

West Bengal Act XXII of 1954

THE WEST BENGAL SECONDARY EDUCATION (TEMPORARY PROVISIONS) ACT, 1954.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 22nd September, 1954.]

An Act to reorganize the administration of secondary education in West Bengal and pending such reorganization to supersede the Board of Secondary Education and certain other bodies and to provide for certain connected matters.

WHEREAS it is expedient to reorganize the administration of secondary education in West Bengal and pending such reorganization to supersede the Board of Secondary Education and certain other bodies and to provide for certain connected matters;

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

1. (1) This Act may be called the West Bengal Secondary Education (Temporary Provisions) Act, 1954.

Short title,
extent
and
commencement.

(2) It extends to the whole of West Bengal.

(3) It shall come into force immediately on the West Bengal Secondary Education (Temporary Provisions) Ordinance, 1954, ceasing to operate.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(a) “the Act” means the West Bengal Secondary Education Act, 1950;

(b) “the Board” means the Board of Secondary Education established under the Act;

(c) “Committee” or “Sub-Committee” means any Committee or Sub-Committee constituted under the Act, or any rule, by-law or regulation made thereunder;

(d) “the Executive Council” means the Executive Council referred to in section 20 of the Act;

(e) “the President” means the President of the Board.

3. The State Government may, by notification in the *Official Gazette*, publish an order (hereinafter referred to as the Supersession Order) to be in force for such period as may be specified in the order and may by like notification extend such period.

Supersession Order.

2 The West Bengal Secondary Education (Temporary Provisions) Act, 1954.

[West Ben. Act

Consequen-
ces of
Superses-
sion
Order.

(Sections 4—8.)

4. When a Supersession Order has been made under section 3, the following consequences shall ensue notwithstanding anything contained in the Act or in any other law:—

- (a) all the members of the Board, the Executive Council, the Committees and the Sub-Committees, and the President shall vacate their offices;
- (b) all the powers, duties and functions which, under the provisions of the Act or any rule, by-law or regulation made thereunder or of any law for the time being in force, may be exercised or performed by the Board, the Executive Council or any Committee or Sub-Committee or the President shall, so long as the Supersession Order continues to be in force, be exercised and performed by such person (to be called the Administrator) as may be appointed by the State Government in this behalf:

Provided that such Administrator may delegate any of his powers, duties or functions to such other person as he may think fit or to such body as may be constituted by him;

- (c) representatives of the Board on every body (statutory or otherwise) shall vacate their offices as such representatives and shall, whatever may be their number, be replaced by the Administrator.

Salary
and allow-
ances of
the Ad-
ministra-
tor.

5. (1) The Administrator shall receive such salary and allowances as may be fixed by the State Government.

(2) The salary and allowances fixed under sub-section (1) shall be paid from the Secondary Education Fund referred to in section 44 of the Act.

Power of
State
Govern-
ment to
make
orders to
remove
diffi-
culties.

6. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion requires, by order, authorise any matter or thing to be done, not being inconsistent with the provisions of this Act which may be necessary for removing the difficulty.

Indemnity.

7. No suit, prosecution or other proceeding shall lie against the Administrator, or any person or body to whom the Administrator may delegate any of his powers, duties or functions under the proviso to clause (b) of section 4, for anything done in pursuance of or in the execution of this Act or done in good faith or in intended execution of this Act.

Board to
continue
as a body
corporate.

8. Nothing in this Act shall be construed as effecting or implying in any way the dissolution of the Board as a body corporate.

XXII of 1954.]

(Section 9.)

9. Any notification issued, any order made, any action taken or anything whatsoever done under the West Bengal Secondary Education (Temporary Provisions) Ordinance, 1954, shall, on the said Ordinance ceasing to operate, be deemed to have been issued, made, taken or done under this Act as if this Act had commenced on the 12th day of May, 1954.