

THE UTTAR PRADESH SUBORDINATE SERVICES SELECTION
COMMISSION ACT, 2014¹

(U.P. Act No. 20 of 2014)

[As passed by the Uttar Pradesh Legislature, assented to by
the Governor under Article 200 of the 'Constitution of India' on
December 01, 2014 and published in U.P. Gazette Extraordinary on
December 04, 2014.]

AN

ACT

*to provide for the establishment of a Subordinate Services
Selection Commission in the State for certain categories of
Subordinate Services and for matters connected therewith or
incidental thereto,*

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

CHAPTER-I

PRELIMINARY

**Short title and
commencement**

1. (1) This Act may be called the Uttar Pradesh Subordinate Services Selection Commission Act, 2014.

(2) It shall come into force on June 20, 2014.

Applicability

2. The provisions of this Act shall apply in relation to direct recruitment to all Group 'C' posts below Group 'B' posts including posts in the Civil Secretariat and also to all Group 'C' posts in a Board or a Corporation or any other statutory body established by or controlled by the State Government :

Provided that the State Government may, by notification, withdraw from or add any post in the purview of the Commission.

Exception

3. Nothing in this Act shall apply to recruitment to any post-
(a) in the Secretariat of each House of the State Legislature;
(b) under the High Court or a Court subordinate thereto;
(c) under the State Public Service Commission;
(d) under the Lok Ayukt appointed under the Uttar Pradesh Lok Ayukt and Up-Lok Ayukt Act, 1975;
(e) governed by the Police Act, 1861.

Definitions

4. In this Act unless the context otherwise requires-
(a) "Appointing authority", in relation to any service or post, means the authority empowered to make appointment to such service or post;
(b) "Commission" means the Uttar Pradesh Subordinate Services Selection Commission established under section 5;
(c) "Chairperson" means the Chairperson of the Commission ;
(d) "Group 'C' post" means the post specified as such by the State Government from time to time;
(e) "Member" means a Member of the Commission and includes the Chairperson;

1. For S.O.R. see at the end of this Act.

(f) “Other backward classes” means the backward classes specified in Schedule-1 of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994;

(g) “Secretary” means the Secretary of the Commission;

(h) “Year of recruitment” means the period of twelve months commencing on the first day of July of the Calendar year in which the recruitment is to be made.

CHAPTER-II

ESTABLISHMENT OF THE COMMISSION

Establishment of the Commission

5. (1) On and from such date as the State Government may, by notification, appoint in this behalf, there shall be established a Commission to be known as the Uttar Pradesh Subordinate Services Selection Commission .

(2) The Services of every whole time employee of the Commission established under the provisions of the Uttar Pradesh Subordinate Services Selection Commission Act, 2006 (U.P. Act no 1 of 2006) serving in that Commission immediately before the commencement of this Act shall stand transferred to the Commission on and from the establishment thereof.

Composition of the Commission

6. (1) The Commission shall consist of a Chairperson and such other Members not exceeding eight, as the State Government may from time to time appoint:

Provided that Member shall be eligible for appointment as Chairperson but shall not be eligible for re-appointment or continuance in office either as Member or Chairperson after the period of his term.

(2) If the office of the Chairperson becomes vacant or if the Chairperson by reason of absence or for any other reason is unable to perform the duties of his office, such duties shall, until some person appointed under sub-section (1) has assumed or, as the case may be, until the Chairperson has resumed his duties, be performed by such Member as the State Government may appoint for the purpose.

Appointment of Chairperson and Members

7. The Chairperson and other Members shall be appointed by the State Government:

Provided that as nearly as may be one half of the members of the Commission shall be the persons who on the date of their respective appointment have held office on Group 'A' post for at least ten years under the Government of India or under the State Government.

Powers and duties of Chairperson and other Members

8. (1) The Chairperson shall be incharge of the administration of the Commission and shall have the power to-

(a) constitute Committees or sub-committees from amongst the Members with or without one or more non-members;

(b) allocate to Members, committees and sub-committees such work as is not specifically allocated by this Act, or rules or regulations made thereunder;

(c) co-ordinate the working of the Commission and its members;

(d) grant leave to and approve the tour programmes of members and officers of the Commission.

(2) The Members shall assist the Chairperson in conducting the examinations and interviews of candidates and do such other work as may be allocated to them by or under this Act, the rules or regulations made thereunder, or by the Chairperson under clause (b) of sub-section (1).

Term of office and condition of Service of Members

9. (1) The Chairperson or every other Member shall hold office for a term of five years from the date he assumes his office:

Provided that no Member including the Chairperson shall hold office as such after he has attained the age of sixty-eight years or he has completed his term, whichever is earlier.

(2) The Chairperson or any other Member may, at any time, by writing under his hand addressed to the State Government resign from his office.

(3) The Chairperson or any other Member may be removed from his office by an order made by the State Government on the ground that he has acquired any of disqualifications specified in section 10 or on the ground of misconduct or incapacity after an inquiry made by a Judge of the High Court in the manner as may be prescribed in which such Member has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

Disqualification for being the Chairperson or other Member

10. A person shall be disqualified for appointment as Chairperson or other Member if he-

(a) becomes an undischarged insolvent;

(b) is convicted and sentenced to imprisonment for an offence which in the opinion of the State Government, involves moral turpitude;

(c) becomes of unsound mind and stands so declared by a competent court.

Power to associate

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

Proceedings of the Commission not to be invalidated

12. No act or proceedings of the Commission shall be deemed to be invalid merely on the ground of-

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

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

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

Secretary of the Commission

13. (1) There shall be a Secretary of the Commission appointed by the State Government, who shall be the Head of the Office of the Commission.

(2) The Secretary shall exercise such powers and perform such duties as may be specified in the rules or regulation made under this Act or as may be directed by the Chairperson.

Authentication of the orders of the Commission

14. All the decision and orders of the Commission shall be authenticated by the signature of the Secretary or any other officer authorized by the Commission in this behalf.

CHAPTER-III

POWERS AND DUTIES OF THE COMMISSION AND ALLOCATION OF BUSINESS

Powers and duties of the Commission

15. (1) The Commission shall have the powers and duties,—
(a) to prepare guidelines on matters relating to the method of recruitment;
(b) to conduct examinations, hold interview and make selection of candidates;
(c) to select and invite experts and to appoint examiners for the purposes specified in clause (b);
(d) to perform such other duties and exercise such other powers as may be prescribed.

(2) In exercising the powers or performing the duties referred to in sub-section (1), the Commission shall be guided by such rules or regulations as may be made in this behalf.

Business to be transacted by Commission

16. The Commission shall, with previous approval of the State Government, make regulations for the convenient transaction of its business, including performance of its functions by the Chairperson or other Members or a committee thereof and the business transacted in accordance with such regulations shall be deemed to have been transacted by the Commission:

Provided that it shall be lawful for the State Government to accord approval to any such regulation either in original or in modified form.

CHAPTER-IV

NOTIFICATION OF VACANCIES AND APPOINTMENT

Notification of vacancies

17. (1) The appointing authority shall determine and intimate to the Commission the number of vacancies to be filled through the Commission during the course of the year of recruitment as also the number of the vacancies to be reserved for the candidates belonging to the Scheduled Castes and the Scheduled Tribes and other categories in accordance with the law for the time being in force in this behalf.

(2) The vacancies shall be notified to the Commission in such manner as may be prescribed.

Selection by the Commission

18. (1) The Commission shall, as soon as possible after the intimation of vacancies under section 17, hold examination or interview or both and prepare in such manner as may be prescribed a list of the candidates who are found suitable.

(2) The list referred to in sub-section (1) shall be forwarded to the appointing authority and the appointing authority shall make appointments from the list so forwarded to it in the order mentioned therein.

CHAPTER-V

BUSINESS BEFORE THE COMMISSION

Decision in meeting

19. All matters at any meeting of the Commission shall be determined by a majority of the members present and voting and in the case of equality of votes, the Chairperson, or in absence of the Chairperson the member presiding shall have a second or casting vote.

Quorum

20. The quorum for a meeting of the Commission shall be one-half of the total number of members:

Provided that no quorum shall be necessary for a meeting adjourned for want of quorum.

CHAPTER-VI

ANNUAL REPORTS

Annual Reports

21. The Commission shall prepare every year, in such form and in such manner 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.

CHAPTER-VII

MISCELLANEOUS

Power to make rules

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

Power to make regulations

23. (1) The Commission may, with the previous approval of the State Government, make or amend regulations relating to the discharge of its functions under this Act including charging of fees for holding examinations or interviews or both for making selection 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 thereunder.

Protection of action taken in good faith

24. 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.

Repeal and Saving

25. (1) The Uttar Pradesh Subordinate Services Selection Commission (Second) Ordinance, 2014 is hereby repealed.

U.P. Ordinance no. 7 of 2014

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance referred to in sub-section (1) or under the Uttar Pradesh Subordinate Services Ordinance, 2014 shall be deemed to have been done or taken under this Act as if the provisions of this Act were in force at all material times.

U.P. Ordinance no. 5 of 2014

STATEMENT OF OBJECTS AND REASONS

It is necessary to select able, worthy and hardworking personnel for appointment to certain posts in administrative departments of the State. It is also necessary to ensure the quality of selection, its impartiality and transparency in their selection. Though the institution of Uttar Pradesh Public Service Commission is present at Constitutional Level but owing to increased pressure on its working, difficulty is being realised regarding selection on Group 'C' posts. In near past, selection on Group 'C' posts was being done under the direct supervision of the State Government but Head of Departments had to devote much time for the above selections which is severely affecting the Government works as well as the works of public interest. Due to all these reasons, it is quite necessary to establish an independent Subordinate Services Selection Commission consisting of the Chairperson and Members similar to that of the Uttar Pradesh Public Service Commission for timely selection on certain Group 'C' posts. It has therefore, been decided to make a law to provide for the establishment of a Commission by the name of the Uttar Pradesh Subordinate Services Selection Commission for the selection on certain Group 'C' posts in the State.

Since the State Legislature was not in session and immediate Legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Subordinate Services Selection Commission Ordinance, 2014 (U.P. Ordinance no. 5 of 2014) was promulgated by the Governor on June 2, 2014. The provisions of the said Ordinance could not be introduced in the Legislature for unavoidable reasons and the said Ordinance was going to lapse after July 30, 2014, the Uttar Pradesh Subordinate Services Selection Commission (Second) Ordinance, 2014 (U.P. Ordinance no. 7 of 2014) was promulgated by the Governor on July 28, 2014.

This Bill is introduced to replace the aforesaid Ordinance no. 7 of 2014.
