

**GOVERNMENT OF WEST BENGAL
LEGISLATIVE DEPARTMENT**

West Bengal Act LXII of 1978

**THE WEST BENGAL COLLEGE SERVICE COMMISSION
ACT, 1978.**

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 23rd February, 1979.]

[23rd February, 1979.]

An Act to provide for the constitution of a College Service Commission in West Bengal and for matters connected therewith or incidental thereto.

WHEREAS it is expedient to provide for the constitution of a College Service Commission in West Bengal and for matters connected therewith or incidental thereto;

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

1. This Act may be called the West Bengal College Service Commission Act, 1978. Short title.
2. In this Act, unless the context otherwise requires,— Definitions.
 - (a) “Chairman” means the Chairman of the Commission ;
 - (b) “Chancellor” means the Chancellor of a University ;
 - (c) “college” means a college or an institution affiliated to a University in accordance with the provisions of the Act constituting or establishing, as the case may be, such University or the Statutes made thereunder and includes a constituent college or a Government Sponsored College but does not include a Government College or a Medical College;
 - (d) “Commission” means the West Bengal College Service Commission constituted under section 3;
 - (e) “constituent college” means a college recognised as such by a University but does not include a Government College;

(Section 2.)

- (f) “Government College” means a college maintained and managed by the State Government;
- (g) “Government Sponsored College” means a college declared by the State Government as such;
- (h) “Governor” means the Governor of the State of West Bengal;
- (i) “Medical College” means a college in which instruction is provided primarily for courses of study leading to any degree, diploma or certificate of a University in medicine and which is recognised as such under any enactment in force for the time being;
- (j) “member” means a member of the Commission and includes the Chairman;
- (k) “notification” means a notification published in the *Official Gazette* ;
- (l) “prescribed” means prescribed by rules made under this Act;
- (m) “Principal” means the head of a college by whatever name called;
- (n) “regulations” means regulations made under section 17;
- (o) “Secretary” means the Secretary of the Commission;
- (p) “Teacher” means a Professor, Assistant Professor, Lecturer, Tutor, Demonstrator, Physical Instructor or any other person holding a teaching post of a college recognised by the University to which such college is affiliated and appointed as such by such college and includes its Principal and Vice-Principal;
- (q) “University” means any of the Universities constituted or established, as the case may be, under—

(i) the Jadavpur University Act, 1955,

West Ben.
Act XXXIII
of 1955.

(ii) the Burdwan University Act, 1959,

West Ben.
Act XXIX
of 1959.

(iii) the Kalyani University Act, 1960,

West Ben.
Act XIII
of 1960.

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(Sections 3,4.)

West Ben.
Act XXVII
of 1961.

(iv) the North Bengal University Act, 1961,

West Ben.
Act XXIX
of 1961.

(v) the Rabindra Bharati Act, 1961,

West Ben.
Act II
of 1966.

(vi) the Calcutta University Act, 1966, and

West Ben.
Act XLIX
of 1974.

(vii) the Bidhan Chandra Krishi Viswa Vidyalaya Act,
1974.

3. (1) The State Government shall, with effect from such date as it may, by notification, appoint, constitute a Commission by the name of the West Bengal College Service Commission consisting of five members of whom one shall be the Chairman.

Constitution
of the
Commission.

(2) Of the members 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 Professor of a University or as a Principal for a period of not less than ten years, or as a teacher, other than Principal of a College, for a period of not less than fifteen years.

4. (1) The Chairman and other members shall be appointed by the State Government in consultation with the Chancellor of the Universities referred to in clause (g) of section 2. They shall be wholetime members and shall hold office for a term of four years :

Appointment
and terms and
conditions of
service of
members.

Provided that a person who has held office as Chairman or other member shall, on the expiration of his term of 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 in any capacity, whether as Chairman or other member.

(2) No person who has held office as Chairman or other member till his attaining the age of sixty-two years shall be eligible for any appointment in a University or a college except for appointment as Vice-Chancellor or Pro-Vice-Chancellor of a University.

(3) If the office of the Chairman or any other member becomes vacant by resignation or otherwise or if the Chairman is by reason

(Sections 5-7.)

of absence or for any other reason unable to perform the duties of his office, those duties shall, until some person appointed under sub-section (1) to the vacant office has entered on the duties thereof or, as the case may be, until the Chairman has resumed his duties, be performed by such one of the other members as the State Government may, in consultation with the Chancellor of the Universities referred to in clause (q) of section 2, appoint for the purpose.

(4) 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.

(5) The salary of the Chairman and other members shall be such as may be determined by the State Government and the other terms and conditions of service 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 any of the following grounds, namely :—

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

Staff of the
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 other employees of the Commission shall be such as may be determined by the State Government.

(3) The other terms and conditions of service of the Secretary shall be such as may be prescribed and those of the other employees of the Commission shall be such as may be provided for by regulations.

Functions of the
Commission.

7. (1) Notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage to the

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(Sections 8-10.)

contrary, it shall be the duty of the Commission to select persons for appointment to the posts of Teachers of a College:

Provided that—

- (i) for selection of persons for appointment to the posts of Teachers other than Principal, the Commission shall be aided by two persons having special knowledge on the subject for which such selection is to be made, of whom one shall be a nominee of the University to which such college is affiliated and the other shall be a nominee of the Chancellor of such University,
- (ii) for selection of person for appointment to the post of Principal, the Commission shall be aided by the Vice-Chancellor of the University to which such college is affiliated or his nominee and a nominee of the Chancellor of such University.

(2) It shall also be the duty of the Commission to advise the Chancellor or the State Government on such matter as may be referred to it by either of them.

8. (1) The manner of selection of persons for appointment to the posts of Teachers of a college shall be such as may be provided for by regulations.

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

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

9. 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 of a college shall be made on the recommendation of the Commission.

Effect of recommendation of the Commission.

10. Notwithstanding anything contained elsewhere in this Act, the terms and conditions of service of Teachers of a college in the employment of such college 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.

Protection of Teachers.

Power to call
for records,
etc.

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

Report of the
Commission.

12. It shall be the duty of the Commission to present annually to the Governor a report as to the work done by the Commission and on receipt of such report the Governor 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 invalidated by reason of any vacancy in the office of the Chairman or any other member.

Act not to
apply in
relation to
certain
colleges.

15. Nothing contained in this Act shall apply in relation to any college not receiving any aid from the State Government or any college established and administered by a minority, whether based on religion or language.

Power to
make rules.

16. (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, namely:—

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

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(Section 17.)

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

Power to make regulations.

(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, namely :—

- (a) the terms and conditions of service of the employees of the Commission under sub-section (3) of section 6 ;
 - (b) the manner of selection of persons for appointment to the posts of Teachers of a college under sub-section (1) of section 8;
 - (c) the procedure for the conduct of business of the Commission under sub-section (2) of section 8.
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