

**THE ASSAM ELEMENTARY EDUCATION
(PROVINCIALISATION) SERVICE AND
CONDUCT RULES, 1981**

PART I

1. Short title, extent and commencement.

- (i) These rules may be called the Assam Elementary Education (Provincialisation) Service and conduct Rules, 1981.
- (ii) The extent of application of these Rules will be the same as that of the Assam Elementary Education (Provincialisation) Act, 1974.
- (iii) These Rules shall come into force with immediate effect.

COMMENTS

Enforceability and applicability.

These Rules have the approval of Legislature Department vide Order No. 211/80, dated the 6th March 1981 and Finance Department vide Order No. FC (III) 1327/81, dated the 30th December, 1981, being framed in exercise of powers conferred by S. 27 (1) (i) of the Assam Elementary Education (Provincialisation) Act, 1974, by the Governor of Assam regulating the service and conditions of the Elementary School teachers and employees; published under Notification dated the 26th May, 1982 being Assam Rule III of 1982.

2. Definitions.

In these Rules unless there is anything repugnant in the subject or context-

- (i) 'Act' means the Assam Elementary Education (Provincialisation) Act, 1974.
- (ii) 'Government' means the State Government of Assam.
- (iii) 'Sanctioned post' means post sanctioned by the Government either during the regime of the Board as

constituted under the Assam Elementary Education Act, 1968 or after Provincialisation and post created by the board during the regime of the Board.

- (iv) 'Period of service' means the period of continuous service against a sanctioned post.
- (v) 'Date of recognition' means the date from which the teachers and other employees of the board constituted under the Assam Elementary Act, 1968 are holding a substantive post.
- (vi) 'D.E.E.' means the Director of Elementary Education.
- (vii) 'Jt. D.E.E.E.' means the Joint Director of Elementary Education.
- (viii) 'D.I.' means the Deputy Inspector of Schools.
- (ix) 'C.P.F.' means the Contributory Provident Fund.
- (x) 'G.P.F.' means the General Provident Fund.
- (xi) 'Board' means the State Board for Elementary Education and the Regional Boards as the case may be as constituted under the Assam elementary Education Act, 1968.

- (xii) 'Service' means service rendered under the State Board for Elementary Education constituted under the Assam Elementary Education Act, 1968 and service rendered under the Government before or after Provincialisation both in respect of teachers and other employees.

- (xiii) 'Teachers training' means the Junior Basic Training, Senior Basic Training, Normal Training, Pre-Primary Training or any other training recognized by the Government from time to time.

- (xiv) All other words and expressions shall have the same meaning as is assigned to them in the Act.

- (xv) 'Employee' means the employee of the establishment of the Director of Elementary Education and D.I. of School including Elementary and Pre-Primary School Teachers, School Chowkidars and School Mothers etc.

PART II

Service conditions for teachers and other employees of the elementary service

3. (i) Terms and conditions.

The services of all teachers of Elementary Education taken over by the Government on Provincialisation on 5th September 1975, as provided under S. 3 of the Assam Elementary Education (Provincialisation) Act, 1974, as amended, shall be subject to the following conditions:

- (a)** Services rendered during the repealed Acts- the Assam Basic Education Act, 1954 (Act XXVI of 1954), the Assam Elementary Education Act, 1962 (Act XXX of 1962) and the Assam Elementary Education Act, 1968 (act XVIII of 1969) shall be counted towards pension and their retirement benefits provided such services are substantive ad permanent.

Explanation.

Services rendered temporarily against leave or deputation vacancies shall be excluded.

- (b)** They shall be entitled to such scales of pay and allowances and other benefits as may be admissible to the teachers of corresponding rank of the Government School services with effect from the date of Provincialisation.
- (c)** They shall be superannuated on attaining 58 years of age.
- (ii)** The services of the teachers shall be encadred in the respective cadre of the existing Government school service of the corresponding rank
- (iii)** The *inter se* seniority of the teachers belonging to a cadre/class/grade shall be determined as per existing Government rules.
- (iv)** In the case of any dispute the Director of Elementary Education shall determine the seniority on the basis of such evidence as may be necessary, in accordance with Government instruction issued in this regard from time to time.
- (v)** The minimum qualification for the posts of elementary schools shall be Matriculation.

The teachers on appointment should be required to undergo Junior Basic or Normal Teachers' Training

Course or any other training recognized by the Government.

- (vi) Recruitment to the posts of teachers of elementary schools shall be made under the provisions of Part I, R. 3 of the Elementary Education (Provincialisation) Rules, 1977.
- (vii) Unless otherwise directed by Government the cadre of a teacher of a provincialised school shall be the cadre to which he is entitled to be admitted on the date of Provincialisation as shown in the Schedule I.

COMMENTS

Rule 3 (i) was substituted by Amendment Rules of 1988.

4. Confirmation.

Subject to availability of a permanent vacancy every member of the service shall be confirmed in the cadre/class/grade to which he/she is appointed substantively, if –

- (a) he/she has completed at least 3 years' continuous service after Provincialisation;

- (b) he/she has successfully undergone necessary training as may be prescribed by this Department and facilities for which have been offered to him/her by the department during the period of 3 years:

Provided that those teachers who have completed 45 years of age or have completed 3 years of continuous service after Provincialisation but no facilities have been provided to him/her for the prescribed training, will be confirmed provided there is nothing adverse against him:

Provided further that all teachers whose services have been confirmed and approved by the State Board or the Regional Board prior to 5th September, 1975 shall be deemed to have been duly confirmed with effect from the date of such confirmation.

5. Promotion.

- (a) The post of Head Pundit shall be a promotion post. Appointment to the posts shall be made on the basis of seniority-cum-efficiency of the recommendation of a sub-division selection committee to be constituted by the Director of Education.
- (b) Other provisions relating to conditions of service except as provided in these Rules, all matters relating to pay, allowances, leave, pension, discipline and other

conditions of service shall be regulated by the general Rules framed by the Government from time to time.

6. Pension and gratuity etc.

The teachers shall be entitled to pension, gratuity and other pensionary benefits as admissible to the Government employees. The teachers who opt for pension scheme will discontinue their C.P.F., contribution and open fresh G.P.F. account and deposit the amount of their own C.P.F. contribution along with interest accrued thereon into the G.P.F. account so opened.

For the purpose of pension the period of service shall be counted from the date on which they were qualified to receive the benefit of C.P.F. during the Boards' regime.

7. Suits and proceedings.

No suit or other legal proceedings shall lie for anything done in good faith under these Rules except with the previous sanction of the Government.

8. Preparation at and maintenance of service records.

The D.I. of Schools, or any other authorized officer shall maintain Service Books, Leave Account, Character Roll and other records as may be necessary for the employees working under him in the forms prescribed by the Government. It is

the responsibility of the D.I. of Schools to ensure correctness of the entries in the Service Books/Records. Service books shall be opened at the beginning of the service.

- 9.** If any dispute arises about interpretation of any provision of these Rules, the interpretation of the Government shall be final.

PART III

10. Terms and conditions of service of the staff of the offices of the Director of Elementary Education and D.I. of Schools (defunct State Board and Regional Board) as shown in the Schedule II.

- (1) The service of the non-teaching employees of State Board and the Regional Board inclusive of the Staff of the Directorate of the Elementary Education and the office of the D.I. of Schools and other establishment as shown in Schedule II taken over on Provincialisation on 5th September, 1975 shall be subject to the terms and conditions as laid down in R. 3 (1) of Part II of the Rules, as amended. These employees shall be entitled to such scale of pay and allowances and other benefits as admissible to Government employees of the corresponding ranks.

The employees so taken over shall not draw pay and allowances etc., at the rate less than that which they used to draw on the date of Provincialisation.

The services of the employees other than the teachers shall cover –

- (a) all the employees of the State Board for Elementary Education (holding both the cadre and ex-cadre posts) entertained under the provisions of the Assam Elementary Education Act, 1968 and employees appointed after Provincialisation, shall enjoy all the benefits as admissible to the Government employees of the corresponding ranks of the offices of the Heads of Departments of the Government; provided that if there is no such post or posts with corresponding scales of pay in the Heads of Departments offices such post or posts created and entertained by the Board shall be retained and status quo maintained;
- (b) all employees of the Regional Boards' Offices entertained under the provisions of the Assam Elementary Education Act, 1968 and employees appointed after Provincialisation, shall enjoy all the benefits as admissible to the employees of the corresponding ranks of the District offices of the Government;
- (c) the office employees of the Offices of the Junior Basic Training Centres, Senior Basic Training Centres and Pre-primary Training Centres shall be under the direct

control of the Directorate of Elementary Education for all purposes.

The same rule *mutates mutandis* shall be applicable to the office employees of the offices of the D.I. of Schools and Normal Schools and these employees shall be under the direct control of the Directorate of Elementary Education;

- (d) Chowkidars, Peons, Jamadars, Duftries and Drivers etc, will be entitled to all the benefits as admissible to the IVth Grade Employees of the State Government.
- (2) The office employees under the Directorate of Elementary Education shall be entitled to pension, gratuity and such other retirement benefits as admissible to the other Government employees.

For pensionary benefits the services shall be counted from the date on which they were qualified to receive the benefit or C.P.F. contribution during the Boards' regime. The employees will discontinue their C.P.F. contribution and open fresh C.P.F. contribution along with the interest accrued thereon in the C.P.F. account so opened.

- (3) All matters relating to pay and allowances, leave, pension discipline and punishment etc. and the other conditions of service shall be regulated by the general Rules framed by the Government from time to time.

- (4) (a) The age of retirement of the employees except the IVth Grade employees shall be the date as applicable to the Government employees.
- (b) The age of retirement for the Grade IV employees will be the date on which he/she attains the age of 60 years.

11. If any dispute arises about interpretation of any provision of these Rules the interpretation of the State Government shall be final.

12. The Government may at any time amend any of the Rules as prescribed in the Act.

SCHEDULE I

L.P./Jr. Basic/Pre-Primary School Teachers.

(a)	(i) Trained/Intermediate
	(ii) Untrained.
	(iii) Pre-Primary. M.V./Sr. Basic.
(b)	(i) Non-Matric untrained.
	(ii) Non-Matric Jr. Basic Trained/Matric.
	(iii) Matric Junior Basic Trained.
	(iv) Matric Normal/Matric Sr. Basic/Intermediate Hindi Teachers /Non-Matric Normal.

SCHEDULE II

Establishment of office of the Director of Elementary Education

1. Accounts Officer.
2. Registrar.
3. Superintendent.
4. Inspecting Auditor (Ex-cadre Post).
5. Accountant.
6. Upper Division Assistant.
7. Nazir.
8. Lower Division Assistant.
9. Routine Assistant.
10. Typist.
11. Stenographer.
12. Stenographer.
13. Chowkidar/Peon.
14. Driver.

COMMENTS

The "Accounts Officer" was inserted by Amendment Rule of 1988 as Serial No.1 and the rest of the Serial Nos. corrected accordingly.

Establishment of the office of the D.I. of Schools, Principal, Basic Training Centres and Pre-Primary Training and Normal Schools.

- (a) Head Assistant.
 - (b) Upper Division Assistant.
 - (c) Cashier.
 - (d) Lower Division Assistant.
 - (e) Duftaries/Chowkidars/ Peons.
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