

THE UTTAR PRADESH PRAVIDHIK SHIKSHA ADHINIYAM, 1962

[U. P. ACT NO. XVII of 1962]

Amended by

U. P. Act no. XXIII of 1966

U. P. Act no. XXXV of 1974.

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GOVERNMENT OF UTTAR PRADESH

VIDHAYIKA VIBHAG

No. 3624/XVII-228-1958

Dated Lucknow, November 30, 1962

NOTIFICATION

MISCELLANEOUS

[Passed in Hindi by the Uttar Pradesh Legislative Council on September 18, 1962 and by the Uttar Pradesh Legislative Assembly on November 1, 1962 and again passed by Uttar Pradesh Legislative Council, with amendments made by Uttar Pradesh Legislative Assembly on November 5, 1962.

Received the assent of the Governor on November 23, 1962 under Article 200 of the Constitution of India and was published in the Uttar Pradesh Gazette Extraordinary, dated November 30, 1962.]

THE UTTAR PRADESH PRAVIDHIK SHIKSHA ADHINIYAM, 1962¹

[U.P.Act No. XVII of 1962]

Amended by-

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U.P.Act No. XXXV of 1974

AN

ACT

to provide for the establishment and Constitution of a Board of Technical Education in Uttar Pradesh and for matters connected therewith.

It is hereby enacted in the Thirteen Year of the Republic of India as follows:

Short title and extent

1. (1) This Act may be called the Uttar Pradesh Pravidhik Shiksha Adhiniyam. 1962
- (2) It shall extend to the whole of Uttar Pradesh.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context-
 - (a) “affiliated institution” means an institution affiliated to the Board in respect of any course or courses of study in accordance with the provisions of the Act or the regulations made thereunder ;
 - (b) “Board” means the Uttar Pradesh Pravidhik Shiksha Parishad (Board of Technical Education, Uttar Pradesh), established under section 3;
 - (c) “bye-laws” means the bye-laws made under section 24;
 - (d) “Centre” means the institution or the place fixed by the Board for the purpose of holding its examinations and includes the premises attached or appurtenant thereto;

1.For S.O. R. see Gazotte Extraordinary, date August 20, 1962. (w.e.f. November 30, 1962)

(e) “certificate” means the certificate awarded by the Board to a person for successfully completing in an affiliated institution such courses of study as may from time to time be prescribed by regulations;

(f) “Chairman” means the Chairman of the Board appointed by the state government under section 4;

(g) "diploma" means a diploma awarded by the board to a person for successfully completing in an affiliated institution such courses of study as may from time to time be prescribed by regulations;

[and includes a preparatory diploma, advanced diploma, higher diploma, intermediate diploma or a diploma awarded for completing a post diploma course]¹

[“(gg) ‘Director’ means the Director of Technical Education, Uttar Pradesh and includes for the purposes of sections 22-A to 22-G, any officer not below the rank of Deputy Director, Technical Education authorized by the Director in that, behalf;]²

(h) “invigilator” means a person who assists the Superintendent of a Center in conducting and supervising the examination at the Centre and includes a project observer in relation to a project examination;

[(hh) “Management” or “Committee of Management” in relation to an affiliated institution, means the Managing Committee or other body charged with managing the affairs of that institution ;]³

(i) “Member” means a member of the Board and includes the Chairman and the Vice-Chairman thereof;

(j) “regulations” means regulations made under section 23;

(k) “rules” means rules made by the State Government under section:22;

(l) “Secretary” means the Secretary of the Board appointed by the State Government under section 11;

(m) “State” means the State of Uttar Pradesh;

(n) “Superintendent of Centre” means the person appointed by the Board to conduct and supervise examinations of the Board and includes an additional Superintendent

1. Ins. by sec. 2 of U. P. Act no.23 of 1966. (w.e.f. September 14, 1966)

2. Ins. by section 2 (i) of U.P. Act No. 35, 1974. (w.e.f. December 7, 1974)

3. Subs. by section 3 (ii) ibid.

and an associate Superintendent; and

(o) “Vice-Chairman” means the Vice Chairman of the Board, appointed by the State Government under section 4.

Establishment of the Board.

3. There shall be established by the State Government by notification in the Gazette a Board to be called the Uttar Pradesh Pravidhik Shiksha Parishad (i.e., the Board of Technical Education, Uttar Pradesh) and such a notification may be made at any time after the commencement of this Act, notwithstanding the fact that one or more of the Seats of members are yet to be filled.

Constitution of the Board.

[4-(1)]¹ The Board shall consist of the following members namely:

- (i) the Chairman, nominated by the State Government;
- (ii) the Vice-Chairman, nominated by the State Government;
- (iii) four members elected by the State Legislative Assembly from amongst its members;
- (iv) two members elected by the State Legislative Council from amongst its members;
- (v) one representative each of the departments of "[**Industries and Finance**]"² of the State Government;
- (vi) two representatives of industry, nominated by the State Government;
- (vii) one Principal from amongst the Principals of the Degree Colleges for Girls situate in the State, to be nominated by the State Government;
- (viii) one representative of [**Ministry for the time being dealing with Technical Education**]³ Government of India;
- (ix) one representative of the Northern Regional Committee of the All-India Council for Technical Education;
- (x) one representative of the Railway Board;
- (xi) one representative of the Institution of Engineers(India);
- (xii) one representative of the Indian Institute of Technology, Kanpur;

1 Renumbered by section 3 of U.P. Act No 35 of 1974 (w.e.f. December 7, 1974)

2.Subs. by section 3 (i) of U.P. Act no 23 of 1966 (w.e.f. September 14, 1966)

3. Subs. by section 3 (ii) ibid.

(xiii) one representative of the Military Engineering Service, **[of the Command having its headquarter in the State.]**¹

(xiv) four of the Principals of the Institutions affiliated to the Board, by rotation in the manner prescribed by rules;

[(xv) one representative of each University established by or under an Uttar Pradesh Act having a Faculty of Engineering or Technology, by whatever name called so, however, that where the number of such universities exceeds five, only five universities shall be represented by rotation in the manner prescribed by rules;]²

(xvi) the Chief Engineers of the Public Works, local self-Government (Engineering) and Irrigation Department of the State Government-ex-officio;

(xvii) the Chief Engineers of the State Electricity Board-ex-officio ;

(xviii) the Vice Chancellor of the Roorkee University-ex-officio ;

(xix) the [Director of Education, **[Secondary Education)]**³ Uttar Pradesh-ex-officio;

(xx) the Director of Training and Employment, Uttar Pradesh- ex-officio ;

(xxi) the Director of Technical Education, Uttar Pradesh- ex-officio ;

(xxii)) the Director of Industries, Uttar Pradesh- ex-officio ;

(xxiii) the Electrical Inspector to the State Government – ex-officio ; and

(xxiv) two persons nominated by the State Government.

[(2) The members mentioned in clauses (xvi), (xvii), (xix),(xx) and (xxii) of sub-section(1) may instead of attending any meeting of the Board themselves, depute any officer subordinate to them not below the rank of Deputy Chief Engineer or Deputy Director, as the case may be, and the officers so deputed shall be entitled to take part in the proceeding of the particular meeting for which they are deputed and shall also be entitled to vote at such meetings.]⁴

Co-option of experts.

5. The Board may co-opt such persons, not exceeding three, as may be experts in subjects included in the courses of study laid down by the Board. Name of the persons co-opted and the term of co-option of each, which shall not exceed three years, shall be notified in the Gazette.

1. Subs. by section 3 (iii) of U.P. Act No 23 of 1966. (w.e.f. September 14, 1966)

2.Subs. by section 3 (iv)ibid.

3. Subs. by section 3 (a) of U.P. Act no. 35 of 1974. (w.e.f. December 7, 1974)

4. Ins. by section 3(b) ibid.

[6. (1) Subject to the provisions of sub-sections (3) and (4) and of section 7-

(a) the term of office of members mentioned in clauses (i) to (iv), (vi), (ix) and (xxiv) of section 4 shall be three years from the respective dates on which their appointments is notified in the Gazette;

(b) the term of office of members mentioned in clauses (vii), (xiv) and (xv) of section 4 shall be such as may be prescribed by rules.

(2) Members mentioned in clauses (v), (viii) and (x) to (xii) of section-4 may be nominated by the appropriate authorities or bodies from time to time.

(3) Except ex-officio members and members referred to in sub-section (2), a member may at any time by writing under his hand, addressed to the Secretary to the Board, resign his office.

(4) A member shall cease to hold office as such when he ceases to hold the office by virtue of which or the capacity in which he became eligible or was nominated for the membership.]¹

Removal of member

7. The State Government may remove from the membership a member who in its opinion has so abused his position as such member as to render his continuance on the Board detrimental to the public interest:

Provided that the State Government shall, before removing a member as aforesaid, give him an opportunity of explanation and shall place on record the reasons for his removal.

Meeting of the Board.

8. (1) The Board shall meet at such times and places and shall, subject to the provisions of sub-sections(2) and (3), observe such procedure in transacting the business at its meetings, including the quorum thereat, as may be provided by bye-laws made in this behalf.

(2) The Chairman and in his absence, the Vice-Chairman shall preside at the meeting of the Boards. In the absence of both, any member chosen by the members present in the meeting shall preside at that meeting.

(3) All question arising in a meeting of the Board shall be decided by majority of votes of the members present and voting and, in case of equality of votes, the person presiding at such meeting shall have a second or casting vote.

1. Subs. by section 4 of U.P. Act No 23 of 1966. (w.e.f. September 14, 1966)

Vacancies etc. not to invalidate acts and proceedings.

9. No act or proceedings of the Board or of a Committee appointed by it, shall be deemed to be invalid by reason merely of the existence of any vacancy in, or any defect in the constitution of the Board or the Committee, or because of any irregularity in procedure if not effecting the merits of the case.

Office of the Board.

10. The office of the Board shall be located at such place in Uttar Pradesh as may be fixed by the State Government.

Secretary of the Board.

11. (1) The State Government shall appoint a Secretary to the Board to assist the Board in carrying out the purposes of this Act.

(2) The Secretary shall be a Government servant.

Functions and duties of the Board.

12. Subject to the provision of this Act and the rules and regulations made thereunder, the functions and duties of the Board shall be-

(i) to affiliate institutions and prescribe courses of study and instructions leading to examinations conducted by it;

(ii) to prescribe standards for buildings and equipment of affiliated institutions;

(iii) to prescribe educational qualifications and other standards for the members of staff of affiliated institutions;

(iv) to prescribe educational qualifications for admission of students to affiliated institutions;

(v) to prescribe the manner of admission of students to affiliated institutions;

(vi) to admit candidates to examinations conducted by it;

(vii) to conduct examinations for promotions from lower to higher classes and also for awarding certificates and diploma;

(viii) to publish results of examinations conducted by it;

(ix) to grant certificates and diplomas to students who have completed the prescribe courses of study in an affiliated institution and have passed the examinations conducted by it;

(x) to co-operate with other authorities and bodies in such manner and for such purposes as may be necessary for giving effect to the provisions of this Act;

(xi) to advise the State Government on co-ordinated development of technical education and training regarding the same;

(xii) to do all other such acts and things as may be necessary for the proper discharge

of its functions under this Act or the rules or regulations made thereunder; and

(xiii) to carry out such other duties as may be imposed upon it under this Act or the rules or regulations made thereunder.

Power of the Board.

13.(1) The Board shall, subject to the provisions of this Act and the rules made thereunder have all such powers as may be necessary for the discharge of its functions and the performance of its duties under this Act, or the rules or regulations made thereunder.

(2) In particular and without prejudice to the generality of the foregoing powers; the Board shall have the powers:

[“(i) to cancel an examination or withhold the result of an examination of a candidate, or to disallow him from appearing at any future examination who is found by it to be guilty of-

(a) using unfair means in the examination; or

(b) making any incorrect statement or suppressing material information or fact in the application form for admission to the institution or to the examination; or

(c) fraud or impersonation at the examination; or

(d) securing admission to the examination in contravention of the rules governing admission to such examination; or

(e) any act of gross indiscipline in the course of the examination;”]¹

[(i-A) to deduct marks at any examination of any candidate found by it to be guilty of any act of indiscipline in the course of the examination;]² and

(ii) to cancel the result of an examination of any candidate **[found by it to be guilty]**³ of all or any of the acts mentioned in sub-clauses (a) to (d) of clause (i) or for any bona fide error of the Board in the declaration of the result:

Provided that the result of an examination shall not be cancelled on the ground of a bona fide error of the Board, after the expiry of 90 days from the date of announcement of the result the examination;

(iii) to prescribe fees for the examinations conducted by it and provide for the manner of their realization;

1. Subs. by section 5 of U.P. Act No 23 of 1966. (w.e.f. September 14, 1966)

2. Ins. by section 5(ii) ibid.

3. Subs. by section 5(iii) ibid.

(iv) to refuse affiliation of an institutions-

(a) which does not fulfil , or is not in a position to fulfil or does not come up to, the standards for staff, instruction, equipment, or buildings laid down by the Board in this behalf; or

(b) which does not or is not willing to abide by the conditions of affiliation laid down by the Board in this behalf;

(v) to withdraw affiliation of an institution not able to adhere to, or make provision for, standards of staff, instruction equipment, or buildings laid down by the Board, or on its failure to observe the conditions of affiliation, to the satisfaction of the Board;

(vi) to call for reports from the heads of affiliated institutions in respect of any act of contravention of the rules or regulations or decisions, instructions or directions of the Board, and take suitable action for the enforcement of the rules or regulations or decisions, instructions or directions of the Board, in such manner as may be prescribed by the regulations;

(vii) to inspect an affiliated institution for the purpose of ensuring due observance of the prescribed courses of study and that facilities for instructions are duly provide and availed of; and

(viii) to fix the maximum number of students that may be admitted to courses of study in an affiliated institution.

(3) The decision of the Board in all matters mentioned in sub-sections(1) and (2) shall be final.

**Power of the State
Government**

14. (1) The State Government may communicate to the Board its views on any work done or conducted by the Board or in respect of any matter with which the Board is concerned and the Board shall thereupon report to the State Government the action taken or proposed to be taken by it in regard thereto.

(2) If the Board fails to take action within a reasonable time to the satisfaction of the State Government or fails to communicate the action taken or proposed to be taken, the State Government may, after considering any explanation furnished or representation made by the Board, issue such directions consistent with the provisions of this Act and the rules and regulations made thereunder as it may think fit. The Board shall comply with the said directions within the time specified therein and if it

fails to do so, the State Government may take all such steps as it may deem necessary to give effect to such directions.

[(3) Notwithstanding anything in sub-sections(1) and (2), the State Government, in any emergency which in its opinion requires that immediate action should be taken, may without prior reference to the Board, issue such directions or take such other action consistent with the express provisions of this Act as it may think fit.]¹

**Powers and duties
of the Chairman**

15. (1) The Chairman shall, subject to the superintendence, control and directions of the Board, have the power to do all acts required for implementing the decisions of the Board and shall exercise such other powers and perform such other duties as may be prescribed by rules.

(2) The Chairman shall, subject to the superintendence, control and directions of the Board, have the power to take such orders on the decisions of the Committees constituted under sub-section (1) of section 18, as may be within the jurisdiction of the Board and as he may deem fit. The chairman shall inform the Board of every such order at its next meeting.

(3) The Chairman may in an emergency, which in his opinion, requires that immediate action should be taken deal with any matter within the competence of the Board and subject to the provisions of this Act, the rules and regulations made thereunder, by order in writing take such action as he may deem necessary. The Chairman shall thereupon forthwith inform the Board, at its next meeting, of the action so taken.

(4) The Board may, subject to the provisions of sub-section (3) of section 14, confirm, set aside or modify the order passed by the Chairman under sub-section(2) or (3), and pass such other order as may be considered expedient or necessary in regard to matters arising from the action taken by him.

(5) Any action taken, or order passed, by the State Government under sub-section (2) of section (14), whether in respect of any matter dealt with by the Chairman under sub-section (2) or (3) or otherwise, shall be final and be not questioned before any

1. Subs. by section 6 of U.P. Act No 23 of 1966. (w.e.f. September 14, 1966)

court of law, and shall prevail over any order passed by the Chairman or the Board under this section.

**Powers and duties
of the Vice-
Chairman**

16. The Vice-Chairman shall exercise such powers and perform such duties of the Chairman as may be prescribed by rules or delegated to him by the Chairman.

**Powers and duties
of the Secretary.**

17. The Secretary shall be Chief Executive Officer of the Board and shall, subject to the superintendence, control and directions of the Board, be responsible for the execution of its decisions. He shall exercise such other powers and perform such other duties as may be prescribed by rules and in particular:-

- (a) be responsible for the preparation of the estimates of accounts annual assessments of income and expenditure.
- (b) be responsible for ensuring that all moneys allotted to the Board are spent for the purposes for which they are allotted ;
- (c) be responsible for keeping the minutes of the meetings of the Board; and
- (d) be entitled to be present at the meeting of the Board and take part in the proceedings, but shall have no right of vote.

**Constitution of
Committees and
Sub-Committees.**

18. (1) The Board shall constitute a [**Committee of Courses**]¹ an Examination Committee, a Committee for Inspections and Affiliation and such other Committees as may be prescribed by rules of regulations. The secretary shall be an exofficio member of each such Committee.

(2) A Committee constituted under sub-section (1) shall consist of such members and such other persons as the Board may in each case appoint. The term of a Committee and the number of its members shall be such as may be prescribed by regulations.

(3) A Committee of the Board may co-opt such persons and for such period as it thinks fit, provided that the number of persons co-opted shall not exceed one-third of the total number of members of the Committee.

(4) A member of committee, or a person co-opted by it, may resign his office by writing addressed to the Board, or the Committee, as the case may be.

(5) A casual vacancy in the Committee caused by resignation under sub-section (4), or arising from any other cause, shall be filled by fresh appointment or co-option in the manner provided in sub-section (2) or (3) as the case may be.

(6) A Committee appointed under this Act constitute sub-committees for such purposes as may be prescribed by regulations, and for such period as it may think fit.

1. Subs. by section 7 of U.P. Act No 23 of 1966. (w.e.f. September 14, 1966)

Delegation and reference to Committees by the Board.

[19. (1) The Board may by general or special order delegate either unconditionally or subject to such conditions and limitations, if any, including the condition of review by itself, as may be specified in the order, to any Committee appointed under this Act, such of its powers and duties under this Act as it may deem necessary.

(2) Without prejudice to the generality of the foregoing power, the Board may refer any question arising in the course of the exercise of its powers or performance of its duties and functions under this Act to the appropriate Committee and where a reference is so made, the Board shall, before taking a decision thereon, consider the recommendations and suggestions of the Committee.]¹

Authentication of orders and other instruments of the Board,

20.(1) All decisions of the Board shall, subject to the provisions of this Act and the rules and regulations made thereunder, be arrived at by resolution, duly passed by it, and shall be authenticated by the signature of the Chairman or such other member as may be authorized by the Board in this behalf.

(2) All instruments executed on behalf of the Board shall be authenticated by the signature of the Secretary or such other officer of the Board as may be authorized by it in this behalf.

Superintendent of a Centre and invigilator to be public servant.

21. (1) Every Superintendent of a Centre and every invigilator shall, during the period of an examination conducted by the Board, and for a period of one month prior to the commencement of, and of two months immediately following the close of such examination, be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Act xiv of 1860.
Act V of 1898

[(2) An assault on, or use of criminal force to, a Superintendent of a Centre or an invigilator during the period mentioned in sub-sections (1) shall be deemed to be an obstruction voluntarily caused to a public servant in the discharge of his public functions, punishable under section 186 of the Indian Penal Code, and shall, notwithstanding anything contained in the Code of Criminal Procedure, 1898, be a cognizable offence.]²

Powers to make rules

22.(1) The State Government may, by notification and after previous publication in the Gazette, make rules to carry out the purpose of this Act.

(2) Without prejudice to the generality of the foregoing power such rules may provide for-

[(a) the manner of rotation and the term of office of members mentioned in clauses (vii), (xiv) and (xv) of section 4.”]³

1. Subs. by section 8 of U.P. Act No 23 of 1966. (w.e.f. September 14, 1966)

2. sec 21 renumbered as sub sec (1) and sub section (2) inserted by sec 9 of U.P. Act No 23 of 1966.

3. subs. by section 10 of U.P. Act No 23 of 1966.

(b) the rates of travelling and daily allowances payable to members of the Board, Committees and sub-Committees and the persons co-opted thereto, and the manner of their payment;

(c) the additional powers, duties and functions of the Board, the Chairman, the Vice-Chairman and the Secretary; and

(d) any other matter which under this Act is to be or may be prescribed by rules.

(3) All rules made under this Act shall, as soon as may be after they are made, be laid before each House of the State Legislature while it is in session for a total period of fourteen days extending in its one session or more than on successive sessions and shall, unless some later date is appointed, take effect, from the date of their publication in the Gazette, subject to such modifications or annulments as the two Houses of the Legislature may agree to make; so however, that any such modification or annulment shall be without, prejudice to the validity of anything previously done thereunder.

**Scheme of
Administration**

22-A. (1) Notwithstanding anything in any law, document or degree or order of a court or other instrument, there shall be a Scheme of Administration for every institution whether affiliated before or after the commencement of the Uttar Pradesh Pravidhik Shiksha (Sanshodhan) Adhiniyam, 1974.

(2) The Scheme of Administration shall, amongst other matters, provide for the constitution of a Committee of Management vested with authority to manage and conduct the affairs of the affiliated institution.

(3) The Principal of the affiliated institution shall be ex-officio member of the Committee of Management with a right to vote.

(4) The Principal of the affiliated institution shall neither attend the meeting of the Committee of Management nor shall he exercise his right to vote whenever a charge concerning his personal conduct is under discussion.

(5) The Scheme of Administration shall also describe, subject to any regulations, the respective powers, duties and functions of the Principal and the Committee of Management in relation to the affiliated institution.

(6) Where more than one affiliated institution is maintained by a body or authority, there shall be a separate Committee of Management for each such institution, unless otherwise provided in the regulations for any class of affiliated institutions.

(7) The Scheme of Administration of every affiliated institution shall be subject to the approval of the Director and no amendment to or change in such scheme shall be made at any time without the prior approval of the Director in writing.

(8) Every affiliated institution shall be managed in accordance with the Scheme of Administration framed under and in accordance with this section and sections 22-B and 22-C.

Period within which the scheme of Administration shall be submitted.

22-B. (1) In the case of an institution already affiliated at the date of commencement of the Uttar Pradesh Pravidhik (Sanshodhan) Adhiniyam, 1974, a draft of the Scheme of Administration shall be prepared and submitted to the Director for his approval in accordance with section 22-C within six months from the said commencement and in all other cases alongwith the application for affiliation.

(2) Where an institution which has already been affiliated at the commencement of the Uttar Pradesh Pravidhik Shiksha (Sanshodhan) Adhiniyam 1974, fails to comply with the provisions of sub-section (1) within the period provided therefore, the Director shall send a notice to such institution requiring it to submit the Scheme of Administration within a further period of three months:

Provided that on a representation by the affiliated institution prior to the expiry of the extended period, the Director may, in his discretion, allow a further extension for a period of three months.

(3) If the scheme is not submitted within the time allowed the Director shall take action in accordance with clause (a) or clause (b) of sub-section (3) of section 22-D.

Approval of the draft Scheme of Administration.

22-C. (1) Subject to the regulations governing the principles for according approval to Scheme of Administration, the Director shall, within such period of time as may be specified in the regulations, either approve the draft Scheme of

Administration submitted under section 22-B or suggest any alternation or modification therein.

(2) Where the Director suggest any modification in the Draft Scheme of Administration under sub-section (1), shall send a copy of the same to the affiliated institution giving his reasons therefor and affording an opportunity to such institution to make a representation, within such period of time, as may be, specified in the regulations:

Provided that in case the Director does not suggest any alteration or modification in the draft Scheme within the period specified in the regulations, draft Scheme shall be deemed to have been approved.

(3) The Director shall consider any representation made in accordance with the provisions of sub-section (2) and may approve the Scheme of Administration in its original form or subject to the modification suggested under the said sub-section or with any other modification as may appear to him to be just and proper:

Provided that where the Director proposes to make a new modification in the Scheme of Administration, he shall provide an opportunity to the affiliated institution to make a representation to him within such period of time as may be specified in the regulations.

Inspection of affiliated institution and removal of defects.

22-D. (1) The Director may cause an affiliated institution to be inspected from time to time.

(2) The Director may direct the Management of an affiliated institution to remove any defect or deficiency found on inspection or otherwise.

(3) Where the Management fails to comply with any direction made under sub-section (2), the Director may, after considering the explanation or representation, if any, given or made by the Management-

(a) refer the case to the Board for withdrawal of affiliation; or

(b) recommend to the State Government to proceed against the affiliated institution under sub-section (4).

(4) If on receipt of a recommendation referred to in clause (b) of sub-section (3), the State Government is satisfied that in the interest of the institution it is necessary that the Management of that institution be handed over to an Authorized Controller, the State Government may by an order, for such period as may be specified in the order, appoint an Authorized Controller and that Authorized Controller may take over the management of the institution including management of the land, buildings, funds and other assets belonging to or vested in the institution to the exclusion of the Committee of Management or any other person, and whenever the Authorized Controller so takes over the management, he shall, subject only to such restrictions as the State Government may impose, have in relation to the management of the institution all such powers and authority as the Committee of Management would if no order were made under this sub-section.

(5) The period for which an order may be made under sub-section (4) shall not exceed one year in the first Instance:

Provided that if the State Government is of opinion that it is expedient so to do in order to continue to secure the proper management of the institution, it may from time to time extend the operation of the order for such period, not exceeding one year at a time, as it may specify, so however, that the total period of the operation of the order, including the period specified in the initial order under sub-section (4) does not exceed five years:

Provided further that if at the expiration of the said period of five years, there is no lawfully constituted Committee of Management of the Institution, the Authorized Controller shall continue to keep the management in his hand until the State Government is satisfied that the Committee to Management has been lawfully constituted:

Provided further that the State Government may at any time revoke an order made under sub-section (4) or under this sub-section.

(6) No person who is appointed Authorized Controller under-section (4), shall be personally liable for acts done by him in good faith in performance of the duties entrusted to him.

(7) Any order made or directions given under sub-section (4) shall have effect, notwithstanding anything inconsistent therewith contained in any other enactment of instrument relating to the management and control of the institution (including any Scheme of Administration) or relating to the property belonging to or vested in the institution.

(8) No order made by the Board withdrawing affiliation under clause (a) of sub-section (3) and no order made under sub-section (4) shall be called in question in any court.

(9) The powers conferred by this section shall be in addition to and not in derogation of any powers conferred on the State Government or the Authorized Controller under any other law.

Appointment of teachers.

22-E. (1) Qualifications for appointment as Principal and of teachers shall be laid down by regulations:

Provided that the Board may, after considering the report of the Director, exempt any person from the requirement of minimum qualifications having regard to his experience, education and other attainments.

(2) There shall be constituted in every affiliated institution a selection committee with the head of such institution as an ex-officio member thereof, for the purpose of selecting candidate for appointment as teacher in the affiliated institution.

(3) For the selection of Principal of an affiliated institution, there shall likewise be constituted a selection committee of three members one of whom shall be a person not belonging to the district in which the affiliated institution is located, selected by Committee of Management out of the regional panel referred to in sub-section(4).

(4) The Director shall prepare for each region a panel of persons to act as nominated members in the selection committee referred to in sub-section (3).

(5) The constitution of the selection committee referred to in sub-sections (2) and (3), the conduct of business at their meeting, the preparation of regional

panels and other matters shall be regulated by regulations.

**Procedure of
selection of
Principal and
teacher.**

22-F.(1) Subject to the provisions hereinafter specified, no person shall be appointed as Principal or teacher in an affiliated institution unless he—

- (a) Possesses the qualifications laid down in the regulations or has been exempted from such qualifications under sub-section(1) of section- 22-E;**
- (b) has been recommended by the selection committee constituted under sub-section (2) or sub-section (3), as the case may be, of the said section and approved by the Director:**

Provided that where the Director is satisfied that for any affiliated institution, no candidate possessing all the qualifications laid down in the regulations is available for appointment, he may permit the affiliated institution to employ as a temporary measure any suitable person for a period not exceeding one year:

Provided further that such period of one year may be extended with prior approval of the Director:

Provided also that in the case of leave vacancy or of a vacancy or of a vacancy occurring for a part of the session of the affiliated institution, it shall be lawful for the Committee of Management to appoint a Principal or teacher, and in that case information of such an appointment shall be given forthwith to the Director.

(2) The name of the selected candidate shall be forwarded for approval to the Director alongwith the list showing the names, qualifications and such other particulars. As may be laid down by regulations, of all candidates who may have applied for selection.

(3) The Director shall give his decision within two weeks of the receipt of the relevant papers mentioned in sub-section (2), failing which approval shall be deemed to have been accorded.

(4) Where the Director disapproves, for reasons to be recorded in writing, if any name proposed under sub-section (1), the Management may, within three weeks of the receipt of the disapproval, make a representation against it to the State Government whose decision in the matter shall be final.

(5) Where a recommendation made under sub-section (2) has been disapproved and the representation of the Management. If any under sub-section (14) has been rejected the selection committee shall proceed to select and recommend another name for approval as provided by section 22-E and this section.

(6) Where the selection made under sub-section (5) is again disapproved and the representation if any against the disapproval has not been accepted, the Director may appoint any qualified person out of the list of the candidates applying for the vacancy and such appointment shall be final.

Dismissal or removal etc. of teachers.

22-G. (1) No Principal or teacher may be discharged or removed or dismissed from service or reduced in rank or subject to any diminution in emoluments, or served with notice of termination of service except with the prior approval in writing of the Director, whose decision shall be communicated within such period as may be provided by regulations.

(2) The Director may approve or disapprove or reduce or enhance the punishment or approve or disapprove of the notice for termination of service proposed by the Management:

Provided that in the case of a punishment. Before passing orders, the Director shall give an opportunity to the Principal or the teacher to show cause within a fortnight of the receipt of the notice why the proposed punishment should not be approved.

(3) Nothing in this section shall apply to an order of suspension during the pendency in contemplation of an inquiry.]¹

Power to make regulations.

23. (1) The Board may, for carrying out purposes of this Act. Make regulations consistent with the provisions of this Act and the rules framed thereunder and submit the same for approval of the State Government. The State Government may approve, modify or vary the regulations. The regulations, as approved by the State Government, shall be published in the Gazette and shall take effect from the date of publication, but where a date has been specified from that date.

1. Ins. by section 2 (i) of U.P. Act No. 35, 1974. (w.e.f. December 7, 1974)

(2) Without prejudice to the generality of the foregoing powers, the regulations may provide for-

- (a) the appointment, constitution, powers and duties of the Committees and sub-committees constituted under this Act;
- (b) the manner and conditions of conferment of certificates and diplomas;
- (c) the conditions for affiliations of institutions;
- (d) the courses of study to be prescribed for certificated and diploma examinations;
- (e) the conditions under which candidates shall be admitted to be examination of the Board and shall be eligible for certificates and diplomas;
- (f) the fees for admission to the examination of the Board and the manner of their realisation;
- (g) the conduct of examinations;
- (h) the appointment of examiners, moderators, collators, scrutinizers, tabulators, centre inspectors, superintendent of centers and invigilators and their duties and powers in relation to the Board's Examinations, and the rates of their remuneration;
- (i) standards for buildings including land appurtenant thereto, the equipment and apparatus necessary for institutions seeking affiliation;
- [(j) the qualifications, conditions of service, scales of pay and strength of teaching and non-teaching staff of affiliated institutions.]¹ ;**
- (k) publication of results of examinations conducted by the Board;
- (l) the minimum educational and other qualifications for admission of students to an affiliated institution;
- (m) admission of students to affiliated institutions;
- (n) the inspection of affiliated institutions with a view to ensure due observance of the prescribe courses of study and that facilities for instructions are duly provided and availed of;
- (o) the conditions under which a candidate may be disallowed admission to the examination of the Board of courses of study in an affiliated institution;
- (p) withholding or cancelling results of an examination conducted by the Board and cancelling an examination conducted by it in respect of any candidate;

1. subs. and be deemed always to have been substituted by section 5(i) of U.P. Act No. 35, 1974. (w.e.f. December 7, 1974)

(q) the circumstances under which affiliation of an institution may be withdrawn or refused;

(r) inspection of a Centre; [* * *]¹

[(ra) the powers, duties and functions of Principal and Committee of Management;

(rb) the principles under which approval to a Scheme of Administration may be accorded;

(rc) the period of time during which a representation may be made to the Director under sub-section (2) of section 22-C;

(rd) the period of time on the expiry of which a draft Scheme of Administration shall be deemed to have been approved by the Director under the provision to sub-section (2) of section 22-C;

(re) the period of time during which a representation may be made by an affiliated institution under the provision to sub-section (3) of section 22-C;

(rf) the constitution of the selection committee referred to in sub-section (2) and sub-section(3) of section 22-E; the conduct of business at their meetings, and the preparation of regional panels;

(rh) the particular to be forwarded to the Director under sub-section (2) of section 22-F;

(ri) all matters relating to the appointment and conditions of service of Principals and teachers of affiliated Institutions;]²

(s) any other matter which under this Act or rules made thereunder is to be or may be prescribed by regulations.

Power to make bye-laws.

24.(1) The Board may make bye-laws for giving effect to the provision of this Act and the rules and the regulations made thereunder.

(2) Without prejudice to the generality of the foregoing powers, such buy-laws may provide for—

(a) the procedure to be observed at meetings of the Board and the number of members required to form a quorum;

(b) the giving of notice to members of the Board, a Committee or a sub-committee of the date of a meeting and of the business to be considered threat, and for the keeping of the record of proceedings of such meeting; and

1. Del.. by sec 5 (ii) of U.P. Act No. 35, 1974. (w.e.f. December 7, 1974)

2. Inserted by sec. 5 (ii) *ibid*.

(c) any other matter which, under this Act or the rules or regulations made thereunder, is to be or may be prescribed by bye-laws.

Transitional provisions.

25. Notwithstanding anything contained in the foregoing provisions of this Act, on the commencement of this Act-

(i) the Board of Technical Education (hereinafter called the Technical Education Board), constituted under G.O. no. 16-87-A/III-160-K-1958, dated May 13, 1958, as modified from time to time, shall be deemed to be the Board established under section 3 till such Board is established in accordance with the provisions of that section and section 4, and upon the Board being so established the Technical Education Board shall stand dissolved;

(ii) the Chairman and the Vice Chairman of the Technical Education Board shall respectively be deemed to be the Chairman and the Vice-Chairman appointed under section 4 till Chairman, or as the case may be, a Vice-Chairman is appointed in accordance with that section;

(iii) each of the Committee of Technical Education Board known as the Text Book and Syllabus Committee, the Examination Committee, the Results Committee and the Inspection and Affiliation Committee, shall function as a Committee constituted under section 18 till a corresponding Committee is constituted under the said section and upon a Committee being so constituted the corresponding committee of the Technical Education Board shall stand dissolved;

(iv) any institution affiliated to the Technical Education Board shall be deemed to have been affiliated to the Board under this Act on the same terms and conditions; and

(v) any resolution passed by the Technical Education Board before the said commencement shall until regulations on that subject are made, have the same effect as regulation made under this Act.

Powers to remove difficulties.

26. With a view to remove any difficulty in giving effect to the provisions of this Act, the State Government may, during the period of one year after the commencement of this Act, regulate by order any matter which is to be regulated by a rule or regulation under this Act, anything contained in the Act notwithstanding.

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