



## **The West Bengal School Service Commission Act, 1997**

Act 4 of 1997

Amendment appended: 36 of 2010, 12 of 2013, 21 of 2017, 44 of 2017

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*The West Bengal School Service Commission  
Act, 1997.*

(Section 2.)

- (b) "Board of Madrasah" means the West Bengal Board of Madrasah Education established under the West Bengal Board of Madrasah Education Act, 1994;
- (c) "Central Commission" means the West Bengal Central School Service Commission constituted under section 3;
- (d) "Chairman" means the Chairman of the Commission;
- (e) "Commission" means the Central Commission or the Regional Commission;
- (f) "Council" means the West Bengal Council of Higher Secondary Education established under section 3 of the West Bengal Council of Higher Secondary Education Act, 1975;
- (g) "Headmaster" or "Headmistress" means the head of the teaching staff of a school, by whatever name he or she may be designated;
- (h) "Madrasah" means an educational institution imparting instruction in—
- (i) High Madrasah Education System within the meaning of sub-clause (i), or
  - (ii) Senior Madrasah Education System within the meaning of sub-clause (ii),

West Ben. Act  
XXXIX of 1994.

West Ben. Act  
VIII of 1975.

of clause (g) of section 2 of the West Bengal Board of Madrasah Education Act, 1994,

and includes a Junior High Madrasah.

*Explanation.*—"Junior High Madrasah" shall have the same meaning as in clause (e) of section 2 of the West Bengal Board of Madrasah Education Act, 1994;

- (i) "member" means a member of the Commission, and includes the Chairman;
  - (j) "notification" means a notification published in the *Official Gazette*;
  - (k) "prescribed" means prescribed by rules made under this Act;
  - (l) "Regional Commission" means the West Bengal Regional School Service Commission constituted under section 3;
  - (m) "regulations" means the regulations made by the Central Commission under this Act;
  - (n) "school" means a recognised non-Government aided—
- (i) secondary school, or educational institution, or part or department of such school or institution, imparting instruction in a secondary education, or
  - (ii) higher secondary school, or educational institution (other than a college), or part or department of such school or institution, imparting instruction in higher secondary education, or
  - (iii) Madrasah,

and includes a sponsored school.

*Explanation I.*—"Recognised" with its grammatical variations, used with reference to a school, shall mean—

- (a) recognised or deemed to have been recognised under the West Bengal Board of Secondary Education Act, 1963, or
- (b) recognised under the West Bengal Council of Higher Secondary Education Act, 1975, or
- (c) recognised or deemed to have been recognised under the West Bengal Board of Madrasah Education Act, 1994.

West Ben. Act  
V of 1963.

*Explanation II.*—"Aided" with its grammatical variations, used with reference to a school, shall mean aided by the State Government in the shape of financial assistance towards the basic pay of the teachers of that school.



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(Section 3.)

*Explanation III.*—"Basic pay" shall mean the monthly pay of a teacher of a school which corresponds to a stage in the time-scale of pay of the post held by the teacher in that school.

*Explanation IV.*—"Secondary Education" shall have the same meaning as in clause (1) of section 2 of the West Bengal Board of Secondary Education Act, 1963.

West Ben. Act  
V of 1963.

*Explanation V.*—"Higher secondary education" shall have the same meaning as in clause (d) of section 2 of the West Bengal Council of Higher Secondary Education Act, 1975.

West Ben. Act  
VIII of 1975.

*Explanation VI.*—"Sponsored school" shall mean a school declared as a sponsored school by the State Government by notification;

- (o) "Secretary" means the Secretary of the Commission;
- (p) "Teacher" means an Assistant Teacher or any other person, holding a teaching post of a school and recognised as such by the Board or the Council or the Board of Madrasah, as the case may be, and includes the Headmaster or the Headmistress.

Constitution of  
Commission.

3. (1) The State Government shall, with effect from such date as it may, by notification, appoint, constitute—

- (a) a Central Commission by the name of the West Bengal Central School Service Commission, and
- (b) a Regional Commission by the name of the West Bengal Regional School Service Commission, in respect of each of the regions referred to in sub-section (2).

(2) For the purposes of clause (b) of sub-section (1), the territory of the State of West Bengal shall comprise four regions to be called the Eastern Region, the Southern Region, the Western Region and the Northern Region; each such region shall comprise such district or districts or part of a district as the State Government may, by notification, determine, and the territorial jurisdiction of a Regional Commission shall be construed accordingly.

*Explanation I.*—Calcutta as defined in clause (9) of section 2 of the Calcutta Municipal Corporation Act, 1980, shall, for the purposes of this Act, be deemed to be a district.

West Ben. Act  
LIX of 1980.

*Explanation II.*—Part of a district shall ordinarily mean a sub-division, or two or more, but not all, sub-divisions taken together, of that district as may be specified in the notification under this sub-section:

Provided that if the area of a district, or any part of a district, other than Calcutta, overlaps any part of the area included in Calcutta, such overlapping area shall be excluded from the territorial jurisdiction of the Regional Commission in respect of such district and shall be included within the territorial jurisdiction of the Regional Commission in respect of Calcutta.

(3) The State Government may, at any time, by notification enlarge or reduce the territorial jurisdiction of a Regional Commission constituted under clause (b) of sub-section (1).

- (4) (a) The Commission shall consist of five members of whom one shall be the Chairman.
- (b) Of the five members as aforesaid, one shall be a person who, not being an educationist, occupies or has occupied, in the opinion of the State Government, a position of eminence in public life or in judicial or administrative service, and the others shall have teaching experience, either as a Teacher of a University or as a Principal of a college for a period of not less than ten years, or as a teacher, other than Principal of a college, or as a Headmaster or Headmistress, for a period of not less than fifteen years.

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Act, 1997.*

(Sections 4-8.)

Appointment and terms and conditions of service of members.

4. (1) (a) The Chairman and other members shall be appointed by the State Government.  
(b) The Chairman and other members shall hold office for a term of four years:

Provided that a person who has held office as Chairman or other member shall, on the expiration of the term of his office, be eligible for further appointment as Chairman or other member:

Provided further that no person who has attained the age of sixty-two years shall be eligible to hold office as Chairman or other member.

(2) If the office of the Chairman or any other member becomes vacant by reason of resignation or otherwise or if the Chairman is, by reason of absence or for any other reason, unable to perform the duties of his office, then, until a Chairman or other member is appointed under sub-section (1) or until the Chairman resumes his duties, as the case may be, the duties of the Chairman or the other member, as the case may be, shall be performed by such other member as the State Government may appoint in this behalf.

(3) The Chairman or any other member 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) (a) The office of the Chairman shall be whole-time; the other members shall be honorary.

(b) The salary of the Chairman and the honorarium of the other members shall be such as may be determined by the State Government.

(c) Subject to the foregoing provisions of this sub-section, the other terms and conditions of service of the Chairman and other members shall be such as may be prescribed.

Removal of member.

5. The State Government may, after making inquiry in such manner as may be prescribed, remove the Chairman or any other member from his office on the ground of—

- (a) misconduct involving moral turpitude, or  
(b) insolvency, or  
(c) infirmity of body or mind.

Staff of Commission.

6. (1) The staff of the Commission shall consist of—

- (a) a Secretary who shall be appointed by the State Government, and  
(b) such other employees as the Commission may, with the previous approval of the State Government, appoint from time to time.

(2) The salary of the Secretary and of the other employees of the Commission shall be such as may be determined by the State Government.

(3) The other terms and conditions of service—

- (a) of the Secretary shall be such as may be prescribed, and  
(b) of the other employees of the Commission shall be such as may be provided for by regulations.

Functions of Regional Commission.

7. Notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage to the contrary, it shall be the duty of the Regional Commission to select persons for appointment to the posts of Teachers in schools within its territorial jurisdiction.

Manner and scope of selection of persons and procedure for conduct of business of Commission.

8. (1) The manner and scope of selection of persons for appointment to the posts of Teachers shall be such as may be prescribed,

(2) The procedure for the conduct of business of the Commission shall be such as may be provided for by regulations.



*The West Bengal School Service Commission  
Act, 1997.*

(Sections 9-16.)

Effect of  
recommendation  
of Commission.

**9.** (1) Notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage to the contrary, appointments to the posts of Teachers in a school shall be made by the managing committee, by whatever name called, or by the ad hoc committee, or by the administrator, if any (where there is no managing committee), of that school on the recommendation of the Regional Commission having jurisdiction.

(2) Any appointment of a Teacher made on or after the commencement of this Act in contravention of the provisions of this Act shall be invalid and shall have no effect and the Teacher so appointed shall not be a Teacher within the meaning of clause (p) of section 2.

Protection of  
Teachers.

**10.** Notwithstanding anything contained elsewhere in this Act, the terms and conditions of service of Teachers in the employment of a school immediately before the commencement of this Act shall not be varied to the disadvantage of such Teachers in so far as such terms and conditions relate to the appointment of such Teachers to the posts held by them immediately before the commencement of this Act.

Power of  
Commission  
to call for  
records etc.

**11.** The Commission may call for any record, report or other information from any school or the Board or the Council or the Board of Madrasah if, in its opinion, such record, report or other information is necessary for efficient discharge of its functions, and the school or the Board or the Council or the Board of Madrasah, as the case may be, shall furnish such record, report or other information to the Commission.

Report of  
Central  
Commission.

**12.** It shall be the duty of the Central Commission to present annually to the State Government a report as to the work done by the Central Commission and each Regional Commission and, on receipt of such report, the State Government shall cause a copy thereof to be laid before the State Legislature.

Members etc.  
to be public  
servants.

**13.** The Chairman and other members and persons appointed under this Act shall, while acting or purporting to act under this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Validation.

**14.** The proceedings of the Commission shall not be invalid by reason of any vacancy in the office of the Chairman or any other member.

Act not to  
apply in  
relation to  
certain schools.

- 15.** The provisions of this Act shall not apply to—
- (a) a school established and administered by a minority, whether based on religion or language, or
  - (b) a school under any trust, established and administered by a minority, whether based on religion or language, or
  - (c) a school not in receipt of any financial assistance from the State Government, or
  - (d) a school in receipt of a financial assistance from the State Government towards dearness allowance only of Teachers of such school, or
  - (e) a Government school.

*Explanation.*—“Government school” shall mean a school maintained and managed by the State Government or the Government of India or the Railway Board under the Ministry of Railway, Government of India.

Functions of  
Central  
Commission.

**16.** (1) The Central Commission shall monitor, supervise, control and co-ordinate the activities of the Regional Commission which shall be subordinate to the Central Commission.

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ASADHA 20]

THURSDAY, JULY 11, 2013

[SAKA 1935

PART III—Acts of the West Bengal Legislature.

**GOVERNMENT OF WEST BENGAL**

**LAW DEPARTMENT**

**Legislative**

**NOTIFICATION**

No. 1097-L.—11th July, 2013.—The following Act of the West Bengal Legislature, having been assented by the Governor, is hereby published for general information:—

**West Bengal Act XII of 2013**

**THE WEST BENGAL SCHOOL SERVICE COMMISSION  
(AMENDMENT) ACT, 2013.**

*[Passed by the West Bengal Legislature.]*

*[Assent of the Governor was first published in the Kolkata Gazette,  
Extraordinary, of the 11th July, 2013.]*

*to amend the West Bengal School Service Commission Act, 1997.*

WHEREAS it is expedient to amend the West Bengal School Service Commission Act, 1997, for the purposes and in the manner hereinafter appearing;

West Ben. Act  
IV of 1997.

It is hereby enacted in the Sixty-fourth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and  
commencement.

1. (1) This Act may be called the West Bengal School Service Commission (Amendment) Act, 2013.

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



*The West Bengal School Service Commission  
(Amendment) Act, 2013.*

(Sections 2-4.)

Insertion of new section 10B in West Ben. Act IV of 1997.

2. After section 10A of the West Bengal School Service Commission Act, 1997 (hereinafter referred to as the principal Act), the following section shall be inserted:—

<sup>General transfer on application.</sup> 10B. (1) Notwithstanding anything contained in any other law for the time being in force or in any contract to the contrary, the Central Commission may, on the basis of application made to it in the prescribed proforma by an eligible Teacher, make recommendation for placing his service from one school to another school having same category of vacant post, on general transfer basis, in such manner, on such condition and within such period, as may be prescribed:

Provided that such general transfer of an eligible teacher shall be made between two posts of same category of vacancies, posts and subjects in schools with same medium of instruction.

(2) Notwithstanding anything contained in any other law for the time being in force or in any contract to the contrary, the Central Commission may, on the basis of application made to it in the prescribed proforma by an eligible non-teaching staff, make recommendation for placing his service from one school to another having same category of vacant post, on general transfer basis, in such manner, on such condition and within such period, as may be prescribed:

Provided that such general transfer of an eligible non-teaching staff shall be made between two posts of same category of vacancies and posts in schools with same medium of instruction.

*Explanation.*—For the purpose of this section, the expression “an eligible Teacher or an eligible non-teaching staff” means a confirmed Teacher, or a confirmed non-teaching staff, who have completed five years of satisfactory service in the post of Teacher or non-teaching staff, as the case may be, and does not include a Teacher or non-teaching staff who shall avail mutual transfer under section 10A after coming into force of this section.’.

Amendment of section 8.

3. After sub-section (2) of section 8 of the principal Act, the following sub-section shall be inserted:—

“(3) The Commission shall preserve the documents relating to examination including answer scripts for such period, and in such manner, as may be prescribed.”.

Amendment of section 17.

4. In sub-section (2) of section 17 of the principal Act, after clause (da), the following clause shall be inserted:—

“(db) the proforma of application, the manner and other condition, for general transfer under section 10B;”.

By order of the Governor,

MALAY MARUT BANERJEE,  
Secy. to the Govt. of West Bengal,  
Law Department.



**The**



**Kolkata** **Gazette**

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PHALGUNA 10]

TUESDAY, MARCH 1, 2011

[SAKA 1932

PART III—Act of the West Bengal Legislature.

**GOVERNMENT OF WEST BENGAL**

**LAW DEPARTMENT**

**Legislative**

**NOTIFICATION**

No. 233-L.—1st March, 2011.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

**West Bengal Act XXXVI of 2010**

**THE WEST BENGAL SCHOOL SERVICE COMMISSION  
(SECOND AMENDMENT) ACT, 2010.**

*[Passed by the West Bengal Legislature.]*

*[Assent of the Governor was first published in the Kolkata Gazette,  
Extraordinary, of the 1st March, 2011.]*

*An Act to amend the West Bengal School Service Commission Act, 1997.*

WHEREAS it is expedient to amend the West Bengal School Service Commission Act, 1997, for the purposes and in the manner hereinafter appearing;

West Ben. Act  
IV of 1997.

It is hereby enacted in the Sixty-first Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and  
commencement.

**1.** (1) This Act may be called the West Bengal School Service Commission (Second Amendment) Act, 2010.

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

*The West Bengal School Service Commission  
(Second Amendment) Act, 2010.*

(Sections 2, 3.)

Insertion of new section 10A in West Ben. Act IV of 1997.

2. After section 10 of the West Bengal School Service Commission Act, 1997 (hereinafter referred to as the principal Act), the following section shall be inserted:—

“Mutual transfer on joint application. 10A. (1) Notwithstanding anything contained in any other law for the time being in force or in any contract to the contrary, the Central Commission may, on the basis of joint application made to it in the prescribed proforma by two confirmed Teachers of same category, make recommendation for placing their services from one school to another on mutual transfer basis, in such manner, on such condition and within such period, as may be prescribed:

Provided that only the two Teachers who have been appointed against the same category of vacancies, holding the same category of post and teaching same subject shall be eligible for such transfer.

(2) Notwithstanding anything contained in any other law for the time being in force or in any contract to the contrary, the Central Commission may, on the basis of joint application made to it in the prescribed proforma by two confirmed non-teaching staff, make recommendation for placing their services from one school to another on mutual transfer basis, in such manner, on such condition and within such period, as may be prescribed:

Provided that only the two non-teaching staff who have been appointed against the same category of vacancies and holding the same category of post shall be eligible for such transfer.”.

Amendment of section 17.

3. In sub-section (2) of section 17 of the principal Act, after clause (d), the following clause shall be inserted:—

“(da) the proforma of joint application, the manner and other condition, for mutual transfer under section 10A;”.

By order of the Governor,

B. K. SRIVASTAVA,  
Secy.-in-charge to the Govt. of West Bengal,  
Law Department.



*The West Bengal School Service Commission  
Act, 1997.*

(Sections 17-21.)

(2) The Central Commission may call for any record, report or other information from a Regional Commission if, in the opinion of the Central Commission, such record, report or other information is necessary for efficient discharge of its functions, and the Regional Commission shall furnish such record, report or other information to the Central Commission.

(3) It shall be the duty of the Central Commission to advise the State Government on such matters as may be referred to it by the State Government.

Power to make rules.

17. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters:—

- (a) the terms and conditions of service of the Chairman and other members under clause (c) of sub-section (4) of section 4;
- (b) the manner in which an inquiry is to be made for removal of the Chairman or any other member under section 5;
- (c) the terms and conditions of service of the Secretary under clause (a) of sub-section (3) of section 6;
- (d) the manner and scope of selection of persons for appointment to the posts of Teachers under sub-section (1) of section 8;
- (e) any other matter which may be, or is required to be, prescribed.

Power to make regulations.

18. (1) The Central Commission may, with the previous approval of the State Government, make regulations, not inconsistent with the provisions of this Act or the rules made thereunder, for discharging the functions of the Commission under this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters:—

- (a) the terms and conditions of service of the employees of the Commission under clause (b) of sub-section (3) of section 6;
- (b) the procedure for the conduct of business of the Commission under sub-section (2) of section 8.

Directions by State Government.

19. In the discharge of its functions the Commission shall be guided by such directions as may be given to it by the State Government from time to time in conformity with the provisions of this Act.

Dissolution of Commission.

20. (1) If the State Government is of the opinion that the Commission has failed to discharge its functions under this Act in accordance with the provisions of this Act, the State Government may, by an order published in the *Official Gazette*, and stating the reasons therefor, dissolve the Commission with effect from such date as may be specified in the order.

(2) Upon the dissolution of the Commission under sub-section (1), all the members of the Commission shall be deemed to have vacated their respective offices with effect from the date of such dissolution.

(3) The State Government may, at any time after the dissolution of the Commission under sub-section (1), reconstitute the Commission in accordance with the provisions of this Act.

Repeal.

21. The West Bengal School Service Commission Ordinance, 1995, is hereby repealed.

West Ben. Ord.  
VIII of 1996.

By order of the Governor,

S. MAITRA,  
*Special Officer & ex officio  
Jt. Secy. to the Govt. of West Bengal.*



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CHAITRA 27]

MONDAY, APRIL 17, 2017

[SAKA 1939

PART III—Acts of the West Bengal Legislature.

**GOVERNMENT OF WEST BENGAL**

**LAW DEPARTMENT**

**Legislative**

**NOTIFICATION**

No. 434-L.—17th April, 2017.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

**West Bengal Act XXI of 2017**

**THE WEST BENGAL SCHOOLS (CONTROL OF EXPENDITURE)  
(AMENDMENT) ACT, 2017.**

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Kolkata Gazette, Extraordinary*, of the 17th April, 2017.]

*An Act to amend the West Bengal Schools (Control of Expenditure) Act, 2005.*

WHEREAS it is expedient to amend the West Bengal Schools (Control of Expenditure) Act, 2005, for the purpose and in the manner hereinafter appearing;

West Ben. Act  
XIV of 2005.

It is hereby enacted in the Sixty-eighth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and  
commencement.

1. (1) This Act may be called the West Bengal Schools (Control of Expenditure) (Amendment) Act, 2017.

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

*The West Bengal Schools (Control of Expenditure)  
(Amendment) Act, 2017.*

*(Section 2.)*

Amendment of  
section 5 of West  
Ben. Act XIV of  
2005.


2. For section 5 of the West Bengal Schools (Control of Expenditure) Act, 2005, the following section shall be substituted:—

“Void  
Appointments. 5. (1) The Board shall not appoint teachers or non-teaching staff in a school in contravention of the provisions of this Act or the rules, orders, procedures or directions issued thereunder.

(2) Any appointment made by the Board in a school in contravention of sub-section (1), shall be void.”.

By order of the Governor,

MADHUMATI MITRA,  
Secy. to the Govt. of West Bengal,  
Law Department.

**The**  
  
**Kolkata** **Gazette**  
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KARTIKA 11]

THURSDAY, NOVEMBER 2, 2017

[SAKA 1939

PART III—Acts of the West Bengal Legislature.

**GOVERNMENT OF WEST BENGAL**

**LAW DEPARTMENT**

**Legislative**

**NOTIFICATION**

No. 1254-L.—2nd November, 2017.—The following Act of the West Bengal Legislature, having been assented to by the Governor, is hereby published for general information:—

**West Bengal Act XLIV of 2017**

**THE WEST BENGAL SCHOOL SERVICE COMMISSION  
(SECOND AMENDMENT) ACT, 2017.**

*[Passed by the West Bengal Legislature.]*

*[Assent of the Governor was first published in the Kolkata Gazette,  
Extraordinary, of the 2nd November, 2017.]*

*An Act to amend the West Bengal School Service Commission Act, 1997.*

WHEREAS it is expedient to amend the West Bengal School Service Commission Act, 1997, for the purposes and in the manner hereinafter appearing;

West Ben. Act IV  
of 1997.

It is hereby enacted in the Sixty-eighth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

Short title and  
commencement.

**1.** (1) This Act may be called the West Bengal School Service Commission (Second Amendment) Act, 2017.

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



*The West Bengal School Service Commission  
(Second Amendment) Act, 2017.*

*(Section 2.)*

Amendment of  
section 4 of West  
Ben. Act IV of  
1997.

2. In section 4 of the West Bengal School Service Commission Act, 1997,—
- (1) in the second proviso of sub-section 1(b), for the words “sixty-two years”, the words “sixty-eight years” shall be substituted;
  - (2) in sub-section (1A), for the words “sixty-two years”, the words “sixty-eight years” shall be substituted.

By order of the Governor,

MADHUMATI MITRA,  
*Secy. to the Govt. of West Bengal,  
Law Department.*