

THE KOLKATA GAZETTE



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PART IB—Educational Notices

WEST BENGAL BOARD OF SECONDARY EDUCATION

NOTIFICATION

No. S/18.—14th January 2005.—In exercise of the power conferred by clause (gg) of sub-section (2), read with sub-section (3). of section 27 of the West Bengal Board of Secondary Education Act, 1963 (West Ben. Act. V of 1963) (hereinafter referred to as the said Act), and in supersession of all earlier notifications, orders or circulars issued on the subject, the West Bengal Board of Secondary Education, with the previous approval of the State Government, hereby makes the following regulations relating to conduct and discipline of teachers and non-teaching staff of recognized Institutions, namely :—

Regulations

1. Short Title, Application and Commencement. —

- (1) These regulations may be called the West Bengal Board of Secondary Education (Conduct and Discipline of Teachers and Non-teaching staff) Regulations, 2004.
- (2) They shall apply to all teachers and non-teaching staff of recognized Institutions.
- (3) They shall come into force from the date of their publication in Official Gazette.

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2. Definitions.—

- (1) In these regulations, unless there is anything repugnant in the subject or context :—
 - (a) "the Act" means the West Bengal Board of Secondary Education Act, 1963 (West Bengal Act V of 1963);
 - (b) "appointing authority" means the authority empowered to declare a post of a teacher and non-teaching staff vacant and also to fill-up such under the Acts or rules or regulations framed thereunder;
 - (c) "approved" means the post of teacher and non-teaching staff duly sanctioned and approved by the Director or by an officer authorised by him in this behalf, or as the case may be, by the Board;
 - (d) "Board" means the West Bengal Board of Secondary Education established

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under the West Bengal Board of Secondary Education Act, 1963 (West Ben. Act V of 1963);

- (e) "Committee" means the Managing Committee of the Institution as defined in clause (d) of section 2 of the Act;
 - (f) "Council" means the West Bengal council of Higher Secondary Education established under West Bengal Council of Higher Secondary Education Act, 1975 (West Ben. Act VIII of 1975);
 - (g) "disciplinary authority" means the authority empowered or entrusted under the Management of Recognized Non-Government Institutions (Aided and Unaided) Rules, 1969, to draw up disciplinary proceedings against a teacher or non-teaching staff for misconduct or dereliction of duty and includes the appointing authority;
 - (h) "dereliction of duty" means proved incompetence or misbehaviour of, or indifference to or wilful negligence of duties by a teacher or non-teaching staff;
 - (i) "Director" means the Director of School Education, West Bengal;
 - (j) "Government" means the Government of West Bengal in the School Education Department;
 - (k) "misconduct" includes dereliction of duty and any act or omission which runs counter to the code of conduct and discipline of teacher and non-teaching staff under these regulations;
 - (l) "non-teaching staff" means approved member of the staff other than teachers of an Institution;
 - (m) "State" means the State of West Bengal;
 - (n) "teacher" means any member of the teaching staff whose appointment has been approved and includes the Head of Institution.
- (2) Words and expressions used and not defined in these regulations, but defined in the Act or any rules framed thereunder, shall have same meaning as respectively assigned to them in the said Act or the rules.

3. **General.**—Every teacher and non-teaching staff of the recognized Institutions shall, at all times, maintain a very high standard of integrity, impartiality and devotion to duty having full regard to the high position held by them in the society.

Note 1.—Devotion to duty implies obedience, faithfulness, carefulness and reasonable competence in the discharge of duties.

Note 2.—Integrity implies honesty and uprightness.

4. **Improper and unbecoming conduct.**—No teacher or non-teaching staff shall behave in a manner, which is improper and unbecoming of a teacher or a non-teaching staff and derogatory to the prestige of the Institution, the State and the Nation.

5. **Prohibition relating to gambling or consumption of intoxicant.**—Every teacher and non-teaching staff shall :—

- (a) strictly abide by law relating to gambling;
- (b) strictly abide by law relating to intoxicating drinks or drugs, or smoking during the course of his duty in the premises of the Institution or in any public place;
- (c) not be under the influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not

affected in any way by the influence of such drink or drug;

- (d) refrain from consuming any intoxicating drink or drug in a public place;
- (e) not appear in a public place in a state of intoxication.

Explanation—For the purposes of this regulation, "public place" means any place or premises (including conveyance) to which the public have, or are permitted to have access, whether on payment or otherwise.

6. **Case in which teacher or non-teaching staff has personal interest.**—No teacher or non-teaching staff shall, in discharge of his official duties, be guided by his personal interest, if any, affecting discharge of such official duties.

7. **Private trade or employment.**—

- (1) Save as otherwise provided under these regulations, no teacher or non-teaching staff shall engage in any business, trade undertaking or money lending agency and undertake any employment other than his service directly or indirectly, or use his position to help such business, agency or undertaking.
- (2) A teacher or non-teaching staff may, with the permission of his appointing authority, undertake any honorary work of social and charitable nature without hampering his duties towards the Institution.
- (3) A teacher or non-teaching staff may, with the permission of his appointing authority, undertake writing or publication of books by himself or jointly with others and may receive reasonable remuneration for such work of which proper account shall be furnished before the authority to whom he is subordinate :

Provided that such work shall not include publication of key or note or help books, by whatever names these may be called, in respect of textbooks approved by the Board or the Council.

8. **Bar to private tuition.**—No teacher shall engage himself in any sort of private tuition for personal gain within or outside the premises and working hours of the Institution, excepting participation in a coaching or special camp organised by the Institution for further development of students for scholastic and co-scholastic activities.

9. **Employment of official subordinates.**—No teacher shall employ any official subordinate staff on regular domestic work or for his personal service.

10. **Dress code.**—Every teacher and non-teaching staff shall abide by the dress code, if any, of the Institution and should refrain from extravagance and flamboyance in dress, or display of wealth in the Institution and shall be respectful to local sentiment in such matters.

11. **Collective functioning.**—Every teacher shall practise, promote and encourage collective functioning in the interest of academic and administrative efficiency of the Institution and achievement of national goal.

12. **Guardian meeting.**—Every teacher shall attend guardians meeting when arranged by the Head of Institution and shall account for any matter raised by guardians.

13. **Conduct towards guardian and students.**—

- (1) No teacher shall ask a student to participate in any private programme without permission of his guardian, if the same is held on holidays, and without the permission of the Head of Institution, if the same is held on working days.

- (2) Provided that if the guardian or the Head of Institution, as the case may be, permits such participation, the concerned teacher shall be responsible for safety, security and well being of the student till the student returns to his guardians.
- (3) No teacher shall force any student against his desire to participate in any programme in which the Institution is taking part.

14. **Attendance and faithful discharge of duties etc.**—Every teacher and non-teaching staff shall abide by the orders or circulars issued by the concerned authority as to punctuality, regular attendance, attendance at assembly prayer, taking allotted classes, completion of syllabus and other instructions contained in such orders or circulars.

15. **Unauthorised absence to be treated as misconduct.**—Absence without leave, overstay after expiry of leave, leaving the Institution without permission from the Head of Institution during working hours, by the teachers and non-teaching staff may be treated as misconduct.

16. **Conduct pertaining to Examinations of Institution.**—

- (1) Every teacher shall, to the best of his abilities, perform his duties as may be assigned to him by the competent authority pertaining to the examinations held by the Institution, including preparation of question papers, evaluation of answer scripts preparation of mark sheets and . invigilation.
- (2) Every non-teaching staff shall faithfully render his services for holding such examinations of the institution.
- (3) Inducement by any teacher or non-teaching staff to any unfair practices by students in any dishonest activity shall be construed as dereliction of duty by such teacher or non-teaching staff, as the case may be.

17. **Conduct pertaining to Secondary Examination and Higher Secondary Examination.**—

- (1) Every teacher and non-teaching staff shall perform such duties as may be entrusted to him by the concerned Officer-in-charge of the Centre Committee pertaining to Secondary Examination and Higher Secondary Examination.
- (2) Every teacher shall, if so entrusted by the Board or, as the case may be, by the Council, evaluate answer scripts of the examinations instituted by such Board, or the Council and shall strictly follow the guidelines prescribed by it.

18. **Conduct pertaining to other Examination.**—

- (1) A teacher or non-teaching staff shall, with the approval of the Head of Institution, perform such duties for the conduct of public examinations other than the examinations referred to in regulation 16 and regulation 17, as may be entrusted to him by the concerned authority pertaining to such examinations
- (2) A teacher or non-teaching staff shall be entitled to receive such remuneration as may be provided for conducting the public examination referred to in sub-regulation (1).

19. **Disciplinary proceeding for non-participation in conduct of examination.**—Non participation of a teacher or non-teaching staff in the conduct of any examination, which may:—

- (a) cause suffering to the students, or
- (b) tarnish sanctity of examination and the education system, or

- (c) cause financial loss or any other loss to the Institution, the Board or the Council, or the Government may tantamount to dereliction of duty by such teacher or non-teaching staff and shall be liable to disciplinary proceedings.

20. Participation in programmes launched by Central or State Government or by Board or Council or Institution.—

- (1) Every teacher or non-teaching staff may, if permitted by his respective Committees, participate in programmes organized by the Government of India or the State Government or the Board or the Council or the Institution for promotion of education or cultural or moral value and may also attend events like workshop or seminar etc. as and when organized by them.
- (2) Every teacher and non-teaching staff shall participate collectively and individually in national programmes or events like Republic Day, Independence Day, and cultural events like drama, sports, and exhibitions etc., held within the Institutions, and extend his support to the best of his ability in the interest of joyful learning by the students and to generate a congenial atmosphere in the Institution.

21. Inflicting punishments to student.—

- (1) **No teacher or non-teaching staff shall inflict any punishment on a student, which is barred by the Government or by the Head of Institution.**
- (2) **Every teacher and non-teaching staff shall be extremely careful in handling student's behaviour so that mental and physical injury to the student is avoided.**
- (3) **Every teacher shall, if necessary, make endeavour to take correctional approach towards the students with the help of co-teachers. Head of Institution and guardians, so that a student's learning process is not disturbed.**

22. Maintenance of respectful environment.—

- (1) Every teacher and non-teaching staff shall endeavour to attain and maintain a mutually respectful atmosphere in and outside the Institution with respect to one another and also with the members of the Managing Committee.
- (2) Every teacher and non-teaching staff shall endeavour to attain and maintain a mutually respectful relation with students.
- (3) No teacher and non-teaching staff shall indulge in any activity, which may cause disaffection amongst the teachers, non-teaching staff and students on the basis of religion, caste, gender, community, profession etc.
- (4) No teacher and non-teaching staff shall induce or influence any colleague or a student to participate, directly or indirectly, in violent, hateful, secessionist, terrorist or communal activity.

23. Appearance before authority and production of records.—Every teacher and non-teaching staff shall abide by the instructions of any authority, legally authorised to do so, to appear before him and to produce records with permission of the Head of the Institution, if these pertain to matters of the Institution.

24. Submission of petitions to higher authorities to express grievances.—Every teacher and non-teaching staff shall submit any petition to the Head of Institution first and if his request mentioned in such petition is not redressed within a reasonable time, it may be brought to the knowledge of the appointing authority or to the concerned higher

authority.

25. **Submission of applications for appearing at any examination.**—Every teacher or non-teaching staff shall submit an application for appearing in any examination through the appointing authority and with the approval of the Committee.

26. **Participation in democratic processes.**—

- (1) Every teacher or non-teaching staff may, subject to the rules, regulations or orders for the time being in force and with approval from Committee, take part in any democratic process, including contesting election to the Parliament, Legislative Assembly, Local government, Statutory body, or voluntary organization.
- (2) Every teacher or non-teaching staff may form association for their academic, professional or service interest.

27. **Initiation of disciplinary proceeding.**—

- (1)
 - (a) If a teacher or a non-teaching staff is found responsible for any misconduct, the disciplinary authority may, where the misconduct is not grave or criminal in nature, give him reasonable opportunity for rectification of such misconduct.
 - (b) The teacher or non-teaching staff may, if necessary in the process of rectification, take assistance of the Staff Council of the Institution.
 - (c) In case the misconduct is grave or criminal in nature, the disciplinary authority may draw up disciplinary proceedings in the manner prescribed under the Management of Recognized non-Government Institutions (Aided and Unaided) Rules, 1969.
- (2) Notwithstanding anything contained in these regulations the Board may direct the disciplinary authority of any Institution to initiate disciplinary proceedings against a teacher or a non-teaching staff for dereliction of duty or misconduct committed by him in the course of holding of any examination conducted by the Board and if the disciplinary authority fails to do so, the Board may, of its own motion, take steps for drawing up disciplinary proceedings against him and its decision shall be binding upon the concerned teacher or non-teaching staff as well as on the concerned disciplinary authority.
- (3) The Council may, with suitable evidence, request the Board to proceed against a teacher or non-teaching staff of an Institution for dereliction of duty or misconduct committed by him in the course of holding of any examination by the Council and the Board shall proceed under sub-Regulation (2) of this regulation.

28. **Penalties.**—The disciplinary authority may inflict any one of the penalties, as mentioned below, upon a teacher or a non-teaching staff after going through the process as prescribed for disciplinary proceedings:—

- (a) Censure; or
- (b) withholding of one or more (not exceeding three) annual increments; or
- (c) Compulsory retirement with appropriate rate of pensionary benefits; or
- (d) dismissal from service.

Note 1.—Penalties should be proportionate to the gravity of misconduct.

Note 2.—Penalties inflicted, excepting censure, with clearance from the Board shall

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- be recorded in the Service Book of a teacher or non-teaching staff held guilty of misconduct.
29. **Appeal:**—An appeal against any order of penalty inflicted upon a teacher or non-teaching staff shall be made to the Appeal Committee of the Board in the manner prescribed under the West Bengal Board of Secondary Education (Manner of Hearing and Deciding Appeals by Appeal Committee) Regulations, 1964.
30. **Prosecution under Prevention of Corruption Act, 1988.**—Notwithstanding anything contained in any other provisions of these regulations, if any teacher or non-teaching staff commits any misconduct as laid under the provisions of the Prevention of Corruption Act, 1988 (49 of 1988), he shall be liable to be prosecuted as per the provisions of that Act.
31. **Interpretation.**—If any question arises relating to the interpretation of any provision of these regulations, such question shall be referred to the Board and the decision of the Board shall be final : Provided that the Board may, if it considers necessary, seek the opinion of the Government on such question.
32. **Savings**—Any action taken in relation to the misconduct of any teacher or non-teaching staff under any Act, rules or orders for the time being in force before commencement of these regulations shall be treated as valid and duly enforceable.

DIBYENDU BIKAS HOTA,

President,
West Bengal Board of Secondary Education.