

THE INTERMEDIATE EDUCATION ACT, 1921  
(U.P. Act No. II of 1921)

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# THE INTERMEDIATE EDUCATION ACT, 1921<sup>1</sup>

**[U. P. Act No. II of 1921]**

*Amended by*

U. P. Act No. V of 1941

U. P. Act No. IV of 1950

U. P. Act No. XXXV of 1958

U. P. Act No. VI of 1959

U. P. Act No. VII of 1966

U. P. Act No. XXIX of 1972

U.P. Act No. XXVI of 1975

U. P. Act No. V of 1977

U. P. Act No. XII of 1978

U. P. Act No. 01 of 1981

U. P. Act No. 09 of 1981

U. P. Act No. 06 of 1984

U. P. Act No. 18 of 1987

U. P. Act No. 16 of 2008

***Adopted and modified by the Government of India (Adaptation of Indian Laws) Order, 1937***

***Adopted and modified by the Adaptation of Laws Order, 1950***

**[Received the assent of the Governor on the 30th September, 1921, and of the Governor-General on the 10th December, 1921, and was published<sup>2</sup> under section 81 of the Government of India Act on the 7th January, 1922. ]**

**AN**

**ACT**

For the establishment of a Board of High School and Intermediate Education.

WHEREAS it is expedient to establish a Board to take the place of the Allahabad University in regulating and supervising the system of High School and Intermediate Education in the United Provinces, and to prescribe courses, therefor;

It is hereby enacted as follows :

**Short title,  
extent and  
commencement**

**1. (1) This Act may be called the Intermediate Education Act, 1921.**

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1. For S. O. R., see *Gazette*. 1921 Pt. VII, p. 18.

2. See *Gazette* 1922, pt. VII p. 1.

[The Intermediate Education Act, 1921]

(2) [It shall extend<sup>1</sup> to the whole of Uttar Pradesh. ]<sup>2</sup>

(3) It shall come into force on such date<sup>3</sup> as the <sup>4</sup>[State Government] may, by notification in the <sup>5</sup>[Official Gazette] direct.

**Definitions**

**2.** In this Act, and in all Regulations made hereunder, unless there is anything repugnant in the subject or context, —

(a) “Board” means the Board of High School and Intermediate Education ;

<sup>6</sup>[ (aa) “Centre” means an institution or a place fixed by the Board for the purposes of holding its examinations and includes the entire premises attached thereto ] ;

(aaa) “Director” means the Director of Education, Uttar Pradesh <sup>7</sup>[and except for purposes of section 3, includes an Additional Director of Education.]

<sup>8</sup>[(b) “Institution” means a recognized Intermediate College, Higher Secondary School or High School, and includes, where the context so requires, a part of an institution, and ‘Head of Institution’

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1. This Act has been extended to the area mentioned in column 1 of this table under the Act or Order mentioned in column 2 and enforced in such areas under notification, if any, mentioned in column 3 with effect from the date mentioned in column 4 against each such area ;

Area	Act or Order under which Extended	Notification, if any, under which forced	Date from which enforced
1. Rampur District	Rampur (Application of Laws) Act, 1950	No. 810/XVII, dated Feb, 28, 1950	March 1, 1950
2. Banaras District	Banaras (Application of Laws) Order, 1949	No. 812/XVII, dated Feb. 28, 1950.	Ditto.
3. Tehri-Garhwal District	Tehri-Garhwal (Application of Laws) Order, 1950.	No. 812/XVII, dated Feb. 28, 1950.	Ditto.

2. *Subs.* for subs. (2) of S. 1 by the A. O. 1950.

3. The Act came into force on April 1, 1922.

4. *Subs.* by the A. O. 1950 for (Provl. Government)

5. *Subs.* for (Gazette) by the A. O. 1937.

6. *Add.* by sec. 2 (1) of U. P. Act No. VI of 1959.

7 *Ins.* by sec. 2 of U. P. Act No. 1 of 1981.

8. *Subs.* by sec. 2 (1) of U.P. Act No. XXVI of 1975.

means the Principal or Head Master, as the case may be, of such institution. ]<sup>1</sup>

<sup>2</sup>[ (bb) “Inspector” means the District Inspector of Schools, and in relation to an institution for girls, the Regional Inspectress of Girls’ Schools, as the case may be, and in each case includes an officer authorized by the State Government to perform all or any of the functions of the Inspector under this Act ; ]

<sup>3</sup>[(bbb) “Invigilator” means a person who assists the Superintendent of a Centre in conducting and supervising the examinations at a Centre ; ]

<sup>4</sup>[ (c) “Prescribed” means prescribed by regulations. ]

(d) “Recognition” means recognition for the purpose of preparing candidates for admission to the Board’s examinations ;

<sup>5</sup>[(dd) “Regional Deputy Director, Education” means the Deputy Director of Education in charge of a region and includes an officer authorized by the State Government to perform all or any other duties of a Regional Deputy Director. ]

(e) “Regulations” means Regulations made by the Board under this Act.

(f) “State Government” means the Government of Uttar Pradesh.

<sup>6</sup>[(g) “Superintendent of a Centre” means a person appointed by the Board to conduct and supervise examinations of the Board and includes an Additional Superintendent and an Associate Superintendent. ]

**<sup>7</sup>[Constitution of the Board]**

<sup>7</sup>[ **3.** (1) the Board shall consist of a Chairman (which office shall be held by the Director, *ex-officio*) and the following other member, namely —

(a) two heads of the institution, maintained by the State Government, nominated by the State Government ;

(b) two teachers of the institutions maintained by the State Government, nominated by the State Government ;

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1. Subs. by s. 2 (i) of U. P. Act No. XXVI of 1975.

2. Subs. by s. 2 (ii) Ibid.

3. Ins. by s. 2 (2) of U. P. Act No. VI of 1959.

4. Subs. by s. 2 (iii) Ibid.

5. Add. by s. 2 (3) of U. P. Act no. XXV of 1958.

6. Ins. By s. 2(3) of U.P. Act no. VI of 1959.

7. Subs. by sec. 2 of U.P. Act No. 16 of 2008.

(c) the Director, State Council of Educational Research and training Uttar Pradesh, Lucknow or a representative nominated by him;

(d) the Director, State institute of Educational Management and Training Uttar Pradesh, Allahabad or representative nominated by him;

(e) the Additional Director of Education (Correspondence), Correspondence Education Institute, Allahabad ;

(f) the Additional Director of Education, (Vocational Education) Lucknow ;

(g) two person related to Education, nominated by the State Government ;

(h) two women related to Women's Education, nominated by the State Government ;

(i) the Director, State Institute of Science Education, Allahabad, *ex-officio* ;

(j) the Principal, State Institute of Education Allahabad *ex-officio*;

(k) the Director, Bureau of Psychology, Allahabad *ex-officio* ;

(l) the Secretary, Board of Secondary Sanskrit Education, Lucknow, *ex-officio* ;

(m) one District Inspector of Schools nominated by the State Government ;

(n) one Regional Joint Director of Education nominated by the State Government ;

(o) the Regional Officer, Central board of Secondary Education, Allahabad *ex-officio* ;

(p) the Principal, Government Physical Training College, Rampur, *ex-officio* ;

(q) one Professor of a Degree College affiliated to a University established by law in Uttar Pradesh nominated by the State Government;

(r) one Professor of an Engineering College affiliated to an Engineering University established by law in Uttar Pradesh nominated by the State Government ;

(s) the Professor of Agricultural University established by law in Uttar Pradesh, nominated by the State Government ;

(t) the Professor of a Medical College affiliated to a Medical University nominated by the State Government ;

<sup>1</sup>[(2) The Secretary of the Board shall be the *ex-officio* member-secretary of the Board.]

[The Intermediate Education Act, 1921]

(3) As soon as may be after the nomination of the Board has been completed, the State Government shall notify that the Board has been duly constituted. ]<sup>1</sup>

**Removal of member**

<sup>2</sup>**[3-A.** The State Government may remove from the Board a member who in its opinion has so flagrantly 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 reasons for his removal. ]

**Term of office of members**

**4.** (1) Member other than <sup>3</sup>[ex officio members] shall hold office for a term of three years from the date of the notification published under <sup>4</sup>[sub-section (3) of section 3. ]

<sup>5</sup>[ Provided that the State Government may, by notification in the official Gazette, enlarge the term of office of all such members by a period not exceeding <sup>6</sup>[six months] at a time so however, that the enlargements, so granted, shall not in the aggregate exceed <sup>6</sup>[one year].

<sup>6A</sup>[ (2) A member of the Board shall cease to be such member upon his ceasing to have the capacity in which he was <sup>7</sup>[nominated] and his place shall thereupon become vacant. ]

**Filling of vacancies on expiry of term of office**

<sup>8</sup>**[5.** The State Government shall take steps for the reconstitution of the Board the expiry of the office of members. ]

**6.** <sup>9</sup> [ \* \* \* \* ]

**Powers of the Board**

**7.** Subject to the provisions of this Act the Board shall have the following powers, namely :-

<sup>10</sup> [(I) to prescribe courses of instructions, text-books, other books and instructional material, if any, for the High School and Intermediate classes in such branches of education as it thinks fit ;

<sup>10</sup>(I-A) to publish or manufacture, whether to the exclusion, complete or partial, of others or otherwise all or any of such text-books, other books or instructional material ; ]

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1. *Subs.* by section 2 of U.P. Act No. 16 of 2008.

2. *Add.* by section 4 of U. P. Act No. 35 of 1958.

3. *Subs.* by section 4 (a) of U. P. Act No. 26 of 1975.

4. *Subs.* by section 12 (a) of U.P. Act No. 12 of 1978.

5. *Add.* by section 2 of U. P. Act No. IV of 1950.

6. *Subs.* by section 12 (b) of U.P. Act No. 12 of 1978.

6A.*Subs.* by section 4(B) of U.P. Act No. 26 of 1975.

7. *Subs.* by section 3 of U.P. Act No. 16 of 2008.

8. *Subs.* by section 13 of U.P. Act No. 12 of 1978.

9. *Omit.* by section 14 of U.P. Act No. 12 of 1978.

10. *Subs.* by section 5 (ii) of U.P. Act No. 26 of 1975 and be always deemed to have been *substituted*.

(2-a) to grant diplomas or certificates to persons who have pursued a course of study in an institution admitted to the privileges of recognition by the Board, or

(b) are teachers ; or

(c) have studied privately, under conditions laid down in the Regulations, and have passed the examinations of the Board under like conditions ;

(3) to conduct examinations at the end of the High School and Intermediate courses ;

(4) to recognize institutions for the purposes of its examinations;

(5) to admit candidates to its examinations ;

(6) to demand and receive such fees as may be prescribed in the Regulations ;

<sup>1</sup>[(7) to publish or withhold publication of the results of its examinations wholly or in part ] ;

(8) to co-operate with other authorities in such manner and for such purposes as the Board may determine ;

(9) to call for reports from <sup>2</sup>[the Director] on the condition of recognized institutions or of institutions applying for recognition ;

(10) to submit to the <sup>3</sup>[State Government] its views on any matter with which it is concerned ;

(11) to see the schedules of new demands proposed to be included in the budget relating to institutions recognized by it and to submit, if it thinks fit, its views thereon for the consideration of the [State Government]<sup>3</sup> ;

(12) to do all such other acts and things as may be requisite in order to further the objects of the Board as a body constituted for regulating and supervising High School and Intermediate Education.

**<sup>4</sup>[Recognition of an institution in any new subject or for a higher class]**

**<sup>4</sup> [7-A.** Notwithstanding anything contained in clause (4) of section 7 —

(a) the Board may, with the prior approval of, the State Government, recognize an institution in any new subject or group of subjects or for a higher class ;

(b) the Inspector may permit an institution to open a new section in an existing class. ]

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1. Subs. by sec. 5 (ii) of U. P. Act No. 26 of 1975.

2. Subs. by sec. 5 of U. P. Act No. XXXV of 1958.

3. Subs. for (Provl. Govt.) by the A. O. 1950 which had been substituted for (Minister) by sec. 5 (2) of U. P. Act No. V of 1941.

4. Subs. by sec. 2 of U. P. Act No. 18 of 1987.



<sup>1</sup>[**Employment of part time teachers or part-time instructors**]

<sup>1</sup>[ **7-AA.** (1) Notwithstanding anything contained in this Act, the management of an institution may, from its own resources, employ—

(i) as in interim measure part-time teachers for imparting instructions in any subject or group of subject or for a higher class for which recognition is given or in any section of an existing class for which permission is granted under section 7-A ;

(ii) part-time instructors to impart instructions in moral education or any trade or craft under socially useful productive work or vocational course.

(2) No recognition shall be given and no permission shall be granted under section 7-A, unless the Committee of Management furnishes such security in cash or by way of Bank guarantee to the Inspector as may be specified by the State Government from time to time.

(3) No part-time teacher shall be employed in an institution unless such conditions as may be specified by the State Government by order in this behalf are complied with.

(4) No part-time teacher or part-time instructor shall be employed unless he possesses such minimum qualifications as may be prescribed.

(5) A part-time teacher or a part-time instructor shall be paid such honorarium as may be fixed by the State Government by general or special order in this behalf.

(6) Nothing in this Act shall preclude a person already serving as a teacher in an institution from being employed as a part-time teacher or a part-time instructor under section 7-AA. ]

<sup>2</sup>[**Exemption**  
**U. P. Act no.**  
**24 of 1971**

<sup>2</sup>[ **7-AB.** Nothing in the Uttar Pradesh High School and intermediate Colleges (Payment of Salaries of Teachers and other Employees) Act, 1971 or the Uttar Pradesh Secondary Education Services Commission and Selection Boards Act, 1982, shall apply in relation to part-time teachers and part-time instructors employed in an institution under section 7-AA. ]

**Prohibition of Unauthorized Conferment of Diplomas and Certificates**

**7-B.** No person shall confer, grant or issue or hold himself out entitled to confer, grant or issue any diploma or certificate or other document stating or implying that the holder, grantee or recipient has pursued a course of study, in any institution or privately, and has passed the High School or Intermediate Examination or any examination described in a manner reasonably calculated to cause it to be believed to be the High School or Intermediate Examination ;

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1. *Ins.* by sec. 3 of U. P. Act No. 18 of 1987.

2. *Ins.* by sec. 3 of U. P. Act No. 18 of 1987.

**Bar of charging any donation for admission to an institution**

**7-C.** No person connected with the management of an institution and no Head of the Institution or teacher or any other employee thereof shall directly or indirectly take or receive or cause to be taken or received any contribution, donation, fees, or any other payment of any sort, either in cash or in kind, except the fees at the rates specified in any order issued by the State Government in this behalf, from or on behalf of any student <sup>1</sup>[as a condition for granting him admission to such institution. ]

**Penalty for contravention of section 7-B or section 7-C**

<sup>2</sup>**[7-D.** Whoever contravenes the provisions of section 7-B or section 7-C, shall be punishable with imprisonment for a term which may extend to three years and also with fine which shall not be less than one thousand rupees and if the person so contravening is a society or any association of persons every member of such society or association who knowingly and willingly authorizes or permits such contravention, shall be so punishable. ]

**Power of utilization of donations**

<sup>3</sup>**[7-E.** Where a contribution or donation, either in cash or in kind, is taken or received by an institution including an institution maintained exclusively by the State Government or a local authority, the contribution or donation so received shall be utilized only for the purpose for which it was given to it and in the case of an institution maintained exclusively by the State Government, the cash contribution or donation shall be credited to the personal ledger account of such institution which shall be operated in accordance with the general or special orders of the State Government. ]

**Exemption of certain Universities from the operation of the Act**

**8.** Nothing in the Act shall affect the constitution, powers or functions of the Banaras Hindu University <sup>4</sup>[or the Aligarh Muslim University] except with their consent recorded in writing.

**Powers of State Government**

**9.** (1) The <sup>5</sup>[State Government] shall have the right to address the Board with reference to any of the work conducted or done by the Board and to communicate to the Board its views on any matter with which the Board is concerned.

(2) The Board shall report to the [State Government]<sup>5</sup> such action, if any, as it is proposed to take or has been taken upon its communication.

(3) If the Board does not, within a reasonable time, take action to the satisfaction of the [State Government]<sup>5</sup> the [State Government]<sup>5</sup> may, after considering any explanation further furnished or representation made by the Board, issue such directions consistent with this Act as it may think fit, and the Board shall comply with such directions.

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1. Subs. by sec. 32 of U. P. Act No. 5 of 1977.

2. Ins. by sec. 6 of U. P. Act No. 26 of 1975.

3. Ins. by sec. 33 of U. P. Act No. 5 of 1977.

4. Subs. by sec. 15 of U. P. Act No. 12 of 1978.

5. Subs. for (Provl. Govt.) by the A. O. 1950.

<sup>1</sup>[(4) Whenever, in the opinion of the State Government, it is necessary or expedient to take immediate action, it may, without making any reference to the Board under the foregoing provisions, pass such orders or take such other action consistent with the provisions of this act as it deems necessary, and in particular, may by such order modify or rescind or make any regulation in respect of any matter and shall forthwith inform the Board accordingly.

(5) No action taken by the State Government under sub-section (4), shall be called in question.]<sup>1</sup>

**Officers of the Board**

**10.** The following shall be the officers of the Board ;

(1) The Chairman,

(2) The Secretary,

(3) Such other officers as may be declared by the Regulations to be officers of the Board.

**Powers and duties of Chairman**

**11.** (1) It shall be the duty of the Chairman to see that this Act and the Regulations are faithfully observed and he shall have all powers necessary for this purpose.

(2) The Chairman shall have power to convene meetings of the Board, and shall call a meeting, at any time after due notice, on a requisition signed by <sup>2</sup>[not less than one-fourth of the total membership of the Board] and stating the business to be brought before the meeting.

(3) In any emergency, arising out of the administrative business of the Board, which, in the opinion of the Chairman, requires that immediate action should be taken, the Chairman shall take such action as he deems necessary, and shall thereafter report his action to the Board at its next meeting.

(4) The Chairman shall exercise such other powers as may be prescribed by the Regulations.

**Appointment, powers and duties of Secretary**

**12.** (1) The Secretary shall be appointed by the <sup>3</sup> [state government] upon such conditions and for such period as the may deem fit.

<sup>4</sup>[ \* \* \* ]

(2) The Secretary, shall, subject to the control of the Board, be the administrative officer of the Board. He shall be responsible for the presentation of the annual estimates and statement of accounts.

(3) He shall be responsible for seeing that all moneys are expended on the purpose for which they are granted or allotted.

(4) He shall be responsible for keeping the minutes of the Board.

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1. Subs. by section 7 of U.P. Act No. 26, 1975.

2. Subs. by section 8 *ibid*.

3. Subs. for Provincial Government by AO 1950.

4. Omit. by s. 9 (i) of U. P. Act No. 26 of 1975.

<sup>1</sup>[(4-A) He shall exercise such powers as are necessary for the conduct of the examinations. ]

(5) He shall exercise such other powers as may be prescribed by the Regulations.

(6) <sup>2</sup>[ \* \* \* ]

**Appointment  
and  
constitution  
of Committees**

<sup>3</sup>**[13.** (1) The Board shall appoint the following Committees and different committees may be appointed for different areas of the State, namely :—

- (a) Curriculum Committee,
- (b) Examinations Committee,
- (c) Results Committee,
- (d) Recognition Committee; and
- (e) Finance Committee.

<sup>4</sup>[(2) Such Committees shall consist of the members of the Board only :

Provided that no member of the Board shall be the member of more than one kind of Committee of these Committees and the members of the Committees shall hold office as such till they are members of the Board. ]

(3) In addition to the committees mentioned in sub-section (1), the Board shall appoint such other committees, if any, as may be prescribed and different such committees may be appointed for different areas.

(4) These additional committees shall be constituted in such manner and the term of members of such committees shall be such as may be prescribed. ]

**Exercise of  
power  
delegated by  
board to  
Committees**

**14.** All matters relating to the exercise by the Board of powers conferred upon it by this Act which have by Regulation been delegated by the Board to any one of its Committees shall stand referred to that Committee, and the Board before exercising any such powers shall receive and consider the report of the Committee with respect to the matter in question.

**XLV of 1860**

<sup>5</sup>**[14-A.** (1) A Superintendent of a Centre and an invigilator shall be deemed to be a public servant under section 21 of the Indian Penal Code, 1860 during the course of examination or examinations conducted by the Board and for a period of one month prior to the commencement of, and of two months immediately following, such examination or examinations.

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1. *Ins.* by section 9 (ii) of U.P. Act No. 26 of 1975.  
2. *Omit.* by section 9 (iii) of U.P. Act No. 26 of 1975.  
3. *Subs.* by sec. 10 of U. P. Act No. 26 of 1975.  
4. *Subs.* by sec. 4 of U. P. Act No. 16 of 2008.  
5. *Ins.* by sec. 3 of U.P. Act 06 of 1959.

(2) An assault on, or use of criminal force to, a Superintendent of a Centre or an invigilator during the period mentioned in sub-section (1) shall be deemed to be an obstruction voluntarily caused to a public servant in the discharge of his public functions and shall be a cognizable offence. ]<sup>1</sup>

## REGULATIONS

### Power of Board to make Regulations

**15.** (1) The Board may make Regulations for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power the Board may make Regulations providing for all or any of the following matters, namely :-

- (a) the constitution, powers and duties of Committees ;
- (b) the conferment of diplomas and certificates ;
- (c) the conditions of recognition of institutions for the purposes of its examinations ;
- (d) the courses of study to be laid down for all certificates and diplomas ;
- (e) the conditions under which candidates shall be admitted to the examinations of the Board and shall be eligible for diplomas and certificates ;
- (f) the fees for admission to the examinations of the Board ;
- (g) the conduct of examinations ;
- (h) the appointment of examiners and their duties and powers in relation to the Board's examinations ;
- (i) the election of members to the Board under <sup>2</sup>[Clause (c)] of sub-section (I) of section 3 ;
- (j) the admission of institutions to the privileges of recognition and the withdrawal of recognition ;
- (k) all matters which by this Act are to be or may be provided for by Regulations ;
- (l) the conditions under which grants-in-aid shall be given to institutions recognized by the Board.

<sup>3</sup>[ (m) the formation of parent-teacher association. ]

### Previous publication and sanction of Regulations made by Board

**<sup>4</sup>16.** (1) Regulations under section 15 shall be made only with the previous sanction of the State Government and shall be published in the Gazette.

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1. Add. by s. 3 of U. P. Act VI of 1959.

2. Subs. by sec. 17 of U. P. Act No. 12 of 1978.

3. Ins. by sec. 34 of U. P. Act No. 5 of 1977.

4. Ins. By sec. 12 of U.P. Act No. 26 of 1975.

(2) The State Government may sanction any such regulation proposed by the Board either without modification or with such modification as it thinks fit. ]<sup>1</sup>

**Scheme of  
Administra-  
tion**

<sup>2</sup>[ **16-A.** (1) Notwithstanding anything in any law, document, or decree or order of a Court or other instrument, there shall be a Scheme of Administration (hereinafter referred to as the Scheme of Administration ) for every institution, whether recognized before or after the commencement of the Intermediate Education (Amendment) Act, 1958. The Scheme of Administration shall amongst other matters provide for the constitution of a Committee of Management (hereinafter called the Committee of Management) vested with authority to manage and conduct the affairs of the institution]. <sup>3</sup>[The head of the institution]; and two teachers thereof, who shall be selected by rotation according to seniority, in the manner to be prescribed by regulations, shall be *ex-officio* members of the Committee of Management with a right to vote.

(2) No member of the Committee of Management shall either attend a meeting of the committee or exercise his right to vote whenever a charge concerning his personal conduct is under discussion.

(3) The Scheme of Administration shall also describe, subject to any regulations, the respective powers, duties and functions of <sup>4</sup>[the head of the institution] and Committee of Management in relation to the institution.

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

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

<sup>5</sup> [Provided that where the Management of an institution is aggrieved by an order of the Director refusing to approve an amendment or change in the Scheme of Administration, the State Government, on the representation of the Management, may, if it is satisfied that the proposed amendment or change in the Scheme of Administration is in the interest of the institution, order the Director to approve of the same, and thereupon the Director shall act accordingly. ]

(6) Every recognized institution shall be managed in accordance with the Scheme of Administration framed under and in accordance with sub-section (1) to sub-section (5) and sections 16-B and 16-C.

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1. *Ins.* by sec. 12 of U. P. Act No. 26 of 1975.

2. Sections 16-A to 16-I added by sec. 7 of U. P. Act No. XXXV of 1958.

3. *Subs.* by sec. 13 (a) of U.P. Act No. 26, 1975.

4. *Subs.* by sec. 13 (a) *ibid.*

5. *Ins.* by s. 13 (c) of U.P. Act No. 26, 1975.

<sup>1</sup>[ (7) Whenever there is dispute with respect to the Management of an institution, persons found by the Regional Deputy Director of Education, upon such enquiry as is deemed fit to be in actual control of its affairs may, for purposes of this Act, be recognized to constitute the Committee of Management of such institution until a court of competent jurisdiction directs otherwise :

Provided that the Regional Deputy Director of Education shall, before making an order under this sub-section, afford reasonable opportunity to the rival claimants to make representations in writing.

**Explanation**—In determining the question as to who is in actual control of the affairs of the institution, the Regional Deputy Director of Education shall have regard to the control over the funds of the Institution and over the administration, the receipt of income from its properties, the Scheme of Administration approved under sub-section (5) and other relevant circumstances. ]

**16-B.** (1) In the case of an institution already recognized at the date of the commencement of the Intermediate Education (Amendment) Act, 1958, a draft of the Scheme of Administration shall be prepared and submitted to the Director for his approval in accordance with section 16-C within six months from the said commencement and in all other cases along with the application for recognition.

(2) If an institution which is already recognized at the commencement of the Intermediate Education (Amendment) Act, 1958, fails to comply with the provision of sub-section (1) within the period provided therefor, 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 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 of Administration is not submitted within the time allotted the Director shall take action in accordance with <sup>2</sup>[sub-section (3) of section 16-D.]

**16-C.** (1) <sup>3</sup>[Subject to the provisions of this Act] the Director shall within such period of time as may be prescribed, either approve the draft Scheme of Administration submitted under section 16-B, or suggest any alteration or modification therein. Whenever the Director shall so suggest any alteration or modification in the Scheme of Administration he shall send a copy of the same to the institution giving his reasons therefor and affording an opportunity to the institution to make a representation, within such period of time as may be prescribed:

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1. *Ins.* by sec. 3 of U. P. Act No. 01 of 1981.

2. *Subs.* by sec. 4 of U. P. Act No. 01 of 1981.

3. *Subs.* by sec. 5 of U. P. Act No. 01 of 1981.

Provided that if the Director does not suggest any alteration or modification in the Draft Scheme of Administration within the period of time prescribed by regulations, the Draft Scheme of Administration shall be deemed to have been approved.

(2) The Director shall consider any representation made in accordance with the provision of sub-section (1) and may approve the Scheme of Administration in its original form or subject to the alteration and modification suggested under the said sub-section or with any other changes as may appear to him to be just and proper :

Provided that where the Director propose to make a new alteration or modification in the Scheme of Administration he shall give an opportunity to the institution to make a representation to him within such period of time as may be prescribed.

<sup>1</sup>**16-CC.** The Scheme of Administration in relation to any institution whether recognized before or after the commencement of the Intermediate Education (Amendment) Act, 1980, shall not be inconsistent with the principles laid down in the Third Schedule.

**16-CCC.** (1) Where in relation to any institution, the Scheme of Administration has been or deemed to have been approved under section 16-A or section 16-B or section 16-C. at any time before the commencement of the Intermediate Education (Amendment) Act, 1980, and such Scheme of Administration is inconsistent with the provisions of this Act, the Director shall send, within a period of <sup>2</sup>[three years] from such commencement, a notice to such institution suggesting any alteration or modification therein and requiring the institution to submit a fresh Scheme of Administration or to amend or alter the existing Scheme.

(2) While making any suggestion in the Scheme of Administration under sub-section (1), the Director shall give his reasons therefor and shall also afford an opportunity to the institution to make a representation within such period as may be specified in the notice.

(3) The Director shall consider any representation made in accordance with sub-section (2) and may approve the Scheme of Administration in its original form or subject to any alteration or modification suggested under sub-section (1) or with any other changes as may appear to him to be just and proper :

Provided that where the Director proposes to make any new alteration or modification in the Scheme of Administration, he shall give an opportunity to the institution to make a representation within such period as may be specified by him.]

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1. *Subs.* by sec. 6 of U. P. Act No. 01 of 1981.

2. *Subs.* by sec. 2 of U. P. Act No. 06 of 1984.



**<sup>1</sup>[16-D.** (1) The Director may cause a recognized institution to be inspected from time to time.

(2) The Director may direct a management to remove any defect or deficiency found on inspection or otherwise.

(3) On the receipt of information or otherwise, the Director is satisfied that —

(i) the Committee of Management of an institution has failed to comply with the judgment of any court or any direction made under this Act or any other law for the time being in force ; or

(ii) the Committee has failed to appoint teaching staff possessing such qualifications as are necessary for the purpose of ensuring the maintenance of academic standard in the institution or has appointed or retained in service any teaching or non-teaching staff in contravention of the provisions of this Act or the Regulations ; or

(iii) any dispute with respect to the right claimed by different persons to be lawful office-bearers of the Committee of Management has affected the smooth and orderly administration of the institution concerned ; or

(iv) the Committee has persistently failed to provide the institution with such adequate and proper accommodation, library, furniture, stationery, laboratory equipment or other facilities as are necessary for the efficient administration of such institution ; or

(v) the Committee has substantially diverted misapplied or misappropriated the property of the institution to its detriment or has transferred any property in contravention of the provisions of the Uttar Pradesh Educational Institutions (Prevention of Dissipation of Assets) Act, 1974 ; or

(vi) the draft of the Scheme of Administration has not been submitted within the time allowed therefor under section 16-B, or that the Management of the institution is being conducted otherwise than in accordance with the Scheme of Administration or the affairs of the institution are being otherwise mis-managed ;

(vii) the Scheme of Administration in relation to an institution, approved before the commencement of the Intermediate Education (Amendment) Act, 1980, is inconsistent with the provisions of this Act and the management of the institution has failed to alter or modify it within a reasonable time despite notice under section 16-CCC ;

he may refer the case to the Board for withdrawal of recognition of such institution, or issue notice to the Committee of Management to show cause within thirty days from the date of receipt of such notice why an order under sub-section (4) should not be made.

(4) Where the Committee of Management of an institution fails to show cause within the time allowed under sub-section (3) or within such extended time as the Director may from time to time allow, or ]

[where the Director is after considering the cause shown by the Committee of Management, satisfied that any of the grounds mentioned in sub-section (3) exists, he may, recommend to the State Government to appoint an Authorized Controller for that institution, and thereupon, the State Government may, by order, for reasons to be recorded, authorize any person (hereinafter referred to as the Authorized Controller) to take over, for such period not exceeding two years, as may be specified, the Management of such institution and its properties :

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 and its properties, 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 operation of the order, including the period specified in the initial order, but excluding the period specified in sub-section (8), 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 function as such, until the State Government is satisfied that a Committee of Management has been lawfully constituted.

(5) If on the receipt of information or otherwise, the State Government is of opinion that in relation to an institution the ground mentioned in clause (iii) or clause (v) of sub-section (3) exists, and that the interest of the institution calls for immediate action. It may, notwithstanding anything contained in the said sub-section, issue notice to the Management of such institution to show cause within fifteen days from the date of receipt of such notice why an Authorised Controller be not appointed in respect of such institution.

(6) Where the Committee of Management of the concerned institution fails to show cause within the time allowed under sub-section (5), or within such extended time as the State Government may, from time to time allow, or where the State Government is, after considering the cause shown by the Committee of Management, satisfied that any of the grounds mentioned in clause (iii) or clause (v) of sub-section (3) exists, it may by order and for reasons to be recorded, appoint an Authorized Controller in respect of such institution, and thereupon, the provisions of sub-section (4) shall, *mutatis mutandis* apply.

(7) Every notice issued by the Director under sub-section (3) on or before the service of the notice referred to in sub-section (5) and not finally disposed of on the date of such service shall, with effect from the said date, be deemed to have been placed in abeyance :

Provided that nothing contained in this sub-section shall be deemed to prevent the Director to take action upon grounds other than those mentioned in clauses (iii) and (v) of sub-section (3) in case the notice issued by the State Government under sub-section (5) is discharged.

(8) If the State Government is of opinion that immediate suspension of the Committee of Management is also necessary or expedient in the interest of the institution concerned, it may, while issuing notice under sub-section (5), by order and for reasons to be<sup>1</sup>

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1. *Ins. By sec. 6 of U.P. Act No. 01, 1981.*

[recorded, suspend the Committee of Management and make such arrangement as it thinks proper for managing the affairs of the institution pending the order that may subsequently be made under sub-section (6) ;

Provided that the suspension shall not remain in force for more than six months from the date it becomes effective.

**Explanation I** — For the removal of doubts it is hereby declared that in computing the period of time specified in sub-section (4) or sub-section (8), the time during which the operation of the order was suspended by the High Court in exercise of the powers under Article 226 of the Constitution shall be excluded.

**Explanation II** — Nothing in sub-section (4) or <sup>1</sup>[sub-section (6)] shall preclude the State Government from revoking an order of appointment of an Authorized Controller appointed under any of the said provisions.

(9) Nothing in this section shall be construed to confer on the Authorized Controller appointed under sub-section (4) or sub-section (8), the power to transfer any immovable property belonging to the institution (except by way of letting from month to month in the ordinary course of management) or to create any charge thereon (except as a condition of receipt of any grant-in-aid for the institution from the State Government or the Government of India.)

(10) Any order made under this section shall have effect notwithstanding anything inconsistent therewith contained in any other enactment or in any instrument (including any Scheme of Administration) relating to the management and control of the institution or its property :

Provided that the property of the institution and any income therefrom shall continue to be applied for the purposes of the institution as provided in any such instrument.

(11) The Director may give to the Authorized Controller such directions as he may deem necessary for the proper management of the institution or its properties, and the Authorized Controller shall carry out those directions.

(12) No order made by the Board withdrawing recognition in pursuance of a reference made under sub-section (3) and no order made or direction given under this section by the Director or the State Government shall be called in question in any court, and no injunctions shall be granted by any court in respect of any action taken or to be taken in pursuance of any power conferred by or under this section.

(13) 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 for the time being in force.] <sup>1</sup>

<sup>1</sup>[(14) Nothing contained in sub-section (3) to (13) shall apply to an institution established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India.

**16-DD.** (1) Wherever an Authorized Controller is appointed under sub-section (4) or sub-section (8) of section 16-D —

(a) he shall take over the Management of the concerned institution and its properties to the exclusion of its Committee of Management, and shall, subject to such restrictions as the State Government may impose, have all such powers and authority as the Committee would have if the institution and its properties were not taken over under the said sub-sections ;

(b) every person in whose possession, custody or control any property of the institution may be, shall deliver such property to the Authorized Controller forthwith.

(2) Every person who on the date of the order referred to in sub-section (4) or sub-section (8) of section 16-D has in his possession or control any books or other documents relating to the institution or to its property shall be liable to account for the said books and other documents to the Authorized Controller and shall deliver them to him or to such person as the Authorized Controller may specify in this behalf.

(3) The Authorized Controller may apply to the Collector for delivery of possession and control over the institution or its properties or any part thereof and the Collector may take all necessary steps for securing possession to the Authorized Controller of such institution or property and in particular may use or cause to be used such force as may be necessary.

**Explanation —** In this section and section 16-D, unless the content otherwise, requires, ‘property’ in relation to an institution, includes all property, movable and immovable belonging to or endowed wholly or partly for the benefit of the institution including lands, buildings (including hostels), works, library, laboratory, instruments, equipment, furniture, stationary, stores, automobiles and other vehicles, if any, and other things pertaining to the institution, cash in hand, cash at bank, income from fees, boys funds and Government grants, investments and book debts, and all other rights and interests arising out of such property as may be in the ownership, possession power or control of the institution and all books of accounts, registers and all other documents of whatever nature relating thereto, and shall also be deemed to include all subsisting borrowings, liabilities and obligations of whatever kind, of the institution. ]<sup>1</sup>

**Procedure for  
selection of  
teachers and  
head of  
institutions**

**[ 16-E.** (1) Subject to the provisions of this Act, the Head of Institution and teachers of an institution shall be appointed by the Committee of Management in the manner hereinafter provided.

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1. *Ins.* by s. 6 of U.P. Act No. 01 of 1981.

(2) Every post of Head of Institution or teacher of an institution shall, except to the extent prescribed for being filled by promotion, be filled by direct recruitment after intimation of the vacancy to the Inspector and advertisement of the vacancy containing such particulars as may be prescribed, in at least two newspapers having adequate circulation in the State.

(3) No person shall be appointed as Head of Institution or teacher in an institution unless he possesses the minimum qualifications prescribed by the regulations :

Provided that a person who does not possess such qualification may also be appointed if he has been granted exemption by the Board having regard to his education, experience and other attainments.

(4) Every application for appointment as Head of Institution or teacher of an institution in pursuance of an advertisement published under sub-section (2) shall be made to the Inspector and shall be accompanied by such fee which shall be paid in such manner as may be prescribed <sup>1</sup>[ \* \* \* ]

<sup>2</sup>[(5) (i) After the receipt of applications under sub-section (4), the Inspector shall cause to be awarded, in respect of each such applications, quality-point marks in accordance with the procedure and principles prescribed, and shall thereafter, forward the applications to the Committee of Management.

(ii) The applications shall be dealt with, the candidates shall be called for interview, and the meeting of the Selection Committee shall be held, in accordance with the Regulations” ; ]

(6) The Selection Committee shall prepare a list containing in order of preference the names as far as practicable, of three candidates for each post found by it to be suitable for appointment and shall communicate its recommendations together with such list to the Committee of Management.

(7) Subject to the provisions of sub-section (8), the Committee of Management shall on receipt of the recommendations of the Selection Committee under sub-section (6), first offer appointment to the candidate given the first preference by the Selection Committee, and on his failure to join the post, to the candidate next to him in the list prepared by the Selection Committee under this section, and on the failure of such candidate also, to the last candidate specified in such list.

(8) The Committee of Management shall, where it does not agree with the recommendations of the Selection Committee, refer the matter together with the reasons of such disagreement to the Regional Deputy

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1. *Del.* by s. 18 (a) of U. P. Act No. 12 of 1978.

2. *Subs.* by s. 18 (b) of U.P. Act No. 12 of 1978.

Director of Education in the case of appointment to the post of Head of Institution and to the Inspector in the case of appointment to the post of teacher of an institution, and his decision shall be final.

(9) Where no candidate approved by the Selection Committee for appointment is available, a fresh selection shall be held in the manner laid down in this section.

(10) Where the State Government, in case of the appointment of Head of Institution, and the Director in the case of the appointment of teacher of an institution, is satisfied that any person has been appointed as Head of Institution or teacher, as the case may be, in contravention of the provisions of this Act, the State Government or, as the case may be, the Director may, after affording an opportunity of being heard to such person, cancel such appointment and pass such consequential order as may be necessary,

(11) Notwithstanding anything contained in the foregoing sub-sections, appointments in the case of a temporary vacancy caused by the grant of leave to an incumbent for a period not exceeding six months or <sup>1</sup>[by death, termination or otherwise] of an incumbent occurring during an educational session, may be made by direct recruitment or promotion without reference to the Selection Committee in such manner and subject to such conditions as may be prescribed.

<sup>2</sup>[Provided that no appointment made under this sub-section shall, in any case, continue beyond the end of the educational session during which such appointment was made. ]

<sup>3</sup>[Absorption  
of retrenched  
employees]

<sup>3</sup>[ **16-EE.** (1) Where any employee of an institution has been retrenched on or after July 1, 1974 but before the commencement of the Intermediate Education (Amendment) Act, 1980, and such employee possesses minimum qualifications prescribed therefor on the date of initial appointment the Regional Deputy Director of Education shall, on an application made in this behalf, direct that subject to the provisions of this section, such employee be absorbed against any permanent vacancy occurring in the same or any other institution situate in any district within his jurisdiction :

Provided that in the case of an employee retrenched on or after the date of such commencement the Regional Deputy Director of Education may issue directions under this section without any application from the employee concerned.

(2) Every application referred to in sub-section (1) shall be made within six months from the date of commencement of the Intermediate Education (Amendment) Act, 1980.

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1. Subs. by sec. 18 (c-1) of U. P. Act No. 12 of 1978.

2. Ins. by s. 18 (c-2) *ibid.*

3. Ins. by sec. 7 of U. P. Act No. 01 of 1981.

[(3) Where any direction is issued by the Regional Deputy Director of Education under sub-section (1) the following consequences shall ensue, namely :—

(i) the Committee of Management of the institution concerned shall be bound to comply with every such direction and the employee in whose favour such direction is issued shall be deemed to be an employee of such institution from the date of the order of appointment issued by the Committee to him or from the expiry of a period of two months from the date of service of the direction on the Committee of Management under sub-section (1), whichever is earlier.

(ii) the period of substantive service rendered by such employee in any institution before the date of his retrenchment shall be counted for the purposes of his seniority and pension.

(iii) where the employee concerned fails to join the post within the time allowed therefor, the benefits of this section shall not be available to him.

(4) Any person aggrieved by the direction issued under sub-section (1) may make a representation to the Director within one month from the date of service on him of such direction and the order of the Director thereon shall be final.

(5) The provisions of this section shall have effect notwithstanding anything contained in any other provisions of this Act or any other law for the time being in force.

<sup>2</sup> [(6) Nothing in this section shall apply to an institution established and administered by a minority referred to in clause (1) of Article 30 of the Constitution of India.]<sup>2</sup>

**Explanation** — For the purposes of this section —

(a) ‘employee’ in relation to an institution means a teacher, head of institution or other employee thereof holding a permanent post on the date immediately preceeding the date of retrenchment ;

(b) ‘institution’ includes a training institution recognized by the State Government or the Director ;

(c) retrenchment in relation to an employee of an institution means the termination of his services for any reason other than resignation, retirement or removal by way of punishment inflicted in disciplinary proceedings. ]<sup>1</sup>

**Selection  
Committees**

**16-F.** (1) For the selection of candidates for appointment as Head of an Institution, there shall be a Selection Committee consisting of —

(i) the President or any member of the Committee of Management nominated by the Committee by resolution in that behalf, who shall be the Chairman ;

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1. *Ins.* by *sec.* 7 of U.P. Act No. 1 of 1981.

2. *Ins.* by *sec.* 3 of U. P. Act No. 09 of 1981.



(ii) a member of the Committee of Management other than the one referred to in clause (i), nominated by it in this behalf ;

(iii) three experts nominated by the Regional Deputy Director of Education from persons not belonging to the district in which the institution is situated, out of the panel of names prepared under this section.

(2) For the selection of candidates for appointment as teacher in an institution, there shall be a Selection Committee consisting of —

(i) the President or any member of the Committee of Management, nominated by the Committee by resolution in that behalf, who shall be the Chairman ;

(ii) the Head of such institution ;

(iii) three experts nominated by the Inspector from persons not belonging to the district in which the institution is situated, out of the panel of names prepared under this section.

(3) In respect of any institution for which Authorized Controller has been appointed under this Act, the Authorized Controller shall, in relation to such institution be deemed substituted for the person referred to in clause (i) and (ii) of sub-section (1) or clause (i) of sub-section (2), as the case may be.

(4) A panel of experts for every region shall be drawn by the Director in such manner as may be prescribed and shall be revised on every three years.

(5) The business of the Selection Committee shall be conducted in such manner as may be prescribed :

Provided that the majority of the total membership of any Selection Committee shall form the quorum of such Committee :

Provided further that no recommendation made by the Selection Committee in respect of any candidate shall be, valid, unless two of the experts referred to in clause (iii) of sub-section (1) or sub-section (2), as the case may be, have agreed to it.

(6) No proceeding of the Selection Committee shall be invalid by reason only of a defect in its constitution or vacancy among its members.

**Savings to  
minority  
institutions**

**16-FF.** (1) Notwithstanding anything in sub-section (4) of section 16-E, and section 16-F, the Selection Committee for the appointment of a Head of Institution or a teacher of an institution established and administered by a minority referred to in clause (I) of Article 30 of the Constitution shall consist of five members (including its Chairman), nominated by the Committee of Management :

Provided that one of the members of the Selection Committee shall —



(a) in the case of appointment of the Head of an Institution, be an expert selected by the Committee of Management from a panel of experts prepared by the Director ;

(b) in the case of appointment of a teacher be the Head of the Institution concerned.

(2) The procedure to be followed by the Selection Committee referred to in sub-section (1) shall be such as may be prescribed.

(3) No person selected under this section shall be appointed, unless —

(a) in the case of the Head of an Institution the proposal of appointment has been approved by the Regional Deputy Director of Education ; and

(b) in the case of a teacher such proposal has been approved by the Inspector.

(4) The Regional Deputy Director of Education or the Inspector, as the case may be, shall not withhold approval for the selection made under this section where the person selected possesses the minimum qualifications prescribed and is otherwise eligible.

(5) Where the Regional Deputy Director of Education or the Inspector, as the case may be, does not approve of a candidate selected under this section, the Committee of Management may, within three weeks from the date of receipt of such disapproval, make a representation to the Director in the case of the Head of Institution, and to the Regional Deputy Director of Education in the case of a teacher.

(6) Every order passed by the Director or the Regional Deputy Director of Education on a representation under sub-section (5) shall be final.

**Provisions for assistance during examination**

<sup>1</sup>**[16-FFF.** (1) For the conduct of Board's examinations, evaluation of answer-books in such examination and preparation of result thereof, the Committee of Management, Head of Institution, every teacher and other employee in relation to an institution, shall render such assistance, perform such duties and discharge such functions as may be required entrusted or assigned to it or him by or under this Act.

(2) Where the Director is satisfied that any such Committee Head of Institution, teacher or employee has failed to carry out any direction issued under sub-section (1), he may, for the conduct of Board's Examinations, evaluation of answer-books in such examination or preparation of result thereof, take such measures (including requisition and taking possession of the building, furniture or any other property of the institution) and for such period as appear to him to be necessary therefor ]

<sup>1</sup>[Conditions of service of Head of Institutions, teacher and other employees]

**16-G.** (1) Every person employed in a recognized institution shall be governed by such conditions of service as may be prescribed by Regulations and any agreement between the management and such employee in so far as it is inconsistent with the provisions of this Act or with the Regulations shall be void.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), the Regulations may provide for —

(a) the period of probation, the conditions of confirmation and the procedure and conditions for promotion and punishment, <sup>2</sup>[including suspension pending or in contemplation of inquiry or during the pendency of investigation, inquiry or trial in any criminal case for an offence involving moral turpitude] and the emoluments for the period of suspension and termination of service with notice ;

(b) the scales of pay, and payment of salaries ;

(c) transfer of service from one recognized institution to another,

(d) grant of leave and Provident Fund and other benefits, and

(e) maintenance of record of work and service,

(3) (a) No Principal, Headmaster 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 Inspector. The decision of the Inspector shall be communicated within the period to be prescribed by regulations.

(b) The Inspector 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 cases of punishment, before passing orders the Inspector shall give an opportunity to the Principal, the Headmaster or the teacher to show cause within a fortnight of the receipt of the notice why the proposed punishment should not be inflicted.

<sup>3</sup>(c) Any party may prefer an appeal to the Regional Deputy Director, Education, against an order of the Inspector under clause (b), whether passed before or after the commencement of the Uttar Pradesh Intermediate Education (Sanshodhan) Adhiniyam, 1966, within one month from the date of communication of the order to that party, and the Regional Deputy Director may, after such further enquiry, if any, as he considers necessary, confirm, set aside or modify the order, and the order passed by the Regional Deputy Director shall be final. In case the order under appeal was passed by the very person holding the office of Regional Deputy Director while acting as Inspector, the appeal

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1. Subs. by s. 15(1) of U.P. Act No. 26, 1975

2. Subs. by s. 15 (II) of U.P. Act No. 26, 1975

3. Subs. by s. 2 (1) of U.P. Act 07 of 1966.

shall be transferred by order of the Director to some other Regional Deputy Director to some other Regional Deputy Director for decision, and the provisions of this clause shall apply in relation to decision by that other Regional Deputy Director as if the appeal had been preferred to him. ]<sup>1</sup>

<sup>2</sup>[(d) All appeals preferred under clause (c) as it stood before the date of commencement of the Intermediate Education (Sanshodhan) Adhiniyam, 1966, and pending decision immediately before the said date shall be decided by the Regional Deputy Director Education in accordance with clause (c) as substituted by the said Adhiniyam. ]

(4) An order made or decision given by the competent authority under sub-section (3) shall not be questioned in any Court and the parties concerned shall be bound to execute the directions contained in the order or decision within the period that may be specified therein.

<sup>3</sup>[ (5) No Head of Institution or teacher shall be suspended by the Management, unless in the opinion of the Management —

(a) the charges against him are serious enough to merit his dismissal, removal or reduction in rank ; or

(b) his continuance in office is likely to hamper or prejudice the conduct of disciplinary proceedings against him ; or

(c) any criminal case of an offence involving moral turpitude against him is under investigation, inquiry or trial.

(6) Where any Head of Institution or teacher is suspended by the Committee of Management, it shall be reported to the Inspector within thirty days from the date of the commencement of the Uttar Pradesh Secondary Education Laws (Amendment) Act, 1975, in case the order of suspension was passed before such commencement, and within seven days from the date of the order of suspension in any other case, and the report shall contain such particulars as may be prescribed and be accompanied by all relevant documents.

(7) No such order of suspension shall, unless approved in writing by the Inspector, remain in force for more than sixty days from the date of commencement of the Uttar Pradesh Secondary Education Laws (Amendment) Act, 1975, or as the case may be, from the date of such order, and the order of the Inspector shall be final and shall not be questioned in any Court.

(8) If, at any time the Inspector is satisfied that disciplinary proceedings against the Head of Institution or teacher are being delayed, for no fault of the Head of Institution or the teacher, the inspector may, after affording opportunity to the Management to make representation, revoke an order of suspension passed under this section.

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1. Subs. by sec. 2(i) of U. P. Act No. VII of 1966.

2. Subs. by sec. 2 (ii) of U. P. Act No. VII of 1966.

3. Subs. by sec. 15 (iii) of U.P. Act No. 26, 1975.

(9) All appeals pending before the Deputy Director of Education (Women) immediately before the commencement of this sub-section shall be transferred to the Joint Director of Education (Women) for disposal :

Provided that where the Deputy Director of Education (Women) has already commenced the hearing of any such appeal before the commencement of this sub-section, the appeal shall be disposed of by the Deputy Director of Education (Women) herself.

**Explanation—** For the purposes of this section, the expression 'Regional Deputy Director, Education' shall, in relation to a girl institution means the Joint Director of Education (Women). ]<sup>1</sup>

**Regularization  
of  
appointment  
of *ad-hoc*  
teachers**

<sup>2</sup>[**16-GG.** (1) Notwithstanding anything contained in sections 16-E, 16-F and 16-FF, every teacher of an institution appointed between August 18, 1975 and September 30, 1976 (both dates inclusive) on *ad-hoc* basis against a clear vacancy and possessing prescribed qualifications or having been exempted from such qualifications in accordance with the provisions of this Act, shall, with effect from the date of commencement of this section, be deemed to have been appointed in a substantive capacity, provided such teacher has been continuously serving the institution from the date of his appointment up to the commencement of this section.

**Explanation—**For the purposes of this sub-section, the period during which any break in service of teacher has occurred between the date of his *ad-hoc* appointment and the date of commencement of this section for any reason not arising out of his misconduct or his own volition shall be disregarded :

Provided that nothing in this section shall be construed as entitling such teacher to any pay or allowance for any such period of break in his service.

(2) Every teacher deemed to have been appointed in a substantive capacity under sub-section (1) shall be deemed to be on probation from the date of commencement of this section.

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

(a) substantive appointment on any post if on the date of commencement of this section, such post has already been filled or selection for such post has already been made in accordance with this Act or the regulations made thereunder ; or

(b) substantive appointment if such teacher was related to any member of the Committee of Management or the Principal or Headmaster of the institution concerned.

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1. Subs. by sec. 15 (iii) of U. P. Act No. 26 of 1975.

2. Ins. by sec. 35 of U. P. Act No. 5 of 1977.

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

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

(b) they are husband and wife ; or

(c) the one is related to the other in the manner indicated in the <sup>1</sup>[Second Schedule]

**Exemption of certain classes of institutions from the operation of certain sections**

**16-H.** (1) The provisions of sections 16-A, 16-B, 16-C, <sup>2</sup>[sub-section (2) to sub-section (13)] of section 16-D and of sections 16-E, 16-F and 16-G, shall not apply to recognized institutions maintained by the State Government or the Central Government.

(2) In the case of recognized institutions maintained by a local body, the State Government may declare that all or any of the provisions referred to in sub-section (1) shall not apply or shall apply subject to such alterations, modifications or additions as it may make <sup>3</sup>[and the provisions, if any, so made applicable, shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force ].

**16-I.** Subject to the approval of the State Government, the Director may, by a notification in the official *Gazette*, delegate all or any of the powers conferred upon him by or under this act, except the powers which he exercises as Chairman of the Board, to an officer or officers of the Education Department not lower in rank than a Deputy Director of Education.

**17.** <sup>4</sup>[ \* \* \* ]

**Casual vacancies**

**18.** All casual vacancies among the members (other than *ex-officio* members) of the Board or of a Committee appointed by the Board shall be filled as soon as conveniently may be by the person or body who <sup>5</sup>[elected or nominated] to a casual vacancy shall be a member of the Board or Committee for the residue of the term for which the person whose place he fills would have been a member.

**Proceedings not invalidated by reason of vacancies**

**19.** No act or proceedings of the Board or of a Committee appointed by it shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members.

**Power of Board and committee to make bye-laws**

**20.** (1) The Board and its Committees may make bye-laws consistent with this Act and the Regulations —

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

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1. *Subs.* by sec. 19 of U. P. Act no. 12 of 1978.

2. *Subs.* by sec. 8 of U. P. Act no. 1 of 1981.

3. *Ins.* by sec. 36 of U. P. Act no. 5 of 1977.

4. *Omit.* by sec. 7 of U. P. Act no. 5 of 1941.

5. *Subs.* by sec. 16 of U. P. Act no. 26 of 1975.

(b) providing for all matters which, consistently with this Act, and the Regulations, are to be prescribed by bye-laws ; and

(c) providing for all other matters solely concerning the Board and its Committees and not provided for by this Act and the Regulations.

(2) The Board and its Committees shall make bye-laws providing for the giving of notice to the members of the Board or Committee 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 meetings.

(3) The Board may direct the amendment of rescission of any bye-law made by a Committee under this section, and the Committee shall give effect to any such direction.

**Protection for  
acts done, etc.  
in good faith**

<sup>1</sup>**21.** No suit, prosecution or other legal proceedings, shall lie against the State Government the Board or any of its Committees or any member of the Board or a Committee or any other person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or any rule, order or direction made thereunder.

**Bar or  
Jurisdiction of  
Courts**

**22.** No order or decision made by the Board or any of its committees it exercise of the powers conferred by or under this Act shall be called in question in any court. ]

<sup>2</sup>[ \* \* \* \* \* ]

## **[SECOND]<sup>3</sup> [SCHEDULE]<sup>4</sup>**

**(See SECTION 16-GG)**

### ***List of Relatives***

1. Father
2. Mother (including step-mother)
3. Son (including step-son)
4. Son's wife
5. Daughter (including step-daughter)
6. Father's father
7. Father's mother
8. Mother's mother
9. Mother's father

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1. *Add.* by sec. 3 of U. P. Act no. VII of 1966.

2. *Omit.* by s. 5 of U. P. Act no. 16 of 2008. (1<sup>st</sup> Schedule)

3. *Renumbered* by section 20 of U. P. Act No. 12 of 1978.

4. *Ins.* by sec. 37 of U.P. Act No. 5 of 1977.

[The Intermediate Education Act, 1921]

10. Son's son
11. Son's son's wife
12. Son's daughter
13. Son's daughter's husband
14. Daughter's husband
15. Daughter's son
16. Daughter's son's wife
17. Daughter's daughter
18. Daughter's daughter's husband
19. Brother (including step-brother)
20. Brother's wife
21. Sister (including step-sister)
22. Sister's husband
23. Wife's (or husband's) brother
24. Wife's (or husband's) father
25. Wife's (or husband's) sister
26. Brother's son
27. Brother's daughter ]<sup>1</sup>

**<sup>2</sup>[THIRD SCHEDULE]**

**(See section 16-CC)**

***Principles on which approval to a Scheme of Administration  
shall be accorded***

Every Scheme of Administration shall, —

- (1) provide for proper and effective functioning of the Committee of Management ;
- (2) provide for the procedure for constitution the Committee of Management by periodical elections ;
- (3) provide for the qualifications and disqualifications of the members and office-bearers of the Committee of Management and the term of their offices :

Provided that no such Scheme shall contain provisions creating monopoly in favour of any particular person, caste, creed, <sup>3</sup>[ \* \* \* ] or family ;

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1. *Ins.* by s. 37 of U. P. Act No. 5 of 1977.

2. *Ins.* by s. 9 of U. P. Act No. 01 of 1981.

3. *Omit.* by s. 4 of U. P. Act no. 09 of 1981.

[The Intermediate Education Act, 1921]

(4) provide for the procedure of calling meetings and the conduct of business at such meetings ;

(5) provide that all the decisions shall be taken by the Committee of Management and powers of delegation, if any, shall be limited and clearly defined ;

(6) ensure that the powers and duties of the Committee of Management and its office bearers are clearly defined ;

(7) Provide for the maintenance and security of property belonging to the institution and also for the utilization of its funds and for the regular checking and auditing of accounts. ]

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