

CHAPTER XXIII

QUALIFICATIONS AND CONDITIONS OF SERVICE OF NON-TEACHING STAFF OF THE ASSOCIATED COLLEGES

23.00. In this chapter, unless to context otherwise requires the expressions defined in the succeeding Statutes shall be construed accordingly.

23.01. 'Class four' means a post carrying a pay scale of a lower than a pay scale of a Routine Clerk and the expression 'Class four' employee and 'Class four' staff shall be construed accordingly;

23.02. College means a college associated with the University in accordance with the provisions of the Act or the Statutes of the University but does not include a college maintained exclusively by the State Government or a Local authority.

23.03. 'Employee' means a salaried employee not being a teacher of a College and its grammatical variations and cognate expressions shall be construed accordingly.

23.03-A- Armed Forces of the Union means the Navel, Military or Air Forces of the Union and includes the Armed Forces of the former Indian States.

23.03-B- 'Disables ex-service man' means who while serving of the 'Armed Forces of the Union' was disabled in the course of operation against the enemy or in disturbed area.

23.03-C- 'Ex-service man' means a person who had served in any rank (whether as a combatant or non-combatant in the Armed Forces of the Union for a continuous period of not less than six months, and-

- (i) has been released (otherwise than by way of dismissal or discharge on account of misconduct or inefficiency) or

has been transferred to the reserve pending such release,
or

- (ii) has to serve for not more than six months for completing the period of service requisite for becoming entitled to be so released or transferred to the reserve.

23.04. Words and expressions used but not defined in the Statute shall have the respective meaning assigned to them in the Act.

24.01. Subject to the provisions of these Statutes the appointing to the posts of class three employee shall be made by the management of the college and appointment to the posts of class four employees shall be made by the Principal.

24.02. The appointing authority referred to in Statute 24.01 shall have the power to take disciplinary action and award punishment against the class of employee of which he is an appointing authority.

24.03. Every decision of the appointing authority referred to in statute 24.02 shall, before it is communicated to the employee, be reported to the District Inspector of Schools and shall not take effect unless it has been approved by him in writing;

Provided that nothing in this clause shall apply to any termination of service on the expiry of the period for which the employee was appointed;

Provided further that nothing in the clause shall apply to an order of suspension pending enquiry, but any such order may be stayed, revoked or modified by the District Inspector of Schools.

24.04. An appeal against the order of the District Inspector of Schools under Statute 24.03 shall lie to the Regional Deputy Director of Education.

25.01. Appointment to the post of Librarian, Deputy Librarian, Physical Education Instructor, Pharmacist, Routine Clerk (or any other post either in the pay scale of, or in a pay scale higher than that of, Routine Clerk other than the posts mentioned in Statute 25.02 or Statute 25.03) shall be made by direct recruitment on the recommendation of Selection Committee constituted in the manner provided in Statute 25.06 after advertisement of the vacancy in the newspapers;

Provided that the post of Librarian shall be filled by promotion from the post of Deputy Librarian if the incumbent of the latter post possesses the prescribed minimum qualifications for the post of a Librarian.

25.02. Appointment to the post of Assistant shall be made by promotion according to seniority subject to suitability and fitness from amongst Routine clerks.

25.03. Appointment to the post of Head Clerk-Accountant. Head Clerk, Office Superintendent and Bursar shall be made by promotion according to seniority, subject to suitability and fitness from amongst the existing employees having required qualification and appointment to the post of Assistant Accountant shall be made by direct recruitment. In case of non availability of qualified and suitable candidates from amongst the existing staff, appointments on the post of Head Clerk- cum -Accountant, Head Clerk, Office Superintendent and Bursar may be made by direct recruitment on the basis of Selection after advertisement of the vacancy in newspapers.

25.04. Appointment of employee shall be subject to the approval of the Director of Education (Higher Education), or an officer authorised by him in this behalf, if the approving authority does not within two months from receiving the proposal for approval intimate its disapproval or does send any

intimation in respect of such proposal to the appointing authority the approving authority shall be deemed to have approved the appointment.

25.05. Appointment of permanent posts shall be made on probation for one year. The period of probation may be extended if the candidate's work is not found to be satisfactory provided that the total period of probation shall not exceed three years. The extended period of probation shall not count for increment.

25.06. (1) (a) The Selection Committee for appointment to the post of Librarian, Deputy Librarian or Physical Training Instructor shall consist of :

- (i) the Head of Management or a member of the Management nominated by him, who shall be the Chairman.
- (ii) the Principal of the College.
- (iii) one officer to be nominated by the Director of Education (Higher Education).

(b) The Selection Committee for the appointment to the remaining posts referred to in Statute 25.01 or Statute 25.03 either by direct recruitment or by promotion shall consist of.

- (i) the Head of the Management or a member of the Management nominated by him who shall be the Chairman;
- (ii) The Principal of the College;
- (iii) the District Inspector of Schools;
- (iv) the District Employment Officer or an officer authorised by him in this behalf.

(2) For the purposes of direct recruitment, to the posts referred to in Statutes 25.01 and 25.03 the vacancy shall be advertised in at least two newspapers having adequate

circulation in Uttar Pradesh and names of suitable candidate, shall also be obtained from the concerned District Employment Officer.

⁴²(3) “For appointment to class- IV post, the vacancy shall be advertised in two newspapers having wide circulation in Uttar Pradesh.

(4) No employee shall be eligible for payment of salary from the Salary Payment Account unless the permission, as contemplated by sub-clause (b) of clause (iii) of Section 60-A of the Act has been accorded.

42-Approved by Hon'able Chancellor vide letter No. 323/G.S., dated 5.2.2001.

(5) If the Management does not agree with the recommendations of the Selection Committee, it shall refer the matter to the approving authority alongwith reasons of its disagreement, and the decision of the said authority shall be final.

26.00. Reservation shall be made for Scheduled Castes, Scheduled Tribes and Other Backward Classes candidates for appointment to the post referred to in Statute 28.01. The percentage of such reservation shall be equal to the percentage prescribed for appointment in Government service.

26.01. Ten percent of the vacancies in Class III services and posts and five percent of the vacancies in Class IV services and post, including temporary which are likely to be made permanent or to continue for a period of more than one year, to be filled by direct recruitment in any year, shall be reserved for being filled by ex-servicemen;

Provided that the vacancies so reserved shall be utilised first for the appointment of disabled ex-servicemen so long as the duties of the post to be so filled are not such and the disabled ex-servicemen are incapable of performing due to their disability, and if any such vacancies still remain unfilled, the same shall then be utilised for appointment of other ex-servicemen.

27.00. A candidate for employment in a college must be-

- (a) a citizen of India, or
- (b) a Tibetan refugee who came over to India before January, 1962 with the intention of permanently settling in India,
or
- (c) a person of Indian origin who has migrated from Pakistan, Burma, Ceylon and East African Countries of Kenya, Uganda and United Republic of Tanzania formerly Tanjanayika and Zanzibar with the intention of permanently settling in India;

Provided that a candidate belonging to category (b) or category (c) must be a person in whose favour a certificate of eligibility has been issued by the State Government;

Provided further that a candidate belonging to category (b) will also be required to obtain a certificate of Police, Intelligence Branch, U.P.

**Educational
qualification**

28.01. For appointment in a college to the posts specified below, the minimum qualification shall be as noted against each category:

- (i) **Clerical Staff :-** For the post of Routine Clerk, Assistant, Head-Clerk-cum-Accountant and Head Clerk,. Intermediate or an examination recognized by the State Government as equivalent thereof;

Provided that in the case of Head-Clerk-cum-Accountant and head clerk experience on the post of Routine Clerk or assistant in a Post-graduate or Degree or intermediate college for a period of at least ten years shall be necessary.

Provided further that-

- (i) the minimum qualification for appointment of an ex-serviceman to reserved vacancies in Class III services and post shall be Intermediate wherever the qualification prescribed in the Statute is a degree of a University, and High School or any other qualification recognised as equivalent thereto wherever the qualification prescribed in this Statute is Intermediate, and there shall be no relaxation where the prescribed qualification is High School or a qualification equivalent thereto;
- (ii) for class IV services and posts no educational qualification shall be required for ex-servicemen otherwise considered suitable, in the reserved vacancies in such services and posts.
- (iii) **Laboratory Assistant-** For the post of Laboratory Assistant, Intermediate or an examination recognised by the State Government as equivalent thereto in subject with which the laboratory is concerned, or High School or an examination recognised by the State Government as equivalent thereto, with at least five years' experience as laboratory bearer in the laboratory of the subject concerned.

- (iv) (a) **Librarian (a) and (b) Category-** A Master's degree togetherwith a degree in Library Science and three years' experience.
- (b) **Librarian 'C' Category-** A Bachelor degree togetherwith a degree in Library Science and two years' experience.
- (c) **Deputy Librarian 'A' and 'B' category-** A Bachelor degree togetherwith a degree in Library Science and two years' experience
- (d) **Deputy Librarian 'C' Category-** A Bachelor degree togetherwith a degree in Library Science.

Explanation- For the purposes of these Statutes 'Librarian' 'Deputy Librarian A and B Category' means the Librarian/Deputy Librarian of a degree college where two thousand or more students are studying and Librarian/Deputy Librarian of (c) category mean the Librarian/Deputy Librarian of a degree college' where less than two thousand Students are studying."

28.01. ⁴³(iv) **Office Superintendent:-** For the post of Office Superintendent a degree from a recognised University established by law togetherwith at least ten years' delete. working experience as Senior Assistant or Assistant Accountant in a college affilicated to or associated with a University or in any other similar Institution.

- (v) **Assistant Accountant-** A Bachelor degree in Commerce of a recognised University established by law with Accountancy/Audit.
- (vi) **Bursar-** For the post of Bursar a degree from a recognised University established by law with at least ten years' working experience as Office

Superintendent or Accountant in a degree or post-graduate college.

- (vii) **Class four Staff-** For Class IV posts, passed Class V from recognised School.

Provided that no educational qualification shall be required for the post of sweeper but preference will be given to a person who is educated or is at least able to read and write Hindi in Devnagri script.

- (viii) **Other Post-** For any other post not covered by the preceding clauses, sub-minimum qualification as may be specified by the State Government by general or special orders.

43-Approved by Hon'able Chancellor vide letter No. 323/G.S., dated 5.2.2001.

28.02. No employee who does not possess the qualifications prescribed in clause (i) shall, after the commencement of these Statutes, be eligible for promotion or confirmation unless he attains the aforesaid qualifications;

Provided that nothing contained in clause (i) shall effect the promotions and confirmations made prior to commencement of these Statutes.

⁴⁴**29.01.** For appointment of an employee in a college, through direct recruitment, the minimum age of the candidate shall be 18 years and maximum age for the post of a Routine Clerk or a post in equivalent scale of pay shall be 30 years, and for any other post, referred to in Statutes 25.01 and 25.03 it shall be 40 years. The maximum age shall be higher by five years in the case of

a candidate belonging to Scheduled Castes or Scheduled Tribe;

Provided that with the prior consent of the Director of Education (Higher Education) the condition of maximum age limit of 30 or 40 years, as the case may be, referred to above, may be relaxed upto 5 years in special circumstances:

Provided further that the maximum age limit shall not apply to an employee referred to in Statute 38.00:

Provided also that for appointment to a vacancy reserved for ex- servicemen the maximum age shall be higher by the period of service of the candidate in the Armed Forces plus three years.

44-Amended by the 36th amendment dated October 30, 1987.

29.02. The age on the first day of July in the year in which the recruitment is made, shall be the age for the purpose of clause (1).

29.03. In case of Class IV employee who has put in a continuous service of three years or more and has the prescribed qualifications for appointment to the post of a Routine Clerk or an equivalent post to be filled in by direct recruitment the maximum age limit may be relaxed upto 40 years. In special circumstances, relaxation beyond the age of 40 years may be made with the prior approval of the Director (Higher Education).

Character

30.00. It shall be the duty of the appointing authority to satisfy himself that the character of a candidate for employment by direct recruitment is such as

to render him suitable in all respects for employment in a college.

Note- Persons dismissed by the State Government, the Union Government or by any other State Government or a local authority shall be deemed ineligible.

**Physical
fitness**

31.00. No candidate shall be employed in a college unless he is in good mental and physical health and free from any physical defect likely to interfere with the efficient performance of his duties. Before a candidate is finally approved for appointment he shall be required to produce a medical certificate of fitness from a Medical Officer incharge of hospital established by the State Government.

**Scale of pay
& allowances**

32.00 The employees shall be given the scale of pay and allowances as may be prescribed by the State Government from time to time.

Explanation- An ex-serviceman appointed in a vacancy reserved for ex-servicemen shall not be entitled to any higher pay merely on account of his past services in the Armed Forces of the Union.

**Conduct and
other matters**

33.01. Every employees shall maintain highest order of integrity with regard to his work and conduct.

33.02. Every employee shall comply with the orders or directions of the Management/the Principal (including the orders or directions issued in the implementation of the orders of the State Government or the University).

33.03. The Principal of the college will maintain the character roll of every employee in which the confidential report about his work and conduct shall be recorded every year. Adverse entries shall be

communicated to the employee concerned as soon as possible so that he may improve his work and conduct accordingly.

33.04. An employee aggrieved by an adverse entry may represent to the Manager of the college through the Principal for the expunction of the adverse entry. The power to expunge the adverse entry on the basis of justification therefore shall vest in the Managing Committee of the college concerned.

33.05. A Service Book of every employee shall be maintained under the control of the Principal.

**Disciplinary
Action**

34.00. An employee who disobeys any one or breach of the provisions of clause (1) and clause (2) of Statute 33 shall be liable to disciplinary action.

**Termination of
service and
resignation**

35.01. An employee shall be liable to be removed from service on any one or more of the following grounds, namely :

- (a) gross negligence of duties;
- (b) misconduct;
- (c) insubordination or disobedience;
- (d) physical or mental unsuitability in the discharge of duties;
- (e) prejudicial conduct or activity against the Government or the University or the college concerned;
- (f) conviction by a Court of Law on charge involving moral turpitude.

35.02. If temporary employee resigns from service he shall give notice to this effect in writing to the Management of the College one month in advance otherwise he shall have to deposit one month's salary

with the college in lieu of the notice. Similarly, if the management of a college decides to terminate the service of an employee, the management shall give one month's notice to the employee or one month's salary in lieu thereof.

35.03. The services of a permanent employee may be dispensed with on the ground of abolition of post after giving him three months' notice in writing or three months' salary in lieu thereof. A post can be abolished on any one of the following grounds:

- (a) retrenchment on account of financial stingency.
- (b) full in enrolment of students; or
- (c) discontinuance of the teaching in the subject to which the post relates.

**Age of
supper
annuation**

36.00. The age of superannuation of an employee shall be sixty years. An employee who have attained the age of sixty years on or before the date of commencement of these Statutes shall be retired forthwith.

Leave

37.01. The leave rules applicable to the Government servants from time to time shall *mutatis mutandis* apply to the employee of like status.

37.02. The Principal shall be the authority to sanction all kinds of leave to Class IV employees and casual leave to other employees.

37.03. Application of an employee other than Class IV for leave (other than casual leave) shall be forwarded by the Principal with his recommendation to the Manager of the College who shall be the authority to sanction the same.

37.04. All records relating to leave will be maintained by the Principal who shall send copies of the

orders sanctioning leave (other than casual leave) to the Regional Deputy Director of Education or the authority authorised by him to disburse the salaries of the employees. The Principal shall also mention the period and nature of leave in the salary bill.

Miscellaneous

38.00. A whole-time employee of one college appointed to another college receiving maintenance grant from the State Government shall, after regular selection, be entitled to receive salary not less than what he was getting in the college in which he was previously working, if the employee:

- (a) was permanent on his post in the previous college and such college was on the grant-in-aid list;
- (b) has obtained the permission of the Manager of the previous college for service in the new college and the Management of the previous college has no objection in relieving him;
- (c) furnishes a certificate from the Manager of the previous college to the effect that there were no unusual and adverse circumstances in which the employee left that college;
- (d) furnishes the last pay certificate from the previous college duly countersigned by the District Inspector of Schools, concerned.

Explanation- (1) On being appointed in the new college the service rendered in the previous college shall not count towards seniority. Seniority in the new college shall be reckoned from the date of appointment in the new college and the annual increment shall fall due after completing one year's service in the new college from the date of taking over charge of the duties in that college.

(2) The employee shall not be entitled to receive any travelling allowance for journeys performed by him to join his duties in the new college. He shall however, be allowed journey time at following rates:-

- (a) one day for each 500 kms., for places connected by train;
- (b) one day for each 150 kms., for places not connected by Train but connected by Bus;
- (c) one day for each 25 kms., for places neither connected by Train or by Bus.