

অসম  ৰাজপত্ৰ
सत्यमेव जयते
THE ASSAM GAZETTE

অসাধাৰণ
EXTRAORDINARY
প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত
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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
EDUCATION (HIGHER) DEPARTMENT, DISPUR

NOTIFICATION

The 15th November, 2010

No. B(2)H.12/2003/Pt-II/113 : - In exercise of Powers conferred under sub-section (I) of Section 12 of the Assam College Employees (Provincialisation) Act, 2005 (Assam Act, No. XLVI of 2005), the Governor of Assam is hereby pleased to make the following Rules for carrying out the purposes of the said Act, namely :-

- Short title, extent and commencement.** 1. (1) These Rules may be called the "**Assam College Employees (Provincialisation) Rules 2010**".
(2) They shall come into force on the date of their publication in the Official Gazette.
(3) They shall extend to the areas to which the Act applies.
- Definitions** 2. In these Rules unless the context otherwise requires.
(a) "Constitution" means the "Constitution of India";
(b) "Governor" means the "Governor of Assam";
(c) "Act" means the "The Assam College Employees (Provincialisation), Act, 2005 (Assam Act, XLVI of 2005);
(d) "Board" means the "State Selection Board";
(e) "Selection Committee" means the Selection Committee Constituted under these Rules.
(f) "Departmental Promotion Committee" means a Departmental Promotion Committee constituted under these rules.
(g) "Director" means the Director of Higher Education, Assam";
(h) "UGC" means the "University Grants Commission", established under the UGC Act, 1956 (Central Act. No. 3 of 1956).
- Class and Cadre.** 3. Each College shall be a separate entry for the purpose of cadres of employees. All Cadres and their class in the Assam Provincialised Colleges will be the same as in Government Colleges.

- Strength of Service.** 4. The Strength of each cadre in respect of each of the post for each of the colleges shall be as sanctioned by the Government from time to time.
- Method of Recruitment.** 5. Recruitment shall be made in the manner prescribed hereinafter;
- (1) Appointment to the post of Principal shall be by direct selection. For this the Governing Body shall constitute a Selection Committee, which shall select a person on the basis of an interview from amongst eligible candidates who apply in response to an open advertisement in newspapers. The Governing Body shall recommend this candidate to the Director, who shall issue orders of appointment.
 - (2) For the post of Lecturer/Librarian appointment shall be made by direct recruitment with prescribed qualifications through open advertisement in two leading dailies atleast in two consecutive issues. In respect of Grade III and Grade IV posts the list of candidates shall be collected from the local employment exchange/Advertisement in newspaper.
 - (3) Appointment to Head Assistant shall be made by promotion from the cadre of Upper Division Assistants on the basis of seniority cum merit.
 - (4) Appointment to the post of Upper Division Assistant shall be made on promotion from Lower Division Assistants/Laboratory Assistants/Library Assistants on the basis of Seniority cum merit.
 - (5) The Post of Lower Division Assistant, Laboratory Assistant, Library Assistant shall be filled up by direct recruitment and from Laboratory Bearers/Library Bearers/Grade IV having qualification as prescribed in the ratio of 75:25.
 - (6) Placement of Lecturers/Librarians in Selection Grade/Senior Grade Scale of pay shall be done by the Governing Body as per Rules prescribed by the UGC and the State Government from time to time on the recommendations of the Departmental Promotion Committee.
 - (7) In all these cases, the Governing Body shall conduct the selection process and recommend to the Director, who shall issue orders of appointment.
- Assessment of Vacancies.** 6. Before the end of every year the Governing Body shall make an assessment of the likely number of vacancies to be filled up by promotion/direct recruitment in the next year in each cadre and determine which of these vacancies would go for reserved categories ;
- Direct Recruitment.** 7. (a) All appointment either by direct recruitment or by promotion shall be made by the Director on the basis of recommendations of the Governing Body based on the recommendations of the Selection Committee/Departmental Promotion Committee duly constituted;
- (b) The Director shall communicate his orders within thirty days;
- (c) The Selection Committee may hold such test of interview for all posts as may be considered necessary. For posts for which UGC has prescribed norms, no candidate shall be recruited without having the required norms;
- (d) All fresh appointments shall be made on receipt of police verification report.
- Age Limit and Qualification.** 8. The minimum and maximum age, academic qualification, physical fitness etc. for direct recruitment shall be the same as in Government Colleges in the corresponding Grades.
- General Procedure for Promotion.** 9. (i) The Governing Body shall furnish to Departmental Promotion Committee the following documents and information in respect of the persons to be considered for promotion. The number of persons to be considered for promotion shall be four times of the number of vacancies as assessed for filling up by promotion in that cadre. This shall be in order of seniority in the Gradation List;
- (a) The number of vacancies with reservations;

- (b) List of employees in order of seniority eligible for promotion (separate list for promotion to the different cadres shall be furnished) indicating the cadre to which the case of promotion has to be considered;
- (c) Character Rolls and other records of the persons listed;
- (d) Any other documents and information as may be required by the Selection Committee;
- (ii) The Governing Body shall request the Departmental Promotion Committee to recommend the list of employees found suitable for promotion in order of preference within one month in respect of promotion to each of the cadre in which appointment is to be made by promotion;
- (iii) The Selection shall be made on the basis of seniority cum merit in each case of promotion;
- (iv) The Departmental Promotion Committee after examination of the documents and information furnished by the Governing Body shall recommend a select list of candidates equal to the probable vacancies in order of preference/merit found suitable for promotion;
- (v) The Select list shall remain valid for 12 months;
- (vi) The promotion shall be in accordance with the list prepared by the Departmental Promotion Committee;

**Selection
Committee/
Departmental
Promotion
Committee.**

10. (A) Committee for selection of candidates for appointment on direct recruitment of lecturers and librarians shall consist of the following :-
- (i) President of the Governing Body - Chairman
 - (ii) Head of Department (Concerned) - Member
 - (iii) Two nominees of the Vice-Chancellor of the affiliating University (out of whom one should be subject expert) - Members
 - (iv) Secretary of the Governing Body - Member Secretary.
 - (v) Two subject experts not connected with the college to be nominated by the President of the Governing Body out of a panel of names approved by the Vice-Chancellor of the affiliating University;
- Two third majority will constitute the quorum with mandatory presence of University expert nominee;
- (B) Committee for selection of candidate for appointment of direct recruitment of all other posts shall consist of the following :-
- (i) President of the Governing Body - Chairman
 - (ii) Secretary of the Governing Body - Member Secretary
 - (iii) Two heads of Department to be nominated by the President, Governing Body. - Member
- (C) Departmental Promotion Committee for all posts shall consist of the following :-
- (i) President of the Governing Body - Chairman
 - (ii) Principal of the College - Member Secretary
 - (iii) One senior most Head of the Department of the College. - Member

Disqualification

11. No person shall be eligible for appointment :-
- (a) Unless he is a citizen of India, and ;
 - (b) If he/she is practicing bigamy Provided that Government may, if it is satisfied that there are special grounds for doing so exempt any person from the operation of this Rule ;
 - (c) No person who attempts to enlist support for his/her candidature directly or indirectly by any recommendation either written or oral or by other means shall be appointed.

- Reservation** 12. In all cases of appointment by direct recruitment as well as by promotion there shall be reservations for candidates belonging to the members of the SC, ST as per provision of the SC, ST (Reservation of Vacancies in Services and Posts) Act, 1978 and Rule framed thereunder. There shall also be reservations for candidates belonging to OBC as per Government instructions. General order in respect of reservation in favour of other categories of candidates like physically handicapped as may be in force shall also be followed. Since an individual college is a separate entity for the purposes of cadres, reservations would be applicable college-wise for each individual cadre separately for which a proper register of roster shall be maintained. As Principal is a single post cadre no reservation would be applicable to it. The Governing Body shall be responsible to ensure that reservations are made as per Rules.
- Probation & Confirmation.** 13. Subject to availability of a permanent vacancy in the respective cadre a person appointed on direct recruitment shall be placed according to seniority on probation against the permanent vacancy for a period of 2 years before he is confirmed.
- Training** 14. A person appointed on direct recruitment shall be required to undergo such training and pass such departmental examinations as Government may prescribe.
- Discipline & Appeal** 15. All employees of the Assam Provincialised Colleges shall be governed under the provisions of "Assam Services (Discipline & Appeal) Rules 1964, Assam Civil Services Conduct Rules 1965" and guidelines made thereunder.
- Scale of Pay** 16. All appointment shall be made in the time scale of pay as may be prescribed by the Government from time to time.
- Seniority** 17. (a) Inter-se-seniority of employees belonging to each of the cadres shall be in the order in which their names appear in the select list prepared by the Selection Committee provided he/she joins in the post within 15 (fifteen) days from the date of receipt of the appointment order or within the extended period not exceeding three months;
 Provided that if a candidate is prevented from joining within this period by circumstances of public nature or for reasons beyond his control, the appointing authority may extend it for a further period of 15 days. If the period is not so extended the seniority shall be determined according to the date of joining;
 (b) If two persons are appointed on the recommendation of the selection committee in different batches, than the person who was recommended in the earlier batch shall be senior to the person who was recommended in the later batch;
 (c) If two or more persons are bracketed in the merit list by the selection committee, the inter-se-seniority of these persons shall be determined according to the date of birth;
 (d) A person appointed by promotion against a vacancy occurring in a year shall be senior to a person appointed by direct recruitment of the year.
- Gradation List** 18. The College shall publish a gradation list every year cadre wise, indicating the relative seniority and date of birth, date of appointment etc. of each employee.
- Transfer** 19. There shall not be any transfer of employees from one college to another, except in a situation wherein a stream of study or a subject is closed down in a college by the Government on a proposal from the Governing Body and some teachers have become surplus. Only in such a situation the Government may transfer these teachers and adjust them elsewhere. In such a situation of seniority of the transferred teachers would be fixed in the new college on the basis of their date of joining in the original college.
- Maintenance of Registers and Records.** 20. The College authorities shall maintain such Registers and records in suitable form as may be prescribed by the Government from time to time with a view to recording the service particulars of the employees. In particular the College shall maintain the service books other service records and the leave accounts of all employees.
- GPF and Pension.** 21. (i) Notwithstanding anything contained in these Rules, the existing Rules and orders applicable to State Government employees on pension, GPF, Leave, TA etc. will be applicable in case of Provincialised College Employees.

- (ii) The existing employees shall be governed by the existing pension Rules of the Government ;
- Provided that the employees who joined on or after 1st day of February, 2005 shall not be covered by the existing Pension Rules of the Government. They shall be governed by such Pension Rules or Scheme as the case may be framed by the Government in respect of other similarly situated employees of the Government;
- (iii) The Director, Higher Education, Assam shall forward a college wise list of employees already retired or due to retire within the next calender year in the format as prescribed for government Degree College, so as to reach the Accountant General by 30th September every year;
- (iv) The College shall process all Pension cases and submit to the Director who shall sanction and authorize provisional Pension/Gratuity on the basis of these rules and the "Assam Service (Pension) Rules, 1969" as applicable;
- (v) The employees who have opted for pension scheme under the provision of Clause 8 of the Act will discontinue their C.P.F. contribution, open G.P.F. account with the Accountant General. Such employees will compulsorily subscribe to the Fund at the prescribed minimum rate of 6.25% of basic pay per mensem;
- (vi) The Pension shall be authorized from the date of coming into force of the Act i.e. 1st day of December, 2005;
- Leave** 22. The Governing Body of the College shall be authority to sanction all leaves excluding study leave for all its employees.
- Lien/deputation and Study Leave.** 23. Lien, deputation and study leave to the employees of the Assam Provincialised Colleges shall be granted by the Government for which proposals shall be routed through the Director. The norms applicable to Government Colleges would be applicable in their case.
- No Objection Certificate for Higher Studies and applying for jobs.** 24. The Governing Body shall issue No Objection Certificate to the college employees for applying for admission to course of higher studies and for other jobs.
- Authority for acceptance of Resignation/ Voluntary Retirement.** 25. The Director, on the recommendations of the Governing Body shall be the authority for accepting or rejecting requests for resignations and voluntary retirement.
- A.C.R.** 26. The Principal of the College shall be the recording officers and the Governing Body, will be the Reviewing and Accepting Authority for the Annual Confidential Report of all employees excepting Principal. In case of the Principal the President of the Governing Body shall be the recording authority and the Director of Higher Education, Assam shall be the Reviewing and Accepting Authority.
- Residual power of Appointing Authority** 27. The Governing Body of the College shall exercise all other powers of the Appointing Authority as per usual norms.

H. M. CAIRAE,

Additional Chief Secretary to the Government of Assam,
Education (Higher) Department, Dispur, Guwahati-6.