Memo No. 07/Pradhi-4/2016..... Patna, Dated..................

Preamble:- In exercise of the powers conferred under Article 162 and 243, Section-47 read with Section-146 of Bihar Panchayat Raj Act, 2006 Section-46, 47 read with Section-419 of Bihar Municipal Act, 2007, Section-38 of Right of Children to Free and Compulsory Education Act, 2009 and Section-14 of the Bihar Private Schools (Fee Regulation) Act, 2019, the Governor of Bihar has framed the following Rules:-

Part-1

1. Short title, extent & commencement:-
   (i) These Rules may be called “The Bihar State Teaching Institutions Teachers and Employees (Disputes Redressal and Appeal) Rules, 2020.
   (ii) It shall extend to the whole of the State of Bihar.
   (iii) It shall come into force from the date of its Notification.

2. Definitions:- In these Rules, unless there is anything repugnant to the subject or context:-
   (i) “Government” means, Govt. of Bihar.
   (ii) “Department” means, Education Department.
   (iii) “Appellate Authority” means, District Appellate Authority constituted at the District level and State Appellate Authority constituted at the State level, under the provisions of these Rules.
   (iv) “Presiding Officer” means, Presiding Officer of District Appellate Authority.
   (v) “Chairman” means, Chairman of State Appellate Authority.
   (vi) “Elementary School” means, such Govt./Nationalised Primary and Middle School (Including aided by the State Govt. and aided Minority Schools) in which education is being imparted upto 5th or 8th standard.
(vii) "Secondary School" means, Govt./Nationalised Secondary School/ Project Secondary School in which education is being imparted upto standard 10th.

(viii) "Senior Secondary School" means, Govt./Nationalised/Project Senior Secondary School/ Upgraded Senior Secondary School in which education is being imparted upto standard 12th.

(ix) "Aided/Permission for establishment/Recognised Secondary and Senior Secondary School" means, such Schools which is aided by the Govt. and being governed by any Managing Committee/ Governing Body/Trust/Municipal body/Ad hoc Committee.

(x) "Aided Degree College" means, such Degree Colleges being affiliated by concerned University under the provisions of Section 04 (19) and 21 (2) (d) of Bihar State University Act, 1976 (Amended from time to time) after obtaining prior permission of the State Govt.

(xi) "Private School" means, the School, established and administered or maintained by a person or body of persons, imparting pre-primary, primary, middle, Secondary and Senior Secondary Education, i.e. conducting classes from Nursery to Class XII or a part there of, affiliated to a Board recognized by the Government. But, it does not include, an aided school or a school established and administered or maintained by the Central Government, State Government or any other local authority.

(xii) "Teacher" means:-
A. Teachers working under Panchayati Raj Institutions and Urban body Institutions in Govt./Nationalised Primary and Middle School, Secondary School, Senior Secondary Schools as per rules notified by the Govt. of Bihar from time to time.

B. The teachers working under the Managing Committee of 108 Elementary Schools aided by the State Govt. (Including Minority Schools) in which education is being imparted up to standard 5th or 8th.
C. Teachers working under the Managing Committee/Trust in Aided, permission for establishment, recognised Secondary and Senior Secondary Schools.

D. Teachers of Private Schools.

(xiii) "Headmaster" means:-

A. Headmaster, who would work under Panchayati Raj Institutions and Urban body Institutions in Govt./Nationalised Primary and Middle School, Secondary School, Senior Secondary Schools as per rules notified by the Govt. of Bihar from time to time.

B. The Headmaster working under the Managing Committee of 108 Elementary Schools aided by the State Govt. (Including Minority Schools) in which education is being imparted upto standard 5th or 8th.

C. Headmaster working under the Managing Committee/Trust in Aided, permission for establishment, recognised Secondary and Senior Secondary Schools.

D. Headmaster of Private Schools.

(xiv) "Adhyapak" means, Principal of concerned Colleges, Vice-Principal and Assistant Principal.

(xv) "Principal" means, Principal who are duly appointed or promoted under the provisions of Bihar State University Act, 1976 (Amended from time to time), Regulations, Guidelines or relevant Bye-laws, in affiliated aided college.

(xvi) "Vice Principal" means, Vice Principal who are duly appointed or promoted under the provisions of Bihar State University Act, 1976 (Amended from time to time), Regulation, Guidelines or relevant Bye-laws, in affiliated aided college.

(xvii) "Assistant Principal" means, Assistant Principal who are duly appointed or promoted under the provisions of Bihar State University Act, 1976 (Amended from time to time), Regulation, Guidelines or relevant Bye-laws, in affiliated aided college, by the Managing Committee/Trust/Governing Body.
(xviii) "Non Teaching employee" means:-

A. Employees (Including Librarian), who are not indulged in teaching activities, working under Panchayati Raj Institutions and Urban body Institutions in Govt./Nationalised/ Project Secondary School, Senior Secondary Schools as per rules notified by the Govt. of Bihar from time to time.

B. Employee working under the Managing Committee of 108 Elementary Schools aided by the State Govt. (Including Minority Schools) in which education is being imparted up to standard 5th or 8th who are not indulged in teaching activities.

C. Employee working under the Managing Committee/Trust in Aided, permission for establishment, recognised Secondary and Senior Secondary Schools, who are not indulged in teaching activities.

D. Employee of Private Schools, who are not indulged in teaching activities.

E. Employee working under duly constituted Managing Committee/ Governing body/Trust of concerned aided College under the Regulation/Guidelines/ Bye-law of Bihar State University Act, 1976 (Amended from time to time), who are not indulged in teaching activities.

(xix) "Managing Committee" means, Managing Committee of the Colleges being duly constituted by the concerned University, legally constituted Managing Committee of Senior Secondary/Inter College/Secondary School, Governing body or Ad-hoc Committee duly constituted by the Bihar School Examination Board/ duly constituted Managing Committee of aided 108 Elementary Schools (Including Minority Schools) in which education is being imparted up to standard 5th or 8th/ Managing Committee of private School being legally constituted for conducting the general affairs of concerned institutions.
“Fee Regulation Committee” means, Divisional level Committee constituted under Bihar Private Schools (Fee Regulation) Act, 2019.

“Bihar School Examination Board” means, Bihar School Examination Board established by the State Govt.

“University” means, University established under Bihar State University Act, 1976.

“Regulation” means, Regulation framed under the prescribed procedure of these Rules.

Part-2

3. Constitution of Appellate Authority:-

(i) The State Govt. shall constitute District Appellate Authority at the District level who shall perform the powers and functions, conferred under these Rules. There will be two members who shall act as Presiding Officer.

(ii) The State Govt. shall constitute State Appellate Authority at the State level, having two chairman to hear appeal against the decisions/orders passed by the District Appellate Authority and Divisional Level Fee Regulation Committee.

(iii) The scope and distribution of work between the Presiding Officers / Chairman of the Appellate Authority shall be determined by the department, from time to time.

4. Structure of Appellate Authority:-

(i) There shall be two Presiding Officers in the District Appellate Authority. One Presiding Officer shall be retired officer of Bihar Judicial Service whereas the other Presiding Officer shall be retired officer of Bihar Education Service or Bihar Administrative Service.

(ii) Notwithstanding anything contained in sub-section (i), the State Govt, may authorise the Presiding Officer of any District Appellate Authority to discharge the function of Presiding Officer of other District Appellate Authority.

(iii) There shall be two separate Chairman in State Appellate Authority. One of the Chairman shall be the retired Justice of Hon’ble High Court.
whereas the another Chairman shall be retired officer of Indian Administrative service in the rank, not below than Principal Secretary. The State Govt, may authorise any Chairman to discharge the duty of another Chairman.

5. **Qualification for nomination/appointment as Presiding Officer/Chairman:**
   
   (i) A person shall not be qualified for nomination/appointment to the post of Presiding Officer of the District Appellate Authority unless:
   
   a. He has held the post of District Judge or Additional District Judge, or
   
   b. He has remained in the pay scale of level- 13 of Bihar Education Service or Bihar Administrative Service.

   (ii) A person shall not be qualified for nomination/appointment as Chairman of State Appellate Authority unless:

   a. He has worked as a Justice of Hon’ble High Court, or

   b. He has worked not below the rank of Principal Secretary for not less than two years in the cadre of Indian Administrative Service.

6. **Tenure of Presiding Officer/Chairman:**

   The Presiding Officer of the District Appellate Authority shall hold his post for 5 years from the date of joining or attaining 70 years of age, whichever is earlier. Likewise, the Chairman of the State Appellate Authority shall hold the post for 5 years from the date of joining or attaining 70 years of age whichever is earlier.

7. **Appointment of Presiding Officer/Chairman of the Authority:**

   (i) The Presiding Officer of the District Appellate Authority shall be appointed on the recommendation of the Screening Committee headed by the Secretary/Principal Secretary/Additional Chief Secretary of the Education Department after obtaining approval of Departmental Minister.

   (ii) The Appointment of the Chairman of State Appellate Authority shall be made on the recommendation of the Department after obtaining approval of the Chief Minister.
8. **Resignation and removal from the post:-**

(i) The Presiding Officer of the District Appellate Authority may resign his post by giving self written intimation to the State Govt. But the State Govt. shall not grant permission to the Presiding Officer of the District Appellate Authority to renounce his post before expiry of three months from the date of receipt of such intimation or till the duly appointed person assumes the charge as his successor or till his tenure does not expire, whichever is earlier, till then he shall remain on his post.

(ii) The State Govt. shall have discretion to remove the Presiding Officer of the District Appellate Authority on the charge of misbehaviour, incapacity to work, dereliction of duty, passing orders ignoring the rules or holding another post simultaneously. However, he shall be provided adequate opportunity of hearing before removal from his post.

(iii) The Chairman of the State Appellate Authority may resign from his post by giving self written intimation to the State Govt. The State Govt. may remove him from his post on the ground of incapacity to work, dereliction of duty or misbehaviour after providing adequate opportunity of hearing.

9. **Service Conditions, Pay and Allowances of the Presiding Officer/Chairman of the Appellate Authority:-**

(i) The Presiding Officer of District Appellate Authority shall be entitled for same amount of pay and allowances, which were admissible at the time of retirement (after deducting the amount of admissible pension etc, including the amount of commuted pension). In addition to it he will be entitled for the allowances admissible to the District & Sessions Judge.

(ii) Both the Chairman of State Appellate Authority shall have the same pay and allowances (after deducting amount of admissible pension etc, including commuted pension) and facilities being provided to the Justice of Hon’ble Patna High Court.

(iii) The presiding officer of the District Appellate Authority and the Chairman of the State Appellate Authority shall be entitled for casual leave for 16 days and special leave for 20 days in a year. Besides, they
may avail extraordinary leave without pay for 60 days in a year. They may avail casual leave and accordingly inform the same to the Department. The special leave and extraordinary leave shall be sanctioned by the Department.

10. **Staffs of the Appellate Authority:**
   
   (i) The State Govt. shall determine the category and class of officers and employees to co-operate in the affairs of the Appellate Authority and shall provide the services of such officers and employees to the Appellate Authority, as it think appropriate.

   (ii) The service conditions, pay and allowances of the officers and other employees would be the same as is being prescribed by the Department, from time to time.

   (iii) The officers and the employees of the Appellate Authority shall discharge their duty under the general supervision of the Presiding Officer/Chairman, as the case may be.

11. **Fund for running of the office of the Appellate Authority:**

   The State Govt. shall make provision for the required fund financial year wise to manage the affairs of the Appellate Authority.

12. **Bank Account & its operation:**

   The Appellate Authority will have its own Bank account and seal. The operation of Bank account shall be done as per direction of the State Govt.

**Part-3**

13. **Powers and Function of the District Appellate Authority:**

   (A) (i) To resolve the disputes and complains pertaining to procedure of recruitment under Panchayati Raj Institutions and Urban body Institutions in Govt./Nationalised Primary and Middle School, Secondary School, Senior Secondary Schools as per provisions/ rules notified by the Govt. of Bihar from time to time

   (ii) To resolve the disputes and complaints pertaining to recruitment of Headmaster/Teacher/ Non-teaching staffs and promotion to the post of Headmaster by the Managing Committee of 108 Govt. Aided Elementary
Schools (Including Minority Schools) in which the education is imparted upto 5th or 8th standard.

(iii) To resolve the disputes and complaints pertaining to process of recruitment and distribution of Grants-in-Aid with respect to Aided/Permission for Establishment / Recognised Secondary and Senior Secondary Schools and Aided Colleges.

(iv) To resolve the disputes between the Headmaster/Teacher/Non-teaching staffs and the Managing Committee of Private Schools.

(v) To resolve such disputes pertaining to Headmasters/ Teachers/ Non-teaching Staffs working under Panchayati Raj Institutions and Urban body Institutions in Govt./Nationalised Primary and Middle School, Secondary School, Senior Secondary Schools, who in case of being aggrieved by execution of the service condition, as prescribed, may prefer Appeal against the decision of the competent authority/committee.

(vi) To resolve the disputes of execution of service condition of Headmasters/ Teachers/ Non-teaching staffs of Govt. aided 108 Elementary Schools (Including Minority Schools) in which education is imparted upto standard 5th or 8th and in case of any appeal being preferred by the Headmaster/teachers/Non-teaching staffs being aggrieved by the decision of the concerned Managing Committee.

(vii) To resolve the disputes pertaining to execution of service condition of Principal/Vice-Principal/Assistant Principal/Headmaster/Teachers/Non-teaching staffs of Aided, Permission for Establishment, Recognised Secondary/Senior Secondary Schools and Aided Colleges and in case of any appeal being preferred by the concerned Principal/ Vice-Principal/Assistant Principal/Headmaster/Teacher/Non-teaching staffs being aggrieved by the decision of the concerned Managing Committee.

(viii) The presiding officer of the Authority after making necessary verification and after hearing the parties shall pass the order to dispose of the disputes/complaints.
(ix) The authority shall have jurisdiction to get the matter enquired into by any officer of the Education Department of the district or any administrative officer.

(B) The office of the Appellate Authority shall duly maintain all the records of the complaints/Appeals.

(C) All the Complaints/Appeals shall be filed before the District Appellate Authority within 30 days from the date of cause of action. The Appellate Authority will have jurisdiction to condone the delay in preferring the Complaints/Appeals after expiry of 30 days on the basis of reasonable grounds.

(D) The District Appellate Authority shall have the same powers for enquiry of any matter or hearing which has been vested in the Civil Court under Civil Procedure Code, 1908. While adjudicating any dispute the following powers shall be exercised:

(i) To issue summons to ensure the presence of the persons and to compel them to produce evidence verbal or written through affidavit or to produce the documents/record.

(ii) To search the record and to get the same inspected.

(iii) To tender evidence on Oath.

(iv) To issue summons to produce witnesses or record for inspection.

(E) The Appellate Authority shall ordinarily dispose of Complaint/Appeal within 90 days from the date of its receipt.

(F) The Authority shall exercise the functions and powers being entrusted by the Department from time to time.

14. **Powers and Function of State Appellate Authority:**

(A) The Authority shall not ordinarily accept any application unless being satisfied that the applicant has availed all the alternative remedy available to him to resolve the dispute under relevant provisions.

(B) The Authority shall not entertain the application/Complaints unless the same has been filed within 30 days from the date of passing of the final order. But the Authority will have jurisdiction to condone the delay in filing the appeal on the basis of reasonable grounds.
(C) The Authority shall hear the appeal against the decision of District Appellate Authority.

(D) The Authority shall hear the appeal against the decisions of the Divisional level Fee Regulation Committee constituted under Bihar Private Schools (Fee Regulation) Act, 2019.

(E) The State Appellate Authority shall have the same powers for enquiry of any matter or hearing which has been vested in the Civil Court under Civil Procedure Code, 1908. While adjudicating any dispute the following powers shall be exercised:

(i) To issue summons to ensure the presence of the persons and to compel them to produce evidence verbal or written through affidavit or to produce the documents/record.

(ii) To search the record and to get the same inspected.

(iii) To tender evidence on Oath.

(iv) To issue summons to produce witnesses or record for inspection.

(F) The Authority shall exercise the functions and powers being entrusted by the Department from time to time.

15. Power of Review:- The Appellate Authority will have jurisdiction to review its own order and it shall rectify any error in the order.

16. Power to impose Punishment:-

In case of non-compliance of the order/direction or in case of any complaints by the party for compliance of the order:-

(i) The Appellate Authority shall impose punishment against concerned party but he will be given adequate opportunity of hearing before imposing punishment.

(ii) The Appellate Authority may impose penalty upto Rs. 50,000/- (Fifty thousand only) upon the answerable party. The amount of penalty shall be deposited in the Treasury under the head indicated by the Department. The amount of penalty shall be recoverable by way of Public demand.

(iii) The Appellate Authority shall have jurisdiction to make recommendation to the concerned Department to initiate Departmental proceeding or to take necessary action against the delinquent employee under the

17. **Function of the Authority shall be judicial function:-**
   All the function of the Authority shall be deemed to be the judicial function under the provisions of Section-193, 219 and 228 of Indian Penal Code, 1860 (45 of 1860).

18. **Presiding Officer/Chairman and Employee of the Appellate Authority being Public servant:-**
   The Chairman/ Presiding Officer and other Officers and the employees of the Appellate Authority under these Rules shall be deemed to be Public Servant under the provisions of Section-21 of the Indian Penal Code, 1860 (45 of 1860).

19. **Power to take assistance from Advocates and to appoint Presenting Officers:-**
   (i) The applicant under these Rules may appear in person to present his matter before the authority or may take assistance from any advocate of his choice.
   (ii) The Department/Panchayati Raj Institutions/Urban Body Institutions/ University/ Affiliated College/ Aided Secondary and Senior Secondary School and the Managing Committee of private Schools shall authorise one or more than one advocates or its officers to present their matter and such authorised person may present their case before the authority.

20. **Protection from the action taken in good faith:-**
   No case or any legal action can be instituted against the Chairman/Presiding Officer or any Officer authorised by him for the acts done in good faith in purported exercise of or in implementation of the provisions of these Rules or in respect of any order.

21. **Power to frame Regulations:-**
   The Department or the State Appellate Authority after obtaining concurrence from the Department may frame Regulations by issuing Notification for execution of the provisions of these rules which shall not be inconsistent with the existing Rules.
22. **Monitoring and Report:-**
   (i) The Appellate Authority shall monitor the implementation of its orders.
   (ii) The Appellate Authority shall submit monthly and annual report to the Department with respect to the number of Complaints and Appeals received and the number of Cases/ Appeals disposed of.
   (iii) The description with respect to imposed punishment shall also be shared with the department.

23. **Power to remove difficulties:-**
   The State Govt. shall remove the difficulties after due deliberation in implementation of the provisions of these Rules, by issuing Notification.

24. **Dissolution of the Appellate Authority:-**
   In case of dissolution of the Appellate Authority, the assets and liabilities of the Appellate Authority shall be vested in the Education Department.

25. **Repeal and Savings:-**
   (i) The Bihar State School Teacher and Employees Redressal Grievance Rules, 2015 shall be deemed to be repealed from the date of Notification of these Rules.
   (ii) The Bihar Aided Teaching Institution Authority Rules, 2015 shall be deemed to be repealed from the date of Notification of these rules.
   (iv) The Presiding Officer/ Chairman appointed prior to repealing of these Rules shall be deemed to have been appointed under these Rules, as if these Rules were prevalent at that point of time. Besides, the work done or any action taken in exercise of powers conferred by the said Rules shall be deemed to be done or action taken in these Rules, as if these Rules were prevalent at that point of time.

   **By the order of the Governor of Bihar.**

   Sd/-
   **Additional Chief Secretary**
   Education Department
Memo No. 07/Pradhi-4/2016...... Patna, dated............
Copy to:- Superintendent, Govt. Press, Gulzarbagh, Patna with a request to publish it in the next publication of extraordinary Gazette.

sd/-

Additional Chief Secretary
Education Department

Memo No. 07/Pradhi-4/2016................ Patna, dated 25/08/2020
Copy to:- Private Secretary to the Hon'ble Chief Minister/ Private Secretary to the Chief Secretary/ Additional Chief Secretary of all the Departments/ Principal Secretary of all the Departments/ All Divisional Commissioner/ All Regional Deputy Director of Education/ All District Education Officer/ All District Programme Officer (Establishment)/ Chairman/ Secretary Bihar Sanskrit Siksha Board, Patna/ Accountant General, Bihar, Patna/ State Project Director/ Chief Executive Officer/ Bihar Board of Open Schooling and Examination Board (BBOSE)/ Chairman, Bihar School Examination Board (Higher Secondary), Patna/ Chairman, Bihar State Madarsa Education Board/ All officers of Education Department/ IT Manager, Education Department, Bihar, Patna for information and necessary action.

Additional Chief Secretary
Education Department