

CHAPTER VIII
RECRUITMENT AND TERMS AND CONDITIONS OF
SERVICE OF EMPLOYEES OF THE PRIVATE SCHOOLS
OTHER THAN UNAIDED MINORITY SCHOOLS

96. Recruitment— (1) Nothing contained in this Chapter shall apply to an unaided minority school.

(2) Recruitment of employees in each recognised private school shall be made on the recommendation of the Selection Committee.

(3) The Selection Committee shall consist of :—

(a) in the case of recruitment of the head of the school,—

- (i) the Chairman of the managing committee;
- (ii) in the case of an unaided school, an educationist is nominated by the managing committee, and an educationist nominated by the Director;
- (iii) in the case of an aided school, two educationists nominated by the Director, out of whom at least one shall be a person having experience of school education;
- (iv) a person having experience of the administration of schools, to be nominated, in the case of an unaided school by the managing committee, or in the case of an aided school, by the Director;

(b) in the case of an appointment of a teacher (other than the head of the school),—

- (i) the Chairman of the managing committee or a member of the managing committee nominated by the Chairman;
- (ii) the head of the school;
- (iii) in the case of a primary school, a female educationist having experience of school education;
- (iv) in the case of an aided school, one educationist to be nominated by the Director, and one representative of the Director;
- (v) in the case of appointment of a teacher for any class in the middle stage or any class in the higher secondary stage, an expert on the subject in relation to which the teacher is proposed to be appointed, to be nominated, in the case of an unaided school by the managing committee, or in the case of an aided school, by the Director.

(c) in the case of an appointment of any other employee, not being an employee belonging to "Group D".

1. Subs. by DSE(A)R, 1990, R.21(1)(a)

- (i) the Chairman of the managing committee or a member of the managing committee, to be nominated by the Chairman;
- (ii) head of the school;
- (iii) a nominee of the Director;
- (iv) in the case of an aided school, two officers having experience of the administration of school, to be nominated by the Director;

¹[(d) in the case of an appointment of a Group 'D' employee :—

- (i) the Chairman of the Managing Committee or a member of the Managing Committee nominated by the Chairman;
- (ii) the head of the school;]

²[(3-A) Notwithstanding anything contained in sub-rule (3), in the case of an aided minority school, the educationists nominated under paragraph (iii) of clause (a) of sub-rule (3), persons nominated by the Director under paragraph (iv) of clause (a) of sub-rule (3), educationists nominated under paragraph (iv) of clause (b) of sub-rule (3), an expert nominated under paragraph (v) of clause (b) of sub-rule (3), a person nominated under paragraph (iii) of clause (c) of sub-rule (3), officers nominated under paragraph (iv) of clause (c) of sub-rule (3), a person nominated under paragraph (iii) of clause (b) of sub-rule (3), shall act only as advisers and will not have the power to vote or actually control the selection of an employee.

(3-B) Notwithstanding anything contained in sub-rule (3), the selection committee of a minority school shall not be limited by the number specified in the said sub-rule and its managing committee may fix such number.]

(4) Nomination of any educationist or expert as a member of the Selection Committee shall be made out of a panel prepared for the purpose by the Advisory Board.

(5) The Chairman of the managing committee, or, where he is not a member of the Selection Committee, the member of the managing committee who is nominated by the Chairman to be a member of the Selection Committee, shall be the Chairman to the Selection Committee.

(6) The Selection Committee shall regulate its own procedure.

(7) Where any selection made by the Selection Committee is not acceptable to the managing committee of the school, the managing committee shall record its reasons for such non-acceptance and refer the matter to the Director for his decision and the Director shall decide the same.

(8) Where a candidate for recruitment to any post in a recognised school is related to any member of the Selection Committee, the member to whom he is

1. Subs. by DSE(A)R, 1990, R. 21(1)(b).

2. Ins. by DSE(A)R, 1990, R. 21(2).

related shall not participate in the selection and a new member shall be nominated, in the case of any aided school, by the Director, and in the case of any other school, by the managing committee, in place of such member.

(9) No managing committee shall entertain any application for employment from a person who is already serving as teacher in a recognised school, whether aided or not, unless the application from such person is duly forwarded by the manager of the school in which such applicant is serving :

Provided that every application from such person shall be forwarded by the manager, but any application in excess of three in a year shall not be forwarded unless the managing committee, for reasons to be recorded by it in writing, so directs :

Provided further that no such teacher shall be relieved of his duties except after the expiry of a period of :—

- (i) three months, in the case of a permanent teacher, from the date on which notice of intimation to leave the school is given; and
- (ii) one month, in the case of a teacher who is not permanent, from the date on which notice of intimation to leave the school is given :

Provided also where the managing committee is in a position to provide for a substitute for such teacher earlier than the respective period specified in the foregoing proviso, the managing committee may relieve the teacher of his duties on the expiry of such earlier period.

97. Relaxation to be made with the approval of the director— Where the relaxation of any essential qualification for the recruitment of any employee is recommended by the appropriate selection committee, the managing committee of the school shall not give effect to such recommendation unless such recommendation has been previously approved by the Director.

98. Appointing authority— (i) The appointment of every employee of a school shall be made by its managing committee.

¹[(2) Every appointment made by the managing committee of an aided school shall, initially, be provisional and shall require the approval of the Director :

Provided that the approval of the Director will be required only where Director's nominee was not present in the Selection Committee/DPC or in case there is difference of opinion among the members of the Selection Committee :—

Provided further that the provision of this sub-rule shall not apply to a minority aided school].

(3) The particulars of every appointment made by the managing committee of an aided school shall be communicated by such committee to the Director (either by registered post acknowledgment due or by messenger who will obtain an acknowledgment of the receipt thereof), within seven days from the date on which the appointment is made.

1. Subs. by DSE(A)R, 1990, R. 22(a).

(4) The Director shall be deemed to have approved an appointment made by the managing committee of an aided school if within fifteen days from the date on which the particulars of the appointment are communicated to him under sub-rule (3), he does not intimate to the managing committee his disapproval of the appointment, ¹[and the person so appointed shall be entitled for his salary and allowance from the date of his appointment.]

(5) Where any appointment made by the managing committee of an aided school is not approved by the Director, such appointment may (pending the regular appointment to the post) be continued on an *ad hoc* basis for a period not exceeding three months and the salary and allowances of the person so continued on an *ad hoc* basis shall qualify for the computation of the aid to be given to such school.

99. Prohibition against the employment of dismissed employees— No aided school shall employ, except with the previous approval of the Director, an employee who has been dismissed from service by another aided or Government school.

100. Minimum qualifications for appointment of teachers— Until separate rules specifying the minimum qualifications of teachers of schools, whether aided or not, are made by the Administrator in consultation with the Advisory Board and after giving the Affiliating Board or the appropriate authority, as the case may be, a reasonable opportunity of being heard, the minimum qualifications for employment as a teacher—

- (a) in a recognised unaided school shall not be lower than those specified by the Affiliating Board :

Provided that where no minimum qualifications have been specified by the Affiliating Board, the minimum qualifications shall be such as have been specified by the appropriate authority :

Provided further that the managing committee of such school may specify qualifications higher than those or in addition to those, specified by the Affiliating Board or the appropriate authority, as the case may be, but no such higher or additional qualification shall be specified in relation to a teacher who is already serving the school;

- (b) in an aided school, shall be those as have been specified by the Administrator for appointment to corresponding posts in Government schools;

- ²[(c) where a post (other than that of a teacher) in a school, whether aided or not, corresponds to any post in the Government Schools, the minimum qualifications for recruitment to such post shall be such as has been specified for such corresponding post in the Government school.]

1. Added by DSE(A)R, 1990, R.22(b).

2. Subs. by DSE(A)R, 1990, R.23.

101. Appointment of part-time teachers to be permitted in primary schools or primary stage of any schools— (1) It shall be lawful for the managing committee of a primary school or the managing committee of a school having a primary stage to appoint for the primary stage, a female teacher on a part-time but regular basis :

Provided that not more than twenty per cent of the total strength of teachers of the primary school or primary stage, as the case may be, shall be appointed on a part-time basis.

(2) The salary and allowances admissible to a female teacher appointed on a part-time but regular basis shall be one-half of those of a full-time teacher appointed on a regular basis :

Provided that medical facilities and other benefits (not being pensionary,, provident fund or retirement benefits) admissible to a part-time female teacher shall be the same as are admissible to a full-time teacher.

(3) If any part-time female teacher is appointed on a whole-time basis, one-half of the period of service rendered by such female teacher on a part-time basis shall be reckoned as qualifying service for the purpose of computation of pension and other retirement benefits admissible to her.

102. Minimum qualifications for recruitment to other posts— In the case of an employee other than a teacher the qualifications for recruitment shall be the same as are specified by the Administrator for appointment to corresponding posts in Government schools.

103. Power to relax qualifications— (1) The Affiliating Board, or in the case of primary or middle schools, the appropriate authority, may, in case of non-availability of trained or qualified teachers in a particular subject, relax the minimum qualifications for such period as it may think fit :

Provided that no such relaxation shall be made except with the previous approval of the Director.

(2) The minimum qualifications may also be relaxed by the Affiliating Board or the appropriate authority, as the case may be, in the case of candidates belonging to the Scheduled Castes or Scheduled Tribes :

Provided that such relaxation shall be made in accordance with the orders on the subject made by the Central Government from time to time.

104. Age limit— The minimum and maximum of age of the limit for recruitment to a recognised private school, whether aided or not, shall be the limits specified by the Administrator for appointment to corresponding posts in Government schools :

Provided that the age limit may be relaxed in the case of a candidate belonging to the Scheduled Castes or Scheduled Tribes or any other special category of persons in accordance with the orders on the subject made by the Central Government from time to time.

105. Probation— (1) Every employee shall, on initial appointment, be on probation for a period of one year which may be extended by the appointing authority ¹[with the prior approval of the Director] and the services of an employee may be terminated without notice during the period of probation if the work and conduct of the employee, during the said period, is not, in the opinion of the appointing authority, satisfactory :

²[Provided that the provisions of this sub-rule relating to the prior approval of the Director in regard to the extension of the period of probation by another year, shall not apply in the case of an employee of a minority school :

Provided further that no termination from the service of an employee on probation shall be made by a school, other than a minority school, except with the previous approval of the Director.]

(2) If the work and conduct of an employee during the period of probation is found to be satisfactory, he shall be on the expiry of the period of probation or the extended period of probation as the case may be, confirmed with effect from the date of expiry of the said period.

(3) Nothing in this rule shall apply to an employee who has been appointed to fill a temporary vacancy or any vacancy for a limited period.

106. Medical certificate and character certificate— (1) Every appointment in a recognised private school, whether aided or not, shall be subject to the physical fitness and good character of the appointee.

(2) A candidate selected for appointment shall be required to produce a medical certificate of fitness from a hospital established or maintained by Government or any local authority or from a registered medical practitioner approved for the purpose by the Director and two certificates from two different members of Parliament or members of Metropolitan Council of Delhi or gazetted officers or member of a local authority, no related to the candidate, certifying the character of the appointee.

(3) In the case of an aided school, a copy of the medical certificate and a copy each of the certificates of character shall be enclosed with the grant-in-aid papers claiming, for the first time, the salary grant of the appointee.

107. Fixation of pay— (1) The initial pay of an employee, on first appointment, shall be fixed ordinarily at the minimum of the scale of pay :

Provided that a higher initial pay, in the specified scale of pay, may be given to a person by the appointing authority :

Provided further that no higher initial pay shall be granted in the case of an aided school except with the previous approval of the Director.

1. Ins. by DSE(A)R, 1990, R. 24(a).

2. Subs. by DSE(A)R, 1990, R. 24(b).

(2) The pay of an employee on promotion to a higher grade or post shall be determined by the same rules as are applicable to the employee of Government school.

108. Filling of vacancies— Every vacancy in an aided school shall be filled by promotion or by the direct recruitment in accordance with such rules as may be made by the administrator in this behalf.

109. Seniority—¹(i) There shall be a seniority roster for each grade and the names of the employees appointed to posts in each grade shall be arranged in the roster in accordance with this rule.

(ii) Seniority of employees shall be determined by the order of merit in which they were selected for appointment to the concerned post, those selected on an earlier occasion being ranked senior to those selected later :

Provided that in a case where a joint seniority roster of employees of each grade common to all schools used to be maintained by society or trust running such schools prior to the commencement of these rules, inter-se-seniority of all employees of such schools shall continue to be maintained jointly.

(iii) Inter-se-seniority between direct recruits and promotees shall be determined according to the rotation of vacancies between direct recruitments and promotees which shall be based on the quota of vacancies reserved for direct recruitment and promotion respectively in the recruitment rules.

(iv) Inter-se-seniority of employees of any grade shall be determined by the managing committee in accordance with the rules applicable to the employees of corresponding posts appointed in the Government schools :

Provided that in a case where a joint seniority roster of employees of each grade common to all schools used to be maintained by the society or trust running such schools prior to the commencement of these rules, such inter-se-seniority shall be determined by such society or trust.

Explanation— In this rule the word 'grade' means a post or a group of posts created for work of the same nature in a school :

¹[Provided that where posts are created for work of the same nature in different schools run by the same society or trust all such posts shall be deemed to be in a single grade, if they were treated as such by the society or trust prior to the commencement of these rules.]

110. Retirement age— (1) Except where an existing employee is entitled to have a higher age of retirement, every employee of a recognised private school, whether aided or not, shall hold office until he attains the age of 58 years.

Provided that the managing committee may grant extension to a teacher for a period not exceeding two years in the aggregate, if in the opinion of the

1. Subs. by DSE(A)R, 1990, R. 25.

managing committee such teacher is fit for such extension and has no mortal or physical incapacity which would disentitle him to get such extension :

Provided further that no such extension shall be granted in the case of a teacher of an aided school except with the previous approval of the Director :

¹(2) Notwithstanding anything contained in sub-rule (1), every teacher, laboratory assistant, librarian, Principal or Vice-Principal employed in such school shall continue to hold office until he attains the age of 60 years :

Provided that where a teacher, Principal or Vice Principal attains the age of superannuation on or after the 1st day of November of any year, such teacher, Principal or Vice Principal shall be re-employed upto the 30th day of April of the year immediately following.

(3) Notwithstanding anything contained in sub-rule (1) and sub-rule (2), where a teacher, Principal or Vice Principal has obtained National or State Award for rendering meritorious service as a teacher, Principal or Vice Principal or where he has received both the National and State Awards as aforesaid, the period of service of such teacher, Principal or Vice Principal may be extended by such period as the Administrator may, by general or special order, specify in this behalf.

111. Leave of absence— Every employee of a recognised private school, whether aided or not, shall be entitled to such leave as are admissible to employees of a corresponding status in government schools.

112. Confidential reports— (1) Confidential reports in relation to the heads of schools and other employees or recognised schools, whether aided or not, shall be maintained in form specified by the Administrator in this behalf.

(2) The form referred to in sub-rule (1) shall consist of two parts, of which the first part shall contain factual assessments with regard to the work done by the employee concerned and the second part shall contain the opinion with regard to the performance of the employee concerned.

(3) The signature of the concerned employee shall be obtained on the first part of the confidential report before any opinion with regard to his performance is recorded in the second part of the report :

Provided that if the head of the school or other employee refuses to affix his signature to the factual assessment of his work, the authority recording the confidential report shall make a record of such refusal and complete the confidential report.

(4) The confidential report shall be recorded, every year, by the head of the school in respect of the employees working under him and every such confidential report shall be reviewed by the managing committee.

1. For details readers are advised to consult the text of Not. No. F.5/15 15/72 Edn. 538-2037, dt. 29.1.1985, F.5-84/85 UTI Min. of Education, Deptt. of Education, dt. 28.4.1984, F.5-228/83 UTI Min. of Education, Deptt. of Education, dt. 6.9.1983 & F/ACT/2876-3676 Directorate of Education, Dt. 30.6.1989 with the concerned Government department for further clarification.

(5) The confidential report in respect of the head of the school shall be recorded, every year, by the chairman of the managing committee and every such confidential report shall be reviewed by the managing committee.

(6) Any adverse entry in the confidential report, in relation to any head of the school or other employee shall be communicated to him by the chairman of the managing committee and every such communication shall be made in accordance with the instructions issued by the Central Government in respect of the employees of that Government.

(7) Any employee of an aided school who is aggrieved by any adverse entry in his confidential report may, within thirty days from the date on which such adverse entry is communicated to him, prefer an appeal against such entry to the Director, and the Director may, after giving to the managing committee a reasonable opportunity of showing cause, make such alterations in the entries in the confidential report as he may think fit and may, for that purpose require the managing committee to produce the concerned confidential report.

(8) The confidential report in relation to the head of the school shall be kept in the safe custody of the chairman of the managing committee and the confidential reports in relation to the other employees of the school shall be kept in the safe custody of the head of the school.

113. Private tuitions— No teacher shall undertake private tuitions or private employment or otherwise engage himself in any business.

114. Number of hours to be devoted to the teaching of students— (1) Every teacher shall devote in a year not less than 1200 hours to the teaching of students, out of which not more than 200 hours may be devoted for the coaching, in the school premises, of weak or gifted students, whether before or after the school hours :

Provided that if any teacher is required to devote more than 1200 hours to the teaching of students, extra remuneration shall be paid to him at such rate as may be determined by the managing committee, for every hour in excess of 1200 hours devoted by him to the teaching of students.

(2) In the case of an aided school, the extra remuneration referred to in sub-rule (1) shall be subject to the previous approval of the Director and shall qualify for aid at the rate of 95 per cent of such extra remuneration, and in the case of an unaided school, such extra remuneration may be recovered from the students at such proportionate rates as may be determined by the managing committee.

[114A. Resignation— The resignation submitted by an employee of a recognised private school shall be accepted within a period of thirty days from the date of the receipt of the resignation by the managing committee with the approval of the Director :

Provided that if no approval is received within 30 days, then such approval would be deemed to have been received after the expiry of the said period.]

1. Ins. by DSE(A)R, 1990, R. 26.

115. Suspension— (1) Subject to the provision of sub-sections (4) and (5) of section 8, the managing committee may place an employee of a recognised private school, whether aided or not, under suspension :—

- (a) where a disciplinary proceeding against such employee is contemplated or pending; or
- (b) where a case against him in respect of any criminal offence is under investigation or trial; or
- (c) where he is charged with embezzlement; or
- (d) where he is charged with cruelty towards any student or other employee of the school; or
- (e) where he is charged with misbehaviour towards any parent, guardian, student or employee of the school; or
- (f) where he is charged with the breach of any other code of conduct.

(2) No order for suspension shall remain in force for more than six months unless the managing committee, for reasons to be recorded by it in writing, directs the continuation of the suspension beyond the period of six months :

Provided that where a suspension is continued beyond a period of six months, the Director may, if he is of opinion that the suspension is being unreasonably prolonged, revoke the order of suspension.

(3) An employee of a recognised private school, whether aided or not, shall be deemed to have been placed under suspension by an order of the appointing authority :

- (a) with effect from the date of his detention, if he is detained in custody for a period exceeding forty-eight hours on a charge of an offence which in the opinion of the managing committee involves moral turpitude;
- (b) with effect from the date of his conviction, if in the event of a conviction for an offence involving, in the opinion of the managing committee, moral turpitude, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired from service consequent on such conviction.

Explanation— The period of forty-eight hours referred to in this rule shall be computed from the commencement of detention or conviction, as the case may be, and for this purpose, intermittent periods of detention shall be taken into account.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon an employee is set aside or rendered void, in consequence of or by, a decision of a court of law or of the Tribunal; and the disciplinary authority on a consideration of the circumstances of the case decides to hold further inquiry against such employee on the same allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, such employee shall be

deemed to have been placed under suspension by the managing committee from the date of original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders :

Provided that no such further enquiry shall be ordered unless it is intended to meet a situation where the court has passed an order purely on technical grounds without going into the merits of the case.

- (5) (a) An order of suspension made or deemed to have been made in these rules shall continue to remain in force until it is modified or revoked by the managing committee or the Director.
- (b) Where an employee is suspended or is deemed to have been suspended and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the managing committee may for reasons to be recorded by it in writing, direct that the employee shall continue to be under suspension until the termination of all or any such proceeding.
- (c) An order of suspension made or deemed to have been made under these rules may, at any time be modified or revoked by the managing committee or in the case of an aided school, by the Director.

116. Subsistence allowance— (1) An employee, under suspension shall, in relation to the period of suspension, be entitled to the following payments, namely :—

- (a) a subsistence allowance at an amount equal to one-half of the pay last drawn by him and in addition to such pay, dearness allowance at the appropriate rate to be paid in the same manner as salary :

Provided that where the period of suspension is extended beyond ¹[six months], the managing committee shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of past ¹[six months] as follows :

- (i) the amount of subsistence allowance may be increased by a suitable amount, not exceeding fifty per cent of the subsistence allowance admissible for the period of first ¹[six months], if, in the opinion of the managing committee, to be recorded in writing, the period of suspension has been prolonged, for reasons not directly attributable to the employee;
- (ii) the amount of subsistence allowance may be reduced by a suitable amount not exceeding fifty per cent of the subsistence allowance admissible for the first ¹[six months], if, in the opinion of the managing committee, to be recorded in writing the period of suspension has been prolonged due to reasons directly attributable to the employee;

1. Subs. by DSE(A)R, 1990, R. 27.

- (b) any other compensatory allowance admissible, from time to time, on the basis of pay of which the employee was in receipt on the date of suspension :

Provided that the employee shall not be entitled to the compensatory allowance unless the managing committee is satisfied that the employee continues to meet the expenditure for which such compensatory allowance is admissible;

- (c) no payment of subsistence allowance shall be made unless the employee furnishes a certificate to the effect that he is not engaged in any other employment, business, profession or vocation;

Provided that in the case of an employee dismissed, removed or compulsorily retired from service, who is deemed to have been placed or to continue to be under suspension and who fails to produce such a certificate for any period or periods during which he is deemed to be placed or continue to be under suspension, he shall be entitled to the subsistence allowance and other allowances equal to the amount by which his earnings during such period or periods, as the case may be, fall short of the amount of subsistence allowance and other allowances that would otherwise be admissible to him; where these subsistence and other allowances admissible to him are equal to or less than the amount earned by him, nothing in this proviso shall apply to him.

(2) If the managing committee fails to pay any subsistence allowance or compensatory allowance within thirty days from the date from which the payment becomes due, the employee may appeal to the Director, who may pass appropriate orders :

Provided that in the case of an aided school, the managing committee shall deposit with the Administrator its share of the subsistence allowance and the Administrator shall make arrangements for the payment of the subsistence allowance admissible to an employee under suspension.

(3) If any doubt arises with regard to the application of this rule, the same shall be resolved in accordance with the orders issued by the Central Government in respect of its employees.

(4) Where a suspended employee is exonerated after disciplinary proceeding or where any criminal prosecution against a suspended employee ends with an honourable acquittal the salaries and allowances of such employee minus the subsistence allowance received by him shall be paid to him from the date on which he was suspended.

117. Penalties and disciplinary authority— The following penalties may, for good and sufficient reasons, including the breach of one or more of the provisions of the Code of conduct, be imposed upon an employee of a recognised private school, whether aided or not, namely :—

- (a) Minor penalties,—
- (i) censure;
 - (ii) recovery from pay the whole or any part of any pecuniary loss caused to the school by negligence or breach of orders;

- (iii) withholding of increments of pay;
- (b) Major penalties,—
 - (i) reduction in rank;
 - (ii) compulsory retirement;
 - (iii) removal from service, which shall not be a disqualification for future employment in any other recognised private school;
 - (iv) dismissal from service, which shall ordinarily be a disqualification for future employment in any aided school.

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

- (a) stoppage at the efficiency bar on the ground of unfitness to cross the bar;
- (b) retirement of the employee in accordance with the provisions relating to superannuation or retirement;
- (c) replacement of a teacher, who was not qualified at the date of his appointment, by a qualified one;
- (d) discharge of an employee appointed on a short-term officiating vacancy caused by the grant of leave, suspension or the like.

118. Disciplinary authorities in respect of employees— The disciplinary committee in respect of every recognised private school, whether aided or not, shall consist of—

- (i) the chairman of the managing committee of the school;
- (ii) the manager of the school;
- (iii) a nominee of the Director, in the case of an aided school, or a nominee of the appropriate authority, in the case of an unaided school;
- (iv) the head of the school, except where the disciplinary proceeding is against him and where the disciplinary proceeding is against the Head of the school, the Head of any other school, nominated by the Director;
- (v) a teacher who is a member of the managing committee of the school; nominated by the Chairman of such managing committee.

119. Procedure for imposing minor penalties— No order imposing a minor penalty shall be made except after informing the employee in writing of the proposal to take action against him and the allegation on which such action is proposed to be taken and except after giving to the employee an opportunity to make any representation against the proposed action.

120. Procedure for imposing major penalty— (1) No order imposing on an employee any major penalty shall be made except after an inquiry, held, as far as may be, in the manner specified below :—

- (a) the disciplinary authority shall frame definite charges on the basis of the allegation on which the inquiry is proposed to be held and a copy of the charges together with the statement of the allegations on which they are based shall be furnished to the employee and he shall be required to submit within such time as may be specified by the disciplinary authority, but not later than two weeks, a written statement of his defence and also to state whether he desires to be heard in person;
- (b) on receipt of the written statement of defence, or where no such statement is received within the specified time, the disciplinary authority may itself make inquiry into such of the charges as are not admitted or if considers it necessary so to do, appoint an inquiry officer for the purpose;
- (c) at the conclusion of the inquiry, the inquiry officer shall prepare a report of the inquiry regarding his findings on each of the charges together with the reasons therefor;
- (d) the disciplinary authority shall consider the record of the inquiry and record its findings on each charge and if the disciplinary authority is of opinion that any of the major penalties should be imposed, it shall—
 - (i) furnish to the employee a copy of the report of the inquiry officer, where an inquiry has been made by such officer;
 - (ii) give him notice in writing stating the action proposed to be taken in regard to him and calling upon him to submit within the specified time, not exceeding two weeks, such representation as he may wish to make against the proposed action;
 - (iii) on receipt of the representation, if any, made by the employee, the disciplinary authority shall determine what penalty, if any, should be imposed on the employee and communicate its tentative decision to impose the penalty to the Director for his prior approval;
 - (iv) after considering the representation made by the employee against the penalty, the disciplinary authority shall record its findings as to the penalty which it proposes to impose on the employee and send its findings, and decision to the Director for his approval and while sending the case to the Director, the disciplinary authority shall furnish to him all relevant records of the case including the statement of allegations charges framed against the employee, representation made by the employee, a copy of the inquiry report, where such inquiry was made, and the proceedings of the disciplinary authority.

(2) No order with regard to the imposition of a major penalty shall be made by the disciplinary authority except after the receipt of the approval of the Director.

(3) Any employee of a recognised private school who is aggrieved by any order imposing on him the penalty of compulsory retirement or any minor penalty may prefer an appeal to the Tribunal.

121. Payment of pay and allowances on reinstatement— (1) When an employee who has been dismissed, removed or compulsorily retired from service is reinstated as a result of appeal or would have been so reinstated but for his retirement on superannuation while under suspension preceding the dismissal, removal or compulsory retirement, as the case may be, the managing committee shall consider and make a specified order—

- (a) with regard to the salary and allowances to be paid to the employee for the period of his absence from duty, including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be; and
- (b) whether or not the said period shall be treated as the period spent on duty.

(2) Where the managing committee is of opinion that the employee who had been dismissed, removed or compulsorily retired from service had been fully exonerated, the employee shall be paid the full salary and allowances to which he would have been entitled had he not been dismissed, removed or compulsorily retired from service or suspended prior to such dismissal, or compulsory retirement from service, as the case may be :

Provided that where the managing committee is of opinion that the termination of the proceedings instituted against the employee had been delayed due to reasons directly attributable to the employee, it may, after giving a reasonable opportunity to the employee to make representations and after considering the representation, if any, made by the employee, direct, for reasons to be recorded by it in writing, that the employee shall be paid for the period of such delay only such proportion of the salary and allowances as it may determine.

(3) The payment of allowances shall be subject to all other conditions under which such allowances are admissible and the proportion of the full salary and allowances determined under the proviso to sub-rule (2) shall not be less than the subsistence allowance and other admissible allowances.