

# THE UTTAR PRADESH SECONDARY EDUCATION {SERVICES SELECTION BOARD}<sup>2</sup> ACT, 1982

[U.P. Act No. 5 of 1982]

(As passed by the Uttar Pradesh Legislature)

## AN ACT

to establish Secondary Education Services Commission and Selection Boards for the selection of teachers in institutions recognized under the Intermediated Education Act, 1921.

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

### Chapter I Preliminary

Short title and commencement	1-	<p>(1) This Act may be called the Uttar Pradesh Secondary Education {Services Selection Boards}<sup>2</sup> Act, 1982.</p> <p>(2) It shall be deemed to have come into force on July 14, 1981 except section 21 which shall come into force on such date as the State Government may, by notification, appoint in this behalf.</p>
Definitions	2-	<p>In this Act,--</p> <p>{(a) 'Board' means the Uttar Pradesh Secondary Education Services Selection Board established under section 3;</p> <p>(b) 'Chairman, means the Chairman of the Board and includes any other person performing in the absence of the Chairman, of the time being the functions of the Chairman; }<sup>3</sup></p> <p>(c) {***}<sup>4</sup></p> <p>(d) 'Director' means the Director of Education, Uttar Pradesh and includes an Additional Director of Education, Uttar Pradesh ;</p> <p>{(d-1) 'Inspector' means the District Inspector of Schools and in relation to an institution for girls, the Regional Inspectors of Girls Schools; }<sup>1</sup></p> <p>(e) 'Institution' means an Intermediate College or a Higher Secondary School or a High School recognized under the Intermediate Education Act, 1921, and includes institution maintained by a local authority but does not include an institution maintained by the State Government;</p> <p>(f) 'Management' in relation to an institution means the committee of management or person or authority vested with the power to manage and conduct the affairs of that institution;</p> <p>{(g) 'Member' means a member of the Board and includes its Chairman; }<sup>5</sup></p>

---

1. Inserted new clause by, the section 4(b) in the U.P. Act no. 01 of 1993.  
2. Subs. by section 2 and 3 of U.P. Act no. 25 of 1998.  
3. Subs. by section 5 (a) ibid.  
4. Omitted by section 5(b) ibid.  
5. Substituted by section 2 (a) of U.P. Act no. 31 of 1999.

(h) {\*\*\*}<sup>3</sup>

{(hh) 'other backward classes of citizens, means the backward classes of citizens specified in Schedule I of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and other Backward classes) Act, 1994;

(i) 'regulation' means any regulation made under section 34;}<sup>4</sup>

(j) {\*\*\*}<sup>1</sup>

(k) 'Teacher' means a person employed for imparting instruction in an institution and includes a Principal or a Headmaster;

{(k-1) {\*\*\*}<sup>6</sup>

{(l) 'Year of recruitment' means a period of twelve months commencing from first day of July of a calendar year. }<sup>2</sup>

## <sup>5</sup>{CHAPTER II

### Establishment And Functions Of The Board

Establishment  
of the Board 3-

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

(2) The Board shall be a body corporate. It shall exercise powers throughout Uttar Pradesh and its head quarters shall be at Allahabad.

(3) The Uttar Pradesh Secondary Education Services Commission established under section 3 of this Act as it stood immediately before the commencement of the Uttar Pradesh Secondary Education Services Commission (Amendment) Act, 1998 shall upon establishment of the Board under sub-section (1), stand dissolved, and upon such dissolution- -

(a) all properties and assets of that Commission shall stand transferred to, and vest in the Board;

(b) all debts, liabilities and obligations of that Commission whether contractual or otherwise, shall stand transferred to the Board;

(c) the services of every whole-time employee of the Commission shall stand transferred to the Board;

(d) any matter pending before that commission under this Act as it stood immediately before establishment of the Board under sub-section (1) shall stand transferred to the Board;

---

1. Omitted by section 4(d) of U.P. Act no. 01 of 1993.

2. Inserted by section 4(e) ibid.

3. Omitted by section 4(d) in the U.P. Act no. 15 of 1995.

4. Subs. by section 4 (e) ibid.

5. Subs. by sections 6 of U. P. Act no. 25 of 1998.

6. Omit. Clause by, the section 2(b) in the U.P. Act no. 31 of 1999.

[The Uttar Pradesh Secondary Education Services Selection Boards Act, 1982]

[Section 4-6]

{ Composition of the Board	4-	<p>(1) The Board shall consist of a Chairman and seven members who shall, be appointed by the State Government.</p> <p>(2) A person shall not be qualified for appointment as Chairman, unless he,-</p> <p>(a) is or has been a Vice- Chancellor of any University established by law; or</p> <p>(b) is or has been, in the opinion of the State Government an outstanding officer of the Administrative Service not below the rank of Secretary to the State Government or Director of Education, Uttar Pradesh.</p> <p>(3) of the Members, --</p> <p>(a) one shall be a person who is or has been in the opinion of the State Government, an outstanding officer of the State Education Service not below the rank of Additional Director;</p> <p>(b) Other shall be persons who,-</p> <p>(i) have worked as a professor in any University established by law in Uttar Pradesh or as a Reader of any Degree College recognized by or affiliated to such University for a period of not less than ten years;</p> <p>(ii) have worked as a Principal of any Institution recognized under the Intermediate Education Act, 1921 for a period of not less than ten years;</p> <p>(iii) are, in the opinion of the State Government, an eminent educationist having made valuable contribution in the field of education.</p> <p>(4) Every appointment under this section shall take effect from the date on which it is notified by the State Government. }<sup>1</sup></p>
Term of office and conditions of service of Members	5-	<p>(1) Subject to the provisions of this Act, every Member shall hold office for a term of four years.</p> <p>(2) No person shall be a member for more than two consecutive terms.</p> <p>(3) A 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.</p> <p>(4) The office of the members shall be whole time and terms and conditions of their service shall be such as the State Government may by order, direct.</p> <p>(5) Notwithstanding any thing contained in this section, no person shall be appointed or continue as a member if he has attained the age of sixty two years.</p>
Power of the State Government to remove the Member	6-	<p>(1) The State Government may, by order, remove from office any member, if he--</p> <p>(a) is adjudged an insolvent; or</p>

---

1- Substituted section 4 by section 3 of U. P. Act no. 31 of 1999.

[The Uttar Pradesh Secondary Education Services Selection Boards Act, 1982]

[Section 7-9]

(b) engages, during his term of office, in any paid employment out side 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; or

(d) incurs any disqualification under this Act or the rules made thereunder.

Explanation – Where a member becomes in any way concerned or interested in any contract or agreement made by or on behalf of any Institution or participates in any way in the profits thereof or in any benefit or emolument arising therefrom, otherwise than a members, he shall, for the purpose of clause (c), he 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.

Power to  
associate

7- The Board may associate with itself, in such manner and for such purposes as may be determined by regulations under section 34, any person whose assistance or advice it may desire to have in carrying out any of the provisions of this Act.

Staff of the  
Board

8- (1) The Secretary of the Board 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, by order, determine.

(2) Subject to such directions as may be issued by the State Government in this behalf, the Board 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 Board thinks fit.

Powers and  
duties of the  
Board

9- The Board shall have the following powers and duties namely:-

- (a) to prepare guidelines on matters relating to the method of direct recruitment of teachers;
- (b) to conduct examinations, where necessary, and hold interviews and make selection, of candidates for being appointed as teachers;
- (c) to select and invite experts and to appoint examiners for the purposes specified in clause (b);
- (d) to make recommendations regarding the appointment of selected candidates ;
- (e) to advise the Management in matters relating to dismissal, removal or reduction in rank of teachers;
- (f) to obtain periodical returns or other information's from institutions regarding strength of the teaching staff and the appointment, promotion, dismissal, removal, termination or reduction in rank of teachers;
- (g) to fix the emoluments and travelling and other allowances of the experts;
- (h) to administer the funds places at the disposal of the Board;

[The Uttar Pradesh Secondary Education Services Selection Boards Act, 1982]

[Section 10-12]

(i) 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 its functions under this Act or the rules or regulations made thereunder.

Procedure of  
selection by  
direct  
recruitment

10- (1) For the purpose of making appointment of a teacher, by direct recruitment, the management shall determine the number of vacancies existing or likely to fall vacant during the year of recruitment and in the case of a post other than the post of Head of the Institution, also the number of vacancies to be reserved for the candidates belonging to the Scheduled Castes, the Scheduled Tribes and other Backward classes of citizens in accordance with the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and other Backward Classes) Act, 1994 and notify the vacancies to the Board in such manner and through such officer or authority as may be prescribed.

(2) The procedure of selection of candidates for appointment to the post of teachers shall be such as may be prescribed:

Provided that the Board shall, with a view to inviting talented persons, give wide publicity in the State to the vacancies notified under sub-section (1).

Panel of  
candidates

11- (1) The Board shall, as soon as may be, after the vacancy is notified under sub-section (1) of section 10, hold examinations, where necessary, interviews of the candidates and prepare a panel of those found most suitable for appointment.

(2) The panel referred to in sub-section (1) shall be forwarded by the Board to the officer or authority referred to in sub-section (1) of section 10 in such manner as may be prescribed.

(3) After the receipt of the panel under sub-section (2), the officer or authority concerned shall in the prescribed manner intimate the Management of the Institution the names of the selected candidates in respect of the vacancies notified under sub-section (1) of section 10.

(4) The management shall, within a period of one month from the date of receipt of such intimation, issue appointment letter to such selected candidate.

(5) Where such selected candidate fails to join the post in such Institution 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 officer or authority concerned may, on the request of the Management, intimate, in the prescribed manner, fresh name or names from the panel forwarded by the Board under sub-section (2).<sup>1</sup>

### Chapter III

#### Procedure of Selection By Promotion

{Procedure of  
selection by  
promotion

12- (1) For each region, there shall be a selection Committee, for making selection of candidates for promotion to the post of a teacher, comprising: -

(i) Regional Joint Director of Education -- *Chairman*

(ii) Senior most Principal of Government Inter college – *member*  
in the region;

(iii) Concerned District Inspector of School – *member /secretary*

---

1. Subs. by sections 6 of U. P. Act no. 25 of 1998.

[The Uttar Pradesh Secondary Education Services Selection Boards Act, 1982]

[Section 12A-16]

(2) The procedure of selection of candidates of promotion to the post of a teacher shall be such as may be prescribed.<sup>4</sup>

12-A	{***} <sup>2</sup>
12-B	{***} <sup>2</sup>
12-C	{***} <sup>2</sup>
13-	{***} <sup>2</sup>
14-	{***} <sup>2</sup>
15-	{***} <sup>2</sup>
15-A	{***} <sup>2</sup>
15-B	{***} <sup>2</sup>

#### CHAPTER IV

#### APPOINTMENT OF SELECTED TEACHERS

{ Appointments  
to be made  
only on  
recommend-  
ations of the  
Board

(1) Notwithstanding anything to the contrary contained in the Intermediate Education Act, 1921 or the regulation's made thereunder but subject to the provisions of {sections 12, 18, 21-B, 21-C, 21-D, 33, 33-A, 33-B, 33-C and 33-D, every appointment of a teacher, shall, on or after the date of commencement of the Uttar Pradesh secondary Education Service Commission (Amendment) Act, 1998, be made by the Management only on the recommendation of the Board :}<sup>5</sup>

[Provided that in respect of retrenched employees, the provisions of section 16-EE of the Intermediate Education Act, 1921, shall mutatis mutandis apply:

Provided further that the appointment of a teacher by transfer from one Institution to another, may be made in accordance with the regulations made under clause (c) of sub-section (2) of section 16-G of the intermediate Education Act, 1921. ]<sup>1</sup>

{Provided also that the dependent, of a teacher or other employee of an Institution dying in harness, who possesses the qualifications prescribed under the Intermediate Education Act, 1921 may be appointed as teacher in Trained Graduate's Grade in accordance with the regulations made under sub-section (4) of section (9) of the said Act.}<sup>3</sup>

(2) Any appointment made in contravention of the provisions of sub-section (1) shall be void.<sup>1</sup>

- 
- 1- Substituted by section 11 of U.P. Act no. 01 of 1993.
  - 2- Omitted by section 6 of U.P. Act no. 15 of 1995.
  - 3- Inserted proviso by section 7(c) *ibid*.
  - 4- Added by section 7 in the U.P. Act no. 25 of 1998.
  - 5- Subs. by section 8 *ibid*.

[The Uttar Pradesh Secondary Education Services Selection Boards Act, 1982]

[Section 17-18]

Inquiry by  
Director

17- (1) Where any person is entitled to be appointed as a teacher in any institution in accordance with {Chapter II}<sup>2</sup>, as the case may be, but he is not so appointed by the management within the time provided modification that in sub-section (2) of the aforesaid section, for the words six a direction under sub-section (2).

(2) {As far as may be within one month from the date of receipt}<sup>1</sup> of an application under sub-section (1), the Director or the officer authorized by him 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, direct --

(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 Head of the Institution 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 or the officer authorized by him be recoverable by the Collector as arrears of land revenue from the property belonging to or vested in the society or body running the institution.

<sup>3</sup>{Adhoc  
teachers

18- (1) Where the Management has notified a vacancy to the {Board}<sup>4</sup> in accordance with sub-section (1) of section 10 and the post of a teacher actually remained vacant for more than two months, the management may appoint by direct recruitment or promotion a teacher on purely ad hoc basis, in the manner hereinafter provided in this section.

(2) A teacher other than a Principal or Headmaster, who is to be appointed by direct recruitment, may be appointed on the recommendation of the Selection Committee referred to in sub-section (8).

(3) A teacher other than a principal or Headmaster, who is to be appointed by promotion, may in the prescribed manner be appointed by promoting the senior most teacher, possessing prescribed qualifications—

(a) in the trained graduate's grade, as a lecturer, in the case of a vacancy in the lecturer's grade,

(b) in the Certificate of Teaching grade, as teacher in the trained graduate's Grade, in the case of a vacancy in the Trained graduate's grade.

(4) A vacancy in the post of a Principal may be filled by promoting the senior most teacher in the lecturer's grade.

(5) A Vacancy in the post of a Headmaster may be filled by promoting the senior most teacher in the trained graduate's grade.

---

1. Subs. by section 12(b) in the U.P. Act no. 01 of 1993.  
 2. Subs. by section 8 of U.P. Act no. 15 of 1995.  
 3. Substituted by section 9 *ibid*.  
 4. Substituted by section 9(a) of U.P. Act no. 25 of 1998.

(6) For the purposes of making appointments under sub-section (2) and (3), the Management shall determine the number of vacancies, as also the number of vacancies to be reserved for the candidates belonging to the Scheduled Castes, the Scheduled Tribes and other Backward Classes of citizen in accordance with the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994 and as son as may be thereafter, intimate the vacancies to be filled by direct recruitment to the District Inspector of schools and if the Management fails to intimate the vacancies and the post of a teacher has actually remained vacant for more than three months, the Direct Inspector of Schools may, subject to such directions as may be issued by the Director and after verification from such institution or from his own record, determine such vacancies himself.

(7) The District Inspector of Schools shall, on receipt of intimation of vacancies or as the case may be, after determining the vacancies under sub-section (6), forward the same to the Deputy Director of Education incharge of the Region, who shall invite applications from the persons possessing qualifications prescribed under the Intermediate Education Act, 1921 or the regulations made thereunder, for ad hoc appointment to the post of teachers other than principal or Head Master in such manner as may be prescribed.

(8) {(a) For each region there shall be a Selection Committee for selection of candidates for ad hoc appointment by direct recruitment comprising—

- (i) Regional Joint Director of Education;
- (ii) Regional Deputy Director of Education (Secondary);
- (iii) Regional Assistant Director of Education (Basic).

The Regional Joint Director of Education shall be the Chairman. }<sup>6</sup>

(b) The Selection Committee constituted under clause (a) shall make selection of the candidates, prepare a list of the selected candidates, allocate them to the Institutions and recommend there names to the Management for appointment under sub-section (2).

(c) The criteria and procedure for selection of candidates and the manner of preparation of list of selected candidates and their allocation to the Institution shall be such as may be prescribed.

(9) Every appointment of an ad hoc teacher under sub-section (1) shall cease to have effect from the date when the candidate recommended by the {Board}<sup>5</sup> joins the post.

(10) The provisions of section 21-D shall mutatis mutandis apply to the teachers who are to be appointed under the provisions of this section. }<sup>2</sup>

{Power to call 19-  
for infor-  
mation etc.

The {Board}<sup>4</sup> may required the Management of an Institution to furnish such information or return regarding the matters referred to in {section 9}<sup>3</sup>, as it thinks fit, and the Management shall be bound to comply with the same. }<sup>1</sup>

- 
1. Subs. by section 14 in the U.P. Act no. 01 of 1993.
  2. Substituted by section 9 of U.P. Act no. 15 of 1995.
  3. Subs. by section 10 (b) ibid.
  4. Substituted by section 4 of U.P. Act no. 25 of 1998.
  5. Substituted by section 9(b) ibid.
  6. Substituted by section 9 (b) ibid.



[The Uttar Pradesh Secondary Education Services Selection Boards Act, 1982]

[Section 20-21B]

Power to inspect record, register etc.	20-	{The Secretary of the commission or any other person authorized by the {Board} <sup>4</sup> } <sup>3</sup> 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.
{Restriction on dismissal etc. of teachers	21-	The Management shall not, except with the prior approval of the {Board} <sup>4</sup> , dismiss any teacher or remove him from service, or serve on him any notice of removal from service, or reduce him in rank or reduce his emoluments or with hold his increment for any period (whether temporarily or permanently) and any such thing done without such prior approval shall be void.} <sup>2</sup>

### <sup>1</sup>{CHAPTER IV-A

#### **Reserve pool Teachers**

Definitions	21-A	In this Chapter—  (a) ‘Director’ means the Director of Education, Uttar Pradesh and includes any other officer authorized by him in this behalf;  (b) the expressions ‘Inspector’, ‘Institution’, ‘Management’ and ‘Teacher’ shall have the meanings respectively assigned to them in the Uttar Pradesh High Schools and Intermediate Colleges (Payment of Salaries of Teachers and other Employees) Act, 1971, provided that ‘teacher’ shall not include a principal or a Headmaster.
Absorption of reserve pool teachers	21-B	(1) The Inspector shall maintain in the prescribed manner, a register of ‘reserve pool teacher’ consisting of subject-wise lists of persons who were appointed as teachers in any institution situated in the district, either by the Management or by the Inspector under sub-section (4) of section 4 of the Uttar Pradesh High Schools and Intermediate Colleges (Payment of Salaries of Teachers and other Employees) Act, 1971, while the Uttar Pradesh High Schools and Intermediate Colleges (Payments of Salaries of Teachers and other Employees) (Amendment) Ordinance, 1977, was in force, and who had actually joined their duties in pursuance of the said provision between January 9, 1978 and January 19, 1978 (both days inclusive).  (2) Every reserve pool teacher, who having been appointed to the post of a teacher in any institution in accordance with the provisions of the Uttar Pradesh High School and Intermediate College (Reserve Pool Teachers) Ordinance, 1978 or the Uttar Pradesh High School and Intermediate Colleges (Reserve Pool Teachers) (Second) Ordinance, 1978, continues to be in service by reason of any order of any court or by any other reason, shall be deemed to have been regularly appointed to such post and shall be entitled to be confirmed in such post with effect from the date on which he would have been confirmed in the normal course.

---

1- Added new Chapter ‘IV-A’ by section 4 of U.P. Act no. 19 of 1985.

2- Subs. by section 16 of U.P. Act no. 01 of 1993.

3- Subs. by section 11 of U.P. Act no. 15 of 1995.

4- Subs. by section 4 of U.P. Act no. 25 of 1998.

(3) Where any substantive vacancy in the post of a teacher in an institution is to be filled by direct recruitment, such post shall, at the instance of the Inspector, be offered by the Management to a teacher other than a teacher referred to in sub-section (2), whose name is entered in the register referred to in sub-section (1).

(4) If any teacher is offered appointment in accordance with the provisions of sub-section (3) and he fails to join the post within the time allowed therefor, which shall not be less than seven days, his name shall be removed from the register, referred to in sub-section (1), and the appointment shall be offered to the next reserve pool teacher of the same district in the subject.

(5) If such other teacher to whom offer of appointment is made also fails to join, then the same process shall be repeated until the list of reserve pool teachers of that district in the subject is exhausted.

(6) No appointment of any teacher to an institution shall be made under section 16 until the list of reserve pool teachers of that district in the subject concerned is exhausted in accordance with sub-section (5).

Explanation—For the removal of doubts, it is hereby declared that no teacher shall, by virtue of the provisions of this section, be entitled to claim appointment to any particular post which he had joined in the manner referred to in sub-section (1), or to any other post carrying the same or a higher grade.

Power of  
Director  
regarding  
transfer

21-C

(1) Where the vacancies available for teaching in any subject are less than the number of reserve pool teachers available for appointment in any district, or where it is otherwise necessary or expedient so to do, the Director may, notwithstanding anything contained in section 21-B, direct that the name of any such teacher be excluded from the register maintained in one district and be included in the register maintained in another district.

(2) Where the name of a reserve pool teacher is included in the register of another district in accordance with the provisions of sub-section (1), the provision of section 21-B shall *mutatis mutandis* apply to such a teacher, except that the requirement of service as a teacher in such district shall not be necessary.

Appointment  
of teachers on  
default by  
management

21-D

(1) Where the Management fails to offer any post to a teacher in accordance with the provisions of sub-section (3) of section 21-B within the time specified by the Inspector, the Inspector, may himself issue the letter of appointment to such teacher and the teacher concerned shall be entitled to get his salary from the date he joins the post in pursuance of such letter of appointment.

(2) Where the teacher to whom the letter of appointment is issued under sub-section (1), is unable to join the post due to any act or omission on the part of the Management, such teacher may submit his joining report to the Inspector, and, shall thereupon be entitled to get his salary from the date he submits the said report. }<sup>1</sup>

---

1- Added new Chapter 'IV-A' by section 4 of U.P. Act no. 19 of 1985.

## CHAPTER V PENALTIES

Punishment for appointment of teachers in contravention of the provisions of the Act	22-	Any person who fails to comply with the recommendations of {the Board} <sup>2</sup> , as the case may be, or fails to comply with the order or direction of the Director under section 17, 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 a failure to furnish information or willful obstruction	23-	<p>If any person-</p> <p>(a) willfully withholds or fails to furnish any return or information lawfully required by the {***}<sup>1</sup> {the Board}<sup>2</sup> within the time allowed therefor; or</p> <p>(b) wilfully obstructs any person from duly carrying out all or, any of the provisions of this Act.</p> <p>he 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 both.</p>
Offences by societies	24-	<p>(1) If the person committing the offence under section 22 or section 23 is a society registered under the societies Registration Act, 1860, the society as well as every person incharge 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 :</p> <p>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.</p> <p>(2) Notwithstanding anything contained in sub-section (1), where, any offence under this Act has been committed by 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.</p>
Bar against prosecution	25-	No prosecution for an 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.

## CHAPTER VI MISCELLANEOUS

Certain proceeding not to be invalidated	26-	No act or proceeding of the {***} <sup>1</sup> {the Board} <sup>2</sup> shall be deemed to be invalid merely on the ground of --
--	-----	--

---

1. Omitted by section 18 of U.P. Act no. 01 of 1993.  
2. Subs. by section 4 of U.P. Act no. 25 of 1998.

[The Uttar Pradesh Secondary Education Services Selection Boards Act, 1982]

[Section 27-33]

		(a) any vacancy or defect in the constitution of [***] <sup>1</sup> [the Board] <sup>6</sup> ; or
		(b) any defect or irregularity in the appointment of a person acting as a member thereof;
		(c) any defect or irregularity in such act or proceeding not affecting the substance.
{Authentication of the orders	27-	All orders and decisions of the {Board} <sup>6</sup> shall be authenticated by the signature of the Secretary appointed under section 8 or any other officer authorized by the {Board} <sup>6</sup> . <sup>2</sup>
Provisions of Chapter IV of U.P. Act 16 of 1980 to apply	28-	The provisions of Chapter IV of the Uttar Pradesh Higher Education Services Commission Act, 1980, shall <i>mutatis mutandis</i> apply to {the Board} <sup>6</sup> established under this Act as they apply to the <b>Commission established</b> under that Act.
{Delegation	29-	The {Board} <sup>5</sup> may, by regulation made under section 34, 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 {Board} <sup>6</sup> including the powers with regard to the expenditure incurred in connection with the maintenance of the office and internal administration of the {Board} <sup>6</sup> . <sup>3</sup>
Exemption to minority Institutions	30-	Nothing in this Act shall apply to an institution established and administered by a minority referred to in clause (1) of Article 30 of 'the Constitution of India'.
Protection of action taken in good faith	31-	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.
Applicability of U.P. Act II of 1921	32-	The provisions of the Intermediate Education Act, 1921 and the Regulations made thereunder in so far as they are not inconsistent with the provisions of this Act {or the rules or regulations made hereunder} <sup>4</sup> shall continue to be in force for the purposes of selection, appointment, promotion, dismissal removal, termination or reduction in rank of a teacher.
Power to remove difficulties	33-	(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 two years from the date of commencement of the Uttar Pradesh Secondary Education Services Selection Boards (Amendment) Act, 1995.} <sup>5</sup>

---

1. Omitted by section 18 of U.P. Act no. 01 of 1993.

2. Subs. by section 14 of U.P. Act no.15 of 1995.

3. Added by section 16 *ibid*.

4. Subs. by section 17 *ibid*.

5. Ins. by section 18 *ibid*.

6. Substituted by section 4 in the U.P. Act no. 25 of 1998.

[The Uttar Pradesh Secondary Education Services Selection Boards Act, 1982]

[Section 33A]

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

{Regulariza-  
tion of certain  
appointments

33-A

(1) Every teacher directly appointed, before the commencement of the Uttar Pradesh Secondary Education Services Commission and Selection Boards (Amendment) Ordinance, 1985, on *ad hoc* basis against a substantive vacancy in accordance with paragraph 2 of the Uttar Pradesh Secondary Education Services Commission (Removal of Difficulties) Order, 1981, as amended from time to time, who possesses the qualifications prescribed under, or is exempted from such qualification in accordance with, the provisions of the Intermediate Education Act, 1921, shall, with effect from the date of such commencement, be deemed to have been appointed in a substantive capacity provided such teacher has been continuously serving the institution from the date of such appointment up to the date of such commencement.

[(1-A) Every teacher appointed by promotion, on *ad-hoc* basis against a substantive vacancy in accordance with paragraph 2 of the Uttar Pradesh Secondary Education Service Commission (Removal of difficulties) Order, 1981, as amended from time to time, who possesses the qualifications prescribed under or is exempted from such qualifications in accordance with the provisions of the Intermediate Education Act, 1921 shall with effect from the date of commencement of the Uttar Pradesh Secondary Education Services Commission and Selection Board (Amendment) Act, 1991, be deemed to have been appointed in a substantive capacity provided such teacher has been continuously serving the institution form the date of such *ad-hoc* appointment to the date of such commencement.

(1-B) Every teacher directly appointed after June 12, 1985 and before May 13, 1989 on *ad-hoc* basis against a substantive vacancy in the Certificate of Teaching grade, in accordance with paragraph 2 of the Uttar Pradesh Secondary Education Service Commission (Removal of difficulties) Order, 1981, as amended from time to time, who possesses the qualifications prescribed under or is exempted from such qualifications in accordance with the provisions of the Intermediate Education Act, 1921 shall, with effect from the commencement of the Uttar Pradesh Secondary Education Services Commission and Selection Board (Amendment) Act, 1991, be deemed to have been appointed in a substantive capacity provided such teacher has been continuously serving the institution form the date of such *ad-hoc* appointment to the date of such commencement.

(1-C) Every teacher appointed by promotion or by direct recruitment before July 31, 1988, on *ad-hoc* basis against a substantive vacancy in accordance with section 18, who possesses the qualifications prescribed under or is exempted from such qualifications in accordance with the provisions of the Intermediate Education Act, 1921 shall with effect from the date of commencement of the Uttar Pradesh Secondary Education Services Commission and Selection Board (Amendment) Act, 1991, be deemed to have been appointed in a substantive capacity provided such teacher has been continuously serving the institution form the date of such *ad-hoc* appointment to the date of such commencement.]<sup>2</sup>

1. Inserted, new section by, the section 5 in U.P. Act no. 19 of 1985.

2. Ins. by section 2 (a) of U.P. Act No. 26 of 1991.

[The Uttar Pradesh Secondary Education Services Selection Boards Act, 1982]

[Section 33B]

[(2) Every teacher deemed to have been appointed in a substantive capacity under sub-section (1) or (1-A) or (1-B) or (1-C), shall be deemed to be on probation from the date of such commencement referred to in sub-section (1) or (1-A) or (1-B) or (1-C), as the case may be.]<sup>2</sup>

(3) Nothing in this section shall be construed to entitle any teacher to substantive appointment—

(a) if on the date of [commencement referred to in sub-section (1) or (1-A) or (1-B) or (1-C), as the case may be]<sup>3</sup>, such post had already been filled or selection for such post had already been made in accordance with this Act, or

(b) if such teacher was related to any member of the Committee of management or the Principal, or Head Master of the institution concerned.

Explanation—For the purposes of this sub-section a person shall be deemed to be related to another if-

(i) they are members of a Hindu undivided family; or

(ii) they are husband and wife ;or

(iii) the one is related to the other in the manner indicated in the second schedule to the Intermediate Education Act, 1921.}<sup>1</sup>

<sup>4</sup>{Regulariza-  
tion of certain  
other  
appointments

33-B

(1) Any teacher, other than the Principal or Headmaster, who--

(a) (i) was appointed by promotion or by direct recruitment in the lecturer grade or Trained Graduate grade on or before May 14, 1991 or in the Certificate of Teaching grade on or before May 13, 1989 against a short term vacancy in accordance with paragraph 2 of the Uttar Pradesh Secondary Education Services Commission (Removal of Difficulties) (Second) Order, 1981 and such vacancy was subsequently converted into a substantive vacancy , or

(ii) was appointed by direct recruitment on or after July 14, 1981 but not later than June 12, 1985 on ad hoc basis against a substantive vacancy in the Certificate of Teaching grade through advertisement and such appointment was approved by the Inspector, or

(iii) was appointed by promotion or by direct recruitment on or after July 31, 1988 but not later than May 14, 1991 on ad hoc basis against a substantive vacancy in accordance with section 18, {as it stood before its substitution by the Uttar Pradesh Secondary Education Services Commission and Selection Boards (Second Amendment) Act, 1992.}<sup>5</sup>

---

1- Added section 33-A by section 5 (a) of U.P. Act No. 19 of 1985.

2- Ins. by section 2 (b) of U.P. Act No. 26 of 1991.

3- Subs. by section 2 (c) ibid.

4- Inserted new section 33-B by section 24 of U.P. Act no. 01 of 1993.

5- Subs. by section 19 of U.P. Act no. 15 of 1995.

(b) possesses the qualifications prescribed under, or is exempted from such qualifications in accordance with, the provisions of the intermediate education act, 1921,

(c) has been continuously serving the Institution from the date of such appointment up to the date of the commencement of the Act referred to in sub-clause (iii) of clause (a) ,

(d) is not related to any member of the Management or the Principal or Head Master of the Institution concerned in the manner specified in the explanation to sub-section (3) of section 33-A;

(e) has been found suitable for appointment in a substantive capacity by a Selection Committee constituted under sub-section (2), shall be given substantive appointment by the Management.

(2) (a) For each region, there shall be a Selection Committee comprising—

(i) Regional Deputy Director of Education of that region, who shall be the Chairman,

(ii) One officer holding a Group ‘A’ post (specified as such by the State Government from time to time) in any department other than Education department, to be nominated by the State Government,

(iii) Regional Inspectors of Girls School of that region;

Provided that the Inspector of the district shall be co-opted as a member while considering the cases for regularization of that district.

(b) The Selection Committee constituted under clauses (a) shall consider the case of every such teacher and on being satisfied about his eligibility and suitability in view of the provisions of sub-section (1) shall, subject to the provisions of sub-section (3) recommend his name to the Management for appointment under sub-section (1) in a substantive vacancy.

(3) (a) The names of the teachers shall be recommended for substantive appointment in order of seniority as determined from the date of their appointment.

(b) If two or more such teachers are appointed on the same date, the teacher who is elder in age shall be recommended first.

(4) Every teacher appointed in a substantive capacity under sub-section (1) shall be deemed to be on probation from the date of such substantive appointment.

(5) A teacher who is not found suitable under sub-section (1) and a teacher who is not eligible to get a substantive appointment under that sub-section shall cease to hold the appointment on such date as the State Government may by order specify.

(6) Nothing in this section shall be construed to entitle any teacher to substantive appointment , if on the date of commencement of the Act referred to in sub-clause(iii) of clause (a) of sub-section (1), such vacancy had already been filled or selection for such vacancy has already been made in accordance with this Act. }<sup>1</sup>

[The Uttar Pradesh Secondary Education Services Selection Boards Act, 1982]

[Section 33-C]

{Regularisation  
of certain more  
appointments

33-C

(1) Any teacher who,--

(a) (i) was appointed by promotion or by direct recruitment on or after May 14, 1991 but not later than August 6, 1993 on *ad hoc* basis against substantive vacancy in accordance with section 18, in the Lecturer grade or Trained Graduate grade;

(ii) was appointed by promotion on or after July 31, 1988 but not later than August 6, 1993 on *ad hoc* basis against a substantive vacancy in the post of a Principal or Headmaster in accordance with section 18;

(b) possesses the qualifications prescribed under, or is exempted from such qualifications in accordance with, the provisions of the Intermediate Education Act, 1921;

(c) has been continuously serving the Institution from the date of such appointment up to the date of the commencement of the Uttar Pradesh Secondary Education Services Commission (Amendment) Act, 1998;

(d) has been found suitable for appointment in a substantive capacity by a selection Committee constituted under sub-section (2),

shall be given substantive appointment by the Management.

(2) (a) For each region, there shall be a selection committee comprising, -

(i) Regional Joint Director of Education of that region, who shall be the Chairman;

(ii) Regional Deputy Director of Education (Secondary) who shall be member;

(iii) Regional Assistant Director of Education (basic) who shall be member,

In addition to above members the District inspector of Schools of the concerned district shall be Co-opted as member while considering the cases for regularisation of that district.

(b) The procedure of selection for substantive appointment under sub-section (1) shall be such as may be prescribed.

(3) (a) The names of the teachers shall be recommended for substantive appointment in order of seniority as determined from the date of their appointment.

(b) If two or more such teachers are appointed on the same date, the teacher who is elder in age shall be recommended first.

(4) Every teacher appointed in a substantive capacity under sub-section (1) shall be deemed to be on probation from the date of such substantive appointment.

(5) A teacher who is not found suitable under sub-section (1) and a teacher who is not eligible to get a substantive appointment under that sub-section shall cease to hold the appointment on such date of the State Government may by order specify.

(6) Nothing in this section shall be construed to entitle any teacher to substantive appointment, if on the date of commencement of the Ordinance referred to in clause (c) of sub-section (1) such vacancy had already been filled or selection for such vacancy has already been made in accordance with this Act.



[The Uttar Pradesh Secondary Education Services Selection Boards Act, 1982] [Section 33D-Schedule]

Special provision for Certificate of Teaching grade teachers	33-D	<p>Every teacher in the Certificate of Teaching grade, who is a trained graduate and,--</p> <p>(a) has completed ten years continuous satisfactory service in the said grade on or before January 1, 1986 shall, with effect from January 1, 1986; or</p> <p>(b) completes the said service of ten years after January 1, 1986 shall, with effect from the date of completion of the said service of ten years; be deemed to have been appointed in the Trained Graduate Grade.}</p>
{Rescission of orders	33-E	<p>The Uttar Pradesh Secondary Education services Commission (Removal of Difficulties) Order, 1981, the Uttar Pradesh Secondary Education Services Commission (Removal of Difficulties) (Second) order, 1981, the Uttar Pradesh Secondary Education services Commission (Removal of Difficulties) (Third) Order, 1982 and the Uttar Pradesh Secondary Education Services Commission (Removal of Difficulties) (Fourth) Order, 1982 are hereby rescinded.}</p>
{Power to make regulations	34-	<p>(1) The {Board}<sup>3</sup> may, with the previous approval of the State Government, make or amend regulations prescribing fees for holding selections, for holding interviews and laying down the procedure to be followed by the {Board}<sup>3</sup> for discharging its duties and performing its functions under this Act:</p> <p>Provided that the first regulation under this sub-section shall be made by the State Government by notification in the <i>Gazette</i>.</p> <p>(2) The regulations made regulation under sub-section (1) shall not be inconsistent with the provisions of this Act or the rules made under section 35.}</p>
Power to make rules	35-	<p>The State Government may, by notification, make rules for carrying out the purposes of this Act.</p>
Repeal and savings	36-	<p>(1) The Uttar Pradesh Secondary Education Services Commission and Selection Boards (Second) Ordinance, 1981 is hereby repealed.</p> <p>(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance referred to In sub-section (1) or the Uttar Pradesh Secondary Education Services Commission and Selection Boards Ordinance 1981, shall be deemed to have been done or taken under this Act, as if this Act were in force at all material times.</p>

## THE SCHEDULE

{\*\*\*}<sup>1</sup>

- 
- 1- Omitted Schedule by section 26 of U.P. Act no. 01 of 1993.
  - 2- Subs. by section 20 of U.P. Act no. 15 of 1995.
  - 3- Subs. by section 4 of U.P. Act no. 25 of 1998.
  - 4- Added new section 33-C and 33-D by section 10 of U.P. Act no. 25 of 1998.
  - 5- Added new section 33-E by section 2 of U.P. Act no. 13 of 1999.