



The Panchagada Ananga Narendra School of Education (Taking Over of Management) Act, 1997

Act 3 of 1997

Keyword(s):
Administrator, School

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**THE PANCHAGADA ANANGA NARENDRA SCHOOL OF EDUCATION
(TAKING OVER OF MANAGEMENT) ACT, 1997****TABLE OF CONTENTS****PREAMBLE:****SECTIONS:**

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ORISSA ACT 3 OF 1997

***THE PANCHAGADA ANANGA NARENDRA SCHOOL OF EDUCATION
(TAKING OVER OF MANAGEMENT) ACT, 1997**

[Received the assent of the Governor on the 1st April 1997, first published in an extraordinary issue of the Orissa Gazette, dated the 3rd April 1997]

AN ACT TO PROVIDE FOR TAKING OVER OF MANAGEMENT OF THE AFFAIRS OF THE PANCHAGADA ANANGA NARENDRA SCHOOL OF EDUCATION, BANKOI AND MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO

WHEREAS in the interest of qualitative educational training to the Teachers, the State Government decided that no private Secondary Training Schools shall be permitted to be established in the State of Orissa and a Press Note to that effect was issued by the State Government on the 12th March 1981 ;

AND WHEREAS the Orissa Education Act, 1969 was amended in the year 1988 by Orissa Act 19 of 1988, which came into force on the 19th December 1988, prohibiting establishment of Secondary Training Schools in the private sector and the same provisions were reiterated in the year 1989 by Orissa Act 15 of 1989;

AND WHEREAS the Panchagada Ananga Narendra School of Education at Bankoi, in the district of Khurda was established in the year 1981;

AND WHEREAS the said School was permanently recognised by the State Government in pursuance of the Orders of the Orissa High Court in O. J. C. No. 144 of 1988 and 367 of 1989, confirmed by the Supreme Court of India in Civil Appeal No. 44 of 1993 ;

AND WHEREAS the said School of Education is the only Secondary Training School in the private sector in the State ;

AND WHEREAS in order to ensure qualitative educational training to the Teachers who will ultimately be called upon to impart education to the School children, it is necessary that the Teacher-trainees should be selected purely on the basis of merit throughout the State;

AND WHEREAS qualitative selection of candidates as well as the standard of training to the Teacher-trainees cannot be ensured if the said School of Education is allowed to function under private management ;

AND WHEREAS for the aforesaid reasons and in the larger interest of the public, the State Government have decided to take over the management of the said School of Education with all its properties and assets.

BE it enacted by the Legislature of the State of Orissa in the Forty-eighth Year of the Republic of India as follows :—

Short title
and
commence-
ment

1. (1) This Act may be called the Panchagada Ananga Narendra School of Education (Taking over of Management) Act, 1997.

(2) It shall be deemed to have come into force on the 27th day of January, 1997.

Definitions.

2. In this Act, unless the context otherwise requires,—

- (a) "Administrator" means the Administrator appointed under section 5 ;
- (b) "Appointed day" means the day on which this Act comes into force ;
- (c) "School" means the Panchagada Ananga Narendra School of Education at Bankoi in the district of Khurda ;
- (d) "Government" means the Government of Orissa.

Taking over of management of affairs of the School.

3. (1) With effect from the appointed day,—

- (a) the management of the School shall vest in the Government ;
- (b) every member of the Managing Committee, by whatever name called, shall cease to exercise any power of management in relation to the School ; and
- (c) the Government shall be deemed to have been in actual possession of the School.

(2) All assets and properties of the School and Managing Committee thereof, whether movable or immovable, including lands, building, laboratories, workshops, libraries, instruments, machinery, vehicles, cash balance, funds including reserve fund, investment, furniture and fixtures and other things shall, on the date of vesting of the School under sub-section (1), stand transferred to, and vested in, the Government free from all encumbrances.

Effect of taking over of management.

4. On vesting of the management of the School in the Government, the Managing Committee, by whatever name called, in charge of the management of the affairs of the School as on the date preceding the date of vesting, shall be deemed to have been superseded and every person holding any office thereof immediately before the date of vesting shall be deemed to have vacated such office on the date of vesting.

Appointment of Administrator and Officers.

5. (1) The Government shall, as from the appointed day, appoint any person or officer as Administrator to manage the affairs of the School for and on behalf of the Government until an alternative arrangement is made by the Government.

(2) The Administrator appointed under sub-section (1) shall, subject to the provisions of this Act and to the control of the Government, exercise the powers of the Managing Committee in relation to the School.

(3) The Government may, from time to time, give such directions to the Administrator as it may deem fit for the proper management of the affairs of the School and the Administrator shall in exercise of his powers under this Act, comply with such directions.

No right to compensation.

6. No person, who is deprived of his right of management under section 3 or ceases to hold office by reason of the provision contained in section 4, shall be entitled to any compensation for such deprivation of his right of management or for such loss of office, as the case may be.

Delivery of possession of properties and documents.

7. (1) Every person having, on the appointed day, in his possession, custody or control, any assets or properties as mentioned in sub-section (2) of section 3, including the documents and other papers relating thereto, shall forthwith deliver such assets, properties, documents and other papers to the Administrator or any other officer as may be authorised by him in this behalf.

(2) In case of non-delivery of possession of any assets, properties, documents or other papers under sub-section (1), the Government may take such necessary steps for securing the possession thereof as it may deem fit.

Absorption of employees.

8. All teaching and non-teaching employees in employment of the School as on the first day of April, 1996, who have the requisite qualification for the posts respectively held by them and whose appointments are within the yardstick prescribed for similar Schools under the Government shall be deemed to have been absorbed in Government service as employees of the School in their respective posts with effect from the appointed day.

Act to have overriding effect.

9. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

Protection of action taken in good faith.

10. No suit prosecution or other legal proceeding shall lie against the Government or any officer or other employee of the Government or the Administrator or any officer authorised by the Administrator for anything which is in good faith done or intended to be done under this Act.

Repeal and savings.

11. (1) The Panchagada Ananga Narendra School of Education (Taking over of Management) Ordinance, 1997 is hereby repealed.

Ordinance No. 1 of 1997.

(2) Notwithstanding the repeal under sub-section (1), anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under this Act.