

**THE KARNATAKA EDUCATIONAL INSTITUTIONS (RECRUITMENT AND TERMS AND
CONDITIONS OF SERVICE OF EMPLOYEES IN PRIVATE AIDED PRIMARY AND
SECONDARY EDUCATIONAL INSTITUTIONS) RULES, 1999.**

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The Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in Private Aided Primary and Secondary Educational Institutions) Rules, 1999.

EDUCATION SECRETARIAT

¹[No.ED 52 ViViDa 99, Bangalore, dated: 10-12-1999]¹

(As amended by Notification No. ED 64 Vivida 2000 dated 31-1-2001, ED 65 VIVIDA 2000, dt. 3.2.2001, ED 95 VIVIDA 2000, dt. 5.7.2001,

ED 48 VIVIDA 2002, dt. 4.9.2002, ED 32 VIVIDA 2003, dt. 26.5.2003,

ED 80 VIVIDA 2003 dt. 20.6.2003, ED 1007 SEW 2001, dt. 24.4.2004,

ED 1007 SEW 2001, dt. 22.10.2005, ED 79 SLB 2006, dt. 4.1.2007, ED 166 SLB 2006,

dt.16.6.2007, ED 161 SEP 2006, dt. 25.10.2007, ED 146 SLB 2007 dt. 27.12.2007 and

ED 262 SLB 2007 dt. 7.5.2008)

NOTIFICATION

Whereas the draft of the Karnataka Education Institutions (Terms and conditions of service of employees in Private Educational Institutions) Rules, 1999, was published as required by sub section (i) of section 145 of the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995) in Notification No.ED 52 ViViDa 99, dated 10.12.99 in Part-IV-2 (c) (i) of the Karnataka Gazette Extraordinary dated 10.12.99, inviting objections and suggestions from the persons likely to be affected thereby.

Whereas the said gazette was made available to the public on 10.12.99.

And whereas the objections and suggestions received in this regard have been considered by the Government.

Now therefore, in exercise of the powers conferred by Section 87 to 101 read with section 145 of the Karnataka Education Act, 1983, (Karnataka Act 1 of 1995) the Government of Karnataka hereby makes the following rules, namely -

1. Published in the Karnataka Gazette Part IV - 2c(i) Extraordinary No. 224 dated 10.12.99

1. Title, Application and Commencement :- (1) These rules may be called the Karnataka Educational Institutions (Recruitment and terms and conditions of service of employees in Private Aided Primary and Secondary Educational Institutions) Rules, 1999.

(2) These rules shall apply to the Primary and Secondary Educational Institutions receiving grant-in-aid.

(3) They shall come into force from the date of their publication in the official Gazette.

2. Definition: - (1) In these rules unless the context otherwise requires—

(a) 'Act' means the Karnataka Education Act, 1983 (Karnataka Act 1 of 1995)

(b) 'Annexure' means an annexure appended to these rules.

(c) 'Appointing Authority' means –

- (i) in respect of all the employees of the aided Primary and Secondary Educational Institution, other than the Head of the Institution, the Managing Committee of the Institution.
- (ii) in respect of the Head of the Institution, the Governing Council.
- (d) 'Disciplinary Authority' means the Managing Committee or as the case may be, the Governing Council.
- (e) 'Form' means a form appended to these rules.
- (f) 'Head of the Department' means –
 - (i) the Commissioner for Public Instruction.
 - (ii) the Director of Public Instruction (Secondary) in respect of Secondary Schools.
 - (iii) the Director of Public Instruction (Primary) in respect of Primary Schools.
- (g) 'Institution' means a Private Aided Primary or Secondary Educational Institution.
- (h) 'Local body' means a duly constituted Zilla Panchayat, Taluk Panchayat, Grama Panchayat or Municipal Corporation or Municipal Council or a Town Panchayat or any other body notified by the Government from time to time as a local body for purposes of grant-in-aid under these Rules.
- (i) 'Section' means a section of the Act.

(2) Words used but not defined in these rules shall have the meaning assigned to them in the Act or as the case may be in the Karnataka Civil Services Rules or the rules made or deemed to have been made under the Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990).

3. Qualification and conditions of service of employees.- (1) Subject to the other provisions in these rules:

(a) The categories of posts, the staffing pattern and the qualifications for recruitment to posts in an Institution shall be as specified in Annexure III, IV and V. In respect of employees other than teachers, the prescribed qualifications for recruitment, etc. in Institutions shall be the same as those applicable for the corresponding category of employees in Government Educational Institutions. The procedure for selection of candidates to posts identified for recruitment shall be ¹[as specified in Annexure-I and the procedure for filling up of the post of Head Master and Head Mistress in High schools shall be specified in Annexure VI]¹.

1. Substituted by Notification No. ED 64 Vivida 2000 dated 31.1.2001 w.e.f. 1.2.2001.

(b) Subject to the financial capacity of the State Government the salary of employees in respect of posts admitted into aid in recognised private educational institutions receiving aid from the State Government shall generally be the same as those applicable for the corresponding category of employees in government educational institutions as per orders issued by the State Government in respect of this category of employees from time to time.

Provided that no employees of an aided Institution shall be entitled to the benefits enumerated in Annexure – II.

(c) Subject to the financial capacity of the State Government pensionary benefits is admissible to aided employees of aided institution as per the provisions of Triple Benefit Scheme Rules and gratuity is admissible as per the orders issued by the government from time to time.

Provided that in respect of employees appointed prior to 1.1.86, pension and gratuity is admissible if management contribution of 3% is paid upto the period of 4.9.86.

(2) The State Government may vary the qualification, method of recruitment and conditions of service from time to time.

¹**[3A. Salary in respect of appointments made in contravention of rules etc.,-** Where the management commits any wrongful act or makes any default in appointment of any person or appoints any person contrary to these rules, salary of such person shall be paid by the management from its own fund and not from the financial assistance from the State Government.]¹

1. Inserted by Notification No. ED 32 VIVIDA 2003, dt. 26.5.2003

4. Age:- No employee who is not within the age limit prescribed for recruitment to the corresponding posts in government educational institutions shall be eligible for appointment to any post in any Institution.

5. Schedule of employment: (a) Every private educational institution shall maintain a schedule of employment as per seniority indicating therein the name, qualification, scale of pay and other particulars in respect of each employee, in Form-1.

(b) In case the management is running more than one institution the schedule of employment shall be maintained management wise also as per seniority and roster.

6. Constitution of Selection Committee:- For the purpose of recruitment to teaching and non-teaching posts, other than the post of head of the institution, to an Institution, the Managing Committee shall constitute a “selection committee” consisting of:-

- (i) the president of the Head of the Managing Committee or his nominee;
- (ii) ¹[xxx]¹

1. Omitted by Notification No. ED 32 VIVIDA 2003, dt. 26.5.2003

- (iii) The Head of the Institution.
- (iv) An educationist or an expert in the subject to which recruitment is to be made, selected by the Governing Council.

CHAPTER – II

SERVICE CONDITIONS IN RESPECT OF EMPLOYEES OF AIDED INSTITUTIONS

7. Period of probation:- A person appointed under these rules shall be on probation for a period of two years.

Provided that the appointing authority may for the reasons to be recorded in writing extend the period of probation by a further period of six months.

8. Seniority:- (a) The Managing Committee shall cause to be prepared and maintained every year a separate seniority list of employees for each category of posts in the institution.

(b) In case the managing committee is running more than one institution, the managing committee shall cause to prepare a common seniority list for all the institution under its control.

9. Resignation:- Any employee appointed under these rules may resign from service by giving one month's notice in writing in Form I to the Governing Council or surrendering one month's salary in lieu thereof. A copy of such notice shall be sent to the competent authority or a person, or an authority authorised by him for verifying the contents of the resignation notice and forward it to the Governing Council for acceptance, if the resignation is found to be voluntary. The Governing Council shall not accept the resignation until the notice is forwarded to it by the competent authority.

Provided that the employee who has submitted resignation may withdraw the same if he so desires within the intended period of resignation or before resignation is accepted whichever is earlier.

10. Retrenchment of employees:- (1) An employee in an Institution may be retrenched by the Governing Council on the following grounds:

- (a) Where the teacher pupil ratio falls below the Standard staffing pattern specified in Annexure IV and V as the case may be.
- (b) Due to changes relating to curriculum or student strength the work load of a teacher in a particular subject does not warrant his continuation in a particular institution.
- (c) Closure of school due to lack of infrastructural facilities, dispute within the management or between management and teachers or any other reasons which may be recorded in writing.
- (d) The employee does not possess the required educational qualification.
- (e) Where the competent authority or the Government deletes the post from salary grant for the reasons to be recorded in writing.
- (f) For any of the above or for any other reason as the Government may deem fit which may be recorded in writing.

(2) The procedure to be followed by the Governing Council for retrenchment of an employee of a Institution shall be as follows:

- (a) no employee of an Institution whose appointment has been approved with aid by the Department shall be retrenched by a Governing Council except for reasons specified in sub-rule (1) or section 98 of the Karnataka Education Act 1983.
- (b) Where retrenchment is due to the employees becoming surplus, the junior most employee in terms of seniority list maintained in accordance with the rule 8 in the particular cadre and subject, shall be retrenched.
- (c) A notice shall be issued to the employee proposed to be retrenched stating the reasons in writing for such retrenchment, giving the employee an opportunity to submit his written statement of objection if any within fifteen days from the receipt of such notice.
- (d) On receipt of the written objection received from the employee, he shall be afforded an opportunity to explain his stand in person if such request has been made by him/her in the written statement.
- (e) The Governing Council shall on the basis of grounds so established send proposals to the competent authority.
- (f) The Competent Authority shall on receipt of the proposal verify the same and after ascertaining the facts, that:-
 - (i) the reason stated in the proposal are in conformity with the reasons stated in sub-rule (1);
 - (ii) that the employee is junior most as per the seniority list maintained by the management in the particular subject and cadre;
 - (iii) accord approval to the Governing Council to retrench the employee so proposed by giving one month's notice or one month's salary in lieu of the same.
- (g) The Competent Authority shall thereafter withdraw salary grant in respect of such excess / retrenched staff.

(3) If the Governing Council does not send the proposal, in accordance with clause (e) of sub-rule (2)) the Competent Authority may give directions to the Governing Council to send proposals within a period of one month, failing which salary grants in respect of the entire institution shall be withdrawn forthwith.

11. Procedure to be followed by Competent Authority under section 98:- (1) The Competent Authority may either suomotu after personally ascertaining facts or on the report of one of the subordinate officers initiate action to retrench an employee by following as far as may be the procedure under rule 10 and pass an order giving necessary directions to the Governing Council after having fully satisfied that retrenchment is called for due to any one or more of the reasons specified in rule 10 or section 98.

(2) The Competent Authority shall cause a list of all eligible and qualified retrenched employees to be maintained at the State level. The list of teachers shall be prepared subject-wise and cadre-wise, the list shall be prepared on the basis of seniority, taking the date of approval of appointment with aid as the basis. The details of category of reservation and roster of such an employee shall also be recorded.

(3) The Competent Authority shall submit periodically and every time an employee is retrenched, the details of such retrenchment to the head of the department.

(4) The Competent Authority shall also submit the vacancy position in respect of each of the institution, district-wise, category-wise and in case of teachers subject-wise with details of roster to the head of the department.

(5) The Competent Authority shall publish periodically during every quarter the details of candidates enlisted as per sub-rule (1).

(6) On receipt of the vacancy position, the Government or Competent Authority shall without prejudice to initiating action under sub-rule (1) allot through computerized counselling, the retrenched employee on the basis of seniority and after taking into consideration the subject requirement and reservation and roster point, to any other institution where a regular sanctioned vacancy exists and direct the concerned management to issue appointment order to such candidates and direct such candidates to report for duty in the said institution.

Provided that in all cases where no person is available in the reservation category and roster as per the requirement of the institution, then the senior-most candidate irrespective of reservation and roster shall be allotted.

Provided further that no recruitment shall be made by any aided institution, until the list of retrenched teachers are exhausted.

Provided also that the retrenched employee so appointed in the new institution will get seniority in the new institution from the date of joining the institution. However, the services rendered in the earlier institution will count for pay, leave and pensionary benefits.

Provided also further that the retrenched employee who is allotted to a new institution shall not be entitled to any compensation provided under the Act.

¹[Provided also that no retrenched employee / staff shall be allotted to a Minority Institutions for being appointed against a vacancy:

Provided also that in so far as minority institutions are concerned, where the competent authority on his own verification or on the report of its subordinate officers finds that there is an excess strength of teachers / staff on account of reasons mentioned in the above rules, shall take action to retrench the excess teachers / staff following the same procedure as specified under these rules. The Competent Authority shall withdraw salary grants in respect of such excess / retrenched staff.]¹

- (i) ¹[Provided also that the excess teachers so identified in minority Educational Institutions under these rules may be allotted to any other Educational Institutions under the same management or non-minority educational institutions in accordance with sub-rule (6).]¹

1. Substituted by Notification No. ED 1007 SEW 2001, dt. 22.10.2005

12. Transfer of employees from one aided institution to another aided institution:

(1) Transfer of an employee can be permitted by the competent authority subject to the following conditions:-

- (a) that there is need for the post so vacant in accordance with subject, strength and attendance.
- (b) that the vacancy so proposed for transfer is a clear vacancy and is in accordance with the staffing pattern.
- (c) the management has clearly mentioned the nature and cause of vacancy supported by facts.¹
- (d) that an employee receiving salary grant from Government earlier is proposed for transfer in the place of another employee o post which is also included in salary grant and no employee occupying a post receiving salary grant is proposed for transfer to an unaided post.
- (e) that consent of both the management is there.

(2) The competent authority may grant permission to transfer in the following cases:

- (a) in the case of a request by the management or the employee for a transfer within the institutions of the same management;
- (b) in the case of a request by management or the employee for a transfer to an institution of different management, with the consent of both the management;

Provided that in case of request by the management or the employee for a transfer within the schools of the same management or request by an employee for a transfer to an institution belonging to a different management, ¹[the competent authority]¹ head of the department may accord permission for the same, subject to the condition that in respect transfer involving different management, the employee earns the seniority in the concerned institution from the date of reporting for duty in the new institution. However, his service in the previous aided institution will count for the purpose of salary, leave and pensionary benefits. In all other cases of transfer effected within the same management the services in the previous institution shall count for seniority in the new institution and his service in the previous institution of the same management shall count for salary, leave and pensionary benefits. Transfer orders of the employees within the institution of the same management or different management shall be issued only by ¹[the competent authority]¹.

¹Substituted by Notification No. 166 SLB 2006 dt. 16.6.2007

¹[Provided further that in the event of a school being duly transferred to a new management, the service rendered by the employees concerned under the previous management shall count for the purpose of seniority, salary, leave and pensionary benefits]¹.

¹ Inserted by notification No. 166 SLB 2006 dt. 16.6.2007

¹[(3) Government may grant permission to transfer an employee of an educational institution imparting primary or secondary education, in the following cases :-

- (a) In the case of request by the management of an Aided educational institution located within the State of Karnataka for transfer of its employee with the consent of the employee, to a comparable post in any of the institutions of the same management located in any other state for a period not exceeding five years;
- (b) In the case of request by the management of an Aided educational institution located in any other State, from the State Government concerned, for transfer of its employee to a grant-in-aid vacancy in a comparable post in any of the institutions of the same management, located into the State of Karnataka for a period not exceeding five years subject to the condition that the employee concerned possesses the educational qualification prescribed as per the rules of recruitment applicable to such a post and is in receipt of grant-in-aid from the State Government concerned and subject to fulfillment of other conditions of method of recruitment and grant-in-aid and the said vacancy has arisen on account of retirement, resignation, death of transfer, as the case may be ; and
- (c) In the case of request by the management for a permanent transfer of its employee, which is in receipt of grant-in-aid, subject to consent of the employee and both management of Government of other state to or from and institution in receipt of grant-in-aid, which is located in any other State and which may belong to either the same management or a different management;

¹ Sub-Rule (3) to (7) inserted by notification No. 166 SLB 2006 dt. 16.6.2007

(4) In the case of transfer referred to in clause (a) of sub-rule (3), it shall be treated as re-deployment On return of the employee concerned to the State of Karnataka, the period of such re-deployment shall be treated as "dies-non" as defined in sub rule (14-A) of the rule 8 of the Karnataka Civil Service Rules. Application of the Karnataka State-Aided School Employees Contributory Provident Fund, Insurance Pension Rules as contained in the Government Order No. ED 65 SES 1962, dated : 24-08-1963, as amended from time to time, shall be deemed to have been kept in abeyance in relation to such an employee for the period of his re-deployment which shall be resumed after he he returns to the State of Karnataka and assumes charge of the post he held before his re-deployment. The management shall not fill the vacancy cause by such re-deployment except on temporary basis by placing re-deployment shall not count for pension and pay fixation. The parent management or the management which has borrowed the services of such an employee, as the case may be, shall be liable to pay salary to the employee

and no grant-in-aid shall be payable by Government of Karnataka during the period of such re-deployment ;

(5) In the case of a transfer under clause (b) of sub-rule (3), it shall also be treated as redeployment subject to the condition that the employee concerned, according to the rules applicable to him in his parent state, is not required to resign and there is provision to maintain his lien until his return to his parent school. On return to his parent school, such redeployment shall be treated as "dies non", as defended in sub-rule (14-A) of rule 8 of the Karnataka Civil Services Rules. Further, the rules applicable to such an employee in his parent school in respect of his pension, gratuity, provident fund etc. Shall be deemed to have been kept in abeyance in relation to such an employee for the period of his redeployment to the educational institution located in the State of Karnataka, which shall be resumed after the returns to his State and assumes charge of the post held by him in his parent school before his re-deployment. The service rendered on such re-deployment shall not count for pension and pay fixation. The liability of the Government of Karnataka shall be limited to payment of grant-in-aid equivalent to the amount calculated on the average of the minimum and maximum of the scale of the post held by such an employee in Karnataka or actual pay drawn, whichever is less ;

(6) In the case of a transfer referred to in clause (c) of sub-rule (3), if the transfer of an employee is from any other State to a post in an educational institution which received grant-in-aid from Government located in Karnataka on permanent basis against a vacancy caused on account of retirement, death, resignation or promotion of a teacher, the employee concerned possesses the educational qualification prescribed as per the rules of recruitment applicable to such a post and he shall be deemed to have resigned his post in his parent school and his transfer treated as a fresh appointment and grant-in-aid paid to him prospectively from the date of his reporting for duty. His pay shall be fixed at the minimum of the scale of pay of the post to which he is transferred ;

(7) In the case of a transfer from an educational institution located in Karnataka to any other State, referred to in clause (c) of sub rule (3), the employee concerned shall be deemed to have been permitted to retire from service and the pensionary benefits/gratuity etc due to him shall be paid to him accordingly as per the provisions of the rules applicable to him."

13. Closure of Institutions:- (1) Institutions not having the prescribed student strength among other factors shall be ordered to be closed down by the competent authority.

(2) Where an institution is so ordered to be closed, the teaching and non-teaching staff working in such institution, shall be retrenched in the manner specified in rules 10 and 11.

(3) Students undergoing course of study in such institutions shall be accommodated in other institutions located near by the closed institution, as the competent authority may by order direct.

CHAPTER - III

DISCIPLINE

14. Nature of Penalties:- One or more of the following penalties for good and sufficient reasons and as hereinafter provided may be imposed on the employees namely:-

- (i) fine;
- (ii) censure;
- (iii) withholding of increments;
- (iv) withholding of promotions;
- (v) recovery from pay of the employees in whole or part of any pecuniary loss caused by negligence or breach of orders to the governing council, the state government or the central government.
- (vi) reduction to a lower stage in a 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 period 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;
- (vii) reduction to a lower time scale of pay, grade, post of service which, shall, unless otherwise directed, be a bar to the promotion of the employee to the time scale of pay, grade, post or service from which he was reduced with or without further directions regarding;
 - (a) seniority and pay in the scale of pay, grade, post or service to which the employee is reduced;
 - (b) conditions of restoration to the scale of pay grade of post of service from which the employee was reduced and his seniority and pay or such restoration to the scale of pay, grade, post or service.
- (viii) compulsory retirement;
- (ix) removal from service.
- (x) dismissal from service;

Provided that in the absence of special and adequate reasons to the contrary to be mentioned in the order of disciplinary authority, no penalty other than those specified in clause (viii) to (x) shall be imposed for any established charge of corruption.

Provided further that every order of private management receiving aid from government keeping employees admitted to grant-in-aid under suspension from service, etc., shall be confirmed by the competent authority who has approved the appointment.

Explanation: The following shall not amount to be penalty within the meaning of this rule:

- (i) withholding of increments of an employee for failure to pass a departmental examination in accordance with the rules or order governing the service or post or terms of his appointment;
- (ii) stoppage of pay of the employee at the efficiency bar in the time scale on the ground of his unfitness to cross the efficiency bar;
- (iii) non-promotion, whether in a substantive or officiating capacity of an employee after consideration of his case to a grade or post for promotion to which he is eligible;
- (iv) reversion to his permanent service, grade or post of an employee appointed on probation to another service, grade or post during or the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing probation;
- (v) compulsory retirement of an employee in accordance with the provision relating to superannuation or retirement;
- (vi) termination of services;
 - (a) of an employee appointed for three months or less;
 - (b) of a person employed under an agreement in accordance with the terms of such agreement.
- (vii) Retrenchment of an employee.

15. Disciplinary authorities: (1) The Disciplinary Authority may impose, any of the penalties specified in rule 14 on any employee.

(2) Without prejudice to the provision of sub-rule (1) the head of the institution may impose any of the penalties specified in clauses (i) and (ii) of rule 14.

16. Suspension: (1) The appointing authority may place an employee under suspension under the following circumstances and conditions:-

- (a) (i) a disciplinary proceeding against an employee is pending; or
 - (ii) a case against an employee in respect of any criminal offence is under investigation or court trial; or
 - (iii) a preliminary inquiry against an employee has made out a "prima facie" case which would justify disciplinary proceeding or criminal prosecution against him and the proceedings are likely to end in his conviction and or dismissal or removal from service; and
- (b) the disciplinary proceeding or criminal offences involves one or more of the following misdemeanour:-
 - (i) moral turpitude;
 - (ii) corruption, embezzlement or misappropriation;

(iii) negligence and dereliction of duty resulting in considerable pecuniary loss to the institution;

(iv) desertion of duty;

(v) refusal or deliberate failure to carry out written orders of superior authority: Competent Authority.

¹[(vi) Sexual harassment of women employees in working places.

Explanation:- "Sexual harassment "includes such unwelcome sexually determined (whether directly or by implication) behaviour as:-

(a) Physical contact and advances;

(b) A demand or request for sexual favours;

(c) Sexually coloured remarks;

(d) Showing pornography; or

(e) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.]¹

1. Inserted by Notification No. ED 95 VIVIDA 2000, dt. 5.7.2001

(2) Any employee 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 whether on criminal charge or otherwise, for a period exceeding forty-eight hours;

(b) with effect from the date of his conviction, if in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

(3) Where a penalty of dismissal or removal or compulsory retirement from service imposed upon an employee under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal or removal or compulsory retirement from service imposed upon an employee is set aside or declared or rendered void in consequence of or by a decision of a court of law and the disciplinary authority on a consideration of the circumstances of the case, decides to hold further inquiry against him on the allegations on which the penalty of dismissal or compulsory retirement was originally imposed, the employee shall be deemed to have been placed under suspension by the appointing authority from the date of the original order of dismissal or removal or compulsory retirement and shall continue to remain under suspension until further orders.

(5) (a) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) Where an employee is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise) any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may for reasons to be recorded by him in writing, direct that the employee shall continue to be under suspension until the termination of all or any of such proceedings.

(c) An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority which made on or is deemed to have made the order or by any authority to which that authority is subordinate.

17. Subsistence allowance during suspension:- (1) Every employee placed under suspension shall be entitled to the following payment, namely:

(a) Subsistence allowance at an amount equivalent to fifty percent of the pay drawn immediately prior to the date of suspension.

Provided that where the period of suspension exceeds six months, the employee shall be entitled to subsistence allowance equivalent to seventy-five percent of the pay drawn immediately prior to the date of suspension subject to conditions contained in sub-rule (6):

Provided further that when an employee is convicted by a competent court and sentenced to imprisonment, no subsistence allowance shall be payable.

(2) Where an employee who has been dismissed or removed or compulsorily retired or suspended is reinstated or would have been reinstated but for his retirement on superannuation while under suspension, the authority competent to order the reinstatement shall consider and make a specific order.

(a) regarding the pay and allowance to be paid to the employee for the period of his absence from duty or for the period of suspension ending with the date of retirement of superannuation, as the case may be; and

(b) whether or not the said period shall be treated as the period spent on duty.

(3) Where such competent authority holds that the employee has been fully exonerated, the employee shall be given the full pay to which he would have been entitled had he not been dismissed or removed from service and the period of absence from duty shall be treated as a period spent on duty for all purposes.

(4) In other cases, the employee shall be given such proportion of such pay and allowance, as the competent authority may prescribe and the period of absence from duty shall not be treated as period spent on duty unless the competent authority specifically directs that it shall be so treated for any specified purpose:

Provided that the payment of allowance under sub-rule (2) or (3) shall not be less than subsistence allowance and other allowance admissible under these rules.

(5) Where on the conclusion of the inquiry against an employee placed under suspension, the authority competent to impose any punishment:-

- (i) makes an order fully exonerating or acquitting him, the period during which he was under suspension pending the enquiry shall be entitled to full pay and allowance as if he had not been under suspension;
- (ii) makes an order imposing penalty other than the penalty of compulsory retirement from service or dismissal from service, the employee shall be paid for the period of suspension such proportion of his pay and allowances as the said authority may in his discretion specify and where no such proportion is specified, the employee shall be entitled to subsistence allowance admissible under these rules and the period of suspension shall count as duty unless the said authority has otherwise directed.
- (iii) makes an order imposing the penalty of compulsory retirement from service or dismissal or removal shall be paid for the period of suspension such proportion of his pay and allowances as the said authority may in its discretion specify and where no such proportion is specified, the subsistence allowance admissible under these rules and the period of suspension shall not count as duty for any purpose unless the said authority has otherwise directed.

(6) The subsistence allowance under these rules and consequential amount to be paid under sub-rule (5) shall be paid from the management from its own funds, except in respect of employees working in aided posts where the suspension is approved by the competent authority.

Provided further that the disciplinary authority shall complete the enquiry within a period of 6 months. In cases, where enquiry other than in criminal cases continue beyond 6 months, management is liable to pay subsistence allowance.

Provided further that the delay in enquiry beyond six months is attributable to the employee the subsistence allowance may be restricted to 50% or below as deemed fit by the disciplinary authority..

18. Leave while under suspension:- (1) Leave of absence for a definite period is not admissible to an employee who has been suspended from duty and without obtaining the permission of the authority competent to fill up the appointment, an employee under suspension should not leave the station where his office is situated.

(2) No payment of subsistence allowance shall be made unless the employee continues to reside in the station where his office is situated or in the station in which he is permitted by the authority which made or which is deemed to have made the order of suspension.

19. Authority to institute proceedings:- (1) The Managing Committee may impose on the employee any of the penalties specified in clauses (1) to (vii) of the rule 14 except after:-

- (a) informing the employee in writing of proposal to take action against him and of imputation of misconduct or misbehavior on which it is proposed to be taken and giving him a reasonable opportunity for making such representation as he may make against the proposals; and

(b) such representation or explanation, if any, is considered by the Head of the Institution as the case may be;

(2) The record or proceedings in all cases should be a "speaking order".

20. Procedure for imposing minor penalties:- (1) No order imposed on any employee of any of the penalties specified in clauses (i) to (v) of rules 14 shall be made except after:-

(a) informing the employee in writing of proposal to take action against him and of imputation of misconduct or misbehaviour on which it is Proposed to be taken and giving him a reasonable opportunity making such representation as he may make against the proposal; and

(b) such representation or explanation, if any is considered by the Board of Management, Manager or the Head of the Institution as the case may be.

(2) The record of proceeding in such cases shall include.

(i) a copy of the intimation to the employees of the proposal to take action against him.

(ii) a copy of the statement of imputations of misconduct or misbehaviour communicated to him;

(iii) his/her representations if any;

(iv) the evidence produced during the inquiry, if any;

(v) the finding on each imputation of misconduct or misbehaviour; and

(vi) the orders on the case together with reasons therefor.

21. Procedure for imposing major penalties:- (1) No order imposing any of penalties specified in clauses (iii) to (ix) of 1[rule 14] shall be made except after an inquiry is held, in the manner provided in these rules.

(2) Wherever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehavior or breach of any provision of the code of conduct specified in Chapter0-IV against an employee, it may itself inquire into, or appoint an enquiry officer or an enquiry committee consisting of more than one or more persons.

(3) The disciplinary authority shall frame definite charges on the basis of the allegations on which the inquiry is proposed to be held. Such charges, which shall include a statement of allegations on which they are based shall be communicated in writing to the employee and he shall be required to submit within such time as may be specified by the enquiry committee, a written statement of his defence and also to state whether he desires to be heard in person.

(4) The employee shall for the purpose of preparing defence be permitted to inspect and take extracts from such records as he may specify:

Provided that such permission may be refused if the record for reasons to be recorded are not relevant for the purpose and it is against the interest of the institution to allow his access thereto.

(5) On receipt of the statement of defence in writing by the employee or if no such statement is received within the time specified, the enquiry committee shall proceed with the enquiry.

(6) The disciplinary authority may nominate any person to present its case before the enquiry committee. The employee may present his case with the assistance of any other person approved by the enquiry committee, but may not engage a legal practitioner for the purpose unless the person nominated by the disciplinary authority to present its case as a legal practitioner or the inquiry committee having regard to the circumstances of the case so permits.

1. Corrigendum No. ED 52 Vivida 99 dated 18.11.2000

(7) The inquiry committee shall, in the course of the inquiry, consider such documentary evidence and take such other evidence as may be relevant or material in regard to the charges. The employee shall be entitled to cross examine witnesses examined in support of the charges and to give evidence in person. The person presenting the case in support of the charges shall be entitled to cross examine the employee and the witnesses examined in his defence. If the inquiry committee declines to examine any witness on the ground, that his evidence is not relevant or material, it shall record its reasons in writing.

(8) At the conclusion of the inquiry, the inquiry committee shall prepare a report of the inquiry, record its findings on each of the charges together with the reason thereon. If in the opinion of the inquiry committee, original charges differ from those framed, it may record findings on such charges:

Provided that findings on such charges shall not be recorded unless the employee has had an opportunity of defending himself against them:-

(1) The record of inquiry shall include :

- (i) the charges framed against the employee and the statement of allegations furnished to him;
- (ii) his written statement of defence, if any;
- (iii) the documentary evidence considered in the course of the inquiry
- (iv) the orders, if any made by the disciplinary authority and the inquiry committee in regard to the inquiry;
- (v) the oral evidence taken in the course of the inquiry;
- (vi) a report setting out the finding on each charge and the reasons thereof and
- (vii) any suggestion of the inquiry committee, if it considers necessary, for the imposition of any penalty.

(9) The disciplinary authority shall consider the report of inquiry and record its findings on each charge.

(10) If the disciplinary authority having regard to its findings on the charges is of the opinion that any of the penalties specified in clauses (iii) to (ix) of rule 14 should be imposed, it shall, furnish to the employee a copy of the report of inquiry committee and a statement of its findings, if any.

(11) The disciplinary authority shall consider the representation, if any, made by the employee in response to the notice and determine what penalty, if any, should be imposed on the employee and pass appropriate orders in the case.

(12) If the disciplinary authority having regard to its findings is of the opinion that any of the penalties specified in clauses (i) to (vi) shall be imposed, it shall pass appropriate orders in the case.

22. Non payment of salary arrears in certain cases - If the orders of the disciplinary authority imposing penalty of dismissal or removal or compulsory retirement or reduction in rank etc., is subsequently set aside by the court or appellate authority, the government shall not be liable to pay salary arrears and such arrears of salary shall be paid by the Management only.

23. Communication of orders and Appeal:- Orders passed by the Disciplinary Authority shall be communicated to the employees who shall also be supplied with a copy of the report of inquiry committee and statement of its findings if they have not been already been supplied to him. Any appeal against any of the penalties imposed by the disciplinary authority except those specified under section 94 of the Act and also subject to provisions contained in section 94 of the Karnataka Education Act, shall lie to the Director of Public Instruction (Primary) and Director of Public Instruction (Secondary) as the case may be. Every order of the disciplinary authority imposing any penalty or otherwise affecting his conditions of service to his prejudices, shall be served in person or communicated to the employees by registered post acknowledgement due, and copy of the order by sent to the competent authority at the same time.

CHAPTER – IV

CODE OF CONDUCT

24. Code of conduct for employees of Educational Institutions:- Maintain absolute integrity, devotion to duty and do nothing which is unbecoming of an employee of an Educational Institution.

25. ¹[Professional Duties and Misconduct]¹ :- (1) (a) Every employee shall:-

1. Substituted by Notification No. ED 95 VIVIVDA 2000, dt. 5.7.2001

- (i) be punctual in attendance in respect of his work and any other work connected with the duties assigned of him by the end of the institution.
 - (ii) Abide by the rules and regulations of the institution and show due respect to constituted authority.
- (b) no employee shall
- (i) knowingly or willfully neglect his duties:
 - (ii) remain absent from the institution without leave or without the previous permission of the head of the institution;
 - (iii) include in, or encourage, any form of mal-practice connected with examinations or any other school activity;
 - (iv) accept private tuition.
- (2) The following also constitute mis-conduct:-
- (a) indulging in communal activities or propagating casteism;
 - (b) ill-treatment of students, other employees and indulging in rowdy or disorderly behaviour or violence;
 - (c) taking part in politics or elections;
 - (d) joining an Association, the object of which is prejudicial to the interest of the country;
 - (e) participation in a demonstration or strike
 - (f) criticising in public and current policies of State or Central Government.
 - (g) Accepting contribution or raising collection without previous sanction of the management;
 - (h) Bringing or attempt to bring political or other influence for furtherance of his own interest;
 - (i) Accepting any gift except a casual meal, lift or other social hospitality. However, on social occasions a gift could be accepted if its value is less than Rs. 100/- or on other occasions, if it is less than Rs. 250/-.
 - (j) Giving, taking or abetting the giving or taking of dowry;
 - (k) Engaging in any private trade or employment;

- (l) Writing or editing any text book while being a member of the Text book committee.
- (m) Speculating in stock, share or investment;
- (n) Becoming insolvent and/or getting into habitual indebtedness;
- (o) Non-submission of Annual Assets and Liability Returns;
- (p) Acquisition, disposal of movable or immovable properties without previous sanction of management or entering into any transaction with any foreigner or foreign organisation/Government for acquisition and disposal of property;
- (q) Acting as a legal guardian of minor other than his dependant without the previous sanction of management;
- (r) Contracting another marriage without obtaining permission of the management or entering into a bigamous marriage against the personal law of employee;
- (s) Consumption of intoxicating drugs or drinks.

¹[(i) subjecting any woman employee to sexual harassment in working places.

Explanation.- "Sexual harassment" includes such unwelcome sexually determined (whether directly or by implication) behaviour as:-

- (f) Physical contact and advances;
- (g) A demand or request for sexual favours;
- (h) Sexually coloured remarks;
- (i) Showing pornography; or
- (j) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.]¹

1. Inserted by Notification No. ED 95 VIVIVDA 2000, dt. 5.7.2001

CHAPTER – V

Leave Rules

26. General Rules:- (1) The leave rules applicable to both teaching and non-teaching staff in Government Educational Institutions shall mutatis-mutandis be applicable to the teaching and non-teaching staff or the aided Education Institutions.

By order and in the name of the
Governor of Karnataka,

(H.S.Venkateshaiah) Under
Secretary to Government,
Education Department (General)

ANNEXURE-I

(See rule – 3)

1. Method of Recruitment: - (1) Recruitment under these rules shall be made on the basis of the percentage of total marks secured in the qualifying examination determined in the manner specified in clause (3), by the selecting authority.

2. Advertisement in the News Paper: - The selecting authority of an educational institution shall, subject to the economy orders banning filling of vacancies, issued by Government from time to time, firstly obtain prior permission of the competent authority to fill up the vacancies arising due to retirement, resignation, promotion and death against posts which were admitted to grant-in-aid excluding the vacancies caused on account of sanction of additional sections/subjects/combinations. Permission shall be granted to fill the vacant posts as per the reservation roster points by the competent authority. Thereafter it shall notify at least in one State level daily newspaper having large circulation in the State and in one leading district level daily newspaper having large circulation in the district, inviting applications from candidates indicating therein the categories of posts, number of vacancies, minimum qualification prescribed, classification of vacancies as per the reservation roster etc., Copy of the advertisement shall also be sent to the concerned Deputy Director of Public Instruction, Block Educational Officer and the concerned employment exchange for displaying on the notice board of their offices. The managing committee of the institution shall also display the advertisement on the notice board of its office.

3. Qualifying Examination:- For the purpose of this rule :-

- (a) “ **Qualifying Examination,** ” means the examination or examinations prescribed as the minimum qualification to be eligible for appointment as per the rules of recruitment in respect of the posts concerned, as specified in Annexure – III;
- (b) Where the qualifying examination consists of more than one examination, the percentage of total marks secured in the qualifying examination shall be the average of the percentage of total marks secured in those examinations;
- (c) Where different qualifying examinations have been prescribed alternatively, in the rules of recruitment applicable to a post or category of posts and a candidate has passed more than one such qualifying examination, the percentage of total marks obtained in such qualifying examination in which he has obtained highest percentage of total marks shall be taken into consideration.

4. List of Selected Candidates: -

- (1) The selecting authority shall, on the basis of the percentage of the total marks secured in the qualifying examination as determined under Clause 3 and taking into consideration the orders in force relating to reservation of vacancies for the Scheduled Castes, the Scheduled Tribes, and the other Backward Classes, prepare, in the order of merit, a list of candidates eligible for appointment to the cadre of post. If the aggregate

of the percentage of total marks secured in the qualifying examinations as determined under Clause 3, of two or more candidates is equal, the order of merit in respect of such candidates shall be fixed on the basis of their age, the person older in age being placed higher in the order of merit. The number of names of candidates to be included in such list shall be equal to the number of vacancies notified;

(2) The selecting authority shall, in accordance with provision of sub- clause (1) also prepare an additional list of names of candidates not included in the list prepared under sub-clause (1) in which the number of candidates to be included shall, as far as possible be ten percent of the number of vacancies notified. This list shall be operated only to the extent of the number of persons included in the main list not reporting for duty.

(3) The lists so prepared under sub-clauses (1) and (2) shall be published on the notice board of the office of the managing committee and a copy thereof shall be sent to the appropriate competent authority within 15 days from the last date fixed for receipt of applications. At the same time, the fact of selection shall be intimated by the managing authority to the selected candidates.

5. (1) In respect of candidates whose names are included in the list published under sub-clause (1) of clause 4, proposal shall be sent to the Competent Authority through the Block Education Officer concerned in case of primary schools and Deputy Director of Public Instruction in case of posts in high schools. The competent authority shall, after verifying that the selection procedure as specified under the rules, has been compiled with, shall cause to place the proposal immediately before the Screening Committee through the concerned Chief Executive Officer. The Screening Committee shall consist of the following, namely: -

In respect of High Schools	
Chief Executive Officer of the concerned Zilla Panchayat	Chairman.
Deputy Director of Public Instruction of the concerned District.	Member.
Senior most Education Officer of the office of the Deputy Director of Public Instruction.	Member-Secretary.

In respect of Primary Schools	
Chief Executive Officer of the concerned Zilla Panchayat	Chairman.
Senior most Education Officer of the office of the Deputy Director of Public Instruction of the concerned District.	Member.
Block Education Officer of the concerned block.	Member-Secretary.

- (2) The Chief Executive Officer of the concerned Zilla Panchayath, on receipt of the proposal from the competent authority, shall send it to the Member Secretary of the Screening Committee for preparation of background notes and other materials connected with the selection of candidates. Further, the Member-Secretary shall prepare the relevant background notes and place the same before the Screening Committee and also on conclusion of deliberation of the screening committee shall prepare proceedings of the committee and obtain signature of the Chairman and Members of the screening committee and forward the same to the competent authority along with all the relevant documents for issue of necessary orders.
- (3) The screening Committee shall verify with reference to the records submitted by the Member Secretary as to whether the selection is-
 - a) to a vacancy which has arisen against an aided post to which grant in aid has been sanctioned by the competent authority ; and
 - b) is in accordance with the roster and the qualifications and other eligibility criteria specified under the rules and whether the other conditions of recruitment are complied with.

and shall make recommendations either for approval or rejection of the selection made. The Competent Authority shall consider the recommendation of the screening committee and take a decision with regard to approval or rejection, as the case may be and convey the same. In case of rejection, the reasons for such rejection shall also be recorded in writing. The entire procedure including the placing of the proposal before the screening committee and conveying approval or rejection and issue of orders thereon by the competent authority shall be completed within a period of ninety days from the date of receipt of proposal in the office of the competent authority.

- (4) The screening committee shall meet as many times as necessary, but not less than once in a month;
- (5) The inclusion of the name of a candidate in any list published under paragraph 4 shall not confer any right of appointment;
- (6) The list of candidates published by the selecting authority shall cease to be operative as from the date of publication of a list prepared in respect of such cadre or post on the next selection;
- (7) Candidates whose names are included in the main list prepared in the manner indicated above may be appointed in the vacancies in the order in which their names appear in the list.
- (8) In case, a candidate selected in the manner specified above is appointed by the appointing authority before the competent authority has conveyed its approval in accordance with sub-clause (3), the managing committee shall be liable to pay salary to the candidate so appointed and grant-in-aid at the minimum of the scale applicable to

the post shall be payable only from the date the selection has been approved by the competent authority;

In case, however, a candidate, who has been selected is not appointed by the appointing authority until the selection has been approved by the competent authority, grant-in-aid at the minimum of the scale applicable to the post shall be payable only from the date of reporting for duty after such approval.]¹

¹Substituted by notification no. 161 SEP 2006 dtd. 25.10.2007 w.e.f. 29.10.2007

ANNEXURE – II

(See rule – 3)

List of benefits not admissible in respect of employees of aided institutions.

- (1) Benefits not available for service rendered during the unaided period for purpose fixation of pay, leave and pension or any other service benefits by the Government.
- (2) Weightage of five years to for calculation qualifying services of an employee who retires on voluntary basis.
- (3) Medical reimbursement facilities.
- (4) ¹[xxx]¹ House Building Advance, House Purchase Advance or any type of Advance.

1. Deemed to have been omitted by Notification No. ED 80 VIVIDA 2002, dt. 20.6.2003 w.e.f. 12.12.2002

- (5) Transfer Travelling Allowance and Daily Allowance.
- (6) Invalid pension before the completion of qualifying service of fifteen years.
- (7) Such other conditions or benefits as may be specified by order of the State Government from time to time.
- (8) In respect of retirement benefits, no employee who has retired between 1-4-1995 to 31.3.1998 shall be entitled to merger of 90% DA to Basic Pay for calculation of DCRG. In respect of employees retiring after 31.3.1998, DCRG will be calculated as per specific orders issued by the Education Department in this behalf from time to time.

ANNEXURE – III

(See Rule 3)

Category of posts and qualifications

Category of posts	Number of posts	Minimum qualification
Assistant Master/ Physical Education Teacher in Lower/Higher Primary School	As per approved staffing pattern specified in Annexure-IV.	As prescribed under Karnataka Education Department Services (Department of Public Instruction) (Recruitment)(Rules), 1967, as amended from time to time.

Note: The senior most Assistant Master will act as Head Master of Primary School.

Head Master, Secondary School/ Secondary School Assistant Grade-I/ Secondary School Assistant, Grade-II/ Physical Education Teacher/ Craft Teacher / Craft Teacher Grade-II/ Drawing Teacher/Second Division Assistant/ Peon	As per approved staffing pattern specified in Annexure-IV	As prescribed under Karnataka Education Department Services (Department of Public Instruction) (Recruitment)(Rules), 1967, as amended from time to time
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¹["Fifty percent of the posts of Assistant Masters Grade-II in aided private high schools under each management shall be filled by promotion of primary school teachers in aided private primary schools under the same management who possess the qualification prescribed for direct recruitment.

Provided that, if sufficient number of eligible primary school teachers are not available for promotion, such number of posts shall be filled by direct recruitment.]¹

ANNEXURE- IV

(See rule- 3)

STANDARD STAFFING PATTERN FOR HIGH SCHOOLS

The minimum strength that is actual student attendance in each class of the High School from Standard VIII to Standard X shall be 25 in each section of each class. Accordingly in a High School with a minimum student attendance of 25 in each section of the VIII, IX and X standards, the following teaching posts may be sanctioned:-

1. Head Master/Mistress : 1 Among these and including the Head Master there shall be one
2. Assistant Masters : 3 PCM and one CBZ teacher and one each for Social studies and English.
3. Language Teachers : 1 (Kannada, Urdu, Tamil, may be Marathi etc. as the case)
4. Physical Education Teacher : 1
Grade-1 : 1
(4) Hindi Teacher (if taught as a compulsory language) : 1

¹[6. Teacher (craft or Drawing or music : 1 (one)]^{1 1}

Inserted by notification no. ED 166 SLB 2006, dtd.16.6.2007

NOTE: 1 (1) Additional section may be sanctioned only if the actual student attendance exceeds 70 in the original section. Further additional sections (over and above the first additional section) may be sanctioned only if each existing section has minimum actual attendance of 70.

(2) In respect of Minority language Schools one post of Kannada Language Teacher may be sanctioned over and above the sanctioned staffing pattern.

(3) If Sanskrit is taught as a language with prior approval of the Department and there is a minimum student strength of 25 per class opting for learning Sanskrit then one post of Sanskrit teacher may be sanctioned.

NOTE-2:- For each additional section opened beyond 5 sections with the prior sanction of the Competent Authority one and a half post of teacher may be sanctioned excluding the Head Master. No additional section shall be opened without prior permission of the competent authority.

¹[XXX]¹

¹ Omitted by Notification no. ED 166 SLB 2006 dtd. 16.6.2007

NOTE-4:- Beyond 5 sections, the post of Physical Education Teacher, Hindi teacher, Language Teacher and other subject teacher shall be within the prescribed limit of 1.5 teacher per section only.

Non-teaching Staff:-

The following number of non-teaching staff may be sanctioned for a High School with minimum 3 sections of VIII, IX and X standard irrespective of the total number of sections in the school.

1. Second Division Assistant : 1
2. Group D : 1

Note-1:- In case of non-teaching staff already admitted into grant in excess of the above staffing pattern, the posts held by such excess staff shall cease to exist consequent to their retirement, promotion, resignation, dismissal or removal or redeployment or death.

ANNEXURE-V

(See Rule -3)

STANDARD STAFFING PATTERN FOR PRIMARY SCHOOLS

The minimum strength that is actual student attendance in each class of the Primary Section from I to Standard VII or from I to IV or from Standard V to VII as the case may be shall be 40 per class. Accordingly for a class of 40 students one post of Primary School teacher shall be sanctioned. However in a Primary school with classes from I to IV or from V to VII if the number of students in each class is less than forty, then a maximum number of two teachers shall be sanctioned for a minimum total student attendance of 80 irrespective of the number of children attending in each class. Further in a primary school with classes from I to VII if the number of students in each class is less than forty then a maximum of 4 posts of Primary School Teachers shall be sanctioned for a minimum total student strength of 160 irrespective of the number of children attending in each class.

1[Annexure – VI

(5) Inserted by Notification No. ED 64 Vivida 2000 dated 31.1.2001 w.e.f. 1.2.2001.

(See Rule 3)

The procedure for filling up of the Head Master / Head Mistress in Private Aided High Schools:

i) The post of Head Master / Head Mistress in Private Aided High School shall be filled up by promotion from the cadre of Secondary School Assistant Grade-I. If no eligible Secondary School Assistants Grade-I is available, Secondary School Assistant Grade-II may be considered. Secondary School Assistants Grade-I and Grade-II includes Science, Arts, Language (Kannada, Urdu, Tamil, Marathi, as the case may be) ²[Hindi and Sanskrit]² Teachers.

² Substituted by Notification No. ED 79 SLB 2006 dtd. 4.1.2007

ii) Promotion to the post of Head Master or Head Mistress shall be made on the basis of seniority of a teacher, seniority being determined by counting the total number of years of continuous service from the date of entry into the cadre of Secondary School Assistant Grade-I or Grade-II as the case may be and by following Roster Rules, if they are applicable as per the orders issued by the Government in the matter of reservation from time to time. The service rendered in the cadre of Secondary School Assistant Grade-II (Untrained) may be protected for service benefits but shall not be counted for fixing the seniority.

(6) The eligible teacher must be a trained Secondary School assistant and must have put in not less than five years of approved teaching service in the Secondary School.

(7) If the management is running more than one school common seniority based on the date of approval of appointment of the teacher with aid shall be prepared and notified. If the date of approval of appointment of more than one teacher happens to be the same day, the seniority shall be fixed on the basis of date of birth and the person older in age shall become seniority. Such notified common seniority list shall be the basis for making promotion.

Based on the notified seniority list the appointing Authority shall pass a resolution and send suitable proposals for approval to the Competent Authority Viz., The Regional Secretary, Karnataka Secondary Education Examination Board and Ex-officio Joint Director of Public Instruction of the concerned Divisions with all relevant documents relating to seniority, qualification, service register, service particulars of all the teachers, fulfillment of roster rules etc. If the Competent Authority after verifying the records is satisfied that all the requirements prescribed in the rules have been complied with, he may convey approval for promotions of the selected candidates. In case the promotion is not in accordance with the procedure specified under these rules, the Competent Authority may reject the proposal after recording reasons for such rejection in writing. Such approval or rejection shall be conveyed by the Competent Authority within 90 days from the date of receipt of proposal in his office, failing which disciplinary action will be taken against her / him under KCS (CCA) Rules 1957. Candidates

shall be promoted by the Appointing Authority only after such approval by the Competent Authority and benefits of fixation of pay of such candidates shall be payable from the actual date of assuming the charge of the promotional post.

- (8)** The procedure specified above shall also apply to the Minority Institutions except it is not mandatory to consider only the senior most Secondary School Assistant for Promotion as Head Master or Head Mistress.

Form – I
(See Rule – 5)

1. Name of the employee
2. Father name
3. Date of Birth
3. Qualification
4. Date of appointment
5. Nature of appointment - Permanent / Temporary
6. Name of the Post to which appointed
7. Scale of pay
8. Reservation category to
which the employee belongs to
9. Whether appointment approved or not
10. Date of approval & reference.
11. If approved, whether it is with aid or without aid details to be furnished.
12. Any other details

Signature of the Head of the Institution

**For
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9)**

I, working
as

.....
in..... arnat Management, voluntarily
tender
my resignation w.e.f. for..... reasons.

(9) I request that my resignation may be accepted with effect from
..... (one month thereafter).

(ii) I arnata that my resignation may be accepted with immediate effect. I
surrender one month's salary in lieu of one month's notice as provided under rule 9
of Karnataka Educational Institutions (Recruitment and terms and conditions of
service of employees in Private Aided Primary and Secondary Education
Institutions)Rules, 1999.

Signature of the employee

Date:

Name of the Employee
(IN BLOCK LETTERS)

Place:

[**Note:** Strike off (i) or (ii) above which is not applicable]