



MADURAI KAMARAJ UNIVERSITY

(University with Potential for Excellence)

Distance Education



**P.G.Diploma in
School Administration
and
Post B.Ed., Diploma in
School Administration**

Recognised by DEC

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2070/2080



MADURAI KAMARAJ UNIVERSITY
(University with Potential for Excellence)
Distance Education



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**P.G.Dip. in School Administration
and
Post B.Ed., Dip. in School Administration**

Paper - I

**Tamil Nadu Recognized
Private Schools Act and Rules**

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SYLLABUS

PAPER I

TAMIL NADU RECOGNISED PRIVATE SCHOOLS ACT (1973) AND RULES 1974

(Common to Dip. in School Administration & Post B.Ed., Dip. in School Administration)

Unit I

Tamil Nadu Private Schools - Definitions - Establishment - Permissions for Establishment and Management of Private Schools.

Unit II

Recognition of Private Schools - School Committee and its Constitution and Functions - Appointment of Special Officers in Certain Cases - Terms and Conditions of Teachers and other Persons Employed in Private Schools.

Unit III

Control of Private Schools - Penalties and Procedures.

Unit IV

Account - Audit - Inspection and Returns.

Unit V

General Provisions regarding Appeal and Revision.

References

1. The Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 (Tamil Nadu Act 29 of 1974)
2. The Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974.
3. Arulselvam.M. (2003). The Tamil Nadu Educational Code. Malathi Publications, Chennai.
4. Veeraragavan. R. Private School Act and Rules, Account Test Centre, Madurai.

MODEL QUESTION PAPER

PAPER - I

TAMIL NADU RECOGNISED PRIVATE SCHOOLS ACT (1973) AND RULES 1974

Time : 3 Hours

Marks : 100

Instructions :

- (i) All questions carry equal marks
- (ii) Answer **any twenty** from the following

1. How to get a Private School recognised?
2. What does Private School mean?
3. Mention the steps involved in establishing a Private School.
4. How is a Private School managed?
5. List the powers and functions of a Private School Secretary
6. When can special officers be appointed in Private Schools?
7. Explain the code of conduct for Private School teachers
8. Explain the appeal provision for teachers in Private Schools
9. Mention the stipulations in the conduct of the meeting of School Committee
10. How is grant paid to Private Schools?
11. Mention the regulations meant for the use of property of Private Schools
12. How can a Private School be taken over by Government?
13. How can Schools collect fees from students?
14. Mention the special provision for Appeal in Post Disciplinary cases
15. Can a Minority School be taken over by Government? Justify your answer.
16. Explain the provision of annual audit of accounts.
17. Illuminate the importance of Tribunal in Private School context
18. List the powers of Appellate Authority
19. Explain the Revision Power of Government
20. Explain the penalty for non-provision of information
21. Table the competent authority for Schools at different levels.
22. Explain the probation period for a Private School teacher
23. List the safeguards against compulsory resignation in Private Schools
24. How can a course of instruction be closed?
25. How can a private School be transferred from one agency to another?

(ii)

Dear Students,

We welcome you as a student of Diploma in School Administration (D.S.A) and Post B.Ed, Diploma in School Administration (P.BEd.D.S.A) in Education. This Subject deals with Paper-1, Tamilnadu Recognized Private School Act (1973) and Rules (1974) which you will have to study during the course.

The learning materials for this paper is given to you by modules and supplemented by a few contact lectures.

On our part we assure you of our help in guiding you throughout the course. You must be aware that learning through Distance Education involves a great deal of self study. We hope that you will put in your best efforts.

Wish you all the success.

**DEPARTMENT OF EDUCATION
DDE**

PAPER – I

Tamilnadu Recognized Private Schools Act (1973) and Rules (1974)

1.0. ESTABLISHMENT OF PRIVATE SCHOOL

1.10 Over View:

In this package we are to go through and learn about the establishing a private school in Tamilnadu, rules and regulations to be adapted for getting it approved by the competent authority of Tamilnadu Government.

1.20 Objectives:

On learning this unit you will be able to

- ♦ Define a private school in Tamilnadu
- ♦ Decide the organization setup required for the same
- ♦ Fix the boundaries of functioning of the school according the rule of Tamilnadu Government
- ♦ Comprehend the governmental procedure for establishing a private school
- ♦ Acquire the skills required in managing a private School.

1.30. Learning Activities:

1.3.10 Study Unit

Need for Private Schools

School is a place where every human is exposed to 3 R's of learning. It would be difficult for a country like India with huge population to cater to the needs of education of every individual by itself. However Agencies or Private bodies or any individual philanthropist may come forward to open educational Institutions of varies levels and may help the society and the country.

Expectations from Private School

A Private School established by any Agency/person/charity/ society has the responsibility to impart education as per norms and schemes provided by the Government Authority, have a common outlook and a comprehensive program designed for the physical, mental, morale, emotional, social and spiritual growth of the children. Private schools have to work smart to reach the above said facts in array with the Government schools.

Definitions.

Let us look in to some of the important definitions concerned with establishing a private school **Tamilnadu Recognized Private Schools Act (1973)**

2.(1) “academic year” means the year commencing on the first day of June:

(2) “competent authority” means any authority, officer or person authorized by the Government, by notification, to perform the functions of the competent authority under this Act for such area or in relation to such class of private schools, as may be specified in the notification;

(3) “Educational agency” in relation to

(a) any minority school, means any person who, or body of persons which, has established and is administering or proposes to establish and administer such minority school; and

(b) any other private school, means any person or body of persons or a company or corporation owned or controlled by the central or state government permitted or deemed to be permitted under this Act to establish and maintain such other private school;

(4) “Government “ means the State Government;

a) (5) “grant” means any sum of money paid as aid out of State Funds to any private School;

(6) “minority school” means a private school of its choice established and administered by any such minority whether based on religion or language as has the right to do so under clause (1) of Article 30 or Article 26 of the Constitution; and which obtained a declaration to that effect from government which will be issued only if the conditions specified in this behalf are satisfied.

(7) “private school” means a pre-primary, primary, middle or high school (or higher secondary school) or any other institution imparting education or training, established and administered or maintained by any person or body of persons, and recognized by the competent authority under this Act but does not include a school or an institution-

- a) Imparting technical or professional education;
- b) Established and administered or maintained by the Central Government or the State Government or any local authority;
- c) Maintained or approved by, or affiliated to, any University established by law; or
- d) Giving, providing or imparting religious instruction alone, but not any other instruction;

(8) “*school committee*”, in relation to a private school, means the school committee constituted under section 15;

(9) “*secretary*”, in relation to a private school, means the secretary referred to in section 16;

(10) “*Tribunal*” means a Tribunal constituted under section 42 and having jurisdiction.

(11) “*Director*” means (i) Director of School Education in respect of High and Higher Secondary School including Anglo Indian Schools, (ii) Director of Elementary Education in respect of pre-primary and Middle schools; (iii) Director of Matriculation schools in respect of Matriculation schools;

As per the **TAMIL NADU RECOGNISED PRIVATE SCHOOLS (REGULATION) RULES (1974)** the following definitions are also included.

2.(b) “*District Educational Officer*” unless specifically mentioned in these rules means in relation to

Anglo Indian Schools – The Inspector of Anglo Indian Schools

Matriculation Schools – The Inspector of Matriculation Schools

High and Higher – The District Educational Officer Secondary Schools

Pre – primary, Primary - The District Elementary Educational Middle Schools Officer

(c) “*Teacher*” shall include a Head of the Institution

(d) “*Inspecting Officer*” means in relation to Higher Secondary Schools - the Chief Educational Officer (Excluding Anglo Indian Schools); All Anglo Indian Schools - The Inspector of Anglo Indian Schools; High Schools - The District Educational Officer
Primary and Middle Schools – The Assistant Elementary Educational Officer or the Additional Assistant Elementary Educational Officer; Matriculation Schools – The Inspector of Matriculation Schools

Establishing a School

As there is an ever growing need in the society for education, it is obvious that new schools are established every year. But it becomes the duty of any State Government that the blossoming new schools fulfill the needs. Obviously, it becomes the responsibility of the state government to regulate their functioning. Tamilnadu Recognized Private Schools Act (1973), brought in by the state says;

3. The Government may regulate the different stages of education and courses of instruction in private schools.

4. Save as otherwise expressly provided in this Act, no person shall, without the permission of the competent authority and except in Accordance with the terms and conditions specified in Such permission, establish, on or after the date of the commencement of this Act, any private school.

5. (1) The educational agency of every private school proposed to be established on or after the date of the commencement of this Act shall make an application to the competent authority for permission to establish such school by the 30th September of the year preceding the year of opening of the school.

(2) Every such application shall—

- (a) Be in the prescribed form
- (b) Be accompanied by such fee as may be prescribed and
- (c) Contain the following particulars, namely;
 - (i) The name of the private school, its locality, the name and address of the educational agency;
 - (ii) The need for the private school in the locality;
 - (iii) The course for which such private school proposes to prepare, train or guide its pupils for appearing at any examination conducted, by or under the authority of the Government;
 - (iii.a) The extent of the playground available to pupils and the adequacy of the Playground with reference to the strength of the pupils in the school
 - (iv) The amenities available to pupils and teachers;
 - (v) The equipment, laboratory, library and other facilities for instruction;
 - (vi) The sources of income to ensure the financial stability of the private school;
 - (vii) The situation and the description of the buildings in which such private school is proposed to be established; and
 - (viii) Such other particulars as may be prescribed;

4. (a) The Educational Agency of every private Higher Secondary School proposed to introduce new groups or change of groups or courses shall make an application to the competent authority before the commencement of the academic year of introduction.

- (b) Every such application shall
 - (i) Be in the prescribed form
 - (ii) Be accompanied by such fee as may be prescribed in the Rules.

5.A (1) The educational agency of every higher secondary school which is a private school and in existence on the date of publication of the Tamilnadu Recognized Private Schools (Regulation) Amendment Act, 1987, in the Tamilnadu Government Gazette, shall, before the expiry of six months from that date, make an application to the competent authority for permission to continue to run such school.

(2) Every such application shall be in the prescribed form;

(a) be accompanied by such fee, as may be prescribed; and

(b) contain the following particulars, namely—

(i) the name of the higher secondary school, and the name and address of the educational agency;

(ii) the need for the continuance of such higher Secondary school in the locality;

(iii) the course for which such higher secondary school prepares, trains or guides its pupils for appearing at any examination conducted by or under the authority of the Government;

(iv) the extent of the playground available to pupils and the adequacy of the playground with reference to the strength of the pupils in the school;

(v) the amenities available to pupils and teachers;

(vi) the equipment, Laboratory, library and other facilities for instruction;

(vii) the situation and the description of the buildings in which such higher secondary school is being run; and

(viii) such other particulars as may be prescribed.

6. On receipt of an application under sub section (1) of section 5 or sub-section(1) of section 5(a), as the case may be, the competent authority;

(a) may, after considering the particulars contained in such application, grant or refuse to grant the permission; and

(b) shall communicate its decision giving reasons there for to the applicant within a period of four months from the date of such receipt in complete shape by the competent authority; provided that the permission shall not be refused under the section unless the applicant has been given an opportunity of making the representations;

7, Deleted

8 (1) (a) whenever there is any change in the constitution of the educational agency that agency shall apply to the competent authority for approval of such change.

(b) Whenever the management of any private school is proposed to be transferred, the educational agency and the person representing it, to whom the management is proposed to be transferred may, before such transfer, apply jointly to the competent authority for approval of the transfer;

(c) On any transfer of the management of private school without approval having been obtained for such transfer under clause (b), the transferee shall, if he desires to run it as such, without altering its status and adversely affecting the service conditions of the staff employed in it, apply to the competent authority within three months of the date of the transfer, for approval of the transfer.

(d) An application under clause (a), clause (b), or clause (c) shall be in such form and contain such particulars as may be prescribed.

(2) On receipt of an application under subsection (1) the competent authority shall-;

(a) if it is satisfied after making such inquiry as it deems fit, that the educational agency will continue to maintain and manage or, as the case may be, that the transferee will maintain and manage, the private school in accordance with the provisions of this Act and the rules made there under, approve the change or, as the case may be the transfer, subject to such conditions as it may impose; and

(b) Communicate its decision to the applicant within a period of three months from the date of such receipt.

9. Any minority whether based on religion or language may establish and administer any private school without permission under section 4.

10. Every minority school established and administered after the date of the commencement of this Act shall send to the competent authority a statement containing the particulars specified in clause sub section (2) of section 5 within such time as may be prescribed.

10-A. The educational agency of every higher secondary school which is a minority school in existence immediately before the date of publication of the Tamilnadu Recognized Private Schools (Regulation) Amendment Act, 1987, in the Tamilnadu Government Gazette shall send to the competent authority a statement containing the particulars specified in the clause (c) of sub-section (2) of section 5 within such period as may be prescribed.

Now, you would have learned various definitions and rules for establishing a private school.

1.40. Enrichment Activity:

Make a visit to any one of the Private school (Recognized) and ascertain.

2.0 RECOGNITION OF PRIVATE SCHOOL

2.10. Overview:

Recognition is approval. Sense of approval will give encouragement to do better activities. A private school comes into being through processes of organizing. To function effectively recognition should be obtained. In this Chapter the learners would learn the rules and regulations as stipulated in **Tamilnadu Recognized Private Schools Act (1973)** regarding getting the recognition for the schools already established as explained in lesson 1.

2.20. Objectives:

After going through this unit you will be able to

1. Understand the importance of getting recognition by the competent authority
2. Learn the procedures for obtaining the recognition
3. Explain the school Committee and its functions
4. State the terms and conditions of recruiting teaching and non teaching staff
5. Bring out the importance of appointing Special officers when required

2.30. Learning activities:

2.3.10. Study unit

Tamilnadu Recognized Private School Act(1973) and Rules(1974) is detailed below in connection with getting the recognition from the authorities

11 (1) On receipt of an application by—

(a) any private school in respect of which permission has been granted under section 6 or

(b) any minority school; which should reach the competent authority in a complete shape before the 31st December of the year in which the school was established, the competent authority may, after satisfying itself, that proper arrangements have been made for the maintenance of academic standard in the school, that the provisions of this Act are complied with and that the prescribed conditions have been satisfied grant a certificate, recognizing the private school for the purposes of this Act.

(2) The Certificate under sub-section (1) shall be granted within such period as may be prescribed.

11-A the competent authority shall, before passing orders on an application for recognition under section 11, also take into consideration—

- (a) The adequacy of schools already existing in the locality;
- (b) the need for the private school in the locality;
- (c) the number of pupils studying in such school;
- (d) the extent of the playground available to pupils and the adequacy of the playground with reference to the strength of the pupils in the school;
- (e) the amenities available to pupils and teachers;
- (f) the equipment, laboratory, library and other facilities for instruction and training and
- (g) such other factors as may be prescribed.

12 (1) The competent authority may withdraw permanently or for any specified period the recognition of any private school—

(i) which does not comply with any of the provisions of this Act or any rules made or directions issued there under in so far as such provisions, rules or directions are applicable to such private school., or

(ii) in respect of which the pay and allowances payable to any teacher or other person employed in such private school are not paid to such teacher or other person in accordance with the provisions of this Act or the rules made there under, or

(iii) which contravenes or fails to comply with any such conditions as may be prescribed.

(2) Before withdrawing the recognition under sub-section(1), the competent authority shall give the educational agency an opportunity of making its representation.

13. Any private school, the recognition of which has been withdrawn shall not be entitled to-

- (i) receive any grant or other financial assistance from the Government; or
- (ii) prepare, train or guide pupils for appearing at any examination conducted by, or under the authority of the Government.

14. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, or in any decree, order or direction of any court or other authority,—

- (i) no private school shall, only on the ground of having been granted recognition under this Act, be entitled to any grant or other financial assistance from the Government;
- (ii) The Government may, subject to,—
 - (a) the availability of funds;
 - (b) the norms and conditions specified in the Grant-in-aid Code of Tamil Nadu Education Department;
 - (c) the condition that every private school receiving any grant or financial assistance from the Government levies and collects from the pupils only such fee, charge or other payment as may be specified by the competent authority, which shall not be in excess of the fee, charge or other payment, levied and collected from the pupils studying in the schools or institutions established and administered or maintained by the State Government, or any local authority in the locality;
 - (d) the rules, orders and notifications issued by the Government from time to time; and
 - (e) such other conditions as may be prescribed.

(Pay to the private school grant or other financial assistance at such rate and for such purposes as may be prescribed)

(2) The Government or the competent authority may withhold permanently or for any specified period the whole or part of any grant referred to in sub-section (1) in respect of any private school;—

- (i) which does not comply with any of the provisions of this Act or any rules made or directions issued there under in so far as such provisions, rules or directions are applicable to such private school or
 - a. in regard of which the pay and allowances payable to any teacher or other person employed in such private school are not paid to such teacher or other person in accordance with the provisions of this Act or the rules made there under; or

- b. which contravenes or fails to comply with any such condition as may be prescribed.

(3) Before withholding the grant under sub-section (2), the Government or the competent authority shall give the educational agency an opportunity of making its representation.

Given below are the conditions stipulated under **TAMIL NADU RECOGNISED PRIVATE SCHOOLS (REGULATION) RULES (1974)** for getting recognition of the established schools.

9. Recognition - (1) The Educational agency of a private school including a minority school shall apply in Form VI for recognition of the school or for opening of a higher standard to the competent authorities specified in rule 4 in respect of section 11. The application shall be made within three months from the date of opening of the school or higher standard where a temporary recognition is accorded, application for the continuance shall be made not later than one month prior to the expiry of the period of the temporary recognition. Where a temporary Recognition is accorded separately for High School standards and Higher Secondary Standards of an Institution single application shall be made for their further continuance to the authority competent to accord recognition to the Higher Secondary Standards.

A sum of Rs.1000/- in the case of High School and Rs. 2000/- in the case of Higher Secondary School shall be remitted into the Treasury and the chalan forwarded with the application for recognition or renewal of recognition of higher secondary schools, as the case may be till permanent recognition is granted. The fee shall be credited to Government under the Head of account prescribed by the Department.

- (2) The following conditions shall be satisfied for the purpose of recognition:-
 - (a) The Educational agency shall produce a license issued by the Revenue Department permitting the use of the School building as public building under the Tamilnadu Public Buildings (Licensing) Act, 1965 (Tamilnadu Act XIII of 1965),
 - (b) Where the license has been issued for a specified period a fresh license shall be produced before the expiry of the period of validity of the said license.

(c) (i) The educational agency of a private school including a minority school shall create an endowment as follows, namely:-

	Rs.
(a) Pre-Primary School	10,000
Existing Pre-Primary School to be Upgraded as Primary school	15,000
(b) Primary School	25,000
Existing Primary School to be Upgraded as Middle school	25,000
(c) Middle School	50,000
Existing Middle School to be Upgraded as High school	50,000
(d) High Schools	1,00,000
(e) High school to be upgraded as Higher Secondary School	2,00,000
(f) Matriculation Schools	2,00,000
Existing Matriculation School to be Upgraded as higher secondary school	1,00,000

Provided that, in respect of an existing School to be upgraded where no endowment had already been created the amount of endowment payable by such school shall be the same as for opening a new school.

The endowment shall be created jointly in the name of the school and the Inspecting Officer concerned in the shape of Government securities like National Defense Certificates or National Plan Certificates or in fixed deposits for a period of not less than seven years with Tamilnadu Industrial Investment Corporation Limited, Chennai or the Tamilnadu Industrial Co-operative Bank Limited or the Tamilnadu State Co-operative Bank or the Chennai Central Co-operative Bank, Chennai or in any corresponding new Bank as defined in the Banking Companies (Acquisition and Transfer of Undertaking Act, 1970)(Central Act 5 of 1970). Fifty per cent of such endowment amount shall be created before the school is opened. The remaining amount shall be created in two equal annual installments in the case of Pre-Primary and Primary Schools and in five equal annual installments, in the case

of middle and high Schools. "In the case of upgrading the existing High School as Higher Secondary School the endowment amount of Rupees Two Lakhs shall be paid in three annual installments, the first installment being Rupees One Lakh, the remaining amount shall be paid in two equal installments. Trust or society or Corporate body which runs more than one private school shall have the option to create fifty percent of the endowment in cash and fifty per cent in the form of immovable property other than school building. The immovable property so endowed shall be unencumbered and income yielding. It shall be endowed in the name of the school and conveyed to the school through proper legal document. The immovable property endowed to the school shall not be sold, mortgaged, exchanged or gifted or alienated without the prior approval of the Director concerned. The entire income derived from the endowed immovable property shall be brought to the general accounts of the school;

(ii) In addition to the creation of the endowment referred to above, the educational agency shall also deposit in the Tamilnadu State Co-operative Bank Limited, or in Chennai Central Cooperative Bank Limited, or in any corresponding new Bank as defined in the Banking companies (Acquisition and Transfer of Undertaking Act, 1970)(Central Act 5 of 1970) in the name of the school, a sum equivalent to a minimum of one month salary of the staff employed in such school, to serve as a working capital of that school, which may be drawn for the disbursement of salary to the members of the staff on the due date.

(d) If the educational agency pays more than the scales and rates ordered by Government such excess shall be met by the educational agency from its own funds and shall not be debited to the school funds and for purposes of grants such higher scale or rate shall not be taken into consideration.

(e) The educational agency shall not collect fees or donations compulsorily other than those permitted by the competent authority under rule 23 from pupils or parents or any other persons for any purpose whatsoever.

(f) The educational agency shall carry out the instructions issued by the Government from time to time in the public interest to ensure that admission in the schools run by them, of pupils belonging to the socially and educationally backward classes of citizen and to safeguard the interest of linguistic minorities.

(g) The educational agency shall carry out the instructions issued by the Director concerned or other officers subordinate to him with a view to maintain the academic standards and to safeguard the interest of teachers and the pupils including the linguistic minorities.

(h) The educational agency should have fulfilled all the conditions stipulated by the competent authority at the time of according permission to open the school or the additional standard or section.

(i) The school shall be situated in a building which is accessible to all castes and communities.

(j) The premises of the school or subsidiary building pertaining to it or a playground or a vacant site belonging to the school whether adjacent to or remote from it, shall ordinarily be used for the purposes of conducting the school or for functions conducted by such schools or for authorized examinations or for other purposes specifically permitted by the Inspecting Officer.

(jj) The use of the building and other properties including the playground of any recognized private school for conducting drill or training with or without arms by persons who are not students or members of the staff of the school shall not be permitted by the management under any circumstances:

Provided further that non-observance of the condition laid down in clause (j) above will entail the withdrawal of recognition and aid as per sub-section(1) of section 12 of the Tamilnadu Recognized Private Schools (Regulation) Act, 1973.

Clause (jj)“inserted by G.O Ms.No.1175, Education dated 3rd Sep 1984”

(k) The School Committee shall not appoint any teacher whose certificate has been suspended or cancelled or who has been declared unfit to be a teacher in recognized schools or who has been convicted for offences involving moral turpitude.

(l)“The additional factors given in section 11-A of the Act shall also be taken into account by the competent authority before passing orders on an application for recognition under section 11”

(3) The Certificate of recognition of the private school shall be granted within a period of two months from the date of receipt of application.

(4) It shall be open to the competent authority to reject the application for recognition *if he considers that any one of the conditions under sub-rule (2) has not been satisfied.* The order rejecting the application shall specify the grounds for rejection and shall be communicated within a period of two months from the date of receipt of the application.

(5) No School which does not enjoy recognition shall be permitted to present students for writing public examination conducted by the Director of Government Examinations, Chennai 6

WITHDRAWAL OF RECOGNITION

10(1) The competent authorities for withdrawal of Recognition shall be the following.

Schools	Competent Authority
Pre-Primary, Primary and Middle Schools	Chief Educational Officer
High Schools	Joint Director of School Education (Secondary Education)
Higher Secondary School	Joint Director of School Education (Higher Secondary)

(2) The recognition shall be withdrawn permanently or for any specified period, by the competent authority, if the educational agency or the school Committee or the Secretary of the School Committee violates any one of the conditions stipulated for recognition under rule

SCHOOL COMMITTEE AND ITS CONSTITUTION AND FUNCTIONS

15. (1) every private school shall have a duly constituted school Committee which shall include the headmaster of the private school and the senior most teachers employed in the private school provided in sub-section(2).

Provided that where an educational agency is a company or corporation owned or controlled by the central or state government and such educational agency has established and administering or maintaining more than one private school, such private schools may with the prior permission of the Director concerned have a common school committee consisting of all heads of such private schools and such number of senior most teachers employed in such private schools as provided in sub section (2). (This Provision to section15(1) was added by T.N.Act 16 of 1995)

(2) The number of representatives of the teachers on such constituted school committee shall be such as may be prescribed in the Rules issued under this Act and different number of representatives may be prescribed for different classes of private schools.

16. (1) Every school committee shall have a secretary who shall exercise such powers and perform such functions as may be prescribed.

(2) Every person holding office as president, secretary, manager or correspondent of private school or exercising the powers of secretary under this Act on the date of the commencement of this Act shall be deemed to be a secretary under this Act.

17. (1) The school committee shall meet at such time and places and shall subject to the provisions of sub-sections (2) and (3) observe such rules of procedure in regard to transaction of business at its meeting (including the quorum at meetings) as may be prescribed.

Provided that the school committee shall meet at least once in every three months.

(2) The president of the school committee or, in his absence, any member chosen by the members present, shall preside at a meeting of the school committee.

(3) All questions at any meeting of the school committee shall be decided by a majority of the votes of the members present and voting and in the case of an equality of votes, the president or, in his absence, the member presiding, shall have and exercise a second or casting vote.

18. (1) Functions of the school committee and responsibility of educational agency under the Act,- (1) Subject to the provisions of this act and the rules made thereunder the school committee shall have the following functions, namely:-

(a) To carry on the general administration of the private school excluding the properties and funds of the private school.

(b) To appoint teachers and other employees of the private school, fix their pay and allowances and define their duties and the conditions of their service; which shall not contravene any of the provisions made in the Rules or directions issued under this Act, and

(c) to take disciplinary action against teachers and other employees of the private school following the prescribed procedure.

(2) The educational agency shall be bound by anything done by the school committee in the discharge of the functions of that committee under this Act.

(3) For the purposes of this Act, any decision or action taken by the school committee in respect of any matter over which the school committee has jurisdiction shall be deemed to be the decision or action taken by the educational agency.

(4) The Secretary of the school committee shall send a quarterly Return showing the decisions taken at the meetings of the school committee held during the Quarter under report and enclose it to that monthly staff grant Statement ending with that quarter.

Given below are the conditions stipulated under **TAMIL NADU RECOGNISED PRIVATE SCHOOLS (REGULATION) RULES (1974)** for constituting the School committee of an established school.

12. Constitution of the school Committee –

(1) (a) the educational agency of every private school shall constitute a school committee, and obtain the approval of the Inspecting Officer concerned. (b) Provided that where an Educational Agency is a company or Corporation owned or controlled by the Central or State Govt. and such Educational Agency has established and administering or maintaining more than one private school such private schools may with the prior permission of the Director concerned have a common School Committee consisting of all Heads of Institutions of such private schools and such number of senior most teachers employed in such private schools as provided in sub section(2).

(2) The term of Office of the Committee shall be three years. Members of the committee shall be eligible for re nomination.

(3) The School Committee shall consist of not more than the following number of members:-

- | | | |
|-------|--|---|
| (i) | Representatives of the Educational agency who shall be nominated by such educational agency members. | 6 |
| (ii) | Headmaster of the School (Ex Officio) | 1 |
| (iii) | Senior most teachers of the school | 3 |
| (iv) | Parent Teacher Association nominee | 1 |
| (v) | Senior-most non teaching staff
(if available) | 1 |

Explanation I : Non-Teaching staff should mean the ministerial staff belonging to group “c” and above.

Explanation II: For the purpose of this rule, the school seniority shall be determined with reference to the total service rendered by teachers or non teaching staff as the case may be in that recognized school Provided that the number of representative of teachers shall not be reduced on account of any decrease in the strength of teachers during the three years term of the committee.

Provided further that the educational agency shall increase the representation for the teachers on the above scale, if the strength of the teachers is increased. The teachers so nominated shall be a member of the committee for the residual period of the tenure of the committee and shall be eligible for re-nomination

Provided further, when a vacancy of teachers representatives in the committee arises, the next senior most teacher shall be nominated to the committee. However, there shall be no change in the membership of the teacher representatives during the tenure of the committee on account of the appointment of another senior teacher.

Explanation III: Nomination of Teacher Representatives shall be made as follows:

- (a) Higher Secondary Schools – one each from the categories of
 - (1) P.G.Teachers (2) B.T.Teachers (3) Secondary Grade Teachers
- (b) High Schools – one each from the categories of (1) B.T. Teachers
 - (2) Secondary Grade Teachers and (3) Specialist Teachers
- (c) Primary and Middle Schools – Three from among the teachers
 - (3) (A) When a vacancy of representatives of Teaching and non teaching staff arises, the vacancy shall be filled in on the basis of seniority.
 - (4) The educational agency shall nominate one of its representatives in the committee as the President. If the educational agency intends to change the President, within the period of three years, it shall do so only with the prior approval of the District Educational Officer or the District Elementary Educational Officer as the case may be

- (5) The following persons shall not be eligible to become members of the Committee:
- (a) Minors;
 - (b) Mentally unsound persons;
 - (c) Persons convicted for criminal offence involving moral turpitude;
 - (d) insolvents;
 - (e) A person who has been found responsible for any serious irregularity, as a result of enquiry by the Education Department
 - (f) A member shall cease to continue on the committee if any one of the grounds mentioned in (b) to (e) above become attributable to him after nomination or if he fails to attend three consecutive meetings.

13. Secretary of the school committee - (1) The educational agency shall nominate one of its six representatives as secretary of the School Committee who shall be a graduate; Provided that, it shall be open to the Educational agency to nominate the Headmaster as Secretary.

(2) The term of office of the Secretary shall ordinarily be three years. However, he shall be eligible for renomination as secretary for subsequent terms. If the educational agency intends to change the Secretary within the period of three years, it shall do so only with the prior permission of the District Educational Officer or the District Elementary Educational Officer as the case may be.

(3) The Secretary of the School Committee shall function for and on behalf of the School Committee and the educational agency.

(4) The Secretary shall act on the basis of the resolutions passed at the meetings of the school committee.

(5) The Secretary shall not interfere in the internal administration of the school like admissions, examinations, promotions of pupils and other academic matters which shall be the exclusive responsibility of the head of the institution.

(6) The Secretary shall be responsible for the correct maintenance of accounts and proper administration of accounts. In respect of special fee a/c the Headmaster shall be responsible.

(7) When the Educational agency ceases to exist if there is no legal claim for a period of more than three years, the Government shall take over to run the school.

Meetings of the school committee are convened by the secretary of the school committee with the approval of the President of the School Committee.

(2) No meeting of the school committee shall be conducted unless:-

(a) at least seven days clear notice in writing has been given to the members of the committee.

(b) at least fifty percent of the total members of the committee are present.

Explanation:- If the total number of the members of the committee is an odd number, the next higher even number shall be taken for purpose of this sub-rule.

(3) A copy of the minutes shall be communicated by the secretary of the School Committee to the Assistant/Additional Asst. Elementary Educational Officer in respect of a pre-primary, a primary or a middle school, and to the respective Inspecting officer in respect of a High School, or Higher Secondary School, within fifteen days from the date of such meeting”.

(4) The Secretary shall also send a Quarterly Return showing the dates of the meeting and the decisions taken at each meeting during the Quarter under report, along with that monthly staff grant statement ending with that Quarter.

APPOINTMENT OF SPECIAL OFFICER IN CERTAIN CASES

18. A. (1) (A) where the Government, on receipt of a report from the Director or otherwise, are satisfied that the management of any private school-

(i) is responsible, whether on or after the date of commencement of the Tamilnadu Recognized Private School (Regulation) and Private Colleges (Regulation) Amendment Act, 1982, for the mal administration, lapses or irregularities of such private school; or

(ii) has neglected whether on or after the date of commencement of the Tamilnadu Recognized Private Schools (Regulation) and Private Colleges (Regulation) amendment Act, 1982 to discharge any of the duties imposed or to perform any of the functions entrusted to such management by or under this Act, or any rule or order made or direction issued

there under, the Government may, after giving to such management an opportunity to make representation and for reasons to be recorded in writing, by an order suspend the management and appoint a special officer for a period not exceeding one year or till the reconstitution of the management(in accordance with the law applicable to the reconstitution of such management), whichever is later: Provided that in no case the maximum period of such suspension of management shall exceed two years irrespective of the reconstitution of the management in accordance with the law applicable to the reconstitution of such management: Provided further that where, the management of any minority school is suspended, the Government shall appoint a special officer belonging to that minority which has been administering the said minority school immediately proceeding such suspension.

(iii) The special officer to be appointed under sub section (ii) shall be a District Educational officer in respect of High and Higher Secondary Schools. The authority competent to accord approval wherever necessary as contemplated in these rules on matters arising from the orders of the Special Officer shall be the Chief Educational Officer in whose jurisdiction such school lies (ii) shall be the District Elementary Educational Officer of the District in the case of primary and middle schools. The authority competent to accord approval wherever necessary as contemplated in these rules, shall be a Deputy Director of Elementary Education nominated by the Director of Elementary Education for the purpose.

(iv) (b) On the making of an order under clause (a), suspending the management of a private school-

- (i) the management shall cease to discharge the duties imposed on, and to perform the functions entrusted to it; and
- (ii) the special officer-

(A) shall take all such steps as may be necessary to efficiently manage and run the private school in accordance with any law applicable to the private school in so far as such law is not inconsistent with this Act; and

(B) may afford such special educational facilities as were immediately before the making of the order under clause (a), afforded at the private school.

Explanation,-In item (A) of sub-clause (ii) of clause (b), the expression "law" includes any byelaw, rules, regulation, custom, usage or instrument having the force of law.

(C) where the Government are satisfied that the manager alone, is whether on or after the date of commencement of the Tamil Nadu Recognised Private Schools (regulation) and Private Colleges (Regulation) Amendment Act, 1982, responsible for the lapses or irregularities of the private school, action shall be taken against him by the management, as recommended by the Government.

(2) The Government may, for reasons to be recorded in writing, by an order declare a person to be unfit to be the manager of private school after giving to such person an opportunity of making his representation against such declaration and under intimation to the management and on such declaration, the person aforesaid shall cease to be the manager of the private school, shall nominate another person as a manager in his place.

(3) For the removal of doubts it is hereby declared that any willful failure or willful negligence on the part of a management to take action against the manager as required under clause (c) of subsection (1) or to nominate another person as manager under subsection (2) shall constitute an act of maladministration and action shall be taken against the management of private school under this Act accordingly. Explanation.- For the purpose of this Chapter- 2. "management" includes the school committee or any person, body of persons, committee or any other governing body, by whatever name called, in whom the power to manage or administer the affairs of a private school is vested: Provided that the Board of Trustees, or the governing body of Wakf Board, by whatever name called, constituted or appointed under any other law for the time being in force relating to the charitable and religious institutions and endowments and wakfs, shall be deemed to be a management for the purposes of this Chapter; (3) "manager" means the secretary, or any person holding office as president, manager or correspondent of a private school, who is managing or administering the affairs of such private school; (4) "private school" includes minority school. (5) Sub-sections (1) and (2) shall apply to a minority school, in so far as they are not repugnant to clause (1) of Article 30 of the Constitution.

18.B. Appeal to Special Tribunal,-

(1) Any person aggrieved by an order passed by the Government under section 18-A, may within one month from the date of receipt of such order, prefer an appeal to the Special Tribunal consisting of two judges of the High Court nominated from time to time by the Chief Justice in that behalf: Provided that the Special Tribunal may in its discretion allow further time not exceeding one month for the filing of such appeal.

(2) The members of the Special Tribunal shall hear the appeal on all points whether of law or of fact, where on any such point or points, the members are divided in their opinion they shall state the point or points together with their opinion thereon shall then be laid before one or more judges nominated for the purpose by the Chief Justice and such Judge or Judges shall hear the appeal in so far as it relates to such point or points and on each such point, the decision of the majority of the Judges who have heard the appeal including those who first heard it shall be deemed to be the decision of the Special Tribunal.

(3) The Special Tribunal shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act V of 1908) when hearing an appeal.

(4) Every order made by the Special Tribunal under this Act shall be deemed to be a decree of a civil court and shall be executable in the same manner as a decree of such court.

(5) The decision of the Special Tribunal shall be final.

TERMS AND CONDITIONS OF SERVICE OF TEACHERS AND OTHER PERSONS EMPLOYED IN PRIVATE SCHOOLS.

19. The Government may make rules regulating the number, qualifications and conditions of service (including promotion, pay, allowances, leave, pension, provident fund, insurance and age of retirement and rights as respect to disciplinary matters) of the teachers and other persons employed in any private school. The fundamental Rules, The Tamil nadu leave Rules, The Tamilnadu Pension code, and the Govt. orders issued from time to time regulating various allowances unless otherwise specifically ordered shall mutates mutandis apply to the teachers and other persons employed in the posts approved by the department and admitted to aid.

20. (1) No person who does not possess the qualifications prescribed under section 19 shall on or after the date of the commencement of this Act, be appointed as teacher or other employee in any private school.

(2) Nothing contained in this section or any rule made thereunder shall apply to any person who, on or before the date of the commencement of this Act is employed as teacher or other employee in any private school.

21. Every teacher and every other person employed in any private school shall be governed by such code of conduct as may be prescribed and if any teacher or other person so employed violates any provision of such code of conduct, he shall be liable to such disciplinary action as may be prescribed.

22. (1) Subject to any rule that may be made in this behalf, no teacher or other person employed in any private school shall be dismissed, removed or reduced in rank nor shall his appointment be otherwise terminated except with the prior approval of the competent authority.

(2) Where the proposal to dismiss, remove or reduce in rank or otherwise terminate the appointment of any teacher or other person employed in any private school is communicated to the competent authority, that authority shall, if it is satisfied that there are adequate and reasonable grounds for such proposal, approve such dismissal, removal, reduction in rank or termination of appointment and communicate its decision within 2 months, after getting all the relevant materials for taking a decision.

(3) (a) No teacher or other person employed in any private school shall be placed under suspension, except when an inquiry into the gross misconduct, within the meaning of the Code of Conduct prescribed under sub-section (1) of section 21, of such teacher or other person is contemplated.

(b) No such suspension shall remain in force for more than a period of two months from the date of suspension and if such inquiry is not completed within that period, such teacher or other person shall, without prejudice to the inquiry, be deemed to have been restored as teacher or other employee: Provided that the competent authority may, for reasons to be recorded in writing, extend the said period of two months, for a further period not exceeding two months, if in the opinion of such competent authority, the inquiry could not be completed within the said period of two months for reasons directly attributable to such teacher or other person.

23. Any teacher or other person employed in any private school- (a) who is dismissed, removed or reduced in rank or whose appointment is otherwise terminated; or

(b) whose pay or allowances or any of whose conditions of service are altered or interpreted to his disadvantage by any order may prefer an appeal against such order to such authority or officer as may be prescribed and different such authorities or officers may be prescribed for different classes of private schools.

Explanation - In this section, the expression 'order' includes any order made on or Before the date of the commencement of this Act in any disciplinary proceedings which was pending on that date.

24. If the appeal under section 23 was against the dismissal, removal or reduction in rank or the termination otherwise of the appointment of any teacher or other person employed in any private school, such teacher or other person or the educational agency aggrieved by any order made in any such appeal, may prefer an appeal against the appellate order o the Tribunal.

25. (1) if, before the date of the commencement of this Act, any teacher or other person employed in any private school has been dismissed or removed or reduced in rank or his appointment has been otherwise terminated and any appeal preferred before that date.-

(a) by him against such dismissal or removal or reduction in rank or termination; or

(b) by him or the educational agency against any order made before that date in the appeal referred to in clause (a) is pending on that date, such appeal shall –

(i) in a case falling under clause (a) stand transferred to the appellate authority prescribed under section 23; or

(ii) in a case falling under clause (b), stand transferred to the Tribunal.

(2) If any such appeal as is referred to in sub-section(1) has been disposed of before the date of the commencement of this Act the order made in any such appeal shall be deemed to be an order this Act and shall have effect accordingly.

26. Where any retrenchment of any teacher or other person employed in any private school is rendered necessary consequent on any order of the Government relating to education or course of instruction or to any other matter (or consequent on the reduction in strength of the pupils studying in any such private School) it shall be competent for the Government or the school committee of any private school to appoint such teacher or other person in any school or institution maintained by the government or in such private school, as the case may be.

(Explanation – For the purpose of this section, the strength of the pupils shall be determined in accordance with the norms fixed in the Grant-in-Aid code of the Tamilnadu Education Department or under any rule, regulation or order as may be made or issued by the Government or the Director of School Education, from time to time, for appointment of teachers or others in any private school)

27. The pay and allowances of any teacher or other person employed in any private school shall be paid on or before such day of every month, in such manner and by or through such authority, officer or person, as may be prescribed.

28. (1) This Chapter or any rule providing for all or any of the matters specified in this Chapter or any order made in relation to any such matter shall have effect notwithstanding:-

- (a) anything contained in any –
 - (i) other law for the time being in force, or
 - (ii) award, agreement or contract of service, whether such award, agreement or contract of service was made before or after the date of the commencement of this Act, or
 - (iii) judgment, decree or order of court, Tribunal or authority, or
- (b) that the rules relating to recognition of or payment of grant, to private schools, had or have no statutory force:

Provided that where, under any such award, agreement, contract of service or otherwise, Any teacher or other person employed in any private school is entitled to benefits in respect of any matter which are more favourable to him than those to which he will be entitled under this chapter, such teacher or other person shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he receives benefits in respect of other matters under this chapter.

(2) Nothing contained in this chapter shall be construed as precluding any such teacher or other person from entering into an agreement for granting him rights or privileges in respect of any matter which are more favorable to him than those to which he would be entitled under this chapter.

(3) When a school under non-minority educational agency is transferred to the management belonging to a minority along with the teachers and other persons appointed against posts approved by the department and admitted to aid, such teachers and other persons will continue.

Given below are the conditions stipulated under **TAMIL NADU RECOGNISED PRIVATE SCHOOLS (REGULATION) RULES (1974)** regarding qualifications, conditions of teachers and other persons.

Qualification, conditions of service of teachers and other persons.-

(1) The number of teachers and other persons employed in a private school shall not exceed the number of posts sanctioned by the respective Directors from time to time, with reference to the academic requirements, teacher-pupil ratio and overall financial considerations.

(2) (i) The School Committee of every private school shall enter into an agreement with the teacher or other person in Form VII (a) or VII(b) if the appointment is for a period exceeding three months.

(ii) Three copies of the agreement shall be executed. One copy shall be furnished to the teacher or other person concerned, the other copy shall be retained by the school committee and third copy shall be forwarded to the Inspecting Officer concerned.

(3) In a regular vacancy a fully qualified candidate shall be appointed only on a regular basis. However in a temporary vacancy, i.e., leave vacancy, deputation for training or suspension of the teacher's certificate a teacher or other person may be appointed for specified period. In such cases the agreement to be executed shall be in form VII (b).

(4) (1)(i) Promotion to the category of teachers and other persons shall be made on the basis of school seniority.

(ii) Appointments to the various categories of teachers shall be made by the following methods.

(a) Promotion from among the Qualified teachers in that school in the next lower grade on identical scales of pay having due regard to the subject and language requirement. If qualified and suitable candidates are not available in that grade, candidates in the further next lower grade shall be considered.

(b) while filling the vacancies in the cadre of P.G.Teachers, candidates who have obtained a Master's Degree and Bachelor's Degree in the same subject or language as main shall be given first preference.

(2) If no qualified and suitable candidate is available by method(1) above appointment shall be made in the following order

- (a) Appointment of other persons employed in that school, provided they are fully qualified to hold the post of teacher.
- (b) Appointment of teachers from any other school
- (c) Direct Recruitment

In the case of appointment from any other school or by direct recruitment, the school Committee shall obtain the prior permission of the District Elementary Educational Officer in respect of Pre-Primary, Primary and Middle School and that of the inspecting officer in respect of High and Higher Secondary Schools, setting out the reasons for such appointment. For the purpose of promotion, a panel of names of prima facie fully qualified and eligible candidates in each category shall be prepared as on 1st June of each year. If there is more than one category on identical scale of pay they should be grouped together. The panel should contain the names of all fully qualified and eligible candidates. Their names should be arranged according to their inter-seniority determined by the date of joining duty in that school. If it happens to be the same date for more than one, their inter-seniority shall be fixed with reference to their dates of birth, the elder being given the higher place. For Direct Recruitment, the private aided Educational Institutions shall make all appointments in their institutions through the Employment Exchange only. When no candidate is available from the Employment Exchange or the candidates who are sponsored from the Employment Exchange are found to be unfit, it would be open to the Private Educational Agency to seek the permission of the concerned authority and go ahead with the recruitment from the open competition: [As per G.O. Ms.No. 873 Education Science and Technology (D2) Dept. dt. 13.11.95.]

(iii) Appointment to the post of Head of a High School:- For filling the vacancy of Head of Institution of a High School, the management shall maintain a panel of names of all fully qualified and eligible candidates in the feeding cadre i.e. category of B.T.Asst. and other eligible categories on identical scales of pay as on 1st June of each year, and their names arranged according to their seniority to be determined with reference to the date of joining the eligible cadre in that School following the procedure prescribed in sub rule (ii)

above. The claims of the first five candidates in that panel shall be considered and the best among them shall be selected. While making the selection due consideration should be given to

- (a) Teaching efficiency,
- (b) Proficiency in the subject
- (c) Leadership qualities
- (d) Ability to maintain discipline
- (e) Special contribution made for the growth and development of the Institution
- (f) Sociability and
- (g) Personality and bearing

(iv) Appointment to the post of Head of a Higher Secondary School : - Appointment to the post of Head of Institution of a Higher Secondary School shall be made by the methods specified below:

Promotion from among the qualified and eligible candidates in the category of Heads of High Schools (and the T.T.I) under the same Educational Agency based on seniority. If no qualified and eligible candidate is available by method (a) above, promotion from the feeding category of P.G.Assistants in academic subjects and languages provided they possess the prescribed qualifications. For the purpose of this rule, an integrated seniority list of all prima-facie fully qualified and eligible candidates belonging to various academic subjects and languages as on 1st June of each year shall be maintained. Their names in the panel shall be arranged according to their inters-se seniority fixed with reference to the date of joining the P.G. Cadre in that School after becoming fully qualified for the post of P.G.Asst. The claims of the first five candidates in the panel shall be considered and the best among them shall be selected. While making the selection due consideration should be given to the factors (a) to (g) mentioned in sub rule (iii) above. The panel mentioned in items (i) (iii) & (iv) above shall be valid for one year only. As and when need arises, a sub committee shall be constituted by the school committee with not more than 3 members consisting of (1) the secretary, (2) the Head of the institution and (3) an expert to examine the proficiency of the Teacher in the matter of making new appointments to the various categories of Teachers. Likewise, a sub committee shall be constituted for selection to the post of Head of the Institution. The sub committees will merit-rate the candidates for consideration by the School committee. In respect of corporate body running more than

one School, all the schools under that body shall be treated as one unit for the purposes of this rule. Separate seniority list shall be maintained for each category of Teachers and other persons. The seniority will be determined with reference to the date of joining the category under the corporate body. This seniority list shall be a permanent one to be updated as and when there is addition or deletion. A panel of names of candidates in each category who are prima-facie fully qualified and eligible for promotion to higher posts as on 1st June of each year shall be prepared and maintained. The names in the panel shall be arranged on the basis of their inter-se seniority in their respective categories. This panel will be valid for one year only. If the vacancies to be filled up in the category of Heads of Institution of High School and Higher Secondary School are more than one in each category, the claims of a batch of five candidates in the panel in the order of seniority for each vacancy shall be considered. With regard to fixing the seniority and constitution of sub committee and selection of candidates the procedure prescribed in sub rule (ii) (iii) (iv) & (vi) above shall be followed.

4 (A) Any person employed in the institution specified in column (i) of the table below, aggrieved by an order issued under sub Rule 4 may prefer an appeal to the authority specified in the corresponding entry in column (2) thereof.

Institution	Authority
Pre-primary, Primary, Middle School	Chief Educational Officer
High School or Higher Secondary School (in respect of a person other than Head Master) Post-Graduate Assistant both Academic and Language) or Physical Director	Joint Director of School Education (Secondary Education)
Higher Secondary School (in respect of Head Master Post Graduate Assistant (Both academic and Language) or Physical Director	Joint Director of School Education (Higher Secondary Education)

4 (B) The proposal for approval of appointment shall reach the inspecting officer concerned within 15 days from the date of appointment and the approval shall be accorded within 30 days from the date of receipt of the proposal. Such proposal should be accompanied by a copy of the resolution passed by the school committee.

(5) A Service register shall be maintained for every teacher or other person, showing among others the date of appointment, the scale of pay on which he/she was appointed, the increments given from time to time, the leave to his/her credit and the leave granted and other relevant entries like awards and punishments, additional qualifications acquired, deputation & incentive increments granted.

(6) The teacher and other persons employed in a private school shall possess the qualification specified in Annexure V.

(7) Every Private school not being a minority school shall reserve 18+1 percent of the vacancies in teaching as well as non-teaching staff, for candidates belonging to Scheduled Caste and Scheduled Tribes respectively.

(8) Every Private School, not being a minority school shall reserve 30 per cent of the vacancies in teaching as well as non teaching side for the candidates belonging to Backward classes and 20 percent for the candidates belonging to the Most Backward Classes.

(9) (i) The claims of the candidates belonging to Backward Classes, Scheduled Castes and Scheduled Tribes shall also be considered for the remaining 31 percent of unreserved vacancies which are filled on the basis of merit. Where a candidate belonging to Backward classes, Most Backward classes, Scheduled castes or Scheduled Tribes is selected on the basis of merit in the said 31 percentage of unreserved vacancies, the number of percentage, reserved for Backward classes, Most Backward classes, Scheduled castes or Scheduled Tribes, as the case may be shall not in any way be affected.

(ii) If a qualified and suitable candidate belonging to any of the Scheduled Castes and Scheduled Tribes or Backward Classes or Most Backward Classes is not available for selection for appointment in the turn allotted for them in the cycle the turn so allotted to the Backward classes and Most Backward classes shall lapse and the vacancy shall be filled by the next turn in the order of rotation; but the turn so reserved for Scheduled Castes and Scheduled Tribes shall not lapse and the number of candidates to be selected in that recruitment shall be reduced by the number of Scheduled Castes and Scheduled tribes candidates not available for selection against the turn reserved for them, the unfilled vacancies reserved for scheduled castes and scheduled tribes shall be carried over to the next recruitment and selection for appointment to that post in the next recruitment shall be made first for the carried over turn and then the normal rotation shall be followed.

(G.O. Ms. No. 1371, Education, dated 22nd July 1980) 15 (10): For the purpose of reservation of vacancies the "Roster" prescribed by Government for a cycle of 100 vacancies, given in Annexure VI shall be followed. There shall be a separate roster for each category of posts. In the case of P.G. Teachers appointed for Higher Secondary Standards, each subject or language of the academic course shall be a separate unit for the purpose of reservation and maintenance of roster, provided in the case of schools under a Corporate Body, all schools shall be treated as one unit for the purpose of this rule.

15-A Probation. – Every person appointed to a category shall from the date on which he joins duty, be on probation for a period of two years on duty excluding any period spent on leave within a continuous period of three years;

16. Teachers and other persons employed in private Schools to be governed by code of conduct – (1) The teachers and other persons employed in private schools shall be governed by the code of conduct as specified in Annexure II.

(2) A teacher or other person employed in a private school shall be liable to disciplinary action and punishment, if he violated any provision of the code of conduct which may include, dismissal or removal or termination of service or reduction in rank.

17. Dismissal, removal or reduction in rank or suspension of a teacher or other persons employed in private Schools –

(1) The competent authorities to accord prior approval for the dismissal, removal or reduction in rank of a teacher or other person employed in any private school shall be the District Elementary Educational Officer in respect of teacher or other person employed in Pre-Primary, Primary and Middle Schools and the Chief Educational Officer in respect of teacher or other person employed in High schools, Higher Secondary Schools. Inspector of Matriculation Schools in respect of Matriculation Schools, and Inspector of Anglo Indian Schools in respect of Anglo Indian Schools.

(2) (i) Whenever a teacher or other person employed in a private school is kept under suspension, such suspension shall immediately on the date of issue of the suspension order be intimated by the Secretary of the School Committee to the Inspecting Officer concerned along with a copy of the suspension order.

(ii) On receipt of intimation regarding the suspension of a teachers or other person as mentioned in clause (i) above the Inspecting officer concerned shall make payment of

subsistence allowance to the Teacher or other person who is placed under suspension every month from the date of suspension for not more than two months at half the rate of pay which he was drawing at the time of suspension and in addition the Dearness Allowance, if admissible on the basis of such pay.

(iii) Whenever the competent authority has extended the period of suspension of a teacher or other person under the proviso to clause (b) of sub section (3) of section 22 of the Act, he shall intimate such extension of suspension to the Inspecting Officer Concerned. On receipt of such intimation the Inspecting Officer concerned shall make payment of subsistence allowance to the teachers or other persons who is placed under suspension for a further period not exceeding two months at half the rate of pay which he was drawing at the time of suspension and in addition the Dearness Allowance if admissible on the basis of such pay.

(iv) The Inspecting Officer concerned shall send an intimation regarding the payment of the subsistence allowance under clause (ii) and (iii) above to a teacher or other person who is placed under suspension to the Secretary of the School Committee.

(v) The payment of subsistence allowance shall be limited to maximum of four months in all.

(vi) After the expiry of the period of suspension of 4 months even if the disciplinary proceedings are not concluded, the competent authority shall revoke the order of suspension and re-instate the teacher in service on the next day, even if it be a holiday, in the post from which he/she was suspended, without prejudice to the disciplinary proceedings pending against him. In a case where the teacher becomes involved in a Criminal Proceedings, leading to his suspension from service, if legal advice is tendered for his reinstatement pending disposal of the criminal case, the competent authority shall reinstate him in service otherwise, the teacher will continue to be under suspension and the limit of 4 months shall not apply.

(3) (i) Where after enquiry, including the appeal a suspension is found to be not justified, the management on receipt of orders shall remit the amount of subsistence allowance paid to the teacher or other person, employed in that private school to the government in one lump sum under the appropriate head of account. The Educational agency shall however pay such teacher or other person the full pay and allowances he would have drawn but for his suspension less the amount of subsistence allowance already

paid to the teacher or other person for the suspension period from the funds of the management without any claim from grant.

(ii) Where a substitute is appointed in the place of a teacher or other person employed in a private school kept under suspension, the management shall not be entitled to any grant in respect of such a substitute. (G.O. Ms. No. 748, Education dated 22nd May 1981)

(iii) "Where the appellate authority has decided against the imposition of the penalty of dismissal or removal from service or placement under suspension of a Teacher or other person employed in a private school by the management of that school, the management of every private school, not being a minority school, shall implement the order of the Appellate Authority and reinstate the teachers or other persons with all back wages for the period of dismissal or suspension or removal within one month from the date of order of the Appellate Authority failing which, apart from resumption of the post, recognition shall be withdrawn and such period shall be treated as "Duty". (G.O. Ms. No. 1535, Education, dated 13th September 1986).

17. A - Educational agencies not to obtain compulsorily resignation letter either at the time of appointment or subsequently from the employees in their school (1) whenever a teacher or other person employed in a private school tenders his resignation of appointment he shall inform the fact of his resignation in writing, by registered post with acknowledgement due, to the Inspecting Officer concerned.

(2) No teacher or other person employed in a private school shall give to the Educational agency at any time undated or predated resignation letter.

(3) No Educational agency shall insist or compel any teacher or other person employed in a private school to give at any time undated or predated resignation letter.

(4) No teacher or other person employed in a private school shall be relieved from service on the strength of the resignation letter. The resignation letter shall, on receipt be sent to the Chief Educational Officer concerned in respect of teachers and other persons employed in a high and Higher Secondary School and to the District Elementary Educational Officer concerned in respect of teachers and other persons employed in a pre-primary, primary and middle schools. The Chief Educational Officer / District Elementary Educational Officer concerned shall in turn, get the confirmation of the teacher or other person employed

as the case may be, as to the fact of such resignation and then accord his approval to relieve the teacher or other person employed, as the case may be, from service.

(5) Entries regarding the date of acceptance of resignation of appointment shall be made by the Secretary of the School committee in the Teachers Service Register of the teacher or in the Service Register of the other person employed in a private school under proper attestation and duly countersigned by the District Elementary Educational Officer or the other Inspecting Officer, as the case may be.

(6) No substitute shall be appointed in the place of a teacher or other person employed in a private schools who has been relieved on the basis of the resignation letter tendered by him, without obtaining prior approval of the Chief Educational Officer concerned in respect of the teacher and other persons employed in High and Higher Secondary Schools and the District Elementary Educational Officers concerned in respect of teachers and other persons employed in pre-primary, primary and Middle schools. (G.O. Ms. No.586, Education, dated 2nd April 1981)

18. Appeal against orders of punishment imposed on teacher and other persons employed in private schools

The competent authorities, to whom an appeal under section 23 of the Act shall be from any teacher or person employed in a private school against any order of dismissal, removal or reduction in rank or whose appointments otherwise terminated or whose pay and allowances or any of whose conditions of service are altered shall be the following, namely: In respect of teachers and other persons employed in pre-primary, primary and middle schools –

The joint Director – Elementary Education.- In respect of a teacher and other person employed in High school, or higher secondary schools
(other than Headmaster, Post Graduate – Assistants (both academic and languages) or Physical Director)

The Joint Director of school education, (Secondary Education)

In respect of Headmaster, Post Graduate Assistant (both academic and languages) or Physical Director employed in Higher Secondary School, the Joint Director of School Education (Higher Secondary).

19. Pay and allowances of teachers and other persons employed in private schools to be paid in the prescribed manner. The procedure for payment of pay and allowances to teachers and other persons employed in private schools shall be as in annexure III. The Fundamental Rules, the Tamilnadu Leave Rules, and the Tamilnadu Pension Code, and the Govt. orders issued from time to time regulating various allowances, concessions etc., unless otherwise specifically ordered, shall apply mutatis – mutandis to the teachers and other persons employed in posts approved by the Department and admitted to aid.

20. Conditions for closure of private school, class or course of instruction therein:-

(1) No educational agency shall close a private school or a standard or a course of instruction therein without giving a notice in writing to the competent authority who had given permission to open the school, the standard or the course of instruction in Form VIII for closure of the private school and in Form VIII – A for closure of the standard or the course of instruction in such school, and without obtaining orders permitting such closure from the competent authority.

(2) The notice shall be given to the competent authority before 1st September of the year proceeding the year in which the closure is proposed to be given effort to

(3) Alternative arrangements shall be made for the continuance of the instructions to the pupils, of the Private School or the class or the course of instructions proposed to be closed, as the case may be, for the period of study for which they have been admitted.

(4) Such closure shall take effect from the date of expiry (31stMay) of the academic year, as specified by the competent authority permitting the closure.

(5) The competent authority, while giving such permission for closure of the private school or the class or the course of instruction therein shall satisfy himself about the adequacy of the alternative arrangements proposed to be made. Any property endowed to the private school proposed to be closed shall be continued to be used for the educational purposes in accordance with the objects of the trust endowment or all other property of the private school like contributions and donation from the public shall also be continued to be utilized for the Educational purposes.

(6) Pending proceedings to abate- (1) notwithstanding anything contained in sections 8 of the General Clauses of Act 1991 (Tamilnadu Act of 1991) with effect and from the date of the publication of the Act in the Tamilnadu Government Gazette

(a) any notice given under section 29 of the 1974 Act for closure of any private school, class or course of instruction therein in a private school pending before the competent authority on the date of the publication of this Act in the Tamil Nadu Government Gazette shall lapse;

(b) any appeal preferred against an order, refusing to give the approval for closure of the private school or class or course of instruction in such private school and pending before the appellate authority under section 4 of the 1974 Act on the date of the publication of this Act, in the Tamil Nadu Government Gazette shall abate.

(2) On and from the date of publication of this Act in the Tamil Nadu Government Gazette, the Management of such private school intending to close such private school or any class or course of instruction therein in a private school shall give a fresh notice as required under section 29 of the 1974 Act as amended by this Act.

(G.O. M.No. 1071 Education Dept. dt. 14.6.1988)

21. Educational agency to send list of properties – Every Educational agency shall send along with the statement of account on or before the 31st May of each year, to the Inspecting Officer concerned a statement in triplicate of all movable, properties the value of which, i.e. individually, is not less than Rs. 500/- (Rupees Five hundred only) and where there are more than one articles of the same category, if the total value of such article exceeds Rs. 1000/- (Rupees One Thousand only) and of all immovable properties. In respect of immovable property the statement shall contain the following particulars and shall be authenticated by the Educational agency :-

- ◆ Name of property;
- ◆ Description, address and location;
- ◆ Area/extent together with the survey number;
- ◆ In the case of cultivable land its classification and the crops grown;

- ◆ Market value;
- ◆ Annual income derived from the property;
- ◆ Remarks, if any.

Explanation: A certificate from an officer of the Revenue Department not lower in rank than that of a Tashildar shall be obtained in respect of (e) and (f) above at the time of the first submission of the statement. Whenever there is any change in the movable or immovable properties, such change should be indicated in the statement.

22. Restriction of transfer of property of private school

(1) the following shall be the competent authorities to permit the transfer of property of a private school if they are satisfied that such a transfer is made in furtherance of the purposes of the private school for or similar purpose approved by the competent authority.

Schools Competent Authority

- (a) Pre-Primary, Primary and Middle, District Elementary Educational Schools Officer
- (b) High and Higher Secondary, Chief Educational Officer Schools
- (c) Matriculation Schools, Inspector of Matriculation Schools
- (d) Anglo Indian Schools, Inspector of Anglo Indian Schools

(2) for purposes of this rule, the movable and immovable property shall be those as specified in rule 21.

(3) Movable properties in respect of which permission has been obtained, shall be sold, only through public auction. Records of such public auction shall be maintained and submitted for inspection.

23. Fees and other charges – (1) The competent authority to specify the fee or charges or receive any other payment in respect of every private school shall be the Chief Educational Officer in the case of High and Higher Secondary schools and the District Elementary Educational officer in the case of primary and middle schools. No fee or other charge or donation of any kind shall be collected either from the pupils or from parents or from public except with prior permission of the competent authority, there shall be no deviation from the permitted rate or the purpose for which such levy was authorized. A separate account shall be maintained for such special fees and unutilized amount at the end of the year shall

be carried over to the next year's account under the same head. All moneys that accrue to the school by way of special fees or any other payment authorized shall be brought to the school account and accounted properly.

24.(1) Utilisation of funds and property of private school : -

(1) The funds of the school shall be utilized for the bonafide purposes connected with the school, only with the prior permission of the Inspecting Officer concerned. An appeal against the orders of the Inspecting Officer shall lie to the Chief Educational Officer. In the case of Higher Secondary Schools an appeal shall be to the Joint Director of School Education (Higher Secondary)

(2) Where the Educational agency seeks to divert the funds from one purpose to another, it shall do so only after obtaining the prior permission of the Inspecting Officer concerned.

(3) If any donation is collected, with the prior permission of the competent authority, for any specific or earmarked purpose, they shall be utilized only for that purpose. Balance if any, shall be credited to the funds of the School.

No doubt education is a life long process. Private agencies while catering their services, to educate the pupil, it is most important that their agency and school should obtain the necessary recognition from the competent authority. Their functions are to be carried out effectively by the constitute body. Employees should work for the goal and in turn the employer should recognize the work of the employee and reward them whenever it is necessary.

2.40 Enrichment Activity:

Prepare Answer your self:-

- ◆ Explain the appeal provision for the teachers in the Private school
- ◆ List the powers and functions of private school Secretary
- ◆ Mention the stipulations in the conduct of the meeting of school committee

3.0 MONITORING THE SCHOOL

3.10.OVER VIEW:

The successful function of democracy, education is the basic necessity. Education is a life long process that begins at the cradle and ends at the grave. Private Agencies has wider contribution in the field of education. The Private Schools are to be monitored in order to achieve the desired goal by the competent authority. Controlling as it name indicates concerns with overall supervision of the whole process of administration of such schools. Controlling would sort out the right from the wrong. It also takes measures to rectify the Wrong steps of the administration of private schools. Controlling establishes good relationship between aims and materials on one hand and aims and method on the other.

3.20. Objectives

The study of the package would enable to

- ◆ understand the controlling authorities of the different kind of private schools
- ◆ Identify the penalty rules in existence
- ◆ List out the procedure to be followed by different kind of private schools in their administration

3.30. Learning activities:

3.3.10. Study Unit

Tamilnadu Government School Act 1973 and 1974 gives the regulation regarding control of Private School and its related functions as given below:

CONTROL OF PRIVATE SCHOOL

29. (1) No Private school and no class and no course of instruction therein in a private school shall be closed without obtaining the prior approval arrangements as may be prescribed or the continuance of the instructions of the pupils of private school or the class or the course of instructions, as the case may be, for the period of study for which the pupils have been admitted.

(2) No prior approval under sub-section (1) shall be given unless a notice in writing is given to the competent authority. The period of notice shall be such as may be prescribed

and different periods of notice may be prescribed for different classes of private schools. The notice shall be in such form, contain such particulars and given in such manner as may be prescribed.

(3) The competent authority shall dispose of the notice given under sub-section (2) as expeditiously as possible, and in any case, within six months from the date of receipt of the notice.

(4) On receipt of the notice under sub-section (2) and after considering the same:-

(a) the competent authority may give the prior approval for closure of the Private School, class or course of instruction, as the case may be, and while giving the said prior approval it may impose such conditions as it deems fit; or

(b) if the competent authority is satisfied that –

(i) the notice given under sub-section (2) is defective;

(ii) no arrangements have been made as required under sub-section (1), for the continuance of the instruction of the pupils of private school or the Class or the course of instruction as the case may be, for the period of study for which the pupils have been admitted; or

(iii) the reasons given for closure of the private school class or course of instruction as the case may be, are directly attributable to the mismanagement or maladministration on the part of the management or

(iv) the financial position of the management is sound, in cases where the lack of finance has been adduced as a ground for closure of the private school, class or course of instruction, as the case may be; or

(v) the reason given for closure of the private schools, classes or course of instruction as the case may be, are not bonafide, in

(vi) the closure of the private school, class or course of instruction, as the case may be shall adversely affect the educational opportunity available to the pupils of the local area in which such private school is situated. It may refuse to give the prior approval for closure of the private school, class or course of nstruction as the case may be after recording in writing the reasons for such refusal; Provided that the competent authority shall not refuse to give the prior approval unless the applicant has been given an opportunity of making his representations.

(5) Where the competent authority refuses to give the prior approval for closure of the private school, class or course of instruction, as the case may be, the management shall continue to run the private school, class or course of instruction as the case may be.

(6) Where the competent authority gives approval for closure of the private school, class or course of instruction, as the case may be, during the course of an academic year, such closure shall take effect from the expiry of the said academic year.

Explanation – For the purpose of this section, the expressions of “management” and “private school “ shall have the same meaning as in the Explanation to sub-section (3) of section 18-A

30. The educational agency shall on or before the prescribed date in each year furnish to the competent authority a statement (with such particulars as may be prescribed) of every

- a. movable property of not less than such value as may be prescribed; and**
- b. movable property of the private school.**

31. (1) Notwithstanding anything contained in any other law for the time being in force in any deed, document or instrument having effect by virtue of such other law -

(a) no property of a private school shall except with the previous permission in writing of the competent authority, be transferred by way of sale, exchange, mortgage, charge, pledge, lease, gift or any other manner whatsoever; and

(b) if any such property is transferred without such permission, the transfer shall be null and void.

(2) The competent authority may –

(a) grant the permission under clause (a) or sub-section (1) if the transfer is made in furtherance of the purposes of the private school or of similar purpose approved by the competent authority and the assets resulting from the transfer are to be wholly utilized in furtherance of the said purpose; and (b) when granting such permission, impose such conditions as it deems fit to ensure that such assets are wholly utilized in furtherance of such purposes; but a contravention of any such condition shall not invalidate the transfers. Provided that the permission shall not be refused under this section unless the applicant

has been given an opportunity of making his representations. For the purpose of this section, 'property' means any (a) movable property of not less than such value as may be prescribed; and

(b) such immovable property as may be specified in the rules made in this behalf.

32. (1) Subject to the provisions of sub-section (2) no private school shall levy any fee or collect any other charge or receive any other payment except a fee, charge or payment specified by the competent authority.

(2) Every private school in existence on the date of the commencement of this Act and levying different rates of fees or other charges or receiving any other amount on such date, shall obtain the prior approval of the competent authority before continuing to levy such fees or charges or receive such payment.

33. (1) All the money collected, grants received and other property held by or on behalf of a private school shall be utilized for the purposes for which they are intended and shall be accounted for by the educational agency in such manner as may be prescribed.

(2) A private school may invest or deposit its funds –

(a) in the State Bank of India constituted under the State Bank of India, Act, 1955 (Central Act 23 of 1955); or

(b) in a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (Central Act 38 of 1959); or

(c) in any corresponding new bank as defined in the Banking companies (Acquisition and transfer of Undertaking) Act, 1970 (Central Act 5 of 1970) or Post Office Savings Banks; or

(d) in any of the securities specified in section 20 of the India Trust Act, 1982 (Central Act II of 1882) or

(e) in such mode as may be prescribed

34. (1) If on receipt of a report from the competent authority or otherwise the Government are satisfied that the Educational agency of any private School has neglected to discharge any of the duties imposed on or, to perform any of the functions entrusted to that agency by or under this Act or any rule or order made or direction issued, thereunder and that it is expedient in the interests of School education to take over the management of such private School, the Government may by order, in writing, take over the management

of such private School. (Provided that the Government shall not initiate any proceeding under this section to take over the management of any private School unless they are satisfied that suspension of the management under section 18-A will not be sufficient)

(2) Before making an order under sub-section (1) the Government shall give the Educational agency an opportunity of making its representation.

(3) Any order made under sub-section(1), shall have effect unless it is cancelled for such period as may be specified in the order; Provided that the period so specified shall not, in the first instance exceed two years but may, by a like order, be extended from time to time, by any period not exceeding one year at any one time if it appears to the Government that the interest of school Education requires such extension; so, however, that no such order as so extended shall in any case remain in force for more than five years in the aggregate.

(4) On the making of an order under sub-section (1) taking over the management of a private School;

(a) the Educational agency and the school Committee shall cease to discharge the duties imposed on and to perform the functions entrusted to that agency and that Committee and

(b) the Government

(i) shall take all such steps as may be necessary to efficiently manage and run the private School in accordance with any law applicable to the private School in so far as such law is not inconsistent with this Act and the rules made thereunder and to take into the custody or control of the Government all the property, effects and actionable claims to which the private School is or appears to be entitled and all the property and effects of the private School shall be deemed to be in the custody of the Government as on and from the date of the order; and

(ii) may afford such special Educational facilities as were immediately before the making of the order under sub-section (1) afforded at the private School .

Explanation – In sub-clause (i) of clause (b) the expression “Law” includes any by-law, rule, regulation custom or usage.

(5) If at any time it appears to the Government that the purpose of the order made under subsection (1) has been fulfilled or that for any other reason, the order should be

cancelled, the Government may, by order in writing, cancel the order made under sub-section (1) and on such cancellation, the maintenance and management of the private School shall stand restored to the Educational agency.

(6) Any person aggrieved by any order of the Government under this section may prefer any appeal against such order to the Tribunal.

(7) This section or any order made there under shall have effect notwithstanding anything contained in any other law for the time being in force or in any deed, document or instrument having effect by virtue of such other law.

(8) An Educational agency which ceases to exist and where there is no legal claim for more than 3 years, Government shall take over the management of the school as a permanent measure.

35. (1) Where the control of any property taken over under section 34 is to be relinquished, the Government may, after making such inquiry, if any, as they consider, necessary by order in writing specify the person to whom possession of the property shall be delivered.

(2) The delivery of possession of any such property to the person specified in the order made under sub-section (1) shall be a full discharge of the Government or the competent on any other authority or officer or servant of the Government from all liability in respect of such property, but shall not prejudice any rights in respect of such property which any other person may be entitled by due process of law, to enforce against the person to whom possession of the property is so delivered.

(3) Where the person to whom possession of any property referred to in sub-section (1) is to be delivered cannot be found or has no legal agent or other person empowered to accept delivery on his behalf the Government shall cause to be published in the Tamil Nadu Government Gazette a notice declaring that the control of such property is relinquished; and in the case of any building or land, shall cause a copy thereof to be affixed on some conspicuous part of such building or land.

(4) When the notice referred to in sub-section (3) is published in the Tamil Nadu Government Gazette;-

(a) The property specified in such notice shall cease, on and from the date of such publication, to be subject to the control of the Government or the competent or any other authority or officer or servant of the Government;

(b) Possession of such property shall be deemed to have been delivered on that date to the person entitled to possession thereof; and

(c) The Government or the competent or any other authority or officer or servant of the Government shall not be liable for any rent, compensation or other claim in respect of such property for any period after the said date.

36. Notwithstanding anything contained in this chapter, the Government shall not take over the management of any minority School under section 34. **(ACT 1973)**

Penalties and Procedures

If any person, when required, by or under this Act or any rule made under this Act, to furnish any information, omits to furnish such information or furnished any information, which he knows, or has reasonable cause to believe, to be false, or not true, in any material particular, he shall be punishable, with fine which may extend to one hundred rupees.

47. (1) If any person willfully contravenes, or attempts to contravene, or knowingly abets the contravention of, any of the provisions of this Act or any rule made there under, he shall be punishable with fine which may extend to five hundred rupees and in the case of a continuing contravention with an additional fine which may extend to one hundred rupees for every day during which such contravention continues for conviction for the first such contravention.

(2) If any person willfully obstructs any authority, officer or person, from entering any private school in the exercise of any power conferred on it or him by or under this Act, he shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

48. (1) Where an offence against any of the provisions of this Act or any rule made there under has been committed by a company, every person who, at the time the offence was committed, was in charge of and was responsible to, the company for the conduct of the business of the company as well as the company, shall be liable to be proceeded against and punished accordingly. Provided that nothing contained in this subsection shall

render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in subsection (1), where any such offence has been committed by a company and it is proved that the offence has been committed with the consent or convenience of, or is attributable to any neglect on the part of, any director, manager, secretary or other secretary, or other officer, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation,- For the purpose of this section,-

(a) "company" means any body corporate and includes a firm, society or other association of individuals and

(b) "director" in relation to—

(i) A firm, means a partner in the firm.

(ii) A society or other association of individuals, means the person who is entrusted under the rules of the society or other association, with the management of the affairs of the society or other association, as the case may be. 49. No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the fact constituting such offence made by an authority or officer authorized by the Government in this behalf. 50. No Court inferior to that of a presidency magistrate or a magistrate of the first-class shall try any offence punishable under this Act.

3.40. LIBRARY UNIT:

You are requested to go through the Tamilnadu Private Colleges (Regulation Act 1976)

Laws, rules and Acts are made to not to break but to bring uniformity in the system. It becomes essential for the authorities to have an eye over such breakers and hence monitoring becomes important.

4.00. INSPECTION

4.10. OVER VIEW:

The word inspection is important not only for manufacturing industries but also holds good for servicing Institutions. In this unit you would be learning about Accounting procedures, auditing procedure, Inspection and filing of returns.

4.20. OBJECTIVES:

- ◆ Upon learning this Unit you would be able to
- ◆ 1. Identify the need for inspection in private schools
- ◆ 2. State the importance of maintaining audit records
- ◆ 3. Draft an audit record and returns

4.30. Learning Activities:

4.3.10 Study Unit

Accounts, Audit, inspection and return are related with financial administration of the institution. How these are to be maintained by a Private School for inspecting of competent authorities is detailed below as per the **Tamilnadu government Act 1973 and 1974**
ACCOUNTS, AUDIT, INSPECTION AND RETURNS

37. Every private School shall maintain accounts in such manner and containing such particulars as may be prescribed.

38. (1) The account of every private School receiving grant shall be audited at the end of every academic year by such authority, officer or person as may be prescribed and different authorities, officers or persons may be prescribed for different classes of private Schools.

(2) (a) The authority, officer or person, prescribed under sub-section (1) shall send a copy of the report on the audit of the accounts under that sub-section to the competent authority which shall forward the report to the Educational agency.

(b) The Educational agency shall, within such time as may be prescribed, submit that report together with the comments of that agency to the competent authority. 39.(1) The competent authority shall have the right to cause an inspection of, or, inquiry in respect

of private School, its buildings, laboratories, libraries, workshops and equipment and also of the examinations, teaching and other work conducted or done by the private School, to be made by such person or persons as it may direct and to cause an inquiry to be made in respect of any other matter, connected with the private School and the Educational agency shall be entitled to be represented there at.

(2) The competent authority shall communicate to the Educational agency the views of the authority with reference to the results of such inspection or inquiry and may, after ascertaining the opinion of the educational agency thereon, advise that agency upon the action to be taken.

(3) The educational agency shall report to the competent authority the action, if any, which is proposed to be taken or has been taken upon the results of such inspection or inquiry. Such report shall be furnished within such time as the competent authority may direct.

(4) Where the educational agency does not, within a reasonable time, take action to the satisfaction of the competent authority that authority may, after considering any explanation furnished or representation made by the educational agency, issue such directions as that authority deems fit and the educational agency shall comply with such directions.

40. Every educational agency shall, within such time or within such extended time as may be fixed by the competent authority in this behalf furnish to the competent authority such returns, statistics and other information as the competent authority may, from time to time, require.

(**ACT 1974**)

25. Accounts : - Every private school shall maintain, registers and records specified in annexure IV.

The registers and records in respect of the pre-primary, Primary and Middle Schools, shall be produced to the Assistant Elementary Educational Officer and the Additional

Assistant Elementary Educational Officer and in respect of the High and Higher Secondary Schools to the District Educational Officer and in respect of Matriculation Schools to the Inspector of Matriculation Schools and in respect of Anglo Indian Schools, to the Inspector of Anglo Indian Schools whenever required. The respective Directors may add revise or modify the list of registers or records.

26. Annual Audit of Accounts:

(1) The authorities to audit the Accounts of every private School shall be the following, namely :-

- (a) Primary And Middle Schools, Assistant Elementary Educational Officer
- (b) High and Higher Secondary Schools, Departmental Auditors

(2) (a) A copy of the reports on the audit of accounts shall be sent to the Inspecting Officer concerned, who shall forward the same to the Educational Agency .

(b) The Educational Agency shall within a period of one month from the date of receipt of the report, submit the same together with its comments, to the District Educational Officer. These comments of the Educational Agency shall be reviewed by the Inspecting Officer concerned.

27. Inspection or enquiry – (1) The competent authorities to cause an inspection of or inquiry in respect of any private school, its buildings, laboratories, libraries, workshops and equipment and also of the examinations, teaching and other work conducted or done by the private school to be as it may direct and to cause an inquiry to be made in respect of any other matter connected with the private school shall be the following namely:

Schools Competent Authority

- (a) Pre-Primary, Primary and Middle, District Elementary Educational Schools Officer
- (b) High Schools and Higher Secondary, Chief Educational Officer Schools
- (c) Matriculation Schools, Inspector of Matriculation Schools
- (d) Anglo Indian Schools, Inspector of Anglo Indian Schools

28. Furnishing of Returns: - The competent authorities to whom the returns, statistics and other information shall be furnished by the educational agency, under section 40 of the act, shall be the following namely: -

- (a) Pre-Primary, Primary and Middle, District Elementary Educational Schools Officer
- (b) High and Higher Secondary, District Educational Officer Schools
- (c) Matriculation Schools, Inspector of Matriculation Schools
- (d) Anglo Indian Schools, Inspector of Anglo Indian Schools

29. Appeal against order of competent authority.-

Any person aggrieved by any order, decision or direction of the competent authority under any provision (other than section 34) of the Act, may prefer an appeal, under section 41 of the Act, against such orders, decision or direction to the following authorities, namely:-

TABLE

Section Under the Act	Category of School	Competent Authority passing orders	Appellate Authority
1	2	3	4
Section 6	Pre-Primary, Primary and Middle School	(a) Opening of new schools- Chief Educational Officer	Joint Director of School Education (Elementary Education)
		(b) Opening of additional standards or sections-District Educational officer	Chief Educational Officer
	High School	(a) Opening of new schools-Joint Director of School Education (Secondary Education)	Director of School Education

Section Under the Act	Category of School	Competent Authority passing orders	Appellate Authority
1	2	3	4
		(b) Opening of additional standards or sections-Chief Educational Officer	Joint Director of School Education (Secondary Education)
	*Higher Secondary Schools	(a) Opening of new schools- Joint Director of School Education (Higher Secondary)	Director of School Education
		(b) Opening of additional standards or sections- Chief Educational Officer	Joint Director of School Education (Higher Secondary)]

*These entries were added by G.O.Ms.No.1502, Education, dated 23/Sept/1988

Section Under the Act	Category of School	Competent Authority passing orders	Appellate Authority
1	2	3	4
Section 8	Pre-Primary and Middle school	Chief Educational Officer	Joint Director of School Education (Elementary Education)
	High School	Joint Director of School Education (Secondary Education)	Director of School Education
	*[Higher Secondary Schools	Joint Director of School Education (Higher Secondary)	Director of School Education]

*These entries were added by G.O.Ms.No.1502, Education, dated 23/Sept/1988

Section Under the Act	Category of School	Competent Authority passing orders	Appellate Authority
1	2	3	4
Section 11	Pre-Primary and Middle school	Chief Educational Officer	Joint Director of School Education (Elementary Education)
	(a) New Schools	Chief Educational Officer	Joint Director of School Education (Elementary Education)
	(b) Higher Standard or Additional Sections	District Educational Officer	Chief Educational Officer
	(c) Grant of continuance of recognition	District Educational Officer	Chief Educational Officer
	High Schools* ^{***}		
	(a) New Schools	Joint Director of School Education (Secondary Education)	Director of School Education
	b) Higher Standard or Additional Sections	Chief Educational Officer	Joint Director of School Education (Secondary Education)
	(c) Grant of continuance of recognition	Chief Educational Officer	Joint Director of School Education (Secondary Education)
	Higher Secondary Schools		
	(a) New Schools	Joint Director of School Education (Higher Secondary Education)	Director of School Education
	b) Higher Standard or Additional Sections	Joint Director of School Education (Secondary Education)	Director of School Education
	(c) Grant of continuance of recognition	Joint Director of School Education (Secondary Education)	Director of School Education

*The words were omitted by G.O.Ms.No1141, Education, Science and Technology (U1).
Dated 6th December 1994

Section Under the Act	Category of School	Competent Authority passing orders	Appellate Authority
1	2	3	4
Section 12	Pre-Primary School, Primary School and Middle schools	Chief Educational Officer	Joint Director of School Education (Elementary Education)
	High School	Joint Director of School Education (Secondary Education)	Director of School Education
	*[Higher Secondary Schools	Joint Director of School Education (Higher Secondary)	Director of School Education]

*These entries were added by G.O.Ms.No.1502, Education, dated 23rd September 1988

Section Under the Act	Category of School	Competent Authority passing orders	Appellate Authority
1	2	3	4
Section 14	Pre-Primary School, Primary School and Middle schools	(1) Payment of grant-District Educational Officer	Chief Educational Officer
		(2)Withholding of grant- Joint Director of School Education (Elementary Education)	Director of School Education
	High School	(1) Payment of grant-District Educational Officer	Chief Educational Officer
		(2)Withholding of grant- Joint Director of School Education (Secondary Education)	Director of School Education
	*[Higher Secondary Schools	(1) Payment of grant-District Educational Officer	Chief Educational Officer
		(2)Withholding of grant- Joint Director of School Education (Higher Secondary Education)	Director of School Education]

*These entries were added by G.O.Ms.No.1502, Education, dated 23rd September 1988

Section Under the Act	Category of School	Competent Authority passing orders	Appellate Authority
1	2	3	4
Section 22	Pre-Primary School, Primary School and Middle schools	District Educational Officer	Chief Educational Officer
	High Schools	Chief Educational Officer	Joint Director of School Education (Secondary Education)
	*[Higher Secondary Schools (in respect of persons other than Headmasters, Post Graduate Assistants(both academic and languages)and Physical Directors	Chief Educational Officer	Joint Director of School Education (Secondary Education)
	Higher secondary Schools (in respect of Headmasters and Post graduate Assistants(both academic and languages)and Physical Director	Chief Educational Officer	Joint Director of School Education (Higher Secondary Education)]

*These entries were added by G.O.Ms.No.1502, Education, dated 23rd September 1988

Section Under the Act	Category of School	Competent Authority passing orders	Appellate Authority
1	2	3	4
*[Section 29	Pre-Primary School, Primary School and Middle schools	(a) Closure of School - Chief Educational Officer	Joint Director of School Education (Elementary Education)
		(b) Closure of standards or section - District Educational Officer	Chief Educational Officer
	High Schools	a) Closure of School - Joint Director of School Education (Secondary Education)	Director of School Education
		(b) Closure of standards or section - Chief Educational Officer	Joint Director of School Education (Secondary Education)
	Higher Secondary Schools	a) Closure of School - Joint Director of School Education (Higher Secondary Education)	Director of School Education
		(b) Closure of standards or sections of Course of instructions in +1 and +2 levels - Chief Educational Officer	Joint Director of School Education (Higher Secondary Education)]

*These entries were inserted by G.O.Ms.No.1071, Education, dated 4th June 1988

Section Under the Act	Category of School	Competent Authority passing orders	Appellate Authority
1	2	3	4
Section 31	Pre-Primary School, Primary School and Middle schools	District Educational Officer	Chief Educational Officer
	High Schools	Chief Educational Officer	Joint Director of School Education (Secondary Education)
	*[Higher Secondary Schools	Chief Educational Officer	Joint Director of School Education (Higher Secondary Education)]
Section 32	Pre-Primary School, Primary School and Middle schools	Chief Educational Officer	Joint Director of School Education (Elementary Education)
	High Schools	Chief Educational Officer	Joint Director of School Education (Secondary Education)
	*[Higher Secondary Schools	Chief Educational Officer	Joint Director of School Education (Higher Secondary Education)

*These entries were added by G.O.Ms.No.1502, Education, dated 23rd September 1988

30. Deposit with the Tribunal of pay and allowances of teachers and other persons employed in private schools in certain cases.- In cases of appeal contemplated in subsection

(1) of section 44 of the Act, the Educational Agency shall deposit, at the time of appeal into the Tribunal, all arrears of pay and allowances due to such teachers or other persons from the date of their dismissal or removal or education in rank or termination of their appointment up to the date of deposit.

When there is an external factor to inspect one's activities, definitely the organization will grow in the right direction. Though the inspecting authority may pass constructive as well as negative comments, this would be understood that will naturally guide to develop in the right path.

5.00. GENERAL

5.10. OVERVIEW:

In this lesson you would be learning about certain general provisions available for appeal and revision

5.20. Objectives:

Upon learning this lesson, you would

- ♦ understand a Tribunal
- ♦ know the powers delegated with appellate authority
- ♦ understand the meaning for revision

5.30. Learning Activities:

5.3.10 Study Unit

Whenever rules and regulations are framed by competent authorities they provide general provision are also provided. General provision as described in Tamilnadu Government rules and regulations Act 1973 and 1974 are given below:

GENERAL PROVISIONS REGARDING APPEAL AND REVISION

41. (1) Any person aggrieved by any order, decision or direction of the authority under (Section 29 or under any other provision) (other competent than section 34) of this Act may prefer an appeal against such order, decision or direction, to such authority or officer as may be prescribed and different such authorities or officers may be prescribed for different classes of private schools.

(2) If the competent authority omits to communicate its decision to any applicant within the period specified in clause (b) of section 6 or in clause (b) of sub-section (2) of section 8, (or in sub-section (3) of section 29) such applicant may perform an appeal against such omission to the appellate authority prescribed under this section.

42. (1) The Government may constitute as many Tribunals as may be necessary for the purposes of this Act.

(2) Each Tribunal shall consist of one person only who shall be a judicial officer not below the rank of a subordinate judge.

(3) Each Tribunal shall have such jurisdiction and over such areas or in relation to such class of private schools, as the Government may, by notification, from time to time, determine.

(4) Every Tribunal shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act V of 1908) while hearing an appeal.

43. (1) No appeal under any provision of this Act shall be preferred after expiry of one month from the date on which the order, decision or direction appealed against, was received by the appellant: Provided that the appellate authority may, in the discretion, allow further time not exceeding one month for preferring any such appeal if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

(2) On receipt of any such appeal, the appellate authority shall, after-

(i) giving the parties an opportunity of making their representations;

(ii) making, if necessary, such inquiry as it deems fit; and

(iii) considering all the circumstances of the case, make such order as it deems just and equitable.

(3) The appellate authority may, pending the exercise of its power, pass such interlocutory orders as it deems fit.

(4) Every appeal under this Act shall be disposed of as expeditiously as possible.

44. (1) If the appellate authority referred to in section 23 has in any appeal under that section against the dismissal or removal or reduction in rank or the termination otherwise of the appointment of any teacher or other person employed in any private school, made an order restoring such teacher or other employee as such, no appeal against the order of such restoration shall be preferred to the Tribunal and no appeal (against the order of such restoration) which, under section 25, stands transferred to the Tribunal shall be proceeded with by the Tribunal, unless the educational agency deposits with the Tribunal all arrears of pay and allowances due to such teacher or other person from the date of his dismissal or removal or reduction in rank or termination otherwise of his appointment up to the date of deposit, and continues to deposit the pay and allowances due to such teacher or other person until the termination of the proceedings before the Tribunal.

(2) The deposit under sub-section (1) shall be made within such time and in such manner as may be prescribed.

(3) Where there is any dispute as to the amount to be deposited under sub-section (1) the Tribunal shall, on application made to it either by the educational agency or by such teacher or other person, and after making such inquiry as it deems fit, determine summarily the amount to be so deposited.

(4) If the educational agency, fails to deposit the amount as aforesaid, the Tribunal shall, unless the educational agency shows sufficient cause to the contrary, stop all further proceedings and make an order directing the educational agency to restore such teacher or other employee as such.

(5) (a) Where, as a result of any final order made by the Tribunal at the conclusion of the proceedings before it, such amount of pay and allowances as becomes due to such teacher or other person, shall be paid to him out of the amount deposited under subsection((1).

(b) If there is any balance left of the amount deposited under sub-section (1) after payment under clause (a) of the pay and allowances referred to in that clause, such balance, or, where no amount becomes due as aforesaid to such teacher or other person, the whole of the amount deposited under sub-section (1), shall be returned to the educational agency.

45. (1) The Government may call for and examine the record of any authority or officer prescribed, for the purpose of section 41 in respect of any proceedings to satisfy themselves as to the regularity of such proceedings, or the correctness, legality or propriety of any order made, decision taken or direction issued therein; and if, in any case, it appears to the Government that any such order, decision or direction should be modified, annulled, reversed or remitted for reconsideration, they may pass orders accordingly.

(2) No order prejudicial to any person shall be passed under sub-section (1) unless such person has been given an opportunity of making his representations.

(3) The Government may, pending the exercise of their power under sub-section (1), pass such interlocutory orders as they deem fit.

MISCELLANEOUS

51.(1) The Government any, by notification, authorize any authority or officer to exercise any of the powers vested in them by this Act except the power to make rules and may, in like manner withdraw such authority.

(2) The exercise of any power delegated under sub-section (1) shall be subject to such restrictions and conditions as may be prescribed or as may be specified in the notification and also to control and revision by the Government or by such authority or officers as may be empowered by them in this behalf. The Government shall also have the power to control and revise the acts or proceedings of any authority or officers so empowered.

51. A. The Government may, by notification, direct that any function of the competent authority under this Act or the rules made thereunder, shall in relation to such matters and subject to such conditions, as may be specified in such notification, be performed also by such officer or authority sub-ordinate to the Government, as may be specified in the notification)

52. Every authority and every officer duly authorized to discharge any duty imposed on it or him under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central ACT XLV OF 1860)

53. No civil court shall have jurisdiction to decide or deal with any question which is by or under this act required to be decided or dealt with by any authority or officer mentioned in this Act.

53-A.(1) Notwithstanding anything contained in section 53, whenever any dispute as to the constitution of any educational agency, or as to whether any person or body of persons, is an educational agency, or as to whether agency, in relation to any private school, or as the appointment of secretary of the school committee, arises such dispute may be referred by the persons interested or by the competent authority to the civil court having jurisdiction, for its decision.

(2) Pending the decision of the civil court on a dispute referred to it under sub-section (1), or the making of an interim arrangement by the civil court for the running of the private school, the Government may nominate an officer to discharge the functions of the educational agency, the school committee or the secretary, as the case may be, in relation to the private school concerned.

54. (1) Any order made, decision taken or direction issued by any authority or officer in respect of matters to be determined for the purpose of this Act, shall subject only to appeal or revision, if, any, provided under this Act, be final.

(2) No such order, decision or direction shall be liable to be questioned, in any Court of law.

55. (1) No suit or other proceeding shall lie against the Government for any act done or purporting to be done under this Act or any rule made thereunder.

(2) (a) No suit, prosecution or other proceeding shall lie against any authority or officer or servant of the Government for any act done or purporting to be done under this Act or any rule made thereunder without the previous sanction of the Government.

(b) No authority or officer or servant of the Government shall be liable in respect of any such act in any civil or criminal proceeding, if the act was done in good faith in the course of the execution of the duties or the discharge of the functions imposed by or under this Act.

(3) No suit, prosecution or other proceeding shall be instituted against any authority or officer or servant of the Government for any act done or purporting to be done under this Act or any Rule made thereunder after the date of the expiry of six months from the date of the act complained of.

56. (1) The Government may make rules to carry out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing power: such rules may provide for all or any of the following matters, namely:-

- (a) all matters expressly required or allowed by this Act to be prescribed.
- (b) the form of applications and the statements under this Act and the particulars which such application and statement shall contain.
- (c) the establishment and maintenance of private schools.
- (d) The giving of grants to private schools.
- (e) The grant of permission under section 6.
- (f) the admission of pupils in private schools including special provision for the advancement of socially and educationally Backward Classes of citizens and the Scheduled Castes and the Scheduled Tribes.
- (g) the manner in which accounts, registers and records shall be maintained in private schools and the authority responsible for such maintenance.

- (h) The submission of returns, statements, reports and accounts by educational agencies of private schools.
- (i) The standards of education and teaching and courses of instruction in private schools.
- (j) The purposes of the private school for which the premises of the private school may be used and the conditions subject to which such premises may be used for any other purpose.
- (k) The regulation of the use in private schools of textbooks, maps, plans, instruments and other laboratory and sports equipment.
- (l) The conditions subject to which donations or contributions from the public may be accepted for the purpose of private schools and the naming of private schools.
- (m) The procedure and the disposal of the business of the Tribunal.

57. (1) (a) All rules made under this Act shall be published in the Tamil Nadu Government Gazette and unless they are expressed to come into force on the day on which they are so published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(2) Every rule made or notification issued under this Act shall, as soon as possible, after it is made or issued, be placed on the table of both of the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session, (the Legislative Assembly agrees) in making any modification in any rule notification or (Legislative Assembly) agrees) that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

In this five lessons Private Schools Act given by 1973 and 1974 regulation is learned by you. This Paper-I is common for Diploma in School Administration and Post B.Ed. Diploma in School Administration learners. These lessons will guide in future if you are to serve the society by establishing a School.

5.40. Work Sheet Unit:

Down load from Internet the various Annexure given by Tamilnadu Recognized Private Schools Act (1973) and Rules (1974) by going to the Web site given below:

www.tn.gov.in/educationalrules

