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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

SCHOOL EDUCATION DEPARTMENT

No. 906-SE(S), Kolkata the 5th July, 2002

NOTIFICATION

In exercise of the power conferred by sub-section (1) and particular, by clause (c) of sub-section (2) of section 38 of the West Bengal Board of Madrasah Education Act, 1994 (West Ben. Act. XXXIX of 1994), the Governor is hereby pleased to make after previous publication as required by sub-section (1) of the said section, the following rules, vice :-

Rules for Management of recognised non-Govt.

Madrasahs (aided and unaided), 2002

1. Short title and Commencement-

(a) These rules may be called the Management of recognised Non-Government Madrasahs (aided and unaided) Rules, 2002.

(b) They shall come into force with immediate effect.

2. Definitions-

In these rules, unless there is anything repug-

nant to the subject or context-

- (a) "the Act" means the West Bengal Board of Madrasah Education Act, 1994 (West Ben. Act. XXXIX of 1994);
- (b) "aided madrasah" means a madrasah recognised by the Board and receiving recurring financial assistance in any form or shape from the State Government either for maintenance or for payment of salary and/or allowances of teaching and/or non-teaching staff thereof;
- (c) "appendix" means an appendix appended to these rules;
- (d) "appointing authority" in relation to an employee of Madrasah means
 - (i) the Managing Committee of the Madrasah or any other authority empowered to make appointment to the post which such employee for the time being holds, or, where such Managing the Ad-hoc Committee, as the case may be, appointed to manage the affairs of the madrasah, or
 - (ii) the authority which appointed the employee to the post;
- (e) "Board" means West Bengal Board of Madrasah Education established under the Act;

- (f) "Committee" means Managing Committee as defined in clause (h) of section 2, of the Act;
- (g) "Director" means the Director of School Education, West Bengal; or any person so designated by the Government of West Bengal for the purpose of these rules or any officer authorised to perform any or all of the functions of the Director under these rules;

- (h) "District Inspector of Schools" means the District Inspector of Schools (Secondary Education) or any officer authorised by the Director to perform all or any of the functions of the District Inspector of Schools;

- (i) "Inquiring authority" means the authority appointed by the disciplinary authority to inquire into the charges of misconduct against an employee of Madrasah;

- (j) "founder" means a person who has been recognised as such by the first Committee of the Madrasah constituted according to rules duly recognised by the Board, and his name has occurred as founder in the register of voters prepared for constitution and for successive re-constitution of the committee since its inception;

On the death of the founder, his legal representative son or daughter or heir shall be treated as founder provided his right to be so treated has been recognised by a registered deed executed by the founder and accepted by the first committee constituted under these rules and approved by the Board.

In the event, any person recognised as a founder has not acquired a family and/or provided with the scope of nominating any of his heir as a member of the committee, his right to do so shall remain valid provided he maintains the formalities as required by producing necessary documents in support of his claim and the committee accepts the same subject to the approval of Board;

- (k) "guardian" means father or mother, or in the absence of both by death or disappearance, one of the following relations in

the order stated, namely, grandfather, grandmother, brother, sister, uncle (paternal and maternal) or in the absence of all such relations any other relation with whom the ward is actually residing;

- (l) "life member" means a person who donates not less than a sum of Rs. 20,000/ (Rupees twenty thousand only) in cash or its equivalent to the Madrasah which is duly accepted by the committee by a resolution and approved by District Inspector of Schools after verification of Madrasah record;

- (m) "members of the teaching and non-teaching staff" means whole time members of the teaching and non-teaching staff holding permanent posts, or appointed in the sanctioned additional post subsequently absorbed on substantive basis under the order of the competent authority including an approved staff who has completed at least three months continuous service on the date of election : posts against which they are appointed are within the sanctioned strength approved by the District Inspector of Schools or Board;

- (n) "non-government" in relation to Madrasah means the Madrasah which is not maintained or managed by the State Government, or the Union Government or Railway Board or any Government Undertaking;

- (o) "unaided madrasah" means a madrasah recognised by the Board, but which is not an aided Madrasah as defined above.

- (p) "section" means a section of the Act;

- (q) "State Government" means the Government of West Bengal;

- (r) "sanctioned post" means the post of teaching or non-teaching staff sanctioned by the Director or by an officer authorised by him or by the State Government or any officer or body so authorised by the State Government.

Other definitions

Words and expressions used and not defined in these rules but defined in the

Act shall have the same meaning as respectively assigned to them in the Act.

CHAPTER-II

3. Constitution of Committees for recognised Non-Government Aided and Unaided Madrasahs.

A. Every recognised non-government aided and unaided madrasah shall have a committee to be constituted for the management of the said Madrasah.

B. The Committee shall consist of the following members :

(a) one founder member. In case there is more than one founder, the member in this category shall be selected in the manner prescribed in sub-rule(1) of rule 4;

(b) one life member. In case there is more than one life member, the member in this category shall be selected in the manner prescribed in sub-rule(2) of rule 4;

(c) (i) six guardinas in the case of X class High/Senior Madrasah, High Madrasah having classes XI and XII, Senior Madrasah having *Fazil*, *Kamil* and *Mumtazul Muhaddethin* classes;

(ii) three guardians in the case of Junior or Junior High Madrasah, to be elected or nominated as the case may be in the manner laid down in sub-rule(3) of rule 4;

(d) (i) three members of teaching and one member of non-teaching staff in respect of Senior Madrasah running classes upto *Alim* (class X) or *Fazil* (class XII), and *High Madrasah* running classes upto X or XII,

(ii) two members from among teaching and non-teaching staff in respect of Junior and Junior High Madrasah to be elected or nominated, as the case may be

in the manner laid down in sub-rule (6) of rule 4;

(e) One person interested in education to be co-opted in the manner as laid down in clause (a) or (b) of sub-rule (4) of rule 4;

(f) Two persons well versed in Islamic studies and culture to be co-opted only in Senior Madrasah running classes upto *Kamil* and *Mumtazul Muhaddethin* stage in the manner laid down in sub-rule (5) of rule 4;

(g) One person to be nominated by the Director/District Inspector of Schools;

(h) Head of the Madrasah ex-officio.

4. Manner of formation of committee-

(1) (a) person whose name entered in the register of eligible persons as founders, shall be the member of the committee, one at a time by rotation,

(b) the person named first in the serial maintained in the first resolution of the constituted committee, shall serve as member of the committee first; others in order of priority shall serve as members in the subsequent reconstituted committee and the rotation shall be completed after the last person, named in such serial, serves the committee;

(c) any person, once chosen as per clause (b) of sub-rule 1 of rule 4 shall represent the committee for the full term.

(d) if any founder declines or expresses his unwillingness to serve in writing, on the Committee, and the Committee accepts the same by a resolution, the next person of such serial shall represent the committee for the remaining period of the term of the Committee from the date of acceptance;

(e) the Head of the newly recognised Madrasah shall, prior to the election

of office bearers, convene a meeting of the elected, nominated and exofficio members of the newly constituted Committee and consider the names of the founders of the Madrasah and prepare a list according to priority and send the same to the District Inspector of Schools for approval;

(f) the District Inspector of Schools shall accord approval to the proposal/list after inspection of necessary record.

- (2) (a) (i) A person, who donates a fixed amount (to be determined by the Board from time to time) of money in cash or its equivalent and the Committee accepts the said donation by a resolution, shall be a life member of the Committee during his/her life time from the date of the District Inspector of Schools after verification of the Madrasah record accords approval to such proposal of the Committee,

(ii) The amount of money shall not be less than Rs. 20,000/- (Twenty thousand);

(b) When there are more than one life member, each of them shall be the member of the Committee, one at a time by rotation;

(c) the rotation of life members will be determined according to the date of donation. The person who donates first shall be given first chance and so on until the rotation is completed;

(d) In case a life member, selected by rotation, declines in writing to the Head of the Madrasah that he is not willing to serve on the committee, the next life member from the panel who is willing to serve on the committee shall be selected;

(e) A life member instead of serving on the committee may nominate any person of his choice on the committee :

Provided the person so chosen shall serve the committee for full terms from the date of nomination;

(f) A person who is nominated by the member shall cease to be a member of the Committee on the death of member.

(3) Six or three guardians, as the case may be, shall be elected or nominated as member of the Committee in the following manner :-

(a) persons whose names are entered in the register of eligible voters ; guardians shall elect from among themselves six or three representatives, as the case may be, to be the members of the committee :

Provided that out of such representatives, the number of female guardians shall be one, in case of a Junior High or Senior Madrasah with co educational facilities or of a Girls Junior High Madrasah, and two, in case of a Girls' High Madrasah.

(b) if no such female guardian is elected or if the number of female guardians so elected is less than the prescribed number, the vacancy shall be filled up by nomination by the District Inspector of Schools from amongst the female guardians whose names are entered in the register of eligible voters. The District Inspector may, for the purpose have consultation with the Head of the Madrasah.

Provided that if no such nomination is made by the District Inspector of Schools within thirty days of the date of election of members from different Categories, the Board may, on its own motion or an intimation received from the Head of the Madrasah, take such action or give such instruction as it thinks fit for the purpose of filling up the vacancy by nomination."

(4) (a) (i) Person interested in education shall be co-opted in the meeting convened for the purpose of co-option by the elected, nominated, exofficio member as well as founders and life member, if

any, of the newly constituted committee :

Provided that the person concerned expresses in writing his consent before such co-option to the Head of the Madrasah for serving on the Committee as co-opted member;

- (ii) such co-opted member shall enjoy all the rights of a duly elected member of the committee and shall be eligible for election as office bearer,
- (b) (i) In case of a Madrasah situated within the jurisdiction of a Panchayat, the person interested in education shall be nominated by the Local Panchayat Samity;
- (ii) The person so nominated shall preferably be a resident of a locality within the jurisdiction of said Panchayat Samity,
- (iii) No member of teaching and non-teaching staff of any Madrasah can represent as the nominee of the Panchayat Samity on the Committee of the Madrasah in which he is working,
- (iv) A valid nomination once made by a Panchayat Samity must have its full term of the Committee or the unexpired portion thereof and the nominee cannot be replaced by a fresh nomination in case of any reconstitution of Panchayat Samity due to periodical election;
- (v) The member to be nominated by the Local Panchayat Samity shall be placed within thirty days from the date of election of the members from different categories. In case of default on the part of Local Panchayat Samity the Head of the Madrasah shall inform the

Board about the matter immediately after the expiry of the period and in that event the Board shall take such action and decision as it deems fit.

- (5) In Senior Madrasah running *Kamil* and *Mumtazul Muhaddethin* classes in addition to person interested in education two persons well versed in Islamic studies and culture shall be co-opted in the manner laid down in clause (a) of sub-rule 4 for co-option of a person interested in education.
- (6) The members of the teaching and non-teaching staff shall consist of :
 - (i) Four members from among the teaching staff (except the Head of the Madrasah) to be elected jointly from the register of eligible voters and one member from among the non-teaching staff to the committee in a *Kamil* or *Mumtazul Muhaddethin* class Madrasah,
 - (ii) Three members from among the teaching staff (except the Head of the Madrasah) and one member from among the non-teaching staff to the committee in a class X High/Senior Madrasah or High Madrasah with XI and XII and Senior Madrasah with *Fazil* classes;
 - (iii) Two members from among the teaching staff except the Head of the Madrasah and non-teaching staff of the Committee in a Junior and Junior High Madrasah.
- (7) Immediately after the election the same electorate shall elect to the Finance sub-committee one member from among the members elected to the committee under sub-rule (6).
- (8) The member to be nominated by the District Inspector of Schools shall within 30 (thirty) days from the date of election of members. The Head of the Madrasah shall, in case of default, inform the Board of the matter after expiry of the said period and the Board shall take such action and decision in consultation with

Director/District Inspector of Schools as it deems fit.

- (9) In case of any dispute the matter shall be referred to the Board whose decision in the matter shall be final.

5. Register of Voters

- (1) A register of eligible voters for the purpose of constitution or re-constitution of the Committee shall be prepared and compiled by the Head of the Madrasah with the assistance of such teaching and non-teaching staff of the Madrasah as he selects from among the teaching and non-teaching staff available in the Madrasah.
- (2) The said register shall be placed for approval in a meeting of the committee to be convened by the Head of the Madrasah with 7 (seven) clear days notice to be served on all members personally or by registered post with acknowledgement due.
- (3) The said register shall be provisionally closed on the 15th day of July every year.
- (4) It shall be opened to public for inspection for one month after the closing date.
- (5) The register shall be finally closed on the last working day of August of every year with such revision as may be made by the Head of the Madrasah in consultation with the members of the committee, in a meeting to be convened by the Head of the Madrasah with 7 (seven) clear days notice to be served on the members personally or by registered post with acknowledgement due.

The entire procedure shall have to be completed within 7th day of September every year.

- (6) In the year in which an election for the constitution or re-constitution of the Committee falls due, such register of eligible voters as prepared in terms of provision of sub-rule 1 shall be deemed as electoral rolls.
- (7) The said electoral rolls shall be published on the notice Board of the Madrasah for

inspection of guardian for not less than one month before the date of holding of election.

- (8) The said electoral rolls along with sub application or applications for omission inclusion, exclusion or correction of names as voters shall be placed in the meeting of the Committee to be convened by the Head of the Madrasah for the final approval, at least 15 days prior to the date of holding of an election.
- (9) In case there is any dispute between the Head of the Madrasah and the majority of the members of the Committee, the matter shall be referred to the District Inspector of Schools concerned and his decision shall be final.
- (10) The programme in detail for the purpose of holding of election for constitution or reconstitution of the Committee shall be prepared by the Head of the Madrasah and be approved by the Committee. The election programme and provisional voters and final voters list shall be approved by the Committee in the meeting to be convened by the Head of the Madrasah for the said purpose.
- (11) In case the Head of the Madrasah fails or neglects to convene the meeting for the purpose of approving the election programme in detail, holding of an election for constitution or reconstitution of the Committee or to conduct election as per approved election programme, the Secretary, with the approval of the Committee shall forthwith report the matter to the District Inspector of Schools concerned. The District Inspector of Schools may upon due consideration, entrust all work pertaining to the election of the Committee including the preparation of the voters list, duties of Scrutiny Officers, or appointment of Election Officers, etc., to the Assistant Headmaster/Assistant Superintendent or, if there be no Assistant Headmaster/Assistant Superintendent to the seniormost approved Assistant Teacher of the Madrasah.
- (12) In the event as stated in sub-rule (12) action may be taken against the Head of

the Madrasah by the Committee in terms of clause (i) of sub-rule (5) of rule 27:

Provided that where the Head of the Madrasah fails to get the election programme or the voters' list approved by the committee in proper time due to lack of quorum or any other reasons beyond his control, the election programme and the voters' list may be approved by the District Inspector of Schools concerned.

(13) The District Inspector of Schools, before approving the election programme, shall satisfy himself about the correct position of the situation.

(14) After the election has been completed the register shall be re-opened for making fresh entries.

6. Particulars to be maintained in the Register of Voter

The register of eligible voters shall contain the names of,

- (a) all guardians whose names are entered as such in the admission register;
- (b) founder of the institution who have been recognised as such from the inception of the Madrasah for the purpose of recognition. Where there is more than one founder, the names shall be recorded as per serial maintained in the first resolution of the committee constituted under the rules after recognition and the list shall be approved by the District Inspector of Schools;
- (c) life members—who have donated not less than a sum of Rs. 20,000/- or equivalent which has been duly accepted by the committee and approved by District Inspector of Schools. Where there is more than one life member, names shall be recorded in order of priority according to the dates of donation;
- (d) members of the teaching and non-teaching staff separately and in order of seniority.

7. Eligibility criteria for registration

- (a) No one shall be registered as voter if he is below 18 (eighteen) years of age and

whose name does not occur in the admission register.

- (b) A guardian who has more than one ward reading in the same Madrasah shall be registered as a single voter.
- (c) An employee of the Madrasah who is also a guardian shall be entitled to have his name registered as a guardian but he shall not be eligible to stand for election in this category, although he shall have the right to vote as a guardian.
- (d) An employee of the Madrasah who is also a founder shall be entitled to have his name registered as founder but he shall not be eligible to be elected as an office bearer.
- (e) An employee of the Madrasah who has been placed under suspension with the prior permission of the Board shall not have the right to vote or stand for election.
- (f) An employee who has been sent on deputation or training by the committee shall have the right to vote and stand for election.
- (g) A teacher appointed on deputation or leave vacancy shall not have any right to vote or stand for election.
- (h) An employee of the Madrasah who is also a life member shall be entitled to register his name as life member but shall not be eligible to be elected as office bearer.
- (i) A person registered as eligible voter in more than one category shall be eligible to exercise vote in each category but shall not be eligible to serve for the committee from more than one category.
- (j) In case of dispute the matter shall be referred to the Board whose decision shall be final.

8. Power of Board to approve and supersede the committee :

- (1) (i) The constitution of a Committee shall be subject of the approval of the Board;
- (ii) The Board shall have the power to supersede a Committee :

- (a) if it is satisfied from the report of District Inspector of Schools/ Director or otherwise that the committee has not been functioning properly, and
 - (b) if the Committee fails to comply with the directions of the Board of Director or the Government of West Bengal as the case may be.
- (iii) On supersession of a Committee or an expiry of the term of a Committee the Board shall appoint an Administrator or an ad-hoc Committee to exercise the powers and perform the functions of the Committee :

Provided that before superseding a Committee under this rule the Board shall give a reasonable opportunity to the Committee to present its case before the Board.

- (2) An Administrator or an Ad-hoc Committee, appointed under sub-rule (3), shall exercise the powers and perform the functions of the superseded Committee or of the Committee whose term has expired, ordinarily for one year and the Board may, by order, extend the term of the office of the Administrator or the Ad-hoc Committee, as the case may be, by a further period not exceeding six months at a time so that the total period may not exceed two years and the Administrator or the Ad-hoc Committee as the case may be, shall take steps to re-constitute the Committee under these rules within the period so extended. In exceptional circumstances which are beyond the control of the Administrator or Ad-hoc Committee, the term of the appointment of the Administrator or the Ad-hoc Committee or the Head of the Madrasah shall be extended by the Board for such period as it deems fit.
- (3) Notwithstanding anything contained in these rules, the Board shall on the application of any Madrasah or a class of Madrasah, approve, the special constitution of a Committee in favour of such Madrasah or a class of Madrasah and in

approving the special constitution Committee, the Board shall pay due regard to the report of the Director. When granting special constitution in favour of a Madrasah, the Board shall ensure representation of the members of teaching and the non-teaching staff, guardians and the member nominated by the Director or an officer authorised by him in this behalf, is made according to clause (c), (d) and (g) of rule 3 :

Provided that if the Board is of the opinion that a Madrasah enjoying special constitution has not been functioning properly, the Board may, after paying due regard to the recommendations of the Director, amend or withdraw such special constitution of a Committee and at that event, the Board may, by order, appoint an Administrator or an Ad-hoc Committee, to exercise the powers and perform the functions of the committee for such period as may be specified in the order.

- (4) The report on constitution or re-constitution of a Committee shall be forwarded to the Board or the District Inspector of Schools in Form 4(MC) within 7 days of the election of the office bearers for approval.
- (5) In case of any omission or irregularity at any stage in the constitution or re-constitution of the Committee, the Board may not accord approval to such constitution or reconstitution and pass such order as it may deem fit. However, if in the opinion of the Board such irregularity or omission seems to be of trivial nature and does not affect the election it may condone the said irregularity or omission and accord approval to the constitution or reconstitution of the Committee.

9. Procedure of an election-

- (1) The procedure of an election under rule 3 and rule 4 shall be as laid down in APPENDIX I.
- (2) The date of election of a Committee for the purpose of its re-constitution shall be fixed at least 60 (sixty) days before the

expiry of the term of the existing Committee.

- (3) The member referred to in clause (g) of rule 3 shall be placed by the Director or the District Inspector of Schools within thirty days from the date of election of members from different categories.

10. Office-bearers of Committee and quorum

- (1) (i) The committee shall ordinarily consist of not more than eleven or twelve or thirteen or seventeen members as specified in rule 3 which shall include the President, the Vice-President, the Secretary to be elected by the members of the Committee from amongst themselves.
- (ii) No member of the teaching and non-teaching staff shall be eligible for election to the office of the President or the Vice-President or Secretary of the Committee.
- (iii) The Head of the Madrasah shall be the ex-officio Joint Secretary of the Committee.
- (2) Any elected office-bearer may be removed from office by majority votes subjects to the approval of the Board when such removal is in the interest of the Madrasah.
- (3) An office bearer shall relinquish his charge from the office automatically once he ceases to be a member under clause (1) of rule 11.
- (4) Fifty per cent of the members of the Committee shall form a quorum for a meeting of the Committee. In determining the number necessary for a quorum under this rule when the total number of members is an odd number, one shall be added to the total number.
- (5) If any category of members of the Committee remains unrepresented because of delay in nomination or any dispute there shall be no bar in holding of the office bearers' election and formation of the Committee, provided that the Board accords necessary permission. The Board may, however, allow any such nomination or representation in the committee

after an office bearers' election.

11. Casual vacancy

- (a) If at any time (a) member of the Committee ceases to fulfil the qualification in respect of which he was elected or nominated, he shall cease to be a member and a vacancy shall be automatically created.
- (b) (i) a vacancy in the office of a member from the Guardian category as stated in clause (c) of rule 3, shall be filled up by co-option from the original list of voters on the basis of which the Committee was constituted,
- (ii) a vacancy in the office of a teacher and non-teaching member as per clause (d) or rule 3 shall be filled up by an election in the manner laid down in sub-rule (6) of rule 4,
- (iii) vacancies in the category of members noted in clauses (c), (e), (f) and (g) of rule 3 shall be filled up by co-option or nomination, as the case may be;
- (c) Any member co-opted or nominated or elected to fill up a casual vacancy shall hold office for the un-expired portion of the term of the Committee.

12. Vacancy caused by absence

Subject to the approval of the Board any member of the Committee other than the founder or the life-member absenting himself in four consecutive meetings shall cease to be member if the committee so decides by majority votes with the approval of the Board. The vacancy shall be filled up as provided in rule 11.

13. Term of Committee

- (i) Subject to the approval by the Board, the term of the Committee shall be for three years from the date of taking over of the charge after completion of constitution or re-constitution of the Committee or from the date of expiry of the term of the previous Committee whichever is later.
- (ii) On expiry of the term, the committee shall cease to function.
- (iii) The Board, on an application for extension of the term of the Committee, may

extend the term by a period not exceeding one year if in its opinion the reason furnished by the Committee is satisfactory.

- (iv) The Board may, by order, further extend the term of the Committee by a period not exceeding six months at a time. The total period however, shall not exceed two years. In exceptional circumstances, the term may be extended for such period as the Board may deem fit.

14. Audit

The Director or any Officer so authorised by him shall annually appoint, from the panel maintained by him, an Auditor who shall examine the accounts of the Madrasah and submit his report to the Committee. Two copies of such report shall be forwarded to the Director who shall send one copy of the report to the Board. The Director may call for explanation of the Committee on the irregularities, if any pointed out in the audit report and the Committee shall submit to the director within six weeks of the receipt of such communication, its explanation indicating the action taken or proposed to be taken on the irregularities. If the explanation is not satisfactory, the Director may recommend the Board for supersession of the Committee.

15. Finance sub-committee

- (1) There shall be in each Madrasah a Finance sub-committee of the Committee and the Finance sub-committee shall consist of: (i) Secretary of the Committee-Chairman; (ii) Head of the Madrasah-Secretary; (iii) a member of the teaching and the non-teaching staff-Member, (iv) Departmental nominee-Member.

- (2) Subject to the general supervision of the Committee it shall be the duty of the Finance sub-committee to (i) prepare budgeted estimates of the Institution; (ii) consider audit report and auditor's annual report; (iii) check bills; (iv) invite tenders; (v) place work-orders; (vi) scrutinize vouchers; and (vii) transact any other business that may be assigned to it by the Committee. All payment exceeding Rs. 200/- (two hundred) shall require prior

approval or the Finance sub-committee except the salary of the staff and proved recurring expenditure of the Institution.

16. Meeting of the Committee

A meeting of the Committee shall ordinarily be convened by the Secretary at least once in two months except during the vacation. Notice ordinarily not less than seven days before the meeting shall be given. In the temporary absence of the Secretary and the ex-officio Secretary, the President may convene the meeting.

17. Special Meeting

A special meeting shall be convened by the Secretary within a fortnight when a requisition of such meeting is made by not less than one-third of the total members of the Committee. Notice of not less than seven days for such meeting shall be given.

18. Special meeting convened by requisition

If the Secretary fails to convene a special meeting, the requisitionists shall refer the matter to the President who shall convene the meeting. In the event the President fails to convene a meeting within ten days after reference to him by the requisitionists, being above 50% of the number of the Members, shall have the power to convene the meeting giving seven days notice.

19. Emergency meeting

Emergency meetings may be convened by the President, if necessary, by giving not less than twenty-four hours' notice to consider any business requiring immediate attention. All resolutions passed in an emergency meeting shall be subject to confirmation or revision at the ordinary meeting.

20. Place of meeting

All meetings shall be held in the premises of the Madrasah, unless the members of the Committee decide unanimously to the contrary.

21. Agenda

The notice of each meeting shall contain a list of business to be transacted at the meeting and an agenda being drawn up by the Secretary.

Committee in consultation with the Head of the Madrasah and the President of the Committee. No business other than that so stated shall be transacted, except with the consent of three-fourths of the members present. Provided that no matter involving an appointment dismissal or removal of a teacher or other employee shall be taken up unless the matter has been placed on the agenda of the meeting issued with the notice, and evidence of service of such notice is to be maintained and preserved for inspection by any member of the Committee or any other person so authorised by the Board or the Director or the District Inspector of Schools.

22. President to preside

The President shall preside at a meeting of the Committee. In the absence of the President, the Vice-President, if any, shall preside over the Meeting and in the absence of the President and the Vice-President, the members present shall select any one person from amongst themselves to preside over the meeting.

23. Casting vote

The President of the meeting shall have a casting vote on addition to his ordinary vote when votes of the members present are equally divided.

24. Auditor's report

The auditor's report on the accounts of the Madrasah shall be taken into consideration at the first ordinary meeting after the report has been received and considered by the Finance sub-committee. A copy of the report, along with the observations of the Committee, shall thereafter, be sent to the Board, Director or District Inspector of Schools.

25. Duties of the Secretary and ex-officio Joint Secretary (Head of the Madrasah)

(1) Under the direction of the Committee, the Secretary shall carry on correspondence with the appropriate authorities on behalf of the Committee. He shall also keep a record of the proceedings of the meeting of the Committee in a book maintained for the said purpose. The record of each meeting shall be confirmed at the subsequent meeting;

(2) (a) The ex-officio Joint Secretary shall

perform such duties as may specifically assigned to him by the Committee and shall perform the duties of a Secretary in case of his absence and during casual vacancy caused by death, resignation or removal of the Secretary.

- (b) (i) the Head of the Madrasah shall exercise general supervision over the teaching and non-teaching staff of the Madrasah and allot duties to them according to the academic and administrative need of the Madrasah,
- (ii) he/she shall prepare the school accounts such as cash books and other subsidiary books of accounts with the help of clerks or office assistants and sign all the records,
- (iii) he/she shall have the right to ask for explanation from any staff in the event of negligence of duty and refer the matter to the Committee along with his comments and findings for consideration of the committee.
- (iv) he/she shall be responsible for submission of application forms of the students appearing at the Examinations of the Board including registration forms of the students to the Board and forms and papers of financial grant and of other nature to the concerned authority in scheduled time.
- (v) he/she shall prepare the annual list of holidays in consultation with the Committee;
- (vi) he/she shall conduct current business of the Madrasah such as arrangement of classes, time table, examinations, class promotions, selection of candidates for Board's examination in consultation with the academic council,
- (vii) he/she shall deal with issues relating to discipline, teaching

and incidental matters. However, in cases of rustication or expulsion, his decision shall require the approval of the committee,

- (viii) he/she shall render all possible assistance to the Board in holding the Board's examinations.

26. Documents

- (1) (i) the Secretary shall be in charge of the invested funds, title-deeds and other legal documents belonging to the Madrasah and the Head of the Madrasah shall be the custodian of such documents.
- (ii) all papers relating to the Madrasah shall be made available at any time to the members of the Committee or any person authorised by the Board or the Committee or the Director or the Auditor or the District Inspector of Schools or the Education Department of the State Government for inspection. In all Madrasahs, all papers, documents and accounts shall be kept safely in the premises of the Madrasah.
- (iii) all papers and books relating to the accounts such as cash book, acquittance register, fee collection book and register, attendance register, pass books of banks and post offices and other subsidiary books of accounts of the madrasah shall be kept under the custody of the Head of the Madrasah.
- (iv) the Head of the Madrasah at the time of joining the Madrasah shall take over the charge of all documents relating to accounts, title deeds, invested funds etc. from his predecessor. Similarly he shall make over the charge of the above documents when going on for a long leave/suspension or leaving the Madrasah permanently for other reasons.
- (2) The accounts of the Madrasah shall be operated jointly by the Secretary and the ex-officio Joint Secretary. All bank transactions shall be on the joint signatures of

both the Secretary and the ex-officio Joint Secretary. In the event of a vacancy either office, the President of the Committee or any other member of the Committee duly authorised by a resolution by the Committee in this behalf shall operate the bank account on behalf of the incumbent absent. However, in respect of a salary account only, the operation of the account shall be jointly made by any one of the following: the Secretary, Head of the Madrasah and teachers representative.

Provided that the Director may after giving intimation to the Board, by order in writing,

- (a) authorize any other person or persons to operate the accounts of the Madrasah and/or to carry out bank transactions, or
- (b) authorise the District Inspector of Schools to appoint an officer under him to operate such accounts and/or to carry out such transactions.
- (3) If the District Inspector of Schools is satisfied that the circumstances exist which payment of grant-in-aid through the fund of the Madrasah is not expedient, he may authorise an officer under him to draw and disburse the grant-in-aid in the manner, as may be specified after giving intimation to the Board to the Director.

27. Powers and Functions of Committee

- (1) In an aided Madrasah, the Committee shall have the power, subject to the provisions of any grant-in-aid scheme or revision scheme or any order or directions or guidelines issued by the Government of West Bengal or the Director in connection therewith and in force for the time being,
 - (i) to appoint teachers on permanent basis against permanent vacancies if available within the sanctioned strength of the teachers on recommendation of the West Bengal Service Commission;
 - (ii) to appoint in accordance with

directions given by the Director in this behalf, employees other than teachers on permanent basis against permanent vacancies if available within the sanctioned strength of such employees, approval of such appointment shall be sought for from the District Inspector of Schools ordinarily, within fifteen days from the date of the decision of the committee;

- (iii) to appoint in accordance with directions given by the Director in his behalf, teachers and other employees, on temporary basis against temporary vacancies, if available within the sanctioned strength of teachers and other employees, approval of such appointment shall be sought for from the District Inspector of Schools ordinarily, within seven days from the date of decision of the Committee.

(2) In an unaided Madrasah the Committee shall, subject to the approval of the Board, have the power :

- (i) to appoint teachers and other employees on permanent or on temporary basis, in accordance with the directions given by the Director or any officer authorised by him in this behalf. Ordinarily approval of such appointment shall be sought for from the Board through the Director within fifteen days from the date of decision of the Committee;

- (ii) in all cases of appointment, both permanent and temporary, the Committee shall issue letters of appointment, specifying the terms and conditions of such appointment. In case of a permanent appointment, a teacher or an employee appointed on probation shall be confirmed on the expiry of the period of probation unless an order to the contrary is issued at least six weeks before the date on which such confirmation normally falls due. In case of an appointment on temporary basis against a permanent post the teacher or the employee so appointed shall be con-

firmed on completion of two years' of continuous and satisfactory service :

Provided that no appointment shall be made in a vacancy if it is not against a sanctioned post, whether permanent or temporary.

(a) **First Stage** : The procedure of the "first stage" shall comprise of the following :

- (i) resolution of the Committee containing the charges against the person to be proceeded against,
- (ii) formal charge-sheet to be issued to the person concerned, containing the articles of charges as per resolution of the Committee,
- (iii) reply to the charge-sheet by the person proceeded against to be submitted to the Committee ordinarily within fifteen days from the date of receipt of the charge-sheet,
- (iv) consideration of the reply by the Committee and its decision thereon, with the underlying reasons for taking such decision to be stated in detail.

The committee shall, thereafter, send the proposal to the Board along with attested copies of all relevant papers coming within the scope of the 'First Stage'.

If the Board considers that there are sufficient grounds for taking disciplinary action against the person concerned on the basis of evidence submitted by the Madrasah and also evidence that may be subsequently called for, the Board will accord approval to the Madrasah's proposal for initiating disciplinary proceedings against the person so concerned.

(b) **Second stage**—The procedure of the "second stage" shall comprise of the following :

- (i) on receipt of the Board's aforesaid approval, the Committee

shall within fifteen days issue a show-cause notice, on the basis of its resolution to the person concerned specifying the nature of punishment proposed to be taken against him;

- (ii) on receipt of the reply to the show-cause notice, the Committee shall consider the reply in its meeting and take a decision thereon in the form of a resolution;
- (iii) the Committee shall thereafter forward all relevant papers mentioned in sub-clause (i) and sub-clause (ii) to the Board for consideration within one month of the reply to the show-cause notice.

The Board will then and decide it finally and Communicate its decision to the committee for implementation. The decision of the Board on the matter shall be final and binding upon all concerned.

Provided that the Board may delegate to any Committee constituted under section 18 of the Act, the powers and functions conferred on the Board by this sub-rule.

- (3) In aided and unaided Madrasahs the Committee shall have the power :

- (a) to grant leave according to rules as laid down in APPENDIX-II;
- (b) to grant increment in pay to teachers and other employees in accordance with the procedure laid down from time to time or regulated by grant-in-aid rules,
- (c) to grant free or half-free studentship to students in accordance with the procedure laid down from time to time, but ordinarily with the consent of the Head of the Madrasah;
- (d) to manage funds of the Madrasah as per direction given by the Director or

District Inspector of Schools from time to time:

- (e) to frame annual report of the Madrasah;
- (f) to deal with all schemes of development of the Madrasah and such other matters;
- (g) to allocate the total period of holiday in a year, but special holiday for a day or a portion thereof on account of death of any renowned person or on any special occasion concerning the Madrasah may be granted by the Secretary or the head of the Madrasah at his discretion;
- (h) to grant deputation of teachers, where such deputation is in the interest of the Madrasah, provided that a teacher affected by the decision of the Committee may make his representation to the Director/District Inspector of Schools.
- (i) to suspend a teacher or an employee where such suspension is in the interest of the Madrasah, pending drawing of proceedings against the person concerned within ninety days from the date of suspension; and during the period of suspension, the person concerned shall be paid pay and allowances equal to fifty per cent of the pay and allowances drawn by him immediately before such suspension. Such steps shall be referred to the Board within seven days of such approval. The person affected by the decision of the Committee may, however, make his representation to the Board. The proposal seeking Board's approval with regard to suspension of any member of teaching or non-teaching staff shall contain the following particulars, (a) name and designation of the person concerned;
- (b) Date of appointment against sanctioned post; (c) date of order of suspension; (d) copy of the resolution of the Managing Committee recommending such suspension; (e) if

formation about the payment of subsistence allowance to the person concerned; (f) details of previous record of suspension and/or punishment against him, if any. The order of suspension shall normally be issued to a member of the teaching/non-teaching staff under this clause, when his presence in the Madrasah is likely to vitiate the inquiry and the charges brought or to be brought against him/her.

The order of suspension shall automatically stand withdrawn in case the proceedings are not drawn within a period of ninety days, provided that in exceptional circumstances this time limit may be waived by the Board after due consideration of the facts of the case, but under no circumstances the time limit shall be waived beyond the limit of one year.

Where the period of suspension exceeds 90 (ninety) days, the amount of subsistence allowance shall be increased after the expiry of ninety days to seventy-five per cent of the pay and allowances drawn immediately before such suspension. The suspended person shall not be entitled to any subsistence allowance if he accepts employment during the period of suspension elsewhere;

However, a member who is detained in custody for a period exceeding 48 (forty eight) hours under any law providing for preventive detention or as a result of proceeding on a criminal charge or otherwise, shall be deemed to have been suspended by an order of the appointing authority with effect from the date of his detention and shall remain under suspension till disposal of the matter by court of law.

- (j) to acquire or purchase movable and immovable property including land and building where such acquisition or purchase is in the interest of Madrasah.

- (k) to sell, mortgage or lease any immovable property which belong to a Madrasah with prior written permission of the Board if, in its opinion such proposal is in the interest of the Madrasah;
- (l) to sell or dispose of movable property valued above Rs. 1000/- prior permission of the Board shall be necessary;
- (m) to see that the duties, if any, allotted/assigned/entrusted to the teaching and non-teaching staff of Madrasah by the Board or any other person so authorised or appointed by the Board in connection with the examination or other purposes are satisfactorily performed by them and to take necessary disciplinary action against them if they neglect or intentionally fail or refuse to discharge such duties or indulge in any malpractices while discharging such duties;
- (n) to see that the staff of the Madrasah perform the duties as laid down herein; namely :
- (i) heads of Madrasah and all other members of the staff both, teaching and non-teaching, shall attend the Madrasahs punctually at the appointed hour and shall not leave before the Madrasah closes for the day;
- (ii) all teachers shall regularly take the classes allotted to them in the time-table and come to their classes in time;
- (iii) in the larger interest of students, no teacher shall refuse to take the class of an absent colleague if allotted, or whenever necessary by the Head of the Madrasah;
- (iv) members of both the teaching and non-teaching staff shall sign the attendance register on arrival in the Madrasah. The register will be maintained by the Head of the Madrasah;

- (v) if a teacher or non-teaching staff is marked for late attendance by 15 (fifteen) minutes for three days in a month one day's casual leave shall be deducted from his casual leave account. But the Head of the Madrasah may condone such late attendance if he is satisfied with the explanation so offered;
- (vi) the staff of a Madrasah shall not be absent from duty without prior permission of the Head of the Madrasah. In case if permission is not taken for unavoidable circumstances, they shall submit leave applications to the Head of the Madrasah immediately after resumption of duty with proper explanation for such absence;
- (vii) the teachers shall participate in community assembly, if provided for in madrasah and co-curricular activities;
- (viii) to monitor and maintain the rate of progress of students in their course of studies. Teachers shall go by the announced programme of periodical examination of the Madrasah, publish the results thereof in time and submit the progress reports to the Head of the Madrasah for transmission to the guardians for their knowledge, signature and comments, if any;
- (ix) in the interest of public examinations, the teaching staff shall perform invigilation duty and the non-teaching staff shall perform other duties as allotted to them, and both shall co-operate with the Head of the Madrasah to maintain the sanctity of such examination.
- (o) to deal with other matters that are brought to the notice of the Committee in the interest of the Madrasah subject to the approval of the Board.

28. (1) In an aided or un-aided Madrasah Committee shall have the power to suspend an employee of Madrasah under the following provisions :

- (a) Where a disciplinary proceeding against an enquiry against him is completed or is pending; or
- (b) Where in the opinion of the Committee, he has engaged himself in activities prejudicial to the interest of the Madrasah; or
- (c) Where a case against him in connection with any criminal offence is under investigation or trial.

Provided that where the order of suspension is made in relation to an employee of Madrasah, the Committee shall report to the Board the circumstances in which the order was made.

(2) An employee of Madrasah against whom a proceeding has been commenced, if a criminal charge may be placed against him, suspension under clause (c) of sub-rule (1) by an order made by the Committee. If the criminal charge is related to the official position of the employee of Madrasah or involves any moral turpitude on his part, suspension shall be ordered under this Sub-rule, unless there are exceptional reasons for not adopting such course.

(3) An employee of a Madrasah who is detained in custody for a period exceeding forty eight hours under any law providing for preventive detention or as a result of a proceeding either on criminal charge or otherwise, shall be deemed to have been suspended by an order of the Committee, with effect from the date of detention, and shall remain under suspension until further orders. An employee of Madrasah who is undergoing a sentence of imprisonment shall also be deemed to have been suspended in the same manner, pending a decision on the disciplinary action taken against him.

(4) (1) Where a penalty of dismissal or removal from service imposed on an employee

Madrasah under suspension, or (2) a disciplinary proceeding pending against an employee under suspension is set aside in appeal or on review under these rules and the case is remitted for further enquiry or action or with any direction, the order of his suspension shall be deemed to have continued in force.

- (a) in case where the penalty of dismissal, from service had been imposed, on and from the date of the order imposing such penalty, and
 - (b) in case where the disciplinary proceeding was pending, on and from the date of order placing an employee of Madrasah under suspension; and in either case, the order of suspension shall remain in force until further orders;
- (5) Where a penalty of dismissal from service imposed on an employee of Madrasah under suspension or a disciplinary proceeding pending against an employee of Madrasah under suspension is set aside or declared or rendered void in consequence of or by a decision of a court of Law and the Committee on a consideration of the circumstances of the case and with the approval of the Board, decides to hold a further enquiry against the employee of Madrasah on the allegations on which the penalty was originally imposed or the disciplinary proceeding was originally started, the employee of Madrasah shall be deemed to have been placed under suspension by the Committee, with effect from the date on which the order imposing the penalty of dismissal, or compulsory retirement from service was made or where the disciplinary proceeding was pending from the date on which the employee of Madrasah was originally placed under suspension.
- (6) An employee of Madrasah shall be entitled during the period of suspension to the following paymetns, namely :
- (a) a subsistence grant at the rate of
 - (i) one half of the pay of the employee drawn immediately be-

fore the date of suspension, for the first three months;

- (ii) three-fourth of such pay, for the next three months and
- (iii) such pay, for the remaining period

- (b) dearness allowance, house rent and other compensatory allowance, if any, of which he was in receipt immediately before the date of suspension in the proportions specified above :

Provided that no payment under clause (a) or clause (b) shall be made unless the employee furnishes a certificate to the effect that he is not engaged in any other employment, business or vocation.

29. Subject to the provision that no employee may be dismissed by an authority subordinate to that by which he was appointed, the committee may for good and sufficient reasons and as hereinafter provided, impose upon an employee of Madrasah the following penalties for misconduct :

- (i) censure;
- (ii) with holding of increments or promotion;
- (iii) recovery from pay of the whole or pary of any pecuniary loss caused to the Marasah by negligenceor breach of orders;
- (iv) reduction to a lower stage of pay in the time scale of pay for a specified period with further direction as to whether or not the employee will earn increments of pay during the priod of such reduction and whether on the expiry of such period the reduction will or will not have the effect of postponing the future increments of his pay;
- (v) dismissal from service.

Explanation :

The following shall not amount to a penalty within the meaning of this rule, namely-

- (i) withholding of increment of an employee for his failure to pass an examination or to acquire a qualification prescribed for the purpose;

- (ii) compulsory retirement of an employee in accordance with the provisions relating to his superannuation or retirement;
- (iii) a written warning without any disciplinary proceeding, admonition or reprimand for offences of occasional or minor nature;
- (iv) termination of services-
 - (a) of a seasonal employee at the end of the season for which he is employed, expressly or impliedly, or
 - (b) of an employee appointed in a casual vacancy, such as leave vacancy, on the cessation of such vacancy, or
 - (c) of an employee employed under an agreement in accordance with the terms of such agreement.

Note : If, as a result of disciplinary proceedings, any of the penalties specified in this rule is imposed on an employee of Madrasah, a record of the same shall be kept in the service book of the employee.

30. Illustrations of misconduct-

The following are some examples of misconduct coming under the purview of rule 29 :

- (i) breach of any of the duties mentioned in clause (m) of sub-rule (3) of rule 27;
- (ii) wilful insubordination or disobedience of any lawful or reasonable order of a higher authority
- (iii) theft, fraud or dishonesty in connection with any property of the Madrasah;
- (iv) giving false information of one's name, father's name, age, qualifications, previous service, etc. at the time of employment;
- (v) negligence of duty, malingering or slow-down of work;
- (vi) taking or giving bribes or any illegal gratification or indulging in corrupt practices;
- (vii) intoxication, disorderly or indecent behaviour or any act subversive of discipline;

- (viii) sabotage or wilful damage to, or loss of, goods or property of the Madrasah;
- (ix) unauthorised use of land and buildings of the Madrasah;
- (x) conviction in any court of law for a criminal offence involving moral turpitude;
- (xi) failure to intimate to his official superiors the fact of his arrest by the police or other security force and the circumstances connected therewith without any delay;
- (xii) engaging himself in any employment, profession, trade or business connected with his usual work at the Madrasah, except with the permission of the Committee;
- (xiii) failure to intimate to his official superiors the fact of engagement of a member of his family in any such employment, profession, trade or business which is likely to affect the interests of the Madrasah.

Explanation-For the purpose of clause (xii), the wife, husband, and sons and daughters living with the employee at the same mess shall be deemed to be members of the family of the employee.

- (xiv) breach of any rule, regulation, or circular of the State Government, or of the Committee or any higher authority;
- (xv) abetment or attempt to commit any of the above acts of misconduct.

Note : Examples mentioned above are illustrative and not exhaustive.

31. Procedure for imposing penalties

(Appendix-III, IV, V and Annexure-I)

- (1) No order imposing any of the penalties specified in rule 29 shall be made until after an enquiry held in the manner provided in this rule.
- (2) The committee shall draw up or cause to be drawn up-
 - (i) a charge sheet containing allegations of misconduct or misbehaviour divided into separate and distinct heads;

- (ii) a statement of facts relating to each head of charge which shall contain—
- (a) a statement of relevant facts including any admission or concession made by the employee of Madrasah;
 - (b) a list of documents by which, and a list of witness by whom, the articles of charge are proposed to be sustained.
- (3) The Committee shall deliver or cause to be delivered to the employee of Madrasah a copy of the chargesheet and the statement of facts relating to each head of charge prepared under clause (ii) of sub-rule (2) and shall require the employee of Madrasah to submit to the inquiring authority within such time as may be specified a written statement of his defence and to state whether he desires to be heard in person.
- (4) (i) The Committee shall in all cases for the purpose of enquiry shall appoint an inquiring authority who shall be :
- (a) an Assistant teacher of another Madrasah where the enquiry is against a non-teaching staff ; or
 - (b) an Assistant teacher of another Madrasah of the same or higher status when the enquiry is against an assistant teacher; or
 - (c) a Head of another Madrasah of same status when the enquiry is against the Head of Madrasah; or
 - (d) in case it is not possible to make appointment as indicated above, an officer under the control of the District Inspector of schools, not below the rank of the Assistant Inspector of Schools, as may be deputed by the District Inspector of Schools on request from the Committee.
- (ii) The Committee shall forward to the inquiring authority so appointed the following documents :
- (a) a copy of the charge sheet and the statement of facts relating to each head of charge
 - (b) a copy of the statement of witness, if any;
 - (c) evidence proving the delivery of the documents referred to in sub-rule (2) to the employee of Madrasah.
- (5) The employee of the Madrasah shall appear in person before the inquiring authority on such day and at such time within ten working days from the date of receipt by him of the articles of charge and the statement of imputations of misconduct or misbehaviour as the inquiring authority may, by a notice in writing, specify in this behalf or within such further time not exceeding ten days, as the inquiring authority may allow.
- (6) If the employee of the Madrasah who has not admitted any of the articles of charge in his written statement of defence appears before the inquiring authority, wudh authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain the signature of the employee, of the madrasah thereon. The inquiring authority shall return a finding of guilt in respect of those articles of charge to which the employee of the madrasah pleads guilty. The inquiring authority shall, if the employee of the madrasah fails to appear with in the specified time or refuses or omits to plead or claims to be tried, require the committee or its representative to produce evidence by which it proposes to prove the articles of charge and shall adjourn the case to a later date not exceeding 30 days after recording an order that the employee of the Madrasah may for the purpose of preparing his defence—
- (a) inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to in sub-rule

(2);

(b) submit list of witness to be examined on his behalf;

(c) give a notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow, asking for the discovery or production of any documents which are in the possession of the authority but not mentioned in the list mentioned in sub-rule (2).

(7) The inquiring authority shall, on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the authority in whose custody or possession the document are kept, with a requisition for the production of the documents by such date as may be specified in such requisition :

Provided that the inquiring authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

(8) on receipt of the requisition referred to in sub-rule (7) every authority having the custody or possession of the requisitioned documents shall produce the same before the inquiring authority;

Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the public interest or security of the State, it shall inform the inquiring authority accordingly and the inquiring authority shall, on being so informed, communicate the information to the employee of madrasah and withdraw the requisition made by it for the production or discovery of such documents.

(9) The inquiring authority shall fix the date, time and place of enquiry and intimate or cause to be intimated the same in advance to the committee and to the charged employee of Madrasah. The inquiring authority may also, for reasons to be

recorded, adjourn the inquiry from time to time to any future date and time and change the place of enquiry to another place and intimate or cause to be intimated the same in advance to the committee and the charged employee of Madrasah.

(10) On the date fixed for the enquiry, the oral and documentary evidences by which the charges are proposed to be proved shall be produced on behalf of the committee by the Presenting Officer appointed by it for the purpose. Witnesses produced on behalf of the committee shall be examined by the presenting officer and may be cross-examined by or on behalf of the charged employee of Madrasah. The witnesses may then be re-examined by the Presenting Officer but such re-examination shall be directed to the explanation of matters referred to in cross-examination ; and, if any new matter is, with the permission of the inquiring authority, introduced in re-examination, the witness may further be cross-examined on behalf of the charged employee upon that matter.

(11) After the close of evidence adduced on behalf of the committee, the charged employee shall be entitled to produce both oral and documentary evidences by which the allegations of misconduct or misbehaviour relating to the heads of charge are proposed to be disproved and his own defence, if any, is proposed to be proved. Any witness produced by the charged employee, including himself, may likewise be examined on his behalf, cross-examined by the Presenting Officer and then re-examined on his behalf similar conditions as in the case of a witness for the committee.

(12) The inquiring authority shall keep a record of the proceedings before him day to day and shall require the Presenting Officer and the charged employee to sign the record at the end of each day's proceeding. The inquiring authority shall also require the witnesses examined before him to sign on the records of their respective evidences.

(13) The charged employee of Madrasah may take the assistance of any other employee of Madrasah to represent him in the enquiry but shall not be permitted to take the assistance of a legal practitioner unless the Presenting Officer appointed by the Committee is himself a legal practitioner.

(14) After the completion of the enquiry, a report shall be prepared by the inquiring authority and it shall contain—

(a) the heads of charge and the allegation of misconduct or misbehaviour;

(b) the defence of the employee of Madrasah in respect of each head of charge;

(c) an assessment of the evidence in respect of each head of charge;

(d) the finding on each head of charge and the reasons therefor.

(15) The committee shall consider the record of enquiry and record its findings on each charge.

(16) If the Committee, having regard to its findings on the charges, is of opinion that any of the penalties specified in rule 29 should be imposed, it shall—

(a) furnish to the charged employee of madrasah a copy of the report of the inquiring authority and a statement of its findings together with brief reasons for disagreement, if any, with the findings of the inquiring authority, and,

(b) give him a notice stating the punishment proposed and the grounds therefor and calling upon him to submit within a specified time such representation as he may wish to make on the basis of the evidence adduced during the inquiry.

(17) The committee shall consider the representation, if any, made by the charged employee of Madrasah in response to the notice under clause (b) or sub-rule (17) and determine what penalty, if any, should

be imposed on the charged employee of Madrasah add pass appropriate orders on the case :

Provided that where it is proposed to impose any of the penalties specified in clause (v) and (vi) of rule 29 on the charged employee of Madrasah, the record of the enquiry together with a copy of notice given under clause (b) of sub-rule (17) and the representation made in response to such notice, if any, shall be forwarded to the Board for approval before any such order is passed.

(18) Orders passed by the committee under Sub-rule (16) or Sub-rule (18) shall be communicated to the charged employee of Madrasah.

(19) Notwithstanding anything contained elsewhere in this rule, where the Head of Madrasah is himself the charged employee, he shall not, as a member of the Committee, take part in the decision making process or deliberations of the Committee at any stage of the disciplinary proceedings.

32. (1) Special procedure in certain cases—Nothing in rule 31 shall apply in a case where—

(a) a person is dismissed on the ground of conduct which has led to his conviction on a criminal charge, or

(b) the Board is satisfied that, for reasons to be recorded in writing, it is not reasonably practicable to hold such enquiry.

(2) If any question arises whether it is reasonable to give any person, an opportunity of showing cause under clause (b) of the sub-rule (1), the decision thereon of the Board shall be final.

33. Appeal against orders imposing suspension—An employee of Madrasah who is suspended or is deemed to have been suspended under Rule 28, may prefer and appeal against such suspension to so the Appeal Committee constituted by the Board under section 18 (1) of the Act.

Note : Enquiry report is to be furnished to the Board in all cases of

- (13) The charged employee of Madrasah may take the assistance of any other employee of Madrasah to represent him in the enquiry but shall not be permitted to take the assistance of a legal practitioner unless the Presenting Officer appointed by the Committee is himself a legal practitioner.
- (14) After the completion of the enquiry, a report shall be prepared by the inquiring authority and it shall contain—
- (a) the heads of charge and the allegation of misconduct or misbehaviour;
 - (b) the defence of the employee of Madrasah in respect of each head of charge;
 - (c) an assessment of the evidence in respect of each head of charge;
 - (d) the finding on each head of charge and the reasons therefor.
- (15) The committee shall consider the record of enquiry and record its findings on each charge.
- (16) If the Committee, having regard to its findings on the charges, is of opinion that any of the penalties specified in rule 29 should be imposed, it shall—
- (a) furnish to the charged employee of madrasah a copy of the report of the inquiring authority and a statement of its findings together with brief reasons for disagreement, if any, with the findings of the inquiring authority, and,
 - (b) give him a notice stating the punishment proposed and the grounds therefor and calling upon him to submit within a specified time such representation as he may wish to make on the punishment proposed but only on the basis of the evidence adduced during the inquiry.
- (17) The committee shall consider the representation, if any, made by the charged employee of Madrasah in response to the notice under clause (b) or sub-rule (17) and determine what penalty, if any, should be imposed on the charged employee of Madrasah add pass appropriate orders on the case :
- Provided that where it is proposed to impose any of the penalties specified in clause (v) and (vi) of rule 29 on the charged employee of Madrasah, the record of the enquiry together with a copy of notice given under clause (b) of sub-rule (17) and the representation made in response to such notice, if any, shall be forwarded to the Board for approval before any such order is passed.
- (18) Orders passed by the committee under Sub-rule (16) or Sub-rule (18) shall be communicated to the charged employee of Madrasah.
- (19) Notwithstanding anything contained elsewhere in this rule, where the Head of Madrasah is himself the charged employee, he shall not, as a member of the Committee, take part in the decision making process or deliberations of the Committee at any stage of the disciplinary proceedings.
32. (1) Special procedure in certain cases—Nothing in rule 31 shall apply in a case where—
- (a) a person is dismissed on the ground of conduct which has led to his conviction on a criminal charge, or
 - (b) the Board is satisfied that, for reasons to be recorded in writing, it is not reasonably practicable to hold such enquiry.
- (2) if any question arises whether it is reasonable to give any person, an opportunity of showing cause under clause (b) of the sub-rule (1), the decision thereon of the Board shall be final.
33. Appeal against orders imposing suspension—An employee of Madrasah who is suspended or is deemed to have been suspended under Rule 28, may prefer and appeal against such suspension to so the Appeal Committee constituted by the Board under section 18 (1) of the Act.
- Note :** Enquiry report is to be furnished to the Board in all cases of

34. Appeal against orders imposing the penalties Specified in rule 29. (1) An employee of Madrasah may appeal against an order imposing upon him any of the penalties Specified in rule 29 to the Appeal Committee constituted by the Board under Section 18 (1) of the Act.

35. Appeal against other orders (1) An employee of madrasah may appeal to the Appeal Committee against

(i) and order which—

(a) denies or varies to his disadvantage his pay, allowances or other conditions of Service as regulated by any rules or regulations or by agreement; or

(b) interprets to his disadvantage the provisions of any such rule regulation or agreement; or

(ii) an order—

(c) reducing pay or withholding increments

(d) determining the pay and allowances for the period of suspension to be paid to an employee of madrasah on his reinstatement or determining whether or not such period shall be treated as a period spent on duty for any purpose.

36. No appeal under these rules shall be entertained unless it is submitted within a period of three months from the date on which the appellant receives a copy of the order appealed against :

Provided that the Appeal Committee may entertain any appeal after expiry of the said period, if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

37. Procedure for filing and disposal of appeals—

(1) The appeal shall be preferred in such form and manner as may be provided for in the regulations made by the board in exercise of its powers under clause (j) of sub-section (2) of section 20 of the Act.

(2) The Appeal Committee shall consider and dispose of the appeal preferred before it in

accordance with the provisions of s regulations.

38. The Committee shall give effect to the order passed by the Appeal Committee and, in doing so, it shall furnish to the employee of Madrasah a copy of the orders passed by the Appeal Committee in the case.

39. Notwithstanding anything contained elsewhere in these rules, where any person who has participated in the making of the order appealed against in any capacity, becomes, in virtue of subsequent appointment, a member of the Appeal Committee, such person shall not take part in the hearing and disposal of the order of the members of the Appeal Committee excluding such person.

40. Review

(1) Notwithstanding anything contained in these rules the Board may, either on its own motion or otherwise, call for the records of any case and review any order which is made or is appealable under these rules, and may—

(a) confirm, modify or set aside the order;

(b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed;

(c) remit the case to the authority which made the order or to any other authority to make such enquiry as it may consider proper in the circumstances of the case; or

(d) pass such other orders as it deems fit;

provided that no order imposing or enhancing a penalty shall be passed unless the person concerned has been given an opportunity of making any representation which he may wish to make against such penalty or enhanced penalty.

(2) Orders passed under sub-rule (1) shall be given effect to by the authority which passed the original order and, in doing so, it shall furnish to the employee of madrasah concerned a copy of the order

passed in the case by the Board."

After the insertion of new rules 28 to 40, the existing rules 28 to 35 will be required to be re-numbered. The proposal in that respect may be made thus :

"The existing rules numbered as 28, 29, 30, 31, 32, 33, 34 and 35 shall be renumbered respectively as 41, 42, 43, 44, 45, 46, 47 and 48.

New appendices are also sought to be added to the rules. The proposal in that respect may be formulated thus :

"After the existing Appendix II, the following appendices shall be inserted :

41. Power of the State Government to take action against a member of the Committee

Notwithstanding anything contained elsewhere in these rules, the State Government or the Director shall have the right to proceed against any member of the Committee, who, in the opinion of the State Government, or the Director, commits financial irregularity or acts against the interest of the Madrasah.

42. Staff Council

The Committee of each Madrasah shall constitute a Staff Council composed of all whole-time teaching and non-teaching staff, permanent and temporary working against sanctioned posts and sanctioned additional posts with the Head of the Madrasah as its President. The Secretary of the Council shall be elected from amongst its members. The Council may discuss all matters of academic interest including recommendations of the Academic Council as well as problems relating to the development of the Madrasah. The staff council shall select staff as per requirement of the Head of the Madrasah to assist him in the matter of processing of registration forms, application forms of the students for Board's examinations and other papers. The Committee shall record the action taken on the recommendation indicating reasons in the case of its non-implementation if there is any.

43. Academic Council—

- (1) The Committee of each Madrasah shall constitute an Academic Council consisting of—

- (a) Head of the Madrasah;
- (b) Assistant Headmaster/Assistant Superintendent or Assistant Headmistress if there be any. Where there is no Assistant Headmaster or Assistant Headmistress or Assistant Superintendent one member elected from amongst the teaching staff in addition to three members as per clause (c) of this rule;
- (c) Three members elected from amongst the teaching staff including the Librarian and the Assistant Librarian where there is one, working against sanctioned posts or sanctioned additional posts;
- (d) The member representing the category as Person-Interested-in-Education shall be an invitee member. In case the Person Interested representative is the Secretary or President or Vice-President of the Managing Committee he shall preside over the meeting of the teaching council and the Head of the Madrasah shall be the Secretary of the Council.

The Head of the Madrasah and the Assistant Headmaster/Assistant Superintendent as the case may be, shall normally be the President and the Secretary of the council respectively.

Where there is no Assistant Headmaster/Assistant Superintendent one from amongst the elected members shall be elected Secretary of the Academic Council.

In case of casual vacancy it shall be filled up by election at a meeting convened for the purpose. The Head of the Madrasah shall preside over the meeting.

- (2) The Head of the Madrasah shall convene a meeting within one month from the first meeting of the newly constituted or re-constituted committee or ad-hoc committee or the appointment of Administrator and the teacher members including Librarian, Assistant Librarian, if any of

the Academic council shall be elected in that meeting.

- (3) The council may meet regularly to discuss matters connected with (i) admission, (ii) examination programme/class test, (iii) preparation of class-routine (iv) promotion (v) selection of text books (vi) time table or schools hours and (vii) measures relating to the improvement of teaching and co-curricular activities and to see that the guidelines of the Board issued from time to time on such matters are duly followed. The Council shall meet quarterly to review the progress made in coverage of syllabus of each subject in each class and continuous evaluation of the students by holding unit test in each class, performance of students in such test, measures taken for remedial teaching etc. and submit its findings and recommendation to the head of Madrasah who shall take necessary steps to act on the recommendations.

The Head of the madrasah shall be guided by the advice of the council in matters specified above. In case the Head of the Madrasah faces any difficulty in implementing any recommendation on any matter he shall refer the matter to the Managing Committee, Ad-hoc Committee or Administrator as the case may be who shall take such action as may deem fit.

44. Committee to be constituted within six months

The Committee of a Madrasah shall be constituted in accordance with the provisions of these rules, within a period of six months from the date of publication of these rules in the Official Gazette, except in cases of madrasah, where Committees were constituted in conformity with the rules as they stood before the publication of the present notification, it shall continue to function till the expiry of the period as provided in rule 13;

Provided that the extension of time may, for good and sufficient reasons, be granted by the Board, and if a Madrasah fails or neglects to constitute its Committee within the period specified or within the period so extended by

the Board, then the Board, shall have the power to supersede the Committee of the Madrasah concerned.

45. Rules not to apply to certain Madrasahs

Nothing in these rules shall apply to the madrasahs maintained and managed by the State Government, the Union Government or the Railway Board or to any other Madrasah as may be specified by the State Government by order, made in this behalf from time to time.

46. Power of the State Government to frame further rules for certain Madrasahs

Nothing in these rules shall affect the power of the State Government to frame, to which the provisions of article 26 or article 30 of the Constitution of India may apply, further or other rules for the composition or class of Madrasahs.

47. Non-application of Management of Recognised Non-Government Institutions (Aided and Unaided) Rules 1969

The Management of Recognised Non-Government Institutions (Aided and Unaided) Rules 1969 framed under the provisions of the West Bengal Board of Secondary Education Act., 1963 and adopted by the West Bengal Madrasah Education Board constituted in terms of notification No. 211-Edn. dated the 2nd February, 1973 and West Bengal Board of Madrasah Education established under West Ben. Act, XXXIX of 1994, shall not be applicable in respect of Madrasah from the date of publication of the present notification except for the purpose stated in rule 31.

48. Saving Notwithstanding anything contained in rule 34, anything done or any act committed before coming into force of these rules, the rules which were in force, when such thing was done or such act was committed, shall be deemed to continue and shall have always continued to apply.

APPENDIX-I

PROCEDURE FOR HOLDING ELECTION

The Procedure for holding election of members for the purpose of constituting or reconstituting the Committee of non-Government Madrasahs (Aided and Unaided) in reference to rule 9 read with

rules 7 and 8 shall be as follows:

1. Head of the Madrasah

—means the Head of the teaching and non-teaching staff of a Madrasah by whatever name he may be designated or Assistant Headmaster or Assistant Superintendent or Senoir most approved assistant teacher entrusted by the District Inspector of Schools (Secondary Education) with works pertaining to the election of the Committee in terms of sub-rule (11) of rule 5 of the Rules.

2. Election officer

—means a person who has been selected as such in a meeting of the Committee/ad-hoc Committee or by an Administrator from a panel of three persons prepared by the Head of the Madrasah who are not in any way connected with the management of the Madrasah or are not voters under any category, including the teacher and the member of the non-teaching staff, to conduct the election of the Committee;

3. Scrutiny officer

—means the Head of the Madrasah where he has to perform the following works :

- (i) issuance of nomination paper to and receiving the same from the contesting candidate;
- (ii) scrutinizing nomination paper of contesting candidate in reference to voters' list. Decision taken by him in the matter of treating the nomination paper, as valid or otherwise will be final;
- (iii) accepting the withdrawal of nomination paper of the contesting candidate. Such withdrawal shall be made to the scrutiny officer in writing.

4. Date of election

—The date of election of members of the Committee of a Madrasah shall, for the purpose of the constitution or reconstitution, be fixed at least 60 (sixty) days before the expiry of the term of the existing Committee [vide Rule 10(2) of the Rules], except in cases mentioned under sub-clause (b) of clause 7 of the procedure and also where there is specific direction of the Board with regard to the extension of the term of Managing Committee as per clauses (iii) and

(iv) of rule 13.

Note : (1) The process of election for constitution or reconstitution of the Managing Committee, such as preparation of provisional voters' list under the category of Guardian etc., shall not commence before 16th July of every calendar year.

(2) The date of election under the category of Guardians for constitution or reconstitution of the Managing Committee shall not be fixed before the 16th August of each calendar year.

5. Approval of the provisional voters' list.

- (a) The Head of the Madrasah shall prepare a programme of election according to Procedure 17 read with specimen at Form No. 1 (MC) for the purpose of constitution or reconstitution of the Committee and also prepare a register of eligible voters under the category of Guardians and get them approved at a meeting of the Managing Committee/ad-hoc Committee convened by the Head of the Madrasah with 7 (seven) clear days' notice to be served personally or by registered post with acknowledgement due to every member of the Committee.
- (b) Where the Madrasah is under an Administrator, the Head of the Madrasah shall get the election programme and the voters' list as mentioned under sub-clause (a) of Clause 5 approved in writing, by the said authority.

6. Communication of Approved Election Programme to eligible Guardian voters and publication of Provisional voters' list.

- (a) The Head of the Madrasah shall communicate according to Form No. 3 (MC) the approved programme of election, to all eligible voters included in the provisional voters' list, under certificate of posting or arrange to serve such communication by messenger, within a week of the meeting of the Managing Committee/ad-hoc Committee.

In the event the communication is made through a messenger, of receipts

acknowledgement of such communication shall be kept the record.

- (b) The Head of the Madrasah shall publish the provisional voters' list and the election programme duly approved by the Managing Committee/ad-hoc Committee/Administrator at a meeting as mentioned under sub-clauses (a) and (b) of clause 5 of the Procedure above in the notice board of the Institution on a date fixed for the publication of the provisional Voters' List.

7. Approval of final voters' list

- (a) The Head of the Madrasah shall prepare the final voters' list on the basis of claims and objections and get the same approved at a meeting of the committee convened by him with a notice of 7 (seven) clear days served personally or under registered post with acknowledgement due.
- (b) In such cases where due to unforeseen reasons the meeting of the Committee mentioned under sub-clause (a) clause 7 could not be held, the Head of the Madrasah shall within a fifteen days convene another meeting of the Committee for the purpose of getting the final voters' list approved by the Committee and in that event, the dates of remaining stages of election shall be so altered as to conform to what are indicated in the specimen election programme.
- (c) Where the Madrasah is under an Administrator, the Head of the Madrasah shall prepare the final voters' list on the basis of claims and objections and shall get the same approved by the Administrator.

Note : While getting the Final Voters' list approved by the Committee/ad-hoc Committee/Administrator, the Head of the Madrasah shall place all papers relating to claims and objections.

8. Eligible guardian voters

The lists of eligible voters in the category of guardians shall be prepared by the Head of the Madrasah on the basis of both admission and attendance registers.

Note (1) A student shall be deemed to have been left the Madrasah who has been found to be absent as per attendance register from the Madrasah for three consecutive months without the knowledge and permission of the Head of the Madrasah till the date of the preparation of the Provisional Voters' List. The Guardian of such ward will cease to be a Guardian for the purpose of election of the Managing Committee. But prior to debarring the guardian from exercising his voting right on the ground of his ward being absent for three consecutive months as stated above, a notice shall be issued by the Head of the Madrasah to the guardian concerned before publication of the Provisional Voters' List.

- (2) Except the Madrasahs running *Kamil* and *Mumtazul Muhaddethin* classes no admission shall be made after the 15th of July of the academic year without the prior approval of the Board. In exceptional circumstances admission of pupils on transfer from recognised Madrasah may, however, be made upto 15th December on valid ground, if not directed by the Board.
- (3) Admission of pupil to class XI may be made as per directions of the West Bengal Council of Higher Secondary Education issued from time to time in this regard. Similarly, admission on transfer to class XII may be made as per directions of the West Bengal Council of Higher Secondary Education.
- (4) All Guardians of students who get themselves admitted to a Madrasah before the meeting of the Committee held for the purpose of approving the provisional lists of eligible voters shall be included in the list of eligible voters for the election under the category "Guardians".

9. Every page of lists of voters, nomination papers, letter of intimation to voters etc, shall bear the signature of the head of the Madrasah.

10. Nomination Papers shall be submitted as per specimen in Form No. 2 (MC).

11. Election in respect of category of "Guardian"

shall be held by ballot. In case, the category remains unrepresented due to non-submission of nomination paper or in valid nomination paper or withdrawal of nomination paper by the candidate the election shall be held afresh on the said voters' list within 30 (thirty) days from the date of election with a notice of 7 (seven) clear days, and the stage of such election shall commence from inviting of the nomination paper. In case, the said election again falls through, the matter shall forthwith be reported to the Board whose decision shall be final.

12. The election shall be held on a Public Holiday, preferably on a Sunday. If any election becomes due within a long vacation, arrangement shall be made for holding the election before such vacation commences. If prior to commencement of a vacation is not possible as per provision of Rule sub-rule (2) 10 of the Rules, the matter shall be reported to the Board well in time and approval of the Board shall be obtained in the matter.

13. In case the person selected for conducting the election fails to be present on the date of election in that event, the Head of the Madrasah shall conduct the election as 'Election Officer' if not directed otherwise by the District Inspector of Schools or by the Board.

14. The counterpart of each ballot paper to be used for the purpose of election of members of the Committee shall be serially numbered and each ballot paper shall bear the names of the contesting candidates in an alphabetical order on the basis of the first name. No symbol shall be used on the ballot paper. Each Ballot Paper shall be signed by the Election Officer before issue.

15. In case, a voter casts votes in excess of the total number of seats, the entire ballot paper shall be cancelled.

16. When contesting candidates poll equal number of votes in respect of a category, a decision shall be made by the Election Officer by drawing lots (once) only in the presence of the contestants at that time.

7. Execution of Election Programme

The programme shall contain the precise dates and hours of election :

- (i) Publication of the provisional voters' list at least 30 (thirty) days before the date of election..... between 11a.m. and 2p.m.
- (ii) Submission of claims to the inclusion or objections against any, omission or inclusion of any name in the provisional voters' list within 8 (eight) days from the date of publication of provisional voters' List..... between 11a.m. and 2p.m.
- (iii) Publication of the Final voters' list not less than 15 (fifteen) days before the date of election..... between 11a.m. and 2p.m.
- (iv) Submission of nomination paper by the contesting candidate not less than 7 (seven) days before the date of election..... between 11a.m. and 2p.m.
- (v) Scrutiny of nomination paper and declaration of name of eligible candidate not less than 5 (five) days before the date of election..... at 2p.m.
- (vi) Withdrawal of nomination paper within 24 (twenty-four) hours of the scrutiny of nomination paper..... between 11a.m. and 2p.m.
- (vii) Holding of election of member to the Committee from 9a.m. to 12 noon and from 1p.m. to 4p.m., if necessary.

Note : In case of Madrasahs sitting in the morning shift, suitable time for election programme will be fixed by the Head of the Madrasah in consultation with the Committee, ad-hoc committee or Administrator as the case may be.

18. Where the number of contestants does not exceed the number of members to be elected as per provision of the rules, the contestants shall be declared elected uncontested and the remaining vacancy shall be filled by a fresh election in the manner as indicated under clause 11 of the Procedure.

19. Counting of Votes

The counting of the votes shall be completed on the date of election. If that be not possible for any unavoidable reason, that will be recorded in writing by the Election Officer and the Election Officer shall in that case seal the Ballot Boxes in the presence of the contesting candidates at the polling booth, recording of the time of counting of votes the following day and keep such sealed Ballot Boxes in the custody of the Head of the Madrasah.

20. Declaration of election result and preservation of Election papers etc.

- (a) The Election Officer immediately after the counting of votes shall declare the names of elected members in presence of all contesting candidates and submit a report to the Head of the Madrasah.
- (b) All election papers including unused ballot papers and a copy of the report of the Election Officer shall be kept under the custody of the Head of the Madrasah in a sealed cover by the Election Officer in presence of the candidates.

21. Nomination

- (a) Where the Board has sanctioned a special constitution of the Committee in favour of a Madrasah, the Head of the Madrasah shall write to the organisation/society/trust/person concerned to send the name of their nominees at least 15 (fifteen) days prior to the date of holding of an election of members of the committee by registered post with acknowledgement due. In case of non-receipt of the name of such representative within the period so specified, such representation of the Committee may not be considered for that term, if not otherwise directed by the Board.
- (b) In case of Madrasahs within the jurisdiction of Panchayat, the Head of the Madrasah shall write to the local Panchayat Samity to send the name of nominee of the local Panchayat Samity who is a person interested in education as per sub-clause to rule 3 at least 15 (fifteen) days prior to the date of holding election of members of the Committee.

with the request to send the name of nominee of local panchayat samity within 30 (thirty) days from the date of election of Guardian members of the committee by registered post with acknowledgement due or by a messenger. In case of non-receipt of the name of nominee from the local panchayat samity within the specified period, the matter shall be reported to the Board who shall take necessary action and decide the matter.

- (c) Within three days of the declaration of results of the election of the committee, the Head of the Madrasah shall write to the District Inspector of School (Secondary Education) for sending the name of a departmental nominee on the Committee to enable him to complete constitution or re-constitution of the committee. Any delay in the placement of a departmental nominee within the period so specified under sub-rule (8) of rule 4 of the Rules may be brought to the notice of the Board by the Head of the Madrasah.

22. The election of office-bearers shall not be held until the constitution or the reconstitution of the committee has been completed by the elected, co-opted and nominated members, unless otherwise directed by the Board.

23. Co-option of a Person Interested in Education.

- (i) In case of Madrasahs situated in an urban area where co-option of a person interested in education on the Committee has been provided as per clause (a) of sub-rule (4) of rule 4 the newly-elected, nominated, ex-officio member, life member or the founder, if any, at the meeting of the incoming committee convened for the purpose of such co-option by the Head of the Madrasah, with clear (7) seven days' notice served personally or by registered post with acknowledgement due, to each of the said members, shall purpose the name of one person from the list of persons interested in education and considered by the said members to be Persons Interested in Education who have communicated their intention in writing to the Head of the Madrasah

through any of the elected, nominated, ex-officio, life and founder members if any, to be co-opted as a member of the committee.

- (ii) In case there is no unanimity on the co-option of a person interested in education, co-option of person shall be made by way of election from among the names listed, each name being duly recorded. In case of a tie, a decision shall be made by a draw of lots.
- (iii) The above meeting shall be convened by the head of the Madrasah within 15 (fifteen) days from the date of receipt of the name of a departmental nominee from the District Inspector of Schools (Secondary Education).
- (iv) The Head of the Madrasah shall conduct proceedings of the meeting for the purpose of co-option and shall not have any casting vote in case of a tie.

Co-option of persons well versed in Islamic studies and culture :

The procedure laid down for co-option of Person Interested in Education shall be followed *mutatis mutandis* by senior Madrasah running *Kamil* and *Mumtazul Muhaddethin* classes.

Election of Office-bearers

(a) For Urban area

After the co-option of a member on the newly-constituted committee as per sub-rule (4) of rule 4 and in respect of Senior Madrasah running *Kamil* and *Mumtazul Muhaddethin* classes co-option as per sub-rule (4) and (5) of rule 4 the Head of the Madrasah shall, within ten days of the said co-option convene the first meeting of the elected, nominated and co-opted members and the life-member, if any, of the newly constituted Committee for the purpose of election of office-bearers with 7 (seven) days' notice for holding of such a meeting. In case of re-constitution, the "founder" member if any shall also be invited in addition to the members mentioned in sub-clause (a).

(b) For Rural area

In case of Madrasah referred to under sub-clause (b) of clause 21 of the Procedure, the first meeting of the elected, nominated ex-officio and the life-member, if any, of the newly constituted Committee shall be convened by the Head of the Madrasah for the purpose of election of office-bearers within 15 (fifteen) days from the date of receipt of the name of a departmental nominee from the District Inspector of Schools (Secondary Education).

- (c) In case of reconstitution, the 'founder' member, if any, shall also be invited in addition to the members mentioned in sub-clause (b) above.
- (d) The Head of the Madrasah shall conduct the proceedings of the meeting till the election of the President. In case of a tie, drawing of lots for once only, shall be applicable to resolve the tie.

25. The newly elected Committee shall be deemed to have assumed charge from the outgoing Committee from the date of election of office-bearers or from the date of expiry of the term of outgoing Committee/Administrator whichever is later and the newly elected Committee shall start functioning from the very said date.

26. Vacancy in the office of elected member before election of office bearers.

If an elected member resigns, dies or loses his qualification for any reason before election of office-bearers, the remaining members (elected, nominated and co-opted) shall first elect the office-bearers and thereafter, the vacancy already caused shall be filled up by co-option of a member according to provision of the rule 11.

27. Resignation and election of a new Secretary.

- (i) If the Secretary resigns at any time, for any reason or his membership has ceased, the Joint Secretary shall perform the duties of the Secretary until a new Secretary has been elected.
- (ii) A meeting of the remaining members shall be convened by the Joint Secretary from co-option in the said vacancy.

- (iii) After the vacancy in the Committee has been filled by co-option as indicated above, the Joint Secretary shall convene another meeting for the purpose of election of a Secretary to the Committee.
- (iv) The two meetings for above purposes, shall be called by Joint Secretary within two months of the resignation or cessation of membership of the Secretary of the Committee.
- (v) In case of any difficulty in the filling up of the vacancy caused due to resignation or cessation of membership of the Secretary to the Committee, the matter shall be reported to the Board whose decision shall be final.

28. Election of Teachers and non-Teaching Staff.

- (a) The Election of Teachers Representatives and the Non-Teaching Staff shall be jointly held by the teachers and the non-teaching staff of the Madrasah at least 7 (seven) days before the election of members of the Committee.
- (b) The Head of the Madrasah shall conduct the election of Teachers Representatives and the Non-teaching staff on a date fixed by him with clear 7 (seven) days notice to all eligible teachers and non-teaching staff of the Madrasah. A list of teaching and non-teaching staff eligible to vote as per serial maintained in the register specified under clause (d) of Rule 6 shall be circulated along with the said notice by the Head of the Madrasah. The election shall be held by ballot and the nomination paper in Form 2A (MC) shall be submitted to the Head of the Madrasah at least 72 (seventy-two) hours before the election. Nomination Paper shall be scrutinized by the Head of the Madrasah 48 (forty-eight) hours before the date of election of Teachers Representatives and the Non-Teaching Staff. His decision in respect of invalidating a nomination paper assigning sufficient reason shall be final. Nomination Paper may be withdrawn within 24 (twenty-four) hours after the scrutiny of the same.

29. Cessation of Guardianship.

- (a) A guardian-voter owes his eligibility as a voter under the category of Guardians in respect of a particular ward or wards. As soon as that ward or wards leave the Madrasah, the qualification of a guardian-voter shall cease. In case a ward is sent for the High Madrasah or *Alim* or *Fazil* Examination in a particular year, the eligibility of the guardian-voter in respect of that ward shall cease from 1st day of May of the following year.
- (b) In case a pupil reading in the Higher Secondary or *Kamil* and *Mumtazul Muhaddethin* classes of a Madrasah is sent up for the Higher Secondary, *Kamil* and *Mumtazul Muhaddethin* examination conducted by the West Bengal Council of Higher Secondary Education and West Bengal Board of Madrasah Education in a particular year, the guardianship of that ward shall cease from the date of passing of the respective examination.

30. Members to vacate

Unless there is specific approval from the Board extending the statutory term of a Committee, every member and office bearer of such Committee shall have to vacate on the expiry of its usual term of three years.

- 31. The Head of the Madrasah shall submit, to the Board and District Inspector of Schools (Secondary Education) a copy of the report on the constitution or reconstitution of the Committee within seven days after office bearers election, as per specimen given in Form No. 4 (MC).
- 32. The Head of the Madrasah shall submit to the Board and District Inspector of Schools a copy of the report on the co-option of a member of the committee as per specimen given in Form No. 5 (MC) within (7) seven days of the co-option.
- 33. In case of any doubt or dispute in the matter of holding election at any stage, the matter shall be referred to the Board whose decision shall be final.

Form 1 (MC)**(Clause 5(a) and clause 15 of the Procedure)****SPECIMEN****Programme for holding election of members of the Managing Committee**

Suppose the term of a Committee expires on and from 24.12.99. In that event, the election shall be held by the 24th October of 1999 at the latest. If the 24th day of October be fixed as the date of election (assuming it as Sunday or a holiday), the programme shall be as under :

	<u>Date</u>	<u>Time</u>
(1) Date and time of publication of the Provisional Voters List :	15th Sept., 1999	between 11a.m and 2p.m.
(2) Submission of claims to the inclusion or objections if any against omission or inclusion of any name in the Voters List:	22nd Sept., 1999	between 11a.m and 2p.m.
(3) Publication of the Final Voters, List :	7th October, 1999	between 11a.m and 2p.m.
(4) Last date of submission of Nomination Paper :	17th October, 1999	between 11a.m and 2p.m.
(5) Scrutiny of Nomination Paper :	18th October, 1999	at 2p.m.
(6) Withdrawal of Nomination Paper :	19th October, 1999	between 11a.m and 2p.m.
(7) Holding of Election :	24th October, 1999	(From 9a.m. to 12 noon and if necessary, from 1 p.m. to 4 p.m.)

Signature of the Head of the Madrasah
(affixing the office seal)

Note

- In drawing up an election programme the Head of the Madrasah shall see that the time-gaps between the different stages leading to the holding of election, are adhered to, excepting where minor adjustments may be necessary, in exceptional circumstances, to maintain the entire schedule.
- Dates under Items (1) to (6) should be all working days.

Form 2 (MC)**(Clause 8 of the Procedure)**

Nomination Paper for election of members of the Managing Committee of.....
.....Madrasah from the category of Guardian :

Name of the contesting candidate.....
 (in block letters)

Voters number on the list of voters :

Proposed by (full signature) :

Proposer's Voer No. on the list of Voters :

Seconded by (full signature) :

Seconder's Voters No. on the list of Voters :

Signature in full of the contesting candidate :

Date and time of issue of the Nomination Paper:

Signature of the Head of the Madrasah :

Date and time of receipt of Nomination Papers from the contesting candidates :

Signature of the Head of the Madrasah :

- Note**
- (1) The name of the contesting candidate as well as of the Proposer and and Seconder should tally with those recorded in the final voters list.
 - (2) Minor defect like spelling mistakes in the name should be ignored.
 - (3) In case of any major discrepancy making confusion regarding identity of the candidate or the proposer or the seconder, the nomination paper is liable to be rejected. The decision of the Scrutiny Officer in this respect shall be binding.

Form 2A (MC)**(Clause 7(b) of the Procedure)****Nomination Paper for election of members of the Managing Committee of.....****.....Madrasah from the category of teaching and non-teaching staff.**Name of the contesting candidate.....
(in block letters)

Serial number on the list of Voters :

Proposed by (full signature) :

Serial no. of the proposer's in the list of Voters :

Seconded by (full signature) :

Serial no. of the Seconder in the list of Voters :

Signature in full of the contesting candidate :

Date and time of issue of the Nomination Paper:

Signature of the Head of the Madrasah :

Date and time of receipt of Nomination
Papers from the contesting candidates :

Signature of the Head of the Madrasah :

Form 3 (MC)**(Clause 6(a) of the Procedure)****Letter of intimation to the Guardian-voters**

To

Janab/Sri/Srimati.....

Sub : *Constitution/Reconstitution of the Managing Committee of*.....
.....

Dear Sir/Madam,

You are hereby informed that the Constitution/Reconstitution of the Managing Committee of the above-named Madrasah will be held on.....according to the programme noted below.

You are requested to contact the Head of the Madrasah for any detailed information in this regard.

Signature of the Head of the Madrasah
(affixing the office seal).

ELECTION PROGRAMME

- | | <u>Date</u> | <u>Time</u> |
|--|-------------|---|
| (1) Date and time of publication of the Provisional Voters List | : | between.....a.m and.....p.m. |
| (2) Submission of claims to the inclusion objections, if any against omission or inclusion of any name in the Voters' List | : | between.....a.m and.....p.m. |
| (3) Publication of the Final Voters' List | : | between.....a.m and.....p.m. |
| (4) Last date of submission of Nomination Paper to the Head of Madrasah | : | between.....a.m and.....p.m. |
| (5) Scrutiny of Nomination Paper | : | at.....a.m./p.m. |
| (6) Withdrawal of Nomination Paper | : | between...a.m/pm.and...am./p.m. |
| (7) Holding of Election | : | from.....a.m./p.m. to
.....a.m./p.m. |

Name of the Ward.....

Year and date of admission of the Ward.....

Sl. Number of the admission in the Admission Register.....

Class..... Section.....

Form 4 (MC)**(Clause 30 of the Procedure)**

Report on Constitution/Reconstitution of the Managing Committee to the Board and the District Inspector of Schools (Secondary Education)

No.

To

- (1) The Secretary, West Bengal Board of Madrasah Education,
19, Haji Md. Mohsin Square, Kolkata-700 016.
- (2) The District Inspector of Schools (Secondary Education),
.....
.....

Sub : Report on the Constitution/Reconstitution of the Managing Committee
of.....Madrasah.

1. The date of election of members
under the category of

(a) Guardians :

(b) Teaching and non-teaching staff :

2. The date of receipt of the letter
communicating the name of

(a) Panchayat nominee
(in case of rural case only) :

(b) Departmental nominee :

3. No. and date of the letter
(as noted in sl. 2 above) of

(a) Local Panchayat Samity
(in case of rural area only) :

(b) District Inspector of Schools
(Secondary Education) :

4. Date of Co-option of
- (a) Person interested in education
(in case of urban area only) :
- (b) Two persons well versed in Islamic
studies & culture (in case of Senior
Madrasah running Kamil and
Mumtazul Muhaddethin classes) :
5. Memo No. and date of the letter of
District Inspector of Schools according
approval to the list of
- (a) Founder(s), if any :
- (b) Life Member(s), if any :
6. The date of
- (a) election of office bearers :
- (b) assumption of charge by new
Committee :
7. Total number of voters under the
category of guardians
8. Whether the election has been held
under a special constitution approved
by the Board : Yes No
(put √ mark)
9. If yes; Memo no. and date of approval :
10. Whether nomination paper(s) have
been invited and the election has been
held by ballot :
11. Particulars of the members of the
constituted/reconstituted Committee :

	Name of Members along with residential address	Occupation	Category to which belong	Designation
1.				
2.				
3.				President
4.				Vice-President
5.				Secretary
6.				Joint-Secretary
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				

Signature of the Head of the Madrasah
(affixing the office seal)

12. The date of holding of election of officer-bearers of the outgoing Committee :
13. The date of expiry of the term of the said Committee :

Note The following particulars are required to be enclosed along with the report :

- (i) An attested copy of the resolution of the Managing Committee/Ad-hoc Committee approving the programme of election, selecting the election officer and approving the provisional and final voters' list.

Where the madrasah is under and Administrator, copy of an order of the Administrator approving the programme of election, selecting the election officer and approving the provisional and final voters' list.

- (ii) An attested copy of the letter of intimation of the programme of election to the Guardian voters;
- (iii) An attested copy of the report of the election officer.

Form 5 (MC)**(Clause 31 of the Procedure)****(Co-option of guardian member)**

No.

Date :

To

The Secretary,

West Bengal Board of Madrasah Education,

19, Haji Md. Mohsin Square, Kolkata-700 016.

Sub : Co-option of Janab/Sri/Sm.....

on the Managing Committee of.....

1. Date of assumption of charge of the existing Managing Committee :
2. Whether the existing managing Committee has been approved by the Board. If so, the number and date of the letter of approval is to be quoted :
3. The date on which the term of the committee expires :
4. The name of the outgoing member :
5. Circumstances in which the seat has fallen vacant :
6. Name of the co-opted member :
7. Co-opted member's serial no. in the list of voters on the basis of which the election of members of the existing committee was held :
8. (a) Name of the ward of the co-opted (guardian member) :
 (b) The relationship of the pupil with the co-opted member :
 (c) The name of the class in which the pupil is reading :
 (d) The date of admission of the pupil to the Madrasah :
 (e) Sl. No. of the admission in the admission register :
9. The date of the resolution of the Managing Committee regarding co-option (copy of resolution to be enclosed) :

Signature of the Head of the Madrasah
(affixing the office seal)

Note In case of a vacancy occurring in the seat of a teachers representative and the non-teaching staff it should be filled by a fresh election by the teachers and non-teaching staff from amongst themselves as per provisions under the Rules.

APPENDIX-II

LEAVE RULE

Rules for the grant of leave to the teaching and the non-teaching staff or recognised non-government Madrasahs other than Sponsored Madrasah in reference to clause (a) of sub-rule 5 of rule 29 of the rules.

1. In these rules

- (a) "leave" means, except in the case of casual leave, absence from duty attached to the tenure of the post.
- (b) "Average pay" means the average of basic pay for the period of twelve months immediately preceding the date on which the teacher or the non-teaching employee proceeds on leave.
- (c) "Teacher" means a Headmaster/Headmistress, Assistant Headmaster/Assistant Headmistress, Superintendent/Assistant Superintendent and any other approved member of the teaching staff.
- (d) "Medical Certificate" means a certificate granted by a Registered Medical Practitioner in the following form :

"I,.....after careful personal examination of the case certify that.....whose signature in given above is suffering from.....and I consider that a period of absence from duty of.....is absolutely necessary for the restoration of his or her health."

Date : Government Medical Officer

or

Registered Medical Practitioner.

A similar certificate is necessary when a teacher or a non-teaching employee is declared fit to rejoin his duties.

2. General condition :

- (a) No leave can be claimed as a matter of right. Discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.
- (b) Absence of a teacher attending duties as Scrutineer in connection with the examinations of Board or as Junior in a Law

Court or attending meeting called by Head Examiners, or Co-ordinators appointed by the Board or attending Head Examiners Meeting of the Board, or having an interview with the Board if called for by the Board, or if required, to join a seminar organised or sponsored by the All India Council, State Government or by the Board, or attending Assembly and Parliamentary sessions or any of the Sub-committees of Assembly or Parliament shall be treated as on duty.

- (c) No kind of leave except Casual Leave should be availed of without written application and previous sanction except in very exceptional circumstances which should be explained to the satisfaction of the leave sanctioning authority.
- (d) Any member of teaching and non-teaching staff remaining absent for more than three days for reasons of illness, shall submit a certificate from a registered medical practitioner.
- (e) Leave for reasons of private affair except Casual Leave must be applied for and got approved before it is availed of Member of the teaching and non-teaching staff before finalising their private engagement should previously ascertain from the authority concerned as far as practicable whether the leave asked for is likely to be granted.

provided that in exceptional case of emergency nature in which it was not possible on the part of the staff concerned to apply for the leave and get it sanctioned before proceeding on leave, formal leave application fully stating the facts and circumstances necessitating such leave should be submitted to the authority concerned at the earliest possible opportunity.

- (f) No permanent teaching or non-teaching employee shall be granted leave of any kind for a continuous period exceeding five years. Where such an employee does not resume his duty after remaining on leave for a continuous period of five years or where such an employee after the expiry of his leave remains absent from duty, otherwise on ground of suspension

for any period, which together with the period granted to him exceeds five years, he shall, unless the Board on reference from the Madrasah authorities and in view of exceptional circumstances of the case otherwise determines, be deemed to have resigned and shall accordingly cease to be in the employment of the Madrasah.

- (g) When an employee who is not in permanent employment, fails to resume his duties on the expiry of maximum period of extra-ordinary leave granted to him under rule 3F or where such an employee who is granted a shorter period of extra-ordinary leave than the maximum period admissible, remains absent from duty for any period which together with extra-ordinary leave granted exceeds the limit upto which he would have been granted such leave under rule 3F, he shall, unless the Board on reference from the Madrasah authorities and in view of exceptional circumstances of the case otherwise determines, be deemed to have resigned and shall accordingly cease to be in the employment of the Madrasah.
- (h) Willful absence from duty after expiry of the leave renders a teacher or non-teaching employee liable to disciplinary action.
- (i) Willful absence from duty though not covered by leave does not entail loss of lien.
- (j) Absence without leave and not in continuation of any authorised leave of absence will constitute an interruption of service unless condoned by the competent authority.
- (k) If an employee absents himself abruptly or applies for leave which is refused on satisfactory grounds and still happens to absent himself from duty such absence shall be treated as unauthorised absence entailing loss of pay for the period in question resulting in break in service. If however, he reports for duty before or after initiation of disciplinary proceedings, he may be taken back for duty. The question whether the break should be condoned or not shall be considered only after conclusion of the disciplinary pro-

ceedings and that for after the employee represents in this regard.

3. The following kinds of leave shall be admissible to a teacher or a non-teaching employee of a Madrasah :

- (A) **Casual leave**
- (B) **Leave on half average pay**
- (C) **Leave on medical grounds**
- (D) **Special leave in exceptional circumstances**
- (E) **Compensatory leave**
- (F) **Extraordinary leave**
- (G) **Maternity leave**
- (H) **Quarantine leave**

(A) **Casual Leave :**

- (a) Casual leave shall not be treated as absence from duty and there shall, consequently, be no interference with the rate of emolument of the teacher or the non-teaching employee concerned.
- (b) A teacher or a non-teaching employee of the Madrasah may have fourteen days' of casual leave in a calendar year. The casual leave may be affixed or prefixed to any holiday or Sunday but the total period including the holiday or Sunday shall not exceed 7 days at a time. Sundays and holidays falling within the period of casual leave shall not be counted as a part of the casual leave;

Provided casual leave shall not be affixed or prefixed to any long vacation.

- (c) Casual leave cannot be carried forward to the next year.
- (d) Casual leave to the teacher and non-teaching staff shall be granted by the Head of the Madrasah and by the Secretary of the committee in the case of the Head of the Madrasah.

(B) **Leave on half average pay :**

- (1)(a) A teacher or a non-teaching employee of Madrasah may be granted fifteen days' leave on half pay for each completed year of service ;

Provided that the total period on half pay which may accommodate to the credit of the teacher or non-teaching employee shall not exceed sixty days at a time.

(b) The leave under clause (a) may be granted on medical certificate or on private affairs.

(2) Commuted leave, not exceeding half the amount of half-pay leave may be granted on private affairs or on medical certificate to the members of the staff, subject to the following conditions :

(a) When commuted leave is granted, twice the amount of such leave shall be debited against the half-pay leave due :

(b) Commuted leave on medical certificate may be granted only when no medical leave is due to the credit of staff ;

(c) Half-pay leave upto a maximum of sixty days may be allowed to be commuted during the entire period of service.

Provided further, that during such period a teacher or a non-teaching employee shall be entitled to a leave salary at the rate of half of the average pay.

(C) Leave on Medical ground :

A teacher or a non-teaching employee of a madrasah may be granted fifteen days' leave on medical ground for each completed year of service spent on duty, on production medical certificate from a Medical Officer or a Registered Medical Practitioner stating as clearly as possible the nature, probable duration of illness and the period of leave required for restoration of health along with the application for leave and a certificate of fitness at the time of resuming duties.

The total period of leave on medical ground, which may accrue to the credit of a teacher or a non-teaching employee shall not exceed one year, that is, 365 days during the whole period of service in a madrasah or madrasahs.

During the period of leave on medical ground the teacher or the non-teaching employee will get a salary at the rate of full average pay.

(D) Special leave in exceptional circumstances:

In exceptional circumstances a teacher or a non-teaching employee of a madrasah may be granted leave not exceeding 18 months : provided the whole case is reported to the Board with a concrete proposal which shall have to be approved by the Board.

(a) Leave under the rule may be granted with the approval of the Board to a teacher or a non-teaching employee of a madrasah suffering from prolonged illness, such as tuberculosis, injury to limb requiring plastering, cancer, heart trouble or any other serious ailment making him or her bed-ridden for a long time, when he has exhausted all other leave admissible to him or her under these rules.

(b) Leave on full pay under this rule may be granted with the approval of the Board to a teacher intending to appear at any of the examinations noted at (i) below and to non-teaching staff intending to appear at any of the exams noted at (ii) below for the period of examination and a week prior to its commencement and also the period of journey to enable him to resume his duties after completion of examination.

(i) B. Ed. (not deputed), Hons. or Masters Degree in his subject.

(ii) High Madrasah or its equivalent, Higher Secondary or its equivalent, bachelors, Masters Degree.

(c) The Managing Committee shall have the power to grant leave to a teacher intending to appear at the B.Ed. Examination as a deputed candidate without referring the matter to the Board.

(d) Such leave shall not be granted more than once for the same level of examination in the total period of service of a teacher or non-teaching employee.

(e) For the purpose of clauses (a) and (b) determination of leave salary, namely, half pay or full pay shall be made by the Committee with the approval of the Board.

(E) Compensatory leave :

A teacher or a non-teaching employee of a madrasah may be granted compensatory leave for half the period he or she may be required to

attend the madrasah for duty during a long vacation or holidays provided he or she attends the madrasah at least seven days during such vacation or holidays.

(F) Extraordinary leave :

If for any unforeseen reason a teacher or a non-teaching employee of a madrasah fails to attend his duties and if there is no other leave due at his or her credit he may be granted leave without pay at the discretion of the Committee for a period not exceeding two years. However, if any member of the staff is not able to attend his duty under duress, the whole case shall be referred to the Board with a concrete proposal which shall have to be approved by the Board.

(G) Maternity leave :

- (a) Maternity leave may be granted to a female teacher or a non-teaching employee, on full average pay, for a period which may extend to 120 days from the date of its commencement.
- (b) Maternity leave may also be granted to a female teacher or a non-teaching employee, in the case of miscarriage including abortion induced under the Medical Termination of Pregnancy Act, 1971, subject to the following conditions :
 - (i) the period of such leave shall not exceed six weeks.
 - (ii) the application for the leave shall be supported by a certificate from a registered Medical Practitioner or Government Hospital or Nursing Home.
- (c)
 - (i) Maternity leave may be combined with leave of any kind.
 - (ii) Commuted leave, for a period not exceeding thirty days, if applied for in continuation of maternity leave may be granted without production of medical certificate.
- (d) Maternity leave in continuation of leave granted under sub-rule (3) may be sanctioned on production of medical certificate for illness of a female employee. Such leave may also be granted in the case of illness of a new born baby, subject to the production of a medical certificate

to the effect that the condition of the baby warrants mother's personal attention and that her presence by the baby's side is absolutely necessary.

(H) Quarantine leave :

Quarantine leave is a leave of absence from duty necessitated by orders not to attend madrasah in consequence of the presence of infectious disease in the family or household of a teacher or a non-teaching employee of a madrasah. Such leave may be granted on production of a certificate of a Medical or Public Health Officer for a period not exceeding twentyone days, or in exceptional circumstances thirty days. Any leave necessary for quarantine purpose in excess of this period shall be treated as ordinary leave. Quarantine leave may also be granted when necessary in continuation of other leave subject to the above maximum. No substitute shall ordinarily be appointed in place of a teacher or a non-teaching employee absent on a quarantine leave. A substitute may, however, be appointed for the absence of a teacher or a non-teaching employee on quarantine leave, whose duties cannot be arranged otherwise. A teacher or a non-teaching employee on quarantine leave is not treated as absent from duty and his pay is not intermitted;

Explanation— For the purpose of granting Quarantine leave under this rule the list of infectious diseases shall include the following :

- (a)
 - (i) Small Pox
 - (ii) Scarlet Fever
 - (iii) Plague (Bubonic or Bubonic)
 - (iv) Typhus
 - (v) Cerebro-spinal meningitis.
4. Excepting Casual Leave and Compensatory Leave, any kind of leave mentioned below may be granted in combination with or in continuation of any other kind of leave stated below :
 - (a) Leave on half average pay.
 - (b) Leave on medical grounds.
 - (c) Special leave in exceptional circumstances.

(d) Extra-ordinary Leave.

(e) Maternity Leave.

5. Lien :

- (a) A teacher or non-teaching employee of a madrasah on confirmation in a permanent post shall acquire a lien on the post.
- (b) Such teacher or non-teaching employee seeking permission to serve in a higher post in another recognised institution or college within West Bengal or to accept other service within West Bengal where teaching experience is essential, not ex-

ceeding two years, with permission to retain lien.

(c) The lien shall automatically terminated if such teacher or non-teaching employee.

(i) is permanently absorbed in his/her post in the other institution.

(ii) leaves the post for which the lien was granted, or

(iii) does not return after completion of two years, whichever is earlier.

By order of the Governor

Secretary to the Govt. of West Bengal.

APPENDIX—III

(Vide Rule 31)

Memorandum

No.

Date :

It is proposed to hold an enquiry under sub-rule.....31 against Shri.....
(designation) The allegations of misconduct or misbehaviour in respect of which
inquiry is proposed to be held is set out in the heads of charges (Annexure I).

1. A statement of facts relating to each head of charge is enclosed (Annexure-II). A list of documents by which, and list of witnesses by whom, the heads of charge are proposed to be sustained, are also enclosed (Annexure III and IV).
2. Shri.....is directed to submit within seven days of the receipt of this memorandum a written statement of his defence to the inquiring authority and to state whether he desires to be heard in person.
3. He is informed that an inquiry will be held only in respect of those heads of charge as are not admitted. He should , therefore, specifically admit or deny each head of charge.
4. Shri.....if further informed the date specified in paragraph 2 above, or does not appear in person before the inquiring authority or fails or refuses to comply with the provisions of these rules or any orders or directions issued in pursuance thereof, the inquiring authority may hold the inquiry against him ex-parte.
5. Shri.....shall not bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of any matter dealt with in these proceedings. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Shri..... is aware of such a representation and that it has been made at his instance and action will be taken against him treating it as an act of misconduct on his part. The receipt of the Memorandum may be acknowledged.

By order and in the Name of the
Managing Committee/Ad-hoc Committee/
Administrator/Secretary/
Authorised Signatory

(Seal)

APPENDIX-IV

(Vide sub-rule (8) of Rule 91)

Statement of articles of charge framed against Shri.....
(name and designation of the employee of the madrasah).

Article of charges-I

That the said.....while functioning as an
.....of the.....(name and address of the
madrasah) during the period from.....

Article of charges-II

That during the aforesaid period and while functioning in the aforesaid madrasah, said
Shri.....

(charges to be stated)

1.

2.

Appendix IV

Statement of imputation of misconduct or misbehaviour in support of the articles of charge framed
against Shri.....(name and designation)

Article of charge-I

Article of charge-II

Article of charge-III and so on.

Appendix V

List of witnesses by whom the articles of charges against Shri.....
(name and designation of the employee of the madrasah).

Appendix-V

(Vide sub-rule (4) of Rule 31)

ORDER

In exercise of the power conferred by sub-rule (4) of rule 31 of the Management of recognised Non-Government Madrasahs (Aided and Unaided) Rules, 200..... the Managing Committee/Ad-hoc Committee/Administrator (Strike out whichever is not applicable) of.....
(name of Madrasah) hereby appoints Shri.....
(name and designation) as inquiring authority to enquire into charges framed against Shri.....(designation).

By order of the Committee

Secretary/Authorised Signatory
(where the Secretary himself is

the charged employee)

Annexure-I

Statement of heads of charge framed against Shri.....
(name and designation of the employee of the Madrasah).

Head of Charges-I

That the said Shri.....
while functioning as.....of the.....(name and address of
the madrasah) during the period from.....

Head of charges-II

That during the aforesaid period and while functioning in the aforesaid madrasah, the said
 Shri.....and so on (charges to be stated separately under each article)

Annexure-II

Statement of facts relating to the heads of charge framed against Shri.....
(name and designation)

Head of Charge-I

Head of Charge-II

Head of Charge-III and so on

Annexure-III

List of documents by which the heads of charge framed against Shri.....
(name and designation of the employee of madrasah) are proposed to be sustained.

1.

2.

Annexure-IV

List of witnesses by whom the heads of charge framed against Shri.....
(name and designation of the employee of madrasah) are proposed to be sustained.

1.

2.