

**THE UTTAR PRADESH HIGHER EDUCATION SERVICES  
COMMISSION (PROCEDURE FOR SELECTION OF TEACHERS)  
REGULATIONS, 1983**

[Framed in exercise of the powers under section 31 of the Uttar Pradesh Higher Education Services Commission' Act, 1980 (U.P. Act No. 16 of 1980), and with the previous approval of the Government by the Commission *vide* Notification No. USHI AYO/1904—1983-84 *Allahabad August 20, 1983*].

**1. Short title and commencement—**(1) These regulations may be called the Uttar Pradesh Higher Education Services Commission (Procedure for Selection of Teachers) Regulations, 1983.

(2) They shall come into force at once.

**2. Definitions.—**In these regulations, unless there is anything repugnant in the subject or context—

- (a) 'Act' means the Uttar Pradesh Higher Education Services Commission Act, 1980.
- (b) 'Chairman' means the Chairman of the Commission and includes any other person performing in the absence of the Chairman, for the time being, the functions of the Chairman :
- (c) 'College' means an affiliated or associated college to which the privilege of affiliation recognition, as such has been granted by a University governed by the Uttar Pradesh State Universities Act, 1973 and includes a college maintained by a local authority but does not include a college maintained by the State Government :
- (d) 'Commission' means the Uttar Pradesh Higher Education Services Commission established under section 3 of the U.P. Higher Education Services Commission Act, 1980;
- (e) 'Director' means the Director of Education (Higher Education) and includes Joint Director of Education or Deputy Director of Education authorised by him ;
- (f) 'Government' means the Government of Uttar Pradesh ;
- (g) 'Management' in relation to a college means the committee of Management or person or authority vested with the power to manage and conduct the affairs of the college ;
- (h) 'Teacher' means a person employed for imparting instructions in a college and includes a Principal ;
- (i) 'Year of recruitment' means a period of twelve months commencing from July 1, of a calendar year ;

**3. Qualifications and experience etc. for appointment as teacher.—**The minimum qualifications for appointment of a teacher shall be as given in the statutes referred to in section 50 of the Uttar Pradesh State Universities Act, 1973.

**4. Determination and intimation of vacancies.—**(1) The Management shall determine and intimate to the Commission, in the proforma, given in Appendix Form I to the Uttar Pradesh Higher Education Services Commission Rules, 1981, and in the manner hereinafter specified, the vacancies existing or likely to fall vacant during the year of recruitment.

(2) The Statement of vacancies shall be sent by the Management to the Commission by May 31 preceding the year of recruitment with a copy to the Director and where the vacancy has occurred during the session or after the requisition has already been sent within 15 days of the occurrence of the vacancy :

Provided that where the Commission is satisfied that there are sufficient reasons for doing so, it may with the approval of the Government, relax or modify the time schedule in respect of any year generally or in respect of any particular college.

(3) Where the Management has failed to notify the vacancy or the vacancies by the specified date or in the manner prescribed, the Commission may require the Director to notify the vacancy and the vacancy so notified shall be deemed to be notified by the Management.

**5. Notification of vacancies submission of application and indication of preference.**—The Commission shall advertise the vacancies in three issues of at least three newspapers. The Commission shall send a copy of the advertisement to the Director and may, if it considers proper, also send a copy thereof to the District Inspector of Schools and to the Colleges. Such advertisement shall, *inter alia*, indicate the total number of vacancies as also the number of vacancies in women's colleges and other colleges separately, the names of the college (s) and where they are situated and shall require the candidates to apply in prescribed form and to give if he so desires, the choice of not more than five colleges in order of preference. Where a candidate wishes to be considered for a particular college or colleges only, and for no other, he shall mention the fact in his application ;

Provided that where the number of colleges is large or for any other reason the Commission considers it inexpedient, it may, instead of mentioning the names and particulars of the colleges in the advertisement, send the copy thereof to the colleges and to the District Inspector of Schools and mention in the advertisement that particulars of the colleges may be seen in the office of the Commission, the office of District Inspector of Schools or in the Colleges :

Provided also that the Commission shall not be bound by the choice given by the candidate and may, in its discretion, recommend him for appointment in a college other than indicated by him.

**6. Procedure for selection.**— (1) The Commission shall scrutinize the applications and call for interview such number of candidates as it may consider proper :

Provided that, if on account of excess number of applications or for any other reasons, the Commission considers it desirable to limit the number of candidates to be called for interview, it may—

- (i) in the case of the post of a teacher, not being the post of principal, either hold preliminary screening on the basis of academic record or hold a competitive examination, so however that no competitive examination shall be held before the recruitment year 1984.
- (ii) in the case of the post of the Principal, hold preliminary screening on the basis of academic record, teaching the administrative experience ;

Provided further that the number of candidates to be called for interview for any category of post shall, as far as possible, be between

three to eight times the vacancies as the Commission may consider proper.

(2) The Commission shall interview the candidates in accordance with the criteria, minimum standards and guidelines set out by it. The Commission may, if it considers necessary, hold practical test also as part of interview.

(3) No candidate shall be recommended unless at least one expert concurs with the selection.

(4) The Commission shall prepare two separate lists of selected candidates, one of the women candidates only and the other a 'general list' of all the candidates (including women candidates included in the first list). The names of women candidates who specifically opt not to be posted in women's colleges shall not be included in the list of women candidates. The names of the candidates in the two lists shall be arranged in order of merit and the number of names shall not be more than three times the number of vacancies or the number of vacancies plus four whichever is more.

#### NOTES

It has been held in the following cases that the guidelines prepared by the Commission are detailed, quite fair and reasonable—

(1) Writ Petition No. 5069 dt. 1986 *Dr. S.K.D. Gupta v. State of U.P. and others* decided on dt. 1.8.1986 by Hon. Allahabad High Court.

(2) Writ Petition No. 8752 of 1986. *Arya Samaj Baldev Ashram v. U.P.H.E.S.C. and others* decided on dt. 7.8. 1986 by Hon. Allahabad High Court.

(3) Writ Petition No. 7281 of 1986. *Tara Chand Pathak and others v. State of U.P. and others* decided on dt. 6.8.1986 by Hon. Allahabad High Court reported in 1986 Education cases—308.

It has been held in Writ Petition No. 13023 of 1986 *Dr. Shushma Misra v. U.P.H.E.S.C. and others* decided on dt. 21.10.1986 by the Hon. Allahabad High Court, that the Guidelines framed by the Commission are neither arbitrary nor against the statute 11.13 of the First Statute framed by the University in U.P. It was also held that it was not invalid to not take into account the High School marks of the candidate for determining consistently good academic record by the commission. It has been further held that it is valid, fair not arbitrary and in accordance with the guidelines and clause 9 of the Statute 11.13 of the First Statutes framed by the University of U.P. to invite permanent lecturers of above five years standing in interview over and above the required number of candidates in accordance with the guidelines, clause 9 of the statute 11.13 of the First Statute is also in accordance with the regulations of the Commission.

It has been held in the case of *Dr. Keshav Ram Pal v. U.P.H.E.S.C.* Allahabad by the Hon ble Supreme court reported in 1986 (1) S.S.C. 671 : 1986 U.P.L.B.E.C.—262 that though each member of interviewing Board was allocated 50 marks, there was no allocation of the marks for the various heads under which the merit of the candidate was judged i.e. academic attainments teaching experience and suitability for the post, and therefore. Interviewing Board was not under any obligation to sub-divide the marks under various sub-heads.

**Bias.**—It has been further held by their Lordships that no inference of bias can be drawn only because the commission-selection Board was constituted of members belonging to higher castes of Hindu Society whereas the petitioner who had appeared for interview and was not selected belonged to a lower caste whereas all the selected persons belonged to higher castes. It was too much to think that the Board collectively decided not to select the petitioner for the sole reason that he belonged to an inferior caste.

In W.P. No. 5069 of 1985 *S.K.D. Gupta v. State of U.P. and others* decided by Allahabad High Court on dt 1.8.1986, it has been held that the arguments of the learned Counsel for petitioner that once the petitioner was granted relaxation then the Commission was duty bound to call him for interview does not appear to correct nor is there any merit in the argument that administrative experience should have weighed in favour of the petitioner in addition to academic qualification and teaching experience.

It has been held W.P. No. 4535 of 1984 *Dr. S.K. Gupta v. U.P.H.E.S.C.* decided by Allahabad High Court on dt. 2.5.1985, and in W.P. No. 7281 of 1986 *Tara Chand Pathak and others v. State of U. P. and others* decided on 6.8.86 by Hon. Allahabad High Court reported in 1986 Education Cases—308, that the power to grant relaxation of the minimum qualifications lies with the Commission and not with the Selection Board.

It has been held in W.P. No. 7281 of 1986 *Tara Chandra Pathak and others v. State of U.P. and others* decided by the Allahabad High Court on dt. 6.8.1986 reported in 1986 Education cases—308 that the screening of the candidates to be called to interview is to be done by the commission and not by the selection Board. It was further held that the procedure of selection by the selection Board was not arbitrary.

It has been held in W.P. No. 8752 of 1986 *Arya Samaj Bal Deo Ashram v. U.P.H.E.S.C. and another* decided by Allahabad High Court on dt. 7.8.86 that once a candidate is called for interview he or she is at par with others called to interview though he may be holding higher academic qualifications.

**7. Recommendation for appointment.**—(1) The Commission may recommend the names of upto three candidates, in order of merit, for each post.

(2) The post of Principal shall—

(a) in the case of womens colleges, be offered to the candidates in the list of women candidates, and

(b) in the other colleges, be offered to the candidates in the general list after striking out the names of the women candidates who have been offered posts under clause (a).

(3) The posts of the Principal of degree colleges in the higher grade shall be offered in order of merit with due regard to the preference given by the candidates and the posts in the lower grade shall similarly be offered to the candidates standing next in order of merit.

(4) The procedure, mentioned in sub-regulations (2) and (3) shall, *mutatis mutandis*, be followed in respect of the posts of teachers, other than principal.

**8. Notification of names of selected candidates**—(1) The Commission shall forward its recommendations to the Management of the concerned college, with a copy thereof to the Director, and shall also notify the same on its notice-board and publish it in such other manner as it may consider proper.

(2) The Management shall report compliance to the Commission and to the Director within one month of the receipt of the recommendations.

**9. Fee.**—(1) Every candidate shall be liable to pay to the Commission such fee for holding selections, conducting examinations where necessary, or for holding interview, as may be determined by the Commission from time to time with the prior approval of the Government.

(2) Until fee is revised under sub-regulation (1), every, candidate for selection shall pay to the Commission the fee at the following rates :

	General	Scheduled Castes Scheduled Tribes
	Rs.	Rs.
(a) For application form	15	10
(b) For application fee (to be paid alongwith the application).	50	15
(c) For interview (to be paid before being admitted to interview).	30	10

(3) The fee for the application form or for interview may be paid in cash or by crossed bank draft drawn in favour of the Secretary of the Commission, and the application fee shall be payable only by bank draft drawn in favour of Secretary.

10. **Residuary matters.**—Subject to the provisions of the Act or of the Rules, or Regulations framed thereunder, the Commission may deal with any matter not specifically provided for in such manner as it deems fit and intimate the Government forthwith for informations and directions, if any.

### FIRST REMOVAL OF DIFFICULTIES ORDER

Whereas the Uttar Pradesh Higher Education Services Commission Act, 1980 (U.P. Act No. 16 of 1980), was enforced with effect from August 21, 1981 with a view to establish Uttar Pradesh Higher Education Services Commission for selection of teachers for appointment in an affiliated or associated college of a University of the State ;

And whereas the establishment of the Uttar Pradesh Higher Education Services Commission is likely to take some time and even after the establishment of the said Commission it may not be possible to make selection of the teachers for some time ;

And whereas a number of vacancies in the post of teachers in various colleges exist and the failure or delay in filling of such vacancies is likely to create difficulties ;

Now, Therefore, in exercise of the powers under sub-section (1) of section 31-A of the Uttar Pradesh Higher Education Services Commission Act, 1980 (U. P. Act No. 16 of 1980), the Governor is pleased to direct that for a period of one year commencing from the date of issue of this order the provisions of the said Act shall have effect subject to the provisions of the following order :

### THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION (REMOVAL OF DIFFICULTIES) ORDER 1982

1. **Short title and Commencement.**—(1) This order may be called the Uttar Pradesh Higher Education Services Commission (Removal of Difficulties) Order, 1982.

(2) It shall come into force at once.

*Note* : Published in extra ordinary Gazette *vide* notification no : 6972/XV—(10)—81—15 (90)—81 dated Lucknow, January, 4 1982.

2. **Vacancies in which ad hoc appointments can be made and eligibility for appointment.**—(1) The Management of a College may appoint a teacher on purely *ad hoc* basis, in accordance with the provisions of this Order, in the vacancies occurring in any of the following manner, namely :—