

L. N. D. COLLEGE, MOTIHARI

Accredited by NAAC Grade(B+)

(A Constituent Unit of B. R. Ambedkar Bihar University, Muzaffarpur)



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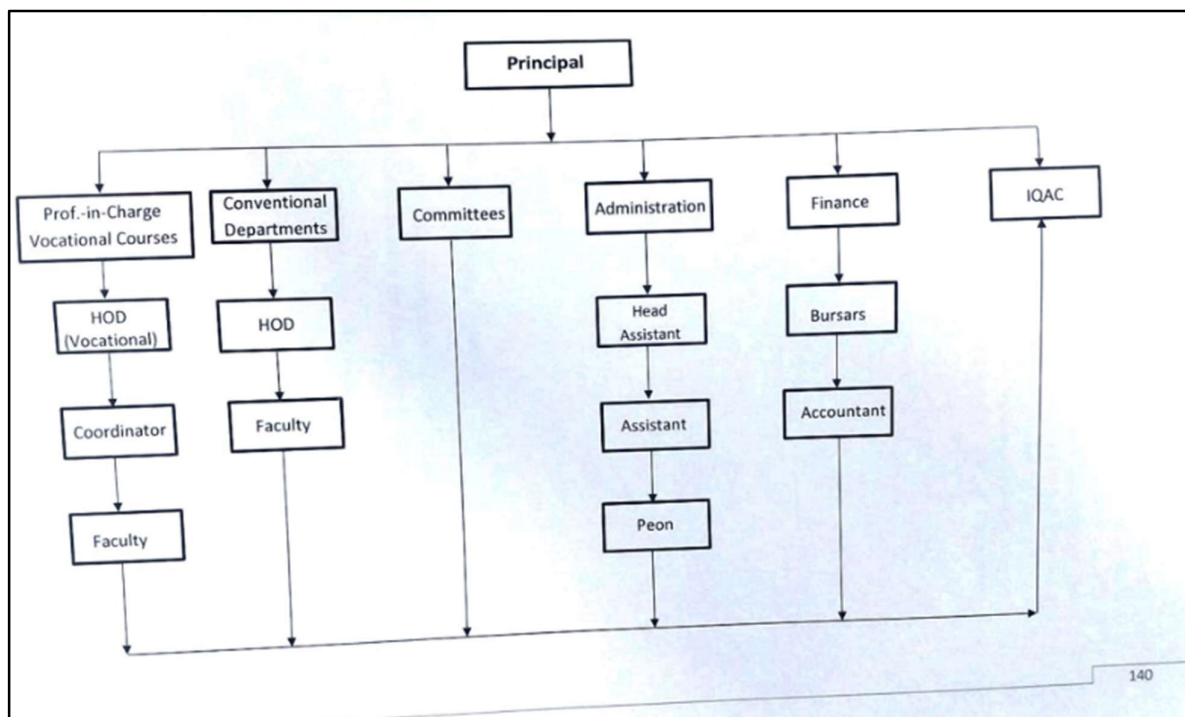
Letter No.

Date:

Attachment 6.2.1

6.2.1: The institutional perspective plan is effectively deployed and functioning of the institutional bodies is effective and efficient as visible from policies, administrative setup, appointment, service rules, and procedures, etc.

Link: <http://lndcollege.co.in/naac.php>



¹[57. Appointment to the post of teachers in Universities and their constituent Colleges. (1) (i) ²[x x x]

(ii) The Commission on the recommendation of the State Government may organise an eligibility test to be called State Eligibility Test for appointment to the posts of Teacher (Assistant Professor) in the Universities and Constituent/Affiliated colleges under them. In this behalf, Commission shall invite subject-wise applications only from such candidates who have obtained the qualifications prescribed in the UGC Regulations, 2010 or as may be prescribed by the University Grants Commission from time to time;

Provided that, such test shall be conducted by the Commission in the light of the order issued by the State Government in conformity with the Regulations made by the University Grants Commission.

(iii) Every year the Commission shall invite subject wise applications for appointment to the posts of Teacher (Assistant Professor) in the Universities and their constituent College only from such candidates who have passed the National Eligibility Test Conducted by the University Grants Commission/Council for Scientific and Industrial Research/State Eligibility Test and obtained minimum qualifications prescribed by the University Grants Commission Regulations, 2010 or as may be prescribed from time to time;

²[x x x]

(iv) The subject wise vacancies including the presumed vacancies of the next calendar year alongwith the Reservation roster shall be forwarded to the Commission by the Universities upto thirty first December every year.

(v) The University shall make appointments to the posts of Teacher, duly sanctioned and communicated by the State Government, only on the recommendation of the Commission and no appointment to the post of teachers shall be made by the University without the recommendation of the Commission. Commission shall comply with the conditions laid down in this Section for making recommendations for appointment to the posts of teachers of the University according to their need.

(vi) The commission shall prepare a subject-wise merit list against the vacancies communicated by the University on the basis of the interview from among the candidates applied for under clause (iii). The subject wise list shall contain the names of the candidate in order of merit double in number of the vacancies, however the commission shall forward only one name at a time to the University for appointment against vacancy;

Provided that, the commission shall recommend the names to the University in order of merit and on the basis of reservation roster sent by the University in conformity with the laws applicable to reservation in appointments in the State. Notwithstanding anything contrary to provision of this Act, Statute, the reservation policy prevalent in the Bihar State shall be applicable to all the appointments.

(vii) All the proceeding of the Commission shall be completed on daily-basis itself, which includes minutes of the meeting, the list of the candidates on the basis of merit. The records pertaining to the merit list shall be signed by the commission and the merit list of subject concerned shall be finalized on the last day of the interview of that subject.

1. Ins. by Act 17 of 2013 w.e.f. 14.8.2013.
2. Omitted by Act 11 of 2017.

(viii) The merit list prepared by the Commission shall be valid for one year from the date of its issue. On receipt of the recommendations of the Commission under clause (vi) the University shall make appointments per the recommendations of the commission within six months from the date of its receipt.

(ix) In respect of appointment, dismissal, removal, termination of service or demotion of teacher of the University and Constituent College, the University shall take action in consultation with the Commission in prescribed manner.

(x) The Board for selection of candidates for appointments to the posts of teachers of the University Departments and constituent Colleges shall be constituted by the commission in view of the directions communicated by the State Government in conformity with the provisions prescribed in the regulations and circulated by the U.G.C. from time to time:

Provided that at least three experts of the subjects concerned shall attend the meeting of Board organised for making recommendations for appointment.

¹(2)(i) Subject to the provisions of this Act and the provisions of the statute made thereunder appointment to the post of officers (other than Vice-Chancellor, Pro-Vice Chancellor, Registrar, Dean of faculty and Principal of Constituent Colleges) of the University shall be made by the University on the recommendation of the Selection Committee consisting of the following members :-

- (1) The Vice-Chancellor of the University concerned-Chairman.
- (2) One member to be nominated by the Chancellor.
- (3) One member to be nominated by the Government.
- (4) Three experts not connected with the University to be nominated by the Vice-Chancellor from a panel of not less than ten names approved by the Academic Council for each post, out of which, at least one member should belong to scheduled caste/scheduled tribes and two members shall be from outside of state. The academic Council shall send name of not less than two members belonging to the scheduled caste/scheduled tribes category.

(5) The head of the department on the discipline concerned.

Provided that, if there is no representation of Woman or extremely backward class (schedule-1) or both in the selection Committee then it may be open to the State Government to nominate additional members from amongst woman or extremely backward class (Schedule-1) or both as the case may be.

Provided further that, subject to the provisions of this Act and statutes made thereunder the Bihar State University Service Commission shall, as far as may be, perform, in respect of appointment to the post of Principal, the same functions as are assigned to the Bihar Public Service Commission in respect of the State Services under Article 320 of the Constitution of India.]

²(2) (a) The Bihar State Universities (Constituent Colleges) Service Commission shall hold every year a qualifying test for appointment of Lecturers in the University/Constituent Colleges/Affiliated Colleges which shall be known as the Bihar Eligibility Test. For this purpose it shall invite subject-wise application from only such candidates who fulfill the prescribed qualifications as laid down in the Statute framed in this regard.

1. Subs. by Act 10 of 2021, dated 31.3.2021.
2. Subs. by Act 12 of 1995.

However, such test shall be conducted having regard to any regulation framed or direction issued by the University Grants Commission in this regard:

(b) For appointment of lecturers in the University and the Constituent Colleges the Commission shall invite applications from candidates who have passed the Bihar Eligibility Test and/or have cleared the Eligibility Test for lectureship/Junior Research Fellow conducted by the University Grants Commission/Council for Scientific and Industrial Research and/or have already been awarded Ph.D. degree in the relevant subject and/or have already submitted Ph.D. thesis upto 31st December, 1993 and/or have already been awarded M.Phil, degree by 31st December, 1992 and on the basis of interview shall prepare subject-wise merit list against the vacancies notified by the University/Constituent Colleges and such list shall remain valid for a period of one year from the date of its approval. The subject-wise merit list shall consist of twice the number of vacancies, but the Commission shall send in order of merit only one name at a time to the University for appointment against a single vacancy:

Provided that the Commission shall recommend names to the University from the merit list in conformity with the reservation roster prepared and sent by the University in accordance with the law relating to reservation in appointment in force in the State:

(c) The vacancies including the likely vacancies in the next calendar year along with the reservation roster shall be intimated to the Commission by the University by 31st of December every year.

(3) In making recommendations for appointment to every post of ¹[Principal] and officer, the Bihar State University. (Constituent Colleges) Service Commission shall fulfil conditions contained in Section 58 of the Act.

²[(4) Three expert not connected with the University to be nominated by the Vice-Chancellor from a panel of not less than ten names approved by the Academic Council for each post out of which, at least one member should belong to Scheduled Caste/Scheduled Tribes and two members shall be from out-side the State. The Academic Council shall send name of not less than two members belonging to Scheduled Caste/Scheduled Tribes category.]

³[(5) Notwithstanding anything to the contrary contained in this Act, or Statutes, Rules or Regulations made under it, the law relating to reservation in force in the State shall apply to all appointments.]

¹[57-A. Procedure of selection to be prescribed by the statute. (1) Subject to the provisions of this Act and Statutes made thereunder, for appointment of teachers in such affiliated Colleges, which are not governed by the State Government or not funded by the Universities, the applications from the candidate fulfilling the qualifications prescribed under clause (iii) of sub-section (1) of section 57 of this Act shall be invited by the Governing Body of the College concerned. The selection shall be processed by the Selection Committee constituted by the University under the provisions contained in section 57B of this Act.

(2) In making recommendations on the basis of interview of the candidates holding the above mentioned qualifications the rules or reservation shall be adhered by the Selection Committee.

1. Subs. by Act 17 of 2013.
2. Subs. by Act 16 of 2008.
3. Ins by Act 17 of 1993.

(3) The recommendation made by the Selection Committee shall remain valid for one year from the date of the recommendation. Within six months from the date of recommendation of the Selection Committee; the College administration shall process the appointment/promotion in order of preference laid down by the Selection Committee.

(4) With regard to the appointment, promotion, dismissal, discharge, removal from service and termination of service or demotion of teachers in affiliated Colleges, the action shall be taken in the manner prescribed after making consultation with the above mentioned Selection Committee.

(5) The appointments, promotions, dismissal, removal and termination of service of teachers in the minority colleges affiliated on the basis of religion and language may be made and disciplinary action against them shall be taken by the governing body of those colleges with the approval of the Selection Committee constituted by the University;

Provided that, where the order concerned is limited to only ensure, withholding increment, against a teacher or his/her suspension till the investigation of charges, in such cases the consultation with the Selection Committee shall not be necessary.

¹[(6) Subject to this Act, The Selection Committee shall complete the scrutiny of the cases of the teacher's appointed without the recommendation of the Bihar College Service Commission prior to 19.04.2007 in the Affiliated Degree Colleges on the basis of the qualifications enforced at time of the appointment of such teachers till 31.03.2018. Otherwise such appointments will not be treated valid. Thereafter the Governing Body of the college will accept the names recommended by the Selection Committee, which shall be finally approved by the concerned University.

Distribution of grant amount sanctioned by the State Government till 31.03.2018 shall be made amongst the teachers working in the concerned affiliated degree colleges by its Governing Body.]

Comment

• Section 57-A and 59 University cannot shut its eyes towards illegal appointment of teacher in affiliated college if it is in teeth of Section 57-A of the Act and Section 59 vests power in the university to take all remedial action against the affiliated colleges. Brijendra Kumar Singh v. Bihar College Service Commission, 2011(3) PLJR 194.

²[57-B. Constitution of Selection Committee. (1) The Selection Committee for appointment to the posts of Assistant Professor, Principal in affiliated colleges shall be constituted by the University as follows:

- (i) The Chairman of the governing body of the college or the person nominated by the governing body, who being one of its members, shall be the Chairman of the Selection Committee.
- (ii) Principal of the College.
- (iii) Head of the department of the faculty concerned in the College.
- (iv) Three experts, not below the rank of professor and two out of them should be experts of the subject, shall be nominated by the Vice-chancellor of the concerned University. In case of such colleges, which have been notified/declared as minority educational institution, three persons nominated on behalf of the Chairman of the College who shall

1. Subs. by Act 20 of 2017.
2. Subs. by Act 17 of 2013.