

THE UTTAR PRADESH HIGHER EDUCATION SERVICES COMMISSION
(AMENDMENT) ACT, 1985

[U. P. Act No. 22 of 1985]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

*further to amend the Uttar Pradesh Higher Education Services Commission
Act, 1980*

It is hereby enacted in the Thirty-Six Year of the Republic of India as follows ;

1. Short title and commencement—This Act may be called the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 1985.

(2) It shall be deemed to have come into force on June 22, 1985.

2. Amendment of section 12 of U. P. Act No. 16 of 1980.—In section 12 of the Uttar Pradesh Higher Education Services Commission Act, 1980, hereinafter referred to as the principal Act, in sub-section (1), *after* the words “in the Statutes made thereunder,” the words “but subject to the provisions of sections 16, 31-A and 31-B”, shall be *inserted*.

3. Insertion of new section 31-B.—*After* section 31-A of the principal Act, the following section shall be *inserted*, namely—

“**31-B. Regularisation of certain ad hoc appointments.**—(1) Every teacher, other than a Principal, directly appointed on or before January 3, 1984, on *ad hoc* basis, against a substantive vacancy in accordance with the provisions of the Uttar Pradesh Higher Education Services Commission (Removal of Difficulties) Order, 1982 or the Uttar Pradesh Higher Education Services Commission (Removal of Difficulties) Order, 1983, who possesses the qualifications prescribed under, or is exempted from such qualifications in accordance with, the provisions of the concerned Statutes, shall with effect from the date of commencement of the Uttar Pradesh Higher Education Services Commission (Amendment) Act, 1985, be deemed to have been appointed in substantive capacity provided that such teacher has been continuously serving the College from the date of such *ad hoc* appointment up to the date of such commencement.

(2) Every teacher deemed to have been appointed in substantive capacity under sub-section (1) shall be deemed to be on probation from the date of such commencement.

(3) Nothing in this section shall be construed to entitle any teacher to substantive appointment if—

- (a) on the date of such commencement, such post had already been filed, or selection for such post had already been made, in accordance with the provisions of this Act, or
- (b) such teacher was related to any member of the Management, or the Principal, of the College concerned.

Explanation—For the purpose of this sub-section a person shall be deemed to be related to another if they are related in the manner mentioned in the Explanation to section 20 of the Uttar Pradesh State Universities Act, 1973.”

4. U. P. Ordinance No. 14 of 1985.—(1) The Uttar Pradesh Higher Education Services Commission (Amendment) Ordinance, 1985 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this Act were in force at all material times.

***THE UTTAR PRADESH HIGHER EDUCATION SERVICES
COMMISSION (FIRST AMENDMENT) RULES, 1983**

1. Short title and commencement.—(1) These Rules may be called the Uttar Pradesh Higher Education Services Commission (First Amendment) Rules, 1983.

(2) They shall come into force with effect from their publication in the *Gazette*.*

2. Amendment of Rule 6.—In the Uttar Pradesh Higher Services Commission Rules, 1981 for the rule as set out in column 1, the rule as set out in column 2 below, shall be *substituted*, namely—

Column 1

Existing Rule

6. *Staff*—In pursuance of the provisions of sub-section (2) of section 9 of the Act it is directed that the appointment of officers and staff in the Commission for a period of first 5 years from the date of establishment of the Commission shall be made by deputation from the Uttar Pradesh Civil Secretariat and Headquarter of the Heads of the Department.

Column 2

Rule as hereby substituted

6. *Staff*—The appointment of officers and staff in the commission shall, for a period of first 5 years from the date of establishment of the Commission, be made by deputation from the Uttar Pradesh Civil Secretariat and Headquarters of the Heads of the Department :

Provided that if suitable persons are not available from the Uttar Pradesh Civil Secretariat or Headquarters of the Heads of the Department, the Commission may make direct appointment of staff in the Commission from outside candidates.

