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Educa^h(1950) Department.

Ms SERIES.

G.O. NO. 2962 Edu

Order at

Mr. 10-12

Dated 3-11-50

(11)

[Despatch Abstract.]

Elementary education - Added - Conditions of service of
teachers - Amendments to rules for recognition and and -
Issued

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Further Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

From

The Director of Public Instruction,
Madras.The Secretary to Government,
Education Department, Madras.

Roc.No.2169 B2/48 dated 30-6-1950.

Sir,

Sub: Elementary Education - Aided - Conditions of service of teachers under local bodies and aided managements - Amendments to Rules - Submitted.

Ref: G.O.Ms.No.822, Education, dated 13-3-1950.

As directed in para 2 of the G.O. quoted above, I have the honour to submit below seriatim, necessary amendments to Rules:--

I. Security of tenure of teachers in aided elementary schools:-

(1) Disposing of an appeal from a teacher served with notice of 3 months within the period of 3 months:-

The following amendment is suggested to Rule 13(2) of the Rules for recognition of Elementary Schools as amended in G.O.No.Ms.3211, Education, dated 15-12-1948:-

"ADD at the end of the first sentence of the existing paragraph in Sub-clause (vii) "within a period of 3 months from the date of its receipt".

The effect of this amendment is that it will be applicable not only to appeals preferred by teachers, but also to appeals preferred by managements.

2) Insistence on the retention of services of teachers in cases where they are given 3 months' salary in lieu of notice:-

According to the present Rules, teachers (permanent, temporary or officiating) can be given 3 months' salary in lieu of 3 months' notice and discharged only for the four reasons stated in Rule 13(2) ii(b) and iii(b) viz. Incompetence, Retrenchment, Physical unfitness or any other good cause. For terminating the services of a permanent teacher for the reason of his "Incompetence" necessary safeguard is afforded to the teacher under the proviso to Rule 13(2)ii and this is sufficient. In regard to the second and third reasons also, the Department need not interfere. Where, however, a teacher is sent out by a management for the last reason, i.e. "Any other good causes" with 3 months' salary and later on if it is found on appeal that the Teacher's discharge is unjust, there may be need for the reinstatement of the teacher. To achieve this end and to prevent any possible abuse of powers by a

management, suitable provision may be made in the rules and such protection may be allowed for teachers with 5 years' efficient service as in the case of teachers discharged under the clause "Incompetence".

The following amendment to Rule 13(ii)b is therefore suggested:--

✓ "ADD in the last sentence to Proviso to Rule 13(ii) after the word "Incompetence" the words "or any other good cause".

✓ 3) Whether powers cannot be given to managements to suspend the teachers in very urgent causes:

As the management have not moved in the matter the question need not be considered. If, however, it is considered necessary to vest the managements with adequate powers to deal with urgent situations, suitable provisions to safeguard the interest of teachers also have to be made.

The following amendment is, therefore, suggested: Under Rule 13(2) of the Rules for recognition add the following as a sub-para under clause (vi)

"The management of a school may suspend any permanent, officiating or temporary member of the staff, pending framing of charges against him, for a period not exceeding three months for gross insubordination, serious misconduct, criminal prosecution, mental unfitness or any other good cause, if such a course is required to be taken urgently in the interest of the Institution."

"In all such cases a report of having kept the teacher under suspension should be sent to the Deputy Inspector on the same day by Registered post. When the suspension of the teacher is held to have been unjustifiable by the District Educational Officer, the management should pay the full pay and allowances to which the teacher would have been eligible, had he not been suspended. The period of absence will be treated as a period spent on duty".

4) Penalising management by reduction of grant payable to them for a proved default of having sent out a teacher for no fault of his:--

The following amendment to Rule 7(1) of the Rules relating to aid in chapter II of the Rules relating to elementary schools is suggested:--

Rule 7(1) - Maintenance Grant:--

In place of item (iv) deleted with reference to G.O.Ms.848, Education, dated 25-3-49 substitute the ~~fix~~ words:--

"for the termination of the services of a teacher which is considered to be irregular by the appellate authority".

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II. Temporary appointments:

As the proposals referred to under this heading in the G.O. have some relation with the instructions 5 and 6 of the instructions ordered to be printed in the Teachers' Service Registers in G.O.No.3211, Education, dated 15-12-1948, the effect of the proposals now under consideration can be had by suitably making additions to these instructions and I consider it is not necessary to incorporate in the rules. The following additions are, however, suggested to the instructions referred to in G.O.No. Ms.3211, Education, dated 15-12-1948.

Instruction 5: Add the following as sub-paragraphs retaining the existing portion as sub-para 1.

"No temporary appointment should be made in a permanent vacancy"

"If a vacancy continues for a period exceeding one year and if a teacher is working in it on a temporary basis he should not be sent out unless the teacher is considered by the Deputy Inspector as inefficient".

Add the following as Instructions 7 and 8 after the existing Instruction 6.

Instruction 7: If a higher elementary teacher is sufficient for a post and if such a teacher is working in the post he should not be discharged in order to appoint a Secondary Grade trained teacher therein".

Instruction 8: When teachers are deputed by the managements for any training approved by the Department, temporary appointments only should be made in such vacancies".

III. Vigilance Committees:-

At present every elementary school is expected to receive atleast two visits besides the annual inspection by the Deputy Inspector and the visits are generally to be properly spaced. Hence ordinarily each school will be visited by the Inspecting Officer once in 4 months and very often many schools can also be expected to receive more visits as a result of the recent reduction in the jurisdiction of the Inspecting Officers. The need for the Vigilance Committee does not, therefore, appear to be real. In compulsory areas the Attendance Committees are already functioning, often ineffectively. In these circumstances, I consider that there is no need for such Committees.

IV. Maternity leave to teachers in aided elementary schools:-

The following amendment to Rule 4(5) of the Rules for aid in chapter II of the Rules relating to Elementary Schools is suggested:-- In the sub-para under Rule 4(5) of the Rules For the Words "one month" substitute the words "two months" and add the following at the end of the sub-para of this Rule:--

"The Manager may grant maternity leave with

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full grant to permanent married women teachers for a period which may extend upto two months. Non-permanent teachers should take for maternity purposes, the ordinary leave for which they may be eligible. If, however, non-permanent woman teacher is not eligible for any leave with full grant or if the leave to her credit is less than two months, maternity leave may be granted for a period not exceeding two months or for the period that falls short of two months as the case may be."

Yours faithfully,

Wm. Lawrence Esq

for Director of Public Instruction.

KHR. 7.7.

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C.O. NO. 3241 Eam dated 15-12-48 and
C.O. NO. 922 Eam dated 13-3-50 are put
up in another file separately submitted. This
may be over the These docs become available

The file referred to above has since been received from circulation and a draft is being submitted. Time may be granted till 25-9-50 or till the issue of orders in that file whichever is earlier

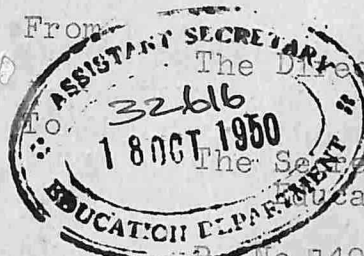
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From



Education Department

The Director of Public Instruction,
Madras.

The Secretary to Government,
Education Department, Madras.

Re.No.1493-B4/50 dated 13th October 1950.

Sir,

Sub:--Education--Elementary--Aided Schools--Grant of leave
to teachers.

Under Rule 4(5) of the Rules for Aid-Teaching Grant- to
Elementary Schools a teacher in an aided elementary school is
eligible to the grant of the leave earned by him in respect of
his service under that management only. His previous service, if
any, under other managements has to be for/ gone as it does not count
for the purpose. I find that in practice this rule has worked much
hard-ship to the teachers who, in many cases and for good reasons,
have to change managements.

2. In Note 2, under Rule 1, of the rules for Aid-Teaching Grant-
to Elementary Schools there is provision for counting the services
of a teacher under different managements for the purpose of increments
in pay. I consider that this concession may quite justifiably be
extended to the purpose of leave also.

3. A teacher while on leave will be entitled to pay based on the
rate of grant admissible to him and in cases where the teacher is paid
higher than the scale grant, it will be left to the management to pay
the teacher leave salary based either on the rate of grant assessed

P.T.O.

Sub:- Elementary Education - Aided - Conditions of service of teachers - Amendments to the rules for recognition and aid - Issued.

Read again:- G.O.No.217, Fdn. dated 29-1-48.

G.O.No.848, Fdn. dated 25-3-49.

G.O.No.3211, Fdn., dated 15-12-1948.

G.O.No. 822, Fdn., dated 13-3-1950.

Read also:- Letter from the D.P.I., No.2169 B2/48 dated 30th June 1950 and No. 1493-B4/50 dated 13-10-50.

Order/Ms. No. 2962 Fdn. dated 3-11-50.

The Government direct that the following amendments shall be made in the instructions printed at the end of the Teacher's Service Register prescribed in rule 13 of the rules relating to the grant of recognition and aid to elementary schools as amended in G.O. No.3211, Fdn., dated 15-12- 1948:-

I. In Instruction 5, add the following as sub-paragraphs:

"No temporary appointment ~~should~~ ^{shall} be made in a permanent vacancy.

"If a vacancy continues for a period exceeding one year and if a teacher is working in it on a temporary basis, he ~~should~~ ^{shall} not be sent out unless he is considered as inefficient by the Deputy Inspector of Schools of that Range."

II. Add the following as Instructions 7 and 8:

"Instruction 7:- If a higher elementary grade trained teacher is sufficient for a post and if such a teacher is working in the post, he ~~should~~ ^{shall} not be discharged in order to appoint a Secondary grade trained teacher.

Instruction 8:- When teachers are deputed by managements for any training approved by the Department, temporary appointments only shall be made in the vacancies. "

2. The following amendments shall be made to the rules relating to the grant of recognition and aid to elementary schools published with Education Department's Notification No. 243, dated the 21st August 1939, at pages 556 to 568 of Part

assessed on his behalf or at the higher rate at which he is paid while in service. This provision ensures that there will be no hardship to managements and they cannot reasonably grudge the teacher the leave earned by him in respect of his service under other managements.

4. In conformity with the above suggestions I submit the following draft amendments to Rules for approval by the Government.

Draft Amendments.

(i) In Rule 4(5) of the Rules for Aid-- Teaching Grant--to Elementary Schools, the words "under one and the same management" occurring in the first sentence shall be omitted.

(ii) To the same Rule the following may be added at the end.
"In the case of a teacher who is paid at a rate higher than the scale grant, the management shall have the option to pay him, while on leave, salary based either on the scale grant or on the higher rate at which he is paid ~~during service~~."

While on duty.

Yours faithfully,

after amendment 16.10.50
For Director of Public Instruction.

Clb.14-10-50

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I-B of the Fort St. George Gazette, dated the 29th August 1939, as subsequently amended:-

AMENDMENTS.

Chapter I - Rules for recognition.

Rule 13 (2i): ^{cf} In the second sentence of the proviso to the rule after the word "incompetence" add "or any other good cause".

(ii) In clause (vi), add the following as a sub-paragraph:

"The management of a school may suspend any permanent, officiating or temporary member of the staff, pending framing of charges against him, for a period not exceeding three months for gross insubordination, serious misconduct, criminal prosecution, mental unfitness or any other cause, if such a course is required urgently in the interest of the institution." In all such cases, a report of having kept the teacher under suspension ~~should~~ ^{shall} be sent to the Deputy Inspector on the same day by registered post. When the suspension of the teacher is held to have been unjustifiable by the District Educational Officer, the management ~~should~~ ^{shall} pay the full pay and allowances to which the teacher would have been eligible had he not been suspended. The period of absence will be treated as a period spent on duty."

(iii) At the end of the first sentence of the existing paragraph in sub-clause (vii) add "within a period of three months from the date of its receipt."

Chapter II - Rules for Aid.

Rule 4 (5):

(i) The words "under one and the same management" occurring in the first sentence shall be omitted.

(ii) At the end of the first paragraph add the following:- in the case

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"In the case of a teacher who is paid at ²rate higher than the scale grant, the management shall have the option to pay him while on leave, leave salary based either on the scale grant or on the higher rate at which he is paid while on duty."

(iii). In the sub-paragraph under the rule, for the words "one month" substitute "two months" and add the following at the end of the sub-para of this rule:-

"The manager may grant maternity leave with full grant to married women teachers for a period which may extend up to two months. Non-permanent teachers should take for maternity purposes, the ordinary leave for which they may be eligible. If, however, a non-permanent woman teacher is not eligible for any leave with full grant or if the leave to her credit is less than two months, maternity leave may be granted for a period not exceeding two months or for the period that falls short of two months as the case may be."

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Rule 7 (1):- ^{insert} ~~add~~ the following as item (iv):

"(iv). for the termination of the services of a teacher which is considered to be irregular by the appellate authority".

To

The D.P.I.
(two copies - one for B2 Section and another for B4 Section).

The S.G.P., for publication in the F.S.G.G.

2 spare copies

Note:-

(C)
Please see the orders issued in G.O.No.822, Edn., dated 13-3-50. The amendments suggested by the D.P.I. to the Form of Teachers' Service Register and the rule for recognition and aid to elementary schools may be approved.

For the reasons stated at 'A' on page 3 c.f., the D.P.I. considers that there is no need for the appointment of vigilance Committees. His view may ~~perhaps~~ be accepted.

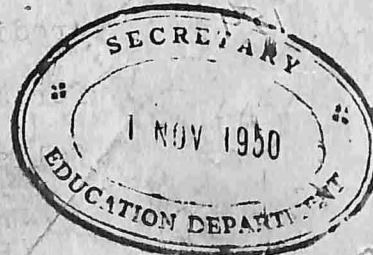
The file may be circulated to H.M.(E & L.) for orders on this point and for approval of the draft order on pages 1-3 ante.

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H.M.(E & L.)

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Abstract

ELEMENTARY EDUCATION - Aided - Conditions of service of teachers - Amendments to rules for recognition and aid - Issued.

READ:

G.O.No. 217 Education dated 29-1-1948.
E.O.No.3211 Education dated 15-12-1948.
G.O.No. 849 Education dated 25-5-1949.
G.O.No. 822 Education dated 13-5-1950.
Letter from the Director of Public Instruction No.2169 B2/48 dated 30/5/50 and No.1493-B4/50 dated 15-10-1950.

ORDER:

The Government direct that the following amendments shall be made in the instructions printed at the end of the Teachers Service Register prescribed in rule 13 of the rules relating to the grant of recognition and aid to elementary schools as amended in G.O.No.3211 Education dated 15-12-1948:-

1. In Instruction 5, add the following as sub-paragraphs:

"No temporary appointment shall be made in a permanent vacancy.

"If a vacancy continues for a period exceeding one year and if a teacher is working in it on a temporary basis, he shall not be sent out unless he is considered as inefficient by the Deputy Inspector of Schools of that Range."

II. Add the following as Instructions 7 and 8:-

"Instruction 7:- If a higher elementary grade trained teacher is sufficient for a post and if such a teacher is working in the post, he shall not be discharged in order to appoint a Secondary grade trained teacher.

Instruction 8:- When teachers are deputed by managements for any training approved by the Department, temporary appointments only shall be made in the vacancies".

2. The following amendments shall be made to the rules relating to the Grant of recognition and aid to elementary schools published with Education Department's Notification No.243 dated the 21st August 1939, at pages 556 to 568 of Part I-B of the Port St. George Gazette, dated the 29th August 1939, as subsequently amended:-

AMENDMENTS

Chapter I - Rules for recognition.

Rule 13(2): (1) in the second sentence of the proviso to the rule after the word "incompetence" add "or any other good cause".

(11) In clause (vi), add the following as a sub-paragraph:

"The management of a school may suspend any permanent, officiating or temporary member of the staff, pending framing of charges against him, for a period not exceeding three months for gross insubordination, serious misconduct, criminal prosecution, mental unfitness or any other cause, if such a course is required urgently in the interest of the institution. In all such cases, a report of having suspended the teacher under suspension shall be sent to the Deputy Inspector on the same day of the registered post. When the suspension of the teacher is held to have been unjustifiable by the District Educational Officer, the management shall pay the full pay and allowances to which the teacher would have been eligible had he not been suspended. The period of absence will be treated as a period spent on duty".

(111) At the end of the first sentence of the existing paragraph in sub-clause (vii) add "within a period of three months from the date of its receipt".

P.T.O.

Chapter II - Indian for Aid

Rule 4(5):

(1) The words "under one and the same management" occurring in the first sentence shall be omitted.

(11) At the end of the first paragraph add the following:-

"In the case of a teacher who is paid at a rate higher than the scale grant, the management shall have the option to pay him while on leave, leave salary based either on the scale grant or on the higher rate at which he is paid while on duty."

(11) In the sub-paragraph under the rule, for the words "one month" substitute "two months" and add the following at the end of the sub-para of this rule:-

"The manager may grant maternity leave with full grant to married women teachers for a period which may extend up to two months. Non-permanent teachers should take for maternity purposes, the ordinary leave for which they may be eligible. If, however, a non-permanent woman teacher is not eligible for any leave with full grant or if the leave to her credit is less than two months, maternity leave may be granted for a period not exceeding two months or for the period that fall short of two months as the case may be."

Rule 7(1)(i) - Insert the following as item (iv):

"(iv) for the termination of the services of a teacher which is considered to be irregular by the appellate authority."

(By order of His Excellency the Governor)

K.N. UNNITHAN,

Secretary to Government.

To be printed & published by the Government Press, for publication in the Fort St. George Gazette.

True copy/Forwarded/By order.

Superintendent.

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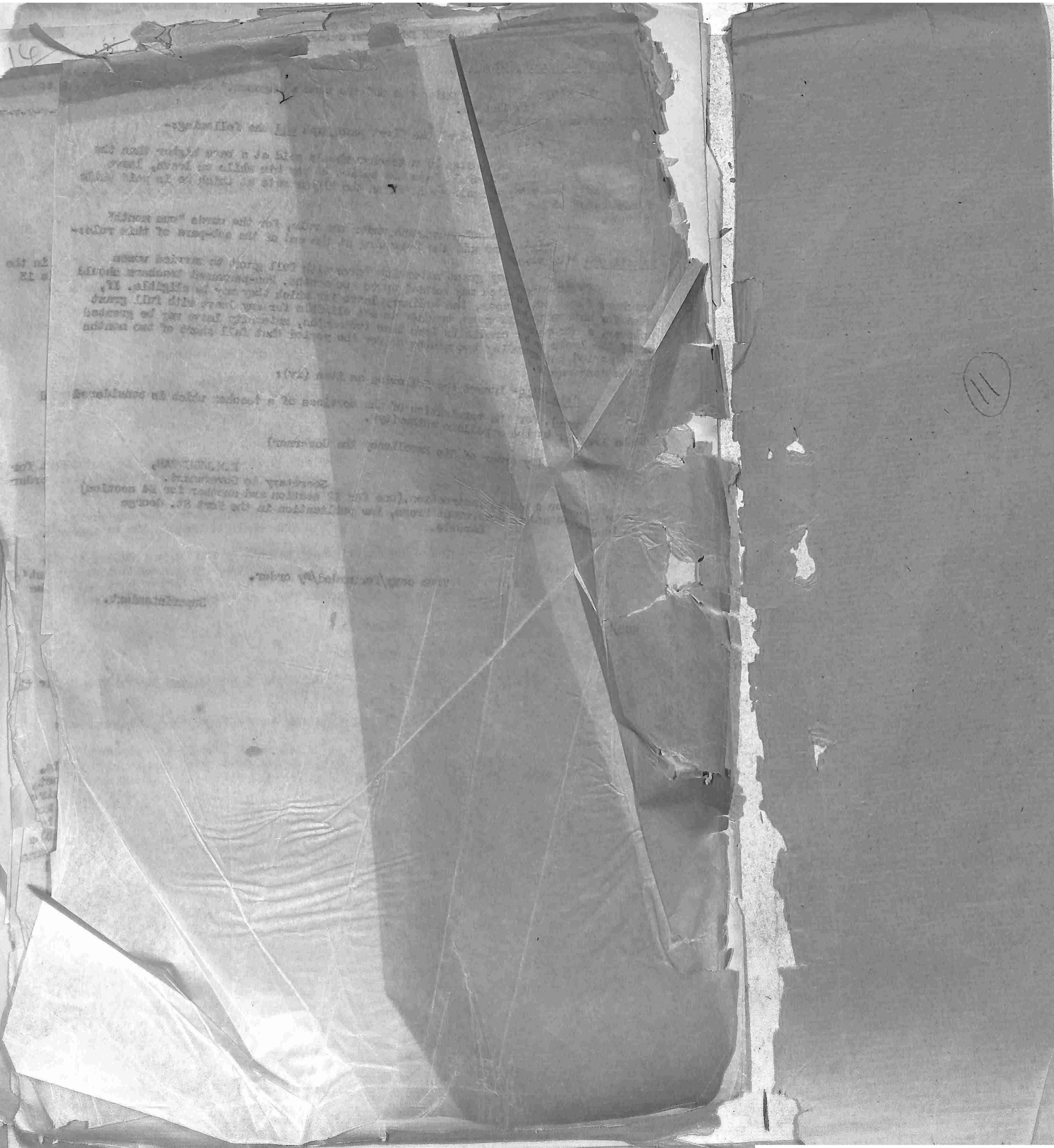
Chapter I - Rules for recruitment

Rule 1(1) In the second sentence of the proviso to the rule after the words "interference" add "or any other good cause".

(1) In clause (vi), add the following as a sub-paragraph:-

"The management of a school may suspend any permanent or temporary teacher of the staff, pending the decision of the District Officer, for a period not exceeding three months for gross misconduct, habitual drunkenness, habitual absence or any other cause, if such a cause is reported in the interest of the institution. In all such cases, a report of having been made by the District Officer shall be sent to the District Officer on the date of the suspension. When the suspension of the teacher is held to have been warranted by the District Officer, the management shall pay the full pay and allowances to which the teacher would have been entitled had he not been suspended. The period of suspension shall be treated as a period spent on duty."

(11) At the end of the first sentence of the proviso to the rule after the words "interference" add "or any other good cause".



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