



EXTRA ORDINARY
PUBLISHED BY AUTHORITY

No.1034 CUTTACK, TUESDAY, AUGUST 12, 1997 SRAVANA 21, 1919

DEPARTMENT OF SCHOOL & MASS EDUCATION

NOTIFICATION

The 11th August 1997

No.23027-II-S.M.E.-C.P.-18/96-S.M.E. – In exercise of the powers conferred by the provision to Article 309 of the Constitution of India the Governor of Orissa hereby makes the following rules to regulate the method of recruitment and conditions of service of Teachers and Officers of Elementary Education, namely :-

PART I

- | | | | |
|-------------------------------------|----|-----|--|
| Short title and commencement | 1. | (1) | These rules may be called the Orissa elementary Education (Method of Recruitment and Conditions of Service of teachers and Officers) Rules, 1997 |
| | | (2) | They shall come into force from the date of their publication in the <i>Orissa Gazette</i> . |
| Definitions | 2. | (1) | In these rules, unless the context otherwise requires – |
| | | (a) | “Approved Military Service” means military service performed during the emergency commencing on the 26 th day of October, 1962 and ending on the 10 th January 1968 and from 2 nd December 1971 to 10 th January 1973 and shall include service in the Armed Forces and service in the Territorial Army on mobilisation, Ancillary Air Force, Indian Naval Reserve, Indian Naval Volunteer Reserve and Military Police and Armed Force Reserve in service in frontier States : |
| | | (b) | “Committee” means the Selection Committee constituted under rule 5; |
| | | (c) | “Director” means the Director, Elementary Education, Orissa; |
| | | (d) | “Government” means the State Government of Orissa; |
| | | (e) | “Officer” means an employee other than teacher; |
| | | (f) | “Post” shall mean and include the posts of Assistant Teachers, Headmasters / Head Mistresses, Junior and Senior Co-ordinators (Non Formal Education), Sub-Inspector of Schools, Deputy Inspector of Schools, District Inspector of Schools and such other post as may be notified by Government from time to time. |
| | | (g) | “Primary Schools” means the Schools having Classes from Class I to Class V; |
| | | (h) | “Scheduled Castes and Scheduled Tribes” means such castes and such tribes as may be notified by the President of India from time to time under Article 341 and 342 of the Constitution of India respectively; |
| | | (i) | “Service” means the Orissa Elementary Education Service; |

- (j) "Sub ordinate Office" mean the office of the District Inspector of Schools, Headmasters / Headmistress of Government Primary / Upper Primary Schools and such other Officer as may be determined by Government from time to time;
- (k) "Teacher" means are employee whose work is to impart teaching;
- (l) "Upper Primary School" means the Schools having classes upto VII; and
- (m) "Year" means a Calendar year.

(2) All other words and expression used and not defined in these rules, unless the context otherwise requires, shall have the same meaning as respectively assigned to them in the Orissa Service Code.

PART II

Constitution of Service

3. (1) The Service shall comprise of the following levels, namely –
- (i) The Orissa Elementary Education Service, Level-V;
 - (ii) The Orissa Elementary Education Service, Level-IV;
 - (iii) The Orissa Elementary Education Service, Level-III;
 - (iv) The Orissa Elementary Education Service, Level-II;
 - (v) The Orissa Elementary Education Service, Level-I;
- (2) (i) The Orissa Elementary Education Service, Level-V shall consist of the Post of Assistant Teachers of government Primary Schools and Assistant Teachers of Government Upper Primary Schools.
- (ii) The Orissa Elementary education Service, Level-IV shall consist of the posts of Headmasters / Headmistresses of Government Primary Schools;
- (iii) The Orissa Elementary Education Service, Level-III shall consist of the following categories of posts namely –
- a. Headmasters / Headmistresses of Government Upper Primary Schools;
 - b. Junior Co-ordinators (Non-formal Education);
 - c. Sub-Inspector of Schools; and
 - d. Such other posts as Government may from time to time determine.
- (iv) The Orissa Elementary Education Service, Level-II shall consist of the following categories of posts, namely –
- a. Deputy Inspector of Schools;
 - b. Senior Co-ordinator (Non-Formal Education) and
 - c. Such other posts as Government from time to time determine.
- (v) The Orissa Elementary Education Service, Level-I shall consist of the posts of District Inspector of Schools and such other posts as Government may from time to time determine.
- (3) Level-I and Level-II of the service shall separately constitute State cadre and all other Levels of Service shall separately from the district cadres.

PART III

Determination of vacancies

4. (1) The District Inspector of Schools of the respective education districts shall determine the number of existing vacancies by the end of each year and the vacancies likely to be caused by the end of the next year due to retirement and promotions etc. in respect of the posts belonging to Level-V, Level-IV and Level-III of the service.
- (2) The Deputy Director, Elementary Education shall determine the number of existing vacancies by the end of each year and the vacancies likely to be caused due to retirement and promotion etc. in the next year in respect of the posts belonging to Level-II and Level-I of the service.

Selection Committee

5. There shall be constituted three types of Selection Committee to select candidates for appointment to various categories of the service as mentioned against each. The constitution of the Selection Committees shall be in the following manner, namely –

- (1) a. There shall be State Level Committee consisting of –
 - (i) The Secretary to Government, School & Mass Education Department as Chairman;
 - (ii) The Director, Elementary Education, Orissa as member;
 - (iii) The Director, Secondary Education, Orissa, as member and
 - (iv) The Director, Teacher Education and State Council of Educational Research and Training Orissa, as member.
- b. The Director, Elementary Education shall be the Member-Secretary of the Committee.
- c. The State Level Committee shall select candidates for promotion from the posts belonging to Level-II to Level-I of the Service.
- (2) a. There shall be a Directorate Level Committee consisting of –
 - (i) The Director, Elementary Education, as Chairman;
 - (ii) One Inspector of Schools to be nominated by the Director, as member;
 - (iii) One District Inspector of Schools to be nominated by the Director, as member, and
 - (iv) The Deputy Director, incharge of Primary Education in the Directorate of Elementary Education, who shall act as Member-Secretary of the Committee.
- b. This Committee shall select candidates for promotion from the posts belonging to Level-III to Level-II of the service.
- (3) a. There shall be a District Level Committee in each educational district consisting of –
 - a. The Inspector of Schools of the concerned Circle as Chairman;
 - b. The District Development officer, (the District Collector's representative) as member;
 - c. The District Welfare Officer, as member; and
 - d. The District Inspector of Schools, as member.
- b. This Committee shall select the candidate to the posts belonging to Level-V, Level-IV and Level-III of the service.
- c. The District Inspector of Schools of the concerned Education District shall be the Member-Secretary of the Committee.

Recruitment

6. (1) a. Vacancies in the posts belonging to Level-V of the service shall be filled up by way of direct recruitment.
- b. Vacancies in the posts belonging to Level-IV, III, II & I shall be filled up by promotion.
- c. The government may determine from time to time the syllabus and plan of examination in respect of direct recruitment.

Eligibility for direct recruitment

7. (1) In order to be eligible for direct recruitment to the posts belonging to Level-V of the service a candidate must satisfy the following conditions, namely :-
- a. He / she must be a citizen of India;
 - b. He / she shall be under 32 years of age and over 18 years of age as on the first day of August of the year of recruitment;

Provided that the maximum age-limit may be relaxed by 5 years in case of in service candidates, candidate belonging in Scheduled Castes or Schedule Tribes, candidates with approved Military Service and Women candidates and by 3 years in case of candidates belonging to Socially and Educationally Backward Class :

(c) He / she must of good moral character.

Note – He / she shall have to submit certificate to that effect from two responsible Gazetted Officers (not being his / her relations).

(d) He / she, if married, must not be having more than one spouse living;

(e) He / she must have passed High School Certificate Examination or an equivalent Examination and must have completed Secondary Teacher's Training / Certified Teachers Course from a recognised Board or University.

Note – Person already in the service of Government shall have to apply through proper channel for direct recruitment to the service subject to his being within the prescribed age limit and being otherwise eligible and subject further to his / her application being received through proper channel within scheduled time as may be determined by the Committee;

Provided that the Committee may entertain advance copies of application on the condition that original copies together with "No Objection" Certificate from the competent authority is received within such time as may be determined by the Committee.

PART IV

- | | | |
|----------------------------------|------------|---|
| Meeting of the Committee | 8. | The Committee shall ordinarily meet once in a year preferred in the month of January. |
| Promotion | 9. | <ol style="list-style-type: none"> 1. The Committee within their respective power shall draw lists of all eligible candidates suitable for promotion as the case may be from Level-V to Level-IV, Level-IV to Level-III, Level-III to Level-II and Level-II to Level-I of the service. 2. The list containing the names of eligible candidates for Promotion to the posts belonging to Level-I from Level-II of the service, prepared by its respective Committee shall be sent to the Government for referring the same to the Orissa Public Service Commission and after concurrence of the Commission the said list shall be treated as final select list and appointment shall be made by Government from that list. 3. After preparation of the lists, the Director shall issue appointment orders to suitable candidates prepared by it in respect of promotion to the posts belonging to Level-II. 4. The Committee at District Level shall recommend the list containing the names of eligible candidates, prepared by it to the Director, Elementary Education for approval. 5. The District Inspector of Schools shall issue appointment orders to candidates selected by the committee after its approval by the Director for promotion from Level-V to Level-IV and from Level-IV to Level-III of the service. 6. The select lists prepared by the Committees shall remain valid for a period of one year from the date of its preparation. |
| Zone of consideration | 10. | (1) The zone of consideration for promotion for general candidates shall be the same as provided under the Orissa Civil Services (Zone of consideration for promotion) Rules, 1988. |
| Eligibility for promotion | 11. | <ol style="list-style-type: none"> (1) In order to be eligible for promotion to the posts belonging to Level-IV of the service a candidate must have served for a continuous period of eight years in the posts belonging to Level-V of the service. (2) In order to be eligible for promotion to Level-III of the service a candidate must have served for a continuous period of five years in the posts belonging to Level-IV of the service. |

- (3) In order to be eligible for promotion to Level-II of the service a candidate must have served for a continuous period of three years in the posts belonging to Level-III of the service.
- (4) In order to be eligible for promotion to Level-I of the service a candidate must have served for a continuous period of three years in the post belonging to Level-II of the service and must have possessed a degree in B.A. / B.Sc. / B.Com., with a Bachelor Degree in Education or an equivalent examination and training course from a recognised Board or University.
- (5) The Committees shall prepare the selection list of candidates for promotion to all Level of the Service on the basis of merit-cum-seniority.

PART V

- | | | |
|-------------------------------------|------------|--|
| Probation | 12. | <ol style="list-style-type: none"> (1) Every person on appointment to a post in the service shall be on probation. (2) In case of direct recruitment the period of probation shall be two years and in case of promotion the period of probation shall be one year. (3) The probation period shall not include – <ol style="list-style-type: none"> a. Extraordinary leave; b. Period of unauthorised leave; and c. Any other period for which the person concerned was not on actual duty (4) Every probationer shall, during the period of probation, undergo such training as Government may from time to time determine. (5) Every probationer shall during the period of probation pass such departmental examination as may be prescribed in that behalf by the Government from time to time. (6) The appointing authority may extend the period of probation or terminate the service of a person appointed on probation in case of direct recruits or revert to previous post in case of promotes if the work of the probationer is found to be unsatisfactory during the period of probation. <p>Explanation – In absence of an order declaring the probation period to have been extended the probation period shall be deemed to have been completed.</p> |
| Deputation | 13. | <ol style="list-style-type: none"> (1) The Government may bring any officer on deputation from any other service of the Government in the exigencies of public service, if required and the period of deputation shall be ordinarily for three years may be extended for another two years. (2) The person brought on deputation will work in the same scale of pay in which he was working in his parent cadre and will not be absorbed in any post of the service. (3) In case the person brought on deputation gets promotion in his parent cadre, he would be reverted to his parent cadre. |
| Reservation | 14. | <ol style="list-style-type: none"> (1) Notwithstanding anything contained in these rules, reservation of vacancies set apart for being filled up by direct recruitment or promotion in favour of candidates belonging to Scheduled Castes and Scheduled Tribes and the manner of filling up the reserved vacancies shall be made in accordance with the provisions of the Orissa Reservation of Vacancies in the posts and services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made thereunder. (2) Reservations in the posts for Socially & Educationally Backward Classes, Physically Handicapped persons, Sportsmen, Ex-Service men and women shall be made as per rules / instructions of Government issued from time to time. |
| Seniority and gradation list | 15. | <ol style="list-style-type: none"> (1) <ol style="list-style-type: none"> a. The District Inspector of Schools of the concerned Education Districts shall maintain gradation list separately for the posts belonging to Level-V, Level-IV and Level-III of the service strictly on the basis of seniority. b. The gradation list of incumbents of the above mentioned levels shall be updated by 15th July of every year. |

- c. The District Inspector of Schools shall invite objections by the 15th June before finalisation of the gradation list and thereafter final gradation list shall be published by the 15th July of every year.
- (2) a. The Director, Elementary Education shall maintain gradation list for the posts belonging to Level-II of the service strictly on the basis of seniority.
- b. The gradation list of the incumbents shall be updated by the 15th July of every year.
- c. The Director shall invite objections by the 15th June before finalisation of the gradation list and thereafter shall publish the final gradation list by the 15th July of every year.
- (3) a. The Government in the Department of School and Mass Education shall maintain gradation list for the posts belonging to Level-I of the service strictly on the basis of seniority.
- b. The gradation list of the incumbents shall be updated by the 15th July of every year.
- c. The Director, Elementary Education shall invite objections by the 15th June before finalisation of the gradation list and thereafter shall publish final gradation list by the 15th July of every year.
- (4) The seniority inter se any person under no circumstances shall be changed without giving the person affected thereby a reasonable opportunity of being heard.
- (5) The seniority of teachers and officers appointed to different posts belonging to different levels of the service in any year shall be regulated in the following manner, namely :-
- a. Teachers appointed to the levels V, IV, III and II and officers appointed to the Level-I of the service shall be ranked inter se in the order in which their names are arranged by the respective Committee constituted for the purpose.
- b. The year of vacancy in the service shall be the year of allotment for all purposes;
- c. Persons appointed under the Orissa Civil Services (Rehabilitation Assistance) Rules 1990 or in relaxation of the provisions of the rules (including inter district transfer) shall take rank below the direct recruits and promotes of a particular year.
- (6) Seniority in the cadre of Level-II shall be fixed on the following basis, namely –
- a. Length of service in Level-III.
- b. If length of service in Level-III is same seniority shall be determined on the basis of educational achievement i.e. marks obtained in Matriculation, Intermediate, Graduation, Certified Training Course (C.T), Bachelor in Education, etc...
- c. If educational achievement is same seniority shall be fixed on the basis of age i.e. the person who is older in age shall be treated as senior.
- Explanation**
- I All persons now working as regular Assistant Teachers of Government Primary and Upper Primary Schools shall be treated as member of Level-V of the service from the date of commencement of these rules. The seniority of such persons shall be determined with reference to the date of their appointment as such.
- II All persons now working as regular Headmasters / Headmistress of Government Primary School shall be treated as members of Level-IV of the service from the date of commencement of these rules. The seniority of such person shall be determined from the date of their holding the posts as such on regular basis. They shall form a part of the District Cadre in which they are serving.
- III a. All persons now working as regular Headmaster / Headmistress of Government Upper Primary Schools, Junior Co-ordinators (Non-Formal Education) and Sub-Inspector of Schools shall be treated as members of Level-III of service from the date of commencement of these rules. The seniority of such persons shall be determined from the date of their holding the posts as such on regular basis. They shall form a part of the District Cadre of the district in which they are serving.

- b. Persons who belong to the Orissa Sub-ordinate Education Service and now are working against various categories of posts of the service under Directorate of Elementary Education shall be called upon to exercise their option to come over to the Elementary Cadre and they shall be fitted into respective levels of the cadre.
- c. If the number of persons exercising their option to come over to the service is in excess of the total number of posts in the respective levels of the service such number of persons as per the decision of the selection committee shall be treated as members of the service according to their seniority in the Orissa Sub ordinate Education Service in the respective levels.
- IV. a. All persons now working as regular Deputy Inspector of Schools and Senior Co-ordinators (Non-Formal Education) shall be treated as Members of Level-II of the service from the date of commencement of these rules. The seniority of such persons shall be determined from the date of their holding the posts as such on regular basis. They shall form a part of the State Cadre irrespective of the district in which they are working.
- b. Persons who belong to the Orissa Sub-ordinate Education Service and now are working against various categories of posts of the service under Directorate of Elementary Education shall be called upon to exercise their option to come over to the Elementary Cadre and they shall be fitted into respective levels of the cadre.
- c. If the number of persons exercising their option to come over to the service is in excess of the total number of posts in the respective levels of the services, such number of persons as per the decision of the Selection Committee shall be treated as numbers of the service according to their seniority in the Orissa Sub-ordinate Education Service in the respective levels.
- V. a. All persons now working as District Inspector of Schools shall be treated as members of Level-I of the service from the date of commencement of these rules. The seniority of such persons shall be determined from the date of their holding the post as such on regular basis. They shall form a part of the State Cadre irrespective of the district in which they are serving.
- b. Persons who belongs to the Orissa Sub-ordinate Education Service and now are working against various categories of posts of the service under Directorate of Elementary Education shall be called upon to exercise their option to come over to the Elementary Cadre and they shall be fitted into respective levels of the Cadre.
- c. If the number of persons exercising their option to come over to the service is in excess of the total number of posts in the respective levels of the service, such number of persons as per the decision of the Selection Committee shall be treated as members of the service according to their seniority in the Orissa Sub-ordinate Education service in the respective levels.
- VI. An untrained teacher who on the date of commencement of these rules has been considered as a member of the Level-V of the service shall on attaining the age of 48 years shall be entitled to financial benefits of a trained teacher.
- VII. If the number of persons exercising their option to come over to the service is less than the number of posts in the respective levels of service, those who opt, shall be absorbed as a part of cadre and the remaining vacancies shall be filled up by promotion from lower levels.
- Relaxation** 16. Where the State Government are of the opinion that it is necessary or expedient so to do, they may, by order for reasons to be recorded in writing relax any of the provision of these rules in respect of any class of category of persons / posts in public interest.
- Application** 17. Nothing contained in these rules shall apply to –
- a. Teacher of Private Primary / Upper Primary Educational Institutions; and
- b. Teachers whose appointment and conditions of service are governed by the Orissa Municipal Act, 1950 and Rules made there under.

- Repeal and Saving** 18. All rules, pertaining to the appointment of Assistant Teachers of Primary Schools / Upper Primary (Middle Eligibility), Upgraded Middle English (Upper) Primary Government Schools, Head pandit, Headmasters / Headmistresses of Primary, Upper Primary (Middle English) and Upgraded Middle English (Upper Primary) government Schools are hereby repealed.

Provided that appointment made, action taken nor things done under the provisions of the rules so repealed shall be deemed to have been taken, made issued or done under these rules.

- Interpretation** 19. If any doubt or dispute arises in respect of any of these rules it shall be referred to Government for decision.

ORDER – Order that this Notification be published in the extra-ordinary Orissa Gazette and copy be supplied to all concerned.

By Order of the Governor
M.MOHANTY
Commissioner-cum-
Secretary to Government