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DEPARTMENT OF SCHOOL AND MASS EDUCATION

NOTIFICATION

The 28th May 2019

S. R. O. No. 201/2019---In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and in supersession of all Rule, Regulations, Orders or Instructions issued in this regard except as respects things done or omitted to be done before such supersession, the Governor of Odisha is pleased to make the following rules to regulate the method of recruitment and conditions of service of the persons appointed to the Odisha Higher Secondary Education Service, namely:--

- 1. Short title, commencement and application:--**(1) These rules may be called the Odisha Higher Secondary Education Service (Method of Recruitment and Conditions of Service of Post Graduate Teachers of the School and Mass Education Department) Rules, 2018.
(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 School and Mass Education Department.

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) “Ex-Serviceman” means persons as defined in the Odisha Ex-Serviceman (Recruitment to State Civil Services and Posts) Rules, 1985;
- (e) “Government” means the Government of Odisha;
- (f) “High School” means the educational institutions imparting teaching Courses framed by Board of Secondary Education, Odisha;
- (g) “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;
- (h) “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;
- (i) “Scheduled Castes and Scheduled Tribes” shall have reference to the Scheduled Castes and Scheduled Tribes specified in the constitution (Scheduled Castes) Order, 1950 and the constitution (Scheduled Tribe) Order, 1950, as the case may be, made under article 341 and 342 of the Constitution of India, respectively;
- (j) “Service” means the Odisha Higher Secondary Education Service (in State’s Scales of Pay) under the School and Mass Education Department.
- (k) “SEBC” means the Socially and Educationally Backward Classes of citizens as referred to in clause (e) of Section 2 of the Odisha Reservation of Posts and Services (for Socially and Educationally Backward Classes) Act, 2008;
- (l) “Sports person” means a person who has been issued with Identity Card as Sportsperson by the Director of Sports, Odisha as per the Resolution

No.24808/Gen., dated 18th November 1985 of the General Administration Department.

- (m)“Vocational Education” means teaching imparted for vocational subjects at Higher Secondary level;
- (n) “Year” means the calendar year;
- (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 consist of the following posts, namely:-

- (a) Post Graduate Teacher (PGT) - Group ‘B’ (Junior Level) (Level-10 of Pay Matrix)in different subjects;
- (b) Post Graduate Teacher (PGT) - Group ‘B’(Senior) (Level-11 of Pay Matrix)in different subjects;
- (c) Post Graduate Teacher (PGT) - Group ‘A’(SelectionGrade)(Level-12 of Pay Matrix) in different subjects;
- (d) Post Graduate Teacher (PGT) Group ‘A’(Principal Grade) (Level-13 of Pay Matrix)in different subjects;

4. Method of recruitment:- Subject to the provisions of these rules, recruitment to all posts of Post Graduate Teachers (PGT) in the service shall be made in the following manners, namely :--

- (a) All posts of Post Graduate Teachers (Junior Level) shall be filled up through direct recruitment in accordance with rule 7; and
- (b) All posts for Principal shall be filled up by promotion in accordance withrule-6(B) andrule-8. In case of non-availability of suitable candidates, lecturers from Higher Education Department will be appointed on deputation.

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; and
- (b) SEBC, Women, Sports Persons, 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 respect by the Government from time to time.

6. Eligibility Criteria for Recruitment:-

A. Post Graduate Teacher (PGT) :- (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 School examination with Odia as a language subject; or
- (d) have passed Matriculation or equivalent examination with Odia as medium of examination in non-language subject; or
- (e) have passed in Odia as language subject in the final examination of Class VII from a school or educational institution recognised by the Government of Odisha or the Central Government; or
- (f) have passed a test in Odia in Middle English School standard conducted by the School and Mass Education Department
- (g) be of good character;
- (h) 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;

- (i) not be below the age of 21 years and above 32 years for fresh candidates and 45 years for in-service candidates from the feeder cadre (TGT for Government High Schools under the School & Mass Education Department of Odisha) 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;

- (j) 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 Masters Course from Regional College of Education recognised by the NCERT in the concerned subject with minimum 50% marks in aggregate;
- (k) 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) Degree or Diploma 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 having affiliation to a recognised university.

B. Principal :-(1) In order to be eligible for the posts of Principal 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 School Examination with Odia as a language subject; or

- (d) have passed Matriculation or equivalent examination with Odia as medium of examination in non-language subject; or
- (e) have passed Odia as language subject in the final examination of Class VII from a school or educational institution recognized by the Government of Odisha or the Central Government; or
- (f) have passed a test in Odia in Middle English School standard conducted by the School and Mass Education Department.
- (g) be of good character;
- (h) 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;
- (i) have Master's Degree in the subject concerned from a recognized University with at least 50% marks in aggregate; or have possessed two or six years integrated Post Graduate Masters Course from Regional College of Education recognised by the NCERT in the concerned subject with minimum 50% marks in aggregate;
- (j) 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.
- (k) have held analogous post or posts, in State Government or Central Government, in Level 12 of the Pay Matrix under the First Schedule to the ORSP Rules 2017.
- (l) have held posts of PGTs or Lecturers of State Government or Central Government in Level 11 of the Pay Matrix under the First Schedule to ORSP Rules 2017 with minimum of 08 years of regular service.
- (m) Persons holding posts of PGTs or Lecturers of State Government in Level 10 of the Pay Matrix under the First Schedule to ORSP Rules 2017 with minimum of 15 years of regular service.
- (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 affiliated to a recognised university.

7. Procedure for direct recruitment for filling up of the post of Post Graduate Teacher:-

- (a) The existing 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.
- (b) The Odisha Public Service Commission will decide on the pattern of examination. The syllabus for recruitment of Post Graduate Teacher (PGT) will be same as the subject wise syllabus in Arts, Science, Commerce etc. applicable for Recruitment of Junior Lecturers (Odisha Education Service) prescribed by the Odisha Public Service Commission (OPSC).
- (c) 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 Personality Test and interview of 30 marks by the Commission in order of merit:
- (d) The order or merit shall be determined on the basis of aggregate marks secured by a candidate in written examination and Personality Test and interview under sub-rules (b) and (c) 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.
- (e) The list recommended by the Commission under sub-rule (2) of rule 12 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.

(f) Every list furnished by the Commission under sub-rule (4) of rule-12 to the Government shall remain ordinarily valid for a period of one year from the date of its approval by the Government.

8. Appointment by way of Promotion :-(1)The post of Post Graduate Teacher in Group-B (Senior) of the service shall be filled up by promotion from among the persons holding the post of Post Graduate Teacher in Group B (Junior Level) at least for a period of seven years on the 1st of January of the year, DPC sits.

(2) The post of Post Graduate Teacher in Group A (Selection Grade)of the service, shall be filled up by promotion from among the persons holding the post of Post Graduate Teacher in Group B (Senior Scale) at least for a period of eight years on the 1st of January of the year, DPC sits.

(3) The post of Post Graduate Teacher in Group A (Principal Grade) of the service shall be filled up by way of promotion under clause (b) of rule 4 from among the persons holding the post of Post Graduate Teacher in the service and must have, -

(a) completed at least fifteen years of service either in the junior level or in the junior level and promotional level or levels taken together on the 1st of January of the year, DPC sits.

(b) satisfactory performance as a Post Graduate Teacher in Group A (Selection Grade) of the service with consistently good Performance Appraisal Report.

(c) cleared the Departmental Examination conducted by the Commission.

(4) 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 by the Government in order of their dates of eligibility to the appointment to the post of Principal:

Provided that if the date of appointment of two or more Post Graduate Teachers is 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. The

date of Birth entered in the High School Certificate or equivalent certificate issued by the concerned Board/ Council will only be accepted.

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 from Post Graduate Teacher (Junior Level) to the posts of Senior Scale and Selection Scale and the Principals in the service, namely:-

- (a) Secretary to Government, School and Mass Education - Chairperson
Department
- (b) Director, Higher Secondary Education, Odisha - Member
- (c) Chairperson, Council of Higher Secondary Education, - Member
Odisha
- (d) Joint Secretary to Government, School and Mass - Member
Education Deptt Convenor

(2) The Chairperson 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 Chairperson.

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 attend 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 employee as per Sub-rule (1) and (2) of Rule 8 suitable for promotion to the next higher grade in order of merit irrespective of their disciplines taking into account the existing 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 and Scheduled Tribes) Act, 1975 and the rules made thereunder and as amended from time to time;
 - (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 Post Graduate Teachers may be considered by the Committee;
 - (b) Attested gradation list of eligible Post Graduate Teachers.
 - (c) Annual Confidential Reports or Performance Appraisal Reports of Post Graduate Teachers 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/Junior Lecturer from the 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. Such deputation shall be valid till availability of suitable Post Graduate Teacher(s) in the cadre directly selected for appointment as Principal with the recommendation of OPSC.

(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 recruitment year shall be in the following order and each category the inter se seniority shall be determined in the following manner:-

- (i) Direct Recruit Officers shall be ranked *inter-se* in the order in which their names appear in the merit list prepared by the commission:
- (ii) Promotee Officers shall be ranked *inter-se* in the order of their dates of appointment to the service.

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 cases extend the period of probation for good it shall be with 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 whose decision thereon shall be final.

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.

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By order of the Governor

P. K. MOHAPATRA

Principal Secretary to Government