairmanship of Vice-Chancellor :—

Members of the Selection Committee

(i) Vice-Chancellor

Chairman

1. Subs. by Act 18 of 1993.

2. Deleted by Act 18 of 1993 and (ङ) made (घ) by ibid.

3. Subs. by ibid.

4. Ins. by ibid.

- | | | |
|-------|---|--------|
| (ii) | Senior-most teacher of the rank of University Professor/Head of the Department of the subject concerned. | Member |
| (iii) | An expert of the rank of University Professor to be nominated by the Chancellor. | Member |
| (iv) | A member of the Scheduled Castes/Scheduled Tribes/Other Backward Classes having academic interest, to be nominated by the State Government. | 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.

(10) Notwithstanding anything 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 Officer of the University shall not be valid for a period exceeding six months unless recommended by the Bihar State University (Constituent Colleges) Service Commission.]

Legislative changes (after 1982)—Clauses of sub-sections (2) and (3) of this section were substituted by Ordinance 5 of 1985. Prior to substitution these clauses read as follows :—

"(2) (क) विश्वविद्यालय प्राचार्य या विश्वविद्यालय प्राचार्य की कोटि के प्रधानाचार्य की नियुक्ति के लिए—

(i) विश्वविद्यालय प्राचार्य से अन्यून पंक्ति 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) आयोग का यह कर्तव्य होगा कि महाविद्यालय के सम्बन्ध में किए गए कृत्यों का वार्षिक प्रतिवेदन विश्वविद्यालय को भेजेगा। प्रतिवेदन की एक प्रति सिनेट की आगामी बैठक में प्रस्तुत की जायगी और विश्वविद्यालय सिनेट की टीका-टिप्पणी के साथ यदि कोई हो तो, उसे राज्य सरकार को अग्रसारित करेगा और राज्य सरकार उसे विधान-मंडल के समक्ष प्रस्तुत करेगी।"

This section was amended as follows by Ordinance 5 of 1985 :

बिहार अधिनियम 24, 1976 की धारा 57 का संशोधन।—उक्त अधिनियम की धारा 57 में—

(1) प्रयुक्त "बिहार लोक सेवा आयोग" तथा "आयोग" शब्दों के स्थान पर "बिहार राज्य विश्वविद्यालय (अंगीभूत महाविद्यालय) सेवा आयोग" शब्द प्रतिस्थापित किये जायेंगे।

(2) उप-धारा 2 के खंड (क) के—

(क) उप-खंड (i) के स्थान पर निम्नलिखित प्रतिस्थापित किया जायेगा—

"(i) विश्वविद्यालय प्राचार्य (युनिवर्सिटी प्रोफेसर) से अन्यून पंक्ति का संबंधित विषय का वरीयतम शिक्षक।"

(ख) उप-खंड (i) के परन्तुक के बाद निम्नांकित परन्तुक जोड़ा जायेगा :—

"परन्तु विश्वविद्यालय प्राचार्य (युनिवर्सिटी प्रोफेसर) की कोटि के प्रधानाचार्य की नियुक्ति के लिये प्राचार्य (युनिवर्सिटी प्रोफेसर) कोटि के प्रधानाचार्य विशेषज्ञ रहेंगे।"

(ग) उप-खंड (i) के बाद निम्नलिखित परन्तुक जोड़ा जायेगा :—

"परन्तु विश्वविद्यालय प्राचार्य (युनिवर्सिटी प्रोफेसर) कोटि के प्रधानाचार्य की नियुक्ति के लिए उक्त तीन विशिष्ट विद्वानों/विशेषज्ञों में से एक विश्वविद्यालय के बाहर के कुलपति/भूतपूर्व कुलपति रहेंगे।"

(3) उप-धारा 2 के खंड (ख) के—

(क) उप-खंड (i) के स्थान पर निम्नलिखित प्रतिस्थापित किया जायेगा :—

"(i) विश्वविद्यालय प्राचार्य (युनिवर्सिटी प्रोफेसर) से अन्यून पंक्ति का संबंधित विषय का वरीयतम शिक्षक।"

(ख) उप-खंड (i) के परन्तुक के बाद निम्नलिखित परन्तुक जोड़ा जायेगा :—

"परन्तु उपाचार्य कोटि के प्रधानाचार्य की नियुक्ति के लिए विश्वविद्यालय प्राचार्य (युनिवर्सिटी

प्रोफेसर कोटि के प्रधानाचार्य विशेषज्ञ रहेंगे।”

- (4) उप-धारा 3 के खंड (ख) के स्थान पर निम्नलिखित प्रतिस्थापित किया जायेगा :—
“यदि अभिषद् शासी निकाय आयोग द्वारा की गई सिफारिश को स्वीकार करने में असमर्थ हो तो वह कारणों को अधिलिखित करेगी और आदेश के लिये मामले को कुलाधिपति को भेज देगी और कुलाधिपति का आदेश अंतिम एवं बन्धनकारी होगा।”
- (5) उप-धारा 8 के बाद निम्नलिखित उप-धारा जोड़ी जायेगी :—
“(9) (क) अधिनियम में किसी अन्य बात के होते हुए भी राज्य सरकार द्वारा विधिवत स्वीकृत प्राध्यापक पद पर अधिकतम छः माह या सत्रान्त (जो भी पहले हो) तक के लिये कुलपति की अध्यक्षता में गठित निम्नांकित चयन समिति की अनुशंसा पर बिल्कुल ही अस्थायी नियुक्ति की जा सकेगी—

इस हेतु चयन समिति निम्नवत गठित होगी :—

- (1) कुलपति—अध्यक्ष।
- (2) संबंधित विषय के विश्वविद्यालय प्राचार्य—सदस्य।
(युनिवर्सिटी प्रोफेसर कोटि के वरियतम शिक्षक/विभागाध्यक्ष)।
- (3) कुलाधिपति द्वारा नाम-निर्देशित—सदस्य।

विश्वविद्यालय प्राचार्य (युनिवर्सिटी प्रोफेसर) की कोटि के राज्य से एक विशेषज्ञ।

(ख) किसी भी स्थिति में अस्थायी रूप से नियुक्त उक्त प्राध्यापक को छः माह समाप्त होने के बाद न तो सेवा में रखा जायेगा और न पुनर्नियुक्त किया जायेगा। ऐसी नियुक्ति एक ही बार और अधिकतम छः माह में लिये की जा सकेगी।”

The above amendments continued till Ordinance 28 of 1986. A new Ordinance 30 of 1986 was promulgated which made further amendments in this section :

(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 words “Vice-Chancellor/Syndicate” the words “Vice-Chancellor” shall be substituted.

By Ordinance 12 of 1987 the following amendments were made :

Amendment of Section 57 of Bihar Act 24, 1976.—In the said Act in Section 57—

In Sub-section (1)—

(i) In sub-section (1) for the words “Syndicate”, the word “Vice-Chancellor” shall be substituted;

(ii) For the words “Bihar Public Service “Commission” and “Commission”, the words “Bihar State University (Constituent Colleges) Service-Commission” shall be substituted;

(2) In clause (a) of sub-section (2)—

(a) For sub-clause (1) the following shall be substituted namely :—

“(1) Seniormost teacher of the subject concerned not below the rank of University Professor :

Provided that if there is no such teacher in the University, the Head of Department of the subject concerned of any other University not below the rank of University Professor :

“Provided further that for appointment of Principal of the rank of University Professor, the expert shall be a Principal of the rank of University Professor.”

(b) After sub-clause (ii), the following Proviso shall be added :—

“Provided that for the appointment of Principal of the rank of University Professor, one shall be a Vice-Chancellor/Ex-Vice-Chancellor of any other University amongst the said three specialists/experts.”

(3) In clause (b) of sub-section (2)—

(a) For sub-clause (i), the following shall be substituted, namely :—

“(i) Seniormost teachers of the subject concerned not below the rank of University Professor:

Provided that if there is no such teacher in the University, the Head of Department of the subject concerned of any other University not below the rank of University Professor :

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

(4) For clause (b) to sub-section (3), the following shall be substituted, namely:

“If the Vice-Chancellor does not accept the recommendation made by the Commission, it shall record its reasons in writing and forward the order to the Chancellor and the order of the Chancellor shall be final and binding.”

(5) for sub-section (5) for the word "Syndicate" the word "Vice-Chancellor" shall be substituted;

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

(7) after sub-section (8), the following sub-section shall be inserted, namely :—

"(9) (a) Notwithstanding anything contained in the Act, a 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 the session (whichever is earlier) by the following Selection committee constituted under the Chairmanship of the Vice-Chancellor.

Members of the Selection Committee.

(1) Vice-Chancellor—Chairman

(2) University Professor of the subject concerned (the seniormost teacher of the rank of University Professor Head of Department.)—Member.

(3) An expert of the rank of 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 reappointed 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."

Again Ordinance 20 of 1987 was promulgated which repealed Ordinance 12 of 1987 retaining the amendments made by Ordinance 12 of 1987 except minor modification in sub-section (9) (a) (3) which read as follows :

"(9) (a) (3) An expert of the rank of University Professor of any other University within the State to be nominated by the Chancellor—Member."

Again Ordinance 15 of 1993 amended this section as follows —

Amendment of Section 57 of Bihar Act 24 of 1976.—In Section 57 of the said Act:—

(1) For the words "Bihar Public Service Commission" wherever it occurs, the words "Bihar State University (Constituent Colleges) Service Commission" shall be substituted.

(2) After sub-section (8), a new sub-section shall be added; namely:

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

This section was again amended by Act 18 of 1993 after breaking the chain of Ordinances which is given below :—

Amendment of Section 57 of Bihar Act 24 of 1976.—In Section 57 of the said Act—

(i) In sub-section (1) for the words "The Syndicate on the recommendation of Bihar Public Service Commission" the words "the Vice-Chancellor on the recommendation of Bihar State University (Constituent Colleges) Service Commission" shall be substituted.

(ii) In sub-clause (i) of clause (a) of sub-section (2) for the words "concerned Head of Department" the words "Seniormost teacher of the subejct concerned not below the rank of University Professor" shall be substituted.

(iii) In sub-clause (i) of clause (a) of sub-section (2), after the existing proviso, the following new proviso shall be added, namely :—
"Provided further that the expert shall be a Principal of the rank of University Professor for the appointment of a Principal on the rank of University Professor."

(iv) In sub-clause (ii) of clause (a) of sub-section (2) the following new proviso shall be inserted namely :—
"Provided that for the appointment of a Principal of the rank of University Professor, amongst the said three scholars/experts, one shall be a Vice-Chancellor/Ex-Vice-Chancellor of any other University."

(v) In sub-clause (i) of clause (b) of sub-section (2) for the word "concerned Head of Department" the words "Seniormost teacher of the subject concerned not below the rank of University Professor" shall be substituted.

- (vi) In sub-clause (i) of clause (b) of sub-section (2) after the existing proviso, the following new proviso shall be added, namely :—
"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."
- (vii) Clause (d) of sub-section (2) shall be deleted and clause (e) shall be re-numbered as clause (d).
- (viii) For sub-section (3), the following shall be substituted, namely :—
"(3) If the Vice-Chancellor does not accept the recommendation made by the Commission, he shall record his reasons in writing and forward the case for order to the Chancellor and order of the Chancellor shall be final and binding."
- (ix) For sub-section (4) the following shall be substituted, namely :—
"(4) Except as otherwise provided in this Act appointment to the post of teachers and officers shall be made on the recommendations of the Commission."
- (x) In sub-section (5), for the word "Syndicate" the word "Vice-Chancellor" shall be substituted.
- (xi) In sub-section (6), the word "Syndicate" shall be deleted.
- (xii) After sub-section (8), the following new sub-sections shall be added, namely :
"(9) (a) Notwithstanding anything contained in the Act, a 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 the Session (whichever is earlier) by the following Selection Committee constituted under the Chairmanship of Vice-Chancellor :—

Members of the Selection Committee

- (i) Vice-Chancellor ... Chairman
 - (ii) Seniormost teacher of the rank of University Professor/Head of the Department of the subject concerned. Member
 - (iii) An expert of the rank of University Professor to be nominated by the Chancellor. ... Member
 - (iv) A member of the Scheduled Castes/Scheduled Tribes/Other Backward Classes having academic interest, to be nominated by the State Governemnt. 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.
- (10) Notwithstanding anything 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 Officer of the University shall not be valid for a period exceeding six months unless recommended by the Bihar State University (Constituent Colleges) Service Commission."

Again by Ordinance 7 of 1996 a new proviso after 1st proviso of sub-clause (1) of clause (b) of sub-section (2) of section 57 was added which was repealed by Act 7 of 1998. This Act retained the said proviso without any change. The new proviso reads as follows :

"Provided further that in the case of appointment of lecturer if teacher in the concerned subject of the rank of Professor (University Professor) of that University or any other University is not available teacher of the concerned subject of that University or any other University not below the rank of Reader".

Enrolment and degrees

¹[58. 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

1. Subs. by Act 18 of 1993.
2. Ins by Act 15 of 1996 (Sub-section 3 renumbered as 4)
3. Subs. by Act 11, 2004.

college under the Patna 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.
	<u>Total 50 percent</u>

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

¹[(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.]

Provided that students having passed the Higher Secondary or Pre-University Examinations shall continue to be enrolled in the manner as provided in the Ordinances and Regulations.

Legislative changes (after 1982)—By Act 18 of 1993 this section was substituted for the first time. Prior to its substitution this section read as follows:—

"58. *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 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 Examinations shall continue to be enrolled in the same manner as provided in the Ordinances and Regulations."

Again by Act 15 of 1996 sub-section (3) was added and existing sub-section (3) renumbered as sub-section (4).

²[58 A. **Constitution of Advisory Committee.**—For each college maintained and administered by the University, there shall be an Advisory Committee constituted in accordance with the Statutes and shall function.]

59. Appointment of 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 ;

- (a) the working of the University ;
- (b) the financial condition of the University, its colleges and other academic institutions ;
- (c) 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 ;
- (d) Such other matters as may be referred to it by the State Government, the Commission shall make such recommendation as it may deem fit.

(3) On receipt of the recommendations under sub-section (2), the State

1. Ins by Act 15 of 1996 (Sub-section 3 renumbered as 4)

2. Ins. by Act 67 of 1982.

Government may send the same to the appropriate authority of the University for consideration and report thereon, and on receipt of this report, may pass such order thereon as it may consider fit. It shall cause the said order published in the official *Gazette*. Thereupon the University shall comply with order within such time as may be specified by the State Government.

60. Disputes as to constitution of University authorities and bodies.—If any question arises whether any person has been duly elected, or is entitled to be member of the Senate, the Syndicate or the Academic Council, the matter shall be referred to the Chancellor whose decision thereon shall be final.

61. 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-optation 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.

62. Proceedings of University authority and bodies not invalidated due to vacancies.—No Act or proceedings 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.

63. Conditions of services of officers and teachers of the University.—Every salaried officer of the University and every teacher employed in a University department, other than officers and the teachers who are members of the public services in India and whose services have been lent to the University under clause (1) 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 a 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 service of the Government of entering the service of the University :

Provided that where the University, after consultation with the Public 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 pun-

ishment 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 Public 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.

(3) Notwithstanding anything contained in any law or contract, the following provisions shall apply to all such officers, teachers and other servants, as were under employment immediately before the commencement of this Act of the Patna University established under Bihar Act no. 3 of 1962.

¹[(4) It shall be lawful for the University to depute teachers of the University Service for the Intermediate College, delinked from any college, according to the procedure prescribed in the Rules.]

Legislative changes (after 1982)—This section was amended by Ordinance 5 of 1985 which reads as follows:—

“उक्त अधिनियम की धारा 63 की उपधारा (2) के परन्तुक में शब्द “लोक सेवा आयोग” के स्थान पर शब्द “बिहार राज्य विश्वविद्यालय (अंगीभूत महाविद्यालय) सेवा आयोग” प्रतिस्थापित किए जायेंगे।

But this amendment was not retained by Act 18 of 1993 which repealed Ordinance 15 of 1992 the last in the series and broke the chain of Ordinances. It ceased to be operative from the date of enforcement of Act 18 of 1993.

²[64. Retirement from service.—³[(a) Notwithstanding anything to the contrary contained in any Act, Rules, Regulation, Statutes 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.

The date of retirement of non-teaching employee (other than the inferior servants) shall be the date on which he attains the age of sixty two years:

Provided 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 two years, as the case may be :

Provided further also that re-appointment of teachers after retirement may be made in appropriate cases up to the age of sixty five years in the manner laid down in the statutes made in this behalf in accordance with the guide lines of the University Grants Commission”.

(b) The University may require any teaching or non-teaching employee, who, reckoned from the date of his first appointment, has completed the qualifying service of 23 years or a total service of 27 years, to retire from the University service, if it considers that his conduct or efficiency is such as does not justify his continuation in the service.

(c) (i) Notwithstanding anything contained in the preceding sub-sections any teaching or non-teaching employee may, after giving at least three months prior notice in writing to concerned appointing authority, retire from such date on

1. Subs. by Act 67 of 1982.

2. Restored by *ibid.* and shall be deemed never to have been amended or repealed.

3. Subs. by Act 3 of 2006.

which such a teaching or non-teaching employee has completed 32 years of qualifying service or has attained 52 years of age or from such date thereafter as may be specified in the notice :

Provided that no employee of the University under orders of suspension shall retire except without a specific approval of the Syndicate.

(ii) The University may, in the public interest, require any teaching or non-teaching employee, after giving at least three months prior notice in writing or after paying an amount equivalent to pay and allowances of three months in lieu of such notice, to retire from such date on which he completes 32 years of qualifying service or attains 52 years of age, or from such date thereafter as may be specified in the notice.

Legislative changes (after 1982)—By Ordinance 34 of 1986 clause (a) of Section 64 was substituted. Prior to its substitution clause (a) read as follows :—

“(a) Save as otherwise expressly provided in this Act the date of retirement of any teaching or non-teaching employee other than inferior servants of the University or any college, shall be the date on which he attains the age of 60 years :

Provided that such teachers who do not opt for the pay-scales revised with effect from the first day of January, 1973, and such non-teaching employees, who are in the service of the University from a date prior to the commencement of this Act, shall retire after attaining the age of sixty-two years:

Provided further that no University shall extend the period of service or re-appoint any teaching or non-teaching employee after his completing the age of 60 or 62 years as the case may be.”

This substituted clause (a) continued till the life of Ordinance 17 of 1989. Ordinance 1 of 1990 repealed Ordinance 17 of 1989 and added a second proviso. The entire text of clause (a) is as follows :—

बिहार अधिनियम 24, 1976 की धारा 64 का संशोधन ।—उक्त अधिनियम की धारा 64 के खंड (क) के स्थान पर निम्नलिखित प्रतिस्थापित किया जायेगा, यथा:—

“(क) इस अधिनियम में अभिव्यक्त रूप में उपबंधित अवस्था को छोड़कर विश्वविद्यालय या महाविद्यालय के शिक्षण कर्मचारी की सेवा-निवृत्ति की तिथि 1 अप्रैल, 1986 से वह होगी जिस तिथि को वह 62 वर्ष की आयु प्राप्त कर लें। शिक्षकेतर कर्मचारी [अवर सेवकों (इनफिरियर सर्वेन्ट्स) को छोड़कर] की सेवानिवृत्ति की तिथि वह होगी जिस तिथि को वह 60 वर्ष की आयु प्राप्त कर लें, किन्तु जैसे शिक्षकेतर कर्मचारी, जो इस अधिनियम के प्रारम्भ के पूर्व से विश्वविद्यालय की सेवा में कार्यरत हैं, की सेवानिवृत्ति की तिथि वही होगी जिस तिथि को वह 62 वर्ष की आयु प्राप्त कर लें :

परन्तु यह कि विश्वविद्यालय किसी भी दशा में शिक्षण कर्मचारी या शिक्षकेतर कर्मचारी को यथार्थित 60 या 62 वर्ष की आयु पूरा करने के बाद, उसकी सेवा अवधि का न तो विस्तार कर सकेगा और न उसे पुनर्नियुक्त ही कर सकेगा।

परन्तु यह और कि पटना विश्वविद्यालय (संशोधन) द्वितीय अध्यादेश, 1989 (बिहार अध्यादेश संख्या 17, 1989) के व्यंगत होने की तिथि एवं पटना विश्वविद्यालय (संशोधन) अध्यादेश, 1990 के प्रख्यापन होने की तिथि के अन्तराल में ऐसे शिक्षक जो अधिनियम की धारा 64 के खंड (क) के प्रभावी नहीं रहने की स्थिति में सेवानिवृत्त हो गए हैं वे किसी न्यायालय या न्यायाधिकरण द्वारा दिए गए निर्णय, डिग्री, आदेश, निर्देश, रिट और प्रतिषेध के होते हुए भी सेवानिवृत्ति की तिथि से सेवा में माने जायेंगे मानों उनकी सेवानिवृत्ति नहीं हुई हो।”

Section 19 of Ordinance 1 of 1990 which is relevant is given below :

“19. अध्यादेश का अध्यारोही प्रभाव—पटना विश्वविद्यालय (संशोधन) द्वितीय अध्यादेश, 1989 (बिहार अध्यादेश संख्या 17, 1989) के व्यंगत होने की तिथि एवं पटना विश्वविद्यालय (संशोधन) तृतीय अध्यादेश, 1990 के प्रख्यापित होने की तिथि के अन्तराल में तत्समय प्रवृत्त किसी अन्य विधि में या विधि से प्रभावी किसी लिखित में अन्तर्दिष्ट असंगत बात के होते हुये भी या किसी न्यायालय या न्यायाधिकरण द्वारा दिये गये निर्णय, डिग्री, आदेश, निर्देश, रिट और प्रतिषेध के होते हुए भी इस अध्यादेश के प्रावधान प्रभावी होंगे।”

A new Ordinance 5 of 1993 substituted Clause (a) as follows:—

“(a) Notwithstanding anything to the contrary contained in this Act or any other Act, Ordinance, Rules or any judgment or decree of a Court, 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

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

Provided that the date of retirement of such non-teaching employee, who is in the service of the University prior to commencement of the Patna University Act, 1976 (Bihar Act 24, 1976) shall be the date on which he attains the age of sixty two 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 reappointment of teachers after retirement may be made in appropriate and deserving cases up to the age of 65 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."

Again by Ordinance 13 of 1993 which came in to existence while Ordinance 5 of 1993 was alive, a new section i.e. Section 3 "Repeal and Savings" was added which reads as follows :—

3. *Repeal and Savings.*—(1) Amendments made in Section 64 of the Patna University Act, 1976 (Bihar Act 24, 1976) by Patna University (Second Amendment) Ordinance, 1986 (Bihar Ordinance no. 34, 1986), Patna University (Amendment) Ordinance, 1987 (Bihar Ordinance No. 12, 1987), Patna University (Amendment) Second Ordinance 1987 (Bihar Ordinance 20, 1987), Patna University Amdt. Ordinance, 1988 (Bihar Ordinance No. 5, 1988), Patna University (Amendment) Second Ordinance, 1988 (Bihar Ordinance No. 11, 1988), Patna University (Amendment) Ordinance 1989 (Bihar Ordinance No. 7, 1989), Patna University (Amendment) Second Ordinance, 1989 (Bihar Ordinance No. 17, 1989), Patna University (Amendment) Ordinance, 1990 (Bihar Ordinance No. 1, 1990), Patna University (Amendment) Second Ordinance, 1990 (Bihar Ordinance No. 9, 1990), Patna University (Amendment) Third Ordinance, 1990 (Bihar Ordinance No. 13, 1990), Patna University (Amendment) Fourth Ordinance, 1990 (Bihar Ordinance No. 22, 1990), Patna University (Amendment) Ordinance, 1991 (Bihar Ordinance No. 8, 1991) Patna University (Amdt.) Second Ordinance, 1991 (Bihar Ordinance No. 17, 1991), Patna University (Amendment) Third Ordinance, 1991 (Bihar Ordinance No. 32, 1991), Patna University (Amendment) Ordinance, 1992 (Bihar Ordinance No. 1 1992), Patna University (Amendment) Second Ordinance, 1992 (Bihar Ordinance No. 15, 1992) are hereby repealed:

(2) Provided that notwithstanding such repeal and the amendment made by Section 2 of the Bihar Ordinance No. 5 of 1993 payment made to any person as salary and allowances or any amount payable against the actual services rendered, as the case may be, shall not be affected and any payment so made shall not be recovered.

Clause (a) of section 64 was once again substituted by Ordinance 15 of 1993 and a new proviso was added while retaining the previous amendment by Ordinance 5 of 1993 as follows :

Amendment of Section 64 of Bihar Act 24 of 1976.—In the said Act for clause (a) of Section 64, the following shall be substituted, namely :—

"(a) Notwithstanding anything to the contrary contained in this Act or any other Act, Ordinance, Rules or any judgment or decree of a Court, 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 years. The date of retirement of a non-teaching employee (other than the inferior servants) shall be the date on which he attains the age of sixty years.

Clause (a) of section 64 was once again substituted by Ordinance 15 of 1993 and a new proviso was added while retaining the previous amendment by Ordinance 5 of 1993 as follows :

"Provided that the date of retirement of such non-teaching employee, who is in the service of the University prior to commencement of the Patna University Act, 1976 (Bihar Act 24, 1976) shall be the date on which he attains the age of sixty-two 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 reappointment of teachers after retirement may be made in appropriate and deserving cases upto the age of 65 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."

Section 10 of Ordinance 15 of 1993 gives the list of all such Ordinance starting from Ordinance 34 of 1986 to Ordinance 13 of 1993 as given below :

10. *Repeal and Savings.*—Amendments made in Section 64 of the Patna University

Act, 1976 (Bihar Act 24, 1976) by Patna University (Second Amendment) Ordinance, 1986 (Bihar Ordinance No. 34, 1986), Patna University (Amendment) Ordinance, 1987 (Bihar Ordinance No. 12, 1987), Patna University (Amendment) Second Ordinance, 1987 (Bihar Ordinance No. 20, 1987), Patna University (Amendment) Ordinance, 1988 (Bihar Ordinance No. 5, 1988), Patna University (Amendment) Second Ordinance, 1988 (Bihar Ordinance No. 11, 1988), Patna University (Amendment) Ordinance, 1989 (Bihar Ordinance No. 7, 1989), Patna University (Amendment) Second Ordinance, 1989 (Bihar Ordinance No. 17, 1989), Patna University (Amendment) Ordinance, 1990 (Bihar Ordinance No. 1, 1990), Patna University (Amendment) Second Ordinance, 1990 (Bihar Ordinance No. 9, 1990), Patna University (Amendment) Third Ordinance, 1990 (Bihar Ordinance No. 13, 1990), Patna University (Amendment) Fourth Ordinance, 1990 (Bihar Ordinance No. 22, 1990) Patna University (Amendment) Ordinance, 1991 (Bihar Ordinance No. 8, 1991), Patna University (Amendment) Second Ordinance, 1991 (Bihar Ordinance No. 17, 1991), Patna University (Amendment) Third Ordinance, 1991 (Bihar Ordinance No. 32, 1991), Patna University (Amendment) Ordinance, 1992 (Bihar Ordinance No. 1, 1992), Patna University (Amendment) Second Ordinance, 1992 (Bihar Ordinance No. 1, 1992), Patna University (Amendment) Second Ordinance, 1992 (Bihar Ordinance No. 15, 1992), Patna University (Amendment) Ordinance, 1993 (Bihar Ordinance No. 5, 1993) and Patna University (Second Amendment) Ordinance 1993 (Bihar Ordinance No. 13, 1993) are hereby repealed :

Provided that anything done or any action taken in accordance with the provisions of the aforesaid Ordinances shall not be affected except that any action taken or any act done which are contrary to the provisions of this Ordinance shall not be effective:

Provided further that notwithstanding such repeal and notwithstanding Section 2 of the Bihar Ordinance No. 5 of 1993, salaries and allowances already paid or payable to a person against actual services rendered after having reached the age of 60 years but prior to the commencement of the Bihar Ordinance No. 5, 1993 shall not be affected.

After passing of Act 18 of 1993, the chain of Ordinances were broken. This Act retained all the amendments brought by Ordinances 5, 13 and 15 of 1993 w.e.f. 16.8.1992 (according to sub-section (2) of Section 1). of this Act.)

[65. आचार संहिता I—(1) विश्वविद्यालय कर्मचारियों के लिये आचार-संहिता परिनियमों द्वारा विहित की जायेगी।

2. विश्वविद्यालय द्वारा नियंत्रित विश्वविद्यालय / महाविद्यालय / संस्थान के शिक्षक एवं शिक्षकेतर पद, जब तक अन्यथा अंकित न हों, 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 नियोजता 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। ऐसे असाधारण अवकाश परिनियमों 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 जायेंगे। विशेष अवकाश परिनियमों द्वारा विहित किया जाएगा। विशेष अवकाश पर गये शिक्षकों/कर्मचारियों के सेवा हितों को

1. Subs. by Act 67 of 1982.

3. Subs. by Act 13 of 1998.

पूरी सुरक्षा दी जाएगी और वे वार्षिक वेतन वृद्धि, प्रोन्नति, सेवा की वरीयता अर्जित करते रहेंगे। राज्य अथवा केन्द्रीय 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 मंहगाई 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 एतत्संबंधी किसी उपबंध को प्रभावित नहीं करेगा”।]

Legislative changes (after 1982)—Sub-section (2) of Section 65 has been substituted by Act 13 of 1998 w.e.f its inception (यह सदा से प्रवृत्त समझा जायेगा). Prior to its substitution this sub-section read as follows :—

1[65. आचार संहिता—(1) विश्वविद्यालय कर्मचारियों के लिये आचार संहिता परिनियमों द्वारा विहित की जायेगी।

(2) विश्वविद्यालय द्वारा नियंत्रित, विश्वविद्यालय/महाविद्यालय/संस्थान के शिक्षक एवं शिक्षकेत्तर पद, जब तक अन्यथा अंकित न हो साधारणतः पूर्णकालिक पद हैं। विश्वविद्यालय/महाविद्यालय/संस्थान द्वारा प्रदत्त शिक्षण एवं अन्य कर्तव्यों का पालन इन पदों पर नियुक्त व्यक्तियों को पूर्णकाल तक करना पड़ता है। यदि विश्वविद्यालय द्वारा नियंत्रित विश्वविद्यालय/महाविद्यालय संस्थान का कोई शिक्षक या कर्मचारी किसी संस्था के निर्वाचित अथवा गैर-निर्वाचित पद पर या उनकी सदस्यता ग्रहण करता है जो विश्वविद्यालय के शिक्षण अथवा अन्य कामों में बाधा उत्पन्न करता है वैसे व्यक्तियों को विश्वविद्यालय/महाविद्यालय/संस्थान से अनुमति लेनी होगी और अपने नियोक्ता से एक निश्चित अवधि के लिए अवैतनिक छुट्टी लेनी होगी।

विश्वविद्यालय/महाविद्यालय/संस्थान के शिक्षक एवं कर्मचारी को निजी रोजगार, उद्योग-धंधे, निजी अनुशिक्षण तथा अन्य कार्य जो विश्वविद्यालय/महाविद्यालय/संस्थान की राय में उनके नियुक्ति के हित में नहीं है, करने की अनुमति नहीं होगी। शिक्षक/कर्मचारी जो असाधारण छुट्टी पर जायेंगे वे विश्वविद्यालय/महाविद्यालय/संस्थान के निधि से वेतन अथवा भत्ता पाने के अधिकारी नहीं होंगे और/वे ग्रहित सेवा की प्रकृति को देखते हुए विश्वविद्यालय द्वारा लिए गए निर्णय के अनुसार वेतन वृद्धि अर्जित कर सकेंगे/अर्जित नहीं कर सकेंगे। ऐसी असाधारण छुट्टी विश्वविद्यालय/महाविद्यालय/संस्थान के द्वारा स्वीकृत की जा सकती है और परिनियमों के द्वारा ऐसे अवकाश विहित किये जायेंगे :

परन्तु विश्वविद्यालय/महाविद्यालय/संस्थान के शिक्षक/कर्मचारी आदि राज्य अथवा केन्द्रीय विधान-मंडल के सदस्य हो जायें तो दायित्व एवं प्रतिनिधित्व और जन-जीवन में उनकी प्रतिष्ठा को देखते हुए वे उक्त पदों पर शपथ लेने की तिथि से राज्य और केन्द्रीय विधान-मंडल की सदस्यता की पूरी अवधि के लिए बिना वेतन के विशेष छुट्टी पर समझे जायेंगे। विशेष छुट्टी परिनियम द्वारा विहित की जाएगी। विशेष अवकाश पर गये शिक्षकों और कर्मचारियों की सेवा हितों को पूरी सुरक्षा दी जायेगी, जिससे वे वेतन वृद्धि/प्रोन्नति, सेवा में वरीयता आदि अर्जित करते रहेंगे। विधान-मंडल की सदस्यता की अवधि की समाप्ति पर वे यथास्थिति विश्वविद्यालय/महाविद्यालय/संस्थान में पुनः पदभार ग्रहण कर सकेंगे :

परन्तु विश्वविद्यालय अथवा महाविद्यालय अथवा संस्थान के ऐसे शिक्षक, अथवा कर्मचारी, जो राज्य अथवा केन्द्रीय विधान-मंडल की सदस्यता प्राप्त कर लें, वे सदस्यता प्राप्ति की तिथि अथवा इस

अधिनियम के लागू की तिथि जो भी बाद में हो, से बिना वेतन विशेष छुट्टी पर समझे जायेंगे तथा विश्वविद्यालय के विभिन्न निकायों में भी उनकी सदस्यता उसी तिथि से समाप्त समझी जायेगी।”

1[66. 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 upto 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 order of 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 on a criminal charge or detained under any 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 allowance 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 a competent officer.

(4) An employee against whom proceedings on a criminal charge are pending shall, by special order to this effect, be kept under suspension during the period when he is not actually detained in custody or imprisoned (that is, when he is released on bail), if the charges 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 on moral turpitude. The provisions aforesaid shall apply in respect of his pay and allowances.]

67. ¹[x x x x x]

67A. ³[x x x x x x]

Legislative changes (after 1982)—This section was deleted by Act 18 of 1993 w.e.f. 22. 8. 1993. Prior to its deletion this section read as follows :

“67A. Effect of Transfer on Seniority etc.—If an employee of an 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.”

68. Pension, gratuity, insurance and provided 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 funds, as it may deem fit, for the benefit of its officers, teachers and other employees (excluding those who are members of public service of India and whose services are lent to the University under section 63.)

(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.

69. Transitory provisions for Patna Women's College and Bihar National College.—Notwithstanding anything to the contrary contained in this Act—

1. Subs. by Act 67 of 1982.
2. Deleted by *ibid.*
3. Deleted by Act 18 of 1993.

- (a) the properties, bequests and endowments pertaining to Patna Women's College and Bihar National College] as were created for the benefit of these Colleges, shall vest in these colleges, and their maintenance and control shall be, subject to such conditions and restrictions, as may be agreed upon between the State Government and the governing body of these colleges.
- (b) the governing body of Patna Women's College, if it so desires may retain such portion of the income arising out of the bequests and endowments made to the college for its benefit, as it may consider necessary for the maintenance of such teachers of the college who belong to any particular religious creed;
- (c) the powers of controlling appointment including determination of conditions of service of such teachers of Patna Women's College as belong to any particular religious creed shall vest in the governing body of the college, subject to the condition that such teacher possess qualifications as determined in the Statutes, Ordinances and Regulations.

70. Transfer of the Prince of Wales Medical College and its attached hostels etc. to State Government.—(1) The Prince of Wales Medical College, Patna and its attached hostels, and other buildings which are part of the said College and hostels, together with departments of the college, furniture of the said college and departments, library, books, laboratories, stores, instruments, apparatus, appliances and equipments as were transferred to the maintenance and control of the Patna University as its colleges and departments under section 53 of the Patna University Act, 1961 as it stood prior to amendment by the Bihar Ordinance no. 62 of 1971, are hereby re-transferred to the maintenance and control of the State Government.

(2) As consequence of such transfer, the State Government may, notwithstanding anything to the contrary contained in the Patna University Act, 1961, reduce its contribution to the University Fund established under the Patna University Act, 1961.

(3) Notwithstanding such transfer or anything to the contrary contained in the Patna University Act, 1961 or the Statutes, Ordinances or Regulations made or deemed to have been made thereunder the Patna University shall perform the functions relating to teaching, examinations and conferment of degrees of the Prince of Wales Medical College and its department.

71. Conduct of examination etc. of the Government Dental College by the Patna University.—Notwithstanding anything to the contrary contained in this Act or in the Statutes, Ordinances and Regulations made thereunder, the Patna University shall perform the functions relating to teaching, examinations and conferment of degrees to the students of Government Dental College, Patna.

72. Condition of service of teaching staff and other servants of the Prince of Wales Medical College, Patna.—(1) Notwithstanding anything to the contrary contained in the Patna University Act, 1961 (Bihar Act 3 of 1962) or in the Statutes, Ordinances or Regulations made or deemed to have been made thereunder—

(a) all such teaching staff and other servants appointed by the State Government and later on employed by the Patna University in the Prince of Wales Medical College and its departments as were not above the age of 58 years on the date of commencement of the Patna University (Amendment) Ordinance, 1971 (Bihar Or-

dinance no. 62 of 1971) shall cease to be the employee of the Patna University from the said date and shall become the employee of the State Government;

(b) all such teaching staff and other servants, whether permanent or temporary, appointed by the Patna University and employed in the Prince of Wales Medical College Patna, or its departments shall cease to be either permanent or temporary staff of the Patna University from the said date and shall become permanent or temporary, as the case may be, staff of the State Government;

(c) the members of the teaching staff and servants of the Prince of Wales Medical College and its department appointed by the Patna University in any year in its temporary or permanent cadre shall on being an employee of the State Government under clause (b), be placed below the last man appointed by the State Government in that year in an equivalent temporary or permanent cadre, as the case be, and their *inter-se* place shall remain the same as were assigned to them in their respective cadres under the Patna University, and—

- (i) their salaries shall be fixed at the corresponding stage of the time-scale of pay applicable to equivalent services under the State Government, and if there be no such stage in the Government time-scales of pay, the difference shall be paid to them in the form of reduceable personal pay;
- (ii) they shall become members of the General Provident Fund and may without the amount standing to their credit under contributory provident fund in the Patna University, or may transfer the amount to the General Provident Fund as its opening balance.
- (iii) they shall be entitled to pension and gratuity admissible under the Rules framed by the State Government; and
- (iv) their age of superannuation will be fifty-eight (58) years; and
- (v) such medical officer, as were working in the University service and had joined State Service after taking extra-ordinary leave, and again reverted back to their original post in the Patna University on deputation from the State Service, shall be entitled to the benefits provided in clauses (b) and (c).

(2) If any dispute arises, as a consequence of implementation of sub-section(1), as to which teacher or servant should hold which post or designation under the State Government, the matter shall be referred to the Chancellor of the Patna University whose decision thereon shall be final.

73. Autonomous College or Institute.—Notwithstanding anything contained in any provision of this Act, the University may subject to its adequate supervision and the manner prescribed in the relevant statutes, confer upon any College or institute, of outstanding calibre and fulfilling the prescribed conditions, the powers to make changes or modifications in the courses of studies prescribed by the University for its students, and the privilege to take examination in such modified courses of study and management thereof and such other powers in respect of other matters, as it may deem appropriate; 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 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 manner as if the said appointment or functions has been done in the manner provided in this Act :

Provided that before making 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. Continuance of Statutes, Ordinances, Regulations and Rules.—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 Patna University Act, 1961, as were in force immediately before the commencement of this Act, shall, in so far as they are not inconsistent with the 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.

76. 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 subject to the provisions 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 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[76. क विश्वविद्यालय निकायों के गठित न होने पर कार्य व्यवस्था ।—(1) यदि किसी कारणवश विश्वविद्यालय की सिनेट अथवा सिन्डीकेट अथवा विद्वत् परिषद् अथवा अन्य किन्हीं निकाय का गठन न हो सके तो जब तक इन निकायों का गठन नहीं हो जाय, तब तक इस अधिनियम के उपबन्धों को कार्यान्वित करने के प्रयोजनार्थ, एवम् नाम निर्देशित सदस्य मिलकर संबंधित निकाय की, किन्हीं शक्तियों का प्रयोग तथा किन्हीं कर्तव्यों का पालन कर सकेंगे ।

(2) पटना विश्वविद्यालय के निकाय द्वारा रिक्रियाँ रहने के कारण उनके द्वारा चुनाव अवैध नहीं होगा ।]

77. Election for the purpose of constituting the Senate, the Syndicate, and the Academic Council.—The Vice-Chancellor shall make such arrangements for holding elections 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 76; 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 anything contained in the preceding sections of this Act, the Chancellor shall, if the Vice-Chancellor reports, that, in his opinion, the election is not immediately possible fill up the vacancies by nomination.

¹[78. क वाद का वर्जन।— इस अधिनियम, परिनियम, अध्यादेशों या विनियमों के प्रावधानों के कार्यान्वयन के संबंध में सिविल न्यायालयों में कोई वाद एवं कार्यवाही नहीं चलाई जा सकेगी।]

Legislative changes (after 1982)—By Ordinance 38 of 1986 (w.e.f 17.12.1986) a new section 78B was inserted which continued till the repeal of Ordinance 13 of 1990. Section 78B reads as follows :

“78-ख. जिस तिथि से पटना विश्वविद्यालय (तृतीय संशोधन) अध्यादेश, 1986 प्रवृत्त होता है उस तिथि से वर्तमान अभिषद् (सिंडिकेट) और सिनेट नहीं रह जायेंगे। जब तक नये सिनेट/सिंडिकेट का गठन नहीं हो जाता है तब तक यथास्थिति, सिनेट और सिंडिकेट की शक्तियों का प्रयोग और कर्तव्यों का निर्वहन कुलपति द्वारा किया जायेगा।”

79. Repeal and Savings.—(1) The Patna University Act, 1961 (Bihar Act 3 of 1962), all provisions of parts 1,2,3, and 4, (sections 2 to 47 of the Bihar State University Laws and Schools Law (Second Amendment and Repeal) Ordinance, 1976 (Bihar Ordinance no. 93 of 1976), the Patna University (Second Amendment) Ordinance, 1976 (The Bihar Ordinance no. 88 of 1976) and the Patna University Second Ordinance, 1976 (The Bihar Ordinance no. 208 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

PATNA UNIVERSITY (AMENDMENT) ACT, 1982 (Bihar Act 67 of 1982)²

An Act to amend the Patna University Act, 1976.

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

1. Short title and commencement.—(1) This Act may be called the Patna University (Amendment) Act, 1982.

(2) It shall come into force at once.

2. to 44. Incorporated in the text of the Act at proper places.

45. Repeal and saving.—(1) Patna University (Amendment) Ordinance, 1982 (Bihar Ordinance no. 39 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 the exercise of the powers conferred by or under this Act as if this Act were in force on the date on which such thing or action was done or taken.

1. Ins. by Act 18 of 1993.

2. Assented to by the Governor on 12th August 1982. and Hindi text published in Bihar Gazette (ex. ord.) dated 14 the August. 1982.

THE PATNA UNIVERSITY (AMENDMENT) ACT, 1993 (Bihar Act 18 of 1993)]¹

An Act to amend the Patna University 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 Patna University (Amendment) Act, 1993.

(2) It shall come into force at once save and except Section 14]² of this Act which shall be deemed to have come into force with effect from 16th August, 1992.

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

16. Repeal and Savings.—Amendments made in Section 64 of the Patna University Act, 1976 (Bihar Act 24, 1976) by Patna University (Second Amendment) Ordinance, 1986 (Bihar Ordinance No. 34, 1986), Patna University (Amendment) Ordinance, 1987 (Bihar Ordinance No. 12, 1987), Patna University (Amendment) Second Ordinance, 1987 (Bihar Ordinance No. 20, 1987), Patna University (Amendment) Ordinance, 1988 (Bihar Ordinance No. 5 of 1988), Patna University (Amendment) Second Ordinance, 1988 (Bihar Ordinance No. 11, 1988), Patna University (Amendment) Second Ordinance, 1989 (Bihar Ordinance No. 17, 1989), Patna University (Amendment) Ordinance, 1990 (Bihar Ordinance No. 1, 1990), Patna University (Amendment) Second Ordinance, 1990, (Bihar Ordinance No. 9, 1990), Patna University (Amendment) Third Ordinance, 1990 (Bihar Ordinance No. 13, 1990), Patna University (Amendment) Fourth Ordinance, 1990 (Bihar Ordinance No. 22, 1990) Patna University (Amendment) Ordinance, 1991 (Bihar Ordinance No. 8, 1991), Patna University (Amendment) Second Ordinance, 1991 (Bihar Ordinance No. 17, 1991), Patna University (Amendment) Third Ordinance, 1991 (Bihar Ordinance No. 32, 1991), Patna University (Amendment) Ordinance, 1992 (Bihar Ordinance No. 1, 1992), Patna University (Amendment) Second Ordinance, 1992 (Bihar Ordinance No. 15, 1992), Patna University (Amendment) Ordinance, 1993 (Bihar Ordinance No. 5, 1993), Patna University (Second Amendment) Ordinance, 1993 (Bihar Ordinance No. 13, 1993) and Patna University (Third Amendment) Ordinance, 1993 (Bihar Ordinance No. 15, 1993) are hereby repealed :

Provided that anything done or any action taken in accordance with the provisions of the aforesaid Ordinances shall not be affected except that any action taken or any act done which are contrary to the provisions of the Act shall not be effective :

Provided further that notwithstanding such repeal and notwithstanding Section 2 of the Bihar Ordinance No. 5 of 1993, the 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 the Bihar Ordinance. No. 5, 1993 shall not be affected.

THE PATNA UNIVERSITY (AMENDMENT) ACT, 1995 (13 of 1995)

An Act to amend the Patna University 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 Patna 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 Patna University (Amendment) Act, 1995.

(2) It shall come into force at once.

2. to 3. Incorporated in the text of the Act.

4. Repeal and savings.—(1) The Patna University (Amendment) Second Ordinance, 1995 (Bihar Ordinance No. 13, 1995) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of the powers by or under the said Ordinance shall be deemed to have been done or taken in the 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. Published in Bihar Gazette (ex. Ord.) dated 22.8.1993.

2. Section 14 deals with amendment of section 64.

THE PATNA UNIVERSITY (AMENDMENT) ACT, 1996

(Act No. 15, 1996)

An Act to amend the Patna University 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 Patna University (Amendment) Act, 1996.

(2) It shall come into force at once.

2. Amendment of Section 58 of the Bihar Act 24 of 1976.—Incorporated in the text of the Act.**THE PATNA UNIVERSITY (AMENDMENT) ACT, 1998**

(Act No. 7, 1998)

An Act to amend the Patna University 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 & commencement.—(1) This Act may be called the Patna University (Amendment) Act, 1998.

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

2. Amendment of Section 57.—Incorporated in the text of the Act.**3. Repeal and savings.**—(1) The Patna University (Amendment) Third Ordinance, 1998 (Bihar Ordinance No. 8, 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 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.

पटना विश्वविद्यालय (संशोधन) अधिनियम, 1998

(बिहार अधिनियम संख्या 13, 1998)

पटना विश्वविद्यालय अधिनियम, 1976 का संशोधन करने के लिए अधिनियम

भारत गणराज्य के उन्चासवें वर्ष में बिहार राज्य विधान-मंडल द्वारा यह निम्न रूप में अधिनियम हो :

1. संक्षिप्त नाम और प्रारम्भ।—(1) यह अधिनियम पटना विश्वविद्यालय (संशोधन) अधिनियम, 1998 कहा जा सकेगा;

(2) यह सदा से प्रवृत्त समझा जायेगा।

2. बिहार अधिनियम 24, 1976 की धारा 65 का संशोधन।—सम्बद्ध अधिनियम में समाविष्ट।**3. निरसन एवं व्यावृत्ति।**—(1) पटना विश्वविद्यालय (यथा अद्यतन संशोधित) अधिनियम, 1976 की धारा-65(2) (बिहार अधिनियम 24, 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 PATNA UNIVERSITY (AMENDMENT) ACT, 2001[BIHAR ACT 4, 2001]¹

An Act To amend the Patna University Act, 1976

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

1. Short title and commencement.—(i) This Act may be called the Patna University (Amendment) Act, 2001.

(a) It shall come into force at once.

2. Amendment of section 4, sub-clause (1) of Bihar Act 24 of 1976.—Amendment of section 4, sub-clause (1) of Bihar Act 24 of 1976 shall be done as follows:—After the words Vanij Mahavidyalaya used in the said Act in Section 4 sub-clause (1) the words and "Art and Craft College, Patna" shall be added.

3. Amendment of section 71 of Bihar Act 24 of 1976.—In section 71 of the said Act the following shall be substituted as 71A and 71B.

(Incorporated in the Act appropriate place.

4. Repeal and savings.—(1) The Patna University (Amendment) Ordinance, 2000 (Bihar Ordinance, 4, 2000) is hereby, repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of any power conferred by, or under the said Act 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 was done or action taken.

THE PATNA UNIVERSITY (AMENDMENT) ACT, 2004 (EXTRACT)

[Bihar Act 11, 2004]1

An Act to amend the Patna University 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.—(1) This Act may be called the Patna University (Amendment) Act, 2004.

(2) It shall come into force at once.

2. Sections 2 & 3—Incorporated in the text.

PATNA UNIVERSITY (AMENDMENT) ACT, 2006 (EXTRACT)

(No. 3, 2006)

To amend the Patna University Act, 1976 (Bihar Act 24 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 Patna University (Amendment) Act, 2006

(2) It shall come into force at once.

2. Incorporated in the Text.

3. Savings.—Notwithstanding amendment in Section 64(a) of The Bihar Act 24 of 1976, anything already done or any action taken under old Section 64(a) shall not be called in question and further shall not be open to scrutiny in pursuance of amendment in Section 64(a) of the Bihar Act 24 of 1976.

The Patna University (Amendment) Act, 2008

(Bihar Act 15, 2008)¹

An Act to amend the Patna University Act, 1976 (Bihar Act 24, 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 Patna University (Amendment) Act, 2008

(2) It shall come into force at once.

2. to .10. Inserted in Body alongwith Section. 11.

11. Saving.—Notwithstanding substitution of section-19(16), 26 (6) (ii) and 56 (i) (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-19 (16), 26(6) (ii) and 56 (i)(4) of the Act.



बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

6 पौष 1934 (श0)

(सं0 पटना 696) पटना, गृहस्पतिवार, 27 दिसम्बर 2012

विधि विभाग

अधिसूचनाएं

27 दिसम्बर 2012

सं0 एल0जी0-1-17/2012/434/लेज:1—बिहार विधान मंडल द्वारा यथापारित निम्नलिखित अधिनियम, जिसपर महामहिम राज्यपाल दिनांक 25 दिसम्बर, 2012 को अनुमति दे चुके हैं, इसके द्वारा सर्व-साधारण की सूचना के लिये प्रकाशित किया जाता है।

पटना विश्वविद्यालय (संशोधन एवं विधिमान्यकरण) अधिनियम, 2012

[बिहार अधिनियम 21, 2012]

पटना विश्वविद्यालय अधिनियम, 1976 (बिहार अधिनियम 24, 1976) का संशोधन करने के लिए अधिनियम ।

प्रस्तावना.—चूँकि, बिहार राज्य के विश्वविद्यालयों एवं महाविद्यालयों को विश्वविद्यालय अनुदान आयोग (यू०जी०सी०) द्वारा निर्धारित मानदंडों के अनुरूप बनाया जाना अत्यंत आवश्यक है,

और, चूँकि, पटना विश्वविद्यालय अधिनियम, 1976 के कतिपय प्रावधान में विसंगतियाँ हैं जिस कारण विश्वविद्यालय अनुदान आयोग द्वारा निर्गत विभिन्न विनियम/ निदेश/अनुदेश के अनुरूप किया जाना आवश्यक है। भारत सरकार एवं विश्वविद्यालय अनुदान आयोग द्वारा समय-समय पर निर्गत आदेश/रेगुलेशन के अनुरूप इस अधिनियम में शिक्षक की परिभाषा को भी परिभाषित करना आवश्यक है।

और, चूँकि, राज्य सरकार के पत्रांक 1216, दिनांक 18.09.75 के द्वारा राज्य के सभी विश्वविद्यालयों के कुलपति को विश्वविद्यालय अनुदान आयोग (यू०जी०सी०) की अनुशांसा के आलोक में प्रयोग-प्रदर्शक का पद समाप्त होने की सूचना देते हुए राज्य सरकार के निम्नलिखित निर्णय को राज्य के विश्वविद्यालयों को संसूचित किया गया है कि दिनांक 01.01.1973 के पूर्व स्वीकृत पदों पर नियुक्त प्रयोग प्रदर्शक पूर्ववत् बने रहेंगे, परन्तु इन प्रयोग-प्रदर्शकों के पद की सेवा-निवृत्ति या अन्य

किसी कारण से रिक्ति होने की स्थिति में, भरा नहीं जायगा। दिनांक 01.01.1973 के पूर्व सृजित पदों पर तिथि 18.09.1975 के पूर्व अस्थायी रूप में नियुक्त प्रयोग प्रदर्शकों की योग्यता आदि की जाँचकर उन्हें स्थायी नियुक्ति के योग्य पाये जाने पर उनके स्थायीकरण में बिहार राज्य विश्वविद्यालय सेवा आयोग द्वारा सहमति प्राप्त किये जाने की आवश्यकता थी।

और, चूँकि, विभागीय पत्रांक 1789, दिनांक 26.08.1977 में राज्य सरकार के द्वारा मगध विश्वविद्यालय सहित राज्य के अन्य विश्वविद्यालयों को सूचित किया गया था कि भारत सरकार की अनुशंसा पर प्रयोग प्रदर्शक का पद समाप्त कर दिया गया है, और उन पदों पर अब नियुक्ति नहीं करनी है। इस पत्र में भारत सरकार के निर्णय को निम्नरूप से उद्धरित किया गया था “The revised scale of Rs. 500-900 is for the existing demonstrator/Tutors only. In future demonstrator/Tutors shall not be appointed in the Universities and Colleges.”

और, चूँकि, यू०जी०सी० रेगुलेशन 1991 शैक्षिक पद के लिए अर्हता निर्धारित करता है।

और, चूँकि, विश्वविद्यालय अनुदान आयोग सिर्फ त्रि-स्तरीय शैक्षिक पद, नामतः व्याख्याता, रीडर एवं प्राचार्य को मान्यता प्रदान करता है;

और, चूँकि, पटना विश्वविद्यालय अधिनियम 1976 में ‘शिक्षक’ की परिभाषा में स्पष्टता का अभाव है जिस कारण शिक्षक की योग्यता धारण नहीं करने वाले शिक्षकेत्तर कर्मियों को नियुक्ति की तिथि से ‘शिक्षक’ के रूप में परिभाषित किया जाने लगा है एवं अस्वीकृत पदों तथा स्टाफिंग पैटर्न के आधार पर नियुक्त/ कार्यरत शिक्षकेत्तर कर्मियों की सेवा सामंजस का प्रश्न भी उठ खड़ा हुआ है, अतएव बिहार के विश्वविद्यालयों एवं महाविद्यालयों के शैक्षणिक वातावरण के संवर्धन तथा शैक्षणिक क्षेत्र में उत्कृष्टता प्राप्त करने तथा विश्वविद्यालय अनुदान आयोग के अपेक्षाओं के अनुरूप पटना विश्वविद्यालय अधिनियम 1976 के कतिपय विद्यमान संगत प्रावधानों को संशोधित किया जाना अनिवार्य है,

और, चूँकि, माननीय पटना उच्च न्यायालय के राँची खण्डपीठ के द्वारा एल०पी०ए० संख्या-274/1997 (आर) में एकलपीठ के न्यायादेश सी०डब्ल्यू०जे०सी० संख्या-2176/1996(आर) दिनांक 03.04.1997 को प्रयोगशाला सहायक को शिक्षक के रूप में स्वीकार्य किये गये दावा को खारिज कर दिया है;

और, चूँकि, माननीय सर्वोच्च न्यायालय ने सिविल अपील संख्या-4215-16/2002 दिनांक 22.07.2002 को खारिज करते हुए निर्णय दिया कि खण्डपीठ के आदेश में कोई गलती नहीं है। पीठ ने बिल्कुल ठीक ही अवलोकन किया है कि प्रयोगशाला कर्मियों को शिक्षक माने जाने के लिए सामान्य निदेश नहीं दिया जा सकता क्योंकि अर्हता एवं अन्य महत्वपूर्ण सूचनाओं को प्रत्येक वादी के मामले पर विचार करने के समय उनके द्वारा धारित योग्यता एवं तथ्यों की अलग से राज्य सरकार द्वारा जाँचा जाना है। अतः खण्डपीठ के इस निर्णय के विरुद्ध माननीय सर्वोच्च न्यायालय को कोई त्रुटि नहीं मिलता है। माननीय सर्वोच्च न्यायालय ने यह निर्णय किया कि प्रयोगशाला कर्मियों को शिक्षक घोषित नहीं किया जा सकता।

और, चूँकि, राज्य मंत्रिमंडल के निययोपरांत पत्रांक-1115 दिनांक 14.06.2006 निर्गत किया गया;

और, चूँकि, पत्रांक-1115 दिनांक 14.06.2006 में ज्ञापांक-1456 दिनांक 01.08.2006 के द्वारा परिवर्तन किया गया;

और, चूँकि, दिनांक 18.12.2008 को राज्य सरकार ने स्पष्ट किया कि इन कर्मियों को प्रयोग प्रदर्शक के रूप में पदनामित सिर्फ वेतनमान और भत्ते के लिए किया गया है न कि उन्हें शिक्षक के रूप में मान्य किये जाने हेतु;

और, चूँकि, माननीय पटना उच्च न्यायालय ने सी०डब्ल्यू०जे०सी० संख्या-1377/2010 दिनांक 21.09.2010 में कहा कि पटना विश्वविद्यालय अधिनियम 1976 के अन्तर्गत दिए गए शिक्षक के परिभाषा के अधीन पदनामित प्रयोग प्रदर्शक को शिक्षक माना गया है अतः वे सभी लाभ पाने के हकदार हैं;

और, चूँकि, एल०पी०ए० संख्या-981/2011 दिनांक 11.07.2011 के न्याय निर्णय में माननीय अपीलीय न्यायालय द्वारा तत्कालीन राँची खण्डपीठ के निर्णय के आलोक में राज्य सरकार के द्वारा दिनांक 14.06.2006 को निर्णय लिया गया कि स्नातक प्रयोगशाला सहायक/ कनीय प्रयोगशाला सहायक/ प्रयोगशाला प्रभारी/ प्रयोगशाला तकनीशियन/ तकनीकी सहायक इत्यादि जो अंगीभूत महाविद्यालय/ विश्वविद्यालय के प्रयोगशाला में नियुक्त हों को पुर्ननामित प्रयोग प्रदर्शक माना जाय। उक्त निर्णय में यह विशेष रूप से निर्णय किया गया था कि पुर्ननामित प्रयोग प्रदर्शक भी प्रयोग प्रदर्शक के पद पर दी जानेवाली सभी लाभ के हकदार होंगे।

और, चूँकि, माननीय सर्वोच्च न्यायालय ने उक्त LPA के आदेश के विरुद्ध दायर SLP(C) No.-CC-1324/2012 को शुरू में ही निरस्त कर दिया।

और, चूँकि, “शिक्षक” की परिभाषा में अस्पष्टता एवं त्रुटि के कारण ही शिक्षकेतर पद का पुर्नपदनाम का प्रश्न उत्पन्न हुआ।

और, चूँकि, राज्य मंत्रिपरिषद ने विधिक परामर्श और एल०पी०ए० न्यायालय के आदेश के आलोक में भूल सुधारने का निर्णय लिया और दिनांक 14.06.2006 को निर्गत पत्र तथा दिनांक 01.08.2006 को निर्गत उसके शुद्धि पत्र जिसके द्वारा प्रयोगशाला कर्मियों को प्रयोग प्रदर्शक के रूप में पदनामित करने के निर्णय को राजकीय संकल्प संख्या-608 दिनांक 10.04.2012 के द्वारा वापस लेने का निर्णय लिया गया।

और, चूँकि, शिक्षक को परिभाषित करने में संशोधन करने की आवश्यकता है ताकि शिक्षकेतर प्रयोगशाला कर्मी जो प्रयोग प्रदर्शक के रूप में पदनामित हैं को पुर्नपदनामित करने की तिथि से शिक्षक की श्रेणी से एल०पी०ए० संख्या-981/2011 और विधि परामर्श के आलोक में अलग रखा जा सके क्योंकि यू०जी०सी० और भारत सरकार प्रयोग प्रदर्शक को शिक्षक के रूप में मान्यता प्रदान नहीं करते हैं।

भारत गणराज्य के तिरसठवें वर्ष में बिहार राज्य विधान-मंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो : -

1. संक्षिप्त नाम एवं प्रारंभ 1-(1) यह अधिनियम पटना विश्वविद्यालय (संशोधन एवं विधिमान्यकरण) अधिनियम, 2012 कहा जा सकेगा।

(2) यह अधिनियम विश्वविद्यालय अनुदान आयोग विनियम 1991 के निर्गमन की तिथि यथा 5 अक्टूबर, 1991 के प्रभाव से प्रवृत्त समझा जायेगा।

2. बिहार अधिनियम 24, 1976 की धारा-2 में संशोधन 1- धारा-2 के खण्ड (द) को निम्नलिखित द्वारा प्रतिस्थापित किया जायेगा :-

“(द) 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, रीडर तथा व्याख्याता के पद एवं यू०जी०सी० के द्वारा समय-समय पर निर्गत विनियमों में शिक्षक की श्रेणी में स्वीकार किये गये पद;

परन्तु, अधिनियम की धारा-2(द) में उक्त प्रतिस्थापन के होते हुए भी तिथि 01.01.1973 के पूर्व स्वीकृत पदों पर तिथि 18.09.1975 तक बिहार लोक सेवा आयोग या बिहार विश्वविद्यालय सेवा आयोग की अनुशंसा/सहमति से कार्यरत ‘प्रयोग प्रदर्शक’ इस प्रतिस्थापन से प्रभावित नहीं होंगे।

3. अधिनियम का अध्यारोही प्रभाव 1- अन्य अधिनियम, अध्यादेश, विनिश्च नियम, परिनियम, किसी न्यायालय के निर्णय में किसी प्रतिकूल बात के अंतर्विष्ट होने पर भी, इस अधिनियम के प्रावधानों का अध्यारोही प्रभाव होगा।

बिहार-राज्यपाल के आदेश से,

विनोद कुमार सिन्हा,

सरकार के सचिव।

27 दिसम्बर 2012

सं० एल०जी०-1-17/2012/435/लेज:।—बिहार विधान मंडल द्वारा यथापारित और महामहिम राज्यपाल द्वारा दिनांक 25 दिसम्बर 2012 को अनुमत पटना विश्वविद्यालय (संशोधन एवं विधि मान्यकरण) अधिनियम, 2012 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,

विनोद कुमार सिन्हा,

सरकार के सचिव।

Patna University (Amendment and Validation) Act, 2012**[Bihar Act 21, 2012]****AN
ACT****To amend the Patna University Act, 1976 (Bihar Act 24, 1976)**

Preamble.—Whereas, it is most expedient to make the University Act consistent with and in conformity with standards of University Grants Commission (U.G.C.);

And, whereas, anomalies exist in the provisions of The Patna University Act, 1976 so amendment is essential for bringing the Act on the line of different regulations/ direction/ instruction of UGC and define teacher in conformity with the definition incorporated in various regulations of UGC and orders issued by Govt. of India.

And, whereas, vide government letter no. 1216 dated 18-09-75 all the Vice-Chancellors of the State have been informed of the abolition of the post of Demonstrator in the light of UGC recommendation, decision of the State Govt. has also been communicated to the Universities that the Demonstrators appointed on the sanctioned post before 01-01-1973 shall continue but the post shall not be filled up in case of vacancy caused due to retirement or death of the said post holders. On the post sanctioned before 01-01-1973 and appointed temporarily by 18-09-1975, such temporary demonstrators were to be examined in respect of qualification and on finding them fit for permanent appointment concurrence was to be obtained from Bihar State University Service Commission.

And, whereas, all university including Magadh University had been informed vide letter no. 1789 dated 26-08-1977 that on the recommendation of Govt. of India, the post of Demonstrator had been abolished and that no appointment was to be made on such posts. In this letter, Govt. of India decision was quoted as follows :- *"The revised scale of Rs. 500-900 is for the existing Demonstrator/Tutors only. In future Demonstrator/Tutors shall not be appointed in the Universities and Colleges"*,

And, whereas, the UGC Regulation, 1991 prescribed qualification for appointment to teaching post.

And, whereas, the UGC recognises only three tier teaching post namely Lecturer, Reader and Professor.

And, whereas, definition of Teacher under the Patna University Act, 1976 is not clear, due to which non teaching employees not holding the qualification of a teacher have been defined as a Teacher from the date of appointment and the question of adjustment of service of non-teaching employees appointed/ working against Unsanctioned Post on the basis of Staffing Pattern has arisen. Therefore for promotion of educational environment and for attaining academic excellence in these institutions as per the expectation of U.G.C., it is essential to amend the existing relevant provisions of The Patna University Act, 1976.

And, whereas, the Division Bench of Patna High Court, Ranchi Bench in LPA No. 274/1997 (R) while partly allowing the appeal set aside the direction of the Single Judge dated 3.4.1997 in CWJC No. 2176/1996(R) to treat the Lab. Assistant as teacher.

And, whereas, the apex court while dismissing Civil Appeal No. 4215-16/2002 dated 22.7.2002 held that the order of the Division Bench cannot be faulted with apart from the fact that no such specific prayer was made. The Bench observed that such general direction could not be issued as the qualifications and other relevant facts in respect of each Lab. Assistants may have to be examined by the State Government while considering their representation. The Hon'ble apex court did not find merit in the challenge made against that part of the order of the Division Bench. The apex court held that Lab personnel can't be declared Teacher.

And, whereas, after the Cabinet decision letter No. 1115 dated 14.6.2006 was issued for re-designation of Lab. Personnel.

And, whereas, modification in the letter no. 1115 was made vide memo no. 1456 dated 1.8.2006 without cabinet decision.

And, whereas, on 18.12.2008 the State Govt. clarified that re-designation as Demonstrator was issued only for pay scale and allowance and not to convert them as teacher.

And, whereas, on 21.9.2010 the Hon'ble Patna High Court in CWJC No. 1377/2010 held that re-designated Demonstrators acquired the status of teacher in terms of the definition of teacher under the Patna University Act, 1976 and as such entitled to all benefits.

And, whereas, on appeal LPA Court in LPA No. 981/2011 dated 11.7.2011 held that inspite of the decision of the Division Bench of the then Ranchi Bench of the Patna High Court confirmed by the Hon'ble Supreme Court, the Government of Bihar in its wisdom took a decision on 14.6.2006, to re-designate the graduate Laboratory Assistant/Junior Laboratory Assistant/Laboratory Incharge/ Lab. Technician/Technical Assistant, etc. appointed in the Laboratory of the constituent colleges as Demonstrators. Under the said decision, it was specifically decided that since re-designation as Demonstrators the concerned employees will be entitled to all the benefits of the post of Demonstrator.

And, whereas, the apex court dismissed SLP(C) No. CC-1324/2012 filed against the order of said LPA in limine.

And, whereas, redesignation of non teaching posts has arisen on account of vagueness and flaw in the definition of 'teacher'.

And, whereas, the State Cabinet decided to rectify mistake in the light of legal opinion and the observation of the LPA court and decided to withdraw the previous decision of re-designation of Lab. Personnel as Demonstrator with effect from the date of issuance of letter of re-designation dated 14.6.2006 and its modification dated 1.8.2006 and Government resolution no. 608 dated 10.4.2012 was issued.

And, whereas, it is necessary to amend the definition of the teacher to exclude the non-teaching employee Lab. Personnel re-designated Demonstrator with effect from the date of re-designation, as UGC and Central Govt. do not recognise Demonstrator as teaching employee in the context of observation of the LPA court in LPA No. 981 of 2011 as well as Legal Advice.

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

1. **Short title and Commencement** .- (1) This Act may be called The Patna University (Amendment and Validation) Act, 2012.

(2) This Act shall be deemed to come into force from the date of issue of U.G.C. Regulation, 1991 i.e. with effect from 05 October, 1991.

2. **Amendment in Section-2 of the Bihar Act-24, 1976** - clause (r) of section-2 shall be substituted by the following :-

"(r) "Teacher" means person holding the post of only University Professor/ Professor, Reader, and Lecturer and such sanctioned posts in the teacher's grade on the basis of regulations issued by the U.G.C. from time to time;

Provided, that notwithstanding the said substitution in Section-2(r), the action taken in respect of working Demonstrators appointed before 18-09-1975 on the post sanctioned before 01-01-1973 with the concurrence of Bihar Public Service Commission or Bihar State University Service Commission shall not be affected by this substitution.

3. **Overriding effect of the Act .-** Notwithstanding anything contained contrary in this Act or any other Act, Ordinances, Rules or decision or judgment or decree of any court the provisions of this Act shall have overriding effect.

बिहार-राज्यपाल के आदेश से,

विनोद कुमार सिन्हा,

सरकार के सचिव।

अधीक्षक, सचिवालय मुद्रणालय,
बिहार, पटना द्वारा प्रकाशित एवं मुद्रित।
बिहार गजट (असाधारण) 696-571+400-डी0टी0पी0।
Website: <http://egazette.bih.nic.in>



बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

1 वैशाख 1939 (श0)
(सं0 पटना 306) पटना, शुक्रवार, 21 अप्रील 2017

विधि विभाग

अधिसूचनाएं

21 अप्रील 2017

सं० एल०जी०-01-09/2017/64 लेज—बिहार विधान मंडल द्वारा यथापारित का निम्नलिखित अधिनियम, जिसपर महामहिम राज्यपाल दिनांक 12 अप्रील 2017 को अनुमति दे चुके हैं, इसके द्वारा सर्वसाधारण की सूचना के लिये प्रकाशित किया जाता है।

बिहार—राज्यपाल के आदेश से,
सुरेन्द्र प्रसाद शर्मा,
सरकार के सचिव।

[बिहार अधिनियम-10, 2017]

पटना विश्वविद्यालय (संशोधन) अधिनियम, 2017

पटना विश्वविद्यालय अधिनियम, 1976 (बिहार अधिनियम 24, 1976) का संशोधन करने के लिए अधिनियम प्रस्तावना।— चूँकि, बिहार राज्य के विश्वविद्यालयों एवं अंगीभूत महाविद्यालयों में शिक्षकों के पद पर विश्वविद्यालय अनुदान आयोग द्वारा निर्धारित मापदंडों के अनुरूप नियुक्ति के लिए एक विश्वविद्यालय सेवा आयोग का गठन आवश्यक है।

और, चूँकि, पटना विश्वविद्यालय अधिनियम, 1976 में शिक्षकों की नियुक्ति से संबंधित प्रावधानों को विश्वविद्यालय अनुदान आयोग द्वारा समय-समय पर निर्गत विभिन्न दिशानिर्देशों/विनियमों में अंकित प्रावधानों के अनुरूप राज्य के विश्वविद्यालयों में शिक्षकों के पद पर नियुक्ति किया जाना अनिवार्य है।

अतः विश्वविद्यालय अनुदान आयोग द्वारा निर्गत दिशानिर्देशों/रेगुलेशनों के अनुरूप अधिनियम 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 पटना विश्वविद्यालय (संशोधन) अधिनियम, 2017 कहा जा सकेगा।

(2) यह अधिनियम उस तिथि से प्रवृत्त होगा जो राज्य सरकार, अधिसूचना द्वारा नियत करे।

2. बिहार अधिनियम 24, 1976 की धारा-2 का संशोधन।— पटना विश्वविद्यालय अधिनियम, 1976 (बिहार अधिनियम 24, 1976) (इसमें आगे उक्त अधिनियम के रूप में निर्दिष्ट) की धारा-2 के खंड-(य) को निम्नलिखित द्वारा प्रतिस्थापित किया जायेगा:-

“(य) ‘आयोग’ से अभिप्रेत है कि ‘बिहार राज्य विश्वविद्यालय सेवा आयोग’।”

3. बिहार अधिनियम 24, 1976 की धारा-56 में संशोधन।— (1) अधिनियम की धारा-56 की उपधारा (1) का खण्ड (i) विलोपित किया जाएगा।

(2) अधिनियम की धारा-56 की उपधारा (1) का खण्ड (iii) का परंतुक विलोपित किया जाएगा।

4. बिहार अधिनियम 24, 1976 में एक नई धारा-56 क का जोड़ा जाना।—

अधिनियम 1976 की धारा-56 के बाद निम्नलिखित नई धारा-56 क जोड़ी जाएगी :-

“56 क- बिहार राज्य विश्वविद्यालय सेवा आयोग का गठन — राज्य सरकार विश्वविद्यालय शिक्षक की नियुक्ति हेतु अनुशंसा करने के लिए एक अलग बिहार राज्य विश्वविद्यालय सेवा आयोग का गठन करेगी।”

5. व्यावृत्ति।— अधिनियम की धारा-2 एवं धारा-56 की उपधारा (1) के खंड-(iii) 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-56 के प्रतिस्थापन या विलोपन के आधार पर प्रश्नगत नहीं किया जायेगा या की जायेगी।

बिहार-राज्यपाल के आदेश से,
सुरेन्द्र प्रसाद शर्मा,
सरकार के सचिव।

21 अप्रील 2017

सं० एल०जी०-01-09/2017/65 लेज—बिहार विधान मंडल द्वारा यथापारित और महामहिम राज्यपाल द्वारा **dated 12th April, 2017** को अनुमत **पटना 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 10, 2017]
Patna University (Amendment) Act, 2017

AN
ACT

To Amend Patna Universities Act, 1976 (Bihar Act 24, 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 Grant Commission .

And, whereas, it is essential to make future appointments to the posts of teachers in the Universities of the State by making the provisions for appointment of teachers in the Patna University Act, 1976 in conformity with the provisions laid down in the various guidelines/regulations issued by the University Grants Commission from 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 Patna University (Amendment) Act, 2017.

(2) It shall come in force with effect from the date which the State Government, by notification, may fix.

2. Amendment in Section-2 of Bihar Act, 24, 1976.— Clause (za) of section 2 of the Patna University Act, 1976 (Bihar Act 24, 1976) (hereinafter referred to as to said Act) shall be substituted by the following:-

“(za) 'Commission' means 'Bihar State University Service Commission”

3. Amendment in section-56 of the Bihar Act 24, 1976.— (1) Clause (i) of sub section (1) of section 56 shall be deleted.

(2) Proviso of clause (iii) of sub section (1) of section 56 of the Act shall be deleted.

4. Addition of new section-56 A in the Bihar Act 24, 1976.— The following new section-56 A shall be added after-56 of the Act.

"56 A. Constitution of Bihar State University Service Commission— The State shall constitute a separate Bihar State University Service Commission for making recommendation for appointment of University teacher".

5. Saving.— Notwithstanding the amendment made in section-2 and clause (iii) of sub section (1) of section-56 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.

By Order of the Governor of Bihar,
SURENDRA PRASAD SHARMA,

Secretary to Government.

अधीक्षक, सचिवालय मुद्रणालय,

बिहार, पटना द्वारा प्रकाशित एवं मुद्रित।

बिहार गजट (असाधारण) 306-571+400-डी0टी0पी0।

Website: <http://egazette.bih.nic.in>



बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

29 वैशाख 1939 (श0)
(सं0 पटना 423) पटना, शुक्रवार, 19 मई 2017

विधि विभाग

अधिसूचनाएं

18 मई 2017

सं0 एल0जी0-01-13/2017/99 लेज:।-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 15, 2017]

पटना विश्वविद्यालय (संशोधन) अधिनियम, 2017

पटना विश्वविद्यालय अधिनियम, 1976 (बिहार अधिनियम 24, 1976) का संशोधन करने के लिए अधिनियम ।

प्रस्तावना:— चूँकि, पटना विश्वविद्यालय के महाविद्यालयों में कार्यरत प्रधानाचार्यों को शिक्षक पद की परिभाषा में समाहित किया जाना आवश्यक है;

और, चूँकि, पटना विश्वविद्यालय में कुलसचिव के पद पर बिहार प्रशासनिक सेवा के सेवानिवृत्त अनुभवी पदाधिकारियों की सेवा लिया जाना उचित है;

अतः पटना विश्वविद्यालय अधिनियम, 1976 की धारा-2 एवं धारा-16 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 पटना विश्वविद्यालय (संशोधन) अधिनियम, 2017 कहा जा सकेगा।

(2) यह अधिनियम तत्काल प्रभाव से प्रवृत्त होगा।

2. बिहार अधिनियम 24, 1976 की धारा-2 में संशोधन।— बिहार राज्य विश्वविद्यालय अधिनियम, 1976 (बिहार अधिनियम 24, 1976) की धारा-2 (द) का मुख्य भाग निम्नलिखित द्वारा प्रतिस्थापित किया जायेगा:-

“(द) 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 24, 1976 की धारा-16 में संशोधन।— अधिनियम की धारा-16 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 (द) एवं धारा-16 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 16 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 एल0जी0-01-13/2017/100 लेजः।—बिहार विधान मंडल द्वारा यथापारित और महामहिम राज्यपाल द्वारा दिनांक 15 मई 2017 को अनुमत **पटना 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 15, 2017]

Patna University (Amendment) Act, 2017

AN

ACT

To amend Patna University Act, 1976 (Bihar Act 24, 1976)

Preamble— Whereas, it is expedient to incorporate Principals of colleges under Patna University within the definition of teachers of the University.

And, whereas, it is proper to take the services of experienced retired officers of Bihar Administrative Service to the post of Registrar in Patna University.

Hence, it is necessary to amend section 2 and section 16 of Patna 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.—This Act may be called The Patna University (Amendment) Act, 2017.

(2) It shall come into force at once.

2. Amendment in Section-2 of Bihar Act, 24, 1976— The main part of section 2 (r) of the Patna University Act, 1976 (Bihar Act 24, 1976) shall be substituted by the following:-

“(r) "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-16 of the Bihar Act 24, 1976.- (1) sub-section (1) of section 16 of Patna 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 (r) and sub-section (1) of section-16 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।
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Website: <http://egazette.bih.nic.in>



बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

10 चैत्र 1943 (श10)
(सं0 पटना 237) पटना, बुधवार, 31 मार्च 2021

विधि विभाग

अधिसूचना

31 मार्च 2021

सं० एल०जी०-01-12/2021-2151/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।

5 अधिनियम की धारा 11 की उपधारा (6), धारा 27 की उपधारा (6) के खण्ड (घ) एवं धारा 56 की उपधारा (2)(i) 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 की गई समझी जायेगी और संशोधन के आधार पर प्रश्नगत नहीं किया जाएगा या की जाएगी।

पी०सी० चौधरी,
सरकार के सचिव।

31 मार्च 2021

सं० एल०जी०-01-12/2021-2152—बिहार विधान मंडल द्वारा यथापारित और महामहिम राज्यपाल द्वारा दिनांक 27 मार्च 2021 को अनुमत **Patna University (Amendment) Act, 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।

Patna University (Amendment) Act, 2021
पी०सी० चौधरी,
सरकार के सचिव।

[Bihar Act 12, 2021]

Patna University (Amendment) Act, 2021

AN
ACT

To amend Patna University Act, 1976 (Bihar Act 24, 1976)

Preamble— Whereas, the state government has decided to make appointments of non teaching staffs of grade III in the universities of Bihar through Bihar Staff Selection Commission vide its resolution no. 591 dated 06.03.2019.

Whereas, Principal of the constituent colleges under Patna University has been categorically declared as teacher in Patna University act 1976 and Bihar State University Service Commission has been established to the appointment of teachers in the University. 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 Patna University (Amendment) Act, 2021.

(2) It shall come in force from the date of its publication in the official gazette.

2. Amendment in Section-11 of Bihar Act, 24, 1976— The following proviso shall be added after sub-section (6) of section- 11 of the act.

“Provided that the appointments on sanctioned posts of non teaching employees of grade III in Patna university and its Constituent colleges 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-27 of Bihar Act, 24, 1976— Part (iv) of sub section 6 of section 27 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-56 of Bihar Act, 24, 1976— Part (i) of sub section 2 of section 56 shall be substituted by the following :-

“56 (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 Constituent 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 - 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- 11, Part (iv) of sub section 6 of section 27 and Part (i) of sub section 2 of section 56 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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