

# CHHATTISGARH SWAMI VIVEKANAND TECHNICAL UNIVERSITY

STATUTE No. 19

## COLLEGE CODE

(Refer Section 23)

### PART - I

#### Definitions and Applicability

Proposed Provision -

Objectives, Definitions and Applicability

Objectives -

- (i) To promote and maintain academic standard.
- (ii) To promote collaboration of industries of Chhattisgarh with National laboratories.
- (iii) To provide adequate security of services to the college teachers.
- (iv) To promote entrepreneurship.

1. In the statute unless the context otherwise requires:

Definitions -

- a) "**College**" means an educational institution admitted to the privileges of the University.
- b) "**Foundation Society**" means a body of persons, registered or incorporated under any law for registration or Statutory incorporation which founds and maintains an educational institution admitted to or seeking admission to the privileges of the University and where the Governing Body of the Society is superceded under Section 33 of the Chhattisgarh Society Registrickaran Adhiniyam 1973. The person or persons appointed by the State Government to manage the affairs of the Society. In case of educational institution maintained and run by Local Bodies, the Foundation Society shall be the Council of the Local Body and in case the Local Body is superceded the persons who acts for the Body.
- c) "**Governing Body**" means the Governing Body constituted in accordance with the provisions of this Statute.
- d) "**Teachers**" means members of the teaching staff of a college and includes the Principal.
- e) "**President of the Foundation Society**" means a person who is duly elected as its president (by whatever name called) by the Foundation Society and is the executive head there of and where the Society is superceded under Section 33 of the Chhattisgarh Society Registrickaran Adhiniyam 1973 the person or the head of the

body of persons appointed by the state Government to manage the affairs of the society.

- f) **"Donor"** means an individual, association, charitable trust or any other institution other than the Foundation Society giving a donation of not less than five lacs rupees in cash or immovable property for the use of the College.

Provided that if the donation is given by any firm, association, trust or institution, the representative nominated by such donor from time to time shall be deemed to be the donor for the purpose of this Code.

- g) **"Grantee College"** means a College receiving maintenance grant from State Government.
- h) **"Non-Grantee College"** means a College not receiving the regular maintenance grant from the State Government.
- i) **"Private College"** means a College, which is running on self-financed scheme.
- j) **"State Government"** means the Government of Chhattisgarh.

## Part - II

### The Foundation Society

2. The Foundation Society of a college shall be responsible for providing the necessary funds for the maintenance and upkeep of the college up to standard required by the University
3. No employee of the college including an honorary or part time who is paid an honorarium shall be an office bearer or member of the Foundation Society.
4. (1) The Foundation Society of every college shall deposit Endowment Fund as prescribed by the University from time to time with the University in the form of Fixed Deposit Receipts in the joint names of the Registrar and the College for: -
  - (a) the college has faculty only at the undergraduate level
  - (b) every additional faculty at the Under Graduate level including Pharmacy and Architecture
  - (c) the first course at Post Graduate level
  - (d) each additional course at the post graduate level



- (2) In case of a college in existence in the date of coming into force of this statute the foundation society shall deposit with the University in every academic year commencing from the year 2005-06 an amount equal to one fifth of the value of the Endowment Fund necessary till the Endowment Fund as required in clause (i) above is deposited in full.
  - (3) The deposit for creating the Endowment Fund shall not be made from the receipts of the college in the form of fees from students or grants received by the college or from loans from the staff of the college.
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- (1) The income from the Endowment Fund shall be made available to the college for its use.
  - (2) When the salary due to the teachers is not paid for three months, the University may permit the use of the Endowment Fund and require the Foundation Society to deposit back the amount drawn there from.
  - (3) In the event of closure of the college or in the event of college being taken over by the Government the caution money and the salary due to the employees, including teachers, of the college shall be the first charge on the Endowment Fund.
6. The Foundation Society shall carry out all directions of the University and shall maintain and run the college in accordance with the Adhiniyam and the Statutes, Ordinance and Regulations made there under:-

Provided that the Foundation Society of the Grantee college shall maintain and run the College in accordance with the Chhattisgarh Ashasakiya Shikshan sanstha (Adhyapakon tatha Anya Karmachariyon ke Vetan ka Sandaya) Adhiniyam, 1978 and the rules framed thereunder. Provided also that the autonomous college shall function in accordance with the statute of the Adhiniyam formulated for the purpose.

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- (1) If the Executive Council after giving reasonable opportunity to the Foundation Society has failed to meet all or any of its obligations as laid down in the code, it may take any of the following actions :
    - (a) Withdrawal of the right to have its appointees other than the chairman of the Governing Body of the Governing Body of the college;
    - (b) Withdrawal of the powers vested in the Foundation Society by this Statute;
    - (c) Withdrawal of the affiliation of the college.
  - (2) Where any action is taken by the Executive Council under the sub-statute (1) the Foundation Society may appeal to the State Government against the decision of

the Executive Council. The decision of the State Government in the matter shall be final.

8. (1) The Foundation Society shall have the following powers, namely:-

- (a) to appoint the first principal and other members of the teaching staff of the college in accordance with the provisions of this code till the Governing Body is constituted or till the expiry of the period of ninety days from the date on which the college is first admitted to the privileges of the University whichever is earlier.
- (b) to sanction on the recommendation of the Governing Body the opening of a new department of studies or the creation of new teaching posts as involve additional financial obligation, on the Foundation Society, subject to approval of the State Government in case of Non-grantee college and Executive Council in case of Non-grantee colleges.

Provided that where the Foundation Society does not take a decision on the proposal made by the Governing Body within a period of sixty days from the date on which the Governing Body submits its proposal.

The proposal shall be deemed to have approved by the proposal Foundation Society;

- (c) to sanction items of new expenditure exceeding Rs. 10,000/- in the case of non-recurring expenditure and exceeding Rs 50,000/- in the case of recurring expenditure which involve additional financial obligation on the Foundation Society;
- (d) to consider and pass resolutions on the Annual Estimates of Income and Expenditure and the Audit Report of the college and forward them to the Governing Body for its consideration;

Provided that if the Foundation Society does not communicate to the Governing Body its observations on the Annual estimates of Income and Expenditure of the college within sixty days of its submission by the Governing Body it will be presumed that the Foundation Society has no observation to make on the Annual Estimate and the Governing Body may proceed to consider and approve the Annual Estimate with or without reductions;

- (e) to call for information regarding the functioning of the college from the Governing Body and to suggest to the Governing Body measures for the improvement and development of the college;



- (f) to appoint the Auditors of the college from out of a panel of names approved by the Registrar of Firms and Societies;

Provided further that the Foundation Society shall not interfere with the day-to-day administration of the college.

- (2) In case of any difference of opinion between the Foundation Society and the Governing Body any of them may refer the matter to the Executive Council decision of the Executive Council shall be binding.
9. In case the college is maintained and run by an individual the obligations and powers of the Foundation Society shall vest in such individual.

### Part - III

#### Governing Body

10. (1) There shall be a Governing Body for the management of the college. It shall consist of :
- (a) the Chairman of the Governing Body appointed by the Foundation Society from amongst its members or by the individual maintaining the college;
  - (b) two persons appointed by the Foundation Society from amongst its members or by the individual maintaining the college;
  - (c) nominee of the All India Council for Technical Education- Regional Officer (Ex-Officio);
  - (d) an Industrialist/Technologist/Educationist from the region to be nominated by the concerned Regional Committee as nominee of the Council, out of the panel approved by the chairman of the all India Council for Technical Education;
  - (e) an Industrialist/Technologist/Educationist for region nominated by the State Government;
  - ✓ (f) two representatives of the University other than members of the Foundation Society of the college nominated by the Executive Council at least one of whom shall be from amongst the teachers of the University as far as possible working in institutions not located in the same town as the college;

- (g) one representative of the donors of the college to be elected by the donors;
- (h) one nominee of State Government from amongst the senior teachers not below the rank of college professors working within the Jurisdiction of the University (excluding the concerned College);
- (i) one nominee of State Government- Director of Technical Education (Ex-Officio);
- (j) two representatives elected by the teachers of the college who have completed two years of service other than the principal from amongst themselves in such manner as may be prescribed by the college council;

Provided that the restriction regarding two years of service shall not apply for the first three years of the existence of a college;

- (k) the principal of the college-Ex-Officio Member Secretary

Provided that the following shall not be eligible to be a member of the Governing Body under clauses (a) to (i) above: -

- (i) a person who is related to any member of the college;
- (ii) a person having pecuniary interest in the affairs of the college; and
- (iii) an employee of the college.

- (2) The chairman and member of the Governing Body other than Ex-Officio member shall hold office for a period of two years.
- (3) The chairman and members appointed by the foundation society before the supersession of the Governing Body of the Society and their places shall be filled by the appointees of the person/persons appointed by the State Government to manage the office by virtue of which he has become a member.
- (4) An office bearer or member of the Governing Body may resign from the Governing Body through a letter of resignation addressed to the Secretary of the Governing Body and the resignation shall take effect as soon as the letter is received by the Secretary. The Secretary of Governing Body shall take steps to fill all vacancies as they occur.
- (5) When a vacancy occurs in the office of a members other than a ex-officio member, before the expiry of his term, the vacancy shall be filled, as soon as may be, by the election, nomination or appointment as the case may be, of a member who shall hold office so long as the member in whose place he has been elected, nominated or appointed, would have hold it if the vacancy had not occurred.



- (6) Every change in the office-bearers of membership of the Governing Body of a college shall be reported immediately to the University by the Secretary.
- (7) The Governing Body shall meet at least thrice a year. Five members of the Governing Body shall form a quorum.. If the quorum is not present within thirty minutes of the time given in the notice no meeting shall be held. No quorum shall be necessary for an adjourned meeting
- (8) Meeting of the Governing Body shall be convened by the Secretary in consultation with the Chairman. In case the Secretary does not call a meeting when directed by the Chairman to do so, the Chairman may call the meeting
- (9)
  - (a) The Secretary shall give at least ten days notice of an ordinary meeting of the Governing Body.
  - (b) An emergent meeting of the Governing Body can be convened on three clear days notice.
  - (c) On a requisition signed by not less than four members specifying the business to be transacted, a special meeting of the Governing Body shall be convened within twenty days of the receipt of such requisition. At least ten days notice to a special meeting shall be given.
  - (d) The agenda of every meeting shall be sent with the notice to the members. Proposals from any member received by the Secretary before the issue of notice shall be included in the agenda. The agenda of a special meeting shall include only the business indicated in the requisition.
  - (e) No business other than that included in the agenda shall be transacted at a meeting except with the consent of the Chairman and unless permission is given to introduce it by the majority of the members present.
- (10) The Chairman shall, when present, preside at meeting of the Governing Body. In the absence of the Chairman from any meeting the members present shall elect one of the members other than a teacher to preside at the meeting. Except as provided otherwise all acts of the Governing Body and all questions coming or arising at its meeting shall be dealt with and decided by the majority of members present and vote.
- (11) The minutes of every meeting of the Governing Body shall be drawn up by the Secretary and after approval by the Chairman circulated among the members within fifteen days of the meeting.
- (12) It shall be the duty of the representatives of the University on the Governing Body to report to the Kulpati regarding decisions affecting adversely for the smooth

working of the college and violation, of the Statutes, Ordinances, Regulations or instructions of the University.

- (13) No act or proceeding of the Governing Body shall be invalid merely by reason of any vacancy in its membership or any defect of irregularity in the appointment, nomination or election of a member.

- (14) (a) The Governing Body shall be responsible for the general administration of the college including :-

- (i) Management and regulation of the finances, accounts, investments, property and other assets of the college.

Provided that no property of the college shall be disposed of without the approval of the Foundation Society and the Foundation Society, on its part shall not withdraw or dispose of any property or asset used by the college or managed by the Governing Body without the consent of the Governing Body.

- (ii) Adoption with or without modification of the budget submitted by the Principal of the college after considering the observations if any, of the Foundation Society.

- (iii) The institution and abolition of new department of Studies or new teaching and non-teaching posts in the college.

Provided that if the institution or a new department or a new teaching post involves additional financial obligation on the Foundation Society, such power shall be subject to the provisions of Statute 1 of this Statute of the code.

Provided further that no Teaching Department or teaching post shall be abolished without the prior approval of the Executive Council.

- (iv) Appointment, promotion, suspension and punishment of the teachers of the college and any other action affecting their services:

Provided that the Governing Body of "Grantee College" shall take these actions in accordance with the provisions of the Chhattisgarh Ashasakiya Shikshan Sanstha (Adhyapakon tatha Anya karmachariyon ke Vetan ka Sandaya) Adhiniyam, 1978 and the rules framed there under.



Provided further that the services of a teacher of no-grantee college other than the one appointment on the in a leave vacancy or temporarily for a specified period shall not be terminated for any reason whatsoever without the prior approval of the Executive Council.

Provided also that the power of appointment shall be subject of the provision of clause (a) sub-statute (1) of Statute 10 of this Statute.

(v) Maintenance of the college upto the academic standard required by the University and compliance by the college of the Adhiniyam; Statutes, Ordinances, Regulations and directions issued by the University from time to time.

(b) In the matter of the management of the college, the Governing Body shall be the final authority bound by Statutes, Ordinances, Regulations and directions of the University and such rules as are framed by the Governing Body and which are not inconsistent with the Adhiniyam, the Statutes, Ordinances and Regulations of the University.

11. The Governing Body shall submit to the Foundation Society:-

- (a) Not later than the 31<sup>st</sup> July of each year a Statement of Annual Accounts of the college for the immediately preceding financial year together with the audit report by an auditor appointed by the Foundation Society and annual report on the work and progress of the college ending 30<sup>th</sup> June for the immediately preceding academics year.
- (b) Not later than 31<sup>st</sup> September each year the budget estimates of the college for the following financial year.
- (c) Proposals for such items of new expenditure exceeding Rs. 25,000/- (Rupees Twenty Five Thousand) in the case non-recurring and exceeding Rs. 10,000/- (Rupees Ten Thousand) in case of recurring obligation on the Foundation Society.

12. The Governing Body may make rules consistent with the Provisions of the Adhiniyam, Statutes, Ordinances with regard to:

- (a) the procedure to be observed at its meetings.

Provided that decision affecting the service conditions of teachers shall not be taken at a meeting of the Governing Body in which at least one teacher representative and one University representative are not present.

- (b) the management of the college; and

- (c) the manner in which its decisions shall be given effect to.
13. The Governing Body shall exercise all powers not otherwise provided in this Statute and not inconsistent with the provisions of the Adhiniyam, Statutes and Ordinances.
14. The Traveling Allowance and Daily Allowance of nominee of the University or the State Government attending a meeting of the Governing Body or Selection Committee or any other body or committee constituted for the college shall be paid by the college at the rates admissible to a member of the authorities of the University as per the provisions made under this Adhiniyam for the purpose.
15. (1) The Governing Body shall be constituted in accordance with Provisions of this Statute within a period of ninety days from the date of admission of the college to the privileges of the University.
- (2) **The Governing Body in existence on the date immediately preceding the date of enforcement of this Statute shall continue to function till the new Governing Body is constituted in accordance with the provisions of this Statute but such period shall not extend beyond a period of ninety days from the date of enforcement of this Statute.**

Provided that if, for any reason the Governing Body is not constituted in accordance with the provisions of this Statute within the aforesaid period, the Executive Council may extend the period by a further period not exceeding sixty days.

#### Part - IV

##### **The College Council**

16. (1) There shall be for each college a college council consisting of the Principal and all teachers of the college. The Principal and the Vice Principal if any, of the college shall respectively be the ex-officio President and Vice President of the council.
- (2) The Secretary shall be elected by the Council from amongst its members; He shall hold office for one year, but not more than two consecutive terms. He shall convene meetings of the College Council under the directions of the Principal.
- (3) The Council shall meet at least thrice during the academic year. It shall perform the following duties namely: -
- (a) to discuss the progress of studies in the college;



- (b) to bring to the notice of the Governing Body the needs of the students and teachers;
- (c) to make recommendations to the Principal or the Governing Body for improvement of the academic efficiency, effectiveness of the college;
- (d) to advice the Principal on such matters relating to the internal management of the college and discipline of its students as may be referred to it from time to time;
- (e) to advice and assist the Principal in the preparation of the timetable, allocation of teaching work and for the organization of the extra-curricular activities of the college;
- (f) to consider and to bring to the notice of the Governing Body matters affecting the interests, rights and privileges of the teachers cadre.

## Part - V

### The Powers and Duties of the Principal

17. (1) The Principal shall be the Chief Executive Officer and the academic head of the college and he shall participate in the teaching work of the college.
- (2) Subject to the general control of the Governing Body the Principal shall be responsible for :-
  - (a) the administration of the college generally as an institution admitted to the privileges of the University;
  - (b) the management of the college library and hostels;
  - (c) maintenance of the accounts, receipts and expenditure of the college;
  - (d) correspondence of the college and custody of the records of the college;
  - (e) administration of the amalgamated fund;
  - (f) execution of the decision of the Governing Body;
  - (g) quality of teaching and learning process and standard of education provided by the college.
- (3) The Principal shall have the following powers namely :-
  - (a) to admit students to the college; as per Government. directions and as per provision of the concerned ordinances.
  - (b) to assign duties in respect of teaching, administrative work and extra-curricular activities to the teaching and other staff of the college and see to the proper performance thereof;

- (c) to appoint, promote, grant leave, suspend and take disciplinary action against the class III and class IV employees of the college;
- (d) to maintain discipline in the college.

Provided that disciplinary action taken by the Principal against any student shall be final and shall not be liable to be revised by any other authority except where such revision is permitted by the Statutes and Ordinances of the University;

Provided further that in the case of restriction of student from the college, the college council may review the decision of the Principal;

- (e) to exercise all such other powers as may be conferred on him by the Statutes, Ordinances and Regulations.

## Part VI

### Teachers of the College

18. (1) No appointment to any teaching post in the college, including the post of the Principal but excluding part-time appointments, temporary appointments which are not to continue for more than six months and appointments to posts which are to be filled by promotion, shall be made except.
  - (a) \*after duly and widely advertising the post together with the minimum qualifications as prescribed by the *All India Council for Technical Education (AICTE) OR Pharmacy Council of India (PCI) OR Council of Architecture (CoA) OR University Grants Commission (UGC) (i.e. AICTE for Engineering & Technology, MBA, MCA Institutions, PCI for Pharmacy Institutions, CoA for Architecture disciplines & Institutions and UGC for teachers of Science & Humanities discipline)*, therefore and the emoluments of the post and allowing the reasonable time within which the applicants may in response to the advertisements, submit their applications;
  - (b) on the recommendation of the Selection committee constituted in accordance with the provisions of paragraph 19 below for the "Non - grantee colleges" and the Rules framed under Chhattisgarh Ashasakiya Shikshan Sanstha (Adhyapakon tatha Karmachariyon ke vetano ka sandya) Adhiniyam 1978 for "Grantee Colleges".



19. (1) The Selection Committee for the appointment of the Principal shall consist of -
- (i) Kulpati of the University or his nominee Chairman.
  - (ii) One representative of the Governing Body nominated by it from amongst its members other than the teachers' representatives.
  - (iii) One of the Deans of Faculties, which comprise subjects taught/proposed to be taught in the Colleges, nominated by the Kulpati.
  - (iv) One person nominated by the Executive Council

Provided that in case of the appointment of the First Principal by the Foundation Society instead of the Chairman of the Governing Body the President of the Foundation Society shall be the Chairman of the Selection Committee and one representative of the Foundation Society nominated by it from amongst its members shall be a member of the selection committee instead of the representative of the Governing Body.

- (2) The Selection Committee for the appointment of a teachers of the college, other than the Principal shall consist of
- (a) Kulpati of the University or his nominee Chairman.
  - (b) The President of the Foundations Society or the Chairman of the Governing Body is the appointing authority.
  - (c) One representative of the appointing authority the foundation Society or the Government Body, as the case may be, nominated by it from amongst in members other than the Teachers representatives.
  - (d) Two experts in the subject concerned nominated by the Kulpati
  - (e) The Principal of the College-Member Secretary.
- (3) The quorum for the meeting of the selection committees shall be-
- (i) All the members in the case of the selection for the post of Principal.
  - (ii) Chairman and three members in the case of the selection to the post of a teacher other than the Principal.
- (4) The Selection Committee shall interview, adjudge the merits of each candidate in accordance with the qualifications advertised and report to the appointing authority the names arranged in order of merit, of the person or persons, if any, whom it recommends for appointment to the post advertised.

Provided that in case of an appointment of a teacher other than the Principal no recommendation made by a Selection Committee shall be considered to be valid unless at least one of the experts in the subject in the meeting of the Selection Committee in which the recommendation is decided upon.

20. (1) No person shall be appointed to a full time and salaried teaching post in the college except on the recommendation of the Selection Committee of Selection constituted in accordance with the provisions of this Statute.

Provided that if the appointment to a teaching post is not expected to be continue for more than six months and can not be delayed to in the interests of the

institution, the Governing Body may make such appointment without obtaining the recommendation of the Selection Committee but the person so appointed shall not be retained on the same post for a period exceeding six months or appointed to another post in the service of the college except on the recommendation of the Selection committee.

- (2) Appointments to part-time teaching posts may be made by the Foundation Society or the Governing Body as the case may be on the recommendation of the Principals from amongst persons who possess the minimum qualifications prescribed for a lecturer.
- 21. The appointment of every teacher made prior to the coming into force of this Statute in accordance with the Statutes and Ordinances in force at the time the appointment was made shall be deemed to be validly made.
- 22. (1) (i) The Principal and the other members of the teaching staff except those appointed in leave vacancies on part-time basis or on temporary basis shall be appointed initially on probation for one year. The period of probation shall not be extended by more than one year so that the total period of probation does not exceed two years;  
  
(ii) Where an appointment is made on temporary basis, whether in a leave vacancy or otherwise the reasons for such temporary appointment shall be communicated by the Principal to the university.
- (2) The work of the probationer is found to be unsatisfactory and he is not informed for the same by the Governing Body at least one month before the expiry of the probation period, the probationer shall be deemed to have been confirmed in his appointment on the expiry of the period of probation.
- (3) (i) Every teacher other than the teacher appointed on part-time or temporary basis shall be appointed on a written contract in the form prescribed in the Appendix. A copy of the contract shall be given to the teacher and a copy shall be lodged with the University;  
  
(ii) It shall be the duty of the Governing Body to get such contract executed within a period of one month from the date on which the appointee joins the post.

Provided that the Governing Body shall get the contract executed: -



- (a) Within a period of one month from the date on which the Governing Body starts functioning in case of appointments made by the Foundation Society.
  - (b) Within a period of two months from the date on which this Statute comes into force in the case of all appointments made prior to such date.
  - (iii) In case of any conflict between the contract in the form prescribed in the appendix and any other contract between a teacher and the college or its Governing Body, the terms and conditions laid down in the contracts as in the Appendix shall be deemed to apply.
23. The posts of Professors shall ordinarily be filled by promotion from amongst the qualified teachers in the college on the basis of seniority-cum-merit.
- Provided that when no teacher of the college in the immediately lower cadre from which promotion is to be made possesses the requisite qualification, the post of Assistant Professor or Professor may be filled by direct recruitment on the recommendation of the Selection Committee.
24. (1) The scales of pay for different categories of teachers in the college including the Principal shall be such as are prescribed from time to time for the State Government colleges or as prescribed by All India Council for Technical Education as the case may be.
- (2) A part-time teacher shall be paid honorarium at the rates prescribed by the State Government from time to time.
- (3) Salary of every teacher shall be paid by a cheque drawn in his favour latest by the 5<sup>th</sup> of the month following the month to which the salary relates.
- (4) The Governing Body or the Foundation Society shall not require or accept any donation or loan from the employees including the teachers of the colleges.
- (5) Every teacher other than the part-time teacher shall be entitled to annual increment in the prescribed pay scale on the due date as a matter of course unless it is withheld after due enquiry.
25. if there no break of service during the period preceding the substantive appointment the period of service of a teacher of the college for any purpose, shall be counted from the date of his the first appointment, Short breaks of service not exceeding 7 days may be Condoned.

26. A temporary teacher who has been in the service of a college for a full academic year, shall be entitled to full pay for the ensuing vacation. If such teacher is in the service of a teacher for less than a full academic year but for more than three months he shall be entitled to salary for the ensuing vacation in the same proportion as the period of this service bears to the total period in the academic year.
- Provided that such teacher shall not be entitled to any pay for the summer vacation where such teacher is officiating in place of another teacher on leave entitled to draw pay for the said vacation.
27. (1) Every teacher including the Principal shall at all times maintain absolute integrity and devotion to duty and shall do nothing which is unbecoming of a teacher.
- (2) No member of the teaching staff except a part-time teacher of a college shall apply for any post under any other authority except through the Principal and in the case of the Principal through the Chairman of the Governing Body.
- (3) A teacher other than a part-time teacher shall be a whole time employee of the college and shall not without the previous approval of the Governing Body, engage himself in private tuition or in any trade or business or take up any occupation or work other than as an examiner or author of books which is likely to interfere with the duties of this appointment.
- (4) No teacher shall except with the prior written sanction of the Governing Body participate in the editing or management of any newspaper other than learned journals.
- (5) (i) A teacher shall obey all lawful directions of the Principal and the Governing Body of the college. He shall in addition to the ordinary duties as a teacher perform such other duties as may be entrusted to him by the Principal in connection with the co-curricular and extra-curricular activities in the college or duties in connection with examinations, administration and the keeping of discipline in the college.
- (ii) Teacher shall be required to take teaching periods as per rules of All India Council for Technical Education.
- (6) (i) No teacher shall act in a manner prejudicial to the interests of the college or associate himself with any activity, which in the opinion of the Governing Body might affect adversely the interests of the college.



- (ii) No teacher shall be a member of or be otherwise associated with any political party or any organization which takes part in politics nor shall he take part in aid for assist in any other manner any political movement or activity nor shall canvass or otherwise interfere in or use his influence in connection with or take part in any election to Legislative Assembly or local authority.

Provided that: -

- (1) an employee qualified to vote at such election may exercise his right to vote but where he does so, he shall not give any indication of the manner in which he proposes to vote or has voted;
  - (2) the employee shall not be deemed to have contravened the provisions to this Sub-Statute by reason only that he assist in the conduct of an election in the due performance of duty imposed on him by or under any law for the time being in force.
  - (7) teachers shall be governed by the rules of conduct if any framed by the Governing Body in conformity with the Adhiniyam, the Statutes, Ordinances and Regulations of the University.
  - (8) infringement of the provisions of the college code shall be regarded as subversive of good discipline and would amount to misconduct and justify the initiation of disciplinary action against such teacher.
28. A permanent teacher shall be entitled to be in the service of the college until he completes the age of sixty-two years or as decided by the State Government. from time to time. No extension after the retirement age shall be granted.

Provided that where the date of retirement of a teacher falls due during the course of the academic session the Governing Body shall allow the teacher to continue till the end of the academic year.

29. A teacher in temporary service cannot discontinue his service in the college without giving one month's notice or one month's salary in lieu thereof. The Governing Body shall similarly give by calendar one month's notice or one month's salary in lieu thereof to a temporary employee when terminating his service.

Provided that no notice shall be necessary where the service of a temporary teacher is discontinued or terminated at the end of the fixed term for which he is appointed.

30. The service of a teacher who is appointed on probation can be terminated during or at the end of the period of probation if his work is not found satisfactory by giving one month notices to the teacher or one month's salary in lieu of the notice. Such notice shall not include the summer vacation or any part thereof and the teacher if he has been in service for more than three months during the academic session shall be entitled to salary for the ensuing summer vacation in the same proportion as the period of service bears to the total period in the academic session. The teacher may, likewise terminate his appointment before the expiry of the period of probation by giving one month's notice in writing to the Governing Body or paying a sum equal to one month's salary in lieu of the notice.

31. (1) The service of a teacher other than person appointed on temporary or part-time basis or on probation shall not be terminated after confirmation except on the following grounds and without the approval of the Executive Council.

- (i) Misconduct including willful neglect of duty.
- (ii) A Breach of the terms of the contract.
- (iii) Physical or mental unfitness.
- (iv) Incompetence provided that the plea of incompetence shall not be used against a teacher after two years of his confirmation.
- (v) Abolition of the post with the prior approval of the Executive Council.

Provided that termination of service on any ground falling under (i) or (iv) above shall not be ordered without holding an inquiry in which the teacher is given a statement of charges against him and is afforded reasonable opportunity to defend himself.

Provided also that action to terminate the service of a teacher on the ground of physical or mental unfitness shall not be taken except on the basis of a report of Medical Board of the State Government.

(2) Except where the services of a teacher are terminated on the ground of misconduct including neglect of duty or breach of the terms of the contract neither the Governing Body nor the teacher shall terminate the agreement except by giving to the other party three calendar month's notice or by paying to the other party a sum equal to thrice the monthly salary which the teacher concerned is then earning. The period of notice shall not include the summer vacation or any part thereof.

**\* Amendment approved w.e.f. 27/09/2011**



## Part VII

### Suspension, Penalties and Disciplinary Authority

32. (1) The appointing authority may by an order place an employee, including a teacher, of the college, under suspension :-
- (a) Where a disciplinary proceeding against him is contemplated or is pending;  
or
  - (b) Where a case against him in respect of any criminal offence involving moral turpitude is under investigation, inquiry or trial.

N.B. : In case of teachers the Governing Body and in case of other employees the Principal shall be deemed to be the appointing authority.

- (2) An employees of the college shall be deemed to have been placed under suspension by an order of the appointing authority.
- (a) with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise for a period exceeding forty-eight hours;
  - (b) with effect from the date of his conviction, if in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forth with dismissed or removed or compulsorily retired consequent to such conviction.
- (3) An order of suspension made or deemed to have been made shall continue to remain in force until it is modified or revoked by the appointing authority, but in cases other than criminal proceedings it shall not operate for more than six months.
- (4) During the period of suspension, the employee shall be paid subsistence allowance equal to fifty percent of the emoluments last drawn by him.
- (5) If the employee is exonerated from the charge or charges are subsequently withdrawn he shall be reinstated in his post and shall be paid full salary for the period of his suspension after deduction the subsistence allowance already paid to him.

33. (1) The appointing authority may, for good and sufficient reasons, impose on

an employee of the College (including a teacher) the following penalties:

- (a) Censure;
- (b) Recovery from his pay of the whole or part of any pecuniary loss caused by him to the college by negligence or breach of orders;
- (c) With-holding of increments of pay.
- (d) Reduction to lower time scale of pay, grade or post;
- (e) Compulsory retirement;
- (f) Removal from service;
- (g) Dismissal from service which shall ordinarily be a disqualification for future employment in the College.

Besides the above, the penalty of fine not exceeding Rupees Five may be imposed on a Class IV employee of the college for petty carelessness, unpunctuality, idleness or similar misconduct of a minor nature.

- (2) The appointing authority may institute disciplinary proceedings against an employee of the college.
- (3) No order imposing any of the penalties specified in sub-paragraph (1) above than fine shall be made except in accordance with the procedure for imposing penalties on Government servant prescribed by the Madhya Pradesh Government and in force at the time the appointing authority orders an inquiry against the college employee concerned.

Provided that no proposal to reduce in rank or pay a teacher confirmed in the Service of the College or to remove or dismiss him from Service or to retire him compulsorily shall be deemed to have been passed by the Governing Body unless it is supported by a majority of two-thirds of the members present at the meeting of the Governing Body in which it comes up for consideration and where a decision is duly taken it shall not be given effect to unless it is approved by the Executive Council.

- (4) Following lapses would constitute misconduct on the part of teacher of the College, including the Principal:



- (i) Failure to perform his academic duties such as lecturers, demonstrations, assessment, guidance, invigilation etc.
- (ii) Gross partiality in assessment of students, deliberately over-marking/under-marking of attempts at victimization on any grounds.
- (iii) Inciting students against other students, colleagues or administration. This does not interfere with the right of a teacher to express his difference on principles in seminars or other places where students are present.
- (iv) Raising questions of caste, creed, religion, race or sex in his relationships with the colleagues and trying to use the above considerations for improvement of his prospects.
- (v) Refusal to carry out the decision by the appropriate officers/bodies of the University and/or the Governing Body/Principal of the College. This will not inhibit his right to express his differences with their policies or decision.

34. (1) Where any penalty is imposed on an employee of the college by Principal, the employee concerned may prefer an appeal to the governing Body of the college within thirty days from the date on which a copy of the order appealed against is delivered to the appellant.
- (2) Where an penalty other than reduction in rank or pay or removal or dismissal or compulsory retirement from service is imposed on a teacher, he may prefer an appeal to the Executive Council within thirty days from the date on which a copy of the order appealed against is delivered to the appellant.
- (3) (i) An appeal against an order of the Governing Body imposing on a teacher the penalty of reduction in rank or pay or removal or dismissal or compulsory retirement from service shall lie to a Tribunal consisting of:
- (a) A nominee of the Kulpati, other than a member of the Executive Council who will act as the Chairman.
  - (b) The aggrieved teacher's nominee to be named by the appellant in his appeal, and
  - (c) A nominee of the Governing Body.

Provided that in case a person in clause (c) above is not nominated by the body concerned within three months, the Kulpati shall have the powers to appoint on behalf of the body concerned, a nominee not connected with the University in any manner.

Provided further that an appeal under this sub-Statute shall be submitted to the Kulapati not later than forty-five days from the date on which a copy of the order appealed against is delivered to the appellant.

- (4) The appeal shall except where provided otherwise, be presented to the authority to whom the appeal lies. A copy of appeal shall be forwarded by the appellant to the authority, which made the order appealed against. It shall contain all material statements and arguments on which the appellant relies and shall not contain any disrespectful or improper language and shall be complete in itself.
- (5) The authority which made the order against which the appeal is preferred shall on receipt of a copy of the appeal, forward the same with its comments thereon together with the relevant records to the appellate authority without any avoidable delay and without waiting for any direction from the appellate authority.
- (6)
  - (i) The appellate authority may confirm, enhance, reduce or set aside the penalty or remit the case to the authority which imposed the penalty with such directions as it may deem fit in the circumstances of the case.
  - (ii) The authority which made the order against which the appeal is preferred shall give effect to the orders passed by the appellate authority.

## Part VIII

### Provident Fund and Leave

35.
  - (1) The Governing Body shall maintain a Provident Fund for the benefit of its employees.
  - (2) Every whole time teacher and employee of the college other than the person whose Services have been lent to the college by Government or another Institution, permanently appointed to a substantive post shall, become a depositor of the provident fund and family benefit scheme of Life Insurance Corporation of India Limited in the college.

Note: A teacher/employee of the college who has held a temporary/probationary appointment followed immediately without break of service by a permanent appointment to a substantive post shall in respect of such temporary/probationary appointment be deemed to have held a permanent appointment for the purpose of the Provident Fund rule, provided that the subscription to the fund shall be optional for the teachers/employee for the period of his temporary/probationary appointment.



- (3) The provisions of rules regarding Pension, General Provident Fund and Gratuity on being approved by the State Government shall become applicable to Grantee and Non-Grantee Colleges.
- (4) The contribution of each depositor to the fund shall be twelve percent of the salary of the depositor, such contribution shall be deducted monthly from the salary of the depositor and the amount so deducted together with an equal amount to be contributed by the college shall be deposited in the Saving Bank of any Post Office or Scheduled Commercial Bank in a separate Provident Fund Account in the joint name of the teacher/employee and the Principal of the college.

Provided that in the case of the account of the Principal, it shall be in the joint name of the Principal and the Chairman of the governing body;

Provided further that the depositor may raise, at his option, his contribution to the Provident Fund to any amount not exceeding fifteen percent of his monthly salary. Even when the contribution is so raised, the contribution of the college shall be twelve percent of the salary of the depositor.

- (5) (i) An employee on leave on full average pay shall continue to subscribe to the Provident Fund and premium of Family Benefit Scheme, during the period of such leave.
- (ii) A teacher/employee under suspension shall not contribute to, the Provident Fund during the period of suspension nor shall the contribution of college be due in this case. The premium of Family Benefit Scheme of such suspended employee shall be deposited to Life Insurance Corporation of India Limited from the suspension allowance.
- (6) (i) The Governing Body may, under such conditions as may be laid down by it permit the payment of premium of life assurance policy or policies on the life of the depositor or family benefit scheme, out of his personal contribution to the Provident fund. The amount to be deposited in the Saving Bank Account of the depositor shall be reduced to the extent of such premium. In all such cases, the life Insurance Policy for which the premium is so paid shall be assigned in favour of the college.
- (ii) On retirement of the depositor from the service of the college policy shall be reassigned to him by the college. In case of maturity of the policy during the service of the depositor in the college, the full amount of the policy shall be credited to the Provident fund account of the depositor. In the event of the death of the depositor during his service in the college the full amount of the policy shall be paid to the legal successor of the deceased to the Provident Fund.

- (7) When a depositor's service in the college comes to an end by his retirement, Resignation or otherwise he shall be entitled to receive the entire amount standing to his credit in the Provident fund and family benefit scheme.

Provided further that a depositor whose service have been dispensed with on gross misconduct the Governing Body or who has been in the service of the college for a continuous period of less than two years from the date from which he was allowed to subscribe to the provident fund shall not be entitled to any part of the contribution made by the college or to the interest accrued thereon.

Provided also that in the event of the death of depositor during his service in the college, the entire amount standing to his credit shall be paid to the legal successor of the deceased.

*Note:* The provisions of the first proviso shall not be invoked in the case of an employee, who is prevented from rendering the minimum two years service by reason of death, disability which in the opinion of the Governing Body prevents him from rendering further service or any scheme of retrenchment affecting such employee.

- (7) The Governing Body shall frame rules for temporary advances from the Provident Fund, which shall, interlaid include the following as the legitimate objects for such advance;

- (i) To meet expenses in connection with the prolonged illness of the subscriber or any person actually dependent on him;
- (ii) To pay for overseas passage for reason of health or education of the subscriber or any person actually dependent on him;
- (iii) For meeting obligatory expenses, on a scale appropriate to the applicant's status, in connection with marriages, funerals and religious ceremonies;
- (iv) To purchase land or building for his residence or for the construction of a residential house.

36. (1) The employees including the teachers of the college shall be entitled to leave in accordance with the leave rules of the Government of Chhattisgarh in force and as applicable to Government Servants in vacation and non-vacation departments. All posts of teachers other than the Principal shall be vacation posts.

- (1) In case of teachers leave other than casual leave shall be sanctioned by the Governing Body. Casual leave in case of the Principal shall be sanctioned by the Chairman of the Governing Body and in case of other teachers by the Principal.



## Part IX

### Miscellaneous

39. (1) The College shall have its own Fund and all receipts of the college such as fees, donations, grants, interest on investments and Endowment Fund and borrowing shall be carried to the fund.
- (2) All moneys belonging to the Fund shall be deposited in such Bank or Invested in such manner as the Governing Body may decide.
- (3) All expenditure, as may be sanctioned by the Governing Body, for the Purpose of the College, shall be met from the Fund.
- (4) The fund of the college shall not be used for meeting any expenditure or giving any loan to the Foundation Society or any other Institution run by the Foundation Society.
40. (1) In addition to such registers and records as the Governing Body may require to be maintained, every college shall maintain such registers and records as may be prescribed by the Executive Council.
- (2) Accounts, registers, proceedings of meetings and other records of the College shall be open to inspection, on all working days during office hours, by members of the Governing Body and persons appointed by the Executive Council to conduct any inspection.
41. No person connected with the management of the college and no Principal or, other teacher or other employee thereof shall directly or indirectly take or receive or cause to be taken or received any contribution, donation, fees or any payment of any sort either in cash or in kind, other than or in excess of the fees prescribed by the University, from or on behalf of any pupil as a condition for granting him admission to the college or pursuing a course of study therein and all such amounts paid by the students shall from part of the receipts of the college.
42. Any dispute arising out of the contract of service between the Governing Body of the College and any of its teachers shall at the request of the teacher or the Governing Body be referred by the Kulpati to a tribunal consisting of one nominee of the Kulpati other than a member of the Executive Council who shall be the Chairman and one nominee each of the teacher and the Governing Body and the decision of the tribunal shall be final.

43. Notwithstanding any thing contained the provisions of this Statute a Non-government College of Engineering/Technology or a Regional College of Engineering may be administered by the Executive Body of the institution by whatever name called constituted in accordance with the bye-laws/regulations of the institution.

Provided that: -

- (i) The executive body of the institution shall have amongst its members at least two representative elected from amongst themselves by the teacher of the institution, other than the Principal who have completed at least two years of service in the institution.
- (ii) All the appointments to teaching posts in the institution, not lower that of a teacher and other than those which use to be filled by promotions shall be made on the recommendation of selection committee which shall have amongst its members at least two expert in the subject concerned nominated by the Kulpati.
- (iii) The provisions of "Part VII-Suspension, Penalties and disciplinary authority" of this statute shall apply in case of both the teaching and non-teaching staff of the institutions.



APPENDIX  
Form of Agreement of Service for Teachers

An Agreement made this \_\_\_\_\_ day of \_\_\_\_\_ between Shri \_\_\_\_\_ (hereinafter called the teacher) of the first part and the Governing Body of the \_\_\_\_\_ College (hereinafter called the Governing Body), acting through its Chairman/Secretary of the second part.

**Whereas the Governing Body has appointed Shri \_\_\_\_\_ as a member of the Teaching Staff of the \_\_\_\_\_ College upon the terms and conditions hereinafter set out and as provided in the College Code Statute. Now this agreement witnesses that party of the first part and the Governing Body hereby contract and agree as follows:-**

1. That this agreement shall begin from the \_\_\_\_\_ day of \_\_\_\_\_ and shall be determinable as hereinafter provided.
2. That the party of the first part is employed on probation for a period of one year and shall be paid a monthly salary of Rs. \_\_\_\_\_ in the pay scale of Rs. \_\_\_\_\_. The period of probation may be extended by such further period as the party of second part may deem fit, but the total period of probation shall, in no case, exceed two years. The teacher shall be deemed to have been confirmed in his appointment unless not later than one month before the expiration thereof the Governing Body informs him in writing of its intention not to continue him.
3. That on confirmation the Governing Body shall pay to the teacher during the continuance of this engagement salary in the pay scale of Rs. \_\_\_\_\_ and no increment shall be withhold without the approval of the Governing Body.
4. That the teacher shall during the continuance of his engagement be entitled to the benefit of the Provident Fund maintained by the Governing Body in accordance with the provisions laid down in the College code.
5. That the date of birth of the party of the first part is \_\_\_\_\_ and the age of Superannuation will be sixty two years, the actual date of retiring shall be the last day of the academic year in which he attains the age of sixty two years.
6. That the Teacher shall be entitled to leave in accordance with the provisions of the College Code.

7. That the teacher shall devote his whole time to the service of the College and shall not, without the permission of the Governing Body, engage directly or indirectly in private tuition or any trade or business or other remunerative work which may interfere with the proper discharge of his duties, but this prohibition shall not apply to such benefits as accrue to him as an Examiner or Author of Books or due to his academic achievements.
8. That the party of the first part shall, in addition to the ordinary duties perform such other duties as assigned to him by the Principal of the college in connection with the social, intellectual or athletic activities of the college or examination or administration or the keeping of discipline in the college.
9. That after the confirmation, the services of the party of the first part can be terminated only on the following grounds:-
  - (a) Misconduct including willful neglect of duty;
  - (b) Breach of any of the terms of contract;
  - (c) Physical or mental unfitness;
  - (d) Incompetence
  - (e) Abolition of post.

**Provided that**

- (i) The plea of incompetence shall not be used against the party of the first part after he has served at the party of the second part for two years or more after his confirmation.
  - (ii) The services of the party of the first part shall not be terminated under sub-clause (c) without obtaining a certificate to that effect from a Medical Board to be appointed by the Governing Body.
  - (iii) the services of the party of the first part shall not be terminated on any account without the previous approval of the Executive Council.
10. Except when termination of service has taken place under sub clause (a) or (b) of Statute 9 above neither the party of the first part nor the party of the second part shall terminate this Agreement, except by giving to the other party three month's notice in writing or by paying to the other party a sum equal to three months salary, which the party of the first part is then earning. The period of notice referred to above does not include the summer vacation or any part thereof.
  11. Nothing in this agreement shall affect the right of the party of the first part to apply for referring any difference or dispute arising out of this agreement to the Tribunal constituted under Statute 42 of the College Code.