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ST & SC DEVELOPMENT DEPARTMENT

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The 12th May 2016

No. 8680—Edn-I(C)-100/2013(Pt.)-SSD.—In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and in supersession of the Rules/Regulations/Orders/Instructions issued in this regard except as respects things done or omitted to be done before such supersession, the Governor of Odisha hereby makes the following rules to regulate the method of recruitment and conditions of service of the persons appointed to different grades of the Odisha Higher Secondary Education Services, namely:-

## 1. Short title and commencement—

- (1) These rules may be called the Odisha Higher Secondary Education Service ( in State's Scales of Pay) (Method of Recruitment and Conditions of Service of Post Graduate Teachers of the Scheduled Tribe and Scheduled Caste Development Department) Rules, 2016.
- (2) They shall come into force on the date of their publication in the *Odisha Gazette*.
- (3) These rules shall apply to Higher Secondary Schools under the administrative control of Scheduled Tribe and Scheduled Caste Development Department only.

## 2. Definition—

- (1) In these rules, unless the context otherwise requires,—
  - (a) “Commission” means the Odisha Public Service Commission;
  - (b) “Committee” means the Departmental Promotion Committee constituted under Rule 9 of these rules;
  - (c) “Discipline” means subject in which the teaching is imparted in Higher Secondary Schools;

- (d) "Government" means the Government of Odisha;
  - (e) "High School" means the educational institutions imparting teaching Courses framed by Board of Secondary Education, Odisha;
  - (f) "Higher Secondary School" means the educational institutions imparting teaching of Higher Secondary Courses framed by the Council of Higher Secondary Education, Odisha either having independent existence or constituting a separate entity called the "Higher Secondary Wing" of a High School;
  - (g) "Service" means the Odisha Higher Secondary Education Service ( in State's Scales of Pay) under ST & SC Development Department;
  - (h) "Vocational Education" means teaching imparted for vocational subjects at Higher Secondary level ;
  - (i) "Year" means the calendar year;
  - (j) "Ex-Serviceman" means persons as defined in the Odisha Ex-Serviceman (Recruitment to State Civil Services and Posts) Rules, 1985;
  - (k) "Person with Disabilities" means persons who have been granted with Disability Certificates by the competent authority as per the provisions under Rule 4 of the Persons with Disabilities (Equal Opportunities, Protection of Right and Full Participation) Odisha Rules, 2003;
  - (l) "Scheduled Castes and Scheduled Tribes" means such Castes and Tribes as notified by the President of India from time to time under Articles 341 and 342 of the Constitution of India, respectively;
  - (m) "SEBC" means the Socially and Educationally Backward Classes as defined in Clause(a) of Section 2 of the Odisha State Commission for Backward Classes Act, 1993; and
  - (n) "Sports person" means a person who has been issued with Identity Card as Sportsperson by the Director of Sports, Odisha as per Resolution No, 24808/Gen., dated 18<sup>th</sup> November 1985 of General Administration Department,
- (2) All other words and expressions used in these rules but not specifically defined unless the context otherwise requires, shall have the same meaning as respectively assigned to them in the Odisha Service Code.

**3. Constitution of Service**—The Service shall comprise the following Grades, namely :—

- (a) Group 'B'—Post Graduate Teacher in different subjects in the Scales of Pay of Rs. 9,300—34,800 with Grade Pay, Rs. 4,600 ;
- (b) Group 'A' ( Junior)—Principals of Higher Secondary Schools in the Scales of Pay of Rs. 9,300—34,800 with Grade Pay of Rs. 5,400 ;
- (c) Such other posts in such scales of pay as may be declared by the Government from time to time with concurrence of the Finance Department.

**4. Method of recruitment**—Subject to the provisions of these rules, recruitment to the post of Post Graduate Teachers in the service shall be made in the following manners:—

- (a) Not exceeding fifty per cent of the posts in the cadre of Post Graduate Teachers shall be filled up by way of promotion from among the Trained Graduate Teachers in accordance with Rule 8 ; and
- (b) The rest of the posts shall be filled up through direct recruitment in accordance with Rule 7.

**5. Reservations**—Notwithstanding anything contained in these rules, reservation of vacancies on posts, as the case may be, for,—

- (a) Scheduled Castes and Scheduled Tribes shall be made in accordance with the provisions of the Odisha Reservation of vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made thereunder;
- (b) SEBC shall be made in accordance with the provisions contained in the Resolutions or instructions issued by the Government from time to time; and
- (c) Women, Sportspersons, Ex-Servicemen and Persons with Disabilities shall be made in accordance with the provisions made under such Act, Rules, Orders or Instructions issued in this behalf by the Government from time to time.

**6. Eligibility Criteria for Direct Recruitment**—

(1) In order to be eligible for direct recruitment to the posts of Post Graduate Teacher in the Service, a candidate must:—

- (a) be a citizen of India;
- (b) be able to speak, read and write Odia ;
- (c) have passed Middle English School Examination in Odia as a subject; or  
have passed High School Certificate or equivalent examination in Odia as a subject; or  
have passed Odia as a subject in the final examination of Class-VII or above ; or  
have passed a test in Odia in Middle English School standard conducted by the

Department of the School & Mass Education of the Government, office of the Board of Secondary Education, Odisha;

- (d) be of good character;
- (e) not have more than one spouse living :

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person or there are other specific grounds for doing so, exempt any person from operation of this provision;

- (f) not be below the age of 21 years and above 32 years as on the first day of January of the year in which the Advertisement is issued by the Commission:

Provided that the upper age limit in respect of the reserved categories of candidates referred to in Rule 5 shall be relaxed in accordance with the provisions of the Act, Rules, Orders or Instructions for the time being in force, for the respective categories:

Provided further that a person who comes under more than one category shall be eligible for only one benefit of relaxation which shall be considered most beneficial to him/her;

- (g) have Master's Degree in the subject concerned from a recognized University with at least 50% marks in aggregate ; or  
have possessed two years integrated Post Graduate M. Sc. Course from Regional College of Education NCERT in the concerned subject with minimum 50% marks in aggregate ;
- (h) have B.Ed. or equivalent degree recognized by the National Council for Teacher Education, New Delhi as equivalent with B.Ed. from a recognized University.

- (2) Diploma or Degree in Computer Application is desirable qualification subject to production of the certificate in support of above qualification obtained from a recognized University or College or Institution.

## **7. Procedure for direct recruitment—**

- (1) The vacancies including the anticipated vacancies in the cadre of Post Graduate Teachers in a year shall be intimated by the Government to the Commission by the end of December of every year. The Commission shall thereupon invite applications through open advertisement at least in two leading local daily newspapers from the eligible candidates. The Commission shall conduct a test in General

English, General Knowledge and the subject concerned for which vacancies have been advertised. The standard and procedures for the test shall be as prescribed by the Commission.

- (2) The examination in General English the subject concerned, Computer Aptitude and Pedagogy will be of objective type Multiple Choice Questions and will be covered in one paper consisting of 150 marks (GE-30, Subject-100, Computer Aptitude-10, Pedagogy-10). The examination shall be of three hours duration. The standard and syllabus for the examination shall be such as may be specified by the Commission.
- (3) The candidates, who secure such minimum qualifying marks in the written examination, as may be fixed by the Commission, shall be called to appear at the *Viva Voce* Test by the Commission in order of merit normally equal to three times of the number of vacancies in the concerned subject or as the Commission may determine, on this behalf :

Provided that for the vacancies up to 2, ten candidates and for the vacancies numbering 3 to 5, fifteen candidates shall be called by the commission for *Viva Voce* Test. The Commission shall conduct the *Viva Voce* Test for 50 marks :

Provided further that the number of such candidates to be called to the *Viva Voce* Test belonging to each category of the vacancies shall be as determined by the Commission.

- (4) The order of merit shall be determined on the basis of aggregate marks secured by a candidate in written examination and *viva voce* test under sub-rules (2) and (3) taken together and the Commission shall forward to the Government in respect of each subject, a list of suitable candidates equal to the number of vacancies advertised in order of merit.
- (5) The list recommended by the Commission under sub-rule (4) shall be placed before the Government for approval and upon such approval shall form the select list and appointment order shall be issued from the said select list by the Government in the order in which their names appear and the *inter se* seniority of the Post Graduate Teachers shall be determined as per their position in the select list.

- (6) Every list furnished by the Commission under sub-rule (4) to the Government shall remain ordinarily valid for a period of one year from the date of its approval by the Government or until another select list is prepared, whichever is earlier.

### **8. Eligibility Criteria for Promotion—**

- (1) In order to be eligible for promotion to the rank of Post Graduate Teacher, an eligible Trained Graduate Teacher must have:—
- (a) Completed 3 years of regular service as Trained Graduate Teacher in ST & SC Development Department High School(s) ;
  - (b) Masters Degree in the concerned subject with at least fifty per cent of marks in aggregate ; and
  - (c) Consistently good Performance Appraisal Report.
- (2) In order to be eligible for promotion to the Grade of Principal, a Post Graduate Teacher must have :
- (a) completed at least eight years of continuous service as Post Graduate Teacher in Higher Secondary School; and
  - (b) satisfactory performance as a Post Graduate Teacher with consistently good Performance Appraisal Report.
- (3) For the purpose of consideration of promotion of Post Graduate Teachers to the post of Principal, a combined gradation list of all eligible Post Graduate Teachers irrespective of their disciplines shall be prepared in order of their dates of appointment to the post :

Provided that if the date of appointment of two or more Post Graduate Teachers are same, their *inter se* seniority shall be determined on the basis of their dates of birth i.e. the employee older in age shall be placed above the other.

### **9. Constitution of the Departmental Promotion Committee—**

- (1) There shall be constituted a Departmental Promotion Committee consisting of the following members for selection of persons for appointment by promotion to the posts of Post Graduate Teacher and the Principals in the service, namely :—
- (a) Secretary to Government, ST & SC Development Department . . Chairman
  - (b) Director(ST/SC)-*cum*-Additional Secretary to Government . . Member
  - (c) Chairperson, Council of Higher Secondary Education, Odisha . . Member
  - (d) Deputy Secretary to Govt., ST & SC Development Deptt. . . Member-Secretary.

- (2) The Chairman shall preside over all the meetings of the Committee
- (3) The recommendation of the Committee shall be valid and can be acted upon notwithstanding the absence of anyone of its members other than the Chairman :

Provided that the member so absenting must have been duly invited to attend the meeting of the Committee and the majority of members of the Committee attended the meeting.

#### **10. Procedure for selection by the Committee—**

- (1) The Committee shall meet at least once in a year preferably in the month of January to prepare a list of Trained Graduate Teachers serving in ST & SC Development Department High Schools as per Rule 8 ( 1) (suitable for promotion to the post of Post Graduate Teacher subjectwise and also prepare a list of Post Graduate Teachers as per Rule 8(2) suitable for promotion to the next higher grade of Principal in order of merit irrespective of their disciplines taking into account the existing vacancies and the anticipated vacancies of the year in which the Committee meets.
- (2). The Committee while considering the promotion of eligible employees and for preparing the list of such employees shall follow the provisions of—
  - (a) the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes & Scheduled Tribes) Act, 1975 and the rules made thereunder;
  - (b) the Odisha Civil Services(Zone of consideration for Promotion) Rule, 1988 ;
  - (c) the Odisha Civil Services(Criteria for Promotion) Rules,1992 ; and
  - (d) the Odisha Civil Services (Criteria for Selection for Appointment including Promotion) Rules, 2003.

#### **11. Consultation with the Commission—**

- (1) The list of the suitable persons prepared by the Committee under Rule 10 shall be submitted to the Commission along with the following documents, namely:—
  - (a) Record of all eligible Trained Graduate Teachers or Post Graduate Teachers, as the case may be, considered by the Committee;
  - (b) Attested gradation list of eligible Trained Graduate Teachers or Post Graduate Teachers, as the case may be;

- (c) Annual Confidential Reports or Performance Appraisal Reports of Trained Graduate Teachers or Post Graduate Teachers, as the case may be, whose cases have been taken into consideration for promotion;
  - (d) Indication about the pending representation against adverse remarks in the Annual Confidential Reports or Performance Appraisal Report, if any;
  - (e) Indication about detail status of Departmental or Criminal Proceeding, if any;
  - (f) Vigilance clearance report of all eligible persons.
- (2) The Commission shall consider the list prepared by the Committee along with the documents received from the Government under sub-rule (1) and shall furnish its recommendations to the Government.

#### **12. Select List—**

- (1) The recommendation of the Commission furnished under sub-rule(2) of Rule 11 shall be considered by the Government and the list approved by the Government shall form the select list.
- (2) The select list shall remain valid for one year from the date of its approval by the Government.
- (3) Notwithstanding anything contained in these rules the Government shall depute teacher(s) of the rank of Lecturer from Higher Education Department to act as Principal(s) of the Higher Secondary Schools in case there is non-availability of suitable Post Graduate Teacher(s) in the cadre.
- (4) Appointment to the posts of Post Graduate Teachers or Principal as the case may be shall be made in the order in which their names appear in the select list.

**13. *Inter se Seniority*—**The *inter se* seniority of the employees appointed to the service in a particular year shall be maintained in the order in which their names appeared in the select list:

Provided that the promotees in a recruitment year shall *en bloc* be senior to the direct recruits of that particular year.



**14. Probation and Confirmation—**

- (1) Every person appointed to the service shall be on probation for a period of two years in case of appointment made by direct recruitment and one year in case of appointment made by promotion, from the date of joining the post :

Provided that the appointing authority may, if thinks fit in any case or class of cases extend the period of probation for good and sufficient reasons to be recorded in writing:

Provided further that such period of probation shall not include—

- (a) extraordinary leave;
  - (b) period of unauthorized absence; or
  - (c) any other period held to be not being on actual duty.
- (2) On completion of the period of probation, including the extended period, if any, under sub-rule (1), the performance of the person appointed to the post shall be reviewed and if he/she is found unfit,—
- (a) her/his services shall be terminated in case he/she is a direct recruitee;
  - (b) she/he shall be reverted to his/her former post in case of a promotee.
- (3) A probationer after completing the period of probation to the satisfaction of Government shall be eligible for confirmation subject to the availability of substantive vacancy in the service.

**15. Other Conditions of Service—**The conditions of service in regard to matters not covered by these rules shall be the same as are or as may from time to time be prescribed by the Government.

**16. Interpretation—**If any question arises relating to the interpretation of these rules, it shall be referred to the Government for decision.

**17. Relaxation—**Whenever it is considered necessary or expedient to do so in the public interest, the Government may, by order, for reasons to be recorded in writing, in consultation with the Commission, relax any of the provisions of these rules in respect of any class or category of persons.

By order of the Governor

S. KUMAR

Commissioner-*cum*-Secretary to Government