

THE JHARKHAND STATE UNIVERSITY ACT,



2000 (ADAPTED)

[As Amended by Act 6, 2003]¹

AN ACT

To establish and incorporate Affiliating-cum-Teaching Universities at Muzaffarpur, Bhagalpur, Ranchi, Gaya (Bodhgaya) and Darbhanga in the State of Bihar.

Be it enacted by the Legislature of the State of Bihar in the twenty-seventh year of the Republic of India as follows:-

[Comments.-This Act has undergone various changes from time to time. While some amendments have been brought by the Act of Legislature, many amendments were introduced through Ordinances and continued for a long period, before being given the shape of an Act of Legislature. Reference may be made to Amending Acts 68 of 1982, 3 of 1990, 9 of 1992, 17 of 1993, 12 of 1995, 16 of 1996, 8 of 1998 & 14 of 1998, while some of the Amending Acts were in both, Hindi and English languages, some of them were published only in Hindi, since some of the Ordinances preceding such Acts as were published only in Hindi. Where having both the texts Hindi and English, by comparing the Hindi text of the Act with the Hindi text of the Ordinance English text could be extracted, where the two Hindi texts tallied exactly or involved minor translation. But where the two texts did not tally, Hindi version of the amendment has been incorporated.]

1. **Short title and commencement-** (i) This Act may be called the Jharkhand State Universities Act, 2000 (adapted)
(ii) It shall come into force at once.
(iii) It shall extend to the whole of the State of Jharkhand.
2. **Definitions:-** In this Act, unless there is anything repugnant in the subject or context:-
 - (a) "annual meeting" means one of the meetings of the Senate to be held every year under sub-section (1) of section 18 and declared by the statutes to be the annual meeting of the Senate;
 - (b) "autonomous institution" means any institution declared as such under this Act and includes a College also;
 - (c) "affiliated College" means educational institution having received privileges of the University according to the provisions of this Act and University Statutes relating thereto;
 - (d) "Academic Council" means the Academic Council of the University;
 - (e) "Chancellor" means the Chancellor of the University;
 - (f) "College" means an institution maintained or controlled by the University or maintained by the State Government in which instruction is given subject to the provisions contained in clause (16) of section 4 to the students of the University up to or below the postgraduate standard under conditions prescribed in the Statutes:]

3[Provided that till separate arrangement is made for Intermediate

1. Published in Jharkhand Gazette (Ext. Ord.) dated 6.5.2003.
2. Subs. by Act 3 of 1990.
3. Subs. by Act 68 of 1982.
4. Section 1(1)(iii) ins. by Jharkhand Act 6, 2003.

Education, teaching of this standard also shall continue to be imparted in the same College, under the general direction of the Intermediate Education Council and that College shall be deemed to be an institution imparting education of Intermediate standard also.]

- (g) "Head of College Department' means the head of any department of the College;
- (h) "Head of a University Department' means the head of any department maintained by the University for imparting instruction to the students of the University in the post-graduate standard under conditions prescribed in the Statutes and includes the Director of any institute maintained by the University ¹[or the Government] for the promotion of research or for imparting instruction to the students of the University in the post-graduate standard;
- (i) "Constituent College' means a teaching institution maintained or controlled by the University;
- (j) "Hostel' means a place of residence for students of the University maintained or recognized by the University either as part of or separate from a College, in accordance with the provisions of this Act;
- (k) Institution' means an institution maintained or recognized by the University;
- (l) "Prescribed' means prescribed by this Act or by the Statutes, the Ordinance, the Regulations or the Rules framed thereunder;
- (m) "Principal' means the head of a College.
- (n) "Pro-Vice-Chancellor' means the Pro-Vice-Chancellor of the University;
- (o) "Professor' means a teacher of a College possessing such qualification as may be prescribed by the Statutes;
- (p) ²[xxxxx]
- (q) "Registered graduate' means a graduate of the University who has received a degree from the University and whose name has been entered in the register of registered graduates maintained under the provisions of this Act on payment of a registration fee of rupees ten to the University. It also includes a graduate of the Patna University established and incorporated under the Patna University Act, 1917 (Bihar Act XVI of 1917) who has made a proper application together with a fee of rupees ten for being registered as a registered graduate of the University.

Provided that a person, who was or was deemed to be a registered graduate under the Bihar State Universities (Bihar, Bhagalpur and Ranchi University) Act, 1960 (Bihar Act XIV of 1960), the Magadh University Act, 1961 (Bihar Act IV of 1962) or the Lalit Narayan Mithila University (second) Ordinance, 1976 (Bihar Ordinance No. LXXXVII of 1976), shall be deemed to be a registered graduate of the University subject to the condition that the College

from which he graduated falls within the jurisdiction of the University.

1. Ins. by Act 68 of 1982.
2. Deleted by Act 17 of 1993.

Explanation -- A person, who has received more than one degree of the University, shall not be required to pay such registration fee more than once.

- (r) "Reader' means a teacher of a College or the University possessing such qualifications as may be prescribed by the Statutes;
- (s) "Lecturer' means a teacher of a College or University possessing such qualification as may be prescribed by the Statutes;
- (t) "Senate' means the Senate of the University;
- (u) "Statutes' Ordinances', "Regulations' and Rules means respectively the Statutes, the Ordinances, the Regulations and the Rules of the University for the time being in force;
- (v) "Teacher' includes Principal, University Professor, College Professor, Reader, Lecturer, Demonstrator and other person imparting instruction in department, college or institute maintained by the University;
- (w) "University Professor' means a teacher engaged in giving instruction in any department or institute maintained by the University for imparting instruction to the students of the University in the post graduate standard or for guiding research work or both and possessing such qualifications as may be prescribed by the Statutes;
- (x) "Syndicate' means the Syndicate of the University;
- (y) "University' means the University established and incorporated under section-3 of this Act;
- (z) "University Fund' means the fund of the University established under section 45 of this Act;
- (aa) "Vice-Chancellor' means the Vice-Chancellor of the University;
- (ab) "Acharya' means a person on whom a degree of Acharya has been conferred by the University, and includes a person possessing any such degree conferred by the Bihar Sanskrit Association or any equivalent degree recognized by the University;
- (ac) "Bihar Sanskrit Association' means the Sanskrit Association constituted by the State Government as referred to in Chapter-8 of the Bihar Education Code (Seventh Edition);
- (ad) "Sanskrit Education Board' means the Board constituted by the State Government for control and supervision of ¹[Sanskrit Schools/Tol] for conducting examinations ¹(upto Madhyama standard];
- (ae) "Director' means head of any institute;
- (af) "Faculty' means a faculty of the University;
- (ag) "Recognition' with all its grammatical variations, and cognate expressions means recognition according to the provisions of this Act and Statutes;
- (ah) "Registered Acharya' means a person registered as such according to provision of this Act and Statutes and includes an Acharya registered

as such under the Kameshwar Singh, Darbhanga Sanskrit University Act, 1962 (Bihar Act 21 of 1965);

- (ai) "University student' means a person enrolled in any College, institute or recognized institute for the purpose of entry in any course

1. Ins. by Act 68 of 1982.

of study for acquiring any degree, diploma or other academic destruction.;

- (aj) "Tol' means a Sanskrit institute recognized by the Bihar Sanskrit Association or the University for imparting instruction of Madhyama, Shastri or Acharya standard;
- ¹(ak) "The Jharkhand Public Service Commission' means the Jharkhand Public Service Commission constituted by the State Government for discharging functions as contained in Article 320 of the Constitution of India and entrusted with the powers for making recommendations, etc. of teachers and officers of Universities and Colleges (Constituent and affiliated)'
- (al) "Dean of Students Welfare' means the officer appointed under section 16 of this Act;
- ²(am) "Other equivalent post' means any other post the scale of pay of which is equivalent or as may be declared so by the State Government;
- ³(an) "Other Backward Classes' shall have reference to Extremely Backward, Backward Classes and Women of Backward Classes.

Legislative changes (after 1982)-Clauses (f) of this section originally read as follows:-

"2.(f) 'Mahavidyalaya or College' means an institution affiliated under the privileges of this Act or maintained or controlled by the University or institution maintained by the State Government, in which, instruction is given, subject to the provisions contained in clause (16) of Section 4 to the students of the University of graduate standard under conditions prescribed in the Statutes.

Provided that till separate arrangement is made for Intermediate Education, teaching of this standard also shall continue to be imparted in the same College, under the general direction of the Intermediate Education Council and that college shall be deemed to be an institution imparting education of Intermediate standard also.'

It was first amended by Ordinance 35 of 1986 which was continued by successive promulgations of different Ordinances and finally by Act 3 of 1990.

All the above amendments have not carried with it the "Proviso" which was attached with the original clause (f). However since separate arrangement for imparting teaching up to Intermediate Standard has not been fully made till now, therefore It seems that "Proviso" needs to be there with clause(f).

Clause (p) was deleted by Act 17 of 1993 although Act 17 of 1993 broke the chain of preceding Ordinances the deletion of this clause was first taken up in Act 17 of 1993 and none of the preceding Ordinances contained its deletion. Therefore the effective date of deletion of this clause is the date of Act 17 of 1993.

Clause (ak) as originally introduced and prior to its substitution by Ordinance 4 of 1985 and finally by Act 3 of 1990 read as follows:-

(ak) "College Service Commission' means the College Service Commission constituted under the College Service Commission Act 1976.'

Clause (an) was inserted by Act 17 of 1993, so the effective date from which clause (an) came into existence is the date when Act 17 of 1993 came in to force.

3. Establishment and incorporation of Universities:- ⁴**[(1)** The following Universities shall be established from the date of commencement of this Act:

- (a) Baba Saheb Bhimrao Ambedkar Bihar University having the head quarters at Muzaffarpur and the jurisdiction over the whole of the Tirhut Division.

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1. Subs. by Jharkhand Act 6 of 2003.
 2. Ins. by Act 68 of 1982.
 3. Ins. by Act 17 of 1993.
 4. Subs. by Act 9 of 1992.

- (b) Jai Prakash University having the headquarter at Chapra and the jurisdiction over the whole of the Saran Division.
- (c) Tilkka Manjhi Bhagalpur University having the headquarters at Bhagalpur and the jurisdiction over the whole of the Bhagalpur Division.
- (d) ¹[Sido-Kanhu Murmu] University having the headquarters at Dumka and the jurisdiction over the whole of the Dumka Division.
- (e) Ranchi University having the headquarters at Ranchi and the jurisdiction over the whole of the South Chhotanagpur Division.
- (f) Vinoba Bhave University having the headquarters at Hazaribagh and the jurisdiction over the whole of the North Chhotanagpur Division.

²[Provided that the territorial jurisdiction shall extend to the whole of State of Jharkhand in matters pertaining to educational institutions imparting teaching in Homeopathy, Indigenous medicines and educational institutions imparting academic distinction in Sanskrit, Pali, Prakrit and such other languages which the University may consider necessary.

- (g) Magadh University with headquarters at Bodhgaya (Gaya) and the jurisdiction over the whole of the Magadh Division and (excluding the Colleges falling under the jurisdiction of Patna University) Patna and over Nalanda District of Patna Division.
- (h) Vir Kunwar Singh University having the headquarters at Anah and the jurisdiction over the remaining parts of the Patna Division excluding Patna and Nalanda Districts.
- (i) Lalit Narain Mithila University having the headquarters at Darbhanga and the jurisdiction over the whole of the Darbhanga Division.
- (j) Bhupendra Narain Mandal University having the headquarters at Madhepura and the jurisdiction over the whole of the Koshi and Purnea Divisions.
- (k) Kameshwar Singh Darbhanga Sanskrit University having the headquarters at Darbhanga and the jurisdiction over the whole of the State of Bihar.

- (1) Maulana Mazharul Haque Arabic and Persian University having the headquarters at Patna and the jurisdiction over the whole of the State of Bihar, shall, for development of higher standard studies in Arabic and Persian be established by the State Government with effect from the date of notification in the Official Gazette :

Provided that the State Government may, by notification, in the Official Gazette, determine the functions and other duties of this University: Provided further that the State Government may, by notification, in the Official Gazette, change the territorial jurisdiction of the Universities.]

- (2) The first Chancellor or the first Vice-Chancellor, first member of the Senate, the Syndicate and the Academic Council and all persons who may hereafter becomes such officers or members and so long as they continue to hold such office or membership shall together constitute body corporate by the name of the University specified in sub-section

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1. Subs. by Jharkhand Act 6 of 2003.
 2. "Proviso" added by ibid.

(3) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(4) No educational institution beyond the territorial jurisdiction of the University, shall, except by an order of the State Government published in the official gazette, form a part of or be admitted to the privileges of the University. And no such institution within the said territorial jurisdiction shall similarly form part of or be recognized by or seek admission to any privileges of any other University incorporated by law in India, and any such recognition granted by any such other University to any such institution within the said territorial jurisdiction prior to the commencement of this Act shall be deemed to have been withdrawn on the commencement of this Act.

¹ ["Provided that on matters of imparting distant education, there shall be no limit to the territorial jurisdiction of the University".

अधिसूचना

²[अधिसूचना सं 15/एम0 1-160/1990-मा0-884 दि0 22.11.1990 :- बिहार विश्वविद्यालय (संशोधन) अधिनियम, 1990 (बिहार अधिनियम सं0 3, 1990) की धारा-3(छ) में किए गये प्रावधान के अन्तर्गत बिहार विश्वविद्यालय, मुजफ्फरपुर को प्रादेशिक अधिकारिता में परिवर्तन करते हुए अधिसूचना निर्गत करने की तिथि से जय प्रकाश विश्वविद्यालय, छपरा की स्थापना की जाती है, जिसकी अधिकारिता सम्पूर्ण सारण प्रमण्डल पर होगी। इसके फलस्वरूप बिहार विश्वविद्यालय की अधिकारिता केवल तिरहुत प्रमंडल पर रह जायेगी।

³[अधिसूचना सं 15/व 3-109/92-मा0 सं0 वि0 502 दिनांक-3.8.1992 :- बिहार राज्य विश्वविद्यालय अधिनियम, 1976 (बिहार अधिनियम 23, 1976 तथा बिहार अधिनियम, 9/1992 द्वारा संशोधित) की उप-धारा-3 के अधीन स्थापित बिहार विश्वविद्यालय, मुजफ्फरपुर एवं भागलपुर विश्वविद्यालय, भागलपुर को क्रमशः बाबा साहेब भीमराव अम्बेदकर बिहार विश्वविद्यालय, मुजफ्फरपुर

एवं तिलका मांझी भागलपुर विश्वविद्यालय, भागलपुर के रूप में आदेश निर्गत की तिथि से नाम परिवर्तित किया जाता है।

सं० 15/व 3- 29/91 – मा० सं० वि० 512 दिनांक- 6 अगस्त 1992:- बिहार राज्य विश्वविद्यालय अधिनियम, 1976 ((बिहार अधिनियम 23/1976 तथा बिहार राज्य विश्वविद्यालय (संशोधन) अधिनियम, 1991 (बिहार अधिनियम, 9/1992 द्वारा संशोधित) की उप-धारा-3 के अन्तर्गत स्थापित भागलपुर विश्वविद्यालय, भागलपुर की प्रादेशिक अधिकारिता में परिवर्तन करते हुए दिनांक-10 जनवरी, 1992 से सिद्धू कान्हू विश्वविद्यालय, दुमका की स्थापना की जाती है, जिसकी अधिकारिता सम्पूर्ण दुमका प्रमण्डल पर होगी। इसके फलस्वरूप भागलपुर विश्वविद्यालय, भागलपुर की अधिकारिता दुमका प्रमण्डल को छोड़कर रह जायेगी।

सं०-15/व 3-37/91 मा० सं० वि० 513 दिनांक-6 अगस्त 1992:-बिहार राज्य विश्वविद्यालय अधिनियम, 1976 (बिहार अधिनियम 23/1976 तथा बिहार राज्य विश्वविद्यालय (संशोधन) अधिनियम, 1991 (बिहार अधिनियम, 9/1992) (द्वारा संशोधित) की धारा-3 के अन्तर्गत स्थापित ललित नारायण मिथिला विश्वविद्यालय, दरभंगा की प्रादेशिक अधिकारिता में परिवर्तन करते हुए दिनांक-10 जनवरी, 1992 से भूपेन्द्र नारायण मंडल विश्वविद्यालय, मधेपुरा की स्थापना की जाती है, जिसकी अधिकारिता सम्पूर्ण कोशी एवं पूर्णिया प्रमण्डल पर होगी। इसके फलस्वरूप ललित नारायण मिथिला विश्वविद्यालय की अधिकारिता कोशी एवं पूर्णिया प्रमण्डल को छोड़कर रह जायेगी।]

1. "Proviso" added by Jharkhand Act 6 of 2003.
 2. Published in Bihar Gazette (Ext. Ord.) dated 12.9.1996.
 3. Published in Bihar Gazette (Ext. Ord.) dated 17.8.1992.
- Legislative changes (after 1982)-This section originally read as follows:-*

"3. *Establishment and incorporation of Universities :- (1) With effect from the commencement of this Act, there shall be established the following Universities, namely:-*

- (a) the Bihar University with head-quarters at Muzaffarpur and territorial jurisdiction over the whole of the Tirhut and Saran Division;
- (b) the Bhagalpur University with head-quarters at Bhagalpur territorial jurisdiction over the whole of the Bhagalpur Division;
- (c) the Ranchi University with headquarters at Ranchi and territorial jurisdiction over the whole of the North and South Chhotanagpur Divisions;
- (d) the Magadh University with headquarters at Both Gaya.(Gaya) and territorial jurisdiction over the whole of Patna and Magadh Divisions excluding the Colleges falling within the territorial jurisdiction of the Patna University as defined in section 4 of the Patna University Act, 1976.
- (e) the Lalit Narain Mithila University with headquarters at Darbhanga and territorial jurisdiction over the whole of the Darbhanga and Kosi Divisions;
- (f) the Kameshwer Singh Darbhanga Sanskrit University with headquarters at Darbhanga and territorial jurisdiction over the whole of the State of Bihar:

Provided that the State Government may, by notification in the official *gazette*, alter the territorial jurisdiction of the University.

- (2) The first Chancellor or the first Vice-Chancellor, first member of the Senate, the Syndicate and academic Council and all persons who may hereafter become such officers or members and so long as they continue to hold such office of membership shall together, constitute a body corporate by the name of the University specified in sub-section (1),

- (3) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.
- (4) No educational institution beyond the territorial jurisdiction of the University, shall, except by an order of the State Government published in the official *gazette*, form a part of or be admitted to the privileges of the University. And no such institution within the said territorial jurisdiction shall similarly form part of or be recognised by or seek admission to any privileges of any other University incorporated by law in India, and any such recognition granted by any such other University to any such institution within the said territorial jurisdiction prior to the commencement of this Act shall be deemed to have been withdrawn on the commencement of this Act."

By Act 3 of 1990 this section was again substituted as follows :

3. Establishment and Incorporation of Universities.- राज्य में निम्नलिखित विश्वविद्यालय स्थापित किए जायेंगे:-

- (क) बिहार विश्वविद्यालय, जिसका मुख्यालय मुजफ्फरपुर में होगा और जिसकी अधिकारिता सम्पूर्ण तिरहुत प्रमण्डल पर होगी;
- (ख) भागलपुर विश्वविद्यालय, जिसका मुख्यालय भागलपुर में होगा और जिसकी अधिकारिता सम्पूर्ण भागलपुर प्रमण्डल पर होगी;
- (ग) रॉंची विश्वविद्यालय, जिसका मुख्यालय रॉंची में होगा और जिसकी अधिकारिता सम्पूर्ण दक्षिण छोटानागपुर प्रमण्डल पर होगी;
- (घ) मगध-विश्वविद्यालय, जिसका मुख्यालय बोधगया (गया) में होगा और जिसकी अधिकारिता सम्पूर्ण मगध प्रमण्डल और पटना प्रमण्डल के पटना और नालन्दा जिलों पर होगी;
- (ङ) ललित नारायण मिथिला विश्वविद्यालय, जिसका मुख्यालय दरभंगा में होगा और जिसकी अधिकारिता सम्पूर्ण दरभंगा प्रमण्डल पर होगी;
- (च) कामेश्वर सिंह दरभंगा संस्कृत विश्वविद्यालय, जिसका मुख्यालय दरभंगा में होगा और जिसकी अधिकारिता सम्पूर्ण बिहार राज्य पर होगी;
- (छ) जय प्रकाश विश्वविद्यालय, जिसका मुख्यालय छपरा में होगा और जिसकी अधिकारिता सम्पूर्ण सारण प्रमण्डल पर होगी;
- (ज) संधाल परगना विश्वविद्यालय, जिसका मुख्यालय दुमका में होगा और जिसकी अधिकारिता सम्पूर्ण दुमका प्रमण्डल पर होगी;
- (झ) विनोबा भावे विश्वविद्यालय, जिसका मुख्यालय हजारीबाग में होगा और जिसकी अधिकारिता सम्पूर्ण उत्तरी छोटानागपुर प्रमण्डल पर होगी;
- (ञ) वीर कुवर सिंह विश्वविद्यालय, जिसका मुख्यालय आरा में होगा और जिसकी अधिकारिता सम्पूर्ण पटना प्रमण्डल के भोजपुर और रोहतास जिलों पर होगी; और
- (ट) भारती-मंडल विश्वविद्यालय, जिसका मुख्यालय सहरसा में होगा और जिसकी अधिकारिता सम्पूर्ण कोशी एवं पूर्णिया प्रमण्डल पर होगी;

परन्तु राज्य सरकार भासकीय गजट में अधिसूचना द्वारा विश्वविद्यालयों की प्रादेशिक अधिकारिता में परिवर्तन कर सकेगी।

- (ठ) मौलाना मजहरुल हक अरबी एवं फारसी विश्वविद्यालय, जिसका मुख्यालय पटना में होगा और जिसकी अधिकारिता सम्पूर्ण बिहार राज्य पर होगी;

परन्तु राज्य सरकार भासकीय गजट में इस विश्वविद्यालय के कृत्य, विषयवस्तु का विवरण एवं अन्य कार्यों को निर्धारित कर सकेगी।

- (2) The first Chancellor or the first Vice-Chancellor, first member of the Senate, the Syndicate and the Academic Council and all persons who may hereafter become such officers or members and so long as they continue to hold such office or membership shall together constitute a body corporate by the name of the University specified in sub-section (1).
- (3) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.
- (4) No educational institution beyond the territorial jurisdiction of the University, shall, except by an order of the State Government published in the official *gazette*, form a part of or

be admitted to the privileges of the University. And no such institution within the said territorial jurisdiction shall similarly form part of or be recognised by or seek admission to any privileges of any other University incorporated by law in India, and any such recognition granted by any such other University to any such institution within the said territorial jurisdiction prior to the commencement of this Act shall be deemed to have been withdrawn on the commencement of this Act."

However, it may be noticed that while all the sections of Amendment Act 3 of 1990 were introduced from 3.1.1990 its section 3 was to come into force from a date to be notified. This section was again substituted by Act 9 of 1992.

4. Purposes and powers of the University.—(1) There shall be the following purposes and powers of the University :-

1. (a) to provide for imparting instruction in such branches of learning as the University may think fit including professional studies and technology excluding Agriculture and Veterinary Science; and
(b) to provide for research and for the advancement and dissemination of knowledge.
2. To conduct examinations and to grant and confer degrees, diploma, certificate and other academic distinctions to and upon persons who-
(a) have pursued an approved course of study in the University and passed the examination of the University, under the conditions, laid down in the Statutes, the Ordinances or the Regulation ;
(b) are teachers, librarians and laboratory assistants in educational institutions or any other persons under such conditions as may be prescribed in the Statutes, the Ordinances and the Regulations and have passed the examination of the University under like conditions; or
(c) have carried on independent research under conditions laid down in the Statutes, the Ordinances or the Regulations :

1. Word "Excluding Agriculture and Veterinary Science" ins. by Jharkhand Act 6, 2003.

¹[Provided that for the said purpose it shall be lawful for the State Government to get the syllabus prescribed, teaching done, examinations conducted and results published upto Prathama and Madhyama standard under the Sanskrit Education Board with effect from the date of notification in the Gazette.]

- (3) to confer honorary degrees or other distinctions upon person approved in the manner prescribed in the Statutes ; .
- (4) to provide such lectures and instructions for, and to grant such diplomas to, persons not being members of the University, as the University may determine;
- (5) to inspect all colleges, University departments and hostels ;
- (6) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine ;
- (7) to institute Professorships, Readerships, Lecturerships and any other teaching posts required by the University ²[with the prior approval of the State-Government] and to appoint qualified persons to such posts of Professor, Reader, Lecturer and teacher ;
- (8) to recognise teachers as qualified to give instruction in Colleges ;
- (9) to institute and award fellowships including travelling fellowships, scholarships, exhibition, medals and prizes in accordance with the Statutes, the Ordinances and the Regulations ; .
- (10) to establish, maintain and manage Colleges and hostels and to recognise Colleges and hostels not maintained by the University ;
- (11) to demand and receive fees under the Ordinances ;

- (12) to supervise and control the residence and discipline of students of Colleges and the University ; .
- (13) to make arrangement for promoting the health and general welfare of students and for that purpose to have powers to appoint and constitute such committees as may be prescribed in the Ordinances ;
- (14) to enter into agreement with other bodies and persons for promoting the purposes of this Act and to assume the management of any institution under them and to take over its assets and liabilities ;
 Provided that before entering into such an agreement the University shall *obtain* the sanction of the State Government, or shall do so upon receiving such a proposal from the State Government :
 Provided further that if at any time any irregularity is found in determination and payment of any pay, special pay or allowances, or in any appointment in an institution taken over by the University in its management under such an agreement, then, notwithstanding anything to the contrary contained in this Act, the University shall have the powers to take decisions after reviewing it and such a decision shall be final and binding ;
- (15) To hold and manage, subject to conditions and restrictions prescribed by the Statutes, endowment bequest, gift or any other transfer of property made to a College for its benefit just before the commencement of this Act or to get it held and managed by such agencies, which were managing the said endowment be-quest, gift or other trust property just before the commencement of this Act.

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- 1. Ins. by Act 68 of 1982.
 - 2. Ins. by Jharkhand Act 6 of 2003.

- (16) to undertake the conduct of post-graduate teaching, research and work in departments maintained by the University or the State Government :
- (17) It shall be necessary for the University to arrange and provide for post-graduate teaching in any College at any time and to utilize for the said purposes, the buildings of that College or any portion thereof, and such members of the staff and the articles of furniture, library, books, stores, instruments and other equipments of that College as may be prescribed;
- (18) To centralize the conduct of undergraduate teaching in any subject or subjects with a particular standard and where the University decides to centralize the conduct of such undergraduate teaching, it shall be lawful for the University to arrange and provide for centralized delivery of lectures in such subject or subjects and to utilize the buildings, staff member, furniture, libraries, books, laboratories, stores, instruments and other equipments of one or more College as may be prescribed for that purpose;
- (19) To affiliate or disaffiliate Colleges according to Statutes subject to prior approval of the State Government;
 1[Provided that after the promulgation of Intermediate Education Council Ordinance, 1979, recognition to Intermediate College shall be granted by the Intermediate Education Council.]

- (20) to declare, subject to condition as may be prescribed in the Statutes, the existing Colleges or Institutes as autonomous College or institute, as the case may be;
- (21) to have power as may be prescribed to constitute or dissolve the administrative body of an affiliated College of the University which is not a Government College;
- (22) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University as teaching and examining body, and to cultivate and promote arts, science and other branches of learning.

(2) ²[x x x]

5. **University open to all classes, castes and creeds.-** No person shall be excluded from membership of any of the authorities of the University or from admission to any degree or course .of study on the sole ground of sex, race, descent, class, caste or political belief. It shall not be lawful for the University to adopt or impose on any person any test whatsoever relating to religious or political belief or profession, in order to entitle him to be admitted thereto as a teacher or student, or to hold any office or appointment therein, or to graduate thereat or to enjoy or exercise any privilege thereof, except where in respect of any particular benefaction accepted by the University, such test is made a condition thereof by any testamentary or other instrument creating such benefaction :

Provided that nothing contained in this section shall restrain the University from reserving posts and appointments in favour of ¹[scheduled castes, schedule tribes, backward classes, women and economically weaker sections.]

Legislative changes-By Act 68 of 1982 for the words "Scheduled Castes & & Scheduled Tribes', word "Scheduled Castes, Scheduled Tribes, Backward Classes, Women and Economically weaker Sections' were substituted.

1. Ins. by Act 68 of 1982.
2. Section 4(2) omitted by Jharkhand Act, 6 ,2003.

6. **Teaching of the University.-(1)** All recognized teaching in connection with University courses shall be conducted through the Colleges and through departments maintained by the University, subject to general control of the Vice- Chancellor, and shall include lecturing, work in laboratories or workshops, and other teaching work conducted in the University and the College by the University Professors, Readers, Lecturers and other teachers in accordance with any syllabus prescribed by the Regulations.

¹ [Provided that the university may also impart distant education programme in accordance with the syllabi prescribed by regulation"]

- (2) The authorities responsible for organising such teaching shall be prescribed by the Statutes.
- (3) The courses and curricula shall be prescribed by the Regulations.
- (4) In addition to recognised teaching, tutorial and other supplementary instruction shall be given in the colleges subject to the control of the University or in the department maintained by the University.

(5) (i) It shall not be lawful for the University or for any College to maintain classes for the purposes of preparing students for admission to the University.

²(ii) In the Faculties of Arts, Science and Commerce, the University shall prescribe the syllabus, conduct teaching, hold examinations and publish results of graduate and above standards :

Provided that until separate arrangement for Intermediate Education is made, the college shall under the general direction of the Bihar Intermediate Education Council continue the teaching work etc., of this standard.

(iii) The graduate course shall be of three years' duration.]

(6) ³(X X X X)

Legislative changes (after 1982)- Clauses II and III of sub-section 5 of this section are the only provisions which has undergone changes in this section. Clauses II & III originally read as follows:-

Clause II- “In the faculties of Arts, Science and Commerce, the University shall prescribe the syllabus, conduct teaching, hold examinations and publish results upto Intermediate Standard till the Intermediate Education Council is established and notification in that respect is published in the official Gazette.

Provided that until separate arrangement is made for Intermediate Education the college shall continue the teaching work etc. of this standard as before, under the general direction of the Intermediate Education Council.'

Clause III- “The graduate course shall be of two year’s duration at the end of which there shall be a public examination.'

Clause III- was substituted by Ordinance, 14 of 1993 as follows:-

“(iii) The graduate course shall be of three years duration. The Courses of studies and the conduct examination shall be in accordance with statutes, rules and regulations made in this regard from time to time.'

Act 17 of 1993 which repealed Ordinance 14 of 1993 substituted clause II and retained clause III (as substituted by Ordinance 14 of 1993) with some changes.

Sub-section 6 of section 6 deleted by Act 68 of 1982.

1. “Proviso’ ins. by Jharkhand Act 6 of 2003

2. Subs. by Act 17 of 1993.

3. Omitted by ibid.

4. Subs. by Act 68 of 1982.

⁴[7. **Officers of the University,**—The following shall be the officers of the University:-

- (1) The Chancellor,
- (2) The Vice-Chancellor,
- (3) The Pro Vice-Chancellor,
- (4) The Financial Adviser,
- (5) The Dean, Students' Welfare,
- (6) Proctor,
- (7) Registrar,

- (8) Inspector of Colleges,
- (9) Finance Officer, and
- (10) Such other person or persons as may be declared officers of the Universities by the Statutes.

¹ **[8. Transfer of Officers.]**— Officers of the University under serial nos. 4 to 9 of section 7, may be transferred by the Chancellor to another University on the same or any other equivalent post or within the University on any other equivalent post.]

Legislative changes after (1982)- This section was submitted by Bihar Ordinance 39 of 1986 and continued till finally Act 3 of 1990 was passed breaking the chain of Ordinances. Prior to its substitution this section read as follows:

“8 Transfer of Officers- (i) The officers of the University (excluding the Chancellor, the Vice-Chancellor, the Pro-Vice-Chancellor, Dean, Students’ Welfare and Proctor) may be transferred by the Chancellor on the recommendation of the Vice-Chancellor or otherwise, to an equivalent post in another University.

(ii) The Vice-Chancellor may transfer officers mentioned in serials (5) to (8) in Sub-section (1) of section 7 to any equivalent post or revert them to their substantive post in the same University.’

9. The Chancellor.—(1) The Governor of Bihar shall be the Chancellor and shall, by virtue of his office, be the head of the University and the President of the Senate, and shall, when present, preside over meetings of the Senate, and at any convocation of the University.

(2) The Chancellor shall have the powers to inspect the University, its buildings, laboratories, workshops and equipment, any College or hostel, the teaching or examinations conducted, or any act done by the University, and to get such inspection done by such person or persons who may be directed by him and to inquire or to cause an inquiry made, in like manner, in respect of any matter connected with the University ²[and it shall be the duty of the officers of the concerned University and College to render necessary, assistance in such inspection :]

Provided that the Chancellor shall, in every case, inform the Vice-Chancellor of his intention to inspect or inquire or to get the inspection or enquiry conducted and the University shall be entitled to representation therein.

1. Subs. by Act 3 of 1990.

2. Ins. by Act 68 of 1982.

(3) (a) The Chancellor may send the results of such inspection or inquiry to the Vice-Chancellor and the Vice-Chancellor shall communicate the views of the Chancellor to the Syndicate and the Academic Council.

(b) The Syndicate and the Academic Council shall report to the Chancellor within the specified period, such action, if any as has been taken or is proposed to be taken upon the results of such inspection or enquiry.]

(c) Where the Syndicate and the Academic Council fail to take action up to the satisfaction of the Chancellor within a reasonable time, the Chancellor may, after considering the explanation furnished or representation filed by ²[xxx] the Syndicate and the Academic Council, give such direction as he considers fit and the Syndicate and the Academic Council shall at once comply:

¹[Provided that notwithstanding anything contained in sub-section (3) the Chancellor, if he deems necessary, on the basis of report received from the Vice-Chancellor or otherwise, may call for explanation from any teacher or officer of the University or colleges affiliated-to it and after the consideration on the charges, issue such direction as he deems fit, and the Vice-Chancellor, the Syndicate and the

Academic Council or the Governing body or Ad hoc committee, as the case may be shall comply with it within the specified period.]

⁴[(4) The Chancellor may, by order in writing, annul any proceeding or order of the University which is not in conformity with this Act, the Statutes, the Ordinance or the Regulation or for which adequate reason is lacking :

Provided that before making any such order or direction he shall call upon the University to show cause within the time specified why such order or direction should not be made, and if any cause is shown within the said time limit, he shall consider the same.]

1[4 (क)] कूलाधिपति अपने द्वारा पारित किसी आदेश को पुनर्विलोपित कर सकेगा अथवा वापस ले सकेगा यदि वह ऐसा पुनर्विलोपन या वापसी न्याय की दृष्टि से उचित समझे अथवा अभिलेखों के आधार पर पूर्व में पारित आदेश को गलत पाये।

(5) Every proposal' for the conferment of an honorary degree shall be subject to confirmation of the Chancellor.

(6) Where power is conferred upon him by this Act or the Statutes to nominate persons to authorities and bodies of the University, the Chancellor shall, to the extent necessary and without prejudice to such power, nominate persons to represent interests not otherwise represented.

(7) The Chancellor shall have power to transfer the officers and teachers of the Universities from one University to another or in the same University on the same post or on any other equivalent post; the transferees shall retain their respective seniority.

(ii) The Chancellor shall have the power to issue direction to the Universities in the administrative or academic interest of the Universities which he considers to be necessary. The direction issued by the Chancellor shall be implemented by the Vice—Chancellor, Syndicate, Senate and other bodies of the Universities as the case may be.

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1. Subs. by 68 of 1982.
 2. Omitted by *ibid*.
 3. Ins. by Act 3 of 1990 and Sub-Sec. (7) renumbered as Sub-Section (8)

(iii) Any person aggrieved by such order of the Chancellor may file representation to the Chancellor, who on consideration of the representation shall have the power to affirm, modify or rescind his earlier order and pass such other order or orders which he may deem fit and proper.

¹[(8) The Chancellor shall have such other powers as are conferred on him by this Act or the Statutes.]

Legislative changes (after 1982)- Sub-section 7 of this section was inserted and existing sub-section 7 re-numbered as sub-section 8 by Ordinance 39 of 1986 which was continued by successive ordinances till the enactment of Act 3 of 1990.

10. The Vice-Chancellor – (1) No person shall be deemed to be qualified to hold the office of Vice-Chancellor unless such person is, in the opinion of the Chancellor, reputed for his scholarship and academic interest 2[xxx]

- (2) The Vice-Chancellor shall be appointed by the Chancellor in consultation with the State Government.
- ³[(3) (a) The Vice-Chancellor shall be whole time officer and shall hold office during the pleasure of the Chancellor.
- (b) Subject to the foregoing provisions of this section the Vice-Chancellor shall ordinarily hold office for a term of three years and on the expiry of the said term he may be reappointed by the Chancellor in consultation with the State Government and he shall hold office at the pleasure of the Chancellor for a term not exceeding three years.]
- ³[4(i) उनकी नियुक्ति के अन्य बंधेज और भार्त्त राज्य सरकार के परामर्श से कुलाधिपति अवधारित करेंगे।
- (ii) जहाँ कुलपति के रूप में नियुक्त व्यक्ति केन्द्र या राज्य सरकार या किसी विश्वविद्यालय से या किसी अन्य स्रोत से पेंशन पाता हा वाहें उसके देय पेंशन की राशि को उसके देय पेंशन का अंश माना जायेगा।
- (5) The Vice-Chancellor shall be the principal executive and academic officer of the University, the Chairman of the Syndicate and of the Academic Council and shall be entitled to be present and speak at any meeting of any authority or other body of the University and shall in the absence of the Chancellor preside over meetings of the Senate and of any convocation of the University :

Provided that the Vice-Chancellor shall not vote in the first instance but shall have and exercise a casting vote in the case of an equality of votes.

(6) The Vice-Chancellor shall subject to the provisions of this Act, the Statutes and the Ordinances have power to make appointment to posts within the sanctioned grades and scales of pay and within the sanctioned strength of the ministerial staff and other servants of the University not being teachers and officers of the University and have control and full disciplinary powers over such stall and servants.

⁴[(7) कुलपति को सिनेट, उसकी समितियों एवं उप समितियों, सिन्डीकेट, उसकी समितियों एवं उप समितियों, विद्वत परिशद् एवं विश्वविद्यालय के अन्य प्राधिकारों की बैठक बुलाने की भाक्ति होगी एवं वह उन बैठकों का पदेन सभापति होगा तथा अपनी अलभ्यता के कारण किसी अन्य अधिकारी को बैठक बुलाने एवं उसका सभापतित्व करने हेतु प्राधिकृत कर सकेगा।

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1. Ins. by Act 3 of 1990 and Sub-sec. (7) renumbered as Sub-Section (8) .
 2. Word “And no person shall be deemed to be qualified to hold the office of the Vice-Chancellor of Kameshwar Singh Darbhanga Sanskrit University unless such person is in the opinion of the Chancellor, reputed for his Scholarship in Sanskrit or has made notable contribution to Sanskrit Education’ deleted by Jharkhand Act 6 of 2003.
 4. Subs. by Act 68 of 1982.

वह उन बैठकों का पदेन सभापति होगा तथा अपनी अलभ्यता के कारण किसी अन्य अधिकारी को बैठक बुलाने एवं उसका सभापतित्व करने हेतु प्राधिकृत कर सकेगा।

(8) The Vice-Chancellor shall have the powers to visit and inspect the Colleges and buildings, laboratories, workshops and equipments thereof and any other institution associated with the University, and he shall have the right of making an inquiry or causing an inquiry to be made, in like manner in respect of any matter connected with such Colleges and institutions.

(9) The Vice-Chancellor shall address the Principal of such College with reference to the result of such inspection or inquiry and, thereupon, it shall be the duty of such Principal to communicate the views of the Vice-Chancellor to the governing body of the College and to report to the Vice-Chancellor such action, if any, taken or proposed fit be taken upon the result of such inspection or inquiry.

(10) It shall be lawful for the Vice-Chancellor to issue, from time to time, any direction to the Principal of a College in which post-graduate teaching conducted under clause (16) of section A and such Principal shall comply with all such directions accordingly.

¹[(11) The Vice-Chancellor shall exercise general control over the educational arrangement of University and shall be responsible for the discipline of the University. It shall be lawful for the Vice-Chancellor to take all steps which are necessary for maintaining the academic standard and administrative discipline of the University.]

(12) If at any time, except when the Syndicate or the Academic Council is in session, the Vice-Chancellor is satisfied that an emergency has arisen requiring him to take such immediate action involving the exercise of any power vested in the ²[Syndicate or Academic Council] by or under this Act, the Vice-Chancellor shall take such action as he deems fit, and shall report the action taken by him to such authority which may either confirm the action so taken or disapprove of it.

(13) It shall be the duty of the Vice-Chancellor to see whether the proceeding of the University are carried on in accordance with the provisions of this Act, the Statutes, the Ordinance, the Regulations and the Rules or not and the Vice Chancellor shall report to the Chancellor every proceeding which is not *in conformity* with such provisions.

For so long as the orders of the Chancellor are not received on the report of the Vice-Chancellor that the proceeding of the University is not in accordance with this Act, the Statutes, the Ordinance, the Regulation and the Rules, the Vice-Chancellor shall have the powers, to stay the proceeding reported against.

[14] कुलपति को विश्वविद्यालय द्वारा घोषित किसी विभाग या महाविद्यालय के किसी शिक्षक को कुलाधिपति द्वारा स्वीकृत मार्ग निर्देशक सिद्धान्त के अनुसार उस विश्वविद्यालय द्वारा घोषित किसी अन्य विभाग या महाविद्यालय के किसी समकक्ष पद पर स्थानान्तरित करने की शक्ति होगी।

⁴[Illustration-‘**equivalent post¹ means Reader and Principal in the pay - scale of Reader, Professor and Principal in the pay-scale of .Professor.**]

(15) The Vice-Chancellor shall exercise such other powers and perform such other duties as are conferred or imposed on him by this Act, the Statutes, the Regulations or the Rules.]—

1. Subs. by Act 3 of 1990.
2. Subs. by Act 68 of 1982.
3. Ins. by *ibid* and existing sub.sec.(14) made(15) thereof.
4. Ins. by Act 3 of 1990.

[(16) The Vice-Chancellor shall have overall responsibility in maintaining good academic standard and promoting the efficiency and good order of the University.

(17) Save as otherwise provided in the Act, or the Statutes the Vice-Chancellor shall appoint officer (other than *ifte* Pro-Vice-Chancellor) with the approval of the Chancellor, and teachers and shall define their duties;

(18) The Vice-Chancellor shall have power to take disciplinary action against all employees of the University including officers and teachers of the University;

(19) An appeal shall lie to the Chancellor against the order of the Vice-Chancellor imposing the penalty of dismissed, removal from service or education in rank.]

Legislative changes(after 1982)- This section has registered following changes;

- (i) Substitution of sub-section(3),(4), (11),
- (ii) Insertion of illustration of sub-section (14) and
- (iii) Insertion of sub-sections (16) to (19).

The amendments having started from Ordinance 39 of 1986 till Act 3 of 1990 provides different date of effect to the different amendments made in the section.

The date of effect for the substitution of sub-section (11), insertion of illustration to sub-section (14) and insertion of sub-section (16) to (19) is 17.12.1986 when Ordinance 39 of 1986 was promulgated. The substitution of sub-section (3) is effective from 18.4.1987 when Ordinance 13 of 1987 was promulgated.

The substitution of sub-section (4) is effective from 30.1.1990 being the date of enactment of Act of 1990.

Sub-section-(3), (4) and (11) originally read as follows:-

“(3) The Vice-Chancellor shall be a whole time officer and shall hold office for a period of three years with effect from the date on which he assumed charge. On the expiry of said period, he may be re-appointed for another term not exceeding three years.’

“(4) (i) The Vice-Chancellor shall be paid a salary of three thousand rupees per mensem. Other terms and conditions of his appointment shall be determined by the Chancellor in consultation with the State Government.

(ii) Where the persons appointed as Vice-Chancellor is in receipt of a pension from Central or State Government the amount of the pension payable to him shall be treated as part of the salary specified in clause(i)'. ”

“(11) The Vice-Chancellor shall give effect to the orders of Syndicate regarding the appointment, transfer, dismissal or suspension of an officer or teacher of the University and shall exercise general control over the educational arrangements of the University and shall be responsible for the discipline of the University'.

11. Removal of Vice-Chancellor.—(1) If at any time and after such inquiry as may be considered necessary, it appears to the Chancellor that the Vice-Chancellor-

- (i) has failed to discharge any duty imposed upon him by or this Act, the Statutes, the Ordinances, or
- (ii) has acted in a manner prejudicial to the interests of the University, or
- (iii) is incapable in managing the affairs of the University, then the Chancellor may, notwithstanding the fact that the term of office of the Vice-Chancellor has not expired, require, the Vice-Chancellor an order in writing stating the reason therefore, and after consulting the State Government, to resign his post from the date, as may be specified in the order.

1. Ins by Act 3 of 1990.

2. **(2) No orders under sub-section (1)shall be passed unless a notice stating the specific grounds on which such action is proposed has been served and a ‘ reasonable opportunity to show cause against the proposed order has been given to the Vice-Chancellor.**

(3) On and from the date specified in sub-section (1), it shall be deemed that the Vice-Chancellor has resigned his post and the office of the Vice-Chancellor shall be deemed vacant.

¹**12. Pro-Vice-Chancellor.—**(1) The Chancellor shall appoint the Pro- Vice Chancellor, in consultation with the State Government.

(2) The Pro-Vice-Chancellor shall be a whole-time officer of the University. He shall hold office, on such conditions as may be determined, by the Chancellor, in consultation with the State Government, for a period not exceeding three years during the pleasure of the Chancellor.

²[(3) Where the person appointed as Pro-Vice-Chancellor gets pension from the Central or the State Government or any University or from any other source, the amount of pension due to him from such source shall be deemed to be the part of his salary as Pro-Vice-Chancellor.]

²(4) Subject, to the provisions of this Act, the Pro-Vice-Chancellor shall exercise such powers and perform such duties as may be prescribed or as may be conferred or imposed on him, from time to time, by the Vice-Chancellor.]

²[(5) ³[The Pro-Vice-Chancellor shall be responsible for admission and conduct of the examination up to Bachelor course and the publication of the result of the examination conducted by the University up to Bachelor course and shall be responsible for student welfare.]

¹**[12A. Financial Adviser.]**—(1) The Financial Adviser shall be a whole time officer. He shall be appointed by the Chancellor either on deputation or by re-employment from amongst the officers of the Indian Audit and Account Services or from any other Accounts Service of Government of India. Until such an officer is appointed the present incumbent may continue to work as the Financial Adviser.

- (2) The terms, and conditions of service of the Financial Adviser shall be determined by the Chancellor in consultation with the State Government and he shall ordinarily hold the post for three years.
- (3) In all proposals having financial implication the advice of the Financial Adviser shall be mandatory.
- (4) The Financial Adviser shall ex-Officio member of the Finance Committee.
- (5) The Financial Adviser shall work under the Administrative control of the Vice-Chancellor and Finance Officer shall work directly under the control of the Financial Adviser.

⁽⁶⁾ It shall be the responsibility of the Registrar to obtain the advice of the Financial Adviser on all matters having financial implication. Moreover, it shall be the responsibility of the Registrar to mention specifically at the time, of placing such a proposal before the Syndicate that the concurrence of the

Financial Adviser has been obtained or that he has not concurred the proposal.

1. Subs. by Act 68 of 1982.
2. Ins by Act 17 of 1993 and sub-secs. 3&4 renumbered as sub-secs. 4&5 *ibid*.
3. Ins. by Act 3 of 1990.

- (7) If in any financial proposal the Vice-Chancellor or the Syndicate takes a decision contrary to the advice of the Financial Adviser, such a decision shall not be Implemented and shall be forwarded by the Vice-Chancellor to the Chancellor, whose decision in the matter shall be final and binding.
- (8) Preparation of the University Budget Maintenance of accounts audit of accounts from time to time, compliance of the audit objections, timely receipt of grants from the State Government in accordance with the approved budget and also of grants from the University Grant Commission, arrangements for keeping the same properly and timely submission of utilization certificate of the University grants in the prescribed manner shall be the responsibility of the Financial Adviser.
- (9) It shall also be the responsibility of the Financial Adviser to see that all financial matters of the University are submit with a accordance with the Act, the Ordinance, the Statutes, the University Ordinance, Regulations and Rules framed thereunder.]

¹ [13. **Arrangement of work during temporary absence of the Vice-Chancellor—** (1) During the temporary absence of the Vice-Chancellor by reason of leave, illness or for any other cause, the information of which shall immediately be communicated to the Chancellor by the Vice-Chancellor, the Pro-Vice-Chancellor or the Registrar, the Chancellor may take such arrangement for the performance of the duties of the office of the Vice-Chancellor as he deems fit:

Provided that until such arrangement is made, in case of the temporary absence of the Vice-Chancellor, it shall be lawful for the Pro-Vice-Chancellor to perform the duties of the Vice-Chancellor.

- (2) In case of vacancy of the posi Vice-Chancellor caused due to resignation, death, completion of the territory any other reason the Chancellor on the basis of the information reason the-Chanel to the-basis of the information received from the Pro-Vice-Chancellor or Registrar any other source, may make such arrangements for the performance of duties of the office of the Vice-Chancellor, as he deems fit.]

14. The Dean of the Students Welfare – (1) The Deans of Students Welfare shall be appointed by the Vice-Chancellor for a period of two years from amongst the University Professors, Readers or Principals:

¹[Provided that if the Vice-Chancellor thinks it necessary for administrative reasons he may revert the Dean to his original post and appoint another persons as Dean for the unexpired period.]

(2) The duties, powers and functions of the Dean of Students Welfare shall be prescribed by the Statutes.

(3) The teacher appointed as (Dean Students Welfare) under sub-section (1) shall hold lien on his original post and he shall be eligible for all the benefits which would have otherwise accrued to him, in case he would not have been appointed as ²[Dean Students Welfare].

²[**14A, Proctor.**—(1) The Vice-Chancellor shall appoint Procture amongst such teachers of the University as are not below the rank of Reader.

(2) His tenure shall be of two years and or the expiry of his tenure, he may again be appointed.

1. Subs. by Act 68 of 1982.

2. Ins. by *ibid*.

Provided that if at any time the Vice-Chancellor thinks it proper on administrative grounds, he may send the Proctor back to his original post and appoint another person as Proctor for the unexpired period of his term.

(3) In case of vacancy of the Proctor caused due to resignation or illness or any other reason his duties shall be discharged by person appointed for the purpose by the Vice-Chancellor.

(4) Duties of the Proctor shall be determined by the Statutes.]

14 B. समायोजक (को-आर्डिनेटर) कॉलेज विकास परिषद्:— (i) कुलपति विश्वविद्यालय के ऐसे शिक्षकों के बीच से, जो उपाचार्य को पंक्ति से नीचे के न हों को-आर्डिनेटर कॉलेज विकास परिषद् की नियुक्ति कर सकेगा।

(ii) उसकी पदावधि तीन वर्षों की होगी और पदावधि समाप्त होने के बाद दो वर्षों से अनधिक अवधि के लिए पुनर्नियुक्ति का पात्र हो सकेगा; परन्तु यदि कुलपति किसी समय प्रशासनिक कारणों से उचित समझे तो को-ऑर्डिनेटर को अपने मौलिक पद पर लौटा सकेगा अथवा यदि वह सेवा निवृत्ति की उम्र प्राप्त कर चुके हों तो उनकी सेवा समाप्त कर सकेगा तथा अनवसित अवधि के लिए किसी दूसरे व्यक्ति की नियुक्ति की जायेगी।

(iii) को-ऑर्डिनेटर की सेवा शर्तें, उनके कर्तव्य तथा वेतन परिनियमों द्वारा अवधारित किए जायेंगे।]

²[15.The Registrar—(1) Notwithstanding any provisions of the Act, if the Chancellor thinks fit, he may request the State Government, Central Government, University Grants Commission or any University to send names of suitable officers for the post of Registrar, and in that case State Government, Central Government, University Grants Commission or any University may send the name of one or more officers for consideration for appointment as Registrar under such terms and conditions of service, as he may consider fit, and then the Chancellor shall appoint the Registrar from amongst them.

(2) The Registrar shall be wholetime officer of the University and he shall act as Secretary to the Senate, the Syndicate and the Academic Council and shall

- (a) be the custodian of the records, the common seal and such other properties of the University as the Vice-Chancellor and the Syndicate shall commit to his charge ;
- (b) conduct the official correspondence of the University, and shall maintain the proper investment of the University ;
- (c) perform such other duties as may be specified in the Statutes or prescribed by the Ordinance or the Regulation or as may be required from time to time by the Vice-Chancellor, Pro-Vice-Chancellor or the Syndicate;
- (d) represent the University in suits or proceedings by or against the > University, sign powers of Attorney and verify pleadings or depute his representative for the purpose ;
- (e) render assistance to the Vice-Chancellor and Pro-Vice-Chancellor in discharge of their duties in regard to the conduct of the examination and the publication the results;

1. Subs. by Act 68 of 1982.
2. Subs. by Act 3 of 1990.

- (f) look after the proper functioning of the institutions affiliated to the other than the Constituent Colleges and the Department of University and shall report to the Vice-Chancellor;
- (g) have power to take disciplinary action against the employees. belonging to the Ministerial staff and to suspend them pending inquiry to administer warning to them or to impose on them the penalty of censure or the withholding of increment:

Provided that no such penalty shall be imposed unless the person concerned has been *given* a reasonable opportunity of showing cause against the action proposed to be taken against him;

- (3) (a) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing the penalty of the withholding of increment;
- (b) In a case where the inquiry discloses that a punishment beyond the powers. of the Registrar is called for, the Registrar shall, upon conclusion of the enquiry make a report to the Vice-Chancellor along with his recommendation for such action as the Vice-Chancellor may deem fit.
- (c) The Registrar may be transferred by the Chancellor from one University to another University, on the same or on any equivalent post or within the same University on any other equivalent post.]

Legislative changes (after 1982)- This section originally read as follows:-

- “15. The Registrar:- Registrar shall be a whole-time officer of the University and he shall act as secretary to the Senate, the Syndicate and the Academic Council and he-
- (a) shall manage the property and investment of the University.
 - (b) Shall sign all contracts made on behalf of the University.
 - (c) Shall exercise and perform such other powers and duties as may be prescribed by the Statutes, the Ordinance, the Regulations of the Rules, or as may from time to time be conferred and imposed on him by the Senate, the Syndicate and the Academic Council;
 - (d) Shall generally render such assistance to the Vice-Chancellor as may be desired by him in the performance of his duties; and
 - (e) The Registrar may, on the recommendation of the Vice-Chancellor or otherwise, be transferred by the Chancellor from the University to another University on the same or any other equivalent post, or within the same University to any other equivalent post.’

The first change in the section was brought by Ordinance 29 of 1986 (w.e.f 1.10.1986) by which a new clause(f) was inserted which reads as follows:-

“(f) Notwithstanding any provisions of the Act, if the Chancellor thinks fit, he may request the State Government, Central Government, University Grant Commission or any University to send the name of suitable officers for the post of Registrar, and in that case the State Government, Central Government, University Grant Commission or any University may send the name of one more officer for consideration for appointment of Registrar under such terms and conditions of service as he may consider fit and then, the Chancellor may appoint the Registrar from amongst them.’

By Ordinance 39 of 1986 (w.e.f. 17.12.1986) the whole section was substituted and it read as follows :-

“15 The Registrar:- (i) The Registrar shall be a whole time officer of the University and he shall act as Secretary to the Senate, the Syndicate and the Academic Council and shall,-

- (a) be the custodian of the records, the common seal and such other properties of the Universities as the Vice-Chancellor and the Syndicate shall commit to his charge.
- (b) conduct the official correspondence of the University and shall maintain the proper investment of the University;
- (c) perform such other duties as may be specified in the Statutes or prescribed in the Statutes or prescribed by the Ordinance or the Regulation or as may be required from time to time by the Vice-Chancellor or the Syndicate;
- (d) represent the University in suits or proceedings or against the University sign Power of Attorney and verify pleadings or depute his representative for the purpose;
- (e) render assistance to the Vice-Chancellor and Pro-Vice-Chancellor in discharge of their duties in regard to the conduct of the examination and the publication of the results.
- (f) Look after the proper functioning of the institutions affiliated to the University other than the Constituent Colleges and Department of University and shall report to the Vice-Chancellor;
- (g) Have power to take disciplinary action against the employees belonging to the ministerial staff and to suspend them pending inquiry, to administer warning to them or to impose on them the penalty of censure or the withholding of increment:

Provided that no such penalty shall be imposed unless the person concerned has been given reasonable opportunity of showing cause against the action proposed to be taken against him;

- (ii) (a) An appeal shall lie to the Vice-Chancellor against any order of the Registrar imposing the penalty of the withholding of increment;
- (b) In a case where the inquiry discloses that a punishment beyond the powers of the Registrar is called for, the Registrar shall, upon conclusion of the enquiry make a report to the Vice-Chancellor along with the recommendation for such action as the Vice-Chancellor may deem fit.
- (c) The Registrar may be transferred by the Chancellor from one University to another University, on the same or on any equivalent post or within the same University on any other equivalent post.’

The next Ordinance in the series i.e.13 of 1987 (w.e.f. 18.4.1987) again substituted this section and it continued till Act 3 of 1990 was passed and exists till

today."

- 16. The Finance Officer.**-The Finance officer shall be a whole-time officer of the University and shall act as Secretary to the Finance Committee, and shall exercise such powers and perform such duties as may be prescribed by the Statutes, the Ordinance the Regulations and the Rules or as may, from time to time be conferred, or Imposed on him by the Senate, the Syndicate, the Vice-Chancellor, the 1[Financial Adviser] .or the Registrar.

17. Authorities of the University.- The following shall be the authorities of the University, namely:- .

- (1) the Senate;
- (2) the Syndicate;
- (3) the Academic Council;
- (4) the Faculties;
- (5) the Examination Board;
- (6) the Finance Committee;
- (7) the Planning and Evaluation Committee; and
- (8) such Other authorities as may be declared to be the authorities of the University by the Statutes.

18. The Senate.-The Senate shall consist of the following persons, namely:

ExEx-Officio Members.

- (1) Chancellor;
- (2) the Vice-Chancellor;
- (3) the Pro-Vice-Chancellor;
- (4) 1[Commissioner and Secretary Higher Education]
- (5) the Director of Higher Education, Bihar;
- (6) the Director of Health Services, Bihar;
- (7) the Director of Technical Education, Bihar;
- (8) the Deans of Faculties;

2[(9) Half of such of the Heads of University Departments as are not Deans to be nominated by the Chancellor in rotations.]

2[(10) Ten Principals of Colleges maintained by the University as are not Deans shall be nominated by Chancellor in rotations.]

2[(11) Five Professors/Readers admitted to the privileges of the University in the manner prescribed in the Statutes, are not Deans shall be nominated by the Chancellor in rotations.]

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(12) All ex-Vice-Chancellors of the University;

Explanation.- For the purpose of this clause, the expression ex-Vice-Chancellor who was appointed to fill a casual or temporary vacancy ;

- (13) every person who has given to the satisfaction of the Chancellor whether in one or more instalments, a sum of not less than one lac rupees in cash or in the shape of property of the equivalent value to or for the purposes of the University or of a College:

Provided that for being a life member of the Kameshwar Singh Darbhanga Sanskrit University, the fixed amount shall be twenty-five thousand rupees;

Representative Members..

- (14) ³[Six persons to be elected by and from amongst the members of the Bihar Legislative Assembly in such manner as may be prescribed by the Speaker of the Assembly, one of whom shall be from Scheduled Castes, one from Scheduled Tribes and ³[one from other Backward Classes;]

4[(15) one representative of the Scholar of regional language to be nominated by State-Government;

- 5[(16) (a) "Minimum of Ten teachers other than Deans, Principals and Head of University Department having at least five years teaching experience on substantive basis to be elected by and from amongst the regular teachers of the respective constituent/Govt. college get representation on rotational basis based on the seniority of colleges'

- (b) University Department shall be represented by two elected teachers, one from Science/Commerce and other from Humanities/Social Science faculty, other than Deans and Heads of Department, having at least five years teaching experience on substantive basis.

- (c) Permanently, affiliated college" (other than Government Colleges) shall be represented by one elected regular teacher/ principal having at least five years teaching experience of substantive basis.

- ¹(18) परिनियम में विहित रीति से विश्वविद्यालय एवं महाविद्यालय के कर्मचारियों द्वारा निर्वाचित विश्वविद्यालय एवं महाविद्यालय के कर्मचारियों में से एक कर्मचारी ;

- ¹[(19) Five students from amongst the students of University to be elected in the manner prescribed in the Statutes, by the members of the Union Council of the University Students' Union;]

- (20) five persons, other than ex-officio and teacher members of the Governing Body of Colleges, shall be elected by and from amongst members of the governing bodies of the University in the manner as may be prescribed in the Statutes;

Nominated Members.

- (21) three persons to be nominated by the Chancellor who are persons of scholarly pursuits;

- (22) one meritorious student to be nominated by the Vice-Chancellor in the manner prescribed in Statutes, whose tenure will be of one year ;

- (23) one student to be nominated by the Vice-Chancellor in the manner prescribed in the Statutes, who has achieved distinction in sports and extra-curricular activities, whose tenure will be of one year;

- (24) one person to be nominated by the State Sports Council, who has achieved a distinction in sports;

- [25] Six such registered graduates, other than the teachers of the University or its colleges, as have completed a period of five years after graduation, to be nominated by the Chancellor from the panel of registered graduates prepared by the Vice-Chancellor, one of whom shall be from Scheduled Castes, one from Scheduled Tribes and one from other Backward Classes.]
- [26] Such members of the Syndicate as are not members of the Senate under the above provisions.]
- [(27) Ten persons to be nominated by the State Government who are known for their academic interest, one of whom shall be from Scheduled Castes, one from Scheduled Tribes and three from other Backward Classes.]

Legislative change (after 1982)- The first change in this section was brought by Ordinance 39 of 1986 (w.e.f. 17.12.1986) by which sub-sections (9), (10), (11), and (16) were substituted and this continued by successive Ordinance till Act 3 of 1990 was passed by which the substitution was passed by which the substitution was accorded permanency. Originally these sub-section read as follows:-

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1. Subs. by Act 68 of 1982.
 2. Subs. by Act 17 of 1993.
 3. Section 18(7) Omitted by Jharkhand Act 6 of 2003.

“(9) such of the Head of University Department as are not Deans;
 (10) such of the Principals of Colleges maintained by the University as are not Deans.
 (11) half of the total number of Principals of Colleges admitted to the privileges of the University in the manner prescribed in the statutes, who are not Deans, shall be nominated by rotation.
 (16) thirty teachers, other than Deans, Principals and Heads of University Departments having not less than five years teaching experience, to be elected from and by the teaching staff of colleges and University Departments in such manner, as may be prescribed by the statutes, so that the teaching staff of every College and the teaching staff of every University/Department may be represented on the Senate under this sub-head in such number and at such intervals as may be prescribed by the Statutes.

Provided that the Kameshwar Singh Darbhanga Sanskrit University seven registered Acharyas of the University, seven representative teachers of the recognized institutions of Madhyama standard, four representative teachers of Tols nominated by the Chancellor, and two representative of Sanskrit Literature Association recognized by the State Government, shall be elected in the manner as prescribed in the Statutes.'

Thereafter a series of Ordinances amending different sections of this Act were promulgated but none had anything to do with this section. But Act 17 of 1993 which broke the chain of such Ordinance did touch this section also and substitution of some words in sub-section (4), substitution of sub-sections (14), (16) and (25) and Insertion of sub-section (27) were introduced. Prior to their substitution by Act 17 of 1993 which exist till today, these sub-sections, read as follows :-

"(14) ten persons, to be elected by and from amongst the members of Bihar Legislative Assembly in such manner as may be prescribed by the Speaker of the Assembly;'

"(16) fifteen teachers other than Deans, Principals and Heads of University Departments having not less than five years teaching experience to be nominated by

the Chancellor in such manner as may be prescribed by the Statutes ;"

"(25) five such registered graduates, other than the teachers of the University or its colleges, as have completed a period of five years after graduation to be nominated by the Chancellor from the panel of registered graduates prepared by the Vice-Chancellor:

Provided that for the Kameshwar Singh Darbhanga Sanskrit University not more than three persons, out of which two having rendered notable service for Sanskrit Education, shall be nominated by the Chancellor in the manner, as may be prescribed in the Statutes;"

19. Term of office of members of the Senate.- 1[(1) The term of office of members of the Senate other than the ex-officio members, the members whose terms has been specified under this Act and the Life members, shall be three years from the date of their election or nomination, as the case may be, and shall include any further period which may elapse between the expiration of the said three years and the date of the next succeeding election or nomination not being an election or nomination to fill up any casual vacancy under section 64 ⁴[but such extended period shall not be more than one year :

Provided that a member elected, or nominated as a representative of any body shall be deemed to have vacated office with effect from the date on which he ceases to be a member of the body which elected or nominated him:

²[Provided that the tenure of office of the elected members under sub-section (19) of section 18 shall be one year with effect from the date of their election.]

³[(2) The Senate shall have perpetual succession and any of its acts or proceedings shall not be invalid merely because of any vacancy or vacancies in its membership.]

Legislative change (after 1982)- By Act 17 of 1993 sub-section (2) was added to this section. Since none of the preceding Ordinances chain of which was broken by this Act contained such insertion, Sub-section (2) is to take effect from the date of passing of Act 17 of 1993.

(20) Meetings of the Senate.- 1[(1) The Senate shall meet twice a year, on dates to be fixed by the Vice-Chancellor, which shall be called ordinary meeting of the Senate and one of them shall be declared by the Statutes to be the annual meeting of the Senate in which the Budget of the University for the next year shall be passed.

(2) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than one-third of the total number of member of the Senate, 1[convene only one special meeting of the Senate in a year.]

(21) Powers and duties of the Senate.- (1) Subject to the provisions this Act and Statutes, the Senate shall be the supreme governing body of the University, and shall exercise control over all the affairs and properties of the University, and shall exercise all such powers as are not otherwise specified by his Act.

(2) In particular and without prejudice to the generality of the foregoing powers, the Senate shall exercise the following powers and perform the following duties, namely-

- (a) of making the Statutes and amending or repealing the same;
- (b) of considering the Statutes and the Regulations, and amending or repealing the same;
- (c) of passing resolution after having considered the annual report, the annual account, the financial estimates and audit report on such accounts;
- (d) of exercising the powers for the purpose of control in. Colleges and Tols,

and of super intendence which include affiliation and disaffiliation of Colleges:

Provided that affiliation or disaffiliation of Colleges or Tols shall not take effect, unless it is approved by the State Government :

Provided further that no medical college shall be affiliated except without the prior approval of the State Government.

Before granting such an approval, the State Government shall consider the financial viability of the College, the nature and form of the proposed management of the college, the viability of the academic standard and all other conditions which are likely to have adverse effect on the interests of students admitted to such a College;

(e) of instituting and conferring such degrees, titles, diplomas and other academic distinctions as may be prescribed by the Statutes; and

(f) of exercising such other powers and of performing such other duties as are conferred or imposed upon it by this Act or the Statutes.

²**[22. The Syndicate.-**(1) The Syndicate shall be the Executive Council of the of the University and it shall consist of the following members:-

- (a) Vice-Chancellor;
- (b) Pro-Vice-Chancellor;
- (c) Commissioner-cum-Secretary of Higher Education or his representative not below the rank of the Joint Secretary;
- (d) Director Higher Education;
- (e) Dean, Students Welfare and Proctor;
- (f) Two Heads of the University Departments to be nominated by rotation as prescribed by the Statutes, whose term of office shall be for one year from the date of nomination;
- (g) Two Principals of Colleges maintained by the University to be nominated by rotation as prescribed by the Statute, whose term of office shall be for one year from the date of nomination;
- (h) Two from amongst Professors and Readers of the University of the University other than the University Heads of Departments and two such Lecturers as have a minimum of five years of teaching experience, to be elected by the teacher members of the Senate by single transferable vote in accordance with the system of proportionate representation, one of whom shall be from other Backward classes from the rank of Professors and Reader, and one from Scheduled Castes/Scheduled Tribes from the rank of Lecturers;
- (i) Four from amongst the members of the Senate other than teachers, students and employees of University and Colleges, to be elected by the non-teacher members of the Senate by single transferable vote in accordance with the system of proportionate representation, but one of whom shall be Scheduled Castes/Scheduled Tribes and one from the other Backward Classes;
- (j) One reputed educationist nominated by the Chancellor;
- (k) Five persons to be nominated by the State Government one of whom shall be from Castes/Scheduled Tribes/other Backward Classes and one from women having academic interest and in social work elected in aforesaid manner.]

(2) The term of office of members, other the ex-officio member shall be for a period of three years with effect from the date of their respective election or nomination except otherwise provided and shall include any further period which may elapse between the expiry of the said period of three years and the date of the succeeding election or nomination, except in case of an election or nomination to fill up any casual vacancy ³[but such extended period shall not be more than one year];

¹[Provided that any member elected or nominated shall be deemed to vacate office with effect from the date on which he ceases to be member of the category from which he has been elected or nominated.]

(3) सिंडीकेट की बैठक अवकाश अवधि को छोड़कर महीने में एक बार साधारणतः होगी। परन्तु यदि कुलपति उचित समझे तो सिंडीकेट की विशेष बैठक बुला सकते हैं। उप-समिति की बैठक सिंडीकेट की बैठक के तुरत पहले अथवा बाद में होगी।]

²[(4) The Syndicate shall have perpetual succession and any of its acts or proceedings shall not be invalid merely because of any vacancy of vacancies in its membership.]

Legislative change (after 1982)- Ordinance 39 brought some changes in this viz. words "Chief Executive Body" in sub-section (1) was substituted to "Executive Council" and clauses(g)

1. Subs. Act 3 of 1990.
2. Subs. by Act 17 of 1993
3. Ins. by Jharkhand Act of 2003.

and (h) of sub-section (1) and proviso to sub-section (2) were substituted. These changes continued by- successive Ordinances till Act 3 of 1990 was passed. Prior to their substitution clauses (g),(h) of sub section (1) and proviso to sub-section (2) read as follows:-

"(g) One Reader or College Professor of the University or College and two such Lecturers having at least 10 years teaching experience to be elected by the Teacher Members of the Senate in accordance with the system of proportional representation by means of single transferable votes."

"(h) Three members other than teachers, students and other employees of college or the University, to be elected in accordance with the system of proportional representation by means of single transferable vote by the members of the Senate.

परन्तु सिनेट इसके अन्तर्गत होने वाले निर्वाचन के स्थान पर मनोनयन का अधिकार कुलपति को नहीं दे सकती है तथा यदि निर्वाचन के स्थान पर कुलपति द्वारा मनोनयन हुआ हो तो कुलाधिपति इसका पुनर्विलोकन करेंगे और इस विषय में उनका आदेश अंतिम एवं बन्ध नकरी होगा।"

The section again underwent changes when Act 17 of 1993 (w.e.f.5.8.1993) substituted the whole of sub-section (1). Prior to substitution sub-section (1) (as amended by Ordinance.39 of 1986 followed by successive Ordinances and Act 3 of '1990) read as follows:-

"(1) The Syndicate shall be the Executive Council of the University and shall consist of the following persons, namely:

Ex-officio Members

- (a) The Vice-Chancellor;
- (b) The Pro-Vice-Chancellor;
- (c) The Education Commissioner, Bihar, or his representative who shall at least be of the rank of Director (Higher Education) or Joint Secretary of the State Government ;
- (d) Dean, Students' Welfare, Proctor and Co-ordinator, College Development Council;

Other Members

- (e) Two Heads of University Department as prescribed- by the Statutes and their tenure shall be one year with effect from the date of their nomination;
- (f) Two Principals of colleges under the University by rotation as prescribed by the Statutes and their tenure shall be one year ;
- (g) Two from amongst the University Professors, Professors and Readers, other than heads of Departments and two such Lecturers having teaching experience of at least 10years shall be nominated by the Chancellor;
- (h) Three from amongst the members of the Senate, other than students and employees of College or University shall be nominated by the Chancellor ;
- (i) One reputed educationist nominated by the Chancellor ;
- (j) If in the foregoing clauses from (a) to (i) there be no ex-officio, nominated and elected Scheduled tribe or Scheduled Caste member, the Chancellor shall nominate a Scheduled Tribe member having academic interest each for the Ranchi and the Bhagalpur University and a Scheduled Caste member having academic interest each for the Lalit Narayan Mishra Mithila, Bihar, Magadh and Kameshwar Singh Darbhanga Sanskrit University:

Provided that if at a later stage a Scheduled Tribe or Scheduled Caste member is available, the term of the Scheduled Tribe or Scheduled Caste member nominated by the Chancellor shall be deemed to have automatically ceased:'

1[23. Powers and duties of the Syndicate.-The Syndicate shall-

- (a) hold, control and manage the property and funds of the University;
- (b) regulate the use of the common seal of the University;
- (c) subject to the powers conferred, by or under this Act, on the Vice-Chancellor and the Academic Council, determine and regulate all matters concerning the University in accordance with this Act the and the Regulation;
- (d) manage any funds placed at the disposal of the University for specified purpose;
- (e) have power to accept transfers on behalf the University any movable or immovable property to and for the benefit of the University or a College;
- (f) make Ordinances, and shall amend or repeal them, and
- (g) exercise such other powers and perform such other duties as are conferred or imposed on it by this Act, or the Statutes.]

Legislative changes (after 1982)-This section was substituted by Ordinance 39 of 1986 and the substitution continued by successive Ordinances till Act 3 of 1993 was enacted

Prior to its substitution this section read as follows :

'23. Powers and duties of the Syndicate-The Syndicate-

- (a) shall hold "control and manage the property and funds (together with endowments, bequests and donations) of the University and other transfer of property made to colleges for their benefit;
- (b) shall regulate the form, provided for the custody and regulate the use of the common seal of the University;
- (c) shall, subject to the powers conferred by or under this Act on the Vice-Chancellor and the Academic Council, determine and regulate all matters concerning the University in accordance with this Act, the Statutes, and the Regulations;
- (d) shall manage any funds placed at the disposal of the University for specific purposes;
- (e) save as otherwise provided in this Act or the statutes, shall appoint officers (other than the Vice-Chancellor and the Pro-Vice-Chancellor) and teachers of the University and shall define their duties and provide for the filling of temporary vacancies to the posts of such officers and teachers.
- (f) shall have power, to accept transfers on behalf of the University- of any movable or immovable property to and for the benefit of the University or a college;
- (g) shall make the Ordinance, and shall amend or repeal them; and
- (h) shall exercise such other powers and perform such other duties as are conferred or imposed on it by this Act or the Statutes;
- (i) shall take appropriate decision consistent with the Act and, on all matters having financial implication only after obtaining the advice of the Financial Adviser."

24. The Academic Council.—(1) The Academic Council shall consist of-

- (1) the Vice-Chancellor;
- (2) the Pro-Vice Chancellor;
- (3) the Deans of Faculties;
- (4) the Director, Higher Education, Bihar;
- (5) all Heads of University Departments;
- ¹[(6) 50 per cent of the Principals maintained by the University to be nominated by the Vice-Chancellor in rotation;]
- (7) all Principals of colleges maintained by the State Government;
- ¹[(8) Five Principals of affiliated colleges to be nominated by the Vice-Chancellor in rotation.]
- (9) ²[Substantively appointed teachers, other than Deans, Professors and Heads of University Departments, who shall in the manner prescribed by the Statutes, be elected by the Senate in such a way that each Faculty ²[be represented by one teacher
- (10) not more than two experts outside the University service, to be co-opted by the Academic Council for specific purposes according to need;

1. Subs, by Act 3 of 1990.

2. Subs. for the words "six" and "may get representation" by Jharkhand Act 6 of 2003

- (11) the President of the University Students' Union elected under sub-section (1) of section 43.

(2) The term of office of members, other than the *ex-officio* members, shall be for a period of three years with effect from the dates of their respective election or nomination and shall include any further period which may elapse between the

expiration of the said period of three years and the date of the next succeeding election or nomination, as the case may be, not being an election or nomination to fill up any casual vacancy ³[but such extended period shall not be more than one year:

Provided that any member elected or nominated shall be deemed to vacate office with effect from the date on which he ceases to be a member of the body which elected or nominated him.

Legislative changes (after 1982)—The following changes were introduced in this section by Ordinance 39 of 1986 (w.e.f. 17.12.1986):—

- (a) Substitution of clause (6)
- (b) Substitution of clause (8)
- (c) Substitution of clause (9)

While clauses (6) & (8) prior to their substitution read as follows:

- "(6) Seven Principals of Colleges maintained by the University who shall be nominated by rotation in the manner prescribed;
- (8) Two Principals of affiliated colleges to be nominated by the Senate by rotation."

Continued by successive Ordinances till Act 3 of 1993 was enacted the substitution of figure "6" (six) from "12" by Ordinance 39 of 1986 was again substituted to "5" by Ordinance 13 of 1987 (w.e.f.18.4.1987), but again substituted to "6" by the next Ordinance. 21 of 1987 (w.e.f.7.8.1987) and finally the last amendment continued till Act 3 of 1993 was enacted.

25. Powers and duties of the Academic Council.—The Academic Council shall be the Chief academic body of the University and shall—

- (a) subject to the powers conferred by or under this Act on the Vice-Chancellor and on the Syndicate, determine and regulate all academic matters concerning the University in accordance with this Act and the Statutes;
- (b) have the powers of superintendence and control over and be responsible for the maintenance of standards of instruction and education including the conduct of post-graduate teaching and the promotion of research work in the University;
- (c) exercise supervision and control over the conduct of teaching in the colleges in such manner as may be prescribed by the Statutes;
- (d) subject to provision of section 29, have powers of general control over the Examination Board, and may review the results of University Examinations;
- (e) exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes.

26.The Faculties.—(1) The University, ⁴[x x x] may include the Faculties of Arts, ⁵[Humanities and Social Sciences] Science, Commerce, Medicine, Law, Education, Engineering and such other Faculties as may be prescribed by the Statutes:

⁴ Words "other than the Kameshwar Singh Darbhanga Sanskrit University" omitted by *ibid.*

⁵ Ins. by *ibid.*

Provided that no Faculty shall be created by the Senate in respect of any branch of learning for the instruction of which no provision exists in any department of the University or any of its colleges.

- (2) Each Faculty shall, subject to the control of the Academic Council, have charge of the courses of studies, teaching and research work in such subjects as may be assigned to such Faculty by the ¹ [Statutes].
- (3) The total number of members of each Faculty shall not exceed such as may, from time to time, be prescribed by the Statutes.
- (4) Subject to the provisions of sub-section (3) each Faculty shall consist of—
 - (a) such number of members of the Senate as are teachers and as may be assigned to each Faculty by the Senate keeping in view the qualifications of such teacher members.
 - (b) such members of the Senate as are not teachers, their number in any faculty not exceeding one-fifth of the total number of members of that Faculty, other than the Faculty of ²[x x x], Engineering, Law, Medicine, Commerce or ²[x x x] and as may be elected from amongst and by the Senate in the manner prescribed by the Statutes:

Provided that in the case of the Faculty of ²[x x x], Engineering, Law, Medicine, Commerce or ²[x x x], the number of members of the Senate who are not teachers shall be such as may be prescribed by the Statutes; and

- (c) such number of members, to be co-opted as experts by the Academic Council from amongst persons who are not members of the Senate, as may be prescribed by the Statutes:

Provided that no person shall be a member of more than two Faculties.

³[5 (i) *Dean of Faculty*.—(a) The Dean of Faculty shall be appointed by the Vice-Chancellor from amongst the University Professors and the Principals of the rank of University Professors for two years by rotation in the concerned faculty in the manner prescribed in the Statutes:

Provided that where there is no teacher or Principal of the rank of University Professor in the Faculty, the Dean of Faculty shall be appointed by the Vice-Chancellor in rotation for a term of two years from amongst the Heads of Department and the Principals of the rank of Readers in the manner prescribed by the Statutes:

Provided further that where there is no University Department in the Faculty, the Vice-Chancellor shall appoint a Principal of a College of a rank lower than the University Professor to be the Dean of Faculty by rotation for a term of two years in the manner prescribed in the Statutes.

- (b) For being appointed Dean of the Faculty it shall be necessary for the person concerned to be a teacher in the Faculty.
- (c) A teacher appointed in accordance with the above provisions shall not be eligible for re-appointment as Dean unless the cycle of rotation

prescribed according to the Statutes is completed and there is no other teacher eligible for appointment as Dean.

- (d) The term of such Deans as are not eligible according to the provisions of this section shall cease with the enforcement of this Act and for that faculty a new Dean shall be appointed.
- (ii) The Dean of Faculty shall be responsible to the Vice-Chancellor for teaching and research work in that Faculty.
- (6) (i) Each Faculty shall comprise of such department of teaching as may be prescribed by the Regulations.

¹[(ii) The Head of University Department shall be appointed for two years by rotation amongst University Professors and those Readers having not less than 8 years' experience as Reader posted in the University Department.

The rotation shall be made on the basis of seniority among teachers having experience of Post Graduate teaching and belonging to University Service Cadre".

- (7) Subject to the provisions of this Act, each Faculty shall have the following powers :-
 - (a) to constitute the Board of courses of study of the departments allotted to it, and
 - (b) to exercise such powers and perform such duties as may be prescribed by the Statutes.

Legislative changes (after 1982)—By Ordinance 29 of 1986 clause (i) of sub-section (5) of section 26 was substituted which continued by successive Ordinances till the passing of Act 3 of 1990. Prior to its substitution this clause read as follows:—

"(5) (i) *Dean of Faculty.*—(a) The Dean of Faculty shall be appointed by the Vice-Chancellor, by rotation in the manner prescribed by the Statutes from amongst University Professors or Principals in the rank of University Professor, for a period of two years:

Provided that if there be no University Professor or Principal in the rank of University Professor in the Faculty concerned, Head of a University Department in the rank of Reader may be appointed Dean of the Faculty by the Vice-Chancellor, by rotation in the manner prescribed by Statutes.

In case where there is no University Department, Principal of a college, below the rank of University Professor shall be appointed Dean of the Faculty, by the Vice-Chancellor, by rotation in the manner prescribed by the Statutes.

- (b) For being appointed Dean of the Faculty it shall be necessary for the person concerned to be a teacher in the Faculty.
- (c) A teacher appointed in accordance with the above provisions shall not be eligible for re-appointment as Dean unless the cycle of rotation prescribed according to the Statutes is completed and there is no other teacher eligible for appointment as Dean.
- (d) The term of such Deans as are not eligible according to the provisions of this section shall cease with the enforcement of this Act and for that faculty a new Dean shall be appointed."

Subsequently in clause (ii) of sub-section (6) of section 26 words "Bihar Public Service Commission" were substituted by the words "Bihar State University (Constituent Colleges) Service Commission" by Ordinance 14 of 1993 and subsequently incorporated in Act 17 of 1993 which repealed Ordinance 14 of 1993.

28. Departmental Council.—(1) There shall be a Departmental Council for each University Department and each college consisting of the following members—

- (i) the Head of the Department:
- (ii) all teachers of the Department:
- (iii) two students—one nominated by the Vice-Chancellor and the another by the Head of the Department for each academic year.

- 1. Subs, by Jharkhand Act 6 of 2003
- 2. "Section 27" omitted by *ibid*.

(2) The Departmental Council shall, from time to time, review the activities of the Department and suggest ways of its improvement.

This Council shall meet at least thrice in a year on dates to be appointed by the Head of the Department. In between its two meetings, there shall not be an interval of more than three months.

29. The Examination Board.—¹ [(1) Subject to the provisions of the Regulation, advice shall be given in respect of conduct of examinations by the Examination Board. ³[The Examination Board shall consists of the Vice-Chancellor as Chairman, Pro-Vice-Chancellor, Registrar, Deans of Faculties of Humanities and Social Sciences, Science and Commerce as members and Controller of Examination as Secretary.

Provided that if the examination concerns any other faculty, the Dean of that Faculty shall be co-opted as a member for that meeting.]

(2) The Examination Board shall render advice to the Vice-Chancellor on conduct of examinations and appointment of examiners, setting and moderating question papers, preparation, moderation and publication of examination results, submission of such examination results to the Academic Council, and generally regulating the methods of improvement in the procedure of correct evaluation of achievements of students, and the Vice-Chancellor shall be competent to take final decision :

Provided that the Vice-Chancellor shall appoint the question setters and examiners from the panel submitted by the Examination Board.

²[Provided further that the Vice-Chancellor shall have power to order for re-evaluation of the answer books and in case he is satisfied that the evaluation of the answer or answer book has not been fairly done or evaluation has been done in violation of the University Statutes, Regulations, Rules or Orders.]

Legislative changes (after 1982)—Second Proviso was added to sub-section (2) of this section by Ordinance 39 of 1986 which continued by successive Ordinances till Act 3 of 1990 was enacted.

30. Holding of examinations.—(1) The examination of the University shall be held from such date, as may be appointed by the State Government by a notification in the official Gazette :-

Provided that where the State Government is satisfied that it is not possible to hold examinations in accordance with the said notification, it shall, in consultation with the Vice-Chancellor, appoint revised dates of examinations and the revised dates shall be notified in the official Gazette.

(2) Results of examinations shall be published within sixty days of the completion of the concerned examination, which may be extended to a period beyond sixty days for reasons to be recorded in writing.

¹[(3) Person appointed for invigilation or any other related work in connection with the conduct of college or University examinations shall be deemed to be a public servant within the meaning of the Indian Penal Code, 1860.]

31. The Planning and Evaluation Committee.—(1) There shall be a Planning and Evaluation Committee for the purposes of preparing plan programme of development and improvements of the University and in its courses of study, examining and evaluating, from time to time, the progress achieved in such plans and programmes, testing and evolving new methods of teaching, and for consultation and exchange of informations with similar organisations, other Universities and research institutes for any of these purposes.

(2) The Committee shall consist of the following members :

- (a) Vice-Chancellor;
- (b) Pro-Vice-Chancellor;
- (c) one person to be nominated by the State Government;
- (d) three Deans of Faculties to be appointed in the manner as prescribed by the Statutes;
- (e) two members of the Syndicate to be nominated by it;
- (f) two members of the Academic Council to be nominated by it;
- (g) three heads of Departments to be nominated by the Vice-Chancellor every year, by rotation; and
- (h) two such members representing academic interests and professions, as may be co-opted by the Committee, either by rotation every year or according to subject or subjects, as may be required.

(3) The Registrar shall act as the Secretary to the Committee.

(4) The term of office of members, other than ex-officio-members, shall be of three year's duration, except where otherwise provided.

32. The Research Council.—¹[(1) There shall be a separate Post-Graduate, Research Council in each faculty of the University for the registration and proper guidance of research work which shall work under the general control of the Academic Council.]

(2) The Post-Graduate Research Council shall consist of the following persons :-

- (a) The Vice-Chancellor
- (b) the Pro-Vice-Chancellor;
- (c) The Dean of the concerned Faculty.

²[(d) (All University Professors and those Readers having at least 8 years' experience as Reader posted in the University Department and Colleges imparting Post Graduate teaching in the Subject: and."

(e) four teachers ³[imparting Post-Graduate teaching of the concerned Faculty to be nominated by the Vice-Chancellor in each academic year.

33. Other authorities of the University.— The constitution, powers and duties of such other authorities, as may be declared by the Statutes to be authori-

ties of the University, shall be prescribed by the Statutes.

STATUTES, ORDINANCES, REGULATIONS AND RULES

34. The Statutes.— Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely;

- (a) the institution of Fellowship, Scholarships, exhibitions, medals and prizes;
- (b) the designations and powers of the officers of the University;
- (c) the constitution, powers, functions and duties of the authorities of the University;
- (d) the admission of educational institutions as colleges and the withdrawal of privileges from Colleges so admitted ;
- (e) the institution of Colleges and hostels and their maintenance and management;
- (f) the classification of teachers of the University, the manner of their appointment and their recognition;
- (g) the constitution of pension, insurance or provident fund for benefit of the officers, teachers and other servants of the University, and the teacher of Colleges ;
- (h) the maintenance of the register of registered graduates ;
- (i) the number, qualification, grade, pay, reservation of posts for ¹ [scheduled castes, scheduled tribes, Backward Classes, women and economically weaker sections] and conditions of service of teachers, officers and other servants of the University including the creation of new posts after considering, as the case may be, the recommendations of the Academic Council and the Syndicate, in the case of creation of other posts, and the recommendation of the Syndicate, in the case of posts of officers and servants of the University;
- (j) the maintenance of accounts of the income and expenditure of the University including the income and expenditure of Colleges and the forms and registers in which such accounts shall be kept;
- (k) the maintenance of a register of teachers;
- (l) the conferment of honorary degrees and distinctions;
- (m) all other matters which are or may be prescribed by the Ordinance or the Statutes.

35. No post for appointment shall be created without the prior sanction of the State Government.— Notwithstanding anything contained in this Act, no University or any College affiliated to such a University, except such College-

- (a) as is established, maintained or governed by the State Government;
- or

- (b) as is established by a religious or linguistic minority;

- ²[(i) After the commencement of this Act no teaching or non-teaching post involving financial liabilities shall be created without the prior approval of the State Government.]

- (ii) shall either increase the pay or allowance attached to any post, or sanction any new allowance;
Provided that the State Government may, by an order, revise the pay scale attached to such post or sanction any new allowance.
- (iii) shall sanction any special pay or allowance or other remuneration of any kind including *ex-gratia* payment or any other benefit having financial implication to any person holding a teaching or non-teaching post;
- (iv) shall incur expenditure of any kind on any development scheme without the prior approval of the State Government.
- (2) Notwithstanding anything contained in this Act, no College other than one mentioned in clauses (a) and (b) of sub-section (1), shall, after the commencement of this Act, appoint any person on any post without the prior approval of the State Government.

Provided that the approval of the State Government shall not be necessary for filling up a sanctioned post of a teacher for a period not exceeding six months, by a candidate possessing the prescribed qualification.

¹[(3) Any appointment or promotion made contrary to the provisions of this Act, or Statutes, Rules or Regulations made thereunder or made in irregular or unauthorised manner shall be invalid and shall be terminated at any time. The expenditure incurred by the University against such appointment or promotion shall be realised from the officer making such appointment or promotion as a public demand under the provisions of the Public Demands Recovery Act, 1914.]

Legislative changes (after 1982)—By Ordinance 4 of 1985 sub-clause (i) of clause (b) of subsection (1) of this section was substituted which continued by successive Ordinances till Act 3 of 1990 was enacted. Prior to its substitution this sub-clause read as follows:—

"(i) shall, after the commencement of this Act, create any teaching or non-teaching post involving financial liability without the prior approval of the State Government;"

This section underwent amendments when sub-section (3) was added by Ordinance 14 of 1993 which read as follows:—

"(3) Any appointment or promotion made contrary to the provisions of the Act, Statutes,

Rules or Regulations or in any irregular or unauthorised manner shall be invalid and shall be terminated at any time without notice. All expenditures incurred by the University in regard to such appointment or promotion shall be realised from the appointing officer as a public demand

under the provisions of the Public Demand Recovery Act, 1914."

Act 17 of 1993 which repealed Ordinance 14 of 1993 also retained the addition of Sub-section (3) but with certain changes.

36. Statutes how made.— (1) The Senate may, either on its own motion or on submission by the Syndicate, make Statutes, or amend or repeal i :

Provided that-

- (a) the Senate shall not consider any statute having the effect of changing the number of post of teachers, officers and servants of the University, their pay scales or pay order; unless such a draft is recommended by the Chancellor for the considerations of the Senate;
- (b) the Syndicate shall not propose any such statutes, as may affect the status, powers and constitution of any authority of the University, unless that authority has been allowed an opportunity to furnish

written opinion upon the proposed changes, and the Senate shall have to consider such option expressed in writing; and

- (c) in matters relating to status, powers, functions and constitution of the Academic Council, it shall be lawful for the Academic Council to initiate such Statutes and forward it to the Syndicate, which shall submit it to the Senate with such recommendations as it may like to make.

(2) If the draft of any Statutes or a portion thereof, after being presented by the Syndicate before the Senate is sent back to the Syndicate for reconsideration, and the Syndicate does not agree, after reconsideration, to the amendments suggested by the Senate, then it shall be lawful for the Senate to pass the Statutes or a portion of the Statutes in such form as it may deem appropriate, and the decision of the Senate shall, subject to the provision contained in sub-section (3) and sub-section (4), be final:

- ¹[(3) Where the Senate has passed the draft of any Statute it shall be submitted to the Chancellor who shall declare that he assents thereto as passed by the Senate or with such amendments as he deems proper:]

Provided that the Chancellor may as soon as possible after the presentation to him of the draft of the Statute so passed for assent, return the draft together with a message requesting that the Senate shall reconsider the draft and when the draft is so returned, the Senate shall reconsider the draft accordingly and if the draft is passed again by the Senate with or without any amendment and is presented to the Chancellor for assent, the Chancellor shall declare either that ¹[he assents thereto with such amendments which he deems proper] or that he withholds assent therefrom :

²[x x x x]

- (4) Where any member of the Senate proposes to the Senate of the draft of any Statute, the Senate shall refer the same to the Syndicate, and it shall thereupon be the duty of the Syndicate to consider the draft and the Syndicate may either recommend to the Senate that the proposal be rejected or submit the draft to the Senate in such forms as the Syndicate may approve, and the provisions of this section shall apply in the case of any draft so submitted as they apply in the case of the draft proposed to the Senate by the Syndicate.

- (5) A Statute passed by the Senate shall have no validity until it has been assented to by the Chancellor.

- ³[(6) Notwithstanding anything contained in the above clauses, if at any time when the Senate is not in session and the Chancellor is satisfied that it is necessary to frame Statutes on any subject, the Chancellor after obtaining the advice of the ⁴[Department of Higher Education, Government of Jharkhand] shall send the draft Statutes for opinion to the Syndicate of the University and it shall be binding on the Vice-Chancellor to convene a meeting of the Syndicate for consideration of the drafts statutes within 10 days of receipt of the said draft. The Chancellor shall then give his assents to the Statutes with such amendments as may deem necessary in the light

of the opinion of the Syndicate. The Statutes shall be deemed to have come into force in the University from the date of assent. Statutes framed in this manner shall be placed before the next meeting of the Senate for confirmation:

⁵[x x x]

37. Ordinances.— The Syndicate may, subject to the provision of this Act and Statutes, make Ordinance to provide for all or any of the following matters namely :-

- (a) the admission of students of the University and their enrolment as such;
- (b) the conditions of residence of the students of the Colleges and the University, the levying of fees for residence in hostels maintained by the Colleges or recognised by the University and the recognition of hostels not maintained by the University, including the suspension or withdrawal of such recognition;
- (c) the fees to be charged for courses of study in the University and for admission to the examinations, degrees and diplomas of the University;
- (d) the constitution, powers and duties of the Committee of the University;
- (e) the inspection of colleges by any agency; and
- (f) all other matters which by this Act or the Statutes are to be or may be provided for by the Ordinance.

38. Ordinances, how made.— (1) An Ordinance made by the Syndicate under section 37 shall be submitted as soon as may be to the Senate, and thereupon it shall be the duty of the Senate to consider the Ordinance at its next meeting and the Senate may, by resolution passed by a majority of the members present

and voting at such meeting, either reject the Ordinance or approve it with such modifications, if any, and from such date, as it may direct.

- (2) Such an Ordinance approved by the Senate shall be submitted to the Chancellor who shall declare that he assents to the Ordinance.
- (3) An Ordinance shall have no validity until it has been assented to by the Chancellor under sub-section (2).
- (4) Notwithstanding anything contained in sub-sections (1), (2) and (3), if at any time, except when the Senate is in session, the Syndicate makes an Ordinance and considers its immediate enforcement necessary, the Syndicate may recommend to the Chancellor accordingly and the Chancellor shall thereupon, by order published in the official *Gazette*, direct that the Ordinance shall come into immediate effect, but such Ordinance shall cease to have effect on the expiry of seven days from the date of the next meeting of the Senate unless confirmed by it.

39. Regulations, how made.—(1) Subject to the provisions of this Act, the Statutes and the Ordinance, Regulations may be made to provide for all or any of the following matters, namely-

- (a) the courses of study to be laid down for all degrees and diplomas of the University;
- (b) the condition under which students shall be admitted to the degree

or diploma courses and to the examinations of the University and shall be eligible for such degrees and diplomas;

- (c) the formation of departments of teaching in the Faculties;
- (d) the conditions and mode of appointment and duties of examiners and the conduct of examinations;
- (e) the standard of teaching to be maintained in the colleges; and
- (f) all matters which by this Act, the Statutes or the Ordinances are to be or may be provided for by Regulations.

(2) (i) A Regulation made by the Academic Council under sub-section (1) shall be forwarded, as soon as may be, to the Syndicate for transmission to the Senate, and the Syndicate shall duly forward the same to the Senate with such recommendations, if any, as it may wish to make and shall have no power to

return it to the Academic Council for reconsideration, unless such Regulation, in the opinion of the Syndicate relates to matters which directly or indirectly, affect the finances of the University.

¹[(ii) Such a regulation shall have effect from the date on which it has been assented to by the Chancellor on being passed by the Senate with or without amendment, or from any date fixed by the Chancellor:

Provided that at any time except when the Senate is in session, if the Academic Council makes a Regulation and considers its immediate enforcement necessary, the Academic Council may recommend through the Syndicate, to the Chancellor accordingly and Chancellor with such amendment as he think proper shall direct by a notification published in the Gazette that the Regulation shall come into immediate effect, but such a Regulation shall cease to be effective on the expiry of seven days from the date of the next meeting of the Senate, unless confirmed by the Senate :

Provided further that if any Regulation made by the Academic Council under the preceding proviso, involves expenditure from the University funds, the Regulation shall be forwarded to the Chancellor with the advice of the Financial Adviser.]

(3) Where the Syndicate has returned to the Academic Council a Regulation made by it and the Academic Council on reconsideration of the matter does not agree with the Syndicate the Academic Council may refer the matter to the Senate through the Syndicate and thereupon the Senate may either confirm the Regulation or amend or reject it.

40. Rules.—(1) The authorities and the Boards of the University constituted either under this Act or under the Statutes made thereunder may make Rules consistent with this Act, Statutes, the Ordinances and the Regulation for the following matters, namely :-

- (a) laying down the procedure to be observed at their meeting and the number of members required to form a quorum;
- (b) laying down the procedure to be observed by committees subordinate to any such authorities and the Board at their meeting and the number of members required to form a quorum;

- (c) providing for all matters which by this Act, the Statutes, the Ordinances or the Regulations are to be prescribed by Rules; and
- (d) providing for all other matters exclusively concerning such authorities, committees and Boards and not provided for by this Act, the Statutes, the Ordinances or the Regulations.

(2) Every authority of the University may make Rules providing for the giving of notice to the members of such authority of the dates of meetings and of the business to be considered at meetings and for the keeping of a record of the proceedings of the meetings.

(3) The Senate may direct the amendment, in such manner as it may specify, of any Rules made under this section or the annulment of any Rules made under sub-section (1).

41. Consultation with the ³**[Department of Higher Education, Government of Jharkhand shall be necessary in the matters relating to making of Statutes, etc.—**The University shall send the drafts of all proposed Statutes, Ordinances, Regulations and Rules to the³[Department of Higher Education, Government of Jharkhand for consideration, and shall consider the advice tendered by the said Board.

42. Hostels.—Every hostel maintained by a College or approved and recognised by the University shall conform to such general and special conditions, as may be prescribed by the Ordinances.

43. The Students' Union.—(1) There shall be a union of students of the University consisting of all the students of Colleges and departments of the University.

¹[(2) The organisation and function of the University Students' Union shall be prescribed by the Statutes.]

44. Annual report of the University.— The annual report on the working of the University shall be prepared under the direction of the Syndicate and shall include the annual accounts of the University and shall be submitted to the Senate on or before such date, as may be prescribed by the Statutes, and shall be considered by the Senate at its annual meeting and the Senate may pass resolutions thereon and communicate the same to the Syndicate for such action, if any, as may be specified in such resolution :

Provided that no decision shall be taken on the annual accounts nor shall there be anything in the resolution on the annual report which have the effect of anticipating the report of the auditors on the annual accounts :

Provided further that the report of annual account together with resolution, if any, of the Syndicate relating thereto shall be placed before the Legislature for consideration in its next session.

FINANCE, ACCOUNTS AND THE AUDIT OF THE UNIVERSITY.

45. Establishment of the University Fund. — ² [(1) There shall be a Fund in the name of the University referred in Section 3 of the Act to be called

after the name of that University and the said Fund shall vest in the said University for the purposes of the Act, subject to the provisions contained therein, and the following amounts shall be credited to it, namely :-

- (a) all sums contributed or granted to the University from the Consolidated Fund of the State of Bihar by the State Government for the purposes of the University or for the purposes of the Colleges and all sums borrowed by the University for the purpose of carrying out the provisions of this Act and the Statutes, Ordinances, Regulations and Rules made thereunder;
- (b) all money received by and on behalf of the institution and departments established and maintained by the University including all sums paid to the University under any provision of this Act and the Statutes, Ordinances, Regulations and Rules made thereunder;
- ¹[(c) "The balance amount as respectively standing, immediately before the commencement of the Act, to the credit of Ranchi University, Ranchi (constituted and incorporated under the Bihar State University Act 1960 (Bihar Act 14 of 1960), Sido-Kanhu-Murmu University (formerly Sidhu-Kanhu University), Dumka and Vinoba Bhave University, Hazaribagh both constituted and incorporated under the Bihar State University Act, 1976 (Bihar Act 9 of 1992)"]
- (d) all interests and profits arising from endowments made to the University and all contributions, donations and subsidies received from any local authority or private person;
- (e) all fees payable and levied under this Act and the Statutes, Ordinance and Regulations made thereunder; and
- (f) all other sums received by the University, not included in clauses (a), (b), (c), (d) or (e).

(2) The University Fund shall be kept in such scheduled bank within the meaning of the Reserve Bank of India Act, 1934 (II of 1934), or invested in such securities authorised by the Indian Trusts Act, 1882 (II of 1882), as may from time to time, be approved by the State Government.

(3) Nothing contained in this section shall in any way affect any obligation accepted by or imposed upon the Bihar University, the Bhagalpur University and the Ranchi University established by the Bihar Act 14 of 1960, or the Magadh University established by the Bihar Act 4 of 1962, or the Kameshwar Singh Darbhanga Sanskrit University established by the Bihar Act 21 of 1965, or Lalit Narain Mithila University established by the Bihar Ordinance no. 89 of 1976; by any declaration of trust executed by or on its behalf or by any scheme settled under the Charitable Endowments Act, 1890 (VI of 1890) for the administration of the trust in so far as such trust or scheme relates to the University or the College.

Legislative changes (after 1982)—Ordinance 14 of 1993 substituted sub-section (1) of this section which prior to its substitution read as follows:—

- "(1) There shall be a Fund to be called the Bihar University Fund for the Bihar University, (2) a Fund to be called the Bhagalpur University Fund for the Bhagalpur University, (3) a fund to be called the Ranchi University Fund for the Ranchi University, (4) a fund to be called the Magadh University for the Magadh University, (5) a Fund to be called the Lalit Narain Mithila University Fund for the Lalit Narain

Mithila University, and (6) a Fund to be called the Kameshwar Singh Darbhanga Sanskrit University Fund for the Kameshwar Singh Darbhanga Sanskrit University, and this Fund shall vest in the University for the purpose of this Act, subject to the provisions contained therein, and the following amounts shall be credited thereto, namely:—

(a) all sums contributed or granted to the University from the Consolidated Fund of the State of Bihar by the State Government for the purpose of the University or for the purposes of the College and all sums borrowed by the University for the purpose of carrying out the provisions of this Act and the Statutes, Ordinances, Regulations and Rules made thereunder;

(b) all money received by and on behalf of the institution and departments established and maintained by the University including all sums paid to the University under any provision of this Act and the Statutes, Ordinances, Regulations and Rules made thereunder;

(c) the balance amount as respectively standing, immediately before the commencement of this Act, to the credit of the Bihar University, the Bhagalpur University, the Ranchi University, the Magadh University, the Kameshwar Singh Darbhanga Sanskrit University, and the Lalit Narain Mithila Universities (the Bihar University, Bhagalpur and Ranchi) Act, 1960 (Bihar Act 14 of 1960), Bihar Act 4 of 1962, Bihar Act 21 of 1965 and the Lalit Narain Mithila University (Second) Ordinance, 1976.

(d) all interests and profits arising from endowments made to the University and all contributions, donations and subsidies received from any local authority or private person;

(e) all fees payable and levied under this Act and the Statutes, Ordinance and Regulations made thereunder; and

(f) all other sums received by the University, not included in clauses (a), (b), (c), (d) or (e)."

The substitution was retained by Act 17 of 1993 which repealed Ordinance 14 of 1993 with certain changes instead of naming various Universities the expression "Universities referred in Sec. 3" has been used).

46. Contribution by Government to the University.—(1) The State Government shall contribute annually to the University fund a recurring grant out of the Consolidated Fund of the State which shall include all expenses of recurring nature.

(2) The State Government shall calculate the amount of annual recurring grant in consultation with the Vice-Chancellor and the amount may be revised at the expiry of a period of every five years.

(3) The State Government may, from time to time, contribute such additional grants to the University funds, as it may deem fit having regard to the need of expansion and development of the University or the College.

47. Annual estimates of income and expenditure of Colleges and University.— (1) The Principal of every College shall prepare in the prescribed form an estimate of its probable income including income from endowments and bequests, if any, expenditure for the next ensuing financial year and the same shall be considered and sanctioned by the Governing body or managing committee of the College either without alteration or with such alteration, as it thinks fit and copy of the estimate so sanctioned shall be submitted by the College to the Vice-Chancellor on or before such date as may be prescribed by the Statutes.

(2) (i) On receipt of the estimate under sub-section (1) it shall forthwith be referred by the Syndicate to the Finance Committee for scrutiny and report. Thereupon the Finance Committee shall scrutinize every item of

estimate and in particular the portion of the estimate relating to grants-in-aid to the College and submit alongwith a report to the Syndicate, as may be prescribed by the Statutes.

- (ii) The Syndicate shall forthwith consider the estimate and the report of the Finance Committee and return the estimate to the College for rectification of defects therein, if any.
- (3) The Finance Committee shall prepare the annual estimate of income and expenditure of the University for the next ensuing financial year and shall, on or before the date as may be prescribed, forward the same together with the memorandum containing explanatory notes thereon to the Syndicate which may approve the estimates either without alteration or with such alteration as it thinks fit and the estimates so approved by the Syndicate shall be laid before the Senate at its annual meeting.
- (4) Every estimate prepared under sub-section (3) shall in accordance with the direction given by the State Government, make provisions for the due fulfillment of all the liabilities of the University including the allotment of grants to the Colleges and for the efficient administration of the Act and the Statutes, the Ordinances, the regulations and the Rules made thereunder.
- (5) Every estimate under this section shall be prepared in such form and shall contain such details as may be prescribed by the Statutes.

¹[48. **Approval of the Budget by the State Government.**—(1) Notwithstanding anything contained in this Act or the Statutes, University Ordinance or Regulation made thereunder, every University shall send its budget for every financial year to the State Government. The University shall show therein estimates of receipts and disbursement for the ensuing year. The State Government shall return the budget to the University with such modification as it may deem fit and the University shall act in conformity with such a modified and approved budget.

- (2) At any time during the financial year, the University may send a supplementary budget to the State Government and the State Government shall return the budget to the University with such modifications and approval as it may deem proper.
- (3) No expenditure shall be incurred by any University unless such an expenditure has become a part of the budget as finally approved under sub-section (1) or (2)]

[संकल्प सं० 14/बी 104-86 शि० - 575 दिनांक 31 मार्च 1986]

विषय:—विश्वविद्यालय के वार्षिक आवर्ती आय-व्यय की जांच सम्बन्धी प्रक्रिया या निर्धारण। विश्वविद्यालयों के वार्षिक आवर्ती आय-व्ययों को वर्तमान में बिहार राज्य विश्वविद्यालय एवं पटना विश्वविद्यालय अधिनियम, 1976 में विहित प्रावधानों के अंतर्गत वित्त समिति, सिंडीकेट एवं सिनेट के अनुमोदन से बनाया जाता है एवं इस प्रकार तैयार किया गया आय-व्ययक राज्य सरकार के अनुमोदनार्थ प्रस्तुत किया जाता है।

- (2) चूंकि राज्य सरकार को प्राप्त आय-व्ययक की सम्यक जांच पूर्व अभिलेखों के अभाव में करने में कठिनाइयों का अनुभव करना पड़ता है तथा विश्वविद्यालयों द्वारा तैयार किये गये आय-व्ययक में कई तकनीकी खामियां रहती हैं, अतः निर्णय लिया गया है कि वार्षिक आवर्ती

आय-व्ययक सिंडीकेट से पारित होने के पूर्व एवं सिनेट में उपस्थापित के पूर्व निम्नांकित त्रिसदस्यीय समिति के समक्ष समीक्षार्थ उपस्थापित किया जायगा:—

1. सचिव, वित्त विभाग, बिहार सरकार, पटना।
 2. सचिव, शिक्षा विभाग, बिहार सरकार, पटना।
 3. संबंधित विश्वविद्यालय के कल्पति।
- (3) उपर्युक्त त्रिसदस्यीय समिति द्वारा प्रारूप आय-व्ययक की समीक्षा के लिये राज्य सरकार या संबंधित विश्वविद्यालय के किसी भी कर्मचारी या अधिकारी से सहायता प्राप्त कर किया जा सकेगा।
- (4) त्रिसदस्यीय समिति के समीक्षोपरान्त तथा संशोधित तथा उपान्तरित आय-व्ययक को सिंडिकेट, सिनेट के सामने अनुमोदनार्थ रखा जायगा एवं सिनेट के द्वारा पारित बजट अधिनियम की धारा 48 के तहत राज्य सरकार के अनुमोदनार्थ यथावत भेजा जायगा। राज्य सरकार प्राप्त आय-व्ययकों को यथावत अथवा ऐसे उपान्तरणों के साथ जो वह करना उचित समझती है, विश्वविद्यालय को वापस कर देगी और विश्वविद्यालय इस प्रकार यथा अनुमोदित अथवा उपान्तरित बजट के अनुरूप कार्य करेगा।]

49. Consideration of estimates by the Senate.— The Senate shall consider every estimate laid before it under sub-section (3) of section 47 and shall

sanction the same, either without alteration or with such alterations as it may think fit.

50. Restriction on expenditure not included in the Budget.—(1) No sum shall be spent by or on behalf of the University unless the expenditure thereof is included in the current budget estimates or can be met, with the previous approval of

the State Government, by re-appropriation or by drawing upon the closing balance.

(2) The closing balance shall not be reduced below such amount as may be prescribed by the Statutes.

51. Objects to which the University fund may be applied.— The University Fund shall be applicable to the following objects-

- (a) to the re-payment of debits incurred by the University for the purposes of this Act and the Statutes, the Ordinance, the Regulations and the Rules made thereunder;
- (b) to the upkeep of department established by the University, hostels maintained by it and Colleges transferred to it;
- (c) to the payment of the salaries and advances of officers, teachers and other servants of the University, and of any provident fund contributions to any such officers, teachers and other servants;
- (d) to the payment of the travelling and other allowances of the members of the Senate, the Syndicate, the Academic Council and any other authorities of the University, or the members of any Committee or Boards appointed in pursuance of any provisions of this Act and the Statutes, the Regulations and the Rules made thereunder;
- (e) to the making of grants to the Colleges and other institutions;
- (f) to the payment of the cost of audit of the University fund under section 52 and of the cost of audit of the accounts of any College under section 53.

- (g) to the payment of expenses of any suit or proceeding to which the University is party;
- (h) to the payment of any expense incurred by the University in carrying out the provisions of this Act and the Statutes, the Ordinance, the Regulation and the Rules made thereunder; and
- (i) to the payment of any other expense, though not specified in any of the preceding clauses, but declared by the Senate to be the expense for the purpose of the University.

52. Account and audit of the University Fund. —¹(1) (a) Financial Adviser of the University shall prepare the Annual Budget according to the direction of the Vice-Chancellor. In the annual budget of the University, there shall be mention of income from all sources and all items of expenditure.

(b) The audit of the annual budget of the University shall be done every year by the auditors appointed by Accountant-General, Bihar.]

(2) A copy of the annual accounts of the University together with the auditor's report thereon shall be submitted by the Syndicate, within six months of the receipt of the report, to the State Government, the Chancellor and the Senate and the Chancellor shall cause the same to be published in the official gazette.

(3) (i) Within six months of the receipt of the auditor's report under sub section (2) the Senate shall appoint, an ad-hoc- Committee consisting of the Examiner of Local Accounts, Bihar, and eight such members of the Senate as are not members of the Syndicate.

(ii) The said Committee shall be known as the University Audit Committee and shall have power, for the purpose of examining the auditor's report to call for

explanations from the controlling and disbursing officers and it may-(

- a) suggest ways and means to avoid in future any misuse of the University Fund or irregularity in the accounts of the University;
- (b) suggest the recovery of any sum on account of any payment contrary to law from a University authority, officer or servant or from any person making or authorising such payment, or the recovery of the amount of any loss or deficiency from the person responsible therefor or any amount which ought to have been but which is not brought into account from the person failing to account for such amount.

(4)The auditor's report together with the report of the University Audit Committee thereon shall be submitted to the Senate and the State Government for such action as they think fit.

(5)It shall be lawful for the State Government either on the suggestion of the University Audit Committee or on its own motion to require any authority, officer or servant of the University or any person who is found to have spent or authorised the expenditure of any amount in excess of the amounts provided in the budget or in violation of any provision of the Act, the Statutes, Ordinances, Regulations or Rules or is found to have failed to account for any amount, to reimburse the amount in the manner prescribed in the Statutes :

Provided that no order for reimbursement shall be made until the authority, officer, servant or the person concerned has been given a reasonable opportunity, of making a representation and the same has been considered by the State Government.

¹[(6) If the State Government is satisfied that an amount has been paid in an irregular manner and if the amount is not reimbursed within a specified period, this amount shall be deemed to be a public demand and shall be recoverable according to the provisions of the Bihar Public Demands Recovery Act, 1914.]

53. Audit of accounts of Colleges.—(1) The accounts of every College shall be audited and examined annually by a qualified accountant appointed as auditor by the Syndicate.

(2) The auditor may, by written notice, require any person responsible for the preparation of accounts either to appear before him in person or to produce any document to enable the auditor to obtain such information as he may consider necessary for the proper conduct of the audit.

(3) After completing the audit, the auditor shall submit his report to the Syndicate : Provided that the Auditor may submit an interim report at any time he thinks fit.

(4) The cost of the audit of the accounts of a College shall be met from the University Fund.

54. Power of the State Government to have accounts of the University or College audited.— If it considers necessary, the State Government may cause the accounts of the University or any College to be audited by such agency as it thinks fit and on receipt of the audit report it may, after calling for a report from the University or College on the points raised therein and after considering the same, issue such directions as it thinks fit and thereupon the University or the College, as the case may be, shall comply with such directions within the time specified therein.

55. The Finance Committee—(1) The Finance Committee shall consist of ¹[the Vice-Chancellor as Chairman and Financial Adviser as member], an officer of the State Government not below the rank of a Deputy Secretary to be nominated by the State Government and four such other members, as are not members of the Syndicate, to be elected by and from amongst the members of the Senate in the manner prescribed by the Statutes.

(2) The term of office of members other than the *ex-officio* members shall be for a period of three years with effect from the respective dates of their election and shall include any further period which may elapse between the expiration of the said three years and the date of the next succeeding election not being an election to fill up any casual vacancy.

(3) The Finance Committee shall—

- (a) advise the University on any question affecting its finances;
- (b) prepare the annual estimates of income and expenditure of the University including the estimates of the departments of the University and of the Colleges maintained by it;

- (c) subject to statutes, have power to scrutinise the estimates of the colleges;
- (d) subject to Statutes, have power to scrutinise every item of new expenditure not provided for in the Budget estimates of the University;
- (e) be responsible for the strict observance of the Statutes relating to the maintenance of accounts of income and expenditure of the University; and
- (f) discharge such other functions of financial nature as may, from time to time, be prescribed by the Statutes or entrusted to it by the Senate or the Syndicate.

56. Inspection of Colleges.—(1) Every affiliated College shall furnish such reports, returns and other information as the Syndicate, after consulting the Academic Council, may require, to enable it to evaluate the efficiency of the College.

(2) The Syndicate shall cause every such College to be inspected from time to time.

(3) The Syndicate may call upon any College so inspected to take, within a specified period, such action as may appear to it to be necessary in respect of any of the matters specified in any Statutes made under clause (d) of section 22 or under section 34.

²**[57. Appointment of teachers and officers.**—(1) Subject to the provisions of this Act and the Statutes, the appointment and promotion of teachers and officers (other than Vice-Chancellor, Pro Vice-Chancellor, Proctor, Dean-Students Welfare, Co-ordinator, College Development Council and Deans of faculty) of the university & colleges (both constituent and affiliated) shall be made on the recommendation of the Jharkhand Public Service Commission.

(2) (a) The 2[Jharkhand] Public Service Commission shall hold every year a qualifying test for appointment of Lecturers in the University/Constituent Colleges/Affiliated Colleges which shall be known as the Bihar Eligibility Test For this purpose it shall invite subject wise application from only such candidates who fulfill the prescribed qualifications as laid down in the Statutes framed in this regard.

However, such test shall be conducted having regard to any regulation framed or direction issued by the University Grants Commission in this regard;

(b) For appointment of lectures in the University and the Constituent Colleges the Commission shall invite applications from candidates who have passed the Bihar Eligibility Test and / or have cleared the Eligibility Test for lectureship/Junior Research Fellow conducted by the University Grant Commission/Council for Scientific and Industrial Research and / or have already been awarded Ph.D. degree in the relevant subject and/ or have already submitted Ph.D. thesis upto 31st December, 1993 and / or have already been awarded M.Phil. degree by 31st December, 1992 and on the basis of interview shall prepare subject wise merit list against the vacancies notified by the University / Constituent College and such list shall remain valid for a period of one year from

the date of its approval. The subject wise merit list shall consist of twice the number of vacancies, but the Commission shall send in order of merit only one name at a time to the University for appointment against a single vacancy.

Provided that the Commission shall recommend names to the University from the merit list in conformity with the reservation roster prepared and sent by the University in accordance with the law relating to reservation in appointment in force in the State:

(c) The vacancies including the likely vacancies in the next calendar year along with the reservation roster shall be intimated to the Commission by the University by 31st of December every year.

(3) In making recommendations for appointment to every post of teacher and officer, the 2[Jharkhand Public Service Commission shall fulfill conditions contained in Section 58 of the Act.

4(a) 2[x x x]

3[(5) Notwithstanding anything to the contrary contained in this Act, or Statutes, Rules or Regulations made under it, the law relating to reservation in force in the State shall apply to all appointments.]

Legislative changes (after 1982)-This section prior to its substitution by Ordinance 4 of 1985 read as follows:-

शिक्षकों और पदाधिकारियों के पदों पर नियुक्ति।—(1) इस अधिनियम और परिनियमों के उपबन्धों के अधीन रहते हुए राज्य लोक सेवा आयोग (कुलपति, प्रतिकुलपति और संकायाध्यक्ष से भिन्न) विश्वविद्यालय के शिक्षकों और पदाधिकारियों के पदों पर नियुक्ति के संबंध में यथासंभव उन्हीं कृत्यों का पालन करेगा, जो उसे राज्य सेवाओं के संबंध में भारत संविधान के अनुच्छेद 320 द्वारा सुपुर्द किए गये हैं।

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1. Subs. for the words "Bihar State Universities (Constituent Colleges) Service Commission" by Jharkhand Act 6,2003.
 2. Section 57 (4) (a), 57(4) (b) and 57 (4) (b) and 57 (4) (c) omitted by ibid.
 3. Ins by Act 17 of 1993

(2) बिहार लोक सेवा आयोग सभी विश्वविद्यालयों में प्राध्यापकों की नियुक्ति हेतु लिखित प्रतियोगिता परीक्षा के आधार पर एक पैनल (नामिका) तैयार करेगा और उसी पैनल (नायिका) से प्राध्यापकों की नियुक्ति की जायेगी।

(3) विश्वविद्यालय के शिक्षक अथवा पदाधिकारी के प्रत्येक पद पर नियुक्ति के लिए अनुशंसा करने में राज्य लोक सेवा आयोग इस अधिनियम की धारा 58 में अन्तर्विष्ट शर्तों का पालन करेगा।

(4) ऐसे शिक्षकों की नियुक्ति जिसके लिए इस अधिनियम में दूसरा प्रावधान नहीं किया गया है, उसकी नियुक्ति बिहार कालेज सेवा आयोग की अनुशंसा पर की जायेगी।"

The above substitution continued by successive Ordinances till the passing of Act 3 of 1990. Later on in 1993 by Ordinance 14 of the 1993 the existing sub-sections (3) & (4) were renumbered as sub-sections (4) & (5) and a new sub-section (3) was inserted as follows:-

"(3) Notwithstanding anything to the contrary contained in the Act, Statutes, Rules or Regulations, the policy of reservation in the State of Bihar shall apply to all appointments."

Act 17 of 1993 which repealed Ordinance 14 of 1993 while substituted sub-section (2) it re-arranged the sub-sections according to which the earlier added new sub-section (3) by Ordinance was repositioned as no. (5) as sub-section (5). Thereby the existing sub-sections (3) & (4) which were re-numbered as (4) & (5) by Ordinance took back their original position by Act 17 of 1993.

Sub-section (2) (as it existed after substitution of sec. 57 by Act 3 of 1990) read as follows:-

(2) बिहार राज्य विश्वविद्यालय (अंगीभूत महाविद्यालय) सेवा आयोग सभी विश्वविद्यालयों तथा उनके अंगीभूत महाविद्यालयों में विभिन्न कोटि के शिक्षकों एवं पदाधिकारियों की नियुक्ति हेतु आयोजित साक्षात्कार के आधार पर प्रत्येक विश्वविद्यालय के लिये एक-एक पैनल (नामिका) तैयार करेगा। शिक्षकों के लिए विषयानुसार यह पैनल बनाया जायेगा और उसी पैनल से विभिन्न विश्वविद्यालयों एवं महाविद्यालयों के शिक्षकों तथा पदाधिकारियों की नियुक्ति की जायेगी।"

Vide Act 17 of 1993 this sub-section (2) read as follows:-

"(2) (a) The Bihar State University (Constituent College) Service Commission shall invite subject wise applications for appointment of teachers in the University, and on the basis of examination and interview held, shall prepare subject wise Merit List of candidates for appointment against vacancies in all the Universities and its Colleges. The list so prepared shall be valid for a period of one year from the date of its approval by the Commission. The subject wise merit list shall consist of one and half times the number of vacancies notified by the Commission. The vacancies including the likely vacancies in the next calendar year along with its reservation roster shall be intimated to the Commission by the University by 31st of December every year. The Commission shall recommend names from the merit list in conformity with the reservation roster prepared and sent by the Universities in accordance with the law relating to reservation in appointments in force in the State. Such names shall be recommended to the University in order of preference of the candidates, to the extent possible.

(b) The Officers of the Universities, unless otherwise expressly provided under this Act, shall be appointed from the list recommended to the Universities by the Commission as provided in clause (a)."

Subsequently by Ordinance 6 of 1994 the word "teacher" in clause (a) of sub-section (2) was substituted by the word "lecturer".

Yet another Ordinance 22 of 1994 was promulgated at that time by which sub-section (2) & (4) were substituted and it continued by successive Ordinance till the passing of Act 12 of 1995. Sub-section (4) prior to its substitution by Act 12 of 1995 read as follows:-

(2) संबद्ध महाविद्यालयों के शिक्षकों की नियुक्ति बिहार कॉलेज सेवा आयोग के अनुशंसा पर की जायेगी।”

1[57A. (1) Appointment of teachers of affiliated Colleges not maintained by the State Government shall be made by the Governing Body on the recommendation of the 2[Jharkhand Public Service Commission. Dismissal, termination, removal, retirement from service or demotion in rank of teacher of such colleges shall be done by the Governing Body in consultation with the [Jharkhand Public Service Commission in the manner prescribed by the Statutes:

Provided that the Governing Bodies of affiliated minority Colleges based on religion and language shall appoint, dismiss, remove or terminate the services of teachers or take disciplinary action against them with the approval of the 2[Jharkhand Public Service Commission:

Provided further that the advice to the 2[Jharkhand Public Service Commission shall not be necessary in cases involving censure, stoppage of increment or crossing of efficiency bar and suspension till investigation of charges is completed.

3[x x x]

4[(c) For the purpose of absorbing the services of the teacher of the affiliated colleges, who were appointed by the governing body of the colleges against the sanctioned posts before the establishment of the College Service Commission and whose services have been approved by the University as also the services of such teachers who were appointed by the governing body on the recommendations of the University Service Commission (Dissolved College Service Commission) as the case may be, approval of the Bihar State University (Constituent Colleges) Service Commission shall be necessary, and such teachers shall be absorbed in the University Service from the date of making the College constituent and their seniority shall be determined according to the rules prescribed in the Statutes.]

Legislative changes (after 1982)-In this section clause (c) of sub section (2) was substituted by Ordinance 4 of 1985 which continued by successive Ordinances till Act 3 of 1990 was enacted. Prior to its substitution, this clause read as follows:-

"(c) the consent of University Service Commission shall not be required for the meager of services of teacher of affiliated colleges appointed against the posts

created by the Governing Bodies before the formation of the College Service Commission and whose services are approved by the University on the recommendation of University Service Commission/College Service Commission. Service of such teachers shall be merged in the University Service, as they are from the date of conversion shall be determined in accordance with the procedure laid down in the Statutes.]

5[58. विश्वविद्यालय के शिक्षकों एवं पदाधिकारियों की नियुक्ति।—(1) इस अधिनियम और इसके अधीन बने परिनियमों के अधीन रहते हुए विश्वविद्यालय के शिक्षकों एवं पदाधिकारियों की नियुक्ति 6खंड लोका सेवा आयोग आयोग की अनुशंसा पर, 4कुलपति, द्वारा की जायेगी।

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1. Ins. by Act 68 of 1982
 2. Subs. For the word "College Service Commission" by Act 6 of 2003.
 3. Sections 57A(2) (a) and 57A(2)(b) omitted by *ibid*.
 4. Subs. By Act 3 of 1990.
 5. Subs. B Act 17 of 1993.
 6. शब्द "बिहार राज्य विश्वविद्यालय (अंगीभूत महाविद्यालय) सेवा आयोग" के लिए 6खंड संशोधन अधिनियम 6, 2003 द्वारा प्रतिस्थापित।

(2) कॉलेजों एवं विश्वविद्यालयों के शिक्षकों एवं पदाधिकारियों की नियुक्ति के लिये सिफारिश निम्नलिखित परन्तुक के अधीन की जायेगी; निम्नलिखित विशेषज्ञ आयोग को परामर्श देंगे:—

(क) विश्वविद्यालय प्राचार्य या विश्वविद्यालय प्राचार्य की कोटि के प्रधानाचार्य की नियुक्ति के लिये—

1[(i) Senior most teacher of the subject concerned not below the rank of University Professor:

Provided that if there is no such teacher in the University, the Head of the Department of the subject concerned of any other University not below the rank of University Professor:

Provided further that the expert shall be Principal of the rank of University Professor for the appointment of Principal of the rank of University Professor.]

(ii) कुलाधिपति द्वारा नाम निर्देशित विश्वविद्यालय के बाहर का विश्वविद्यालय प्राचार्य से अन्यून पंक्ति के संबंधित विषय के तीन विशिष्ट विद्वान/विशेषज्ञ।

²[Provided that for the appointment of Principal of the rank of University Professor, one shall be a Vice-chancellor/Ex-Vice-Chancellor of any other University amongst the said three Specialist/Expert]

(iii) ऊपर (i) और (ii) में अंकित विशेषज्ञों में कम से कम तीन विशेषज्ञ सदस्य बैठक में अवश्य उपस्थित रहेंगे।

(ख) प्राचार्य/उपाचार्य/उपाचार्य कोटि के प्रधानाचार्य/विश्वविद्यालय पुस्तकाध्यक्ष/प्राध्यापक की नियुक्ति के लिए—

1[(i) Senior most teacher of the subject concerned not below the rank of University Professor:]

Provided that if there is no such teacher in the University, the Head of the Department of the subject concerned of any other University not below the rank of University Professor:

3[" Provided further that in the case of appointment of lecturer if teacher in the concerning subject of the rank of Professor (University Professor) of that University or any other University is not available, teacher of the concerned subject of that University or any other University not below the rank of reader."

Provided further that the expert shall be a Principal of the rank of University Professor for the appointment of the Principal of the rank of Reader.]

(ii) कुलाधिपति द्वारा नाम निर्देशित विश्वविद्यालय से बाहर के विश्वविद्यालयों के आचार्य से अन्यून पंक्ति के संबंधित विषय के दो विशिष्ट विद्वान/विशेषज्ञ। ऊपर (प) और ;पपद्ध में अंकित विशेषज्ञों में से कम से कम दो विशेषज्ञ आयोग की बैठक में अवश्य उपस्थित रहेंगे।

(ग) विश्वविद्यालय के पदाधिकारियों की नियुक्ति के लिये—

(i) कुलाधिपति द्वारा नाम निर्देशित अपने विशेष ज्ञान एवं अभिरुचि के लिये प्रख्यात एक व्यक्ति जो विश्वविद्यालय सेवा में न हो।

(ii) कुलाधिपति द्वारा नाम निर्देशित दो विशेषज्ञ। ऊपर (i) और (ii) में अंकित विशेषज्ञों में से कम-से-कम दो विशेषज्ञ आयोग की बैठक में अवश्य उपस्थित रहेंगे।

1. Subs. By Act 3 of 1990

2. Ins. By ibid.

3. Clause (a) deleted by 17 Act of 1993 and sub-clause (b) renumbered as sub sec.3.

1[(घ) आयोग प्रत्येक पद के लिए मात्र एक ही अनुशंसा करेगा।

2[x x x x x]

(3) 2If the Vice-Chancellor does not accept the recommendation made by the Commission, it shall record its reasons in writing and forward the case for order to the Chancellor and the order of the Chancellor be final and binding.]

- (5) अधिनियम में किसी बात के होते हुए 4[कुलपति, विश्वविद्यालय प्राचार्य या विश्वविद्यालय प्राचार्य की कोटि के प्रधानाचार्य के पद पर सम्बंधित विषय में किसी ख्याति प्राप्त विशिष्ट विद्वान की नियुक्ति वार्ता के जरिये और कुलाधिपति का पूर्व अनुमोदन प्राप्त करके कर 4[सकेगा,।
- (6) कुलपति, के लिए विश्वविद्यालय के शिक्षकों एवं पदाधिकारियों की पदच्युति, अपसारण एवं पदोन्नति के अतिरिक्त उनके सम्बंध में अन्य कोई कार्रवाई करने के लिये आयोग से परामर्श करना आवश्यक नहीं होगा।
- (7) विश्वविद्यालय के शिक्षकों एवं पदाधिकारियों की अन्य सेवाशर्तें अनुशासनिक कार्रवाई सहित, परिनियमों द्वारा अवधारित की जाएगी।
- (8) विश्वविद्यालय के शिक्षकों एवं पदाधिकारियों की नियुक्ति में आयोग की सहायता करने हेतु कुलाधिपति द्वारा नाम निर्देशित व्यक्तियों का चयन 5[झारखण्ड उच्चतर शिक्षा निदेशालय द्वारा प्रस्तुत नामिका से ही किया जायेगा।

4[(9) (a) Notwithstanding anything contained in the Act, a purely temporary appointment on a post of Lecturer, duly sanctioned by the State Government may be made for a maximum period of six month or till the end of session (whichever is earlier) by the following Selection Committee constituted under the chairman ship of Vice-Chancellor:-

Members of Selection Committee

Vice-Chancellor-Chairman.

Senior most teacher of the rank of University Professor/ Head of the Department of the subject concerned- Member.

An expert of rank of the University Professor to be nominated by the Chancellor-Member.

1[(4) A member of the Scheduled Castes/ Scheduled Tribes/ Other Backward Classes having academic interest, to be nominated by the State Government- Member.]

In any case the Lecturer appointed on temporary basis as aforesaid shall neither continue in service nor be-appointed on the expiry of the said period of six months. Such appointment shall be made only once and for a maximum period of six months.]

(घ) deleted by Act 17 of, 1993 and (ङ.) renumbered as (घ) vide ibid.

Clause (a) deleted by 17 Act of 1993 and sub-clause (b) renumbered as sub sec. 3 Subs. by Act 3 of 1990.

Subs. by Act 17 of 1993.

Legislative changes (after 1982)- Ordinance 4 of 1985 (w.e.f.6.2. 1985) brought following changes in this section:

- (1) Substitution of sub-section (2) (a) (i), (2) (b) (i) and (3) (b);
- (2) for the words "Bihar Public Service Commission" and "Commission" the words "Bihar University (Constituent Colleges) Service Commission" shall be substituted;
- (3) Insertion of new sub-section (9)
Prior to their substitution by Ordinance 4 of 1985 sub-sections (2) (a) (i), (2) (b) (i) and (3) (b) read as follows:

"(2) (a) (i) विश्वविद्यालय प्राचार्य से अन्यून पंक्ति का सम्बन्धित विषय का विभागाध्यक्ष: परन्तु विश्वविद्यालय में ऐसा कोई शिक्षक नहीं हो तो अन्य विश्वविद्यालयों के उस विषय का विभागाध्यक्ष जो विश्वविद्यालय प्राचार्य से अन्यून कोटि का हो।"

"(2) (b) (i) विश्वविद्यालय प्राचार्य से अन्यून पंक्ति का सम्बन्धित विषय का विभागाध्यक्ष: परन्तु विश्वविद्यालय में ऐसा कोई शिक्षक नहीं हो तो अन्य विश्वविद्यालय के उस विषय का विभागाध्यक्ष जो विश्वविद्यालय प्राचार्य से अन्यून कोटि का हो।"

"(3) (b) आयोग का यह कर्तव्य होगा कि महाविद्यालय के सम्बन्ध में किये कृत्यों का वार्षिक प्रतिवेदन विश्वविद्यालय को भेजेगा। प्रतिवेदन की प्रति सिनेट की आगामी बैठक में प्रस्तुत की जाएगी और विश्वविद्यालय सिनेट की टीका टिप्पणी के समय यदि कोई हो तो, उसे राज्य सरकार को अग्रसारित करेगा और राज्य सरकार उस विधान मंडल के समक्ष प्रस्तुत करेगी।"

After their substitution by Ordinance 4 of 1985 the above clauses and sub-section (9) read as sity Professor.'

"Provided further that the expert shall be a Principal of the rank of University Professor for the appointment of the Principal of the rank of University Professor.'

"Provided that for the appointment of Principal of the rank of University Professor, one shall be a Vice-Chancellor/ex-Vice Chancellor of the outside University from amongst the said three Specialists/ Experts.'

"(2) (b) (i) Senior most teacher of the subject concerned not below the rank of University Professor.'

"Provided further that the expert shall be a Principal of the rank of University Professor for the appointment of the Principal of the rank of Reader.'

"If the Syndicate/Governing Body does not accept the recommendation made by the Commission it shall record its reasons in writing and forward the case for order to the Chancellor and the order of the Chancellor shall be final and binding.'

"(9) Notwithstanding anything contained in the Act purely temporary appointment on a post of Lecturer, duly sanctioned by the State Government may be made for a maximum period of six months or till the end of session (whichever is earlier) on the recommendations of the following Selection Committee constituted under the chairmanship of Vice-Chancellor:-

- 1) Vice-Chancellor- Chairman.

2) University Professor of the subject concerned (the senior most teacher of the rank of University Professor) Member.

3) An expert of the rank of the University Professor to be nominated by the Chancellor Member.

(C) In any case the lecturer appointed on temporary basis as aforesaid, shall neither continue in service nor be re-appointed on the expiry of the said period of six months. Such appointment shall be made only once and for a maximum period of six months.'

Ordinance 39 of 1986 (w.e.f. 17.12.1986) brought further changes as follows:-

"Amendment of section 58 of Bihar Act 23, 1976. – In the said Act in section 58.-

(i) in sub-sections (1) and (5) for the word, "Syndicate" the word "Vice-Chancellor shall be substituted.

(ii) in sub-section (6) for the word "Vice Chancellor/Syndicate" the word "Vice-Chancellor shall be substituted.'

The above changes continued till enactment of Act 3 of 1990.

Again in 1993 by Ordinance 14 of 1993 changes were introduced in this section as follows:-

"(10) Notwithstanding anything to the contrary contained in the Act of Statutes, rules or regulations all promotions give on temporary basis to the post of Readers of Professors or Principals or the Officers of the University shall be valid for not more than six months unless

recommended by the Bihar State University (Constituent Colleges) Service Commission:

Provided that all relevant record and paper concerning such promotion shall be sent to the Commission by the University within a period of one month from the date of such temporary promotion, otherwise, it shall ceased to be operative after lapse of one month from the date of the such promotion.'

However, Act 17 of 1993 which replaced Ordinance 14 of 1993 introduced new amendments and retained insertion of sub-section (10) but without its proviso, as follows:-

"Amendment of Section 58 of Bihar Act 23 of 1976- in Section 58 of the said Act:-

(i) In sub-section (2) clause (d) shall be deleted and clause (e) shall be renumbered as clause (d).

(ii) In sub section (3) clause (a) shall be deleted and clause (b) shall be renumbered as sub-section (3).

(iii) For sub-section (4) the following shall be substituted namely:-

"(4) Appointment of the posts of teachers and officers shall be made on the recommendation of the Commission unless otherwise provided under the Act'

(iv) After sub-clause (3) of Clause (a) of sub-section (9), the following new sub-clause shall be inserted, namely:-

"(4) A member of the Schedule castes/Scheduled Tribes/Other Backward Classes having academic, entrust to be nominated by the State Government-Member.'

(v) After sub-section (9), the following new sub-section shall be added, namely:-

"(10) Notwithstanding to the contrary contained in this Act or Statutes, Rules or Regulation made there under promotion given on temporary basis to the post of Reader or professor or Officers of the University shall not be valid for a period exceeding six months unless recommended by the Bihar State University (Constituent College) Service Commission.'

In 1996 by Ordinance of 6 of 1996 (w.e.f.6.8.1996) a new second proviso was inserted in clause (i) of clause (b) of sub-section (2) and this continued by successive Ordinances and finally Act 8 of 1998 was enacted to give this insertion permanency.

1[58A. Constitution of Advisory Committee.- For each college maintained and administered by the University, there shall be an Advisory Committee which shall be constituted and shall function in accordance with the manner prescribe by the Statutes]

59. Relation of affiliated College with the University.- The relations of the affiliated Colleges with the University shall be governed by the Statutes to be made in that behalf, and such Statutes shall provide in particular for the exercise by the University of the following power in respect of the College affiliated to the University:-

(1) to lay down minimum education qualifications for the different classes of teachers and tutorial staff employed by such Colleges;

(2) to approve the action taken by the governing bodies of such colleges in regard to creation of posts of teachers, their appointments, dismissal, discharge, removal from service, termination of service and determination of term of post 1[and to approve the deputation of teachers to the Intermediate Colleges delinked from the affiliated College;]

(3) to co-ordinate and regulate the facilities provided and expenditure incurred by such Colleges, in regard to libraries laboratories and other equipments for teaching and research;

(4) to require such Colleges, when necessary, to confine the enrolment of students to certain specific subjects;

(5) to regulate conditions of service to teachers of such colleges including the grant of leave with or without allowances and the constitution of pension, insurance, and provident funds for the benefit of such teacher; and

(6) to require satisfactory arrangement for tutorial and similar other work in such Colleges and to inspect such arrangements from time to time.

Ins. by Act 68 of 1982

Provided that such colleges shall supplement such teaching by tutorial or other instruction of training in manner to be prescribed by the Regulation to be made by the Academic Council.

60. The Governing body.-(1) There shall be governing body for the management and administration of each affiliated college other than a college owned and maintained by the State Government or a college established and administered by a minority community on the grounds of religion or language or an affiliated technical or medical college.

It shall consist of following members-

Principal of the College-Ex-Officio,

a member elected by and from amongst the teachers of the college,

a representative of the University nominated by the 2[Vice-Chancellor]

an officer of the State Government posted in the district, being not below the rank of a sub-division magistrate, nominated by the 1[Vice-Chancellor]

a member elected by such donors from amongst themselves as has donated at least twenty five thousand rupees to the College,

One member to be nominated by the -1[Vice-Chancellor], who is a member of the Parliament or the State Legislature and mainly resides in the district of the area in which the College is situated; and

One member co-opted by the Governing body from amongst such educationists or persons residing in the district where the college is situated as are reputed for their academic interest.

(2) The term of office of the members of the Governing body, their powers and functions shall be such as are prescribed by the Statutes.

(3) Any act or proceedings of the Governing body of affiliated colleges shall not be invalid merely because of any vacancy or vacancies in its membership.

(4) The [Vice-Chancellor shall constitute and adhoc committee for the management of the College so long as Governing body is not constituted in accordance with the provisions contained in sub-section (1).

(5) The Governing body/ Managing Committee for the management and administration of a College owned and maintained by the Government, or established and administered by a minority community, on the ground or religion or language and declared, from time to time, as such by the State Government according to yard stick laid down by it, or of any affiliated technical or medical college shall be constituted in accordance with the provisions prescribed in the Statutes.

Enrolment and Degrees

2[61. Enrolment of students in University:- (1) No student shall be enrolled as a student in the University unless he has passed the Intermediate or equivalent examination held by a body incorporated by any law for the time being in force and recognized by the University.

(2) The State Government may determine the maximum numbers of seats for enrolment of students in the Faculties and Departments of the University and the colleges under its jurisdiction and directions issued thereto shall be binding on the University.

Subs. by Act 3 of 1990
Subs. by Act 17 of 1993.

1(3) The quota for reservation of seats in each university, faculties, department and colleges under the University for admission of students to different courses shall be determined by the State Government as follows which shall be binding on the University-

- Scheduled Castes – 14% of the sanctioned seats.
- Scheduled Tribes – 10 % of the sanctioned seats.
- Extremely Backward classes – 14% of the sanctioned seats
- Backward classes – 10% of the sanctioned seats.
- Women of Backward classes – 2% of the sanctioned seats.

Reservation of seats for admission of student shall not exceed more than 50% of the sanctioned seats. However a reserved category student who is selected on the basis of his/her merit shall be counted against 50% seats of open merit category and not against seats of reserved category.

(4) The State Government may by notification direct the University to prescribe entrance examination for admission into the graduate courses in the colleges specified in this behalf and to commence such entrance examination annually from the academic session notified by the State Government in this behalf.]

Legislative changes (after 1982)- Act 17 of 1993 substituted this section. However the preceding Ordinances which ultimately culminated in the passing of Act 17 of 1993 did not contain any amendment to this section. Prior to its substitution this section read as follows:-

“Qualification for enrolment of students of the University.- No student shall be enrolled as a student of the University unless he has passed the Secondary School Examination or any other equivalent examination held by the University or any other University or body [incorporated by any law for the time being in force and recognized by the University.

Provided that students having passed the Higher Secondary or Pre-University Examination shall continue to be enrolled in the manner as prescribed in the Ordinance and Regulations.’

Later on by Act 16 of 1996 a new sub-section (3) providing for reservation in admission was added and the existing sub-section was renumbered as sub-section (4).

62. Appointment of the Commission.-(1) The State Government may at any time, by an order published in the official Gazette, constitute a Commission.

(2) The Commission constituted under sub-section (1) shall inquire into and report on the following-

the working of the University;

the financial condition of the University, its college and other academic institutions;

any changes to be made in the provisions of this Act, the Statutes, the Ordinances and the Regulations with a view to bringing about improvements;

such other matter as may be referred to it by the State Government.

(3) On receipt of the recommendations under sub-section (2), the State Government may send the same to the appropriate authority of the University for consideration and report thereon, and on receipt of his report, may pass such order thereon as it may consider fit. It shall cause the said order published in the official Gazette. Thereupon the University shall comply with the order within such time as may be specified by the State Government.

63. Dispute as to constitution of University authorities and bodies-

If a question arises whether any person has been duly elected, or is entitled to be, a member of the senate, the Syndicate or the Academic Council, the matter shall be referred to the Chancellor whose decision thereon shall be final.

Ins. by Act 16 of 1996 (Sub-sec. 3 renumbered as 4)

64. Filling of vacancies- All vacancies among the members (other than ex-officio members) of any authority or other body of the University by reason of death resignation or otherwise shall be filled, as soon as conveniently may be by the person or body who appointed, nominated, elected or co-opted the member whose place has become vacant and the person so appointed, nominated, elected or co-opted shall be a member of such authority or body for the unexpired portion of the prescribed term:

Provided that pending the filling up of such vacancies by appointment, nomination in the manner aforesaid, the vacancies (other than a vacancy in the Senate may, if the authority or body of the University so decides, be filled by the co-option of any person qualified to fill such vacancy under the provisions of this Act, and any person so co-opted shall hold office as a member of such authority or body until a person is appointed, nominated or elected thereto in accordance with the provisions of this Act.

65. Proceedings of University authorities and bodies not invalidated to vacancies. – No act or proceeding of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

66. Conditions of service of officers and teachers of the University. –

(1) Every salaried Officer of University and every teacher employed in a University Department other than officers and teachers who are members of the public services in India and whose services have been lent to the University under clause (i) of sub-section (2), shall be appointed on a written contract which shall be lodged with the Registrar of the University and copy thereof shall be furnished to the officer of teacher concerned. Every teacher of the University shall in the absence, of any agreement to the contrary, be governed by the conditions and restrictions, as specified in the Statutes.

(2) Any member of the public services in India, whom it is proposed to appoint to post in the University, shall subject to the approval of such appointment by the Government concerned and the terms thereto, have the option-

(i) of having his services lent to the University and remaining, at any time, liable to recall to the recall to the service of the Government at the option of the Government concerned; or

(ii) of resigning the service of the Government on entering the service of the University.

Provided that where the University, after consultations with the 1[The Bihar State Universities (Constituent College) Service Commission] is satisfied that an officer or teacher, being a servant of the Government whose services have been lent the University deserves the punishment of dismissal, removal or reduction in rank, the University shall forward to the Government the proceedings instituted against such officer or teacher together with all connected papers including the findings of 1[the Bihar State Universities (Constituent Colleges) Service Commissions] and thereupon the Government shall forthwith cause the said officer or teacher to be reverted to the service of the Government and take such action against him as its think fit.

2[(3) It shall be lawful for the University to depute teacher of the University service to the intermediate college, delinked form the college, according to procedure prescribe in the Rules.]

Legislative changes (after 1982)- The words "The public Service Commission' was substituted by the words "Bihar State University (Constituent Colleges) Service Commission' by Ordinance 4 of 1985 and this was accorded finality after the successive Ordinance, by enactment of Act 3 of 1990

Subs. by Act 3 of 1990
Ins by Act 68 of 1982

67. Retirement from service. – 1[(a) Notwithstanding anything to the contrary contained in any Act, Rules or any Judgment of decree of a Court, the date of retirement of teaching and non-teaching employee of the University or of a college shall be the date on which he/she attains the age of sixty years.]

Provided that reappointment of teacher after retirement may be made in appropriate cause upto the age of sixty-five years in the manner laid down in the Statute made in this behalf in accordance with the guidelines of the University Grants Commission'

(b) The University may require any teaching or no-teaching employee who, reckoned from the date of his first appointment, has completed the qualifying service of 23 years or a total service of 27 years, to retire from the University service, if considers that his conduct or efficiency is such as does not justify his continuation in the service.

(c) (i) Notwithstanding anything contained in the preceding sub-section, any teaching or non-teaching employee may, after giving at least three months prior notice in writing to the concerned appointing authority, retire from such date on which such a teaching or no-teaching employee has completed 32 years of qualifying service or attains 52 years of age, or from such date thereafter as may be specified in the notice:

Provided that no employee of the University under order of suspensions shall retire except without a specific approval of the Syndicate.

(ii) The University may, in the public interest, require any teaching or non-teaching employee, after giving at least three months prior notice in writing or after paying an amount equivalent to pay and allowance of three months in lieu of such notice, to retire from such date on which he completes 32 years of qualifying service or attains 52 years of age, or from such date thereafter as may be specified in the notice.

(d) The provisions contained in the preceding sub-sections shall mutatis mutandis apply to the teaching and non-teaching employees of affiliated Colleges.

Legislative changes (after 1982)-Clause (a) of this section was first substituted by Ordinance 35 of 1986 (w.e.f.1.4.1986) which prior to its so substitution read as follows:

"(a) Save as otherwise expressly provided in this Act, The date of retirement of any teaching or non-teaching employee, other than inferior servants, of the University or any College, shall be the date on which he attains the age of sixty years:

Provided that such teachers, who do not opt for the pay-scales revised with effect from the 1st day of January, 1973, and such non-teaching employees, who are in the service of University from a date prior to the commencement of this Act, shall retire after attaining the age of sixty-two years:

Provided further that no University shall extend the period of service of or reappoint any teaching or non-teaching employee after his completing the age of 60 or 62 years as the case may be.'

After its substitution by ordinance 35 of 1986 Clause (a) read as follows:-

"(a) Save as otherwise expressly provided in the Act the date of retirement of a teaching employee of the University or of a college with effect from the 1st April 1986 shall be the date on which he attains the age of 62 years. The date of retirement of non-teaching employee (other-wise than inferior servants) shall be the date on which he attains the age of 60 years, but the date of retirement of such non-teaching employees who are in the service of the University prior to the commencement of this Act, shall be the date on which he attains the age of 62 years:

Provided that the University shall in no case, extend the period of service of any of the teaching or non-teaching employees or re-appoint him after he attains the age of 60 or 62 years as the case may be.'

This clause as so substituted by Ordinance 35 of 1986 continued by subsequent Ordinances the last being Ordinance No. 20 of 1986. Thereafter Ordinance no. 2 of 1990 (w.e.f.9.8.1989) again substituted this clause which read as follows:-

“(क) इस अधिनियम में अभिव्यक्त रूप से उपबंधित अवस्था को छोड़कर विश्वविद्यालय या महाविद्यालय के शिक्षक कर्मचारी की सेवा निवृत्ति की तिथि 1लीं अप्रील 1986 से वह होगी जिस तिथि को वह 62 वर्ष की आयु प्राप्त कर ले; शिक्षकेत्तर कर्मचारी (अवर सेवकों इनफीरियर सर्वेन्ट्स को छोड़कर) की सेवा-निवृत्ति की तिथि वह होगी जिस तिथि को वह 60 वर्ष का आयु प्राप्त कर ले, किन्तु वैसे शिक्षकेत्तर कर्मचारी, जो इस अधिनियम के प्रारम्भ के पूर्व से विश्वविद्यालय की सेवा में कार्यरत हैं, की सेवा निवृत्ति की तिथि वह होगी जिस तिथि को वे 62 वर्ष की आयु प्राप्त कर लें:

परन्तु यह कि विश्वविद्यालय किसी भी दशा में किसी भी शिक्षण कर्मचारी या शिक्षकेत्तर कर्मचारी की यथास्थिति 60 या 62 वर्ष की आयु पूरा करने के बाद, उसकी सेवा अवधि का न तो विस्तार कर सकेगा और न पुनर्नियुक्त ही कर सकेगा :

परन्तु यह और कि बिहार राज्य विश्वविद्यालय (संशोधन) द्वितीय अध्यादेश, 1989 (बिहार अध्यादेश संख्या 20, 1989) के व्यपगत होने की तिथि एवं बिहार राज्य विश्वविद्यालय (संशोधन) तृतीय अध्यादेश, 1990 के प्रख्यापन की तिथि के अन्तराल में ऐसे शिक्षक जो अधिनियम की धारा 67 के खंड (क) के प्रभावी नहीं रहने की स्थिति में सेवानिवृत्त हो गये हैं वे किसी न्यायालय या न्यायाधिकरण द्वारा दिये गये निर्णय, डिग्री, आदेश, निदेश, रिट औ प्रतिषेध के होते हुए भी सेवा-निवृत्ति की तिथि से सेवा में माने जायेंगे मानो उनकी सेवा-निवृत्ति नहीं हुई हो।”

Section 22 of the Ordinance 2 of 1990 provided for retrospectively as follows:-

“22. अध्यादेश का अध्यारोही प्रभाव।— बिहार राज्य विश्वविद्यालय (संशोधन) द्वितीय अध्यादेश, 1989 (बिहार अध्यादेश संख्या 20, 1989) के व्यपगत होने की तिथि एवं बिहार राज्य विश्वविद्यालय (संशोधन) तृतीय अध्यादेश, 1990 के प्रख्यापन होने की तिथि के अन्तराल में तत्समय प्रवृत्त किसी अन्य विधि में या विधि संप्रभाव किसी लिखित में अन्तर्विष्ट किसी असंगत बात के होते हुए भी या किसी न्यायालय या न्यायाधिकरण द्वारा दिये गये निर्णय डिग्री, आदेश, निदेश, रिट और प्रतिषेध के होते हुए भी इस अध्यादेश के प्रावधान प्रभावी होंगे।”

Later on in 1993 Ordinance 6 of 1993 was promulgated which substituted once again clause (a). Shortly thereafter another Ordinance 12 of 1993 was promulgated which introduced a new section 3 in Ordinance 6 of 1993. By this new section it was sought to nullify the amendments brought by Act 3 of 1990. After its substitution by Ordinance 6 of 1993 this clause (a) read as follows:-

“(a) Notwithstanding anything to the contrary contained in this Act. Ordinance, Rules or any judgment or decree of a Court, the date of retirement of a teaching employee of University or of a College shall be the date on which he attains the age of sixty years. The date of retirement of non-teaching employee (other than the inferior servants) shall be the date on which the attains the age of 60 years:

Provided that the date of retirement of such non-teaching employee who is in the service of the University prior to the commencement of the Bihar State

Universities Act, 1976 (Bihar Act 23, 1976) shall be the date on which he attains the age of 62 years;

Provided further that the University shall in no case, extend the period on service of any of the teaching or non-teaching employee after he attains the age of sixty or sixty two year, as the case may be.'

Section 3 added by Ordinance 12 of 1993 read as follows:-

"3. Repeal and Savings – (1) Amendment made in Section 67 of the Bihar State Universities Act, 1976 (Bihar Act 23 of 1976) by the Bihar Act, 3 of 1990 is hereby repealed.

(2) Provided that notwithstanding such repeal and the amendment made by by section 2 of the Bihar Ordinance 6, 1993, payment made to any person as salary and allowances under section 21 of Bihar Act 3, 1990 or any amount payable against the actual services rendered, as the case may be, shall not be affected and any payment so made shall not be recovered.'

The next Ordinance in series i.e. Ordinance 14 of 1993 again substituted this clause while retained the nullification of amendments brought by Act 3 of 1990. The so substituted clause (a) and the clause for "repeal" read as follows:-

"(a) Notwithstanding anything to the contrary contained in this Act or any other Act, Ordinance, Rules or any judgment or decree of a Court, the date or retirement of a teaching employee of the University or of a College shall be the date on which he attains the age of sixty years. The date of retirement of no-teaching employee or appoint him (other than the inferior servants) shall be the date on which he attains the age of 60 years.

Provided that the date of retirement of such non-teaching employee who is in the services of the University prior to the amendment of the Bihar State Universities Act, 1976 (Bihar

Art 23, 1976) shall be the date on which he attains the age of 62 years.

Provided further the University shall in no case extend the period of service of any of the teaching or non-teaching employee after he attains the age of sixty or sixty-two years as the case may be:

Provided further also that re-appointment of teacher after retirement may be made in appropriate and deserving cases up to the age of sixty-five years in the manner laid down in the Statutes to be made in this behalf in accordance with the guidelines of the University Grants Commission.'

Thereafter Act 17 of 1993 was passed which hold the field even today. By this Act the nullification of amendments brought by Act 3 of 1990 was also retained as follows:-

"Repeal and Savings,- (1) amendment in Section 67 of the Bihar State Universities Act, 1976 (Bihar Act 23 of 1976) by the Bihar Act 3 of 1990 is hereby repealed.

(2) The Bihar State Universities (Amendment) Ordinance, 1993 (Bihar Ordinance no. 6 of 1993), the Bihar State Universities (Second Amendment) Ordinance, 1993 (Bihar Ordinance no. 12 of 1993) and the Bihar State Universities (Third Amendment) Ordinance, 1993 (Bihar Ordinance no. 14 of 1993) are hereby repealed:

Provided that notwithstanding such repeal salaries and allowances already paid or payable to a person against actual services rendered after having reached the age of sixty years but prior to the commencement of Bihar Ordinance no. 6 of 1993 shall not be affected.'

1[68. आचार संहिता –(1) विश्वविद्यालय कर्मचारियों के लिए आचार संहिता परिनियमों द्वारा विहित की जायगी।

2[2. विश्वविद्यालय द्वारा नियंत्रित विश्वविद्यालय/महाविद्यालय/संस्थान के शिक्षक एवं शिक्षकेत्तर पद, जब तक अन्यथा अंकित न हो, साधारणतः पूर्णकालिक पद है। विश्वविद्यालय/महाविद्यालय/संस्थान द्वारा प्रदत्त शिक्षण एवं अन्य कर्तव्यों का पालन इन पदों पर नियुक्त व्यक्तियों की पूर्णकाल तक करना है। यदि विश्वविद्यालय द्वारा नियंत्रित विश्वविद्यालय/महाविद्यालय/संस्थान का कोई शिक्षक या कर्मचारी किसी संस्थान के निर्वाचित अथवा गैर-निर्वाचित पद या उसकी सदस्यता ग्रहण करना है, जिससे विश्वविद्यालय के शिक्षण अथवा अन्य कार्यों में बाधा उत्पन्न होती है, तो वैसे शिक्षक/कर्मचारी को विश्वविद्यालय/महाविद्यालय/संस्थान से अनुमति लेनी होगी और अपने नियोक्ता से एक निश्चित अवधि के लिए सवैतनिक/अवैतनिक अवकाश लेना होगा।

विश्वविद्यालय/महाविद्यालय/संस्थान के शिक्षक और कर्मचारी निजी रोजगार, उद्योग-धंधा, निजी अनुशिक्षण तथा अन्य कार्य, जो विश्वविद्यालय/महाविद्यालय/संस्थान की राय में उनकी नियुक्ति के हित में नहीं हो, करने की अनुमति नहीं होगी। शिक्षक/कर्मचारी जो असाधारण छुट्टी पर जाएंगे वे विश्वविद्यालय/महाविद्यालय/संस्थान की निधि से वेतन अथवा भत्ता पाने के अधिकारी नहीं होंगे और वहां से गृहित सेवा की प्रकृति को परखते हुए विश्वविद्यालय द्वारा लिये गये निर्णय के अनुसार वार्षिक वेतन वृद्धि अर्जित कर सकेंगे/अर्जित नहीं कर सकेंगे। ऐसा असाधारण अवकाश परिनियमों के द्वारा विहित किया जाएगा और विश्वविद्यालय/महाविद्यालय/संस्थान के द्वारा स्वीकृत किया जा सकेगा।

परंतु विश्वविद्यालय/महाविद्यालय/संस्थान के शिक्षक/कर्मचारी यदि राज्य अथवा केन्द्रीय विधान मंडल के सदस्य हो जाएं तो उक्त पदों पर पथ लेने की तिथि से राज्य/केन्द्रीय विधान मंडल को सदस्यता की पूरी अवधि के लिए विशेष अवकाश पर समझे जाएंगे। विशेष अवकाश परिनियमों द्वारा विहित किया जाएगा। विशेष अवकाश पर गए शिक्षकों/कर्मचारियों की सेवा हितों को पूरी सुरक्षा दी जाएगी और वे वार्षिक वेतन वृद्धि, प्रोन्नति, सेवा की वरीयता अर्जित करते रहेंगे। राज्य अथवा केन्द्रीय विधान मंडल की सदस्यता की अवधि की समाप्ति पर वे यथास्थिति विश्वविद्यालय/महाविद्यालय/संस्थान में पुनः अपना पदभार ग्रहण कर सकेंगे।

परंतु विश्वविद्यालय अथवा महाविद्यालय अथवा संस्थान के ऐसे शिक्षक/कर्मचारी जो राज्य अथवा केन्द्रीय विधान मंडल की सदस्यता प्राप्त कर लें, वे पथ की तिथि अथवा इस अधिनियम के लागू होने की तिथि, जो भी पहले, से यह विकल्प देंगे कि वे वेतन मंहगाई भत्ता आदि

Subs. by Act 68 of 1982
Subs. by Act 14 of 1998

विश्वविद्यालय से लेंगे या विधान मंडल से। ऐसे शिक्षक/कर्मचारी राज्य अथवा केन्द्रीय विधानमंडल के सदस्य के रूप में तत्संबंधी अधिनियम के अधीन समय-समय पर प्रदत्त अन्य सुविधाएँ प्राप्त करने के स्वतः हकदार होंगे।

परंतु यह भी कि इस धारा का कोई उपबंध राज्य अथवा केन्द्रीय विधान मंडल के तत्संबंधी किसी उपबंध को प्रभावित नहीं करेगा।”

1[69. Effect of detention-(1) If any teaching or non-teaching employee of the University or a constituent college is detained in custody under any law for a period up to 48 hours

whether on a criminal charge or otherwise on security grounds, he shall with effect from the date of detention be deemed to have been suspended by the Appointing authority.

(2) On being released from detention, he shall not be entitled to any remuneration other than the subsistence allowance for the period of suspension.

(3) Any employee proceeded against a criminal charge or detained under other law providing for preventing detention shall be deemed to be suspended for the period during which he is kept under detention in custody or undergoes the sentence of imprisonment, and shall not be permitted to draw any pay or allowance for the said period other than subsistence grant payable according to the principles contained in Statutes, unless the proceeding initiated against him is closed or, as the case may be, he is released from detention and permitted to resume duty. The adjustment of his allowances for such periods shall be made according to the circumstances of the case. Full amount shall be paid only when he is acquitted or the detention is found to be unjustified by an officer.

(4) An employee against whom proceedings on a criminal charge are pending shall, by a special order to this effect, be kept under suspension during the period when he is not actually detained in custody or imprisoned (that is, when he is released on bail) if the charge made or the proceedings initiated against him are related to his statutes as an employee or in this manner may cause trouble in the discharge of his duties, or involves the question of moral turpitude. The provisions aforesaid shall apply in respect of his pay and allowances.

(5) The provisions made in the preceding sub-section shall mutatis mutandis apply to teaching or non-teaching employee of an affiliated college.]

70. 2[x x x x].

[70A. Effect of transfer on seniority etc. – If an employee of University is transferred under orders of the Chancellor from one University to another University, he shall continue to get the pay and allowances he has been drawing and shall carry his seniority based on the date of his regular appointment to the post.

3[70B. Apportionment and transfer to officers, teachers and servants – (i) Notwithstanding anything to the contrary contained in any law or a contract, the following provisions shall apply to all officers, teachers and other servants of the Universities referred in sub-section (1) of Section 3 of the Act:-

The State Government shall, as soon as a new University is created, and established, apportion and transfer such officers, teachers and other servants between the different Universities and shall also apportion funds between the Universities.

The State Government may, on representation made by any officer or teacher or other servant who has been apportioned and trans-

1. Subs. By Act 68 of 1982.

2. Omitted by *ibid*.

3. Ins. By Act 17 of 1993.

Ferried under clause (a) reapportion and re-transfer him to anyone of the Universities established under the Act:

Provided that before making an order under this clause the State Government shall give a reasonable opportunity to the officer or teacher or servant of the University, to be adversely affected by such transfer, to make a representation and be heard:

Provided further that any officer or teacher or other servant re-apportioned under this clause shall not be allotted a post lower than the post on which he was employed by the University established under the Act.

(c) On such apportionment or re-apportionment such officer, teacher and servant shall be deemed to have been transferred to the University to which they are allotted under clause (a) or clause (b) with effect from the date of commencement of the Act.

(d) The University to which such officer teacher and servants are deemed to have been transferred under clause (c) shall employ them subject to such terms and conditions as were in force with respect to them immediately before transfer from the University concerned and they shall be subject to such disciplinary control as are for the time being applicable to the officers, teachers and other servants of the University to which they are deemed to have been transferred.

(2) If consequent upon a transfer made under sub-section (1) a dispute arises as to the post or rank which the transferred officer or teacher or servant should hold in the University, the matter shall be referred to the Chancellor whose decision thereon shall be final.]

Legislative changes (after 1982)-This section was added in this act for the first time by Bihar Ordinance 14 of 1993. Act 17 of 1993 which repealed Ordinance 14 of 1993 retained the addition of this section but with changes in sub-section (1) (b). Sub-section (1) (b) as contained in Ordinance 14 of 1993 read as follows:-

(b)(i) The State Government may on representation made by any officer, or teacher or other servant of the Universities who has been appointed and transferred under clause (a) to an University established under the Act, transfer him to any one of the Universities established under the Act.

Provided that before making an order under this clause the State Government shall give a reasonable opportunity to any officer or teacher or other servant of the University to which the transfer made who considers himself likely to be adversely affected by the transfer to make a representation.

(ii) With regard to the officer or teacher or servant who in the opinion of the State Government is affected by an order of transfer made under clause (a) the State Government may make such order as it may deem proper and the University to which the order is directed shall comply therewith notwithstanding the fact such University is other than that in which the officer, teacher or servant is employed on the date such direction is made:

Provided that an officer re-appointed under clause (b) shall not be appointed to a post lower than the post on which he was employed by the University established under the Act.'

Sub-section (1) (b) vide Act 7 of 1993 read as follows:-

“(b) The State Government may, on representation made by any officer or teacher or other servant who has been apportioned and transferred under clause (a), re-apportion and re-transfer him to anyone of the Universities established under the Act:

Provided that before making an order under this clause the State Government shall give a reasonable opportunity to the officer or teacher or other servant of the University, to the officer or teacher or other servant of the University, to be adversely affected by such transfer, to make a representation and be heard.

Provided further that any officer or teacher or other servant re-apportioned under this clause shall not be allotted a post lower than the post on which he was employed by the University established under the Act,'

71. Pensions, gratuity, insurance and provident fund. – (1) The University shall, subject to such manners and conditions as may be prescribed by the Statutes, constitute any pension, gratuity, insurance or provident fund, as it may deem fit for the benefit of its officers, teachers and other employees (excluding those who are members of public services of India and whose services are lent to the University under section 66.)

(2) Where any such pension, gratuity, insurance or provident fund is constituted in this manner, the State Government may declare that the provisions of the Provident Funds Act, 1925 (Act No. 19 of 1925) shall apply to the said Fund, as if that fund State Provident fund.

72. Transfer of Colleges to the University and other provisions related or ancillary to such transfer – (1) With effect from the date of commencement of this Act, any college, transferred to any University established and incorporated under section 3 of this Act, together with attached hostels, other buildings constituent of such a college, the articles of furniture, libraries, book, laboratories, stores, instruments, apparatus, appliance and equipments shall be transferred to the concerned University, and the said College together with attached hostels and other constituent buildings, its furnitures, library books, laboratories, stores, instruments, apparatus and equipments shall be deemed to have been transferred to the maintenance and control of the concerned University as its own college.

(2) Anything contained in this Act shall not be so construed as to vest the University with the authority to sell, lease out, exchange, or otherwise dispose of any land or building transferred to the University under sub-section (1).

(3) Notwithstanding anything contained in this Act, when any college is transferred to the maintenance and control of the University by an order under section (1), the University shall-

(a) employ, such teachers and other servants of the State Government as were serving in or attached to the said College immediately before the commencement of this Act, on such conditions, as may be determined by the State Government;

(b) consider the claim, in consultation with the State Government, of employment in service, if such a claim is made for appointment against such vacancies in the University service by such teachers who are employed in other teaching institutions falling within or without the territorial jurisdiction of the University and are in Government service immediately preceding such transfer, and if the filling up of vacancies, by appointment or promotion of University teachers who are in Government Service immediately before such transfer results in supersession of the claims of teachers of the referred educational institutions.

(4) If at any time the State Government is satisfied that in the existing circumstances it has become necessary to take back any College transferred to the University under sub-section (1), then the State Government may, by an order published in the official Gazette, cancel the transfer of the said college and withdraw it from the maintenance and control of the University.

73. Autonomous College or institute.- Notwithstanding anything contained in any provision of this Act, University, may, subject to its adequate supervision and the manner prescribed in the relevant statutes, confer, upon any College or institute, having outstanding caliber and fulfilling the prescribed conditions, the power to make change or modification in the course of study prescribed by the University for its students and the privilege to take examination, in such modified course of study and management thereof, and such other powers in respect of other matters, as it may deem fit; and such institute or college, as the case may be, shall be declared autonomous Institute or College.

74. Removal of difficulties by the Chancellor at the commencement of this Act.- If any difficulty arises in respect of establishment of the University, or in the first implementation of the provisions of this Act or Statutes, or otherwise, the Chancellor may at any time, before the constitution of all the authorities of the University, by order, consistent with the provisions of this Act and Statutes, as far as possible, make any appointment or perform any other function, which seems necessary or proper to him for the removal of the said difficulty, and all such orders shall take effect in the same manner as if the said appointment or function has been done in the manner provided in this Act:

Provided that before issuing such an order, the Chancellor shall elicit the opinion of the Vice-Chancellor and of such appropriate authority of the University,

as may have been constituted, on the proposed order and give considerations thereon.

75. Transitory provisions.- Notwithstanding anything contained in this Act, the Vice-chancellor may, for a period not exceeding six months from the commencement of this Act and with the previous approval of the Chancellor and subject to the provision of funds by the State Government or otherwise, discharge all or any of the functions of the University for the purpose of carrying out the provision of this Act and for that purpose may exercise any powers or perform any duties which by this Act are to be exercised or performed by any officer or authority of the University, not being an officer or authority of the University in existence at the time when such powers are exercised or such duties are performed.

1[75 क विश्वविद्यालय निकायों के गठित न होने पर कार्य व्यवस्था – (1) यदि किसी कारणवश विश्वविद्यालय की सिनेट अथवा अभिशद् अथवा विद्वत परिशद् अथवा अन्य किन्हीं निकाय का गठन न हो सके तो जब तक इन निकायों का गठन नहीं हो जाय, तब तक अधिनियम के उपबन्धों को कार्यान्वित करने के प्रयोजनार्थ, पदेन एवम् नाम निर्देशित सदस्य मिलकर सम्बन्धित निकाय की किन्हीं शक्तियों का प्रयोग तथा किन्हीं कर्तव्यों का पालन कर सकेंगे।

(2) किसी विश्वविद्यालय द्वारा रिक्तियाँ रहने के कारण उनके द्वारा चुनाव अवैध नहीं होगा।

76. Application of Statutes, ordinances, and Regulations. – Until Statutes, Ordinances, Regulations and Rules are made under the appropriate provisions of this Act, such Statutes, Ordinances, Regulations and Rules made or deemed to have been made under the Bihar Act 14 of 1960, Bihar Act 4 of 1962, Bihar Act 21 of 1965 and the Lalit Narain Mithila University (second Ordinance), 1976 (Bihar Ordinance no. 87 of 1976), as were in force immediately before the commencement of this Act, shall, in so far as they are not inconsistent with provisions of this Act and subject to such adaptation and modifications, if any, as may be made therein by the Vice-Chancellor with the approval of the Chancellor, remain in force and shall be deemed to be Statutes, Ordinances, Regulations and Rules made under the corresponding provisions of this Act.
77. Election for the purpose of constituting the Senate, the Syndicate, and the Academic Council under the Act.- The Chancellor shall make such arrangements for holding election under the Act that the newly elected, appointed, nominated and co-opted members of the Senate, the Syndicate and the Academic Council, as constituted under this Act, assume charge of their respective offices from of the date following the expiry of the period specified in section 75; and the term of office of the members of the said authorities shall be deemed to have commenced from the said date.
78. Powers of nomination by the Chancellor.-Notwithstanding anything contained in the preceding sections of this Act, the Chancellor shall, if the Vice-Chancellor reports that, in his opinion, either the election is not immediately possible or it is not in the interest of the University, to fill up the vacancies by nominations.

79. 1[xxx]

²[80 A. Bar of law suit.-No law suits and proceedings shall lie in Civil Courts with respect to the implementation of the provisions of this Act, Statutes, Ordinances or Regulations.]

81. Repeal and Saving. (1) The Bihar State Universities (Bihar, Bhagalpur and Ranchi University) Act, 1960 (Bihar Act 14 of 1961), the Magadh University Act,

1961 (Bihar Act 4 of 1962), the Kameshwar Singh Darbhanga Sanskrit University Act, 1962 (Bihar Act 21 of 1965), the Lalit Narain Mithila University Second Ordinance, 1976 (Bihar Ordinance No. 87 of 1976), the Magadh University (Second amendment) Ordinance, 1976 (The Bihar ordinance No. 90 of 1976), the Bihar State Universities (Bihar Ordinance No. 89 of 1976), the Bihar State Universities Laws (Second amendment) Ordinance 1976 (Bihar Ordinance No. 98 of 1976) and the Bihar State Universities Second Ordinance, 1976 (Bihar Ordinance No. 207 of 1976) are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in exercise of the powers conferred by or under the said Acts or ordinances shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act, as if this Act were in force on the date on which such thing was done or action taken.

XXXXXXXXXXXX

झारखण्ड गजट



असाधारण अंक

झारखण्ड सरकार द्वारा प्रकाशित

संख्या 152

16 वैशाख, 1925 भाकाब्द

राँची, मंगलवार 6 मई, 2003

विधि (विधान) विभाग।

अधिसूचना

6 मई, 2003

संख्या—एल0जी0—16 / 2002—15 / लेज0—झारखण्ड विधान मंडल का निम्नलिखित अधिनियम, जिस पर राज्यपाल 5 मई, 2003 को अनुमति दे चुके हैं, इसके द्वारा सवसाधारण की सूचना के लिए प्रकाशित किया जाता है:—

झारखण्ड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2002

[झारखण्ड अधिनियम 06, 2003]

झारखण्ड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत) के संशोधन हेतु अधिनियम।

भारत गणराज्य के 53वें वर्ष में झारखण्ड राज्य विधान मंडल द्वारा यह निम्नलिखित रूप में अधिनियमित हो:—

1. संक्षिप्त नाम, विस्तार एवं प्रारंभ—

- i. यह अधिनियम झारखण्ड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2002 कहा जा सकेगा।
- ii. यह तुरंत प्रवृत्त होगा।
- iii. इसका विस्तार संपूर्ण झारखण्ड राज्य में होगा।

2. झारखण्ड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत) (जिसे उसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 2 (क 6) का प्रतिस्थापन।— उक्त अधिनियम की धारा—2, उपधारा (क 6) के स्थान पर निम्नलिखित प्रतिस्थापित किये जायेगे, यथा :—

“झारखण्ड राज्य लोक सेवा आयोग” से अभिप्राय है; भारत के संविधान की धारा—320 में प्रदत्त भाक्तियों के निर्वहन के लिए राज्य सरकार द्वारा गठित झारखण्ड लोक सेवा आयोग एवं विश्वविद्यालयों एवं महाविद्यालयों (अंगीभूत एवं संबद्ध) के शिक्षकों एवं

पदाधिकारियों के संदर्भ में नियुक्ति आदि विशयक अनुशंसाएँ करने की भावित्प्राप्त संस्था”।

3. उक्त अधिनियम की धारा 3(1)(घ) में प्रतिस्थापन 1— धारा—3(4)(घ) में उल्लिखित भाब्द “सिद्ध—कान्हु” “सिदो—कान्हु मुर्मू” से प्रतिस्थापित होगा।

4. उक्त अधिनियम की धारा—3(1)(च) में अंतःस्थापनः—उपधारा 3(च) के अंत में निम्न अंश अंतःस्थापित किया जायेगा:—

“परंतु यह कि इसकी क्षेत्राधिकारिता, ऐसे संस्थाएँ के संदर्भ में जा हौमयोपैथी, देशी चिकित्सा शिक्षा प्रदान करती है और ऐसी भौक्षणिक संस्थाओं जो संस्कृत, पाली, प्राकृत और अन्य ऐसी—भाशाएँ जिन्हें विश्वविद्यालय आव यक समझें, में विद्या संबंधी सम्मान प्रदान करती है, संपूर्ण झारखण्ड राज्य होगी।

5. उक्त अधिनियम की धारा—3(4) में ‘परंतुक’ का अंतःस्थापन—धारा:—3, उपधारा(4) मं परंतुक निम्नलिखित रूप में अंतःस्थापित किया जायेगा, यथा:—

“परंतु यह कि दूरस्थ शिक्षा प्रदान करने के मामले में विश्वविद्यालय के क्षेत्राधिकार की कोई सीमा नहीं होगी”।

6. उक्त अधिनियम की धारा—4(1) (1)(क) का संशोधन 1—धारा—4, उपधारा—(1) (1)(क) में ‘पोद्योगिकी’ भाब्द के बाद तथा भाब्द ‘सहित’ के पूर्व भाब्दों “कृशि एवं पशुपालन विज्ञान को छोड़कर” अंतःस्थापित किया जायेगा।

7. उक्त अधिनियम की धारा—4(1)(7) का संशोधन :—धारा—4, उपधारा—(1)(7) में भाब्दों “विश्वविद्यालयों के लिए” के बाद तथा भाब्दों “अपेक्षित प्राचार्य” के बीच निम्नलिखित भाब्दों को अंतःस्थापित किया जायेगा, यथा—

“राज्य सरकार की पूर्वानुमति से”

8. उक्त अधिनियम की धारा—4(2) का विलोपन 1—धारा—4(2) को विलोपित किया जायेगा।

9. उक्त अधिनियम की धारा—6(1) के साथ ‘परंतुक’ का योग 1—धारा—6(1) में निम्न परंतुक जोड़े जायेंगे, यथा:—

“परंतु यह कि विनियम के अधीन निर्धारित पाठ्यक्रम के अनुरूप विश्वविद्यालय दूरस्थ शिक्षा कार्यक्रम भी चला सकेगा।”

10. उक्त अधिनियम की धारा—10(1) के निम्न परिच्छेद का विलोपन 1—धारा—10(1) के निम्न परिच्छेद विलोपित हो जायेंगे, यथा :—

“और कोई व्यक्ति कामे वर सिंह दरभंगा संस्कृत विश्वविद्यालय के कुलपति के लिए योग्य नहीं माना जायेगा जब तक कि वह व्यक्ति कुलाधिपति के विचार में संस्कृत में अपनी विद्वता के लिए अथवा संस्कृत शिक्षा में उल्लेखनीय योगदान के लिए सुविख्यात न हो।”

11. उक्त अधिनियम की धारा—18(14) का प्रतिस्थापन:—धारा—18, उपधारा—14 में निम्नलिखित भाब्द प्रतिस्थापित किये जायेंगे, यथा:—

क्रमशः “दस” के स्थान पर “छः” एवं “तीन” के सीन पर “एक”।

12. उक्त अधिनियम की धारा—18(15) का प्रतिस्थापन ।— धारा—18, उपधारा(15) के वर्तमान प्रावधान निम्नरूप से प्रतिस्थापित होंगे, यथा:—

“क्षेत्रीय भाषा के विद्वानों के एक प्रतिनिधि जिनका मनोनयन राज्य सरकार करेगी”

13. उक्त अधिनियम की धारा-18(16) का प्रतिस्थापन। – इस धारा को निम्नवत् प्रतिस्थापित किया जाएगा :-
 - (क) संकायाध्याक्षों, प्राचार्यों एवं विश्वविद्यालय विभागाध्यक्षों का छोड़कर कम से कम 10 शिक्षकों, जिन्हें कम से कम पाँच वर्षों का शिक्षण अनुभव स्थानापन्न रूप से प्राप्त हो, का निर्वाचन संबंधित अंगीभूत/राजकीय महाविद्यालयों के नियमित शिक्षकों द्वारा अपने बीच से इस प्रकार किया जाएगा जिससे कि कम से कम कुल अंगीभूत/राजकीय महाविद्यालयों की संख्या के आधे का प्रतिनिधित्व महाविद्यालयों के वरीयता के आधार पर चक्रानुक्रम के अनुसार प्राप्त हो सके।
 - (ख) विश्वविद्यालय विभागों का प्रतिनिधित्व, संकायाध्यक्षों एवं विभागाध्यक्षों के अलावे स्थानापन्न रूप से कम से कम पाँच वर्षों का शिक्षण अनुभव प्राप्त दो चुने हुए शिक्षकों द्वारा किया जाएगा, जिसमें एक विज्ञान/वाणिज्य तथा दूसरा मानविकी/समाज विज्ञान संकाय के होंगे।
 - (ग) स्थायी रूप से संबद्ध महाविद्यालयों (राजकीय महाविद्यालयों से इतर) का प्रतिनिधित्व एक नियमित चुने हुए शिक्षक/प्राचार्य, जिन्हें स्थानापन्न रूप से पाँच वर्षों से अन्यून शिक्षण अनुभव प्राप्त हो, द्वारा किया जाएगा।
14. उक्त अधिनियम की धारा-18(17) का विलोपन 1 – धारा-18(17) का प्रावधान विलोपित हो जाएगा।
15. उक्त अधिनियम की धारा-19(1) के अंत में निम्न अंश का योग:-धारा-19(1) के अंत में तथा प्रथम परंतुक के पूर्व निम्न अंश जोड़े जायेंगे, यथा:-

"..... लेकिन इस तरह की बढ़ाई गई अवधि एक वर्ष से अधिक की नहीं होगी।"
16. उक्त अधिनियम की धारा-22(2) के अंत में निम्न अंश का योग:-धारा-22(2) के अंत में निम्न अंश जोड़े जायेंगे, यथा:-

"..... लेकिन इस तरह की बढ़ाई गई अवधि एक वर्ष से अधिक की नहीं होगी।"
17. उक्त अधिनियम को धारा-24(1)(9) में प्रतिस्थापन। – धारा-24(1)(9) में अंकित भाब्द "छह" भाब्दों "स्थानापन्न रूप से नियुक्त" एवं भाब्दों "प्रतिनिधित्व पा सकते हैं" भाब्दों "एक शिक्षक द्वारा प्रतिनिधित्व" के द्वारा प्रतिस्थापित किये जायेंगे। "प्रतिनिधित्व कर सकते हैं" के स्थान पर "एक शिक्षक द्वारा प्रतिनिधित्व किया जायेगा" प्रतिस्थापित होगा।
18. उक्त अधिनियम की धारा-24(2) के अंत में निम्न अंश का योग:-धारा-24(2) के अंत में निम्न अंश जोड़े जायेंगे, यथा:-

"..... लेकिन इस तरह की बढ़ाई गई अवधि एक वर्ष से अधिक की नहीं होगी।"
19. उक्त अधिनियम की धारा-26(1) में संशोधन।-
 - (क) धारा-26, उपधारा(1) में भाब्दों "कामेश्वर सिंह दरभंगा संस्कृत विश्वविद्यालय को छोड़कर" को विलोपित समझा जायेगा।
 - (ख) उपधारा(1) में भाब्दों "अपने अधीन कला" के बाद भाब्दों, कोश्टक "(मानविकी एवं समाज विज्ञान)" अंतःस्थापित किया जायेगा।

20. उक्त अधिनियम की धारा-26(4) में संशोधन ।— धारा-26(4) में भाब्द “कृषि एवं पशुविज्ञान” जहाँ-जहाँ परिलिखित हों वे विलोपित हो जायेंगे।
21. उक्त अधिनियम की धारा-26(6)(ii) में संशोधन।— धारा-26(6)(ii) के वर्तमान प्रावधान विलोपित हो जायेंगे और निम्न अंश जोड़े जायेंगे, यथा:—
“विश्वविद्यालय विभागाध्यक्ष की नियुक्ति विश्वविद्यालय विभाग में पदस्थापित विश्वविद्यालय प्राध्यपकों तथा वसे रीडरों (रीडरों, जिन्हें कम से कम आठ वर्षों का शिक्षण अनुभव रीडर के रूप में प्राप्त हो) के बीच से दो वर्षों के लिए चक्रानुक्रम से की जायगी। चक्रानुक्रम, विश्वविद्यालय सेवा संवर्ग के शिक्षकों और जिन्हें स्नातकोत्तर शिक्षण का अनुभव प्राप्त हो के बीच वरीयता के आधार पर किया जायेगा।”
22. उक्त अधिनियम को धारा-27 का विलोपन। — धारा-27 विलोपित समझा जायेगा।
23. उक्त अधिनियम की धारा-29(1) का संशोधन। — धारा-29, उपधारा(1) में भाब्दों “परीक्षा पर्षद् कुलपति अध्यक्ष एवं कला विज्ञान एवं वाणिज्य संकायों के अतिरिक्त परीक्षा से संबंधित संकाय के अध्यक्ष सदस्य रहेंगे” के स्थान पर भाब्दों “परीक्षा पर्षद् में कुलपति अध्यक्ष, प्रतिकुलपति, कुल सचिव, मानविकी, सामाजिक विज्ञान एवं वाणिज्य के संकायाध्यक्षों के अतिरिक्त परीक्षा से संबंधित संकाय के संकायाध्यक्ष सदस्य एवं परीक्षा नियंत्रक सचिव होंगे” का प्रतिस्थापन किया जायेगा।
24. उक्त अधिनियम की धारा-32(2)(घ) का प्रतिस्थापन। — धारा-32(2)(घ) को निम्नलिखित रूप से प्रतिस्थापित किया जायेगा, यथा:—
“विश्वविद्यालय के विभागों तथा संबंधित विषय में स्नातकोत्तर स्तर की शिक्षा देने वाले सभी महाविद्यालयों में पदस्थापित सभी विश्वविद्यालय प्राध्यापक एवं वाचक (वाचक के रूप में कम से कम 8 वर्षों का शिक्षण अनुभव)।”
25. उक्त अधिनियम की धारा-32(2)(ङ) का संशोधन । — धारा-32, उपधारा(2)(ङ) में भाब्द ‘चार’ के बाद तथा भाब्द ‘शिक्षक’ के पूर्व भाब्दों “स्नातकोत्तर शिक्षण प्रदान करने वाले” को अंतःस्थापित किया जायेगा।
26. उक्त अधिनियम की धारा-36(6) का संशोधन । — धारा-36, उपधारा(6) में भाब्द “अंतर विश्वविद्यालय पर्षद्” के स्थान पर भाब्दों “उच्च शिक्षा विभाग, झारखण्ड सरकार “से प्रतिस्थापित किया जायेगा। धारा-36, उप-धारा(6) का ‘परंतुक’ विलोपित समझा जायेगा।
27. उक्त अधिनियम की धारा-41 में प्रतिस्थापन । — धारा-41 में जहाँ-जहाँ “बिहार अंतर विश्वविद्यालय पर्षद्” भाब्द अंकित है, वहाँ-वहाँ भाब्द “उच्च शिक्षा विभाग, झारखण्ड सरकार” प्रतिस्थापित होंगे।
28. उक्त अधिनियम की धारा-45(1)(ग) का प्रतिस्थापन । — धारा-45(1)(ग) के वर्तमान प्रावधान विलोपित हो जायेंगे और अधोलिखित अंश इस स्थान पर जोड़े जायेंगे, यथा :—

इस अधिनियम के प्रवृत्त होने के ठीक पहले, राँची वि विश्वविद्यालय, राँची (बिहार राज्य विश्वविद्यालय अधिनियम, 1960) (बिहार अधिनियम 14, 1960) से

गठित एवं अंतर्विष्ट सिदो-कान्हू मुर्मू विश्वविद्यालय, दुमका (पूर्ववर्ती सिद्धो-कान्हू वि विद्यालय, दुमका) एवं विनोबा भावे विश्वविद्यालय, हजारीबाग दोनों बिहार राज्य विश्वविद्यालय अधिनियम, 1976 (1992 का बिहार अधिनियम, 9) द्वारा गठित एवं अंतर्विष्ट के खाते में क्रमशः बची हुई भोश राशि।

29. उक्त अधिनियम की धारा-57(1) का प्रतिस्थापन। - धारा-57(1) निम्न रूप से प्रतिस्थापित किया जायगा:-

“इस अधिनियम एवं परिनियम के उपबंधों के अधीन विश्वविद्यालयों, महाविद्यालयों (अंगीभूत एवं संबद्ध दोनों) के शिक्षकों एवं पदाधिकारियों (कुलपति, प्रतिकुलपति, कुलानुशासक, अध्यक्ष, छात्र-कल्याण, समायोजक, महाविद्यालय विकास परिषद एवं संकायाध्यक्षों के अलावे) की नियुक्ति एवं प्रोन्नति झारखण्ड लोक सेवा आयोग की अनुशंसा पर की जायगी।”

30. उक्त अधिनियम की धारा-57(2)(क) एवं 57(3) में प्रतिस्थापन। - धारा-57(2)(क) एवं 57(3) में भाब्डों “बिहार राज्य विश्वविद्यालय (अंगीभूत महाविद्यालय) सेवा आयोग” को “झारखण्ड लोक सेवा आयोग” द्वारा प्रतिस्थापित किया जायगा।
31. उक्त अधिनियम की धारा-57(4)(क), 57(4)(ख) एवं 57(4)(ग) का विलोपन। - धारा-57(4)(क), (ख) एवं (ग) विलोपित समझे जायेंगे।
32. उक्त अधिनियम की धारा-57(A)(1) में प्रतिस्थापन। - धारा-57(A) का उपधारा(1) में “कॉलेज सेवा आयोग” जहाँ-जहाँ परिलक्षित होंगे वे “झारखण्ड लोक सेवा आयोग” द्वारा प्रतिस्थापित होंगे।
33. उक्त अधिनियम की धारा-57(A)(2)(क) एवं 57(A)(2)(ख) का विलोपन। - धारा-57(A), उपधारा-57(A)(2)(क) एवं 57(A)(2)(ख) विलोपित समझे जायेंगे।
34. उक्त अधिनियम की धारा-58(1) का प्रतिस्थापन। - धारा-58 की उपधारा (1) में भाब्डों कोश्टक “बिहार राज्य विश्वविद्यालय (अंगीभूत महाविद्यालय) सेवा आयोग” को भाब्डों “झारखण्ड लोक सेवा आयोग” से प्रतिस्थापित समझा जायेगा।
35. उक्त अधिनियम की धारा-58(8) में प्रतिस्थापन। - धारा-58, उपधारा-8 में अंकित भाब्डों “अन्तर विश्वविद्यालय पर्शद” भाब्डों “उच्च शिक्षा निदेशालय, झारखण्ड सरकार” से प्रतिस्थापित समझे जायेंगे।
36. उक्त अधिनियम की धारा-58(10) का विलोपन। - धारा-58 में, उपधारा(10) विलोपित समझा जायेगा।
37. उक्त अधिनियम की धारा-67(क) का प्रतिस्थापन। - धारा-67, उपधारा(क) के वर्तमान प्रावधानों को निम्न प्रावधानों से प्रतिस्थापित किया जायेगा, यथा:-

“अन्य विधि में या नियमों या न्यायालय द्वारा दिए गए निर्णयों में अंतर्विष्ट किसी असंगत बात के होते हुए भी विश्वविद्यालय एवं महाविद्यालय के भौक्षणिक एवं शिक्षकेत्तर कर्मचारियों की सेवानिवृत्ति की तिथि वह होगी, जिस तिथि को वह साठ वर्षों की आयु पूरी कर ले।”

“परंतु यह कि सेवानिवृत्ति के उपरांत विश्वविद्यालय अनुदान आयोग के मार्ग निर्देशों के अनुरूप एतद् संबंधी निर्मित परिनियम के अधीन सुयोग्य शिक्षक की पुनर्नियुक्ति 65 वर्षों की आयु तक की जा सकती है।”

38. उक्त अधिनियम की धाराएँ—79 एवं 80 का विलोपन ।— धारा—79 एवं 80 के प्रावधानों को विलोपित किया जायगा।

ह0/—
तारकेश्वर प्रसाद,
सचिव,
विधि(विधान) विभाग,
झारखण्ड, राँची।

अधिसूचना

6 मई, 2003

संख्या—एल0जी0—16/2002—15/लेज0—झारखण्ड विधान मंडल द्वारा यथापारित और राज्यपाल द्वारा दिनांक 5 मई, 2003 को अनुमत झारखण्ड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2002 [झारखण्ड अधिनियम 06, 2003] का निम्नांकित अंग्रेजी अनुवाद झारखण्ड राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय संविधान के अनुच्छेद 348 के खण्ड (3) के अधीन उक्त अधिनियम का अंग्रेजी भाषा में प्राधिकृत पाठ समझा जायगा:—

Jharkhand State Universities (Amendment) ACT, 2002

AN

ACT

To amend the Jharkhand State Universities Act, 2000 (Adapted)

Be it enacted by the legislature of the State of Jharkhand in the Fifty Third Years of Republic of India as follows.

(1) Short title, extent and commencement:—

- (i) This Act may be called the Jharkhand State Universities (Amendment) Act, 2002.
- (ii) It shall come into force at once.
- (iii) It shall extend to whole of the State of Jharkhand.

- (2) Substitution of Section 2(ak) of the Jharkhand State Universities Act, 2000 (adapted) (and hereinafter referred to as the said Act)-In section 2, for sub-section (ak), the following clause be substituted, namely:-

“The Jharkhand Public Service Commission means the Jharkhand Public Service Commission constituted by the State Govt. For discharging functions as contained in Article 320 of the constitution of India and entrusted with the powers for making recommendations, etc. of teachers and officers of Universities and Colleges (Constituent and affiliated)”.

- (3) Substitution in Section 3(1)(d) of the said Act-
In Section 3 in sub-section(1)(d) for the words “Sidhu-Kanhu” the words “Sido-Kanhu Murmu” shall be substituted.

- (4) Amendment in Section 3(1) (f) of the said Act:-
In section 3, in Section3(1)(f) the following proviso shall be inserted, namely-

“Provided that the territorial jurisdiction shall extend to the whole of State of Jharkhand in matters pertaining to educational institutions imparting teaching in Homeopathy, Indigenous medicines and educational institutions imparting academic distinction in Sanskrit, Pali, Prakrit and such other languages which the University may consider necessary.

- (5) Insertion of ‘Proviso’ in Section 3(4) in the said Act:-
In section 3, in sub-section(4), the follwoing proviso shall be inserted, namely-

“Provided that in matters of imparting distant education, there shall be no limit to the territorial jurisdiction of the University”.

- (6) Amendment of section 4(1)(1)(a) of the said Act:-
In section 4, in sub-section4(1)(1)(a), the following words shall be inserted after the word ‘technology’ and before the sign and word ‘and’, namely-

“Excluding Agriculture and Veterinary Science”

- (7) Amendment of Section 4(1)(7) of the said Act:-
In section 4, in sub-section (1)(7) the following words shall be inserted after the word ‘University’ and before the word ‘and’, namely-“With the prior apporval of the State Government.”

- (8) Omission of Section 4(2) of the said Act:-

In section 4, sub-Section (2) shall be omitted.

- (9) Insertion of proviso in section 6(1) of the said Act:-In section 6, in sub-section (1), the following proviso shall be inserted, namely-

“Provided that the university may also impart distant education programme in accordance with the syllabi prescribed by regulation.”

- (10) Deletion of words in Section 10(1) of the said Act:- In section 10, sub-section (1), the following words shall be deleted, namely-

“And no person shall be deemed to be qualified to hold the office of the Vice-Chancellor of Kameshwar Singh Darbhanga Sanskrit University unless such person is, in the opinion of the Chancellor, reputed for his Scholarship in Sanskrit or has made notable Contribution to Sanskrit Education.”

- (11) Substitution of the words in section 18(14) of the said Act:-

In section 18, in sub-section (14), the following words shall be substituted, namely-

‘Ten’ by ‘Six’ and the word, ‘Three’ by ‘One’ respectively.

- (12) Substitution of the Section 18(15) of the Said Act:-

In section 18, for sub-section (15), the following sub-section shall be substituted, namely:-

“One representative of the Scholar of regional language to be nominated by the State Government.”

- (13) Substitution of the Section 18(16) of the said Act:- In section 18, for sub-section (16), the following sub-section shall be substituted, namely-

- (a) “Minimum of Ten teachers other than Deans, Principals and Head of University Department having at least five years teaching experience on substantive basis to be elected by and from amongst the regular teachers of the respective constituent/Govt. Colleges in such a way that at least half of the total number of Constituent/Govt. Colleges get representation on rotational basis based on the seniority of Colleges.”

- (b) University Departments shall be represented by two elected teachers, one from Science/Commerce and other from Humanities/Social Science faculty, other than Deans and Heads of Department, having at least five years teaching experience on substantive basis.

- (c) Permanently affiliated colleges (other than Government colleges) shall be represented by one elected regular teacher/principal having at least five years teaching experience on substantive basis.

- (14) Omission of Section 18(17) of the said Act:- In section 18, sub-section 17 shall be omitted.

- (15) Insertion of words in section 19(1) of the said Act:- In section 19, in sub-section(1), the following word shall be inserted after the figure '64' and before the sign ':' namely-
"..... but such extended period shall not be more than one year."
- (16) Insertion of words in section 22(2) of the said Act:-In section 22, in sub-section(2), the following words shall be inserted after the words "casual vacancy" and before the sign ':'
"..... but such extended period shall not be more than one year."
- (17) Substitution in section 24(1)(9) of the said Act:- In section 24, in sub-section (1)(9), the word 'Six' and the words "may get representation" shall be substituted by words "substantively appointed" and words "be represented by one teacher", respectively.
- (18) Insertion of words in section 24(2) of the said Act:- In section 24, in sub-section(2), the following words shall be inserted after the words "vacancy" and before the sign ':' namely-
"..... but such extended period shall not be more than one year."
 - (a) Amendment in Section 26(1) of the said Act:- In section 26, in sub-section (1), the words "other than the Kameshwar Sing Darbhanga University" shall be omitted.
 - (b) In sub-section (1) the words and bracket "(Humanities and Social Science)" shall be inserted after the words, sign. "Faculty of Arts," and before the word 'Science'.
- (19) Amendment in Section 26(4) of the said Act:- In section 26, in sub-section (4), the words "Agriculture and Veterinary Science", wherever they appear, shall be omitted.
- (20) Amendment in Section 26(6)(ii) of the said Act:-In section 26, for sub-section (6)(ii), the following sub-section shall be substituted, namely-
"The Head of University Department shall be appointed for two years by rotation amongst University Professors and those Readers having not less than 8 years experience as Reader posted in the University Department. The rotation shall be made on the basis of seniority among teachers having experience of Post Graduate teaching and belonging to University Service Cadre".

- (21) Omission of section 27 of the said Act:- Section 27 shall be omitted.
- (22) Amendment of Section 29(1) of the said Act:- In section 29, in sub-section (1) for the words “The Examination Board shall consist of the Vice-Chancellor as Chairman and Deans of the Faculties of Arts, Science & Commerce as members” the words “The Examination Board shall consist of the Vice-Chancellor as Chairman, Pro-Vice-Chancellor, Registrar, Deans of faculties of Humanities and Social Sciences, Science and commerce as members and Controller of Examination as Secretary” shall be substituted.
- (23) Amendment of Section 32(2)(d) of the said Act:-In section 32, for sub-section (2)(d), the following sub-section shall be substituted, namely-
- “All University Professors and those Readers having at least 8 years experience as Reader posted in the University Department and Colleges imparting Post Graduate teaching in the Subject: and”.
- (24) Amendment of Section 32(2)(e) of the said Act:- In section 32, in sub-section (2)(e), the words “Imparting Post Graduate teaching” shall be inserted after the words “four Teachers” and before the words ‘of the’.
- (25) Amendment of Section 36(6) of the said Act:-In section 36, in sub-section (6), for the words “Inter University Board” the “Department of Higher Education, Government of Jharkhand” shall be substituted and the proviso shall be omitted.
- (26) Amendment of Section 41 of the said Act:-In section 41, for the words “Jharkhand Inter University Board” the words “Department of Higher Education, Government of Jharkhand” shall be substituted.
- (27) Amendment of Section 45(1)(c) of the said Act:-In section 45, for sub-section (1)(c), the following sub-section shall be substituted, namely-
- “The balance amount as respectively standing, immediately before the commencement of the Act, to the credit of Ranchi University, Ranchi (constituted and incorporated under the Bihar

State University Act 1960 (Bihar Act 14 of 1961) Sido-Kanhu-Murmu University (formerly Sidhu-Kanhu University), Dumka and Vinoba Bhave University, Hazaribagh both constituted and incorporated under the Bihar State University Act, 1976 (Bihar Act 9 of 1992)”.

- (28) Substitution of the section 57(1) of the said Act:-In section 57, for sub-session(1), the following sub-section shall be substituted, namely-

Subject to the provisions of this Act and the Statutes, the appointment and promotion of teachers and officers (other than Vice-chancellor, Pro Vice-chancellor, Proctor, Dean-Students Welfare, Co-ordinator, College Development Council and Deans of faculty) of the university & colleges (both constituent and affiliated) shall be made on the recommendation of the Jharkhand Public Service Commission.

- (29) Substitution in section 57(2)(a) and 57(3) of the said Act:-

In section 57, in sub-section (2)(a) and sub-section (3), for the words, “The Bihar State Universities (constituent colleges) service commission” the words “Jharkhand Public Service Commission” shall be substituted.

- (30) Omission of section 57(4)(a), 57(4)(b) and 57(4)(c) of the said Act:-In section 57, sub-sections (4)(a), (4)(b) and (4)(c) shall be omitted.

- (31) Amendment of Section 57A(1) of the said Act:- In section 57A, in sub-section (1), for the words “College Service Commission” “Jharkhand Public Service Commission” shall be substituted wherever they occur in the sub-section.

- (32) Omission of section 57A(2)(a) and 57A(2)(b) of the said Act:-In section 57A, sub-sections 57A (2)(a) and 57A(2)(b) shall be omitted.

- (33) Substitution in section 58(1) of the said Act:-

धारा 58 की उपधारा में भाब्डों कोश्टक “बिहार राज्य विश्वविद्यालय (अंगीभूत महाविद्यालय) सेवा आयोग” को भाब्डों “झारखण्ड लोक सेवा आयोग” से प्रतिस्थापित समझा जायेगा।

- (34) Substitution in section 58(8) of the said Act:-In section 58, sub-section(8), for the words “Inter University Board” the words “Directorate of Higher Education, Government of Jharkhand” shall be substituted.

- (35) Omission of section 58(10) of the said Act:-In section 58, sub-section (10) shall be omitted.

- (36) Substitution in section 67(a) of the said Act:- In section 67, for sub-section (a), the following sub-section shall be substituted, namely-

“Notwithstanding anything to the contained in any Act, Rules or any Judgement or decree of a Court, the date of retirement of teaching and non-teaching employee of the University or of a college shall be the date on which he/she attains the age of sixty years.”

“Provided that reappointment of teacher after retirement may be made in appropriate cases upto the age of Sixty-five years in the manner laid down in the Statute made in this behalf in accordance with the guidelines of the University Grants Commission.”

- (37) Omission of section 79 and 80 of the said Act:-

Section 79 and 80 shall be omitted.

झारखण्ड राज्यपाल के आदेश से,

ह0 / -

तारकेश्वर प्रसाद,
सचिव,
विधि (विधान) विभाग,
झारखण्ड, राँची।

झारखण्ड गजट
असाधारण अंक
झारखण्ड सरकार द्वारा प्रकाशित

संख्या 200

15 आशाढ़, 1926 भाकाब्द

राँची, मंगलवार 6 जुलाई, 2004

विधि (विधान) विभाग।

अधिसूचना

5 जुलाई, 2004

संख्या—एल0जी0—18 / 2003—18 / लेज0—झारखण्ड—विधान—सभा का
निम्नलिखित अधिनियम, जिस पर राज्यपाल 25 जून, 2004 को अनुमति दे चुके हैं,
इसके द्वारा सवसाधारण की सूचना के लिए प्रकाशित किया जाता है:—

झारखण्ड राज्य वित्तरहित भौक्षणिक संस्थान (अनुदान) अधिनियम, 2004

[झारखण्ड अधि0, 04, 2004]

झारखण्ड राज्य में गैर अनुदानित भौक्षणिक संस्थाओं के सुदृढीकरण एवं विकास हेतु आर्थिक सहायता प्रदान करने के लिए पात्रता, भातों तथा प्रक्रिया के निर्धारण हेतु विधेयक।

भारत गणराज्य के पचपनवे वर्ष, में झारखण्ड राज्य विधान—मंडल द्वारा निम्नलिखित रूप से अधिनियम हो:—

अध्याय—1

प्रारंभिक

1. संक्षिप्त नाम, विस्तार और प्रारंभ—

- (1) यह अधिनियम झारखण्ड राज्य वित्तरहित भौक्षणिक संस्थान (अनुदान) अधिनियम, 2004 कहा जा सकेगा।
- (2) इसका विस्तार सम्पूर्ण झारखण्ड राज्य में होगा।
- (3) यह ऐसी तिथि को प्रवृत्त होगा, जिसे राज्य सरकार राजपत्र से अधिसूचना द्वारा नियत करे और अधिनियम के भिन्न—भिन्न उपबंधों के लिए भिन्न—भिन्न, तिथियाँ नियत की जा सकेंगी तथा इससे किसी भी उपबंध के संबंध में उससे प्रारंभ के प्रति किसी भी निर्देश का अर्थ इस तारीख से प्रति निर्देश के रूप में लगाया जा सकेगा, जिसको वह उपबंध प्रवृत्त होगा।

परिभाषाएँ—जब तक संदर्भ में अन्यथा अपेक्षित न हो, इस विधेयक में—

- (क) 'अनुदान' से अभिप्रेत है राज्य सरकार द्वारा किसी मान्यता प्राप्त भौक्षणिक संस्था को दी गयी कोई भी सहायता।
- (ख) "अनुदान प्राप्त संस्था" से अभिप्रेत है ऐसी कोई मान्यता प्राप्त भौक्षणिक संस्था, जो राज्य सरकार से अनुरक्षण अनुदान के रूप में सहायता प्राप्त कर रही है।
- (ग) "अधिविद्य परिषद्" से अभिप्रेत है झारखण्ड सरकार द्वारा स्थापित अधिविद्य परिषद्।
- (घ) "प्रतिकारात्क भत्ता" से अभिप्रेत है ऐसे वैयक्तिक व्यय की प्रतिपूर्ति करने के लिए दिया गया कोई भत्ता, जो उन विषेश परिस्थितियों में आव यक हो, जिसमें कर्तव्य पालन किया जाय और इसमें कोई यात्रा भत्ता सम्मिलित होगा, किन्तु कोई सत्कार भत्ता या भारत के बाहर किसी भी स्थान तक या से निःशुल्क यात्रा अनुदान सम्मिलित नहीं होगा।
- (ङ) "सक्षम प्राधिकारी" से अभिप्रेत है राज्य सरकार द्वारा ऐसे क्षेत्र के लिए या मान्यता प्राप्त गैर-सरकारी भौक्षणिक संस्थाओं के ऐसे वर्ग के संबंध में, जो कि अधिसूचना में विनिर्दिष्ट किया जाय, इस अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का निर्वहन करने के लिए अधिसूचना द्वारा प्राधिकृत कोई भी अधिकारी या प्राधिकारी।
- (च) "शिक्षा निदेशक" से अभिप्रेत है—
 - i. स्नातक और स्नातकोत्तर महाविद्यालयों और तत्समान या उच्चतर, अध्ययन की उन भौक्षिक संस्थाओं के संबंध में, जो तकनीकी शिक्षा की संस्थाओं से भिन्न है, निदेशक, उच्च शिक्षा, झारखण्ड अथवा राज्य सरकार द्वारा प्राधिकृत उपनिदेशक या उनसे ऊपर के अधिकारी।
 - ii. इंटर महाविद्यालय तथा उच्च विद्यालय के संबंध में निदेशक, माध्यमिक शिक्षा, झारखण्ड अथवा राज्य सरकार द्वारा प्राधिकृत उपनिदेशक या उनके ऊपर के अधिकारी।
 - iii. प्राथमिक एवं मध्य विद्यालयों के संबंध में, निदेशक, प्राथमिक शिक्षा, झारखण्ड अथवा राज्य सरकार द्वारा प्राधिकृत उपनिदेशक या उनसे ऊपर के अधिकारी।
- (छ) "क्षेत्रीय उप शिक्षा निदेशक", "जिला शिक्षा पदाधिकारी" एवं "जिला शिक्षा अधीक्षक" से अभिप्रेत है ऐसे शिक्षा के प्रभारी जो राज्य सरकार द्वारा उन पदों पर अधिसूचित किए गए हो।
- (ज) "शैक्षिक सोसाइटी" या "शैक्षिक एजेन्सी" से अभिप्रेत है पात्र गैर सरकारी भौक्षणिक संस्था को स्थापित या अनुरक्षित करने के लिए अनुज्ञात कोई न्यास, व्यक्ति या व्यक्तियों का निकाय।
- (झ) 'कर्मचारी' में पात्र संस्था में काम करने वाला कोई अध्यापक और प्रत्येक अन्य कर्मचारी सम्मिलित है।

- (ज) "विद्यमान संस्था" से अभिप्रेत है इस अध्यादेश के प्रारंभ के पूर्व स्थापित और ऐसे प्रारंभ के समय इस रूप में चल रही कोई भी मान्यता प्राप्त भौक्षणिक संस्था।
- (ट) "संस्था का प्रधान" से अभिप्रेत है किसी संस्था का किसी भी नाम से जाना जाने वाला प्रधान भौक्षणिक अधिकारी।
- (ठ) 'संस्था' में किसी भौक्षणिक संस्था से संबंधित सभी चल और अंचल संपत्तियाँ सम्मिलित हैं।
- (ड) "अनुरक्षण अनुदान" से अभिप्रेत है किसी संस्था को दिया गया ऐसा आवर्ती सहायता अनुदान, जिसके ऐसे अनुदान के रूप में माने जाने का निर्देश राज्य सरकार सामान्य या विशेष आदेश द्वारा दे।
- (ढ) 'प्रबंध' या "प्रबंध समिति" से अभिप्रेत है, किसी संस्था के संबंध में नियम के अधीन पालन प्रबंध समिति और इसमें सचिव या किसी भी नाम से प्रदाभिहित कोई ऐसी अन्य व्यक्ति सम्मिलित है, जिसमें संस्था के कामकाज का प्रबंध और संचालन करने का प्राधिकार निहित किया गया है।
- (ण) "गैर सरकारी भौक्षिक संस्था" से अभिप्रेत है ऐसा कोई महाविद्यालय, विद्यालय, जो शिक्षा देन या राज्य अथवा केन्द्रीय सरकार द्वारा मान्य कोई प्रमाण-पत्र, डिग्री, डिप्लोमा या कोई भी भौक्षणिक विषिष्टता अभिप्राप्त करने के लिए छात्रों को तैयार करने या प्रषिक्षण देने के उद्दे य से स्थापित की गई और चलायी जाती हो या जो राज्य में लोगों के भौक्षणिक विकास के लिए कार्य कर रही हो और जो राज्य या केन्द्रीय सरकार या किसी भी विश्वविद्यालय या स्थानीय प्राधिकरण या राज्य या केन्द्रीय सरकार के स्वामित्व या नियंत्रण के अधीन के किसी अन्य-प्राधिकरण के न तो स्वामित्वाधीन हो और न उसके द्वारा प्रबंधित।
- (त)"पात्र संस्था" से अभिप्रेत है कंडिका-3 में उल्लिखित पात्रता की भार्त्तो को पूरा करने वाला भौक्षणिक संस्थान।
- (थ) 'वेतन' में किसी कर्मचारी की कुल परिलब्धियाँ हैं जिनमें उसे तत्समय संदेय मंहगाई भत्ता या कोई भी अन्य भत्ता या अनुतोश सम्मिलित है, किन्तु प्रतिकारात्मक भत्ता सम्मिलित नहीं है।
- (द) "मंजूरी प्राधिकारी" से अभिप्रेत है ऐसी मान्यता प्राप्त भौक्षणिक संस्थाओं को, जिन्हें राज्य सरकार विहित की जाने वाली प्रक्रिया के अनुसार समय-समय पर विनिर्दिष्ट कर, का अनुदान मंजूर करने के लिए राज्य सरकार द्वारा प्राधिकृत कोई अधिकारी।
- (ध) "राज्य सरकार" से अभिप्रेत है झारखण्ड राज्य की सरकार।
- (न) 'अध्यापक' से अभिप्रेत है, कोई आचार्य, उपाचार्य या प्राध्यापक या किसी गैर-सरकारी भौक्षणिक संस्था में शिक्षा या प्रषिक्षण प्रदान करने वाला या

अनुसंधान या किसी प्रशिक्षण कार्यक्रम का संचालन और मार्गदर्शन करने वाला किसी भी नाम से अभिहित कोई अन्य व्यक्ति और इसमें संस्था का प्रधान सम्मिलित है; और

- (प) "विश्वविद्यालय" से अभिप्रेत है झारखण्ड राज्य के उच्च शिक्षा विभाग, झारखण्ड सरकार के नियंत्रणाधीन स्थापित कोई विश्वविद्यालय।
- (फ) 'अधिनियम' से अभिप्रेत है, झारखण्ड राज्य वित्तरहित भौक्षणिक संस्थान (अनुदान) अधिनियम, 2004,

अध्याय-2

3. अनुदान प्राप्ति हेतु पात्रता :

- (क) इस अधिनियम के पारित होने से पूर्व भौक्षणिक संस्था राज्य सरकार द्वारा गैर अनुदानित है तथा सरकारीकरण की अपेक्षा नहीं रखता हो।
- (ख) यदि भौक्षणिक संस्था गैर अनुदानित इंटर स्तरीय महाविद्यालय है तो,
- झारखण्ड अधिविद्य पर्षद से स्थायी प्रस्वीकृति प्राप्त कर चुका हो।
 - रजिस्ट्रेशन एक्ट, 1860 के तहत किसी सोसाइटी या न्याय द्वारा संचालित हो अथवा प्रथम अनुदान प्राप्ति के बाद वाले वित्तीय वर्ष तक सोसाइटी या ट्रस्ट से संचालित होने लगे।
 - महाविद्यालय का भासी निकाय विधिवत गठित हो।
 - झारखण्ड अधिविद्य पर्षद के अधिनियम तथा इसके परिनियमों, नियमों तथा राज्य सरकार के निर्देशों का अनुपालन करता हो।
 - विहित प्रपत्र में आवेदन नियम में यथाविहित प्रक्रिया पूरा करने के उपरान्त झारखण्ड अधिविद्य पर्षद के माध्यम से निर्दिष्ट समय पर मानव संसाधन विकास विभाग में जमा किया गया हो।
 - विद्यार्थियों की संख्या नियम में यथाविहित संख्या से अन्यून नहीं हो।
- (ग) यदि भौक्षणिक संस्थान गैर-अनुदानित स्नातक स्तरीय है तो,
- झारखण्ड राज्य के अन्तर्गत राज्य सरकार द्वारा उच्च शिक्षा विभाग के नियंत्रणाधीन विधिनकृत्य स्थापित विश्वविद्यालय से स्थायी रूप से सम्बद्ध हो।
 - रजिस्ट्रेशन एक्ट 1860 के तहत पंजीकृत सोसाइटी या न्याय द्वारा संचालित हो अथवा प्रथम अनुदान प्राप्ति के बाद वाले वित्तीय वर्ष तक पंजीकृत सोसाइटी या ट्रस्ट द्वारा संचालित होने लगे।
 - महाविद्यालय का भासी निकाय विधिवत गठित हो।
 - महाविद्यालय, विश्वविद्यालय अनुदान आयोग अधिनियम 1956 की कंडिका-2(एक) में पंजीकृत हो अथवा अनुदान प्राप्ति के दो वर्षों के अन्दर पंजीकृत हो जाय।

- (v) संबंधित विश्वविद्यालय के अधिनियम, परिनियम, विनियम, नियम तथा अध्यादेशों के अनुपालन के साथ-साथ राज्य सरकार द्वारा समय-समय पर दिए गए निर्देशों का अनुपालन करता हो।
 - (vi) विहित प्रपत्र में आवेदन नियम से यथाविहित प्रक्रिया पूरा करने के उपरान्त संबंधित विश्वविद्यालय के माध्यम से निर्दिष्ट समय पर मानव संसाधन विकास विभाग में जमा किया गया हो।
 - (vii) विद्यार्थियों की संख्या नियम में यथाविहित संख्या से अन्यून नहीं हो।
- (घ) यदि भौक्षणिक संस्था गैर अनुदानित उच्च विद्यालय तो है,
- (i) राज्य सरकार द्वारा स्थापना अनुमति प्राप्त हो अथवा स्वत्वाधारक हो।
 - (ii) रजिस्ट्रेशन एक्ट 1860 के तहत पंजीकृत सोसाइटी या न्याय द्वारा संचालित हो अथवा अनुदान प्राप्ति के बाद वाले वित्तीय वर्ष तक पंजीकृत सोसाइटी या ट्रस्ट द्वारा संचालित होने लगे।
 - (iii) उच्च विद्यालय का भासी निकाय विधिवत गठित हो।
- (ङ) यदि भौक्षणिक संस्था गैर अनुदानित प्राथमिक विद्यालय तो है,
- (i) कक्षा 1 से 5, 5 से 8, 1 से 7 अथवा 1 से 8 तक ही पढ़ाई होती हो।
 - (ii) उसे विहित रीति से साक्षम पदाधिकारी द्वारा मान्यता दी गई हो किन्तु सहायता प्राप्त विद्यालयों की श्रेणी में नहीं हो।

अध्याय-3

अनुदान, लेखे और संपरीक्षा

अनुदान – राज्य सरकार स्वविवेक से निम्नलिखित अनुदान मंजूर कर सकेगी:-

- (i) अनुरक्षण या आवर्ती अनुदान।
- (ii) उपस्करों, भवन आदि के लिए अनावर्ती अनुदान।
- (iii) किसी ऐसी संस्था को तदर्थ, अनावर्ती या आवर्ती अनुदान, जो अखिल भारतीय स्वरूप की हो और जिसकी परियोजना और क्रिया कलापों को केन्द्रीय या राज्य सरकार द्वारा ऐसे बंधेजों और भातों पर अनुमोदित किया गया हो जिन्हें अधिरोपित करना वह उचित समझे।
- (iv) ऐसे अन्य अनुदान का सरकार द्वारा समय-समय पर नियमावली के अधीन मंजूर किया जाय।

अनुदान को विनियमति करने वाली सामान्य भाते-प्रतांक संस्था, जो सहायता अनुदान के लिए आवेदन करती है, के लिए यह समझा जाएगा कि उसने निम्नलिखित भातों का अनुपालन करने की अपनी बाध्यताओं को स्वीकार कर लिया है।

- (i) संस्था, जब तक शिक्षा निदेशक द्वारा अनूज्ञा नहीं दे दी जाय, तब तक अभ्यार्थियों को अन्य राज्य में आयोजित किसी परीक्षा के लिए न तो तैयार करेगी और न ही भेजेगी, जब तक कि उसी स्वरूप और स्तर

- की कोई परीक्षा मानव संसाधन विकास विभाग, अधिविद्य परिषद् या राज्य के विश्वविद्यालय द्वारा झारखण्ड में आयोजित की जाती है।
- (ii) प्रदेश और संस्था द्वारा उपलब्ध करायी गयी सभी सुविधाएँ, जिनमें निःशुल्क अध्ययन, अर्द्ध भुल्क अध्ययन सम्मिलित है, जाति, धर्म और भाषा को कोई भेद किए बिना जनता के प्रत्येक वर्ग का उपलब्ध होगी।
 - (iii) संस्था किसी भी व्यक्ति विशेष के लाभ के लिए नहीं चलाई जाएगी उसकी प्रबंध समिति या प्रबंध ऐसा होना चाहिए कि वह जाति और भाषा को कोई भेद किए बिना जनता के प्रत्येक वर्ग को उपलब्ध होगी।
 - (iv) संस्था किसी भी व्यक्ति विशेष के लाभ के लिए नहीं चलाई जाएगी उसकी प्रबंध समिति या प्रबंध ऐसा होना चाहिए कि वह अपनी आस्तियों का उपयोग संस्था के उद्देश्यों को अग्रसर करने के लिए करे।
 - (v) संस्था अपनी सभी आस्तियों की सूची मानव संसाधन विकास विभाग को देगी जिनकी आय का उपयोग संस्था के व्यय की पूर्ति करने के लिए किया जाता है।
 - (vi) क. संस्था समय-समय पर प्रबंधन समिति में छात्रों के अभिभवकों में से सरकार के निर्देशानुसार सदस्य बनायेगी।
 - (vii) भौक्षणिक संस्था या उसका कोई भी संकाय, विषय, पाठ्यक्रम, कक्षा या अनुभाग विभाग को कम से कम एक पूर्ण शिक्षा वर्ष की लिखित सूचना दिए बिना बन्द नहीं किया जाएगा।
 - (viii) गैर सरकारी अनुदानित शिक्षण संस्था की समस्त आय को जमा करवाने की निम्न प्रक्रिया अपनाई जाएगी:—
- (क) संस्था अपना 'संस्था कोश' रखेगी जिसमें सभी स्त्रोतों जैसे दाम, चन्दा, आय हेतु मान्य भुल्क आवर्तक एवं अनावर्तक राजकीय अनुदान आदि की सभी राशियाँ भामिल होगी।
 - (ख) संस्थ पृथक से 'छात्रकोश' रखेगी, जिसमें छात्रा से प्राप्त होने वाली सभी राशि जमा होगी जो अनुदान हेतु आय की परिभाषा में नहीं आती है। इस निमित्त आय व्यय का विस्तृत हिसाब 'छात्रकोश' रोकड़ बही में रहेगा। वार्षिक आय संस्था द्वारा बनाये गए वार्षिक बजट के अनुसार खर्च की जाएगी, परन्तु जिस मद की आय हो, उसी मद में व्यय की जाएगी।
 - (ग) संस्था की सुरक्षा कोश आदि की राशि को राज्य सरकार अथवा राष्ट्रीय बचत प्रतिभूतियों, यथा डाकघर बचत खाते, राष्ट्रीय बचत प्रमाण-पत्र या किसान विकास पत्र आदि से जमा किया जा सकेगा।

- (घ) अन्य समस्त आवर्तक एवं अनावर्तक अनुदान राशि, जिसकी तीन महीने में व्यय हेतु आव यकता न हो, डाकघर बचत खाते में अथवा राष्ट्रीयकृत बैंक के बचत खाते में जमा करवायी जाएगी।
- (ङ) कर्मचारियों के भविष्य निधि खाते में जमा समस्त राशि और संस्था के अडिा की समस्त राशि संस्था द्वारा राज्य सरकार द्वारा निर्धारित निर्देशों एवं तरीका से जमा करवायी जायेगी।
- (ix) सरकार द्वारा संस्था के उचित संचालन के लिए समय-समय पर दिए गए सभी अनुदेशों/आदेशों/विमि चयों का संस्था तत्परता से पालन करेगी।
- (x) कोई नया पाठ्यक्रम, कक्षा अनुभाग, विषय, संकाय या कोई परियोजना प्रारंभ करने के लिए कोई भी अनुदान तब तक अनुज्ञेय नहीं होगा जब तक कि सक्षम पदाधिकारी की पूर्व अनुज्ञा प्राप्त न कर ली गयी हो।
- (xi) प्रबंध समिति, संचित बचतों को सम्मिलित करते हुए अपनी आय का कोई भी भाग वैसे मदों पर खर्च नहीं करेगा जो संस्था के हित के विरुद्ध हो।
- (xii) निधि की उपलब्धता के अधीन रहते हुए संस्था के प्रबंधन को अनुदान दिया जा सकेगा और उसके लिए अधिकार के रूप में दावा नहीं किया जाएगा।
- (xiii) सहायता की रकम सामान्यतः प्रबंध समिति के सचिव को दी जा सकेगी, किन्तु विषेश परिस्थितियों में और लेखाबद्ध-किये जाने वाले कारणों से ऐसी रकम, शिक्षा निदेशक द्वारा या उनके द्वारा इस निमित्त सशक्त किए गए किसी अन्य अधिकारी द्वारा प्राधिकृत किसी व्यक्ति को दी जा सकेगी।
- (xiv) राज्य सरकार को यह अधिकार होगा कि किसी भी प्रकार के कोई कारण समनुदेशित किए बिना अनुदान को बन्द, कम या उपान्तरित कर सकेगी।
- (xv) अनुदान या उससे सृजित कोई भी चल या अचल सम्पति का उपयोग ऐसे प्रयोजन से, जिसके लिए वह मंजूर की गयी थी, से भिन्न किसी भी प्रयोजन के लिए नहीं किया जाएगा।
- (xvi) वित्तीय वर्ष के अन्त में अवषेश राशि प्रतिवर्ष 31 मार्च को या उसके पहले विभाग/सरकार को अभ्यर्मित किया जाएगा, जिसमें विफल रहने पर वह देय सहायता की अगली किस्त में समायोजित किया जाएगा।
- (xvii) संस्था वसूल की गयी विभिन्न प्रकार के भुल्कों के लिए विधार्थीसार मांग और संग्रहण रजिस्टर रखेगी।
- (xviii) कोई भी सहायता अनुदान ऐसी संस्था को अनुज्ञेय नहीं होगा जो लेखा परीक्षक/निरीक्षक से बचती है या लेखा परीक्षण/निरीक्षण पदाधिकारी के साथ सहयोग करने में विफल रहती है।

- (xix) संस्था के सचिव या प्रवैध समिति से सम्यक् रूप से प्राधिकृत कोई भी अन्य व्यक्ति सहायता अनुदान प्राप्त करते समय विहित प्रारूप में एक वचनबंध तीन प्रतियों में प्रतिहस्ताक्षरकर्ता प्राधिकारी को प्रस्तुत करेगा।
- (xx) संस्था ऐसी अन्य भातों का अनुपालन करेगी जो राज्य सरकार अधिसूचना के माध्यम से समय-समय पर निर्धारित करे।

6. अनुदान के लिए प्रक्रिया :

- (1) अनुदान चाहने वाली भौक्षणिक संस्था, विहित प्रपत्र में अपना आवेदन, यथा विनिर्दिष्ट तिथि तक संबंधित शिक्षा निदेशक को प्रस्तुत करेगी। विनिर्दिष्ट तिथि तक शिक्षा निदेशक, अपने द्वारा नाम निर्देशित की जाने वाली समिति द्वारा पैनल निरीक्षण के लिए आदेश करेगा और ऐसी समिति को विहित प्रपत्र में अपना रिपोर्ट यथा— विनिर्दिष्ट तिथि तक प्रस्तुत करने का निर्देश देगा। पैनल निरीक्षण रिपोर्ट की संवीक्षा निदेशालय की लेखा भाखा के प्रधान द्वारा की जाएगी। पैनल निरीक्षण समिति द्वारा समय-समय पर अनुशंसित संस्थाओं की सूची राज्य सरकार को भेजी जाएगी। ऐसी रिपोर्ट सम्यक् संवीक्षा के पश्चात् अनुदान समिति के समक्ष रख दी जाएगी, जिसमें निम्नलिखित सदस्य होंगे:—
 - (i) प्रशासनिक विभाग के सचिव – अध्यक्ष
 - (ii) संबंधित निदेशक – सदस्य सचिव
 - (iii) वित्त विभाग का प्रतिनिधि – सदस्य
- (2) संबंधित शिक्षा निदेशक वित्तीय वर्ष में उपर्युक्त अनुदान के लिए उपलब्ध हो सकने वाली रकम को सूचना उपर्युक्त समिति का, जब वह सहायता अनुदान के आवेदनों पर विचार करने के लिए बैठक करे, देना।
- (3) यदि मूल बजटीय उपबंध से अतिरिक्त राशि उपलब्ध होगी तो सरकार इस आशय की सूचना संबंधित निदेशक की देगी।
- (4) अनुदान की मात्रा छात्रों की संख्या के आधार पर अनुदान समिति की अनुशंसा पर निर्भर करेगी और अंतिम रूप से उतनी हो सकेगी जितनी सरकार द्वारा अनुमोदित की जाएगी।

7. अनुरक्षण या आवर्ती अनुदान को अंतिम रूप दिया जाना— पहल से आवर्ती अनुदान प्राप्त कर रही संस्था पूर्व वर्ष के अनुदान को अंतिम रूप देने के लिए विहित प्रपत्र में आवेदन विनिर्दिष्ट सक्षम प्राधिकारी को विनिर्दिष्ट तिथि तक प्रस्तुत करेगी—

- (i) प्राथमिक और माध्यमिक शिक्षा विभाग द्वारा नियंत्रित संस्था के मामले में ऐसा आवेदन जिला शिक्षा पदाधिकारी को अधिसूचना द्वारा यथाविनिर्दिष्ट तिथि तक प्रस्तुत किया जाएगा जो उनकी संवीक्षा संस्था के मूल अभिलेखों के प्रतिनिर्देश आधार पर करेगा और प्रत्येक

पद पर अपनी स्पष्ट सिफारिश के साथ संबंधित निदेशक को अनुदान को अंतिम रूप देने के लिए अधिसूचना द्वारा यथाविनिर्दिष्ट तिथि तक संवीक्षित आवेदन जमा करेगा।

- (ii) यदि संस्था निर्धारित तिथि तक आवेदन प्रस्तुत करने में विफल रहती है तो उपर्युक्त प्राधिकारी दो महीने तक के विलंब को माफ कर सकेंगे और दो महीने से अधिक का विलंब सरकार द्वारा माफ किया जा सकेगा।
- (iii) इंटर महाविद्यालयों के आवेदन झारखण्ड अधिविद्य परिषद् के माध्यम से निदेशक माध्यमिक शिक्षा के पास निर्धारित तिथि तक जमा किया जा सकेगा।
- (iv) स्नातक स्तरीय एवं समकक्ष महाविद्यालयों, जिनके पाठ्यक्रम (तकनीकी शिक्षा को छोड़कर) राज्य सरकार के उच्च शिक्षा विभाग के नियंत्रणाधीन किसी विश्वविद्यालय से सम्बद्ध हो, अपना आवेदन संबंधित विश्वविद्यालय के माध्यम से निदेशक, उच्च शिक्षा के पास निर्धारित तिथि तक जमा कर सकेंगे।

8. वार्षिक आवर्ती अनुदान का निर्धारण:—

- (i) वार्षिक आवर्ती अनुदान अगले वर्ष में सदेय अनुदान से समायोजित के अध्यक्षीन होगा।
- (ii) अनुमोदित व्यय का परिनिर्धारण इन नियमों और ऐसे अन्य अनुदेशों, जो समय-समय पर जारी किए जाये, के अनुसार किया जाएगा।
- (iii) पात्रता की भावर्ती को पूरा करने वाली संस्थाओं को अनुदान प्राप्ति के लिए वर्गीकरण विद्यार्थियों की संख्या, महिला संस्थाओं एवं मूक वधिर, अनुसूचित जाति, जनजाति तथा विकलांगों की भौक्षणिक संस्थाओं के लिए अलग-अलग किया जाएगा।
- (iv) वगीकृत पात्र भौक्षणिक संस्थाओं को दिए जाने वाले अनुदान की राशि राज्य सरकार अधिसूचना के माध्यम से निर्धारित कर सकेगी।

9. आवर्ती अनुदान का दावा:—

- (i) अनुदान का दावा शिक्षा निदेशक द्वारा, चालू वित्तीय वर्ष के बजट प्रावधान के भीतर, पहले से सहायता अनुदान की सूची में सम्मिलित संस्था को नियमित रूप से मंजूर किया जा सकेगा।
- (ii) यदि किसी भी संस्था ने 31 मार्च का समाप्त हुए 12 महीनों के दौरान 200 से कम दिनों के लिए कार्य किया है तो नियमों के अध्यक्षीन देय वार्षिक अनुदान में से आनुपालिक कर्मी की जा सकेगी।

10. अनावर्ती अनुदान:—

- (क) अनावर्ती अनुदान कुल अनुमोदित और वास्तविक व्यय के 50 प्रतिशत से अधिक का नहीं होगा।
- (ख) अनावर्ती अनुदान भवन (छात्रावासों सहित) के सन्निर्माण, मरम्मत और विस्तार के लिए, फर्निचर और उपस्कर के क्रय के लिए और पुस्तकालय-पुस्तकों के क्रय के लिए एवं अन्य ऐसे मद जिसे सरकार उचित समझे, के लिए दिया जा सकेगा।
- (ग) सभी मामलों में मंजूर की गयी राशि विमुक्कश करने के पूर्व या करते समय यथाविनिर्दिष्ट **बन्धक विलेख** निश्पादित किया जाएगा और पंजीकृत कराया जाएगा।

11. अनुदान की रोक, कर्मी या निलंबन:-

- (i) अनुदान, मंजूरी प्राधिकारी के विवेकानुसार रोके जाने, कम किए जाने या निलंबित किए जाने के दायित्वाधीन होगा। यदि उसकी राय में प्रबंधन किन्ही भी भातर्त्तों का पूरा करने या पालन करने में या इन नियमों में प्रमाणित किन्हीं भी उपबंधों का अनुपालन करने में या संस्था का कुशलतापूर्वक प्रबंध करने में विफल रहा है, परन्तु इस नियम के अधीन कोई भी ऐसी कार्रवाई करने के पूर्व प्रबंधन को उसके विरुद्ध लगाये गये आरोपों और प्रस्तावित कार्रवाई के विरुद्ध कारण बताने का अवसर दिया जाएगा।
- (ii) संस्थान मे विद्याथियों की संख्या नियम द्वारा निर्धारित संख्या से कम हो जाने पर अनुदान नहीं दिया जाएगा।
- (iii) भौक्षिक संस्थान के छात्रों का परीक्षाफल 40 प्रतिशत से कम होने पर अनुदान रोक दिया जाएगा।
- (iv) महाविद्यालय में विद्यार्थियों की संख्या किसी विशय विषेश में, नियम द्वारा निर्धारित संख्या से कम होने पर, राजकीय अनुदान से उस विभाग के शिक्षकों तथा कर्मचारियों पर व्यय नहीं किया जाएगा।

12. अनुदान की रोक, कर्मी या निलंबन के विरुद्ध अभ्यावेदन:-

अनुदान को रोकने, कम करने या उसका निलंबन करने के आदेश के विरुद्ध प्रबंध समिति उक्त आदेश की प्राप्ति की तारीख से दो महीने के भीतर राज्य सरकार को अभ्यावेदन कर सकेगी। अभ्यावेदन प्राप्ति के तीन माह के भीतर स्पष्ट आदेश पारित कर निश्पादित किया जाएगा।

13. लेखे और संपरीक्षा:-

- (क) वह संस्था जिसे अनुदान दिया गया है, सभी स्त्रोतों से आय एवं व्यय का लेखा नियम द्वारा यथाविनिर्दिष्ट तरीके से रखेगी।
- (ख) संस्था के लेख की वार्षिक संपरीक्षा रिपोर्ट चार्टर्ड एकाउन्टेन्ट या किसी भी प्राधिकृत संपरीक्षक द्वारा साथक् रूप से तैयार की जाएगी।

(ग) संस्था के लेखे तथा लेखा रिपोर्ट सरकार या शिक्षा निदेशक द्वारा प्राधिकृत अधिकारियों, स्थानीय निधि संपरीक्षा विभाग और महालेखाकार के समक्ष निरीक्षक एवं संपरीक्षा के लिए पेश किया जाएगा।

14. संस्था का निरीक्षण:

संस्था के कार्य कलापों पर समग्र पर्यवेक्षण और नियंत्रण का प्रयोग करने की दृष्टि से शिक्षा निदेशक/राज्य सरकार द्वारा इस प्रयोजन के लिए प्राधिकृत कोई भी अधिकारी को पूर्व नोटिस के बिना किसी भी संस्था का या उसके किसी भी भाग का निरीक्षण कर सकेगा तथा संस्था ऐसे निरीक्षण हेतु अभिलेख उपलब्ध करायेगी।

15. अन्तरण के लिए पूर्व अनुमोदन :-

अंचल सम्पत्ति का अन्तरण राज्य सरकार की पूर्वानुमति से किया जाएगा। इस हेतु एक आवेदन प्रस्तुत किया जाएगा, जिसमें निम्नलिखित प्रविष्टियाँ अन्तर्विष्ट होंगी—

(क) अंचल संपत्ति का वर्णन।

(ख) वह प्रयोजन, जिसके लिए उसका वर्तमान में उपयोग किया जा रहा है।

(ग) क्रय/निर्माण का वर्ष।

(घ) क्रय/निर्माण की लागत।

(ङ) वर्तमान मूल्य।

(च) संपत्ति का क्रय/निर्माण करने के लिए प्राप्त सहायता अनुदान की रकम।

(छ) अन्तरण के लिए कारण।

(ज) अन्तरण की प्रकृति।

(झ) किसको अन्तरित किया जाना प्रस्तावित है, और

(ञ) माँगी गयी अन्य सूचनाएँ, यदि कोई हो।

16. नियम बनाने की भाक्ति:— राज्य सरकार इस अधिनियम के प्रयोजनों को कार्यान्वित करने के लिए इस अधिनियम से संगत नियम बना सकेगी।

17. कठिनाई दूर करने की भाक्ति:— यदि इस अधिनियम के उपबंध अथवा इसके अधीन बनाये गये किसी नियम को प्रभावी करने में कोई कठिनाई उत्पन्न हो तो राज्य सरकार उस कठिनाई को दूर करने हेतु ऐसा आदेश पारित कर सकेगी जो उसे आवश्यक प्रतीत हो।
18. निरसन एवं व्यावृत्ति:—
- (i) बिहार अराजकीय माध्यमिक विद्यालय (प्रबंध एवं नियंत्रण ग्रहण) अधिनियम, 1981 (अद्यतन संशोधित) की धारा-19 की उपधारा 'क' को इसके द्वारा निरसित किया जाता है।
 - (ii) झारखण्ड राज्य वित्तरहीत भौक्षणिक संस्थान (अनुदान) अध्यादेश 2003 (झा0 अध्यादेश 1, 2004) को इस अधिनियम द्वारा निरस्त किया जाता है।
 - (iii) ऐसे निरसन के होते हुए भी उपरोक्त अधिनियम या उपरोक्त अध्यादेश द्वारा या उनके अधीन प्रदत्त भाक्तियों के प्रयोग में किया गया कोई कार्य या की गई कोई कार्रवाई इस अधिनियम द्वारा या इसके अधीन प्रदत्त भाक्तियों के प्रयोग में किया गया या की गयी समझी जाएगी, मानो यह अधिनियम उस दिन प्रवृत्त था जिस दिन ऐसा कार्य किया गया था या ऐसी कार्रवाई की गयी थी।

झारखण्ड राज्यपाल के आदेश से,
ह0 /—
तारकेश्वर प्रसाद,
सरकार के सचिव—सह—विधि परामर्श,
झारखण्ड, राँची।

झारखण्ड गजट



असाधारण अंक

झारखण्ड सरकार द्वारा प्रकाशित

31 ज्येष्ठ, 1929 शकाब्द

संख्या-344

राँची, वृहस्पतिवार 21 जून, 2007

विधि (विधान) विभाग

अधिसूचना

21 जून, 2007

संख्या-एल0जी0-10/2006-33/लेज0-—झारखंड विधान मंडल का निम्नलिखित अधिनियम, जिस पर राज्यपाल दिनांक 11 जून, 2007 को अनुमति दे चुक हैं, इसके द्वारा सर्वसाधारण की सूचना के लिए प्रकाशित किया जाता है।

झारखंड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2006

(झारखंड अधिनियम 09, 2007)

झारखंड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत) के संशोधन हेतु अधिनियम।

भारत गणराज्य के सनतावनवें वर्ष में झारखंड विधान मंडल द्वारा यह निम्नलिखित रूप से अधिनियमित हो :-

1. संक्षिप्त नाम विस्तार और प्रारम्भ :-

(1) यह अधिनियम झारखंड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2006 कहा जा सकेगा।

(2) यह ऐसी तिथि से प्रवृत्त होगा जिसे राज्य सरकार राजपत्र से अधिसूचना द्वारा नियत करेगी।

(3) इसका विस्तार सम्पूर्ण झारखंड राज्य में होगा।

2. झारखंड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत) जो इसके पश्चात् उक्त अधिनियम कहा जाएगा, की उपधारा-3 की उपधारा-1 (एल) के पश्चात् उपधारा-1 (एम) का अंतः स्थापनः—

उक्त अधिनियम की धारा-3 की उपधारा-1 (एल) के पश्चात् उपधारा-1 (एम) के रूप में निम्न उपधारा अंतःस्थापित की जायेगी।

“3 (1)(एम), नीलाम्बर-पीताम्बर विश्वविद्यालय होगा जिसका मुख्यालय मेदिनीनगर होगा तथा इसकी अधिकारिता पूरे पलामू प्रमंडल होगी।”

झारखंड राज्यपाल के आदेश से,

ह0/—

प्रशांत कुमार,

सरकार के सचिव-सह-विधि परामर्शी,
विधि (विधान) विभाग, झारखंड, राँची।

अधिसूचना

21 जून, 2007

संख्या-एल0जी0-10/2006-34/लेज0—झारखंड विधान मंडल द्वारा यथापारित और राज्यपाल द्वारा दिनांक 11 जून, 2007 को अनुमत “झारखंड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2006 (झारखंड अधिनियम संख्या-09, 2007) का निम्नांकित अंग्रेजी अनुवाद झारखंड राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय संविधान के अनुच्छेद-348 के खण्ड (3) के अधीन उक्त अधिनियम का अंग्रेजी भाषा में प्राधिकृत पाठ समझा जायगा।

JHARKHAND STATE UNIVERSITIES (AMENDMENT) ACT, 2006

[JHARKHAND ACT 09, 2007]

An Act to amend the Jharkhand State Universities Act, 2000 (Adopted)

Be it enacted by the legislature of the State of Jharkhand in the Fifty Seventh year of Republic of India as follows :-

1. Short title, extent and commencement :-
 - (i) This Act, may be called Jharkhand State Universities (Amendment) Act, 2006;
 - (ii) It shall come into force on such date as the State Government, may be notification in the official Gazette, appoint;
 - (iii) It shall extend to the whole of the State of Jharkhand.
2. Insertion of sub-section as sub-section-1(m), at the end of sub-section 1 (l) of section-3 of Jharkhand State Universities Act, 2000 (Adopted) hereinafter referred to as the said Act :-

The following sub-section will be inserted as sub-section 1 (n) at the end of subsection 1(l) of section-3 of the said Act.

“3(1)(m), Nilamber-Pitamber University having the headquarters at Medininagar and the jurisdiction over the whole of the Palamau Division.”

झारखंड राज्यपाल के आदेश से,
प्रशांत कुमार,
सरकार के सचिव-सह-विधि परामर्शी,
विधि (विधान) विभाग, झारखंड, राँची।

झारखण्ड गजट

असाधारण अंक

झारखण्ड सरकार द्वारा प्रकाशित

31 ज्येष्ठ, 1929 शकाब्द

संख्या-345

राँची, बृहस्पतिवार 21 जून, 2007

विधि (विधान) विभाग

अधिसूचना

21 जून, 2007

संख्या-एल0जी0-4/2007-36/लेज0-—झारखंड विधान मंडल का निम्नलिखित अधिनियम, जिस पर राज्यपाल दिनांक 11 जून, 2007 को अनुमति दे चुक हैं, इसके द्वारा सर्वसाधारण की सूचना के लिए प्रकाशित किया जाता है।

झारखंड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2007

(झारखंड अधिनियम 10, 2007)

झारखंड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत) के संशोधन हेतु अधिनियम।

भारत गणराज्य के अठावनवें वर्ष में झारखंड विधान मंडल द्वारा यह निम्नलिखित रूप से अधिनियमित हो :-

1. संक्षिप्त नाम विस्तार और प्रारम्भ :-

(1) यह अधिनियम झारखंड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2007 कहा जा सकेगा;

(2) यह तुरत प्रवृत्त होगा;

(3) इसका विस्तार सम्पूर्ण झारखंड राज्य में होगा।

2. झारखंड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत) जो इसके पश्चात् उक्त अधिनियम कहा जाएगा की उपधारा-3 की उपधारा-1 (एम) के पश्चात् उपधारा-1 (एन) का अंतः स्थापन।

“3 (1)(एन), कौल्हान विश्वविद्यालय का मुख्यालय चाईबासा होगा तथा इसकी अधिकारिता पूरे कौल्हान प्रमंडल होगी।”

झारखंड राज्यपाल के आदेश से,

ह0 /—

प्रशांत कुमार,
सरकार के सचिव—सह—विधि परामर्शी,
विधि (विधान) विभाग, झारखंड, राँची।

यह विधेयक झारखंड राज्य विश्वविद्यालय (संशोधन) विधेयक, 2007, दिनांक 22 मार्च, 2007 को झारखंड विधान-सभा में उद्भूत हुआ और दिनांक 22 मार्च, 2007 को सभा द्वारा पारित हुआ।

यह एक धन विधेयक है।

आलमगीर आलम,

अध्यक्ष।

अधिसूचना

21 जून, 2007

संख्या—एल0जी0—4 / 2007—37 / लेज0—झारखंड विधान मंडल द्वारा यथापारित और राज्यपाल द्वारा दिनांक 11 जून, 2007 को अनुमत “झारखंड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2007 (झारखंड अधिनियम संख्या—10, 2007) का निम्नांकित अंग्रेजी अनुवाद झारखंड राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय संविधान के अनुच्छेद—348 के खण्ड (3) के अधीन उक्त अधिनियम का अंग्रेजी भाषा में प्राधिकृत पाठ समझा जायगा।

JHARKHAND STATE UNIVERSITIES

(AMENDMENT) ACT, 2007

[JHARKHAND ACT 10, 2007]

ACT,

To amend the Jharkhand State Universities Act, 2000 (Adopted)

Be it enacted by the legislature of the State Jharkhand in the Fifty Eight year of Republic of India as follows :-

1. Short title, extent and commencement :-

- (i) This Act, may be called Jharkhand State Universities (Amendment) Act, 2007.
- (ii) It shall come into force forthwith.
- (iii) It shall extend to the whole of the State of Jharkhand.

2. Insertion of sub-section as sub-section-1(n), At the end of sub-section 1 (m) of section-3 of Jharkhand State Universities Act, 2000 (Adopted) hereinafter referred to as the said Act, the following sub-section will be inserted as sub-section 1 (n)-

“3(1)(n), Kolhan University having the headquarters at Chaibasa and the jurisdiction over the whole of the Kolhan Division.”

झारखंड राज्यपाल के आदेश से,

ह0/—

प्रशांत कुमार,

सरकार के सचिव—सह—विधि परामर्शी,

विधि (विधान) विभाग, झारखंड, राँची।

झारखण्ड गजट

असाधारण अंक

झारखण्ड सरकार द्वारा प्रकाशित

31 ज्येष्ठ, 1929 शकाब्द

संख्या-345

राँची, वृहस्पतिवार 21 जून, 2007

विधि (विधान) विभाग

अधिसूचना

21 जून, 2007

संख्या-एल0जी0-4/2007-36/लेज0—झारखंड विधान मंडल का निम्नलिखित अधिनियम, जिस पर राज्यपाल दिनांक 11 जून, 2007 को अनुमति दे चुक हैं, इसके द्वारा सर्वसाधारण की सूचना के लिए प्रकाशित किया जाता है।

झारखंड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2007

(झारखंड अधिनियम 10, 2007)

झारखंड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत) के संशोधन हेतु अधिनियम।

भारत गणराज्य के अठावनवें वर्ष में झारखंड विधान मंडल द्वारा यह निम्नलिखित रूप से अधिनियमित हो :-

1. संक्षिप्त नाम विस्तार और प्रारम्भ :-

(1) यह अधिनियम झारखंड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2007 कहा जा सकेगा;

(2) यह तुरत प्रवृत्त होगा;

(3) इसका विस्तार सम्पूर्ण झारखंड राज्य में होगा।

2. झारखंड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत) जो इसके पश्चात् उक्त अधिनियम कहा जाएगा की उपधारा-3 की उपधारा-1 (एम) के पश्चात् उपधारा-1 (एन) का अंतः स्थापन।

“3 (1)(एन), कौल्हान विश्वविद्यालय का मुख्यालय चाईबासा होगा तथा इसकी अधिकारिता पूरे कोल्हान प्रमंडल होगी।”

झारखंड राज्यपाल के आदेश से,

ह0 / —

प्रशांत कुमार,

सरकार के सचिव—सह—विधि परामर्शी,

विधि (विधान) विभाग, झारखंड, राँची।

यह विधेयक झारखंड राज्य विश्वविद्यालय (संशोधन) विधेयक, 2007, दिनांक 22 मार्च, 2007 को झारखंड विधान-सभा में उद्भूत हुआ और दिनांक 22 मार्च, 2007 को सभा द्वारा पारित हुआ।

यह एक धन विधेयक है।

आलमगीर आलम,

अध्यक्ष।

21 जून, 2007

संख्या-एल0जी0-4/2007-37/लेज0-झारखंड विधान मंडल द्वारा यथापारित और राज्यपाल द्वारा दिनांक 11 जून, 2007 को अनुमत “झारखंड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2007 (झारखंड अधिनियम संख्या-10, 2007) का निम्नांकित अंग्रेजी अनुवाद झारखंड राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय संविधान के अनुच्छेद-348 के खण्ड (3) के अधीन उक्त अधिनियम का अंग्रेजी भाषा में प्राधिकृत पाठ समझा जायगा।

JHARKHAND STATE UNIVERSITIES

(AMENDMENT) ACT, 2007

[JHARKHAND ACT 10, 2007]

ACT,

To amend the Jharkhand State Universities Act, 2000 (Adopted)

Be it enacted by the legislature of the State Jharkhand in the Fifty Eight year of Republic of India as follows :-

1. Short title, extent and commencement :-

- (i) This Act, may be called Jharkhand State Universities (Amendment) Act, 2007.
- (ii) It shall come into force forthwith.
- (iii) It shall extend to the whole of the State of Jharkhand.

2. Insertion of sub-section as sub-section-1(n), At the end of sub-section 1 (m) of section-3 of Jharkhand State Universities Act, 2000 (Adopted) hereinafter referred to as the said Act, the following sub-section will be inserted as sub-section 1 (n)-

“3(1)(n), Kolhan University having the headquarters at Chaibasa and the jurisdiction over the whole of the Kolhan Division.”

झारखंड राज्यपाल के आदेश से,

ह0 / -

प्रशांत कुमार,
सरकार के सचिव-सह-विधि परामर्शी,
विधि (विधान) विभाग, झारखंड, राँची।

झारखण्ड गजट

असाधारण अंक

झारखण्ड सरकार द्वारा प्रकाशित

30 कार्तिक, 1930 शकाब्द

संख्या-778

राँची, शुक्रवार 21 नवम्बर, 2008

विधि (विधान) विभाग

अधिसूचना

19 नवम्बर, 2008

संख्या-एल0जी0-05/2007-70/लेज0-—झारखंड विधान मंडल का निम्नलिखित अधिनियम, जिस पर राज्यपाल दिनांक 6 नवम्बर, 2008 को अनुमति दे चुक हैं, इसके द्वारा सर्वसाधारण की सूचना के लिए प्रकाशित किया जाता है :-

झारखंड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2008

(झारखंड अधिनियम, 13, 2008)

झारखंड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत) के संशोधन हेतु अधिनियम।

भारत गणराज्य के 59वें वर्ष में झारखंड विधान मंडल द्वारा यह निम्नलिखित रूप से अधिनियमित हो :-

1. संक्षिप्त नाम विस्तार और प्रारम्भ :-

(1) यह अधिनियम झारखंड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2008 कहा जा सकेगा;

(2) यह ऐसी तिथि से प्रवृत्त होगा, जिसे राज्य सरकार राजपत्र से अधिसूचना द्वारा नियत करेगी;

(3) इसका विस्तार पूरे झारखंड राज्य में होगा।

2. झारखंड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत) जो इसके पश्चात् उक्त अधिनियम कहा जाएगा की उपधारा-4(16) का प्रतिस्थापन —

उक्त अधिनियम की धारा-4 की उपधारा-16 के स्थापन पर निम्नलिखित प्रतिस्थापित किए जायेंगे यथा :-

“4(16) विश्वविद्यालय अथवा राज्य सरकार द्वारा संचालित विभागों में स्नातकोत्तर स्तर की पढ़ाई एवं शोध कार्य को संचालित करना। स्नातकोत्तर स्तर की पढ़ाई परिनियम में वर्णित प्रावधानों एवं

यू0जी0सी0/ए0आई0सी0टी0ई0/केन्द्रीय संगठनों के प्रावधानों के अनुसार वैसे स्वशासी/संबद्ध महाविद्यालयों में भी की जा सकेगी जिनमें संबंधित विषयों में स्नातक स्तर तक की पढ़ाई संचालित करने का कम से कम 10 वर्षों का अनुभव हो।”

3. उक्त अधिनियम की धारा-10 की उपधारा-19 के बाद निम्नवत् उपधारा-20 प्रविष्टि माना जाएगा।

“10(20) कुलपति को अंगीभूत महाविद्यालय के प्राचार्य के चार वर्षों की कालावधि समाप्त होने पर स्थानान्तरण करने की शक्ति होगी, परन्तु प्रशासनिक कारणों से कुलपति स्थानान्तरण का कारण अंकित करते हुए चार वर्ष की निर्धारित कालावधि से पूर्व भी उन्हें स्थानान्तरित कर सकते हैं”।

4. उक्त अधिनियम की धारा-26 की उपधारा-6(i i) निम्नवत् प्रतिस्थापित माना जाएगा, यथा—“26(6)(i i) विश्वविद्यालय के विभागों के विभागध्यक्षों की नियुक्ति विश्वविद्यालय अथवा अंगीभूत महाविद्यालयों में पदस्थापित विश्वविद्यालय प्राचार्यों एवं वैसे उपाचार्यों जिन्हें कि उपाचार्य के रूप में अनुभव 8 वर्षों से अन्यून न हो में से चक्रानुक्रम में 2 (दो) वर्षों के लिए की जाएगी।

स्नातकोत्तर विभागों में स्थानान्तरण अकादमिक रिकॉर्ड/शोध कार्य एवं प्रकाशन/शिक्षण अनुभव और समग्र रूप से विषय विशेषज्ञ के रूप में ख्याति के आकलन के आधार पर होगा।

विभागाध्यक्ष के पद पर स्थानान्तरण वरीयता एवं अकादमिक विशिष्टता के आधार पर होगा”।

झारखंड राज्यपाल के आदेश से,
ह0/—
प्रशांत कुमार,
सरकार के सचिव—सह—विधि परामर्शी।

19 नवम्बर, 2008

संख्या—एल0जी0—05/2007—71/लेज0—झारखंड विधान मंडल द्वारा यथा—पारित और राज्यपाल द्वारा दिनांक 6 नवम्बर, 2008 को अनुमत झारखंड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2008 का निम्नांकित अंग्रेजी अनुवाद झारखंड राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय संविधान के अनुच्छेद—348 के खण्ड (3) के अधीन उक्त अधिनियम का अंग्रेजी भाषा में प्राधिकृत पाठ समझा जायेगा—

JHARKHAND STATE UNIVERSITIES (AMENDMENT) Act, 2008

[Jharkhand Act, 13, 2008]

An Act to amend the Jharkhand State University act, 2006 (Adopted)

Be it enacted by the legislature of the State of Jharkhand in the Fifty Ninth Year of Republic of India follows :-

1. Short title, extent and commencement :-

- (i) This Act, may be called Jharkhand State Universities (Amendment) Act, 2008.
- (ii) It shall come into force on such date as the State Government by notification in the official Gazette, appoint;
- (iii) It shall extend to the whole of the State of Jharkhand.

2. Substitution of sub-section 4(16) of Jharkhand State Universities Act, 2000 Adopted, herein after referred to as the said Act,

In section 4 of the said Act for sub-section-16 the following shall be substituted, namely :-

“4(16)-to undertake the conduct of post graduate teaching and research work in departments maintained by the University or the State Government, the Post Graduate teaching can also be imparted in autonomous and those affiliated colleges having at least 10 years experience of conducting under Graduate courses in the subject concerned as per the norms of the statute & conducting under Graduate courses in the subject concerned as per the norms of the statute & UGC/AICTE central organization.”

3. In section 10 of the said Act the following sub-section be inserted as sub-section (20) at the end of sub-section (19).

“10(20) The Vice Chancellor shall have the power to transfer the Principal of a constituent college after expiry of a term of four years, but for administrative reasons Vice-Chancellor can transfer Principals, by recording reasons in writing even before the expiry of four year period.”

4. In section 26 of the said Act for sub-section (6) (ii) the following shall be substituted namely :-

“26(6)(ii)-The Head of the University Department shall be appointed for two years by rotation amongst University Professors and those Readers having not less than 8 years experience as Reader, posted in the University Department and/or constituent colleges.

Transfer to P.G. Department shall be made on the basis of academic records, research work and publications, teaching experience and overall reputations as a subject specialist.

Transfer to the post of Head of the Department shall be done on the basis of seniority and academic distinction.”

झारखंड राज्यपाल के आदेश से,
ह0/—
प्रशांत कुमार,
सरकार के सचिव—सह—विधि परामर्शी।

झारखण्ड गजट

असाधारण अंक

झारखण्ड सरकार द्वारा प्रकाशित

4 अग्रहायण, 1933 शकाब्द

संख्या-777

राँची, शुक्रवार 25 नवम्बर, 2011

विधि (विधान) विभाग

अधिसूचना

18 नवम्बर, 2011

संख्या-एल0जी0-14/2011-200/लेज0 झारखंड विधान मंडल का निम्नलिखित अध्यादेश, जिस पर राज्यपाल दिनांक 9 नवम्बर, 2011 को अनुमति दे चुक हैं, इसके द्वारा सर्वसाधारण की सूचना के लिए प्रकाशित किया जाता है :-

(झारखंड अधिनियम संख्या 28, 2011)

झारखंड राज्य विश्वविद्यालय (अंगीकृत) अधिनियम, 2011

झारखंड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत) के संशोधन हेतु अधिनियम।

भारत गणराज्य के बासठवें वर्ष में विधान मंडल द्वारा यह निम्नलिखित रूप से अधिनियमित हो :-

प्रारम्भ

1. संक्षिप्त नाम विस्तार और प्रारम्भ :-

- (1) यह अधिनियम झारखंड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2011 कहा जा सकेगा।
- (2) यह ऐसी तिथि से प्रवृत्त होगा कि उसे राज्य सरकार राजपत्र से अधिसूचना द्वारा नियत करेगी।
- (3) इसका विस्तार पूरे झारखंड राज्य में होगा।

2. झारखंड राज्य विश्वविद्यालय अधिनियम, 2000 (अद्यतन संशोधित) जो इसके पश्चात् उक्त अधिनियम कहा जाएगा की उपधारा-2(v) का प्रतिस्थापन :-

उक्त अधिनियम की धारा-2 की उपधारा-v(वी) के स्थापन पर निम्नलिखित प्रतिस्थापित किए जायेंगे यथा :-

“2(v) “शिक्षक” में प्राचार्य, विश्वविद्यालय के आचार्य, कॉलेज के आचार्य, उपाचार्य, व्याख्याता, जो कि विश्वविद्यालय द्वारा संचालित विभाग, महाविद्यालय अथवा संस्थान में अध्ययन का कार्य करते हों, शामिल ह।”

झारखंड राज्यपाल के आदेश से,

ह0/-

पंकज श्रीवास्तव,

सरकार के सचिव-सह-विधि परामर्शी,

विधि (विधान) विभाग, झारखंड, राँची।

18 नवम्बर, 2011

संख्या-एल0जी0-14/2011-200/लेज0 झारखंड विधान मंडल द्वारा यथा पारित और राज्यपाल द्वारा दिनांक 09 नवम्बर, 2011 को अनुमत झारखंड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2011 का निम्नांकित अंग्रेजी अनुवाद झारखंड राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय संविधान के अनुच्छेद 348 के खंड (3) के अधीन उक्त अधिनियम का अंग्रेजी भाषा में प्राधिकृत पाठ समझा जाएगा।

[JHARKHAND ACT 28, 2011]

JHARKHAND STATE UNIVERSITY (AMENDMENT) ACT, 2011

An Act to amend the Jharkhand State University Act, 2000
(As amended upto date)

BE it enacted by Jharkhand Legislative Assembly in the Sixty
Second year of the Republic of India as follow :-

Chapter – I

Commencement

Short title, extent and commencement :-

(i) This Act may be called the Jharkhand State University Act
(Amendment)

Act- 2011.

(ii) It shall come into force on such date as the State Government by
notification in the official Gazette, appoint;

(iii) It shall extend to the whole of the State of Jharkhand.

2. Substitution of sub-section 2(v) of the Jharkhand State University
Act, 2000 (upto date), herein after referred to as the said Act;

In section 5 of the said Act for sub-section-v the following shall be substituted, namely :-

“2(v)-Teacher” includes Principal, University Professor, College Professor, Reader and Lecturer imparting instruction in department, college or institute maintained by the University;

झारखंड राज्यपाल के आदेश से,

ह0/—

पंकज श्रीवास्तव,

सरकार के सचिव—सह—विधि परामर्शी,

विधि (विधान) विभाग, झारखंड, राँची।

झारखण्ड गजट

असाधारण अंक

झारखण्ड सरकार द्वारा प्रकाशित

5 पौष, 1934 शकाब्द

संख्या-747

राँची, बुधवार 26 दिसम्बर, 2012

विधि (विधान) विभाग

अधिसूचना

26 दिसम्बर, 2012

संख्या-एल0जी0-19/2012-19/2012-109/लेज0 झारखंड विधान मंडल का निम्नलिखित अधिनियम, जिस पर महामहिम राज्यपाल दिनांक 24 दिसम्बर, 2012 को अनुमति दे चुक हैं, इसके द्वारा सर्वसाधारण की सूचना के लिए प्रकाशित किया जाता है।

झारखंड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2012

झारखंड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत) में संशोधन हेतु अधिनियम।

भारत गणराज्य के तिरसठवें वर्ष में निम्नलिखित रूप से अधिनियमित हो :-

1. संक्षिप्त नाम विस्तार और प्रारम्भ :-

(1) यह अधिनियम झारखंड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2012 कहा जा सकेगा।

(2) यह तुरंत प्रभावी होगा।

(3) इसका विस्तार सम्पूर्ण झारखंड राज्य में होगा।

2. झारखंड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत) की धारा-67(क) के निम्न परिच्छेद का प्रतिस्थापना:-धारा-67, उपधारा-(क) में निम्न परिच्छेद “विश्वविद्यालय या महाविद्यालय शिक्षकों एवं परिनियम द्वारा घोषित उनके समतुल्य अधिकारी की सेवानिवृत्ति की तिथि इस अधिनियम के राज्य के गजट में प्रकाशित होने की तिथि से वह होगी, जिस तिथि को यह बासठ वर्ष की आयु प्राप्त कर लें। शिक्षकेत्तर कर्मचारी की सेवानिवृत्ति की तिथि वह होगी, जिस तिथि को वह साठ वर्ष की आयु प्राप्त कर लें।”

“विश्वविद्यालय या महाविद्यालय शिक्षकों एवं परिनियम द्वारा घोषित उनके समतुल्य अधिकारी की सेवानिवृत्ति की तिथि इस अधिनियम के राज्य के गजट में प्रकाशित होने की तिथि से वह होगी, जिस तिथि को वह पैसठ वर्ष की आयु प्राप्त कर लें। शिक्षकेत्तर कर्मचारी की सेवानिवृत्ति को तिथि वह होगी, जिस तिथि को वह साठ वर्ष की आयु प्राप्त कर लें।”

झारखंड राज्यपाल के आदेश से,

ह0/-

अनिल कुमार मिश्र,
प्रभारी सचिव-सह-विधि परामर्शी,
विधि (विधान) विभाग, झारखंड, राँची।

26 दिसम्बर, 2012

संख्या-एल0जी0-19/2012-110/लेज0 झारखंड विधान मंडल द्वारा यथा पारित और महामहिम राज्यपाल द्वारा दिनांक 24 दिसम्बर, 2012 को अनुमत झारखंड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2012 का निम्नांकित अंग्रेजी अनुवाद झारखंड राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय सविधान के अनुच्छेद 348 के खंड (3) के अधीन उक्त अध्यादेश का अंग्रेजी भाषा में प्राधिकृत पाठ समझा जाएगा।

THE JHARKHAND STATE UNIVERSITY (AMENDMENT) ACT-2012

AN

ACT

TO AMEND THE JHARKHAND STATE UNIVERSITY ACT, 2000 (ADOPTED)

Be it enacted in the sixty three year of the Republic of India as follows :-

1. Short title, extent and commencement :-

- (i) This Act, may be called Jharkhand State University (amendment) Act, 2012
- (ii) It shall come into force at once.
- (iii) It shall extend to the whole of the State of the Jharkhand.

2. Substitution of the clause in section 67(a) of the Jharkhand State University Act, 2000 (adopted). In section 67, for the following clause in subsection (a)-

“The date of retirement of teachers of University or college and those officers declared equivalent to them by the statute of the University, with effect from the date of notification of this Act in the official Gazette, shall be the date on which he/she attains the age of sixty two years; the date of

retirement of non-teaching employee shall be the date on which he/she attains the age of the sixty years.”

Shall be substituted by the following provisions namely :-

“The date of retirement of teachers of University or college and those officers declared equivalent to them by the statute of the University, with effect from the date of notification of this Act in the official Gazette, shall be the date on which he/she attains the age of sixty five years; the date of retirement of non-teaching employee shall be the date on which he/she attains the age of the sixty years.”

झारखंड राज्यपाल के आदेश से,

ह0 / -

अनिल कुमार मिश्र,
प्रभारी सचिव-सह-विधि परामर्शी,
विधि (विधान) विभाग, झारखंड, राँची।

झारखण्ड गजट
असाधारण अंक
झारखण्ड सरकार द्वारा प्रकाशित

4 ज्येष्ठ, 1938 (श0)

संख्या-364 राँची, बुधवार

25 मई, 2016 (ई0)

विधि (विधान) विभाग

अधिसूचना

25 मई, 2016

संख्या-एल0जी0-19 / 2012-100 / लेज0-झारखण्ड विधान मंडल का निम्नलिखित अधिनियम, जिसपर राज्यपाल दिनांक- 15 मई, 2016 को अनुमति दे चुके हैं, इसके द्वारा सर्वसाधारण के लिए प्रकाशित किया जाता है।

झारखण्ड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2016

(झारखण्ड अधिनियम सं0-16, 2016)

झारखण्ड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत) में संशोधन हेतु अधिनियम-

भारत गणराज्य के सड़सठवें वर्ष में झारखण्ड राज्य विधानमंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो:

प्रारंभिक

1. संक्षिप्त नाम, विस्तार एवं प्रारंभ:-

- (i) यह संशोधन अधिनियम “झारखण्ड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2016” कहा जा सकेगा।
- (ii) इसका विस्तार सम्पूर्ण झारखण्ड राज्य में होगा।
- (iii) यह तुरत प्रभावी होगा।

अध्याय:-2

झारखण्ड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत) को निम्नवत् संशोधित किया जाता है:-

(i) धारा-2 की उपधारा-2(ak) का प्रतिस्थापन:-

धारा-2 की वर्तमान उपधारा-2(ak) के प्रावधान “झारखण्ड लोक सेवा आयोग का तात्पर्य राज्य सरकार द्वारा गठित झारखण्ड लोक सेवा आयोग, जिसे कि भारत के संविधान के अनुच्छेद-320 में वर्णित कार्यों को सम्पन्न करने एवं विश्वविद्यालयों एवं महाविद्यालयों (अंगीभूत एवं सम्बद्ध) के शिक्षकों एवं पदाधिकारियों के संबंध में अनुशंसा आदि करने की शक्तियाँ प्रदान की गयी है।”

निम्नलिखित प्रावधान से प्रतिस्थापित हो:-

“2 (ak) ‘झारखण्ड लोक सेवा आयोग’, का तात्पर्य राज्य सरकार द्वारा गठित झारखण्ड लोक सेवा आयोग, जिसे कि भारत के संविधान के अनुच्छेद-321 में वर्णित

कार्यों को सम्पन्न करने एवं विश्वविद्यालयों एवं महाविद्यालयों (अंगीभूत एवं सम्बद्ध) के शिक्षकों एवं पदाधिकारियों के संबंध में अनुशंसा आदि करने की शक्तियाँ प्रदान की गयी है।”

2. धारा-34 की उपधारा-34(f) के पश्चात् एक नयी उपधारा-34(ff) का निम्न रूप से समावेशन:-

“34(ff) झारखण्ड के विश्वविद्यालयों एवं उसके अंगीभूत एवं सम्बद्ध महाविद्यालयों के शिक्षकों एवं पदाधिकारियों की नियुक्ति के नियम, प्रोन्नति नीति एवं उनकी सेवा भाशर्तों का निर्धारण।”

3. धारा-36 की उपधारा-36(1) के पश्चात् एक नयी उपधारा-36(1)(A) का निम्न रूप से समावेशन:-

“36(1)(A) झारखण्ड राज्य के विश्वविद्यालयों एवं महाविद्यालयों (अंगीभूत एवं सम्बद्ध) के शिक्षकों एवं पदाधिकारियों की नियुक्ति/प्रोन्नति एवं सेवा शर्तों से संबंधित परिनियमों के गठन के क्रम में इस कार्य के पूरा होने के पूर्व झारखण्ड लोक सेवा आयोग का भी मंतव्य प्राप्त किया जायेगा।”

4. धारा-57 की उपधारा-57(1)के पश्चात् निम्नलिखित नये प्रावधान का समावेशन:-

“सम्बद्ध महाविद्यालय के शासी निकाय द्वारा आयोग की अनुशंसा/अनुमोदन प्राप्ति हेतु प्रस्ताव/अध्याचना विश्वविद्यालय को भेजा जायेगा और विश्वविद्यालय अपने मंतव्य/अनुशंसा के साथ संबंधित प्रस्ताव/अध्याचना आयोग को भेजेगा।”

5. धारा-57 की उपधारा-57(2)(a) का प्रतिस्थापन:-

धारा-57 के वर्तमान उपधारा-57(2)(a) का प्रावधान,

“57(2)(a) झारखण्ड लोक सेवा आयोग विश्वविद्यालयों/अंगीभूत महाविद्यालयों/सम्बद्ध महाविद्यालयों में शिक्षकों की नियुक्ति हेतु प्रत्येक वर्ष एक योग्यता परीक्षा आयोजित करेगा जिसे झारखण्ड पात्रता परीक्षा कहा जायेगा। इस कार्य हेतु यह सिर्फ वैसे अभ्यर्थियों से विषयवार आवेदन आमंत्रित करेगा, जो इस हेतु निर्मित परिनियम द्वारा निर्धारित अर्हता को पूरा करते हैं।

फिर भी ऐसी परीक्षा यू0जी0सी0 के द्वारा निर्गत रेगुलेशन या दिशा निर्देश के आलोक में आयोजित की जायेगी।”

निम्नलिखित प्रावधान से प्रतिस्थापित हो:-

“57(2)(a) झारखण्ड लोक सेवा आयोग/विश्वविद्यालयों/अंगीभूत महाविद्यालयों/सम्बद्ध महाविद्यालयों में सहायक प्राध्यापकों की नियुक्ति हेतु प्रत्येक वर्ष एक योग्यता परीक्षा आयोजित करेगा, जिसे झारखण्ड पात्रता परीक्षा कहा जायेगा। इस कार्य हेतु यह सिर्फ वैसे अभ्यर्थियों से विषयवार आवेदन आमंत्रित कर सकता है, जो इस हेतु निर्मित परिनियम द्वारा निर्धारित अर्हता को पूरा करते हैं।

फिर भी ऐसी परीक्षा यू0जी0सी0 के द्वारा निर्गत रेगुलेशन या दिशा निर्देश के आलोक में आयोजित की जायेगी।”

6. धारा-57 की उपधारा-57(2)(b) का प्रतिस्थापन:-

धारा-57 की वर्तमान उपधारा-57(2)(b) के प्रावधान,

“ 57(2)(b) विश्वविद्यालय एवं अंगीभूत महाविद्यालयों में व्याख्याता की नियुक्ति हेतु आयोग वैसे अभ्यर्थियों से आवेदन आमंत्रित करेगा, जो बिहार पात्रता परीक्षा उत्तीर्ण हो एवं/या विश्वविद्यालय अनुदान आयोग/काउंसिल फॉर जुनियर साइंटिफिक एण्ड इन्डस्ट्रियल रिसर्च द्वारा व्याख्याता /जूनियर रिसर्च फेलो हेतु आयोजित पात्रता परीक्षा पास हो और/या 31 दिसम्बर, 1993 तक पी0एच0डी0 उपाधि प्राप्त कर लिया हो और या 31.12.92 तक एम0फिल0 की उपाधि प्राप्त कर लिया हा एवं साक्षात्कार के आधार पर विश्वविद्यालय /अंगीभूत महाविद्यालयों द्वारा अधिसूचित रिक्तियों के विरुद्ध विषयवार मेधा सूची तैयार करेगा एवं ऐसी सूची अनुमोदन के पश्चात् एक वर्ष तक मान्य होगा। विषयवार योग्यता सूची में (अभ्यर्थियों) की संख्या रिक्ति के दोगुनी होगी परन्तु आयोग एक रिक्ति के विरुद्ध मेधा के आधार पर सिर्फ एक नाम विश्वविद्यालय को नियुक्ति हेतु भेजेगा।

वशर्त्ते की आयोग विश्वविद्यालय द्वारा राज्य में नियुक्ति हेतु लागू आरक्षण नियम के अनुरूप तैयार एवं भेजे गए आरक्षण रोस्टर के अनुरूप ही विश्वविद्यालय को मेधा सूची से नामों की अनुशंसा भेजेगा।”

निम्नलिखित प्रावधान से प्रतिस्थापित हो:-

“ 57(2)(b) विश्वविद्यालय एवं अंगीभूत महाविद्यालयों में सहायक प्राध्यापक की नियुक्ति हेतु, आयोग वैसे अभ्यर्थियों से आवेदन आमंत्रित करेगा, जो विश्वविद्यालय अनुदान आयोग द्वारा संचालित राष्ट्रीय पात्रता परीक्षा/झारखण्ड पात्रता परीक्षा उत्तीर्ण हा एवं साक्षात्कार के आधार पर विश्वविद्यालय/अंगीभूत महाविद्यालयों द्वारा अधिसूचित रिक्तियों के विरुद्ध विषयवार मेधा सूची तैयार करेगा एवं ऐसी सूची अनुमोदन के पश्चात् एक वर्ष तक मान्य होगा। विषयवार योग्यता सूची में (अभ्यर्थियों) की संख्या रिक्ति के दोगुनी होगी, परन्तु आयोग एक रिक्ति के विरुद्ध मेधा के आधार पर सिर्फ एक नाम विश्वविद्यालय को नियुक्ति हेतु भेजेगा।

वशर्त्ते कि आयोग विश्वविद्यालय द्वारा राज्य में नियुक्ति हेतु लागू आरक्षण रोस्टर के अनुरूप तैयार एवं भेजे गए आरक्षण रोस्टर के अनुरूप ही विश्वविद्यालय को मेधा सूची से नामों की अनुशंसा भेजेगा।”

झारखण्ड राज्यपाल के आदेश से,

ह0/—

दिनेश कुमार सिंह,
प्रधान सचिव—सह—विधि परामर्शी
विधि (विधान) विभाग, झारखण्ड,
राँची।

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अधिसूचना

25, मई 2016

संख्या—एल0जी0—19/2012—101/लेज0—झारखण्ड विधान मंडल द्वारा यथापारित और राज्यपाल दिनांक—15, मई 2016 को अनुमत झारखण्ड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2016 का निम्नांकित अंग्रेजी अनुवाद झारखण्ड राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय संविधान के अनुच्छेद 348 के खंड (3) के अधीन उक्त अधिनियम का अंग्रेजी भाषा में प्राधिकृत पाठ समझा जाएगा।

The Jharkhand State Universities (Amendment) Act, 2016

(Jharkhand Act-16,2016)

AN ACT TO AMEND THE JHARKHAND STATE UNIVERSITIES ACT 2000

(ADOPTED)

Be it enacted by the Legislature of the State of Jharkhand in the 67th year of the Republic of India as follows:-

CHAPTER-1

Preliminary

1. Short title, Jurisdiction and commencement-

1. This Act may be called “the Jharkhand State Universities (Amendment) Act, 2016.”
2. Its Jurisdiction will be whole of the State of Jharkhand.
3. It shall come into force at once.

CHAPTER-2

The Jharkhand State Universities Act-2000(adopted) is amended as follows :-

1. Substitution of sub section 2(ak) of Section-2 :-

The existing Provision in sub section 2(ak) :- “The Jharkhand Public Service Commission means the Jharkhand Public Service Commission constituted by the State Government for discharging functions as contained in Article 320 of the Constitution of India and entrusted with the powers for making recommendations, etc. of teachers and officers of Universities and Colleges (Constituent and Affiliated)” Be substituted by the following provision,

“2(ak) ‘The Jharkhand Public Service Commission’ means the Jharkhand Public Service Commission constituted by the State Government for discharging functions as contained in Article 321 of the Constitution of India and entrusted with the powers for making recommendations, etc. of Teachers and Officers of Universities and Colleges (Constituent and Affiliated)”

2. In Section 34, a new sub section 34(ff) is inserted after sub-section 34(f) as follows:-

“34(ff) preparation of recruitment rules and promotion policy including service conditions of Teachers and Officer of the Universities of Jharkhand and their Constituent and Affiliated Colleges”

3. In Section- 36, a new sub section 36(1)(A) is inserted after sub-section 36(1) as follows:-

“36(1)A- For making Statutes relating to Appointment/Promotion and Service conditions of the Teachers and Officers of the Universities of Jharkhand and their Colleges (Constituent and Affiliated), consultation shall be done with the Jharkhand Public Service Commission, before its finalization.”

4. In Section-57 after sub-section 57(1) the following new provision is inserted:-

“For obtaining the recommendation/ approval of the Commission the Governing Body of the Affiliated College shall send its proposal/ requisition to University, who with its opinion/ recommendation shall send the proposal/ requisition to the Commission.”

5. Substitution of sub section 57(2)(a) of section 57:-

The existing Provisions in sub section 57(2)(a) :- “The Jharkhand Public Service Commission shall hold every year a qualifying test for appointment of lecturers in the University/Constituent Colleges/Affiliated Colleges which shall be known as the Jharkhand Eligibility Test. For this purpose it shall invite subject wise application from only such candidates who fulfil the prescribed qualifications as laid down in the Statute framed in this regard.

However, such test shall be conducted having regard to any regulation framed or direction issued by the University Grants Commission in this regard.”

Be substituted by the following provision,

“57(2)(a) The Jharkhand Public Service Commission shall hold every year a qualifying test for

appointment of Assistant Professor in the Universities/Constituent Colleges/Affiliated Colleges which shall be known as the Jharkhand Eligibility Test. For this purpose it shall invite subject wise application from only such candidates who fulfil the prescribed qualifications as laid down in the Statute framed in this regard.

However, such test shall be conducted having regard to any regulation framed or direction issued by the University Grants Commission in this regard.”

6. Substitution of sub section 57(2)(b) of Section 57:-

The existing Provisions in Section 57(2)(b) :- “For appointment of lecturers in the University and the Constituent Colleges the Commission shall invite applications from candidates who have passed the Bihar Eligibility Test and/or have cleared the Eligibility Test for lectureship/Junior Research Fellow conducted by the University Grants Commission/Council for Scientific and Industrial Research and/or have already been awarded Ph.D degree in 31st December 1993 and/or have already been awarded M.Phil degree by 31st December, 1992 and on the basis of interview shall prepare subject wise merit list against the vacancies notified by the University/Constituent Colleges and such list shall remain valid for a period of one year from the date of its approval. The subject wise merit list shall consist of twice the number of vacancies, but the Commission shall send in order of merit only one name at a time to the University for appointment against a single vacancy:

Provided that the Commission shall recommend names to the University from the merit list in conformity with the reservation roster prepared and sent by the university in accordance with the law relating to reservation in appointment in force in the State.”

Be substituted by the following provision,

“ 57(2)(b) For appointment of Assistant Professor in the Universities and the Constituent Colleges, the Commission shall invite applications from the candidates, who have passed the National Eligibility Test conducted by University Grants Commission/ Jharkhand Eligibility Test (JET) for being considered for the appointment as Assistant Professor, and on the basis of interview, shall prepare subject wise merit list against the vacancies notified by the University/Constituent Colleges and such list shall remain valid for a period of one year from the date of its approval. The subject-wise merit list shall consist of twice the number of vacancies, but Commission shall send in order of merit only one name at a time to the University for appointment against a single vacancy:

Provided that Commission shall recommend names to the University from the merit list in conformity with the reservation roster prepared and sent by the University in accordance with the law relating to reservation in appointment in force in the State.”

झारखण्ड राज्यपाल के आदेश से,

ह0/-

दिनेश कुमार सिंह,

प्रधान सचिव-सह-विधि परामर्शी

विधि (विधान) विभाग, झारखण्ड,
राँची।

झारखण्ड राजकीय मुद्रणालय, राँची द्वारा प्रकाशित एवं मुद्रित,

झारखण्ड गजट (असाधारण) 364-50।

झारखण्ड गजट
असाधारण अंक
झारखण्ड सरकार द्वारा प्रकाशित

21 चैत्र, 1938 (श0)

संख्या-216 राची, मंगलवार

21 अप्रैल, 2017 (ई0)

विधि (विधान) विभाग

अधिसूचना

23 मार्च, 2017

संख्या-एल0जी0-04/2017-40/लेज0-झारखण्ड विधान मंडल का निम्नलिखित अधिनियम, जिसपर राज्यपाल दिनांक- 20 मार्च, 2017 को अनुमति दे चुकी हैं, इसके द्वारा सर्वसाधारण की सूचना लिए प्रकाशित किया जाता है।

झारखण्ड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2017

(झारखण्ड अधिनियम सं0-08, 2017)

झारखण्ड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत) में संशोधन हेतु अधिनियम-

भारत गणराज्य के अड़सठवें वर्ष में झारखण्ड राज्य विधानमंडल द्वारा निम्नलिखित रूप में यह अधिनियमित हो,

प्रारंभिक

1. संक्षिप्त नाम, विस्तार एवं प्रारंभ -
 - (i) यह संशोधन अधिनियम “झारखण्ड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2017 कहा जा सकेगा।
 - (ii) इसका विस्तार सम्पूर्ण झारखण्ड राज्य में होगा।
 - (iii) यह तुरंत प्रभावी होगा।

अध्याय - 2

झारखण्ड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत) को निम्नवत संशोधित किया जाता है -

1. धारा 3 (विश्वविद्यालयों की स्थापना एवं संयोजन) के उपधारा (1) का प्रतिस्थापन

वर्तमानधारा (3) की उपधारा (1) का प्रावधान :-

“इस अधिनियम के लागू होने की तिथि से निम्नलिखित विश्वविद्यालय स्थापित किये जायेंगे -

- a) बाबा साहब भीमराव अम्बेदकर विश्वविद्यालय जिसका मुख्यालय मुजफ्फरपुर में होगा और जिसकी अधिकारिता सम्पूर्ण तिरहुत प्रमंडल पर होगी।
- b) जय प्रकाश विश्वविद्यालय जिसका मुख्यालय छपरा में होगा और जिसकी अधिकारिता सम्पूर्ण सारण प्रमंडल पर होगी।

- c) तिलका मांझी भागलपुर विश्वविद्यालय जिसका मुख्यालय भागलपुर में होगा और जिसकी अधिकारिता सम्पूर्ण भागलपुर प्रमंडल पर होगी।
- d) सिदो-कान्हू मुर्मू विश्वविद्यालय जिसका मुख्यालय दुमका में होगा और जिसकी अधिकारिता सम्पूर्ण दुमका प्रमंडल पर होगी।
- e) राँची विश्वविद्यालय जिसका मुख्यालय राँची में होगा और जिसकी अधिकारिता सम्पूर्ण दक्षिणी छोटानागपुर प्रमंडल पर होगी।
- f) विनोबा भावे विश्वविद्यालय जिसका मुख्यालय हजारीबाग में होगा और जिसकी अधिकारिता सम्पूर्ण उत्तरी छोटानागपुर प्रमंडल पर होगी।

बशर्ते कि होमियोपैथी, स्वदेशी दवाइयाँ संबंधी शिक्षण प्रदान करने वाली संस्थाएँ तथा संस्कृत, पाली, प्राकृत तथा ऐसी भाषाओं जिसे विश्वविद्यालय आवश्यक समझे, में शैक्षिक उत्कृष्टता प्रदान करने वाली शिक्षण संस्थाओं के लिए अधिकारिता सम्पूर्ण झारखण्ड राज्य पर होगी।

- g) मगध विश्वविद्यालय जिसका मुख्यालय बोधगया (गया) में होगा और जिसकी अधिकारिता सम्पूर्ण मगध प्रमंडल (वैसे महाविद्यालयों को छोड़कर जो पटना विश्वविद्यालय, पटना के अधिकार क्षेत्र में आते हैं) और पटना प्रमंडल के नालन्दा जिला पर होगी।
- h) वीर कुँअर सिंह विश्वविद्यालय जिसका मुख्यालय आरा में होगा और जिसकी अधिकारिता पटना प्रमंडल के पटना तथा नालन्दा जिलों को छोड़कर अन्य भागों पर होगा।
- i) ललित नारायण मिथिला विश्वविद्यालय जिसका मुख्यालय दरभंगा में होगा और जिसकी अधिकारिता सम्पूर्ण दरभंगा प्रमंडल पर होगी।
- j) भूपेन्द्र नारायण मंडल विश्वविद्यालय जिसका मुख्यालय मधेपुरा में होगा और जिसकी अधिकारिता सम्पूर्ण कोशी तथा पूर्णिया प्रमंडल पर होगी।

- k) कामेश्वर सिंह दरभंगा संस्कृत विश्वविद्यालय जिसका मुख्यालय दरभंगा में होगा और जिसकी अधिकारिता सम्पूर्ण बिहार राज्य पर होगी।
- l) मौलाना मजहूरुल हक अरबी तथा फारसी विश्वविद्यालय जिसका मुख्यालय पटना तथा अरबी एवं फारसी में उच्च स्तरीय अध्ययन के लिए राज्य सरकार द्वारा शासकीय राजपत्र में अधिसूचना की तिथि से जिसकी अधिकारिता सम्पूर्ण बिहार राज्य पर होगी।
- m) नीलाम्बर पीताम्बर विश्वविद्यालय जिसका मुख्यालय मेदिनीनगर में होगा और जिसकी अधिकारिता सम्पूर्ण पलामू प्रमंडल पर होगी।
- n) कोल्हान विश्वविद्यालय जिसका मुख्यालय चाईबासा में होगा और जिसकी अधिकारिता सम्पूर्ण कोल्हान प्रमंडल पर होगी।

बशर्ते कि शासकीय राजपत्र में अधिसूचित कर राज्य सरकार विश्वविद्यालय के कार्य एवं कर्तव्य का निर्धारण कर सकेगी।

बशर्ते यह भी कि शासकीय राजपत्र में अधिसूचित कर, राज्य सरकार विश्वविद्यालयों के अधिकार क्षेत्र को बदल सकेगी।

निम्नलिखित प्रावधान से प्रतिस्थापित हो -

1. धारा 3 (विश्वविद्यालयों की स्थापना एवं संयोजन) की उपधारा(1) का प्रतिस्थापन :-

“(a) विलोपित”

“(b) विलोपित”

“(c) विलोपित”

“(f) विनोबा भावे विश्वविद्यालय जिसका मुख्यालय हजारीबाग में होगा और जिसकी अधिकारिता बोकारो तथा धनबाद जिलों को छोड़कर सम्पूर्ण उत्तरी छोटानागपुर प्रमंडल पर होगा।”

“(g) विलोपित”

“(h) विलोपित”

“(i) विलोपित”

“(j) विलोपित”

“(k) विलोपित”

“(l) विलोपित”

झारखण्ड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत) के धारा(3) की उपधारा(1) के अंत में, निम्नलिखित उपधारा को उपधारा-1(O) के रूप में समावेशित किया जायेगा :-

“3(1)(O) विनोद बिहारी महतो कोयलांचल विश्वविद्यालय जिसका मुख्यालय धनबाद में होगा और जिसकी अधिकारिता पूरे बोकारो तथा धनबाद जिलों पर होगा”

झारखण्ड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत) के धारा (3) की उपधारा-1(O) के अंत में, निम्नलिखित उपधारा को उपधारा 1(P) के रूप में समावेशित किया जायेगा:-

“3(1)(P) राँची कॉलेज को उत्क्रमित कर डा. श्यामा प्रसाद मुखर्जी विश्वविधालय, राँची, जिसका मुख्यालय राँची होगा।”

2. धारा 10 (कुलपति) की उपधारा (1) में समावेशन

उपधारा 10(1) का वर्तमान प्रावधान:-

“ऐसा कोई भी व्यक्ति कुलपति के कार्यालय के लिए योग्य नहीं होगा जो कि कुलाधिपति के राय में अपनी विद्वता तथा शैक्षिक अभिरूचि के लिए विख्यात नहीं हो।”

निम्नलिखित प्रावधान इसमें समावेशित हो -

“इसके आगे, यह वांछनीय होगा कि व्यक्ति को सरकार के स्तर पर अथवा विश्वविद्यालय के स्तर पर प्रशासकीय अनुभव हो।”

3. धारा 12A(वित्तीय सलाहकार) की उपधारा (I) का प्रतिस्थापन :-

उपधारा 12A (1) का वर्तमान प्रावधान :

“वित्तीय सलाहकार एक पूर्णकालिक अधिकारी होगा। उसकी नियुक्ति या तो प्रतिनियुक्ति या भारतीय लेखा परीक्षण सेवा या भारत सरकार की कोई अन्य लेखा सेवा के अधिकारी के पुर्नःनियोजन के द्वारा कुलाधिपति करेंगे, जबतक ऐसे किसी अधिकारी की नियुक्ति नहीं हो जाती है, तब तक पदधारी वित्तीय सलाहकार के रूप में कार्य कर सकेंगे।”

निम्नलिखित प्रावधान से प्रतिस्थापित हो :-

“वित्तीय सलाहकार एक पूर्णकालिक अधिकारी होगा। उसकी नियुक्ति या तो प्रतिनियुक्ति या भारतीय लेखा परीक्षण सेवा या भारत सरकार की कोई अन्य लेखा सेवा के अधिकारी, या झारखण्ड वित्त सेवा के सहायक आयुक्त के पद से नीचे नहीं के अधिकारी का पुर्नःनियोजन कुलाधिपति करेंगे। जबतक ऐसे किसी अधिकारी की नियुक्ति नहीं हो जाती है, तब तक पदधारी वित्तीय सलाहकार के रूप में कार्य कर सकेंगे।”

4. धारा 57 की उपधारा 57(2)(b) में समायोजन :-

धारा 57 (2)(b) का वर्तमान प्रावधान :

विश्वविद्यालय एवं अंगीभूत महाविद्यालयों में सहायक प्राध्यापक की नियुक्ति हेतु, आयोग वैसे अभ्यर्थियों से आवेदन आमंत्रित करेगा, जो विश्वविद्यालय अनुदान आयोग द्वारा संचालित राष्ट्रीय पात्रता परीक्षा/झारखण्ड पात्रता परीक्षा उत्तीर्ण हों एवं साक्षात्कार के आधार पर विश्वविद्यालय/अंगीभूत महाविद्यालयों द्वारा अधिसूचित रिक्तियों के विरुद्ध विषयवार मेधा सूची तैयार करेगा एवं ऐसी सूची अनुमोदन के पश्चात् एक वर्ष तक मान्य होगी। विषयवार योग्यता सूची में (अभ्यर्थियों) की संख्या रिक्ति के दोगुनी होगी,

परन्तु आयोग एक रिक्रि के विरुद्ध मेधा के आधार पर सिर्फ एक नाम विश्वविद्यालय को नियुक्ति हेतु भेजेगा।

बशर्ते कि आयोग विश्वविद्यालय द्वारा राज्य में नियुक्ति हेतु लागू आरक्षण रोस्टर के अनुरूप तैयार एवं भेजे गए आरक्षण रोस्टर के अनुरूप ही विश्वविद्यालय को मेधा सूची से नामों की अनुशंसा भेजेगा।

निम्नलिखित प्रावधान से प्रतिस्थापित हो:-

“विश्वविद्यालय एवं अंगीभूत महाविद्यालयों में सहायक प्राध्यापक की नियुक्ति हेतु, आयोग वैसे अभ्यर्थियों से आवेदन आमंत्रित करेगा जिनका श्रेष्ठ अकादमिक रिकार्ड जिसमें न्यूनतम 55 प्रतिशत अंक हों (जहाँ पर भी ग्रेडिंग प्रणाली का अनुसरण किया जाता हो-तदनुसार एक प्वाइन्ट स्केल के अन्तर्गत एक समतुल्य ग्रेड हो) तथा जो विश्वविद्यालय अनुदान आयोग द्वारा संचालित राष्ट्रीय पात्रता परीक्षा/झारखण्ड पात्रता परीक्षा उत्तीर्ण हों बशर्ते, ऐसे अभ्यर्थी जिनको कि विश्वविद्यालय अनुदान आयोग पीएच0डी0 डिग्री के लिए न्यूनतम मानक एवं विधि नियमन 2009 के अनुरूप डिग्री प्रदान हुई है, को नेट/जेट की पात्रता शर्तों की अनिवार्यता से छूट मिल जायेगी।

इसके बावजूद भी “दिनांक 11 जुलाई, 2009 से पूर्व एम. फिल./पीएच0डी0 हेतु पाठ्यक्रमों के लिए पंजीकृत अभ्यर्थियों को प्रदान की जाने वाली डिग्री, संबंधित संस्थान के तत्कालीन अध्यादेश/उपबंधों/विनियमों के द्वारा अभिशासित होगी और पीएच0डी0 डिग्रीधारक अभ्यर्थियों को निम्नवत शर्तों पर खरा उतरने के अध्याधीन विश्वविद्यालय/महाविद्यालय/संस्थानों में सहायक आचार्य अथवा समकक्ष पदों पर भर्ती एवं नियुक्ति हेतु उन्हें नेट/स्लेट/सैट की न्यूनतम पात्रता शर्तों की अनिवार्यता से छूट प्राप्त होगी:-

(क) अभ्यर्थी को केवल नियमित (Regular) पद्धति से पीएच0डी0 डिग्री प्रदान की गई हो।

(ख) कम से कम दो बाहरी परीक्षकों द्वारा शोध प्रबंध का मूल्यांकन किया गया हो।

(ग) अभ्यर्थी का मुक्त मौखिक साक्षात्कार किया गया हो।

(घ) अभ्यर्थी ने अपने पीएच0डी0 शोध कार्य में से दो शोध पत्र प्रकाशित किये हैं जिनमें से कम से कम एक पत्र संदर्भित (Refereed) पत्रिका में प्रकाशित हुआ हो।

(ङ) अभ्यर्थी ने अपने पीएच0डी0 शोध कार्य में से दो प्रस्तुतियाँ सम्मेलनों/संगोष्ठियों में दी हैं।

उपरोक्त (क) से लेकर (ङ) कुलपति/प्रति कुलपति/डीन (अकादमिक मामले)/डीन

(विश्वविद्यालय अनुदेश) द्वारा प्रमाणित किया जाना चाहिए।”

साक्षात्कार के आधार पर विश्वविद्यालय/अंगीभूत महाविद्यालयों द्वारा अधिसूचित रिक्तियों के विरुद्ध विषयवार मेधा सूची तैयार करेगा। एवं ऐसी सूची अनुमोदन के पश्चात एक वर्ष तक मान्य होगी। विषयवार योग्यता सूची में (अभ्यर्थियों) की संख्या रिक्ति की दोगुनी होगी परन्तु आयोग एक रिक्ति के विरुद्ध मेधा के आधार पर सिर्फ एक नाम विश्वविद्यालय को नियुक्ति हेतु भेजेगा।

बशर्ते कि आयोग विश्वविद्यालय द्वारा राज्य में नियुक्ति हेतु लागू आरक्षण नियम के अनुरूप तैयार एवं भेजे गये आरक्षण रोलर के अनुरूप ही विश्वविद्यालय को मेधा सूची से नामों की अनुशंसा भेजेगा।

झारखण्ड राज्यपाल के आदेश से,

ह0/—

दिनेश कुमार सिंह,

प्रधान सचिव—सह—विधि परामर्शी
विधि (विधान) विभाग, झारखण्ड,
राँची।

विधि (विधान) विभाग

अधिसूचना

23 मार्च, 2017

संख्या—एल0जी0—04 / 2017—41 / लेज0—झारखण्ड विधान मंडल द्वारा यथापारित और राज्यपाल दिनांक—20, मार्च 2017 को अनुमत झारखण्ड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2017 का निम्नांकित अंग्रेजी अनूवाद झारखण्ड राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय संविधान के अनुच्छेद 348 के खंड (3) के अधीन उक्त अधिनियम का अंग्रेजी भाषा में प्राधिकृत पाठ समझा जाएगा।

The Jharkhand State Universities (Amendment) Act, 2017

(Jharkhand Act-08,2017)

AN ACT TO AMEND THE JHARKHAND STATE UNIVERSITIES ACT 2000 (ADOPTED)

Be it enacted by the Legislature of the State of Jharkhand in the 68th year of the Republic of India as follows:-

CHAPTER-1

Preliminary

1. Short title, Jurisdiction and commencement-

1. This Act may be called “the Jharkhand State Universities (Amendment) Act, 2017.”
2. Its Jurisdiction will be whole of the State of Jharkhand.
3. It shall come into force at once.

The Jharkhand State Universities Act-2000 (Adopted) is amended as follows:-

1. Substitution of sub section (1) of section 3-(Establishment and incorporation of Universities):-

The existing provision in sub-section (1) of Section 3:- The following Universities shall be established from the date of commencement of this Act:-

- (a) Baba Saheb Bhimrao Ambedkar Bihar University having the headquarter at Muzaffarpur and the jurisdiction over the whole of the Tirhut Division.
- (b) Jai Prakash University having the headquarter at Chapra and the jurisdiction over the whole of the Saran Division.
- (c) Tilka Manjhi Bhagalpur University having the headquarters at Bhagalpur and the jurisdiction over the whole of the Bhagalpur Division.
- (d) Sido-Kanhu Murmu University having the headquarters at Dumka and the jurisdiction over the whole of the Dumka Division.
- (e) Ranchi University having the headquarters at Ranchi and the jurisdiction over the whole of the South Chhotanagpur Division.
- (f) Vinoba Bhave University having the headquarters at Hazaribagh and the jurisdiction over the whole of the North Chhotanagpur Division.

[Provided that the territorial jurisdiction shall extend to the whole of State of Jharkhand in matters pertaining to educational institutions imparting teaching in Homeopathy, Indigenous medicines and educational institutions imparting academic distinction in Sanskrit,

Pali, Prakrit and such other languages which the University may consider necessary.

- (g) Magadh University with headquarters at Bodhgaya (Gaya) and the jurisdiction over the whole of the Magadh Division and (excluding the Colleges falling under the jurisdiction of Patna University) Patna and over Nalanda District of Patna Division.
- (h) Vir Kunwar Singh University having the headquarters at Arrah and the jurisdiction over the remaining parts of the Patna Division excluding Patna and Nalanda Districts.
- (i) Lalit Narain Mithila University having the headquarters at Darbhanga and the jurisdiction over the whole of the Darbhanga Division.
- (j) Bhupendra Narain Mandal University having the headquarters at Madhepura and the jurisdiction over whole of the Koshi and Purnea Division.
- (k) Kameshwar Singh Darbhanga Sanskrit University having the headquarters at Dharbhanga and the jurisdiction over the whole of the State of Bihar.
- (l) Maulana Mazharul Haque Arabic and Persian University having the headquarters at Patna and the jurisdiction over the whole of the State of Bihar, shall, for development of higher standard studies in Arabic and Persian be established by the State Government with effect from the date of notification in the Official Gazette:
- (m) Nilamber-Pitamber University having the headquarters at Medininagar and the jurisdiction over the whole of the Palamau Division.
- (n) Kolhan University having the headquarters at Chaibasa and the jurisdiction over the whole of the Kolhan Division.

Provided that the State Government may, by notification, in the Official Gazette, determine the functions and other duties of the University:

Provided further that the State Government may, by notification, in the Official Gazette, change the territorial jurisdiction of the Universities.]

Be substituted by the following provision,

1. Substitution of sub section (1) of section (3- Establishment and incorporation of Universities):-

(a) “Deleted.”

(b) “Deleted.”

(c) “Deleted.”

(f) “Vinoba Bhave University having the headquarters at Hazaribagh and the jurisdiction over the whole of the North Chhotanagpur Division excepting Bokaro and Dhanbad Districts.”

(g) “Deleted.”

(h) “Deleted.”

(i) “Deleted.”

(j) “Deleted.”

(k) “Deleted.”

(l) “Deleted.”

At the end of the sub-section-1(n) of the Section-3 of the Jharkhand State Universities Act, 2000 (Adopted) herein after referred to as the said Act, the following Sub-section will be inserted as sub-section-1(o):-

“3(1)(o), Binod Bihari Mahto Koyalanchal University having the headquarter at Dhanbad and the Jurisdiction over the whole of the Bokaro and Dhanbad Districts.”

At the end of the sub-section-1(o) of the Section-3 of the Jharkhand State Universities Act, 2000 (Adopted) herein after referred to as the said Act, the following Sub-section will be inserted as sub-section-1(p):-

“3(1)(p), Dr. Shyama Prasad Mukherjee University, Ranchi through the up gradation of Ranchi College and having the headquarter at Ranchi.”

2. Addition in sub section 1 of Section 10 (Vice-Chancellor) :-

The existing provision in sub section 10(1):- No person shall be deemed to be qualified to hold the office of Vice-Chancellor unless such person is, in the opinion of Chancellor, reputed for his scholarship and academic interest.

Be added by the following provision

"Further, it would be desirable that the person has administrative experience either at the government or at the University level"

3. Substitution of sub section (1) of section (12) A- Financial Adviser:-

The existing Provision in sub section 12 A (1):- The Financial Adviser shall be a whole time officer. He shall be appointed by the Chancellor either on deputation or by re-employment from amongst the officers of the Indian Audit and Accounts Services or from any other Accounts Service of Government of India, until such an officer is appointed the present incumbent may continue to work as the Financial Adviser.

Be substituted by the following provision,

The Financial Adviser shall be a whole time officer. He shall be appointed by the Chancellor either on deputation or by re-employment from amongst the officers of the Indian Audit and Accounts Services or from any other Accounts Service of Government of India, **or from officers of Jharkhand State Finance Service, not below the rank of Assistant Commissioner.** Until such an officer is appointed the present incumbent may continue to work as the Financial Adviser.

4. Substitution of sub section 57(2)(b) of section 57:-

“ The existing Provisions in Section 57(2)(b):- “For appointment of Assistant Professor in the Universities and the Constituent Colleges, the Commission shall invite applications from the candidates, who have passed the National Eligibility Test conducted by University Grants Commission /Jharkhand Eligibility Test (JET) for being considered for the appointment as Assistant Professor and on the basis of interview, shall prepare subject-wise merit list against the vacancies notified by the University/Constituent Colleges and such list shall remain valid for a period of one year from the date of its approval. The subject-wise merit list shall consist of twice the number of vacancies, but Commission shall send in order of merit only one name at a time to the University for appointment against a single vacancy:

Provided that Commission shall recommend names to the University from the merit list in conformity with the reservation roster prepared and sent by the University in accordance with law relating to reservation in appointment in force in the State.”

Be substituted by the following provision,

"For appointment of Assistant Professor in the Universities and constituent colleges, commission shall invite application from the

candidates having good academic record, 55% marks (an equivalent grade in a point read wherever grading systems followed, at the Master's level and qualified in the National Eligibility Test (NET) or Jharkhand Eligibility Test (JET) for being considered as Assistant Professor on the basis of interview.

Provided however, that candidates, who are have been awarded a Ph.D degree in accordance with the University Grants Commission (Minimum Standards and Procedure for Award of Ph.D. degree) Regulations, 2009, shall be exempted from the requirement of the minimum eligibilities of NET/JET.

“Provided, however, the award of degree to candidates registered for the M.Phil./Ph.D. programme prior to July 11, 2009, shall be governed by the provisions of the then existing Ordinance/Bylaws/Regulations of the Institutions awarding the degree and the Ph.D. candidates shall be exempted from the requirement of NET/JET for recruitment and appointment of Assistant Professor or equivalent positions in Universities/Colleges/Institutions subject to the fulfillment of the following conditions:-

- a) Ph.D. degree of the candidate awarded in regular mode only;
- b) Evaluation of the Ph.D. thesis by at least two external examiners;
- c) Open Ph.D. viva-voce of the candidate has been conducted;
- d) Candidate has published two research papers from his/her Ph.D. work out of which at least one must be in a referred journal;
- e) Candidate has made at least two presentations in conferences/seminars, based on his/her Ph.D. work.

(a) to (e) as above are to be certified by the Vice-Chancellor/Pro-Vice-Chancellor/Dean(Academic Affairs) / Dean (University instructions).”

The Commission shall prepare subject wise merit list against vacancies notified by the University, Constituent Colleges and such

list shall remain valid for a period of one year from the date of its approval. The subject-wise merit list shall consist of twice the number of vacancies, but commission shall send in order of merit only one name at a time to the university for appointment against a single vacancy. The commission shall recommend names to the University from the merit list in conformity with the reservation roster prepared and sent by the University in accordance with law relating to appointment against vacancy.

झारखण्ड राज्यपाल के आदेश से,

ह0/—

दिनेश कुमार सिंह,
प्रधान सचिव—सह—विधि परामर्शी
विधि (विधान) विभाग, झारखण्ड,
राँची।

झारखण्ड गजट
असाधारण अंक
झारखण्ड सरकार द्वारा प्रकाशित

26 पौष, 1940 (श0)

संख्या-127 राँची, शुक्रवार

15 फरवरी, 2019 (ई0)

विधि (विधान) विभाग

अधिसूचना

13 फरवरी, 2019

संख्या-एल0जी0-29 / 2018-240 / लेज0-झारखण्ड विधान मंडल का निम्नलिखित अधिनियम, जिसपर माननीया राज्यपाल दिनांक- 07 फरवरी, 2019 को अनुमति दे चुकी हैं, इसके द्वारा सर्वसाधारण की सूचना के लिए प्रकाशित किया जाता है।

झारखण्ड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2018
(झारखण्ड अधिनियम-06, 2019)

जबकि राज्य के शिक्षकों के हित तथा विश्वविद्यालय अनुदान आयोग एवं झारखण्ड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत एवं यथा संशोधित) के मापदण्ड को ध्यान में रखकर शिक्षक के पुनः परिभाषित किया जाय;

और, जब किलिंग आधारित उपस्थिति पंजी में अंतर को भरने के हित में यह अतिसमीचीन है कि एक महिला विश्वविद्यालय की स्थापना की जाय;

और, जबकि राज्य के शैक्षणिक हित में यह अतिसमीचीन है राज्य के विश्वविद्यालय के कुलपति एवं प्रतिकुलपति की नियुक्ति के प्रावधान, विश्वविद्यालय अनुदान आयोग द्वारा विहित मापदण्ड तथा झारखण्ड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत एवं यथा संशोधित) के मानदण्ड के अनुरूप हो;

और, जबकि यह राज्य के शैक्षणिक हित में है कि विश्वविद्यालय के अधिषद की आजीवन सदस्यता प्राप्त करने के लिए आवश्यक राशि को आज के मौद्रिक मूल्य को ध्यान में रखते हुए ऊपर की तरफ पुनरीक्षित किया जाए;

और, जबकि नये परिप्रेक्ष्य में राज्य के संबद्ध महाविद्यालयों (धर्म और भाषा के आधार पर अल्पसंख्यक महाविद्यालयों सहित) में शिक्षकों के प्रोन्नति के लिए प्रावधानों के गठन की आवश्यकता है;

अतएव, भारत गणराज्य के उनाहत्तरवें वर्ष में झारखण्ड राज्य विधानमंडल द्वारा निम्नलिखित रूप में यह अधिनियमत हो—

अध्याय—01

प्रारंभिक

1. संक्षिप्त नाम, विस्तार एवं प्रारम्भ
 - (i) यह अधिनियम, "झारखण्ड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2018" कहा जा सकेगा।
 - (ii) इसका विस्तार सम्पूर्ण झारखण्ड राज्य में होगा।
 - (iii) यह तुरंत प्रभावी होगा।

अध्याय—02

2. झारखण्ड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत एवं यथा संशोधित) के धारा-2 के उपधारा-(v) (वी) का प्रतिस्थापन:-

वर्तमान धारा-2 की उपधारा (V) का प्रावधान:-

2 (V) शिक्षक में प्राचार्य, विश्वविद्यालय के आचार्य, कॉलेज के आचार्य, उपाचार्य, व्याख्याता, जो विश्वविद्यालय द्वारा संचालित विभाग, महाविद्यालय अथवा संस्थान में अध्यापन का कार्य करते हो, शामिल है।

3. झारखण्ड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत एवं यथा संशोधित) के धारा-3 (विश्वविद्यालयों की स्थापना एवं संयोजन) की उपधारा (1) (q) का समावेशन।

निम्नलिखित प्रावधान से समावेशित हो:-

झारखण्ड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत एवं यथा संशोधित), की धारा-3 की उपधारा (1) (p) के अंत में निम्नलिखित उपधारा (1) (q) के रूप में समावेश किया जायेगा।

“3(1)(q) जमशेदपुर वीमेन्स कॉलेज, जमशेदपुर को स्तरोन्मूलन कर “जमशेदपुर महिला विश्वविद्यालय, जमशेदपुर” होगा एवं जिसका मुख्यालय जमशेदपुर में होगा”।

4. झारखण्ड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत एवं यथा संशोधित) के धारा-10 की उपधारा-(1) अन्तर्गत धारा-10 की उपधारा-(1) (i) के रूप में समावेशन।

वर्तमान धारा 10 की उपधारा (1) का प्रावधान:-

“ऐसा कोई भी व्यक्ति कुलपति के पद के लिए योग्य नहीं होगा, जो कि कुलाधिपति की राय में अपनी विद्वता तथा शैक्षणिक अभिरुचि के लिए विख्यात नहीं हो।

इसके आगे यह वांछनीय होगा कि व्यक्ति को सरकार अथवा विश्वविद्यालय के स्तर पर प्रशासकीय अनुभव हो”।

निम्नलिखित प्रावधान से समावेशित हो:-

10 (1) (i) कलुपति का चयन एक खोज समिति द्वारा समुचित चिन्हितकरण करके 3-5 नाम वाले पैनल से एक सार्वजनिक अधिसूचना या मनोनयन या एक टैलेंट सर्च प्रक्रिया या इन दोनों विधियों की प्रक्रिया के जरिए चिन्हित किया जायेगा।

उपर्युक्त खोज समिति के सदस्य किसी भी रूप में संबंधित विश्वविद्यालय से या उसके महाविद्यालय से सम्बद्ध नहीं होंगे।

राज्य के विश्वविद्यालयों हेतु खोज समिति का गठन निम्नवत् होगा:—

क. कुलाधिपति द्वारा नामित एक व्यक्ति, जो कि समिति का अध्यक्ष होंगे।

ख. कुलाधिपति द्वारा नामित एक प्रतिष्ठित प्रख्यात शिक्षाविद् — सदस्य

ग. राज्य सरकार का प्रतिनिधित्व करने वाले एक पदाधिकारी — सदस्य

5. झारखण्ड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत एवं यथा संशोधित) के धारा-10 की उपधारा-(2) का प्रतिस्थापन एवं समावेशन।

वर्तमान धारा 10 की उपाधारा (2) का प्रावधान:—

“कुलपति की नियुक्ति कुलाधिपति द्वारा राज्य सरकार के परामर्श से की जायेगी।”

निम्नलिखित प्रावधान से प्रतिस्थापित हो:—

धारा-10 की उपधारा-2 का प्रतिस्थापन

“धारा 10(2)(i) - खोज समिति द्वारा अनुशंसित पैनल 01 वर्ष के लिए वैध होगा, जिससे कि एक वर्ष के अंदर ऐसी स्थिति में, जिसमें नियुक्ति प्रथम द्रष्टया में योगदान नहीं दे, कुलपति की मृत्यु, त्यागपत्र अथवा उसे अधिनियम के प्रावधान के अनुसार हटाया गया हो, कुलाधिपति इस पैनल से राज्य सरकार के परामर्श के पश्चात् कुलपति की नियुक्ति करेंगे।”

6. झारखण्ड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत एवं यथा संशोधित) के धारा-10 की उपधारा-(3)(b) में प्रतिस्थापन:—

“इस धारा में वर्णित प्रावधानों के अनुसार सामान्यतः कुलपति की पदावधि तीन वर्षों की होगी और कथित पदावधि की समाप्ति के पश्चात् वे राज्य सरकार के परामर्श से कुलाधिपति द्वारा पुनर्नियुक्त किये जा सकेंगे और वे कुलाधिपति के इच्छा पर पद पर अधिकतम तीन वर्षों तक आसीन रह सकेंगे।”

निम्नलिखित प्रावधान से प्रतिस्थापित हो:—

धारा 10 की उपधारा (3)(b) का प्रतिस्थापन:—

“10(3)(b) “इस धारा में वर्णित प्रावधानों के अनुसार सामान्यतः कुलपति की पदावधि तीन वर्षों की होगी। कुलपति के पद पर आवेदन के लिए आयु 65 वर्ष से अधिक नहीं होगा। पदावधि के समाप्ति के बाद वे कुलाधिपति द्वारा राज्य सरकार के परामर्श तथा कुलाधिपति के इच्छा पर, अधिकतम तीन वर्षों या 70 वर्ष की आयु जो पहले हो, के लिए पद पर पुनर्नियुक्त किये जा सकेंगे।

7. झारखण्ड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत एवं यथा संशोधित) के धारा-10 की उपधारा-(4)(ii) में प्रतिस्थापन:-

वर्तमान धारा-10 की उपधारा-(4) (ii) का प्रावधान

“यदि कुलपति के रूप में नियुक्त व्यक्ति केन्द्र या राज्य सरकार या किसी विश्वविद्यालय से या किसी अन्य स्रोत से पेंशन पाता हो, वहाँ उसे देय पेंशन की राशि को उन्हें देय पेंशन का अंश माना जायेगा।”

धारा-10 की उपधारा-(4)(ii) में प्रतिस्थापित हो

“यदि कुलपति के रूप में नियुक्त व्यक्ति केन्द्र या राज्य सरकार या किसी विश्वविद्यालय से या किसी अन्य स्रोत से पेंशन पाता हो, वहाँ उसे देय पेंशन की राशि को उन्हें देय पेंशन का अंश माना जायेगा।”

8. झारखण्ड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत एवं यथा संशोधित) के धारा-12 की उपधारा-(1) का प्रतिस्थापन:-

वर्तमान धारा 12 की उपधारा (1) का प्रावधान:

“कुलाधिपति राज्य सरकार के परामर्श से प्रतिकुलपति की नियुक्ति करेंगे।”

निम्नलिखित प्रावधान से प्रतिस्थापित हो:-

धारा-12 की उपधारा (1) प्रतिस्थापन

“कुलाधिपति राज्य सरकार के परामर्श से “कुलपति की नियुक्ति के लिए यथा विहित रीति से ही प्रतिकुलपति की नियुक्ति करेंगे।”

9. झारखण्ड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत एवं यथा संशोधित) के धारा-18 की उपधारा-(13) का प्रतिस्थापन

वर्तमान धारा 18 की उपधारा (13) का प्रावधान:-

“प्रत्येक व्यक्ति, जिसने कुलाधिपति की संतुष्टि के अनुसार एक या अधिक किस्तों में कम से कम एक लाख रुपये नगद अथवा समकक्ष मूल्य की सम्पत्ति विश्वविद्यालय अथवा किसी महाविद्यालय को अथवा उनके हितों के लिए दिया हो।

बशर्ते कि कामेश्वर सिंह, दरभंगा संस्कृत विश्वविद्यालय के आजीवन सदस्य के लिए निहित राशि 25,000 रुपये होगी।”

निम्नलिखित प्रावधान से प्रतिस्थापित हो:-

धारा-18 की उपधारा (13) का प्रतिस्थापन:-

“विश्वविद्यालय के अधिषद् के आजीवन सदस्य के लिए प्रत्येक व्यक्ति, जिसने कुलाधिपति की संतुष्टि के अनुसार दस लाख रुपये नगद अथवा समकक्ष मूल्य की संपत्ति विश्वविद्यालय अथवा किसी महाविद्यालय को अथवा उनके हितों के लिए दिया हो।”

10. झारखण्ड राज्य विश्वविद्यालय अधिनियम, 2000 (अंगीकृत एवं यथा संशोधित) के धारा-57 A की उपधारा-(1) के प्रावधान के निम्न अंश का प्रतिस्थापन

“संबद्ध महाविद्यालयों, जो राज्य सरकार के द्वारा पोषित नहीं है, में शिक्षकों की नियुक्ति झारखण्ड लोक सेवा आयोग की अनुशंसा पर शासी निकाय के द्वारा की जायेगी। ऐसे महाविद्यालयों में शिक्षकों की सेवा मुक्ति, सेवा समाप्ति, हटाया जाना, सेवानिवृत्ति या पदावनति शासी निकाय द्वारा झारखण्ड लोक सेवा आयोग के परामर्श से परिनियम में विहित रीति के अनुरूप की जायेगी।

बशर्ते कि धर्म एवं भाषा के आधार पर संबद्ध अल्पसंख्यक महाविद्यालयों की शासी निकाय शिक्षकों की नियुक्ति, सेवा मुक्ति, हटाया जाना, सेवा समाप्ति या उनके विरुद्ध अनुशासनात्मक कार्रवाई, झारखण्ड लोक सेवा आयोग के अनुमोदन के उपरांत कर सकेंगे।

बशर्ते कि जहां परिनिन्दा, वेतन वृद्धि की रोकया दक्षता अवरोध पार करना, और आरोपों के अन्वेषणपूर्ण होने तक निलंबन की स्थिति में झारखण्ड लोक सेवा आयोग की सलाह की आवश्यकता नहीं होगी।”

57 (A) (1) के उपर्युक्त अंश निम्नलिखित प्रावधान से प्रतिस्थापित हो:-

“संबद्ध महाविद्यालयों, जो राज्य सरकार के द्वारा पोषित नहीं है, में शिक्षकों की नियुक्ति झारखण्ड लोक सेवा आयोग की अनुशंसा पर शासी निकाय के द्वारा की जायेगी। ऐसे महाविद्यालयों में शिक्षकों की सेवा मुक्ति, सेवा समाप्ति, हटाया जाना, सेवानिवृत्ति या पदावनति शासी निकाय द्वारा झारखण्ड लोक सेवा आयोग के परामर्श से परिनियम में विहित रीति के अनुरूप की जायेगी।

बशर्ते कि धर्म एवं भाषा के आधार पर संबद्ध अल्पसंख्यक महाविद्यालयों की शासी निकाय शिक्षकों की नियुक्ति, सेवा मुक्ति, हटाया जाना, सेवा समाप्ति या उनके विरुद्ध अनुशासनात्मक कारवाई, झारखण्ड लोक सेवा आयोग के अनुमोदन के उपरान्त कर सकेंगे।

बशर्ते वसे सम्बद्ध महाविद्यालय जो राज्य सरकार द्वारा पोषित नहीं हो, धार्मिक तथा भाषायी अल्पसंख्यक सहित के शिक्षकों की प्रोन्नति झारखण्ड लोक सेवा आयोग के अनुशंसा आधार पर किया जायेगा।

बशर्ते कि जहाँ परिरनिन्दा, वेतन वृद्धि की रोक, या दक्षता अवरोध पार करना, और आरोपों के अन्वेषणपूर्ण होने तक निलंबन की स्थिति में झारखण्ड लोक सेवा आयोग की सलाह की आवश्यक नहीं होगी।”

झारखण्ड राज्यपाल के आदेश से,

ह0 /—

संजय प्रसाद,

प्रधान सचिव—सह—विधि परामर्शी

विधि विभाग, झारखण्ड, राँची।

अधिसूचना

13 फरवरी, 2019

संख्या—एल0जी0—29 / 2018—241 / लेज0— झारखण्ड विधान मंडल द्वारा यथापारित और माननीया राज्यपाल दिनांक 07 फरवरी, 2019 को अनुमत झारखण्ड राज्य विश्वविद्यालय (संशोधन) अधिनियम, 2018 का निम्नांकित अंग्रेजी अनुवाद झारखण्ड राज्यपाल के प्राधिकार स इसके द्वारा प्रकाशित किया जाता है, जिसे भारतीय संविधान के अनुच्छेद 348 के खंड (3) के अधीन उक्त अधिनियम का अंग्रेजी भाषा में प्राधिकृत पाठ समझा जाएगा।

Jharkhand State University (Amendment) Act 2018

(Jharkhand Act-06 , 2019)

WHEREAS in the interest of teachers and as per the norms of University Grants Commission and Jharkhand State University Act, 2000 (Adapted as Amended) it is necessary that the definition of Teacher should be redefined;

And WHEREAS in the interest of bridging gap in gender enrollment of the State it is most expedient to establish a Women's University;

And WHEREAS in the educational interest of the State it is most expedient to make provisions for appointment to the post of Vice-Chancellor and Pro-Vice Chancellor in the Universities of State in consonance with the prescribed standards of University Grants Commission and the norms of the Jharkhand State University Act, 2000 (Adapted and as Amended).

And WHEREAS in the educational interest of the State it is also expedient to revise upwards the sum required to enable a person to become life member of the University Senate, keeping in view the current fiscal scenario.

And WHEREAS in the new perspective it is necessary to formulate provisions for promotion of teachers in affiliated Colleges, (Including Religious and Linguistic Minority Colleges).

Now therefore, be it enacted by the Legislature of the State of Jharkhand in the Sixty-nine year of the Republic of India as follows:-

CHAPTER-01

Preliminary

1. Short title, extent and commencement –

(i) This Act shall be called Jharkhand State Universities (Amendment) Act, 2018.

(ii) It shall extend to the whole of the State of Jharkhand.

(iii) It shall come into force at once.

CHAPTER-02

2. Substitution of Sub-Section-(V) of Section-2 of Jharkhand State Universities Act, 2000 (Adapted and as Amended)

Existing provision of Sub-Section (v) of Section-2

2 (V)- Teacher includes Principal, University Professor, College Professor, Reader and Lecturer imparting instruction in Department, College or Institute maintained by the University;

Be substituted by the following provision:-

Substitution of Sub-section (V) of Section-2

2 (V)- Teacher includes Principal, University Professor, College Professor, Reader/Associate Professor/Lecturer selection grade/Lecturer senior scale and Lecturer/Assistant Professor (Stage-I, Stage-II and Stage-III) imparting instruction in Department, College or Institute maintained by the University.

3. Insertion of Sub-Section-(1) (q) of Section-3 (Establishment and incorporation of Universities) of Jharkhand State Universities ACT, 2000 (Adapted and as Amended)

Be inserted by the following provision:-

At the end of sub-section-1 (p) of the Section-3 of the Jharkhand State Universities Act, 2000 (Adapted and as amended) hereinafter referred to as the said Act, the following Subsection will be inserted as sub-section-1 (q):-

"**3(1)(q)**"Jamshedpur Women's University, Jamshedpur", through the up gradation of Jamshedpur Women's College, Jamshedpur and having its headquarter at Jamshedpur."

4. Insertion of Sub-Section-(1)(i) of Section-10 under Sub-Section-(1) of Section-10 (Vice Chancellor) of Jharkhand State Universities ACT, 2000 (Adapted and as Amended)

Existing provision of Sub-section (1) of Section-10

"10 (1) No person shall be deemed to be qualified to hold the office of Vice-Chancellor unless such person is, in the opinion of the Chancellor, reputed for his scholarship and academic interest.

Further, it would be desirable that the person has administrative experience either at the Government or at the University level."

Be inserted by the following provision:-

10 (1) (i)The Selection of Vice-Chancellor should be through proper identification of a panel of 3-5 names by a Search Committee through public notification or nomination or a talent search process or in combination thereof. The members of the above Search Committee shall not be connected in any manner with the University concerned or its colleges. In respect of State Universities, the following shall be the constitution of the Search Committee.

- a. A nominee of the Chancellor would be the Chairperson of the Committee.
- b. A nominee of the Chancellor, being an eminent educationist of high repute. - Member
- c. An officer representing State Government - Member

5. Substitution and insertion of Sub-section-(2) of Section-10 (Vice-Chancellor) of Jharkhand State Universities ACT, 2000 (Adapted and as Amended)

Existing provision of Sub-section (2) of Section-10

10 (2) "The Vice-Chancellor shall be appointed by the Chancellor in consultation with the State Government."

Be substituted by the following provision:-

Substitution of Sub-section (2) of Section-10

10 (2) (i) Chancellor shall appoint the Vice-Chancellor out of the panel of names recommended by the Search Committee in consultation with the State Government.

Insertion in Sub-section (2) of Section-10

10 (2) (ii) The panel recommended by the Search Committee shall be in force for one year to meet out any of the situation of not joining by the person so

appointed at the first instance, at the vacation of post of Vice-Chancellor on account of death, resignation or removal of the Vice-Chancellor under the provision of this Act, within one year and the Chancellor shall appoint the Vice-Chancellor from the said panel in consultation with the State Government."

6. Substitution of Sub-Section-(3) (b) of Section-10 of Jharkhand State University Act, 2000 (Adapted and as Amended)

Existing provision of Sub-section (3) (b) of Section-10

"Subject to the foregoing provisions of this section the Vice-Chancellor shall ordinarily hold office for a term of three years and on the expiry of the said term he may be reappointed by the Chancellor in consultation with the State Government and he shall hold office at the pleasure of the Chancellor for a term not exceeding three years."

Be Substituted with the following provision:-

Substitution of Sub-Section (3) (b) of Section-10

10 (3) (b) Subject to foregoing provisions of the section the Vice-Chancellor shall ordinarily hold office for a term of three years.

Provided that the age for applying to the post of Vice-Chancellor shall not exceed 65 years. Ongoing of the said term she/he may be reappointed by the Chancellor in consultation with the State Government and she/he shall hold office at the pleasure of the Chancellor for a term not exceeding three years, or up-to-the age of 70 years whichever is earlier.

7. Substitution of Sub-Section-(4)(ii) of Section-10 of Jharkhand State Universities ACT, 2000 (Adapted and as Amended)

Existing provision of Sub-Section (4)(ii) of Section-10

"If the person appointed as Vice-Chancellor receives pension from Central or State Government or any University or any other source then the receivable amount of pension would be considered to be part of his/her receivable pension."

Be substituted by the following provision:-

Substitution of sub-section (4) (ii) of section-10

10 (4) (ii) "If the person appointed as Vice-Chancellor receives pension from Central or State Government or any University or any other source then the receivable amount of pension would be considered to be part of her/his receivable Salary and allowances."

8. Substitution of Sub-section-(1) of Section-12 of Jharkhand State Universities ACT, 2000 (Adapted and as Amended)

Existing provision of Sub-Section (1) of Section-12

"The Chancellor shall appoint the Pro-Vice-Chancellor, in consultation with the State Government.

" Be substituted by the following provision:-

Substitution of Sub-section (1) of Section-12

12 (1) "The Pro- Vice- Chancellor shall be appointed by the Chancellor in consultation with the State Government in the same manner as prescribed for appointment of Vice-Chancellor."

9. Substitution of Sub-section-(13) of Section-18 of Jharkhand State Universities ACT, 2000 (Adapted and as Amended)

Existing provision of Sub-section (13) of Section-18

"Every person who has given to the satisfaction of the Chancellor whether in one or more installments, a sum of not less than one lac rupees in cash or in the shape of property of the equivalent value to or for the purposes of the University or of a College. Provided that for being a life member of the Kameshwar Singh Darbhanga Sanskrit University, the fixed amount shall be twenty-five thousand rupees.

" Be substituted by the following provision:-

Substitution of Sub-section (13) of Section-18

18 (13) "For being a life member of Senate of the University, every person who has given to the satisfaction of the Chancellor, a sum of not less than ten lakh rupees in cash or in the shape of property of the equivalent value to or for the purposes of the University or of a College."

10. Substitution of the following part of Section-57A Sub-section-(1) of Jharkhand State Universities ACT, 2000 (Adapted and as Amended)

"Appointment of teachers of affiliated Colleges not maintained by the State Government shall be made by the Governing Body on the recommendation of the Jharkhand Public Service Commission. Dismissal, termination, removal, retirement from service or demotion in rank of teacher of such colleges shall be done by the Governing Body in consultation with the Jharkhand Public Service Commission in the manner prescribed by the Statutes:

Provided that the Governing Bodies of affiliated Minority Colleges based on religion and language shall appoint, dismiss, remove or terminate the services of teachers or take disciplinary action against them with the approval of the Jharkhand Public Service Commission.

Provided further that the advice of the Jharkhand Public Service Commission shall not be necessary in cases involving censure, stoppage of increment or crossing of efficiency bar and suspension till investigation of charges is completed."

Be substituted by the following provision:-

Substitution of the above part in Sub-Section (1) of Section-57A

"Appointment of teachers of affiliated Colleges not maintained by the State Government shall be made by the Governing Body on the recommendation of the Jharkhand Public Service Commission. Dismissal, termination, removal, retirement from service or demotion in rank of teacher of such colleges shall be done by the Governing Body in consultation with the Jharkhand Public Service Commission in the manner prescribed by the Statutes.

Provided that the Governing Bodies of affiliated Minority Colleges based on religion and language shall appoint, dismiss, remove or terminate the services of teachers or take disciplinary action against them with the approval of the Jharkhand Public Service Commission.

Provided also that in case of affiliated colleges not maintained by the State Government including Religious and Linguistic Minority Colleges, the promotion of teachers shall be made on the recommendation of Jharkhand Public Service Commission.

Provided further that the advice of the Jharkhand Public Service Commission shall not be necessary in cases involving censure, stoppage of increment or crossing of efficiency bar and suspension till investigation of charges is completed."

झारखण्ड राज्यपाल के आदेश से,
ह0/—
संजय प्रसाद,
प्रधान सचिव—सह—विधि परामर्शी
विधि विभाग, झारखण्ड, राँची।