



The Uttar Pradesh Higher Education Services Commission Act, 1980

Act 16 of 1980

Keyword(s):

Appointment, College, Higher Education

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सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट

भाग 1—खण्ड (क)

(उत्तर प्रदेश अधिनियम)

लखनऊ, शुक्रवार, 3 अक्टूबर, 1980

श्राश्विन 11, 1902 शक सम्वत्

उत्तर प्रदेश सरकार

विधायिका अनुभाग—1

संख्या 2753/सत्रह-वि०-1--71-80

लखनऊ, 3 अक्टूबर, 1980

अधिसूचना

विविध

'भारत' की संविधान के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश विधान मण्डल द्वारा पारित उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग विधेयक, 1980 पर दिनांक 1 अक्टूबर, 1980 ई० को, अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 16 सन् 1980 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग अधिनियम, 1980

(उत्तर प्रदेश अधिनियम संख्या 16 सन् 1980)

(जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ)

किसी विश्वविद्यालय से सम्बद्ध या मान्यता प्राप्त महाविद्यालयों में नियुक्ति के लिये अध्यापकों के चयन के लिये सेवा आयोग स्थापित करने, और उससे सम्बद्ध या आनुषंगिक विषयों के लिये

अधिनियम

भारत गणराज्य के इकतीसवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है—

अध्याय—एक

प्रारम्भिक

(1) यह अधिनियम उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग अधिनियम, 1980

संक्षिप्त नाम और प्रारम्भ

(2) यह ऐसे दिनांक को प्रवृत्त होगा जिसे राज्य सरकार, अधिसूचना द्वारा, इस निमित्त नियतकरे।

परिभाषायें

2--इस अधिनियम में--

(क) किसी अध्यापक के सम्बन्ध में "नियुक्ति" के अन्तर्गत उत्तर प्रदेश राज्य विश्व-विद्यालय अधिनियम, 1973 की धारा 31 की उपधारा (3) के अधीन कोई नियुक्ति नहीं है;

(ख) "अध्यक्ष" का तात्पर्य आयोग के अध्यक्ष से है और इसके अन्तर्गत अध्यक्ष की अनुपस्थिति में तत्समय अध्यक्ष के कृत्यों का संपादन करने वाला कोई अन्य व्यक्ति भी है;

(ग) "महाविद्यालय" का तात्पर्य किसी ऐसे सम्बद्ध या सहयुक्त महाविद्यालय से है जिसे किसी विश्वविद्यालय द्वारा इस प्रकार सम्बद्धता या मान्यता का विशेषाधिकार दिया गया हो, और इसके अन्तर्गत स्थानीय प्राधिकारी द्वारा पोषित कोई महाविद्यालय भी है, परन्तु राज्य सरकार द्वारा पोषित कोई महाविद्यालय नहीं है;

(घ) "आयोग" का तात्पर्य धारा 3 के अधीन स्थापित उच्चतर शिक्षा सेवा आयोग से है;

(ङ) "निदेशक" का तात्पर्य शिक्षा निदेशक (उच्च शिक्षा) से है और इसके अन्तर्गत उसके द्वारा इस निमित्त प्राधिकृत संयुक्त शिक्षा निदेशक या उप शिक्षा निदेशक भी है;

(च) "सदस्य" का तात्पर्य आयोग के सदस्य से है और इसके अन्तर्गत उसका अध्यक्ष भी है;

(छ) इस अधिनियम में प्रयुक्त और अपरिभाषित परन्तु उत्तर प्रदेश राज्य विश्व-विद्यालय अधिनियम, 1973 में परिभाषित अन्य शब्दों के क्रमशः वही अर्थ होंगे जो उस अधिनियम में उनके लिये दिये गये हैं।

अध्याय—दो

आयोग की स्थापना

आयोग की स्थापना

3--(1) ऐसे दिनांक से जिसे राज्य सरकार, अधिसूचना द्वारा, इस निमित्त नियत करे, एक आयोग स्थापित किया जायेगा जो उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग कहलायेगा।

(2) आयोग एक निर्गमित निकाय होगा।

आयोग की संरचना

4--(1) आयोग में राज्य सरकार द्वारा नियुक्त एक अध्यक्ष और कम से कम दो और अधिक से अधिक चार अन्य सदस्य होंगे।

(2) सदस्यों में से एक ऐसा व्यक्ति होगा जो राज्य सरकार की राय में, सार्वजनिक जीवन में या न्यायिक या प्रशासनिक सेवा में महत्वपूर्ण पद पर हो या रहा हो, और अन्य व्यक्तियों को अध्यापन का निम्नांकित अनुभव होगा, अर्थात्--

(क) किसी विश्वविद्यालय के आचार्य के रूप में; अथवा

(ख) कम से कम दस वर्ष की अवधि के लिये किसी महाविद्यालय के प्राचार्य के रूप में; अथवा

(ग) कम से कम पन्द्रह वर्ष की अवधि के लिये किसी महाविद्यालय के अध्यापक के रूप में।

(3) इस धारा के अधीन प्रत्येक नियुक्ति उस दिनांक से प्रभावी होगी जिस दिनांक से उसे राज्य सरकार द्वारा अधिसूचित किया जायगा।

सदस्यों की पदावधि और सेवा शर्तें

5--(1) प्रत्येक सदस्य, जब तक कि वह उन नियमों के अधीन जिन्हें इस अधिनियम के अधीन बनाया जाय, उस रूप में बने रहने के लिये निरर्हित न हो जाय, तीन वर्ष की अवधि के लिये पद धारण करेगा।

(2) कोई व्यक्ति दो लगातार पदावधियों से अधिक के लिये आयोग का सदस्य नहीं होगा।

(3) आयोग का कोई सदस्य राज्य सरकार को सम्बोधित स्वहस्ताक्षरित लेख द्वारा अपना पद त्याग सकता है, किन्तु वह पद पर तब तक बना रहेगा जब तक कि उसका त्याग-पत्र राज्य सरकार द्वारा स्वीकार न कर लिया जाय।

(4) सदस्यों का पद पूर्णकालिक होगा और उनकी सेवा के निबन्धन और शर्तें ऐसी होंगी जैसी राज्य सरकार आदेश द्वारा निदेश है।

(5) इस धारा में किसी बात के होते हुए भी, कोई व्यक्ति यदि उसने वासठ वर्ष की आयु प्राप्त कर ली हो, न तो आयोग का सदस्य नियुक्त किया जायगा और न इस रूप में बना रहेगा।

6--(1) राज्य सरकार, आदेश द्वारा, किसी सदस्य को पद से हटा सकती है, यदि वह,—

(क) दिवालिया न्याय-निर्णीत किया जाय, या

(ख) अपनी पदावधि के दौरान, अपने पद के कर्तव्यों से भिन्न किसी वैतनिक रोजगार में कार्य करे, या

(ग) राज्य सरकार के राय में मानसिक या शारीरिक दुर्बलता या सिद्ध कदाचार के कारण पद पर बने रहने के लिये अनुपयुक्त हो।

सदस्यों को हटाने की राज्य सरकार की शक्ति

स्पष्टीकरण—जहां कोई सदस्य किसी विश्वविद्यालय या महाविद्यालय द्वारा या उसकी ओर से किसी संविदा या करार से, सदस्य से भिन्न रूप में किसी प्रकार से सम्बद्ध हो या उसमें हितवद्ध हो या उसके लाभ में या उससे प्राप्त होने वाले किसी फायदे या उपलब्धि में किसी प्रकार से भागीदार हो वहां उसे खण्ड (ग) के प्रयोजनार्थ कदाचार का दोषी समझा जायगा।

(2) इस धारा के अधीन कदाचार के अन्वेषण और उसे सिद्ध करने की प्रक्रिया ऐसी होगी जैसी विहित की जाय।

(3) राज्य सरकार किसी ऐसे सदस्य को जिसके सम्बन्ध में इस धारा के अधीन कोई कार्यवाही अनुष्ठायत हो, उसके पद से निलम्बित कर सकती है।

7—आयोग अपने साथ ऐसी रीति से और ऐसे प्रयोजनों के लिये जो धारा 31 के अधीन बनाये गये विनियमों द्वारा अवधारित किये जाय, किसी ऐसे व्यक्ति को सहयुक्त कर सकता है जिसकी सहायता या सलाह वह उस अधिनियम के किन्हीं उपबन्धों को कार्यान्वित करने के लिये लेना चाहे।

सहयुक्त करने की शक्ति

8—आयोग का कोई कार्य या कार्यवाही केवल इस कारण अविधिमान्य नहीं समझी जायगी कि—

(क) आयोग के गठन में कोई रिक्ति या त्रुटि है, या

(ख) उसके सदस्य के रूप में कार्य करने वाले किसी व्यक्ति की नियुक्ति में कोई त्रुटि या अनियमितता है, या

(ग) ऐसे कार्य या कार्यवाही में कोई ऐसी त्रुटि या अनियमितता है जिसका सार पर कोई प्रभाव न पड़े।

आयोग की कार्य-वाहियां अविधिमान्य न होंगी

9--(1) आयोग का सचिव राज्य सरकार द्वारा पांच वर्ष से अधिक अवधि के लिये प्रतिनियुक्त पर नियुक्त किया जायगा, और उसकी सेवा की अन्य शर्तें ऐसी होंगी जैसी राज्य सरकार, समय-समय पर अवधारित करे।

आयोग का कर्म-चारिवर्ग

(2) ऐसे निदेशों के अधीन रहते हुए जिन्हें राज्य सरकार इस निमित्त जारी करे, आयोग ऐसे अन्य कर्मचारियों को, जिन्हें वह इस अधिनियम के अधीन अपने कृत्यों का दक्षतापूर्वक पालन करने के लिये आवश्यक समझे, और सेवा के ऐसे निबन्धन और शर्तों पर जिन्हें आयोग उचित समझे, नियुक्त कर सकता है।

10—आयोग के सभी आदेश और विनिश्चय सचिव, या आयोग द्वारा इस निमित्त प्राधिकृत किसी अन्य अधिकारी के हस्ताक्षर से अधिप्रमाणित किये जायेंगे।

आयोग के आदेशों का अधिप्रमाणीकरण

अध्याय—तीन

आयोग के कृत्य

11—आयोग की निम्नलिखित शक्तियां और कर्तव्य होंगे, अर्थात्—

(क) महाविद्यालयों में अध्यापकों के भर्ती की रीति से सम्बन्धित विषयों पर मार्ग-दर्शक सिद्धान्त तैयार करना ;

(ख) ऐसे अध्यापकों के रूप में नियुक्ति के लिये जहां आवश्यक समझा जाय परीक्षाएं संचालित करना, साक्षात्कार लेना और अभ्यर्थियों का चयन करना ;

(ग) खण्ड (ख) में विनिर्दिष्ट प्रयोजनों के लिये विशेषज्ञों का चयन करना और उन्हें आमंत्रित करना और परीक्षक नियुक्त करना ;

(घ) चयनित अभ्यर्थियों की नियुक्ति के लिए प्रबन्धसूचक की सिफारिश करना।

शक्तियां और कर्तव्य

(इ) महाविद्यालयों से अध्यापक वर्ग की सदस्य संख्या और उनमें अध्यापकों की नियुक्ति, पदच्युति, हटाये जाने, सेवा समाप्ति या पंक्तिच्युति के सम्बन्ध में नियतकालिक विवरणियां या अन्य सूचनाएं प्राप्त करना ;

(ज) विशेषज्ञों और परीक्षकों की उपलब्धियां और यात्रा भत्ते और अन्य भत्ते नियत करना ;

(छ) आयोग को सौंपी गयी निधि का प्रबन्ध करना ;

(ज) ऐसे अन्य कर्तव्यों का पालन करना और ऐसी अन्य शक्तियों का प्रयोग करना जैसी विहित की जाय, या जो उपर्युक्त कृत्यों का सम्पादन करने के लिये आनुषंगिक या साधक हों।

प्रबन्धतंत्र केवल आयोग की सिफारिशों पर नियुक्तियां आदि करेगा

12—(1) उत्तर प्रदेश राज्य विश्वविद्यालय अधिनियम, 1973 या इसके अधीन बनायी गयी परिनियमावली में किसी प्रतिकूल बात के होते हुये भी किसी महाविद्यालय के अध्यापक के रूप में प्रत्येक नियुक्ति, धारा 3 की उपधारा (1) के अधीन अधिसूचित दिनांक के पश्चात् प्रबन्धतंत्र द्वारा केवल आयोग की सिफारिश पर की जायगी।

(2) उपधारा (1) के अधीन किसी अध्यापक की नियुक्ति के प्रयोजन के लिये प्रबन्धतंत्र रिक्ति की सूचना आयोग को देगा।

(3) किसी महाविद्यालय के अध्यापकों के पदों पर नियुक्ति के लिये व्यक्तियों के चयन की रीति ऐसी होगी जैसी विनियमों द्वारा अवधारित की जाय, परन्तु आयोग प्रतिभाशाली व्यक्तियों को आकृष्ट करने की दृष्टि से उपधारा (2) के अधीन अधिसूचित रिक्तियों का राज्य में व्यापक प्रचार करेगा।

(4) इस धारा के उपबन्ध किसी ऐसे अध्यापक की नियुक्ति पर लागू नहीं होंगे जिससे सम्बन्धित रिक्ति इस अधिनियम के प्रारम्भ के पूर्व किसी समय उत्तर प्रदेश राज्य विश्वविद्यालय अधिनियम 1973 की धारा 31 की उपधारा (10) के अनुसार विज्ञापित कर दी गयी हो।

(5) इस धारा के उपबन्धों के उल्लंघन में की गयी प्रत्येक नियुक्ति शून्य होगी।

आयोग की सिफारिश

13—(1) आयोग, धारा 12 की उपधारा (2) के अधीन रिक्ति को अधिसूचित करने के पश्चात् यथाशीघ्र, अभ्यर्थियों का (परीक्षा सहित या रहित) साक्षात्कार करेगा, और अध्यापक के प्रत्येक पद पर नियुक्ति के लिये तीन से अनधिक अभ्यर्थियों के नाम की सिफारिश करेगा। इन नामों को अधिमान क्रम में रखा जायगा।

(2) जहां उपधारा (1) में निर्दिष्ट अभ्यर्थी पद का कार्य भार ग्रहण करने में विफल रहें या जहां वे नियुक्ति के लिये अन्यथा अनुपलब्ध हों, वहां आयोग, प्रबन्धतंत्र के अनुरोध पर उक्त उपधारा के अधीन आयोजित परीक्षा या साक्षात्कार के आधार पर उपयुक्त पाये गये दो तक और व्यक्तियों के नाम की सिफारिश कर सकता है।

(3) उपधारा (1) या उपधारा (2) के अधीन आयोग की प्रत्येक सिफारिश ऐसी सिफारिश के दिनांक से एक वर्ष की अवधि के लिये विधिमान्य होगी।

नियुक्ति करने का कर्तव्य

14—(1) प्रबन्धतंत्र, धारा 13 के अधीन आयोग की सिफारिश की प्राप्ति के दिनांक से एक मास की अवधि के भीतर उस अभ्यर्थी को जिसका नाम अधिमान-क्रम में सबसे ऊपर हो, नियुक्ति पत्र जारी करेगा।

(2) जहां उपधारा (1) में निर्दिष्ट अभ्यर्थी नियुक्ति-पत्र में अनुमत समय के भीतर, या ऐसे बढ़ाये गये समय के भीतर जिसके लिये प्रबन्धतंत्र इस निमित्त अनुज्ञा दे, पद का कार्यभार ग्रहण करने में विफल रहे या जहां ऐसा अभ्यर्थी नियुक्ति के लिये अन्यथा अनुपलब्ध हो, वहां प्रबन्धतंत्र युक्तियुक्त अवधि के भीतर आयोग द्वारा सिफारिश किये गये अगले अभ्यर्थी को नियुक्ति-पत्र जारी करेगा और यह प्रक्रिया तब तक दोहरायी जायगी जब तक कि इस प्रकार सिफारिश किये गये अभ्यर्थियों के नाम निशेषित न हो जायं।

निदेशक द्वारा जांच

15—(1) जहां कोई व्यक्ति धारा 12 से 14 के अनुसार किसी महाविद्यालय में अध्यापक के रूप में नियुक्ति पाने का हकदार हो; किन्तु उसे इसके लिये उपबन्धित समय के भीतर प्रबन्धतंत्र द्वारा इस प्रकार नियुक्त न किया जाय, तो वह निदेशक को उपधारा (2) के अधीन निदेश के लिये आवेदन कर सकता है।

(2) उपधारा (1) के अधीन आवेदन-पत्र की प्राप्ति पर निदेशक जांच कर सकता है, और यदि उसका समाधान हो जाय कि प्रबन्धतंत्र इस अधिनियम के उपबन्धों का उल्लंघन करके आवेदक को अध्यापक के रूप में नियुक्त करने में विफल रहा है तो वह, आदेश द्वारा—

(क) प्रबन्धतंत्र से आवेदक को अध्यापक के रूप में तुरन्त नियुक्त करने और आदेश में निर्दिष्ट दिनांक से उसे बैठने का भुगतान करना, और

(ख) सम्बद्ध महाविद्यालय के प्राचार्य से उससे अध्यापक के रूप में कार्य लेने, की अपेक्षा कर सकता है।

(3) ऐसे अध्यापक को देय वेतन की धनराशि, यदि कोई हो, निदेशक द्वारा जारी किये गये प्रमाण-पत्र पर, कलेक्टर द्वारा भू-राजस्व की बकाया के रूप में वसूल की जा सकेंगी।

16-- (1) जहाँ प्रवन्धतंत्र ने धारा 12 की उपधारा (2) के अनुसार आयोग को किसी रिक्ति की सूचना दी हो, और आयोग ऐसी सूचना के दिनांक से तीन मास के भीतर उक्त धारा की उपधारा (1) के अनुसार उपयुक्त अभ्यर्थियों के नाम की सिफारिश करने में विफल रहता है, वहाँ प्रवन्धतंत्र किसी अध्यापक पद के लिये विहित अर्हतायें रखने वाले व्यक्तियों में से किसी को पूर्णतया तदर्थ आचार पर अध्यापक नियुक्त कर सकता है।

तदर्थ अध्यापकों की नियुक्ति

(2) उपधारा (1) के अधीन किसी तदर्थ अध्यापक की नियुक्ति निम्नलिखित में से पूर्वतम दिनांक को समाप्त हो जायगी, अर्थात्—

(क) जब आयोग द्वारा सिफारिश किया गया अभ्यर्थी पद का कार्यभार ग्रहण कर ले;

(ख) धारा 12 की उपधारा (1) के अधीन आयोग की सिफारिश की प्राप्ति के दिनांक से दो मास की अवधि समाप्त हो जाय ;

(ग) ऐसी तदर्थ नियुक्ति के दिनांक से ठीक अर्थात् तृतीयांश तीस जून।

17--आयोग किसी महाविद्यालय के प्रवन्धतंत्र से धारा 11 में निर्दिष्ट विषयों के सम्बन्ध में ऐसी सूचना या विवरणी प्रस्तुत करने की अपेक्षा कर सकता है, जैसी वह उचित समझे, और प्रवन्धतंत्र उसका अनुपालन करने के लिये बाध्य होगा।

सूचना मांगने की शक्ति

18--प्रवन्धतंत्र के कब्जे में विद्यमान प्रत्येक अभिलेख, रजिस्टर या अन्य दस्तावेज सचिव या आयोग द्वारा प्राधिकृत किसी अन्य अधिकारी की पहुंच में होंगे और वह किसी युक्तियुक्त समय पर किसी परिस्तर में जहाँ उसे यह विश्वास करने का कारण हो कि ऐसा अभिलेख, रजिस्टर या दस्तावेज होगा, प्रवेश कर सकता है और संगत अभिलेखों या दस्तावेजों का निरीक्षण कर सकता है और उनकी प्रतिलिपियां ले सकता है।

अभिलेख, रजिस्टर आदि का निरीक्षण करने की शक्ति

अध्याय--चार

वार्षिक रिपोर्ट और लेखा

19--राज्य सरकार, विधि द्वारा इस निमित्त सम्यक विनियोजन किये जाने के पश्चात्, आयोग को, प्रत्येक वित्तीय वर्ष में ऐसी धनराशि का संदाय करेगी जसी इस अधिनियम के अधीन आयोग के कृत्यों का सम्पादन करने के लिये आवश्यक समझी जाय।

आयोग को धन-राशि संदत्त करना

20-- (1) आयोग की अपनी निधि होगी और राज्य सरकार द्वारा उसे संदत्त समस्त धनराशि और आयोग की समस्त प्राप्तियां उस निधि में जमा की जायेंगी और आयोग द्वारा सभी भुगतान उसी निधि से किये जायेंगे।

आयोग की निधि

(2) उस निधि का सभी धन ऐसे बैंकों में जमा या ऐसी रीति से विनिहित, किया जायगा जैसा आयोग, राज्य सरकार के अनुमोदन के अधीन रहते हुए विनिश्चित करे।

(3) आयोग ऐसी धनराशियां व्यय कर सकता है जिन्हें वह इस अधिनियम के अधीन अपने कृत्यों के सम्पादन के लिये उचित समझे, और ऐसी धनराशियों को आयोग की निधि से देय व्यय माना जायगा।

21--आयोग, प्रतिवर्ष ऐसे प्रपत्र में और ऐसे समय पर, जैसा विहित किया जाय, वार्षिक रिपोर्ट तैयार करेगा जिसमें गत वर्ष के कार्यकलापों का सही और पूरा विवरण दिया जायगा और उसकी प्रतियां राज्य सरकार को अर्पण की जायेंगी, और राज्य सरकार उसे राज्य विधान मंडल के दोनों सदनो के समक्ष रखवायेगा।

वार्षिक रिपोर्ट

22-- (1) आयोग अपने लेखों के सम्बन्ध में, ऐसी लेखा बहियां और अन्य बहियां ऐसे प्रपत्र में और ऐसी रीति से, जैसा राज्य सरकार सामान्य या विशेष आदेश द्वारा निदेश दे, रखवायेगा।

लेखा और लेखा-परीक्षा

(2) आयोग अपना वार्षिक लेखा बन्द करने के पश्चात् यथाशीघ्र लेखा विवरण ऐसे प्रसन्न में तैयार करेगा और उसे नियंत्रक-महालेखा परीक्षक (कर्त्तव्य, शक्तियां तथा सेवा शर्तें) अधिनियम 1971 की धारा 14 के अधीन लेखा परीक्षा के लिये महालेखाकार को ऐसे दिनांक तक अग्रसारित करेगा जैसा राज्य सरकार महालेखाकार के परामर्श से अवधारित करे।

(3) आयोग का वार्षिक लेखा और तत्संबंधी लेखा परीक्षा रिपोर्ट राज्य सरकार को अग्रसारित की जायगी और सरकार उसे राज्य विधान मंडल के दोनों सदनों के समक्ष रखवायेगी।

अध्याय-पांच

प्रकीर्ण

प्रत्यायोजन

23--आयोग धारा 31 के अधीन बनाये गये विनियमों द्वारा अपने अध्यक्ष या अपने किसी सदस्य या अधिकारी को आयोग द्वारा या आयोग में किये गये कार्य के सामान्य अधीक्षण और उसके संबंध में निदेश देने की अपनी शक्ति प्रत्यायोजित कर सकता है, जिसके अन्तर्गत कार्यालय के अनुरक्षण और आयोग के आन्तरिक प्रशासन के संबंध में किये गये व्यय से संबंधित शक्ति भी है।

अल्पसंख्यक संस्थाओं को छूट

24--इस अधिनियम में किसी बात के होते हुये भी, धर्म या भाषा पर आधारित किसी अल्पसंख्यक वर्ग द्वारा स्थापित किसी महाविद्यालय (जिसके प्रशासन का अल्पसंख्यक वर्ग को अधिकार हो) का प्रबन्धतंत्र आयोग के और संबंधित विषयविद्यालय के, केवल अनुमोदन के अधीन रहते हुये किसी अध्यापक को नियुक्त, पदच्युत, हटाने, उसकी सेवा समाप्त करने या उसे पंक्तिच्युत करने का हकदार होगा।

अधिनियम के उपबन्धों का उल्लंघन करने के लिये दंड

25--कोई व्यक्ति जो इस अधिनियम के उपबन्धों के अनुसार, आयोग द्वारा की गयी सिफारिशों, या निदेशक द्वारा पारित आदेशों, का अनुपालन करने में विफल रहे, या इस अधिनियम के उपबन्धों के उल्लंघन में किसी अध्यापक की नियुक्ति करें, दोष सिद्ध होने पर ऐसी अवधि के लिये कारावास से जो तीन वर्ष तक का हो सकता है या जुर्माने से जो पांच हजार रुपये तक हो सकता है या दोनों से दंडनीय होगा।

सूचना प्रस्तुत करने में अमफल रहने या जानबूझ कर बाधा पहुंचाने के लिये दंड

26--यदि कोई व्यक्ति--

(क) जानबूझ कर आयोग द्वारा विधिपूर्वक अपेक्षित कोई विवरणी या सूचना रोक रखता है या उसके लिये अनुज्ञेय समय के भीतर प्रस्तुत करने में विफल रहता है ;

(ख) किसी व्यक्ति को इस अधिनियम के सभी या किसी उपलब्ध को सम्यक रूप से कार्यनिवृत्त करने में जानबूझ कर बाधा पहुंचाता है ;

दोष सिद्ध होने पर, ऐसी अवधि के लिये कारावास से जो एक वर्ष तक का हो सकता है या जुर्माने से जो एक हजार रुपये तक हो सकता है या दोनों से दंडनीय होगा।

सोसाइटी द्वारा अपराध

27--(1) यदि धारा (25) या धारा (26) के अधीन अपराध करने वाला व्यक्ति सोसाइटी रजिस्ट्रीकरण अधिनियम, 1860 के अधीन रजिस्ट्रीकृत कोई सोसाइटी हो तो सोसाइटी और अपराध किये जाने के समय उसके कार्य संचालन के लिए सोसाइटी का प्रभारी और उसके प्रति उत्तरदायी प्रत्येक व्यक्ति भी अपराध का दोषी समझा जायगा और तदनुसार उसके विरुद्ध कार्यवाही की जा सकती और उसे दंड दिया जा सकेगा :

परन्तु इस धारा की किसी बात से कोई ऐसा व्यक्ति दंडनीय नहीं होगा यदि वह यह सिद्ध कर दे कि अपराध उसकी जानकारी के बिना किया गया था या उसने ऐसे अपराध को रोकने के लिए सभी सम्यक् तत्परता बरती थी।

(2) उपधारा (1) में दी गयी किसी बात के होते हुए भी, जहां इस अधिनियम के अधीन कोई अपराध किसी रजिस्ट्रीकृत सोसाइटी द्वारा किया गया हो और यह सिद्ध हो जाय कि अपराध उस सोसाइटी के किसी सदस्य की सहमति या मौनानुमति से किया गया है या ऐसा अपराध उसकी किसी उपेक्षा के कारण हुआ है, वहां ऐसा सदस्य भी उस अपराध का दोषी समझा जायगा और तदनुसार उसके विरुद्ध कार्यवाही की जा सकती और उसे दंड दिया जा सकेगा।

अभियोजन का बर्जन

28--इस अधिनियम के अधीन किसी अपराध के लिए कोई अभियोजन राज्य सरकार की या ऐसे अधिकारी या प्राधिकारी की जिसे निःशक इन्हें निमित्त सामान्य या विशेष आदेश से विनिर्दिष्ट करे, पूर्व स्वीकृति के बिना संस्थित नहीं किया जायगा।

सदभावना से किये गये का सका संरक्षण

29--किसी व्यक्ति के विरुद्ध किसी ऐसे कार्य के लिए जो इस अधिनियम के अधीन सदभावना से किया गया हो या किये जाने के लिए आशयित हो, कोई वाद, अभियोजन या अन्य कार्यवाही नहीं की जा सकती।

30—उत्तर प्रदेश राज्य विष्वविद्यालय अधिनियम, 1973 या उसके अधीन बनाये गये परिनिर्णयों या अध्यादेशों में किसी प्रतिकूल बात के होते हुए भी इस अधिनियम के उपबन्ध प्रभावी होंगे।

अधिनियम का अधिभावी प्रभाव

31—(1) आयोग, चयन के आयोजन, जहाँ आवश्यक हो परीक्षाओं के संचालन और साक्षात्कार के आयोजन के लिए, फीस विहित करने के लिए, और इस अधिनियम के अधीन अप्तु, कर्तव्यों का पालन और कृत्यों का सम्पादन करने के लिए आयोग द्वारा अनुसरणीय प्रक्रिया निर्धारित करने के लिए, राज्य सरकार के पूर्वानुमोदन से, विनियम बना सकता है।

विनियम बनाने की शक्ति

(2) उपधारा (1) के अधीन बनाये गये विनियम इस अधिनियम या धारा 32 के अधीन बनाये गये नियमों के उपबन्धों से असंगत नहीं होंगे।

32—राज्य सरकार, अधिसूचना द्वारा, इस अधिनियम के प्रयोजनों को कार्यान्वित करने के लिए नियम बना सकती है।

नियम बनाने की शक्ति

आज्ञा से,

रमेश चन्द्र देव शर्मा,
सचिव।

No 2753 (2)/XVII-V—1-71-80

Dated Lucknow, October 3, 1980

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Uchcharat Shiksha Sewa Ayog Adhiniyam, 1980 (Uttar Pradesh Adhiniyam Sankhya 16 of 1980) as passed by the Uttar Pradesh Legislature and assented to by the Governor on October 1, 1980.

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION ACT, 1980

(U. P. Act No. 16 of 1980)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

to establish a service commission for the selection of teachers for appointment to the colleges affiliated to or recognised by a University, and for matters connected therewith or incidental thereto.

IT IS HEREBY enacted in the Thirty-first Year of the Republic of India, as follows:—

CHAPTER I

Preliminary

1. (1) This Act may be called the Uttar Pradesh Higher Education Services Commission Act, 1980. Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification, appoint in this behalf.

2. In this Act—

Definitions.

(a) "appointment" in relation to a teacher does not include an appointment under sub-section (3) of section 31 of the Uttar Pradesh State Universities Act, 1973;

(b) "Chairman" means the Chairman of the Commission and includes any other person performing, in the absence of the Chairman for the time being the functions of the Chairman;

(c) "college" means an affiliated or associated college to which the privileges of affiliation or recognition, as such has been granted by a University, and includes a college maintained by a local authority but does not include a college maintained by the State Government;

(d) "Commission" means the Higher Services Commission established under section 3;

(e) "Director" means the Director of Education (Higher Education) and includes Joint Director of Education or Deputy Director of Education authorised by him in this behalf;

(f) "Member" means a member of the commission and includes its Chairman;

(g) other words used and not defined in this Act but defined in the Uttar Pradesh State Universities Act, 1973, shall have the meanings respectively assigned to them in that Act.

CHAPTER II

Establishment of the Commission

Establishment of the Commission.

3. (1) With effect from such date as the State Government may by notification appoint in this behalf, there shall be established a Commission to be called the "Uttar Pradesh Higher Education Services Commission".

(2) The Commission shall be a body corporate.

Composition of the Commission.

4. (1) The Commission shall consist of a Chairman and not less than two and not more than four other members to be appointed by the State Government.

(2) Of the members, one shall be a person who occupies or has occupied, in the opinion of the State Government, a position of eminence in public life or in Judicial or Administrative Services others shall have teaching experience as:

(a) Professor of any University; or

(b) Principal of a college for a period of not less than ten years; or

(c) Teacher of a college for a period of not less than fifteen years.

(3) Every appointment under this section shall take effect from the date on which it is notified by the State Government.

Terms of office and conditions of service of members.

5. (1) Every member shall, unless he becomes disqualified for continuing as such under the rules that may be made under this Act hold office for a term of three years.

(2) No person shall be a member of the Commission for more than two consecutive terms.

(3) A member of the Commission may resign his office by writing under his hand addressed to the State Government, but he shall continue in office until his resignation is accepted by the State Government.

(4) The office of the members shall be whole-time and the terms and conditions of their service shall be such as the State Government may by order direct.

(5) Notwithstanding anything contained in this section, no person shall be appointed or continue as a member of the Commission, if he has attained the age of sixty-two years.

Powers of the State Government to remove the member.

6. (1) The State Government may, by order, remove from office any member, if he—

(a) is adjudged an insolvent; or

(b) engages, during his term of office, in any paid employment outside the duties of his office; or

(c) is in the opinion of the State Government unfit to continue in office by reason of infirmity of mind or body or of proved misconduct.

Explanation—Where a member becomes in any way concerned or interested in any contract or agreement made by or on behalf of any University or College or participate in any way in the profits thereof or in any benefit or emolument arising therefrom, otherwise than as a member, he shall, for the purpose of clause (c) be deemed to be guilty of misconduct.

(2) The procedure for the investigation and proof of misconduct under this section shall be such as may be prescribed.

(3) The State Government may suspend from office any member in respect of whom any action is contemplated under this section.

7. The Commission may associate with itself, in such manner and for such purposes as may be determined by regulations made under section 31, any person whose assistance or advice it may desire to have in carrying out any of the provisions of this Act.

Power to associate.

8. No act or proceeding of the Commission shall be deemed to be invalid merely on the ground of—

Proceedings of the Commission not to be invalidated.

(a) any vacancy or defect in the constitution of the Commission ; or

(b) any defect or irregularity in the appointment of a person acting as a member thereof ; or

(c) any defect or irregularity in such act or proceeding not affecting the substance.

9. (1) The Secretary of the Commission shall be appointed by the State Government on deputation for a term not exceeding five years, and other conditions of his service shall be such as the State Government may, from time to time, determine.

Staff of the Commission:

(2) Subject to such directions as may be issued by the State Government in this behalf, the Commission may appoint such other employees as it may think necessary for the efficient performance of its functions under this Act, and on such terms and conditions of service as the Commission think fit.

10. All orders and decisions of the Commission shall be authenticated by the signature of the Secretary, or any other officer authorised by the Commission in this behalf.

Authentication of the orders of the Commission.

CHAPTER III

Functions of the Commission

11. The Commission shall have the following powers and duties, namely—

Powers and duties.

(a) to prepare guidelines on matters relating to the method of recruitment of teachers in Colleges ;

(b) to conduct examinations where considered necessary, hold interviews and make selection of candidates for being appointed as such teachers ;

(c) to select and invite experts and to appoint examiners for the purposes specified in clause (b) ;

(d) to make recommendation to the management regarding the appointment of selected candidates ;

(e) to obtain periodical returns or other informations from colleges regarding strength of the teaching staffs and the appointment, dismissal, removal, termination or reduction in rank of teachers therein ;

(f) to fix the emoluments and travelling and other allowance of the experts and examiners ;

(g) to administer the funds placed at the disposal of the Commission ;

(h) to perform such other duties and exercise such other powers as may be prescribed or as may be incidental or conducive to the discharge of the above functions.

12. (1) Notwithstanding anything to the contrary contained in the Uttar Pradesh State Universities Act, 1973 or in the Statutes made thereunder, every appointment as a teacher of any college shall, after the date notified under subsection (1) of section 3, be made by the management only on the recommendation of the Commission.

Management to make appointments etc. only on the recommendations of Commission.

(2) For the purpose of making appointment of a teacher under subsection (1), the management shall notify the vacancy to the Commission.

(3) The manner of selection of persons for appointment to the posts of teachers of a college shall be such as may be determined by regulations :

Provided that the Commission shall, with a view to inviting talented persons give wide publicity in the State to the vacancies notified under sub-section (2).

(4) The provisions of this section shall not apply to the appointment of a teacher, vacancy in respect whereof has been advertised in accordance with sub-section (10) of section 31 of the Uttar Pradesh State Universities Act, 1973 at any time before the commencement of this Act.

(5) Every appointment made in contravention of the provisions of this section shall be void.

Recommendation of the Commission.

13. (1) The Commission shall, as soon as possible, after the notification of vacancy under sub-section (2) of section 12, hold interview (with or without examination) of the candidates, and recommend the names of not more than three candidates for appointment to every post of a teacher. Such names shall be arranged in order of preference.

(2) Where the candidates referred to in sub-section (1) fail to join the post or where they are otherwise not available for appointment, the Commission may, on the request of the management recommend up to two more names of persons found suitable on the basis of the examination or interview held under the said sub-section.

(3) Every recommendation of the Commission under sub-section (1) or sub-section (2) shall be valid for a period of one year from the date of such recommendation.

Duty to make appointments.

14. (1) The management shall, within a period of one month from the date of receipt of recommendation of the Commission under section 13 issue appointment letter to the candidate whose name appears on the top in the order of preference.

(2) Where the candidate referred to in sub-section (1) fails to join the post within the time allowed in the appointment letter, or within such extended time as the management may allow in this behalf, or where such candidate is otherwise not available for appointment, the management shall within a reasonable period issue appointment letter to the next candidate recommended by the Commission and the process shall be repeated till the names of the candidates so recommended are exhausted.

Inquiry by Director.

15. (1) Where any person is entitled to be appointed as a teacher in any college in accordance with sections 12 to 14, but he is not so appointed by the management within the time provided therefor, he may apply to the Director for a direction under sub-section (2).

(2) On receipt of an application under sub-section (1), the Director may hold an inquiry, and if he is satisfied that the management has failed to appoint the applicant as a teacher in contravention of the provisions of this Act, he may by order, require—

(a) the management to appoint the applicant as a teacher forthwith, and to pay him salary from the date specified in the order; and

(b) the Principal of the College concerned to take work from him as a teacher.

(3) The amount of salary, if any, due to such teacher shall, on a certificate issued by the Director, be recoverable by the Collector as arrears of land revenue.

Appointment of *ad hoc* teachers.

16. (1) Where the management has notified a vacancy to the Commission in accordance with sub-section (2) of section 12, and the Commission fails to recommend the names of suitable candidates in accordance with sub-section (1) of that section within three months from the date of such notification, the management may appoint a teacher on purely *ad hoc* basis from amongst the persons holding qualification prescribed therefor.

(2) Every appointment of an *ad hoc* teacher under sub-section (1) shall cease with effect from the earliest of the following dates, namely—

(a) when the candidate recommended by the Commission joins the post;

(b) where the period of two months from the date of receipt of the recommendation of the Commission under sub-section (1) of section 12 expires ;

(c) thirtieth day of June following the date of such *ad hoc* appointment.

17. The Commission may require the management of any college to submit such information or return regarding the matters referred to in section 11 as it thinks fit, and the management shall be bound to comply with the same.

Power to call for information.

18. The Secretary or any other officer authorised by the Commission shall have access to every record, register or document in possession of the management and he may enter at any reasonable time, any premises where he believes such record, register or document to be, and may inspect and take copies of relevant records or documents.

Power to inspect records, register etc.

CHAPTER IV

Annual Reports and Accounts

19. The State Government may, after due appropriation made by law in this behalf, pay to the Commission in each financial year such sum as may be considered necessary for the performance of the functions of the Commission under this Act.

Payment to the Commission.

20. (1) The Commission shall have its own Fund, and all sums paid to it by the State Government and all receipts of the Commission shall be carried to the Fund and all payments by the Commission shall be made therefrom.

Fund of the Commission.

(2) All moneys belonging to the Fund shall be deposited in such banks or invested in such manner as may, subject to the approval of the State Government, be decided by the Commission.

(3) The Commission may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the fund of the Commission.

21. The Commission shall prepare once every year, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities during the previous year, and copies thereof shall be forwarded to the State Government, and the State Government shall cause the same to be laid before both the Houses of the State Legislature.

Annual Reports.

22. (1) The Commission shall cause to be maintained such books of accounts and other books in relation to its account, in such form and in such manner as the State Government may, by general or special order direct.

Accounts and Audit.

(2) The Commission shall as soon as may be after closing its annual accounts, prepare statement of accounts in such form and forward the same to the Accountant General, by such date as the State Government may, in consultation with the Accountant General determine, for audit under section 14 of the Comptroller and Auditor Generals' (Duties, Powers and Conditions of Service) Act, 1971.

(3) The annual accounts of the Commission together with the audit report thereon shall be forwarded to the State Government and the Government shall cause the same to be laid before both Houses of the State Legislature.

CHAPTER V

Miscellaneous

23. The Commission may, by regulations made under section 31, delegate to its Chairman or any of its members or officers, its power of general superintendence and direction over the business transacted by, or in, the Commission including the powers with regard to the expenditure incurred in connection with the maintenance of the office and internal administration of the Commission.

Delegation.

24. Notwithstanding anything contained in this Act, the management of any college established by a minority based on religion or language which the minority has the right to administer, shall be entitled to appoint, dismiss, remove, terminate the services of or reduce in rank a teacher or take other disciplinary measures subject only to the approval of the Commission and of the University concerned.

Exemptions to minority Institutions.

Punishment for contravention of the provisions of the Act.

25. Any person who fails to comply with the recommendations of the Commission or with the orders of the Director made in accordance with the provisions of this Act, or appoints a teacher in contravention of the provisions of this Act, shall, on conviction, be punished with imprisonment for a term which may extend to three years or with fine which may extend to five thousand rupees or with both.

Punishment for failure to furnish information or wilful obstruction.

26. If any person—

(a) wilfully withholds or fails to furnish any return or information lawfully required by the Commission within the time allowed therefor ;

(b) wilfully obstructs any person from duly carrying out all or any of the provisions of this Act, shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

Offences by societies.

27. (1) If the person committing the offence under section 25 or section 26 is a society registered under the Societies Registration Act, 1860, the society as well as every person in charge of and responsible to the society for the conduct of its business at the time of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a registered society and it is proved that the offence has been committed with the consent or connivance of, or that the commission of offence is attributable to any neglect on the part of any member of the society, such member shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Bar against prosecution.

28. No prosecution for the offence under this Act shall be instituted except with the previous sanction of the Director or such officer or authority as the State Government may, by general or special orders, specify in this behalf.

Protection of action taken in good faith.

29. No suit, prosecution or other proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Act to have overriding effect.

30. The provisions of this Act, shall have effect notwithstanding anything to the contrary contained in the Uttar Pradesh State Universities Act, 1973 or the Statutes or Ordinances made thereunder.

Power to make regulations.

31. (1) The Commission may, with the previous approval of the State Government, make regulations prescribing fees for holding, selections, conducting examinations where necessary, holding interviews and laying down the procedure to be followed by the Commission for discharging its duties and performing its functions under this Act.

(2) The regulations made under sub-section (1) shall not be inconsistent with the provisions of this Act or the rules made under section 32.

Power to make Rules.

32. The State Government may, by notification make rules for carrying out the purposes of this Act.

By order
R. C. DEO SHARMA,
Sachiv

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION (AMENDMENT) BILL, 1982

(U. P. ACT NO. 9 OF 1982)

(As passed by the Uttar Pradesh Legislature)

AN
ACT

to amend the Uttar Pradesh Higher Education Services Commission Act, 1980.

IT IS HEREBY enacted in the Thirty-third Year of the Republic of India as follows :—

1. (1) This Act may be called the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 1982.

Short title and commencement.

(2) It shall be deemed to have come into force on December 4, 1981.

2. In section 4 of the Uttar Pradesh Higher Education Services Commission Act, 1980, hereinafter referred to as the principal Act, for sub-section (2), the following sub-section shall be substituted, namely :—

Amendment of section 4 of U. P. Act no. 16 of 1980.

“(2) No person shall be qualified for appointment as Chairman or member unless he is or has been—

(a) a person occupying, in the opinion of the State Government, a position of eminence in public life or in judicial or administrative service; or

(b) a Vice-Chancellor of any University; or

(c) a Professor in any University; or

‡ (d) a Principal of a college for a period of not less than ten years; or

(e) a teacher of a college for a period of not less than fifteen years.”

3. After section 31 of the principal Act, the following section shall be inserted, namely :—

Insertion of new section 31-A.

“31-A. (1) The State Government may, for the purposes of removing any difficulty, by a notified order direct that the provisions of this Act shall, during such period as may be specified in the order, have effect subject to such adaptations, whether by way of modification, addition or omission, as it may deem to be necessary or expedient :

Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid before both Houses of the State Legislature.

(3) No order under sub-section (1) shall be called in question in any court on the ground that no difficulty, as is referred to in sub-section (1), existed or required to be removed.”

4. (1) The Uttar Pradesh Higher Education Services Commission (Amendment) Ordinance, 1981 is hereby repealed.

Repeal and savings.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act, as if the provisions of this Act were in force at all material times.

By order,

G. B. SINGH,

Sachiv.

Dated Lucknow, March 3, 1992

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Uchcharat Shiksha Sewa Ayog (Sanshodhan) Adhiniyam, 1992 (Uttar Pradesh Adhiniyam Sankhya 2 of 1992) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 1, 1992.

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION
(AMENDMENT) ACT, 1992

(UTTAR PRADESH ACT NO. 2 OF 1992)

(As passed by the U.P. Legislature)

AN
ACT

furth^r to amend the Uttar Pradesh Higher Education Services Commission Act, 1980.

IT IS HEREBY enacted in the Forty-third Year of the Republic of India as follows :—

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 1992.

(2) It shall be deemed to have come into force on November 22, 1991.

Substitution of sections 12 to 14 of U. P. Act no. 16 of 1980

2. For sections 12, 13 and 14 of the Uttar Pradesh Higher Education Services Commission Act, 1980, hereinafter referred to as the principal Act, the following sections shall be substituted, namely :—

“12. (1) Every appointment as a teacher of any college shall be made by the management in accordance with the provisions of this Act and every appointment made in contravention thereof shall be void.

(2) The management shall intimate the existing vacancies and the vacancies likely to be caused during the course of the ensuing academic year, to the Director at such time and in such manner, as may be prescribed.

Explanation :—The expression “academic year” means the period of 12 months commencing on July 1.

(3) The Director shall notify to the Commission at such time and in such manner as may be prescribed a subject wise consolidated list of vacancies intimated to him from all colleges.

(4) The manner of selection of persons for appointment to the posts of teachers of a college shall be such, as may be determined by regulations :

Provided that the Commission shall with a view to inviting talented persons give wide publicity in the State to the vacancies notified to it under sub-section (3) :

Provided further that the candidates shall be required to indicate their order of preference for the various colleges, vacancies wherein have been advertised.

13. (1) The Commission shall, as soon as possible, after the notification of vacancies to it under sub-section (3) of section 12, hold interview (with or without written examination) of the candidates and send to the Director a list recommending such number of names of candidates found most suitable in each subject as may be, so far as practicable, twenty-five per cent more than the number of vacancies in that subject. Such names shall be arranged in order of merit shown in the interview, or in the examination and interview if an examination is held.

(2) The list sent by the Commission shall be valid till the receipt of a new list from the Commission.

(3) The Director shall having due regard in the prescribed manner, to the order of preference if any indicated by the candidates under the second proviso to sub-section (4) of section 12, intimate to the management the name of a candidate from the list referred to in sub-section (1) for being appointed in the vacancy intimated under sub-section (2) of section 12.

(4) Where a vacancy occurs due to death, resignation or otherwise during the period of validity of the list referred to in sub-section (2), and such vacancy has not been notified to the Commission under sub-section (3) of section 12, the Director may intimate to the management the name of a candidate from such list for appointment in such vacancy.

(5) Notwithstanding any thing in the preceding provisions, where to abolition of any post of teacher in any college, services of the person substantively appointed to such post is terminated, the State Government may make suitable order for his appointment in a suitable vacancy, whether notified under sub-section (3) of section 12 or not, in any other college, and thereupon the Director shall intimate to the management accordingly.

(6) The Director shall send a copy of the intimation made under sub-section (3) or sub-section (4) or sub-section (5) to the candidate concerned.

14. (1) The management shall, within a period of one month from the date of receipt of intimation under sub-section (3) or sub-section (4) or sub-section (5) of section 13, issue appointment letter to the person whose name has been intimated.

(2) Where the person referred to in sub-section (1) fails to join the post within the time allowed in the appointment letter or within such extended time as the management may allow in this behalf, or where such person is otherwise not available for appointment, the Director, shall on the request of the management intimate fresh name from the list sent by the Commission under sub-section (1) of section 13 in the manner prescribed.

3. Section 16 of the principal Act shall be omitted.

Omission of section 16

4. In section 31-A of the principal Act, in sub-section (1), in the proviso, for the words "of this Act" the words "of the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 1992" shall be substituted.

Amendment of section 31-A

5. After section 31-B of the principal Act, the following section shall be inserted, namely—

Insertion of New section 31-C

"31-C. (1) Any teacher, other than a principal who—
Regularisation of other ad-hoc appointments (a) was appointed on *ad-hoc* basis after January 3, 1984 but not later than June 30, 1991 on a post—

(i) which after its due creation was never filled earlier; or

(ii) which after its due creation was filled earlier and after its falling vacant, permission to fill it was obtained from the Director;

(iii) which came into being in pursuance of the terms of new affiliation or recognition granted to the College and has been continuously serving the college from the date of such *ad-hoc* appointment up to the date of commencement of the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 1992 ;

(b) was so appointed after three months of the notification to the Commission under sub-section (1) of section 16 as it stood before its omission by the Act referred to in clause (a), or if appointed within such period, no recommendation was made by the Commission within such period.

(c) possessed on the date of such commencement, the qualifications required for regular appointment to the post under the provisions of the relevant statutes in force on the date of such *ad-hoc* appointment ;

(d) is not related to any member of the management or the principal, of the college concerned in the manner mentioned in the explanation to section 20 of the Uttar Pradesh State Universities Act, 1973 ;

(e) has been found suitable for regular appointment by a Selection Committee constituted under sub-section (2) ;

may be given substantive appointment by the management of the college, if any substantive vacancy of the same cadre and grade in the same department is available on the date of commencement of the Act referred to in clause (a).

(2) The Selection Committee consisting, the following members namely—

(i) a member of the Commission nominated by the Government who shall be the Chairman ;

(ii) an officer not below the rank of Special Secretary, to be nominated by the Secretary to the Government of Uttar Pradesh in the Higher Education Department ;

(iii) the Director ;

shall consider the cases of every such *ad-hoc* teacher and on being satisfied about his eligibility in view of the provisions of sub-section (1), and his work and conduct on the basis of his record, recommend his name to the management of the college for appointment under sub-section (1).

(3) Where a person recommended by the Commission under section 13 before the commencement of the Act referred to in sub-section (1) does not get an appointment because of the appointment of another person under sub-section (1) in the vacancy for which he was so recommended, the State Government shall make suitable order for his appointment in a suitable vacancy in any college and the provisions of sub-sections (5) and (6) of section 13 and of section 14 shall *mutatis mutandis* apply.

(4) A teacher appointed on *ad-hoc* basis referred to in sub-section (1) who does not get a substantive appointment under that sub-section and a teacher appointed on *ad hoc* basis who is not eligible to get a substantive appointment under sub-section (1) shall cease to hold the *ad-hoc* appointment after March 31, 1992."

6. (1) The Uttar Pradesh Higher Education Services Commission (Amendment) Ordinance, 1991 and the Uttar Pradesh Higher Education Services Commission (Second Amendment) Ordinance, 1991 are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the ordinances referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

By order,

N. K. NARANG,

Sachiv.

U.P. Ordinance No. 43 and 43 of 1991

Repeal and saving

Dated Lucknow, November 29, 1992

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Uchhatar Shiksha Sewa Ayog (Dwitiya Sanshodhan) Adhiniyam, 1992 (Uttar Pradesh Adhiniyam Sankhya 22 of 1992) as passed by the Uttar Pradesh Legislature and assented to by the Governor on November 29, 1992.

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION (SECOND AMENDMENT) ACT, 1992

(U. P. ACT NO. 22 OF 1992)

(As passed by the U. P. Legislature)

AN
ACT

furth^r to amend the Uttar Pradesh Higher Education Services Commission Act, 1980.

IT IS HEREBY enacted in the Forty-third Year of the Republic of India as follows :—

Short title and commencement 1. (1) This Act may be called the Uttar Pradesh Higher Education Services Commission (Second Amendment) Act, 1992.

(2) It shall be deemed to have come into force on March 31, 1992.

Amendment of section 31-C of U.P. Act no. 16 of 1980 2. In section 31-C of the Uttar Pradesh Higher Education Services Commission Act, 1980 hereinafter referred to as the principal Act, in sub-section (4) for the word and figures "March 31, 1992" the word and figures "June 30, 1992" shall be substituted.

Repeal and saving 3. (1) The Uttar Pradesh Higher Education Services Commission (Amendment) (Second) Ordinance, 1992 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provision of the principal Act as amended by the Ordinance referred to in sub-section (1) or by the Uttar Pradesh Higher Education Services Commission (Amendment) Ordinance, 1992, shall be deemed to have been done or taken under the corresponding provision of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

U. P.
Ordinance
no. 12 of
1992

U. P.
Ordinance
no. 11 of
1992

By order,
N. K. NARANG,
Sachiv.

Dated Lucknow, August 8, 1997

In pursuance of the provisions of clause (3) of article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Uchchatar Shiksha Seva Aayog (Sanshodhan) Adhiniyam, 1997 (Uttar Pradesh Adhiniyam Sankhya 10 of 1997) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 7, 1997.

THE UTTAR PRADESH HIGHER EDUCATION SERVICES
COMMISSION (AMENDMENT) ACT, 1997

(U. P Act No. 10 OF 1997)

(As passed by the Uttar Pradesh Legislature).

AN
ACT

further to amend the Uttar Pradesh Higher Education Services Commission Act, 1980.

IT IS HEREBY enacted in the Forty-eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 1997.

Short title and commencement

(2) It shall be deemed to have come into force on May 26, 1997.

2. In section 4 of the Uttar Pradesh Higher Education Services Commission Act, 1980, hereinafter referred to as the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:—

Amendment of section 4 of U. P. Act no. 16 of 1980

“(2) No person shall be qualified for appointment as Chairman unless he is or has been,—

(a) a member of the Uttar Pradesh Higher Judicial Service who has held the post of District Judge or any other post equivalent thereto; or

(b) a member of the Indian Administrative Service who has held the post of a Secretary to the State Government or any other post under the State Government equivalent thereto; or

(c) a Vice-Chancellor of any University; or

(d) a Professor in any University.

(2—a) No person shall be qualified for appointment as member unless he is or has been,—

(a) a member of the Uttar Pradesh Higher Judicial Service who has held the post of District Judge or any other post equivalent thereto; or

(b) a member of the Indian Administrative Service who has held the post of a Secretary to the State Government or any other post under the State Government equivalent thereto; or

(c) a Vice-Chancellor of any University; or

(d) a Professor in any University; or

(e) a Principal of a Post Graduate College for a period of not less than ten years; or

(f) a Principal of a Degree College for a period of not less than fifteen years."

Amendment of section 6

3. In section 6 of the principal Act, in sub-section (1) the Explanation shall be *omitted*.

Amendment of section 31-C

4. In section 31-C of the principal Act, —

(a) in sub-section (1),—

(i) in clause (a), for the word and figures "June 30, 1991" the word and figures "November 22, 1991" shall be *substituted*.

(ii) for clause (b), the following clause shall be *substituted*, namely :—

"(b) was appointed on *ad hoc* basis under sub-section (1) of section 16 as it stood before its omission by the Act referred to in clause (a), whether or not the vacancy was notified to the Commission."

(iii) in clause (c), after the words "for regular appointment to the post," the words "or was given relaxation from such qualifications" shall be *inserted*;

(iv) clause (d) shall be *omitted*;

(b) after sub-section (4), the following sub-section shall be *inserted*, namely :—

"(5) Notwithstanding anything to the contrary in sub-section (4), the selection committee constituted under sub-section (2), shall in view of the amendments made in clauses (b) to (d) of sub-section (1), by the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 1997 reconsider the case of every teacher who ceased to hold appointment under sub-section (4) and if as a result of reconsideration any such teacher is found suitable for substantive appointment, he may be given substantive appointment as provided in sub-section (1), and shall be deemed never to have ceased to hold appointment."

Repeal and savings

5. (1) The Uttar Pradesh Higher Education Services Commission (Amendment) Ordinance, 1997 is hereby *repealed*.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have done or taken under the corresponding provisions of the Principal Act as amended by this Act, as if the provisions of the Act were in force at all material times.

U. P.
Ordinance
No. 5 of
1997

By order,
R. D. MATHUR,
Pramukh Sachiv.

Dated Lucknow, August 19, 2004

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Uchchatar Shiksha Seva Ayog (Sanshodhan) Adhiniyam, 2004 (Uttar Pradesh Adhiniyam Sankhya 24 of 2004) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 18, 2004.

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION

(AMENDMENT) ACT, 2004

[U.P. ACT NO. 24 OF 2004]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Uttar Pradesh Higher Education Services Commission Act, 1980.

IT IS HERE BY enacted in the fifty fifth year of the Republic of India as follows:—

1. (1) This Act may called the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 2004.

Short title and commencement

(2) It shall be deemed to have come into force on May 28, 2004.

Amendment of
section 4 of U.P.
Act no. 16 of 1980

2. In section 4 of the Uttar Pradesh Higher Education Services Commission Act, 1980, hereinafter referred to as the principal Act, for sub-sections (2) and (2-a), the following sub-sections shall be *substituted*, namely :—

“(2) No person shall be qualified for appointment as Chairman unless he—

(a) is or has been a member of Uttar Pradesh Higher Judicial Service who has held the post of District Judge or any other post equivalent thereto; or

(b) is or has been a member of the Indian Administrative Service who has held the post of a Secretary to the State Government or any other post under the State Government equivalent thereto; or

(c) is or has been a Vice-Chancellor of any University; or

(d) is or has been a Professor in any University; or

(e) is in the opinion of the State Government an eminent person having made valuable contribution in the field of education.

(2-a) No person shall be qualified for appointment as member unless he—

(a) is or has been a member of Uttar Pradesh Higher Judicial Service who has held the post of District Judge or any other post equivalent thereto; or

(b) is or has been a member of the Indian Administrative Service who has held the post of a Secretary to the State Government or any other post under the State Government equivalent thereto; or

(c) is or has been a Vice-Chancellor of any University; or

(d) is or has been a Professor in any University; or

(e) is or has been a Principal of a Post Graduate College for a period of not less than five years; or

(f) is or has been a Principal of a Degree College for a period of not less than ten years; or

(g) is in the opinion of the State Government an eminent person having made valuable contribution in the field of education.”

Repeal and saving

3. (1) The Uttar Pradesh Higher Education services Commission (Amendment) Ordinance 2004 is hereby repealed.

U.P.
Ordinance
no. 4 of
2004.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Higher Education services commission Act, 1980 has been enacted to establish a service commission for the selection of teachers for appointment to the colleges affiliated to or recognised by a university. Section 4 of the said Act provides for the composition of the said Commission. Sub-sections (2) and (2-a) provide for qualifications of persons for appointment as Chairman and members respectively of the said commission. The availability of adequate number of candidates having qualifications provided under the said sub-sections for appointment to the offices of the Chairman and members of the Commission was not possible due to which the selection of candidates for appointment to the posts of teachers was being delayed. It was, therefore, decided to amend the said Act to make necessary changes in the qualifications provided under the said sub-sections for appointment to the offices of the chairman and the members of the commission.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Higher Education services commission (Amendment) Ordinance, 2004 (U.P. Ordinance no. 4 of 2004) was promulgated by the Governor on may 28, 2004.

This bill is introduced to replace the aforesaid Ordinance.

By order,

D. V. SHARMA,

Pramukh Sachiv.

No. 1570/VII-V-1-1(KA) 35-2004

Dated Lucknow, December 6, 2004

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Uchcharat Shiksha Seva Ayog (Diwitiya Sanshodhan) Adhiniyam, 2004 (Uttar Pradesh Adhiniyam Sankhya 30 of 2004) as passed by the Uttar Pradesh Legislature and assented to by the Governor on December 3, 2004 :

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION
(SECOND AMENDMENT) ACT, 2004
(U.P. ACT no. 30 of 2004)
(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Uttar Pradesh Higher Education Services Commission Act, 1980.

IT IS HEREBY enacted in the Fifty-fifth Year of the Republic of India as follows :-

Short title and
commencement

1. (1) This Act may be called the Uttar Pradesh Higher Education Services Commission (Second Amendment) Act, 2004.

(2) It shall be deemed to have come into force on October 11, 2004.

Amendment of
section 2 of U. P.
Act no. 16 of 1980

2. In section 2 of the Uttar Pradesh Higher Education Services Commission Act, 1980, hereinafter referred to as the principal Act,-

(a) for clause (a) the following clause shall be substituted, namely:-

“(a) ‘Appointment’ in relation to a teacher means the appointment of a person to a sanctioned post described under section 60-E of the Uttar Pradesh State Universities Act, 1973, excluding the appointment in a grant-in-aid college established and administered by a minority referred to in clause (1) of Article 30 of the Constitution or a college exclusively maintained by the State Government.”

(b) for clause (c) the following clause shall be substituted, namely:-

“(c) ‘College’ means an affiliated or associated college to which the privilege of affiliation has been granted by a University governed by the Uttar Pradesh State Universities Act, 1973, excluding a college established and administered by a minority referred to in clause (1) of Article 30 of the Constitution or a college exclusively maintained by the State Government or a college running self finance course as defined in clause (18) of section 2 of the Uttar Pradesh State University Act, 1973.”

Amendment of
section 12

3. In section 12 of the principle Act,-

(a) in sub-section (1) the following proviso shall be inserted at the end, namely :

“Provided that a permanent teacher of a affiliated or associated college, who has been appointed in accordance with the provisions of this Act and has completed ten years’ service as such and who wishes to be transferred to any other college, may be transferred in the manner prescribed by rules from one college to another, only when the respective management of the colleges concerned give their consents in writing.”

(b) After sub-section (1) the following sub-section shall be inserted, namely:-

“(1-a) Notwithstanding any decree or order of a court, a teacher who has been appointed as such by transfer from one college to another in pursuance of the Government Orders no. 429 Shiksha Mantri/Sattar-6-98-15-95, dated August 17, 1998 or no. 393/Sattar-1-99-15(6)-99, shall be deemed to have been validly appointed

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4. For section 24 of the principal Act the following section shall be substituted, namely :-

Amendment of section 24

“24. Notwithstanding anything to the contrary contained in any other law for the time being in force, no appointment of a teacher in a college established and maintained by a Minority based on religion or language made otherwise than in accordance with the provisions of this section as it was in force immediately before the commencement of the Uttar Pradesh Higher Education Services Commission (Second Amendment) Act, 2004 shall be deemed to be invalid or ever to have become invalid merely on the ground that such appointment was not made in accordance with the provisions of this section, as it was in force immediately before the commencement of the said Act as if the provisions of this Act as amended by the said Act were in force at all material times.”

5. (1) The Uttar Pradesh Higher Education Services Commission (Second Amendment) Ordinance, 2004 is hereby repealed.

Repeal and saving

U.P.
Ordinance
no. 14
of 2004

(2) Notwithstanding such repeal, anything done by any action taken under the provisions of the principal Act as amended by the Ordinance, referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

The appointment of teachers in grant-in-aid degree Colleges of the State is made under the Uttar Pradesh Higher Education Services Commission Act, 1980. On the demand of the teachers associations of the State the teachers of degree colleges were given the facility of mutual/single transfer under certain conditions by issuing a Government order on August 17, 1998. But in a writ petition the said Government order was declared void by the Hon'ble High Court on the ground that there is no provision of transfer in the said Act. Since the State Government was of the opinion that the demand of the teachers associations was reasonable, it was decided to amend the said Act to provide for giving the facility of mutual/single transfer to the teachers of such degree colleges.

In section 24 of the aforesaid Act it was provided that the appointment and conditions of service of teachers in the degree colleges established and maintained by Minorities based on religion or language shall be regulated with the approval of the Commission and the concerned University. Since the appointment of teachers was being delayed in obtaining the approval of the Commission, it was further decided to amend the said section 24 to omit the provision for obtaining the approval of the Commission for the appointment of the said teachers.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decisions, the Uttar Pradesh Higher Education Services Commission (Second Amendment) Ordinance, 2004 (U.P. Ordinance no. 14 of 2004) was promulgated by the Governor on October 11, 2004.

This Bill is introduced to replace the aforesaid Ordinance.

By order,

D. V. SHARMA,
Pramukh Sachiv

No. 244/VII-V-1—1 (ka) 3-2006

Dated Lucknow, March 17, 2006

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of Uttar Pradesh Uchchatar Shiksha Seva Ayog (Sanshodhan) Adhiniyam, 2006 (Uttar Pradesh Adhiniyam Sankhya 4 of 2006) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 14, 2006.

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION
(AMENDMENT) ACT, 2006
(U.P. ACT NO. 4 OF 2006)

[As passed by the Uttar Pradesh Legislature]

AN
ACT

further to amend the Uttar Pradesh Higher Education Services Commission Act, 1980.

IT IS HEREBY enacted in the Fifty-seventh Year of the Republic of India as follows :—

1. This Act may be called the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 2006.

Short title

2. In section 5 of the Uttar Pradesh Higher Education Services Commission Act, 1980,—

Amendment of
section 5 of U. P.
Act no. 16 of 1980

(a) in sub-section (1) for the words "three years" the words "five years" shall be substituted.

(b) after sub-section (5) the following sub-section shall be inserted, namely :—

“(6) The provisions of sub-section (1) as amended by the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 2006 shall apply also to every member holding office immediately before the commencement of the said Act.”

STATEMENT OF OBJECTS AND REASONS

Sub-section (1) of section 5 of the Uttar Pradesh Higher Education Services Commission Act, 1980 (U.P. Act no. 16 of 1980) provides that every member shall unless he becomes disqualified for continuing as such under the rules that may be made under the Act, hold office for a term of three years. It has been felt that the term of the office of the said members as provided in the said Act is not sufficient for the selection of required number of candidates for the appointment of the teachers of the colleges affiliated or associated with the State University because the reconstitution of the commission takes time. It has, therefore, been decided to amend the said Act to increase the term of the members of the commission from three years to five years so that the required number of teachers may timely be selected.

The Uttar Pradesh Higher Education Services Commission (Amendment) Bill, 2006 is introduced accordingly.

By order,
RAM HARI VIJAY TRIPATHI,
Pramukh Sachiv.

No. 1021/VII-V-1-01(Ka)25-2006

Dated Lucknow, September 4, 2006

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Uchchatar Shiksha Seva Chayan Ayog (Dwitiya Sanshodhan) Adhiniyam, 2006 (Uttar Pradesh Adhiniyam Sankhya 22 of 2006) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 4, 2006.

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION

(SECOND AMENDMENT) ACT, 2006

(U.P. ACT NO. 22 OF 2006)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

Further to amend the Uttar Pradesh Higher Education Services Commission Act, 1980.

It is hereby enacted in the Fifty-seventh Year of the Republic of India as follows :-

1. (1) This Act may be called The Uttar Pradesh Higher Education Services Commission (Second Amendment) Act, 2006.

Short title and commencement

(2) It shall be deemed to have come into force on July 25, 2006.

Insertion of new section 31-D in U.P. Act no. 16 of 1980

2. After section 31-C of the Uttar Pradesh Higher Education Services Commission Act, 1980 hereinafter referred to as the principal Act the following section shall be inserted, namely:—

“31-D-(1) Any teacher, other than a Principal who,—

(a) was appointed in a grant-in-aid college on *ad-hoc* basis to teach in the B. Ed. course of study in accordance with the standards laid down by the State Government, concerned University or the National Council for Teacher Education within the period commencing on November 23, 1991 and ending with August 31, 2003 to a post which was filled by the management on the basis of the said standards after obtaining the permission of the concerned University,

(b) has been continuously serving the college from the date of his appointment up to the date of commencement of the Uttar Pradesh Higher Education Services Commission (Second Amendment) Act, 2006,

(c) possesses the qualifications required for regular appointment to the post under the provision of the relevant statutes in force on the date of selection for regular appointment,

(d) has been found suitable for regular appointment by the Selection Committee constituted under sub-section (2),

may be given substantive appointment by the management of the college, if any substantive vacancy of the same cadre and grade in the respective department is available on the date referred to in clause (c).

(2) The Selection Committee referred to in sub-section (1) shall consist of,—

(a) a member of the Commission nominated by the State Government who shall be the Chairman;

(b) an officer not below the rank of Special Secretary, to be nominated by the Secretary to the Government of Uttar Pradesh in the Higher Education Department;

(c) the Director.

(3) The Selection Committee constituted under sub-section (2) shall consider the cases of every such *ad-hoc* teacher and on being satisfied about his eligibility in view of the provisions of sub-section (1), and his work and conduct on the basis of his record, recommend his name to the management of the college for appointment under sub-section (1).

(4) Where a person recommended by the Commission under section 13 before the commencement of the Ordinance referred to in clause (b) of sub-section (1) does not get an appointment because of the appointment of another person under sub-section (1) in the vacancy for which he was so recommended, the State Government shall make suitable order for his appointment in a suitable vacancy in any college and the provisions of sub-sections (5) and (6) of section 13 and section 14 shall *mutatis-mutandis* apply.

(5) A teacher appointed on *ad-hoc* basis referred to in sub-section (1) who does not get a substantive appointment under this section shall cease to hold such post from such date as the management may specify.”

3. (1) The Uttar Pradesh Higher Education Services Commission (Amendment) Ordinance, 2006 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of the Act were in force at all material times.

Repeal and Saving

U.P.
Ordinance
no. 6 of 2006

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Higher Education Services Commission Act, 1980 (U.P. Act no. 10 of 1980) has been enacted to establish a service commission for the selection of teachers for appointment to the colleges affiliated to or recognized by a University and for matter connected therewith or incidental thereto. In the said Act the word 'College' has been defined in accordance with which college means an affiliated or associated College to which the privilege of affiliation has been granted by a University governed by the Uttar Pradesh State Universities Act, 1973, excluding a College established by a minority referred to in clause (1) of Article 30 of the Constitution or a College exclusively maintained by the State Government or a College resoring self finance course as defined in clause (18) of section 2 of the States Universities Act, 1973. Thus the said Act of 1980 is not applicable to the teachers appointed in self-financing courses of study. In the year 2000 it was decided by the State Government that no financial aid in any form shall be given by the State Government for the payment of salary of teachers/employees of an unaided Non-Government Degree College and of the teachers and employees necessary for opening new subjects in an aided Non-Government College. Due to uncertainty in service the quality of B.Ed. Course was adversely affecting. Therefore with a view to maintaining the quality of B.Ed. Course of study it was decided to amend the said Act of 1980 to provide that a teachers who was appointed in a grant-in-aid College on *ad-hoc* basis to a post to teach in the B.Ed. course of study in accordance with the standards laid down by the State Government, concerned University the National Council for Teacher within the period commencing on November 23, 1991 and ending with August 31, 2003 may be given substantive appointment by the management of the College.

Since the State Legislature was not in session and immediate legislature action was necessary to implement the aforesaid decision the Uttar Pradesh Higher Education Services Commission (Amendment) Ordinance, 2006 (U.P. Ordinance no. 6 of 2006) was promulgated by the Governor on July 25, 2006.

This Bill is introduced to replace the aforesaid Ordinance.

By order,
R. M. CHAUHAN,
Pramukh Sachiv.

पी०एस०यू०पी०-ए०पी०-1068 राजपत्र (हि०)-2006-(1652)-597-(कम्प्यूटर/आफसेट)।

पी०एस०यू०पी०-ए०पी०-126 सा० विधायी-2006-(1653)-850-(कम्प्यूटर/आफसेट)।

NOTIFICATION

MISCELLANEOUS

IN pursuance of the provision of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Uchcharat Shiksha Seva Ayog (Tritiye Sanshodhan) Adhiniyam, 2006 (Uttar Pradesh Adhiniyam Sankhya 42 of 2006) as passed by the Uttar Pradesh Legislature and assented to by the Governor on December 26, 2006 :

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION
(THIRD AMENDMENT) ACT, 2006

(U.P. ACT No. 42 of 2006)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Uttar Pradesh Higher Education Services Commission Act, 1980.

IT IS HEREBY enacted in the Fifty-seventh Year of the Republic of India as follows:-

1. This Act may be called the Uttar Pradesh Higher Education Services Commission (Third Amendment) Act, 2006.

Short title

Substitution of
section 31-D of
U.P. Act no. 16 of
1980

2. For section 31-D of the Uttar Pradesh higher Education Services Commission Act, 1980, the following sections shall be *substituted*, namely :—

“31-D(1) Any person, who,—

(a) was engaged to teach in the B.Ed. course of study under self finance course in a *grant-in-aid* college and the said course has been taken on *grant-in-aid*; and

(b) has been engaged on or before August 31, 2003 and continuously serving the college up to the date of commencement of the Uttar Pradesh Higher Education Services Commission (Third Amendment) Act, 2006 and possesses the qualifications determined by the State Government on the date of consideration by the selection committee constituted under sub-section (2); and

(c) has been found suitable for regular appointment by the Selection Committee constituted under sub-section (2);

may be given substantive appointment by the management of the college to the post created by the State Government.

(2) The Selection Committee referred to in sub-section (1) shall consist of,—

(a) a member of the Commission nominated by the State Government who shall be the Chairman;

(b) an officer not below the rank of Special Secretary, to be nominated by the Secretary to the Government of Uttar Pradesh in the Higher Education Department;

(c) the Director.

(3) The Selection Committee constituted under sub-section (2) shall consider the case of each candidate and on being satisfied about his eligibility in view of the provisions of sub-section (1), recommend his name to the management of the college for appointment.

Absorption of
teacher on
honorary

31-E (1) Subject to the provisions contained in sections 12 and 13, if any vacancy exists, which can not be filled under the provisions of said sections, a teacher on honorary shall be absorbed in the manner prescribed under sub-section (2), who is working in grant in *aid* college, possessing educational qualifications determined by the State Government, receiving honorary, Thereby working for a minimum period of three academic sessions and has been working till the date of commencement of the Uttar Pradesh Higher Education Services Commission (Third Amendment) Act, 2006.

(2) Where any substantive vacancy in the post of a teacher in a grant in *aid* college is to be filled by direct recruitment, such post shall, at the instance of the Director, be offered by the management to teacher on honorary referred to in sub-section (1).

(3) Where any teacher on honorary who has been offered appointment in accordance with the provisions of sub-section (2) fails to join the post within the time allowed, which shall not be less than Fifteen days, his further claim shall cease automatically.

Explanation :—For the purposes of this section;—

“teacher on honorary” means a person working in grant-in-aid college and is engaged in teaching a course of study and receiving payment from the Funds of State aid on a fixed honorary appointed on a contractual basis with the prior approval of the Director.

(4) Where the Management fails to offer any post to a teacher on honorary in accordance with the provisions of sub-section (2) within the time specified by the Director, the Director, may himself issue the letter of appointment to such teacher on honorary and the teacher on honorary concerned shall be entitled to get his salary as teacher, from the date, he joins the post in pursuance of such letter of appointment.

STATEMENT OF OBJECTS AND REASONS

IN the Uttar Pradesh Higher Education Services Commission Act, 1980 (U.P. Act no. 10 of 1980) the word 'College' has been defined. In accordance with the said definition, the said Act is not applicable to the teachers appointed in self-financing courses of study. In the year 2000, it was decided by the State Government that no financial *aid* in any form shall be given by the State Government for the payment of salary of teachers/employees of an unaided Non-Government Degree College and of the teachers and employees necessary for opening new subjects in an aided Non-Government College. Due to uncertainty in service of the teachers the quality of B.Ed. was adversely affecting. Therefore with a view to maintaining the quality of B.Ed. and other Courses of study, it has been decided to amend the said Act to provide for giving substantive appointment by the management of the College to,—

(a) the persons who have been engaged on or before August 31, 2003 to teach in the B.Ed. course of study under self finance course in a *grant-in-aid* college and the said course has been taken on *grant-in-aid*; and

(b) the teachers on honorarium who are working continuously in grant-in-aid college for a minimum period of three academic sessions till the date of commencement of the Uttar Pradesh Higher Education Services Commission (Third Amendment) Act, 2006

The Uttar Pradesh Higher Education Services Commission (Third Amendment) Bill, 2006 is introduced accordingly.

By Order,

VIRENDRA SINGH,

Pramukh Sachiv.

Shiksha Seva Aayog (Dwitiya Sanshadhan) Adhiniyam, 2007 (Uttar Pradesh Adhiniyam Sankhya 14 of 2008) promulgated by the Governor :-

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION

(SECOND AMENDMENT) ACT, 2007

(U.P. ACT No. 14 of 2008)

(As Passed by the Uttar Pradesh Legislature)

AN

ACT

furth^r to amend the Uttar Pradesh Higher Education Service Commission Act, 1980.

IT IS HEREBY enacted in the Fifty-eighth Year of the Republic of India as follows :-

1. This Act may be called the Uttar Pradesh Higher Education Services Commission (Second Amendment) Act, 2007.

Short title

2. In section 5 of the principal Act, -

Amendment of section 5 of U.P. Act no. 16 of 1980

(a) in sub-section (5) for the words "Sixty two years" the words "Sixty five years" shall be substituted.

(b) for sub-section (6) the following sub-section shall be substituted, namely:-

"(6) The provisions of sub-section (5) as amended by the Uttar Pradesh Higher Education Services Commission (Second Amendment) Act, 2007 shall apply also to every member holding office immediately, before the commencement of the said Act."

3. In section 3 of the Uttar Pradesh Higher Education Services Commission Act, 1980 hereinafter referred to as the principal Act, in the proviso, for the words "ten years" the words "five years" shall be substituted.

Amendment of section 12

STATEMENT OF OBJECTS AND REASONS

With a view to motivating the selection of teachers for appointment to the colleges affiliated to or recognised by a University, It was decided to amend the Uttar Pradesh Higher Education Services Commission Act, 1980 (U.P. Act no. 16 of 1980) to provide for,-

(a) increasing the maximum age of the persons to hold office of the chairman and members from sixty two years to sixty five years ; and

(b) reducing the period of service of the teachers of an affiliated or associated college to seek transfer from ten years to five years.

The Uttar Pradesh Higher Education Services Commission (Second Amendment) Bill, 2007 is introduced accordingly.

By Order,
P. V. KUSHWAHA,
Sachiv.

पी०एस०यू०पी०-ए०पी०-67 राजपत्र-(हि०)-(160)-2008-597 प्रतियां-(कम्प्यूटर/आफसेट)।

पी०एस०यू०पी०-ए०पी०-6 सा० विद्यार्थी-(161)-2008-850 प्रतियां-(कम्प्यूटर/आफसेट)।

No. 1724(2)/LXXIX-V-1-08-1(Ka)14-2008

Dated Lucknow, August 29, 2008

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Uchcharat Shiksha Seva Ayog (Sanshodhan) Adhiniyam, 2008 (Uttar Pradesh Adhiniyam Sankhya 18 of 2008) as passed by the Uttar Pradesh Legislature and assented to by the Governor on August 27, 2008.

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION
(AMENDMENT) ACT, 2008
(U.P. ACT NO. 18 OF 2008)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

furthcr to amend the Uttar Pradesh Higher Education Services Commission Act, 1980.

IT IS HEREBY enacted in the Fifty-ninth Year of the Republic of India as follows :-

1. (1) This Act may be called the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 2008. Short title and commencement

(2) It shall be deemed to have come into force on June 17, 2008.

2. In section 13 of the Uttar Pradesh Higher Education Services Commission Act, 1980, hereinafter referred to as the principal Act, in sub-section (1) for the words 'hold interview (with or without written examination) of the candidates' the words 'hold written examination and interview of the candidates' shall be substituted. Amendment of section 13 of U.P. Act no. 16 of 1980

3. (1) The Uttar Pradesh Higher Education Services Commission (Amendment) Ordinance, 2008 is hereby repealed. U.P. Ordinance no. 2 of 2008

Repeal and Saving

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

The selection of teachers for appointment in the non-government aided degree colleges is made by the Uttar Pradesh Higher Education Services Commission under the provisions of the Uttar Pradesh Higher Education Services Commission Act, 1980. Section 13 of the said Act provides for holding interview (with or without written examination) of the candidate with respect to the selection of teachers. Selection of teachers for appointment to the important posts of Principals and Lecturers only on the basis of interview was adversely affecting the image of the Commission in the general public. It was therefore decided to

amend the said Act to provide for holding written examination and interview for the selection of the candidates for the appointment to the posts of teachers.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Higher Education Services Commission (Amendment) Ordinance, 2008 (U.P. Ordinance no. 2 of 2008) was promulgated by the Governor on June 17, 2008.

This Bill is introduced to replace the aforesaid Ordinance.

By order,
S.M.A. ABIDI,
Pramukh Sachiv.



सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट
भाग-1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, शुक्रवार, 18 जुलाई, 2014

आषाढ़ 27, 1936 शक सम्वत्

उत्तर प्रदेश सरकार
विधायी अनुभाग-1

संख्या 973/79-वि-1-14-1(क)15-2014

लखनऊ, 18 जुलाई, 2014

अधिसूचना

विविध

“भारत का संविधान” के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (द्वितीय संशोधन) विधेयक, 2014 पर दिनांक 17 जुलाई, 2014 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 12 सन् 2014 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (द्वितीय संशोधन) अधिनियम, 2014

(उत्तर प्रदेश अधिनियम संख्या 12 सन् 2014)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग अधिनियम, 1980 का अग्रतर संशोधन के लिए

अधिनियम

भारत गणराज्य के पैसठवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :-

1-यह अधिनियम उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (द्वितीय संशोधन) अधिनियम, संक्षिप्त नाम 2014 कहा जायेगा।

उत्तर प्रदेश
अधिनियम संख्या
16 सन् 1980 की
धारा 5 का संशोधन

- 2-उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग अधिनियम, 1980 की धारा 5 में,—
- (क) उपधारा (1) में शब्द "दो वर्ष" के स्थान पर शब्द "पाँच वर्ष" रख दिये जायेंगे,
- (ख) उपधारा (5) के स्थान पर निम्नलिखित उपधारा रख दी जायेगी, अर्थात्:—
"(5) इस धारा में किसी बात के होते हुए भी कोई व्यक्ति निम्नलिखित रूप में न तो नियुक्त किया जायेगा और न इस रूप में बना रहेगा,—
(क) आयोग के अध्यक्ष के रूप में, यदि उसने अड़सठ वर्ष की आयु प्राप्त कर ली हो, या
(ख) आयोग के सदस्य के रूप में, यदि उसने पैंसठ वर्ष की आयु प्राप्त कर ली हो।"
- (ग) उपधारा (6) के स्थान पर निम्नलिखित उपधारा रख दी जायेगी, अर्थात् :—
"(6) उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (द्वितीय संशोधन) अधिनियम, 2014 द्वारा यथा संशोधित उपधारा (1) के उपबंध उक्त अधिनियम के प्रारम्भ के ठीक पूर्व पद धारण करने वाले अध्यक्ष के साथ-साथ प्रत्येक सदस्य पर भी लागू होंगे।"

उद्देश्य और कारण

राज्य विश्वविद्यालय से सम्बद्ध सहायता प्राप्त अशासकीय महाविद्यालयों में प्राचार्यों एवं अध्यापकों के चयन को गति प्रदान करने के उद्देश्य से यह विनिश्चय किया गया है कि उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग अधिनियम, 1980 (उत्तर प्रदेश अधिनियम संख्या 16 सन् 1980) को निम्नलिखित व्यवस्था करने के लिए संशोधित किया जाय,—

- (क) अध्यक्ष का पदधारण करने के लिए अधिकतम आयु पैंसठ वर्ष से बढ़ा कर अड़सठ वर्ष करना;
(ख) आयोग के अध्यक्ष के साथ-साथ सदस्यों की पदावधि दो वर्ष से बढ़ा कर पाँच वर्ष करना।

तदनुसार उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (द्वितीय संशोधन) विधेयक, 2014 पुरःस्थापित किया जाता है।

आज्ञा से,
एस०बी० सिंह,
प्रमुख सचिव।

No. 973(2)/LXXIX-V-1-14-1(ka)15-2014

Dated Lucknow, July 18, 2014

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Uchchatar Shiksha Seva Aayug (Dwitiya Sanshodhan) Adhiniyam, 2014 (Uttar Pradesh Adhiniyam Sankhya-12 of 2014) as passed by the Uttar Pradesh Legislature and assented to by the Governor on July 17, 2014.

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION (SECOND AMENDMENT) ACT, 2014

(U.P. Act No. 12 of 2014)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

Further to amend the Uttar Pradesh Higher Education Services Commission Act, 1980.

IT IS HEREBY enacted in the Sixty-fifth Year of the Republic of India as follows:—

Short title

1. This Act may be called the Uttar Pradesh Higher Education Services Commission (Second Amendment) Act, 2014.

1980,- 2. In section 5 of the Uttar Pradesh Higher Education Services Commission Act, Amendment of section 5 of U.P. Act no. 16 of 1980

(a) in sub-section (1) for the words "two years" the words "five years" shall be substituted,

(b) for sub-section (5) the following sub-section shall be substituted, namely :-

"(5) Notwithstanding anything contained in this section, no person shall be appointed or continue,-

(a) as Chairman of the Commission if he has attained the age of sixty eight years, or

(b) as a member of the Commission, if he has attained the age of sixty five years".

(c) for sub-section (6) the following sub-section shall be substituted, namely :-

"(6) The provisions of sub-section (1) as amended by the Uttar Pradesh Higher Education Services Commission (Second Amendment) Act, 2014 shall apply also to every member including the Chairman holding office immediately before the commencement of the said Act."

STATEMENT OF OBJECTS AND REASONS

With the object of expediting selection of Principals and Teachers in aided non-government colleges affiliated to the State Universities, it has been decided to amend the Uttar Pradesh Higher Education Services Commission Act, 1980 (U.P. Act no. 16 of 1980) to provide for,-

(a) increasing the maximum age limit for holding the office of the Chairman from sixty five years to sixty eight years,

(b) increasing the term of office of the members including the Chairman of the Commission from two years to five years.

The Uttar Pradesh Higher Education Services Commission (Second Amendment) Bill, 2014 is introduced accordingly.

By order
S. B. SINGH,
Pramukh Sachiv



सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट
भाग-1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, शुक्रवार, 26 दिसम्बर, 2014

पौष 5, 1936 शक सम्वत्

उत्तर प्रदेश सरकार
विधायी अनुभाग-1

संख्या 1526/79-वि-1-14-1(क)-11-2014

लखनऊ, 26 दिसम्बर, 2014

अधिसूचना

विविध

“भारत का संविधान” के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (संशोधन) विधेयक, 2014 पर दिनांक 01 दिसम्बर, 2014 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 22 सन् 2014 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (संशोधन) अधिनियम, 2014

(उत्तर प्रदेश अधिनियम संख्या 22 सन् 2014)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग अधिनियम, 1980 का अग्रतर संशोधन करने के लिए

अधिनियम

भारत गणराज्य के संसदीय ढंग में निर्माहित अधिनियम बतया जाता है :-

1-(1) यह अधिनियम उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (संशोधन) अधिनियम, 2014 कहा जाएगा।

(2) यह 26 मई, 2014 को प्रवृत्त हुआ समझा जायेगा।

पुणे-14
प्रकाश

उत्तर प्रदेश
अधिनियम संख्या
16 सन् 1980 की
धारा 31-ड का
संशोधन

निरसन और
अपवाद

2-उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग अधिनियम, 1980 की धारा 31-ड में, उपधारा (1) में शब्द "भरा नहीं जा सकता है" के स्थान पर शब्द "भरा नहीं जा सका" रख दिए जाएंगे।

3-(1) उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (संशोधन) अध्यादेश, 2014 एतद्वारा निरसित किया जाता है। उत्तर प्रदेश अध्यादेश संख्या 3 सन् 2014

(2) ऐसे निरसन के होते हुए भी उपधारा (1) में निर्दिष्ट अध्यादेश द्वारा यथासंशोधित मूल अधिनियम के उपबन्धों के अधीन कृत कोई कार्य या कार्यवाही इस अधिनियम द्वारा यथासंशोधित मूल अधिनियम के तत्समान उपबन्धों के अधीन कृत कार्य या कार्यवाही समझी जायेगी मानो इस अधिनियम के उपबन्ध सभी सारवान् समय पर प्रवृत्त थे।

उद्देश्य और कारण

मानदेय अध्यापकों को आमेलित करने के उद्देश्य से उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग अधिनियम, 1980 (अधिनियम संख्या 16, सन् 1980) की धारा 31-ड को उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (तृतीय संशोधन) अधिनियम, 2006 (उत्तर प्रदेश अधिनियम संख्या 42, सन् 2006) द्वारा संशोधित किया गया था। यथासंशोधित धारा 31-ड की उपधारा (1) में अन्य बातों के साथ-साथ यह व्यवस्था है कि धारा 12 और 13 में अंतर्विष्ट उपबन्धों के अधीन यदि कोई रिक्ति विद्यमान है जिसे उक्त धारा के उपबन्धों के अधीन भरा नहीं जा सकता है तो मानदेय अध्यापक को आमेलित किया जायेगा। चूंकि यह पाया गया कि कोई ऐसी रिक्ति नहीं थी जिसे धारा 12 और 13 के अधीन भरा नहीं जा सकता है, अतएव मानदेय शिक्षकों को आमेलित करने के उद्देश्य से यह विनिश्चय किया गया कि उक्त धारा 31-ड की उपधारा (1) को संशोधित करके शब्द "भरा नहीं जा सकता है" के स्थान पर शब्द "भरा नहीं जा सका" प्रतिस्थापित कर दिया जाय।

चूंकि राज्य विधान मण्डल सत्र में नहीं था और उपर्युक्त विनिश्चय को कार्यान्वित करने के लिए तुरन्त विधायी कार्यवाही करना आवश्यक था, अतः राज्यपाल द्वारा दिनांक 26 मई, 2014 को उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (संशोधन) अध्यादेश, 2014 (उत्तर प्रदेश अध्यादेश संख्या 3, सन् 2014) प्रख्यापित किया गया।

यह विधेयक उपर्युक्त अध्यादेश को प्रतिस्थापित करने के लिए पुरःस्थापित किया जाता है।

आज्ञा से,
एस० बी० सिंह,
प्रमुख सचिव।

No. 1526(2)/LXXIX-V-1-14-1(ka)-11-2014

Dated Lucknow, December 26, 2014

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Uchchatar Shiksha Seva Ayog (Sanshodhan) Adhiniyam, 2014 (Uttar Pradesh Adhiniyam Sankhya 22 of 2014) as passed by the Uttar Pradesh Legislature and assented to by the Governor on December 01, 2014.

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION
(AMENDMENT) ACT, 2014

(U. P. Act no. 22 of 2014)

[As passed by the Uttar Pradesh Legislature]

AN
ACT

further to amend the Uttar Pradesh Higher Education Services Commission Act, 1980.

IT IS HEREBY enacted in the Sixty-fifth Year of the Republic of India as follows :-

<p>1. (1) This Act may be called the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 2014.</p> <p>(2) It shall be deemed to have come into force on May 26, 2014.</p>	<p>Short title and commencement</p>
<p>2. In section 31-E of the Uttar Pradesh Higher Education Services Commission Act, 1980, in sub-section (1) for the words "cannot be filled" the words "could not be filled" shall be <i>substituted</i>.</p>	<p>Amendment of section 31-E of U.P. Act no. 16 of 1980</p>
<p>U.P. Ordinance no. 3 of 2014</p> <p>3. (1) The Uttar Pradesh Higher Education Services Commission (Amendment) Ordinance, 2014 is hereby repealed.</p> <p>(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.</p>	<p>Repeal and saving</p>

STATEMENT OF OBJECTS AND REASON

With a view to absorbing the teachers on honorarium section 31-E of the Uttar Pradesh Higher Education Services Commission Act, 1980 (U.P. Act no. 16 of 1980) was amended by the Uttar Pradesh Higher Education Services Commission (Third Amendment) Act, 2006 (U.P. Act no. 42 of 2006). Sub-section (1) of section 31-E as amended *inter alia* provides that subject to the provisions contained in sections 12 and 13, if any vacancy exists, which can not be filled under the provisions of said section a teacher on honorarium shall be absorbed. Since it was found that there was no vacancy which can not be filled under sections 12 and 13, with the object of absorbing the teachers on honourium it was decided to amend sub-section (1) of the said section 31-E to replace the words "can not be filled" by the words "could not be filled".

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Higher Education Services Commission (Amendment) Ordinance, 2014 (U.P. Ordinance no. 3 of 2014) was promulgated by the Governor on May 26, 2014.

This Bill is introduced to replace the aforesaid Ordinance.

By order,
S. B. SINGH,
Pramukh Sachiv.



सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट
भाग-1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, बुधवार, 9 सितम्बर, 2015

भाद्रपद 18, 1937 शक सम्वत्

उत्तर प्रदेश शासन

विधायी अनुभाग-1

संख्या 1155/79-वि-1-15-1(क)21-2015

लखनऊ, 9 सितम्बर, 2015

अधिसूचना

विविध

"भारत का संविधान" के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (संशोधन) विधेयक, 2015 पर दिनांक 7 सितम्बर, 2015 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 12 सन 2015 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है :-

उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (संशोधन) अधिनियम, 2015

[उत्तर प्रदेश अधिनियम संख्या 12 सन 2015]

(जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ)

उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग अधिनियम, 1980 का अग्रतर संशोधन करने के लिए

अधिनियम

भारत गणराज्य के छियासठवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :-

1-यह अधिनियम उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (संशोधन) अधिनियम, 2015 संक्षिप्त नाम कहा जायेगा।

उत्तर प्रदेश
अधिनियम
संख्या 16,
सन् 1980 की
धारा 11-क का
बढ़ाया जाना

2-उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग अधिनियम, 1980 की धारा 11 के पश्चात् निम्नलिखित धारा बढ़ा दी जायेगी, अर्थात् :-

“11-क आयोग के पास महाविद्यालय के पुस्तकालयाध्यक्षों के पदों पर नियुक्ति के आयोग की अतिरिक्त शक्तियाँ और कर्तव्य लिये अभ्यर्थियों के चयन की शक्तियाँ और कर्तव्य भी होंगे और महाविद्यालयों के पुस्तकालयाध्यक्षों के पदों पर नियुक्ति के लिये अभ्यर्थियों के चयन के सम्बन्ध में धारा 11, धारा 12 की उपधारा (1) (परन्तुक को छोड़कर), उपधारा (2), (3) और (4), धारा 13, धारा 14, धारा 15, धारा 17 और धारा 18 के उपबन्ध यथावश्यक परिवर्तन सहित लागू होंगे।”

उद्देश्य और कारण

अशासकीय सहायता प्राप्त महाविद्यालयों में पुस्तकालयाध्यक्षों की नियुक्ति महाविद्यालय का प्रबन्धतंत्र राज्य विश्वविद्यालय परिनियमावली के उपबंधों के अनुसार करता है, जबकि राजकीय महाविद्यालयों में पुस्तकालयाध्यक्षों का चयन उत्तर प्रदेश लोक सेवा आयोग द्वारा किया जाता है। अशासकीय सहायता प्राप्त महाविद्यालयों के पुस्तकालयाध्यक्ष भी राजकीय महाविद्यालयों के पुस्तकालयाध्यक्षों के समान यू0जी0सी0 वेतनमान व सुविधायें प्राप्त करते हैं। अतः यह आवश्यक है कि अशासकीय सहायता प्राप्त महाविद्यालयों में पुस्तकालयाध्यक्षों का उचित एवं निष्पक्ष चयन किसी सेवा आयोग द्वारा किया जाय। अतएव, यह विनिश्चय किया गया है कि उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग अधिनियम, 1980 (उत्तर प्रदेश अधिनियम संख्या 16, सन् 1980) को संशोधित करके उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग को अशासकीय सहायता प्राप्त महाविद्यालयों के पुस्तकालयाध्यक्षों के पदों पर अभ्यर्थियों की नियुक्ति के लिये सशक्त किया जाय।

तदनुसार उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (संशोधन) विधेयक, 2015 पुरः स्थापित किया जाता है।

आज्ञा से,
अब्दुल शमिद,
प्रमुख सचिव।

No. 1155(2)/LXXIX-V-1-2015-1(KA)21-2015

Dated Lucknow, September 9, 2015

IN pursuance of the provisions of clause (3) of the Article 348 of the Constitution, of India the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Uchchatar Shiksha Seva Aayog (Sansodhan) Adhiniyam, 2015 (Uttar Pradesh Adhiniyam, Sankhya 12 of 2015) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 07, 2015:-

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION (AMENDMENT) ACT, 2015

[U.P. Act No. 12 of 2015]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

*further to amend the Uttar Pradesh Higher Education Services Commission Act,
1980.*

IT IS HEREBY enacted in the Sixty-sixth Year of the Republic of India as follows :-

Short title

1. This Act may be called the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 2015.

2. After section 11 of the Uttar Pradesh Higher Education Services Commission 1980 the following section shall be *inserted*, namely :-

Insertion of
section 11-A
of U.P. Act
no. 16 of
1980

“11-A. The Commission shall also have powers and duties of the selection of

Additional powers
and duties of the
Commission

candidates for appointment to the posts of librarians of
the colleges and with respect to the selection of
candidates for appointment to the posts of librarians of

the colleges the provisions of section 11, sub-section (1) (excluding the
proviso), sub sections (2), (3) and (4) of section-12, section-13, section-14,
section-15, section-17 and section-18 shall *mutatis mutandis* apply.”

STATEMENT OF OBJECTS AND REASONS

The management of the degree colleges appoint the librarians in non-Government aided degree colleges, according to the provision of the State University Statutes, while in the Government Degree colleges, selection of the librarians is made by the Uttar Pradesh Public Service Commission. Librarians of the non-Government aided degree colleges get U.G.C. pay scale and benefits like the librarians of the Government degree colleges. So it is necessary that proper and fair selection of the librarians of non-Government aided degree colleges should be made by a service Commission. It has, therefore, been decided to amend the Uttar Pradesh Higher Education Services Commission Act, 1980 (U.P. act no. 16 of 1980) to empower the Uttar Pradesh Higher Education Services Commission for the selection of candidates for appointment to the posts of librarians of non-Government aided degree colleges.

The Uttar Pradesh Higher Education Services Commission (Amendment) Bill, 2015 is introduced accordingly.

By order,
ABDUL SHAHID
Pramukh Sachiv.

पी०एस०यू०पी०-ए०पी० 491 राजपत्र 2015-(1156)-599 प्रतियाँ (कम्प्यूटर/टी०/आफसेट)।

पी०एस०यू०पी०-ए०पी० 61 सा० विधायी 10-9-2015-(1157)-300 प्रतियाँ (कम्प्यूटर/टी०/आफसेट)।



सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट
भाग-1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, मंगलवार, 22 मार्च, 2016

चैत्र 2, 1938 शकः सम्वत्

उत्तर प्रदेश शासन

विधायी अनुभाग-1

संख्या 591/79-वि-1-16-1(क)-15-2016

लखनऊ, 22 मार्च, 2016

अधिसूचना

विविध

“भारत का संविधान” के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (संशोधन) विधेयक, 2016 पर दिनांक 21 मार्च, 2016 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 6 सन् 2016 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (संशोधन) अधिनियम, 2016

(उत्तर प्रदेश अधिनियम संख्या 6 सन् 2016)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग अधिनियम, 1980 का अग्रतर संशोधन करने के लिए

अधिनियम

भारत गणराज्य के सड़सठवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है :-

1- यह अधिनियम उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (संशोधन) अधिनियम, 2016 कहा जायेगा।

सक्षिप्त नाम

उत्तर प्रदेश
अधिनियम
संख्या 16
सन् 1980 की
धारा 31-ग का
संशोधन

2-उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग अधिनियम, 1980 की धारा 31-ग में, उपधारा (1) के स्थान पर निम्नलिखित उपधारा रख दी जायेगी, अर्थात् :-

“(1) प्राचार्य से भिन्न किसी अध्यापक को, जो-

(क) 3 जनवरी, 1984 के पश्चात् किन्तु 22 नवम्बर, 1991 तक किसी ऐसे पद पर,-

(एक) जो अपने सम्यक् सृजन के पश्चात पहले कभी नहीं भरा गया था; या

(दो) जो अपने सम्यक् सृजन के पश्चात पहले भरा गया था और इसके रिक्त होने पर, उसे भरने की अनुमति निदेशक से प्राप्त की गई थी; या

(तीन) जो महाविद्यालय को स्वीकृत नवीन सम्बद्धता या मान्यता के निबन्धनों के अनुसरण में सृजित हुआ था और उसी विभाग में उसी संवर्ग और श्रेणी की ऐसी तदर्थ नियुक्ति के दिनांक से मौलिक रिक्ति के उपलब्ध होने तक महाविद्यालय में निरन्तर कार्य करता रहा हो, तदर्थ आधार पर नियुक्त किया गया था;

(ख) धारा 16 की उपधारा (1) के अधीन, जैसी कि वह उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (संशोधन) अधिनियम, 1992 द्वारा उसके निकाले जाने के पूर्व थी, तदर्थ आधार पर नियुक्त किया गया था, चाहे रिक्ति आयोग द्वारा अधिसूचित की गयी हो अथवा न की गयी हो;

(ग) नियमित नियुक्ति के लिए ऐसे प्रारम्भ के दिनांक को ऐसी अर्हतायें रखता था जो ऐसी तदर्थ नियुक्ति के दिनांक को प्रवृत्त सुसंगत परिणियमों के उपबन्धों के अधीन उस पद के लिए अपेक्षित थी (या उसे ऐसी अर्हताओं से छूट प्रदान की गयी थी);

(घ) उपधारा (2) के अधीन गठित चयन समिति द्वारा नियमित नियुक्ति के लिए उपयुक्त पाया गया हो”;

महाविद्यालय के प्रबंधतंत्र द्वारा मौलिक नियुक्ति दी जा सकती है, यदि उसी विभाग में उसी संवर्ग और श्रेणी की कोई मौलिक रिक्ति उपलब्ध हो।

उद्देश्य और कारण

तदर्थ आधार पर नियुक्त अध्यापकों की सेवाओं को विनियमित करने के उद्देश्य से उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग अधिनियम, 1980 (उत्तर प्रदेश अधिनियम संख्या 16 सन् 1980) की धारा 31-ग को उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (संशोधन) अधिनियम, 1992 (उत्तर प्रदेश अधिनियम संख्या 2 सन् 1992) द्वारा बढ़ाया गया था। अधिनियम के विद्यमान प्रावधानों से आच्छादित न होने के कारण दिनांक 3 जनवरी, 1984 से 22 नवम्बर, 1991 की अवधि में नियुक्त 38 तदर्थ शिक्षकों की सेवाओं का विनियमितीकरण नहीं हो सका। उक्त शिक्षकों का विनियमितीकरण किये जाने हेतु कार्यालय ज्ञाप दिनांक 4 फरवरी, 2009 द्वारा एक कमेटी गठित की गयी। समिति द्वारा यह संस्तुति की गयी है कि उक्त शिक्षकों की सेवाओं का विनियमितीकरण किये जाने हेतु उक्त अधिनियम की धारा 31-ग में संशोधन किया जाना आवश्यक होगा। उक्त समिति की संस्तुतियों एवं निदेशक, उच्च शिक्षा, उत्तर प्रदेश, इलाहाबाद के प्रस्ताव पर विचार कर यह निर्णय लिया गया कि उक्त समिति की संस्तुतियों के आलोक में उक्त धारा में संशोधन किया जाय।

तदनुसार उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (संशोधन) विधेयक, 2016 पुरःस्थापित किया जाता है।

आज्ञा से,
अब्दुल शाहिद,
प्रमुख सचिव।

No. 591 (2)/LXXIX-V-1-16-1 (ka)-15-2016

Dated Lucknow, March 22, 2016

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Uchchatar Shiksha Seva Ayog (Sanshodhan) Adhiniyam, 2016 (Uttar Pradesh Adhiniyam Sankhya 6 of 2016) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 21, 2016.

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION
(AMENDMENT) ACT, 2016

(U.P. Act no. 6 of 2016)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

furth^r to amend the Uttar Pradesh Higher Education Services Commission Act, 1980.

IT IS HEREBY enacted in the Sixty-seventh Year of the Republic of India as follows:-

1. This Act may be called the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 2016.

Short title

2. In section 31-C of the Uttar Pradesh Higher Education Services Commission Act, 1980 for sub-section (1) the following sub-section shall be substituted, namely:-

Amendment of section 31-C of U.P. Act no. 16 of 1980

“(1) Any teacher other than a Principal who-

(a) was appointed on *ad hoc* basis after January 3, 1984 but not later than (November 22, 1991) on a post,—

(i) which after its due creation was never filled earlier ; or

(ii) which after its due creation was filled earlier and after its falling vacant, permission to fill it, was obtained from the Director; or

(iii) which came into being in pursuance of the terms of new affiliation or recognition granted to the College and has been continuously serving the College from the date of such *ad hoc* appointment of the same cadre and grade in the same departmental, till the availability of the substantive vacancy;

(b) was appointed on *ad hoc* basis under sub-section (1) of section 16 as it stood before its omission by the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 1992 whether or not the vacancy was notified by the Commission;

(c) possessed on the date of such commencement, the qualification required for regular appointment to the post (or was given relaxation from such qualification) under the provisions of the relevant Statutes in force on the date of such *ad hoc* appointment;

(d) has been found suitable for regular appointment by a selection committee constituted under sub-section (2)”;

may be given substantive appointment by the Management of the College if any substantive vacancy of the same cadre and grade in the same department is available.

STATEMENT OF OBJECTS AND REASONS

With a view to regularising the services of teachers appointed on *ad hoc* basis section 31-C of the Uttar Pradesh Higher Education Services Commission Act, 1980 (U.P. Act no. 16 of 1980) was inserted by the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 1992 (U.P. Act no. 2 of 1992). The services of thirty-eight teachers who were appointed in the period from January 3, 1984 to November 22, 1991 could not be regularised as it was not covered by the existing provisions of the Act. In order to regularise the services of the said teachers a committee was appointed by office memorandum dated February 4, 2009. The committee has recommended that for the regularisation of the services of said teachers it shall be necessary to amend section 31-C of the said Act. Considering the recommendations of said committee and on the proposal of the Director, Higher Education, Uttar Pradesh, Allahabad it has been decided to amend said section in the light of the recommendations of the said committee.

The Uttar Pradesh Higher Education Services Commission (Amendment) Bill, 2016 is introduced accordingly.

By order,
ABDUL SHAHID,
Pramukh Sachiv.

पी०एस०यू०पी०-ए०पी० 1028 राजपत्र-(हिन्दी)-2016-(2390)-599 प्रतियां (कम्प्यूटर/टी०/आफसेट)।

पी०एस०यू०पी०-ए०पी० 129 सा० विधायी-26-03-2016-(2391)-300 प्रतियां (कम्प्यूटर/टी०/आफसेट)।



सरकारी गजट, उत्तर प्रदेश

उत्तर प्रदेशीय सरकार द्वारा प्रकाशित

असाधारण

विधायी परिशिष्ट
भाग-1, खण्ड (क)
(उत्तर प्रदेश अधिनियम)

लखनऊ, सोमवार, 10 सितम्बर, 2018
भाद्रपद 19, 1940 शक सम्वत्

उत्तर प्रदेश शासन
विधायी अनुभाग-1

संख्या 1905/79-वि-1-18-1(क)-22-2018
लखनऊ, 10 सितम्बर, 2018

अधिसूचना
विविध

“भारत का संविधान” के अनुच्छेद 200 के अधीन राज्यपाल महोदय ने उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (संशोधन) विधेयक, 2018 पर दिनांक 7 सितम्बर, 2018 को अनुमति प्रदान की और वह उत्तर प्रदेश अधिनियम संख्या 38 सन् 2018 के रूप में सर्वसाधारण की सूचनार्थ इस अधिसूचना द्वारा प्रकाशित किया जाता है।

उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (संशोधन) अधिनियम, 2018
(उत्तर प्रदेश अधिनियम संख्या 38 सन् 2018)

[जैसा उत्तर प्रदेश विधान मण्डल द्वारा पारित हुआ]

उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग अधिनियम, 1980 का अग्रतर संशोधन करने के लिए

अधिनियम

भारत गणराज्य के उनहत्तरवें वर्ष में निम्नलिखित अधिनियम बनाया जाता है:-

1-यह अधिनियम उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (संशोधन) अधिनियम, संक्षिप्त नाम 2018 कहा जायेगा।

उत्तर प्रदेश
अधिनियम संख्या
16 सन् 1980
की धारा 31-ड
का संशोधन

2-उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग अधिनियम, 1980 की धारा 31-ड में,
उपधारा (1) के स्थान पर निम्नलिखित उपधारा रख दी जायेगी, अर्थात् :-

“(1) धारा 12 और 13 में अन्तर्विष्ट उपबन्धों के अधीन यदि कोई रिक्ति विद्यमान है जिसे उक्त धाराओं के उपबन्धों के अधीन भरा नहीं जा सका है तो मानदेय अध्यापक, जो शासनादेश संख्या 467/सत्तर-2-98-3(19)/93टी0सी0, दिनांक 07 अप्रैल, 1998 के अधीन यथा विनिर्दिष्ट उपबंधों के अनुसार 29 मार्च, 2011 को या उसके पूर्व सहायता अनुदान प्राप्त महाविद्यालयों में नियुक्त किया गया हो, राज्य सरकार द्वारा अवधारित शैक्षिक अर्हताएं धारित करता हो, और उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (संशोधन) अधिनियम, 2018 के प्रारम्भ होने के दिनांक तक कार्यरत हो तथा उसके कारण राज्य राजकोष से मानदेय प्राप्त करता हो, को उपधारा (2) के अधीन विहित रीति से आमेलित किया जायेगा।”

उद्देश्य एवं कारण

उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग अधिनियम, 1980 (उत्तर प्रदेश अधिनियम संख्या 16 सन् 1980), किसी विश्वविद्यालय से सम्बद्ध या मान्यता प्राप्त महाविद्यालयों में नियुक्ति हेतु अध्यापकों के चयन के लिए सेवा आयोग स्थापित करने और उससे सम्बद्ध या आनुषंगिक विषयों के लिए अधिनियमित किया गया है। उत्तर प्रदेश के सहायता अनुदान प्राप्त महाविद्यालयों में अध्यापकों की कमी के कारण शासनादेश संख्या 467/सत्तर-2-98-3(19)/93टी0सी0, दिनांक 07 अप्रैल, 1998 द्वारा मानदेय के आधार पर अध्यापकों की नियुक्ति की गयी थी और शासनादेश संख्या 892/सत्तर-2-2011-16(246)/2010, दिनांक 29 मार्च, 2011 द्वारा उक्त शासनादेश रद्द किये जाने तक ऐसे अध्यापकों की नियुक्ति की जाती रही। ऐसे अध्यापकों, जो न्यूनतम तीन शैक्षिक सत्रों तक कार्य कर चुके थे और दिनांक 28 दिसम्बर, 2006 को कार्यरत थे, की सेवाएं उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (तृतीय संशोधन) अधिनियम, 2006 (उत्तर प्रदेश अधिनियम संख्या 42 सन् 2006) द्वारा बढ़ायी गयी धारा 31-ड के अधीन विनियमित की गयीं थीं।

ऐसे अध्यापकों, जो उक्त शासनादेश दिनांक 07 अप्रैल, 1998 के उपबन्धों के अनुसार दिनांक 29 मार्च, 2011 को या उसके पूर्व सहायता अनुदान प्राप्त महाविद्यालयों में नियुक्त हों और उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (संशोधन) अधिनियम, 2018 के प्रारम्भ होने पर कार्यरत हों और मानदेय प्राप्त कर रहे हों, की सेवाओं को विनियमित करने के लिए उक्त अधिनियम सन् 1980 में संशोधन करने का विनिश्चय किया गया है।

तदनुसार उत्तर प्रदेश उच्चतर शिक्षा सेवा आयोग (संशोधन) विधेयक, 2018 पुरःस्थापित किया जाता है।

आज्ञा से,
वीरेन्द्र कुमार श्रीवास्तव,
प्रमुख सचिव।

No. 1905 (2)/LXXIX-V-1-18-1(ka)-22-2018

Dated Lucknow, September 10, 2018

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Uchchar Shiksha Seva Ayog (Sanshodhan) Adhiniyam, 2018 (Uttar Pradesh Adhiniyam Sankhya 38 of 2018) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 7, 2018.

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION

(AMENDMENT) Act, 2018

(U.P. ACT no. 38 OF 2018)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

further to amend the Uttar Pradesh Higher Education Services Commission Act, 1980.

IT IS HEREBY enacted in the Sixty ninth Year of the Republic of India, as follows:-

1. This Act may be called the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 2018. Short title

2. In section 31-E of the Uttar Pradesh Higher Education Services Commission Act, 1980, for sub-section (1) the following sub-section shall be substituted, namely:- Amendment of section 31-E of U.P. Act no. 16 of 1980

“(1) Subject to the provisions contained in sections 12 and 13, if any vacancy exists, which could not be filled, under the provisions of said sections, a teacher on honorarium who has been appointed in grant-in-aid college on or before March 29, 2011, in accordance with the provisions as specified under G.O no. 467/Sattar-2-98-3(19)/93T.C., dated April 07, 1998 possessing educational qualifications determined by the State Government, working and receiving honorarium thereby from the State exchequer till the date of commencement of the Uttar Pradesh Higher Education Services Commission (Amendment) Act 2018, shall be absorbed in the manner prescribed under sub-section (2).”

STATEMENT OF OBJECTS AND REASONS

The Uttar Pradesh Higher Education Services Commission Act, 1980 (U.P Act no. 16 of 1980) has been enacted to establish a Service Commission for the selection of the teachers for appointment to the colleges affiliated to or recognized by a University and for matters connected therewith or incidental thereto. Due to scarcity of teachers in the Grant-in-aid colleges of Uttar Pradesh, teachers on honorarium basis were appointed by G.O. No. 467/Sattar-2-98-3(19)/93T.C., dated April 07, 1998 and appointment of such teachers were continued till the said G.O. was cancelled by the G.O. no. 892/Sattar-2-2011-16(246)/2010, dated March 29, 2011. The services of such teachers who had worked for a minimum three academic sessions and had been working on December 28, 2006 were regularised under section 31-E inserted by the Uttar Pradesh Higher Education Services Commission (Third Amendment) Act, 2006 (U.P Act no. 42 of 2006).

It has been decided to amend the said Act of 1980 to regularise the services of such teachers as are appointed in Grant-in-aid colleges on or before March 29, 2011 in accordance with the provisions of the said G.O. dated April 07, 1998 and working and receiving honorarium on the commencement of the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 2018.

The Uttar Pradesh Higher Education Services Commission (Amendment) Bill, 2018 is introduced accordingly.

By order,

VIRENDRA KUMAR SRIVASTAVA,

Pramukh Sachiv.

पी०एस०यू०पी०-ए०पी० 251 राजपत्र-(हिन्दी)-2018-(679)-599 प्रतियां-(कम्प्यूटर/टी/आफसेट)।

पी०एस०यू०पी०-ए०पी० 88 सा० विधायी-2018-(680)-300 प्रतियां-(कम्प्यूटर/टी/आफसेट)।